

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
9 Tuesday, 16 November 2010
10 The hearing starts at 9.03 a.m.
11 (Closed session)
12 (Expunged)
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Witness: Witness DRC-OTP-P-0028 (Resumed) (Open Session)
Questioned by Mr. MacDonald (Continued)

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1 (Open session at 9.07 a.m.)

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

3 Mr. President.

4 PRESIDING JUDGE COTTE: (Interpretation) I thank you,

5 Court Officer.

6 The accused are with us.

7 Good morning, Mr. Witness. Can you hear me properly?

8 THE WITNESS: (Interpretation) Yes, indeed.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well, then. We'll
10 be able to proceed with our work. This morning we have two hours -- a
11 two-hour session times two, and the Prosecutor will continue with his
12 examination-in-chief.

13 Prosecutor, please, you may proceed. We shall resume our
14 proceedings where we left them off.

15 MR. MACDONALD: (Interpretation) Thank you, Mr. President. I
16 apologise. Your Honours.

17 Questioned by Mr. MacDonald: (Continued)

18 Q. (Interpretation) Good morning, Mr. Witness. Before pursuing my
19 examination, I would like to hark back, Mr. Witness, in order to clarify
20 two points.

21 MR. MACDONALD: (Interpretation) And in order to do so,
22 Mr. President, unfortunately I'm going to be seeking your leave to very
23 briefly go into private session, because these questions have a bearing
24 on the identity of the witness.

25 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, might we

Witness: Witness DRC-OTP-P-0028 (Resumed) (Private Session)
Questioned by Mr. MacDonald (Continued)

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- 1 go into private session for a previous moment, please.
- 2 (Private session at 9.09 a.m.)
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Witness: Witness DRC-OTP-P-0028 (Resumed) (Private Session)
Questioned by Mr. MacDonald (Continued)

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17 (Open session at 9.14 a.m.)

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

19 Mr. President.

20 PRESIDING JUDGE COTTE: (Interpretation) Please proceed,

21 Mr. Prosecutor.

22 MR. MACDONALD: (Interpretation)

23 Q. Mr. Witness, I would like to put a number of questions to you

24 with regard to the structure that might have been in place in the

25 Walendu-Bindi collectivité, and when I refer to "structure," I mean

1 thereby the military structure.

2 Could you please tell us, firstly -- well, in addition to the
3 camp in Aveba, could you tell us where combatants were located within the
4 Walendu-Bindi collectivité apart from this place?

5 A. Yes. The Walendu-Bindi collectivité was controlled by
6 combatants. There were camps of combatants not only in Aveba but also
7 everywhere else. I would say that within the five groupements of the
8 Walendu-Bindi collectivité they were to be found.

9 Q. So according to your response, there were five groupements within
10 the Walendu-Bindi collectivité, but I might ask you for points of
11 clarification for additional information. I would like you to tell us
12 the main camps within these five groupements. Could you locate them for
13 us, please? Could you provide us with their names, namely, the most
14 important camps?

15 A. I will start with providing the name of our camp, that is, Aveba
16 camp. There was also a camp in Colomba Bavi -- or Olomba Bavi. There
17 was also a camp in Bukiringi and another in the Bavi groupement.
18 Subsequently, however, this camp was re-installed in Kagaba. There was
19 also a large camp at the centre of Geti. There was a large camp on
20 Mandre hill, so I would say that there were many important camps within
21 this collectivité.

22 Q. Very well. You mentioned that the first camp was to be found in
23 Aveba. Yesterday, you stated that Mr. Katanga was the individual in
24 charge of the combatants to be found in Aveba. My question is as
25 follows: Apart from Mr. Germain Katanga, are you in a position to state

1 whether -- or indicate whether there was a commander in charge of the
2 everyday lives of those combatants located in Aveba? That is to say,
3 under Germain Katanga was there a structure, was there a hierarchy, and
4 if so, who were the commanders who were part of this hierarchical
5 structure?

6 A. In answer to your question, the company commander in Aveba was
7 called Garimbaya. He was a company commander. There was another
8 commander, Commander Mbadu. He was also a company commander. There was
9 also an individual by the name of Move, and he was a battalion commander.
10 Move or Move. Those are the commanders, the most important commanders.
11 They followed Germain's orders.

12 Q. And was Mbadu known by any other name? Did he have another name,
13 to your knowledge?

14 A. I do not know him by any other name. He was called *de compagnie*
15 Mbadu. I do not know his other name.

16 Q. And did the battalion have a name? That is to say, the battalion
17 that was located in Aveba, did it bear a name?

18 A. Yes, this company did bear a name. If I'm not mistaken, I
19 believe, this company was called Léopard or leopard.

20 Q. When the BCA camp was fully built, did the same individuals,
21 Garimbaya, Mbadu, Move, whom you have mentioned, were they still
22 commanders posted who were subsequently posted at the BCA, or did the
23 hierarchical structure change?

24 A. I believe that they continued occupy the same positions or posts.
25 Mbadu already had a post at the BCA and had occupied a position there for

1 quite some time. And when the camp was constructed, another camp was set
2 up near the airport in Aveba. Some soldiers, therefore, left the BCA in
3 order to go and set up at the airport. Germain deployed Garimbaya for
4 him to go and monitor the camp located not far afield from the airport.
5 Mbadu remained at the BCA. As for Move, he did not remain in Aveba on a
6 permanent basis. He sometimes went to Nyaga, not far afield from Aveba.

7 Q. If one is in Aveba, can you tell us in what direction one goes to
8 get to Nyaga? Does one go towards Kagaba, Geti, Bukiringi, or, rather,
9 is it in the direction of Uganda, that is to say, to the east?

10 A. As you have just indicated, when you leave Aveba by car, you have
11 to go through Nyaga. It's in the direction of Kagaba. That is to say,
12 on tarmac, on a tarmac road.

13 Q. The second camp that you mentioned, Mr. Witness, is a location
14 that you called Olongba Bavi according to the answer that was translated
15 or interpreted. Now, can you please -- well, we understand that there is
16 a village by the name of Bavi, but was the camp located in Bavi itself or
17 was it to be found in the vicinity, that is to say, close by to Bavi?

18 A. Bavi is a groupement, and the neighbouring villages are within
19 Bavi, but the camp was located in Olongba, close to the marketplace.

20 Q. And who was the commander in charge of the camp in Olongba?

21 A. During that period, the camp was under the control of
22 Cobra Matata. There was a position, and he was the commander of this
23 camp.

24 Q. Under the responsibility of Cobra Matata within the Bavi
25 groupement -- if I am not mistaken, it is called Baviba. I can see that

1 you're nodding your head in agreement. Now, within the Baviba
2 groupement, were there any other camps in other villages or locations
3 under the control of Cobra Matata?

4 A. I would say yes, there were other camps that were under the
5 control of Cobra Matata. And to be more specific, there was a camp
6 located in Singo, which was under the command of Cobra Matata. There was
7 also a camp located nearby to Nyamalinga under the supervision of
8 Cobra Matata. There was another camp in Medhu which was also under the
9 control of Cobra Matata. This is to illustrate that those camps located
10 within the Bavi area were under the control of Cobra Matata. Avenyuma
11 was in the Bavi groupement, but those people located in Avenyuma did not
12 get on with Cobra Matata. Which means that Cobra Matata did not have any
13 power over the camp located in Avenyuma.

14 Q. Could you tell us whether there was a commander in charge of the
15 camp in Medhu, and, if so, could you please state his name?

16 A. If I am not mistaken, it was Oudo and Michelo who was commander
17 in Medhu. Oudo and -- commanders Oudo and Michelo were the commanders at
18 Medhu camp.

19 Q. Commander Oudo, do you know him by another name? What is his
20 full name, if you know?

21 A. No. I don't know him by another name. I know Commander Oudo and
22 Commander Michelo.

23 Q. Could you tell us whether in Medhu there was a section or a
24 company or a battalion posted there, to your knowledge?

25 A. According to the information that I have, it was a battalion

1 posted there in that zone.

2 Q. Do you remember the name of that battalion?

3 A. No. I no longer recall. It might have been an infantry
4 battalion. We called them the infantry.

5 Q. Let us now move on to the third camp that you mentioned. I'm
6 speaking of Bukiringi. My question is: Who was the commander
7 responsible for the camp in Bukiringi?

8 A. Commander Bebi was responsible for the Bukiringi camp. His name
9 was Bebi Alpha.

10 Q. "Bebi" means "baby." Have I understood correctly? If you could
11 clarify that point for us.

12 A. I don't know. The only thing I do know is that his name was
13 Bebi Alpha, Commander Bebi Alpha. If there was a particular context, the
14 word could have come from the word "baby," but I don't know. But his
15 name was Bebi Alpha.

16 Q. Do you know why his name included the word "Alpha"? Why was
17 "Alpha" part of his name, if you know?

18 A. Everyone knew him. Everyone knew that his name was
19 Commander Bebi Alpha. However, when he spoke on the telephone or on the
20 radio phone, he would be called Alpha. Alpha was like his nickname or
21 his first name. I don't know.

22 Q. You also mentioned a fourth camp that was located -- that was
23 positioned at Kagaba. Before I ask my questions, I'd just like to go
24 back to one point that you mentioned. You said that -- and if you could
25 re-explain. You mentioned or you made reference to Kagaba was before in

1 the groupement of Bavi, but then after, you said something about Kagaba.

2 Could you clarify. Could you explain exactly what you mean to the
3 Chamber.

4 A. Could you make your question a bit more specific.

5 Q. I will rephrase my question. Do you know how -- my question
6 certainly wasn't clear. I don't want to lead the witness when I ask my
7 questions. That is why I don't always give all the items of information
8 in my question.

