

1 INTERNATIONAL CRIMINAL COURT

2 SITUATION DEMOCRATIC REPUBLIC OF CONGO

3 Case No: ICC-01/04-01/06

4
5 Transcription No: ICC-01/04-01/06-T-38-EN

6 Monday, 20 November 2006 at 9.41 a.m.

7 OPEN SESSION

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9 Before: His Honour Judge Claude Jorda (Presiding Judge)
Her Honour Judge Sylvia Steiner
Her Honour Judge Akua Kuenyehia

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11 PRE-TRIAL CHAMBER I

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1 [9.41 a.m.] ICC-01-04-01-06-T-38-EN

09:41:21 2 OPEN SESSION

09:41:21 3 THE USHER: All rise. The International Criminal Court is

09:41:40 4 now in session.

09:41:48 5 PRESIDING JUDGE JORDA (interpretation): Please be seated. I

09:41:50 6 would like Mr Thomas Lubanga Dyilo to be brought into the

09:41:54 7 courtroom.

09:41:54 8 [9:41 a.m.]

09:41:55 9 [Mr Thomas Lubanga Dyilo entered the Courtroom]

09:42:14 10 PRESIDING JUDGE JORDA (interpretation): I would like to

09:42:22 11 welcome all the participants. I would like to welcome

09:42:31 12 Mr Lubanga Dyilo. We shall resume our proceedings. It's

09:42:34 13 been a week now, most of which was -- most of this will be

09:42:42 14 devoted to the Defence today, as from today -- to

09:42:46 15 cross-examine the Prosecution witness.

09:42:47 16 [9:42 a.m.]

09:42:48 17 I do not welcome you individually, but I would like the

09:42:52 18 Registry to announce -- to call the case.

09:42:56 19 COURT OFFICER (interpretation): Thank you, Mr President.

09:43:00 20 The situation in the Democratic Republic of the Congo,

09:43:03 21 Prosecutor versus Thomas Lubanga Dyilo, ICC-01/04-01/06.

09:43:11 22 PRESIDING JUDGE JORDA (interpretation): Thank you. I would

09:43:14 23 like to recall that for this week, normally hearings will end

09:43:20 24 at 4 o'clock in the afternoon -- that's for the benefit of the

09:43:25 25 afternoon -- this is for the benefit of the interpreters and

09:43:27 1 then we should have some balance between the Prosecution and
09:43:30 2 the Defence.
09:43:31 3 [9:43 a.m.]
09:43:31 4 A decision was taken by the Chamber, particularly by the
09:43:34 5 Single Judge on behalf of the Chamber, on Friday, and I think
09:43:38 6 that the dialogue between the Prosecution and the Defence went
09:43:42 7 on under normal conditions. I see that Mr Roberts is
09:43:46 8 agreeing. I assume, Mr Withopf, that everything went well; so
09:43:50 9 we don't need to go back to that.
09:43:53 10 [9:43 a.m.]
09:43:55 11 If there are no remarks by Mr Withopf -- did you want to take
09:44:00 12 the floor? It's not your day, Mr Withopf, you know; it's over
09:44:03 13 for you.
09:44:04 14 MR WITHOPF: Mr President, I only want to confirm -- and I'm
09:44:08 15 sure my learned friends from the Defence would agree -- that
09:44:11 16 we have complied with the Friday evening order of the Chamber.
09:44:17 17 [9:44 a.m.]
09:44:21 18 PRESIDING JUDGE JORDA (interpretation): Do we agree,
09:44:22 19 Mr Flamme? All right. So, without further ado, since time is
09:44:28 20 not on our side, perhaps we should bring in
09:44:32 21 Ms Christine Peduto, shall we? Mr Mijuskovic, could you bring
09:44:38 22 in Ms Peduto. I remind the public that this is the
09:44:42 23 Prosecution witness. The witness underwent
09:44:45 24 examination-in-chief, as they say in common law, but I would
09:44:52 25 say "questioned" by the Prosecutor and it is now the turn of

09:44:56 1 the Defence to examine this witness -- to cross-examine the
09:44:59 2 witness, isn't it?
09:45:04 3 So, this is cross-examination vocabulary here. All right.
09:45:45 4 [9:46 a.m.]
09:45:45 5 [Ms Christine Peduto, with Ms Marchi-Uhel, entered Courtroom]
09:46:31 6 PRESIDING JUDGE JORDA (interpretation): Ms Peduto,
09:46:36 7 Ms Marchi-Uhel, please be seated. You do not have to take the
09:46:40 8 solemn declaration again. You know what is going to go on now
09:46:46 9 for the next two days -- perhaps a day and a half -- that is,
09:46:51 10 depending on what the Defence chooses. Can you hear me? Yes?
09:46:56 11 We speak the same language, don't we? No?
09:46:58 12 [9:46 a.m.]
09:47:02 13 Can you hear me now?
09:47:13 14 Mr Mijuskovic, who knows everything, who does everything, is
09:47:16 15 everything all right? Ms Peduto, can you hear me now?
09:47:27 16 THE WITNESS: Yes.
09:47:29 17 PRESIDING JUDGE JORDA (interpretation): Ms Marchi-Uhel, can
09:47:30 18 you hear me?
09:47:31 19 MS MARCHI-UHEL: Yes.
09:47:34 20 PRESIDING JUDGE JORDA (interpretation): For the benefit of
09:47:34 21 the public, I will say that Ms Peduto is a Prosecution witness
09:47:37 22 and Ms Peduto will now be examined from someone of the
09:47:42 23 Defence -- could be one of several members. That is the
09:47:45 24 choice of the Defence, of course, and this should go on over
09:47:48 25 one and a half or two days, as the Defence chooses, because

09:47:53 1 our working days will end at 4 o'clock every day.

09:47:59 2 For the benefit of public, Ms Marchi-Uhel is the United

09:48:03 3 Nations observer that the United Nations sent here to observe

09:48:06 4 and perhaps make representations to the Chamber, and only to

09:48:09 5 the Chamber, if necessary, but, Ms Marchi-Uhel knows all this.

09:48:14 6 [9:48 a.m.]

09:48:15 7 It is now 9.45. Mr Flamme, it is up to the Defence now to

09:48:22 8 address the court.

09:48:22 9 MS CHRISTINE PEDUTO, having been previously duly sworn,

09:48:25 10 gave evidence through an interpreter as follows:

09:48:25 11 ME FLAMME: Thank you, Mr President.

09:48:25 12 QUESTIONED BY ME FLAMME (interpretation):

09:48:28 13 ME FLAMME: Q. Good morning, Madame, I hope you had a good

09:48:32 14 weekend.

09:48:32 15 A. Thank you.

09:48:32 16 [9:48 a.m.]

09:48:34 17 Q. As you said, you were examined on Wednesday afternoon by

09:48:40 18 the Prosecutor, and now the Defence will cross-examine you,

09:48:46 19 and since your testimony is important in that it includes many

09:48:54 20 points and many topics, we shall put a certain number of

09:48:58 21 questions to you. I would like to put some questions to you

09:49:07 22 first, regarding what you might call your professional

09:49:10 23 qualifications.

09:49:11 24 You told us last Wednesday that you have a certificate in a

09:49:25 25 diplome d'etudes appliquees in sociology; is that correct?

09:49:27 1 A. Yes.

09:49:27 2 Q. You also told us that you attended two workshops on child
09:49:30 3 soldiers organised by the Save the Children coalition on the
09:49:40 4 one hand, and by MONUC on the other hand; is that correct?

09:49:46 5 A. Perhaps I might clarify this. I took part in workshops
09:49:49 6 organised by the coalition for child soldiers and I took part
09:49:53 7 in internal training organised by Save the Children and MONUC,
09:49:57 8 of course.

09:49:57 9 [9:49 a.m.]

09:50:01 10 Q. Were these organisations during the workshops -- were
09:50:07 11 these organisations your employers?

09:50:10 12 A. MONUC, yes -- Save the Children, too.

09:50:12 13 Q. How long did these workshops last?

09:50:17 14 A. With MONUC I had training -- specific training which
09:50:22 15 lasted a few days. I don't think it lasted more than a week.
09:50:26 16 With Save the Children UK, this was -- within the framework of
09:50:33 17 our work we had regular meetings, coordination meetings, with
09:50:37 18 other colleagues. There were also visits from regional
09:50:45 19 officials for child protection who came to provide training to
09:50:48 20 us regularly.

09:50:49 21 Q. So it was during these workshops -- these workshops were
09:50:54 22 the first time that you came into contact with the problem of
09:50:58 23 child soldiers?

09:51:00 24 A. Yes.

09:51:00 25 [9:51 a.m.]

09:51:00 1 Q. Can you tell us when and where you attended these
09:51:05 2 workshops?
09:51:08 3 A. As to when, I couldn't give you the exact date. With
09:51:11 4 Save the Children UK, it was in 1999/2000. With MONUC it was
09:51:17 5 during my employment in Congo from 2002 to 2004.
09:51:22 6 [9:51 a.m.]
09:51:24 7 Q. Yes. Well, you also told us that you also worked for the
09:51:33 8 High Commissioner for Human Rights. Is this a United Nations
09:51:40 9 organisation?
09:51:40 10 A. Yes.
09:51:40 11 [9:51 a.m.]
09:51:41 12 Q. You said that during the time of the events you were
09:51:45 13 working for MONUC?
09:51:47 14 A. Yes.
09:51:47 15 [9:51 a.m.]
09:51:49 16 Q. Does this mean that you were paid by the United Nations?
09:51:52 17 A. Yes.
09:51:57 18 Q. I am going to ask you some questions -- some general
09:52:01 19 questions now and I shall try to follow the timeframe to make
09:52:06 20 it easier for you. I would like to make it easier for you.
09:52:12 21 I'm going to follow your written statement from May 2006 as
09:52:21 22 well as your examination-in-chief, which also follow the same
09:52:23 23 timeframe. So I'm going to put some general questions. When
09:52:32 24 you refer to this case, this Lubanga case, do you know what
09:52:36 25 this is about?

09:52:37 1 A. Yes.

09:52:38 2 [9:52 a.m.]

09:52:40 3 Q. Can you explain it to us briefly?

09:52:47 4 A. The presence of Mr Lubanga before this Court is

09:52:55 5 because -- I think because Mr Lubanga is -- was brought before

09:52:59 6 the court as -- on the charges of mobilising and using

09:53:03 7 children of under 15 years in his armed group.

09:53:06 8 [9:53 a.m.]

09:53:06 9 Q. All right. Do you have knowledge of the more specific

09:53:13 10 charges pending against Mr Thomas Lubanga Dyilo brought by the

09:53:18 11 Prosecutor?

09:53:19 12 A. During my May interview, yes.

09:53:21 13 [9:53 a.m.]

09:53:23 14 Q. Did you read the document containing the charges?

09:53:27 15 A. Very briefly, yes.

09:53:28 16 [9:53 a.m.]

09:53:30 17 Q. How did you obtain it?

09:53:32 18 A. I think I found it on the Internet.

09:53:34 19 [9:53 a.m.]

09:53:36 20 Q. The Prosecutor did not give you a copy of the document?

09:53:41 21 A. I don't think so.

09:53:42 22 [9:53 a.m.]

09:53:42 23 Q. You don't think so?

09:53:44 24 A. No, I don't think so, no.

09:53:47 25 [9:53 a.m.]

09:53:50 1 Q. When did you meet the people representing the Office of
09:53:53 2 the Prosecutor?
09:53:56 3 A. In May 2006.
09:53:57 4 [9:53 a.m.]
09:53:58 5 Q. Was it the first time?
09:53:59 6 A. Yes.
09:54:00 7 [9:54 a.m.]
09:54:03 8 Q. Did you meet them subsequently?
09:54:05 9 A. I met them three weeks ago when I came here, very
09:54:14 10 briefly, because I hoped to have the opportunity to have
09:54:17 11 longer discussions with the Office of the Prosecutor, but the
09:54:20 12 Court did not grant leave for this, so I met them on two
09:54:23 13 occasions when I came for a few minutes on each occasion,
09:54:31 14 and --
09:54:31 15 Q. So you met them briefly when you came -- you met them
09:54:37 16 briefly when you came to The Hague and also afterwards before
09:54:40 17 you gave your testimony on Wednesday?
09:54:41 18 A. Yes. Tuesday for a few minutes for a familiarisation
09:54:48 19 session.
09:54:49 20 [9:54 a.m.]
09:54:49 21 Q. What was this familiarisation session about?
09:54:53 22 A. The general familiarisation session with the Court where
09:54:53 23 I came to this Courtroom, I met people from the Witness
09:54:59 24 Protection Section and representatives of the Office of the
09:55:02 25 Prosecutor.

09:55:02 1 [9:55 a.m.]

09:55:04 2 Q. No further; that was all, just a meeting?

09:55:07 3 A. Yes.

09:55:08 4 Q. All right. Did you not meet representatives of the

09:55:14 5 Office of the Prosecutor before May 2006?

09:55:22 6 A. I think I met investigators of the Court in Bunia on one

09:55:30 7 occasion when I was still working there.

09:55:32 8 [9:55 a.m.]

09:55:32 9 Q. In your written statement, in paragraph 30, you say that

09:55:36 10 you remember two male representatives of the ICC with whom you

09:55:41 11 had a conversation. Are those the Prosecution investigators?

09:55:46 12 A. Yes.

09:55:47 13 [9:55 a.m.]

09:55:48 14 Q. That was before May?

09:55:49 15 A. Yes.

09:55:50 16 [9:55 a.m.]

09:55:52 17 Q. Do you remember the time, the date?

09:55:54 18 A. I don't remember the date, but I think it was 2003.

09:55:57 19 [9:55 a.m.]

09:55:58 20 Q. In 2003?

09:55:59 21 A. I think so.

09:56:00 22 [9:56 a.m.]

09:56:01 23 Q. So what did you talk about?

09:56:03 24 A. I talked about my job in MONUC and the situation of

09:56:07 25 children in Ituri.

09:56:08 1 [9:56 a.m.]

09:56:08 2 Q. You also talked about the problem of child soldiers?

09:56:11 3 A. Yes.

09:56:11 4 [9:56 a.m.]

09:56:12 5 Q. Did these answers last long -- these interviews last

09:56:17 6 long?

09:56:17 7 A. No. I think they lasted about two hours, perhaps less.

09:56:20 8 [9:56 a.m.]

09:56:22 9 Q. Was there a report or a statement -- were there notes

09:56:29 10 taken?

09:56:30 11 A. The two people took notes. There was no report or an

09:56:32 12 official statement in this regard.

09:56:33 13 [9:56 a.m.]

09:56:34 14 Q. The report came later on in May 2006 when you made a

09:56:39 15 statement and when an extensive statement was taken which you

09:56:45 16 signed?

09:56:45 17 A. That's right.

09:56:45 18 [9:56 a.m.]

09:56:46 19 Q. So, in 2003 you signed nothing?

09:56:50 20 A. That's right.

09:56:51 21 [9:56 a.m.]

09:56:52 22 Q. Now I shall move on and ask questions regarding your

09:56:58 23 professional activities in Congo, in general. I would like to

09:57:04 24 ask you first whether you know the report of February 2003 of

09:57:12 25 Save the Children, which is entitled "Going Home"?

09:57:17 1 A. Yes, I've read it.

09:57:18 2 [9:57 a.m.]

09:57:20 3 Q. Do you know the subject of this report?

09:57:24 4 A. The situation of children in Congo, I think --

09:57:31 5 unaccompanied children. There's also, I'm sure, mention of

09:57:33 6 children associated with child soldiers with child -- with

09:57:39 7 armed groups.

09:57:43 8 Q. That means "child soldiers"?

09:57:45 9 A. Yes.

09:57:45 10 [9:57 a.m.]

09:57:47 11 ME FLAMME (interpretation): I would like Madame to be given a

09:57:54 12 copy of this report and I would like it to be entered into

09:57:57 13 evidence. Unless a copy was brought -- unfortunately, I do

09:58:04 14 not think I have enough copies -- but this is document number

09:58:08 15 <#DRC-001-0001-0056#>.

09:58:41 16 COURT OFFICER (interpretation): Evidence number will be

09:58:47 17 <#DRC-DO1-0088#>.

09:58:54 18 PRESIDING JUDGE JORDA (interpretation): Just a second.

09:58:57 19 Regarding the document numbers, when you called the number you

09:59:00 20 have always referred to "OTP". So how do you distinguish

09:59:06 21 them, because you are going over from -- to 88. Is it "D"

09:59:12 22 that indicates defence? Yes. I have understood now, that's

09:59:15 23 all right. Thank you.

09:59:17 24 ME FLAMME (interpretation): If the Registrar would be so

09:59:19 25 kind as to show us the first page of that report, which is the

09:59:24 1 cover page.

09:59:34 2 Q. Do you see this page, Madame?

09:59:37 3 A. Yes.

09:59:37 4 [9:59 a.m.]

09:59:41 5 Q. I will read the text at the top of the page:

09:59:43 6 "Going Home, Demobilising and Reintegrating Child Soldiers in

09:59:48 7 the Democratic Republic of the Congo". Were you involved in

09:59:55 8 producing this report?

09:59:56 9 A. No.

09:59:57 10 [9:59 a.m.]

09:59:59 11 Q. Would you not say that the specific topic of this report

10:00:05 12 is the "child soldiers"?

10:00:07 13 A. In light of the title, yes.

10:00:08 14 [10:00 a.m.]

10:00:11 15 Q. I would ask the court officer to display page 8 of the

10:00:17 16 same report and I propose to read to you the second paragraph

10:00:31 17 of that page. We are going to speak quite extensively,

10:00:39 18 Madame, if you permit, of this report:

10:00:44 19 "The preparation of this paper featured five weeks of field

10:00:45 20 evaluation by the author, an experienced international child

10:00:49 21 protection specialist. It should be noted that the evaluation

10:00:57 22 was conducted in the context of ongoing conflict, and was in

10:01:02 23 fact postponed from October 2002 to early 2003 because of a

10:01:08 24 period of renewed fighting. The fieldwork for the evaluation

10:01:13 25 focused on the relatively long-running work with children

10:01:18 1 associated with fighting forces. It would occur..." Do you
10:01:28 2 agree with what one might call this methodology?
10:01:40 3 A. I'm sorry, I don't understand. I don't understand. How
10:01:44 4 can I agree or disagree? This organisation carried out its
10:01:48 5 research using its methods. I wouldn't pronounce on whether I
10:01:55 6 agree or disagree.
10:01:57 7 [10:01 a.m.]
10:01:58 8 Q. My question is very specific. It says in this text that
10:02:02 9 the fieldwork carried out to make the evaluation during a long
10:02:14 10 period of work with children who are child combatants -- that
10:02:20 11 the period involved was lengthy. That is what I have
10:02:23 12 understood.
10:02:24 13 A. Yes, undoubtedly.
10:02:29 14 ME FLAMME (interpretation): Court officer, would you please
10:02:31 15 take us to page 9 of the same report.
10:02:33 16 ME FLAMME (interpretation): Q. Top of the page where we
10:02:34 17 read, in the first two paragraphs:
10:02:47 18 "Background and context regarding the recruitment and use of
10:02:49 19 children in DRC. The work with child soldiers, described in
10:02:55 20 this paper, is situated within the complex conflict in DRC
10:03:03 21 since August 1998. The purpose of this paper is to describe
10:03:10 22 the Save the Children programme with child soldiers and does
10:03:15 23 not attempt to describe the conflict itself. However, it is
10:03:21 24 important to highlight that the conflict features numerous and
10:03:26 25 frequently shifting non-State armed groups, that the armed

10:03:34 1 forces of at least five other African countries have been
10:03:37 2 actively involved, and that the control and exploitation of
10:03:42 3 natural resources is as important a factor in the conflict as
10:03:47 4 political and military objectives.
10:03:54 5 Observers note that child soldiers are a relatively new
10:04:00 6 phenomenon for DRC. The first observations were during the
10:04:05 7 1996 and 1997 conflict when the Alliance des Forces
10:04:05 8 Democratiques pour la Liberation du Congo (AFDL) succeeded in
10:04:26 9 overthrowing the regime of Mobutu Sesse Seko." Do you agree
10:04:29 10 with these introductory comments?
10:04:32 11 A. Yes. It is true that children being associated with
10:04:42 12 forces or armed groups is not something which was documented
10:04:51 13 as being a practice in the Congo, as such. It is true that
10:04:57 14 children were associated with Mobutu as quite close
10:05:06 15 bodyguards, but, according to observers, from 1996 onwards the
10:05:12 16 phenomenon became more extensive. Before that date it was not
10:05:17 17 a widespread phenomenon.
10:05:19 18 [10:05 a.m.]
10:05:21 19 Q. Do you know if there was a specific event which triggered
10:05:27 20 more extensive use of child soldiers?
10:05:35 21 A. In 1996, Kabila led an offensive from the east to the
10:05:40 22 west of the country, yes.
10:05:43 23 [10:05 a.m.]
10:05:44 24 Q. And with what type of army did he carry out that
10:05:50 25 offensive?

10:05:50 1 A. With -- what do you mean -- with his forces?

10:05:55 2 [10:05 a.m.]

10:05:55 3 Q. How were his forces composed?

10:05:57 4 A. I was not on the territory of the Congo in 1996; I

10:06:02 5 couldn't say.

10:06:02 6 [10:06 a.m.]

10:06:03 7 Q. I will rephrase my question: were there already armed

10:06:04 8 soldiers in his army?

10:06:05 9 A. That is what was reported at the time, and it was also

10:06:07 10 confirmed by children who were subsequently questioned.

10:06:10 11 [10:06 a.m.]

10:06:12 12 Q. And did the children in his army have a name?

10:06:15 13 A. Yes, "kadogo".

10:06:17 14 [10:06 a.m.]

10:06:18 15 Q. Do you know the signification of "DDRRR" as an acronym

10:06:24 16 and "DDR"?

10:06:29 17 A. "DDRRR" is an acronym which is -- which was used to

10:06:34 18 describe a programme for reintegration of foreign competence

10:06:39 19 located on Congolese soil, in particular Rwandan competence,

10:06:49 20 and some others from other countries. It's disarmament,

10:06:53 21 demobilisation, reintegration, repatriation -- and I no longer

10:06:58 22 remember -- resettlement.

10:07:00 23 [10:07 a.m.]

10:07:00 24 Q. "DDR" refers to a programme which was a national

10:07:05 25 programme targeting nationals?

10:07:10 1 ME FLAMME (interpretation): Could we please view page 10 --
10:07:14 2 the middle of the page just after "Patrick's story", which is
10:07:18 3 in a box. Yes, that's it.
10:07:23 4 [10:07 a.m.]
10:07:23 5 ME FLAMME (interpretation): Q. I will now read the first
10:07:25 6 paragraph of 1.1:
10:07:30 7 "DDR in the context of DRC. It is important to situate the
10:07:35 8 work with child soldiers in DRC into the lexicon of
10:07:43 9 disarmament, demobilisation and reintegration -- DDR. In DRC
10:07:50 10 the acronym DDRRR (disarmament, demobilisation, reintegration,
10:08:00 11 resettlement or repatriation) is used in addition to the
10:08:07 12 traditional acronym of DDR." Do you agree that this paragraph
10:08:17 13 is referring to child soldiers in the DRC?
10:08:27 14 A. I think that the report does not really clarify the term
10:08:34 15 "DDRRR", which was a MONUC project which focused on
10:08:39 16 repatriating Rwandese elements located on Congolese soil.
10:08:47 17 [10:08 a.m.]
10:08:52 18 Q. Thank you, Madame. Do you know the acronym "CCPN"?
10:09:00 19 A. No, nothing springs to mind.
10:09:02 20 [10:09 a.m.]
10:09:03 21 ME FLAMME (interpretation): I would ask the court officer to
10:09:06 22 take us to page 17 of the report, at the top of the page,
10:09:14 23 please.
10:09:24 24 Q. I propose to read extensively from certain paragraphs of
10:09:30 25 this report -- paragraphs 1, 2 and 3 in particular -- and then

10:09:34 1 later I shall move on to paragraph 5 and the following
10:09:38 2 paragraphs. So, Chapter 2:
10:09:44 3 "Background of Save the Children's Work in DRC. Save the
10:09:47 4 Children's work with child soldiers in DRC has the advantage
10:09:51 5 of building on a number of years of child protection work and
10:09:58 6 partnerships in the region. Since 1994, Save the Children's
10:10:03 7 work in North and South Kivu has focused on separated
10:10:10 8 children. During the period 1996 to early 1998, Save the
10:10:20 9 Children was able to build an extensive network of local
10:10:25 10 organisations participating in work with separated children
10:10:32 11 and in child protection more generally.
10:10:37 12 During 1998, Save the Children initiated a series of studies
10:10:45 13 on the situation of vulnerable children in North and South
10:10:57 14 Kivu with the aim of developing a broader child protection
10:11:03 15 programme."
10:11:09 16 The last paragraph, just before paragraph 2.1, at the middle
10:11:17 17 of the page:
10:11:20 18 "This programme orientation developed during 1999 and was
10:11:22 19 referred to as the social protection programme. The evolution
10:11:31 20 of the Save the Children social protection programme and
10:11:35 21 development of Community Child Protection Networks (CCPNs) is
10:11:44 22 presented here because it provided an important base of
10:11:50 23 experience towards determining strategies and approaches for
10:11:57 24 reintegrating child soldiers."
10:12:04 25 And then, "Community Child Protection Networks. As described

10:12:11 1 above, the Save the Children social protection programme
10:12:16 2 selected specific local partners. Save the Children provided
10:12:20 3 training, technical assistance, advocacy, collaboration and
10:12:28 4 funding to the partners, (whereas in the past collaboration
10:12:35 5 and financial or material assistance had been more informal
10:12:43 6 and on a case-by-case basis). The new social protection
10:12:47 7 programme established partnership agreements with each local
10:12:51 8 non-governmental organisations (NGO) outlining agreed child
10:12:58 9 protection approaches and principles.

10:13:08 10 The activities of the partners in the social protection
10:13:13 11 programme were primarily: social outreach and mediation with
10:13:21 12 vulnerable families and their children; non-formal education
10:13:26 13 and literacy; and low-scale skills training (such as
10:13:36 14 embroidery, sewing, carpentry and low-scale animal husbandry)
10:13:43 15 aimed at facilitating the income generation capacity of the
10:13:50 16 children. The non-formal education and skills training
10:13:55 17 activities have come to be called micro-projects. This is due
10:14:03 18 in part to the way they receive specific funding from Save the
10:14:10 19 Children in addition to the broader partnership agreement."

10:14:13 20 [10:14 a.m.]

10:14:20 21 Would you agree with this approach to the problem complex?

10:14:26 22 A. The answer strikes me as making sense, yes.

10:14:30 23 [10:14 a.m.]

10:14:31 24 Q. Thank you.

10:14:33 25 ME FLAMME (interpretation): Court officer, may we proceed to

10:14:36 1 page 18, paragraph 2, at the top of the page.

10:14:39 2 [10:14 a.m.]

10:14:49 3 ME FLAMME (interpretation): Q. I shall read the second

10:14:50 4 paragraph:

10:14:51 5 "It is important to bear in mind the socio-economic context of

10:14:58 6 the programme. In addition to more than six years of armed

10:15:01 7 conflict and displacement, the population of North and South

10:15:07 8 Kivu suffered nearly 30 years of economic development neglect

10:15:12 9 by the regime in Kinshasa. Virtually all families suffer from

10:15:19 10 extreme poverty, exacerbated by the conflict, such that

10:15:24 11 assistance efforts for especially vulnerable children have to

10:15:31 12 carefully balance community realities. Thus, a risk in the

10:15:39 13 social protection programme's approach was that children

10:15:45 14 might, for example, enrol in armed groups or engage in

10:15:52 15 prostitution in order to later participate in the skills

10:15:58 16 activities."

10:16:05 17 Would you agree with this outlook or perspective on things?

10:16:11 18 A. It is a risk which indeed must be taken into account by

10:16:14 19 any child protection programme.

10:16:19 20 ME FLAMME (interpretation): Court officer, may we proceed to

10:16:21 21 page 19 of the report at the top of the page.

