

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Presiding Judge Adrian Fulford, Judge Elizabeth Odio
4 Benito and Judge René Blattmann
5 Situation in the Democratic Republic of the Congo -
6 ICC-01/04-01/06
7 In the case of The Prosecutor v. Thomas Lubanga Dyilo
8 Thursday, 29 April 2010
9 (The hearing starts at 9.31 a.m.)
10 (Open session)
11 THE COURT USHER: All rise. The International
12 Criminal Court is now in session. Please be seated.
13 PRESIDING JUDGE FULFORD: Good morning. Ms Samson, do
14 you have any fingerprint proposals?
15 MS SAMSON: Yes, Mr President. We made enquiries
16 yesterday afternoon and it appears that there is a scientific
17 and forensic group who could accommodate and take the
18 fingerprinting. We have to have a further discussion with them
19 today. It appears that they will be able to deploy to a
20 particular designated location to meet with the individual
21 witness, and we simply have to meet with them to confirm that
22 they could do this either today or tomorrow morning and where it
23 would be done and make further arrangements, but in principle it
24 is possible and we've made at least initial steps to have it
25 done immediately.

1 PRESIDING JUDGE FULFORD: It would obviously be
2 preferable for those who are going to be conducting the test to
3 go to the witness, rather than asking the witness to have to
4 travel a significant distance in order to cooperate, so it
5 sounds as though your plan, if all goes well, will conform with
6 that.

7 We won't deal with any more of the details in court
8 now, but it's clear you're going to have to negotiate with the
9 Registry - and in particular with the court officer in the DRC,
10 who is I'm sure listening to us now - as to the arrangements
11 that need to be put in place because, once this witness has
12 concluded his evidence, presumably he's going to return home and
13 so we're going to have to think of his position and what's
14 convenient for him.

15 Yes, Judge Blattmann points out to me that obviously
16 Maître Mabilille may have some interest in this and she mustn't be
17 left out of this. As I say, I prefer us not to have to deal
18 with the fine detail of the arrangements in open court, but
19 please come back to us if there's any difficulties with what you
20 have in mind, but clearly Maître Mabilille must be consulted.

21 Yes, Maître Mabilille.

22 MS MABILILLE: (Interpretation) Just one point. We are
23 absolutely agreed that that investigation should take place.
24 Our only concern is that the witness hesitated regarding the
25 particular fingers that he used, and so for the investigation to

1 be complete not only the index finger and the thumb should be
2 used, but all the fingers of the two hands should be
3 investigated to ensure that the correct print is acquired.

4 Thank you.

5 MS SAMSON: Yes, we have no difficulties with that,
6 your Honour.

7 PRESIDING JUDGE FULFORD: I think that's right,
8 Ms Samson, isn't it? Although the witness did in the end come
9 down in favour of the index finger of the left hand, I think
10 there was -- it was an uncertain route, as it were, to get to
11 that final position.

12 MS SAMSON: Yes, and we had intended to be
13 comprehensive in this respect just to be sure.

14 PRESIDING JUDGE FULFORD: Right. What is the
15 Prosecution's case in relation to the fingerprint on the
16 document?

17 MS SAMSON: At this point, your Honour, our position
18 is one of relative neutrality, not having been in a position to
19 know definitively who may have given the fingerprint.

20 PRESIDING JUDGE FULFORD: All right.

21 MS SAMSON: We are hopeful that it will prove that it
22 was Witness 225.

23 PRESIDING JUDGE FULFORD: Right.

24 MS SAMSON: But we remain to see -- that remains to be
25 seen.

1 PRESIDING JUDGE FULFORD: I see. So you're case,
2 insofar as there is a case, on the fingerprint is that it's 225?

3 MS SAMSON: Yes, recognising the position that the
4 Prosecution is in in its inability to actually have been present
5 during the initial fingerprinting.

6 PRESIDING JUDGE FULFORD: No, I understand that, but
7 nonetheless you may have a position, given the Prosecution's
8 case, as to what actually happened with this document. And --
9 right, you've made that clear. Thank you very much.

10 Maître Mabilille, there has been recently filed an
11 application for disclosure of information from the Defence.
12 This was filed on 21 April. Are you proposing to respond? I
13 see a certain look of perplexity on the faces of some of those
14 in court. This is 2396, filed confidentially. Is there a
15 Defence response? No. No.

16 MS MABILLE: (Interpretation) Yes, Mr President, we
17 are going to respond.

18 PRESIDING JUDGE FULFORD: Yes. The question is, given
19 that this is urgent, can we have a response by close of play on
20 Monday?

21 MS MABILLE: (Interpretation) There is just a small
22 problem, because it seems that the Court Management Section will
23 not work tomorrow. Well, okay, no problem. Monday 4 p.m.

24 PRESIDING JUDGE FULFORD: Thank you very much indeed.
25 Witness, please.

1 WITNESS: THONIFWA UROCI DIEUDONNÉ (On former oath)

2 (The witness answers through interpreter)

3 PRESIDING JUDGE FULFORD: Good morning, sir.

4 THE WITNESS: Good morning also.

5 PRESIDING JUDGE FULFORD: Yes, Ms Samson, and you will
6 remember the speed at which we must go.

7 MS SAMSON: I will, thank you.

8 PRESIDING JUDGE FULFORD: Thank you.

9 QUESTIONED BY MS SAMSON:

10 Q. Good morning, sir.

11 A. Good morning.

12 Q. Sir, you testified yesterday that you were taken to
13 the UPC camp at Wi-Siir and that when you completed the military
14 service you went to Beju. Could you tell us how long you were
15 in military service in the UPC?

16 A. I spent one week.

17 Q. Was Jean-Paul Bedijo Con'ga in military service at
18 Wi-Siir with you?

19 A. No, we did not work with him.

20 Q. Do you know if Jean-Paul Bedijo Congo (phon) did
21 military service in the UPC at some other time?

22 A. I do not know.

23 Q. You told us yesterday that your father worked in a
24 subdivision in Mahagi. Could you tell us exactly what his job
25 was; his title or position?

1 A. He works in an office, but I do not know what type of
2 work he does there.

3 Q. Yesterday you told the Court that you knew Jean-Paul
4 Bedijo Con'ga from the same class. Could you tell us which
5 class and which school you were in with Jean-Paul Bedijo Con'ga?

6 A. We were in the same school in Beju. He was in the
7 first year, or rather he was in the third year while I was in
8 the first year.

9 Q. And am I correct that you and he, therefore, were in
10 the Beju school together in 2006/2007?

11 A. Yes.

12 Q. You and Jean-Paul Bedijo Congo are in Kinshasa
13 together; is that right?

14 A. Was it when we were coming there?

15 Q. Did you travel to Kinshasa together?

16 A. Yes, we were together.

17 Q. Are you living together in Kinshasa now, staying at
18 the same accommodation?

19 A. We lived together in Kinshasa.

20 Q. While you were traveling together or while you lived
21 together, have you discussed with Jean-Paul Bedijo any of the
22 information you've given the Court yesterday and today?

23 A. We did not discuss.

24 Q. You mentioned that your father is in Kinshasa as well.
25 Did you travel to Kinshasa with your father?

1 A. No, we did not travel together. We went first and
2 they came afterwards.

3 Q. Are you staying or living in the same place as your
4 father while you are in Kinshasa?

5 A. I have not even yet seen him in Kinshasa.

6 Q. You mentioned yesterday the name of a person named
7 Dieudonné who was with you in Mahagi. Do you know if
8 Dieudonné's full name is Dieudonné Mbuna?

9 A. I know only the name Dieudonné.

10 Q. Do you know what work Dieudonné does?

11 A. I have no idea.

12 Q. When did you first meet Dieudonné?

13 A. They found me in the classroom.

14 Q. In which classroom did they find you?

15 A. We were studying together in the Fepaco church.

16 Q. Is this church in Mahagi?

17 A. Yes, it is in Mahagi.

18 Q. And who was with Dieudonné when they found you in the
19 church?

20 A. They were with my father and the prefect.

21 Q. Do you know if the name of the prefect is
22 Albert Adubang'o?

23 A. No, I do not know that name. The only name I
24 recognise is Machine (phon).

25 PRESIDING JUDGE FULFORD: Ms Samson, over the last

1 10 minutes there have been a lot of names. I'm assuming that
2 everybody is happy that those names are given publicly. I'm
3 dependent on counsel for submissions in this regard.

4 MS SAMSON: I expect so, your Honour. The name
5 Dieudonné has been elicited publicly in the past. The last name
6 that I had --

7 PRESIDING JUDGE FULFORD: No need for an explanation.
8 I'm just reminding everyone in court that we are in open
9 session. Good. Please continue.

10 MS SAMSON: Thank you very much.

11 Q. Mr Witness, do you know in which school this person
12 Machine was the prefect?

13 A. In Beju.

14 Q. Do you recall approximately when this meeting took
15 place?

16 A. I do not know the date.

17 Q. Do you know if it was this year, 2010? Or last year,
18 2009?

19 A. It was in 2010.

20 Q. Did Dieudonné or your father or the prefect explain
21 why they were meeting with you?

22 A. I tried to find out a little bit about it.

23 Q. And what did you find out about it?

24 A. When Dieudonné came to see me, he started asking me
25 whether I was in military service. I said no. He said that I

1 should stay calm, and then he should -- he would try to do what
2 he can. I told him the truth. He took a photograph of me.
3 They told me to return home and stay there. They also told me
4 to wait for a few days and the white people would come. We
5 waited until they arrived. That is all.

6 Q. Was it on this day that --

7 PRESIDING JUDGE FULFORD: Pause a moment, please,
8 Ms Samson. Yes, Maître Mabilille.

9 MS MABILLE: (Interpretation) I'm sorry, I did not
10 want to interrupt, but it is true that the name of the prefect
11 is mentioned somewhere before, and we don't know so far whether
12 the prefect is going to ask for protective measures. So, out of
13 caution, we may have to redact his name.

14 PRESIDING JUDGE FULFORD: Right. As a precautionary
15 measure now, can his name, on the occasions when it's been
16 referred to, be redacted, please? If necessary, we can return
17 to this issue later and lift the redactions. Sorry for the
18 interruption, Ms Samson. Please continue.

19 Thank you, Maître Mabilille.

20 MS SAMSON:

21 Q. Sir, you described to the Court over the last two days
22 that you had done military service in the UPC. These are words
23 you used. Why did you tell Dieudonné that you had not done
24 military service in the UPC?

25 A. I refused to tell him the truth, and that is because I

1 did not know why he was asking me that question.

2 Q. At that meeting did he speak to you about any victim
3 application forms?

4 A. No, he did not say anything.

5 Q. Was Jean-Paul Bedijo Congo at that meeting?

6 A. No, I was all alone.

7 Q. And when Dieudonné told you that you should stay calm
8 and then he will try to do what he can, did he explain to you
9 what he was going to try to do?

10 A. He told me that he had been sent from Kinshasa.

11 Q. Did he tell you who sent him?

12 A. He did not say anything except that he gave me a name,
13 but I no longer remember that name.

14 Q. Did you meet with Dieudonné again at some point after
15 the meeting in the church?

16 A. I was at school. I was studying.

17 Q. Are you saying that you met with Dieudonné a second
18 time when you were at school?

19 A. We met for the first time only at school. There were
20 no school buildings, so we were studying in the church.

21 Q. What are you studying in the church or at the school
22 that takes place in the church? Are you in a particular class
23 or grade?

24 A. It was a two-month training course, and we were going
25 to be trained as drivers.

1 Q. Is this the only time you met Dieudonné, or did you
2 meet him again afterwards?

3 A. After that, I saw him again when he was there with
4 some white people.

5 Q. Are these white people lawyers for Thomas Lubanga?

6 A. I see one person amongst you there.

7 THE INTERPRETER: Message from the English booth. We
8 have a great deal of hiss that suddenly come into the sound.
9 Quite a bit of hiss. If one of the technicians could look into
10 the problem, we'd be most appreciative. Thank you.

