

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 versus Germain Katanga and Mathieu
7 Ngudjolo Chui
8 Trial Hearing
9 Wednesday, 12 May 2010
10 The hearing starts at 9.06 a.m.
11 (Closed session)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Open session at 9.08 a.m.)
22 COURT OFFICER: (Interpretation) We are in open session, your
23 Honour.
24 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
25 Court Officer.

1 (The accused entered court)

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor.

3 MR. MACDONALD: (Interpretation) Just a housekeeping matter.

4 Good morning, Mr. President, your Honours. At the pace of the coming
5 examinations and the cross-examinations, and taking into consideration
6 the next two witnesses and the possibility that we'll meet -- we will sit
7 on the 24th to the 28th, that is for four days, we think it would be
8 better not to bring Witness 267. He should be available to testify if
9 needed as from the 7th. Our projections, Mr. President, is that in the
10 worst-case scenario, the way we are going, if we have to lose any days at
11 all it would be just one day, probably Friday of the week of the 24th.
12 That is a possibility, but we are not even certain about that because the
13 witness who is currently on the stand is going to continue certainly into
14 next week following our discussions with the Defence teams. We
15 understand that the cross-examinations are going to continue next week.
16 We will not go into all the details because the witness is here.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
18 Mr. Prosecutor. That is what I was discussing with Judge Diarra and
19 Judge Van den Wyngaert. So we should understand that Witness 267 will
20 arrive only as from the 7th of June. That will make it possible for you
21 to organise his arrival as best as possible.

22 And, Court Officer, if the Registry can contact the Ngiti
23 language expert, we will review this issue on Friday. But regarding
24 Witness 267 we should work from the understanding that he will begin on
25 the 7th of June. The Court Officer wished to confirm to you the EVD

1 reference numbers assigned to the copies of the identity documents that
2 we discussed earlier this week.

3 Court Officer, please.

4 COURT OFFICER: (Interpretation) Thank you, Mr. President. The
5 photocopy of the passport, that is, ERN number DRC-ICC-0001-0187 will
6 bear the following EVD number: EVD-CHM-00001. The photocopy of the
7 voter's card in the possession of the OTP with the ERN number
8 DRC-ICC-0001-0190 will bear the following EVD number: EVD-OTP-00112.
9 The photocopy of the voter's card in the possession of the unit with the
10 ERN number: ERN DRC-ICC-0001-0192 will bear the following EVD number:
11 EVD-CHM-00002.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Court Officer. We are now done with this housekeeping matters. The
14 accused persons are in the courtroom.

15 Good morning, Madam Witness. Can you hear me well?

16 THE WITNESS: (Interpretation) Yes, I can hear you very well.

17 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Here we are
18 once again this morning for two sessions of two hours each. As I told
19 you several times yesterday, if you feel that you need some time to rest,
20 do not hesitate to tell us. That is what we wish you to do because the
21 Chamber and all the participants would like to have as precise testimony
22 from you as possible, and for that to happen you have to be in good form.
23 So, Madam Witness, please inform us if you feel exhausted at any one
24 point.

25 Good morning, Mr. Prosecutor, you can continue.

Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 MR. GARCIA: (Interpretation) Good morning, Mr. President, your
2 Honours.

3 WITNESS: WITNESS P-0132 (Resumed)
4 (Witness answered through interpreter)

5 Questioned by Mr. Garcia: (Continued)

6 Q. (Interpretation) Good morning, Madam Witness.

7 A. Good morning.

8 Q. Madam Witness, if you wish, I have some additional questions to
9 ask you on your experiences during and after the Bogoro attack. Is that
10 all right?

11 A. Very well.

12 Q. Yesterday, in the course of your testimony you told us about the
13 person known as Yuda. You told us that he was the battalion commander.

14 A. That is correct. He was a battalion commander.

15 Q. Madam Witness, as far as you knew at that time what were Yuda's
16 duties in that camp in which you found yourself?

17 A. He was the commander of all the soldiers living in that camp.

18 Q. Are you able to give us any details regarding his activities in
19 the camp in his capacity as commander?

20 A. According to the explanations that were given to me at the time,
21 people said he was the number one of all the soldiers of the camp. That
22 is why he was known as the battalion commander. If you wish to know any
23 other information, I should tell you that I was very afraid to ask any
24 questions about that which is why I do not know any further information.
25 I only know that he was battalion commander in that camp.

1 Q. We are going to move on to something else. While you were in
2 this camp, did you see any other commanders or military leaders who came
3 from outside to visit the camp?

4 A. Yes, I saw people arrive in the camp. There were people that I
5 had not seen before and there were other events that I never experienced,
6 but I received some information in that camp. I was told that such and
7 such a person was responsible for this and so on and so forth. I saw
8 some people come and visit the camp and then leave again.

9 Q. Regarding these people that you saw visiting the camp, are you
10 able to tell us their names?

11 A. I would like to tell you the truth and I will only tell you what
12 I saw. When I was in the camp I saw Katanga. One day he arrived in the
13 camp. He was on board a motorbike with two bodyguards. He arrived and
14 spoke to his men in the camp. I was afraid. I did not know precisely
15 what his responsibilities were, but after he left people started telling
16 me -- they told me that this person that you see, he is our president.
17 He is our president, but he does not live here in Kagaba. He lives in
18 Bolo. I kept quiet. These were the explanations that were given to me,
19 and I did not want to have details. That is what the people who were
20 living with me told me because I could see that he was well received.

21 On another day I saw another authority who was known as Cobra.
22 He arrived. There were many vehicles. I saw him with my own eyes. I
23 was told that he was a commander and that he was living somewhere else.
24 Yes, indeed, I also saw him.

