

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 Wednesday, 18 March 2009
7 The hearing starts at 9.31 a.m.
8 (Expunged)
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23 (Expunged)
24 (Expunged)
25 (Private session at 9.33 a.m.)

Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Open session at 9.36 a.m.)

6 COURT OFFICER: Open session.

7 PRESIDING JUDGE FULFORD: Yes.

8 MR. BIJU-DUVAL (interpretation):

9 Q. When you talk about Commander Kasangaki, is it the high-ranking
10 commander of the UPC who died in 2004 in his attempt to cross into Uganda
11 over Lake Albert? Is that the same person to whom you're referring?

12 A. Yes, it is indeed him.

13 Q. Were you aware of his rank or his function in the armed branch of
14 the UPC?

15 A. What I knew was that he was a commander like all of the other
16 commanders who were there, but I didn't know the specific ranks of all of
17 the commanders.

18 Q. You said, did you not, in your testimony that he took part in
19 meetings at the residence of the Chief of Staff? Is that not correct?

20 A. That is correct.

21 Q. Do you know which unit he was commander over?

22 A. You are talking about units. I don't understand. As for things
23 that are to do with the administrative side of things, I really don't
24 know how I can answer that question.

25 Q. Yesterday you were talking about platoons, battalions, and there

Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
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1 was mention made of brigades, sections. Do you know which unit he
2 headed, that is Commander Kasangaki?

3 A. He was our platoon leader. That is what we were told.

4 Q. Thank you.

5 MR. BIJU-DUVAL (interpretation): Your Honour, I'm going to go
6 into more specific details on a subject that would require us going into
7 closed session.

8 PRESIDING JUDGE FULFORD: Certainly,
9 Mr. Biju-Duval.

10 Private session, please.

11 (Private session at 9.40 a.m.)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 9.58 a.m.)

5 COURT OFFICER: Open session.

6 PRESIDING JUDGE FULFORD: Yes. Thank you, Mr. Biju-Duval.

7 MR. BIJU-DUVAL (interpretation): Thank you.

8 Q. I would like to discuss with you now the battle of Dele, what you
9 also refer to as the battle of Bunia. Do you understand?

10 A. Yes.

11 Q. You said that this was the battle in which the FNI troops and
12 Ugandan troops chased away the UPC from Bunia; is that correct?

13 A. That is correct.

14 Q. You presented -- or you described that battle as, I quote, "the
15 last battle and the most difficult" as far as you are concerned. You
16 said that was your last battle and the most difficult. Do you remember
17 having said that?

18 A. Yes, that is what I said.

19 Q. It was also the battle during which, according to your testimony,
20 during which you were injured; is that correct?

21 A. Yes. It was at that battle that I was injured.

22 Q. And now my question is the following: When in 2005 you were
23 interviewed by the investigators of the OTP on your activities as a
24 soldier serving in the UPC, why didn't you at any time talk about this
25 battle?

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1 A. I have already told you. At that time, I had some difficulties.
2 I had already spoken about many events that had happened in my life, but
3 with respect to the battle, I felt that it wasn't necessary to say
4 anything about it. There are certain areas where I fought, but I didn't
5 talk about that, because I felt that people will ask me a lot of
6 questions afterwards.

7 Q. Well, you talked about the battle of Lipri, the battle of Bogoro.
8 Why didn't you talk about this last battle, the most difficult battle,
9 during which you were injured?

10 A. I have already told you. I have already given you the reasons
11 why I didn't talk about this battle.

12 Q. So your testimony is that you did not talk about it but that you
13 could have talked about it if questions had been put to you on that
14 battle. Is that the case or do you have other reasons?

15 A. That is what I said. When you talk about 2005, maybe I have
16 forgotten, but I remember that I stated that I was injured during the
17 battle of Dele.

18 Q. We will deal with the issue of your injury, but I would like you
19 to turn back to your statement of 2005. That is the first document in
20 the file which is lying on your left on the table. Can you take that
21 file, please?

22 MR. BIJU-DUVAL (interpretation): Can someone help him? This
23 document can also be projected on screen on the condition that it's not
24 made public. That is document DRC-0010-8123 or, rather,
25 DRC-OTP-0010-8123, paragraph 51. DRC-OTP-0010-8123. This document

1 should not be made visible to the public.

2 Q. I am going to read the first sentences of paragraph 51, and I
3 quote:

4 "After more than -- a stay of more than one week in Mudzipela,
5 I went as reinforcement with (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged), because the commander of that camp had found letters
12 on the streets, letters written by Lendu fighters stating that they were
13 going to attack the camp. These threats turned out not to be true,
14 because the Lendu fighters did not attack us during the two months I
15 spent in Fataki."

16 Now, Witness, my question is the following: In this paragraph
17 you stated in detail the reasons why you left Bunia to go to Fataki; is
18 that correct?

19 A. Yes. As I told you what happened, and with respect to this
20 statement I can say there are certain areas we went to, but I didn't talk
21 about all those places.

22 Q. Sir, I can understand that you didn't say everything. I don't
23 have any difficulties understanding that, but what I find difficult to
24 understand is the fact that you give a precise reason for going to
25 Fataki. You said, "We went to Fataki to provide reinforcement to the

1 commander of Fataki, because the commander of the Fataki camp had found
2 letters in the streets stating that Lendu fighters were going to attack
3 the Fataki camp." That is the reason you gave; right? And that
4 explanation is totally different from the explanation you gave to the
5 Court on Friday and yesterday; right? Because you told us that there was
6 the battle of Dele, the UPC was defeated, you were injured, you had to
7 flee towards Centrale and carried on fleeing all the way to Fataki, and
8 there you have a completely different explanation; right?

9 A. I told you the following: At the UPC the duties we were carrying
10 out within the UPC are what I said -- well, as I told you, I didn't say
11 everything. I didn't talk about the UPC being defeated and about our
12 return at that time.

13 Q. Witness, could you say whether, yes or no, it was to help the
14 Fataki commander that you went to Fataki with the UPC troops? Was it to
15 provide reinforcement because an attack by the Lendu had been announced
16 on Fataki? Is it true or false?

17 A. I said the following: The last time I went to Fataki when I left
18 the army was because the UPC had been defeated, and afterwards I handed
19 in my weapon. That's what I stated.

20 Q. So am I to take it that the explanation you gave to the Office of
21 the Prosecutor's investigators isn't correct in 2005?

22 A. What I said was the following: What I stated to the Office of
23 the Prosecutor was what happened before.

24 Q. Thank you. The Bunia battle in which the UPC was chased out of
25 Bunia, if I were to say it took place on the 6th of March, 2003, would

1 that help you recall what happened?

2 A. Well, concerning the date, I must say I don't really understand.
3 I couldn't say exactly on what date a particular battle took place, but
4 what I know is, is that I participated in the battle -- battles.

5 Q. If I were to say or suggest that based on your statements -- if I
6 was to suggest that on the 6th of March, 2003, you weren't in Bunia but,
7 rather, according to your statement, at Irumu camp or Mandro camp, would
8 that not feel contradictory to you, and wouldn't that make you change
9 your statement?

10 A. What I said is the following: Everything concerning the dates,
11 the months, I said I don't remember the dates and the months the events
12 took place but I'm telling you my story. But if you want, I can give you
13 further information, but as regards the dates and the months, I do not
14 remember.

15 Q. Thank you. If I were to suggest that Commander Kasangaki
16 deserted the UPC, left the UPC just before the battle of 6th March 2003,
17 the Bunia battle, and that he did not participate in that battle,
18 wouldn't that make you change your statement?

19 A. If you say that, I regret it because I was there. I was with
20 him. And if you make such a statement, I think it will be a real shame,
21 and it wouldn't be useful to continue this cross-examination because
22 you're not accepting what I'm saying, so I don't think there's any point
23 in going on.

24 Q. You said that you stayed in Fataki for several months after you
25 fled from Dele and Bunia. If I were to suggest that the Ugandan troops

1 chased the UPC out of Fataki from the end of March 2003, wouldn't that
2 make you change your statement?

3 A. With respect to the UPC's -- when they fled, I couldn't give you
4 all the dates, but what I said is that I left the army from Fataki and I
5 went home to my house.

6 Q. When you described your activities as being of a military nature
7 in Bunia, your activities as a soldier in Bunia, you said that you knew
8 there were meetings going on at the residence of the Chief of Staff of
9 the UPC; correct?

10 A. Yes.

11 Q. And among the high-ranking commanders you mentioned as having
12 participated in those meetings, you mentioned a man called Bagonza;
13 correct?

14 A. When I was asked who were the commanders who participated in that
15 meeting, well, I said commanders such as Bagonza and other commanders.

16 Q. If I were to suggest to you that Commander Bagonza died on the
17 road of Nyankunde in September or October 2002, does that -- does that
18 fit in with what you remember, and would that make you change your
19 statement?

20 A. What I said was the following: I was asked whether I knew the
21 commanders that arrived in that location, so I gave examples, but I knew
22 the commander on the Nyankunde road.

23 Q. Sorry, but when you -- the last part of your answer is, "I knew
24 the commander on Nyankunde road." What do you mean by that?

25 A. I said this: When you asked me, "Which commanders did you know,"

1 I gave their names, but I know very well how those -- how that commander
2 died on the Nyankunde road, based on the information I received.

3 Q. Thank you. And as far as you remember, when did he die?

4 A. What I said was that I can't remember anything about dates, but I
5 know that he died on Nyankunde road. He jumped on a mine.

6 Q. Thank you. I would now like to ask you some questions about the
7 wound you talked to us about, and I would like you to refer to the form
8 which is an application for participation as a victim, which is in the
9 tab 2A of the folder. So the document which we can show on the screen is
10 document MFI-D-0077. I would like to refer you to page 13 of 27.

