

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Chang-ho Chung
6 Trial Hearing - Courtroom 2
7 Monday, 13 June 2016
8 (The hearing starts in open session at 9.35 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: Good morning, everybody.
13 Defence, is everything okay with your equipment? Okay.
14 Court officer, please call the case.
15 THE COURT OFFICER: Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 And for the record, we are in open session.
19 PRESIDING JUDGE FREMR: Thank you, court officer.
20 We will start as usual with appearances.
21 Prosecution first, please.
22 MS SOLANO: Good morning, your Honours. For the Prosecution this morning appear
23 Ms Laura Morris, assistant trial lawyer; Mr Rens van der Werf, assistant trial lawyer;
24 Ms Dianne Luping, trial lawyer; Ms Paola Sacchi, assistant legal officer; Ms Selam Yirgou,
25 case manager; and I am Julieta Solano, trial lawyer.

1 PRESIDING JUDGE FREMR: Thank you, Ms Solano.

2 Now Defence, please.

3 MR GOSNELL: Good morning, Mr President. Good morning, your Honours.

4 Christopher Gosnell appearing for Mr Ntaganda this morning, along with lead counsel,

5 Stéphane Bourgon, and assisted by Isabelle Martineau and Sandrine De Sena. Thank you
6 very much.

7 PRESIDING JUDGE FREMR: Thank you, Mr Gosnell.

8 Now Legal Representatives of Victims, please.

9 MS PELLET: (Interpretation) Thank you, Mr President. Former child soldiers are
10 represented by Mohamed Abdou and myself, Sarah Pellet, counsel at the OPCV.

11 MR SUPRUN: (Interpretation) Good morning, Mr President. Good morning,
12 your Honours. Victims of the attacks are represented by the OPCV, Anne Grabowski,
13 associate lawyer, and myself, Dmytro Suprun, counsel. Thank you.

14 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.

15 And I also understand that we will be soon joined by representative of United Nations,
16 but I understood that he's still not here. Am I right, court officer? Yes.

17 All right. Before we move to the testimony of upcoming witness, there is still one
18 procedural issue which should be addressed in private session, so, court officer, private
19 session, please.

20 (Private session at 9.39 a.m.)

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22 (Open session at 9.44 a.m.)

23 THE COURT OFFICER: We are back in open session, Mr President.

24 PRESIDING JUDGE FREMR: Thank you, court officer.

25 (The witness enters the courtroom)

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1 PRESIDING JUDGE FREMR: So I am welcoming both two new persons who joined us
2 in the courtroom. I will wait until you take your headphones.

3 So the Chamber notes, first, the presence of United Nations representative who, in
4 accordance with our decision number 888, will be present for the duration or the whole
5 duration of the witness testimony and may make submissions if so authorised by the
6 Chamber in accordance with the guidance set out in that decision.

7 May I ask you please to introduce yourself for the record.

8 MR LEVINE: Thank you, your Honours. Seth Levine. I'm the senior legal adviser for
9 MONUSCO, formerly MONUC.

10 PRESIDING JUDGE FREMR: Thank you very much, Mr Levine.

11 And now I guess if there are no further requests for the floor from the parties and
12 participants, we can move into scheduled testimony.

13 So, madam, good morning.

14 WITNESS: DRC-OTP-P-0046

15 THE WITNESS: Good morning.

16 PRESIDING JUDGE FREMR: On behalf of this Chamber, I would like to welcome you to
17 the courtroom.

18 You are called to testify in the case against Mr Bosco Ntaganda to assist us in our search
19 for the truth. We are aware of the fact that this is not the first time you will be testifying
20 before the Court, so I will adjust my instructions to that fact. But anyway I have a few
21 practical matters to address with you.

22 We want you to tell the truth and to tell us what you saw, heard and sense yourself. If
23 you didn't see or hear it yourself, but you found out some other way, then you should
24 explain how.

25 You may not remember all details, but it doesn't matter. Please testify just on that which

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1 you really remember.

2 Do you understand all this?

3 THE WITNESS: Yes, I do.

4 PRESIDING JUDGE FREMR: Good.

5 As you are aware, you will be testifying publicly without any protective measures. It's
6 recalled, however, that in accordance with the Chamber's decision on the modalities of
7 your testimony we may move into private session for discreet portions of your testimony
8 if that would be necessary.

9 It's also a caveat to the parties, especially if we will deal with the current position of the
10 witness we will have to move into private session since we guaranteed that.

11 Now, I would like to ask you to please make your solemn undertaking to tell the truth by
12 reading out the declaration on the piece of paper that has been provided to you, please.

13 THE WITNESS: I solemnly declare that I will speak the truth, the whole truth and
14 nothing but the truth.

15 Thank you.

16 PRESIDING JUDGE FREMR: Thank you, Madam Witness.

17 That means that you are now under oath. You need to be also aware that it is an offence
18 within the jurisdiction of this Court to give false testimony. I think it's clear to you.

19 Now a few additional practical matters you should have in mind. It's important to speak
20 into the microphone. I think it's very well-known to you to speak clearly and to speak at
21 a slow pace approximately like me now.

22 You should, which is really important and sometimes it causes problems, you should only
23 start speaking when the person asking you the question has finished. When a question is
24 asked, please wait for some time, approximately three seconds, and only then please give
25 your answer because this pause is essential for us to properly hear and record what you

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1 are saying and also it facilitates the work of our interpreters.

2 If you have any questions during your testimony or if you feel that you need a break, do
3 not hesitate to let us know by raising your hand.

4 Have you understood all that?

5 THE WITNESS: I have understood. Thank you.

6 PRESIDING JUDGE FREMR: Very well.

7 So I think nothing prevents us at the moment to start with your testimony.

8 Ms Solano, it will be you who will be examining the witness?

9 MS SOLANO: It will, your Honour.

10 PRESIDING JUDGE FREMR: All right. And then usual reminder according Chamber's
11 decision, the Prosecution have been allotted eight hours for examination of this witness.

12 So the floor is yours.

13 MS SOLANO: Thank you, your Honour.

14 QUESTIONED BY MS SOLANO:

15 Q. Good morning, madam. Can you hear me well?

16 A. I can hear you well. Thank you.

17 Q. We've met before. My name is Julieta Solano, I represent the Prosecution and I will
18 be asking you questions today and tomorrow. Can you please state your full name?

19 A. My name is Kristine Peduto.

20 Q. Were you born on 17 October 1968?

21 A. Yes.

22 Q. Were you born in Marseille, France?

23 A. This is correct.

24 Q. Do you speak French and English fluently?

25 A. I do.

1 Q. Is it correct, madam, that you have the following degrees from the Université
2 Lumière Lyon 2, a licence in sociology and anthropology obtained in 1990?

3 A. Yes, it is.

4 Q. A maîtrise in sociology in 1991?

5 A. Correct.

6 PRESIDING JUDGE FREMR: Ms Solano, please, a gentle reminder don't hurry up
7 because especially if you are dealing with those concrete information, it's not easy to
8 capture it. Thank you.

9 MS SOLANO: My apologies to the interpreters, your Honour.

10 Q. A diplôme d'études appliquées in sociology from 1993?

11 A. This is correct.

12 Q. Is it correct that among the professional trainings or courses that you received after
13 university, these include training in international humanitarian law from the International
14 Committee of the Red Cross, Handicap International and Médecins sans Frontières?

15 A. Correct.

16 Q. Financial aspects of project management from Save the Children UK?

17 A. Among others, yes.

18 Q. Protection of children's rights and use of child soldiers by armed groups and forces
19 by Save The Children UK, the coalition to stop the use of child soldiers, and MONUC?

20 A. Yes.

21 Q. And special investigation techniques from MONUC?

22 A. Correct.

23 Q. Is it correct, madam, that between 1994 and 2004, with some interruptions, you held
24 a succession of jobs in the field of humanitarian aid coordination and child protection
25 beginning with, initially, non-government organisations in Europe and Asia between 1994

1 and 1998, including in Bosnia and Herzegovina during the conflict in 1994 and 1995?

2 A. Yes.

3 Q. In Azerbaijan in 1997?

4 A. Yes.

5 Q. In Kurdistan and Iraq in 1997 and 1998?

6 A. Yeah.

7 Q. Is it correct that subsequently between 1999 and 2004, with some interruptions, your
8 work focused on the provision of assistance directly to children affected by armed
9 conflict?

10 A. Among others, yes.

11 Q. That you worked with the NGO Save the Children UK, initially based in Kenya, in
12 1999 supervising 40 people during the set-up phase of a programme aiming to assist 100
13 or so Congolese children who demobilised from the Congolese armed forces? Please feel
14 free to correct me if I'm mistaken.

15 A. Um, yeah, a little. I was supervising 40 persons while I was in Congo, not during
16 the preparation phase.

17 Q. Thank you.

18 And it was later in 1999 that you moved from Kenya to Congo once the programme had
19 been set up and that you were based in Kinshasa between May 1999 and July 2000; is that
20 correct?

21 A. It is correct.

22 Q. Is it correct that in 2001 you spent half a year assisting victims of the earthquake of
23 Gujarat in India, also with Save the Children?

24 A. This is correct.

25 Q. And is it correct that you began a period of four years of work with MONUC as

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1 child protection adviser in the child protection section -- I apologise, a two-year period of
2 work between January 2002 and late October 2004?

3 A. I did spend exactly 33 months with MONUC in Congo.

4 Q. And is it correct that after leaving MONUC you worked for the United Nations as a
5 child protection specialist in Afghanistan in 2009 and in Iraq in 2011 and 2012?

6 A. This is correct.

7 MS SOLANO: May we move into private session for my next question, please?

8 PRESIDING JUDGE FREMR: Very good point. And I appreciate that you respect my
9 guidance.

10 Court officer, let's move into private session now.

11 (Private session at 9.57 a.m.)

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22 (Open session at 9.58 a.m.)

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

24 PRESIDING JUDGE FREMR: Thank you.

25 Ms Solano, you may proceed.

1 MS SOLANO: Thank you, your Honour.

2 Q. Madam, I want to now focus on your work as a child protection adviser for
3 MONUC. What areas of the territory of Congo were you concerned by?

4 A. I initially was posted in Kisangani, covering the entire north-east of the country. I
5 was then deployed for a short period of time in Beni, covering Beni-Butembo, so Grand
6 Nord, North Kivu. I was further posted in Bunia covering the district of Ituri.

7 Q. Do you recall the dates on which you were posted at each of these three locations?

8 A. I was posted in Kisangani from February 2002 to, um, October 2002, to the best of
9 my knowledge, to my recollection. I was then posted in Beni. And officially posted in
10 Ituri, in Bunia, from May 2003.

11 Q. And you've said that while posted in Kisangani you covered the north-east and
12 from Beni you covered the Grand Nord. Can you explain to the Chamber what that
13 means and how, if at all, those areas relate to Ituri?

14 A. Being posted in Kisangani meant that we -- that I was covering the entire north-east
15 of the country, aside from Ituri and the Grand Nord where then -- under the responsibility
16 of my colleague based in Goma.

17 Q. When in May did you arrive in Bunia?

18 A. I think it was towards the end of May.

19 Q. Do you remember the date, and if you don't do you remember what was happening
20 in Bunia at the time, just so we can situate your arrival in time?

21 A. I arrived after the fight that took place in Bunia in March and -- March, April and
22 May, after the -- after UPC regained control or power over the city, and after the
23 departure of the Ugandan troops.

24 Q. In addition to you, was there any other staff from MONUC's child protection section
25 posted in Ituri?

1 A. No, I was the only one.

2 Q. Did anyone else join you at a later point in time, and if so when?

3 A. Somebody else joined me mid-2004, permanently posted in Ituri. In the meantime,
4 other staff of the section came for a short period of time, mostly when I was on leave to
5 cover for my -- during my absence.

6 Q. Who did you report to when you worked as child protection adviser for MONUC?

7 A. Technically I did report to the chief child protection, was based in Kinshasa. We're
8 also reporting to the head of sector.

9 Q. What does that mean, "sector", and who was the head?

10 A. MONUC was -- sorry, MONUC was divided into sector at that time, so when I was
11 based in Kisangani I did report to the head of sector four, I think, Kisangani, and then in
12 Bunia was later on created as sector six. Do you want me to give the names?

13 Q. Yes, please, of both your supervisors.

14 A. My supervisor in Kinshasa was Sandra Beidas. The head of sector in Kisangani
15 was Mr Alfaso. In Ituri the head of sector was Mrs Dominique McAdams.

16 Q. And how, madam, did you report to your supervisors, in particular to your
17 supervisor in Kinshasa?

18 A. This was mainly done with written reports. We were at the time producing many
19 type of reports. Mainly we had weekly reports. During certain period of times we were
20 producing daily reports, as well as contributing to monthly reports of the section and
21 daily and/or weekly reports for the sector.

22 Q. What was the difference between the reports produced by the section and reports
23 produced by or for the sector?

24 A. Each sector of the MONUC was producing reports that were addressed to Kinshasa,
25 and to which each section was contributing about the activities that were carried out

1 during the -- either the day or the week. So it would include reports from the political
2 section from the human rights, from child protection, humanitarian affair, MILOBs,
3 also -- I mean, it also contained information about the administrative operational branch
4 of MONUC logistics, human resources, et cetera.

5 Q. What are -- what do you mean by MILOBs?

6 A. My apologies. Military observers. That was the way we were naming our
7 military observers.

8 Q. What was the role of these military observers?

9 A. The military observers were deployed in the field in areas where most of the time
10 there were known civilians. They were tasked to monitor the -- the behaviour of armed
11 groups or forces present in their area, monitor -- yeah, the behaviour of the troops, type of
12 weapons, movements, camps.

13 Q. And how did military observers report on what they observed?

14 A. There were mainly -- there were supposed to be four, four person in each team.
15 They were sending daily reports to the sector, to the military -- to the senior MILOBs in
16 the sectors. I just use the phone when other means of communication were not available,
17 radio, or internet when at times it was available.

18 Q. Did you have access to the reports prepared by the MILOBs?

19 A. They were available to civilian, yes.

20 Q. What did you cover -- what topics were covered in the reports of your section, the
21 child protection section?

22 A. It would depend on the sector and on the priority of each zone. For instance, in
23 Kisangani we were focusing on of course children associated with armed forces and
24 armed groups. We would also cover issues related to education, to health, nutrition, to
25 children in conflict with the law, with children, victims of various abusers, including

1 sexual violence or all type of violations.

2 When I was deployed in Beni-Butembo the focus was more on children associated with
3 armed forces in armed groups while also covering issues related towards the type of
4 violations children were victim of, including also issues related to humanitarian assistance,
5 available or not. We were also reporting on meetings and with the humanitarian
6 communities, with local leaders, with representative of the local administrations. In
7 Bunia it was a little bit the same.

8 Q. What role did you play in the preparation of the child protection section reports?

9 A. The sector reports, I wrote them myself most of the time. It means when I was
10 there I was writing the reports. When my colleague joined me in Bunia, or when I was
11 working with an assistant, one in Kisangani, they would provide me information that was
12 collected in the report.

13 Q. And the information you put into these reports, how did you obtain it?

14 A. Through direct observation while in the city where I was based, or during the field
15 mission we were regularly undertaking. We were also collecting information from
16 colleagues of the MONUC where it could include information from the MILOBs, but also
17 information provided by our colleagues from humanitarian section, political section,
18 public information that were relevant to issues pertaining to child protection. We would
19 collect information through anybody, including representative of person from -- working
20 for non-governmental organisation, civil society groups, individual would come to the
21 MONUC to report situation pertaining to child protection.

22 Q. How soon after joining MONUC did you begin writing reports?

23 A. The first report I wrote was while I started working in Kinshasa.

24 Q. So before you were deployed to Kisangani?

25 A. I did produce a report to my supervisor, yes.

1 Q. These field missions that you say you were undertaking regularly, what were they?

2 A. As I said, I was in Kisangani. I was covering the entire north-east, aside from the
3 Grand Nord and Ituri and we were trying to go as frequently as possible to areas where
4 MILOBs were deployed because we had the means to move with -- either by road or most
5 of the time by helicopter. I'm sorry, I have -- I don't really remember your question.

6 Q. You said that you undertook field missions regularly, so I want -- I'm asking you
7 what these missions were all about. You've explained -- you've said something about
8 your missions while you were in Kisangani, but please continue explaining.

9 A. We were conducting monitoring field visits to assess the situation of children, not
10 only those associated with armed forces or armed groups but also to assess the
11 humanitarian situation at large where collecting this information with the aim of sharing
12 information with the United Nation agencies or non-governmental organisations so that
13 needs that were identified could be provided an answer to. So it could be information
14 about the education situation that we would report to UNICEF, for instance, or situation
15 on the -- our situation, nutritional situation in remote areas that we could report to local
16 authorities, but also to organisations that could eventually provide assistance.

