

Witness: Witness P-0250 (Resumed) (Closed Session)
Procedural Matters

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1 International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra, and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor v. Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Friday, 12 February 2010
10 The hearing starts at 9.31 a.m.
11 (Closed session)
12 (Expunged)
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1 (Expunged)

2 (Open session at 9.34 a.m.)

3 COURT OFFICER: (Interpretation) We are in open session, your
4 Honour.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court
6 Officer.

7 Before we ask Mr. Hooper to proceed with his cross-examination,
8 the Chamber would like to come back to paragraph 108 of its decision 1665
9 of the 1st of December, 2009. This paragraph 108 relates to the use of
10 documents for cross-examination.

11 The Chamber would like to bring to the attention of the parties
12 and participants that paragraph 108 should be read henceforth as follows:
13 If a cross-examining party knows in advance that it will make reference
14 to a document that is not already in evidence during cross-examination of
15 a particular witness, it must inform the Chamber, the parties, and the
16 participants, and the Court Officer at least three full working days
17 before the scheduled hearing and provide it in electronic form in
18 accordance with Regulation 52(2) of the Regulations of the Registry.

19 So this means that between the Chamber and the Court Officer, you
20 should insert the words "the parties and the participants," and with that
21 inclusion, the adversarial nature of the proceedings and the fairness of
22 the proceedings under Article 64(2) of the Statute will be reinforced.

23 With regard to the cross-examination of the present witness, the
24 Defence of Mathieu Ngudjolo, which had complied with that provision, had
25 done so only based on the wording of paragraph 108. So as we said, the

1 proceedings started, and as we go along we have to make minor adjustments
2 here and there. So paragraph 108 must read henceforth as I have
3 mentioned, and the adversarial nature of the proceedings should be
4 respected.

5 That said, Mr. Hooper, you have the floor.

6 MR. MACDONALD: (Interpretation) With your leave, Mr. President,
7 I would like to raise two small points. If the Chamber could reserve a
8 few minutes today for administrative issues and the management of
9 evidentiary materials. And in light of your statement, I do understand
10 we are going to receive the list of documents in question from the
11 Defence team despite the fact that we were not able to do so before. But
12 in light of your decision, this means that those documents would be
13 disclosed to us.

14 PRESIDING JUDGE COTTE: (Interpretation) If the Chamber
15 understood Mr. Hooper correctly, he wanted to use this entire day for the
16 cross-examination of the witness. Maybe he will need to continue again
17 on Monday. We do not yet know. So the team of Mr. Ngudjolo can start on
18 Monday morning or afternoon. So even if the deadline is not to be
19 respected, are you in a position to disclose to the other parties the
20 documents in your e-mail of the 4th of February last?

21 MR. KILENDA: (Interpretation) Thank you, Mr. President. We
22 comply with that decision, and we are going to disclose that document.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Kilenda.

24 Mr. Prosecutor, you have your answer, and then we are going to
25 deal with the administrative issues afterwards.

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1 Mr. Hooper, please proceed.

2 MR. HOOPER: Thank you.

3 Questioned by Mr. Hooper: (Continued)

4 Q. And good morning, Mr. Witness.

5 MR. HOOPER: Your Honour, can I say as we forecast yesterday,
6 there's now a further and better plan or map of the general area. I
7 don't know if the Prosecution who were courteous and good enough to
8 assist us in -- in printing out an adequate map have produced these for
9 me this morning. I don't know whether they've yet been circulated enough
10 for your Honours to have received them.

11 I look to my friend.

12 MR. MACDONALD: (Microphone not activated) ... copies of each if
13 I'm not mistaken. I've already disclosed one -- two maps to the legal
14 representative. We've kept one copy so you have an A3 and A4 format of
15 the same map indicating Kasenyi and Tchomia as requested.

16 MR. HOOPER: Thank you very much. Let me pass one back to the
17 accused, as they take up some space.

18 I'm not sure whether your Honours would prefer the smaller A4
19 version or the large one. The smaller one is handier because it doesn't
20 take up so much bench space. Could I hand up three of one and one of the
21 other. If your Honours prefer the bigger version, I can provide in due
22 course or even now the larger version.

23 Can I provide also one for the Registry's purposes if you haven't
24 got one already, and also one for the witness if he hasn't got one. My
25 friends have got one.

1 (Trial Chamber and Court Officer confer)

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, this is a
3 public document?

4 MR. HOOPER: Yes.

5 PRESIDING JUDGE COTTE: (Interpretation) And the Usher, please
6 put one on the screen so that the public should be able to see.

7 What is happening, Mr. MacDonald?

8 MR. HOOPER: (Previous translation continues) ... doesn't oppose
9 that. Would this be a convenient moment -- would this be a convenient
10 moment for them to receive an evidence number? Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) The Court Officer has
12 apparently nodded, so we are going to give an EVD reference number to
13 that document.

14 COURT OFFICER: (Interpretation) Mr. President, this map will be
15 EVD-D02-00008.

16 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

17 COURT OFFICER: (Interpretation) Once again, in order to see the
18 document, please press on the button "Docu Cam Witness" next to your
19 computers.

20 MR. HOOPER: (Previous translation continues) ... continue
21 without the facility but at the moment neither of the accused has access
22 to the image of the witness. Thank you very much.

23 Q. So, Mr. Witness, just looking at that plan in front of you, it's
24 unchanged from yesterday except that it shows the area slightly further
25 to the east, a little more of Lake Albert, and we can see there both

1 Kasenyi and Tchomia both on the side of the lake, on the valley floor
2 there.

3 Now, you have told us in your evidence how the APC
4 12th Battalion, that you thought was more than a battalion of APC, came
5 under the command of Commander Faustin. Just pausing there.

6 When you say these -- these were government soldiers, what do you
7 mean? Which government soldiers were they -- or, rather, whose
8 government soldiers were they?

9 A. You are using maps, and one day people will come and say that
10 they bought land, and that would be a shame for the court, but those were
11 the soldiers of the APC who arrived there, and it was during the
12 transitional period in the Democratic Republic of Congo. That is what I
13 can say. It was the one-plus-four period, as it was referred to at the
14 time.

15 Q. And who or what was the APC?

16 A. APC is an abbreviation. These were soldiers who were in Ituri.
17 Their governor was known as Lopondo. At that time, there was a governor
18 at the head of the district.

19 Q. And can you tell us what APC stood for?

20 A. Armee Populaire Congolaise or Congolese People's Army or
21 something of this sort. I believe that is the meaning of that acronym
22 APC.

23 Q. And to which group did the APC army have loyalty to?

24 A. During that period in the DRC, there was the one-plus-four
25 regime. It was necessary to elect the members of the government, and

1 these parties had representatives in that government.

2 Q. Well, let me ask you this: Have -- had you heard of the
3 RCD-K/ML, the party of Mbusa Nyamwisi?

4 A. I heard about parties in North Kivu, but in the Province
5 Orientale there was the APC party.

6 Q. Wasn't it the position this, that the APC was not a party, it was
7 an army, and it was the army of the RCD-K/ML?

8 A. This is something that concerned the government. I do not know
9 anything about that. And where I lived, there was the APC in the
10 District of Ituri which provided security for the people living there.

11 During the period -- this period, there were rebels known as FAC,
12 and we heard about them, and we knew that it was being said that they
13 were rebels. They were in the forests.

14 Q. I'm not going to take up time with this, but I merely want to ask
15 you this: Isn't it right that the RCD, in various forms, but the RCD,
16 and in particular the RCD-K/ML, had taken control of the Ituri area and
17 that its leader was Mbusa Nyamwisi, and his army was the APC, or is that
18 something that you don't know or you're not sure about?

19 A. You are giving names there that were known to the politicians. I
20 was known -- I was not a politician. I was a displaced person who had
21 left his district.

22 Q. So would it be fair to say that you're not somebody who can help
23 us very much as to the various political parties that were there in 19 --
24 2002, rather, 2001, and 2002, and 2003? Would it be fair to say that
25 you're not really in a position to help us very much in respect of that?

1 A. Regarding clarifications on party politics, I learnt about those
2 during -- during civics lessons in school. I heard about leaders such as
3 Lotsove, Vaweka, Wamba dia Wamba, and they were on the eastern side of
4 North Kivu, but I do not have any further details. But the APC was an
5 armed force that was in Bunia in the Ituri region. That is it.

6 Q. And Lopondo, he was the military governor of the RCD-K/ML
7 appointed to position in Bunia. Isn't that right?

8 A. He was the one who was the governor at that time, and the army
9 which provided security in his region was the APC. There were Congolese
10 soldiers of the APC there, but there were also UPDF soldiers, and these
11 were Ugandans.

12 Q. Now, the UPDF soldiers, while you were in Zumbe did they attack
13 the groupement of Bedu-Ezekere?

14 A. Yes, a lot.

15 Q. And did they pillage the area?

16 A. You have shown us maps and photographs reflecting the situation
17 that prevailed, as well as the situation of the APC in Ituri. There were
18 times when the Okapis left the region to go to Uganda. They had looted
19 everything from cattle right down to sand.

20 Q. Now, the APC force, as you've told us, came to stay for, you've
21 told us several days, a week or so, and then left, and when they left --
22 or let me start again. Before they left, you agree that there had been
23 an attempt to attack Bogoro. When they left, you tell us that a man
24 called Bahati left with them, and as I understand it, he left with a
25 number of Lendu fighters. Is that right?

1 A. Bahati did not say that he was joining the APC. He accompanied
2 them and showed them the road to Nyankunde, because in Bindi Bahati had
3 to discuss with other people. These people would have been defeated, so
4 they had to be accompanied and help them through this area. So there had
5 to be a strike on Nyankunde, because the APC and UPDF people had come
6 together. So they helped this group through.

7 Q. Sir, the simple question was: Did Bahati help that group leave,
8 and did he go with other Lendu fighters? That's the question.

9 A. Bahati was an influential person amongst the Tatsi. He could not
10 live alone. He needed to have guards. Those were not soldiers. These
11 were members of his close protection, and he was the person who
12 accompanied Faustin. He did not take an entire battalion. Given that
13 his counterpart was an influential person, he had to accompany them
14 because there were relations between the FRPI and the FNI, and if that
15 had not been the case, the APC would have been defeated.

16 Q. And -- I'm not suggesting he went with the entire company. Is it
17 right he -- you said that he went with 12 men, 12 Lendu fighters. Is
18 that right?

19 A. That is not a lie. He was an influential person, and he was
20 accompanied by his close body-guards. This was someone who was very
21 important. And it was not only the Lendus who were amongst the fighters.
22 There were displaced persons who had come from Bunia and other areas who
23 assembled to make up this group. So there were not only Lendus there.
24 There were CONADER elements that had been demobilised even.

25 Q. And what are these CONADER elements? CONADER was something

1 surely that only came about at the end of 2003 or mid-2003; isn't that
2 right?

3 MR. MACDONALD: I object to the way the question is asked.
4 (Interpretation) When my colleague leads dates with regards to CONADER
5 and dates with regards to precise events, the facts that he mentions also
6 have to be precise. I understand that the witness is there. I can't say
7 any more in this regard, but when we speak either about the arrival of
8 the Uruguayans we all know the dates. When we speak about the Artemis
9 force, there are dates which are known. When we speak about CONADER and
10 demobilisation, there are dates that are known, and leading dates or
11 years isn't right. So we have to be right with the witness. We
12 can't try to - how should I put this? - to lead things that are false,
13 historically false.

14 PRESIDING JUDGE COTTE: (Interpretation) The Court doesn't know
15 if there was leading but it would invite Counsel Hooper to reformulate
16 his question in order to get the answer he would wish.

17 MR. HOOPER:

18 Q. Well, I'll come back to that in another way, but you say that
19 there were soldiers CONADER, demobilised by CONADER amongst this group.
20 Let me just put it simply. How many men went with Bahati from Zumbe?
21 Not the APC. Who accompany -- how many accompanied Bahati?

22 A. I can say that there was a section which accompanied Bahati from
23 Zumbe. It was a section which accompanied Bahati, Faustin and the other
24 members or soldiers of the APC. At this time there were -- they weren't
25 demobilised. They were young people. The demobilisation started in 2005

1 in Ituri, and it was at this time that CONADER -- the CONADER site was
2 opened.

3 Q. Now, from what I understand, you told us Bahati was a nurse. Is
4 that right?

5 A. He was even a football trainer when he was a civilian. Of
6 course, he was also a nurse. As a civilian, he was a football trainer,
7 the football team in Vilo, and at the same place he was also a nurse.
8 During the rebellion, when people fled, he became a soldier. That is to
9 say, a fighter. During the "brassages" or "mixing," he rejoined the
10 ranks of the FRDC (as interpreted).

