

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 Thursday, 24 February 2011
10 The hearing starts at 9.02 a.m.
11 (Closed session)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
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19 (Expunged)
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21 (Expunged)
22 (Expunged)
23 (Open session at 9.04 a.m.)
24 COURT OFFICER: (Interpretation) We are in open session,
25 your Honour.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
2 Court Officer.

3 Good morning, everyone. Now I see the accused are with us. Good
4 morning, gentlemen.

5 The witness is with us. Good morning, ma'am. Can you hear what
6 I'm saying? Madam Witness, can you hear what I'm saying?

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

8 PRESIDING JUDGE COTTE: (Interpretation) Very well. We will be
9 able to resume the proceedings.

10 After about 50 or 55 minutes, I will be asking you if you are
11 feeling well and whether you would like to have an opportunity to get up
12 and walk around a bit if your back is troubling you. If not, you can
13 tell me that you are fine. It's entirely up to you.

14 Ms. Denis, you can resume your examination.

15 MS. DENIS: (Interpretation) Thank you, your Honour.

16 THE WITNESS: (Interpretation) I'm fine. I got up this morning,
17 and --

18 THE INTERPRETER: Inaudible.

19 QUESTIONED BY MS. DENIS: (Continued)

20 Q. (Interpretation) Yesterday, Witness, you were talking to us
21 about the beginning of the attack, and you told us that you were in a
22 house. You were sleeping, and you heard gunfire. You heard drums. You
23 heard shouts. You heard whistles. You told us that you recognised the
24 Lendu and Ngiti languages, and it was the Lendu people and the Ngiti
25 people who were attacking.

1 Do you remember that? Do you remember saying that yesterday?

2 A. Yes, I remember.

3 Q. So tell us, after hearing all that noise, what did you do?

4 A. After hearing all those noises and the gunfire, I got up at
5 4.00 in the morning. While we are heard all of that, I fled, heading for
6 the military camp, that is to say, the barracks.

7 Q. Just to be very sure that we've understood, when you say "the
8 military camp," do you mean the Bogoro Institute that you mentioned
9 yesterday?

10 A. Yes, that was the place there, the Bogoro Institute.

11 Q. Now, yesterday if I understood properly what you were saying, you
12 went to that camp, to that institute, because you were in the habit of
13 taking refuge there when an attack occurred. Now, is that why you went
14 there?

15 A. Yes.

16 Q. Were you the only person to flee?

17 A. I wasn't the only person who fled. Other people headed towards
18 the Bogoro Institute to take shelter there.

19 Q. Yesterday, you told us that you were in a house and there were
20 other people. What did the other people do when they heard all these
21 noises?

22 A. Those people also headed towards the camp and towards other
23 people -- other places. I don't know what other places they went to, and
24 many people continued to head towards the institute or the camp, the
25 displaced people's camp.

1 Q. So did you actually get to the institute, to the camp?

2 A. Yes. I went into the institute, more specifically into one
3 building that was located there.

4 Q. Could you tell us how much time it took you to go from the house
5 where you were to the institute?

6 A. It took me about five minutes, because the institute was not very
7 far from my home.

8 Q. Now, to be a bit more specific or so that we can understand
9 better, did it take you five minutes walking or running or walking
10 quickly?

11 A. I was running very fast.

12 Q. I'd just like to ask you one minor clarification just to make
13 sure we've understood one another. You said that it took you
14 five minutes, and you said, "It was about five minutes, because the
15 institute was not far from my home." When you say "my home," you do mean
16 the house where you were at that particular point in time?

17 A. It was the place where -- where the (Expunged)
18 (Expunged).

19 Q. So you got to the institute, and you just told us that you went
20 into a building. Now, my first question is as follows: When you got to
21 the institute, did you see other people there?

22 A. When I was running, there were many other people who were doing
23 the same thing along the way, and when I got there, I found people there
24 already, and then other people arrived at the same time as me. However,
25 I was not able to identify those people because it was still dark out.

1 It was 4.00 in the morning.

2 Q. Could you tell us in approximate terms how many people were
3 there? It's slightly like my question yesterday. As many people as in
4 this room, more people, fewer people?

5 A. There were many people. I couldn't tell you how many. Each
6 person was running to save his skin and going into the buildings at the
7 institute.

8 Q. And these people who were running, who had arrived, who were
9 already there, were they civilians or soldiers?

10 A. They were civilians who were going there, but there were soldiers
11 around them.

12 Q. And these soldiers, do you remember who they were? Were they the
13 soldiers of that camp?

14 A. They were soldiers who were guarding that UPC camp, and at that
15 time they were fighting the enemy when was enemy was attacking.

16 Q. Now, do you remember whether there were many soldiers, many
17 UPC soldiers there?

18 A. Yes. There were many soldiers at that time.

19 Q. You told us that when you arrived at the institute, you went into
20 a building. Could you tell us a little bit more about this building?
21 What sort of building was it?

22 A. When we arrived, some people went in by way of the door. Others
23 went through the windows, because the enemy was chasing them, was after
24 them. The doors and the windows were both open when we arrived.

25 Q. And the people who were going into the building by the door or by

1 the window, were they civilians who were fleeing, who were trying to get
2 away?

3 A. Yes, they were civilians.

4 Q. Did the Bogoro Institute have several buildings? Were there
5 several buildings there?

6 A. Yes. There were five doors, so five classrooms, and an office.

7 Q. Were there people in all these classrooms?

8 MR. O'SHEA: We'd like to hear the witness's story, not -- not my
9 learned friend's understanding of her story.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.
11 Indeed, that question could be rephrased.

12 MS. DENIS: (Interpretation) I will rephrase the question, and I
13 apologise. I apologise to my learned friend.

14 Q. What was the situation in these other classrooms?

15 A. The situation was not good. Everyone wanted to get into the
16 classrooms, so people were pushing and shoving to get in, to get away
17 from the consequences of the war.

18 Q. Among the various people who were in the classrooms, do you
19 remember what kind of people were there?

20 A. They were people who were living in that town. There were Hema
21 people, Alur people, some Gegere people, and some people from the
22 Hema North community.

23 Q. What were the ages of these various people in the classrooms?

24 A. There were many people. There were children, young girls,
25 adults, and even old people.

1 Q. And can you tell us what was the state of mind of these people in
2 the classrooms?

3 A. They were in a bad way. They were in a -- really a pitiful state
4 of mind.

5 Q. I know that this isn't easy. Could you tell us a bit more, what
6 sort of pitiful state of mind that they were in?

7 A. Given the situation at the time, people were crying a lot because
8 of what was going on outside the camp. People were -- had been put to a
9 terrible trial. They were crying a great deal, and at the same time some
10 even -- some even fainted.

11 Q. Was there enough room in the classrooms for people to sit down?

12 A. There were classrooms, and people were crammed in more and more.
13 It wasn't easy to find a spot to sit down. There wasn't enough room.
14 Some people were lying on their bellies, others were on their knees.

15 Q. (* No interpretation)

16 A. Could you repeat your question for a better understanding.

17 Q. You told us that at the camp there were civilians but also UPC
18 soldiers when you arrived at the camp. What were those UPC soldiers
19 doing in relation to the attack, the attackers, and the civilian
20 population?

21 A. I said -- I said that the soldiers were outside the institute.
22 They were outside. They were fighting the enemy. They were not at the
23 perimeter of the institute.

24 Q. When you were in the classroom, what was the situation like
25 outside?

1 A. The situation was bad outside, because some people had not yet
2 arrived at the institute, and those people were calling out. They were
3 crying. I could hear the cries of people who were outside, and they were
4 in a bad situation.

5 THE INTERPRETER: Microphone, please.

6 MS. DENIS: (Interpretation)

7 Q. (* No interpretation)

8 THE INTERPRETER: Inaudible.

9 THE WITNESS: (Interpretation) No, I didn't stay there all the
10 time. If I'd stayed in the classroom, I would have been killed. My
11 throat would have been slit. When the sound intensified, when the noise
12 intensified as the enemy gained the upper hand over the UPC soldiers,
13 some people alerted the displaced people who were inside the institute.

14 MS. DENIS: (Interpretation)

15 Q. So that we can better understand, when you said "when the noise
16 intensified," what kind of noise are you talking about?

17 A. There was a great deal of noise. We could hear all kinds of
18 noises. We could hear firearms going off. The enemy was moving closer
19 and closer to the camp, and when they tried to get into the camp, the UPC
20 soldiers realised that they were losing the battle, and they made haste
21 to alert all the displaced people who were in the classrooms. They told
22 us that there was no safety and that if it was possible for us to flee,
23 we would have to flee. We would have to leave the premises.

24 Q. When you heard this alert, what did you do yourself?

25 A. I did all I could to get out of the classroom, and I went to find

1 a hiding-place in the bush. Later, I tried to find a way to flee.

2 Others who remained there were killed. As well, other people were able
3 to get out of the institute but with a great deal of difficulty.

4 Q. Do you remember roughly at what time you left the institute?

5 A. I wasn't able to look at the time, because the situation was
6 dreadful.

7 Q. I understand. At that time, was dawn breaking or had the sun
8 already risen, just to give us a rough idea of the time.

9 A. No. It was still night-time. In fact, I didn't even spend an
10 hour within the classroom where I was.

11 Q. You've just said that the UPC soldiers came to warn the people in
12 the institute that they were losing the battle and that these people
13 should flee. What did the UPC soldiers do then?

14 A. Several soldiers were killed. Amongst the soldiers, some
15 survived. The fighting got heavier and heavier. A lot of soldiers were
16 killed.

