

1 International Criminal Court

2 Trial Chamber II - Courtroom 1

3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and

4 Judge 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 Tuesday, 20 April 2010

10 The hearing starts at 9.05 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 The accused are present. We would like to welcome.

17 Before bringing in the witness, the Chamber would like to issue a
18 brief oral decision.

19 In a submission, number 2030 of the 19th of April, 2010, received
20 yesterday, which was addressed to the Defence teams in a public redacted
21 version thereof, the Prosecutor requests and explains authorisation to
22 lift certain redactions which occur in the declaration or statement of
23 Witness 267, the -- which were in the 14th of November, 2006. The
24 Chamber has examined this with a view to this -- and considers that these
25 redactions are no longer justified.

1 The Registrar -- Court Officer, we're therefore going to ask the
2 security officers to take out Mr. Germain Katanga and Mathieu Ngudjolo
3 from the courtroom, the time for the witness to enter the courtroom.

4 Security officers, if you would be so kind to escort our two
5 accused out of the courtroom.

6 (The accused withdrew)

7 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we shall
8 therefore go into closed session. I'm sorry. Court Officer, we are
9 therefore going into closed session.

10 (Closed session at 9.07 a.m.)

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24 (Open session at 9.09 a.m.)

25 COURT OFFICER: (Interpretation) Your Honour, we are in open

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Questioned by Mr. Garcia (Continued)

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1 session.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 Good morning, Witness.

4 THE WITNESS: (Interpretation) Good morning, your Honour.

5 PRESIDING JUDGE COTTE: (Interpretation) We are here this
6 morning for a first period of two hours during which the Prosecutor is
7 going to continue to ask questions to you, and as yesterday, you did very
8 well. We would therefore ask you to reply slowly and distinctly speaking
9 into your microphone. And if at any given time you wish to take a rest,
10 please do not hesitate to ask us.

11 Prosecutor, the floor's over to you.

12 Questioned by Mr. Garcia: (Continued)

13 Q. Good morning, Witness.

14 A. Good morning, Prosecutor.

15 Q. Just to take you back, when we left yesterday or when you left
16 yesterday we were speaking about the operation which you had in a
17 hospital. You stated the name in private session of the hospital. My
18 question is as follows: Did you meet members of your family following
19 this operation?

20 A. Yes. Yes. I met members of my family -- family. I'm speaking
21 about my own family. And where it concerns my husband's family, I just
22 met my husband, because his parents and the members of his family died
23 during the fighting in Bogoro.

24 Q. Where it concerns the meeting which you had with your husband,
25 was it the first time that you had seen your husband since the moment he

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1 left the house during the attack of the 24th of February, 2003?

2 A. Yes.

3 Q. Did your husband tell you what happened to him in Bogoro and to
4 the members of his family during this attack?

5 A. Yes. When he came to see me where I was, he asked me if I had
6 seen his father and mother and brother and members of his family. He
7 told me that they were together at the school. When there was fighting,
8 the soldiers fled, and they fled with soldiers. His father and mother
9 stayed in the school, according to what was said. He asked me if I'd
10 seen them. I said no, I didn't see them.

11 Q. So it be clear, when you mention the school, are you talking
12 about the school which was in the UPC camp?

13 A. Yes.

14 Q. Did your husband give you the exact number of members of his
15 family who were at this school on the day of the attack?

16 A. Yes.

17 Q. How many members of his family was it?

18 A. There were many of them. I think that there were eight or nine
19 of them.

20 Q. Are you able, Witness, to give us the name of these people?

21 MR. KILENDA: (Interpretation) We are in open session, but I
22 think that if the answer is yes, I was waiting for the Prosecutor to say
23 yes.

24 MR. GARCIA: (Interpretation) This was a preliminary question.

25 PRESIDING JUDGE COTTE: (Interpretation) Are you able to answer

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1 the question of the Prosecutor? If you are, we shall go into closed
2 session in order for you to be able to give us their names.

3 MR. GARCIA: (Interpretation) Yes, your Honour I will then ask
4 to go into closed session.

5 PRESIDING JUDGE COTTE: (Interpretation) Can we go into private
6 session so that the witness can give us these names.

7 Thank you very much, Counsel Kilenda.

8 (Private session at 9.17 a.m.)

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Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0287 (Resumed) (Private Session)
Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0287 (Resumed) (Private Session)
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13 (Open session at 9.24 a.m.)

14 COURT OFFICER: (Interpretation) Your Honour, we are in open
15 session.

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

18 Prosecutor, please continue.

19 MR. GARCIA: (Interpretation)

20 Q. Witness, are you able to tell us what your husband told you
21 concerning what happened to the members of his family who were in this
22 school on the day of the attack, on the 24th of February, 2003?

23 A. Yes. Where it concerns that day, he told me that when he left to
24 flee, he left behind his mother and other persons in the school and his
25 father was behind him while he was running. There were two children also

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1 behind him, and afterwards he didn't see them any more behind him, and
2 till today we still have not seen them again, including those who were in
3 the school. All those people were killed.

4 Q. Witness, what was the situation in Bunia when you were in this
5 hospital? I'm not going to mention the name of the hospital, but we're
6 still talking about the same hospital in which you were operated on.

7 A. After the operation, two or three case afterwards there was still
8 fighting between the UPC and the UPDF. They fought, and the hospital was
9 closed, and they asked us to go home. The people fled, but we couldn't
10 flee. We stayed at home, and we stayed at our homes. The hospital was
11 closed. We therefore returned home. We stayed at home, but I didn't
12 have any care for my leg. And we managed to find -- or we looked for a
13 doctor to be able to help me, but we didn't find one.

14 After the fighting, the hospital opened its doors and I was able
15 to go back to the hospital to continue with the care.

16 Q. You stated that there was fighting between the UPC and the UPDF.
17 Are you able to give us more details with regards to this fighting?

18 A. This fighting took place. The UPDF fought next to the FNI and
19 the FRPI, and together they fought against the UPC.

20 Q. Were you a witness of these attacks, this fighting?

21 A. Yes. I was a witness thereof.

22 Q. Please could you tell us what you witnessed?

23 A. Well, when I was in the hospital before the fighting, the UPDF
24 soldiers came to the hospital. There was also members of the FNI and
25 others who were training three groups of fighters. They came to the

1 hospital when I was there, and the members of the FNI and other fighters
2 wanted to kill us, and other persons said, "No, you can't kill the sick
3 people." And we said we had been injured during the fighting. "Please
4 take pity on us. Don't kill us." The members of the UPDF didn't kill us
5 because we asked them not to kill us. And afterwards we went to hide
6 next to the hospital, not far from there. And around 6.00 we were told
7 that there was no more fighting, and we were told that if we weren't on
8 the side of the enemy, we could take a sign such as a flower or a leaf to
9 be able to show that we weren't the enemy and there we could leave and go
10 home, and at that time the members of the UPC had already fled.

11 Q. You mentioned that members of the FNI and other combatants wanted
12 to kill you. When you talk about FNI members, what ethnic origin are
13 these people that you mention?

14 A. The FNI is a group of combatants of the Lendu ethnicity, and the
15 group of combatants of the Hema group were called UPC.

