

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
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 3
8 Friday, 10 February 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:48] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:31:10] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:15] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: [9:31:29] Thank you, court officer.
20 Now appearances, if change compared to yesterday. Prosecution first.
21 MS SIM: [9:31:36] Good morning, Mr President, good morning, your Honours, there
22 are no changes on the Prosecution bench this morning.
23 PRESIDING JUDGE FREMR: [9:31:43] Thank you, Ms Sim.
24 Defence.
25 MR GOSNELL: [9:31:45] Good morning. No changes, Mr President.

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [9:31:49] Thank you.

2 Legal Representative of Victims, please.

3 MS PELLET: [9:31:54] (Interpretation) Thank you, your Honour. No change for the
4 team of former child soldiers, exceptionally today I represent the victims of the
5 attacks. Thank you.

6 PRESIDING JUDGE FREMR: [9:32:10] For the record, I just confirm the Chamber
7 had been informed about the absence of Mr Suprun for today. He will be
8 substituted or represented also by Ms Pellet and he was excused by the Chamber.

9 Mr Witness, good morning. Can you hear me?

10 WITNESS: DRC-OTP-P-0116 (On former oath)

11 (The witness speaks French)

12 (The witness gives evidence via video link)

13 THE WITNESS: [9:32:37] (Interpretation) Good morning, your Honour. I can hear
14 you very well. Thank you.

15 PRESIDING JUDGE FREMR: [9:32:41] Good.

16 Mr Witness, we will continue with your cross-examination by Defence. It's my duty
17 to remind you that you are still under oath, so you have to speak truth and nothing
18 but the truth. Do you understand that?

19 THE WITNESS: [9:33:05] (Interpretation) I understand you, your Honour.

20 PRESIDING JUDGE FREMR: [9:33:06] Fine.

21 So, Mr Gosnell, you may proceed and we are in open session. Do you want to
22 maintain this regime? No. All right.

23 Court officer, let's move into private session.

24 (Private session at 9.33 a.m.) *(Reclassified partially in public)

25 THE COURT OFFICER: [9:33:34] We are in private session, Mr President.

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [9:33:36] Thank you, court officer.

2 Mr Gosnell, please proceed.

3 MR GOSNELL: [9:33:40] Thank you. Mr President.

4 QUESTIONED BY MR GOSNELL: (Continuing)

5 Q. [9:33:43] Good morning, Mr Witness. (Redacted)

6 (Redacted)

7 (Redacted)

And I will be

8 posing to you today some very specific questions. And if I do my job well and if you

9 respond to my questions specifically we can be done in much less than two hours,

10 I think. Do you understand?

11 A. [9:34:23] Yes, counsel, I understand you very well. Thank you.

12 Q. [9:34:27] Thank you very much and I appreciate that.

13 Now I would like to start with -- coming back to the issue of (Redacted) and you said

14 yesterday, at page 48 of the transcript, that you knew (Redacted) Am I correct, and

15 again without going into the details of any conversation that you had with (Red.) is it

16 correct that you spoke with him directly?

17 A. [9:35:06] Counsel, I would like to make the following clarification: Which

18 (Redacted) Is there a first name, if you would be so kind?

19 Q. [9:35:17] Well, it was the (Redacted) to whom you referred to yesterday as having

20 come from a village (Redacted) The person who you said was

21 13 years old.

22 A. [9:35:38] Yes. There were difficulties, counsel, there were difficulties in the

23 sound, it was difficult to receive what you were saying, could you repeat, that please?

24 Q. [9:35:55] Yes. The question that I'm asking you is whether you spoke directly

25 to the person named (Redacted) whom you referred to yesterday as being 13 years old and

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 who came from a village (Redacted) yes or no?

2 A. [9:36:25] Yes. I spoke to (Redacted) directly on several occasions. (Redacted)

3 (Redacted)

4 (Redacted) And I was personally interested in his case because he was younger.

5 He was the youngest, he was the most turbulent, as it were, as well. And this was

6 a boy who had -- full of resources, he was very clever, he interested me a lot there.

7 And afterwards I spoke to him on several -- or, two occasions (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) if my memory serves me well. And at that time I

12 spoke to him *again to insist on the need for him to study, et cetera. And I still

13 remember that I spoke to him for the last time -- I spoke to him -- that was in Bunia.

14 (Redacted)

15 (Redacted)

16 (Redacted) *I remember well, I

17 am positive about that, because this is quite a particular case.

18 Q. [9:38:16] When was the last time that you spoke to him?

19 A. [9:38:28] The last time that I spoke to him personally, I can't remember very well,

20 but must have been before the month of (Redacted) 2002 that is.

21 Q. [9:38:45] At paragraph (Red.) of your statement, and there is no need, I believe, for it

22 to be brought up, but I will read it to you, you said -- but if you have it there it would

23 perhaps be useful for you to put it in front of yourself.

24 So for the record (Redacted) paragraph (Redacted) You say the

25 following, and I quote: (Interpretation)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 "Transferred two young people (Redacted)

2 When these two people went to Bunia, they were particularly tracked by people from the
3 UPC."

4 (Speaks English) Now, first of all, can you just give us a date and I will ask you please to
5 only give us a month. (Redacted) Just the
6 month, please?

7 A. [9:40:11] The young people, (Redacted) to Bunia with the other children.
8 That was in the month of (Redacted) 2001.

9 Q. [9:40:27] And during what period did they tell you or did you learn that they were
10 being particularly hunted by the UPC? Can you give us a time frame for that, please, just
11 the time frame.

12 A. [9:40:57] Yes, I can give you the time frame. It was certainly between the month of
13 September/October 2001. October 2001, after their reinsertion, and May/June 2002, if my
14 memory serves me well.

15 Q. [9:41:35] Sir, let's try to be precise about the end date. Do we agree that it couldn't be
16 June 2002 because you've just told us that the information you received was prior to (Red.)
17 (Redacted) is that correct?

