

1 International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra, and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Friday, 27 May 2011
10 The hearing starts at 9.02 a.m.
11 (Closed session)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Open session at 9.04 a.m.)
22 COURT OFFICER: (Interpretation) We are in open session, your
23 Honour.
24 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
25 Court Officer.

Witness: Witness DRC-D02-P-0161 (Resumed) (Open Session)
Questioned by Mr. Dutertre (Continued)

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- 1 Good morning, Madam Witness.
- 2 THE WITNESS: (Interpretation) Good morning.
- 3 PRESIDING JUDGE COTTE: (Interpretation) Can you hear me well?
- 4 THE WITNESS: (Interpretation) Yes, I can hear you.
- 5 PRESIDING JUDGE COTTE: (Interpretation) Very well. We can
6 continue with our proceedings.
- 7 Mr. Prosecutor, please.
- 8 MR. DUTERTRE: (Interpretation) Good morning, your Honours.
- 9 Thank you, Mr. President.
- 10 WITNESS: WITNESS DRC-D02-P-0161 (Resumed)
- 11 (Witness answered through interpreter)
- 12 Questioned by Mr. Dutertre: (Continued)
- 13 Q. Good morning, Madam Witness.
- 14 A. Good morning.
- 15 Q. Madam Witness, yesterday we talked Safco Mbadjona Mandro who was
16 a member of the escort.
- 17 A. Can you repeat the name, please?
- 18 Q. Safco who was a member of Kandro's escort. We talked about that
19 yesterday, do you remember?
- 20 A. Yes.
- 21 Q. Safco was married to Marceline Tabo; is that correct, Witness?
- 22 A. I do not know that name Marceline. Perhaps you could tell me
23 another name.
- 24 Q. What was the name of Safco's wife, Madam Witness?
- 25 A. Safco had two wives, Mukosi and a second one whose name I do not

1 know. This was his first wife.

2 Q. And Denise was a friend of his first wife; isn't that so?

3 A. Which Denise are you talking about, from where?

4 Q. Denise, Germain Katanga's wife, Madam Witness. We have always
5 referred to her as "Denise."

6 A. That I do not know. I never witnessed it.

7 Q. Madam Witness, yesterday we also talked Bonheur Mugangu Awenya.
8 Do you remember?

9 A. Yes, I remember.

10 Q. Bonheur was a member of the militia, wasn't he?

11 A. I never saw him in any militia group. Bonheur was a student.

12 Q. Let us move on to something else. Madam Witness, do you remember
13 that we mentioned your written statement to the Defence of
14 Germain Katanga on the 30th of April, 2001 -- or rather, 2011? Where
15 were you, Madam Witness, when you gave that statement, in which town?

16 A. The first interview took place in Yambi.

17 Q. And when did that first interview take place, Madam Witness?

18 A. I no longer remember the date, but I know that it was in Yambi.

19 Q. And are you talking about the interview during which you were
20 questioned to give the statement of late April 2011 or are you talking
21 about an earlier meeting?

22 A. What interview are you talking about?

23 Q. You mentioned the interview -- or the meeting, Madam Witness, and
24 I was talking about the time that you had that interview. Am I to
25 understand that this meeting took place well before April 2011, that is

1 when you signed the statement?

2 A. Yes.

3 Q. How many meetings in total or interviews did you have with the
4 Defence team, Madam Witness?

5 A. When I was in Yambi, I was questioned once; but that interview
6 was not completed. Then I went back for a second time and later for a
7 third and a fourth time.

8 Q. I have understood that there were four sessions, and with whom
9 did you have the first session, Madam Witness?

10 A. The first time there was Madam Caroline, Madam Sophie, and
11 Mr. Logo, a lawyer.

12 Q. Is this how Logo was introduced to you, as a lawyer,
13 Madam Witness?

14 A. No, he was not introduced to me that way. That is what I have
15 heard and am used to referring to him as such, but he himself did not
16 introduce himself as a lawyer.

17 Q. Can you help us with the date, Madam Witness. Was this in 2010,
18 2009? Approximately when did that first meeting take place?

19 A. The first meeting must have taken place in 2010.

20 Q. And can you assist us further, Madam Witness? Was it in early
21 2010, mid-2010, approximately when? Please clarify if you can.

22 A. Upon reflection, I would say that when I gave my first statement
23 I had my first born who was about eight or nine months old.

24 MR. DUTERTRE: (Interpretation) Your Honour, can we go into
25 private session briefly?

Witness: Witness DRC-D02-P-0161 (Resumed) (Private Session)
Questioned by Mr. Dutertre (Continued)

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1 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, let us
2 go into private session.

3 (Public session at 9.15 a.m.)

4 (Expunged)

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17 (Expunged)

18 (Expunged)

19 (Expunged)

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21 (Expunged)

22 (Expunged)

23 (Public session at 9.17 a.m.)

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

25 Honour.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

2 Mr. Prosecutor, please continue.

3 MR. DUTERTRE: (Interpretation)

4 Q. Madam Witness, a short while ago you told us that during the
5 first meeting there was Caroline, Sophie, and Logo. But the fact is that
6 the first meeting in 2009 was with Logo only if I understood you
7 correctly; isn't that so?

8 A. No, that is not correct. There were also some white people
9 there.

10 Q. And who were those white people, Madam Witness? And we are
11 referring here to the meeting of 2009 with Logo.

12 A. I've told you the names of those people.

13 Q. It's just to be sure that I understood you well. So in 2009 for
14 your first interview there was Logo, Sophie, and Caroline; is that
15 correct, Madam Witness?

16 A. Yes. Each time I had a meeting there was Logo and those white
17 people.

18 Q. Madam Witness, who invited you to this meeting with Logo and
19 those white people?

20 A. I was called to that meeting by Logo and by no one else.

21 Q. So you met Logo before that, Madam Witness?

22 A. No. I only saw him at the place of the meeting.

23 Q. But who told you to attend that meeting, Madam Witness? How did
24 it happen? It was not a meeting that took place by chance. There was
25 Logo and the other people you met with. Who invited you to that meeting,

1 Madam Witness?

2 A. No one contacted me. It was Maître Logo who asked me to attend
3 the meeting.

4 Q. So you met him before that meeting, Madam Witness?

5 A. No, I did not meet him prior to the meeting. He came and saw me
6 at home and he asked me whether I could give them some information. He
7 told me they would need me, but he was not with anyone else at that time.

8 Q. So this was before the meeting of October 2009 if I understand
9 correctly, Madam Witness?

10 A. Before --

11 THE INTERPRETER: Well, from the Swahili booth: Your Honour, can
12 the witness be asked to repeat the answer.

13 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, can you
14 repeat your last answer for the interpreters, please. Thank you very
15 much.

16 THE WITNESS: (Interpretation) This is what I said: No one put
17 me in contact with Logo. Logo saw me at home and he asked me whether I
18 had any information about the events that had taken place in my village.
19 I told him "yes." And then he told me that I was going to go somewhere,
20 and that is how I went there and I met other people there. They asked me
21 questions and I gave them answers about what I had seen and heard.
22 However, prior to that, no one else had told me that I had to go to a
23 meeting somewhere.

24 MR. DUTERTRE: (Interpretation)

25 Q. How did Logo have your name? How did he come to know your name,

1 Madam Witness? You did not know him before.

2 A. It is not for me to know that. It is possible for someone to
3 know you without your knowing him. I did not know how he got to know my
4 name.

5 Q. Madam Witness, you did not know Logo. He came and you saw in
6 your house, if I understand you correctly. Surely you asked him how he
7 had come to see you and why. Is that correct, Madam Witness?

8 A. I have just told you that he did not come specifically to look
9 for me at home. He was just passing by and he asked me questions.

10 Q. Madam Witness, if I understand your testimony correctly, it was
11 absolutely by chance that he passed by your house; is that your
12 testimony?

13 A. I cannot know that. He was not in the habit of coming to the
14 house. He was passing by. Maybe that was part of his investigation.

15 (Prosecution counsel confer)

16 MR. DUTERTRE: (Interpretation)

17 Q. He did not normally come to your house, so he must have come
18 there for a specific purpose. He did not just come to your house by
19 chance; isn't that so, Madam Witness?

20 A. I cannot know that.

21 Q. But you know that he was carrying out his investigation; isn't
22 that so?

23 A. How would I know that? That is his business. I do not know
24 whether he was carrying out his investigation or not. I had never heard
25 about that.