16 Q. And when you say that these people wanted to kill you, what did
17 they actually do? What did they actually say?

18 A. In the hospital they arrived and started shooting, and they said,
19 "Here there are some people that we can take as hostages," and that's
20 when we -- we asked them not to hurt us because we were wounded. And
21 this gave us a chance to escape. Later it was said, "Don't kill
22 civilians. It's better to look for soldiers."

23 Q. You mentioned the fact be that there were some people or
24 combatants from the FNI, and you said there were other combatants. Can
25 you tell us who they were?

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Questioned by Mr. Garcia (Continued)

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1 A. They were Ngiti, Ugandans from the UPDF, the FNI and the FRPI.

2 Q. Were there any UPC soldiers at the hospital at that particular
3 point in time?

4 A. No, there weren't.

5 Q. You also mentioned that there were other wounded people in the
6 hospital. Were they civilians or soldiers?

7 A. There were civilians who were wounded at the hospital, but there
8 were also some wounded soldiers who had been brought there for treatment,
9 and later he died. Sorry, there was one soldier there who had been
10 brought for treatment, and he later died.

11 Q. Can you please tell us where these other civilians had received
12 their wounds?

13 A. Among them there were some people who had been wounded by arrows
14 near their ribs and others who had been hit by bombs and were wounded on
15 their back.

16 Q. Did these civilians tell you where they had received their
17 wounds, in which attack?

18 A. No. We weren't able to talk together. Each person was focused
19 on their wounds, and we did not discuss this.

20 MR. GARCIA: (Interpretation) Given the nature of the next
21 series of questions that I will be asking, I would like to move to
22 private session.

23 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could
24 you please take us into private session.

25 (Private session at 9.37 a.m.)

Witness: Witness P-0287 (Resumed) (Private Session)
Questioned by Mr. Garcia (Continued)

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Witness: Witness P-0287 (Resumed) (Private Session)
Questioned by Mr. Garcia (Continued)

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18 (Open session at 9.41 a.m.)

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

20 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Thank you.

21 Prosecutor, you may continue.

22 MR. GARCIA: (Interpretation)

23 Q. Witness, are you able to tell us in which year approximately you
24 went back to Bogoro?

25 A. I have forgotten. I cannot remember.

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1 Q. Can you tell us how many years have gone by -- how many years
2 went by after the attack before you returned to Bogoro?

3 A. When I realised that I could walk, that I was healed, and that
4 there were some people going back to Bogoro, then I decided to go back to
5 Bogoro myself.

6 Q. Without mentioning any names, could you tell us did you return to
7 Bogoro by yourself accompanied by other members of the family or other
8 people?

9 A. I went back with some friends.

10 Q. Could you describe to us what you observed when you went back to
11 Bogoro? And when I say "observed," can you tell us what you saw by the
12 way of houses, stores that were there on the day of the attack?

13 A. When I returned to Bogoro, I was very surprised to see Bogoro had
14 been destroyed. It was unrecognisable vis-a-vis its previous state.
15 There were houses that had been destroyed.

16 Q. Were any houses left in Bogoro when you went back?

17 A. No, there were no more houses. The houses that had been there
18 were small houses that had been handmade or rebuilt by the people who had
19 returned there, but there were none of the pre-battle houses left.

20 Q. Witness, now we're going to change topic. If I understand well,
21 between the 27th and the 29th of July, 2007, you met with investigators
22 from the International Criminal Court; is that correct?

23 A. Yes.

24 MR. GARCIA: (Interpretation) Your Honour, I require a few
25 seconds.

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Questioned by Mr. Garcia (Continued)

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1 (Prosecution counsel confer)

2 MR. GARCIA: (Interpretation) Your Honour, I would ask the
3 Court Officer to bring up on the screen the photograph with -- numbered
4 DRC-OTP-1013-0252, please.

5 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, would
6 you please bring up on the screen this document, DRC-OTP-1013-0252.

7 COURT OFFICER: (Interpretation) Excuse me, sir. The level of
8 confidentiality of this photo, does this require special protection?

9 MR. GARCIA: (Interpretation) This is a public photo,
10 Court Officer.

11 Your Honour, just for information, I intend to show four photos
12 from the same series, and I would like the witness to be able to respond
13 to these photos.

14 PRESIDING JUDGE COTTE: (Interpretation) Can everybody see the
15 photo on the screen?

16 MR. GARCIA: (Interpretation) This will require, therefore, an
17 evidentiary number. EVD --

18 PRESIDING JUDGE COTTE: (Interpretation) Can everybody see the
19 photo on the screen.

20 Witness, do you have the photo on your screen as well?

21 MR. GARCIA: (Interpretation)

22 Q. Witness, can you see the photo?

23 A. Yes. Yes, I can see it.

24 Q. Can you please tell us what you can see on that photo?

25 A. I can see my legs, my knee, and the point where I was operated.

Witness: Witness P-0287 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 I can see the scar from the operation.

2 MR. GARCIA: (Interpretation) Court Officer, I would like you to
3 bring up on the screen the photo bearing the number DRC-OTP-1013-0253,
4 please.

5 Q. Witness, is this photo showing the wound on your knee?

6 A. Yes, that's right.

7 MR. GARCIA: (Interpretation) Court Officer, I would also like
8 to see on this screen for the witness DRC-OTP-1013-0254, please.

9 COURT OFFICER: (Interpretation) I imagine that all of these
10 photos are public?

11 MR. GARCIA: (Interpretation) Yes. Yes. All of these photos
12 are of a public nature.

13 Q. Witness, here again I ask you the same question. Is this the
14 wound on your knee that we can see in the photo?

15 A. Yes, that's right.

16 MR. GARCIA: (Interpretation) The last photo in this series,
17 Court Officer, could you bring up, 1013-0255. This is also a public
18 photo.

19 Q. Witness, yet again is this a photograph of the wound on your knee
20 that we can see here in this photo?

21 A. Yes, that's correct.

22 MR. GARCIA: (Interpretation) Your Honour, given the responses
23 of the witness saying that these are photos taken of the wound on her
24 knee, I would like to ask that the EVD number be assigned to these items.

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

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1 The four photos are indeed of the same -- of the same piece. We can see
2 parts of the clothing that is being worn. It's from the same series.
3 Therefore, we can give it an EVD number.

4 So, Court Officer, can you please give an evidence for these four
5 photos.

6 COURT OFFICER: (Interpretation) Yes, your Honour. The numbers
7 will be the following: For the photo which is DRC-OTP-1013-0252, the
8 number with an EVD will be EVD-OTP-00099. For the photo with the DRC
9 number DRC-OTP-1013-0253, the EVD number reference will be EVD-OTP-00100.
10 For the photo DRC-OTP-1013-0254, the EVD number will be EVD-OTP-00101.
11 And for the final photo, DRC-OTP-1013-0255, the reference for the EVD
12 number will be EVD-OTP-00102. And all of these are of a public nature.

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

15 Prosecutor, you may continue.

16 MR. GARCIA: (Interpretation)

17 Q. Witness, you also met with Dr. Baccard on the 20th of November,
18 2008; is that correct?

19 A. Yes, that's correct.

20 MR. GARCIA: (Interpretation) Your Honour, I will be asking for
21 the witness to make an identification just as we did with the photos a
22 moment ago, so I would ask the Court Officer to bring up on the screen
23 the photo with the number 1028-0061. And there are three further, 61,
24 62, and 63. All of these photos are of a public nature.