17 Q. I notice that you've used the term "children associated with armed groups." Is that
18 a term of art? What do you mean by that?

19 A. We're referring to children associated with armed forces or armed groups as
20 children below the age of 18 who were recruited or used by the regular army or by armed
21 groups in any capacities. It could be children used during combats, but also children
22 used as guards, porters, spies, cooks, also used -- abused for sexual purposes. So the
23 term is much larger than the term sometimes used of child soldiers. It was referred to as
24 EAFGA in French, or CAAFAG in English.

25 Q. During your field missions, did you ever collaborate with colleagues from other

1 sections of MONUC?

2 A. Yes. Yes, of course. I mean, most of the time with MILOBs that were deployed in
3 the field were welcoming us, assisting us with preparing this mission, setting up
4 appointments, bringing us to specific areas. These missions were also sometimes
5 conducted in conjunction with other sections as could be human rights, public
6 information, humanitarian affairs. Some -- more rarely we were
7 accompanying -- accompanied by representative of non-governmental organisations, but
8 these were -- this was rare.

9 Q. Did reports from the military observers that were available to you cover the issue of
10 the children associated with armed forces?

11 A. Not systematically at the beginning, but at one point of time early 2002 there was a
12 decision for MILOBs report to include particularly -- a particular paragraph on children
13 associated with armed forces and armed groups, as well as other specific section on
14 humanitarian issues, for instance.

15 Q. And how did the military observers know what to put in those paragraphs of the
16 reports that concerned the children?

17 A. MILOBs were deployed in MONUC who were receiving a specific training, specific
18 induction during their -- after their arrival in the mission, right at the beginning of
19 their -- of their -- before their deployment to the field in Kinshasa, and then to the extent
20 possible, we were also, while deployed in the sector, briefing them about the situation, the
21 situation of child protection issues at large, but specifically also on what was known or
22 unknown about the presence, the use of children by armed forces or armed groups.

23 Q. And what kind of information did the military observers collect about the children?

24 A. They were trying to identify the number of children below 18 that were present
25 in -- in the area where they were deployed identifying the chain of command. Mostly

1 during their visits to military camps, but also their mission in the field, on the road, in the
2 villages. They were also reporting of the type -- sometimes on the type of weapons these
3 children had or did not have. We were also requesting them to report particularly on the
4 presence of girls and also about the youngest ones to the -- to the extent possible. They
5 were not tasked, if I may add, to interview children as such, but bring -- but bring the
6 issue of the presence of children with the commanders or leaders that they were meeting
7 with.

8 Q. Was anyone else tasked with the role of interviewing children that were members of
9 armed groups in Ituri?

10 A. Most of the time that was the role of the section. I understand also that during
11 missions colleagues from the human rights section would also collect information that
12 they would share with us at a later point, but they were not tasked as such to do so.
13 They may have done so for their own purposes.

14 Q. And when you say that it was the section that was tasked with interviewing these
15 children, you mean the child protection section; correct?

16 A. This is correct.

17 Q. In 2002 were there any organisations present in Ituri, outside of MONUC, that had
18 activities or provided services to the children associated with the armed groups?

19 A. There were organisation that were providing child protection services and this
20 could -- the type of -- of activities could vary. There was an organisation who was -- that
21 was providing psychosocial assistance to unaccompanied children. Among these
22 children they were children who had been associated with armed groups. There was an
23 organisation also a child protection organisation that was following children who had
24 been separated from -- children, sorry, who had been trained in Uganda and then
25 separated under a programme lead by UNICEF at that time. And the organisation was

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1 tasked with following up the family reintegration of these children. Yeah.

2 Q. Can you provide the names of these organisations?

3 A. SOS Grands Lacs was the organisation following up the reunification, I think, of 163
4 children who had been repatriated with the -- with the assistance of UNICEF.

5 PRESIDING JUDGE FREMR: Sorry, Madam Witness, could you kindly repeat because it
6 seems to me from the transcript that the name of the organisation hasn't been captured.

7 THE WITNESS: The organisation name was SOS Grands Lacs.

8 THE INTERPRETER: SOS Great Lakes.

9 THE WITNESS: This is correct.

10 PRESIDING JUDGE FREMR: Thank you. Now it's fine.

11 THE WITNESS: The name of an organisation was providing psychosocial assistance to
12 children at large was Centre d'Intervention Psychosociale.

13 THE INTERPRETER: Psychosocial centre of intervention.

14 THE WITNESS: Correct. Not focusing especially on children associated with armed
15 groups or armed forces, but providing psychosocial assistance to all children in need.

16 Excuse me, there was -- there were other organisation, including Save the Children also,
17 were programmes in Ituri mainly focusing at that time on raising awareness on child
18 rights and that would include of course the prevention of the association of children with
19 armed groups and forces.

20 MS SOLANO:

21 Q. Do you recall the -- who was responsible for Save the Children in Ituri at this time
22 in 2002 and 2003?

23 A. I think, if my memory is correct, that my Congolese colleague was called Kasigondo.

24 Q. Can you spell that, please. Actually --

25 A. K-A-S-I-G-O-N-D-O.

1 Q. Do you recall the name of the representative of SOS Grands Lacs?

2 A. No, unfortunately not.

3 Q. When in the time that you worked as a child protection adviser did you begin
4 interacting with these organisations?

5 A. I did interact with the Centre d'Intervention Psychosociale while based in Kisangani.
6 They were partnering -- they were part of the child protection network in Kisangani
7 already. I did interact with Save the Children, of course, before while being
8 deployed -- first being deployed in Kinshasa. I'm -- I met the UNICEF representative
9 over there. In Ituri I -- I'm not sure whether I've met representative of Save the Children
10 before March 2003, but March 2003 that's for sure, yes.

11 Q. And apart from Kasigondo, were there any other representatives of Save the
12 Children whose names you recall?

13 A. During which period?

14 Q. 2003.

15 A. Martin was also a colleague. Cécile then also arrived. People who were based in
16 Goma who came to visit, including their child protection person called Janja (phon).
17 And another name that I don't recall.

18 Q. You referred a moment ago to a child protection network. Can you explain what
19 that was.

20 A. In Kisangani we -- we set up coordination mechanism together with UNICEF who
21 would gather regularly organisation active in the area of child protection. And there
22 were national NGOs -- I'm not sure whether there were international protection agencies
23 in Kisangani, but UNICEF for sure. In Bunia, we also set up a similar type of network
24 after 2003.

25 Q. What do you mean after 2003?

1 A. Sorry, when I started -- when I was based in Bunia.

2 Q. And which organisations were part of the child protection network when you were
3 based in Bunia?

4 A. There were several of them: First, of course, UNICEF, Save the Children, then
5 other organisation joined, such as Caritas, who was also in charge of running, managing
6 transit centre for demobilised children, COOPI joined, national NGOs called Espoir Pour
7 Tous, and then there were others, but I cannot remember the names.

8 Q. If you remember the names later on, please feel free to provide them.

9 A. I will.

10 Q. Just for the transcript, you referred to COOPI. Can you spell that, please?

11 A. C-O-O-P-I.

12 Q. And how did this network operate in practice?

13 A. We were meeting as much as possible and as feasible every week with the aim of
14 sharing information, sharing needs, setting up collaboration mechanisms, exchange of
15 experience in some areas, setting up common responses to certain situation, organising
16 common field visits, if needed, organising trainings for each other, depending on the -- on
17 the expertise that was available, preparing common events such as the Day of the African
18 Child or celebrating the anniversary of the conventions right of the child. Sometimes,
19 yeah, trying to set up programmes of assistance for -- for children in various areas,
20 including, it could be education, it could be sexual violence, it could be demobilisation, it
21 could be the preparation of the demobilisation programme for -- for children. We're
22 aiming at keeping each other informed as much as possible.

23 Q. You said that your cooperation included training. Do you remember whether you
24 or your colleagues from MONUC provided any training to the members of this network?

25 A. There were several training sessions that were organised throughout the month.

1 We did contribute to one session on the -- on basic child rights on the latest resolution of
2 the Security Council with regards to child -- to children associated with armed forces and
3 armed groups. I think at that time that was resolution 1460. There were trainings
4 organised on family reunification, family tracing. We did some training session for staff
5 who were later working in transit centres for children associated with armed forces and
6 armed groups.

7 Q. You've now mentioned transit centres twice. Can you explain what they were?

8 A. They were centres where children who left the armed groups could go and be
9 accommodated and taken care of while waiting for -- to be reunified with their families.

10 Q. And how many such centres existed in Ituri at the time let's say 2002 and 2003?

11 A. In 2002 there were none. The first one that was set up was in Bunia, in the south of
12 Bunia by Save the Children. Two others followed in the coming weeks, months, one by
13 Caritas first in the city centre and then this particular centre was moved to the north of the
14 city. Another one was set up by COOPI, particularly targeting and accommodating
15 young girls. Another one, while not respecting regular child protection standards, had
16 been set up in Kasenyi by Chief Kahwa's wife called Promude, by an organisation called
17 Promude. Another centre was set up I think in 2004 in Aru by a local organisation which
18 name I cannot remember at this point in time. I think that's all for -- for the period.

19 Q. The transit centres set up by Save the Children, Caritas and COOPI, in what period
20 of time were they set up? When were they operational?

21 A. I think that the centre from Save the Children was operational mid-July 2003. The
22 two others I believe were operational sometimes in September, but I'm not 100 per cent
23 sure, but probably at -- during this period of time.

24 Q. Did you visit these centres on occasion?

25 A. Yeah, quite often. I mean, at the first beginning we requested MONUC, the

1 operational side of MONUC to assist with the setup, particularly to check on security
2 issues we were ensuring, and the military side of the MONUC was ensuring that there
3 were no mines or weapons in the area where the centres would be set up. We have also
4 facilitated security arrangement at the first beginning, particularly in the first month we
5 ensured that there was military of the MONUC or the international forces present near
6 those centres to ensure that they would not be under attack or that any security concern
7 will be taken care of. We also assisted with some logistics and setting up electricity and
8 these type of things.

9 I then visited the centre at times when children coming from MONUC were coming to me
10 at the MONUC. We needed to be referred to one or the other centre. Sometimes I
11 would accompany the children. And sometimes I would just go there to -- to have a
12 meeting with a responsible or yeah.

13 Q. You mentioned earlier that at some point the child protection section was involved
14 in training staff working at the city. Can you explain what kind of training this was?

15 A. We did develop at that time job descriptions of -- job descriptions for the personnel
16 who would be working in these centres, so we had some -- "training" is a big
17 word -- awareness session about the way the staff would have to work, the standards they
18 would have to -- to observe, yeah, the various standards that were to be -- to be followed
19 by the staff.

20 Q. And what standards were those?

21 A. The issue of, first of all, confidentiality. We had session on security, on -- and some
22 of the staff would have specific session on, you know, recreational activities, on
23 psychosocial follow-up. And the staff that was employed by those organisation would
24 be trained profession most of the time, but for some of them they would not be -- they
25 would not have worked before in a transit structure, so they would be exchanging

1 information about the duties of each other. For instance, a psychologist would have to
2 learn how to respect the basic security rules, when to enter into the centre, how to do it,
3 how to record their names while entering into the centre, being respectful of the working
4 hours of -- we had also cooks working in these structures who were not familiar with the
5 type of children who would be accommodated there, so they were given basic explanation
6 about the way they would -- they should or not interact with the kids, should or -- should
7 or not interact with other professional during educational sessions or private interviews.

8 Q. In this network how -- how did you all know who was a child soldier and
9 who -- sorry, who was a child associated with an armed, forced group and who wasn't?

10 A. Excuse me, during these sessions?

11 Q. No. In the network generally. Because you're talking about different
12 organisations which I presume -- well, you have explained had different aims and roles,
13 including the child protection section, so was there a common understanding of
14 what -- who your clients were, if you like?

15 A. We were all acting under the Paris principle which clearly defines a child associated
16 with armed forces or armed groups the way I explained before, which means not only
17 children active in combat, but also children associated with armed groups or forces in any
18 capacities. So that was also part of the -- of the training or awareness sessions that
19 was -- that were conducted in Ituri at that time, not only for the staff or NGOs, but also
20 during the awareness sessions that were conducted either by MONUC or by -- mostly by
21 NGOs in the field. We were all following those principles.

22 Q. And did you say the Paris Principles?

23 A. Yeah.

24 Q. How was the age of these children established by the partners in this network?

25 A. I will talk for MONUC first. For us we were trained to document as much as

1 possible the trends related to children associated with armed groups in Ituri. So while
2 conducting interviews with children, we would ask them -- I would - I will speak for
3 myself - I would ask them a lot of different questions related to their age, of course their
4 birth date, we would collect information about their families, brothers and sisters,
5 information about the schools they went to, trying to identify as much information as
6 possible that could be used further for -- for the purpose of family tracing and family
7 reunification.

8 So that was the way -- in one way was, of course, to ask the child. Most of them, if not all,
9 knew their age, or were able to provide an age. Some of them at times I think did not say
10 the truth. Some of them stated early age younger than their own. In some occasion
11 some of them said that they were older. When in doubt, I would at times ask the NGOs
12 who were taking care about the kids for a longer period. When children were entering
13 into transit structures they would be seen by psychologists, by social workers. For a long
14 period of time these professionals who would spend a lot of time working with these kids,
15 working, interacting with these kids in various capacities during games, education
16 sessions and during, you know, day and night, children would interact. So when -- at
17 times I had questions about the age of children and I would cross-check with -- with
18 colleagues.

19 Q. You say that some of them would provide -- some of them would state that they
20 were younger or older than they in fact were. How could you --

21 A. Sometimes I didn't know. Sometimes I was not confident with the way the child
22 would present himself. For some of them when coming to MONUC some of them did
23 not feel very comfortable, they would come to search for care or protection and some of
24 them were not really comfortable talking, providing a lot of information to us, which is
25 perfectly fine, and we did not try to push them giving -- giving information if they did not

1 feel like it.

2 So we would just refer them at times to transit structure without having gone through a
3 lot of question or a lot of interaction. So for these kids I would ask colleagues from
4 NGOs to ascertain when I wasn't clear or when I was not sure.

5 For example, there were also I remember cases of children who were arrested by the
6 international forces were referred to the section because they said that they were minors,
7 so that was the agreement we had with the military at that time that any person arrested
8 who claimed to be a child would be referred to the section. I remember at least for one of
9 them, having discussed with the child, together with a colleague from an NGO, and we
10 found out that obviously the child -- the person was older than 18 and the person
11 recognized that he had lied to the military, so this thing could also happen.

12 Q. And given that you were referring the children to these transit centres, why were
13 you interested nevertheless in finding out their age after you had let them go?

14 A. The aim was to try to document as much as possible who were the children
15 associated with armed groups and -- armed groups for Ituri, to document trends to be
16 able to provide the most appropriate answer to the needs of these kids. In the same time
17 there was a demobilisation programme being set up at the national level in Kinshasa, so
18 one of our tasks was also to inform as much as possible the process of demobilisation and
19 reintegration to inform, well, the authorities, Congolese authorities, but also the partners
20 who would have to set up responses to these children, not only in the transit period
21 because, I mean, we are trying as much as possible as a child protection community to
22 keep these children for the least duration -- the least possible duration and find a solution
23 to trace their family to the extent as possible or find alternative ways for them to be taken
24 care of.

25 So for us it would be important to understand whether the children would have to be

1 taken care of were more of the age of 8, 9, 10, or 18. That's also for several purposes,
2 whether the children would have to be provided with education, or the percentage of
3 children who could access professional training. But we're also documenting the age of
4 the children with regard to reports we had to produce for the special representative on
5 children in armed conflict, the child protection section was contributing to. But also, I
6 mean, we knew that the Rome Statute had been ratified by Congo in 2002, so that was also
7 something very important to picture -- it was also very important to picture to the extent
8 possible the number of children below the age of 15 who were associated or not with the
9 armed forces armed groups at that time.

10 Q. And how exactly did you document the cases of these children?

11 A. Sorry, your question is about how did I record information I gathered?

12 Q. Yes.

13 A. Sorry. Taking notes and to the extent possible we would try to -- I would try to
14 have one-to-one meeting in a confidential manner with the children, with the assistance of
15 a Congolese colleague, whether from MONUC or from other organisations. I would take
16 notes, record that into a file and include this information in an Excel sheet to be able
17 to -- to qualify, quantify better the information we are gathering into a file, an Excel file
18 was kind of database we were maintaining.