18 A. [9:42:06] It's correct, counsel. It's correct. (Redacted)
19 (Redacted)

20 (Redacted) We have a network in the field which continued to gather information
21 about children and it was communicated to me (Redacted) and I had
22 access to that information.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [9:44:17] Yesterday at page 36, line 20 you said the following, and I will read it:

9 "The children talked about movements of flying training camps or mobile training"

10 centres - I suggest, although the transcript says catches - "which were being set up in

11 the environs of Bunia, and it was in that connection that the children began to talk

12 about Bosco Ntaganda, stating that he was present at those training sessions and that

13 he was often there with the children and he often attended training sessions. The

14 children referred to him as being very, very violent, very strict and somebody who

15 could not accept at all hearing anybody say that the UPC should not use child soldiers

16 or should not recruit child soldiers. There was a group of three children in particular

17 who talked to us about that topic and those three children were also used in military

18 operations. (Redacted)

19 Now, am I correct, sir, that the group of three children in particular to whom you

20 were referring in this passage yesterday were (Redacted)

21 A. [9:46:14] No, sir. No, counsel. I have to make a clarification. The three

22 children that I spoke about who formally indicated not just the existence of a camp,

23 but also the departure of two of their colleagues (Redacted) went

24 to -- went to Rwanda to learn how to use heavy weapons and they were children who

25 were already in a professional reinsertion programme in a centre -- (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 And it was these children who formally gave us information about these mobile
5 camps and night patrols and the departure of their colleagues to learn how to use
6 heavy weapons. (Redacted) but their families as well and,
7 in particular, (Redacted)
8 Their family continued to inform us differently of things that were happening within
9 the community.

10 Q. [9:47:54] Mr Witness, I'm a bit confused about your answer, because at the very
11 end you've made reference to the source not being (Redacted) directly but their
12 families. Are you telling us that the source of the information about Mr Ntaganda
13 came from the families (Redacted)

14 A. [9:48:27] No, counsel, that would be a way of reducing my words to just two
15 sources. What I said, there are the young people who were following training,
16 professional training. That was one source. Now, the families, in particular the
17 (Redacted)
18 (Redacted) was also a source.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 And that's page 66.

24 So Mr Witness, does that mean that the information that you were receiving about
25 Mr Ntaganda, (Redacted) is concerned, related to the period prior

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 A. [9:50:08] Yes. I think they continued to inform us, that source, and other
3 sources as well, continued to provide us with information before and after 2002.

4 Q. [9:50:27] Did they, anyone to whom you are referring to as a source for this
5 information, (Redacted) tell you where

6 Bosco Ntaganda, prior to May 2002, had been violent and strict during training?

7 A. [9:50:58] The different sources didn't just limit themselves to the places of
8 training, or the locations of work. We also had humanitarian sources who spoke
9 about the presence of Mr Ntaganda in different villages which underwent violence at
10 the time in the district of Ituri.

11 Q. [9:51:34] That may be, but that's not my question. My question is: In respect
12 of the information that you're telling us that you received concerning the period prior
13 to May 2002, where were you told by anyone that Mr Ntaganda had been violent in
14 respect of training of children?

15 A. [9:52:10] Counsel, you are speaking about somebody else. I was speaking
16 about the children, the children who informed us of their presence in that camp and
17 of the way in which they behaved. But I can't tell you that I remember people who
18 were witnesses, apart from the children on that precise location, where it concerns his
19 presence and his behaviour.

20 Q. [9:52:41] Can you name any location that was being referred to by these
21 individuals?

22 A. [9:52:55] The people who I spoke about, the other humanitarian sources, they
23 spoke of violence, massacres in the villages of Bogoro where his presence had been
24 pointed out. His action was said to have been behind the events that occurred there.

25 Q. [9:53:27] You are telling us that you were told that Mr Ntaganda was

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 responsible for massacres in Bogoro?

2 A. [9:53:42] What I'm telling you, counsel, is that there were unfortunate events in
3 Bogoro, and the UPC, which he was in, was said to be responsible for the events and
4 that his presence at the time was pointed out as one of the people from the UPC who
5 could have also been an actor or perpetrator in what happened. There were reports,
6 there were documents which were circulated which went along with that.

7 Q. [9:54:26] What is your recollection about when these unfortunate events, which
8 are purportedly attributable to Mr Ntaganda, occurred?

9 A. [9:54:49] I don't remember the exact dates. I think that if you carry out some
10 research you can get the dates. But there were massacres, there were human rights
11 violations, there were murders, houses were destroyed, villages were burnt down at
12 the time, in the villages of Bogoro in particular. Now, I don't remember other places
13 or locations which also saw such events but, as far as I remember, in Bogoro, that's
14 what it was about.

15 Q. [9:55:30] Are you sure you're not confusing massacres of Lendu civilians with
16 massacres of Hema civilians that were actually committed by Lendu militia in the
17 FNI?

18 A. [9:55:54] It's possible, counsel. These events were reported to us in the district
19 of Ituri and they alternated. One -- some carried out an action against one village,
20 and the others carried out reprisal operations in another village. They alternated.
21 And so we weren't able to follow everything. And 15 years afterwards, you will
22 understand that my memory is not so fresh as in order to give you the exact tenor of
23 events. Where it comes to the -- I wasn't specifically focused on human rights
24 violations, but more in terms of the recruitment of children at the time.

25 Q. [9:56:54] May we have, please, on the screen (Redacted) that's tab (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 And then I suggest, Mr President, that your Honours follow in the hard copy so that
2 the witness has the (Red.) version on the screen, and that will be Prosecution tab (Red.) for
3 the hard copy and that's (Redacted)

4 (Redacted)

5 (Redacted)

6 Now, Mr Witness, I don't want to spend a great deal of time on this particular subject,
7 but I do wish to receive your clarification of this part of your testimony (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) you go through a description of, I suggest,

13 four individuals who say were particularly active in the field of propaganda and

14 mobilisation. (Redacted)

15 (Redacted)

16 (Redacted)

17 And then I will ask you, please, to tell us if you can give us the names, if you
18 remember, of these four individuals. Do you understand my question?

