

Witness: Witness DRC-OPT-WWWW-0008 (Resumed) (Closed Session)
Questioned by Mr. Biju-Duval (Continued)

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1 International Criminal Court
2 Trial Chamber I
3 Situation in the Democratic Republic of Congo - ICC-01/04-01/06
4 Case against Thomas Lubanga Dyilo
5 Hearing - Closed Session
6 Friday, 27 February 2009
7 The hearing starts at 9.31 a.m.
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21 (Open session)
22 COURT OFFICER: Open session.
23 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.
24 MR. BIJU-DUVAL (interpretation): Thank you, Your Honour.
25 Questioned by Mr. Biju-Duval: (Continued)

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1 Q. (Interpretation) Good morning, sir. Yesterday, I put questions
2 to you regarding a rally which took place in Bunia stadium. Do you
3 remember?

4 A. Yes.

5 Q. Do you remember attending other rallies held in Bunia stadium by
6 President Thomas Lubanga?

7 MR. SACHDEVA: Mr. President, perhaps to make it clearer for the
8 witness, I would suggest, with your leave, that it is clarified whether
9 the question is related to when the witness was in the UPC or not.

10 PRESIDING JUDGE FULFORD: Well, let's have an answer to this
11 question, and then it can be refined, if necessary, Mr. Sachdeva. Thank
12 you.

13 So can I ask you, sir, please, to let us know whether you
14 attended any other rallies in Bunia stadium which were held by Thomas
15 Lubanga.

16 THE WITNESS (interpretation): The rallies which I attended,
17 those that I remember when I was at the UPC, it was at that one where we
18 were asked to take care of the security at the stadium.

19 PRESIDING JUDGE FULFORD: And were there any others that you ever
20 went to when Mr. Lubanga spoke to the assembled crowd?

21 THE WITNESS (interpretation): No. I didn't take part in any
22 other rallies.

23 PRESIDING JUDGE FULFORD: Thank you very much.

24 Yes, Mr. Biju-Duval.

25 MR. BIJU-DUVAL (interpretation): Thank you, Your Honour. I

1 would like to put a passage of his July 2005 statement to the witness.

2 The witness already has a copy of the document.

3 PRESIDING JUDGE FULFORD: Can the Court Officer help, please.

4 MR. BIJU-DUVAL (interpretation): This is document

5 DRC-OTP-0108-0064 in terms of the general document, and I would like to

6 refer to the three -- the first three lines of paragraph 21, which is on

7 page 5, and page 5 is DRC-OTP-0108-068.

8 Q. I'm going to read the first sentence, that is to say, the first
9 three lines:

10 "I knew that an armed group called UPC existed already, because
11 I had attended meetings that its president, Thomas Lubanga, had held in
12 Bunia stadium with the civilian population well before my forced
13 abduction."

14 End of quotation.

15 Now, Witness, my question is the following: The day before
16 yesterday, you referred to a rally held in Bunia stadium. Wasn't that a
17 rally which you attended as a civilian amongst the civilian population
18 and not as a soldier, a member of the UPC?

19 A. At that time I wasn't yet in the army when those rallies took
20 place. The -- regarding the rally where I participated providing
21 security, there I was a member of the UPC. Before I was in the UPC, I
22 didn't work at those rallies. I wasn't involved in security.

23 Q. Thank you. If I were to put it to you that Thomas Lubanga only
24 held one single rally in Bunia stadium, would that help you to remember
25 more clearly?

1 A. No, that doesn't make anything clearer for me. It reminds me of
2 nothing.

3 Q. You have said that the President, Thomas Lubanga, supposedly
4 arrived in a vehicle which made it possible for him to be upstanding,
5 and for the population to see him; isn't that right?

6 A. Yes.

7 Q. So a vehicle with an opening roof?

8 A. Yes.

9 Q. And you claim that you saw him standing in the vehicle?

10 A. Yes, I saw him.

11 Q. Thank you. I put it to you that on the occasion of the rally
12 held in Bunia stadium, Thomas Lubanga arrived inside a vehicle, a closed
13 vehicle, and not in the position that you ascribe to him. Does that help
14 you to remember better?

15 A. No. That reminds me of nothing. What I remember is that he
16 arrived in a vehicle with an open roof.

17 Q. Thank you. I would now like to put some questions to you
18 regarding your trip to Mandro. You spoke of a trip to Mandro. Is that
19 the only visit to Mandro which you made during the period when you were
20 in the UPC?

21 A. It was the only visit I made.

22 Q. Thank you. And at that time, if I have understood rightly, you
23 were based in Bunia, in Ndromo camp; is that right?

24 A. Yes.

25 Q. At what point of time in the day did you leave Bunia for Mandro?

1 A. I'm not able to give you a specific answer to that question. I
2 don't remember well.

3 Q. Thank you. You have told us, and here I quote: "I went, and I
4 returned on the same day." Is that correct?

5 A. Yes.

6 Q. You will remember that yesterday we read part of paragraph 44 of
7 your statement where you said that you would have -- that you apparently
8 stayed there in Mandro at least two months. If you like, you can have a
9 look at paragraph 44 of the statement which is before you.

10 A. No, I can't see that.

11 PRESIDING JUDGE FULFORD: Take the witness, please, to
12 paragraph 44, and find the reference to Mandro, please.

13 MR. BIJU-DUVAL (interpretation):

14 Q. To assist you, I'm quoting from the fifth and the sixth line of
15 paragraph 44. I'll read you the full sentence:

16 "Still under the orders of," and I won't mention the name, "we
17 returned to Mandro where I spent at least two months."

18 So my question is: Can you explain to us the discrepancy between
19 a day trip to Mandro and a stay of at least two months in Mandro?

20 A. I said that I spent two months there. If I remember rightly, I
21 said that to the investigators. I didn't specify anything at my
22 interview, but as a witness I have to recount the events which took
23 place. There wasn't just me who was involved but other children, too. I
24 didn't specify that in the statement, but the two months concerns the
25 other children who were at the NGO. The other children were asked how

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1 long they had spent in Mandro, and I learnt it with the others with me.
2 Perhaps I didn't specify it here, but that comes from another child who
3 was with me at the NGO.

4 Q. Thank you. Before going further into this matter, could you tell
5 me which other child at the NGO? Perhaps we should go into closed
6 session. Witness, don't answer immediately.

7 PRESIDING JUDGE FULFORD: Just before we go into private session,
8 do you in fact know the name of the child who said this to the NGO?
9 Don't give the name, but do you now remember who it was?

10 THE WITNESS (interpretation): No. I no longer remember his
11 name.

12 PRESIDING JUDGE FULFORD: I think we can stay in open session,
13 Mr. Biju-Duval.

14 MR. BIJU-DUVAL (interpretation):

15 Q. Witness, perhaps you could have a look at paragraphs 45 and 46.
16 These are the paragraphs which follow on from paragraph 44, which I have
17 quoted from in part.

18 If you look at those as I'm looking at them now, you will see
19 that in paragraphs 45 and 46 you describe in detail the various tasks and
20 activities which you had during your two months in Mandro.

21 A. Are you asking me to read the paragraphs?

22 Q. No. I'm suggesting that you just quietly have a look at
23 paragraphs 45 and 46 so that we can both agree upon their content.

24 Witness, do we agree that these paragraphs refer to and give
25 details of activities in Mandro? Is that not correct?

1 A. I was only talking about an activity, what I did in Mandro. I
2 describe my activity, what I did that day.

3 Q. Thank you. Excuse me. You have already given us some indication
4 of time regarding the date at which you were enlisted in the UPC. Now I
5 would like to clarify with you the chronology.

6 You were enlisted, then there was the training in Irumu, then the
7 battle in Lipri. Am I right?

8 A. Yes.

9 Q. Then the battle in Barriere; is that right?

10 A. Yes.

11 Q. Then you were quartered in Bunia; is that right?

12 A. Yes.

13 Q. And that visit to Mandro took place during the period that you
14 were quartered in Bunia. That's what I've understood from your
15 testimony. Am I right?

16 A. Yes.

17 Q. Would we be right to understand that that visit to Mandro took
18 place after March 2003? Would that be reasonable? Could you give us an
19 indication if you remember, an indication of the time in this connection?

20 A. I no longer remember the date.

21 Q. Thank you. Staying with the chronology of events that you have
22 given us, the day before yesterday you said that you had run away from
23 the UPC and that you had gone and hidden in the home of a person in
24 Bunia; is that right?

25 A. Yes.

1 Q. So when you left the UPC, when you fled the UPC, you were then --
2 you were -- you were in Bunia. It was just the period of time when you
3 were quartered in Bunia, and you go and hide in the home of someone in
4 Bunia; is that right?

5 A. Yes.

6 Q. You also said the day before yesterday that after that, after
7 hiding in the home of somebody in Bunia, you went to a NGO who -- which
8 was providing assistance to child soldiers; is that right?