19 Q. And who apart from you was involved in the keeping up of this database?

20 A. In Ituri when I was alone it was me, and then when my colleague joined me
21 mid-2004 the Excel database was populated by both of us. When colleagues were
22 coming to document -- colleagues from other part of -- of Congo were coming to assist
23 with the interview of kids, they would record that in a Word document that would later
24 on be compiled into a single file.

25 Q. And did you read the information that your colleague's compiled in these separate

1 Word documents?

2 A. I did.

3 Q. For what purpose?

4 A. For information, but also for cross-check. Because some of our colleagues were not
5 familiar with the situation of Ituri, so just to ascertain that while they were taking notes
6 they would record it in a way that could allow me to -- to understand what -- the notes
7 they were taking because at times there was a name of a commander, for instance, would
8 be written in a certain way that was different for a different person because of the
9 pronunciation, so I would just ascertain that what they had written I could relate it to the
10 way I would write it also, or that they could understand what it was referring to. Or, for
11 instance, there were names of villages that would not be exactly spelled out the way I
12 would do, so just to be sure -- I would not change, but that I would understand.

13 Q. In addition to asking the children that you had these meetings with, questions about
14 their age, their family members, their schooling, did you ask them any other questions?

15 A. Mostly, yes, but again it would depend on the children. Some of them obviously
16 did not want to talk about their experience, so they would give their names, their age, at
17 times their address, information about their parents, but then when I -- I would ask them
18 about their military experience, I mean their experience about their association with other
19 armed groups, some of them would be reluctant and then I would not push them. But
20 the aim for me was to try to understand their military, in brackets, history.

21 So the information I aimed to collect was the time of the association with one group, and
22 children could be associated with different groups at different times. Some of them have
23 been associated with the APC in '99, then the RC -- then the RCDN, then the UPC and
24 then PUSIC, or FAPC. I mean, some of the children have moved from one group to
25 another one at different period of time. So we would try to understand what was the

1 first instance I -- the first time they were recruited, then the first commanders they served
2 with. We tried to understand to -- to know the battles they took an active part in, know
3 the name of their last commander. And that was also to serve the purpose of
4 demobilisation because at that time we were looking for -- to get the children the kind of
5 document -- not to demobilisation order because that would have to follow, you know,
6 the national process, but we've been trying for a long time -- long period of time to have a
7 kind of document that would certify that the child was not associated with an armed
8 group any more. So that was -- yeah, it was also served -- it could have served its
9 purpose.

10 We would also try to ask the kids about their experience while being associated with the
11 armed group, the way they were treated, the way they were fed, if, when needed, they
12 had sufficient medical attention. We would ask them if they knew of other kids being
13 associated, their age, their name, if there were children casualties of -- that they know of,
14 children who were belonging to the same group, or children who could have been victims
15 of attacks they took part in. We were asking particular questions about the girls who
16 were associated with the armed groups, so we would ask the girls but also the boys to
17 understand what was the situation of girls because it was of real particular concern at that
18 time. We tried to know, you know, the way they were trained, what -- not that much
19 about the weapons, but some of them provided information about the weapons they were
20 trained using or not. Yeah.

21 Q. Thank you.

22 MS SOLANO: Can the court officer please display the following document but not
23 broadcast to the public: It's DRC-OTP-0138-0106.

24 MR GOSNELL: Could I have a tab number, please?

25 MS SOLANO: Thirty.

- 1 PRESIDING JUDGE FREMR: Defence, any objection against the use of this document?
- 2 MR GOSNELL: Not at this time, Mr President.
- 3 PRESIDING JUDGE FREMR: Thank you.
- 4 THE COURT OFFICER: The document will be displayed on the evidence 1 channel.
- 5 MS SOLANO:
- 6 Q. Let me know when you can see this document, please.
- 7 And can the court officer now please turn to the second page of the document and then
- 8 the third and the fourth pages so the witness can see them.
- 9 And the next page, please.
- 10 And one more page, please.
- 11 Madam, I can, if necessary, supply a hard copy of this document, but from what you've
- 12 seen so far do you recognize it?
- 13 A. Yes, I do.
- 14 Q. What is it?
- 15 A. I think that the four pages relate to two different documents. They are -- they are
- 16 an abstract from the database I was maintaining. This was a document that was shared
- 17 in a very confidential manner, but obviously it hasn't been kept confidential, between
- 18 NGOs that were -- that were running transit centres in Bunia.
- 19 This extract of my database was done for the aim of -- sorry, let me start again. This
- 20 document contained names and information about children we had information about
- 21 when there was no transit structure in Bunia. And when I did meet these kids prior to
- 22 the setup of transit structure, I told them that we would try to inform them as much as
- 23 possible when solution would be available for their care and protection. So this
- 24 information was shared with child protection agencies so that we could try to trace and
- 25 find these kids. So you will see that in some of the columns it's mentioned that the child

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1 is now in safe CTOs or -- so that's a small abstract, a small part of my database.

2 Q. Thank you.

3 MS SOLANO: Your Honour, I'm mindful of the time, that it's time for a break. I will
4 seek to admit this document into evidence, but I can do it after the break if the Chamber
5 prefers.

6 PRESIDING JUDGE FREMR: No, let's do it now because there is -- is it your last
7 question on this document?

8 MS SOLANO: No. I will have more questions, your Honour.

9 PRESIDING JUDGE FREMR: Okay, so then we can make it after.

10 All right. So since we are slightly over our schedule, we will break now and we will
11 continue, in order to maintain 30 minutes' break, we will continue 11.35.

12 THE COURT USHER: All rise.

13 (Recess taken at 11.03 a.m.)

14 (Upon resuming in open session at 11.36 a.m.)

15 THE COURT USHER: All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: So let us continue with testimony of Madam Peduto.

18 Ms Solano, you may proceed.

19 MS SOLANO: Thank you, your Honour.

20 Q. Before the break, Ms Peduto, we were looking at a document that you described as
21 containing excerpts of your database. Can you confirm that the document is still visible
22 in front of you and let me know if you would like to see a printed copy?

23 A. It's visible.

24 MS SOLANO: Can the usher please assist.

25 THE WITNESS: I can see it.

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1 MS SOLANO:

2 Q. All right, you don't want a printed copy? That's fine. It's better this way. Thank
3 you.

4 Can I ask you to look across the top row of the first page of this document, which is page
5 0106, and explain to the Chamber what the different titles for each of the columns mean
6 and what information was meant to be captured there?

7 A. The first column was about -- was the number we are giving to -- to each child
8 that -- when the database was populated.

9 Q. Excuse me.

10 A. The first column, "NB".

11 Q. Thank you, "NB".

12 A. The second one, called "Informal identification date," was date I first met with the
13 child and first started the identification of the child.

14 The second column is about formal identification date by MONUC. It refers to the date I
15 had an interview with the child. For instance, it could happen that I met once a child,
16 such as in Rwampara in March 2003, and I was not -- I did not have the opportunity at
17 that time to interact.

18 PRESIDING JUDGE FREMR: Sorry to interrupt you. I see there are some troubles, or
19 are they already solved?

20 I think it is fine so, Ms Solano, you may proceed.

21 MS SOLANO: Thank you, your Honour.

22 Q. Madam, please continue.

23 A. Yeah, so that's why you've got two different columns, when -- when we met -- when
24 I met the child at different times.

25 "Identification partner" is the partner who documented the story of the child. In some

1 instance, which is at MONUC CPA, refers to me, MONUC Child Protection Adviser, and
2 for others names of other organisation are given, which means that I did not personally
3 met with the child, or -- but it relates to children that were -- who were taken care of by
4 other organisation, children would go directly from these structures run by one or the
5 other organisation.

6 "MONUC interview date" is when I actually interviewed -- I or one of my colleague
7 interviewed the child.

8 "Interview place" refers to the place where we actually discussed with the child.

9 Q. Allow me to interrupt you for one clarification.

10 So, for example, if we take the fifth entry from the top?

11 A. Mmm-hmm.

12 Q. For which the first available information is the formal identification date May '04?

13 A. Mmm-hmm.

14 Q. And for which the identification partner is IRC/FFPM, and then on the next column
15 there is a date 13/05/04, what does that date refer to?

16 A. The date MONUC actually interviewed the child, MONUC child protection
17 interviewed the child.

18 Q. Please continue.

19 A. "MONUC interview place," actually where the interview took place.

20 "Family name" of the child. So name of the child. The sex. The age at the time of the
21 interview. SET refers to structure d'encadrement transitoire, which is transit care
22 structure. It could be a centre, it could also at times foster family, sorry. So when a
23 place is being identified, such as in the four lines, it mean that the child is being taken care
24 of in the transit centre run by Save the Children in Bunia.

25 Q. A question, please. Can you repeat the expression you used in French. I want to

1 make sure the transcript captures it?

2 A. Structure d'encadrement transitoire.

3 While in 2003 we had only transit centres, in 2004 another programme, another care
4 programme was set up where some children were actually taken care of by foster families.

5 Q. Madam, according to the transcript you just said that "in 2000 we only had transit
6 centres".

7 A. Sorry, it was 2003.

8 Q. And what was the name of this programme of foster families?

9 A. Well, it was a care programme for children associated -- formerly associated with
10 armed groups.

11 Q. Did it have a name, or it was just a series of foster families?

12 A. It probably had a name by the NGOs who was running it. I cannot recall.

13 Q. And what NGOs were running it?

14 A. The NGO in charge was IRC, International Rescue Committee.

15 Q. Thank you. Please continue.

16 A. And you've got an additional column which is called date -- entry date into the
17 transit structure. But the name of the father of the child, whether he was -- then the next
18 column is whether he was dead or alive.

19 Q. And I see that the letters "DCD" recur throughout this document. What do they
20 mean?

21 A. Sorry, it's an abbreviation for "deceased", "décédé" in French.

22 Q. Please continue.

23 A. Then we have the column stating the mother and mother's name, whether -- again,
24 the next column, whether she was dead or alive.

25 The next column is about the original address of the child prior to his association -- his or

1 her association with the armed group.

2 The next column is about the city or the village, the locality where the child was.

3 Then the next column is about the last armed group the child was associated with.

4 The other column is about the NGO in charge of following up the child after his
5 reinsertion or reintegration into his family, his or her family.

6 There is a column for observation or the observation.

7 And the latest column is about the certificate we were trying to get for children after their
8 informal or formal demobilisation, that was to indicate whether the child had been given
9 such a certificate or not.

10 MS SOLANO: Can the court officer please display page 0108.

11 Q. Once you've had a chance to see that page, can you please explain what this page
12 shows.

13 A. This is probably a -- these documents were produced probably at different times.
14 I'm not sure whether they refer to the same -- whether this is the second page of the first
15 one you just show me, or if this is another document that was produced at an earlier date.
16 I think the columns do not match, so it may not be the same document.

17 MS SOLANO: Can we return to the first page of the document, please, 0106.

18 Q. Madam, I want to draw your attention to certain entries where the information
19 appears to be similar for all the entries. So the -- starting at the top of page 0106, the
20 fourth entry, where the identification partner is MONUC CPA and the age is stated as
21 being 14, and the SET is the CTO for SC in Bunia, and the armed group is identified as
22 UPC and the follow-up NGO is identified as FFPM. And I notice that, if you go to the
23 bottom of the page, on the seventh row from the bottom there is another entry where the
24 MONUC interview date is 14-Oct-03 for an individual aged 15. And, again, the SET and
25 the armed group and the follow-up NGO are the CTO of SC and the UPC and the FFPM.

1 And if we now move to the following page, 0107, and if you look at the first two entries,
2 the first two rows at the top of the page they correspond to a 13 and a twelve-year-old
3 children and the armed group is UPC and the follow-up NGO is FFPM.
4 And it's the same CTO, and this is also the information available for the fifth entry from
5 the top, a fourteen-year-old child, CTO SC, armed group UPC, follow-up NGO FFPM.
6 And there is a final case on the fifth row from the bottom of the page where the CTO, the
7 armed group and the follow-up NGO are the same.

8 Can you explain whether that has any relevance, any significance?

9 A. All the entry you mention are related to children were lastly associated with the
10 UPC. Is that the question, or?

11 Q. Yes. And the CTO in question was which one?

12 A. The one ran by Save the Children.

13 Q. And what was the role of the follow-up NGO FFPM? When children had been to
14 the Save the Children CTO, what role was there left for the FFPM NGO?

15 A. The NGO in charge of follow-up was requested either to trace the child's family, or
16 when the child was reunified, if reunified, the NGOs would ensure a regular follow-up of
17 the child after his or her reunification, monitor what he was or what she was doing and
18 monitor if there was any threats to the child or if the child was afraid of remobilisation at
19 times.

20 Q. Madam, you talked earlier about talking to the children you interviewed also about
21 their commanders, the battles they had participated in. Where is that information
22 recorded on the document that we've just been looking at?

23 A. This is not recorded. This information was kept for MONUC use exclusively.

24 Q. And but was this information part of MONUC's version of the database?

25 A. This is correct.

1 MS SOLANO: Your Honours, I seek to have this document admitted into evidence.

2 PRESIDING JUDGE FREMR: Mr Gosnell, any objection?

3 MR GOSNELL: There is no objection to admission, but I do believe in light of what the
4 witness has said that they should be tendered as two separate documents. She's
5 indicated twice at page 43, line 15 to 16, and page 37, line 11, that it's her belief these are
6 two separate documents and I believe the content bears that out.

7 PRESIDING JUDGE FREMR: Ms Solano, do we have two ERN numbers?

8 MS SOLANO: Well, it depends on how you look at it, your Honour. I think it's a
9 question of what the experts call delimitation of the document or where you break it so
10 that it becomes a second document. In the Prosecution's submission, it's unnecessary to
11 break the document apart. The record will show what the witness has had to say about
12 the document.

13 PRESIDING JUDGE FREMR: Okay, then I think it's fine.

14 So this document, even containing two parts, or even maybe two different documents, but
15 for us, for the purpose of evidence is admitted into evidence as a further Prosecution
16 exhibit.

17 And I would like to utilise this break for one remark concerning composition of the
18 Defence team. Mr Gosnell, now I realise that now at the beginning of this session, I
19 realised that Mr Bourgon was not present, so please next time if there are any even slight
20 change of the composition of your team in the courtroom, please notify us. It is a minor
21 point, but we would like to keep really precise transcript, even concerning presence of any
22 person.

23 MR GOSNELL: Mr President, that's entirely my mistake. Maître Bourgon reminded
24 me to say that at the beginning of this session, and so therefore I hereby put on the record
25 that Maître Bourgon is no longer with us. Thank you, Mr President.

1 PRESIDING JUDGE FREMR: Very well, fine.

2 Now, Ms Solano, you may proceed.

3 MS SOLANO: Thank you, your Honours.

4 Q. Madam, were the CTOs in Bunia, the transit centres, were they open to children of
5 all ethnic groups?

6 A. In theory, yes.

7 Q. And in practice?

8 A. In practice, when the first CTO opened in Bunia all children from all origins or
9 armed groups were brought there if they wanted to, or were accommodated there if they
10 wanted to. When the CTO was opened by Caritas, in theory it was also planned to
11 accommodate children from all origins as well.

12 The CTO was quickly moved to the north of the city Mudzipela, and in practice known
13 children associated with Lendus group would be referred there. Because of security
14 situation, the north of Bunia was known as being still, um, under the influence, I will not
15 say control, but influence of the UPC. Children associated with Lendu groups would not
16 go there. In practice I think that safe CTO was accommodated all, children from all
17 groups, whether they were coming from -- they were formally associated with UPC
18 Lendu groups or PUSIC or -- I'm not sure that they had any children associated with the
19 FRPC because it was too far. The children run by -- the centre run by COOPI
20 did accommodate girls from all backgrounds.

21 Q. What was the age range of the children accommodated at these transit centres in
22 your experience?

23 A. Well, none of the -- none of them was -- no, sorry. They were supposed to
24 accommodate children up to the age of 18. In practice, it may have happened that
25 children turned 18 and would still remain there. The aim was to accommodate children,

1 so it means, yeah, persons below 18. When children turn 18 and we were -- and for
2 whom no solution was found, no safe solution was found, some of them would be kept
3 under the care of the organisation. I don't think that there were many of them, but it for
4 sure has happened.

5 Q. And --

6 A. The youngest one, I cannot say for sure for each of the centre. I know that I have
7 seen children aged 11, 10. Where they were exactly, I'm not sure. I say for sure, but I
8 saw children below the age of 15 in all centres.

