

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
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Wednesday, 5 May 2010
10 The hearing starts at 9.07 a.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) The Court is now in
15 session. Please be seated.
16 Court is in session. The accused are with us. We are slightly
17 delayed because we had a discussion with the psychologist of the VWU, who
18 indicated to us that (Expunged)
19 (Expunged). When she is
20 with us, we will give her the opportunity to speak on that point.
21 Prosecutor, we are therefore awaiting from you the comments where
22 it concerns the two applications that were presented by the Defence team
23 of Germain Katanga on the 3rd of May, 2010. The first application is
24 that which should have been addressed to the Legal Representatives of the
25 Victims in public form. I think -- I think you received it? Yes. It

1 has the number 2060 and it relates to the disclosure of photographs of
2 Prosecution witnesses.

3 Prosecutor, you have the floor.

4 MR. MACDONALD: (Interpretation) Thank you, your Honour. Before
5 starting with regards to our arguments on the two applications, I'd like
6 to draw the Chamber's attention to the fact that afterwards I would like
7 to address the Chamber with regards to the photograph that was added, and
8 we sent an e-mail on this subject and we are awaiting an answer from
9 Germain Katanga's team. So I would like to raise this point and also to
10 go back to the issue of the order of witnesses, but very briefly. If you
11 would allow me to start with application 2060 and the issue which was
12 raised of disclosure, the disclosure of the photographs and all, we will
13 also go to the issue of disclosure of identity cards. I think that in a
14 very general way we can deal with the two issues, whether they are
15 ID cards which contain photographs or photographs as the same elements.

16 Now, in answer to the question of the Chamber with regards to
17 Witness 157 and the different disclosure regimes, the Prosecution would
18 like to give certain important details with regard to the analysis that
19 the Chamber will make of this application. The Prosecution in this case
20 adopted a different approach to that chosen in the Lubanga case. As the
21 Chamber has noted, in addition to the fact that the Lubanga case was the
22 first one before this Court, the Prosecution obviously somewhat modifies
23 its approach and adapts its disclosure with regards to security issues,
24 such as were experienced in the Lubanga case and as experienced in the
25 Katanga and Ngudjolo case as well.

1 By way of example, the Prosecution has always provided particular
2 attention to the issue of its Prosecution witnesses and also Defence
3 witnesses, but because we're discussing Prosecution witnesses I'd like to
4 limit my discussion to that for the time being.

5 Furthermore, the Chamber knows that applications were presented
6 by the Prosecution and this makes me think that we should go into private
7 session, given information that we have to provide. I would like to
8 apologise to the public.

9 PRESIDING JUDGE COTTE: (Interpretation) Please take us into
10 private session, Court Officer.

11 (Public session at 9.12 a.m.)

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4 (Open session at 10.23 a.m.)

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

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

9 The Chamber, first of all, will mention the Legal Representatives
10 of Victims. Firstly we would like to say that they were saying, as
11 yesterday, that motion 2060 of the 3rd of May, 2010, from the Defence
12 team of Germain Katanga could not be communicated any earlier, but it
13 will currently be the case with some redactions as necessary. The
14 Chamber thanks Mr. Hooper for the explanations that he gave when he took
15 the floor vis-a-vis the Legal Representatives.

16 The Chamber recalls that on Monday night when the Chamber became
17 aware of this motion of the 3rd of May, it was surprised to learn that it
18 had not -- that the Legal Representatives had not been addressed a copy.
19 The Chamber took -- made contact with the Germain Katanga Defence team
20 and requested that a public version be prepared and that you will be
21 given a copy. This has been done. You also wanted this to be record.
22 From now on, we will ask everybody insistently, for everyone to ensure
23 that the reflex of whether or not a filing be addressed to the Legal
24 Representatives be taken into consideration.

25 As concerns the discussion of the content, the Chamber has

1 understood there are some reservations as concerns the disclosure and
2 communication of photographs of the witnesses as concerns identity. This
3 is the question of protocol and there must be strict conditions leaded.
4 As concerns motion 2060 of the 3rd of May, the Prosecution took the floor
5 and responded to what the Defence team had answered, and now this must be
6 presented in writing as soon as possible. We hope that the Prosecutor's
7 explanations will be submitted so that there can be -- so that the
8 opinion of the Legal Representatives of Victims can also be taken into
9 consideration.

10 Bearing in mind the urgency of this, we hope that everything will
11 be done to ensure that it is submitted as soon as possible. Motion 2061
12 concerning the lifting of certain redactions, concerning the names of the
13 parents of the witness and relatives and the entourage of Witness 249 and
14 132, the names of the places where their relatives live, the Chamber
15 notes that the proposal submitted by the Prosecutor to lift the
16 redactions concerning the name of the father of Witness 249 and also
17 concerning in paragraph 37 of the declaration DRC-OTP-1004-011 (as
18 interpreted) of Witness 249, mentioning -- and here I will be mentioning
19 in English.

20 (Previous translation continues)(In English) "... place visited
21 by the witness and the name of her daughter ..."

22 (Interpretation) The Chamber also notes the proposal of the
23 Prosecution to lift the redaction in paragraph 38 of that same testimony
24 concerning the:

25 (Previous translation continues) (In English) "... daughter."

1 (Interpretation) The name of the daughter. As concerns
2 declaration 132, reference DRC-OTP-1016-0156, the Chamber notes the
3 proposal from the Prosecution to lift in paragraph 126 the place where
4 her brother lives, which is currently redacted. Thank you. However, the
5 Prosecutor will bring to the Court, at the latest, at 9.00 a.m. tomorrow
6 morning this information. If it's possible to provide this information
7 prior to the start of the hearing, we would be grateful.

8 Still with the declaration of 132, paragraphs 11, 12, 13, 14, 15,
9 27, 128, and 134, given that orally the Prosecution talked about a
10 partial lifting of the redactions. If the Prosecution therefore in the
11 coming hours between the end of our session today and the start of
12 tomorrow's session, please give us an update as concerns these
13 paragraphs, we would be grateful. He is also invited to deliberate on
14 the need to maintain the redaction of the name of the mother of
15 Witness 249.

