

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, 30 June 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) Court is in session.
15 Please be seated.

16 Mr. Prosecutor, I believe you wanted to address the Court in
17 relation to Witness DRC-OTP-P-0280, who left us yesterday. Please go
18 ahead.

19 MR. MACDONALD: (Interpretation) Thank you, Mr. President.
20 Yesterday, in the afternoon, the Prosecution realised that we had not
21 disclosed a report of the independent electoral commission on the
22 electoral card of the Witness DRC-OTP-P-0280, similar to the duplicate
23 produced during the testimony of this witness. The Prosecution had
24 applied to have a copy as we had for Witness DRC-OTP-P-0279. We received
25 a copy on the 2nd of June, and I forgot about it, and I assume full

1 responsibility. I communicated this to the colleagues and to you,
2 Mr. President, that we had forgotten to disclose that document. The unit
3 was also contacted to inform them that they could hold the witness here
4 in The Hague in case the Defence teams wished to cross-examine the
5 witness once again to ask him some questions regarding those documents.

6 I believe that after communication with the teams, the Ngudjolo
7 team asked that an EVD reference be given to that document. We have no
8 objection, and I think Mr. Hooper and Mr. Kilenda did not wish to recall
9 the witness to ask them questions on this document. So it was agreed
10 that the witness could sleep calmly yesterday.

11 So I would really like to apologise to my learned friends and to
12 the Bench, because this is something I just forgot, and I wanted to point
13 it out before the witness leaves The Hague.

14 Thank you.

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

17 From the part -- on the part of the Defence teams, do we agree
18 with the explanations given by the Prosecutor?

19 MR. HOOPER: Yes. I quite accept what Mr. MacDonald says, that
20 this was an oversight. Now, my only concern is though that when this
21 document, which is obviously a relevant document, came into the hands of
22 the Prosecution, it wasn't their immediate reaction to disclose it.
23 That's my only concern. I quite accept that subsequently there was an
24 oversight. I do accept that, all that Mr. MacDonald says. It's just my
25 concern that a document like that comes in and with a large Prosecution

1 team, there isn't that reaction you've got to serve this straight away.

2 We -- for our part, Mr. MacDonald was very good enough to
3 telephone me personally yesterday and explain the situation, and I'm
4 grateful for that, and offered, as he's clearly indicated to you this
5 morning, the possibility of recalling this witness this morning. We've
6 considered it. We didn't introduce that document as you recall, that is,
7 the original electoral document, and on consideration, it being admitted
8 as it is, as a document into the case, as I know my friend's about to do
9 and be presented with and given an EVD number at their request, it
10 remains for us to add no more to -- to this matter.

11 Thank you.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.
13 Professor Fofe.

14 MR. FOFE: (Interpretation) Thank you, Mr. President.

15 Mr. President, your Honours, good morning. What the Prosecutor has said
16 is precisely what happened yesterday evening. I do not have to come back
17 to that. He has said what happened. We received that document yesterday
18 evening. We cross-checked the information on that document by comparing
19 it with the information on the duplicate of the electoral card that we
20 tendered into evidence yesterday, and we realised that all the
21 information is identical when it comes to the photograph, the name, first
22 name, and the date of birth, and particularly the date of birth. So we
23 did not deem it necessary to have the witness recalled, and in agreement
24 with the Prosecutor, we decided that this morning we would request that
25 the Chamber assign an EVD number to that document. So this is our

1 application to the Chamber, to have an EVD number assigned to that
2 document.

3 Thank you, Mr. President.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
5 Professor Fofe.

6 The Chamber has listened to the Prosecutor. We believe that this
7 incident is now closed. We thank the Defence teams for their
8 understanding, and, Court Officer, can you please give an EVD number to
9 that document which has been produced belatedly but produced all the
10 same.

11 COURT OFFICER: (Interpretation) Thank you, Mr. President. This
12 document will bear the number EVD-D03-00025.

13 PRESIDING JUDGE COTTE: (Interpretation) 00025. That is
14 perfect.

15 Witness DRC-OTP-P-0280 can now travel back to Congo.

16 Mr. Hooper, please.

17 MR. HOOPER: (Previous translation continues) ... to interrupt
18 you, Mr. President. Just before we leave the last witness, there are
19 some Defence admissions which have been discussed with the Prosecution
20 and have been accepted by them relating to -- to 279, the last witness,
21 and also the witness before that and their relationship with the
22 intermediary, and this would be the appropriate time to read them, but I
23 understand at the moment that the Ngudjolo team are still considering
24 their position in respect to them, but I don't want those admissions to
25 be lost sight of, as it were. So can I mention it again a little later

1 today or at another appropriate time, probably today because we then have
2 an adjournment to next week, so that we don't, as it were, lose that
3 connection between those witnesses and -- and these proposed admissions
4 to which they relate. As I say, it's just the Ngudjolo are considering
5 their position.

6 Thank you.

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, on that
8 point.

9 MR. MACDONALD: (Interpretation) Yes, on that point,
10 Mr. President. The Ngudjolo team sent an e-mail to the parties,
11 including Mr. Hooper, to the effect that at this stage he did not agree
12 with the admissions. So if you agree amongst yourselves, then you can
13 come back to the Prosecution and we will see what we can do.

14 MR. HOOPER: Sorry, I've just been shown that e-mail. I'd seen a
15 previous e-mail yesterday.

16 Ah, well, we'll have to discuss it with them at -- over coffee a
17 bit later this morning. So can I raise it perhaps a little later with
18 you if there is any development on that -- on that front.

19 Thank you.

20 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, just in the
21 event that you reach an agreement during the coffee break or at any other
22 time with the Defence team of Mathieu Ngudjolo, can you tell me how long
23 it will take to present those admissions just so we can organise our
24 schedule, that is the second part of our hearing, if that happens today.

25 MR. HOOPER: Oh, it's five minutes, five minutes.

1 PRESIDING JUDGE COTTE: (Interpretation) Very well. So do not
2 hesitate to bring it up.

3 For the time being we are finished with Witness DRC-OTP-P-0280.
4 And before of we bring in Witness DRC-OTP-P-0267 to the courtroom, the
5 Prosecutor, as we indicated yesterday, wanted to address the Court
6 regarding a possible closed session during the testimony of Witness
7 DRC-OTP-P-0267.

8 Mr. Prosecutor, you have the floor.

9 MR. MACDONALD: (Interpretation) I apologise to those in the
10 public gallery, but in order to discuss this issue, it would be
11 preferable to go into private session.

12 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please
13 take us into private session.

14 (Public session at of 9.18 a.m.)

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14 (Open session at 9.48 a.m.)

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

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

19 All right. This is for the attention of those who are in the
20 public gallery or for those who are listening, and also to ensure that
21 the transcript has all of this information.

22 The Chamber indicates that there has just been an exchange
23 between the Prosecution, the representatives of the victims, and the
24 counsels of the two accused on the following: Given the current
25 situation with this witness, should there be private session during the

1 testimony when everybody knows that normally these proceedings are
2 public? The parties expressed different views. They were quite detailed
3 and nuanced.

4 Right now the Chamber can give its decision. It reminds everyone
5 that two matters must be dealt with. The first pertains to the
6 protective measures that the witness should have during the hearing, and
7 the second pertains to the public nature of this hearing and the
8 possibility of we going into private session. With regard to the
9 protective measures that will be given to this witness during the
10 proceedings, the Chamber would like to remind all that during the status
11 conference the witness had special protective measures because his
12 identity was disclosed only 45 days prior to the substantive debate.

13 The Chamber would also like to remind all that by its decision of
14 the 23rd of November, 2009, number 1667 regarding protective measures for
15 certain witnesses, this witness was going to be granted the following
16 measures: The use of a pseudonym, face distortion, and voice distortion.
17 The Chamber considers that today there aren't any grounds that justify a
18 reversal of that decision, that is to grant those three measures.
19 Indeed, during a discussion that the witness had with VWU on the 17th of
20 June, 2010, he himself said that he wanted to have such protective
21 measures because he was concerned about possible reprisals after his
22 testimony. The unit felt it would be prudent to agree with the witness.

23 Given the professional activity of this Witness DRC-OTP-P-0267
24 and the fact that he still lived in the DRC, the Chamber feels that he
25 should benefit from those three protective measures. It is indeed

1 important for this witness to be able to testify under the best
2 conditions, thereby contributing to the search for the truth. This
3 decision will therefore will make this Chamber order a private session
4 when the witness enters the room and leaves the courtroom.

5 The next question, which is what took up our time at the
6 beginning of this session, pertained to the public nature of these
7 proceedings or the use of private session given the nature of some of the
8 NGOs and the fact that some people might be threatened in the DRC.

9 The Chamber would like to ensure that there is sufficient balance
10 between the public nature of the hearing and the protection of the
11 witnesses. It knows and is fully aware of the fact that the public
12 nature of this hearing would ensure that the debates are carried out
13 fairly, which is one of the main guarantees for the Defence.

14 The Chamber does not underestimate the matters related to witness
15 protection. It knows that the Prosecution is aware of the importance of
16 this, as is the Chamber as well. When there is a need to do so,
17 protective measures must be ensured.

18 We are in public session right now, and we know that given the
19 particular context of this witness and the current situation and the
20 particular situation in the DRC and the situation with a number of NGOs,
21 it is important to take certain precautions, but in no case should these
22 cast any doubt on the need for the public -- for these hearings to be
23 public.

24 We will start the main examination, and Mr. Prosecutor will need
25 to be very clear in private session what the witness's identity is. He

1 will have to provide a description of the NGO that he belongs to. He
2 will also have to provide a description of the directors and the main
3 collaborators as well as the place of its headquarters. That should be
4 done in private session. And then it may be difficult to carry out this
5 exercise, but during the hearing everyone will get used to it. We will
6 have to identify that witness by his pseudonym, that is
7 Witness DRC-OTP-P-0267. We'll have to give the collaborators or other
8 people who are in red on the list that was given to us and has a number,
9 and so, Mr. Prosecutor, you will have to prepare the list with all of the
10 numbers of the witnesses, and if a member of the Defence team wants to
11 have some information on the role of the different people, then you will
12 have to mention these people by number.