11 MR. BIJU-DUVAL (interpretation): Maybe we can help the witness
12 find the page 13 of 27, because the document is rather difficult to use.

13 I have a hesitation concerning the public nature of the page. I
14 believe that we can show it without taking any risks. No, I'm sorry, we
15 can't actually show it on screen. The witness's initials are at the
16 bottom of the page.

17 Q. So are you on page 13 of 27? At the top, on the left, there's a
18 mark, "Section E"; correct? Can you see that "Section E"?

19 A. No, I can't see it.

20 Q. Can you see the title, "Information on the Damage, Loss, or
21 harm Suffered"?

22 A. Yes, I can see it.

23 Q. I'm now going to quote:

24 "I'm going to talk about the physical injury: A bullet injured
25 me, injured my right foot and went through my foot at the level of the

1 ankle. The scar is still visible. When it is cold I have a lot of pain
2 in that area."

3 My question is does this -- is this exactly the injury that you
4 sustained?

5 A. Yes.

6 Q. So the bullet went through your ankle; correct?

7 A. Yes. The bullet hit my ankle. I don't know if we should
8 call it the ankle, but I know that it hit my foot.

9 Q. Did the bullet hit you or go through? Did it go through your
10 ankle and come out the other end or just touch?

11 A. The bullet didn't go through, but it hit me and injured me.
12 However, it did not go through.

13 Q. Thank you. So you indicated that this injury was incurred whilst
14 you were fleeing during your last battle in Dele; correct?

15 A. Yes.

16 Q. I would like to refer you again to the transcript of your
17 statement of 2005. Could you look at the document again. It's the first
18 document at the beginning of the folder.

19 PRESIDING JUDGE FULFORD: Which paragraph number, Mr. Biju-Duval?

20 MR. BIJU-DUVAL (interpretation): Sorry.

21 Q. First I would like to refer you to paragraph 44 on page 10. So
22 it's the first paragraph of page 10.

23 So let me read the paragraph:

24 "It was before we arrived in Lipri, in Mwanga vicinity, that we
25 had started fighting with Lendu combatants for almost four hours, from

1 6.00 in the morning until 10.00 in the morning. When we were advancing
2 towards Lipri, a Lendu fighter behind us shot towards us and killed my
3 friend, an adult militiaman, and wounded my ankle. Immediately UPC
4 militiamen behind us killed him and took his weapon."

5 So I would like to continue with the first sentence of
6 paragraph 45, so I quote again:

7 "And it's then that for the first time I actively participated in
8 a battle and shot at someone."

9 So my question is the following: How come you said that in 2005
10 you were wounded in Lipri during your first battle, whereas before the
11 Court, or thereafter, you stated that you were wounded in Dele
12 during your last battle?

13 A. What I said is the following: I'm not here to tell
14 lies, but I said that I was wounded during the last battle of Dele. Why
15 did I say this? Because at some stage questions were put to me, but all
16 I know is that I'm here to tell you the truth. I travelled all this way
17 to tell you the truth. I confirm that I was wounded in Dele but not
18 where this other statement says I was.

19 As I said earlier on, there are other events that I didn't
20 tell -- talk about for the reasons I mentioned.

21 Q. Very well. Could you now look at paragraph 50 of your
22 2005 statement. It's on the next page, page 11.

23 PRESIDING JUDGE FULFORD: Could you help, please, usher.

24 MR. BIJU-DUVAL (interpretation):

25 Q. I'm going to read out the first three sentences of this

1 paragraph:

2 "The next morning, around 4.00 in the morning, reinforcements,
3 that is, soldiers and ammunition from the military camps in Centrale and
4 Bogoro, arrived in Mudzipela. This new contingent of soldiers came in
5 order to fight against the second attack in Lipri. On that day, because
6 of my injury, I was on guard duty at the camp with other members of my
7 section."

8 My question is as follows, and again I can understand that you
9 didn't say everything in 2005, I can understand that, but why is it that
10 in 2005 you give very detailed information about your wound, about the
11 consequences of the wound, and in so doing you tell a different story
12 from what you have said before the Court? Could you explain that to us?

13 A. Well, I told you the following: I participated in the battle in
14 Lipri for the first time. The second time I wasn't there.

15 As regards my injury, I can confirm that I was injured in Dele.
16 That is my statement.

17 Q. Thank you. I'd like to ask you a few questions about the battle
18 in Bogoro. You have indicated that the battle in Bogoro was your first
19 battle. Is that correct? That's what you stated last Friday, I believe,
20 to the Court.

21 A. Yes, that's correct. That's what I said.

22 Q. Again, as we read through some of the extracts of your
23 2005 statement, you stated in 2005 that your first battle, which
24 impressed you quite a lot because you were injured and you used your
25 weapon, you said that it was the Lipri battle. That's what you said in

1 2005; is that correct? Can you explain this discrepancy?

2 A. I said the following: My first battle, the first battle I
3 participated in, was Bogoro. Later on, I fought in the Lipri battle.

4 That is my statement.

5 Q. You have stated -- you've stated before the Court that the Bogoro
6 battle was, and I quote, "a difficult battle with wounded and dead."

7 A. Yes, that's correct.

8 Q. We read out a moment ago paragraph 51 from your 2005 statement
9 where you said, and I'm quoting it again, referring to the Bogoro battle:

10 "We won easily, without any wounded."

11 Could you explain the fact that you described the Bogoro battle
12 differently?

13 A. I said the following: We were sent there as reinforcements.
14 There were already soldiers on site, and they had lost and the enemy
15 had killed other soldiers. And when we got there, we won easily at that
16 point. That's what I said.

17 Q. You stated that -- before the Court that Bogoro had been attacked
18 by the FNI or Lendu fighters, and that there was a major massacre. Is
19 that correct?

20 A. Yes, that's correct.

21 Q. If I were to suggest that that scale of massacre occurred at the
22 end of the month of February 2003, does that refresh your memory?

23 A. As regards the dates I'm afraid I can't answer your question, but
24 I know that we fought the Lendu fighters. I don't remember exactly what
25 month or what date it was.

1 Q. Fine. You have stated that the UPC, that is, the soldiers of the
2 UPC, organised a counter-offensive and sent in reinforcements and won the
3 battle, that is, won against the Lendu fighters during that
4 counter-offensive. Is that correct?

5 A. Yes, that's correct. When we arrived at that place we saw that
6 the Lendus had killed a lot of our soldiers, and we attacked them and we
7 won the battle. And then later they tried to penetrate our lines and kill
8 more, and we saw that there were Ugandans with the Lendus.

9 Q. Thank you. Your statement, therefore, is that the UPC was able
10 to take back those positions in the village of Bogoro, chasing the Lendus
11 and those that supported them. Is that your testimony?

12 A. When we won the battle, we found out, we heard that there had
13 been massacres at that place, but the day when we were there, we won the
14 battle.

15 Q. Thank you. If I were to suggest that after the massacres in
16 Bogoro at the end of February 2003 the UPC was never able to take back
17 the control of that village, wouldn't that lead you to rethinking your
18 testimony?

19 A. I told you the following: The war that we participated in, in
20 Bogoro has perhaps nothing to do with the battle you're referring to,
21 that is, when we won the battle against the enemy.

22 Q. Thank you. As regards the battle in Lipri, you have told us that
23 there were soldiers who were killed and wounded amongst the ranks of the
24 UPC. Is that correct?

25 A. Yes, that's correct.

1 Q. And according to your recollection, was this a quick battle, a
2 long battle, an easy battle, a tough battle? How would you describe it?

3 A. It's difficult to say whether it was an easy battle or a
4 difficult battle. I know we went to reinforce the soldiers, and we went
5 there afterwards. Those who were there from the beginning would be
6 better able to say whether it was easy or difficult. We went there to
7 provide reinforcement and then we left.

8 Q. You described two different phases in the Lipri battle, the
9 initial phase and then the second phase where reinforcements were brought
10 in and you obtained victory; is that correct?

11 A. Yes. When we left -- when we got there, there was a big battle
12 and other reinforcements came after us. We fought and then we went back.
13 That's what I declared.

14 Q. Did you participate in the second offensive in Lipri with the
15 reinforcements?

16 A. When we went back to the camp, I didn't leave again, that is, in
17 the reinforcement group. Another group left. I didn't go with them.

18 Q. Thank you. If I were to suggest that a battle did indeed take
19 place in Lipri but that it took place in the month of February 2003,
20 would that refresh your memory and perhaps lead you to revising your
21 statement?

22 PRESIDING JUDGE FULFORD: I'm not going to stop you putting
23 dates. I think the witness has now made it very clear this morning that
24 he's not going to be able to assist whenever you put a specific date to
25 him, so I really doubt whether this has utility. But I'm not going to

1 stop you. If you want to explore it you can, but I doubt its usefulness.

2 MR. BIJU-DUVAL (interpretation): Your Honour, I understand your
3 comment, but my concern is to put the witness in a very loyal fashion
4 face-to-face with this contradiction and enable him, if he can, to
5 explain it. I do understand, however, that it seems to be difficult, so I
6 will not go any further on this particular matter regarding the dates.

7 PRESIDING JUDGE FULFORD: Yes. I totally understand the
8 motivation, Mr. Biju-Duval. I just, as it were, from a common sense
9 point of view, wanted to save you from having to waste your time
10 developing a line of questioning which the witness has really said he
11 can't assist on, but I re-emphasise I'm not stopping you.

12 MR. BIJU-DUVAL (interpretation):

13 Q. I'd like to examine rather quickly the issue of the meeting that
14 took place in the Bunia stadium that you attended, as you stated.

15 You have stated that you attended a meeting held
16 by Mr. Thomas Lubanga in the Bunia stadium at the time when you were
17 in Bunia as a soldier. Did you attend other meetings with
18 Mr. Thomas Lubanga in the Bunia stadium, or did it only occur once? Was
19 that the only meeting where you saw Mr. Thomas Lubanga?

