

Trial Hearing
Witness: DRC-D02-P-0501

(Open Session)

ICC-01/04-01/07

1 International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Germain Katanga
5 and Mathieu Ngudjolo Chui - ICC-01/04-01/07
6 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra
7 and Judge Christine Van den Wyngaert
8 Trial Hearing
9 Monday, 16 May 2011
10 (The hearing starts in open session at 1.33 p.m.)
11 THE COURT USHER: All rise. The International Criminal Court is now in session.
12 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. Good morning,
13 everyone. Good morning to the accused persons. Before the new witness comes in, the
14 Prosecutor has something to say. You have the floor, sir.
15 MR MACDONALD: (Interpretation) Thank you, your Honour. Good morning, your
16 Honours. The Prosecution informs the Chamber that after filing 2885 of the permanent
17 council concerning the situation of Witness D02-P-176, the Prosecution is going to file
18 observations tomorrow, your Honour. We wish to inform the Chamber of this.
19 Last week, when you referred to that filing and you asked whether the parties and
20 participants wished to submit observations about it, you did not say anything about
21 deadlines, and that is why we are bringing this information to the attention of the
22 Chamber.
23 Second point: We would like to thank our colleagues in the Defence team of Mr Germain
24 Katanga for informing us last Friday that they did not intend to call three
25 witnesses; Witness 6, 155 and 192, if I'm not mistaken in the numbers. The only thing

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1 which remains pending is that Mr Hooper, when we were talking about the asylum
2 matter, he stated that Witness 0017 might not be called. The Prosecution therefore sent
3 an email this morning to our colleagues, asking whether they would still call this witness
4 or they maintained their position. In any case, we wanted to know their position with
5 respect to this witness.

6 The reason we are raising this point as a matter of urgency is that although we know the
7 witnesses who are going to be coming in the coming days, it is clear that we need
8 resources to prepare for our cross-examination, and the sooner we know the position of
9 the Defence, the better we can focus on the witnesses who are going to come before the
10 Chamber, and the better we will be able to prepare our cross-examination.

11 I am raising this point as well because apart from the three detained witnesses, it is clear
12 that the subsequent witnesses will take a shorter time, and that is why we are raising this
13 point.

14 Mr Hooper also mentioned that towards 9 June he might close the defence evidence.
15 However, we still are not clear about their position with respect to the testimony of
16 Mr Germain Katanga and unless this matter is addressed, that is, our knowing whether
17 Mr Katanga is going to give testimony at the end of this process, in any case, our intention
18 is not to raise this matter for discussion today; we just simply wished to bring it to the
19 attention of the Chamber and inform the Chamber that we need to prepare ourselves for
20 that eventuality.

21 Last point: Three detained witnesses came to give evidence and a public hearing was
22 held on Thursday on asylum matters and the mechanisms used by the Chamber to refer to
23 the authorities of The Netherlands. Our purpose is not to revisit issues that we have
24 discussed. We believe that those applications have to be included in the record of the
25 case because these issues raised by the witnesses themselves could become one of the

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1 elements which can be used to assess their credibility at the end of this case.
2 The fact that three witnesses come to give evidence before this Chamber, and at the end of
3 their testimony they start applying for asylum, we believe that their motives could be an
4 element that should be included amongst the evidence that should be assessed with
5 respect to the credibility of these witnesses.
6 I believe that although these filings are included in the Court records in general - the
7 filings of the three detained witnesses - I believe that they should also be included
8 amongst the evidence that the Bench will have to rely on at the end of the case to establish
9 the guilt or innocence of the accused persons.
10 We are raising these issues because we want to acquaint you of the intention of the
11 Prosecution, namely, that the applications filed by the detained witnesses should be
12 included amongst the evidence to be considered in this case. Thank you.
13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Prosecutor. On the first
14 point, as concerns the filing submitted by the counsel appointed by the Registry for
15 Mr D02-P-176, whose name I cannot recall, we have not set a deadline. We shorten the
16 time period of 21 days only when there is an emergency. If you wish to file your
17 observations tomorrow, we are prepared to receive them. And if you want to make your
18 observations a little more detailed, well, you can take the time because -- to do so because
19 we would like to receive all your observations and see how we can better handle these
20 submissions. However, bear in mind that the time period of 21 days has not been
21 reduced.
22 Now, as concerns the fourth witness who may not be called by Mr Hooper's team,
23 Witness D02-D-0017, I will give the floor to Mr Hooper and let him tell us whether or not
24 Mr Katanga is going to give testimony. Mr Hooper will tell us what their position is.
25 As concerns your third point, we are going to reflect on that and we would provide you

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1 with an answer subsequently.

2 Mr Hooper, as concerns Witness D02-P-17, do you have any clarifications to give to the
3 Prosecutor? And do you confirm, because last Friday Mr O'Shea informed us of your
4 intention of not calling witnesses D02-155 and 192, but he wanted the head of the Defence
5 team of Mr Katanga to confirm that decision himself today. And so we would like to
6 know from you, do you confirm the withdrawal of those three witnesses? And can you
7 also say something about D01-P-17, as the Prosecutor just requested? You have the floor,
8 sir.

9 MR HOOPER: Yes, I can confirm that the Defence are not calling 17, 06, 192, or 155. In
10 respect of whether or not Mr Katanga is to give evidence, I can say in all frankness, I
11 haven't discussed that matter with him for a very considerable period of time. The
12 present scheduling of matters is that I'm to give at least 14 days' notice of an intention on
13 the part of Mr Katanga to give evidence. I'm to give 14 days' notice of that to the
14 Prosecution. And in the event that he gives evidence, you may recall that it's scheduled
15 to take place after the general tranche of witnesses to be called by Mr Ngudjolo, so he
16 follows after that. So we're still, in my reckoning, quite a significant time off that. And
17 I'm going to wait until I've heard more of the evidence myself before tendering such
18 advice as I may do to Mr Katanga. Whether he proves receptive to that advice is a matter
19 entirely for him.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Hooper. That is
21 what -- indeed, what we decided, that if Mr Katanga had to be called to give evidence, he
22 would give evidence before Mathieu Ngudjolo. The two accused persons will therefore
23 close the presentation of the Defence evidence.

24 However, can you give us clarifications on Witness 17, the witness Mr Macdonald
25 referred to? And Mr O'Shea did not say anything about that witness last Friday. Are

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1 you in a position therefore to tell us whether you still intend to call D02-P-0017, or is it
2 also a decision that you intend to take at a future time?

3 MR HOOPER: Yes. In fact, I said it but it hasn't been translated or recorded, so can I
4 repeat what I said a moment ago, and that is that the Defence confirm that they are not
5 calling 017, 06,192, nor 155. And if the earlier transcript can be amended accordingly, I
6 would be grateful. Thank you.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much. That is much
8 clearer in the transcript, Mr Hooper.

9 Prosecutor, you have certain information.

10 We are going to call Witness D02-P-501. Court officer and court usher, could you bring
11 that witness into the courtroom. This witness is not going to benefit from any protective
12 measures in the courtroom and so his testimony and his identity will be disclosed to the
13 public.

14 (The witness enters the courtroom)

15 WITNESS: DRC-D02-P-0501

16 (The witness speaks Swahili)

17 PRESIDING JUDGE COTTE: (Interpretation) Witness, good morning. Can you hear
18 me?

19 THE WITNESS: (Interpretation) I would like to speak in Swahili.

20 PRESIDING JUDGE COTTE: (Interpretation) You wish to speak in Swahili. Well, you
21 can carry on. Can you hear me clearly? Does your headset work properly?

22 THE WITNESS: (Interpretation) Yes, that is correct.

23 PRESIDING JUDGE COTTE: (Interpretation) Very well. Good morning, sir. Thank
24 you for coming to the courtroom to give your evidence before this Court. Before you
25 start giving your testimony, we would like you to state your identity. You are going to

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1 answer a few questions which I'm going to put to you to that effect, and after that I will
2 request you to take - to make a solemn undertaking, to speak the truth, the whole truth
3 and nothing but the truth.

4 First of all, I would like you to state your name and your first name, and please try to
5 speak slowly and clearly, and straight into the microphone, as you are doing now. So,
6 could you, sir, state your full name and do so slowly?

7 THE WITNESS: (Interpretation) My name is Victor Rumbale.

8 PRESIDING JUDGE COTTE: (Interpretation) Victor Rumbale, starting with an "R," is
9 that correct?

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE COTTE: (Interpretation) Very well. Could you, sir, state your
12 date and place of birth?

13 THE WITNESS: (Interpretation) I was born in Singo, on 8 December 1964.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Could you please tell us
15 what your current occupation is?

16 THE WITNESS: (Interpretation) At the moment, I am an Evangelical pastor, as well as
17 a musician.

18 PRESIDING JUDGE COTTE: (Interpretation) So you are an Evangelical pastor and a
19 musician. Thank you. Mr Witness, before you start answering the questions which are
20 going to be put to you, first of all, by the Defence team of Mr Germain Katanga, which is
21 seated on your left, followed by the Defence team of Mathieu Ngudjolo, equally seated on
22 your left, and to the questions that will be put to you by the Prosecutor, seated on your
23 right, as well as the legal representatives of victims, equally seated on your right, we are
24 going to ask you to make a solemn undertaking to speak the truth. I am going to read
25 this statement, the statement of the solemn undertaking, to you slowly, so that you can

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1 understand it in its entirety.

2 Here is it. It is very simple. "I solemnly declare that I will speak the truth, the whole
3 truth, and nothing but the truth." Have you heard me clearly?

4 THE WITNESS: (Interpretation) Could you please repeat what you have just read,
5 your Honour?

6 PRESIDING JUDGE COTTE: (Interpretation) I will. Here is the statement of the
7 solemn undertaking: "I solemnly declare that I will speak the truth, the whole truth and
8 nothing but the truth." Have you heard me clearly?

9 THE WITNESS: (Interpretation) If you want me to repeat the statement myself, then
10 you should read it phrase by phrase so that I can repeat after you.

11 PRESIDING JUDGE COTTE: (Interpretation) Well, in fact, it's not absolutely necessary
12 for you to repeat that statement after me. I simply want to ensure that you heard me
13 clearly, and if you heard me clearly and understood what I said, then you should tell the
14 Court, yes, that you undertake to speak the truth, the whole truth, and nothing but the
15 truth. Did you hear that statement clearly, Mr Witness?

16 THE WITNESS: (Interpretation) Could you read it all over once more, please.

17 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. The statement of the
18 undertaking goes as follows: "I solemnly declare that I will speak the truth, the whole
19 truth, and nothing but the truth." Did you clearly hear that short statement?