1 Q. Madam Witness, how long was this before the meeting with the
2 white people and Logo that you have talked about, that is, how long was
3 it between the time Logo came to your house and that meeting?

4 A. When he came to the house, it was around 11.00 a.m. He asked me
5 whether I would accept an invitation to go somewhere. I said "yes," and
6 at 2.00 p.m. he came and took me. So this happened on the same day.

7 Q. Madam Witness, how did he invite you? He must have given you
8 details about what this invitation was all about; is that correct?

9 A. This is what I told you. He asked me if I had some information
10 about the events that I lived through during the time of the war, and I
11 told him yes, that was possible because I was in the village at the time.
12 This is all he told me.

13 MR. DUTERTRE: (Interpretation) I have some minor technical
14 problems with the transcript, your Honour, and that is why I have to do
15 some manipulation.

16 PRESIDING JUDGE COTTE: (Interpretation) For the time being, the
17 transcript stopped on page 39, line 11.

18 MR. DUTERTRE: (Interpretation) I think I have a problem with
19 scrolling. It is beyond my technical ability.

20 PRESIDING JUDGE COTTE: (Interpretation) Well, it seems to be a
21 problem with you only because everything is normal with the rest of us.

22 Shall we call a technician?

23 MR. DUTERTRE: (Interpretation) Your Honour, I will rely on my
24 colleague's monitor. It may not be a very practical solution, but I have
25 no other choice.

1 PRESIDING JUDGE COTTE: (Interpretation) Well, Prosecutor, we'll
2 let you carry on with your cross-examination, although the Chamber is at
3 pains to understand the objective you seek to attain with these
4 repetitive questions on the same subject matter. However, you apparently
5 have an objective in view. We are trying to understand what objective --
6 what that objective is and we are not able to. Please help us through
7 the questions that you put to the witness to understand what your
8 objective is. That said, you have the floor.

9 MR. DUTERTRE: (Interpretation) Thank you, your Honour.
10 Sometimes it's only at the end that you can see the overall objective.

11 PRESIDING JUDGE COTTE: (Interpretation) Well, we are still
12 looking at the pieces of the puzzle you are trying to put together.

13 MR. DUTERTRE: (Interpretation)

14 Q. Witness, were you not curious? Didn't you ask Jean Logo what you
15 were going to do at that meeting?

16 A. No.

17 Q. Madam, once more, who gave Logo your name?

18 MR. HOOPER: This has been asked a number of times. The witness
19 says "I don't know," but if my friend wants to ask me I can tell him.

20 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, my
21 objective when I made an observation a short while ago was not to get
22 Mr. Hooper's reaction which is relevant. Whatever the case, we are still
23 trying to understand the objective of the questions you are putting to
24 the witness. There's a bit of repetition here. Without having to put
25 the question to Mr. Hooper, who is not sitting in the witness box, and

1 given the answers which the witness has been giving to you - which are
2 precise and which sometimes show that she cannot provide you more
3 information - you should try to put your questions to her more clearly.
4 You may proceed.

5 MR. DUTERTRE: (Interpretation)

6 Q. Madam Witness, it was a member of Germain Katanga's family who
7 gave your name to Jean Logo; is that correct?

8 MR. HOOPER: Well, she said she doesn't know, so is it really
9 worth pursuing this particular line? If my friend wants to know, I can
10 tell him.

11 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, you
12 should answer that last question put by the Prosecutor, and if he deems
13 it necessary to put a direct question to Mr. Hooper he will do that.

14 Madam Witness, try to delve deep down into your memory, as you
15 have been doing so far, and you answer the Prosecutor's question so that
16 we can gain time.

17 THE WITNESS: (Interpretation) I have already answered this
18 question, and this is what I said: I do not know who gave my name to
19 Logo. I really do not know who gave my name to Logo. There are people
20 who know me. Maybe they heard mention of me somewhere. I really don't
21 know.

22 MR. DUTERTRE: (Interpretation)

23 Q. During that first interview with Sophie, Caroline, and Logo a
24 certain number of questions were put to you, Madam Witness; is that
25 right?

1 A. Yes.

2 Q. And those who put those questions to you were making a written
3 record of your answers; is that right?

4 A. Yes.

5 Q. You did not see their written notes? You did not read them,
6 Madam Witness, did you?

7 A. No, I did not read them.

8 Q. And direct questions were put to you that would say such and such
9 a person did such and such a thing, for example, was that the case?

10 A. I do not know.

11 Q. You talked about four meetings in all. When did the second
12 meeting take place? The first one took place in October or November
13 2009. When did the second one take place?

14 A. This is what I told you. When I was invited on the ninth month I
15 went there and we had a discussion which ended the next day, that was, in
16 the ninth month. We had a discussion that lasted for two days. I was
17 invited a second time and that happened this year. I already had a baby
18 who was almost one month old. I would say that was the third meeting.

19 Q. So in 2009 you talked about two meetings because the discussions
20 took place over a period of two days?

21 A. Yes.

22 Q. And you had a third meeting when your baby was aged one month,
23 and this was at the beginning of the year 2011; is that correct,

24 Madam Witness?

25 A. Yes. The last meeting took place in 2011.

1 Q. And where did this take place, I'm referring to the last meeting,
2 when or where did it take place?

3 A. It was in Bunia. He came to our home.

4 Q. When you say "he came to our home," who is "he"?

5 A. Mr. Logo.

6 Q. When you talk about your home you are referring to your house,
7 like the first time; is that correct?

8 A. Yes.

9 Q. When you say "he," would I be right to say that Logo was alone at
10 that point in time?

11 A. He came to my home. He took me and we went together to meet the
12 people who were writing down what I said. I will say the following, we
13 went to see the white person or people at a particular location.

14 Q. The white person you are referring to, who is this person? Could
15 you provide us with that person's name?

16 A. It was Madam Caroline, Mr. David, as well as Logo himself.

17 Q. And how long did that meeting last, Madam Witness?

18 A. On the first day I was not able to talk because the child was
19 crying. I went there the following day and we had a discussion. I do
20 not know how much time we spent together because I had no watch.

21 Q. Madam Witness, later on you had another meeting; is that correct?

22 A. Yes.

23 Q. And you met Mr. O'Shea as well; is that right?

24 A. I do not recognise the name "O'Shea." Could you add a second
25 name to that, please?

- 1 Q. Madam, I'm referring to the person who is seated behind
2 Mr. David. You met him, didn't you?
- 3 A. Yes, I do remember.
- 4 Q. And this was in the month of April; is that right, Madam Witness?
- 5 A. Yes.
- 6 Q. In which town was this, Madam Witness?
- 7 A. It was in the town of Bunia.
- 8 Q. Who else was in attendance at that meeting with Mr. O'Shea,
9 Madam Witness?
- 10 A. There was Mr. Logo as well as himself.
- 11 Q. And it was on that occasion that you signed your statement; is
12 that right, Madam Witness?
- 13 A. Yes.
- 14 Q. Madam Witness, your written statement is about 14 to 15 pages
15 long, so that meeting must have lasted for several days; is that correct?
- 16 A. No, I don't know what procedure they used to record my statement.
17 I usually arrived at the venue of the meeting, questions were put to me,
18 and I would answer the questions. I don't know what procedure or what
19 method they used to record my statement.
- 20 Q. But when you met Mr. O'Shea and Mr. Logo in April, the whole
21 encounter lasted for several days; is that right, Madam Witness?
- 22 A. No, it did not last for several days.
- 23 Q. But when you signed your statement, it was already ready,
24 typewritten; is that right, Madam Witness?
- 25 A. Yes.

1 Q. And you had seen it previously, Madam Witness, I suppose?

2 A. Yes. It was near the white people. I really don't know how to
3 answer that question.

4 Q. Was that statement written -- or rather, was that statement read
5 out to you in French and interpreted into Swahili, Madam Witness?

6 A. That statement was read out to me here and the interpreter was
7 translating it into Lingala.

8 Q. Do I understand correctly that this statement was not read out to
9 you in April when you signed it?

10 A. I don't know. Maybe I've forgotten. Maybe the statement was
11 read out to me. I no longer remember.

12 Q. So you initialled all the pages of the statement; is that
13 correct, Madam Witness?

14 A. Yes.

15 Q. How many times did you meet Jean Logo alone, Madam Witness?

16 A. I met Logo on several occasions. Sometimes he would be going by
17 and I would say hello to him. I don't know how many times I met him, but
18 I did see him on several occasions.