11 PRESIDING JUDGE FULFORD: Pause for a moment.

12 Apparently, it's raining. And I think you've just
13 been identified, Maître Mabilille; is that right?

14 MS MABILLE: (Interpretation) I fear so, your Honour.

15 PRESIDING JUDGE FULFORD: Good. All right. I think
16 that -- that clarifies that point, I think, Ms Samson. Let's
17 carry on and see how we do. Interpreters, if the noise becomes
18 an impediment for you being able to do your work properly,
19 please let me know. Good. Carry on, Ms Samson, please.

20 MS SAMSON: Thank you.

21 Q. Sir, when you met with Dieudonné and the white people,
22 did you tell them the truth about your military service?

23 A. I told them the truth.

24 Q. So you told them that you had been in military service
25 in the UPC; is that right?

1 A. Yes, I showed them. And after that, they started to
2 show me some photographs, some photographs of other soldiers,
3 and asked me if I looked like them, but I didn't recognise those
4 people.

5 THE INTERPRETER: Correction. If we had worked
6 together, but I didn't recognise those people.

7 MS SAMSON:

8 Q. And when you met with the lawyers and Dieudonné, was
9 your father present?

10 A. They found me at home, at my house, and I had come
11 back from the farm and I was there. After that, they had us go
12 into a vehicle so we could go to Mahagi. I went back and spent
13 the night with my father, and the next day we went to see them
14 again.

15 Q. When they found you at your house, was your father
16 there in the meetings with them?

17 A. My father was not there. My uncle was present. My
18 mother was also present.

19 Q. Is this your Uncle Eric who was present?

20 A. Yes.

21 Q. And when you went to Mahagi, did your father go with
22 you or not?

23 A. My father was already there, and he -- he lives in
24 Mahagi. Myself, they took me from the home to go to Mahagi.

25 Q. Was your father present in the meetings between you,

1 Dieudonné and the white people in Mahagi?

2 A. He was present.

3 Q. Was the préfet - prefect - present in Mahagi as well
4 for those meetings?

5 A. After our meeting we went back, and that is when --

6 THE INTERPRETER: Inaudible.

7 THE WITNESS: The prefect --

8 THE INTERPRETER: Message from the English booth.

9 Could the local interpreter in Bunia repeat the reply?

10 MS SAMSON:

11 Q. Sir, would it be possible for you to repeat your
12 answer? You said after the meeting you went back, and that is
13 when something happened. Could you repeat that, please?

14 A. When we finished our meeting with the white people, we
15 were already on our way to go back home, and we came to get the
16 prefect with Jean-Paul to go to Mahagi.

17 Q. And did you meet with the lawyers together and discuss
18 the matters that you're telling the Court about today?

19 A. Yes, we met with them.

20 Q. Did anybody explain --

21 A. And they -- they asked us whether we could come here
22 or not.

23 Q. Did Dieudonné or somebody ever explain to you why you
24 would be coming or going to Kinshasa?

25 A. No, they didn't show that.

1 Q. At what point did you discuss the victim application
2 form? Did you ever discuss it with Dieudonné or only with the
3 lawyers?

4 A. We did not talk about that.

5 Q. Did Dieudonné ever tell you that you would get money
6 if you came to testify as a victim?

7 A. He didn't show -- he didn't talk about money.

8 Q. Did you ever tell Dieudonné or the lawyers that you
9 filled out a victim application form?

10 A. I showed that to them.

11 Q. Do you mean that you showed them a copy of the victim
12 application form or that you discussed it with them?

13 A. No, they just showed me the photocopy.

14 Q. Was this the first time that you had told anybody
15 about having filled it in or being replaced?

16 A. I said nothing.

17 Q. Does that mean that this was the first time that you
18 had told anybody that you had been replaced as a victim; is that
19 right?

20 A. I didn't say anything to them, either.

21 Q. So, just so I'm clear, you didn't tell Dieudonné or
22 the lawyers that you had been replaced as a victim?

23 A. I didn't say.

24 Q. Did your father tell Dieudonné or the lawyers in your
25 presence that you had been replaced as a victim?

1 A. I couldn't tell you, but we had called Dieudonné. And
2 the lawyers had gone into a house.

3 Q. Into which house did you go with Dieudonné and the
4 lawyers?

5 A. It was in the Titanic Hotel.

6 Q. Did you hear Jean-Paul Bedijo Congo telling Dieudonné
7 or the lawyers that he and you had been replaced as victims?

8 A. I didn't expect anything. When we talked about
9 Jean-Paul -- pardon. When we spoke with Jean-Paul, we had
10 already gone home.

11 THE INTERPRETER: Correction.

12 THE WITNESS: I heard nothing. When they were
13 speaking with Jean-Paul, we had already gone back home.

14 MS SAMSON: May I ask the Court's indulgence for one
15 moment?

16 (Counsel confer)

17 MS SAMSON: Thank you very much for the lengthy
18 indulgence, your Honour. I have no further questions.

19 PRESIDING JUDGE FULFORD: Thank you very much,
20 Ms Samson. Anything else, Maître Mabilles? I'm conscious the
21 witness has been in the witness box for an hour. Are you likely
22 to be long or is it only a few questions? A few questions.
23 Well, please proceed then. Thank you.

24 QUESTIONED BY MS MABILLE:

25 Q. Just two little details, Witness. Would you be so

1 kind as to turn to the little booklet that you were given
2 yesterday and go to tab number 20?

3 Now, this document was shown to you yesterday by the
4 Office of the Prosecutor.

5 A. Yes, we saw it.

6 Q. This is a document that comes from the Songe school.
7 Could you turn to page 25, 26? I beg your pardon. I made a
8 mistake. I was referring to tab 21, not 20.

9 A. We have found that.

10 Q. Could you turn to 42?

11 A. We have seen it.

12 Q. Can you see the name of Thonifwa Uroci; can you see
13 that?

14 A. Yes, I see.

15 Q. Could you see the mark that appears just after your
16 name? Do you see that?

17 A. 43. Thank you.

18 Q. Now, with a mark of 43, can one go from one class to
19 another, or do you have to repeat that class?

20 A. You can't go from one class to another with that mark.

21 Q. Does that mean, Witness, that your fifth year -- in
22 your fifth year you were required to repeat it?

23 A. Yes, that's how it went.

24 MS MABILLE: (Interpretation) Thank you. This is code
25 MFI-D01-6074.

1 Q. Witness, one last question. Could you tell us whether
2 you had to do your first year of primary school once, or twice?

3 A. Two times.

4 Q. Could I ask you the same question about your second
5 year of primary school. Did you have to repeat it once, or
6 twice?

7 A. Twice.

8 Q. Regarding the third year of primary education, did you
9 have to do it once or twice?

10 A. Twice.

11 Q. And your fourth year of primary school, did you have
12 to do it once or twice?

13 A. Just one time.

14 MS MABILLE: (Interpretation) Thank you very much. I
15 have concluded, your Honour.

16 PRESIDING JUDGE FULFORD: Yes, Mr Keta.

17 MR KETA: (Interpretation) Thank you, your Honour.
18 With your authorisation, I wanted to make an intervention with
19 regards to clarifications following the information I had on tab
20 26; just a clarification on the participation form.

21 PRESIDING JUDGE FULFORD: Well, I hope you're not
22 about to give evidence, Mr Keta. Now, I -- is this something
23 that you merely want to address the Chamber on, because if it is
24 I'm going to relieve the witness of the responsibility of
25 remaining sitting where he is?

1 MR KETA: (Interpretation) No, your Honour. It's just
2 I wanted to ask the question to the witness if he recognises the
3 name of the person who filled in the form. Of course, the item
4 which I communicated was redacted. I have to give the name of
5 the person and it's on page 16 of 17; the person who he knows
6 perfectly who helped him fill in the form. I would ask him the
7 question, if he knows his name, and then afterwards we can
8 continue with the proceedings.

9 If you go to page 16 out of 17 we have a signature, or
10 a fingerprint, of any person acting on behalf of the victim.
11 It's redacted. I know the name of the person. I wanted to ask
12 the victim if the victim knows the name of that person.

13 PRESIDING JUDGE FULFORD: Why wasn't this question
14 asked earlier, Mr Keta?

15 MR KETA: (Interpretation) Your Honour, during the
16 hearing I didn't have the non-redacted version of the form, and
17 it's when I consulted the non-redacted version I found the name
18 of the person. And the person -- as it's the person who had
19 helped the witness to fill in this form, then it's normal that
20 the witness can recognise this person. I just wanted to ask the
21 question whether he recognised the name of this person, but I
22 would have to go into private session in order to answer the
23 question because I would have to reveal the name of that person.

24 PRESIDING JUDGE FULFORD: When were you first provided
25 with a non-redacted version of this document?

1 MR KETA: (Interpretation) As a counsel I had -- all
2 the time I had the non-redacted version, but with regard to the
3 parties and participants they have the redacted version and so
4 they don't know the name yet of this person, but I think this is
5 the most important person who should say if really we have to
6 deal with this person, Thonifwa.

7 PRESIDING JUDGE FULFORD: Well, this should have been
8 dealt with during the course of your original examination, but
9 do you have any views on this, Maître Mabilille?

10 (Counsel confer)

11 MS MABILILLE: (Interpretation) Your Honour, the Defence
12 would like to have the name, so perhaps Counsel Keta could start
13 by giving us the name and then afterwards we would take a
14 position with regards to the problem of whether he can ask the
15 question to the witness.

16 (Trial Chamber confers)

17 PRESIDING JUDGE FULFORD: Maître Mabilille, if we were
18 for a moment to cut the sound to the DRC and if Mr Keta then in
19 private session was to tell you across the floor of the court
20 what the name is, would you then be able to give us a relatively
21 rapid response as to whether or not you have any objection to
22 this question being put to the witness, or would you prefer us
23 to rise so that you can be provided with the information
24 privately and we can then see what the situation is when we come
25 back into court? Which would you prefer?

1 MS MABILLE: (Interpretation) I would prefer us to
2 rise.

3 PRESIDING JUDGE FULFORD: We'll do so. We shall take
4 the mid-morning break now.

5 Sir, I'm extremely sorry that you are being kept a
6 little longer, but I undertake that your evidence is nearly
7 finished. We'll sit again in half-an-hour's time and I'm
8 hopeful that we will not be detaining you for very long after
9 that.

10 (Trial Chamber confers)

11 THE INTERPRETER: The interpreter corrects. She said
12 --

13 PRESIDING JUDGE FULFORD: Right. Maître Mabilie, what
14 has been translated is you saying "I prefer to rise." I thought
15 I heard - and Judge Blattmann has just pointed out to me - that
16 the word you used, I think, was "rapide".

17 THE INTERPRETER: The interpreter corrects. What was
18 said was "ça peut être rapide", "It could be quick", and the
19 interpreter understood that that meant that the quick option was
20 to rise.

21 PRESIDING JUDGE FULFORD: Let's start all over again.
22 I think there is a little bit of a difference between "rapid"
23 and "rising". Can we please terminate the sound between here
24 and the DRC and can the witness please remain where he is.

25 *(Private session at 10.38 a.m.) Reclassified as Open session

1 THE COURT OFFICER (The Hague): We are in private
2 session, Mr President, and Bunia cannot hear us at present.

3 PRESIDING JUDGE FULFORD: Right. Mr Keta, will you
4 please give across the floor of the court the name that you wish
5 to put to the witness.

6 MR KETA: (Interpretation) Yes, your Honour. The
7 person is called (Redacted)
8 (Redacted). Thank you, your Honour.

9 MS MABILLE: (Interpretation) The Defence has no
10 observation and is not opposed to our colleague asking the
11 question to the witness, your Honour.

12 PRESIDING JUDGE FULFORD: Can we reconnect, please,
13 with Bunia. You may put the question, Mr Keta. It must be
14 limited to this issue, and we observe that you should have dealt
15 with this during the course of your original questioning, given
16 that you've been in possession of this information throughout,
17 but nonetheless we will allow you to do it now.

18 Can I be told, please, when sound is re-established?

19 THE COURT OFFICER (The Hague): Mr President, the
20 sound has been re-established with Bunia and we're still in
21 private session.

22 PRESIDING JUDGE FULFORD: Right. Yes, Mr Keta.

23 MR KETA: (Interpretation) Yes, your Honour. I would
24 like to thank you for having given me the floor. I would like
25 to apologise. I should have said this before.