25 Q. Madam Witness, for the time being let us focus on the issues

1 regarding the person known as Katanga. Can you tell us with whom Katanga
2 spoke on that day that you saw him?

3 A. When he arrived he spoke with the authorities of the camp, the
4 soldiers who were in the camp. They entered into a house and they spoke.
5 I could not follow their conversation because I was outside. He would
6 come, go into the house, speak, and then later leave. At the beginning I
7 did not know their names. All I could see were soldiers dressed in
8 uniform. I could not go asking question on one or the other of the
9 individuals.

10 Q. Madam Witness, can you tell us where Yuda was when Katanga came
11 to the camp?

12 A. Yuda's house was right at the entry into the camp, that is, at
13 the main entrance. When someone arrived Yuda's house would be opened and
14 the person would come in. So Yuda, who was the battalion commander, was
15 the number one; he was the one living there at the entrance. After his
16 house there was several other houses.

17 Q. Just to be clear, Madam Witness, were you present when Katanga
18 arrived in the camp?

19 A. Yes. I saw him with my own eyes. I was there, I was outside,
20 and I saw him.

21 Q. Can you give us any details regarding the way in which Katanga
22 was received by the people inside the camp?

23 A. He was very well received. He was welcomed the way that an
24 authority would be welcomed.

25 Q. And to be precise, how would you describe that type of reception

Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 for an authority?

2 A. I believe that you yourself, you must know. There is greetings,
3 the salutes, because people stand up and greet him very well because he
4 is a respectable person.

5 Q. After he was welcomed into the camp, what happened afterwards?
6 What did they do?

7 A. He entered into the house of the battalion commander, but I did
8 not know what they discussed inside the house.

9 Q. Are you able to tell us for how long that meeting lasted?

10 A. No, I do not know. You know very well that I was not able to
11 follow-up everything that was happening. I was not calm in my mind. He
12 stayed for a while and then he left. Another day he came, he even spent
13 the night in the camp and left the following day.

14 Q. Regarding this second time that he's supposed to have visited,
15 can you give us any further details about that?

16 A. The second time he arrived in the evening. He spent the night
17 there. The women told me that he had come from Bunia. He spent the
18 night there and then he went to Bolo.

19 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper.

20 MR. HOOPER: Yes. I fully appreciate it's my friend 's witness
21 and it's entirely a matter for him of course how he takes her in the
22 evidence, but I'd certainly be assisted by knowing, before we move on to
23 other meetings, when this first meeting took place and perhaps some other
24 relevant details relating to it. We don't know where in time this
25 meeting is. Until we can establish that, we're not going to know in

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Questioned by Mr. Garcia (Continued)

1 relation to that meeting when subsequent meetings or a meeting may
2 have -- or visit may have taken place.

3 (Trial Chamber confers)

4 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, we have
5 heard you well, but the Court thinks that the Prosecutor is carrying out
6 his examination-in-chief according to the modalities which he thinks are
7 the best, most likely taking into account what the witness who is with us
8 is going into the most general, to go into the more particular later, to
9 get to the more precise parts, from the general to precise. I think this
10 is the approach that's being followed.

11 So, Prosecutor, please continue with your examination-in-chief.
12 And it is clear that the more details you get the better it shall be. If
13 you don't obtain them, it's up to Counsel Hooper to try and get such
14 details during the cross-examination. So please continue, Prosecutor.

15 (Prosecution counsel confer)

16 MR. GARCIA: (Interpretation)

17 Q. Witness, if you would allow me, where it concerns this second
18 visit of Katanga, were you there when he arrived?

19 A. When I came -- when he came for the second time -- when I came
20 for the second time, I saw him when he arrived.

21 Q. Did you know what he came to do at the camp?

22 A. He came in the evening, towards 6.00 in the evening. I didn't go
23 to ask him where he came from or where he was going, no. Those who were
24 in the camp, the wives of the soldiers, it was those who told me that he
25 came from Bunia and that he was going towards Bolo; that's what I heard.

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Questioned by Mr. Garcia (Continued)

1 Q. Did you know who he was visiting at that time?

2 A. I don't know who he went to visit in Bunia. No, I don't know.

3 Q. No, my question -- I don't know if I expressed it wrongly, but

4 did you know who Katanga was visiting there, in the camp, in Kagaba?

5 A. In the camp of Kagaba, he went because it was next to the road.

6 For going to Bolo you had to go through Kagaba; this is why he went

7 there. It's a place where he was working so he could go there, and

8 that's why he went through there. So I thought, Well, perhaps he could

9 even spend the night there to continue on his road. I didn't ask him,

10 but it was the wives or the women who told me and the soldiers who were

11 in the camp. They said that this authority had spent the night there,

12 and the next day he left.

13 Q. Did you have any information with regard to the house in which he

14 spent the night?

15 A. In the house of the camp or in the houses of the camp there were

16 chiefs of sections or platoons who were there. They had different

17 grades. They lived in the camp.

18 Q. Did you see Katanga on another occasion?

19 PRESIDING JUDGE COTTE: (Interpretation) Witness, you have to

20 reply. You can reply as you think you can. You can tell us that you are

21 telling us the whole truth. You have to reply either in the positive or

22 in the negative, but you have to reply. You can't just stay silent.

23 THE WITNESS: (Interpretation) I didn't understand the question

24 properly.

