

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 Monday, 3 May 2010  
9 (The hearing starts at 9.30 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. We are in  
14 open session.  
15 Mr Desalliers, do you want to raise the issue of  
16 disclosure?  
17 MR DESALLIERS: (Interpretation) Yes, thank you, your  
18 Honour. After the hearings of last week, during which we had a  
19 number of redactions at the request of participants or -- and  
20 also we dealt with a number of documents related to this and we  
21 reassessed the urgency of asking the Chamber for a lifting of  
22 these redactions.  
23 Your Honour, now our position for the time being, our  
24 observations, are limited to the request for participation and  
25 the related documents for two -- witnesses 225, 229, 270 and

1 there's a broader request but, for the time being, given the  
2 urgency, we would like to restrict our observations to those  
3 three victims.

4 Indeed, this is an urgent matter because we are in the  
5 process of carrying out examination of a Defence witness related  
6 to these victims and it is possible - but we cannot be entirely  
7 sure - it is possible that we may have to ask a number of  
8 questions of our witnesses that relate to information that has  
9 been redacted from these forms.

10 Now, the situation can be summed up quite simply.  
11 There is information that suddenly has appeared during the  
12 examination of the witness and I would say, to a very large  
13 extent, in response to questions from Mr Keta, the legal  
14 representative of victims, victims 225, 229 and 207. And we see  
15 from the remarks made by Mr Keta that indeed the people who  
16 assisted the victims in filling out the forms could be in a  
17 position to help the Chamber and the parties with regard to the  
18 identity of people who filled out these forms because, you see,  
19 it is the identity of the victims that lies at the heart of the  
20 matter right now. That is why it is necessary to obtain all  
21 relevant information that would allow us to determine who, who  
22 helped these victims fill out the forms. And so, to sum up, we  
23 would like to obtain all information that has been redacted,  
24 other than the current address of the persons.

25 Your Honour, for greater certainty, I could review, if

1 you wish, the various pieces of information in the forms and  
2 indicate exactly what information we wish to obtain, if you so  
3 desire.

4 PRESIDING JUDGE FULFORD: Yes, it would be helpful to  
5 know exactly what you are after, Mr Desalliers.

6 MR DESALLIERS: (Interpretation) Initially, I'd like  
7 to speak of the participation form for victim 225, and this is  
8 1265-Conf.Anx11 redacted, and in that document, at page 13 of  
9 17, the victim is asked if he has already been in contact with a  
10 person or an organisation to speak of his security concerns  
11 after filling out the form, and that information has been  
12 entirely redacted and, on the same page, information regarding  
13 the person who helped to fill out this form. And we see that  
14 the information has been redacted here. So, we would like to  
15 obtain this information, except the address of the person, but  
16 the person's name, and his or her profession, place of work,  
17 et cetera. That would be relevant in this case.

18 And, on the same form, page 15, we find the - that the  
19 name of the witness who witnessed the signing of the form has  
20 been redacted, so we would like that name as well. It may be  
21 the same name as on page 15 for the witness -- 16. And then  
22 moving on to page 17, we see that four documents apparently were  
23 appended to this document, and they have been redacted.

24 Still regarding victim 225, additional information was  
25 provided at the request of the -- and I refer you to document

1 2224-Conf.Anx1, and initially I would refer you to page 4 of 13,  
2 where we see that the information was received from, and then  
3 the name of the person has been redacted.

4 Now, on page 5 of 13, third paragraph, this is a  
5 summary of documents provided, and we find information that has  
6 to do with the maternal uncle of the victim. That has been  
7 redacted, and we would like to obtain that information. And  
8 that is all for victim 225.

9 Now, if we could move to victim 229, his initial  
10 request to participate.

11 PRESIDING JUDGE FULFORD: I'm going to interrupt a  
12 moment, Mr Desalliers. With 225, before we leave, just in a  
13 sentence or two, can you encapsulate the issue? Obviously, this  
14 information provides identities, but what may those identities  
15 help you on? What is it that you are seeking to reveal, if  
16 these individuals are helpful or can throw light on it, once you  
17 have received their identities?

18 MR DESALLIERS: (Interpretation) Yes, your Honour.  
19 It's always sensitive when one makes observations regarding  
20 redacted information. We can't be absolutely sure until we've  
21 actually seen the information but we do see two possibilities,  
22 two purposes for this information.

23 The first one would be to help with questions asked of  
24 our witness, in light of the revelation of this information, and  
25 we could make a decision about asking certain questions of our

1 own witness. That would be the first purpose. And the second  
2 purpose is that the information would allow us to do additional  
3 cross-checks in the field and, once again, since it's a matter  
4 of determining the very identity of people who acted as victims,  
5 these pieces of information are essential, your Honour.

6 Now, regarding victim 229, the initial participation  
7 form, and that is -- this is document 1275-Conf.Anx76 redacted,  
8 and first of all, I would like to read for you to page 13 of 17.

9 The first item of information that was redacted is  
10 person or organisation with which the victim expressed his  
11 concerns - security concerns - after filling out the form. And  
12 that information has been redacted.

13 Then, right after that, the person who helped the  
14 person fill out the form; we need the name of that person. And,  
15 on the following page, his or her profession, place of work.  
16 And then moving on to page 15, the name and post name of the  
17 witness, that is, the person who witnessed the signing of the  
18 form, and also for victim 229, additional information having to  
19 do with the request for participation. This is 2229-Conf.Anx2.

20 THE INTERPRETER: Correction from English booth.  
21 Reference number 2224. 2224, page 4 of 12. We see here that  
22 the information was received from, and then the name of that  
23 person has been redacted. And the same thing holds true on  
24 pages 5 of 12, that same information has been redacted.

25 On page 6 of 12 and 7 of 12, your Honour, a number of

1 large redactions have been done all in one go, and we really are  
2 not in a position to know what those redactions are all about.  
3 Apparently, that information may have to do with various  
4 victims, but that's the only observations we can make about  
5 those pages.

6 Page 11 of 12, same document, we have a piece of  
7 information here that was provided by Mr Keta, and it indicates  
8 here that he is a lawyer on the list of counsel, and further  
9 information is redacted and we do not understand why such  
10 information would have been redacted, and we would like to  
11 obtain that information.

12 And finally page 12 of 12, additional information at  
13 the very end, information has been redacted. The name of the  
14 guardian, the witnesses who saw the document being signed, that  
15 information has been redacted and we would like to obtain that  
16 information.

17 Now, I would like to move on to victim 270. We have  
18 the initial request for participation, and that is reference  
19 number 1275-Conf.Anx81 redacted, page 10 of 17.3. Point three.  
20 Point three, your Honour, now, we really cannot see what  
21 information has been redacted. It would appear that there is a  
22 reference made here to other victims. We really can't be sure  
23 of that.

24 Moving on to point 4, the name of the witness to the  
25 events, the people who may have witnessed the events. That

1 information has been redacted and we believe that information  
2 should be disclosed to the Defence.

3 Page 13 of 17, section I, the person who helped fill  
4 out the form, we would like to get the name of that person and,  
5 furthermore, there's a handwritten addition, "national  
6 coordinator of" and then the rest has been redacted. That  
7 information is necessary for the Defence as well. And the name  
8 of a person who witnessed the signing of the document, that  
9 should be provided as well; page 15 of 17.

10 And finally, the last document, your Honour, this is  
11 additional information having to do with the request for  
12 participation of victim 270, and this is reference number  
13 2224-Conf.Anx3, page 2 of 7, information received from. We  
14 would like to obtain that information. Page 6 of 7, reference  
15 is made to people with whom - pardon me - people that the victim  
16 allegedly tried to assist. That information should be provided  
17 to the Defence. Later on in the same document, on page 4 of 12,  
18 information received from, that name has been redacted. And the  
19 same thing holds true for page 5 of 12. Pages 6 and 7 of 12, I  
20 believe, your Honour, this is the same document that contains a  
21 number of mass redactions, and my observations are the same for  
22 that.