16 As concerns things that have still -- that have already been
17 lifted, the Germain Katanga Defence team have noted and they will now
18 consider it thus as now that the redactions need to be lifted. I hope
19 that I have not left anything out given these brief conclusions of what
20 was discussed this morning in private session in that the names and
21 identities of witnesses have been mentioned. Some of them are in the ICC
22 protection programme. Now we are in public session, which means that
23 unfortunately those -- those who will be following us as concerns the
24 preparation of the transcripts will be able to understand what was
25 discussed in the last hour and a half.

1 Mr. Prosecutor, you have the floor.

2 MR. MACDONALD: (Interpretation) With your leave, Mr. Prosecutor
3 (as interpreted), before we bring in the witness, just as was announced
4 previously, I have one point as concerns a photograph -- a photograph
5 which is attached by the Defence to the document which they possibly have
6 the intention to show to the witness. And here I'm referring to item
7 DRC-0 -- D020010089 (as interpreted). They have provided an e-mail when
8 we -- which we received on Monday, i.e., the day before the start of the
9 testimony of the witness. This did not respect, once again, the
10 dead-line of your decision 1665, but I will go further. The metadata do
11 not indicate who this person is on this photo, we do not know who it is.
12 I had to orally repeat to my colleague, Counsel Hooper, if he could give
13 us the details of the name of this person, because this should be in the
14 metadata he mentioned at that time. He wasn't even certain whether he
15 was going to use the photograph, but there is a decision.

16 Now, when documents are provided we have to know the details
17 thereof unless the Defence immediately withdraws the photograph. And I
18 said to Counsel Hooper if he could give me an answer because if he
19 doesn't give me an answer, then the issue has to be debated before the
20 Chamber. It's now 48 hours. I've had no answer to that, so therefore I
21 raise the question before the Chamber. There is an order by this Court,
22 such that Counsel Hooper immediately, not in 30 minutes, gives us the
23 name of the identity of this witness so we know it and we respect your
24 orders and particularly order 1665 and the proceedings arising therefrom.

25 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, thank you.

1 The Chamber has the feeling that the week during which it did not sit had
2 devastating effects on the promptness of some amongst us.

3 Counsel Hooper -- effectively, Counsel Hooper on the 3rd of May,
4 at 5.45, he sent a mail to you or to your team relating to the photograph
5 DRC-D02-0001-0089, which you proposed to present to the Bench within the
6 framework of the cross-examination of Witness 249. This is a photograph
7 where -- I have before me. Are you able, irrespective of the late
8 information provided with regards to the possible use of this photograph,
9 are you able to provide the Prosecutor with the details that he wishes to
10 obtain, the information that he would like to obtain in this regard?

11 MR. HOOPER: Yes, I can. My difficulty is this, that at this
12 stage -- at this stage I have to ask myself the extent to which I'm going
13 to be in a future position to prove what I assert. And so for that basis
14 I thought if I was going to use this photograph at all, it was fairer,
15 fairer indeed to the Prosecution, to everyone, if I was to use this
16 photograph at all that I'd merely show it to the witness and ask her if
17 she recognised the person on it. If she did, then that would be a degree
18 of proof in respect of the identity of the person.

19 I'm still undecided whether to use it with this witness or not,
20 but I can tell the Court, assert - because I'm not in a position to give
21 evidence - that's Yuda.

22 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, you
23 therefore have a reply from Counsel Hooper.

24 MR. MACDONALD: (Interpretation) It is impossible that this be
25 Yuda because he's dead. Everybody knows that, including Counsel Hooper.

1 It's certainly not Commander Yuda.

2 PRESIDING JUDGE COTTE: (Interpretation) Everything depends on
3 the date on which the photograph was taken.

4 MR. HOOPER: (Previous translation continues) ... was taken,
5 that's the clear point.

6 MR. MACDONALD: On the 1st of January, 2005, I think it was,
7 Mr. Hooper.

8 PRESIDING JUDGE COTTE: (Interpretation) The Chamber -- quite
9 simply, the Chamber notes that the Defence team of Germain Katanga does
10 not yet know if it will use this photograph. Furthermore, it has
11 indicated in a very objective way that it is not certain of the identity
12 of the person who figures in this photograph. I think that for the time
13 being you have the answer that you wish to obtain.

14 MR. MACDONALD: (Interpretation) Yes. Just one last point.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you, everyone.
16 Yes, MacDonald.

17 MR. MACDONALD: (Interpretation) There is a confusion in the
18 transcript perhaps. The order that you issued was such that the
19 Prosecution submitted a filing as soon as possible before tomorrow on the
20 subject of the redactions and Witness 132. Is that not right?

21 PRESIDING JUDGE COTTE: (Interpretation) Where it concerns 132,
22 paragraphs 5, 12, et cetera -- where it concerns the mother of
23 Witness 149 (as interpreted), if you maintain what you said in the
24 hearing, we would like you to re-reflect on the essential nature of
25 maintaining the redactions as to the identity of the mother of

1 Witness 249.

2 MR. MACDONALD: (Interpretation) With regards to application
3 2060, I understand --

4 PRESIDING JUDGE COTTE: (Interpretation) The Chamber will
5 deliberate that matter. It is aware of the urgency thereof, but there is
6 a need for minimum amount of time to be able to rule on this. It yet
7 does not know if it needs to consult the VWU. This cannot be done in
8 such short dead-lines as we might wish, given the workload of the Court
9 service.

10 You have a last point that you wish to raise.

11 MR. MACDONALD: (Interpretation) In the transcript -- in the
12 English transcript there was perhaps a confusion. There was a submission
13 that we should file in reply to 2060.

14 PRESIDING JUDGE COTTE: (Interpretation) So there is perhaps
15 some confusion in this regard. The only submission that we asked for
16 concerns the problem of the lifting of redactions, and the sooner we have
17 it the better. You also mentioned just now, because we are without our
18 witness, there was an issue of the order of witnesses. Do you want to
19 address this issue now?

20 MR. MACDONALD: (Interpretation) If you would like me to do
21 this, I will address this.

22 PRESIDING JUDGE COTTE: (Interpretation) Then, Madam Luping,
23 please, we will ask the Registrar, please bring in the witness. We will
24 have -- we'll go to closed session in order for the witness to come in.
25 Madam Luping, please go ahead.

