

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 Thursday, 15 July 2010
10 The hearing starts at 9.03 a.m.
11 (Closed session)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
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21 (Expunged)
22 (Open session at 9.05 a.m.)
23 COURT OFFICER: (Interpretation) We are in open session,
24 Mr. President.
25 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

Witness: Witness DRC-OTP-P-0267 (Resumed) (Open Session)
Evidentiary Matters

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1 Good morning, Mr. Witness.

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

3 PRESIDING JUDGE COTTE: (Interpretation) Before handing over to
4 Mr. Hooper, Court Officer, please assign numbers to the three documents
5 produced yesterday during the hearing. We did not have the time to do so
6 yesterday. There was the Cape Town Principles, a document -- a
7 manuscript -- a document titled (Expunged) and then there was a
8 sketch that the witness produced and which was commented during the
9 hearing, so we will have to assign the EVD numbers to all these documents
10 before the cross-examination resumes.

11 COURT OFFICER: (Interpretation) Thank you, Mr. President.

12 The report entitled (Expunged) which is
13 DRC-OTP-1000-0083, will become EVD-D02-00047. The document entitled
14 "Cape Town Principles and best practices for the recruitment of children
15 in armed forces," bearing number DRC-D02-0001-0206, will now bear the
16 reference EVD-D02-00048. The sketch drawn by the witness during the
17 morning break of the 14th of July, 2010, will bear the reference number
18 EVD-D02-00049.

19 Mr. Hooper, can you confirm the level of confidentiality of those
20 three documents?

21 MR. HOOPER: I think they -- the (Expunged) document
22 will need to be private, I think, but the other two can be public.

23 MR. DUTERTRE: (Interpretation) Mr. President.

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

25 MR. DUTERTRE: (Interpretation) Perhaps we should refrain from

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1 using the name or the title of the first document. It should indeed be
2 confidential, and the Cape Town principles can be a public document.

3 PRESIDING JUDGE COTTE: (Interpretation) The sketch?

4 MR. DUTERTRE: (Interpretation) The sketch should be
5 confidential. We did not project it publicly yesterday and it contains
6 obviously identifying information.

7 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we have
8 those three EVD documents. The first document is confidential, the
9 second is public, and the third is obviously confidential.

10 Mr. Hooper, you can now continue with your cross-examination.

11 MR. HOOPER: Yes. Thank you for that.

12 WITNESS: WITNESS DRC-OTP-P-0267 (Resumed)

13 (Witness answered through interpreter)

14 Questioned by Mr. Hooper: (Continued)

15 Q. And a very good morning to you, Mr. Witness.

16 A. Good morning, Counsel.

17 Q. I'll come back to this book in a moment because we know that
18 there was some counting to do in terms of the age -- particular ages of
19 young people there. Yesterday we were talking, indeed as has just been
20 referenced, of Cape Town Principles and to its application in the context
21 of the function you were performing at AA in the application, that is, of
22 the criteria of Enfants Associes des Forces ou Groupes Armes.

23 When dealing with a group such as those you were dealing with, in
24 the specific area that you told us about, and indeed the general area
25 that you told us about, would it be fair to say that the criteria of

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1 enfant associe, a child associated with an armed group in that area, is
2 necessarily given quite a wide meaning, quite a wide application?

3 A. Counsel, we are dealing here with various names, child soldiers
4 and EAFGAS. The child soldiers would have been when the programme went
5 operational in 1997, but over time, with the changes that intervened,
6 this name was reserved only to children bearing weapons. It was realised
7 that some children had weapons, whereas others did not carry any weapons
8 but were members of armed groups carrying out other duties, such as
9 messengers, people who went to fetch firewood and so on and so forth.
10 And this was extended to girls that had been taken as wives. This is how
11 that notion evolved over time. And the child soldier did not only refer
12 to the children bearing arms but all children who had been involved in
13 armed groups even without weapons carrying out the duties that I have
14 just mentioned.

15 Q. Now, the group you were dealing with, wasn't, as it were, a
16 mobile group moving from place to place and from camp to camp. It was,
17 rather, essentially a stationary group living within often its natural
18 villages; is that right?

19 A. The children in the group that I'm talking about exercised or
20 carried out duties in their natural or original environment.

21 Q. And is it right that Save, Save the Children, in fact encouraged
22 a broad application of the term to the extent that very many of the
23 children in Walendu-Bindi who had lived the war were to be viewed as
24 associated with the group? What I'm putting to you is that Save itself
25 encouraged a wide and broad application of the criteria, so as to include

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1 nearly all the children?

2 A. The application of this new term did not come from Save but from
3 the programme which was initiated and discussed on the basis of the
4 Cape Town Principles. So this was a term that had to be extended to all
5 the children who had been carrying out duties or other activities in
6 armed forces and groups. It was a broader application of that term, but
7 it did not come from Save.

8 Q. Now, you've referred to form B. Can I just ask you this:
9 What -- can you remind me, what was form A?

10 A. Counsel, form A was the identification sheet that the commanders
11 of the armed groups or forces had to fill before the child could leave.
12 It was the commander himself who had to fill form A.

13 Q. Then we have form B that contains details of the name of the
14 child, his age, where he comes from, names of his parents, when he was --
15 when he joined the group, the name of his commander, his function,
16 whether he was in contact with his parents or not, those were the
17 essential ingredients of form B; is that right?

18 A. Yes, Counsel.

19 Q. And just to be clear, form B didn't contain any part of it that
20 requested information about, for example, what battles the child had
21 participated in; is that right?

22 A. To be precise, form B, which was known as the verification sheet,
23 included all the identity details of the child; namely, age, place,
24 group, battalion, or company. And the commander himself filled the form
25 and handed it over before the child started the process. And on form B,

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1 there were more detailed columns which included details of the identity
2 once again. So this was for cross-checking purposes to verify whether
3 the identity details were consistent with those in form A. Now, there
4 were also columns dealing with the level of education of the child, place
5 of enlistment, duration in the armed group, and so on. And this was in
6 form B. And this was supposed to establish the fact that the child had
7 indeed spent such and such a time in the armed group, and this was a
8 process that was completed in form C. So each form was related to the
9 next one, so this made it possible to compile all the necessary
10 information about the children, that is, through those three forms.

11 Q. Yes. I think I need to go back to correct, as I understand it,
12 something that's appeared in the English transcript, or a
13 misunderstanding. Let me do it by way of the question. As I understand
14 it, the only form that was filled in by a commander was form A; is that
15 right?

16 A. Yes, Counsel. And this was known as the identification sheet.

17 Q. Right. And form B was filled in by your agents on behalf -- is
18 that right?

19 A. Form A?

20 Q. No. Start again. Form A, as we know, is filled in by the
21 commanders, not by anyone in your organisation. Form B, on the other
22 hand, is filled in by people from your organisation?

23 A. Yes, Counsel.

24 Q. Thank you. And form C, just can you remind us very briefly what
25 form C was composed of.

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1 A. Form C, which was known as the documentation sheet, included all
2 the details from form A and form B, and then added to that there was the
3 part known as interview with the child. So it was in this section that
4 the child discussed with the agents about his experiences and his future.
5 The child was asked who he would like to go back to, their parents or
6 uncles, and so on and so forth. Because generally speaking, there were
7 children who had lost their parents during the war and their guardians
8 could be their uncles. So this was a very important document that was
9 used to make proposals for the future of the child.

10 Q. Thank you. And just very briefly, returning to form B, do you
11 remember that in fact at the bottom of form B there was written
12 essentially the extract that I read yesterday from the Cape Town
13 Principles, the broader application of enfants -- of what a child
14 associated with an armed group was? Do you remember at the bottom of
15 form B there was a footnote which contained that, it was written out on
16 the form, as a reminder presumably to those who were applying the
17 criteria?

18 A. At the bottom of form B there was a procedure to validate that
19 form B and it was known as certification. I hereby certify that this
20 child was a member of armed group X, considering all the information
21 included above. Without that certification, the child would not be
22 considered as having been a member of the group. It was after having
23 filled the entire questionnaire according to the Cape Town Principles
24 that the verification agent would certify that form. So form B was in
25 fact the certification process.

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1 Q. Thank you. Let me put the question again so that what I'm
2 putting is clear. At the bottom of form B was repeated the words
3 essentially of the definition of what a child associated with an armed
4 group was almost in exactly the same words as we found in the definition
5 at the end of the Cape Town Principles and which I read out yesterday.
6 Do you remember that? It was actually written at the bottom of form B.
7 If you don't remember, then you don't remember.

8 A. Having worked with form B, the final column, the final line was
9 certification, where it was certificated that the child had belonged to
10 group X or Y. And after that, there was another space for the certifying
11 officer to sign. So this was verification for the child and for the
12 adults also. There was IRIS --

13 THE INTERPRETER: The witness -- inaudible.

14 MR. HOOPER:

15 Q. Did the child pass through the IRIS centre as the adults did?

16 A. The children did not pass through the IRIS system.

17 Q. Yes, all right. I think we got a full translation there. In
18 some areas of demobilisation I've seen reference made to the demobilised
19 children being paid \$110 each. Was there any payment of money in AA to
20 demobilising children?

21 A. To our knowledge, ever since we started the demobilisation
22 process, not a single dime was paid out to any child; and this was in
23 accordance with the national programme.

24 Q. Thank you. Now, each child who arrived to be demobilised and was
25 accepted into the system was provided with a kit, and you've referred to

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1 the kit. I just want to go through a list of things which I suggest were
2 in the kit. The easiest way for me to do it is to read -- well, I'll
3 read the list, and if you're able -- if you disagree with anything in it,
4 you can come back and let us know. So I suggest in the kit - or you may
5 add something - there were two shirts, two polo shirts; two pairs of
6 trousers; shoes; a blanket; a tooth brush; toothpaste; soap; and you told
7 us also condoms. Anything else? Have I've missed anything in the kit
8 that you remember?

9 A. Yes, there was slippers, Counsel.

10 Q. "Babouches," fine. And those kits were provided by Save; is that
11 right?

12 A. Yes, Counsel.

13 Q. I understand they had a real value of about \$35; does that accord
14 with your recollection?

15 A. Yes, yes.

16 Q. Now, the area in which you were working, while it was food rich
17 was in fact very cash poor, was it not?

18 A. Yes, Counsel.

19 Q. I understand Save did a household economy analysis in North Kivu,
20 which is very close, in 2003, and it found with the poorer households the
21 family income - this is for the family - was \$140 a year. Does that
22 accord approximately with your understanding of the level of poverty of
23 the area in which you were working?

24 (Expunged)

25 (Expunged)

1 We helped thousands of vulnerable families. We made calculations about
2 the households during war time, and those were the amounts that we
3 observed as well. To help families to resume normal life as best they
4 could after this catastrophe, our partner Save gave kits out to these
5 households. They included kitchen implements and so on. So this was
6 work that we carried out, not just in North Kivu. It was also carried
7 out in Ituri. (Expunged).

8 Q. So we're dealing here with households with a -- an income of just
9 over \$2 a week. We are dealing here with the poorest of the poor, are we
10 not?

11 A. This operation or this activity was carried out in order to
12 understand the degree of vulnerability. It was not simply to help our
13 partner Save to intervene. This was a study to provide data to other
14 actors who were to intervene in the region. It was a study aiming to
15 clarify the state of vulnerability of the population which was living at
16 the threshold of \$2 a day. And above all, it was aimed to show that
17 the -- there was this degree of vulnerability and one of the missions of
18 the parents was to look after the children and to -- that is partly why
19 the families were so vulnerable that they pushed children to enlist in
20 armed forces. It was to understand the causes of that.

21 Q. Now, this kit offered to children who were accepted into the
22 demobilising scheme with the value of \$35 amounted, in fact, in reality
23 to an amount, what, a quarter of the annual income of a family. And my
24 question is this: Obviously those kits were presented as a great
25 incentive for children to demobilise; is that right?