23 Moving on to page 12 of 12, once again, mention is  
24 made of an organisation that Mr Keta is a legal adviser to. And  
25 then finally, on page 12 of 12 -- and I believe, your Honour,

1 this is the same document, and this victim 229, additional  
2 information, signature, and we are of the opinion this these  
3 names should be disclosed to us.

4 So there you have it, your Honour. This is the  
5 information that the Defence would like to obtain on an urgent  
6 basis so as to assess whether or not it is necessary to question  
7 these witnesses regarding this information and/or to conduct  
8 additional investigations as quickly as possible.

9 PRESIDING JUDGE FULFORD: Mr Desalliers, when you say  
10 "necessary to question these witnesses", do you mean the  
11 witnesses we are currently considering at the moment? Because  
12 you will readily appreciate that even if - and this is in no  
13 sense an end indication as to our decision - even if we were to  
14 be sympathetic with the thrust of your application, there are  
15 potential security implications for some or all of the people  
16 concerned, which, you will know as well as we, are usually not  
17 resolved particularly speedily.

18 Now, we need an assessment from you as to what you  
19 submit are the practical consequences of this application. Are  
20 you saying that you are happy to continue with these witnesses  
21 giving evidence, with the Chamber having to make a decision in  
22 due course as to whether or not they need to be recalled, or are  
23 you saying this needs to be resolved before we move on further?

24 MR DESALLIERS: (Interpretation) Yes, your Honour.  
25 In the best of all possible worlds, we would obtain this



1 information immediately. Unfortunately, I believe that may be  
2 impossible.

3 Our position would be that we continue with  
4 examination of our witness, witnesses 32 and 33, and if, by a  
5 stroke of good luck, that information is disclosed before they  
6 return home, we could make a decision regarding the timeliness  
7 of asking additional questions or not. Otherwise, the best way  
8 would be to call them back, because a whole battalion of people  
9 have been mobilised, and I realise that it may not be practical  
10 to keep them on site.

11 PRESIDING JUDGE FULFORD: Ms Struyven, do the  
12 Prosecution have a stance on this?

13 MR SACHDEVA: Thank you, Mr President. Of course, so  
14 long as there are no adverse security implications with respect  
15 to the identity of the persons the Defence seeks to have, then  
16 we support transparency and openness. However, the Defence, in  
17 my submission, need to be clearer as to the reasons why such  
18 drastic action, such as recalling the witnesses or, in fact,  
19 perhaps the reasons as to why they may not have been able to put  
20 questions to the witnesses at this stage, they need to be more  
21 clear on that. And thus, at this stage I leave it up to the  
22 legal representatives to give their views, but we would support  
23 the provision of these names so long as there are no adverse  
24 security implications.

25 PRESIDING JUDGE FULFORD: Thank you very much,

1 Mr Sachdeva. I suspect that Mr Desalliers would say that  
2 exactly what questions can be put really depends on what is  
3 revealed by the answers that are given. You need the  
4 information before you can know what avenues properly are to be  
5 explored, having been provided with the disclosure, but there we  
6 are.

7 MR SACHDEVA: Indeed. Of course, the Prosecution can  
8 see, with respect to the persons that were present and the forms  
9 filled out, would be necessary to establish or to assist in  
10 establishing identity of the witnesses. But the persons other  
11 than those people, in my submission, further clarity needs to be  
12 made on them.

13 PRESIDING JUDGE FULFORD: Yes, all right. Thank you.  
14 Ms Massidda, before I ask Mr Keta, who is in a sense most  
15 directly concerned, we'd be interested to know from you, in your  
16 role as principal counsel, whether you have any, as it were,  
17 eagle-eyed submissions to make on this floating free, as it  
18 were, from the particular concerns that Mr Keta will have for  
19 those that he represents.

20 MS MASSIDDA: Thank you, your Honour. I have few  
21 observations in the matter. First of all, I would like to draw  
22 the attention of the Chamber that some of the information that  
23 the Defence is requesting to be rendered public, if I may say in  
24 this way, could endanger the security not only of the victims  
25 concerned, but also of other victims who are participating in

1 this trial and who are, at this moment, anonymous.

2 I am referring in particular to the information  
3 related to section A of the standard application form, which is  
4 page 13, as well as section H, question 3, page 13 of the  
5 standard application form, as well as an information which may  
6 concern witnesses of the events. The practice has shown that  
7 normally this part concerns other victims, meaning that the  
8 witnesses of the event are also victims in the proceedings. So  
9 this information will need to be checked carefully by each legal  
10 representative in order to assess whether the non-expurgation of  
11 this information will impact on the personal interests of other  
12 victims concerned and participating at trial. This is the first  
13 issue.

14 The second one --

15 PRESIDING JUDGE FULFORD: Forgive me interrupting.  
16 That work, I suspect, needs to be undertaken immediately,  
17 Ms Massidda. Without the forms immediately in front of me,  
18 would it be unreasonable for us to ask you to coordinate that  
19 work to make sure that everybody who is concerned with the  
20 individuals that you've just mentioned, the legal  
21 representatives this is, have an opportunity of considering the  
22 position and getting back to the Chamber with any suggested  
23 security implications that may flow from disclosure?

24 MS MASSIDDA: I can certainly do it. We would request  
25 probably, I guess - I'm looking at my learned colleagues - 24

1 hours. 24 hours seems to be fine for all the teams.

2 PRESIDING JUDGE FULFORD: Yes, 12 noon tomorrow  
3 please.

4 MS MASSIDDA: That's fine with us. Thank you very  
5 much.

6 PRESIDING JUDGE FULFORD: Good. An email to the legal  
7 adviser to the division will suffice. Thank you.

8 MS MASSIDDA: And, your Honour, just for the knowledge  
9 of the Chamber, this check will concern victims participating at  
10 trial, but also victims who are still applicants and may be  
11 applicants also in another trial, because this is also the issue  
12 for the Lubanga trial and Katanga and Ngudjolo trial.

13 PRESIDING JUDGE FULFORD: Well, I hope for the Lubanga  
14 trial, Ms Massidda, all applicants have had their applications  
15 resolved. I would be distressed to hear at this stage of the  
16 trial that there are still people who can properly be referred  
17 to as applicants. They should either be participants or people  
18 whose applications have been refused.

19 MS MASSIDDA: Yes, your Honour, but I was referring to  
20 the applicants in the situation; we still have some of them. So  
21 we need to double-check also in the situation. Give me only one  
22 second, your Honour.

23 PRESIDING JUDGE FULFORD: Of course.

24 MS MASSIDDA: I need to see the transcripts.

25 PRESIDING JUDGE FULFORD: Certainly.

1 MS MASSIDDA: Thank you, your Honour. And the same  
2 observation is also applicable to the information related to  
3 page 15 of the standard application forms, as well page 17. The  
4 witness who was a witness in the signature of the standard  
5 application form, as well as for what concern victims 270, the  
6 supplemental information, page 6 of 7, the persons who  
7 apparently has been helped by victims 207 -- sorry, 270. So  
8 these are the information that I think will need to be checked  
9 by all legal representatives in order to avoid that the personal  
10 interests of few victims will endanger the general interests of  
11 other victims in the proceedings.