10:16:26 22 [10:16 a.m.]

10:16:33 23 ME FLAMME (interpretation): Q. And I read:

10:16:35 24 "Save the Children has developed the following definition for

10:16:40 25 the networks: 'Community Child Protection Networks (CCPNs or

10:16:52 1 'networks') are a forum where community members meet, discuss
10:16:59 2 child protection problems and research solutions. The CCPN is
10:17:07 3 an informal structure, representing all social sectors of the
10:17:14 4 community, including children. The overall aim of the CCPN is
10:17:22 5 to improve the physical and social security of their community
10:17:29 6 members, giving particular attention to vulnerable families
10:17:37 7 and children. The objectives include: preventing and
10:17:44 8 protecting children's -- children from all forms of abuse;
10:17:51 9 promoting advocacy for the protection and development of
10:17:57 10 children; disseminating and promoting the rights of children
10:18:03 11 and legal protection instruments.'"
10:18:15 12 Would you agree with this methodology?
10:18:18 13 A. Yes, it strikes me as making sense also.
10:18:21 14 [10:18 a.m.]
10:18:23 15 ME FLAMME (interpretation): Q. I continue from the middle
10:18:26 16 of the page, same page -- that is to say, 19, second sentence
10:18:30 17 after "Role of Save the Children in initiating the networks".
10:18:35 18 The first "The process of initiating and working with CCPNs is
10:18:40 19 to meet with the local authorities, both civil and
10:18:45 20 traditional, to present their intentions and discuss the child
10:18:49 21 protection needs of the community."
10:18:59 22 And then at the bottom of the page, the last paragraph:
10:19:04 23 "In summary Save the Children undertakes the following steps
10:19:09 24 in initiating, facilitating and supporting the networks: after
10:19:19 25 identifying the community or general area, Save the Children

10:19:23 1 approaches the local authorities to present its intentions,
10:19:31 2 child protection approach and to ask them to facilitate
10:19:36 3 subsequent meetings with local leaders and representatives of
10:19:41 4 various community structures; numerous meetings take place to
10:19:51 5 present Save the Children's approach and discuss child
10:19:55 6 protection concerns with the various community structures."
10:20:05 7 Further:
10:20:08 8 "An open community meeting is arranged where the role and
10:20:11 9 criteria for the network are established and elections
10:20:14 10 convened to determine the representatives of the network;
10:20:21 11 training and information sessions are provided to the members
10:20:24 12 of the network to further discuss their role, mission,
10:20:30 13 approach and to identify specific themes for training
10:20:36 14 sessions."
10:20:43 15 Page 20, the top of the page:
10:20:52 16 "While each network is unique, membership levels range from 25
10:21:01 17 to 40 and members commonly represent: local authorities (both
10:21:10 18 civil authorities and traditional chiefs); religious leaders;
10:21:16 19 children; representatives of service sectors, such as health,
10:21:21 20 education, sports and culture; representatives of key economic
10:21:27 21 activities or associations; representatives of local NGOs and
10:21:35 22 initiatives, including women's associations. Each sector of
10:21:46 23 the community elects its own -- its own representatives."
10:21:55 24 Would you agree to this approach?
10:21:59 25 A. I believe it does make sense -- in a particular context,

10:22:03 1 that is.

10:22:03 2 [10:22 a.m.]ME FLAMME (interpretation): I would like the

10:22:10 3 Registrar now to move on to page 21, just past the middle of

10:22:16 4 the page, the paragraph that starts with "Highlights".

10:22:22 5 ME FLAMME (interpretation): Q. And I will start reading:

10:22:26 6 "In focus groups conducted for this paper, community members

10:22:32 7 and members of the networks consistently noted that the

10:22:37 8 initiation of the network was empowered -- has empowered them

10:22:45 9 to undertake protection actions for their children which they

10:22:49 10 had previously felt impossible."

10:23:01 11 [10:23 a.m.]

10:23:01 12 Do you agree with this statement?

10:23:04 13 A. I can't agree or disagree, because I don't know exactly

10:23:08 14 where these focus groups were established.

10:23:16 15 [10:23 a.m.]

10:23:20 16 Q. So from your experience you can't say whether it's

10:23:22 17 correct or not?

10:23:25 18 A. I believe that it could be possible. Some networks felt

10:23:30 19 more at ease or some people felt happier after the networks

10:23:34 20 were established, but I'm not saying that that happened

10:23:38 21 everywhere in the Congo, in all countries. You'd have to be

10:23:41 22 more specific.

10:23:42 23 [10:23 a.m.]

10:23:43 24 Q. Very well.

10:23:44 25 ME FLAMME (interpretation): I'd like to move on now to

10:23:45 1 page 23, court officer, please, which will bring me to the end
10:23:53 2 of the -- of my reading, I believe.

10:24:00 3 Q. The top of the page, just under 2.2:
10:24:07 4 "In May 1999, the Save the Children protection programme in
10:24:11 5 Bukavu was contacted by the Governor of South Kivu to help
10:24:16 6 reintegrate a group of 120 child soldiers. Save the Children
10:24:23 7 was informed that the child soldiers were part of a group of
10:24:27 8 Mai Mai fighters captured by the RCD-Goma. Discussions
10:24:36 9 proceeded slowly as some commanders disagreed with the
10:24:40 10 Governor's intent to demobilise the children and return them
10:24:45 11 to their families -- usually armed groups seek to incorporate
10:24:51 12 captured fighters into their own forces. However, Save the
10:24:57 13 Children was able to use the opportunity to discuss and gain
10:25:04 14 from the provincial political and military authorities, the
10:25:11 15 commitment, in principle, to demobilise child soldiers.
10:25:18 16 Finally, in August 1999, an agreement was signed between Save
10:25:22 17 the Children, the South Kivu Governor's office and DIVAS to
10:25:30 18 begin the programme."
10:25:33 19 The next paragraph:
10:25:35 20 "In the following months, Save the Children engaged an
10:25:40 21 external consultant and a number of local consultants, and
10:25:46 22 conducted local research activities to determine the most
10:25:53 23 appropriate next steps for the child soldiers."
10:26:08 24 And then the last sentence of the last paragraph of page 23:
10:26:19 25 "The neighbours and community members expressed a variety of

10:26:23 1 concerns. Some thought the transit centre was a re-education
10:26:28 2 camp for combatants. Some were upset that a building was not
10:26:34 3 used as a school to benefit the community and others wondered
10:26:44 4 if children at the centre benefitted from better treatment
10:26:50 5 (games, medical care, food, et cetera) than their own
10:26:54 6 children."

10:27:01 7 Page 24, please, court officer, at the top of the page:
10:27:11 8 "Other important lessons regarding activities for the centre
10:27:16 9 were learned in the first months of the programme.
10:27:20 10 In October 1999, Save the Children engaged two local
10:27:26 11 consultants to study and put in place an education programme
10:27:32 12 for the transit centre. It was quickly recognised that the
10:27:37 13 majority of children were opposed to the programme and it had
10:27:44 14 to be revised."

10:27:54 15 And then the last paragraph of the same page, second sentence:
10:28:02 16 "In November 1999, Save the Children engaged local consultants
10:28:11 17 to help develop strategies and approaches for the
10:28:15 18 reintegration of children."

10:28:22 19 Would you agree with this methodology which paints a picture
10:28:36 20 of a terrain which is of difficult access? I'm not speaking
10:28:44 21 of -- about physical aspects of the terrain, but I'm talking
10:28:47 22 about the community and its ensuing problems. Do you agree it
10:28:54 23 requires a lot of time and human resources to initiate such a
10:29:01 24 demobilisation programme?

10:29:04 25 A. Yes, generally speaking -- and I believe this is very

10:29:09 1 complicated in every country throughout the world -- and it
10:29:13 2 always is when you deal with people, especially children.
10:29:16 3 [10:29 a.m.]
10:29:17 4 Q. I would like to move on now to page 27 of the report --
10:29:22 5 top of the page: "3.1. Advocacy and Prevention. A multi-- a
10:29:43 6 multifaceted and consistent effort is needed to advocate for
10:29:52 7 the release of child soldiers, prevent recruitment and promote
10:29:58 8 community level understanding and action in child protection.
10:30:04 9 One of the most important lessons of the Save the Children
10:30:09 10 work for child soldiers to date is the need to work on
10:30:16 11 community mobilisation and engagement of armed groups in
10:30:22 12 tandem."
10:30:27 13 And further along the second paragraph:
10:30:31 14 "In documenting the experience of the programme since 1999, it
10:30:36 15 is important to note that the Save the Children approach was
10:30:39 16 different from the approach pursued by UNICEF. This created
10:30:48 17 tension, and the collaboration shortfalls were finally
10:30:55 18 redressed in late 2002."
10:31:00 19 And further down, the third paragraph:
10:31:03 20 "In part, the difference in approach resulted from different
10:31:06 21 views about how to manage the demobilisation of children in
10:31:11 22 the context of ongoing conflict."
10:31:19 23 Did you -- were you aware of these different approaches and of
10:31:24 24 the difficulties encountered prior to 2002 when seeking to
10:31:34 25 work efficiently?

10:31:41 1 A. If you may, I would like to make a general remark. The
10:31:45 2 United Nations organisations and NGOs both have different
10:31:49 3 mandates, different working methods, and have different
10:31:59 4 relations with authorities, whether they are recognised or
10:32:03 5 not, and with the communities. And therefore it is not
10:32:07 6 surprising that there are differences here too which can be
10:32:11 7 counter constructive, yes.
10:32:14 8 [10:32 a.m.]
10:32:15 9 Q. I would like to ask you another question, a bit more
10:32:18 10 precisely. Do you know of -- about any project prior to 2002
10:32:23 11 that could have been established in the field and which may
10:32:29 12 have led to efficient work concerning child soldiers and their
10:32:36 13 demobilisation?
10:32:37 14 A. Are you talking about the Congo?
10:32:39 15 Q. Yes.
10:32:41 16 A. Yes, I think that some experiments in the Kivu were
10:32:45 17 successful.
10:32:46 18 [10:32 a.m.]
10:32:46 19 Q. In Kivu?
10:32:48 20 A. Yes.
10:32:49 21 [10:32 a.m.]
10:32:50 22 Q. I would now like to move on to page 29, and more
10:32:54 23 specifically, could the court officer please move down to 3.2,
10:33:04 24 just before the middle of the page.
10:33:09 25 "Engaging armed groups. A key feature of the child soldiers"

10:33:12 1 work in North and South Kivu has been the direct engagement of
10:33:17 2 armed groups. In other words, the work is not only advocating
10:33:23 3 for the release of children, but establishing regular and
10:33:28 4 transparent dialogue with political and military leaders of
10:33:36 5 armed groups."

10:33:47 6 ME FLAMME (interpretation): Court officer, just below the
10:33:50 7 middle of the page.

10:33:51 8 [10:33 a.m.]

10:33:54 9 ME FLAMME (interpretation): Q. "The Save the Children
10:33:55 10 military training programme." The third sentence:
10:34:03 11 "In fact there remain instances where local commanders refuse
10:34:06 12 to respect demobilisation documents signed at the highest
10:34:16 13 political-military level."
10:34:20 14 And right at the bottom of the page:
10:34:23 15 "Save the Children was highly concerned to expand and improve
10:34:26 16 its contacts with the military in South Kivu in response to a
10:34:34 17 massive recruitment drive by RCD-Goma during 2000. The idea
10:34:41 18 for the military training project was initiated in a meeting
10:34:47 19 with the commander of the 6th Brigade in Bukavu..."

10:34:56 20 Page 30, the top of the page:
10:35:04 21 "...in Bukavu in July 2000. The commander acknowledged that
10:35:11 22 one of the reasons various military officials were not
10:35:14 23 following the decree to not recruit and to demobilise children
10:35:24 24 was their lack of awareness of international law such as the
10:35:30 25 Convention on the Rights of the Child.

10:35:33 1 [10:35 a.m.]

10:35:36 2 The first 'pilot' training workshop finally took place

10:35:40 3 in February 2001 in Bukavu. The objective of this first

10:35:48 4 workshop was to increase the participants' level of

10:35:51 5 understanding of the international law concerning child rights

10:35:57 6 and child soldiers and their understanding of the work of the

10:36:05 7 demobilisation and reintegration programme."

10:36:18 8 Page 31, court officer, the top of the page, beginning

10:36:28 9 paragraph 2:

10:36:31 10 "During 2001, seven training workshops were held and 150

10:36:40 11 military officers of the RCD-Goma trained."

10:36:46 12 The middle of the page, after "Future perspectives for the

10:36:54 13 training components":

10:36:55 14 "In terms of lessons learned in working with non-State actors,

10:37:00 15 conducting child protection training for military officers has

10:37:06 16 proven to be an important step in the persuasion, rather than

10:37:11 17 denunciation, approach to advocacy.

10:37:19 18 In interviews with external stakeholders for this paper, the

10:37:23 19 Save the Children military training workshops were

10:37:26 20 consistently cited as one of the most influential factors in

10:37:31 21 progress on child soldiers."

10:37:37 22 And the paragraph one before last:

10:37:43 23 "On the other hand, representatives of the police were

10:37:53 24 selected for some training sessions and their participation

10:37:55 25 was found to be unexpectedly positive."

10:38:06 1 The summary of what has been said and read could be, Madame, I
10:38:16 2 believe, that we need a programme of awareness raising of the
10:38:25 3 military presence in child soldiers' issues, and that without
10:38:30 4 this awareness raising that you shouldn't even start to think
10:38:37 5 about demobilising. Could you share this opinion?

10:38:42 6 A. Yes, I share the opinion you mentioned about the fact
10:38:48 7 that it is important to train and to inform members of armed
10:38:56 8 forces -- the leaders of armed forces, but communities,
10:39:02 9 parents and children, too. Yes, I believe that's an important
10:39:04 10 part of the work, but I wouldn't say it's necessary to bring
10:39:09 11 protection to children in armed forces; that's not a
10:39:14 12 prerequisite for me, anyway.

10:39:18 13 Q. Well, let's be clear: what do you think isn't a
10:39:22 14 prerequisite?

10:39:24 15 A. Well, to bring protection to the children who leave the
10:39:29 16 armed forces.

10:39:30 17 [10:39 a.m.]

10:39:31 18 Q. What is your priority?

10:39:33 19 A. To protect the children.

10:39:35 20 [10:39 a.m.]

10:39:37 21 Q. Yes, but what we were reading here was a process of
10:39:41 22 preparing the terrain and then once you reach that stage -- I
10:39:48 23 talked about the networks and the approach of the
10:39:51 24 militaries -- because if the military isn't convinced that
10:40:01 25 they have to let the children go, even if you can recuperate

10:40:06 1 or get the children to come over to you, that would be
10:40:12 2 difficult. So what we need is a -- well, the approach is very
10:40:18 3 general and has several -- several phases and several parts.
10:40:21 4 So if I've understood you correctly, you don't believe that
10:40:24 5 all these different phases are important?
10:40:26 6 A. Yes, I believe they are important, absolutely, but I
10:40:29 7 don't think they're necessary to be able to shelter or help
10:40:33 8 the children. In all conflicts, whether in the Congo, Kivu,
10:40:40 9 or elsewhere, different steps have to be taken, an effort has
10:40:45 10 to be made in different areas, but if this isn't possible for
10:40:51 11 one reason or another, it won't prevent protection
10:40:54 12 organisations to care for the children and protect them, even
10:40:59 13 if the meetings they had with the military groups weren't as
10:41:07 14 many as they should have been.
10:41:08 15 [10:41 a.m.]
10:41:13 16 Q. I would like the Registry to take us to page 33, in the
10:41:17 17 middle of the page:
10:41:35 18 "In South Kivu, Save the Children and local, operational
10:41:35 19 partners working specifically on child soldiers meet monthly
10:41:41 20 in a task force."
10:41:51 21 Do you think this is a good approach?
10:41:54 22 A. When possible, yes, of course.
10:41:55 23 [10:41 a.m.]
10:41:57 24 Q. And on page 37, the top of the page, Registry, if you
10:42:03 25 will. Thank you.

10:42:13 1 "Transit centres, family tracing and alternative models.
10:42:20 2 The transition phase is used in this paper to refer to the
10:42:25 3 period of time between the release of the child from the armed
10:42:32 4 group (demobilisation) and reintegrating activities at the
10:42:39 5 level of the family and community. Globally, lessons learned
10:42:46 6 emphasise that the transition phrase should be seen as the
10:42:52 7 first step in reintegration. While agreement on approaches to
10:42:59 8 and standards for transit centres is important to future work
10:43:05 9 with child soldiers, the evaluation for this paper highlighted
10:43:16 10 that relatively few organisations should be involved in
10:43:18 11 operating transit centres and greater emphasis is needed on
10:43:25 12 the family and community level of work. Indeed, global best
10:43:32 13 practice stresses that transit centres do not become permanent
10:43:37 14 care institutions and that interim care should always be
10:43:42 15 planned and implemented in conjunction with a community-based
10:43:48 16 programme that facilitates the return of former child soldiers
10:43:57 17 to their communities."
10:44:06 18 Do you agree with this?
10:44:09 19 A. Yes, quite so. This is a lesson that is assimilated by
10:44:15 20 all child workers -- child protection workers, because it is
10:44:20 21 possible to reintegrate these children -- if it is possible to
10:44:24 22 reintegrate these children quickly into their families, that
10:44:28 23 would be the option, and the minimal standards for taking care
10:44:31 24 of these children in child transit centres should be limited
10:44:35 25 to three months. The problems we have encountered in Congo

10:44:38 1 and elsewhere was it was not always possible to find the
10:44:41 2 families of these children and to send them back to zones that
10:44:46 3 were extremely dangerous and where there was fighting.
10:44:48 4 [10:44 a.m.]
10:44:49 5 So, in that context, it was not possible to meet with these
10:44:52 6 standards to protect the children better. So it is, in fact,
10:44:55 7 a lesson that is not always easy to implement.
10:44:59 8 [10:44 a.m.]
10:45:01 9 Q. All right. Madame, can we then conclude that the
10:45:09 10 demobilisation of child soldiers is a very complex process
10:45:16 11 that requires long-term preparation and a very well-structured
10:45:21 12 approach.
10:45:23 13 A. Of course.
10:45:24 14 [10:45 a.m.]
10:45:27 15 Q. In August or September 2002, were there any similar
10:45:32 16 programmes in Ituri or in Bunia?
10:45:43 17 A. Some organisations had set up community programmes for
10:45:49 18 community support which was not specifically aimed at child
10:45:53 19 soldiers, but which were aimed at improving the capacity of
10:45:58 20 communities to welcome or take in unaccompanied children.
10:46:03 21 There were organisations that were providing training on child
10:46:06 22 protection and children's rights in general and the setting up
10:46:12 23 of child protection at community level. So, yes, efforts were
10:46:17 24 made, but I cannot say that this was all over Ituri. For
10:46:22 25 reasons of protection, for reasons of accessibility,

10:46:27 1 humanitarian workers were for a long time deprived of getting
10:46:31 2 access to some parts of this area.
10:46:36 3 [10:46 a.m.]
10:46:36 4 Q. You say "some zones"; which ones? Where were they
10:46:43 5 located?
10:46:44 6 A. They were in Bunia.
10:46:45 7 [10:46 a.m.]
10:46:45 8 Q. And where were they working?
10:46:47 9 A. That depended on the fighting.
10:46:48 10 [10:46 a.m.]
10:46:49 11 Q. So did the fighting change things?
10:46:54 12 A. Yes. Some areas became accessible; some stopped being
10:46:58 13 accessible.
10:46:59 14 [10:46 a.m.]
10:47:00 15 Q. Did these changes occur on a daily basis?
10:47:04 16 A. No. Some programmes had to be stopped, of course,
10:47:07 17 because the danger increased.
10:47:08 18 [10:47 a.m.]
10:47:10 19 Q. What organisations were present on the ground?
10:47:15 20 A. I cannot give you further details, but child protection
10:47:19 21 organisations were present.
10:47:21 22 [10:47 a.m.]
10:47:21 23 Q. Why can you not give details?
10:47:22 24 A. For protective reasons.
10:47:24 25 [10:47 a.m.]

10:47:25 1 Q. What protection?

10:47:33 2 PRESIDING JUDGE JORDA (interpretation): Ms Marchi-Uhel, you
10:47:37 3 wanted to speak in.

10:47:38 4 MS MARCHI-UHEL: Yes, Mr President. I think that this is a
10:47:39 5 question in which the witness does not wish to name the
10:47:43 6 organisations working specifically on the field. These
10:47:47 7 organisations are still active in the field; so you will
10:47:49 8 understand why the witness would not wish to answer.

10:47:53 9 PRESIDING JUDGE JORDA (interpretation): Everyone knows the
10:47:54 10 organisations that are present there, so I don't understand
10:47:58 11 your objection. I do not think that this will be detrimental
10:48:07 12 to the Defence. I understand the witness's concerns.

10:48:11 13 Mr Flamme, if you will allow me to finish, I think that your
10:48:16 14 question was exact. The witness answered very clearly. Your
10:48:22 15 question was in reference to the fact that some programmes had
10:48:28 16 to be stopped in Bunia, and the witness said that some
10:48:30 17 programmes had to be stopped. So, for the time being, it is
10:48:32 18 not necessary for the clarification of your question for the
10:48:36 19 organisations to be mentioned.

10:48:39 20 ME FLAMME (interpretation): I cannot challenge the
10:48:41 21 credibility of the answer.

10:48:43 22 PRESIDING JUDGE JORDA (interpretation): So you will not
10:48:45 23 examine it for the time being.

10:48:49 24 ME FLAMME (interpretation): Thank you.

10:48:52 25 [10:48 a.m.]

10:48:53 1 Q. I shall now move on specifically. We know that MONUC in
10:49:01 2 itself, did not have a similar programme at the time of the
10:49:04 3 events that I am discussing with you.
10:49:07 4 A. MONUC did not have the mandate to develop child
10:49:10 5 protection assistance programmes. It was not at all part of
10:49:14 6 its mandate.
10:49:15 7 [10:49 a.m.]
10:49:15 8 Q. I just wanted to get the clarification; I didn't want to
10:49:20 9 foster confusion. So, I would like to talk to you now about
10:49:25 10 your activities of MONUC. You said on last Wednesday to the
10:49:32 11 Pre-Trial Chamber that you were based officially in Ituri
10:49:36 12 from May 2003.
10:49:38 13 A. Yes.
10:49:38 14 [10:49 a.m.]
10:49:42 15 Q. That means permanently?
10:49:44 16 A. Yes.
10:49:44 17 [10:49 a.m.]
10:49:46 18 Q. All right. The second part of the question I cannot put
10:49:52 19 to you -- I shall not put to you because it was linked to the
10:49:55 20 question that I put to you regarding the organisations that
10:50:00 21 were present on the ground. I am not going to waste the
10:50:03 22 Court's time with a repetition, therefore. You said -- you
10:50:12 23 told the Trial Chamber -- the Pre-Trial Chamber that you made
10:50:19 24 two trips to Ituri in September 2002; is that correct?
10:50:25 25 A. Yes.

10:50:25 1 [10:50 a.m.]

10:50:25 2 Q. From Kisangani?

10:50:28 3 A. Yes, where I was based.

10:50:30 4 [10:50 a.m.]

10:50:30 5 Q. Yes, based there. One of the trips, if I remember

10:50:36 6 correctly, was around 10 September 2002 and one was 10 days

10:50:42 7 prior to that, you said?

10:50:45 8 A. Yes, that is correct. I think it was 2 or 3 September

10:50:50 9 for the first trip and 10 September for the second.

10:50:52 10 [10:50 a.m.]

10:50:53 11 Q. You don't remember the exact dates -- 2 or 3 September?

10:50:57 12 A. Well, I think it was the 2nd or the 3rd.

10:51:00 13 [10:51 a.m.]

10:51:01 14 Q. You did not keep notes of this trip?

10:51:02 15 A. Yes, I did.

10:51:03 16 [10:51 a.m.]

10:51:04 17 Q. So you should be able to give the -- the date?

10:51:08 18 A. I cannot be sure, but I think it was the 2nd or the 3rd,

10:51:12 19 because my memory is very poor.

10:51:13 20 [10:51 a.m.]

10:51:14 21 Q. Your memory is very poor?

10:51:17 22 A. Yes, unfortunately.

10:51:18 23 [10:51 a.m.]

10:51:19 24 Q. So how long did each of these missions last?

10:51:24 25 A. The first mission lasted two days and the second I think

10:51:28 1 lasted two days too.

10:51:29 2 [10:51 a.m.]

10:51:32 3 Q. Yes, all right. Did you make a report of your first
10:51:38 4 mission?

10:51:41 5 A. An internal report.

10:51:42 6 [10:51 a.m.]

10:51:44 7 Q. Did you provide this report to the Prosecutor?

10:51:46 8 A. No.

10:51:46 9 [10:51 a.m.]

10:51:47 10 Q. All right. In your written statement you mention 3 and
10:52:01 11 4 September 2002 -- you mention this in the report -- you
10:52:06 12 mention a report, as well. What was the reason or what were
10:52:08 13 the reasons for your first mission?

10:52:13 14 A. As I explained: during my first examination, Bunia, in
10:52:21 15 terms of child protection, under the responsibility of the
10:52:25 16 Kisangani office at the beginning of 2002, it was under the
10:52:29 17 Goma office. This allocation was changed during summer of
10:52:37 18 2002, which is why I did not go to Ituri before, and which is
10:52:43 19 why I felt I should go to Ituri as soon as possible after the
10:52:49 20 decision was taken to change these -- that is, as soon as the
10:52:52 21 security situation in Ituri allowed for this.

10:52:55 22 [10:52 a.m.]

10:52:55 23 Q. So this was a decision -- a personal decision because
10:52:59 24 they were not taking care of Ituri?

10:53:01 25 A. No, the Ituri office was under my Goma colleagues'

10:53:04 1 responsibility.

10:53:05 2 [10:53 a.m.]

10:53:06 3 Q. So why did your Goma colleagues -- well, they went to

10:53:10 4 Ituri, did they?

10:53:12 5 A. Yes, they did.

10:53:13 6 [10:53 a.m.]

10:53:13 7 Q. For child protection, your colleagues were in charge of

10:53:17 8 child protection or are you referring to other colleagues?

10:53:19 9 A. No, I'm referring to my child protection colleagues. The

10:53:25 10 officer responsibility for Ituri was in the Goma office, for

10:53:33 11 reasons of logistics and for MONUC internal arrangements.

10:53:35 12 Trips were difficult - extra difficult from Goma and logistics

10:53:37 13 depended on the Kisangani office; so the helicopters going to

10:53:41 14 Bunia had to leave from Kisangani. So it was very difficult

10:53:44 15 for Goma -- people from Goma to go through Kisangani for

10:53:48 16 internal logistical reasons, and this is one of the reasons

10:53:51 17 why the Ituri was placed under the Kisangani office, and when

10:53:57 18 -- it is when this happened that I went to Ituri for the first

10:53:59 19 time.

10:54:01 20 [10:54 a.m.]

10:54:01 21 Q. So from -- at that time the responsibility had now moved

10:54:05 22 to the Kisangani office?

10:54:07 23 A. In September, yes.

10:54:08 24 [10:54 a.m.]

10:54:09 25 Q. We can say, therefore, that your mission -- your first

10:54:11 1 mission -- your first mission was the very first one from the
10:54:17 2 time the office in Kisangani became responsible for child
10:54:21 3 protection in Ituri?
10:54:22 4 A. That's right.
10:54:23 5 [10:54 a.m.]
10:54:24 6 Q. All right. So, at that time, did you have reports from
10:54:33 7 your Goma colleagues who had already done some field work?
10:54:36 8 Had they been -- had there been -- or previous missions on the
10:54:40 9 ground?
10:54:40 10 A. I think there was one in 2001. I do not think they went
10:54:45 11 there in 2002.
10:54:46 12 [10:54 a.m.]
10:54:47 13 Q. You think?
10:54:48 14 A. I do not think they went to Goma in -- to Ituri in 2002.
10:54:55 15 [10:54 a.m.]
10:54:55 16 Q. But my question is that were there missions before that?
10:54:59 17 A. I cannot state this for sure.
10:55:01 18 [10:55 a.m.]
10:55:02 19 Q. You cannot say "yes" or "no"?
10:55:05 20 A. No.
10:55:05 21 [10:55 a.m.]
10:55:05 22 Q. You did not see any reports?
10:55:07 23 A. No.
10:55:08 24 [10:55 a.m.]
10:55:08 25 Q. So, there were no reports?