13 You will all see that when you mention what the witness did, you
14 will need to refer to it as "your activity," and you're not going to
15 refer to the groups or peoples names. You have to remain sufficiently
16 vague so that everything is understood but also to ensure that the
17 witness has a minimum level of protection.

18 When you refer to the headquarters of the activity or the place
19 where the activities occurred, then you'll just have to say, "In the
20 place where the activities took place." We will not be able to come back
21 on that. If it is absolutely essential for a given question to go into
22 private session, then we will do as we have always done, but we will
23 always have this concern about doing everything that is needed. I think
24 this is a concern that we all share. We must ensure that the hearings
25 are as public as possible. We have to bear in mind that this witness has

1 made a personal commitment by exercising an activity that increased his
2 risks. He actually increased his risk furthermore by coming to testify,
3 and this is a commitment that we have to carry out right until the end,
4 but we owe him at least a minimal protection, and we will have to do so
5 by using paraphrases and numbers.

6 The Chamber knows full well that the ICC doesn't have ten
7 courtrooms. It has gotten information on what Courtroom 1 could do when
8 it deals with the responsibilities that this witness has. There was
9 Witness 31 that appeared before Trial Chamber I. We heard that testimony
10 in private session, all of those questions regarding the centre and the
11 duties carried out by the witness, and the work carried out by Witness 31
12 with child soldiers or at the centre itself, these were discussed in open
13 session.

14 I'm not trying to say there's competition here, but we are going
15 to listen to the upcoming witness in the same conditions as what we had
16 for Witness 31 and other -- the other four witnesses who also represented
17 child soldiers. But perhaps the information that we got then is not
18 going to be -- was not going to be as sensitive as what we're going to
19 hear today. So that is what we're going to have to work on today.

20 So, Prosecutor, in private session you will set the scene at the
21 very beginning, and if the Defence teams want to add further information,
22 then we will proceed that way, and then we will resort to pseudonym for
23 Witness DRC-OTP-P-0267. You are also going to hand out the list of names
24 with the numbers, and there will be reference to the place where the
25 activities were carried out. Perhaps that will take longer, because it

1 will take you some time to rephrase your question properly, but I think
2 that the Chamber will manage to do all this, and we will be able to
3 respect the public nature of these proceedings.

4 MR. MACDONALD: (Interpretation) I apologise, your Honour. I
5 turned my back to you there.

6 I would just like to mention that we did manage to draw up this
7 list in co-operation with the Court Officer, and right now we are sending
8 e-mails to the participants. So in order for us to print this right now
9 so that we have a copy for the witness and other members of the Chamber,
10 perhaps we could do this while the hearing is going on, or we could ask a
11 member of our team to just bring the photocopies in, if you like.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

13 All right. The idea would be to have this paper document, but
14 the Chamber would just like to specify a few things. I did say that
15 given the elements at its disposal, the Chamber is not certain that the
16 witness is at personal risk and is subject to objective risks, and this
17 is with a lack of information that states that this particular witness is
18 currently under personal and objective risk, and so this is why we've
19 come up with the solution that's being proposed. It would have been
20 quite different if we had in our possession information that told us that
21 this witness was going to be subject to very specific risks, but given
22 what we have now, we can give you the suggested proposal. I'm not
23 actually making it a proposal. It is something that is going to be
24 proposed on you.

25 Counsel Hooper.

1 MR. HOOPER: Our position is perhaps clarified. At the moment,
2 the names in red appear on a spell-check list, and if there is to be a
3 list for the witness, those names should be extracted and numbered on a
4 separate list. Those are the names in red. The witness shouldn't be
5 given -- yes, that's agreed. Thank you.

6 So if we can have another list, a separate word-check list, which
7 is a list that we all have and the interpreters can use and the
8 transcribers can use, but the witness we feel should not have the full
9 list because it could amount to a sort of shopping list, really, of the
10 subjects and people that he could discuss and we're against that. It
11 would sort of then become a leading matter. No objections to names in
12 red being provided.

13 I think Mr. MacDonald agrees.

14 MR. MACDONALD: (Interpretation) I can reassure Mr. Hooper this
15 is exactly what we've done, only the names in red on the list which has
16 sent to everybody and which has been translated. Only we have extracted
17 from this list the names in red and for the names of persons we've given
18 numbers and for organisations we've used letters to draw distinction, and
19 we're right now handing the document over to you.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you. So I will
21 make this clear to the witness, and this will be still said to him in the
22 private session when he gives his identity so that we don't use terms
23 which for him would become completely obscure.

24 Court Officer, now we will remove the side curtains so that the
25 witness is able to submit in the normal fashion. The curtains are in

1 fact in their minimum position, so this I couldn't quite see from where
2 I'm sitting, but that apparently is the case.

3 We will now bring the witness into the Chamber and then we will
4 move into closed session to enable him to give his identity.

5 Court Officer, please bring the -- have the witness shown in.
6 Usher, please bring him in. We will now go into private session for the
7 witness to come in. The accused remain with us.

8 MR. KILENDA: (Interpretation) Is this a private or closed
9 session.

10 PRESIDING JUDGE COTTE: (Interpretation) This is, I'm just
11 thinking about it, it's a closed session. We're taking so many
12 precautions. The accused remain with us because there is no separation
13 between them for today. So this is a new scenario for
14 Witness DRC-OTP-P-0267. So we're moving into closed session. Now we've
15 just held back our usher.

16 (Closed session at 10.05 a.m.)

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20 (Open session at 10.14 a.m.)

21 COURT OFFICER: (Interpretation) Your Honour, we're in open

22 session.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

24 Court Officer.

25 Mr. Witness, before you begin your testimony and before you start

1 to submit your testimony, you have to undertake to say the truth. This
2 is a solemn undertaking. I will read it slowly so that you can fully
3 appreciate its importance, and I quote:

4 "I declare solemnly that I will speak the truth, the whole truth,
5 and nothing but the truth."

6 Have you heard me, Mr. Witness?

7 THE WITNESS: (Interpretation) Yes, I heard you very well.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

9 The Court would now -- will now ask you to listen very closely.
10 You have just undertaken to speak the truth. If during your testimony,
11 your spontaneous testimony or in answering the questions which will be
12 posed to you, if you do not tell the truth you should know that you could
13 be exposed to criminal proceedings by the International Criminal Court
14 for false testimony, and if this will to be proved, then you would be --
15 could be sentenced.

16 Have you heard me?

17 THE WITNESS: (Interpretation) Yes, I've understood very well.

18 PRESIDING JUDGE COTTE: (Interpretation) You have understood
19 fully. Thank you, Mr. Witness. The Court, therefore, records that
20 Article 69(1) of the Statute regarding the solemn undertaking have been
21 fulfilled, as well as Rule 66, paragraphs (1) and (3) of the Rules of
22 procedure and proof.

23 Mr. Witness, as has been explained to you will first of all
24 answer the questions of the Prosecutor's team sitting to your right and
25 then to the representatives of the victims and possibly to the question

1 of the Chamber, and then there will be the cross-examination of both of
2 the Defence teams in the hours ahead.

3 What we ask of you and our own game rules are that you should
4 speak slowly, as you have just done, that you should speak into the
5 microphone, make sure that it's not to the side, make sure that it's
6 opposite you. Speak slowly, because there is interpretation. Even if
7 you're speaking French, there is interpretation into English, which takes
8 just a tiny moment. So you should make the interpreters' job easier.
9 And if you're asked a question, before you answer try in your own mind to
10 count up to five so that there is no overlap between the -- the
11 interpreters' headsets and the stenographers who are recording the
12 proceedings. So don't answer immediately after the question. Just give
13 yourself four or five seconds, five seconds, to think and then you spoke
14 slowly.

15 Don't be concerned about speaking too slowly. This is a
16 requirement for the interpretation. And even though some questions may
17 irritate you and may prompt you to answer rather sharply, just calm down
18 those emotions and answer calmly. You'll see it's -- it's an effort that
19 we all try to make and sometimes we forget, and we fire away with our
20 answers and questions. So don't -- don't copy us when you see that we're
21 going too fast. You speak slowly, and we will listen to you even better.

22 Have you understood?

23 THE WITNESS: (Interpretation) Yes, I've understood very well.

24 PRESIDING JUDGE COTTE: (Interpretation) Witness, you also have
25 a jug of water, possibly some paper handkerchiefs, a glass. Feel free.

1 You're working with us for a few years (as interpreted). If you're too
2 hot or if you need a drink, just pour yourself a glass of water. The
3 Court has no problem with that. And you will see that all of us in this
4 courtroom, which has no windows, we all feel the need to drink.

5 Professor Fofe.

6 MR. FOFE: (Interpretation) Thank you very much, your Honour. I
7 may seem to be a little bit too much of a stickler for the rules, but I
8 would like this basis which you are setting regarding the solemn
9 undertaking, I would like this basis to be as solid as possible, so I
10 call on the Chamber to go back slightly in the transcript, to go back to
11 page 37, line -- lines 1 to 8. You read the wording of the undertaking,
12 and the witness said, "I have heard."

13 Now, maybe this is being a little bit too much of a stickler for
14 rules, but it would be better if the witness answered, "I undertake to
15 speak the truth." I would prefer not to do not enough.

16 PRESIDING JUDGE COTTE: (Interpretation) Well, you --
17 Professor Fofe, you really struck true. You noticed that I forgot to --
18 I did not bring with me the wording of the solemn undertaking, and it's a
19 constant call on my memory here, and there was something missing in the
20 usual wording of the solemn undertaking. You're absolutely right.

21 Mr. Witness, everybody can make a mistake or forget something.
22 So we will indeed complete the solemn undertaking which I'll put into the
23 file to avoid any further mistake of this nature. So you said you had
24 heard -- you had understood it. Now I will ask you when you -- now that
25 you have read it, "I declare that I will speak the truth, the whole

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1 truth, and nothing but the truth"; tell us please, "I undertake to speak
2 the truth, the whole truth, and nothing but the truth," or "I undertake."

3 THE WITNESS: (Interpretation) I undertake.

4 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Everything is
5 in order. The Court has been given a reminder of its full duties so we
6 can now proceed, and the Prosecutor will now speak to you and we are
7 listening.

8 For the time being we are in open session, so if we have to set
9 the scenario regarding information which identifies persons or
10 organisations, then we should move into closed session with the
11 underlying concern that we come out of the closed session. So don't --
12 rest assured we will move out of closed session if -- as soon as we can.