9 A. Yes.

10 Q. Thank you. And then you stated that when you left the NGO you
11 were placed with a host family; is that right?

12 A. Yes.

13 Q. Now, I won't ask you for any specifics, but could we say that
14 that was in Bunia, in Bunia town? Bunia town is extremely---

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24 Now, I again apologise for interrupting, but I think the position
25 needs to be clear. So I draw that to your attention.

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1 MR. BIJU-DUVAL (interpretation): It is out of the concern to be
2 cautious that I didn't want him to necessarily specify that it was --
3 there were members of his family. I wanted to make good for some of my
4 errors yesterday.

5 PRESIDING JUDGE FULFORD: Entirely laudable, Mr. Biju-Duval.

6 MR. BIJU-DUVAL (interpretation): Bunia town is quite a big town
7 with a number -- with several thousand inhabitants, so I thought the
8 witness could say whether yes or no it was in Bunia.

9 THE WITNESS (interpretation): In relation to what?

10 MR. BIJU-DUVAL (interpretation):

11 Q. I'm speaking of the family that you stayed with when you left the
12 NGO.

13 A. Yes, it was in Bunia town.

14 Q. Did you stay with that family up until the point in time when you
15 were taken into the ICC's programme? I don't need any details on that
16 programme, but I'm just looking to follow the chronology of events.

17 A. Yes.

18 Q. Thank you. During the entire time that you spent in the UPC,
19 that is between the time you were enlisted and the time you escaped, did
20 you serve under the same commander, the commander we talked about? And I
21 won't mention his name.

22 A. I talked about the period of the war, the period of the combat.
23 That was the time I served under that commander.

24 Q. Thank you.

25 MR. BIJU-DUVAL (interpretation): Your Honour -- no, sorry. I

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1 think I will continue with a few questions in open session.
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14 MR. SACHDEVA: Thank you very much, Mr. President.

15 PRESIDING JUDGE FULFORD: Private session then, please.

16 (Private session)

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4 (Open session)

5 Questioned by the Court:

6 JUDGE ODIO BENITO: Good morning, sir.

7 COURT OFFICER: Open session.

8 THE WITNESS (interpretation): Good morning.

9 JUDGE ODIO BENITO: I'm going to ask you some questions related
10 with certain issues you explained to us during your testimony in this
11 court.

12 You said to us that when you arrived at Irumu camp there were
13 girls. You remember that?

14 A. Yes, there were girls there as well.

15 JUDGE ODIO BENITO: You also said that some of these girls were
16 about your age, some were older than you.

17 A. Yes.

18 JUDGE ODIO BENITO: You also said that the military leaders said
19 to everyone that you could take any of these women and sleep with them.
20 Remember that?

21 A. Yes.

22 JUDGE ODIO BENITO: You also said that the girls knew, because
23 they behaved in that way. They were afraid, you said, but the military
24 superiors obliged them to do it; is that correct?

25 A. Yes.

1 JUDGE ODIO BENITO: Sir, do you know what happened to these girls
2 and women if they refused to sleep with the soldiers or with the -- or
3 with the commanders? Specifically, were they flogged with sticks or in
4 any other way punished?

5 A. Everyone did what they wanted, but I know that some of them were
6 raped.

7 JUDGE ODIO BENITO: Thank you. When the girls were in the camp
8 were they dressed with military uniforms after the training? Were they
9 given a weapon as well?

10 A. During the training they didn't have military uniform. It was
11 afterwards, after the training when they became soldiers that they
12 received military uniforms.

13 JUDGE ODIO BENITO: So the girls, as well as the boys, received
14 these military uniforms and weapons.

15 A. Yes.

16 JUDGE ODIO BENITO: Thank you. Do you see -- did you see any of
17 these girls shooting or taking part in the Lipri battle or in any other
18 battle?

19 A. I didn't see them in Lipri.

20 JUDGE ODIO BENITO: And in any other battle, did you hear about
21 them, the girls, taking part in the battle?

22 A. Yes, the girls took part in other battles.

23 JUDGE ODIO BENITO: Thank you. You said that after your military
24 training you were posted as bodyguard of (expunged). My question is:
25 Were there girl bodyguards working with (expunged) or with other

1 (Expunged)?

2 A. Yes, there were girls who worked for other (expunged), but my
3 (expunged).

4 JUDGE ODIO BENITO: Do you know if these girls working as
5 bodyguards were your same age or older than you or younger than you?

6 A. Some were the same age as me, and others were older than me.

7 JUDGE ODIO BENITO: Thank you. You also said to us that after
8 the battle in Lipri, and also in Barriere, you and the other soldiers
9 were authorised by your commanders to loot and to rape the women and
10 girls of the community and that, also, the rapes happened in front of
11 their parents or their -- other members of the community. You remember
12 that?

13 A. Yes.

14 JUDGE ODIO BENITO: You said that the orders given by the
15 commanders entailed taking girls by force, that is, "raping them and
16 taking them to the place where we lived." Could you explain to us a
17 little bit more about that? That means that you took these women and
18 girls and brought them to your camp? Could you explain a little bit?

19 A. We would take them from their parents and take them to a place, a
20 place that we would find where we could do those things, and after that
21 we would free them.

22 JUDGE ODIO BENITO: Or perhaps you also killed them?

23 A. No, we didn't kill them.

24 JUDGE ODIO BENITO: Do you know, sir, if these rapes occurred
25 only to girls and women or also boys could be raped?

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1 A. It was only girls who were raped.

2 JUDGE ODIO BENITO: Thank you very much, sir. Thank you very
3 much.

4 Thank you, Judge.

5 PRESIDING JUDGE FULFORD: Yes, Mr. Sachdeva.

6 MR. SACHDEVA: Thank you, Mr. President. May I ask just two
7 points of clarification. I understand that I am allowed to ask questions
8 arising out of Ms. Massidda's questions?

9 PRESIDING JUDGE FULFORD: Certainly.

10 MR. SACHDEVA: And secondly, because of questions by my learned
11 friend this morning, I might want to show the witness a video excerpt
12 which was not put on our list, and I would seek leave to do that,
13 perhaps.

14 PRESIDING JUDGE FULFORD: So long as we have your assurance,
15 Mr. Sachdeva, that the point that you wish to establish via the video
16 excerpt arises out of questions either by Ms. Massidda or Mr. Bijou-Duval,
17 your judgement will be trusted you may do so.

18 MR. SACHDEVA: In my submission it does.

19 PRESIDING JUDGE FULFORD: All right. Well, you will receive
20 severe censure from the Bench if in due course it proves not to be so,
21 Mr. Sachdeva, but let us proceed. Except I see Mr. Bijou-Duval on his
22 feet.

23 Yes, Mr. Bijou-Duval.

24 MR. BIJU-DUVAL (interpretation): Your Honour, I'm a bit
25 surprised by the request of the Prosecutor. At this point in time we do

1 not know to what document he refers. We have no indications on that. It
2 wasn't notified within three days of the examination-in-chief, and this
3 production of such a document during the redirect seems to me to throw
4 out of kilter the balance of the hearing of this witness. The Defence,
5 with due respect, opposes the introduction of this new document of which
6 the Defence has no knowledge.

7 PRESIDING JUDGE FULFORD: Thank you for that submission,
8 Mr. Biju-Duval. The difficulty is that what is historically called in
9 some jurisdictions cross-examination can raise issues that were not
10 anticipated when examination-in-chief was taking place, and new issues
11 raised during cross-examination can in turn, legitimately, lead to
12 further material being investigated by the party who conducted the
13 original questioning.

14 We're in the same position as you. We don't know what it is that
15 Mr. Sachdeva wishes to put in. We're going to work on the basis that
16 counsel are being, of course, honourable, and are going no further than
17 they should, and you can rest reassured that Mr. Sachdeva will be stopped
18 very quickly, indeed, if we consider the material that he is about to
19 introduce to be material that doesn't arise out of the questions that you
20 put. However, until we see the material, we can't make a judgement on
21 it.

22 Yes, Mr. Sachdeva?

23 MR. SACHDEVA: Mr. President, with your leave might I propose a
24 practical course of action that would, in my submission, save court time?

25 PRESIDING JUDGE FULFORD: I'm always interested in hearing

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1 practical suggestions, Mr. Sachdeva.

2 MR. SACHDEVA: And just to be cautious, if we could ask the
3 witness to remove his headphones so he's not prejudiced by my submission.

4 PRESIDING JUDGE FULFORD: No. Mr. Sachdeva, you are entitled to
5 re-examine on material that has been raised by the Defence during their
6 questioning. You're counsel conducting this re-examination, and we trust
7 you not to stray beyond the matters raised by Mr. Bijou-Duval. Now, if
8 there's a further relevant piece of material that you want to put to the
9 witness arising out of Mr. Bijou-Duval's questioning, you can do so, and
10 we trust your judgement on this. So let us proceed, please.

11 MR. SACHDEVA: Very well, Mr. President.

12 Further questioned by Mr. Sachdeva:

13 Q. Good morning, Witness. I want to first ask you one question
14 about an issue that arose from questions by --

15 A. (No interpretation)

16 Q. I'm going to ask you about an issue that an arose from questions
17 from Ms. Massidda two days ago.

18 A. Yes.

19 Q. You were asked -- do you remember being asked about the
20 psychological consequences of your recruitment and the injury in Lipri,
21 by Ms. Massidda? Do you remember those questions?