11 Q. Now, Mr. Witness, of course you're free to answer questions in
12 the manner you wish, but please listen to the question because sometimes
13 the answer's quite a simple one. For example, then I asked you was he a
14 nurse, and your answer could be yes or no. Now --

15 MR. MACDONALD: I have to intervene at this stage, your Honour.
16 (Interpretation) The cross-examination can sometimes be a difficult
17 exercise. The witness is free, I would respectfully (indiscernible) to
18 give the answers that he wishes to give. There are questions which --
19 perhaps which can be replied to with yes or no, but a witness isn't
20 limited to giving a yes or no answer. If the -- he could give a wider
21 answer or at least answer in the way in which he wishes to. It is up to
22 the Chamber to instruct the witness on how to answer, and it's not for
23 Counsel Hooper to do so.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.
25 The Chamber thinks that Counsel Hooper was quite led by the concern at

1 this time for the expeditiousness of our proceedings.

2 Witness, for several days you have been subjected to this
3 difficult exercise of questions asked by the Prosecutor, then by the
4 Chamber, and then by the Defence counsel. You have understood, because
5 we often remind you of that, that it's important to give us precise
6 answers, that they should reflect the truth. They should be what you
7 remember, because the facts occurred a long time ago. And it is true
8 that you are free to answer in the way that you intend to. If you want
9 to be very complete, you can be, but when a question is very short and
10 very precise and you do know the answer, you also have the possibility to
11 say yes or no, but it is up to you determine whether it's necessary to
12 bring to the Chamber an additional clarification to make it possible for
13 the Chamber to better understand. You can and even you should do so to
14 the extent that you can. You should try and avoid giving details which
15 are not essential. The important point is that you go to the heart of
16 the matter in terms of the questions that are put to you. So I'm just
17 reminding you quite simply of that, and we will continue.

18 Counsel Hooper.

19 THE WITNESS: (Interpretation) Yes. I think that he asked the
20 question of whether it was what Bahati did before the war. So I replied
21 that he was a football trainer, he was a nurse, and at a certain time he
22 even taught in the primary school in Vilo.

23 MR. HOOPER:

24 Q. And did his wife live in Songolo?

25 A. The wife of Bahati at that time, I don't have any information

1 about her, but when I went to Aveba, I met Bahati's wife. They had
2 twins.

3 Q. Did his father live in Kagaba?

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 Q. And did he live in Kagaba?

8 A. Their village was Kagaba.

9 Q. And during your time in Bedu-Ezekere, as I understand it, you
10 were based in Zumbe. Is that right?

11 A. When we left the groupement of Bedu-Ezekere, we lived in the
12 centre of Zumbe. Zumbe was a locality in one of the 21 localities of
13 Bedu-Ezekere. And if I'm not wrong, here we're talking about -- no, it's
14 actually 27 localities.

15 Q. And living in Zumbe, did you live in the camp or outside the
16 camp?

17 A. In Zumbe, you had to build. We built our house, and I was living
18 in the camp in Manyata. These were houses which provided shelter when
19 you had -- the sun was full on and when it was raining. It was a place
20 of shelter.

21 Q. And how many combatants were there at the most in the camp there?

22 A. The military hierarchy was complete, but I couldn't tell you how
23 many fighters there were.

24 Q. Well, were there more than 10, for example? More than 20 or 50
25 or a hundred? Can you give us some idea how many combatants there were

1 in your camp?

2 A. In terms of the camp where I was, there must have been around
3 10 fighters, fighters from Zumbe.

4 Q. And was Nyunye the commander of those fighters?

5 A. Yes. He was the commander of the fighters from Zumbe.

6 Q. Now, you told us of being attacked 36 times. Did you participate
7 in defending the area against those attacks?

8 A. The 36 times, this was in Lagura. But in Bedu-Ezekere, there
9 were other attacks. If we have to calculate the number of attacks, I
10 would say somebody who starts in the first year and then ends up in the
11 fifth year. That's every week there were three, four, or five attacks.
12 In one day, they could even come back twice, once following another.

13 Q. Well, you mentioned earlier 36 attacks at Lagura. Did you
14 participate in resisting those attacks yourself?

15 A. Lagura was in the groupement of Bedu-Ezekere. It is in this
16 place that there were fighters.

17 THE INTERPRETER: The interpreter didn't catch the last part of
18 the witness's answer.

19 PRESIDING JUDGE COTTE: (Interpretation) Witness, could you take
20 back -- go back to your answer. The last part wasn't heard by the
21 interpreter.

22 THE WITNESS: (Interpretation) I said that there wasn't a
23 school -- there weren't schools. We had to fight. We had to fight.

24 MR. HOOPER:

25 Q. The question was did you yourself participate in the

1 36 attacks -- or resist, should I say, the 36 attacks that took place at
2 Lagura?

3 A. I participated more than five times.

4 Q. And you told us it was a bit like a football match. It was very
5 regular. They'd turn up, I think you told us, at 11.00 sort of every
6 day. Is that right?

7 A. They could come maybe at 1.00 in the morning.

8 Q. All right. One o'clock in the morning. So not during the
9 daytime then, which I understood you to tell us yesterday.

10 A. It wasn't about brothers. These were enemy and people who fought
11 them. Every group tried to win, and in order to do so you had to fight.
12 Somebody -- a normal person can't go and provoke or start a battle
13 against somebody at 1.00 in the morning.

14 Q. And where did these people who attack Latura -- sorry, Lagura,
15 where did they come from?

16 A. They came from the flat area, the valley. There were others who
17 came from Bogoro, from the -- from Rwampara. There wasn't a precise
18 place. There were many places.

19 Q. But as I understand it, that meant they had to climb up the hill
20 to attack you. Is that right?

21 A. We fled going through the mountains. Everybody who fled did the
22 same thing. Some of them were at the foot of the mountain, and they went
23 up. There were others who went through Mbeti, next to the lake, or to
24 Kasenyi, and there were others who came from the road from Rwampara, from
25 Bogoro, the road from Vilo to attack the civilian population.

1 Q. And did these attackers have to climb up the hill to attack you?

2 A. They didn't -- they weren't looking for stones. They were
3 looking for people, and this is how they had to look where people were.

4 Q. Well, final attempt: Did they have to climb up the hill to
5 attack you?

6 A. They -- they came several times. It was their objective, but
7 they weren't able to reach the land or the territory. Some -- they were
8 driven back. And one time they did manage to get Zumbe. They stayed
9 there for two days, and afterwards they were driven out.

10 Q. All right. Now, you tell us you were trained. Who trained you,
11 trained you to be a combatant?

12 A. It wasn't training. If I speak about training, it was the people
13 of the DSP. There were troubles in the country. We were asked to carry
14 out exercises in the morning, but this wasn't a training, a military --
15 sort of traditional military training as such.

16 Q. When did you get your weapon?

17 A. It was during the war. During the war we were given weapons.

18 Q. Who gave you your weapon?

19 A. In the Zumbe Company, we had seven weapons that we all used. And
20 if somebody was lucky, they could use the weapon, but not everybody had
21 access to these weapons.

22 Q. What weapon did you have access to, what kind of weapon?

23 A. I used AK-47s, and I also used a MAG.

24 Q. And who trained you to use those?

25 A. It was the Ugandans, the enemies, the army where the soldiers

1 used the weapons.

2 Q. Who trained you to use them?

3 A. It was those who already knew how to use weapons who taught the
4 others to do so.

5 Q. Did you have military police in Zumbe or in Bedu-Ezekere?

6 A. There were people who were chosen from the population who were
7 sent to survey. These were called the "military police." These were
8 titles, but everybody knew that there were enemies and that you had to
9 deal with these dangers or these risks.

10 Q. I'm sorry, I didn't understand your answer. Can you explain it
11 to me? Who were the enemies?

12 A. The enemy, these were all those who came to fight. The fighters,
13 they were the enemy. You could see them in the UPC military uniform, the
14 military uniform of the UPDF. There was also Rwandans. The day that
15 Zumbe was occupied, there were Rwandans there. We called them
16 Banyarwanda.

17 Q. What do you mean people who were sent to survey? At least that
18 is the translation in English. I asked you about military police. You
19 said, yes, and there were people who were sent to survey. What do you
20 mean, please?

21 A. It was your question there. There wasn't an institution, but in
22 order to ensure security, we chose within the population people who were
23 sent to carry out this work. Ultimately, they were trying to imitate
24 what was done within a traditional army.

25 Q. Now, you mentioned a man called Mbadu who was in charge of

1 discipline. I want to ask you this. Is it right that Mbadu was killed
2 in Bunia after the battle between -- after the UPC had been chased out of
3 Bunia?

4 A. Within the general staff, there was the discipline commander. It
5 was -- it wasn't Mbadu. He was called Mbulo.

6 Q. Thank you, but I think you did mention, a week or two ago now,
7 the name Mbadu, M-b-a-d-u. I'm asking, is it right he was killed --

8 MR. MACDONALD: I object. (Interpretation) Your Honour, I
9 haven't intervened before when the -- this type of intervention was made
10 and to say this type of example where you lead what the witness -- or you
11 suggest that the witness said something previously when he testified. So
12 either there are cases where it is more clear than others and we don't
13 have to go back to that, but when it's not the case you have to be fair
14 with the witness, just like the Prosecution does, by using the
15 transcript, the name of the transcript, the number, it's page and the
16 line. That is the same for the transcript, and that's also the same for
17 the information that he gets from his previous statements when he uses,
18 amongst others, the questions relating to Bahati. So what the -- the
19 witness did not mention that.

20 Essentially, when we refer to the names of persons, there are
21 titles, and we want to put the witness in contradiction with what was
22 previously said, to be fair the witness, you also have to remind the
23 witness of what he said previously from the transcript or from the
24 statements.

25 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor -- I'm

1 sorry, Counsel Hooper. Please go ahead. No?

2 MR. HOOPER:

3 Q. Do you know a man called Mbulo?

4 PRESIDING JUDGE COTTE: (Interpretation) Just one second. Just
5 one second. Just to reply to the Prosecutor. The Chamber doesn't have
6 the feeling that where it concerns the questions asked on Mr. Bahati,
7 that there was problems committed by Mr. Hooper. That the counsel tries
8 to inform himself on the activities of Bahati, that doesn't cause
9 particular problems for us. On the other hand, I do think that you are
10 right, and everybody has to be subject to the same discipline. And when
11 we refer to comments that the witness might have made in the previous
12 days, we quote as far as possible the sentence that was used, which is
13 certainly difficult but is achievable. This means that we will go back
14 to the transcript to say you -- "In the hearing on such and such a day
15 previously you said," and then to quote these words that will make it
16 possible to ensure a better balance between each of the parties.
17 Everybody has to hold to that.

18 I'm just trying to -- I would have liked to have given an example
19 with regards to what's just happened, but my transcript doesn't move
20 quickly enough. But as far as possible, when we refer to a previous
21 statement of the witness, it's a good idea to quote it. But you can
22 continue, Counsel Hooper.

23 MR. HOOPER: Sorry, I may not have been on mike.

24 Q. Can I just repeat what I said. It's T92, page 24, line 12.

25 Mr. MacDonald asked this question:

1 "Q. If we go back outside the camp but go back to the main
2 staff, who was responsible for discipline for all of the combatants?

3 "A. The person who was responsible for discipline was called
4 Mbulo."

5 And we get the spelling, M-b-u-l-o.

6 "Q. And Mbulo is the person responsible for discipline?

7 "A. Yes, in the staff -- in the staff of Ladile."

8 So I wasn't asking you about the disciplinary matter, but you've
9 told us that he wasn't in charge of discipline today, so has that
10 changed?

11 A. I have just said that in the general staff the commander in
12 charge of discipline was indeed him, that is, Mbulo. Besides, in the
13 absence of Major Bahati, he was the one who was in charge of the
14 operation.

15 Q. My question wasn't to discipline, it was to this: Is it right he
16 died in Bunia after Bunia fell, when was UPC were chased out?

17 A. He did not die as a result of the war. He was chased away, and
18 the Blue Helmets looked for him. They were looking for him.

19 Q. Now, you tell us you went off on a mission with Boba Boba to
20 Aveba. I'll come to that shortly. My question to you is this: Apart
21 from that mission, prior to the fall of Bunia, when the UPC were chased
22 out, between the time of your arrival in Zumbe and your going to Bunia
23 when it fell and the UPC were chased out, did you leave Bedu-Ezekere,
24 that area, did you leave it on any other occasion? For example, did you
25 go on any other mission in that time, or you did you have any other

1 reason to leave it?

2 A. After the fall of Bunia, when the Blue Helmets were present in
3 Bunia, I was in Zumbe as a war-displaced person. It wasn't a personal
4 choice that I made to live in Zumbe. I went there as a war-displaced
5 person, because in Bunia there were Blue Helmets. I started carrying out
6 petty trading in Aveba, in Bunia, and in North Kivu.

7 Q. Just listen to the question. Between your arriving in Zumbe and
8 the fall of Bunia, when the UPC were chased out, which you've told us
9 about -- we know that you've told us you went to Aveba on a mission. Did
10 you go on any other missions during that time, or was it --

11 A. I beg your pardon. When the UPC was chased out of Bunia, the
12 central government sent people there on the spot. I think these were
13 persons from the MONUC. When the -- when the APC was chased out, I fled.
14 I fled Bunia, and I went into the hills.