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1 A. Counsel, that was not the motivation behind giving out the kits.
2 The kits were handed out to try and clothe the children, to remedy their
3 state of lack. In a conflict situation everybody was poor and
4 vulnerable; this was all the more so in the case of children. So this
5 was really emergency assistance; it was not an incentive to children to
6 demobilise, that was not the aim. It was a measure to try and address
7 the vulnerability of the children, to clothe them in their lack.

8 Q. But these kits were only given to children who came for
9 demobilisation. They were not given to other children. That's right,
10 isn't it?

11 A. Yes, Counsel.

12 Q. So whatever the intention may have been, the effect, of course,
13 was to present children in the area, very poor children from very poor
14 families, with a huge incentive to come to be demobilised; that's right,
15 isn't it?

16 MR. DUTERTRE: (Interpretation) Judge.

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Dutertre.

18 MR. DUTERTRE: (Interpretation) Judge, I object to this question
19 for two reasons. The first reason is that Counsel Hooper is now entering
20 arguments that he should present in his final pleadings after the
21 presentation of the position of the Defence. Secondly, this is purely
22 speculative. The witness has already answered very clearly concerning
23 the purpose behind the handing out of these kits.

24 PRESIDING JUDGE COTTE: (Interpretation) Your objection is
25 upheld.

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1 The witness, Counsel, has given very clear explanations as to the
2 motivation behind the kits. Please go ahead, Counsel.

3 MR. HOOPER:

4 Q. See, I suggest children fell over themselves to be demobilised to
5 get their hands on the kits. It was such a huge incentive to these
6 children that you ended up with a lot of children who were and never had
7 been child soldiers?

8 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, could
9 you continue with another question, please, and not go back over
10 something to which an objection has been sustained. Thank you.

11 MR. HOOPER: Well, this is an essential part of my case, afraid.
12 This is a significant aspect of my case.

13 Q. Let me rephrase it -- I'm --

14 MR. DUTERTRE: (Interpretation) Perhaps the Defence wishes to
15 draw conclusions from the facts, but it should do that in its final
16 pleadings. We should not be arguing in front of the witness and arguing
17 as to the witness's own evidence and considerations.

18 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper has just
19 indicated that he will reformulate his question. Let us take as our
20 point of departure that the witness has answered very precisely the
21 question as to the reasons behind the handing out of the kit.
22 Counsel Hooper as the possibility of continuing, but he must continue on
23 the basis of that very clear answer given by the witness. If he wishes
24 to obtain additional clarification, he will make an effort to do so; but
25 indeed I do not believe it is appropriate to speculate more than that.

1 Counsel Hooper, please go ahead.

2 MR. HOOPER:

3 Q. Well, I suggest that you and other agents, and particularly other
4 agents dealing with these children, were very aware that these kits were
5 attracting the children to demobilise; right?

6 A. Counsel, may I answer with a question? Who brought the children
7 to us, the commanders or our agents? In fact, it was the commanders who
8 were bringing the children to us. The commanders were saying, in form A:
9 We are bringing to you children who belong to our battalion, to our
10 company. We never conducted an awareness-raising campaign about the kit.

11 Q. Is it not right that you and/or your agents - and, for example,
12 number 15 comes to mind - went to the schools of the area and spoke about
13 the demobilising site, spoke about the kit, spoke about the facilities
14 that would be available, spoke about future help with education, all this
15 to be offered to those who came to be demobilised and this was through
16 visits in schools, to children being taught in schools in Walendu-Bindi;
17 is that right?

18 A. Counsel, in the course of awareness-raising activities, it is
19 clearly indicated that the programme should be presented as it was
20 conceived, as it was designed. Don't forget that in Walendu-Bindi there
21 were intellectuals, there are pastors, there are managers, and these
22 people needed to know and understand the programme and the objectives
23 behind it. In the same way that we did awareness-raising for adults to
24 familiarise them with the benefits of demobilisation, we also carried out
25 awareness-raising in the community with regard to the programme because

1 each programme presented the advantages of participating and the
2 disadvantages of not participating. So all of those advantages had to be
3 presented to the community to help them to understand it and get to know
4 it.

5 Q. Indeed. And my question is focused on schools. My question is
6 focused on schools. Is it right that agents involved in the programme
7 went round the local schools, telling the children there what these
8 advantages were?

9 A. I have just answered that they went not only to the schools.
10 They went throughout the community presenting the community -- presenting
11 the programme. They spoke to the entire community, not just children.
12 There were children who were not attending school and there were children
13 in school. And given all of this, we needed to identify the children who
14 were in the armed forces and in the schools so that later, for our
15 interventions, we were not just looking at the appearance of the
16 children, the clothing, we were also looking at the -- their educational
17 participation so that we could provide better support with regard to
18 education on the whole.

19 Q. And part of the advantages that was told to the children in the
20 sensitisation campaign and to those who came to be demobilised was that
21 they would receive future help with education and training; is that
22 right?

23 A. Counsel, when you present a programme, you must give all of the
24 details of that programme during the awareness-raising activity. You're
25 conducting an awareness-raising campaign, and as part of that you must

1 explain what this programme is and what is provided for under that
2 programme. That goes without saying. I think that's perfectly obvious.
3 It was not to encourage the children to come and demobilise, as you have
4 suggested, in order to obtain the kit. We were giving them an overview
5 of this programme, telling them that this programme took into account all
6 of the different aspects concerning protection. And that is a word that
7 I would really like to emphasise, protection of the child.

8 Q. And this reference to an offer for help in education, for
9 example, is in the context of a society where most children have to pay
10 for their education or some of it or contribute towards some of it; is
11 that right?

12 A. We know and everybody knows that in our country we, for decades
13 now, have had a situation whereby parents have had to pay for the
14 education of their children. There is no subsidy for education. And
15 that was even more the case during war time. As a result, we had large
16 numbers of children leaving schools, outside the school system. And so
17 the programme had to take into account this factor: What school
18 infrastructure had been destroyed, so that the people who could intervene
19 could come and help these populations by rebuilding the basic
20 infrastructure destroyed in war time, the schools, the health centres,
21 and all of this was in the framework of protection. All of these
22 advantages of the programme were therefore set out to the community, were
23 presented. And it was presented as an overall package because the school
24 didn't only belong to the EAFGA children, the children associated with
25 armed forces and groups, but to all of the children of the community.

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1 Q. Thank you. Now, you told us yesterday how you were there on site
2 all the time. I don't know if I can assist your memory, but isn't it
3 right that you had to go to Bunia quite frequently for various chores
4 during the months between November and June of -- during the running of
5 this process, you had to be away from site?

6 A. In accordance with the agreements negotiated that my presence was
7 permanent because in these operations and activities I was the person in
8 charge. I was the person responsible for reporting to my partners on the
9 activities being carried out. This was a commitment. I'm not saying
10 that I could not travel for a day or two in order to ensure that the
11 operations were running smoothly, and in order to help me do that the
12 partners provided a vehicle for my use on the site so that in emergency
13 situations I could travel, I could do a return trip. And there was a car
14 available for me to do that, but my presence was required in our
15 partnership agreements for the site.

16 Q. I appreciate your presence may have been required, but isn't it
17 right that you appointed number 15 as co-ordinator and indeed directed,
18 for example, number 2 to follow her directions scrupulously when you were
19 absent from the site? Do you remember that? Indeed you wrote a letter
20 to him to that effect?

21 A. In our administration we would say there is no leave available,
22 we could not take holidays. When I, as the director, had to leave the
23 site, I had to leave a deputy in charge, and that was the case even if I
24 was absent only for one, two, or three hours because our operations were
25 ongoing. That person then had to stand in and give information to all of

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1 the participants working on the site. That person that I've just
2 mentioned did a lot of work to raise awareness - may I just refer to my
3 document - with regard to region 32 --

4 Q. Thank you. Now, you've mentioned that these children had to be
5 produced by commanders, and I want to deal with that aspect. Earlier in
6 your evidence you referred to a person.

7 MR. HOOPER: Can we just go into private session just to get the
8 name out, please.

9 PRESIDING JUDGE COTTE: (Interpretation) Yes, Counsel Hooper.
10 Court Officer, could we just go into closed session very briefly.
11 (Private session at 9.55 a.m.)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

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Page 18 expunged. Private Session.

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1 (Expunged)

2 (Open session at 9.59 a.m.)

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

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

7 Counsel Hooper, you may ask your question again. We are now in
8 open session.

9 (Defence counsel confer)

10 MR. HOOPER: Just a matter of timing. It obviously isn't
11 binding, but I've had an indication from Mr. Kilenda that they do not
12 think they'll exceed half an hour of questioning. I just say that in
13 terms of time, as I see we're now just an hour away from my predicted
14 full time and I may overrun. But I don't feel that that will require us
15 to be sitting tomorrow, at least not in respect of this witness, if at
16 all.

17 Q. Sorry, Mr. Witness, just -- perhaps for your information as well.
18 We think we'll be hopefully concluding your evidence today.

19 Very well. (Expunged)-- oh, I'm sorry, we're now in open.

20 The person whose name you mentioned was also liaising, is this
21 right, for CONADER? And again, just yes or no if that's within your
22 knowledge.

23 A. Yes, Counsel.

24 Q. Now, in terms of staff - and we're talking about your staff's
25 organisation - I'd like to put up on the screen a list of staff which

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1 will be -- which I will refer to obviously by number only and that's been
2 submitted. And it is DRC-D02-0001-0148 this happen and this is a private
3 document. And this document purports to show all the agents employed at
4 site AA during the relevant period, November to June or July of 2005, and
5 employed by your organisation. And "by your organisation," I mean
6 directly your organisation. So these aren't agents of the other NGOs and
7 they're not the agents of the head NGOs. So do we have that on the
8 screen, please?

9 COURT OFFICER: (Interpretation) In order to view the document,
10 please press the button "PC 1."

11 PRESIDING JUDGE COTTE: (Interpretation) Perfect.

12 Witness, can you see the document? Not yet.

13 Usher, please could you aid the witness in this regard.

14 The accused, can you see the document? It's on your screen.

15 Very good.

16 Prosecutor, what's happening?

17 MR. HOOPER: Can I pass a paper copy unmarked to the witness as
18 well. It may facilitate his -- it's exactly the same as the one on the
19 screen. It's sometimes easier to see and deal with.

20 PRESIDING JUDGE COTTE: (Interpretation) So, Counsel Hooper,
21 please continue.

22 MR. HOOPER:

23 Q. Now, you told us that part of the recruitment policy was at least
24 to try and get people who had proven experience with children, teachers,
25 for example. Am I right in saying that there's only four teachers on

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1 this list?

2 MR. DUTERTRE: (Interpretation) Your Honour.

3 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

4 MR. DUTERTRE: (Interpretation) I think that the preliminary
5 stage for the Defence would firstly be to ask the witness if he
6 recognises the document and the names that figure thereon. We can see
7 that there are some names which appear to be written twice.

8 MR. HOOPER: Quite right.

9 MR. DUTERTRE: (Interpretation) And it is also necessary to
10 establish if all of these people worked on the site that we were
11 discussing and at what time. I mean, there are a lot of preliminary
12 aspects that need to be addressed that haven't been.

13 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper,
14 certainly we have the concern that we're going into the -- we want to go
15 into the examination of this witness, but we would first of all like to
16 see whether he has seen the list that you have put in front of him. He
17 has -- and whether he recognises the names of his collaborators within
18 his structure. And afterwards, you can ask the questions which you have
19 just asked him.

20 Please continue, therefore, Counsel Hooper.

21 MR. HOOPER: Indeed. I'm sorry. And Mr. Dutertre's dead right.
22 I'm jumping the gun in my eagerness to get through the questions that I
23 have.

24 Q. So sorry, Mr. Witness, let's deal with that fairly. And
25 particularly what we see at number 12 and 13, which may well be a

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1 repetition of name, but have you had an opportunity of reading that list;
2 and if so, do you agree and recognise those names as being the agents?
3 And if they are, are there any agents that we've omitted that you feel we
4 should include? And obviously if you're going to tell us that, we'll
5 have to go into closed session. So that's the position. So can you help
6 us?