20 A. When I was a soldier, I only attended one single meeting. Indeed
21 there were several meetings, but I myself as a soldier only attended one.
22 But before that when I was in Bunia, I heard that there was a meeting
23 with a leader, but I didn't know which leader, which chief, that was. And I
24 repeat, when I was in the army, I only attended one single meeting.

25 Q. You've stated that you were enlisted in the ranks of the UPC

1 shortly after the exams at the end of the first semester in 2003, that
2 is, around the month of -- or as from the month of February 2003; is that
3 correct?

4 A. That was an estimate that I gave. I didn't give precise dates.
5 And let me repeat this. As regards the dates, I've forgotten the dates.
6 I'm only able to give you estimations. I can't give you precise dates.

7 Q. If I were to suggest that the only meeting held by Thomas Lubanga
8 in the Bunia stadium took place in early January 2003, doesn't that
9 refresh your memory and indicate that, in fact, that meeting took place
10 before you were enlisted in the UPC?

11 A. I have told you the following: I cannot tell you the exact dates
12 I've given you information about the meeting that I attended, but as
13 regards the dates, I simply cannot answer your questions about the dates.

14 Q. Thank you. I now come to the moment that you described as being
15 when you were in Fataki. You said that you spent several months in
16 Fataki. Is that not correct?

17 A. This is what I said: When I was asked, I was asked to give the
18 approximate date. They urged me to guess the date. I can't tell you
19 more than that. These were estimates. I cannot tell you which month or
20 for how many months.

21 Q. Very well. I'd now like you, if this is possible, to come to the
22 specifics of the circumstances surrounding your departure from the UPC in
23 Fataki and the fact that you came to Bunia where you were taken care of
24 by an organisation, if I understand correctly what you said in your
25 testimony.

1 Could you tell us what happened, what happened in Fataki? When
2 you decided to leave the UPC, what did you do?

3 A. When we were in Fataki with several commanders who had fled, we
4 were listening to the radio and we heard that the MONUC troops had
5 arrived in Bunia, and they were saying if there were any armed members of
6 the UPC they could surrender their arms. And at the same time, we heard
7 that there was a commander - I know his name - who had several child
8 soldiers and it was said that he was to hand them over, and we heard that
9 there were people who had been sent to the villages where there were UPC
10 soldiers to make them aware of all of this. The white people didn't come
11 themselves, but they sent agents or officials to make everybody aware of what
12 was happening and the need to surrender their weapons, and that was the
13 information we were hearing at the time.

14 When we were in the camp, we all left, and we -- when we were
15 leaving, we went to meet these people who had come to the villages to
16 make everybody aware of all of this.

17 Q. Thank you. You referred to a commander who had decided to hand
18 over the child soldiers, and you said that you know his name. Could you
19 give me his name?

20 A. Yes. According to what we heard on the radio, and according to
21 the interviews that we heard on the radio, he wasn't with us but he was
22 in the same region. It was Jerome Kakwavu.

23 Q. Thank you. As far as you're concerned, did you decide to leave
24 the UPC with the permission of your commanders -- of your commander, or
25 did you run away without requesting permission?

1 A. As far as I'm concerned, there were the villagers who were sent
2 to us and who said that there were people who were trying to organise the
3 demobilisation. In exchange for this money was being given, and they
4 were asking that the commander let the children go. The commander said,
5 "But they've got our weapons. They can't just go like that. They'll
6 have to wait." When we heard that, we ran away, and we ran towards the
7 IRC officials and they took care of us. I mean, it was on our own
8 initiative that we fled.

9 Q. Thank you. You said that in exchange, in the context of
10 demobilisation, money was being given. So are you saying that you were
11 given money if you left the army? Is that what you're saying?

12 A. Yes. Yes. If you left the army, you would get money. It was
13 adults who got the money, and they also got food rations.

14 Q. Do you know how much money was given to the soldiers who
15 demobilised?

16 A. Well, according to the information I had -- I mean, it could well
17 be that it's not very accurate, but it was a hundred US dollars and a few
18 other things as well.

19 Q. When you fled was it with or without your weapon?

20 A. I left with my weapon right through to
21 the office of the IRC people.

22 Q. You left Fataki. Is that not correct?

23 A. Yes, that is correct.

24 Q. And where did you go?

25 A. There are villages in the same area, and I can't remember their

Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Open Session)
Questioned by Mr. Biju-Duval (Continued)

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1 names because I wasn't familiar with that region. It's a village that's
2 very close to Fataki, but I'm not very familiar with that region.

3 Q. It's in that village that the IRC had representatives? It was
4 established in that village?

5 A. I didn't say that the IRC had its office in that village or its
6 representatives there. I said the IRC people were sending missions to
7 that area. The main office, the headquarters of the IRC, was in Bunia.

8 Q. Well, if I understand correctly, you came upon an IRC official in
9 that village close to Fataki; is that correct?

10 A. That is correct. I came upon them close to Fataki, in a village
11 that's going towards Bunia.

12 Q. To whom did you surrender your weapon?

13 A. To them.

14 PRESIDING JUDGE FULFORD: Mr. Biju-Duval, I must give the witness
15 a break in a moment. Could you find a convenient time, please.

16 MR. BIJU-DUVAL (interpretation): Your Honour, we could break as
17 of now, and I can inform the Bench that I will only have a few questions
18 when we resume, just one or two, not many.

19 PRESIDING JUDGE FULFORD: Thank you very much for informing us of
20 that, Mr. Biju-Duval. That's very helpful.

21 Sir, you've had a long hour and a half. We're going to give you
22 a break now, and we will sit again at half past 11.00.

23 Can we go, please, into closed session, and if Mr. Lubanga would
24 be so kind as to leave court.

25 (Mr. Lubanga withdrew)

Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Closed Session
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Questioned by Mr. Biju-Duval (Continued)

- 1 (Closed session at 10.59 a.m.)
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- 17 (Private session at 11.30 a.m.)
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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

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Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

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Page 32 expunged. Private session.

Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by Mr. Biju-Duval (Continued)

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Page 33 expunged. Private session.

Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Private Session)
Questioned by the Court

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22 (Open session at 11.50 a.m.)

23 COURT OFFICER: Thank you. The evidence number assigned to the
24 drawing which was presented to the witness earlier shall be MFI-D-00080.

25 Open session.

1 JUDGE ODIO BENITO: Thank you. I was requesting from you, sir,
2 certain clarifications about something you said in this paragraph 26 of
3 your written statement to the Office of the Prosecutor.

4 When you say that: "They were very young women, for the most
5 part, almost my age," could you clarify to us if these young women were
6 younger than you?

7 A. Yes. The girls, there were some that were the same age as me. Some were
8 older than me. Sometimes you see a girl that looks bigger but is
9 actually smaller.

10 JUDGE ODIO BENITO: Yes, that's the case. And you have rightly
11 pointed out that it's very difficult to really know how old a woman is.
12 We women know that. But in this case, I am asking you if these girls
13 were younger than you, or at least they looked like younger than you.

14 A. Yes. These girls, in the group there were some that were younger
15 than me. Others had the same age as me.

16 JUDGE ODIO BENITO: Thank you. And the other clarification is
17 about an incident you referred to at the end of this paragraph when you
18 say the following:

19 "If the women got pregnant, they were either driven out of the
20 camp or had an abortion."

21 My question is the following: If the girls -- it was -- excuse
22 me. The question is the following: This decision to have an abortion
23 was made by the girls themselves or by somebody else?

24 A. The decision to have an abortion was made by the commanders. The
25 commander would say if a girl gets pregnant, she should no longer stay in

Witness: Witness DRC-OTP-WWWW-0007 (Resumed) (Open Session)
Questioned by the Court

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1 the camp. Consequently, if a girl saw she got pregnant, she had an
2 abortion not to be chased out of the camp.

3 JUDGE ODIO BENITO: Thank you. And finally, if the abortion take
4 place, were there in the camp facilities where the girls could have their
5 abortions?

6 A. There wasn't -- there weren't any facilities at the camp where
7 they could have abortions. They did things themselves. They took
8 medicine, traditional medicine to have an abortion. They had abortions
9 alone.

10 JUDGE ODIO BENITO: And finally, did you yourself witness this
11 young Gegere girl dying, 14 years old, because she tried an abortion?

12 A. Yes. Where I was, there was a girl from the Gegere ethnic group.
13 She had tried to have an abortion and then got problems and died of
14 these.

15 JUDGE ODIO BENITO: Thank you, sir. Thank you very much for your
16 clarifications.

17 Thank you, Judge.

18 PRESIDING JUDGE FULFORD: Thank you. Any re-examination,
19 Ms. Solano? Certainly.

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

21 Further Questioned by Ms. Solano:

22 Q. Good morning.

23 A. Good morning.

24 Q. You were -- you have been asked some questions about a commander
25 called Bagonza and about how he died. Do you remember that?

1 A. According to the information we received, Bagonza went to
2 Nyankunde along Marabo road. He arrived in Marabo at the roundabout that
3 goes to Nyankunde. There were mines there and his vehicle went over the
4 mines and he died of it.

5 Q. Do you know whether at the time -- whether Commander Bagonza
6 died while you were in the UPC?

7 A. Yes. We were given the information when I was in the army, but I
8 can't remember the exact date. The UPC soldiers gave me the information,
9 told us that one of us had died and that his body had been repatriated
10 and buried there. That's the information that was given us.

11 Q. Was it your understanding that the soldiers were talking to you
12 about something that had happened recently or not recently?

13 A. It's when we were in the middle of a conversation with the
14 soldiers. I couldn't say exactly when. It was when we were discussing
15 things among ourselves, among soldiers. That's when such information was
16 given to us. They would tell us, "Well, yes, there's a soldier that died
17 over there." That's how I obtained the information.