25 MR. GARCIA: (Interpretation)

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Questioned by Mr. Garcia (Continued)

1 Q. Witness, you mentioned that you saw Katanga on two occasions.

2 Are these the only two times, when you were in the camp in Kagaba?

3 A. Normally, to tell you the truth, I saw him three times. Having
4 seen him three times, I did not see him anymore. I didn't see him
5 anymore. When I was there I saw him. I thought that as he was there --
6 or I heard -- I was happy. I thought perhaps he's going to say that he
7 can free me so that I can go home because the road to Beni was free. In
8 my heart I reflected. I hurt in my heart, but I didn't hear that. It
9 was the women who were there who told me how they told my problem to the
10 superior. So I was very happy. I thought that I was going to be freed
11 so I could go via Beni, but everything failed. I was afraid. I didn't
12 want to ask questions. I was very much afraid.

13 MR. GARCIA: (Interpretation) Your Honour, I note that the
14 witness has difficulties. I don't know if she's able to continue
15 answering the questions.

16 PRESIDING JUDGE COTTE: (Interpretation) Witness, please rest
17 yourself. We haven't been going for very long. We're going to continue
18 for the moment.

19 (Trial Chamber confers)

20 PRESIDING JUDGE COTTE: (Interpretation) Please continue,
21 Prosecutor.

22 MR. GARCIA: (Interpretation)

23 Q. Witness, so this is clear for everybody, you mentioned that you
24 saw him on three occasions. So I would like to ask you questions with
25 regards to the third time that you saw Katanga. Could you give us

1 details concerning this third occasion on which you saw Katanga.

2 A. The third time that I saw him he was going to Bunia.

3 Q. Where were you when you saw him for the third time?

4 A. I was in the camp, in that camp.

5 Q. When Katanga arrived, was there any type of reception for him?

6 How was he welcomed?

7 A. He was well received. He was welcomed. He was an authority.

8 They received him well. They welcomed him.

9 Q. You mentioned the fact that they welcomed him, received him well.
10 Who exactly are you talking about? Are you able to identify these
11 people?

12 A. It was the soldiers who were in the camp. It was them who -- it
13 was they who welcomed him.

14 Q. Are you able to tell us what Katanga said in this third visit to
15 the camp?

16 A. I didn't see what they did because it was difficult for me to go
17 next to the authorities to listen to them when they speak. I only saw
18 how he came, how he left, and I heard how these soldiers explained that.
19 I followed that, but I could see him. But with regard to what he said, I
20 couldn't hear it to tell you the truth.

21 Q. During this third visit, were you able to tell us -- are you able
22 to tell us where Yuda was during this third visit?

23 A. That time everybody was there. They were in this camp in Kagaba.
24 He was living in the camp in Kagaba.

25 Q. You mentioned to us that the women explained or told Katanga of

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Questioned by Mr. Garcia (Continued)

1 your problem --

2 MR. HOOPER: (Previous translation continues) ... not clear that
3 that was said. The word used earlier was "superior."

4 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, if I
5 refer to the transcript in French, page 13, line 9, you can read:

6 "It was the women who were there who told me how they had told of
7 my problem. I was very happy. I thought that I was going to be -- that
8 he was going to free me."

9 So that inspires the question that the Prosecutor is asking, page
10 13, French transcript, line 9, "it was the women who were there who told
11 me how they had told of my problem. I was very happy. I thought that he
12 was going to free me."

13 Please continue, Prosecutor.

14 MR. GARCIA: (Interpretation)

15 Q. Witness, who were these women? Can you give us some details with
16 regards to these women?

17 A. There was -- well, these women there was the wife of the chief of
18 battalion, that is to say Yuda's wife; also, the other women from
19 outside, the women who were living in the camp, they told me that. They
20 spoke to me about other things, about everything that happened, and I
21 followed what the soldiers said as well. There was even a boy who told
22 me that my problem -- the chief already knew that I'd been taken hostage
23 in Bogoro -- but the wife of Yuda told me that. So that's why I was so
24 happy.

25 Q. Are you able to tell us what these women stated, what they told

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Questioned by Mr. Garcia (Continued)

1 him?

2 A. Tell whom?

3 Q. What they told to Katanga.

4 A. I heard this woman say that my problem -- they had mentioned it
5 to the leader. Apart from that, I didn't follow anything else. I don't
6 know what they planned. I don't know anything else. I was there in the
7 camp, but I couldn't leave. Apart from one day, I started to try and
8 find how to leave the camp.

9 (Prosecution counsel confer)

10 MR. GARCIA: (Interpretation)

11 Q. Witness, if you are able, could you tell us exactly when you
12 found out that the women or the soldiers, boys, had told of your problem?

13 A. This woman, during the day she told me of the -- she told me
14 about that, about this problem. It was in the day that she told me that.
15 With regards to the day and dates, I've forgotten.

16 (Prosecution counsel confer)

17 MR. GARCIA: (Interpretation)

18 Q. Witness, I'm going to try and situate you somewhat better. Now,
19 you mentioned you were -- you had the information women had spoken of
20 your problem to Katanga. Now, simply, for all of us when you got this
21 information was it after the third visit of Katanga or was it before the
22 third visit of Katanga?

23 A. It was the first visit. It was at that time that they spoke of
24 my problem. When he came to the camp, they spoke to him of it and they
25 spoke to me about it. So the wife of that superior, it was she who told

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Questioned by Mr. Garcia (Continued)

1 me. So the authority, Katanga, he saw me with his own eyes and I also
2 saw him.

3 Q. If I understand you well, in this first meeting on the first time
4 you saw Katanga, can you explain to us under what circumstances he saw
5 you?

