

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra, and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing
9 Tuesday, 7 June 2011
10 On resuming at 12.23 p.m.
11 (Open session)
12 COURT USHER: All rise.
13 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
14 Mr. Court Usher, Madam Court Officer, could we have brought in
15 the witness D02-P-0001, Mr. David Adirodu Achele or Akele. I don't know
16 which is the right pronunciation. He will tell us.
17 (The witness entered court)
18 WITNESS: DRC-D02-P-0001
19 (Witness answered through interpreter)
20 PRESIDING JUDGE COTTE: (Interpretation) Good morning, sir.
21 THE WITNESS: (Interpretation) Good morning.
22 PRESIDING JUDGE COTTE: (Interpretation) I see that you're
23 hearing me properly.
24 THE WITNESS: (Interpretation) Yes.
25 PRESIDING JUDGE COTTE: (Interpretation) We are going to ask

1 you, as you have just done, to speak clearly, to sit as you are doing in
2 front of both microphones, and to speak slowly, and please wait roughly
3 five seconds between the moment when the question has been asked and the
4 time you give your answer. This will facilitate the work of the
5 interpreters and the court reporters.

6 We're very pleased to welcome you before the Chamber. You've
7 come quite a distance to be with us, and would you please, first of all,
8 state your identity. Give us your name and your first name, please.

9 THE WITNESS: (Interpretation) I am Adirodu, Achele David.

10 PRESIDING JUDGE COTTE: (Interpretation) David Adirodu Achele,
11 thank you. What is the date and place of birth.

12 THE WITNESS: (Interpretation) I was born in Nyankunde on the
13 16th of July, 1976.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Could you
15 tell us if you currently have a profession, and if you do, what is your
16 profession?

17 THE WITNESS: (Interpretation) For the moment, I am not working.

18 PRESIDING JUDGE COTTE: (Interpretation) For the moment you have
19 no profession, therefore. And we see that you are speaking in French,
20 so ...

21 Before we take your solemn oath, the Chamber would like to give
22 you the assurances of which the counsel of Germain Katanga has asked for
23 you. This was on the 7th of April, 2011, and these are provided for
24 under Article 93(2) of the Statute. Having been consulted pursuant to
25 Rule 191 of the Rules on Procedure and Evidence, the Prosecutor indicated

1 on the 11th of April, 2011, that he saw no objection to such assurances
2 being provided to you. Moreover, and under the same provision, Rule 191,
3 the counsel who was appointed for you by the Registry, upon the request
4 of the Chamber, has, as the Chamber asked him, noted down your
5 observations in a confidential filing which was tendered yesterday, on
6 the 6th of June, 2011, with number 2984. Your counsel indicated to the
7 Chamber that you wished to enjoy the assurances provided for under
8 Article 93(2) of the Statute.

9 Pursuant to the same terms of this Article, the Chamber gives you
10 the assurance that you will neither be prosecuted nor detained nor will
11 you be subjected by the Court to any form of restriction on your personal
12 liberty for any act or omission previous to your departure from the DRC.
13 These are the assurances which are provided for under Article 93 of the
14 Statute.

15 The Chamber would also like to remind you of the guarantees which
16 are provided for by Rule 74 of the Rules of Procedure and Evidence.

17 Your counsel, whom you met yesterday, on the 6th of June, 2011,
18 in The Hague, informed you of Rule 74 of the Rules and explained to you
19 under what conditions the Chamber can give you guarantees. He explained
20 the nature of these guarantees and explained everything about the content
21 of the other clauses in the Statute or the Rules mentioned in this Rule
22 number 74.

23 This is what emerges from the filing 2984, which was tendered
24 yesterday on the 6th of June by Mr. Mabanga, your counsel.

25 Moreover, your counsel was able to give you an independent legal

1 opinion on any other question which you may have asked him.

2 Rule 74 states very clearly that you are entitled not to answer
3 questions which are asked of you if, in your answer, you may incriminate
4 yourself, and the Chamber would like to point out that you may avail
5 yourself of this possibility at any moment in time.

6 This same Rule also indicates that in such a case, and only in
7 such a case, the Chamber can give you a certain number of guarantees
8 which I would like to point out to you. Evidence contained in your
9 testimony will remain confidential and will not be revealed to the public
10 or to a state. The evidence will not be used directly or indirectly
11 against you as part of any further proceedings before the court unless
12 these are proceedings which are engaged pursuant to Article 70 and 71 of
13 the Statute, which provides for very specific cases.