10:55:10 1 A. If there were any reports, I didn't see them.

10:55:12 2 [10:55 a.m.]

10:55:23 3 Q. You say in your statement of May 2006 that Ituri had

10:55:29 4 never been presented to you as being one of your priorities

10:55:35 5 during the first months of your mission?

10:55:37 6 A. Quite right.

10:55:37 7 [10:55 a.m.]

10:55:39 8 Q. Was it because Ituri did not have any problems?

10:55:43 9 A. No, it was because Ituri was under my Goma colleague.

10:55:47 10 [10:55 a.m.]

10:55:48 11 Q. Okay. But since -- in that case, then, can we say that

10:55:56 12 with the difficulty of access to Ituri, in the case of MONUC,

10:56:02 13 for which you were working, could we say that Ituri was not a

10:56:05 14 major priority?

10:56:08 15 A. At that time the people who were involved in Ituri were

10:56:12 16 not concerned at Kisangani level. We had people working from

10:56:18 17 Kinshasa, from Kampala, we had MILOBs who went through

10:56:25 18 Kisangani and went to Ituri, but that was it.

10:56:28 19 [10:56 a.m.]

10:56:28 20 Q. Can we say that the setting up of the office in Kisangani

10:56:32 21 facilitated, shall we say, access to the field in Ituri?

10:56:38 22 A. That is why the responsibility was shifted, of course.

10:56:41 23 [10:56 a.m.]

10:56:41 24 Q. All right. I suppose there was a reason -- a key reason

10:56:47 25 that led to this decision being taken. There may not have

10:56:55 1 been concrete urgent reasons for them to say, "Well, we must
10:56:58 2 go there more often", or something.

10:57:00 3 A. I think the deteriorating security conditions in Ituri
10:57:04 4 contributed to the decision being taken, but the decision was
10:57:07 5 discussed and taken depending on the logistical and
10:57:11 6 accessibility problems regarding Ituri, because Ituri was much
10:57:17 7 more accessible from Kisangani.

10:57:19 8 [10:57 a.m.]

10:57:20 9 Q. All right. You say in your statement -- as they say in
10:57:28 10 English, your statement in May of 2006 you talk of your -- the
10:57:34 11 concerns of MONUC and MILOBs and something extremely serious.
10:57:39 12 You talk about what was said about the deterioration of the
10:57:46 13 security situation in August, you said -- did you say August
10:57:50 14 2002?

10:57:50 15 A. Yes, that's right.

10:57:51 16 [10:57 a.m.]

10:57:52 17 Q. So that was the extremely serious situation that you
10:57:55 18 referred to?

10:57:55 19 A. Yes, we had information and reports from other informers
10:58:00 20 and organisations such as the MILOBS who were in Bunia and who
10:58:05 21 went through Kisangani when they had to go to -- take off --
10:58:08 22 take some time off and they will inform us of the
10:58:10 23 deteriorating situation at that time.

10:58:12 24 [10:58 a.m.]

10:58:13 25 Q. Okay. In your statement -- that is, of May 2006, because

10:58:24 1 there were several interviews on several dates, which is why
10:58:27 2 I'm not giving you an exact date -- you referred to recent
10:58:30 3 massacres of which it was said that Mr Thomas Lubanga was one
10:58:38 4 of the perpetrators, or people responsible for -- and in you
10:58:41 5 refer to the month of August. Are you referring to August?
10:58:44 6 A. August and September.
10:58:45 7 [10:58 a.m.]
10:58:46 8 Q. August and September?
10:58:46 9 A. Yes.
10:58:47 10 [10:58 a.m.]
10:58:48 11 Q. You say that these massacres were mentioned -- was the
10:58:55 12 reason -- were the reason for your mission. You say that in
10:58:58 13 your statement. So, did you visit the mass graves, for
10:59:06 14 example, in Mudzi-Pela?
10:59:12 15 A. Not at that time and not in Mudzi-Pela.
10:59:14 16 [10:59 a.m.]
10:59:14 17 Q. You did not go and see the mass graves?
10:59:17 18 A. During the September mission at that time, no.
10:59:18 19 [10:59 a.m.]
10:59:19 20 Q. In spite of the fact that massacres were one of your
10:59:22 21 priorities?
10:59:23 22 A. The priority was to see the effect on children. I recall
10:59:29 23 that at that time I was child protection officer, not human
10:59:34 24 rights, and I was not responsible for human rights in general.
10:59:40 25 [10:59 a.m.]

10:59:41 1 Q. You say that you didn't go out much during those two
10:59:44 2 days -- you say that in your written statement.
10:59:48 3 A. Yes, that's right.
10:59:48 4 [10:59 a.m.]
10:59:50 5 Q. Did you ask to meet Mr Thomas Lubanga during your first
10:59:54 6 visit?
10:59:56 7 A. The first visit, no.
10:59:57 8 [10:59 a.m.]
10:59:58 9 Q. Where was he?
11:00:00 10 A. I have no idea.
11:00:00 11 [11:00 a.m.]
11:00:01 12 Q. You don't know?
11:00:03 13 A. No.
11:00:03 14 [11:00 a.m.]
11:00:06 15 Q. Was he in Bunia?
11:00:08 16 A. I have no idea, honestly, and I don't know whether I was
11:00:11 17 aware of it at the time.
11:00:12 18 [11:00 a.m.]
11:00:13 19 Q. All right. You say in your written statement -- that is,
11:00:18 20 of May 2006 -- that Mr Lubanga was named as one of those who
11:00:26 21 were responsible for the massacres of August 2002 and that he
11:00:30 22 had a bad reputation amongst the MONUC staff. Where was
11:00:39 23 Mr Lubanga in August 2002 and, more specifically, during the
11:00:42 24 first weeks of August 2002?
11:00:44 25 A. I imagine he was in Bunia.

11:00:46 1 [11:00 a.m.]

11:00:47 2 Q. You imagine, Madame?

11:00:49 3 A. I wasn't in Bunia at that time.

11:00:51 4 [11:00 a.m.]

11:00:52 5 Q. But you do imagine, don't you?

11:00:56 6 A. I think he was in Bunia.

11:00:58 7 [11:00 a.m.]

11:00:58 8 Q. You thought he was in Bunia. You did not know that

11:01:03 9 Mr Lubanga had been arrested in June 2002 in Kampala and

11:01:10 10 transferred and detained in Kinshasa until end of August 2002?

11:01:15 11 A. That's right, it's correct.

11:01:17 12 [11:01 a.m.]

11:01:18 13 Q. Did you know it?

11:01:19 14 A. At that time, yes, yes, I knew it.

11:01:22 15 [11:01 a.m.]

11:01:29 16 Q. Please tell us -- first you say you thought he was in

11:01:34 17 Bunia and now, when I ask you once more where he was, you tell

11:01:38 18 me you knew.

11:01:39 19 A. Yes, now you remind me I -- I recall it.

11:01:42 20 [11:01 a.m.]

11:01:43 21 Q. You have a bad memory?

11:01:45 22 A. Yes.

11:01:48 23 PRESIDING JUDGE JORDA (interpretation): Madame Peduto,

11:01:50 24 please be -- try and be precise in giving your answers to

11:01:54 25 Me Flamme's questions and, Mr Flamme, please be a bit more

11:01:59 1 delicate in referring to "bad memory" and being -- in being
11:02:03 2 ironic. I think it's time to break, so the break will enable
11:02:07 3 the witness and the UN observer to rest for 30 minutes and we
11:02:15 4 will resume at 11.30. Thank you.
11:02:18 5 [11:02 a.m.]
11:02:25 6 [Short adjournment]
11:36:22 7 [11:36 a.m.]
11:36:22 8 THE USHER: All rise.
11:36:29 9 PRESIDING JUDGE JORDA (interpretation): The hearing is
11:36:47 10 resumed. Please bring in Mr Lubanga.
11:36:53 11 [Mr Thomas Lubanga Dyilo entered the courtroom]
11:37:04 12 PRESIDING JUDGE JORDA (interpretation): Court officer, could
11:37:10 13 you please arrange for the witness and the UN observer to be
11:37:14 14 brought in?
11:37:58 15 The court officer would like to make a correction as regards
11:38:01 16 the numbering of documents.
11:38:05 17 COURT OFFICER (interpretation): The document presented by
11:38:07 18 the Defence this morning shall bear the following number
11:38:12 19 <#EVD-D01-00001#>, and I would also like to make a correction
11:38:22 20 to the transcript if that is possible. The reference number
11:38:26 21 referred to by Mr Flamme this morning at line 12 was
11:38:34 22 "DRC-OTP", whereas in fact it was "DRC-01".
11:38:44 23 PRESIDING JUDGE JORDA (interpretation): I would ask you to
11:38:49 24 pay particular attention to this numbering. Sometimes I do
11:38:54 25 not follow in full, but my colleagues are paying special

11:38:57 1 attention to this matter and it is very important for
11:39:00 2 discussions amongst us that we are all basing ourselves on the
11:39:03 3 same reference numbers.
11:39:03 4 [11:39 a.m.]
11:39:10 5 [Ms Peduto and Ms Marchi-Uhel entered the courtroom]
11:39:21 6 PRESIDING JUDGE JORDA (interpretation): Ms Peduto,
11:39:22 7 Ms Marchi-Uhel, please make yourselves comfortable. And I
11:39:26 8 would like to hand over directly to Me Flamme.
11:39:27 9 ME FLAMME (interpretation): Thank you, Mr President.
11:39:27 10 [11:39 a.m.]
11:39:29 11 Q. Madame, we had arrived at a point in time where you were
11:39:34 12 saying that indeed Mr Thomas Lubanga in August 2002 was
11:39:40 13 detained in Kinshasa. Do you know when he returned to Bunia?
11:39:50 14 A. I know that the Minister of Human Rights was briefly held
11:39:55 15 hostage to negotiate that. I do not remember the date at
11:39:59 16 which Mr Lubanga returned to Bunia.
11:39:59 17 [11:39 a.m.]
11:40:06 18 Q. But indeed the Minister of Human Rights played a role in
11:40:11 19 his return. I wish to refer to the end of paragraph 47 of
11:40:20 20 your statement -- your written statement of May 2006. This is
11:40:30 21 an OTP document, <#DRC-OTP-0164-0347#>. I do not know if this
11:40:52 22 is a document which is already amongst the documents recorded.
11:40:54 23 PRESIDING JUDGE JORDA (interpretation): Court officer?
11:40:58 24 [11:40 a.m.]
11:40:58 25 COURT OFFICER (interpretation): Did you say "0367", because

11:42:00 1 we have not found that in the system.

11:42:00 2 [11:42 a.m.]

11:42:03 3 ME FLAMME (interpretation): It is the written statement of

11:42:07 4 Ms Peduto and the number -- oh, excuse me, it has two numbers

11:42:13 5 I now see. Allow me to give you the other number also --

11:42:18 6 <#DRC-OTP-0155-0020#>, but I'm not sure which is the correct

11:42:30 7 number. I would have thought it was the first one.

11:42:43 8 Perhaps -- it's an important document. I will give you that

11:43:01 9 first number -- <#DRC-OTP-0164-0367.

11:43:12 10 COURT OFFICER (interpretation): We have found the document

11:43:15 11 using the second number you gave us. It shall bear the number

11:43:19 12 <#EVD-OTP-00088#>.

11:43:19 13 [11:43 a.m.]

11:43:28 14 ME FLAMME (interpretation): Q. I would like to look at

11:43:31 15 page 12, specifically paragraph 47. So, Ms Peduto, in your

11:43:51 16 document you say [in French]: "The purpose of my first

11:43:52 17 mission was to gather information on the situation of children

11:43:55 18 in general on the recent massacres for which Lubanga was

11:44:01 19 reported to be one of those responsible."

11:44:05 20 And then at the end of the paragraph, the last sentence [in

11:44:11 21 French]: "I was following the war and Lubanga was one of the

11:44:19 22 protagonists."

11:44:27 23 How, Madame, is it possible that what you say, which is after

11:44:30 24 all a serious accusation, be the case if you say at the same

11:44:37 25 time that Mr Lubanga was imprisoned in Kinshasa?

11:44:42 1 A. The movement for which he was responsible was active at
11:44:46 2 that time in Ituri.
11:44:46 3 [11:44 a.m.]
11:44:52 4 Q. Did the movement identify with him?
11:44:57 5 A. The movement recognised him as its leader. The UPC at
11:45:02 6 that time was widely described as being under the control of
11:45:07 7 Mr Lubanga. The briefings I received from my colleagues, the
11:45:12 8 military observers, also indicated that that was the case.
11:45:12 9 [11:45 a.m.]
11:45:18 10 Q. I see. You refer to the UPC. In examination-in-chief
11:45:24 11 you spoke also of the UPC militia. I presume that a
11:45:30 12 distinction must be made between the UPC, the political party,
11:45:35 13 and what you refer to as the UPC militia, which is an armed
11:45:42 14 branch, might one say?
11:45:45 15 A. I refer to the UPC as a movement, many of the members of
11:45:50 16 which were armed.
11:45:50 17 [11:45 a.m.]
11:45:54 18 Q. Do you mean to say that the UPC politicians were persons
11:45:59 19 who were armed?
11:46:02 20 A. At that time I did not meet any political leaders and,
11:46:08 21 therefore, I cannot tell you whether they were armed or not.
11:46:13 22 As a general rule I would say -- and this is not specific to
11:46:18 23 that period but for the whole period -- drawing a distinction
11:46:21 24 between the UPC as a political party and the UPC as an armed
11:46:25 25 group was not at all something which was easy to do. It was

11:46:29 1 considered to be a political movement and a militia.
11:46:29 2 [11:46 a.m.]
11:46:38 3 Q. Do you not remember another name other than UPC used to
11:46:45 4 describe a militia or armed wing?
11:46:50 5 A. A name did exist but we did not use it. Usually we
11:46:55 6 referred to the UPC as the movement -- as a movement in
11:46:57 7 general.
11:46:57 8 [11:46 a.m.]
11:46:59 9 Q. What was the name?
11:47:01 10 A. FPLC.
11:47:01 11 [11:47 a.m.]
11:47:02 12 Q. Do you know what that means?
11:47:08 13 A. Force Patriotiques.
11:47:08 14 [11:47 a.m.]
11:47:10 15 Q. Do you not know the meaning of the acronym?
11:47:16 16 A. No, I do not remember it exactly.
11:47:16 17 [11:47 a.m.]
11:47:24 18 Q. Do you know when this militia -- what was a militia at
11:47:28 19 the outset -- was established?
11:47:30 20 A. The exact date?
11:47:30 21 [11:48 a.m.]
11:47:33 22 Q. No, I understand the difficulty. I'm not asking you for
11:47:35 23 a specific date. Could you give us an idea of the period or
11:47:39 24 month?
11:47:42 25 A. In 2002.

11:47:45 1 Q. Well, that's a little bit vague.

11:47:48 2 A. Officially, I have no idea.

11:47:52 3 Q. You do not know? MONUC did not know?

11:47:59 4 A. Undoubtedly MONUC did know, and I am sure it figures in

11:48:05 5 official reports of the MONUC.

11:48:05 6 [11:49 a.m.]

11:48:07 7 Q. But you do not remember. I shall phrase my question in

11:48:14 8 other terms. I imagine that when you were leaving --I presume

11:48:18 9 that you were planning your departure in August 2002, you were

11:48:23 10 here on 2 September therefore you must have been preparing

11:48:26 11 your departure. I'm sure that you read material and prepared

11:48:31 12 your visit to Ituri. At that time, in the reading which you

11:48:35 13 did, did you not read of the creation of the FPLC?

11:48:40 14 A. Perhaps.

11:48:40 15 [11:49 a.m.]

11:48:42 16 Q. Perhaps. Very well. So is your testimony that the FPLC

11:49:02 17 was co-responsible for the August massacres?

11:49:06 18 A. As I've already said, our general usage was to refer to

11:49:10 19 the UPC. We very rarely made a distinction between the UPC

11:49:13 20 and what was a political part or a military part. For me, it

11:49:18 21 was one movement.

11:49:18 22 [11:49 a.m.]

11:49:20 23 Q. For you the UPC was co-responsible -- based on the MONUC

11:49:28 24 information, the UPC was co-responsible for those massacres?

11:49:33 25 A. Yes.

11:49:33 1 [11:49 a.m.]

11:49:35 2 Q. Very good. I would now like to read a certain number of

11:49:37 3 documents which are of a certain importance to the Defence.

11:49:43 4 I would ask the court officer to give a number to document

11:49:52 5 <#DRC-D01-0001-0007#>.

11:50:08 6 COURT OFFICER (interpretation): The evidence number is

11:50:13 7 <#EVD-D01-0002#>.

11:50:19 8 ME FLAMME (interpretation): Thank you, court officer.

11:50:19 9 [11:50 a.m.]

11:50:23 10 Q. I would now like to move on to the top of the page, of

11:50:27 11 the fifth paragraph which starts with "Concerning", second

11:50:33 12 sentence [in French]: "In Bunia we have two companies

11:50:44 13 including the Interahamwe from Beni, 250 of them. They are

11:50:56 14 sheltered in my residence, the President's residence, and the

11:50:59 15 other soldiers are in the camp of Ndoromo. I would also like

11:51:05 16 to mention that we have just recovered 150 Lendu fighters and

11:51:10 17 they are in the Ndoromo camp and they are all already armed.

11:51:22 18 Regarding the Interahamwe in Mongbwalu, all are already

11:51:27 19 adapted to the environment. You want to know how many of them

11:51:37 20 there are. Well, 120. They are not well clothed and we are

11:51:41 21 waiting for the donation from Kin. Again, as regards the

11:51:47 22 Mongbwalu situation, these Interahamwe have discovered gold,

11:52:02 23 which -- the sample of which gave us 300 Tolas. As the chief

11:52:07 24 of the mining department, I had to reveal this to you, but,

11:52:12 25 however, your excellency, please keep this to yourself,

11:52:15 1 because, if the President hears about it, he could try to cut
11:52:24 2 any resources for us. I have given your Diereab 100 Tolas and
11:52:33 3 the rest I sold for the military ration. Your excellency
11:52:36 4 there have been rumours according to which Thomas Lubanga
11:52:40 5 would have been freed. You made a big mistake, your
11:52:43 6 excellency, because this man is going to be a problem for us."
11:52:43 7 [11:52 a.m.]
11:52:51 8 Two paragraphs further down at the "second vice-president":
11:52:58 9 "His excellency Uringi wanted us to carry out abductions of
11:53:08 10 Hema tradesmen. This idea is a great idea. We are going to
11:53:14 11 use Interahamwe and Lendu soldiers."
11:53:19 12 At the bottom of the page this letter is signed
11:53:25 13 Jean-Pierre Molondo, the Governor and Commander of
11:53:30 14 Operations."
11:53:31 15 I would just like to add something and ask you, when it's
11:53:38 16 written [in French] "Kin", what does that mean, "Kin"?
11:53:48 17 A. I believe Kinshasa.
11:53:48 18 [11:53 a.m.]
11:53:49 19 Q. Very well. You mentioned Mr Molondo in your written
11:54:00 20 statement, if I recall correctly, but it could have been also
11:54:04 21 in your -- in the direct examination, but it's not very
11:54:08 22 important just now.
11:54:09 23 As regards the second document, court officer, document
11:54:20 24 <#DRC-D01-0001-0008#>.
11:54:32 25 COURT OFFICER (interpretation): Evidence number

11:54:33 1 <#EVD-D01-0003#>.

11:54:47 2 ME FLAMME (interpretation): Q. At the top of the page --

11:54:58 3 I would like to read the document [in French]: "Your

11:55:02 4 excellencies, I would like to give you information about the

11:55:07 5 security situation in the province of Ituri. Generally

11:55:11 6 speaking, the situation is calm across the whole of the

11:55:14 7 province except for yesterday, because at night time we

11:55:19 8 received a group of other Interahamwe from North Kivu and we

11:55:26 9 don't know where to put them because both camps are full and

11:55:30 10 the residence of the President is full, too. Please could you

11:55:37 11 inform the President of this problem for us so that the

11:55:45 12 Rwampara centre is freed up for us. 104 of them arrived

11:55:50 13 yesterday, and there are 200 on site, including the 120 from

11:55:56 14 Mongbwalu."

11:55:56 15 [11:55 a.m.]

11:55:58 16 Next paragraph [in French]: "The operational situation: Your

11:56:04 17 excellency, yesterday I received a message from the President

11:56:07 18 who informed me that I should continue with the operation to

11:56:13 19 exterminate the Hemas. The operation had already started with

11:56:21 20 some abductions, but what stopped us somewhat was the massive

11:56:29 21 arrival of Interahamwe and ADF, including our Lendu

11:56:35 22 combatants, so as the colonel from Kinshasa arrived yesterday

11:56:40 23 and had a military parade at the Ndoromo camp today, from

11:56:50 24 tomorrow onwards, Monday evening, our operation must start.

11:56:57 25 This is imperative, your excellency. I already have with me a

11:57:02 1 list of all the Hema tradesmen who are inside and outside the
11:57:08 2 province and our visitors can already start the operation, and
11:57:22 3 this especially after the first test the Interahamwes have
11:57:28 4 experienced and the Lendu as regards the ADF."
11:57:28 5 [11:57 a.m.]
11:57:32 6 Third paragraph [in French]: "On the inside, the colonel from
11:57:41 7 Kinshasa was in Mahagi and we explained to the population that
11:57:46 8 we only have one army led by his Excellency, President
11:57:51 9 Kabila." End of quote, signed by the Governor of the Province
11:57:55 10 and Commander of Operations, JPM Lompondo.
11:58:06 11 [11:58 a.m.]
11:58:07 12 Court officer, please could you introduce into evidence
11:58:12 13 document <#DRC-D01-0001-0009#>.
11:58:26 14 COURT OFFICER (interpretation): The evidence number will be
11:58:28 15 <#EVD-D01-0004#>.
11:58:35 16 ME FLAMME (interpretation): Thank you, court officer.
11:58:35 17 [11:58 a.m.]
11:58:38 18 Q. I would now like us to move to the top of the page.
11:58:51 19 MR WITHOPF: Mr President, I will certainly interrupt in very
11:58:57 20 rare instances, but this is now an instance I wish to make an
11:59:00 21 observation. My learned friend from the Defence has read out
11:59:04 22 the first document 0007 to the witness and the only question
11:59:10 23 he asked was, "What does "Kin" stand for?"
11:59:16 24 My learned friend has read out document 0008 to the witness
11:59:21 25 and has not asked a single question. And my learned friend

11:59:26 1 from the Defence is now obviously about to read out the next,
11:59:30 2 the third document 0009, and I would like my learned friend to
11:59:36 3 pose a question to the witness and, in particular, not to read
11:59:40 4 out full-page documents and then ask a question which may be
11:59:45 5 related to the very last sentence.

11:59:48 6 [11:59 a.m.]

11:59:48 7 This procedure appears to be very problematic.

11:59:54 8 PRESIDING JUDGE JORDA (interpretation): Mr Withopf, I don't
12:00:00 9 think this procedure is problematic, especially your question
12:00:06 10 is from an eminent common law practitioner, but I believe that
12:00:11 11 the Defence counsel has been asking a number of questions and
12:00:14 12 if your witness had any problems, for instance, finding that
12:00:21 13 there were -- too many documents were being shown on the
12:00:24 14 screen, I'm sure Mr Flamme could go back to certain parts of
12:00:27 15 the documents to ask the necessary questions.

12:00:29 16 Moreover, I believe that the Defence is entitled -- and I
12:00:34 17 don't know about the Defence's strategy -- however, I believe
12:00:37 18 the Defence is entitled to group a couple of documents and
12:00:40 19 show them at the same time before asking a question.

12:00:42 20 I believe that's the Defence's right. I don't think it's an
12:00:46 21 abuse in any way.

12:00:46 22 [12:00 p.m.]

12:00:47 23 Now I would like to attend to Ms Peduto. If she has any
12:00:51 24 difficulty following, please -- I believe she can ask the
12:00:57 25 Defence to ask a more precise question, come back, or explain,

12:01:01 1 because she didn't understand correctly.

12:01:03 2 [12:01 p.m.]

12:01:04 3 Thank you, Mr Withopf, for your intervention. I'd like to

12:01:08 4 pass the floor back to Mr Flamme.

12:01:11 5 ME FLAMME (interpretation): Thank you, President. What

12:01:12 6 I wanted to do was to group these documents, because otherwise

12:01:15 7 I'd have to ask the same question over and over again and we'd

12:01:20 8 lose a lot of time. So the new document starts at the

12:01:23 9 beginning of the page with [in French]: "Your excellency, the

12:01:29 10 province" -- and this is illegible so I'll move on -- "is calm

12:01:36 11 except for mutineers who want to attack our positions, and

12:01:46 12 then I have just received an email from President Mbusa. He

12:01:52 13 has ordered me to carry out the operation entitled

12:01:56 14 'Extermination of Hema', and I would also like to signal that

12:02:01 15 we -- I do not have good contacts with my Vice Kiza Mateso.

12:02:09 16 He has accused me and written false reports on my behalf that

12:02:19 17 he has sent on to you. Your excellency, as a commander of the

12:02:22 18 Ituri operation, I will hear him on Monday and arrest him,

12:02:28 19 because he is the one that is turning the population against

12:02:31 20 me."

12:02:31 21 [12:02 p.m.]

12:02:32 22 Next paragraph: "The President has asked me again to send him

12:02:36 23 the list of all the Hema and their addresses." And I would

12:02:49 24 now like to finish by asking the court officer -- and this

12:02:52 25 will be the last document I ask for -- to present document

12:02:55 1 <#DRC-D01-0001-0011#>. It's a very short document. Could we
12:03:09 2 see the top of the page, please.
12:03:11 3 COURT OFFICER (interpretation): The evidence number will be
12:03:13 4 <#EVD-D01-00005#>.
12:03:19 5 ME FLAMME (interpretation): Thank you, court officer.
12:03:19 6 [12:03 p.m.]
12:03:21 7 Q. I will read from this email from Mr Lompondo to
12:03:31 8 Professor Dhetchuvi [in French]: "Mr Dhetchuvi, I don't know
12:03:36 9 if your head is in the right place. You write just anything
12:03:40 10 without thinking. You do not know and weren't at my
12:03:47 11 intervention here in Bunia. As a prophet of peace you, the
12:03:54 12 Hema community, are all going to disappear because you are not
12:03:57 13 Congolese. You want to recover this part, too, and annex it
12:04:01 14 to Uganda. I know you, Mr -- and I know Thomas Lubanga's
12:04:11 15 policies and you risk too much." End of document. Very well.
12:04:18 16 PRESIDING JUDGE JORDA (interpretation): I would like to ask
12:04:22 17 Mrs Peduto if she feels all right. Take your time. If you
12:04:27 18 need to see a document again, don't hesitate, ask Mr Flamme to
12:04:32 19 show you the part of the document again, and we'll take our
12:04:37 20 time so you feel at ease and please, Mr Flamme, be very clear
12:04:41 21 and precise in your questions in order for the debates to be
12:04:44 22 very clear.
12:04:48 23 ME FLAMME (interpretation): No problem, Mr President.
12:04:48 24 [12:04 p.m.]
12:04:51 25 Q. My first question is the following: this email was

12:05:01 1 signed by the same person, Mr Jean-Pierre Molondo Lompondo.

12:05:14 2 Do you know the person in question?

12:05:17 3 A. I have never met him.

12:05:17 4 [12:05 p.m.]

12:05:18 5 Q. Do you know the person's name?

12:05:19 6 A. Yes, I've heard their name.

12:05:19 7 [12:05 p.m.]

12:05:21 8 Q. Do you know what his function in Ituri was at the time?

12:05:32 9 A. No.