22 A. Yes.

23 Q. And in one of your answers you said, and I'm going to quote:

24 "Yes. I still have some physical consequences, but most of the
25 time when I look at this wound I have some bad memories, because it

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1 brings back the suffering that I experienced in Bule."

2 And my question is the following: Did you mean to say Bule, or
3 did you mean somewhere else?

4 A. "Bule" was to mean "for nothing" in Swahili, "for nothing."

5 Q. Thank you for that clarification. It's very helpful.

6 PRESIDING JUDGE FULFORD: What next, Mr. Sachdeva?

7 MR. SACHDEVA: I'm going to ask questions.

8 PRESIDING JUDGE FULFORD: Good.

9 MR. SACHDEVA: Thank you.

10 Q. Witness, during the examination by my learned friend for the
11 Defence, you were asked various questions about the 2005 interview you
12 gave to the Office of the Prosecutor. You remember those types of
13 questions?

14 A. I don't remember well anymore.

15 Q. Do you remember that you were asked questions about the fighting
16 in Barriere? You were asked questions about your abduction. You
17 remember those questions?

18 A. Yes, I remember.

19 Q. One of the questions that my learned friend put to you was the
20 following, and I'm going to quote:

21 "I don't think it's necessary for us to read the whole of the
22 statement in 2005, but do you remember that during that interview you at
23 no stage talked about the battle at Barriere?"

24 And your answer was the following:

25 "I didn't talk about the battle at Barriere because there was a

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1 lot to say. Probably because I didn't have enough time or there was a
2 lot of information to give."

3 You remember that answer, Witness?

4 A. Yes, that's the answer I gave.

5 Q. Do you remember when you were interviewed in 2005 how many hours
6 it lasted for?

7 A. There were breaks in the middle of the interview. Each time we
8 would take a break, and if necessary, we continued the interview on
9 another day.

10 Q. You remember that the statement was -- the 2005 statement was
11 shown to you, and you validated your signature and that statement?

12 A. Yes.

13 Q. I want you to have a look at the statement, and perhaps it can be
14 put in front of you, the -- the French version. You probably have it,
15 the French version.

16 I'd like you to just look at the first page, the first page where
17 your signature is. The very first page.

18 A. I can't find it.

19 Q. Okay. I see you have it there.

20 MR. SACHDEVA: Just for the record, the MFI number is
21 MFI-D-00048.

22 Q. Now, Witness, if we -- if you look at the middle of the page, you
23 will see -- you see there are two dates, 17th of July, 2005, and the 20th
24 of July, 2005. Do you see those dates there?

25 A. Yes.

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1 Q. And beside the 17th of July date you'll see the time that is
2 recorded. It says 1355 to 1435. Do you see those times there?

3 A. Yes.

4 Q. And underneath on the 20th of July entry you'll see the times
5 1515 to 1700 hours.

6 A. Yes.

7 Q. When you look at those timings, does that enable you to recall
8 roughly how long the interview lasted for?

9 A. Almost three hours, if I'm not mistaken.

10 Q. And is that time -- does that time accurately reflect your
11 recollection?

12 A. Yes.

13 Q. Now, you also said to my learned friend from the Defence, and
14 again I'm going to quote from your answer, you said:

15 "Probably because I didn't have enough time or there was a lot
16 of information to give."

17 And you also said:

18 "There's a lot -- there's further information I didn't give
19 because I didn't have time. I didn't say everything."

20 Do -- do you remember that answer?

21 A. Yes.

22 Q. Now, I'd like you to stay with that statement you have in front
23 of you, and I'd like you to go to the penultimate -- the second-to-last
24 page and look at paragraph 51. Do you see that paragraph there, Witness?

25 A. Yes.

1 Q. In that paragraph you say:

2 "I have nothing further to add right now, but I am willing to go
3 into greater detail and provide further explanations at a future date."

4 And my question is: What did you mean by that last paragraph?

5 A. This paragraph means that at that point in time there were things
6 that I had forgotten, but that I could relate them in the coming days, in
7 the following days, because if events take place, a person can't say
8 everything on what has happened in response to the questions from an
9 interlocutor. And so I said, if in the following, if questions are put
10 to me and I have details, I will give them.

11 Q. Now, after the interview in 2005, you gave an interview in 2008
12 in January, and in fact you've said that to the Defence; that's right,
13 isn't it?

14 A. Yes.

15 Q. And the interview in 2008 was with the Office of the Prosecutor,
16 wasn't it?

17 A. Yes.

18 Q. And during that interview do you recall being asked questions
19 about your abduction?

20 A. Yes.

21 Q. And in that interview, when you were asked questions about your
22 abduction, what did you tell the investigators about that?

23 A. I said everything. I subsequently added the battle in Barriere
24 because I hadn't mentioned it at the previous interview.

25 Q. That was going to be my next question about the battle in

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1 Barriere, but let's stay with the abduction. You've told us in evidence
2 while you've been here that you were at school and then you went to your
3 house.

4 PRESIDING JUDGE FULFORD: Before the witness answers, yes,
5 Mr. Biju-Duval.

6 MR. BIJU-DUVAL (interpretation): Yes, your Honour. I'm a little
7 ill at ease. I hope that this re-examination is not going to be an
8 opportunity for the Prosecutor to address anew issues, topics which the
9 Prosecutor has already addressed with the witness in his
10 examination-in-chief. The form of the last question is of concern to me.

11 PRESIDING JUDGE FULFORD: Thank you, Mr. Biju-Duval. I'm not
12 sure that I entirely understand the intervention at this point, because
13 there hasn't been a question yet. As I understand it, Mr. Sachdeva is
14 setting the scene for the question that he's going to ask. So let's see
15 the question, shall we, before we object to it.

16 Now, Mr. Sachdeva, you're setting the scene that the witness at
17 the time of his abduction was first at his school, then he went to his
18 house. Now, what's the question that you want to attach?

19 MR. SACHDEVA: The question is the following:

20 Q. Witness, when you were interviewed in 2008, do you remember
21 providing those details in that interview, the details that you've given
22 here in court?

23 A. Yes, I gave these details.

24 Q. And --

25 PRESIDING JUDGE FULFORD: Now, Mr. Sachdeva, I must interrupt.

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1 We're 11.00. I'm due to give the interpreters and the stenographers a
2 break. How much longer?

3 MR. SACHDEVA: Mr. President --

4 PRESIDING JUDGE FULFORD: We have two hours today. I'm
5 forgetting it's a Friday, Mr. Sachdeva, and in fact the last Friday when
6 have a two-hour session at this point.

7 You may continue.

8 MR. SACHDEVA: Thank you, Mr. President. I have one request,
9 however, and it's in relation to the video that I wanted to show the
10 witness. I -- I need to see it before I make a decision, and therefore I
11 was -- I apologise. I just -- I would need perhaps five- or ten-minutes
12 break to complete the re-examination before I decide to show it to the
13 witness.

14 PRESIDING JUDGE FULFORD: Well, Mr. Sachdeva, I'm not going to be
15 too tough at this point, but I would have hoped that if counsel wished to
16 introduce a video by way of re-examination, that a member of the Bar
17 would have looked at the video before they introduced it. However, if
18 you need time, when we reach the point we'll have a break and you can
19 look at it.

20 MR. SACHDEVA: Thank you very much, Mr. President. I have the
21 information but I want to be absolutely clear.

22 PRESIDING JUDGE FULFORD: I think you most assuredly should view
23 the footage before you seek to put it in.

24 Right. Let's continue until we reach that point and then we'll
25 have a break.

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1 MR. SACHDEVA: Very well, Mr. President.

2 Q. Witness, with respect to the information you gave at the
3 interview about your abduction, with respect to the information about the
4 battle in Barriere, when you gave that information in 2008 were you, to
5 the best of your knowledge and recollection, telling the truth?

6 A. Yes, I gave information on the battle in Barriere.

7 Q. And was that information true to the best of your knowledge and
8 recollection?

9 A. Yes, it was correct.

10 Q. Do you recall during the cross-examination by the Defence that
11 you were asked questions about the uniform?

12 A. Yes.

13 Q. And do you recall that Defence counsel suggested to you that the
14 UPC did not have uniform until 2004? You recall that suggestion?

15 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval.

16 MR. BIJU-DUVAL (interpretation): I don't know whether this is a
17 problem of translation, but I did not suggest to the witness that UPC --
18 the UPC did not have a uniform.

19 PRESIDING JUDGE FULFORD: 2004 was the question put by
20 Mr. Sachdeva. It's suggested that you had put to the witness that
21 uniforms were not distributed until 2004. I'm just trying to find my
22 note of this.

23 Yes. Mr. Biju-Duval, you suggested in questioning that the UPC
24 didn't -- well, didn't bear insignia or rank until July 2004.