17 Q. And the soldiers that survived, what did they do?

18 A. They were trying to flee as well, because they could no longer
19 stay inside the camp. The fighting was very heavy. They came to warn
20 us, to say that the fighting was getting heavier and heavier, and they
21 were trying to find a way of fleeing as well.

22 Q. You told us that you fled from the institute. Can you give us
23 any more details about the route which you take -- which you took or the
24 direction which you took when you left the institute?

25 A. Yes, I can tell you. When I left the building, I fled round the

1 back and I headed towards the bush, and there, there's a small path which
2 leads down to the stream, and I took this path, and at the end of it I
3 then moved into the bush.

4 Q. When you were running towards this stream, did you see any other
5 people?

6 A. Yes, I did. There were other people, but everybody was going off
7 in different directions. People were trying to save their own lives, and
8 so people were heading off in different directions. We didn't all take
9 the same direction.

10 Q. So you were in the bush. You were following a small stream.
11 What did you do after that?

12 A. Well, I ran into the bush, and I tried to crawl, to crawl along
13 inside the bush, trying to hide so I wouldn't be seen by the enemy.

14 Q. Did you stay hidden in the bush?

15 A. I didn't stay hidden in that part of the bush. There was no path
16 in that area, and we were scared, because we knew that the Lendu and the
17 Ngiti had surrounded all the places and blocked all the exits. That's
18 why I stayed hidden in the bush and in the reeds right to the very end.

19 Q. When you say that you kept hidden in the bush and in the reeds
20 right to the very end, could you just explain a little more what you
21 mean? Up until what time?

22 A. When I went into the bush there, I stayed hidden so that nobody
23 would see me. And I kept moving around inside that bush, staying close
24 to the streams, and I crossed one stream. Once I'd crossed that stream,
25 I then kept walking through the bush, and I crossed another stream to

1 move into another part of the bush. And then I left the bush by crossing
2 a stream known as Mbogu.

3 Q. When you were moving through the bush and crossing these streams,
4 which direction were you heading in?

5 A. I wanted to head for Bunia.

6 Q. And did you get to Bunia?

7 A. Yes. That day I got to Bunia, and I arrived there in the evening
8 but in a very bad state. As I was running away, I was trying to hide. I
9 was trying to find a way out, and I went through Lengabo, and I kept
10 trying to hide. I got to a village called Basanya. This is a village
11 where the Bira live, and at that point I was walking quite slowly, still
12 trying to hide.

13 MS. DENIS: (Interpretation) Your Honour, would it be useful for
14 the transcript to have the exact spelling of this village?

15 PRESIDING JUDGE COTTE: (Interpretation) If you wish, we can
16 have the exact spelling of the river as well, which phonetically was
17 pronounced by the witness as Mbogu.

18 Madam Witness, would you be kind enough to spell out the name of
19 the stream which you crossed. Could you tell us how this is written,
20 please.

21 THE WITNESS: (Interpretation) Could you please give me a piece
22 of paper so I can write down this name.

23 PRESIDING JUDGE COTTE: (Interpretation) We'll give you a piece
24 of paper, and on that piece of paper you will write down the name of the
25 stream and the name of the village which you have just mentioned, the

1 village of the Bira people. Please write down both words, and then the
2 Court Usher will put these up on the screen for us.

3 THE WITNESS: (Interpretation) You want me to write down the
4 names of all the streams which I crossed when I left Bogoro?

5 PRESIDING JUDGE COTTE: (Interpretation) No, madam. For the
6 moment, please simply write down the name of the stream which you
7 mentioned when you were giving evidence and which you have called,
8 apparently, phonetically Mbogu. I'm not sure if I properly understood
9 the name. This was apparently the last stream which you crossed, so that
10 name, please, and the name of the village, because these are two names
11 which have been included in your evidence, but we're not sure about the
12 spelling. So this is why we need you to write them down on the paper.
13 Thank you.

14 COURT OFFICER: (Interpretation) To look at the document, you
15 need to press the button "Docu Cam Witness."

16 PRESIDING JUDGE COTTE: (Interpretation) Can everybody see the
17 document? The gentlemen accused? Yes. Everybody else? Yes.

18 So the river name is one which we know already, and the name of
19 the village as well, Ms. Denis, Basanya is written very well. I don't
20 know if this is a document which you would like to have registered as
21 evidence later on. We'll see. Now we have the name of the stream Mbogu,
22 M-b-o-g-u, and Lengabo-Basanya.

23 Thank you very much, Madam Witness.

24 MS. DENIS: (Interpretation)

25 Q. Madam Witness, let me just go back in time slightly in the events

1 of that day. You told us that you ran away initially from the house
2 where you were to the institute, from the institute then you fled, and
3 finally you arrived in Bunia. Throughout that period of time did you see
4 any attackers?

5 A. Yes. When I left the classroom in the institute, I saw the
6 assailants at a distance. I saw how they were chasing after the civil
7 population and how they were cutting the victims down with machetes. I
8 didn't look long enough, because I was trying to escape.

9 Q. And in your flight, did you see any injured people or any dead
10 bodies?

11 A. Yes. As I was fleeing, trying to get into the bush, I came
12 across some dead bodies which I ran over, I jumped over. I didn't
13 identify any of the victims, however, neither did I try to count the
14 number of dead, because I was running for my life.

15 Q. Is it possible for you to remember if these bodies were the
16 bodies of soldiers or of civilians?

17 A. I couldn't identify the victims to say whether they were
18 civilians or soldiers, because the bodies were covered in blood. It
19 wasn't really easy to identify them.

20 Q. Yesterday, you said that the situation was very tense at the time
21 and you had decided to move your children away, and I quote -- this is on
22 the transcript at page 68, French transcript, lines 18 and 19. You said
23 that you moved your children out because, I quote, "It wasn't quiet in
24 Bogoro."

25 Why, if Bogoro was not quiet, then you stayed on to live in

1 Bogoro?

2 A. I stayed there because all our fields were in the Bogoro village.
3 Where the children were sent to, there wasn't anything to eat. This is
4 why I stayed in Bogoro, because our field was there, and we were trying
5 to get food to eat, and we were taking food to our children in the place
6 where they were.

7 Q. At the time before the attack on Bogoro, when things were
8 strained, what was the state of mind of the people of Bogoro?

9 A. At the time of the attack, the situation wasn't good. When we
10 wanted to go out onto the farm, the soldiers accompanied us, because if
11 we went by ourselves, we risked running into attackers and being killed.

12 Q. Thank you, madam, for the description of the events you lived
13 through. I'd like to move on to another subject now, which is also a
14 difficult one.

15 After the attack on Bogoro -- I beg your pardon. I will restate
16 this.

17 You said that on the day of the attack you were in a house, and
18 in particular, you were with your mother. Have you seen your mother
19 since the attack?

20 A. When the attack started, about 4.00 in the morning, we were with
21 my mother. And when we were fleeing, we each went off in different
22 directions. I didn't see my mother. I kept running right up till I
23 arrived in Bunia. My mother was found elsewhere, but it wasn't at that
24 time.

25 Q. When you say that she was found elsewhere, could you say a little

1 more about that, please?

2 A. Well, I've just said this. We were all in the house, and each
3 person fled for their lives. I went to the camp, and my mother fled and
4 tried to find a way out, her way out. I don't know which path she took.
5 I'm telling you what I know on the basis of the direction which I took.

6 Q. I'm sorry, I didn't ask my question very well. What I'm trying
7 to understand is after these events, did you actually see your mother
8 again? Did you meet up again?

9 A. After these events I went to Bunia, and I found my mother in
10 Bunia.

11 MS. DENIS: (Interpretation) Your Honour, I would like to move
12 briefly into private session in order to talk about other people.

13 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, let's
14 move briefly into private session, please.

15 (Private session at 9.55 a.m.)

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Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
Questioned by Ms. Denis (Continued)

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12 Page 16 expunged – Private session

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- 13 (Closed session at 10.01 a.m.)
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- 21 (Open session at 10.01 a.m.)
- 22 COURT OFFICER: (Interpretation) We are in open session,
- 23 your Honour.
- 24 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Do not,
- 25 please, move too far away from the courtroom, because we'll be resuming

- 1 in six or seven minutes.
- 2 The Court will rise.
- 3 Recess taken at 10.02 a.m.
- 4 On resuming at 10.11 a.m.
- 5 (Closed session)
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- 15 (Open session at 10.13 a.m.)
- 16 COURT OFFICER: (Interpretation) We are in open session,
- 17 your Honour.
- 18 PRESIDING JUDGE COTTE: (Interpretation) The accused are in the
- 19 courtroom. The witness is back.
- 20 Witness, can you hear me clearly?
- 21 THE WITNESS: (Interpretation) Yes.
- 22 PRESIDING JUDGE COTTE: (Interpretation) Thank you, madam.
- 23 Ms. Denis, please resume your questioning.
- 24 MS. DENIS: (Interpretation) I'm going to have to ask to go into
- 25 private session, your Honour.

1 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
2 go into private session again briefly. Thank you.
3 (Public session at 10.14 a.m.)
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Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
Questioned by Ms. Denis (Continued)

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Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
Questioned by Ms. Denis (Continued)

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Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
Questioned by Ms. Denis (Continued)

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13 (Open session at 10.28 a.m.)

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

15 your Honour.

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

17 Ms. Denis, please go ahead.

18 MS. DENIS: (Interpretation)

19 Q. Madam Witness, I'm going to ask for a small clarification to make

20 sure that we have understood. We were talking about an attack against

21 Bogoro that took place in 2001 a moment ago, and you told us that it was

22 the men of Germain Katanga and Ngudjolo who carried out that attack.

23 When you said "that attack," can you please specify what attack you are

24 talking about?