14 Pursuant to paragraph (4) of Rule 74, the Prosecutor stated on
15 the 11th of April, 2011, that he saw no objection to such guarantees
16 being given to you.

17 Concerning the authorities of the Democratic Republic of Congo,
18 the Chamber, in its oral ruling which was handed down on the 13th of
19 April, 2011, took note of a letter from the Minister -- Ministry of
20 Justice of the DRC, which was sent on the 30th of January, 2009, to the
21 Prosecutor of this court, the terms of which were confirmed on the 7th of
22 March, 2011, by this same minister. May I remind you, Mr. Witness, that
23 the DRC authorities have indeed committed themselves to, and I quote:

24 "The witnesses who are called to testify for the Prosecution or
25 for the Defence before the court as part of investigations underway into

1 the situation in the DRC will not be prosecuted by the Congolese legal
2 authorities for illegal acts of which they may -- which they may have
3 revealed knowledge of or participation in or for illegal acts which they
4 committed which would have remained unknown without their testimony."

5 These same Congolese authorities also referred to Article
6 19(1)(c) of the agreement on privileges and immunities of the
7 International Criminal Court, which it is a signatory to, and which
8 provides for:

9 "The witnesses enjoying immunity from legal process of every kind
10 in respect of words spoken or written and all acts performed by them in
11 the case -- in the course of their testimony, which immunity shall
12 continue to be accorded even after their appearance and testimony before
13 the court."

14 In procedural terms, if you request these guarantees being used
15 to cover you, then the Chamber will order that this part of your
16 testimony should take place in closed session, and that as provided for
17 under Rule 74, the content of the relevant part of your testimony will
18 not be divulged in any form whatsoever, and that any noncompliance with
19 this will be liable for sanctions as provided for under Article 71. In
20 addition, the implementation of the guarantees will lead the Chamber to
21 ordering the Registry to place under seal the relevant parts of the
22 hearing transcripts therefore that concern your testimony.

23 We would recall and emphasise that -- to the Prosecution, to the
24 accused gentlemen, to the counsel for the Defence, to the Legal
25 Representatives of the Victims, as well as to any member of staff who are

1 at the hearing or listening to the broadcast of this hearing the
2 consequences of not complying with this requirement of nondisclosure.

3 I would, however, like to point out that on the point of your
4 identity, you have waived the right of which you are entitled to under
5 paragraph 7(b) of Rule 74, the right to having the Chamber forbidding
6 your identity being divulged. The Mr. Hooper, the counsel for
7 Germain Katanga has informed us that you are ready to testify in public
8 and there was no problem to your identity being known.

9 It is a Rule, this is under Article 64(7), that these hearings
10 should be in public, and therefore the Chamber does not consider it
11 necessary to use a pseudonym to distort your voice or to distort your
12 image on the screens which are broadcasting these hearings to the public
13 when you are testifying.

14 Now, I know that your counsel told you about all this yesterday,
15 but it's very important for the court to read all this out to you once
16 again before you start your testimony. Have you understood everything
17 correctly?

18 THE WITNESS: (Interpretation) Yes, I have indeed.

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

20 Now, Mr. Witness, let us take the solemn oath. Before you start
21 your testimony, you must undertake to say the truth. This is a solemn
22 undertaking which I will read out slowly so that you can properly
23 understand the full importance of this. This is what the undertaking
24 says:

25 "I solemnly state that I will say the truth, the whole truth,

1 nothing but the truth."

2 Have you heard me properly?

3 THE WITNESS: (Interpretation) Yes, I have.

4 PRESIDING JUDGE COTTE: (Interpretation) Then, Mr. Witness, do
5 you undertake to say the truth, all the truth, and nothing but the truth?

6 THE WITNESS: (Interpretation) Yes, I solemnly declare that I
7 will say the truth, the whole truth, and nothing but the truth.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Witness.
9 You have just undertaken to say the truth, the whole truth, and nothing
10 but the truth.

11 If in the course of your testimony or when you are answering
12 questions which are asked of you in this courtroom you do not say the
13 truth, you may be prosecuted before the International Criminal Court for
14 perjury, and if the facts were established, you may be punished. On this
15 point, have you understood me, Mr. Witness?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE COTTE: (Interpretation) Then the Court notes
18 that Article 69(1) of the Statute and Rule 67, paragraphs (1) and (3) of
19 the Rules of Procedure and Evidence have been satisfied.