15 Q. Let me -- let's start again. Mr. Witness, when Lopondo falls,
16 you go off to Zumbe. During the time you're in Zumbe, you go to Aveba.
17 You tell us that after that, there's battles at Mandro and Bunia, and
18 Bunia falls to the UPC -- to the UPDF and other combatants.

19 My question is: During those -- that period, did you go on any
20 other mission other than the mission to Aveba?

21 A. Let me tell you one thing. When the APC fell, I did not go to
22 Zumbe. I did not go to Zumbe. I fled, and as a result I ended up in
23 Zumbe.

24 Q. August 2002, Lopondo flees and you go to Zumbe. That's
25 August 2002. Keep that date in your head. In March 2003, the UPC get

1 kicked out of Bunia. Between August and March, you've told us that you
2 went to Aveba.

3 My question is this: During that time, did you go on any other
4 mission other than the mission you've told us about to Aveba?

5 A. That was my private life. This is when I went to Bunia. How
6 many times are you going to ask me the same question?

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, you must
8 have understood right from the start of your testimony here in court that
9 the Court would like you to answer questions. That is very simply the
10 questions which are put to you. And if you do not understand, you could
11 tell the counsel asking you the questions that you do not understand the
12 question and ask him to rephrase the question.

13 When a question is put to you, a question which is precise, then
14 the Court expects you to answer. When a precise and simple question is
15 put to you, the Court expects you to answer. The Court is not asking you
16 to make comments, to make observations to the persons who are asking you
17 questions. They are asking you these questions very politely, very
18 patiently, and both of them, that is the Prosecutor and the Defence
19 counsel, and the Judges, are simply trying to understand events that took
20 place, to understand the experiences that you went through. Of course,
21 this happened several years ago, but you have a precise recollection of
22 these events, sometimes a very precise recollection, and so it is
23 important for you to answer Counsel Hooper's questions. If you do not
24 remember or you do not know what he's asking about, simply tell him.

25 We told you right from the beginning that the idea is not to

1 subject you to difficulty. We just want to understand the facts. And we
2 can help you. That's why we are here.

3 Counsel Hooper, could you ask that question one last time,
4 please?

5 MR. HOOPER: Certainly.

6 Q. Let me approach the question in a different way, Mr. Witness,
7 because it may be I'm not making myself clear. Do you agree that in
8 August 2002, that is, when Lopondo fell and fled Bunia, that at that time
9 or shortly there afterwards, you went to Zumbe? Do you agree?

10 A. I have already answered all these questions. I find it very
11 disturbing when I think about these things. You are asking me questions
12 that remind me of the past. Don't you see that this is making us waste
13 our time?

14 Q. Did you go to Zumbe after Lopondo fell? Yes or no?

15 A. I did not go to Zumbe. I fled. I fled to Zumbe. When Lopondo
16 fell, people were being slaughtered like cows, and so I fled. I did not
17 go to Zumbe. I fled to -- or towards Zumbe.

18 Q. All right. Now, just listen, please, attentively to the next
19 question. When did you next go back to Bunia?

20 A. I returned to Bunia when the Ugandans left. The Blue Helmets
21 were already there. MONUC was already present in Bunia.

22 Q. All right. And when you went back, how long was that after the
23 UPC had been kicked out of Bunia?

24 A. When you invited me here to the court, you said that I was going
25 to give testimony on what happened in Bogoro, and now you are asking me

1 questions about Bunia. You're showing me maps. You're showing many
2 things. You promised that in coming here I'm going to give testimony on
3 what happened in Bunia, and now I find that you are asking me many other
4 questions.

5 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness.
6 Mr. Witness, the Court and all the other participants here present who
7 have been with you the past so many days are fully aware that through the
8 questions which are put to you, you are being made to remember events
9 which you might find painful. That's what you just said. All of this
10 reminds you or brings to mind painful and difficult events. We are fully
11 aware of that. We all are aware of that. And the questions which are
12 being put to you take all of this into account.

13 THE WITNESS: (Interpretation) When you put these questions to
14 me, you bring to mind bad memories.

15 PRESIDING JUDGE COTTE: (Interpretation) That's exactly what I'm
16 saying. That is the difficulty of giving testimony. You are an adult
17 who has accepted to come and give testimony, and the Court thanks you for
18 that. The Court thanks you.

19 THE WITNESS: (Interpretation) I have been invited here to give
20 evidence about Bogoro. I was not called here to talk about what happened
21 in Bunia or elsewhere.

22 PRESIDING JUDGE COTTE: (Interpretation) There is a certain
23 difference between you and all the participants here in the courtroom,
24 and the difference is that you have the experience of a soldier, of a
25 fighter, of a trader, from what we've heard from your evidence. We have

1 understood that you have gone to school. However, here, here you have
2 jurists. You have experts in procedure. Could you please let me
3 continue. Could you let me continue, please. Let me continue.

4 Of course you came here to give evidence about Bogoro. However,
5 in the conduct of the examination, the Prosecutor, the Legal
6 Representatives of Victims, and the Defence counsel have the right to get
7 information on any events that happened previous to the Bogoro events or
8 after the Bogoro events, that is, if you lived through those experiences.
9 The idea here is not to ask you questions about things you did not
10 experience, and if that is the case, you should make that known. But do
11 not, do not blame any of the members of counsel or do not criticise them
12 for asking you questions which are not closely related to the events in
13 Bogoro. Maybe for the Defence counsel or for the Prosecutor or for the
14 Bench that question is of capital importance.

15 So once more, I understand that your work as a witness is
16 difficult. Everyone bears in mind the difficulties that you have lived
17 through, but the idea is to help this Court, this Court which is trying
18 to try events that occurred in your country, and this is difficult, and
19 we thank you for giving your testimony.

20 We are going to adjourn -- yes, Judge Diarra.

21 JUDGE DIARRA: (Interpretation) Mr. Witness, what you're doing
22 here is very difficult. For the past so many days, the persons who have
23 been asking you questions have been changing. The Prosecutor has asked
24 you questions, the Judges have asked you questions, and now the Defence
25 counsel is asking you questions. Officials here are free to ask you any

1 questions they like, but you can only give the answers that you have. Do
2 not invent any answers to please anybody. Questions are being asked to
3 you about what happened in various places. They asked you, "Were you in
4 such and such a place? Do you know what happened?" You should talk
5 about what happened, and if you do not know what happened, you should
6 just say, simply say, "I do not know."

7 I don't think you have to criticise adults on how they're asking
8 their questions or why they ask certain questions. They are free to ask
9 any questions that come to their minds, and you are free to give any
10 answer that you have. Don't invent anything.

11 Is that understood?

12 THE WITNESS: (Interpretation) Yes, I have understood. I have
13 lost more than 500 persons in my community. I have seen blood. I have
14 seen more than 500 people killed within the community, within my
15 community.

16 JUDGE DIARRA: (Interpretation) I understand you as well and
17 thank you.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, we are
19 going to adjourn this hearing. This will allow you and the rest of us
20 here in the courtroom to rest for a while, but bear in mind, bear in mind
21 that no one here is hostile towards you and that everyone, and I repeat
22 what Judge Diarra said, everyone here is fully aware that giving
23 testimony will make you remember events which might be painful.

24 Counsel Hooper, we are going to adjourn now if you don't mind.
25 The time now is 10.50, and we would adjourn and recommence in - at

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1 20 minutes past 11.00.

2 We will go into closed session so that the witness can leave the
3 courtroom. The security officers -- could the security officers lead out
4 Mr. Germain Katanga and Mr. Ngudjolo.

5 (The accused withdrew)

6 (Closed session at 10.50 a.m.)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Open session at 10.51 a.m.)

18 PRESIDING JUDGE COTTE: (Interpretation) Yes, Mr. MacDonald.

19 MR. MACDONALD: (Interpretation) We have a few housekeeping
20 matters. Do we handle them now?

21 PRESIDING JUDGE COTTE: (Interpretation) Yes, we can, if we --
22 if they can be discussed in the absence of the witness.

23 MR. MACDONALD: (Interpretation) In that case, we should call in
24 the accused persons.

25 PRESIDING JUDGE COTTE: (Interpretation) The accused persons are

1 out of the courtroom. I think we should not put them through this,
2 because it can be quite irritating. For that reason, we are going to
3 discuss housekeeping matters later on -- or I beg your pardon, it looks
4 like they're coming to the courtroom.

5 COURT OFFICER: (Interpretation) We're in public session, your
6 Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) I think -- well, they
8 will stay where they are.

9 We stand adjourned, and we will recommence at -- at 25 minutes
10 past 11.00.

11 (The accused entered court)

12 PRESIDING JUDGE COTTE: (Interpretation) Well, the accused
13 persons are here. We don't want them to keep going in and coming out
14 again, so we invite them to take their seats, and we are listening to
15 you, sir, Mr. Prosecutor.

16 MR. MACDONALD: (Interpretation) I'll try to be simple. What I
17 have to say relates to Witness P249. Your Honour, on the 22nd of
18 December, 2009, in filing number 1738, which is confidential and ex parte
19 but accessible to members of the OTP and Defence counsel, and also
20 relating to a confidential annex, Annex A append to that document, and
21 that is a medical report. The medical report was commented upon by
22 Witness P249 in his or her second statement. We ask for that document to
23 be added to our list of Prosecution evidence. That document will enable
24 you to establish certain chronology with respect to the evidence of the
25 witness. So this motion is still pending.

1 PRESIDING JUDGE COTTE: (Interpretation) You're going to receive
2 an answer today, Mr. Prosecutor. I think that the response has already
3 been filed. If it was not filed yesterday, it would be filed today.
4 Could I have one moment, please. Or maybe it's currently being filed.
5 The response to motion 1738, as well as 1726, well, the two -- the
6 response to the two will be filed soon.

7 MR. MACDONALD: (Interpretation) Still with respect to this
8 witness, we have an oral application to make.

9 In the second statement of Witness P249, we seek leave to
10 disclose, in accordance with Rule 77, what was said by the witness. We
11 did not disclose two diagrams, two sketches, where -- that is, it's a
12 sketch of the body of the witness, the victim of sexual violence, and the
13 witness identifies on the diagram certain parts of her body, and she uses
14 two diagrams to show those parts of her body. We would like to disclose
15 those documents in accordance with Rule 77. And the references are
16 DRC-OTP-1035-0015 and 1035-0016.

17 This is an application we are making today for these two
18 sketches, and they relate to the second statement of the witness. And we
19 would like to apologise to the Chamber. We are trying to collect
20 information that would be used, and it was in the course of the
21 familiarisation process that we discussed that these two diagrams were
22 not disclosed, whereas the victim makes certain comments about certain
23 parts of her body in her statement and that relates to these diagrams.

24 PRESIDING JUDGE COTTE: (Interpretation) So what you are talking
25 about was not included in application number 1738. So this is an

1 additional or subsequent application.

2 MR. MACDONALD: (Interpretation) Well, we would like that an
3 addition should be made in the Prosecution evidence so that we can
4 discuss or put questions relating to the medical report, and all of this
5 has to be done in accordance with Rule 77.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
7 Mr. Prosecutor. Fully understood.

8 We are going to adjourn now. We are in public session. The two
9 accused persons are here. They are going to leave the courtroom, and we
10 will recommence at 11.30. We stand adjourned.

11 (The accused withdrew)

12 Recess taken at 10.57 a.m.

13 On resuming at 11.32 a.m.

14 (Closed session at 11.32 a.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Open session at 11.34 a.m.)

1 COURT OFFICER: (Interpretation) We are in open session, your
2 Honour.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court
4 Officer.

5 Mr. Prosecutor, before the break, you wanted to disclosed
6 diagrams pursuant to Article 77 of the Rules of Procedure and Evidence.
7 I believe we understood that those diagrams were being disclosed. It is
8 possible that there might be technical problems, but we will look at
9 those issues afterwards. The Chamber is going to examine those diagrams,
10 and then we will ask the Defence teams whether they object to those
11 diagrams being disclosed to them with the understanding that this is
12 pursuant to Article 77 of the Rules of Procedure and Evidence. And if
13 the Chamber deems it necessary that the diagrams should be disclosed and
14 that the Defence does not object, then they will be disclosed.

15 MR. MACDONALD: (Interpretation) We would like to inform you,
16 Mr. President, that the e-mail with the attachments, you can open them,
17 but we have handed over hard copies to your assistant, so we undertook
18 also to show the Defence the two diagrams to enable them to see what they
19 are and be able to indicate whether they object or not.

20 PRESIDING JUDGE COTTE: (Interpretation) The Defence teams, have
21 you had already had the opportunity to look at those diagrams, and are
22 you able to say whether a priori you have any objection to they're being
23 disclosed.