19 A. [9:59:51] Yes, counsel, I understand your question.

20 THE COURT OFFICER: (Via video link)(Interpretation) Excuse me, Mr President,

21 this is the court officer in the field. Would it be possible to repeat the reference of the
22 document that the witness should have in front of him. I wasn't able to find it.

23 Thank you very much.

24 MR GOSNELL: [10:00:12] It's on the screen in front of us and it is tab (Red.) and in tab (Red.) it
25 is page (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 THE COURT OFFICER: (Via video link)(Interpretation)[10:00:37] This time is not
2 visible for the witness, so in order can I -- can show it to him I would need to have the
3 references again, please, thank you.

4 MR GOSNELL: [10:00:55] Can we zoom in -- can we zoom in (Redacted) If
5 that's visible to the witness, let's just go with the screen, please, for the witness.

6 THE COURT OFFICER: (Via video link)(Interpretation)[10:01:17] We have
7 zoomed.

8 PRESIDING JUDGE FREMR: [10:01:19] But anyway, if the witness -- if you are
9 quoting, I think it is not necessary for the witness to see it, so if it's not some extensive
10 part of the text, but if you just referring or quoting I think it's fine.

11 MR GOSNELL: [10:01:32] I was attempting to save time, but I clearly failed
12 abysmally.

13 PRESIDING JUDGE FREMR: We appreciate.

14 MR GOSNELL: Maybe I should just try to -- should I just read it, Mr President?

15 PRESIDING JUDGE FREMR: [10:01:44] I think it is better.

16 MR GOSNELL: [10:01:45] Okay.

17 I will read it for you, Mr Witness, and I will read in English and it will be translated.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 So, Mr Witness, you seem in that passage to be referring to four individuals. Can
11 you remember the names of these four individuals?

12 A. [10:03:56] Counsel, I gave as much information as possible, the names at the
13 time and the references of these people. I think that the description I gave, if one
14 needs to know their names, one could ask other witnesses. And it wouldn't be
15 difficult to find them. The name of the professor was Professor Pilo, Pilo. Professor
16 Pilo. If I remember correctly, for the union member, that could be (Redacted) I
17 may be wrong, but I think it is (Redacted) That's the name that is coming back to me now.
18 Thank you.

19 Q. [10:04:50] Did the UPC engage in propaganda to persuade the international
20 community that it was trying to demobilise child soldiers, as far as you know?

21 A. [10:05:08] Counsel, could you please repeat the question. There was
22 interference. Thank you.

23 Q. [10:05:19] Did the UPC at any time, as far as you know, engage in propaganda
24 to persuade the international community or the NGO community that it was trying to
25 demobilise child soldiers?

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 A. [10:05:50] As far as I am aware, no. I have no knowledge of any such approach
2 by the UPC.

3 Q. [10:06:01] I would like to look at a number of documents now, please. Could
4 we have DRC-D01-0003-5894, tab 12.

5 Sir, this is a document dated 30 October 2002 under the heading (Interpretation) FPLC
6 General Staff, Subject: Disarmament of Child Soldiers."

7 (Speaks English) And at paragraph 1 it says: (Interpretation) "From now on you
8 should disarm within two weeks all children, i.e. those under the age of 18, including
9 those in self-defence forces."

10 (Speaks English) Have you ever seen this document before, sir?

11 A. [10:08:06] No, counsel, I have never seen this document. No, I don't know it.

12 Q. [10:08:13] Did anyone tell you, any of your colleagues, or sources in Bunia (Red.)
13 (Redacted) did any of those people tell you about the existence of this order?

14 A. [10:08:33] No. No, I had no knowledge of this.

15 Q. [10:08:39] Yesterday you told us that Bosco Ntaganda, according to your sources,
16 was the chief of staff of the UPC. And here it says, "Chef d'etat major general ...
17 Kisembo Bahemuka".

18 During what period do you say Mr Ntaganda was the chief of staff of the UPC armed
19 forces?

20 A. [10:09:19] Well before this date, well before the -- the date of October of this year
21 that you are referring to here.

22 Q. [10:09:34] And we see here a reference to "le forces d'auto-defense".

23 Yes or no, do you know whether there were Hema auto-defence forces that existed
24 prior to the existence of the UPC?

25 A. [10:10:07] Your question, sir, calls up two sorts of responses. Since the UPC

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 was not a structured armed group, there were groups at the same time small *at times
2 linked to a village or a location or a district which *did exist and acted as armed
3 groups. I cannot say they did not exist before the existence of the UPC, there were
4 groups, there were groups here and there who were led by Thomas Lubanga who
5 said he was the leader of the UPC at that time.

6 Q. [10:11:07] Weren't there local village guards that were set up quite
7 autonomously from Thomas Lubanga in Hema villages?

8 A. [10:11:33] To my knowledge, I can -- said that -- yesterday I agreed to tell the
9 truth about what I saw, heard and what I felt after carrying out my analyses of
10 information. There were groups which arose spontaneously, self-defence groups in
11 certain villages, but there were also those that had been stimulated by the speech of
12 a leader, or certain leaders and, therefore, I can answer your question, yes, there were
13 spontaneously created groups in villages to defend themselves against attacks carried
14 out against them. That is what I know about this.

15 Q. [10:12:25] May we move, please, to tab 14, DRC-OTP-0029-0275.

16 Now this is a document dated 27 January 2003 from Thomas Lubanga as president of
17 the UPC: (Interpretation)

18 "Subject: Following up of the dossier of demobilisation of child soldiers of the FPLC.
19 Following my letter of 21 October 2002, in which I formally banned the enrolment
20 into the army of the FPLC of children under the age of 18, I request that you send me,
21 as soon as possible, the detailed report on this question, to which I attach the greatest
22 importance."