25 I think the position, Mr. Sachdeva, is that the exploration of

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1 this in questioning by Mr. Biju-Duval revealed that uniforms were
2 distributed after training, but it was insignia and rank that didn't
3 appear until July 2004. So I think your intervention is well-founded,
4 Mr. Biju-Duval. Yes.

5 MR. SACHDEVA: It is, and I was going to make that clarification.
6 Thank you, Mr. President.

7 PRESIDING JUDGE FULFORD: Good. Make the clarification and
8 proceed, please.

9 MR. SACHDEVA:

10 Q. Witness, it was suggested to you that the UPC soldiers did not
11 bear -- on their uniforms did not bear insignia or any rank until 2004.
12 Do you remember that suggestion?

13 A. Yes, I remember, but I did not provide any precise answer.

14 Q. My question is this: While you were at the Irumu camp and while
15 you were participating in the battles, what was your understanding as to
16 what group you belonged to?

17 A. I was in the UPC.

18 Q. You remember being asked questions about your injury and being
19 asked specific details about the bullet wound?

20 A. Yes.

21 Q. At that time when you were injured and when you went to the
22 hospital, had you had any medical training?

23 A. I was treated, but the treatment was not adequate because it was
24 hastily done.

25 Q. Perhaps -- perhaps my question wasn't clear enough. I'm not

1 talking about the treatment. I just want to know that when you had the
2 treatment, had you been trained or had you been taught anything about
3 medicine or about being a doctor?

4 A. They provided us training -- that is, to provide us training on
5 how to treat injuries or to give medical care, no.

6 Q. You also said in -- in cross-examination that while you were
7 training you were given planks of wood, and those planks of wood would
8 resemble the weapons, but that when you did your target practice you had
9 real weapons. Do you remember saying that?

10 A. This happened during target practice. That was when we received
11 planks of wood. But on other occasions, that is, we received planks of
12 wood during training, but when -- during target practice we were given
13 guns.

14 Q. And when you had those planks of wood, you said -- well, let me
15 rephrase that question. I'm sorry. I'll read to you the question and
16 answer and then I'm going to ask you a question out of that. The
17 question from Defence counsel was this:

18 "And your testimony is that when a recruit lost his piece of wood
19 he would be seriously punished and that punishment could go as far as
20 execution. Is that your testimony?"

21 And your answer was:

22 "We were already being prepared. It was like a preparation that
23 we knew that anyone who lost their weapon would be executed."

24 And my question is this: While you were at the camp, were you --
25 did you come to know, were you aware of anyone being punished for losing

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1 their plank of wood?

2 A. With respect to these planks of wood, I would like to say we were
3 not punished if we lost them. We were warned. We were told that if you
4 lost your plank of wood, that it meant that you could easily lose your
5 weapon as well.

6 PRESIDING JUDGE FULFORD: Now, before you go on, Mr. Sachdeva,
7 Mr. Biju-Duval -- no. Thank you.

8 Please continue.

9 MR. SACHDEVA:

10 Q. Witness, when you were asked questions about the looting, you
11 said -- in answer you said:

12 "Normally the principle of the army is when you finish the battle
13 you loot."

14 And my question is: What do you mean by "the principle of the
15 army"?

16 PRESIDING JUDGE FULFORD: Yes, Mr. Biju-Duval?

17 MR. BIJU-DUVAL (interpretation): I have the feeling that we are
18 delving into points which were already examined by the Prosecutor and
19 that these points do not need to be addressed again at re-examination.

20 PRESIDING JUDGE FULFORD: I have some sympathy with -- with that,
21 Mr. Sachdeva, really in the sense that do we need to investigate what the
22 witness means by the "principles of the army"? I'm not going to stop
23 you, but if you want to you can.

24 MR. SACHDEVA: Mr. President, I would seek your leave to ask that
25 question.

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1 PRESIDING JUDGE FULFORD: You would, all right. But I think
2 we -- let's make sure that we don't turn this into a grindingly small
3 process.

4 MR. SACHDEVA: Very well.

5 PRESIDING JUDGE FULFORD: Right. Principles of the army, sir.
6 What did you mean when you referred to "principles of the army"?

7 THE WITNESS (interpretation): The principle was the following:
8 After a battle, the normal thing was for soldiers to go and engage in
9 looting.

10 MR. SACHDEVA:

11 Q. Thank you. You were also asked questions about the rally in the
12 stadium, the rally where you were protecting -- you were in charge or you
13 were working for security, and Defence counsel asked you whether you knew
14 what the rally -- what the purpose of the rally was. And I'm
15 paraphrasing. And your answer was:

16 "I don't remember. There was some information that we didn't
17 catch."

18 And my question is: Was there information that you did catch,
19 and if you -- if there was information you caught, what was that
20 information about the rally?

21 A. When the president arrived at a meeting to address the
22 population, he would say things to the population that we would not hear,
23 but all we know is that he would present himself as the president, and
24 the population had to be aware of that. That was the key information.

25 Q. Thank you.

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1 MR. SACHDEVA: Mr. President, might I have one moment?

2 PRESIDING JUDGE FULFORD: Certainly.

3 (Prosecution counsel confer)

4 MR. SACHDEVA: Thank you, Mr. President.

5 Q. Witness, yesterday, you were asked questions about your brothers
6 and sisters and other family members. Do you remember those questions?

7 A. Yes.

8 Q. And today you were asked questions about persons in the -- in the
9 centre that you were in when you were demobilised. Do you remember those
10 questions?

11 A. Yes.

12 Q. And one of the answers you gave when asked to give names was the
13 following, and I quote:

14 "This question is going to lead me to give details on other
15 persons. I don't know if I should continue giving answers to this
16 question which may lead me to give identifying information on other
17 persons."

18 Do you remember that answer?

19 A. Yes.

20 Q. And my question is this: Is there any relation between the
21 answers you gave yesterday about your brothers and sisters to the answer
22 you gave today, the answer I just read out, about giving identifying
23 information?

24 A. With respect to my brothers and sisters, that's something else.
25 Now, with regard to the question put to me today, I didn't want to

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1 mention the names of certain persons, because these persons are under the
2 ICC Protection Programme. So I didn't want to give their identifying
3 information because they are under this programme with me, the ICC
4 Protection Programme.

5 MR. SACHDEVA: Mr. President, that's -- that's it save the
6 decision on the video, with your leave.

7 PRESIDING JUDGE FULFORD: Right. How long do you need,
8 Mr. Sachdeva, in order to view the video?

9 MR. SACHDEVA: I would say not more than ten minutes, if that.

10 PRESIDING JUDGE FULFORD: Right. We're going to break off now
11 for the -- as it were, the midway break. However, I see Mr. Bijou-Duval
12 is getting to his feet.

13 Yes, Mr. Bijou-Duval?

14 MR. BIJU-DUVAL (interpretation): We are also very interested in
15 this video. We would like to view it ourselves, so we would like to get
16 a reference of this document -- of this item.

17 PRESIDING JUDGE FULFORD: That's a wholly understandable request,
18 Mr. Bijou-Duval.

19 Now, one thing I haven't explored with you, Mr. Sachdeva, is the
20 point at which the evidence arose which has prompted this potential line
21 of questioning, and the time at which you first decided that you might
22 introduce it. I don't want to know at the moment, but in future the
23 Defence must be given warning in advance of an application of this kind
24 so that they have an opportunity of viewing it so that they can make
25 objections if they wish.

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1 The way that this has unfolded this morning is that we have had
2 to make a decision about this, for timeliness reasons, without the
3 Defence having been given an opportunity of viewing the video. Now, it
4 may be this only very recently came to your attention, et cetera, et
5 cetera, and I don't want to go into that now. You're going to have an
6 hour and five minutes. The Defence will therefore have an opportunity of
7 viewing it. You can make a decision whether you want to introduce it,
8 and Mr. Biju-Duval can decide whether he wishes to advance any further
9 submissions objecting to his -- to its submission if you decided to rely
10 on it. So there's an awful lot that's going to happen over the next one
11 hour and five minutes.

12 I'm not going to ask for the witness to be brought downstairs at
13 half past 12.00 unless we have received a message in advance that you are
14 proposing to apply to introduce this video. Otherwise, the witness will
15 not be brought down, and we will turn to the next witness in the case.

16 MR. SACHDEVA: Very well, Mr. President.

17 PRESIDING JUDGE FULFORD: Is that clear?

18 MR. SACHDEVA: Yes, that's clear. Thank you.

19 PRESIDING JUDGE FULFORD: Good. Closed session, please, so that
20 the witness can withdraw. Would Mr. Lubanga please be so kind as to
21 leave court.

22 (Closed session)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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Procedural Matters

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15 (Open session)

16 COURT OFFICER: Open session.

17 PRESIDING JUDGE FULFORD: During the present witness's evidence,
18 he referred to an event at a stadium at which he acted as a guard. He
19 described how the meeting was attended by the accused who arrived in a
20 vehicle with an open roof which enabled --

21 (Mr. Lubanga entered court)

22 PRESIDING JUDGE FULFORD: I'll start again. Thank you,
23 Mr. Lubanga.

24 During the present witness's evidence, he referred to an event at
25 a stadium at which he acted as a guard. He described how the meeting was

1 attended by the accused who arrived in a vehicle with an open roof which
2 enabled him to be seen by those who were attending.