24 MR. HOOPER: We have no objection to their disclosure, for
25 Katanga.

1 MR. KILENDA: (Interpretation) We do not have any objection at
2 all to that.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you, both of you.
4 The Chamber will still take the time to examine the diagrams and in due
5 course we will tell you whether it is appropriate to disclose them or
6 not. Thank you for your expeditiousness.

7 Mr. Witness, before we resume with your cross-examination, the
8 Chamber would like to be sure that you're able to listen to the
9 interpretation and that you understand what questions are put to you.
10 The work of the interpreters is difficult. We can listen to what is said
11 in English and French. It seems simple, but sometimes we -- there may be
12 difficulties in translating into Swahili what we think would have been
13 said. So is this sufficiently clear to you, the translation? We have to
14 know what the situation is.

15 THE WITNESS: (Interpretation) I can follow clearly what is
16 being said.

17 PRESIDING JUDGE COTTE: (Interpretation) That is perfect. Thank
18 you, Witness.

19 We are going to continue now with Mr. Hooper's cross-examination.
20 You can proceed, Mr. Hooper.

21 MR. HOOPER: Thank you very much.

22 Q. Mr. Witness, quite a different matter, very brief matter of
23 translation. I understand that you've been using a word which is
24 spelt -- I'll spell it and then try and say it, n-g-b-e-k-u, ngbeku.
25 What is the meaning of that word? This is just for translation purposes.

1 A. Can you please repeat that word that you have just read out?

2 Q. It's spelt n-g-b-e-k-u, and it's ngbeku.

3 MR. HOOPER: I'm going to let Mr. Fofe help me out here because
4 he's the linguist and I'm not. Can you help me, please, sir.

5 MR. FOFE: (Interpretation) With leave of the Court. Yes, the
6 word is spelled n-g-b-e-k-u, and it is pronounced ngbeku.

7 MR. HOOPER: Many thanks indeed.

8 Q. So that's the word. I just want to ask you, Witness, if you can
9 tell us what -- it's a word you've been using, I'm told. What meaning
10 does that word have for you?

11 A. Ngbeku is someone's name -- or, rather, it is someone whose
12 appearance does not correspond to his level of intelligence, that is,
13 someone who is wise, experienced.

14 Q. Thank you.

15 MR. HOOPER: Would you just give me a moment, your Honour.

16 (Defence counsel confer)

17 THE WITNESS: (Interpretation) This is someone who seems to be
18 older than his -- how he appears.

19 MR. HOOPER:

20 Q. All right. I understand that that's sometimes been translated as
21 a kadogo, which would not be right. So I don't know if we can revisit
22 that or that can be revisited. It would seem to be a long and involved
23 exercise if that's the case, but thank you very much, Mr. Witness, for
24 helping us with that question.

25 Now, I'm not here to irritate you, sir, or to annoy you. I have

1 to ask questions, because, as you know, I'm representing Germain Katanga,
2 and there may be aspects of your evidence which I on his behalf do not
3 accept. You understand that. But I'll try and keep my questions as
4 straightforward as I can, and you can best help us, if I may respectfully
5 suggest, by keeping your answers as concise as you can.

6 My question is: During the time that you stayed in Zumbe, from
7 the fall of Lopondo when you had to flee to Zumbe, until the time when
8 the UPC get kicked out of Bunia, which we know is in March of 2003,
9 during that time we know from your evidence that you were living in Zumbe
10 except for the time when you go on the mission with Boba Boba to Aveba.

11 My question is simply this: Apart from that mission with
12 Boba Boba, did you go on any other missions? Did you leave Zumbe at any
13 other time, leave Bedu-Ezekere at any other time?

14 A. At one time I left Zumbe to go to Mandroma (as interpreted), to
15 Mandroma, that is beyond the forest, and then we returned to Zumbe.

16 Q. All right. Well, I'll come back to that in due course. Oh, just
17 one question on that. Mandroma, how far away from Zumbe is that and in
18 which direction? Thank you.

19 A. Are you referring to Mandroma or Mandro?

20 Q. The place that you just said that you went to, which was
21 Mandroma, as I heard it, Mandroma. Was it right?

22 A. I was referring to the Kpandroma trading centre. There is a
23 mission there known as Reti.

24 Q. How far away from Zumbe is that and in which direction, if you
25 can help us. Is it north, south? If you can help us.

1 A. Kpandroma is to the north of Bunia. I do not know the precise
2 distance, but it would be the same distance as between Bunia and Oicha.
3 So between Zumbe and Kpandroma the distance is similar to the one between
4 Bunia and Oicha.

5 Q. And before we leave that subject, can you spell Kpandroma for us,
6 please?

7 A. K-p-a-n-d-r-o-m-a, Kpandroma.

8 Q. And for how long were you away from Zumbe?

9 A. It took me about 10 to 12 days to do the return trip. We did not
10 go directly to Kpandroma. We did not know the road, so we had to, first
11 of all, find the road.

12 Q. And when did you go to Kpandroma? Can you help us as to that?

13 A. It was at the time that the APC left Zumbe to go to a position in
14 North Kivu. They were following the governor, and it was during that
15 period that I travelled to Kpandroma.

16 Q. And so just to help us with the date, how soon after the APC left
17 Zumbe did you go to Kpandroma? Was it days, a week, a month, or more
18 than that? Can you help us, please?

19 A. It was about two months afterwards that I went to Kpandroma. So
20 it was about two months after the fall of the governor. It was at that
21 time that the APC soldiers had gone past Bindi.

22 Q. And how did you get to and from Kpandroma, on foot or in a
23 vehicle?

24 A. I passed through the valleys and the mountains and on foot. We
25 had to find a way to go there, and just in the same way that we travelled

1 from Zumbe to Aveba, that is, on foot. Both when we went and when we
2 returned.

3 Q. And do you know how far it was from Zumbe to Kpandroma one way?

4 A. I would say that it is the same distance as between Bunia and
5 Oicha.

6 Q. The round trip, Zumbe, Kpandroma, and back, I suggest is 400
7 kilometres. Would you accept that?

8 A. You know, if I had a geography book with me I would be able to
9 confirm that. I cannot give you a precise answer concerning that
10 distance. We need books or a map of Tatsi, and on such a map we be able
11 to find out the distance in kilometres.

12 Q. All right. Very well. And who did you go with and what was the
13 purpose?

14 A. In Zumbe life was difficult, so we had to try and go elsewhere,
15 and I was trying to find if I could have something that could be useful
16 to me.

17 Q. And useful to you in what way? Was this food or something like
18 that?

19 A. I went to fetch salt and soap in Kpandroma. And there was no way
20 of going beyond 14 kilometres in Bunia.

21 Q. All right. So -- thank you very much. And salt and soap are
22 both important commodities, and were -- or shall I say were important
23 commodities in the circumstances you were then living. Isn't that right?

24 A. I would say more than important. I need the map of Djugu to
25 answer the question that you asked about the distance between where I was

1 and Kpandroma.

2 Q. Yes. Don't worry about the distance. We can come to that in
3 another way. I agree.

4 And just finally on this: Did you go alone, or were you with
5 other people?

6 A. There were about 70 people. Other people were leaving Zumbe.
7 Each day there was a front, and there was a convoy that went and leaved
8 there.

9 Q. Thank you very much. Now, sometime after the APC left, there was
10 a battle at Nyankunde which you referred to. You weren't there. You
11 mentioned a man called Eti, Etienne Lona. What was he? Who was he?

12 A. Etienne Lona was someone who was with us in Bogoro. He was a
13 driver applying his trade between Bogoro and Diguna, but at the time he
14 was an operator, and he was using the equipment, the radio transmission
15 equipment, of the BCR in the Greater Aveba area.

16 Q. Did Etienne Lona -- at this time did he live in -- in the Zumbe
17 area or not?

18 A. Etienne Lona was born in the Bedu-Ezekere groupement. His
19 collectivite of origin was Tatsi, but he mainly worked in Bogoro,
20 Nyankunde, and Bunia. It was during the segregation or discrimination
21 period that he found himself in Greater Aveba.

22 Q. So during the period that we're talking about, during the time
23 you're up at Zumbe, Etienne Lona is not living in Zumbe; is that right?

24 A. He was not living in Zumbe, but he came there sometimes when he
25 was working in Grand Aveba.

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1 Q. When did he come to Zumbe?

2 A. It was at the time when there was fighting in Bogoro.

3 Q. Was that before or after Bogoro fell?

4 A. Bogoro had already fallen.

5 Q. Did Etienne Lona, to your knowledge, participate in the attack on
6 Bogoro as a fighter, as a combatant?

7 A. Yes. He was in Bogoro. He was one of those who knew Bogoro very
8 well.

9 Q. Did he fight in Bogoro?

10 A. Etienne Lona was in Bogoro.

11 Q. Now, can I ask you just a little about distances? And we have
12 your plan, which is a public document, EVD-OTP-00021, which I appreciate
13 is just a rough sketch or plan that you were kind enough to draw and
14 which, if we can get it up on our screens with the assistance of the
15 court, we can just dwell on it for a moment.

16 PRESIDING JUDGE COTTE: (Interpretation) It is one of the maps
17 that the witness drew himself on the first day of his presence. Is it
18 that one? One of the sketches?

19 What -- Court Officer, would it be possible to put this
20 document -- Counsel Hooper, this is a procedure that is currently
21 underway.

22 MR. HOOPER: Thank you.

23 Q. Are you comfortable, Mr. Witness, or ...

24 A. Yes, I feel okay, but I do have some pains in my chest.

25 COURT OFFICER: While we're waiting for the document to be

1 published, please press on "PC 1" by your computers and you will see it
2 shortly.

3 MR. HOOPER: All right. Just before we go there,
4 Mr. President --

5 Q. Well, you let us know, obviously, if you're in discomfort,
6 Mr. Witness, all right?

7 Do you have the plan in front you there?

8 A. No, I don't.

9 Q. We're going to press a button, I think, and hopefully get it to
10 you. Right. So this is a public document.

11 MR. HOOPER: Is that "Doc Cam"?

12 COURT OFFICER: "PC 1," please.

13 MR. HOOPER: Still having some growing pains, I think, with the
14 system. Sometimes one wonders whether paper isn't quicker and easier,
15 particularly when there aren't very many documents.

16 Q. Do you have the picture now, sir?

17 A. Yes, I have it, but it's not positioned properly.

18 PRESIDING JUDGE COTTE: (Interpretation) Indeed. It's
19 vertically positioned, when in fact it should be put horizontally. Is it
20 possible to put it -- to ensure that it can appear on the screens?
21 That's it.

22 MR. HOOPER:

23 Q. Have you got it now? Thank you.

24 A. (No interpretation).

25 Q. We've got a paper one if you prefer. Would you prefer that? I

1 know I would.

2 MR. HOOPER: Can I pass this up to the witness? It's sometimes
3 easier to look at a piece of paper. No objection. It's the same as
4 unmarked.

5 MR. MACDONALD: I understand there's no annotations?

6 MR. HOOPER: Only a few.

7 PRESIDING JUDGE COTTE: (Interpretation) So this will simplify
8 the work of the witness. So he has a written document, a paper document,
9 a document on the screen. Most of the parties and participants have the
10 document on their screen, and the Court also has a paper version and on
11 the screen.

12 Counsel Hooper, we are listening to you.

13 MR. HOOPER: Thank you.

14 Q. Now, we know you were based at Zumbe, and you've described that
15 to us, and indeed you've previously described these places to us. I'm
16 not going to go through that again.

17 Mount Lagura, as you've indicated it there, which was the closest
18 place up on the top of the hill, the Monts Bleus? Which was the closest
19 of these places to Bogoro itself? Can you help us?

20 A. The Monts Bleus is a chain of mountains. Lagura, I can say, is
21 the start. It's the start. It is the starting point to go to the Monts
22 Bleus chain of mountains.

23 Q. So is that, in effect, the closest point of these places to
24 Bogoro?

25 A. From Bogoro there is a stream which separates the start of Monts

1 Bleus. We call it Mayi Ya Franga. We also call it Benea. If you go
2 across this stream, you will get to the foot of -- the foothills of Monts
3 Bleus, the foot of the mountain.

4 Q. And if go -- or I can go straight up the hill there, where does
5 that take me? Where's the first place I come to? I leave Bogoro, go
6 across the plain, come to the foot of the hill, climb the hill in a
7 straight line, if I can. Where do I reach? Which is the first place I
8 get to? Is it Lagura, or is it somewhere else?

9 A. If you leave Kasenyi where there was the Barriere Mange (phoen)
10 and you go up towards Lagura, and if you come from Bogoro and you go
11 across the River Benin, you will come to a plateau, and it is in this
12 place that Lagura starts; but if you do it via the road, you're going to
13 go through Kavalega village, and after the village you will find the --
14 you will have the mountain before you.

15 Q. Just so we're clear, Lagura is up on the hill; is that right?

16 A. Lagura is on a hill. It is clear to see, even from Kasenyi, from
17 Bogoro. It is in Bunia. It's called Monts Bleus, but it is a chain of
18 mountains.