1 MS. LUPING: I apologise, Mr. President. I just have one point
2 to raise just to bring to the attention of the Chamber before the witness
3 is brought in. There appears to have been a potential problem of
4 translation yesterday during the witness's testimony. Not being a
5 Swahili speaker, our colleagues who are Swahili speakers have brought to
6 our attention that the Swahili word "bunduki" was used which apparently
7 means "gun" or "rifle," and it was being translated and interpreted as
8 "weapon," and I believe that was causing some confusion in the testimony
9 of the witness yesterday, and perhaps if the interpreters could clarify
10 this for the record for us.

11 PRESIDING JUDGE COTTE: (Interpretation) Interpreters, I think
12 you heard the intervention of the Prosecutor. Do you remember the answer
13 given yesterday by the witness to the question relating to the weapon
14 that was seen in the hands of the attackers? She was -- it was quite
15 evasive in the answers, indicated that she was not able or hardly able to
16 speak about the type of weapon, but the word in Swahili which the
17 Prosecutor just referred to, is that a word which might have been a
18 problem for you at the interpretation stage? Please could you shed light
19 on that. Thank you.

20 THE INTERPRETER: (Interpretation) Thank you very much, your
21 Honour. Yesterday the witness -- "bunduki" was used by the witness, or
22 "silaha" as well, which means in French "weapon" or "rifle." And it was
23 difficult for us to find a clear word to specify this because we made a
24 general statement saying they were armed but without having any precision
25 as to what type of weapon was used. And that's why we used a neutral

1 term in this regard.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 Prosecutor, this answer, does this correspond with your
4 expectations?

5 MS. LUPING: In the circumstances, Mr. President, if the term is
6 also, you know, makes reference to rifle, it would be more appropriate, I
7 believe, if the transcript could be corrected because it would be better
8 than returning to the witness and perhaps confusing her even further by
9 asking the question again.

10 PRESIDING JUDGE COTTE: (Interpretation) I think that on the --
11 quite the opposite. I think it would be better during your examination
12 to come back. The Chamber would not oppose to that for a precision which
13 you would like to obtain with regards to the weapon that she was able to
14 see in the hands of the attackers. This makes it possible to have a
15 translation which is as faithful as possible if the reply is precise, and
16 we will all try to ensure that the transcript, whether in English or in
17 French, translates correctly what the witness says. So please do not
18 hesitate at the appropriate opportunity to ask that question. And you
19 have about 15 minutes, but as the witness would like to say something, we
20 will bring her in. She can say what she wants to say. Maybe you'll have
21 time to ask a couple of questions, then we will take a break and we will
22 continue with the examination-in-chief from 11.30.

23 Court Officer, please can we therefore go into closed session in
24 order to bring in the witness and then we will go back into open session.

25 (Closed session at 10.41 a.m.)

Witness: Witness P-249 (Resumed) (Closed Session)
Evidentiary Matters

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9 (Open session at 10.43 a.m.)

10 COURT OFFICER: (Interpretation) We are in open session,
11 your Honour.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Court Officer.

14 Good morning, Witness. Can you hear me well?

15 WITNESS: WITNESS P-249 (Resumed)

16 (Witness answered through interpreter)

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

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Witness.
20 The Chamber thought or believed that you wanted to say some words to all
21 the participants in order to clarify the discussion or to follow-up on
22 the discussion which took place yesterday with regard to your identity;
23 is that correct? Did you want to provide us with certain clarifications
24 in this regard?

25 THE WITNESS: (Interpretation) Yes, that is correct.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Witness. We
2 are therefore going to go into private session which will provide you
3 with the time in order to quickly express what you have to say to us, and
4 as it concerns your identity we cannot stay in open session. Therefore,
5 we shall go back into private session for an instant.

6 THE WITNESS: (Interpretation) Thank you. Thank you,
7 your Honour. Please excuse me.

8 (Public session at 10.44 a.m.)

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Witness: Witness P-249 (Resumed) (Private Session)
Evidentiary Matters

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Witness: Witness P-249 (Resumed) (Private Session)
Evidentiary Matters

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Witness: Witness P-249 (Resumed) (Closed Session)
Evidentiary Matters

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3 (Open session at 10.52 a.m.)

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

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

8 Prosecutor.

9 MR. MACDONALD: (Interpretation) With your permission, given
10 that we have a few minutes, I would like to go back to the issue of the
11 order of the witnesses to enable to maximise our time, if one can put it
12 like that.

13 PRESIDING JUDGE COTTE: (Interpretation) We are listening to
14 you.

15 MR. MACDONALD: (Interpretation) Obviously, as the Chamber
16 knows, we have planning issues with regards to the order of issues (as
17 interpreted) without going back over the decision of the Chamber
18 concerning Witness 219, but we have provided grounds for delaying to the
19 end of Witnesses 157 and 238 and the Prosecution - how can we say
20 this? - has followed the proceedings -- procedure which is established
21 under 1665, notifying the parties thereof.

22 PRESIDING JUDGE COTTE: (Interpretation) I would like to
23 interrupt you. Where it concerns your request to delay to the end of the
24 list of witness -- Witness 157 and 238, you indicated to us that it was
25 not certain that you would keep them. It was currently a question in

1 suspense now. We had written submissions from Counsel David Hooper and
2 we haven't yet received submissions, if they wish to file them, from
3 Counsel Kilenda. I think that the dead-line of 21 days will expire on
4 the 6th of May because I think that your application is from the
5 15th of April, or your information note is from then. So if the Defence
6 team of Mathieu Ngudjolo should file written submissions, it is invited
7 to do so very quickly. As soon as we know whether they will file that or
8 not we shall answer this note, but we haven't yet taken a point of view
9 with regards to this delay of 157 and 238 to the end of the list of
10 witnesses.

11 MR. MACDONALD: (Interpretation) Without pushing the Chamber,
12 but if Counsel Kilenda could say whether or not he is going to file
13 submissions, this might help. I just want to say that you know that we
14 have to move witnesses, but 157 should -- if 157 is to be called, this
15 person has to travel very soon, before the end of the month; or if not,
16 then it's 238 that has to travel. So for questions of administration and
17 practical nature, we have to have a decision of the Bench as soon as
18 possible, without wishing to put pressure on the Chamber or hurry the
19 Chamber.

20 PRESIDING JUDGE COTTE: (Interpretation) No, you're absolutely
21 right. These are questions that we are permanently aware of. We have to
22 answer your request relating to Witness 166 and 219 on the basis of 68(2)
23 (as interpreted) all this is currently under preparation.