9 Now, could you tell us, how did combatants come to be posted in
10 Kagaba, if you know? Why was it that men -- or, rather, combatants were
11 posted in Kagaba?

12 A. I wouldn't say that there weren't any combatants in Kagaba, but
13 let me specify, yes, there were combatants in Kagaba, but their presence
14 had no impact. As I had to explain here, the camp was in Avenyuma, and
15 at one particular time, part of the staff in Avenyuma left for Kagaba
16 because the people who were in Avenyuma did not get along. So let me
17 explain. Some of the combatants who were in Avenyuma left the camp to go
18 set up operations in Kagaba.

19 Q. Very well. So who was the commander who was in charge of the
20 camp in Kagaba?

21 A. The head commander in Kagaba camp was Commander Yuda as well as
22 his colleague called Commander Dark. Yuda was the number one guy, and
23 the second in command was Commander Dark.

24 Q. Now, do you know Commander Dark by another name?

25 A. No. I don't know another name for Commander Dark. However, the

1 people had the habit of calling him Chakanabo. Chakanabo, I think that's
2 a name or a nickname from the Ngiti ethnic group.

3 Q. Witness, were there positions that came under the command of Yuda
4 that were to be found close to Kagaba?

5 A. Knowledge (* as interpreted). Kagaba was under the control of
6 Yuda. However, towards the last day, he went to open another camp at the
7 border, very close to the lake. I'm referring to the lake that separates
8 my village of origin from Uganda. He went to open a camp at that place,
9 but I don't know the name of that village.

10 Q. When you make reference to the lake, do you mean the lake that is
11 found facing Tchomia and Kasenyi, Lake Albert?

12 A. I couldn't tell you. It might be the same lake, but I have no
13 specific information. The only thing that I do know is that it is the
14 lake that is between the Congo and Uganda. It forms the border, so to
15 speak.

16 Q. Could you tell us whether in Kagaba was it a section, a company,
17 a battalion that was posted there?

18 A. It was a battalion. There were many commanders. It was a large
19 base.

20 Q. Do you remember whether the battalion had a name?

21 A. It was known as the Kagaba garnison.

22 Q. If we go from Kagaba and head towards Bogoro, in other words,
23 between Bogoro and Kagaba, were there other positions?

24 A. Yes. There was one position. It was located on the hill, and it
25 was known as Lakpa.

1 Q. Was there a commander responsible for that particular position
2 located at Lakpa?

3 A. Yes.

4 Q. Do you remember his name?

5 A. His name was Commander Lobho Tchamangere.

6 Q. You also mention that there was a position -- or, rather, a camp
7 at Mandre. Now, was Mandre known by another name? Could you explain to
8 us, perhaps, first of all, whether Mandre was known by another name and
9 where it might be located within the Walendu-Bindi collectivité, please.

10 A. That camp was located on the Mogaluvu (* phon) hill. I don't
11 have any specific information about the boundary of the groupement.

12 Q. If we were to place ourselves in Aveba, could you tell us what
13 direction that camp was located if we look at the line -- the various
14 lines to the communities? If we look at the points of the compass with
15 Aveba being in the centre, Mandre would be in what direction?

16 A. Mandre is between Kagaba and Tchekele, or I could place it
17 between Kagaba and Aveba.

18 Q. Who was the commander responsible for that camp in Mandre?

19 A. It was Commander Anguluma. And unless -- if I'm not mistaken,
20 that camp was located on the hill, the Alimo hill.

21 Q. Do you know the name of the groupement in that place?

22 A. In -- well, Alimo is within the Bamuko groupement because I know
23 that there is a village located in that groupement, and that hill is
24 located in the same groupement beside the village that I know, and I
25 believe that it is the same place.

1 MR. HOOPER: (* Previous translation continues) ... name for the
2 groupement on the transcript, at least not in the English.

3 PRESIDING JUDGE COTTE: (Interpretation) In the French
4 transcript, page 14, line 5, we see the answer:

5 "Alimo is located in the groupement of Bamuko, because I do know
6 that there is a village that is located in that groupement, and this hill
7 is located in the same groupement beside the village that I know, and I
8 believe that it is the same place."

9 So the English transcript will be able to include that item of
10 information that the witness just gave, and I will make that reminder.

11 Prosecutor.

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

13 Q. A few moments ago you spoke about Avenyuma. Now, once the camp
14 was created at Kagaba and Yuda was there, you said that there was still a
15 camp in Avenyuma. What was the name of the commander of that camp?

16 A. Avenyuma is the base of the soldiers who had set up operations in
17 Kagaba. The head commander in Avenyuma was Safari Ndekote Ndkolobo.
18 That man was the head commander of the camp. He was assisted by
19 Commander Yuda, and third came Commander Dark.

20 You know, I'm saying this: The soldiers had left the camp to go
21 live in Kagaba. The reason was, I believe, a conflict between
22 * combattants at that camp, and that is why Yuda went to set up operations
23 in Kagaba with some of the combatants. He went and set up operations
24 there. Safari Ndekote remained in Avenyuma but he had no influence
25 because he had a bit of a special personality, and so most of the

1 combatants did not like him. They preferred to leave him and go live in
2 Kagaba with Yuda.

3 Q. Now let us move on to Geti. What was there in Geti?

4 A. In Geti there was a camp. There were combatants. That camp was
5 located in the centre of Geti, on a hill.

6 Q. Do you know whether it was a section or a company or a battalion,
7 and who was the commander in charge of those combatants who were posted
8 in Geti?

9 A. There was a company commander by the name of Androzo, but at one
10 point Commander Androzo was called a battalion commander. Androzo was
11 the number one commander in the Geti camp.

12 Q. Could you tell us -- now, you've told us about the camps. You've
13 described them. I also understand your testimony earlier when you said
14 there was a camp around Bulandjabo. Of all these camps, who was the
15 commander of all the combatants who were to be found in the collectivity
16 of Walendu-Bindi? In other words, who was the Commander-in-Chief?

17 A. As I said earlier, you know, in our collectivity the fighting or
18 the armed conflicts had begun well before that time. In the time,
19 Colonel --

20 THE INTERPRETER: Inaudible.

21 THE WITNESS: (Interpretation) -- led all the combatants in our
22 collectivity. He died at one particular point, and then
23 Commander Cobra Matata replaced him. Cobra Matata was a cruel man. He
24 had a quick -- he was trigger-happy, and the people suffered a great deal
25 under him. There was an order that came saying that Germain Katanga was

1 to be designated the leader of all the combatants.

2 When I became involved in the movement, Germain Katanga was the
3 number one leader of the commanders of the FRPI. After Germain Katanga
4 came Cobra, but let me specify that Cobra was not well liked.

5 MR. MACDONALD: (Interpretation)

6 Q. So you said that there was Kandro, Cobra, an order that Germain
7 be appointed, and then Cobra once again became responsible. At that time
8 when Cobra became responsible, where was Germain Katanga at the end?

9 A. During that period, I was no longer at that place. I no longer
10 lived in that village. According to the information that I received, and
11 according to the information that is known by everyone, it was after the
12 looting in Nyankunde that Cobra killed Kandro. He killed him in order to
13 take his place. But Cobra was not well liked, and our high priest,
14 Bayonga did not like that man. That is why he appointed Germain.

15 During that period, German was just a commander in the Aveba
16 area. He was not a chief, and he didn't know if he was going to be
17 appointed chief. It was after Kandro died that Katanga was appointed
18 chief of the combatants.

19 Q. You mentioned the existence of camps and the locations of these
20 camps. How did you learn, or how do you know that there were camps in
21 these places?

22 A. We weren't prisoners. We didn't have to stay in a single place.
23 We were in the habit of going about in our villages. We would inspect
24 various camps or visit various camps. We were in the habit of going to
25 visit our fellow soldiers in the various camps.

1 MR. MACDONALD: (Interpretation) If you'll just allow me one
2 moment, your Honour.

3 (Prosecution counsel confer)

4 MR. MACDONALD: (Interpretation)

5 Q. So you say that you personally moved around between those camps,
6 if I understand you correctly, in order to visit your comrades; is that
7 correct? Or your fellow soldiers.

8 A. Yes. We would move around, as I just said. (Expunged)
9 (Expunged), or whenever we had operations in order to go and arrest people,
10 we would, for example, go to the Kagaba area. We did not go there
11 directly. We had to go via the camp. We had to identify ourselves, show
12 our documents, and once our documents were approved, we were free to
13 leave the camp and do what we had come to do. So I was in the company
14 either of Germain the chief or we might be conducting military operations
15 and we would meet in the various camps.

16 Q. You used an expression. I do not -- I don't know whether I've
17 correctly understood it or it has been noted down correctly in the
18 transcript. When making reference to Germain the chief, you said Mukuzi
19 or Kukuzi, something like that?

20 A. Makonzi, which means "the chief." And that is how the soldiers
21 would call their chief, Makonzi.

22 Q. Does "Kunzi" mean the same thing?

23 A. Yes.

24 Q. So you mentioned the fact that you accompanied your chief to
25 various camps. We shall come back to that. I just wanted to continue in

1 the same vein the question of the camps.

2 So the chief would move around with a view to visiting the camps.

3 Were there other means of communication between the camps other than
4 moving around in order to have discussions? How did the commanders
5 communicate between each other?

6 A. I would say yes, there was a communications system, by telephone,
7 for example. This was a telephone using batteries. It was battery-run.
8 These were portable telephones by the name of Cobra. These telephones
9 were battery-run.

10 Q. You also made mention of the fact at an earlier stage you talked
11 of the word "phonie." What exactly is a phonie, or radio communications
12 system?

13 A. To my knowledge, a phonie is a means of communication, a distant
14 means of communication. It is a piece of equipment enabling people at a
15 certain distance to communicate between each other.

