

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing. Wednesday 3rd November 2010
9 The hearing starts at of 9.03 a.m.
10 (Open session)
11 COURT USHER: All rise. The International Criminal Court is now
12 in session.
13 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
14 The accused are with us this morning. Good morning, gentlemen.
15 Mr. Prosecutor, did you have a few words for us? Please proceed.
16 MR. GARCIA: (Interpretation) Indeed. Good morning,
17 your Honours. If you'll allow me a few brief remarks having to do with
18 the testimony of P-0028. Basically, I would like to confirm that
19 yesterday we received a filing from the Katanga Defence team, and that is
20 filing 1449, and we wish to confirm that we have no objection to the
21 beginning of the testimony of P-0028 be done beginning on the
22 15th of November.
23 Secondly, your Honour, with regard to the initial testimony of
24 P-0028, I would just like to draw the Chamber's attention to a number of
25 logistical matters and practicalities that will be related to the initial

1 testimony of P-0028. The reason why I am rising this is as follows: It
2 will be necessary for that date be set as quickly as possible so that we
3 can prepare on our side. There's also the fact that P-0028 will be
4 represented by a lawyer, and we are in contact with this person's lawyer
5 to provide information, particularly when the person will begin
6 testimony, so we need a number of days of lead time. The Victims and
7 Witnesses Unit also needs to be given some advance notice so that they
8 can make their own preparations for the arrival of P-0028 so this person
9 can testify on the 15th.

10 This is why I'm making these remarks, your Honour. In light of
11 all these logistical matters, a date needs to be set as quickly as
12 possible, of course with all due respect, your Honour.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.
14 Mr. Hooper.

15 MR. HOOPER: Good morning, Mr. President. Can I just say that
16 we're mindful of concerns of the Court in relation to time. Our concern
17 in relation to P-0028 is to gain some little more sufficient time prior
18 to the commencement of the cross-examination, and so can you, in fact,
19 read and interpret our submission yesterday which relates to not
20 commencing evidence by the 15th of November as, in fact, a request not to
21 commence cross-examination before the 15th of November. In other words,
22 we have no objection to his starting his evidence next week, and -- and
23 our concern is merely that we get sufficient time, about a week or so
24 now, to investigate matters before I have to get on my feet to question
25 him. So I hope that's a clarification.

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

2 Now, during your remarks on Monday, if I recall correctly, you
3 yourself spoke of the 15th of November, whereas Mr. MacDonald and the
4 Prosecutor spoke of the 17th.

5 Now, we certainly understand that you have no objection to the
6 Prosecution beginning on the 15th, but you would like to have a little
7 bit of additional time to begin your own cross-examination. Is that what
8 you are saying?

9 MR. HOOPER: Let me clarify the position. As you know, I'm
10 forever optimistic, overoptimistic sometimes, in terms of how long
11 cross-examinations take and witnesses take. I was concerned that P-0028
12 could be starting his evidence at a time when we hadn't completed
13 inquiries or had sufficient time to investigate.

14 I suggested the 15th of November as a commencement of date for
15 his evidence, but on reflection, we have no problem with P-0028 starting
16 his evidence after -- I've forgotten the name of the next witness with
17 the number 0353. If 0353 were to finish, for example, on Tuesday, we'd
18 have no objection to P-0028 starting Wednesday of next week. Our only
19 concern is that we have sufficient time to investigate matters, and we've
20 said that we think we would have sufficient time, given the circumstances
21 and pressures on time on this Chamber, if our cross-examination, so I'll
22 clarify it now, cross-examination itself doesn't start before the
23 15th of November. That is not an unlikely situation, may I say, in the
24 natural course of things, but it would give us that extra ten days
25 between now and then, or over that, plus a little bit of time we've had

1 since last Thursday to investigate some matters. Those investigations
2 may not be complete, but it's an opportunity for us.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.
4 Prosecutor, please proceed. I'm having some difficulty
5 following. Perhaps I'm not quite awake this morning. I'm trying to
6 understand whether the Prosecution would like to begin on the 15th or,
7 rather, if the Prosecution wishes to begin earlier. I thought you were
8 saying that the Prosecution wished to start on the 15th, which would mean
9 that -- that Mr. Hooper would begin cross-examination on the 17th. Is
10 that it?

11 MR. GARCIA: (Interpretation) Unless I'm mistaken, and
12 Mr. Hooper will correct me if I'm wrong, the Prosecution is ready to
13 begin with P-0028 as of the 15th of November. There is no -- now, if
14 I've understood correctly, Mr. Hooper, it's the cross-exam -- you have no
15 objection for us to beginning with the -- with Witness P-0028 on the
16 15th, if I've understood what he's telling us today.

17 PRESIDING JUDGE COTTE: (Interpretation) Might it be possible --
18 we will conclude testimony of Witness 0160 today, then we will begin the
19 testimony of 0353 and that will continue tomorrow for four hours, and
20 most likely it will continue on Monday for another four -- and perhaps it
21 will go on to Tuesday, and at that date it is probable that the testimony
22 will conclude.

23 Would it be possible for you to begin hearing P-0028 on the
24 10th and/or on the Thursday.

25 THE INTERPRETER: Overlapping speakers.

1 PRESIDING JUDGE COTTE: (Interpretation) We can't rule out the
2 possibility that the Ngudjolo Defence will begin cross-examination.

3 MR. KILENDA: (Interpretation) That we would begin
4 cross-examination? We would like to respect the usual order.

5 MR. GARCIA: (Interpretation) Your Honour, I think it would be
6 better to begin P-0028 on the 15th, given all the logistics. I won't go
7 into all the details, but there are several matters to be dealt with. We
8 have to prepare on the Prosecution side. The VWU also has to prepare for
9 the witness's arrival. So there's a couple of practicalities to deal
10 with. So that second date would be better for us.

11 PRESIDING JUDGE COTTE: (Interpretation) So could we say -- what
12 would the approximate duration be of your examination?

13 MR. GARCIA: (Interpretation) Just a moment. If I could consult
14 with my colleagues.

15 (Prosecution counsel confer)

16 MR. GARCIA: (Interpretation) Your Honour, just to give you an
17 idea, we thought as -- about eight and a half hours, to have a benchmark,
18 given that several witnesses have already testified and P-0028's
19 testimony may overlap and have to do with the same facts. So, of course,
20 the Prosecution will try to focus primarily on the important points, the
21 important points for that witness. So, I would say -- now, I don't want
22 to mislead the Chamber. I would say approximately three days would be
23 sufficient. Of course, I can't take into account the objections that may
24 come from the Defence and any other unexpected things that may crop up
25 when someone is giving testimony. We will try to be as brief as possible

1 if P-0028 will try to focus on the most important facts. Given that
2 testimony has already been given, we will do our utmost to move quickly
3 and conclude his testimony within three days.

4 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, could you
5 remind us when 166 will be appearing after P-0028? I think you said that
6 his questioning will be rather short.

7 MR. GARCIA: (Interpretation) That witness will begin on the
8 29th of November.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well. So I think
10 we now know.

11 Mr. Kilenda, Mr. Hooper, Mr. Gilissen, and Mr. Luvengika, for
12 P-0028 we have the Prosecution saying they will begin on the 15th, and
13 this gives us reason to believe that they will need the 15th four hours,
14 the 16th four hours, and perhaps part of -- part of Wednesday, the 17th.
15 So the Katanga Defence team will begin cross-examination most likely in
16 the morning of the 17th of November. Very well. Or on the 18th, because
17 in the meantime there will be cross-exam -- examination by the Legal
18 Representatives, and perhaps by the Chamber. So should assume the 18th
19 will be the beginning. And this gives us some leeway in light of the
20 amount of time that you have had, in light of the disclosure of this
21 additional information.

22 So that will be the 18th. We won't be sitting on the 19th.
23 We'll have the 22nd, the 23rd, the 24th, the 25th, and I believe we're
24 also sitting on the Friday, the 26th. Could we confirm that point, the
25 26th? And this represents between the 18th and -- a grand total of

1 24 hours. And 28 -- Witness 0028 will have sufficient time to be
2 properly cross-examined, and on the 29th we will be able to start 0166.
3 And as we strongly wish, we hope that 0317 will begin -- will be able to
4 it begin testimony on the 6th of December, and this is so the UN will be
5 able to free up that witness, and that is the week of the 6th of
6 December. We'll also have to add a status conference somewhere so that
7 we can clarify the future -- or, rather, provide a reply to Mr. Luvengika
8 and prepare for the Defences' case. I think this is all possible, quite
9 achievable.

10 Thank you very much, Prosecutor, for that information that you
11 provided us with and this should be sufficient for the Katanga Defence
12 team.

13 Indeed, we did receive, Mr. Hooper, your filing yesterday
14 afternoon within the time-frame. Thank you.

15 Prosecutor, you have until tomorrow, 4.00 p.m., to respond to
16 Mr. Hooper's filing insofar as that you and the other parties have the
17 impression, and I think there was a bilateral meeting that was more
18 important than a multilateral one, so to speak.

19 Now, a great deal of material has been provided. If you could
20 send us reply before tomorrow at 4.00 in the afternoon, we would be most
21 grateful. If you could provide that information even sooner, we would be
22 even more grateful. Of course, all this depends on your workload.

23 THE INTERPRETER: Overlapping speakers.

24 MR. GARCIA: (Interpretation) We will work on that reply. If we
25 are in a position to do so, we will endeavour to file an answer, and if

1 we are able to do so, we will give notice to the Chamber.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 Mr. Hooper.

4 MR. HOOPER: It's -- it's a new matter, it's a brief matter, and
5 it relates to Witness 0353. We have a photograph of her. My application
6 is for leave for our investigator to use that photograph within a panel
7 of photographs to show one person.

8 As you know, we've been permitted to use photographs,
9 photographs, that is, of Prosecution witnesses for a few weeks or a
10 month -- I think a few months now, but there was a particular concern
11 about, as I understand it, this witness, though our understanding is this
12 witness is not herself living within Ituri. So that should assist my
13 application, but I don't want to say more than that other than that, in
14 my judgement, the reason why I'm asking for the use of the photograph is
15 very -- a very significant -- there's a very significant reason for doing
16 so, and we are -- and we'll be handicapped, immeasurably handicapped, in
17 fact, without being able to show that photograph to someone for obvious
18 reasons. There's no sufficient way to describe someone.

19 PRESIDING JUDGE COTTE: (Interpretation) Prosecution.

20 Ms. Prosecutor.

21 MS. DARQUES-LANE: (Interpretation) Thank you, your Honour. The
22 Prosecution is opposed to the request from Mr. Hooper. First of all,
23 this request should be made in writing with all grounds, all necessary
24 grounds.

25 Secondly, this witness, Witness 0353, is a particularly

1 vulnerable witness who is not part -- who does not come under the
2 protection measures of the court. She is not within the protection
3 programme. That is our first remark in reply to this request from
4 Mr. Hooper.

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

7 MR. HOOPER: Can I just say that I haven't, for good reason, in
8 my rights anyway, been able to openly and publicly say the reasons, but
9 I've got no, of course, no objection at all of letting you, the Judges,
10 know the frank reasons, but I would do that on a strictly confidential
11 basis to you, the Judges, and you would see the force, I know, if I do
12 that for the reasons for my application. And we bear in mind that this
13 witness could start today.

14 May I say that the fact that this witness is not a member of any
15 witness protection programme is the witness's election, and as I say,
16 this witness, we understand, isn't living within the immediate milieu and
17 environment of perhaps the area of concern, of Ituri itself, and as I
18 say, this is a discrete use of the photograph. It's not a random use.
19 It will be quite focussed in relation to one person.

20 PRESIDING JUDGE COTTE: (Interpretation) Ms. Prosecutor, we've
21 been asked, and it's true we've had quite a lively exchange this morning,
22 people have been speaking quickly and we have been asked to slow down and
23 to respect the five-seconds rule.

24 You may proceed.

25 THE INTERPRETER: Inaudible.

1 MS. DARQUES-LANE: (Interpretation) Thank you, your Honour.

2 My first remark is as follows: The application from my learned
3 friend is coming in at the very last minute without any advance notice at
4 all.

5 Secondly, we absolutely must have the grounds for such an
6 application which could place the life of our witness at danger. So we
7 object to this application, a strictly confidential application that
8 would exclude the Prosecution.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
10 Ms. Prosecutor. I see that you have made your views known.