25 PRESIDING JUDGE COTTE: (Interpretation) Are there three or

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1 four? 0061, 62, and 63, that makes three photos.

2 MR. GARCIA: (Interpretation) I forgot to mention 0060.

3 PRESIDING JUDGE COTTE: (Interpretation) Okay. So from 0060 to
4 63. Therefore, Court Officer, would you be able to bring these four
5 photos up on the screen in sequence starting with 0060.

6 Can everybody see the photos? The accused, can you see them on
7 the screen?

8 Witness, you can see it, of course.

9 Mr. Prosecutor, you may continue.

10 MR. GARCIA: (Interpretation)

11 Q. Witness, when you look on the screen, are you looking at a photo
12 of your legs taken during your meeting with Dr. Baccard?

13 A. Yes, that's correct.

14 MR. GARCIA: (Interpretation) Court Officer, I would ask you to
15 bring up the next photo, 1028-0061, please.

16 Q. Witness, is this also a photograph of your legs taken during your
17 consultation with Dr. Baccard? Is that what you're seeing on the screen?

18 A. Yes, that's correct.

19 MR. GARCIA: (Interpretation) Court Officer, I would now ask you
20 to bring up the photo 1028-0062, please.

21 Q. Madam Witness, when you look at the screen and the photograph
22 there, is it a photograph of your knee taken during your meeting with
23 Dr. Baccard?

24 A. Yes, that is correct.

25 MR. GARCIA: (Interpretation) Mr. Court Officer, photograph

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1 number 1028-0063, please.

2 Q. Witness, can you confirm that this is a photograph of your legs
3 that can be seen on the screen?

4 A. Yes.

5 MR. GARCIA: (Interpretation) Mr. President, considering the
6 answers of the witness, I would also like to request that those
7 photographs be assigned EVD numbers and tendered into evidence.

8 PRESIDING JUDGE COTTE: (Interpretation) Yes, Mr. Prosecutor.
9 These are four photographs that were annexed to the forensic report of
10 Dr. Baccard.

11 Court Officer, can you give reference numbers for those four
12 photographs.

13 COURT OFFICER: (Interpretation) Yes, Mr. President.
14 DRC-OTP-1028-0060, 0061, 0062, and 0063, will bear respectively the
15 references EVD-OTP-00103, 00104, 00105, and 00106.

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

18 Prosecutor, please proceed.

19 MR. GARCIA: (Interpretation)

20 Q. Madam Witness, let us go back a little bit to the Bogoro attack
21 of the 24th of February, 2003. I have a question to put to you on that
22 attack.

23 During that attack or after it, did you hear anything at all
24 about incidents involving women?

25 A. On the day of the attack I saw women. There were women carrying

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Questioned by Mr. Garcia (Continued)

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1 weapons. Others were wearing military uniform, and others were in
2 civilian clothing. There were women looting and carrying looted items to
3 a hill.

4 Q. And regarding Hema women, did you hear about any incidents
5 involving Hema women during the attack or after the attack?

6 A. No, I did not hear anything.

7 Q. Witness, to your knowledge was there any other attack, that is,
8 apart from the one to which you have testified yesterday and today? Were
9 there any other attacks in Bogoro that you witnessed?

10 A. Yes.

11 Q. Can you tell us about this other attack that you witnessed? At
12 what time did it take place?

13 A. Before the attack of the 24th of February, 2003, there had been
14 other attacks, but I no longer remember the dates. This was fighting
15 that took place before the attack of the 24th of -- of February 2004 and
16 that I witnessed myself.

17 MR. GARCIA: (Interpretation) Just a moment, Mr. President.

18 (Prosecution counsel confer)

19 THE INTERPRETER: The Swahili interpreter corrects the date. It
20 was the 24th of February, 2003.

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

22 MR. GARCIA: (Interpretation)

23 Q. Madam Witness, can you tell it us whether there was an attack on
24 Bogoro, that is, before the one that you have testified to on the 24th of
25 February, 2003, but after the fall of Lomondo?

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Questioned by Mr. Garcia (Continued)

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1 A. Can you kindly repeat your question, please?

2 Q. I simply wanted to give you a time reference in order for you to
3 better understand my question. Information suggests that Lompondo fell
4 in August 2002 in Bunia. Around that date or shortly thereafter, did you
5 witness any attack on Bogoro?

6 A. Yes. This was when Lompondo was still in Bunia. That is when
7 that attack took place.

8 Q. Can you give us a brief account of what happened during that
9 attack?

10 A. Yes. It was very early in the morning, and on that day we had
11 seen Lompondo come. He said that there was no longer any fighting. He
12 went on to Gety, spent some days in Gety and then returned. One or two
13 days later the Ugandans were there in Bogoro, and we saw the APC soldiers
14 together with the Lendu militias coming on the Bogoro road near a place
15 called Sei or, rather, S-e-i. We heard gunshots, and the Ugandans were
16 staying where the UPC stayed later. They told us that every time you
17 heard gunshots you should flee and come and seek refuge in the camp. So
18 we fled to the camp, but other people could not run to the camp. Those
19 soldiers fought -- those enemies fought against the Ugandans, but the
20 Ugandans drove them away.

21 At about 2.00 p.m., the enemy had already left, and we were
22 compelled to return home to look for food and give to the children. On
23 our way home, I saw many dead bodies on the road. These were people who
24 had not been able to flee and who had been killed.

25 Q. Can you tell us whether those corpses that you saw were the

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1 corpses of civilians or soldiers?

2 A. The corpses that I saw were the corpses of civilians.

3 MR. GARCIA: (Interpretation) Mr. President, I would like us to
4 go briefly into private session, because I have a few questions of a
5 confidential nature to put to the witness.

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

8 (Private session at 10.11 a.m.)

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4 (Open session at 10.13 a.m.)

5 COURT OFFICER: (Interpretation) We're in open session.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

7 Mr. Prosecutor, please proceed.

8 MR. GARCIA: (Interpretation)

9 Q. For clarity, Madam Witness, can you tell us from what direction
10 the attackers came, that is, those who attacked at that time?

11 A. During that attack the enemy arrived from the direction of Zombe.
12 If someone takes a direction of Bunia, it means that they were coming
13 from the direction of Zombe.

14 MR. GARCIA: (Interpretation) Just a moment, your Honour.

15 (Prosecution counsel confer)

16 MR. GARCIA: (Interpretation)

17 Q. A few points of clarification, Madam Witness, and once again I
18 would like to take you back to the attack of the 24th of February, 2003.

19 Yesterday, you testified that there were young soldiers who were
20 12 years old and older. Can you tell us whether those young soldiers
21 that you said were 12 years old were carrying weapons?

22 A. Yes. They were carrying weapons, and others had spears or bows.

23 Q. Witness, yesterday you told us about what happened to your
24 children. I have one last question regarding that incident. I would
25 like to know whether you ever saw your children again, that is, to this

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Questioned by Mr. Garcia (Continued)

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1 date.

2 A. No, I never saw my children again.

3 MR. GARCIA: (Interpretation) Mr. President, I would like to ask
4 for a very short break, and then I will conclude my direct examination.

