

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 Monday, 23 May 2011
10 The hearing starts at 2.34 p.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) You may be seated.
15 Good afternoon, everyone. Good afternoon, accused gentlemen. We
16 are going to continue with our proceedings, and we ended at the
17 conclusion of the examination-in-chief of the Defence team of
18 Germain Katanga, and it was the turn of the Defence team of
19 Mathieu Ngudjolo.
20 Court Officer, Court Usher, could you please bring Mr. Obia into
21 the courtroom.
22 The Defence team of Mathieu Ngudjolo would have realised that its
23 wish to see a modification of transcript number 264 had been implemented.
24 Everything is fine, then.
25 MR. FOFÉ: (Interpretation) Good afternoon, your Honour. We

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Procedural Matters

Page 2

1 have indeed received the correction, because there was the last part of
2 the answer of the witness which was the most important part which had
3 been omitted. So everything is now fine. Thank you, Mr. President.

4 PRESIDING JUDGE COTTE: (Interpretation) Very well. This means
5 that we have to be very clear about the necessity to speak slowly and to
6 observe the five-second pause so as to enable proper interpretation.

7 (The witness takes the stand)

8 WITNESS: DRC-D02-P-0146/DRC-D03-P-0340 (Resumed)

9 (Witness answered through interpreter)

10 PRESIDING JUDGE COTTE: (Interpretation) Good afternoon,
11 Mr. Obia.

12 THE WITNESS: (Interpretation) Good afternoon.

13 MR. MACDONALD: (Interpretation) Given that the French
14 transcript has been corrected, I believe it would be necessary for the
15 corresponding transcript in English to be corrected so as to reflect the
16 change. I do not know whether that has been done. Thank you.

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

19 The Court Officer has informed me that that should indeed be the
20 case but it was not done so the French transcript should reflect the
21 English transcript, and that correction will be done.

22 Once again, good afternoon, Mr. Witness.

23 THE WITNESS: (Interpretation) Good afternoon.

24 PRESIDING JUDGE COTTE: (Interpretation) You can hear me
25 clearly. We are going to continue with our proceedings, and it is now

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Fofé

Page 3

1 the turn of Professor Fofé.

2 Professor Fofé, please go ahead.

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

4 Questioned By Mr. Fofé:

5 Q. (Interpretation) Good afternoon, Mr. Akurotho Obia. Jambo, Bwana
6 (* phon).

7 A. Good afternoon.

8 Q. My name is Jean-Pierre Fofé Djofia Malewa. I'm co-counsel in the
9 Defence team of Mr. Mathieu Ngudjolo.

10 Mr. Akurotho, the two Defence teams that we are have asked you to
11 come and testify before the International Criminal Court with the same
12 fundamental objective, and that objective is to make it possible for the
13 Honourable Judges to have from you the relevant information specifically
14 with regard to the age of Sam, and the fact that Sam was never a member
15 of any militia group. The logical consequences of that --

16 MR. GARCIA: (Interpretation) Your Honour.

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor.

18 MR. GARCIA: (Interpretation) I would like to object. I do not
19 know whether there is a question that will come after, but I want to
20 remind Mr. Fofé that this is an examination of the witness. He is simply
21 making a statement and that is not his role. If he has questions to put
22 to the witness, then he should put such questions to the witness.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
24 Mr. Prosecutor. I think Mr. Fofé will express himself better than
25 myself, but it is possible that he is giving a summary of transcript 264,

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Fofé

Page 4

1 which is going to serve as a foundation for his direct examination or
2 not, depending on what he has decided. At the same time, we understand
3 what you have said. What the witness says should not be presented as
4 fact, and Professor Fofé can refer us to the relevant pages of the
5 transcripts, and this is not very complicated. We have understood the
6 meaning of Mr. Garcia's intervention, so you can proceed, Professor Fofé.

7 MR. FOFÉ: (Interpretation) Thank you very much, your Honour. I
8 do understand the Prosecutor's reaction, but as the experienced Judge
9 that you are, Mr. President, you were able to see where we are going.
10 Everything that I am saying, as you have stated, Mr. President, is based
11 on transcript 264-CONF-FRA of the 20th of May, 2011, and specifically
12 page 30 but also page 39.

13 It is clear that these are the portions that are of interest to
14 the Defence, and the Prosecutor will have the possibility to challenge
15 those portions in the course of his cross-examination.

16 Q. I will now continue by telling the witness, Mr. Akurotho, that
17 the two Defence teams called you to provide information that is of
18 interest to them, and you have provided us with that information. I
19 would also like to add that we received details about the fact that Sam
20 never took part either in the Bogoro war, the Mandro war, or the Kasenyi
21 war. This was clearly stated in page 30 of transcript number 264. You
22 also provided us with relevant information on how Paul took Sam and
23 Martin without your knowledge and without the knowledge of your
24 neighbour, Mr. Bachweki. This is stated on page 39.

25 Mr. Akurotho, in answer to the questions of my learned colleague

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Fofé

Page 5

1 Mr. Hooper, you actually answered all the questions that we had intended
2 to ask you. I therefore do not feel that it is necessary to go back to
3 those questions.

4 MR. FOFÉ: (Interpretation) However, with the leave of the
5 Presiding Judge, I would like to ask for a very brief private session so
6 as to be sure that Mr. Akurotho has fully understood me, and this will be
7 helpful to the Bench as well as to the Prosecutor.

8 PRESIDING JUDGE COTTE: (Interpretation) Very well. Given that
9 we are going to seek identification -- or, rather, identifying
10 information, Court Officer, please take us into private session.

11 (Private session at 2.47 p.m.)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Fofé

Page 6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 6 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Fofé

Page 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 7 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Fofé

Page 8

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Open session at 2.56 p.m.)

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

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

17 Professor Fofé, please proceed.

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

19 Q. Mr. Akurotho, I have no further questions for you, and I thank
20 you.

21 MR. FOFÉ: (Interpretation) Thank you, Mr. President.

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

24 Mr. Witness, after the questions put to you by the representative
25 of the Defence team of Germain Katanga, Mr. David Hooper, and after the

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 9

1 questions of the Defence of Mr. Mathieu Ngudjolo, you would have
2 understood that Professor Fofé was of the opinion that the answers you
3 gave to Mr. Hooper's questions are exactly what he was expecting from
4 you, so it is now the turn of the representative of the Prosecution.

5 Please proceed.

6 MR. GARCIA: (Interpretation) Good afternoon, your Honours. I
7 need a few moments to set up.

8 PRESIDING JUDGE COTTE: (Interpretation) Very well. Please go
9 ahead.

10 Questioned by Mr. Garcia:

11 Q. (Interpretation) Good afternoon, Mr. Witness.

12 A. Good afternoon.

13 Q. My name is Lucio Garcia, and I will ask you some questions on
14 behalf of the Prosecution, and before I begin, I would like to tell you
15 that if at any time you do not understand my question, please do not
16 hesitate to interrupt me and tell me so and I will repeat. That should
17 apply to all the questions I ask you and the answers that you are going
18 to give me.

19 A. That is all right.

20 Q. Mr. Witness, to begin with, I would like to talk about the time
21 that you spent in Aveba. During your direct examination, you testified
22 that you lived in Aveba in 2003 for approximately three months. Is that
23 correct, sir?