19 Q. But this was before he came to your home for the first time to
20 invite you, Madam Witness; is that the case?

21 A. I have not understood your question.

22 Q. When you used to meet Logo and you say "hello" to him, was this
23 before he came to your home in 2009 to invite you to that first meeting,
24 Madam Witness?

25 A. No. It was after the meeting. Sometimes he would just be

1 passing by and I would say "hello" because that was somebody I knew.

2 Q. Madam Witness, I'm going to change subjects here. You said that
3 you had --

4 MR. HOOPER: Before we change subjects, I assume now my friend's
5 at the end, and so I'm just wondering what the point of all of that was.
6 We've spent almost an hour there. What's the point?

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, I am
8 expecting an answer from you. You are certainly going to say that you
9 don't have an answer to give to the Defence, but you will have noticed
10 that on two occasions the Bench intervened. We understood the relevance
11 of the last answers given by the witness, but we had the impression that
12 there was an avalanche of questions whose relevance we honestly did not
13 see and we wish to ensure equality of arms here. We do not want to
14 favour one side or the other. For the past 40 or 50 minutes we have been
15 sitting in this chamber and we would like you to help us to have the
16 impression that we have spent the 40 minutes usefully. Before the end of
17 your cross-examination, you should try to enlighten us, but you can
18 proceed if you think you can address this matter later on. You are in
19 charge of this cross-examination, but everyone is taking the floor here
20 to enlighten the Judges. And when the Judges explain that they have
21 concerns about certain manners of procedure, then the Bench needs to be
22 enlightened.

23 Prosecutor.

24 MR. DUTERTRE: (Interpretation) The Judges are going to be
25 enlightened, your Honour.

1 Q. Madam Witness, you said that you had the opportunity to meet
2 Francine in the Kindia neighbourhood in Bunia; is that right? You
3 certainly had information or news of Germain Katanga; is that right,
4 Madam Witness?

5 A. No.

6 Q. So when you met Francine you didn't ask her about
7 Germain Katanga, how he was doing at The Hague?

8 A. How could I ask her such questions, given that she was not coming
9 from The Hague? I don't even know whether they are in the habit of
10 discussing with each other. I cannot put such questions to her because
11 we have not seen Germain for a long time, we have not heard any news
12 about him for a long time. There was no need for me to put such
13 questions to her.

14 Q. But you knew that Germain was in contact with his family, didn't
15 you?

16 A. That may be the case, but personally I really don't know.

17 Q. Madam Witness, I'm going to change subjects once more. There
18 were children, that is, child soldiers below the age of 15 in the militia
19 in Ituri, in the militias in Ituri; is that right?

20 A. I do not know. I did not know the ages of various militia
21 members.

22 Q. However, you did see certain children with weapons in Bavi,
23 didn't you, Madam Witness?

24 A. Yes. In Bavi there were children who carried weapons, but it was
25 difficult for me to say whether they were children or adults. But in any

1 case, these were people or short people.

2 Q. Madam, you come from Ituri. You are able to make a distinction
3 between an adult and a child, aren't you? You yourself have children.
4 You are able to make a distinction between a child and an adult, can't
5 you?

6 A. You know, you can look at someone and it will be difficult for
7 you to tell whether they are adult or children. There are people who
8 look small but who are really adults and there are tall people who are
9 minors.

10 Q. Madam, in your statement, page 14, paragraph 3, you say the
11 following:

12 "I saw a few children with weapons in Bavi."

13 That is indeed your statement, Madam Witness; is that not the
14 case?

15 A. Yes.

16 MR. HOOPER: (Previous translation continues) ...

17 PRESIDING JUDGE COTTE: (Interpretation) Provide the witness
18 with the statement.

19 THE INTERPRETER: The English booth cannot hear what the Judge is
20 saying.

21 PRESIDING JUDGE COTTE: (Interpretation) Could the statement be
22 given to the witness, opened at paragraph 14.

23 MR. DUTERTRE: (Interpretation) I have the statement here.

24 PRESIDING JUDGE COTTE: (Interpretation) That's very kind.

25 Court Usher, open page 14 and show the witness the relevant line.

1 That is, the line which the Prosecutor read out and I think he is going
2 to read out again.

3 MR. DUTERTRE: (Interpretation) I will read it out in its
4 entirety.

5 PRESIDING JUDGE COTTE: (Interpretation) Page 12 -- sorry, lines
6 12 or 13. The Prosecutor is going to read it out so that we are sure
7 that what he reads tallies with what you effectively said.

8 MR. DUTERTRE: (Interpretation) Paragraph 3.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well. Just before
10 the paragraph which is entitled "The Mobilisation." Prosecutor, you
11 should read it out. The witness has the statement before her.

12 MR. DUTERTRE: (Interpretation)

13 Q. Madam Witness, in this statement you say the following:

14 "I did not see any children with weapons in Aveba, but I did see
15 some children with weapons in Bavi."

16 You are indeed talking about children in this paragraph, aren't
17 you, Madam Witness?

18 A. Yes, I have seen the paragraph.

19 Q. And you saw children with uniforms in the BCA camp, didn't you,
20 Madam Witness?

21 A. Yes, I saw that. Yes, some children were in uniform because they
22 didn't have any clothes -- or any other clothes.

23 Q. Why did you add that point about they didn't have any clothes?
24 That wasn't the question I asked, Madam Witness.

25 A. I answered you and I gave you the reason for it.

Witness: Witness DRC-D02-P-0161 (Resumed) (Private Session)
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1 Q. In Aveba there was a demobilisation site going from 2003 to 2004,
2 to June 2004, wasn't there?

3 A. Yes, yes, there was that site.

4 Q. And it wasn't just for adults, it was also for children, wasn't
5 it, Madam Witness?

6 A. Yes.

7 MR. DUTERTRE: (Interpretation) I would like to go briefly into
8 private session, your Honour.

9 PRESIDING JUDGE COTTE: (Interpretation) Fine.
10 Court Officer, please.

11 THE INTERPRETER: The English booth is correcting the dates for
12 the question: It was November 2004 to June 2005.

13 (Private session at 10.02 a.m.)

14 (Expunged)

15 (Expunged)

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Witness: Witness DRC-D02-P-0161 (Resumed) (Private Session)
Questioned by Mr. Dutertre (Continued)

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Page 21 expunged. Private session.

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 10.07 a.m.)

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

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

9 And I think we can take the time to look at the transcript to see
10 if we could perhaps reclassify one part of what was discussed with
11 reservation of the names of certain organisations, but for the moment we
12 can continue.

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

14 Q. Now, you were demobilised in Bunia in 2006, but you were never a
15 combatant, were you, Madam Witness?

16 A. That's right.

17 Q. And you were asked whether you were a soldier at the time of
18 demobilisation and you answered "yes," didn't you, Madam Witness?

19 A. Yes.

20 Q. You lied, didn't you, Madam Witness?

21 A. Yes, I lied. A lot of people went into that site even though
22 they weren't soldiers. I have told you that a lot of people lied and
23 pretended they had been soldiers when it wasn't the case.

24 Q. My question was very simple. I asked you if you had lied. I
25 didn't ask you if other people had lied. Now, you lied, didn't you,

1 Madam Witness?

2 JUDGE DIARRA: (Interpretation) Your Honour, I don't understand
3 this. He asked were you demobilised. She said "yes." He said you
4 weren't a soldier. She said yes. And now she's asked if she was lying.
5 Does she have to insult herself to continue this?

6 MR. DUTERTRE: (Interpretation) I shall ignore that question.

7 PRESIDING JUDGE COTTE: (Interpretation) Well, I think you can
8 consider that you have your answer. You don't have to insist on it.
9 Things are relatively clear, even very clear. You may proceed.

10 MR. DUTERTRE: (Interpretation).

11 Q. Now, you said, was the last paragraph, line 14, you said that you
12 came for the pleasure. Can you tell us what pleasure you were referring
13 to, the pleasure of coming and being demobilised whereas you hadn't been
14 a soldier?

