

1 The International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra
4 and Judge Christine Van den Wyngaert
5 Situation: Democratic Republic of the Congo - ICC-01/04-01/07
6 In the case of The Prosecutor v. Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Thursday, 30 September 2010
10 (The hearing starts at 9.02 a.m.)
11 (Closed session)
12 (Expunged)
13 (Expunged)
14 (Expunged)
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16 (Expunged)
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19 (Expunged)
20 (Open session at 9.03 a.m.)
21 THE COURT OFFICER: We are in open session, your
22 Honours.
23 WITNESS: DRC-OTP-P-012 (On former oath)
24 (The witness answers through interpreter)
25 PRESIDING JUDGE COTTE: (Interpretation) Good

1 morning, Mr Witness.

2 THE WITNESS: Good morning.

3 PRESIDING JUDGE COTTE: (Interpretation) Can you
4 hear me properly?

5 THE WITNESS: Yes.

6 PRESIDING JUDGE COTTE: (Interpretation) Are you
7 feeling well?

8 THE WITNESS: Indeed.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well.
10 We can resume. Madam Prosecutor, I believe that you are going
11 to address the court this morning; are you not?

12 MS FROLICH: Indeed, Mr President. Good morning,
13 Mr President, your Honours, and everyone in and around the
14 courtroom.

15 Before we resume with the direct examination, I would
16 just like to briefly ask for an EVD number to be assigned to
17 a document that we used with the witness yesterday, that is,
18 DRC-OTP-0107-0223, which is the final report of the Ituri
19 Pacification Commission, with your leave.

20 PRESIDING JUDGE COTTE: (Interpretation) Yes. Let
21 me take a moment. Is this the document?

22 MS FROLICH: It is, Mr President.

23 PRESIDING JUDGE COTTE: (Interpretation) Very well.
24 Court officer, could you please assign an EVD number to this
25 document; that is, the final report for the Ituri Pacification

1 Commission.

2 THE COURT OFFICER: Document DRC-OTP-0107-0223 shall
3 be given EVD number EVD-OTP-00195 and is admitted as a public
4 document. Thank you.

5 PRESIDING JUDGE COTTE: (Interpretation) I thank
6 you, court officer. Madam Prosecutor, you may address the
7 Court.

8 MS FROLICH: Thank you, Mr President.

9 QUESTIONED BY MS FROLICH:

10 Q. Good morning, Mr Witness.

11 A. Bonjour.

12 Q. I trust you had some rest, because we are going to
13 continue with the direct examination today and I would like
14 to continue with some questions about the work of the Observatory
15 for Human Rights that you talked about yesterday.

16 Could you -- maybe just for a recap, could you again
17 please state what was its goal? What was its purpose?

18 A. The Observatory for Human Rights aimed to look into
19 human rights abuse issues which had occurred in Ituri.

20 Q. And how did the observatory conduct this work? What
21 were its methods?

22 A. The observatory would receive reports from here and
23 there, from the communities where there had been instances of
24 abuse, of crimes, and during a meeting of the interim assembly,
25 the observatory was due to present its reports of everything

1 that had been registered in forms of crime which had occurred.

2 There was the pacification commission for Ituri present.

3 Q. Whowouldsubmitthese reportsandhowwere these crimes
4 registered?

5 A. This question is far more difficult for me to answer
6 because, (Expunged)

7 (Expunged)

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12 (Expunged)

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14 (Expunged)

15 However, in view of the fact that the chairman of the
16 observatory, and other individuals who were there who were members,
17 in view of the fact that they came directly from the community of Ituri,
18 they had, via their contacts, the possibility of receiving reports
19 themselves. (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 Q. How many members did this commission have, this
24 committee have?

25 A. I no longer recall the precise number of individuals,

1 but it had been requested that the members of the community
2 put candidates forward for -- whether it be from the consultation
3 committees of the armed groups, or from the prevention committees,
4 or within the general assembly, or from the interim, and people
5 could send members to one of those groups.

6 Now, as regards the armed groups, the armed groups
7 only had a place in the Observatory for Human Rights itself.
8 A vote was organised and (expunged)

9 (expunged)

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16 MS FROLICH: Mr President, with your leave, if we
17 could go briefly into private session.

18 PRESIDING JUDGE COTTE: (Interpretation) To the
19 extent that the question to be put to the witness might possibly
20 identify him, we shall now go into private session for a moment.
21 Court officer, please.

22 MS FROLICH: Thank you, Mr President.

23 (Private session at 9.13 a.m.)

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15 (Open session at 9.16 a.m.)

16 THE COURT OFFICER: We are in open session, your
17 Honours.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
19 Please proceed, Madam Prosecutor.

20 MS FROLICH:

21 Q. Mr Witness, now I'm interested in the visit to Bogoro.
22 Can you tell us, when did this visit take place? Or, first
23 of all, how many times did you go there?

24 A. I only went there on one occasion within the context
25 of our work for the observatory for human rights. I no longer

1 recall the precise date of that visit.

2 Q. Do you recall approximately in which month this visit
3 took place, perhaps? I understand the year was 2003, but which
4 month?

5 A. Well, I no longer recall whether it was in the month
6 of May or the month of June. Somewhere in between.

7 Q. That is quite all right. From which direction did
8 you arrive to Bogoro?

9 A. We were coming from Bunia, and we took the road to
10 Dele and then we went to Bogoro.

11 Q. As you were entering the village, could you tell us
12 what did you observe?

13 A. We found houses that were half destroyed, where the
14 iron sheet roofs had been partially removed. There were hardly
15 any people living there, with the exception of the villagers
16 who had come to see the MONUC convoys which had arrived. But
17 we did not see the individuals living there. We have saw, however,
18 the destruction of the houses as it had occurred.

19 Q. What other signs of destruction other than -- you
20 mentioned that roofs were removed, sheet -- iron sheet roofs
21 had been partially removed. Did you see any other signs of
22 destruction?

23 A. In terms of destruction, well, there were signs
24 everywhere. We saw traces of blood in houses, especially
25 smeared on the walls of the houses. That's all that I can recall

1 in terms of what we saw.

2 Q. Now, these traces of blood, did you see them on the
3 inside of the houses, or where did you see them exactly?

4 A. In view of the fact that the walls were dirty, there
5 were traces of blood; and inside, on the interior walls, there
6 were traces of blood. I do not know what there was on the outside
7 walls, I don't know whether it was dirt, but I think that's
8 what we observed. Well, I don't know what other people sought
9 to see, but that's what I saw.

10 Q. How did you know that it was blood, traces of blood
11 that you saw? How could you tell?

12 A. Well, I can't be sure, but what I saw was red stains;
13 but as to whether it was blood for sure, I cannot confirm that
14 fact, but I presumed that it was, in view of the fact that it
15 was red in colour. And there were smearing, traces of smearing
16 as if someone had put their hand through it. In view of the
17 fact that the massacres had occurred there, I presumed that
18 it was blood but I cannot say for certainty that it was blood.

19 Q. You mentioned that there were some villagers there,
20 that there was hardly there except for some villagers. Could
21 you tell us of what ethnic origin those villagers were that
22 you saw there?

23 A. I do not know. I did not ask them that question. And
24 by looking at people, I cannot tell their ethnic origin from
25 their faces.

1 Q. Do you know who at that point in time controlled the
2 Bogoro village?

3 A. When we visited that town, we knew that two forces
4 had been fighting in that town, the Hemas and the Lendus. The
5 Hema had just fled and the town was under Lendu control. We
6 also knew that the Lendu had control over all of that part.
7 However, within the centre of Bogoro on the road we did not
8 find any militia or any Lendu. There were no such people there.
9 But we did know that it was the Lendu who controlled the town
10 towards Bogoro, but we didn't see them there.

11 Q. Now, you said you knew massacres had occurred. What
12 did the committee -- what was the committee able to find out
13 about these massacres?

14 A. Within the observatory for human rights I do not know
15 who the chef du locality was for that place, but he explained
16 that approximately 200 individuals had been killed there.

17 Q. Of what ethnic origin were these individuals?

18 A. Well, amongst those individuals who were killed,
19 I cannot say of what ethnic origin they were. I know that people
20 were massacred in Bogoro, and they were Hemas. However, not
21 only Hemas were living in Bogoro, there were other people there,
22 too. There were other people living in Bogoro as well who were
23 not necessarily of Hema ethnic origin and many such people were
24 killed, so we cannot say that the 200 individuals killed were
25 necessarily all Hema.

1 Q. Now, Witness, where did you find yourself in the
2 beginning of May 2003, if you recall?

3 A. At the beginning of the month of May 2003 I believe
4 that I was in Bunia.

5 Q. And what were you doing there at that time?

6 A. We had just finished our work with the Ituri
7 Pacification Commission and MONUC had requested that all the
8 political and military groups establish a headquarters in Bunia
9 for this to be able to function as our point of contact, and
10 that was why we had to stay there with a view to setting up
11 our office there. Now, in view of the fact that the President
12 of my party was not there, we were obliged to stay.

13 Q. What was the situation like in Bunia in the beginning
14 of this month, in the beginning of May?

15 A. On 3 May 2003, we received a letter at our headquarters,
16 our headquarters which was located opposite Maître Kim Ba
17 Lwanga's house. We had a centre where certain members of our
18 staff were located. The letter told us that we had until ten
19 o'clock, and that if we did not leave that location we would
20 come under attack. The Lendus had given us this ultimatum.
21 However, I was not there when the letter was sent.

22 Whilst I was on my way to the office to work, I chanced
23 upon my colleague who told me that they had just received a
24 letter and that they would be taking the letter to General
25 Kayihura at the airport to see what could be done. I thought

1 it was a joke. And then my friend left. And whilst I was talking
2 to another individual on that day, 3 May, I saw a convoy of
3 people; that is, some MONUC people who were walking in Indian
4 file towards the market. It was a mixture of Lendu and Ngiti.

5 And whilst I was standing where I was, that is, near
6 Hotel Safari, I saw a vehicle stopping there. It was a Land
7 Cruiser. People alighted from the vehicle. I do not know where
8 they came from. And then somebody was shot at in front of the
9 hotel, and that person was killed. And then everyone scattered.

10 I went into a book shop near the Café de la Paix and
11 everyone had fled. Afterwards, or after a few minutes, we saw,
12 because we were on the verandah, we saw the group of soldiers
13 which were coming from MONUC and going towards the market. So
14 we then went into the house and looked through the windows.
15 We saw people walking by with hammers, with sticks, with axes.
16 There were children and women fleeing, and we waited until the
17 end.

18 I think that took approximately two hours. And when
19 it was over we left the house. I wanted to go to the office.
20 And next to the Public Prosecutor's Office in Bunia I chanced
21 upon two friends, members of the FPDC. There was Mr Urombi
22 or Mr Uromba Nzia. I --

23 Q. Forgive me. Forgive me for interrupting you. I am
24 just conscious of the fact that you have now provided us with
25 a lot of information and I would just like to now go back to

1 a few points that you have raised and ask you some follow-up
2 questions and then we can resume or you can resume what you
3 have been -- the story that you have been telling us. You said
4 that you saw a convoy of people and I would just like to ask
5 you: Which direction - of Lendus and Ngitis - in which
6 direction were these people coming from?

7 A. I think that I explained that they were coming from
8 the direction from where we were. We could see them. From
9 beyond MONUC you couldn't see them but they were coming from
10 MONUC, from that place to go towards the market, the market
11 of Bunia.

12 Q. And what is this area of Bunia called? What quarter
13 of Bunia is this?

14 A. I don't know if there's a special name. It's the
15 centre of Bunia, the main road, the main road that goes from
16 the Prosecutor's office to the market. But we were going from
17 the Prosecutor's office just to where you have the road going
18 to the airport. It's between that part. And I was just next
19 to the Hotel Musafiri and that's the centre of Bunia. It doesn't
20 have a particular name, as far as I am aware.

21 Q. And these Lendus and Ngitis, were these civilians or
22 were these people armed or were these militaries?

23 A. They were wearing civilian clothes and they just had
24 bladed weapons.

25 Q. And you said the person was shot. Now, could you please

1 give us a little more details? Do you know who this person
2 was or who -- what it -- his or her ethnic origin was?

3 A. The ethnic origin, as I said, I couldn't tell you the
4 ethnic origin. I am not able to tell you what ethnic origin,
5 but I do know that on that day at that time in Bunia the group
6 controlling Bunia was the Lendu/Ngiti group. But some time
7 afterwards I spoke to Pascal Alezo and Pascal Alezo told me
8 that he went to the market and he had seen somebody like a Hema
9 boy but who had a weapon on the back. And he asked him to give
10 that in and he didn't want to, and that's why he went back to
11 the HQ where the Colonel Ngudjolo was in Hotel Musafiri, and
12 he informed him that he was being threatened.