24 A. Yes. That happened after we fled. We left Bunia. Everyone left
25 Bunia until the French forces took over Bunia and then we returned to

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 10

1 Bunia. So we left, and I lived there for three months.

2 Q. Would I be correct, Mr. Witness, to say that while you were
3 living in Aveba, you were near the residence of Madam Francine Katanga?

4 A. Yes. There was a distance of about 500 metres separating my
5 house and that of Francine Katanga.

6 Q. Would I also be right to say, Mr. Witness, that there were
7 combatants in Aveba at the time you were there during those three months?
8 Would that be correct?

9 A. Yes. They were the soldiers of the APC, that is, the
10 Congolese Army.

11 Q. Would I be right to say, Mr. Witness, that there was a militia in
12 Aveba as well? The combatants were not members of the APC.

13 A. Yes. The militia members we talked about were living close by,
14 but those who were in the town were soldiers of the APC.

15 Q. Am I right to say, Mr. Witness, that there was a military camp in
16 Aveba at that point in time? The Office of the Combatants of Aveba; is
17 that correct?

18 A. I only know about the area I was living in. I was living under
19 the authorities of the soldiers of the APC. As to what was happening in
20 other parts of that locality, I have no information.

21 Q. But, Mr. Witness, in the approximately three months you spent in
22 Aveba, you must have had the opportunity to move around Aveba and to
23 notice that there was a military camp which was called the BCA, *Bureau*
24 *des combattants d'Aveba*. Are you telling us now that during that period
25 you never heard mention of that camp?

1 A. No. I do not know the camp, and I never entered the camp. I had
2 the habit of strolling around in the streets, in the market, and then I
3 would go back home.

4 PRESIDING JUDGE COTTE: (Interpretation) Yes?

5 MR. FOFÉ: (Interpretation) I beg your pardon, your Honour. I
6 would like to underscore the need to pause for a sufficient amount of
7 time between question and answer so that the answers provided by the
8 witness can be translated or interpreted in their entirety. And I would
9 like to seek your leave that the answer which has been given on page 11,
10 lines 19 to 21, be verified. This can be done later on. In fact, I was
11 rising just to inform the Prosecutor that he should -- he should pause
12 for a while and give the interpreters time to completely translate the
13 answers provided by the witness. Thank you.

14 PRESIDING JUDGE COTTE: (Interpretation) What we will do,
15 Professor Fofé, is to try to resolve that problem now. You talked about
16 page 11, lines 19 to 21. Yes, that's correct.

17 Mr. Witness, the Prosecutor asked you the following question:

18 "Would I be right to say, Mr. Witness, that there was a militia
19 in Aveba and that the combatants were not members of the APC?"

20 You provided an answer which we would like you to confirm. You
21 said:

22 "Yes, those people, the militia you talked about were living
23 close by, but the ones you were talking about who were in town were
24 members or combatants of the APC."

25 Could you please repeat the answer which you provided in response

1 to that question put to you by Mr. Garcia, and I repeat the question:

2 "Would I be right, Mr. Witness, to say that there was a militia
3 in Aveba, as well that the combatants were not members of the APC?"

4 Could you please repeat your answer. You should repeat it so
5 that we can understand it fully and so that it can be well and fully
6 interpreted.

7 MR. HOOPER: Can I, before the question's answered, just say one
8 thing. I understand that the words that are being used are the French
9 words, "*combattant*," "*soldat*," "*milice*." And it hasn't actually struck
10 me before, because the questions haven't been framed in this way, but it
11 might be a useful exercise, I submit, perhaps for the -- Mr. Garcia to
12 establish the nomenclature that we're going to use if he's using shades
13 of meaning like that, because I'm not saying it is not clear, but there
14 is a risk that it may not be clear, because the words in Swahili aren't
15 necessarily the same.

16 PRESIDING JUDGE COTTE: (Interpretation) That is indeed the
17 difficulty we have been facing right from the start of this trial;
18 namely, that we do not fully understand the manner of working of
19 interpreters. We do not know the rendition for words like "*combatant*,"
20 "*militia member*," "*soldier*." These are words which have a specific
21 meaning in English and in French but which might give rise to translation
22 difficulties in Swahili. We probably should have thought about this
23 earlier, but it's not too late.

24 I think, Mr. Garcia, that you should make the appropriate
25 distinction between the word "*combatant*" and the word "*militia member*" so

1 that the answer provided by the witness will tally with your expectations
2 or at least with our understanding of what these terms are supposed to
3 mean.

4 Could you please repeat your question. I think that will be the
5 simple way to go about it. You should rephrase it. I think it's on
6 page 11, line 16, and the witness will answer.

7 MR. FOFÉ: (Interpretation) I beg your pardon, your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) Yes.

9 MR. FOFÉ: (Interpretation) Just for clarification purposes,
10 shouldn't we rather ask for the interpreters to tell us how they
11 translate into Swahili the term "combatant," "militia member," "soldier"?
12 Maybe we could establish a glossary which we are going to rely on in the
13 future.

14 PRESIDING JUDGE COTTE: (Interpretation) Fine.

15 Interpreters, you can see that we depend fully on you. Can you
16 please tell us, because I think this is a laudable initiative, how you
17 translate into Swahili the word "militia member"? Do you have different
18 words for "militia member," "combatant," and "soldier"? Let's start with
19 "militia member."

20 THE INTERPRETER: (Interpretation) Thank you, your Honour, for
21 the question. In Swahili we translate "combatant" by "*wanamgambo*" --
22 "combatant" by "*wapiganaji*" which is a Swahili word for "combatant."
23 However, when the question is asked to the witness and you will find that
24 the witness understands French, we borrow the word from French and would
25 use "*combattant*"; but if the witness does not understand French, then we

1 try to render it in Swahili.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you. That's it
3 for "combatant." What about "militia member"? Do you have a special
4 word in Swahili?

5 THE INTERPRETER: (Interpretation) For "militia member," we have
6 the term "*wanamgambo*," which is a Swahili term for "militia member."

7 PRESIDING JUDGE COTTE: (Interpretation) I would like to turn to
8 the representatives of the Defence teams who speak and understand
9 Swahili. We do not wish to engage in any debate here, but are you
10 satisfied with what has been said by the interpreters and can we work on
11 that basis?

12 MR. FOFÉ: (Interpretation) Your Honour, can the interpreter
13 repeat what he said, because I have the impression that word "*wanamgambo*"
14 is used to designate both combatants and the militia members. Could he
15 repeat what he said so that we can have a clear understanding of these
16 matters.

17 PRESIDING JUDGE COTTE: (Interpretation) Interpreter, give us
18 the Swahili word for interpreter -- sorry, for "combatant" and the
19 Swahili word for "militia member."

20 THE INTERPRETER: (Interpretation) Thank you, your Honour. For
21 "*combattant*" we say "*wapiganaji*." And for "militia member" we say
22 "*jeshi*" or "*askari*." And for the last word, "militia member," we say
23 "*wanamgambo*."

24 PRESIDING JUDGE COTTE: (Interpretation) At least phonetically
25 speaking, I heard three different words. I think it will be appropriate

1 that the transcript should reflect the three Swahili terms so that we can
2 make a clear distinction between them even though we might not be able to
3 pronounce it with the right accent. So next to the word "combatant," the
4 word "soldier," and the word "militia member," each of these words should
5 have the Swahili equivalent, which the interpreters have kindly proposed
6 to us.

7 This means that Mr. Garcia and the rest of us will have to rely
8 on those three terms as much as possible, "combatant," "soldier," and
9 "militia member," it being understood that the term "militia member" has
10 a specific meaning to each and every one of us.