6 A. He saw me. I was outside and he saw me clearly.

7 Q. And were you able to speak with Katanga during this first
8 meeting?

9 A. No. I wasn't able to speak to him. I was very afraid. But he
10 greeted me, but I didn't tell him of my problem. He greeted me on that
11 day. He saw me and I saw him. But I didn't have the strength -- the
12 power to tell him of my problem, what the problem was. No, I was afraid.

13 (Prosecution counsel confer)

14 PRESIDING JUDGE COTTE: (Interpretation) Please continue,
15 Prosecutor.

16 MR. GARCIA: (Interpretation)

17 Q. Witness, so we can understand everything well, when Katanga
18 arrived the first time, here I'm talking about the first visit of Katanga
19 to the camp, you told us that he greeted you. At that time were you
20 still imprisoned? Were you still spending your nights in the prison, or
21 was it after you met Yuda and Yuda told you that you had to stay in the
22 camp?

23 A. Already at that time I had come out of the pit. Yuda knew me
24 very well, and after that he too arrived. I saw him.

25 (Prosecution counsel confer)

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Questioned by Mr. Garcia (Continued)

1 PRESIDING JUDGE COTTE: (Interpretation) Witness, can we
2 continue? Yes. Okay.

3 Prosecutor, please continue.

4 THE WITNESS: (Interpretation) Yes.

5 MR. GARCIA: (Interpretation)

6 Q. Witness, just another detail. You told us that Katanga greeted
7 you. Were other people there present when he greeted you?

8 A. He had his escort, his bodyguard were there. His bodyguard were
9 behind him.

10 Q. Were there people who were in the camp who were present there?

11 A. Yes, there were people. There were young people who were around.

12 Q. Are you able to tell us, Witness, how much time were you detained
13 for in this pit before meeting Yuda?

14 A. I was in the pit when we were -- when we were there. The
15 authority was not there; he was in the hospital. He was cared for. Then
16 he came back there. When he returned, the next day I told -- he was told
17 of my problem. But as I was traumatised, I couldn't follow this well. I
18 couldn't say how many days I'd been there. I saw the days pass, but I
19 couldn't count them. First of all, I didn't even know what day it was.
20 Even if it was a Sunday I didn't know. Even the end of the month I just
21 didn't know, because the idea of being able to see what day it was --
22 this was all complicated for me, I was so traumatised.

23 Q. Witness, I have another question on this same matter. Could you
24 identify the person you referred to as Katanga? Could you identify that
25 person today if that person were to be in the trial chamber?

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Questioned by Mr. Garcia (Continued)

1 A. This all goes back a long time. There was -- well, I would say
2 he was fairly light skinned, he was slim and average build, average
3 height.

4 THE INTERPRETER: The interpreter adds: He was light skinned.

5 MR. GARCIA: (Interpretation)

6 Q. Witness, you also spoke to us about somebody called Cobra,
7 Cobra Matata, who also came to the camp. What can you say about that?

8 A. I saw Cobra Matata once. He arrived in a white vehicle. He was
9 accompanied by several soldiers, and I heard that he was living in a
10 place --

11 THE INTERPRETER: The name of which was not heard by the
12 interpreter.

13 PRESIDING JUDGE COTTE: (Interpretation) Witness, would you be
14 good enough to repeat the name of the place where, as far as you know,
15 Cobra was living at the time? The interpreter did not hear what you
16 said. You were saying that he lived in a place, and then apparently you
17 gave a name. If that was the case, would you be good enough to repeat
18 the name? Thank you.

19 THE WITNESS: (Interpretation) We were saying -- I was saying,
20 that he lived in a place called Ave.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Witness.

22 MR. GARCIA: (Interpretation)

23 Q. And exactly what was he doing in the camp when you saw him?

24 A. He arrived in the camp. He was received when he arrived. He was
25 taken to the hut. He was given something to drink. And I went to draw

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Questioned by Mr. Garcia (Continued)

1 water and I saw him with his company, because to go and get water I had
2 to go past that place where he was.

3 Q. Can you tell us who received him, who welcomed him to the camp?

4 A. I don't know. He went to see Yuda, the battalion leader. Those
5 were the people who were -- welcomed visitors to the Kagaba camp.

6 (Prosecution counsel confer)

7 MR. GARCIA: (Interpretation)

8 Q. Witness, in order to be clear, can you tell us when Cobra came to
9 the camp? Perhaps we could have it in relation to Katanga's visit. In
10 other words, was it after Katanga's third visit or before that visit?

11 A. It was afterwards.

12 Q. Witness, we're now going to move on to something different. You
13 told us yesterday during your testimony that at a certain moment you met
14 Yuda. I would like to know, following that meeting with Yuda, where you
15 would sleep.

16 A. I would spend the night with him, in his house. I was in the
17 kitchen.

18 Q. Did you have any special duties to carry out in Yuda's house?

19 A. I did the washing-up, I swept the courtyard, and I could go and
20 fetch water. So I lived in his house and I spent my days thinking about
21 when I would be able to leave that place.

22 Q. Did you at any moment leave Yuda's house?

23 A. I'll explain to you how I left his house. I stayed there in his
24 house, and then there was a man who wanted to rape me and I refused. And
25 he said he was going to marry me and said he would take me away, and I

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Questioned by Mr. Garcia (Continued)

1 kept quiet. And that gentleman said he was going to marry me. I said I
2 wanted to leave and he said that I was his wife. I don't know whether
3 the authority gave the order for him to marry me, but I was forced to
4 become that man's wife. And that man took me away for me to live with
5 him, but I didn't want to. I was scared. He could take me wherever he
6 wanted. That's how I came to leave the camp, to leave Yuda's house, and
7 I went to live with that man. And then I managed to get away.