20 THE WITNESS: (Interpretation) Yes.

21 PRESIDING JUDGE COTTE: (Interpretation) At this juncture, I would like you to tell
22 me, do you undertake to speak the truth, the whole truth and nothing but the truth?

23 THE WITNESS: (Interpretation) Yes.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Witness. I read the
25 statement to you several times, at your request, and it was important for you to

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1 understand the import of that solemn undertaking. You have therefore undertaken to
2 speak the truth, the whole truth, and nothing but the truth. If in the course of your
3 testimony or answering any of the questions that are going to be put to you by any of the
4 parties in the courtroom, if in doing that you do not speak the truth, you may be
5 prosecuted before this Court for false testimony. And if it is proven that you gave false
6 testimony, you might be sentenced. Did you clearly understand me?
7 THE WITNESS: (Interpretation) Yes.
8 PRESIDING JUDGE COTTE: (Interpretation) Thank you. The Court has taken note
9 that the prescriptions of Article 69(1) of the Statute and Rule 76(1) and (3) of the Rules of
10 Procedure and Evidence have been satisfied.
11 Mr Witness, once more, I would like to remind you that you have to speak clearly, speak
12 slowly. You should be very attentive, and before you answer a question you should
13 pause for five seconds. When a question is put to you, you should not answer
14 immediately, you should wait for about five seconds so that what you say in answer, as
15 well as the questions which are put to you, are interpreted in their entirety.
16 The job of the interpreters is difficult. They are going to interpret the Swahili you are
17 going to speak into French and then the French is going to be interpreted into English, and it
18 is important for the Defence team of Mr Germain Katanga, which uses English as its main
19 language, it's important for them to understand you before they put the next question.
20 So, please, bear in mind that you will have to pause for five seconds between question and
21 answer. This is also for the benefit of the stenographers.
22 You may feel thirsty in this courtroom, and there is a water jar standing next to you.
23 Please do not hesitate to serve yourself some water to drink, if you feel thirsty. There is
24 no formality here in the courtroom. The Court will not take offence if you take a drink or
25 a sip from your glass in the course of your testimony. We are sitting in a courtroom

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1 which does not have any windows and so it's possible for you to feel thirsty, and there's
2 no problem with you having a drink of water.

3 You also have a box of paper serviettes next to you. You can use it to blow your nose or
4 to wipe your face if you feel sweaty.

5 In any case, the most important thing for us here is that you give your testimony under
6 the best conditions possible, and that you should be able to provide answers to the
7 questions which are going to be put to you. I think you have understood me fully, and at
8 this point I will give the floor to Mr Hooper.

9 How should you like us to call you? Should we call you "Mr Rumbale?" "Mr Rumbale,
10 do you agree with that?

11 THE WITNESS: (Interpretation) Well, you might simply refer to me as "Victor."

12 PRESIDING JUDGE COTTE: (Interpretation) If you want us to refer to you as Victor
13 and Mr Hooper has no problem with that, then we are going to refer to you as Victor.

14 Well, Mr Hooper, you have the floor.

15 QUESTIONED BY MR HOOPER:

16 Q. Good afternoon. Could I refer to you as -- I know you as Pastor Vicky. Is that all
17 right for this courtroom, can I call you Pastor Vicky?

18 THE WITNESS: (Interpretation) That is all right with me.

19 PRESIDING JUDGE COTTE: (Interpretation) Yes, Pastor Vicky. Mr Hooper, please.

20 MR HOOPER:

21 Q. Looking around this courtroom, I will understand that there are very few faces here
22 that you recognise, but looking at me, I think you'll acknowledge that we've met before - I
23 met you in Bunia itself - and I think other people you may have met here, of course, is
24 Caroline Buisman, who you've also met in Bunia and Aveba as well. And if I ask him to
25 stand up for a moment so you can see him beyond the heads and screens, do you know

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1 that gentleman who is standing there at the back of the court? And, if so, can you give us
2 his name, please?

3 A. Yes, I know him. His name is Germain Katanga.

4 Q. All right. So let's just learn a little bit more about you, if we may, Pastor Vicky.

5 You told us you were born 8 December 1964, in Singo, which makes you now 46 years of
6 age. Can I ask you what ethnicity you are, please?

7 A. I am Ngiti.

8 Q. And is it right you're married to Julienne Mugo?

9 A. Yes.

10 Q. And do you have any children?

11 A. Yes.

12 Q. And how many children do you have?

13 A. I have seven children.

14 Q. Now, your wife Julienne, is she related in any way to Germain Katanga?

15 A. Yes. His wife is the younger sister of my wife.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr Hooper, before you continue, I would
17 like to ask for the transcript to be corrected immediately, the French transcript, page 11,
18 line 17. It is said that our witness, born on 8 December 1964, is 56 years old. I believe it
19 is only 46 years, and we will put 46 instead of 56, and thank you to the court reporters for
20 correcting that. We do not suddenly take on ten more years like that.

21 Please continue, Mr Hooper.

22 MR HOOPER: Thank you, indeed. And I notice from the English transcript that the
23 name of Pastor Vicky's wife hasn't been transcribed. So let me state again, perhaps more
24 clearly, that the name is Julienne, with two "N"s, Mugo, M-U-G-O.

25 Q. Now, a moment ago, I asked you what relation. You said a sister, a younger sister,

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1 and I just want to clarify that word because we know that that word, we've realised from
2 other witnesses, is sometimes used to describe a slightly more distant relationship.
3 When you say a sister, does that mean that your wife, Julienne, and Denise, who we know
4 to be Germain Katanga's wife, does it mean that Julienne and Denise share the same
5 mother or father, or both? What's their relationship?

6 A. I have said that the two of them are sisters because Denise's father is the elder
7 brother of Julienne's father.

8 Q. Very well. And absolutely no criticism because, as I say, there's a traditional use of
9 the word "sister" or, indeed, "brother" in your community but in fact it comes out into, for
10 example, my community's relationships as a cousin, but just so that we are clear. Now,
11 you're a pastor. How long have you been a pastor?

12 A. I have been a pastor since 1993.

13 Q. And of which church are you a pastor?

14 A. Currently, I am a pastor in Grand Aveba.

15 Q. And does your church community have any particular name? Is it of any
16 particular denomination? Protestant? Catholic? What's the situation?

17 A. Yes. It is the Protestant church CE39, Emmanuel Community.

18 Q. Can I pause there and just ask you if you can help us just a little bit about the
19 Emmanuel Community and CE39. Is that a community that is only found in Aveba, or
20 do we find it in other places?

21 A. Yes, this church is found in several other communities in the Ituri district.

22 Q. Now, you've mentioned, and recognised, Germain Katanga when he stood up.
23 Was Germain Katanga ever part of that community, that church, or not?

24 A. I cannot give you a precise answer. However, I used to see him at the church.

25 Q. Now, you were born in Singo. As a pastor, were you ever a pastor anywhere else

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1 before arriving at Aveba?

2 A. Yes. I was a pastor --

3 THE INTERPRETER: The Swahili interpreter did not hear the name.

4 THE WITNESS: (Interpretation) Then I went to Mola (phon) where I was a pastor,
5 from where I was transferred to Aveba, and this is where I am right now.

6 PRESIDING JUDGE COTTE: (Interpretation) Which was the first place that you
7 mentioned where you first served as pastor? The interpreters did not hear you. Maybe
8 you should even repeat your entire answer because this would be easier for them and we
9 would be able to better understand.

10 THE WITNESS: (Interpretation) I started my ministry as a pastor at Nyambo (phon),
11 Veni (phon), Nyabusoto (phon). After that, I was a pastor in Mola, and after Mola I was
12 transferred to Aveba, and even today I am still a pastor in Aveba.

13 MR HOOPER:

14 Q. Can you recall when it was that you arrived in Aveba?

15 A. It was in 2001.

16 Q. And when you arrived, did you arrive alone, or were you with your family? What
17 was the position?

18 A. I was with my family.

19 Q. And where did you live in Aveba?

20 A. In Aveba, I was living right next to the church.

21 Q. When you arrived in 2001, at that time, were there any attacks against Aveba?

22 A. No, there were no attacks.

23 Q. Did there come a time when there were attacks and, if so, who were the attackers,
24 and what was the situation?

25 A. I didn't quite understand your question. Please, can you repeat?

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- 1 Q. You told us that when you arrived in 2001, that there were not attacks at Aveba, and
2 my question is this: Did things remain like that? Did things remain calm and peaceful?
3 What happened?
- 4 A. When I arrived at Aveba, the situation was peaceful.
- 5 Q. Did it remain peaceful, or not?
- 6 A. Shortly afterwards, the situation started deteriorating.
- 7 Q. And can you tell us briefly what happened?
- 8 A. A short time afterwards, the Ugandans attacked us.
- 9 Q. And what happened? What happened to you and your family and your home?
10 Can you tell us?
- 11 A. Very well. When those men came to attack us, we fled. We abandoned the town
12 and we spent approximately one month in the bush. Personally, my house was burnt
13 down. The health centres were burnt, including the houses in the mission compound.
14 There were people who were killed.
- 15 Q. Did there come a time when you returned to Aveba after those attacks?
- 16 A. Yes, we returned to Aveba. Well, we fled into the bush and subsequently returned
17 to Aveba.
- 18 Q. Now, you've told us how your house had been burnt down. What did you do for
19 housing when you returned?
- 20 A. While I was still in the bush, I used to cut down some trees and so I took some logs,
21 some logs that I had cut down. I returned to Aveba with them and I built a house.
- 22 Q. Right. Now, I'm going to ask you to look at a photograph, if I may, and this
23 photograph will appear, I hope, on the screen in front of you, and the reference is
24 DRC-D02-0001-0478. And when this photograph appears, I'm just going to ask you - and
25 it's a public document - I'm going to ask you to look at it and then tell us if you recognise

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1 the building. And if you don't, say so. All right, let's have the photograph.

2 THE COURT OFFICER: (Interpretation) In order to view the photograph, please press
3 on PC-1.

4 PRESIDING JUDGE COTTE: (Interpretation) Can the accused persons see the
5 photograph clearly? Yes, everybody can see it.

6 THE WITNESS: (Interpretation) Yes, this is indeed my house.

7 MR HOOPER:

8 Q. All right. And is that the house you've told us that you built when you returned to
9 Aveba after your first house had been destroyed?

10 A. Yes.

11 Q. Now, I want to ask you about whether you can help us as to when it was that your
12 first house was destroyed and you had to flee to the bush, to hide from the Ugandan
13 attacks. Can you remember which year that was, and even perhaps what month or
14 months that was? Can you help us?