19 Q. Well, maybe we're not -- let's approach this in a slightly
20 different way. From Zumbe to Ladile, you told us, was 45 minutes. I've
21 forgotten whether that was running or walking, but 45 minutes, up a hill
22 and down a hill that separated Zumbe and Ladile. Is that right?

23 A. When you are above the Monts Bleus chain, there are a lot of
24 hills. For a foreigner, somebody who doesn't know or somebody who's not
25 used to the region, he's going to call it the Monts Bleus chain.

1 Q. Let's put it this way: If I'm in Zumbe and I want to go to
2 Ladile, do you agree it takes about 45 minutes? That was your evidence.
3 And you -- there's a hill in between. Is that right?

4 A. At that depends on the way in which the person walks. That can
5 take 45 minutes from Zumbe. You go towards the valley, and from there
6 you will go to Ladile.

7 Q. And I'm looking at the sketch you've drawn, and we see Zumbe, and
8 we see Ladile is a separate -- seems to be a separate area there. And
9 then if I want to go to Lagura, where the camp was there, from Zumbe,
10 again looking at your sketch, I have to go in a different direction, do
11 I, to get to Lagura, a different direction than if I went to Ladile,
12 looking at your plan; is that right?

13 A. Yes. From Zumbe there are villages. You have to go through
14 villages to be able to reach Lagura, but before that you have to go down,
15 and go back up afterwards. That is to say, these villages are above the
16 hills.

17 Q. So if I go to Lagura from Zumbe, I -- I take a different
18 direction than if I want to go to Ladile; is that right?

19 A. Yes, that's true. From Zumbe to Lagura, there is a road, but you
20 should firstly go down to the valley, and from the valley you can go up.
21 You have to go down to Lagura, and from there you will go up.

22 Q. And you told us last week that that is about an hour and a half's
23 walking to go from Zumbe to Lagura; is that right?

24 A. That depends on the speed at which the person walks. But if
25 somebody -- he starts running, he could do it in 30 minutes to get to

1 Lagura.

2 Q. All right. And I understand what you said was that Mr. Ngudjolo,
3 he lived at Kambutso, and that's quite the other way again as one can see
4 from your sketch; is that right?

5 A. Kambutso is one of the localities of the Bedu-Ezekere groupement,
6 and it is there that he lived. The general staff, on the other hand, was
7 in Ladile, the general staff of the FRP -- no, the general staff of the
8 FNI.

9 Q. And so if I can ask you some questions now, just the day or two
10 before the attack on Bogoro you've got back to Zumbe. Which camp are you
11 staying at? You're staying at Zumbe camp, I take it, in those days
12 before the attack on Bogoro; is that right?

13 A. When we fled, I went to Zumbe. Apart from that, I was in other
14 places.

15 Q. Just listen to the question. The day or two before you attacked
16 Zumbe, where are you? Where are you living? Sorry, start that again.

17 The day or two before you attack Bogoro, where are you living?
18 At Zumbe or not?

19 A. At the time of the attack, from the road -- from Mandro there
20 were a lot of people, and that is how the population went back to the
21 other side. The population and the fighters found themselves at the same
22 time, but then the fighters went elsewhere and two days later the others
23 fled.

24 Q. Let me ask the question again. You've told us how you get back
25 from Aveba, and you told us how you go to rest for a couple of days, and

1 then after that there's the attack on Bogoro. Where did you go to rest?
2 Was it at Zumbe?

3 A. There weren't any days of rest. I only rested when Bogoro fell,
4 when it had fallen. When there was the war in Bogoro, you just slept in
5 shifts.

6 Q. In the day or two before the Bogoro attack, where were you based?
7 What camp was your camp?

8 A. I lived in Zumbe. Even to go to Bogoro, I went from Zumbe. I
9 lived in Zumbe camp, but our general staff was in Ladile, and we had a
10 battalion B and battalion A next to Ezekere.

11 Q. It was a straightforward question and you've given the answer. I
12 asked you which camp you were in, and you've -- thank you very much,
13 you've answered the question. "I was in Zumbe camp."

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 Q. And which section did you belong to?

20 A. In Zumbe there was a company, and I was there.

21 PRESIDING JUDGE COTTE: (Interpretation) Yes?

22 MR. MACDONALD: (Interpretation) Taking into account information
23 which could lead to the -- identify the witness, I would like to
24 highlight this because -- for the same reasons as yesterday.

25 PRESIDING JUDGE COTTE: (Interpretation) We are in public

1 session.

2 Counsel Hooper, you will understand if we need to go to closed
3 session, private session. You are the judge of that for the moment.

4 MR. HOOPER: Yes. Thank you very much, Mr. President.

5 Q. Who was your commander?

6 A. Where I was, where I was working, it was Lone Nyunye. He was the
7 representative. He represented the company in the centre of Zumbé.
8 Where there were war-displaced persons, we had to ensure security, and
9 that's how -- why soldiers were deployed among the civilian population,
10 to ensure their safety.

11 Q. Did you belong to a section within the company?

12 A. (Expunged) That is to say, I was a
13 member of the company.

14 Q. All right. Did you have a weapon?

15 A. In terms of weapons, I can say that the weapons didn't belong to
16 anyone, but they were used when the enemy arrived.

17 Q. Did you have a uniform?

18 A. Some collected military uniforms from bodies, but generally there
19 wasn't a uniform.

20 Q. Did you yourself have a uniform?

21 A. When we speak about a uniform, I learnt the word "uniform" at
22 school, but within the army or among the groups of fighters their
23 military attire was -- didn't -- wasn't for anything, but we knew that
24 there was the APC uniform, UPDF, and the UPC. In our groups, we didn't
25 have uniforms other than those people who had collected uniforms from

1 bodies. And when we went to fight, a military uniform was useless.

2 Q. Did the FNI ever have a uniform, to your knowledge?

3 A. The FNI and the FRPI didn't have military uniforms apart from
4 those who collected them. Sometimes there were people who asked for a
5 uniform from somebody else to be able to wear it.

6 Q. When did you first hear --

7 PRESIDING JUDGE COTTE: (Interpretation) No, no. You have the
8 floor, Counsel Hooper.

9 MR. HOOPER:

10 Q. When did you first hear of the FRPI?

11 A. The name of the FRPI was very widely known when I was in Aveba.
12 It had become a known name, a name that was known by everybody. We knew
13 that there was the FNI and the FRPI in Walendu-Bindi and Walendu-Tatsi.
14 There were also people who were mixed, Bindi-Tatsi, mixed groups.

15 Q. So when was the first time you heard the words "FRPI"?

16 A. It was when we went to Aveba.

17 Q. And when did you first hear the words "FNI"?

18 A. FNI? We heard this name after arriving in Aveba. And when there
19 was a route map, we could use it. But when the FNI joined the FRPI,
20 everybody was aware of it. Where at what -- so what there were, there
21 were foreigners there.

22 THE INTERPRETER: Not a road map. It's travel authorisation.

23 MR. HOOPER:

24 Q. I'm sorry, I've rather lost that plot there.

25 THE INTERPRETER: The interpreter corrects: "Feuille du route"

1 was not a road map but travel authorisation, in fact.

2 MR. HOOPER:

3 Q. Where were you when you first heard the words "FNI"?

4 A. When they speak about the FNI, I can say that when I learnt that
5 Floribert Ndjabu was the president of the FNI, and that's when I heard
6 about it for the first time, the name FNI.

7 Q. And when did you first hear that Floribert Ndjabu -- I don't know
8 if he's a name on the list. That's N-d-j-a-b-u, and Floribert,
9 F-l-o-r-i-b-e-r-t.

10 Did first hear that Floribert Ndjabu was president of the FNI?

11 A. I do not have a precise date. But when I heard that he was
12 president at the time that the FRPI was the president -- was a party, it
13 was later on that people heard that there was this movement and that it
14 was referred to as the FNI.

15 Q. So where were you when you first heard of the FNI? Were you in
16 Zumbe or were you somewhere else?

17 A. I was in the groupement of Bedu-Ezekere.

18 Q. And in what circumstances did you come to hear of the FNI when
19 you were in the groupement of Bedu-Ezekere?

20 A. In the past, in order to get information or to transmit
21 information they would play a drum, and it was on such occasions that
22 information could be relayed.

23 Q. So you heard this through drum. Is that right?

24 A. This is what I said: I did not tune to a radio to hear the name
25 FNI. I heard it just like that, just like that. And I was using it. We

1 used it. I didn't see anyone come and stand before me and talk about the
2 FNI. Well, apart from the time when Martin Cobra, who really loved the
3 name, he really liked the name FNI --

4 Q. Forgive me, I'm not --

5 A. And he told the inhabitants of the community of Walendu-Tatsi
6 about it.

7 Q. So you're in Bedu-Ezekere, and you hear of the FNI, and you hear
8 that Floribert Ndjabu is its president.

9 A. When we left Aveba, the word "FRPI" was already in existence. It
10 was well known, that is the word "FRPI." So in Tatsi we were supposed to
11 have another name and so we created the FNI. There was already a
12 president for the FRPI before the FNI was set up. As far as I'm
13 concerned, I heard the word "FNI" when Floribert Ndjabu used it. There
14 was even a calendar that was printed on that occasion with the words
15 "FNI" on it, and it was then that I learned that the FNI was a party.

16 Q. And did you hear the FNI for the first time before you left Zumbe
17 for Aveba or at some other time?

18 A. It was when I left Aveba and I went back to Tatsi that I heard of
19 the term "FNI." When I left Bindi, I returned to Tatsi.

20 Q. So when you left Zumbe, you weren't an FNI delegation; is that
21 right?

22 A. That name came afterwards. People were already suffering. The
23 people were already there, and the name only came afterwards.

24 Q. So we know that you go to Aveba, you get back to Zumbe, and a few
25 days later you attack Bogoro. By the time you attack Bogoro, did you

1 know -- had you heard of the FNI, or was it later, after Bogoro, that you
2 heard of the FNI?

3 A. The word "FNI" had a meaning. It had an important meaning.
4 During the reconciliation process in Ituri, it was at that time that this
5 name emerged. The delegation that went there presented itself under the
6 name FNI, and even delegates of the FRPI were equally present at the
7 time. It was no longer a name that was used at the level of the
8 villages. It was a name that was used all the way to Bunia, and apart
9 from that, it was used exclusively for Lendu combatants.

10 MR. MACDONALD: I'm sorry to -- (Interpretation) I'm sorry. The
11 transcript has frozen, and so we have not been able to see the witness's
12 answer. Could you give us 30 (as interpreted) minutes, your Honour?

13 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. We did
14 not get the response to the last question, which was: At the time of the
15 attack on Bogoro did you know about the FNI, did you hear about the FNI,
16 or was it later on? And the French transcript was frozen at that point.
17 I think it would be appropriate for us to get the end of Mr. Hooper's
18 question and the witness's answer in the transcript before we continue.

19 We have been requested to give the technicians a few minutes of
20 patience.

21 Apparently things are in place again. This means that you all
22 have to reconnect to the system.

23 I hope you all have been able to get connected to the system. I
24 was given some assistance here. The Prosecutor, Legal Representatives,
25 Defence counsel, do you have your transcripts projected on the screen?

1 I think we may now proceed. Mr. Hooper, the Court apologises for
2 this interruption. And if you so wish, you could place -- rephrase your
3 question. You have the floor, sir, Mr. Hooper.

4 MR. HOOPER: Thank you. Thank you, your Honour.

5 Q. Mr. Witness, sorry, to come back to you on this issue of the FNI.
6 You may recall the question before there was a technical problem that I
7 asked you was this:

8 "By the time you attack Bogoro, did you know -- had you heard of
9 the FNI, or was it later, after Bogoro, that you heard of the FNI?"

10 And your answer, and I'll just read the first two sentences, was:

11 "The word 'FNI' had a meaning. It had an important meaning.
12 During the reconciliation process in Ituri, it was at that time that this
13 name emerged."

14 So let me ask you this: When you talk about of the
15 reconciliation process in Ituri, am I right in saying that you mean by
16 that the negotiations that took place in Bunia between the various
17 parties that took place there after the UPC had been kicked out? Is that
18 what you're talking about, or please tell us.

19 A. Bogoro had already fallen, and there was need for reconciliation
20 in Bunia. It was at the time when the Ugandans were leaving and the Blue
21 Helmets arrived. Reconciliation was important. In Bindi you had the
22 FRPI and its president, Germain Katanga; but in Tatsi you only had the
23 Lendus, and so there was need to have a representative. It was on that
24 occasion that a name -- a name was found. They also got a representative
25 who was wearing jeans trousers. He had a calendar, and he represented

1 this group that bore the name "FNI," and it was the first time that I
2 heard mention of the name.

3 Q. Right. Thank you very much. So that's during the reconciliation
4 process in -- in Bunia. And there's a reference to jeans trousers there.
5 Is that a reference to Floribert Ndjabu?