16 Q. And to your knowledge, within the Walendu-Bindi collectivité,
17 where were these phonies or radio telephones to be found?

18 A. They were found virtually within all the health centres there was
19 what was called the *phonie blanche*, the white radio or telephone system.
20 I don't know quite how to distinguish those from the others. They were
21 located in the health centres, and the commanders would use this kind of
22 communication system to communicate between themselves.

23 Now, with the exception of this *phonie blanche*, or white
24 telephone radio communications system, there was a multi-frequency
25 communication system in Aveba that was used to communicate over long

1 distance with people who were in the Beni region and others. That was
2 the situation.

3 Q. And where was this large-scale radio telephone system to be
4 found?

5 A. This radio telephone system was installed in a house not far
6 afield from the Aveba health centre. Subsequently, the system was moved
7 and installed at the BCA camp.

8 Q. And who was the operator for this large-scale radio telephone
9 system?

10 A. This radio telephone system was operated initially by a soldier
11 from the APC. His name was Mike 4. He was the operator of this system
12 in -- or during the time in question. In addition, there was Oudo, who
13 was an operator for this radio telephone system when Mike 4 was absent.
14 So there was Oudo.

15 Q. Do you know the full name of Oudo, the radio telephone system
16 operator, if you know?

17 A. I believe his name was Oudo Anyodi, if I am not mistaken.

18 Q. To your knowledge, do you know who had radios or telephones that
19 you called Cobras? Could you please tell us who possessed such Cobra
20 telephones?

21 A. All the commanders, the major commanders, had them. Those who
22 were in charge of the major military camps were in possession of such
23 telephones. Furthermore, there were other trademarks, other items of
24 equipment. Not only Cobra telephones were utilised, but I'm not in a
25 position to be able to describe the other equipment. I'm talking here

1 about communication equipment when I refer -- or use the term
2 "equipment."

3 Q. At an earlier stage you made mention of the fact that Baby was
4 known under the name of Alpha. Did Mr. Germain Katanga have a radio
5 code?

6 A. Within the system, he was quite simply referred to as Alpha.

7 Q. And Germain Katanga, did he have a code, or did he have a form of
8 identification when communicating over the radio telephone system or
9 using a Cobra telephone?

10 A. As for his code-name, I think he was called Simba or Ariakpa.

11 Q. Yesterday, you mentioned communiques or announcements, and we can
12 see that there is radio communication, there is personal --
13 person-to-person communication, but between the camps were there any
14 communiques that were exchanged between the camps?

15 A. What type of communique are you referring to? I do not follow.

16 Q. Were there any forms of written exchange between the various
17 camps?

18 A. I do not have any additional information to provide you to this
19 effect. I would say quite simply that the system that I mentioned was in
20 place, notably the system whereby mail was sent.

21 THE INTERPRETER: The Swahili booth says that the witness did not
22 finish his answer.

23 PRESIDING JUDGE COTTE: (Interpretation) Witness, could you
24 please finish your answer, because either you did finish it and the
25 interpreter did not catch it, or you remained in abeyance. Could you

1 please finish your question -- your answer.

2 THE WITNESS: (Interpretation) I just said the following: There
3 was also a communication system using mail or via letter. I did answer.
4 I did provide a full answer to the question.

5 PRESIDING JUDGE COTTE: (Interpretation) Very well. This was a
6 misunderstanding, and we thank you, Mr. Witness.

7 MR. MACDONALD: (Interpretation) With your leave, Mr. President,
8 might I have a few moments before possibly moving on to another line of
9 questioning?

10 PRESIDING JUDGE COTTE: (Interpretation) Please proceed.
11 (Prosecution counsel confer)

12 MR. MACDONALD: (Interpretation)

13 Q. A last question on the same subject. Do you know what these
14 written communications or letters contained? Do you know what their
15 contents might have been? Do you have an example to give us?

16 A. I would quite simply say the following as an example: At a
17 certain moment in time, we sent a letter to all the camps, asking every
18 camp to send an individual to Aveba in order to collect some ammunition.
19 The ammunition was distributed within our camp in Aveba.

20 Q. Very well, Mr. Witness. I would now like to come back to a point
21 you mentioned yesterday. You said at a certain moment in time, (Expunged)
22 (Expunged)
23 (Expunged). " Could you please furnish us with details in
24 this regard?

25 MR. MACDONALD: (Interpretation) I do apologise, Mr. President.

- 1 Before the witness answers this question, I would like us to go into
- 2 private session, with your leave, initially.
- 3 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please,
- 4 could we briefly go into private session.
- 5 (Private session at 10.17 a.m.)
- 6 (Expunged)
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Witness: Witness DRC-OTP-P-0028 (Resumed) (Private Session)
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13 Page 22 expunged – Private session

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Witness: Witness DRC-OTP-P-0028 (Resumed) (Private Session)
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Witness: Witness DRC-OTP-P-0028 (Resumed) (Private Session)
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13 Page 24 expunged – Private session

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Open session at 10.30 a.m.)

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

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
9 Prosecutor.

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

11 MR. GILISSEN: (Interpretation) Your Honour, with leave, sorry
12 to interrupt you. I am following the English transcript, and the words
13 "the young children" were rendered by "children," and you see the witness
14 said, "I don't know why there were young children in his escort," and I
15 would like the transcript to be corrected.

16 PRESIDING JUDGE COTTE: (Interpretation) No, not at all. I will
17 just review page 27 and the answer from the witness from line 12 in the
18 French version, the French transcript, to ensure that the two transcripts
19 match.

20 "I will reply by saying I don't have any additional information.
21 I can't know why he had children among the members of his escort. I am
22 not in a position to know what he was thinking, why he had young children
23 among his escort. All I can say is that we were all soldiers."

24 So in that particular version, that provisional version of the
25 transcript, at line 14 we have the word "child," and then at line 16 the

1 words "young children." So when the final versions of the transcripts
2 are prepared, we will have to ensure that the two transcripts match in
3 light of what was said exactly.

4 Prosecutor.

5 MR. MACDONALD: (Interpretation)

6 Q. Witness, when Germain Katanga -- to your knowledge, when
7 Germain Katanga would move about the camps, the other camps, and you were
8 there -- when you were there, do you know why he would go about -- why he
9 would go about to these other camps in the Walendu-Bindi region?

10 A. I would reply by saying the following: Germain was the boss, and
11 he was in charge of the combatants in all the camps. He was the one who
12 was supposed to give orders. He would go about to visit the other camps,
13 and the combatants or the commanders would speak amongst one another
14 without the others being present. They might speak in public at a camp
15 just to salute the troops, but when they had to have a conversation, the
16 commanders would speak to one another off to the side. That is how the
17 camps operated.

18 Q. How was Germain Katanga greeted when he would arrive in a village
19 or in a camp? What sort of welcome did he enjoy? Could you explain to
20 us how he was welcomed?

21 A. I would say that we were given food and something to drink. That
22 is how we were welcomed. We were welcomed with honours. If there were
23 goats, for example, they would be killed, and we would be served goat to
24 eat.

25 Q. Very well. Witness, I would now like to move on to another

1 topic, and this is going to lead us towards the break. You mentioned at
2 one point there was a letter that was sent to the commanders in various
3 camps telling them to go to Aveba to receive munitions. Do you know
4 where these munitions came from, how they had been obtained, so that they
5 could be distributed in this way? In other words, who provided the
6 munitions that arrived in the Walendu-Bindi region?

7 A. We combatants, we didn't have a source of ammunition supplies.
8 All the fighting that we took part in, well, we did so thanks to our
9 courage, and so we would take weapons from our adversaries, their
10 firearms and their ammunition.

11 I told you that letters were sent to other camps to ask
12 combatants to come and get ammunition. Why? Because preparations were
13 underway to neutralise the UPC, various UPC soldiers based in Bogoro.
14 The government had attempted to fight against these forces and had not
15 succeeded, and so the government called upon us, and the government
16 provided us with the fresh supplies of weapons and ammunition. And from
17 Beni the ammunition was sent, sent from there, from Beni. And the
18 preparations for the Bogoro attack were conducted from Beni.

19 And to answer your question, no one was supplying us with weapons
20 and ammunition. The ammunition that we did get we were able to get
21 thanks to a relationship that was established between the APC and the
22 FRPC (* as interpreted).

23 Q. I beg your pardon. You said a relationship was established
24 between the APC and the FRPC, or did you mean something else, because who
25 is the FRPC?

1 A. I did not say FRPC. I said the FRPI. Rather, I said the APC and
2 the FRPI.

3 Q. I see. So it was an interpretation mistake. Let us briefly
4 discuss this co-operation between the FRPI and the APC. First of all,
5 you mentioned -- well, you mentioned that the APC was based -- or was to
6 be found in Beni at that time; is that correct?

7 A. Yes.

8 Q. Do you know how the FRPI and the APC would communicate? You
9 mentioned the large piece of radio equipment that allowed people to
10 communicate with Beni. Did the FRPI and the APC communicate using this
11 large-scale radio telephone?

12 A. Yes.

13 Q. Once again, to the best of your knowledge, were there other ways
14 of communicating between the FRPI and the APC other than the radio
15 telephone system? Were there other means of communication?

16 A. Yes. I would say that at some times there were very good
17 dealings between the two movements, and the fighters would go to Beni in
18 the APC zone, and they would come back without any difficulty.

19 Q. Could you tell us, amongst the FRPI combatants were there
20 commanders who would go to Beni before the Bogoro attack?

21 A. Yes. I would say so, yes, because if I recall correctly, if
22 there was a good relationship that had been established, it's because the
23 commanders had gone there. They would go there, and they would come
24 back, and so a good relationship was built up.