15 A. I wanted to get something as other people had done the same thing
16 to get something.

17 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, we have
18 agreed that we have already had details on this point from the witness.
19 Unless I'm mistaken, I think it was during the main questioning. Because
20 if my memory serves me well we even had a figure given in dollars. So
21 the reasons which may have taken whatever person who did not have weapons
22 have already been established. I shall allow you to proceed.

23 MR. DUTERTRE: (Interpretation)

24 Q. Madam Witness, when Mr. Hooper indeed asked you about this
25 demobilisation, he asked who organised it, whether an NGO was involved.

1 And you answered that they were agents of CONADER. And Mr. Hooper asked
2 you if they were agents from CONADER or from another organisation. And
3 you said - this is your answer - "I didn't know that. I only knew that
4 they were people presenting themselves with the name 'CONADER.'"

5 Still here on the same page, 14, Madam Witness, the last
6 paragraph, you said, and I shall quote:

7 "I did my demobilisation in Bunia not in Aveba. The children
8 went to Save without weapons and I also went to Save."

9 Now, this is what you stated, isn't it, Madam Witness?

10 A. Yes.

11 Q. And you made that statement less than a month ago, Madam Witness,
12 didn't you? You signed it less than a month ago?

13 A. Yes, I signed that statement.

14 Q. You also told Mr. Hooper that you had been demobilised as an
15 adult. But, Madam Witness, Save, as you said, is Save the Children.
16 Save the Children didn't demobilise adults, it demobilised children,
17 didn't it, Madam Witness?

18 A. I said that the person -- to the person who took my statement
19 that the first time I went to Save I didn't get anything. And then there
20 was the place where adults went and handed in their weapons and they got
21 something, they got money. But for children they didn't get anything.
22 They might get a pair of shoes or something else. So I went to an adult
23 demobilisation site and I increased my age and I went in with something
24 which looked like a weapon and I was given money. So it wasn't at Save
25 the Children. I didn't get anything from Save.

1 Q. That's not in your statement. In your statement, still on the
2 same page, 14:

3 "I also went to Save. Demobilisation was with Save."

4 This is what you stated less than a month ago, isn't it,
5 Madam Witness?

6 A. I can't accept what you're suggesting there. I said I went to
7 Save and that I didn't get anything, then I went to the demobilisation
8 site for adults and I got \$410.

9 THE INTERPRETER: Message from the Swahili booth: In the last
10 answer from the witness she used a term "*makaro*" which the term is -- the
11 term is not understood by the Swahili booth. She said she left the
12 "*makaro*" in Kinshasa.

13 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, is there
14 another word which can be used to describe what you're describing with
15 the term "*makaro*"? Because the interpreters find it difficult to
16 understand this word.

17 THE WITNESS: (Interpretation) *Makaro* is a card which was given
18 to adults who were demobilised, it was given to adults who had handed in
19 weapons or something else to get payment. And when the weapon was handed
20 in, the person was given a card, and the person's photo was on it, the
21 demobilised person's photo was on it and they could get a payment.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
23 Madam Witness.

24 And thank you to the interpreters for allowing us to get that
25 detail.

1 So this is a demobilisation card you could say.

2 Prosecutor, you may proceed.

3 MR. DUTERTRE: (Interpretation)

4 Q. Now, this weapon is something new in your testimony with -- the
5 answers to Mr. Hooper the day before yesterday, it wasn't in your
6 statement.

7 A. It's not in my statement, but I'm trying to get you to understand
8 that at the Save site people didn't walk in bearing weapons, but at the
9 other demobilisation site you had to hand in something which showed that
10 the person had been a soldier. And they only accepted that the person
11 was a soldier if you brought something and then you got the
12 demobilisation card. At the Save site, children just went in empty
13 handed. Someone took me into the site. As I said, when you were a
14 soldier with something, they gave you something and then you could go and
15 get the payment. And later we had to divide up the money with the person
16 who helped you to get into the site.

17 Q. Madam Witness, what was the weapon?

18 A. I went in with munitions. That's what was given to me.

19 Q. Who gave that to you, Madam Witness?

20 A. A young man who was a combatant. He had a fire-arm and munitions
21 and he gave me the munitions. And once we got to the site I got a
22 payment which I shared with him, and he was known by the name of
23 De Centre.

24 Q. Could you give us the full name, Madam Witness?

25 A. I don't know his other name. He was only known by that name.

1 That was when he was a combatant.

2 MR. DUTERTRE: (Interpretation) I'd just like to note, your
3 Honour, that the ERN number of the page I read of the statement was
4 DRC-D02-0001-0728.

5 PRESIDING JUDGE COTTE: (Interpretation) We've noted that. You
6 may proceed.

7 (Prosecution counsel confer)

8 MR. DUTERTRE: (Interpretation)

9 Q. I'm going to change subject, Madam Witness. On the day of the
10 attack on Bogoro you were in Aveba, weren't you?

11 A. Yes.

12 Q. Madam Witness, in your statement on page 5 at the bottom, you
13 said:

14 "I don't know if Germain went off to Bogoro."

15 Now, Madam Witness, you're protecting Germain Katanga, aren't
16 you?

17 MR. HOOPER: (Previous translation continues) ...

18 MR. DUTERTRE: (Interpretation) She has the statement.

19 PRESIDING JUDGE COTTE: (Interpretation) Excuse me, excuse me.
20 I haven't understood what Mr. Hooper said. I am -- I was listening to
21 Mr. Dutertre and I didn't hear your intervention, Mr. Hooper.

22 MR. HOOPER: It's just with all the Court furniture in front of
23 the witness I can't see whether she actually has the statement. If she
24 has, she should be taken to the line.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you, thank you.

1 Yes, Prosecutor, we're on the attack on Bogoro on page 5 and
2 you're not really referring to the -- what the witness said but you're
3 asking a question which if I have got it here in front of me was the
4 following on page 27 in the -- line 11 in the provisional French
5 transcript:

6 "In your statement, page 5, at the bottom you said: 'I don't
7 know if Germain went to Bogoro.'"

8 So you can see, Madam Witness, what the Prosecutor has just said,
9 we're referring to the last paragraph of page 5, the first line, and
10 there is a question which the Prosecutor has asked or has made a
11 statement in guise of a question. And he said on line 14:

12 "Madam Witness, you're protecting Germain Katanga, aren't you?"

13 That's the question he has asked you and the Prosecutor would
14 like you to answer that. Thank you, Madam.

15 MR. DUTERTRE: (Interpretation) Perhaps I can recap the
16 question.

17 PRESIDING JUDGE COTTE: (Interpretation) Well, I've just done
18 it, but if you would like to phrase it in a more accurate way then
19 perhaps the witness could give you a more complete answer. You may
20 proceed.

21 MR. DUTERTRE: (Interpretation) I shall specify the date.

22 Q. Now, we're talking about the attack on the 24th of February,
23 2003, Madam Witness, the attack on Bogoro. And in your written statement
24 you say:

25 "I don't know if Germain went to Bogoro."

1 Now you're protecting Germain Katanga, aren't you, Madam Witness?

2 A. No, I'm not protecting Germain. I have given you my answer. I
3 cannot say that Germain was involved in the battle when I'm not sure that
4 he went there. I wasn't at the camp and couldn't tell you if Germain
5 went off to the front or not.

6 Q. Madam Witness, you know Denise very well, you know Germain very
7 well, you were in Aveba at the time, and you say:

8 "I don't know if Germain went to Bogoro."

9 Is that what you're stating in evidence, Madam Witness?

10 A. Well, while I knew Denise and Germain, I couldn't know everything
11 that went on in their place. Denise didn't have to tell me everything.
12 She didn't have to tell me where her husband went and I didn't have the
13 time to ask that sort of question.

14 Q. Madam, from August 2002 to February 2003, Bogoro was a UPC hold,
15 wasn't it?

16 A. Could you please restate your question.

17 Q. Until the battle of the 24th of February, 2003, Bogoro was held
18 by the UPC, wasn't it, Madam Witness?

19 A. You talked about August 2003?

20 Q. No, I talked about August 2002 and I said until the 24th of
21 February, 2003, Bogoro was held by the UPC, wasn't it, Madam?

22 A. Yes.

23 Q. And UPC controlled the road from Kasenyi to Bogoro -- to Bunia?

24 A. Well, that should be the case but I don't know much about that
25 road because I didn't travel much.

1 Q. And it was difficult to get supplies into the Walendu-Bindi
2 *collectivité*, wasn't it?

3 A. That's right.

4 Q. And people suffered, life was tough, because of the control,
5 wasn't it, Madam Witness -- it was under the control of the
6 Walendu-Bindi?