1 QUESTIONED BY MR KETA:

2 Q. Now, Witness, hello once again. Can you turn to
3 tab --

4 PRESIDING JUDGE FULFORD: Question again, Mr Keta,
5 please.

6 MR KETA: (Interpretation)

7 Q. Good morning, Witness.

8 A. Good morning to you.

9 Q. I would like to ask you a last question from my side.
10 If you could turn to tab 24 and if you go to page 16 out of 17
11 in the documents.

12 A. We've found it.

13 Q. If you look at the bottom of the page at the end there
14 is a name, the names -- the name of the person who helped you to
15 fill in this form. I'm going to give you this name and I would
16 ask you if you recognise it, or not. The *nom* is (Redacted)
17 (Redacted). Do you recognise this name?

18 A. I do not know this name.

19 MR KETA: (Interpretation) I have no further
20 questions, your Honour.

21 PRESIDING JUDGE FULFORD: Anything arising out of
22 that, Maître Mabilille?

23 MS MABILLE: (Interpretation) Simply we will formulate
24 an application now for the Chamber to ask that this mention that
25 was redacted in all the statements of victims; the applications

1 for participation.

2 PRESIDING JUDGE FULFORD: What has just happened
3 undoubtedly raises an interesting issue as to whether or not the
4 original redactions imposed vis-à-vis the Defence are
5 appropriate. If at a time which suits the representatives of
6 victims, material that has hitherto been redacted is suddenly
7 revealed. You're going to have to think about this Mr Keta,
8 along with your other colleagues. We're not asking for
9 responses now but this is undoubtedly going to have to be
10 considered by the Chamber, given what has just occurred.

11 Sir, I want to thank you for the evidence that you
12 have given. In order for this Court to establish --

13 THE WITNESS: Thank you.

14 PRESIDING JUDGE FULFORD: -- it is absolutely critical
15 that people such as yourself are prepared to give evidence in
16 order to assist us in our duties. I want to thank you on behalf
17 of all the Judges for the evidence that you have given.

18 Court officer, will you please explain --

19 THE WITNESS: Thank you.

20 PRESIDING JUDGE FULFORD: -- to the witness that his
21 further assistance may be required in relation to his
22 fingerprint. We will now rise and sit again at just before
23 20-past-11. Before we do so, I'm going to ask the court officer
24 to give the document at tab 19, which was referred to during
25 questioning yesterday by Ms Samson, an EVD number, please.

1 THE COURT OFFICER (The Hague): Yes, Mr President.

2 The document that was presented under tab 19, referenced

3 DRC-D01-0003-2520, will be given the EVD number EVD-OTP-00558.

4 May I ask the level of confidentiality of this document, please.

5 MS SAMSON: I believe it's a public document.

6 PRESIDING JUDGE FULFORD: Yes, let it be public then.

7 THE COURT OFFICER (The Hague): Then it will be
8 public.

9 PRESIDING JUDGE FULFORD: 20-past-11.

10 THE COURT USHER: All rise.

11 (Recess taken at 10.47 a.m.)

12 (Upon resuming at 11.22 a.m.)

13 (Open session)

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

15 PRESIDING JUDGE FULFORD: Witness, please. Yes,
16 Mr Dubuisson.

17 MR DESALLIERS: (Interpretation) Just one word,
18 Mr President, to inform everyone that the witness indicated that
19 there would also need assistance with the documents.

20 PRESIDING JUDGE FULFORD: Good morning, sir. We are
21 now going to begin your evidence, and I'm going to ask you in a
22 moment to take the solemn undertaking with the assistance of the
23 court officer. During your evidence, can you please make sure
24 that you do not speak too quickly and that you keep your voice
25 up so that everything you say is heard and can be interpreted.

1 So, court officer, could you now please help the witness to take
2 the solemn undertaking.

3 THE COURT OFFICER (Bunia): (Interpretation)

4 Mr President, once again, the field interpreter is going to say
5 the oath which will be repeated by the witness.

6 WITNESS: BEDIJO JEAN-PAUL TCHONGA (Sworn)

7 (The witness answers through interpreter)

8 PRESIDING JUDGE FULFORD: That was perfect. Thank you
9 very much. Yes, Mr Dubuisson. Just before we came into Court,
10 Mr Desalliers. I'm sure you take it as a compliment to be
11 referred to as Mr Dubuisson, but forgive my mistake.

12 MR DESALLIERS: (Interpretation) Yes. I had
13 understood very well, Mr President.

14 QUESTIONED BY MR DESALLIERS:

15 Q. Good morning, sir.

16 A. Good morning.

17 Q. We have already met before, but I will introduce
18 myself once again. My name is Marc Desalliers. I am a lawyer,
19 and I am going to ask you questions today for the defence of
20 Thomas Lubanga.

21 A. Yes.

22 Q. My first question is as follows: Can you please tell
23 us your full name?

24 A. My name is Bedijo, Jean-Paul Tchonga.

25 Q. What is your date of birth?

1 A. I was born on 17 May 1987.

2 Q. What is your place of birth?

3 A. I was born in Logo.

4 Q. What is your father's full name?

5 A. My father's name is Thomas Ugen.

6 Q. And can you tell us your mother's name?

7 A. Her name is Georgette Uryem.

8 Q. Are your parents still alive?

9 A. Both my parents are alive.

10 Q. Where do your parents live?

11 A. They live in Duklo (phon). They live in Unduklo
12 Terewili (phon).

13 Q. Thank you. I'm now going to show you a document with
14 the assistance of the court officer. There are several tabs in
15 that document, and I would like to refer you to tab 1 to begin
16 with.

17 MR DESALLIERS: (Interpretation) For the record, it
18 is document EVD-D01-0010.

19 Q. Witness, do you recognise that document?

20 A. Yes, I recognise it.

21 Q. Can you tell us what it is?

22 A. It is my voter's card.

23 Q. Is it you that we can see in the photograph?

24 A. Yes, it is me.

25 Q. Do you remember the time in the -- or the period of

1 the year in which this card was made?

2 A. Yes, I remember. It was in 2006, but I can't remember
3 the precise date.

4 Q. Thank you. I just want to make a correction. I think
5 I gave the wrong number. EVD-D01-00100. Could you tell us if
6 you carried out primary education?

7 A. I started my primary school in the primary school of
8 Beju.

9 Q. Do you remember which year you started your first year
10 at primary school?

11 A. It was towards '94 and '95.

12 Q. Thank you. Can I ask you to explain to us from your
13 first year how you went through school?

14 A. '94/'95, I started in the primary school of Beju. In
15 the first year, I failed. I took up again in '95 and '96 at the
16 primary school of Beju. And '96/'97, '96/'97 I went upper class
17 and I was in the second year. '97/'98, I studied the fourth
18 year at the primary school, or the third year, rather. The
19 fourth year, rather. '98/'99, I did the fourth year at primary
20 school Urunga (phon). '99/2000, I studied in the same school of
21 Urunga. The sixth year, I studied in the primary school of
22 Koriweka (phon). I failed. I went back to primary school in
23 Beju. From there, when I did the sixth year, I then rested.
24 This was in 2002 to 2003.

25 When I remained in 2002/2003, I went to see the

1 brothers of my paternal uncle, who was a soldier, while I,
2 myself, carried out the same service. From there I did one
3 year, and I came back home in the same year. And towards
4 2003/2004, I came back again to carry out my studies. In
5 2005/2006, I was in the Beju institute.

6 And for this year I am resting because I don't have
7 the fees. For the moment I am working in the field. And this
8 problem has come and found me at home. I was not at home at the
9 house, and when they informed me with regards to this problem, I
10 was very far from home. I was approximately 250 kilometres away
11 where I was working -- where I work, rather.

12 Q. Thank you. I just want to go back to the two years at
13 school, 2000/2001. Have I understood that you went to primary
14 school, Kudeweka (phon) primary school?

15 A. There I came back to the sixth year in primary school.

16 Q. In 2001 and 2002 at primary school Beju to take up
17 your sixth year again?

18 A. Yes.

19 Q. Thank you. Could we now show tab 4 to the witness,
20 which already has the code EVD-D01-00097. Do you recognise the
21 person on this photograph?

22 A. Yes.

23 Q. Could you tell us who this person is?

24 A. It is my father.

25 Q. Could you tell us what your father's profession is?

1 A. He is a farmer.

2 Q. Thank you. Could we now go to tab 6, a document which
3 has the number EVD-D01-00096. Do you recognise the person in
4 this photograph?

5 A. Yes.

6 Q. Could you give us that person's name?

7 A. Dieudonné.

8 Q. Do you know his full name?

9 A. His name is Thonifwa Uroci Dieudonné.

10 MR DESALLIERS: (Interpretation) Your Honour, please,
11 could we go into private session for certain questions?

12 PRESIDING JUDGE FULFORD: Yes, certainly. Private
13 session, please.

14 *(Private session at 11.42 a.m.) Reclassified as Open session

15 THE COURT OFFICER (The Hague): We are in private
16 session, Mr President.

17 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

18 MR DESALLIERS: (Interpretation)

19 Q. Witness, do you know a person called (Redacted)
20 (Redacted)

21 A. Yes, I know him.

22 Q. Can you explain how you got to know this person?

23 A. I can say that he was (Redacted). And after he
24 (Redacted). And before that
25 he left to school to register the children who were soldiers,

1 and we were also registered.

2 Q. Very well. Mr (Redacted). Could you tell us
3 in (Redacted) he was?

4 A. In the (Redacted).

5 Q. When you say he went to the school to register the
6 children who were soldiers, could you explain to us or give us
7 more explanations in that regard?

8 A. He left to see us at school, and he told us that he
9 was going to register with the child soldiers because the white
10 people were coming. And after there was a white lady who
11 arrived with some persons from Kinshasa, among whom there was a
12 man who was called (Redacted). Everything that I know with
13 regards to these people is that there were also other people who
14 came from Ndrele who accompanied them.

15 PRESIDING JUDGE FULFORD: Mr Desalliers, if we were to
16 refer to Mr (Redacted) as "Mr P", could we go into open session?
17 Could we try it? So I leave it to you to explain it to the
18 witness, and then we'll go into open session.

19 MR DESALLIERS: (Interpretation)

20 Q. So the only thing I would ask you is when you have to
21 speak about Mr (Redacted), please do not give his full name, but
22 just say "Mr P." Could you do that if we worked in that way?

23 A. Yes, thank you.

24 PRESIDING JUDGE FULFORD: Public session, please.

25 (Open session at 11.47 a.m.)

1 THE COURT OFFICER (The Hague): We are in open
2 session, Mr President.

3 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

4 MR DESALLIERS: (Interpretation)

5 Q. You indicated that there were white people who came to
6 see you. Do you know the name of this person or these people
7 who were white?

8 A. I know that there was Marianne Niquette.

9 PRESIDING JUDGE FULFORD: Yes, Mr Keta.

10 MR KETA: (Interpretation) Your Honour, we are in
11 open session. I would like us to redact the name of this
12 person, because she is one of my resource persons.

13 PRESIDING JUDGE FULFORD: Does that give you an
14 automatic entitlement, Mr Keta, to request that her name should
15 remain private? Why, because she is your resource person,
16 should we automatically order the redaction of her name?

17 MR KETA: (Interpretation) Your Honour, all the time
18 where documents which were exchanged with the parties and
19 participants, we've always redacted this name. This is part of
20 the names which we had permanent redactions for until now; it's
21 one of those. So we should protect the identity thereof.

22 PRESIDING JUDGE FULFORD: That's just the point,
23 Mr Keta. We have, until this time, been persuaded that it's
24 appropriate and necessary to redact these names. And you've
25 asked, indeed, that some of them are kept from the -- not only

1 the public, but the Defence as well. By your actions earlier
2 today, you have very much called into question whether those
3 procedures were ever appropriate.

4 Now, are you saying that your resource person is
5 materially going to be in danger if his or her name is known to
6 the public at large; that there is physical danger, potentially,
7 to that individual?

8 MR KETA: (Interpretation) Yes, your Honour, because
9 these are people who continue to carry out missions in the field
10 who support a certain number of victims participating in the
11 case at hand.

