

1 International Criminal Court
2 Trial Chamber I - Courtroom II
3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio Benito and
4 Judge René Blattmann
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/06
6 In the case of the Prosecutor versus Thomas Lubanga Dyilo
7 Trial hearing
8 Friday, 15 April 2011
9 The hearing starts at 9.29 a.m.
10 (Open session)
11 COURT USHER: All rise. The International Criminal Court is now
12 in session. Please be seated.
13 COURT OFFICER: Good morning. Your Honours, Mr. President, we
14 are in open session.
15 WITNESS: WITNESS DRC-D01-WWWW-0036 (Resumed)
16 (Witness answered through interpreter)
17 (Witness testified via videolink)
18 PRESIDING JUDGE FULFORD: Good morning, sir.
19 THE WITNESS: (Interpretation) Good morning.
20 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.
21 MS. SAMSON: Good morning, Mr. President. I believe the Defence
22 may still have some parts of their examination to finish. However, I
23 welcome the opportunity to raise an objection in relation to the last few
24 questions my friend has put to the witness on the basis of relevance. I
25 simply seek to inquire as to the relevance of an invitation for a meeting

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1 with persons from the Netherlands, which was the subject matter of the
2 last few questions.

3 PRESIDING JUDGE FULFORD: Mr. Desalliers.

4 MR. DESALLIERS: (* No interpretation) (Interpretation) ... and
5 the question of the investigations and the methodology of investigations
6 of the Prosecutor have for a long time been one of the crucial aspects of
7 the Defence, and this has been the subject of discussions within the
8 framework of the application in the proceedings but not with regard to
9 decisions, because the Chamber considered that these should be dealt with
10 substantively. So with regards to the relevance and the investigative
11 methods of the Prosecutor, that is a question that still is very
12 relevant.

13 PRESIDING JUDGE FULFORD: Do you want to say anything else,
14 Ms. Samson?

15 MS. SAMSON: Only, Mr. President, that I'm not certain this
16 witness can assist in the investigative methods of the Office of the
17 Prosecutor.

18 PRESIDING JUDGE FULFORD: Thank you very much.

19 Mr. Desalliers, make sure your questions on this are
20 proportionate, and ensure that the witness can really assist on the
21 issue. Please proceed.

22 Questioned by Mr. Desalliers: (Continued)

23 Q. (Interpretation) Good morning, sir.

24 A. Good morning.

25 Q. When we departed yesterday, you explained to us that you had met

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1 with a delegation of the Prosecutor which had come from the Netherlands
2 at the Prosecutor's office in Bunia; is that correct?

3 A. Yes.

4 Q. And when we left, you indicated to us that you had invited
5 members of this delegation of the Office of the Prosecutor to accompany
6 you to the field, to go into the field in order to check your testimony.

7 Did this delegation of the Office of the Prosecutor accompany you into
8 the field, to your neighbourhood?

9 A. No, they didn't come. They asked me what the distance was, in
10 terms of kilometres, I said that it was 7 kilometres, but they didn't
11 come. What I know is that to carry out the investigations, you have to
12 go into the field and you have to get to know what the real situation is
13 so you can see what the reality is there, and then you can see where
14 these events have happened.

15 Q. Thank you very much. I would now like to go back to your -- your
16 position as chief of avenue of Lopidi I. Did a particular event take
17 place during the last days where it concerns your position as chief of
18 avenue?

19 A. I do not understand your question very well. Please could you
20 repeat it. That would make it possible for me to better understand it
21 and then I can answer you.

22 Q. Yes. I would like to know if during the last days or the last
23 weeks there was something that happened concerning your work as chief of
24 avenue.

25 A. Yes. I had my functions taken away from me on -- for groundless

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1 reasons. The *chef de cité* was also removed from his functions, and I
2 asked that my suspension be lifted, and I have a document in this regard,
3 and the dossier examines how I can be re-established in my functions,
4 because I was suspended therefrom without any grounds whatsoever.

5 Q. When were you suspended from your functions?

6 A. I was suspended from my functions on the 23rd, from the 23rd of
7 April.

8 Q. Are you sure the 23rd of April? That is a date in the future.
9 Are you sure?

10 A. I've got the document before me. I checked the date. I've got
11 it here. Would you allow me to go and look for the document?

12 Q. It's not necessary. Do you remember how many days ago you were
13 suspended?

14 A. Over two weeks ago if you count from today. I think it was
15 March. I've forgotten what date it was today.

16 Q. No problem. Have you got your position back or not?

17 A. Yesterday, I went to get the letter for the lifting of the
18 suspension, and the chief was busy, and he called the district, and they
19 told me to go today. And because I'm here now, I will go tomorrow to get
20 the letter lifting the suspension. I can't do that today given that I'm
21 here giving testimony.

22 Q. You indicated, and here I'm going to try and look at what your
23 exact words were in this regard, you indicated that you were suspended
24 without any valid reason. According to your understanding, do you have
25 any idea why you were suspended from your functions?

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1 A. Well, I know -- I knew, because the chief who suspended me, he
2 did that because of the testimony that I am giving now. Because he's not
3 happy with that. He's not happy about that.

4 Q. Thank you very much, sir. I have no further questions.

5 PRESIDING JUDGE FULFORD: Thank you, Mr. Desalliers, and forgive
6 me for having forgotten you earlier this morning.

7 Yes, Ms. Samson.

8 MS. SAMSON: Thank you.

9 Questioned by Ms. Samson:

10 Q. Sir, we met briefly earlier this week. As you'll remember, my
11 name is Nicole Samson, and I have questions for you on behalf of the
12 Prosecution.

13 Sir, you are Hema North; is that right?

14 A. Yes. I am originally from the collectivity of Bahema North.

15 Q. As chief of the avenue of Lopidi I, people sometimes call you
16 Mate or Chief Mate?

17 A. Yes. I am called Chief Mate. That is a short form.

18 Q. You have a certain degree of influence in your neighbourhood,
19 don't you?

20 A. Yes.

21 Q. People in your neighbourhood go to you to resolve conflicts, and
22 they look to you for guidance, don't they?

23 A. Yes. And my work consists of resolving conflicts and giving
24 advice to people so that they can live in security, so there are no
25 quarrels or misunderstandings in my neighbourhood. That is my work.

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1 Q. You're also the president or spokesperson for all of the avenue
2 chiefs in Simbiliabo, aren't you?

3 A. Yes, that's me.

4 Q. There are 33 avenue chiefs in Simbiliabo; is that the right
5 number?

6 A. Yes, that's correct. Exactly.

7 Q. You work with all of the avenue chiefs in Simbiliabo?

8 A. Yes. I am the person in charge, and I can tell you why. When
9 somebody is late to give a report, well, they are given advice, and if
10 somebody is not agreeing with authority, then we organise ourselves, and
11 I'm well organised, and we come together to decide on the situation, and
12 under these circumstances I am the spokesperson of the others.