7 A. Yes.

8 Q. And there were attacks by UPC, weren't there?

9 A. Yes.

10 Q. And you heard people talking about Bogoro and the UPC and the
11 need to get the UPC out of Bogoro, didn't you?

12 A. What did you say?

13 Q. I'll repeat my question which was very simple. In Aveba you
14 obviously heard about people talking about Bogoro and the UPC and saying
15 that it was necessary to drive the UPC out of Bogoro; isn't that so,
16 Madam Witness?

17 A. Which people are you talking about? The people who were saying
18 this, were they talking about -- are you talking about civilians or
19 soldiers?

20 Q. It was well-known, Madam Witness, everyone was talking about
21 that.

22 MR. HOOPER: Again you see we're drifting into that process of
23 making assertions for which the Prosecution perhaps has or has not a
24 foundation. We don't know what it is. And it wasn't a simple question
25 to the witness, so perhaps it could be rephrased in a more helpful

1 manner -- it's another -- it's the other side of the coin of speculation,
2 isn't it. You can equally say weren't people thinking that or the like.
3 This is another form of putting it so that it sounds a little less
4 speculative as a question. I'm not objecting to that necessarily, but at
5 least it needs to be put clearly.

6 MR. DUTERTRE: (Interpretation) It's not speculative. This was
7 a simple question that the witness can answer, that is, to know whether
8 in Aveba people talked about the UPC and Bogoro and the necessity to
9 drive the UPC out of Bogoro.

10 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, please
11 continue but bear in mind the necessity to ensure that the witness can
12 provide to us here clear, constructive, and useful answers. Please
13 proceed.

14 MR. DUTERTRE: (Interpretation)

15 Q. Madam Witness, in Aveba people were talking about the necessity
16 to drive the UPC out of Bogoro; isn't that so?

17 A. Personally, I did not hear about that so I do not know.

18 Q. Madam Witness, the UPC was a strong force, a major force, in
19 Bogoro; correct?

20 MR. HOOPER: Well, again, we all know and we've been very
21 attentive, I'm sure, to the background to this problem. But with a
22 witness like this the question is: Well, did she ever see the UPC?
23 What's her knowledge of the UPC? Did she go to Bogoro at the time? Did
24 she see them later in Bunia? And I won't say any more than that, but I
25 would be speculating what she might say. But I merely underscore that,

1 you know, using a witness really as a hook on which to hang other matters
2 which are perhaps better addressed and have been better addressed perhaps
3 by other witnesses is not necessarily performing a service to the Chamber
4 or really using the witness appropriately.

5 MR. DUTERTRE: (Interpretation) Your Honour.

6 PRESIDING JUDGE COTTE: (Interpretation) Yes, Prosecutor.

7 MR. DUTERTRE: (Interpretation) During her testimony the witness
8 has shown us that she knows many things. These are important issues and
9 it is absolutely legitimate for the Prosecutor to ask such questions
10 without Mr. Hooper interrupting unnecessarily. We should have the
11 possibility to conclude our cross-examination and Mr. Hooper can come
12 back to what he wishes in re-examination.

13 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor,
14 Germain Katanga's Defence has risen on two or three occasions but
15 belatedly. The cross-examination allows you the latitude to ask your
16 questions freely. However, there are certain questions that are general,
17 but you should bear in mind the age of the witness at the time of the
18 events. And so general questions such as whether the UPC was a major
19 force -- well, maybe the witness has heard about things like that
20 afterwards, but it is important to try to figure out whether she might
21 have been aware of that at that time, given that she was relatively
22 young. So bearing that in mind, please proceed.

23 MR. DUTERTRE: (Interpretation) Once again I've lost the
24 transcript.

25 PRESIDING JUDGE COTTE: (Interpretation) This is really

1 irritating, particularly when your cross-examination is difficult. But
2 the Court Usher will help you.

3 MR. DUTERTRE: (Interpretation)

4 Q. Madam Witness, you certainly heard about the attacks in Mandro
5 and Bunia; is that correct?

6 A. I did not hear about them. It was only when the war was ongoing
7 during the fighting that I would hear that there was fighting here and
8 there, but when there was no fighting I did not hear anyone saying that
9 there was a battle in such and such a locality.

10 Q. Madam Witness, on page 6, paragraph 2, of your statement you
11 state that:

12 "I also heard about the Mandro and Bunia attacks."

13 This is indeed your statement; correct?

14 MR. HOOPER: Again, please, refer the witness to the relevant
15 part of her statement if the statement itself is being referred to.

16 PRESIDING JUDGE COTTE: (Interpretation) Yes, it seemed to me
17 that that was done. You mentioned the page, Mr. Dutertre.

18 MR. DUTERTRE: (Interpretation) Page 6, paragraph 2. I believe
19 I said that.

20 PRESIDING JUDGE COTTE: (Interpretation) Very well. I think we
21 were probably not paying attention.

22 So, Court Usher, please help the witness to locate page 6 and the
23 paragraph that Mr. Dutertre has referred to.

24 Madam Witness, take the time to read that paragraph and then
25 Mr. Dutertre will repeat his question.

1 MR. DUTERTRE: (Interpretation)

2 Q. Madam Witness in that paragraph you say:

3 "I also heard about the Mandro and Bunia attacks. At that time I
4 was still studying. The Bunia attack was launched by combatants. They
5 chased the UPC out of Bunia."

6 This is what your statement, isn't it, Madam Witness?

7 A. Yes, I understand. When I said that I heard about the attacks I
8 was not talking about the planning. I simply heard that there had been
9 fighting in Mandro shortly after the battle of Bunia when the UPC was
10 driven out, but I did not hear about the planning or preparation of that
11 war. So I heard about the attack without having ever heard about the
12 planning.

13 Q. We do agree that the Mandro attack took place before Bunia, don't
14 we, Madam Witness?

15 A. Yes. The Mandro battle took place before that of Bunia, but I do
16 not know how those attacks were planned. Upon reflection, I said that I
17 heard that there was war in Mandro and Bunia, but I do not know whether
18 those attacks were planned in Aveba or somewhere else,* and I did not know who
19 had carried out the attacks. I believe my statement is clear.

20 Q. Madam Witness, you can set that statement aside so as not to be
21 distracted. In any case, you know that it was the combatants who carried
22 out the Mandro attack, don't you, Madam Witness?

23 A. Yes, I know that it was the combatants.

24 Q. And when we talk about combatants, it was the Lendu Ngiti
25 combatants; isn't that so, Madam Witness?

1 A. In my statement I did not talk about Lendus or Ngitis. Clearly,
2 I simply mentioned combatants without specifying on which side they were
3 coming from.

4 MR. FOFÉ: (Interpretation) I'm sorry, your Honour, I simply
5 want to point out that it will be necessary to cross-check the witness's
6 answer on page 34, lines 20 to 26.

7 PRESIDING JUDGE COTTE: (Interpretation) 21.

8 MR. FOFÉ: (Interpretation) 21 to 26, this could be
9 cross-checked later because I think there is an important aspect that was
10 omitted in the transcript. Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you. When the
12 final version will be prepared, those lines, 21 to 26, should be
13 cross-checked very carefully. We would like to thank the court reporters
14 in advance.

15 Mr. Prosecutor, please proceed.

16 MR. DUTERTRE: (Interpretation)

17 Q. Madam Witness, you are telling us that you do not know whether it
18 was the Lendu Ngiti combatants who attacked Mandro; is that your
19 testimony?

20 A. That is not what I'm saying. I talked about combatants, but I
21 did not know every detail. I was not there during the fighting for me to
22 be able to know whether they were Lendus or Ngitis. I was not supposed
23 to know and I do not know.

24 Q. But you know that there were combatants who left Aveba to go and
25 attack Mandro, don't you, Madam Witness?

1 A. I did not know that.

2 Q. This was an event that was well-known, the Mandro attack, it was
3 a major battle, wasn't it, Madam Witness?

4 A. This was known by everyone, but I have just told you that I do
5 not know whether those people came from Aveba or from elsewhere. I did
6 not know and I was not in a position to know because I was neither a
7 soldier nor was I married to one.