24 Now, with regards to 157 and 238, the Chamber has not shortened
25 the dead-line, but we just wanted to wait for possible submissions from

1 the team of Mathieu Ngudjolo. If they are able to say that they do not
2 intend to file submissions, then things are clear, perhaps they could
3 state that after the break if they wish to consult each other in that
4 regard.

5 MR. KILENDA: (Interpretation) Thank you. We will be able to
6 give you an answer tomorrow.

7 PRESIDING JUDGE COTTE: (Interpretation) Tomorrow.

8 MR. KILENDA: (Interpretation) Tomorrow, before midday.

9 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, the -- is
10 this the question you wanted to raise? So the Bench has that very much
11 in its mind, 157 and 238 are a constant concern, 166 and 219 are also
12 people who we are constantly thinking about. We are very much aware of
13 the difficulties that the -- that having the witnesses come from far away
14 in useful time represents and all the difficulties that result therefrom
15 during the familiarisation process, et cetera, et cetera.

16 Court Officer, we are in open session and we will therefore be
17 back at 11.30, following a 30-minute break. The hearing is now
18 suspended.

19 Recess taken at 10.57 a.m.

20 On resuming at 11.33 a.m.

21 (Closed session at 11.34 a.m.))

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Ms. Luping (Continued)

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1 (Expunged)

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5 (Expunged)

6 (Open session at 11.35 a.m.)

7 COURT OFFICER: (Interpretation) We are in open session,
8 your Honour.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
10 Court Officer.

11 Can you hear me, Madam Witness?

12 THE WITNESS: (Interpretation) Yes.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well.

14 Madam Prosecutor, please proceed with your direct examination.

15 MS. LUPING: (Interpretation) Thank you, Mr. President.

16 Questioned by Ms. Luping: (Continued)

17 Q. Good morning, Madam Witness. I'm going to be asking you some
18 more questions today, some points of clarification, some questions to
19 clarify some of the information you gave yesterday first. Before I do, I
20 simply wanted to remind you again if you could please speak slowly to
21 assist the translators.

22 Yesterday you stated when asked about civilians killed that, and
23 I quote, "... others had even been burned in their houses."

24 My question is: Do you know if these were civilians' houses that
25 were burnt?

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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1 A. I do not know.

2 Q. These people who were burnt in the houses, do you know if they
3 were civilians?

4 A. I do not know.

5 Q. When you described or talked about the six soldiers who stopped
6 you when you were hiding in the bush and who then raped you there, you
7 stated that they had weapons. There may be some confusion in
8 translation, so just to be clear I wanted to ask you again about the
9 weapons.

10 My question is: Were these weapons the type of weapons that
11 bullets come out of?

12 A. There were machetes and other weapons. That is what I saw.

13 Q. And when you say "other weapons," do you mean weapons that
14 bullets come out of?

15 A. Yes.

16 MS. LUPING: Mr. President, my next few questions are of an
17 identifying nature. If we could please move into private session.

18 PRESIDING JUDGE COTTE: (Interpretation) Private session. And
19 given our discussion this morning you have to be very attentive,
20 Madam Prosecutor, to go back to open session as soon as that is possible.

21 Court Officer, private session, please.

22 (Private session at 11.40 a.m.)

23 (Expunged)

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Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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24 (Open session at 11.43 a.m.)

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

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

Page 50

1 your Honour.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 Please proceed, Madam Prosecutor.

4 MS. LUPING:

5 Q. Madam Witness, without stating the name of the place where you
6 were being kept, my question is: How did you leave this military camp?

7 A. At one point I was alone. The people in question were not there.
8 I took a jerrycan and I went to fetch water, and I seized the opportunity
9 to escape. I went in the direction of Bunia.

10 Q. And did you reach Bunia?

11 A. Yes.

12 Q. When you left this military camp, by that time do you know for
13 how long you had been in captivity at this camp?

14 A. I cannot tell you the number of days that I spent there because
15 this was quite some time ago, but I did stay there for a few days.

16 MS. LUPING: Mr. President, if we could move back into private
17 session. I have questions now of an identifying nature.

18 PRESIDING JUDGE COTTE: (Interpretation) Very well.

19 Court Officer, let us go into private session.

20 (Private session at 11.46 a.m.)

21 (Expunged)

22 (Expunged)

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25 (Expunged)

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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Page 53 expunged. Private Session.

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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22 (Open session at 12.01 p.m.)

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

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Ms. Luping (Continued)

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1 Madam Prosecutor, you may continue.

2 MS. LUPING: Mr. President, I will be asking some questions of
3 the witness of certain documents, and I would like to ask the
4 Court Officer to please first pull up document DRC-OTP-1024-0127.

5 COURT OFFICER: (Previous translation continues) ... level of
6 confidentiality. The level of confidentiality?

7 MS. LUPING: This is a public document.

8 PRESIDING JUDGE COTTE: (Interpretation) Does everybody have
9 this on their screen?

10 COURT OFFICER: (Interpretation) Please press "PC 1" next to
11 your computer to see the document.

12 PRESIDING JUDGE COTTE: (Interpretation) Does everybody have
13 this photograph on their screen? Are the accused able to see the
14 photograph? Mr. Katanga, yes? Mr. Ngudjolo, can you see this photo?
15 Yes?

16 Well, Madam Prosecutor, we have a photograph on the screen
17 showing a body from the chest downwards.

18 Madam Prosecutor.

19 MS. LUPING: Thank you, Mr. President.

20 Q. Madam Witness, before I go back to ask you more questions about
21 the medical treatment you received, I want to first ask you certain
22 questions in relation to a series of photographs. You should have a
23 photograph in front of you. Can you see the photograph?

24 A. I see it.

25 Q. Madam Witness, is it correct that you were met by people working

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Ms. Luping (Continued)

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1 for the ICC in December 2006 and that they took photographs of your
2 wounds?

3 A. Yes, that's true.

4 Q. Is it correct that you were photographed by an ICC investigator?

5 A. Yes.

6 Q. Do you recognise this photograph?

7 A. Yes, I recognise this photograph.

8 Q. Do you recognise the dress, the shoes, the bracelet of the person
9 depicted in this photograph?

10 A. Yes, I recognise them.

11 MS. LUPING: Mr. President, I will be asking further questions,
12 but perhaps we could have an EVD assigned to this photograph now, as the
13 witness has confirmed she does recognise it.