11 Yes, Mr. Hooper.

12 MR. HOOPER: Yes. And my understanding is those Swahili words
13 have not been employed before. What's been employed before with
14 witnesses are the French words. So if we're going to use these terms
15 from now on, that's fine.

16 PRESIDING JUDGE COTTE: (Interpretation) What I thought I
17 understood from what the interpreter told us a short while ago,
18 Mr. Hooper, is that when he is dealing with a witness who has good
19 grounding in French, he would borrow words, the French word, into
20 Swahili. And when he finds that the witness does not have a sufficient
21 level of French or does not speak French at all, then he uses the Swahili
22 equivalents for these terms. Apparently the interpreters are doing their
23 job, relying on the language proficiency of the witness who is in the
24 courtroom.

25 Apparently, Witness Ngabu, who decided to give his evidence in

1 French, helped us, because when he was giving testimony, we could borrow
2 words from French.

3 We have now a witness with us, Mr. Obia, who is giving his
4 evidence in Swahili, and so we should stick to the equivalents which have
5 been proposed by the Swahili booth.

6 MR. HOOPER: (* Previous translation continues) ... to interrupt,
7 particularly as this is taking more time perhaps than we'd anticipated.
8 I know Mr. Katanga wanted to contribute personally to the discussion.
9 Can I just go and see what the position is one moment? But I think it's
10 a problem, because I think from what I've heard relayed to me is these
11 are -- these words, Swahili words, themselves aren't used in Ituri. This
12 is the -- the double problem. So these are words that haven't been used
13 before in the case. That's my instructions. First time we've heard them
14 in Swahili. I'm not talking about the word "*askari*." That may have been
15 used before, but the other two words, I don't think, haven't been used
16 before, or I'm instructed they haven't.

17 And secondly, I'm unclear now from what I've heard as to whether
18 these are words that form part of the general vocabulary and therefore
19 understanding of people in Ituri.

20 MR. GARCIA: (Interpretation) Your Honour, maybe we should
21 simply ask the witness to -- and let him tell us what he understands by
22 "militia member" and so on and so forth.

23 PRESIDING JUDGE COTTE: (Interpretation) Yes. We are going to
24 do so. For once it would be interesting to have one of the accused
25 persons participate actively in our proceedings.

1 Mr. Hooper, could you ask Mr. Katanga whether he wishes to
2 contribute to the determination of the appropriate terms here.

3 MR. HOOPER: I will, just one moment.

4 (Defence counsel and Mr. Katanga confer)

5 MR. HOOPER: Yes, he will, with your leave.

6 PRESIDING JUDGE COTTE: (Interpretation) Mr. Katanga, we're
7 listening to you if you have anything to tell us to facilitate our
8 understanding of these terms.

9 MR. KATANGA: (Interpretation) I beg your pardon, your Honour.
10 I would like to establish a relationship between the word "combatant" and
11 the word "soldier." Yes, I do confirm that these two words have been
12 used here in your Chamber. However, with regard to the term "militia
13 member," they used the French word "*milice*." They do not use another
14 term. It is today that I have heard that the term "militia member" is
15 translated as "*wanamgambo*" into Swahili, but ever since I have been here
16 I have never heard that equivalent being used.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Katanga.
18 I would like to ask this question to the Swahili booth -- well, that
19 interpreter is not speaking for all interpreters, but can he tell us
20 whether the term "*milicien*" in French has been interpreted into Swahili
21 in the past, or, as Mr. Katanga said, have they had the habit of
22 borrowing the French word "*milicien*" into Swahili to render that term.

23 THE INTERPRETER: (Interpretation) Thank you, your Honour. We
24 have used this term, but not very often. We did not use the term for all
25 witnesses. We use it when we are dealing with certain witnesses only.

1 PRESIDING JUDGE COTTE: (Interpretation) So the Swahili word for
2 "militia member" was used but only on a few rare occasions. Is that what
3 you're saying?

4 THE INTERPRETER: (Interpretation) Yes, your Honour.

5 PRESIDING JUDGE COTTE: (Interpretation) The most important
6 thing is what we agree to use henceforth. If we are dealing with a
7 witness who does not have a good mastery of French, should we ask our
8 interpreters to interpret the word "militia member" into Swahili or
9 should we, rather, ask them to borrow the French word "*milicien*"?

10 Mr. MacDonald, I think this is important because it is about
11 laying down the rules of the game here.

12 MR. MACDONALD: (Interpretation) The accused person just made a
13 statement to the Chamber. We have been holding proceedings in Lingala
14 for the accused person for the past three years, and today he is raising
15 objections about the Swahili interpretation, and therefore I would like
16 to -- I would like to --

17 THE INTERPRETER: Overlapping speakers, your Honour. We cannot
18 interpret everybody.

19 PRESIDING JUDGE COTTE: (Interpretation) Mr. MacDonald, please
20 complete what you're saying calmly. I know you are trying not to
21 complicate the conduct of these proceedings, Mr. MacDonald. The accused
22 person should listen to the proceedings in Lingala, and Mr. MacDonald had
23 said that if Mr. Katanga continued in this way, then they should suppress
24 or eliminate the interpretation into Lingala for him.

25 Yes, Mr. Hooper.

1 MR. HOOPER: Yes. Well, I don't want to really comment on the
2 last comments. Mr. Katanga was trying to assist us in terms of his
3 listening, as he does from time to time, to the Swahili, and that's what
4 we're talking about. We're not talking about Lingala.

5 Certainly in the future, if I take a witness in chief and terms
6 are going to be used and that witness is, in my view, less than perhaps
7 wholly confident in French, then I intend to introduce the words and
8 define them so that when we use the word "soldier," we have a picture of
9 what a soldier is, someone who is a member of a -- perhaps a national
10 army or the like; what a militia member is, a member perhaps of UPC,
11 FRPI, whatever it might be; and a combatant, which sort of falls really
12 in a very general way as someone who participates in combat and seems to
13 me could be often drawn from either an official army or from a less
14 official army. And we also have, of course, in this case the difficulty
15 of auto defence which is rather different to a militia and which occurs
16 when a village defends itself perhaps in a very rudimentary but necessary
17 way. So we have various shades of -- of -- of definition and meaning,
18 and where it is significant it might be helpful to engage the witness in
19 such a way that the witness understands what particular word is being
20 used to describe what particular person or function. Where it's
21 significant, where it's relevant and significant, then that would seem to
22 be a useful preliminary step to take and one I will adopt in the future.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.

24 Three short observations. The first is that this interesting
25 discussion shows the relative limitations of this court, which has to

1 strive towards the determination of the truth as it deals with accused
2 persons and witnesses who may not speak English or French. This shows
3 the extent to which we are dependent on our interpreters, and this
4 demonstrates once more the importance of the role they play.

5 The second observation is that there are certain people in the
6 courtroom who understand Swahili. In the Defence team of
7 Germain Katanga, amongst the close aides of Mr. Hooper, there is someone
8 who is able to react to an interpretation which he or she may find
9 unclear. We also benefit from the very cautious experience of
10 Professor Fofé who does not impose himself but who does say from time to
11 time he has the impression that such and such an interpretation needs to
12 be corrected.

13 A short while ago Mr. Germain Katanga intervened. I don't think
14 we should attach more importance than is necessary to what he said. It
15 was relevant at the point he made it, and it's interesting to hear the
16 accused persons speak up from time to time.