8 Q. But, Madam Witness, at that time you were in Aveba. You knew who
9 was leaving from Aveba or coming to Aveba. That's where you lived;
10 correct?

11 A. Yes, I was living in Aveba. But when the soldiers went to battle
12 I was not aware.

13 Q. You were living not far away from the BCA camp; isn't that
14 correct, Madam Witness?

15 A. I was not living far from the camp, but it was not inside the
16 camp.

17 Q. Madam Witness, the reason why you are not answering these
18 questions is because you want to protect Germain Katanga; isn't that
19 correct, Madam Witness?

20 MR. HOOPER: Can I just say that there's not been one shred of
21 evidence led by the Prosecution in this case when soldiers left Aveba for
22 Mandro, not one shred. So it's very important in that kind of situation
23 that a witness should not be misled. The Prosecution shouldn't reach
24 further than they have an acceptable basis to do so, and there's
25 absolutely no basis here for what's just been asserted and it misleads

1 the Chamber. The Chamber may think that sometime in the distant past
2 there may have been a witness who said that.

3 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please be
4 reassured that the Bench is very vigilant. We have realised that on line
5 26 of page 36, the witness answered with a categoric "no" without any
6 addition to the question that was put to her.

7 Mr. Prosecutor, you are in cross-examination. We do not wish to
8 intervene more than necessary, but we believe that there has to be a
9 balance between quality and usefulness on the one hand and the time used
10 on the other hand. So please do not forget that. The cross-examination
11 should be carried out as provided for in decision 1665, but you can use
12 your time the way you wish. I said some time ago that the time was 120
13 hours, but based on a certain number of witnesses. Five of the witnesses
14 have been withdrawn, one by Mr. Ngudjolo's Defence and the others by
15 Mr. Hooper because he has decided not to call them. So you have to bear
16 in mind the time that was allocated which may change because of the
17 number of witnesses. So please proceed with that in mind.

18 MR. DUTERTRE: (Interpretation) Yes, your Honour, but I did not
19 quite understand Mr. Hooper's intervention.

20 Q. Madam Witness, according to your testimony today you were not
21 aware that militiamen left Aveba to go and attack Mandro; is that your
22 testimony today?

23 MR. HOOPER: Well, I'll say it again. There's not one piece of
24 evidence that soldiers left Aveba to attack Mandro. We've heard evidence
25 that soldiers at Bogoro who happened to be there went up the hill, but

1 we've not heard what has just been asserted. So it's misleading the
2 witness, it's misleading us this side of the Court. And in a case of
3 this size it's, in my submission, important for the Prosecution to be
4 attentive to what their case is, to what they've demonstrated or may have
5 demonstrated and not to go further than that, and certainly not to use a
6 witness like this to hang -- to use her as a hook, perhaps, to -- to
7 perhaps fall in with what the Prosecutor is saying, is asserting in a
8 confident manner when there isn't a shred of evidence of it in the case.

9 MR. DUTERTRE: (Interpretation) I will rephrase my question.

10 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, what is
11 important is to better understand what the witness is in a position to
12 tell you and to tell us. We understand the importance of those questions
13 to the OTP, but do not ask too many questions that may likely not provide
14 any useful answers from the witness. Please continue.

15 MR. DUTERTRE: (Interpretation)

16 Q. Madam Witness, is your testimony today that you are not aware
17 that militiamen from Aveba were involved in the Mandro battle; is that
18 your testimony today?

19 A. I have told you that I have no idea about that. What else do you
20 want me to tell you? I do not know.

21 MR. DUTERTRE: (Interpretation) I have no further questions,
22 Mr. President, your Honours.

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

25 Now, Mr. Gilissen had submitted to the Chamber and to the Defence

1 team a filing in which he requested to ask a few questions.

2 Mr. Gilissen, in light of the questions put in cross-examination
3 by Mr. Dutertre, you will decide whether your questions are still
4 relevant or whether the answers of the witness may lead you to put
5 different questions to the witness. You can now begin.

6 MR. GILISSEN: (Interpretation) Thank you, Your Honours.

7 Questioned by Mr. Gilissen:

8 Q. Good morning, Madam Witness. I am Jean-Louis Gilissen from the
9 Liège bar in Belgium, and in this trial I am representing the interests
10 of a group of child soldiers. This is my role. I wish you a good day.
11 I was listening to you with keen interest and I thank you for all the
12 information that you have already provided to us in this courtroom which
13 will enable us, that is those of us who were not present during the
14 events, to better understand what could have happened during that time in
15 the history of Ituri.

16 Madam Witness, I wanted to ask you questions about the visits
17 that you made to the BCA camp in Aveba. You discussed that in transcript
18 number 268, page 62, lines 11 onwards, and you also discussed that today
19 as well as the visits that you made there. That is of great interest to
20 us. Madam Witness, when you visited the BCA camp can you confirm to us
21 what you said a short while ago, that is, that you saw children present
22 in that camp?

23 A. Yes. There were children who were living in the camp.

24 Q. Thank you very much. You stated that you saw children in the
25 camp. You have confirmed that you saw children living there. A short

1 while ago you said that you saw children in uniform - I stand to be
2 corrected - but I think it is page 19, last line, and page 20 of the
3 English. And you told us that these were children who had not had any
4 clothes. And what I would like to know is: How did you get to know
5 this? Who told you that those children had not had any clothes?

6 A. Usually the majority of the children who were in the camp did not
7 have any families. Some of them were there with their elder brothers in
8 the camp and who sometimes wore military jackets or shirts. That is why
9 I said that I saw children wearing a shirt or -- a military shirt or
10 jacket. No one told me that. I'm simply telling you what I myself
11 observed.

12 Q. Thank you very much for that answer. So this was a personal
13 conclusion that you reached; that is, the fact that children who were
14 wearing some clothes that were military in nature were probably children
15 who had no clothes?

16 A. Yes. This is a personal conclusion that I reached. I told
17 myself that those children were wearing those clothes because they did
18 not have other clothes, but I did not know whether they were soldiers or
19 not. I did not know.

20 Q. Madam Witness, I would have also wished to know from you whether
21 you know whether in Aveba there might have been a demobilisation centre
22 which took care of child soldiers or the children of militiamen -- or
23 rather, of the children in the militias?

24 A. Yes, I have already told you. There was the Safe organisation in
25 Aveba, S-a-f-e.

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1 PRESIDING JUDGE COTTE: (Interpretation) Mr. Gilissen, we will
2 ask you to kindly ask the rest of your questions after the break because
3 if you do so now you will have just very quick answers.

4 MR. GILISSEN: (Interpretation) That is all right, your Honour.

5 PRESIDING JUDGE COTTE: (Interpretation) Very well, you will
6 continue after the break.

7 Madam Witness, we are going to break for 30 minutes which should
8 enable you to rest, then we will continue with Mr. Gilissen and maybe
9 Mr. Luvengika. The Bench may also have some minor clarification to seek
10 from you, and then Mr. Fofé and Mr. Hooper will have their final remarks.

11 Court Officer, let us go into closed session to allow the witness
12 to leave the room.

13 (Closed session at 10.59 a.m.)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Open session at 11.00 a.m.)

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

25 PRESIDING JUDGE COTTE: (Interpretation) The hearing is

Witness: Witness DRC-D02-P-0161 (Resumed) (Closed Session)
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- 1 suspended. We will continue at 11.30 a.m.
- 2 Recess taken at 11.00 a.m.
- 3 On resuming at 11.35 a.m.
- 4 (Closed session)
- 5 (Expunged)
- 6 (Expunged)
- 7 (Expunged)
- 8 (Expunged)
- 9 (Expunged)
- 10 (Expunged)
- 11 (Open session at 11.37 a.m.)
- 12 COURT OFFICER: (Interpretation) Your Honour, we're in open
- 13 session.
- 14 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
- 15 Court Officer.
- 16 Madam Witness, can you hear me?
- 17 THE WITNESS: (Interpretation) Yes, I can.
- 18 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
- 19 Mr. Gilissen, do you have other questions for the witness?
- 20 MR. GILISSEN: (Interpretation) Thank you, your Honour. I have
- 21 a few questions. They will not take much time. There are only two
- 22 subjects which relate directly to the victims whom I represent. It
- 23 shouldn't take long.
- 24 Q. Good morning once more, Madam Witness. I hope you are fine and I
- 25 hope that the baby is doing fine.