12 Thank you very much.

13 PRESIDING JUDGE FULFORD: Thank you, Ms Massidda.  
14 Just before you sit down, as occurred last week, or on the basis  
15 of what occurred last week, it would appear that revealing some  
16 names is not going to cause problems, because otherwise Mr Keta  
17 would not have put to the witness the name that he did. So an  
18 additional factor of this is that we should not be asked to  
19 resolve this purely on the basis of theoretical problems. There  
20 needs to be a recognition that it may be that individuals who  
21 assisted in this process do not mind if their identities are  
22 revealed, which we assume must be the position as regards the  
23 individual whose name Mr Keta revealed.

24 MS MASSIDDA: Yes, your Honour. Thank you. I just  
25 forgot something in my submissions.

1 I would suggest that the consent of the person named  
2 by Mr Keta in the last two days should be secure, at least for  
3 the non-expurgation of their names. It is my understanding -  
4 and I think Mr Keta will address this point with the Chamber -  
5 that at least one person has already been contacted, and this  
6 person has no problem in his identity being released. But since  
7 the first position of this person was to have their names  
8 expurgated, it is our submission that consent should be secured  
9 by the person himself.

10 PRESIDING JUDGE FULFORD: Certainly their views are of  
11 interest, Ms Massidda. Whether or not they have the power to  
12 dictate what should happen by virtue of whether they give their  
13 concept or not, is perhaps another issue, but thank you. Now,  
14 Mr Keta, what do you have to say about all this?

15 MR KETA: (Interpretation) Yes. I thank you for  
16 allowing me to address the Court, Mr President. First and  
17 foremost, I would like to make a comment with regard to what the  
18 request - the request of the Defence notably - with regard to  
19 the redactions of the information in the form. I do not share  
20 their view for obvious reasons of security, for some individuals  
21 whose identity have been mentioned in the forms. So, until I  
22 have their consent and until I have the opportunity to remove  
23 these redactions, then, well, I do not believe that we should  
24 lift these redactions.

25 I also have a question with regard to page 16 of the

1 request form. The witness testifying recognised his  
2 fingerprint, but not the signature appended. So, as this is a  
3 problem of identity, I believe that the person who helped them  
4 to fill in the form is an important individual who should be  
5 able to shed light on the matter, to say who Thonifwa actually  
6 in the flesh; who is the real Thonifwa who appended his  
7 fingerprint, but not his signature, and who recognises his  
8 fingerprint, but not his signature.

9 Now, the person who helped him fill in the form said  
10 that, in the interests of justice, they were ready to say  
11 precisely what circumstances this form had been filled in under.  
12 That is what I wanted to say, Mr President.

13 So, I would say that in principle, the permanent  
14 redactions should remain because of reasons of security;  
15 notably, names of NGOs, people in charge. But when there is a  
16 question of procedure that comes to light, I believe that  
17 counsel has the right to determine what should be done and put  
18 the question to the Chamber. So, I believe that page 16 was  
19 really the crux of the problem here.

20 The person who helped fill in this form, and there is  
21 also a second name of another individual who helped fill in this  
22 form, well, this should be redacted. I believe that if the  
23 Chamber is willing to ask them to actually define under what  
24 circumstances this form was filled in, then that is a  
25 possibility, your Honour.

1                   PRESIDING JUDGE FULFORD: Anything else?

2                   MR DESALLIERS: (Interpretation) I would just like to  
3 add two words to that, Mr President. I think that the comments  
4 voiced by Maître Keta does, indeed, confirm the necessity for us  
5 to obtain this information. The redactions are not in place in  
6 order to subsequently serve the individual who requested them,  
7 who would then say, well, I believe that this piece of  
8 information is useful to me, so I shall then lift the redaction.  
9 That is not how things should be happening. These pieces of  
10 information are necessary for everybody, and all this  
11 information is necessary for us to be able to shed light as to  
12 what really happened.

13                   Now, the other comment that I wanted to make is, was  
14 that I forgot to make mention of the fact that this information  
15 will not only be in use -- of use to us for witnesses 32 and 33,  
16 but also could be useful for witnesses 34 and 35 who come just  
17 after Witness 15 in the list of appearances.

18                   PRESIDING JUDGE FULFORD: Does it come to this,  
19 Mr Desalliers; that really you want any information that will  
20 help throw light on the true identity of the individuals that we  
21 are discussing?

22                   MR DESALLIERS: (Interpretation) Indeed,  
23 Mr President, this is the basis itself; notably, for us to know  
24 who we are dealing with. And secondly, I would say, that we  
25 would also like to shed light on the manner in which all this is



1 done; notably, the request for participation of victims.

2 What is the procedure? What are the organisations  
3 that assist the victims? Who are the individuals who come to  
4 their aid? All of this information is essential in order for us  
5 to ascertain quite what's going on.

6 PRESIDING JUDGE FULFORD: So two stages, then -- or  
7 two elements: One, straightforwardly, will any of this  
8 information assist you and other members of the Bar in  
9 establishing the true identity of the people who have appeared  
10 in front of us. Point one.

11 But point two is, whether there is something in the  
12 way in which people have been approached, or in the ways in  
13 which they have approached NGOs or other individuals, that may  
14 reveal something wrong in the process that could lead to people  
15 falsely claiming that they have a legitimate right to  
16 participate in these proceedings when, in fact, they do not? Is  
17 that a fair summary?

18 MR DESALLIERS: (Interpretation) Indeed,  
19 Mr President.

20 PRESIDING JUDGE FULFORD: Right. Well, thank you for  
21 giving us that first thing on a Monday morning, Mr Desalliers.  
22 We shall do our best to resolve it as quickly as we can.

23 The VPRS no doubt have an interest in this. I am  
24 going to ask Ms Massidda, please, to speak with Laetitia Bonnet  
25 and to see whether a decision can be made as to whether or not

1 submissions orally ought to be made by the VPRS, whether that's  
2 desirable, or whether representations can properly be put in in  
3 writing and circulated to everyone concerned.

4 Could you, please, speak with her or communicate with  
5 her, Ms Massidda, to find out how best we can reflect the  
6 interest of that unit?

7 MS MASSIDDA: Certainly, your Honour. Any deadline  
8 for this, so that I can also caravan the deadline.

9 PRESIDING JUDGE FULFORD: End of the day.

10 MS MASSIDDA: Perfect. Thank you very much.

11 PRESIDING JUDGE FULFORD: Thank you very much. Court  
12 officer in the DRC, I'm sorry we've kept you waiting so long.  
13 Can we now go back to the witness.

14 WITNESS: BEDIJO JEAN-PAUL TCHONGA (On former oath)  
15 (The witness answers through interpreter)

16 PRESIDING JUDGE FULFORD: Good morning, sir.

17 THE WITNESS: Yes, good morning.

18 PRESIDING JUDGE FULFORD: I am very sorry we've kept  
19 you waiting.

20 THE WITNESS: We didn't wait for very long.

21 PRESIDING JUDGE FULFORD: Yes, Ms Struyven.

22 MS STRUYVEN: Thank you, Mr President. The first few  
23 questions are in closed session.

24 PRESIDING JUDGE FULFORD: Private session, please.

25 \*(Private session at 10.11 a.m.) Reclassified as Open session

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

3 PRESIDING JUDGE FULFORD: Yes.

4 QUESTIONED BY MS STRUYVEN:

5 Q. Mr Witness, last week you testified that other  
6 students of the Beju primary school and the Ukongo institute  
7 were also recruited by the UPC.

8 A. Yes. There were others who were part of the UPC.

9 Q. And that was also in the period 2002/2003; right?

10 A. Yes.

11 Q. And I asked you as an example about (Redacted)  
12 (Redacted), and you confirmed he was also recruited in the UPC;  
13 correct?