25 Q. Could you tell us who were the FRPI commanders who had travelled

1 to establish this relationship with the people in Beni?

2 A. Yes. First of all, the commanders such as Germain Katanga, Sipa,
3 Muhito, as well as other commanders, went there, and they hit upon a
4 compromise. There weren't three of them. Germain Katanga left Aveba
5 with other people, and they went to the Bavi camp and the Avenyuma camp
6 there. He took some other people. Each time he would arrive in a camp
7 he would take some commanders from that camp, and he would travel with
8 them, and they left, and upon their return the relationship between the
9 commanders and the APC was already well established.

10 Q. When you mention Sipa and Muhito, were those combatants? What
11 role did they play? What was their profession, these two people? Let us
12 begin -- let us begin with them.

13 A. I'll begin with Sipa. To my knowledge, Sipa, well, he's someone
14 that I've known since Nyankunde. I didn't meet him in my village. I met
15 him in Nyankunde. He is a person who had training as a police officer.
16 At that time, in a way, he was a counsellor, an advisor to the
17 combatants. I can't really explain or describe him.

18 As for Muhito, he was a teacher at a school in Nyankunde, and he
19 was also the headmaster at a school in Songolo. As I just said, (Expunged)
20 (Expunged). Muhito was, in a way, a
21 politician, and he was an advisor to Germain.

22 Q. Were there other politicians, to your knowledge, within this
23 group?

24 A. I have no other information about that. I do know that there was
25 Sipa and Muhito, as well as many soldiers who left from Aveba, and

1 according to the information I have, when they got to Avenyuma, they
2 collected some other people, then they went on their way, heading towards
3 Beni.

4 Q. Indeed, you speak of them moving towards Beni. Exactly how did
5 they travel? How much time did it take? How did they travel, by what
6 means?

7 A. I didn't travel with them. However, I do know that to get to
8 Beni, it was necessary to cross through a forest, and to my knowledge, it
9 is a trip that might take four to five days to get to Beni from Bunia.
10 One had to cross through a forest and finally get to a road that leads to
11 Beni.

12 Q. Just to clarify, perhaps there is a problem with the
13 interpretation or the transcript, I beg your pardon. You said that it
14 might take four to five days to get to Beni from Bunia. Is that what you
15 just said? Perhaps there may have been an interpretation problem.

16 A. I didn't say from Bunia to Beni. I said that Germain, Muhito,
17 and the others went on a trip that might have been between three and four
18 days, walking through a forest. And from there, from Bunia, they could
19 take the road to go to Beni. To get to Beni, one has to walk through a
20 forest and then get to a road. It is the road of Bunia that goes to
21 Beni.

22 Q. I see. So there are two roads to get to Beni from Bunia. There
23 is the Nyankunde-Komanda-Oicha-Beni road, and then there is the
24 Bogoro-Kagaba-Aveba road. There are two roads. And you are referring to
25 the road from Bunia by way of --

1 MR. HOOPER: I don't think that's actually clarifying the
2 situation, Mr. MacDonald's geography of the area.

3 PRESIDING JUDGE COTTE: (Interpretation) Very well.

4 Prosecutor, let us allow the witness to describe the geography on
5 the basis of the questions that you put of him, even if you do want to
6 gain some time by collecting his questions, so to speak, and adding a few
7 of your own observations. Let us continue.

8 MR. MACDONALD: (Interpretation) Very well, your Honour. I will
9 keep on going.

10 Q. Now, do you know how this delegation came back, how
11 Germain Katanga came back to Aveba after that trip to Beni?

12 A. I think that on the way back they took an aeroplane with
13 ammunition on board. There was also a number of other items to help us.
14 There was ammunition.

15 Q. Witness, do you remember, the name of the airline company or the
16 name of the aeroplane that they came back on?

17 A. Yes. I remember that it was a Mango Mat aircraft. It was
18 written on the aircraft, Mango Mat. It was a plane with two -- it was a
19 bi-reactor.

20 Q. Do you mean two motors with propellers?

21 A. Yes.

22 Q. Where were you when the aircraft landed?

23 A. I was in Aveba.

24 Q. And what did you do at that point when the aircraft arrived?

25 A. We received the materials that were on the aeroplane.

1 Q. And what did you do with that material? Where did you put the
2 material?

3 A. We unloaded the ammunition that was in the aircraft as well as
4 the other supplies such as food, and we took those things to our
5 residence in Atelengba.

6 Q. When you say your residence, which residence are you referring
7 to? The residence of whom?

8 A. Our residence. That is to say, the home of the father of
9 Germain. That is where we were living with Germain. It was a house that
10 belonged to Germain's father. It was occupied by Germain and his men.

11 Q. How was the ammunition packaged?

12 A. I would say that the ammunition was packaged or provided in
13 wooden crates, but the ammunition was packaged in plastic bags, and the
14 plastic bags were wrapped and placed in crates, and the crates were made
15 out of wood, out of boards.

16 Q. And this ammunition was for what kind of weapon, if you remember?

17 A. For the most part for SMGs.

18 THE INTERPRETER: And the Swahili interpreter did not hear the
19 name of the other kind of weapon.

20 THE WITNESS: (Interpretation) There were also rocket launchers
21 and mortar shells.

22 MR. MACDONALD: (Interpretation)

23 Q. Witness, you said two kinds of weapon, SMGs and another kind.

24 Unfortunately, the interpreter did not hear the other kind of weapon.

25 Could you repeat the name of that second kind of weapon, please.

1 A. I said Shigun.

2 Q. One more question before the break. Who came back in that plane?

3 You mentioned that there was Germain Katanga who came back on the plane.

4 Who was with him when he arrived with the ammunition and other items,
5 other material?

6 A. I think that there were some soldiers from the APC, as well as --
7 not just ammunition on the plane but also bags of beans and cans of
8 sardine. We unloaded all those things, and we took them to the camp.
9 Other than the APC soldiers, there were other combatants.

10 Q. And now, Mr. Sipa and Muhito were also in this aircraft? Do you
11 remember that? That's my last question.

12 A. I do not recall, but I think that they also were on that
13 aircraft.

14 PRESIDING JUDGE COTTE: (Interpretation) Very well. Witness, we
15 will now suspend the hearing for 30 minutes.

16 Could the security officers please escort Mr. Katanga and
17 Mr. Ngudjolo out of this courtroom.

18 Accused, we will see you again in half an hour.

19 (The accused withdrew)

20 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we'll go
21 into closed session so that the witness can leave the courtroom.

22 (Closed session at 10.59 a.m.)

23 (Expunged)

24 (Expunged)

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6 (Open session at 11.00 a.m.)
7 COURT OFFICER: (Interpretation) We are in open session,
8 your Honour.
9 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
10 Court Officer.
11 The hearing is now suspended, and we will resume at 11.30.
12 Recess taken at 11.00 a.m.
13 On resuming at 11.31 a.m.
14 (Closed session)
15 (Expunged)
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13 Page 35 expunged – Closed session

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Witness: Witness DRC-OTP-P-0028 (Resumed) (Open Session)
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1 (Expunged)

2 (Open session at 11.34 a.m.)

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

4 Mr. President.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

6 Court Officer.

7 (The accused entered court)

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, you are in
9 our midst again. We are starting another two-hour hearing, which will
10 come to an end approximately at quarter past to half past 1.00.

11 Mr. Prosecutor, you may proceed.

12 MR. MACDONALD: (Interpretation) I thank you, Mr. President,
13 your Honours.

14 Q. Mr. Witness, we shall resume our work. I wanted to revisit an
15 issue, seeking a point of clarification maybe. How is it that you came
16 to know that a delegation comprising Mr. Katanga, Sipa, Muhito and others
17 was travelling in the direction of Beni?

18 A. Are you asking me how I came about this piece of information?
19 Well, I was not the only person to be in the know. All the people in the
20 Aveba camp, that is to say, all the soldiers, were aware of this. They
21 were aware of the fact that the commanders were travelling to Beni in
22 order to meet the APC soldiers.

23 Q. I'd also like to have another point of clarification. You
24 mentioned the fact that in the aircraft, the returning aircraft, there
25 was ammunition, there was -- or there were certain foodstuffs such as

1 sardines and beans, if I'm not mistaken, and you also mentioned the fact
2 that there were rocket launchers and mortar shells.

3 Apart from the mortar shells and the rocket launchers, were there
4 any other types of weapon which arrived in this aircraft, the aircraft in
5 which Mr. Germain Katanga was also seated?

6 A. I do not recall. I gave you some precise details. I told you
7 that there was ammunition and weapons, and I gave you those details
8 before we took the break. So in answer to your question, I do not have
9 any recollection of any other type of weapon that might have been
10 transported on this aircraft. I do not know whether I spoke of
11 MAG weapons. Well, there were also MAG weapons there.

12 Q. Are you in a position to describe what a MAG weapon is to us?
13 What does it look like?

14 A. I did not say that there were MAG weapons. I said, rather, that
15 there was ammunition that this type of weapon can use. This is a chain
16 weapon. It is a large rifle. It is an automatic weapon which fires off
17 many rounds at once.

18 Q. Whilst you were in the camp in the Aveba neighbourhood -- I shall
19 rephrase my question.

20 Whilst you were in the camp and whilst Germain Katanga was living
21 in his father's house, to your knowledge or to your recollection, how
22 many aircraft landed in Aveba, generally speaking, to the best of your
23 recollection?

24 A. I merely know that there was a Mango Mat plane that came from
25 Beni. I do not know whether there was only one aircraft or whether there

1 were several aircraft belonging to this company, the Mango Mat company.
2 Apart from this plane, there was a plane that landed in Aveba. It was an
3 AZF (* as interpreted) plane bringing back medicine to the Aveba medical
4 centre. Apart from that, I did not see any other planes.