7 First of all, do you recognise those names on there as being
8 agents of your organisation?

9 A. Yes, Counsel, I recognise them, apart from -- there's a name that
10 has been omitted, and that is my name, and that's where they've made an
11 error by putting a name twice.

12 Q. That's just a Defence trick, you see. Thank you very much for
13 reminding me to add your name, of course, to this list.

14 And I make it plain from the outset that we fully accept that you
15 were there and playing the principal role in this organisation and I
16 think, as I said at the outset of your questions to you, a positive force
17 for good and help to the community.

18 Now, in terms of the names that we have there, am I right in
19 saying -- can I go to number 12 and 13. Is that a repetition or were
20 there two people with a name in common?

21 A. It's what I said that our -- my name was omitted. There was only
22 one name, and so it's my name that was omitted. There was only one, not
23 the 12 and 13. There weren't two names.

24 Q. That's what I thought and Mr. Dutertre saw and recognised.

25 Now -- so we'll add your name. So we still -- I see, so we still end up

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1 with the figure of 19. All right. That's helpful. Thank you. So let's
2 perhaps add your name, at least mentally, to the list. Would I be right
3 in saying that four of these people are teachers?

4 A. Not only four, your Honour -- Counsel, I will also state what
5 they were occupied with. I recruited them myself.

6 Q. Can I please suggest we don't go through the whole list or we
7 really will take a long time. Starting from the top, number 1 had been a
8 teacher?

9 A. A teacher.

10 Q. I used the word "teacher." Number 1 had been a teacher, number 9
11 had been a teacher, number 11 and 12 had been a teacher, you, I think,
12 had done some teaching, but that --

13 A. (No interpretation)

14 Q. But nobody else on that list had been teachers; is that right?

15 A. Number 2, number 3 -- 2 -- 6, teaching staff.

16 Q. Can you slow-up, please. You say number 2?

17 A. Number 2.

18 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, it's
19 been pointed out to me that the dialogue which is understandable is too
20 fast and that's why it's not being picked up.

21 So you were dealing with number 2, Witness. At a personal level
22 I didn't understand the word before pedagogic.

23 THE WITNESS: (Interpretation) With a teaching certificate
24 qualified in teaching.

25 PRESIDING JUDGE COTTE: (Interpretation) So please take up your

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1 discussion.

2 MR. HOOPER: Thank you very much.

3 Q. Witness, can you go to the next one that you would add as having
4 had teaching experience, please?

5 A. What did you say?

6 Q. You've dealt with number 2. Can you go to any other name there
7 that you say I've not included in my list of those with teaching
8 experience. Is there anybody else? You've mentioned number 2. Is there
9 anybody else? I thought you mentioned somebody else there?

10 A. Counsel, number 3, number 4, number 9.

11 Q. I've included number 9, but we'll mark him too.

12 A. Number 17, number 18, and number 19. Those are the numbers of
13 people, and myself to a certain extent as well if I had been -- if you
14 knock out number 12 and put me there, then you would also have me amongst
15 the staff. So this staff were qualified teachers. They were qualified
16 to provide teaching in the education system in primary schools.

17 Q. Very well. Thank you very much. May I say I concede number 18.
18 I'd omitted that name, but the others, we hear and understand what you
19 say. How many of those people there, again by number, were not Ngiti?

20 A. Number 3, number 4, number 18, and myself. So out of 19 persons
21 there were only four of us who came to provide technical support as staff
22 who were recruited from the month of July. We carried out training in
23 order to teach them how to do their work well. So in total there were
24 15 local staff.

25 Q. And these, as you say, local staff, and so obviously drawn from

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1 the local community. Indeed, I've got a photograph of some of the
2 teachers or some of the persons, I should say. Can I show you this
3 photograph, please.

4 MR. DUTERTRE: (Interpretation) I think we need to attribute
5 confidential to this photograph.

6 PRESIDING JUDGE COTTE: (Interpretation) Please allow
7 Counsel Hooper to find these items.

8 MR. HOOPER: That's DRC-D02-0001-0152.

9 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, before
10 having the photograph in question appear on the screen, please do not
11 forget to ask Counsel Hooper if he would like it to be confidential or
12 not. Apparently confidentially, but please let us have confirmation
13 thereof.

14 MR. HOOPER: Confidential, sorry.

15 PRESIDING JUDGE COTTE: (Interpretation) Very well. Thank you,
16 Counsel Hooper.

17 Prosecutor, there is an answer to your concern which you raised.

18 COURT OFFICER: (Interpretation) In order to see the document,
19 please press "PC 1."

20 PRESIDING JUDGE COTTE: (Interpretation) Witness, can you see
21 the photograph? Is it sufficiently distinct on your screen in order to
22 recognise the faces thereon?

23 The accused, can you see this photograph? Yes.

24 Everybody can see it. Perfect.

25 Counsel Hooper.

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1 MR. HOOPER:

2 Q. Now, I don't know whether those are all workers and I'm not
3 troubled by that, but the lady on the right foreground, she's standing
4 looking, as it were, to our left in the photograph as we look at the
5 photograph. She has a -- it appears to be a blue bangle in her hair,
6 that's Germain Katanga's sister, is it not?

7 A. Yes, Counsel.

8 Q. And she's the one you mentioned yesterday who came to you asking
9 for some assistance; is that right?

10 A. Not this one, Counsel.

11 Q. Now, can I move on now to the book, the Musana notebook on the
12 admission of children to the site at AA. And we have copies for you and
13 indeed for the honourable Judges if you wish to refer to it because it's
14 sometimes easier than the electronic version.

15 MR. HOOPER: So those could be distributed to their Honours and
16 one, of course, for the witness, please. Now, I'm looking at document
17 EVD-OTP-000120. If that could formally be put on our screens, but for my
18 part, I'm going to look at a hard copy.

19 Q. Just before we turn to that, Mr. Witness, again just very briefly
20 if it's possible. I asked you earlier about weapons. I don't think -- I
21 think we had a distraction, so can I ask that question again because I
22 don't think we had an answer recorded. How many weapons were handed in
23 by the children?

24 A. Do you mean rifles when you speak about weapons?

25 Q. It could be rifles, machine-guns, grenades, mortars, anything

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1 like that, anything, any items of war.

2 A. During our operations in our activities, only once did a group of
3 children present themselves with ammunition with belts. So that only
4 happened once.

5 MR. DUTERTRE: (Interpretation) Your Honour.

6 PRESIDING JUDGE COTTE: (No interpretation)

7 MR. DUTERTRE: (Interpretation) With a view for clarification,
8 could the cross-examiner clarify if the witness was physically present in
9 the place where the weapons were provided or if they were in another
10 place at the time. Was that provided by the children afterwards? That
11 would make it possible to clarify the response.

12 PRESIDING JUDGE COTTE: (Interpretation) It would seem that the
13 question put by Counsel Hooper was a general question. In your -- do you
14 have knowledge of the amount of weapons that were handed in by the
15 children? On the other hand, there is a clarification with regards to
16 the type of weapon that Counsel Hooper wanted to see mentioned by the
17 witness. Perhaps Counsel Hooper has to ask the witness if he has to give
18 precisions with regards to rifles or ammunition or another weapon of war
19 in order to simplify things at this current point in time.

20 MR. HOOPER: Can I leave that for re-examination by my friend
21 unless the Court feels it's necessary now. I mean, matters like this can
22 be clarified by my friend in due course.

23 Q. How many of those who presented themselves for demobilising as
24 children wore uniforms?

25 A. To our knowledge, the children did not wear uniforms.

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1 Q. Now, you dealt with a group of UPC who came from -- well, we know
2 where they came from. Do you know how many there were? Can you put a
3 figure to how many there were, UPC who came through the camp, so we can,
4 as it were, eliminate them straight away?

5 A. There were 50 girls and approximately 60 boys, and they were
6 identifiable when you saw the list of admission. It has their names on
7 it. So they are identifiable in the notebook.

8 Q. All right. So as an approximate figure about a hundred UPC.
9 Now, yesterday we -- I put to you that there were 527 age 15 or more on
10 this list. That 527, as I make clear, I had included in that those
11 persons where no age is placed against their name. And that's how I
12 reach the figure 527. Now, I don't know, you were given a chore to
13 consider those figures. This morning, if you've had the opportunity to
14 look at the book and perhaps add it up, or the Prosecution have, do we
15 have any -- do you have a figure of how many of the children listed in
16 this book are 15 or over?

17 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

18 MR. DUTERTRE: (Interpretation) Thank you, your Honour. A
19 couple of points I'd like to make. The first one is that I do not
20 understand the reason for adding to the category of over the age of 15
21 the group of children for whom no age has been determined. There will be
22 some under 15, some over, and some we just don't know. There's no reason
23 to reduce or increase one or other category by adding the indetermined
24 category thereto.

25 Secondly, we have made calculations and we are arriving at

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1 figures which are different, different to those given by Counsel Hooper.
2 If you would allow me.

3 (Trial Chamber confers)

4 MR. DUTERTRE: (Interpretation) And whatever the case, the
5 register is evidence in the case. Everybody can make calculations,
6 submit them to the Chamber, the proof is there, the evidence is there.
7 So it's just about asking the witness about it, but I just wonder, in
8 terms of saving time, whether that's really essential. I would say the
9 evidence is there, everybody can make their own calculations. But if we
10 have to do this, this will take a certain amount of time.

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

12 Witness, do you have this notebook that you know well? You've
13 had it? You've been able to consult it. You remember the words of
14 Counsel Hooper at the end of the morning. You'll be able to give us your
15 point of view on that. When we go into calculations, the Chamber knows
16 that when it comes to approximations, evaluations, there can be quite a
17 wide range, but you are able to answer these questions, you'll provide
18 your opinion. You're probably the person who knows this document the
19 best.

20 So, Counsel Hooper, please reformulate your question in the most
21 precise way possible, such that the witness is able to answer it in the
22 most precise way possible, and then the Chamber will assess all of that.

23 Counsel Hooper, if you please.

24 MR. HOOPER:

25 Q. In respect of entries where age is shown, how many of those

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1 entries show an age of 15 or over?

2 A. Here, Counsel, I'm going to provide my experience with regards --
3 my expertise regarding the age of the children. I would say that with
4 regards to 15 years, you might consider that that's the age for us, the
5 age limit, as I had said on that day, from 12 to 15. So the children who
6 figure as 15, so that is considered as that we take the figure from 15
7 and under and then from 16 it's the next bracket. So from 15 we consider
8 it under 15, and then it's considered above the age of 15. That is how
9 the verification was carried out.

10 Q. I'm sorry, I think there's a misunderstanding. I'm not worried
11 about verification. We're dealing with entry in the book, and each --
12 nearly all the entries have an age set against them. I'm not at this
13 juncture concerned whether those ages are right or wrong or been
14 verified; I'm just looking at how they're recorded in the book. On any
15 one of these pages we can see that there's nearly always, with some
16 exceptions, an age, 12, 13, 14, 15, 16, 17, et cetera, shown against the
17 age.

18 My question is from where we left off last night, do you remember
19 you were invited to count how many children according to this book were
20 aged 15, 16, or 17? So my question is: Did you manage to perform that
21 exercise; and if you did, what number did you come to? Simple.

22 A. Counsel, this is what I've said. I came up with 539 children up
23 to the age of 15; and over 15, 492.

24 PRESIDING JUDGE COTTE: (Interpretation) So, Mr. Witness, so
25 that we have the fullest information possible, when you say "539," this

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1 is including the children aged 15. Having included children up to 15 you
2 had 539, and from 16 and over you came up with 492. Is that right?

3 THE WITNESS: (Interpretation) There is a mistake. It was 412,
4 412.

5 MR. HOOPER:

6 Q. And those 412, just so that we're very clear, were, according to
7 the book, what age? 17? 16? Did you include 15-year-olds in that too
8 or not?

