

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

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

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
2 Court Officer. The accused are in the courtroom.

3 Good morning, Madam Witness.

4 THE WITNESS: (Interpretation) Good morning. My greetings.

5 PRESIDING JUDGE COTTE: (Interpretation) How are you this
6 morning, madam?

7 THE WITNESS: (Interpretation) I'm very well.

8 PRESIDING JUDGE COTTE: (Interpretation) That's good news.

9 Mr. O'Shea, you left us yesterday with the idea that you had
10 about 15 minutes of cross-examination to go. I give you the floor, and
11 we would be grateful if you tried to stick to that deadline. Thank you.

12 MR. O'SHEA: Yes. I have the full expectation of finishing
13 within 15 minutes, you'll be glad to hear.

14 QUESTIONED BY MR. O'SHEA: (Continued)

15 Q. Good morning, Madam Witness.

16 A. Good morning.

17 Q. Now, when you were in examined-in-chief by the Legal
18 Representatives, towards the beginning of your testimony you were asked
19 about the date of the attack, and this is at page 67 of the transcript,
20 at page 7 to 8 of yesterday -- the day before yesterday, which was
21 22nd -- 23rd, and you said that the attack was on the 24th of February,
22 2003.

23 Now, is the date of the 24th, is that something that you
24 personally remember, or is that something which you have been reminded of
25 in the last six months?

1 A. I don't really understand your question. Could you please repeat
2 it.

3 Q. Yes. You were asked on which date did the attack on Bogoro take
4 place, and your answer was that it took place in the year of 2003, in the
5 month of February, and on the day of the 24th. And my question is this:
6 When you told the Court a couple of days ago that the attack was on the
7 24th of February, is that a fact which you personally remember or is that
8 a fact that you have been told over the last six months?

9 A. No. I personally lived through the war, and I cannot forget it.
10 I know very well that there was fighting on that day.

11 Q. And the reason I ask that question, you see, is because you were
12 interviewed in September of 2003, and in September of 2003, you said
13 this, and this is at paragraph 6 of your statement, you said:

14 "(Interpretation) The attack of 2003 took place at the beginning
15 of the year. I no longer remember the exact date."

16 (In English) Did you say that at your interview in September of
17 last year?

18 A. When I referred to the beginning of the year, "the beginning of
19 the year" means the months of January, February, and March, before the
20 month of June. I did not give a date beyond June. If I had done so,
21 then you could have called my answer into question. So I don't think
22 that you really need to continue with this line of questioning.

23 PRESIDING JUDGE COTTE: (Interpretation) Usher, could you please
24 help the witness to tighten up her headset. I think that you could make
25 her more comfortable. If you could tighten the headset, it would stop

1 slipping down onto her face. Thank you.

2 Thank you, Usher.

3 Mr. O'Shea, you may continue.

4 MR. O'SHEA: Thank you.

5 Q. At another point in your questions when you were being asked
6 questions by the Legal Representatives, and this is at page 70, lines 9
7 to 12 of the English transcript, you were asked about the military who
8 were present in Bogoro, and you were asked by counsel, could you -- could
9 you tell us which group was at the camp in Bogoro, and your answer was
10 that it was the UPC.

11 Now, again let me ask you this: That fact that it was the UPC
12 who were at the military camp in Bogoro, is that something that you
13 personally remember, or is that something which you have been told over
14 the last six months?

15 A. I find your question surprising. How could somebody remind me of
16 the events? I know perfectly well that there were UPC soldiers at that
17 place. Nobody recalled that fact to me.

18 Q. Very well. You see, when you were being interviewed in September
19 of last year, at paragraph 5 of your statement, you said this:

20 "(Interpretation) Those soldiers were Lubanga's soldiers. I
21 don't remember anymore what the group was called."

22 (In English) Did you say that during your interview in September
23 of last year?

24 A. Yes, I remember that. I know very well that Lubanga's soldiers
25 were UPC soldiers, but it is possible to forget that fact. As time goes

1 past, you do forget. That's entirely human. People do forget.

2 Q. Yes, quite. Now, I just have one last matter I'd like to put to
3 you before I finish my questions, you'll be glad to hear, and I'm going
4 to show you a list of names, and the document that I'm going to show you,
5 for the benefit of the Registry, is DRC-D02-0001-0432.

6 COURT OFFICER: And it is a confidential document.

7 (Interpretation) To see the document, please press "PC 1."

8 MR. O'SHEA:

9 Q. Now, can you see that list in front of you, Madam Witness?

10 A. Yes, I see the list.

11 Q. Please look at the names carefully. Take your time and then tell
12 the Judges whether there's any name on that list which you recognise,
13 without saying out loud the name, because we're in public session.
14 That's why I provided you a list. But if you could just say whether you
15 recognised any name on that list and use the number on the left-hand side
16 to tell us which, if any, name you recognise.

17 A. Yes. I see the name that appears at number 1, and I know that
18 person. As far as the other names are concerned, I do not know those
19 people. I don't know them at all.

20 Q. And could you say, please, when was the last time that you saw
21 number 1?

22 A. In 2003, the persons at number 1 were in Bogoro.

23 Q. All right. Is that the last time you saw that person, or did you
24 see that person again after?

25 A. When I was growing up in Bogoro, I saw that person in Bogoro

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1 because that person lived in Bogoro, and that person's house was in the
2 Bagaya locality.

3 Q. Have you seen that person at all in the last two months, up until
4 today's date?

5 A. Yes. When I went to (Expunged) to visit my mother, I saw that
6 person, because the person in question lives in (Expunged).

7 Q. And do you remember approximately the date of that occasion?

8 A. Yes, I remember.

9 Q. Can you please tell us.

10 A. I remember, with regard to the person mentioned at number 1, when
11 I left (Expunged) to come to here, I met this person at Kinshasa airport,
12 and at that time, I was to take the plane to come here, and that is the
13 last time that I met this person.

14 Q. Thank you.

15 MR. O'SHEA: Can I go into closed session for a moment, please,
16 your Honour.

17 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please.

18 (Private session at 9.22 a.m.)

19 (Expunged)

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5 (Open session at 9.24 a.m.)