6 A. Yes, that's right. It was Floribert Ndjabu who * had
7 represented... who was present as the president of the FNI

8 Q. Did you meet him?

9 A. I only received a calendar.

10 Q. After Bunia fell, that is after the UPC got kicked out, which we
11 know was in early March of 2003, how long -- I'm sorry. I'm being
12 interrupted.

13 MR. MACDONALD: (Interpretation) I crave your indulgence, your
14 Honour. I don't wish to take the Chamber's time, but we are referring to
15 the month of August 2002 with respect to the fall of Lopondo. We know
16 that it happened on 9th of August. Also, we are talking about the 6th of
17 August for the attack of Bunia, 6th of August, 2002, but --

18 MR. HOOPER: (Previous translation continues) ... my question was
19 relating to March of 2003.

20 MR. MACDONALD: I'm getting there.

21 MR. HOOPER: All right.

22 MR. MACDONALD: (Interpretation) What I mean is you're talking
23 about August 2009 (as interpreted) and talk about March 2003. There are
24 certain precise dates that we all know about. My colleague's talking
25 about the beginning of March. Why doesn't they state the precise date,

1 the date on which the UPC fell? There is a precise date. Why don't you
2 use that date instead of speaking in general terms?

3 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, indeed when
4 we have certain dates that are important for the conduct of our trial and
5 for the understanding of the case and which are not contested, if these
6 are dates that correspond to certain key events, I think it's only proper
7 to state those dates so that the witness in his answer would not be led
8 to start casting around to find out whether certain events were conducted
9 within a certain general period. Our concern here is to get precise
10 answers, and so when you are putting questions relating to important
11 events and relating to dates that are not contested, you should try to be
12 more specific.

13 You may proceed, Mr. Hooper.

14 MR. HOOPER: All right. Thank you very much.

15 Q. Indeed, the 6th of March is the date that we all agree the UPC
16 get kicked out of -- out of Bunia, and there then follows a
17 reconciliation process. Now, let me ask you this -- that's the 6th of
18 March, 2003, by which time, as we know, you've been up in Zumbe since the
19 fall of Lopondo in August of 2002. Now, after Bunia fell and the UPC
20 were kicked out, how long after that did you remain in Zumbe?

21 A. After the fall of Bunia, it is true that I was in Zumbe, but in
22 the figurative sense of the expression, if you like, but as of today I
23 still can't tell you about any specific address.

24 Q. All I'm asking you is after the fall of Bunia and the UPC were
25 kicked out, how long after that, in weeks and months or years, did you

1 remain in Zumbe?

2 A. To tell you the truth, I remained there -- well, I remained for a
3 while in Bogoro. Apart from that, from the start of the war I lived in
4 different places for one month or two months. And even -- I didn't even
5 complete my studies, because sometimes I will go attend school for six
6 months, eight months, because we had to study and then abandon school
7 again from time to time. I did not have any fixed address. From the
8 start of the war or from the fall, from the time that the UPC fell, I did
9 not have any specific address.

10 Q. Well, I'll have to come back to this, perhaps, in a private
11 session related to your answers yesterday about schooling. But you say
12 you were in Bogoro for the -- as I understood it, the month after Bunia
13 fell. Is that -- is that right? That is, the month after Bunia fell to
14 the -- when the UPC get kicked out, on March the 6th, 2003. You're in
15 Bogoro for that month, are you, after that?

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged) I didn't have any particular
21 place that I lived in. I didn't have any fixed address.

22 PRESIDING JUDGE COTTE: (Interpretation) We have five minutes
23 left, Counsel Hooper.

24 MR. HOOPER:

25 Q. So the FNI is a name that you first learn of after the fall of

1 Bogoro and when there's Lendu representation in the reconciliation
2 process that takes place in Bunia, and you tell us that Floribert Ndjabu
3 was the president. What other political officers' names do you know of
4 the FNI? What other politicians names do you know?

5 A. That is a question that concerns politicians. I don't have any
6 clarification to give. I heard names like Lobo, who was -- Lobo Pesi
7 (phoen), who was a member of the FNI. Besides, it was one of the
8 representatives who went from Ituri to attend the reconciliation process
9 in Uganda. It was at that time that I learned that he was equally a
10 member of the FNI.

11 Q. Were you a member of the FNI?

12 A. That is a political question which does not fall within my
13 purview. I was not a member of the FNI. However, I worked in the area
14 where I was living as a war-displaced person. It doesn't mean that I was
15 a member of the FNI. Our objective was to defend ourselves, and that is
16 why we created this self-defence group, and that is the reason why we set
17 it up as a political party. Besides, no one within the FNI knows me, but
18 I am able to recognise certain members of the FNI.

19 Q. Now, when was the FRPI founded? Do you know where and when it
20 was founded?

21 A. The FRPI, I do not know the precise year in which it was set up.
22 However, when I arrived at Aveba, in the collectivite of Walendu-Bindi,
23 where there were many war-displaced persons, I found that they wanted to
24 defend themselves. And for your information, there were Ugandans who
25 also captured the area. It is when I arrived at Aveba that I heard about

1 the FRPI, and I believed it, especially when I knew that Germain Katanga
2 had been president of the movement.

3 PRESIDING JUDGE COTTE: (Interpretation) I think,
4 Counsel Hooper, I think we will stop here with that answer. You will
5 recommence your questioning at 2.30.

6 Court Officer, could we please go into closed session.

7 (Closed session at 12.58 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 (Expunged)

20 (Open session at 12.59 p.m.)

21 COURT OFFICER: (Interpretation) We are in open session.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court
23 Officer.

24 We stand adjourned, and we will reconvene at 2.30 p.m.

25 Luncheon recess taken at 12.59 p.m.

1 On resuming at 2.35 p.m.

2 (Closed session)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Open session at 2.36 p.m.)

14 COURT OFFICER: (Interpretation) We are in open session, your

15 Honour.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court

17 Officer.

18 Regarding the Prosecutor's application of this morning relating

19 to the disclosure of diagrams to the two Defence teams pursuant to

20 Rule 77, the Chamber has looked at the diagrams, notes that the two

21 Defence teams have not objected to that disclosure, and therefore

22 authorises you, Mr. Prosecutor, to proceed with that disclosure under

23 Rule 77 of the Rules of Procedure and Evidence.

24 Mr. Hooper, you can now proceed.

25 MR. HOOPER:

1 Q. Good afternoon, Mr. Witness. Are you telling us, in respect of
2 the FNI this morning, that you first heard of the FNI at the time of the
3 reconciliation discussions that took place in Bunia after the 6th of
4 March of 2003? Is that right?

5 A. I cannot give you any specific dates regarding what happened
6 between FNI and FRPI. I cannot give you a precise date, because I do not
7 know it. All I know is that the FNI started bearing that name when a
8 calendar of the FNI president was published, and there was that
9 abbreviation "FNI" on that calendar.

10 Q. Well, do you know when that calendar was published or when you
11 got the calendar, if that's what it relates to? Was it after Bogoro or
12 before Bogoro you got the calendar?

13 A. It was during the period when the Ugandans were leaving the
14 Democratic Republic of the Congo to return to Uganda.

15 Q. This may sound a silly question to you, but was that after the
16 Bogoro attack or sometime after the Bogoro attack?

17 A. Bogoro had already fallen. These calendars were prepared, and
18 then there was talk of reconciliation after the fall of Bogoro. So this
19 was in the district of Bunia.

20 Q. All right. So we're clear, it was after the Bogoro attack that
21 you first heard of the FNI. Is that right, in a nutshell?

22 A. I heard about the FNI after Bogoro had already fallen. There
23 were attempts to reconcile people in Ituri. There were people who were
24 fighting each other. That is the FNI and the FRPI. And on the side of
25 the Lendus, people were represented by the FNI, and that is how I came to

1 know about that name.

2 Q. Yes. Thank you very much. Now, I was asking you also about the
3 FRPI and what you knew about its foundation, and as it was a little time
4 ago, let me remind you that you said that in respect of the FRPI:

5 "I do not know the precise year in which it was set up."

6 You then added:

7 "When I arrived at Aveba, there were many war-displaced persons.
8 They wanted to defend themselves."

9 Let me just pause there. When you say, "When I arrived at
10 Aveba," what period are you talking about? What date are you talking
11 about?

12 A. I believe there is a document in which you can find the date on
13 which I arrived in Aveba, a document that was pirated. You can look at
14 the date that is indicated on that document and you will understand.

15 Q. All right. We'll come to that document. What do you mean by
16 "pirated"? It has a particular meaning in English. I'm not sure what
17 your meaning is. What do you mean by the document that was pirated? We
18 note the document you're talking about. It's the letter - we know
19 that - with the stamp on it, but what do you mean by "pirated"?

20 A. I saw a letter here, and I think people understood my intention
21 on that day. There was an attempt to trap me, to make believe that it
22 was my document, that it was my writing.

23 Q. Yes. Well, we'll explore that.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, please.

25 MR. MACDONALD: (Interpretation) I would like to seek leave,

1 Mr. President, to come back to the questions put by the Prosecutor to the
2 witness at that time, and the fact that we never suggested that the
3 witness had prepared that document himself. We simply asked whether he
4 had recognised the document or whether he had seen it previously. I
5 think this should be reminded -- recalled to the witness.

6 PRESIDING JUDGE COTTE: (Interpretation) I think we quite
7 remember that.

8 Mr. Witness, a short while ago a document was presented to you,
9 and it is a document that everyone remembers. Amongst other things, you
10 were asked to identify or recognise the seals or stamps on that document.
11 Is that correct?

12 THE WITNESS: (Interpretation) I already explained myself
13 regarding the stamps that you are talking about.

14 PRESIDING JUDGE COTTE: (Interpretation) So we understand that
15 it is indeed the document. This document prompted a lengthy legal
16 discussion between the Prosecutor, the Defence, and the Chamber, and it
17 was decided that that document will be presented to you and that the
18 Prosecutor would put questions to you on that document on condition that
19 the questions would relate to points that had already arisen during his
20 prior examination. Everything in that document that did not relate to
21 points already raised were excluded from his examination. Subsequently,
22 Mr. Hooper wanted to know whether the transcript and the interpretation
23 from Swahili to French and English had been complete, because he thought
24 that he had heard the words "authenticity" and "piracy." An additional
25 examination was carried out at the end of hearing, and during a

1 subsequent hearing the Presiding Judge of this Chamber noted the
2 examination of the tape carried out by the Registry. It turned out that
3 the word "authenticity" had not been pronounced, and you pointed out that
4 you did not know whether that document had been pirated or not.

5 As far as the Chamber can remember, in the phrasing of the
6 questions that the Prosecutor put to you, he never tried to say that you
7 were the author of that document.

8 So everything is clear right now. We are going to continue with
9 the cross-examination.

10 Mr. Hooper, you can once again proceed.

11 MR. HOOPER: Thank you.

12 Q. So we'll come to the letter in due course. So these
13 war-displaced persons that you found in Aveba, where -- where had they
14 come from?

15 A. People in the Walendu-Tatsi collectivite were massacred, and the
16 luckiest ones were able to go to Bindi. So these were war-displaced
17 persons.

18 Q. Now, you also told us that there were Ugandans who also captured
19 the area. What do you mean by that?

20 A. (Expunged) and it was the Ugandans
21 who were occupying that region. This said that the country belonged to
22 us, but they were the ones issuing the instructions. The other members
23 of the population were moving about, going to the farms. It was possible
24 for people to be driven out of Tatsi and even from Bindi.

25 Q. And so I'm not going to mention the name of the school you just

1 mentioned, but when you were at that institution, at that time were there
2 Ugandans, as I understand was your answer, there were Ugandans who had
3 seized the area. Is that right?

4 A. Yes. There were Ugandans throughout Bindi and even in Bogoro,
5 Gety, and Pengeru (phoen). The people of those areas had fled and gone
6 far away in the direction of Keyi (phoen). There were groups of people
7 in Kagaba who were able to stay there who had been able to survive, but
8 all the others -- other villages were empty. They had been burnt down.

9 Q. And you also said in reply to the question just before the
10 luncheon adjournment about the FRPI, you said:

11 "It's when I arrived at Aveba I heard about the FRPI, and I
12 believed it."

13 So when you arrived in Aveba, what -- that was the first time
14 you'd heard about the FRPI; is that right?

15 A. The FRPI started existing as from the time that the people of
16 Bindi chased out the Ugandans from their collectivite, but as far as I'm
17 concerned, I learnt about the existence of the FRPI when I arrived at
18 Aveba.

19 Q. And -- and how did you come to hear of the FRPI when you arrived
20 at Aveba?

21 A. The FRPI was existing but was not very well known. One could
22 hear of them, but when they succeeded in taking over their collectivite
23 again, there was a garrison in Kagaba, Olongba, Gere, and there were
24 soldiers in this region which -- who belonged to a single organisation,
25 that is the FRPI. At that time we were in Zumbe. There were fighters,

1 but there was only one Chief of Staff in the person of Mathieu Ngudjolo.