18 Q. Thank you. You have also been asked questions by the Defence
19 about your time in the UPC and the dates of certain events. I would like
20 to ask you when you were recruited, when you were arrested and sent to
21 training, do you know which group was in control of Bunia?

22 A. Yes, the UPC. With regards to the date, I already said this.
23 The events I am talking about happened between 2002 and 2003. To answer
24 your question, yes, the troops controlling the town were the UPC.

25 Q. Thank you very much for having answered my questions.

1 MS. SOLANO: That's all for the Prosecution, Mr. President.

2 PRESIDING JUDGE FULFORD: Thank you very much.

3 Mr. Biju-Duval? No.

4 Sir, that brings your evidence to a conclusion, and before you
5 leave us, I want to say, as fully as I can, that we are extremely
6 grateful to you for having taken the time and trouble of coming to this
7 court to give evidence. We are acutely appreciative of the fact that
8 this will not have been an easy exercise for you. You have had to travel
9 a very long way, and giving evidence is a very difficult task, and
10 accordingly we want to, as I have said, thank you for the time and
11 trouble that you have taken to come to assist this Court in its attempt
12 to find the truth.

13 Without the assistance of witnesses such as yourself, this Court
14 simply couldn't function, and so we owe you a debt for your cooperation.
15 We wish you a safe journey home. Thank you very much indeed.

16 Can we then go, please, into closed session so the witness can
17 withdraw.

18 (Mr. Lubanga withdrew)

19 (Closed session at 12.01 p.m.)

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Witness: Witness DRC-OTP-WWWW-0294 (Closed Session)
Procedural Matters

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8 (Open session at 12.20 p.m.)

9 COURT OFFICER: Open session.

10 PRESIDING JUDGE FULFORD: Now, sir, there's a card in front of
11 you written in French. Could I ask you, please, to read out loud so we
12 can all hear you what is written on the card.

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

15 PRESIDING JUDGE FULFORD: Excellent. Thank you very much indeed.

16 Now, Ms. Struyven, I imagine your first questions are ones which
17 touch upon the identity of the witness; is that correct?

18 MS. STRUYVEN: That is correct, your Honours.

19 PRESIDING JUDGE FULFORD: Private session then for that?

20 MS. STRUYVEN: Yes, your Honours.

21 PRESIDING JUDGE FULFORD: Good. Can we go into private session,
22 please. And so, sir, I reassure you that the questions you're about to
23 answer will not be heard by anyone outside of this room.

24 (Private session at 12.22 p.m.)

25 (Expunged)

Witness: Witness DRC-OTP-WWWW-0294 (Private Session)
Questioned by Ms. Struyven

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Witness: Witness DRC-OTP-WWWW-0294 (Private Session)
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Page 44 expunged. Private session.

Witness: Witness DRC-OTP-WWWW-0294 (Private Session)
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16 (Open session at 12.30 p.m.)

17 COURT OFFICER: Open session.

18 MS. STRUYVEN:

19 Q. Can you explain to us, Mr. Witness, which level of school you
20 completed.

21 A. I'm afraid I didn't understand your question. Could you repeat
22 it, please?

23 Q. That's not a problem. You explained to us that you went to
24 primary school. Can you indicate to us which years of primary school you
25 completed, which years you finished?

Witness: Witness DRC-OTP-WWWW-0294 (Open Session)
Questioned by Ms. Struyven

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1 A. I began in the second year, and I went up to the sixth year.

2 Q. Did you finish all your exams of the sixth year?

3 A. The TENAFEP exam which enabled me to go into the first year, yes,
4 I did take that exam.

5 Q. And did you go into the first year of secondary school at that time?

6 A. No, I did not start the first year of secondary school.

7 Q. Can you explain to us why you did not start the first year of
8 secondary school?

9 A. When I completed the exam, when I took the exam at the end of the
10 sixth year, the military conflicts had begun and people had fled, my
11 parents fled, and therefore I went into military service and I was not
12 able to continue into secondary school.

13 Q. I will ask you questions about that in a second, but can you
14 first indicate to us or do you remember what month of the year it was
15 that you joined the military?

16 A. It must have been the month of June.

17 Q. And do you remember the year?

18 A. Yes. It was the year 2000.

19 Q. Thank you. I'm now going to ask you questions about the day that
20 you joined the army. During that day you referred to fighting going on.
21 Was there fighting going on the day that you joined the army?

22 A. I -- I didn't understand your question. Could you repeat it,
23 please? Well, I didn't do my military training the same day as the
24 fighting.

25 Q. No, no. That's okay. I will clarify the question. I'm going to

Witness: Witness DRC-OTP-WWWW-0294 (Private Session)
Questioned by Ms. Struyven

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1 ask you to explain to us the day that you joined the army. So I'm going
2 to ask you questions about that day, and the first question was do you
3 remember if -- well, the first question is where were you the day that
4 you joined the army?

5 A. When I went to the barracks, I was coming from school. We could
6 hear shooting. We could hear the sound of shooting and people were
7 running away, and I got home and the door was closed, and then we went to
8 the barracks.

9 MS. STRUYVEN: Your Honours, I have two questions in closed
10 session.

11 PRESIDING JUDGE FULFORD: Private session, please.

12 (Private session at 12.35 p.m.)

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Witness: Witness DRC-OTP-WWWW-0294 (Private Session)
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Witness: Witness DRC-OTP-WWWW-0294 (Private Session)
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21 (Open session at 12.43 p.m.)

22 COURT OFFICER: Open session.

23 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.

24 MS. STRUYVEN: Thank you.

25 Q. So, Mr. Witness, you indicated to us that you and your cousin

Witness: Witness DRC-OTP-WWWW-0294 (Open Session)
Questioned by Ms. Struyven

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1 went to the barracks. Just to be clear on this, so in which village were
2 those barracks?

3 A. It was in Nyankunde, the camp.

4 Q. And to which group did this camp belong at the time?

5 A. The camp belonged to the APC.

6 Q. And when you and your cousin went to the camp, did you find
7 Commander A at the camp?

8 A. Yes, we found him there.

9 Q. And what, what did you do -- or what did you and your cousin do when
10 you arrived at the camp?

11 A. When we arrived at the camp the commander put the following
12 question to me: "Did you go home before you came here?" And we said,
13 "Yes, we went home. The door was closed and that's why we came here, because
14 everyone from home has already run away." He took us, he took us back home
15 and we found that the door was closed, and then we went back to the camp.

16 Q. And what happened after you realised that the door of your house
17 was still closed and that you went back to the military camp?

18 A. What happened afterwards? Well, he found the soldiers who were
19 there. Night was already starting to fall, and he said that he had to
20 leave because the Ugandans were coming to get him. So he had to leave
21 and go somewhere else.

22 He took us. He gave me a soldier, and we went off into the bush,
23 (Expunged)

24 Q. When you say "they took us," do you refer to you and your cousin?
25 Is that correct?

Witness: Witness DRC-OTP-WWWW-0294 (Open Session)
Questioned by Ms. Struyven

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1 A. Yes, because we weren't soldiers. When we arrived, we found
2 soldiers. They had plans to go somewhere or other, and this is what he
3 said to us, that he -- that they had to go. They had to go into the
4 bush. They took us and we didn't know where we were going.

5 Q. Mr. Witness, how old were you at the time? Do you remember that?

6 A. I was 10.

7 Q. And do you know how old your cousin was at the time?

8 A. No. I don't know how old he is exactly, but he's a bit older
9 than me. Maybe 15, but I really don't know. It could be 15.

10 Q. That's not a problem. Where did you arrive after you went into
11 the forest?

12 A. I found them there already. They had already arrived. I arrived
13 with the soldiers who were accompanying me. I was playing with a
14 bicycle. I found them. The commander was there. They were talking to
15 each other, and I was playing with my bike. I didn't know what happened
16 afterwards. What I know is that I was separated from the other soldiers,
17 and I didn't see them again afterwards.

18 Q. Mr. Witness, just so that I fully understand you, you explained
19 to us that you left the barracks at Nyankunde, and if I'm not mistaken
20 you now are explaining to us where you arrived. Can you explain to us
21 what happened between when you left the barracks and when you arrived
22 somewhere else?

23 A. I didn't understand your question.

24 Q. That's not a problem. I will take it step by step. You
25 explained to us that you left the barracks at Nyankunde with some

1 soldiers. Where did you go?

2 A. I stayed there. I was put into a house, a small house. There
3 were civilians who took care of the commander's livestock. The others
4 left. I don't know where they went. I stayed there with the civilians.

5 Q. And when you say, "I stayed there," do you mean in Nyankunde or
6 do you mean elsewhere?

7 A. No. When I say "there," I mean there where we'd gone to in the
8 bush, the bush around Sota.

9 Q. Thank you very much for that clarification. Just one -- one
10 question before I will have questions about Sota. When you and your
11 cousins left the barracks in Nyankunde, did anyone ask about your age?

12 A. Yes. That question was put to me. The commander asked me. He
13 said, "How old are you?" And I said, "I'm 10," and he laughed.

14 Q. And after that you went into the forest near Sota; is that
15 correct?

16 A. Yes.

17 Q. So you're -- you explained to us that you arrived in the forest
18 near Sota. Did you see Commander A at Sota at some point?

19 A. Yes. The day I arrived there I saw him, but he didn't talk to
20 me. He quite simply called the soldiers who were with me, and he said,
21 "Where are the kadogos," or "Where is the kadogo?" And the answer given
22 was, "He's here. The kadogo is with us. He's playing with his bicycle."
23 And then I didn't understand what they said afterwards.

24 Q. And when Commander A was referring to the kadogo, who was he
25 referring to?

Witness: Witness DRC-OTP-WWWW-0294 (Open Session)
Questioned by Ms. Struyven

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1 A. It was me.