25 A. Could I ask you to repeat that question, please, because I have a

1 feeling that I didn't really understand, because you asked another
2 question along the same lines. I would like to understand exactly what
3 you are getting at.

4 Q. A few moments ago you told us that the men of Germain Katanga and
5 Mr. Ngudjolo were carrying out that attack. Which attack were you
6 talking about?

7 A. Now I understand. In your question are you asking me about what
8 year that attack took place in?

9 Q. Yes. I apologise. I was not sufficiently exact. I was talking
10 to the year -- about the year. Thank you.

11 A. I'm wondering if you're referring to the 2001 attack or the
12 2003 attack. Under those conditions, I don't know whether I should
13 continue giving a reply, making reference to one particular year or
14 another. I don't understand.

15 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé.

16 MR. FOFÉ: (Interpretation) I am intervening because I am trying
17 to see the relevance of this distinction that my learned friend is trying
18 to make here. I would suggest that she goes to the passage and the
19 witness's reply so that she can remember the context in which the witness
20 gave the answer, and I think that way she would better understand.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea.

22 MR. O'SHEA: For my part, I -- I would object to the question,
23 and -- and this is why: As far as I can see, the question has been asked
24 and answered, because what the witness said on page 22, line 1 to 2, in
25 the English transcript was as follows:

1 "The attack in 2001 took place in Bogoro, and it was
2 Germain Katanga's and Ngudjolo's men who carried out that attack."

3 That is the answer of the witness, as clear and as plain as can
4 be, and I'm a little bit concerned about an attempt to clarify something
5 which is that clear.

6 I don't want my learned friend to enter into areas for which she
7 has not established a foundation, so I would object to her question on
8 that basis.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
10 Professor Fofé. Thank you, Mr. O'Shea.

11 Mr. O'Shea, it is important for the Court, at the very least, to
12 obtain confirmation from the witness of the answer that is found at
13 page 23, lines 1 to 3 of the French transcript.

14 Madam Witness, I am reviewing the provisional French transcript,
15 page 23, line 24. You were asked the following question, and I -- "I
16 will ask my question again, ma'am. A few moments ago, you were speaking
17 of an attack in 2001 during which your father and your aunt died. Could
18 you tell us where that attack occurred?"

19 And if I continue on to page 23 of the transcript, line 1 is
20 blank, but lines 2, 3, and 4 are complete, and your answer was as
21 follows, ma'am:

22 "The 2001 attack occurred in Bogoro."

23 And you added:

24 "And it was the men of Germain Katanga and Ngudjolo who led that
25 attack."

1 Can you confirm what I have just read out to you, what I have
2 just read out, namely, that the 2001 attack in Bogoro was, in your
3 opinion, led by the men of Germain Katanga and Ngudjolo? Can you simply
4 confirm that, and we will leave it at that.

5 THE WITNESS: (Interpretation) Yes, that is true. And the men
6 of Germain Katanga and Ngudjolo continued the war after that, and they
7 were the ones who fought in 2001, in 2003. It was the same people who
8 continued attacking and waging war.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well. Thank you
10 very much for confirming that point. Thank you for that additional item
11 of information. And in the fullness of time, everyone will make a
12 determination of that answer and the importance that should be attached
13 to that. So you said that it was the men of the two gentlemen in
14 question.

15 Ms. Denis, please continue.

16 MS. DENIS: (Interpretation)

17 Q. Witness, in 2003, did you have brothers and sisters? Don't give
18 me their names at this particular stage of the proceedings.

19 A. I beg your pardon, ma'am. I don't understand your question.

20 Q. I will move on to another topic. It will be easier that way.

21 A few moments ago we were talking about your family members whom
22 you lost in 2003, during the attack in 2003. Now, after that attack,
23 what other harm did you suffer? Let me put it more simply. What else
24 did you lose after this attack?

25 A. The day of the battle in 2003, I lost other family members or

1 other people. For instance, the two herders, shepherds, who took care of
2 our cows.

3 Q. You mentioned your cows as well. What happened to your cows?

4 A. On the day of that battle we had cattle, and that day, all those
5 cows were taken. It was the bandits who took the cattle, and at one
6 point they killed the two herders and another brother of mine who were
7 where the herd of cattle -- one of my brothers survived, but I reiterate,
8 the two herders were killed, and the herd of cattle that they were taking
9 care of was taken by those attackers.

10 Q. When you say "we lost the cattle," whom are you speaking of
11 exactly?

12 A. It was the cattle that our father had given us. *He had
13 given cattle to each child, each child of his late wife or spouse.

14 Q. How many cows did you have at the time of the attack on Bogoro?

15 A. More than 130 head of cattle.

16 Q. Now, just so that we better understand, what does a cow represent
17 within the Hema culture?

18 A. As far as we're concerned, we Hema people -- you see, a cow is of
19 great usefulness to us because we have a -- when we have a hard time of
20 things, we can sell the cow and solve our problems. And when someone is
21 ill or if your children need to go to school, you can sell your cows and
22 pay for the school fees or pay for medication. Furthermore, even if you
23 don't have a farm, you can sell your cows and buy food and feed your
24 family even if you do not have any land.

25 Q. Other than the cattle, were there other animals?

1 A. Yes, we had other animals.

2 Q. Could you tell us what other animals you had?

3 A. We had goats, we had chickens, but we also had land.

4 Q. So after the attack of February 2003, what happened to your goats
5 and your chickens?

6 A. After the 2003 attack, we no longer had anything. None of that
7 remained. After the attack of 2003, everything had been taken. Our
8 house had been destroyed. They had taken the sheet metal roofing. They
9 took everything in the house.

10 As for the goats, well, they were taken, and all our crops were
11 destroyed. The attackers were the ones who destroyed everything.

12 Q. When you say that "our house was destroyed," do you mean that the
13 attackers destroyed the house?

14 A. Could you please repeat your question.

15 Q. Was your house destroyed?

16 A. Yes, exactly. Our house was destroyed that very day, that very
17 same day. It was those bandits that I've mentioned who demolished our
18 house. It wasn't someone else.

19 Q. Were there other things in the house, items of furniture?

20 A. Yes. There were various items in the house, beds, tables, and
21 other domestic items. All those items were inside our house.

22 Q. After the attack, do you know what happened to those various
23 items, those belongings?

24 A. Could you please repeat your question, if you could be so kind.

25 Q. You told us that there were beds and tables and other items in

1 your house. What happened to those items after the attack?

2 A. When the disturbances occurred, when the war occurred, the Lendu
3 and the Ngiti took all those items and left with them.

4 Q. Witness, I would like to go back to one minor issue relating to
5 the cattle. I'm sorry, but I don't think I really understood correctly.

6 You said that you had this -- these cattle. Can you explain to
7 us where they came from or how you came to have them?

8 A. Our father gave us those cows. They were the belongings of our
9 father. When a parent dies, the children, the heirs, receive these
10 items. We were the children of our father, and so these belongings came
11 down to us. It was our right. We were entitled to them.

12 Q. Thank you, ma'am. I understand.

13 MS. DENIS: (Interpretation) Your Honour, I would like to touch
14 upon the last two topics, and I do hope to conclude before the break if
15 everything goes well.

16 Q. We are coming close to the end of the examination, ma'am. I
17 would like to ask you whether you could explain to us how it came to be
18 that you learned about the court, how you became a victim taking part in
19 the proceedings. I'm not going to ask you for names of people, but could
20 you explain to us how that came to be?

21 A. Well, when it comes to me, I know that to be one of the victims,
22 someone came to speak to me about this.

23 (Legal Representatives confer)

24 MS. DENIS: (Interpretation)

25 Q. This person who came to speak to you about this, so this person

1 spoke to you about the court --

2 MR. FOFÉ: (Interpretation) I beg your pardon.

3 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé.

4 MR. FOFÉ: (Interpretation) I'm sorry, your Honour. We let many
5 leading questions go by since yesterday. I think that my learned friend
6 opposite is providing an interpretation of the witness's reply.

7 PRESIDING JUDGE COTTE: (Interpretation) Sir -- we do understand
8 Maitre Denis, the intent of your question. Now, I believe the witness
9 did fill out an application form, and you can continue with this line of
10 questioning, but please do not provide any questions that might lead to a
11 particular answer from the witness. You have been doing very well so
12 far. Please continue.

13 MS. DENIS: (Interpretation)

14 Q. Now, you said that to become a victim, someone came to speak to
15 you about this. Could you explain what this person said to you or what
16 she may have done?

17 A. The person came to see me, and at that time, the person explained
18 to me that there was a place where people were talking about the
19 situation of victims and that it was the ICC.

20 Q. And after this person came to see you, then what happened?

21 A. When this person came to meet with me, I explained the various
22 difficulties I had experienced during the war.

23 Q. Did this person take note of the various difficulties? Then what
24 happened?

25 A. This person took note of what I had said, and then the person

1 went back to the place that she came from.

2 Q. After this entire procedure and what's happened today, could you
3 explain to us what you expect from this trial?

4 A. After all of that, I would like to ask the Judges to look at the
5 situation carefully, the situation that occurred, and determine who
6 amongst the accused should stay in prison or should not be in prison.

7 MS. DENIS: (Interpretation) I still have two short questions
8 about our witness's safety. I don't know --

9 PRESIDING JUDGE COTTE: (Interpretation) Unfortunately, we
10 cannot because the tapes only are for two hours, but you can ask your
11 questions after the break. For your examination-in-chief, and this is a
12 piece of information from our Court Officer, you have used 2 hours and
13 15 minutes of time. You'll have about ten minutes left after we resume.