11 Now, Mr. Hooper, the Chamber is trying to be as responsive as
12 possible, but you have subjected us to some ill-treatment. That is to
13 say, with regard to Witness 0160 -- no, 0323, the witness we heard by
14 video-conference yesterday, you raised some difficulties regarding his
15 identity, and we dealt with that last-minute application which led to
16 some strong objections from the Prosecution, but you gained satisfaction.

17 Just before 0353 is to begin her testimony, you provide us with
18 this unfounded application to use photographs at the very last minute. I
19 think this application could have come in earlier so that we would have
20 had the minimum amount of time necessary to reflect upon the matter.

21 Now, I must remind you, and of course I'm serving -- using my own
22 memory, but I believe twice you made an application for using a
23 photograph of 0353. It seems to me that twice we told you that the
24 application regarding 0353 was not sufficient and in light of the general
25 framework that was provided a few months ago having to do with the use of

1 photographs by the Defence teams.

2 If today you want 0353 -- or, rather, a photograph of 0353 be
3 used, you must send us as quickly as possible a filing with grounds, and
4 we will strive to reply by tomorrow morning, but we need a filing with
5 proper grounds. We cannot give you the answer you want off-the-cuff,
6 just like that. So please file something in writing. It doesn't need to
7 be terribly long, but the important thing is that you must provide your
8 grounds for making this very last-minute application.

9 MR. HOOPER: May I say, first of all, as you've said,
10 Mr. President, we've earlier applied to use the photograph in a general
11 sense, and because it was in a general sense, the Chamber didn't feel
12 that we had advanced sufficient reasons to do so. So we haven't applied
13 and come can back again in respect of that, but something occurred
14 earlier this week that's caused me to realise that there's now a very
15 specific reason for doing this, and that is information I've received on
16 Sunday or Monday of this week, the 30th of this week. I got -- a number
17 of points came in by way of information. So this has given rise to the
18 problem.

19 So all I can say is, your Honour, that I will make a written
20 submission to your Honours later today in respect of this. And may I
21 just, before the Prosecution, just say one thing. My learned friend just
22 said this witness's life is at risk. We see absolutely no grounds
23 whatsoever for that statement. In fact, this witness, as I've indicated,
24 essentially, 0353, maybe, I've not got -- or I hadn't anticipated I have
25 many questions. She doesn't directly concern us, or Germain Katanga.

1 She doesn't mention him. So certainly as far as we're concerned, and I'm
2 sure there's no mention of -- of our fellow co-accused, Mathieu Ngudjolo,
3 in that -- in her testimony.

4 So to advance this argument that protective measures are
5 necessary here to protect her life is a dramatic and exceptional
6 statement that, as far as we can see, is frankly groundless except in the
7 very general sense.

8 But can I say I hope to get these matters before you as soon as I
9 can and certainly not later than 2.00 this afternoon. And I'm sorry to
10 have raised the matter again and taken up time this morning, but as I
11 say, exceptional things happen exceptionally and that's the situation
12 that I found myself in.

13 PRESIDING JUDGE COTTE: (Interpretation) Ms. Prosecutor, we will
14 leave it at that. We will leave it at that for you. Well, you say that
15 the person's life is in danger. According to Mr. Hooper, that is not so.
16 We will await the filing. We will review the filing and provide a reply.

17 MS. DARQUES-LANE: (Interpretation) I beg your pardon,
18 your Honour, just one particular point having to do with the information
19 that was just provided by my learned friend from the Defence team.

20 (Expunged)

21 (Expunged)

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you. In any
23 event, once that witness appears -- or just before she appears before the
24 Chamber, the Chamber will announce the protective measures that the
25 person will benefit from during the hearing.

1 Mr. Hooper, we await your filing in the time -- in the meantime,
2 we'll have Witness 0160 brought into the courtroom so that you can
3 conclude your cross-examination, and Mr. Kilenda will be able to begin
4 his cross-examination.

5 Court Officer, if we could go into closed session so that the
6 witness can enter the courtroom.

7 (Closed session at 9.30 a.m.)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Open session at 9.32 a.m.)

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

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

20 Good morning, Witness.

21 THE INTERPRETER: Inaudible.

22 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear
23 me. Here we are again this morning to continue with the
24 cross-examination by Counsel Hooper for the Katanga Defence team, so he
25 will be taking the floor first and he shall be speaking directly to you.

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1 Counsel Hooper, over to you.

2 Questioned by Mr. Hooper: (Continued)

3 Q. Yes. Good morning, Madam Witness.

4 A. Good morning.

5 Q. And if you can speak clearly into the microphone because your
6 brief but earlier responses this morning weren't picked up in the -- in
7 the booths by the interpreters. The microphone's been moved a bit closer
8 to you, but it would assist if you do that.

9 So I don't have a great amount to detain you with this morning.
10 We were talking, you may recall, yesterday about Germain's second visit,
11 in February of 2004, to Kampala, and I want to pick up that subject again
12 with you now. And in particular, I want to talk about the occasion when
13 the subjects that most concern us in this court were, according to you,
14 discussed, and you may recall that you list those subjects as the subject
15 of Didier Angaika and discussion about Bogoro and discussion about
16 Mandro. And a little earlier this week you were asked, and I'll remind
17 you through the transcript, where -- you were asked where you were when
18 you heard those subjects discussed, those words, and I'm looking at
19 page 76 of our transcript T-210 of the 1st of November, of Monday, at
20 line 6.

21 You don't have the transcript, I'm sorry, Madam Witness, which is
22 why I'm going to read it to you to save you going over it again. The
23 question was:

24 "When you heard the words said by Mr. Katanga, where were you at
25 that time?

1 Answer --

2 MR. HOOPER: I'm sorry, I'm getting a lot of interference on my
3 phone. Are you? There's other nods here.

4 THE INTERPRETER: Message from the English booth: We suspect
5 that something is knocking against the microphone.

6 MR. HOOPER: There's something knocking -- it's certainly
7 knocking in my ear anyway. All right. Knocking here against the
8 microphone. Right. I think it's the connection.

9 Q. "And when you heard the words said by Mr. Katanga, where were you
10 at that time?"

11 That was the question that was put to you. And your answer was:

12 "We were at my home, and he told us these things. There was this
13 matter of Bogoro, Mandro, and the story of Angaika Didier. All these
14 little stories, that was at my home."

15 And then you go on:

16 "And when were these words said?"

17 This is at line 22. Answer:

18 "We -- we were at home. P-0012 was meant to write a political
19 declaration because they had just split from -- they had just separated
20 from the Lendu."

21 And you were asked to clarify what it was that P-0012 was
22 drafting, and your answer at page 77, at line 9, you say:

23 "He helped them. They drafted that, and P-0012 had to help them.
24 Using his computer he had to print out lots of versions of it, and in
25 that way they could can sign and give it to those people concerned to

1 show them that now they were a political party, a separate political
2 party. It wasn't just an armed wing but a political party as well."

3 Now, I remind you of -- of those things. And am I right in
4 saying that it was on the same trip, that February trip, that you were
5 appointed representative of the FRPI, their representative (Expunged)?
6 That all happened in the same trip. Am I right in saying that?

7 I'm sorry, was there a reply to that? Was that all in the same
8 trip?

9 A. Well, the way you finished your question, it didn't seem like a
10 question. That's why I was waiting instead of answering. But before
11 even answering, and I will answer the question, but first of all, I
12 wanted to say how very hurt I felt yesterday with the question you asked
13 me about the relationship that I might have had --

14 Q. (* Previous translation continues) ... just say one thing, we are
15 in open session at the moment, and what I raised yesterday was in private
16 session. I'm not raising it again today, but if you do want to say
17 something about it, can I very respectfully suggest, for the protection
18 of your feelings, that we go into private session. It's a matter
19 entirely for you. You're very much your own witness, but I was careful
20 to restrict what I said to the ears of those within this room, not even
21 those in the gallery, and let alone those who may read the transcripts
22 or -- all right? So -- as I say, I'm not going to raise it again, and
23 I'm sorry if it upset you putting it, as I realise it must have done. I
24 apologise for that. As I said, I wasn't seeking to embarrass you,
25 although inevitably that was the product. But if you do want to say

1 something about it to me or -- and I do understand your feelings, may I
2 say, if you do want to say something about it, can I respectfully advise
3 you to do so in private session. It's a matter for you.

4 PRESIDING JUDGE COTTE: (Interpretation) Witness, we only heard
5 you very briefly a moment ago, but we did get the feeling that you wanted
6 to say something. We're not going to go into private session, because,
7 and I repeat, we did understand that some of the questions that were put
8 to you yesterday did hurt you and that you wanted to tell us that. We
9 have heard what you have said. We have understood you, and yet at the
10 same time the Chamber would like to indicate to you that in the framework
11 of the Defence's activities, it is possible that for reasons which are
12 perhaps not clear to you and sometimes witnesses do not understand, that
13 the counsel might find himself asking you questions which are less
14 comfortable for you. They could shock you or hurt you, and by listening
15 to you even briefly a moment ago, we have seen that this was indeed the
16 case yesterday.

17 I don't think that this is something to complain to the Defence
18 about. Remember that if the accused is facing severe penalties, then the
19 Defence has every right to engage in these activities. I'm going to ask
20 you then to set aside what happened yesterday, because it was just at a
21 moment in -- in the evidence-giving process, and it will not be repeated.

22 Mr. Hooper has clearly understood that, and he has just said that
23 he will not be continuing on this particular aspect in his
24 cross-examination, and even yesterday he stated that that would not be
25 repeating -- be repeated.

1 It's very difficult, Madam Witness, to do what you are doing, and
2 we welcome your efforts, and we offer you our thanks for having accepted
3 to come along to the court and answer these questions even if sometimes
4 they shock you or hurt you.

5 Let us proceed. Counsel Hooper.

6 JUDGE DIARRA: (Interpretation) I should like to add one thing.
7 It is very important to defend the accused given that they are facing
8 severe consequences, but the witness also has the right to a minimum of
9 respect.

10 Madam Witness, it is our job to ensure you that minimum respect.
11 Testifying is very difficult, but this does not mean that you shall be
12 subject to all kinds of humiliation.

13 Thank you, your Honour. That's what I wanted to say.

14 PRESIDING JUDGE COTTE: (Interpretation) Very well.

15 Mr. Hooper.

16 MR. HOOPER:

17 Q. May I lend my apologies to you for any discomfort or
18 embarrassment that you may have felt yesterday. As I say, it won't be
19 repeated today.

20 Now, the point that I'm asking you about, as you know, I've just
21 reminded you of things you said in your evidence when you were asked
22 questions by Ms. Darques-Lane on Monday at about the time when they
23 things were said, and we can see that you plainly told us that your
24 recollection is that you were at home, and the reason you were at home
25 was that you were -- or, rather, P-0012 was assisting in writing a

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1 political declaration and that this was the same trip as when you were
2 appointed as Legal Representative. And indeed, can I take you to a
3 document which you haven't seen yet, and that's DRC-OTP-0106-0487.

4 As we come to that document, can I ask you this: Am I right --
5 and that's a --

6 MR. HOOPER: In the circumstances, it will need to be a private
7 document, not a public document.

8 Q. And as we come to that, can I just say this, ask you this: Is it
9 right -- I may have asked you this yesterday. I ask you it again. Is it
10 right that it was only during this second trip in February that Germain
11 began to be referred to as president? As far as you know, that was the
12 first time you heard him described as a president of anything; is that
13 right?

14 A. Yes, indeed. It was only when he arrived on that second trip
15 that he introduced himself as *président*, president of the FRPI, and that
16 everything had to be done in accordance with that as a political
17 movement.

18 Q. Now, I hope that on your screen, and I don't know if we've got a
19 paper version -- we may have a paper version of this if you would be
20 assisted by that.

21 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, would you
22 kindly pass this along. I do think that this is the document. It's on
23 the screens? Very well.

24 COURT OFFICER: (Interpretation) For parties and participants,
25 if you would like to see the document on your screens, please press

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1 "PC 1" on your consoles.

2 MR. HOOPER:

3 Q. All right, but -- it's on the screens, but for those of us, like
4 me and others, it's sometimes easier to see it printed out on the page.

5 Now, we can see there it's a recommendation for representation
6 document in French, FRPI, and it's in the name of Germain Katanga, and we
7 can see it reads:

8 "*Président de Force de Résistance Patriotique en Ituri*," attest
9 that and then your name and we can what it says. I won't, as we're in
10 open session, say more than we can see is written down.