8 MR. GARCIA: (Interpretation) Your Honour, if I may, before we
9 go into questions of greater detail I think it would be a good idea to go
10 into closed session.

11 PRESIDING JUDGE COTTE: (Interpretation) Could we please move
12 into closed session, Court Officer.

13 (Prosecution counsel confer)

14 (Private session at 10.09 a.m.)

15 (Expunged)

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Pursuant to Trial Chamber II's instructions dated 19 May 2010, the excerpt of the transcript starting page 39 line 16 to page 42 line 4 is reclassified from Private session to Open Session and the excerpt starting page 42 line 5 to 16 is reclassified from Closed session to Open session.

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Questioned by Mr. Garcia (Continued)

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12 Page 19 expunged. Private Session.

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Questioned by Mr. Garcia (Continued)

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12 Page 20 expunged. Private Session.

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Witness: Witness P-0132 (Resumed) (Private Session)

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Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0132 (Resumed) (Private Session)

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Witness: Witness P-0132 (Resumed) (Private Session)

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Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0132 (Resumed) (Private Session)

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Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0132 (Resumed) (Private Session)

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Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0132 (Resumed) (Closed Session)

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Questioned by Mr. Garcia (Continued)

1 (Expunged)

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11 (Closed session at 10.51 a.m.)

12 (Expunged)

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14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

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19 (Expunged)

20 (Expunged)

21 (Open session at 10.52 a.m.)

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

23 Mr. President.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

25 The hearing is suspended. We will resume at 11.30 a.m.

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Questioned by Mr. Garcia (Continued)

1 Recess taken at 10.52 a.m.

2 On resuming at 11.32 a.m.

3 (Closed session)

4 (Expunged)

5 (Expunged)

6 (Expunged)

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12 (Expunged)

13 (Open session at 11.34 a.m.)

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

15 Honour.

16 (The accused entered court)

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

18 Court Officer.

19 The accused are with us.

20 Good morning, Witness. We are back for another session this

21 morning.

22 Prosecutor, you have the floor. Please continue with your

23 examination-in-chief.

24 MR. GARCIA: (Interpretation)

25 Q. Good morning once again, Witness.

Witness: Witness P-0132 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 A. Good morning.

2 Q. Before continuing with the account of your story, I would just
3 like to go back. When you provided testimony before the break you stated
4 that at a certain time when you were in Kagaba camp you were living in
5 the residence of Yuda. My question is as follows: Were you still living
6 in Yuda's residence when Katanga visited the camp, whether for the first
7 time, the second, or the third time? Or when Katanga visited the camp,
8 were you no longer -- or were you not living at Yuda's residence?

9 A. At that time I stayed in the place where the cooking was done.
10 That's where I stayed. And in the day I was often outside.

11 Q. Just so that it's clear, the place -- when you say "I stayed in
12 the place where they did the cooking," are you there referring to Yuda's
13 residence or to another place?

14 A. Yes, it was the house, the residence of Yuda. The house was at
15 the front and the kitchen was at the back, and that's where I stayed.

16 Q. If I understand well, just so that things are clear for everyone.
17 When Katanga carried out his visits, whether the first, second, or third,
18 you were already living in Yuda's residence?

19 A. There were a lot of houses there -- as there were a lot of
20 houses -- they were houses in the camp, and where they put me that was
21 where I stayed and that's where I was living. Everything that was done
22 there, I was in the camp where I was staying. This house was next to
23 Yuda's house, that is to say behind Yuda's house. It was there that the
24 cooking was done. In the day I saw that they did their work and other
25 activities. There are other things that I have forgotten. There was

Witness: Witness P-0132 (Resumed) (Private Session)

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Questioned by Mr. Garcia (Continued)

1 some things that I wanted to flee. That's everything that I had in mind.

2 The only thing I wanted to do was to get away.

3 MR. GARCIA: (Interpretation) Your Honour, if you would allow
4 me, I would like to go into closed session or private session, given the
5 questions that I have for the witness.

6 PRESIDING JUDGE COTTE: (Interpretation) We are now going into
7 private session, please, Court Officer.

8 (Prosecution counsel confer)

9 (Private session at 11.40 a.m.)

10 (Expunged)

11 (Expunged)

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Questioned by Mr. Garcia (Continued)

1 (Expunged)

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21 (Expunged)

22 (Open session at 11.43 a.m.)

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

24 Honour.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 Prosecutor, please continue.

2 MR. GARCIA: (Interpretation)

3 Q. Witness, in the same vein, just to have a clarification with
4 regards to something -- a statement that you made before the break, I
5 asked you a question, or rather, the Presiding Judge of the Chamber asked
6 you the question, asking to repeat the name of the locality to your
7 knowledge in which Cobra was living. For all the participants, this is
8 on page 20 and 21, lines 1 and 2. What you answered was that he lived in
9 a locality called -- and what I see on the transcript here, what I'm
10 reading, is Ave, A-v-e. Could you tell us --

11 A. I don't know that it was a locality, but it was a camp.
12 Avenyuma. I don't know if it's a locality, but it is a camp called
13 Avenyuma, there was a camp there.

14 MR. GARCIA: (Interpretation) Your Honour, where it concerns the
15 next subject that I'm going to address, we have to go back into private
16 session, namely given the nature of the subject, namely the return of the
17 witness to the Congo.

18 PRESIDING JUDGE COTTE: (Interpretation) We're going back into
19 private session in order to avoid any possible indiscretion with regards
20 to identifying information or -- information that could possibly identify
21 the witness.

22 (Private session at 11.46 a.m.)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

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12 Page 38 expunged. Private Session.