15 A. This is something that happened several years ago; I've forgotten the date.

16 Q. All right. Well, let me ask you -- put it in another way: How long - approximately
17 I'm asking - how long, approximately, had you been living in Aveba when that or those
18 attacks by the Ugandans took place? Can you remember?

19 A. I had been there only for a few years. Not several years, just a few years.

20 Q. Now, at the time of the Ugandan attacks, was there any form of militia or
21 auto-defence in Aveba to combat the Ugandans, or not? What is your recollection as to
22 the formation or presence of militia?

23 A. Yes, there was a self-defence movement which was set up for the purpose of
24 preventing the Ugandans from exterminating the population.

25 Q. Right. Thank you. Now, I want to go into private session so that I can ask you a

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- 1 question in private, and we'll be in private session for just a minute or so.
- 2 PRESIDING JUDGE COTTE: (Interpretation) Court officer, let us please go into private
- 3 session for a possibly identifying question.
- 4 (Private session at 2.22 p.m.)
- 5 (Expunged)
- 6 (Expunged)
- 7 (Expunged)
- 8 (Expunged)
- 9 (Expunged)
- 10 (Expunged)
- 11 (Expunged)
- 12 (Expunged)
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- 21 (Expunged)
- 22 (Expunged)
- 23 (Expunged)
- 24 (Expunged)
- 25 (Expunged)

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- 1 (Expunged)
- 2 (Expunged)
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- 9 (Expunged)
- 10 (Expunged)
- 11 (Expunged)
- 12 (Expunged)
- 13 (Expunged)
- 14 (Open session at 2.26 p.m.)
- 15 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.
- 16 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer. Please
- 17 proceed, Mr Hooper.
- 18 MR HOOPER:
- 19 Q. When did you meet, or how did you meet Jack?
- 20 A. Your question is not clear. Can you please kindly repeat?
- 21 Q. All right. You've told us that you know someone called Jack - that's the name we're
- 22 using - and my question is: How do you know him?
- 23 (Expunged)
- 24 (Expunged) Would you want me to repeat my answer?
- 25 Q. I think that was clear. And when did you meet him?

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1 A. He came to my house from Oicha, so it was from Oicha that he came when he was
2 going to Aveba for the first time.

3 Q. And can you remember when that was?

4 A. I believe it was in 2003. He came to Aveba as part of the preparations for Alain's
5 wedding.

6 Q. And when you mention Alain, can you give us Alain's full name, if you know it?

7 A. It was Alain Mula.

8 Q. And when Jack arrived in Aveba, where did he stay, and for how long?

9 A. Since he had no one else to stay with, no family, he came directly to stay with me
10 and he stayed with me for several days.

11 Q. How long did he stay with you altogether?

12 A. He stayed with me for about one year.

13 Q. Now, when you say "he stayed with me," a moment ago we saw the photograph of
14 the house that you'd built when you returned after the Ugandan attacks on Aveba. Was
15 it that house that he stayed in, or another house?

16 A. Yes, that was the house. But next to that house, there was another smaller house
17 which had one room, and that's where the kids slept. That's where the young boys slept
18 and the young girls slept, as well as any other visitors who might have been coming to see
19 us. And they were able to use that house when they stayed with us.

20 Q. During the time that Jack stayed with you, was he ever in the militia?

21 A. I object because he was a student.

22 MR DUTERTRE: (Interpretation) I want to object to that question. It was a leading
23 question.

24 PRESIDING JUDGE COTTE: (Interpretation) The witness said that at the time Jack was
25 a student. Perhaps Mr Hooper could reformulate his question, based on that

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1 information. Sir, you may continue.

2 MR HOOPER:

3 Q. Yes. So Jack was a student. To your knowledge - I pose the question again - was
4 he ever in the militia?

5 A. For the time that he stayed with me, he was never a member of any militia.

6 Q. I want to move on to another subject and ask you if you can help us about. It's not
7 a subject that directly concerns us in this trial, but a part of the general background and
8 history that you may know. Was Aveba, to your knowledge, ever the subject of attacks
9 by the Army of the DRC, of the Congolese National Army, the FARDC? And, if so, what
10 do you know about those attacks?

11 MR DUTERTRE: (Interpretation) Mr President, we object because this is not one of the
12 topics that we were told that the witness would be testifying about. This is something
13 very predictable for the Defence, but it was nevertheless not included in the list of
14 documents. This is something which we find slightly surprising, sir.

15 PRESIDING JUDGE COTTE: (Interpretation) You were surprised, but are you going to
16 clarify that in your cross-examination? Or is this something which might later be a point
17 that we need to clarify? Could you please tell us?

18 MR DUTERTRE: (Interpretation) In the witness's testimony, we don't know what he is
19 going to say so it's difficult for me to provide you with an answer to that question. I
20 don't know what he is going to say, so I can't answer your question. This is why we
21 want to have the questions beforehand. And I also don't understand the relevancy of
22 this line of questioning.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr Hooper, in the witness's testimony,
24 we don't have any reference to the questions that you are currently putting to the witness,
25 and I don't think that in the summary that was previously sent, because we asked

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- 1 you -- because you provided us with a copy, I don't believe that this point was dealt with.
- 2 Could you perhaps move on to another question, sir?
- 3 MR HOOPER: This is my last question and I'd ask to be allowed to answer it. The
- 4 Prosecution can't consider themselves in any way prejudiced by this. I don't even think
- 5 they dispute it. I'm talking about events in 2006. I ask it now because it was only
- 6 reviewing my notes over the weekend that I realised that this was an area that Pastor
- 7 Vicky, as the pastor in place in Aveba in 2006, may be able to help us about, and it's part
- 8 of the background which, both subsequent to these events, I'm sure will assist the Court.
- 9 I don't intend to spend more than a minute or so, or as short as Pastor Vicky's very
- 10 controlled answers are. He's giving short answers. It's not going to take a long time.
- 11 It's going to take more time arguing it.
- 12 And we notice that, indeed, when the Prosecution from time to time went -- or introduced
- 13 themes that weren't in their summaries, that the Court was generally understanding of
- 14 their position, and I'd invite the Court to take a generous view with this particular subject,
- 15 too.
- 16 MR DUTERTRE: (Interpretation) Mr President.
- 17 PRESIDING JUDGE COTTE: (Interpretation) We know how much we want these
- 18 proceedings to be fair. so I would like to ask you to ask your question quickly, and if we
- 19 can have the witness answer as quickly, then that will be very satisfactory and that will
- 20 make it possible for us to obtain useful information. So, sir, you have the floor.
- 21 MR HOOPER: Yes.
- 22 Q. Just basically, Pastor Vicky - you've heard the discussion a bit - what do you know
- 23 personally that you can help the Court with, as to your knowledge of attacks by the DRC
- 24 army in Aveba? What do you know about that?
- 25 A. I can't answer that question.

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1 MR HOOPER: All right. There we are. Those are all my questions. Thank you.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much, Mr Hooper.

3 Mr Kilenda. The Defence team for Mr Ngudjolo will perhaps like to ask the witness
4 some questions. You have the floor.

5 MR KILENDA: (Interpretation) Thank you very much, your Honour. Good
6 afternoon, your Honours.

7 QUESTIONED BY MR KILENDA: (Interpretation)

8 Q. Good afternoon, Pastor Vicky.

9 A. Good afternoon.

10 Q. My name is Jean-Pierre Kilenda, and I am the main counsel for Mr Mathieu
11 Ngudjolo, who is seated here in the back row behind me. I listened very closely to the
12 answers which you provided to Mr Hooper's questions, and for the time being, I have no
13 further questions to ask you, sir. Thank you, your Honour.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Kilenda. Mr Prosecutor,
15 you have the floor, sir. Please proceed.

16 MR DUTERTRE: (Interpretation) Thank you, very much. Could we suspend for just a
17 moment or two so that we can look at the questions we will be asking during our
18 cross-examination?

19 PRESIDING JUDGE COTTE: (Interpretation) Can you tell us if the person who is to
20 appear after Pastor Vicky is available yet? If they are available now, court officer, will
21 they be available after we suspend?

22 Mr Prosecutor, you have five minutes to speak with your colleagues. Mr Hooper, I
23 thought he would be very brief in his questioning, and he turned out to be even faster
24 than we thought. So you have five minutes, Mr Prosecutor, and we will begin our work
25 again. We are now at 2.40. We'll stay for five minutes. We'll all remain in the

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1 courtroom and then we will continue after you've had your five minutes, sir.

2 MR DUTERTRE: (Interpretation) Your Honour, I would like to leave the room just to
3 not bother the rest of the people.

4 PRESIDING JUDGE COTTE: (Interpretation) Yes, you may do so. Please be back
5 here at ten 'til.

6 Mr Witness, we are taking a quick break and you may go ahead and take a drink of water,
7 if you so wish, during the break.

8 THE WITNESS: (Interpretation) No, thank you, sir, I don't need to for the time being.

9 MR HOOPER: I still see one member of the Prosecution team there at the back. I only
10 get to my feet to mention the EVD number for the photograph, and I would have thought
11 that's something that could be happily done in the absence of the other seven members.

12 PRESIDING JUDGE COTTE: (Interpretation) Yes. I think that we can indeed do that
13 because this photograph should not raise any particular problems. It didn't -- from the
14 Prosecutor's team, and as soon as they came back, we will tell them that we have given
15 this picture and EVD number, DRC-D02-0001478, Madam Court Officer. So that's an
16 EVD code for the picture that we looked at earlier, and this picture depicts a house.

17 MR KILENDA: (Interpretation) The number should *not be assigned in the absence of
18 the Prosecution.

19 PRESIDING JUDGE COTTE: (Interpretation) I don't think that is going to lead to any
20 kind of problems, and we will ask them when they come back if that presents them with a
21 problem The Prosecution is represented here by someone who might not be authorised to
22 speak, but in any event we will talk to them when they come back, and as soon as
23 Mr Dutertre comes back, we will ask him. So we are going to assign that number to this
24 document, Madam Court Officer.

25 THE COURT OFFICER: Thank you very much. The picture DRC-D02-0001-0478 will

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1 be EVD-D02-00123.

2 PRESIDING JUDGE COTTE: (Interpretation) 123 are the last three numbers to that
3 piece of -- to that document.

4 MR HOOPER: Again, I don't want to concern the -- in the absence of the Prosecutor, but
5 just you raised the matter of the next witness. I anticipated reaching that witness today,
6 in good time, but I don't know whether the witness is available. Can it be ensured that
7 he is brought here for 4 o'clock?