3 During the course of what I'm going to refer to as a matter of
4 convenience as cross-examination, Mr. Biju-Duval, through the matters
5 that he put, indicated that this evidence is in dispute in the sense that
6 it was suggested to the witness that Mr. Lubanga arrived at this meeting
7 not in an open vehicle which enabled the accused to stand up in but,
8 rather, in a closed vehicle in which he would have been seated.

9 Mr. Sachdeva, for the Prosecution, has applied to be permitted
10 during the course of re-examination to show a stretch of video taken not
11 at this event but at another meeting at which Mr. Lubanga is seen
12 travelling in a vehicle which would enable him to stand up.

13 Mr. Biju-Duval objects to this course on the basis that the
14 Prosecution should have shown this particular stretch of video to the
15 witness during the course of his original questioning of him.

16 In our judgement, if a party calling a witness has the obligation
17 of covering all possible eventualities and all possible challenges which
18 could be made, the evidence of each witness would take far too long. At
19 the time that Mr. Sachdeva posed his original questions on this issue,
20 there was no reason for him to believe that this particular piece of
21 evidence from the witness was going to be in dispute. That it is in
22 dispute has only recently arisen as a live issue as a result of
23 Mr. Biju-Duval's questions, and accordingly, in our view, it is
24 appropriate for Mr. Sachdeva now further to explore this issue in the way
25 that he has outlined.

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1 We agree, however, with Mr. Biju-Duval to this extent: It must
2 be made abundantly clear to the witness when he is asked questions about
3 this that the event being showed in the video is of an entirely different
4 event and is not the one at which the witness acted as a guard.

5 Thank you. Can we then go into closed session so that the
6 witness can be brought into court, and can Mr. Lubanga, just for a
7 moment, please withdraw.

8 (Mr. Lubanga withdrew)

9 (Closed session)

10 (Expunged)

11 (Expunged)

12 (Expunged)

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14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Open session)

18 COURT OFFICER: Open session.

19 PRESIDING JUDGE FULFORD: Yes, Mr. Sachdeva.

20 MR. SACHDEVA: Thank you, Mr. President.

21 Q. Witness, hello again.

22 A. Good afternoon.

23 Q. Now, my last question or set of questions is related to the
24 evidence you gave about going to the stadium in Bunia when you were
25 ensuring the protection of Mr. Lubanga. You remember giving that

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1 evidence?

2 A. Yes.

3 Q. And you remember telling the Court that you saw Mr. Lubanga
4 standing through the roof of a car that day?

5 A. Yes.

6 Q. What I'm about to do now is to show you a clip from a video, and
7 I want you to be absolutely clear that what is shown in this video is not
8 in any way related to your -- your visit, your job at the stadium that
9 day when Lubanga came. It is a completely different situation. Do you
10 understand that?

11 A. What other situation?

12 Q. The other situation -- it doesn't matter for the question I'm
13 going to ask you. I'm just going to show you the tape. I want you to
14 watch 15, 16 seconds of the tape, and then I'll ask you a question, and
15 when I ask you the question, you can see if you can answer it.

16 So perhaps we can start by playing the section of the tape.

17 PRESIDING JUDGE FULFORD: Not quite yet. Not quite yet. Can we
18 turn the screen off for a second.

19 I want to make it absolutely clear that what you're about to see
20 is not the incident when you acted as a guard at the stadium. This is a
21 different event at which you were not present. Is that clear?

22 THE WITNESS (interpretation): Yes.

23 MR. SACHDEVA: For the -- for the record, it is MF -- no -- yes,
24 MFI-P-00040, and I want to show minutes -- from minutes 29:15 to 29:32.

25 Q. Now, Witness, you'll look at the screen. Do you see something on

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1 your screen, a video there?

2 A. Yes.

3 Q. Okay. I'm going to play the tape, and I want you to look very
4 carefully.

5 Can we start, please.

6 (Video-clip played)

7 MR. SACHDEVA:

8 Q. Now, Witness, my question is this: Is what you have seen just
9 now on your screen, is that similar to what you saw when you were at the
10 stadium and Lubanga came?

11 A. Yes, it's the same situation.

12 MR. SACHDEVA: That's the re-examination, Mr. President. Thank
13 you very much.

14 PRESIDING JUDGE FULFORD: Thank you very much, Mr. Sachdeva.

15 Anything further, Mr. Biju-Duval? No.

16 Apart from anything that you want to say to us, that brings your
17 evidence to its end. I want to thank you in the most fulsome way that I
18 can for your assistance and for the fact that you've come to give
19 evidence at this court. It would be impossible for us to operate and for
20 us to try cases without the assistance of people such as yourself who are
21 prepared to travel a very long way at great personal inconvenience in
22 order to tell us your stories, and so when you leave here, you do so with
23 the sincere thanks of this Court for your cooperation.

24 But before you go, I think just before lunch, you said there was
25 something that you wanted to say, and please take this now as the

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1 opportunity for doing so.

2 THE WITNESS (interpretation): Yes. Thank you for giving me the
3 floor. I thought it was the end of my testimony. That's why I wanted to
4 say thank you to the Presiding Judge and also say thank you to the other
5 Judges who are with him. I would also like to thank my lawyers who
6 helped me. I would also like to thank the Office of the Prosecutor and
7 the Defence, and thank them for the questions which they put to me. I
8 would like to say thank you to the Defence, too.

9 PRESIDING JUDGE FULFORD: That was very graciously said. Thank
10 you very much.

11 Can we now go into closed session so that the witness can
12 withdraw, and could Mr. Lubanga again - and I'm sorry to ask you to do it
13 again, sir - would you please leave court. Thank you.

14 (Mr. Lubanga withdrew)

15 (Closed session)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Open session)

21 COURT OFFICER: Open session.

22 PRESIDING JUDGE FULFORD: Now, Mr. Sachdeva, are you remaining in
23 that position or are you swapping with someone else?

24 MR. SACHDEVA: Ms. Solano's taking the next witness,
25 Mr. President. Thank you.

1 PRESIDING JUDGE FULFORD: Do you want make a quick administrative
2 swap then?

3 MR. SACHDEVA: Maybe. Thank you.

4 PRESIDING JUDGE FULFORD: Now, Ms. Solano, I think the
5 recommendations by the Victims and Witnesses Unit for protective measures
6 for this witness who, as I understand it, is Witness 11, are to an extent
7 in what is rapidly developing into being something of a standard form. I
8 think there is nothing particularly surprising or out of the ordinary in
9 relation to these proposals. Are there any submissions that you want to
10 make on the suggestions made by the Victims and Witnesses Unit?

11 MS. SOLANO: None, your Honour.

12 PRESIDING JUDGE FULFORD: Thank you.

13 MS. SOLANO: Your Honour, I can just have one moment to set up?

14 PRESIDING JUDGE FULFORD: Of course you can, if you don't mind
15 listening to Mr. Desalliers at the same time.

16 Anything to say, Mr. Desalliers?

17 MR. DESALLIERS (interpretation): No comment really in
18 particular, but I would like to just remind you, your Honour, of
19 something I said earlier about another witness, and that is that the --
20 the process of taking notes or writing notes when disclosing names has an
21 impact, I believe, on the duration of the testimony.

22 Now, I don't know if this witness has also been reassured that
23 closed session will be a closed session. I would like to raise this now,
24 because there are many questions regarding names and names of friends of
25 the family, et cetera, which will be put by the Defence.

1 PRESIDING JUDGE FULFORD: That's very helpful if I may say so,
2 Mr. Desalliers.

3 Let me know when you're ready, Ms. Solano.

4 MS. SOLANO: I just need 30 more seconds, your Honour.

5 PRESIDING JUDGE FULFORD: You have it.

6 MS. SOLANO: Thank you.

7 PRESIDING JUDGE FULFORD: Ms. Massidda, do you represent -- you
8 do.

9 MS. MASSIDDA: Yes, your Honour, indeed.

10 PRESIDING JUDGE FULFORD: Anything to say on the proposals?

11 MS. MASSIDDA: No suggestion, but if I may I think that the
12 witness, if reassured, will be happy to proceed in not writing the name
13 but simply speaking in loud voice the names. Thank you.

14 PRESIDING JUDGE FULFORD: Thank you very much.

15 Are you ready now, Ms. Solano.

16 MS. SOLANO: Yes, I am, your Honour.

17 PRESIDING JUDGE FULFORD: Good. As we've found with the last
18 witness, in fact when reassurance is given that what he says is only
19 going to be heard in closed session by those in this courtroom, the
20 concern about saying names out loud may disappear. So could I encourage
21 you, please, when we reach that stage, to provide the witness with the
22 necessary reassurance and to see whether we can use an oral rather than a
23 written technique for giving identifying details.

24 MS. SOLANO: I will keep that in mind, your Honour.

25 PRESIDING JUDGE FULFORD: Thank you very much indeed.

Witness: Witness DRC-OPT-WWWW-0011 (Closed Session)
Procedural Matters

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1 Now, let us find out whether the witness is close to the court.