5 PRESIDING JUDGE COTTE: (Interpretation) When you say a pause,
6 do you want us to suspend, or you just want to consult?

7 MR. GARCIA: (Interpretation) Just one minute.

8 PRESIDING JUDGE COTTE: (Interpretation) Perfect. We are going
9 to remain seated.

10 (Prosecution counsel confer)

11 MR. GARCIA: (Interpretation) Mr. President, before I conclude
12 the direct examination, there is a clarification on the photographs, turn
13 to 8006-0263 (as interpreted). Those were photographs taken during a
14 mission in November 2008. I just wanted that to be clear, and at this
15 stage the Prosecution has no further questions for Witness 287.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
17 Mr. Prosecutor.

18 Madam Witness, the Prosecutor has concluded his direct
19 examination. We are now going to ask the legal representatives of the
20 victims if they wish to ask a few questions to the witness.

21 On the 16th of April, the Chamber received filing number 2027
22 from Mr. Fidel Luvengika, the common legal representative of the main
23 group of victims.

24 Mr. Luvengika, it seems to us that the questions that you
25 intended to ask have been put to the witness in various forms by the

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Questioned by Mr. Luvengika

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1 Prosecutor, and the witness has already provided answers. Maybe you need
2 to seek some points of clarification, or maybe you have other questions
3 that were suggested to you by answers given by the witness yesterday or
4 today, and you can ask those questions bearing in mind the specific
5 framework of your questioning, which should be directly linked with the
6 interests of the victims that you represent here. You can begin, and
7 Mr. Gilissen can intervene after.

8 MR. LUVENGIKA: (Interpretation) Thank you, Mr. President, your
9 Honours. I do not have many questions. I have barely two or three
10 questions, and these are simply points of clarification.

11 I would like to try to have the witness explain to us some of the
12 information relating to the victims that I represent.

13 Questioned by Mr. Luvengika:

14 Q. (Interpretation) Good morning, Madam Witness. As the President
15 has just said, I am the legal representative of the group of victims of
16 the attack at Bogoro on the 24th of February, 2003. I would like to seek
17 certain points of clarification from you.

18 A. Very well.

19 Q. You stated yesterday that a you were compelled to go and point
20 out the weapons or ammunitions cache, but since you did not know it, you
21 went and showed the attackers a store. My question, which I believe I
22 can ask in open session, that cannot endanger the name of the witness,
23 can you tell us the name of the owner of that store which was looted? Do
24 you know the name of the owner of that store?

25 A. No. I have forgotten his name, but this was someone who was also

1 killed, which means he is no longer alive today.

2 Q. Thank you. Another question: Still while you were at that place
3 where the attackers started looting the contents of that store, you
4 stated that you saw other attackers looting, setting neighbouring houses
5 on fire, and taking away the roofing sheets. Do you know whose houses
6 those were? If you do not know, it is not a problem, but do you know the
7 owners of those houses that were looted and set on fire and some of whose
8 roofing sheets were taken off?

9 A. These were houses that belonged to members of the civilian
10 population.

11 Q. Can you tell us a few names of the people who own those houses?

12 A. No. There were many of them, so I cannot give you their names.

13 Q. Thank you. One last question, and it concerns the camp at the
14 Bogoro Institute where you took -- when you sought refuge. You just told
15 us what your husband told you about what probably happened to the members
16 of his family. Apart from the members of your husband's family, do you
17 know how the other civilians were treated in the Bogoro Institute?

18 A. The people who stayed in the school, is it about them that you
19 are asking your question?

20 Q. Yes. I'm talking about what happened to the other civilians who
21 had taken refuge in the Bogoro Institute.

22 A. Yes. Those who were able to flee escaped together with the UPC
23 soldiers. The others who could not escape stayed there, and they were
24 killed, according to the information that I received. But there were
25 others who succeeded in escaping, but they were killed while trying to

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1 escape.

2 Q. Thank you, Madam Witness.

3 MR. LUVENGIKA: (Interpretation) Mr. President, I have no
4 further questions for this witness.

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

7 Mr. Gilissen, do you have questions?

8 MR. GILISSEN: (Interpretation) Thank you, Mr. President. I
9 have a few questions linked to what was said in this courtroom. I will
10 try to summarise. The witness said that she met young people
11 participating in the attack who were 12 years old or more, and she told
12 us that she saw them in the camp and also in Bogoro centre, and I believe
13 that this morning she added that these young people carried either
14 firearms, spears, or arrows. I do not want to ask any questions that
15 have already been put, but with leave of the Chamber, I would like to ask
16 the witness:

17 Questioned by Mr. Gilissen:

18 Q. (Interpretation) When you saw those young attackers in the camp,
19 can you tell us whether there were many of them? Were there only a few
20 individuals or can you say there was a certain number, maybe a good
21 proportion, a quarter, a third, a fifth of them were young people of the
22 age that you were able to tell?

23 A. Would you like -- please could you rephrase your question.

24 Q. Certainly, madam. When you saw children or young people in the
25 camp, very young people, whether it was -- you were with your children or

1 whether it was when you left this room, you said that you saw these young
2 people who were clearly attackers. Please could you attempt, with
3 prudence, to give us an idea of that number of them? How many? Was it
4 just a handful of them, or were they more numerous? Even if we can't
5 really evaluate the number, please could you give us an idea of it so we
6 can have a representative idea of how many attackers they were.

7 A. Yes. Thank you. There were more than ten of them, certainly.
8 More, more than ten.

9 Q. Still subject to the control and the supervision of the bench,
10 your Honours, you therefore left the camp and the circumstances of which
11 you spoke with a group of attackers who were holding you. You were their
12 prisoner, and you went through part of Bogoro village during this trip to
13 the shop where your constraints were such they wanted you to show them
14 the cache of arms.

15 You saw another group of young children, and could you indicate
16 to us whether they were numerous, if you regularly saw them during this
17 trip.

18 A. Yes. They were numerous.

19 Q. Still with -- subject to the supervision of the Bench, could you
20 tell us the feeling that you had or what you thought of the role of these
21 children? They were attackers, if I understand you well. Were they or
22 others also participating in pillaging and possibly in abuses?

23 MR. FOFE: (Interpretation) I am sorry, your Honour.

24 PRESIDING JUDGE COTTE: (Interpretation) Please go ahead.

25 MR. FOFE: (Interpretation) Please excuse me for having to

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1 interrupt Counsel Gilissen, but this question seems to me not to be
2 appropriate. We know that the witness can think. We can't stop her from
3 thinking, but where it concerns her statement before the Chamber, it is
4 preferable, and I would say it is within the rules, that we ask the
5 witness questions with -- with regard to what she saw or what she heard
6 and not with regard to what she thinks of facts that she is said to have
7 seen. It's not about the witness interpreting matters. That's what I
8 wanted to say.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
10 Professor Fofe. This is perhaps unfortunate language on the part of
11 Counsel Gilissen, who didn't want, I am sure, to ask the witness to
12 interpret something or to think.

13 But what is important, Witness, is for you to be able to tell us
14 if you saw what these children or young fighters were doing and that you
15 indicate to us if you did see what they were doing and you say what they
16 were doing. What activities were they carrying out, whether it's in the
17 camp or afterwards when you went from the camp to the shop?