8 PRESIDING JUDGE COTTE: (Interpretation) That's exactly what we're doing,
9 Mr Hooper, and we will see if the Office of the Prosecutor will be able to participate in the
10 hearing that the witness will be at, but the next witness should be here at 4 p.m., which is
11 to say when we come back from our break because we are supposed to be taking a break
12 from 3.30 to 4 o'clock. But, of course, everything depends on how much time the
13 Prosecution will need for Mr Dutertre to do his cross-examination. If we finish before
14 3.30, then we will be able to listen to the next witness at 4 o'clock until 5.45.

15 Mr Prosecutor, thank you for being back in your allotted time. Before we go back to our
16 discussions and before you begin your cross-examination, you should know that in your
17 absence, because I didn't think that this would lead to any particular problem, an EVD
18 number was attributed to the photograph which was publicly presented earlier. This is
19 the house which Pastor Vicky says that he built once he returned from the bush.
20 EVD-D02-00123 is the number that has been assigned to that document.

21 Mr Kilenda was concerned about the fact that you might have been offended by our doing
22 this while you were absent from the room, but we thought that it was a simple enough
23 question and we didn't think it would lead to any problems or objections on your part.
24 Everything depends on the time which you will require for your cross-examination, as
25 well as the legal representatives for the victims and also the re-direct of the Defence teams,

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1 for Pastor Vicky. Usually, we try to finish up at 3.30, and if you finish at 3.30, then at
2 4 o'clock we will be able to hear the following witness, which is to say D02-P-147. 02316
3 for the other members of the Defence.

4 So Mr Prosecutor, Mr Dutertre, you have the floor, sir.

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

6 QUESTIONED BY MR DUTERTRE: (Interpretation)

7 Q. Good afternoon, Mr Witness. Good afternoon, Pastor Vicky.

8 A. Hello.

9 Q. We met briefly during a courtesy visit. Today I am going to be asking you a certain
10 number of questions on the behalf of the Prosecution in order to shed light for the
11 Chamber on a certain number of points. I'm going to begin with relatively simple
12 questions. My first question is the following, Mr Witness. You were born in Singo.
13 You lived in Sangolo. Am I correct in understanding that you never lived in Nyakunde?

14 A. No, I never lived in Nyakunde.

15 Q. You said that you still live in Aveba today. Between when you arrived in Aveba in
16 2001 and today, have you ever lived anywhere else? Or have you always lived in Aveba?
17 And could you please tell us exactly what that situation is, sir?

18 A. I have only lived in Aveba, I only lived in Aveba after the war, and I went to
19 Komanda.

20 Q. And in what year did that happen, Mr Witness? In approximately what year, can
21 you please tell us?

22 A. It was sometime around the year 2006, sir. That was the year that I went to
23 Komanda.

24 Q. And when did you come back to Aveba?

25 A. About a year later is when I came back to Aveba.

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1 Q. But you can't provide us with an exact date?

2 A. No, I cannot provide you with a precise date.

3 Q. And when you were in Komanda, I understood that from time to time you went to
4 Bunia for professional reasons.

5 A. Are you talking about Bunia? When we left Komanda, we went to Bunia, and then
6 from Bunia we went to Aveba.

7 Q. And from time to time you would go to Bunia for professional reasons?

8 A. From Komanda, do you mean?

9 Q. Either from Komanda or from Aveba.

10 A. I often went there from Aveba. I went there from Bunia, from Aveba, but that was
11 a part of my religious activities.

12 Q. When did you marry Julianne Mugo? Can you please tell us the date, sir?

13 A. We got married in 1997. 1987, excuse me.

14 Q. You said you had seven children. Can you tell me when the first child was born,
15 the date of his birth, please?

16 A. Our first child was born in 1988.

17 Q. Can you tell us the month and the precise date, please?

18 A. That information is recorded on his identity card.

19 Q. Okay. But just off the top of your head, you can't provide us with that date? You
20 can't provide us with an exact date and month?

21 A. That's correct.

22 Q. I would like to ask the same question of your second child. Can you tell us the
23 exact date of birth for the second child, please?

24 A. That child's date of birth is also recorded on the identity card. I only know the date
25 of birth of my last one child, in fact.

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1 Q. So, for the six first children, aside from what you have recorded in the documents,
2 you can't off the top of your head or from memory rather, provide us with their exact
3 dates and months of birth; is that correct, sir?

4 A. That's correct. But the documents exist, and I do have those documents.

5 Q. Thank you. I just wanted to know if you could provide us with information off the
6 top of your head, but that's fine, thank you. I would just like to go back to something I
7 mentioned earlier, Mr Witness. When you went to Bunia, am I correct in understanding
8 that at those times you would seen Alain Metu, when you went there?

9 A. Who are you talking about?

10 Q. Alain Metu. Pastor Alain, if you wish.

11 A. No, because he lives very far from there. He lives very far from us in Bunia. It's
12 75, or so, kilometres and I did not see Alain there.

13 Q. Alain Metu is one of your acquaintances, is that correct?

14 A. Yes, we know each other. That's correct. He is an acquaintance.

15 Q. You know each other very well?

16 A. Yes, I know him.

17 Q. And he is indeed your uncle?

18 A. Absolutely.

19 Q. And he grew up with your wife, Julienne Mugo, and Denise Katanga in Nyakunde,
20 is that correct?

21 A. That is correct.

22 Q. And he even lived in the same house as your wife, Julienne Mugo, whilst he was in
23 Nyakunde, is that correct?

24 A. Yes.

25 Q. And he belongs to the same church, Community Emmanuel 39, is that correct?

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1 A. Yes.

2 Q. And when he arrived at Aveba, you housed him, is that correct?

3 A. Yes.

4 Q. You mentioned his marriage, in the year 2003. He made his marriage in your home;
5 is that correct?

6 A. Yes.

7 Q. And he remained in Aveba right up to the year 2005; is that correct?

8 A. Yes, I believe so.

9 Q. And you have relations with him, regular relations, regular contact?

10 A. Yes, in Aveba we were together.

11 Q. And you attended his marriage, his wedding?

12 A. Yes.

13 Q. And so when you went to Bunia, you would visit him as well; is that correct?

14 A. No. The place I usually visited was not his home.

15 Q. I did not ask to know whether he used to house you. However, Alain Metu, whom
16 you knew very well, and who had family ties to your wife, who lived in your home and
17 whose wedding you attended, you would visit him when you'd go to Bunia, is that
18 correct?

19 A. Does your question refer to the period before the wedding or after the wedding?

20 Q. After the wedding.

21 A. When I went to Bunia, I would go for religious purposes. I would not go to visit
22 family members. Bunia is located far from my place of residence. You don't go to
23 Bunia for just any reason. You ought to have a valid reason to go to Bunia because the
24 trip is expensive. I used to go there for my religious activities, to carry out the work of
25 God, and when I went there I went there by vehicle, by car.

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1 Q. So, your evidence today before this Court is that when you went to Bunia you did
2 not visit family members, you did not visit Alain Metu; is that your evidence before this
3 Court?

4 A. I don't know what you expect me to say. My trips were generally lightning trips.
5 It was difficult for me to go to just any place. It was difficult for me. I had -- generally
6 had only one destination.

7 Q. Mr Witness, when was the last time you spoke to Alain Metu?

8 A. Speak to him? Well, when we arrived we were transported in the same vehicle,
9 taken to the plane. Afterwards, we boarded the plane.

10 Q. You are saying that you travelled to this place with him?

11 A. Yes.

12 THE INTERPRETER: Message from the Swahili booth. Could the witness wait for the
13 question to be interpreted before he starts answering.

14 THE WITNESS: (Interpretation) I do not know the last time I discussed with him. I
15 really do not know.

16 MR DUTERTRE: (Interpretation)

17 Q. But prior to the trip to come here, you cannot remember whether you last saw him a
18 month, two months, six months before that? You do not remember the last time you saw
19 him before coming here at all?

20 A. I really have forgotten.

21 Q. But when, whilst you were being taken to the airport, you knew before you were
22 taken to the airport that Alain was going to come to give evidence; is that correct?

23 A. I knew nothing about Alain. We simply met. I was the first person in the vehicle
24 and later on I saw him being brought to the same vehicle, at the same place.

25 Q. And whilst you were in the vehicle, and being taken to the airport, you had a

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1 discussion with him; right?

2 A. Are you talking about Alain? No, I had no discussion with him.

3 Q. Very well. I see. We have clearly understood that your wife, Mugo, was the
4 cousin of the wife of Germain Katanga. Denise and Julienne know each other or have
5 known each other for a long time; is that the case?

6 A. Yes, you are absolutely correct.

7 Q. And you yourself do know Denise quite well, I suppose?

8 A. Yes.

9 Q. And you also attended the wedding between Denise and Germain Katanga?

10 A. No, I did not attend that wedding.

11 Q. But you were -- you were present, even though you did not participate; right?

12 A. No, I wasn't there.

13 Q. Do you know when that wedding took place, approximately?

14 A. I did not take note of that event and so I am not in a position to give you an answer.

15 Q. But you were in Aveba when it took place; right?

16 A. Yes, I was in Aveba, but I do not know when the wedding took place.

17 Q. And it was quite an event in Aveba, I mean this wedding; right?

18 A. Well, even if that were the case, I really have nothing to say about that event.

19 Q. Would I be right, Mr Witness, to say that it was quite a major event and it was
20 heavily attended?

21 MR HOOPER: We've had this difficulty before, the previous questions from the
22 Prosecutor, with a number of Defence witnesses, where there are unfounded assertions
23 being made, calculated to mislead a witness, and that is, in my submission, incorrect
24 questioning. And if the Prosecution say, "Well, the Defence did it," then let them show
25 me in the transcript where we did do it because I'd contest that.