23 (Speaks English) Have you ever before seen or heard of this document?

24 A. [10:14:25] I have never seen this document and I have not heard talk of it either.

25 Q. [10:14:34] May we have DRC-OTP-0029-0274, tab 13. 21 October 2002, signed

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0116

1 by Thomas Lubanga, president of the UPC. Quote:

2 (Interpretation) "In recent days there has been in -- contrary to our not ideology, the
3 development of a practice of enrolling minors of both sexes within combat forces."

4 (Redacted)

5 (Redacted)

6 (Speaks English) I'll just ask you first, did you ever see this document in 2002 or 2003?

7 A. [10:16:01] I have never seen this document, sir.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [10:18:18] I don't officially recall that. I may have known it at the time but

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 I don't know it now.

2 Q. [10:18:35] Your view, am I correct, is that the UPC did not attend demobilisation
3 meetings that occurred in the context of the Ituri pacification commission in March or
4 April 2003; correct?

5 A. [10:19:13] (Redacted)

6 (Redacted) I don't recall *that, (Redacted)

7 (Redacted) that invited these armed groups to come and discuss the matter *with the

8 NGOs who had the programme. I don't recall UPC attending (Redacted) And

9 perhaps I could add that these were -- would normally have been the international

10 NGOs who contacted them rather than the local NGOs who would have contacted

11 them. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 Did you ever hear about such a meeting at the airport involving the UPC and various
4 international entities and NGOs and the UPC concerning demobilisation of children?

5 A. [10:23:50] Counsel, I did hear of these meetings (Redacted)

6 (Redacted) yes, I did.

7 Q. [10:24:06] So such meetings did take place, to your knowledge?

8 A. [10:24:21] This was part of the run-up to demobilisation and it was driven by the
9 fact that the programme of the MDRP was being set up (Redacted)

10 (Redacted) negotiations for the various groups, those who had had children so that
11 they could take irrevocable measures to release *children unconditionally, yes.

12 Q. [10:24:59] Let's turn back, please, to page 1, the bottom of the page.

13 "The officer", who was at a place called Rwampara, "*explained that MONUC CPA
14 *were present in order to *explain the situation with regards to minors in the UPC
15 units. He was explained that Thomas Lubanga had been previously approached in
16 order to stop recruitment of children. In the current context of pacification talks, we
17 agreed that strategy for minors' demobilisation could be considered. *And he goes
18 on quoting a series of conservatory measures to put in place for the minors' unit
19 under his responsibilities. Children were briefed about current peace talks and
20 explained that they would have to leave the army to join a civilian life. The weapons
21 all of them had were taken out of them."

22 Now, are conservatory measures in your profession and in your experience an
23 accepted technique or part of the process of demobilising child soldiers?

24 A. [10:26:45] Yes, I should perhaps clarify.

25 These were measures which could be applied across the board, at the time*, these

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0116

conservatory measures were drafted, elaborated with the humanitarian agencies and the local and international agencies. These were measures which preceded any form of release of children and gave us, more or less, a guarantee that we could have access to the children.

(Redacted)

(Redacted)

And with the support of the MONUC, the groups were being -- the armed groups were being put under pressure to take part in this process.

So as it says in the document, the UPDF, which was supporting *some armed groups in Ituri, was involved in this in order to try and convince as far as possible that *some leaders of the armed groups to become involved in this process.

MR GOSNELL: [10:28:10]

Q. [10:28:11] Yes, and my question is whether that's an accepted technique, an appropriate technique, an appropriate step in the process of demobilising child soldiers?

A. [10:28:30] (Redacted) And *the national programme, before being formalized, validated by the Congolese government was preceded by a document which we called conservatory measures for the unconditional exit of children from armed forces group. This preceded the *PNDDR programme. Before it was converted into a presidential order, we had the conservatory measures as a document which could be submitted to everybody and which everybody had to respect and work with. *It was the document used to lobby the armed groups and the armed forces.

Q. [10:29:29] And that encompassed, am I correct, anyone under the age of 18?

A. [10:29:43] Yes. All the children *under 18 were concerned, those were in the armed groups, the self-defence force and also in the legal governmental armed forces.

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 Q. [10:30:03] May we have DRC-D01-0003-5896, tab 15.

2 Is there a hard copy of the (Redacted) available there at the point of the
3 video transmission?

4 PRESIDING JUDGE FREMR: [10:31:00] I don't think so.

5 THE COURT OFFICER: (Via video link)(Interpretation) [10:31:09] The witness is
6 seeing the document on a computer screen.

7 MR GOSNELL: [10:31:23] That wasn't my inquiry of the Registrar. I was
8 wondering if there is a hard copy of the (Redacted) because what I
9 would like to do is have the witness comment on this document (Redacted)
10 (Redacted) Can we do that?

11 THE COURT OFFICER: [10:32:07] Mr Gosnell, I have been informed that it is
12 impossible to print the document right now in the transmission room.

13 MR GOSNELL: [10:32:17] Does the Registrar at the point of transmission have tab 15
14 printed, in Kinshasa?

15 THE COURT OFFICER: (Via video link)(Interpretation) [10:32:35] This is the
16 court officer. I don't have the printed document, I have it on a computer. So the
17 witness is seeing the document in French on a computer monitor.

18 THE COURT OFFICER: [10:32:51] Mr Gosnell, if that will suit you, we could try to
19 publish both document here on one screen?

20 MR GOSNELL: [10:32:59] That would indeed suit me. Thank you.

21 THE COURT OFFICER: [10:33:02] Could you please, just to be a hundred per cent
22 sure, repeat the ERN numbers of the said document.

23 MR GOSNELL: [10:33:09] Yes. So one document is the one that's on the screen, and
24 the other document will be (Redacted) that is tab (Redacted) And that will be
25 page (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Wonderful, thank you very much, madam registrar.