12 (Trial Chamber confers)

13 PRESIDING JUDGE FULFORD: Mr Keta, we're very unhappy
14 about this. It cannot be that counsel simply asserts there's a
15 danger because someone is continuing to work in the field. That
16 of itself does not necessarily lead to a proper conclusion that
17 the individual is, in fact, going to be in danger just because
18 counsel claims it.

19 We are in the middle of this witness's evidence, and
20 it is inappropriate to interrupt what is happening by an
21 extended discussion on this issue. So, there will be a
22 temporary redaction to that name, but we are going to return to
23 this issue, and be on notice that you are going to have to
24 justify this substantively in the very near future.

25 Now, if there are going to be other names,

1 Mr Desalliers, we're going to need to consider whether we stay
2 in public session or not.

3 MR DESALLIERS: (Interpretation) Certainly, your
4 Honour. I was going to ask the witness to indicate the name
5 that he could remember. So, perhaps it's more prudent to go
6 back into private session in that case.

7 PRESIDING JUDGE FULFORD: Private session, please.
8 But I hope not for long.

9 *(Private session at 11.52 a.m.) Reclassified as Open session

10 THE COURT OFFICER: (The Hague): We are in private
11 session, Mr President.

12 PRESIDING JUDGE FULFORD: Yes.

13 MR DESALLIERS: (Interpretation)

14 Q. I'm sorry, Witness. You spoke to us about a white
15 lady. You indicated that person's name. Do you know if this
16 person worked for an organisation, an NGO?

17 A. The team arrived. In that team there was this lady
18 who came to register us. I don't know who she worked for. Then
19 they left. They came; they promised things to us. They
20 indicated they were going to pay for our studies. And until
21 now, there's been nothing.

22 Q. Please, could you explain to us what Mr (Redacted) was
23 doing in all this?

24 A. Mr (Redacted), he brought him to us, he was their guide.

25 Q. Thank you. I'm now going to show you other documents.

1 PRESIDING JUDGE FULFORD: In public? No. All right.
2 We remain in private session.

3 MR DESALLIERS: (Interpretation)

4 Q. Please, could we go to tab 7. This is a document
5 which has the code EVD-D01-00130. Witness, do you recognise the
6 person who is on this photograph?

7 A. I know that person.

8 Q. Can you give us that person's name?

9 A. He is called (Redacted).

10 Q. So I repeat very slowly, to make sure that we have
11 understood this name well, (Redacted)?

12 Witness, could you write this person's name on a piece
13 of paper?

14 A. If somebody could give me a paper, I will try to write
15 on it.

16 PRESIDING JUDGE FULFORD: Onto the ELMO, please.

17 Yes, Mr Desalliers. In fact, before you continue, EVD
18 number, please, for what's now up on the screen.

19 THE COURT OFFICER: (The Hague): Yes. Yes,
20 Mr President. EVD number that will be attributed will be
21 EVD-D01-00133.

22 MR DESALLIERS: (Interpretation)

23 Q. So, Witness, could you tell us how you got to know
24 this (Redacted)?

25 A. I know him because his uncles come from where we're

1 from.

2 Q. Could you give us the name of these uncles?

3 A. One of my uncles is called (Redacted)

4 Q. Now, just to make sure that the question was properly
5 understood, I'm not asking for the name of your uncles, I'm
6 asking the name of the uncles of (Redacted)

7 A. I don't know where these uncles are to be found.

8 Q. Very well. I thought that you had said that you knew
9 this person because his uncles were from the same place as you.
10 So, do you know these uncles?

11 A. I was the one who said that in the village of
12 (Redacted)

13 Q. I see. Thank you. Do you know the name of this
14 person's father?

15 A. His name is (Redacted)

16 Q. Do you know the name of this person's mother?

17 A. This person's mother's name is (Redacted).

18 Q. Do you know where they live?

19 A. For the time being, they are living in (Redacted)
20 near Ndrele.

21 Q. Now I would like to ask you a question specifically
22 about (Redacted). Do you know one of his uncles, or several of them?

23 A. In any event, I don't know.

24 Q. Thank you. I would now like to ask you -- I would now
25 like to ask you to turn to the document found at tab 8. It

1 already has a reference number, EVD-D01-00131. Do you recognise
2 the person in this photograph?

3 A. Yes, I know this person.

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

5 A. The name is (Redacted)

6 Q. And how did you come to know this person?

7 A. That is a (Redacted)

8 (phon). (Redacted) (phon).

9 Q. And you know this person's full name?

10 A. I don't know the person's entire name, because he has
11 another village. He lived -- he grew up elsewhere, as well.

12 Q. Do you know the name of his father?

13 A. I don't know the name of his father.

14 Q. Do you know the name of his mother?

15 A. I don't know -- yes, I do know that name.

16 Q. Could you tell us that name?

17 A. His name is -- his mother's name is (Redacted).

18 Q. Do you know where (Redacted) lives now?

19 A. Sure is -- she is in (Redacted).

20 Q. And (Redacted), do you know some of this person's uncles?

21 A. Yes, I do know.

22 Q. Could you give us the names of the uncles whom you
23 know?

24 A. The guy who you mentioned, that we were supposed to
25 refer to as "P", that is the son of the person's little sister.

1 Q. Very well. Since we are in a private session, I will
2 be more specific. Are we speaking about (Redacted)?

3 A. Yes.

4 Q. Thank you.

5 MR DESALLIERS: (Interpretation) Your Honour, I think
6 we can go back into public session.

7 PRESIDING JUDGE FULFORD: Yes, Ms Struyven.

8 MS STRUYVEN: Yes, Mr President. To be absolutely
9 clear, would it be possible to list the ERN numbers of the two
10 pictures that were just shown to the witness, rather than the
11 EVD numbers, because there's confusion from our side on which
12 picture is which.

13 PRESIDING JUDGE FULFORD: Most certainly, of course.
14 But public session, first of all, please.

15 (Open session at 12.08 a.m.)

16 THE COURT OFFICER (The Hague): Mr President, we are
17 in open session.

18 PRESIDING JUDGE FULFORD: Thank you. I don't know
19 whether the court officer is immediately able to give the ERN
20 numbers of tabs 7 and 8 or whether you have them to hand. Do
21 you have them, Mr Desalliers? Good. ERN number please, then,
22 of tab 7?

23 MR DESALLIERS: (Interpretation) For tab 7, that is
24 number DRC-D01-0002589. (Microphone not activated)

25 THE INTERPRETER: Inaudible, from Mr Desalliers.

1 PRESIDING JUDGE FULFORD: Ms Struyven, aren't the
2 numbers on the copies in the binders?

3 MS STRUYVEN: Yes, but unfortunately, the EVD numbers
4 are not on the copies in the binders. So we were wondering
5 whether the EVD numbers were -- we had different EVD numbers for
6 these two pictures. Therefore, we just wanted to be sure.

7 PRESIDING JUDGE FULFORD: Well, the ERN numbers are
8 there typed on, and they have been given EVD numbers by
9 Mr Desalliers at the relevant stage when the material was
10 introduced. Now, we are not going to take time with this now.
11 If there's a confusion on this at the luncheon adjournment,
12 Ms Struyven, can you, the court officer and Mr Desalliers,
13 please have a conversation to resolve any possible mistakes in
14 our electronic paper management system.

15 MS STRUYVEN: No problems, Mr President.

16 PRESIDING JUDGE FULFORD: Thank you. Yes, please
17 continue, Mr Desalliers.

18 MR DESALLIERS: (Interpretation) Thank you, your
19 Honour. Now, just to be helpful to my learned friend, now, the
20 first page of the document that was provided in the bundle of
21 documents includes a table with all of the various numbers that
22 were given to these documents.

23 MS STRUYVEN: If I may add, Mr President, that is
24 absolutely right, your Honours, but the summary indicates, the
25 summary of this particular witness, indicates a contrary

1 conclusion; let's put it way.

2 PRESIDING JUDGE FULFORD: And that will form the basis
3 of a fruitful conversation at lunch, Ms Struyven. Thank you
4 very much. Please continue, Mr Desalliers.

5 MR DESALLIERS: (Interpretation)

6 Q. Could we please turn to tab 11 in this group of
7 documents. The document already does have an MFI number,
8 D00169. And initially, I would like to ask you to turn to page
9 3 of the document, and we see on that page the name and first
10 name, and it says Bedijo Jean-Paul. Do you see that?

11 A. I see Bedijo and I see Jean-Paul.

12 Q. And now I would like to ask you to move to page 15 of
13 this document. At the top of the page there is a large
14 rectangle with a signature within it. Do you recognise this
15 signature?

16 A. I don't recognise it.

17 Q. Just to help you properly understand, because I forgot
18 to mention to you, or to tell you which document I was speaking
19 of, this is a form request to take part in a proceeding before
20 the International Criminal Court as a victim. So, I would like
21 to ask you to quickly skim the pages and look at, at the bottom
22 on the right of each page, there is a rectangle with a
23 signature. Could you please skim through the document and look
24 at the signature that is found at the bottom of the page. So,
25 Witness, the signatures at the bottom of the pages --

1 THE COURT OFFICER (Bunia): (Interpretation) Sir,
2 just a moment, please.

3 THE INTERPRETER: The courtroom officer in Bunia is
4 saying the witness would like to look at this a second time.

5 MR DESALLIERS: (Interpretation) No problem.

6 THE COURT OFFICER (Bunia): (Interpretation) Thank
7 you, Mr Desalliers.

8 MR DESALLIERS: (Interpretation)

9 Q. So, do you recognise this signature that we see at the
10 bottom of the page of this document?

11 A. I don't recognise it.

12 Q. And this document, this form, have you seen it in the
13 past? Do you recognise it?

14 A. I haven't seen it. I don't even recognise it.

15 Q. Very well. I would now like to ask you to turn to
16 document number 11, and that is a statement that was signed on 7
17 August 2009, and it already has the MFI D01-00168 number.

18 THE COURT OFFICER (Bunia): (Interpretation) That is
19 tab 10 in the binder.

20 MR DESALLIERS: (Interpretation) Yes, quite so. I
21 beg your pardon. It is 10.

22 PRESIDING JUDGE FULFORD: So, Mr Desalliers, are we
23 going to tab 10? We've -- is that right? We've just looked, as
24 I understand it in some detail, at tab 11. Are we now moving
25 tabs?

1 MR DESALLIERS: (Interpretation) Yes, your Honour,
2 that is correct. It is tab number 10.

3 PRESIDING JUDGE FULFORD: Does it need an EVD number?

4 MR DESALLIERS: (Interpretation) No, it already has
5 an MFI number, D01-00168.

6 PRESIDING JUDGE FULFORD: Please continue.

7 MR DESALLIERS: (Interpretation) I'd like to ask you
8 to turn to the last page of this document, the third page.

9 THE COURT OFFICER (Bunia): (Interpretation) Sir,
10 could you repeat? You said something about the nature of the
11 document to the witness a few moments ago, but it was not
12 translated here in the field.

13 MR DESALLIERS: (Interpretation) Very well.

14 Q. This document is a signed statement. It was signed on
15 7 August 2009. Could you please turn to the last page of this
16 document and at the bottom of the page we see your name
17 "Jean-Paul Bedijo". Do you see that?

18 A. Yes, I do see that.

19 Q. Do you recognise the signature just above your name?

20 A. My signature is not the same.

21 Q. Are you -- were you aware of this document in the
22 past?

23 A. I don't even recognise it, or know it.

24 MR DESALLIERS: (Interpretation) Thank you. I would
25 now like to turn to tab 12. This is a group of documents that

1 relate to a request to participate as a victim in a case before
2 the ICC and this document already has an MFI number,
3 MFI-D01-00170.

4 Q. So I would like you to turn to the very last page of
5 this document, which is found at tab 12 -- MFI number D01-01170.
6 Do you see a page with a statement that is written entirely by
7 hand?

8 A. Yes, I do see that.

9 Q. And at the top of the page we see the name "Jean-Paul
10 Bedijo". Do you see that?

11 A. Yes, I see that.

12 Q. And now at the bottom of the page there is a
13 signature. We see the word "Signature" written out and just to
14 the right we see an actual signature. Do you recognise that
15 signature?