17 And the last observation is that our witness is here and he
18 understands all of what is happening.

19 Mr. Witness, what I am saying is being interpreted. You do
20 understand that we are interested in the interpretation of the words
21 "combatant," "soldier," and "militia member." For each of these words
22 there is an equivalent in Swahili, so, please, you should listen
23 attentively to the questions which are going to be put to you, because in
24 some cases you might hear the translation of the word "combatant" which
25 may not -- or which is not exactly the same thing as "soldier." These

1 are two different roles.

2 Mr. Garcia, please rephrase your question again after this
3 discussion, and may I add that this has not been time wasted.

4 We were on page 11, Mr. Garcia.

5 MR. GARCIA: (Interpretation) Yes, your Honour. I have re-read
6 the transcript while we were having this discussion, and I think that the
7 witness fully understood what my question was all about. The witness
8 says in line 17, he says:

9 "Yes. The militia members were living close by, but those who
10 were in the town were APC combatants."

11 I think he made a distinction between the APC which was in town
12 and the other militia members who were elsewhere. I am going to use the
13 term "militia member" all through in order not to cause any problems of
14 understanding.

15 I would like to reassure the Chamber that it's not my intention
16 to mislead the witness. I would -- I will repeat the question to him
17 just to clarify this point, with your leave, of course.

18 PRESIDING JUDGE COTTE: (Interpretation) Very well. We
19 apologise that you were interrupted, but please go ahead and put your
20 question again.

21 MR. GARCIA: (Interpretation)

22 Q. Mr. Witness, just for everyone to fully understand your
23 testimony, did I understand you well that you said in the town there was
24 the APC, but outside of the town there were militia members, in other
25 words, armed individuals? Is that correct? Is that your testimony?

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 22

1 A. Yes, that is correct.

2 Q. Just to make things clear, you understand what we mean by
3 "militia member." When I put the questions to you, I use the term
4 "militia member."

5 A. Yes.

6 Q. Thank you, Mr. Witness. I would like to take you back to what I
7 said earlier. I asked you the following question: I asked you whether
8 you had ever seen a military camp in Aveba. If I understood correctly,
9 your answer was "No." Is that correct?

10 A. I never saw a military camp, but I did hear that the military
11 camp was located within the vicinity, in the environs.

12 Q. And I asked you whether you heard any mention of a militia camp
13 called the BCA, *Bureau des combattants d'Aveba*?

14 A. Since I was never there, I can't say anything. I was living
15 close by, and I was not at the place you're talking about. And if I was
16 not in a given locality and I did not see what you're referring to, I
17 cannot therefore say anything about it in testimony.

18 Q. Mr. Witness, just for us to be clear on that point, it is today,
19 as I am putting questions to you on the BCA, it is today that you are
20 hearing the name *Bureau des combattants d'Aveba* for the first time? Is
21 that your evidence?

22 A. Yes, that's what I meant. I did not go to that office or *bureau*.
23 I was a refugee, and I was living within the vicinity, but I was not in
24 the place you were talking about. I was just close by.

25 Q. For these militia members, Witness, now, you'll agree with me

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 23

1 that at the time you were there, the three months you were there, the
2 leader of the militia members in Aveba was indeed Germain Katanga; is
3 that correct?

4 A. At the time we fled, I didn't know anything. It was only later
5 that I heard about Germain Katanga. We had run away, and we settled in
6 Dele, and later on I heard that he was in charge.

7 Q. Now, Witness, we'll come to that in a moment, but while you were
8 in Aveba, are you saying in evidence that in those three months you never
9 knew that Germain Katanga was the leader of the militia members in that
10 area?

11 A. No. We fled very suddenly, and I didn't even know where Aveba
12 was, and we just ended up there, but I didn't know where it was before I
13 went there.

14 Q. Witness, in your evidence, you stated that you lived close to
15 where Francine Katanga was. So you must have seen Germain Katanga as you
16 were there for three months. Am I right?

17 A. No, I didn't see him.

18 MR. HOOPER: (* Previous translation continues) ... corrected
19 this before when the Prosecutor's used these terms, but Francine Katanga,
20 there's no one called Katanga other than Germain Katanga. There's no one
21 in his family that has that name. So it's misleading and wrong to refer
22 to his father, for example, as Katanga, or to refer to his sister as
23 Katanga.

24 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, perhaps
25 this is not of great importance for you. Perhaps you could say near

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 24

1 Francine, the sister of Germain Katanga. You could phrase it
2 differently.

3 MR. GARCIA: (Interpretation) Your Honour, I asked the witness
4 the question, and I said if there are any problems with my questions, he
5 could tell us, and the witness has already answered questions about
6 Francine Katanga, which infers that the witness knew her under that name.
7 We're not here trying to provide information. It's the witness who is
8 giving evidence, and the witness has answered this a number of times and
9 there were no question marks about it when he asked this, and it's not
10 Mr. Hooper who's here giving evidence.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you, but our sole
12 concern is that the witness knows exactly who we're talking about. Even
13 though you have very kindly let him say he doesn't understand, perhaps
14 there are a number of points where this witness or other witnesses may
15 not dare to speak up. It may not be as clear as it seems.

16 You said earlier that the two houses were very close, the
17 witness's house and Francine's house. Perhaps the best thing would be to
18 ask the witness the question and say, "Witness, when we talk about
19 Francine, did you usually hear her being described as Francine Katanga?"

20 THE WITNESS: (Interpretation) No, she's not called that. We
21 just talk about the Katanga family home.

22 MR. HOOPER: Can I just make it plain? It may seem a small
23 thing, but I've had discussions with Mr. Katanga about this when it's
24 been -- has occurred before, and I know he's very uncomfortable with
25 these mis-namings that go on and particularly where the name "Katanga" is

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 25

1 used. So I very courteously invite my friend and the Prosecution
2 generally to desist from using that name as a name-all in terms of family
3 name, because it's inaccurate. And indeed as this witness has just
4 referred, he doesn't know this person by that name. People are going
5 along with what's suggested. But I hope it can be stopped in the future.

6 PRESIDING JUDGE COTTE: (Interpretation) Well, all of that's
7 important, but I think it's less important than our previous discussion.
8 When we're talking about Francine, everyone here knows that we're talking
9 about one of Germain Katanga's sisters and that he is one of the two
10 accused, and so we would like to go on, if possible, and just use the
11 first name, Francine. The witness knows who we're talking about, and we
12 know who we're talking about. We have been become experts in using first
13 names.

14 You may go ahead, Mr. Garcia.

15 MR. GARCIA: (Interpretation) Thank you. I shall use the name
16 "Francine," your Honour.

17 Q. Witness, on this first question, at the time you were in Aveba,
18 the three months there, you knew that Francine was Germain Katanga's
19 sister; is that right?

20 A. She was my neighbour. That's what I told you.

21 THE INTERPRETER: The interpreters are asking for the witness to
22 speak more clearly.

23 PRESIDING JUDGE COTTE: (Interpretation) Witness, you see that
24 we're very close to the interpreters, and could you speak more slowly and
25 articulate more clearly, and we would like to thank you for doing so.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 26

1 You may go ahead, Prosecutor.

2 THE INTERPRETER: The Swahili booth is pointing out that the
3 witness said that the neighbour had given him this information.

4 THE WITNESS: (Interpretation) It was the neighbour who told me.
5 I didn't know before. We were fleeing towards North Kivu, but I didn't
6 know that region. We just ended up in that region. That was what the
7 situation was.