14 A. Yes, that is true.

15 Q. And do you remember a certain (Redacted) (phon)?

16 A. Yes.

17 Q. He was also recruited in the UPC; correct?

18 A. Yes. He was also a soldier.

19 Q. And (Redacted) (phon)?

20 PRESIDING JUDGE FULFORD: Can you put the question  
21 again, Ms Struyven, please.

22 MS STRUYVEN: No problem, Mr President.

23 Q. Mr Witness, do you remember (Redacted)?

24 A. Yes, I do know him.

25 Q. And he was also recruited in the UPC; correct?

1 A. Yes.

2 Q. Do you know if these three persons were your age, or  
3 younger than you or older than you?

4 A. Of those three individuals, I believe I was the  
5 youngest. I do not know their precise ages, but I believe that  
6 they might be taller than me.

7 PRESIDING JUDGE FULFORD: Public session, please.

8 (Open session at 10.17 a.m.)

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

11 MS STRUYVEN:

12 Q. Witness, you met a person called Dieudonné Mbuna,  
13 correct?

14 A. Yes, I did meet him.

15 Q. I am now going to ask you a few questions about when  
16 you met him and I am going to remind you that, if ever you have  
17 to refer to Mr P, that indeed you refer to Mr P, okay?

18 A. Yes, I have understood.

19 Q. So now about Mr Dieudonné Mbuna. Did you know  
20 Mr Mbuna before you first met him?

21 A. I only met him when I was completing my military  
22 service.

23 Q. So you met him while you were in the UPC?

24 THE COURT OFFICER (Bunia): The interpreter is going  
25 to interpret the question from the witness.

1 THE INTERPRETER: The witness would like to know  
2 whether it's Mbuna, or Mbunia, the name that we are referring  
3 to?

4 MS STRUYVEN:

5 Q. Mr Witness, we are referring to Dieudonné Mbuna.

6 A. I do know a Dieudonné who went back to our place, but  
7 I don't know whether Mbuna is his name or not. When I heard the  
8 name Dieudonné, I thought we were talking about Dieudonné Nguna  
9 (phon).

10 Q. Mr Witness, I am talking about the Dieudonné Mbuna who  
11 later came back to visit you with the white lawyers of the  
12 Defence.

13 A. Yes, that is also the individual I'm referring to.

14 Q. Perfect. So I am going to ask you now questions about  
15 this person. When did you first meet this person?

16 A. I would say the following. When he arrived on the  
17 first occasion, he did not find me at home. I was more than 250  
18 kilometres away from my village, so I left that location and  
19 returned to my village where Mr Dieudonné arrived. So I arrived  
20 and I was told that an individual had come to my family in order  
21 to visit me, so I was told in my family that somebody had come  
22 who wanted -- who was seeking information with regard to those  
23 people, notably us, who had gone to military service. In view  
24 of the fact that he did not find me then others left in his  
25 company, so he also said that there were other individuals who

1 had gone in our place.

2 Then he promised that he would return in the company  
3 of whites, or white people. I stayed there waiting for them for  
4 approximately one month and then they arrived. I was walking  
5 along the road and I chanced upon them. So I asked them whether  
6 they were coming to see a child by the name of Jean-Paul Bedijo,  
7 and they accepted and I said that I was Bedijo, Jean-Paul.

8 So we then went back to my house together and we  
9 remained in their company, and they asked my two parents to join  
10 us and they asked my mother and father to go outside the house,  
11 or remain outside the house, whilst I entered, and inside the  
12 house we then started to talk.

13 We talked with them on that day and then on the  
14 following day I left the village to go and work in the vicinity,  
15 so they promised that they would return in order to come and  
16 find me again two weeks later. That was on 13 March and to date  
17 I have not seen them again.

18 Q. I will ask you a few questions, Mr Witness, about the  
19 first time you met Mbuna. So you explained to us that Dieudonné  
20 Mbuna first came to your house, but that that first time you  
21 were not there?

22 A. Yes, I was not there.

23 Q. Did Mbuna talk to your parents, or other family  
24 members?

25 A. Yes, he did indeed talk with my father.

1 Q. Do you know what he discussed with your father?

2 A. They talked about matters regarding my person.

3 Q. Do you know what matters they discussed about you?

4 A. He talked and he said that - talked about when we were  
5 recruited - and said that other people had replaced us. That's  
6 why he wanted to see us, to find out whether the ones who were  
7 enrolled were really us or others. So they decided that it  
8 wasn't us, it was other people.

9 Q. So, if I understand you correctly, this is what  
10 Dieudonné Mbuna explained to your father? So he explained to  
11 your father that they had replaced you; is that correct?

12 A. Yes, yes, that was it.

13 Q. And so I understand it that then he came a second time  
14 and the second time he visited your family you were at home;  
15 correct?

16 A. Yes, it was the second time, when he came for the  
17 second time with the white people, that I was home. They found  
18 me at home.

19 Q. Just to be clear, did you meet Dieudonné Mbuna before  
20 you met with the white lawyers?

21 A. No, I had not met him before.

22 Q. So, if I understand it correctly, Dieudonné Mbuna met  
23 your father and you were not there, and then the second time you  
24 met Dieudonné Mbuna with the white lawyers; is that correct?

25 A. That's exactly the case.

1 Q. Now, when Dieudonné Mbuna met your father, did he  
2 explain who he was, what his job was?

3 A. Yes, he explained, but my father did not explain that.

4 Q. Did he explain why he wanted to meet you and your  
5 father?

6 A. Well, he didn't explain it to me but he explained it  
7 to my father, and Dieudonné who came to see me, he didn't find  
8 me, so he had to come back a second time with the white people.  
9 So my father didn't explain that to me very well.

10 PRESIDING JUDGE FULFORD: Yes.

11 MR DESALLIERS: (Interpretation) Mr President, I can  
12 understand that questions be put to the witness in order to  
13 establish the context but it seems to me that my colleague's  
14 last questions are aimed at establishing, in detail, a  
15 conversation that took place some 250 kilometres from where the  
16 witness was situated, and I don't think we can really try to  
17 obtain details as to what actually occurred whereas the witness  
18 did not participate in that conversation.

19 PRESIDING JUDGE FULFORD: Yes, I fully understand the  
20 point, Mr Desalliers. I think in fact, between them, Ms  
21 Struyven and the witness are only going to be providing us with  
22 details as to the conversations which the witness himself  
23 participated in. The witness's last answer has really just  
24 indicated that but thank you for the intervention. Yes,  
25 Ms Struyven obviously will focus on those matters which are



1 within the witness's own knowledge. Please continue.

2 MS STRUYVEN:

3 Q. So, Mr Witness, after Mr Dieudonné Mbuna met your  
4 father, your father must have explained to you what that meeting  
5 was about; correct?

6 A. My father explained to me that Mr Dieudonné told him  
7 that the - that (Redacted) had exchanged, had replaced certain  
8 children who were soldiers, the way I was, and that they had  
9 explained that there were some children from his family who had  
10 gone. Whereas those two individuals, those two boys who went in  
11 our stead, were not soldiers. So since we were away, they told  
12 us that if someone comes, this is what you are to say. This is  
13 what they told us orally, and it was (Redacted) who said that.  
14 And he told them that one - in one day.

15 Q. Mr Witness, there is portions of your answers that are  
16 not so clear to me but I am going to take it step-by-step. So  
17 you explained to us that your father told you that Dieudonné  
18 Mbuna told your father that you had been replaced. Were you  
19 surprised to hear that you were replaced?

20 A. Well, yes, I was also surprised when I heard that, so  
21 I wondered how it could be that (Redacted) could be able to do  
22 such things.

23 Q. So when, when did this meeting take place, or when did  
24 you talk to your father about this, approximately? I don't need  
25 the exact date, but if you can help us with the month or the

1 year?

2 A. It was at the end of the month of January. It was  
3 when we'd talked about what Dieudonné Mbuna had said to my  
4 father.