16 A. I don't recognise that.

17 Q. Now, do you have -- did you have any knowledge in the
18 past of this document that we have just shown you?

19 A. I have not even seen it.

20 Q. Thank you. So, still at tab 12, could we turn to page
21 -- page 3. Page 3 of 12. Now, we can see a student card here
22 and at the very top we see the name "Bedijo, Jean-Paul". Do you
23 see that?

24 A. Yes, I do see that.

25 Q. At the very bottom, to the left, we see "Signature of

1 the student" and that there is a signature just below that. Do
2 you recognise that signature?

3 A. I don't even have a student card.

4 Q. Very well. Now, on this card mention is made of an
5 association, and that is in the centre; an association called
6 APEC. A-P-E-C.

7 A. APEC. I know APEC, because I see that abbreviation.
8 It -- I saw it on a house, but I never went into that house. I
9 never -- I never was at a meeting of APEC either.

10 Q. Very well, thank you. Now, still at tab 12 I would
11 like to show you another document and that is at page 9 - page 9
12 of 12. Now, on this page we see a student card. Do you see
13 this document?

14 A. I don't know it.

15 Q. So you mean you don't recognise this card, or you are
16 not aware of this card?

17 A. It does not belong to me and I do not know it.

18 Q. On the card we see a photograph. Can you -- go ahead,
19 please.

20 A. Yes, that can be seen.

21 Q. Can you tell us who the person is on that photograph?

22 A. It is a photograph of a person, but I can't see very
23 well. I can't see it very well. I can't see the face very
24 well.

25 MR DESALLIERS: (Interpretation) Very well, thank

1 you. Mr President, can we go into closed session for a few
2 questions?

3 PRESIDING JUDGE FULFORD: Private session, please.

4 *(Private session at 12.30 p.m.) Reclassified as Open session

5 THE COURT OFFICER (The Hague): Mr President, we are
6 in private session.

7 PRESIDING JUDGE FULFORD: Now, just before we
8 continue, can I ask the court officer in the DRC to have a quiet
9 word with the witness to explain to him that there's 30 minutes
10 between now and lunch and to ask whether he's happy to continue
11 for another half-an-hour before we have a break?

12 THE COURT OFFICER (Bunia): (Interpretation)
13 Mr President, the witness just told me that he is not very tired
14 and that we can continue for another 30 minutes.

15 PRESIDING JUDGE FULFORD: Can you please thank the
16 witness and then, once that's happened, please continue,
17 Mr Desalliers.

18 MR DESALLIERS: (Interpretation)

19 Q. On that card that I have just shown you and which
20 bears the name "Jean-Paul Bedijo," one can see "Name of
21 guardian: (Redacted).

22 A. How is it possible for him to be my guardian, whereas
23 I still have my father?

24 Q. Very well. I understand by that that Mr (Redacted) is
25 not your guardian?

1 A. Yes.

2 Q. Can you tell this Court what is your relationship with
3 Mr (Redacted)?

4 A. Given I can call him or refer to him as (Redacted)
5 (Redacted), that is based on the situation in the village where
6 (Redacted).

7 MR DESALLIERS: (Interpretation) Thank you.

8 Mr President, I think we can go back into open session.

9 PRESIDING JUDGE FULFORD: Public session, please.

10 (Open session at 12.33 p.m.)

11 THE COURT OFFICER (The Hague): Mr President, we are
12 in open session.

13 MR DESALLIERS: (Interpretation)

14 Q. Mr Witness, I just showed you a certain number of
15 documents bearing your name and signature, but you did not
16 recognise any of the signatures on the documents.

17 A. I can see that that was not my signature.

18 Q. In that case, can you tell us whether you know who
19 signed on your behalf?

20 A. I can say that it is the people in those photographs
21 that signed the documents.

22 PRESIDING JUDGE FULFORD: Pause, please,
23 Mr Desalliers.

24 Yes, Ms Struyven?

25 MS STRUYVEN: Excuse me, Mr President, to interrupt,

1 but the witness said that he didn't know these documents. He
2 confirms at all times that he didn't know the documents, so I am
3 not sure he is in a position to explain to the Court who then
4 put the signatures on these documents, or who established these
5 documents.

6 PRESIDING JUDGE FULFORD: No, Ms Struyven. It may be
7 he doesn't know. It may be he does. The fact that he hasn't
8 signed them and the fact that he hasn't seen the document before
9 doesn't necessarily mean that he is unaware of the person who,
10 according to his evidence, has perpetrated the fraud. The fact
11 that he hasn't seen them doesn't mean that he cannot necessarily
12 help with the point, but thank you for the intervention.

13 Please carry on, Mr Desalliers.

14 MR DESALLIERS: (Interpretation)

15 Q. Witness, you have said that it is the people in the
16 photographs. Can you be more specific? Which photograph, or
17 photographs, are you referring to specifically?

18 A. I cannot tell precisely who it is, because at one time
19 we were told that we had been replaced by other people. Maybe
20 it was those people who signed those statements, but I am not in
21 a position to know who replaced us. This thing was done after
22 conniving with (Redacted).

23 MR DESALLIERS: (Interpretation) Mr President, I
24 think there should be a redaction here, and it might be easier
25 to go back to closed session.

1 PRESIDING JUDGE FULFORD: Redaction to that name.

2 Private session, please.

3 *(Private session at 12.38 p.m.) Reclassified as Open session

4 THE COURT OFFICER (The Hague): Mr President, we are
5 in private session.

6 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

7 MR DESALLIERS: (Interpretation)

8 Q. We have been talking about photographs. Can the
9 photographs in tabs 7 and 8 be shown to the witness once again?

10 Now, just a point of clarification. When you talked
11 about the people in the photographs, maybe I'm not using your
12 precise terminology, but you mentioned that you had been
13 replaced. Was it by these people in the photographs?

14 A. Yes, those are the people.

15 Q. Can you explain to us how you came to know about that?

16 A. This is what I can say: We had gone to the village,
17 and when the people registering us arrived, we were not there,
18 so they took those who were present in Ndrele. At that time
19 (Redacted) took a boy called (Redacted), (Redacted)
20 (Redacted). He changed the situation and
21 said that this was (Redacted). And Mr (Redacted) is the
22 (Redacted). He took those two people and replaced us
23 with them. These were not the only two; there are others. And
24 since it was not only the two of us, there were many of us.
25 There were only the two of us who were taken care of.

1 Q. From your explanations, are we to understand that
2 there were other people in your situation? Apart from you, how
3 many other people were there?

4 A. There were many of us, but amongst all those people we
5 were the only ones that we were taken care of; that is,
6 Dieudonné and myself.

7 Q. When you said there were many of us, how many of you
8 were there?

9 A. There were approximately 15 of us.

10 Q. And who took charge of those 15 persons?

11 A. It was (Redacted), together with the white people
12 whose names I mentioned and who had gone there. After that
13 (Redacted) even came after us in the school, and he registered
14 us in exchange for a payment of 2,500 shillings, which is the
15 equivalent of one and a half dollars, and that was done in
16 Ndrele.

17 Q. Why was he asking you for that amount?

18 A. He asked for that money and told us that it was going
19 to assist those who had been with us, but right up to that time
20 we did not receive anything. They deceived us, because they
21 said they were going to pay our school fees, but, unfortunately,
22 it was our parents who were responsible for paying our school
23 fees.

24 Q. You talked about a kit, that they were going to assist
25 you with a kit. Can you tell us what this was?

1 A. This kit was made up of items, commercial items, and
2 they were also going to assist us with the school fees.
3 Furthermore, they reassured us by saying that they would take
4 over responsibility for our studies and that we would be able to
5 say that all our parents were deceased.

6 Q. Who asked you to say that; that is, that your parents
7 were deceased?

8 A. It was still Mr (Redacted).

9 MR DESALLIERS: (Interpretation) Just a moment,
10 Mr President, to consult the team. Is that all right?

11 PRESIDING JUDGE FULFORD: (No audible response).

12 (Counsel confer)

13 MR DESALLIERS: (Interpretation) Thank you,
14 Mr President. Maybe one last question.

15 Q. Witness, you said that Mr (Redacted) asked you to say
16 that your parents were dead. Did he ask you to say something else?

17 A. That is all he said, because we would say that and we
18 would be given assistance very quickly and we will receive many
19 items.

20 Q. When was the last time you spoke with Mr (Redacted)?

21 A. We spoke with him recently in Ndrele, in his house.

22 Q. How long ago was that?

23 A. I know very well that we spoke with him in his house
24 in Ndrele, but I no longer remember the precise date.

25 Q. What did you discuss with Mr (Redacted)?

1 THE COURT OFFICER (Bunia): (Interpretation) Please,
2 kindly repeat, counsel.

3 MR DESALLIERS: (Interpretation)

4 Q. And what did you discuss with Mr (Redacted)?

5 A. We discussed the kits that were going to be given to
6 us, as well as the accused person. And we were also going to
7 discuss our service in the armed group.

8 Q. You said that you did not remember the precise date,
9 but just to assist you a little bit, was this in the course of
10 this year or was this several years ago? Can you tell us that?

11 A. It was last year.

12 MR DESALLIERS: (Interpretation) Mr President, I have
13 no further questions.

14 PRESIDING JUDGE FULFORD: Thank you very much. Court
15 officer in the DRC, we are now going to take the luncheon
16 adjournment. You and the witness can now leave, no need to
17 remain. There's a very short matter I want to raise with
18 counsel here. But could you thank the witness? And we will sit
19 again with him at 2.45. Thank you very much.

20 Ms Pellet, is Ms Massidda in The Hague?

21 MS PELLET: (Interpretation) Yes, Mr President.

22 PRESIDING JUDGE FULFORD: Good. Can you alert her to
23 the fact that we are, in the very near future, going to be
24 reviewing the extent of disclosure, particularly of the
25 applications to participate. And it may be that the victims

1 participation reparations section may be interested in this
2 point as well, So Ms McKay had probably better be alerted to
3 this point, too. Can I give you that responsibility, please?

4 MS PELLET: (Interpretation) Yes, I will do that,
5 your Honour.

6 PRESIDING JUDGE FULFORD: Thank you. 2.45.

7 THE COURT USHER: All rise.

8 (Luncheon recess taken at 12.54 p.m.)

9 (Upon resuming at 2.46 p.m.)

10 (Open session)

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

12 THE COURT OFFICER (The Hague): Your Honours, we are
13 in open session.

14 PRESIDING JUDGE FULFORD: Good afternoon. Ms Samson,
15 it would be quite useful to know for the Registry as to when, if
16 someone from the Registry needs to be present, the fingerprint
17 exercise is likely to take place.

18 MS SAMSON: Your Honour, the Prosecution had wrongly
19 assumed based on the witness's evidence that he was in Kinshasa
20 and it appears, after having confirmed with the court officer,
21 that he is in Bunia, so the initial enquiries that we had made
22 were based on the ability to quickly deploy within the Kinshasa
23 area, so we are looking at two other possibilities which include
24 having people travel to Bunia from either Kinshasa or Goma,
25 which will take a bit more time. As soon as the Prosecution has

1 something more definitive we can come back to the Chamber and to
2 the Registry.

3 PRESIDING JUDGE FULFORD: I mean, one problem is, and
4 I imagine that the court officer who we can see on the screen at
5 the moment would probably quite like to come home, and once this
6 witness's evidence is completed, otherwise, there would be
7 nothing to detain her. Now, I really don't want to have to ask
8 her to remain in the DRC indefinitely while this is resolved.
9 Can you get certainty during the course of this afternoon,
10 please?

11 MS SAMSON: We are certainly endeavouring to do so,
12 your Honour, and hopefully I will be able to report back prior
13 to the end of the day's hearing.

14 PRESIDING JUDGE FULFORD: Can you not allow us to
15 leave the Bench until we have addressed this again, Ms Samson,
16 please.

17 MS SAMSON: I will.

18 PRESIDING JUDGE FULFORD: Thank you very much.
19 Witness, please. Good afternoon.

20 THE WITNESS: Good afternoon.

21 PRESIDING JUDGE FULFORD: Now, Mr Desalliers, you had
22 completed your questions?

23 MR DESALLIERS: (Interpretation) Yes, your Honour.

24 PRESIDING JUDGE FULFORD: Who is asking questions
25 next? You, Mr Keta? Certainly.

1 MR KETA: (Interpretation) Thank you, your Honour,
2 for giving me leave to address the Court.

3 QUESTIONED BY MR KETA:

4 Q. Good morning, Witness. Good afternoon, Witness. I
5 think that we have already met during the familiarisation
6 session. We took up contact. Can you confirm what you said
7 that we don't know?