8 MR. GARCIA: (Interpretation)

9 Q. Now, if I've understood correctly, Witness, it was a neighbour
10 who told you that Francine was Germain's sister.

11 A. Yes.

12 Q. Now, I know you're answering in good faith, Witness, but could
13 you just wait until the end of my question before answering, please.

14 I just wanted to point out that it was when you were in Aveba,
15 when you spent three months there, that a neighbour told you that
16 Francine was Germain's sister; is that right?

17 A. Yes, that's right.

18 Q. Given that Francine was your neighbour, you must have had the
19 opportunity of seeing Germain Katanga on a number of occasions during the
20 three months you spent there. Am I right in assuming that?

21 A. No, I didn't see him there. We lived 500 metres away from the
22 family, and we didn't go over there all the time. We'd just go by there
23 from time to time.

24 Q. During the three months you were there, you must have noticed
25 children there, children that were part of the militia forces that were

1 there.

2 A. I didn't see any children or child members of the militia. Our
3 job was to go out into the fields and work in the fields. I was with the
4 children. I worked in the fields there with the local people there so
5 that we could get something to eat. We didn't go off and try find out
6 about all that. We just tried to get by so that we could feed the group
7 we were with. If I'd spent my time trying to get information and do
8 nothing, then I wouldn't have been able to feed my children.

9 Q. We shall change subject, Witness. When giving evidence,
10 Mr. Hooper's team and the group with Professor Fofé asked questions about
11 what happened in Bogoro and an attack there. Do you remember that?

12 A. Yes, I remember that.

13 Q. Did you, Witness, know that there was an attack on Bogoro on the
14 24th of February, 2003, an attack during which many civilians were
15 killed? Were you aware of that attack?

16 A. No, we were refugees out in the -- out in the bush, and I didn't
17 hear about that.

18 Q. According to your evidence, you were in the bush when the attack
19 on Bogoro occurred on the 24th of February, 2003; is that right?

20 A. I don't know that date. When we heard gunshots, well, there were
21 gunshots everywhere, and we didn't know what was happening, and whenever
22 we heard gunshots, we had to go and hide in the bush. It wasn't easy for
23 us. It wasn't easy to know what was going on, because the firing wasn't
24 just coming from a single direction.

25 Q. Now, I've understood in relation to the gunfire, but are you

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 28

1 saying that, at the time and even now, you've never heard about the
2 attack that happened on the 24th of February, 2003, and the large numbers
3 of civilians that were killed, children, old people, women? Is that what
4 you're stating in evidence?

5 A. At the time of the events that happened in Bogoro, I didn't know
6 about what was happening. I didn't know anything about what had happened
7 in Bogoro, nothing at all. It was only a long time later that I heard
8 that all the people who lived in Bogoro had fled the town, but we were
9 hiding in the bush when these incidents occurred, and we didn't know
10 anything about what had happened.

11 Q. And how about the attacks on Mandro, Kasenyi? Were you aware of
12 those attacks at the time?

13 A. That's a long way away. That's in the direction of Dele, and
14 it's difficult to know what happens in areas like that. How could we
15 have known?

16 Q. To make things clear, all you knew afterwards about Bogoro was
17 that the people of Bogoro had fled; is that right?

18 A. It was a long time afterwards. It was when I went off to get
19 something to eat. I was told that the people of Bogoro had left the
20 town. I didn't know that people had been killed. We were hiding, and we
21 were trying to find something to eat, and we didn't know what was going
22 on. When the children were killed, we were hiding, and we just went out
23 to try and find something to eat.

24 Q. I shall change subject for a few moments, Witness. When giving
25 evidence, you talked about a person called Paul, and when giving

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 29

1 evidence, you said that you'd had a conversation with Paul. Do you
2 remember this, Witness?

3 A. Yes.

4 Q. I would just like to know so that we get this information right.
5 Now, the conversation you had with Paul -- and I understand the
6 situation, you said that (Expunged) had disappeared, had disappeared one
7 day, and you mentioned this conversation with Paul. How much time after
8 the time (Expunged) disappeared did you have this conversation?

9 A. When I spoke to this gentleman, he -- the (Expunged) was already
10 reported missing, and I had been told that he'd been taken off to be sent
11 to school. I was told that so that I wouldn't get angry. And I said,
12 "Well, why did you take the (Expunged), without me knowing
13 about it? I can't understand how you can (Expunged)
14 (Expunged)." I almost got into an
15 argument with him, but then a woman intervened and I kept quiet, and I
16 went inside the house and went off to work.

17 Q. Now, if I've understood correctly, Witness, this conversation
18 with Paul occurred only a short time (Expunged); is that
19 right?

20 A. Yes.

21 MR. GARCIA: (Interpretation) Your Honour, I would like us to
22 see the statement which the witness made to the Prosecution. It's
23 DRC-OTP-1060-0013. I have a clean copy here with me. Perhaps the
24 Court Officer could give it to the witness. And I would like to request
25 private session for a few minutes. I don't want to go on for too long,

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 30

1 but the break is coming up in any case.

2 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
3 go into private session, please.

4 (Private session at 3.51 p.m.)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 31 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 32 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 33

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 33 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 34 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 35

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 35 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 36 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 37

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Open session at 4.08 p.m.)

11 COURT OFFICER: (Interpretation) We are in open session,
12 your Honour.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well. Please
14 proceed, Mr. Prosecutor.

15 MR. GARCIA: (Interpretation)

16 Q. Mr. Witness --

17 MR. GARCIA: (Interpretation) Just a moment, your Honour.

18 (Prosecution counsel confer)

19 MR. GARCIA: (Interpretation) I'm sorry, your Honour. I have
20 one or two last questions for the witness on that issue, because I do not
21 want to revisit it afterwards, so we can go back to private session, with
22 your leave.

23 PRESIDING JUDGE COTTE: (Interpretation) It is not sufficient to
24 use the pseudonym?

25 MR. GARCIA: (Interpretation) That would be difficult,

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 38

1 your Honour.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well.

3 Court Officer, let us return briefly to private session.

4 (Private session at 4.09 p.m.)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 39 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 40 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 41 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 42

1 (Expunged)
2 (Expunged)
3 (Expunged)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Expunged)

22 (Open session at 4.23 p.m.)

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

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 43

1 Court Officer.

2 Mr. Witness, we will break for 30 minutes, and we will reconvene
3 at 16.55.

4 Court Usher, please accompany the witness out of the courtroom.

5 And, Mr. Witness, please take the time to rest a little.

6 (The witness stands down)

7 PRESIDING JUDGE COTTE: (Interpretation) This hearing is
8 suspended. We will reconvene at 16.55.

9 Recess taken at 4.24 p.m.

10 On resuming at 5.02 p.m.

11 (Open session)

12 COURT USHER: All rise.

13 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.

14 We are in open session. Court Usher, please bring in the
15 witness, Witness 0146.

16 (The witness takes the stand)

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Obia, can you hear
18 me clearly?

19 THE WITNESS: (Interpretation) Yes, I can.

20 PRESIDING JUDGE COTTE: (Interpretation) We are going to resume.
21 Do not forget to speak clearly and speak slowly, and you should observe
22 the five-second rule before answering any question.

23 Mr. Prosecutor, you have the floor.

24 MR. GARCIA: (Interpretation) Thank you, your Honour.

25 Q. Mr. Witness, we are going to change subjects, and now to visit

1 the point we discussed before the break.