18 You said you saw young people who had various weapons. Did you
19 see what they were doing? And if you did see their activity, what was
20 that activity they were carrying out? Please answer that question.

21 THE WITNESS: (Interpretation) Okay. On that day I saw these
22 children who were pillaging and who were carrying weapons in their hands.
23 They came into the fighting to fight. They had weapons, and they
24 pillaged, and they burnt houses. They were looking for people, to kill
25 them.

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

2 Counsel Gilissen, you have the floor once again should you so
3 wish.

4 MR. GILISSEN: (Interpretation) Thank you, your Honour. It's
5 somewhat paradoxical. I certainly note that. And there's a paradox in
6 my reflection, but I will perhaps be more direct next time in my
7 questioning. There are certain thoughts that one doesn't expect.

8 Now, with regards to the Court, I want to ask the question with
9 regard to the events that we've heard just for the first time this
10 morning in Bunia and particularly in (Expunged). They can concern
11 the victims that I represent in the international element thereof, the
12 contextual element, the use of the young person in internal conflict,
13 within armed forces, whatever the capacity or characteristic of such an
14 armed force. With prudence despite everything, I hope one will not
15 reproach me for that. I shall ask the Chamber. The Chamber will stop me
16 if I am not rightfully doing this.

17 Q. Madam, you said that when you were in the hospital, in (Expunged)
18 (Expunged), after your operation on your knee, a group of combatants, of
19 soldiers, came to this hospital, and some of them stated that they wanted
20 to kill what they called the enemy. Among the people who came, whether
21 those who you identified as the FNI or the FRPI, were there young people,
22 children, mtoto, if you allow me to use that expression, among them?

23 A. In the hospital I didn't see child soldiers. I saw adult
24 soldiers. On that day I did not see children among the fighters.

25 Q. Thank you very much.

1 MR. GILISSEN: (Interpretation) I would like to reassure the
2 Chamber I have but two more questions, and if the Bench considers that I
3 have the right to ask them.

4 Q. When you were in Bunia, madam, in this period, whether in the
5 hospital or thereafter, whether it's in the second hospital or after
6 that, among the troops that you were able to see and you were able to
7 identify as being of the FNI or FRPI, did you see child soldiers again or
8 mtoto again?

9 A. Yes.

10 Q. And did you see them in number, one, two, or three? Perhaps a
11 handful or two hands full, or were there more than that?

12 A. I saw the children when I left the hospital, but in the hospital
13 I didn't see children. It was when I left the hospital that I saw people
14 who were saying that we had to take a branch or a twig to identify
15 ourselves as not being enemy, and I saw a group of combatants among them.
16 There were two children. But I didn't stay in the hospital. I left in
17 order to go to the house where we were living.

18 Q. Thank you very much. I would have just one last additional
19 question. You know, lawyers, they say two questions and then there are
20 three, as you know, but these children who have just been spoken about,
21 now, among the young people who you saw in this group, it's a group of
22 fighters you say, were they armed these children? Did they bear weapons?

23 A. Yes.

24 Q. Thank you very much. I have a last question under the
25 supervision of the Bench, of course. Could you tell us when you -- you

1 used the expression "mtoto." You said you speak some French. By that do
2 you refer to young people, or do you -- did you mean children? And I
3 would like to be clearer in this regard. When you're 10 in the Congo in
4 2003 -- when you're 12 in the Congo in 2003, when you've got 12 in Ituri
5 in 2003, a boy or a girl, would you consider that is still a child or an
6 adolescent or something else? Could you help us? We don't have this
7 cultural element. It would seem to us, from what I understand, that that
8 might not be clear. I would want to know, therefore, if at 12 one is
9 considered as a child or as something else. Could you explain that to
10 us? Thank you.

11 A. Well, when -- at least as far as I'm concerned, somebody who is
12 12 is a child.

13 Q. Thank you very much. And could you tell us, irrespective of the
14 laws, irrespective of the legal age for the group, for the village, for
15 the families, could you tell us, 12 years, is that a child age?

16 A. Yes.

17 Q. Thank you very much.

18 MR. GILISSEN: (Interpretation) Your Honour, logic is obviously
19 taking me to the next question.

20 Q. And at the age of 13, are you still a child, whether a boy or a
21 girl?

22 A. Yes.

23 Q. You understand where I'm trying to go. At the age of 14, for the
24 group, for you, we -- are you still -- is one still a group -- is one
25 still a child at the age of 14?

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1 A. Yes.

2 MR. GILISSEN: (Interpretation) Your Honour, I have the -- I
3 don't want to give you the -- I don't want to give you the feeling that
4 I'm going by sort of elimination game or domino effect. Perhaps I should
5 ask my question with regards to where sociologically and socially in the
6 mentality that one goes over to the other side. So perhaps I could
7 continue, but I'm -- I don't want to leave it.

8 PRESIDING JUDGE COTTE: (Interpretation) Counsel Gilissen, don't
9 leave it. The Chamber has a witness who can provide elements of
10 understanding that are important; therefore, ask the question to the
11 witness. Well, we're going to ask the witness.

12 Witness, it's not very easy to answer in a very general way and
13 in a very systematic way, but as far as you were concerned, you are a
14 woman, a mother. From what moment, from what time in Ituri, in the
15 context which you have known, do you consider that one is no longer a
16 child? This is a too general question. We are aware of that, but from
17 what moment does one become a young adult? At 14 you're still a child.
18 At what time, in your opinion, in this context which you know, does the
19 passage, the transition take place from childhood to young adulthood?
20 Please could you answer that question.

21 THE WITNESS: (Interpretation) Yes. With us, one can say it's
22 from 15, 16, 17 years old and more.

23 PRESIDING JUDGE COTTE: (Interpretation) So the barrier is 15,
24 16, 17 years old it's -- that's it.

25 THE WITNESS: (Interpretation) Yes.

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

2 Counsel Gilissen, a last question, or do you want to stay there?

3 MR. GILISSEN: (Interpretation) I would like to thank you, your

4 Honour. I have no more questions. But I with like to thank you,

5 Witness, for your dignity. I hope that you understand you -- I would

6 like to really thank you for your very precious contribution. Thank you.

7 THE WITNESS: (Interpretation) Okay.

8 PRESIDING JUDGE COTTE: (Interpretation) Witness, the Prosecutor

9 has finished its examination-in-chief. The Legal Representatives of

10 Victims wanted to ask you certain questions. The floor is then going to

11 be given to the Defence lawyers, firstly to the Defence of Mr. Germain

12 Katanga, Counsel Hooper, and thereafter to the Defence of Mathieu

13 Ngudjolo. We are not going to starts the cross-examination straight

14 away. We are going to now have a break because we have been sitting for

15 one hour and three-quarters. This is a tiring testimony for you, and

16 we're going to stop. We will restart at 11.30. Perhaps we can restart

17 at a 11.20. We would therefore stop for half an hour, Counsel Hooper,

18 and start at 11.20 to 13.30. That will make it possible for you to

19 prepare and -- or have a break now.

20 I'm going to ask you, Court Officer, to implement the closed

21 session. The security officers -- yes, they are going to have the two

22 accused leave the courtroom. Mr. Katanga and Ngudjolo, we will be back

23 in half an hour.