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

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

9 Mr. O'Shea.

10 MR. O'SHEA:

11 Q. Okay. I should just have two more questions, I think.

12 Now, in your application to participate in these proceedings,
13 when you were asked who was responsible, you stated that it was militia
14 from the FNI and FRPI. Do you know which groups were responsible for the
15 attack of 2001? Do you know the names, the names, of the militia that
16 were responsible for the attack in 2001?

17 A. Could you please repeat the question.

18 Q. The attack of 2001, do you know the names of the militia who were
19 responsible for that attack? Was it FNI, FRPI, or something else? I'm
20 talking about 2001, just to be clear.

21 A. Yes, I know the war of 2001. It was the Lendu and Ngiti that
22 were making war, and so it was these two groups.

23 Q. And did these groups have a name at that time or not?

24 A. It is the same names, the names who attacked -- the names of the
25 groups who attacked in 2003. If you consult the documents, you will see

1 that it was the same groups who attacked in someone and 2003. These
2 groups had the same names.

3 Q. Thank you. Now, I have one last question and that is this: You
4 say that you were staying in Bogoro immediately before the
5 24th of February, 2003 attack. How long had you been staying in Bogoro
6 before that attack?

7 A. Could you please repeat the question, because some of the
8 expressions that you are using are not familiar to me.

9 Q. When you told the Court that on the 24th of February you were in
10 Bogoro and that you were living there, how long before that attack were
11 you living there? For what period of time had you been living in Bogoro
12 at the time the attack started? How many weeks, months, or years?

13 A. Before the attack -- I have to tell you that I was born in
14 Bogoro, and during the war, for example in 2001, I was living in Bogoro,
15 but I fled to Bunia. And after that, during the war of 2003 and even
16 before that war in 2003, I returned to Bogoro because it was my home
17 region, and we had all of our possessions in Bogoro. We had land in
18 Bogoro, and we were carrying out other activities in Bogoro. The 2003
19 attack found me in Bogoro.

20 Q. So after the 2001 attack, at what date or when, approximately,
21 did you return to Bogoro? What I want to know is how many weeks, months,
22 or years were you in Bogoro immediately before the Bogoro attack?

23 A. I think you're trying to make things complicated for me. You're
24 trying to it difficult for me to answer. I don't know exactly what day I
25 returned to Bogoro on. I don't know the exact day.

1 Things happened this way: Before 2003 I was living in Bogoro,
2 but I can't give you the precise day or month or year. These were events
3 which happened well before.

4 Q. So can you -- can you confirm that for the whole of the beginning
5 of 2003, before the commencement of the attack, and for some of 2002, you
6 were certainly living in Bogoro during that period, December, January,
7 February, you were living in Bogoro for three months prior to the attack.
8 Can you confirm that?

9 A. I really think you're trying to make life difficult for me.
10 Look, between 2001 and 2003 I was living in Bogoro. I'd like you to
11 understand me. I was living in Bogoro between these two years which I've
12 just cited, and in the same period of time, my children were living in
13 Bunia, (Expunged). So let me say this:
14 I was living in Bogoro, but I used to go to -- go to Bunia and then go
15 back to Bogoro.

16 If you keep asking me these questions, then you're just making
17 things very difficult for me.

18 PRESIDING JUDGE COTTE: (Interpretation) I think, Mr. O'Shea, we
19 now understand where the witness was before the battle at Bogoro. She's
20 explained things. We understand that she was to'ing and fro'ing between
21 Bogoro and Bunia.

22 MR. O'SHEA: Yes, indeed we do. Those are all my questions.
23 Thank you very much.

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

25 Mr. Fofé, you have the floor.

1 MR. FOFÉ: (Interpretation) Your Honours, good morning. Thank
2 you for letting me take the floor.

3 QUESTIONED BY MR. FOFÉ:

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

5 A. Good morning.

6 Q. My name is Jean-Pierre Fofé. I am co-counsel for the Defence
7 team of Mathieu Ngudjolo. I'm going to ask you a few questions of
8 detail, and I don't think this will take very long.

9 Thank you straight away for all the effort which you will
10 certainly make to answer my questions well, and I can assure you that the
11 sole purpose of my questions is to give you the opportunity to say the
12 whole truth to the Honourable Judges.

13 MR. FOFÉ: (Interpretation) Your Honour, I would like to move,
14 to start with, into private session.

15 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
16 move into private session, please.

17 (Private session at 9.35 a.m.)

18 (Expunged)

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12 Page 11 expunged – Private session

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Page 14 expunged – Private session

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4 (Open session at 9.48 a.m.)

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

6 PRESIDING JUDGE COTTE: (Interpretation) Let's continue.

7 MR. FOFÉ: (Interpretation)

8 Q. Madam Witness, you said that you studied at primary school.

9 Which school did you go to for your primary schooling?

10 A. Yes, I can answer that question. I studied in the (Expunged)primary
11 school in Bogoro.

12 Q. I didn't properly hear the name of the school. Could you repeat
13 it, please, madam.

14 A. I studied at (Expunged)primary school in Bogoro.

15 Q. From what year to what year?

16 A. I studied in the school -- no. I'm sorry. I started my studies
17 when I was six years old. So work it out for yourself. (Expunged).

18 THE INTERPRETER: That was the end of the witness's statement.

19 MR. FOFÉ: (Interpretation)

20 Q. Where did you go to secondary school? Your first year of
21 secondary school was in which school?

22 A. I went to secondary school at the (Expunged).

23 Q. In what year?

24 A. No, I've forgotten. You know, this was a long time ago. Why
25 didn't you ask me to prepare my answers for this kind of question?

1 Q. It doesn't matter. Even if you don't remember, it doesn't
2 matter. Simply try to give us the information that you can. Don't worry
3 about it.

4 On Wednesday, the 23rd of February, 2011, and you said it again
5 today, in fact, here I am referring to transcript 233, page 71, lines 10
6 to 11, and line 21, you stated that you lived in your own house in Bogoro
7 in February 2003. You also talked about the Bogoro Institute, which had
8 been turned into the UPC military camp. You said, specifically page 61,
9 line 25, this is what you said at -- on line 25.