9 PRESIDING JUDGE FREMR: And excuse me, Madam Witness, I would like to put
10 additional question concerning your last answer. You said "I have seen," does it mean
11 that you made your conclusion exclusively based on appearance of those children, or did
12 you talk to them about their age?

13 THE WITNESS: Yes, sorry, your Honour. "Seen" was not the appropriate word. I
14 have documented cases of children below the age of 15 that were later on or at the same
15 time accommodated in all these centres.

16 PRESIDING JUDGE FREMR: Thank you.

17 MS SOLANO:

18 Q. From among the group of 10 or 11 years old, do you remember any specific cases,
19 and in particular what groups, what group or groups these young ones belonged to from
20 amongst the children that you have interviewed?

21 A. As I said previously, the majority of children I have interviewed belonged to -- were
22 lastly associated with UPC, which does not mean that, again, the UPC was using children
23 more than the other groups. It meant just that I had an easiest access to these kids
24 because I was based in Bunia and because the UPC was more present in that area.
25 I have documented cases of children, of young children, I -- all the section have

1 documented cases of children as young as 10 or 11 from all groups as far as I recall. So it
2 was not something that was specific to the UPC.

3 Q. Are you familiar with an organisation called PAV?

4 A. PAV, yes. Yeah.

5 Q. And what does PAV mean and what did -- what did you know this organisation to
6 do?

7 A. PAV as far as I remember is Programme d'assistance aux vulnérables, Programme
8 d'assistance aux vulnérables. In English, I don't know.

9 THE INTERPRETER: Assistance programme for vulnerable persons.

10 THE WITNESS: Yes. There were probably -- let me recall. I think they were
11 partnering with Save the Children, national NGO based in Ituri, as far as I can recall. I
12 cannot tell you exactly the programmes they were running. They were assisting Save the
13 Children for family tracing, I believe, and they were also again I think following up
14 certain of these children in certain areas of Ituri.

15 MS SOLANO:

16 Q. How about an organisation called Terre des Enfants?

17 A. Yes, I remember. Probably also one of Save the Children partner. Save the
18 Children has had long presence in Ituri and they were operating with the support or in
19 association with various -- with a large number of small local organisation for various
20 purposes, including for the purpose of following up children who were -- for family
21 tracing and for following up the children who were sent back to their families.

22 Q. And was that the role of Terre des Enfants? What role did this organisation --

23 A. I think so. They were one of the partners, yes.

24 Q. You have spoken about the fact that the children you interviewed, you asked them
25 about the battles that they participated in. Being based in Bunia, how were you able to

1 verify whether the information they were giving you was correct, meaning you
2 were -- you had not yourself been at those battles?

3 A. No, I mean it hasn't been -- I haven't been everywhere in any case ever all the time.
4 We haven't been able to verify all the information that children were giving us, that was
5 also not the purpose as such, but to ascertain whether the child accounts were making
6 sense, we -- we had information about major event that took place in Ituri and there was a
7 chronology that was available, and that was improved as time passed.

8 PRESIDING JUDGE FREMR: Madam Solano, sorry to interrupt you again, but one
9 additional question.

10 You said, Madam Witness, that you were not able, which is logical, to verify information.
11 Was there between you and the children any discussion about your interest to get true
12 information, truthful information? Because, you know, it is different compared to
13 investigation made by investigators of the Court, for example, or testimony given before
14 the Court. But was there any at least emphasis given to the children that you would like
15 to get truth from them?

16 THE WITNESS: Yes, I mean, as an introduction when we are meeting with children, we
17 would explain that we needed information from them because we were first explaining
18 that the association of children with armed groups or forces was something that was not
19 allowed, it was contravening to children basic rights. So we were explaining them that
20 the situation they were -- that they experience in these armed groups was something that
21 we were trying to prevent, that it's something that was not right, and that we were aiming
22 at getting information from them so that we could set up appropriate protection
23 mechanisms for others and that we were aiming at understanding the way they had been
24 forced or the way they did choose to associate themselves with these various armed groups
25 and that we were documenting their experience so that we could provide as much as

1 possible appropriate responses to those who had been victims of such violations. We
2 were introducing the conversation by explaining the children that they had been victims
3 of a violation. That was the way we were documenting.

4 PRESIDING JUDGE FREMR: Thank you very much.

5 MS SOLANO:

6 Q. You mentioned that you had available to you some chronologies or a chronology.
7 Where did these chronologies come from?

8 A. From various sources. Mainly from the information we're obtaining from our
9 military observers, but also from the investigations we've conducted with the special
10 investigation we conducted together with -- I mean, as part of the special investigation
11 team led by the human rights section. And there was a, yeah, main event were recorded
12 by MONUC as a -- as a body. At that time I was just also, yeah, was using it as a
13 reference but was not able to always find a specific battle which I was referring to. There
14 were too many and this chronology did not include all events that took place in Ituri.

15 Q. For the children that you, yourself, interviewed, how long would you say that you
16 spent with each of them on average?

17 A. Really again it depends. I mean, sometimes it could be just five minutes because
18 the child was not at ease or was not -- did not agree, or also because I had something else
19 to do. But in general it was -- it could be between 30 to one hour -- 30 minutes to one
20 hour. Mostly 30 minutes. We did not spend -- we did not want to spend too much time
21 with the kids as well. I mean, the aim was not -- as your Honour you said, it was not an
22 investigation into the child's story, we were not requiring them to go too much into details,
23 we were just taking the basic information. If the children were talking and were -- and
24 when they wanted to express themselves, I mean, you know, we let them. So for some
25 interviews it could take one hour, but mostly was 30 minutes, 30, 40, one hour, yeah.

1 Q. Thank you. Are you able to tell the Court what is the total number of children that
2 your section documented as having been associated with armed forces or groups in Ituri?
3 And of course I'm interested in the period of 2002 and 2003 as the period in which the
4 children would have been associated with the armed groups.

5 A. Well, that -- now that's difficult to recall, really. I know that in the total database at
6 the end of -- in some -- in 2004 we had recorded more than 600 names of children we had
7 interviewed, but we had -- were also taken care of by NGOs. The number of -- who we
8 talked to -- well, I remember the document that's available to the Court, which has
9 approximately 170 names, but that's not the total number of children we interviewed.
10 When I left Ituri in 2004 we did continue the interview and this document is probably an
11 earlier version of -- of the document, of the cases I've documented, so it's probably closer
12 and higher than 200.

13 Q. Thank you, madam. I will come back to that document at a later point in your
14 examination, but for now I want to ask you from those more than 600 children whose
15 cases you documented, are you able to say how many of them were under the age of 15?

16 A. I know I've given this information before, but I cannot remember and I did not want
17 to check again my notes because I would have mixed up information, but I think I
18 provided the numbers previously.

19 MS SOLANO: Your Honour, I seek permission to refresh the witness's memory by
20 reference to her prior testimony before the Trial Chamber in Lubanga.

21 PRESIDING JUDGE FREMR: All right.

22 MS SOLANO: Your Honour, I need a moment to find the exact reference. My
23 apologies.

24 PRESIDING JUDGE FREMR: Take your time.

25 MS SOLANO: Can the court officer please display document DRC-OTP-2054-6568.

1 This is the English version of Ms Peduto's testimony on 7 July 2009. It's transcript
2 number 205. It can be displayed publicly. And I request specifically page 71 and the
3 ERN for that page is 6638.

4 Can the court officer please show the bottom of the page beginning at line 20 so that the
5 witness has an opportunity to read the question that was put to her during her trial
6 testimony.

7 THE WITNESS: Yes.

8 MS SOLANO: Can we move to the top of the next page please, 6639.

9 Q. Have you been able to read the questions and answers up until line 11, madam?

10 A. Just give me one minute.

11 Yeah, I'm done.

12 Q. And has that refreshed your memory about the proportion of the more than 600
13 children whose cases were documented by the child protection section at MONUC who
14 were under the age of 15?

15 A. Yes.

16 Q. And what was that number, please?

17 A. 220.

18 Q. Madam, and from that number of 220 -- well, can you -- can you tell us what group
19 or groups those 220 children under the age of 15 were associated with, according to your
20 documentation?

21 A. I believe all groups that were operating in Ituri at that time.

22 Q. Did that include the UPC?

23 A. It did.

24 Q. And do you recall the number, the proportion of the 220 children under the age of
25 15 who had been associated with the UPC?

1 A. I'm sorry, again, I will have to give you the same answer; I have provided the
2 figures, but they are in my previous statement.

3 MS SOLANO: Your Honour, may I refresh the witness's memory by reference to her
4 trial transcript?

5 PRESIDING JUDGE FREMR: Please.

6 And Mr Gosnell.

7 MR GOSNELL: Before we move off this page, I think that the next three or four lines
8 should be shown to the witness.

9 PRESIDING JUDGE FREMR: Ms Solano.

10 MS SOLANO: Your Honour, I have no objection to doing that, but I want to show the
11 French version of the transcript which is the language in which the witness was testifying
12 during the Lubanga trial.

13 PRESIDING JUDGE FREMR: Is there such a big issue?

14 MS SOLANO: There is a slight difference, your Honour, so I want the witness to be able
15 to have the opportunity to compare what it says in the French version with what it says in
16 the English version.

17 PRESIDING JUDGE FREMR: All right then.

18 MS SOLANO: Can the court officer please move lower down the page to lines -- so that
19 the witness can see from lines 5 until line -- well, to -- to line 21, please.

20 And, your Honour, I need to find the same in the French corresponding version. I beg
21 your indulgence.

22 PRESIDING JUDGE FREMR: Yes, no problem.

23 And, Madam Witness, no problem to say that you don't remember anything, so no need
24 to apologise because we even prefer if you're not sure about what you said many years
25 ago, we appreciate that you just refer to your previous testimony and that's it. So it's

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1 absolutely fine with the Chamber.

2 MS SOLANO: I'm almost there, your Honour.

3 The ERN is DRC-OTP-2054-6645, and the page is 6718. And can the witness please be
4 shown or can the court officer please zoom in beginning on line 4 so that the witness can
5 again read the question and the answers.

6 THE WITNESS: Done.

7 MS SOLANO:

8 Q. Have you -- has reading the transcript of your testimony in Lubanga refreshed your
9 memory, Ms Peduto?

10 A. Yeah, the 220 cases were related to children below the age of 15.

11 Q. Thank you.

12 So are we talking about 220 children under the age of 15 who had been associated with the
13 UPC, or just 220 children under the age of 15 registered in your documents?

14 A. What is said in the document.

15 Q. And what was the proportion in -- within the 220 children under the age of 15 that
16 had been associated with the UPC?

17 A. Again, I don't remember the correct answer. I believe the majority of them were
18 associated with the UPC, but I think I must have provided more details earlier.

19 MS SOLANO: Your Honour, may I refresh the witness's memory?

20 Can the court officer please return to the English version of her testimony in Lubanga,
21 that is document DRC-OTP-2054-6568, at page 6639. Bottom of the page, please, from
22 lines 22.

23 THE WITNESS: Yeah, it's done.

24 MS SOLANO:

25 Q. And has seeing that, Ms Peduto, refreshed your memory about the number of

1 children under the age of 15 whose cases you documented that have been associated with
2 the UPC?

3 A. Yeah, I earlier stated that 167 of them had been associated with UPC.

4 Q. Do you recall what proportion of those 167 cases, and again we're talking about
5 children under the age of 15 documented by you who had been associated with the UPC,
6 do you remember what proportion of those 167 had been recruited or used by that armed
7 group between 2002 and 2003?

8 A. I don't have the exact figure, but I would say a vast majority of them.

9 Q. Madam, based on what you remember, from the more than 600 children who
10 were -- whose cases were documented by you, what proportion of those had been
11 interviewed by you personally?

12 A. The section in July 2003 -- no, hang on. We have directly interviewed some 200
13 kids. I've interviewed the majority of them, the exact number I cannot recall. I
14 conducted all the -- almost all interviews till the end of 2003, I think, and then I had the
15 assistance of another child protection officer, as I said mid-2004 and, if my recollection is
16 correct, twice other colleagues from other part of the country came to assist in the
17 documentation -- with the documentation.

18 Q. And generally speaking, how confident did you feel about your ability to assess the
19 age of these children accurately?

20 A. I would say I was confident about the information I was getting. I cannot state 100
21 percent that the age that was given and estimated -- given by the children were 100
22 percent correct. At times, as I said, I was cross-checking with other colleagues, I
23 was -- most of the -- most of the time assisted with a Congolese interpreter, so we would
24 also interact and, you know, discuss if we had questions. And for those I would have
25 questions for I would go back sometimes to the NGO as the child was referred to.

1 Sometimes I would also ask one of my Congolese colleague who was coming to assist to
2 re-interview the child. That's all.

3 Q. Did the interviews you had with these children which you've said were perhaps half
4 an hour, occasionally longer, did they provide you with an opportunity to observe the
5 demeanour of these children, their behaviour?

6 A. Yes, of course. Yeah.

7 Q. And did this have an influence on your assessment of their age?

8 A. Yeah, it did. I mean -- and, again, there is no one single information that can
9 inform anyone about the child's age. There is no -- they did not have birth certificate or
10 any documentation that would prove their age. But most children we talked to did not
11 have any -- I mean, no children we talked to had any reason to -- to lie. And there was
12 nothing they would get, they would gain by lying. Most of them were even -- I mean,
13 most of them had attended school, one way or another, so it was one way for them to, you
14 know, to know their age and to -- to be able to recall. None of them was completely lost
15 and none of them said "I don't know how old I am."

16 Yeah, I mean, you know it was possible to -- and the children behaviour vary, whether
17 they are very young, or pre-teen, or old teenagers. So the way they would behave or
18 respond to certain questions would also assist in the identification of their age. I mean,
19 some kids would first say that they would be 17 or 18 and show up and then at a later
20 point correct. It happen a few times, but not necessarily -- I mean, they did not have any
21 reason to lie.

22 Q. In your experience was the behaviour of the youngest children you interviewed, the
23 10 and 11-year-olds that you interviewed, any different from the behaviour and the
24 demeanour of older children, for example, children over the age of 15?

25 A. At times, yes, not necessarily, but the youngest one would have more -- would be

1 less talkative, would have certain -- it would be more difficult for them to, for example, to
2 talk about certain events that would have directly affected them, such as the death of their
3 parents, or certain traumatic events, or they would not necessarily go into very detailed
4 account of their military experience. So for some of the youngest one, they would feel
5 less comfortable talking about certain things and they would be, yeah, in general less
6 talkative.

7 What I remember, I would have talked with children who would burst into tears or, you
8 know, children who really feel uncomfortable and scared; whereas, the oldest one would
9 be more confident. But again it's general. I have also interviewed very young children
10 who would talk forever and be very proud -- by very proud, very happy to express, trying
11 to give accounts of their experience.

12 So it's not one -- there is not one way children would just react, it would be
13 several -- several pieces of information would help us assess the child's age.

14 Q. Madam, I'm going to move to a different topic. I'm going to take you back in time
15 and I would like you to -- I would like to ask you some questions about the first time that
16 you yourself went to Ituri, to Bunia. Do you remember when that was?

17 A. Early September 2002.

18 Q. And how long were you there for?

19 A. I think for two days.

20 Q. And who did you go with?

21 A. MONUC helicopter. Sorry, who? I don't remember with whom I was. I know
22 that I met with a military observer who were based there. Sorry.

23 Q. What was the purpose of your visit?

24 A. Well, the responsibility of Ituri had just shifted for the child protection section from
25 Goma to Bunia -- to Kisangani, sorry. So we were -- the section in Kisangani was

1 officially tasked to -- I mean, was officially responsible for the Ituri part of the country as
2 well as the grand -- the north of north Kivu. So far that was the first time -- not exactly
3 the first time, I think that my assistant went there before me, but it was the first time I had
4 the opportunity to go there and to -- to assess the child protection situation at large. I
5 mean, we heard about the fight -- the fights that were taking place there, we received very
6 concerning testimony from civil society and NGO colleagues, also from our MONUC
7 colleagues. We knew that the humanitarian situation there was also of -- of very serious
8 concern. So it was important to go there as fast as possible, I suppose.

9 Q. You referred to the fights. What fights were these?

10 A. The fight that took place in Bunia city and also in the -- the outskirts of the city.

11 Q. Can you explain further, when had this fight taken place? Who had been involved
12 in the fighting?

13 A. Um.

14 Q. And what had been the outcome?

15 A. In August 2002 when the UPC took control of Bunia and the fights that were
16 happening in the south of the city. Probably not only the south.