5 Now on the right-hand side of the screen we have an order, it is dated

6 16 February 2003, under the heading: (Interpretation)

7 "Subject: Report on disarmament of child soldiers." (Speaks English) Signed

8 Bosco Ntaganda.

9 It says: (Interpretation)

10 "Following the meeting which you had with the NGO of 8 February about the concern

11 of the president of the UPC concerning the disarming of children.

12 1. The instruction was correctly relayed in all the grand -- large U, these U have fierce
13 opposition from those responsible for the auto -- self-defence forces where it concerns
14 demobilising and disarming the children and their group."

15 (Speaks English) Now, first of all, can I just ask, have you ever seen this document
16 before?

17 A. [10:36:09] No, counsel. I have never seen it.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Now, am I correct, Mr Witness, that when you were saying here "Do you want the

24 others to exterminate us" that that was a reference to the parents, the Hema parents

25 being concerned about the threat by Lendu militias coming to exterminate them?

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 A. [10:37:19] Yes, counsel, that's it.

2 Q. [10:37:24] And those fears were well founded, were they not?

3 A. [10:37:38] Yes, in my opinion, indeed they were certainly founded because there
4 was violence at the time, intercommunal violence, there was intercommunal violence
5 at the time.

6 Q. [10:37:53] And were these Hema parents genuinely petrified about the
7 possibility about their villages being wiped out by this intercommunal violence?

8 A. [10:38:17] Counsel, I won't reply with regards to the level of their fears, but they
9 were concerned by the threats or the supposed or real threat against their community.

10 Q. [10:38:42] And these communities, and you have alluded to it already,
11 attempted to arm themselves; correct? When I say "communities" I am talking about
12 at the village level.

13 A. [10:39:05] I don't remember having spoken to -- about armed communities, but
14 who were organised into local defence forces and others that were mobilised in order
15 to give children to take up weapons or to carry out patrols, yes. But formally I
16 haven't confirmed that they were armed because that supposes that I saw weapons in
17 the hands of these communities, which is not the case, counsel.

18 Q. [10:39:45] That's understood. Thank you for that clarification, Mr Witness.

19 And is it true that when you, yourself, went to these communities and talked with
20 parents and with community organisers, they were suspicious or mistrustful of you
21 because they did fear being defenceless against Lendu attacks?

22 A. [10:40:27] Counsel, this feeling of non-cooperation from the parents wasn't
23 widespread. In all communities -- there are communities where we were well
24 received, others where we weren't well received when it came to reunification of
25 children. And during the follow-up or monitoring activities as regarding their

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 reinsertion, some parents were aggressive, some weren't.

2 But we noticed with the programme that even the parents who gave the impression
3 that they were cooperative and that they were understanding, weren't necessarily
4 frank with us, they continued to have relations with these groups.

5 In my statement I talked about children who went to participate in a commando
6 military operation and who left their professional training, (Redacted)

7 (Redacted)

8 (Redacted) So afterwards the child will
9 admit that he participated in a military operation, and that's just to highlight the fact
10 that the feeling was mixed to a certain -- some people gave the impression that they
11 were cooperative but they weren't, and -- but others were really, really cooperative
12 and who were very much concerned about the protection of their children.

13 Q. [10:42:16] You said that there were communities where you were well received
14 and others where we weren't well received. Were the communities where you were
15 not well received in a position of vulnerability geographically to Lendu attacks, did
16 you observe such a pattern?

17 A. [10:42:52] I can't say that. I think, counsel, it was more a type of general
18 psychosis that reigned in these districts because of the conflict which had been going
19 on for a long time. It was a social psychosis, a community psychosis. The devil
20 was seen everywhere. People, without having valid reasons, felt persecuted.

21 (Redacted)

22 (Redacted) we took the child there and the *parent, without even
23 approaching the team, who had reunited the *child, they were scolding the child in
24 front of the workers saying that they were not in agreement with this return. There
25 were cases like that.

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted) the organisers organised a large party *for the returned children, and they
2 offered us dinner, et cetera, but that didn't prevent the fact that in (Red.) *there were children,
3 in particular (Redacted) who had been re-recruited without any protection from their family.

4 Q. [10:44:17] I'm done with these documents, Mr President.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:45:09] And the government of which -- or, in which he was a minister was an
11 RCD-K/ML government, right?

12 A. [10:45:26] No, counsel. I'm going to clarify that. Afterwards, it turned out
13 that Mr Thomas Lubanga was in a coalition called the FLC, Force de libération du
14 Congo, which had the MLC as a member, the RCD-K/ML as well, and the UPC and
15 perhaps other movements as well.

16 And in that regard, in this FLC coalition, he had the rank of minister. Minister, but
17 he lived in Bunia. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 Q. [10:47:36] And you understood that it was important for you to be neutral in
3 your activities in respect of the various political parties; correct?

4 A. [10:47:54] Absolutely, absolutely, counsel. It was a vital issue for the
5 organisation and for its staff.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:54:46] You've testified that it was Thomas Lubanga himself who in June and
10 July 2000 had recruited and sent the individuals (Redacted) for training. (Redacted)

11 (Redacted) If he

12 organised sending them, wouldn't he already have known the identities of the
13 individuals (Redacted)

14 A. [10:55:41] Yes, counsel. When it comes to the total number of people who were
15 sent to training, under Mr Thomas' initiative, (Redacted)

16 (Redacted) or meant to be children, when they came out of the
17 camp, I am not certain that their identities were known by Mr Thomas Lubanga. I'm
18 not sure of that because it wasn't the whole group that came back, just part of that
19 group that came back, and that's the reason why I'm not certain that he could know
20 what their individual names were.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

- 1 (Redacted) but my question for you, and
- 2 it is the question I posed before, is: Wouldn't you agree that this would quite
- 3 reasonably cause, provoke resentment on the part of Mr Lubanga to have this
- 4 information withheld from him (Redacted)
- 5 A. [10:57:41] Yes. I think that it could have given rise to a certain degree of
- 6 irritation, but -- or, resentment, (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 A. [10:59:17] One of the strategies of our organisation, (Redacted)
- 19 (Redacted) was to have a team composed of all ethnic groups in the district of Bunia, and
- 20 that's the reason why we had Hema, Lendu, Bira. We had all the ethnic groups with
- 21 us in order to create a balance in the composition of the staff. Thank you, counsel.
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE FREMR: [11:00:35] Mr Gosnell, we have reached time for the
4 regular break. I am asking you how much time do you think you would need to
5 complete cross-examination?