20 Mr. Witness, we note that you are speaking well, clearly, slowly.
21 Please remember the five-second rule, the pause of five seconds before
22 you answer. Please don't change the language. You've decided to speak
23 in French. Continue to speak in French so that you do not complicate the
24 task of the interpreters.

25 Before you, you have a jug of water. Do not hesitate to take a

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1 glass of water if you need it, and don't hesitate to use the box of
2 handkerchiefs which is available to you as well if you need it. There we
3 are.

4 Now, your testimony is going to start, and it's Mr. Hooper who
5 will be starting the questions.

6 Questioned by Mr. Hooper:

7 Q. Good morning, Mr. Adirodu. And is it all right if we address you
8 as just Mr. Adirodu? Is that okay with you?

9 A. That is fine with me.

10 Q. All right. Well, we all appreciate that you've travelled a very
11 long way and from a very different place in order to come here to assist
12 the Judges with your testimony, and we also well appreciate that sitting
13 there isn't the most comfortable spot to be sitting with all these
14 lawyers and the like surrounding you.

15 On this side there will be some faces that you'll know. You've
16 met me before. I don't know if you remember that. You may recognise me.
17 You may recognise Sophie who sits next to me, again probably dressed
18 rather differently the last time you saw her. I think you also know
19 Caroline who sits there in the second row. Again, I dare say, looking
20 very different to how she may have looked last time you saw her. And
21 more recently, I think, you've also met Andreas, Andreas O'Shea. He sits
22 behind me here. So there's quite a few faces, at least from this bit,
23 that you know.

24 Now, there's going to be a gentleman at the back I'm going to
25 invite to stand up for you to look at, and I do say now. Just stand up.

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1 So you can have a clear look over the screens at him, and may I ask you
2 formally, is that someone you know, and, if so, can you provide his name
3 to us, please.

4 A. Thank you. I know him very well. He is General Germain Katanga.

5 Q. Now, you've told us a little, very little, about yourself.

6 You've told us how you were born in Nyankunde, and we know -- we know
7 from previous evidence where that is in Ituri, and you were born there on
8 the 16th of July of 1976. So you're now 34 years of age. And, of
9 course, we know you are by nationality Congolaise. And what is your
10 particular ethnicity, may I ask?

11 A. Thank you. I am Ngiti.

12 Q. Do you have any blood ties, direct family ties, with
13 Germain Katanga or not?

14 A. No.

15 Q. And it's right that you say that you're a married man. I think
16 you have a child of two years; is that right?

17 A. That is correct.

18 Q. Now you were born, you told us, in Nyankunde. Is it right that
19 you also grew up in Nyankunde?

20 A. Yes.

21 Q. Did there come a time when you left Nyankunde, and, if so, when
22 was that?

23 A. Yes. I left Nyankunde in 2001.

24 Q. Was there any -- excuse me. Was there any particular reason for
25 you leaving Nyankunde at that time?

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1 A. Yes, there was a reason. There was fighting between the Biras
2 and Ngitis.

3 Q. If you could just keep your voice just a little louder. You're
4 just the right distance from the microphones, but if you could just speak
5 just a little louder it may help.

6 So fighting between those groups. And when you left Nyankunde,
7 where did you go?

8 A. I went to Bunia.

9 Q. And until when did you remain in Bunia?

10 A. I stayed there from 2001 until the fall of Lopondo.

11 Q. Now, the fall of Lopondo is an event that we have become very
12 familiar with in this court, and so that's a useful reference for us. So
13 when Lopondo fell, how long -- I mean, did you leave the same day he
14 fell, or did you leave before or afterwards? Can you remember?

15 A. Yes. It was two days before the fall of Lopondo.

16 Q. And where did you go when you left Bunia?

17 A. I fled to Komanda.

18 Q. Again, Komanda's a place we know about. How long did you stay in
19 Komanda?

20 A. I spent at least two weeks in Komanda.

21 Q. And where did you go when you left Komanda?

22 A. I returned to Bunia.

23 Q. When you returned to Bunia from Komanda, what was happening in
24 Bunia? What was it like there?

25 A. The situation was not calm in Bunia. We were living in hiding.

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1 Q. When you say "we," who is "we," when you say, "We were living in
2 hiding" in Bunia at that time.