13 Q. You work closely in particular with the chiefs of the avenues
14 next to Lopidi I, don't you?

15 A. Yes. I work with those of Lopidi I, that is to say, all the
16 chiefs. We all work together.

17 Q. Chief Nembe Kiza is the avenue chief for Uba II avenue, Uba II?

18 A. Yes.

19 Q. Chief Ndasi Tibamwenda - and that's N-d-a-s-i,
20 T-i-b-a-m-w-e-n-d-a - he is --

21 A. Yes.

22 Q. He is the chief of the avenue called --

23 A. I know this person. He is chief of avenue of Kamuhanda.

24 Q. Chief Ndasi Tibamwenda is the chief of the avenue of Uba I, isn't
25 he?

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1 A. Yes.

2 Q. And Kamuhanda is the chief of an avenue known as Yalala.

3 A. Yes.

4 Q. Is the deputy chief of avenue Yalala a man named Sumbuso?

5 A. Yes. He is called Sumbuso Dudu.

6 Q. Who is the deputy of your avenue, Lopidi I?

7 A. In Lopidi I before, I was working with Dudu, who is the deputy of
8 the chief of Yalala, and recently the deputy chief in our neighbourhood
9 is Dunji Mandro Konke.

10 Q. Sir, may I trouble you to spell that name, please.

11 A. It is Dunji Mandro Konke.

12 Q. Could you please spell the name Konke.

13 A. Very well. Would you want -- do you want me to spell Konke or
14 Dunji? Should I start with Dunji?

15 Q. Yes, please start with Dunji.

16 A. D-u-n-j-i, Dunji. And then M-a-n-d-r-o. And then K-o-n-k-e.

17 Q. Thank you. Is Dunji Mandro Konke also Hema?

18 A. Yes, from the ethnic group Bahema Banywagi.

19 Q. And Chiefs Nembe, Tibamwenda, and Kamuhanda, are they also Hema?

20 A. Yes. They are from the ethnic group Bahema South.

21 Q. What about Sumbuso Dudu? Is he Hema?

22 A. Yes. He is from the ethnic group Hema South. That's to say,
23 from Boga.

24 Q. In Simbiliabo there's a football pitch; is that right?

25 A. Yes, and I am the president of the football team called

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1 FC Victory Ajax.

2 Q. You are there regularly at the football pitch?

3 A. Yes. I go there on the day of the training. I was there this
4 morning, because today there's a match, a championship match, and I went
5 to the pitch, the stadium. And because I have to be here to answer the
6 questions of the Court that I'm here, otherwise, I should be at the
7 football pitch at the time I'm speaking to you.

8 Q. Since you are at the football pitch regularly, it's right, isn't
9 it, that you often meet persons --

10 A. (* No interpretation)

11 Q. It's right, isn't it, that you often meet persons there either
12 for football or for other reasons?

13 A. Well, a football pitch is a place where you go to play. It's not
14 a place for politics or administration. It's an apolitical place. It's
15 for sport. We go there to play football, to watch or to play. It is not
16 to go to speak about other things.

17 Q. There's a primary school on Uba avenue in Simbiliabo, isn't
18 there?

19 A. Yes.

20 Q. It's commonly referred to as the Uba school?

21 A. The school is called Uba Salema II.

22 Q. You know a person named Guillaume Lodji, don't you?

23 A. Yes, I know that person. That's one of the people who lives in
24 the neighbourhood or on the avenue that I administer.

25 Q. He lives on Lopidi I?

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1 A. Yes. He's married, and he has children. They live on Lopidi I.

2 He was a teacher before, but he's now studying. He's now a student.

3 Q. He was a teacher at Uba school, wasn't he?

4 A. Yes.

5 Q. Mr. Lodji also worked at a UPC office in your neighbourhood,
6 didn't he?

7 A. Yes. He was a coordinator, and he went under the nickname
8 Coordo, and it is true that at one point he was working in the UPC
9 office.

10 Q. In fact, Mr. Lodji, known as Coordo was the president of the
11 subsection of seven neighbourhoods of Bunia?

12 A. Yes. He was -- or that was Nbakbanyo (* as interpreted)
13 municipality that has seven districts or neighbourhoods, and he was in
14 charge of the seven.

15 THE INTERPRETER: In charge of that one, corrects the
16 interpreter.

17 MS. SAMSON:

18 Q. There are 12 neighbourhoods of Bunia, aren't there?

19 A. Yes.

20 Q. And Mr. Lodji was the president of 7 of the 12 neighbourhoods of
21 Bunia.

22 A. You are right.

23 Q. And he was the coordinator or the president of seven
24 neighbourhoods including Simbiliabo and Saio; is that right?

25 A. Yes.

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1 Q. On which avenue was the UPC office in which Mr. Lodji worked?

2 Was it on your avenue?

3 A. No. The UPC office was in Lopidi II avenue.

4 Q. As part of his responsibility, Mr. Lodji oversaw work that youth
5 were involved in Simbiliabo, including road repair work; isn't that
6 right?

7 * A. He went everywhere where there was any type of work such as community
8 work, commonly known as 'salongo'. He went to where this type of work was
9 carried out.

10 Q. He had a particular role in dealing with the youth of Simbiliabo
11 as well, didn't he?

12 A. No. I never saw anything of that sort. He was part of the
13 population, and he was the coordinator, and when there were meetings, for
14 instance, he would make speeches, and the people in charge of cells or
15 sub-cells reported to him, but I never heard about the sort of situation
16 where he would have been supervising young people.

17 Q. Mr. Lodji, or Coordo, was involved in projects related to the
18 demobilisation of soldiers, wasn't he?

19 A. No. I saw him with Claude at Sesa where there was a -- the
20 office of an NGO, and I saw him organise a group of women as part of an
21 agricultural-based programme. The idea was to cultivate -- to cultivate
22 cauliflower, sorry. That's what I saw.

23 Q. You don't remember that he provided a training programme for
24 demobilised youth along with avenue chiefs in order to help reinsert
25 those demobilised youth into the community? You don't remember that?

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1 A. I didn't understand your question very well. Could you please
2 ask it again. I would like to listen to -- to your question once more so
3 I can give you a better answer.

4 Q. Certainly. Don't you remember that Coordo provided a training
5 programme between demobilised youth and avenue chiefs in order to help
6 the demobilised youth reintegrate into the Simbiliabo society?

7 A. Well, it's tough for me to answer that question. I don't
8 understand it very well.

9 PRESIDING JUDGE FULFORD: One more try, Ms. Samson, then I think
10 we should move on.

11 MS. SAMSON:

12 Q. Didn't Mr. Coordo provide a training with demobilised youth from
13 the army and avenue chiefs?

14 A. With respect to your question, yes, he -- he is the one who
15 should answer that question. He's still alive, and by answering that
16 question he can tell you whether so -- who took part in what activity.
17 That's what I can say.

18 Q. Sir, you are here as the chief of the avenue, and you've
19 indicated that you are aware of what was happening in your neighbourhood.
20 Did you not participate in a training programme provided by Mr. Coordo
21 with demobilised youth?

22 A. Personally, I never had this opportunity, and there is nothing I
23 can tell you about this.

24 Q. So is your evidence that you are not aware that Mr. Coordo
25 provided a training with demobilised youth? You do not know about that?