10 My question, therefore, is as follows: Where was your house in
11 relation to the Bogoro Institute? In relation to the military camp where
12 was your house? And let me try and give you a landmark to make your
13 answer easier to formulate. When you were coming from Bunia, do you
14 arrive first of all at your house and then at the UPC camp, or do you
15 arrive at the UPC camp first and then at your house?

16 MS. DENIS: (Interpretation) Sorry to interrupt, but I think we
17 have a series of possibly identifying elements here, and I'd be grateful
18 if we could move into private session.

19 PRESIDING JUDGE COTTE: (Interpretation) Let's move briefly into
20 private session so that the witness can answer this question freely.

21 (Private session at 9.55 a.m.)

22 (Expunged)

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13 (Open session at 10.00 a.m.)

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

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you. We shall
17 now proceed.

18 MR. FOFÉ: (Interpretation)

19 Q. Witness, I'm going to ask you a small question to bring out a
20 particular detail. Now, I know that you have already provided some
21 information, but it's to ensure proper clarity, because this point has
22 not been entirely cleared up. Exactly when did you send your children to
23 Bunia?

24 A. I think I've already answered that question. I answered
25 yesterday. I said this: It was in 2001. I no longer recall the month.

1 I don't remember the day nor the month.

2 Q. Thank you very much, ma'am. When you were in Bogoro or Bunia,
3 when did you go to live with your uncle? You mustn't give his name
4 because we are in open session. When did you go to live in your uncle's
5 home?

6 I could perhaps use the list of names to be safer. Just a
7 moment, ma'am.

8 MR. FOFÉ: (Interpretation) Could I ask the Court Officer to
9 please display on the screen EVD-V19-00004. This is a list of names, and
10 please note that it is a confidential document.

11 COURT OFFICER: (Interpretation) Please press the button marked
12 "PC 1" to view this document.

13 PRESIDING JUDGE COTTE: (Interpretation) Can everyone see the
14 document? Very well.

15 Professor, please proceed.

16 MR. FOFÉ: (Interpretation)

17 Q. Ma'am, can you see the document on the screen? I'm speaking of
18 person number 4 on the list.

19 A. Yes.

20 Q. When did you go live in person number 4's home?

21 A. Well, what I can say is as follows: During the attack in 2003,
22 the very day of the attack, when the attack began I was in the home of
23 this person.

24 Q. Did you arrive at his home the day before or a few days before
25 the attack? A few days, a few weeks, or perhaps a few months before?

1 Sometime before the attack?

2 A. I remember that I was coming -- I was going to that person's home
3 regularly. This person was an uncle of mine. Between an uncle and a
4 niece, one sees one another regularly. So that is why on the day of the
5 attack I was at his home. (Expunged).

6 Q. Now, you said that when you were in the home of this family
7 member, you heard gunshots, and you fled towards the UPC military camp.
8 My question is as follows: Did you have some kind of order or
9 instruction saying that you were to flee to the UPC military camp each
10 time an attack occurred?

11 A. Could you please repeat your question, Counsel.

12 Q. In your statement, you said to the Court that when you were at
13 the home of that person, that family member, (Expunged)
14 (Expunged), you heard some gunshots and you fled to the
15 UPC military camp. My question is as follows: Had you received an order
16 or some kind of directive telling you to flee to the camp each time an
17 attack occurred? An order to flee to the camp?

18 A. We fled, and we went to the camp. On the day (Expunged)
19 (Expunged), well, I can say the house or the
20 residence of the person, person number 4, was not located far from the
21 camp. When the war began in 2003, we were in the habit of going to the
22 place to hide, because the soldiers there were protecting us and driving
23 the enemy away. So that is how it came to be that on the 24th of that
24 month I found myself at the home of my uncle, and from there I fled to
25 the camp so that I could be protected.

1 Q. As you fled towards the military camp, weren't you afraid of
2 being hit by a bullet since there were shots being fired at the camp?

3 A. I'm having some difficulty with your question. You see, when you
4 are in a house and there are attackers, people who are after you, chasing
5 after you, how can I explain that you are trying to protect yourself?
6 That day I fled, the attackers were chasing us with weapons. They had
7 weapons to kill us with. Don't you see?

8 I was brave to make that decision to flee, to make that decision
9 to protect myself.

10 * Q. I'm going to ask you two little questions to obtain further
11 details about this, and I acknowledge that you've already answered, but
12 too many elements are unclear. Two small questions.

13 At what time did you leave the camp? Now, you arrived at the
14 camp. At approximately what time did you leave the camp, the UPC camp?

15 A. I don't remember spending a lot of time at that camp. When the
16 attackers drew near, each one of us was trying to find a way out to save
17 ourselves, so I didn't spend a lot of time there.

18 Q. When did you arrive in Bunia? After leaving the UPC camp, when
19 did you arrive in Bunia?

20 A. I arrived in Bunia in the evening. I don't remember the time of
21 day anymore, but I do remember that it was in the evening. Please
22 listen. When I'm talking about the evening, I mean after 3.00 in the
23 afternoon.

24 Q. So it was the same day you -- you arrived in Bunia that same day?

25 A. Yes.

1 MR. FOFÉ: (Interpretation) Your Honour, I would like to ask the
2 Court Usher to help the witness find the application for participation.
3 We are going to briefly refer to this document.

4 Q. If you could please refer to page 9, section D, part 1, and this
5 is one of the passages that my learned colleague Mr. O'Shea read out
6 yesterday. I won't read it out again. It's already in the transcript,
7 but I would like to ask you some questions on this particular point.

8 Are you there? Page 9, section D, point 1. Mr. O'Shea read out
9 this entire passage yesterday. In it, you mention the FRPI/FNI.

10 My first question is as follows: At the time of the attack of
11 the 24th of February, 2003, were you aware of the FRPI and the FNI?

12 A. Please repeat your question, Counsel.

13 Q. In this particular passage that Mr. O'Shea read out to you
14 yesterday, page 9, section D, point 1, you mention some soldiers
15 belonging to the FRPI/FNI, and I would like to know whether on the day of
16 the attack, the 24th of February, 2003, I would like to know whether you
17 were familiar with the FRPI/FNI?