13 Prosecutor.

14 MR. MACDONALD: (Interpretation) Thank you, your Honour.

15 Questioned by Mr. MacDonald:

16 Q. (Interpretation) Good morning, Mr. Witness.

17 A. Good morning.

18 Q. As the Presiding Judge was saying, you should not have any
19 concern over making mistakes in the exercise on which we're about to go
20 into which is questions and answers. If there are questions which you do
21 not understand, feel free to interrupt or to tell me and I will rephrase
22 the question. Also, if for whatever reason you feel that providing
23 information in open session or you have some hesitation in providing
24 information, we can move briefly back into closed session and then go
25 back into open session. The important thing, Mr. Witness, is that you

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1 should feel free, that you should listen carefully to the questions that
2 I will ask, and that you should answer to the best of your knowledge?

3 MR. MACDONALD: (Interpretation) So this being said, your
4 Honour, I would ask that we go into private session so that I am able to
5 answer -- to ask some questions of the witness, but I would -- before
6 doing so, would I like to inform the Chamber and the witness regarding
7 the approach. We're going to first of all talk about the activities of
8 the witness. Then we will discuss the FRPI, its military -- its command
9 structure, and then we will move on to more general items it. So I would
10 now ask that we move into private session.

11 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we will
12 now move into private session, please.

13 (Private session at 10.24 a.m.)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

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24 (Expunged)

25 (Expunged)

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12 Page 35 expunged. Private Session.

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12 Page 36 expunged. Private Session.

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12 Page 37 expunged. Private Session.

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1 (Open session at 10.33 a.m.)

2 COURT OFFICER: (Interpretation) We are in open session,
3 Mr. President.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

5 Mr. MacDonald, please continue.

6 MR. MACDONALD: (Interpretation)

7 Q. Mr. Witness, in private session you provided us with some
8 personal information. You have a piece of paper in front of you. We
9 referred to your activities within the framework of the organisation
10 identified by the letter D. Witness, without mentioning the name of that
11 organisation, we are going to refer to the letter D. Can you tell us
12 about your activities within the context of that organisation? Well,
13 that is what we are going to discuss. What was the objective of that
14 organisation at the very beginning when it was set up?

15 A. Our mission was to provide assistance to underprivileged children
16 who were victims of the war, that is abandoned children. In our
17 terminology refer to them as ENAs, that is unaccompanied children. So we
18 needed to provide them with lodging, food, and primary health care. That
19 is because at that time, there were a lot of disturbances, and all the
20 basic structures could not even provide subsistence for the members of
21 the population, especially since this was a war-torn area.

22 Our mission, therefore, was to assist children given that they
23 were the most vulnerable. So our objective, our main objective, was to
24 mobilise assistance to implement our programme for those children.

25 Q. At that time when your activity started, and you mentioned the

1 date in private session, but can you describe what the situation was in
2 Ituri at that time, that is the security situation of the civilian
3 population?

4 A. At that time, the civilian population was left to their own
5 devices. They were at the mercy of the armed groups fighting against
6 each other, both in the north and in the south. The place where we lived
7 had been spared because this was in the centre of town. So the people
8 fleeing from the south -- from the north took refuge in the south, in the
9 centre of the town where things were still calm, because we should point
10 out that it was in 1999 that the conflict broke out between the two
11 ethnic groups of the north. They fought mercilessly against each other.
12 Villages were burnt down. People were killed, and children were
13 abandoned. And we had to carry out humanitarian activities, as I have
14 mentioned before, so as to provide subsistence for those children. So
15 there was total and widespread insecurity in the area.

16 Q. Before we go into what happened subsequently, how were your
17 activities funded?

18 A. Initially we relied only on ourselves. As I said before, we took
19 in children in our centre, and there was someone of goodwill who put at
20 our disposal a building with 20 rooms and a large hall, and we carried
21 out a sensitisation throughout the communities. The various religious
22 groups were contacted and sensitised about the situation of those
23 children, and they were able to provide us assistance, particularly with
24 regard to lodging. Progressively, we also contacted teachers so that
25 they should take care of the children's education and other aspects.

1 Later on we were discovered by the big organisations. In 2001,
2 we received substantial support from the International Committee of the
3 Red Cross which provided us with assistance, substantial assistance, over
4 a period of six months, and this was to enable us to provide food and
5 clothing to the children and to support the families that took in some of
6 those children. So we were lucky to obtain that and assistance, and we
7 were encouraged by that. We had already achieved an opening, and the
8 families that were assisted were encouraged and that enabled us to
9 continue with our work, to continue to carry out our mission.

10 We were discovered progressively, because in 2000 and 2001, there
11 were very few protection agencies. A British NGO discovered us. They
12 visited us. They looked at the way we were doing things and requested
13 our collaboration while providing us their expertise so that we should be
14 more effective in our activities.

15 Q. Is that international organisation known as Save?

16 A. Yes.

17 Q. I can see that the Court Officer is signaling to me almost every
18 two minutes, but I don't think I am speaking fast.

19 COURT OFFICER: (Interpretation) It is not the speed. It is
20 because you have to observe a pause of about five seconds between
21 question and answer.

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

24 Thank you, Mr. Prosecutor, for your patience. So you have to
25 observe a pause. Otherwise, your speed is perfect, because all of us

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1 have to take notes. Mr. Prosecutor, please proceed.

2 MR. MACDONALD: (Interpretation)

3 Q. Mr. Witness, you mentioned that this international organisation
4 discovered you, so to speak, so please could you elaborate on your
5 relationship with that organisation?

6 A. In 2001, this organisation was not yet operational in Ituri. It
7 was based in Goma, but considering the scope of the humanitarian
8 catastrophe that had been visited in Ituri, Save carried out a
9 reconnaissance mission (Expunged) in 2001. They visited our centre, and
10 after a few exchanges they realised that we were carrying out activities
11 that were closely related to the protection of children, but more needed
12 to be done. Our capacity needed to be built for us to be able to work
13 and assist those children according to the necessary standards. So
14 between 2001 and 2008, that is for a period of more than seven years, we
15 co-operated with that NGO in the areas of training and logistical support
16 for unaccompanied children, because they arrived with a project for
17 unaccompanied children, and that was in 2001, right up to 2002. (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)

21 Q. Can you describe to the Chamber the situation in Bunia in the
22 month of August 2002? This is a situation that is known by everyone,
23 that is, when Governor Lompondo fled.

24 A. In 2002, the Ugandans who were occupying our territory supported
25 the UPC to take over power. They chased out Lompondo from his residence,

1 and Lompondo fled on foot to Irumu. He was accompanied by the former
2 governor, Uringi Pa Dolo. Lompondo had an army known as the APC, which
3 at that time controlled Bunia town, and when the UPC took over power,
4 they began to exercise their authority over the territory.

5 At that time where we lived, there were already Lendus, but you
6 have to know that there were both Lendus and Ngitis, and they were simply
7 referred to as Lendus. They felt threatened, and they left the area and
8 went further south, because the UPC took over control of Bunia, and all
9 those who were opposed to the UPC risked being destroyed. Those of us
10 who remained continued to work. And that was unfortunate for us, because
11 *the ICRC had supported us, but when some ICRC workers were murdered in
12 Fataki, they took off. However, before taking before, they left some
13 of their property in the hands of some of the NGOs responsible for
14 protection. We were one of the four NGOs selected, and they left us a
15 lot of property as well as foodstuffs so that we could continue with our
16 activities. Save had just set up shop there and was not yet fully
17 operational.

18 There was chaos in Bunia. Some members of the population became
19 displaced. The southern part of Bunia was totally cut off. And I'm
20 talking about the southern part of Irumu. Lompondo, when he fled, went
21 directly to Beni, but his supporters went right up to Irumu, and there
22 were attempts by the UPC to go further south where the APC was based.

23 In the south, specifically in Nyankunde, there were also
24 organisations involved in the resolution -- or involved in resolving
25 inter-ethnic conflicts. The conflict was, therefore, transposed from the

1 north to the south. All ethnic groups were living in Nyankunde. There
2 were Hemas, Ngitis, and people from all the various regions of our
3 country.

4 Now, this conflict was moved to Nyankunde, and so in 2002,
5 following a campaign for sensitisation for the pacification of Ituri, we
6 found ourselves in Nyankunde. There was Mr. Musanzi who was responsible
7 for the centre for conflict resolution.

8 Q. I'm sorry for interrupting you, because we will probably revisit
9 some of those aspects.

10 You talked about the fall of Bunia in 2002, and you mentioned an
11 exodus of Lendus to the south, and you talked about Irumu. Which region
12 are we really talking about here? Can you give us details? The urban
13 areas in the Irumu district?

14 A. Yes. First of all, there was Nyankunde, and if I was more
15 elaborate about that, it was because that region included the
16 Walendu-Bindi collectivity. There was Aveba and Gety. Gety was the
17 headquarters of the Walendu-Bindi collectivity, and this information is
18 crucial, because in 2002, the Ugandans who were based in Gety were able
19 to chase out part of the Ngiti population and into the forest.

20 We were informed, since we had received a lot of property from
21 the ICRC, and we were distributing some of the property, we learnt that
22 there were Ngiti children who were naked for several days in the forest,
23 and since we were informed, we went and contacted Chief Akobi. He gave
24 us some precise details, and we told him, "Look, we have some property
25 here, some items. How are we going to get those items to the population,

1 particularly clothing for the children?"

2 Now, Chief Akobi, since only military vehicles were moving about,
3 he told me to pack the clothes, and then he went and negotiated with the
4 Ugandans. So I took a large bale of clothes which were intended for the
5 naked children in the forest, the Ngiti children in the forest. It was
6 later on when I was in Aveba that I was able to hear the whole story
7 about how the Ugandans had chased those people into the forest.

8 So for the clothes that we wanted to send, we targeted Gety and
9 Bukiringi, because Bukiringi was near the forest. And since we gave
10 these gifts to the children, our organisation became well known. So this
11 was an asset for us. I acted with what referred to as the CVs (phoen),
12 that is the group of religious leaders, pastors with whom we worked. So
13 there were three localities that we targeted: There was Nyankunde, there
14 was the conflict resolution centre there which was managed by
15 Mr. Musanzi, and he was our colleague in humanitarian activities; there
16 was Gety which was the headquarters of the collectivity; and then there
17 was Bukiringi, where many naked children were to be found. So the goods
18 that we sent were intended for those children. This was in 2002.