3 A. I had friends there.

4 Q. How long did you remain in Bunia?

5 A. I left Bunia when Nyankunde fell.

6 Q. All right. Now, we've heard of perhaps a number of attacks on
7 Nyankunde, so let's try and identify this one. Now, we've heard in this
8 court of a very big attack on Nyankunde when the hospital was pillaged,
9 et cetera, and I --

10 PRESIDING JUDGE COTTE: (Interpretation) Mr. Dutertre.

11 MR. DUTERTRE: (Interpretation) Your Honour, I believe it is not
12 proper -- or, rather, there should be open questions. Mr. Witness --
13 Mr. Hooper can ask about the battle in be Nyankunde that he's talking
14 about, but he is suggesting answers to the witness. So I believe this is
15 an open examination, and he should not ask leading questions.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
17 Mr. Prosecutor.

18 Mr. Hooper, please take your time and lead the witness slowly to
19 the answers that you wish to obtain from him. Please proceed.

20 MR. HOOPER: I will, but my understanding is that this is not an
21 area of dispute, the actual event itself, and it's one that's frequently
22 been used in the course of this trial, but I'll approach it in an oblique
23 manner.

24 Q. Can you remember what month it was when you left Bunia,
25 approximately?

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- 1 A. I have no idea.
- 2 Q. All right. When you speak of the fall of Bunia -- sorry. My
3 fault. When you speak of the fall of Nyankunde, what exactly do you talk
4 about there? What do you mean?
- 5 A. The Ngiti ethnic group and the APC came and attacked Nyankunde.
- 6 Q. All right. And when that happened, where were you?
- 7 A. I was in Bunia.
- 8 Q. And after that, the fall of Nyankunde, for how long did you
9 remain in Bunia before leaving?
- 10 A. I had spent one week in Bunia living in hiding.
- 11 Q. And when you then left, where did you go?
- 12 A. I fled to Zumbe.
- 13 Q. And how long did you stay there?
- 14 A. I spent at least two weeks in Zumbe.
- 15 Q. And when you left Zumbe, where did you go?
- 16 A. I went to Tchekele.
- 17 Q. And did you go alone to Tchekele from Zumbe, or did you -- well,
18 let me -- let me -- let me rephrase the question. Did you leave Zumbe
19 alone or were you with any other people?
- 20 A. We were in a group.
- 21 Q. And approximately, very roughly, about how many of you were in
22 that group?
- 23 A. There were civilians and an APC group.
- 24 Q. Do you know if there was anyone leading that group or not?
- 25 A. Yes. The group was led by Bahati.

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1 Q. Now, can you tell us anything about Bahati? What do you know
2 about Bahati? Where was he from, what did he do, that sort of thing.
3 Just some little details about him if you have any knowledge of that.

4 A. Bahati was the militia leader in Zumbe.

5 Q. Now, you mentioned a moment ago the attack on Nyankunde, when
6 Nyankunde fell, and you described it as -- let me just turn back my
7 transcript I've got here so I get it right. Excuse me.

8 You said the Ngiti ethnic group and the APC came and attacked
9 Nyankunde.

10 Now, the APC who attacked Nyankunde, do you know who -- who led
11 them?

12 A. Yes. It was Major Faustin.

13 Q. Do you know where they'd been before they attacked Nyankunde,
14 that is, the APC and/or Faustin?

15 A. Yes. His base was at Singo.

16 Q. And do you know where he was before he was at Singo?

17 A. No.

18 Q. Now, when you left with Bahati and some APC, can you recall how
19 many -- again very approximately. We don't expect very clear numbers
20 eight years after these events, but as far as you can remember,
21 approximately how many APC army people were there in the group with which
22 you left Zumbe?