18 A. Yes.

19 Q. Could you tell us what FRPI stands for and what FNI stands for?

20 A. I beg your pardon, but I don't understand your question.

21 Q. Witness, could you tell us FRPI and FNI mean?

22 A. No, I don't.

23 Q. Thank you very much. Witness, yesterday Mr. O'Shea quoted
24 several passages, in particular, paragraph 9 of your statement of
25 10 September 2010. Paragraph 4. Your statement of the 10th of January,

1 2011, and that passage there, page 9, section 2 -- page 9, section D,
2 point 1 of your application, as well as 11.1 of that same application to
3 take part in the proceedings as a victim. And Mr. O'Shea, in the course
4 of his questioning, pointed out, and I believe you challenged this
5 point -- in any event, Mr. O'Shea pointed out that in your statement of
6 the 10th of September, 2010, and in your application to participate in
7 the proceedings, you did not say the truth when -- with regard to the
8 presence of your father at the celebration marking the end of the
9 mourning period, that celebration that was held on the 24th, and also the
10 statement regarding his death in February 2003.

11 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, I think
12 that yesterday the witness did answer Mr. O'Shea's questions and brought
13 out a number of discrepancies, but I don't think that we can infer from
14 that that the witness did not say the truth. That is something that we
15 will assess when the time comes. Some discrepancies were pointed out.
16 You may do the same thing now, but I think you have jumped to conclusions
17 by saying that the witness did not tell the truth. Please be careful.

18 MR. FOFÉ: (Interpretation) Thank you, your Honour. That was
19 not my question. I was just trying to review all of this so that I did
20 not have to go into the details of these documents.

21 Q. I would further add that the reaction to the questions from
22 Mr. O'Shea, Madam Witness, you said that you had made a correction on
23 your own initiative. You had corrected this mistake in your statement of
24 the 10th of January, 2011. That's what you said, that you had corrected
25 the mistake yourself, and I believe you said that. It's to be --

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1 transcript 334, page 49, lines 7 to 11. My question has to do with your
2 reaction, your reaction.

3 My question is as follows: Is it not true that you corrected
4 your statement of the 10th of September, 2010, because the Legal
5 Representative explained to you that any false testimony --

6 MR. LUVENGIKA: (Interpretation) Your Honour, I'm sorry, but I
7 believe my learned friend opposite, Mr. Fofé, is going down a path that
8 is not appropriate, because he is making reference to discussions that
9 the -- that a lawyer had with his client. I'm not opposed to the
10 question being asked, but I would ask Professor Fofé to rephrase his
11 question.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Mr. Luvengika.

14 MR. FOFÉ: (Interpretation) I --

15 PRESIDING JUDGE COTTE: (Interpretation) Wait. Wait. You
16 shall, but the Chamber wishes to make sure that any points that were
17 dealt with yesterday by Mr. O'Shea, and the witness made her views known,
18 be -- be re-examined today unless there are pressing reasons for that,
19 unless you require that information. But if it's just a matter of having
20 the witness repeat what she already said yesterday after a series of
21 questions and answers that were a bit lively. Mr. Fofé, you now have the
22 floor.

23 MR. FOFÉ: (Interpretation) Thank you, your Honour. In reply to
24 the objection from my learned friend opposite, Mr. Luvengika, I would
25 like to ask the Chamber to make reference to the first paragraph of the

1 statement of the 10th of January, 2011.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well.

3 MR. FOFÉ: (Interpretation) I don't know whether I should read
4 this out. The point I just touched upon is in the first paragraph. I
5 will not get into the details of the discussions between counsel and his
6 client.

7 PRESIDING JUDGE COTTE: (Interpretation) No. I think for the
8 clarity of this, there is no danger in reading out paragraph 1 of this
9 interview -- or, rather, this statement of 10 January 2011.

10 MR. FOFÉ: (Interpretation) Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) I shall do it, because
12 I think this is a point of general interest and also an important one.

13 So paragraph 1 of this statement.

14 "The Legal Representative who was in attendance when the
15 statement was taken explained to me how the -- how the testimony is given
16 before the ICC. He informed me that I will have to make a solemn
17 statement or declaration before beginning testimony, and any false
18 testimony could be punished by way of criminal proceedings."

19 So there you have it.

20 MR. FOFÉ: (Interpretation) Thank you. And this is just really
21 the foundation of continued questioning.

22 With the assistance of the Court Officer, if the witness could be
23 shown document EVD-OTP-00203. This is a confidential item. And we could
24 go directly to the last page of this document just to save a little bit
25 of time.

Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
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1 COURT OFFICER: (Interpretation) Please press "PC 1" to view
2 this document.

3 MR. FOFÉ: (Interpretation) We do have a copy on paper for the
4 witness.

5 PRESIDING JUDGE COTTE: (Interpretation) What is important is
6 that the document should appear in legible form on the screen. Can the
7 accused persons see the document on their screens? Yes? Very good.

8 Professor Fofé, you may go ahead.

9 MR. FOFÉ: (Interpretation) By way of precaution, your Honour,
10 may we go into private session -- into closed session.

11 PRESIDING JUDGE COTTE: (Interpretation) All right. Let's move
12 into closed session if that will avoid the need for redactions.

13 Court Officer, please. Everybody has the document presented by
14 Professor Fofé on the screen or in a paper version. I think the witness
15 has a printed version, hasn't she.

16 (Private session at 10.33 a.m.)

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)
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Page 27 expunged – Private session

Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
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Page 28 expunged – Private session

Witness: Witness DRC-V19-P-0004 (Resumed) (Private Session)
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Page 29 expunged – Private session

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

Page 30

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Open session at 10.50 a.m.)

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

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

10 For the benefit of the public, even if there are -- is nobody
11 here in the courtroom, we have just been in private session for a long
12 time because we were dealing with names of family members of the witness
13 which therefore could identify the witness.

14 Professor Fofé, you may go ahead.

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

16 Q. Madam Witness, you talked about your cows, and you said that you
17 had 130 cows at least. I would like to know this: Since you inherited
18 those cows, who has been in charge of them? Please don't give us the
19 name of the person. Give us the capacity in which that person acts.

