

1 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 Friday, 22 October 2010

10 (The hearing starts at 9.05 a.m.)

11 (Open session)

12 THE COURT USHER: All rise. The International Criminal Court is
13 now in session.

14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. The
15 accused are in the courtroom. Good morning.

16 MR HOOPER: And before we start, can I thank the Registry for this
17 magnificent piece of plastic which they provided some way down the line; it's been
18 very helpful. I'm very grateful to whoever -- whichever committee designed this.

19 JUDGE DIARRA: (Interpretation) Well, I'm going to miss the green
20 colour.

21 PRESIDING JUDGE COTTE: (Interpretation) It's beautiful. I just hope
22 it's not too high. It is taller. It's higher than the boxes you were using. Mr Garcia.

23 MR GARCIA: (Interpretation) Good morning, your Honour. I would
24 like to intervene briefly at this point regarding the line of questioning in the
25 cross-examination that we finished with yesterday regarding the distance between

1 Bogoro and Aveba. When that issue was raised a number of questions were put to
2 the witness regarding that and Mr Hooper, on page 64, said that the distance was 50
3 kilometres. That was his hypothesis.

4 MR HOOPER: You know, this is a classic matter for re-examination,
5 isn't it? And it's a matter which I --

6 MR GARCIA: (Interpretation) If I may.

7 MR HOOPER: -- was going to deal with in any event this morning,
8 which is another example of why in fact my friend could perhaps wait until
9 re-examination.

10 MR GARCIA: (Interpretation) Well, if Mr Hooper would allow me. If I
11 may, the reason I'm speaking at this point about this issue is that, in order to be fair
12 and equitable vis-à-vis the witness, it is necessary to do so.

13 The Prosecution has produced an exhibit which was a map under
14 EVD-OTP-00197 and it is, I believe, the map that was used by the witness himself to
15 refer to the places where the camps were situated. On that map you can see Bogoro
16 and you can see Aveba as well, of course, and there is a scale at the bottom of this
17 map which can be used. This is a MONUC map. This scale can be used to evaluate
18 the distance. I simply wanted to draw the attention of the Chamber to the fact that
19 when you use that scale, we did it ourselves yesterday, it is quite obvious and quite
20 clear that the distance is less than 50 kilometres. I'd say it is around 30 kilometres.
21 This is something that I would ask the Chamber to consider. We have to be fair to the
22 witness and that's why I wanted to intervene at this point.

23 I don't think it's appropriate for Mr Hooper to continue speaking about
24 a distance of 50 kilometres whereas quite clearly, when you look at the map closely
25 and the scale that is on that map, that distance is not correct and this is for reasons of

1 fairness and equity to the witness.

2 PRESIDING JUDGE COTTE: (Interpretation) Fine. We have taken note
3 of this comment. Indeed, as Mr Hooper has mentioned, this is something that can be
4 repeated with the witness when you ask your supplementary questions, Mr Garcia.

5 Briefly, before the witness comes in, Mr Macdonald requested yesterday
6 that we report on the speaking times. The Prosecution used six hours and 32 minutes
7 for its direct examination, and Mr David Hooper at the end of yesterday's hearing
8 was up to five hours and 15 minutes.

9 This is an opportunity for the Chamber to remind you of paragraph 72
10 of Ruling 1665 dated 1 December 2009, which I shall read out: "The two
11 Defence teams can decide together if they want to change the order of their
12 cross-examination of a witness. Inasmuch as possible the Chamber encourages them
13 to discuss together so that only one of the two teams carry out the cross-examination.
14 However, if both Defence teams insist on both cross-examining the same witness then
15 the Chamber shall not accept repetitive questions and limit the second
16 cross-examination to matters dealing with items related only to the particular accused
17 of that Counsel. Any questions regarding the credibility of the witness and the
18 preciseness of his or her testimony can only be put by the first Defence team to
19 cross-examine the witness."

20 The only reason I'm reminding you of this ruling is to explain why it is
21 Counsel Hooper's team that is using a bit more time because they are going first and,
22 therefore, has a primary task which is, if they feel necessary to call into question the
23 credibility of the witness, and we took note of the fact that Counsel Kilenda and
24 Professor Fofé's team have, so to speak, given over some of their cross-examination
25 time to Counsel Hooper and, therefore, we will continue this morning with the

1 cross-examination but we would like to remind you of these instructions that were
2 given in December 2009. We know that you are familiar with that ruling but we felt it
3 was necessary to recall that ruling at this point in time.

4 In addition, the recording of the transcript of text that is to be heard this
5 morning, I believe these transcripts are ready; the Registry will inform me if such is
6 not the case. And yesterday, the checking of the translation in fact took longer than
7 we had hoped for and we shall only receive the corrected version during the
8 morning.

9 If we receive it at the end of Counsel Hooper's cross-examination, I
10 believe that the Defence team of Mathieu Ngudjolo would then be ready to begin
11 their cross-examination and that would be convenient.

12 Court officer, can we go into closed session to bring in the witness,
13 please.

14 (Closed session at 9.12 a.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Open session at 9.14 a.m.)

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

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.

22 WITNESS: DRC-OTP-P-0219 (On former oath)

23 (The witness answers through interpreter)

24 PRESIDING JUDGE COTTE: (Interpretation) Good morning, Witness.

25 THE WITNESS: Good morning.

1 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear
2 me well. Witness, at the end of yesterday's hearing, when I was saying goodbye to
3 you, I believe I told you that it was important for you to get a good night's rest
4 because it had been a tiring day for you and for all of us. To participate in this kind of
5 hearing is a very tiring exercise, we all realise that, and that is why we would like to
6 thank you for having accepted to testify. We realise it's a very difficult task.

7 All three of us - the Chamber - would like to tell you that your
8 testimony is necessary, it's important and we all have the utmost respect for you. We
9 understand that testifying is difficult, and I'm repeating this this morning because
10 you were not necessarily prepared because of your profession to participate in a
11 legal -- in a hearing, in a court case. And therefore when the lawyers of the two
12 accused, when they ask you questions, you may have the impression -- I don't know,
13 but you may have the impression that they are trying to make you uncomfortable.
14 You must understand that that is normal in legal proceedings. It's not a personal
15 attack against you. Counsel Hooper and Counsel Kilenda and Professor Fofé are
16 playing their role, as they should.

17 I know that you understand that, but I wanted to repeat this aspect this
18 morning at the start of this morning's hearing and tell you once again that, as is the
19 case for all of the witnesses who testify in this case, we have the utmost consideration
20 for you.

21 Counsel Hooper.

22 QUESTIONED BY MR HOOPER: (Continuing)

23 Q. And good morning from me too, Mr Witness. Now, yesterday we were
24 talking about your walk to Bogoro and if I can just come back to one aspect of that. I
25 am reading from paragraph 277 of your statement, and you said this and you agreed

1 with this yesterday, that from Bogoro to Kagaba is 12 kilometres. Is that -- and Aveba
 2 to Kagaba is 37 kilometres. This is the information you gave. If we add those two
 3 figures together, we get 49 kilometres.

4 Now, from your experience of the area and your knowledge of the area,
 5 going by the normal road - and I appreciate you took a shortcut, but going by the
 6 normal road - is that the distance to Bogoro from Aveba?

7 A. Yesterday, I believe I stated that it was an estimate. I did not give you a
 8 precise distance. It was an estimate on my own behalf. I gave it conditionally, if you
 9 will. It could be such-and-such a distance. In other words, it was an estimate.

10 Q. And may I suggest that as the crow flies, in a straight line ignoring the
 11 road, it's about 35 kilometres between Aveba and Kagaba? And indeed from where
 12 you were living at the time - and I won't specify that - a bit further than that, would
 13 you agree?

14 A. From where I live to where, sorry? Could you repeat?

15 Q. Let me put it like this: From the BCA camp to Bogoro is about 35
 16 kilometres, as the crow flies. That is not along the road, but if you were a bird and
 17 you flew in a straight line you would travel about 35 kilometres to get from the BCA
 18 camp to the centre of Bogoro. Would you accept that figure, approximately?

19 A. I'm not a bird, so I don't know how I can compare myself to a bird, and
 20 I don't agree with your estimate.

21 Q. All right. How far do you say it is? I've seen the figures that you've
 22 provided in your statement, which add up to 49 kilometres. In a straight line how far
 23 would you say it is, or don't you know?

24 A. I can't give you that distance, as the crow flies.

25 Q. All right, very well. Well, let's leave it that, but before I do that, do you

1 accept that you gave those figures to your investigators as late as December of last
2 year? That you gave that bit which I read out to you, the distances of Bogoro to
3 Kagaba 12 kilometres, Aveba to Kagaba 37 kilometres, things you said in December
4 of last year to the investigators? Do you accept that you said that?

5 A. Well, I go back to what I said and I said it was an estimate. I did not give a
6 precise evaluation - a precise distance.

7 Q. No, I understood that. Thank you very much. Now I'm going to ask the
8 Registry, if they can, to provide you with this marked document of EVD -- well, we'll
9 come up with the EVD number of the original document. On this copy of the plan
10 that we have I've marked what I understand to be your shortcut, and I want you to
11 look at it and tell me if you -- it's approximate, whether you agree or disagree with it,
12 and that saves time?

13 MR GARCIA: (Interpretation) Would it be possible to know exactly
14 what document is being shown to the witness and what line is being referred to?

15 MR HOOPER: EVD-OTP-00197, and if the Registry could just en route
16 to the witness show it to Mr Garcia I'd be grateful.

17 Q. So this is my understanding, or our understanding let me put it like that,
18 our understanding, of the shortcut you described yesterday in some detail, and it's
19 been written down on this plan to save you having to do it and all the time that takes,
20 and I'd like you to look at it and then, once you can agree it or not, we'll put it on the
21 screen for everybody. Is that the approximate route you took to get to Bogoro from
22 Aveba on the morning of 25 February? And, if you don't agree, I've got another piece
23 of paper and you can draw your own plan on -- your own route on that. So looking
24 at that, is that okay, Mr Witness? Do you accept that? Keep it. Keep it for a moment,
25 please. Looking at that, is that okay? Is that a fair representation of that shortcut?

1 A. Yes, that suits me. That is the shortcut we're discussing.

2 Q. Okay, thanks a lot. I'm wondering if we can have it put on the
3 scanometer? So we're going to put it there now, Mr Witness, so that it gets put into
4 the system that we can all see it on our screens. It should come up on your screen as
5 well.

6 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
7 which button must I press for this document?

8 MR HOOPER: Yes, this is a public document.

9 PRESIDING JUDGE COTTE: (No interpretation) Can the accused see
10 the document? Apparently, yes. Fine.

11 MR HOOPER: Okay. And just for the record, and it's obvious I know,
12 the blue line is the -- is the route you took. All right, thank you. We can leave that
13 now.

14 All right. Now, shortcut or not, I mean even if we were to take the most
15 optimistic measure and say 30 kilometres say, which I suggest is below the reality,
16 but 30 kilometres, you say you left in the light and you told us you reached Bogoro at
17 half-past-8 in the morning -- half-past-8 to 9. You got there in two and-a-half, or three
18 hours, at that rate. It gets light, doesn't it, at sort of 6 o'clock, 6 to 6.30, in Congo, in
19 Ituri, at that time of the year; is that right?

20 Well, let me put this to you. I suggest a reasonable good -- good
21 average walking speed is about five kilometres an hour, which would mean six hours
22 to walk 30 kilometres without stopping, and if you had left at 6 in the morning I
23 suggest you would not have got there before midday. And to walk back to Aveba, to
24 get back in the light, you'd have had to immediately turnaround and walk back the 30
25 kilometres, and it may be more than 30 kilometres. I mean, what do you say to that,

1 walking there and back? You see, it doesn't fit, does it? You couldn't do it.

2 A. Do you want me to confirm what is written on paper, but when I told you
3 that I walked, the truth is I walked. If you want me to accept your theory, well, I can
4 do that, but people leaving Aveba, they go to the market in Bogoro, and they go back
5 to Aveba. You have to accept that.

6 Q. But the people who walk it take more than a day to go there and back,
7 don't they? Look, when you walked back from Bogoro, did you take the short-cut
8 again or did you walk along the road?

9 A. I took the same route to go back home.

10 MR HOOPER: Now, can we just go into closed session for one
11 question, which will take a moment?

12 PRESIDING JUDGE COTTE: (Interpretation) Court officer, please,
13 private session very quickly, please, very briefly.

14 (Private session at 9.32 a.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Open session at 9.33 a.m.)