5 Q. Could you please repeat for the purposes of the record the
6 abbreviation that you have just mentioned with regard to the name of the
7 plane bringing medicines.

8 A. I told you that a plane would land in Aveba from Beni, and on the
9 side of the plane was written the following word: "Mango Mat." Apart
10 from this Mango Mat plane, the other plane that came to land in Aveba was
11 an ASF plane. I believe that this means "Avions sans Frontières," a
12 plane without borders. It was a plane bringing medicines to the Aveba
13 medical centre.

14 Q. Do you know how many times the Mango Mat plane went to Aveba?

15 A. This plane did not come on just the one occasion. It made many
16 journeys but I can't give you specific information in this regard. If I
17 am not mistaken, the plane would sometimes bring fuel to the combatants.
18 All that I can say is that it did not come just on one occasion. It came
19 on several occasions.

20 Q. Mr. Witness, we shall now return to one of your previous answers
21 where you mentioned the fact that there was a letter sent to the various
22 commanders for them to come and collect ammunition supplies, and you
23 mentioned the preparations for this, the preparations before the Bogoro
24 attack.

25 Could you explain to the Court what preparatory activities were

1 undertaken before the attack on the village of Bogoro. If you could give
2 us the details you recall in this regard initially, and then I will come
3 back with more specific questions were the need to arise.

4 A. With regard to the preparatory activities and with respect to the
5 Bogoro attack, I do not know quite what to say. What is certain is that
6 Bogoro fell, and it was not the FRPI combatants alone who were concerned.
7 There were combatants from the FRPI, from the FNI, and from the APC of
8 Beni. All those combatants took part in this battle.

9 To my knowledge, the APC soldiers manipulated us so that we
10 attacked the UPC from Bogoro. We were living in the village, that is
11 true, but the UPC was making us do things. We were able to defend
12 ourselves against the UPC soldiers. However, the UPC soldiers had
13 problems with the APC soldiers, and the UPC soldiers also had issues with
14 the Zumbe combatants. So Bogoro had to be attacked. The FRPI tried to
15 do so alone, but they were not able to. And in view of the fact that we
16 already had contact with the APC, the battle waged in order to dislodge
17 the APC from Bunia. Well, the APC fled towards the Walendu-Bindi
18 collectivity and attempted to flee or to go to Beni. At that time, there
19 were good relations between the APC and the Walendu-Bindi combatants, and
20 the battle did occur in Bogoro when contact and ammunition coming from
21 the APC arrived with the FRPI. As I said, the combatants led
22 discussions. I don't know quite what they said to each other, but upon
23 their return, we noted that their movements had borne fruit. That is to
24 say that we were able to receive ammunition. There were soldiers from
25 the APC who came to live with us.

1 All of this to say that there was a sensitisation exercise for
2 the Bogoro attack to be led. A delegation came from Zumbe and arrived in
3 Aveba. When the delegation arrived, the people in charge of the
4 delegation and the other people in charge reached an agreement. The
5 delegation left and then returned on another occasion, and subsequently
6 it was decided to attack Bogoro. So the UPC soldiers were disturbing the
7 Walendu-Bindi collectivité, and we made the most of this opportunity in
8 order to establish relations with combatants from the APC and Zumbe
9 combatants. They agreed as to the opportune moment to attack Bogoro, and
10 this happened after the ammunition from Beni was received. We received
11 the ammunition in Aveba. The ammunition was to be used during the Bogoro
12 attack.

13 Upon receiving the ammunition, it was decided that they would be
14 distributed to the various military camps, the camps of those soldiers
15 that were due to take part in the Bogoro attack. The various commanders
16 of the military camps, therefore, went to collect the ammunition; but
17 those who were not present received letters calling upon them to come and
18 collect the ammunition supplies which were to be used during the Bogoro
19 attack.

20 The combatants were not fighting in their own interest. We were
21 not fighting in our own interest. It was with a view to defending our
22 village, the village we were living in.

23 A communique was dispatched to the people in charge of the
24 market, and it was said that anyone who was going to a market should
25 provide their contribution in terms of foodstuffs. So this was war

1 effort that was to be respected. And if I am not mistaken, in that
2 communique, details of the date when the attack was due to occur were not
3 mentioned. According to the agreements established between the
4 combatants, the combatants from the upper line of attack, this is to say,
5 Aveba and Geti and Bukiringi, were to move forward and take up position
6 in Ngaba, and those from behind were to advance to the Medhu line.

7 So the foodstuffs had to be distributed. They had to be
8 transported to Kagaba line and to the Medhu line. I do not know where
9 the foodstuffs were dropped off in Medhu, but with regard to Kagaba, I
10 know that the foodstuffs were transported to there. However, prior to
11 that, those in charge had gone to see one of our chiefs, the old Bayonga,
12 who was in charge of fetishism, and he granted his authorisation before
13 we went to battle. According to what he did, he granted us
14 authorisation, saying the following: "Children, you must now leave."

15 The various people in charge then discussed and came up with a
16 plan, and we then left. The people who were on the other side left, and
17 we met in Kagaba. Those who were on the lower side went in the direction
18 of Medhu. When our paths crossed, we followed or we conducted our
19 rituals in order to protect ourselves with regard to the fetishism I
20 mentioned.

21 Q. I'm sorry to interrupt you. I gave you a little sign of the
22 hand, saying that I was interrupting you, and the reason why I did that
23 was because the interpretation also needs to have a breather. The
24 interpreters need to have a breather. So I think we should pause at this
25 juncture. And I will ask you to continue.

1 You said: "When our paths crossed, we conducted our various
2 rituals in order to protect ourselves." I would ask you to take off
3 where you left off -- to carry on where you left off and continue with
4 your testimony, please.

5 A. Yes. We took out our various items of fetishism. We made
6 incisions on our bodies. We were given things to drink. We were given
7 other products to give us further strength. Then there was a parade, and
8 Nawiba gave a speech to the combatants with a view to encouraging us in
9 our endeavours and to talk about the battle. People were happy because a
10 decision had been taken. They were determined to win this battle, and
11 they thought that were they to win, they would be able to loot property,
12 and they would be able to occupy that location.

13 When the time came, that is to say, at night, we started moving,
14 and after some time, we stopped in Nombe in order to have a rest. On
15 another occasion, we rested at Lakpa, at the foot of Mount Lakpa, and we
16 carried on moving and arrived nearby the village of Bogoro. Upon
17 arriving, we settled in. We waited for day to break, and at
18 approximately 5.00 or just before 6.00, the UPC soldiers noted that we
19 were present and the battle began.

20 There was intense fighting for a long period of time. At one
21 particular point, we were short of ammunition and we thought that we
22 would flee, but reinforcements came from Zumbé. The Zumbé fighters came
23 to assist us. When the reinforcements arrived, it was around 9.00 a.m.,
24 between 9.00 a.m. and 10.00 a.m. We continued the fighting for a few
25 more minutes. We gained the upper hand. We won the battle, and we

1 followed our usual methods. That means when a Hema arrives to our part
2 of the world, he takes pity on no one. He takes no pity on women,
3 children, elderly people, and we, too, took no pity on them. So we took
4 the upper hand, and we set up operations, and we established a position
5 there.

6 THE INTERPRETER: Your Honour, says the Swahili interpreter,
7 could we suspend for just a few moments while there is a team of
8 interpreters switching.

9 PRESIDING JUDGE COTTE: (Interpretation) Just for a technical
10 moment we need to pause. If you could just rest for a moment. We need
11 to change interpreters in the Swahili booth.

12 THE INTERPRETER: We have the new interpreter in the booth who
13 will be translating what you said, so we shall resume unless the
14 Prosecution wishes to ask a question.

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

16 Q. I just wanted -- I just wanted to go back. I was going to --
17 I'll let you keep on going with your account. You say that you set up
18 operations, and you set up an operation in Bogoro, and then after that
19 you said a few things that, unfortunately, were not interpreted. Could
20 you repeat what you said after the part you talked about when you set up
21 a position in Bogoro. If you could please go on.

22 A. I was just coming to my conclusion. I was just about to end my
23 remarks. So the fighting in Bogoro was not just with the FRPI. It was
24 not just a group of soldiers from Zumbe fighting, nor was it just the APC
25 alone. It was a conflict. It was fighting amongst the three groups that

1 I've mentioned. And the fighting was supported by the APC soldiers, only
2 the APC soldiers.

3 It is true that the process went as usual between Ngiti and Hema.
4 That is to say, the murders and the killings that we were in the habit of
5 carrying out.

6 I wouldn't add anything else to this account of the battle of
7 Bogoro.

8 Q. Very well. So we will resume from the beginning. More
9 specifically, you said that there was a delegation from Zumbe that
10 travelled to Aveba. I'm going to ask you a number of questions about
11 that.

12 Could you tell us the names -- the names of those people from
13 that delegation, if you remember?

14 A. The delegation was led by a commander from Zumbe. His name was
15 Boba Boba. Boba Boba or Gongga Gongga, one or the other. One of those two
16 names. He was also -- also present was Commander Kute. Major Bahati, he
17 was also present. Other than those people who I've just mentioned, there
18 was also a boy, a boy whom I knew well. I knew him quite well even
19 before the conflict. His name was (Expunged). So those are the names of
20 the people who arrived. They held meetings at that place. That was in
21 Aveba.

22 MR. MACDONALD: (Interpretation) Your Honour, I'm very sorry.
23 If you'll just allow me a moment to deal with a redaction, if necessary.