2 We need to go into closed session in any event. He's here.

3 Good.

4 Could Mr. Lubanga once again leave court. I'm very sorry, sir.

5 I'm very sorry.

6 (Mr. Lubanga withdrew)

7 (Closed session)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

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Witness: Witness DRC-OPT-WWWW-0011 (Closed Session)
Procedural Matters

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1 (Expunged)

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3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Open session)

7 COURT USHER: Open session.

8 (Mr. Lubanga entered court)

9 PRESIDING JUDGE FULFORD: A card is going to be put in front of
10 you now. Would you please read out the words on the card and read those
11 out loud so we can all hear.

12 THE WITNESS (interpretation): Yes. The solemn declaration: I
13 solemnly declare that I will tell the truth, the whole truth, and nothing
14 but the truth.

15 PRESIDING JUDGE FULFORD: Well done. Thank you very much.

16 Yes, Ms. Solano.

17 MS. SOLANO: Thank you, Mr. President.

18 PRESIDING JUDGE FULFORD: Do we need to go straight into closed
19 session? I think we probably do.

20 MS. SOLANO: Yes, I think so.

21 PRESIDING JUDGE FULFORD: Yes. All right. Maitre Mabilille, I
22 have to thank your client for being so patient. I'm going to have to ask
23 him to leave court once again -- oh, no, we don't need him to leave
24 court. This is one time when we don't. I'm losing track of who's in
25 court and what we need to do in order to move from one stage to another.

Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
Questioned by Ms. Solano

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1 Right. Good. Closed session with Mr. Lubanga present. Good.
2 Closed session -- oh, no, private, private session.
3 (Private session)
4 (Expunged)
5 (Expunged)
6 (Expunged)
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Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
Questioned by Ms. Solano

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Page 52 expunged. Private Session.

Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
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Page 53 expunged. Private Session.

Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
Questioned by Ms. Solano

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Page 54 expunged. Private Session.

Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
Questioned by Ms. Solano

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Page 55 expunged. Private Session.

Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
Questioned by Ms. Solano

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16 (Expunged)
17 (Expunged)

18 (Open session)

19 COURT OFFICER: Open session.

20 PRESIDING JUDGE FULFORD: Yes. Please continue.

21 MS. SOLANO:

22 Q. Since we're now in open session, I will no longer call you by
23 your name. I will instead call you by a name that we have agreed, which
24 is the name of Patrick. Is that okay?

25 A. Yes. Yes, I agree.

1 Q. You've just told me that your studies were interrupted because of
2 the war when you were in the fourth grade and that while your studies
3 were interrupted you -- you would help out with farm work. Is there
4 anything else that you did while your studies were interrupted?

5 A. When I interrupted my studies, times I will have nothing to do,
6 and sometimes I will go to dig for gold in other villages.

7 Q. And what other villages did you go dig for gold in?

8 A. I went to dig for gold in a village known as -- I have forgotten
9 the name. Later on if I remember the name of the village, I am going to
10 give it to you.

11 Q. Very well. If you remember the name of the village later, you
12 can tell me.

13 I will ask you another question now. You said that your studies
14 were interrupted because the war. Can you can explain that a little
15 more? Why did the war -- how did the war interrupt your studies?

16 A. During the war many things happened. When my studies were
17 interrupted I started digging for gold, and I voluntarily signed up for
18 military service. I was taken and made a member of a group of soldiers,
19 and I spent a lot of time with this group carrying out military
20 activities.

21 Q. Okay, Patrick. I'm going to ask you a series of questions about
22 that, but we're going to take it step by step. Is that okay?

23 A. Yes.

24 Q. The first thing I want to ask you is if you know what group of
25 soldiers you went with.

Witness: Witness DRC-OPT-WWWW-0011 (Open Session)
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1 A. It was the UPC.

2 Q. And what does "UPC" stand for?

3 A. As far as I know, it stands for Union Patriotique Congolais.

4 Q. Thank you. And I would just like to clarify something that
5 you've said. You've told us that you voluntarily signed up for military
6 service, but you have also told us that you were taken. Can you tell us
7 how exactly you came to join this group of soldiers?

8 A. I think that the last time when you asked me questions on how I
9 got to be enlisted, I informed you that I was not enlisted by force, and
10 I wish to confirm that.

11 Q. Okay. Thank you for that clarification. You've also said that
12 you spent a lot of time with this group of soldiers. Can you try to help
13 us understand what you mean by "a lot of time"?

14 A. I informed you that I spent a lot of time -- a lot of time in
15 military service. I was enrolled in July 2002, and I remained in
16 military service right up until 2003, July 2003.

17 Q. And was it always with this same group?

18 A. Yes.

19 Q. Okay. Let me ask you some questions about how you first met
20 these soldiers. Can you tell us about the first time that you met the
21 soldiers that you went with?

22 A. When I met the soldiers, we met somewhere to discuss on this
23 matter. A group of soldiers arrived, and they asked us, "Where are you
24 going to?" And they told us that we should go with them to join the
25 military service. We had nothing to do, so we went along with them to

Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
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1 Lopa village.

2 Q. Can you tell us how these soldiers were dressed when you met
3 them?

4 A. They were dressed in military fatigues with green, white, and
5 black patches.

6 Q. And you have said that they were soldiers, so I would like to ask
7 you, were they armed?

8 A. Yes. They were carrying various types of guns.

9 Q. Do you remember what types of guns they were carrying?

10 A. I know only one type of gun, the SMG. They had SMGs.

11 Q. That's okay. Can you tell us how many soldiers were in this
12 group when you ran into them?

13 A. When they arrived, we could not tell their number. There were
14 many of them. And there were many of us as well, but some of us fled and
15 went away, but I can't tell you how many there were.

16 Q. That's okay. So who were you with when you ran into the
17 soldiers?

18 A. I was with friends, and suddenly we saw a group of soldiers
19 coming. Some of us ran away. There was someone with me. If you want, I
20 can give you his name.

21 PRESIDING JUDGE FULFORD: Briefly into private session, please.

22 MS. SOLANO: Thank you, Mr. President.

23 (Private session)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OPT-WWWW-0011 (Private Session)
Questioned by Ms. Solano

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5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Open session)

9 COURT OFFICER: Open session.

10 PRESIDING JUDGE FULFORD: Yes, Ms. Solano.

11 MS. SOLANO:

12 Q. Patrick, since we -- since we are once again in public session,
13 there is no need for you to repeat the name of that friend. We've
14 already heard it. Do you understand?

15 A. Yes.

16 Q. Good. Who else was with you besides this friend?

17 A. There were quite a few of us. I don't remember the name of the
18 other people I was with.

19 Q. Do you remember approximately what ages your friend and the
20 others who were with you were?

21 A. No.

22 Q. Do you remember whether they were older than you or younger than
23 you or approximately the same age as you?

24 A. I can give you an idea of their size. Some of them were the same
25 size as me, and some of them were bigger than me. But as regards ages,

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1 no, I couldn't say.

2 Q. That's all right. What you've said is helpful. Can you tell us,
3 if you remember, at what place you were when you ran into these soldiers?
4 (Expunged)

5 Q. And you've said earlier that some of the people that you were
6 with fled. Can you tell us why they fled?

7 A. We were there, but, for instance, I didn't know if they were
8 coming to take us by force. Perhaps some of us knew that they were
9 coming to take us, so they saw a group of soldiers and they fled, but
10 those of us who knew nothing about the situation, we just stayed there.

11 Q. Were you surprised about what happened next?

12 A. Yes. I was surprised, because I didn't know anything. I saw a
13 group of soldiers coming towards us in a vehicle. They got off the
14 vehicle. Some of us ran away, some of us stayed, and of those who stayed
15 they some of us.

16 Q. Okay. I just want to make sure I understood you properly. Have
17 you said that you stayed because you did not know what would happen next
18 when those soldiers arrived? You did not know that they would take you
19 away?

20 A. Yes. I didn't know that they were getting out of their vehicle
21 to come and take us for military training.

22 Q. When did you realise that they were going to take you for
23 military service?

24 A. I knew when they had us board the vehicle, but before we left we
25 asked them, "Where are we going?" And they said, "We're going -- you're

Witness: Witness DRC-OPT-WWWW-0011 (Open Session)
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1 going to do military service," and that's how -- and it was from that
2 point in time at that we knew that we were going to do military service.

3 Q. That point in time when you were taken onto the vehicle, did you
4 understand what military service was?

5 A. No.

6 Q. Did there come a time later on when you understood what military
7 service was?

8 A. Before they explained to us what military service was, I knew
9 that to become a soldier and to take part in fighting you had to be a
10 soldier. That I knew.

11 Q. Thank you, Patrick. Where did these soldiers take you?

12 A. They took us to the village of Bule.

13 Q. How did they take you there?

14 A. They came and -- to take us. They were on board a vehicle, a
15 Stout vehicle, and they took us on board of that vehicle to Lopa, and
16 from Lopa we went further to Bule on foot.