2 You spoke about someone by the name of Logo. Would it be
3 correct, Mr. Witness, to say that when you met Logo, he introduced
4 himself as a lawyer? Is that correct?

5 A. Yes, that is correct. He said he was a lawyer.

6 Q. Would it also be correct to say that Logo did not say that he
7 worked for either Mathieu Ngudjolo or Germain Katanga? He simply said
8 that he was working for the ICC; is that correct?

9 A. That is correct.

10 Q. Now, how many times did you meet with Logo in all?

11 A. I met Logo on two occasions, and at our last meeting -- well, the
12 last meeting took place when I had to travel to come here. That is when
13 I met him.

14 Q. If I understood you correctly, you met him three times in total.
15 You met him two times previously, and the last time you met him was when
16 you were travelling to come here in The Hague; is that correct?

17 A. That is correct.

18 Q. Is it possible, Mr. Witness, that you met him on more occasions
19 than that? And I'm asking you this question because when I read your
20 statement, the statement you gave to the Prosecution, in paragraph 41 you
21 said:

22 "The lawyer came and spoke to me three times ..."

23 A. He came to see me on three occasions, and I also saw him within
24 the framework of the investigations he carried out to verify whether or
25 not the children in question had indeed served in the militia.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 45

1 Q. Just to make things clear, in paragraph 41 of the statement you
2 gave to the Prosecution, page 1016-0019, I believe, you said the
3 witness -- or, rather:

4 "The lawyer came and speak to me on three occasions ..."

5 And just to help you, paragraph 44, you said that you no longer
6 remember the first meeting you had with the lawyer and that it was in
7 Dele, and on that occasion you were alone with the lawyer.

8 In paragraph 45, you also say that the lawyer came twice within
9 the same month, in 2010, and that makes three times, Mr. Witness.

10 Now, what I just read, has it helped to refresh your memory?

11 A. I do remember correctly.

12 Q. Mr. Witness, in your statement to the OTP, you talked about three
13 times, and we should also add the time when you signed your statement to
14 the Defence on the 14th of April, 2011, and that makes four occasions.
15 Would that be correct, Mr. Witness?

16 A. I have certainly forgotten, because he came and spoke to me on
17 several occasions. He would come, speak to me, go away and come back
18 another time. It's possible that I have forgotten the number of
19 occasions on which I met him.

20 Q. I do understand, Mr. Witness, but before you signed this
21 statement which was given to the Defence in the month of April 2010,
22 you -- or, rather, 2011, you also stated that he took down your statement
23 by hand. So if I understand correctly, that was on the fifth occasion,
24 the fifth occasion on which you met him.

25 A. I do not remember. He came to see me. He asked me questions,

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 46

1 took notes, and went back home. So he came in that manner on several
2 occasions. I no longer remember.

3 Q. And when Logo came you see you on those several occasions, he
4 certainly talked about what was happening here in court; is that correct?

5 A. He used to come, and he would tell me that I should come and give
6 testimony about (Expunged), because it was said that (Expunged) had
7 done the job or the work in question, and we had to come and give
8 testimony and state whether or not (Expunged) were indeed involved in
9 these activities. And since we knew very well that (Expunged) had not
10 carried out that activity and that it is not true to lie about someone,
11 we decided to come and give evidence.

12 MR. GARCIA: (Interpretation) Your Honour, could we move into
13 private session for a while.

14 PRESIDING JUDGE COTTE: (Interpretation) Yes. I would like to
15 appeal to you to ensure that we return to open session as soon as that is
16 possible, and we could use pseudonyms.

17 Court Officer, please.

18 (Private session at 5.13 p.m.)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 47 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 48

1 (Expunged)
2 (Expunged)
3 (Expunged)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)

17 (Open session at 5.17 p.m.)

18 COURT OFFICER: (Interpretation) Your Honour, we're in open
19 session.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

21 Prosecutor, you may proceed.

22 MR. GARCIA: (Interpretation)

23 Q. Witness, on those occasions during which you met Mr. Logo, did
24 Mr. Logo take statements from you? Are there other statements apart from
25 the ones we have here which are dated -- or which date back to the month

1 of April 2011?

2 A. Logo wrote down what he wrote down, and it was up to him to
3 prepare the statement. I don't know how he was doing his job. I simply
4 gave a statement.

5 Q. We do understand that you gave a statement and signed it in
6 April 2011. But what about the other occasions on which you met
7 Mr. Logo? Did he take statements from you?

8 A. I do not know whether or not he took statements.

9 Q. So you do not know what he did, whether or not he took statements
10 on the other occasions. I'm not talking about the month of April 2011,
11 because statements were taken. I'm talking about the previous occasions
12 when you met him in Dele, in Kindia. No statements were taken from you
13 on those occasions?

14 A. He was taking notes, and I think that was part of his
15 responsibilities. He put questions to me, and I provided answers, and he
16 was taking notes in a notebook, and after that he would leave. I don't
17 know what he was supposed to do, how he was supposed to do it.

18 Q. So if I understood you correctly, on the previous occasions
19 Mr. Logo would take notes of what you said, and he would leave, and later
20 on he would return to take more notes.

21 Did you sign any document at all during those -- or on those
22 previous occasions?

23 A. I have certainly forgotten, but when he came to see me, he showed
24 me a document which I signed. I think that was the last statement I
25 signed, and this was in Kindia, not very long ago. Once I signed that

1 statement, he took it and left with it.

2 Q. Well, Mr. Witness, with respect to your trip to The Hague, if I
3 understood correctly, you took off from Kinshasa. Is that correct?

4 A. That is correct.

5 Q. Who accompanied you to the airport in Kinshasa?

6 A. When I left Bunia, I was accompanied by (Expunged) all the way
7 to Kinshasa, and from Kinshasa I was accompanied by (Expunged).

8 Q. Now, with respect to the part of the trip which you made from
9 Bunia to Kinshasa, you mentioned (Expunged). Were there other persons
10 who accompanied you apart from (Expunged)?

11 A. I saw no other individual apart from the person whom I just
12 mentioned.

13 Q. In your testimony just before the break, you stated that you met
14 Logo when you had to travel. Could you please tell us when precisely you
15 met him?

16 A. I will give you an answer. Right from my first trip -- from my
17 first trip, Logo went to see the local administration to collect
18 documents, our documents. That was a mission order for two months which
19 he had to collect, a mission order for the trip to Kinshasa. Logo came
20 to look for us in the morning. He came with a vehicle, and he was
21 accompanied by (Expunged) who accompanied us to
22 the airport.

23 Q. Mr. Witness, when you talk about "us," who are you referring to?
24 We understand that you were involved, but who else was involved?

25 A. He came to look for me in my home. He came in a vehicle to get

1 me in my home, and he took me to (Expunged).

2 Q. Would I be right to say, Mr. Witness - I apologise - that before
3 you travelled that you had the opportunity to talk to Martin's father?

4 A. No, did I not talk to Martin's father.

5 Q. Mr. Witness, when did you speak to him for the last time -- or,
6 rather, when was the last time you spoke to him?

7 A. I spoke to Martin's father when I was going to the farm. That
8 was a long time ago. Today I live in town. At that point in time, and
9 that was a long time ago, we discussed about farming matters. That was
10 the last time I spoke to him.

11 Q. I do understand that you discussed farming activities with him,
12 but right from that time and before you came here to give testimony, you
13 must have certainly spoken to Martin's father. If I understand
14 correctly, both of you are currently living in Kindia.