14 So for the time being we will suspend because it is practically
15 11.00.

16 I would like to ask the court security officers to please escort
17 Mr. Katanga and Mr. Ngudjolo out of the courtroom. We will suspend for
18 30 minutes, and then we will see you after that.

19 (The accused withdrew)

20 PRESIDING JUDGE COTTE: (Interpretation) And then we will go
21 into closed session so that the witness may leave the courtroom.

22 (Closed session at 10.57 a.m.)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Open session at 10.58 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 So, Ms. Denis, apparently you will need about ten minutes after
12 the break?

13 Mr. Gilissen, with reference to paragraph 31 of Ruling 1665 of
14 the first month of -- the 1st of December, 2009, now, you have some
15 things in mind, I would suppose, and if you have any further issues that
16 you have not put in writing, you will have to confer with Maitre Denis,
17 and if your two colleagues are in agreement, you will be able to ask such
18 possible questions, bearing in mind we must respect the schedule that we
19 have set. So please take advantage of the break to think about that, and
20 we will revert to you after.

21 MR. GILISSEN: (Interpretation) We understand that point more
22 than ever before.

23 PRESIDING JUDGE COTTE: (Interpretation) Very well. And then
24 cross-examination will begin, and the Chamber will specify one little
25 point with the witness before that.

- 1 The hearing is now suspended.
- 2 COURT USHER: All rise.
- 3 Recess taken at 11.01 a.m.
- 4 On resuming at 11.31 a.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 11.33 a.m.)
- 16 COURT OFFICER: (Interpretation) We're now in open session.
- 17 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
- 18 Good morning, Madam Witness. We are starting back. Can you hear
- 19 me properly?
- 20 THE WITNESS: (Interpretation) Yes, I can hear you.
- 21 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
- 22 Ms. Denis, for your final questions, please, as part of your
- 23 examination of this witness. We are listening to you.
- 24 MS. DENIS: (Interpretation)
- 25 Q. Madam Witness, I would like to move on to the final questions I

1 have for you this morning, and these questions concern the security
2 conditions in the zone in which you're living at the moment. Could you
3 tell me what the local situation is like? Up until now we've talked
4 about a strained situation in 2003 around that time. What is the
5 situation like now, please. Please don't name the place where you live.

6 A. As things stand today, I wouldn't say that things are entirely
7 safe. In the place where we live, our Ngiti and Lendu brothers are quite
8 rude to us.

9 Q. Are you worried about your own safety?

10 MS. DENIS: (Interpretation) Just a second, please.

11 (Legal Representatives confer)

12 MS. DENIS: (Interpretation)

13 Q. If you don't mind, I would first of all like to ask you another
14 question. Could you tell us what kind of rude things the Lendu and the
15 Ngiti say to you.

16 A. They often say that although they killed us, they won't let
17 things happen or take the normal course of events.

18 Q. Are you worried about your own safety?

19 A. Yes.

20 Q. Could you tell us very briefly why?

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea.

22 MR. O'SHEA: I don't think I'm too concerned about this line of
23 questioning. The only thing that concerns me is that we don't have
24 notice that these questions were going to be put, and I'm not sure if
25 there's something in the head of my learned friend that I don't know

1 about, and that's the only thing that's worrying me a little. Is there
2 something I don't know about? Because she putting questions that she
3 appears to know the answers to, and I don't.

4 PRESIDING JUDGE COTTE: (Interpretation) Ms. Denis, can you
5 dissipate the doubt which is in the mind of Mr. O'Shea? Are you
6 intending to continue for a long period of time on this line of question,
7 which is in the context of the facts which concern us but, nevertheless,
8 are not specifically targeted to what the witness has been saying in her
9 evidence.

10 MS. DENIS: (Interpretation) Thank you very much. In fact, I
11 was arriving at the conclusions of my examination of the witness, and I
12 was following a line of questioning which was followed yesterday and the
13 previous days in relation to the previous witness. The purpose was
14 simply to ensure, before this person goes back into their country, that
15 conditions of safety and security in their country were sufficient. I'm
16 trying to put this in very neutral terms here. Given the discussions and
17 exchanges we've had here, it was really trying to provide information to
18 everybody here.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much
20 indeed.

21 Madam Witness, if you remember the question which you've about
22 asked, would you please answer it. And I think that on this line of
23 questioning, as Mr. O'Shea has been saying, we will stop there unless you
24 have any other questions to ask, Ms. Denis.

25 Is it therefore useful to ask your question once again? The

1 witness is here, of course, to express what she felt. She is, of course,
2 a representative of other victims, and we will report on her answer
3 concerning her specific situation, of course.

4 MS. DENIS: (Interpretation)

5 Q. Madam Witness, could you very briefly explain to us why you are
6 worried about your own safety.

7 A. I'm afraid because the Lendu and Ngiti bandits are continuing to
8 threaten us, and that makes me even more scared. If I were to meet them
9 one day, they might harm me.

10 MS. DENIS: (Interpretation) Your Honour, I've finished.

11 I would like to thank you, Madam Witness, for your testimony, and
12 I would like to wish you an excellent day.

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

15 Mr. Gilissen.

16 MR. GILISSEN: (Interpretation) Thank you very much, indeed,
17 your Honour, but in the light of what I have heard, I don't think I need
18 to ask any questions, and I don't think I need to ask the Chamber to ask
19 any extra questions. I will leave it up to my learned colleagues to ask
20 questions now.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
22 indeed, Mr. Gilissen.

23 Straight away, before I hand over to Mr. O'Shea, I do beg your
24 pardon to the Prosecution.

25 Madam Witness, just for the Chamber, I would like to elucidate a

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Ms. Huck

Page 37

1 detail. You twice said -- answering a question, you talked about the
2 herd of cattle you had. You said you had roughly 130 head of cattle.
3 These were cattle which your father left to you as inheritance. A
4 specific question: Were these cattle yours personally, or were these
5 cattle left to several members of your family? In other words, are we
6 talking about your personal possessions here, or are we talking about
7 property which belonged to several members of your family, because this
8 is quite a considerable number of cattle, in fact.

9 THE WITNESS: (Interpretation) I can answer that question. I
10 have younger brothers, and therefore you will understand that I am their
11 elder sister. These cattle belonged to all of us. This is family
12 property.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
14 indeed, for that answer.

15 Madam, if you are taking the floor, please stand. Good morning.

16 MS. HUCK: (Interpretation) Good morning, your Honours. The
17 Prosecution has two short questions to ask.

18 QUESTIONED BY MS. HUCK:

19 Q. (Interpretation) Good morning, Madam Witness.

20 A. Good morning.

21 Q. My name is Florie Huck. I represent the Prosecution office.

22 You've already related many things. I just have a couple of short
23 questions to ask you. Please do not hesitate to stop me if any of my
24 questions were not clear. Is that all right for you?

25 A. Thank you, yes.

1 Q. Just now you said that you arrived in Bunia on the evening of the
2 attack. This is on the transcription page 11, lines 18 and 19. How long
3 did you stay in Bunia for?

4 A. I can't remember how many days I stayed in Bunia for. I think I
5 left Bunia to go to Uganda, but I can't be more precise than that.

6 Q. How did you leave to go to Uganda?

7 A. I left to go to Uganda the day the Ugandan forces left Bunia to
8 go to Uganda, and I walked there. We left Bunia, and we walked towards
9 Bogoro, and we spent the night there at nightfall. We got up about 3.00
10 in the morning to go to Uganda, but first of all we passed through
11 Kasenyi, and when we got to Kasenyi, we went on board a small boat which
12 led us to Uganda. Once we were in Uganda, we settled in. The Ugandans
13 welcomed us and showed us where we could settle in.

14 Q. Can I just stop you there for a minute. When you went through
15 Bogoro - you said you spent the night there - what did you see? What was
16 the village like?

17 A. When we arrived, Bogoro had changed and was not the way it
18 usually was. There were bushes growing everywhere. The houses had gone.
19 I only saw buildings in the institute, and the bandits were occupying
20 these buildings. A little further away, we could see some houses still
21 standing. There were a few *manyatas* which were occupied by the Ngiti and
22 Lendu assailants.

23 Q. You've just said that the bandits were occupying these buildings.
24 Who were these bandits?

25 A. I didn't understand your question, please. Could you say it

1 again.

2 MR. O'SHEA: (* Microphone not activated) ... will object. I
3 remind your Honours that your Honours did make a decision with regard to
4 what this witness would testify on, right. This is not a Prosecution
5 witness. This is a victim witness, and if we refer to your Honours'
6 decision of the 9th of September, 2010, I'll read in French at
7 paragraph 29, you say:

8 "(Interpretation) She emphasises that the scope of questions
9 which may be asked of the said witness is limited in that they must
10 essentially bear on the points that have been mentioned, specifically
11 paragraph 15 to 19 above cited, which could -- should significantly
12 contribute, therefore, to the search for the truth."

13 (In English) And then at paragraph 16, your Honours set out the
14 parameters of what this witness will deal with, or the *champ*
15 *d'application* that you have decided would be appropriate for this witness
16 in your Honours' discretion, and it's in that context that I think its
17 inappropriate for the Prosecution to try to turn this witness into a
18 Prosecution witness. If they wish to ask questions of clarification of
19 an impartial and neutral manner on the evidence which she has given, that
20 is one thing, but if they want to raise new issues which have not been
21 discussed by Ms. Denis and which are of an incriminating nature and do
22 not fall within the parameters of what we all envisaged this witness
23 would be dealing with, then I would object.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.