12:05:32 10 [12:05 p.m.]

12:05:34 11 Q. Which movement did he belong to?

12:05:45 12 A. I -- at the time I do not know which movement he belonged

12:05:49 13 to.

12:05:49 14 [12:05 p.m.]

12:05:52 15 Q. Wasn't he a military Governor in August 2002?

12:05:57 16 A. That's possible.

12:05:57 17 [12:05 p.m.]

12:05:58 18 Q. But you don't know for sure?

12:06:01 19 A. I can't say for sure.

12:06:01 20 [12:06 p.m.]

12:06:04 21 Q. Weren't you told before you -- your departure, because

12:06:09 22 the MONUC, according to your own statement, was aware of the

12:06:14 23 military situation?

12:06:18 24 A. In July and in August I didn't receive a specific

12:06:23 25 briefing on the situation in Ituri. I received my first

12:06:27 1 briefing by military observers on the situation in detail
12:06:30 2 in September when I went to Bunia.
12:06:30 3 [12:06 p.m.]
12:06:33 4 Q. In September when you left?
12:06:35 5 A. When I returned to Bunia.
12:06:35 6 [12:06 p.m.]
12:06:40 7 Q. Were you informed of the military situation after your
12:06:42 8 arrival?
12:06:43 9 A. Yes, by our military observers on site and which knew the
12:06:47 10 situation -- and who knew the situation.
12:06:47 11 [12:06 p.m.]
12:06:50 12 Q. So you weren't -- they didn't prepare you security-wise?
12:06:55 13 A. We had very clear security orders that were prepared by
12:07:02 14 the military in Bunia and these were for all our missions and,
12:07:08 15 more specifically, for the ones we carried out in Bunia.
12:07:08 16 [12:07 p.m.]
12:07:15 17 Q. Would you agree to say that the terrain you went to at
12:07:18 18 the time was an area where there was a conflict?
12:07:24 19 A. Yes.
12:07:24 20 [12:07 p.m.]
12:07:26 21 Q. Is it professional to go to a conflict area without being
12:07:37 22 informed about the protagonists of the conflict of the
12:07:42 23 situation?
12:07:44 24 A. The political situation in Ituri wasn't managed from
12:07:48 25 Kisangani. I repeat that it was something that we weren't

12:07:53 1 informed of.

12:07:53 2 [12:07 p.m.]

12:07:55 3 Q. So you left without the information?

12:07:56 4 A. I left with general information on the security situation

12:07:59 5 and was given a specific briefing where [sic] the people in

12:08:03 6 Bunia when I arrived.

12:08:03 7 [12:08 p.m.]

12:08:06 8 Q. But you didn't know who was in power in Bunia before your

12:08:12 9 arrival?

12:08:13 10 A. We had general information that had been given to us and

12:08:19 11 information through reports and the people in charge of the

12:08:22 12 political situation in Bunia at the time weren't available to

12:08:29 13 the whole of the MONUC.

12:08:29 14 [12:08 p.m.]

12:08:31 15 Q. So you didn't have any?

12:08:32 16 A. I didn't have any information on the specific political

12:08:36 17 situation of Ituri at the time.

12:08:36 18 [12:08 p.m.]

12:08:39 19 Q. You didn't know about massacres?

12:08:41 20 A. We had allegations -- heard allegations about massacres

12:08:45 21 in Ituri at the time, yes.

12:08:45 22 [12:08 p.m.]

12:08:48 23 Q. But you did manage to say that Thomas Lubanga was

12:08:55 24 responsible for the massacres?

12:08:57 25 A. We -- we heard of allegations at the time that pointed to

12:09:02 1 the responsibility of the UPC and Mr Lubanga.

12:09:02 2 [12:09 p.m.]

12:09:06 3 Q. Allegations?

12:09:07 4 A. Allegations, yes.

12:09:07 5 [12:09 p.m.]

12:09:08 6 Q. So they talked to you about the military situation?

12:09:11 7 A. I didn't receive specific briefings about the political

12:09:15 8 affairs of MONUC at the time. I had information from other

12:09:19 9 sources. We had available to us reports that had been given

12:09:22 10 to us by various informers, but I did not have available

12:09:28 11 reports on the political affairs from MONUC at the time.

12:09:28 12 [12:09 p.m.]

12:09:34 13 Q. From who else did you have any reports?

12:09:37 14 A. From other sources.

12:09:37 15 [12:09 p.m.]

12:09:41 16 Q. Which sources?

12:09:42 17 A. From colleagues, MONUC and other sources in Ituri who

12:09:46 18 were able to provide new information.

12:09:46 19 [12:09 p.m.]

12:09:49 20 Q. So colleagues from MONUC talked to you about allegations?

12:09:53 21 A. Yes.

12:09:53 22 [12:09 p.m.]

12:09:54 23 Q. Based on what?

12:09:57 24 A. About -- based on a previous visit in August to Bunia.

12:09:57 25 [12:10 p.m.]

12:10:03 1 Q. What did the colleagues who visited in August 2002 say to
12:10:13 2 you -- not about children's rights; I believe it was for
12:10:17 3 something else?

12:10:18 4 A. Yes, the reports were more on the -- for the people who
12:10:25 5 were responsible for human rights issues at the time.
12:10:25 6 [12:10 p.m.]

12:10:28 7 Q. And what did they -- what was written in them?

12:10:31 8 A. Well, the reports talked about people killed, threats
12:10:37 9 against people from different groups, different groups of
12:10:40 10 populations, and were about the general humanitarian
12:10:46 11 situation.
12:10:46 12 [12:10 p.m.]

12:10:47 13 Q. And these remarks by these people, did they mention the
12:10:51 14 forces that were in place?

12:10:53 15 A. Yes.
12:10:53 16 [12:10 p.m.]

12:10:55 17 Q. Which ones?

12:10:58 18 A. In August we were told about threats of an attack from
12:11:06 19 the APC on Bunia, various troop movements in Ituri,
12:11:15 20 allegations of presence of foreign forces on Ituri soil.
12:11:28 21 There were some precise events that were communicated to some
12:11:33 22 colleagues regarding threats on people, or against people.
12:11:33 23 [12:11 p.m.]

12:11:38 24 Q. You talk about an imminent attack of the APC on Bunia.

12:11:42 25 A. Which was referred to in August.

12:11:42 1 [12:11 p.m.]

12:11:45 2 Q. That's very precise information then. What was the APC?

12:11:51 3 A. The military forces of the RCD/ML.

12:11:51 4 [12:11 p.m.]

12:11:55 5 Q. At that time where was the RCD/ML?

12:12:00 6 A. I cannot tell you exactly. I was not present in Ituri.

12:12:00 7 [12:12 p.m.]

12:12:05 8 Q. But you are aware that -- RCD/ML and its armed wing the

12:12:13 9 APC?

12:12:15 10 A. There were allegations of their presence around Bunia.

12:12:15 11 [12:12 p.m.]

12:12:20 12 Q. Threatened Bunia. Madame, that's a lot more precise, if

12:12:26 13 you'll allow me to say that. It's a lot more precise than

12:12:29 14 what you said before. You were aware before you left?

12:12:31 15 A. That was something that was told to us, yes.

12:12:31 16 [12:12 p.m.]

12:12:35 17 Q. Okay.

12:12:51 18 ME FLAMME (interpretation): Mr President, I'm sorry but I am

12:12:53 19 looking for a document. Right, I found it. I would like the

12:13:04 20 Registry to go into -- to enter into evidence document number

12:13:09 21 <#DRC-D01-0001-0010#>.

12:13:27 22 COURT OFFICER (interpretation): The document number will be

12:13:29 23 <#EVD-D01-00006#>.

12:13:40 24 ME FLAMME (interpretation): Q. I shall read out the

12:13:41 25 document to you in part [in French]: "My compliments, your

12:13:45 1 excellency. Bunia has come today, except that yesterday the
12:13:50 2 colonel who came from Kinshasa spoke with the mutineers. The
12:13:54 3 surprising thing, your excellency, is that from a reliable
12:14:01 4 source we were informed last week that the former chief of the
12:14:05 5 Bahema Banywagi collectivite had been arrested in Uganda with
12:14:15 6 three Rwandans. But unfortunately yesterday morning they
12:14:19 7 entered Bunia with all these Rwandans and even yesterday the
12:14:22 8 colonel from Kinshasa saw them and he talked with these
12:14:27 9 mutineers. For this reason I draw the following conclusions,
12:14:34 10 your excellency. The Ugandans want to eliminate the RCD/ML
12:14:41 11 and install Thomas Lubanga in Ituri as President of his party,
12:14:47 12 the UPC."
12:14:47 13 [12:14 p.m.]
12:14:49 14 Two paragraphs further [in French]: "Luckily you rejected the
12:14:52 15 operation of Mbusa, which is extermination of the Hema, and
12:14:58 16 with what our military have to bear now with regard to
12:15:02 17 burdens, your excellency, that is the APC, the Interahamwe,
12:15:07 18 the Lendu forces, the ADF and the Mai Mai, I don't know what
12:15:13 19 to do, because I've lived with the Rwandans and they know how
12:15:17 20 to fight. For this reason, your excellency, please inform
12:15:23 21 President Mbusa of this situation and I shall do the same
12:15:26 22 myself. I have taken on an impossible mission. Now the
12:15:33 23 combatants are ready for the operation. Now you contest the
12:15:37 24 operation because you are Hema, and yet President Mbusa sent
12:15:44 25 me a message to tell me that you, too, were in agreement and

12:15:48 1 I was expecting some response from you, which I have not got.
12:15:53 2 Therefore, my security is at risk and now I need to take
12:16:00 3 measures to protect my life." Signed Provincial Governor and
12:16:05 4 Operations Commander, Jean-Pierre Molondo Lompondo.
12:16:05 5 [12:16 p.m.]
12:16:14 6 Ms Peduto, doesn't this remind you of some very bad things?
12:16:29 7 A. Could you be more precise in your question, please?
12:16:33 8 Q. In this mail there's reference to Interahamwe. Do you
12:16:39 9 know the Interahamwe?
12:16:44 10 A. Yes, I've heard about them, yes.
12:16:44 11 [12:16 p.m.]
12:16:47 12 Q. These were combatants, a militia -- do contradict me if
12:16:57 13 this is not correct -- who, I may say, executed the Rwandan
12:17:05 14 genocide.
12:17:06 15 A. That's right.
12:17:06 16 [12:17 p.m.]
12:17:07 17 Q. We're in agreement. Do you not see in this mail also
12:17:14 18 that this gentleman is referring to the APC, which you
12:17:20 19 yourself mentioned?
12:17:24 20 A. Yes. Your question?
12:17:24 21 [12:17 p.m.]
12:17:29 22 Q. I'll get to that, don't you worry.
12:17:33 23 A. Excuse me.
12:17:33 24 [12:17 p.m.]
12:17:35 25 Q. Would you not say that since this gentleman writes

12:17:42 1 clearly to someone else of the same party, and that reference
12:17:50 2 is made to Mr Mbusa, do you not think then that we're
12:17:56 3 referring to RCD-K/ML, which is RCD Kisangani Mouvement de
12:18:04 4 Liberation -- yes?
12:18:04 5 A. Yes, it's possible.
12:18:04 6 [12:18 p.m.]
12:18:05 7 Q. Do you know this movement?
12:18:07 8 A. Yes.
12:18:07 9 [12:18 p.m.]
12:18:10 10 Q. Would you not say then that in the information that was
12:18:16 11 provided to you before you left when you mentioned an imminent
12:18:20 12 attack by the RCD-K/ML on Bunia that we are referring here to
12:18:30 13 this problem, and that we are in the middle of this problem?
12:18:33 14 A. The allegations and threats on people and groups were not
12:18:42 15 exclusive of one group over another. Whereas the Hema
12:18:49 16 community said it were threatened, so did the Lendu community,
12:18:54 17 it is true that these allegations were known.
12:18:54 18 [12:18 p.m.]
12:18:58 19 Q. MONUC was not aware of these events as mentioned in this
12:19:01 20 mail?
12:19:03 21 A. As I mentioned, I am not a political or military expert.
12:19:09 22 It is true that I became aware of the threats looming over the
12:19:14 23 Hema community which were reported at least as being threats
12:19:19 24 on the Hema community. I also was aware of other communities
12:19:23 25 under threat such as non-indigents, Lendu and others, yes.

12:19:23 1 [12:19 p.m.]

12:19:29 2 Q. Do we agree that on the date of that mail -- that is

12:19:33 3 23 July 2002 -- Mr Lubanga was still in prison in Kinshasa?

12:19:38 4 A. If you say so.

12:19:38 5 [12:19 p.m.]

12:19:42 6 Q. I say nothing.

12:19:44 7 A. I think --

12:19:46 8 PRESIDING JUDGE JORDA (interpretation): Just please answer

12:19:47 9 the question. If a question is not admissible, then you

12:19:53 10 cannot answer, you tell me, but this is a cross-examination

12:19:57 11 here. The Defence is doing its work and it's doing it very

12:20:02 12 work [as interpreted]. If it were not doing so, I would stop

12:20:05 13 the Defence. Now, if you have any concerns, if you are tired,

12:20:08 14 or if you want to make a -- put any questions to your

12:20:12 15 observer, you can do so, but then you can recover and then

12:20:15 16 everything will be fine. Are you all right?

12:20:18 17 THE WITNESS: Thank you. Excuse me.

12:20:31 18 ME FLAMME (interpretation): Q. Madame, I shall continue.

12:20:33 19 We also said -- we also saw that mention of a mutiny was made

12:20:36 20 in this correspondence. Do you have any knowledge of any

12:20:41 21 mutiny within the APC?

12:20:44 22 A. No.

12:20:44 23 [12:20 p.m.]

12:20:47 24 Q. You've never heard of it?

12:20:48 25 A. No.

12:20:48 1 [12:20 p.m.]

12:20:52 2 Q. Madame, is the truth not -- is it not true that the

12:20:56 3 mutiny referred to by Mr Lompondo is that which prevented the

12:21:02 4 genocide and took over power in Bunia, thus chasing off the

12:21:07 5 government of RCD-K/ML?

12:21:17 6 A. Excuse me, I cannot answer this question. I have no

12:21:22 7 information at my disposal that would enable me to discuss

12:21:27 8 this event, and I'm sorry.

12:21:27 9 [12:21 p.m.]

12:21:34 10 Q. You don't need to apologise, Madame.

12:21:37 11 PRESIDING JUDGE JORDA (interpretation): Let's understand

12:21:38 12 this. You don't need to apologise. Mr Flamme must put

12:21:44 13 questions. You can answer to the best of your ability. You

12:21:48 14 don't need to apologise if you do not have precise

12:21:50 15 information. However, you must try to answer. If you do not

12:21:54 16 have an answer, well, then you say you don't have an answer.

12:21:57 17 Do we agree, Ms Marchi-Uhel?

12:22:02 18 [12:22 p.m.]

12:22:02 19 MS MARCHI-UHEL (interpretation): That's right, Mr President.

12:22:02 20 PRESIDING JUDGE JORDA (interpretation): All right, thank

12:22:07 21 you.

12:22:12 22 ME FLAMME (interpretation): Q. Where is Mr Lompondo for

12:22:14 23 the time being?

12:22:18 24 A. From the documents that you showed me, he must be in

12:22:22 25 Bunia.

12:22:22 1 [12:22 p.m.]

12:22:26 2 Q. All right. Do you know under what circumstances when in

12:22:34 3 the -- at the end of August or the beginning of September when

12:22:36 4 Mr Lubanga arrived in Bunia?

12:22:42 5 A. Could you please repeat the question?

12:22:42 6 [12:22 p.m.]

12:22:44 7 Q. Do you agree that Mr Lubanga at one time, who had been

12:22:49 8 incarcerated in Kinshasa, returned to Bunia?

12:22:52 9 A. Yes.

12:22:52 10 [12:22 p.m.]

12:22:52 11 Q. Do you know when?

12:22:54 12 A. No, I do not have the exact date.

12:22:54 13 [12:23 p.m.]

12:23:00 14 Q. Was he in Bunia when you went there?

12:23:02 15 A. I do not know whether he was in Bunia during my first

12:23:05 16 visit.

12:23:05 17 [12:23 p.m.]

12:23:05 18 Q. Do you know when Mr -- under what circumstances

12:23:09 19 Mr Lubanga was released in Kinshasa and returned to Bunia?

12:23:14 20 A. I remember the visit of the Minister of Human Rights to

12:23:18 21 Ituri; I remember the fact that he was taken hostage -- that

12:23:24 22 was the term that was used at the time -- by Chief Kahwa.

12:23:29 23 I know that negotiations were under way to ensure that people

12:23:32 24 would be released in Kinshasa. Those included Mr Lubanga.

12:23:32 25 [12:23 p.m.]

12:23:38 1 Q. That is absolutely correct, Madame. This is information
12:23:44 2 that I myself have so, if I understand correctly,
12:23:53 3 Mr Ntuba Luaba, who was Human Rights Minister, came with
12:23:58 4 Mr Lubanga to Bunia at one point, and do you know why
12:24:13 5 Mr Lubanga was taken -- do you know why he was taken out of
12:24:14 6 prison and made to accompany Mr Ntuba Luaba? Do you know why?
12:24:19 7 A. No.
12:24:19 8 [12:24 p.m.]
12:24:22 9 Q. Would it not be --
12:24:28 10 MS MARCHI-UHEL (interpretation): May I be allowed to speak
12:24:30 11 with the witness for a while?
12:24:32 12 PRESIDING JUDGE JORDA (interpretation): Of course.
12:24:46 13 [12:24 p.m.]
12:24:49 14 MS MARCHI-UHEL (interpretation): Thank you, Mr President.
12:24:57 15 ME FLAMME (interpretation): Q. Are you tired, Ms Peduto?
12:25:00 16 MS MARCHI-UHEL (interpretation): No, I'm fine, thank you.
12:25:00 17 [12:25 p.m.]
12:25:08 18 ME FLAMME (interpretation): Q. Was it not to convince
12:25:11 19 people in Ituri -- personalities in Ituri to join the
12:25:15 20 negotiations that were ongoing in Kinshasa?
12:25:19 21 A. Possible.
12:25:19 22 [12:25 p.m.]
12:25:24 23 Q. Do you know under what circumstances Mr Lubanga arrived
12:25:27 24 at Bunia airport -- do you know what happened on that day?
12:25:31 25 A. No.

12:25:31 1 [12:25 p.m.]

12:25:32 2 Q. Do you know that he was welcomed by a large part of the
12:25:37 3 population?

12:25:37 4 A. No.

12:25:37 5 [12:25 p.m.]

12:25:40 6 Q. This was on the headlines of most -- some newspapers?

12:25:45 7 PRESIDING JUDGE JORDA (interpretation): I beg your pardon.
12:25:47 8 Mr Withopf?

12:25:49 9 MR WITHOPF: Mr President, again, I will limit my
12:25:52 10 interventions to the absolute minimum, but already at the
12:25:55 11 beginning of the line of questions the witness
12:26:00 12 Christine Peduto has made it clear, and has made it very
12:26:04 13 clear, that she cannot provide any testimony on the questions
12:26:07 14 being asked.

12:26:07 15 [12:26 p.m.]

12:26:08 16 The moment she says "no" to the starting question, there's no
12:26:12 17 point to make for my learned friends from the Defence to
12:26:16 18 continue with this question. It's obvious that she cannot
12:26:19 19 provide information on these matters.

12:26:21 20 PRESIDING JUDGE JORDA (interpretation): Mr Withopf, we must
12:26:24 21 be clear here. The other day I said to Mr Flamme that,
12:26:33 22 regarding the leading question, I wouldn't allow
12:26:37 23 it -- I wouldn't allow his comment. I would do the same. The
12:26:41 24 discussions must be clear -- the proceedings must be clear so
12:26:45 25 the judges can acquire perfect information.

12:26:45 1 [12:26 p.m.]

12:26:47 2 This is your witness. The witness have -- has full leave to

12:26:51 3 consult with the observer, to rest, if the witness is tired,

12:26:54 4 but you must understand that I cannot prevent the Defence from

12:26:57 5 doing its job.

12:26:59 6 [12:26 p.m.]

12:27:00 7 That is all I can tell you, Mr Withopf, for the time being.

12:27:04 8 And I think the questions come from a certain number of

12:27:10 9 viewpoints and statement she made in her testimony. So, for

12:27:14 10 the time being, I would like Mr Flamme to do his work. That's

12:27:17 11 it.

12:27:17 12 [12:27 p.m.]

12:27:17 13 I have told Ms Peduto already that she must answer the

12:27:21 14 questions as clearly as possible. If she's unable to answer

12:27:24 15 the question, then she says that she's unable to answer. That

12:27:27 16 is all I can tell you, Mr Withopf.

12:27:30 17 [12:27 p.m.]

12:27:31 18 Now, regarding leading questions and all that, we'll just set

12:27:34 19 that aside for the time being. Do not forget that this is a

12:27:38 20 witness you brought before the Court. Thank you.

12:27:38 21 [12:27 p.m.]

12:27:42 22 Mr Flamme, you may now resume, but try to be clear in your

12:27:45 23 questions.

12:27:46 24 ME FLAMME (interpretation): I shall make sure I do that,

12:27:48 25 Mr President. Thank you.

12:27:48 1 [12:27 p.m.]

12:27:49 2 Q. Now, Madame, we were talking about the arrival of

12:27:54 3 Mr Lubanga in the circumstances that were described -- the

12:27:58 4 arrival in Bunia -- towards the end of August or the beginning

12:28:02 5 of September 2002. I may remember this -- and do tell me if

12:28:11 6 I'm misrepresenting what you said, but I believe I heard you

12:28:16 7 say that Mr Ntuba Luaba and Mr Lubanga were taken care of, if

12:28:24 8 I may say so, by Chief Kahwa at the time?

12:28:28 9 A. Yes, that's what I remember.

12:28:28 10 [12:28 p.m.]

12:28:29 11 Q. What happened; what did Chief Kahwa say?

12:28:34 12 A. If I remember correctly, to the best of my recollection,

12:28:38 13 this was reported as "hostage taking"; this is how I heard it

12:28:43 14 reported.

12:28:43 15 [12:28 p.m.]

12:28:46 16 Q. Exactly. This "hostage taking", what was the purpose of

12:28:50 17 it?

12:28:53 18 A. For the liberation of some prisoners.

12:28:53 19 [12:28 p.m.]

12:29:00 20 Q. Now, regarding Mr Lubanga, what I mean is -- well, as you

12:29:10 21 say, Mr Ntuba Luaba was exchanged for the other prisoners who

12:29:18 22 were in Kinshasa, is that what you're -- is that what you are

12:29:21 23 alluding to?

12:29:22 24 A. Yes.

12:29:22 25 [12:29 p.m.]

12:29:22 1 Q. But Mr Lubanga was still the hostage of Chief Kahwa.
12:29:28 2 What did he want from Mr Lubanga?
12:29:30 3 A. I don't know.
12:29:30 4 [12:29 p.m.]
12:29:32 5 Q. All right. If I understand rightly, at that time the APC
12:29:49 6 of the RCD-K/ML had been chased out of Bunia by the mutiny,
12:30:02 7 which apparently was successful?
12:30:09 8 A. Yes.
12:30:09 9 [12:30 p.m.]
12:30:09 10 Q. At that time -- I think that one could refer to this as a
12:30:15 11 military coup. Was there at that time a political authority,
12:30:21 12 at the point in time when Mr Lubanga arrived in Bunia -- was
12:30:25 13 there a government in place which would have succeeded the
12:30:30 14 RCD-K/ML?
12:30:32 15 A. I know that Mr Lubanga set up a government in Bunia.
12:30:38 16 Whether he established it before his release or after, I do
12:30:43 17 not know.
12:30:43 18 [12:30 p.m.]
12:30:46 19 Q. But he installed a government, that is what you remember,
12:30:50 20 at some point in time?
12:30:52 21 A. Yes.
12:30:52 22 [12:30 p.m.]
12:30:59 23 Q. You don't know when that government was established?
12:31:05 24 A. I think it was towards the end of August 2002.
12:31:05 25 [12:31 p.m.]

12:31:11 1 Q. End of August 2002?

12:31:13 2 A. I think so.

12:31:13 3 [12:31 p.m.]

12:31:14 4 Q. But you're not sure. When you arrived in Bunia on your

12:31:23 5 first mission, was that government in place?

12:31:26 6 A. I think so.

12:31:26 7 [12:31 p.m.]

12:31:29 8 Q. You think so, but you don't know?

12:31:33 9 A. No, I didn't have the opportunity to meet the local

12:31:38 10 leaders at that time.

12:31:38 11 [12:31 p.m.]

12:31:42 12 Q. Okay. In your statement of May 2006 you refer to the

12:31:54 13 involvement of Hema militiamen in the assassination of seven

12:32:00 14 ICRC workers in 2001. What is the basis of that allegation?

12:32:05 15 A. I referred to the murder of the seven ICRC workers and

12:32:11 16 the rumours of a possible involvement of Hema individuals.

12:32:11 17 [12:32 p.m.]

12:32:17 18 Q. Rumours?

12:32:18 19 A. Rumours. No investigation was ever conducted by the

12:32:23 20 MONUC on those murders, as far as I know.

12:32:23 21 [12:32 p.m.]

12:32:27 22 Q. What are you referring to as "rumours"?

12:32:30 23 A. Things which people thought.

12:32:30 24 [12:32 p.m.]

12:32:31 25 Q. Who were these people?

12:32:33 1 A. Informers who spoke to us of various human rights
12:32:38 2 violations that had taken place.
12:32:38 3 [12:32 p.m.]
12:32:40 4 Q. But that was never proved?
12:32:41 5 A. To my knowledge, no. I do not know if an inquiry is
12:32:46 6 under way.
12:32:46 7 [12:32 p.m.]
12:32:47 8 Q. You have no knowledge of an inquiry?
12:32:50 9 A. By the MONUC, no.
12:32:50 10 [12:32 p.m.]
12:33:13 11 Q. Ms Peduto, what I have called the FPLC, is it a sort of
12:33:30 12 armed force which arose from the mutiny of the APC, RCD-K/ML?
12:33:38 13 A. Yes, a large number of the UPC did serve under the APC.
12:33:38 14 [12:33 p.m.]
12:33:49 15 Q. And do we agree that at the time of the mutiny Mr Lubanga
12:33:53 16 was still imprisoned in Kinshasa?
12:33:58 17 A. I was not aware of the mutiny as such.
12:33:58 18 [12:34 p.m.]
12:34:03 19 Q. Okay. Madame, if I might, I suggest that we move to
12:34:09 20 another matter. In the context of the massacres which took
12:34:17 21 place in August 2002, in examination-in-chief you referred to
12:34:23 22 another alleged perpetrator of the August massacres -- a Lendu
12:34:29 23 militia, and more specifically the FNI. Now, who was the
12:34:35 24 leader of the FNI and where was he at the end of August 2002?
12:34:40 25 A. I do not know.

12:34:40 1 [12:34 p.m.]

12:34:41 2 Q. You do not know who was at the head of the FNI?

12:34:44 3 A. At that time, no.

12:34:44 4 [12:34 p.m.]

12:34:46 5 Q. But the FNI at that time was a militia or an armed force

12:34:54 6 in the region?

12:34:56 7 A. One of them.

12:34:56 8 [12:34 p.m.]

12:34:59 9 Q. Do you know how the FNI was created; from where -- what

12:35:05 10 its origins were?

12:35:07 11 A. No.

12:35:07 12 [12:35 p.m.]

12:35:13 13 Q. Are you aware that the FNI was -- basically arose from a

12:35:23 14 mutiny of the FPLC?

12:35:25 15 A. No.

12:35:25 16 [12:35 p.m.]

12:35:30 17 Q. You did not know -- and this is why I put the

12:35:33 18 question -- you did not know that the leader of the FNI had

12:35:37 19 been part of the FPLC?

12:35:38 20 A. I did not know that at that time. I began to spend more

12:35:44 21 attention on the armed groups in Ituri after the events

12:35:47 22 of August, and more specifically from the point in time I was

12:35:52 23 deployed to Bunia.

12:35:52 24 [12:35 p.m.]