17 Q. And apart from the UPC, was any other group involved in this fighting?

18 A. The Lendu militias and, sorry, there was also the APC or -- yeah.

19 Q. And what was the humanitarian situation in Bunia at the time of your visit?

20 A. We were informed about the nutritional problems that some of the displaced
21 persons were -- sorry, we had information about the fact that the displaced population
22 was lacking food supply. We heard about -- we were informed about cases of cholera,
23 that was, I mean, a high level of cholera at that time. There were a lot of people also who
24 had been victim of attacks and who were wounded, including children.

25 We were also informed of a wave of recruitment in the armed groups. Yeah, the

1 situation in Bunia at that time was reported as of high concern by humanitarian workers
2 and also by military observers.

3 Q. To your knowledge who were the person who had been displaced by this fight?

4 A. I think that most of the population of Ituri, people from all origin had been
5 displaced because of the fights. At that time non-Iturian people from, originally from
6 outside of Ituri were said to be particularly targeted, a certain profession as well.

7 Q. What professions?

8 A. I believe at that time policemen and taxi drivers were particularly targeted. It was
9 the same pattern in May 2003.

10 I know also, I recall that humanitarian workers, some humanitarian workers had been
11 threatened and that access to certain areas was discouraged --

12 Q. Who --

13 A. -- or not possible.

14 Q. You mentioned a wave of recruitment. Can you explain what you mean?

15 A. We had received a serious allegation by various sources of children, but not only
16 children, but I think for what I was concerned about, of children, young children and
17 adolescent being recruited by what was called at that time the Hema militia or the UPC,
18 which stood for UPC.

19 Q. And according to your information, what ages were the young children who were
20 being recruited by the Hema militia or UPC?

21 A. People at that time were reporting cases of very young children, meaning also some
22 below the age of 15.

23 Q. And can you give more precisions about this recruitment, how did it occur, how did
24 these children come to be recruited?

25 A. At that time we received reports of children joining voluntarily, if we can say so, or

1 children being forced to join. There was not one way I -- people did not report at that
2 time recruitment as taking place in one manner only. We were reported of officials
3 calling for families to send their kids to the militia, to the UPC militia. Official from, if I
4 recall correctly, were working for the university, response -- persons responsible, in
5 charge of certain collectivity, we were told at that time that UPC had requested families to
6 give a child or a co -- I cannot recall exactly this message at large, but that was a summary
7 of it.

8 Q. And these officials who according to your information were calling for families to
9 send their children to the UPC, you say that they were working for the university, what
10 university do you mean?

11 A. The ISP, Institut supérieur pédagogique.

12 Q. Where was that university located?

13 A. In Bunia.

14 Q. And did the university serve all of the ethnic communities?

15 A. I believe so. Yeah, no, I recall that professor were belonging to, yeah, different
16 backgrounds and, yeah, yeah.

17 Q. Do you recall the name or names of the university professors who you've associated
18 with this call to recruitment?

19 A. No. I've provided again the information in a previous statement. But I remember
20 one, Professor Pilo, obviously. There were others, but I cannot recall.

21 Q. According to your reports, did this wave of recruitment, was it significant
22 considering the overall strength of the UPC?

23 A. We were at that time were -- people would report it as something very concerning.
24 They would not say where that recruitment was taking place. As usual, people were
25 scared. They were reporting that there was a wave of recruitment, so something that

1 was not usual. They reported about wave of recruitment. They reported -- I mean, I
2 collected information on that matter in September, but people were talking about
3 recruitment taking place in the month -- in the previous months.

4 I recall July and August for sure. Yeah, as I said, I remember an allegation of the ISP
5 being emptied of its student, so I believe that it was still at the end of the school year.

6 Q. At this time did you know who the leaders of the UPC in control of Bunia were?

7 A. At that time, of course, Thomas Lubanga was mentioned as one of them. I
8 remember that the name of Chief Kahwa was mentioned because he was instrumental in
9 getting people outside of -- out of their arrest situation in Kinshasa.

10 I probably was given other names during the briefing of military observers when I arrived
11 in Bunia. I don't recall now what were the names I was provided. I had had, you know,
12 MILOBs were giving extensive briefing to all newcomers and to -- and they were
13 updating each time we would come to an area, so they would give us -- sorry, the military
14 situations, they would brief us about the security situation. I really cannot recall exactly
15 what were the names that were given to me at that time. They probably gave me several
16 that -- yeah.

17 Q. A precision for the transcript, according to the transcript you said, "I remember the
18 name of Chief Kahwa was mentioned because he was instrumental in getting people
19 outside of -- out of their -- our situation in Kinshasa."

20 A. No. Arrest, arrest. Sorry, it's not the proper way to phrase it, but some of
21 the -- some leaders had been arrested and I believe the ministry of -- minister of human
22 rights had been taken hostage to negotiate the release of certain leaders, and Chief Kahwa
23 was mentioned at that time as the person being responsible for such a situation.

24 Q. Did you see Thomas Lubanga during your first visit to Bunia?

25 A. No.

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1 Q. Did you see him at a later point in time?

2 A. In 2003, yes.

3 Q. How about your colleagues in other sections of MONUC, are you aware whether
4 they had occasion to meet with Mr Lubanga?

5 A. I'm sure that our military observers did.

6 Q. On what occasion, on what date?

7 A. In 2002, they certainly did. What occasion? I'm not sure I know, I'm sure I cannot
8 recall. No, I cannot say.

9 MS SOLANO: Your Honour, I seek permission to refresh the witness's memory by
10 reference of her statement.

11 PRESIDING JUDGE FREMR: All right.

12 MS SOLANO: Can the court officer please display document DRC-OTP-0165-0051.
13 First page not broadcast to the public, please.

14 Q. Do you recognize this document?

15 A. Yes. Yes, I do.

16 Q. And what is it?

17 A. The first statement I provided to the Office of the Prosecutor.

18 MS SOLANO: Can the court officer please show page 0061, bottom of the page,
19 paragraph 44.

20 Q. Let me know when you've had a chance to read that paragraph.

21 A. Done.

22 Q. And does reading that paragraph refresh your memory about the information you
23 had back in August, September 2002 as to whether your colleagues in MONUC had had
24 any meetings with Thomas Lubanga?

25 A. Yes. I had said that MONUC had a meeting with Thomas Lubanga on 23

1 September.

2 Q. Thank you. Ms Peduto, what was your next mission out of Kisangani after your
3 visit to Bunia in September 2002?

4 A. I had a visit early September and then a second one on 10 September.

5 Q. And why did you visit Ituri twice in September?

6 A. As a follow-up to my first visit. The first visit was very short, so I probably went
7 there to follow up on documentation and on contacts. I remember that we -- at that time
8 there was one of the MILOBs particularly concerned by the child protection situation that
9 would be someone who would stop regularly in Kisangani to brief us about the situation
10 and to collect information, and I thought that it was also -- I know that each time we went
11 to missions we would share documents with those MILOBs, the conventions, the
12 resolutions, the reports, the UN reports on children associated with the armed groups and
13 we would ask them to disseminate this information with the armed groups in their area.
14 Yeah.

15 Q. And to your knowledge did the MILOBs disseminate these materials?

16 A. Yeah, I believe so. Yeah, they were -- I mean, all of them, but particular -- not
17 particularly, but also this team in Bunia was very keen in having the possibility to, you
18 know, to interact with the armed groups with a specific topic they would be happy to
19 share information and disseminate as much as possible to those who them, not a reason,
20 but a topic of conversation to interact with the armed group rather than the unusual
21 regular monitoring they were conducting. So I'm quite confident they did in Bunia. I
22 don't recall a hundred per cent, but really that was team was very concerned by the
23 protection -- by the child protection situation.

24 Q. Madam, do you by chance remember the names of any of your colleagues who
25 attended the meeting with Thomas Lubanga on 23 September 2002?

1 A. No.

2 Q. Do you remember what level the people who met with Thomas Lubanga were, like
3 how junior or senior they were in the organisation?

4 A. I'm not sure -- really, I'm not sure. I've got an answer, but I'm not sure if it's the
5 right one at the appropriate time. I know that there was a meeting that was conducted
6 with the deputy force commander, I think, General Martinelli, but I'm not sure if it's this
7 one that we're talking about. I must have mentioned this meeting somewhere else. So
8 if it's -- if we're referring to this meeting, he was the number two in the military chain of
9 command in MONUC.

10 Q. Were you able to move around Bunia freely while you were visiting in
11 September 2002?

12 A. Absolutely not. No, no. The security situation was -- was of very serious concern.
13 I was -- I have been able to move together with our MILOBs, but I was hardly allowed to
14 move a little bit in the street near the accommodation, but no, that's all. We haven't been
15 able to go out of Bunia as well. I remember to have been to a nutritional centre, but the
16 time period was very short and, yeah, the security was very -- was not stable at all.

17 Q. You mentioned a -- that the fighting in August had caused certain people to be
18 displaced. Can you give the Court an idea of how -- of the size of the population that
19 had been displaced?

20 A. We are talking about thousands of people.

21 Q. Did you see these people yourself?

22 A. I -- I saw some of them, yeah. And I saw some of them in Beni afterwards. Some
23 of these people had moved to Beni. I know that some of them also moved to Kisangani.
24 Not in large number, I mean they were not accommodated in camps in Kisangani area,
25 but we knew that some of the population moved there.

1 Q. How would you describe the atmosphere in Bunia at the time of your visit?

2 A. Very tensed, highly tensed with very little number of people in the streets.

3 Q. What was the cause for the tension?

4 A. The military fights, the threats against people put by the UPC at that time. Yeah,
5 people were scared.

6 Q. Did you see any children while you were in Bunia in September 2002?

7 A. Yeah. Remember I have mentioned that in previous testimony. I saw some of
8 them near UPC buildings, some of them in the streets while moving from one -- from one
9 location from the airport to the accommodation or to other places of the city. Probably
10 some in vehicles as well.

11 Q. And whose vehicles did you see them in?

12 A. Military vehicles used by the UPC militia.

13 Q. How do you know that they were UPC vehicles?

14 A. Because there were known armed groups present in Bunia at that time.

15 Q. The children that you saw near UPC buildings -- first of all, can you explain what
16 you mean by UPC buildings?

17 A. I was told that time by the MILOBs were meeting with UPC leaders or were -- with
18 the leaders that were in charge of the city at different times that these places were used
19 as -- whether it was accommodation or official places of the UPC at that time.

20 Q. Do you remember where some of those buildings were in Bunia?

21 A. I remember some in -- one or two I think on the main street, main boulevard.

22 Q. And what were these children doing when you saw them?

23 A. Some were in the pick-ups moving in UPC vehicles, pick-ups, and some guarding
24 one building, one or two.

25 Q. What makes you say that they were guarding the building?

1 A. I was told so by the MILOBs and they had usual behaviour of soldier guarding a
2 building. You know, staying up with a weapon and obviously not moving and, yeah,
3 they were also described as such by the military observers who are used to see them on a
4 daily basis, on a regular basis. So I had no -- yeah, no reason to not believe the MILOBs'
5 accounts.

6 Q. Did you see the children bearing weapons at this time?

7 A. Yeah.

8 Q. What kind of weapons?

9 A. I believe they were AK-47. It may well have been a similar type of weapon. I'm
10 not a specialist.

11 Q. Do you recall whether any of the children you saw were under the age of 15?

12 A. I cannot ascertain for sure because I did not discuss with these children, it was just
13 about seeing them. At that time I believed they were looking very young, but that was
14 just from an observation which does not mean they were.

15 Q. I understand your clarification and I thank you for it, but I want to make sure I
16 understand when you say "very young" in this context, how does that relate to the age of
17 15, if you remember?

18 MR GOSNELL: Objection.

19 PRESIDING JUDGE FREMR: Yes, on what basis?

20 MR GOSNELL: Asked and answered, Mr President. Counsel is just not happy with the
21 answer.

22 PRESIDING JUDGE FREMR: Ms Solano.

23 MS SOLANO: Your Honour, the witness provided an answer, she said "very young,"
24 but she has not explained what very young means. It's open to interpretation and why
25 would we leave it up to the parties' interpretation when we have the witness who can be

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1 more specific.

2 PRESIDING JUDGE FREMR: All right.

3 Mr Gosnell, any further comment?

4 MR GOSNELL: Well, at line 13 the witness gave a very clear answer to a clear question.

5 MS SOLANO: Your Honour.

6 PRESIDING JUDGE FREMR: Ms Solano.

7 MS SOLANO: If I may, at lines 13 to 16 the witness explained that the reason for her
8 hesitation in stating the age of the children conclusively is because she did not speak with
9 them, she was just observing them.

10 PRESIDING JUDGE FREMR: Okay, proceed and we will see.

11 MS SOLANO:

12 Q. Madam, would you like me to repeat your question?

13 A. No, no. I've got your question. Again, when I -- I remember to have not been
14 shocked, but I remember to have felt that these children were very young, which is in my
15 mind means that they were not 17 or 18, they looked much younger, which means that I
16 had in my mind probably like 13, 14, 15. Yeah, I had the feeling that they were that
17 young, but again, I cannot tell you that I thought at that time that they were below 15
18 or -- but, yes, when I say very young, it means that I did not think that they were 16, 17.
19 For sure not. No, it was -- it was shocking.

20 Q. Do you recall how these children were dressed?

21 A. No. Probably partly in uniform. Which uniform, which colour, no. I mean,
22 children associated with the UPC at that time were not, as far as I recall, having one set of
23 uniforms. Some of them would have, you know, military-type of trouser, sometimes
24 military-type of jacket, but some of them would have, you know, a different type of hat, a
25 civilian part of their -- they would have -- at times they would mix with civilian clothes, a

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1 T-shirt or a hat that would not be a military type. I don't remember as them having all
2 the same uniform.

3 MS SOLANO: Your Honour, I'm mindful of the time. If it suits the Chamber, we could
4 break for lunch.

5 PRESIDING JUDGE FREMR: Thank you.

6 So we break now for the lunch break and we will reconvene at half past 2.

7 THE COURT USHER: All rise.

8 (Recess taken at 1.03 p.m.)

9 (Upon resuming in open session at 2.31 p.m.)

10 THE COURT USHER: All rise.

11 Please be seated.

12 PRESIDING JUDGE FREMR: Good afternoon, everybody. I see Mr Suprun on his feet.

13 Mr Suprun.

14 MR SUPRUN: (Interpretation) Your Honour, just by way of information to the

15 Chamber, Anne Grabowski is not present in the courtroom this afternoon. Thank you

16 very much.

17 PRESIDING JUDGE FREMR: Thank you, Mr Suprun, for making our transcript

18 concerning appearances precise.

19 Now, I think nothing prevents us to continue with testimony of our witness so, Ms Solano,

20 you may proceed.

21 MS SOLANO: Thank you, your Honour.

22 Q. Madam, after your second visit to Bunia in September 2002, do you recall where you

23 went on mission next?

24 A. I went back to Bunia in March 2003.

25 Q. In what context?

1 A. What context? Sorry, to conduct an investigation -- I think so, sorry. Yeah.

2 Q. Do you recall what you were investigating at the time?

3 A. Sorry. I remember documenting the issue of child recruitment, child recruitment.

4 Yeah, sorry. We were there to investigate allegations of massacres in the area of Lipri,
5 Kobu and Bambu.

6 Q. Thank you. I will come back to this mission in a moment, but first I want to ask
7 you whether at some point you went on a mission to Uganda?

8 A. Yes. When? Sorry.

9 Q. Go ahead, for the usher. Please go ahead if there's a problem with the headphones.

10 PRESIDING JUDGE FREMR: Is it okay now, Madam Witness?

11 THE WITNESS: Yes.

12 PRESIDING JUDGE FREMR: Very well. So, Ms Solano, please proceed.

13 MS SOLANO: Thank you.

14 Q. Madam, can you explain what you went to do in Uganda?

15 A. We -- I was part of a special investigation mission, together with colleagues from
16 human rights, and also a component of the MONUC.

17 Q. And what do you mean "special investigation mission"?

18 A. Human rights special investigation mission.

19 Q. And what was the aim of this investigation?

20 A. Getting testimonies from displaced persons that were coming from the Congo and
21 were displaced in the bordering areas of -- between Uganda and Congo.

22 Q. And why were these populations of interest to you? Why did you personally
23 deploy there?

24 A. I was there in my capacity of child protection adviser so as part of the team I was
25 tasked to look particularly in the issue that would have affected children in Congo,

1 including recruitment of children by armed groups but also children victims of other type
2 of violations, including killing, disappearance, sexual violence.

3 Q. And what part or parts of Uganda did your mission take you to?

4 A. We went in Kampala where we met colleagues from the MONUC and other
5 members of the humanitarian community. We went also in the area of Paidha and we
6 went also into south in the area of Rwebisengo and Ntoroko. We visited different places
7 that I mentioned in previous testimonies.