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

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Counsel
2 Hooper.

3 MR HOOPER:

4 Q. And as I understand your evidence, you left Aveba with X, you went to
5 Bogoro with X, you were with X throughout the time you were in Bogoro and you
6 came back with X from Bogoro to Aveba; is all that correct?

7 A. I went back to Aveba with him.

8 Q. And you were with him, you were together you say all the time you were
9 in Bogoro; is that right?

10 A. No, no. Sorry, yes. We walked around together and I left him with
11 another group of people and I went around and then we went back together.

12 Q. And did you eat anything that day?

13 A. In Bogoro or while we were walking?

14 Q. Did you eat anything that day between leaving Aveba and returning to
15 Aveba?

16 A. No, we didn't eat anything.

17 Q. And why did you go to Bogoro?

18 A. We weren't the only ones to go to Bogoro; other people went to Bogoro
19 too.

20 Q. Why did you go?

21 A. I went to Bogoro out of curiosity.

22 Q. Can we completely get out of our heads any idea that you went there to
23 pillage? Would I be right in saying you're not saying for one moment that you went
24 there to pillage?

25 A. I did not go there to pillage.

1 Q. Wasn't there a high degree of danger in going to Bogoro?

2 A. No, there was no danger.

3 Q. What if the UPC had counter-attacked while you were there; wouldn't that
4 have been a danger for you?

5 A. When I arrived in Bogoro the UPC was no longer there.

6 Q. But you knew the UPC was a strong force; it could have come back at any
7 time that day, couldn't it?

8 A. Yes, that was a possibility.

9 Q. Also, what about mines, weren't you worried about perhaps inadvertently
10 stepping on a mine?

11 A. We were not afraid of anything.

12 Q. What if you had come across a hiding UPC militia, an armed hiding
13 perhaps wounded UPC militia? I mean, these are all tangible risks, aren't they?

14 A. I'm going to answer you in the following way: Sometimes you can
15 anticipate a risk and sometimes you cannot think about potential risks. There are
16 situations where you imagine there's a potential risk and there are situations where
17 you just don't think there is one.

18 You know that -- we knew that there were people where we were going,
19 and that's the reason we were unafraid. If we had been going to Bunia, where there
20 was a problem, we might have been afraid but, as for going from Aveba to Bogoro,
21 we were unafraid.

22 Q. Now, I'd like to ask you just this: When you arrived in Bogoro, did you
23 arrive via the Geti road or from another direction?

24 A. This is what I was just saying. When you know the layout of a place you
25 can talk about it. I think from Bogoro to Geti there is no -- there isn't only one road,

1 and there isn't -- and there's one road from Lapa to Bogoro. You take the road and
2 you go to Bogoro.

3 Q. All right. I'm sorry, I wasn't quite clear on that. I do know that area and
4 I'm -- in fact, we all now have a fairly good idea of the area, and my question is:
5 When you arrived in Geti, did you come down the main road -- sorry, when you
6 arrived in Bogoro, did you enter Bogoro via the main road from Geti?

7 A. I don't know what I am supposed to answer. To go to Bogoro, passing
8 through the Ngiti territories there, you take just one route. There's the Geti route, but
9 you can take another short-cut which doesn't go through Geti.

10 Q. All right. All right. No, I'm not concerned with Geti, I'm concerned with
11 that road that runs from Geti and it reaches Bogoro, the main road. It goes through
12 Kagaba and continues to Bogoro. And when you entered Bogoro, was that by then
13 the road that you were walking along or not, as you entered Bogoro?

14 A. I was on that road.

15 Q. Now, in the course of your interviews in November 2007 or 8, 8, I think,
16 you provided a sketch which showed the lines of attack, as you understood them to
17 be, on Bogoro. And I'm going to ask you to look at that document. It's
18 DRC-OTP-1027-0054, and I've got a hard copy for you here and a hard copy for each
19 of the Judges, too, of that document.

20 (Pause in proceedings)

21 MR HOOPER:

22 Q. Can I just ask you this: What is Mangikala?

23 A. Mangikala is the residence of a former Congolese politician. It's his
24 residence. We refer to Mangikala when we talk about that residence.

25 Q. And where is it?

1 A. It's just before you arrive in Bogoro.

2 Q. And how far would you say from the centre of Bogoro?

3 A. About 1 kilometre.

4 Q. In fact it's about 3 kilometres, isn't it?

5 A. I cannot offer you any further details on that.

6 Q. All right. Now, looking at this sketch, in fact it's you as I understand it
7 who provided the -- much of the information on this sketch; is that right? Well, all
8 the information on the sketch that's handwritten; is that right?

9 A. Yes.

10 Q. And we can see all the lines of attack and they all become focused on one
11 part of Bogoro where I -- it has a line, or it has words next to it, "École primaire" and
12 then "(UPC)".

13 MR GARCIA: (Interpretation) Your Honour, could the document in
14 question please be put on the screen?

15 PRESIDING JUDGE COTTE: (Interpretation) I'm sorry, I missed that.
16 Could you repeat, please. I didn't hear you.

17 MR GARCIA: (Interpretation) There's a document on the screen. Is
18 this the document in question?

19 PRESIDING JUDGE COTTE: (Interpretation) One moment.

20 MR GARCIA: (Interpretation) My colleague can see this document on
21 the screen, but there is identifying information in this document.

22 PRESIDING JUDGE COTTE: (Interpretation) No, I still have the old
23 one.

24 MR HOOPER: All right, yes. In fact, thank you, Mr Garcia. The
25 document DRC-OTP-1027-0054 is a confidential document, because there's something

1 that appears on it. Thank you. Is that on the screen for us as a private document? It
2 is, thank you. All right.

3 Q. So, Mr Witness, what is the "École primaire (UPC)"? Did you go there, or
4 not? What is it? What have you indicated there?

5 A. Here I wrote "École primaire", primary school, and I put "UPC" in
6 parentheses. What I meant was that the UPC camp was located in this primary
7 school.

8 Q. Is that the one where you went and saw the bodies?

9 A. Yes, it was in that school.

10 Q. That's the more than 300 bodies you referred to. You see, the UPC camp
11 was in the Bogoro institute, which was not an école primaire. What you've drawn
12 here, as we can see from the map, because we know we can see the junction there of
13 the Kasenyi and Geti road, and we go then into Bogoro, you go from the roundabout,
14 down past the commercial centre, almost a kilometre to the école primaire which
15 you've indicated which is the, I suggest, Kivali primary school. You've marked the
16 wrong place, haven't you? And I don't need Mr Garcia to answer this question for the
17 witness.

18 MR GARCIA: (Interpretation) With your leave?

19 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor.

20 MR GARCIA: (Interpretation) Just so that there is no confusion as
21 concerns Mr Hooper's affirmation, there is no primary school in the Bogoro institute.

22 PRESIDING JUDGE COTTE: (Interpretation) The witness might be
23 able to provide some nuance of meaning here, but here you have interrupted
24 Mr Hooper, but he had not finished developing his line of questioning. So,
25 Mr Hooper, please proceed.

1 MR HOOPER:

2 Q. What you've clearly indicated on this sketch map is the Kivali primary
3 school, not the Bogoro institute, and they are separated by a relative substantial
4 distance. That's what I say and what's your reaction to that?

5 A. I don't know if this school was called the Kivali school. What I do know is
6 that there was a camp. It was there that the camp was and it was in this school that I
7 went.

8 Q. But, you see, you've even described it as the 'école primaire, and where
9 you've marked I suggest there was indeed an école primaire exactly where you've
10 marked it called the Kivali école primaire. So not only have you not marked where
11 we all know the camp was and the Bogoro institute was, but you happen to have
12 marked a place that was indeed as you describe an école primaire and you know it's
13 my case that you never went to Bogoro that day. Why do you call it the école
14 primaire?

15 A. I knew that there was a primary school at that place and they told me that
16 it was a primary school, but at the time there were no longer any pupils at that
17 school. There were no more classes.

18 Q. All right. Now, I want to ask you how long you spent in Bogoro. You've
19 been asked that question already at transcript 205, page 56, line 20, when you said "1
20 hour at most"; is that correct?

21 A. I think I said that. I think I said the following; that I could have spent
22 about 1 hour in Bogoro. I said about 1 hour.

23 Q. Well, yes, you did indeed say that. At paragraph 317 of your statement
24 you said, "Because there were so many dead, I couldn't remain there for long. At
25 most, some hours. I cannot say exactly how long."

1 Now, I want to take you to another statement you made on
2 24 February 2007. This is 0175. I'm only going to refer to one line here, 0053, fourth
3 transcript of that day, line 993, where you say, "Because there were so many dead
4 people, I couldn't stay there. I couldn't really resist to stay there 15 minutes, and I
5 asked X to go home and then we left Bogoro and arrived at Aveba." Now that, as far
6 as I recall, is your first description of how long you spent there, 15 minutes. Why did
7 you say 15 minutes?

8 A. I think that I said it was 15 minutes because I was just making an estimate,
9 because in fact when I was asked that question I wasn't being asked how many hours
10 I had spent in a place. It was just an estimate. At the time I didn't have a watch, so I
11 couldn't know how many minutes or hours I had spent in such-and-such a place.

12 Q. Now, I want to now take you to another transcript which was the day
13 after you said that you'd been there 15 minutes. It was 25 February 2007, that's
14 1032-0424. It's the fifth transcript of that day, 25 February, it's page 19, and I'm going
15 to ask Ms Menegon to read the part that I'd like you to comment on having heard it,
16 and that reads from line 678 on page 19 through to line 747 on page 22. And this is, of
17 course, a contemporaneous record, audio record, word-by-word record of what you
18 were saying. So if Ms Menegon could read that slowly, please, I'd be grateful. Thank
19 you.

20 MS MENEGON: (Interpretation) "Okay. I am going to ask you a
21 question because at some point you said, while we were talking about Bogoro, that
22 you stayed there for about 15 minutes. Nobody heard, 15 minutes. CC: Yes. And
23 when you said that, when did you say that? Well, I don't know, it was just a manner
24 of speaking. Or could you say it literally?"

25 MR HOOPER: That translation in English wasn't -- was inaccurate.

1 Can Ms Menegon go back to the question, read it very slowly, please, Sophie.

2 MS MENEGON: (Interpretation) "CC: Okay. I am going to ask you a
3 question because you said at some point, whilst we were discussing about Bogoro,
4 that you stayed there for about 15 minutes. No one heard, 15 minutes. CC: Yes.
5 And when you -- did you -- when you said that, very well. I do not know if it's a
6 manner of speaking or whether you are saying it literally, and for this to be very clear
7 for everyone who could listen to the recording, because later on you explained how
8 you entered the town through the Geti road, how you entered into the camp and that
9 you looked into the classrooms. Very well. And it would appear that all of that
10 should take more than 15 minutes. Could you therefore say, for the benefit of the
11 recording, how much time you spent in Bogoro; that is, the following day after the
12 attack? Interpreter: I do not know. The size of Bogoro -- when you -- the size -- the
13 full - the area of Bogoro is not more than 500 metres, and when you're coming from
14 Geti you immediately see the camp. From there, right up to the road, how much time
15 do you -- does that take? The first thing you see is the camp and later on, when you
16 move onto the road, and then you return. CC: So for how long therefore did you
17 stay in Bogoro on that day? To your knowledge, how much time did you spend in
18 Bogoro on that day? Interpreter: Yesterday, I told you I think I spent about
19 15 minutes in Bogoro. I did not stay for long in Bogoro. I spent only a few minutes.
20 And later on, I went away. CC: Very well. Today still, you said that you spent
21 15 minutes. Interpreter: 15 minutes, because I did not stay on in Bogoro.

22 MR HOOPER:

23 Q. So you see, the next day this was gone into in detail and you were very
24 clear that by 15 minutes you meant 15 minutes. Why did you give that as your
25 estimate of time spent in Bogoro?

1 A. I think I have already explained this. This is the statement I made, and I
2 said the same thing to the investigators: I said that this was just an estimate. Let me
3 give you an example. Someone can tell you, could you wait for me here for a minute?
4 And he would have returned to see you after 10 minutes. So if someone says one
5 minute, do not take it literally; it's just a manner of speaking. It was my way of
6 saying that I did not spend a long time in Bogoro. This does not mean that I
7 statistically spent 15 minutes in Bogoro; it was just my way of saying that I did not
8 spend a long time in Bogoro.