12:35:53 25 Q. Is it not true that the FNI was only created at the end

12:35:57 1 of 2002?

12:35:58 2 A. It's possible.

12:35:58 3 [12:35 p.m.]

12:36:00 4 Q. It's possible. Very well. Is it not true that the FNI

12:36:19 5 is one of the Armed Forces which was financed and created by

12:36:25 6 Uganda?

12:36:30 7 A. I would not presume to affirm that. I'm not a military

12:36:36 8 expert, nor an expert in political affairs. I have studied in

12:36:46 9 closer detail the movements of those armed groups as regards

12:36:50 10 child protection and that after my deployment to Bunia.

12:36:50 11 [12:36 p.m.]

12:36:54 12 Q. Well, yes, but I put my question because I thought that,

12:36:58 13 as an expert involved in the child soldier issue, you would

12:37:09 14 have a specific understanding of the armed conflicts in place,

12:37:12 15 as we have seen in the Save the Children documents?

12:37:18 16 PRESIDING JUDGE JORDA (interpretation): We will come to that

12:37:19 17 later, Mr Flamme. You can keep those comments to your closing

12:37:24 18 arguments. I suggest we stay with the events of August.

12:37:32 19 ME FLAMME (interpretation): Q. My question is the

12:37:33 20 following: as an expert involved in child soldier issues, was

12:37:40 21 it not imperative to know the Armed Forces in place and their

12:37:43 22 composition and localisation?

12:37:49 23 A. That is an exercise which I focused on when I became

12:37:54 24 deployed to Bunia. At that time the situation was very

12:38:00 25 volatile. A trip of one or two days was insufficient to have

12:38:05 1 an overview.

12:38:05 2 [12:38 p.m.]

12:38:05 3 At that time I was also responsible for the north-east

12:38:10 4 quadrant of the country. It would have been -- I would have

12:38:15 5 had to have been an expert for --on all of these groups --

12:38:18 6 Mai Mai, RCD-ML and all of the groups which split up.

12:38:26 7 Therefore, it was not possible to have a comprehensive

12:38:30 8 knowledge of the various movements and the various alliances

12:38:35 9 that were made and which were undone in Ituri at the time.

12:38:35 10 [12:38 p.m.]

12:38:41 11 Q. I'm following what you say, but what is disquieting is

12:38:45 12 that -- well, I don't want to use the word, because I'll be

12:38:53 13 told that I'm getting ahead of myself, but you speak about

12:38:59 14 your arrival -- the point in time in which you arrived in

12:39:04 15 Ituri, and you are speaking of an armed group which did not

12:39:08 16 even exist at the time?

12:39:10 17 A. Well, it is undoubtedly a mistake.

12:39:10 18 [12:39 p.m.]

12:39:13 19 Q. In your examination-in-chief you said that you had

12:39:17 20 available to you a large amount of information on the military

12:39:21 21 situation, and that is why I have put these questions to you.

12:39:29 22 But let us stay on this matter for the moment. In

12:39:33 23 examination-in-chief you spoke of the beginning

12:39:37 24 of September 2002 -- an important period of time -- and when

12:39:42 25 speaking of your first visit you said that the FNI was at that

12:39:46 1 point in time made up of a majority of Lendu and Ngiti. Do
12:39:52 2 you still maintain that?
12:39:54 3 A. No, I think it was an error, and that I should have
12:39:59 4 limited myself to speaking of groups -- community groups.
12:39:59 5 [12:40 p.m.]
12:40:07 6 Q. Very good. Well, it's to your honour that you recognise
12:40:11 7 your errors -- we all make errors. Now, if there is
12:40:20 8 sufficient time I would like to address another problem
12:40:23 9 complex, and you have spoken of the matter of child
12:40:33 10 soldiers -- the central topic which brings us all here
12:40:35 11 today -- children and child soldiers in Bunia
12:40:38 12 in September 2002. You spoke of this.
12:40:43 13 In your statement of May of this year you speak of civil
12:40:48 14 society and the humanitarian community, which denounced the
12:40:55 15 important -- the substantial presence of young children in
12:41:00 16 Mr Lubanga's troops who were visible in Bunia. You spoke of
12:41:05 17 an army of children.
12:41:06 18 PRESIDING JUDGE JORDA (interpretation): Could you cite the
12:41:08 19 passage?
12:41:10 20 ME FLAMME (interpretation): Yes, I can. It's paragraph 53
12:41:17 21 of the document -- at approximately the middle of the
12:41:37 22 paragraph, a bit above the middle. It says:
12:41:40 23 "Civil society and the humanitarian community would also
12:41:44 24 condemn the significant number of very young children among
12:41:48 25 Lubanga's troops in evidence in Bunia", and later mention is

12:41:53 1 made of an "army of children". Who made up this civil society
12:42:02 2 and the humanitarian community?
12:42:05 3 A. Those responsible for the various organisations and the
12:42:09 4 individuals with whom I met when I arrived in Bunia.
12:42:09 5 [12:42 p.m.]
12:42:14 6 Q. Persons that you met in Bunia?
12:42:16 7 A. Yes.
12:42:16 8 [12:42 p.m.]
12:42:17 9 Q. In Bunia itself, and who said that to you?
12:42:24 10 A. Yes.
12:42:24 11 [12:42 p.m.]
12:42:25 12 Q. Who were those people?
12:42:29 13 A. I'm sorry, but I'm afraid I cannot give you their names.
12:42:29 14 [12:42 p.m.]
12:42:36 15 Q. Okay. Lubanga's troops, you refer to them, therefore the
12:42:53 16 FPLC. Was it in existence at that time?
12:42:58 17 A. I would repeat that when spoke much more of the UPC in
12:43:05 18 general.
12:43:05 19 [12:43 p.m.]
12:43:06 20 Q. The UPC. In examination-in-chief you referred to "very
12:43:13 21 young children" -- this was on Wednesday, in fact -- "whose
12:43:24 22 Kalashnikovs rose above their heads". What did you mean by
12:43:28 23 that?
12:43:31 24 A. Young children standing -- a young child standing who had
12:43:37 25 a Kalashnikov which was bigger than him. That was the type of

12:43:40 1 description which we made.

12:43:40 2 [12:43 p.m.]

12:43:42 3 Q. Thank you, that's very precise. I agree. Do you know

12:43:46 4 how long a Kalashnikov is?

12:43:50 5 A. Less than a metre.

12:43:50 6 [12:43 p.m.]

12:43:54 7 Q. Would we say 70 centimetres?

12:43:58 8 A. Possibly.

12:43:58 9 [12:43 p.m.]

12:43:59 10 Q. I don't know exactly myself; so that's an estimation.

12:44:04 11 A. Yes, that's possible.

12:44:04 12 [12:44 p.m.]

12:44:07 13 Q. Do you mean to say that those young children were of a

12:44:11 14 height less than 70 centimetres?

12:44:14 15 A. These were images used by our informers to describe this

12:44:19 16 army of children.

12:44:19 17 [12:44 p.m.]

12:44:21 18 Q. These informers were important to you, because they

12:44:24 19 were -- formed the basis of an allegation against the UPC.

12:44:27 20 What they said was not to be taken lightly -- or we should not

12:44:31 21 take lightly. So children of 50, 60 centimetres?

12:44:41 22 A. I'm sure it was an image which was exaggerated, but to

12:44:46 23 reflect a reality which our informers wanted to get across,

12:44:52 24 the fact that young children were associated with these

12:44:55 25 groups, that was the message.

12:44:55 1 [12:44 p.m.]

12:44:59 2 Q. These are very small children?

12:45:02 3 A. These are images which were used. It was not said that

12:45:07 4 the children in the street were smaller than a Kalashnikov,

12:45:12 5 and these were images -- yes, images.

12:45:12 6 [12:45 p.m.]

12:45:22 7 Q. Don't you agree that persons who are -- bear

12:45:27 8 responsibilities in a field such as this and who are involved

12:45:31 9 in writing reports for international bodies -- the Security

12:45:34 10 Council, et cetera -- should abstain from using images?

12:45:44 11 A. I did not use that expression in my reports to underpin

12:45:47 12 our documentation. I referred to that which was said by

12:45:54 13 persons who were not specialists in working with children,

12:45:59 14 but -- or in child protection, but who worked with

12:46:01 15 children -- used persons who tried to mobilise the attention

12:46:15 16 of the international community vis-a-vis a question which

12:46:20 17 struck them as being very serious.

12:46:20 18 [12:46 p.m.]

12:46:24 19 Q. But you in your examination-in-chief didn't say that this

12:46:29 20 was just an image?

12:46:31 21 A. I beg your -- I'm sorry?

12:46:31 22 [12:46 p.m.]

12:46:36 23 Q. You say in your written statement, approximately in the

12:46:41 24 same paragraph, paragraph 54, you state that -- or you talk

12:46:51 25 about the street. However, you say you didn't go out much and

12:46:55 1 you talked much more about your meetings in offices and with
12:47:00 2 the MILOBs, military observers?
12:47:04 3 A. Yes, military observers.
12:47:04 4 [12:47 p.m.]
12:47:06 5 Q. Yes, they were with you. You say in the same paragraph
12:47:09 6 that you did not see a large group of armed children --
12:47:17 7 I believe that's what you mean?
12:47:18 8 A. Yes.
12:47:18 9 [12:47 p.m.]
12:47:19 10 Q. How many days did you stay in Bunia?
12:47:21 11 A. Two days.
12:47:21 12 [12:47 p.m.]
12:47:23 13 Q. Two days. You're right. You already said so -- I'm
12:47:27 14 sorry. Would it be correct to say that you didn't actually
12:47:30 15 walk in the streets?
12:47:32 16 A. No, I wouldn't say I walked in the streets. I left the
12:47:38 17 office, went to some places and walked in Bunia on foot, but
12:47:44 18 not much, because the security regulations were very strict.
12:47:49 19 I couldn't go alone and we had -- we were accompanied and
12:47:55 20 I was asked to restrict any movement to the minimum because of
12:47:57 21 the security conditions.
12:47:57 22 [12:47 p.m.]
12:47:59 23 Q. So you probably moved around in blinded vehicles -- or
12:48:04 24 protected vehicles?
12:48:06 25 A. Or in -- just in a vehicle.

12:48:06 1 [12:48 p.m.]

12:48:08 2 Q. Okay, in a vehicle. You say in the same statement of May

12:48:13 3 2006 in paragraph 56 -- that's one page further at the top of

12:48:18 4 the page -- that the MILOBs had notified Mr Lubanga of the

12:48:26 5 fact that they would be prepared to provide information on

12:48:31 6 child demobilisation; is that correct?

12:48:34 7 A. Yes.

12:48:34 8 [12:48 p.m.]

12:48:36 9 Q. Do you still maintain it's correct?

12:48:39 10 A. Yes.

12:48:39 11 [12:48 p.m.]

12:48:40 12 Q. When did that happen?

12:48:44 13 A. The military observers of Bunia were very active or

12:48:51 14 interested in the child -- children's issue, and were very

12:48:58 15 aware of the presence of children among the troops they met

12:49:03 16 and they came regularly to the Kisangani offices when they

12:49:09 17 were on mission for administrative or logistic tasks and they

12:49:17 18 provided information on assistance, whether humanitarian or

12:49:21 19 for child protection issues, and we gave to them a lot of

12:49:24 20 information through reports, resolutions, documents, general

12:49:29 21 documents concerning the legal framework applicable to the use

12:49:36 22 of children in Armed Forces, and we also explained to them

12:49:42 23 which programmes had been established in Kisangani and Butembo

12:49:47 24 and talked to them about the programmes in Butembo -- in the

12:49:56 25 Kivus, to give them an opportunity to respond to this

12:50:02 1 situation regarding the children.

12:50:02 2 [12:50 p.m.]

12:50:08 3 Q. Do you know exactly when this happened?

12:50:10 4 A. No, I didn't answer the question precisely. We had

12:50:15 5 regular meetings with the military observers in Kisangani, but

12:50:20 6 I don't know exactly when they intervened.

12:50:20 7 [12:50 p.m.]

12:50:22 8 Q. I'm talking about the notification to Mr Lubanga -- a

12:50:25 9 precise question?

12:50:26 10 A. No, I don't know.

12:50:26 11 [12:50 p.m.]

12:50:27 12 Q. You say also that at the time Mr Lubanga was Minister of

12:50:31 13 Defence of the RCD-K/ML he had been?

12:50:40 14 A. Yes.

12:50:40 15 [12:50 p.m.]

12:50:41 16 Q. But he wasn't any more?

12:50:42 17 A. Yes.

12:50:42 18 [12:50 p.m.]

12:50:44 19 Q. So that's -- we saw this earlier on, so it's a mistake on

12:50:49 20 your part?

12:50:50 21 A. Well --

12:50:51 22 Q. I read paragraph 56: "Everything would lead me to

12:50:56 23 believe that the MILOBs had on several occasions already

12:51:00 24 addressed the issue of child soldiers with the people

12:51:03 25 responsible for the Armed Forces that succeeded each other in

12:51:06 1 Ituri and -- prior to September 2002 and they informed
12:51:11 2 Lubanga, the then RCD/ML and their Defence Minister, that they
12:51:17 3 would be prepared to provide information on child mobilisation
12:51:22 4 [sic]"?
12:51:22 5 A. I believe that that was the previous period that we were
12:51:25 6 talking about.
12:51:25 7 [12:51 p.m.]
12:51:27 8 Q. Okay, we're talking about the previous period -- the
12:51:32 9 preceding period. You speak in your direct -- or your
12:51:38 10 examination-in-chief about the UPC buildings. Have you seen
12:51:42 11 them from a vehicle?
12:51:43 12 A. Yes.
12:51:43 13 [12:51 p.m.]
12:51:47 14 Q. Which buildings, more precisely, are you talking about?
12:51:53 15 A. I'm talking about the buildings on the main boulevard of
12:51:57 16 Bunia. I don't know exactly what the buildings were used for.
12:51:57 17 [12:52 p.m.]
12:52:02 18 Q. But can you say exactly where they are?
12:52:05 19 A. Not exactly. I know that one is situated more in the
12:52:11 20 direction of their residence -- more in the north -- and
12:52:14 21 another that was more to the south of the boulevard, and that
12:52:19 22 was when I went to the south of Bunia.
12:52:19 23 [12:52 p.m.]
12:52:22 24 Q. How can you say they were UPC buildings?
12:52:25 25 A. Well, the military observers in Bunia told me so.

12:52:25 1 [12:52 p.m.]

12:52:29 2 Q. Can you describe the buildings?

12:52:33 3 A. They were houses.

12:52:33 4 [12:52 p.m.]

12:52:36 5 Q. Big houses?

12:52:40 6 A. There aren't any big houses in Bunia. There's the main

12:52:46 7 boulevard with buildings and houses, especially to the south

12:52:54 8 of the boulevard.

12:52:54 9 [12:52 p.m.]

12:52:57 10 Q. Do they have any specific characteristics?

12:53:00 11 A. No, I can't say so.

12:53:00 12 [12:53 p.m.]

12:53:03 13 Q. Wasn't there a UPC sign on them?

12:53:05 14 A. I can't remember.

12:53:05 15 [12:53 p.m.]

12:53:07 16 Q. And when you were in the vehicle -- it can be difficult

12:53:13 17 at times to be sure we're seeing the same things when

12:53:18 18 somebody's showing you something; are you sure you didn't make

12:53:21 19 a mistake?

12:53:21 20 A. The military observers told me these buildings were

12:53:24 21 buildings that were used by the UPC.

12:53:24 22 [12:53 p.m.]

12:53:26 23 Q. But are you sure you were both talking about the same

12:53:28 24 buildings that you were both looking at from a vehicle?

12:53:33 25 A. Yes.

12:53:33 1 [12:53 p.m.]

12:53:34 2 Q. Was it raining?

12:53:35 3 A. No.

12:53:35 4 [12:53 p.m.]

12:53:40 5 Q. You say that you remember a small child that -- a very

12:53:50 6 young child that told you he was 9. You said so in your

12:53:55 7 examination-in-chief. Did you talk to him?

12:53:57 8 A. Yes.

12:53:57 9 [12:53 p.m.]

12:53:58 10 Q. So you left the vehicle?

12:54:01 11 A. The child was near the buildings of the military

12:54:03 12 observers of the MONUC.

12:54:03 13 [12:54 p.m.]

12:54:07 14 Q. Very well, but you say, further along when you talk about

12:54:11 15 the criteria used to determine children's ages, that you do

12:54:20 16 not know which children you spoke to?

12:54:26 17 A. Well, I just was giving the example of this child because

12:54:29 18 I spoke to him, and I saw others but I didn't talk to them.

12:54:29 19 [12:54 p.m.]

12:54:32 20 Q. How do you know he was telling you the truth?

12:54:35 21 A. I don't think that they would -- he would have had any

12:54:38 22 advantage or there would have been a reason for him to lie to

12:54:41 23 me.

12:54:41 24 [12:54 p.m.]

12:54:42 25 Q. We'll come back to this later on. But he told you he

12:54:45 1 was 9?

12:54:45 2 A. Yes, I asked him how old he was, if he went to school,
12:54:51 3 whether he had children [as interpreted] -- the type of
12:54:53 4 question you asked a child when you meet them.
12:54:53 5 [12:54 p.m.]

12:54:57 6 Q. How do you know this child -- because I assume that's
12:55:00 7 what you're saying -- was a member of the UPC?

12:55:05 8 A. Well, the UPC forces were at the time in -- situated in
12:55:09 9 Bunia.
12:55:09 10 [12:55 p.m.]

12:55:10 11 Q. So you are just assuming that?

12:55:14 12 A. Yes.
12:55:14 13 [12:55 p.m.]

12:55:19 14 Q. You say in your examination-in-chief that a number of
12:55:27 15 children in uniforms had Kalashnikovs and were guarding
12:55:30 16 buildings, there was a great number of them, and you say that
12:55:34 17 you remember two groups in -- on two specific sites. Which
12:55:41 18 were these sites?

12:55:42 19 A. Well, the sites I was alluding to -- one in the north of
12:55:45 20 the boulevard, one site on the south of the boulevard.
12:55:45 21 [12:55 p.m.]

12:55:50 22 Q. Very well. Isn't that in contradiction to your statement
12:55:53 23 of May 2006 in which you say that you did not go out much and
12:56:02 24 did not see a large group yourself?

12:56:06 25 A. Well, a number -- a large group of 100 or 1,000, no, and

12:56:14 1 I don't say I didn't go out.

12:56:14 2 [12:56 p.m.]

12:56:16 3 Q. I'm not saying 100 or 1,000 because that would be very

12:56:20 4 large?

12:56:21 5 A. I remember seeing children, not just one or two, but

12:56:23 6 more, and this at two sites along the boulevard, but there

12:56:30 7 weren't large groups of them.

12:56:30 8 [12:56 p.m.]

12:56:32 9 Q. Not a large group of them?

12:56:34 10 A. Not a very, very large group. I couldn't at the time

12:56:39 11 have said that it was hundreds of them or even several dozen

12:56:42 12 of them at the time on the sites in question.

12:56:42 13 [12:56 p.m.]

12:56:45 14 Q. But you said in your written statement that you didn't

12:56:48 15 see a large group. What do you mean by that?

12:56:54 16 A. Well, at the time I am talking about a group which,

12:56:59 17 according to your definition, would represent 100 or so

12:56:59 18 people.

12:56:59 19 [12:57 p.m.]

12:57:10 20 Q. So you're saying that it's not a contradiction when you,

12:57:16 21 in your examination-in-chief, talk about large numbers, that

12:57:26 22 this represents less than 100?

12:57:29 23 A. Correct.

12:57:29 24 [12:57 p.m.]

12:57:31 25 Q. Very well. You said in your examination-in-chief that in

12:57:40 1 Bunia at the beginning of September 2002, your statement
12:57:46 2 confirms the information that was obtained from several
12:57:50 3 international organisations and NGOs present at the time in
12:57:53 4 Bunia. At the time of your first visit in September 2002 were
12:58:00 5 there NGOs in Bunia -- present in Bunia?
12:58:05 6 A. Yes.
12:58:05 7 [12:58 p.m.]
12:58:08 8 Q. Present, established, with an office?
12:58:11 9 A. Not many of them, but there were some.
12:58:11 10 [12:58 p.m.]
12:58:14 11 Q. How many?
12:58:15 12 A. Are you talking about international organisations,
12:58:18 13 national organisations or NGOs?
12:58:18 14 [12:58 p.m.]
12:58:20 15 Q. NGOs?
12:58:22 16 A. National or international?
12:58:22 17 [12:58 p.m.]
12:58:25 18 Q. Any?
12:58:26 19 A. Well, I don't think the amount of -- that there would
12:58:31 20 have been more than 10 international ones. There was even
12:58:46 21 less UN organisations.
12:58:46 22 [12:58 p.m.]
12:58:50 23 Q. Can't you tell us the name of the NGOs?
12:58:52 24 A. The name?
12:58:52 25 [12:58 p.m.]

12:58:54 1 Q. Yes, the name of these NGOs for me to be able to check?

12:58:59 2 A. I would rather not give the numbers.

12:59:01 3 MS MARCHI-UHEL (interpretation): Can I just speak to the

12:59:09 4 witness for a minute?

12:59:24 5 PRESIDING JUDGE JORDA (interpretation): Yes. Ms Peduto, you

12:59:31 6 were asked a question earlier on, you answered in a certain

12:59:35 7 way, you talked to then -- to the UN observers [as

12:59:37 8 interpreted]; what is your answer?

12:59:38 9 THE WITNESS: Well, I believe I can mention the name of

12:59:41 10 some of the organisations without it being too problematic.

12:59:44 11 PRESIDING JUDGE JORDA (interpretation): Well, it's your

12:59:46 12 choice to do so. The Prosecutor, would you like to make an

12:59:50 13 observation?

12:59:51 14 MR WITHOPF: In this context I have no observation to make.

12:59:55 15 If Ms Peduto, advised by the UN observer, feels comfortable to

13:00:01 16 provide the names of the organisation, that's fine with the

13:00:07 17 Prosecution.

13:00:08 18 PRESIDING JUDGE JORDA (interpretation): [Not interpreted]

13:00:16 19 THE WITNESS: I want to be exclusive about the organisations

13:00:19 20 in Bunia, but there were some development organisations such

13:00:26 21 as MedAir, OCHA, COOPI, Save the Children, for instance.

13:00:35 22 ME FLAMME (interpretation): Q. Just for clarity are you

13:00:37 23 sure it was Save the Children in Bunia?

13:00:40 24 A. I believe so -- I believe so.

13:00:40 25 [1:00 p.m.]

13:00:47 1 Q. I was asking --

13:00:50 2 PRESIDING JUDGE JORDA (interpretation): Think -- think

13:00:52 3 carefully, because as with the report of Save the Children

13:00:55 4 earlier on, you have time to think about your answer, and then

13:00:58 5 I promise you we'll go and have lunch.

13:01:03 6 THE WITNESS: I know that Save the Children had operations at

13:01:26 7 the time, but I can't guarantee that you were present at the

13:01:29 8 time in September.

13:01:32 9 ME FLAMME (interpretation): Q. If you may, just a last

13:01:34 10 question, because otherwise we'll have to start all over

13:01:39 11 again, or start again.

13:01:39 12 [1:01 p.m.]

13:01:40 13 Q. The report, Madame, about Save the Children, our evidence

13:01:46 14 number 1, this long report, could we come back to it and,

13:01:51 15 court officer, please could you turn to page number 6, and

13:02:05 16 I promise you I'll be very brief. No, I am sorry, it's not

13:02:10 17 the right document. It's the long report which I quoted,

13:02:17 18 because what you are showing I believe is an e-mail?

13:02:35 19 [1:02 p.m.]

13:02:41 20 Very well. This document, Madame, speaks about the issue of

13:02:49 21 child soldiers, and also about Ituri, and mentions the armed

13:03:00 22 groups referred to in the study -- in the paper. Do you agree

13:03:08 23 with me that this list does not include the FPLC as an armed

13:03:20 24 group on site?

13:03:22 25 A. Correct.

13:03:22 1 [1:03 p.m.]

13:03:24 2 Q. Do you also agree it does not include the UPC?

13:03:29 3 A. Correct.

13:03:29 4 [1:03 p.m.]

13:03:40 5 If I may, I did not re-read the paper recently. However,

13:03:45 6 I know that the Save the Children paper focused a lot on its

13:03:48 7 operations at - it at the time was carried out in Kivu and

13:03:55 8 that's why maybe these groups aren't mentioned here.

13:03:57 9 PRESIDING JUDGE JORDA (interpretation): Could you please

13:03:59 10 just repeat for -- about what the - what you're saying about

13:04:04 11 the report?

13:04:06 12 ME FLAMME (interpretation): Yes, it's the report from

13:04:07 13 February 2003 entitled "Going Home" and the author mentioned

13:04:12 14 is a Ms Beth Verhey. It is entitled "Demobilising and

13:04:23 15 Reintegrating Child Soldiers in the Democratic Republic of the

13:04:25 16 Congo." And I would like to remind Ms Peduto that on page 6

13:04:31 17 the RCD is mentioned -- RCD -- Kisangani ML.

13:04:48 18 COURT OFFICER (interpretation): [Not interpreted]

13:05:04 19 PRESIDING JUDGE JORDA (interpretation): We will adjourn and

13:05:14 20 resume at 2.30 until 6 o'clock. Thank you.

13:05:34 21 ENGLISH INTERPRETER: The interpreter would like to correct

13:05:36 22 herself -- until 4 o'clock, not 6 o'clock. Thank you.

13:05:36 23 [1:05 p.m.]

13:05:36 24 [Luncheon adjournment]

13:05:36 25 [2:32 p.m.]

14:32:21 1 THE USHER: All rise.

14:32:32 2 PRESIDING JUDGE JORDA (interpretation): Court is in session.

14:32:36 3 Please bring in Mr Thomas Lubanga Dyilo and be seated.

14:32:36 4 [2:32 p.m.]

14:32:43 5 Court officer, in the meantime, while Mr Lubanga Dyilo is

14:32:46 6 being brought in, could you request that Ms Peduto and

14:32:52 7 Ms Marchi-Uhel be brought in.

14:32:53 8 [2:32 p.m.]

14:32:57 9 [Mr Thomas Lubanga Dyilo entered the courtroom]

14:33:03 10 [2:35 p.m.]

14:33:05 11 [Ms Peduto and Ms Marchi-Uhel entered the courtroom]

14:35:23 12 PRESIDING JUDGE JORDA (interpretation): Please be seated,

14:35:27 13 Ms Peduto and Ms Marchi-Uhel.

14:35:29 14 [2:35 p.m.]

14:35:35 15 Did you rest? Are you all right?

14:35:40 16 THE WITNESS: Yes, thank you.

14:35:42 17 PRESIDING JUDGE JORDA (interpretation): Are you ready to

14:35:43 18 resume?

14:35:45 19 THE WITNESS: Yes.

14:35:45 20 PRESIDING JUDGE JORDA (interpretation): Well, good.

14:35:49 21 Mr Flamme, when you are referring to a paragraph -- when you

14:35:52 22 are quoting from a paragraph from a statement or any other

14:35:54 23 statement, please do so clearly so that everyone can follow

14:35:58 24 you. Mr Flamme, you may address the court.