5 PRESIDING JUDGE FULFORD: Ms Struyven, for  
6 administrative reasons we are going to take the midmorning break  
7 a little bit early this morning. So unless this is very  
8 inconvenient for you we will rise now and sit again at 11.15.

9 MS STRUYVEN: This is convenient, Mr President.

10 PRESIDING JUDGE FULFORD: Thank you very much. Court  
11 officer in the DRC, could you explain to the witness, please,  
12 that we are going to take the midmorning break now and that we  
13 look forward to seeing him again in half-an-hour, at  
14 quarter-past 11. Thank you very much. We will rise.

15 THE COURT USHER: All rise.

16 (Recess taken at 10.45 a.m.)

17 (Upon resuming at 11.14 a.m.)

18 (Open session)

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

20 PRESIDING JUDGE FULFORD: Witness, please. Yes,  
21 Ms Struyven.

22 MS STRUYVEN:

23 Q. Mr Witness, so before the break you explained to us  
24 that Dieudonné Mbuna met your father in January of 2010, and  
25 that he told your father that you had been replaced, and you

1 explained to us that you were surprised to hear that. Was that  
2 the first time you heard that you were replaced?

3 A. It wasn't the first time. Before that I had also  
4 heard about that.

5 Q. When had you heard about that?

6 A. Before that it was the same fellow who was called  
7 (Redacted) (phon). He's the one who told me about that, and he  
8 had already replaced us.

9 THE INTERPRETER: Correction: They had already  
10 replaced us.

11 MS STRUYVEN:

12 Q. Now, when Mbuna talked to your father, did he explain  
13 what benefits (Redacted) and the others would get by replacing you?

14 A. Excuse me, could you repeat the question?

15 Q. When Mbuna talked to your father, did he explain to  
16 your father what benefits (Redacted) and the others would get by  
17 replacing you?

18 A. Yes, he spoke about several advantages.

19 PRESIDING JUDGE FULFORD: Mr Desalliers.

20 MR DESALLIERS: (Interpretation) Mr President, my  
21 objection is exactly the same as the one I made earlier. We're  
22 going back over the details of the conversation between  
23 Dieudonné Mbuna and the witness's father. I would repeat the  
24 same comments I made earlier; in other words, that he cannot  
25 have knowledge of that conversation because he was not present.

1                   PRESIDING JUDGE FULFORD: Mr Desalliers, if the  
2 witness's father has reported the details of the conversation  
3 back to the witness, then the witness does have knowledge in  
4 that sense. And I think, in the context of the allegations that  
5 have been made, it is helpful to explore not only what was said  
6 in the presence of the witness in terms of conversations between  
7 the father and another individual, but also what this witness  
8 was told by his father. And so you can carry on, Ms Struyven.

9                   MS STRUYVEN:

10           Q.    So, Mr Witness, if I understand it correctly, Mr Mbuna  
11 told your father what benefits they would get. What did he say  
12 about the benefits? Can you explain that to us?

13           A.    The advantage was that we would be able to study  
14 abroad, and when -- and in fact, we ended up in our village and  
15 we -- we were not able to study. We were going to receive other  
16 types of aid. And Mr P, for example, would declare that our  
17 parents were deceased and we were supposed to receive aid, but  
18 it never came; aid for our parents, but it never came. And we  
19 never saw any aid coming.

20           Q.    Did Mbuna explain to your father that you would get  
21 benefits if you would testify, as you're doing here today with  
22 us?

23           A.    Yes, he said that we could get benefits if we come and  
24 testify.

25           Q.    And are these the benefits that you just explained to

1 us, like studying abroad and receiving aid?

2 A. Yes, that's what I've just said.

3 Q. I'm sorry for that repetition. And so, if I  
4 understand you correctly, then you met, let's say, a second time  
5 with Mbuna and the Defence lawyers. And if I understand it  
6 correctly, they asked you some further questions, correct?

7 A. Yes, they asked me questions.

8 Q. Maybe first just a small clarification. When Mbuna  
9 met your father, was he with (Redacted)?

10 A. They came with the préfet. His name is Machine. But  
11 the name I know is Machine. I don't know the other names. Yes,  
12 and they came to my family together with those people.

13 MS STRUYVEN: Mr President, I'm very sorry, but I will  
14 need to ask a redaction for the name on line seven.

15 PRESIDING JUDGE FULFORD: Yes. Repeated -- yes,  
16 absolutely. Sorry, not repeated. Just line seven. Thank you.

17 MS STRUYVEN:

18 Q. Mr Witness, I'm not going to repeat the name of the  
19 préfet, but so, when Dieudonné Mbuna met your father, is it  
20 correct to say that he came already then with the préfet?

21 A. They were together with the préfet.

22 Q. And when you say "They were together with the préfet",  
23 were there other people who visited with your father during that  
24 first visit?

25 A. For the first time there were two of them with the

1    préfet, but they went to see my father, and there was also my  
2    little sister. Instead of two, there was my father's sister.

3           Q.    And so, if I understand correctly, then there was a  
4    second visit during which there was Mbuna and there were the  
5    white lawyers. Was there anyone else present during the second  
6    meeting?

7           A.    It was the préfet.

8           Q.    And during that second meeting, did the Defence show  
9    you -- the lawyers of the Defence, did they show you pictures?

10          A.    Yes, they did show us pictures.

11          Q.    And did they explain to you that those were the  
12   pictures of the people that replaced you?

13          A.    Yes. It was those who had replaced us who had -- they  
14   were pictures of those who had replaced us.

15          Q.    And did the lawyers explain to you that those were  
16   pictures of the people that replaced you?

17          A.    They didn't say that it was the people who replaced  
18   us, but except me with what I learned in the past. And I  
19   understood that it might still be the same people who had  
20   replaced us.

21          Q.    What do you mean by "except me with what I had learned  
22   in the past"? Can you explain to us what you mean by that?

23          A.    Yes. It's because one of those people who replaced us  
24   had already told me that they had replaced us. Replaced by --

25                PRESIDING JUDGE FULFORD: I think there may have been

1 a technical problem. If the interpreters could look back at the  
2 last answer, we only heard the transcript up until the words  
3 "replaced by", and it seems as though something else was said  
4 which has not come over the airwaves.

5 THE INTERPRETER: Message from the English booth. We  
6 have interpreted everything that we heard from the field office.

7 THE WITNESS: Okay, because I said that because the  
8 person -- one of the people who replaced us had already stated  
9 that they had replaced us. We were replaced by them.

10 MS STRUYVEN:

11 Q. Do you know of the two people who replaced you?

12 A. Yes, I know them.

13 MS STRUYVEN: Mr President, may we -- for one or two  
14 questions, can I go into private session?

15 PRESIDING JUDGE FULFORD: Private session, please.

16 \*(Private session at 11.35 a.m.) Reclassified as Open session

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

19 MS STRUYVEN:

20 Q. Mr Witness, do you know who replaced you? Not  
21 Dieudonné, but who replaced you?

22 A. Yes. I wasn't in a position to know who replaced me,  
23 because amongst those people -- well, I don't have specific  
24 information. So, it's difficult to me to know which one  
25 replaced me.

1 Q. So, would it be correct to say that you didn't tell  
2 the Defence who -- which person, which individual, replaced you?

3 A. With a great deal of details, I couldn't say, but I  
4 can imagine that --

5 THE INTERPRETER: Inaudible.

6 THE WITNESS: That it was (Redacted) who replaced me,  
7 who told me that we had been replaced.

8 MS STRUYVEN:

9 Q. And did you explain to the Defence that you thought it  
10 was (Redacted), who is "(Redacted)" I take it? Did you tell the  
11 Defence that it was (Redacted) who replaced you?