2 Q. Now, when you were in Sota, you said that you saw Commander A.
3 Did you see any other commanders from Nyankunde?

4 A. There were commanders.

5 Q. Do you remember their names or any of their names?

6 A. Yes, I remember some of their names.

7 Q. Can you give us their names?

8 A. Now, you mean?

9 Q. Yes, please.

10 A. Yes. There was Afandi Kasangaki. There was Pepe. There were
11 others, and there was also Commander Bosco.

12 Q. Did they stay? So the commanders that you just mentioned, did
13 they stay in Sota?

14 A. What I know is that it was just Kasangaki who was in Nyankunde,
15 plus the other commander. As for the others, I don't know where they
16 stayed. Commander Pepe used to come to Nyankunde, but he didn't stay
17 there. And as for the other commanders, I don't know where they came
18 from.

19 THE INTERPRETER: Interpreter's correction: Singular, just one
20 commander.

21 THE WITNESS (interpretation): And then we got information and
22 news from him but we don't know where he was.

23 MS. STRUYVEN:

24 Q. Now, did you stay in Sota or did you go elsewhere?

25 A. Yes, we stayed there. The commander left us four weapons, and he

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1 asked us to take care of his cattle, his cows. And we had to do that
2 with other civilians, because among the livestock there were his -- his
3 cows and the cows of the civilians.

4 Q. And how long did you stay in Sota to take care of the cattle of
5 Commander A?

6 A. I don't know. I've forgotten. I can't remember that anymore.

7 Q. That is not a problem. Did there come a point in time that you
8 left Sota?

9 A. Yes, we left Sota. I left Sota.

10 PRESIDING JUDGE FULFORD: And I think, Ms. Struyven, if we're
11 moving from Sota, we'll deal with that after lunch.

12 MS. STRUYVEN: Perfect, your Honour.

13 PRESIDING JUDGE FULFORD: Good. Thank you very much indeed.

14 Sir, we're now going to have a break so that you can have some
15 lunch, and the rest of us can have some lunch, and we look forward to
16 seeing you again at 2.45. Thank you very much. Can we, then, therefore
17 go into closed session and can Mr. Lubanga please leave court. Thank you
18 very much.

19 (Mr. Lubanga withdrew)

20 (Closed session at 12.58 p.m.)

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15 (Open session at 2.48 p.m.)

16 (Mr. Lubanga entered court)

17 COURT OFFICER: Open session.

18 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.

19 MS. STRUYVEN: Thank you, your Honour.

20 Q. Good afternoon, Mr. Witness. Before the break you explained to
21 us that you were in Sota and that you left Sota. Where did you go?

22 A. When I left Sota, I went to Bunia.

23 Q. And can you explain to us why you went to Bunia?

24 A. When I was there, one day two soldiers who were with commanders
25 met us, and those soldiers said that my chief had gone to Bunia, and

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7 So you went to Bunia. Do you know who was in charge of Bunia at
8 that time?

9 A. I don't know who was in charge there on the spot, because our
10 soldiers were there. There were also Ugandan soldiers, so I don't know
11 who was in charge. However, I know the groups that were there, which
12 was -- the groups were led by Wamba Dia Wamba.

13 MS. STRUYVEN: I have a question in private session,
14 your Honours.

15 PRESIDING JUDGE FULFORD: Certainly. Private session, please.

16 (Private session at 2.51 p.m.)

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22 (Open session at 2.54 p.m.)

23 MS. STRUYVEN:

24 Q. So, Mr. Witness, you explained to us that you thought that
25 Commander A --

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1 COURT OFFICER: Open session.

2 MS. STRUYVEN:

3 Q. Mr. Witness, you explained to us that you went to the airport
4 because you thought that Commander A was going to be there. What
5 happened when you arrived at the airport?

6 A. When I arrived at the airport there were many people there. I
7 also found people that I knew who were also going to the airport. I went
8 along with them.

9 When I reached the airport, I was prevented from entering. I
10 stayed there, and the Ugandans who were there on the spot authorised me
11 to enter, to enter the airport.

12 I did not go to the exact spot where they were embarking. I told
13 them that I was following my commander, and they told me that I was not
14 supposed to go to the tarmac.

15 Later on I met a soldier whom I knew, and he informed me that my
16 commander had already gone to Kampala.

17 Q. So you explained to us that there were many people at the
18 airport. Were these people civilian or were these people soldiers?

19 A. There were civilians, but there was also a large number of
20 soldiers. The soldiers -- there were many more soldiers.

21 Q. And do you know why they were at the airport?

22 A. Who are you talking about? Are you talking about the civilians
23 or the soldiers?

24 Q. The soldiers, to start with?

25 A. They were going for training in Uganda.

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1 Q. If I understand you correctly, you said before that Bahemas had
2 to leave Bunia. The people that you saw at the airport, what ethnicity
3 were they?

4 A. There were various ethnic groups there on the spot. I don't know
5 if there was one particular group, but I would say there were many ethnic
6 groups there at the airport. I did not see the Bangiti. There were
7 several ethnic groups including the Bahemas.

8 Q. And the soldiers that you saw at the airport that were going to
9 Kampala for training, how old were they?

10 A. There were adults, but there were also children. I cannot
11 estimate their ages.

12 Q. Do you know if the children were older than you, younger than
13 you, or your age?

14 A. They were older than me.

15 Q. Now, you explained to us that Commander A was not there any more
16 because he already left. Did you see any other commander at the airport
17 that would be leaving for Kampala?

18 A. I saw soldiers. I saw all those who were leaving.

19 THE INTERPRETER: The interpreter did not hear the last part of
20 the witness's answer.

21 MS. STRUYVEN:

22 Q. I'm sorry, the interpreter did not understand the last part of
23 your answer. Could you repeat your answer? So, the question was: Did
24 you recognise or did you see any commander at the airport at that time?

25 A. No, no. I only saw soldiers. I did not recognise or see any of

1 the commanders I knew. However, I only saw two soldiers who informed me
2 that there was a chief who wished to go to Uganda, and we went with these
3 two soldiers.

4 Q. And when you say there was a chief who wished to go to Uganda,
5 are you referring to your commander or are you referring to another
6 commander?

7 A. No. It's about another commander. I am not talking about my
8 commander. I'm talking about another commander.

9 Q. And can you give us the name of the other commander?

10 A. His name was Commander Pepe.

11 Q. Now, before you explained that at the airport you saw civilians
12 and you saw soldiers. I asked you a few questions about the soldiers.
13 What about the civilians? Why were they at the airport?

14 A. I don't know what the civilians were doing at the airport. There
15 were some who were working there, and others were there just to observe,
16 to watch to see what was happening.

17 Q. Thank you for that. Now, what did you do when you realised
18 you -- you couldn't go to -- to Kampala?

19 A. When I was prevented -- I had already left the place where I
20 lived, and so I couldn't back there because I was afraid -- and so I decided
21 to go with the soldiers, the two soldiers whom I met.

22 Q. And where did you go with the two soldiers that you met?

23 A. We went together all the way to Boga, and in Boga I met
24 Commander Pepe who asked us to follow him all the way to Uganda. He went
25 with a motorcycle, and we went on foot. We confiscated the bicycles of

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1 some members of the population, and we went to Uganda.

2 Q. And where in Uganda did you go to?

3 THE INTERPRETER: The Swahili booth says that the interpreter did
4 not understand the answer.

5 MS. STRUYVEN:

6 Q. Mr. Witness, could you repeat that, because the translators had
7 difficulty understanding the name of the village you just gave.

8 A. At Rwabisengo.

9 Q. Thank you for that. So you went to Rwabisengo. At that time did
10 anyone ask you how old you were?

11 A. No. Nobody asked me to go there. I took that decision myself
12 because there were several people going there. And as there was a battle
13 going on, I fled and I went over there.

14 Q. And did anyone ask you how old you were at the time?

15 A. No, nobody.

16 MS. STRUYVEN: Your Honours, I have a question in closed session
17 again.

18 PRESIDING JUDGE FULFORD: Certainly. Private session, please.

19 (Private session at 3.05 p.m.)

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7 (Open session at 3.07 p.m.)

8 COURT OFFICER: Open session.

9 PRESIDING JUDGE FULFORD: Yes.

10 MS. STRUYVEN: Thank you.

11 Q. Mr. Witness, when -- when you were -- or when you arrived in
12 Rwabisengo, did you see any soldiers there?

13 A. Yes. There were our own soldiers. No, there were Ugandan
14 soldiers there.

15 Q. And were there also civilians at Rwabisengo?

16 A. Yes. There were several civilians, our civilians and the
17 civilians of those countries -- or that country.

18 Q. And when you say "our civilians," do you mean Congolese
19 civilians?

20 A. Yes. Most were Congolese civilians.

21 Q. And so what happened after you had installed yourself at
22 Rwabisengo?

23 A. We trained the recruits.

24 Q. You said you trained the recruits.

25 Where did these recruits come from?

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1 A. They were people who had fled the fighting that were there. I
2 don't know exactly where they came from, but they were people over there
3 that had fled the battle. The Commanders -- Pepe said that each family
4 should give one person.

5 Q. Can you explain to us what you mean by the fact that each family
6 had to give one person?

7 A. I don't know what I mean. What I learned was that this was what
8 Commander Pepe said at his meetings or where he
9 drank his beer. He used to say that.

10 Q. And so just for me to understand to who did Commander Pepe say
11 that each family had to give one person?

12 A. Well, he said that to the Bahema. He said to the Bahema that all
13 those that had two children had to send one child to training, and after
14 the training the child would be sent to the Congo to war, for the
15 fighting, for the battle.

16 Q. So you explained to us that Commander Pepe was explaining to the
17 Bahema families that they had to send one child for training so that they
18 could go to war for the battle. Can you explain
19 to us who was fighting who at that time?