8 Q. What had caused the displacement of these people?

9 A. Fighting, fighting in various part of Ituris -- of Ituri. And we were to receive
10 information about the various fights that took place earlier that year.

11 Q. And who did you speak to on this mission?

12 A. We spoke to, yeah, person responsible humanitarian organisation, of
13 non-governmental organisation, UN agencies. As I said, our colleagues from MONUC
14 were based in Kampala. We also spoke to responsible of -- I mean, administrators
15 from -- in the various localities we -- we went to. We of course interviewed people who
16 were displaced from Congo, men, women and children.

17 Q. Where, if you remember, where did you speak to displaced children?

18 A. Paidha, if I remember correctly.

19 Q. Do you remember -- can you tell us how many children there were, what were the
20 circumstances in which they had been displaced?

21 A. I don't remember exactly the number of children. They had been in
22 particularly -- well, for children who had been recruited in Congo I think I spoke to some
23 ten of them. I don't remember the exact number, but I provided the information in
24 previous testimony, who had been recruited in -- oh, where was it? I remember of an
25 incident in a market and during a market day and these children would have been sent to

1 a training camp near Aru.

2 Q. And what training camp was that?

3 A. At that time it was a UPC training camp. I say at that time because the camp was
4 known as being under the leadership of commander Jérôme who later on splitted from the
5 UPC to form the FAPC.

6 Q. The incident at the market during a market day, do you recall what town this
7 market was at, the town that this incident occurred in?

8 A. No.

9 Q. Do you --

10 A. Could be Ndrele, but I don't know.

11 Q. Can you repeat the location you just said for the transcript, please?

12 A. It could be Ndrele but, I may -- yeah. N-D-R-E-L-E.

13 Q. And which -- what did the children you spoke to tell you had happened at Ndrele?

14 A. That they had been forcefully recruited, together with other children and adults.

15 Q. And what ages were these children?

16 A. Some of them were below the age of 15. Some, not all of them.

17 Q. Do you recall what -- you've said that the children told you that they had been
18 forcefully recruited. Did they describe to you what that meant?

19 A. They were rounded up in the market.

20 Q. And what happened after they were rounded up?

21 A. They were, to the best of my recollection, put into a truck and were sent to this camp.
22 I remember that one of the two trucks broke down and that they had to complete the
23 journey by foot, that they did not stay a long time and they succeeded in escaping from
24 the camp a few days after and go to Uganda, where we met them afterwards.

25 Q. Do you recall the name of the camp at which they were trained?

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1 A. Mont Awa.

2 Q. And do you recall what the children told you, if anything, about the conditions at
3 this camp and what they did while they were at the camp?

4 A. They mentioned their living condition were poor. They remember being given
5 military trainings. I remember that they said they had -- they were -- that they did not
6 understand necessarily the orders that were given to them, that they did not understand
7 and therefore were beaten. I remember that they stated to have to sing song in language
8 they did not fully understand, that where they mentioned that they were singing songs
9 mentioning Lubanga and Jérôme. They mentioned that there were also young girls as
10 part of the new recruits.

11 PRESIDING JUDGE FREMR: Madam Witness, could you kindly repeat or spell up,
12 rather, the name of this camp because our transcript is not complete on the --

13 THE WITNESS: Again, if I remember correctly, the name of the camp was Mont Awa.

14 PRESIDING JUDGE FREMR: Thank you.

15 MS SOLANO:

16 Q. Did these children tell you what clothes they wore at this camp?

17 A. I think they were mentioning having plastic boots or something, not -- not proper
18 boots. That's all what I can recall.

19 Q. Thank you, madam. And can we now go back, please, to the mission which you
20 mentioned earlier concerning the locations of -- you said you went back to Bunia in March
21 and you mentioned that you had gone on a mission to investigate allegations of massacres
22 in the area of Lipri, Kobu and Bambu. You said you had gone on this mission with
23 colleagues from the human rights section. Do you recall what you discovered during
24 your mission about the allegations that took you there?

25 A. I remember that we would interview many witnesses and victims of the several

1 attacks that took place in that area in the months of February, early March.

2 Q. How many, do you remember? Do you remember how many people you
3 interviewed?

4 A. I think we interviewed some 420 persons. Yeah, at least.

5 Q. And who was responsible for the attacks in February and March that you
6 investigated?

7 A. The UPC.

8 Q. How did the mission unfold? Can you explain what you did once you were on the
9 ground?

10 A. We were based in Bunia, so we left early in the morning. The head of the special
11 investigation team had established contact and passed the messages to various localities
12 where we were intending to go. Mainly in Lipri, Bambu and Kobu. We first stopped in
13 Lipri at the places where most of the interview in the field took place. I know that we
14 also had contact with people when we were in Bunia about that specific event. But many
15 interviews took place in Lipri.

16 We moved then up to Kobu to look particularly at the allegation of a particular event that
17 took place there where leaders of the Lendu communities had been gathered by the UPC
18 to attend a meeting and where most of them, I think that there was only one or two people
19 who survived, were executed and their bodies were later on put into several mass graves.
20 I remember I saw two of these -- those mass graves in Kobu. I believe there were more in
21 the outskirts of the village near the forest. I'm not sure I saw those ones.

22 We have met with several people there. We did not do interviews as such because we
23 were pressed by the time, but I know that we all, all the member of the team interacted
24 with people who were there on the ground. And we took notes of when names of
25 victims were provided to us.

1 I know -- remember also that we were provided with some papers with names on it of
2 victims. We received accounts, direct accounts of people, of people who witnessed, of
3 one person I think who witnessed the incident and who could escape and also community
4 leaders from that area, nine community leaders. Not all were leaders, but people living
5 in that area and who helped in putting the bodies into the graves.

6 Then we went back and we probably -- no, we stopped in Bambu, if I remember correctly.
7 I mean, we -- we stopped in a village where the hospital had been looted, the
8 administration school. And during the road through Lipri and also while coming back to
9 Bunia we witnessed many villages on the road that had been burned down.

10 At one point we also saw what we thought at that time were human bones, but we did not
11 stop to further investigate because, again, security was uncertain and we had to go back to
12 Bunia before the night.

13 Q. Did you speak with any children during this mission?

14 A. Not that I recall. Not particularly. I may have talked to some children in Lipri.
15 Women a lot. I know that the witnesses we talked to, I talked to, provided a lot of
16 information of civilian that were -- who were killed during that -- those attacks. Most of
17 them -- majority of them were children and women. Of course civilian. Some of the
18 witnesses also stated that there were children among the attackers who were part of the
19 UPC troops who took part into the attacks. I don't remember particularly having talked
20 to children, particularly; maybe yes, maybe no.

21 Q. Thank you. I would like to show you a document, but before I do was there any
22 follow-up to this mission?

23 A. Follow-up, sorry in what terms?

24 Q. Did you and the rest of the special investigation team inform your superiors about
25 your findings?

1 A. Yeah, Sorry. No, of course we did. Well, we continued the investigation while
2 back in Bunia, and that was not only a one-day investigation, but we were collecting all
3 sorts of information about different attacks during this stay in Bunia, including an attack
4 against Bogoro. We produced a report. We did keep inform our respective chiefs on a
5 daily basis, I believe. But we produced an extensive report that was later on I think
6 made public by MONUC. I'm not sure whether it was public or not, but that was an
7 official report that was put together after this mission.

8 Q. And did you play a role in the preparation of that report?

9 A. Yes. Well, I did -- well, I did collect, as the other investigator all my notes, I did
10 assist team leader in consolidating the database that was created for the purpose of
11 analysing the incident we received testimony about. I have certainly drafted the part
12 that was related to child soldiers, children associated with armed groups. I did review
13 draft of the report. I know that the team leader -- I mean we were meeting every evening
14 after -- after we completed the daily work, we all met as a group and then we were
15 sharing the information and cross-checking and also seeing what were the leads or the
16 different, well, information or further witnesses we might be of interest. And then we all
17 contributed to the analysis of this part during this mission and I suppose that all of the
18 members have reviewed the draft as well.

19 Q. How long did this mission last?

20 A. I think about two weeks, bit less than two weeks.

21 Q. And what is the name of the person who was the head of this special investigation
22 team?

23 A. Sandra Beidas -- no, sorry, Sonia Bakar, excuse me.

24 Q. And what was Sonia Bakar's role, apart from --

25 A. She was leading --

1 Q. -- apart from the investigation team?

2 A. She is a member of the human rights section of the MONUC and she was team
3 leader for the special investigation team.

4 Q. Once you were back in Bunia, did you continue to collect information about children
5 associated with the armed groups?

6 A. Yes. Yes, I did. I had the opportunity to access a number of children that -- who
7 were gathered in the Rwampara military camp, used to be -- it's a camp located on the
8 west side of Bunia, 6 or 7 kilometres far from Bunia. Children were gathered there, I
9 suppose, for the purpose of our -- our visit. We were told that the children were there by
10 the UPDF commander, general, actually, who was at that time present in Bunia.

11 So I met the first group of children I think it was on 25 March or 23, around this date.

12 Basically I took their names and approximately -- approximate age and, and that's all.

13 We were short of time. And I decided to come back few days after with colleagues from
14 protection organisations who asked to document their story with more time and
15 more -- in a more appropriate way.

16 Sorry, so that was -- that was part of the documentation on children associated with
17 armed groups that we did and then there were other children hosted in families or in the
18 care of organisation that I had the opportunity to meet also as part of this visit in the city
19 of Bunia itself.

20 Q. Do you remember the name of the UPDF general who told you this group of
21 children was at Rwampara camp?

22 A. General Kale. I don't remember his full name.

23 Q. So, Ms Peduto, were these children associated with the UPDF forces?

24 A. No, no. They were -- we were told and the children confirmed they had been
25 associated with the UPC troops.

1 Q. How many children were in this group?

2 A. I don't remember exactly. I have given the number. I think that there were 20 or
3 so during the first visit. And the second time when I came back with protection agencies
4 there were less of them. Some of them were not in the -- at the camp any more.

5 Q. And did you learn how it is that these children who had been associated with the
6 UPC came to be with the UPDF?

7 A. They were not with the UPDF as such. We were introduced to them,
8 introduced -- yeah, that would be the correct word, by the UPDF who informed us that
9 they were gathered in Rwampara camp. In Rwampara camp there was a commander
10 who was UPC. As a status of his children has always been unknown to us at that time,
11 we didn't -- we were not sure and nobody confirmed whether they were arrested, whether
12 the troops had been gathered by the UPC itself or because the UPDF force them to be
13 there. We asked the question. We asked UPDF who did not -- who said that times
14 at -- I think the troops were just gathered in certain camps. They gave us a list of camps
15 that they were willing to accompany us to, which never materialized, by the way. When
16 we asked the UPC commander there and the -- he has an officer who was facilitating, was
17 coming with us, he has never been cleared and when we asked the kids, they simply did
18 not answer. I mean, they said they were there on their free, on their freewill, that they
19 were not under arrest. We have never been able to ascertain their status there.

20 Q. What were the ages of these children?

21 A. I'm not sure of the age of the youngest one any more, probably 12 or 13, but from all
22 age group, from I think 12, 13 -- I think I've given the exact age somewhere in my previous
23 testimony, but from 12 to 17 I would say. But when -- I just want to mention that when
24 we spoke to them it was in private, nobody was listening to what we were saying, and
25 that they talked freely or they provided information or not, actually, but that it was totally

1 confidential, there was no UPDF commander nearby or soldier or UPC. It was a
2 one-to-one meeting that we had with them.

3 Q. Do you remember whether these children told you whether they had participated in
4 combat while they were in the UPC?

5 A. Some of them, yes.

6 Q. Some of them told you --

7 A. That they had taken part into combats.

8 Q. When you met these children, how were they dressed?

9 A. Partly in uniform, but again, as mentioned, they did not have a single uniform.
10 Some of them wore civilian T-shirts, some of them had a hat, some of them not. They -- I
11 don't think that they had weapons visible.

12 Q. Do you remember the name of the UPC commander that was present when you
13 visited these children at Rwampara camp?

14 A. Alex, Alex or Ali, Alex.

15 Q. Do you know where these children had been recruited by the UPC?

16 A. There was not one place. The children had very different stories. Some of them
17 would have said they had been recruited recently, others not. So the story would
18 be -- would vary. They had different commanders. They had been trained in different
19 places. I mean, it was not one specific path that they would all have followed.

20 Q. Do you know what happened to these children after you met them?

21 A. No. I met some of -- I met one of them at least again, I believe later in 2003, and
22 this has been recorded in the document, in the Word document where I collected the
23 children testimony.

24 And the child had been re-recruited, re-recruited or reused by the UPC again. For the
25 others, I'm not sure.

1 Q. You said that the second time you visited these children you were accompanied by
2 some of your colleagues, not from MONUC I think you said --

3 A. That's correct.

4 Q. -- but from elsewhere. Do you remember who this -- what this -- what
5 organisations these colleagues belonged to?

6 A. Protection organisation.

7 Q. Do you remember any one or ones in particular?

8 A. Could I answer in closed session?

9 PRESIDING JUDGE FREMR: For sure.

10 Court officer, let's move into closed session now -- private, private session is fine. Sorry.

11 (Private session at 3.08 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 3.10 p.m.)

5 THE COURT OFFICER: (Interpretation) We're in open session, your Honour.

6 PRESIDING JUDGE FREMR: Thank you.

7 Ms Solano, you may proceed.

8 MS SOLANO: Thank you, your Honour. I'll repeat my question for the benefit of the
9 public.

10 Q. Madam, apart from Rwampara, did you go to any other locations near Bunia to
11 interview children at this time?

12 A. Other interviews took place in Bunia. We went also to Mandro to look into a
13 specific incident. We thought that we could find a training camp, a UPC training camp
14 at that time, but there was nothing, there were no children there.

15 Q. What did you see at Mandro?

16 A. I don't remember really. I think that the military in the place where the military
17 camp allegedly was not existing anymore, had been burned down. That's all I can recall.

18 Q. And what part of Mandro was this camp at, if you know?

19 A. No. What part of the city you meant?

20 Q. Yes.

21 A. No, I cannot recall.

22 Q. Did you go to the village of Mandro as such?

23 A. We did.

24 Q. And what did you do there?

25 A. I frankly cannot remember.

1 MS SOLANO: Your Honour, may I be allowed to refresh the witness's memory by
2 reference to her testimony in the confirmation hearing in Lubanga?

3 PRESIDING JUDGE FREMR: All right.

4 MS SOLANO: I need a moment, your Honour, please.

5 PRESIDING JUDGE FREMR: Take your time.

6 MS SOLANO: Can the court officer please display DRC-OTP-2054-5744. It can be
7 broadcast publicly. It's page 5809 and it's a page from the transcript, the English version
8 of the transcript of Ms Peduto's testimony in the confirmation hearing in the Lubanga
9 case.

10 Can the court officer please show the bottom of the page. And the next page, please.

11 Q. Madam, has what you have read now refreshed your memory about what you did
12 when you went to Mandro?

13 A. Yeah, my apologies. That was as I said the UPDF had offered, proposed, yeah,
14 suggested they could accompany us to locate other children associated with armed
15 groups in other camps. That was one of the attempt. And I went there together with
16 child protection colleagues with the aim of also looking at the situation of children who
17 could have been there, yeah.

18 The point about this, the children we actually interviewed there, there were really several
19 of them, I've lost these notes. So they are not recorded into the files I've kept. I don't
20 remember what happened to those notes, but the interview were never filed as part of the
21 MONUC records.

22 Q. What was your understanding based on the access you had to these children of their
23 stories? What had they been doing at Mandro?

24 A. Mandro was a training camp, and these children had been there for training.

25 Q. Do you remember how many children you spoke to?

1 A. Exactly, no. I would say some between 7 and 10. We were four of us, I believe.

2 So we may have talked to around 20 kids, possibly around that, more or less.

3 Q. What were their ages, if you remember?

4 A. All range. I do not -- no, I do not remember more.

5 Q. And did the children tell you, if you remember, whose responsibility they had been
6 under?

7 A. They were part of the UPC group. At that time during that mission I did not have
8 access to other kids.

9 Q. I would like to show you a document.

10 MS SOLANO: Can the court officer please display DRC-OTP-0152-0286.

11 THE COURT OFFICER: (Interpretation) Is the document public?

12 MS SOLANO: Yes, it can be broadcast publicly.

13 PRESIDING JUDGE FREMR: And what kind of document is it?

14 MS SOLANO: Your Honour, I would like, if that suits the Chamber, to have the witness
15 explain that, if she can.

16 PRESIDING JUDGE FREMR: All right.

17 MS SOLANO:

18 Q. Can you see this document in front of you?

19 A. Yes, this is a report I mentioned that was produced after the special investigation
20 mission.

21 MS SOLANO: Can the court officer please turn to page 0308. There's a title, madam, at
22 the bottom of the page that says, "B. Recruitment and use of child soldiers."