6 MR GOSNELL: [11:00:44] Not too much more time, Mr President, but I do need to
7 consult with my client before completing; therefore, I would request that we take the
8 break, but it will not be long after the break.

9 PRESIDING JUDGE FREMR: [11:00:57] All right. So we break now and we will
10 reconvene half past 11.

11 THE COURT USHER: [11:01:02] All rise.

12 (Recess taken at 11.01 a.m.)

13 (Upon resuming in open session at 11.31 a.m.)

14 THE COURT USHER: [11:31:26] All rising.

15 PRESIDING JUDGE FREMR: [11:31:52] So we are going to continue with
16 cross-examination of our witness, but before that I see Ms Sim on her feet.

17 Ms Sim, you have the floor.

18 MS SIM: [11:32:02] Thank you, Mr President. Over the break we noticed that there
19 is a significant discrepancy in the translations of the English and the French. And
20 I was just wondering if I could have the witness confirm the spelling of a word
21 or -- a certain word that appears in the French translation that is remarkably different
22 than in the English translation?

23 PRESIDING JUDGE FREMR: [11:32:25] All right.

24 MS SIM: [11:32:26] In the French transcript it is at page 28, line 26 and, Mr Witness,
25 I am --

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 THE COURT OFFICER: [11:32:33] Ms Sim, we are in open session during

2 the (Overlapping speakers)

3 PRESIDING JUDGE FREMR: [11:32:37] For sure, for sure. We are -- we are dealing

4 with names. Let's move into private session now, please.

5 (Private session at 11.32 a.m.) *(Reclassified partially in public)

6 THE COURT OFFICER: [11:32:53] We are in private session, Mr President.

7 PRESIDING JUDGE FREMR: [11:32:59] Ms Sim, please proceed.

8 MS SIM: [11:33:01] Thank you.

9 The French is on page 28 of the real time transcript, starting at line 26.

10 QUESTIONED BY MS SIM:

11 Q. And, Mr Witness, I am just going to read out this part of a phrase to you. And

12 in French it is: (Interpretation)

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)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 QUESTIONED BY MR GOSNELL: (Continuing)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [11:36:55] And you wouldn't have hired somebody if you had known that they
17 were proposed by somebody who was actually associated with one of the *Lendu
18 armed groups, would you?

19 A. [11:37:18] *We had no knowledge of that at that time or otherwise it would be
20 a -- completely impossible for such a person to be part of our team.

21 Q. [11:37:33] And did you have -- did you assign (Redacted) to work with
22 Hema returnees and their families in the reintegration process?

23 A. [11:38:03] That would have been one of his tasks as -- of his post. They were
24 assigned in groups of two to monitoring activities, follow-up activities in the families.

25 Q. [11:38:20] And do you know, do you have any information or knowledge about

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 whether or not the Hema families and the Hema children had any information that he
2 was Lendu? Or would have known that he was Lendu just by looking at him or
3 knowing his name?

4 A. [11:38:57] In that context in Bunia and in Ituri, and up to this day, I presume, the
5 name of somebody does not give away their -- does not hide their ethnic group.

6 And the children would have known that he was not Hema, that he was Lendu. But
7 he was not the only person in our group dealing with the monitoring or the
8 reinsertion of children who was not Hema. He was not the only one.

9 Q. [11:39:42] Do you think having, especially in the context of ethnic violence that
10 had just seized the area in the preceding years, do you think that having a Lendu
11 person engaging in this process of reintegration, do you think that facilitated the
12 reintegration process, or did it make it harder?

13 A. [11:40:17] I don't know to what extent that could make the process difficult. If
14 the person was not involved in the essential criteria of reinsertion, but was simply
15 involved in following up the reinsertion into the family. And our strategy was to
16 have a group of two people carrying out the work at the same time to respect the
17 principles involved in working with children or vulnerable people.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

- 1
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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [11:47:23] And you told us earlier today about having been provided with
10 information as well by some children, this is at page 8 of the transcript, by some
11 children who went to Rwanda to use heavy weapons. Are you quite sure that any
12 children at all were sent to Rwanda to train with heavy weapons?

13 A. [11:48:02] Counsel, if I may, if -- I'd like to make a correction, I didn't say that I
14 learnt that from the children who went to Rwanda, I said that I heard from certain
15 children who also went into the mobile training camps *that two of their colleagues,
16 (Redacted) went to Rwanda to train with heavy weapons. I think
17 that's an important correction.

18 Q. [11:48:38] Yes, indeed. So those individuals who went to train with heavy
19 weapons were not children; correct?

20 A. [11:48:55] They were children (Redacted)

21 (Redacted) and whom we reinserted to their families. And we dealt with
22 their social rehabilitation and then they were -- it was requested of them that they
23 returned to the armed groups.

24 Q. [11:49:23] I'm not sure if you've answered my question, Mr Witness. The
25 question is: Were the individuals who went to train with heavy weapons, do you

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 say they were children or not children, applying your definition of under 18 or 18 or
2 over?

3 A. [11:49:53] Their colleagues said that they went. And those children were
4 children (Redacted)
5 (Redacted)

6 Q. [11:50:13] When do you say that these persons, you say that their children, were
7 sent to Rwanda to receive heavy weapons training? What's your information on that
8 subject, the date that they were sent?

9 A. [11:50:40] The date may -- my memory may be letting me down, but if I look at
10 the timing, that must have been between October and May 2002. (Redacted)
11 (Redacted) and that could have been
12 October/November/December, something like that. Yes. I may be wrong, but I
13 have the general feeling that it could have been during that period.