14:36:05 25 ME FLAMME (interpretation): Thank you, Mr President. I

14:36:08 1 would like to tender into evidence a new document which is
14:36:12 2 <#DRC-D01-0001-0019#>, which document is titled "The Official
14:36:29 3 Declaration of the UPC".
14:36:33 4 COURT OFFICER (interpretation): The document number will be
14:36:36 5 <#EVD-D01-00007#>.
14:36:43 6 ME FLAMME (interpretation): Thank you, court officer.
14:36:45 7 [2:36 p.m.]
14:36:48 8 Q. Madame, during the first part of your visit to Bunia at
14:36:55 9 the beginning of September 2002, we talked about the
14:37:00 10 government in place, or not in place. I would like to read to
14:37:07 11 you part of this document which is an important document. You
14:37:11 12 will tell me afterwards whether you know it or not. This is
14:37:14 13 the official declaration of the UPC, which is titled
14:37:24 14 [in French]. In the text, I shall quote the first paragraph.
14:37:35 15 [In French]: "In the Democratic Republic of the Congo, since
14:37:38 16 1990, tribal hatred is constantly and knowingly cultivated
14:37:45 17 amongst all Congolese. This hatred has been worsened by
14:37:53 18 political rivalries, division within the FAZ and the
14:38:01 19 rebellions of 1996 and 1998, as well as inter-ethnic conflict
14:38:11 20 in Ituri." I shall now move to the third paragraph of the
14:38:15 21 text.
14:38:15 22 [2:38 p.m.]
14:38:17 23 [In French]: "In order to reinstall or restore a climate of
14:38:21 24 confidence between the peoples of the north-east of the
14:38:24 25 Democratic Republic of the Congo" -- and I shall go to point 2

14:38:29 1 below that -- [in French] "The UPC/RP administers and manages
14:38:34 2 effectively State matters or State affairs in the territory
14:38:40 3 occupied in the north-east of the RDC -- or the DRC. The
14:38:47 4 UPC/RP army is the only force capable of providing security
14:38:52 5 for people and property. 3. UPC/RP recognises the government
14:39:00 6 of Kinshasa and other political forces with which it would
14:39:05 7 like to develop a collaboration agreement in order to
14:39:10 8 facilitate the peace agreement for Congo."
14:39:17 9 I shall now move on to the third -- to the second page,
14:39:22 10 subpoint 2. The title is [in French]: "The objectives of the
14:39:29 11 UPC/RP". "With a view to saving human lives and protecting
14:39:37 12 human rights in the north-west -- north-east, which has not
14:39:39 13 been the case since 1999, and in order to re-establish the
14:39:43 14 authority of the State and foster economic reconstruction, the
14:39:47 15 UPC/RP took up arms to drive off all those forces which
14:39:55 16 contribute to destroying Ituri and Congo and tarnish our
14:40:00 17 image. The UPC/RP put an end to the management of Ituri by
14:40:06 18 RCD-ML because this management was characterised by the
14:40:11 19 fostering of tribal hatred, poor management of state affairs
14:40:17 20 and the embezzlement of public funds. The UPC-RP expects to
14:40:25 21 attain the following objectives in Ituri through a societal
14:40:31 22 project:
14:40:33 23 1. Re-establish human rights and human dignity; initiate
14:40:39 24 frank dialogue between the peoples, regardless of origin, so
14:40:47 25 as to ensure reconciliation for sustainable peace in Ituri and

14:40:51 1 in Congo; 3. Restore security for persons and their property
14:40:56 2 by putting an end to massacres; 4. Setting up a worthy
14:41:02 3 administration to ensure correct management of the state; 5.
14:41:11 4 Socio-economic reconstruction and development programme."
14:41:16 5 [2:41 p.m.]
14:41:18 6 As you can see, Madame, this document is signed by the
14:41:22 7 President of the UPC, Mr Lubanga, and it was done in Bunia on
14:41:28 8 14 September 2002 and may be considered as, if you will, a
14:41:36 9 message -- the inaugural message of the UPC government, which
14:41:42 10 we have already discussed before this.
14:41:44 11 [2:41 p.m.]
14:41:45 12 So my first question is this: were you aware at the time when
14:41:58 13 you were in Bunia, that is, either 1 or 2 September -- it's
14:42:06 14 not very important when, or perhaps 10 days later, as you
14:42:12 15 said, 10 September, which was very -- around the time of this
14:42:18 16 official statement -- this was an important event. Were you
14:42:25 17 aware of this government that was being formed?
14:42:27 18 A. Yes, at the time, yes. I remember the -- I remember the
14:42:33 19 appointment of some ministers.
14:42:36 20 [2:42 p.m.]
14:42:36 21 Q. That's right. Let's talk about these ministers, then.
14:42:40 22 At one point you talked of Mr Tinanzabo. Was he a member of
14:42:50 23 that government?
14:42:50 24 A. I think so.
14:42:51 25 [2:43 p.m.]

14:42:52 1 Q. What minister was he?

14:42:55 2 A. I think he was Prime Minister.

14:42:57 3 [2:43 p.m.]

14:42:59 4 Q. You think he was Prime Minister. All right. Were you

14:43:05 5 aware of this government message?

14:43:13 6 A. This specific message in this document? No. Of the fact

14:43:18 7 that the movement had taken over the town of Bunia, yes. I

14:43:28 8 know that this was manifested by the planned trip of

14:43:34 9 General Martinelli to meet the new authorities of the town.

14:43:37 10 [2:43 p.m.]

14:43:39 11 Q. Was MONUC aware of this language, which I would describe

14:43:46 12 as aiming at pacification?

14:43:49 13 A. I cannot answer this question. My political affairs

14:43:51 14 colleagues were monitoring this dossier.

14:43:53 15 [2:43 p.m.]

14:43:53 16 Q. But you were there for a particular purpose -- a

14:43:56 17 particular aspect of the war -- that is, suffering that was

14:44:00 18 caused to children in general and, in particular, child

14:44:03 19 soldiers. I suppose that you probably would like to

14:44:11 20 know -- would have like to know the political philosophy of

14:44:13 21 the new government to know where you stood. You must have

14:44:17 22 been interested in that?

14:44:21 23 A. This is not the message that was relayed to us.

14:44:24 24 [2:44 p.m.]

14:44:25 25 Q. What message was relayed to you?

14:44:27 1 A. The message that was relayed to us, which I referred to
14:44:32 2 earlier, was regarding information on human rights violations
14:44:40 3 in Ituri -- political speeches in that pacification was not
14:44:47 4 the sort of news that came at the top of the testimonies we
14:44:51 5 received.
14:44:51 6 [2:44 p.m.]
14:44:53 7 Q. You said that you were aware of the composition of this
14:44:58 8 government?
14:45:01 9 A. Some.
14:45:01 10 [2:45 p.m.]
14:45:04 11 Q. I think it can be said easily that one of the most
14:45:08 12 important ministries of this government was the ministry in
14:45:13 13 charge of pacification. Did you know it?
14:45:15 14 A. No.
14:45:15 15 [2:45 p.m.]
14:45:18 16 Q. You did not know that there was a Ministry of
14:45:21 17 Pacification?
14:45:22 18 A. At that time, no.
14:45:22 19 [2:45 p.m.]
14:45:23 20 Q. You don't know who its minister was?
14:45:25 21 A. No.
14:45:26 22 [2:45 p.m.]
14:45:27 23 Q. You did not know that it was precisely Mr Tinanzabo, of
14:45:33 24 whom you said was -- he was the Prime Minister?
14:45:35 25 A. No.

14:45:35 1 [2:45 p.m.]

14:45:37 2 Q. Madame, all right, I shall now move on to another

14:45:43 3 important point in this case, and we have already talked of

14:45:48 4 it. You told us that at one point you spoke with a child whom

14:45:54 5 you thought was 9 years old, because that's what he said.

14:45:59 6 A. That's the testimony I got.

14:46:00 7 [2:46 p.m.]

14:46:01 8 Q. In what language did you speak to this child?

14:46:05 9 A. I spoke with -- in French and I spoke with -- through one

14:46:11 10 of my colleagues who spoke Swahili.

14:46:13 11 [2:46 p.m.]

14:46:14 12 Q. He translated your questions, and he translated the

14:46:17 13 child's answers?

14:46:18 14 A. Yes.

14:46:18 15 [2:46 p.m.]

14:46:20 16 Q. The child spoke Swahili?

14:46:21 17 A. Yes.

14:46:22 18 [2:46 p.m.]

14:46:23 19 Q. Who told you that?

14:46:25 20 A. The Ministry observer could speak Swahili and he used his

14:46:31 21 native language.

14:46:31 22 [2:46 p.m.]

14:46:33 23 Q. What was the native language?

14:46:35 24 A. Swahili.

14:46:35 25 [2:46 p.m.]

14:46:36 1 Q. You think Swahili could be a native language?

14:46:41 2 A. Yes, yes, this was the language that he knew, that he had

14:46:48 3 a mastery of and that he used in his country.

14:46:50 4 [2:46 p.m.]

14:46:50 5 Q. Which country?

14:46:50 6 A. Kenya.

14:46:51 7 [2:46 p.m.]

14:46:52 8 Q. Is it not true that Swahili is a commercial language that

14:46:59 9 developed part -- along part of the East-African coast?

14:47:05 10 A. Yes -- it could be used in other parts of Africa, yes.

14:47:12 11 [2:47 p.m.]

14:47:12 12 Q. But is there a tribe that -- an ethnic group that uses

14:47:16 13 Swahili as a native language?

14:47:19 14 A. People speak Swahili fluently. This is the language in

14:47:22 15 which they're brought up.

14:47:23 16 [2:47 p.m.]

14:47:25 17 Q. Kenyan Swahili, is it the same as the Swahili spoken in

14:47:31 18 Ituri?

14:47:32 19 A. No, but it is close to it; they can understand each

14:47:36 20 other.

14:47:36 21 [2:47 p.m.]

14:47:37 22 Q. What is the name of the language spoken by some ethnic

14:47:43 23 groups in Ituri, which is related to Swahili? You are an

14:47:52 24 anthropologist; you should know.

14:47:56 25 A. Several languages were used in Ituri like Alur.

14:48:05 1 [2:48 p.m.]

14:48:05 2 Q. No, I'm not talking about a native language. Alur is an

14:48:11 3 ethnic native language, but I am referring to a language

14:48:13 4 related to Swahili -- a form of Swahili?

14:48:18 5 A. I don't know the answer.

14:48:19 6 [2:48 p.m.]

14:48:22 7 Q. Is it not Kingwana?

14:48:27 8 A. It's possible.

14:48:27 9 [2:48 p.m.]

14:48:28 10 Q. The person, the military observer who came from Kenya who

14:48:31 11 was accompanying you, did he speak Kingwana?

14:48:36 12 A. I do not think so, but he was able to interact with the

14:48:43 13 population through his native language.

14:48:45 14 [2:48 p.m.]

14:48:45 15 Q. How can you know this?

14:48:49 16 A. That's how he'd been working for months.

14:48:51 17 [2:48 p.m.]

14:48:52 18 Q. Is that why it was reliable?

14:48:57 19 A. Under the circumstances, yes.

14:48:59 20 [2:48 p.m.]

14:49:00 21 Q. You did not think it necessary, then, to seek the

14:49:05 22 assistance of an interpreter of whom you could be sure that he

14:49:08 23 spoke the child's language?

14:49:11 24 A. At that time MONUC did not have an interpreter.

14:49:13 25 [2:49 p.m.]

14:49:14 1 Q. Thank you, Madame. I understood from your
14:49:21 2 testimony -- but please correct me if I am wrong -- that in
14:49:23 3 Ituri at the time, that is, the beginning September 2002,
14:49:28 4 there wasn't really an integrated system for demobilisation as
14:49:36 5 we saw in the report from Save the Children which we referred
14:49:41 6 to, but you do say in your statement of May 2006 -- that is,
14:49:48 7 your routine statement -- I'm referring to page 58 of that
14:49:52 8 statement, in which you say that you continued discussions
14:49:56 9 with UNICEF and various international NGOs about establishing
14:50:04 10 an integrated operational programme to respond to the issue of
14:50:11 11 children associated with armed groups and forces in the DRC.
14:50:18 12 This should be around September 2002; is that correct?
14:50:24 13 A. These discussions took place in Kinshasa with the heads
14:50:27 14 of various organisations, including UNICEF.
14:50:29 15 [2:50 p.m.]
14:50:31 16 Q. When you returned from mission or at another time?
14:50:34 17 A. When I returned from the mission.
14:50:36 18 Q. So we might say that one of the results of your mission
14:50:39 19 was that you focused your attention -- or international
14:50:46 20 attention on the need to start such a programme in Ituri?
14:50:52 21 A. In Ituri, as in the whole of Congo, there were
14:50:57 22 discussions which were carried out with non-governmental NGOs
14:51:01 23 at international level with UNICEF and MONUC on setting up a
14:51:07 24 systematic operational response with -- for children who were
14:51:11 25 associated with various armed groups in Congo, including

14:51:14 1 Ituri.

14:51:14 2 [2:51 p.m.]

14:51:16 3 Q. If I understand clearly, the Save the Children report,
14:51:22 4 this existed in some parts of Congo?

14:51:24 5 A. In some parts of Congo some actions had been taken by
14:51:27 6 international organisations, but there was no integrated
14:51:30 7 programme that was set up at -- in a systematic way all over
14:51:36 8 the country by everyone. There were initiatives here and
14:51:40 9 there carried out by international organisations and by
14:51:45 10 national organisations.

14:51:46 11 [2:51 p.m.]

14:51:50 12 Q. Thank you. Madame, do you confirm what you said in your
14:51:55 13 testimony in chief -- that is to say, that you did not use
14:51:59 14 scientific criteria to estimate the age of the children you
14:52:02 15 saw; that these were not scientific observations; and that you
14:52:11 16 would not swear 100 per cent that these children were aged
14:52:17 17 under 15 years?

14:52:20 18 A. That is true. We did not, for instance, take x-ray
14:52:25 19 pictures which would have allowed us to estimate the age with
14:52:30 20 medical assistance.

14:52:31 21 [2:52 p.m.]

14:52:33 22 Q. Neither did you ask for the identity card of the parents
14:52:37 23 on which the age of the children would figure?

14:52:41 24 A. Very few identity cards were held; rather, birth
14:52:51 25 certificates issued by churches or identity papers based on

14:53:00 1 which their schooling had taken place.

14:53:06 2 [2:53 p.m.]

14:53:07 3 Q. But when you had one, you would photocopy it and attach

14:53:12 4 to your report?

14:53:13 5 A. No. Most of the children did not have identity papers on

14:53:20 6 them when I met them.

14:53:22 7 [2:53 p.m.]

14:53:23 8 Q. Most did not, but you saw some?

14:53:27 9 A. I remember one paper only, and that was a birth

14:53:31 10 certificate -- a baptism card.

14:53:34 11 [2:53 p.m.]

14:53:35 12 Q. Issued by a religious institution?

14:53:37 13 A. Yes.

14:53:38 14 [2:53 p.m.]

14:53:38 15 Q. And you did not make a photocopy of it?

14:53:40 16 A. No.

14:53:41 17 [2:53 p.m.]

14:53:43 18 Q. You state that it is reasonably easy to distinguish

14:53:48 19 between a young man and a child, in your testimony in chief.

14:53:54 20 Would you not say that that is not really the issue but,

14:54:00 21 rather, making a distinction between a youth of 14 years or of

14:54:05 22 16 years?

14:54:08 23 A. At that time MONUC -- I imagine this is still the

14:54:13 24 case -- that for us children are those under the age of

14:54:17 25 18 years. Therefore, it was not a priority for us to

14:54:21 1 distinguish between those who were above or under 15 years.

14:54:25 2 For us, a child was somebody aged under 18 years.

14:54:28 3 [2:54 p.m.]

14:54:29 4 Q. That was your criteria, and the one which you used in the

14:54:34 5 field?

14:54:34 6 A. Yes.

14:54:34 7 [2:54 p.m.]

14:54:35 8 Q. Under 18 years?

14:54:37 9 A. Yes.

14:54:38 10 [2:54 p.m.]

14:54:39 11 Q. In your testimony in chief you state that the general

14:54:44 12 figures of which you spoke -- and here I'm referring to the

14:54:53 13 statistics which you cited -- referred to children under the

14:54:57 14 age of 18 years?

14:54:58 15 A. Yes.

14:54:58 16 [2:54 p.m.]

14:55:00 17 Q. In your statement of May 2002, you state that the

14:55:05 18 definition of child soldiers used by the MONUC was that based

14:55:14 19 on the Cape Town principles, and that, therefore, any person

14:55:20 20 under the age of 18 years enlisted by the groups or armed

14:55:24 21 forces were child soldiers. So would you say that it was the

14:55:30 22 Cape Town principles you were applying?

14:55:33 23 A. Yes.

14:55:33 24 [2:55 p.m.]

14:55:34 25 Q. In your testimony in chief you stated that something

14:55:44 1 which you and your colleagues had not understood well were
14:55:56 2 that the military observers were guarded by persons sent by
14:55:59 3 the local authorities and that some of those guards were in
14:56:03 4 fact children. Did you report on the state of affairs to your
14:56:09 5 superiors?
14:56:10 6 A. Yes, absolutely.
14:56:11 7 [2:56 p.m.]
14:56:12 8 Q. You mentioned it in your reports?
14:56:13 9 A. Yes.
14:56:14 10 [2:56 p.m.]
14:56:18 11 Q. Did you question the local leaders on this matter? You
14:56:23 12 gave me the impression that you were taken unawares by it.
14:56:30 13 A. We referred to the -- spoke to the MILOBs on the matter.
14:56:35 14 [2:56 p.m.]
14:56:35 15 Q. And what had their answer been?
14:56:37 16 A. They said that they would look into the matter and change
14:56:40 17 the procedures to ensure that this did not happen again.
14:56:42 18 [2:56 p.m.]
14:56:44 19 Q. To be clear on this, we're talking about MONUC troops?
14:56:48 20 A. Yes, indeed.
14:56:49 21 [2:56 p.m.]
14:56:52 22 Q. You returned to Bunia on or around 10 September?
14:56:56 23 A. Yes.
14:56:56 24 [2:56 p.m.]
14:56:57 25 Q. And you left on 11 September?

14:57:02 1 A. I think that I only spent the day of 10 September there.
14:57:06 2 [2:57 p.m.]
14:57:06 3 Q. The day of 10 September, very well. Therefore, one could
14:57:13 4 say that you were in Ituri for a period -- a total period of
14:57:20 5 three days?
14:57:21 6 A. Yes, three days.
14:57:22 7 [2:57 p.m.]
14:57:26 8 Q. I would now like to move forward in time to your mission
14:57:31 9 to Uganda -- or missions, rather, to Uganda. I think that
14:57:37 10 there were several?
14:57:39 11 A. No, there was only one.
14:57:40 12 [2:57 p.m.]
14:57:41 13 Q. Oh, only one. You say -- you said in your statement
14:57:49 14 of May 2006, in paragraph 31, that you had met with
14:57:57 15 journalists many times in the course of your work monitoring
14:58:00 16 children's rights since 1 July 2002. You also say that you
14:58:07 17 have been quoted in The New York Times by BBC and ARTE on many
14:58:15 18 occasions; is that true?
14:58:20 19 A. On many occasions? Well, certainly more than 10, I would
14:58:24 20 say, and this was after the events of May 2003.
14:58:29 21 [2:58 p.m.]
14:58:35 22 Q. Have you provided the transcripts of these quotations and
14:58:40 23 articles to the Prosecutor?
14:58:43 24 A. No.
14:58:43 25 [2:58 p.m.]

14:58:44 1 Q. Have you -- you told the Prosecutor of them, though, did
14:58:47 2 you not?
14:58:48 3 A. I did.
14:58:51 4 [2:58 p.m.]
14:58:51 5 Q. Who was Adele Lotsove?
14:58:57 6 A. A Minister of the UPC who had previously been -- sorry,
14:59:00 7 Minister of Social Affairs in Ituri who had previously been a
14:59:03 8 Governor.
14:59:04 9 [2:59 p.m.]
14:59:04 10 Q. Minister of Social Affairs?
14:59:05 11 A. Yes, that is how she was referred to. She was also
14:59:15 12 appointed Minister of Finance -- no, no, not Minister of
14:59:19 13 Finance -- yes, Minister of Social Affairs.
14:59:25 14 [2:59 p.m.]
14:59:25 15 Q. Minister of Affairs -- of Social Affairs. I think that
14:59:30 16 you also mentioned another title which was as being a cadre of
14:59:41 17 the UPC responsible for social affairs. Was she a minister;
14:59:47 18 are you sure of that?
14:59:48 19 A. I am not sure; I never met her.
14:59:51 20 [2:59 p.m.]
14:59:52 21 Q. Yes, but, nonetheless, even if you say today that you are
14:59:57 22 not sure, you stated that she was appointed minister in August
15:00:03 23 2002.
15:00:06 24 A. That is what was reported to me.
15:00:07 25 [3:00 p.m.]

15:00:07 1 Q. This is what you said in your testimony in chief, but
15:00:11 2 you're not sure?
15:00:12 3 A. Once again, I never met her.
15:00:14 4 [3:00 p.m.]
15:00:18 5 Q. Would it not have been at the beginning
15:00:22 6 of December -- or, sorry, the beginning of September, if she
15:00:24 7 was appointed minister -- if she was a minister?
15:00:27 8 A. It's possible.
15:00:28 9 [3:00 p.m.]
15:00:29 10 Q. It's possible. You spoke of a meeting which had taken
15:00:38 11 place -- or a rally, rather, which had taken place in the
15:00:44 12 Mahagi region at which Ms Lotsove was present. Is that in the
15:00:48 13 north of Ituri?
15:00:49 14 A. Yes, it's in the north of Ituri.
15:00:52 15 [3:00 p.m.]
15:00:52 16 Q. You referred to threats -- death threats which were
15:00:58 17 pronounced at that time against certain people, and this is a
15:01:01 18 serious matter because they were proffered at a rally. My
15:01:06 19 question to you is did you hear those threats made by
15:01:14 20 Ms Lotsove yourself?
15:01:14 21 A. No, it is information which was reported to us while we
15:01:17 22 were on mission in Uganda -- people who were present at the
15:01:20 23 rally and who had been threatened with death and left
15:01:24 24 Congolese territory thereafter.
15:01:27 25 [3:01 p.m.]

15:01:27 1 Q. What were the exact words used?

15:01:30 2 A. The exact words? There had been general threats against

15:01:33 3 the Alur community, where they too set up a political

15:01:40 4 authority which would compete with or would -- or opposed the

15:01:43 5 UPC. Those were the terms used, and the persons who were

15:01:48 6 threatened with death -- and persons were threatened with

15:01:53 7 death if they left the UPC.

15:01:57 8 Q. The persons who reported this to you, were they of

15:02:01 9 Congolese nationality?

15:02:02 10 A. Yes.

15:02:03 11 [3:02 p.m.]

15:02:04 12 Q. Do you know their names?

15:02:07 13 A. I cannot provide them to you.

15:02:09 14 [3:02 p.m.]

15:02:11 15 Q. Very well. What language did they speak to you?

15:02:15 16 A. We were operating with interpreters.

15:02:17 17 [3:02 p.m.]

15:02:18 18 Q. What interpreters?

15:02:20 19 A. MONUC interpreters.

15:02:21 20 [3:02 p.m.]

15:02:21 21 Q. Which language did they speak?

15:02:24 22 A. Swahili and Lingala also.

15:02:28 23 [3:02 p.m.]

15:02:28 24 Q. And the persons in question, were they Alur?

15:02:35 25 A. The persons? Not necessarily.

15:02:36 1 [3:02 p.m.]

15:02:37 2 Q. What ethnic group were they from?

15:02:40 3 A. There were people from Kinshasa also who had been members

15:02:44 4 of Mr Mobutu's army.

15:02:52 5 Q. You are speaking of the persons who relayed those threats

15:02:54 6 to you?

15:02:55 7 A. Yes, there were several people who referred to those

15:02:57 8 threats, some of whom spoke Lingala.

15:03:01 9 [3:03 p.m.]

15:03:01 10 Q. And that they had been members of Mobutu's army and that

15:03:07 11 they had been present at that rally?

15:03:10 12 A. No, that they had suffered threats. Not all were at the

15:03:13 13 rally. Some threats were proffered at the rally and some

15:03:17 14 threats were made against members of the Alur community who

15:03:21 15 had sought refuge -- refuge in Uganda. General threats were

15:03:27 16 made at the rally against the Alur community, were they to

15:03:33 17 organise themselves politically. Other threats were more

15:03:36 18 specific and more individual -- against individuals who had

15:03:41 19 sought shelter in Uganda.

15:03:43 20 [3:03 p.m.]

15:03:43 21 Q. So there were two types of threats, if I understand

15:03:46 22 rightly: the general threats, which were declared at the

15:03:52 23 rally; and then individual threats which were made outside of

15:03:55 24 the rally, and both types being made by Ms Lotsove?

15:04:01 25 A. No.

15:04:02 1 [3:04 p.m.]

15:04:03 2 Q. Ms Lotsove was at the rally?

15:04:07 3 A. Yes, she was indeed.

15:04:08 4 [3:04 p.m.]

15:04:08 5 Q. Who made the other threats?

15:04:10 6 A. Representatives of the UPC. I do not remember exactly

15:04:22 7 now. Commanders of the UPC, Commander Jerome was mentioned.

15:04:27 8 I do not remember the others.

15:04:28 9 [3:04 p.m.]

15:04:29 10 Q. Very well. You say that these individuals who were the

15:04:35 11 target of individual threats were Alur and from the region?

15:04:39 12 A. Some of them were Alur and others were not.

15:04:42 13 [3:04 p.m.]

15:04:45 14 Q. How could the interpreter speak in Swahili?

15:04:49 15 A. We also were assisted by persons who spoke Alur, as was

15:04:53 16 the situation when I questioned children.

15:04:57 17 [3:04 p.m.]

15:04:57 18 Q. There were several interpreters?

15:04:59 19 A. We were assisted by various persons who interpreted.

15:05:02 20 [3:05 p.m.]

15:05:02 21 Q. Who were those persons?

15:05:05 22 A. Persons who were from the region where we were.

15:05:08 23 [3:05 p.m.]

15:05:08 24 Q. In Uganda, and who spoke Alur and understood?

15:05:13 25 A. Yes. The Alur community lives on both sides of the

15:05:20 1 border -- the Congolese and Ugandan side.

15:05:24 2 [3:05 p.m.]

15:05:24 3 Q. And the language is the same, are you sure?

15:05:26 4 A. Yes. The community was quite homogenous and

15:05:29 5 Congolese Alur often had family relations with those on the

15:05:33 6 other side of the border.

15:05:35 7 [3:05 p.m.]

15:05:35 8 Q. How do you know whether the persons -- the Ugandan

15:05:38 9 persons who helped you and spoke really Alur -- did you have

15:05:46 10 translator certificates?

15:05:48 11 A. No, but the conversations which took place were detailed

15:05:51 12 conversations which took time. They weren't just

15:05:54 13 conversations which we had on a street corner; we spent a lot

15:05:57 14 of time over them.

15:05:58 15 [3:05 p.m.]

15:05:59 16 Q. Well, I imagine. You speak of detailed conversations but

15:06:03 17 you do not understand -- speak Alur?

15:06:06 18 A. No, but there were also conversations in French.

15:06:11 19 [3:06 p.m.]

15:06:11 20 Q. So you were told that the person who was interpreting for

15:06:14 21 you -- or the persons who were interpreting for you were

15:06:18 22 Ugandan persons who understand Congolese people who also speak

15:06:22 23 Alur; that is what you were told -- because there were no

15:06:26 24 certificates?

15:06:30 25 A. We conducted dozens of interviews -- some in French with

15:06:35 1 persons who understood French; others with the assistance of
15:06:39 2 colleagues from MONUC who spoke Swahili -- in the case of
15:06:42 3 individuals who spoke Swahili, and others with the assistance
15:06:44 4 of other people who assisted us, in the case of children in
15:06:46 5 particular.
15:06:47 6 [3:06 p.m.]
15:06:48 7 Q. So if I've understood rightly, French, Lingala,
15:06:54 8 Swahili -- and we don't really know what Swahili -- and Alur,
15:06:58 9 yet another language, were spoken?
15:07:04 10 A. No.
15:07:05 11 [3:07 p.m.]
15:07:06 12 Q. And everybody understood each other?
15:07:09 13 A. All of those languages were not spoken at the same
15:07:12 14 meetings. The interviews were carried out on an individual
15:07:16 15 basis.
15:07:16 16 [3:07 p.m.]
15:07:26 17 Q. In your statement of May 2006 you refer to another person
15:07:33 18 who spoke.
15:07:39 19 PRESIDING JUDGE JORDA (interpretation): Which paragraph,
15:07:42 20 please?
15:07:47 21 ME FLAMME (interpretation): If you can give me just a
15:07:59 22 moment, Judge Jorda.
15:08:00 23 PRESIDING JUDGE JORDA (interpretation): Ms Peduto, how are
15:08:04 24 you? Are you tired?
15:08:07 25 THE WITNESS: No, thank you; fine.