9 A. Children over 15 and up to 18.

10 Q. If a child was 15 according to the book, did you include that
11 child in your number of 492?

12 A. Among the 539.

13 Q. Yeah, so it's clear. So it's -- the 539 relate to numbers --

14 MR. HOOPER: I don't know if the Prosecutor's got a figure that
15 would help us. They said they had. It would be a useful moment to deal
16 with it. Can I invite the Prosecution, if they've done a calculation
17 that they'd wish to share with us, whether we could have it because it
18 would be slightly different perhaps. We're dealing with children,
19 because of the criteria in this Court, of less than 15 and those -- to
20 separate those out in the book who were 15 and older.

21 MR. DUTERTRE: (Interpretation) Your Honour, this is -- it's
22 down to the Defence in the cross-examination to come up with the evidence
23 it seeks to produce, and calculations can be communicated in the final
24 arguments --

25 MR. HOOPER: Well, I --

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1 PRESIDING JUDGE COTTE: (Interpretation) There's the answer.

2 MR. HOOPER: That's the answer.

3 And just for a moment may I just say that I indicated or I joined
4 the children whose -- who hadn't been given an age in the book I thought
5 as a matter of fairness, given where the burden of proof lies in the
6 case, which is why I thought it a fair thing to include those numbers;
7 but I appreciate that may be a matter for argument.

8 Q. I think it's right to say that even in respect to the ages given
9 that you recognise, sir, that there could be a doubt about the ages given
10 by children; is that correct, yes or no if possible?

11 A. Doubt emerged when the child did not know the date of his or her
12 birth or the month, especially the month. And thus, for the verification
13 team there were -- this team included teachers who knew the community who
14 their job was to question the children based on their environment and
15 based on their day-to-day life.

16 Q. Now, you told us in evidence, T165, page 25, line 10:

17 "If someone told a lie, it would be identified."

18 Can I ask you how many false applicants did you find?

19 A. False applicants were immediately turned back and not registered,
20 and I have said that from the verification all of the cases recorded were
21 certified cases in the book of admissions.

22 Q. How many who presented themselves were turned away?

23 A. I couldn't make up a log-book of those who were turned back
24 because there was no column to specify the number of children who were
25 turned back. It was clear they were not eligible for the programme and

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1 therefore they did not come under our verification. Those who were not
2 eligible were immediately turned away.

3 Q. Approximately how many was that? Very approximately, if
4 possible.

5 A. Counsel, when you look at this there was what we called the flow.
6 And sometimes in the space of a day or an evening we had up to 50 or
7 60 children. This was a difficult job and we only took into account
8 those who were certified, and we turned them back. Our main concern was
9 only to keep the children who were eligible for the programme and it's
10 these children who were registered in the log-book.

11 Q. Now, you dealt with some entries here that showed the hour that
12 the child left the site. If we look, for example, at number 39 -- or
13 entry 29, can I correct myself. Entry 29, if we have that, someone aged
14 14. If we look at also number -- oh, I'm sorry --

15 MR. DUTERTRE: (Interpretation) If I may, we're a little bit
16 lost.

17 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, could
18 you please specify just so that we're able -- when you're referring to
19 number 29, could you tell us exactly what you're referring to. Could you
20 give us the date of arrival, the date of record so that we're able to
21 find this more easily in the log-book.

22 MR. HOOPER: If we go to the first page just to -- I'm sorry, I
23 should have oriented ourselves --

24 PRESIDING JUDGE COTTE: (Interpretation) Yes.

25 MR. HOOPER: -- we can see that there's a table there that's been

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1 created, and that table has the same form throughout the notebook or the
2 relevant pages of the notebook. And we can see that it has on the
3 right-hand column a list of numbers, but that is per day. So you see
4 that, for example, on the first day, 2nd November, we have an entry and
5 he's number 1 in the first column. But if we go down to the
6 10th of November when the next child arrives, they start again at
7 number 1.

8 We then have -- so let's -- if I can go across the first entry
9 there, entry 01 on that day, the 2nd of November, we then have name and
10 post name, and the name is entered; we then have sex; we then have age;
11 and then we have a column and it's this column which is the guide in the
12 notebook of -- I suppose that's total generale. And the first one there
13 is given 1 --

14 PRESIDING JUDGE COTTE: (Interpretation) Yes, that's fine.
15 Thank you. Thank you.

16 MR. HOOPER: 39 --

17 PRESIDING JUDGE COTTE: (Interpretation) Yes, we've spotted
18 number 29. Thank you for your explanations. So number 29, unless I'm
19 mistaken is on the day of the 18th of November, the 18th of November,
20 2004, we have number 29 to which you have just referred. And the column
21 on the right is written in red. Is that right?

22 MR. HOOPER: (Previous translation continues) ... it's 39 in
23 fact, trente-neuf.

24 PRESIDING JUDGE COTTE: (Interpretation) Fine.

25 MR. HOOPER: In that final column to the right we see 1545.

1 Similarly, if we look at number 53, which is on the other side of the
2 page, visitor 53, we have another entry there rather more specific,
3 "sortie le," and it gives the date, "a 15 heures vehicule." So there's
4 two examples of the hour when a child left the site. And if we turn over
5 the page we see that there's some general entries of leaving, am I right,
6 on days. But if we turn through the file, the book, after that there's
7 no -- hardly any more entries, not a great number.

8 Q. Were all the children -- what does that time relate to? Is it
9 leaving the site or is it going to the CTO site? What is that timing
10 demonstrating and where are those children going where there are times?

11 A. Counsel, regarding the cases that have been mentioned, these are
12 children for whom in a 48-hour period we conducted rapid search. We have
13 found -- we had found their children, documented this. They were no
14 longer to remain in the site. They were to leave. And the others which
15 were not mentioned had gone to the CTO. The -- I'm talking from 7.00 to
16 1800. After 6.00 in the evening, nobody could go into the site, whether
17 adult or children, unless somebody in charge was made aware of the
18 reasons for this. And this was to -- in order to protect the site.

19 Q. So where there were not entries, and that's for the vast majority
20 as we can see for individuals in this document, where there's no such
21 entry, does that mean that they went to the CTO; i.e., that they passed
22 through the 48-hour process and had gone on to the CTO managed by E?

23 A. Yes, Counsel.

24 Q. May I ask, why was it these children went to the CTO because they
25 were all local children whose families were known? These weren't

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1 refugees or children with no known home. They were known to the
2 community and who they belonged to. So why would it be necessary for
3 those children who weren't orphans, weren't disconnected from families
4 and kin, why was it necessary for them to go to the CT0?

5 MR. DUTERTRE: (Interpretation) Your Honour.

6 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

7 MR. DUTERTRE: (Interpretation) I'm aware that -- of course that
8 we have said earlier on that these children came from the same community,
9 but in the question posed by Counsel Hooper there's an assumption, in
10 fact several assumptions which he should first of all clarify and
11 establish, and in particular children for whom there is no mention of
12 their having left the site in the register and these are children for
13 whose families have been found, identified, and these facts should be
14 established, should not go from assumptions which he is setting forth.

15 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, if you
16 could please break down your question, there's the first part, why were
17 these children who were local children whose families were known, why did
18 they go through the CT0. And then you should ask the second part of your
19 question. Witness?

20 MR. HOOPER:

21 Q. Why was it necessary for these children to go to the CT0?

22 A. The children went to the CT0 when they had not been in contact
23 with their families. However, the verification and the documentation,
24 all the roots which were showing here, you're saying that the children
25 came from the communities. Now, this is very broad. A child may belong

1 to a group but actually be with another group. So during this period of
2 separation from the family for an unspecified period of time, there was
3 no communication, and these children came from the armed group, from
4 specific armed groups. The -- when the child specifies his original
5 environment, this is when the child will be in the CTO so that the agents
6 in charge of the search can go make contact with the families in order to
7 be able to go back to the family. This is the process. It wasn't a town
8 in which one could find an area, it was a community with various groups
9 within the community.

10 Q. Now, the CTO to which they went was, I understand -- the CTO to
11 which they went was an attractive place for a child, was it not? Let me
12 explain why I put that question like that. It had games, videos, cinema,
13 baths perhaps for the first time for a child, given a haircut, allowed to
14 play, and generally have a very nice time, football, volleyball. Would
15 you agree, it was an attractive place for a child to go to?

16 A. Counsel, a pleasant place for a -- an attractive place for a
17 child, that's his family. If the programme established a structure
18 for -- as a transit, most children had lived -- had spent a long time
19 separated from their families. And at first sight, these children
20 displayed signs of trauma, and we had to set up a structure providing
21 accommodation, washing facilities, a place to try and build up the
22 child's confidence again. It wasn't set up to provide leisure; it was a
23 set-up to enable the child to continue to feel that he was a child.

24 We're talking in a very simplified way. In actual fact, these
25 children, to bring them back to this state of childhood, they had to go

1 through phases and to enable them to accept to go back home after a
2 period of separation from their families. So it wasn't a leisure venue,
3 as you're suggesting. We set up a programme to enable the children to
4 continue to feel as children after the experience that they had been
5 through.

6 Q. How many children could be accommodated at one time at the CT0?

7 A. The capacity was at least 100 children.

8 Q. Can I go to 115, that's child 115, of the 10th of December, 2004.

9 And -- thank you very much. You'll see that that's a child of 16 is
10 entered there at 115. And in the sixth, the sixth, column, it has
11 "eleve/institut" and we see others and you've referred to that in your
12 evidence earlier. That's an entry of children who are studying; is that
13 right?

14 A. Yes, Counsel.

15 Q. And it gives, for example, what appears to be the names of
16 schools; is that right?

17 A. Yes, Counsel.

18 Q. And why was that entry made?

19 A. The information appears because after verification these children
20 did not go through the CT0 because they had been identified and
21 located -- and precisely located.

22 Q. I'll stand to be corrected if I'm wrong, but if we look through
23 the rest of the entries, there's no other entries like that relating to
24 schools. Does that mean that that entry is the only time when children
25 were somehow identified through schooling or what? Why is there just the

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1 one solitary entry to that effect?

2 MR. DUTERTRE: (Interpretation) Your Honour, if I may. There
3 may be a problem of translation between the singular and the plural
4 because immediately beneath number 115 we have other numbers with other
5 references to what may well be schools. I don't know whether
6 Counsel Hooper is able to clarify this.

7 PRESIDING JUDGE COTTE: (Interpretation) Perhaps Counsel Hooper
8 will -- was referring to the 10th of December, 2004, and it's down to you
9 to make this clear, Mr. Hooper.

10 We only have a minute and a half left of recording time.

11 MR. HOOPER: (Previous translation continues) ... the way in
12 which the witness dealt with it in his evidence in-chief, we were dealing
13 with this batch of children who came in on the 10th of December. That
14 was the explanation. We've heard it today. And my question is:

15 Q. Why is it that this is the only entry to that effect in this
16 book? If we go on the subsequent pages, we can see that there's no
17 similar entry, though, of course, I may have overlooked an entry.

18 And my question is: Why is that? Why is that a solitary entry?

19 MR. HOOPER: And it may be fair to the witness, he can take the
20 document with him and just to satisfy himself over the break, perhaps,
21 that there aren't subsequent entries to that effect.

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, we are
23 going to have to proceed as Mr. Hooper as just suggested. Please take
24 the document when you go back to the unit and go through it in such a way
25 that you're able to provide an answer to Counsel Hooper at 11.30. Now we

1 have to suspend the hearing because we've run out of recording time.

2 We'll resume at 11.30. Please rest, Mr. Witness, for the next half-hour,
3 subject to the clarification which has been asked.

4 Court Officer, could we go into private session so that the
5 witness is able to leave the courtroom discreetly.

6 (Closed session at 11.00 a.m.)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Open session at 11.01 a.m.)

13 COURT OFFICER: (Interpretation) We're now in open session,
14 your Honour.

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

17 The Court is adjourned. We shall resume at 11.30.

18 Recess taken at 11.01 a.m.

19 On resuming at 11.34 a.m.

20 (Closed session)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 11.35 a.m.)