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1 A. I'm telling you he -- he organised -- or, I mean, gathered all
2 the young people who had been demobilised, and that's what would happen.
3 Personally, I visited the centre for it was in Sesa where a seminar was
4 organised aimed at demobilised soldiers, and the objective was to promote
5 awareness among these demobilised people to ensure they did not become
6 thieves and would work in cooperation with the population.

7 With respect to other aspects of that training, I mean, I don't
8 know anything about that. He organised that seminar with Claude and
9 other people. Personally, I took part in that seminar, and the
10 demobilised soldiers -- well, some of them received something.

11 Q. So you did take part in a seminar with demobilised youth, and
12 some of those demobilised youth were from the army of the UPC, weren't
13 they?

14 A. All the armed groups, the FNI, the UPC, and all the militias took
15 part.

16 Q. And some of the demobilised youth from the UPC were 12, 13, 14,
17 15, 16 years of age, weren't they?

18 A. No. No, no. That was not the case.

19 Q. Your avenue Lopidi I, it is situated next to the main road to
20 Mandro, isn't it?

21 A. Yes.

22 Q. In 2002 and 2003, you will know, then, that the UPC had a
23 training camp in Mandro?

24 A. Thank you for your question. From my home to Mandro -- to
25 Mandro, the -- I mean, you've got a few miles, so, yes, I'm aware of

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1 that, and I know all those who went into that training centre.

2 Q. So you were aware that young persons from Bunia, and in
3 particular from Simbiliabo, went to the UPC camp in Mandro for training.

4 A. I know a few young people from Lopidi I who went there, and I
5 know their fathers. And those young people know one another.

6 Q. Some of the young persons from Lopidi I, and indeed from all of
7 Simbiliabo, who went to the UPC training camp were 12, 13, 14 years of
8 age, weren't they?

9 A. No. No, that's not the case.

10 Q. You've never been a UPC soldier, have you?

11 A. Who are you talking to -- talking about, sorry? Please ask your
12 question again. Can you rephrase it?

13 Q. Have you ever been a soldier in the UPC Army?

14 A. I don't know how you take a firearm apart. I don't know how you
15 use one. I have never done that kind of thing in my entire life. Even
16 my young brothers have not been in the army.

17 Q. You've also never been to UPC training camps, have you?

18 A. I never have been into a military camp where training was
19 organised. I used to see people go to the training centre, but I never
20 went there.

21 Q. You do not know whether there were recruits at the training
22 centres of the UPC who were 12, 13, or 14 years of age, do you?

23 A. There might have been elsewhere recruits of that age. As I have
24 sworn to tell the truth, I have come here only to tell the truth, the
25 truth in terms of what I have experienced and what I've seen in my

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1 village. My testimony -- I mean, the testimony I am giving you here and
2 now cannot be in contradiction with the truth. I can't answer a question
3 where I don't know the answer about or something I have never lived
4 through. I'd like to repeat: I've never been a soldier, and I know
5 nothing about firearms. All I do is work as an administrator, and I
6 manage my -- my -- I run my community. If I see somebody behaving like a
7 brigand in my neighbourhood, I must have him arrested. That's my work.

8 PRESIDING JUDGE FULFORD: Ms. Samson, the question you just asked
9 was highly likely to prompt the witness to speculate. I think it's not
10 usually helpful.

11 We're going to take the first break, if that's convenient to you.

12 MS. SAMSON: Certainly.

13 PRESIDING JUDGE FULFORD: Thank you.

14 Sir, we're going to take a short ten-minute break now and we will
15 sit again by the time in The Hague at 25 to 11.00.

16 Thank you all very much.

17 COURT USHER: All rise.

18 Recess taken at 10.23 a.m.

19 On resuming at 10.35 a.m.

20 (Open session)

21 COURT USHER: All rise. Please be seated.

22 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.

23 MS. SAMSON: Thank you.

24 Q. Sir, the 2002/2003 period saw much insecurity in and around
25 Bunia; is that right?

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1 A. Yes.

2 Q. And people in and around Bunia were fleeing from one place to
3 another?

4 A. Yes. Even I myself and my family had to flee.

5 Q. Can you remember when it was that you and your family had to
6 flee?

7 A. Yes. I can give you the date. I fled for a week, and after that
8 week I returned home. It was before the 12th.

9 Q. Sir, I think you may still be reflecting on the date. Are you
10 able to help us with the month or at least the year in which you fled?

11 A. It was in the year 2002. And with respect to the month, if I
12 remember correctly, it was in the month of February. However, I have
13 forgotten the month, because this happened a long time ago.

14 When I heard that the UPC had liberated the town in April, on the
15 12th, I returned to town. I brought back my family to the town
16 immediately.

17 Q. Sir, when you say that the UPC had liberated the town, was this
18 the first time that Bunia was in the hands of the UPC or the second time?

19 A. It was the second time when there was total insecurity in town
20 and a lot of people died. The UPC forces came and liberated the town and
21 chased away those who were causing the insecurity, and from that day
22 onwards there has been security in the town.

23 Q. You must have felt very grateful to the UPC for liberating the
24 town and ending the insecurity.

25 A. Well, to tell you the truth, given the situation that was

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1 reigning at the time, when they arrived, everyone, all ethnic groups,
2 everyone was sensitised to the fact. Everyone was excited about it.
3 Everyone was happy. So it's not only about me alone. Everyone was happy
4 with the situation.

5 Q. And you say that the UPC chased away those who were causing
6 insecurity. Who was causing insecurity?

7 A. It was Mbusa Nyamwisi's group, that is the group of Mbusa
8 Nyamwisi and Lopondo.

9 MS. SAMSON: One moment, your Honour, please.
10 (Prosecution counsel confer)

11 MS. SAMSON: Thank you very much.

12 Q. Sir, the time that you're describing that you fled, you say it
13 was the second time that the UPC liberated the town of Bunia. Could it
14 have been in May 2003?

15 A. Yes. I told you that I had forgotten the month, but it must
16 certainly be the month you have mentioned. I said that it must have been
17 in the month of April or the month of May. I have forgotten the date,
18 but it's probably the month of May, as you have just said.

19 Q. Isn't it right that Mbusa Nyamwisi and Lopondo were chased out of
20 Bunia in August 2002, the first time that the UPC took control of Bunia?

21 A. Well, I do not know the date well. I cannot remember it. I am
22 not a politician, and I don't know anything about politics. I know that
23 the FNI forces formed a coalition with them, because the FNI forces were
24 present, and they formed an alliance. That's what I know. With respect
25 to the rest, I can't say anything.

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1 Q. And during this 2002/2003 period, the chief of the avenue at the
2 time also fled away from Bunia; is that right?

3 A. At that time, I believe in the year 2002 or 2003 --

4 THE INTERPRETER: The witness did not complete his answer.

5 MS. SAMSON:

6 Q. Sir, to be clear, because I may not have been clear enough in my
7 question, I was referring to the chief of the Lopidi I avenue, and I was
8 asking whether he had fled with his family either in 2002 or in 2003. Is
9 that information correct?