12 A. I'm not saying specifically, but I can say that it was  
13 him because he is the one who told me that we had been replaced.

14 Q. But the question is just the following: Did you tell  
15 the Defence - "yes" or "no" - that (Redacted) replaced you or  
16 did you tell the Defence that you didn't know who of the two  
17 replaced you?

18 A. I can say that I didn't know.

19 PRESIDING JUDGE FULFORD: Mr Desalliers.

20 MR DESALLIERS: (Interpretation) In fact, I think  
21 that the last question deals with the case, your Honour -- the  
22 last answer, rather. I beg your pardon.

23 PRESIDING JUDGE FULFORD: Yes, Ms Struyven.

24 MS STRUYVEN:

25 Q. So you didn't clarify with the Defence who replaced



1 you; correct?

2 A. No. No, I didn't say.

3 PRESIDING JUDGE FULFORD: Ms Struyven, given he says  
4 he doesn't know, how can he clarify it? The question just  
5 doesn't -- just isn't a sustainable one, given the witness's  
6 last answer.

7 Now, it's very difficult for Mr Desalliers to  
8 intervene when we've got the problems with interpretation  
9 because, in a sense, as soon as the question's been asked and  
10 the need to allow there then to be uninterrupted procedure for  
11 interpretation, it effectively denies the other party the  
12 opportunity of being able to object before the question is put  
13 to the witness. So, you've got to be careful. And that  
14 question, the last question, was not a helpful one. Please  
15 carry on.

16 MS STRUYVEN: Your Honour, maybe if I can just clarify  
17 why I'm asking these questions. It's simply because the summary  
18 again refers to this issue in a contradictory way. That's the  
19 only reason why I want to be sure.

20 PRESIDING JUDGE FULFORD: (Microphone not activated).

21 THE INTERPRETER: Mr President, your microphone was  
22 not on.

23 MS STRUYVEN:

24 Q. Mr Witness, did you -- last week you testified that  
25 there was also another individual called (Redacted). Did you

1 mention that name to the Defence when you met them?

2 A. I didn't say that name. That name seems to be a bit  
3 complicated.

4 Q. In what sense is that name complicated?

5 A. I'd lost the name, but after the members -- after the  
6 members went into the vehicle, after their departure, I  
7 remembered that name and I tried to say the name to the prefect.

8 Q. Was that the same day that you tried to give that name  
9 to the prefect, or did you meet the prefect after the Defence  
10 lawyers had left?

11 A. It was just after the Defence went into the vehicle  
12 that I remembered that name. After the Defence left the police  
13 behind, I remembered the name and I went to the prefect to tell  
14 him the name.

15 Q. Now, in respect of (Redacted), you testified that he  
16 is the son of the brother of (Redacted); correct?

17 A. Yes, that's right.

18 Q. Is that what you told the Defence lawyers when you met  
19 them?

20 A. Yes, I told them that.

21 Q. Because the Defence gave us a summary which says that  
22 you would have told them that (Redacted) is the son of the sister  
23 of (Redacted), not of his brother. Do you know why that could be?

24 A. I didn't tell them that. I told them that (Redacted)  
25 was the son of the brother of (Redacted), but --

1 THE INTERPRETER: Inaudible.

2 THE WITNESS: -- the son of the sister of (Redacted).

3 Perhaps they got mixed up about the names.

4 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

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

6 The Defence objects to the use of summaries that were given to  
7 the Prosecution to provide the general outline of the witness's  
8 testimony. We object to these summaries being used to  
9 contradict the witness during testimony. Once again, we remind  
10 the Court of the extremely short period of time that we had with  
11 the witness, the fact that the summaries were prepared after  
12 these meetings, and that the witness was never able to see them  
13 to check whether the information was accurate. So that is our  
14 understanding of what had been told us under very demanding  
15 circumstances. So, to use these summaries during  
16 cross-examination is most unseemly, your Honour.

17 PRESIDING JUDGE FULFORD: Isn't the problem this,  
18 Mr Desalliers; that one fully recognises that in the  
19 circumstances in which you were interviewing witnesses there may  
20 have arisen misunderstandings, which are wholly understandable.  
21 These are not full statements taken with the care that one would  
22 expect for a proper witness statement with the witness being  
23 given an opportunity to read it afterwards. That's on the one  
24 hand.

25 On the other, if there is a stark and marked

1 contradiction in one or more areas between what is in the  
2 summary and what the witness has said on oath, that may reveal a  
3 change in what the witness is saying in relation to which it  
4 would assist the Chamber in its search for the truth in  
5 understanding whether the witness has altered his or her  
6 testimony.

7           Isn't this really a question as to how it's explored?  
8 If the matter is dealt with in a general, mild and  
9 non-combatative way, simply to explore whether the witness had  
10 said something different on an earlier occasion, would you  
11 really object to that?

12           MR DESALLIERS: (Interpretation) No, your Honour.  
13 And furthermore, I didn't object to the many questions from my  
14 learned friend regarding what had been asked -- said to the  
15 Defence. Those questions can be put, but if one gets to the  
16 point where you take the answers and you try to contradict the  
17 witness with what's been written in the summary, I think that's  
18 where we are going past the -- that's out of line.

19           PRESIDING JUDGE FULFORD: I think that's right,  
20 Ms Struyven. I think a middle course has somehow got to be  
21 found with this, given that these are not witness statements  
22 that have been in any way checked by the witness himself. So  
23 you are entitled to explore the fact that there is an  
24 alternative scenario on which you would like the witness's  
25 assistance, but I don't think it is right in a sense to confront

1 him with the suggestion that he has said or may well have said  
2 something different on another occasion which has been reflected  
3 in a document that he's never seen. All right? So be careful,  
4 please. Yes, carry on.

5 MS STRUYVEN:

6 Q. I just have one more clarification similar to the one  
7 you just made. You testified that (Redacted) is the son of the  
8 sister of (Redacted); correct?

9 A. Yes.

10 Q. Would it be possible that you would have accidentally  
11 told the Defence that he was the son of the brother of  
12 (Redacted)?

13 A. No. No. I told them that he is the son, the son of  
14 the sister. Perhaps the interpreter misinterpreted what I said.  
15 It means that (Redacted) is the son, the son of the brother of  
16 (Redacted).

17 Q. I just have a few last questions on this. Mr Witness,  
18 can I ask you to go to the documents, and more specifically to  
19 tab 7. Now, you testified that this is (Redacted) and earlier  
20 you said that you believed that he's the one who replaced you.  
21 Could you explain to us why you believe he's the one who  
22 replaced you?

23 A. Yes, I said it like that because in the year 2000 he  
24 told us to say that in 1999 I found that it was (Redacted) who had  
25 that birth date, 1999, because Pen told us to reduce our age.

1 Q. So it's because of the conversation you had with  
2 (Redacted) that you believe he's the one who replaced you; correct?

3 A. Yes.

4 Q. And so yesterday, you testified that -- I'm sorry,  
5 last week you testified that you know (Redacted) and (Redacted),  
6 at least to a certain extent. My question is: Does Dieudonné  
7 Thonifwa knows (Redacted) or (Redacted), or both?

8 A. Well, as far as I'm concerned, I can say that  
9 Dieudonné, Dieudonné Thonifwa, I don't know him because he  
10 wasn't with them at the institute, at the Beju institute --

11 THE INTERPRETER: Inaudible.

12 THE WITNESS: -- were not at the -- did not attend the  
13 Beju institute. If they know them, perhaps they met elsewhere,  
14 but not at the Beju institute.

15 MS STRUYVEN:

16 Q. Can I understand that (Redacted) and (Redacted) did  
17 not go to the Beju institute; is that what you're explaining?