23 A. I do not have a clear idea, but it was at night. There were
24 approximately 40 men.

25 Q. And when you left Zumbe in that group, where did you go? What

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- 1 route did you take?
- 2 A. We took the road to Songolo, Singo, Bavi, Nyabiri, and Tchekele.
- 3 Q. And at Tchekele, what did you do?
- 4 A. I went to visit my family.
- 5 Q. And when you say your family, we don't want names, but can you
- 6 just tell me -- tell the Court what -- generally what members of your
- 7 family lived in Tchekele?
- 8 A. My biological father and my mother.
- 9 Q. All right. And how long did you stay there, and -- yes. How
- 10 long did you stay there?
- 11 A. I don't have an idea.
- 12 Q. Well, again we're not asking for very specific periods. Was it a
- 13 week, a month, a year? Just give us some little indication, if you can,
- 14 as to how long you stayed in Tchekele.
- 15 A. Two to three weeks.
- 16 Q. And after Tchekele, what did you do?
- 17 A. I went to Nyabiri.
- 18 Q. Now, Nyabiri isn't a place that I think we've -- we've heard of.
- 19 I don't think we've met, as it were, on a map or anything in this -- in
- 20 this court, so I hope by tomorrow, because you'll be continuing your
- 21 evidence tomorrow, I'll have a map, and if you're able, perhaps you can
- 22 help indicate where that is, but what did you do at Nyabiri?
- 23 A. In Nyabiri, I went to the militia group.
- 24 Q. And when you say you went to the militia group, what -- what do
- 25 you mean?

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1 A. Please could you change the question?

2 Q. Yes, certainly. So what did you do in Nyabiri? What happened?

3 A. I -- I joined the militia group.

4 Q. Now, did you receive any training or not?

5 MR. DUTERTRE: (Interpretation) Your Honour, this is a leading
6 question. I would ask my colleague not to ask such a questioning -- not
7 to ask such a leading question with regards to how he joined it, but he
8 should be asking open questions rather than leading questions.

9 MR. HOOPER: I very much dispute that that's a leading question.
10 He's joined a militia, he's told us, and I'm asking if -- on -- he
11 received any training or not, and it's for the witness to tell us if he
12 did, or if he didn't, and the nature of it if he received any training.

13 I mean, my job as counsel is to some extent to shepherd a witness
14 along the relevant road of interest to the Chamber, and in order to do
15 that, I just can't ask questions that have absolutely no rooting at all.
16 And again and again the Prosecution intervene in this way. It's wholly
17 appropriate as counsel leading a witness to take a witness to a subject.
18 What I must not do is, of course, lead the witness to a particular answer
19 to that question, but there's no particular answer implied here. This
20 witness can as equally say and may as equally say to that question, "I
21 received no training," or, "I was trained." So I contest that the very
22 basis on -- on which that and repeated kind of interruption is based.

23 And I can ask another question --

24 PRESIDING JUDGE COTTE: (Interpretation) Just a second. If you
25 would be so kind, Mr. Hooper. We're going to try not to spend more time

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1 on this issue because we need to listen to the answer.

2 But, Prosecutor, it was not asking a question which was extremely
3 directed with regards to what the activities of this witness could be in
4 the locality in case, but when he spoke about not of a position, but he
5 said that he went to the group of militia. Inside this context of the
6 militia group, the question that he's asked, if he had training, would
7 seem to be reasonable, I think.

8 Counsel Hooper, please continue.

9 And, Witness, please answer this question. You said you joined a
10 military group -- a militia group. Now, did you receive any kind of
11 training? And you could -- please, could you give your answer to that,
12 Witness?

13 THE WITNESS: (Interpretation) Perhaps the training in Kilo or
14 when I -- I had been taught how to fire a weapon.

15 MR. HOOPER:

16 Q. Yes. I wasn't too clear on the -- on the answer there, so can I
17 revisit it, because I've got a reference to Kilo. Did you mention Kilo,
18 Mr. Witness, and, if so, what is that? Maybe you didn't mention Kilo.
19 It's just that these things are translated, and sometimes perhaps --
20 well, what's your answer? Did you make a reference to Kilo, and, if so,
21 what was it?

22 A. The training, well, I can say that the training, yes. Yes. Yes.

23 Q. All right. So -- you were thought to fire a weapon. Now, how
24 long were you in this militia?

25 A. I'm sorry, could you repeat that?

1 Q. Certainly. You joined a militia in Nyabiri once you get there.

2 How -- how long did -- how long were you a militiaman? How long were you
3 a combatant?

4 A. I can't give a precise answer.

5 Q. Did there ever come a time when you left the militia, and, if so,
6 in what circumstances did you leave the militia?

7 A. At a certain time I left the militia. I demobilised.

8 Q. All right. So let's talk about this demobilisation. Where were
9 you demobilised? Can you remember?

10 A. Yes. I was demobilised in Aveba.

11 Q. And what was the process by which you were demobilised? Or to
12 put another way, who was in charge of your demobilising -- your
13 demobilisation? What was the set-up, as it were? When you came to be
14 demobilised, what was the process, the organisation, the people involved?
15 Can you help us?