24 (The accused withdrew)

25 PRESIDING JUDGE COTTE: (Interpretation) Witness, we are

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1 therefore finishing the hearing for half an hour. We will be back at
2 11.20.

3 THE WITNESS: (Interpretation) Thank you.

4 PRESIDING JUDGE COTTE: (Interpretation) We are now going into
5 closed session, Court Officer.

6 (Closed session at 10.48 a.m.)

7 (Expunged)

8 (Expunged)

9 (Expunged)

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11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Open session at 10.49 a.m.)

17 COURT OFFICER: (Interpretation) We are now in open session,
18 your Honour.

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

21 We will be back at 11.20 with Counsel Hooper with the floor. The
22 hearing is now suspended.

23 Recess taken at 10.49 a.m.

24 On resuming at 11.22 a.m.

25 (Closed session)

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10 (Open session at 11.24 a.m.)

11 COURT OFFICER: (Interpretation) Your Honour, we are now in open
12 session.

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

15 Good morning again, Witness. We have now a two-hour session
16 before us. It's now up to the Defence of Mr. Katanga to ask you some
17 questions as part of the cross-examination. Please answer as you have
18 been doing until now, speaking slowly and clearly so that the
19 interpreters can interpret as accurately as possible what you say.

20 Over to you, Maitre Hooper.

21 MR. HOOPER: Yes. Thank you, Mr. President.

22 Questioned by Mr. Hooper:

23 Q. Good morning, Madam Witness.

24 A. Good morning, sir.

25 Q. May I thank you for the evidence that you've presented to the

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1 Court, and listening to it, it's apparent you had a truly frightful time
2 and experience, and it's been very sad listening to the story that you've
3 had to tell us.

4 Can I ask you a question about the UPC forces that were present
5 in -- in Bogoro. Were there child soldiers amongst their ranks?

6 A. Yes, there were some.

7 Q. And were there women UPC soldiers as well?

8 A. Yes, there were also some.

9 Q. And when you've spoken about attacks that took place against
10 Bogoro prior to the big attack of the 24th of February, would I be right
11 in saying that there were that there were several attacks during the
12 period prior to the attack of the 24th of February?

13 A. Yes, there were some attacks. I mentioned one attack where I
14 personally was a witness.

15 Q. Am I correct in understanding that you were living in Bogoro for
16 the year or two at least prior to the attack of the 24th of February?

17 A. Yes.

18 Q. And in those months prior to the February attack, am I right in
19 saying that there were attacks of a smaller size but attacks during that
20 period on Bogoro?

21 A. I don't know. I can only give you a precise answer about the
22 larger attacks, and I can talk about the attacks that I witnessed
23 personally.

24 Q. Now, I'm going to seek some clarification from you about where
25 you were living and some other personal matters which obliges me to go

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1 into closed session for the remainder of my questions, which would last
2 about half an hour to three-quarters of an hour.

3 MR. HOOPER: So can I ask that the Court go into private session
4 in respect of those questions in order that the witness does not become
5 identified through her answers.

6 PRESIDING JUDGE COTTE: (Interpretation) We understand,
7 Maitre Hooper.

8 So, Court Officer, let us pass into private session.

9 For members of the public, I just want to explain that we are
10 obliged to go into private session so our witness cannot be identified.

11 (Private session at 11.29 a.m.)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

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Witness: Witness P-0287 (Resumed) (Private Session)
Questioned by Mr. Gilissen

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1 (Open session at 12.33 p.m.)

2 COURT OFFICER: (Interpretation) Your Honour, we are now in open
3 session.

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

6 Professor Fofe, you have the floor.

7 MR. FOFE: (Interpretation)

8 Q. Good morning once again, Mr. Witness.

9 A. Good morning, counsel.

10 Q. My name is Jean-Pierre Fofe. I am co-counsel within the Defence
11 team of Mathieu Ngudjolo. I will ask you certain questions for
12 clarification on the subject of your testimony. I would like to assure
13 you, madam, that our aim is not to put you in any kind of difficulty. It
14 is, rather, to give you the opportunity to say the whole truth to the
15 Honourable Bench. Please do not take any offence from our questions. We
16 are very sensitive to the difficult situation which you have undergone.
17 And as the President, Presiding Judge, asked you and repeated today,
18 please speak slowly, and we have to have a break between the question and
19 reply in order to allow the interpretation and the transcription of the
20 questions to take place.

21 Witness, my first question concerns your statement made before
22 the investigators of the Office of the Prosecutor on the 27th, 28th, and
23 29th of July, 2007. I will have a series of questions related to this
24 statement was in document DRC-OTP-1013-0205. My first question relates
25 to paragraph 15 thereof. You state -- or you stated as follows when you

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1 speak about the attack launched on Bogoro on the 24th of February ...

2 (Trial Chamber and Court Officer confer)

3 THE WITNESS: (Interpretation) Counsel, please could you repeat
4 what you have just said. I find it difficult to follow what you say.

5 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofe, what
6 we're going to do is have appear on the screen the statement and the
7 relevant paragraphs. That would be the most -- well, you're asking
8 questions with regards to the statement, the witness statement. The
9 Court Officer proposes having such paragraphs appear on the screen. That
10 should make it possible for everyone to follow it better. You were on
11 paragraph 15.

12 Court Officer, I think you proposed having appear on the screen
13 the paragraphs concerning the witness statement, 2006, 2007, 2008, 2007,
14 such that we can better follow your cross-examination. You have no
15 objection to that?

16 MR. FOFE: (Interpretation) Just one minute for consultation,
17 your Honour.

18 (Defence counsel confer)

19 MR. FOFE: (Interpretation) Your Honour, after consultation, we
20 think that we have prepared our cross-examination in a way as being able
21 to read out the paragraphs that we aim to have in our cross-examination.
22 We're going to read certain paragraphs or certain extracts of paragraphs,
23 and I think that the witness will be able to follow that without
24 difficulty.

25 PRESIDING JUDGE COTTE: (Interpretation) Perfect. So we

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1 interrupted you. I'm sorry for that. Please go back from paragraph 15
2 of the witness statement. We are listening to you.

3 MR. FOFE: (Interpretation) Thank you, your Honour.

4 Q. Witness, you stated the following before the investigators of the
5 Office of the Prosecutor when you spoke about the attack on Bogoro on the
6 24th of February, 2003. Here I'm going to quote you faithfully. You
7 stated:

8 "Later, when I was in ... survivors told me that among the
9 attackers there were also Ugandan soldiers. The Ugandans used to sow
10 troubles between the different ethnic groups. Sometimes they fought with
11 the Lendus and sometimes with the UPC."

12 My question is as follows: Is this your statement?

13 A. Yes.

14 Q. Witness, is it possible for you to tell the Honourable Judges
15 what fighting there was in which the Ugandans and the UPC fought together
16 against the Lendu?

17 A. I know the war which took place in Bunia between the UPC and the
18 Lendu and the Ngiti, and before this war of the 24th of February in
19 Bogoro, there had also been fighting where the Ugandans were involved.
20 They were in Bogoro at that time. They fought on the side of the UPC.