25 Madam Prosecutor, I think you have to be careful here. In

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Ms. Huck

Page 40

1 paragraph 16 of the ruling 1929, 19 of -- 19/12/2010, we can see the
2 Chamber considers that a description of Bogoro before and after the
3 attack of the 24th of February, 2003, could allow it to better measure
4 its importance and impact. If you therefore consider, as you seem to
5 have wanted to do just now, if you consider that you want to obtain
6 information about the state of Bogoro after the attack when the witness
7 passed through, then we see no obstacle to your doing this, but please be
8 careful not to step out of the strict framework which Mr. O'Shea has
9 reminded us of. The content of paragraph 16 does indeed specify the
10 framework of what the Chamber is expecting from the evidence of the
11 victim which it authorised to -- to give evidence.

12 MS. HUCK: (Interpretation) Thank you very much, your Honour.

13 Q. You said that you spent the night in Bogoro and then you moved on
14 to Kasenyi and then moved on to Uganda. How long did you stay in Uganda
15 for?

16 A. I went to Uganda after the war, and I stayed there for two years.
17 After that, I returned to Congo.

18 Q. How did you go back to the Congo? Which roads, paths did you
19 take?

20 A. I left Uganda, and I arrived in Kasenyi. After Kasenyi, I went
21 back up to Bogoro, and I was going to Bunia. After Bogoro, I went to see
22 the members of my family who were living in Bunia.

23 Q. Thank you, Madam Witness. Thank you very much.

24 MS. HUCK: (Interpretation) Your Honour, we have no other
25 questions.

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

3 Before handing over to Mr. O'Shea, Madam Witness, I'm sorry, but
4 I would like to come back for just one second to this question of your
5 cattle herd. Could you tell us if these 130 cattle, roughly, disappeared
6 in the attack of the 24th of February, 2003, or had some of them
7 previously disappeared in the course of previous attacks, for example?
8 Was this loss specifically dated on the 24th of February, 2003?

9 THE WITNESS: (Interpretation) It's true that we did lose cattle
10 in the course of previous attacks, but we didn't lose many. In 2003, we
11 lost a great many cattle, and I talked about this figure of 130. In
12 fact, it was more than 130, because I'm not including the calves in this.
13 I was really talking mainly about the -- the cows themselves. I wasn't
14 counting the calves.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

16 Mr. O'Shea, you have the floor if you wish.

17 Thank you to you, Madam Prosecutor.

18 Please do tell us, Mr. O'Shea, if you are going to limit yourself
19 to questions or, as with the previous witness, you wish to carry out a
20 full cross-examination.

21 MR. O'SHEA: As with the previous witness, I wish to carry out a
22 full cross-examination, with your Honours' leave.

23 PRESIDING JUDGE COTTE: (Interpretation) Then do so, of course,
24 but do please understand today that today it's 12.00. We have before the
25 end of the week just about five and a half hours of hearing, and we would

1 like to finish at half past 1.00 tomorrow. I think that is possible.

2 Over to you, sir.

3 MR. O'SHEA: Yes, we will. Yes.

4 PRESIDING JUDGE COTTE: (Interpretation) Madam Denis.

5 MS. DENIS: (Interpretation) I beg your pardon for interrupting.

6 The decision refers to paragraph 32 and a case-by-case possibility of
7 cross-examination. I would like my friend to explain the underlying
8 reasons for this cross-examination. Perhaps we could use English,
9 although I know this is not the preferred language.

10 PRESIDING JUDGE COTTE: (Interpretation) We can, of course, use
11 English. I believe that Mr. O'Shea will just take 50 seconds, perhaps,
12 to explain the reasons for this full cross-examination, but we would like
13 to hear you express these reasons.

14 MR. O'SHEA: The same reason as the previous witness.

15 PRESIDING JUDGE COTTE: (Interpretation) I'm sorry, I'm not very
16 good at improvising in English, so if I could, I would like to just make
17 sure that I've properly understood. Do please say in English the reasons
18 so that all of this appears fully in the transcript. It's not going to
19 take long. I would rather not have to do this in French. If you could
20 just say in English the reasons which are -- which seem to be the same as
21 those which you invoked for the previous witness. The Court is pretty
22 sure that it has understood, but we would like you to say this so it
23 appears on the transcript and so that we fully comply with the decision
24 which we handed down on the 9th of November, 2010, when we were talking
25 about a case-by-case approach.

1 MS. DENIS: (Interpretation) I beg your pardon. I think my
2 learned colleague might be pleased to hear what I have to say. I wonder
3 if what he's now going to say in English is not going to be translated.
4 So that may simplify things. I'm just saying this for the people who are
5 listening to us.

6 MR. O'SHEA: I'm going to be very frank with this witness from a
7 very early part in my cross-examination, so I really don't mind. The
8 reason I'm doing a full cross-examination is -- is because this witness
9 has referred to the name of Germain Katanga, and -- and because it is our
10 position that she was -- that she was not in Bogoro on the day in
11 question, and therefore, that is the basis upon which I'm cross-examining
12 her.

13 PRESIDING JUDGE COTTE: (Interpretation) All right. That is
14 exactly what we were anticipating, but, Mr. O'Shea, thank you for that
15 clarification which Ms. Denis wanted to hear. That is exactly what the
16 Chamber was anticipating. It may be expected that Mr. Ngudjolo's Defence
17 team may adopt the same approach. I see that Mr. Kilenda and
18 Professor Fofé are nodding.

19 Do you think you could just try and focus the cross-examination
20 part of your questioning on the reasons that underlie the decision to
21 cross-examine. With regard to the rest, please try and keep your
22 questions to the essence of the matter. I think that we do have plenty
23 of time in the remaining five and a half hours to conduct a useful and
24 productive debate.

25 MR. O'SHEA: Yes. All my questions will go directly to the

1 reliability and credibility of this witness.

2 QUESTIONED BY MR. O'SHEA:

3 Q. Yes. Good afternoon, madam. My name is Andreas O'Shea, and I am
4 representing Mr. Germain Katanga during the course of these proceedings.

5 Now, you, on the 9th of October, 2008, made an application to
6 participate in these proceedings; correct?

7 A. Yes.

8 Q. And you signed each page of that application; is that right?

9 A. Yes, I signed everything.

10 Q. And when you told your story to the person who was assisting you
11 with that application, did that person read back to you the contents of
12 your application?

13 A. Could you please repeat the question.

14 Q. Yes, of course. Let me -- let me start with another question.

15 Was there somebody who assisted you to fill in the application form?

16 A. Yes.

17 Q. And in which language were you speaking to that person?

18 A. The interview was conducted in French. That is, the person was
19 speaking French, and I spoke Swahili, and we had an interpreter.

20 Q. And before you signed each page of the application form, was the
21 contents of what had been written on the form read back to you?

22 A. Yes. The person re-read the passage before I signed it.

23 Q. And on the same day, did you also -- and that is the
24 9th of October, 2008, on the same day, did you also, with the assistance
25 of another person, fill in an application for reparations?

1 A. I don't know how to answer your question.

2 Q. You -- you see, on the 9th of October, 2008, you, with the
3 assistance of others, filled in two documents. One was an application to
4 participate in the proceedings of the International Criminal Court, and
5 we've just spoken about that, and the second document was an application
6 for reparations, also a document of the International Criminal Court. So
7 do you remember being asked to sign two documents or not?

8 A. This is what I remember: There was a person who continued to
9 interview me. That is all I know.

10 Q. Okay. I'll come back to that. On the 9th of September, 2010,
11 and on the 10th of September, 2010, so September of last year, were you
12 interviewed about what you experienced in Bogoro?

13 A. Yes.

14 Q. And while you were being interviewed, how many people were
15 present?

16 A. I think that I have answered your question. This is what I said:
17 There was one person who continued to interview me, that is, the person
18 was speaking French, and there was a Swahili interpreter, and I was
19 speaking Swahili.

20 Q. Okay. Now, we were talking about the application that you made
21 in October 2008, which is now quite a long time ago, right? And we've
22 now finished with that subject. We've now moved on to the next time you
23 told your story, which was towards the end of last year, in September,
24 and you met with Mr. Nsita. Do you remember that meeting?

25 A. I don't remember anymore.

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Mr. O'Shea

Page 46

1 Q. All right. Well, I'll -- I'll --

2 MR. LUVENGIKA: (* No interpretation)

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

4 MR. LUVENGIKA: (Interpretation) Could I ask my learned friend
5 to deal with the witness honestly.

6 Mr. O'Shea, could you please check what you're saying. When you
7 mention the month of September 2010, perhaps that would help the witness
8 to understand what you're getting at.

9 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, I think
10 that in order for things to be clear in your head, Mr. O'Shea tried to do
11 this a moment ago, but I'm going to try again myself. There are two
12 separate periods of time. There is 2008, the month of October, a period
13 during which you filled out a request to participate in the proceedings.
14 Then Mr. O'Shea tried to encourage you to specify whether you had also
15 filled out a request for reparation of the damage you suffered. But that
16 is only with regard to the period of 2008 for the time being.

17 Now, there is a second period in question, which is the period of
18 September or October 2010 -- September, in fact, the 10th of September,
19 2010, and here he is raising the issue of a meeting that you had at that
20 time during which you made a statement.

21 Is that right, Mr. O'Shea?

22 And it is with regard to this second period that he is now asking
23 you questions.

24 There is no attempt to confuse you. There are two separate
25 issues here. We are now referring to September 2010, just a few months

1 ago.

2 Mr. O'Shea is now going to resume his questioning so that you can
3 give him an answer now that things are quite clear.

4 Mr. O'Shea, please go ahead.

5 MR. O'SHEA: If Madam Usher could hand the -- the four documents
6 in question to the witness. So if there's any doubt in her mind, she has
7 the documents in front of her.