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Witness: Witness P-0132 (Resumed) (Open Session)

Page 39

Questioned by Mr. Garcia (Continued)

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12 (Expunged)

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14 (Expunged)

15 (Expunged)

16 *(Open Session)

17 Q. Your sister (Expunged), did she tell you what had happened to the
18 other members of your family during the attack against Bogoro?

19 A. Yes. She gave me all of the details. There were other people
20 who knew my family as well, and they had already told me what had
21 happened to the members of my family. (Expunged) also told me what happened
22 on that day and she said how she came to survive. She said that she'd
23 hidden and the attackers didn't see her, and she took advantage of
24 night-time to be able to run away.

25 Q. Witness, I know it's extremely difficult for you to talk to us

Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 about these events. Do you feel able to answer other questions?

2 A. Yes.

3 Q. If I understand correctly, your sister (Expunged) said she hid.

4 Did she hide in the family home?

5 A. No. She hid in a banana plantation. She was in the grass there.

6 The house had already been burnt down, and she hid underneath the banana

7 plants, in the grass.

8 Q. Did she tell you what had happened to your mother?

9 A. Yes. She told me what had happened, she told me what had
10 happened to my mother. She saw my mother being hacked to pieces. My
11 mother had gone out with the grandchildren. She was together with
12 (Expunged) my sister, and she saw how (Expunged) was shot. And my mother
13 was killed with a machete, * A pig came along and started drinking the
14 blood of my mother who had just been killed. And (Expunged) saw this --
15 rather, my sister (Expunged) was an eye-witness to this event.

16 God forgive me, forgive me. Oh, my God.

17 MR. GARCIA: (Interpretation) Your Honour, given the state of
18 the witness, might it not be a good idea to suspend for some time?

19 PRESIDING JUDGE COTTE: (Interpretation) No, we will remain
20 seated and we will give the witness enough time to pull herself together.
21 So, Prosecutor, you may be seated and you may discreetly talk to each
22 other, and we shall quite simply sit and wait, take our time for the
23 witness to recover from this very emotional moment.

24 THE WITNESS: (Interpretation) They were animals devouring the
25 bodies of my family members. They couldn't even have a decent burial. I

Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 wasn't able to bury them. They were devoured by animals. They ate their
2 bodies. When someone dies, that person should be buried, but that didn't
3 happen and it's all come back to me now. What did we do to deserve all
4 of this? What sins have we committed? Nobody had killed anybody. I saw
5 my family die for nothing. And I can remember my parents, my father. I
6 was a student, I was a pupil. I had to stop my studies because my father
7 had died. It was my father who paid for my studies, and I just couldn't
8 continue them. I have nothing. I'm poor. What happened in Ituri? God
9 forgive me. No member of my family killed anybody. None of us committed
10 a sin, and the whole family has been decimated. The war -- I pray God to
11 forgive me. My life is hard. When I see a member of the family, I weep.
12 When I see people with their families, I weep because I no longer have a
13 family.

14 PRESIDING JUDGE COTTE: (Interpretation) Witness --

15 THE WITNESS: (Interpretation) Please forgive me, forgive me.
16 I'm sorry. Forgive me, please. Please forgive me. I will calm myself.

17 PRESIDING JUDGE COTTE: (Interpretation) Witness, it was
18 important for you to be able to say everything you have said, and we
19 listened to you. And it is important now that you recover. We will
20 suspend for 20 minutes, after which we'll come back for a further hour.
21 So for the next 20 minutes I will ask you to rest, not to pull yourself
22 together because it is clear that you are very much together, but what
23 you're saying is very important. We're going to ask you to be
24 accompanied -- to accompany -- we're going to ask the security officers
25 to accompany the accused from the courtroom.

Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 (The accused withdrew)

2 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, I'd like
3 us to move into closed session so that the witness can leave the
4 courtroom.

5 *(Open Session)

6 COURT OFFICER: (Interpretation) We are in closed session, your Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Court Officer.

9 Witness, you will now retire for 20 minutes. Rest, perhaps talk
10 to people who will be able to help you. The lady who is with you and the
11 usher will, if necessary, help you out if you need assistance to leave
12 the courtroom because you are extremely emotional and you have nothing to
13 apologise for. The Court fully understands.

14 (The witness stands down)

15 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we shall
16 return to open session.

17 (Open session at 12.10 p.m.)

18 COURT OFFICER: (Interpretation) Your Honour, we are in open
19 session.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
21 Court Officer.

22 The Bench deems that it is important that even in a state of
23 emotion the witness should be able to say what she has to say, to express
24 herself. We shall break until 12.30. We hope at that moment that the
25 witness will be able to return. If we hear at that moment that she

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Questioned by Mr. Garcia (Continued)

1 requires further rest time, then we shall be informed. Now, if - and we
2 hope this won't happen - if we are told that she cannot resume for the
3 rest of the day, we will be informed of this as well. So unless you hear
4 to the contrary, we shall be returning at 12.30.

5 Break taken at 12.11 p.m.

6 On resuming at 12.44 p.m.

7 (Closed session)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

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15 (Expunged)

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Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 (Expunged)

2 (Open session at 12.47 p.m.)

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

4 Honour.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

6 (The accused entered court)

7 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, we

8 simply want to be sure that you can hear us. Can you hear me?

9 THE WITNESS: (Interpretation) Yes, Mr. President.

10 PRESIDING JUDGE COTTE: (Interpretation) That is perfect then,

11 Madam Witness. We are going to continue. The Court thanks you for

12 accepting to continue your testimony. We'll be listening to you.