13 He took the vehicle and he went there and they took
14 that person - perhaps they were from the UPC - and I saw that
15 a person had been killed at the door before they were able to
16 go through. They were from the UPC but I don't know if they
17 were Alur, but what I do know is that I was told that he was
18 recognised as somebody from the UPC. That's what he told me
19 himself.

20 MS FROLICH: Mr President, if I may have a moment to
21 confer with my colleagues, with your leave. Thank you.

22 PRESIDING JUDGE COTTE: (Interpretation) Please go
23 ahead.

24 THE WITNESS: If you please, your President. Could
25 I have a piece of paper, your Honour.

1 PRESIDING JUDGE COTTE: (Interpretation) Of course.
2 Usher, please, could you provide him with some paper and
3 something to write with for our witness.

4 MS FROLICH:

5 Q. Mr Witness, this incident, what impact did it have
6 on the situation in Bunia?

7 A. The situation, it was the first action that really
8 destroyed the agreements that we had signed, because we didn't
9 expect that we could fall back into such situations, and from
10 this moment a lot of people had been killed, in particular,
11 towards the market, towards Dele neighbourhood, and it's from
12 that moment that the Lendu/Ngiti went killing people in the
13 houses of Parera (phon) and from that moment we took part in -- or
14 we saw a lot of acts of abduction and we didn't have any other
15 choice.

16 A lot of people who were responsible at political level
17 were there. We took refuge with MONUC. There were some people
18 who were responsible, some Ngitis, they also took refuge with
19 MONUC because I remember Pichou Iribi also took refuge there,
20 and Didier Angaika also took refuge there and we told them,
21 "Well, go back there and tell your people to leave" and they
22 continued committing crimes, and at that time they pillaged
23 the whole town and they were going down and everything that
24 we did as an arrangement, or everything that we had done as
25 arrangement, all the arrangements we made just evaporated.

1 Everybody was there. Some people were shooting bullets towards
2 MONUC, and some people were directly stopped by the Lendu office.

3 We had Pichou. Pichou had to go and negotiate to see
4 how people could be freed and they destroyed everything that
5 we had as an agreement. And we had to wait for the President,
6 President Kabila. He was going to send Professor Ntumba Luaba
7 to come and help us to take up negotiations again, and to find
8 a possibility so that we could meet. In the time that the
9 professor was coming, his plane had been shot at by the Hema
10 and he went back but he insisted on coming back towards 14 May
11 in Dar es-Salaam in order to discuss matters once again so we
12 could once again renew the process of cessation of hostilities
13 but on 3 May, this was the day on which everything had been
14 damaged and it was the Lendu who did that.

15 When Pascal went I said that I'd seen people there
16 at the market and that's the reason why I said, "No, you're
17 wrong, you're lying because at 10 o'clock in the morning we
18 had already received a letter which said that if you cannot
19 leave before 10 o'clock, then we are going to attack you." We
20 received the letter and because General Kayihura had sent people
21 in order to protect them, there were lorries in order to get
22 them. When I -- when I went to Chef Kahwa I was told that there's
23 nothing more there; you have to go back. People were killed
24 there.

25 Q. Now, you mentioned that killings took place and

1 pillaging took place in Bunia and I understand that you took
2 refuge in MONUC and you were there until at least 14 May; is
3 that correct?

4 A. Yes.

5 Q. How did you -- what were you able to find out about
6 these crimes that you have just mentioned? How did you find
7 out about them?

8 A. These crimes which happened at that time, as I said,
9 it came from these three there, and the observatory of human
10 rights went to see with MONUC. They saw this. From that time,
11 the people who had been -- had their throats cut, where Pelerin
12 was, they also went there. The observatory also went there
13 to see what had happened.

14 So -- and the other people, they themselves -- it was
15 the people from MONUC who told them. I remember Colonel
16 Vollot - Colonel Vollot - and when we negotiated with the Hema
17 troops so they would leave the area of the airport, because
18 we were afraid that they could still shoot at the plane, they
19 said, "Whatever happens, it's better that these people go back
20 to the town," because the town was starting to stink. There
21 were bodies everywhere. That was Colonel Vollot from MONUC
22 who said that, so really we at that time experienced something
23 which really was not a good period. It was not a good period.

24 Q. Witness, if I can just stop you, could you please spell
25 the name that you mentioned at the beginning where the crimes

1 would happen at that time. As you said, it came from -- I think
2 you said "Deux Cents". Could you please spell that for the
3 record?

4 A. As I said, it was difficult for us who were within
5 the MONUC area to be able to get out because outside there was
6 almost nobody apart from the Lendu and Ngiti. But we had the
7 time to leave, within the framework of the observatory, in order
8 to go and visit a neighbourhood called "Deux Cents". D00 -- it's
9 D100, in fact.

10 THE INTERPRETER: Sorry, D200, corrects the
11 interpreter. Neighbourhood 200, correct the interpreter.

12 THE WITNESS: We also went to Mr Pelerin, because the
13 bodies had been there for several days, they were starting to
14 smell and we called the people from the Red Cross so that they
15 could help evacuate and we accompanied them with the escort
16 of MONUC. Pelerin is P-E-L-E-R-I-N. I don't know another name,
17 but everybody knows that.

18 MS FROLICH:

19 Q. How many bodies did you see at the Pelerin's residence?

20 A. I cannot describe the number of bodies, but I took
21 photos. I took photos that I provided to the investigators.
22 There were men, women and children, babies. I think there were
23 dozens who had been killed with machetes, had their throats
24 cut. When you look at the pictures, you will find that there
25 were parts which are pieces cut. They've been cut up. It wasn't

1 good. We were obliged to bury certain people just next to where
2 they were.

3 And the day that we were there we saw the daughter
4 of Pelerin, who had escaped death, because we stopped by the
5 house, but she was saved by a Ngiti friend who was her school
6 colleague, and explained how the baby had been killed by turning
7 it and then throwing it against the wall and then it crushed
8 its head and that's how the baby was killed. But it wasn't
9 just women and children. They also cut the feet. It wasn't
10 good to see things like that. It hurt to go and see things
11 like that.

12 Q. Apart from this massacre, you mentioned there were
13 other bodies. Could you recall details of other bodies that
14 you might have seen in Bunia?

15 A. The other bodies, me personally I didn't go and visit
16 them, but sometimes when MONUC came then people would meet the
17 president of the observatory of human rights and they could
18 go with him directly in order to note that, but when they came
19 back they would explain to us, "Well, there are some dead people
20 there. There are some dead people over there." But what we
21 did officially was -- well, because we couldn't go out, even
22 people who had been killed in the residence of Chef Kahwa, we
23 didn't have the time to go and see them. That's what happened.
24 We didn't have the time.

25 Q. Could you just -- just one more question in relation

1 to the visit to Pelerin's residence. Could you -- do you recall
2 the date on which this was?

3 A. If my memory serves me well, it was 7 May. 7 May 2003.

4 Q. Now, so you mentioned you stayed for the most part
5 in MONUC and -- during this time from 3 to 14 May, and my question
6 is do you -- how would you receive -- other than talking to
7 people, how would you receive information from the outside world?
8 Did you listen to radio?

9 A. No, I didn't listen to the radio, because we didn't
10 even have one, but as I told you all the community, Hema and
11 others, took refuge there. There were people -- there were
12 leaders who came there, but there were other people who stayed
13 in their neighbourhood. Sometimes these people -- well, we,
14 the people with responsibilities, we were afraid for our lives,
15 but there were also people who were not Hema and they weren't
16 concerned in the town.

17 And because of that they transmitted the news to their
18 brothers that somebody had escaped, and they would tell us what
19 happened and at that time we could understand what was happening.
20 If somebody was stopped then there would be a communication
21 to MONUC, and then we would consult with the two people, two
22 men who were there, Pichou and Angaika, and they tried to sort
23 it out because there was another who came with us, Chura
24 Bilo - Joseph Chura Bilo. He also came, and we could use these
25 three people in order to carry out negotiations with the others

1 so that we could see these massacres.

2 Q. Now, Mr Witness, so you mentioned the meeting in Dar
3 es-Salaam. What did you do there?

4 A. I think that on 11 or 12 May, I think it was 12 May,
5 the clashes between Lendu and Hema had restarted in Bunia. The
6 town was divided into two. The Hema took the Lendu to the entry
7 of the town, towards the Prosecutor's office, and they reoccupied
8 all this part towards the market. They even took the Lendu
9 as far as Dele, but when they started they came to pillage the
10 houses, the ones that hadn't been pillaged before the Lendu
11 came back, and MONUC went to arrest them at the level of the
12 Prosecutor's office and that's where it was divided in two.

13 Beyond MONUC, you had the -- so north of MONUC you
14 had Lendu. South of MONUC, you had Hema. The Professor Ntumba
15 Luaba, who at that time was there, also was taken refuge. He
16 went to negotiate with Colonel Ngudjolo and he negotiated with
17 the Hema leaders so that there could be a cessation of hostilities
18 in order to come to an arrangement, and the Lendu stopped the
19 attacks and the Hema stopped the attacks provisionally.

20 And during this period - this buffer period, if you
21 like - there were discussions with Colonel Vollot and with
22 Professor Ntumba Luaba, and he asked -- "Well, I already spoke
23 to the President. He said that it's better if you discuss things
24 with him directly in Dar es-Salaam," and we organised a flight
25 so that we could reaffirm the agreements that we had already

1 signed on the cessation of -- on the ceasing of hostilities.

2 Q. Mr Witness, you mentioned that the town of Bunia was
3 divided in two. Now, could you tell us what these two parts
4 were called? Did they have a name?

5 A. The two parts, I don't know, but what I do know is
6 that when you're in Bunia, from MONUC that was the meeting point,
7 if you like, between the belligerents, the Hema and the Lendu.
8 They could meet there in order to discuss things. All the people
9 who were located above MONUC towards Dele, Dele until I don't
10 know where, that was the Lendu. Bogoro, Dele, et cetera, that
11 was the Lendu who were occupying that area. The whole part
12 that was below that, below MONUC, you arrived to the market,
13 Mudzipela further down towards Iga Barrière, that was for the
14 Hema and that's why they said that the town of Bunia was divided
15 into two. There was one part that was governed by the Lendu
16 and the other part by the Hema.

17 Q. All right. So, let us now return to Dar es-Salaam
18 and do you recall the dates on which this meeting took place?

19 A. The date, I don't know. I think it should be the 14th
20 or the 15th, because we signed the document on the 16th, 16
21 May, and on that day we went back.

22 Q. Who participated in this meeting? Which groups?

23 A. All the political/military groups in Ituri took part
24 in this meeting. The FNI was represented by Ndjabu and two
25 other persons. PUSIC was represented. FPDC was represented.

1 FRPC was represented. But curiously at this meeting there was
2 also -- well, there was the UPC, but there was the UPC which
3 was represented by Eustache, who was minister of the environment
4 at the time of Thomas Lubanga, but there we found Thomas Lubanga
5 had also arrived, because Mr Angongi was responsible within
6 MONUC at that time and he had gone to get Thomas Lubanga who
7 was in Rwanda and he brought him with Tinanzabo to the meeting,
8 and it was in this way that we started the meeting now with
9 President Kabila.

10 PRESIDING JUDGE COTTE: (Interpretation) Witness,
11 could you speak a bit slower, please? You have a lot to tell
12 us but you have to speak more slowly because the interpreters
13 have some difficulties in order to interpret what you're saying,
14 and it is important that we have very good interpretation. Thank
15 you very much. Prosecutor.

16 THE WITNESS: Please show me your hand signal to tell
17 me, your Honour.

18 PRESIDING JUDGE COTTE: (Interpretation) I will do
19 this. I will make a hand gesture.

20 THE INTERPRETER: Message from the English booth:
21 Could names please be spelt and location names as well in order
22 to facilitate the taking of the proceedings in transcript form?
23 Thank you.

24 MR HOOPER: In fact, can I just rise to say we got
25 very few of the names since the beginning of the evidence this

1 morning - very few - places or people.

2 MS FROLICH: I shall take note of that, Mr President.

3 PRESIDING JUDGE COTTE: (Interpretation) If you
4 could please note them down so that the witness can then give
5 those to them at a later stage; in particular, the name of the
6 professor that was just quoted or provided a few moments ago.
7 For the time being it only appears in phonetic form.

8 Mr Witness, please do not forget that when you give
9 names, which you often do, please spell them or spell the names
10 when you give them so that the Defence teams can have
11 clarification in the matter.

12 Madam Prosecutor, please note the names that have been
13 used since this morning and that have not been spelt and then
14 the witness will do this as soon as he can; i.e., provide the
15 spellings therefor.

16 MR MACDONALD: (Interpretation) With your leave,
17 there are a number of locations, locations such as Mudzipela,
18 that are known to -- within the case in the transcript, but
19 I presume that we're talking about names of people.