8 A. Yes.

9 Q. I wanted to ask some questions with a view to
10 precision in terms of the document that you have there and in
11 the court we also have this document before us.

12 A. Yes.

13 Q. Could you go to tab 1 of the document that you have,
14 which concerns the election card. On the card we can see the
15 name of Bedijo Tchonga Jean-Paul. Can you confirm that?

16 A. Yes.

17 Q. Below on the same card it is written "sector" or
18 "chefferie" of origin "djukhoth 12". Could you confirm your
19 collectivity of origin?

20 A. It is correct.

21 Q. Do you know the name of the chief of your collectivity
22 and give the name of the exact collectivity?

23 A. The name of the chief is Atinda (phon).

24 Q. Thank you. Can you also confirm that the name of
25 Bedijo is a name with an Alur origin?

1 A. Yes, I confirm that.

2 Q. Could you confirm to us if this name only exists in
3 your collectivity of origin?

4 A. It is not only my name; there are other people who
5 have the same name.

6 Q. Thank you. You can also tell us that the name of
7 Tchonga, is that a name that is obligatory? Do you have to bear
8 that name when you are from this Alur group? This post-name, do
9 you have to have it?

10 A. So, in the village I am just called the name of
11 Tchonga, but I am not called Bedijo.

12 Q. Very good. So, you can call Bedijo Tchonga Jean-Paul
13 just as you can just call you Bedijo Jean-Paul or you can call
14 you Bedijo Tchonga. Can that also -- can these scenarios also
15 occur?

16 A. So, the name Jean-Paul is the first name.

17 Q. Yes, there are people who can be called Bedijo
18 Jean-Paul without the post-name of Tchonga?

19 A. Yes, that is also how we are called.

20 Q. Now concerning the card still, can you tell us
21 accurately in what year you obtained it?

22 A. Yes, it was in 2006.

23 Q. And where did this registration take place exactly?

24 A. In Logo.

25 Q. What age were you?

1 A. I was 18 years old.

2 Q. Thank you. Can we now go to tab 11, the document
3 which says "Standard form for participation in proceedings"?

4 A. Yes.

5 Q. Can you go to page 15 to -- 15 out of 17. Do you
6 recognise having filled in this form or at least the signature
7 that is there; the signature that is in the large square at the
8 bottom, or at the top?

9 A. I didn't fill it in.

10 PRESIDING JUDGE FULFORD: No, no, no hold on please.
11 Mr Desalliers?

12 MR DESALLIERS: (Interpretation) Yes, your Honour. I
13 would just quite simply ask that we don't ask the same question
14 and particularly questions to which the witness has given a --
15 clear answers to in the examination-in-chief.

16 PRESIDING JUDGE FULFORD: Yes. I think the position,
17 Mr Keta, is that we have spent quite a long time on this
18 document where the witness has been asked in very neutral terms
19 whether he recognises his signature anywhere and whether he
20 signed it and he said clearly and unequivocally "No." Now, I am
21 not sure whether it is going to improve matters going over that
22 all over again. Indeed, I strongly suspect it would be a
23 complete waste of our time. Now, what's the purpose of asking
24 him exactly the same question again? Are you hoping he is going
25 to contradict himself?

1 MR KETA: (Interpretation) No, your Honour. When we
2 repeat it, I think it is interesting, but I didn't want to focus
3 on the signature. I wanted to know if he had filled in such a
4 document, any type of document. If he didn't fill in this one,
5 did he fill in another one? That's all I wanted to know.

6 PRESIDING JUDGE FULFORD: All right.

7 MR KETA: (Interpretation)

8 Q. Witness, I wanted to know -- you said that you didn't
9 sign this document, but have you signed any document for your
10 participation in proceedings before the Court here?

11 A. So, in all these documents it's not me who has signed
12 them.

13 Q. But when you stated in the morning that other people
14 did sign the document in your place, on your behalf, what were
15 you basing that on?

16 A. What proves this is the fact that we were informed
17 that there were -- that these had already been -- we had already
18 been changed with other people, replaced by other people.

19 Q. Who told you that you had been changed by other
20 people, or replaced by other people?

21 A. It was the same people who told us that we were going
22 to be replaced, so we would have to share everything together
23 with them.

24 MR KETA: (Interpretation) I don't think the witness
25 understands the scope of my question. I want to have the name

1 of the person who told them that they had been replaced.

2 Q. Mr Witness, could you tell us the name? Perhaps we
3 could do this in private session, but it is very important to
4 know this.

5 PRESIDING JUDGE FULFORD: Private session, please.

6 *(Private session at 3.03 p.m.) Reclassified as Open session

7 THE COURT OFFICER (The Hague): Mr President, we are
8 in private session.

9 PRESIDING JUDGE FULFORD: Very good. Mr Keta, please
10 put the question again, asking the witness to give the names, if
11 he knows them.

12 MR KETA: (Interpretation)

13 Q. Witness, I would like you to tell us -- to give us the
14 names of the people who informed you that you had been replaced
15 and that other people had come in your stead. Who said that?
16 We are in private session, so you can say that.

17 A. The same person who -- where (Redacted) had said
18 that we were going to be replaced by other persons -- by them,
19 rather.

20 Q. So the person who recognised you on the photo this
21 morning, is that the person who -- or the same person you
22 recognised on the photo this morning, is that the person who
23 said that you were going to be replaced?

24 A. Yes.

25 Q. I would now like you to go to tab 12 in your document

1 and to go to page 9 out of 12.

2 PRESIDING JUDGE FULFORD: In public session?

3 MR KETA: In public session.

4 (Open session at 3.05 p.m.)

5 MR KETA: (Interpretation)

6 Q. You can also go to page 3 of 12.

7 THE COURT OFFICER (The Hague): We are in open
8 session, Mr President.

9 MR KETA: (Interpretation)

10 Q. Do you recognise the signature of the person who
11 signed the card?

12 THE COURT OFFICER (Bunia): (Interpretation) You're on
13 page 9 out of 12?

14 MR KETA: (Interpretation) Yes, court officer, we
15 are, but I think that the signature is illegible and that's the
16 way I would also ask to look at page 3 because I think it is
17 clearer.

18 PRESIDING JUDGE FULFORD: I mean the problem, Mr Keta,
19 is they're different documents, aren't they? Don't we need to
20 do these separately?

21 MR KETA: (Interpretation) In fact, your Honour, this
22 is a student card, the front and back side of it, I think.

23 PRESIDING JUDGE FULFORD: Right, okay. So -- well, if
24 you are saying it is the same document, the better page is page
25 3, isn't it?

1 MR KETA: (Interpretation) That is correct, your
2 Honour, so page 3. It's to recognise the signature, but I would
3 need 9 to 12 to recognise the photo.

4 PRESIDING JUDGE FULFORD: Well, let's do the signature
5 first. Page 3, please, court officer.

6 And, sir, do you recognise that signature?

7 THE WITNESS: I am trying to look. It's as if
8 (Redacted) had signed.

9 MR KETA: (Interpretation)

10 Q. No, I am talking about the signature that's on the
11 right. There are two signatures on the document: the signature
12 of the manager and just at the -- just below the date.

13 A. That can be seen.

14 Q. Could you tell us whose signature is that?

15 A. That is the signature of the person who replaced me,
16 but he has signed in my place. My name is written.

17 Q. The signature on the right says, "Signature of the
18 manager"; that is the préfet, if you wish. Can you recognise
19 that?

20 A. That is the signature of (Redacted)
21 (Redacted)

22 MR KETA: (Interpretation) Your Honour, can we redact
23 it, because we are in open session? Can we redact (Redacted)
24 (Redacted)

25 PRESIDING JUDGE FULFORD: Yes, redaction order please.

1 MR KETA: (Interpretation)

2 Q. Witness, when -- in 2006 and 2007 you were at Beju
3 institute, were you not?

4 A. Yes, I studied there.

5 Q. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Thank you, Witness. If you go to page 9 out of 12,
11 can you recognise the photo that's there and the signature? Is
12 that the signature of the head teacher? And whose photo is it?

13 A. The signature can't be seen.

14 Q. It is illegible, yes, but in fact it's the same
15 signature. Witness --

16 PRESIDING JUDGE FULFORD: Mr Keta, on the whole it's
17 preferable if counsel don't give evidence. It is usually better
18 if witnesses do that. So, let's move on from the signature,
19 please. Now, do you want the witness to look at the photograph
20 and see whether he recognises the person?

21 MR KETA: (Interpretation)

22 Q. Witness, with regards to the photo on page 9 out of
23 12, do you recognise the person who is on the photo?

24 A. That can be seen, but it is not very clear, but I have
25 recognised those two.

1 Q. Can you give the name of the person who is on the
2 card, if you recognise the photo?

3 A. It can't be seen clearly, but I shall continue to try
4 to look at it.

5 Q. Witness, I'd like to go back to your relationship --
6 your Honour, can we go into private session?

7 PRESIDING JUDGE FULFORD: Private session.

8 *(Private session at 3.14 p.m.) Reclassified as Open session

9 THE COURT OFFICER (The Hague): We are in private
10 session, Mr President.

11 MR KETA: (Interpretation)

12 Q. Witness, you must have met (Redacted)
13 Are you from the same collectivité as he is?

14 A. It's the same collectivité.

15 Q. So you recognised -- you gave the name of the chief of
16 your collectivité, and the chief of collectivité also knows
17 (Redacted) and (Redacted); is that not so?

18 A. (Redacted)

19 Q. So you are confirming that (Redacted) is your (Redacted)

20 A. He's (Redacted)

21 MR KETA: (Interpretation) Your Honour, I have no
22 further questions.

23 PRESIDING JUDGE FULFORD: Thank you very much,
24 Mr Keta.

25 Ms Struyven.

1 MS STRUYVEN: Thank you, Mr President.

2 QUESTIONED BY MS STRUYVEN:

3 Q. Mr Witness, my name is Olivia Struyven, and I am going
4 to ask you questions on behalf of the Office of the Prosecutor.

5 PRESIDING JUDGE FULFORD: In closed or open session?

6 MS STRUYVEN: I can start in open session.

7 PRESIDING JUDGE FULFORD: Excellent. Public session,
8 please.

9 (Open session at 3.17 p.m.)

10 THE COURT OFFICER (The Hague): We are in open
11 session, Mr President.

12 MS STRUYVEN:

13 Q. Mr Witness, this morning you testified about your
14 schooling. It is still unclear to me when exactly you moved to
15 the Ukongo institute of Beju. Do you remember in which year you
16 moved to the Ukongo institute of Beju?

17 A. In 2005/2006.

18 Q. But you testified that you -- you testified that you
19 also went to the primary school of Beju; is that correct?

20 A. Yes, that's right.

21 Q. So maybe I shouldn't have started with that. Can you
22 indicate to us the year that you went to the primary school of
23 Beju?

24 A. In 1995.

25 THE INTERPRETER: Correction, 1994/1995.

1 MS STRUYVEN:

2 Q. And which year - which school year - did you go to in
3 the primary school of Beju in 1994/1995?

4 A. In the first year.

5 Q. Just because it is unclear to me, I am afraid I will
6 have to go back into the subsequent years. I know you testified
7 about that this morning, but I am going to go back to the
8 subsequent years.

9 A. Yes.

10 Q. So in 1995/1996, which year were you in at which
11 school?

12 A. I was in first year also at the Beju school.

13 Q. And in 1996/1997?

14 A. I was in second year also in Beju.

15 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers?

16 MR DESALLIERS: (Interpretation) Your Honour, I can
17 understand if one specific element was not clear to my learned
18 friend that -- why she might go back to a specific point
19 regarding this person's school record, but when I look at the
20 transcript, as the witness explained things this morning, for
21 our side it seems perfectly clear; page 29, line 24 and on in
22 French, and page 26, lines 21 and on. And once again, my
23 objection is as before. The purpose of the exercise is not to
24 have him repeat his testimony. Rather, it is to specify certain
25 aspects. So I believe that the witness clearly explained his

1 school record this morning.