9 Q. Yes. But, you see, we've just heard that section, and you're asked: Well,
10 you know, is this just a way of saying that you're there for a short time or were you
11 really there for 15 minutes? And you say, "I was there for 15 minutes." I suggest
12 you're making it clear there that you are not using it as a loose form of speech, but
13 indeed stating clearly that your estimate of time was just 15 minutes. You don't
14 accept that. Very well. Can I ask you this: Where was the market in Bogoro? You
15 told us last week, at transcript 205, page 55, that you said, "We went past Mangikala's
16 residence. We saw some houses, bodies. Not many bodies. I passed by that. I used
17 the road that goes past the market heading towards Bunia." Which market is that,
18 may I ask?

19 A. If you go to Bogoro and you take the road heading towards Bunia you will
20 find a place on the left, a type of or kind of small market. Just close by you will see a
21 big building which used to be a hotel. Close by, you will find a small market located
22 near that building.

23 Q. Now, in the time that you were in Bogoro you stated that you, "saw all the
24 commanders." And indeed, you went on to name, at transcript 205, page 59, et seq,
25 no less than 14 that you saw. And at page or paragraph 309 of your statement, you

1 managed to name no less than 28. How do you remember so many in the
2 circumstances in which you were in? How do you remember to name 28, as you do
3 in your statement, or even 14 to us, in the circumstances that you were in that day? Is
4 this just something that you honestly remembered? My question is: Were you really
5 capable of remembering 28 named people?

6 A. Are you -- you are talking about my remembering certain names. What
7 period are you talking about? At the time the events took place or after several days?
8 When the question was put to me, namely, which people were in Bogoro or how
9 many people were in Bogoro, I answered and I provided the names of the people. I
10 even said that there were about 28 people.

11 Q. I mean, why would they all be there that day, the second day after the
12 attack? Do you know?

13 A. No, I do not know.

14 Q. I mean, you even have the Zumbe people there. You even included Yuda
15 as being there. Yuda was wounded, wasn't he, the day of the Bogoro attack? He took
16 a bullet in his hand, which I suggest actually penetrated his chest. He was in hospital
17 the day after the attack but you -- you say you saw him in Bogoro. What do you say
18 to that?

19 A. I think I made this clear in my statement. I said Yuda was in Bogoro.
20 Yuda was wounded and he had gone to get treatment in Aveba. You will find that in
21 my previous statements. I was asked whether Yuda was in Bogoro, and I answered
22 in the affirmative. To the second question, I gave more details. I said he had gone to
23 get treatment in Aveba.

24 Q. Well, did you see Yuda or not?

25 A. I did not see Yuda in Bogoro.

1 Q. Indeed. You were asked who you -- who told you about the Bogoro attack
2 and you named Bahati of Zumbe, Yuda and Germain Katanga who spoke to you.
3 Those three spoke to you, you say, on a later -- a later occasion. I make it plain I don't
4 accept Germain Katanga ever spoke to you about the attack on Bogoro, but let me ask
5 you this: When you were asked who told you about the Bogoro attack you named
6 those three, but you left out someone at that point, though you had referred to a
7 general (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged) was
12 going to be fighting in Bogoro. When they heard the sound of gunfire they came to
13 Bogoro, and it is then that they understood that fighting was taking place in Bogoro.
14 A few days later on - a few days later - other people started giving explanations on
15 what had taken place in Bogoro. That is the statement I gave to the investigators. I'm
16 not talking about things that occurred on the same day. Germain made certain
17 comments on the attack on Bogoro. Bahati also made comments on the Bogoro
18 attack. Yuda, after smoking cannabis whilst we were drinking beer, made certain
19 comments about the Bogoro attack. Those are explanations which were given to me
20 not on one single day, but on several different days.

21 Q. And that's exactly how I understood you to express it, but on the day itself
22 am I right in saying that you spoke to (Expunged)
23 (Expunged)
24 (Expunged)
25 (Expunged)

1 (Expunged)

2 (Expunged)

3 (Expunged) different places?' He told me that they heard the exchange of
4 firing from Bogoro. They didn't know what was happening there. It's only some
5 time later that they learnt that Bogoro was attacked by the Ngiti, and following that
6 they came to reinforce and their presence at Bogoro provoked its fall."

7 267, let me read on:

8 "The Hema were killing the Lendu. When the Lendu heard that a place
9 was being attacked, then another Lendu went immediately to help him. That is how
10 they were organised. When they hear shots being exchanged they didn't know what
11 it signified, but when they heard that the Ngiti were attacking Bogoro they knew the
12 enemy at Bogoro was the UPC and, following that, they got an idea of the situation
13 and they continued down towards Bogoro. They learnt that the battle had already
14 started and then they began to go down. If they didn't attack Bogoro all together, it's
15 because in these things they were not really organised."

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 Q. And he told you that they came down at 9 o'clock, four hours after -- after
2 kick-off. I mean, you wouldn't organise a football match, would you, like that, let
3 alone what you've described as, "Bogoro was different. It was very carefully
4 planned"?

5 Tell me this: Where does this phonie message fit into your story now?
6 You know, the message that in your statement you said you were present when it
7 was sent, but now you don't accept that, but the phonie message telling -- sent on the
8 Sunday, as I understand it, or at some time, telling Zumbe by phonie, "Attack on
9 Bogoro tomorrow," where does that fit into this account?

10 A. I think that I am very clear in my statements. I am very clear in my
11 statements. (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 Q. All right. And the two classrooms you entered, as I understand it your
17 evidence is - and it's an estimate - that you think there was at least 300 bodies in those
18 classrooms, in those two classrooms; is that right?

19 A. No, I did not talk about two classrooms alone. I made an estimate. This is
20 what I said: The bodies that were in the classrooms and in the pitch of the school
21 could be estimated at about 300.

22 Q. Now, you told us that in the centre of town you said, "I didn't see bodies."
23 Do you remember saying that?

24 A. Yes, I do confirm that. In the centre of the town, I did not see any bodies.

25 Q. I'm just looking at paragraph 283:

1 "Many people were dead. When I arrived, they had already been killed
2 and the people were finished, dead. We saw some corpses at Mangikala 's residence
3 at the place where the Bangladeshi were based after the wall, and on continuing we
4 saw one or two corpses in the roads. Also, there were corpses in the centre of town
5 and many at the military camp."

6 So did you see corpses in the centre of town, or not?

7 A. I have already given you a description of the facts. I was showing -- I was
8 trying to describe the layout. When I make a reference to Mangikala, it is because
9 there were houses just after Mangikala's residence. When I say that from Mangikala
10 right up to the entrance into the locality there were some bodies, I am not saying
11 expressly that there were bodies in Mangikala.

12 In the centre of Bogoro -- well, you must understand that Bogoro hasn't
13 got the centre of the town properly so-called. When I talk about the centre of the
14 town, I'm referring to the locality close to the market where you have the shops.
15 I don't know how else I can refer to that particular locality, but I am talking about that
16 part of town where shops were located. It is that part of town that is called the
17 commercial centre.

18 Q. Yes, thank you. Now, Mandro. Did you see Germain Katanga leave to
19 attack Mandro?

20 A. Germain went to Mandro, but when he left to go there I did not see him.

21 Q. So you didn't see him leave?

22 A. I wanted to tell you the following: Aveba is not as big as The Hague.
23 Aveba is a small locality. If Germain leaves Aveba the news will get around, and
24 when Germain returns to Aveba it will be public knowledge. So when Germain left
25 to go to Mandro, the entire population was aware.

1 Q. That may be. My question is simply did you see him leaving for Mandro?
2 And you said just a moment ago, "Germain went to Mandro, but when he left to go
3 there I did not see him," and is that correct?

4 A. I think I have just answered that question by saying the following: I did
5 not see him. I don't know if you understood that answer which I gave you
6 previously.

7 Q. Well, it's just that I'm a little puzzled, because I'm looking at your
8 paragraph 66. This is the statement you made just in December last year, and you
9 say -- and they are showing you a transcript and they say -- you say:

10 "I saw the transcript that said that I did not see Germain leave for
11 Mandro, but I also said that the question was ill-posed and badly translated. I want
12 to say that I saw Germain leave to attack Mandro." So which is it?

13 (Pause in proceedings)

14 Why were you making such a serious point in December to those
15 investigators, even going so far as to correct something and being quite emphatic, "I
16 did see him go. I want to make that clear." Those are all my questions in respect of
17 Mandro.

18 Can I move on. Paragraph 60 of your statement, talking of Germain
19 Katanga, you say this: "He was not there" -- quote, this is paragraph 60. "He was not
20 there the day on which Bunia fell." This is March. We're talking of March, of course,
21 2003. I will start again. Quote. And you're talking about Germain Katanga. "He was
22 not there the day on which Bunia fell. He was at Beni. He had been called with his
23 team." Is that an accurate reflection of your evidence?

24 A. Yes. When Bunia fell, Germain was not in Aveba; he was in Beni.

25 Q. Let me ask you about a man called Bahati de Zombe. Is it your evidence

1 that Bahati de Zumbé was in Aveba and left Aveba amongst those who went to attack
2 Bogoro on 24 February?

3 A. I've already spoken about this. I was asked a question about the origin of
4 Bahati from Zumbé, and I said he was from Zumbé but he lived in Aveba, but we
5 don't know whether he left Aveba to attack -- whether he had left Aveba to attack
6 Bogoro or whether he had left Zumbé to attack Bogoro, but Bahati had confirmed that
7 he was with Germain. When we talk about the operations in Bogoro, don't forget it
8 was their version, but I would not say that I was there that day and I don't know from
9 where he came to go to Bogoro.

10 Q. Was he not one of those who attended the meeting on Sunday that you
11 spoke about?

12 A. I don't have any information to give you. I don't know if he attended that
13 meeting or not, but I remember that during the meeting on Sunday, when I was
14 giving the names of the officers, I gave his name as well. I was talking about the
15 officers who were with Germain.

16 Q. Well, let's just go back briefly to paragraph 245, about the Sunday meeting.
17 You might remember I read part of this, and this part to you yesterday. I will read it
18 again: "I am asked" -- and we're dealing with the Sunday meeting in Aveba,
19 commanders' meeting, 23 February, "I'm asked who I saw and heard at the meeting.
20 For the attack on Bogoro not all the commanders were there. There were only some
21 commanders who were there at Aveba. The commanders, which Germain
22 programmed, were Garimbaya, Bahati de Zumbé, Pascal Sipa, Bedi Bukiringi, Move,
23 Move Bambiri and Muhito Akobi. I forgot to indicate there was another commander
24 present at Aveba who was called Mutombo." And then you say, "Yuda was at
25 Kagaba. He wasn't there. Cobra Matata was at Bavi. Germain had called these men

1 there." So in December you were making it very clear, and may I suggest in your
2 previous statements, that Bahati de Zumbe was present at the Sunday meeting and
3 that indeed he left for Bogoro from Aveba.

4 Now, what are you saying, that your -- you'd like to correct that
5 impression or you were wrong or what's the position?

6 A. I believe I was clear. At the beginning, during the meeting that was held
7 the day before, I was not present. I stated that at the beginning of my statement.
8 When I spoke about Bahati from Zumbe I -- he is an officer. He's someone I respect.

9 Q. Can I just clarify just two matters, perhaps for the record. What's the word
10 that you've been using for marijuana in Swahili?

11 A. Bangi.

12 Q. Is bangi marijuana, or is it something called chanvre? C-H-A-N-V-R-E.
13 Can you help us, please?

14 A. (No interpretation).

15 Q. Yes.

16 A. It's cannabis.

17 Q. No, this is the problem. We don't think chanvre is cannabis. It's being
18 translated as cannabis. We think chanvre is its own thing. Its own -- something you
19 chew. Well, any way, we can -- and the other thing is, on a name, would it be
20 possible, could you help us, could you spell the place that Bayonga, Kakado Bayonga,
21 where he, CODEZA was, for the record, because we're getting it spelt in perhaps a
22 wrong way and you can help our translators and interpreters and -- with the spelling.
23 And distinguish it from Chai, which is a different place. Could you help us with
24 that? Yes. Is that where Bayonga lived, the one you've just spoken -- can you spell
25 the place where Bayonga was based, if that's possible, to clarify the record?