8 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, we're
9 going to give you a copy of the request to participate in the proceedings
10 of 2008, another copy of the request for reparations also dated 2008, and
11 then a copy of the two statements, one dating from September 2010 and the
12 other from January 2011.

13 Is that correct, Mr. O'Shea?

14 All right. That way you will have the documents before you, the
15 documents with regard to which questions are going to be asked by
16 Mr. O'Shea, and probably by the other Defence team afterwards. It will
17 be easier for you that way.

18 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
19 please give those documents to the witness.

20 MR. O'SHEA:

21 Q. I'm going to ask the -- the member of the Registry to stand by
22 you, Madam Witness, because I know that you might not be completely
23 proficient in the French language. So that if we need to look at these
24 documents now, he can help you.

25 But you will see that there are four documents there, and the

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Mr. O'Shea

Page 48

1 first two documents are documents of the International Criminal Court,
2 and one is an application for participation in these proceedings, and
3 we've just -- we've just spoken about that one. The other document is an
4 application for reparations, and it's also an International Criminal
5 Court document.

6 Now, you've signed both of those documents.

7 Just a minute, please.

8 (Defence counsel confer)

9 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, you cannot
10 remain permanently next to the witness. Could you simply split the
11 documents into two piles, on one side the 2008 documents, the request for
12 participation and the request for reparation, and on the other side, the
13 two statements dated September 2010 and January 2011. Then when
14 Mr. O'Shea asks his questions, he will read the passages from those
15 documents that he feels are useful.

16 Thank you very much, Mr. Usher.

17 Mr. O'Shea, please go ahead.

18 MR. O'SHEA:

19 Q. So as not to lose too much time, the application and the
20 reparations form, I'll come back to that in a moment, but I'm now --
21 you'll also see in front of you that there are two documents which are
22 basically statements by you that contain your story, and the first of
23 those documents is dated the 9th of September, 2010, and the
24 10th of September, 2010, right? So coming back to my question, on the
25 9th of September, 2010, and the 10th of September, 2010, did you meet

1 with Mr. Nsita and others to tell your story? Do you remember that?

2 A. Yes, I remember.

3 Q. Right. Now, when you told your story on the 9th and -- 9th and
4 10th of September, 2010, it's right, isn't it, that you were asked to
5 sign those documents? And if you wish, you can look at them and see your
6 signature. But is that right, that you were asked to sign the document
7 which contained your story as you told it to Mr. Nsita and others on that
8 date, 9th and 10th of September, 2010? You signed that statement, didn't
9 you?

10 MR. LUVENGIKA: (Interpretation) Your Honour, may I please
11 interrupt once again.

12 Madam Witness, you have the documents before you. Please take
13 the document that is dated the 10th of September. Mr. O'Shea, you have
14 the document as well. If you're going to read that document, you'll
15 understand that I was not present. So once again, please deal with the
16 witness honestly. She tends to answer without verifying what is actually
17 written in the document.

18 PRESIDING JUDGE COTTE: (Interpretation) Yes. I think we agree
19 with what you've said, Mr. Luvengika. The Court had also observed that.

20 Madam Witness, the statement that you made on the 9th and
21 10th of September, 2010, was made in the presence of two people whose
22 names appear on the first page, and there was also an interpreter.

23 The statement that you made in January 2011, which is shorter, it
24 has fewer pages, was made also in the presence of two people among whom
25 is Mr. Fidel Nsita Luvengika and an interpreter. In order to be very

1 clear, Mr. Nsita Luvengika was only present when you made the
2 complementary statement, the second one, of the 10th of January, 2011.
3 He was not present when you made the first declaration on the
4 10th of September, 2010.

5 Now that those clarifications have been given, Mr. O'Shea may
6 continue his questions.

7 MR. O'SHEA:

8 Q. Yes, I'm sorry about that. That was my mistake. Mr. Nsita is
9 quite right. I was in error. He wasn't present at the September
10 meeting. I wasn't trying to mislead you. It was only a mistake.

11 So you met with, in fact, somebody called Anta Guisse in
12 September 2010; is that right?

13 A. The person that you mentioned, is that a man or a woman?

14 Q. It doesn't matter. You had a meeting in September 2010 where you
15 told your story; correct?

16 A. Yes. I told them what had happened to me.

17 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, you can
18 read the documents which are before you. You have that possibility.

19 Concerning these two documents which are statements, on page 1,
20 in the second last line you have the names of the persons present and the
21 name of the interpreter. Perhaps it would be easier for you to re-read
22 this first. We can see that at the first interview Anta Guisse and
23 Flora Mbuyu were present, with the interpreter Flora Mbuyu, the same
24 person. At the second interview, there was Mr. Fidel Nsita and the same
25 lady, Flora Mbuyu. So you have all of this before you on the desk, and

1 perhaps that will help you to answer the questions.

2 THE WITNESS: (Interpretation) I do not see where it is written.

3 MS. DENIS: (Interpretation) Your Honour, if I may be so bold.

4 They are not looking at the right document. I can see it from here.

5 PRESIDING JUDGE COTTE: (Interpretation) Usher, we are looking
6 at the two declarations, not the request for participation or the request
7 for reparation. We are looking at the two statements.

8 Madam Witness, don't worry. You are looking a little bit
9 flustered. Don't worry. We are trying to make things easier for you.

10 Ms. Denis.

11 MS. DENIS: (Interpretation) Could I help a little bit more?
12 It's on the very first page, the cover page. You don't need to turn over
13 to the second page. It's the very front page of the document.

14 MR. O'SHEA: I appreciate that your Honour -- please. I
15 appreciate that your Honour asked the question, but I don't think it's
16 necessary for the Legal Representatives to keep getting on their feet. I
17 will handle my cross-examination in my own way, if that's all right.

18 PRESIDING JUDGE COTTE: (Interpretation) Yes. We agree. Our
19 concern is simply to ensure that the witness is in a position to answer
20 you. I think that she now has the reference documents in front of her,
21 and so over to you.

22 MR. O'SHEA: Thank you very much.

23 Q. So do -- I don't know if that's helping you. Do you -- do you
24 read in French or not?

25 A. There are passages that I understand.

1 Q. So -- so basically can you see that you've signed that document?

2 A. Yes, I can see my signature.

3 Q. Before that document was signed, was its contents read back to
4 you?

5 A. Yes.

6 Q. And then later -- if you put that document aside. You'll see
7 another -- you'll see another document which looks very similar to that
8 one there, which is also a statement. You'll see another document that
9 looks like the one that you were just looking at.

10 A. Okay.

11 Q. So -- so that is also a statement which was the result of
12 interviews that you had on the 16th of December of last year, so shortly
13 before Christmas, and then again on the 10th of January, 2011; is that
14 correct? And there, Mr. Nsita was present.

15 A. Yes. He asked questions of me.

16 Q. Right. And you -- you also signed the document that came out of
17 that meeting, didn't you?

18 A. Yes, I signed it.

19 Q. And before you signed it, it was read back to you.

20 A. Yes.

21 Q. Okay. So if you can take that document in hand, the -- the
22 statement which is dated the 16th of December, 2010, and the
23 10th of January, 2011. That document is ICC-01/04-01/07-2703. This is
24 the last -- this is the last statement that you made, the last interview
25 you had, and I'm going to take you to paragraph 3 of your statement and

1 read it out. You're -- you're welcome to look at it if you want, but I'm
2 going to read it out anyway in French. You say this:

3 "(Interpretation) In my request to participate and then in my
4 statement of 10 September 2010, I stated that my father had been killed
5 during the attack on Bogoro of the 24th of February, 2003. That is an
6 error."

7 (In English) So can you explain again today to the Judges why
8 did you make that error? Just -- don't worry about the document for a
9 moment. Just tell the Judges why you made that error.

10 A. Here's the reason why I made that mistake: In 2001, my father
11 was killed. In 2003, members of my family were killed. It was just
12 because both my father and the family members had been killed during the
13 war by the same men. That is to say, Germain Katanga's group and
14 Ngudjolo's group. That is why I made that mistake.

15 Q. Mm-hmm. And you made the mistake twice, didn't you, because
16 you -- you made it, first of all, in your request for participation,
17 which you did in 2008, and then you made the mistake again several years
18 later in September 2010. So you made the mistake twice.

19 Well, let's see what you said in 2008. Again I'm going to read
20 in French, and the document in question is the application for
21 participation in the proceedings of the International Criminal Court,
22 dated the 9th of October, 2008. The number is DRC-V19-0003-0005-R03.
23 Sorry, R04 is the most updated version. And the relevant page is page 9.
24 And you're welcome to look at this yourself as well, madam, if you wish.
25 It's on page 9 of the document which is headed "*Formulaire Standard de*

1 *Demande de Participation à une Procédure Devant la Cour Pénale*

2 *Internationale,"* and on page 9, there is a section which says

3 "*Informations Relatives Au(x) Crime(s) Allégué(s).*" And I read:

4 "(Interpretation) On that day of the 24th of February, 2003, we

5 woke up hearing gunshots. We hastened to the camp where the UPC soldiers

6 were at the school. Along the way during this flight, FRPI and FNI

7 soldiers killed several members of my family, either hitting them with a

8 machete or shooting them, including --"

9 (In English) I'm going to just go into closed session before I

10 read on.

11 PRESIDING JUDGE COTTE: (Interpretation) If we could go into

12 private session for a few moments, because counsel needs to read out an

13 identifying name.

14 (Private session at 12.35 p.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
Questioned by Mr. O'Shea

Page 55

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Open session at 12.38 p.m.)