20 PRESIDING JUDGE COTTE: (Interpretation) Yes, names
21 of people. Mudzipela and other names are names that we have
22 heard previously during the testimony of the two previous
23 witnesses preceding the current witness, but there are names
24 of individuals that are still, for the time being, in draft
25 form and we need to have them in full and in clear.

1 Madam Prosecutor, please.

2 MS FROLICH: All right. Maybe we can please go back
3 to the names that were just mentioned.

4 Q. And you said there was UPC that was represented by
5 Eustache. Could you please spell that name.?

6 A. Yes. Eustache is E-U-S-T-A-C-H-E.

7 Q. And then you, "Said we found Thomas Lubanga had also
8 arrived because Mr Angongi was responsible within MONUC."
9 Could you spell this name, Angongi?

10 A. Are you talking about the person in charge of MONUC?

11 Q. Yes, I do.

12 A. Amos Angongi. Angongi, A-N-G-O-N-G-I. I believe
13 that everyone understands the word "Amos." We talked also about
14 Ntumba Luaba.

15 PRESIDING JUDGE COTTE: (Interpretation) Yes, the
16 professor.

17 THE WITNESS: Yes, Professor Ntumba, N-T-U-M-B-A.
18 Luaba, L-U-A-B-A.

19 MS FROLICH:

20 Q. And I think there might have been another name, that
21 Mr Angongi had gone to get Thomas Lubanga, who was in Rwanda,
22 and he brought him with him, this professor -- someone called
23 Sabo (phon); is that correct? If you can maybe correct me and
24 spell this name.

25 A. Yes. I was talking about Angongi, not Angoka (phon).

1 Amos Angongi. But the other name is Tinanzabo,
2 T-I-N-A -- T-I-N-A-N-Z-A-B-O, John. John Tinanzabo.

3 MS FROLICH: I will check the record for other names,
4 Mr President, and perhaps after the break we can come back to
5 this at the beginning of the next session and go over it with
6 the witness.

7 Q. Now, Witness, so you said there were political groups
8 there. Were there any military groups in Dar es Salaam.

9 A. Yes, there were other groups of General Jerome Kakwavu,
10 the FAPC. At that moment in time it was an entirely military
11 group. Jerome Kakwavu. K-A-K-W-A-V-U, Jerome.

12 Q. Was Mathieu Ngudjolo there?

13 A. No, he was not there.

14 Q. How about Germain Katanga?

15 A. Neither was he there.

16 MR HOOPER: And I know my friend will reflect that
17 was -- those were two clear leading questions in the
18 circumstances.

19 MS FROLICH:

20 Q. Now, what was the document that was signed in Dar
21 es-Salaam; what was it called?

22 A. In Dar es-Salaam we signed an act of recommitment to
23 the cessation of hostilities.

24 Q. And could you tell us a bit about -- obviously, the
25 title may speak for itself -- but about the contents of this

1 document? What was resolved in this document exactly?

2 A. This document had come into being in two phases. The
3 day when we arrived the government in Kinshasa, along with the
4 MONUC, had prepared for us a document that was similar in nature
5 to the document that we had signed in Bunia on 18 March. But
6 when Mr Lubanga and Tinanzabo and Rafiki, who was accompanying
7 Lubanga -- "Rafiki" is R-A-F-I-K-I -- they changed the document
8 because they were not in agreement with its contents, the manner
9 in which it was phrased in the first document, so they were
10 obliged to amend the document. We, in this document, accepted
11 to recommit ourselves to ceasing or putting a stop to hostilities.
12 That was the basis of the document. There was a lot of phrasing
13 therein but, of course, the most important thing for us was
14 for us to commence the cessation of hostilities.

15 Q. After Dar es-Salaam, where did you go, Mr Witness?

16 A. After Dar es-Salaam, I went back to Uganda. When we
17 left for Dar es-Salaam, we had stopped off in Kampala, and one
18 of our colleagues, who was a Ugandan, told me that my wife was
19 under the impression that I had died, so she asked me to -- she
20 asked to come and see me, but she was not granted entry. "She's
21 not sure," he said. So when I left Dar es-Salaam, I preferred
22 to go home and see my wife and children.

23 Q. Then after having gone back to Uganda, did you go back
24 to Ituri?

25 A. Yes, I went back to Ituri. At that moment in time

1 the Ugandan forces had left. In fact, they were in the process
2 of leaving, leaving the territory of Ituri. And if my memory
3 serves me correctly, they started so doing on 26 or 27 April.
4 They started leaving, however, the last groups of Ugandans were
5 to be found in the area of Kasenyi. Kasenyi is a town on the
6 edge of Lake Albert. Kasenyi.

7 PRESIDING JUDGE COTTE: (Interpretation)

8 Mr Witness, we do know the name "Kasenyi." It's already on
9 the record for each and every one of us.

10 THE WITNESS: Very well. I thank you.

11 There were Ugandan troops there and they did not want
12 to leave the town and leave a vacuum behind them without leaving
13 people to protect the population. And this is how Chief Kahwa
14 asked for us to return so that we might be present there - this
15 was not far afield from his own community - and in that way
16 we could protect the population once the Ugandans left. And
17 on that very same day, I believe it was 30 May, we -- we made
18 that journey during the night. I believe that God came to our
19 aid; he saved us. We met the Ugandan commanders and we took
20 over from them. We waited until midnight and when he returned,
21 it started raining, so we were not able to continue on our way
22 in order to reach Chuma. We were obliged to spend the night
23 in Kasenyi.

24 And at four o'clock in the morning, we had been there
25 for two hours already. at 4 a.m. we heard explosions in Donya

1 (phon). We were somewhat taken aback by this noise. And then
2 at 5 or 6 a.m. we saw war wounded arriving and they informed
3 us that we had come under attack there. So the soldiers had
4 organised a counter-offensive in order to come to the assistance
5 of those people who were in Tchomia. We arrived there and we
6 found -- well, it wasn't very pretty to see.

7 You know, there was no problem with killing soldiers,
8 killing combatants. However, they entered the hospital and
9 they started slitting the throats of the patients in the hospital.
10 Upon our arrival the patients were still bleeding, and I remember
11 taking photographs there in the hospital. The patients were
12 cut into pieces by machetes, and apart from those people who
13 were killed elsewhere, well, they just couldn't flee.

14 Our soldiers came, they tried to pursue them, but those
15 individuals had already fled to the mountains in Zumbe. So
16 this is the first incident before we could once again recommit
17 to the cessation of hostilities.

18 BY MS FROLICH:

19 Q. You kept saying "they," Mr Witness. Who attacked
20 Tchomia? Who are "they"?

21 A. Lendu from Zumbe.

22 Q. And I may take it from your account that this took
23 place on 31 May 2003; correct?

24 A. Yes, exactly on 31 May 2003.

25 MR FOFÉ: (Interpretation) I apologise,

1 Mr President, and I apologise, Madam Prosecutor. In order not
2 to be lacking in information here, I would like to ascertain
3 whether this fact is to be found into the prior statement of
4 the witness. I am going to check this. I am under the
5 impression that I did not read this piece of information. So
6 if I am correct in so saying, we might file an application with
7 the Chamber. And I thank you, Mr President. I am under the
8 impression that this is a new fact for us. Thank you.

9 PRESIDING JUDGE COTTE: (Interpretation) Please go
10 ahead and check, but I think that Madam Prosecutor might be
11 able to give us information in the matter.

12 MS FROLICH: Yeah, indeed, Mr President, this
13 information is in the document 0105-0085 -- sorry, DRC-OTP,
14 naturally. Paragraph 368. And the subheading above that
15 paragraph as well.

16 PRESIDING JUDGE COTTE: (Interpretation) Madam
17 Prosecutor, could you please give us the references again?
18 DRC-OTP and --

19 MS FROLICH: 0105-0085. That's the first page of that
20 document. And this information can be found on the page 0152.
21 This is paragraph 368. In addition to that, this also arises
22 out of the account of the witness just now, who mentioned the
23 travel times that started on 30 May and the next morning.

24 PRESIDING JUDGE COTTE: (Interpretation) I thank
25 you. Please proceed, Madam Prosecutor.

1 MS FROLICH: Thank you, Mr President.

2 Q. Now, you said Lendus from Zombe. Were you able to
3 find out at any point who was in charge of ordering this attack,
4 who was responsible for this attack, meaning a person or persons
5 responsible?

6 A. Whatever the case may be, we knew that Colonel Ngudjolo
7 was the Chief of Staff of the army to be found in Zombe. We
8 also know that it was his soldiers who attacked Tchomia and
9 who committed these massacres. However, I did ask of Mr Ndjabu
10 why, because he reproached the Hema and the Lendus for not holding
11 their promises. And I said to him, "Well, when we sign documents,
12 when we signed the ceasefire agreement, how is it that you then
13 gave yourself the permission to go and attack Tchomia again?"

14 And he said to me "Well, whatever the case may be,
15 I asked Colonel Ngudjolo, I asked him why he had attacked Tchomia.
16 I asked him why he went there because he was the one who gave
17 the order." He told me that he did not understand either. I
18 asked the same question of Lobo Justin, who was the political
19 commissioner for the FNI. I asked, "Why?" And he said, "Well,
20 none of us understand why Ngudjolo organised those attacks."

21 Q. You said, "Ndjabu." I presume you mean Floribert Ndjabu
22 Ngabu; correct?

23 A. Yes, indeed, I am talking about Floribert Ndjabu.

24 Q. When did this conversation take place? You can give
25 us an estimate if you do not recall the exact date, Mr Witness.

1 A. I believe that this was in the month of January 2005.
2 We were at the VIP Hotel in Bunia with Ndjabu.

3 Q. Could you please spell the name of the hotel?

4 A. Yes. VIP, V-I-P.

5 Q. Now, after Tchomia, at this attack, what did you do
6 next?

7 A. After the attack, we returned to Kampala. We had
8 evacuated virtually all of the population which had remained
9 in Tchomia. And in Kasenyi the Ugandans had given canoes, and
10 over the night we put them in the canoes and they made the crossing
11 to Uganda. We had to then treat the war wounded and we remained
12 there to do that.

13 During that same period Chief Kahwa was preparing his
14 trip to Libya. He then left in the company of other staff members.
15 And on 11 June Kasenyi once again came under attack. The Lendu
16 soldiers were the attackers. And I was still in Kampala at
17 the time, in view of the fact that we had work to complete there.
18 At a later stage, on 15 July, I was in Kasenyi when Tchomia
19 once again came under attack. And on 23 of July they once again
20 attacked Kasenyi. So over that two-month period there were
21 four attacks and after the recommitment to the cessation of
22 hostilities.

23 Q. All right. Now, let us take each of these attacks
24 in turn. And first one you mentioned is the attack on Kasenyi
25 on 11 June. So you said you were in Kampala. Now, how exactly

1 did you find out about this attack?

2 A. This came to my knowledge because I was standing in
3 for Chief Kahwa. He was not around and staff had left in his
4 company. And Kasenyi called us to give us the message that
5 Kasenyi was under threat. There were attacks, but there were
6 also women who were abducted. They were abducted and taken
7 to Zumbe. They never returned, and I do not believe that to
8 date they have ever returned.

9 I believe that during one of the consultation meetings
10 for armed groups I, by chance, requested or asked Colonel
11 Ngudjolo about those women in Zumbe, whether they could return,
12 and he said, "Well, they were just waiting for a dowry." And
13 when I went with Chief Manu from Zumbe, we asked him and Mr Kitembo
14 Bitamara put the question to him, asking him about what happened
15 to those people who had been kept in Zumbe. And he said, "Well,
16 whatever the case may be, they're already married, some of them
17 already have children, and you'll see when they come see you."

18 So the women who had disappeared in the month of June
19 had been taken to Zumbe and they were never seen again. But
20 it was said that -- I asked Ngudjolo and I was told that they
21 were there. We also asked Chief Manu, who said that they were
22 there. And when we asked Mr Lobo Justin, he said, "Well, in
23 view of the fact that the Hemas do not like to give us their
24 daughters, well, then we had to serve ourselves." That was
25 the response provided by the three leaders of that movement

1 in regard to those people.

2 So those people -- this was not the first experience
3 of this type. There was another experience, similar experience,
4 at Lac Albert with Colonel Lugubama (phon), who also had this
5 issue with women. He would abduct women. We call them sexual
6 slaves, when you go and abduct women and you use them against
7 their will. So the women who were in Kasenyi, and who were
8 abducted, I believe that at a later stage we will find out whether
9 they are alive or not, well, whether they -- if they have got
10 married and had children, we will find that out later too.

11 Q. Mr Witness, you said this meeting with Mathieu
12 Ngudjolo, where Mathieu Ngudjolo was present, when did this
13 take place?

14 A. I no longer recall the precise date but I believe that
15 this was the third consultation meeting for the armed groups.

16 Q. And it was your understanding then that these women
17 were abducted to be sexual slaves, based on what you've told
18 us?