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

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

9 Mr. Hooper, you can now continue with your cross-examination.

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

11 Q. And, Mr. Witness, if we can just go back to that book, if you
12 have it in front of you, and if it can be brought back on the screen if
13 it needs to be brought back. I think we've all got these documents now.
14 And going to Friday, the 10th of December, 2004, we were discussing the
15 entries there, 115 and then 117 to 124 dealing with, as it turns out,
16 children who were at school. You were saying how you'd gone into the
17 school, and anyway, these children were coming. And my observation was
18 that after that date - and that's quite early on, the 10th of December,
19 of course - if we just flip through the pages which you've had the
20 opportunity, I think, over the break of confirming this, for my part I
21 don't see anticipate other entries relating to schools.

22 Is that correct?

23 A. Yes, Counsel.

24 Q. Can I ask you, please, to --

25 MR. HOOPER: Can I call up another document just very briefly

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1 which is a liste des EAFGAs having passed through AA, and it's
2 DRC-OTP-0152-0121. If the witness can look at that on the screen when it
3 comes up.

4 COURT OFFICER: Counsel Hooper, is this document confidential?

5 MR. HOOPER: In our circumstances, it must be confidential, yes.
6 Thank you.

7 Q. Mr. Witness, have you seen this document before and are you
8 familiar with it?

9 A. I'm familiar with the document.

10 Q. Can you tell us what it represents?

11 A. This document represents the children that is as the title
12 indicates, EAFGAs having passed through the AA transit site.

13 Q. Are these names additional to or included in the names that are
14 in the exhibited notebook?

15 A. These are still names that are included in the book.

16 Q. And without going into detail because I see no particular need at
17 this point, we can see that each of the pages relates to specific schools
18 in the area, the general area of Walendu-Bindi; is that right?

19 A. Yes, Counsel.

20 Q. And are these -- are these children -- were they at the school
21 before they came to the site to transit or not?

22 A. The list was drawn up after the children had passed through the
23 transit site. So this was done after the children had already transited
24 through the site.

25 Q. But is it the case that these children were already at these

1 schools before they presented themselves or were presented at the
2 demobilisation, at the transit site?

3 A. I confirm that this list was prepared after these children passed
4 through the transit site, so it was during the follow-up process that the
5 list was drawn up.

6 Q. But is it right that these children were attending this school
7 before they came to the site?

8 A. As the list shows - and I've said that the list was drawn up
9 after they passed through the site - because there is an entry about
10 current occupation of the child and it was therefore established whether
11 the child was going to school or not.

12 Q. Can I take you, please, back to the notebook and to entry 315 to
13 323. In fact, it would be perhaps more helpful for my purposes if we
14 just turn back a page and start with 295, the 24th of December, 2004, and
15 focus there on the fourth column which is blank and which would normally
16 have an age put in. And we can see if we look down to the next date, the
17 27th of December, is there's one age there and that continues indeed up
18 to 314. And then from 315 to 323 there's a blank, and again 327, there's
19 again a blank.

20 Now, I understand from what you said in your evidence in-chief
21 that these blanks represent occasions when because of uncertainty about
22 names or assessing -- sorry, ages and assessing ages, no age was put
23 down. Is that right?

24 A. Yes, Counsel.

25 Q. To your recollection, looking at, for example, Friday, the

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1 24th of December, why is it a complete blank there, like a chunk of a
2 whole group of people coming in where age is not assessable?

3 MR. DUTERTRE: (Interpretation) Mr. President, I can see the
4 witness going through his papers. Maybe Mr. Hooper can specify the date.

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

7 The date is Friday, 24th of December, 2004. You are very
8 familiar with your own notebook. If you go from the cover page, this
9 would be on the fifth page.

10 THE WITNESS: (Interpretation) Yes, I have located that entry.

11 MR. HOOPER:

12 Q. I give that as an example. It -- similar situations arise, for
13 example, on the 10th of January from number 447 to 459, and on the
14 15th of April, for example, going towards the back of the book at
15 number 909 to 916. So in each of those cases what we see is a whole
16 batch where name -- sorry, where age is not entered. Can you recall why
17 that was?

18 A. During the verification process it so happened that during the
19 interviews some children did not give even an approximate year of birth.
20 And when you looked at the education level of these children, some had
21 gone up to only the third or second primary school year. And you can
22 look at their physical appearance and then you would ask them when they
23 were born. Some of these people were not able to give their dates of
24 birth. Others could, while others simply said, "I do not know."

25 And based on such an answer, "I do not know," one cannot imagine

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1 the date of birth unless the child mentioned an event. So this was
2 during the verification phase, the child had to first of all give the
3 name of their father, their mother, and then the date of birth.

4 Q. Thank you. Now, you remember earlier this morning I asked you
5 how many children who came to be demobilised were rejected and asked you
6 if you could provide or estimate a number for them. Can I just ask you
7 one question dealing with that. When these children came for -- to enter
8 the system which you were and your organisation was responsible for, at
9 that time am I right in saying that they came, as it were, with form A
10 having been filled in. So they were being presented by a commander as
11 someone who did fulfil the criteria to enter the demobilising -- the site
12 to transit. Is that right?

13 A. The children turned up with the identification sheet, or form A,
14 and in my testimony I said that some of the commanders, given their
15 intellectual level, were not even able to fill the forms. They showed up
16 with lists and these lists had to be given to the FRPI general staff
17 before they started the process. The list was handed over at the
18 disarmament point. So there was a document attesting that the children
19 belonged to the group. A child could not be accepted if his or her name
20 did not figure on the list, so it was a method for us to verify the
21 provenance of the child.

22 Q. Yes. Now, any child who therefore came, it would follow, was on
23 a list. Wouldn't there be a record who those children, despite being put
24 forward by their commanders, were deemed not eligible by you? Would
25 there not be a clear record of that?

1 A. Counsel, I pointed out that the children who were not eligible
2 were not recorded in any way for us to know that such and such a number
3 of children had been turned away.

4 Q. Can I ask you to go to the 4th of January, 2005, which is just
5 above entry 396. Now, we saw this, I think, earlier and we see that it's
6 written there that:

7 "Les EAFGA admis au sit ce mardi," 4th of January, 2005, "ont
8 remis vingt cartouches et un cordelette."

9 And that's the only such entry like that. Why is that the only
10 entry relating to arms or items of war?

11 A. This showed the items that they had turned up with. This had to
12 be mentioned. Everything that was linked to disarmament and
13 demobilisation was indicated. It was not a necessary or absolute prior
14 condition. The children, whether they showed up with weapons or not,
15 were admissible. That measure was adopted because on -- in other
16 situations the children arrived with weapons. So we wanted to broaden
17 the scope to include even children who did not have weapons. And in this
18 particular cases it was the commanders that came with those children and
19 they had to be admitted. So it had to be indicated. Whenever they came
20 in, they could do so with or without weapons. And whenever they had a
21 weapon or ammunition this had to be indicated because those weapons and
22 ammunition were handed over to MONUC.

23 Q. Thank you. Can I take you, please, to entry 522, EAFGA 522, of
24 the 26th of January, 2005, and 523. And you may remember talking about
25 these. You told us they were a married couple, age 14 each of them, and

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1 they came from -- and they were in fact people of the forest or pygmies.
2 Is that right?

3 A. Yes, Counsel.

4 Q. I think in these days the more acceptable term for pygmies is the
5 phrase "people of the forest." Is that right?

6 A. The term "pygmy" is specific for the identification of that
7 category of citizens and it is more frequently used.

8 Q. Thank you. Now, those weren't the only pygmies who were
9 demobilised and became part of your project. Am I right in saying that
10 if we look at that page a little further down for the 31st of January, we
11 have 529 through to 543, and all those are pygmies too. Is that right?
12 And while you're looking at that --

13 MR. HOOPER: Can I ask the Court to put -- Registry to put up
14 DRC-D02-0001-0161, which is list 2 for Mr. Duterte. And that is the --
15 a list of names which is extracted from this notebook and has in it, as
16 we can see, 522, 523, and then those names that appear from 529 through
17 to 543. And it's a private document again, I suppose.

18 PRESIDING JUDGE COTTE: (Interpretation) The document is on your
19 screens. Can you see it, Mr. Witness? Yes. Very well. Everyone can
20 see the document.

21 Please proceed, Mr. Hooper.

22 MR. HOOPER:

23 Q. So all that document is is an extract of what we, the Defence,
24 assert are pygmies, pygmies that appear in the notebook. Do you agree
25 that those names as appear in the notebook are pygmies?

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1 A. Yes, Counsel.

2 Q. That's 17 of them. Now --

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

4 MR. DUTERTRE: (Interpretation) Just to be clear, this was a
5 list from the Defence, not from the Prosecution, just to be fair to the
6 witness.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Mr. Prosecutor. I think there was a slip of the tongue there. This was
9 a list that was produced by the Defence of Mr. Germain Katanga.

10 Please proceed.

11 MR. HOOPER: And can I also put up, please, a photograph which is
12 DRC-D02-0001-0149 and that's a private document.

13 PRESIDING JUDGE COTTE: (Interpretation) Witness, do you have
14 the photograph before you?

15 THE WITNESS: (Interpretation) Yes, your Honour.

16 PRESIDING JUDGE COTTE: (Interpretation) All right.

17 Mr. Hooper, you can continue.

18 MR. HOOPER:

19 Q. Now, looking at that photograph, are you the gentleman in the
20 hat, in the baseball hat?

21 A. That is me, yes.

22 Q. And the lady in the foreground holding a packet, in yellow and
23 blue, is that number 15 on EVD-OTP-00119? That's on your list,
24 number 15. Is the answer yes?

25 A. Yes, Counsel.

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1 Q. And is the gentleman in the red shirt a pygmy?

2 A. Thank you, Counsel, for providing me with this photograph. I
3 find it reassuring because this person -- after the first pygmy, it is
4 this person, who is Ngiti and living in the forest, (Expunged) ,
5 led the second group that you have shown here. It was on that day that
6 we had an exception in our site, we received a group of pygmy children on
7 the site. We had conducted a major event on that occasion and this is a
8 photograph that reminds me of that occasion.

9 Q. And what's number 15 giving the gentleman in the red shirt?

10 A. I cannot see the object because at that event we had organised an
11 occasion which went beyond the site. It became a popular event that went
12 beyond the site boundaries. This event moved from the site towards the
13 centre, where these children, these pygmy children, put on traditional
14 dances.

15 Q. Yes, they were exactly so, a pygmy dance troupe, nothing to do
16 with the FRPI, but they went through the site de transit as demobilised
17 child or EAFGAs, E-A-F-G-As, isn't that right, those are the names in the
18 book?

19 A. Counsel, I do not see those names, those EAFGA names.

20 Q. Well, I'm referring to the names that appear from 522 to 523 and
21 onwards. We have the name - and this isn't a matter that will obviously
22 lead to identification - (Expunged), as we can see, against 3 and
23 4. We have no reference to any place from 529 to 543, but I suggest that
24 529 to 543 were the children or young people of a pygmy dance group that
25 had nothing to do with the FRPI but were nevertheless taken in and put

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1 through or purported to be put through the demobilisation programme and
2 the site de transit programme. Now I don't criticise you for that. It
3 was a kindness to them because they are -- or have nothing, but they
4 weren't child soldiers. That's the point I make.

5 A. Counsel, I would contest that. These children went through the
6 staff headquarters. It's always the same process. We only received
7 children who came to us with the letters, with the documents of the FRPI,
8 through the centre, and that is part of the disarmament programme
9 involving MONUC, CONADER, and others. We were not alone. This was part
10 of a process. And I will confirm that these children did belong to the
11 FRPI in fact.

12 Q. Yes, indeed. My position is this: That the man whose name we
13 mentioned earlier as the secretary of the battalion commander, you may
14 remember we mentioned his name this morning, it started with David, now
15 he provided lists of names, they were presented on behalf of the FRPI, he
16 presented lists of names, and without exception, I suggest, the children
17 on those lists were accepted and they were all processed. Even these
18 pygmies were processed and received the facilities of the site de
19 transit, the kit, the transfer to the site de transit. That went on and
20 everyone knew it was going on. Do you see? That's the point I'm making.