11 So was that the formal letter of appointment, Witness?

12 A. I have no knowledge of this letter.

13 Q. Right. Can I take you to another document, and again we can
14 provide you it in -- in hard copy, and this is document DRC-0106-0488.

15 MR. HOOPER: And if the Registry could be -- we have a hard copy
16 here, unmarked. If the witness could be provided that again for her ease
17 of comfort. And this again is a private document and not a public
18 document.

19 Q. And again, Madam Witness, because it speaks of what it speaks, as
20 we can read it, I won't read it out. We can see what its contents are.

21 And in particular, the penultimate paragraph of this FRPI document
22 relating to a certain person, her certain function, and telephone number.

23 And we can see that that's addressed to President Museveni.

24 Now, am I right in saying, Madam Witness, that these are clear --
25 clearly the letters of authority for you? Is that right?

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1 A. No, that is not correct.

2 Q. Well, what else can they be?

3 MR. GARCIA: (Interpretation) I object, your Honour.

4 Counsel Hooper has already cross-examined the witness on a first
5 document, and I feel that his first question on the second document was
6 the relevant one. First you must ask the witness whether the witness
7 recognises the document. If it is not the case, then it is pointless to
8 ask follow-up questions during the cross-examination of a witness on a
9 document that the person has not drafted themselves.

10 The question that Mr. Hooper has just asked initially, the
11 witness apparently answered that she did not know the document, and that
12 is the witness's answer. You cannot, therefore, continue with follow-on
13 questions when there is no knowledge of the document.

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

16 Counsel Hooper, indeed, as with this second document, please
17 reformulate your question so that things are clear, and please ask the
18 witness first whether the witness has knowledge of this document.

19 Thank you. Over to you.

20 MR. HOOPER: Yes.

21 Q. Do you have knowledge of the document?

22 A. I do not know this document. I would like to explain to you one
23 detail, if I may. Germain's people, when they were there, if they had
24 any document to draft, to write, they could do it, and we were in a
25 position to help them with that task.

1 To put this into writing means that it has to be written on a
2 computer and then printed out. This document had never been done by us
3 nor in our home. We have never seen this document, which means that I
4 cannot know this document.

5 Please be careful with all of the documents that you have,
6 because there are some facts that -- there are some fakes that could be
7 circulated around, and you have to be careful of that. But I do not know
8 this document.

9 Q. All right. When you say -- I don't know whether it was the
10 translation or not. Did you say "we have no knowledge of this document,"
11 or was that merely a translation of a French phrase? Can I just ask
12 from -- you said that in French. "*Nous*," "*noun n'avons pas*."
13 (Interpretation) "We don't have."

14 Who is "we"? Who is the "we" you're talking about?

15 A. First I should like to offer an answer. I do not know this
16 document. And secondly, those who could have had a job of writing this
17 out, of making this document, they could give it to P-0012 so that he
18 could print it for them. And in this case he had never done this,
19 because if he had done it, then we would have received it. We would have
20 done it together. And --

21 Q. So --

22 A. -- in a group.

23 Q. So are you saying as you sit there that P-0012 has never seen
24 this document either?

25 MR. HOOPER: And please, do we --

1 MR. GARCIA: (Interpretation) Objection.

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

3 MR. GARCIA: (Interpretation) I am afraid I must object here,
4 because I realise that we have to be very efficient today, but this kind
5 of question cannot be asked to the witness. The witness cannot speak for
6 Witness P-0012. If this is a question that should have been addressed to
7 P-0012, then it could have been done at the due time, but I don't think
8 it's up to the Defence to speculate as to whether the witness knows what
9 P-0012 knew or not. I don't see why -- how this is useful for the
10 Chamber.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, as of
12 the moment where the answer to Mr. Hooper's question was trying to find
13 out what was behind the word "nous" in French, or "we," and was asking
14 whether this referred to the witness plus P-0012, then he was talking
15 about the role that P-0012 could have played in preparing the document
16 that has been presented, even though the witness does not recognise this
17 document. It is, therefore, perfectly normal for Mr. Hooper to try to
18 better understand the conditions in which the document was drafted. I
19 think that this is a justifiable question.

20 Let us not forget that this document was not known to the
21 witness, it is true, but it does have a signature belonging to the person
22 at the heart of this matter.

23 Mr. Hooper, please proceed.

24 MR. HOOPER:

25 Q. And you quite clearly said, though I've lost the point in the

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1 transcript now, you quite clearly said that P-0012 hadn't dealt with
2 this. Let me call up on the English version what you said.

3 "And in this case, he has never done this," you said. And that
4 was the focus of my question.

5 Now, have you discussed this since P-0012 gave his evidence?
6 Have you discussed this, this very point?

7 A. A document that I don't have, how am I going to discuss that with
8 P-0012? What I've said is what I know, what I've seen, what I've heard,
9 what I've experienced. I don't want to say what I don't know. And if by
10 chance there are documents that P-0012 made with them without me knowing
11 that, whatever the case, I was also a member at that time, and perhaps I
12 could read it. It didn't concern me. I wasn't the one who had it sign
13 it. I don't know. Sincerely, I did not know about this document.

14 Q. Now, I think just for ease of procedure, the document that's
15 currently on the screen, though I can't see it here, but is the second
16 document I showed you, 0106-0488. You have it in hard copy in front of
17 you. This is the one addressed to President Museveni. So please look at
18 that, please, with me, for a moment, and then we'll come back to the
19 first document.

20 And in the penultimate paragraph here, let's just -- just read
21 through, please, what it says.

22 There's a telephone number there. Was that your telephone
23 number?

24 A. I no longer remember exactly my telephone number, but whatever
25 the case, if this was me, if it was mine, it's normal that they would

1 have my telephone number. They had my telephone number, and it's normal
2 that they would put it there.

3 But another thing as well: If you look at the e-mail, the e-mail
4 address, I don't even know this e-mail address. I have no knowledge of
5 that. Because I can see this e-mail address, frpikatanga@yahoo.fr. I
6 have no knowledge even of this e-mail address.

7 Q. While you're looking at that, do you have knowledge of the
8 telephones numbers there at the top?

9 A. I don't have the exact number. I do have an idea of it. If I
10 look at the 50, 60, and 11, I do have the idea of the telephone number of
11 Pascal Alezo. I think there was 60 -- 50, 60, 11, that's an idea I have,
12 but I don't know. The 98 -- was it 98? I don't know. At least 50, 60,
13 11. It was something like that in the telephone number of Pascal Alezo.

14 Q. You made mention of basically almost the only function you ever
15 performed in your office in that organisation, and that was visiting
16 embassies. What were you doing at the embassies?

17 A. The function with the FRPI or not FRPI? Because without the FRPI
18 I also visited embassies. I worked with our embassy for the survey
19 carried -- or the census carried out of female soldiers. I don't know --
20 it was carried out in Uganda. Are you talking about that, or are you
21 talking about the FRPI, or generally? Are you talking about generally,
22 or are you talking about the FRPI?

23 Q. Well, you told us that one of the functions you did for the FRPI
24 was to go round embassies. So what were you doing?

25 A. Okay. I thought I'd made it clear. This was to hand in the

1 statement according to which the FRPI was separate to the FNI, and it had
2 become a political party. It was to make them aware of that.

3 Q. Right. Now, what -- just before we leave this document, we can
4 see the date and place that that document states on its face. It's
5 headed in the right-hand corner of the main text beneath the byline, it
6 reads "*Kampala, le 22 février 2004.*"

7 Can I ask you this so that we're clear: Do you think this was
8 printed on your computer at home or not?

9 A. I don't think so. I don't think so. I don't think that this
10 letter was printed in my home. Why was the address and number put of
11 Alezo instead of the president's on the page, and where did this e-mail
12 address come from? All that, this is suspicious. I find this very
13 suspicious.

14 Q. Why do you find it suspicious? Why did you state a moment ago
15 you thought this could be a forgery? What led you to think that? Just
16 tell us, please.

17 A. Yes. Yes, I can share that, because at a particular time, I was
18 in Aru, and I constantly received phone calls from somebody called
19 Michel, Michel Mandefu. He was from the FRPI in Beni at that time, and
20 he told me, "Well, some people are going to contact you. They're going
21 to call you. And its even possible that they're going to make it
22 possible for you to meet them. And if you meet, tell them that the past
23 -- or tell them what we're going to do with Uganda." I said I know
24 nothing about these things. And even if I did -- because they also said,
25 "Tell them that it's you. Tell them that you're our representative

1 there. And then tell them how matters are dealt with with Uganda." And
2 I said, "No, I don't. It's not up to me to do that. I'm not your
3 representative. I'm not your military representative. Why am I going to
4 speak about arms with anyone? If anybody calls me and I speak with that
5 person, I'm going to say what I know. Why am I going to create something
6 that I don't know and share that with them? I'm not one of those people,
7 and I couldn't do that."

8 So I understand that there are things that were done, however,
9 done in order create protection, a barrier, a defence. It's possible
10 that this document is among such things, because there were false, fake
11 things. There were false elements that could be given to people, and I'm
12 not in agreement with that. I don't know this document. I really don't.

13 Q. All right. I've understood you to say that. I'm bemused why
14 you'd think this would be a forged document. It's a very plain-speaking
15 document, but there we are. There we are.

16 Let's -- let's go to the first document again. Let's call up
17 0106-0487. And this is the first document. It's dated -- it's got a
18 very identical -- it's got the identical head -- headline to it, FRPI, et
19 cetera. It's got the "*Présidence*." It's got the e-mail that you have
20 commented on. It's got the telephone number which you believe and I
21 accept is Alezo Pascal's telephone number. That's the first of those
22 telephone numbers.

23 By the way, what's 256? What country code is that? Do you know?
24 That's the second telephone number, +256. Can you help us as to which
25 country code that is?

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1 A. I would have preferred that we continue and see, you know, what's
2 this going to give us.

3 Q. Well, you know, I'm asking the questions, and, you know, I
4 normally do it with a reason.

5 You see, that number is the same number --

6 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.
7 Prosecutor.

8 MS. DARQUES-LANE: (Interpretation) No, it's not an objection,
9 my dear colleague. No, it's just because we have a problem with the
10 transcript in English, which seems to be repeating itself.

11 PRESIDING JUDGE COTTE: (Interpretation) Effectively, the
12 English transcript is -- or is repeating itself or it's some kind of
13 defect with it. The Registrar maybe could raise the concern with the
14 technical services. Perhaps they can deal with this matter so that we
15 continue under the best possible conditions.

16 Court Officer, do you think it's necessary to wait a long time?
17 Can we try to continue without the transcript for the moment? Do you
18 have any precisions in this regard?

19 (Trial Chamber and Court Officer confer)

20 PRESIDING JUDGE COTTE: (Interpretation) Very well. We can
21 continue. Technical services are looking at this difficulty. If the
22 party that's most at ease in the Katanga team could be more attentive,
23 than usual, that would be good.

24 Counsel Hooper, would you like to continue?

25 MR. HOOPER: Yes.

1 Q. So this telephone number that appears there, 256, I've asked you
2 do you know what country code it is, and can you help us?

3 A. I told you that I can't help you in this regard.

4 Q. Because you have the hard copy in front of you. If you go back
5 to the second document, the letter to President Museveni, and you look at
6 the contact number that's been given for you in that document, it's the
7 same number as appears under the e-mail and next to Alezo Pascal's
8 number. That number is the number that's been given to you, assigned to
9 you, in the Museveni letter. Let me read it: (Expunged).

10 "... vous la contacterez sur le numero ..."

11 And I asked you if that was your number and you seemed to -- you
12 said, "I've forgotten." That was your telephone number, wasn't it? And
13 that number was one of the numbers given in these documents. And you
14 tell us you don't even recognise the country code, the country where
15 you'd lived for several years.

16 Are you being frank with this Court?

17 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor. You are
18 probably going to tell us that the witness has already said that she
19 doesn't know this number.

20 MS. DARQUES-LANE: (Interpretation) No, it's not for an
21 objection. It's just for security reasons we need to have the transcript
22 in English if there's any kind of redaction that needs to be made.

23 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, where
24 are we? The technical services, have they been able to solve this?

25 Very well. We are asked for a couple of minutes for the English

1 transcript. This is going to work. The Court Officer will reconnect.