19 A. Yes. They would use them in view of the fact that
20 they cannot say what fate befell these women and tell their
21 families what happened to them, and when we asked the question
22 and we're not given an answer, then yes, they are used as sexual
23 slaves.

24 PRESIDING JUDGE COTTE: (Interpretation) The truth
25 be told, Mr Witness, this is very limiting when one has a lot

1 of things to say and time is limited, but you need to speak
2 slowly. I have just been reminded of that fact once again.

3 MS FROLICH:

4 Q. And I believe there is a name that was mentioned that
5 should probably be spelt for the record because it wasn't caught.
6 I think you mentioned Kitembo Bitamara and I'm not entirely
7 sure if it was correctly captured, so could you please spell
8 it?

9 A. Kitembo Bitamara, K-I-S-E-M-B-O, Bitamara,
10 B-I-T-A-M-A-R-A.

11 Q. And also another name was, I believe Anguluma. Could
12 you please spell that.

13 A. A-N-G-U-L-U-M-A.

14 Q. Now, let us move on to Tchomia, July 15, 2003. What
15 can you tell us about this attack? Where were you, first of
16 all, at that time?

17 A. On the 15th I was in Kasenyi when the attack started
18 in the morning, and I went there. I took photos. You can see
19 there's a child who is killed, and that heart of a baby is pierced,
20 and sometimes there were people who had to go and bury people
21 in the same mass grave because there were a lot of dead people.
22 It was a surprise. They came in a surprise attack. They killed
23 people. They wanted to have munitions, see if there were then,
24 and with that they committed damage; they killed people.

25 I think there are photographs for those people who

1 were killed and the same attacks, they also came from Zumbe,
2 when Chef Kahwa arrived. He came from Libya. He had a press
3 conference. Because one of the soldiers who had been -- who
4 was dead but who had come from the group that had attacked,
5 he had been identified via his identity card, and he had come
6 from Kinshasa. Probably he came from the APC. And they also
7 used munitions. We did find some. Chef Kahwa took them to
8 Uganda.

9 We found casings and they were tested and they tested
10 these casings and they found that they had been used by the
11 Kinshasa army, and at that time there were only the Lendu who
12 were in contact with the soldiers in Kinshasa because they came
13 from Beni, and they had resupplied them at Beni and this is
14 a coalition which had probably come from, well, what we supposed,
15 but we thought that in order to get to Tchomia there was no
16 other road.

17 You had to go via the mountains, unless you go via
18 Kasenyi, or you come from the mountains in order to go down,
19 or you go through Kasenyi into the valley, but because they
20 came from the mountains, that is to say they came from Zumbe
21 because above Tchomia there's Zumbe, and they came to attack
22 there. And we never had any doubt that these attacks were
23 organised by Ngudjolo, who was the military chief in Zumbe.

24 Q. How long after the attack did you go there? And you
25 said you took photos, so how long after the attack was this?

1 A. I don't know exactly the time they went but when we
2 arrived we found there were still people there who were burying
3 the dead. We took photos of these people who were burying the
4 dead on that day. But in order to know exactly when they were
5 killed, we couldn't tell.

6 Q. Now, could you give us more details about persons who
7 were killed, what was their age and their gender?

8 A. Therewaseverything. Thereweremen, women, children,
9 who were killed.

10 Q. How many people were killed in Tchomia on that day?

11 A. I don't know exactly how many people were killed.

12 Q. Do you have any other details of these massacres in
13 terms of locations within Tchomia where they happened?

14 A. I couldn't define that exactly, I couldn't define
15 exactly where they started because we went there late. We went
16 there and the Lendu fighters had just left. We only saw where
17 there were dead people. Now, we took photos of the dead people
18 and, if you identify that place, you'll see that there's
19 a -- there was a massacre there. Sometimes the number is
20 exaggerated.

21 When you ask how many people were killed, you say
22 so-and-so was killed but in fact he wasn't dead; he was in Uganda
23 or whatever. So sometimes the journalists ask how many people
24 are killed. The figures are sometimes exaggerated but the exact
25 number, I couldn't tell you that there was this number of people

1 killed.

2 However, I took photographs of people. These are the
3 people that I had seen who were killed.

4 MS FROLICH: Mr President, it is my intention at this
5 point to show some photographs to the witness. I understand
6 that these photographs are being contested by my learned friends
7 from both Defence teams. I wonder if they still retain their
8 objections?

9 PRESIDING JUDGE COTTE: (Interpretation) Firstly,
10 Prosecutor, you have to state, given the intervention made
11 yesterday by the Prosecutor Macdonald, you have to state whether
12 you intend to present all of the photographs with number
13 DRC-00105-187 or if you do only intend to present three
14 photographs therefrom, because I thought that I'd understood
15 from Mr Macdonald that three photographs needed particular
16 attention, and I thought that it was these three photographs
17 which would be presented.

18 If that isn't the case, or was the case, please confirm
19 it, depending on the objections of the Defence team because
20 we have to see whether that's just about those photographs or
21 about all the photographs, which may mean that they will either
22 raise different objections or not raise any objections.

23 MS FROLICH: Yes, Mr President, it is only the three
24 photographs that Mr Macdonald mentioned yesterday. I can
25 repeat these ERN numbers. For the record DRC-OTP-0105-0615,

1 then the same number but ending in 0622, and finally, the same
2 number, ending in 0619. These are the only three photographs
3 that I would like to show to the witness.

4 PRESIDING JUDGE COTTE: (Interpretation) Yes. Can
5 you still simplify our task further by indicating to us in this
6 group of photographs we've been provided with, before the
7 appearance of this witness, which is the number? I see that
8 these photographs are numbered on the sheet. They are numbered
9 1 to 17. Is it possible to know which three photographs do
10 you intend to show from these sheets? The numbers are on the
11 right-hand side. Tchomia, 15 July 2003, on each of the small
12 photographs that we have on the document.

13 MS FROLICH: Yes, Mr President. Photograph with the
14 ERN 0619 is the photograph number 4 on the first page of the
15 annex 0105-0187, so that's the bottom photograph, photograph
16 at the very bottom, number 4.

17 Further photograph with the ERN ending in 0622 is
18 photograph number 9 on the second page of this annex. This
19 is page 0188 of the annex. So again, the photograph at the
20 very bottom. And finally, photograph ending with the ERN 0615
21 is photograph number 14, on the third page of the annex, again
22 at the very bottom. So this is page 0189.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you
24 very much, Prosecutor. I'm now turning to the Defence teams.
25 The fact that out of the whole group only three are going to

1 be shown, does that change the point of view that you expressed
2 in writing, or do you still intend to object? If you do intend
3 to object, we shall firstly let the Prosecutor explain why these
4 photographs are relevant to her.

5 MR FOFÉ: (Interpretation) We maintain our
6 objection, your Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) Is it the
8 same for you, Counsel Hooper?

9 MR HOOPER: It's not a strong objection, but I do raise
10 a question as to the motives the Prosecution have, to what it
11 goes to to assist their case, given the temporal time period
12 that we're dealing with from February, which is the focus for
13 us, to events in July, and here are tragic pictures of dead
14 people. We can all imagine what that is. Do we need photographs
15 of a few -- and, in particular, in respect of the sad, disgusting
16 photograph of the baby, what is the motive here for the
17 Prosecution to show that? How does it assist us in terms of
18 events at Bogoro? Was this a -- just an over-vivid colouring
19 of the case. So we do object, particularly to that terrible
20 photograph of the baby. It's only there to raise a natural
21 human prejudice in the best organised mind.

22 MR FOFÉ: (Interpretation) I'm sorry, your Honour.

23 PRESIDING JUDGE COTTE: (Interpretation) Professor
24 Fofé.

25 MR FOFÉ: (Interpretation) Just to point out to the

1 Chamber that for the development of our objection we are going
2 to ask that the witness be absent because we're going to go
3 into depth with regards to this matter and, so that he's not
4 influenced in one way or another, I think that also for the
5 explanations of the Prosecutor it would be better for these
6 explanations to be given in the absence of the witness.

7 Thank you, your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation)

9 Prosecutor, Counsel Hooper took the floor briefly, but he spoke
10 with wisdom. During his testimony this morning the witness
11 did tell us of this new attack on Tchomia on 15 July 2003. He
12 made a description thereof, a brief description, but
13 sufficiently meaningful and in terms we could really see the
14 way in which he expressed it in a moving way.

15 We perfectly understand the logic of your examination
16 and the fact that with a view to enable, or enabling the Chamber
17 to better understand the context in which the crimes took place
18 which the Chamber will have to judge, you point out the attacks
19 that took place subsequently to the month of February 2003.

20 The way in which the witness has presented the facts,
21 the descriptions that he's given us are amply sufficient for
22 us, and the presentation of three photographs is not of such
23 a nature to improve in a significant way the understanding of
24 the Chamber. So do not present these three photographs, but
25 continue with your examination, if you would like to do so,

1 Prosecutor.

2 MS FROLICH: All right. Thank you, Mr President.

3 Q. Now, further on you mentioned -- if we move on from
4 Tchomia in July, now you mentioned another attack and that was
5 the attack on Kasenyi on 23 July 2003. What can you tell us
6 about this attack?

7 A. This attack which took place on 23 July -- well, I
8 wasn't there, but I was informed that people had been wounded,
9 civilians as well as combatants. I went to get Doroku (phon)
10 to have him treated in the hospital in Uganda. I don't know
11 exactly how many people were killed. I was more concerned with
12 the wounded, because I had to get them treated.

13 Q. And to your knowledge who was responsible for this
14 attack? Who attacked Kasenyi on this day?

15 A. We knew that we just had one group that could attack
16 us there, just the Lendu who could attack, and we think it was
17 the Lendu who attacked us, who attacked Kasenyi. This time,
18 according to the people who were in the field, they thought
19 that the Lendu were mixed with the Ngiti. There were Lendu
20 North and Lendu South who were mixed with -- in the attack in
21 Kasenyi on that day, but we didn't have the information to follow
22 that because we were more concerned with the wounded who were
23 there.

24 Q. Just one further question. Do you know from which
25 direction the attackers came from?

1 A. No, I didn't ask that.

2 Q. And who were the people who were killed?

3 A. I didn't know them. There weren't that many dead
4 people. There were rather on those days people who had been
5 abducted. There was food there. There was a German company,
6 AAA, which had a depot with beans there, and these people were
7 looking for people who could help them carry it away. And these
8 people -- well, they had done things, but I don't know how many
9 people there were. I don't know how many died. I don't have
10 a particular figure for that.

11 MS FROLICH: Mr President, I am finished with my
12 questions and I'm also cognisant of the time, so perhaps this
13 would be a good time for a break.

14 PRESIDING JUDGE COTTE: (Interpretation) You've
15 finished this first period and you will continue with your
16 questions in 30 minutes; is that correct? In that case we're
17 going to suspend the hearing, because we've only got three
18 minutes in which recording can take place.

19 Thank you, Witness, for your contribution during this
20 first part of the hearing. You can now rest for half-an-hour,
21 and we are now going to go into closed session so that the witness
22 can discreetly leave the courtroom. Court officer, if you would
23 be so kind, please take us into closed session. Usher, if you
24 could accompany the witness out of the courtroom.

25 (Closed session at 10.55 a.m.)

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Open session at 10.55 a.m.)

8 THE COURT OFFICER: We are in open session, your
9 Honours.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
11 court officer. The hearing is therefore suspended. We will
12 be back at 11.30.

13 (Recess taken at 10.56 a.m.)

14 (Upon resuming at 11.31 a.m.)

15 (Closed session)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

(Expunged)

(Expunged)

(Expunged)

(Expunged)

(Expunged)

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(Expunged)

(Open session at 11.32 a.m.)

THE COURT OFFICER: We are in open session, your Honours.

PRESIDING JUDGE COTTE: (Interpretation) Thank you, courtroom officer.

Mr Witness, we shall now be resuming our activities for a duration of two hours. Mr Prosecutor, I can see that you shall now be addressing the Court. Please proceed.

MR MACDONALD: (Interpretation) I thank you, Mr President, your Honours. I wanted to briefly revisit what the Chamber said in private session with regard that -- to the fact that the Chamber felt that it was well informed of contextual matters with this witness, and I wanted to tell you that we have finished with that part of our questioning, matters of context, apart from a few points of clarification that might come to light. But in view of the last incident recited by the witness, then this concludes our questioning, in this regard.

I would like to come back to a number of points raised

1 at an earlier moment with regard to the spelling of a number
2 of names. We said that we might come back to this and put suggests
3 to the witness so that he might clarify matters and maybe spell
4 certain words. Maybe we could do this at a later stage during
5 this session. We are going to -- we are finalising this list
6 as we speak.

7 But with your leave, I would just like to talk to my
8 colleague for a moment about what was just said in private session.
9 I just wanted to make sure of one point as to whether we are
10 going to revisit it or not.