20 A. Currently, the person who is looking after them is (Expunged)
21 (Expunged).

22 Q. Without mentioning the name, are we to understand that this is
23 (Expunged) of whom we just spoke in private session?

24 A. Yes, that is the one.

25 Q. And since when? Since what year has he been in charge of your

1 cattle?

2 A. Since the day on which my father died.

3 Q. So that is since 2001; is that right?

4 A. Yes.

5 Q. Is this person in charge a member of any particular structure or
6 establishment in Ituri as a livestock herder?

7 A. I'm sorry, could you please repeat your question.

8 Q. This was my question, madam: Does the person who looks after
9 your cows, your 130 cows, which is quite a lot, belong to any kind of
10 structure, any kind of organisation, as a livestock herder?

11 A. Given that we do not live together - he lives in Bogoro and I am
12 in (Expunged) - I don't know exactly what he does within that association,
13 but I did find out that he is a member of an association of livestock
14 farmers.

15 Q. You do not know what that association is called?

16 A. No.

17 Q. Is this association or company based in Bogoro itself?

18 A. Yes. It is based in Bogoro.

19 Q. All right. Thank you very much, Madam Witness.

20 MR. FOFÉ: (Interpretation) Your Honour, given the time, I think
21 that we can adjourn now. When we resume, it will not take us very long
22 to finish our questioning.

23 PRESIDING JUDGE COTTE: (Interpretation) All right. Thank you.

24 That enables us -- that gives me the opportunity to give you some
25 figures. Ms. Denis talked for 2 hours and 4 minutes. The Prosecutor was

1 very brief. I didn't time them, but I think it was 10 to 15 minutes.
2 Mr. O'Shea spoke for an hour and 30 minutes. That's 90 minutes. And,
3 Professor Fofé, you have been speaking for about 65 to 70 minutes,
4 approximately, so after the break you only have a short period of time
5 remaining until we give the floor back to Ms. Denis and so on and so on.
6 I'm now going to ask the security guards to accompany Mr. Katanga and
7 Mr. Ngudjolo out of the courtroom. I would like to let you know that we
8 will be breaking for half an hour.

9 (The accused withdrew)

10 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, you,
11 too, will you taking a break for half an hour. You can take a rest
12 during that time.

13 Court Officer, could we go into closed session so that she may
14 leave the courtroom discreetly, and we will resume at 11.30.

15 (Closed session at 10.57 a.m.)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Open session at 10.59 a.m.)

24 COURT OFFICER: (Interpretation) We are in open session,
25 your Honour.

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

3 The Court will try to give you various details concerning our
4 schedule in the next session. The Lubanga trial will resume, and that
5 will lead us to modify the provisional schedule that was sent to you. I
6 had hoped, and I still hope, to get definitive details about our upcoming
7 schedule during the break. I'm not certain that I can do so, but I will
8 try and give you the broad outlines, and I will put pressure on the
9 Registry to give us final details as soon as possible, because it is
10 going to affect our workload and our diaries. We're going to be very
11 busy.

12 Thank you. The session is adjourned.

13 Recess taken at 10.59 a.m.

14 On resuming at 11.33 a.m.

15 (Closed session)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged).

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

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1 (Open session at 11.35 a.m.)

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

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Before
4 handing back to Professor Fofé and so as not to forget this, I think it
5 would be better to give an EVD number to the list of names that
6 Mr. O'Shea had used.

7 Court Officer, I believe you have this list.

8 COURT OFFICER: (Interpretation) Thank you. The list of names
9 recorded DRC-D02-0001-0432 will have the EVD number EVD-D02-00114, and
10 will be registered as a confidential document.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
12 Madam Witness, can you hear me properly?

13 THE WITNESS: (Interpretation) Thank you, yes, I do hear you.

14 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, would
15 you like to take the floor again for a limited period of time.

16 MR. FOFÉ: (Interpretation) Thank you, your Honour. I will try
17 to do so.

18 Q. Good morning once again, Madam Witness.

19 A. Good morning.

20 Q. Before continuing, could I come back for a brief instant to
21 two points which we talked about before the break, and I would like to be
22 sure that you still have the list of names on which appears the number 4.
23 Do you have this list with you?

24 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
25 are we sure that the witness has this list?

1 MR. FOFÉ: (Interpretation) Yes. Thank you.

2 Q. Madam, could we come back briefly to the number 4 to clarify one
3 point. You said on several occasions that you had your own house in
4 Bogoro, that you were at number 4's house on the evening (Expunged)
5 (Expunged). We would like to know if before the attack on
6 Bogoro in 2003, 24th of February, 2003, at any given moment did you --
7 had you not resided, in fact, at number 4's house before that date?

8 A. Before that date, before the 24th of February, I used to go there
9 when we were afraid. We would go and stay with that family when there
10 were problems and we were afraid.

11 Q. Could you tell us how long before the attack you had gone to stay
12 with number 4. How long before the attack of the 24th of February, 2003?

13 A. It was not a matter of several days before. Every time in the
14 evening when we were scared of sleeping alone in our house, we would get
15 together and we would spend the night together, and we were scared
16 because the security situation was not good.

17 Q. A second point which we would like to elucidate. You talked
18 about the person who is head of your family and who looks after your
19 cattle now in Bogoro and who is part of an association or company which
20 manages cattle in Bogoro. Could you tell us this person whom we all know
21 of now, we know of this person's relation *vis-a-vis* yourself, what cattle
22 did this person look after?

23 A. I understand your question, and I will answer it. The 130 cows
24 we're talking about are no longer there, because they were stolen by
25 bandits. We have a few cattle left after the war. We worked, we earned

1 some money, and we were able to buy one or two cows. And here we're not
2 talking about 130 cows, because they were stolen by thieves. Therefore,
3 after the war, we were able to buy a few cows by working and earning
4 money to buy them.

5 Q. Madam Witness, you stated, and here I refer to paragraph 19 of
6 your statement of the 10th of September, 2010, and indeed you have said
7 this several times before the Honourable Judges, in this you state that
8 when the Ugandan soldiers left Bunia, you and your family took advantage
9 of this situation to follow them to Uganda. Which year was this, please?