10 A. I fled with my family. Does your question relate to my family,
11 or does it relate to other persons?

12 Q. My question relates to other persons. My question relates to the
13 previous avenue chief for Lopidi I before you took up the position. Did
14 he and his family flee from Bunia in either 2002 or 2003?

15 A. He fled in 2002.

16 Q. Do you remember the month in 2003 in which you assumed your
17 responsibilities as the new chief of Lopidi I avenue?

18 A. I have no answer to your question. I have an appointment letter
19 which can enable me to give you a precise answer, but I do not have it on
20 me. If I venture to give you an answer now, I run the risk of giving you
21 information which is not correct. I think it will be proper for me to
22 take a look at my appointment letter first.

23 Q. That's fine, sir. It's right, isn't it, that in the 2002/2003
24 period, due to the instability and insecurity, schools and administrative
25 offices were frequently closed?

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1 A. Well, at some point what you are talking about happened, but this
2 was not something that happened on a regular basis or frequently.

3 Q. Sir, do you know a person named Pele Kaswara, K-a-s-w-a-r-a?

4 A. Yes, I did know that person. He is a member of parliament, a
5 member of parliament at the national level. And just the day before
6 yesterday, he came to the neighbourhood. That is true.

7 Q. Is he a member of parliament for the UPC?

8 A. Yes.

9 Q. When he comes to the neighbourhood, you get to know that because
10 of your role as avenue chief?

11 A. Yes. When he is visiting, he has to make an appearance in our
12 office, and before he arrives, we are informed that a delegation is going
13 to come, and usually there is a meeting in the neighbourhood, and the
14 meeting can be held at the road junction or roundabout where we would
15 meet with him.

16 Q. When Mr. Kaswara arrives to hold rallies or campaigns, you're
17 also aware of that?

18 A. All the chiefs are not informed. Everything has to be done
19 correctly, in an orderly manner. Members of parliament and other
20 authorities coming have to give prior notice so that the information --
21 the population can be informed. Things have to be done in an orderly
22 manner, correctly.

23 Q. You are aware that Mr. Guillaume Lodji, also known as Coordo,
24 assisted Mr. Kaswara in his political campaigning?

25 A. No. That is not true. Well, listen, every party did a campaign

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1 in the town, and I am talking about electoral campaigns. So these
2 campaigns took place, and I did not see Guillaume walking with that
3 gentleman. I did not see that.

4 Q. As a UPC member of parliament, Mr. Kaswara comes to your
5 neighbourhood often?

6 A. No. I do not see him. I do not see him often. He came the day
7 before yesterday from Boga. He came to speak to a group which has a
8 special status. He called the members of our club, and I saw him on that
9 day. Afterwards, I heard over the radio that Mr. Kaswara was asking
10 everyone to come out in great numbers, but I did not see him. I only saw
11 him recently when he was passing through.

12 Q. Mr. Kaswara was asking people to come out in great numbers
13 because your population supports the goals of the UPC; isn't that right?

14 A. Well, Kaswara spoke to volunteers. There are many political
15 parties in Ituri, and those who sympathise with his ideas support him,
16 but he does not force anyone. Those who share his ideas or who go to
17 listen to him do that voluntarily.

18 Q. As an elected official, Mr. Kaswara depends on the support of
19 persons from Bunia for his position as UPC minister of parliament,
20 doesn't he?

21 A. Well, I don't know anything about that. That's his matter. I'm
22 the chief of the avenue, and in this regard I have to collaborate with
23 the population. Without that, my work would be difficult.

24 PRESIDING JUDGE FULFORD: Yes, Mr. Desalliers.

25 MR. DESALLIERS: (Interpretation) Please excuse me, your Honour.

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1 The Defence has questions with regards to the relevance of this line of
2 questioning from the Office of the Prosecutor.

3 PRESIDING JUDGE FULFORD: Well, I'm not sure, given the answer,
4 how much further it's going to proceed.

5 Ms. Samson, are you going anywhere else with this?

6 MS. SAMSON: No, your Honour.

7 PRESIDING JUDGE FULFORD: Very well. Please continue.

8 MS. SAMSON: Mr. President, with your leave, may we move into
9 private session?

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

11 *(Private session at 11.02 a.m.) Reclassified as Open session

12 COURT OFFICER: We are in private session, Mr. President.

13 MS. SAMSON:

14 Q. Sir, you testified yesterday about a person named (Redacted).

15 Can you tell the Court, please, when he moved to Bunia?

16 A. There were -- there were several people with the name of (Redacted).

17 Which one are you talking about? What's his other name?

18 Q. I believe the names you gave were (Redacted).

19 A. This is my answer: There are several neighbourhoods in the town

20 of Bunia. I don't know the neighbourhood where he lives -- or where he

21 lived before, rather. I don't know if he lived in (Redacted) or

22 elsewhere, but people say that he was living in (Redacted) before. Before

23 I held this -- my current functions, I did not have the opportunity to

24 get to know the members of the population. It was from 2003 that I got

25 to know (Redacted) as a member of the population of my avenue, and we drink

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1 water from the same spring.

2 Q. You did not know (Redacted) before 2003 when you became head of
3 Lopidi I?

4 A. I knew him from when I started to hold my functions or exercise
5 my functions incumbent upon me. He participated in Salongo, and I saw
6 him. And when there was, for example, funerals in our neighbourhood, we
7 were always together. And he -- he was a (Redacted).

8 THE INTERPRETER: Interpreter corrects: (Redacted) in fact, should
9 be (Redacted)

10 MS. SAMSON:

11 Q. Could you help the Court a bit more in terms of when you took on
12 the function of chief of Lopidi I in 2003? I know you don't remember the
13 month, but was it in the beginning of the year, the middle of the year,
14 or towards the end of the year?

15 A. My answer is simple. If you so wish, I can give you the letter
16 of the official notification. I can't lie to the Court. I told you that
17 I came to tell the truth. If you need a photocopy of this document, you
18 can be provided with it, and the Judges will be able to examine this
19 document.

20 Q. When you came back to Bunia in May 2003, were you already the
21 chief of Lopidi I, or did you become the chief after you returned in
22 May 2003?

23 A. I was not yet chief of avenue. My predecessor was a person who
24 was called Tibasima, Tibasima Tete. We used to call him Tete.

25 Thereafter, he said that he couldn't carry out this work because it was

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1 difficult for him. So he had never carried out such functions, and it
2 was at that time that I was elected by the population publicly. The
3 people felt that I had the capacity to administer this avenue and ensure
4 security for people on this avenue.

5 If my memory serves me well, it was in the month of November,
6 towards the end of November, and it was at that time that I started to
7 carry out these functions. And at the beginning, there were no
8 documents. We were working without documents. But from November 2003,
9 it was at that time that I started to officially exercise these
10 functions, but before I helped Mr. Tibasima Tete within the framework of
11 the mobilisation, and he asked me to make a daily report. Later, I was
12 elected by the people, and he left me in charge of the administration of
13 the avenue.

14 Q. In your last answer --

15 PRESIDING JUDGE FULFORD: Just before you put the question,
16 Ms. Samson, we need still to be in private session?

17 MS. SAMSON: Your Honour, it was a slight departure from where I
18 wanted to go. I only have one more question before moving into another
19 area that I wanted to keep in private session.