11 PRESIDING JUDGE COTTE: (Interpretation) Please
12 proceed.

13 (Counsel confer)

14 MR MACDONALD: (Interpretation) I thank you.

15 QUESTIONED BY MR MACDONALD:

16 Q. Good morning, Mr Witness.

17 A. Good morning.

18 Q. I might like to return now, seeking a point of
19 clarification to a specific subject area; that is to say, the
20 withdrawal of Ugandan troops from Ituri. Now, correct me if
21 I'm mistaken, but you said that towards the April 2003 you gave
22 a precise date that I shall not repeat here, but these dates
23 were towards the end of the month of April and you said that
24 the Ugandans withdrew from Ituri. So I would like to revisit
25 this point.

1 To your knowledge - and we know by virtue of some
2 evidence in the case file that there were UPDF troops in Bunia
3 and we know that those troops withdrew from Bunia - were you
4 in Bunia at the time of the withdrawal of the Ugandan troops
5 from the town?

6 A. Yes, I was in Bunia when they started to leave the
7 town. Some left on foot. They left Bunia along the road to
8 Fataki, Mahagi and others left on the Kasenyi road. Some left
9 by way of the airport. This was a process, and when they
10 announced that they would be departing and when they started
11 to leave, I was there.

12 Q. In order to situation ourselves in geographic terms,
13 you said that there was a withdrawal towards the north; that
14 is to say, Fataki and Mahagi. Is that correct?

15 A. Yes.

16 Q. That's a withdrawal towards Lac Albert; that is,
17 Kasenyi.

18 A. Yes.

19 Q. And there is finally a withdrawal from the airport
20 itself?

21 A. Yes.

22 Q. Are you able --

23 MR MACDONALD: Mr Hooper is telling me about the five
24 second rule. Indeed.

25 Q. Mr Witness, are you in a position to tell us the precise

1 date at which the Ugandan groups entirely withdrew from Ituri?

2 A. The last group of Ugandan troops to leave, to my
3 knowledge, that was the groups within Kasenyi planes -- or on
4 Kasenyi planes. That group left on the 31, very early in the
5 morning. They were already en route. You should understand
6 that one couldn't cross the lake, but one could go via a village
7 called Buguma. I don't know whether you're aware of that name.
8 And from Buguma, it's far easier to cross from there. The
9 distance is too short to cross from Budiba (phon).

10 So the troops had gone that way in order to withdraw.
11 These were the troops that we found there in the night of the
12 30th upon our arrival. That was the last of their troops who
13 were officially still there.

14 Q. I'm going to suggest a spelling to you for Buguma.
15 B-U-G-U-M-A; is that correct?

16 A. Yes.

17 Q. How far is Buguma from Tchomia?

18 A. I do not know precisely how far, but -- I don't really
19 know the distance. It is a long distance in comparison to
20 Kasenyi/Tchomia distance.

21 Q. And could you tell us whether Baguma is towards Kasenyi
22 or is it along the coast? Is it -- is it towards Kpandroma?

23 A. When you're in Kasenyi and you look in the direction
24 of Tchomia, Tchomia is to be found to the north. And from Kasenyi,
25 if you go in a southerly direction, you then come to villages

1 the first of which is Nyamavi. And then after Nyamavi there
2 are other villages, and then you can continue to Bogoma (phon).
3 Bogoma is to be found to the south of Kasenyi at the Semliki
4 river. Kasenyi is on Lake Albert, but Baguma is opposite another
5 village in Uganda, on the Ugandan side, Budiba (phon), but the
6 Semliki river lies between these two locations.

7 Q. Well, you're not obliged to spell Semliki,
8 because -- I'm sorry. Could you please spell Semliki to us.

9 A. S-E-M-L-I-K-I.

10 Q. You also talked of a village by the name of Nyamavi.
11 Could you please spell us -- this to us?

12 A. Nyamavi, N-Y-A-M-A-V-I.

13 Q. And lastly, you said that Baguma was to be found
14 opposite a village on the Ugandan side. Could you please spell
15 the name of that Ugandan village to us?

16 A. B-U-D-I-B-A, Budiba.

17 Q. Very well. At the time that the Ugandan troops were
18 withdrawing, whether from Ituri or at the time when they were
19 preparing to leave Bunia -- I'm sorry. Were there any
20 information circulars on the subject sent to the population?
21 Was there any information at hand?

22 A. The withdrawal was announced within the Ituri
23 Pacification Commission, so the people involved in the
24 communities were informed. But the Ugandan general who was
25 representing his country there said that it would be better,

1 were the Ugandan troops to leave, that MONUC find an alternative,
2 that they either bring soldiers from Kinshasa or that they
3 increase the number of policemen present because, according
4 to General Kale Kayihura, there would be a security vacuum in
5 Ituri, and he thought that there would be massacres between
6 the various armed groups.

7 People had already started to panic once they gleaned
8 this information from the pacification committee, commission,
9 and somebody -- some people already started to leave. General
10 Kale gathered the military leaders in order to talk this over
11 on the radio, in order to reassure the population that nothing
12 would happen, even if the Ugandans were to leave. The Hema
13 military leaders were present, the Lendus were present, and
14 amongst the Lendus there was Pizi (phon) and then Lobho and
15 Justin, Lobho the political commissioner, and there was also
16 Colonel Ngudjolo, who talked on the radio in order to reassure
17 people that there would not be any disturbances.

18 As for the Hema, I remember Commander Kasangaki who
19 had also spoken and who reassured people saying that the Ugandans
20 would leave, that they would not remain in Ituri and that the
21 armed groups could -- would be able to resolve the problem
22 themselves.

23 Q. I'm going to interrupt you there. You have just made
24 reference to Mr Kasangaki. You're not obliged to spell this,
25 but what was his allegiance, Mr Kasangaki's allegiance.

1 A. Mr Kasangaki was a commander, a UPC commander, and
2 the -- when they fought with the UPDF they had defected. They
3 were in a tight spot and they joined the UPDF, the Ugandan Army,
4 and they went to Shari. He was a Hema. Unfortunately, after
5 this declaration in the month of October, whilst he was crossing
6 Lake Albert, he was abducted and killed by the Ngiti.

7 Q. Mr Witness, when you refer to the fact that they fought
8 against the UPDF, what battle are you referring to without me
9 suggesting it to you, even if the temptation is strong?

10 A. This was the fighting that occurred on 6 March.

11 Q. Very well.

12 MR MACDONALD: (Interpretation) Mr President, with
13 your leave, I would like to present a number of extracts from
14 this radio broadcast, the first of which the Prosecution would
15 like to present in public hearing with sound, and it will do
16 so here. I'm referring here to exhibit DRC-OTP-0113-0218, and
17 this is an audio recording.

18 I would like to refer the interpreters to the
19 transcript. I shall not repeat the DRC part, 0165-0912, the
20 first page, but the page that is of interest to us most
21 specifically finishes with 0165-0913, that's lines 1 to 14.
22 I also have the reference for the translation, were the need
23 to arise, but this has already been provided. I do not know
24 whether I need to provide the translation references. I think
25 that will simplify things. 0165-0933, page -- the last figures

1 of that page are 0935, lines 1 to 16.

2 Q. Mr Witness, I am going to ask you to listen to this
3 extract and I shall come back to you with some questions.

4 (Audio extract played)

5 MR MACDONALD: (Interpretation) The sound quality
6 is not at its best, Mr President. We have a transcript attached
7 to this, but we might play the extract again but, with your
8 leave, I shall allow you to say what you'd like to say, but
9 with regard to -- we'd like to say exactly where this comes
10 for in order to locate it.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
12 Mr Prosecutor, but I must say that I didn't hear a thing. I
13 heard noise but it was rather confused. Is that the same for
14 everybody, all the parties and participants? Might it be
15 possible for us to have an interpretation of what's being said
16 in order for us to ascertain upon which basis you are going
17 to put your questions to the witness? I think we might have
18 to listen to that brief extract again but I think it's important
19 that we do not listen to it again in the same conditions as
20 a moment ago.

21 MR MACDONALD: (Interpretation) With your leave,
22 Mr President, please allow me to put a number of questions to
23 the witness and, subsequently, I shall come back to you in order
24 to establish the modus operandi in regard of this extract and
25 any following extracts.

1 PRESIDING JUDGE COTTE: (Interpretation) Please put
2 your questions to the witness, and that is the most important
3 thing, if he is able to answer them, of course.

4 MR MACDONALD: (Interpretation)

5 Q. My first question to you, Mr Witness, is whether you
6 understood anything from what was played a moment ago?

7 A. Yes, I did understand something.

8 Q. Which language is being spoken, firstly?

9 A. Swahili is being spoken.

10 Q. Do you remember this recording?

11 A. Yes.

12 Q. I understand that you gave this recording to the
13 Prosecution, did you not?

14 A. Yes, I do believe that to be the case. I don't really
15 recall, but I think so.

16 Q. And what is it precisely?

17 A. As I said, these are the military leaders for the
18 Ugandans in Ituri. They wanted to create a sort of entente
19 between the military leaders and exclude the politicians and
20 so, without our knowing -- well, the group, the various people
21 in charge of the military groups had been gathered together
22 and they were going to express their views over the radio in
23 order to reassure the population and tell them that the Ugandans
24 would indeed be leaving and they wanted to reassure the
25 population that there wouldn't be any killings, that they needed

1 to remain calm, and that was the real meaning of these discussions
2 organised over the radio.

3 MR MACDONALD: (Interpretation) Very well. I thank
4 you, Mr President. I am in your hands.

5 We have provided a translation and also the original
6 of this extract and other extracts, and we would need to ascertain
7 whether the Defence teams would be in agreement to the
8 interpreters referring to the translation provided. Otherwise,
9 I might move on to other questions, continue, and we might come
10 back to this, possibly with a better quality of sound for these
11 video extracts.

12 But, of course, Mr President, the Prosecution never
13 handled the tapes in any way in order to improve the sound quality
14 because, of course, when we do something like this, it is not
15 always the case that the Defence teams accept this. I just
16 wanted to explain this to you.

17 I think we need to ascertain whether the Defence teams
18 are in agreement that they are ready to accept these
19 extracts - these translations of extracts - in order to make
20 the interpreters' jobs easier. Otherwise, we would need to
21 find a way of cleaning up the tapes. I would like to reassure
22 the Chamber that, in respect of the videos presented, the
23 clean-up operation was conducted in-house. To my knowledge
24 it was not farmed out, and I think that we might as a result
25 be able to move forward a little bit more rapidly.

1 PRESIDING JUDGE COTTE: (Interpretation) I thank
2 you, Mr Prosecutor. Thank you very much, Prosecutor.

3 In fact, there are two questions here. The first
4 question is whether it is absolutely essential for the needs
5 of your case to present these documents, which it would seem
6 are just audio and not video because we saw nothing on our screen
7 a moment ago. That's the prior point.

8 If you consider that it is essential for your case
9 to present these documents then there's the second question,
10 and here we're talking about the documents that you provided
11 us on Monday afternoon at the start of the hearing; is that
12 correct? This is what I found on my table on Monday at the
13 start of the hearing. It has DRC reference DRC-OTP-0165-0933,
14 but you referred to page 935, original in Swahili and a
15 translation. The question is whether the Defence teams have
16 seen these documents and if they're able to answer you; is that
17 it?

18 MR MACDONALD: (Interpretation) Yes, that is it,
19 your Honour. And I have to say that effectively these are the
20 documents we did provide on Monday, but obviously I would like
21 to assure everybody they have been disclosed a long time ago.
22 I don't have the exact date, but certainly in 2009, that's for
23 certain, or at the latest 31 January 2009.

24 PRESIDING JUDGE COTTE: (Interpretation) Defence
25 teams, have you had the time to read and study these documents?

1 Are you able to answer Mr Macdonald? Counsel Hooper, you are
2 the first person.

3 MR HOOPER: Well, for my part, I confess that I haven't
4 sought to read these French texts in detail. I've run an eye
5 over them. I haven't taken the further step of comparing the
6 translation, or having the translation compared to the original
7 Swahili. This particular road, it seems to me, has already
8 been very well sign-posted over the past recent weeks.

9 I'm going to necessarily need to respond out of -- with
10 some caution. And what I would suggest to my friend, who seems
11 in fact to be turning over perhaps in his mind already, is whether,
12 given the time and what I know he has yet to deal with by way
13 of evidence, it would seem to me that it's certain that the
14 Prosecution will still be presenting this witness on Wednesday
15 of next week.