2 Q. Had you ever heard FREL or FREC? Let me -- those acronym --
3 F-R-E-L, it's an acronym, and F-R-E-C.

4 A. I heard about FLEC or FREC. People were looking for a name, and
5 it was in fact the same thing of the FRPI. There was the FREC, and on
6 the day of pacification in Ituri, people started talking about the FRPI,
7 and FREC no longer existed, because FREC had been transformed into the
8 FRPI.

9 Q. And so again, would it be right to say that you first heard of
10 the FRPI again as part of the pacification hearings or meetings that took
11 place after Bogoro in Bunia?

12 MR. MACDONALD: (Interpretation) With your leave, Mr. President.
13 I believe that we also have to be fair with the witness. That is not
14 what the witness said, your Honour, that is, previously regarding the
15 FRPI, that is, as he said at the very beginning of this hearing when
16 questions were put to him. I believe we have to be fair and repeat the
17 exact words of the witness when questions are being put to him.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please
19 proceed.

20 MR. HOOPER:

21 Q. So you said:

22 "There was the FREC, and on the day of pacification in Ituri,
23 people started talking about the FRPI, and FREC no longer existed,
24 because FREC had been transformed into the FRPI."

25 So let me -- that was your answer a moment ago. Sorry to

1 interrupt you.

2 So would it be fair to say that you first heard of the FRPI
3 during the pacification process that took place after Bogoro?

4 A. As far as I am concerned, I learned about the FRPI when this
5 group had a president, but at the very beginning it was known as FREC.
6 For example, when you have a baby, you can suggest a name. Other people
7 will suggest other names, and then subsequently a decision is taken as to
8 whether -- as to which name to keep.

9 Q. And the name to keep, the FRPI name, that came in Bunia, is that
10 right, at the pacification process? That's when the baby was christened,
11 as it were.

12 A. During that period, it was the people of the village who decided
13 on that name. There was fighting, and a group came up with a name and
14 referred to themselves as the FRPI. There were people of the APC, the
15 UPC, and so on and so forth. Later on PUSIC and the UPC split.

16 Q. And which village are you talking about?

17 A. You wanted to know how the FRPI was born.

18 Q. Well, you said a moment ago -- let me get it right so I don't
19 excite Mr. MacDonald.

20 "During that period, it was the people of the village who decided
21 on that name. There was -- there was fighting, and a group came up with
22 a name and referred to themselves as the FRPI."

23 So that's your understanding of the founding of the FRPI, and I'm
24 asking you which village, for completeness' sake.

25 A. The FRPI, it was the children of Bindi drove -- drove out who had

1 occupied their collectivite. Before that, there hadn't been a
2 government. They did that to -- to defend themselves, stop them being
3 attacked again, and that's why they gave themselves the name of FRPI.

4 Q. Would it be fair for me to suggest to you that these issues of
5 when parties or organisations were founded and how they were founded is
6 not a very clear history to you?

7 A. There was no day that we spoke about the parties -- parties, and
8 since my childhood I've heard others talk about parties.

9 Q. (Microphone not activated) ... oh, you can't hear anything.
10 Shall I repeat the question?

11 I was asking you, Mr. Witness, do you know the name of
12 Dr. Badouin Adirodou, and I spelt it as B-a-d-o-u-i-n, with some
13 hesitation. That may not be quite right. And Adirodou as
14 A-d-i-r-o-d-o-u. Had you heard of that name?

15 A. The doctor is known by a lot of people because he's responsible
16 for the health of a lot of people. I didn't know that he was called
17 Badouin, but I know a doctor called Adirodou. He studied to be a doctor.
18 Even Dr. Lucy (phoen), who was a superior, knows him well.

19 Q. And now he's, I think, a deputy in Kinshasa. Did you know that?

20 A. Yes. I learned that he had applied for that and he had
21 succeeded, and when I watch television, I sometimes see him amongst the
22 other deputies in sessions of the National Assembly.

23 Q. And is it right he founded the FRPI?

24 A. Adirodou, perhaps. These were members of the FRPI. They are the
25 ones who are best placed to reply to that question. What I know is that

1 Adirodou was a doctor and that when there were elections in the
2 Democratic Republic of Congo, he applied and he was voted for.

3 Q. And you refer to Germain Katanga being president of the FRPI, and
4 I accept that he became president of the FRPI, but that was later in the
5 year of 2003, was it not?

6 A. Since the young people of Bindi drove out the Ugandans, I didn't
7 write the date down.

8 Q. All right.

9 A. If I had to remember all the dates, I would have problems in
10 terms of my memory.

11 Q. I quite accept that, and this isn't a -- a memory test, and
12 perhaps if need be I can come back to that in closed session, as I
13 suspect if I go into details, we're going to hear names of schools and
14 the like. So let me move on.

15 Now, this mission to Aveba that took place, and I appreciate what
16 you've just said about dates, and I know, as I've said, this is not a
17 memory test, but can you help us a bit more as to when it was that you
18 left Zumbe to go to Aveba, as you say?

19 A. It was after the APC soldiers had left the locality where they
20 were and gone through Nyankunde to go to North Kivu. It was at that time
21 that I left Zumbe to go to Aveba.

22 Q. Now, I'm not going to tie you down to dates and things
23 particularly, but we have a -- how long after the APC went off and left
24 Zumbe, how many days or weeks or whatever was it before you left on this
25 mission to Aveba?

1 A. I can say that it was a week and a half after they had left
2 Zumbe. One week or two weeks. The operation for Nyankunde lasted for a
3 week.

4 MR. HOOPER: Now, I can't recall if the Nyankunde incident was an
5 agreed date or not, or if there's any objection if I put what appears to
6 be an agreed date which is the 5th of September, 2002.

7 MR. MACDONALD: (Interpretation) We have suggested dates to have
8 agreement on, but yes, the 5th September, 2002. 5th of September, 2002.
9 And as we are at that point, do you want there to be an admission for the
10 attack on Bogoro, which is not the subject of our proceedings now but
11 which prior to the incident the witness is referring to and that the APC
12 had led? We are also ready to put this date to be able to situate it,
13 but definitively Nyankunde was the 4th or the 5th September 2002.

14 PRESIDING JUDGE COTTE: (Interpretation) For the 5th of
15 September, 2002, things seem to be okay. For the other date I don't know
16 if we have to open a discussion. I would prefer that Counsel Hooper
17 continues with his cross-examination. Please continue.

18 MR. HOOPER: I think we can accept exactly how Mr. MacDonald put
19 it, that it's the 4th or 5th. The 5th seems the most common date, but
20 it's perhaps within a day or two of that. There are sometimes
21 differences, but we have a date we can all accept.

22 Q. And why was it that you were chosen to go with Boba Boba when you
23 weren't anything to do with his body-guard?

24 A. We were the children of the village.

25 Q. Why were you asked to go there? At that time, you had no

1 training, you told us. Why were you asked to go on this mission?

2 A. If you ask me the question why I was asked to come to this court,
3 it's the same thing.

4 Q. Well, let's just stick with the question about why you went with
5 Boba Boba, why you were chosen to go on the mission. Why was it?

6 A. Because I deserved to go.

7 THE INTERPRETER: The interpreter didn't hear the last part of
8 the witness's answer.

9 PRESIDING JUDGE COTTE: (Interpretation) Witness, can you repeat
10 your answer, please. The witness (as interpreted) did not hear the last
11 part of it.

12 THE WITNESS: (Interpretation) I deserved to go. If you ask me
13 the question why I was asked come here before this court, why I accepted
14 to come, why they accepted that I come before the court.

15 MR. HOOPER:

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 MR. MACDONALD: (Interpretation) Before answering, I think it's

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1 preferable that we go into closed session, because then we can reveal the
2 identity.

3 PRESIDING JUDGE COTTE: (Interpretation) Please go into private
4 session, Court Officer.

5 (Public session at 3.16 p.m.)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

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19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Open session at 3.19 p.m.)

6 COURT OFFICER: (Interpretation) We are in open session, your

7 Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

9 MR. HOOPER:

10 Q. From what you say, you weren't any specific -- allocated to any
11 specific person. You were, as it were, a spare tire. Would that be a
12 fair way of putting it?

13 A. There were times when we had to force the road. There was nobody
14 who had a letter, but we needed people.

15 Q. Now, the -- the people you left with, you told us, were Boba
16 Boba, Martin, Bukpa Kadogo -- sorry, that's not right. Kalongo. Sorry.
17 I think you later mentioned Adolphe, and you mentioned Bahati. Is that
18 right?

19 A. Yes, that's correct. In the army, the commanders, there was also
20 Lone Nyunye. It was the commander who was working where I was, so I
21 couldn't not -- I couldn't miss where he was during the movements.

22 Q. Kute, did he go?

23 A. Kute was the commander of the battalion. He didn't move. He
24 stayed to guard the position, but he sent his deputy.

25 Q. And when and how did Bahati come back after Nyankunde?

1 A. Bahati came back when Nyankunde had fallen and when -- when the
2 people had gone to North Kivu. It was at that time that Bahati came
3 back.

4 Q. And how long had he been back before you went on this mission?

5 A. Since his return from Nyankunde, Bahati hadn't done many days.
6 To go to Aveba, we had to wait. We had to wait for Bahati. He was the
7 one who knew the region and the languages which are spoken in the region,
8 and that's how from Nyankunde, from where he was with the people from the
9 APC, he joined us to accompany us to Aveba.

10 Q. And so he wasn't back many days when you all left together for
11 Aveba; is that right?

12 A. The day that Bahati came back from Aveba, two or three days later
13 we took Bogoro.

14 Q. Let me put the question again. Bahati goes off with the APC to
15 Kpandroma. There's a battle. And then you say he comes back shortly
16 afterwards to Zumbe, and then I think you said a few days -- not many
17 days after he came back, you all go off on this mission with Boba Boba,
18 Martin, Bukpa and the rest to Aveba. Is that right?

19 A. After his return from the place where he had accompanied the APC
20 soldiers, Bahati joined us to go with us to Aveba. There was somebody
21 who had to accompany us, but we needed him because he knew the region.
22 He is known in the region, and that's why he had to come and find us
23 to -- to help us cross.

24 Q. All right. Thank you. Now, you went on foot all the way to
25 Aveba; is that right?

1 A. Yes, we went on foot. There was no way of going on a horse. If
2 you went by horse, there were people who were going to hear the noise
3 from far away.

4 Q. And there was certainly no vehicle that you went on. That was
5 quite impossible. Isn't that right?

6 A. We didn't have salt, and if we had a vehicle, we would even not
7 have a place to blow up the tires.

8 Q. Why was it when you were being asked by the Prosecution just over
9 a week ago now about this trip you referred to a vehicle that went?

10 "And children could get on board," you said, "depending on the
11 road. And during this trip, the number could increase."

12 That's at T92, on the 28th of January, page 55, at line 3.

13 Why did you mention a vehicle?

14 A. I didn't say that we went in a vehicle. It was next to Bindi
15 where I saw a vehicle. I don't know if this vehicle was owned by
16 tradespersons. There was also a motorbike that the president used to get
17 around. So I spoke about a vehicle and a motorbike that the president
18 utilised to move around on. These vehicles were used by the people to
19 have fun, but it wasn't used by the FRPI or anyone else.

20 Q. So what motorbike? What president are you talking about there?

21 A. In Aveba, I saw the president of the FRPI driving a motorbike,
22 riding a motorbike. It wasn't something common. He used this motorbike
23 to do his personal shopping. That's what I saw. That's the situation
24 that I saw at that time.

25 Q. And who's this president you're talking about? What's his name?

1 A. The president of the FRPI. That is, from the time that I knew
2 this -- this movement, I have never known of anyone else. There has
3 always been only one president.

4 Q. And from the time you knew this movement, was that in -- in
5 Bunia, after the fall of Bogoro?

6 A. I had not yet reached Bunia when I heard mention of the FRPI, and
7 in Bunia you had elements of the UPC. When the members of the UPC split
8 up, it was at that time that PUSIC was created, and the UPC captured
9 Mandro, and with Thomas Lubanga they set up in Bunia.

10 Q. Let's come back to this motor vehicle that you mentioned when you
11 were first asked about this trip to Bunia -- I'm sorry, to Aveba on the
12 28th of January. A vehicle, you said that went and children could get on
13 board depending on the road. You went on to say:

14 "Whoever wanted to travel. People had enough at Zombe. They
15 decided to travel at the same time ... people who were starving ... for
16 food like potatoes."

17 Mr. MacDonald even thought he'd heard the word "camionnette" and
18 asked you about it.

19 Why were you talking about a vehicle? Might it be you were
20 mixing up that trip with a later trip where you did use a vehicle? Was
21 that the position?

22 A. I have never said that. I said that at that place I saw a
23 vehicle, a vehicle that I saw with my own eyes. Maybe there were other
24 vehicles, but they may have been hidden in the bush. This is what I
25 said. When I headed in that direction, I saw a vehicle and a motorbike

1 with my own eyes. That is my testimony. But we went through the bush on
2 foot.