1 A. You mean where he lived before or where he lives now?

2 Q. No, where he -- you spoke about where he lived and CODEZA and
3 CODECO, and you told us all about that. Where was he living then?

4 A. He lived in CODECO.

5 Q. Okay. All right. Can you -- let's move from that and ask you: You
6 mentioned a battle at Tchai. Can you spell Tchai for us?

7 A. You mean the battle of Tchai? Which date?

8 Q. Well, just spell the name for us. That's all I'm asking you, because we're
9 getting different spellings on our transcripts, if you can help us.

10 A. Tchai is spelt as follows: T-C-H-E. T-C-H-I. I'm not absolutely certain
11 exactly how the name is spelt.

12 Q. We think it's spelt T-C-H-A-I. T-C-H-A-I. Anyway. Now, can you please
13 be shown the manifesto. I've promised you I'd come back to this, and I think we have
14 a paper copy. Do we have a paper copy for the witness of the manifesto? I think we
15 should have. I see his Honour, Mr President, has got a copy here.

16 PRESIDING JUDGE COTTE: (Interpretation) Would you like to take
17 my copy for the witness, usher.

18 MR HOOPER: Thank you, your Honour. And for the record, this is
19 DRC-OTP-0126-0411, and if we could have that put on the screens as well.

20 Q. And Mr Witness, you wanted to say something about this yesterday.
21 Please take this opportunity to tell us what it was.

22 PRESIDING JUDGE COTTE: (Interpretation) Court officer, could we
23 have this document on the screens, please.

24 THE WITNESS: (Interpretation) I had asked for the manifesto for this
25 reason: I would like to be able to answer the questions referring to the documents,

1 and I remember that at the time the Presiding Judge said it was not necessary to have
2 the manifesto, given that you were asking questions and, therefore, now I don't see
3 why we're going to insist on these points now.

4 PRESIDING JUDGE COTTE: (Interpretation) It wasn't just -- it wasn't
5 the ideal point in time for such questions to be dealt with at the time. If I remember
6 correctly, Counsel Hooper was dealing with other topics. If you want to provide
7 additional information, Mr Hooper can give you that opportunity, it's up to you,
8 Witness, to decide. You are being given that opportunity.

9 MR HOOPER:

10 Q. Do you remember yesterday you were very keen to say something about
11 it, I thought, and I said, "Well, I might not have the time, but I will try and come back
12 to it?" And I'm coming back to it now essentially to ask you one or two questions, but
13 is there anything you want to say about this document?

14 A. No, I have nothing to say.

15 Q. And you may recall that we dealt with paragraph 4 the last time we had
16 the document, the paragraph headed "de la structure organisationnelle" under
17 column 5, and the Council of Competence and the Council of Sage and the apparent
18 primacy of the Sage over the Competence Council and the fact that the word
19 "president" never appears in this document.

20 Now, I want to ask you one thing arising from your statement, if I may.
21 I am looking or turning to paragraph 68 of the statement, where you were talking
22 about events after the fall of Bunia in March, and you say this:

23 "The coalition between the FNI and the FRPI lasted something like three
24 months after Ngudjolo proclaimed himself the Chief of Staff of the FNI and he would
25 not recognise Germain. Afterwards, Germain said that he was President of the FRPI."

1 So that would be after March. And my question to you is, if he was
2 already President of the FRPI, why was it necessary for him then to declare himself
3 President?

4 A. I'm going to give you precise information about this matter. After the
5 summit of -- the summit in Arua, the movement was proclaimed that brought
6 together all of the Lendu. If there had been two different movements that would
7 have been a problem and, therefore, the North Lendus came together and declared
8 the FNI as a political party and the FRPI as the military branch and that is how they
9 set up the joint staff, including officers from the north, the centre and the Ngiti
10 regions. This structure was set up in Bunia. After Bunia each one was to work within
11 its position, Germain in the FRPI and the others on the other side, but the FRPI and
12 the FNI were not to work together as such. After the setting up of the structure, each
13 one did whatever was appropriate.

14 Q. All right. Now, finally you referred in your evidence to a conversation
15 you had with Germain Katanga by telephone and, as I understand it, that was a
16 conversation you had with him when he was in prison here; is that right?

17 A. Yes.

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 MR GARCIA: (Interpretation) If the questions involve identifying
25 information, perhaps we need to go into closed session?

1 PRESIDING JUDGE COTTE: (Interpretation) That's exactly what
2 Mr Hooper has just stated. We're going to redact that passage and you may proceed,
3 unless you believe we need to go into closed session in order to avoid identifying
4 information. Since I don't know the content of your questions, it's up to you to
5 decide.

6 MR HOOPER: Very well, for safety can we go into closed session and --

7 PRESIDING JUDGE COTTE: (Interpretation) Court officer, please,
8 closed session.

9 (Public session at 10.51 p.m.)

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Page 31 Expunged – Private session

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Page 32 Expunged – Private session

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3 (Closed session at 11.00 a.m.)

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11 (Open session at 11.01 a.m.)

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

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.

14 The hearing is suspended until 11.30.

15 THE COURT USHER: All rise.

16 (Recess taken at 11.01 a.m.)

17 (Upon resuming at 11.32 a.m.)

18 (Closed session)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Open session at 11.33 a.m.)

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

2 MR HOOPER: Yes. I think I am going to have to ask for a brief
3 adjournment, because the Registry have exceeded, despite our care, their instructions
4 and we want a recall of their document. The document that's being sent, we've
5 included those parts that have been redacted by the Court. We specifically asked that
6 they don't translate that. They've added comments from time to time, which were
7 quite unnecessary. We just wanted a translation of the words that were said. So we
8 ask for a recall of the email and we ask that the matter be re-addressed.

9 I don't know whether in the meantime it's possible for Professor Fofé to
10 start his cross-examination because it seems to us, and I dare say he may agree, that
11 this issue of the transcript is quite a separate issue. And as we do have a morning,
12 and then we come to the issue of the afternoon session, as well, and we hope to get
13 this sorted out by -- is it 2 o'clock? By 2 o'clock. So recall of the email, which was in
14 breach of the instructions that were quite clear, and we will address this issue with
15 the witness later.

16 Can I ask that that be allowed me, in which case I've only got four
17 questions of the witness in closed session, very brief questions.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Counsel
19 Hooper. So, if the Chamber has understood you correctly, the hard copy version of
20 the transcript as revised by the interpreters needs to be excluded, needs to have the
21 comments in brackets excluded; is that correct? Well, court officer, this doesn't seem
22 to be a very large request so, on page 1, for example, line 4, what we can see in
23 brackets and in italics needs to be removed. It's just as in parliamentary debates you
24 sometimes see this system used. So all of those comments need to be removed or
25 perhaps a member of your team should communicate with the Registry; is that right?

1 MR HOOPER: I will send one of my most competent officers to deal
2 with the matter now and discuss with the parties and then we will have it I know
3 sorted out fairly quickly. Well, certainly by later on after lunch, if we can have that.
4 So in the meantime, can I just pose some specific questions, then come back to that
5 later on? I've had some nods from Professor Fofé. He's content to commence his
6 cross-examination very shortly after my few questions.

7 PRESIDING JUDGE COTTE: (Interpretation) Well, court officer, have
8 we understood what is required? We'll have the assistance from a very competent
9 member of Germain Katanga's Defence team so that the documents that we have in
10 hard copy will be stripped of those comments that have no right to be there. So if that
11 could be done as quickly as possible, because it is a document of 12 or 13 pages
12 length, if this could be done very quickly. Great. Thank you very much. Counsel
13 Hooper.

14 MR HOOPER: It was also those parts that have been redacted also need
15 to be redacted.

16 PRESIDING JUDGE COTTE: (Interpretation) This document then,
17 once the omitted elements have been cleaned up, I think then that is clear. So I think
18 you have a couple more questions or is it Professor Fofé who will continue?

19 MR HOOPER: No, I've just a few more questions, returning to an issue
20 we had right at the beginning, and then I'm, apart from the transcript, I'm done. And
21 my questions need to be in closed session and they will last five minutes.

22 PRESIDING JUDGE COTTE: (Interpretation) Well, court officer, let us
23 move into private session for a moment because it seems that the questions to be put
24 could facilitate identification of the witness. Counsel Hooper, I would appreciate it if
25 you would be brief. And Professor Fofé will pick up once you have finished.

1	(Private session at 11.38 a.m.)
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24 (Open session at 11.44 a.m.)

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

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

2 Mr Prosecutor.

3 MR MACDONALD: (Interpretation) Apologies first. I would like to
4 greet the Chamber. Good morning, your Honours.

5 MR HOOPER: I think we're still in closed session. I don't know if that's
6 necessary. Are we in open?

7 MR MACDONALD: (Interpretation) We are in open session.

8 PRESIDING JUDGE COTTE: (Interpretation) Yes, we are in open
9 session, so please get down to brass tacks, Mr Prosecutor.

10 MR MACDONALD: (Interpretation) Your Honour, the Registry has
11 given us this conversation and we have received the entirety of that conversation and
12 we realised, and the Registry realised, that the attachment was not supposed to go to
13 the legal representatives and the parties.

14 I just wanted to say that I did not read the contents but I did see that the
15 redacted parts were there. The problem is, your Honour, is that I receive emails and I
16 immediately distribute them to the whole of the team, but I immediately recalled my
17 email, but I had to ensure that the whole of the team destroyed that email without
18 looking at the contents of it and I have been able to see that the destruction, the
19 automatic destruction of those emails, has been done for some colleagues but not for
20 all others.

21 So I wanted to make sure whether this was being done, and this
22 would -- obviously it takes a few minutes, but I'm doing everything that I can to
23 ensure that the contents are not read by the team. I just wanted to tell this situation --
24 tell of this situation. I wanted to inform Mr Hooper and the Chamber. It's
25 unfortunate, but we're doing everything we can to remedy it.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.

2 Yes, errors do happen. Mr Hooper thanks you. We also thank you. Yes, errors can
3 happen on one side or another. The important thing indeed is to make sure that your
4 team members do not hold onto that email. If they have received it in error, the
5 redactions are currently being conducted as we said a moment ago, and now we --
6 soon we will hear the questions relating to that document from Mr Hooper. So thank
7 you for that information and thank you for the teams who had received this email in
8 error and received this document in error. So, Counsel Kilenda or Professor Fofé.

9 MR FOFÉ: (Interpretation) It is Counsel Kilenda who will be doing
10 the cross-examination.

11 MR O'SHEA: Yes, my excuses to my learned friends. It's just another
12 short matter of an error in the transcript, sufficiently important that I should mention
13 it verbally so that at least I get the matter in the record through what I'm saying.

14 Your Honours will note, and I'm referring here, and I will start with the
15 French transcript, I'm referring here to the French transcript of today, at page 31,
16 line 2. Page 31, line 2 in the French, and in the English transcript T30, line 17. And it
17 is when Mr Hooper is asking the witness with respect to -- well, I won't say what it
18 relates to, I'll simply point out that at line 3, on page 31 of the French transcript, your
19 Honours will note that there is an "R" for "Response" and then a blank. On the
20 English transcript your Honours will note that the following expression is used,
21 (pause in the proceedings) and I think it's important for me to note for the record that
22 there was in fact, for the benefit of the French transcript, there was, in fact, a pause in
23 the proceedings at that point in time and no response from the witness. That's all I
24 need to say. Thank you.

25 PRESIDING JUDGE COTTE: (Interpretation) No, no, that was

1 important, Counsel O'Shea. And when we have the final version of the transcript, it's
2 important that the recording is listened to again so that if indeed there was a pause in
3 proceedings with a lack of answer from the witness, then this will be used.

4 You are talking about in the French version, "pause dans la procédure"
5 and the English equivalent of "pause in proceedings," then this will be inserted. So
6 this will be checked. Thank you very much for bringing that up.

7 Counsel Kilenda.

8 MR KILENDA: (Interpretation) Thank you, your Honour. Your
9 Honours, you know how very much we respect in my team your decisions, and I just
10 wanted to reassure you that we will not be giving lengthy introductory comments,
11 we will go straight to the questions, which means that I will be brief in the hope,
12 obviously I say this, that the witness here before us will give very precise answers to
13 our questions which we hope will be as brief as possible.

14 QUESTIONED BY MR KILENDA: (Interpretation)

15 Q. Good morning, Witness.

16 A. Good morning.

17 Q. My name is Jean-Pierre Kilenda. I am the lead counsel for Mathieu
18 Ngudjolo. I shall be continuing on with the interview that has been going on for a
19 few days. Now, just to get some clarification from you on certain specific points:
20 Each day the Presiding Judge has reminded you of the instructions for giving your
21 testimony. I would like to thank you to stick to those, and I shall do the same.