17 Q. Thank you. Could you please explain to me and to the Judges what
18 a Stout is?

19 A. It's a make of vehicle. It was a Toyota Stout.

20 Q. I'm really sorry to ask you this, but I am not sure I have seen
21 one myself. Could you please describe it. Could you tell us what a
22 Stout looks like?

23 A. It's a vehicle which has one cab where the driver sits, and there
24 is an open back to the vehicle where people can sit.

25 Q. Thank you for that. I think now I understand. Can you tell us

1 what this place in Bule looked like?

2 A. Bule is a village like any other village, inhabited by villagers.
3 It's a village.

4 Q. And where exactly were you taken in this village?

5 A. When we arrived in Bule, we went to a place away from where the
6 people lived and where there was a military camp. There was already a
7 military camp set up somewhere and we went there, and we stayed in that
8 camp. So it was in that village but at a place at some distance from the
9 inhabitants.

10 Q. Patrick, since many of us have not been to this place, could you
11 try to describe the military camp for us, please?

12 A. It's a village inhabited by a community, and when we arrived
13 there we stayed in that village.

14 Q. Thank you. I'm going to have to ask you for a little
15 clarification to make sure that I understand. You have just told us that
16 you stayed in that village when you arrived, but you have also told us
17 that you stayed in the military camp. Can you clarify that, please?

18 A. When we arrived in the village, we were taken from the village to
19 a military camp where we were to be trained.

20 Q. So should I understand that you actually stayed at the military
21 camp?

22 A. Yes. When we arrived, we stayed in that military camp to undergo
23 training, training on how to shoot and to do the normal training that any
24 soldier follows. It was in that military camp at Bule village.

25 Q. Thank you, Patrick. I am interested in asking you about all of

Witness: Witness DRC-OPT-WWWW-0011 (Open Session)
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1 those things that you have just mentioned, but first I want to take it a
2 little lower and ask you a few more questions about when you first
3 arrived at the military camp. Is that okay?

4 MS. SOLANO: I'm not sure if the witness answered or if there was
5 no interpretation of his answer.

6 PRESIDING JUDGE FULFORD: I think you were just explaining
7 politely, weren't you, Ms. Solano, what -- what's coming next. So why
8 don't you put a question and we'll see.

9 MS. SOLANO: I will do, your Honour.

10 PRESIDING JUDGE FULFORD: Yes. Thank you.

11 MS. SOLANO:

12 Q. Patrick, was there anyone at that military camp when you arrived?

13 A. Yes. There were soldiers. We found them there when we arrived,
14 and we came in addition to the -- those who were already there.

15 Q. Can you tell us a little bit about the soldiers who were already
16 there? Can you tell us whether they were older than you or younger than
17 you or the same age as you?

18 A. When we arrived on site, there were soldiers older than me, and
19 there were others the same age as me. So they were soldiers. There was
20 a large number of soldiers. There were grownups, too, who were soldiers.

21 Q. Thank you for that. And would you be able to tell approximately
22 how many soldiers were already there?

23 A. I'm sorry, I haven't understood. Soldiers? The number of
24 soldiers?

25 Q. That's right. I would just like to know whether you can say

Witness: Witness DRC-OPT-WWWW-0011 (Open Session)
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1 approximately how many soldiers were there when you arrived.

2 A. I can't say the number of soldiers who were there. It's
3 difficult to know how many soldiers were in a military camp. Only the
4 authorities of the camp could know that.

5 Q. That's okay. Perhaps you can help me with another question. Do
6 you remember how these soldiers were dressed?

7 A. They were wearing green uniforms with a camouflage of black and
8 white.

9 Q. And as far as you could see, were there any weapons in the camp?

10 A. Yes. I saw rifles, because the soldiers carried rifles.

11 Q. Among the soldiers that were there, could you tell us whether
12 they were men and boys or women and girls or a mix of both?

13 A. When we arrived at the camp we found adult soldiers. There were
14 also children, but also women.

15 Q. And the children that were there, were they boys or girls or
16 both?

17 A. The children who were there were young boys, and the girls who
18 were there were girls who were a little bit older than those boys.

19 Q. And when you say that the boys were young, could you tell us what
20 you mean by that?

21 A. We, the boys, we were young, young boys. Of the boys who were
22 there, some of them were my age and some were a little bit older than me.

23 Q. Very well. And do you know what the girls were doing at this
24 military camp?

25 A. I knew that those girls were working at cooking. They were

1 preparing the food, and others were the wives of commanders. That's what
2 I know.

3 Q. Okay, Patrick. Thank you for that. I will ask you some more
4 questions about that at a point in time, but right now I would still like
5 to ask you some more questions about the camp itself.

6 Could you try telling us what the camp looked like?

7 A. It was a military camp like any other military camp. There were
8 small straw houses. There were little houses, but the commanders had
9 other houses, big houses. So it was a camp which had been built on a
10 piece of terrain, and there were trees, bushes, vegetation on that
11 terrain, that piece of land.

12 Q. Could you say what the terrain was like?

13 A. It was an empty piece of land on which nothing had yet been
14 built. So there were areas that were empty.

15 Q. Very well. And was this piece of land flat or hilly? Can you
16 describe it from that point of view, please?

17 A. The place where we were was flat, flat land.

18 Q. Thank you. You've told me about the straw houses and the little
19 houses and the big houses where the commanders lived. I want to talk
20 about that a little more. When you stayed at this camp, where did you
21 stay? Where did you sleep?

22 A. We slept in the camp, but some soldiers patrolled at night.

23 Q. Okay. I will ask you questions about the soldiers who patrolled
24 the camp a little later, but now I want to ask you about where you slept
25 in the camp exactly. Can you tell us that?

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1 A. We slept in little straw houses that we had built, and that's
2 where we slept, in these those little houses.

3 Q. And when you say that you had built them, can you tell us how you
4 built them?

5 A. They're houses which are easy to build. All you have to do is
6 cut some trees and plant that in the ground and take some -- some rope,
7 put that on the wood, and then put straw on that, and you can sleep
8 inside.

9 Q. Thank you for that. Now I understand better. You said that
10 these straw houses were little. Can you tell us how many people would
11 fit into these little straw houses?

12 A. Each person had their own little house. For instance, I had one.
13 So each person had their own house.

14 Q. Very well. I don't think I have any more questions about the
15 houses. What I do want to ask you about is something you mentioned
16 earlier. When I asked you how many soldiers there were in the camp, you
17 said that only the authorities in the camp could know that.

18 Could you tell us who the authorities in the camp were?

19 A. The commander who I knew -- do you want me to give you his name?

20 MS. SOLANO: Mr. President, could we briefly move into private
21 session for the witness to give the name of the commander which he knew?

22 PRESIDING JUDGE FULFORD: Can you just check, Ms. Solano, that we
23 need to have the commander's name given in closed session?

24 MR. SACHDEVA: Mr. President, I just checked and, actually, we do
25 not need to do that, so I withdraw my request. My apologies.

Witness: Witness DRC-OPT-WWWW-0011 (Open Session)
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1 PRESIDING JUDGE FULFORD: Certainly. Let's continue then. Can
2 you give the name of the commander, please.

3 THE WITNESS (interpretation): It was commander Tshitsha. He's
4 the one who was with us in that camp.

5 MS. SOLANO:

6 Q. Were there any other commanders with you in that camp?

7 A. There were other commanders, but I was not interested in them. I
8 was only interested in my own commander, Tshitsha, our commander.

9 Q. That's okay. And can you tell us, just so that there's no
10 confusion, what group Commander Tshitsha belonged to?

11 A. I don't know the assignment of Commander Tshitsha. He was our
12 commander.

13 Q. That's all right. Maybe my question wasn't clear enough.
14 Earlier on you told us that you were taken by a group of soldiers and
15 that these soldiers were UPC soldiers, that that is a group to which the
16 soldiers who took you belonged. What I would like to ask you is what
17 group Commander Tshitsha belonged to.

18 A. Commander Tshitsha was a member of the UPC, which was set up in
19 Bule.

20 PRESIDING JUDGE FULFORD: Pause for a moment, Ms. Solano, if you
21 will.

22 Is there really a problem, Ms. Massidda?

23 MS. MASSIDDA: I'm just checking one information, your Honour. I
24 will be back to the Court Officer by e-mailing in two minutes.

25 PRESIDING JUDGE FULFORD: Thank you very much.

Witness: Witness DRC-OPT-WWWW-0011 (Open Session)
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1 Please continue, Ms. Solano.

2 MS. SOLANO: Thank you, Mr. President.

3 Q. So Patrick, just so I have it absolutely clear, Commander
4 Tshitsha was at this camp and he belonged to the UPC. What group did the
5 camp itself belong to?

6 A. Our camp belonged to the UPC.

7 Q. Thank you. And would you mind telling me how you knew that?

8 A. How I knew what?

9 Q. How you knew that the camp belonged to the UPC?

10 A. When we were taken to the camp it was a UPC group that took us to
11 the camp. We followed them right to the camp. So they couldn't have
12 taken us to a camp that belonged to another group. It was a UPC group,
13 and we put the question to them, and we were told that it was a UPC
14 group.