3 Q. Have you ever travelled to Aveba in a vehicle?

4 A. Besides after the armed conflict, I worked as a transporter. I
5 was a driver who was in charge of a vehicle.

6 Q. On this mission, who was head of the mission?

7 A. When we left, Bahati of Zumbe was the head of the mission. We
8 also travelled with Boba Boba and other members of the FRPI, Colonel Boba
9 Boba.

10 Q. You see, when you first told us about who went, you didn't
11 mention Bahati at all, and when you were asked who was the leader of this
12 mission, you said it was Boba Boba who was the superior.

13 A. Boba Boba was in charge of the Chief of Staff in Tatsi. The
14 delegation which left Tatsi to go to Bindi. But at head of the mission,
15 he was the person who was the operator of the army staff, but the person
16 who knew the terrain well was called Bahati.

17 Q. Now, you've mentioned this letter. Perhaps we could just look at
18 it again, which is EVD-25. And again, it might be you're assisted with a
19 copy of the letter if we can find one for you.

20 MR. MACDONALD: (Interpretation) The original is better on
21 screen than the photocopies, unfortunately. You can find them on the
22 Ringtail system. That's unfortunate, but that's the way it is.

23 MR. HOOPER: Very well. So if we can have that item up, I'd been
24 grateful.

25 PRESIDING JUDGE COTTE: (Interpretation) Maitre Hooper, the

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1 original of the document which should be put before the witness is not in
2 the courtroom. Will you give us time for the Court Officer to go and
3 look for the original of the letter which you wish to show to the
4 witness?

5 (Trial Chamber and Court Officer confer)

6 PRESIDING JUDGE COTTE: (Interpretation) As we project a copy on
7 screen for all the delegates, all the participants in the courtroom, we
8 could go and look for the original of the letter which will be shown to
9 the witness so that his answers can be as precise as possible.

10 Is that possible, Madam Court Officer?

11 Well, the idea is to enable the witness to see the original
12 document, which is more legible than the e-copy we have, so the rest of
13 the court will look at the copy on screen, and the hard copy or the
14 original will be shown to the witness.

15 COURT OFFICER: (Interpretation) With your permission, your
16 Honour, I am going to look for the original.

17 PRESIDING JUDGE COTTE: (Interpretation) That is something you
18 can do very fast, I hope.

19 COURT OFFICER: (Interpretation) I would like to request you to
20 press the button "PC 1," and you'll have access to the e-copy of the
21 document, which is not confidential, I hope.

22 MR. HOOPER:

23 Q. And just looking at that letter, and it's a short point, actually
24 on this letter but you've got it in front of you, and it says there,
25 bottom right, above the signature of Martin Banga, it says "President de

1 la delegation," which suggests, does it not, that it was Martin Banga was
2 the president of the delegation. He was the leader of the delegation,
3 wasn't he? Not Boba Boba, not Bahati.

4 A. Martin Banga, whom you just mentioned, represented the civilian
5 population in Zombe, because we had the head of the groupement. We did
6 not only have the army staff. It was the groupement of Bedu-Ezekere who
7 -- which received war-displaced persons who had come from Tatsi and from
8 the town of Bunia. It was not only the soldiers who were carrying all
9 the functions within the locality.

10 Q. So I suggest that this was -- this delegation referred to in this
11 letter was quite plainly a civil delegation and not a military one.
12 That's right, isn't it?

13 A. Yes. The document you have here is a document which talks about
14 the civil delegation. That was the representative of the civilian
15 population, and the person who represented the military was called Boba
16 Boba, and Major Bahati.

17 Q. Now, what time did this delegation set off? What time of day or
18 night did it set off?

19 A. I do not know the time. You will find that it is written that
20 Ituri is a province. You will see that the name of the secretary is
21 written here.

22 Q. I've moved away from the letter to another series of questions,
23 so we needn't concern ourselves with the letter. Let me ask the question
24 again. Forget the letter now.

25 What time did this mission set off? What time of day or night

1 did it set off?

2 MR. MACDONALD: (Interpretation) What mission are you talking
3 about, from Zumbe to Aveba, or are you talking about the mission about
4 which the letter makes mention?

5 PRESIDING JUDGE COTTE: (Interpretation) Just to get a precise
6 answer, I'd like to ask you, Counsel Hooper, to rephrase your question.

7 MR. HOOPER: (Previous translation continues) ...

8 Q. Mr. Witness, when this mission set off from Zumbe for Aveba,
9 right at the start of the mission, what time did you leave Zumbe?

10 A. We left the locality of Zumbe at 4.00 p.m., and at 9.00 p.m. we
11 arrived at Lakpa. We spent the night there, in the Golgota camp.

12 Q. So you left at 4.00 p.m. I'm repeating it so that there's not a
13 translation difficulty as sometimes arises with times. 4.00 p.m., and
14 you got to Lakpa at 9.00 p.m., which --

15 A. Yes, that is correct. It was at that hour that we got into
16 Lakpa.

17 Q. And what route did you take?

18 A. From Lagura we headed towards Basanje. We headed towards
19 Kilimamungu above Mayi Ya Franga. We passed through the resident of
20 Manzikala, a former dignitary under the Mobutu regime, and then we
21 reached Lakpa.

22 Q. So last week you told us that you went through the middle of
23 Bogoro. That's T92, page 57, at 11, and I'm getting a bit disquieted by
24 the amount of interruptions, but if it's a valid one I have no objection,
25 but --

1 MR. MACDONALD: (Interpretation) I beg your pardon, your Honour,
2 but we have to be careful with the transcript with respect to what is
3 said about certain issues with respect to explaining about the movements
4 of these -- of the witness. I think we have to pay attention the
5 transcript, because it talked about passing through Bogoro to go to
6 Lakpa.

7 PRESIDING JUDGE COTTE: (Interpretation) If Mr. Hooper alludes
8 to a previous statement of the witness and he mentions the precise line
9 and page of the transcript, we can only let him carry on.

10 So you may proceed, Mr. Hooper.

11 MR. MACDONALD: (Interpretation) I fully understand that, your
12 Honour, but there were certain clarifications that were made about the
13 movement of the witness. The witness had to give additional information.
14 And sometimes, given the fact that we have translation or interpretation,
15 there may be a few inaccuracies. That's why I stood up to intervene. Of
16 course, my learned colleague has been respecting the procedure that we
17 have in place, but from time to time, there have been certain
18 inconsistencies about the movement of the witness, certain
19 inconsistencies about certain places and their descriptions, and
20 especially as the witness has been given further clarifications from day
21 to day.

22 PRESIDING JUDGE COTTE: (Interpretation) For each person who
23 takes the floor, you have to adapt with the various changes and
24 additional information provided by the witness.

25 The time now is 15.47. We have to end three minutes to the end

1 of the hearing so that we can discuss some other burning matters, and I
2 hope that you're able to choose an appropriate moment.

3 MR. HOOPER: Of course the Defence recognise there are
4 inconsistencies. That's the whole point.

5 Q. And this particular one is at page 57, as I say, on T92, and I'll
6 read it. Mr. MacDonald said:

7 "Without being leading in any way, your Honour, we do know a bit
8 of the geography of this area ... when you dropped from the Montagnes
9 Bleues towards the lake, there's a flat area, a plain, and this goes
10 right the way to the lake.

11 "A. That is correct. There is a plain.

12 "Q. And so is that how you went round Bogoro, or did you do so,
13 rather, behind Waka Mountain?

14 "A. We -- without going through the plain, we went through the
15 middle of Bogoro and we continued."

16 A. We passed through the Kilimamungu mountains, and in the middle
17 you had Bogoro, and below we had Kilimamatayo (phoen). We passed through
18 the residence of Manzikala and then we entered the city.

19 Q. Exactly. Right. And you told us it took you a day and a half to
20 get to Lakpa, but now it's only taken you five hours. Why is there that
21 difference?

22 A. I said to reach Lakpa we did not spend a day and a half. We left
23 at about 4.00 p.m., and around 9.00 p.m. we entered Lakpa in the Golgota
24 camp. That is my testimony.

25 Q. So you got to Lakpa, clearly, the same day that you left Zombe.

1 That doesn't really need an answer. It's -- it's a reflection of your
2 evidence, but there at Lakpa -- that's a distance of about 8 kilometres,
3 isn't it, that journey that you took?

4 A. That could be true, but I cannot speak with certainty. Eight
5 kilometres, maybe between Bogoro and Lakpa, but the road that we took on
6 that day could be three times longer.

7 Q. I accept that. I accept the distance I put to you was, in fact,
8 the distance from Bogoro to Lakpa and no other obvious distance you'd
9 have had to have gone to get there.

10 And there at Lakpa, you told us that the person in charge or --
11 was called Lobo Tchamangere, which I think is on the word list,
12 T-c-h-a-m-a-n-g-e-r-e. Tchamangere. Lobo Tchamangere. Did you meet
13 Tchamangere?

14 A. Yes. We even spent the night in his home. This is the person
15 who was in charge of guarding the position of Walendu-Bindi, the position
16 we had to go through in order to go out of Bunia, to leave Bunia to go to
17 Bindi.

18 Q. And he put you all up for the night. Is that the position?

19 A. He even gave us food. The food we ate actually came from him as
20 well.

21 Q. And just remind us, how many in total were you on this mission,
22 approximately?

23 A. There were about 24 people who were on the mission. In addition
24 to that, there were other people who took advantage of our presence to
25 cross over to the other side, because on the other side you had soap and

1 other commodities for basic existence. You had certain basic commodities
2 on the other side.

3 Q. Thank you.

4 MR. HOOPER: I don't -- if that's a convenient moment, your
5 Honour.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.

7 Before we rise, the Chamber would like to remind you that next
8 week we are sitting on Monday, Tuesday, Wednesday, and Thursday two times
9 starting at 9.00 to 11.00 and from 11.30 to 1.30. So the first four days
10 of next week we sit in the morning from 9.30 to 11.30 (as interpreted).
11 Two sessions is separated by a break of 30 minutes. And it's difficult
12 to foresee how our schedule is going to be next week.

13 Mr. Hooper, will you need the whole morning of Monday?

14 MR. HOOPER: This is going considerably slower than I thought,
15 much slower than I thought, as is often the case, your Honour, but even
16 slower than that as it were.

17 Can I just make quite clear what your Honour's said, because next
18 week it's come up on our translation as we're sitting from 9.30 to 11.30.
19 That's not right, I think.

20 PRESIDING JUDGE COTTE: (Interpretation) No. No, from 9.00 to
21 11.00, and then from 11.30 to 1.30, that is on Monday, Tuesday,
22 Wednesday, and Thursday. We are making this reminder at the end of each
23 week because the arrangement changes from week to week. So you will need
24 the four hours of Monday, and we would like to imagine that
25 Mr. Ngudjolo's Defence team could start its cross-examination in

1 principle on the morning of Tuesday, in principle.

2 MR. HOOPER: I doubt it, to be honest, and I wouldn't want to
3 lure them into an expectation. I will try and cut it as much as I can,
4 but your Honour can see that, as Mr. MacDonald found himself, these
5 matters are taking a little longer than we thought.

6 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, we are not
7 asking you to speed up things. Considering the amount of time that the
8 Prosecutor took, you can, with respect to the witness, have about eight
9 and a half hours for your cross-examination. You have not yet exhausted
10 your allotment of eight and a half hours, because you only started
11 yesterday.

12 The reason I asked this question was because I am thinking of the
13 witness as well. This morning, he expressed his astonishment, because he
14 had the impression that he is spending more time before the court than he
15 expected.

16 Mr. Witness, we will not be able to give you precise information
17 here, but know that from -- taking into consideration the
18 cross-examination of Mr. Hooper and the cross-examination of
19 Mr. Ngudjolo's Defence team and the possibility for the Prosecutor to
20 re-examine, and the fact that the Defence teams have to take the floor in
21 the final instance, it is highly probable that we may spend the whole of
22 next week taking your testimony. I think it's important for us to
23 provide you with this information out of courtesy to you and just to make
24 you understand that we will need your cooperation, even though we
25 understand that this can be difficult for you.

1 Thank you, Mr. Hooper.

2 Madam Court Officer, I would like to ask you to move into private
3 session -- into closed session.

4 (Closed session at 3.58 p.m.)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Open session at 3.59 p.m.)

19 COURT OFFICER: (Interpretation) We are in open session, your
20 Honour.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court
22 Officer. We stand adjourned, and we reconvene on Monday morning at
23 9.00 a.m.

24 The hearing ends at 3.59 p.m.

25

1 CORRECTION REPORT

2 The following correction has been made to the English transcript:

3 * Page 51, lines 6-7

4 "It was Floribert Ndjabu who was the representative as the president of
5 the FRPI"

6 Is corrected by

7 "It was Floribert Ndjabu who had represented...who was present as the
8 president of the FNI"