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- 1 PRESIDING JUDGE COTTE: (Interpretation) Very well. Mr Prosecutor, we are not
2 going to return to our recurrent debate about the rights you have in conducting the
3 cross-examination. But given the answers that have been provided by the witness, I
4 don't think you should pursue this point on the marriage between Germain Katanga and
5 his wife. His last answer, page 34 of the transcript, line 24, states, "Even if that were the
6 case," it says, "if that were the case I really have nothing to say about that event."
7 Well, it's up to you to appreciate, or to determine whether you should pursue this point
8 further, or whether you should change tack and move on to other things. You may
9 proceed.
- 10 MR DUTERTRE: (Interpretation) Your Honour, I do not understand Mr Hooper's
11 objection, but I will not repeat the question.
- 12 Q. Your wife, Julienne Mugo, who knew Denise very well, attended the wedding;
13 would I be right to say so?
- 14 A. It will be up to her to answer that question. I don't know anything about it.
- 15 PRESIDING JUDGE COTTE: (Interpretation) Well, Mr Witness, you will have to try to
16 give an answer to that question. Either, or you may not know whether or not your wife
17 attended the wedding, but you shouldn't tell the Prosecutor that it's up to her to answer
18 the question. If you do not know whether she attended the wedding, or you do not
19 remember, please say so, but don't make any other comments. These are simple
20 questions being put to you by the Prosecutor and such simple questions call for simple
21 answers.
- 22 Mr Prosecutor, you may proceed.
- 23 THE WITNESS: (Interpretation) Very well.
- 24 MR DUTERTRE: (Interpretation)
- 25 Q. The question, Mr Witness, was the following: Did your wife, Julienne Mugo,

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- 1 attend the wedding of Denise and Germain Katanga in Aveba?
- 2 A. I do not know.
- 3 Q. I see. When was the last time you spoke to Denise Katanga, Pastor Vicky?
- 4 A. Oh, that was a long time ago. I last spoke to her several years ago.
- 5 Q. And your wife Julienne is Denise's cousin, she must still maintain some contact with
- 6 Denise, am I right?
- 7 A. That is difficult. It's difficult for her to communicate with Denise, because we live
- 8 very far away from Denise. We live tens of kilometres away. It's difficult to maintain
- 9 communication.
- 10 Q. But when was the last time she spoke to her, the last time that Julienne spoke to
- 11 Denise?
- 12 A. I think that it was whilst they were in Aveba, and that was a long time ago.
- 13 Q. You know Germain Katanga well, I believe, Mr Witness?
- 14 A. Yes, I know him.
- 15 Q. And he is a member of your church, that is Community Emmanuel 39; right?
- 16 A. I have already said that I do not know this very well but I did say that I saw him in
- 17 church on a few occasions.
- 18 Q. So Germain Katanga came to your church but you are not in a position to say
- 19 whether or not he was a member of the church; is that your answer?
- 20 A. Yes.
- 21 Q. You had the opportunity to speak to Germain frequently, right?
- 22 A. Not at all.
- 23 Q. But when he came to your church you had the opportunity to talk to him? You
- 24 spoke to the faithful, who came to attend the service, right?
- 25 A. I am not the only pastor in our church. There are other pastors as well. And if he

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1 came to church I would not be the only one to speak to him. He could equally speak to
2 the others.

3 Q. My question was very simple, Mr Witness: I do understand that there were other
4 pastors, but you had the occasion to speak to Germain when he came to attend the service,
5 Germain who was married to your wife's cousin; right?

6 A. No, I did not have the opportunity or the occasion to speak to him.

7 Q. Mr Witness, is it not correct that during the Nyakunde battle, 5 September 2002,
8 Kpandro was the headquarters of the Ngiti fighters? Kandro was the leader of the Ngiti
9 fighters?

10 A. Could you repeat the name you mentioned? I did not hear you clearly.

11 Q. Very well, of course. I am talking about Kandro, Kandro was the leader of the
12 Ngiti fighters; is that correct?

13 THE INTERPRETER: The Swahili interpreters did not hear the witness's answer.

14 PRESIDING JUDGE COTTE: (Interpretation) Mr Witness, could you please repeat
15 your answer for the benefit of the interpreters who did not hear you, and who cannot
16 therefore interpret what you said?

17 THE WITNESS: (Interpretation) I answered saying "yes."

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

19 MR DUTERTRE: (Interpretation)

20 Q. And is it not correct that after the death of Kandro, Germain Katanga inherited his
21 position as the leader of the Ngiti fighters?

22 A. I would like to say a few words. To the best of my knowledge, Germain Katanga
23 became the leader, but that was long afterwards. And this was because there were
24 several groups of fighters in the various collectivités. That is what I have to say.

25 MR DUTERTRE: (Interpretation) Your Honour, I think we could take our break now,

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1 because I wish to move on to other topics which I would not like to be interrupted by a
2 break period.

3 PRESIDING JUDGE COTTE: (Interpretation) Very well. Mr Prosecutor, given that
4 we're expecting the next witness, who might appear today, could you please give us an
5 idea of how much time you need? How much further time you need for this witness?

6 MR DUTERTRE: (Interpretation) Your Honour, I cannot give you a clear answer now,
7 but I think I will need more than 30 minutes, or maybe more time. In any case, it
8 depends on how the examination is going to proceed.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well. In any case, we are going to
10 maintain that the next witness would appear from 4 p.m. And it will be good to have
11 him, if it's going to be for only for the five minutes or one hour. Mr Witness, we are
12 going to rise for 30 minutes, during which you are going to rest, and we will reconvene at
13 3.55 p.m. That is in 30 minutes.

14 Court officer, court usher, could you please lead the witness out of the courtroom, and
15 then we will rise for 30 minutes. And may I recall that today we have to rise finally at
16 5.45 p.m. See you in a short while, Mr Witness. Pastor Vicky.

17 (The witness stands down)

18 PRESIDING JUDGE COTTE: (Interpretation) We stand adjourned.

19 (Recess taken at 3.25 p.m.)

20 (Upon resuming in open session at 4.04 p.m.)

21 THE COURT USHER: All rise.

22 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. Court officer, court
23 usher, can you please fetch Pastor Vicky and bring him into the courtroom.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE COTTE: (Interpretation) Can you hear me well, Pastor Vicky?

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- 1 THE WITNESS: (Interpretation) Yes.
- 2 PRESIDING JUDGE COTTE: (Interpretation) Well, let us continue. Mr Prosecutor.
- 3 MR DUTERTRE: (Interpretation) Thank you, your Honours.
- 4 Q. Pastor Vicky.
- 5 A. Yes.
- 6 Q. I have a few questions for you. You knew Jonathan Katanga, Germain's junior
- 7 brother, right?
- 8 A. Yes, I know him.
- 9 Q. And you know him very well; is that correct?
- 10 A. Yes.
- 11 Q. He is a member of the Emmanuel Community CE39 church; is that correct?
- 12 A. Okay.
- 13 Q. And he attended your church when he was living in Aveba; is that correct?
- 14 A. He was also a member of a choir.
- 15 Q. You anticipated my follow-up question. He is, or was, a member of the choir. He
- 16 actually lives in Bunia; is that correct?
- 17 A. Yes.
- 18 Q. And he sometimes travels to Aveba, right?
- 19 A. He comes to Aveba very infrequently. He is a student, and he comes sometimes
- 20 without any prior notice, and he comes one day and leaves the next day.
- 21 Q. And when he comes to Aveba, he visits you and Julianne, correct?
- 22 A. No. I have already told you that he is a student. He does not have enough time.
- 23 He has a tight schedule at the school, and whenever he comes it is for a short visit.
- 24 Q. But he goes to his father's house?
- 25 A. Yes, he goes to his father's house, and not to my house.

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- 1 Q. The distance between his father's house and your house is not very far; right?
- 2 A. It is quite a distance. It is not very close. I live near the church.
- 3 Q. But when he comes to Aveba, you do have the opportunity to see him; am I right?
- 4 A. Sometimes I do not see him. I would hear that he came by; that is during the times
- 5 he does not stay very long.
- 6 Q. This means, of course, that you see him sometimes; right?
- 7 A. I have not seen him recently.
- 8 Q. I'm not talking about recently; I'm speaking generally. You sometimes see him
- 9 when he comes to Aveba; correct?
- 10 A. Ever since he started studying, I have not seen him at all.
- 11 Q. When was the last time you saw him, Mr Witness?
- 12 A. I no longer remember the year because it was a long time ago. That was before he
- 13 went back to school.
- 14 Q. Would I be correct to say that you have a problem with dates?
- 15 A. Yes.
- 16 Q. You know Germain's father very well. You know him well; is that correct?
- 17 A. Yes, I know him.
- 18 Q. And he's also one of your faithful in the church in Aveba?
- 19 A. Yes, we work together. He is also one of the church leaders.
- 20 Q. You received news of Germain through him; right?
- 21 A. Not regularly.
- 22 Q. And what information did he tell you about Germain? I understand that he doesn't
- 23 give you information about Germain regularly, but which information did you receive
- 24 from him concerning Germain?
- 25 A. Considering that I'm a pastor, when we discuss with him we say that we have to

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1 pray for those people who are in detention. Our work is to pray for people.

2 Q. I do understand that your work is to pray for people, but when you are working
3 with Germain Katanga's father, that is the opportunity for him to tell you how he's doing.
4 These are the types of things he tells you; right?

5 A. No, no, he doesn't discuss those matters in detail with me.

6 Q. But you know Germain very well, as you have stated. You did not have the
7 opportunity, or the curiosity, to ask Germain's father how he was doing?

8 A. No, I didn't ask him those questions.

9 Q. And your wife, Julienne, is married to Germain's cousin Denise. She didn't try to
10 find out how Germain was doing, given that you met frequently with Germain's father; is
11 that your testimony?

12 A. No.

13 Q. You also know Francine, Germain Katanga's sister; is that correct, Pastor Vicky?

14 A. I know her at Aveba. I knew her when we were living in Aveba at that time, so we
15 spoke with each other.

16 Q. She currently lives in Bunia; correct?

17 A. Yes.

18 Q. And Jean Lubato (phon) Katanga lives with her, right? Jean Dubatso (phon)
19 Katanga?

20 A. Can you please repeat that name?

21 Q. Jean Dubatso Katanga, Germain's younger brother, lives with Francine in Bunia, is
22 that correct?

23 A. Sometimes I see him in Aveba.

24 Q. You see Jonathan in Aveba, did I understand you correctly?

25 A. I see him sometimes.

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- 1 Q. And when you see Jonathan, you can discuss Germain with him, correct?
- 2 A. No. We never discussed him with Jonathan.
- 3 Q. So it is the same case as with Germain's father. When you meet Jonathan, you are
- 4 not curious enough to ask how Germain is doing?
- 5 A. No, I do not discuss that with him.
- 6 Q. You know Androsi Mugo, correct?
- 7 A. I know Androsi Mugo.
- 8 Q. And this is Denise Katanga's elder sister?
- 9 A. Yes.
- 10 Q. She lives in Bunia; right?
- 11 A. Yes.
- 12 Q. You also know Jean Musangura, another of Germain Katanga's younger brothers;
- 13 right?
- 14 A. I have difficulty with that name.
- 15 Q. Maybe it is my pronunciation, Witness. Let me repeat; Jean Musangura.
- 16 A. I know almost all of his younger brothers.
- 17 Q. Which other younger brothers of Germain's do you know, Mr Witness?
- 18 A. For example, Baraka is his younger brother.
- 19 Q. Jean Musangura lives in Aveba some of the time; is that correct?
- 20 A. Right now he doesn't live in Aveba. I do not see him there.
- 21 Q. But he is a taxi driver; correct?
- 22 A. No. He has gone away for studies.
- 23 Q. Would you agree with me that he also comes to Aveba from time to time?
- 24 A. Yes.
- 25 Q. And when he comes back, you have the opportunity to see him; correct?