23 And can the court officer please move to the following page.

24 Q. And, Ms Peduto, do you know who drafted this portion of this report?

25 A. It was myself.

1 Q. Can I draw your attention to paragraph 85 on the fourth line, where it says, "The SIT
2 directly interviewed 34 child soldiers who had not been formerly demobilised."

3 And then on paragraph 86 the report says, "Of the 34 UPC child soldiers met by the SIT
4 during the period of the investigation mission, all of them were male with an average of
5 15 years. The youngest was 11 only."

6 Does this information about these 34 children correspond to any of the interviews that
7 you have told about the Chamber earlier today?

8 A. Yes, the 34 include the children I interviewed in Rwampara and in Bunia city.

9 Q. Do you recall whether -- do you recall who interviewed this child who is referred to
10 as being 11 years old?

11 A. I think it was me. I think.

12 MS SOLANO: Can the court officer please turn to the next page, 0310.

13 And at the top of the page on paragraph 89 the report says that, and I quote, "Recruitment
14 of minors reported to the SIT took place in various places of Ituri in June 2001, November,
15 December 2001 and January 2002, March 2002, June and July 2002, August 2002,
16 November and October 2002, December 2002, January 2003 and February 2003."

17 Q. Madam, this recruitment that is referred to in paragraph 89 concerned which armed
18 group or groups?

19 A. As I -- some of them had been recruited by the UPC and some of them also had been
20 recruited prior to that by the APC. Yeah, but -- yeah. Sorry.

21 Q. And in this paragraph 89 that I've just read, after each month and year there is a
22 number in parentheses. Can you explain what that number means?

23 A. This is the number of children were recruited that month. So four of them had
24 been recruited, for instance, in February 2003.

25 Q. And at paragraph 91 -- and can the court officer please scroll down a bit -- there is a

1 place referred to as a place where the children said they had had training sessions, and the
2 place is called -- well, there are several places, Mandro, Mont Awa, Rwampara, Watsha.
3 Do you -- can you confirm that these references to Mandro and Mont Awa and Rwampara
4 are references to the locations that, as you told the Chamber earlier, the children you
5 interviewed said they had undergone training in?

6 A. This is correct.

7 Q. And do the numbers in parentheses behind the name of these training location also
8 refer to the number of --

9 A. Of children who -- of children who mention these places as places where they had
10 undergone military training.

11 Q. Thank you. And can we look at paragraph 92, please, where it says at, and I quote,
12 "with regard to the persons who used the child soldiers during military operations," there
13 are a number of names there. And if you turn to the following page, 0311, there is a
14 name of a certain commandant, Bosco. Did you learn during this mission who this
15 commandant Bosco was?

16 A. Yeah, children were referring to Mr Bosco Ntaganda.

17 Q. And on the next page, in paragraphs 97 and 98, there is a reference to visits by the
18 SIT to Rwampara on 25 March and to Mandro. Can you confirm that these are the visits
19 you discussed earlier during which you interviewed children?

20 A. At paragraph 98?

21 Q. 97 and 98.

22 A. Correct.

23 Q. And on page 0313, on paragraph 101 there is a reference to "50 to 200
24 auto-demobilised UPC child soldiers in and around Bunia." Can you explain to the
25 Court what that reference pertains to?

1 A. On top of the children we had -- I had seen, we have received allegation from
2 different sources who gave us information that children would have -- sorry, let me
3 rephrase. During that period of time UPC was not clearly present in the street of Bunia,
4 UPDF was in control, and the militia was supposed not to be in the city any more. But
5 from the information we received from different sources, some of the children associated
6 with the UPC would still have been in the city hiding in different places, not necessarily
7 with their uniform, and that some of them had sought protection and care with some of
8 these NGOs. Some of the sources mentioned 50, others were talking about larger
9 numbers. And these NGOs were requesting our assistance to provide a kind of, yeah,
10 protection for this -- for these children. Some of the children would have approach
11 organisation for assistance. Some of them have just been seen in the streets, or were
12 known to be in the -- still in the city.

13 Q. Thank you.

14 And can we now, please, turn to page 0300 of the same report and can the court officer
15 zoom into the bottom half of the page, please.

16 Madam, in paragraph 51 there is a reference to a visit by the SIT on 3 April 2003 to Bambu
17 and Kobu. Can you tell us whether this corresponds to the visit with the SIT to those
18 locations that you conducted?

19 A. This is correct.

20 MS SOLANO: Can the court officer turn to page 0302, paragraph 60, please.

21 Q. And, madam, do you recall the individuals who were identified to you at the time as
22 being responsible for the operation in a location called Kobu?

23 A. The group?

24 Q. Yes, and the specific commanders.

25 A. The group was UPC and the name of the commander was Salumu.

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1 Q. Is that the Salumu Mulenda who appears on paragraph 60?

2 A. This is correct. Are you -- yeah.

3 Q. Would you like to add something?

4 A. No, that's the name that was mentioned at that time in this report. We further on
5 gathered other information about the specific attacks, but that were not available I
6 suppose, or I think, during the time we -- when we wrote the report.

7 Q. And what additional information about this attack did you gather later on?

8 A. For myself we -- I received a testimony from ex-child soldiers who took part in this
9 attack and mentioned Mr Bosco as being -- leading this attack. And I think I remember
10 that my colleagues, human rights colleagues further investigated and got -- could
11 corroborate, sorry, the information.

12 Q. And by "this attack," what do you mean?

13 A. The different attacks that took place in that area during several days against Kobu,
14 Lipri, Bambu, but other villages in that area.

15 Q. Can you look at paragraph 61, fourth line, where it says, "The SIT was taken to the
16 place where the victims were buried. The mass grave is located behind the building
17 where the UPC had established its military camp."

18 Do you confirm that that is what you meant when you said that you were taken to see the
19 mass graves?

20 A. In Kobu, yes.

21 MS SOLANO: Your Honours, I seek to admit this report into evidence.

22 PRESIDING JUDGE FREMR: Mr Gosnell, what is Defence position to that request?

23 MR GOSNELL: No objection, Mr President.

24 PRESIDING JUDGE FREMR: All right. So this report is admitted into evidence as a
25 further Prosecution exhibit.

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1 Ms Solano, please proceed.

2 MS SOLANO: Thank you, your Honour.

3 I would now like to call document DRC-OTP-0152-0274. The document can be displayed
4 publicly.

5 THE COURT OFFICER: (Interpretation) Please could you repeat the ERN number,
6 please.

7 MS SOLANO: DRC-OTP-0152-0274. Can we please zoom in at the top of the page.

8 Q. Madam, do you recognize this document?

9 A. Yes. I wrote it.

10 Q. And what is it?

11 A. At the beginning of the document is where was produced when I started compiling
12 some of the information provided by the children during the interview we had with them.

13 Q. There are some references throughout the document, and I can provide you a paper
14 copy if necessary, to CPI MONUC. Can you explain what that means?

15 A. It stands for Child Protection Adviser, who at the time was myself.

16 Q. And can the court officer please turn to the second page, 0725, bottom of the page.
17 I'm looking for entry number 7. And can we turn over to the top of the next page, please.
18 Madam, can you say who is concerned by this entry?

19 A. Number 7?

20 Q. Yes.

21 A. A child I first identified in Rwampara and who was later on, I made a mistake,
22 interviewed by a colleague from an NGO. You will see maybe I did not -- I probably did
23 not mention it, but at the top of the document it's also mentioned that the age of these kids,
24 particular kids were recorded as provided by the children. But when we debriefed with
25 all the colleagues who took part in the interview, we had all the same feeling that, feeling

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1 or we all saw that most of the kids had been lying about their age, I mean not stating the
2 truth, but that a lot looked much younger than actually the age they were providing.
3 That's a general comment I made for the specific children we met in Rwampara.
4 Looked, when I say looked, it was not only physical look, of course, but seemed to us as
5 being younger than what they stated.

6 MS SOLANO: Your Honour, I seek admission of this document.

7 PRESIDING JUDGE FREMR: Before doing that, one additional question from my part.
8 Do you have any idea why those children should lie as concerned their age?

9 THE WITNESS: No. Again, for this specific group we were unclear about their status.
10 Whether they were arrest, under arrest or whether they were --

11 PRESIDING JUDGE FREMR: No speculation. You don't know, no problem.

12 THE WITNESS: No.

13 PRESIDING JUDGE FREMR: You don't know.

14 THE WITNESS: No.

15 PRESIDING JUDGE FREMR: Okay. Mr Gosnell, Defence position to the request of
16 Prosecution?

17 MR GOSNELL: There's no objection. But I feel compelled to make one comment,
18 which is that we have requested disclosure of the redactions, and we've made that request
19 to the Prosecution and have been informed in substance, and I'll be corrected if I'm wrong,
20 that essentially making such a request would be futile, that the United Nations would not
21 agree to it.

22 So no objection is taken to this document, except to the extent that we believe it would be
23 better if this document was tendered in unredacted form. Thank you, Mr President.

24 PRESIDING JUDGE FREMR: Ms Solano, on that point.

25 MS SOLANO: Your Honour, I agree that it would be better if this document could be

1 tendered in unredacted form, but that's not possible. And as Mr Larry Johnson, who was
2 a representative of the United Nations who assisted, attended during Ms Peduto's
3 testimony in the Lubanga trial, explained the United Nations is not really open to the
4 possibility of revealing the identities of the child soldiers interviewed by the child
5 protection section.

6 There have been a very limited number of exceptions when the individual children were
7 identified to be of direct relevance to this case or the Lubanga case, and by that I mean
8 that -- well, I have to leave it at that because we're in open session. But I firmly, I can say
9 that that is the message that has been transmitted very clearly to the Prosecution by the
10 UN. So it's no lack of interest in the Prosecution in seeking to be able to rely on
11 unredacted versions of this document, but it simply hasn't been possible.

12 PRESIDING JUDGE FREMR: Mr Gosnell, this explanation, is it satisfactory to you or
13 satisfactory?

14 MR GOSNELL: I understand my learned friend's dilemma and I sympathize with it.
15 And my friend made one reference to a limited number of such names being revealed,
16 and that's true, I won't go into any detail on this in public session, but I will say that a
17 document was tendered earlier today with 120 of the names. So, and I realize full well
18 that didn't come from the United Nations, but nevertheless, that's the way things are, and
19 we do understand that. And we're not happy about it, but we do understand the
20 Prosecution faces a dilemma. Thank you, Mr President.

21 PRESIDING JUDGE FREMR: That is well noted from the Chamber.

22 Any further comment, Ms Solano, or should we decide on your request?

23 MS SOLANO: No, your Honour, perhaps just to add in relation to the document that
24 Mr Gosnell has described as containing 120 names that it was obtained from a source
25 other than the United Nations.

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- 1 PRESIDING JUDGE FREMR: So he was in agreement on that, okay.
- 2 Anyway, this document is admitted into evidence as a further Prosecution exhibit.
- 3 Ms Solano, you may proceed.
- 4 MS SOLANO: Thank you, your Honour.
- 5 Can the court officer please display document DRC-OTP-0202-0761. It can be displayed
- 6 publicly.
- 7 MR GOSNELL: Does my friend have a tab number, please? We think there may be a
- 8 number problem with the ERN number.
- 9 MS SOLANO: Give me a moment and I'll check.
- 10 MR GOSNELL: May I request the document stop being displayed. I understand it's not
- 11 on the Prosecution list.
- 12 MS SOLANO: Your Honour, I think that that's right, and I apologise, I overlooked this.
- 13 So I withdraw the request to show the document to the witness.
- 14 PRESIDING JUDGE FREMR: Please be more cautious about that.
- 15 MS SOLANO: Yes, your Honour.
- 16 PRESIDING JUDGE FREMR: And thank you, Mr Gosnell, for this comment.
- 17 MS SOLANO: Can the court officer please show DRC-OTP-0208-0284.
- 18 PRESIDING JUDGE FREMR: And tab number would be really helpful as Mr Gosnell
- 19 has said in the past, even for the Chamber.
- 20 MS SOLANO: Tab 45.
- 21 PRESIDING JUDGE FREMR: Thank you.
- 22 MS SOLANO: Your Honour, as this document is somewhat lengthier and it would be
- 23 somewhat cumbersome to go through it page by page, I am going to provide a printed
- 24 copy for the witness.
- 25 PRESIDING JUDGE FREMR: All right.

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1 MS SOLANO: Can the --

2 PRESIDING JUDGE FREMR: Court officer, please assist Prosecution and hand this
3 document over to Madam Witness. It's for the witness.

4 MS SOLANO:

5 Q. Madam, once you've had a chance to look through that document, please let me
6 know whether you recognize it?

7 A. Yes, I do recognize it.

8 Q. And what is it?

9 A. The collection of the information gathered with interview -- during interviews with
10 children formerly associated with the armed force and -- armed groups, sorry.

11 Q. Is there a relation between this document and the one that I showed you previously
12 concerning the 34 children, the document that included the children from Rwampara?

13 A. Yeah, they are -- they are part of the document.

14 MS SOLANO: Your Honour, I seek to admit this document into evidence.

15 PRESIDING JUDGE FREMR: Defence?

16 MR GOSNELL: I hate to be a stickler, Mr President, but I think one or two more
17 questions perhaps would need to be asked in order to make this document admissible.

18 PRESIDING JUDGE FREMR: Yes, Ms Solano, I think this request seems to me very
19 reasonable.

20 MS SOLANO: Of course, your Honour.

21 Q. On the top of the first page, madam, there is a title and a date, a name and a position.
22 Can you tell us what the name and the position relate to?

23 A. Well, this is my name, my position and the organisation I was working for in Ituri.

24 Q. And what does the date -- if you know, what does the date 26/03/2003 indicate?

25 A. It indicates the date when I started collecting and -- collecting the information

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1 received from -- during the interviews we had with children associated with armed
2 groups or formerly associated with armed groups.

3 Q. And there's a date at the bottom of the page on the footer of the document
4 05/05/2004.

5 A. Mm-hmm.

6 Q. Do you know what that date indicates?

7 A. The date probably the document was printed. I'm stating that because the last
8 interview in -- the last date -- the last interview recorded took place in January 2004 and
9 I believe we conducted some more afterwards.

10 PRESIDING JUDGE FREMR: And, Madam Witness, could you briefly summarise
11 because I understood there were some collection of reports. Are there any conclusions at
12 the end? Just to summarise, I know it's not easy to summarise 68 pages, but for our
13 knowledge, if you could briefly describe this document.

14 THE WITNESS: Yeah, this document were basic notes just to record what was said by
15 the children, not all of -- not all the information, but the basics were put inside as a matter
16 of, you know, keeping records together.

17 At the end of 2003 a report was produced specifically with children associated with the
18 armed groups and forces for Ituri. So these notes were used to produce a synthetic
19 report, more analytical, and I believe that later on the collection of this information also
20 supplied information for the purpose of those reporting such as information provided to
21 the special representative to -- of the Secretary General on children in armed conflict.

22 PRESIDING JUDGE FREMR: Now I see.

23 Any further questions, Ms Solano?

24 MS SOLANO: One more, your Honour, if I may.

25 Can the court officer please display 0289.

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1 Your Honour, I'm going to --

2 If the court officer can scroll down to entry number 18, please.

3 Q. Madam, on entry 18 there is a reference to MONUC CPA. Is that you again as an
4 interviewer?

5 A. Yes -- no, not as an interview. I mean I spoke very briefly the first day when I went
6 to Rwampara with UPDF alone. The child was later interviewed by an NGO.

7 MS SOLANO: Could we -- could the court officer please go back to page 0286.

8 Q. And, madam, for your sake it's page 3 of the report.

9 Bottom of the page, please.

10 And there's an entry to -- there's a reference on entry 10 to the SC office. Can you explain
11 what that means?

12 A. That's the office of partner NGO.

13 Q. Can you provide the name?

14 A. Closed session? Private session?

15 MS SOLANO: Your Honour.

16 PRESIDING JUDGE FREMR: No problem. Let's move into private session to listen to
17 this answer.

18 (Private session at 3.55 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Open session at 3.56 p.m.)