24 (Prosecution counsel confer)

25 (Trial Chamber confers)

1 MR. MACDONALD: (Interpretation) I'm sorry. I apologise,
2 your Honour.

3 Q. Although not knowing the entire composition of that delegation,
4 are you in a position to tell us how many people there might have been in
5 that delegation that came from Zombe? In approximate terms.

6 A. No. I couldn't tell you whether there were ten or just one
7 person. I can give an estimate, and judging by my estimate, there were
8 five people.

9 THE INTERPRETER: Correction: Twenty-five people at least.

10 MR. MACDONALD: (Interpretation)

11 Q. If you recall, were those commanders escorted? Were there other
12 combatants with them?

13 A. Yes. As I said, there were many of them, perhaps about
14 25 people. There were commanders and their body-guards. And so in all,
15 my estimate is 25 people, 25 people. That is to say, the commanders and
16 their body-guards.

17 Q. And how were they welcomed in Aveba and by whom?

18 A. They had a warm welcome, as usual. They were housed properly.
19 They were given suitable meals, and Germain was the one who greeted them.
20 He himself greeted them, because they were received in the camp of
21 Germain Katanga. They were the visitors of Germain Katanga.

22 Q. To your knowledge, during that meeting with the delegation from
23 Zombe there was Germain Katanga, but at one particular point or another,
24 were other commanders present during these meetings with the delegation?

25 A. Yes. There were other commanders.

1 Q. Could you tell us the name of the commanders from the FRPI who
2 were present, to your knowledge?

3 A. I'll give the names like Nawiba, Move as well. So there was
4 Nawiba and Move.

5 Q. Nawiba, what is his name? I think you gave it earlier today, but
6 what name was he known by?

7 A. Yuda.

8 Q. To your knowledge, other than the commanders from the FRPI, were
9 there politicians, what I would call politicians from the collectivity of
10 Walendu-Bindi? Were there such people present at this meeting with the
11 delegation?

12 A. I don't have any specific information. If Sipa and Muhito were
13 there, but I believe they were. Sipa and Muhito.

14 Q. Do you know, or did you learn about the results of these meetings
15 between the members of the delegation from Zumbe and the people of the
16 FRPI, thus the people of Germain Katanga?

17 A. Could you please rephrase your question.

18 Q. What was the result of this meeting between the delegation from
19 Zumbe and the commanders of the FRPI who met with that delegation? After
20 that meeting did you hear what the topic of their meeting was or the
21 purpose of their meeting?

22 A. I would answer your question in the following way: A soldier
23 kept me informed of the results of that meeting. That soldier was one of
24 the body-guards of the delegation that had come from Zumbe. He was a
25 soldier who I knew very well, well before. His name was (Expunged)

1 (Expunged)who told me that the delegation had arrived to come to an
2 agreement on how the fighting in Bogoro was to be conducted. It was a
3 meeting to establish strategies for the battle of Bogoro.

4 Q. And also to clarify, the meeting between the delegation from
5 Zumbe and the commanders of the FRPI occurred in what actual physical
6 location, in what place, in what room, in what house?

7 A. It was held in the residence of Germain Katanga.

8 Q. And to clarify, was that the residence in the BCA camp or in his
9 father's residence?

10 A. It was the residence of his father.

11 Q. You mentioned that the delegation left, and I'm not entirely sure
12 whether I understood. You said that it came back, the delegation
13 returned a second time, or did I misunderstand when you described the
14 events? The delegation came once, left, and then came back again? How
15 many times did the delegation come?

16 A. I would say this: I don't know whether the delegation returned
17 after it arrived. The only thing I do know is that Bahati de Zumbe was
18 in the habit of coming. He went back to Aveba. He is the one who was in
19 the habit of going back and forth between Aveba and Zumbe. I don't
20 believe that that delegation came back a second time. I'm not sure.

21 Q. When you say "returned," you're not sure whether the delegation
22 came back? I'm trying to understand the answer you just gave. I
23 understand you just said "ndiyo" which means "yes," but I believe that it
24 was not interpreted.

25 MR. MACDONALD: (Interpretation) It did not show up on the

1 transcript, but I point out that the witness did say "ndiyo."

2 Q. I'd like us to talk now about the war effort. You mentioned
3 that. You spoke of some letters that were distributed, and you also said
4 that there was an awareness exercise, so to speak. Who ordered all of
5 that?

6 A. I would reply in a very specific way. No one gave the order
7 publicly, but it is true that all those orders came from Germain's
8 secretary. He was the one who did the writing and who would send written
9 documents. So it wasn't a -- an announcement at a military gathering or
10 at a -- during a parade. The orders came from Manono, and Manono was the
11 person in charge of written -- of writing orders. He was the secretary
12 at Germain's residence.

13 Q. Could you specify, if you're able to, these commanders who
14 travelled and went and got some weapons or who were asked to go and get
15 weapons, do you know how much time was that before the battle of Bogoro?

16 A. No, I don't have a specific answer, but I could say that it was
17 an activity that only lasted a few days, three or four days, no more than
18 that. I could even say two days. It really didn't last very long.

19 Q. Now, once they received the ammunition, what did they do? They
20 went to Aveba, they received ammunition, and then what did they do, these
21 commanders or these combatants who received this ammunition?

22 A. After receiving the ammunitions, you were supposed to go to your
23 place, the place you lived. I'll give an example. If you didn't have
24 any ammunitions with you at home, after the distribution thereof, you
25 would go back to your house with the ammunition. Each person would leave

1 with his ammunitions, and the commanders would leave with the ammunition
2 to go to the camp, and people would all assume their various
3 responsibilities.

4 Q. Do you remember the name of the commanders who travelled to go
5 and get the ammunition in Aveba?

6 A. No, I'm not in a position to give the name of the commanders.
7 However, there were delegations from the various places. There was a
8 commander, Nyaga. He was stationed in Nyaga. He came to get ammunition.
9 The people from Geti came. They got their ammunitions. I won't give the
10 names of the commanders.

11 Q. When you say, "I won't give the names of the commanders," it's
12 because you don't recall any longer?

13 A. Yes.

14 MR. MACDONALD: (Interpretation) With your leave, may I have a
15 few moments?

16 PRESIDING JUDGE COTTE: (Interpretation) Please.

17 (Prosecution counsel confer)

18 MR. MACDONALD: (Interpretation)

19 Q. I would like for us to talk about -- or, rather, that we hark
20 back to the various trips or the moving about of troops. First of all,
21 Kagaba and -- you mentioned that, and then we will go back to the people
22 from the Medhu line. We'll talk about that after.

23 My question is as follows: Before travelling to Kagaba, you,
24 personally, where were you?

25 A. I was in Aveba. Our group left on foot. We left at night. We

1 went by way of Mogadu, and we arrived in Tchekele. We arrived in
2 Mogaduvu (* phon), and we went all the way to Kagaba.

3 Q. How did you receive the instructions telling you to travel to
4 Kagaba? Could you tell us how you were informed of those orders to go to
5 Kagaba?

6 A. The trip had been planned in advance. Our commander had already
7 given the order. He had said that everyone was to go to Kagaba. We left
8 with our sectional commanders -- rather, we left with one sectional
9 commander from Aveba. I was not alone. There were several of us with
10 our -- our food. We didn't leave the day before the fighting from Aveba
11 to Kagaba, but, rather, we left -- we left two days before. I'll give
12 you an example. The fighting that was to be held on the Thursday, we
13 left on Tuesday afternoon, because we had spent one night along the way
14 during the trip. The next day, in the morning, we entered Kagaba, and we
15 rested. And in Kagaba, that is where we did all our preparations.

16 Q. What is the name of the commander who ordered you to go to
17 Kagaba?

18 A. Well, he did not give us any orders, but he was our chief. It
19 was the chief who was walking with us, and we called him Dr. Dogoto.

20 Q. To your knowledge, did Germain Katanga go to Kagaba?

21 A. I would say that at the time, he was not stable. In fact, he was
22 in the habit of moving around on a motorbike in order to visit the
23 various camps. For example, in Geti -- well, he would go to Geti, and he
24 would also go to Bavi, and he would also visit other camps that were far
25 afield. He would go there by motorbike. He also went to Kagaba.

1 Q. What preparations were undertaken in Kagaba?

2 A. In Kagaba, we were all gathered together there, and what we would
3 do is take our lucky charms. We did not have any hope vested in our
4 heavy weapons. Our hope was vested in our lucky charms. So we took our
5 lucky charms, and we would not get involved with violent acts, however.
6 We would cut, incise our skin, and we might even imbibe certain
7 beverages. There were new lucky charms, and before leaving we were given
8 that and we might take it with us.

9 Q. When referring to your lucky charm and to incisions, I
10 understand, Witness, that you are referring to the fetishist objects. Am
11 I correct?

12 A. Yes.

13 Q. Briefly, the incision made to your body, which object would you
14 use in order to make this incision, and what would you do just after
15 having made this incision?

16 A. We would use a razor blade in order to make this incision. There
17 were products, there were powders, that we would then apply. We were not
18 allowed to wash ourselves before the product could enter the body
19 properly.

20 Q. And why was it that you practiced incisions? Why did you drink
21 certain beverages? What was the aim of these fetishist activities?

22 A. We were seeking full protection of the life of the soldier, which
23 means that even if we were hit by gunfire, we might fall, but we wouldn't
24 die. A bullet might come within a metre of you but not hit you. And we
25 had to follow the instructions that were given to us prior to

1 distributing the powder products. Certain words were to be uttered,
2 certain rituals were to be followed in order to make us invulnerable. So
3 there were powders, and there were beverages.

4 Q. Mr. Witness, who would instruct you to undertake such fetishist
5 rituals?

6 A. * Your Honour, do you realize that we are talking about the rites performed
7 in my culture ? This could put me in danger. If I have to explain all of this to you,
8 well, this might be costly to me, Mr. President.