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1 A. I see him from a distance. I do not have any direct contact with him.

2 Q. You know practically the entire family of Germain Katanga; is that correct,
3 Mr Witness?

4 A. Yes, I know that family because they lived with us in the same village.

5 Q. As a result, you must have received news from one or the other of the members of
6 that family about Germain Katanga. You must have heard about how he was doing;
7 right?

8 A. No, I did not discuss with the members of his family.

9 Q. You did not discuss with Jonathan Dubatso Katanga or Germain Katanga's father?
10 You never spoke with Jean Musangura, Francine or Baraka; you never discussed with any
11 of them how Germain Katanga was doing. Is that your testimony today before this
12 Court?

13 A. No. What I said was that I did not discuss with them the issue that you refer to.

14 Q. But would I be correct, Mr Witness, that you had some news through your wife,
15 Julienne, who is Denise Katanga's cousin?

16 A. No. She didn't give me any news of him.

17 Q. But Julienne speaks with Denise. She's still in contact with her because they are
18 cousins; correct?

19 A. I have already said that Denise's house is quite far away from ours. My wife does
20 not have any means of communication and so it is difficult for them to discuss.

21 Q. Mr Witness, do you know anyone by the name of Emile Muhito?

22 A. That name doesn't ring a bell.

23 Q. Isn't the younger brother of your -- the younger sister of your wife, Julienne, is he
24 not the wife -- is she not the wife of Emile Muhito?

25 A. After your explanation, I can now remember.

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1 Q. So Emile Muhito's wife is indeed Justine; is that correct?

2 A. Yes.

3 Q. To be even more specific, she is a sister of Julienne; that is your wife. Is that
4 correct?

5 A. Yes.

6 Q. And you know that Emile Muhito was the political adviser of Germain Katanga;
7 right?

8 A. As I have already told you, this is something that happened later.

9 Q. I had not asked you when, Mr Witness. Why do you feel the need to say that this is
10 something that happened afterwards? I simply asked you whether Emile Muhito was
11 Germain Katanga's political adviser. That was my question.

12 A. There were facts that I did not know, that I was not fully aware of.

13 Q. Let me repeat my question. Were you aware that Emile Muhito was Germain
14 Katanga's political adviser? And Emile Muhito is your wife's sister's husband.

15 A. My answer to you would be no, because I do not know whether he occupied that
16 position or not.

17 Q. Mr Witness, Germain Katanga was the leader of the combatants in Aveba; correct?

18 A. I would like to say something about that. As you know, as I said before, the
19 combatants were grouped into several teams. In Aveba there was someone called Chaga
20 and Kazaki. Those were the two people that I knew to be the leaders in Aveba. As you
21 know, when I saw Germain I found him to be like a student at school. That is when I
22 saw him.

23 Q. My question was relatively clear, Mr Witness. Was Germain Katanga the leader of
24 the fighters in Aveba in the 2002/2003 time-frame? Why are you talking to me about
25 Kazaki? I didn't mention the name Kazaki.

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1 A. I just wanted to answer your question. You know, at that time Germain was a
2 student. When I arrived in Aveba and I met him, he was still a student. He was still
3 studying.

4 Q. Mr Witness, I'm not talking to you about the time when you arrived in Aveba. I'm
5 talking to you about the fall of 2002, beginning of 2003. Was Mr Germain Katanga the
6 leader of the fighters at that time? He was; correct?

7 A. I do not know.

8 Q. When you had a problem, you could go see Germain, couldn't you? He was the
9 one who would resolve problems; correct?

10 A. No.

11 Q. Mr Witness, there were children, child soldiers, in the militia in Ituri during the
12 conflict; is that correct?

13 A. I didn't see any child soldiers; I only saw adults.

14 Q. Are you saying that you didn't -- you don't know if there were any child soldiers in
15 the militia during the conflict in Ituri; is that what you are saying in your testimony here,
16 sir?

17 A. Yes.

18 Q. I'm referring to children under the age of 15 years. You don't know that there were
19 children who were under the age of 15 in the militias in Ituri; is that what I'm to
20 understand?

21 A. No, I don't know anything. I didn't see anything.

22 Q. Mr Witness, you know that there was a demobilisation centre located in Aveba that
23 was set up in 2004; isn't that correct?

24 A. Yes, I know about that.

25 Q. And these demobilisation centres were for adult fighters, but also for children

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1 soldiers; is that correct?

2 A. I wanted to answer and to provide you with a bit more information, if you will.
3 When the CONADER arrived, they were trying to raise awareness through the
4 communities, and they were also speaking to children. They were saying that "We have
5 clothes for you, we have different things that we can give you and all this is for you. All
6 of these things must not go to Bunia. Come join our camp in order to be able to receive
7 all of these goods." So, as far as I know, the children joined these programmes solely in
8 order to receive food and clothes and other goods, because we had just been through a
9 conflict and the children very often were lacking very basic elements, very basic items,
10 and that's why these children decided to join these programmes.

11 Q. That's not exactly my question, but that was your answer, Mr Witness. My
12 question was: We have child soldiers who are under the age of 15 who are demobilised;
13 is that true, yes or no?

14 A. I don't know how to answer your question. I just said that there were children who
15 wanted to receive some goods and that's why they decided to join these programmes.
16 Those children were not demobilised because they joined these programmes just to
17 obtain -- just in order to achieve material gain. I want that to be clear.

18 Q. So there were some people who were against the demobilisation of the child soldiers,
19 some commanders such as Cobra; is that correct?

20 A. I don't know. No. I did not work with them and I don't have any more
21 information to provide you on that subject.

22 Q. But there was a whole series of, there was a whole procedure in the demobilisation
23 programmes to demobilise the child soldiers under the age of 15; is that not correct,
24 Mr Witness?

25 A. I don't have any more information to provide you on that subject.

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1 Q. There was a landing strip not very far from your church in Aveba; is that correct,
2 Mr Witness?

3 A. Yes.

4 Q. And at the end of 2002, the beginning of 2003, there were aircraft that landed on that
5 air strip; is that correct, Mr Witness?

6 A. Yes.

7 Q. And in these aeroplanes there were cases with weapons and ammunition; is that not
8 correct, Mr Witness?

9 A. This was an air strip that belonged to the missionaries. In the beginning,
10 humanitarian aircraft landed there in order to airlift sick people out.

11 Q. That was not my question, Mr Witness. My question was to know whether or not
12 in these aircraft there were arms and ammunition?

13 A. No, I don't know anything about that.

14 Q. And you agree that your church was not very far from the airport?

15 A. Yes, that's true. The airport was even a part of the mission property.

16 Q. And in your testimony today, you say that you never saw an aircraft arrive with
17 weapons and ammunition in it; is that correct, Mr Witness?

18 A. No, I never saw anything like that.

19 Q. Mr Witness, when an aircraft arrives in a village like Aveba, that's an event. It's not
20 something that goes unnoticed. Everybody is aware that that happens; is that not true,
21 Mr Witness?

22 A. No. If you don't see any reason to go there, then you don't go.

23 Q. And I'm sure that you heard villagers say that there were aircraft landing with
24 weapons and ammunition in the village, even if you didn't see it with your own proper
25 eyes; with your own eyes, excuse me.

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1 A. I have no information to provide you with on that subject.

2 Q. In March and April and May of 2003, Germain Katanga left Aveba to go to Bunia,
3 did he not?

4 A. I don't know. I don't know anything about what he was doing.

5 Q. Mr Witness, do you know Pastor Lopa Koli?

6 A. No.

7 Q. Christoph Lopa Koli, that's not a name that you are familiar with?

8 A. No.

9 Q. Mark Alopa (phon), does that mean anything to you?

10 A. No. No.

11 Q. Mr Witness, when were you in contact with Germain Katanga's defence team for the
12 first time?

13 A. It was in Bunia, but I do not recall the date.

14 Q. I understand that you have already told us that you have a problem with dates, but
15 was it perhaps a year ago? Two years ago? Three years ago? Four years ago? Can
16 you please provide us with a more precise answer?

17 A. No, it was less than two or three years ago. It was really quite recently. Yesterday,
18 I would say, compared with today.

19 Q. Could that have been 2009, around the year 2009, Mr Witness?

20 A. I would say since the year 2010.

21 Q. And how did you meet Mr Germain Katanga's defence team in Bunia at the
22 beginning of 2010?

23 A. We saw -- we met for the first time downtown and then we went together to the
24 MONUC headquarters and we spoke in the room. No, excuse me, it was a hotel.

25 Q. When you say that "we went together," who exactly are you referring to? Was

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1 there one person or several people, and who were these people?

2 A. Madam Caroline was there and the other person who is here before me; David, I
3 believe. You can see them. He's right here in front of you.

4 MR HOOPER: And I can assist my friend, even the witness. That was this year, earlier
5 this year.

6 MR DUTERTRE: (Interpretation) I would like to thank Mr Hooper for his help in
7 specifying the date.

8 PRESIDING JUDGE COTTE: (Interpretation) That was just professional assistance, if I
9 have understood correctly. It didn't go any further than that. Mr Prosecutor, you may
10 continue with your line of questioning. And please bear in mind, sir, please pay close
11 attention to the answers that the witness is providing you with. And also bear in mind
12 the apparently limited knowledge which he says he has.

13 MR DUTERTRE: (Interpretation) I'm just looking at the transcript here, your Honour.

14 Q. Do you know somebody by the name of Jean Logo?

15 THE INTERPRETER: Didn't hear the witness's answer.

16 MR DUTERTRE: (Interpretation)

17 Q. When did you see him for the first time, Mr Witness? Where did you see him,
18 Mr Witness?

19 A. When he arrived in Aveba, he didn't have the opportunity to see me, so I went to
20 Bunia and there we met. I met him in the presence of David and Caroline. We were all
21 together on that day.

22 Q. If I understand correctly, you were in Bunia, you went to Bunia to meet Mr Hooper,
23 Caroline Buisman and Jean Logo. Is that in fact what you are telling us here today, sir?

24 A. Yes, that is correct.

25 Q. So you had prior contact. That was a meeting; is that correct?

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1 A. Yes. They tried to find me but they were not able to.