2 So we've got a couple of minutes we have to wait.

3 Witness, perhaps take advantage of this moment to have a glass of
4 water, relax a bit, catch your breath, because Counsel Hooper's asking
5 you a lot of questions. You've had enough? It's difficult. You're
6 right, it's very difficult to be a witness, but as I said to you
7 previously, this is why we thank you for having accepted to come, because
8 it's a difficult task. So I'll allow you to have a break for a moment,
9 and when once again you have the floor, please speak slowly. Just the
10 fact that you speak slower will relax you. I'm talking from experience
11 here. And it's the interpreters who impose that on us. Without knowing
12 it, they calm us down, in fact.

13 COURT OFFICER: (Interpretation) Apparently the transcript
14 problem has been dealt with. Can everybody reconnect to the English
15 transcript or at least those who are following the English transcript.

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

18 Counsel Hooper, please continue.

19 MR. HOOPER: All right.

20 Q. So the number that we have in the President's letter, do you
21 accept that that is, in fact, your telephone number in Uganda? 256, et
22 cetera. Do you accept that?

23 A. I said that I did not remember my number. I had cut off
24 completely from that side. But one thing is true. If this was my
25 number, it was normal that they would have that, because I was in contact

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1 with them. They had my number. If they put it there, that's normal.

2 They had it.

3 Q. Right. Let's come to the first document, which is the document
4 0106-0487. And this you have in front of you. This is a recommendation
5 for representation. Re: Germain Katanga. It reads: "Attest that," and
6 then there's a name. Refers to an office. (Expunged),
7 (Expunged)

8 (Expunged)

9 "We ask -- we ask that all the Ugandan authorities, civil and
10 military come to her aid in case of necessity."

11 Formal ending, signed "Germain Katanga."

12 Just so I'm clear, are you suggesting this could be a forgery
13 too?

14 A. Germain never signed a document that he gave me for this, a
15 similar document. He never did that. He knows. He has to tell you the
16 truth. He knows the truth. And furthermore, as I said, if they did
17 this, why is he going to write "attesting by the present that
18 Maman (Expunged)"? Why? It's not -- it's not so normal. I could say no,
19 you shouldn't say "Maman." You should write "Madam (Expunged)." That -- I
20 could have told him that. He could have made a correction to it before
21 this was printed.

22 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

23 MS. DARQUES-LANE: (Interpretation) We are in open session.

24 PRESIDING JUDGE COTTE: (Interpretation) We are indeed.

25 Witness, please do not forget that we're in open session. There

1 are names that it's preferable not to cite.

2 All that will be repaired.

3 Counsel Hooper, please continue.

4 MR. HOOPER:

5 Q. Now, the source of this document and the last document was
6 P-0012. That is, he produced these documents and gave them to the
7 Prosecution. What do you say to that and your suggestion these are
8 forgeries?

9 A. I told you I didn't know the documents. I know what he
10 recommended to me in Aru, but this I don't know.

11 Q. We'll come to Aru briefly in a moment.

12 Now, what document formally appointing you to the office that
13 you've told us about in relation to the FRPI, what document were you
14 provided with, if any?

15 A. I don't have a document. I don't have a document for that.

16 Q. Well, how were people in Uganda to know that you were, in fact,
17 appointed?

18 A. During the second meeting we were in the hotel -- when we were in
19 the hotel where Germain was staying, we received a visit from the Ugandan
20 authorities, and he introduced himself to me.

21 THE INTERPRETER: Or he introduced me to them, corrects the
22 interpreter.

23 THE WITNESS: (Interpretation) The problem wasn't so much the
24 Ugandan authorities, because the greatest problem was the project that we
25 had to carry out.

1 MR. HOOPER:

2 Q. Very well. Now, looking at this first document, this is the
3 appointment document. We see again the date on it, "Kampala, the 22nd of
4 February, 2004." And the significance, you see, I suggest, of this
5 document and the other document we looked at, both dated the 22nd of
6 February, 2004, is that that date is the date around which
7 Germain Katanga made his -- Germain -- the date around which was the
8 visit of Germain Katanga where you met him for the second time, as you
9 put it. He was there on days either side for about a week of the 22nd of
10 February, 2004. Right?

11 So my question to you is this: Do you agree that the visit of
12 Germain Katanga to you was indeed around about the 22nd of February,
13 2004? A week around about the 22nd of February, 2004. What do you say?

14 A. I have one element which could give me -- well, which would help
15 me answer if I remember. The foundation -- if I remember, the
16 foundation -- or the formation of the party of Jérôme Kakwavu, F
17 something, if I remember that, because I went there in order to go to the
18 birthday or anniversary that there was, rather. The date -- with regards
19 to the date I would be able to take time. I have to take the time in
20 order to remind myself of that, in order to remember that.

21 You have something linked to that. Perhaps I could see that.

22 Q. At paragraph 117 of your statement you say:

23 "In the year 2004 I spent much time at Aru, at Jérôme Kakwavu's.
24 I sold him a car, and each time I went he promised to pay me. That's how
25 I spent so much time at Aru and could observe the behaviour of Jérôme and

1 young girls."

2 And you talk about -- about that. So you appear to have been
3 going to Aru a lot in 2004, according to your statement. Is that right?

4 A. It's in my statement.

5 Q. Yes. Well, do you agree with that today? Do you agree with the
6 in fact that you spent, according to your statement, do you agree today,
7 "Yes, I spent a lot of time in Aru in 2004. I'd sold Jérôme Kakwavu a
8 car," et cetera. Do you agree with that today?

9 A. I recognise that I often went to Aru to Jérôme's place. It was
10 for the cars. And then he asked me to -- to make polos with the
11 inscription of his party, shirts with the inscription. I did go.

12 Q. Was that, in fact, in April 2004 that you went to Aru for the
13 celebration of Kakwavu's anniversary, of his party? Was that in April
14 2004?

15 A. In fact, the celebration, I think that was in February, not in
16 April. The celebration for Jérôme, that was in February. For the
17 celebration, it was in February, and I know that before February, before
18 I went, before Jérôme's celebration I was with Germain, and Germain had
19 already gone back.

20 Q. All right.

21 THE INTERPRETER: Message from the English booth: Two
22 microphones on at the same time.

23 MR. HOOPER: Guilty.

24 Q. Can I take you to another document. I don't have this in hard
25 copy, I'm afraid, but if there is one, it would be, I think, very helpful

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1 for you to have one.

2 MR. HOOPER: And that is document DRC-OTP -- in fact, it's
3 already got an EVD number so I'll read the EVD number: D02-00046. And
4 this is the *déclaration politique* of the FRPI, and this is a public
5 document.

6 COURT OFFICER: (Interpretation) Please press "PC 1" in order to
7 view the document.

8 MR. HOOPER:

9 Q. So if you just look for a moment at that document on the screen
10 or the hard copy that's been provided to you, you see again it's under
11 the FRPI logo and it's a *déclaration politique*, and it goes over to the
12 second page signed Germain Katanga as president of the FRPI. Again it's
13 a document in French. And on the second page we can see the nature of
14 what it's saying because it's declaring the total rupture with the FNI,
15 that the FRPI has become ipso facto a politico-military, independent and
16 autonomous movement. Let me say that slowly. The FRPI is becoming
17 ipso facto an autonomous, politico-military movement. Keeping in contact
18 with the FNI, reiterates its engagement in collaboration with MONUC and
19 supports the commissions -- the resolutions issued by the commission of
20 pacification of Ituri.

21 The first page is a recital of observations on the state of
22 Ituri, relates to the danger to the people of Ituri by foreign troops.
23 "The pauperisation of our people from cycles of war over five years," et
24 cetera, et cetera.

25 Have you ever seen this document before?

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1 A. The political declaration that we prepared that was filed with
2 the embassies -- that I filed with the embassies, well, I really can't
3 remember that, but I had given a copy. If -- when I see what is written
4 here, whereas in the second point, in light of the dangers to the
5 population of Ituri because of the massive arrival of foreign forces in
6 Ituri, I don't see why a political statement that we would give
7 officially to people would make mention of that. I don't see that since
8 I know that the foreign troops came with MONUC. They were with MONUC and
9 they helped bring peace, to calm the situation down, to help with the
10 situation. Why would we say that it was a danger? Their presence was, I
11 don't know --

12 Q. My question -- let me -- let me, please, return to my question.
13 Have you seen this document before?

14 A. Could I see the second page of the document?

15 MR. HOOPER: Mr. Registry -- or Registry, could someone either
16 assist the witness with the screen or can we call it up?

17 Q. You don't have a hard copy in front of you?

18 MR. HOOPER: It's always a nuisance with these documents.

19 PRESIDING JUDGE COTTE: (Interpretation) There you have it. The
20 second page does now appear on the screen.

21 Witness, please take some time to look at the second page, the
22 second page of two.

23 THE WITNESS: (Interpretation) I don't know that.

24 MR. HOOPER:

25 Q. Did you see the document that you say was being prepared over

1 those two days in your house? Did you ever see that document? You were
2 working together with P-0012 and the group that were there. Did you ever
3 see that?

4 A. That document was prepared in Aveba. According to what is shown
5 on the document, it was written in Aveba.

6 Q. Yes, indeed. It was prepared not in your home. That is
7 certainly accepted by the Defence for Germain Katanga.

8 You're looking at the second page. Let's just note what it says
9 in terms of where it's made. It says, "*Fait à Aveba-Mkubwa*," 8th of
10 February, 2004, signed by Germain Katanga.

11 Now if we look at the first page, if that first page can now be
12 brought up on your screen, please.

13 MR. HOOPER: And this is the weakness in the system, I think. Is
14 that up on the screen or not?

15 Q. So we're now looking at the first page. Thank you. If you look
16 at the date there, you see it's "Kampala," the 8th of February, 2004. I
17 certainly accept it wasn't made in your home. This was produced by
18 P-0012. Have you ever seen it before?

19 A. If P-0012 could have produced certain things that they had with
20 them other than -- I don't know. But when I look at the same letter,
21 part of it says it was done in Kampala, the other part in Aveba, I
22 wonder. I wonder what is this all about. I think that it is better to
23 ask me questions about what I -- what I did or what I took part in or
24 what I saw.

25 Q. Just before we leave this document, can we note for the record

1 the logo FRPI, the heading "*Présidence*," the e-mail which is the same as
2 on the other two documents, the telephone numbers of Alezo Pascal, and
3 what is stated in the second document, the letter to President Museveni,
4 as being the witness's telephone number or contact number.

5 Now, coming back to what you did, when Germain Katanga mentioned
6 Bogoro, Mandro, and Didier Angaika's incident, you say that was at your
7 home, and, "We were at our home because P-0012 was helping them, and we
8 were all working together to produce this statement of the new party, the
9 declaration of the new party, separate from the FNI."

10 Did you see the product of that discussion? Did you see that
11 statement that was the object, you tell us, of their being at home and
12 discussing all this. Did you see the declaration that was produced?

13 A. Since we had to sign, we signed that. Germain -- it wasn't just
14 Germain who signed. We signed the document that had to be provided, and
15 I saw -- and I saw it bore my signature as well on it.

16 Q. Well, let me ask you this: Was it this document, the document
17 that we last looked at? Or not? Was it the *déclaration politique* that
18 was produced or not?

19 A. I said that there were signatures. All the things couldn't be
20 just signed by Germain. Germain, address, telephone number of Pascal and
21 me, and signed by Germain.

22 Q. All right. Well you, told us that -- in your evidence --

23 THE INTERPRETER: Correction from the English both: "Could not
24 be signed just by Germain."

25 MR. HOOPER: Thank you.

1 Q. I've already referred to page 76 of the transcript when you say
2 that the little stories of Bogoro, Mandro, and Angaika Didier were said
3 at your home and was said when P-0012 was to write a political
4 declaration, that he was helping them, that they drafted it using his
5 computer. He had to print out lots of versions of it, and that way they
6 could sign and give it to the people. And you've told us that that
7 document that was produced you distributed to embassies.

8 So let me ask you again: The déclaration politique dated the
9 8th of February, is that the document that was produced at your home or
10 not?

11 A. Listen, I don't know exactly -- exactly that. Me, I find -- I
12 find these things a bit different, a bit complicated, because it speaks
13 of the 8th of February. That's a document that was done in Aveba, and
14 the same 8th of February, a document done in Kampala. And all that,
15 that's not normal.