20 PRESIDING JUDGE FULFORD: Well, let's remain in private session
21 then.

22 MS. SAMSON:

23 Q. Sir, I just wanted to be clear for the transcript of the
24 proceedings, were you helping Mr. Tibasima Tete within the framework of
25 mobilisation or demobilisation?

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1 A. I was helping him within the framework of mobilisation.
2 Demobilisation is something else. It was a matter of mobilising members
3 of the population to participate in the work of the community, the
4 community work, or to clean things. This was -- it was this type of work
5 that I was carrying out.

6 Q. Thank you. You mentioned that (Redacted) had children.
7 How many children did he have?

8 A. For the moment, I have no answer to give. The best thing would
9 be to go to his house to check this information.

10 Q. And you've said that (Redacted) is the father of (Redacted)? Is that
11 right?

12 A. Yes. I said that he was the father of (Redacted). He was his
13 tutor -- or guardian, rather, because he had to -- well, he looked after
14 this young person. And furthermore, there were other young people who
15 went with him to Beni, and they returned, and there were adult persons
16 who were looking after or responsible for these young people. And in my
17 football team, there are players whose parents I know. I know where they
18 live.

19 (Prosecution counsel confer)

20 MS. SAMSON:

21 Q. Was (Redacted) guardian or (Redacted) father?

22 A. I don't know precisely the reality in this family, but I know
23 that he was responsible for this child, and I considered him as his
24 father. That's it.

25 MS. SAMSON: May I have one moment, your Honour.

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1 (Prosecution counsel confer)

2 MS. SAMSON: Thank you very much.

3 Q. Sir, yesterday you also spoke of a person named (Redacted)
4 and you indicated that he has two wives. How many children does he have?

5 A. I don't know precisely the number of his children. That's --
6 it's been quite a while since we carried out a survey. We intend to
7 carry out another survey in a few weeks. His first wife was called (Redacted).
8 His second wife was called (Redacted). Those are the names of the two wives
9 of (Redacted). And he is known under the name of (Redacted).

10 Q. (Redacted) was married to a woman named (Redacted) who was the
11 sister of (Redacted); isn't that right?

12 A. Well, that's not something I can know, because the wife of (Redacted)
13 is (Redacted), and (Redacted) is the mother of (Redacted). The second wife is (Redacted)
14 who is of the (Redacted) ethnic group.

15 Q. Do you know where (Redacted) was born?

16 A. I don't know his full identity. I don't know his place of birth.
17 I know his father and his mother, that's all. I know that residence.

18 Q. Can you please tell the Court the names of the other children
19 that (Redacted) and (Redacted) have?

20 A. I haven't drafted a list of their children, because I didn't know
21 that such a question would be put to me within the framework of my
22 testimony. I've said everything in regards to (Redacted).

23 Q. Sir, you don't know, do you, which children (Redacted) had
24 with (Redacted), which children he had with any other women?

25 A. I know them, but I don't know their names. (Redacted) has a

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1 younger sister who's already grown up. I haven't drafted a list of the
2 children of (Redacted); and furthermore, I don't know all the names of
3 the children who live on my avenue.

4 Q. Sir, can you please tell the Court the name of Django's mother
5 and father?

6 A. I don't know the name of the father of Django, never seen him.
7 Where it concerns his mother, I don't know her either. I've seen Django
8 with his grandfather called Dhegro Kasego.

9 Q. Joseph, also known as Jeff, he has a farm, doesn't he?

10 A. You say he has what?

11 Q. Jeff is a farmer? He has a farm?

12 A. Yes.

13 Q. His farm is in a place called Katoto?

14 A. No. His farm is not in Katoto. It is in Uba that there is a
15 farm. His wife (Redacted).

16 Q. Do you know his wife's name?

17 A. I know his wife, but I have forgotten her name. (Redacted)
18 (Redacted), but I've forgotten the name of his wife. Recently -- well,
19 I've forgotten the name of the wife. I can't remember for the moment.

20 Q. Joseph has two wives, doesn't he?

21 A. Yes. He has a wife in Boma and a wife's who's Bira, and I've
22 forgotten the name of the other wife in Uba, and he has left a wife
23 there, and he's in Nizi.

24 Q. Did one of his wives live on your avenue, Lopidi I?

25 A. Yes. The sister of Bonga (* phon) who is Bira.

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1 Nzalamingi (* phon) is the name of her father. I have forgotten the
2 other name. I think it's Nobi (* phon). Nobi -- I don't know exactly if
3 it's Nobi.

4 Q. How many children does Joseph have with the wife on Uba and with
5 the wife on Lopidi I?

6 A. Joseph's wife who lives in Lopidi I next to the institute on the
7 square does not have any children. The one who lives in Uba has one
8 child who is in poor health.

9 Q. And the child in poor health, is that a girl?

10 A. I don't know very well, really.

11 PRESIDING JUDGE FULFORD: Ms. Samson, it's time for the longer
12 break. How are we doing?

13 MS. SAMSON: We're doing well, your Honour. I expect to be able
14 to finish before 1.00 so that the Chamber's engagement can be respected.

15 PRESIDING JUDGE FULFORD: That's extremely good of you to
16 indicate. You'll understand that we do not wish to put any artificial
17 pressure on you, and if necessary, we would sit on Monday of next week to
18 conclude this evidence, so you're not to feel under any undue pressure.

19 MS. SAMSON: Thank you, your Honour. It helps me to focus.

20 PRESIDING JUDGE FULFORD: Mr. Diakiese, how long do you think?

21 MR. DIAKIESE: (Interpretation) It's a bit early to tell you,
22 because we might not, in fact, have questions to ask. Everything will
23 depend on how the Office of the Prosecutor covers some aspects that we
24 might possibly want to ask questions about.

25 PRESIDING JUDGE FULFORD: Thank you, Mr Diakiese.

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1 Everything is in your hands now, Ms. Samson.

2 12.00.

3 Recess taken at 11.32 p.m.

4 On resuming at 12.00 p.m.

5 *(Private session) Reclassified as Open session

6 COURT USHER: All rise. Please be seated.

7 PRESIDING JUDGE FULFORD: Yes, Ms. Samson.

8 MS. SAMSON: Thank you. I would like to ask a few questions on
9 one document. It's a document contained in the Defence's witness binder,
10 if it's still available. At the first tab, I believe. The document
11 reference number is DRC-D01-0003-5903, and it was assigned EVD number
12 confidential EVD-D01-01099.

13 With your leave, I can ask some preliminary questions in open
14 session.

15 PRESIDING JUDGE FULFORD: Public session, please.

16 (Open session at 12.02 p.m.)

17 COURT OFFICER: We are in open session, Mr. President.

18 MS. SAMSON:

19 Q. Sir, you've confirmed that this was your notebook and that --

20 A. Yes, that is mine.

21 Q. And you indicated that you drafted the entries? I think that's
22 right.

23 A. Absolutely. That is my handwriting.

24 Q. Sir, you're not the only person who has made annotations in the
25 notebook, are you?

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1 A. Yes. It's -- I and Dunji Konke when we were working together.
2 If I had something to do, to have him -- to make him do something, I
3 would ask him to write it down; for instance, the names of the people who
4 were taking part in the Salongo community work. But this is my notebook.
5 It's nobody else's property.