22 First of all, some preliminary questions, if I may. In the transcript 206 of
23 our hearings, from 19 October 2010, answering a question from Mr Prosecutor, who
24 was trying to get information from you concerning the names of people from Zumbe,
25 which was divided into two, and moving towards Bogoro, on page 8, lines 12 to 18,

1 you talked about Ngudjolo's little brother whose name was Nguna. My question is as
2 follows: Do you know the number of -- the names of Ngudjolo's family members?

3 A. I only know Nguna, Manu and Ngudjolo.

4 Q. You can therefore confirm that this non-identifying name Nguna is well
5 and truly the younger brother of Ngudjolo?

6 A. He said that he was the child of the sister of Ngudjolo, if my memory
7 serves me correctly. But the little brother of Ngudjolo is Manu.

8 Q. Do you know the full name of Nguna?

9 A. No.

10 Q. And Manu is also a younger brother of Ngudjolo?

11 A. Yes. Manu is -- was a teacher. He was Ngudjolo's younger brother and he
12 looks like him.

13 Q. Do you know his full name?

14 A. No. The only name that I know is Manu.

15 Q. Mr Mathieu Ngudjolo, what village is he from?

16 A. Kambutso.

17 Q. Apparently you know Mr Mathieu Ngudjolo very well. Could you please
18 tell me where he was from June to September 2003, if you know?

19 A. He was in Kambujo.

20 (Expunged)

21 PRESIDING JUDGE COTTE: (Interpretation) Be careful, Counsel
22 Kilenda.

23 MR KILENDA: (Interpretation) Thank you.

24 PRESIDING JUDGE COTTE: (Interpretation) Perhaps we should be
25 more general on this particular item or go into private session. It's up to you to

1 decide, depending on the questions that you intend to put to the witness. Thank you,
2 interpreter. Mr Kilenda, you probably heard as well, but the interpreter informed us
3 that the witness had indeed answered the question. Perhaps you heard that so that I
4 did not -- I do not have to offer the answer to that question in public, in open session.

5 MR KILENDA: (Interpretation) Thank you, your Honour.

6 Q. Witness, where were you in September 2003?

7 A. I was in Bunia.

8 Q. Did you never learn that Mathieu Ngudjolo had lost his "belle mere," his
9 mother-in-law or his step-mother in Beni?

10 A. I did not hear about that.

11 Q. Did you meet with Mathieu Ngudjolo between June and September 2003?

12 A. I saw him in Zumbé in June. Once, in September, or rather, I cannot
13 remember the exact month, but I saw him in Eringeti when I was travelling there. It
14 might have been after the month of June.

15 Q. Thank you, Witness. I refer to transcript 206 of 19 October 2010, page 9,
16 lines 2 to 7. When answering a question from Mr Prosecutor, and talking about
17 Mr Mathieu Ngudjolo, the Prosecutor wanted to know whether you had already had
18 the chance to discuss with him the attack on Bogoro and you answered, and I quote,
19 "No, I did not speak of this with him, but one day after the battle, when I was having
20 a conversation with him, he said to me, "I don't know what Germain did. There was
21 a problem between the two of them. He said Germain provoked war in Bogoro, but
22 he was not able -- he would not have been able to have won that war had I not gone
23 there. He would not have been able to have won it because he had been repulsed
24 several times." My question is as follows: Where did you hear these words from
25 Mr Mathieu Ngudjolo?

1 A. I did not have a conversation with Mathieu Ngudjolo, not even once. I
2 saw him on several occasions -- correction, I did not speak with him only once, I saw
3 him on several occasions, and I was with other people and I cannot remember where
4 that conversation took place.

5 Q. And the date?

6 A. These are things that happened later.

7 Q. Approximately, when?

8 A. These are things that happened when the Uruguay contingent was
9 present.

10 Q. Where were you at the time the Artemis force arrived in Bunia?

11 A. When the Artemis forces arrived in Bunia, I was shuttling between Beni
12 and Aveba.

13 Q. When did this force arrive in Bunia?

14 A. It was after the fall of Bunia, around June.

15 Q. And when did they leave Bunia?

16 A. These forces spent three months in Bunia.

17 Q. Which year was that?

18 A. Artemis arrived in 2003.

19 Q. Are you sure that at the time the Artemis force arrived Mathieu Ngudjolo
20 was in Bunia?

21 A. When the Artemis forces arrived in Bunia, it was on a Saturday. It was on
22 that day that Bunia town was attacked. I was in Zumbe. On Sunday two fighter jets
23 overflew the area for a long time, and at that time Mathieu Ngudjolo was in Bunia. It
24 was on a Saturday, and that is my reference point with regard to the day on which
25 the Artemis forces arrived.

1 Q. Did you see Mr Mathieu Ngudjolo in Bunia on that day?

2 A. I did not go to Bunia on that day. I went to Aveba to (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged), but on that day I did not go to Bunia. I was in Aveba.

6 Q. And how do you know that he was in Bunia?

7 A. I do not know who was in control of the forces that attacked Bunia. There

8 was -- there was a ceremony and then later on we went to the place where Ngoza

9 (phon) was. There was a mortar there and people were firing from that mortar.

10 THE INTERPRETER: From the Swahili booth: Your Honour, can the

11 witness be asked to slow down.

12 THE WITNESS: The people from Loga went and attacked Katoto. Two

13 different localities were attacked and that was on a Saturday.

14 MR KILENDA: (Interpretation)

15 Q. But you have not told me who told you that Mathieu Ngudjolo was in

16 Bunia on that day?

17 A. I do not know where he was. He was not there.

18 Q. Very well, I am putting it to you that he was in Beni.

19 I'm through with my preliminary questions and, if you agree, we are

20 going to speak about Lompondo. Mr Witness, when was Lompondo chased out of

21 Bunia?

22 A. It was in August.

23 Q. Of which year?

24 A. 2002.

25 Q. Where did he go?

1 A. He went to Beni.

2 Q. Are you sure about that?

3 A. Yes, Lompondo went to Beni.

4 Q. I'm putting it to you that he went to Songolo. What do you think about
5 that?

6 A. He transited through Songolo, but his final destination was Beni.

7 Q. Do you know when he arrived in Songolo?

8 A. He arrived there on a Sunday.

9 Q. And the date?

10 A. I do not know the date.

11 Q. Do you know how much time he spent in Songolo?

12 A. I do not know.

13 Q. Do you know what happened in Tchai on the day that Lompondo fled?

14 A. The Hemas laid an ambush in Tchai.

15 Q. Do you know with whom Lompondo fled?

16 A. He fled with Mr GPG, as well as others, including Uringi-Pa-Dolo and his
17 men.

18 Q. What was -- what were the duties of Uringi-Pa-Dolo?

19 A. Uringi-Pa-Dolo was a former political commissioner.

20 Q. When did Lompondo leave Songolo?

21 A. I believe I have already answered that question. I told you that I did not
22 know.

23 Q. Thank you, Mr Witness. We will now briefly discuss Bogoro. For how
24 many days did the fighting in Bogoro last?

25 A. One day.

1 Q. I would like to refer to transcript number 207, page 12, lines 26 to 27. You
2 testified that upon your arrival in Bogoro there was no one still alive; is that correct?

3 A. Yes.

4 Q. On which day did the fighting end?

5 A. It was on a Monday.

6 Q. Which date?

7 A. On 25 February.

8 Q. And when had the fighting started?

9 A. In the morning, at about 5.30 a.m., we started hearing gunfire.

10 Q. In the morning of 25 February 2003?

11 A. No, in the morning of 24 February 2003.

12 Q. You have already stated that the organisation of the attack had been done
13 using the phonie. Was there a phonie in Zumbe?

14 A. Yes, there was a phonie in Zumbe.

15 Q. And at what location was this phonie?

16 A. I went to Zumbe later. At that time, I had not gone to Zumbe to find out
17 that detail.

18 Q. Did you ever see that phonie in Zumbe with your own eyes?

19 A. No, I have never seen it with my own eyes.

20 Q. And how did you get to know that there was a phonie in Zumbe?

21 A. Chef Manu had a Motorola Cobra and he carried out his communications
22 with that Motorola. I remember that I spoke with him and he used his Motorola to
23 find out what the situation was in Zumbe in order to know whether those people
24 were there.

25 Q. What is the link between Motorola and a phonie -- the phonie?

1 A. The two are used for communication.

2 Q. Is it possible to use a Motorola to reach someone who is operating a
3 phonie?

4 A. If they are using the same frequency, they would be able to communicate if
5 it is a multi-system Motorola.

6 Q. Who was the operator of the phonie in Zumbe?

7 A. I do not know.

8 Q. Let me now refer to transcript number 206, page 7, lines 20 to 21. The
9 Prosecutor asked you the following question, "Now, Mr Witness, can you tell us
10 briefly the information that was given to you on how and when the attack took
11 place?" In your answer, describing the attack on page 7, line 28, you say, "And the
12 people from Lagura and Zumbe came down from the southeast direction and they
13 entered Bogoro. These people from Zumbe split up into two groups."

14 And further on, line 37, you say that, "There are others who crossed a
15 small stream in Kabalega and entered directly into the centre of Bogoro. Another
16 group passed through a location known as Triki. It is a place where there is -- where
17 there are cypress trees. They passed through there before arriving in Bogoro, and
18 then all those troops surrounded Bogoro and Bogoro was like a place that was caught
19 in a vice."

20 What is of interest to me in this excerpt, Mr Witness, is Triki. What is
21 Triki?

22 A. It is a locality that is located just after Bogoro, where there are cypress
23 trees. That place is known as Triki.

24 Q. Where precisely is Triki located?

25 A. When you go past the centre of Bogoro, you arrive at a crossroads and

1 there there is a village. It is there that you have the cypress trees. It is that location
2 which is known as Triki.

3 Q. Is it possible to pass through Triki -- and in fact I'm putting it to you that
4 Triki in reality is in Mandro, but is it possible to pass through Triki to go to Bogoro?

5 A. Yes, if you are coming from the hill then you can cross a river and then go
6 towards Bogoro. There is also another road going towards Bunia. Triki is on the road
7 between Bunia and Bogoro, so if you are coming from Bunia and you are going to
8 Bogoro you will pass through Triki.

9 Q. Mr Witness, what is the distance between Zumbe and Bogoro?

10 A. It is a short distance of about 10 kilometres. This is an approximation on
11 my part, about 10 kilometres.

12 Q. You have already testified - that is, in answer to my learned friend
13 Mr Hooper's question - you said that when you arrived in Bogoro you found
14 Mr Mathieu Ngudjolo seated under a mango tree. My question to you is as follows;
15 and with the leave of your Honour I would like to use the same document as
16 Mr Hooper, DRC-OTP-1027-0054. I do not know whether a copy of this document
17 can be shown to the witness.

18 PRESIDING JUDGE COTTE: (Interpretation) He will be given a copy
19 and, if we have to call up that document on the screen, we understand that it is
20 confidential and should not be accessible to the public.

21 MR KILENDA: (Interpretation) It is simply for the witness to show us
22 the place where Mr Ngudjolo was sitting.

23 PRESIDING JUDGE COTTE: (Interpretation) Very well, we will simply
24 show the document to the witness without calling it up on the screen, because we
25 looked at that document a short while ago and each of us has a hard copy. Court

1 usher, please can you hand over a copy to the witness. You can take my copy, if
2 necessary. Very well. Court officer, this is a copy for you. It is my copy and it is not
3 annotated.

4 Mr Witness, that document which was used this morning has been
5 handed back to you. Mr Kilenda, please proceed.

6 MR KILENDA: (Interpretation)

7 Q. Mr Witness, you have the sketch with you. All you have to do is to sketch
8 the mango tree at the place that you say he was sitting.

9 A. The mango trees are right at the roundabout. There is a road going to
10 Kasenyi and then there is another road going to Geti. There is an empty space there
11 and then next to it there are mango trees. There was a large number of people sitting
12 under those mango trees.

13 Q. Please indicate those mango trees on the sketch.

14 PRESIDING JUDGE COTTE: (Interpretation) Court usher, please go
15 and fetch the sketch.

16 (Trial Chamber confers)

17 PRESIDING JUDGE COTTE: (Interpretation) Court usher, please take
18 this sketch as annotated by the witness to Mr Kilenda and also show it to the
19 Prosecutor so that he can see what the witness indicated.