15:08:11 1 ME FLAMME (interpretation): Paragraph 62, in the centre of
15:08:16 2 the paragraph.
15:08:16 3 [3:08 p.m.]
15:08:24 4 Q. "In October 2002, Adele Lotsove travelled to Mahagi in
15:08:33 5 her capacity as the UPC's National Commissioner for Social
15:08:35 6 Affairs" -- oh, this was this is the title, I now
15:08:37 7 remember -- "together with Commander Kisémbó. She held a
15:08:43 8 rally there during which she issued explicit threats against
15:08:47 9 the local leaders".
15:08:47 10 [3:08 p.m.]
15:08:48 11 In your testimony in chief, in response to a question from the
15:08:53 12 Prosecutor, which I qualified as being leading, if
15:09:01 13 Mr Kisémbó -- the question was whether Mr Kisémbó also made
15:09:05 14 threats. You answered that you could not answer that question
15:09:08 15 and that you had a bad memory. Has your memory deteriorated
15:09:15 16 to that extent in the last -- over the last five months?
15:09:22 17 A. Well, I -- there are some blanks in my memory; this is
15:09:26 18 one of them. In giving my statement, I was able to consult
15:09:32 19 certain documents which allowed me to be a little more
15:09:36 20 detailed in the statement which I made in May 2006. MONUC
15:09:41 21 produces a large number of these reports and seeing these
15:09:47 22 reports helped me to refresh my memory.
15:09:49 23 [3:09 p.m.]
15:09:53 24 Q. You referred to Ms Lotsove as being the
15:09:57 25 National Commissioner for Social Affairs. When I read this

15:10:00 1 title, I have the impression that she was more of a party
15:10:05 2 official, but you said that she may have been the minister.
15:10:12 3 Was she or was she not?
15:10:13 4 PRESIDING JUDGE JORDA (interpretation): Mr Flamme, you have
15:10:15 5 already put this question.
15:10:18 6 ME FLAMME (interpretation): Q. Madame, you stated that
15:10:26 7 Adele Lotsove may have been the Minister of Finance.
15:10:30 8 A. I believe she was Minister of Social Affairs.
15:10:33 9 [3:10 p.m.]
15:10:33 10 Q. You, yourself, said that she may have been Minister of
15:10:37 11 Finance a few moments ago, but that you were not sure.
15:10:39 12 A. That is true, and that is why I would prefer to base
15:10:42 13 myself on my written notes.
15:10:45 14 [3:10 p.m.]
15:10:45 15 Q. In your statement of May 2006, you speak of Hema-Gegere
15:10:55 16 students who had left the ISP of Bunia?
15:11:02 17 PRESIDING JUDGE JORDA (interpretation): What paragraph is
15:11:03 18 this, Mr Flamme?
15:11:06 19 ME FLAMME (interpretation): Paragraph 63.
15:11:09 20 [3:11 p.m.]
15:11:11 21 [In French]: "Between 10 and 15 July 2002, to undergo
15:11:16 22 military training at the UPC camp in Rwampara"; is that
15:11:25 23 correct?
15:11:26 24 A. Yes, correct.
15:11:27 25 [3:11 p.m.]

15:11:34 1 Q. Who told you that?

15:11:40 2 A. Displaced persons whom we met in Uganda.

15:11:43 3 [3:11 p.m.]

15:11:45 4 Q. Very well. You didn't cross-check the information?

15:11:54 5 A. No. I had also heard the same thing in my

15:11:59 6 mission -- during my mission in September. The militating

15:12:08 7 activities of certain -- Professor Mudzi-Pela [as interpreted]

15:12:18 8 were reported several times to the MONUC [as interpreted].

15:12:20 9 [3:12 p.m.]

15:12:22 10 Q. You didn't see the children?

15:12:23 11 A. No.

15:12:24 12 [3:12 p.m.]

15:12:24 13 Q. You talk about the ISP. What does it stand for?

15:12:34 14 A. Institut Socio Pedagogique.

15:12:43 15 [3:12 p.m.]

15:12:44 16 Q. Wouldn't it be -- l'Institut Superieur Pedagogique?

15:12:51 17 A. Yes, that's possible.

15:12:52 18 [3:12 p.m.]

15:12:52 19 Q. In Bunia?

15:12:53 20 A. We called it ISP, yes.

15:12:55 21 Q. In Bunia. What -- or how old were the children who

15:13:00 22 followed lessons or went to classes at the l'Institut

15:13:07 23 Superieur de Bunia?

15:13:08 24 A. Adolescents.

15:13:09 25 [3:13 p.m.]

15:13:10 1 Q. Not children younger than 15, then?

15:13:12 2 A. I don't think so.

15:13:12 3 [3:13 p.m.]

15:13:13 4 Q. What do you believe to be a person of the Hema-Gegere

15:13:22 5 community?

15:13:24 6 A. We talked about Hema from the north and Hema from the

15:13:29 7 south, and those were more from the northern communities.

15:13:32 8 [3:13 p.m.]

15:13:34 9 Q. Do you as an anthropologist -- can you affirm there's an

15:13:40 10 Hema-Gegere ethnicity?

15:13:43 11 A. I didn't do a demographical - demographical study on that

15:13:52 12 part of the country.

15:13:53 13 [3:13 p.m.]

15:13:53 14 Q. Wouldn't the Hema-Gegere be an insult? Wasn't it the

15:13:56 15 Lendus were of -- indicating which Hema should leave that part

15:14:00 16 of the Congo?

15:14:03 17 A. I think that would be rather surprising, because it's a

15:14:08 18 term that was used by persons that weren't really a party to

15:14:14 19 the conflict. It could be that the term was used in that way,

15:14:21 20 with that meaning at some stage, but I don't think it had a

15:14:25 21 negative meaning.

15:14:27 22 [3:14 p.m.]

15:14:27 23 Q. But isn't there a Hema-Gegere ethnicity that's different

15:14:34 24 from other ethnic groups?

15:14:36 25 A. Well, we talked more about the geographical

15:14:38 1 divisions -- northern Hema and southern Hema. That's
15:14:43 2 the -- there's a difference between the two.
15:14:45 3 [3:14 p.m.]
15:14:45 4 Q. Even a language difference?
15:14:47 5 A. No.
15:14:48 6 [3:14 p.m.]
15:14:48 7 Q. There isn't a language difference?
15:14:50 8 A. There could be one.
15:14:51 9 [3:14 p.m.]
15:14:52 10 Q. What language do the southern Hema speak?
15:14:55 11 A. I don't know.
15:14:55 12 [3:14 p.m.]
15:14:57 13 Q. Which language do the northern Hema speak? You don't
15:15:03 14 know? You say in your statement of May 2006, paragraph 63,
15:15:15 15 that the recruitment of the students was carried out for the
15:15:24 16 APC; was that correct?
15:15:28 17 A. At that time -- and here I'm talking about the beginning
15:15:31 18 of 2002 -- we knew that the recruitments were on -- or carried
15:15:39 19 out for the APC and not on an ethnic basis.
15:15:42 20 [3:15 p.m.]
15:15:43 21 Q. Wouldn't it be a mistake in letters -- it's the "APC" not
15:15:48 22 the "UPC"?
15:15:49 23 A. At the beginning of 2002 I talk about the APC and after
15:15:52 24 the schism I refer to the split between APC and UPC
15:16:01 25 where -- when recruitment became more ethnic-based.

15:16:04 1 [3:16 p.m.]

15:16:05 2 Q. Who was in charge of the camp of Rwampara in 2002?

15:16:11 3 A. I do not know.

15:16:13 4 [3:16 p.m.]

15:16:16 5 Q. Wouldn't it have -- couldn't it have been Mr Lompondo?

15:16:21 6 A. I don't know.

15:16:21 7 [3:16 p.m.]

15:16:21 8 Q. You don't know. However, you said you had information

15:16:24 9 concerning the military situation. It's important, because

15:16:30 10 you understand, Madame, that all these details are very

15:16:35 11 important in view of the diversity of all the forces present

15:16:39 12 in the field, and that's why I want more details.

15:16:41 13 A. Well, if I had an opportunity to look at the reports of

15:16:44 14 the MONUC of the time, I would be able to give you a more

15:16:47 15 affirmative answer.

15:16:48 16 [3:16 p.m.]

15:16:48 17 Q. But you are here to give a statement, and it's -- we're

15:16:53 18 talking here about a man's life. So are we agreed that,

15:17:03 19 in July 2002, the government RCD-K/ML was still in place in

15:17:10 20 Bunia?

15:17:14 21 A. The split we talked about earlier on occurred later.

15:17:18 22 [3:17 p.m.]

15:17:19 23 Q. So that doesn't confirm the fact that you mentioned that

15:17:27 24 the recruitment was for the APC, which was a member. So there

15:17:33 25 has to be some logic in what you say?

15:17:36 1 A. Yes. There was the APC movement. The army of the APC at
15:17:42 2 the time was under the control of the RCD-K/ML and the
15:17:47 3 recruitment in some communities were carried out by certain
15:17:51 4 commanders with particular messages along with them,
15:18:03 5 [unintelligible] or Ngiti.
15:18:03 6 [3:18 p.m.]
15:18:04 7 Q. You mentioned examples of intellectuals, Professor Pilo
15:18:07 8 and Professor Dhetchuvi, whom in April 2002 called for a
15:18:16 9 recruitment, but of who and for who?
15:18:21 10 A. Well, at the time, the calls for recruitment were for the
15:18:29 11 Hema militias who were also members of the APC.
15:18:34 12 [3:18 p.m.]
15:18:36 13 Q. Oh, for the APC?
15:18:37 14 A. Who were also part of the APC at that time.
15:18:40 15 [3:18 p.m.]
15:18:40 16 Q. So, you are saying that those two professors were
15:18:44 17 recruiting for the APC?
15:18:46 18 A. They were recruiting for the Hema communities -- Hema
15:18:49 19 communities that, at the time, were part of the APC. And the
15:18:53 20 split, I imagine -- and I wasn't a member of the armed groups,
15:18:59 21 but I imagine the split didn't happen in one day. The
15:19:07 22 dissensions probably appear -- or occurred earlier.
15:19:10 23 [3:19 p.m.]
15:19:13 24 Q. How about the email to Mr Lompondo for the government
15:19:17 25 RCD-K/ML to Professor - addressed to Professor Dhetchuvi?

15:19:24 1 A. Yes.

15:19:26 2 PRESIDING JUDGE JORDA (interpretation): Are you sure,

15:19:27 3 because you're quoting again quite an old email? So if

15:19:32 4 Ms Peduto needs to re-read the email, I would be very grateful

15:19:35 5 if you could show it her once again.

15:19:39 6 THE WITNESS: Yes, if I have to comment on the content, I'd

15:19:41 7 like to see it.

15:19:43 8 ME FLAMME (interpretation): Q. You don't have to comment on

15:19:46 9 the content.

15:19:48 10 PRESIDING JUDGE JORDA (interpretation): Well, I just like to

15:19:50 11 recall it as it's quite an old email that -- Mr Flamme, I'd

15:19:52 12 rather -- and in your final pleadings you can draw the

15:19:56 13 conclusions you wish, but I believe that just now you are

15:19:58 14 taking the witness somewhat by surprise, and I don't want her

15:20:02 15 to be surprised.

15:20:03 16 ME FLAMME (interpretation): Very well. I'm talking here

15:20:06 17 about evidence <#DRC-D01-0001-001111#>, which we gave, I

15:20:14 18 believe, evidence number for the Defence 01-005, but the Court

15:20:22 19 officer will correct me if I'm mistaken, because I could be

15:20:25 20 mistaken.

15:20:28 21 COURT OFFICER (interpretation): No, you're correct.

15:20:29 22 ME FLAMME (interpretation): Thank you.

15:20:31 23 PRESIDING JUDGE JORDA (interpretation): Could you show it?

15:20:32 24 Thank you.

15:20:36 25 ME FLAMME (interpretation): Q. Yes, this is the e-mail I'm

15:20:38 1 talking about, Madame.

15:20:44 2 [3:20 p.m.]

15:20:44 3 Q. You say you do remember it. It is a mail addressed from

15:20:47 4 Mr Lompondo to Mr Dhetchuvi. I won't re-read it, as I have

15:20:54 5 already read it, however, you may read it just now. My point

15:21:01 6 is that I wanted to ask you whether you don't find it

15:21:03 7 surprising that this Mr Dhetchuvi threatened by Mr Lompondo

15:21:10 8 worked for him by recruiting children for his army. Don't you

15:21:13 9 find that rather strange?

15:21:16 10 A. It's possible that recruitment aimed at constituting

15:21:25 11 militias which later on were going to become the troops of the

15:21:29 12 APC.

15:21:30 13 [3:21 p.m.]

15:21:30 14 Q. Well, that was for the next mutiny?

15:21:33 15 A. I wasn't a member of the armed group, so I can't comment

15:21:36 16 on the strategy plan.

15:21:42 17 [3:21 p.m.]

15:21:42 18 Q. Professor Dhetchuvi was a visionary?

15:21:46 19 PRESIDING JUDGE JORDA (interpretation): Please abstain from

15:21:47 20 commenting. You can do so at the right time, at the right

15:21:52 21 place.

15:21:52 22 ME FLAMME (interpretation):

15:21:52 23 [3:21 p.m.]

15:21:53 24 Q. Do you know where Mr Dhetchuvi was teaching in April

15:21:57 25 2002?

15:21:58 1 A. No.

15:21:58 2 [3:21 p.m.]

15:21:59 3 Q. Didn't you know that he was lecturing in Butare in Uganda

15:22:06 4 -- in Rwanda -- I beg your pardon in Rwanda, not Uganda?

15:22:12 5 A. No.

15:22:12 6 [3:22 p.m.]

15:22:12 7 Q. Very well. What became of Professor Dhetchuvi after

15:22:23 8 15 September 2002, do you know?

15:22:25 9 A. No.

15:22:25 10 [3:22 p.m.]

15:22:30 11 Q. You don't know that he was a Minister of Foreign Affairs

15:22:32 12 in the government of Mr Lubanga?

15:22:34 13 A. I said so.

15:22:35 14 [3:22 p.m.]

15:22:36 15 Q. You knew it?

15:22:37 16 A. Yes, I mentioned it.

15:22:40 17 [3:22 p.m.]

15:22:40 18 Q. When?

15:22:41 19 A. During my last examination, I believe, last Wednesday.

15:22:47 20 [3:22 p.m.]

15:22:48 21 Q. Well, we'll cross-check this, but I don't remember it,

15:22:52 22 anyway. It's just that now you have just said that you don't

15:22:54 23 know what happened to him after 15 September 2002, so I'm

15:22:57 24 rather surprised to hear you say that.

15:23:00 25 A. I don't know where he was; I don't know about his

15:23:02 1 activities.

15:23:02 2 [3:23 p.m.]

15:23:04 3 Q. Well, when I asked what he became --

15:23:09 4 A. You mean his post?

15:23:11 5 [3:23 p.m.]

15:23:12 6 Q. I think I've helped you somewhat here. When you talk

15:23:20 7 about Professor Pilo --

15:23:24 8 A. Pilo [pronunciation].

15:23:27 9 [3:23 p.m.]

15:23:28 10 Q. Pilo, who called for the same type of recruitment, are

15:23:31 11 you talking about the same person as the person who then

15:23:33 12 became the Director of the Human Rights Observatory in the

15:23:40 13 Great Lakes region?

15:23:41 14 A. Yes.

15:23:42 15 [3:23 p.m.]

15:23:42 16 Q. Very well. Did you hear, you, yourself -- did you hear

15:23:45 17 this professor holding this type of speech?

15:23:49 18 A. Not personally.

15:23:51 19 [3:23 p.m.]

15:23:52 20 Q. So that you heard reports of it in Uganda?

15:23:56 21 A. Not only in Uganda. I also met Professor Pilo on the

15:24:01 22 occasion of my first mission in Bunia in September, and he had

15:24:06 23 told me about the threats against the Hema community with

15:24:12 24 speeches that weren't neutral, but --

15:24:19 25 Q. Who told you this, then?

15:24:21 1 A. Well, this was reported back to me by various informers.

15:24:25 2 [3:24 p.m.]

15:24:26 3 Q. Who were these informers?

15:24:28 4 A. People from the MONUC and other informers.

15:24:30 5 [3:24 p.m.]

15:24:30 6 Q. People from the MONUC?

15:24:32 7 A. And other people.

15:24:32 8 [3:24 p.m.]

15:24:34 9 Q. Who you had heard about this?

15:24:35 10 A. Who were monitoring the situation in Ituri and whose job

15:24:38 11 was to report on this type of information to their

15:24:45 12 hierarchical superiors.

15:24:47 13 Q. But they hadn't necessarily heard about - heard this

15:24:50 14 being said directly themselves either?

15:24:52 15 A. No, I don't think they had heard this being said

15:24:55 16 themselves.

15:24:56 17 [3:24 p.m.]

15:24:56 18 Q. You think they'd heard it from someone else?

15:25:00 19 A. This isn't something that these people would say in front

15:25:03 20 of international observers. Normally these extreme --

15:25:06 21 extremist speeches weren't held in front of international

15:25:13 22 informers.

15:25:14 23 [3:25 p.m.]

15:25:14 24 Q. But I believe as a professional that it would be

15:25:17 25 important to be able to say where you get information for

15:25:20 1 [sic], and you say that he had the information from somewhere,
15:25:22 2 but you don't know from whom?
15:25:31 3 A. No.
15:25:31 4 [3:25 p.m.]
15:25:33 5 Q. No.
15:25:35 6 A. No. Perhaps they said so at the time, but military
15:25:39 7 observers are usually serious people.
15:25:41 8 [3:25 p.m.]
15:25:41 9 Q. But the accusations are rather serious?
15:25:43 10 A. Yes.
15:25:43 11 [3:25 p.m.]
15:25:49 12 Q. Do you know how far Rwampara is from Bunia?
15:25:56 13 A. Approximately seven kilometres away, west of the city --
15:26:08 14 or town, rather.
15:26:09 15 [3:26 p.m.]
15:26:13 16 Q. According to the information I have, it's slightly
15:26:19 17 closer, but that's not really important. My question is,
15:26:26 18 seeing as it's that close to the centre of Bunia, and seeing
15:26:32 19 that there's an RCD-K/ML government in the centre of Bunia --
15:26:36 20 or was at the time -- this camp was an RCD-K/ML, and rather
15:26:41 21 than being a UPC camp; wouldn't that be more the case?
15:26:46 22 A. In Rwampara in 2002? I don't know.
15:26:49 23 [3:26 p.m.]
15:26:49 24 Q. No, we're even talking about a period earlier than that,
15:26:53 25 because you talked about calls for recruitments already in

15:26:57 1 springtime.

15:26:58 2 A. In Rwampara?

15:27:01 3 Q. You're talking about Rwampara in your statement?

15:27:04 4 A. I talk about calls of recruitment, for recruitment.

15:27:08 5 Q. No, I'm not saying that you say the calls for recruitment

15:27:12 6 were for the Rwampara camp, but when you talk about concrete

15:27:15 7 recruitment -- and here I refer to what you said when you

15:27:21 8 talked about the students of the Institut Supérieur, you said

15:27:27 9 in your statement at paragraph 63, that these young people

15:27:33 10 then went to their Rwampara camp.

15:27:37 11 A. It's possible that these camps were managed by people who

15:27:42 12 were then going to become much closer affiliated to the UPC.

15:27:47 13 You know, in 2004 the situation was then disputed by the same

15:27:53 14 military groups. The situation wasn't as black and white as

15:27:57 15 you -- as that.

15:27:57 16 [3:27 p.m.]

15:27:59 17 Q. You're -- you're saying?

15:27:59 18 A. Yes.

15:28:04 19 Q. You're saying that it's maybe that later this became --

15:28:07 20 could have become a UPC camp?

15:28:10 21 A. No, what I am saying is that the situation wasn't always

15:28:13 22 that clear. When there's a split in a military movement,

15:28:17 23 normally things don't happen from one day to the next, and

15:28:21 24 aren't as clear-cut as you think. For instance, the military

15:28:26 25 camp of Boga was then disputed by the UPC for weeks and we

15:28:33 1 can't say whether it was the PUSIC or UPC for weeks on end,
15:28:37 2 because the commanders move from one group to the other and it
15:28:41 3 wasn't always very clear at any point in time to identify who
15:28:43 4 the military leaders were, and it's possible that the whole
15:28:49 5 process that led to the split of the UPC and APC -- that
15:28:54 6 during the splitting up, some commanders didn't quite know
15:28:58 7 which group they were going to end up belonging to.
15:29:01 8 [3:29 p.m.]
15:29:02 9 Q. So when you drafted your report, the least you could say
15:29:07 10 is that you don't know who the camp belonged to?
15:29:10 11 A. Well, according to the information we had, the people had
15:29:14 12 been trained in Rwampara, and the people had been recruited by
15:29:20 13 Hema community leaders to -- or members -- not leaders to join
15:29:26 14 the camp.
15:29:27 15 [3:29 p.m.]
15:29:28 16 Q. For the APC; that's what you say in paragraph 63.
15:29:33 17 A. Could I see the paragraph, please?
15:29:39 18 Q. It's paragraph 63 of your statement, evidence
15:29:45 19 <#DRC-OTP-0155-0025#>.
15:29:50 20 PRESIDING JUDGE JORDA (interpretation): Please take your
15:29:50 21 time to read the paragraph.
15:29:55 22 ME FLAMME: It's at approximately -- perhaps, President, I
15:30:02 23 should read the passage.
15:30:06 24 PRESIDING JUDGE JORDA (interpretation): Do you need Me
15:30:11 25 Flamme to read it -- Mr Flamme to read it for you?

15:30:12 1 THE WITNESS: No, I can read it.

15:30:13 2 PRESIDING JUDGE JORDA (interpretation): Okay. Well, read

15:30:15 3 the paragraph and then, Mr Flamme, ask the question you want

15:30:18 4 to ask Mrs Peduto.

15:30:21 5 ME FLAMME (interpretation): Very well.

15:30:22 6 [3:30 p.m.]

15:30:38 7 ME FLAMME (interpretation): Q. You said that the Hema-Gegere

15:30:43 8 students had left between 5 -- 10 and 15 July 2002 to undergo

15:30:47 9 military training at the UPC camp in Rwampara; that's what you

15:30:51 10 said?

15:30:52 11 A. Yes. Sorry, it could be a mistake.

15:30:56 12 [3:30 p.m.]

15:30:56 13 Q. Why?

15:30:56 14 A. Because I think I could have made a mistake mentioning

15:31:00 15 the UPC at that time.

15:31:01 16 [3:31 p.m.]

15:31:01 17 Q. So you want to take it back?

15:31:06 18 A. No. What I wanted to say -- and what I wanted to say at

15:31:10 19 that time and I don't think there's any contradiction here; I

15:31:13 20 will have to look into it -- what I wanted to say is that the

15:31:17 21 split was happening at the time and, therefore, it -- there's

15:31:20 22 no -- it is consistent to say that people who were Hema and

15:31:27 23 who were close to what was going to become the UPC were

15:31:30 24 recruiting for the needs of that community.

15:31:34 25 [3:31 p.m.]

15:31:36 1 The dissent, such as the e-mail you showed me, point out to us
15:31:44 2 -- the dissent was happening at the time.
15:31:47 3 [3:31 p.m.]
15:31:47 4 Q. So, it's not a mistake; you did mean to say the UPC. Do
15:31:52 5 you agree?
15:31:52 6 A. Yes.
15:31:52 7 [3:31 p.m.]
15:31:53 8 Q. Very well. Not the next sentence, but the sentence after
15:31:59 9 that says that [in French]: "We thought that up until that
15:32:04 10 point we had thought that the recruitment within the Hema
15:32:07 11 community had been carried out for the APC." Can you confirm
15:32:10 12 that?
15:32:11 13 A. Yes.
15:32:11 14 [3:32 p.m.]
15:32:11 15 Q. Very well.
15:32:13 16 A. Yes, it's -- the situation changed, and information, of
15:32:20 17 course, evolved somewhat, too.
15:32:24 18 [3:32 p.m.]
15:32:24 19 Q. You wouldn't be able to tell us in July 2002 -- on
15:32:31 20 15 July 2002, which was the government in place in Bunia?
15:32:37 21 A. You referred --
15:32:39 22 Q. No, I referred to the UPC government which started
15:32:41 23 working in September 2002 and now we're talking about July
15:32:45 24 2002. What -- which government was in power at that time in
15:32:50 25 Bunia?

15:32:52 1 A. The government of the RCD-K/ML.

15:32:55 2 [3:32 p.m.]

15:32:56 3 Q. Very well. In your statement of May 2006 -- in the same

15:33:03 4 document -- in the paragraph 66, you talk about Commander

15:33:11 5 Nembe who purportedly created a local militia affiliated to

15:33:16 6 the UPC. Who told you this?

15:33:24 7 A. Displaced persons.

15:33:25 8 [3:33 p.m.]

15:33:26 9 Q. Which nationality were these displaced persons?

15:33:31 10 A. Congolese people -- Congolese displaced people --

15:33:35 11 displaced Congolese people in Uganda.

15:33:37 12 [3:33 p.m.]

15:33:38 13 Q. Which language did they speak?

15:33:40 14 A. One of the languages I mentioned earlier on. I can't

15:33:43 15 remember correctly -- exactly which were the languages those

15:33:50 16 people spoke.

15:33:50 17 [3:33 p.m.]

15:33:50 18 Q. Did you have a translator or interpreter with you?

15:33:53 19 A. If those people didn't speak French, yes.

15:33:57 20 [3:33 p.m.]

15:34:00 21 Q. Do you know exactly?

15:34:02 22 A. I don't remember the source of that information.

15:34:08 23 Specifically, I can't remember if the person spoke English,

15:34:10 24 Swahili, or another language.

15:34:11 25 [3:34 p.m.]

15:34:12 1 Q. Did you verify the information?

15:34:15 2 A. The information was verified by different sources on

15:34:18 3 behalf of the people carrying out the investigations.

15:34:22 4 [3:34 p.m.]

15:34:22 5 Q. Are you sure it was Congolese saying that, not Ugandans?

15:34:27 6 A. It was Congolese persons.

15:34:30 7 [3:34 p.m.]

15:34:32 8 Q. Were you aware -- perhaps I'm repeating myself here, but

15:34:39 9 I'll just do it to make sure. Were you aware of the identity

15:34:48 10 of a militia that existed at that time that was affiliated

15:34:51 11 with the UPC, based on the information you had?

15:34:57 12 A. A group that was close to the UPC, yes.

15:35:00 13 [3:35 p.m.]

15:35:00 14 Q. There was a militia?

15:35:02 15 A. That is how it was described to us, this militia.

15:35:05 16 Perhaps the members of that militia joined or became members

15:35:09 17 of the UPC at that time. But the way it was described to us,

15:35:13 18 it was described as a militia that was close to the UPC which

15:35:17 19 was formed.

15:35:17 20 [3:35 p.m.]

15:35:19 21 Q. Afterwards did this Commander Nembe perhaps join the

15:35:26 22 FPLC?

15:35:28 23 A. Yes, it is possible.

15:35:30 24 [3:35 p.m.]

15:35:32 25 Q. Yes, it's possible. Well, it might be possible, but

15:35:39 1 that's not what I'm asking you.

15:35:40 2 A. Excuse me?

15:35:40 3 [3:35 p.m.]

15:35:41 4 Q. Did he join the FPLC or not?

15:35:44 5 A. To the best of my knowledge, he was a member of the UPC.

15:35:48 6 I did not meet this commander myself.

15:35:51 7 Q. The UPC was a political party. Let us be clear on this;

15:35:55 8 we don't want any confusion because you might refer to the

15:35:57 9 UPC. When I talk of the "military wing", I'm referring to the

15:36:02 10 FPLC and you, yourself said that you had some knowledge of

15:36:04 11 that name.