21 The numbers were inflated and everyone knew they were inflated, I
22 suggest. And the people working were all encouraged to accept as many
23 children as possible to benefit from that system. That, I suggest, was
24 what was going on (Expunged).

25 A. Counsel, I contest that because the programme was scrupulously

1 followed up and verified. We were not alone. We had MONUC, you are
2 calling into question the good faith of MONUC; there was CONADER running
3 the programme, you are calling into question the good faith of CONADER;
4 you had the FRDC, you are calling into question their good faith; and
5 there was us. So in this process you had many components. We were not
6 going to accept any compromises in this programme. That was all the more
7 true that we were determined to have the most reliable data and
8 information.

9 If we were acting alone, perhaps one would understand something
10 like that. If a person allocated by the FRPI were to inflate the lists
11 of children, then they would be doing the same thing for the adults
12 because it was the FRPI people who had officially designated those
13 children and those adults for presentation. I don't know why you would
14 say that you would inflate the figures for children and not adults. I
15 don't really see what purpose that would serve, what the benefit would
16 be.

17 Q. Well, it would be a benefit to the children who benefitted.

18 May I move on to another point, and this is simply this: In the
19 course of the book we see the same name or names, there's about
20 ten names, that I calculate of being repeated between themselves about
21 25 times. Let me take an example. If we look, for example, at
22 number 66 and we go then to 171; or if we go to number 37 and then go to
23 636, and then go to 768; or if we go to number 105, go to 268, go to 494;
24 go to 799 for that particular name. And I could point you to another
25 nine examples of a name that reappears. In the time available I don't

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1 propose to take up that time.

2 Now, I suggest those aren't people with the same -- different
3 people with the same name. I suggest they're the same person coming in
4 more than once. Could that have happened?

5 A. That did not happen because I would like to make you aware of the
6 difficulty in the fact that we did not note down the first name at the
7 beginning. When Mobutu introduced a return to accuracy, to authenticity,
8 you will find in a community a name X, which would correspond to a first
9 name, Y. But when people were re-baptised with their authentic names,
10 sometimes within the same community you will have ten people who have
11 exactly the same name and a common ancestor. That is a reality, Counsel.

12 What differentiates them is that these children, these people,
13 came through at different periods with different ages. We could not
14 accept a child which came in one month and then came back another month.
15 So I can confirm that these are different people, different children.

16 Q. These children were not -- were exempt from the IRIS system, as
17 you've told us this morning; that's right, isn't it? These children did
18 not go through the IRIS system? Can you confirm the children did not go
19 through the IRIS system?

20 A. The IRIS system was for the identification of adult combatants.

21 Q. The answer is: Yes, they didn't go through that system. Can I
22 ask you, please, to --

23 MR. HOOPER: Or can I bring up 0152-0095, which is a list of
24 EAFGA girls from the groupement -- yeah, that's DRC-OTP-0152-0095.

25 COURT OFFICER: This document is confidential?

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1 MR. HOOPER: Yes, it is, I'm afraid, yes.

2 Have we got that? Thank you.

3 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, do you
4 have the list before you? Good. Thank you.

5 Mr. Hooper, you can continue.

6 MR. HOOPER:

7 Q. Is this a list of EAFGA girls by groupement that passed through
8 the site de transit?

9 A. Yes, Counsel.

10 Q. And is this list -- are these names also contained in the
11 notebook?

12 A. They are in the exercise book.

13 Q. And if we go to the second page, DRC-OTP-0152-0096, which is part
14 of the same document, at item -- and I'm looking at the second column
15 after the place, we see reference to AA, that's at item or girl 39; and
16 again at 45, AA specifically referred to. And those are the only
17 references to AA in relation to any girl on this list.

18 My question is: Is it right that all these girls were previously
19 attending these schools or institutions prior to their arrival at the
20 site de transit?

21 A. That is -- it is the situation indicated as at before their
22 arrival in the transit site.

23 Q. Did you yourself ever meet Yuda?

24 A. I have never met Yuda.

25 Q. Can you confirm, as far as your knowledge allows, that the Ngiti

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1 had no training camp for children?

2 A. There was not a specific training course for children.

3 Q. Can I ask you now, in the closing minutes, just two other
4 subjects. The first one -- oh, one little subject. Wah-wah. I take it
5 you never tried it yourself?

6 A. I do not smoke and I do not drink.

7 Q. Was it in fact otherwise known as chanvre, c-h-a-n-v-r-e?

8 A. Counsel, to our knowledge, we in that environment are familiar
9 with cannabis. We understand its nature, but wah-wah was a different
10 plant. To my knowledge, it was a new plant and that is why we were
11 studying it to understand the narcotic effects of it, the effects that
12 wah-wah produced. It was a plant which was not familiar to us.

13 Q. And for you is chanvre synonymous with cannabis? Is it the same
14 thing? Chanvre, cannabis, marijuana, is all that the same thing and
15 distinct from wah-wah, just as far as you know, yes or no, please?

16 A. Chanvre, as we understand its nature, is quite different from
17 wah-wah.

18 Q. Thank you. Now, I want to ask you about how you came to be in
19 contact with the Prosecution and who the person was who put you in
20 contact. Now, this is something the Prosecution are very acutely
21 sensitive about and so we refer to him as number 143. But what I suggest
22 we can do here is for the Prosecution, who know the name of this person,
23 to write the name on a piece of paper, present it to you, and you can
24 confirm whether that is the person who put you in touch and liaised, was
25 your intermediary between yourself and the Prosecution. And then neither

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1 I nor the other Defence team will see that list on the piece of paper at
2 this stage. The Judges can share, of course, know who it is who you've
3 written about, and so can the Prosecution. And that way we all satisfy
4 my difficulty in identifying who that person is.

5 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, on this
6 suggestion?

7 MR. DUTERTRE: (Interpretation) Mr. Hooper is asking how the
8 witness was in contact with the accused and we don't require a name. We
9 worked earlier talking about an intermediary, and its filing the Defence
10 also specified that it did not require a name. So let us be logical and
11 consistent here. I think that Mr. Hooper is perfectly capable of
12 carrying out his cross-examination on this point using generic terms
13 without having to mention any names for the witness. Thank you.

14 PRESIDING JUDGE COTTE: (Interpretation) It would be preferable
15 if in the first instance the witness could tell us how he came into
16 contact with the Prosecutor's office.

17 Mr. Witness, if you do not -- if you know the name of the person,
18 please do not state it in public.

19 THE WITNESS: (Interpretation) I can state to you that I
20 received a telephone call requesting a meeting. If you do not want me to
21 mention the name, I can say that it concerned the activities I was
22 running and that involves the division of human rights which is very
23 familiar with the activities that I am carrying out to help vulnerable
24 populations. And in consultations with regard to activities I'm carrying
25 out involving children, I could not remain unidentified. When missions

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1 came into the field with regard to specific situations, I was known.

2 That is the context in which I received a telephone call requesting an
3 interview with me. I will leave it at that.

4 MR. HOOPER:

5 Q. Thank you very much. Now, I know the Prosecution have told us
6 that 143 was your intermediary.

7 MR. HOOPER: And through your Honour, I'd invite the Prosecution
8 to follow the course which the Prosecution adopted in the Lubanga case,
9 and that is to write down the name of the intermediary, present it to the
10 witness. The witness, without uttering the name and without me or the
11 Ngudjolo team having sight of the name, so it stays secret from us, we
12 all know that we're talking about that person. It would save a lot of
13 time and I can't see a problem. The Prosecution know who it is. I don't
14 want to know who it is. I just want the witness to know who it is and
15 who we're talking about.

16 (Trial Chamber confers)

17 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

18 MR. DUTERTRE: (Interpretation) Your Honour, the Prosecutor
19 indicated that 143 facilitated the contact, and firstly, we consider that
20 we're not in the Lubanga case here and that the procedure as proposed is
21 not of particular use and, as such, it should not be something that's
22 filed into the record. We have always talked about the intermediary in a
23 general sense, but Counsel Hooper can, of course, explore the issue of
24 whether the witness, with regards to the contacts that he has, this was
25 directly with the Prosecutor or with the intermediary via which this

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1 phone call was taking place.

2 THE INTERPRETER: The interpreter would like to point out there
3 are two microphones on at the same time.

4 MR. DUTERTRE: (Interpretation) Whatever the case with regard to
5 writing the name on the paper, this would appear premature, given what
6 I've just said, and it's not useful for the exercise that needs to be
7 carried out.

8 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor,
9 Counsel Hooper, we're going to try to get out of the general atmosphere
10 or clear the atmosphere linked to 143. We shall ask the witness to write
11 on a piece of paper, if he knows, the name of the person who put him in
12 contact with the Office of the Prosecutor.

13 If you know the name of the person who put you in contact with
14 the Office of the Prosecutor, then write it onto a piece of paper. This
15 paper will be provided to the Chamber. The Chamber at that time will be
16 able to assess if the name corresponds with 143 or if it is the name of a
17 totally different person.

18 Please provide the witness with a piece of paper and a pen.

19 And if you know the name of the person who put you into contact
20 with the Office of the Prosecutor, then please write that for the
21 attention of the Chamber and we would like to thank you.

22 (Trial Chamber confers)

23 PRESIDING JUDGE COTTE: (Interpretation) The Chamber therefore
24 would like to draw to the attention of all the participants that the name
25 that the witness has written on the document does not correspond with

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1 143.

2 Counsel Hooper, please continue with other questions.

3 MR. HOOPER: Well, I can't leave this subject because the
4 Prosecution have informed me he is the intermediary.

5 PRESIDING JUDGE COTTE: (Interpretation) Well --

6 MR. HOOPER: So if the Prosecution can write the name of -- or
7 the name on a piece of paper, show it to the witness, and then we can see
8 what the witness knows of who the Prosecution claim was the intermediary,
9 what they -- what the witness knows about him and what part he played, in
10 the same way as has just happened with this process.

11 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, don't
12 you think, quite sincerely, that the witness is the best-placed person to
13 know the name of the intermediary who put him in contact with the Office
14 of the Prosecutor?

15 MR. HOOPER: Well, it's a significant matter. Why is it the
16 Prosecution have disclosed intermediary 143 as being the intermediary for
17 this witness? It may be obviously that he's spoken to more than one.
18 He's got another person in the forefront of his mind. Now -- or maybe
19 there are other reasons.

20 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, when, just
21 to refresh the memory of the Court, when did you indicate or state that
22 143 was the intermediary who put the witness in contact with your office?

23 MR. DUTERTRE: (Interpretation) Prosecutor, your Honour, in the
24 submission 2214 it's indicated that 143 facilitated. This has a
25 particular meaning, "facilitated" is a precise word, it has a precise

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1 meaning. We're not going to give evidence and testify ourselves.
2 Counsel Hooper can explore this issue if he so wishes, but to say he
3 facilitated, this limits his input.

4 PRESIDING JUDGE COTTE: (Interpretation) Witness, you gave us a
5 name, the name of a person who put you in contact with the Office of the
6 Prosecutor. Was there another person who might have facilitated this
7 contact with the Office of the Prosecutor or who, for example, might have
8 introduced the intermediary whose name you have just given us? If, from
9 your memory, you could tell us that.

10 THE WITNESS: (Interpretation) To be more lucid in this regard,
11 you would have to show me the name. If I see the name, I could
12 reconstitute it. As I mentioned I was asked -- there was several
13 contacts. I would have to have the name in front of me in order to give
14 precision in this regard.

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

16 Prosecutor, you're going to write the name of the
17 intermediary 143 on a piece of paper. This name will be submitted to the
18 witness. The witness -- do not say this name. The paper will then be
19 provided to the Court.

20 Prosecutor, it is clear in proceeding this way we do not disclose
21 the identity of 143 to everyone here. Everybody has to know that there
22 are proceedings that are underway here.

23 (Prosecution counsel confer)

24 PRESIDING JUDGE COTTE: (Interpretation) Please provide the
25 witness with this document.

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1 Witness, you will read this name. Do not mention out loud this
2 name, and just tell us, once read it, if you know this person and if this
3 person facilitated the contact that you had with the Office of the
4 Prosecutor.