20 MR KILENDA: (Interpretation) To be more practical, can we call it up
21 on the screen?

22 PRESIDING JUDGE COTTE: (Interpretation) Yes, that is what we will
23 do, but it shall not be accessible to the public because there is identifying information
24 on that document.

25 MR KILENDA: (Interpretation)

1 Q. And where is the mango tree?

2 PRESIDING JUDGE COTTE: (Interpretation) Mr Witness, you yourself
3 can comment on the document, but according to what the witness has told the court
4 usher there is a blue circle about 2 millimetres in diameter. Court usher, would it be
5 possible for the witness to show the position himself on the overhead projector? He
6 can use a pen to show us the circle that he has drawn.

7 Very well. Thank you, Mr Witness. That is perfect. Mr Kilenda, the
8 legal representatives, the accused, you all have seen the point that he indicated.

9 MR KILENDA: (Interpretation) Thank you, your Honour.

10 Q. Thank you, Mr Witness, for showing us that mango tree. I'm through with
11 Bogoro. We will briefly go on to talk about the FNI. Now, what does the acronym
12 FNI stand for?

13 MR GARCIA: (Interpretation) Without interrupting, your Honour, so
14 that we should not forget the document on which the witness has indicated the
15 mango tree, if I understand well, Mr Kilenda, you are going to tender this into
16 evidence?

17 MR KILENDA: (Interpretation) Mr Hooper already tendered that
18 document, but without the mango tree, but -- so we are going to produce it with the
19 mango tree.

20 PRESIDING JUDGE COTTE: (Interpretation) If Mr Hooper wishes to
21 have an evidence number for his own document he will tell us, but we can already
22 decide now that the document including the mango tree can be admitted into
23 evidence immediately.

24 Court officer, please assign an evidence number to that document that
25 the witness has just annotated and on which he has indicated the location of the

1 mango tree.

2 THE COURT OFFICER: Your Honours, this will be admitted as
3 EVD-D03-00069 and this is a confidential document. Thank you.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Madam
5 Court Officer. Mr Kilenda, you can repeat your question about the FNI.

6 MR KILENDA: (Interpretation) Thank you, your Honour.

7 Q. Mr Witness, what does the acronym FNI stand for?

8 A. Front des Nationalistes et Intégrationnistes en Ituri. Nationalist and
9 Integrationist Front in Ituri.

10 Q. Do you know when the FNI was founded?

11 A. Yes. The FNI was created in Kpandroma, but I do not know the date.

12 Q. Who founded the FNI?

13 A. Ndjabu, as well as his directeur de cabinet Chura, his private secretary
14 Martin. Mbutchu was also there.

15 Q. They are all from Kpandroma; is that the case?

16 A. Yes, all of them are Lendus from Kpandroma.

17 Q. Are you sure that it was indeed in Kpandroma that the FNI was founded?

18 A. It is the Lendus of Kpandroma who founded the movement. However, the
19 acronym FNI was used for the first time in Arua in Uganda.

20 Q. Thank you, Mr Witness. But when was this done in Arua?

21 A. No, I do not know the date.

22 Q. To the best of your knowledge, at the time of the Bogoro attack was
23 Mathieu Ngudjolo a member of the FNI?

24 A. No.

25 Q. Thank you, Mr Witness. When was the FNI/FRPI coalition created or

1 started?

2 A. The FNI/FRPI coalition started after 6 March, or rather, no, no. Let me
3 correct myself. What type of coalition are you talking about? Are you talking about
4 the military coalition or the political coalition? I'm asking this question because when
5 the Beni group went to meet the Kpandroma group in order to unify the appellation
6 of FNI, that is FNI as a political party, and FNI as a military movement, well, I would
7 like to confirm that the -- the staff was put in place after 6 March in Bunia.

8 Q. 6 March 2003?

9 A. Yes.

10 Q. Thank you, Mr Witness. I have finished my questions on the FNI. With
11 your permission, we are going to talk now about the EMOI. I have noticed or noted
12 that EMOI stands for état-major opérationnel intégré; is that the case?

13 A. Yes.

14 Q. Do you know who founded the EMOI?

15 A. I do not know the person who created the EMOI; However, it was created
16 by officers who came from Kinshasa.

17 Q. Could you please give us the names of those officers?

18 A. Yes. There was Colonel Ekuba, who was the leader, and he was followed
19 by Anechu, Aguru and one other individual. I have forgotten that individual's name.
20 He was a man who was in Bunia at the time of the disarmament process. I have
21 forgotten his name. However, I could remember his name later.

22 Q. Thank you, Mr Witness. If you do remember, please let us know. For
23 now, we retain Colonel Ekuba, Colonel Aguru and Colonel Anichu. These three
24 colonels were from which army, please?

25 A. They were officers from the FAC, the FAC which today is referred to as the

1 FADRC?

2 Q. The army of the government of the Congo, is that the case?

3 A. Yes.

4 THE INTERPRETER: Correction of the English. FDRC.

5 MR KILENDA: (Interpretation)

6 Q. If you know, could you tell us anything about the objectives of the EMOI?

7 A. From what I heard it was a staff, a military staff responsible for war
8 operations along the road of Kivu, Ituri.

9 Q. The EMOI was based in Beni, is that the case?

10 A. Yes.

11 Q. Would it be correct to say that the EMOI was cooperating as well with the
12 APC of Mbusa Nyamwisi?

13 A. Yes.

14 Q. Thank you, Mr Witness. We are going to talk briefly about Zumbe. You
15 stated that you attended marriage ceremonies in Zumbe, transcript 206, page 38, lines
16 10 to 28. You even said that you were an eyewitness of these ceremonies. On what
17 date did this happen?

18 A. It was in the month of June. The ceremony took place on the day (Expunged)
19 (Expunged). It happened on the same day. It took place, the ceremony took place on
20 the whole day, on the whole of that day in Zumbe. It was in the month of June and it
21 was on a Friday.

22 Q. June of which year?

23 A. 2003.

24 Q. Do you know the names of the people who were getting married?

25 A. No.

1 Q. I am referring to the same transcript, page 44, line 18, and you say, and I
2 quote, "After the ceremony, weapons were taken or, rather, a weapon was taken and
3 handed over to Ngudjolo. And if I had four times towards the east, the west, the
4 north and the south. And then the ceremony came to an end." When you say a
5 weapon was taken, who took the weapon?

6 A. It was the sages, the wise men who did that.

7 Q. Could you please give us the names of these sages, of these wise men?

8 A. It was the first time I was going to Zombe. At that point in time, I do not
9 know their names. However, if I see them today, I will be able to identify them or to
10 recognise them.

11 Q. In June 2003, Mathieu Ngudjolo was in Beni; his mother or his
12 mother-in-law had died. What do you say to that?

13 A. I don't think we are understanding each other. I would like to -- I would
14 like that this date should be related to a particular event, such as the arrival of the
15 French. It happened on a Friday. We arrived at Zombe on a Friday. The ceremony
16 started near a graveyard. It was on a Friday. And this date can be related to the
17 arrival of the French.

18 The next day fighting started and the French Artemis force arrived in
19 Bunia. So I would like you to refer to that date. If you can locate the date on which
20 the Artemis operation arrived in Bunia, then you deduct one day and you would be
21 correct, you will get to the point in time I am talking about.

22 Q. You said that Mathieu Ngudjolo was a native of Kambutso. He came from
23 Kambutso; is that the case?

24 A. Yes. Kambutso is his native village, his birth place.

25 Q. So why did the old sages give him a weapon, whereas he is not a native or

1 from Zumbe?

2 A. Kambutso is just close to Zumbe. I don't know why a weapon was given
3 to him, but Kambutso is not far from Zumbe.

4 Q. Mr Witness, was Chef Manu a commander of the FNI?

5 A. Yes.

6 Q. From what date?

7 A. From the time people fled from Bunia.

8 MR KILENDA: (Interpretation) Could we take a moment, your
9 Honour?

10 Q. Witness, a short while ago on the sketch which has already received an
11 EVD number, you indicated -- you put a mango on a particular spot. If I put it to you
12 that there are no mango trees on that spot, or even close by, what would you say to
13 that?

14 A. I do confirm that there was a mango tree on this spot which I indicated.

15 MR KILENDA: (Interpretation) Thank you. Your Honour, at the
16 appropriate time the Chamber is going to appreciate what you have said. I would
17 like to thank you very much for the answers you have provided to the questions
18 prepared by our team. Your Honour, we said that we were going to keep to our
19 word, and you have seen it for yourself. Thank you.

20 PRESIDING JUDGE COTTE: (Interpretation) We have indeed noticed,
21 Counsel Kilenda, and we thank you. Court officer, the documents relating to the
22 transcripts, especially the telephone transcript which was supposed to be reviewed
23 by the translators, have those documents returned with the changes which Mr
24 Hooper wanted to see included?

25 MR HOOPER: It's in course at the moment. I think the appropriate

1 edited part has been delivered, at least as far as the Court Bench. It will now go to the
2 Registry to be checked. It will then come back to us before distribution just so that we
3 are quite sure that there hasn't been a problem and all that shouldn't take very long at
4 all. But I'm wondering whether in the circumstances Mr Garcia might find himself in
5 the position, if he has further questions in re-examination, to put them now and it
6 may be that he does, and then we can come back to this matter which is a discrete
7 matter as soon as that document arrives. And I hear in fact it's come back and it's
8 okay, is it?

9 PRESIDING JUDGE COTTE: (Interpretation) Apparently, it's not going
10 to take much time and I don't think that we should allow cross-examination which is
11 going to be interrupted. Mr Hooper, please take the time to verify.

12 MR HOOPER: It seems in order. What's come back to us now, as
13 I understand it, is in order and can be distributed. And may I say, there's very little
14 change to the original document that was circulated a week ago, some time ago.

15 PRESIDING JUDGE COTTE: (Interpretation) Very well. Court officer,
16 do you have a sufficient number of copies for the Prosecution team, the Ngudjolo
17 team and the legal representatives, as well as the Bench, because Mr Hooper would
18 like to be -- or would like to make reference to that document.

19 It looks like the document has been sent by email and so I believe that
20 the various parties and participants can display it on their screens.

21 THE INTERPRETER: Message from the English booth: Would it be
22 possible to have a copy sent up to the interpreters, please?

23 PRESIDING JUDGE COTTE: (Interpretation) Is it possible, court
24 officer, to send hard copies up to the interpreters? Hard copies should be sent
25 immediately to the interpreters so that they can accomplish their duty more

1 conveniently.

2 Thank you, court officer. We have indeed received your mail. Do you
3 have it on your screens? Not yet? I have just received it on my screen. Since we are
4 sitting in a courtroom which is at the cutting edge of technology - I have received the
5 documents in my email. The question I have for you all is whether the two accused
6 persons can have copies before them. They absolutely need hard copies. The hard
7 copies are being printed. It's a long document, but we need copies for the accused
8 persons and for the interpreters.

9 MR HOOPER: And does the witness have a copy? He does. Does the
10 witness have a copy of the transcript? He will get one in a moment. All right. Thank
11 you very much. And what I was proposing to do is that, as you know, this transcript
12 has being checked several times now by the Registry, this is the product that's being
13 printed out now, those relevant portions of the transcript.

14 The original tape of the telephone conversation is in Swahili and there is
15 perhaps two parts of that, one right at the beginning where the witness introduces
16 himself, and there's a later reference to an association between the witness and
17 someone. As far as I can gather, those are the only two matters that need to be in
18 closed session.

19 What I was proposing is that if we could play the tape and follow as
20 best we can the tape, we can perhaps stop from time to time just so that we know
21 which page we're on because the original is in Swahili, but follow this solely on the
22 transcript. And in the meantime, those who assist us in interpretation can follow it,
23 and if at the end of the tape there are any -- any matters that perhaps we should have
24 our attention drawn to - and I very much doubt there will be - but if there are, then
25 perhaps it can be done in that way, by way of an ex post facto correction. And that

1 way we can get to play the tape, follow it. The tape lasts some 20 minutes, and I hope
2 we could comfortably conclude the audio playing certainly by the time we rise at
3 half-past 1. And indeed, I may very well have finished any questions I may have. I
4 haven't got very many questions on it.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Hooper.
6 Prosecutor, before I give you the floor, court officer, do you have enough hard copies
7 for those who are supposed to use such hard copies? Mr Garcia.