2 PRESIDING JUDGE FULFORD: Where are we going with
3 this, Ms Struyven?

4 MS STRUYVEN: Your Honours, it's true that the witness
5 went over his primary school years this morning. However, as
6 soon as we entered the 2001/2002 territory and further on, the
7 witness wasn't all that clear because there were years -- at
8 least from my summary, there's several school years missing, and
9 it is unclear to me where he was at what time. However --

10 PRESIDING JUDGE FULFORD: All right, but -- fine.
11 Let's carry on. But obviously, you'll ensure there isn't
12 repetition. But thank you. Please carry on.

13 MS STRUYVEN: Thank you.

14 Q. Mr Witness, can I take it that in '97/'98 you were in
15 the third year of primary school at Beju; is that correct?

16 A. I studied, but I finished elsewhere.

17 Q. Do you mean in that third year of primary school you
18 started at Beju, but you finished that third year elsewhere?

19 A. Yes, I said that.

20 Q. So where did you finish your third year, in which
21 school?

22 A. EP Koriwaka (phon). Koriwaka primary school.

23 Q. Just to be 100 percent clear, did you start the third
24 year in Beju, and then during that same year you switched
25 schools? Is that how I can understand you?

1 A. I'll say everything. I started the third year at the
2 Beju school, but to finish I finished at the Kudiwaka (phon)
3 primary school.

4 Q. That is clear. Thank you for that. And is it correct
5 that the next year, meaning 1998/1999, you did your fourth year
6 at the Kuliwaka (phon) school; is that correct?

7 A. It was EP Runga (phon), EP Runga. Runga primary
8 school.

9 Q. Thank you for that. And 1999/2000 you did your fifth
10 year at Runga?

11 A. Yes.

12 Q. And then 2000/2001, if I followed it correctly, you
13 did your sixth year back in Kuliwaka; is that correct?

14 A. Yes.

15 Q. And you failed that year, so you did your sixth year
16 again in the primary school of Beju in the year 2001/2002?

17 A. Yes.

18 Q. And then in the year 2002/2003 you didn't go to school
19 because you explained that you went to military service; is that
20 correct?

21 A. Yes, I went to see my paternal uncle in Pakuna (phon)
22 and that is when I went to do my military service. I really --
23 I found that I really enjoyed military service, because in our
24 village the soldiers bothered us a lot, hassled us a lot.

25 Q. I will ask you questions about that later, but I just

1 want to finish on your schooling first.

2 A. Thank you.

3 Q. In the year 2003/2004, did you go to school?

4 A. Yes.

5 Q. Which year - which school year and which school did
6 you go to?

7 A. Yes. Still sixth year of primary school at the Beju
8 primary school.

9 Q. So am I to understand that you did your sixth year of
10 primary school three times?

11 A. Yes.

12 Q. And for the school year 2004/2005, which school year
13 did you go to and at what school?

14 A. During that year, I was at the first year at the Well
15 (phon) institute, Tun du Coro (phon); but I had started at the
16 Well institute, and then I went to the Well Lu Coro (phon)
17 institute.

18 Q. And in the year 2005/2006, which year were you in and
19 at what school?

20 A. Still in the first year of the Beju Congo institute.

21 Q. And 2006/2007?

22 A. I was still at the Beju institute in second year.

23 Q. And 2007/2008?

24 A. I was still at the Beju institute in third year.

25 Q. And 2008/2009?

1 A. I was at the Beju institute.

2 Q. In your fourth year?

3 A. Still in third year.

4 Q. And 2009/2010?

5 A. Exactly, the year that I find myself. And then -- and
6 I started to work. I ended my schooling, because I didn't have
7 the means.

8 Q. Thank you, Mr Witness, for these clarifications.

9 A. Thank you.

10 Q. I'm still going to ask you a few questions about your
11 schooling later, but I first want to address your military
12 service in 2002 and 2003.

13 A. Thank you.

14 Q. Is it indeed correct, Mr Witness, that in 2002 and
15 2003 there was fighting going on between the FNI and the UPC
16 around Ndrele?

17 A. Exactly.

18 Q. And is it correct that at times the fighting was even
19 quite close to the Ukongo institute of Beju?

20 A. That's right.

21 Q. And at one point, the Ukongo institute of Beju was
22 even used by UPC soldiers to defend themselves against FNI
23 soldiers; is that correct?

24 A. No, that wasn't so.

25 Q. But the fighting occurred very close to the institute;

1 correct?

2 A. It was very close to the institute, but not really,
3 really close to the institute. There was a distance.

4 Q. Could you tell us what that distance was?

5 A. Well, it wasn't very far from the school; but when
6 there was the war, the students were allowed to go back home.

7 Q. When you say "it wasn't very far from the school,"
8 could you help us to identify how far it was from the school?

9 A. So, it wouldn't be one kilometre. It was -- it wasn't
10 wasn't one kilometre from the camp, but three kilometres from
11 Ndrele. About three kilometres from Ndrele.

12 Q. When you say it was one kilometre from the camp, which
13 camp are you referring to?

14 PRESIDING JUDGE FULFORD: I am not sure -- I think the
15 effect of the answer -- yes.

16 THE INTERPRETER: Message from the English booth. I
17 think the English booth may have said "camp" when he should have
18 said school. Apologies.

19 PRESIDING JUDGE FULFORD: I think the ultimate answer
20 is about three kilometres from Ndrele. I think one kilometre
21 from the camp is a red herring, Ms Struyven. Do you agree,
22 Mr Desalliers? Yes.

23 THE INTERPRETER: From the school. From the school.

24 PRESIDING JUDGE FULFORD: Right. Do it again, please.

25 MS STRUYVEN:

1 Q. So, Mr Witness, just to help us out, the fighting took
2 place at less than one kilometre from the school?

3 A. There was a camp in Ndrele, and another camp Ndrassi
4 (phon). So, the UPC camp in Ndrele, and the other camp what is
5 in Ndrassi.

6 Q. Now you explained to us that you joined the military
7 service. Which armed group did you join?

8 A. I was in the UPC because my paternal uncle was one of
9 the supporters of the UPC, so that's why I was with him, you
10 see, so that's why I joined the UPC.

11 PRESIDING JUDGE FULFORD: Ms Struyven, I think --

12 THE WITNESS: I did that service, but not for a long
13 time.

14 PRESIDING JUDGE FULFORD: I think we will give the
15 witness a ten minute break. Thank you very much. Court
16 officer, could you explain please to the witness in the DRC that
17 we are going to give him a break and we will sit just before 4
18 o'clock. Thank you very much. Just before 4.

19 THE COURT USHER: All rise.

20 (Recess taken at 3.46 p.m.)

21 (Upon resuming at 4.00 p.m.)

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

23 PRESIDING JUDGE FULFORD: Witness, please.

24 Yes, Ms Struyven. And we're in public session.

25 MS STRUYVEN: Thank you, Mr President.

1 Q. Mr Witness, before the break you indicated that you
2 joined UPC because your uncle was a supporter of UPC.

3 A. Yes, I had gone to his house because of the threats
4 from the soldiers, and after going to his home I immediately
5 joined the UPC group.

6 Q. Can you give us the name of your uncle?

7 A. It is my paternal uncle and his name is Manjuna.

8 Q. Is that spelt M-A-N-J-U-N-U?

9 A. It is M-A-N-G-U-N-A, or rather, M-A-N-J-U-N-A.

10 Q. Do you know any other name of your uncle, Manjuna?

11 A. The name that I know best is Manjuna. That is the
12 name used by practically everyone in the village.

13 Q. And which village was that?

14 A. It is in our village in Unduklo Terewili.

15 Q. You said that your uncle was a supporter of the UPC.
16 What do you mean by that?

17 A. He had been trained in the UPC, and when I went to the
18 family of my uncle because of the harassment of the soldiers, I
19 did join the UPC group. From both groups, the UPC, F -- people
20 were threatened. The people that were found were beaten up or
21 killed. They continued raping women and young girls
22 indiscriminately.

23 Q. Just as a clarification, you said from both groups,
24 the UPC and the FNI, I think, people were threatened, beaten and
25 killed. Do you mean that both groups, meaning the soldiers of

1 both the UPC and the FNI, were threatening people?

2 A. More frequently it was the people of the FNI who
3 killed people and beat up people. Those of the UPC were rather
4 involved in raping women and young girls. They also pillaged.

5 Q. You indicated that the UPC were more involved in
6 raping young girls.

7 A. Not only the raping of women and young girls. There
8 was also looting.

9 Q. My question was going to be do you know of examples of
10 young girls that were raped by UPC soldiers?

11 A. I can indicate one that I know.

12 PRESIDING JUDGE FULFORD: What does this go to,
13 Ms Struyven? The accused has been charged by the Prosecution
14 with enlisting, conscripting or using child soldiers. Now, why
15 are we investigating this?

16 MS STRUYVEN: Thank you, Mr President. This
17 corroborates the testimony of Witness 270, who made references
18 to these instances in that area around that time period.

19 PRESIDING JUDGE FULFORD: That doesn't answer the
20 point. It may corroborate something else, but how is it germane
21 to the charges brought by the Prosecution against this accused?

22 MS STRUYVEN: May I have a minute, your Honours?
23 (Counsel confer)

24 MS STRUYVEN: Thank you, your Honours. As indicated,
25 not only the Prosecution believes that this type of information

1 corroborates the testimony of Victim Witness 270, but in
2 addition, it corroborates the stories of some of the child
3 soldiers that the Prosecution has introduced, or whose testimony
4 was introduced by the Office of the Prosecutor. And it also, we
5 believe, shows the environment in which these children were made
6 to operate and, therefore, it still has some relevance in
7 respect of their day-to-day life as child soldiers in the UPC.

8 (Trial Chamber confers)

9 PRESIDING JUDGE FULFORD: Ms Struyven, the Prosecution
10 made a choice with the charges that were brought against this
11 accused, which do not include allegations against him that he is
12 responsible in some way criminally for the suggestion that young
13 women were raped by UPC soldiers. At the very least, for
14 reasons of trial economy, you will please move on to another
15 subject.

16 MS STRUYVEN: Thank you, Mr President.

17 Q. Mr Witness, so you indicated that your uncle was
18 trained in a military camp.

19 A. That is correct.

20 Q. Do you know where that military camp was located?

21 A. He did not start just with the UPC. He had already
22 started in Motawa (phon). So this was the camp of the FNI or
23 the APC; I really do not know. But after that it was Thomas
24 Lubanga who went and got them from there, and that was in
25 d'Aru (phon).

1 Q. Mr Witness, do I understand you correctly that Thomas
2 Lubanga went to the camp and took your uncle and others with
3 him?

4 A. There were many of them. Many of them. He bought
5 them to bring them back with him to Bunia. And here they were
6 involved in a lot of fighting, and it was after the fighting
7 that they returned to Mahagi. It was after that that I went and
8 joined him in his home.

9 PRESIDING JUDGE FULFORD: Mr Desalliers, I think the
10 witness has clarified the issue in his answer, hasn't he?
11 Whatever you may have wanted to say about the question, I think
12 the answer has in fact resolved the matter, hasn't it?

13 MR DESALLIERS: (No interpretation)

14 PRESIDING JUDGE FULFORD: Thank you. Yes, please
15 carry on, Ms Struyven.

16 MS STRUYVEN:

17 Q. Did you go into a military camp of the UPC?

18 A. Yes, I left, but I didn't do that for a long time.
19 The reason why I didn't do that several times for a long time
20 was because there was a lot of threats.

21 Q. I'll ask you about the threats in a second, but first
22 can you give us the name of the camp?

23 A. Ndrele Mahagi. There were also other places.

24 Q. Do you remember the other places where there were UPC
25 military camps?

1 A. In Aru as well and there was also one in Amie, and
2 Nyoka. There were also a lot of cases elsewhere, but it is
3 difficult to say the names.

4 Q. You referred to the camp at Nyoka. Is that spelled
5 N-I-O-K-A?

6 THE INTERPRETER (Bunia): N-Y-O-K-A.

7 THE INTERPRETER (The Hague): Your Honour, the
8 spelling was given by the interpreter here.

9 MS STRUYVEN:

10 Q. Now, you indicated that you didn't stay very long
11 because there were threats. Can you explain to us what you mean
12 by that?