21 Q. Thank you, Witness. Paragraph 9 of this document, which is your
22 statement before the investigators of the Office of the Prosecutor, you
23 state the following, and here I quote to you -- I will quote an extract
24 of this paragraph:

25 "Towards 5.00, the war became intense, and we went to the -- we

1 went towards the UPC camp. The UPC soldiers advised us to take refuge in
2 the school of the UPC camp during an attack."

3 My question is as follows: The civilian population in Bogoro,
4 therefore, received UPC soldiers -- or they had received instructions to
5 hide in the UPC camp any time there was an attack; is that correct?

6 A. That is correct.

7 Q. I am now going to paragraph 12. You state the following, and
8 here I quote you again:

9 "The attackers were Lendu, Ngiti, and Bira combatants or
10 fighters. I cannot distinguish between the Lendu, the Ngiti, and the
11 Bira when I see them. I know that it was the Lendu and the Ngiti on that
12 day, because they always came to attack us."

13 My question, Witness: Is this your statement?

14 A. Yes.

15 Q. So as you could not distinguish between the Lendu, the Ngiti, and
16 the Bira when you saw them, you could therefore not be certain that the
17 Lendu were among the attackers; is that not correct?

18 A. I was sure of it. And why? When they started to speak, I was
19 able to hear them. When you speak Lendu or Ngiti, I can understand,
20 because I understand these languages, Lendu and Ngiti.

21 Q. In paragraph 14, you state the following, and here I will quote
22 you again:

23 "When later the attackers stopped me in the UPC camp, I saw that
24 some of them were in civilian clothing and others in military clothing
25 similar to the APC soldier uniform, which is green in colour. Certain

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1 fighters also had leaves on their body. I think they wore leaves so that
2 they could recognise each other."

3 Is this also your statement, madam?

4 A. Yes.

5 Q. Thank you. What makes it possible for you to rule out the
6 possibility that these fighters who wore a military uniform similar to
7 that of the APC, which was green in colour, were actually APC soldiers?

8 A. As far as I was concerned, I saw their uniform and from that I
9 concluded that they were APC soldiers, because they were wearing the APC
10 soldier uniform, and others were dressed in civilian clothing, while
11 others were wearing leaves or had some form of greenery.

12 Q. You therefore confirm that you saw APC soldiers. Is that not
13 correct?

14 A. I didn't say that I was sure that they were APC soldiers. As far
15 as I was concerned, they were just the enemy.

16 Q. Thank you, madam. I would like to ask you a question, perhaps a
17 difficult question, but did you know all the APC soldiers?

18 A. I didn't know them.

19 Q. As you didn't know them, these combatants that you saw in APC
20 uniform could therefore be APC soldiers, could they not?

21 A. Well, the -- if they were APC soldiers, they would not have
22 presented themselves in such a way.

23 Q. Witness, I am now going to refer to paragraph 53 of your
24 statement before the investigators of the Office of the Prosecutor, and
25 here I quote you:

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1 "I mentioned previously that there had already been an attack on
2 Bogoro before the one on 24th of February, 2003. It must have been
3 towards 2001 or 2002. There was a governor named Lompondo in Bunia, and
4 the UPC soldiers had driven out the APC."

5 My question, Witness, is this indeed your statement?

6 A. Please could you repeat your question, please.

7 Q. I will read what you stated before the investigators of the
8 Office of the Prosecutor. Your statement appeared in document -- the
9 document which I'm referring to, which the Prosecutor knows, and namely
10 paragraph 53 thereof. You stated the following, and I quote you so you
11 may follow this well:

12 "I mentioned previously that there had already been an attack on
13 Bogoro before that of the 24th of February, 2003. That must have been
14 towards 2001 or 2002. There was a governor called Lompondo in Bunia, and
15 the UPC soldiers had driven out the UPC -- APC -- the UPC had driven out
16 the APC troops."

17 Is that what you stated before the Office of the Prosecutor?

18 A. Yes.

19 Q. Thank you. Witness, it is therefore possible that the APC came
20 back to fight the UPC in Bogoro in order to reconquer Bunia? Is that not
21 right?

22 A. It wasn't like that.

23 Q. How could you know that?

24 A. I know this because when the UPC soldiers drove out the APC
25 soldiers, this happened in Bunia, and there was other fighting in Bogoro

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1 when Lompondo went to Gety. Afterwards he brought together people in
2 Bogoro, and he said that there was no more fighting or war. But
3 afterwards we noted that there was fighting and that a lot of people were
4 killed. And these soldiers who were in Bunia who were APC soldiers --
5 UPC soldiers undertook to combat the fighters of the APC.

6 Q. Witness, do you know that when the APC soldiers had been driven
7 out by the UPC in Bunia, after that they had been driven out from Bunia
8 by the UPC, do you know what the APC forces or where the APC -- or did
9 you know that the APC forces took refuge in Zumbe?

10 A. No, I don't know.

11 Q. As you don't know that, then you also cannot know that these APC
12 soldiers who took refuge in Zumbe had attacked Bogoro to drive a path to
13 Beni. You didn't know that either.

14 A. I know nothing about that. When there was fighting in Bunia, I
15 was in Bogoro, and I didn't know that these fighters were trying to drive
16 a way through towards Beni. At that time, it was almost at the end of
17 the war.

18 Q. Witness, do you know that among the APC soldiers there were also
19 Lendu and Ngiti?

20 A. Are you talking about the UPC?

21 Q. No. I'm speaking about the APC, and my question is as follows:
22 Do you know that among the APC soldiers there were also Lendu and Ngiti?

23 A. I don't know.

24 Q. Thank you. And in paragraph 14 of your statement before the
25 investigators of the Office of the Prosecutor, you state that some

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1 fighters wore leaves on their body. My question is as follows, Witness:
2 Do you know that all the soldiers in the battlefield cover themselves in
3 leaves in order to camouflage themselves?

4 A. I don't know. To my knowledge, when a soldier goes into the
5 battlefield, he puts on his military uniform.

6 Q. A moment ago you stated, and as you did yesterday as well, that
7 some assailants spoke Kilendu. My question is the following: Can you
8 tell us what are the different populations in Ituri which speak Kilendu?

9 A. Lendu is spoken by the Lendu people.

10 Q. Do the Hema-Gegere also speak Kilendu?

11 A. Yes, they speak Kilendu, but a slightly different Lendu.

12 Q. And do you know the Mbisa ethnic group?

13 A. No, I don't know that group.

14 Q. Mbisa, I would suggest, also speak Kilendu. So you didn't know
15 this?

16 A. No, I didn't know that.

17 Q. Do you know the Ndo ethnic group?

18 A. I have heard of that group.

19 Q. Do you know that Ndo also speak Kilendu?

20 A. I know that Ndo are of the Lendu and that they speak Lendu.

21 Q. Yes, Witness. Do you know the villages Lagabo, Lakpa, and Nombe?

22 A. Yes, I've heard of Nombe. The other villages, I don't know of
23 them. Yes. I've heard of the localities that you've just mentioned.

24 Q. Lagabo, Lakpa, and Nombe, these localities are in the south, to
25 the south of Bogoro. Isn't that so?

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1 A. No. I don't know. But as you have just listed them, I can say
2 that I have heard of them.

3 Q. And I would suggest to you that the communities of these three
4 localities also speak the language Kilendu. Did you know that?