19 Q. Thank you, Mr. Witness. In relation to that and what you have
20 described about this forest, I understand that you talked about this when
21 you gave a statement to the OTP. As you will remember, it was in 2006
22 when you met with two of our female colleagues. You gave them a written
23 statement, and you will remember that you signed that statement very late
24 at night in the night of the 13th to the 14th of November, 2006. You
25 will remember that (Expunged)

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1 THE INTERPRETER: And the Prosecutor mentioned a name.

2 MR. MACDONALD: (Interpretation) I will continue if you allow me
3 a brief moment, Mr. President.

4 (Prosecution counsel confer)

5 MR. MACDONALD: (Interpretation)

6 Q. Mr. Witness do, not be afraid. I was afraid that this might
7 happen, but there is a time lag before the rebroadcast of our hearings,
8 so I'm going to make an effort not to repeat this error.

9 What I was talking about, Mr. Witness, is the fact that you made
10 annotations on a map which was appended to your statement. Do you
11 remember indicating the location of that forest on that document?

12 A. Yes, I do remember.

13 MR. MACDONALD: (Interpretation) I think we have to break very
14 soon, and what I am proposing, Mr. President, is that we are going to
15 come up with the document DRC-OTP-1000-44. We are going to call up that
16 document after we reconvene. Unfortunately, the initials of the witness
17 appear on that document. I do not know whether we are going to conceal
18 that part. Otherwise, that document should be confidential, and I would
19 like to ask for certain details from the witness, and I wish that we go
20 into private session for that.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you. We are
22 going to break and then resume at 11.30, and for that we are going into
23 closed session to allow the witness to withdraw.

24 Mr. Witness, we are going to have a break of 30 minutes, and we
25 are going to reconvene at 11.30 a.m.

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1 THE WITNESS: (Interpretation) Thank you.
2 (Closed session at 10.59 a.m.)
3 (Expunged)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
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23 (Expunged)
24 (Open session at 11.01 a.m.)
25 COURT OFFICER: (Interpretation) We are in open session, your

1 Honour.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

3 Court Officer.

4 The hearing is suspended. We will reconvene at 11.30.

5 Recess taken at 11.01 a.m.

6 On resuming at 11.34 a.m.

7 (Closed session)

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 (Open session at 11 .36 a.m.)

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

25 your Honour.

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

3 Two points before we continue with the testimony of
4 Witness DRC-OTP-P-0267. You have just stated, Mr. Hooper, that there has
5 been an agreement on a number of admissions, and we will discuss that at
6 the beginning of our hearing on Monday at 1400 hours.

7 Court Officer, if you could remind me of that on Monday, then I
8 will be able to give the floor to Counsel Hooper.

9 The second point I would like to make pertains to our witness.

10 Witness, at the end of the first part of the hearing, the
11 Prosecutor involuntary mentioned your name while we were in public
12 session. The Chamber would like to reassure you that that name will not
13 appear on the written transcript, and the video and oral broadcasting of
14 our testimony is always done with a time lag which allows us to take out
15 the mention of your name. So I would like to reassure you of that. The
16 measures that needed to be taken were taken in due time.

17 THE WITNESS: (Interpretation) Thank you.

18 PRESIDING JUDGE COTTE: (Interpretation) It goes without saying,
19 Mr. Witness.

20 Prosecutor, you have the floor. You may continue.

21 MR. MACDONALD: (Interpretation) I would like to address my
22 colleagues. Is there any objection to my presenting to the witness the
23 sketch, the drawing, that he did?

24 MR. HOOPER: There's no objection. That's the 004 sketch.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you. And

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1 Mr. Kilenda?

2 MR. KILENDA: (Interpretation) We have no objection, your
3 Honour.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, all of you.

5 Mr. Prosecutor and Court Officer, I was wondering whether you
6 could have the document appear on the screen.

7 MR. MACDONALD: (Interpretation) Before proceeding, your Honour,
8 in the eCourt we had the version that included the redacted -- redaction
9 of the name and the signature of the witness. We are proposing that this
10 version, the redacted version, be put on the screen to ensure the
11 protection.

12 PRESIDING JUDGE COTTE: (Interpretation) That's fine. And we
13 will proceed given the content that you wish to protect, and so I was
14 wondering whether the version without the signature is available on the
15 screens.

16 COURT OFFICER: (Interpretation) Just to confirm the ERN number,
17 it is DRC-OTP- -- it's DRC-OTP-1000-44R01. In order to see the document,
18 you have to push "PC 1" beside your screens.

19 PRESIDING JUDGE COTTE: (Interpretation) Accused, can you see
20 the document on your screen? Yes. They've indicated that by nodding
21 their heads.

22 Prosecutor, you continue with your examination-in-chief.

23 MR. MACDONALD: (Interpretation) Thank you.

24 Q. Witness, unfortunately I'm very concerned that we will be able to
25 see the -- rather, we will not be able to see the forest that you

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1 referred to, because on my version there's some yellow and some pink, but
2 I don't know if we can really make the distinction.

3 MR. MACDONALD: (Interpretation) So what I would suggest, your
4 Honour, is that the witness be able to use the electronic marker in order
5 to be able to define the forest that he was referring to prior to the
6 break.

7 PRESIDING JUDGE COTTE: (Interpretation) All right. That's
8 fine, because on my own screen there's a limited contrast, and so it's
9 difficult to make the distinction between the yellow and the rest. So if
10 the witness could perhaps clarify the area that he had indicated in
11 yellow then we might be able to see it better.

12 Court Usher, perhaps you would be able to help the witness. He
13 might have to move. Please check that with him.

14 MR. MACDONALD: (Interpretation)

15 Q. Well, Witness, I don't know what colour you could use, but if you
16 could use a colour that does not appear on the exhibit. I think there
17 are three choices of colour. If not, I was wondering, Witness, whether
18 you could at least define that forest, please.

19 A. (Marks)

20 Q. Very well. I see that you have indicated a region in red on the
21 screen. Is that where the Zunguluka forest is?

22 A. Yes, it is Zunguluka and that's where some groups lived, but you
23 can see the pink and that was Bukiringi, but I didn't indicate the other
24 locations outside of that.

25 Q. Well, I see that there's a pink square. You're saying that's

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1 where the Walendu-Bindi group lived?

2 A. Yes.

3 Q. So if you go further west, I understand that there was a group
4 that kind of straddles that as well. Do you know the name?

5 A. Yes. It's Valisi Vangutu (phoen) with Ofay as the chief.

6 Q. Pardon?

7 A. It's a community with the Chief Lu (phoen) Ofay.

8 Q. Could you spell that, please?

9 A. O-f-a-y.

10 Q. Fine. Well, let's continue. You say that your activities led
11 you to that forest.

12 A. I had stated that in 2002, the activity that brought us to
13 Gety (Realtime transcript read in error "Ngiti) was to help the children
14 who had taken refugee -- refuge there. So all of the people from Gety
15 were aware of the occupation and since it was a Ugandan operation, the
16 people from Gety went there.

17 Now, you can see on the map that there's a transit point, but
18 between Boga and Aveba there was a group that's not been mentioned yet,
19 Bukiringi, and you will hear let that Bukiringi is going to be mentioned
20 a little bit more, so it was right at the entrance to that forest that
21 you'll find Bukiringi.

22 MR. HOOPER: Is there a correct spelling to the start of the
23 answer? "I had stated that in 2002, the activity that brought us to ..."

24 MR. MACDONALD: (Interpretation) The witness said Gety.

25 MR. HOOPER: It's Gety. It's Ngiti in the English so, can that

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1 be corrected. Thank you.

2 MR. MACDONALD: (Interpretation)

3 Q. And Mr. Hooper's statement leads me to the fact that during the
4 break the word "sensibilisation" had been translated by sensitisation,
5 which may not be the best word to translate the word "sensibilisation,"
6 and so I would like to raise that point at this moment.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you. I think
8 that before the transcripts are finalised the word "sensibilisation" will
9 be the subject of some research by our interpreters. With regard to the
10 comment made by Counsel Hooper, I was wondering whether you could get
11 some clarification from the witness.

12 MR. MACDONALD: (Interpretation)

13 Q. Witness, you mentioned that your activities led you to Gety. Is
14 it really Gety that you said?

15 A. Yes. Gety is the head of the Walendu-Bindi group.

16 Q. Earlier on we referred to the -- we referred to Bunia and what
17 happened there at the beginning of August 2002, but the activity that you
18 have just identified, did that happen before or after the fall of the
19 Lompondo government?

20 A. It was after the fall.

21 Q. You mentioned Nyankunde. Is it before or after that attack on
22 Nyankunde, the big attack that occurred on the 5th of September 2002, if
23 I'm not mistaken? With regard to the attack that occurred on the 5th of
24 September it was in 2002.

25 A. I can't specify whether it was after the attack on Nyankunde,

1 because they were activities that took place at the same time. We wanted
2 to focus on the areas where Ugandans had access, because it's Boga and
3 Gety and the Ugandans had opened a corridor as far as Benda, and the
4 people couldn't necessarily get through this -- they couldn't use that
5 entire route.

6 Q. You referred to the people who lived in the south of Bunia. I
7 was wondering whether you could tell us where they were exactly at the
8 south -- in the southern part of Bunia. You're talking about the second
9 half of 2002 here.

10 A. The Ugandans, first of all, they were at the entrance to the
11 south of Bunia, and then there's the road that leads to Kisangani and
12 another one that goes to Lake Albert. There was a post there to the
13 south of Bunia called Dele. There was Dele, Bogoro, Gety, and then Gety
14 going through Bukiringi and Boga, and that was the route they took to get
15 to the supplies through.

16 Q. You just spoke about Dele. That's at the south of Bunia and on
17 that road that goes to Bogoro. Dele, you mentioned Dele. Afterwards,
18 where were the Ugandans specifically? Where did they have camps in other
19 words, if you go along that road?