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

3 PRESIDING JUDGE FREMR: Thank you, court officer.

4 Ms Solano.

5 MS SOLANO: Your Honour, I seek to admit the document into evidence.

6 PRESIDING JUDGE FREMR: Now I'm asking Mr Gosnell for his updated position.

7 MR GOSNELL: There's no objection to the portions of the document that the witness
8 herself gathered information in respect of, but objection is made to the information that
9 was gathered by others and that was then taken without the witness's independent review
10 and put in the document. We say that it's not suitable for admission in this manner.

11 PRESIDING JUDGE FREMR: So you are -- you agree with admission of those parts that
12 have been information collected by our witness?

13 MR GOSNELL: That's right, Mr President. I do understand also as a practical matter it
14 may be difficult to slice and dice this document, so to speak. It would require looking at
15 other documents such as the spreadsheet in order to know which of these interviews were
16 actually carried out by the witness. So I don't know best how to proceed, but that would
17 be the objection of substance.

18 PRESIDING JUDGE FREMR: We can defer our decision on that.

19 So, Ms Solano, would it be acceptable for you, feasible just to indicate those parts that
20 have linkage directly to Madam Witness and then we can decide on admission of those
21 parts of this document?

22 MS SOLANO: I think it's feasible insofar as the witness has said that she is the person
23 referred to MONUC CPA. However, your Honour, if I may, I might have -- I may have a
24 solution to address Mr Gosnell's concern if I may be allowed to explore it with the
25 witness.

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1 PRESIDING JUDGE FREMR: All right.

2 MS SOLANO:

3 Q. Madam, you have said today that apart from you, one of your colleagues
4 contributed to the interviews recorded in -- as part of your documentation, is that correct,
5 one of your MONUC colleagues?

6 A. More than one.

7 Q. Okay. So where this document refers to somebody by the initials ACPA, what
8 does that mean, ACPA?

9 A. That was not referring to me. It was one of my MONUC child protection colleague
10 in MONUC.

11 Q. And is it likely that this document refers to more than one person? Were there
12 more than one -- was there more than one ACPA?

13 A. Probably two.

14 MS SOLANO: Your Honour, what I would like to do is show to the witness an excerpt
15 of this document, a different document, which contains a name of a person who is one of
16 the ACPAs for her to tell me whether that person is responsible for part of the entries in
17 this document and then I'll have one follow-up question in addition to that.

18 PRESIDING JUDGE FREMR: All right then.

19 MS SOLANO: Can the court officer please display but not broadcast to the public
20 DRC-OTP-0206-0120.

21 And, your Honours, if we may move into private session for this.

22 PRESIDING JUDGE FREMR: I'm also making the additional request to move into
23 private session after you deal with the first issue.

24 (Private session at 4 p.m.)

25 (Redacted)

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- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Open session at 4.06 p.m.)
- 13 THE COURT OFFICER: (Interpretation) We are in open session, Mr President.
- 14 PRESIDING JUDGE FREMR: Ms Solano, you want to add anything?
- 15 MS SOLANO: No, your Honour.
- 16 PRESIDING JUDGE FREMR: Now we agree that in fact our witness had control at least
- 17 over the whole material, so in our view at the moment we don't see any reason why not to
- 18 admit this document into the evidence. So this document as a whole is admitted into
- 19 evidence as a further Prosecution exhibit.
- 20 Now you may proceed, Ms Solano.
- 21 MS SOLANO: Thank you, your Honour.
- 22 I would like the court officer please to display document DRC-OTP-0152-0256, it's a
- 23 document at tab 34. And the document can be displayed publicly.
- 24 Q. Madam, do you recognize this document?
- 25 A. Yes.

1 Q. What is it?

2 A. This is the report I mentioned in response to a question of your Honour. It was
3 later on incorporated in a larger report produced by MONUC.

4 Q. What was your role in the preparation of this report?

5 A. I did contribute to it, and all the information I -- this report is based on the
6 information I was gathering in Ituri about children associated with armed groups. I did
7 provide a lot of information that are inside this report. It was, however, drafted by one
8 of my colleagues who used my notes and reports to prepare it. I did then
9 review -- revise it, review it, as well as other colleagues. Yes. That's basically it.

10 PRESIDING JUDGE FREMR: In the meantime, one remark from my part as concerned
11 transcripts at line 6, the DRC-OTP-0152 only, the 3 is redundant. So please correct it.

12 Ms Solano, please proceed.

13 MS SOLANO: Thank you, your Honour.

14 Can the court officer please show page 0264.

15 Q. Madam, there's a reference towards the bottom of the paragraph to a, I quote -- sorry,
16 the bottom of the top paragraph.

17 Can the court officer please stay there.

18 So the top paragraph on this page towards the bottom refers to a 13-year-old child recruit
19 who explained to the CPS that, quote, "When I was at Mandro in August 2002 under
20 Commander Bosco UPC, the young recruits were forced to carry wood and learn how to
21 use a gun. We were beaten regularly. One day I saw Commander Kitembo Behemuka
22 execute a 16-year-old recruit who was too tired to continue. Commander Kitembo used
23 a SMG," end quote.

24 Madam, did you have knowledge of this information when you worked for MONUC?

25 Did you have knowledge of this individual story?

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1 A. Absolutely.

2 Q. Why is that?

3 A. I believe the witness is one of the children we associated with UPC we talked to.

4 Q. And this Commander Bosco, who was he?

5 A. Bosco Ntaganda.

6 Q. Is that what the child said?

7 A. Yes.

8 Q. On the next page, 0265, in the bottom half of the page there is a reference in the
9 middle of the paragraph to, and I quote, "One child soldier serving under
10 Commander Bosco related to the investigation team that UPC Commander Bosco
11 summarily executed at least 6 soldiers in public while the boy was serving as his escort at
12 Mandro camp. The soldiers were executed for refusing to enter battle.
13 Commander Bosco himself executed them, the prefer method being a bullet to the head at
14 close range. The boy stated that he changed his unit because Commander Bosco killed
15 too much," end quote.

16 Madam, in this portion that I've read out to you there's a reference to the investigation
17 team having spoken to this child. Who in the investigation team spoke to this child, if
18 you know?

19 A. Must have been me.

20 Q. Was there anyone in the team apart from you speaking to children associated with
21 armed forces and groups?

22 A. I was tasked to do that. And I don't believe that anyone else talked to children I
23 did not document myself.

24 MS SOLANO: Your Honour, I seek admission of this document.

25 PRESIDING JUDGE FREMR: Mr Gosnell?

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1 MR GOSNELL: This one I do object to, Mr President, and the basis is the following:
2 This document as the witness has described is based or at least should be reflected in the
3 notes that she has provided to the Court and to us. And in particular this second entry
4 given its prejudicial nature should not be admitted unless we look at the original source
5 document. And if it's not to be found there, I suggest it's not reliable enough to be
6 admitted into evidence. I don't understand why we're looking at a summary report
7 whereas we have the raw notes on which this is supposedly based.

8 PRESIDING JUDGE FREMR: Ms Solano.

9 MS SOLANO: Your Honour, of course I stand corrected if necessary, but I don't believe
10 that what my colleague is saying is entirely correct. My understanding of this witness's
11 evidence is that the notes that your Honours have seen earlier today in at least two
12 different forms contain the records of a number of the interviews or a number of the cases
13 documented by MONUC's child protection section, but not all of them. So I do not think
14 that it is the correct expectation to think that we would find this specific case or any given
15 case that the witness testifies about in the notes that I have sought to admit.

16 PRESIDING JUDGE FREMR: Give us a second. We will silently deliberate in the
17 courtroom.

18 (Trial Chamber confers)

19 PRESIDING JUDGE FREMR: So again the Chamber defers decision on that objection.
20 And by the way, in this connection not only the first part of this ERN number was
21 incorrect, also the second part which was 0256, so please also correct the second part of
22 ERN.

23 Ms Solano.

24 MS SOLANO: Your Honour, if I may, I would like to complement my submissions in
25 favour of the admissibility of this document just to say that the witness is here in court,

1 she's available to comment on any parts of her evidence, including the information
2 contained this report. She can do so during my examination, also during my colleague's
3 examination. And ultimately in our submission there is a difference between the
4 admissibility of the document and the weight that the Chamber ought to assign to it and
5 the issue of whether the sources of information are known is one that in our submission
6 really goes to the weight rather than to the admissibility of the document.

7 PRESIDING JUDGE FREMR: We will take it into our consideration.

8 Mr Gosnell.

9 MR GOSNELL: Well, if with your permission, Mr President, if I could just very briefly
10 add to my previous submissions?

11 PRESIDING JUDGE FREMR: Yes, please.

12 MR GOSNELL: Number one, this is a document marked draft, that's the first point.
13 Second point, this is highly prejudicial subject matter. I find it inconceivable that the
14 witness would not have recorded an event such as this in her notes, which we do have a
15 large number of. And I would simply ask this in closing, and I very much appreciate
16 your decision to defer your decision, I would ask you to refrain coming down finally on
17 this until after you've heard the cross-examination, because then we can have a discussion
18 about whether or not this even rises to the minimum threshold of reliability to be
19 admitted. Thank you, Mr President.

20 PRESIDING JUDGE FREMR: It was just our point.

21 Ms Solano, please proceed.

22 MS SOLANO: Thank you, your Honour.

23 Next I call document DRC-OTP-0074-0422. And that's a document at tab 21. And I will
24 supply a printed copy for the witness because again it's a lengthy document.

25 Can the court officer please turn to the next page. 0423.

1 Q. Madam, do you recognize this document?

2 A. Yes.

3 Q. What is it?

4 A. This is a report prepared by the human rights section with the contribution of the
5 child protection section of the MONUC summarising some of the outcomes of the special
6 investigation mission carried out in Ituri from 2002, 2003, as well as other information
7 gathered by the two section on the event that took place in Ituri during that period of
8 time.

9 Q. And what part or parts of this report did the child protection section of MONUC
10 contribute to?

11 A. As I said, this report comprised information gathered during several investigation
12 mission the section was part of. And after, oh, special investigation carried out in Ituri
13 during that period the report was produced out of it, so we had reviewed the section,
14 child protection section, had reviewed draft of this report that form part of what is
15 included in this -- in this one. For this one we reviewed the content, particularly the
16 content related to children associated with armed forces and armed groups. And the
17 previous document served to inform this particular one. Served partly.

18 Q. And the part relating to the children associated with armed forces and armed
19 groups, would that be the section or part of the section that corresponds to part V.D of this
20 document?

21 A. This is correct. But we also -- I mean, the outcomes of investigation we -- I did or
22 the child protection section did in various human rights investigation are also contained
23 in other part of the reports -- the report.

24 Q. Who in the child protection section reviewed the draft of this report?

25 A. I remember that I did and the chief of the section for sure did as well. Possibly

1 other persons of the section who were based in Kinshasa. This report also contains
2 information provided by other section of MONUC.

3 MS SOLANO: Can the court officer please go to page 0462.

4 Q. Madam, that is page 41. And in paragraph 143 on the third line according to the
5 document, and I quote, "UPC recruitment drives took place regularly throughout 2002
6 and early 2003" end quote. Madam, does this correspond to information that you
7 gathered as part of your work?

8 A. Yes.

9 Q. In paragraph 145 at the bottom of that same page there is a reference to a group of
10 163 children who had been repatriated from a Ugandan training camp and reintegrated
11 into their families. Is this, madam, the group of children that you refer to earlier on
12 during your testimony?

13 A. Yes, at the very beginning, yeah.

14 MS SOLANO: Your Honour, I seek admission of the document.

15 PRESIDING JUDGE FREMR: The whole document again?

16 MS SOLANO: Yes, your Honour.

17 PRESIDING JUDGE FREMR: Defence?

18 MR GOSNELL: We object. This is a report that spans from the 1st of January 2002, as
19 far as I understand it, until the end of December 2003. The witness said she arrived in
20 Ituri in May of 2003. She did report on the paragraph that referenced but I don't think
21 it's sufficient to merely create a bridgehead in one or two or three or four paragraphs in
22 such a large omnibus document that covers so many subjects and then say that now it
23 should all be put into evidence for your Honours' consideration at the end of the case,
24 especially when we know that there is other documentation by this witness that is much
25 more specific and that reflects the things that she has testified to. So on those grounds

1 we object to the admission of this document.

2 PRESIDING JUDGE FREMR: Ms Solano, is this really necessary for you to request for
3 admission of the whole document?

4 MS SOLANO: Your Honour, I'm ready to answer your question. I also note that the
5 witness is trying to speak. I will do it in the order that your Honour sees fit.

6 PRESIDING JUDGE FREMR: First, Madam Witness, if you want to make any comment
7 which could be helpful for us, please go ahead.

8 THE WITNESS: Yes, maybe because, as I said, I took part in several investigation
9 mission in Ituri and we documented violation that took place even before 2002. And
10 I was part of the people who documented human rights violations, not only those that
11 impacted children and certainly not only those that were related to children associated
12 with the armed groups, but larger violations. So there are also parts of the report that
13 of -- where I provided a contribution by being -- by documenting human rights violations.
14 I could well go through the document and tell you -- well, probably not because I
15 interviewed hundreds of people, but I could provide more details about the investigation
16 mission I took part in while I documented lots of violations that took place throughout
17 Ituri for a long period of time, if this may be of help.

18 PRESIDING JUDGE FREMR: Ms Solano.

19 MS SOLANO: Your Honour, I'll add that I don't -- I just want to make sure there's no
20 misunderstanding because my colleague said that he referred to a paragraph that had
21 been referenced. But my question to the witness in the beginning of my question line
22 was whether there was a section of this document to which her section had contributed
23 specifically. And in addition to the clarifications she has given now, the witness had said
24 that section D, children associated with armed groups, had been drafted by her section on
25 the basis of her work so that obviously spans more than a paragraph.

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1 PRESIDING JUDGE FREMR: I see no doubts about this section, but you are still
2 requesting admission of whole document; am I right?

3 MS SOLANO: Yes, your Honour. And if it cannot be admitted in whole, then I request
4 admission of chapter V D, which spans paragraphs 138 through 158 of this document.

5 PRESIDING JUDGE FREMR: Give us a second.

6 (Trial Chamber confers)

7 PRESIDING JUDGE FREMR: So our ruling is this part, V D, is admitted into evidence as
8 a further Prosecution exhibit. And one general comment from the Chamber's part, even
9 in the future we would prefer, as concerns such extensive documents, is they are tendered
10 through witness that they should be, in our view, tendered really linked to the parts
11 which have some direct linkage to the witness. I think that this concrete example was the
12 best example how we would like to proceed.

13 Now, it is 4.30, it's the time to wrap up. I guess you don't have any urgent additional
14 question, Ms Solano?

15 MS SOLANO: No, your Honour.

16 PRESIDING JUDGE FREMR: Very well, then. So I would like to free witness first,
17 because then I will have some question on parties which should be probably better made
18 in the absence of Madam Witness.

19 So Madam Witness, thank you very much. And it's my legal professional obligation to
20 remind you, which I guess is clear to you, that you must not discuss your testimony in
21 the meantime till tomorrow, then we continue with anybody else. Is it clear to you?

22 Okay.

23 THE WITNESS: Okay.

24 PRESIDING JUDGE FREMR: So enjoy some rest and we will see you again tomorrow at
25 9.30.

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1 THE WITNESS: Thank you.

2 (The witness stands down)

3 PRESIDING JUDGE FREMR: Thank you, Mr Levine, thank you for your assistance.

4 And the usual inquiry for the sake of planning. May I ask, court officer, what time has
5 been used so far by the Prosecution?

6 So I was informed you had used so far 4 hours and 24 minutes. So roughly saying you
7 still have, Ms Solano, at your disposal 3 and a half hours. Do you think that you will
8 need all the time or even -- I don't know what is -- how far you got in your plan?

9 MS SOLANO: Your Honour, I'm actually quite advanced. I will review the situation
10 overnight but I do expect that I will finish in less than the eight hours.

11 PRESIDING JUDGE FREMR: All right. This is mainly in the interest of legal
12 representative for victims who also requested to examine this witness and also for, indeed,
13 the rest of Defence to be ready for cross-examination.

14 All right, then, so we break now -- Mr Gosnell.

15 MR GOSNELL: May I just inform the Chamber, I was asked to advise you that the
16 submission on restrictions has been filed and it apparently came in just one or two
17 minutes, or a couple of minutes after the deadline. A courtesy copy apparently has been
18 circulated already to your Honours and we apologise for that late filing.

19 PRESIDING JUDGE FREMR: So again I got the information that it will be filed tonight,
20 so it's fine.

21 So, as I said, we will resume tomorrow 9.30.

22 THE COURT USHER: All rise.

23 (The hearing ends in open session at 4.33 p.m.)