15 A. Yes. We are neighbours, that is true. We live in the same
16 locality, and sometimes we would meet within the neighbourhood.

17 Q. So, Mr. Witness, before you came here to give testimony, you must
18 have certainly had an opportunity to discuss what you were going to come
19 and say here in the courtroom with Martin's father. Do you agree with
20 me?

21 A. I do not agree with your suggestion. I came here to say that (Expunged)
22 (Expunged). That is what brought me here
23 to this Chamber. This is because it's not good to tell lies about
24 anyone. I did not agree to say things against (Expunged).

25 Q. So if I understand your testimony well, Mr. Witness, you and

1 Martin's father both live in Kindia, but before you came here to give
2 testimony, you never discussed your testimony -- or, rather, this trial
3 with him. You never mentioned the International Criminal Court in your
4 discussions, if any, with him.

5 A. I was living with him in Dele, but right now I live in Kindia,
6 and he is in Dele Ferme. We used to be neighbours in the past, living
7 within the same locality.

8 Q. Witness, we are going to change subjects here. I would like to
9 revisit a question about a telephone conversation which you had with an
10 investigator from the OTP of the International Criminal Court.
11 Mr. Hooper asked you a few questions, and what I'm going to do now is
12 read the answers you gave to his questions. It's page -- transcript 264
13 in French, and I'm referring to page 45.

14 First on page 45, line 24, Mr. Hooper asked you the following
15 question:

16 "Have you ever had a telephone conversation with a woman
17 representing the International Criminal Court? We're talking about a
18 telephone conversation and at that time or about that time talking about
19 Sam."

20 And your answer on line 27 is:

21 "No. I've forgotten."

22 Mr. Hooper asked the question again on the same subject, and
23 reference is page 50, lines 3 and following. Now, page 49 to get the
24 context, line 27. Mr. Hooper asked the following question:

25 "Do you remember having had a conversation with a woman, perhaps

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 53

1 through an interpreter, and during the conversation the question of Sam
2 coming back was raised, the relocation of Sam was raised?"

3 And your answer was simple:

4 "My interpreter didn't talk about the (Expunged)."

5 And Mr. Hooper's question:

6 "Have you ever authorised relocation for Sam?"

7 Answer:

8 "No, I haven't authorised the relocation of Sam. I was
9 misunderstood, because the person interviewing me was speak English and
10 the interpreter was working into Swahili, and there was a problem of the
11 three of us understanding one another."

12 Do you remember making that statement in answering the question
13 raised by Mr. Hooper?

14 A. This is what happened: We didn't understand ourselves properly.
15 We didn't understand ourselves properly during the interview, and the
16 person interviewing me hung up and then we went off in our different
17 ways.

18 MR. GARCIA: (Interpretation) Your Honour, with your approval,
19 before going on to a new series of questions on this issue, I would just
20 like to avoid any secondary discussion which may be a source of
21 distraction, and I would like to know if there is any objection from the
22 Defence on this issue, and if so, I would ask for the objection to be
23 make without the witness being here because of the importance of the
24 questions I have to ask and also because I want to have another
25 proceeding where we listen to the recording. This is for the following

1 purpose: I want it to be as efficient as possible and for us not to have
2 any problems, and I don't want to lead the witness to answer in any one
3 way or another. I would just like to know if the Defence has any
4 objections to my question, for the objections to be made without the
5 witness being present.

6 PRESIDING JUDGE COTTE: (Interpretation) Could you first point
7 out which document you're going to be referring to before we ask the
8 witness to leave, or would you like the witness to leave now?

9 MR. GARCIA: (Interpretation) For the moment I see that the
10 Defence has not formulated any objection.

11 PRESIDING JUDGE COTTE: (Interpretation) Perhaps the Defence
12 doesn't know what you're going to be talking about. Does the Defence
13 know what you're going to talk about? Are we talking about documents
14 which have already been referred to for objections by the Defence and
15 the --

16 MR. GARCIA: (Interpretation) We're talking about the transcript
17 of a conversation, which is DRC-OTP-1060-0077, and an audio recording
18 which is 1018-0140.

19 PRESIDING JUDGE COTTE: (Interpretation) I'm sorry, I didn't
20 leave the five seconds.

21 Now, the DRC-OTP-1060-0077 was listed as possible objection from
22 the Defence of Germain Katanga. That's what I noted, in any case. And
23 for the documents -- and apparently there's also objection from the
24 Defence of Mathieu Ngudjolo.

25 Are the Defence teams maintaining their objections, and if that

1 is the case, we will need to ask the witness to leave so that we can go
2 into this.

3 Are you maintaining your objections?

4 MR. HOOPER: Our objection was subject to use. In other words,
5 unless we know the manner which the Prosecution are seeking to rely on or
6 refer to this or the other documents, we're not fully informed as to
7 whether to object or not. So in those circumstances -- I'm not sure
8 whether to invite the -- and to suggest to your Honour that the witness
9 leave.

10 I don't know if Mr. Garcia's in a position to be a little less
11 Delphic as to what he intends to do. He has referred to this particular
12 document. We can see that it's a transcription of an audio recording.
13 That's all accepted. So what is it that Mr. Garcia intends to do? Is it
14 that he's going to play the recording, is that -- or is he going to say
15 things from the recording? Because in the circumstances of this witness,
16 it would seem that playing the recording would be, once he's established
17 the necessary requirements of that, that playing the recording, or more
18 particularly, part of the recording, because it can't all be relevant
19 because the witness himself doesn't --

20 MR. GARCIA: (Interpretation) (* Overlapping speakers) ...
21 your Honour, this is just the question. For Mr. Hooper to go into the
22 details, we would like it without the witness.

23 PRESIDING JUDGE COTTE: (Interpretation) Now, Witness, the
24 Court Usher will accompany you. We will ask you to leave the Chamber,
25 because we're going to have a debate on proceedings, and we do not

1 require you to be involved in this. So, Witness, you will be leaving us
2 for a moment, but we need the Usher to come back into the courtroom,
3 which he will do, and then in a reasonable amount of time we will look at
4 the issue of the objections set down in writing with respect to number of
5 documents, including the one which you wish to present at the moment.

6 (The witness stands down)

7 PRESIDING JUDGE COTTE: (Interpretation) We know that, in
8 writing, Mr. Hooper said that his objection would depend on the way the
9 document in question would be used, and this was not kept by the Defence
10 of Mathieu Ngudjolo.

11 Now, the witness has left. Prosecutor, could you perhaps be a
12 bit clearer so that the Defence teams can tell you if the way you intend
13 to use the document DRC-OTP-1060-10 -- is going to lead to objections?

14 MR. GARCIA: (Interpretation) We've just got the information
15 from the Court Officer that there are no redactions for the next
16 30 minutes.

17 We have the references in the statement by the witness and the
18 recording, and we would need to go into closed session -- private
19 session. Now, the reason we put this in is that because the recording,
20 which is the recording of what was said -- that these documents and the
21 recording have reference to a conversation between the Office of the
22 Prosecutor, the investigator, and the witness who is here.

23 Now, the Court remembers that the witness said he did not know
24 where (Expunged)
25 (Expunged). And I would like to go into private session immediately,

1 your Honour. We are in open session.

2 PRESIDING JUDGE COTTE: (Interpretation) I'm afraid I made a
3 mistaken. I gave the DRC-OTP reference number which was not the one.
4 1060-0013, but it should be 0077, and we need to correct that
5 immediately.