13 Mr. Prosecutor, you can proceed.

14 We are in open session, yes, indeed.

15 MR. GARCIA: (Interpretation)

16 Q. Madam Witness, I would like to reassure you about two things. We

17 are going to change subject; and secondly, I have only a few more

18 questions to ask you. Are we agreed?

19 A. Yes.

20 Q. To begin with, I would like to come back to the day of the attack

21 on Bogoro. In your testimony you told us that you were able to see the

22 assailants. If it is possible, can you tell us the age of the youngest

23 ones of those assailants?

24 A. I could see small children of 10, 11, 12, and even 13 years.

25 These were small children that we saw with our own eyes in Bogoro. Yes,

1 I saw them.

2 Q. Were these children bearing weapons?

3 A. Some of them had weapons, others had bladed weapons such as
4 knives and machetes. This is something that I saw with my own eyes.
5 Even in the camp, there were children there who were not adults. They
6 were carrying weapons, they were carrying rifles, and I saw that with my
7 own eyes.

8 Q. Madam Witness, just to be clear, when you say that during the
9 Bogoro attack you saw small children of 10, 11, 12, 13 years, what is
10 your basis for estimating those ages as you have done?

11 A. You see, it is possible for you to understand from the face of a
12 child that he is a child. Similarly, if you see the face of an adult,
13 you can say that this is an adult. It is easy to distinguish between a
14 child and an adult. This is the -- these were children that we saw.
15 They were small in size and we could see that with our own eyes.

16 Q. And what were these children doing precisely during the attack?

17 A. In principle these children were killing people. They were also
18 looting property and setting fire to houses. They would take out
19 everything in a house and then set fire to the house and then leave.
20 Others carried the pillaged property to their own villages. We saw those
21 children go into houses, pillage those houses, and kill people. Even my
22 sister saw those children doing these things with her own eyes.

23 Q. You testified that even in the camp there were children who were
24 not adults. Is it correct to say that you were referring to the Kagaba
25 camp there?

Witness: Witness P-0132 (Resumed) (Open Session)

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Questioned by Mr. Garcia (Continued)

1 A. Yes, I saw them in that camp.

2 Q. And regarding those children that you saw in the Kagaba camp,
3 approximately how old were they?

4 A. There were children who were not yet 15 or 16 years old. They
5 were less than 15 years old. I saw those children.

6 Q. Were these children in the Kagaba camp carrying weapons?

7 A. Some of them had weapons. Yes, I saw that myself. I wasn't
8 interested in knowing the details because I was under guard. I could
9 only look at them with my eyes but I couldn't do anything else.

10 Q. What type of weapons were these children carrying in the Kagaba
11 camp?

12 A. They had rifles, but I cannot tell you the names of those rifles
13 or the various types of weapons. I can tell you that this is a rifle,
14 but I cannot tell you the make of the rifle.

15 Q. Are you able to tell you (as interpreted) what those children
16 were doing in the Kagaba camp, that is, those children who were carrying
17 weapons?

18 A. They participated in the parades and they were guarding the camp
19 in the trenches, particularly where the prison was located.

20 Q. To be clear, these children who were bearing weapons, did they
21 mount guard in the trenches and were they guarding the prison also?

22 A. Yes, that is correct. I could see them standing by the prison.
23 It was also possible for them to be assigned other duties, but I do not
24 have details on that. I saw kadogos at the prison, they were guarding
25 the prison.

Witness: Witness P-0132 (Resumed) (Private Session)

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Questioned by Mr. Luvengika

1 Q. And the children that you have described as kadogos who were
2 guarding the prison, can you tell me approximately how old they were?

3 A. They could be 12 or 13 years old. The two that I saw myself were
4 not yet up to 15 years old, as far as I could determine, because they
5 were still small children.

6 Q. Once again talking about the kadogos who were guarding the
7 prison. Did you have the opportunity to speak with them at any time?

8 A. No, I never spoke with them. They were speaking amongst
9 themselves.

10 Q. Madam Witness, I will move on to another line of questioning,
11 which will be the last. Without giving any details about who you met --

12 MR. GARCIA: (Interpretation) Well, Mr. President, can we move
13 into closed session, considering the nature of my questions?

14 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, let us
15 go into private session, please.

16 (Private session at 12.59 p.m.)

17 (Expunged)

18 (Expunged)

19 (Expunged)

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12 Page 48 expunged. Private Session.

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Pursuant to Trial Chamber II's instructions dated 19 May 2010, the excerpt of the transcript starting page 39 line 16 to page 42 line 4 is reclassified from Private session to Open Session and the excerpt starting page 42 line 5 to 16 is reclassified from Closed session to Open session.

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18 (Expunged)

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24 (Open session at 1.15 p.m.)

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

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Questioned by Mr. Luvengika

1 Honour.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
3 Court Officer.

4 So we are in open session. Counsel Luvengika, who is a counsel
5 of the Legal Representatives of a large number of victims is going to ask
6 his question.

7 So, Counsel Luvengika, please ask the question again that you
8 have just asked. The witness shall provide the answer again and this
9 will mean that we don't have to be interrupted. So please ask your
10 question again.

11 MR. LUVENGIKA: (Interpretation) Yes, thank you very much, your
12 Honour.

13 Q. Witness, please could you tell us on the day of the attack when
14 you were fleeing towards your hiding-place you stated to us that you had
15 stepped over a lot of bodies. Did you recognise some of the victims that
16 you saw while you were fleeing towards your hiding-place?

17 A. No. I did not know the names of the people. Personally my legs
18 went over bodies. People had been cut -- bodies had been cut up. I saw
19 bodies and I saw that in Bogoro centre, when my husband took me I was
20 living in Bunia, but when I got there there were people who I had
21 forgotten. But the people who were being cut up -- well, I saw them on
22 that day but I didn't know what their names were.