9 I am telling you, Judge, with regard to what you're saying with
10 regard my tribe, you're saying bad things here. Do you realise what
11 you're saying? Has the interpreter really interpreted what I just said?

12 PRESIDING JUDGE COTTE: (Interpretation) The interpreter is
13 indeed interpreting what you are saying, and the Court is under the
14 impression that you are embarrassed at having to answer the question put
15 to you by the Prosecutor. This is a question, however, that seems to us
16 not to raise any particular form of difficulty, because he is asking you
17 who instructed you to become involved in fetishist rituals. You've just
18 talked about these rituals in terms of powders, beverages, incisions,
19 et cetera, and it is only logical that at this juncture of your
20 deposition the Prosecutor ask you who it was that wanted the combatants
21 to receive the -- such fetishist rituals. Was it an instruction that was
22 given, and why it is difficult for you to answer this question?

23 THE WITNESS: (Interpretation) I'm not saying that it's
24 difficult for me to answer. I find it bothersome to be here. I do not
25 know what will happen -- whether what will happen subsequently will be a

1 good thing. Do you know what might happen?

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, as we told
3 you yesterday, all measures have been taken for the testimony that you
4 are providing during this hearing not to have a bearing upon your
5 identity. Now, you might be tired at this juncture of your testimony,
6 and we understand that only too well, you have been testifying since
7 9.00 a.m., that's nearly three hours or over three hours even if we did
8 have a brief break. But once again, you have noted that the Prosecutor
9 is requesting that we go into private session whenever there is a risk of
10 identification occurring, and in the same manner, we indicated to you
11 yesterday which measures had been taken in order for you not to be
12 identified by virtue of your voice or by your face or by your name. So
13 anything that is being said does not put you in a difficult position.

14 So please gather yourself over the next five minutes. Do you
15 think that five minutes will enable you to gather yourself somewhat?

16 THE WITNESS: (Interpretation) Yes.

17 JUDGE DIARRA: (Interpretation) Mr. President, there is an item
18 of information that I would like to share with everyone present here. In
19 Africa, when one is talking about fetishist rituals, it is not the
20 distance of oceans or the protection unit that can protect you. The
21 objective of fetishism is that fetishism can reach you, can travel over
22 oceans, and it can get to you in your hiding spots. So there's a great
23 communication problem between ourselves and the witness.

24 It is not because he has been relocated that he will be protected
25 from the anger of the fetishism within the territory. It means that

1 within the logic of fetishism, if you do something bad, then ill will
2 befall you.

3 PRESIDING JUDGE COTTE: (Interpretation) Well, Mr. Prosecutor, I
4 quite simply suggest to you that you change subject in view of the fact
5 that we have broached this subject at length already, and were you to
6 feel the need to broach it again, I think we should do so at a later
7 point.

8 Now, Mr. Witness, we're going to move on to something else.

9 And thank you, Judge Diarra.

10 MR. MACDONALD: (Interpretation)

11 Q. As the President just said, Mr. Witness, let us leave fetishism
12 to one side.

13 A. Well, it's too late, Mr. Prosecutor. Let us proceed.

14 Q. Would you rather carrying on answering questions, or would you
15 rather we take a break and come back in five minutes as Judge Cotte was
16 suggesting at an earlier stage?

17 A. Please proceed, Counsel.

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

19 So, Mr. Prosecutor, please proceed.

20 MR. MACDONALD: (Interpretation)

21 Q. When you explained your movements and when we did not interrupt
22 you, you explained and you mentioned the name of Yuda or his other name
23 is Nawiba, I believe, my question is as follows: Were there any
24 commanders who addressed the troops present in Kagaba?

25 A. Once we were gathered in Kagaba, Yuda addressed the combatants

1 who were there.

2 Q. And what did he say?

3 A. He said that -- well, I shall summarise what he said. In fact,
4 he encouraged us. He encouraged the combatants, saying that we were
5 going to fight and that this was a decision that we had taken, that we
6 should be determined, and that once we arrived on location, we should
7 fight to the very end and that we should wait till the end of the
8 fighting before looting, and then once we had looted, we would stay in
9 the location. So he said that we had to attack, take control of the area
10 and then loot.

11 Q. And where was Germain Katanga at the time that Yuda uttered those
12 words?

13 A. Germain had already arrived at the camp. There were commanders
14 there, and they were having fun. They were having a drink. The other
15 combatants were outside. There were elderly individuals who were giving
16 fetishist rituals to the combatants, but Germain Katanga was already
17 there in the camp.

18 Q. In the context of the fetishist rituals prior to going to fight,
19 were there any songs?

20 A. Yes. Before going to fight in Kagaba, we were happy and we sang.
21 We sang a bit in order to lift our spirits. Subsequently, we were ready.
22 The combatants were ready, and they were waiting for the time to leave.

23 Q. And which songs did you sing? And if a need arises, we might go
24 into private session.

25 A. I do not remember the song in question. I do not remember.

1 However, our songs were aimed at our enemy, and generally speaking, we
2 would sing against the enemy. We might sing, "If you see the enemy, then
3 kill him," or we might insult the enemy.

4 Q. And how did you go about insulting the enemy? What kind of
5 insults did you prefer against the enemy in your songs?

6 A. They were insults referring to the various bodily parts of the
7 enemy.

8 Q. Is that limited solely to men, or are we also talking here about
9 women's sexual organs?

10 A. As I have just said, when talking about the UPC, we would also
11 target women. For example, a Hema man and his wife. The -- on the UPC
12 side, our enemy was not only -- did not only come in the form of men.

13 Q. You mentioned that in Kagaba, Yuda addressed the troops and that
14 Germain Katanga was present. Are you in a position to tell us which
15 other commanders were in Kagaba on the occasion of that gathering?

16 A. I would say that there were the commanders from the Kagaba area
17 and from Geti. They had all arranged to meet in Kagaba, but I can't tell
18 you whether such and such another individual was present. Yuda was
19 there, Dark was there, Germain was there, and others. Commander -- other
20 commanders from the APC were present. A commander such as Move was also
21 present in Kagaba. Anguluma was also present in Kagaba.

22 Q. Are you in a position to tell us approximately how many
23 combatants gathered in Kagaba in order to go and fight in Bogoro? Could
24 you provide us with an approximation?

25 A. I don't really know what to tell you. There were many

1 combatants, maybe a thousand, maybe 2.000. There were many of us, very
2 many of us. We're not talking about a small group of combatants here.

3 Q. You mentioned that there was another meeting point for those who
4 came from down below, and I believe you were referring to Medhu in so
5 saying. What information do you have on that subject? You say there was
6 a meeting point in Kagaba, and you say there was another one. Where was
7 that meeting point located, and which combatants went to gather at that
8 meeting point?

9 A. I would like to say the following: As I said, some combatants
10 met a little lower down from that location. I know that in Aveba, there
11 was a meeting of FRPI chiefs who came together in Aveba. After the
12 meeting -- well, they said during the meeting that the people from Bavi
13 should meet in Medhu. After the battle, we all gathered in Bogoro.
14 There were no people from Medhu there. At the same time that we
15 attacked, there were others in Medhu launching an attack upon Medhu. But
16 I was not part of the group of combatants who attacked Medhu. We all
17 gathered together after the victory in Bogoro.

18 Q. We shall revisit what you have just said, because there might
19 have been an interpretation problem, but we shall revisit this point. So
20 let us proceed.

21 You said that subsequent to the gathering that occurred in
22 Kagaba, you then went on to a location by the name of Nombe; is that
23 correct?

24 A. Yes.

25 Q. And what did you do in Nombe?

1 A. In Nombe, I believe there was a fetishist. He was a witch
2 doctor, and he was the main witch doctor. He was supposed to lead us,
3 and he went to get his tools in order to come and use them and assist us
4 in our journey.

5 Q. Later, you mentioned that you went to Lakpa. What did you do in
6 Lakpa?

7 A. In Lakpa, I don't think we did anything there. Nights, generally
8 speaking, are long, and we need to rest. So in Lakpa, we got some rest.
9 We did not go to the summit. We rested at the foot of the mountain,
10 because when you are in Lakpa, you can see the large mountain. We were
11 going in the direction of the summit, but we rested up at the foot of the
12 mountain, because we could not really move forward at night-time. We
13 needed to rest and wait for morning in order to move on.

14 Q. And to your knowledge, the Lakpa combatants and
15 Commander Lobho Tchamangere, what did they do when you were in Lakpa?

16 A. They were having a good time. They were drinking alcohol. And
17 at the same time, we were resting whilst they were drinking.

18 Q. You subsequently said that you went -- or you went to a location
19 not far from Bogoro in order to take up position prior to the attack; is
20 that correct?

21 A. Yes.

22 Q. And where was Germain Katanga to be found at that moment in time?

23 A. Germain was part of the group. He and his companions were in
24 charge of the group. They were commanding the group of combatants. And
25 when I say "group," I am referring to the group of combatants who were

1 marching in the direction of Bogoro.

2 Q. You mentioned that during a period of time, that is to say,
3 between 5.00 and 6.00 a.m., the attack started. Could you explain once
4 again how the attack started?

5 A. Once we had all arrived in Bogoro, and once we had taken up
6 position, we were well deployed. Before the attack, that is. We arrived
7 a few metres short of Bogoro. This was -- we had nearly arrived in
8 Bogoro. This was just before fighting commenced, and then something
9 happened that made us all jump, and we took fright, and we weren't able
10 to flee. We wanted to, but we stayed there. We calmed down, all of us,
11 and then we moved forward.