1 Madam Witness, before the break we were discussing the presence
2 in the military camp of children in uniform, children who were not
3 always -- well, who were living in some of these camps, some of them with
4 their parents. I have moved on to another subject which was of interest
5 to me, and I would like to thank you for the assistance you are going to
6 provide. And this has to do with the presence in Aveba of a
7 demobilisation centre which dealt mainly with young combatants.

8 You did confirm that such a centre was in existence and that it
9 worked with children. You know Aveba well. You've lived there for a
10 long time. You know many people there and you have much information
11 about the place. Could you please tell us whether or not some of the
12 children who were in the camp, some who were living there and who were in
13 uniform, whether or not some of these children went through the
14 demobilisation centre in Aveba?

15 A. I am not in a position to know because I was not in those
16 centres. All I know is that a good number of children went through that
17 centre. Some of them actually went through this centre and they were not
18 in uniform.

19 Q. Thank you very much. I am interested in the demobilisation
20 process. If I understood you correctly, on two occasions you went
21 through that demobilisation process. I think that's what I understood
22 from what you told us, but I would like to get confirmation from you.
23 The first time you went there, you went there in your capacity as a young
24 combatant; and the second time you went, it was as an adult. Am I
25 correct, Madam Witness?

1 A. Yes.

2 Q. Madam Witness, the first time you went through the demobilisation
3 process you told us that you did this with the organisation Save the
4 Children. Could you please tell us when that first demobilisation took
5 place and the circumstances under which it was done?

6 A. The centre of Save the Children and the other centre for adults
7 were located in Bunia. Both centres were located in Bunia. I
8 participated in the process after I left Aveba and went to Bunia. I
9 started at the centre for Save the Children.

10 Q. Thank you, Madam Witness. So you went to the centre for
11 demobilisation of child soldiers. Why did you decide to do so? Was it
12 because of your age? I am just seeking to understand you.

13 A. I went to the centre and I told you that I went there in order to
14 obtain something. This was because many other people were going to the
15 centre as well.

16 Q. Thank you very much. I don't think I asked my question well. I
17 will try to rephrase it. At the time in 1997 you were an adult, you were
18 above the age of 18, unless I am mistaken. Why, therefore, did you go to
19 the demobilisation centre for child soldiers? That's what I'm trying to
20 understand. Was there any benefit you were going to reap from that? I
21 simply wish to obtain more information from you.

22 A. I went to that centre because it was said that the girls who went
23 to that centre were given a sewing machine. It was my intention,
24 therefore, to receive a sewing machine when I went to that centre.

25 Q. Very well. I do understand that you did not obtain what you were

1 seeking to get at the centre opened by Save the Children, so you then
2 decided to go to the centre for adults. On page 25, line 2, of the
3 English transcript you said that when you went to the centre for adults
4 you increased your real age. I find that hard to understand because at
5 the time you were of the right age and there was no reason for you to
6 lie. Could you please explain to us the real reasons for your wishing to
7 increase your age, to overstate your age?

8 A. At the demobilisation centre for adults, you needed to have the
9 required age for adults and that is the reason why I acted in that
10 manner.

11 Q. Unless I am mistaken, Madam, in the year 2006 you were of adult
12 age. There was no need for you to increase or to overstate your age.
13 That's what I'm trying to understand, what I find hard to understand.

14 A. I don't know how to answer that question.

15 Q. Thank you. I would like to know, Madam, you went through this
16 demobilisation process to which you are not entitled. You made it
17 abundantly clear. I don't want to go back to that, but what interests me
18 is the reliability or the quality of the demobilisation process. Could
19 you explain to us how it happened. You went to the centre for adults,
20 and could you therefore tell us how things went, what questions were put
21 to you, what did you say, what documents or forms did you have to
22 complete? Just give us a fair idea of what happened.

23 A. Questions were asked about the name of the person who came to the
24 centre and that person could give any name. Other questions related to
25 the age and sometimes they would ask whether or not that person had

1 served as a soldier. Those were the type of questions which were put to
2 us.

3 Q. That was all, Madam? They did not ask you the armed group you
4 belonged to? Where you served? Who your commander was? They simply
5 asked you the two questions you talked about?

6 A. Such questions were equally asked and you could give a name, just
7 any name. They would ask you which group you belonged to and after you
8 answered all those questions, they would give you something.

9 Q. If I understand you correctly, and I believe I understand you
10 correctly, Madam Witness, it was therefore very easy to get demobilised
11 and to receive the \$410 you talked about; is that the case?

12 A. I told you that a good number of the people who went to the
13 demobilisation centre were not soldiers. Those who went to those centres
14 went there because they were expected or were expecting to be given
15 something after the demobilisation, and the most important thing was the
16 weapon, which had to be handed in.

17 Q. I fully understood that and that is the point I wished to have
18 you clarify, namely, that many people who had never served as soldiers
19 were able to receive such an amount of money without any difficulty, which
20 means there must have been a problem somewhere, and this undermines the
21 seriousness of the problem. Which takes me to my next question: When
22 you presented yourself at the centre for Save the Children as a child
23 soldier, what questions were put to you and what answers did you provide
24 and what account did you invent in order to be demobilised as a child
25 soldier?

1 A. I have just told you about all the questions which were put to
2 us. They asked about your name, your identity, and we were asked whether
3 we had served as child soldiers. And when we answered all these
4 questions, that amount of money was paid to us. At the Save the Children
5 centre, those who were demobilised were not paid any money. It was at
6 the demobilisation centre for adults that money was paid after the person
7 concerned had handed over a weapon or any other item used by soldiers.

8 Q. I understand that very well, Madam, believe me, I understand that
9 very well. But what I am interested in is the answers you provided, that
10 is, you personally. When they asked you whether you had been a child
11 soldier, you answered yes; I understood that. But when you were asked
12 where did you serve as a child soldier and under whose command did you
13 serve as a child soldier, what answers did you provide to such questions?
14 That's what I wish to understand from you.

15 A. I was asked whether I had ever served as a child soldier and I
16 said "yes." Another question was asked to me about my commander. I gave
17 the name of the person who gave me the item that I handed over at that
18 centre. I gave that person's name, therefore.

19 Q. And you were not asked about where you have served as a child
20 soldier, the group you have served in? They simply accepted the name you
21 provided without requesting for further information?

22 A. I told them that my commander was the person I talked to you
23 about and that we were based in Kengelu. That is the name of the village
24 I provided in answer to that question.

25 Q. Madam, my intention here is not to make things difficult for you.

1 I am simply seeking to understand. Why did you choose Kengelu, why did
2 you provide the name of that village?

3 A. I have told you quite clearly that everyone who went to the
4 centre and who had never been a soldier would answer the questions that
5 were asked to justify themselves. If, for example, you were asked the
6 name of your commander, you had to give just any name. And I simply gave
7 the name of the person who had given me the item which I handed over.
8 And when I received the money, I shared that money with that person.
9 That is the answer I can give to your question and I have nothing else to
10 add.

11 Q. You could have said you served as a child soldier in such and
12 such a place, or some other place, maybe in Zumbe or Aveba or any other
13 place, but why did you choose Kengelu? Why that place in particular?
14 What motivated you to do so?

15 A. You asked me a question and the question was: When you were
16 asked about the place where you had served as a soldier, I gave a name.
17 But in actual fact I have never been a soldier.

18 Q. Let me try a last time, Madam. We do understand, but why did you
19 choose that particular locality, why that particular place, and no other
20 place? As you rightly said, you tried to justify your actions for
21 yourself. I understand that fully. You were trying to have yourself
22 demobilised, but why did you provide the name of that particular place?
23 Was there anything particular about that place? That's all I wish to
24 know.

25 A. I chose Kengelu because the person who gave me the item which I

1 handed over at the centre was someone who had come from Kengelu when he
2 arrived in Bunia. That is the reason why I gave the name of the village
3 Kengelu.

4 Q. That's it. Thank you very much, Madam. I do understand you now.

5 Last question. After your demobilisation you did not hear any
6 further mention of that demobilisation centre? No one came to see you to
7 follow-up, to ask you things or to tell you that they had carried out
8 verification and noticed any inconsistencies or did anything happen as a
9 result?

10 A. No. After that, there was no follow-up. After receiving the
11 money, that was it. Some people designed projects and tried to implement
12 them after receiving that amount of money.