23 Q. Thank you very much. Could -- these people who you saw who were
24 being cut up, were they civilians or were they soldiers?

25 A. The people who I stepped over, the people who were on the ground,

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1 is that what you mean?

2 Q. Exactly.

3 A. No, they were civilians. There were women who had wraps on and
4 there were children. I saw elderly people. There were also a woman who
5 had a small child. All the bodies were there.

6 Q. Thank you very much for your answer. In answer to a question of
7 the Prosecutor, you stated that there were attackers who were pillaging
8 and looting goods from houses, destroying houses, and you also added that
9 they were taking the property and taking them to their villages. Could
10 you tell us if you were able to see this when you were in the camp in
11 Kagaba -- were you able to see of property that had been looted during
12 the Bogoro attack?

13 A. Please excuse me with regards to that. I didn't see that on the
14 day of the war. It was not only the -- or it was not only the women of
15 the camp who went to take these things. It was all the women from
16 everywhere who came to take these things. There were people from other
17 villages. In Kagaba perhaps these things did get there, but I cannot
18 tell you, I do not know. I was ill at ease every day. Things were
19 taken. There were a lot of women who took things, and everybody saw how
20 they took these things, and then they burnt the houses.

21 Q. Thank you, Witness. I wanted to ask you two questions. If you
22 know the answer, we can go into private session. I'll ask the question
23 first. You spoke to us -- during your incarceration in the Kagaba camp.
24 You stated you were incarcerated or imprisoned with a young girl, 11, 12
25 years old. And you also stated or mentioned the first name of the

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1 father -- of her father. Could you tell us, if you know, the surname of
2 the young girl and the surname of the father? Please just say yes or no.
3 And if it's a yes, then we can go into private session.

4 MR. GARCIA: (Interpretation) Given the way in which the witness
5 replies, I think it would be preferable to go straight into private
6 session.

7 PRESIDING JUDGE COTTE: (Interpretation) Please let's go into
8 private session for the time it takes to give this answer.

9 (Private session at 1.21 p.m.)

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17 (Open session at 1.25 p.m.)

18 COURT OFFICER: (Interpretation) We are now in open session,

19 your Honour.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.

21 Counsel Luvengika, you can therefore continue with your questions

22 on Friday morning at 9.00, because we will be back on Friday at 9.00 in

23 the morning.

24 Counsel Nathalie Kumps, I hope I don't destroy your name in

25 mispronouncing it. If you are with us on Friday morning, you will also

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1 be able to ask the questions you wish to put. If Counsel Gilissen is
2 present, I don't remember, if he is there, you will be able to assess
3 with him whether it's you or him who shall put questions. The Bench sees
4 no obstacle to that, given that you have taken part in these hearings.
5 We have no objection to you putting the questions that you have to ask.

6 MS. KUMPS: (Interpretation) Thank you, your Honour. That will be
7 Counsel Gilissen who will be present on Friday. Unfortunately, I will no
8 longer be there.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much for
10 having been with us for these few hearing days. You can therefore
11 transmit to Counsel Gilissen the atmosphere that there was in this
12 hearing, quite irrespective of the transcript.

13 Court Officer, we are now going to -- we are now going to take
14 our separate ways.

15 Can you hear me Court Officer?

16 Can you hear me, Witness?

17 THE WITNESS: (Interpretation) I can hear you very well, your
18 Honour.

19 PRESIDING JUDGE COTTE: (Interpretation) On Friday, Counsel
20 Luvengika will ask the questions that remain to be asked. The Legal
21 Representatives of Victims and Child Soldiers will ask their questions.
22 The Bench will briefly ask you for certain clarifications with regards to
23 particular points which it considers important to ask you with regards to
24 confirmation or precision. And then the counsel of Katanga will take the
25 floor.

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1 So that the proceedings are less burdensome for you, we will have
2 a 55-minute session, then we'll have a ten-minute break; then we'll have
3 another period of 55 minutes, then a break of 30 minutes; 55 minutes,
4 ten-minute break; and then 55 minutes. This will make it possible for it
5 to be less tiring for you, and also perhaps to obtain the maximum
6 precision or clarity from you because that is why you have come here.

7 Security officers, please could you escort Mr. Katanga and
8 Ngudjolo outside the courtroom.

9 Accused, we will be back on Friday.

10 (The accused withdrew)

11 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we're
12 now going into closed session.

13 Witness, we would like to thank you again for the efforts that
14 you have made for the Chamber in order to ascertain the truth this
15 morning.

16 (Closed session at 1.28 p.m.)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 1.29 p.m.)

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

6 Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) The hearing is now

8 adjourned. We will be back on Friday at 9.00 a.m.

9 The hearing ends at 1.29 p.m.

10 CORRECTIONS REPORT

11 Some parts of the English transcript have been corrected.

12 Due to a large amount of corrections, these have been implemented

13 directly into the transcript. The locations of the corrections

14 are indicated by asterisk (*).

15 CORRECTION REPORT 2

16 *Page 40 line 13 the excerpt: "and they came and they drank the blood of

17 my mother" is corrected by "A pig came along and started drinking the

18 blood of my mother"

19 RECLASSIFICATION REPORT

20 * Pursuant to Trial Chamber II's instructions dated 19 May 2010, the

21 excerpt of the transcript starting page 39 line 16 to page 42 line 4 is

22 reclassified from Private session to Open Session and the excerpt starting

23 page 42 line 5 to 16 is reclassified from Closed session to Open session.

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