15:36:06 12 A. I know this name. We used to use it -- we used to use

15:36:15 13 UPC to describe this movement in general. The difference

15:36:21 14 between the military and political wings was not really

15:36:23 15 obvious at that time.

15:36:24 16 [3:36 p.m.]

15:36:26 17 Q. You did not know it. You said in your

15:36:30 18 examination-in-chief that at the beginning of March 2003 you

15:36:34 19 were placed in contact with children who had escaped from the

15:36:39 20 training centre in Mont Awa, and you say that this training

15:36:46 21 centre was under UPC command; is that correct?

15:36:48 22 A. Yes.

15:36:48 23 [3:36 p.m.]

15:36:51 24 Q. Who placed you in contact with these children?

15:36:55 25 A. Informers.

15:36:56 1 [3:36 p.m.]

15:36:59 2 Q. Ugandan?

15:37:00 3 A. Yes.

15:37:00 4 [3:37 p.m.]

15:37:04 5 Q. Did you not say -- or rather, what was the status of

15:37:09 6 these informers? Were they just civilians or soldiers? Who

15:37:19 7 were they?

15:37:19 8 A. Not soldiers.

15:37:21 9 [3:37 p.m.]

15:37:22 10 Q. Not soldiers? Politicians, perhaps?

15:37:26 11 A. Administrators.

15:37:27 12 [3:37 p.m.]

15:37:28 13 Q. Administrators. What sort of administrators?

15:37:37 14 MS MARCHI-UHEL: May I speak with the witness for a minute?

15:37:39 15 PRESIDING JUDGE JORDA (interpretation): Yes, please,

15:37:40 16 proceed.

15:38:07 17 MS MARCHI-UHEL: Mr President, may I ask whether, in the

15:38:10 18 witness statement, this information is included in a

15:38:16 19 particular paragraph?

15:38:17 20 PRESIDING JUDGE JORDA (interpretation): Yes, we agree.

15:38:19 21 MS MARCHI-UHEL: I can indicate from -- the reason for my

15:38:22 22 question. I would like to know whether this is redacted

15:38:27 23 in the statement -- in the statement?

15:38:28 24 PRESIDING JUDGE JORDA (interpretation): Redacted, do you

15:38:30 25 mean? Is that what you mean, expurgated -- expunged? Is this

15:38:34 1 not a question of style? I would just like this to be very
15:38:38 2 clear. We would like to be sure about what you are
15:38:40 3 requesting, Ms Marchi-Uhel.
15:38:43 4 ME FLAMME (interpretation): It is paragraph 68 of the
15:38:48 5 statement given by Ms Peduto.
15:38:51 6 MS MARCHI-UHEL: Thank you.
15:38:53 7 ME FLAMME (interpretation): Beginning of the paragraph.
15:38:55 8 MS MARCHI-UHEL: Thank you.
15:38:58 9 PRESIDING JUDGE JORDA (interpretation): I think that is a
15:38:59 10 very clear statement. Well, you may look at it and then you
15:39:05 11 may put your question afterwards again, Mr Flamme.
15:39:08 12 ME FLAMME (interpretation): All right.
15:39:10 13 PRESIDING JUDGE JORDA (interpretation): Are you all right?
15:39:11 14 Are you ready, Ms Peduto? All right, let us proceed.
15:39:15 15 Mr Flamme.
15:39:17 16 ME FLAMME (interpretation):
15:39:17 17 [3:39 p.m.]
15:39:18 18 Q. It is what is referred to as the "town administrator";
15:39:21 19 was that the Mayor?
15:39:25 20 A. The administrator.
15:39:26 21 [3:39 p.m.]
15:39:27 22 Q. Yes, but --
15:39:30 23 A. I'd prefer not to give further detail.
15:39:32 24 [3:39 p.m.]
15:39:32 25 Q. All right. We are talking here about a certain point in

15:39:39 1 2003. When was that?

15:39:41 2 A. End of February, beginning of March.

15:39:44 3 [3:39 p.m.]

15:39:45 4 Q. When did the Ugandan troops in Bunia attack?

15:39:51 5 A. I think it's after that.

15:39:53 6 [3:39 p.m.]

15:39:55 7 Q. Do you know the date?

15:39:57 8 A. The fighting that took place did take place in

15:40:03 9 March 2003.

15:40:05 10 [3:40 p.m.]

15:40:06 11 Q. Was Bunia not taken on 6 March 2003?

15:40:10 12 A. That's right.

15:40:11 13 [3:40 p.m.]

15:40:14 14 Q. We may not say that at the time -- can we not say that,

15:40:20 15 when you were in Uganda, Uganda was preparing the war?

15:40:22 16 A. It is possible that military operations were being

15:40:25 17 prepared.

15:40:25 18 [3:40 p.m.]

15:40:25 19 Q. All right. So the children you saw, what language were

15:40:32 20 they speaking?

15:40:34 21 A. Alur.

15:40:34 22 [3:40 p.m.]

15:40:35 23 Q. Were they Alur?

15:40:38 24 A. Yes.

15:40:39 25 [3:40 p.m.]

15:40:39 1 Q. In what language did you speak to them?

15:40:41 2 A. I spoke in English and somebody translated with the

15:40:49 3 children.

15:40:49 4 [3:40 p.m.]

15:40:50 5 Q. From English to Alur?

15:40:51 6 A. Yes.

15:40:52 7 [3:40 p.m.]

15:40:52 8 Q. Who was your translator?

15:40:55 9 A. A civilian who was not a member of the Ugandan

15:40:58 10 government.

15:40:59 11 [3:40 p.m.]

15:40:59 12 Q. But a Ugandan person?

15:41:02 13 A. Someone who could speak Alur.

15:41:04 14 [3:41 p.m.]

15:41:06 15 Q. Ugandan nationality?

15:41:08 16 A. I no longer remember. No, no, I'm sorry, it was a

15:41:14 17 Congolese person.

15:41:15 18 [3:41 p.m.]

15:41:15 19 Q. A displaced person, too. How were you able to know that

15:41:25 20 this person who acted as interpreter, whom you found where you

15:41:29 21 went, or who was accompanying you before -- well, first I

15:41:35 22 would like to ask you that. This person was not a member of

15:41:38 23 your delegation?

15:41:38 24 A. No.

15:41:39 25 [3:41 p.m.]

15:41:39 1 Q. You met this person on site?

15:41:42 2 A. Yes.

15:41:42 3 [3:41 p.m.]

15:41:43 4 Q. By chance?

15:41:44 5 A. Not by chance. We try to find people that we could

15:41:48 6 interact with, people -- trusted people who were referred to

15:41:52 7 us by informers or United Nations staff who were working in

15:41:56 8 Uganda who told us people that could be trusted.

15:42:00 9 [3:42 p.m.]

15:42:00 10 Q. How could you be sure, one, that these children really

15:42:08 11 spoke Alur and, two, that this person who acted as your

15:42:11 12 interpreter had a perfect mastery of that language?

15:42:17 13 A. Because this -- the person who provided interpretation

15:42:22 14 had done so for other interviews and this person had been

15:42:27 15 referred to us by people who had no interest in disseminating.

15:42:33 16 [3:42 p.m.]

15:42:34 17 Q. Why were you speaking in English?

15:42:36 18 A. Well --

15:42:38 19 Q. Because you were in Uganda?

15:42:41 20 A. Yes, but --

15:42:43 21 Q. But these were Ugandan-Congolese children?

15:42:46 22 A. But who did not speak French -- in any case, not

15:42:51 23 sufficiently to conduct the interview with.

15:42:53 24 [3:42 p.m.]

15:42:54 25 Q. You are sure that these children were not Ugandan and

15:42:58 1 that this is why you were speaking in English?

15:43:01 2 A. Absolutely not.

15:43:02 3 [3:43 p.m.]

15:43:02 4 Q. But you are in Uganda here?

15:43:04 5 A. But we talked about people from the displaced Congolese

15:43:08 6 community.

15:43:09 7 [3:43 p.m.]

15:43:09 8 Q. I am going to put a question to you: do you not think,

15:43:14 9 Madame, that the Ugandan authorities at the time had an

15:43:17 10 interest -- had an interest in placing the blame for child

15:43:22 11 soldiers on Congolese people?

15:43:25 12 A. Not particularly.

15:43:26 13 [3:43 p.m.]

15:43:28 14 Q. They, themselves, did not use child soldiers?

15:43:31 15 A. In Uganda?

15:43:33 16 Q. In the Ugandan army?

15:43:35 17 A. I cannot answer that question.

15:43:36 18 [3:43 p.m.]

15:43:38 19 Q. But this is an important question.

15:43:41 20 PRESIDING JUDGE JORDA (interpretation): Excuse me,

15:43:43 21 Ms Peduto, could you be more precise in your answer?

15:43:48 22 THE WITNESS: I cannot allow myself to comment on the

15:43:50 23 practices of the Ugandan army in Uganda.

15:43:53 24 PRESIDING JUDGE JORDA (interpretation): But that was not

15:43:57 25 exactly the question. Could you repeat it, Mr Flamme?

15:43:59 1 ME FLAMME (interpretation): Yes, Mr President.

15:44:01 2 [3:44 p.m.]

15:44:02 3 ME FLAMME (interpretation): Q. My last question was did

15:44:08 4 Uganda not have an interest --

15:44:10 5 PRESIDING JUDGE JORDA (interpretation): "Could it have an

15:44:13 6 interest". Do not lead the witness. It's a general question.

15:44:18 7 ME FLAMME (interpretation):

15:44:19 8 [3:44 p.m.]

15:44:19 9 Q. So could Uganda not have an interest in accusing other

15:44:27 10 countries or people outside Uganda -- non-Ugandan people -- of

15:44:33 11 using child soldiers?

15:44:42 12 A. I think that this possibility might have been

15:44:50 13 counterproductive for themselves, because we also had

15:44:53 14 information about children who had belonged to various arm

15:44:56 15 group -- armed groups that were active in Ituri which, we were

15:45:03 16 told, were formed on Ugandan soil or about whom we were told

15:45:07 17 that they had undergone training in Uganda. They could have

15:45:11 18 had an interest in getting us to think that, while knowing

15:45:21 19 that drawing attention to child soldiers used in various

15:45:27 20 groups could also lead us to wonder about their support,

15:45:31 21 especially in terms of military gear and training to armed

15:45:39 22 groups in Ituri. So this could have been something that cut

15:45:45 23 both ways. But they may have wanted to manipulate MONUC,

15:45:50 24 knowing that these children told us that they went through

15:45:54 25 Ugandan territory, which was not something that would be very

15:45:59 1 positive for the Ugandan government at the time.

15:46:04 2 [3:46 p.m.]

15:46:05 3 They could have done so, but the information provided by the

15:46:09 4 children did not speak in favour of the Ugandan government.

15:46:13 5 The children who were taken in Ndrele told us that the trucks

15:46:19 6 went through Ugandan territory.

15:46:20 7 [3:46 p.m.]

15:46:26 8 Q. In other words, you could not be sure of where these

15:46:28 9 children were coming from?

15:46:29 10 A. The children were very clear about where they came from.

15:46:33 11 [3:46 p.m.]

15:46:38 12 Q. Children, did they have freedom of speech?

15:46:40 13 A. They had -- we had individual interviews and some

15:46:43 14 children spoke more than others and, yes, they were free to

15:46:46 15 speak and they were not at -- at all forced to speak with us,

15:46:49 16 and we asked them whether they wanted to talk with us and we

15:46:53 17 explained to them why. The children were not under pressure.

15:46:58 18 [3:46 p.m.]

15:46:59 19 Q. How old do you think these children were?

15:47:05 20 A. Two of them were 15. The others were older than 15, if I

15:47:11 21 remember correctly.

15:47:12 22 [3:47 p.m.]

15:47:14 23 Q. Madame, a child of 15 or less, in such a situation far

15:47:19 24 from home, as it was claimed, on foreign land, possibly

15:47:28 25 hostile land with no protection, as I suppose that the

15:47:30 1 children -- their parents were not there; you did not speak
15:47:34 2 with their parents, did you?
15:47:35 3 A. I did not speak with their parents. I understand that
15:47:38 4 these children were taken to Congo afterwards and taken to
15:47:41 5 their parents.
15:47:43 6 [3:47 p.m.]
15:47:43 7 Q. Do you not think that these children were afraid?
15:47:48 8 A. The children did not give me the impression that they
15:47:50 9 were frightened or under pressure when I spoke with them.
15:47:54 10 [3:47 p.m.]
15:47:55 11 Q. And you talked with the political authorities?
15:47:59 12 A. We spoke with the children in a confidential manner.
15:48:02 13 [3:48 p.m.]
15:48:04 14 Q. Answer my question, please. You said that they were
15:48:07 15 introduced to you by political authorities?
15:48:11 16 A. Administrative authorities.
15:48:12 17 [3:48 p.m.]
15:48:12 18 Q. In your statement of May 2006 you say that these children
15:48:18 19 were taken on 20 February 2003 by UPC soldiers. That is in
15:48:25 20 paragraph 68. Is that correct?
15:48:33 21 A. Yes.
15:48:34 22 [3:48 p.m.]
15:48:35 23 Q. How could you know that?
15:48:44 24 A. According to the testimony given by the children.
15:48:49 25 [3:48 p.m.]

15:48:49 1 Q. These children told you on 20 February 2003?

15:48:54 2 A. Yes, they gave us days -- the number of days that they

15:48:58 3 spent in those military camps and we found out the date. I do

15:49:02 4 not remember that -- whether or not they mentioned the date of

15:49:06 5 the end of February or whether we deduced that date from the

15:49:08 6 number of days that the children had spent in the camp, and

15:49:11 7 the number of days that it required for them to leave.

15:49:15 8 [3:49 p.m.]

15:49:15 9 Q. You helped them to find the date?

15:49:19 10 A. No, I did not help them to find the date.

15:49:21 11 [3:49 p.m.]

15:49:22 12 Q. You said "we found the date"?

15:49:25 13 A. Depending on the number of days they spent in the

15:49:28 14 military camp and the number of days they spent on the road.

15:49:31 15 I cannot state for sure that they gave me the date of

15:49:34 16 20 February. Perhaps they did so.

15:49:36 17 [3:49 p.m.]

15:49:37 18 Q. All right. So these children told you about a certain

15:49:41 19 number of days they spent on the road before they arrived in

15:49:43 20 Uganda?

15:49:45 21 A. Yes.

15:49:45 22 [3:49 p.m.]

15:49:46 23 Q. And then you helped them to calculate -- together you

15:49:51 24 calculated the time it took to get to the military camp and

15:49:54 25 then you calculated the time they spent in the military camp

15:50:00 1 before you got to the date of 20 February?

15:50:03 2 A. But this was a very close period.

15:50:04 3 [3:50 p.m.]

15:50:04 4 Q. What date was that; at the time of the interviews?

15:50:08 5 A. It was the beginning of March or the end of February.

15:50:10 6 [3:50 p.m.]

15:50:13 7 Q. So all of this was very recent?

15:50:14 8 A. Yes.

15:50:15 9 [3:50 p.m.]

15:50:18 10 Q. You say that these soldiers -- at the camp they were

15:50:28 11 under Commander Jerome?

15:50:32 12 A. Yes.

15:50:32 13 [3:50 p.m.]

15:50:34 14 Q. Jerome Kakwavu?

15:50:36 15 A. The person who became the commander of the UPC

15:50:40 16 subsequently, yes.

15:50:40 17 [3:50 p.m.]

15:50:41 18 Q. Yes. On behalf of what group -- what group was Mr Jerome

15:50:48 19 Kakwavu acting on February 2003?

15:50:50 20 A. The UPC at the time.

15:50:53 21 [3:50 p.m.]

15:50:53 22 Q. In your examination-in-chief you said that he changed his

15:50:57 23 allegiances on several occasions.

15:50:59 24 A. Yes, and then he subsequently formed his own movement,

15:51:05 25 the FAPC, at the beginning of March.

15:51:08 1 [3:51 p.m.]

15:51:08 2 Q. At the very beginning of March -- at the beginning of

15:51:15 3 March he formed his own movement; that's what you are saying?

15:51:19 4 A. We learned at the end of our mission that -- that there

15:51:23 5 had been a new split.

15:51:26 6 [3:51 p.m.]

15:51:27 7 Q. And you say, in paragraph 71 of your statement, that he

15:51:32 8 had links with Ugandan generals regarding control over

15:51:42 9 customs?

15:51:42 10 A. I am referring to a period. Yes, yes -- yes, that's

15:51:48 11 right.

15:51:49 12 [3:51 p.m.]

15:51:51 13 Q. This was probably about traffic -- trafficking in natural

15:51:56 14 resources?

15:51:58 15 A. And other things.

15:51:58 16 [3:51 p.m.]

15:52:01 17 Q. In which Ugandan generals were involved?

15:52:03 18 A. That is possible.

15:52:04 19 [3:52 p.m.]

15:52:10 20 Q. The beginning of March, it was still that -- during that

15:52:17 21 time that we saw Uganda attack Bunia. In other words,

15:52:22 22 Mr Kakwavu had changed sides before the attack on Bunia. He

15:52:27 23 was no longer a member, or at least he did not fight with the

15:52:32 24 FPLC to support or to defend Bunia?

15:52:36 25 A. I don't know.

15:52:37 1 [3:52 p.m.]

15:52:46 2 Q. 20 February 2003, that's close to the end of the month --

15:52:51 3 I don't know how many days there were in February 2003,

15:52:55 4 perhaps 27, perhaps 28. So, as you said, between then and

15:53:01 5 early March there would have been one week?

15:53:03 6 A. That is correct.

15:53:04 7 [3:53 p.m.]

15:53:04 8 Q. Who told you that the camp, of which we are speaking, was

15:53:12 9 a UPC camp at that time and under the control of Jerome

15:53:17 10 Kakwavu? Is it not possible that it was already a camp of

15:53:24 11 mutineers?

15:53:28 12 A. The split took place early in March.

15:53:29 13 [3:53 p.m.]

15:53:31 14 Q. The official split, the visible split --

15:53:34 15 A. The children had to sing songs to the honour of Papa

15:53:40 16 Lubanga.

15:53:41 17 [3:53 p.m.]

15:53:41 18 Q. We will speak of that later. Papa Lubanga?

15:53:50 19 A. Papa Thomas.

15:53:53 20 [3:53 p.m.]

15:53:53 21 Q. That's a big difference. Who told you that these

15:54:03 22 children had to sing songs to the glory of Papa Thomas and

15:54:09 23 Papa Jerome?

15:54:16 24 A. I do not know.

15:54:16 25 [3:54 p.m.]

15:54:20 1 Q. What brings you to say that these children, who did not
15:54:23 2 necessarily understand the language, knew what they were
15:54:27 3 singing?
15:54:27 4 A. It's what they told me.
15:54:29 5 [3:54 p.m.]
15:54:29 6 Q. They said that they were singing of Thomas Lubanga?
15:54:34 7 A. No.
15:54:35 8 [3:54 p.m.]
15:54:38 9 Q. Is it possible that Thomas, the hero of the song, might
15:54:44 10 have been somebody else, and this, if they understood the song
15:54:51 11 at all, because, as you said, they may not have understood the
15:54:54 12 song at all?
15:54:55 13 A. They said that these were the only words they remembered
15:54:57 14 when the question was put to them.
15:54:59 15 [3:54 p.m.]
15:55:02 16 Q. In your statement of May 2006, you said that the songs
15:55:07 17 were in Swahili or in Lingala and that the children did not
15:55:13 18 understand their meaning. Did they give you the words of the
15:55:18 19 songs?
15:55:19 20 A. No, the only words they knew were the ones I have
15:55:22 21 mentioned.
15:55:22 22 [3:55 p.m.]
15:55:24 23 Q. Who, amongst your company understood Lingala -- Lingala?
15:55:29 24 A. The children said that they did not understand the
15:55:31 25 language. They said that they thought it was sung in Swahili

15:55:36 1 or Lingala.

15:55:37 2 [3:55 p.m.]

15:55:38 3 Q. They thought it was one of those languages?

15:55:41 4 A. They thought so, and that it was a language they did not

15:55:44 5 understand.

15:55:44 6 [3:55 p.m.]

15:55:45 7 Q. Do you think that it is possible, or conceivable, that a

15:55:50 8 song would be sung -- sung to the glory of Thomas Lubanga,

15:55:57 9 were that the case, in a camp run by people who were

15:56:01 10 preparing, at least, to mutiny?

15:56:04 11 A. Before the split, that may well have been the case.

15:56:07 12 Habits die hard and this was -- seemed to have been an

15:56:14 13 habitual -- these seemed to have been habitual songs in the

15:56:16 14 camp.

15:56:17 15 [3:56 p.m.]

15:56:17 16 Q. You said that some of the children -- and at least two

15:56:21 17 amongst them -- were under 15 years of age?

15:56:24 18 A. I think that two of the children were 15 years old.

15:56:27 19 [3:56 p.m.]

15:56:28 20 Q. The others were 16, 17, and then you said you were not

15:56:34 21 entirely sure. Did you not take notes?

15:56:37 22 A. Yes, I did.

15:56:37 23 [3:56 p.m.]

15:56:40 24 Q. Have you been able -- were you able to find the ages in

15:56:42 25 your notes, given that you said that you could not remember

15:56:48 1 correctly?

15:56:50 2 A. I think that two of the children were 15 years old. I

15:56:53 3 can look through my notes and, when I find them provide them

15:56:58 4 to you at a later point in time.

15:57:00 5 [3:57 p.m.]

15:57:00 6 Q. Did you provide them to the Prosecutor, the notes?

15:57:09 7 A. The information?

15:57:10 8 Q. The notes?

15:57:11 9 A. No.

15:57:11 10 [3:57 p.m.]

15:57:22 11 Q. You said that it was, above all, the children aged under

15:57:27 12 18 that were a priority, in general, for you. How did you

15:57:30 13 know their age? You have said that two of them were 12 --

15:57:35 14 were 15 years of age, if I have understood rightly?

15:57:38 15 A. These were the ages stated by the children themselves.

15:57:42 16 [3:57 p.m.]

15:57:42 17 Q. 15 years old; do we agree on that?

15:57:46 18 A. Yes.

15:57:46 19 [3:57 p.m.]

15:57:47 20 Q. How did you know this?

15:57:49 21 A. Based on the information provided by the children.

15:57:52 22 [3:57 p.m.]

15:57:52 23 Q. Not based on copies of their birth certificate or

15:57:58 24 identity cards?

15:58:00 25 A. No, it was the children alone who told me.

15:58:03 1 [3:58 p.m.]

15:58:03 2 Q. Do you not think that it is possible that, for one reason

15:58:06 3 or another, the children did not give their exact age?

15:58:09 4 A. No.

15:58:09 5 [3:58 p.m.]

15:58:11 6 Q. You did not think that the kadogo in the Congo were

15:58:19 7 heroes and that children -- and all the youths of the Congo

15:58:26 8 admired kadogo and wanted to be kadogo; did you know that?

15:58:30 9 A. I do not agree with your assertion. Excuse me.

15:58:35 10 [3:58 p.m.]

15:58:35 11 Q. The children in question, were they Alur children?

15:58:38 12 A. Yes.

15:58:38 13 [3:58 p.m.]

15:58:43 14 Q. Recruited at the market in Ndrele; do we agree on that?

15:58:51 15 A. Yes.

15:58:52 16 [3:58 p.m.]

15:58:52 17 Q. In your statement of 2006 -- I think that you have

15:58:57 18 answered this -- Mr President, I propose to finish off here

15:59:03 19 for this afternoon, if you permit -- what was your impression

15:59:23 20 when you heard the ages of these children, and given their

15:59:26 21 appearance, I'm sure that this was during daytime?

15:59:30 22 A. Absolutely, and their age did not surprise me. I did not

15:59:33 23 think that they were younger.

15:59:34 24 [3:59 p.m.]

15:59:34 25 Q. Could they have been older?

15:59:37 1 A. No, the age corresponded to their physical appearance.
15:59:40 2 [3:59 p.m.]
15:59:44 3 Q. Does physical appearance strike you as being a relevant
15:59:50 4 criterion for establishing the age of someone?
15:59:52 5 PRESIDING JUDGE JORDA (interpretation): I think that you
15:59:53 6 have already put this question -- age, physical appearance,
15:59:57 7 birth certificates.
16:00:00 8 ME FLAMME (interpretation): Yes, but this question I have
16:00:02 9 not yet put.
16:00:06 10 THE WITNESS: As I said before, we did not use x-ray
16:00:11 11 pictures, for instance, to establish the age of any of the
16:00:13 12 children who we met. Physical appearance was one criterion
16:00:22 13 and would be corroborated -- and could be corroborated by the
16:00:26 14 appearance of the children, the way in which the children
16:00:31 15 expressed themselves, by the persons who surrounded the
16:00:35 16 persons -- the children. There were various ways of gauging
16:00:43 17 the credibility of an age -- ways which, unfortunately, were
16:00:50 18 not scientific.
16:00:51 19 [4:00 p.m.]
16:00:51 20 ME FLAMME (interpretation): Q. Yes, not scientific, as you
16:00:54 21 have already said before. But you must have thought: well,
16:01:03 22 perhaps they're not telling me the truth. Probably you
16:01:06 23 attempted to verify what they were saying by looking at them?
16:01:09 24 A. Yes.
16:01:09 25 [4:01 p.m.]

16:01:11 1 Q. And my question is: do you believe that, as a white
16:01:16 2 woman who does not know African culture in the same way as
16:01:23 3 African people; who is not a member of the community, or their
16:01:28 4 community -- do you think it is possible for a European to
16:01:34 5 really estimate the age of a child based on the physical
16:01:38 6 appearance where one year might make all the difference? And
16:01:44 7 I refer -- I allude there to the allegations that have been
16:01:47 8 brought here. It's almost a mathematical matter. Might it be
16:01:58 9 possible that one is dealing with a person who is up to
16:02:01 10 18 years old and -- but in fact who is a lot -- who is not
16:02:08 11 that age? It happens here also.

16:02:16 12 A. During that period -- during my work in the -- in the
16:02:21 13 Kivus -- North Kivu, Kisangani or Ituri, I was assisted by
16:02:29 14 Congolese people who were assisting me as interpreter -- or as
16:02:34 15 assistant, and who would also confirm or infirm my
16:02:42 16 observations; that is to say, I had the benefit of two
16:02:48 17 appreciations. That is to say, that the person who acted as
16:02:53 18 my interpreter, in my dealings with these children, did not
16:02:56 19 seem to be surprised at all by the age that these children put
16:03:01 20 forward.

16:03:05 21 ME FLAMME (interpretation): Mr President, I have finished
16:03:06 22 for this afternoon, if you permit.

16:03:08 23 PRESIDING JUDGE JORDA (interpretation): Mr Flamme, I presume
16:03:10 24 that you are running on time, so to speak, and you propose to
16:03:19 25 continue this cross-examination tomorrow and then you will

16:03:24 1 continue on Wednesday, Thursday, Friday -- each day working
16:03:28 2 till 4 o'clock?
16:03:29 3 ME FLAMME (interpretation): Yes, all is running well and I
16:03:31 4 do propose to work within the timetable you -- of which you
16:03:35 5 speak. But I've also let the Court officer know that I would
16:03:42 6 like to have part of tomorrow's proceedings in a closed
16:03:44 7 session.
16:03:45 8 PRESIDING JUDGE JORDA (interpretation): Yes. We can do
16:03:46 9 that.
16:03:48 10 MR FLAMME (interpretation): I propose that it happen at the
16:03:50 11 end of the day.
16:03:52 12 PRESIDING JUDGE JORDA (interpretation): Indeed. We shall
16:03:53 13 proceed as suggested.
16:03:55 14 I would like to thank all of those in and around the
16:03:58 15 courtroom -- our witness and Ms Marchi-Uhel. I suggest that
16:04:02 16 we suspend the hearing and we meet again at 9.30 tomorrow
16:04:07 17 morning.
16:04:07 18 THE USHER: All rise.
16:04:09 19 [4:04 p.m.]
16:04:10 20 [At 4.04 p.m. the hearing was adjourned to Tuesday,
16:04:18 21 21 November 2006 at 9.30 a.m.]

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