16 A. Demobilisation, this was organised by Kinshasa, from Kinshasa in
17 Bunia, and Bunia-Aveba.

18 Q. And who were the people from Kinshasa who organised it in Aveba,
19 do you know?

20 A. Yes. Mr. Tshitoko Miaka.

21 Q. Now, just pause there a moment because I'm going to have a look
22 at my transcript where these things are written down to see if we have
23 got a spelling for that. And we have, and it looks about right.

24 Tshitoko Miaka. Thank you.

25 And in terms of the demobilisation process in Aveba, did you ever

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1 play any role or part in that yourself?

2 A. Yes.

3 Q. And what -- what -- what job was that, role was that?

4 A. At the entry of the site, the transit site, I was there to check,
5 to ask the people if they were really there for demobilisation and if
6 they were really in the militia.

7 Q. And how long did you do that for, that job?

8 A. I think it was 2004 to 2005, end of 2005, if my memory serves me
9 well.

10 Q. And that job of verifying if someone was truly a militia, can you
11 help us as to this: What age group or age groups were you involved with?

12 A. Please could you repeat the question.

13 Q. What were the -- what were the ages -- approximate ages of the
14 people that you dealt with? Were they adults, grown-ups? Were they not
15 adults but young people or even children, or were they a mixture? What
16 was the general position?

17 A. Children as well as adults.

18 Q. So -- so how did you check whether someone was truly eligible to
19 be demobilised or not? What was the process that you were part of that
20 did that?

21 A. Yes. The procedure was to be there at the entry and to ask
22 questions at the entry: "Where do you come from? What road did you come
23 via, and the name of your commander, your chief?" That was the sort of
24 questions that you would put.

25 Q. Now, I know it's now a long time ago, but can you remember the

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1 names of any organisation or organisations who were working on the
2 demobilising project in Aveba? That's a --

3 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

4 MR. DUTERTRE: (Interpretation) Your Honour, perhaps we should
5 go into closed session, because there were names of certain organisations
6 which had been mentioned in closed sessions in the past and with a view
7 to consistency, perhaps we should go into closed session. I mean, I
8 don't know what the witness is going to say, but perhaps the witness is
9 going to say the name of an organisation which was mentioned in closed
10 session before.

11 PRESIDING JUDGE COTTE: (Interpretation) Are you able to answer
12 Counsel Hooper? Do you have names which you can give to him? Don't give
13 them to him now, but do you have names of organisations which you could
14 give to him?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE COTTE: (Interpretation) Very well.

17 MR. HOOPER: (* Previous translation continues) ... ask that we
18 stay in open session. We had a similar situation with the last
19 witness -- the previous witness to him, rather, and all the names were
20 referred to, and of course the mere mention of an NGO's name in this
21 context can have no difficulty. What possible justification can there
22 truly be for going into closed session to mention the names of NGOs who
23 worked with MONUC, who worked with CONADER, who worked with Save the
24 Children in order to facilitate the demobilisation of soldiers and
25 children in Ituri? What possible prejudice can there be to any of those

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1 organisations? And indeed, if it's a matter of consistency, as far as I
2 can recall, unless there were subsequent redactions, the name was, in
3 fact, referred to by previous witness or witnesses and no objection was
4 taken by the Prosecution at all on that occasion. And that was with the
5 last witness or maybe the witness before, but certainly within the last
6 two witnesses.

7 And in any event, as I stress, we're very interested and
8 concerned, as we know the Chamber is, to stay in open session. In our
9 submission again, there is no possible prejudice to the mention of the
10 names of particular organisations. If it ever came to mentioning a
11 particular person, then as the Court and the Prosecution has observed, we
12 are taking pains to ensure that a pseudonym would be attached to anyone
13 in that capacity, but aside from that, that is more than sufficient
14 protection, we would submit, and particularly in the context of this
15 function.

16 PRESIDING JUDGE COTTE: (Interpretation) Very well. Prosecutor.

17 MR. DUTERTRE: (Interpretation) Your Honour --

18 PRESIDING JUDGE COTTE: (Interpretation) Very briefly, because
19 we spend more time on these tiny episodes where we should really be
20 getting into the testimony of the person who is in front of us. Please
21 go ahead.

22 MR. DUTERTRE: (Interpretation) I'm perfectly aware of that, but
23 this is an issue of protection. And just in order to explain myself,
24 perhaps I could go into closed session so that I could explain myself.