16 Now, my understanding is that relatively substantial
17 though these extracts are in the translation here, Mr Macdonald
18 only wants to produce relatively little of it. Now, if that's
19 the case, I would have thought that the *modus vivendi* that was
20 introduced in respect of the videos is of equal application
21 here in that, having developed this translation, knowing
22 precisely that bit of the audio tape which is clearly not distinct
23 that he wishes to refer to, that he puts the two in the hands
24 of the Registry translators to do a similar exercise as they
25 did with the video recordings, which is to compare the

1 Prosecution's suggested translation with an objective
2 reappraisal on listening to the small segments of audio tape.

3 That shouldn't take very long. We can then, subject
4 to of course what my friend's -- Mr Ngudjolo's comments may
5 be, but for our part I would then see no objection, of course,
6 of dealing with the matter through the translations that we
7 receive, because basically we'd be none the wiser really by
8 listening to the tape. So the tape could be played and translated
9 through the booths, or for my part I'd be willing to accept
10 the French translation as it appears in the document, but I'd
11 like it checked in those circumstances.

12 PRESIDING JUDGE COTTE: (Interpretation) Professor
13 Fofé.

14 MR FOFÉ: (Interpretation) Thank you, your Honour.
15 The Prosecutor himself has recognised the poor quality of these
16 audiomaterials. Indeed, it's very difficult to work with these
17 audiomaterials to work correctly, perfectly. If it is possible
18 to improve this cassette we could then take the time to examine
19 it in-depth, but I do note -- when I read quickly the summary
20 of the extracts, I note that these materials do not bring new
21 significant information with regards to the video evidence that
22 was already admitted to the dossier, so I think that here we
23 have some repetition which isn't very useful. That's what I
24 wanted to say, your Honour.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

1 Counsel Hooper. Thank you, Professor Fofé.

2 Prosecutor, the Chamber does not underestimate the
3 difficulty of your task, nor that of the legal representatives
4 or the Defence teams for that matter, but with P30 we had difficult
5 technical moments and the Chamber regrets that, where it concerns
6 this audio evidence, today we have to wait to 10-past-12 that
7 they could have been improved so that they could be well listened
8 to.

9 Yesterday we were working on the basis that your case
10 where it concerned this witness would be finished on Wednesday,
11 perhaps at the end of the first block of time. If you think
12 you are able to by Wednesday bring audio which is perfectly
13 audible for the witness, who is the first person concerned,
14 for the parties and the participants and for the Chamber, who
15 is also concerned, then we give you your -- our consent to try
16 and do so, but it is a bit of last minute work.

17 At least we would very much wish that this technical
18 aspect of the problem not delay the planning that we set and
19 that on Wednesday, normally from 4.30 in the afternoon, the
20 legal representatives can ask their questions and the Chamber
21 can ask its questions and, if there's still time available,
22 then Counsel Hooper can start the cross-examination. That's
23 how the things are.

24 Still, with number one, the issue as to whether the
25 use of such audio is essential at this time in the presentation

1 of your case as a whole of course, we are listening to you and
2 then we will try and progress.

3 MR MACDONALD: (Interpretation) I have a proposal
4 to make, because there's one specific point of interest to us.
5 I can ask the question to the witness to see if he remembers,
6 and from that basis, if he does not remember, then I have a
7 very short extract. And the Chamber will understand that with
8 the question that I have to ask him, in order to refresh the
9 memory of the witness without we necessarily have to put these
10 into the case record, but I'm trying to -- trying to find a
11 midway compromise in order to be able to make progress without
12 delaying the proceedings.

13 PRESIDING JUDGE COTTE: (Interpretation) Well, we
14 shall listen to you.

15 MR MACDONALD: (Interpretation)

16 Q. Witness, you mentioned that Mr Ngudjolo participated
17 in this radio programme?

18 A. Yes.

19 Q. Do you remember how he identified himself when he
20 introduced himself?

21 A. Yes, he introduced himself as the Chief of Staff of
22 the FRPI.

23 MR MACDONALD: (Interpretation) Thank you very much,
24 Witness.

25 Your Honour, colleagues, I think the issue has been

1 dealt with. We don't have to continue with the recordings.

2 PRESIDING JUDGE COTTE: (Interpretation) No, we
3 would like to thank you, Prosecutor. So, please continue with
4 the other elements of your examination.

5 MR MACDONALD: (Interpretation)

6 Q. I would now, Witness, like to continue, because we
7 said we would do so, with regards to the consultation committee
8 of armed groups, which was also called as you said the CCGA.
9 Now, you said -- if I understood this correctly from your
10 testimony, you said there were four meetings of this group;
11 this committee rather. My first question: Do you remember you
12 said that there were at least four meetings?

13 A. No, there were more.

14 Q. What was the mandate of this group, or committee,
15 please?

16 A. The consultation committee for armed groups, or the
17 armed groups consultation committee, had the mandate to bring
18 together the leaders from different armed groups in order to
19 evaluate the security situation in the town in each period.
20 If things went wrong with regards to the agreements that had
21 signed, then we could call people together when we met in the
22 meeting. That was the raison d'être of the armed groups
23 consultation committee, see what was working, what wasn't
24 working and the complaints that people had. If there had been
25 abductions, if there were war prisoners, they had to be released.

1 This was things that were discussed in the consultation
2 committee.

3 Q. Who resided over the meetings of these groups? Who
4 chaired the meetings of these groups?

5 A. At the start it was Colonel Banal of MONUC. He started
6 and then he was replaced by another MONUC colonel, I've forgotten
7 his name, and they were those responsible. It was MONUC in
8 fact that was chairing the consultation committee during the
9 discussions, so the MONUC. There were also representatives
10 of the Congolese government.

11 The three first meetings there were, there were no
12 representatives of the Congolese government, but at the fourth
13 meeting or from the fourth meeting, then we did meet the
14 representative. This meeting took place in Kinshasa.

15 Q. So, going back to the third meeting - you also mentioned
16 it yesterday - where was it held?

17 A. This meeting was held in the place where there was
18 the administrative -- the Ituri administrative office, the
19 interim administrative office in Ituri.

20 Q. In Bunia?

21 A. In Bunia, yes.

22 Q. Were there representatives of the FRPI present?

23 A. I no longer remember very well.

24 Q. Colonel Banal, I understand that this is spelt
25 B-A-N-A-L, for the purposes of the record. Do you remember

1 what was said by Colonel Banal during this meeting?

2 A. With regard to what?

3 Q. Yesterday you mentioned that they -- there was talk
4 about child soldiers during this third meeting of the CCGA.

5 A. I don't know if I remember exactly whether it was really
6 that meeting of the committee, the CCGA, but in the place that
7 I have just stated, there was a meeting there. At this meeting
8 we also had to -- well, there was the Artemis group, French
9 soldiers who had been deployed to stabilise the situation in
10 Ituri, in this group General Thonier, the commander, and we
11 spoke as leaders of armed groups, and he said he did not tolerate
12 excesses or abuses, he didn't tolerate massacres on any side.
13 And we had through Colonel Banal but also at that time there
14 was a small intervention because, when Colonel Thonier had
15 finished his speech, we wanted to ask him questions, and he
16 refused that.

17 I remember Njabu had said to the colonel, "But now
18 we're asking you questions but you're not answering. There
19 are others who are dying in Iraq, terrorists everywhere. You
20 could have the same problem." And at that time MONUC asked
21 Njabu Floribert to withdraw his remarks and, if he didn't, he
22 would be punished. But in such meeting - I don't know if it
23 was that one - we did have -- we did see leaders of human rights
24 who came from everywhere and who took advantage of the situation
25 to explain to us the problem that there was with child soldiers.

1 And I think in this meeting we also had the opportunity to have
2 an explanation with regard to the child soldiers.

3 Q. Thonier, Colonel Thonier?

4 A. General.

5 Q. Is that with two Ns or one N? I'm not sure.

6 A. Two N's, T-H-O-N-I-E-R. R.

7 Q. The Artemis force. What date did the Artemis force
8 arrive in Ituri, on what date?

9 A. I don't remember anymore.

10 Q. Okay. Let's go to Kinshasa, the fourth meeting of
11 the CCGA. Can you explain to us who was present in addition
12 to MONUC and the government representatives? Who represented
13 the armed groups, starting with the FRPI?

14 A. When we arrived in Kinshasa there was something that
15 was funny because MONUC had pointed that out. The parties that
16 were recognised by MONUC were the FNI, the FRPI, as a party.
17 There was also PUSIC and the APC, the UPC and the FPDC. But
18 when we arrived in Kinshasa, we found that the Kinshasa
19 government had separated the FNI and the FRPI, and they had
20 reserved a room in the Grand Hotel for Colonel Ngudjolo at the
21 same level as Mr Njabu but, unfortunately, Ngudjolo didn't come.
22 MONUC went to ask the question as to why you insisted that Ngudjolo
23 should come here because he's a member of the party. Kinshasa
24 said no, the FRPI is a separate group and we recognise the
25 person -- the leader as Ngudjolo. Now, the FNI, that's another

1 thing. After a lot of discussions, MONUC -- it was Mujib who
2 was the person who was responsible within MONUC for that;
3 M-U-J-I-B who was responsible within MONUC. He took these steps,
4 and there was a place for Ngudjolo.

5 Now, at the meeting there were numbers for the FRPI
6 and the FNI put together. For me it was the first time that
7 I met Colonel Germain Katanga at the time. It was the first
8 time that I'd seen him. He was in the room. And Germain Katanga,
9 Pichou Iribi - I think it was Pichou Iribi - and Njabu, Floribert
10 Njabu, I think it was the three of them who represented the
11 FNI in this meeting.

12 During the meeting questions were asked. I remember
13 that Chef Kahwa stated that, "No, I can't sit down and start
14 having discussions with somebody like Germain because he's a
15 criminal. He's killed our people in Bogoro, killed our people.
16 I cannot discuss with him here." And immediately Njabu took
17 the floor and he started to remind Chef Kahwa that he was much
18 more of a criminal than Germain, that he'd also killed Hema.
19 And they had these exchanges and MONUC had to stop the discussion
20 once again. But all the armed groups, including the UPC, who
21 were represented by Mr Lubanga and his staff, everybody was
22 there.

23 Q. I'd like to interrupt you there, Witness, I'm sorry.
24 There seems to be errors in the spelling of names, at least
25 in the English transcript, but apart from Mr -- apart from the

1 person you named, all the other names are known in your testimony.
2 I'd just -- that's just something that I note. Please continue.

3 A. It was after the first session. Mr Njabu was ousted.
4 "Where's the chief of staff?" He told me, "No." Oh, I'm sorry,
5 Ngudjolo preferred to go to Beni, and at that time I preferred
6 to replace him with Germain Katanga. From that meeting it was
7 Germain Katanga who was the chief of staff of our party.

8 Q. Did you have discussions with Mr Katanga during this
9 meeting in Kinshasa?

10 A. Yes. We got to know each other, and during this period
11 Germain Katanga was badly interpreted by the Ugandan government.
12 They accused him of collaborating with the Ugandan rebels who
13 were in Ituri, and Germain did not think he did that, but the
14 Ugandans asked in particular General Kale. They spoke to him
15 by phone in Kinshasa and they said that they wanted to have
16 a meeting with Germain Katanga, if there was a way to do so,
17 so Germain could go and visit him in Uganda with a view toward
18 clarifying the situation.

19 I explained to Germain this, Germain accepted, and
20 I put him in contact and he spoke to the general, and Germain
21 said, "That's okay, we can go." And when we arrived in Bunia,
22 we went there. But, unfortunately, when we arrived in Bunia,
23 it wasn't possible for Germain to go there. We had discussions
24 with Germain about this situation, but the Ugandans insisted
25 once again, and I again got Germain to go via his friend Alezo,

1 Pascal Alezo, and we went together to Uganda to meet the
2 president.

3 Q. Could you tell us the date of this meeting in Kinshasa
4 or the month?

5 A. It think it was in the middle of August 2003.

6 Q. I apologise. Did you take part in any other CCGA
7 meetings subsequently?

8 A. Yes, there was another meeting the fifth of its kind
9 which was organised on this occasion in the building which housed
10 the interim assembly for Ituri, and on that occasion the subject
11 at hand was that of disarmament because during the fourth meeting
12 we had been told about the demobilisation of child soldiers
13 and how we could integrate the troops into the National Army.
14 That's when we received specific instructions in this regard.

15 Q. I'm going to change registers somewhat and we shall
16 revisit this issue of your journey with Mr Katanga to go and
17 meet the Ugandan president. But I would like to briefly come
18 back to the meeting that you had on the occasion of the broadcast
19 of -- over Radio Okapi. We saw in private session yesterday,
20 in the video extract, the precedence of Mr Ngudjolo.

21 Are you in a position to tell us or describe to us
22 whether during his travels at that time or at a later date,
23 could you tell us precisely how Mr Ngudjolo traveled and in
24 the company of whom?