18 A. No. They did not study at the Beju institute.

19 Q. I may have a few more questions about that, but I'm  
20 first going to ask you questions about your identity and we have  
21 to remain in private session for that. You testified that --  
22 you testified last week that the name of your mother is  
23 Georgette Uryem. Does your mother have any other names that you  
24 know of?

25 A. Could you please put the question again?

1 Q. You testified last week that the name of your mother  
2 is Georgette Uryem. Does your mother have any other name that  
3 you know of?

4 A. Yes, she does.

5 Q. Can you give us --

6 PRESIDING JUDGE FULFORD: No, no, no, Ms Struyven.  
7 Mr Desalliers?

8 MR DESALLIERS: (Interpretation) Yes, I'm sorry to  
9 interrupt, Mr President. I note that we are in private session,  
10 but these questions were broached in public session during the  
11 first part of the examination, so I believe that we might go  
12 into public session for these questions.

13 PRESIDING JUDGE FULFORD: Public session, please.

14 (Open session at 12.02 p.m.)

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

17 MS STRUYVEN:

18 Q. Can you give us the other names of your mother?

19 A. Jeanette.

20 Q. Do you know any other names used for your mother?

21 A. There are other names. Georgette is the nickname that  
22 she was given at home, and her name - her real name - is  
23 Jeanette Uryem. Jeanette Uryem, but what we call her in the  
24 village is Georgette.

25 Q. Does she also have the name Rosalie?

1           A.    Rosalie is the name of my grandmother in the village  
2   of my maternal uncle; that is (Redacted).

3           Q.    What about your father? You testified that his name  
4   is Thomas Ugeno. Do you have any other names for your father?

5           A.    At home he is called Thomas. He also bears another  
6   name, the name Ugeno. There are no other names that I know him  
7   by.

8           Q.    And do you know the name of your grandmother Rosalie's  
9   husband, so your grandfather's name?

10          A.    His name is Ushawoon (phon).

11               MS STRUYVEN: Now I have another question, but maybe  
12   for this question we need to go back into private session.

13               PRESIDING JUDGE FULFORD: Yes, private session.

14   \*(Private session at 12.06 p.m.) Reclassified as Open session

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

17               MS STRUYVEN:

18          Q.    Mr Witness, do you know the representative of the  
19   (Redacted) who is called (Redacted)  
20   (phon)?

21          A.    (Redacted)

22          Q.    To be honest, I'm not really sure. From (Redacted)  
23   (Redacted)  
24   (Redacted)

25          A.    I do not know the name (Redacted) but I do know the name



1 (Redacted).

2 Q. That's okay. Mr Witness, do you have brothers and  
3 sisters?

4 A. Yes, indeed.

5 Q. How many brothers and sisters do you have?

6 A. I have a sister and I have five brothers.

7 PRESIDING JUDGE FULFORD: Ms Struyven, before we  
8 investigate their names, if that's where you're going next,  
9 we're going -- again for administrative reasons we're going to  
10 take a short break now for ten minutes. We'll sit again just  
11 after 20-past-12. Thank you very much. All rise.

12 THE COURT USHER: All rise.

13 (Recess taken at 12.10 p.m.)

14 (Upon resuming at 12.22 p.m.)

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

16 PRESIDING JUDGE FULFORD: Yes, witness, please.

17 Ms Struyven, I think we can be in public session, can't we?

18 MS STRUYVEN: Yes, Mr President.

19 PRESIDING JUDGE FULFORD: Yes. Public session,  
20 please.

21 (Open session at 12.22 p.m.)

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

24 PRESIDING JUDGE FULFORD: Yes.

25 MS STRUYVEN:

1 Q. So, Mr Witness, there is seven children in your  
2 family; is that correct?

3 A. Yes. I am the seventh child.

4 Q. Now I'm going to ask you questions about something  
5 else. You testified that you were born on 17 May 1987. Do you  
6 remember if that is what you told the Defence lawyers when you  
7 met them?

8 A. I did not talk about that, but I thought that Mr  
9 (Redacted) told us to say this, and that is why I said that.  
10 This is why I did not tell them my precise age, my precise date  
11 of birth.

12 MS STRUYVEN: Your Honours, can we have a redaction?

13 Q. Mr Witness, can I ask you when you refer to this  
14 individual that you refer to "Mr P"? Is that possible?

15 A. Yes, I can do that.

16 Q. Mr Witness, the reason I'm asking you this is that the  
17 Defence told us, via summary, that you were born in 1989,  
18 instead of 1987. Did you discuss with the Defence your year of  
19 birth?

20 A. Could you please put the question again?

21 PRESIDING JUDGE FULFORD: Ms Struyven, can I suggest  
22 that you forget summaries? Forget all of that. The witness  
23 hasn't seen it, doesn't know the document. Just simply ask the  
24 witness whether he told the Defence that he was born in 1989,  
25 stop.

1 MS STRUYVEN: Thank you, Mr President.

2 Q. Mr Witness, did you tell the Defence that you were  
3 born -- the Defence lawyers, the white Defence lawyers - that  
4 you were born in 1989?

5 A. Yes, I said that because I was thinking about the lies  
6 that Mr P told us to say. That is why I lied to the lawyers,  
7 telling them that I was born in the year 1989.

8 Q. I'm going to ask you a few questions about your  
9 schooling. Apart from your carte d'electeur --

10 A. Yes.

11 Q. So apart from your carte d'electeur, or your election  
12 card, do you have any other identifying documents?

13 A. Yes, there is another document, the baptismal card,  
14 but I do not quite know where I put it.

15 Q. Now, you testified that for many years you went to  
16 school. You explained to us all the different schools that you  
17 attended, including the institute at Beju. Do you have a  
18 student card of any of those schools that you attended?

19 A. No, I don't have a student card with me, but it might  
20 be with my baptism card, but I don't know where I put all of  
21 those cards.

22 Q. Does that mean, Mr Witness, that you actually have  
23 cards, student cards, but you don't know where they are?

24 A. Yes. Indeed, I don't know where they are, because  
25 they were cards from last year and the previous year. The card

1 for the year before last and last year's card, in fact, I hadn't  
2 received the student card.

3 Q. Have you received any student card for all the  
4 previous years that you went to school between 1994 and 2007?

5 A. No, I didn't receive cards, because in primary school  
6 we didn't get cards. In secondary school, I did buy a card.

7 Q. Do you still have that card?

8 A. No, I don't have the card, but I came here with my  
9 election card.

10 Q. Now, you testified that in 2005 and 2006 you studied  
11 at the Ukongo Institute in the first year of secondary school.  
12 Do you remember who your teacher was in that year?

13 A. Yes, there were teachers. In fact, there wasn't just  
14 one teacher; there were several.

15 Q. Do you remember, Mr Witness, during that year what  
16 your strongest subject was?

17 A. I'm afraid I don't understand your question very well.  
18 Could you perhaps reformulate the question?

19 Q. It's just for us to better understand. Do you  
20 remember during that year which subject you were good at? Was  
21 it English? Was it -- any of the subjects you had to follow.

22 A. I had good grades in mathematics and in natural  
23 sciences, biology and technology, and other lessons; but in  
24 English, not so good.

25 Q. Mr Witness, just for me to understand the document,

1 could I ask you to have a look at tab 13 again.

2 MS STRUYVEN: And for the record, this is document  
3 DRC-D01-0003-2498.

4 Q. Now, Mr Witness, can I ask you to look at the  
5 right-hand side. You see Elève, Bedijo Jean-Paul. And then it  
6 says, "né a", "born in".

7 A. Yes, I can see that.

8 Q. And so in that very little box, it says, "né a", and  
9 then a bit lower it says "matricule". But those two are not  
10 filled out. Did you not have a matriculation number during that  
11 school year?

