

## **Lubanga Defence Focuses on Intermediary Payments**

**Author:** [Wairagala Wakabi](#)

Witness says most were made to cover transportation, subsistence and communications costs.

The defence team for alleged Congolese warlord Thomas Lubanga last week focused on the payments that a member of staff of the Office of The Prosecutor, OTP, made to four intermediaries who helped to put prosecution investigators in touch with witnesses.

Lubanga is on trial at the International Criminal Court, ICC, over the recruitment, conscription, and use of child soldiers in armed conflict while he allegedly led the Union of Congolese Patriots, UPC.

During the testimony of the witness, whose identity was concealed with face and voice distortion, lead defence counsel Catherine Mabilie asked about several payments that were made to intermediaries and other witnesses, mainly former child soldiers.

Among the financial records under scrutiny were those related to intermediary 143, who allegedly bribed and coached prosecution witnesses.

The witness said that most of the payments were made for the transportation, subsistence and communication costs of intermediaries. He added that, in some instances, house rent was paid for the intermediaries after they had been relocated due to security concerns.

The witness explained that OTP investigators based in the Democratic Republic of Congo, DRC, and at The Hague would contact him to make payments to intermediaries. "I may know what the sums paid are for, or may not [know]," he said.

Mabilie also questioned the witness about payments to intermediaries identified as Mr X, Mr Y and Mr Z.

Three of the four intermediaries mentioned last week introduced former child soldiers to the witness, who screened them and handed them over to investigators for in-depth interviews. Most of those children subsequently became prosecution witnesses.

"All the people who work as intermediaries for the OTP are paid in accordance with the various tasks that they carry out," the witness explained. "There is a sheet – a record – that is prepared by the investigators at headquarters. They are the ones who keep track of the tasks in the field and prepare a document showing the number of days of work that intermediaries did in the field, and that is the basis on which payment is made."

The witness said he had known intermediary 143 since around 2007.

"Would you say intermediary 143 is still serving as an intermediary for the OTP?" Mabilie asked.

"To the best of my knowledge, yes," the witness responded. "I haven't received any information that [intermediary] 143 is no longer an intermediary."

All the subsequent questions about intermediary 143 and the witnesses he introduced to the OTP were put to the witness in closed session.

The witness was the first of three OTP members of staff to take the witness stand. In addition, three intermediaries, who played a role in identifying prosecution witnesses, will testify.

During cross-examination, prosecuting counsel Nicole Samson asked, "At any time when you were with children or adults, did you advise them or encourage them what they should tell investigators?"

The witness responded that "there was no encouragement needed".

Samson then asked the witness whether he promised the children or their parents anything in exchange for their cooperation with investigators.

"My job was to take children to meet the investigators and I limited myself to [this]...So no promises were made to the parents or the children," he replied.

Samson asked the witness whether he sometimes paid witnesses and intermediaries.

He responded that in the course of his daily activity, whenever a witness or an intermediary needed payment, he consulted his supervisors at The Hague, and if the payment was approved, he disbursed the

money.

Samson asked the witness to explain a particular payment to Mr X. He responded that when Mr X requested money to transport him to an area, he double-checked with colleagues to ascertain that this was the accurate amount needed for that journey. He would then discuss the matter with his supervisors and once the amount was approved, he disbursed it to Mr X.

“And during this particular operation, did you ever give money to Mr X for anything other than this transport costs?” asked Samson.

“No,” he responded. “The money paid to Mr X during all these operations was essentially for his transport to get the children, bring them to me, and take them back.”

He added that all the money given to Mr X, as well as to other intermediaries and witnesses, was duly signed for, with indications of the date received and purpose of payment.

Samson then asked the witness whether at any time Mr X told him that he thought or knew that one of the children the intermediary had met was lying about having been a child soldier.

The witness said Mr X never told him anything of that nature. “If he had told me of such a thing, I would have reacted immediately,” he said. “I would have informed my bosses that such a child who was sent to me, who was questioned, was a not a child soldier or had lied.”

The trial continues this week with the testimony of an intermediary.

**IWPR's weekly updates of the Thomas Lubanga trial are produced in cooperation with the Open Society Justice Initiative of the Open Society Institute, OSI. Daily coverage of the trial can be found at <http://www.lubangatrial.org/>.**

**Location:** [Democratic Republic of Congo](#)

**Topic:** [Lubanga Trial Coverage](#)

**Focus:** [ICC - International Criminal Court](#)

---

**Source URL:** <https://iwpr.net/global-voices/lubanga-defence-focuses-intermediary-payments>