8 MR GARCIA: (Interpretation) Thank you, your Honour. Before we
9 start with questions on the telephone conversation between Germain Katanga and the
10 witness, I would like to remind the Chamber that the Prosecutor had expressed its
11 intention to object to the fact that this document or questions related to the telephone
12 conversation be used by the Defence to demonstrate the innocence of Germain
13 Katanga.

14 I simply wish to make this reminder and I wish to say a few words,
15 with your permission.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr Hooper, the use to
17 which you are going to put this transcript, what is your intention? Do you want to
18 prove the innocence of Germain Katanga or do you simply want to use it for other
19 purposes?

20 MR HOOPER: For other purposes. This was a matter that was heavily
21 trailed by the Prosecution in December of last year before you, the judges of fact. At
22 some point we, the Defence, would formally wish to address that issue. And it
23 appears that this would be the appropriate time with the witness.

24 The witness has made assertions of fact concerning the nature of this
25 telephone call which is not supported, we say, on the transcript and it's for that

1 purpose and to that issue and therefore to general issues relating to the witness that
2 this matter goes.

3 There is nothing that is being relied upon in the course of the telephone
4 conversation which, so far as I can think of, is relied upon as proof of fact.

5 MR GARCIA: (Interpretation) After listening to Mr Hooper, I would
6 like to say that our concern was that the statements of the accused cannot be
7 challenged by a witness. If we have to talk about innocence the accused has to sit on
8 the bench and be examined. Mr Hooper has just confirmed that his purpose was just
9 to highlight the credibility of the witness and that is why he wants to use the
10 transcript of the phone conversation. And, that said, we don't have any objection to
11 his using the transcript.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.
13 That's what we understood as well. Mr Hooper has clearly explained things and both
14 parties have fully understood. Court officer, are we in a position to listen to that
15 recording? And Mr Hooper, it's up to you to say when we have to go into private
16 session. Have the hard copies been distributed? I have always wondered about the
17 convenience of printing hard copies within the courtroom.

18 MR GARCIA: (Interpretation) Your Honour, we think that there
19 should be a voice distortion in the recording in order to protect the identity of the
20 witness, if that is possible.

21 PRESIDING JUDGE COTTE: (Interpretation) Has this important issue
22 been taken care of; namely, that the voice of the witness should be distorted if we are
23 going to broadcast this recording to the public?

24 Madam Menegon, no problem? Is there any swift procedure that could
25 be used to distort the witness's voice or do we have to go into closed session? That

1 might be the simplest solution. It is impossible to distort the voice; therefore, since
2 we are concerned with the protection, and this decision was made even before the
3 witness came to testimony, that we wanted to protect the witness's identity and avoid
4 any reference to anything that could identify him, then we think it would be prudent
5 to listen to this recording in closed session. My apologies to the public.

6 Professor Kilenda?

7 MR KILENDA: (Interpretation) Yes. I just want to say that we do not
8 yet have hard copies for the accused.

9 PRESIDING JUDGE COTTE: (Interpretation) Yes, we need those hard
10 copies. As I said a moment ago, the accused persons do not have their email on the
11 screen in front of them. That's why it's so important to have hard copies for them.

12 MR KILENDA: (Interpretation) Mr Hooper has just settled the issue.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well, then. So let us
14 all remain calm. Should we move into closed session, Mr Hooper?

15 MR HOOPER: Yes, and I can say to those in the public gallery this is
16 20 minutes or so, probably take us to half-past 1. It will take us 20 minutes to play the
17 tape in closed session. And I'd merely ask you, Mr Witness, to listen to the tape and
18 then I'm going to ask you just one or two questions of you at the end of it.

19 PRESIDING JUDGE COTTE: (Interpretation) There we have it. Thank
20 you, Mr Hooper. Yes. To the public, you have understood that the protection of the
21 witness, who could theoretically be threatened because of this, is the priority. We are
22 going to have to cut off the sound for half-an-hour then. Yes, you've understood, I
23 see. Thank you very much. Let us then move into closed session so that we can listen
24 to this recording which Mr Witness will listen to very closely.

25 (Private session at 1.02 p.m.)

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8 (Closed session at 1.13 p.m.)

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13 (Open session at 1.14 p.m.)

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

15 PRESIDING JUDGE COTTE: (Interpretation) We are in open session.

16 Before parting company, Counsel Hooper, do we agree then that the objective of
17 following through with this witness, who is now not here, is to do with the credibility
18 of the witness and that your concern is for us to hear the tone in which this
19 conversation takes place? And there, I am following on from what Mr Gilissen said;
20 is that indeed your intent?

21 MR HOOPER: That is.

22 PRESIDING JUDGE COTTE: (Interpretation) Very well. This should
23 reassure Mr Gilissen. We therefore rise until 2.15.

24 (Luncheon recess taken at 1.15 p.m.)

25 (Upon resuming at 2.18 p.m.)

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9	(Private session at 2.18 p.m.)
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14 Page 70 Expunged – Private session

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Page 73 Expunged – Private session

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2 (Open session at 3.24 p.m.)

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

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

5 Prosecutor, could you please tell us how long your cross-examination is going to take,
6 please? You have the floor.

7 MR GARCIA: (Interpretation) Your Honour, I had estimated about
8 30 minutes but, given the nature of the cross-examination carried out by Mr Hooper, I
9 may exceed 30 minutes.

10 PRESIDING JUDGE COTTE: (Interpretation) Well, please do start
11 quickly.

12 QUESTIONED BY MR GARCIA: (Interpretation)

13 Q. Witness, good afternoon, once more.

14 A. Good afternoon.

15 Q. I am going to be as brief as possible under the circumstances. I would like
16 you to try to make a final effort to answer some of my questions. Now, the reason
17 why I am intervening once more in the proceedings is just to ask you to make certain
18 clarifications on points that you have stated in the past days. And my first question
19 to you is the following: In your evidence you stated that Germain Katanga was
20 injured, it's in transcript 208, page 27, that he was injured during the battle of Tchai.
21 Do you remember having made such a statement?

22 A. Yes.

23 Q. Could you please tell us simply when did the battle of Tchai take place;
24 was it before or after the Bogoro attack?

25 A. It was before.

1 Q. Could you tell us how long this took place before the Bogoro attacks,
2 approximately?

3 A. I do not know.

4 Q. This morning you talked briefly about the fact that you noticed that Chef
5 Manu had at his disposal a Motorola. What can you tell us about that?

6 A. Yes. It is true that Chef Manu had a Motorola in his home which he used
7 for communication.

8 Q. And when you talk about his home, what place are you talking about in
9 particular?

10 A. Chef Manu lived in Zumbe.

11 Q. Could you explain to us briefly how you came to notice, under what
12 circumstances you saw that Motorola?

13 A. Whenever he moved around, Manu had his Motorola with him, and even
14 when he came to Aveba, he had it with him.

15 Q. Do you remember when Chef Manu came to Aveba?

16 A. Yes.

17 Q. Now, if I gave you as a point of reference the Bogoro attack, would you
18 say he came before or after the Bogoro attack?

19 A. Manu came to Aveba before the Bogoro attack. Before.

20 Q. Could you tell us how long before the Bogoro attack, in terms of number of
21 days or weeks? Well, that is if you can.

22 A. It would be difficult for me to say it with any accuracy, but he came shortly
23 before the Bogoro attack; one or two weeks prior to the attack on Bogoro.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, I have
25 some information for you. I would like to say that we can sit right up to 4.15 p.m.,

1 but at 4.15 p.m. we absolutely have to rise.

2 MR GARCIA: (Interpretation) Thank you, your Honour.

3 Q. Just one last question: (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 Q. Could you please tell me whether this happened before or after the Bogoro
8 attack; this discussion that you're talking about?

9 A. It was after.

10 Q. Witness, I'm going to change topics now and I would like us to discuss the
11 meetings that took place in Aveba on the Bogoro attack. In the course of your
12 testimony, you informed us that you attended meetings organised to discuss the
13 Bogoro attack. You also stated that some of these meetings were informal. What can
14 you tell us about that?

15 A. I thought I said the following with respect to those meetings: I said two or
16 three persons could meet each other and discuss the Bogoro attack, and the people
17 were saying, "We have to attack Bogoro. We have to attack Bogoro." These were
18 things that were discussed between two or three persons.

19 Q. Very well. If I understood you well - and you should correct me if I'm
20 wrong - these meetings of two or three persons were the type of meetings you
21 described as informal meetings; is that correct?

22 A. Yes.

23 Q. Just so that we understand you better, just for the Chamber to understand
24 you better, when you say these meetings were informal meetings between two or
25 three persons, were they informal in the sense that there were no formal invitations

1 sent out, or because they discussed on any subject such as the attack on Bogoro?

2 A. Yes, I made that statement, but I would like to add the following and you
3 will find it in my statement: There are certain subjects which they discussed on,
4 strategic subjects, strategic issues, which everybody could not discuss and which
5 were the preserve of only a few people.

6 Q. And with respect to these informal meetings, the informal meetings you
7 attended, could you please tell us who else attended such meetings?

8 A. Are you referring to civilians here? Well, if an influential person or
9 someone who had access to the camp was present during such discussions, then
10 I would say such individuals were participating in such meetings.

11 MR GARCIA: (Interpretation) Your Honour, I would like us to go into
12 private session for a while given the nature of the questions I have -- subsequent
13 questions I have for the witness.

14 PRESIDING JUDGE COTTE: (Interpretation) Court officer, please.

15 (Private session at 3.36 p.m.)

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Page 78 Expunged – Private session

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5 (Open session at 3.40 p.m.)

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

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

8 Mr Prosecutor.

9 MR GARCIA: (Interpretation)

10 Q. Mr Witness, another issue that I wanted to discuss with you concerns the
11 aircraft. You gave Mr Hooper some answers in cross-examination, and I would like
12 to try to clarify the issue of the planes which brought weapons and ammunition to
13 Aveba prior to the Bogoro attack.

14 A. To my knowledge, it was ACROS (phon) Airlines which made the flights.
15 Apart from that company, I didn't see anything else.

16 Q. Just to be clear here, Mr Hooper asked you questions about the number of
17 planes that landed and, amongst other things, you told us that you saw a plane from
18 which Dr Adirodo alighted and then you told us again about flights, flights that
19 would land there before the Bogoro attack; is that correct?

20 A. There was only one plane that landed.

21 Q. Very well, that was the purpose of my question. Talking about those
22 flights, you told us that planes landed in Bogoro before -- or rather in Aveba before
23 the Bogoro attack. What can you tell us about that?

24 A. I did not quite understand your question.

25 Q. My question is as follows: Talking about flights, were there other planes

1 that landed later? You have mentioned a flight from which Dr Adirodo alighted. Did
2 other planes land in Aveba, that is to your knowledge, and brought with them arms
3 and ammunition before the Bogoro attack? Did you hear about those planes, or did
4 you hear them fly over without necessarily seeing them?

5 A. It was the same plane.

6 THE INTERPRETER: The Swahili interpreter would like to point out
7 that the witness's answer means two things: Either it was the same plane landing
8 several times; or it was planes of the same type or make.

9 PRESIDING JUDGE COTTE: (Interpretation) Mr Witness, can you
10 clarify your answer? Was it the same plane - the same type of plane - that landed?

11 THE WITNESS: Yes, it was a make of plane which landed several
12 times.

13 MR GARCIA: (Interpretation)

14 Q. And that type or make of plane landed how many times in Aveba before
15 the Bogoro attack?

16 A. It would be difficult for me to count the number of times, but I would say
17 that that plane landed on several occasions.

18 Q. Just to be clear, when you talk about the same type of plane, you talked
19 about MANGOMAT planes and you also mentioned ACROS Airlines. Are you
20 referring to those particular planes?

21 A. Yes, it was ACROS Airlines.

22 Q. I'm sorry, Mr Witness. Please continue, if you needed to complete your
23 answer.

24 A. Because it was a -- an Antonov plane, a twin-engine Antonov plane.

25 Q. And once again in order to be clear, when you said that the plane landed

1 on several occasions were you an eyewitness when that plane landed in Aveba on
2 several occasions?

3 A. Yes, I saw it several times.

4 Q. And if I understand you correctly, these were planes that brought
5 weapons and ammunition before the Bogoro attack?