5 THE WITNESS: (No interpretation)

6 PRESIDING JUDGE COTTE: (Interpretation) Did this person
7 facilitate the contacts that you had with the Office of the Prosecutor?
8 Was this person an intermediary to the same extent as the person --

9 THE WITNESS: (Interpretation) This person facilitated the
10 contact in the same context, in the same context with the person who I've
11 just mentioned --

12 THE INTERPRETER: Overlapping speakers.

13 PRESIDING JUDGE COTTE: (Interpretation) What do you mean by
14 "has facilitated"?

15 THE WITNESS: (Interpretation) Has facilitated, that is to say,
16 we had a meeting, and during the meeting information was given, as I
17 said, within this framework. We were asked -- or a meeting was asked for
18 to have the meeting. It was within that --

19 PRESIDING JUDGE COTTE: (Interpretation) The active role of
20 putting you in contact with the Office of the Prosecutor, was this
21 carried out by the person whose name you've just given or was that role
22 fulfilled by the person whose name was just shown to you and who we are
23 calling here 143?

24 THE WITNESS: (Interpretation) When 143 -- when I saw the name
25 of the person that I have just given to you, he gave me the green light.

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1 That's it.

2 PRESIDING JUDGE COTTE: (Interpretation) Can we consider that
3 the intermediary, the main intermediary, was the person whose name you
4 gave to us, the written name; and that the other person was just a
5 facilitator in the sense that you understand it?

6 THE WITNESS: (Interpretation) Correct.

7 PRESIDING JUDGE COTTE: (Interpretation) I think that the answer
8 was given. Witness, please do not give the name of this person who's
9 just been communicated to you by the Office of the Prosecutor, somebody
10 who you do know, obviously, in the same way that everything you have said
11 during this hearing remains confidential for you. You do not speak about
12 your testimony outside the Court. We are in agreement with that.

13 THE WITNESS: (Interpretation) Yes, Judge.

14 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, you can
15 see that the witness replied to the question put to him by the Court. He
16 is a main intermediary -- isn't 143, but 143 intervened as a facilitator.
17 I think that this word and vocabulary makes it possible for everybody to
18 see things a bit more clearly.

19 MR. HOOPER: Thank you.

20 Q. Now, Mr. Witness, my next questions -- my next questions do not
21 concern intermediary, anyone that you may have been intermediary with.
22 Please understand that. I merely want you to let me know whether you
23 know these people. The first person is someone called (Expunged)
24 (Expunged) --

25 MR. HOOPER: Or can we go in closed session? I'm sorry. Can we

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1 go into closed session.

2 PRESIDING JUDGE COTTE: (Interpretation) It is without doubt
3 preferable.

4 Court Officer, please take us into closed session. Given that
5 names are being mentioned.

6 (Private session at 12.42 p.m.)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OTP-P-0267 (Resumed) (Private Session)
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Page 63 expunged. Private Session.

Witness: Witness DRC-OTP-P-0267 (Resumed) (Private Session)
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Page 64 expunged. Private Session.

Witness: Witness DRC-OTP-P-0267 (Resumed) (Private Session)
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Page 65 expunged. Private Session.

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 12.51 a.m.)

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

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

9 Counsel Hooper.

10 MR. HOOPER:

11 Q. Well, thank you very much, Mr. Witness. Those are all my
12 questions. Thank you very much for your very considerate and polite
13 reception of them and dealing with them. And can I close by really
14 voicing what I said at the outset, and that is that, certainly for my
15 part, I recognise you very much as a great force for good in this area
16 where you were working in 2004/2005 and in your efforts to assist the
17 children in that area. Thank you very much.

18 THE WITNESS: (Interpretation) Counsel, my sincere
19 congratulations.

20 MR. HOOPER: Thank you.

21 We have some EVD numbers and ...

22 PRESIDING JUDGE COTTE: (Interpretation) Indeed we do. The
23 Court Officer was right up with it.

24 MR. HOOPER: I think there's a total of seven items, and so can I
25 leave it in the very trustworthy hands of the Registry to assign those

1 numbers. Thank you.

2 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, are you
3 able to give the numbers right from now? I think in order for everyone
4 to have the feeling that it's not useful to hurry, perhaps we will have
5 to have a hearing tomorrow, perhaps not for four hours. But I think we
6 have to envisage going tomorrow so that the Mathieu Ngudjolo team do not
7 feel that they have too little time ahead of them.

8 Court Officer, please could you mention these EVD numbers.

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

10 The document with the number DRC-D02-0001-0148 will have the
11 number EVD-D02-00050. The document DRC-D02-0001-0152 will have the
12 number EVD-D02-00051. The document with the reference DRC-OTP-0152-0121
13 will have the reference EVD-D02-00052. The document with the reference
14 DRC-D02-0001-0161 will have the reference EVD-D02-00053. The document
15 DRC-D02-0001-0149 will have the EVD number EVD-D02-00054. The document
16 DRC-OTP-0152-0195 will have the number EVD-D02-00055. The document
17 DRC-D02-0001-0190 will have the number EVD-D02-00056. All of those
18 documents will be registered as confidential.

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

21 Counsel Kilenda.

22 MR. KILENDA: (Interpretation) Thank you, your Honour,
23 your Honours.

24 Questioned by Mr. Kilenda:

25 Q. (Interpretation) Good morning, Witness. We are with you. We've

1 been with you for several days now. I am the principal counsel in the
2 Defence team of Mathieu Ngudjolo. We have followed all the answers that
3 you have given to the questions of the Prosecutor, of the colleagues who
4 represent victims, of the Bench, and of our esteemed colleague
5 Counsel Hooper who has just finished his cross-examination. I would have
6 to admit that we prepared more than 200 questions and we attentively
7 re-read all the transcripts of the hearing since you have been here.

8 MR. KILENDA: (Interpretation) And, your Honour, we have at
9 heart the instructions of the Chamber with regards to the decision 1665
10 of the 1st of December, 2009, and we have put into our practice the fact
11 that you do not wish for repetitive questions. And it is that reason why
12 we have no question to put to you. We want to join Counsel Hooper to say
13 that you are a good man, continue to work doing good for the Congo, and
14 we wish you a good return to your country.

15 Thank you, your Honour.

16 PRESIDING JUDGE COTTE: (Interpretation) Counsel Kilenda, it is
17 the Bench that would like to thank you and thank you in particular for
18 your concern that you had to favour proceedings which are not repetitive,
19 but at the same time we want to be certain that you did not hold
20 yourselves back excessively.

21 MR. KILENDA: (Interpretation) Be reassured, we are not doing
22 this out of kindness. This comes from the bottom of our hearts and it's
23 the fruit of all the proceedings before us. If we had questions, we
24 would put them. We do nothing without consulting our client and with the
25 respect that everything has to be done by way of a team. I am the

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1 spokesperson for the team, but the Chamber has not hindered us. What we
2 say to you, we say truly. Thank you.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
4 Counsel Kilenda. And it is certainly important that you make this
5 statement orally before our -- before your client.

6 Before giving the floor to the Prosecutor, the floor for its
7 re-examination if he so wishes, would you like to -- or he may wish to
8 ask you additional questions, but before that the Chamber would ask you
9 for certain additional clarifications which will call upon your memory
10 because a lot of things have been said, a lot of things have been
11 exchanged, and you have given us a lot of information. We would like to
12 have some additional clarification. This clarification has been given --
13 but don't forget the Defence will have the last word. But now with
14 regard to these questions, there's the issue of recruitment of children
15 asked to carry weapons.

16 Questioned by the Court:

17 PRESIDING JUDGE COTTE: (Interpretation) Would you tell us if
18 this recruitment was done on a local basis and if these children were by
19 a majority coming from villages close to the camps where they were.

20 This is a very short question which should make it possible to
21 give short answers.

22 A. Yes, your Honour. This is why we took good care to make a note
23 of the camps in the five groupements.

24 PRESIDING JUDGE COTTE: (Interpretation) Fine. Now another
25 question on the same theme because I don't think you answered on this

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1 topic. Amongst the children who bore arms, who carried weapons, could
2 some of them take part in the life of the armed group on an intermittent
3 basis while remaining with their families, or once they had been enrolled
4 into the militia was this on a full-time basis?

5 A. Unlike other armed groups, unless the movement was from one
6 groupement to another, as I emphasised, some children were among
7 different groupements. If a child moved from one company or one
8 battalion which was not within his own environment, he would move but
9 this would remain within the same collectivity. He wouldn't move from --
10 to a different collectivity, but he would move within a groupement.

11 PRESIDING JUDGE COTTE: (Interpretation) Yes, but to the best of
12 your knowledge, a child could not go from his family to the armed group
13 on an intermittent basis?

14 A. The answer to this question was made in the answer to the
15 questionnaire regarding the time spent in the armed group and this was
16 based on the age of the child. In 2000, those who were recruited were
17 moved around and changed camps. Those who joined in 2003 were governed
18 by the practice you've just referred to, partly in one -- partly in the
19 camp and partly with their family. But those who suffered complete
20 separation were those who'd moved from one groupement to another for a
21 fairly protracted period.

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

23 A third question on this same theme. We have discussed at length
24 this 48-hour interval period which enabled the family to be traced and to
25 return the child to the family and those who could not be sent back to

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1 their families in that period arrived at the CTO. Now, given that the
2 recruitment was both locally and community based, could this lead to such
3 a radical separation from families which then justified a fairly long
4 period of time spent in the CTO to try and put back together the family
5 links?

6 A. I emphasised this situation given the action made by the child in
7 his community. Some children had made themselves undesirable in their
8 community and they left a groupement to go to another groupement. And at
9 the -- when there was demobilisation we had to mediate to -- there was a
10 mediation to enable the child to be returned to the community, despite
11 his misbehaviour.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Witness.
13 Just a question now to have confirmation. Can you confirm that a child
14 who -- arriving at the gates of your site did not have to hand in a
15 weapon to become part of the demobilisation programme? You've referred
16 to this but we would like confirmation. The child arriving at the
17 entrance to the site, was he required to be carrying a weapon in order to
18 come under the demobilisation programme? You have said no --

19 A. The weapon was not a precondition for the child to be eligible to
20 the programme.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you. You have
22 confirmed this. The fact that it was not a precondition for eligibility
23 to the programme, was this based on a decision made by your own
24 organisation or was this a decision made by the people in charge at
25 national level of the demobilisation programme?

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1 A. This was made by those in charge of the national demobilisation
2 programme.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you for the
4 concise, clear answer. I'm speaking too fast. I apologise.

5 In answering the questions of Counsel David Hooper, yesterday or
6 maybe the day before, we should refer to the French transcript 171 of the
7 13th of July, 2010, page 16, lines 1 to 7; page 17, line 13, you referred
8 to Uganda. If you recollect correctly, can you confirm that the support
9 provided by the Ugandan troops based in the city of Gety was essential
10 for the provision of humanitarian aid provided in 2002 to the refugees in
11 the forest of Sangaluka (phoen).

12 MR. DUTERTRE: (Interpretation) Your Honour, just to draw your
13 attention to the fact that I don't have the French transcript. Your
14 question has not -- does not appear.

15 PRESIDING JUDGE COTTE: (Interpretation) I will rephrase the
16 question.

17 Could you confirm -- I hope that the transcript's working.

18 Court Officer, it would be drastic at this stage of the
19 proceedings if the transcript should break down.

20 We have a small technical problem, Witness, ladies and gentlemen.
21 We hope that the problem will be remedied very shortly.

22 Is the English-language transcript working? Could we agree that
23 we complete our hearing, until the French transcript is remedied, by
24 using the English transcript, bearing in mind that the translation of the
25 English transcript will be recorded as the French transcript. Thank you

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1 for your understanding. Thank you all.

2 Witness, could you please confirm that the support provided by
3 the Ugandan troops based in Gety was essential for conveying humanitarian
4 aid sent in 2002 to the refugees in the forest of Sangaluka?