20 A. Those were the camps that were known by us, because Dele was a
21 major camp that was a link between the different sites in the city and
22 then given the events that occurred, after the Ugandans had left Gety,
23 they concentrated in Dele and Bunia. And we will see a little later what
24 happened in the subsequent years, what the influence of the Ugandans was,
25 and what influence they had on this taking of different positions.

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1 Q. Now, just to be clear, you said that they were in Boga. You said
2 that they were Ugandans and that they were also at Gety and Dele. Is
3 that correct? Those three places. To the south of Bunia.

4 A. Yes.

5 Q. And you also say that at a certain point they all grouped
6 together, but that was at Dele.

7 A. In Dele.

8 Q. Fine. Now, where did your activities lead you to afterwards?

9 A. Afterwards -- now, we're in the year 2003. In 2003, there was
10 that event. The major event was the fall of Bogoro, because the UPC had
11 gained quite a few troops in Bogoro, and they wanted to have this axis
12 Bunia-Kasenyi, because that was the way that you could get to Uganda, and
13 so they had focused their ammunition and weapons in Bogoro because the
14 Ugandans, when they retreated, they concentrated their efforts in Dele
15 because that was to facilitate the transactions. You could see all of
16 the vehicles of the businessmen who went there, and they were commanded
17 by the Ugandans, and at the fall --

18 JUDGE DIARRA: (Interpretation) I hate to interrupt you,
19 Witness, but when you --

20 Mr. Prosecutor, when the witness said that the Ugandans had won
21 some of the UPC troops, I was wondering whether you could clarify that,
22 because I was very confused.

23 MR. MACDONALD: (Interpretation) Yes. That could be a problem
24 with the transcript, because the witness clarified that afterwards.

25 Q. I was wondering whether you could clarify, Witness, what happened

1 in Bogoro when the Ugandans withdrew and concentrated in Dele, what
2 happened in Bogoro. It was the UPC you said, and you said they had
3 troops and what?

4 A. Weapons.

5 Q. All right. You can continue.

6 A. Because the objective of that concentration was first of all for
7 commercial purposes. In other words, the business people left Bunia, and
8 they would use that supply route at the time, that route to Bunia. That
9 was actually a river route, if you will, and so the traders would come to
10 Dele, and in Dele they would be escorted by the Ugandan troops, and they
11 would go to Bogoro where there would be the UPC. So they were allies,
12 and then they would be taken charge of to go to Kasenyi. And that was
13 the traffic flow, if you will, at the time. That's the way it happened.

14 Q. So you talked about a major event in 2003, and then you talked
15 about Bogoro. What is that major event?

16 A. The major event in Bogoro, well, the FNI, the FRPI, had taken
17 Bogoro --

18 MR. HOOPER: (Previous translation continues) ... interrupt a
19 matter at this stage in terms of the nature of the witness's testimony
20 before this -- before this court.

21 As far as I'm aware, this witness himself was not present at
22 Bogoro, and I'm just concerned that we're not going to drift into
23 tertiary evidence, as it were, or an attempt at tertiary evidence in
24 respect of events there other than as a generality. That's my only
25 concern. I see Mr. MacDonald's nodding, so I can relax. Thank you.

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1 PRESIDING JUDGE COTTE: (Interpretation) Having not seen
2 Mr. MacDonald's reaction, I'm looking at him to see whether he agrees, or
3 at least to see if he can specify the objective of the questions that he
4 plans to ask of the witness.

5 MR. MACDONALD: (Interpretation) The Prosecution does not plan
6 to stray away from the incident. I'm just following the chronology that
7 the witness can provide. He's talking about the incident as being a
8 trigger of something that occurred afterwards. So I think that it is in
9 that context that the witness is answering the questions.

10 PRESIDING JUDGE COTTE: (Interpretation) All right. So it is in
11 that spirit that you are asking the question.

12 JUDGE DIARRA: (Interpretation) There is no concern about the
13 pertinence of the request with regards to the procedure, because there
14 are some witnesses who are -- there's some witnesses who are very
15 talkative.

16 PRESIDING JUDGE COTTE: (Interpretation) It is just something
17 that will incite the Prosecutor, just as he did at the beginning of his
18 examination-in-chief. I would ask him to ask specific questions in light
19 of the testimony that was given and will give, and in light of the
20 activities that he carried out at the time and does now as well, and he
21 is not an eyewitness of the facts that I presume he's going to talk about
22 now.

23 MR. MACDONALD: (Interpretation) Yes, we agree, but I think that
24 there are contextual elements that are nonetheless quite important for
25 the Chamber, and I think this witness is in a position to answer and to

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1 give us some contextual elements. In fact, he is bringing them forward
2 in order to better explain his work and his activities.

3 PRESIDING JUDGE COTTE: (Interpretation) All right, fine. But we
4 nonetheless followed the flow of his testimony. He is the person who
5 actually went forward with this testimony, so he is going to go ahead
6 with providing information to better define everything in his testimony.

7 All right. Fine. Go ahead, Mr. Prosecutor.

8 (The Trial Chamber confers)

9 THE INTERPRETER: Can you hear the English channel?

10 MR. HOOPER: Yes, I've just heard a voice, but I haven't --

11 PRESIDING JUDGE COTTE: (No interpretation)

12 MR. HOOPER: But I don't have (Microphone not activated) ...

13 THE INTERPRETER: Right. Can everybody in the courtroom now hear
14 me?

15 PRESIDING JUDGE COTTE: (Interpretation) Mr. MacDonald will now
16 resume from where we left off which is -- I'm on page 71 of the French
17 transcript, line 23.

18 Mr. Witness, how -- in what sense was this event the capture of
19 Bogoro by what the FNI, FRPI, in what sense was this a major event? Page
20 72 of the French transcript.

21 Witness's answer:

22 "For us this was a major even because in order to have
23 interventions, in order to intervene in the Walendu-Bindi collectivity
24 there was only one route. This route was Bogoro. Therefore, you had to
25 go through Bogoro."

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1 And here, Mr. Witness, this is where you take over, and this is
2 where we interrupted you. You were interrupted. So now you should
3 continue, please.

4 THE WITNESS: (Interpretation) This was, therefore, to reach our
5 target group, the vulnerable children and the population which needed our
6 help, and this continued until 2003, whereas I have emphasised the
7 turnaround of alliances after the debacle of Bogoro, the UPC turned
8 against the Ugandans and wanted to push them out of Dele. This was a
9 major event, but on that day, and I'm confirming if it had not been for
10 the intervention of the FNI they were going to beat the Ugandans and they
11 -- the FNI came and helped --

12 MR. MACDONALD: (Interpretation)

13 Q. Where were you?

14 A. In Bunia. This is 25 kilometres. And those who were fleeing
15 joined us in Bunia. It is not a distance.

16 Q. What is the distance between Dele and Bunia?

17 A. Dele-Bunia is a distance of 3 kilometres.

18 Q. When you refer to the FNI, could you explain what this acronym
19 means?

20 A. National Integrationist Front.

21 THE INTERPRETER: In French, Front des Nationaliste et
22 Integrationniste.

23 THE WITNESS: (Interpretation) You are saying that Bogoro was
24 freed. You're referring to the incident which took place in Dele. You
25 are therefore -- this is where -- now subsequently, the Ugandans felt all

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1 regrouped in the town and in the -- at the airport. Therefore, the whole
2 area they occupied was now occupied by the FNI, and this was the
3 situation until March/April, and the beginning, this is what triggered
4 the taking of Bunia by the UPC which emptied Bunia of all its
5 inhabitants, almost 12 areas. People fled when the UPC retook Bunia.

6 MR. MACDONALD: (Interpretation)

7 Q. I'll stop you here, because this is an interesting chronology for
8 the Chamber, the taking of Bunia by the FNI, the retrenchment of the
9 Ugandans at the airport in March/April, and -- and now this is a
10 question: I think you mentioned that the UPC retook Bunia.

11 A. Yes, in May.

12 Q. So everybody -- almost the whole population emptied the camps and
13 the 12 areas and sought refuge in the -- in the -- in the south. When
14 the UPC retook Bunia, where was the UPDF? Where were the Ugandans?

15 A. The Ugandans left Bunia. They gave a farewell ceremony in the
16 presence of their general who came to congratulate them. They took all
17 the tanks, all the equipment, and they didn't -- they followed -- didn't
18 take the Kasenyi route. They took the Mahagi road. They took
19 everything, and they went to Uganda through Mahagi.

20 Q. And so when the Ugandans left Bunia, my understanding is that
21 this is when the third attack took place on Bunia if -- based on that of
22 2002 and in March.

23 A. This was the momentous date for us, because everybody who did not
24 belong to the UPC had to flee Bunia. We were victims, and we retreated
25 to HQ MONUC where there were almost 10.000 of us in an area which I

1 cannot estimate, but people's lives were saved because the site was under
2 the control of the FNI. They even helped all those who were fleeing.
3 They even brought assistance. They helped those who were going to Zombe
4 and those who were going to Beni. Those who went to Beni most of them
5 went through the Walendu-Bindi corridor on foot. They went for over 200
6 kilometres on foot. This is thousands of people. And I'm citing these
7 events because this meshes in with our activities. During the move of
8 the population there were parents who abandoned their children, and this
9 is where we find ourselves in the context of non-accompanied children.
10 We are in Bunia with the UPC for a short period of time only, and the
11 ARTEMIS intervenes. When ARTEMIS arrived, we were in the middle. In the
12 north you had the UPC. To the south you had the FNI. So we were
13 between -- we were caught in the middle between these two opposing forces
14 in the area secured by the MONUC, and it's only when the ARTEMIS took
15 Bunia that it start to extend its influence to the south of the area,
16 because we were caught in an enclave, and it started to broaden the --
17 the area asking the FNI to retreat. This is in one of the areas -- in
18 one of areas of Bunia. And the UPC was still in its stronghold.

19 Q. I'm just making a gesture to interrupt you. So if I've
20 understood correctly, you have referred to the presence of ARTEMIS in
21 chronological order. This is almost a legal chronicle. So ARTEMIS was
22 present from the beginning of June 2003 to September 2003; is that
23 correct?

24 A. Yes, that's correct.

25 Q. And you also mention that when ARTEMIS was in Bunia, the town was

1 divided into two.