20 A. We fought the Bangiti and the Walendu.

21 Q. And just for me to understand because I wasn't there and I
22 sometimes have difficulties understanding it, if you say "we," "we were
23 fighting the Ngiti and the Walendu," who do you refer to when you say
24 "we"?

25 A. What I mean by "we" is the soldiers of the Hema ethnic group.

1 Q. Now, was this the only time that you hear that families needed to
2 give one child for military training, or did you hear it at other times
3 as well?

4 A. No, I didn't follow the question. Could you ask it again.

5 Q. You explained to us that when you were at Rwabisengo,
6 Commander Pepe asked -- during rallies you said he asked families, Hema
7 families, to give one child for military training. Did you hear that --
8 did you ever hear that before or afterwards again?

9 A. No. Each time we went with him for him to go and have a beer,
10 the Hema civilians wanted to be around him. And when he talked with
11 them, he asked them to give them young people or children to train them
12 to go and fight.

13 Q. And when you say "young people or children," how old would these
14 young people or children be?

15 A. Well, when I say "children," he called everybody a child. Even
16 if you were an adult, he said "child" to you.

17 Q. But -- so when he asked the families to give one child, could it
18 also be the father of the family, the mother of the family, or were it
19 the children of the family?

20 A. No. He didn't ask their mothers that but the fathers.

21 Q. But just so that I understand clearly, when he asked the fathers,
22 were they supposed to give their children, or were they supposed to give
23 someone else?

24 A. No. He was doing awareness-raising. When that commander spoke,
25 he would ask each parent to send their own child. He didn't ask for

1 other people. He asked the people who were there to send their children.

2 Q. Thank you very much. So you said that he said that they needed
3 to get training. When you were in Rwabisengo, how many people in the end
4 took the training?

5 A. There were a lot of them. There were also adults finishing the
6 training that stayed, but there weren't very many that went back to the
7 Congo.

8 Q. And who was conducting the training in Rwabisengo?

9 A. It was Commander Pepe.

10 Q. And did you know what the training consisted of?

11 A. I know.

12 Q. Can you explain that to us, please?

13 A. Well, how to cock -- oh, to -- to dismantle and assemble a weapon
14 and then how to fight, how soldiers had to hold themselves, how they
15 would salute.

16 Q. And were you also following the training?

17 A. No. I didn't follow any training there, because I lied to
18 Commander Pepe. I said that I had already done the training. So he
19 asked me to dismantle a weapon and assemble it. And in truth I hadn't
20 really followed a training, but I lied. I said that I had done the
21 training, that I was a soldier. Because I came as a soldier, so he
22 considered me to be a soldier. He asked me to train the other recruits.

23 Q. Now, just to go back to the group of recruits, you said that
24 there was adults, and you said that there was children. What would be
25 the youngest? What would be the age of the youngest recruits?

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1 A. They were much younger, much younger than me. Among them were
2 adults of 15, and some were younger. Even -- some were even 10 or 9 in
3 the training.

4 Q. And do you know at that time -- so you said Commander Pepe was
5 training the group. Do you know at the time what military group
6 Commander Pepe belonged to?

7 A. To my knowledge, Commander Pepe was with the APC, but at that
8 time I knew he was the leader of the group. He didn't belong to any
9 particular group. He was the leader himself.

10 Q. Now, while you were at Rwabisengo did you hear anything about or
11 from Commander A?

12 A. Yes. Even if I didn't have the information, but I knew he went
13 to Jinja and Chankwanze in Uganda.

14 Q. And from who would you know that he went to Jinja and Chankwanze
15 in Uganda?

16 A. I heard that from people who said that there had been training in
17 Jinja, and some people went to Jinja. So I found that out through the
18 people there.

19 Q. Thank you. Did at some point Commander A visited you at
20 Rwabisengo?

21 A. He arrived. When they finished their training, he arrived. When
22 he was on the road to go back, he went via Rwabisengo.

23 Q. And was he alone when he came to Rwabisengo or was he with other
24 people?

25 A. He wasn't alone. He was accompanied by the other commanders.

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1 Every time they were together, every time he was with a commander -- I
2 don't know if I can say his name.

3 Q. Yes, you can.

4 A. Commander Tchaligonza.

5 Q. Thank you. And when Commander A came to Rwabisengo did he say
6 anything when he saw you?

7 A. Yes. When he arrived the others left. They took a motorbike together
8 with Pepe. He had a photo in his hand. He arrived, and he said, "You've
9 grown. You've -- you've arrived here." He said, "It -- that's very well."
10 He gave me the photo, did what he had to do and left.

11 MS. STRUYVEN: Your Honours, with your permission I would like
12 to show a document to the witness.

13 PRESIDING JUDGE FULFORD: Yes. I presume there's been
14 notification of this.

15 MS. STRUYVEN: Yes.

16 PRESIDING JUDGE FULFORD: Good. Then most certainly you can do.
17 We need it to be identified. Should it go up on the screen or not?

18 MS. STRUYVEN: I have a hard copy for the witness.

19 PRESIDING JUDGE FULFORD: Good, but I'm just thinking of the public.

20 MS. STRUYVEN: The public should not see --

21 PRESIDING JUDGE FULFORD: The public should not see the document.

22 MS. STRUYVEN: No.

23 PRESIDING JUDGE FULFORD: Right. Shall we have it on the screen
24 in court, Ms. Struyven?

25 MS. STRUYVEN: Yes, that's no problem.

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1 PRESIDING JUDGE FULFORD: Good. We'll need to have a document
2 identification number, then, please.

3 MS. STRUYVEN: The ERN number of the document is
4 DRC-OTP-0179-0063.

5 PRESIDING JUDGE FULFORD: Excellent. Thank you. And then while
6 that's being called up if the usher, please, could show what I think is a
7 photograph to the witness.

8 MS. STRUYVEN: We also have copies for the Judges if -- if you --

9 PRESIDING JUDGE FULFORD: Very courteous, Ms. Struyven. Thank
10 you. If we could be supplied with those as well. Thank you.

11 COURT OFFICER: The document currently being displayed shall
12 carry the number EVD-OTP-00390.

13 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.

14 MS. STRUYVEN:

15 Q. Mr. Witness, do you recognise the document you have in front of you?

16 A. Yes, it's my picture. It's mine.

17 Q. Is this the one you referred to earlier?

18 A. Yes, that's the one.

19 Q. Can you tell us who is -- who the persons on the picture are?

20 A. The one in the middle is my commander, and the one next to him is
21 Tchaligonza. The one -- the one to my left is Tchaligonza. The one in the
22 middle is the commander, and the one to the right, I don't know who he is.

23 Q. Thank you very much. And could you clarify for us the ethnicity
24 of your commander and Commander Tchaligonza, if you know?

25 A. They are of my Bahema ethnic group.

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1 Q. Thank you. Do you know the ethnicity of Commander Pepe?

2 A. He is also from my ethnic group Bahema South.

3 Q. Thank you. Now, Mr. Witness, how long did you stay in

4 Rwabisengo?

5 A. I can't remember how long I spent in Rwabisengo, but I know that
6 we spent quite a long time there. We started the training and just a
7 little bit later, well, we did two months of training, but we didn't
8 finish the training because Commander Pepe was called to go back to the
9 Congo to help the people in -- under his command or in his service.

10 Q. Do you know who called Commander Pepe to go back to the Congo?

11 A. I don't know, but they were high-ranking people in the APC, but I
12 don't know who it was from among them.

13 Q. And so what -- what did you do at that time?

14 A. Well, what did I do. I was a soldier at the time. When he went,
15 we said, Well, he wanted to go. And if there are people who have not
16 finished the training, they'll finish it in Mandro. So others went back
17 and some remained, but I left. There was a group of soldiers that went to
18 Bunia, and we took another road together with a number of other recruits.

19 Q. And just so that I fully understand, where did you go to?

20 A. We went to Kasenyi, and he went off in another direction.

21 Q. And did you stay in Kasenyi or did you continue your trip to
22 somewhere else?

23 A. Our objective was not to stay in Kasenyi. We were going via
24 Kasenyi because we were going to Mandro.

25 Q. Thank you. And you explained to us that there was a group of

1 soldiers that went with you. How many people went with you to Mandro?

2 A. There were around about 20. I would say -- well, there were
3 those who arrived in Kasenyi and others that went in a different
4 direction. We went in small groups, and we joined up together in
5 Kasenyi. I don't exactly remember how many of us there were, but I do
6 recall there being round about 20.

7 Q. That's no problem. What happened after you arrived at Mandro?

8 A. When we arrived in Mandro, we had our clothes taken from us and
9 we were given a uniform that was for training, and we were told,
10 "Henceforth there are no longer any soldiers among you." I came with the
11 recruits. I arrived with the recruits, and I said I was scared of the
12 military training but I wasn't yet properly trained, and they said, "All
13 of you are going to start the training again."

14 Q. You said that you didn't want to do the training because you were
15 scared of the training. Why were you scared of the training?

16 A. It's difficult. It was very difficult for me. I didn't want to
17 suffer any more. I didn't want to be trained.

18 Q. Do you know approximately when you arrived at Mandro training
19 camp?

20 A. Do you want to know which day or the time or what?

21 Q. If possible, the month or the year or the time.

22 A. I don't remember, no.

23 Q. That's really not a problem. Do you remember who was in charge
24 of Mandro at that time, who was the leader of the camp?

25 A. When I arrived there I didn't know who was in charge. I knew

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1 there was a chief who was there. I hadn't seen him. His name was
2 Chief Kahwa Mandro. He was the one everybody spoke about, but when I was
3 there I didn't see him. But he was in charge of training. I didn't know
4 him. However, later on when I left the area,

5 I learnt that the person who was in charge of
6 training was called Mugisa Muleke.

7 Q. When you were in Mandro did you know what military group the
8 soldiers that you saw there, what military group they belonged to?