14 PRESIDING JUDGE COTTE: (Interpretation) Very well,
15 Madam Prosecutor.

16 Court Officer, please can you assign an EVD number to this
17 photograph.

18 COURT OFFICER: (Interpretation) Thank you, your Honour. This
19 photograph will have the number ERN-DRC-OTP-1024-0127, that was the
20 ERN number. It shall now be assigned the EVD number as follows:
21 EVD-OTP-00107.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

23 Madam Prosecutor, you may continue.

24 MS. LUPING:

25 Q. Madam Witness, the left leg that is shown in this photograph,

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Ms. Luping (Continued)

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1 does this show your gun-shot wound?

2 A. Yes.

3 Q. Is this photograph of you?

4 A. Yes, this is me in the photo. I can see that was my clothing and
5 my accessories. Yes, that is a photo of me.

6 Q. Thank you, Madam Witness.

7 MS. LUPING: This photograph can now be removed. I'll be asking
8 a question about the next photograph, and if the Court Officer could
9 please pull up another document, DRC-OTP-1024-0120. And it is a public
10 document as well.

11 Q. Madam Witness, do you have the photograph in front of you?

12 A. Yes, I can see it.

13 Q. I think, as you can see, this is a close-up of the photograph I
14 just showed you before. Do you recognise this photograph?

15 A. Yes, I recognise this photo perfectly, I recognise it.

16 Q. And this is a photograph of you?

17 A. Yes.

18 Q. This is a photograph of your gun-shot wound?

19 A. Yes, yes.

20 MS. LUPING: Mr. President, if an EVD number could now be
21 assigned to this photograph.

22 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could
23 you please give this photograph an EVD number, which is part of a list of
24 photographs of a similar nature.

25 COURT OFFICER: (Interpretation) Thank you, your Honour. This

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Ms. Luping (Continued)

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1 photograph with the ERN number DRC-OTP-1024-0120 shall be assigned the
2 EVD number EVD-OTP-00108. This photograph is registered as public.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

4 Madam Prosecutor, you may continue.

5 MS. LUPING:

6 Q. Madam Witness, is it correct that you were met by people from the
7 ICC in November 2008 and that they asked you questions about your wounds?

8 A. Yes, yes, we met.

9 Q. And is it correct that at this time you were photographed by
10 these ICC staff?

11 A. Yes, they did.

12 MS. LUPING: I'd ask the Court Officer to now bring up another
13 photograph. This time this should be treated as confidential. It has
14 the E -- it's -- it appears in annex 3 of EVD-OTP-00056, and the specific
15 ERN of that page that you should pull up is DRC-OTP-1028-0077.

16 COURT OFFICER: If I could please cross-check the ERN number with
17 you. Is the ERN number of the document sought DRC-OTP-1028-0077?

18 MS. LUPING: Yes, and just to clarify that this same document
19 appears at page 20 of annex 3 to EVD-OTP-00056. Sorry for the confusion.
20 If you could just simply call up that EVD-OTP-00056, and I refer you to
21 page 20, but I only want a portion of that page shown, which is the
22 bottom photograph, and that's why I referred to that ERN number. And
23 this should be confidential.

24 PRESIDING JUDGE COTTE: (Interpretation) Is the photograph able
25 to be viewed by each and every one of you? Very well. We are all ears,

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Ms. Luping (Continued)

Page 59

1 Madam Prosecutor.

2 MS. LUPING:

3 Q. Madam Witness, do you have the photograph in front of you?

4 A. Yes, I can see it.

5 Q. And do you recognise this photograph?

6 A. Yes, I recognise it.

7 Q. And is this photograph of you?

8 A. Yes, it's a photo of me.

9 Q. And on the left leg that is shown in this photograph, is that
10 your gun-shot wound?

11 A. Yes.

12 Q. Madam Witness, would you like a break for a few moments, perhaps
13 with the leave of the Presiding Judge? Or do you feel you can continue?

14 A. We can continue.

15 PRESIDING JUDGE COTTE: (Interpretation) In that case, we will
16 continue, Madam Witness, but if at any point in time you would like to
17 have a moment's break, please do tell me quite simply.

18 Madam Prosecutor, we are still looking at this photograph.

19 MS. LUPING: If the Court Officer could now show the photograph
20 that's depicted at the top of this, on the same page of the EVD, page 20,
21 it's the photograph above. It has, as you'll see underneath, it's
22 referred to as DRC-OTP-1028-0076, but appears at page 20 of the same page
23 that you have brought up.

24 Q. Madam Witness, do you have this photograph in front of you?

25 A. Yes, I can see it.

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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1 Q. And do you recognise this photograph?

2 A. Yes, I am able to recognise everything I am seeing here.

3 Q. And is this a photograph of your gun-shot wound? Is this you?

4 A. Yes.

5 MS. LUPING: I'd now like to ask the Court Officer to bring up a
6 different photograph. This time it's at page 19 of the same EVD
7 document.

8 COURT OFFICER: And it is still confidential?

9 MS. LUPING: Sorry, this particular photograph can be made public
10 actually.

11 Q. Madam Witness, this will be the last photograph I will be showing
12 you. And can you see the photograph in front of you?

13 A. Yes, I see it.

14 Q. And do you recognise this photograph?

15 A. Well, for this photo, I can't actually see it very well.

16 Q. Thank you, Madam Witness.

17 MS. LUPING: This photograph can now be removed from the screen,
18 Court Officer.

19 Mr. President, if we could now move into private session as I now
20 have some questions of a potentially identifying nature.

21 PRESIDING JUDGE COTTE: (Interpretation) Understood.

22 Court Officer, we will move briefly into private session.

23 (Private session at 12.21 p.m.)

24 (Expunged)

25 (Expunged)

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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Page 62 expunged. Private Session.

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Ms. Luping (Continued)

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Page 64 expunged. Private Session.

Witness: Witness P-249 (Resumed) (Private Session)
Questioned by Mr. Gilissen

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7 (Expunged)

8 (Open session at 12.44 p.m.)

9 COURT OFFICER: (Interpretation) We are in open session,
10 your Honour.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
12 Court Officer.

13 Counsel Gilissen, Counsel Luvengika, one of you or both, do
14 either of you want to ask any questions to the witness? You can go in
15 whichever order you so please.