2 A. The -- the town was divided, and, in fact, people referred to the
3 people from the north and people from the south, because nobody from the
4 south could go to the north and vice versa. So we were in -- we were
5 within -- in an enclave within the -- the city, and ARTEMIS through its
6 intervention managed to gradually extend the area speaking to the
7 commanders of the two armies to leave an area to enable people freedom of
8 movement. So we -- we had to stay for three weeks in uncomfortable
9 shelters, just tarpaulin covers, and when we saw that the humanitarian
10 situation was becoming catastrophic, we moved the camp to the airport to
11 build a displaced persons' camp which became famous with over 10.000
12 people in the camp.

13 Q. Now --

14 PRESIDING JUDGE COTTE: (Interpretation) Just -- just a moment.
15 Our witness has a lot to say.

16 Mr. Witness, I'm going to say this many times. Please speak more
17 slowly. Please do not forget that what you're saying is being
18 interpreted into English and is also being interpreter for the accused
19 into their own language. Please don't hesitate to speak slowly. It
20 can't be slow enough. And in the same way we must have a five-second
21 break between your answer a question and the question which the
22 Prosecutor is asking after your answer. I wanted to remind you again of
23 this, and I felt this myself, in fact. So please take your time,
24 Mr. Witness, speak slowly.

25 Prosecutor, I interrupted. I apologies. Please proceed.

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1 MR. MACDONALD: (Interpretation) The Court Officer has said
2 Judge, your Honour, we have lost the markings on the sketch because we
3 took too much time to give it an EVD.

4 Q. So what I suggest, Mr. Witness, is you should indicate, show us
5 again on the map the forest in question, and once that's been done we'll
6 give it an EVD reference number to ensure that its preserved.

7 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. These are
8 technical problems which impose this on us. So if you could please put
9 the colour shading on the sketch again which you've just done. This
10 sketch will be shown to all the participants to ensure that no change --
11 it's not different from the previous version, and the Court Officer will
12 give it an EVD -- give the sketch an EVD number which is meant to
13 illustrate more clearly the emplacement of the forest which straddles two
14 areas.

15 MR. MACDONALD: (Interpretation) That's fine. So if we can so
16 the screen, please.

17 PRESIDING JUDGE COTTE: (Interpretation) If we can have a quick
18 look at the document as it's just been completed. Is it the one showing
19 on my screen, Court Officer? Can everybody see it? Can the accused see
20 it? Yes, they're saying they can. So, Court Officer, please give this
21 sketch an EVD number, which is the witness's sketch.

22 COURT OFFICER: (Interpretation) Thank you, Your Honour. This
23 sketch will be numbered EVD-OTP-00118. And will be recorded as public.

24 PRESIDING JUDGE COTTE: (Interpretation) Public once the
25 witness's signature has been deleted. Thank you. Prosecutor, please

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1 continue and in future we'll have to bear in mind that when documents are
2 completed they should be recorded more quickly to avoid having to go
3 back.

4 Prosecutor, you may proceed.

5 MR. MACDONALD: (Interpretation)

6 Q. Mr. Witness, I think that the arrival of ARTEMIS -- the witness
7 will move back. I think that we're in -- we're in first gear and it's
8 difficult to move into the next gear up to keep things moving.

9 Mr. Witness, I think that the presence of ARTEMIS brought you to
10 speak about the possibility for your activities to continue and the
11 creation -- and to make people aware of these activities.

12 A. Once ARTEMIS established itself in Bunia, this in return enabled
13 people who were fleeing Bunia, who'd fled the town during the occupation
14 by the UPC, this enabled the population to return to Bunia, because not
15 all the population had gone to Beni. Many had remained, and they found
16 shelter in Walendu-Bindi collectivity, and according to testimonies, they
17 were well-received, because nobody -- when leaving Bunia, nobody was
18 brought if it was -- except if it was to help to save people's lives. So
19 the population gave them food, and when ARTEMIS settled, this -- this
20 enabled -- for those of us who'd stayed, by shifting, moving people from
21 the MONUC areas to the new site at the airport, we began to identify
22 unaccompanied children, because in this swarming mass there were also
23 children who remained and whose parents had left for an unknown
24 destination. And from May, my partner kept his -- closed his office and
25 went back to his base in Goma. So all we had left were the international

1 NGOs, COOPI for food assistance, and UNICEF.

2 So we began the work of identifying the unaccompanied children,
3 and at the same time people were bold enough to -- felt bold enough to --
4 felt bold enough to come back to Bunia.

5 You can see on the map the areas which I had underlined, Chekele,
6 Singo, Medhu. These are the places where this population which could not
7 go as far as Beni. This is where they found refuge and were welcomed.
8 And this population included unaccompanied children, and when the
9 population was going back to Bunia, they came to tell us that there were
10 children who had remained in this area and that they could agree to the
11 parents' request. This was the procedure for our activities.

12 When a parent is looking for his or her child, we have forms,
13 request forms from the parents who try to give us the details of the
14 child, the child's name, the child's age. This enables us to establish
15 the date of the separation, the direction. It enables us to conduct a
16 search in the areas which have been specified, and we try to use several
17 channels of communication.

18 Q. I'm sorry to interrupt, but as the Presiding Judge was saying
19 earlier, I'd like to reset my question.

20 During the period, during the presence of ARTEMIS, did you hold
21 meetings with the militia or representatives of the militia as part of
22 your activities?

23 A. Not until then. No, personally I didn't have any contact because
24 we didn't have a framework. We didn't have a programme. We were still
25 part of the programme -- operating under the programme for unaccompanied

1 children.

2 Q. My following question is as follows: You worked on this search
3 programme for unaccompanied children until when?

4 A. This programme -- we worked on this programme -- we continue to
5 work on this programme, because there are still unaccompanied children,
6 but we had added to this programme another programme, and when we
7 initiated the disarmament programme, and this is in 2004.

8 Q. So to fully understand your testimony, you've just mentioned
9 disarmament, but this activity did not take place in 2003. It only
10 started in 2004, as far as your activities are concerned.

11 A. With the FNI, FRPI militia, not before 2004.

12 Q. Before 2004 did you conduct disarmament activities with other
13 armed militia?

14 A. With the UPC.

15 Q. From?

16 A. From 2002.

17 Q. So this had already begun in 2002.

18 A. This was not under a formal framework but our partner had already
19 established contact with the -- the commanding officers of the UPC in
20 order to demobilise children.

21 Q. Just regarding the partner you're referring to and referring to
22 the sheet of paper you have before you, does this come under letter A, B,
23 or C, or was it simply another partner to whom you were referring?

24 A. It's the same -- yes, it's the same partner, which is number 7.

25 Q. So you're referring to the person identified under number 7.

1 Fine.

2 Going back to the presence of ARTEMIS and when you mention what
3 had already begun informally in 2002 in terms of contacts with UPC for
4 disarmament, did these contacts become formal in 2003?

5 A. Indeed. A framework was established, but this framework was not
6 in the national programme. It was purely under the framework initiated
7 by MONUC for child protection.

8 I can't see the name.

9 Q. So perhaps you can mention it.

10 A. At the time, we -- it was Madam Kristine Peduto who on the
11 initiative, in other words, in accordance with recommendations and UN
12 resolutions for disarmament, and in order to demobilise children, she had
13 already begun the awareness campaign with local players for
14 demobilisation, and -- and this was when the Ugandans were there. And I
15 remember very clearly they initiated -- they set up a commission, a
16 committee, which included delegates from the UPC, and there were
17 generals -- there was a General Kale, and before he left, Kale, he came
18 to identify the children in the camps at Mandro, Rwampara.

19 Q. Just to be certain. I've understood the names you've mentioned
20 but you're referring to a Ugandan general. You mentioned -- you stated
21 the name Kale. Is this Kale Kayihura and I understand we are referring
22 to the awareness campaign by the MONUC through Madam Peduto vis-à-vis the
23 UPC, and your stating that the Ugandans went with the MONUC to identify
24 people. You mentioned --

25 A. They initiated the awareness campaign in the camps of Mandro,

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1 Rwampara, and the other camp was in Sota. Those were the three camps
2 where UPC children could still be found. Unfortunately, this activity
3 did not bear fruit, because it was under the control of the Ugandans, and
4 Kristine could not move around alone with the MONUC vehicle in this very
5 unsafe situation without being accompanied by the Ugandans, and when the
6 Ugandans left, this activity -- well, the -- the awareness campaign was
7 discontinued, but an event took place. ARTEMIS was occupying the whole
8 of Bunia, and ARTEMIS stopped by -- it stopped a group of children who
9 had weapons, and it brought them to the child protection, and we had to
10 find a means of protecting the children. There was no structure,
11 official legal structure of an established government at this -- at the
12 time. We were still using our -- going through our partner. Therefore,
13 we set up a centre called the CTO, "centre de transit et de
14 d'orientation," transit and orientation centre, and this -- he was in
15 charge -- organisation C was in charge of the centre of --

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, again I
17 would ask you to speak slowly. You have a lot to say. Please speak
18 slowly so that we understand you even directly in French, that we
19 understand you better, and so that the interpreters can work into French
20 or English, and please keep in mind when the Prosecutor asks a question,
21 do let that -- allow that five-second lapse to take place. It's very
22 important for the -- the clarity of the hearing.

23 Prosecutor, please continue.

24 MR. MACDONALD: (Interpretation) Mr. President, I would like to
25 seize this opportunity to ask for an EVD number for this document.

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1 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, give us
2 an EVD number for that list that includes numbers and letters.

3 COURT OFFICER: (Interpretation) Thank you, Mr. President. That
4 list will bear the number EVD-OTP-00119.

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

7 Mr. Prosecutor, please proceed.

8 MR. MACDONALD: (Interpretation)

9 Q. You said that the presence of ARTEMIS seemed to favour that
10 approach - that is obviously the UPC group - but within the framework of
11 MONUC activities; is that correct?

12 A. Yes. The attempts that Kristine had made with the Ugandan
13 general was not successful, but after the arrival of ARTEMIS they
14 captured children, and since they did not anywhere to take those
15 children, they took them to the protection unit in MONUC. MONUC
16 contacted our partner in turn.

17 Q. You have said that a centre was opened.

18 A. Yes. We were compelled to open a centre, a formal framework for
19 those children, and so this was the first transit centre which was
20 supposed to host those child soldiers who had been captured.