6 Q. Well, let's take a look at it. If you would, please, turn to the
7 first page, DRC-D01-0003-5903. You'll see a number entries first
8 starting from the top left-hand side of the page and then at the top
9 right-hand side starting from 1 and running through to 55. Do you see
10 that?

11 A. Yes.

12 Q. Is that your handwriting?

13 A. This is Dunji's handwriting. If you want to see my handwriting,
14 I'm going to show it to you. It appears on other pages later, and this
15 handwriting is Dunji's who was the chief of the neighbourhood in which my
16 avenue is located.

17 THE INTERPRETER: Sorry, "He was my deputy chief."

18 MS. SAMSON:

19 Q. And on the same page, ending with 5903, on the right-hand side
20 starting from just above the middle of the page is a second list starting
21 from 1 and running through to number 27. Is that also the deputy's
22 handwriting or is it somebody else's handwriting?

23 A. No. This is not my deputy's handwriting.

24 THE INTERPRETER: The French interpreter corrects: "This is my
25 deputy's handwriting."

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1 MS. SAMSON: Thank you.

2 Q. And on the second and third pages ending in 5904, 5905, whose
3 handwriting is there?

4 A. Everything you can see is in my deputy chief's handwriting,
5 Dunji. He's the only one who wrote all that.

6 Q. And what about on page 5907? Taking the first list in -- from
7 the top of the page, it's a list of names 1 through 15. Whose
8 handwriting is that?

9 A. This is Dunji's handwriting. And when Dunji wasn't taking -- or
10 there in the Salongo community work, it was -- well, this work of
11 promotion awareness was carried out by somebody else.

12 Q. Would you please repeat the name of the other person who wrote
13 the names of those participating in the community work? It wasn't
14 captured in the transcript if you said a name.

15 A. Kakura Mamba. Kakura Mamba.

16 Q. And what position did Kakura Mamba hold?

17 A. He was in charge of ten households, ten homes. If you count from
18 1 to 10, he was representing those ten households, and he answered the --
19 or reported back to the avenue chief.

20 Q. Thank you. And if you were to turn, please, to page 5913, whose
21 handwriting is this?

22 A. This is Dunji's handwriting, who was the deputy avenue chief.

23 Q. And on the same page, 5913, the very last entry on the bottom
24 left-hand side looks to be a different handwriting. I wonder -- I wonder
25 if you can help us.

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1 A. Yes. That -- the last entry is in my handwriting. Would you
2 like me to read it out?

3 Q. No thank you. If you could turn, please, to page 5916. Could
4 you please tell us if it was -- or who wrote these entries.

5 A. Which page are you talking about?

6 Q. Page 5916.

7 A. Yes. At the bottom of this page, you have my handwriting, and
8 the upper part of the page has Mr. Kakura Mamba's handwriting.

9 Q. Thank you. On page 5951, whose handwriting is that, please?

10 A. This is Dunji's handwriting, the deputy chief avenue -- deputy
11 avenue chief's.

12 Q. So, sir, yourself and your deputy and Mr. Kakura Mamba are the
13 three persons who wrote in this notebook. Are you aware if anybody else
14 wrote in your notebook?

15 A. Yeah, the three of us worked together. For instance, on page
16 5151, I was at a meeting with inhabitants of the area, and I gave them --
17 and I wrote the minutes of this meeting. When I talk to the population,
18 I can't write, and then my deputy would jot down notes. During community
19 work, I can't hold a tool or an instrument and at the same time jot down
20 notes. In that case when people come, somebody has to take notes, one of
21 the three of us. Other people are in charge of ten households, but we
22 three work together, and we help one another in terms of writing down
23 notes when we're working together. That's how we operate.

24 THE INTERPRETER: The interpreter corrects: Page 5951.

25 MS. SAMSON:

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1 Q. And, sir, the dates of events recorded in the notebook cover
2 different periods, don't they? Sometimes 2007, sometimes 2008, sometimes
3 2009; is that right?

4 A. Yes. Once again, these -- this is a rough copy. I mean, it's
5 not well organised. I had to jot down notes, keep this sort of notebook
6 in its -- in which notes were disordered before I then copied them into
7 another document which was archived.

8 Q. You've indicated just now that this was a rough copy. It was a
9 draft. It's possible, then, that there are mistakes in this document.

10 A. No, there are no mistakes. It's -- I would draw on these notes
11 before writing them out so that you could have a formal document which
12 could be sent to the archives. You can't send anything to the archives.
13 It has to be a well set out document.

14 PRESIDING JUDGE FULFORD: Mr. Desalliers.

15 MR. DESALLIERS: (Interpretation) I apologise, your Honour. I'd
16 just like to point out that with respect to interpretation, because this
17 might create problems, in the French transcript it's written on page --
18 the page which is right now on the screen, on line 20, had to go to the
19 archives. Maybe we should see with the witness, but apparently he said
20 "to my hierarchical superiors" and not "archives."

21 PRESIDING JUDGE FULFORD: Could you clarify that, Ms. Samson.

22 THE WITNESS: (Interpretation) I was talking about, yes, the --
23 my hierarchical superiors. We have ten households, then you have an
24 avenue, then you have the neighbourhood, then you have the district, and
25 then you have the government above that, and that's what I was referring

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1 to when I used the word "hierarchy."

2 MS. SAMSON:

3 Q. Thank you very much. Sir, may I ask you, please, to turn to page
4 5959.

5 A. Yes.

6 MS. SAMSON: Mr. President, the document itself is a confidential
7 document. I appreciate I'm not discussing any sensitive matters, but to
8 the extent it's being broadcast, I would ask if the Defence has any
9 difficulty with that in line of my current questioning before taking the
10 witness to anything specific.

11 PRESIDING JUDGE FULFORD: Very responsible, Ms. Samson.

12 Anything on 5959, Mr. Desalliers?

13 MR. DESALLIERS: (Interpretation) No, your Honour. The only
14 reason why I had asked for this document to be confidential is because it
15 has names that might enable protected people to be identified. That was
16 my only ground for concern and why I asked for this document to be
17 confidential, but I believe here it can be publicly discussed.

18 PRESIDING JUDGE FULFORD: But is there a problem in displaying
19 5959 on the screen or Ms. Samson asking questions about some of the names
20 that appear thereon?

21 MR. DESALLIERS: (Interpretation) Yes, your Honour. I believe
22 there are names here --

23 PRESIDING JUDGE FULFORD: All right. Better safe than sorry.
24 Private session, please.

25 *(Private session at 12.21 p.m.) Reclassified as Open session

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1 COURT OFFICER: We're in private session, Mr. President.

2 PRESIDING JUDGE FULFORD: Thank you.

3 Please proceed, Ms. Samson, but as well can the middle two blinds
4 come down, please.

5 Yes, Ms. Samson.

6 MS. SAMSON: Thank you.

7 Q. Sir, do you have in front of you page 5959?

8 A. Yes. I've got that page. I'm looking at that page.

9 Q. Now, this is the beginning of the survey you said you had
10 completed of residents in your avenue. How long did it take to compile
11 the survey.