16 Q. See, my position, this is so you're clear in your mind the
17 difference between us, my position is this: That nobody came to your
18 house, certainly not Germain Katanga, to produce a document announcing
19 the division between the FNI and the FRPI and the setting up of an
20 independent political party called FRPI, but you've said that was the
21 very reason why they were at the house for one day, then two days.

22 I suggest Germain Katanga never came to your house at any time
23 for any reason.

24 A. That -- I know that you are defending your client. That's
25 normal. But he will clearly tell you that they came to my home. They

1 ate at my home. I cooked for them. They worked at my home. Not just
2 one time but several times.

3 Q. Now, let's come to the little subjects that were discussed.
4 Didier Angaika, who told you that he was the brother-in-law or
5 stepbrother of Germain Katanga?

6 A. Germain himself told me that.

7 Q. And do you know when this incident where Didier Angaika gets tied
8 to a tree and almost killed, do you know when that occurred?

9 A. I couldn't say what date it was or the date or the month. I
10 couldn't tell you that since he didn't tell me that, but one thing is
11 true: Didier came back from the meeting in Kampala. During that period
12 of time, they were working to prepare a platform that they should sign,
13 working together, the Lendu and the Hema together. I no longer recall
14 when, but it was during that period of time. And when Didier came back,
15 all those things were done to him. I heard of that. I heard that from
16 Germain, and Didier was present since he said, "Ask him." He said Didier
17 was present. It wasn't a lie.

18 Q. Now, you've told us of the others who were present, Pascal Alezo,
19 Didier Angaika, Mohito, Cobra Matata, as well as Germain Katanga, of
20 course. On the subject of Bogoro, what did the others tell you?

21 A. The others didn't really talk about that. It was Germain who --
22 who spoke. Germain was the one who spoke.

23 Q. (* Previous translation continues) ... what did the others speak
24 about? What did any of the others tell you about, about anything?

25 A. For example, there is -- well, when they went down towards the

1 lake, and they had gone to see who was making trouble, and when they got
2 there at the lake, they found -- they were shown a group of soldiers who
3 were making trouble, and --

4 Q. Sorry, who did you say who's telling you this? Who's telling you
5 this? Pascal, Didier, Cobra? Who's telling you this?

6 A. Germain was telling -- was telling how --

7 Q. I've asked you specifically what the others may have said about
8 anything. Anything Pascal, Didier, Mohito, or Cobra told you. Can you
9 remember any subject they discussed with you?

10 A. I said, for example, that Mohito had spoke about how the Lendu
11 had disdain for them and how they were uncomfortable for -- in terms of
12 the behaviour. That was one thing. That was what Mohito said.

13 Q. Was that said at home or in the hotel? I'm asking what was said
14 at home at that time.

15 A. I had said that many conversations of such a nature, we talked
16 about that at my home -- at home. And it was said that Germain began,
17 and I think it was -- I think it was Pascal who supported, who explained
18 further about what Germain had -- Germain had at the lake.

19 Q. Now, when you arrived in court yesterday, you wanted to make some
20 clarifications, and one of them was about Bogoro. And you said that the
21 motive for attacking Bogoro, you remembered, was that he really wanted to
22 sabotage what had happened in Uganda, sabotage this proposed common
23 platform between PUSIC and the FNI, and that was your understanding.

24 Now, did Germain Katanga tell you that in the course of those --
25 what he said about Bogoro at home? Did he tell you that was the reason

1 for attacking Bogoro?

2 A. Germain said clearly, and I remember very clearly, very well,
3 that he was supposed to sabotage. They sabotaged that agreement that was
4 done there. He said that.

5 Q. I ask you that because I notice in your statement, and we have a
6 few minutes left, so let me just put this last point to you. In respect
7 to the attack on Bogoro, at paragraph 96 you say:

8 "Germain Katanga told me that the attack had been done to avenge
9 massacres that the Hema had committed in another village. I don't know
10 exactly which massacre he was speaking about."

11 So what was it? Were you told that the reason Germain gave for
12 attacking Bogoro was to avenge a massacre, or was it to destroy the
13 platform created by PUSIC and the FNI? What do you recall?

14 A. Both things were said, that the Hema carried out many massacres.
15 They massacred many people, the Lendu, and we should sabotage that thing
16 that was done there to put the Hema and the Lendu together, we had to
17 sabotage that. And furthermore, that is why they punished
18 Didier Angaika. Both things were said.

19 MR. HOOPER: Thank you. I've a little longer, not very much.

20 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, if we
21 could go into closed session so the witness may leave the courtroom.

22 Witness, we will be suspending the hearing for 30 minutes. That
23 will give you an opportunity to rest, and we will resume at 11.30.

24 (Closed session at 10.59 a.m.)

25 (Expunged).

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Open session at 11.00 a.m.)

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

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

10 Mr. Hooper, Mr. Kilenda, I think we can still think that 0160 --
11 the other witness is still awaiting.

12 Mr. Hooper, do you have much longer?

13 MR. HOOPER: (* Previous translation continues) ... minutes. Say
14 half an hour.

15 PRESIDING JUDGE COTTE: (Interpretation) And you?

16 MR. KILENDA: (Interpretation) I think about 15 minutes.

17 PRESIDING JUDGE COTTE: (Interpretation) So Witness 0353 will
18 remain with us.

19 The hearing is now suspended, and we will resume at 11.30.

20 Recess taken at 11.01 a.m.

21 On resuming at 11.32 a.m.

22 (Open session)

23 COURT USHER: All rise.

24 PRESIDING JUDGE COTTE: (Interpretation) Court is resumed.

25 Kindly be seated.

1 MR. KILENDA: (Interpretation) Before the witness is brought in,
2 I was asking -- I would like to ask for a couple of minutes to discuss
3 with my learned colleague Mr. Hooper. It's not like me to take the floor
4 like this, but yesterday we received some important information, and
5 after discussing this within our team, we felt that it was of the utmost
6 importance that we notify the Chamber in ex parte with WU, and that's why
7 I'm making this oral submission.

8 Are we not in public session, open session? Yes. Just so that
9 you could perhaps see at which point you might be able accord us this
10 ex parte hearing between the WU and the Ngudjolo Defence team. We think
11 that this would just take a few minutes.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Counsel Kilenda.

14 Court Officer, would you please be able to let us know when the
15 courtroom would be available, bearing in mind that this is an ex parte.
16 Without or with the presence of Mathieu Ngudjolo, sir?

17 MR. KILENDA: (Interpretation) With the presence of
18 Mathieu Ngudjolo.

19 PRESIDING JUDGE COTTE: (Interpretation) So it will be the
20 accused, plus his Defence team, plus the VWU; is that right?

21 MR. KILENDA: (Interpretation) Yes.

22 PRESIDING JUDGE COTTE: (Interpretation) So this would be an
23 ex parte hearing with one of the accused, one of the detainees, which
24 doesn't necessarily mean that it has to be this courtroom here, but it
25 could indeed be another courtroom.

1 Is it possible to find a time slot for this week so that we could
2 have about how long, about one hour, if I've understood correctly?

3 MR. KILENDA: (Interpretation) About 30 to 40 minutes.

4 PRESIDING JUDGE COTTE: (Interpretation) About 45 minutes in a
5 courtroom, not necessarily this courtroom, either tomorrow, Thursday, or
6 given that if we're not sitting Friday, perhaps even on Friday. Could
7 you please let us know by e-mail this afternoon what the available time
8 slots are. That would be of great use to us. Perhaps even the morning
9 or during the day of Friday would be worthwhile to have that ex parte
10 hearing. Thank you.

11 Now we shall move into closed session so that the witness can be
12 brought into the courtroom and so that Mr. Hooper can conclude his
13 cross-examination.

14 (Closed session at 11.36 a.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Open session at 11.37 a.m.)

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

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
25 Court Officer.

Witness: Witness DRC-OTP-P-0160 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 Good morning, Witness.

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

3 PRESIDING JUDGE COTTE: (Interpretation) Now we shall resume,
4 and I see that you can understand me very clearly. Please do remember to
5 speak slowly. Even if you feel like saying many things very quickly,
6 please remember to speak slowly.

7 Counsel Hooper, please proceed.

8 MR. HOOPER: Yes. Thank you.

9 Q. I want to refer to a paragraph in your statement, and for that
10 purpose it would be fairer and easier, I think, if you had a copy of that
11 statement. I know that there was one in hard copy about yesterday for
12 you to look at. I don't know if that statement's available.

13 MR. HOOPER: If it is, I'd be grateful if the witness could have
14 it and the paragraph I'm looking at, and that's in DRC-OTP-0153-0006, is
15 at paragraph 70.

16 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, please, I
17 have my copy here that could be tendered to the witness. I would like to
18 get it back afterwards, but this might save us some time, if you could
19 please pass it on.

20 MR. HOOPER: So it's paragraph 70, if that's on the screen or
21 accessible to us all. It's obviously a private document.

22 Q. And I'm looking at paragraph 70 which is headed "Delivery of arms
23 and finances of the FRPI."

24 And I just want you to read that. Let me just give you an
25 opportunity to read paragraph 70.

1 Right. Now let me just read it into the transcript. I'll divide
2 it into two and ask a question after each of my readings. Paragraph 70:

3 "I have no information concerning delivery of arms or other
4 things to the FRPI. Even in the meetings in February 2004 with the FRPI
5 representatives, one did not speak of the finances of the movement, nor
6 of the arms, et cetera."

7 And is that correct? Madam Witness, is that correct?

8 A. That is what is written.

9 Q. Yes. And is it correct? Do you still agree with your statement?

10 A. In any case, yes, there was no talk about weapons or how arms
11 were received. Maybe it depends on how the question was phrased at the
12 time that I gave this answer in this form.

13 Q. Yes, well, it's pretty clear. Now let me read the second bit and
14 I'm going to ask you again whether you agree with what you say in the
15 statement.

16 "I recall that Germain Katanga spoke of the fact that he had
17 received support from Mbusa Nyamwisi who sent him some uniforms and some
18 arms when the FNI and FRPI were still together. I do not know anything
19 else on the subject."

20 And again, do you agree with what's contained in your statement?

21 A. I recognise my statement.

22 Q. And -- yes, all right. So I think that's a yes.

23 Can I take you to paragraph 105 of your statement. Let me read
24 it into the -- into the transcript. Paragraph 105:

25 "I'd already heard of the Ngiti attack on Mandro before Germain

1 had spoke to me about it. They had sacked the village, and they had also
2 disinterred the bones of Kahwa's father. At Mandro, they had not had the
3 deaths that occurred at Bogoro. The attack took place two months after
4 Bogoro, perhaps about the months of March or April 2003."

5 And again, do you agree with the contents of that paragraph
6 today?

7 A. Part of it, yes, and what isn't mentioned here as concerns the
8 other part is that I had no clear idea of the time lag between the Bogoro
9 attack and the Mandro attack, but when I looked back over things, I had
10 realised that these were events that were actually separated by some time
11 lag, at least one week. They were attacks that came one after the other.

12 And I also recall that when Germain -- when he spoke to me, he
13 said that, "After Bogoro, we went to Mandro." It wasn't as if so much
14 time had gone by between the two. So here there is an error.

15 Q. But you accept, do you, that that's what you said in 2006?

16 A. Well, it was written down like that. Perhaps when I looked back
17 over it, perhaps the person rewriting this made the mistake and I didn't
18 actually realise when I re-read it, and I signed it without realising
19 that this mistake had been made here with the way that it was written.
20 But when I arrived here, I re-read it, and I realised that there was
21 mistake here, because I did actually have an idea of the time-line in my
22 head, and I realised that there was something here that was not quite
23 normal. And perhaps at the time when I made my statement and signed it,
24 I hadn't realised that.

25 Q. Well, just pausing there, is that right, because it's not a slip

Witness: Witness DRC-OTP-P-0160 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

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1 of the tongue there, is it, because in the last words of that paragraph
2 you place the attack on Bogoro as being about the months of March or
3 April 2003. You're consciously specifying a two-month lapse, aren't you?

4 A. As I said --

5 PRESIDING JUDGE COTTE: (Interpretation) Madam Darques-Lane.

6 MS. DARQUES-LANE: (Interpretation) Excuse me. I think that my
7 learned friend might have made a mistake. At the end of paragraph 105
8 it's not talking about the dates of the attack of Bogoro but rather the
9 attack on Mandro.