5 A. I don't know. I know that there are some among them who speak
6 Kilendu and other, Ngiti. Those who speak Kilendu or Ngiti, I am capable
7 of identifying the language when it's -- when it's used.

8 Q. Thank you very much, Witness. I would now like to come back to
9 the situation that you experienced on the 24th of February, 2003.

10 Witness, in paragraph 23 of your declaration to the investigators
11 of the Office of the Prosecutor, you said the following, and I will quote
12 you -- I prefer to quote these passages, even though I know that you have
13 repeated this before the Honourable Bench, but I do think that these
14 paragraphs need to be expressed very clearly.

15 MR. GARCIA: (Interpretation) I would just like to remind you
16 that we are in a public session. Are you going to mention names?

17 MR. FOFE: (Interpretation) No. Let me reassure you there will
18 be no names mentioned.

19 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Fine. Thank
20 you. Then please continue, Professor Fofe.

21 MR. FOFE: (Interpretation) Thank you, Your Honour.

22 Q. You have said, Witness, the following, and I quote you:

23 "I remained under the bed with my two daughters ... the
24 combatants saw me, and they thrust a spear towards me. They did not hit
25 me, but they did hit my daughter ... then they fired three times at me

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1 with a rifle. Later, I realised that I was wounded, but at that time I
2 did not realise it ..."

3 Witness, just to get this clear, is this exactly what occurred?

4 A. Yes, that's correct.

5 Q. Witness, can you please tell the Honourable Bench at what
6 distance these soldiers were, these soldiers who fired upon you three
7 times with a rifle? How far away from you were they from where you were
8 hiding under the bed?

9 A. I wouldn't know how to estimate the distance. I was under the
10 bed, and these soldiers were outside. So I wouldn't know the exact
11 distance.

12 Q. Could you please, Witness, explain at which point in time these
13 soldiers shot at you?

14 A. I would not be able to say at precisely which moment this
15 occurred, but I can say the following: It was when the combatants or
16 assailants had taken possession of the camp. It was at that point that
17 they fired at me.

18 Q. And you said that before they shot at you with rifles, they had
19 first launched an arrow and that this arrow had struck one of your
20 children. So first it was an arrow that was sent in your direction?

21 A. I did not speak of arrows. I talked about a spear or spears.
22 One of my daughters was hit by a spear.

23 Q. These soldiers who entered the room where you were, did they not
24 arrive right next to the bed under which you were hiding?

25 A. They entered into the house. At that point, we had come out from

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1 our hiding-place.

2 Q. And so it was when they were in the house that they shot at you;
3 is that correct?

4 A. I said that they shot when they were outside. When they came
5 into the room, they did not shoot.

6 Q. Can we then understand that you were hit by two bullets fired
7 from outside; is that correct?

8 A. Yes, that is correct.

9 Q. And were you able to see which kind of weapon these soldiers used
10 to fire at you?

11 A. No.

12 Q. Can we -- we understand, then, that it was a weapon of war?

13 A. Yes. Yes, it was a weapon of war.

14 Q. Thank you, Witness. We will come back to this aspect later.

15 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofe, we
16 normally only have five more minutes left in this session because we
17 started at 11.20, so I would like to know what is your intention for
18 tomorrow morning's schedule. Approximately, of course.

19 MR. FOFE: (Interpretation) Yes, your Honour. I'm sure that we
20 will be able to finish without any difficulty tomorrow morning.

21 PRESIDING JUDGE COTTE: (Interpretation) Fine. So you're saying
22 that you will be able to finish tomorrow morning in the first two hours,
23 for example?

24 MR. FOFE: (Interpretation) I think that two hours would
25 suffice, but I have some reservations.

1 PRESIDING JUDGE COTTE: (Interpretation) Yes. All I'm saying is
2 that if it's tomorrow morning that you think you will finish, that's
3 fine. Bearing in mind that we have not used the -- you have not used --
4 you've only used two hours, maybe we could stop there.

5 So I would like to ask the Prosecutor if he has any perspectives
6 concerning the next witness, which is 418, as concerns the current
7 witness? We are assuming that Witness 418 will take over immediately
8 after Witness 287, but this witness can only arrive on the 25th of April,
9 and this is the only time at which the witness was available and would be
10 able to travel to come to the Netherlands. So what we would suggest
11 would be that if in the first session of tomorrow morning we finish the
12 cross-examination for W-287, then maybe Mr. O'Shea -- if Mr. O'Shea is
13 available could continue. If not, Mr. Kilenda's team could start.

14 Does Mr. Hooper have any word of Mr. O'Shea? Is he still in
15 Italy?

16 MR. HOOPER: He is still in Italy and his computer has failed
17 now. I don't know quite what's happened there, but he's had a collapse
18 of his computer as well. So he's rather distressed. He's got a flight
19 back tomorrow, or at least he thought he had a flight back tomorrow.
20 That was what his -- the airline he was travelling with, because he'd
21 been to Malta and he was coming back via Milan. That was the
22 arrangement. But listening to the news this morning, we are in the hands
23 of the God of Vulcan, and I don't know what might happen. But I would
24 have thought if that doesn't work out on Wednesday, then he will be
25 hitchhiking his way back, or coming back on the train. There must be

1 some way that he can get back from Italy by the beginning of next week in
2 any event, but I certainly wouldn't risk speculating further than that,
3 but I can undertake that he will be back by then and if he's not, I'll do
4 the cross-examination of the -- of that witness, or complete the
5 cross-examination of the witness.

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

7 So for the time being, we will continue tomorrow morning,
8 Witness, with you. Professor Fofe will continue with his
9 cross-examination.

10 If per chance the witness's testimony is finished tomorrow, then
11 Dr. Baccard is in The Hague, in which case we could hear from the Defence
12 team of Mathieu Ngudjolo as to an update of Mr. O'Shea's situation, and
13 we will then decide whether to suspend until the beginning of next week
14 or whenever.

15 MR. MACDONALD: (Interpretation) Given the description that
16 Mr. Hooper asked of the witness, I would just -- I just wanted to say
17 that we don't have any objections to that. So I will confirm by e-mail
18 this afternoon this issue.

19 PRESIDING JUDGE COTTE: (Interpretation) In that case if you
20 could get that out by e-mail this afternoon, indeed that would be useful.
21 So any descriptions that the witness has, this would be very useful.
22 Thank you very much.

23 Security officers, would you please escort the accused out of the
24 courtroom.

25 To the accused, I say we will see you tomorrow morning.

1 (The accused withdrew)

2 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, would
3 you please pass it to a fully closed session so that the witness may
4 leave the courtroom.

5 Witness, thank you for your contribution this morning. We will
6 see you tomorrow morning. We wish you a good afternoon.

7 The Chamber didn't do this yesterday, but the Chamber also thanks
8 everybody who helps make this session run smoothly, the court reporters,
9 technicians, interpreters, and everybody who is assisting us.

10 (Closed session at 1.19 p.m.)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Open session at 1.20 p.m.)

18 COURT OFFICER: (Interpretation) We're in open session, your
19 Honour.

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

22 Mr. Prosecutor, the earlier your e-mail arrivals the better this
23 afternoon.

24 The session is therefore suspended until tomorrow at 9.00.

25 The hearing ends at 1.20 p.m.