5 A. I confirm, your Honour. They facilitated the conveying of the
6 humanitarian aid to the refugees.

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

8 Could you also confirm that the Ugandan troops withdrew from Gety
9 in 2002, as the counsel for the Defence said in a question, refer to
10 page 17, lines 11 to 13, in the transcript of 13th of July?

11 A. Yes, your Honour.

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

13 Last question: If you know this, could you explain to us the --
14 yes, the French transcript works again. Thank you, Court Officer.

15 If you know, could you explain when and how the Ugandan troops
16 lost control of the collectivity of Walendu-Bindi in 2002, briefly?

17 A. I cannot give you the date or the period, given that Ugandan
18 troops came under severe pressure and were attacked and they lost many
19 men in Gety, and they were forced to withdraw and retreat with their
20 troops from the city.

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

22 Prosecutor, do you have any further cross-examining you wish to
23 make?

24 MR. DUTERTRE: (Interpretation) Your question was the last
25 question, so we don't have any extra further re-examination to make.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.
2 Counsel David Hooper, do you have any concluding remarks to make
3 with this witness?

4 MR. HOOPER: No. Thank you, Mr. President.

5 PRESIDING JUDGE COTTE: (Interpretation) Counsel Kilenda?

6 MR. KILENDA: (Interpretation) No comments, your Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Counsel Kilenda.

9 I haven't addressed the Representatives of the Victims, but do
10 you have any final concluding remarks to make?

11 MR. GILISSEN: (Interpretation) No, your Honour.

12 PRESIDING JUDGE COTTE: (Interpretation) Now, turning again to
13 the Defence teams, we have to be very rigorous here.

14 Counsel Hooper, no comments on your part?

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

16 MR. KILENDA: (Interpretation) No comments, your Honour.

17 PRESIDING JUDGE COTTE: (Interpretation) Don't criticise a
18 Presiding Judge who has criticised jurisdictions in his country who did
19 not give -- hand over the floor to the Defence teams, to take a few
20 precautions.

21 Mr. Witness, you've spent many hours with us. You have been
22 extremely patient because in -- on many occasions, several occasions,
23 you've had to repeat things that you have said before; you've had to
24 clarify; you've had to rephrase. We're grateful. The Defence teams have
25 thanked you. The Victims' Representatives have thanked you when they

1 asked questions. And the representatives of the Office of the Prosecutor
2 have also thanked you.

3 You have made a contribution to the quest for truth in this
4 trial, and the three Judges, we the Chamber, would like to thank you.
5 You're going back to your country. You will continue the altruistic
6 activities in which you're involved. We wish you every success in these
7 activities, and we remind you that everything that has been said in this
8 courtroom is something that must not be conveyed outside of the
9 courtroom. We wish you a safe homeward journey and thank you for your
10 contribution.

11 We will now move into closed session so that the witness is able
12 to leave the courtroom discreetly.

13 I beg your pardon?

14 Witness, I will give you the floor very shortly. We will go back
15 into open session to respond to a concern expressed by Counsel Hooper in
16 the Status Conference.

17 Witness, you -- please take the floor.

18 THE WITNESS: (Interpretation) Your Honour, Prosecutor,
19 Counsels, Victims' Representatives, Defence team, I'm deeply touched and
20 I would like to say that I hope that justice will at last overcome in --
21 we need this for peace in our country.

22 PRESIDING JUDGE COTTE: (Interpretation) Once again, Witness,
23 we're grateful to you.

24 Court Officer, we will now move into closed session to enable the
25 witness to calmly, quietly leave the courtroom.

1 And the Court Usher will accompany you.

2 (Closed session at 1.14 p.m.)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Open session at 1.15 p.m.)

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

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

16 Representatives of the Office of the Prosecutor, at the Status
17 Conference which was held on Friday, the 29th of July (as interpreted)
18 2010, last Friday, your office was represented by Madam Darques-Lane, and
19 I'm referring to transcript number 168, page 10, 11 and in following
20 pages. Madam Darques-Lane referred to the possible imminent testimony or
21 submission of -- submission of table motions, I apologise for my
22 pronunciation. Now, agreements seem to have apparently been reached
23 regarding the bar table motions, but a large number of questions was --
24 still had been raised and the submission -- it was requested that it
25 should not be submitted when we were going to be adjourning for a long

1 period. Also, that the recess period should not be included within the
2 21-day period.

3 Prosecutor, can you tell us when the filing will be made?

4 MR. DUTERTRE: (Interpretation) According to my information,
5 this will be filed tomorrow, and as for the Court recess, we have no
6 objection to the solution which has been proposed, which is not to
7 include the recess period in the time -- in the 21-day time-frame.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

9 Now, in saying that it will be submitted tomorrow, of course
10 you're creating dismay among the Defence team, but the suspense won't
11 last for long. We agree that the 21-day period will begin from Monday,
12 9th of August. So the Court recess period would not be included in the
13 21-day period. If during the 21-day period the Defence team finds it
14 requires an extra amount of time, it will refer to the Court rules
15 based -- Court regulations based on this and the Chamber will assess this
16 when the time comes.

17 So things are very clear, the Prosecutor's filing will be made
18 tomorrow and the 21-day period will run from the 9th of August.

19 The -- Mathieu Ngudjolo's Defence team has stated that it will
20 not make any re-examination of Witness 267, given that the
21 cross-examination made by Counsel Hooper for Germain Katanga pre-empted
22 many of the questions that it had prepared. So we're going to be -- part
23 now. We all know that we have a lot of work to do, each in his
24 respective areas. We have rulings which we have to provide, to give.
25 We'll try to do this as quickly as possible. Otherwise, we will meet,

1 convene, on the 23rd of August at 9.00 a.m.

2 Counsel Hooper, Counsel O'Shea, you wish to intervene? We're
3 waiting for the decision on the appeal tomorrow. We heard yesterday that
4 everything regarding the participation of the modalities for the victims
5 will be made tomorrow.

6 Yes, Counsel O'Shea -- one of you.

7 MR. HOOPER: (Previous translation continues) ... one matter that
8 I'd hoped to raise today. It won't take very long and it may save a
9 written motion at this stage, and it's simply this. As you know, sums of
10 money are expended on witness and intermediaries, and we asked and have
11 asked the Prosecution to provide us with the sums that are spent on the
12 witnesses. And in the past they've been gracious enough to provide us on
13 two occasions with lists of the expenditure. But there's further
14 expenditure which isn't, as it were, paid out of the pocket of the OTP.
15 And we're anxious to get a complete picture of the amount of money that's
16 spent, both in respect of witnesses and of intermediaries.

17 We've approached the WVU in this respect and our understanding is
18 that they do have information that would assist us, but they are guarded
19 about it and don't want to disclose it. What my request is today,
20 subject to your Honour's view, is that the WVU respond to this, my oral
21 application, for disclosure of the sums expended of which they are aware
22 on witnesses and intermediaries, including any sums in addition to those
23 that have been already disclosed by the Prosecution; and that it may be,
24 given their concerns, that they could first perhaps provide you, the
25 Judges, with any concerns and reservations they may have. And then we

1 can, as it were, go from there. In other words, it would obviously be
2 open to you, the Judges, to say: Well, despite these reservations you
3 may have, it should be disclosed, or whatever, or perhaps come back to us
4 and seek further specificity and argument.

5 So I make an oral application with a view to perhaps you, the
6 Judges, inviting the WVU to respond to it.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Counsel Hooper.

9 Does the Office of the Prosecutor have a comment to make on
10 Mr. Hooper's intervention? Is this a difficulty, if indeed there is a
11 difficulty, which relates to the unit or is this a general problem for
12 the Office of the Prosecutor and the WVU?

13 MR. DUTERTRE: (Interpretation) Quite frankly, your Honour, the
14 Chamber stands as one, but I don't have this information. One, I was not
15 a party to the discussions between Mr. Hooper and the WVU. If Mr. Hooper
16 had been so kind as to tell me in advance that he was going to raise this
17 matter -- but this really is rather impromptu at the very last minute.
18 It's a bit late to re-open. Perhaps we could re-open the discussion a
19 bit later on, but here and now, it's a little bit difficult to state a
20 position.

21 PRESIDING JUDGE COTTE: (Interpretation) If I can facilitate
22 things, I'd say the score is one-all. Counsel Hooper was apprehensive
23 about the filing on the 16th of July, and now the Office of the
24 Prosecutor is confronted with a question which it cannot answer.

25 Court Officer, if you could be so kind as to convey to the WVU

1 the transcripts of this hearing, and specifically the last pages of the
2 transcript, drawing the unit's attention to the request made by
3 Counsel Hooper and specifying to the unit that the Chamber would like to
4 have its comments on this point. We will probably be in touch with them
5 directly ourselves, but just to be quite sure that we don't forget this,
6 make sure that you convey this to them and underline the last pages in
7 red with the intervention which has just been made by Mr. Hooper.

8 If the Office of the Prosecutor has any comments to make, of
9 course it will refer them to the Chamber.

10 Counsel O'Shea --

11 MR. DUTERTRE: (Interpretation) If Mr. Hooper could tell us in
12 more detail the discussion he had perhaps by e-mail that would be
13 helpful.

14 PRESIDING JUDGE COTTE: (Interpretation) Well, if you could just
15 please ensure by whatever means we can take this forward, whether the
16 means are formal or informal.

17 Yes, Court Officer.

18 Counsel O'Shea, I've just been reminded about the remaining
19 recording time, so you're under an obligation to be very quick.

20 MR. O'SHEA: I raise an issue, a matter of concern, which relates
21 to something you mentioned a moment ago concerning the victims' protocol
22 and contact with the victims. During the course of this morning, I think
23 at around 10.30 this morning, we received a filing entitled: "Response
24 from the Legal Representatives of the Victims." I've noted that
25 paragraph 10 of that document the Legal Representatives of the Victims

1 argue that they fall within Regulation 24(2), which is the right to
2 respond to documents. It's entirely clear, however, that
3 Regulation 24(4) specifies that that provision does not apply to
4 responses to responses. And of course the Defence for Germain Katanga
5 and the Defence for Mr. Ngudjolo have responded, and this document now
6 follows that response.

7 We've had a very short conversation about this on another day,
8 where I submitted that the issue was premature. Now we find that there
9 is a filing without leave having been sought of this Chamber, and that
10 leave ought to have been sought under Regulation 24(5). In paragraphs 15
11 to 16 of the document filed by the Legal Representatives, they give a
12 broad explanation for their wish to reply under that provision if they
13 cannot respond under 24(2), but they do not set out what it is in the
14 response of Germain Katanga which is new which requires a reply from
15 them.

16 Now, this is a concern that I raise because we're now the day
17 before the judicial recess, and I leave it in the hands of your Honours
18 as to the appropriate remedy for this situation. But in my submission,
19 this does cause prejudice to the Defence. It may be a question of
20 rejecting the purported response or it may be a question of giving the
21 Defence for Mr. Katanga a further opportunity to reply if -- because I
22 haven't read the entire document, if it's the case that the Legal
23 Representatives have addressed all the issues as opposed to only new
24 issues.

25 But in any event, I raise that or I flag that up because it's a

1 difficulty, us now being the day before the recess, and I leave it in
2 your Honours' hands.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
4 Counsel O'Shea. We can't open the discussion here and now on this issue
5 which has already created some controversy and especially without reading
6 the filing. I seem to remember that in your previous intervention on
7 this subject we had stated that we would consider whether a filing should
8 be made. Apparently a filing has indeed been made. First of all --
9 well, we have to see whether it's receivable; and then secondly on the
10 contents.

11 So I would like to thank all those who have assisted us in our
12 work this morning.

13 Accused, the Court is now turning to you because we're going to
14 stop our proceedings for some time and you're the main persons involved
15 in this. These hearings are your hearings. So, we're parting for a
16 period of time. Some of us are going to take a short break to enable us
17 to better pursue the hearings involving yourselves. So we say until
18 Monday, 23rd of August, at 9.00 a.m., the Court is adjourned.

19 The hearing ends at 1.29 p.m.

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