10 A. It was during the war in 2003. We took refuge in Bunia, but in
11 Bunia the safety situation -- security was bad, because bandits were
12 still looking for Hema people, even in Bunia, and this is why we did not
13 stay in Bunia. We left for Uganda. And when the Ugandan soldiers
14 started to return home to Uganda, we followed them to Uganda.

15 I, in fact, answered this question yesterday. I remember
16 answering this question yesterday.

17 THE INTERPRETER: Perhaps Professor Fofé could let the
18 interpreter finish his interpretation, requests the Swahili interpreter.

19 MR. FOFÉ: (Interpretation)

20 Q. May I suggest to you that this was in May 2003. Would you accept
21 this suggestion? Could you have returned home in May 2003?

22 THE INTERPRETER: Correction from the interpreter: Gone to
23 Uganda in 2003.

24 THE WITNESS: (Interpretation) No.

25 MR. FOFÉ: (Interpretation)

1 Q. What date could that have been, therefore?

2 A. It was after the war, after the 2003 fighting, but I don't really
3 remember the month. And you must understand that all this happened a
4 long time ago, and I have forgotten a lot of things.

5 Q. But in any case, it was in 2003.

6 A. Yes, it was in 2003.

7 Q. How long did you stay in Uganda for?

8 A. I spent two years in Uganda, and after that I returned to the
9 Congo, and if I remember properly, this was in 2006.

10 Q. Madam Witness, to refresh your memory, let me read out a sentence
11 from paragraph 19 in the statement which you made on the
12 10th of September, 2010. This is paragraph 19. If you have the
13 statement in front of you, then we can read the first sentence together.

14 Paragraph 19, and I will read out the first sentence. Let me
15 quote:

16 "I stayed in Uganda for approximately one year."

17 Is that indeed the answer you gave?

18 A. Yes, that is indeed the answer I gave, but that answer does not
19 reflect the reality. Let me say that I stayed in Uganda for two years.

20 Q. So if you stayed in Uganda for two years, that means that you
21 returned to the DRC in 2005; is that correct?

22 A. Yes.

23 Q. I'll not be long now, we've almost finished, but I would like to
24 ask you to look at your application for participation, and we'll finish
25 with this document.

1 This is a document which has an annex, five death certificates
2 and one certificate of family relations. This is EVD-D03-0012.

3 Madam Witness, you said yesterday when you were answering the
4 questions of Mr. O'Shea that you, yourself, went to ask for these
5 official death certificates. You said this, and this is in the
6 transcript 234, page 56, lines 1 to 7.

7 My first question is this: Why did you have drawn up these death
8 certificates only on the 10th of October, 2008?

9 A. Would you please repeat your question, please, because I don't
10 understand it.

11 Q. Let me repeat the question. You've just said that you went back
12 to the DRC in 2005. Why didn't you ask for death certificates for
13 members of your family in, say, 2005 or 2006? Why did you ask for these
14 death certificates as late as 2008? The 10th of October, 2008.

15 A. At this time in 2008, I didn't know what was happening. When I
16 learnt that there were people who were trying to deal with the questions
17 of the victims, I went along to ask for the death certificates.

18 Q. What proof did you give to the *chef de collectivité* so that he
19 could draw up these death certificates? These are indeed death --

20 THE INTERPRETER: Say -- these are "attestations" in French,
21 translated roughly as "death certificates."

22 MR. FOFÉ: (Interpretation)

23 Q. Let me ask the question again. What proof did you show to the
24 *chef de collectivité* so that these death documents could be drawn up?

25 A. We reported to the chiefs, the *chef*, and these people would then

1 pass this information to the *chef de collectivité*. After that, the
2 *chef de collectivité* were able to know that number of people who had been
3 killed in the course of the fighting.

4 Q. Do you mean to say that it wasn't you who asked for these -- this
5 death documentation from the *chef de collectivité*, you didn't make this
6 request personally?

7 A. I would like you to try and understand what I'm trying to say.
8 Please listen. When people died in my family, I talked to the
9 authorities. After that, I saw the people of the ICC, and I gave them
10 the reports.

11 Q. Thank you very much, ma'am. My learned friend Mr. O'Shea
12 mentioned two of these documents relating to deaths yesterday. I won't
13 go back to them. But on the other hand, I would like to ask you a few
14 questions about the last document relating to a death, and I will give
15 you the page reference. DRC-V19-0003-0026-R04.

16 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, could you
17 please assist the witness to make sure that she is looking at the right
18 page. So I think the reference was V19-0003-0024.

19 MR. FOFÉ: (Interpretation) Perhaps the Court Officer could
20 display the page on the screen so that we're sure that we're talking
21 about the same document. We're nearly finished, your Honour.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
23 Professor Fofé.

24 COURT OFFICER: (Interpretation) Please press the button on the
25 console to -- "PC 1."

1 MR. FOFÉ: (Interpretation) Of course, this is confidential
2 record.

3 Q. Ma'am, now you can see this document, this attestation relating
4 to a death, and it has to do with this person. I won't give the actual
5 name because we are in open session, but we can see the name of the
6 person, and we know who this person is. And if you look at this
7 attestation, when you look at the profession of the person, we see that
8 someone has written "Schoolboy." Date of birth, that person was born in
9 Bogoro around the year 2004. And if you scroll down, you can see that
10 this person died in Bogoro on the 24th of February, 2003. So this person
11 died before his birth.

12 A. No. I can see that here it is written what you just said, but I
13 was not the person who drew up this attestation. I told them that I
14 didn't know what year he had been born in. The mistake probably was made
15 by the person who drew up this document. This is a mistake that was made
16 by the person who drew up this document.

17 Q. You never saw this document before?

18 A. I believe that I was distracted on the day that the document was
19 read to me. I was ill, and I didn't check or cross-check very well what
20 was written down in this document.

21 Q. Thank you very much, ma'am. We have concluded our
22 cross-examination, and I thank you very much for answering my questions.

23 MR. FOFÉ: (Interpretation) Thank you very much, your Honours.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
25 Professor Fofé.