25 A. It was the same as for all commanders in Ituri; they

1 were imitating the manner in which the Rwandans behaved, the
2 Ugandans behaved. There were always escorted; they had people
3 following them wherever they went. And Mr Ngudjolo did it;
4 and even when he was walking around Bunia, around the centre
5 of town, when he came to the radio station he was always in
6 the company of his escort, which protected him wherever he went.
7 That was only normal. Also, he was told -- or we were told
8 that Bunia would be a weaponless city, but the only possibility
9 for leaders was to move around in the company of their escorts
10 who had batons with them.

11 Q. Are you in a position to tell us the age of those people
12 who made up Mr Ngudjolo's escort?

13 A. I cannot know their age because Lendus can be short,
14 sometimes they're old or older. But I think there were some
15 children in his escort. Yes, I think that there were children
16 there.

17 Q. And on the occasions when you saw Mr Ngudjolo being
18 escorted by children, are you in a position to tell us whether
19 the youngest of those children was aged 15 years or less?

20 A. As I said to you, I would not be able to determine
21 the age by just looking at them. This is difficult. But I could
22 recognise that they were children. For me, a child is aged
23 less -- or is younger than 15 years. When looking at them I
24 thought that they were children, but this doesn't necessarily
25 mean that that child was aged less than 15 years of age. When

1 I looked at them, I thought they were children.

2 Not only Ngudjolo, also Germain had an escort, had
3 children escorting him. And when drinking a Coca-Cola, there
4 were children in the area. I could see that they were children.
5 He would call them. As to their precise age, I cannot tell
6 you.

7 Q. I would like to now come back to what you said yesterday
8 when we were talking about the FRPI, the FNI and the third FRPI,
9 which as you said became a political party, a political party
10 that Germain Katanga tried to reestablish. But when we were
11 talking about this, you briefly talked about the authority of
12 the commanders who were part of the armed groups, and you said
13 that the commander of a given region could not command or lead
14 another region. Could you please explain to us what place
15 the -- and role the commanders occupied in communities of Ituri?

16 A. When speaking about commanders in Ituri, of course
17 this also raises the issue as to which ethnic origin they belong
18 to, because there were Hema and Lendu commanders. I know that
19 the Hema military organisation was closely followed, and it
20 had one military leader and it was followed closely by the Hema,
21 and this person was an individual that they respected, a
22 political -- and they had a political leader that they respected
23 and who was to give them orders.

24 This will also lead me to understand and explain the
25 situation of General Kisembo Floribert. When he decided to

1 leave the UPC, he believed that he was going to have all the
2 soldiers supporting him, but this was not the case. He was
3 a military leader. He received lashings by his followers, by
4 his own followers.

5 But for the Lendus this was not the same. They did
6 not have an organisation with one, sole military leader. Each
7 community had their person in charge, and it was that individual
8 in charge who would decide what happened. They didn't even
9 have any customary leaders. It was the military chief who would
10 decide what would happen.

11 And because of this, all military operations -- well,
12 these were called upon all by one only -- sole leader in the -- in
13 the Hema community. But in the Lendu community, it was each
14 and every leader who could do this. It was Ngudjolo who was
15 the only commander amongst the Lendu. One could not ask for
16 anything to happen in or around Zombe without asking Ngudjolo.

17 And we also negotiated at the time with the Lendu in
18 order to open up the road from Kasenyi. I telephoned Mr Njabu
19 in Kinshasa in order to ask him whom I might resolve this situation
20 with. He said, I don't know, you would need to talk to Ngudjolo.
21 But how could I reach Ngudjolo in view of the fact that he was
22 in Zombe?

23 I went to see Mr Augustin Ninga, who was standing in
24 for Njabu at the time. Augustin said if you give me a motor
25 bike, I will go and meet with Ngudjolo, and off he went. I

1 do not know whether he met with him in Zombe, but when he returned
2 he said Ngudjolo told me that for the time being things are
3 difficult. He had problems with MONUC. And he gave me the name
4 of another commander that we were supposed to have dealings
5 with, Commander Lebe, we were supposed to go through him first
6 and see what we could do.

7 The Lendu Watsi had Commander Godas.

8 Q. I'm sorry to interrupt you. I'm sure it's interesting
9 what you're saying, interesting for the Chamber, indeed, but
10 you're going somewhat fast. A little bit too fast for the
11 purposes of the transcript, because you're giving us lengthy
12 responses and I am under the impression that the transcribers
13 are running out of steam. So I am not trying to stop you in
14 mid-flow, but I'd like you for purposes of the transcript to
15 slow down and take a breath.

16 You talked about Augustin Ninga. I think you spelt
17 this out to us yesterday, but it does not appear in the French
18 transcript. Could you please just spell it for us once again?

19 A. Augustin Lobho Ninga. Ninga, N-I-N-G-A.

20 Q. You were talking about the Walendu-Watsi. My first
21 question to you, I believe that the Walendu-Tatsi are located
22 in the Zombe region, but the Walendu-Watsi where are they located
23 geographically speaking.

24 A. They occupy the region of Mongbwalu Mabanga.

25 Q. Please continue. I think you were referring to

1 Mr Sukpa.

2 A. Godas. Their commander there was Godas Sukpa, and
3 they could only obey this commander. I believe that on the
4 occasion of the second meeting of the consultation committee
5 of armed groups, the political/military commanders were
6 supposed to go to the locations where their units were to be
7 found and tell them what resolutions had been taken within the
8 pacification commission.

9 And at that moment in time, Colonel Ngudjolo went
10 to Mongbwalu and he went to see the Walendu-Watsi. He went
11 in the company of Njabu. He knew that nobody knew him there;
12 he had to introduce himself. He said, "I'm Ngudjolo. I am the
13 Chief of Staff," but people did not know who he was.

14 He knew Commander Kiza who had died, however. He also
15 knew Commander Sukpa Godas, and amongst the Walendu-Bindi, most
16 of whom were to be found in the Irumu territory, they had many
17 commanders there. However, Germain Katanga was the main
18 commander.

19 In the month of December 2004, Ugandan traders had
20 been abducted on Lake Albert and the Ugandans were very angry.
21 They forbade any Ngiti to enter Uganda and this is how we came
22 to need Germain so that he might unblock the situation. The
23 Ugandans also incited interest, incited us to be interested
24 in meeting them, and before coming to the meeting he had to
25 first and foremost go and resolve the issues with those

1 commanders who were conducting massacres out on the water. And
2 when he returned from there a little later, I saw him myself,
3 and he said to me that there were approximately 12 individuals
4 who were doing silly things and he said that he had killed 11
5 and he had hit a 12th who had escaped.

6 So as an individual in charge, he had the authority
7 to go and instil some form of discipline. So every military
8 leader would take care of their own military territory, and
9 you will note that in the meetings with MONUC, you will realise
10 that in the meetings with MONUC they signed in a different banner.
11 Each person would come and sign for their own community.

12 And if a Hema military leader would sign, it was one
13 individual. But for them, a few people might sign, dignitaries
14 notably. And each person was responsible for their own group.
15 When Germain became a general within the national army, an honour
16 bestowed upon him, he telephoned me to tell me that they really
17 needed money, that they did not have any there and that I could
18 request Commander Lona, who was leading the FNI centre, that
19 he send some money with Sukpa Godas. I talked to Commander
20 Lona and these were -- this was the income from the customs
21 in Kasenyi and Tchomia. And he said, "No. If they are not my
22 commanders, they cannot have anything." And I said, "Well,
23 if you do -- cannot send any money, then we shall also use our
24 forces against those who are invading us.

25 Q. I'm going to interrupt you because I believe that we

1 are going beyond the purpose of the question somewhat, but I'd
2 like to have one last point of clarification in this regard.
3 When you mention Sukpa Godas, could you please spell this for
4 us? Godas.

5 A. Sukpa S-U-K-P-A, Godas, G-O-D-A-S.

6 Q. In regard to this call that you allegedly received
7 from Mr Katanga and the discussion with Mr Sukpa, where were
8 they precisely? Where was Mr Katanga at that moment in time?

9 A. He was in Kinshasa.

10 Q. Do you know more specifically where he was to be found
11 at that moment in time in Kinshasa?

12 THE INTERPRETER: Answer without a pause.

13 A. He was at the hotel because he had just been appointed
14 to position of general of the armed forces, the Congolese armed
15 forces.

16 THE INTERPRETER: Message from the English
17 interpreter: It would be appropriate to observe the five second
18 rule.

19 Q. And in this regard --

20 MR MACDONALD: (Interpretation) I'm sorry, yes, the
21 five-second rule.

22 Q. There was also a fourth region within Djugu territory
23 itself. What was this region or this group, I'm sorry?

24 A. Yes, the other clan was the Walendu-Pitsi. This was
25 the group from which Mr Floribert Ndjabu hails. Problems there

1 were different in nature, in view of the fact that there was
2 no viable military organisation as such. There were many groups
3 that did or committed many more crimes in their territory, or
4 did a lot more harm. They had Commander Koliba (phon) who nobody
5 could control, not even Ndjabu, and even the leader of
6 Walendu-Pitsi, Mr Longo (phon) -- lack of spelling -- and
7 there's another individual, Mr Unega, Unega. I don't know
8 whether you have that name.

9 Q. And if you could also tell us how Longwe is spelt.

10 A. I'll talk Unega first, U-N-E-G-A, alias Peter Karim.
11 Longwe, L-O-N-G-W-E. Andre. The military organisations
12 amongst the Walendu-Pitsi was still making mistakes and doing
13 things that MONUC did not like and MONUC at one stage asked
14 Ndjabu to leave the organisation and come and represent the
15 Lendus, if he is not -- if he was not capable of controlling
16 them because Ndjabu said that the controls were out -- the troops
17 were out of control and that if he could not control them that
18 he should resign.

19 Q. Mr Witness, I'm going to interrupt you here. I'm
20 going to ask you for a point of clarification, and then we are
21 going to change subject area.

22 I understand that the main time of Walendu, the
23 Walendu-Pitsi territory is Kpandroma, that is the territory
24 which is a little closer to Mahagi, maybe even --

25 A. Well, it's in -- within Djugu territory Kpandroma.

1 That's where Kpandroma is located.

2 Q. So Kpandroma is the main town of this clan, if you
3 like?

4 A. Yes.

5 Q. So you have just described to us, if we understand
6 you correctly, the clans within the Lendu North and the Lendu
7 South; is that correct?

8 A. Yes.

9 Q. And the fact that attempts were made amongst the Walendu
10 North and South to establish political structures, did this
11 have any impact upon the authority of the respective leaders
12 of each clan?

13 A. The political organisation was concentrated -- that
14 was concentrated within the FNI did not really have any impact
15 on the armed groups, no.

16 Q. Let us now, Mr Witness, move on to another subject
17 area; that is, sexual violence. You alluded to this at an earlier
18 stage this morning in the very specific context of an attack
19 launched on Kasenyi or Tchomia, I can't really remember, I think
20 it's Tchomia, and you said that women had been abducted. I
21 apologise. I just would like to correct myself. It's my mistake.
22 I do not want to mislead the Chamber and especially not the
23 witness, that is Kasenyi in the month of June, the attack in
24 Kasenyi in the month of June. What was the situation throughout
25 the conflict? What was the status of women in 2002, 2003 and

1 2004?

2 MR FOFÉ: (Interpretation) I'm sorry, Mr President.
3 I just wanted to put myself in the hands of the Chamber, but
4 I must say that this question is too general in nature, I think
5 that the Chamber will determine.

6 I would also like to call the attention of the Trial
7 Chamber to the fact that we have allowed the Prosecutor this
8 morning, and it was in fact Madam Prosecutor whom we allowed
9 to dwell lengthily on the attacks of Tchomia and Kasenyi, dating
10 back to June and July of 2003.

11 And now Mr Prosecutor has just announced that he is
12 embarking upon a line of questioning associated with the attack
13 in Kasenyi of June 2003. Now we, Defence team for Mathieu
14 Ngudjolo, are of the opinion that the Prosecutor is dwelling
15 over-lengthily on facts that fall outside the scope of this
16 case.

17 We are wondering precisely how far the Prosecutor is
18 going to go in his temporal space. We think that he is fishing
19 over a wide area and, with all due respect, Mr President, I
20 would like to request of the Trial Chamber that you invite the
21 Prosecutor to centre and concentrate his examination on the
22 facts alleged.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr Fofé,
24 we have heard what you had to say.

25 Mr Prosecutor and Professor Fofé, you will recall that

1 at the beginning of this hearing the Chamber invited the
2 Prosecutor to inasmuch as is possible attempt to go beyond what
3 was strictly contextual, because the Chamber was of the opinion
4 that from this witness, and from other witnesses preceding him,
5 the Chamber was of the opinion that it had obtained information
6 which had already shed light on a matter. Of course, further
7 light can also always be shed, but the Chamber was of the opinion
8 that it had sufficient information in its possession.