13 A. Yes. When I was with my paternal uncle, his wife was
14 pregnant. I was there to help his wife. After that, I also
15 decided to enter into the group. For the first time I went and
16 we went a lot of kilometres, and when we came back we were told
17 that we were going to do training. With the tiredness, it was
18 not possible to do it that properly, so they started to lash us,
19 whip us. After having done that and I saw that wasn't done
20 rightly, a lot of people suffered, I fled and I went to my
21 paternal uncle -- to the wife of my paternal uncle, to her
22 house. And when I went in, they took me again and we restarted
23 the training. And when we did it on that -- when that day was
24 past, we started singing.

25 As concerns the food, we just ate once at 1800 hours,

1 and the next day we also ate at 1800 hours. And when we
2 underwent training, I declared to my paternal uncle that I was
3 being whipped a lot, and with us as well this wasn't done in
4 this way. And I asked my uncle to leave the military work, the
5 military service. He also accepted this. And when I left I
6 went back to his home. They also came back for me, and my uncle
7 also had a military rank, and when they came to find me, he
8 refused and they left me.

9 Q. Thank you, Mr Witness. Now, in terms of the time
10 period, you said you didn't start the school year in 2002 up to
11 2003; you didn't go to school. Do you remember more or less
12 when this happened?

13 A. It was the same period of fighting when I was in the
14 military service.

15 Q. And am I right to conclude so that it was between
16 September 2002 until the end of the school year in 2003, so July
17 2003?

18 A. Yes, it was the period when I was in the military
19 service.

20 Q. One more question on that. Did you -- when you were
21 in the military service, did you hear about the military camp of
22 Bule?

23 A. Exactly. This was the Bule camp that we heard about
24 that. It was (Redacted) who told us to state the name of Camp Bule.
25 It was when we came back. It was when they came back to us with

1 regards to the same problem.

2 MS STRUYVEN: Mr President, I think we need a
3 redaction for the fourth word on line 22.

4 PRESIDING JUDGE FULFORD: Thank you. Yes, redaction
5 please.

6 MS STRUYVEN:

7 Q. Mr Witness, do you know if Bule camp was active,
8 meaning were there UPC soldiers at the camp of Bule during this
9 period, 2002/2003?

10 A. The training in Bule camp had finished, but the Hema
11 tribe carried out the training in the camp. Only the Hema tribe
12 carried out the training in the camp. And it is true that when
13 these people came, when we had carried out the training.

14 PRESIDING JUDGE FULFORD: Ms Struyven, this is
15 straightforward hearsay, isn't it? This is what the witness
16 heard from the person whose name's just been redacted, rather
17 than anything he knew himself. I think it's likely to be of low
18 value to us in those circumstances. If you look at page 74,
19 line 21, he told us --

20 MS STRUYVEN: I will move on to a different issue.

21 PRESIDING JUDGE FULFORD: Thank you.

22 MS STRUYVEN:

23 Q. Mr Witness, one last set of questions on your military
24 service. You said that they whipped you and they did other
25 things. Were there other children with you at the training and

1 at the camp?

2 A. There were several children.

3 Q. Were there children that were younger than you?

4 A. Yes, there were younger children.

5 Q. Could you tell us if they were one year younger than
6 you, two years younger than you, several years younger than you?
7 Can you help us with their age?

8 A. Regarding the age, there were some children who were
9 almost of the same age, but as for those -- as for their age, I
10 couldn't really check what age they were, but I had noticed that
11 other children were younger than me.

12 Q. Were there boys and girls?

13 A. It was the boys. As for the girls, when the girls
14 went for military service, they were married directly. A
15 minimal number end -- finished the training.

16 Q. In terms of the commanders or the trainers of the
17 camp, was there -- or do you recognise the name of a commander
18 called Ngerere?

19 A. Yes, I remember, but the people who trained us did not
20 have such a name.

21 MS STRUYVEN: Your Honours, maybe just for the
22 transcript, I tried to refer to the name Ngerere, which is spelt
23 N-G-E-R-E-R-E, because I can see it's been referred to in the
24 transcript as "Jerry".

25 PRESIDING JUDGE FULFORD: There are many instances,

1 Ms Struyven, of that happening in the first version, corrected
2 in the perfected.

3 MS STRUYVEN: It's just to make sure that the
4 cross-reference to other transcripts is possible.

5 Q. Mr Witness, I understand that he may not have been
6 your trainer, but that you indeed recognised the name Commander
7 Ngerere. Do you recognise the name of a Commander Udongo, spelt
8 U-D-O-N-G-O?

9 A. No. As far as I'm concerned, I know the name of
10 Commander Upenji (phon). That is the one who trained me --
11 trained us.

12 Q. Mr Witness, I am just going to ask -- I am just going
13 to ask you two more names, just to see if you recognise or if
14 you have heard of specific names. And the third one is
15 Commander Samy. Have you -- do you recognise the name Commander
16 Samy, S-A-M-Y?

17 A. Yes, I know that person.

18 Q. And the last name, have you heard of a commander
19 called - and I am sorry for the pronunciation - Pichokay, which
20 would be spelt P-I-C-H-O-K-A-Y?

21 THE COURT OFFICER (Bunia): (Interpretation) The
22 witness would like to ask you to repeat, if you could.

23 MS STRUYVEN: Yes. And I may be wrong in the
24 pronunciation, but it would be something like Pichokay.

25 THE COURT OFFICER (Bunia): (Interpretation) Could

1 you spell that name again so that the interpreters can try to
2 pronounce it?

3 MS STRUYVEN: No problem. It is P-I-C-H-O-K-A-Y.

4 THE WITNESS: Yes, I know him.

5 MS STRUYVEN:

6 Q. Now, Mr Witness, you explained that there were several
7 other children with you when you were in the UPC. Do you
8 remember that there were other students of the --

9 A. Yes, there were also students.

10 Q. Do you remember if there were students of the Ukongo
11 primary school -- I am sorry, the Beju primary school or the
12 Ukongo institute?

13 A. Yes, there were some.

14 Q. Do you remember -- do you remember, for example,
15 (Redacted)

16 A. Yes, there were some.

17 MS STRUYVEN: Excuse me, your Honours. We
18 unfortunately need a redaction for that name. And maybe it's
19 safer to move into private section -- session just for these
20 names.

21 PRESIDING JUDGE FULFORD: Well, let's look at where
22 we've got to, Ms Struyven. Redaction, please, as requested. I
23 think I am right in assuming that you've got a little way to go
24 yet before you complete your questioning; is that right?

25 MS STRUYVEN: Yes, Mr President.

1 PRESIDING JUDGE FULFORD: Fine. Well, we've nearly
2 had the two hours that's been allotted to us this afternoon; so
3 I think unless it is inconvenient to you, we will break off at
4 this point. We will have to in a couple of minutes, anyway.

5 MS STRUYVEN: That's convenient, Mr President.

6 PRESIDING JUDGE FULFORD: Thank you very much. Court
7 officer, can you please thank the witness very much for his
8 assistance. Can you apologise for the fact that he has got to
9 return next week, because it is a holiday tomorrow, and that we
10 look forward to seeing him at 9.30 on Monday morning when we
11 will pick up his evidence again. And, court officer, thank you
12 very much for your assistance today and yesterday. Good. Could
13 the transmission please be terminated with the DRC.

14 Fingerprints, Ms Samson?

15 MS SAMSON: Yes. We have made some progress, your
16 Honour, and we've been able to secure an official from Kinshasa
17 who will be able to travel to Bunia. The relevant cooperation
18 requests have been sent and will be finalised internally in the
19 Congo at some point tomorrow.

20 Following that, it's an issue of getting the
21 individual to Bunia; and given the flights that are available
22 for that use and their flight times, they fly Mondays,
23 Wednesdays and Fridays, but take approximately two days for the
24 requests to be processed. So, Monday is not likely one of the
25 days. It appears that Wednesday would be the earliest day.

1 So, the options are either have the court officer
2 return and the witness return, and -- have the witness return
3 home and then subsequently be brought back to Bunia, where
4 either the court officer or perhaps a Victims and Witnesses Unit
5 official who is on the ground in Bunia could attend for the
6 fingerprinting. Or perhaps less convenient is to have both of
7 them stay on until Wednesday, both the witness and the court
8 officer, but likely the best option is to have them both return
9 for a brief period.

10 PRESIDING JUDGE FULFORD: Thank you. Ms Samson, we'll
11 leave this to you to arrange. It clearly isn't going to be
12 Monday, because the witness is going to be back in the witness
13 box. And anyway, I think that doesn't fit with the flights that
14 you've just revealed.

15 Can you liaise, please, with the Registry as to
16 whether the court officer needs to be with the witness when this
17 is undertaken or whether somebody, for instance, on the ground -
18 as it were - for the VWU could stand in, whether that would be a
19 sufficient protection. So, I think those kind of arrangements
20 really can be dealt with between the OTP and the Registry.

21 MS SAMSON: Yes. Yes, your Honour. The witness, in
22 fact, being fingerprinted is not returning on Monday to give
23 evidence. So, in theory, it would be --

24 PRESIDING JUDGE FULFORD: No, you are right. Of
25 course. It was the last witness who had -- right. Sorry. I

1 had forgotten.

2 MS SAMSON: Yes.

3 PRESIDING JUDGE FULFORD: Yes. Not this witness, the
4 last one. Yes, but the same point applies, the flights wouldn't
5 work, would they?

6 MS SAMSON: The flights work in the sense that there's
7 a particular flight on Monday, but the time required for the
8 carrier to provide the ticketing, et cetera, does not work with
9 the Monday flight.

10 PRESIDING JUDGE FULFORD: Right. Okay. All right.
11 Yes. Fine.

12 Well, unintentionally, I was sort of right, Ms Samson,
13 in that the previous witness is expected to remain where he
14 currently is until the current witness has completed his
15 evidence for various administrative reasons.

16 Good. Now, Ms Samson, while you are on your feet, let
17 me alert you to another issue. The Registry has raised the
18 possibility that asking Witness 32 to provide his fingerprint
19 may bring us back into the realms of self-incrimination.

20 The Judges have expressed a purely preliminary view,
21 not a concluded view but a preliminary view, that given that in
22 a sense all of his evidence was about identity, and speaking
23 about names, fingerprints, signatures were all on that subject,
24 the step of providing a fingerprint is in fact simply a
25 dimension of having agreed clearly to come and give evidence

1 about matters where it is said someone is lying about identity.

2 However, we want to indicate to everyone that this
3 point has been raised and if anybody wishes to argue, or feels
4 that we should take the step of warning the witness that he is
5 entitled to be protected against self-incrimination, could they
6 please raise it on Monday morning. We will take silence as
7 meaning that nobody feels that a warning needs to be provided.

8 MS SAMSON: Yes. Yes, your Honour.

9 PRESIDING JUDGE FULFORD: Thank you very much.
10 Maître Mabilie, in relation to disclosure of documents or,
11 rather, not disclosure of documents, disclosure of information
12 within documents, can you and Mr Desalliers please reflect over
13 the weekend, of course with Mr Biju-Duval and other members of
14 your team, as to whether before Witness 33 finishes his evidence
15 and before Witness 32 leaves the area where evidence is being
16 given, there is any disclosure which you suggest you are
17 entitled to which should be revealed before these witnesses end
18 the account that they are giving.

19 I am saying there is no need to reply now, but if
20 there is material we really need to deal with that first thing
21 on Monday morning, before it is too late.

22 Anything from anyone else? No. We wish you all a
23 pleasant weekend and we will meet again at 9.30 on Monday
24 morning.

25 THE COURT USHER: All rise.

1 (The hearing ends at 4.48 p.m.)
2 RECLASSIFICATION REPORT
3 Pursuant to Trial Chamber I's emails instructions dated 12th
4 January 2012 and 30th January 2012, the transcript is
5 reclassified as public after the indicated redactions have been
6 implemented as ordered by the Chamber. All private and closed
7 sessions (*) are now available to the public with the exception
8 of the portions of the transcript that have been redacted.