6 A. Yes, that was the plane that brought in ammunition supplies.

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

8 Q. Mr Witness, let me revisit the first question asked to you, that is regarding
9 the injury to Germain Katanga. Can you tell us what type of injury that was?

10 A. It was a bullet wound.

11 Q. And do you know where the bullet hit on his body, what part of his body?

12 A. In the leg.

13 Q. Can you tell us whether Germain Katanga received treatment for that
14 wound?

15 A. Yes, he was treated at the Aveba hospital.

16 Q. Can you tell us approximately when before the Bogoro attack he was
17 treated at the Aveba hospital?

18 A. The distance between the hospital and his home is not far. That distance
19 could be approximately 150 to 200 metres.

20 Q. Let me repeat my question, Mr Witness: Can you tell us how long before
21 the Bogoro attack did Germain Katanga receive treatment at the hospital for his
22 wound?

23 A. The distance between his residence and the hospital is not long. It was a
24 simple injury; it was just a fracture. He could -- it was not a fracture, he could go
25 there and come back home.

1 Q. Would he have been fit for combat after receiving treatment for that
2 wound?

3 A. Yes.

4 Q. Would he have been fit to take part in Bogoro -- in the Bogoro attack?

5 A. Yes.

6 MR GARCIA: (Interpretation) Your Honour, just one moment and I
7 will probably put an end to my re-examination.

8 Q. Just to conclude my re-examination, Mr Witness, I would like to talk
9 briefly about that conversation that you had with both Logo and Germain Katanga.
10 During Mr Hooper's cross-examination, you stated that you did not want Logo to
11 know your position. Can you explain to us what you meant by that?

12 A. Yes. I simply wanted to show that I did not want him to know my
13 position, because I had already been interviewed by the OTP. And if he had known
14 that, it would have been dangerous for me. He would have seen me as a bad guy.
15 That is why I did not want to tell him my position.

16 MR GARCIA: (Interpretation) Thank you, Mr Witness. Your Honours,
17 I have no further questions in re-examination.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
19 Mr Prosecutor. Mr Hooper, for your final remarks?

20 MR HOOPER: I have no final remarks, other than to say there are four
21 documents or things, I think, to be given EVD numbers.

22 PRESIDING JUDGE COTTE: (Interpretation) Yes.

23 MR HOOPER: The email with the details has gone to the Registry.

24 PRESIDING JUDGE COTTE: (Interpretation) Court officer, can you
25 read out the evidence numbers to us immediately. Very well. Please go ahead and

1 then we will give the floor to Mr Kilenda.

2 THE COURT OFFICER: Your Honour, therefore, the sketch which has
3 previously been admitted as EVD-OTP-197 and has been annotated during the
4 cross-examination will become EVD-D02-00076 and is a public document. The tape
5 of the telephone conversation is a confidential exhibit and will become
6 EVD-D02-00077.

7 MR GARCIA: (Interpretation) I'm sorry, your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) Please, go ahead.

9 MR GARCIA: (Interpretation) Obviously, the Prosecution had already
10 commented on the use of the transcript and the audio, and the Prosecution objects to
11 those documents being admitted in their entirety.

12 PRESIDING JUDGE COTTE: (Interpretation) What do you mean by
13 that?

14 MR GARCIA: (Interpretation) That is the audio and transcript of the
15 conversation between the witness and Mr Katanga.

16 PRESIDING JUDGE COTTE: (Interpretation) Why?

17 MR GARCIA: (Interpretation) Simply because there is information on
18 this transcript that is basically self-serving evidence on the part of Mr Katanga. He
19 reveals his defence and gives exculpatory evidence, and that is why the Prosecution
20 would like to object to that.

21 PRESIDING JUDGE COTTE: (Interpretation) Can I have a French
22 translation for the phrase, the English phrase used by the Prosecutor?

23 MR GARCIA: (Interpretation) Mr President, this is extremely
24 exculpatory evidence given by the accused himself, and usually this is not admissible
25 in adversarial proceedings. If such evidence has to be provided, then the accused has

1 to take the witness stand and in that case he will be cross-examined by the
2 Prosecution. So the accused person cannot do indirectly what he cannot do directly.
3 So if that transcription with what is included in it is admitted, and I do not want to go
4 into details, but this is a fundamental principle in a trial of this nature.

5 MR HOOPER: I don't know if you want a reaction from us, but I'd say
6 very briefly that it wasn't admitted as it were for the truth of facts or assertions made
7 within the context of the -- of the transcript, but rather, it was admitted and is
8 admissible because it goes to the issue of the reliability of this witness.

9 Secondly, we adopted a mode of procedure which allowed us to deal
10 with the matter relatively expeditiously and accurately, and that was to accept a
11 transcript that was a true and accurate reflection, as far as possible, rather than have
12 the matter, as it were, read into the transcript by having a contemporaneous
13 translation made of the Swahili spoken in the course of the transcript. Now, that
14 would have been obviously on the transcript and would have formed part of the
15 formal matrix of referable material that the parties could resort to.

16 But as I say, it's not my intention to use this statement as some
17 Defence statement or the like, that wasn't its purpose, and I know nor would this
18 Chamber ever be inclined to treat it like that. So I would have thought that Mr Garcia
19 can rest assured that this is not some part of a cunning plan on the part of the
20 Defence at all.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, I believe
22 that ever since we have been talking about this transcript, and this morning at my
23 express request, the Defence team for Germain Katanga pointed out that the use of
24 that transcript and the recording, and this is logical for the Defence team, was to
25 inform the credibility of the witness and that was the sole purpose. Mr Hooper has

1 told us that again.

2 We heard the recording, but it was not interpreted, so it is not in the
3 transcript. He has told us once again that the intention was to test the credibility of
4 the witness. All of us heard the answers that the witness gave to the questions put by
5 Mr Hooper, as well as the answers to the questions that you have put to him in
6 re-examination.

7 The Chamber will make its determination when the time comes as to
8 whether the answers given by Witness 219 are of a nature to affect his credibility. We
9 accepted that this document be debated during the hearing. A lot of time was
10 devoted to translation yesterday. And, according to Mr Hooper, it is only the issue of
11 credibility, and credibility only, and it is on that basis that the Chamber will examine
12 the substance of that transcript. Do you have any final remarks, Mr Kilenda?

13 MR KILENDA: (Interpretation) Thank you, your Honour. Two short
14 questions and one small exercise.

15 QUESTIONED BY MR KILENDA: (Interpretation)

16 Q. Mr Witness, in what capacity did Manu own a Motorola?

17 A. Manu had duties. He was head of a group and he was a commander in the
18 army. Those were the two functions that he held. He had a Motorola, but I don't
19 know in what capacity.

20 Q. What army are you talking about?

21 A. The FNI.

22 Q. Since when was Manu a commander within the FNI?

23 A. He was a commander of the FNI from the time he fled Bunia to seek refuge
24 in Zumbé.

25 Q. On what date?

1 A. I cannot give you the date when he fled to the forest. I am not in a position
2 to give you such a date.

3 Q. But when did he flee from Bunia?

4 MR GARCIA: (Interpretation) I object. I do not think that these
5 questions have anything to do with the re-examination that I had with the witness.
6 I think that counsel is going beyond bounds and touching on issues which were not
7 raised during the re-examination.

8 PRESIDING JUDGE COTTE: (Interpretation) It is understood. Counsel
9 Kilenda, if you have another question or another exercise to carry out, go ahead but,
10 court officer, could you please, don't forget about the EVD numbers for the exhibits
11 given by Mr Kilenda. You may proceed.

12 MR KILENDA: (Interpretation) Thank you, your Honour.

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

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19 (Expunged)

20 (Expunged)

21 MR KILENDA: (Interpretation) Thank you. We would like to go on,
22 make a small exercise with your leave, your Honour, we would like to revisit
23 EVD-D03-0069. We would like to know if -- whether it's possible for the witness to
24 locate Triki.

25 PRESIDING JUDGE COTTE: (Interpretation) Court usher, court

1 officer, could you please have the map which we have been using since the beginning
2 of this testimony, could we have it placed on the overhead projector, please?

3 Usher, do you have the map which has EVD-OTP-00197. Can it be
4 projected on the screen so that everyone can see and so that the witness can indicate
5 the locality?

6 MR KILENDA: (Interpretation) This should be done on a confidential
7 basis.

8 PRESIDING JUDGE COTTE: (Interpretation) Indeed, so that the public
9 will not see what's in the document.

10 MR KILENDA: (Interpretation)

11 Q. You have the map before you, Mr Witness. Could you please indicate on
12 that map where Triki is located, to the best of your knowledge?

13 A. Triki is located on this spot.

14 THE INTERPRETER: And the witness is indicating the spot with his
15 finger on the map.

16 MR KILENDA: (Interpretation)

17 Q. Could you put an "X" on the spot? Do you have a hard copy before you?
18 Your Honour, he has not been given a hard copy.

19 PRESIDING JUDGE COTTE: (Interpretation) Court officer, has the
20 witness been provided with a hard copy, because what he has in front of him is a
21 confidential copy which we used this morning on which he already made another
22 indication. Do we have another hard copy on which he can put an X on the spot he's
23 indicating and which then can be projected for everyone to see. We have a clean copy
24 at last. Mine was annotated.

25 MR KILENDA: (Interpretation)

1 Q. Just put an X on the spot in question, Mr Witness.

2 A. (Indicating).

3 PRESIDING JUDGE COTTE: (Interpretation) I think we have to rise
4 because in two minutes we would have run out of tape space. The document which
5 is on the overhead projector, is that a document which bears the annotations put by
6 the witness? Can the witness use his pen to show the indication he made on that
7 map, please.

8 MR KILENDA: (Interpretation) Thank you, your Honour. Thank you,
9 Mr Witness. Your Honour, I am done. I don't know what's going to happen now, but
10 we would have liked for this exercise to be done on the EVD document which we had
11 presented before. So maybe we should give another EVD.

12 PRESIDING JUDGE COTTE: (Interpretation) That's right.

13 MR GARCIA: (Interpretation) Maybe we should also state that there's
14 an X on the spot which has been indicated by the witness.

15 PRESIDING JUDGE COTTE: (Interpretation) Maître Kilenda, you
16 should state for the benefits of the transcript that on this sketch which is going to
17 receive the last EVD number before that of Mr Hooper, the witness has placed an X
18 on the spot which is supposed to replace Triki.

19 MR KILENDA: (Interpretation) Yes, the X is supposed to indicate the
20 village of Triki, below Kavelega, a point which was discussed this morning.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Kilenda.
22 Court officer, we are waiting for you to give a few EVD numbers and then we will
23 rise.

24 THE COURT OFFICER: Your Honours, therefore the sketch just
25 marked by the witness will receive number EVD-D03-00070. Coming back to the

1 documents tendered by Mr Hooper, the recording of the telephone conversation shall
2 become EVD-D02-00077. This is a confidential document and this will also include
3 the transcript of the recording. And the last sketch, DRC-OTP-0127-0054, is a
4 confidential document and shall be given number EVD-D02-00077. Thank you. 78,
5 your Honours, I apologise.

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

7 Mr Witness, your testimony has come to an end. The Court would like
8 to thank you for the time you have devoted to this Court and for all the clarifications
9 you have provided. The Court would like to remind you, as it did at the beginning of
10 your testimony, that what you have said here should not be disclosed to the outside.
11 The -- your statements were given strictly for the Court. The Court would like to
12 wish you a safe journey back to where you currently reside and we would like to
13 wish you good speed in your activities. Thank you, Mr Witness.

14 Before we go back to closed session, the Court would like to thank all
15 the parties and participants for the excellent conditions under which the various
16 testimonies of this witness have been taken. The Court would also like to thank the
17 interpreters, stenographers and technicians who all accepted to work this afternoon
18 with some overtime.

19 We are going to rise as soon as the witness leaves. We are going to
20 reconvene on Monday, 21 (sic) November, at 2 p.m. We should go into closed
21 session, court officer, so that the witness can leave.

22 Mr Witness, thank you very much.

23 (Closed session at 4.17 p.m.)

24 (Expunged)

25 (Expunged)

1 (Expunged)

2 (Expunged)

3 (Open session at 4.17 p.m.)

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

5 PRESIDING JUDGE COTTE: (Interpretation) Well, gentlemen, the

6 accused persons, we are going to meet again on Monday, 1 November, at 2 p.m. We

7 stand adjourned.

8 (The hearing ends at 4.18 p.m.)