10 PRESIDING JUDGE COTTE: (Interpretation) Yes. We're talking
11 about March or April 2003.

12 MR. HOOPER: As ever grateful, I -- a slip of the tongue on my
13 part.

14 Q. Yes. We're talking about Mandro, and you're clearly stating it
15 was perhaps March or April. You're making a conscious distancing in time
16 between the Bogoro attack and the Mandro attack of several months. Is
17 that right?

18 A. I think that this is actually the same question I just answered a
19 moment ago. I did not stipulate how much time went by, and neither did I
20 take care to notice this, the way that it was written here when I signed
21 it, but I know that there was the attack on Mandro, the attack on Bogoro,
22 and the Mandro attack took place just after the other one, and it might
23 have been two months, but I'm no expert on the time-line. I don't know
24 exactly when it took place.

25 Q. All right. Thank you. Now, you told us how prior to meeting

1 Germain, you'd heard these terrible things about the Lendu Ngiti, of
2 cannibalism and of brutal killings, and yet within a very, very short
3 time of knowing him and them, you're willing to assume the position in
4 the organisation that we've heard about within the FRPI. Why on earth
5 did you do that?

6 A. Could you please repeat your question.

7 Q. Certainly. You told us when you first met Germain in October of
8 2003, you had heard terrible things about the Lendu Ngiti, of cannibalism
9 and of brutal killings, et cetera, and yet within a very, very short time
10 you have become a member of the FRPI with a function. What really moved
11 you to do that? Why on earth did you do that?

12 A. Thank you for your question. First I should like to say to you,
13 as an observer of what had happened *in situ*, that, I don't know if I
14 could say it this way, I sympathised with the situation of the Lendus
15 overall. I found from the outset when things started that they were in a
16 weak position. They had no support. They were in a dreadful situation,
17 a lot of poverty, misery, and I felt sympathy, empathy with that
18 situation.

19 And secondly, the Lendus, when they made killings, they didn't
20 kill everyone. They didn't kill every single person they found. They
21 were killing their enemies, the Hema. *And I wasn't from the region. I was
22 from somewhere else. I had seen examples of Hema people who had been
23 attacked because they had cooperated with them or they -- but the Lendus were
24 attacking their enemies, the Hema, with others that we call the
25 Kuyakuya (* phon). But he didn't really have any problem -- or they

1 didn't have any problem with them. And even when the war got very
2 intense and people wanted to leave the region, many people took the route
3 towards the Ngiti-Lendu region. They went through there, and the people
4 helped them to flee, to go towards Beni, Kisangani -- or Kasenyi and
5 other places.

6 The Lendus had that kind of heart. This is how they felt about
7 the Hema.

8 After that, if I had accepted this offer and accepted to work for
9 them, even for a short time because it wasn't for a very long period of
10 time, as a member or even * a representative (Expunged)
11 (Expunged), it was because I wanted to help with the training and education of
12 women with the role that they could play in changing society, so that
13 society could become a good, healthy society. And when I understood that
14 Germain was working for a good cause, I felt that I could offer support
15 and help provide access to those people, and I thought I could help in
16 one way or another. I could contribute something to that community as
17 well, which was lacking education, help the women who were in those
18 villages there, help those people to -- to work towards peace and not to
19 go to war for nothing. I thought I could help in one way or another, and
20 those were my reasons for offering support to Germain.

21 Q. But couldn't you have done all that without joining the FRPI?

22 A. That is a good question. To get to know someone, to be able to
23 help someone, you have to be able to live together with that person, to
24 understand their suffering, to understand what they're going through.
25 When you know that, then you can give some kind of help. You could give

1 a remedy, a treatment to the wounds of that person. And I thought that
2 when I was with them, and with the role that I had been given as (Expunged)
3 (Expunged), I thought that I would be able to get closer
4 to the community and assist that community.

5 Prior to that, I had been working to try to help society, and
6 these women soldiers that the Ugandan soldiers had taken from Congo who
7 were suffering, who wanted -- who had been left to their -- to fend for
8 themselves, I wanted to help those women there, and I was trying to
9 understand how it was possible to get them back to Congo. I couldn't see
10 why I shouldn't help the Ngiti community now that I had access to them.
11 To -- yes. I don't see how I could not have agreed to have helped them,
12 to help that community. And -- and that was the best way to help them.

13 Q. Thank you. So I suggest it wasn't Germain Katanga's original
14 idea that you became a representative, but it was P-0012's idea that you
15 became a representative and got in with the FRPI. Is that right?

16 A. P-0012 never asked me to be a representative for Germain's group.
17 Even if it were his idea, I am an individual. I am a person in my own
18 right who fully represents different things to P-0012. In other words,
19 even if he had had this idea, I could have said yes or I could have said
20 no. I went there because I wanted to, because it was my idea. I thought
21 that I could help Germain. I thought I could take the role of a mother,
22 of an advisor. If there was something that wasn't going well, that I
23 could access the community, help women, help children, try to understand
24 their behaviour, to see how they could lower the tensions, how to end the
25 war between these communities. That was my motivation.

1 Q. And that's good and esoteric, but were there not also economic
2 advantages, perhaps, that you and P-0012 could see if you became a
3 representative for the FRPI, if there was financing from Uganda, or fish
4 projects and the like, and perhaps more extensive finance even than that?
5 Was there the possibility of some economic advantage from all this?

6 A. Please excuse me, but I would like you to understand one thing.
7 When Germain et al. arrived, we supported him off our own bat. I want to
8 say to you that since our beginnings, our humble beginnings in the Congo,
9 we had gone through -- before arriving in the Orientale Province, (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: (Interpretation) I was lacking nothing. So how
18 could there have been a financial motivation behind going to Germain with
19 our hand out? What possibly could he have offered to us? We were in a
20 position to help them. When they set off, we could even give them a
21 hundred dollars of -- for the road. We were happy to be able to help, to
22 contribute, because they were working for change. It was a source of
23 pride to be able to work towards change, so that peace could reign again
24 in Ituri and throughout the whole country. It was a source of pride for
25 us.

1 MR. HOOPER:

2 Q. To your knowledge, did Emmy Allio provide P-0012 with several
3 thousand dollars, for example, in respect of the first trip in October
4 2003?

5 A. Thousands of dollars? Ha, I laugh at that. That never happened.

6 Q. All right. Not something you ever heard about, obviously.

7 A. I never heard speak about thousands of dollars which could have
8 been given to P-0012. He never did that.

9 Q. Now, in 2006 when you were making that statement - I'm looking at
10 paragraph 20 - you were asked whether you could tell the interviewer what
11 FRPI stood for, and you said:

12 "I don't recall the meaning exactly."

13 That's just in 2006. Do you remember that? 2006. You didn't
14 know what the words -- or the letters FRPI meant exactly. Do you
15 remember that?

16 A. As -- as I was asked to speak about the party of Jérôme, I'd
17 forgotten it, and it can happen just with regards to a particular
18 question you forget something, and at that particular time I couldn't
19 think of it directly. I couldn't reproduce FRPI directly like that. It
20 was just something I couldn't do at the time.

21 Q. Yes, but this is 2006 when you make the statement, and you say:

22 "I joined the FRPI in February 2004. Even though I do very
23 little work for the FRPI, I am in theory still a member because I've
24 never resigned."

25 And then you go on to say, and obviously as I've asked you, what

1 it stands for, you don't know. So would it be fair to say that -- well,
2 your effective dealings with the FRPI were almost zero, weren't they?

3 A. It was not effectively zero. Not effectively zero, because I
4 contributed in one way or another. It's not because the words don't come
5 to you that the rest is zero. And what would you say about what I
6 invested in them? What would you say about that? Because there was
7 nothing --

8 Q. Well, for example, there were clothes provided to Germain and to
9 Alezo in October and then clothes provided to all four of them when they
10 arrived in February by you, shoes and full sets of clothing, quite a lot,
11 and am I right in saying that you were promised repayment for that but it
12 never came? And that's very annoying, isn't it?

13 A. No, it didn't annoy me. No. Not at all. What they could pay,
14 that was nothing. There were other things that they had, but even if
15 there was something that could be paid, that meant nothing to me. That
16 couldn't annoy me. Why annoy me? I'll tell you something, if I accepted
17 from all my heart to present myself before the court, it's because I know
18 that this court represents something that's very high. With regards to
19 my own position, I was educated to serve my nation, to serve the world.
20 I couldn't sacrifice the request of the court for my relation with
21 Germain.

22 I saw his wife when I was in Bunia. I didn't know her. There
23 was a MONUC friend who introduced her. She was with child --

24 THE INTERPRETER: Or she was expecting a baby, rather, corrects
25 the interpreter.

1 THE WITNESS: (Interpretation) So that's -- I didn't know the
2 situation of her husband, what's happening at the time. She'd heard that
3 he had been arrested in Kinshasa.

4 It was very hard for me to accept to come and come before the
5 court in order to say what I heard and what I saw of Germain, what I
6 experienced with Germain, when I think that some parts can be used in
7 order to convict him, when I think of his wife who I saw poor, looking
8 for -- try and get over the situation or find out what was happening with
9 her husband. But I was determined, because I know what I'm doing. I
10 don't want to live just for Germain. Germain's an individual. I prefer
11 to live for the world.

12 Q. And don't tell me at all, because your location is protected, but
13 you and P-0012 have done very well out of giving evidence, haven't you?
14 You've got out of the country you want to serve, which was a mess, the
15 DRC. You've got out of Uganda where you were having to scrape by, and
16 you're now, since 2006, settled and helped and assisted. You've got out
17 of the mess you were in, haven't you, both you and P-0012?

18 A. I regret -- perhaps I have to tell you something from my heart.
19 Frankly, the situation that I am in, after 2006, I wouldn't want to have
20 lived that before, before 2006. That's to tell you that whatever support
21 there is, whatever anything is, there is nothing. What I might receive
22 in support, I had more when I was without support, when I was without
23 protection. That is to say that there is nothing.

24 We are here not -- not because we were lacking in something, you
25 had to try your luck, no. Inform yourself. Get more information. Not

1 many people know us, but if you just see those who are the members of the
2 movement that we served -- that we serve, carry out investigations with
3 them. In Bunia they're going to tell you who we are, what our economic
4 strength was as well.

5 I think that's what I want to tell you.

6 Q. Well, thank you, and thank you for your -- your assistance. May
7 I ask you, finally, about the organisation that P-0012 held a particular
8 position in. You don't have that piece of paper in front of you, or do
9 you? If you do, it's -- I'm referring to the organisation at 3, and the
10 function performed by P-0012 at -- at 4, but I think you understand what
11 I mean. I'm sure you understand what I mean.

12 So at the time that you fulfil a function for the FRPI, P-0012 is
13 fulfilling a high function, an essential function, in respect of that
14 other political organisation. Was there not a conflict there, do you
15 think, between you and P-0012, a problem of different interests perhaps?

16 A. Excuse me, a conflict between P-0012 and myself? Or with whom?

17 Q. Well, between the people that you were purporting to help and
18 represent.

19 Let me show you a document. It's EVD-D02-00072. And because of
20 the names on it, it's a private document. And you'll have to look at it
21 on the screen. It's one page, so that should be all right.

22 MR. HOOPER: Is that -- is that on our screen now?

23 PRESIDING JUDGE COTTE: (Interpretation) Yes, it's on the
24 screen. Can the accused see it? Yes? Perfect.

25 MR. HOOPER: (* Previous translation continues) ... that the

1 Court is familiar with from the evidence of a previous witness.

2 Q. But -- Madam Witness, can you read English?

3 A. Yes.

4 Q. Jolly good. Now, it's headed "PUSIC," P-U-S-I-C, which is a
5 political party. And if we look there, we have -- and I'll come to the
6 body of the document. These are my last question of you. If we look at
7 the second telephone number there, it's the same telephone as we saw on
8 the three earlier documents, isn't it? That is the telephone number that
9 was given as your contact number in the document we saw. Do you accept
10 that? It's as plain as day, so can I just ask: Do you accept that?