2 Q. How do you know that they were looking for you?

3 A. When they arrived in Aveba, they came to my house. Unfortunately, I was not
4 there. I was either working or I was out in the fields. But that is how I learned that they
5 were looking for me.

6 Q. Who told you that they were looking for you?

7 A. The people who they found at the house, those people told me that somebody came
8 to look for me. Yes, even my mother told me that.

9 Q. Who was at the house? Who told you that, aside from your mother?

10 A. When I say my mother, I'm referring to my wife, in fact. I'm referring to my wife.

11 Q. So Julianne told you that they had been looking for you?

12 A. Yes, that's correct.

13 Q. And who did you talk to to organise the meeting in Bunia? Who set that up?

14 A. Before they left, they left a message for me, saying that I should meet them in Bunia.

15 Q. So you had already -- we can say that you had already seen Jean Logo in Aveba
16 prior to that?

17 A. When Logo came to see me, he was not able to do so. You know, I'm somebody
18 who travels a great deal. I travel a great deal as a pastor.

19 Q. Mr Witness, you signed a statement in Kinshasa on 13 March 2011. How many
20 times did you meet the Defence team in Kinshasa?

21 A. We -- I only saw them one time in Kinshasa.

22 Q. So you mean that the statement that you signed was taken that very day? You
23 signed it the same day that you met them, that you met Madam Buisman?

24 A. No. After another meeting in Bunia, they came to get me in Aveba, and they left
25 me with the document. They asked me to read them. I read them and I said that they

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1 were truth, and for the third time that we met I was in Kinshasa and that is when I signed
2 the documents.

3 Q. And the document that you're referring to is indeed your statement; is that correct?

4 A. Yes.

5 Q. And who gave you that statement in Aveba?

6 A. Madam Caroline and Mr David provided me with that document. They came to
7 see me in Aveba after the conversation which we had had earlier in Bunia.

8 Q. And why did you not sign your statement immediately when you were in Aveba?
9 It's, after all, only a statement of one-and-a-half pages.

10 A. Because in the statement there were certain French terms which did not correspond
11 to the Swahili in which I had expressed myself, so we had to go over the text in order to
12 ensure that the French terms which were in the translation accurately corresponded to the
13 Swahili terms which I had used during my statement. Is that clear?

14 Q. If I understand correctly then, there were some changes between the text that you
15 read in Aveba and the version which you signed in Kinshasa, is that indeed correct, to
16 ensure that your statement was accurate?

17 A. No, I wouldn't say that there was a change. We just wanted to make sure that the
18 French and Swahili corresponded to each other.

19 Q. Could you provide us of an example of what you're trying to talk to us about here,
20 please?

21 A. I'll give you an example. The wife of Jack's father, in the French version, it was not
22 very accurate. That's one example that I can give you.

23 MR DUTERTRE: (Interpretation) If I could have just a moment, please, your Honour,
24 so that I can look more closely at this question of the -- of the father of Jack's wife.

25 PRESIDING JUDGE COTTE: (Interpretation) Page 2. Very clearly, page 2, paragraph 3

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1 of the witness's statement, since this is what we are talking about.

2 MR DUTERTRE: (Interpretation)

3 Q. Isn't it true, Mr Witness, that when you were in Kinshasa, that -- in March of 2011,
4 on 13 March 2011, Alain Metu was also present at that time?

5 A. I heard that Alain Metu was there, but when I arrived at Kinshasa I did not see him.
6 You should understand that Kinshasa is a large city. I was lodged in a hotel in Galiema
7 district and he was in another district. I did not have the means of communication to
8 talk with him, and I did not even know that he was in Kinshasa.

9 Q. But who told you that, Mr Witness? Who told you that he was in another district?

10 MR HOOPER: I can interpose here to say that I was in Kinshasa at the time. I
11 discovered this. I met this witness there, as he said. And I complained to witness and
12 victims because he'd been left alone for a week. So the others were in quite a separate
13 place, and I actually made a complaint and WVU can support me on this. I say I made a
14 complaint, I expressed my regret that someone could be left in those circumstances in
15 Kinshasa on their own, as a consequence of which WVU then paid this witness regular
16 daily visits, in order to compensate for that difficulty. I think my friend's barking up the
17 wrong tree. I thought I'd save him some time.

18 MR DUTERTRE: (Interpretation) I don't think Mr Hooper was supposed to intervene.

19 PRESIDING JUDGE COTTE: (Interpretation) I think he gave us some clarification.
20 And what we want, Mr Prosecutor, is for you to be able to make progress in your
21 cross-examination. You may proceed.

22 MR DUTERTRE: (Interpretation) I would like to rephrase my question then.

23 Q. Pastor Vicky, who informed you that Alain Metu was in Kinshasa in another
24 district?

25 A. One evening when I was visited by these gentlemen, one of them told me, "There is

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1 a certain Alain who was here and who has gone back."

2 Q. So you knew that Alain was going to give testimony, is that correct, Mr Witness?

3 A. Given that I did not speak to that gentleman, I consequently did not know his
4 programme. He has his own activities, he's a nurse, and I could not therefore knew what
5 he was going to do.

6 Q. Mr Witness, the first wife of -- your Honour, maybe we should move into private
7 session briefly.

8 PRESIDING JUDGE COTTE: (Interpretation) Yes, court officer, could we go into private
9 session, please.

10 (Private session at 5.04 p.m.)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Open session at 5.05 p.m.)

21 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Mr Prosecutor, please.

23 MR DUTERTRE: (Interpretation) Thank you, your Honour.

24 Q. Witness, I would like to take you back to another point, and this will be my last
25 question on this point. The people who informed you that Alain Metu was in Kinshasa

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- 1 in another district or part of that city, what were the names of those people?
- 2 A. I think I told you that it was the members of the Defence team who told me that
- 3 Alain Metu had just gone back, and you know very well that Kinshasa is a large city.
- 4 Q. What else did they tell you about Alain Metu, Mr Witness?
- 5 A. They told me nothing else in addition to that.
- 6 Q. Witness, let's move on to another subject.
- 7 A. Very well.
- 8 Q. Do you know somebody by the name of Faisa Amazon Bangoni (phon)?
- 9 A. I have never heard that name.
- 10 Q. Is there not someone in Aveba who sings in the choir and who bears that name,
- 11 Mr Witness.
- 12 A. I have never heard this name.
- 13 Q. You know Jeannot Malivo Kagaba, right?
- 14 A. Yes, I know him.
- 15 Q. He lived with you, right, in your home?
- 16 A. Yes, he too lived in my home.
- 17 Q. And he lived in your home for several months; is that correct?
- 18 A. No, not really. He was with me for a while and then he left.
- 19 Q. And you know him very well.
- 20 A. Yes. He is someone who lived in my home and consequently I know him very
- 21 well.
- 22 Q. And he worked as a secretary to Germain Katanga; is that correct?
- 23 A. I know nothing about that. I don't know whether he worked with -- whether or not
- 24 he worked with Germain Katanga.
- 25 Q. But you did say that you knew him very well, and so I would like to know from you,

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1 he did work for Germain Katanga; is that correct?

2 A. I have just provided you with my previous answer because he is someone who lived
3 in my home. However, with respect to other activities he might have carried out, I really
4 don't know anything.

5 Q. So you really don't know everything about the people who lived in your home; am I
6 mistaken? Is that the case?

7 A. Well, you know, you can never know everything about an adult. I was not in a
8 position to know all -- about all his activities.

9 Q. When was the last time you saw him, that is Malivo Kagaba?

10 A. I -- it's been a long time. It's been a long time since I last saw him.

11 Q. Do you know Anyolito, Mr Witness?

12 A. Yes, I know him.

13 Q. How old was Anyolito in early 2003, Mr Witness?

14 A. I am not able to tell you how old he was. He did not live in my home all the time.
15 It is true that he spent some time at my place, but I'm not in a position to know his age
16 because he was not living in my home previously.

17 Q. Mr Witness, is it not correct that Mathieu Ngudjolo --

18 MR KILENDA: (Interpretation) Your Honour, please.

19 PRESIDING JUDGE COTTE: (Interpretation) Yes, Mr Kilenda. But we don't know
20 what is going to follow. Mr Ngudjolo's name was simply mentioned but we don't know
21 what is going to follow. In any case, you have the floor. What do you have to say?

22 MR KILENDA: (Interpretation) I can already foresee what the Prosecution is going to
23 say. I understand that paragraph 73 gives the Prosecutor the latitude to ask all types of
24 questions for the purpose of establishing the truth, but as Professor Fofé said last week, I
25 have the impression that there is some sort of pressure, inconveniencing pressure, being

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1 brought to bear on the witness. I just wish to draw this to your attention, your Honour,
2 and I find that this is inconveniencing.

3 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, you know the limits within
4 which you are supposed to operate as you cross-examine the witness. You simply
5 mentioned the name of Mr Mathieu Ngudjolo. Could you please complete your question,
6 bearing in mind what Mr Kilenda just said.

7 MR DUTERTRE: (Interpretation) Thank you, your Honour. The Prosecution simply
8 wishes to establish the truth and that is our sole concern.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well.

10 MR DUTERTRE: (Interpretation)

11 Q. Mr Witness, is it not true that Mr Mathieu Ngudjolo was the leader of the fighters
12 from Ezekere?

13 PRESIDING JUDGE COTTE: (Interpretation) Mr Kilenda, could you allow the witness to
14 answer, please.

15 THE WITNESS: (Interpretation) Well, you know, that is a locality which is located far
16 from my place. It is consequently difficult for me to know what was happening there.

17 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, you have been carrying on
18 your cross-examination for some time now. You have been able to gauge the degree of
19 clarity that the witness brings to his answers and so you should therefore be aware of how
20 you are going to proceed.

21 MR DUTERTRE: (Interpretation)

22 Q. At that point in time you had already heard the name of Mathieu Ngudjolo,
23 Mr Witness, is that not the case?

24 A. It is true that I did hear mention of his name, but I did not know everything about
25 his identity.

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1 MR DUTERTRE: (Interpretation) Could I have one moment, your Honour, to consult
2 with my colleagues?

3 Your Honour, I have two last questions, and I think I will be done.

4 Q. Pastor Vicky, do you know someone by the name of Bonheur Mugangu Awarni
5 (phon)?

6 A. No.

7 MR DUTERTRE: (Interpretation) Your Honour, that was the cross-examination.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Prosecutor. Mr Gilissen,
9 you did not make any request for -- to examine the witness. Do you have any questions
10 to put to the witness, considering the examination-in-chief of Mr Hooper and the
11 cross-examination of the Prosecutor?