25 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, well, the

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1 memory of the President of this Chamber is not so extensive. He works on
2 a daily basis to make it as effective as possible, but it's not so
3 extensive. If effectively we have already accepted that the names of
4 NGOs as such, the names of NGOs, without attributing the names of those
5 who are responsible therein have been mentioned in open session, then
6 consistency would mean that we conform with the last policy that was
7 followed, and whether it was done by error, I don't know, but
8 Counsel Hooper confirms that to us, and I believe that, that we have
9 accepted during the previous one or the testimony which was previous to
10 that, that we accepted that these names could be said in open session.

11 So let's continue with our hearing. If it appears that there
12 really is an immense error that's been committed, it already has, no
13 redaction was ordered unless you can show us that, Prosecutor, which was
14 immediately -- whereby the name of any organisation, NGO, was immediately
15 redacted after any hearing, but let's really get to the heart of the
16 matter now if we can now.

17 It's just the name of the NGO and not the names of the persons
18 who work within these NGOs.

19 MR. DUTERTRE: (Interpretation) Yes, certainly. And the link is
20 with regards to the use in Aveba, but we'll see what the witness says,
21 and possibly a redaction might be ordered, but with regards to the last
22 time, it was perhaps lack of attention that the name come out, but I just
23 thought it would be good to be in line with the first protection measures
24 that were taken.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well. You will

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1 provide us with the answer that you apparently have ready to mind. You
2 know the question. Do you remember the question, or would you like
3 Counsel Hooper to ask you the question once again?

4 THE WITNESS: (Interpretation) Can he please put the question
5 again?

6 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, please
7 ask your question again. That will be easier.

8 MR. HOOPER: I don't know how long we're sitting today. We're
9 rising at half 1.00. Perhaps this is matter I can start off with
10 tomorrow, because there's a number of organisations.

11 PRESIDING JUDGE COTTE: (Interpretation) So we shall put an end
12 to this hearing.

13 Witness, we have got to know you this morning. You've started to
14 answer Counsel Hooper's questions, and we shall be back tomorrow morning
15 at 9.00 for four hours of hearing, during which Counsel Hooper shall
16 continue with the Katanga Defence team. Thereafter, the Prosecutor and
17 the Legal Representatives.

18 Court Officer, Usher, please could you escort Mr. Adirodu out of
19 the courtroom.

20 See you tomorrow, Mr. Adirodu.

21 (The witness stands down)

22 MR. MACDONALD: (Interpretation) If you would allow me to take
23 the floor very quickly, first of all to greet you, but above all to
24 indicate to you that this week we had a confirmation that there won't be
25 a courtesy meeting with Witness P-02-D0048 (* as interpreted), I think.

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1 I don't want to name that person, but not the next witness, but the
2 following one, so it is clearly indicated. So if there is no courtesy
3 meeting this week, this means that the witness will not come this week.
4 So I just want to inform the Chamber of that, because that means there is
5 this witness here, and then the following witness, but it's clear that
6 D-0048 (* as interpreted) cannot testify this week.

7 PRESIDING JUDGE COTTE: (Interpretation) I shall take my list of
8 witnesses. We've got 0001, Mr. Adirodu. We will then have D02-P-0148
9 who will be able to testify this week. Is that right? Yes. And then
10 it's D-0047 who won't be able to start this week. Is that -- do we know
11 why, Court Officer? I don't claim -- in the three coming hearings, I
12 don't think we'll have the time to see the end, because Mr. Adirodu has
13 only started, and all of the testimony of 0148. But do we know why?

14 MR. MACDONALD: (Interpretation) Well, I don't know why.
15 Perhaps this is an issue of travel or planes or whatever logistical
16 aspects. I don't know if Counsel Hooper can say something. The reason
17 why I mention this point is to say, your Honour, that we -- well, if
18 we -- with a regard to due diligence, you mentioned that we have two
19 witnesses. This is one of them. Before proceeding with the other, we
20 can do it with all due serenity.

21 PRESIDING JUDGE COTTE: (Interpretation) Well, three hearings
22 for the follow-up to the testimony of Mr. Adirodu and the testimony of
23 the person who is following him should be sufficient, but if they're not,
24 we're not even sure of that.

25 So have a good afternoon to all of you. Thank you to those who

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1 help us. We will be back at 9.00 tomorrow morning.
2 I'm sorry? Yes. I always forget to look on the left-hand side,
3 but they know that my heart is turned toward them as well.
4 The hearing is now adjourned.
5 The hearing ends at 1.28 p.m.

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