15 Q. Thank you for being patient with me and explaining that.

16 When you were taken by the soldiers and when you arrived at the
17 military camp in Bule, did anyone ask you how old you were?

18 A. No.

19 MS. SOLANO: Your Honour, Mr. President, I am unsure whether we
20 will continue until 2.30 or whether we are stopping at about now.

21 PRESIDING JUDGE FULFORD: 2.30, Ms. Solano.

22 MS. SOLANO: Very well, your Honour. Thank you.

23 Q. Okay, Patrick. Now I would like to ask you about the things that
24 you did while you were at this military training camp. Is that okay?

25 A. Yes.

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1 Q. Can you tell us what you did after you arrived there?

2 A. When we reached the camp, first of all we were told that we were
3 going to undergo military training. We started the training. We were
4 taught how to shoot, what position to take during combat. We were taught
5 how to crawl and so on. This is the type of training that we underwent.

6 Q. And who gave you this training? Who taught you all of this?

7 A. It was a commander who provided us this training. It was
8 Commander Pitchen -- sorry, Commander Tshitsha.

9 Q. And you said that he provided us this training. Can you tell us
10 who you were with when you received this training?

11 (Expunged)

12 were also those who were with me when we were taken from Centrale.

13 MS. SOLANO: Mr. President, could we possibly have a redaction
14 for line 10, if you will?

15 PRESIDING JUDGE FULFORD: Absolutely.

16 MS. SOLANO: Thank you.

17 Q. Patrick, how were you taught how to shoot? Do you think you can
18 explain that to -- to the Court?

19 A. Yes. We were asked to shoot at trees or shoot at targets placed
20 at a certain distance. If you hit the target, then it meant that you
21 were doing well.

22 Q. And what did you shoot with?

23 A. Could you please repeat your question?

24 Q. Yes. I'm sorry. I think my question is very simple, and the
25 it's for me to understand. What did you shoot with? What did you shoot?

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1 A. We shot with guns. We used bullets.

2 Q. Thank you. I just wanted to be absolutely clear. And where did
3 these -- where did you get these guns and these bullets?

4 A. When we arrived at the camp, Commander Tshitsha gave us
5 ammunition that we could use.

6 Q. How about the weapons? When did you get the weapons, and whom
7 did you get them from?

8 A. I just informed you that it was Commander Tshitsha who provided
9 us with the bullets and the weapons that we were going to use during that
10 training.

11 Q. Thank you very much, Patrick, for being patient and repeating
12 that.

13 Did you each -- did those of you who were in training each have a
14 weapon or did you share the weapons?

15 A. I don't know the exact number of persons who were participating
16 in the training, but we would use about five guns for target practice.

17 Q. Patrick, and you told me earlier that you had these targets and
18 that if you hit the target it meant that you were doing well. What, if
19 anything, happened if you didn't hit the target?

20 A. We had to hit the target, and if you were able to hit the target,
21 then you could be sent to combat. And so it -- we had to stop hitting
22 the target so that we would be sent to combat.

23 Q. And what happened if you didn't hit the target?

24 A. You know, it was training, and as you know, during training you
25 can succeed or you can fail. The trainers did everything possible to

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1 make sure that we hit the target.

2 Q. So what did the trainers do to help you? What did the trainers
3 do to make sure that you would hit the target?

4 A. They did nothing special. They would place the target at a
5 certain distance, and they would ask us to try to hit the target.

6 Q. Did you and the other people who were in training with you always
7 hit the target, or were there some times when you missed?

8 A. Well, sometimes we missed the target and sometimes we hit the
9 target.

10 PRESIDING JUDGE FULFORD: I think we've nearly exhausted this
11 one, Ms. Solano.

12 MS. SOLANO: You're absolutely right, your Honour. I'll move on.
13 Just one more question in this same line.

14 Q. You said that you had to stop hitting the target so that you
15 wouldn't be sent to combat. Could you explain what you mean by that?

16 PRESIDING JUDGE FULFORD: I'm not sure that the witness did say
17 that unless, line 19, page 70.

18 THE INTERPRETER: There is an error in the English transcript I
19 think the court reporter didn't get it.

20 MS. SOLANO: Mr. President.

21 PRESIDING JUDGE FULFORD: All right. Yes. Now, clarify it. I
22 can see now. It's two contradictory things within two lines. All right.
23 Yes, all right. You can explore it, Ms. Solano.

24 MS. SOLANO: Thank you, Mr. President.

25 Q. Patrick, your ability to hit the target, did it have anything to

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1 do with you being sent to combat?

2 A. No. This was training. If you could hit the target, then it
3 meant that if you were sent to combat, then it was certain that you were
4 going to perform well.

5 Q. Thank you. And how did you perform?

6 A. To do what?

7 Q. Did you perform well during your shooting practice? Did you hit
8 the targets?

9 A. Oh, there were times when I would miss the target, but on other
10 occasions I would hit it.

11 Q. Okay. Thank you, Patrick. I have no more questions for now
12 about your shooting practice. I would like to ask you about another
13 aspect of your training which you mentioned. You said that you were
14 taught how to take positions. Could you explain what you mean by -- what
15 you meant by that?

16 A. Well, taking a position, when you are on the battlefield, you
17 have to take up a certain position so that you will not be visible to the
18 enemy.

19 Q. Very well, Patrick. Earlier on today you told me that there were
20 some women and girls in the camp and that they were in charge of cooking.
21 Whom did they cook for?

22 A. They cooked for us and also for the commanders.

23 Q. What sorts of things did they cook?

24 A. Sometimes we ate beans, potatoes, or a flour meal.

25 Q. How often did you eat while you were at the training camp?

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1 A. Once.

2 Q. You also said to me earlier that some of these women and girls
3 were the commanders' wives. What do you mean by that?

4 A. Yes. Sometimes these adults would discuss among themselves, and
5 they would say that we had to carry out our military duties and that the
6 officers would sleep with these women.

7 Q. What was your understanding of what "sleeping with these women"
8 meant?

9 A. Well, to sleep with a woman, it means to take her as a woman,
10 that is, do everything that a man can do with a woman. That's what it
11 means.

12 Q. Patrick, did you ever speak to any of these women and girls about
13 them sleeping with the commanders?

14 A. No.

15 Q. Okay. I think I have only two more questions about the training
16 camp, and the first one is that I want to clarify something that you told
17 me just a few minutes ago.

18 When I asked you how often you ate while you were at the training
19 camp, you said that you ate once. Could you clarify whether that meant
20 that you ate only one meal while you were at the camp or one meal each
21 day?

22 A. Yes. We ate once a day.

23 Q. Thank you for that clarification. The last question I want to
24 ask you about the training camp relates to something you also said
25 earlier. You mentioned that there were soldiers at the camp who

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1 patrolled the camp. Can you tell us what you mean by that?

2 A. At night there was insecurity, so some of our soldiers will go
3 out to provide security in the camp.

4 Q. Which soldiers went out to provide security in the camp? I don't
5 need their names. I just want to know if they were like you or older
6 than you or younger than you.

7 A. We did this in rotation. Each group had its turn or its shift,
8 and in each group you could have adults and young people. And so one
9 group can carry out patrol duty today, for example, and the next day it
10 will be another group to take its turn.

11 Q. Were you ever part of the groups that patrolled the camp?

12 A. Yes.

13 Q. How were you able to provide security for the camp during the
14 patrols?

15 A. It's not difficult to carry out patrol duty. We moved around at
16 night, moving from one place to another. It was not very difficult.

17 Q. Did you have weapons with you when you went on patrol?

18 A. Yes.

19 Q. Patrick, can you tell us approximately how long your training
20 went on for?

21 A. My military training lasted for four months.

22 Q. Were you at Bule camp for all of that time?

23 A. Yes. I underwent all my training in Bule camp.

24 Q. And where did you go after Bule?

25 A. We went to fight in Barriere. There was fighting in that area.

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1 1 PRESIDING JUDGE FULFORD: (Previous translation continues) ...

2 Bule as we go off to Barriere.

3 MS. SOLANO: Mr. President, I would be doing that.

4 PRESIDING JUDGE FULFORD: Well, I think this is probably a
5 convenient moment, isn't it.

6 MS. SOLANO: Yes, Mr. President.

7 PRESIDING JUDGE FULFORD: Thank you very much indeed.

8 Sir, I had hoped that you would have completed your evidence this
9 week, but I'm afraid some of the witnesses who have been called this week
10 before you have taken longer than I expected. It therefore means you're
11 going to have to return, I'm afraid, next week to complete your evidence.
12 Can I thank you for your patience and for your cooperation and say that
13 we look forward to seeing you on Tuesday of next week when we will sit
14 again to continue with your evidence. Have a good weekend.

15 Thank you very much. Can we then please go into closed session
16 so the witness can withdraw, and would Mr. Lubanga please be so kind as
17 to leave the court for a moment.

18 (Closed session)

19 (Expunged)

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17 The hearing ends at 2.32 p.m.

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