12 MR GILISSEN: (Interpretation) Thank you, your Honour. The issue of child soldiers
13 and demobilisation has been broached but, given that the witness said he did not see any
14 child soldiers in Ituri, I might be asking questions which have already been put to him.
15 And, for that reason, I would like to refrain from putting questions to this witness.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Gilissen. I forgot to say at
17 the beginning that Mr -- that Mr Luvengika is represented by his representative. Well, it
18 looks like he's here. I didn't see you. At the beginning you were not there and you
19 were hidden by Judge Van den Wyngaert's screen so I did not see you. I do apologise.
20 You have the floor, Mr Luvengika.

21 MS NSITA: (Interpretation) Thank you, your Honour. It's true that this morning I
22 had to give a presentation on the representation of victims at the meeting of counsel that
23 is held here in The Hague. That was this morning.

24 Your Honours, given the content of the statement of this witness and the testimony he has
25 given before this august Chamber, I do not have any other questions to put to him

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1 different from the questions which have been put to him by the Prosecutor and
2 Mr Hooper. Thank you.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Luvengika, and I would
4 like to apologise once more for not seeing you when you came into the courtroom.

5 Witness, we would like you to give us one clarification, if you are able to. Page 38 of this
6 transcript, you talked about the arrival of Jack at Aveba, coming from Oicha, to prepare
7 for a wedding and you said this took place in the month -- in the year 2003. Could you
8 please tell us what period of the year 2003, the period during which Jack arrived at Aveba?
9 If you can remember.

10 THE WITNESS: (Interpretation) Well, my memory is not exactly clear here but I can give
11 you some explanation. He came shortly before the wedding.

12 PRESIDING JUDGE COTTE: (Interpretation) If my own memory serves me right,
13 Alain's wedding took place around the month of July 2003. Does that mean, therefore,
14 that Jack arrived shortly before the month of July? Or would you -- could you be more
15 precise to say that he arrived from 1 July 2003? Because you simply said he arrived in
16 2003. Or, rather, 1 January 2003?

17 THE WITNESS: (Interpretation) You know, these things happened a long time ago, and I
18 have forgotten the period.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Witness. Indeed, it
20 happened a long time ago. Mr Kilenda, at this juncture, do you and your team have final
21 questions or observations to put before the witness?

22 MR KILENDA: (Interpretation) Thank you, your Honour, we don't -- we have no
23 further questions.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Mr Hooper, what about you?

25 MR HOOPER: Yes, I have just four areas of questions arising from the questions that

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1 followed my first questioning.

2 QUESTIONED BY MR HOOPER:

3 Q. The first one is this, I don't have the transcript reference but it's -- you were asked
4 about the relationship of Androsi - I will just turn up my note - Androsi Mugo, and you
5 described Androsi Mugo as, I think you agreed with my friend, yes, Denise Katanga's
6 older sister. I just want to pause there. Androsi Mugo, what is the actual -- do they
7 share the same mother or father? Does Androsi Mugo and Denise Katanga, do they have
8 the same mother and/or father? Can you help me?

9 A. No. Androsi and my wife have the same parents. With regard to Denise, it is the
10 wife --

11 THE INTERPRETER: Well, the English booth would like to say that we did not hear
12 very clearly what was said from the Swahili booth. If they could be asked to repeat,
13 please.

14 MR HOOPER:

15 Q. Yes, can you repeat because --

16 A. Let's continue, as we don't know if you understood my answer.

17 Q. No, I don't think we did because there's different forms of Swahili being spoken,
18 which is a problem, so just say it again.

19 A. Very well. My wife and Androsi are sisters. They share the same parents.

20 THE INTERPRETER: The Swahili interpreter says that the witness's answer is not very
21 clear and he should be asked to repeat his answer.

22 PRESIDING JUDGE COTTE: (Interpretation) Witness, for the interpreters to accurately
23 interpret what you are saying, we would want you to repeat what you just said. Could
24 you please, slowly, repeat what you just said so that the interpreters will be able to render
25 what you say as accurately as possible? Please, kindly repeat your answer to

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1 Mr Hooper's question.

2 THE WITNESS: (Interpretation) I will repeat my answer. This is what I said. Denise's
3 father is the older brother of my wife's father. My wife's father is the father of Androsi.
4 Therefore, my wife and Androsi are sisters. I hope that is clear.

5 MR HOOPER:

6 Q. Sisters, as we've come to recognise they would be named. Cousins, perhaps, too,
7 those of us with different phrasing and the two men being brothers, being uncles, of
8 course.

9 Now, you were asked a moment ago to try and recall exactly when it was that Jack arrived
10 in 2003. You can't point up a month. Can I ask you this? Before he came to live with
11 you, did he live anywhere else in Aveba? Would he come -- you said he arrived from
12 Oicha. Did he come to live with you first, or did he live anywhere else? What was the
13 position?

14 A. I'm not in a position to know. I can only answer in relation to the time from which
15 he started living in my home. I don't know anything about the time prior to the period
16 he started living in my home.

17 Q. Now, can I ask you about contact between your wife and Denise? Do you know
18 where Denise is living, what part of the Congo she's living in?

19 A. We all come from Ituri, but you should know that Ituri is an extensive region. She
20 lives in Aru and we live in Irumu territory, and it is difficult for us to meet each other.

21 Q. Yes, thank you. We have seen a map of Ituri and we've seen where Aru is, right at
22 the top there, almost on the Ugandan border. Now, let me ask you about the current
23 position today in Aveba. Do you have a mobile phone? Do you have a mobile phone
24 that you use in Aveba, or does your wife?

25 A. I recently acquired a mobile phone, and I am not able to use it correctly. My wife

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1 does not have a mobile phone.

2 Q. How long have you had a mobile phone? How long has it been possible to use a
3 mobile phone in Aveba? How long has there been a réseau in Aveba?

4 A. I am not able to give you a precise answer. All I know is that the network in Aveba
5 is not stable. There is no antenna in Aveba. However, to answer your question, I
6 would say I don't know from what point in time we had a network, or a réseau, in Aveba.

7 Q. And how long have you had a phone yourself?

8 A. Well, me? About one month. I've had a phone for about a month now.

9 Q. Now, you told my friend that in 2006 you went to Komanda, that you fled to
10 Komanda. Why was that?

11 A. It was the war that prompted people to flee from the village. Some people went to
12 Bunia and some of us travelled with the MONUC workers to Komanda. So that is the
13 war that caused us to flee -- or, rather, to go to Bunia. It is because of the war that we
14 fled.

15 Q. And which war was that?

16 A. I do not want to think about that any more. This is something that happened in the
17 past. I cannot tell you which war specifically it was, but there were wars.

18 MR DUTERTRE: (Interpretation) Your Honour, I think maybe there is a problem of
19 dates in the French transcript. Mention is made of 2003. I do not know what it is in the
20 English.

21 PRESIDING JUDGE COTTE: (Interpretation) Page 66, line 17, Mr Hooper, you say, "You
22 told my learned friend that in 2003 you went to Komanda. Why did you do so?" Now,
23 did you, in fact, refer to the year 2003?

24 MR HOOPER: No. I referred to 2006.

25 PRESIDING JUDGE COTTE: (Interpretation) I believe that is what I also heard, so the

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1 transcript has to be corrected. And I would like to seize this opportunity to point out
2 that on page 63, line 4, of the French transcript, in the only question that I asked the
3 witness, I mentioned page 38 of the transcript. That was a mistake. It is indeed line 11
4 of page 21. The transcript should be corrected accordingly. And you can now proceed,
5 Mr Hooper.

6 MR HOOPER:

7 Q. So, in 2006 you fled because of the war to Komanda, and you don't want to talk to us
8 about that war. Am I right, you don't want to talk to us about that war; is that right?

9 A. Yes, that is true.

10 Q. All right. And just now on another matter, you've been asked about Jean Logo.
11 Do you know what ethnicity he is, or not?

12 A. I do not know his ethnicity.

13 MR HOOPER: All right. Those are all my questions, Pastor Vicky. Thank you very
14 much for coming and for putting up with what have been considerable difficulties, both in
15 having to go to Kinshasa for a passport and waiting there for a week or more, and the
16 long journey here - a very long journey - bringing you, and taking you away from your
17 family and your pastoral care, which I know concerns you. But for my part, and publicly,
18 may I thank you for your assistance?

19 THE WITNESS: (Interpretation) Thank you.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Hooper. Mr Witness,
21 your testimony has now come to an end. You will be leaving us, and as Mr Hooper has
22 just said, we thank you for travelling to The Hague to testify before this Court. We wish
23 you a safe return back to where you are a pastor. And please, keep whatever you said in
24 this Court to yourself. Do not reveal what you have said to anyone else. Once again,
25 thank you, and good-bye.

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1 THE WITNESS: (Interpretation) Thank you, also.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Pastor Vicky. Court officer,
3 court usher, please accompany the witness, Pastor Vicky, out of the courtroom.

4 MR HOOPER: I don't know if Pastor Vicky wishes to -- I suspect he will like the
5 opportunity of briefly saying hello to Germain Katanga, and also we'd like the
6 opportunity just to say a few words of more informal thanks when he comes to leave.

7 PRESIDING JUDGE COTTE: (Interpretation) Yes, this was indeed the plan. So, court
8 officer, before Mr Katanga leaves the Court premises, as was the case with the other
9 witnesses, Mr Germain Katanga and his team should be able to have the opportunity to
10 thank the witness. Thank you for reminding us, Mr Hooper.

11 So, court usher, please accompany the witness outside of the hall, and that brief meeting
12 will take place immediately afterwards. We will not bring in the next witness right now,
13 but Pastor Vicky should be taken out of the courtroom first.

14 (The witness is excused)

15 PRESIDING JUDGE COTTE: (Interpretation) Given that we have to adjourn today at
16 5.45, it will not be reasonable to bring in the witness for seven or eight minutes only. So,
17 court officer, please inform the specialised services of the Registry that we are sorry for
18 having had them bring the witness this afternoon. We had thought that he would be at
19 least able to begin his testimony or, at the very least, make his solemn undertaking. That
20 was not possible, and please explain that the unit should explain that to Witness 147 also.
21 So the witness travelled here needlessly.

22 Tomorrow we will reconvene at 9 am, and we remind you that we will be sitting every
23 day of this week at 9 am. The hearing is adjourned.

24 (The hearing ends at 5.38 p.m.)

25 CORRECTION REPORT

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- 1 The Court Interpretation and Translation Section has made the following corrections in
- 2 the transcript
- 3 *Page 21 line 17
- 4 “The number should be assigned” is corrected by “The number should not be assigned”