11 A. I see it's the same number.

12 Q. All right. Now, this is written, as you can see, to "His
13 Excellency, the minister of defence." That is, it's addressed to the
14 minister of defence, indeed, for Uganda. And in the first paragraph
15 there's a complaint about a violation of an agreement with the Ngiti,
16 that is between PUSIC and the Ngiti, talks of the restart of killings and
17 kidnappings, that they've attacked PUSIC's camp at Burasi. It claims
18 that the Ngiti people "have decided to collaborate with the enemies of
19 Uganda. The recent Ngiti's attacks against Uganda interests can confirm
20 that." Then talks about the Ngiti people living at the border of
21 Lake Albert and the Semliki River on the border with Uganda. It says
22 that the land occupied by those Ngiti in the plain of Kasenyi *de facto*
23 and *de jure* belongs to Hema people. And then it says this:
24 "PUSIC -- PUSIC has decided to move the Ngiti away from the
25 border with Uganda. To accomplish that, PUSIC will be going to move 400

1 troops from Shari cantonment and to concentrate them in the plain of
2 Kasenyi. To move these troops, we expect the financial and material
3 supports from His Excellency, the President of the Republic of Uganda.
4 Last December 2003, we requested His Excellency, the President,
5 \$40.000 US for that work ... we're still waiting."

6 It goes on to say that the balance of 77 million Ugandan
7 shillings remains from an earlier sums of money. And if we look at the
8 signatures to that, the very first signature we come to is that of
9 P-0012. It's not clear the signature there, but there is a signature
10 there. It may be clearer on the screen than on the photocopy I have.

11 So, this is in -- dated Kampala, 5th of April, 2004. So that
12 kind of conflict, I'm asking you about, because what is being said there
13 is that Ngiti people are going to be moved. We could call it ethnic
14 cleansing, if you like, of the Kasenyi plain, and it's going to be done
15 by PUSIC troops. What -- what do you know about that? What did P-0012
16 tell you, if anything, about all that?

17 A. I know nothing. I don't know. I don't know anything with
18 regards to the cleansing Ngiti. I don't know anything about that.

19 Q. Can you see P-0012's signature on that document?

20 A. I can see it.

21 Q. Thank you. Those are all my questions. Thank you.

22 MR. HOOPER: Oh, right. There are some EVD numbers in respect of
23 documents which I've carefully had noted and I found the document.
24 There's the short document, the table with just the three references on
25 it. Can that be given an EVD number? And the second and only other

1 document is DRC-OTP-0106-0487. All the other documents have been
2 admitted in evidence. Thank you.

3 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

4 MR. GARCIA: (Interpretation) Your Honour, where it concerns the
5 document 0106-0487, I would like to draw the attention of the Chamber to
6 the witness said he had no -- said she had no knowledge of this document,
7 so I think that this document should have an MFI number so it should be
8 identified later as a document that was shown to the Witness 0160.

9 PRESIDING JUDGE COTTE: (Interpretation) Can you quite simply
10 have appear on the screen the document in question. Is this the first
11 document that was presented this morning, which I think was on the
12 witness's table because I provided it. I'd like to get it back also.

13 MR. HOOPER: (* Previous translation continues) ... I have a copy
14 here for your Honour.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much. I
16 can see which document it was. I just wanted to remind myself of that.

17 Court Officer, where it concerns the table with three code
18 numbers, you're going to attribute an EVD number to them.

19 COURT OFFICER: (Interpretation) Thank you very much,
20 your Honour. The document containing the table will have the reference
21 EVD-D02-00079.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Where it
23 concerns the document with the reference DRC-0106-0487, the witness at
24 the start of the cross-examination with regard to this document indicated
25 that she did not recognise it. In the cross-examination of

1 Counsel Hooper, he spent a long time on that document, setting it against
2 other documents, and it's at the heart of the cross-examination, so it
3 should also have an EVD number, Court Officer.

4 COURT OFFICER: (Interpretation) Thank you, your Honour. The
5 document DRC-OTP-0106-0487 will have the number EVD-D02-00080. And I
6 would like to state that the two documents are filed as confidential.

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

9 Before giving the floor to the Defence team of Mathieu Ngudjolo,
10 Judge Van den Wyngaert would like to ask a question to the witness for
11 clarification, and Judge Diarra would also like to do so.

12 Judge Van den Wyngaert, please go ahead.

13 JUDGE VAN DEN WYNGAERT: (Interpretation) Thank you very much,
14 your Honour. Now, with regards to an answer that you provided to one of
15 the questions of Counsel Hooper, I would refer to the transcript, the
16 English transcript, on page 25, line 9 and 10, and I'm referring to the
17 English transcript, page 28, lines 16 and following.

18 The question is basically about information with regards to your
19 visit to the embassies in your function within the framework of the FRPI,
20 and there, if I've understood you well, you stated that you also
21 exercised functions or carried out visits to these embassies outside of
22 your functions within the FRPI. Here I will quote you. You state,
23 line 19:

24 "The functions with the FRPI or without the FRPI? Because
25 without the FRPI I also visited embassies. I worked, for example, with

1 our embassy to carry out a census on women soldiers who were in Uganda."

2 So this is my question: When you talk about your embassy, which
3 embassy are you speaking about there, which country? Thank you.

4 THE WITNESS: (Interpretation) I'm talking about the embassy of
5 the Democratic Republic of the Congo.

6 JUDGE VAN DEN WYNGAERT: (Interpretation) Thank you.

7 PRESIDING JUDGE COTTE: (Interpretation) Judge Diarra.

8 JUDGE DIARRA: (Interpretation) Thank you, your Honour.

9 My question was a problem with the numbers. Witness, could you
10 help me, because I noted that the (Expunged)

11 THE INTERPRETER: The number was too fast for the interpreter.

12 JUDGE DIARRA: (Interpretation) (Expunged) was noted under the address
13 of Germain Katanga, under his e-mail address. Now, we were told that you
14 had the same number when you were taken -- to take contact with
15 (Expunged), and I see that it's the same number that we also find for
16 PUSIC. Do you have an explanation for that with regards to this same
17 number that was used at such different places?

18 THE WITNESS: (Interpretation) I, too, was wondering why my
19 number, if that's my number, why it was found there, and that -- why it
20 was also found with PUSIC. I had nothing to do with what PUSIC was
21 doing. Why was my number there? That's what I was going to ask myself.

22 JUDGE DIARRA: (Interpretation) Thank you.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda.

24 MR. KILENDA: (Interpretation) Thank you, your Honours.

25 Questioned by Mr. Kilenda:

Witness: Witness DRC-OTP-P-0160 (Resumed) (Open Session)
Questioned by Mr. Kilenda

Page 63

1 Q. (Interpretation) Good afternoon, Witness.

2 A. Good afternoon.

3 Q. My name is Mr. Kilenda. I'm from the DRC. I live in Belgium,
4 where I work as a lawyer, and I am a member of the Brussels Bar.

5 I would like to ask you a few questions on behalf of the Defence
6 team of Mr. Ngudjolo.

7 Now, the Presiding Judge has mentioned this on several occasions:
8 Please try to follow the 15 -- five-second rule before speaking. This
9 will make things easier for our interpreters and our court reporters. I
10 think you've understood that point.

11 A. I beg your pardon?

12 Q. Did you understand, the Witness? I'm asking you to follow the
13 five-second rule before replying, and at the same time I would like to
14 remind you to speak slowly. Have you understood what I have just said?

15 A. Yes.

16 Q. Thank you, Witness. Ma'am, have you had an opportunity to listen
17 to the hearing of P-0012 over the internet when he was here in The Hague?

18 A. No.

19 Q. Thank you. I would like to refer to the transcript of the
20 1st of November, 2010, page 63, line 20 to 23. In response to a question
21 from the Prosecutor, who is trying to determine how Germain Katanga was
22 in a position to give the order, you replied, and I quote:

23 "He was the military commander of the Lendu but on the Ngiti
24 side, but he also said that the Lendu also had helped him from the
25 Ngudjolo side, and he had helped them."

1 My question is as follows: When did Germain Katanga tell you
2 that?

3 A. It was when Germain explained to us the things that -- about the
4 attack on Bogoro.

5 Q. Do you remember the date?

6 A. The date I no longer recall. Unfortunately, I'm not able to
7 remember dates. I really can't remember. I no longer remember the date.

8 Q. And where was that?

9 A. At our home.

10 Q. At your home. What do you mean by that exactly?

11 A. At our house.

12 Q. And when you were heard in 2006 by the OTP investigators, did you
13 tell them that?

14 A. I think that you have what I -- what I had said. In principle,
15 yes, I remember. I remember. When I was questioned, you know, as I told
16 you, it was somewhat difficult for me to decide to come here and give
17 testimony as a witness. Inside I was struggling, and I had to deal with
18 that struggle within myself, and also directly some things might escape
19 me, because I didn't really know -- I didn't know what to expect, what I
20 would be asked. But afterward, I reviewed, thanks to the -- I reviewed,
21 and, yes, there was this, there was that, that's how things happened, and
22 things came back to mind, like a film in -- and you're in the film,
23 within -- a film inside of me.

24 Q. Are we to understand that when you were heard by the OTP
25 investigators in 2006, you did not tell them about Ngudjolo?

1 A. I had said that I no longer recalled. I no longer knew. At that
2 time, the Lendu were already separated, or I had some -- there was a bit
3 of a confusion in my mind. There were doubts, and there was emotion. I
4 was dealing with emotions initially, but after, I realised there was
5 this, there was that, there was the other thing, and this is what
6 happened, and that is what happened, and I remembered how things had
7 unfolded.

8 Q. Thank you very much, Witness. I would like to read paragraph 95
9 of your statement to the investigators of the OTP. Paragraph 95, you
10 say, and I quote:

11 "In February 2004, Germain Katanga told me about the attacks he
12 had led on Bogoro and Mandro. The alliance between the FNI and the FRPI
13 was already in existence at that time, but I no longer recall whether
14 Germain had mentioned if the attack had been carried out by the people of
15 the FNI and the FRPI together or not. I suppose that these two attacks
16 had been done just by the Ngiti of the FRPI, because Germain was not
17 really in a position to lead the Lendu of the FNI, as I have just
18 explained."

19 My question is as follows: Why these two contradictory versions?
20 Do you have some explanation for that?

21 A. If you -- if you read, you will find that I was not specific. I
22 wasn't specific, because as I said, things were still -- I didn't have
23 everything in order. Things were not clear in my mind with what -- in
24 terms -- in relation to the questions that were asked of me, but when I
25 reviewed, I realised that, yes, he said -- they said that the Lendu were

1 also there who had attacked on the other side, because they came. The
2 Ngiti were on one side and the Lendu were on the other side. He had said
3 that. I realised that, yes, it's true, but that's why I said I suppose.
4 It wasn't -- I needed to review it in my memory to say exactly what I
5 knew.

6 Q. Thank you very much, ma'am. But in 2006, you were close to the
7 events of 2003, closer than in the year 2010.

8 A. Yes, you are right, but it was just as if at that time I was able
9 to review what had been written and give much more information, much
10 greater clarity at that time. But since that time, I haven't reviewed
11 that, only now, but I already had all that -- all those things. Ever
12 since that time when I was asked those questions, I had all the things
13 clear in my mind. There was this, there was that. In any event, I
14 wasn't specific. I was -- well, that's how it was.

15 Q. Thank you very much, Witness. But all the same, I would remind
16 you that you were heard -- interviewed over several days, the 24th of
17 April, 2006, from 10.00 till 1.00; then on the 25th of the second month,
18 from 9.00 in the morning on; the 26th from 9.10 until 1.00 in the
19 afternoon; and what's more, before you signed your statement, you read
20 over them. What do you say to that?

21 A. I said this: A situation is emotional, and -- and that can
22 really contribute, but after, when you go beyond that emotion, that state
23 you are in, you focus and everything becomes clear and normal again.

24 We didn't go back the days -- not all three days on the same
25 matters. There were changes. I just went quickly over each -- each

1 thing, but in actual fact, it's as I told you. If after those three
2 days -- or one week later, if I had reviewed it, my things, I would have
3 had everything. I would have been able to add other things. There was
4 time allowed for that. But unfortunately, I was never recalled to
5 perhaps add some things that I had after, after the first conversation.

6 Q. Thank you very much, Witness. I would like to thank you for your
7 assistance by answering our questions.

8 With leave of the Presiding Judge, the Ngudjolo Defence team
9 would like to join in with the Chamber and wish the witness a safe trip
10 home. Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Kilenda.
12 Prosecutor, do you have any other questions as part of your
13 re-examination?

14 MS. DARQUES-LANE: (Interpretation) No, your Honour.

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

17 Do the Legal Representatives of Victims have any further --

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

19 MR. LUVENGIKA: (Interpretation) No, your Honour.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
21 Mr. Luvengika, Mr. Gilissen.