16 MR. GILISSEN: (Interpretation) Thank you, your Honour.

17 Questioned by Mr. Gilissen:

18 Q. (Interpretation) Good morning. I am Counsel Gilissen. I am
19 counsel for victims and, namely, for some child soldiers who participated
20 in this attack on Bogoro. I don't have many questions to ask you. I
21 have -- I don't wish to. I don't want to go into the most difficult
22 moments of what you experienced. My questions just are aimed with regard
23 to child participation in the assault on Bogoro.

24 Under the supervision of the Court and my colleagues, I think I
25 can say that yesterday you mentioned what you were able to see in Bogoro

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Mr. Gilissen

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1 on the day of the attack. You saw children and children aged between
2 10 and 15 years old. Can you confirm that and try to describe what you
3 saw. None of us were in Bogoro on the day of the attack, and you could
4 help us enormously by providing us with details as far as possible.

5 Thank you very much.

6 A. I saw children, to reply to your question, but they weren't very
7 young children. They were rather young persons, I would say. I saw
8 young people in Bogoro. They participated in the fighting. I was with
9 them but I couldn't tell you their exact age. I cannot say if they were
10 10 or 15 years old. I just know -- knew that they were soldiers.

11 Q. I understand you and I would like to thank you for your prudence
12 because we just want the truth. But you therefore saw young people or
13 young men or young women with a maximum of 15 years participating in
14 fighting. You saw them participating in fighting. Were they fighting
15 with machetes? Were they shooting fire-arms? Could you tell us what
16 activity they were carrying out from what you saw?

17 A. I didn't come to lie here. I'm talking about facts that I was an
18 eye-witness to. We arrived in Bogoro in the evening and the attack took
19 place at night. I heard gun-shots, gun-fire. And there was a lot of
20 smoke, houses were burnt, they were burning, there was an attack. I
21 don't know what time this attack started. I didn't have the details with
22 regards to what happened and the burning of the houses. I know nothing
23 about that. I can't tell you more in greater detail about that.

24 Q. That will be undoubtedly my last question if you're unable to
25 tell us anymore. However, could you inform us, given the number of

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Mr. Gilissen

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1 children that you've seen in this attack, what -- could you estimate the
2 number, were they numerous? Was it rather exceptional? Were there just
3 a few of them? Could you give us just some information with regard to
4 the number of children, of young people, who you were able to see? Just
5 a few or a more significant number?

6 A. I can't give you an estimate. They were numerous, but I didn't
7 have the presence of mind. I would say that they were in large number.

8 Q. After the fighting - with the permission of the Court, I said it
9 was the last question and now here is another one - after the fighting at
10 a given time, whether in Bogoro or elsewhere, did you see child soldiers
11 in your life, in the days, weeks, or even the months thereafter?

12 A. Yes, there were soldiers.

13 Q. Could you try to explain to us where you saw them, when you saw
14 them, what they were doing? Please could you give us some information
15 with regard to the presence, the existence, of child soldiers in Ituri or
16 in other places that you were?

17 A. I saw soldiers. They were children, they were adults. I didn't
18 say they were very young children. They were soldiers, they were small.
19 They were wearing a uniform. I didn't know if it was children or adults.
20 I was in Bogoro at that time and I was caught there. I saw soldiers.

21 Q. Very well. With the permission of the Chamber, I would just like
22 to thank you for your testimony. Thank you very much.

23 PRESIDING JUDGE COTTE: (Interpretation) Counsel Luvengika,
24 would you like to take the floor?

25 MR. LUVENGIKA: (Interpretation) Yes. Thank you, your Honour,

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Mr. Luvengika

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1 your Honours, for having given me leave to address the Court.

2 Questioned by Mr. Luvengika:

3 Q. (Interpretation) Witness, I am called Fidel Luvengika and I am
4 the Legal Representative of the victims who fell in Bogoro or who
5 suffered harm during the attack of the 24th of February, 2003, in Bogoro.
6 I wanted to ask you some questions for clarification. We would like
7 to -- or, for example, these are questions with regard to the aspects of
8 the victims that I represent.

9 I will start by refreshing your memory. Yesterday you mentioned
10 to us having seen a lot of bodies. You spoke about a presence of
11 officers or Red Cross officers who came to Bogoro to carry out
12 exhumations or to put all these bodies into mass graves. And you spoke
13 to us that among these victims, there were two child -- there were women,
14 they were children, there were women, there were men. We have understood
15 that you have difficulties where it concerns the numbers, but I would
16 like to ask you the question as in terms of an estimate. Could you tell
17 us, if you can, could you estimate the number of bodies that you were
18 able to see, a hundred? Ten? What is the rough number?

19 A. I cannot know the number of bodies that were there. Please
20 excuse me.

21 Q. Thank you. You also spoke to us in your testimony -- or you told
22 us in your testimony that during your captivity you were used for work,
23 forced work, and among others, you should cook the food for the fighters.
24 Still within the context of this attack, from what you told us there was
25 pillaging, looting of goods, different types of property. Do you

Witness: Witness P-249 (Resumed) (Open Session)
Questioned by Mr. Luvengika

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1 remember what type of food the fighters asked you to cook and where this
2 food came from?

3 A. I cannot know. They came with chickens, goats. I don't know
4 where they obtained them. They just ordered me to cook them.

5 Q. So you said chicken and goats, but you don't know where?

6 A. That is correct, I know nothing about that.

7 Q. One last question. When you went to Bunia, in the process, the
8 treatment that you received, at a particular time you were taken charge
9 of by MSF. In the treatment that was proposed to you, were you able to
10 have psychological follow-up?

11 A. They gave me the medicine. My body was cared for.

12 Q. Yes, but other than the medicine that you were given, was there a
13 group of specialists who listened to you, who spoke to you, who followed
14 you, supported you from a psychological point of view?

15 A. I do not understand you very well.

16 Q. I will reformulate. When you went to MSF, other than medicine
17 and the treatment, dressings, that you received for your wounds that you
18 got during the attack, did you receive advice from MSF specialists?

19 A. Advice of what type, Counsel?

20 Q. If I can express myself differently, it is a type of treatment
21 which is not about the provision of medicine, but it is concerned with
22 listening to you and supporting you in the suffering that you would have
23 had at that time. So a group of specialists or an individual specialist
24 who could speak to you so that you can speak to that person of what you
25 felt of the problems that you had undergone, psychological support. I

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1 don't know any other term, mental help, if that was the case.