1 Before I ask the -- ask Mr. Luvengika's team to -- ah,
2 Mr. O'Shea.

3 MR. O'SHEA: (* Previous translation continues) ... about to ask
4 a few questions of clarification, and I wanted to suggest a question for
5 the Bench of clarification which arises out of the questions which have
6 just been asked, because things have been turned a little bit on their
7 head on -- on their head in my head, and the question is this: We're not
8 clear where this witness was actually living in Bogoro at the time. You
9 see, I'd assumed for a long time that she'd been living with the uncle in
10 the period immediately before the attack, but that's apparently not the
11 case. So now it's become important to know exactly where her house was.
12 And on the basis of the information we have -- on the basis of the
13 information we have so far, we don't actually still know where this lady
14 was living in the weeks prior to the attack of the 24th of February, and
15 in the light of her recent evidence, it's become an important question.
16 So it's just a question I'm suggesting that the Bench might, in its
17 discretion, wish to ask the witness.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, you are
19 wily man, and you are trying to regain some speaking time that you do not
20 have, except after Ms. Denis' redirect.

21 Now, throughout the entire morning, the witness has been
22 questioned on several occasions regarding the amount of time that she
23 spent living in the home of an uncle. We are in open session. I shall
24 not give the name of the uncle. She told us several times that she would
25 go there regularly in light of various situations such as the security

1 situation, when she felt that she was not safe. Many questions were
2 asked to determine whether the home where she was was -- well, when you
3 come from a town that I won't mention, before or after the
4 Bogoro Institute. The witness answered.

5 I don't think it's really time to be asking additional questions
6 about this, which would lead to pointless repetition of answers from the
7 witness.

8 Now, for the time being, the only question that I have is as
9 follows: Witness, on several occasions you used the word "bandits,"
10 "bandits," to designate, in actual fact, attackers. Why have you used
11 that word "bandits"? That's my first question.

12 My second question is: In the group of people living around you,
13 were there other people who also used this word "bandit" rather than
14 "assailant" or "attacker"? Because in actual fact, these people were
15 attacking. Could you please reply.

16 THE WITNESS: (Interpretation) We are in the habit of using the
17 word "bandit" when talking about such people because they caused us a
18 great deal of suffering. You know, this war brought us great suffering,
19 and that is why we are in the habit of calling the Lendu and Ngiti people
20 "bandits." And each time I refer to -- well, if -- each time I use that
21 word, it's because I'm used to using that word.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

23 Ms. Denis.

24 MS. DENIS: (Interpretation) Thank you very much, your Honour.

25 We have no further questions. I would merely like to thank the witness.

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

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1 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor --
2 Mr. Gilissen, do you wish --

3 MR. GILISSEN: (Interpretation) Thank you, but I have no further
4 questions.

5 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

6 MS. HUCK: (Interpretation) We have no further questions.

7 Thank you, Madam Witness.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, please
9 proceed.

10 MR. O'SHEA: Yes. Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) Your final
12 observations.

13 MR. O'SHEA: Yes.

14 FURTHER QUESTIONED BY MR. O'SHEA:

15 Q. Madam Witness, when you were being questioned by my learned
16 friend for the co-accused, he put the following question to you, at
17 page 35, lines 4 to 9:

18 "Could you tell us how long before the attack you had gone to
19 stay with number 4? How long before the attack of the 24th of February,
20 2003?"

21 Your answer to that question was as follows:

22 "It was not a matter of several days before. Every time in the
23 evening when we were scared of sleeping alone in our house, we would get
24 together and we would spend the night together and were scared because
25 the security situation was not good."

1 Now, in your statement in September of last year, you stated the
2 following at paragraph 8:

3 "My mother and me --" sorry, I'll read it in French.

4 "(Interpretation) My mother and I went to stay with (Expunged),
5 (Expunged), who was living in the centre of Bogoro, and this allowed
6 us to stay together while continuing to take care of our farm and our
7 cows. (Expunged)."

8 MR. DUTERTRE: (Interpretation) Now, before -- perhaps we could
9 go into private session if Mr. O'Shea is going to continue down this
10 path.

11 PRESIDING JUDGE COTTE: (Interpretation) We will go into private
12 session. Thank you, Mr. Prosecutor.

13 MR. O'SHEA: Yes. I'm sorry.

14 (Private session at 12.16 p.m.)

15 (Expunged)

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11 (Open session at 12.18 p.m.)
12 * COURT OFFICER: (Interpretation) We are in open session, Your Honour.
13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Madam Court Officer.
14 Mr. O'Shea's last observations led the witness to provide some identifying items of
15 information. Professor Fofé, your turn.
16 MR. FOFÉ: (Int.) Thank you very much, Your Honour. We have no further questions
17 for this witness. Once again, we thank the witness for answering our questions.
18 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Professor Fofé. Ms. Denis, I
19 believe you have another commitment. You may leave. The Court thanks you for your
20 examination in chief. Madam Witness, we will now be saying good-bye. The Court
21 thanks you, as have most of the people who have asked you questions ---- actually, all
22 the people who have asked you questions. You agreed to come all the way to The
23 Hague. You have had some physical discomfort, and I did not suspend the hearing
24 often enough, but you have been stoical. We thank you once again for coming to give
25 testimony, and I remind you that your testimony throughout this hearing, given

1 yesterday and the day before yesterday, must not go beyond this
2 courtroom.

3 JUDGE DIARRA: (Interpretation) And we wish you good health.

4 PRESIDING JUDGE COTTE: (Interpretation) We will go into closed session now so
5 that the witness can leave the courtroom and then we'll go into open session, and this
6 means that the accused will have to briefly leave the courtroom, and once the witness
7 has left the courtroom, you will have to come back in.

8 (The accused withdrew) (Closed session at 12.21 p.m.)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Open session at 12.22 p.m.)

15 COURT OFFICER: (Interpretation) We will be in open session,
16 your Honour.

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

19 Now, the accused are back with us.

20 Two points. The first one has to do with disclosure by the
21 Defence teams of various items of information such as their lists of
22 witnesses. I think you'll recall that the Chamber, in a ruling issued on
23 the 14th of September, 2010, and also provided a reminder in another
24 order, 2602, with relation to victims appearing as witnesses, and there
25 was a further reminder in an e-mail that was sent out on the

1 14th of February at 16.35 in reply to a query from the OTP.