21 Q. You referred to that as a CTO. Would that mean "centre de
22 transit et d'orientation," that is transit and orientation centre?

23 A. Yes. That is where children are welcomed. They are identified
24 and documented. Questions are asked about the circumstances in which
25 they were captured, their current situation, and the purpose is to locate

1 the parents so as to reunite the children and their parents. That was
2 the role of that centre. These centres also provided assistance for
3 basic needs because the children were offered lodging and even clothes
4 prior to their being reunified -- reunited with their parents. So that
5 was the main activity of the transit and orientation centres.

6 Q. Very well. There was a centre in Bunia -- and now, Mr. Witness,
7 I would like you -- well, you talked briefly about awareness raising
8 within the UPC armed group, and I would like you to tell us now about the
9 FNI and the FRPI. You told us that it started in 2004. Can you tell us
10 in which context that sensitisation programme started?

11 A. We started in 2004 as part of our activities. Since we had just
12 opened the CTO in Bunia, it allowed us to prepare ourselves. It had been
13 announced that the disarmament programme would become operational soon,
14 but it was still being prepared. But that event accelerated things on
15 our side, because our partner was taken by surprise, and they had to
16 train us in relation to our activities concerning children linked to
17 armed groups, because each children had -- each child had a different
18 attitude and a different outlook, because they had acquired different
19 experiences. So we developed some experience in order to understand how
20 those children behaved after leaving the armed groups and how we were
21 going to provide solutions for their return to their natural habitats.

22 This all happened between 2003 and 2004. And in 2004, we started
23 a programme under the direction of UNICEF in anticipation of the
24 implementation of the disarmament programme, and this programme was known
25 as the DRC pilot project. That is disarmament and reinsertion into the

1 community.

2 We were trained in early 2004, right up to the month of March,
3 and this was within the framework of the CTO. And so we had to
4 experiment everything within the CTO related to the characteristics of
5 child -- children. In 2004 we were to begin the broad-based
6 sensitisation programme, because the international community was putting
7 pressure for the armed groups to demobilise those children. In 2003, we
8 received a communique of the Prosecutor. There was also Resolution 1460,
9 and MONUC had already published banners regarding child soldiers. We did
10 not yet have all the legal instruments because it was still at the
11 beginning, but we were given the communique of the Prosecutor, the United
12 Nations Resolution, as well as the banners of MONUC which we used as
13 working tools.

14 Q. A point of clarification before we go any further. First of all,
15 your partner, that is the partner who trained you for your new
16 activities, does the name of that partner appear on the list in front of
17 you or is it the English partner that you referred to previously in your
18 testimony?

19 A. Number 7. He is the one who was the office manager of our
20 partner.

21 Q. And was this training given by local or international
22 organisations?

23 A. It was UNICEF that recruited consultants who had worked in
24 demobilisation programmes throughout the world, and these are the people
25 who came and provided adequate training for us to be able to begin our

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1 outreach programmes.

2 MR. HOOPER: Just a point of clarification so it's not lost. Is
3 this -- are we talking of Save or UNICEF here?

4 MR. MACDONALD: That -- (Interpretation) That was going to be my
5 next question.

6 Q. Just to be clear, number 7, was this someone who worked with Save
7 or did he work with the organisation that you mentioned before?

8 A. Save was a partner, but the number 7 was the trainer of our
9 partner. He was managing our partner's office, our partner's office.
10 UNICEF intervened only in the area of training.

11 MR. MACDONALD: (Interpretation) Mr. President, I would like to
12 ask that we go briefly into private session just so as to resolve this
13 issue of partner.

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

16 (Private session at 12.40 p.m.)

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)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Open session at 12.42 p.m.)

10 COURT OFFICER: (Interpretation) We are in open session,
11 Mr. President.

12 PRESIDING JUDGE COTTE: (Interpretation) Please proceed,
13 Mr. Prosecutor.

14 MR. MACDONALD: (Interpretation)

15 Q. Mr. Witness, a short while ago you mentioned a programme. Can
16 you give us an acronym for that programme?

17 A. The government set up a commission known as CONADER, National
18 Disarmament Commission, and they assigned the office manager in Bunia for
19 the implementation of the national disarmament programme.

20 Q. When did CONADER set up its offices in Ituri, in which year, and
21 if possible, what was the date?

22 A. I cannot give you a precise date, but it was in early 2004 that
23 CONADER started being established.

24 When we were being trained, that is from February to April, that
25 is the training of trainers, that was when the national programme was

1 presented, but for the Ituri area, since it was a pilot project, it was
2 referred to as DRC, that is, "Disarmament et Reintegration Communautaire,"
3 that is Disarmament and Community Reintegration, and we were asked to
4 speed it up. So this is a programme that started before, but because of
5 the insecurity in the area it was not possible for the programme to
6 become operational earlier.

7 Q. You talked about training. You talked about February to April,
8 and I believe you were referring to 2004?

9 A. Yes. It was 2004.

10 Q. And you mentioned a short while ago that as part of that training
11 you were given the communique of the Prosecutor and the United Nations
12 Resolution 1460; is that correct?

13 A. Yes, indeed, because Kristine Peduto from MONUC received
14 documents relating to the disarmament of children from the armed forces
15 and groups, and these were materials that she brought and gave to our
16 partners for us to be trained and familiarise ourselves with the legal
17 instruments. It was then that we came to know of the ICC.

18 At that time, the French acronym CPI was confusing, because we
19 had a peace commission in Ituri. So a clarification had to be made. At
20 our level we had to be well trained so as to be able to deliver the
21 message with clarity in the field. That was the purpose of that
22 training, that is, to familiarise ourselves with the legal instruments
23 and also with the specific project for Ituri, which was a pilot project
24 for Ituri -- for the national project was known as PNDDR, but the Ituri
25 project was known as DCR.

1 Q. I'm sorry to interrupt you. You have just mentioned PNDDR. Can
2 you tell us whether the DRC project was a part of that broader PNDDR
3 project? But to begin with, what does PNDDR stand for?

4 A. PNDDR means National Programme for Disarmament, Demobilisation,
5 and Reintegration, whereas DRC was a substructure of PNDDR, because PNDDR
6 could not be implemented without passing through several stages. So we
7 had to start with the DRC and try to assess how successful it would be
8 before moving on to a broader-based project.

9 Q. Now, after being given that training, what did you do with it?
10 You, personally.

11 A. The first thing that was asked of us was awareness raising or
12 sensitisation. Now, amongst who or -- and where? Within the National
13 Programme of Disarmament, Demobilisation and Reintegration, five sites
14 were selected, that is, based on the location of the armed groups. There
15 was the Kasenyi site, the Nizi site, the Kpandroma size, Mahagi site and
16 Aveba site.

17 Within the framework of DRC, we had to begin with the
18 sensitisation in the five sites. There was a problem with (Expunged). Given
19 my experience with that area, my prior knowledge of the area, because I
20 talked about my presence there since 2001, our organisation had certain
21 advantages which facilitated our activities during the sensitisation
22 programme.

23 Q. I'm sorry to have to interrupt you, but with the leave of the
24 President, would I like us to go into closed session for that part of the
25 testimony before going back into open session.

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1 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please
2 let us briefly go into private session.
3 (Public session at 12.50 p.m.)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
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23 (Expunged)
24 (Expunged)
25 (Expunged)

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12 Page 76 expunged. Private Session.

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1 (Expunged)

2 (Expunged)

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11 (Expunged)

12 (Expunged)

13 (Expunged)

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16 (Expunged)

17 (Open session at 12.57 p.m.)

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

19 Honour.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

21 Mr. Prosecutor, please proceed.

22 MR. MACDONALD: (Interpretation)

23 Q. You gave us some details in private session, Mr. Witness, but I

24 will come back to something that you mentioned immediately. You said

25 that the Walendu-Bindi area was difficult to access during that period,

1 and I suppose this was in April 2004, after your training. Why was it
2 inaccessible?

3 A. There were no contacts between the members of the population and
4 the humanitarian workers to start any initiative. No action had been
5 taken for this collectivity prior to the programmes becoming operational.
6 So if you left Bunia and you went to Bogoro and you were -- and you went
7 to Bogoro, it would be necessary for MONUC to progress slowly. So the
8 MONUC contingent had to move progressively in order to establish itself
9 in Bogoro. And there was an event that happened. That is the first
10 FARDC brigade had to be established in Bunia, and it had to be
11 accompanied by MONUC because their presence was not looked at very
12 favourably by the armed groups. So the MONUC had to progressively occupy
13 the territory with its battalion and hand over progressively to the
14 FARDC. So their action was also intended to facilitate access to these
15 areas for the humanitarian groups.

16 Q. I'm sorry to interrupt. You are talking about April 2004, and
17 the establishment of MONUC in Bogoro. Who had control of Bogoro at that
18 time?

19 A. It was the FNI.

20 Q. And when you left Bogoro, you were going in the direction of
21 Aveba-Gety. The FRPI was in Lakpa, nine kilometres away from Bogoro.

22 Can you spell the last name that you gave?

23 A. L-a-k-p-a. Once the MONUC brigade established itself in Bogoro,
24 because it had to provide access for the humanitarian project. In this
25 particular case we put the carriage before the horses. That is, we went

1 to carry out sensitisation without the presence of MONUC, because the
2 international agencies wanted security, and only MONUC could provide
3 security, but our advantage was that we were locals, and it was
4 appropriate for us to go and meet our population, and we knew them. That
5 is how I was selected. I was told that you already know someone there.
6 You are going to go there. And thank God, I was expecting everything
7 given the context in which we were living. And fortunately, since I have
8 said that we had contacts in Gety and we had spent some time there
9 already, those people facilitated the task for me, that is to go to
10 Aveba. Our target was Aveba, 65 to 70 kilometres away.

11 The first trip was made on a bicycle with number 2 -- or, rather,
12 I'm sorry, it was number 8, because he hails from there, and he was my
13 contact. So we went there on a bicycle, and he is the one who
14 facilitated communication for me, and he introduced us.

15 This was the sensitisation project, and in June he was the one
16 who took me to Gety. We spent the night there, and the following morning
17 we went to Aveba.

18 (Expunged)

19 (Expunged)

20 (Expunged) Can you indicate to us what the distance is between Gety and
21 Aveba?