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

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

16 MR. O'SHEA:

17 Q. So you see, in your application form, not only do you say that
18 your father was killed on the 24th of February, but you also say that
19 your father was killed on the same day as your Uncle (Expunged). And --
20 and -- and while we're here, you -- you say that they were killed in the
21 course of fleeing. You say that:

22 "We went towards the camp, found the military of the UPC at the
23 school, and while fleeing, elements of the FRPI/FNI killed my family,
24 including my father and my uncle."

25 So you say that this is because they were both killed by the same

1 people, but you see the problem is that you put your uncle's death and
2 your father's death on the same day. Why do you do that?

3 A. As far as I'm concerned, I gave that version because I wanted to
4 draw out one fact. I wanted you to know who killed my father and who
5 killed my family members. I wanted to draw a parallel between the same
6 person who killed my father in 2001 and the person who killed the family
7 members in 2003. You see, I didn't restrict myself to that one thing,
8 because after that I gave the real version in a later statement. I gave
9 the real version. I said that my father was -- died in 2001, and my
10 uncle died in 2003. That correction came from me. It wasn't another
11 person who made that correction.

12 Q. So what you said at the time you filled in your application for
13 participation in 2008, was that the truth or was that not the truth?

14 A. In my statement, I recognised that omission, but with regard to
15 the other explanations found in that statement, in particular the names
16 of the people mentioned, I recognised that that is the truth.

17 Q. On page 11 of the same document, you say this, under the section
18 that reads: "(Interpretation) Please describe the harm, losses, or
19 other forms of prejudice that you suffered."

20 A. What page are you referring to?

21 Q. (In English) Page 11 of the same document.

22 A. Fine.

23 Q. You say:

24 "(Interpretation) I lost several members of my family."

25 (* Previous translation continues) (In English) ... again.

Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
Questioned by Mr. O'Shea

Page 57

1 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, if we
2 could quickly go into private session.
3 (Public session at 12.44 p.m.)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Expunged)
22 (Public session at 12.46 p.m.)
23 COURT OFFICER: (Interpretation) We are in open session,
24 your Honour.
25 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

1 Mr. O'Shea.

2 MR. O'SHEA:

3 Q. You've explained to this Court how important your uncle was to
4 you, and you used the expression that when your uncle went, it was like
5 you had become an orphan. You explain how he became the father figure,
6 how he gave you clothes, et cetera. So you see, I would suggest to you
7 that there's no way in your mind, if you were telling the truth, there is
8 no way in your mind that you could be mistaken and put your father and
9 your uncle dying on the same day. What do you have to say about that?

10 A. Could you please ask your question again?

11 Q. I'm just suggesting to you that if it was your intention to tell
12 the truth when you made your application to participate in these
13 proceedings, you could not reasonably make the mistake of putting the
14 death of your uncle and the death of your father on the same day, because
15 according to your story today, they died in different years, in different
16 attacks, and your uncle took over as the father figure. So you didn't
17 have the intention of telling the truth when you made your application to
18 participate in these proceedings, did you?

19 A. Please read my second statement, my last statement. What I meant
20 was when I thought about this for a long time and I realised the first
21 version was not correct, I corrected it of my own initiative, and that is
22 to be found in my last statement.

23 Q. And when did you realise that it wasn't correct?

24 A. It was the statement that I made between 2010 and 2011.

25 Q. Mm-hmm. So between 2008 and 2010, you're not saying that you

1 believed that your father and your uncle died on the same day during all
2 that time, are you? Were you aware, between 2008 and 2010, that your
3 uncle and your father died on different days? Were you aware of that?

4 A. Yes, I knew that. That is why I made the correction. I
5 wanted -- when I came to give testimony, I wanted people to know that my
6 father died in 2001 and my uncle in 2003. And these two people were
7 killed by the same person. The same group of people killed my father and
8 also killed my uncle.

9 Q. Mm-hmm. So being aware of the fact that your uncle and your
10 father did, in fact, die on different days, according to your story to
11 the Court anyway, being aware of that, you then repeated your mistake.
12 You repeated your mistake not in 2010 -- sorry, not in 2008, but in 2010.

13 A. I've already told you. I told you that towards the end of
14 2010 ...

15 Q. So if we go to your statement of September 2010 --

16 A. (* No interpretation)

17 Q. -- and that is ICC-01/04-01/07. Paragraph 9 of the statement,
18 and I'll read in French:

19 "(Interpretation) The day before -- rather, the evening before
20 the attack, (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (In English) So that statement there was not true, was it?

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Mr. O'Shea

Page 60

1 A. I've already told you. I told you that I made a correction to
2 that statement. I made a correction. It was between 2010 and 2011. The
3 last statement that I signed, the one of the 16th of December, 2010, and
4 the 10th of January, 2011, I made a correction in that last statement.

5 Q. Yes. We -- we know about the correction, because, you see, I
6 started with the correction. To be fair to you, Madam Witness, that's
7 the very first thing I brought your attention to was your correction, but
8 now I'm looking at what you were correcting, and in 2000 -- 2010,
9 September, you say something that's not true. Do you acknowledge that
10 what you said in 2009 was not true? Do you acknowledge that?

11 A. I agree with what was written before, and I apologise for the
12 mistakes that slipped in.

13 PRESIDING JUDGE COTTE: (Interpretation) I think the Court has
14 entirely understood what this all -- is all about. It's a mistake, the
15 reasons for the mistake, and we've spent quite a bit of time on this
16 issue, and I think we've understood. If you think that you can make
17 further progress, we would be most grateful.

18 MR. O'SHEA: Can we have EVD numbers for the two applications and
19 the -- the two statements.

20 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

21 COURT OFFICER: (Interpretation) Thank you.

22 Witness statement dated the 16th of December, 2010, shall bear
23 EVD-D02-00110.

24 Witness statement dated 10 January 2011 shall bear the number
25 EVD-D02-00111.

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Mr. O'Shea

Page 61

1 Mr. O'Shea, could you give me the reference numbers for the other
2 two documents?

3 PRESIDING JUDGE COTTE: (Interpretation) In other words, the
4 application for participation and the application for reparations?

5 MR. O'SHEA: The application for participation is
6 ICC-01/04-01/07 -- oh, sorry. DRC-V19-0003-0005-R014. And the
7 "Formulaire Standard de Demand de Reparation" is DRC-V19-0003-0031-R014.

8 COURT OFFICER: (Interpretation) DRC-V19-0003-0005-R04 shall
9 bear the EVD number EVD-D02-00112. And the document
10 DRC-V19-0003-0031-R04 shall bear the EVD number EVD-D02-00113, and all
11 four documents shall be recorded as being confidential.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Court Officer. And at another point in time, Ms. Denis will have to tell
14 us whether she wishes an EVD number to be attributed to the list of
15 number -- names and place names with numbers.

16 MS. DENIS: (Interpretation) Yes. I believe that the document
17 with the names was for the transcript. So it's not necessary.

18 PRESIDING JUDGE COTTE: (Interpretation) Quite so.

19 Court Officer, if you could allocate an EVD to the document from
20 the team of Mr. Luvengika, please do so so we don't forget about that.
21 We're speaking about the list of names with numbers and a number of place
22 names also with numbers.

23 COURT OFFICER: (Interpretation) The document containing the
24 numbers is EVD-V19-00004. This will be recorded as confidential.

25 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, you may go

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Mr. O'Shea

Page 62

1 on.

2 Professor Fofé.

3 MR. FOFÉ: (Interpretation) Yes, just a question of detail,
4 please, on the point of the first two documents. The Court Officer
5 referred to talking about the first document. She said that this one
6 dated of September 2010, it was a mistake. It was September --

7 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, thank
8 you. This first statement by the witness, unless we're wrong, dates of
9 the 10th of September, I believe.

10 MR. FOFÉ: (Interpretation) 10 September 2010.

11 PRESIDING JUDGE COTTE: (Interpretation) We will leave it up to
12 you to correct that, Court Officer.

13 Mr. O'Shea, you may continue.

14 MR. O'SHEA:

15 Q. Back to your application. You annexed to your application
16 attestation in relation to certain people, and some of these attestation
17 relate the fact that certain people were deceased.

18 Now, if you look at the document --

19 MR. O'SHEA: Perhaps the Usher could assist the witness, I would
20 be grateful, with the application, just to point out the application.

21 Q. And if you turn to the back of the application, you'll see
22 various documents are annexed.

23 MR. O'SHEA: And the representative of the registry can see it's
24 page 19 of the document. If you look at the numbers which are printed
25 from the ICC in the top right-hand corner, the first document which is

1 annexed.

2 Q. This is a death certificate. And could you please tell the Court
3 how this death certificate was obtained. First of all, where did you
4 obtain it? Did you obtain it, first of all, or someone else?

5 A. I'm sorry. Would you be kind enough to repeat your question,
6 please.

7 Q. Yes. The document in front of you, does it -- does it have the
8 name of your father written on it?

9 A. Yes. His name appears.

10 Q. And how -- how was that document obtained? Did you take steps to
11 get that document?

12 A. I went to ask for this document, and I made an official request,
13 and the *chief agreed to sign the document.

14 Q. And when you made the official request, was it you that provided
15 the information which forms the contents of this document? Did you
16 provide the information to the official?

17 A. *The chief listened to my statement, and on the basis
18 of my statement, he issued this document to me.

19 Q. So -- so he delivered a document confirming that your father died
20 on the 24th of February, 2003, stamped that and gave that to you, and
21 then that became a document that you gave to the people who were
22 assisting in filling in your application to participate in these
23 proceedings; is that correct?

24 A. No. That wasn't the way things happened. It was the people who
25 filled in the form *who gave it to the chief, and

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Mr. O'Shea

Page 64

1 the chief looked at the forms, and after that he signed this
2 document.