14 (Redacted)

15 (Redacted) I do recall that
16 these children, while they were receiving training, came to visit us from time to time,
17 and we went to see them, and it would have been in one of the debriefing sessions
18 that they gave us this information. (Redacted)

19 Q. [11:52:12] Mr Witness, I suggest to you that what you said yesterday about the
20 UPC existing in reality, even if not officially or formally, at any time in 2001 or in 2000,
21 is incorrect? I put to you that none of the children at (Redacted) had been sent
22 there by the UPC. Is it possible that, just as you have told us now in respect of your
23 confusion about the timing of the sending of people to train with heavy weapons in
24 Rwanda, you are also confused about the timing of the formation and creation of the
25 UPC?

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 A. [11:53:18] Counsel, I am not certain that I am confusing things with regard to
2 *what date these children were being sent and as to who sent them. This information
3 formally was communicated to me (Redacted)
4 (Redacted) But it is possible that I am wrong about -- wrong about
5 when -- two children which were -- the names were given. And they were well
6 known by the children following their vocational training, that those two children went.
7 After their return to the families, and the schools, and taking up training, two of these
8 children left. And that we heard from these children. So I don't think I am confusing
9 things. No, I don't think that I have got things confused.
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 quote:
16 "Yes. In fact, the person who was responsible for that area at the time -- well, there
17 was a governor -- well, the situation was somewhat undefined. There was
18 Mr Bemba's party, and within his party, well, there was the UPC that was trying to
19 organise itself as a party and to impose itself. So there were a number of -- there was
20 a number of alliances between the UPC and the MLC, Bemba's MLC, and the RCD of
21 Mr Mbusa at the time. So there were these agreements, agreements that would be
22 reached and that would then be broken from day-to-day. So -- in fact, there was no
23 definite authority. But the person who was there at the time and who seemed to be
24 in charge of everything was Mr Bemba, the head of the MLC. But I'd like to
25 emphasise the fact that at the same time Mr Thomas was trying to affirm himself as

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 a leader within that context, and that is when things started to develop more rapidly
2 and he was in the process of becoming someone who was the master in that situation
3 and the events that subsequently transpired in the year 2002/2003 confirmed all of
4 this."

5 Mr Witness, the impression I have from this answer, and I seek your comment on it, is
6 that in this passage you seem to be describing a situation of some fluidity and that it's
7 not definite that the UPC exists as a political party, let alone as an armed group.

8 And you have told us that it is your view now that the UPC in 2000 was an armed

9 group. Has anything changed (Redacted) since you gave this (Redacted)

10 (Redacted) that may have changed your view as to when the UPC came into existence as
11 an armed group?

12 A. [11:58:09] Sir, I think I can comment (Redacted)

13 (Redacted) There was a vagueness, there was an authority which was imposing

14 itself on the zone. And we knew that it was Bemba and the MLC, but at the same

15 time there were attempts at emancipation and organisation of nationalism at a local

16 scale among the Iturians, certain -- wanting to show something, that they could do

17 something in their area, and that's why there was, for example, the *initiatives by

18 Mr Thomas Lubanga. Whether his party already at the time, I cannot provide any

19 formal proof of this, but the activities, the political activities that they were carrying

20 out, and once we heard from the sources that I have mentioned before, they were at

21 the basis of children being taken to a camp in Uganda. We have no formal proof of

22 this person who was trying to become the leader of a group that was positioning itself

23 as an armed group in that area at the time.

24 Q. [11:59:45] Mr Witness, I thank you very much for all of your answers.

25 Mr President, that concludes my cross-examination.

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [11:59:51] Thank you, Mr Gosnell.

2 Now, Ms Sim, any request for re-direct?

3 MS SIM: [11:59:57] I do, Mr President. I believe I will -- I have three topics that I
4 need to cover and I believe I can do that in about 10 minutes.

5 PRESIDING JUDGE FREMR: [12:00:05] All right.

6 Please proceed. And do you want to proceed in open or in private?

7 MS SIM: [12:00:12] I think remaining in private session is better.

8 PRESIDING JUDGE FREMR: [12:00:15] All right. Please proceed.

9 MS SIM: [12:00:17]

10 Q. [12:00:18] Mr Witness, yesterday in your testimony, which is in transcript T-195,
11 at pages 65 and 66, Defence counsel asked you a question about certain sources of
12 your information. And I'm going to read this question to you and your response and
13 then ask you a question following that. So the question from Defence counsel was:

14 "... what were your sources of information during that period that you were in (Redacted)
15 of what was going on in Bunia?"

16 And your answer was:

17 "We continued with the types of information sources. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 And my question for you is: Are you able to recall the name of this (Redacted)

22 that you mentioned?

23 A. [12:01:35] I don't remember his name very well, (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 Q. [12:02:13] Thank you. My next question for you also relates to yesterday's
4 testimony. And it is at page 23. Defence counsel asked you about your ability to
5 ascertain someone's age from looking at a photograph. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) Of course, I acknowledge that I could not determine the child's age on
15 the basis of a simple photograph. It is true that there is a need to conduct an
16 interview to determine that. However, (Redacted)

17 (Redacted) and care, given to children under that situation, it was evident that
18 this was a young child. And, again, this photograph was sent as proof to show
19 a child of primary school age who was, like others, involved in conflict." End quote.

20 (Redacted) Defence counsel asked,

21 and this is at line 2 of page 70:

22 "But what I am asking you is whether it is your view that for you to be able, even with
23 all of your experience, to come to a view of a person's age, you would have to
24 interview them; is that correct?"

25 And you answered:

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 "Yes, absolutely, sir. To determine someone's age where that is possible and
2 interview with that person is essential, and that would allow one to find out the exact
3 age or the approximate age if the person was not willing to divulge their age."