12 A. Well, there were no matriculation numbers in that  
13 school. That's why there's nothing there.

14 Q. And so if I can -- if I can ask you to go to the lower  
15 part on the left-hand side, where it says, "signature du  
16 response"; and a bit further down the line it says, "le chef  
17 sceau" (phon) and above that "passé-le". And my question is, do  
18 you know why this document doesn't indicate when you passed the  
19 year, or why doesn't it indicate the signature of the person  
20 responsible of the class and why doesn't it have the stamp? Is  
21 there -- do you know of any reasons for that?

22 A. I don't understand very well, but I'm looking at the  
23 grades.

24 Q. But do you know if -- normally, there would have to be  
25 a signature of the teacher, and the stamp and the date on which

1 you passed, and your matriculation number and other information  
2 like that?

3 A. Well, I think that at the time everything was filled  
4 out in the report card. And I don't understand -- it says here  
5 (Redacted). He has signed this report card. Because when we  
6 were in first year, (Redacted). And here it says  
7 (Redacted). It says (Redacted). It's written at  
8 the bottom. I don't understand that.

9 PRESIDING JUDGE FULFORD: Yes, Mr Desalliers.

10 MR DESALLIERS: (Interpretation) Mr President, it  
11 would seem to me that that question is aimed at determining what  
12 should normally be written on a document, and I do not think  
13 that this is the appropriate witness to testify to such matters.  
14 And I would like to add that we haven't even established whether  
15 or not the witness even recognises this document. That was not  
16 established.

17 Another point is that perhaps in order to help the  
18 witness, who has requested assistance as regards the reading of  
19 documents, perhaps we should tell the witness that this  
20 signature at the bottom only states that this is a certified  
21 copy of the document and not a signature which was actually on  
22 the original document.

23 PRESIDING JUDGE FULFORD: Yes. I mean, I understand  
24 the thrust of your submission, Mr Desalliers. Remembering back,  
25 I doubt very much whether I would have been able to assist with

1 what should have been on the forms that related to my school  
2 career. So we'll be lucky if the witness can really assist  
3 hugely with what should or shouldn't be on the form. However,  
4 his last answer has in fact raised an issue which is within his  
5 knowledge and which may - I don't know - may assist in relation  
6 to these matters.

7 Ms Struyven, can you be careful about this? Asking  
8 the witness to comment on what should go in a form that's filled  
9 in by someone else, it's very difficult, isn't it, to expect him  
10 to have really any useful knowledge or understanding of these  
11 things. But bear that in mind, please.

12 MS STRUYVEN: Yes, Mr President.

13 Q. Mr Witness, do you remember if that year, that school  
14 year, 2005/2006, whether all the students in your class passed  
15 that school year?

16 A. No, it was only those who had repeated the year.

17 MS STRUYVEN: I think, Mr President, in French he said  
18 that there were others who did not pass that year.

19 PRESIDING JUDGE FULFORD: Yes. Any problems with the  
20 transcript will be sorted out later, Ms Struyven. Please  
21 continue.

22 MS STRUYVEN:

23 Q. Do you remember, Mr Witness, if during that school  
24 year there was other students also called Bedijo?

25 A. I can say no.

1 Q. Mr Witness, may I ask you to have a look at tab 14.  
2 Because when I look at tab 14 I see - and this is a document of  
3 your class - in 2005/2006, in the first year of the Ukongo  
4 institute, and I see at entry 9, I see another Bedijo Upeo  
5 (phon). And then at entry 25 I see a Bedijo Watambe (phon).  
6 Were they maybe named differently, or is there a reason why you  
7 don't remember them?

8 A. There's mention here of Bedijo Upeo and Bedijo  
9 Jean-Paul. Bedijo Jean-Paul is myself.

10 Q. That's correct. On this document there is three  
11 Bedijos. There is the first Bedijo at line 9 called Bedijo  
12 Upeo; then there is the second Bedijo at line 10 called Bedijo  
13 Jean-Paul; and then there is a third Bedijo at line 25 called  
14 Bedijo Watambe.

15 A. Yes, I understand. But I had forgotten. They were --  
16 we were together with them: I understand now. During the first  
17 semester there was a different person. During the first period  
18 there was a different person who had the highest grades. But  
19 during the second semester there was Juryem Bukake (phon) who  
20 had the highest grades, but at the end it was only one who had  
21 the highest grades, Udaga (phon). He's the one who continued  
22 having the highest grades. And Bedijo Watambe had left school  
23 and then he came back, and therefore he was not ranked. And it  
24 is now that I understand what you're asking me about.

25 PRESIDING JUDGE FULFORD: What's the point of this,



1 Ms Struyven? How does this help?

2 MS STRUYVEN: Mr President, it helps in two different  
3 ways: In the first way it helps us to understand that the name  
4 is a very common name. Secondly, it could explain --

5 PRESIDING JUDGE FULFORD: How does that help? How  
6 does it help that it's a common name?

7 MS STRUYVEN: Well, since there has been a lot of  
8 confusion about who actually carries out the name and -- it  
9 helps indeed that several people may have the same name.  
10 Secondly, and I think more importantly, I think that if this  
11 person would have been in this school year and in this class, it  
12 would be more likely that he would actually remember the number  
13 of people who have exactly the same name as he has.

14 PRESIDING JUDGE FULFORD: Well, he's now given you  
15 some rather detailed factors about the other ones who have that  
16 name, Ms Struyven. Carry on.

17 MS STRUYVEN:

18 Q. So, Mr Witness, you would agree that Bedijo is indeed  
19 a common name in your region; correct?

20 A. Yes, the name Bedijo in our village, well, is a common  
21 name. Several people have the name.

22 Q. I have one last question. When you met the Defence on  
23 13 March, you were taken to Kinshasa, if I'm not mistaken. Is  
24 that true?

25 A. Yes, that's correct.

1 Q. Did you ask the Defence to move you to Kinshasa?

2 A. No, nothing was said about that.

3 Q. So you didn't ask -- so do I understand it correctly  
4 that it was a decision of the Defence but that you didn't ask  
5 anything in this respect?

6 A. They themselves asked us if we would accept to go to  
7 Kinshasa, and we said yes, we can accept that because we had --  
8 we had stated our ideas in front of everyone. Or, rather, we  
9 wanted to state our ideas in front of everyone.

10 Q. Do you mean before this Court?

11 A. Yes.

12 MS STRUYVEN: Thank you very much. Mr President, I  
13 have no further questions.

14 PRESIDING JUDGE FULFORD: Thank you very much,  
15 Ms Struyven.

16 Do you have any matters, to use the Anglo-Saxon  
17 expression, by way of re-examination, Mr Desalliers? If you do,  
18 we'll rise for lunch now and deal with them afterwards.

19 MR DESALLIERS: (Interpretation) Yes, I have a few  
20 brief questions, your Honour.

21 PRESIDING JUDGE FULFORD: Nonetheless, we'll deal with  
22 them this afternoon. Thank you.

23 Court officer in the DRC, could you please explain to  
24 the witness there are not many final matters to deal with.  
25 Shortly after -- he won't be in the witness box for long this

1 afternoon, but we'll sit again at 2.30. Thank you very much.

2 2.30.

3 THE COURT USHER: All rise.

4 (The hearing ends at 1.00 p.m.)

5 RECLASSIFICATION REPORT

6 Pursuant to Trial Chamber I's emails instructions dated 12<sup>th</sup>  
7 January 2012 and 30<sup>th</sup> January 2012, the transcript is  
8 reclassified as public after the indicated redactions have been  
9 implemented as ordered by the Chamber. All private and closed  
10 sessions (\*) are now available to the public with the exception  
11 of the portions of the transcript that have been redacted.

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