3 MR. O'SHEA: Could I -- could I please have a -- no, I don't need
4 a separate EVD number for that. It's part of the application form, so I
5 don't need a separate -- it's okay. I'll leave it like that.

6 Q. And is it right that there's a similar document which relates to
7 your aunt, who you say today died on the same day as your father? You
8 also -- you also obtained a death certificate for your aunt in the same
9 way; correct?

10 A. Yes.

11 Q. Now, I'm now going to -- we are in public session. Yes, we are.
12 I'm going to now explain to you what my position is about your
13 story and get your reaction to that.

14 You see, I suggest to you that you were not, in fact, in Bogoro
15 on the 24th of February, 2004 (sic). What do you say about that?

16 A. On the 23rd of February, 2003, I was in Bogoro. I've told you
17 that. I was there the day of the attack.

18 THE INTERPRETER: The witness has corrected herself: "I was
19 there on the day of the attack on Bogoro."

20 MR. O'SHEA:

21 Q. And you were not, in fact, living in Bogoro, but you had moved to
22 Bunia at (Expunged). Is that right?

23 A. No. On that date, I've already told you that in (Expunged)-- in
24 2001 and 2002 there was war, and therefore I had taken my children to
25 Bunia, to a place called (Expunged), and there there was a house which had

1 been built by my father before he died, and this was where I had taken my
2 children to, but as far as I was concerned, I was in Bogoro, trying to
3 work on the farm in order to look after my children who were in Bunia.

4 Q. And I also have to suggest to you that the cows of your family
5 were not stolen at the attack of the 24th of February, 2003, but were, in
6 fact, stolen in a completely different manner, in a completely different
7 place. That's right, isn't it?

8 A. No. These cattle were stolen on the day of the Bogoro battle,
9 which took place in 2003.

10 Q. You see, you -- you knew, your family knew, that there was a
11 strong likelihood of problems at Bogoro. You've said so yourself, that
12 you took measures by sending away your children, and I would suggest to
13 you that you -- you wouldn't keep 130 cows -- because cows are very
14 valuable these days, aren't they? You wouldn't keep 130 cows at Bogoro,
15 knowing that there was a likelihood of an attack, would you?

16 A. I would like to ask you this: Bunia is a town. It's not a place
17 where there are any fields where you can let cattle graze. You can't
18 take cattle to Bunia. The cows had to stay in Bogoro, because that was
19 where we could find pasture land so that the cows could graze. We
20 couldn't take them to Bunia. Bunia is a town.

21 Q. Well, you didn't take them to the town, you took them to a farm
22 at Lengabo, spelled L-e-n-g-a-b-o, which is near Bunia. That's the
23 truth, isn't it?

24 A. No. I completely refute what you are saying. My cows could not
25 be in Lengabo. They were in Bogoro, and the cattle herders were there

1 looking after the cattle. Our cows were in Bogoro, and they were not in
2 Lengabo. You're trying to invent things here and I cannot agree to your
3 inventions.

4 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, you are
5 quite entitled to answer with an enthusiastic, lively tone, but do please
6 slow down very slightly so that the interpreters can follow. But
7 otherwise, you're quite entitled to speak in the tone of voice which you
8 wish.

9 MR. O'SHEA:

10 Q. You see, Lengabo was not the permanent station for these cows.
11 From Lengabo they were taken to Kasenyi, and then later, with a large
12 number of other cows from other people, other families, were taken to
13 Uganda.

14 A. No. That's not the way things happened. Our cattle were in
15 Bogoro. I get the feeling that you're trying to make me say something
16 which is not true at all, and if that's the case, I'm not going to say
17 anything more at all.

18 Q. What I'm doing is I'm -- I'm -- I'm informing you of what we
19 believe the truth is about your cows, and I'm inviting you for your
20 reaction, whatever reaction that might be.

21 You see, there was a very large herd of cows, about a thousand
22 cows, that were taken to an area near Semiliki called Kaliaugongo, and
23 I'll spell that, it's K-a-l-i-a-u-g-o-n-g-o, and your family's cows were
24 part of that herd, but you say that's not true.

25 A. I can't agree with what you've just said. Our cows were in

1 Bogoro. I cannot agree to these lies. You're asking me to confirm what
2 you've just said, but I can't do that, because I don't know anything
3 about what you're trying to say to me.

4 Q. When you gave evidence today, you referred to the fact that your
5 father and your maternal uncle (sic) died in 2001; is that right?

6 A. But I've already answered these questions. I said that my father
7 and my aunt had died in 2001.

8 Q. And were those the only two that died at that time?

9 A. As far as my family is concerned and in the house of my father,
10 it was only my father and my aunt who died at that time.

11 Q. And in your statement, your last statement, the one that you say
12 is the true one, you say at paragraph 4 the following:

13 "(Interpretation) I remember now, thinking back to the different
14 attacks which took place in Bogoro, I remember that my father, and his
15 sister and my paternal aunt, (Expunged), died."

16 (In English) (* Microphone not activated) ... today? That they
17 all died at the same attack?

18 A. Yes. I remember that my father and his sister died in the course
19 of the same battle.

20 MR. LUVENGIKA: (Interpretation) Your Honour.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika.

22 MR. LUVENGIKA: (Interpretation) I'd like to perhaps come to the
23 help of my learned friend. I believe that my learned friend is alluding
24 to three people, the way in which the sentence was written. But when you
25 read it, in fact, it does refer to two people.

Witness: Witness DRC-V19-P-0004 (Resumed) (Open Session)
Questioned by Mr. O'Shea

Page 68

1 PRESIDING JUDGE COTTE: (Interpretation) We are in public
2 session, so we will not read the sentence, but we all have it before our
3 eyes. We're talking about a man, the sister of this man who is
4 described, therefore, as being an aunt.

5 And, Mr. O'Shea, in fact, we will bring this period of
6 questioning to an end. We have come to the end of the two hours which we
7 have for the examination of the witness.

8 Yes. We will bring this part of the hearing to an end. We've
9 come to the end of our two hours, and we will therefore continue
10 tomorrow.

11 I would like to ask the security officer to escort Mr. Katanga
12 and Mr. Ngudjolo out of the courtroom.

13 Gentlemen, the accused, we will see each other back here tomorrow
14 at 9.00.

15 (The accused withdrew)

16 PRESIDING JUDGE COTTE: (Interpretation) And we will now move
17 into closed session so the witness can leave the courtroom.

18 Madam Witness, thank you for your contribution. We have not
19 interrupted this part of the hearing at all in the second part of the
20 morning. The Chamber hopes that you have not been too uncomfortably
21 seated and would like to thank you for having agreed to sit for
22 two hours.

23 Mr. O'Shea, would you like to say something?

24 MR. O'SHEA: Yes, I'll be a very short time --

25 PRESIDING JUDGE COTTE: (* No interpretation)

1 MR. O'SHEA: I'll be a very short time tomorrow. So I'll
2 probably be finish within 15 minutes. Maybe even less.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much
4 indeed, Mr. O'Shea. I didn't even need to ask you that question. You're
5 anticipating my question. So tomorrow we'll have sufficient time for the
6 cross-examination, if it is indeed a cross-examination, by the team of
7 Mr. Mathieu Ngudjolo, and then the re-examination.

8 Madam Witness, thank you very much.

9 Are we in closed session?

10 (Closed session at 1.28 p.m.)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Open session at 1.28 p.m.)

18 COURT OFFICER: (Interpretation) We're now in open session.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

20 Just looking forward to tomorrow, Mr. Kilenda, how long do you
21 think your cross-examination will last?

22 MR. KILENDA: (Interpretation) Thank you. It's Professor Fofé
23 who will be conducting the cross-examination. I would prefer that he
24 answered your question.

25 PRESIDING JUDGE COTTE: (Interpretation) Approximately how much

1 time, Professor Fofé?

2 MR. FOFÉ: (Interpretation) We will try to finish in two hours.

3 PRESIDING JUDGE COTTE: (Interpretation) Two hours. Very well.

4 Ms. Denis, your re-examination on the basis, of course, what will
5 be said tomorrow, but could we count on the fact, perhaps, that we'll
6 have finished listening to the witness at -- by -- by half past 1.00
7 tomorrow?

8 MS. DENIS: (Interpretation) That is what I wish to do.

9 PRESIDING JUDGE COTTE: (Interpretation) For the Prosecution?

10 MS. HUCK: (Interpretation) The same thing.

11 PRESIDING JUDGE COTTE: (Interpretation) Well, we'll work on
12 that basis.

13 Thank you to everybody. Thanks to the interpreters, to the court
14 reporters, to all the technical people, who are faithfully at their
15 posts, and the Court will rise.

16 The hearing ends at 1.30 p.m.

17 CORRECTIONS REPORT

18 The Court Interpretation and Translation Section has made the following
19 corrections in the transcript:

20 *Page 27 lines 12 to 13

21 "He gave us -- he gave cattle child, each child of his wife." Is corrected by " He had
22 given cattle to each child, each child of his late wife or spouse."

23 *Page 63 line 13

24 "and the person in charge agreed to stamp the document." Is corrected by "

25 "and the chief agreed to sign the document."

1 *Page 63 lines 17 to 18

2 “*The person in charge listened to my statement, and on the basis

3 of my statement, he delivered this document to me.” Is corrected by

4 *The chief listened to my statement, and on the basis of my statement,

5 he issued this document to me.

6 *Page 63 line 25 to Page 64 line 1

7 “the form who gave it to the chief, to the person in charge, and the person in charge

8 looked at the forms, and after that he stamped this document.” Is corrected by

9 “the form who gave it to the chief, and the chief looked at the forms, and after that he

10 signed this document.”