22 Mr. Hooper, have you any final observations?

23 MR. HOOPER: No, thank you.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda?

25 MR. KILENDA: (Interpretation) No further observations.

1 PRESIDING JUDGE COTTE: (Interpretation) No further observations
2 from Mr. Kilenda.

3 Witness, that will be all. The Court wishes to thank you for
4 your time, the time you have spent with us. Thank you for the
5 contribution that you have made. Thank you for the efforts you have made
6 to remember events and provide answers to the questions that at times
7 were difficult for you, the various questions that were asked of you.

8 As the representative of the Ngudjolo team just said, we wish you
9 a safe trip home to your place of residence, and once again we thank you
10 for coming to appear before the Court.

11 THE WITNESS: (Interpretation) Thank you very much, your Honour.
12 I would like to thank everyone from all my heart. I thank you.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, ma'am.

14 Madam Court Officer, if we could go into closed session so the
15 witness can leave the courtroom, and then we will return to open session.

16 Farewell, ma'am.

17 THE INTERPRETER: Inaudible.

18 (Closed session at 12.48 p.m.)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Open session at 12.48 p.m.)

1 COURT OFFICER: (Interpretation) We are in open session,
2 your Honour.

3 PRESIDING JUDGE COTTE: (Interpretation) Before we bring in
4 Witness 0353 into the courtroom, the Chamber would like to make an
5 announcement regarding the protection measures that this witness will
6 enjoy during her testimony.

7 On the *23rd of November, 2009, regarding the protective measures
8 for a number of witnesses, the Chamber ruled that this witness would
9 enjoy the following measures: First of all, use of a pseudonym;
10 secondly, voice distortion; and thirdly, image distortion.

11 Today, on the 3rd of November, 2010, the Chamber is of the
12 opinion that there are no grounds that would justify returning or
13 revisiting the decision having to do with these measures, particularly in
14 light of the high risk of social of stigmatisation that this witness may
15 be subject to. This person is a victim of sexual violence and could
16 suffer social stigmatisation if her identity were to be disclosed
17 publicly.

18 Furthermore, the VWU believes that this witness is vulnerable,
19 and that situation was provided for specifically in our ruling,
20 ruling 1667, mention earlier, of the 23rd of November, 2009, and I refer
21 you to paragraphs 14 and 15.

22 The Chamber wishes to remind all that Regulation 88 of the
23 Regulation on Procedure and Evidence allows the Chamber to order special
24 measures, particularly measures intended to facilitate testimony from a
25 traumatised witness or a person who has been a victim of sexual violence.

1 The Victims and Witnesses Unit had an opportunity to speak with
2 Witness 0353 on the 1st and on the 2nd of November, 2010. So quite
3 recently. The unit informed the Chamber that this witness is still
4 traumatised by what she may have seen and what she may have experienced.
5 That is why as of this particular date the unit recommends, and this has
6 been the case for other witnesses in the same situations, the unit
7 recommends that a support person from the unit be seated beside the
8 witness. This support person shall be female and shall speak Swahili.
9 With the presence of the support person, the witness will be reassured,
10 and what's even more important, she will be in a better position to give
11 testimony.

12 The unit has also recommended that when questions relate to any
13 form of sexual violence, that the witness be questioned with all possible
14 respect and in a very sensitive manner. The Chamber realises that the
15 parties and the participants are mindful of such requirements, and we
16 merely remind you of these requirements just before the testimony begins,
17 and we are most grateful for your cooperation.

18 Now, on the other hand, we are not planning to set up a --
19 anything separating the witness from the two accused. That is the
20 decision taken by the Chamber. Witness 0353 will enjoy a pseudonym,
21 voice distortion and image distortion, and in turn, the Chamber will
22 order that we go into closed session when the witness enters or leaves
23 the courtroom.

24 Given that similar provisions have been followed without any
25 incident, the Chamber also intends to agree to the presence of the

1 support person from the VWU beside the witness, a female support person,
2 not to feed the witness answers in any way, shape or form, but, rather,
3 to provide support to the witness. This is what the Chamber has decided,
4 and we believe everyone understands this and that this will be useful for
5 the demonstration of the truth.

6 Witness 0353 wishes to speak in Swahili.

7 We will now bring in the witness, and to that -- and we will go
8 into closed session, but Ms. Prosecutor, before the witness comes in?

9 MS. DARQUES-LANE: (Interpretation) I would like to beg the
10 Chamber's indulgence. We need to change our team members, and we need
11 10 or 15 minutes -- a suspension of 10 or 15 minutes to change team
12 members.

13 PRESIDING JUDGE COTTE: (Interpretation) Well, it is true that
14 when one moves from one witness to another, both literally and
15 figuratively, means a short suspension. We do wish to at least take the
16 witness's solemn declaration. If we have a brief suspension, that will
17 slow us down.

18 Now, is the second team in the starting blocks?

19 MS. DARQUES-LANE: (Interpretation) They are ready, but I don't
20 think they have come down yet, and myself, I have to go up to my office
21 and get a different set of documents.

22 PRESIDING JUDGE COTTE: (Interpretation) We will resume in
23 ten minutes.

24 Court Officer, will ten minutes be enough? I know that there are
25 other considerations, other sequences to respect.

1 We will resume at 1.05. So the hearing shall now be suspended
2 for ten minutes.

3 Recess taken at 12.58 p.m.

4 On resuming at 1.08 p.m.

5 (Closed session)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Open session at 1.10 p.m.)

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

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

20 Good morning, Witness.

21 THE WITNESS: (Interpretation) Good morning.

22 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear
23 me loud and clear. You can hear me loud and clear?

24 THE WITNESS: (Interpretation) Yes, I can hear you.

25 PRESIDING JUDGE COTTE: (Interpretation) Witness, the Court is

1 going to hear your testimony, not for very long this morning, for longer
2 tomorrow, and then we will continue next week.

3 You are here before us to help us better understand the facts
4 pertaining to the charges faced by the accused.

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE COTTE: (Interpretation) So you can hear me
7 clearly?

8 THE WITNESS: (Interpretation) Yes, I can hear you clearly.

9 PRESIDING JUDGE COTTE: (Interpretation) That's perfect. So as
10 I was saying a moment ago, your testimony is important for all of the
11 parties and participants in this room, and also for the Court, which you
12 have come to assist by coming to give testimony.

13 Yesterday, you had it explained to you that first of all
14 Madam Prosecutor will put some questions to you. This will be followed
15 by the questions of the Legal Representatives of Victims, who will
16 introduce themselves in due course. The Chamber may also ask you some
17 questions, and finally, it will be the turn of the Defence counsels for
18 the two accused. They are here on my right, to your left.

19 The Victims and Witnesses Unit will, no doubt, have told you that
20 you must not speak about your testimony here before the Court when you
21 leave the courtroom. What is said in court time is for your ears alone.
22 Please bear this in mind.

23 We will never call you by your real name, but we will call you
24 "Madam," or "Madam Witness," or "Witness," or "Witness 0353." The image
25 of your face will be distorted on the screens, and your voice will also

1 be modified so that you cannot be identified. These are the protective
2 measures that the Chamber will ensure are expected throughout your
3 testimony.

4 During your testimony, please do not hesitate to tell the Court
5 if you feel tired. This could happen. After a certain period of time,
6 maybe your energy will ebb, and it's up to you to tell us that quite
7 simply if that is the case so that you could regain your energy and
8 perhaps refresh your mind.

9 We would like to recall -- to remind you, as we're doing right
10 now, to speak slowly and clearly and right into the microphone. This is
11 so that the interpreters can hear you clearly and that they can correctly
12 interpret what you say, because you will be speaking in Swahili, but in
13 this room there are many individuals who will require interpretation from
14 Swahili into French and into English. It is therefore very important for
15 you to speak slowly and clearly. And when you answer the questions that
16 are put to you, we will ask you always to observe a brief pause by
17 counting to five. Please do not rush to answer. This is also to
18 facilitate the interpreters' task. We will remind you of this from time
19 to time, and you will see that sometimes we all forget this, and we need
20 to remind one another of this. So speaking slowly and clearly, and
21 respecting a five-second time lag.

22 Now we are going to move into private session for a brief period
23 so that you can tell us your identity and your profession, and then we
24 will come back into public session or open session so that we can -- we
25 can take your solemn undertaking, your oath.

- 1 Court Officer, may we go into private session, please.
- 2 (Private session at 1.16 p.m.)
- 3 (Expunged)
- 4 (Expunged)
- 5 (Expunged)
- 6 (Expunged)
- 7 (Expunged)
- 8 (Expunged)
- 9 (Expunged)
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- 23 (Expunged)
- 24 (Expunged)
- 25 (Expunged)

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 1.18 p.m.)

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

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

9 Witness, before starting your testimony, you must undertake to
10 tell the truth. You probably know that this is a solemn undertaking to
11 tell the truth. I shall first slowly read the formula of this
12 undertaking so that you can fully grasp the importance and scope of it.
13 Please listen very carefully to me.

14 "I solemnly declare that I will speak the truth, the whole truth,
15 and nothing but the truth."

16 Have you clearly understood me?

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE COTTE: (Interpretation) From now, do you
19 undertake to tell the truth, the whole truth, and nothing but the truth?

20 THE WITNESS: (Interpretation) Yes, I undertake to tell the
21 truth.

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

23 The Court will now ask you to listen very carefully. You have
24 just undertaken to speak the truth, the whole truth, and nothing but the
25 truth. If during your testimony or in answer to any of the questions

1 that will be put to you you fail to tell the truth, you should be aware
2 that you yourself could find yourself before the International Criminal
3 Court for false testimony, and if it is proven that you have given false
4 testimony, this could lead to sanctions.

5 Have you here again clearly understood what I've just said?

6 THE WITNESS: (Interpretation) Yes, I have heard what you have
7 said.

8 PRESIDING JUDGE COTTE: (Interpretation) Very well. The Court
9 notes that it has been satisfied that the requirements of Article 69(1)
10 and paragraphs (1) and (3) of Regulation 66 of the Rules of Procedure and
11 Evidence have been satisfied.

12 Once again, I need to warn you once again to speak slowly and
13 clearly and loudly into the microphone as you did a moment ago and to
14 please speak slowly. Please do not change language when you are
15 testifying, because this would complicate things for the interpreters.
16 If you have chosen to speak Swahili, please stick to Swahili.

17 Next to you, you have a water and a carafe -- sorry, a carafe of
18 water and a glass. Please help yourself if you so require. If you are
19 thirsty because you are speaking aloud, naturally you may quench your
20 thirst. So please, as we are speaking, do not hesitate to serve yourself
21 some water if you so desire.

22 Similarly, you have, and I see that you've already shown that you
23 are ready to use it, you have a box of tissues on the desk in front of
24 you. If you need to blow your nose, or to cough, or both of these,
25 please do not hesitate to do so. You have to be in good physical and

1 mental condition in order to have these sessions with us.

2 There you have it. Now you have been fully informed.

3 Madam Prosecutor, we don't have a lot of time before us. Do you
4 nonetheless wish to put some questions to the witness this morning?

5 MS. DARQUES-LANE: (Interpretation) I think that given the late
6 hour, your Honour, it would be better to put it off until tomorrow, but I
7 take this opportunity to greet the witness.

8 Good morning, Witness.

9 THE WITNESS: (Interpretation) Good morning.

10 MS. DARQUES-LANE: (Interpretation) But I'm in your hands.

11 PRESIDING JUDGE COTTE: (Interpretation) Let us proceed as
12 follows: Madam Witness, you came along very briefly this morning, but it
13 was a very important moment for us because you've taken the solemn oath
14 and now you know where your testimony will take place. You have been
15 able to see our faces. We shall meet again tomorrow at 9.00 a.m.

16 Court Officer will now take us into closed session so that the
17 witness may leave the courtroom discreetly, and then we will go back into
18 open session.

19 (Closed session at 1.24 p.m.)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged).

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 1.25 p.m.)

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

6 your Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

8 Court Officer.

9 Court is therefore adjourned until tomorrow, 9.00 a.m.

10 The hearing ends at 1.25 p.m.

11 CORRECTIONS REPORT

12 The following corrections have been made to the transcript:

13 * Page 51 lines 10-11:

14 (Expunged)

15 (Expunged)

16 * On page 69 line 7:

17 "3rd of November, 2009" has been corrected by "23rd of November, 2009".

18 * On page 50 lines 21-22:

19 "And I wasn't there. I was elsewhere" is corrected by "And I wasn't from the
20 region. I was from somewhere else".

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