2 The Chamber, in these various documents, set the 7th of March,
3 9.00 a.m., as the deadline, the final deadline, for disclosure from the
4 two Defence teams, but in this e-mail of the 14th of February, the
5 Chamber reminded all that if necessary, if possible, it were possible for
6 the Defence teams to begin disclosure earlier than that, disclosure of a
7 number of documents, if that were to be the case, perhaps provisional
8 lists, that would be definitely a good thing. So this was a wish that is
9 now being reiterated.

10 If you are in a position during the various simple exchanges of
11 views that have occurred ever since the beginning of the trial with a
12 view to facilitating the work of any and all, if that would be the case,
13 the Chamber would be quite grateful. And I don't think we really need to
14 stress this point any further.

15 With regard to the schedule of hearings, I would have liked, and
16 I made somewhat a commitment earlier to provide information at this point
17 in time. In actual fact, I can only provide a very general idea of what
18 is to come because we only have partial information, and it is also very
19 much beyond our control.

20 If we could quickly set a definitive schedule, we would be quite
21 happy, but I do think that I can say with certainty that we will be in a
22 position to resume as of the 21st, Monday, the 21st. Now, in a
23 provisional schedule, the resumption was set for the 23rd. I would like
24 to ask you to remember the date of the 21st. If the Chamber is not in a
25 position to resume on Monday the 21st, we will make that information

1 known. It may -- probably for you, missing a hearing is not as much of a
2 concern as an additional hearing being added to the schedule.

3 Now, that week, I believe it is quite likely we will be sitting
4 every afternoon from 2.30 in the afternoon until 7.00 in the evening, not
5 from 2.30 until 6.30.

6 Now, three trials will be underway at the same time, and this
7 means there will be scheduling problems in terms of courtrooms and also
8 the teams of people who are working behind the scenes to help us, and
9 that is quite a few people, actually. We must consider the computer
10 technicians, the transcribers, and the interpreters.

11 With regard to the week of the 28th of March until the
12 1st of April, in all likelihood we will be sitting every day as well, and
13 we shall strive, with the exception of the Monday, we will be sitting in
14 the morning. With the exception of the Monday. I'm not quite sure what
15 everyone's reactions are to that, but generally speaking, I would say we
16 tend to be a bit fresher in the morning than in the late afternoon, no
17 matter what role one plays here in the courtroom. So we will try to
18 ensure a certain alternating -- alternance during the schedule.

19 Now, the schedule has not been entirely set in stone. There are
20 some unforeseen events that have to be considered, and we may only sit
21 the last three days of one week, the 11th to the 14th of April, in most
22 likelihood. Probably we'll just be sitting the Wednesday, Thursday, and
23 Friday. Now, I don't know whether it's going to be in the morning or in
24 the afternoon. Most likely in the afternoon. And the week the 19th to
25 the 22nd of April, we should be sitting the first two days of the week,

1 Monday, Tuesday, plus the Thursday, and likely in the morning.
2 Wednesday, no hearing room is available, and Friday is a statutory
3 holiday.

4 As soon as the Chamber is in a position to confirm all of this,
5 we shall do so, because we are well aware of your limitations, which are
6 much the same as our own, and perhaps other -- perhaps some of you have
7 other activities in your areas.

8 In theory, we resume the 21st for five days of hearings in the
9 afternoon most likely, and if we are not able to begin on that Monday,
10 because of the outflows and inflows of documentation from the two Defence
11 teams are considerable, well -- but for the time being let us assume the
12 Monday. There you have it.

13 I think I've been relatively clear despite the ambiguity of this
14 provisional schedule.

15 We thank you all for this week of hearings during which, for the
16 first time in this particular Chamber -- well, for the second or the
17 third time for the court, we have heard from victims who came and gave
18 testimony as the Rome Statute allows for this possibility. So this is
19 one of the very first times we have heard from victims.

20 Mr. Luvengika's team has worked hard, and they intend to continue
21 working to ensure that we understand why they gave up the opportunity to
22 take testimony from two of the four witnesses.

23 Well, we hope that you all enjoy the break. We're sure that you
24 will continue to work hard, and we'll see you from the 21st.

25 The hearing ends at 12.31 p.m.

1 CORRECTIONS REPORT

2 The Court Interpretation and Translation Section has made the following corrections
3 in the transcript:

4 *Page 21 lines 10 to 12:

5 "Q. I'm going to ask you two little questions to obtain further
6 details about this, and I acknowledge that you've already answered, but
7 there -- but there are -- I do have some concerns."is corrected by

8 " Q. I'm going to ask you two little questions to obtain further
9 details about this, and I acknowledge that you've already answered, but
10 too many elements are unclear. Two small questions."

11 * Page 45 line 12 to page 46 line 2:

12 "COURT OFFICER: (Interpretation) (* No interpretation).

13 PRESIDING JUDGE COTTE: (Interpretation) (* No interpretation).

14 MR. FOFÉ: (Interpretation) (* No interpretation).

15 PRESIDING JUDGE COTTE: (Interpretation) (* No interpretation) ... are -- these
16 remarks will not go beyond this courtroom."

17 is completed by

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

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

20 Mr. O'Shea's last observations led the witness to provide some identifying items of
21 information. Professor Fofé, your turn.

22 MR. FOFÉ: (Int.) Thank you very much, Your Honour. We have no further questions
23 for this witness. Once again, we thank the witness for answering our questions.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Professor Fofé. Ms. Denis, I
25 believe you have another commitment. You may leave. The Court thanks you for your

1 examination in chief. Madam Witness, we will now be saying good-bye. The Court
2 thanks you, as have most of the people who have asked you questions ---- actually, all
3 the people who have asked you questions. You agreed to come all the way to The
4 Hague. You have had some physical discomfort, and I did not suspend the hearing
5 often enough, but you have been stoical. We thank you once again for coming to give
6 testimony, and I remind you that your testimony throughout this hearing, given
7 yesterday and the day before yesterday, must not go beyond this courtroom.