9 We've already talked about Kasenyi 2003, Tchomia July
10 2003 and the witness provided us with a certain amount of
11 information. It is true to say, Mr Prosecutor, that you should
12 centre and concentrate your questions on what the witness can
13 provide in terms of indispensable and essential information,
14 because he lived through many an event and his testimony is
15 of use to us. However, we shall not be asking him to remember
16 things that go outside of the context of the facts alleged in
17 this case.

18 Now, with regard to the second point, which was in
19 fact the first point raised by Professor Fofé, that is to say
20 the very general nature of the questions asked of the witness
21 when requesting or asking him to tell us what the status of
22 women was in 2002 to 2004 in Ituri, the Chamber has not forgotten
23 that, in talking about the events in Kasenyi this morning, the
24 witness has already expressed his views on the subject of the
25 abduction of a number of women and the conditions under which

1 they were forcibly brought together with those individuals who
2 had abducted them.

3 Now, obtaining further clarification is a possibility,
4 but what Mr Fofé is saying is true; notably, asking him to really
5 take a panoramic view of what happened between 2002 and 2004,
6 is really over-excessive. I think we should concentrate on
7 the first part or half of 2003, which will provide the Chamber
8 with enough information.

9 So, Mr Prosecutor, to the extent possible please
10 rephrase your questions. This will help the witness, of course,
11 because you are opening up a very large landscape that will
12 lead him to provide us with overly excessive responses.

13 Now, on a number of occasions you have reminded me
14 yourself, but of course we need to speak slowly and we also
15 need to respect the famous five second rule.

16 Now, Mr Witness, you will see that if you speak slowly
17 it's quite restful. I'm trying to do it. It's not natural for
18 me, but we need to do it for the interpreters - and I thank
19 you - and the transcript as well. We have to do it for the
20 interpreters and the transcript, without which, Witness, we
21 can't do much, so we have to help them.

22 Prosecutor.

23 MR MACDONALD: (Interpretation) Thank you, your
24 Honour. I shall rephrase. When I read -- or when I read my
25 words I can see that my question was certainly very broad, but

1 I went into the Kasenyi not to go back into Kasenyi, but to
2 go on to the subject following the question. I would ask just
3 for a moment from the Chamber, if I could?

4 (Counsel confer)

5 MR MACDONALD: (Interpretation)

6 Q. You spoke about the abduction of women during the attack
7 on Kasenyi. What did you do with the women who lived by the
8 lake following this attack on Kasenyi in the month of June?

9 MR HOOPER: I'm sorry, I'm not sure where this question
10 has sprung from, or is it just a leading question, or have I
11 missed something in the evidence?

12 MR MACDONALD: (Interpretation) I will try to
13 rephrase, your Honour.

14 PRESIDING JUDGE COTTE: (Interpretation) Yes. Yes,
15 try, because the question is somewhat unexpected, or either
16 that please put the witness's activities at the time so that
17 we can understand it and, as far as possible, do not go back
18 over what has already been the subject of questions put by Ms
19 Frolich in the first part of this hearing. If not we could
20 have some returns which are somewhat complex, and the same can
21 be said by the witness. Thank you.

22 MR MACDONALD: (Interpretation)

23 Q. How -- when you described the attack on Kasenyi, you
24 mentioned that women were kidnapped, or abducted, taken to Zumbe.
25 What was the result of this attack on the population that lived

1 either in Kasenyi, Tchomia or in this region of Lake Albert?

2 A. I think I already told you that we moved almost all
3 the women, but there were also women who didn't want to leave.
4 They wanted to stay in Kasenyi for their personal reasons, but
5 we used about 15 canoes in order to start transferring them
6 to Uganda and they relocated in Ntoroko.

7 Q. Can you spell that, please?

8 A. Ntoroko? Ntoroko, N-T-O-R-O-K-O. It's in Uganda,
9 next to Lake Albert.

10 Q. To your knowledge, in the framework of the conflict,
11 if we put ourselves in the first part of 2003, the abduction
12 of women, was that done by whether -- whatever military group,
13 UPC, Lendu, Hema, et cetera, FRPI, FNI, were there -- was it
14 a common practice?

15 A. To my knowledge, no.

16 Q. What do you want to -- what do you mean when you say,
17 "To my knowledge, no."?

18 A. I don't want to say that it was usual that every time
19 there was fighting between the belligerents they had to take
20 their women to take them as sexual slaves, or something similar.
21 It's true that in all battles, armed conflicts, there are victims
22 and a lot of the time that's women. They are among the major
23 victims but, taking them to making them work, this was difficult.
24 With the Lendu and Ngiti in the river - in the lake - they abducted
25 women and they made them work to make the salt fish and MONUC

1 were aware of this situation. They asked us to go there to
2 ask Colonel Anguluma to stop this practice. There were women
3 who were taken to -- well, they were abducted to work there.
4 Within the framework of the Lendu, this was also done to transport
5 booty. If they took something they'd give that to people to
6 carry it, and it was women who were abducted who had to carry
7 out this work and, if they didn't go back, there was something
8 else.

9 But I remember on 30 September 2003, we had a meeting
10 where we freed political prisoners. There were prisoners who
11 were freed on the side of the UPC, they gave back the Lendu,
12 and the Lendu also released people. There wasn't a problem
13 with women there, but abducting women for us this was really
14 new. Every time they asked at meetings where were the women.
15 This wasn't a very common practice, but it is true that the
16 commanders of the troops could want to take a woman by force.
17 That could happen in all the groups, but to say that -- saying
18 that it was a tradition to go and take these people and take
19 them home, well, I don't know that in the other groups. I don't
20 really know.

21 Q. Witness, you have just -- for the transcript, you
22 mentioned Semliki 3 which didn't appear in the transcript. You
23 referred to Semliki 3; is that correct? I understand that
24 there's Semliki 1, 2 and 3. It's close to the river, next to
25 Lake Albert.

1 A. As I told you, Semliki is a river. It's a river, but
2 there are little islands, peninsulas, which go into Lake Albert
3 from Semliki. There are areas or grounds there, and that's
4 where you get Semliki 1, Semliki 2 and Semliki 3.

5 Between you have the Semliki river where that leaves
6 Lake Albert, or where it -- no, rather, where it enters into
7 Lake Albert, and it's at that place that you find different
8 little islands, and these little islands are what are called
9 Semliki 1, Semliki 2 and Semliki 3. Semliki 3 is, in principle,
10 where Colonel Anguluma was.

11 Q. Very well. You referred to the fact that women were
12 used generally for pillaging.

13 MR FOFÉ: (Interpretation) I'm sorry, your Honour,
14 there is a nuance. That's not what the witness said.

15 MR MACDONALD: (Interpretation) Your
16 colleague -- my colleague is right. Please excuse me.

17 Q. When property was taken, in order to transport
18 property -- in order to transport goods, if we speak about the
19 attacks, during the attacks, what was the result? What happened
20 in these attacks with regards to enemy property or goods?

21 A. In my experience from 2003, the military expeditions
22 that were organised were centred on material goods. Sometimes
23 they went to take arms, munitions, for a group and sometimes
24 it was to steal the cows or other material goods. This was
25 the case of the Ngiti and the Lendu. And if you would allow

1 it, a lot of cows that were stolen were then sold in Beni. In
2 a meeting that we had in Kampala with Colonel Kakolele,
3 General Kayihura reproached him for continuing to -- with
4 regards to this stealing of cows and selling them at Beni. He
5 promised he was going to stop that and he was no longer going
6 to continue to accept that. And this arose in the framework
7 of an attack that the Ngiti carried out against a position in
8 Burasi. There were no more cows there. So it was just material
9 goods.

10 The last time that the Hema attacked, the Hema, the
11 UPC wanted to attack PUSIC. That was also for material reasons.
12 There wasn't a political reason in those matters. They wanted
13 to either take control of the port of Kasenyi, in order to control
14 the tax receipts -- or, rather, customs, but there wasn't really
15 a political motive; it was material.

16 Q. Why did they go to -- or, why did people sell the cows
17 in Beni?

18 A. At that time Mbusa Nyamwisi was re-establishing
19 relations with Kinshasa, and he had authorised the planes who
20 came from Kinshasa to land in Kinshasa and he authorised them
21 to land in Beni, and that's how the traders, the Nande traders,
22 found that profitable to take cows from Ituri and send them
23 to Kinshasa. That was one of the reasons. Another reason was
24 that these cows went to Kakolele sometimes in exchange for
25 munitions and weapons. This was one of the main reasons.

1 MR MACDONALD: (Interpretation) Your Honour, I know
2 that we have around ten minutes left, but I would propose that
3 we stop here because I'm going to go into one of the last issues,
4 if not the last one, which is mentioned in our submission defining
5 the subjects to be addressed, and I would prefer to start that
6 when everybody, in particular myself, are more rested. So,
7 that would take us to finish our examination in-chief Wednesday
8 afternoon in the first session. Normally, that should be the
9 first session.

10 PRESIDING JUDGE COTTE: (Interpretation)
11 Understood, Prosecutor. We are therefore going to --

12 MR MACDONALD: (Interpretation) Please excuse me.
13 Perhaps we could just go over certain names. Perhaps these
14 few minutes which remain can be used for that.

15 PRESIDING JUDGE COTTE: (Interpretation) That will
16 make it possible for everybody in the coming names to have the
17 exact spellings. The Chamber therefore notes that, at the end
18 of the first part of Wednesday's hearing, your examination will
19 be finished and, therefore, the floor can be given to the legal
20 representatives, should they wish to take the floor on that
21 occasion.

22 Ms Frolich, do you have any names that haven't yet
23 been spelt? The floor is over to you.

24 MS FROLICH: Unfortunately, I do, Mr President.
25 There are several names. And perhaps I will just clarify them

1 with the witness very quickly.

2 Q. Earlier this morning when we were talking about Bunia
3 on 3 May, then you mentioned that we -- you said, I quote you
4 from the English transcript, "We received a letter at our
5 headquarters which was located opposite Médard Kivalangwa
6 (phon). Could it be "Tshimbalanga"? I will suggest that to
7 you. And if you could spell that name.

8 A. Yes. It was the chambers of counsel, a lawyer,
9 Maître Tshimbalanga, T-S-H-I-M-B-A-L-A-N-G-A.

10 Q. Then further on you mentioned that you've encountered
11 two friends from FPDC, and I believe one name was Urombi, Joseph,
12 and the other name I don't -- I, myself, did not get this name.
13 If you can maybe give us the name. Thank you.

14 A. Yes. One is Urombi, Joesph Urombi, U-R-O-M-B-I,
15 Joseph. And the other name is Nzia, N-Z-I-A. The other name
16 I have forgotten.

17 MS FROLICH: And then, Mr President, the witness
18 mentioned on several occasions, while talking about Bunia in
19 May, he mentioned Mr Pichou Iribi and Angaika Didier. The
20 transcript did not catch this, but these names were spelled
21 previously. I do not think this is necessary to go over with
22 the witness.

23 Q. And then, Mr Witness, there was a mention of
24 Colonel Vollot. Could you please spell that name.

25 A. Colonel Vollot, V-O-L-L-O-T.

1 Q. And then hotel you mentioned in Bunia was Hotel Musafiri;
2 is that correct?

3 A. Yes, I referred to Hotel Musafiri, M-U-S-A-F-I-R-I.
4 And the other, I also spoke about another hotel, VIP. I've
5 already spelled that.

6 Q. Yes, indeed, thank you. And the final name that I
7 have is Professor Ntumba Luaba; is that correct? And I do not
8 think we -- I'm not sure if we spelled this name, but while
9 you were speaking about Bunia in May, it was not spelled. So
10 could you please repeat the spelling?

11 A. I think I spelt it, but I can always do it again. Ntumba,
12 N-T-U-M-B-A. Luaba, L-U-A-B-A.

13 MS FROLICH: Thank you, Mr Witness.

14 This is all that I have, Mr President. I note that
15 I was working -- and I have been working from the English
16 transcript, and these are the names that I have noted. It is
17 possible that there are perhaps further names; I do not know.
18 In any event, I would suggest that we wait for the edited version
19 of the transcripts and next week then perhaps we will see if
20 there are any further clarifications that need to be given.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you
22 very much, Prosecutor. And Witness, thank you for these
23 precisions that you have given us; they were essential.

24 Now we're going to finish this hearing. We will,
25 therefore, continue on Wednesday at 2 o'clock.

1 Thank you, Witness, for your contributions throughout
2 this morning for four hours. You've helped the Court and we'd
3 like to thank you for that.

4 Please take us into closed session so that the witness
5 can discreetly leave the courtroom.

6 (Closed session at 1.28 p.m.)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Open session at 1.28 p.m.)

15 THE COURT OFFICER: We are in open session, your
16 Honours.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
18 court officer. The Chamber would like to thank the interpreters,
19 court reporters and assistants for their contribution. The
20 accused, we will be back on Wednesday at 2 o'clock. Work well.
21 And the session is now adjourned.

22 (The hearing ends at 1.29 p.m.)