4 And that's the end of the quote.

5 And my question for you now is: Even without being able to interview an
6 individual, would you be able to assess whether that individual was between 11 and
7 13 years of age versus 17 or 18 years of age?

8 A. [12:05:10] Thank you, madam. I think with my experience without being
9 ambitious, nor trying to make an impression, I think I would be able to determine
10 a child between 11 and 13 and another between 16 and 18. I could distinguish
11 between them. I could do so, yes.

12 Q. [12:05:34] And my final area to ask you about is during today's
13 cross-examination you were shown a number of UPC documents, dated October 2002,
14 which related to demobilisation. And you said that you had not seen such letters
15 before. (Redacted)

16 (Redacted) And to be
17 clear, the orders that you were shown earlier today were from October 2002, and then
18 there was another from January 2003 and February 2003.

19 (Redacted) you stated that the recruitment
20 process on the part of the armed groups (Redacted) was a real issue for the various
21 agencies and that the recruitment had not stopped until the time you were in Bunia at
22 the Ituri conference in April 2003. And so my question for you is: Do you know if
23 such demobilisation in October 2002 and February 2003 actually happened or not?

24 PRESIDING JUDGE FREMR: [12:07:27] Hold on, Mr Witness.

25 Mr Gosnell.

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 MR GOSNELL: [12:07:30] Objection. This is, in my respectful submission, beyond
2 the scope of what should be a re-direct. If the Prosecution had wished to determine
3 what was going on in terms of remobilisation, demobilisation in that period they
4 could have asked about it during the direct examination.

5 PRESIDING JUDGE FREMR: [12:07:46] Ms Sim.

6 MS SIM: [12:07:48] Documents were put to the witness and this issue was raised in
7 cross-examination and I am simply following up with what had been put to the
8 witness in his prior testimony.

9 PRESIDING JUDGE FREMR: [12:07:58] All right. Objection is overruled. Please
10 proceed.

11 MS SIM: [12:08:02]

12 Q. [12:08:02] Do you still have my question in your mind, Mr Witness, or did you
13 want me to repeat it?

14 A. [12:08:11] Could you repeat it, please. I would prefer that, counsel.

15 Q. [12:08:15] Certainly. During today's cross-examination you were shown some
16 UPC documents from October 2002 and February 2003 regarding demobilisation.
17 And when asked if you had seen them you said you had not seen those letters.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) Do you know if such demobilisation in October 2002 or
23 February 2003 actually happened or not?

24 A. [12:09:18] No, madam. It didn't happen. And I'm going to tell you why I
25 confirm that it didn't happen. At the same time there was advocacy we were

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 carrying out with other humanitarian workers such that Mr Bemba would free the
2 children who were in his group. Children, there were 52 of them.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 If Thomas Lubanga had also demobilised children, then I would have perfectly
10 recalled that he had signed demobilisation documents for those children, which was
11 not the case. And I am formal on that point. Until the moment that I left, in 2003,
12 when I went to the conference, I am formal about that, I never saw that document.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) I am seeing them for the first time before your august Court here.

19 Thank you, madam.

20 Q. [12:11:21] And this incident that you referred to regarding Mr Bemba, do you
21 remember the timing of that incident?

22 A. [12:11:37] In fact the lobbying or advocacy continued, I don't think that it was an
23 incident, it was more of an event. If you would allow me to correct that. This was
24 an important event to the extent there were 52 children who had been released
25 unconditionally from the armed group. And that took place, if my memory serves

Trial Hearing
WITNESS: DRC-OTP-P-0116

(Private Session)

ICC-01/04-02/06

1 me well, that took place around the month of October or November

2 2002 -- October/November 2001. 2001. October/November 2001.

3 THE INTERPRETER: [12:12:18] Corrects the witness.

4 THE WITNESS: [12:12:22] (Interpretation) 2001. No.

5 THE INTERPRETER: [12:12:25] Says the witness.

6 THE COURT OFFICER: [12:12:29] (Interpretation) I might be mistaken. Excuse me,

7 counsel, may I add something?

8 MS SIM: [12:12:44]

9 Q. [12:12:45] (Overlapping speakers).

10 A. [12:12:48] Yes, I'd just put a reservation as regards the date. It could be

11 December 2001. But I will just put a reservation on that. 15 years ago when these

12 events occurred. (Redacted)

13 (Redacted). As regards the date, I have reservation in that

14 regard.

15 Q. [12:13:27] Thank you very much, Mr Witness.

16 And, Mr President, I am finished.

17 PRESIDING JUDGE FREMR: [12:13:33] Thank you, Ms Sim.

18 And Mr Gosnell any request for re-cross?

19 MR GOSNELL: [12:13:37] No, Mr President.

20 PRESIDING JUDGE FREMR: [12:13:38] All right then.

21 Now let's move into open session.

22 (Open session at 12.13 p.m.)

23 THE COURT OFFICER: [12:13:54] We are in open session, Mr President.

24 PRESIDING JUDGE FREMR: [12:14:02] Thank you.

25 Mr Witness, it concludes your testimony. I would like on behalf of this Chamber to

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0116

1 thank you. You got a lot of questions, but you responded patiently and clearly, so

2 thank you very much for that. And I believe that your testimony will assist us in our

3 effort to find the truth. Thank you very much.

4 THE WITNESS: [12:14:34] (Interpretation) Thank you, your Honour.

5 PRESIDING JUDGE FREMR: [12:14:36] Now we can disconnect the line.

6 (The witness is excused)

7 PRESIDING JUDGE FREMR: [12:15:18] All right. And now I see there are no

8 further requests for the floor, so I can just conclude that we complete hearing for

9 today and we will reconvene on 16 February and we will conduct testimony of

10 Witness P-551.

11 Now the Court is adjourned.

12 THE COURT USHER: [12:15:46] All rise.

13 (The hearing ends in open session at 12.15 p.m.)

14 RECLASSIFICATION REPORT

15 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,

16 the public reclassified and lesser redacted version of this transcript is filed in the case.