9 A. When I was there I didn't know which group it was. I knew that
10 there was our group, the Bahemas. I just knew that it was our group from
11 the Hemas.

12 Q. Did you know if this Hema group or Bahema group got a name at
13 some point in time?

14 A. Yes. Its nickname that was given to it was UPC, and it's later
15 that I learnt that it was the UPC.

16 Q. So if I understand you correctly, the group of soldiers that were
17 at the time at Mandro were later called the UPC; is that correct?

18 A. Yes.

19 Q. So you -- you explained to us that when you arrived they took
20 away your clothes and they gave you a working uniform, if I -- if I
21 remember correctly. What did this uniform consist of?

22 A. It was civilian clothing. It was in a poor state. It was
23 covered in lice.

24 Q. So they took away what you were wearing at the time, and instead
25 they gave you other civilian clothes that were in a poor state; is that

1 correct?

2 A. Yes, that's correct.

3 Q. While you were at Mandro, did there come a point in time that you
4 received real uniforms?

5 A. Yes. When I arrived in Mandro, I didn't see uniforms.

6 THE INTERPRETER: The interpreter did not hear what the witness
7 has just said.

8 MS. STRUYVEN:

9 Q. I'm sorry, Mr. Witness, there was a translation problem. Could
10 you repeat your answer? I can repeat the question if you want.

11 A. Yes, please repeat your question. I was trying to follow the
12 Swahili interpretation so I can answer it.

13 Q. That's really not a problem. So I was asking if there came a
14 point in time when you received real uniforms at Mandro?

15 A. No. In Mandro we were not given any uniforms, any military
16 uniforms. There were some soldiers who came from other groups, and they
17 had military uniforms, but when I was in Mandro, we were not given any
18 military uniforms.

19 Q. Now, do you have any idea of how many recruits were present at
20 Mandro at the time you arrived there?

21 A. When I arrived there, I had no idea how many there were, but
22 there were a lot of them. There were several groups, three in fact.
23 There were recruits who had arrived earlier, and then some more came
24 along, and others came later. My group was very large.

25 Q. And do you know how old the recruits were at Mandro?

1 A. Different ages. There were children like me. There were older
2 ones. There were some who were quite old, and then there were younger
3 ones as well, but I can't give you the exact age of each individual
4 recruit who was there.

5 Q. That's not a problem. Do you know if there was boys and girls?

6 A. Yes, there were girls, but there were not many girls, but they
7 were there, although I don't know how many. There were fewer girls than
8 there were of us. Everybody wore trousers.

9 Q. This may be a strange question, but how would the girls wear
10 their hair?

11 A. You're talking about their hair? Their heads were completely
12 shaved. A razor blade was used to shave heads, so there was no
13 difference from that point of view between the men and the women.

14 Q. Thank you. Can you explain to us what the training consisted of
15 at Mandro?

16 A. When I arrived there we were not taught to manipulate weapons to
17 begin with. We were involved in running. We went into the bush, into
18 the forest, but I didn't spend much time there. I fled. I went back to
19 Bunia. Others remained. They continued their training, but when I was
20 there I spent quite a long time, two days, involved in the training and
21 then I ran away.

22 Q. Do you mean you only stayed two days at Mandro, or do you mean
23 that you only trained for two days?

24 A. I spent quite a long time in Mandro, but when we started the real
25 training I was involved in two days and then I ran away to go back home.

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1 Q. So if I understand you correctly, you first spent some time in
2 Mandro and then the real training started, and then after two days you
3 left. Is that correct?

4 A. Yes.

5 Q. What were you doing during that period before the training
6 started but that you were already in Mandro?

7 A. We were there, but we weren't doing anything. The chiefs weren't
8 there to tell us whether the training was beginning. There were those
9 who were teaching us how to fight. We discussed things. We used to
10 sing. But I didn't see anyone come along in charge to take over the
11 training.

12 Q. You said you were singing. What were you singing about? Do you
13 remember?

14 A. We would sing songs with insults.

15 Q. At who were these insults addressed?

16 A. We were insulting the Ngiti and the Lendu.

17 Q. You also explained that you learned how to fight. Were you using
18 any accessories to learn how to fight?

19 A. We had bits of wood.

20 Q. Thank you. Now, you said that you -- you ran away from Mandro.
21 Why did you run away from Mandro?

22 A. I ran away because I was suffering so much, and I just felt I
23 couldn't put up with it any longer.

24 Q. Can you explain to us what made you suffer so much?

25 A. We were whipped. We were asked to -- to steal. We were asked to

1 run races.

2 THE INTERPRETER: Interpreters correction: Not "steal," to roll
3 around.

4 MS. STRUYVEN:

5 Q. You said you were whipped. Who would whip you?

6 A. Our trainers.

7 Q. And why would they whip you?

8 A. We were whipped in order to harden us and to make us less afraid.

9 Q. And what would they use to whip you?

10 A. They used sticks. They used sticks.

11 Q. Did you -- did they whip you as well?

12 A. Yes. I was whipped as well, but very often I would run away when
13 they tried to whip me, but I was whipped. Not several times, but I was
14 whipped as well.

15 Q. What about the other soldiers? Did they make a distinction
16 between the younger recruits and the older recruits when they would whip
17 the recruits?

18 A. What distinction? There was no distinction in the treatment. We
19 were treated on the same level of equality, if you like. There was no
20 talk of an adult or a child or a boy or a girl. There was no difference,
21 no distinction.

22 Q. And so did you yourself see others also being whipped?

23 A. Yes. They were whipped.

24 Q. Now, you also talked about the fact that you had to do races.
25 Could you explain to us what you mean by "races"?

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1 A. Are you talking about our running away or the running or the
2 jogging we did during training?

3 Q. Yeah. It's probably a translation thing. When I asked you the
4 question why you ran away or why you wanted to run away, you said that you
5 were whipped and that you had to do races. So I was going to ask you to
6 explain to us what you meant by those races.

7 A. We were asked to run up a mountain or run up a hill and down the
8 hill. Those were the races we're talking about, and this was called
9 "Chaka" in our local language.

10 Q. Thank you for that clarification. Now, you explained to us that
11 they whipped you to make you stronger. Did they do anything else? Did
12 the trainers do anything else to make you stronger?

13 A. Such as what?

14 Q. Well, I was just wondering. You explained that you wanted to run
15 away from Mandro because they were whipping you. Were they doing
16 anything else to you that made you want to run away from Mandro camp?

17 A. Yes. We were whipped. We were asked to smoke hemp, and I was
18 not used to that, and that is why I ran away.

19 Q. Who asked you to smoke hemp?

20 A. The trainers who were there. They told us that we had to smoke
21 hemp. There were also other recruits who were stronger than us and who
22 asked us to do that as well.

23 THE INTERPRETER: Interpreter's correction: "Other recruits who
24 were older than us who asked us to do that as well."

25 MS. STRUYVEN:

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1 Q. Did you at the time want to smoke hemp?

2 A. When I was in Mandro -- are you talking about the time when I was
3 in Mandro?

4 Q. Yes.

5 A. When I was in Mandro, I did not have the desire to smoke hemp. I
6 didn't want to do that.

7 PRESIDING JUDGE FULFORD: Ms. Struyven, we're going to give the
8 witness some -- a 10-minute break around this time, so if you could find
9 a convenient moment, please.

10 MS. STRUYVEN: Yes. I will maybe ask one or two more questions
11 about this and then we can close this issue.

12 PRESIDING JUDGE FULFORD: Yes. If you perhaps move -- once we
13 finish with hemp.

14 MS. STRUYVEN: Perfect.

15 Q. Mr. Witness, were -- you said that at Mandro there was girls and
16 boys. Were both the girls and the boys asked to smoke hemp?

17 A. When you are seated, the trainer is in the middle, and he lights
18 his hemp. You smoke it, and you pass it round, and anyone who wishes to
19 smoke can take about two or three draws from the stick of hemp. And so
20 really, we were -- we all had to smoke.

21 Q. And did the trainers tell you why you had to smoke hemp?

22 A. They told us that a soldier had to behave in that way. A soldier
23 has to be strong. There is supposed to be a difference between a soldier
24 and a civilian.

25 MS. STRUYVEN: Your Honours, I think we can maybe break here.

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1 PRESIDING JUDGE FULFORD: Good. We'll sit again at quarter
2 past.
3 Can we go into closed session, please. Can Mr. Lubanga kindly
4 leave. Thank you very much.
5 (Mr. Lubanga withdrew)
6 PRESIDING JUDGE FULFORD: Closed session.
7 (Closed session at 4.00 p.m.)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Open session at 4.16 p.m.)
20 COURT OFFICER: Open session.
21 PRESIDING JUDGE FULFORD: Yes, Ms. Struyven.
22 MS. STRUYVEN: Thank you.
23 Q. Mr. Witness, before the break you explained to us that you had to
24 run up and down a hill while you were at Mandro training camp. Where was
25 that hill located?

1 THE INTERPRETER: The interpreter would like to say that he did
2 not hear the witness. And I would like to add that the witness's
3 microphone is not on.

4 PRESIDING JUDGE FULFORD: You better start again, Ms. Struyven.

5 MS. STRUYVEN: No problem.

6 Q. Mr. Witness, I'm sorry, but there was a problem, so I'm going to
7 ask you the question again. You explained to us that while you were at
8 Mandro camp you had to run up and down a hill. Can you explain to us
9 where that hill was located?

10 A. The hill was there on site in Mandro. When we went there, we
11 would run, run up the hill, and then we would go back to the camp, but I
12 can't give you the exact location of the hill, but it was not very far
13 from the camp.

14 Q. Do you know how many metres or kilometres it was away from the
15 camp?

16 A. No. I can't make an estimate of the distance, whether it was how
17 many metres or how many kilometres away from the camp.