2 A. I didn't have long talks with them. I said that I'd been hit in
3 my leg when I was in Bogoro. I didn't speak about the rape that I was
4 subject to because I was ashamed of discussing that.

5 Q. Thank you, Witness.

6 MR. LUVENGIKA: (Interpretation) Your Honour, I have no more
7 questions to ask.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
9 Counsel Luvengika.

10 Witness, can you hear me, Witness?

11 THE WITNESS: (Interpretation) Yes, I can hear you. You can
12 continue, Mr. President.

13 Questioned by the Court:

14 PRESIDING JUDGE COTTE: (Interpretation) Very well.

15 Madam Witness, before handing over to the counsel for the two
16 accused, the Bench would like to ask you some further questions related
17 to some of the answers that you have given yesterday and today to the
18 Prosecutor's questions. If you are able to answer, please answer; but if
19 not, simply say you do not know.

20 The first questions concern your knowledge of Bogoro. You told
21 us that you were (Expunged).

22 Did you regularly travel to Bogoro to sell those items or was the
23 23rd of February, 2003, the first day that you went to Bogoro?

24 A. I went to Bogoro on three occasions. It was during my third trip
25 that I got into that ambush.

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
2 Madam Witness. So you knew Bogoro before the attack and you had already
3 gone there twice, and the 23rd of February was the third time; is that
4 correct?

5 A. Yes. I used to go to Bogoro, but I only went to the Bogoro
6 market. I did not go into the village. That is what I did.

7 PRESIDING JUDGE COTTE: (Interpretation) Very well. That was a
8 very precise answer, Madam Witness. While you were on your way to
9 Bogoro, in February 2003, did you receive any information to the effect
10 that it would be preferable not to go to Bogoro? Did anyone tell you
11 that it was not reasonable or at least not advisable to travel to Bogoro?

12 A. No. I do not know.

13 PRESIDING JUDGE COTTE: (Interpretation) So upon your arrival in
14 Bogoro, it was a surprise to you to realise that an attack happened a few
15 hours afterwards?

16 A. Yes, that was a sudden change.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

18 Yesterday you testified that after arriving in Bogoro in the
19 evening of the 23rd of February you spent the night there. Can you tell
20 us whether you slept in the house of an inhabitant of Bogoro or did you
21 sleep in a hotel, in a restaurant, or some sort of inn where travellers
22 would stay?

23 A. I spent the night at a depot, at the very place where we kept our
24 goods.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well. I do not

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1 know whether you talked about this yesterday, but can you tell us what
2 happened to the people who spent the night at the same place as yourself
3 the following morning. Do you know what happened to these people and did
4 you see them again?

5 A. Can you kindly repeat your question, Mr. President?

6 PRESIDING JUDGE COTTE: (Interpretation) Yes, Madam Witness.
7 You have told us that in the evening of the 23rd of February you spent
8 the night or you slept at the warehouse or storeroom. You were with the
9 people who had travelled with you, I believe, or were you alone to spend
10 the night at that place?

11 A. I was the only person who had to spend the night in Bogoro. The
12 others were simply passing by and they were going elsewhere, and we were
13 asked --

14 THE INTERPRETER: The Swahili interpreter points out that the
15 witness is speaking very fast.

16 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, please
17 speak slowly, very slowly. This is indispensable for the interpreters to
18 be able to do their job.

19 You have said that there were not many of you at that place where
20 you spent the night. If many of you had spent the night there in Bogoro,
21 we would like to know what happened to the people who slept at the same
22 place as yourself.

23 A. No, I was the only one who spent the night at that depot. I do
24 not know where the other people spent the night.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

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1 Madam Witness. Another answer that -- or rather, another question that
2 we would like to put to you is as follows. You fled and you hid in the
3 bush. From your hiding-place was it possible for you to see and to hear
4 what was happening in Bogoro?

5 A. What type of events happening in Bogoro are you referring to at
6 that particular moment?

7 PRESIDING JUDGE COTTE: (Interpretation) This was at the
8 beginning of the hostilities. You have testified that you heard
9 gun-fire, you fled and you were hit in the leg which made your escape
10 difficult. But you managed to hide in the bush. My question is as
11 follows: Was your hiding-place far away from Bogoro village? And from
12 that hiding-place were you able to see and hear what was happening in
13 Bogoro?

14 A. It was not far from the road. When I was hit in the leg, I did
15 not go very far. It was in a bush not far away from Bogoro. But with
16 regard to the events that took place in the course of the night in
17 Bogoro, I do not know about that. I believe that it was the inhabitants
18 of Bogoro who were happy that there was no longer any gun-fire, but there
19 were soldiers who were in Bogoro.

20 PRESIDING JUDGE COTTE: (Interpretation) One more question. You
21 were in your hiding-place after daylight. Were you able to see what was
22 happening after that, or were you so well hidden that it was not possible
23 for you to see anything?

24 A. I was hiding and I did not see anything of what happened in
25 Bogoro.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
2 Madam Witness.

3 We would like to seek one further clarification from you. You
4 escaped and you hid. You heard songs and the beating of drums. If my
5 memory serves me correctly, you told us yesterday that you were not able
6 to understand the songs. Can you confirm that to us or were you able to
7 hear the words of those songs?

8 A. To be frank, I did not hear the words of those songs. They were
9 singing their own songs. I did not understand the message that was in
10 the songs.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you for that
12 answer. Another clarification, Madam Witness. You fled, you were
13 injured, and you hid yourself. This was on the 24th of February, 2003.
14 Six people came to you. When did this happen? Was it still during the
15 daylight hours on the day of the attack or did they arrive there the
16 following morning, that is, after the night?

17 A. The attack took place in the night. It was in the following
18 morning that it happened.

19 PRESIDING JUDGE COTTE: (Interpretation) I will ask you to be
20 very precise, Madam Witness. You arrived Bogoro in the evening of the
21 23rd of February. You have told us that the attack took place on the
22 24th of February. Do you remember when the gun-fire that caused you to
23 flee actually started?

24 A. No, I can no longer remember. It would be difficult for me to
25 remember. I think that it was at night. People were already about to

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1 sleep, but with regard to the precise time, I do not know. Everyone fled
2 in their own direction.