12 A. I can't give you an exact answer. I prepared this table, and
13 Dunji helped me. I mean, he is my deputy chief, and he helped me fill in
14 this table by writing in names, because we had everybody's name, and we
15 drew up -- we compiled this list according to the order determined by the
16 location of each household. It took us about five days, but I can't give
17 you a precise answer in terms of the number of days. We did this work
18 every day during this period, and when something wasn't finished, we
19 continued the next day, and my colleague could continue where somebody --
20 take up where somebody had left off in order to complete this work.

21 Q. And did you and your deputy divide the work equally or divide it
22 in a different way?

23 A. When I was stopped from doing some work for any reason, for
24 instance, when I was called somewhere else, when there were other events,
25 or when, for instance, a wedding was being celebrated, I wasn't there, I

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1 was absent, I would let Dunji continue the work.

2 Q. And the handwriting starting on page 5959 is your deputy's
3 handwriting; is that right?

4 A. Yes.

5 Q. So the survey starts at 5959, at the top with number 1, and it
6 continues down through to number 50. Do you see that?

7 A. Yes.

8 Q. And it resumes at page 5961 with number 51; is that right?

9 A. Yes.

10 Q. All the way down to the end of page 5961, where we have number
11 117. And then it continues on page 5957 with number 119. Do you see
12 that?

13 A. Yes, yes. I follow you.

14 Q. And the survey continues down -- page 5957 to number 172 and
15 resumes or continues at page 5956 with number 173 through to 226. Do you
16 see that?

17 A. I follow you perfectly.

18 Q. And then lastly on page 5955, the survey continues, and on 5954,
19 the survey ends with number 319; is that right?

20 A. Yes. Absolutely.

21 Q. And the totals from your survey are contained at the bottom
22 portion of page 5954; is that right?

23 A. That's right.

24 Q. And your survey has resulted in a total of 1.483 persons on your
25 avenue, comprised of 318 households; is that what that means?

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1 A. That's right.

2 Q. Incidentally, at the bottom of page 5954, there is reference to a
3 person named Lubanga. Can you explain who that is?

4 A. Yes. That's Lubanga. It's somebody who lives in this
5 neighbourhood. Lubanga.

6 THE INTERPRETER: The witness repeats it for himself.

7 THE WITNESS: (Interpretation) This is somebody from our
8 neighbourhood, Lubanga Lado. This is somebody who lives in this
9 neighbourhood, on our avenue.

10 MS. SAMSON:

11 Q. Thank you. Now, if I could ask you, please, to turn back to page
12 5959. If you could look at the numbering on the left-hand side of the
13 page starting with 1, and if you could stop at number 24, please. The
14 name next to number 24 is André Beswaba. Do you see that?

15 A. The name is André Beswaga, Beswaga.

16 Q. Thank you. Mr. Beswaga is listed as the 24th household, and the
17 next entry Natana Musa is also listed as the 24th household, and
18 Katho Solo is also listed as the 24th household. Can you explain why
19 there would be three households with the same number?

20 A. Yes. I will explain that to you. This is an error made by the
21 person who prepared this document. It is an error made by my secretary,
22 Dunji. Natana was, in fact, the neighbour of the person in number 24.
23 Beswaga has his own house, his own household as well. Natana Musa who is
24 his neighbour also has his own house. Solo, Katho rented or was renting
25 the house of Natana and that is why this error occurred.

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1 When we finalised this document, we corrected this error. Hence
2 this was an error which was eventually corrected.

3 COURT OFFICER: (Via videolink) Your Honour, I would like to say
4 that we're having a major technical problem over here. I'll quickly call
5 the technician to look at it.

6 PRESIDING JUDGE FULFORD: What's the nature the technical
7 problem?

8 COURT OFFICER: (Via videolink) Your Honour, we can't view the
9 courtroom from our screen.

10 PRESIDING JUDGE FULFORD: Right. Can you call the technician,
11 then, please. And we'll wait to hear from you.

12 COURT OFFICER: (Via videolink) Okay.

13 PRESIDING JUDGE FULFORD: Court Officer, can you hear me?
14 Court Officer in the --

15 COURT OFFICER: (Via videolink) Yes. Yes, your Honour, I can hear
16 you.

17 PRESIDING JUDGE FULFORD: Fine. We're going to continue for the
18 time being unless any counsel objects. We can hear you loud and clear,
19 and we have got intermittent image on the screen. The witness now
20 looks -- now knows what we look like, and I'm sure he'll manage with the
21 questions if at times he can't see Ms. Samson.

22 So please continue, Ms. Samson.

23 COURT OFFICER: (Via videolink) As the Court pleases.

24 MS. SAMSON: Thank you.

25 Q. Sir, sticking with page 5959, if you look a bit further down the

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1 page, starting from the bottom entry, number 50, and if you work your way
2 back up to 40, 41, 42, then 43, Basisa, do you see that? Jacqui Basisa.

3 A. Yes, the name is Jacque Basisa.

4 Q. And the next name Lonu Saupka --

5 A. (* No interpretation)

6 Q. -- is also number 43? Number 44 is Eugene and 45

7 Dieudonné Musumbi.

8 A. Yes. These are my neighbours.

9 Q. So is it another error that Jacqui -- Jacque Basisa and
10 Lonu Saupka are both listed as being part of the 43rd household instead
11 of two separate households?

12 A. I will answer you. This is an error made by the person who
13 prepared this document. However, I corrected this error when I finalised
14 the document. Again, it is an error made by the young man who prepared
15 this document. This document is, in fact, a draft.

16 We knew all these individuals, and we knew that Jacqui Basisa has
17 his own household. Lonu Saupka also has his own household. Eugene, as
18 well, has his own compound. Dieudonné Musumbi has his household. That
19 is the most important thing here. This is a list that was prepared.
20 However, the document you have is a draft, and in that draft the most
21 important thing was to indicate the gender of the persons who belonged to
22 the various households, as well as their number. That was the most
23 important thing for us.

24 Q. Yes. And on page 5961, isn't it right looking at the households
25 that your deputy missed household 59 and missed households 91 through to

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1 99 on this page? These are more errors in your survey?

2 A. Well, to answer that question, I would say the following -- I
3 will say the following in answer to your question -- I think you can hear
4 me. I will saying the following, and this is the most important thing
5 here: When we met again to prepare this list and finalise it, that is my
6 assistant and myself, we did not forget the name of any household head at
7 all. The numbering for us was not important. The most important thing
8 was to write the names of the household heads and the names of the young
9 persons who belonged to the various households. That was the most
10 important thing for me.

11 Q. The numbering is indeed important, sir, because you had to
12 provide a report of the number of households in your avenue, and your
13 draft report is incorrect, because it has tallied 318 homes. So your
14 final number of 318 homes as seen on page 5954 is not accurate. That's
15 right, isn't it?