18 Q. That is not a problem at all. So you explained to us that you
19 ran away from the camp. Were the recruits allowed to leave the camp?

20 A. No. No. They were not authorised to do so. It was prohibited.

21 Q. Do you know if anyone tried to leave the camp?

22 A. No. I heard that there were certain people who attempted to
23 escape. There was someone who tried to escape. He was arrested, and he
24 was whipped. I was afraid. If you tried to run away and you succeeded,
25 then you were lucky; but if you did not succeed, then you would be

1 punished.

2 Q. And can you explain to us how it -- how you succeeded to run
3 away?

4 A. I took advantage when Commander Pepe died. There were certain
5 commanders who wanted to go to attend the funeral in Bunia, and since at
6 the time we remained there on our own, we took advantage, because all
7 attention was focussed on the funeral. My friends showed me the road,
8 showed me the way, and we escaped.

9 Q. And if you say that commanders went to the funeral of
10 Commander Pepe, do you remember who were the commanders that went to the
11 funeral?

12 A. No. I do not know them. It was the commanders who were there on
13 the spot who went to the funeral.

14 Q. That is not a problem. So you said that you escaped. Did you
15 escape alone or were you with other recruits?

16 A. I escaped with six other persons.

17 Q. And where did you escape to? Like where did you go to?

18 A. I went to Bunia. I lived near the main market of Bunia.

19 Q. And so you explained to us that you escaped with six other
20 recruits. How old were these other recruits?

21 A. They were older. They were adults. But one -- no, no. They
22 were all adults.

23 Q. And you, you said you went to Bunia. Do you remember
24 approximately when it was you arrived in Bunia or do you remember any
25 event that occurred when you arrived in Bunia?

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1 A. When I arrived Bunia there were some parents who were looking
2 for their children. One of us found his parents and left with his
3 parents, and we -- the rest of us stayed there.

4 Q. And so what happened after you stayed in Bunia or -- yes, what
5 happened after you stayed in Bunia?

6 A. I was in Bunia, and I returned to the army because a battle broke
7 out between the Hemas and the APC. And it was at that time that
8 Commander Claude was killed, Lopondo was chased away, and the other
9 soldiers occupied the town.

10 Q. So you explained to us that at the time there was a battle
11 between the Hema soldiers and the APC. You also referred to a certain
12 Lopondo. Could you explain to us who Lopondo was?

13 A. I did not know his duties well. He was a governor. He was also
14 a soldier, a soldier and a governor at the same time.

15 Q. And of what group was he a soldier?

16 A. I know that he was part of the APC. He was with the soldiers we
17 called the APC soldiers.

18 Q. And so who took control over
19 Bunia after Lopondo was chased away?

20 A. After Lopondo fled, the UPC,
21 together with the Ugandans, occupied
22 Bunia.

23 MS. STRUYVEN:

24 Q. And you explained to us that at that time you joined the army
25 again. Did at the time the group that was in control over Bunia

1 re-recruit or recruit soldiers?

2 A. They were doing the recruiting. I was afraid to go back to the
3 army, because it was said that if somebody was caught who had escaped
4 from military service, they'll be whipped. So if you're caught, you'll be
5 whipped. So I went back myself to go back to the military service, because
6 the civilian population denounced those who had fled military service.

7 Q. So you said that those that they found and that had deserted the
8 army, they would be whipped if they would be found. Do you know if at
9 the time they also recruited new soldiers?

10 A. That happened a lot. People were arrested. They were brought
11 back to the army. Some people were recruited of their own will. So they
12 took people to send them to military service.

13 Q. And when you say "they took people," who do you refer to?

14 A. The soldiers with experience that controlled Bunia, the Hema.
15 They took people to send them to the military service. They said the
16 weapons would come and, "You will be given them."

17 Q. And so these Hemas that you refer to, did they have another name?
18 Did their group have another name?

19 A. Yes. The name was UPC.

20 Q. So you explained to us that people were recruited or people were
21 going of their own will or people were arrested. Could you indicate to
22 us more or less how old these people were?

23 A. I don't know much about the age. They took adults but also
24 children. We saw a lot of children and adults. There were children who
25 volunteered to be recruited, but they also arrested other children to

1 send them to military service. So all were together, adults and children
2 together.

3 Q. So you explained to us that you yourself went back to military
4 service. Where did you go to?

5 A. When the soldiers arrived near where we lived, I ran towards the
6 church. I went to office 2. I met Kisémbó. There was a soldier called
7 Kisémbó. There were several soldiers there, but I recognised Kisémbó.
8 And I said, "Well, I'm a soldier." So he asked me, "Why did you flee?"
9 He didn't condemn me. He took me, accepted me. I didn't
10 have a military outfit.

11 Q. Did this person Kisémbó, did he ask about your age?

12 A. No. It wasn't about asking a question about the age. When I
13 said I was a soldier, they considered me as a soldier. They didn't ask
14 me about my age.

15 Q. And so after you went to office 2, what happened?

16 A. Before I answer that question, I'd just like to say something.
17 Kisémbó, whom I just mentioned, it wasn't the Chief of Staff, it was
18 another Kisémbó, because there were several people called Kisémbó. So I
19 wasn't talking about the Chief of Staff. I was talking about another
20 Kisémbó, a different one.

21 Now you can ask me the question that you just asked me.

22 Q. Okay. Thank you very much for that clarification. So you
23 explained to us that you ran off to office 2 and that there you met
24 Kisémbó. What happened afterwards?

25 (Expunged)

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1 MS. STRUYVEN: We need a redaction for that word.

2 PRESIDING JUDGE FULFORD: Certainly.

3 MS. STRUYVEN:

4 Q. Just as a reminder, if you -- if we both refer to that commander,
5 we should not forget to refer to "Commander A" or to your commander.

6 But so what happened when you heard that Commander A was on site
7 at office 2?

8 A. When I found that out - he wasn't in office 2 but elsewhere - I
9 was very glad because I was used to him and he treated me very well, so I
10 thought I can go to his place because he knows me very well, so I
11 followed him.

12 Q. You explained to us at the time that he was not at office 2. Did
13 there come a time where he came back to office 2?

14 A. No, he didn't arrive at office 2. When I arrived in Bunia, I
15 heard he was in Uganda; but when I went to office 2, I heard that he had
16 already gone back to Bunia. So we were scattered. When I found out he
17 was with another group of soldiers, I fled from where I was to follow him
18 to where he was.

19 Q. So where did you meet Commander A in the end?

20 A. I found him at his residence in Bunia EPO. I arrived there. He
21 saw me, and he said, "That's good," and he gave me a weapon, and that's
22 how I started being one of his guards.

23 Q. Thank you. Before I continue asking questions about that, could
24 you explain to us where office 2 was in Bunia?

25 A. If you come from CPS church, you go up and pass the

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1 President Thomas's residence and pass another residence, that of Bosco,
2 and continue, it was a house on the left, a big house next to a road.

3 Q. And did you see any other commanders at office 2 that you knew?

4 A. No. Other than Kisémbó -- when I knew Kisémbó, he wasn't a
5 commander, he was a civilian, but I met him there. He was a commander
6 over there. And there was also the G2, Lobho, there. He came there
7 because that was his office. There were several commanders, but the ones
8 I knew were Kisémbó and Commander Lobho.

9 Q. And so if I understood you correctly you went from office 2 to
10 EPO. Could you explain to us where EPO was located?

11 A. So you're asking the question about the commander I met in EPO or --

12 Q. No. I would like to start with the question where EPO was
13 located or what it was, because -- just to get -- yeah. Just to
14 understand what EPO was and where it was located.

15 A. As far as I remember, as far as I know, in EPO there was a
16 field called EPO field. That area was known because of that field. EPO
17 is -- if you come from Kasenyi and pass Yambi, you pass my commander's
18 residence. You'll get to a place where they sell petrol, and you'll get
19 to a field, and you continue walking. You'll come across the MONUC and
20 then there's a road that goes towards Komanda and Kasenyi. On the right,
21 that is where EPO field is situated.

22 Q. And so you met Commander A, if I understand you correctly, at
23 EPO. What was the function at that moment of Commander A? Do you know?

24 (Expunged)

25 (Expunged)

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1 (Expunged)

2 Q. Thank you for that. I will ask you questions about that, but
3 first I have another question. You said that the persons in control at
4 the time of Bunia were the UPC. Was Commander A also a commander of the
5 UPC?

6 A. Yes. There were higher ranks of the UPC, of the Hema group, and
7 he belonged to the UPC.

8 Q. Do you know who was having those higher ranks at UPC?

9 A. Yes, President Thomas Lubanga.

10 Q. And did you know of any other higher rank in the UPC?

11 A. Yes, I know them. Commander Kisémbó, Commander Bosco,
12 Commander Kasangaki, my commander, Chief Kahwa, and many others, the name
13 of whom I do not know. The G2, Lobho, and others.

14 MS. STRUYVEN: Thank you, Witness. I think this is a good
15 moment, actually.

16 PRESIDING JUDGE FULFORD: I thought it may be. Thank you.

17 Thank you, sir, very much for your help today. We're going to
18 break off now for the evening, and we will look forward to seeing you
19 again at half past 9.00 tomorrow morning when you'll continue, please, to
20 give your evidence.

21 So into closed session, please, and would Mr. Lubanga kindly
22 withdraw. Thank you very much.

23 (Mr. Lubanga withdrew)

24 (Closed session at 4.44 p.m.)

25 (Expunged)

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17 The hearing ends at 4.46 p.m.

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CORRECTION REPORT

1 Pursuant to Decision ICC-01/04-01/06-1974-CONF, this transcript has
2 been revised and corrected.
3 Due to a large amount of corrections to be brought to the transcript,
4 these have been implemented directly into the transcript.