3 PRESIDING JUDGE COTTE: (Interpretation) In your hiding-place in
4 the bush, did you stay there the entire time and did the attackers arrive
5 there during the night? Even if that was a long time ago, can you
6 remember it? You fled and you hid. Did you stay in that hiding-place
7 throughout the day and were you there also during the night? At what
8 point did those assailants arrive?

9 A. When I came across those people, I was in the bush. To be
10 precise, when I fled I stayed for a long time in the bush. I think it
11 was around 12.00, but I have forgotten the precise time. I left the
12 hiding-place and I was coming back. Everything was calm. I heard some
13 noises from the direction from which I had come, and that is when I left
14 the bush, after hearing those noises. That is when I met those people
15 moving on the road, on the path, inside the bush. They captured me. I
16 was about to run away, but unfortunately they called out to me. They
17 told me, they said that I was an enemy. I said no, I was not an enemy,
18 but they told me to take off my clothes. I had slippers on my feet, but
19 they took even the jacket that I was wearing. They undressed me.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
21 Madam Witness. Let me go back once again to that incident. When you
22 were raped for the first time, Madam Witness, was it during the day or
23 was it at night?

24 A. It was not at night. It was during the day.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

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1 Madam Witness. Let me ask you another question. After that first very
2 painful incident for you, you were then taken to (Expunged). You have
3 told us that you stayed for a while in a classroom before going to a
4 house where there were several people, which house was in an Ngiti camp.
5 The clarification that we would like to have from you is as follows:
6 Was that Ngiti camp in (Expunged) -- do you need some time to calm down?

7 Mr. Court Usher, can you please offer the witness a glass of
8 water.

9 MR. MACDONALD: (Interpretation) I would like to draw the
10 attention of the Chamber to the difficulties that arise during the
11 interrogation.

12 PRESIDING JUDGE COTTE: (Interpretation) We are going to a
13 closed session very soon, but no name was mentioned.

14 MR. MACDONALD: (Interpretation) It was just a reminder,
15 Mr. President, with all due respect.

16 PRESIDING JUDGE COTTE: (Interpretation) Yes, you're perfectly
17 correct, Mr. Prosecutor.

18 Do you think that I can continue, Madam Witness?

19 THE INTERPRETER: Can you repeat your question, Mr. President.
20 The witness did not have her headset.

21 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, can I
22 proceed? Do you think I can?

23 THE WITNESS: (Interpretation) Yes, Mr. President, you can
24 continue.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

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1 Madam Witness. The question that I'm asking you concerns the geography
2 of the area. Was the house in the Ngiti camp that you were within the
3 village of (Expunged)?

4 A. Yes, it was in (Expunged).

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

6 Court Officer, let us go briefly into private session.

7 (Private session at 1.17 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 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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1 (Expunged)
2 (Expunged)
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6 (Expunged)
7 (Expunged)
8 (Expunged)
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10 (Expunged)
11 (Expunged)
12 (Expunged)

13 (Open session at 1.20 p.m.)

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

16 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, one last
17 question. In spite of everything, I'm not going to mention any specific
18 name, so you also have to be careful in your answer not to identify
19 anyone. You have just told us that there were other women with the
20 person where you were in captivity. In your opinion, were these the
21 legitimate wives of that person or were these women in the same situation
22 as yourself, that is, they did not have their freedom?

23 A. When I arrived at that place, I saw women. Afterwards those
24 women left. I do not know where they went. I did not pay attention to
25 know in what direction they were taken. I remained alone. There was no

1 one else. I was the only one who stayed there.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
3 Madam Witness.

4 We thank you very much for your contribution this morning to the
5 knowledge about the events that took place in Bogoro on the
6 24th of February, 2003. The hearing will resume tomorrow at 9.00 a.m.
7 Mr. Hooper, who is counsel for Germain Katanga, will carry out what we
8 refer to as the cross-examination. Then it will be the turn of
9 Professor Fofe or Mr. Kilenda on behalf of the Defence team of
10 Mathieu Ngudjolo. We hope that you are going to have some rest this
11 afternoon and we will meet here again tomorrow.

12 Court Officer, let us go into closed session to allow the witness
13 to leave the courtroom.

14 (Closed session at 1.23 p.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Open session at 1.24 p.m.)

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

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
2 Court Officer.

3 So tomorrow we will expect to hear Mr. Kilenda's opinion on the
4 Witnesses 157 and 238.

5 Mr. Prosecutor, we will also like to have clarification tomorrow
6 regarding the redactions. Do you have any questions?

7 MR. MACDONALD: (Interpretation) Regarding the schedule, should
8 we devote the entire day of yesterday (as interpreted) to the
9 cross-examinations? That would allow us to plan the arrival of the next
10 witnesses, if my learned friends can give us their opinions.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, can you
12 give us the approximate duration of your cross-examination tomorrow? We
13 know that everything will depend on the answers given by the witness, but
14 do you think it will be one, two, or three hours?

15 MR. HOOPER: I'm flattered you still have confidence in our
16 estimates, because they've certainly not served you all too well so far.
17 I appreciate and I know you appreciate the difficulties. For tomorrow I
18 would have thought certainly no longer than an hour and a half, and I
19 hope shorter than that. Be that -- and I think because we're probably
20 going into some of the geography that you've touched on. So we may try
21 and find a suitable medium for that. I don't think it will be a map,
22 probably a photograph or something like that to help the witness set out
23 her story. And we've discussed with Professor Fofe the length and I
24 think between us we're confident that we will conclude this witness
25 tomorrow, but I would not have thought with sufficient time really to

1 embark on the next witness.

2 PRESIDING JUDGE COTTE: (Interpretation) So it appears almost
3 clear that the day of tomorrow will be devoted to the witness and we
4 should not exclude the possibility of concluding early next week.

5 MR. MACDONALD: (Interpretation) Yes. Do we need to bring the
6 witness 132?

7 PRESIDING JUDGE COTTE: (Interpretation) I do not think that it
8 is necessary to bring him tomorrow. I believe we will need the four
9 hours of hearing for the two cross-examinations, the possible
10 re-examination, and the final conclusions of the others. So Witness 132
11 can only be brought early next week.

12 We are going to adjourn now after four hours of a job well done.
13 The Court is adjourned.

14 The hearing ends at 1.28 p.m.

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