6 Now, I'm sorry that we don't have the -- the orders for redaction
7 allowing us to go into open session, and we're likely to go on an endless
8 tunnel of private sessions, which is a shame, but for the immediate
9 moment, we can go into private session.

10 (Private session at 5.42 p.m.)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1

2

3

4

5

6

7

8

9

10

11

12 Page 58 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 59 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 60 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 61 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 62 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 63 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 64 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 65 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5

6

7

8

9

10

11

12 Page 66 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Procedural Matters

Page 67

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 67 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 68

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 68 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 69

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 69 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 70

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 70 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 71

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 71 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 72

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 72 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 73

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 73 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 74

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 74 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 75

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 75 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 76

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 76 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 77

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 77 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 78

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 78 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 79

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 79 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 80

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 80 Expunged – Private session.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 81

1 (Expunged)
2 (Expunged)
3 (Expunged)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)

19 (Open session at 6.47 p.m.)

20 COURT OFFICER: (Interpretation) We're in open session,
21 your Honour.

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

23 MR. GARCIA: (Interpretation)

24 Q. Mr. Witness, we spoke briefly about Germain Katanga when or
25 whilst you were in Aveba for three months. I would like to touch on

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 82

1 another question. You also stated that when the attack on Bogoro took
2 place on the 24th of February, 2003, you were in the bush. During that
3 period, the month of February, end of 2002 and the start of 2003, you
4 certainly heard mention of Mathieu Ngudjolo as the leader of Zombe; is
5 that correct?

6 A. Yes, I heard something to that extent.

7 Q. You did hear that Mathieu Ngudjolo was the chief or the leader of
8 the militia that was based in Zombe.

9 A. It was simply said that he was the leader or the chief, but I
10 don't know what his responsibilities were.

11 Q. Would I also be right to say that at that time it was also said
12 that Germain Katanga and Mathieu Ngudjolo were the defenders, they were
13 the leaders of those who were defending the place in times of war?

14 A. I talked about defenders when the question was put to me. I said
15 that they were the people who were in the leadership, leaders of the
16 defenders. Several questions were put to me, and that's why I had to
17 provide or give an answer like that.

18 Q. You also told the Prosecution, the OTP, when they met you that he
19 was the leader of all those troops; is that correct?

20 MR. HOOPER: Sorry, what's the reference for that, please?

21 MR. GARCIA: (Interpretation) Paragraph 35 of the witness's
22 statement, 1060-0018.

23 PRESIDING JUDGE COTTE: (Interpretation) Yes, Professor Fofé.
24 We have that paragraph before us.

25 MR. FOFÉ: (Interpretation) Your Honour, I have not yet reached

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 83

1 that paragraph, because I was waiting for the interpretation of the
2 witness's last answer. I would like that the witness's answer in Swahili
3 should be listened to again and interpreted again, page 85, line 28, and
4 page 86, lines 1 to 3. This can be done later on. I think that a little
5 adjustment will need -- or will have to be done there.

6 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, page 85,
7 line 24, the Prosecutor asked you the following question, and I quote:

8 "Would I be right to say that at that time it was said that
9 Germain Katanga and Mathieu Ngudjolo were the war defenders, that they
10 were the people who were leading the defenders?"

11 That is the question that was put to you. Can you answer it
12 again? Can you provide your answer, please.

13 THE WITNESS: (Interpretation) I used it hear it said like that.

14 PRESIDING JUDGE COTTE: (* No interpretation)

15 THE INTERPRETER: English booth apologises. We cannot hear
16 Judge Cotte. This must be a problem with the microphone.

17 PRESIDING JUDGE COTTE: (* No interpretation)

18 THE INTERPRETER: The English booth apologises. We cannot hear
19 what Judge Cotte is saying.

20 PRESIDING JUDGE COTTE: (* No interpretation)

21 THE INTERPRETER: We have a problem in the English booth. We
22 cannot hear what Judge Cotte is saying.

23 THE WITNESS: (Interpretation) Here is the answer: When they
24 were trying -- when they were confusing me, I said they were the
25 defenders. That is what I said.

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 84

1 PRESIDING JUDGE COTTE: (Interpretation) Your answer clarifies
2 what you said earlier.

3 Mr. Garcia, you may carry on.

4 MR. GARCIA: (Interpretation)

5 Q. We are going to change subjects here and talk again about Logo.
6 You talked about him on several occasions.

7 Would it be correct to say, Mr. Witness, that Logo told you that
8 you had to do everything possible to ensure that the children returned to
9 your home? Did he make such a statement to you?

10 A. Logo told us --

11 THE INTERPRETER: Message from the Swahili booth: Could the
12 witness repeat what he said.

13 PRESIDING JUDGE COTTE: (* No interpretation)

14 THE INTERPRETER: The interpreters cannot hear what Judge Cotte
15 is saying. We have a problem in this booth.

16 PRESIDING JUDGE COTTE: (* No interpretation)

17 MR. HOOPER: Your Honour, the -- there's no link between you and
18 the English booth for the last several questions. It broke down about a
19 few minutes ago.

20 THE INTERPRETER: Yes. We can hear Judge Cotte now.

21 PRESIDING JUDGE COTTE: (Interpretation) We hope that things are
22 going to be clear for the last two minutes.

23 We would like, Mr. Witness, for you to repeat your answer. You
24 should speak slowly. Do you remember the question that was put to you?

25 "Would it be right to say that Logo told you that you had to do

Witness: Witness DRC-D02-P-0146/DRC-D03-P-0340 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 85

1 everything possible to ensure that the (Expunged)? Did
2 he make such a statement to you?"

3 We are listening to you, Mr. Witness.

4 THE WITNESS: (Interpretation) Logo told us how he carried on
5 with his investigation. He said we had to come and answer the questions
6 of the ICC, and that if we were right, (Expunged)
7 (Expunged). And that is why we had to come and present ourselves before the
8 Judges.

9 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, I think we
10 are going to adjourn this hearing, which has been a bit stormy toward its
11 end.

12 Witness, we are going to meet again tomorrow morning at 9.00.

13 Court Usher, could you lead Mr. Obia out of the courtroom,
14 please.

15 We will meet again tomorrow, sir.

16 THE WITNESS: (Interpretation) Thank you.

17 (The witness stands down)

18 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, we are
19 aware that your cross-examination was a bit disrupted. Could you please
20 give us an idea of the amount of time you need tomorrow? You all know
21 that we are supposed to rise at midday, because at 12.30 we have an
22 *ex parte* hearing. So we're going to -- are you sure you will be able to
23 complete?

24 MR. GARCIA: (Interpretation) I would like to reassure the
25 Chamber that I need about 15 to 20 minutes tomorrow morning to conclude

1 my cross-examination.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well. Thank you.

3 I do not remember receiving any applications from the

4 Legal Representatives about examining the witness.

5 The Chamber might have a question for the witness, and final

6 observations will then be made.

7 Court Officer, the next witness may start tomorrow before the

8 *ex parte* meeting, and it might be appropriate to bring that witness in

9 between 9.30 and 10.00 a.m. tomorrow, or it would be more reasonable to

10 bring that witness at 10.00 a.m. Do you understand, Court Officer? That

11 is understood.

12 We will meet again tomorrow morning at 9.00 a.m. after this very

13 lively hearing of today.

14 The hearing is adjourned.

15 The hearing ends at 7.00 p.m.

16

17

18

19

20

21

22

23

24

25