12 So we moved forward against the UPC positions, and when the UPC
13 soldiers saw us, they began firing, and when they opened fire, we began
14 to apply our system. We had our system, which was to fight and to call
15 out and to insult the enemies. At the same time, we were shooting and
16 exchanging gunfire. That is how we led the battle of Bogoro.

17 Q. So you attacked.

18 A. Yes.

19 Q. Where were you at that point in time, at the time of the attack,
20 when the attack began? What did you do?

21 A. I had my firearm, and I moved forward along with other combatants
22 who had come from Kagaba to go to Bogoro. I was very close to a road,
23 and we were moving forward, and we got to the camp, and that was after
24 the battle, after the battle.

25 Q. As you were moving forward at the beginning towards the camp and

1 gunfire was exchanged with the UPC fighters, did you know what
2 Germain Katanga did?

3 A. Germain was there. He was part of the group of combatants. He
4 was fighting. He, too, was fighting, and we moved forward together. You
5 know, on the front there are no leaders and troops. Everyone has to
6 fight going by his experience. So Germain was there. He was part of the
7 group that launched the attack on Bogoro.

8 Q. How were you clothed? The fighters of the FRPI, what were they
9 wearing?

10 A. We did not have a particular uniform. We were in the habit of
11 wearing banana leaves, dried banana leaves, and we would wrap other
12 leaves around our heads and around our hips, and we moved forward to
13 attack.

14 Q. And how were the UPC soldiers dressed?

15 A. The UPC soldiers, at least ones who were guarding, they were well
16 dressed. They had a military uniform. As well, they had garments that
17 went over that uniform to protect them against the cold. Their military
18 uniforms were green with a camouflage print, a *tache-tache* camouflage.

19 Q. You said that you yourself moved towards the UPC camp after the
20 attack. I would like for you to describe to us what you saw once the
21 attack was over and you reached the UPC camp.

22 A. I would say this: I fought along the side of the road that comes
23 from Kagaba and goes towards Bogoro, and at the end of the attack, we
24 moved towards the camp. There, there were bodies, many bodies of
25 soldiers. I was not able to distinguish between the bodies of soldiers

1 and civilians. Most of the people killed had been shot to death. Other
2 bodies were to be found in the foxholes. Those were soldiers who were
3 not able to get out of the foxholes. They were killed with machetes or
4 spears or knives.

5 As I moved forward, I realised that the UPC had set up operations
6 in a school. I don't know whether it was a school or a church, but I
7 think it was a school. And there, there were a great many bodies, even
8 in the classrooms. There were many bodies. And these bodies were of
9 various people. I don't know whether they were the wives of the
10 soldiers. And among other things, there were other bodies throughout the
11 entire village of Bogoro.

12 Q. Let us focus upon the classrooms that you saw. You weren't sure
13 whether it was a school or a church. You mentioned that even in the
14 classrooms there were many dead bodies. I would like to ask you,
15 Witness -- I would like to ask you a question that is important to the
16 Chamber. Describe the age of the bodies that you saw of the people, the
17 bodies that you saw in this classroom, the youngest ones. The bodies of
18 the youngest ones, how old were those people? We'll begin with that.

19 A. Do you want to know about the bodies in the classrooms, inside
20 the classrooms, or the bodies that we saw here and there in general?

21 Q. In the classrooms. We'll begin with the classrooms. How old
22 were the youngest people, in your opinion, the bodies of those people?
23 You don't know whether they were the wives of the soldiers. What were
24 the genders, the ages, of these dead bodies, judging by what you saw,
25 what you saw, what you observed.

1 A. It's difficult to be specific. They were children. One also
2 found bodies of ladies with their babies whom they were nursing, but I
3 couldn't tell you their ages. As for the bodies, there were bodies of
4 children and adults who were piled up one on top of another, but I
5 couldn't tell you the exact age of these bodies. There were ladies who
6 were carrying their babies when they were killed, and those ladies died
7 with their children.

8 Q. Were there *bubu* as well?

9 A. I didn't pay attention to the *bubu* in at that room. However, I
10 do know that around that area there were some *bubu*. Their bodies were
11 found elsewhere, but in the camp, in the classrooms, there were bodies of
12 young girls and children, as well as young men.

13 MR. MACDONALD: (Interpretation) Just for the benefit of the
14 Chamber, I think that yesterday we established that "*bubu*" means
15 "grandparent," "grandfather." Thus it means "grandparents" in this
16 context.

17 Q. Now, were you able to determine how the bodies in the classrooms
18 had been killed? When you looked at the bodies, were you able to see for
19 yourself how they had been killed?

20 A. I would say that the victims had not been killed with machetes or
21 knives. They were shot. They had not had their throat slit with knives,
22 no. They had been shot to death.

23 MR. MACDONALD: (Interpretation) As promised, or, rather,
24 requested, the Prosecution would like to halt its examination-in-chief so
25 that Mr. Garcia, my colleague, can revert to the Chamber regarding some

1 matters having to do with documents. Obviously, without the witness
2 being present.

3 PRESIDING JUDGE COTTE: (Interpretation) Agreed.

4 Witness, we will conclude your part of today's hearing. We thank
5 you, sir, for your contribution over the course of the morning, and we
6 will see you some morning at 9.00 a.m.

7 Could the security officers please have the two accused leave the
8 courtroom, but they will be coming back once the witness is out of the
9 courtroom. So they will briefly depart the courtroom and then return a
10 few moments later.

11 (The accused withdrew)

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

14 (Closed session at 1.15 p.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 (Open session at 1.16 p.m.)

2 (The accused entered court)

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

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

7 Now, we have two minor issues to deal with. The Prosecution will
8 be explaining the outlooks for -- the outlook for tomorrow's
9 examination-in-chief. If the Prosecution in a position to forecast
10 tomorrow's proceedings, then perhaps this will allow the Legal
11 Representatives and perhaps even Mr. Hooper to have an opportunity to see
12 whether they will be starting tomorrow, and then we'll also be talking
13 about a number of identity documents. It's actually just one document at
14 hand. We have this here. This comes from the unit. This is a colour
15 photocopy of a passport concerning our witness.

16 MR. MACDONALD: (Interpretation) I will allow my colleague to
17 address the second point. But to respond to your first point, the
18 Prosecution does hope to conclude during the first two hours, and then
19 the Legal Representatives will have an opportunity to ask questions and
20 perhaps even conclude their examination, although I can't predict the
21 actual length of that. If the Chamber -- the Chamber may want to ask
22 questions. The Chamber may have time to ask some questions as well. And
23 so -- but for the cross-examination as such, will it begin tomorrow? I
24 won't venture an opinion.

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

1 So the Legal Representatives of Victims are aware that they
2 should be ready to go tomorrow, and I believe that in -- most likely
3 Mr. Hooper's team should be ready as well.

4 Mr. Garcia.

5 MR. GARCIA: (Interpretation) Your Honour, if you don't mind,
6 with regard to this identity document, I just learned -- we just learned
7 that this is a document, a photocopy, that has been sent to the Defence
8 team, and the concern of the Prosecution is that there is no oversight as
9 to what happened -- what happened with this document. So we were just
10 raising this issue before the Chamber.

11 I understand that the document will be sent to the Defence team,
12 but we would imagine it would be sent back to the Chamber. This witness
13 is in the court's protection programme, so we wouldn't want the document
14 to be forwarded further to other parties by accident. So this is just a
15 concern that we wanted to express to the Chamber. We just want to make
16 sure that there is a certain oversight provided for this document.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.
18 The Chamber has the impression and is actually quite sure, but
19 off-the-cuff, we can't give the actual names or pseudonyms of witnesses
20 who have already provided identity documents that were in turn sent on to
21 the Defence teams. So the colour photocopy of this passport will be
22 provided to the parties and participants as we have done in the past for
23 other witnesses, and at the time, the concern was expressed that the
24 identity of the witness and the information to be found on the documents
25 matched.

1 It goes without saying, sir, that any use of these documents must
2 be quite careful. I don't think it's necessary to recall, now, you did
3 so quite rightly, that the witness is within the court's protection
4 programme. We are all taking precautions to ensure that his identity is
5 not disclosed outside of this courtroom, because we don't want him to be
6 exposed to any considerable risk, so the Court Officer will provide this
7 photocopy to Mr. Hooper who asked for it yesterday, as well as to the
8 other parties and participants. And the Chamber reiterates and stresses
9 that the necessary precautions must be taken when it comes to the use of
10 this document. I think that everyone has understood.

11 Very well. Madam Court Officer, if you could provide a colour
12 photocopy. I believe the Chamber has two. I'll pass this document on to
13 my colleague Judge Diarra, and I will share the other copy with
14 Judge Van den Wyngaert. Ah, thank you.

15 We will continue hearing from Witness 0028 tomorrow under the
16 conditions that were suggested by the Prosecution, bearing in mind any
17 problems that may crop up during the hearing, or there maybe some
18 resistance from the witness. So far, in any event, he gives me the
19 impression that he is able to answer questions, although he did show a
20 moment of weakness at one point this morning.

21 Now, we don't have to have the witness sent out of the courtroom.
22 He's already -- he's already left the courtroom.

23 The accused, we will see you tomorrow at 9.00, and the hearing is
24 now concluded.

25 The hearing ends at 1.22 p.m.

1 CORRECTIONS REPORT

2 The following corrections are made to the English transcript:

3 * Page 13 line 22 "commanders" is corrected by "combattants"

4 * Page 24 line 22 "children" is completed by "young children"

5 SECOND CORRECTION REPORT

6 The following correction is made to the English transcript:

7 * Page 52 lines 6-7 " A. I think you do not -- you're not very familiar with those people

8 from my tribe." is corrected by "A. * Your Honour, do you realize that we are

9 talking about the rites performed in my culture ? This could put me in danger."