22 A. It's approximately 30 kilometres.

23 Q. And why did you go to Aveba?

24 A. Aveba was the centre of the FRPI, and it was the transit site.
25 It was supposed to be built in Aveba.

1 Q. Well, we'll get to that -- get back to that later, these transit
2 sites, transit points. Let just focus on what you said. It was the
3 headquarters of the FRPI, and you could tell us what FRPI means.

4 A. Front de Resistance Patriotique -- Patriotic Resistance Front in
5 Ituri.

6 Q. And who controlled -- rather, who were you going to meet in
7 Aveba?

8 A. Well, I was given the mission to meet Mr. Germain Katanga who was
9 responsible for the FRPI.

10 Q. And you mentioned a month earlier, and I believe that was June
11 2004.

12 A. Yes. It was in 2004. So our first mission was -- as I said, we
13 left with number 8, who was originally from there, and we did that one
14 night. We went to Gety the following day, and we went then as far as
15 Aveba.

16 Q. What happened once you arrived in Aveba?

17 A. Well, before going to see Mr. Germain Katanga directly, that is
18 the representative of the FRPI, we stopped at an organisation that I'm
19 not going to mention here but where the responsible person is number 9.
20 Why? Because that person who is responsible for that organisation was
21 very useful to us, because first of all it's a relative, and secondly,
22 when a mother has worked a lot to develop where she lives, there's a
23 great deal of -- of members. There were over a thousand members,
24 including women. So it was an opportunity for us to explore all avenues
25 that would enable us to get a warm welcome where we were and that would

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1 enable us to have a better relationship with the people we were dealing
2 with.

3 Q. Why? Were you worried?

4 A. It was just something we were exploring, because as I said
5 earlier, nothing was filtered. Nothing came out from that community. We
6 didn't know what had happened, and so we had to take special measures to
7 get to know the people, and that was one of the strategies that we were
8 taught during our training, which was when you go into an area where you
9 are, let's say, nearly unknown, you have to refer to the people who are
10 responsible, either the heads or the structures such as churches or to
11 the pastors who could give you an idea of what the situation is in that
12 particular place, and they are there to help you in your activities and
13 that is the strategy that we had adopted. In other words, we were going
14 to look for influential people to whom we could introduce ourselves and
15 have some exchanges, and right away we saw that they really embraced our
16 cause. They said, "Fine. We will accompany you to Mr. Germain Katanga."

17 Q. I'm going to stop you there. I am going to address you via the
18 President.

19 MR. MACDONALD: (Interpretation) I was wondering whether there
20 was an admission on the part of the Defence team, namely Counsel Hooper,
21 that the witness, without identifying his client. In other words, is
22 there recognition that the identification has been admitted by this
23 witness?

24 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper,
25 apparently the question is addressed to you even if it has gone through

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1 the Chamber.

2 MR. HOOPER: (Previous translation continues) ... could have been
3 something raised with me before the witness's evidence began, and I'm
4 going to consider my reply and not give it now. I'm not in a position to
5 say anything at the moment.

6 PRESIDING JUDGE COTTE: (Interpretation) Well, since we'll have
7 a discussion on the question of admissibility at the beginning of our
8 hearing next Monday, we will deal with it then. All right.

9 But for the meantime, Mr. Prosecutor, you may proceed.

10 MR. MACDONALD: (Interpretation)

11 Q. Sir, you go and meet Mr. --

12 MR. HOOPER: I must say that part of my reaction is I don't
13 understand the question what is being asked of me. So perhaps if my
14 friend just between now and Monday can just formally encapsulate it, I
15 will be happier, perhaps, to reply to it.

16 PRESIDING JUDGE COTTE: (Interpretation) If we would like to
17 obtain an answer from Counsel Hooper next Monday, Prosecutor, it would be
18 very desirable if you would rephrase a question that you've already asked
19 twice, and nobody knows exactly what answer you are seeking, and so
20 perhaps you could deal with that directly with Mr. Hooper, and we can
21 come back to that on Monday given the time that it is right now. All
22 right?

23 MR. MACDONALD: (Interpretation) I will have a discussion with
24 my colleague.

25 PRESIDING JUDGE COTTE: (Interpretation) You may proceed.

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1 Prosecutor, you may proceed.

2 MR. MACDONALD: (Interpretation)

3 Q. Witness, we were heading towards a meeting with Mr. Germain
4 Katanga.

5 A. Exactly.

6 Q. What happened exactly?

7 A. We went to his home, which, in fact, was his headquarters, and we
8 were welcomed, not directly by him. We already had an organised
9 structure. First of all, we arrived at the gate where we announced that
10 we were there, and from that gate, that barrier, we went to the
11 secretariat. We went to the secretariat to find out whether Mr. Katanga
12 was there to greet us, and we were told very nicely that we had gone
13 through the gate and that we were welcomed in this straw house, and
14 fortunately for this mission what I had found was that the staff were
15 there. His staff, his military and political staff. And so it was an
16 organisation, and when I presented the purpose of my mission they -- we
17 had to make sure that we had an order for this mission in order to go to
18 the authorities to explain why we were there, and the secretary asked us
19 what we were there, nonetheless, what the purpose of our mission was, and
20 we said that we were there to meet - I must use the term here - the
21 president. We had come there to meet the president, and we were told
22 that he would greet us.

23 He had a few things to deal with, and after a little while
24 greeted us, and there were his closest co-operators there as well, and we
25 gave a brief overview of our mission. He noted it down. He said, "Okay.

1 Fine. Given my concerns, I'm going to hand you over to two people."

2 There was the political advisor and the Secretary-General.

3 Q. Let me interrupt you if I may. We will just take a short break,
4 and we will just go into further detail about what you just mentioned.

5 You said you went to Aveba, and you say you got to a gate, a
6 barrier. My first question is the following: Where was that place where
7 there was that barrier in Aveba? Could you show us or tell us
8 geographically where it was in relation to the village of Aveba or the
9 market?

10 A. You leave the church, the Protestant church, and you can go
11 towards the south, and at that point there were two roads, one that went
12 towards a village called Kabona and another one that goes to the camp,
13 and so that would be the headquarters, if you will. It was a large area
14 where there was the headquarters with his closest guards, closest
15 body-guards.

16 Q. You just mentioned another town, Kabona, I believe it is. Can
17 you spell that, please?

18 A. K-a -- K-a-b-o-n-a.

19 Q. So that camp has the headquarters. Now, how far is that from the
20 central market in Aveba?

21 A. It was a little further, because when you leave the market,
22 you'll first get to the airport. There was a small airport. You get to
23 the school, the church, and then you continue southward, and southward
24 you'll find the route to the left that goes to Kabona, and to the right
25 you would find the headquarters that would later become the site.

1 Q. Well, let's not talk about the site for now. We'll deal with all
2 that on Monday. We have about ten minutes left. I'm going to ask you a
3 few more questions on what you said earlier.

4 You say he had his headquarters. He had his military staff, his
5 political staff. Before going into detail, could you describe the camp.
6 At that time, what did it look like?

7 A. The camp. Well, there were small houses, straw houses, small
8 straw houses, in rows. It was quite a large camp, but it was separated
9 from his own residence which was nonetheless in the camp but was
10 surrounded by a few straw houses. That was the type of construction that
11 was there.

12 Q. You talk about his guards -- I think -- could you tell us a
13 little bit more on that?

14 A. There was the organisation, and in the organisation there was a
15 team that was assigned to guarding the camp, and all of the visitors who
16 arrived first had to stop there before going into the camp. That was the
17 organisation that existed.

18 Q. You mentioned that you had a mission order that you showed --
19 that you had to show to have access to the camp; is that correct?

20 A. I had a mission order signed by my organisation which, quite
21 fortunately, I was able to present it to the head of the organisation
22 because he had a secretary and there were certain details that were
23 written down. I saw that they had computers and that impressed me,
24 because at that time the fact that there were computers and that the
25 secretary could use it was impressive.

1 Q. What was the name of the secretary? You can mention it even if
2 we are in open session.

3 A. His name is Bedi, and he limped. Those were opportunity for us
4 to be able to meet with people with whom we could have exchanges and to
5 have some rapport with people that we could discuss things, and so I was
6 able to see how the president would welcome me. And since nothing was
7 filtering out, there seemed to be a lot of things that were unknown,
8 including how we would be received, but I was left with his political
9 advisor and his secretary-general in order to deal with the purpose of my
10 visit.

11 Q. What did he say to you? Let me rephrase my question. What did
12 you tell him at that point? What did you say to Mr. Katanga at that
13 point?

14 A. First of all, I introduced myself. I introduced myself and my
15 NGO, and I reminded him that I am not someone who is not known in the
16 region and that I had already defended some causes for that collectivity,
17 and I had mentioned what I'd done in the past. I found that he was open
18 minded. He welcomed me. He said, "Well, given the multiple occupations
19 that you have, here are the people that you can deal with." He left, and
20 I left -- I was left with his collaborators.

21 Q. Who were the collaborators that you were left with?

22 A. I was left with the secretary general. His name was
23 Emilie Muhito. He was a prefect, and Sipa Pascal, his advisor. He was a
24 university professor. So I felt that I was with people that we could
25 exchange with easily about the purpose of my mission, and that was

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1 reassuring.

2 MR. MACDONALD: (Interpretation) Your Honour, Witness, I would
3 suggest that we stop here and that we start again on Monday at 1400
4 hours.

5 PRESIDING JUDGE COTTE: (Interpretation) Agreed. Witness, we
6 will therefore bring this first part of your testimony to a close. We
7 thank you for your help. We will see you again on Monday at 2.00 p.m.

8 Madam Court Officer, we'll have to move into closed session so
9 that the witness can leave the courtroom discreetly.

10 (Closed session at 1.25 p.m.)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Open session at 1.26 p.m.)

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

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

24 The Chamber would like to thank everyone who helped this morning,
25 the court reporters and interpreters.

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1 We will resume again on Monday at 14.00 hours.

2 The hearing ends at 1.26 p.m.

3 CORRECTION REPORT

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

5 * Page 42, lines 11 to 12

6 "the ICRC had supported us, but when some of their employees were
7 threatened, they took off."

7 Is corrected by

8 "the ICRC had supported us, but when some ICRC workers were murdered in
9 Fataki, they took off."