16 A. I don't think that you have fully understood the explanation I
17 gave to you and yet I was very clear. If there is any confusion in the
18 numbering, well, I don't see any problem in that. Why do I say that? I
19 say that because we copied these names again, numbering them from 1
20 without making any errors, and we did not leave out any information.

21 Q. Well, sir, before --

22 A. And we submitted this list to the hierarchy.

23 Q. Thank you. Before we looked at this list in detail, you were
24 quite confident that even your rough copy did not contain any errors,
25 weren't you?

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1 A. We were aware that there were errors in the numbering. For
2 example, there were errors with respect to the entry Singo. Singo was a
3 neighbour.

4 THE INTERPRETER: Your Honour, message from the Swahili booth:
5 Can the witness be asked to speak more slowly, please.

6 PRESIDING JUDGE FULFORD: Court Officer, can you -- Court Officer
7 in Bunia, can you please ask the witness to slow down.

8 Now, sir, I'm afraid because you were speaking so quickly, we
9 missed all of your last answer, so you're going to have to start that
10 answer again, please.

11 THE WITNESS: (Interpretation) I was trying to explain to you the
12 difficulty we had with the numbering. First of all, the most important
13 thing for us was the names, the full names. We jotted down the names
14 relying on the neighbourhood pattern. For us, the numbers were not
15 important when we were preparing the document. What was important for us
16 was that when we were writing a name like Mateso, we would write Mateso
17 and then we add the name of his neighbour, Ngusapa, David, and the next
18 one, Willy Kamamba, and that is how we prepared this list. That is,
19 writing the names, one neighbour after the other.

20 I note with regret that you're focusing on the numbering.

21 Q. Well, sir, let's focus on what you would like to focus on. Let's
22 focus on the names and the genders. On page 5954, you've indicated just
23 now that it was important to have full names. If I could draw your
24 attention to entries 291, 300, 305, 306, 314. You haven't included full
25 names, have you?

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1 PRESIDING JUDGE FULFORD: Mr. Desalliers.

2 MR. DESALLIERS: (* No interpretation)

3 PRESIDING JUDGE FULFORD: Can we have some interpretation,
4 please.

5 THE INTERPRETER: Yes, your Honour. We're sorry. We forgot to
6 turn on the microphone. Mr. Desalliers stop -- okay. He's repeating.

7 MR. DESALLIERS: (Interpretation) The question suggests that the
8 witness said that it was important to have the full name. I would like
9 my learned colleague to explain where the witness said that, because I
10 rather understood that all the names had to feature and not that the full
11 names had to be put on the list.

12 THE INTERPRETER: Message from the English booth, your Honour.
13 The witness did say the name and the post-name, which we interpreted as
14 "the full name." Thank you.

15 MS. SAMSON: Your honour, I was referring to page 38, line 24.
16 Perhaps it was captured in English, not in French:

17 "The most important thing for us was the names, the full names."

18 PRESIDING JUDGE FULFORD: All right. Mr. Desalliers?

19 MR. DESALLIERS: (* No interpretation) (Interpretation) In
20 French, your Honour, it is stated:

21 "The important thing for us was the names." This is on page 40,
22 line 19.

23 PRESIDING JUDGE FULFORD: Can you clarify the position?

24 MS. SAMSON:

25 Q. Sir, when your -- when you or the deputy were preparing this

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1 survey, was it important to you to have the full names of the residents?

2 A. I am ready to answer you. It was normal to write down a name,
3 and no member of the community was forgotten. The population was about a
4 thousand, and the deputy chief moved around the neighbourhood, and he
5 knew that such and such a house belonged to such and such an individual,
6 and he wrote down the names that were known, the names that were known,
7 names of the person which were known. If, for example, the person who
8 prepared the list knows that the person was called Mateso Lona, he would
9 write Mateso Lona, and if he knew the person was known as Mate, he would
10 write Mate.

11 It happened sometimes that a single name would be written and at
12 other times the full name of a person would be written. If, for example,
13 the person who prepared this list had been writing full names, he would
14 not have been able to complete this draft and submit it on that day. The
15 names which we wrote down are on a list which we have at our disposal.

16 The most important thing, therefore, was to ensure that every
17 member of the community was registered on a list as a resident of such
18 and such a neighbourhood or such and such an avenue. That is what I have
19 to say.

20 If, for example, let's take the example of Sekereso, number 291.

21 If we take the example of Sekereso, we had to know his neighbours and
22 include their names on the list.

23 Q. You have said, sir, that recording the gender of the various
24 persons in the household was very important; correct?

25 A. That is true. We had to indicate before each name "woman, boy,

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1 or girl."

2 PRESIDING JUDGE FULFORD: Now, Ms. Samson, I'm not going to
3 conclude this in a rush. Are you in fact nearly finished or not? If
4 you're, we'll finish this off on Monday.

5 MS. SAMSON: I'm not, Mr. President, but I'm almost finished with
6 this document. I think with one, possibly two questions I could complete
7 it --

8 PRESIDING JUDGE FULFORD: This document.

9 MS. SAMSON: With this --

10 PRESIDING JUDGE FULFORD: And then you've got other matters to
11 deal with.

12 MS. SAMSON: Yes.

13 PRESIDING JUDGE FULFORD: Right. Finish this document, then,
14 please.

15 MS. SAMSON: Thank you.

16 Q. Sir, may I ask you to stay on page 5954 and to look at entry (Redacted),
17 which we've seen before. It's an entry for (Redacted).

18 A. Yes.

19 Q. There is recorded here -- it is recorded here that (Redacted)
20 has one wife, (Redacted) boys, and (Redacted) girls. Do you see that?

21 A. Yes.

22 Q. But that is incorrect, isn't it? Isn't it right that
23 (Redacted) and his wife together have (Redacted) boys and (Redacted) girls?

24 A. This is a document which was prepared in 2007. If you carried
25 out a survey today in the year 2011, you would find that the data would

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1 be different. The data of 2011 would be different from the data of the
2 previous years, because it could happen that within a household the
3 number people would increase or reduce in case of death, for example.

4 When this survey was carried out, and if such a survey is carried
5 out, they ask to give the name of your children, your own children, or
6 the children who are living in your household, and it has to be said that
7 there are this number of boys, this number of girls. It could be the
8 case that there's a girl who's living in your household, but she isn't
9 your own daughter, and we who carry out this census, we can't note the
10 names of all the -- or just of the biological children. Otherwise, the
11 work would not be well done.

12 PRESIDING JUDGE FULFORD: Does that conclude the document,
13 Ms. Samson? It does.

14 Sir, I'm very sorry, but against the anticipated timetable that
15 we were given yesterday, it has not proved possible to conclude your
16 evidence today. It means I'm going to have to ask you to come back on
17 Monday, and we will sit at 12.00 on Monday. So midday on Monday. And
18 unless some very erroneous estimates have been given, your evidence
19 should conclude either in the morning or early afternoon. So thank you
20 very much indeed for your assistance during the course of this week. I
21 hope you manage to get to your football, and we look forward to seeing
22 you on Monday.

23 Good. The Chamber will rise.

24 The hearing ends at 1.03 p.m.

25 RECLASSIFICATION REPORT

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