13 Q. Thank you very much, Madam. I have no further questions for you.
14 As you can see, it was not very difficult and I would like to thank you
15 for all the information you have provided and, above all, for the
16 assistance you have provided to the Chamber.

17 MR. GILISSEN: (Interpretation) Thank you very much, your
18 Honour.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
20 Mr. Gilissen.

21 Mr. Luvengika, the examinations-in-chief, the cross-examination,
22 did all of that prompt any questions in your mind? We are listening to
23 you.

24 MR. LUVENGIKA: (Interpretation) Thank you, Your Honours. Good
25 morning. I have just a few points of clarification which relate to the

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1 examinations-in-chief conducted by the Defence teams and with respect to
2 the Bogoro attack. I wish to get a few points of clarification from the
3 witness.

4 Questioned by Mr. Luvengika:

5 Q. Good morning, Madam Witness. My name is Fidel Nsita Luvengika.
6 I am the Legal Representative of the group of victims, victims of the
7 attack of Bogoro on the 24th of February, 2003. As I just said, I am
8 going to ask you just a couple of questions and most of the questions
9 will only have to do with you situating us in context. In -- at the
10 hearing of Wednesday, the 25th, transcript 268, page 58, lines
11 19 (* as interpreted) to 20, you said that there were APC soldiers - and
12 the Bench will correct me if I'm wrong - that such soldiers went to
13 Aveba, some went to Kagaba in the company of Yuda. Do you remember
14 having said that?

15 A. Could you please ask the question again?

16 Q. This introduction is just to recall this point of what you said
17 when giving evidence here before the Court. You said that there were APC
18 soldiers who went to Aveba and that some of them had gone to Kagaba
19 together with Yuda. Do you remember saying this?

20 A. The soldiers came from Beni and arrived in Aveba and went on to
21 Kagaba.

22 Q. Yes, that's right. Do you know if some of those soldiers stayed
23 in Aveba? I'm talking about the APC soldiers.

24 A. There was one soldier I knew, I saw him there, and at one stage
25 he was in Kagaba.

1 Q. Do you know if APC soldiers that were in Aveba started mixing
2 with the local people of Aveba?

3 MR. O'SHEA: (Previous translation continues) ... question.

4 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika, perhaps
5 you could rephrase it. I would just like to take this opportunity to
6 point out that on page 51 of the French provisional transcript, line 17,
7 we should write line 9 instead of line 19. It's line 9, not line 19.
8 This is just a side note.

9 Mr. Luvengika, could you please rephrase your question.

10 MR. LUVENGIKA: (Interpretation) Your Honour, I wanted to make
11 an application. I don't know if during the examination of the witness
12 for the Defence the Legal Representative -- well, we don't want to be a
13 second Prosecutor, but would the Bench allow us to refresh the witness's
14 memory with the prior statement? This is just to set the context and so
15 that we can see the principle of the question.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika, you know
17 that the Bench wants the Legal Representative of the Victims to play
18 their role and to play it fully, and you have said, quite rightly, that
19 you do not intend to play the role of the Prosecutor and to become a
20 second Prosecutor. And I could add to that is that you have your role,
21 nothing but your role, and all your role. So we accept these questions
22 as they arise.

23 Since the beginning of the Defence case of Germain Katanga, the
24 representatives of victims have not been excessive in asking questions
25 and the questions which they notified in advance have not been challenged

1 by the Defence team of Germain Katanga. But you need to make sure that
2 you have your questions in line, if we can say that, so that the witness
3 can answer. And when the Bench feels the need for you to be repeated or
4 to play the role for you, that can be done. But otherwise, we should
5 endeavour to make sure that the questions are questions that can be
6 answered by the witness and this can be in reference to the transcript
7 which you're perfectly entitled to cite as you have just done. And
8 please feel free to cite an excerpt from the transcript if this seems
9 useful to you.

10 You may proceed, Mr. Luvengika.

11 MR. LUVENGIKA: (Interpretation) Thank you, your Honour.

12 Q. Madam Witness, I'm going to read an excerpt from the transcript
13 268, page 58, from line 9 on. I'm quoting you:

14 "Some APC soldiers who went to Aveba went to Kagaba with Yuda."

15 Do you remember making this statement?

16 A. Yes.

17 Q. Referring to this quotation, were there other APC soldiers who
18 remained in Aveba?

19 A. No, no APC soldiers remained in Aveba.

20 Q. Still referring to your evidence of Wednesday you also said that
21 a person called Mbale who was an APC soldier had been involved in the
22 attack on Bogoro. How did you know that?

23 A. I heard about that at the time when they came to the hospital
24 with Yuda, we saw it -- we saw him.

25 MR. LUVENGIKA: (Interpretation) Your Honour, in the light of

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1 the answer which the witness has just given, I have no reason for asking
2 the other questions. So I think I can stop there.

3 Q. Thank you, Madam Witness.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
5 Mr. Luvengika.

6 Before we give the floor to Professor Fofé, Madam Witness, the
7 Bench would like to call on your memory for some points of clarification
8 in relation to answers which you've already given. We are quite aware
9 that this is a difficult exercise we're asking you to do because it means
10 you have to leap from one question to another, but so far you have been
11 able to do this well.

12 Questioned by the Court:

13 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, do you
14 remember who Louis was during the course of our conversations over the
15 past days? Do you remember who Louis was or would you like us to go into
16 private session for a moment so that we recall the identity of Louis?
17 Would you like me to say it again for us to be quite sure of it?

18 A. I remember him.

19 PRESIDING JUDGE COTTE: (Interpretation) Fine. Well, in this
20 transcript 268 of the 25th of May, 2011, page 17, lines 16 to 27. On
21 line 16 you said:

22 "In Aveba I used to go to the Ip ame institute, that was in
23 2003."

24 And in line 25, line 26:

25 "I was enrolled in September and I started the courses in January

1 2003."

2 And then later, this is on page 48 of the same transcript, lines
3 23 to 25, while we were talking about Louis, I'm reading line 23 here,
4 this is a question:

5 "So you say that he was going to school. Do you know which
6 school he went to?"

7 And your answer in line 24 was:

8 "He was a student at the Ipame institute."

9 Line 25:

10 "But outside school did you have any contact with him?"

11 Now, do by any chance you remember that if when you started these
12 studies in January 2003 at the Ipame institute, was Louis already a
13 student at Ipame? Can your memory recall this point?

14 A. Louis was also studying. It was in September 2002 -- no, I would
15 say it's 2003. Yes, he was there at school.

16 PRESIDING JUDGE COTTE: (Interpretation) My question was even
17 simpler than that. When you started the school at Ipame in January 2003,
18 was Louis there with you at that time or was he already in the school at
19 the time or did he start at the same time as you did or do you remember
20 if he came to that school later? In relation to the date which you
21 started, we would like to know if Louis was already at school at that
22 time.

23 A. I'm sorry, but I don't know if we were students at the same time.
24 But all I know is that he also went to the same school, but I don't know
25 what village he came from. But I know he was a student at the Ipame

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1 school.

2 PRESIDING JUDGE COTTE: (Interpretation) Okay, you can't give us
3 a definite date on that. Thank you, Madam Witness.

4 Professor Fofé.

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

6 Further questioned by Mr. Fofé:

7 Q. Good morning, Madam Witness.

8 A. Good morning.

9 Q. You have already said a great deal and I don't intend to ask you
10 a lot of questions. I just have two points of clarification.

11 MR. FOFÉ: (Interpretation) But first of all I would like to
12 point out to the Judges and the parties that I'm referring to transcript
13 268 in the French version, the hearing of the 25th of May, 2011, page 58,
14 lines 14 to 20. So this is the same page which our *confrère*,
15 Mr. Luvengika, just referred to.

16 Q. Madam Witness, you talked about Mbale and you mentioned him again
17 just a moment ago. Could you tell us what ethnic group Mbale belonged
18 to?

19 A. As far as I know or as I understand it from his name, Mbale must
20 have been from North Kivu, a Nande. I don't know if he was Nande or not,
21 but this is what I understand from his name, Mbale.

22 Q. Now, you've just told us that the Nande are from North Kivu.
23 Could you tell us the name of the main city in North Kivu?

24 A. As far as I know the largest town in North Kivu is Butembo.

25 Perhaps there is another one, but I don't know about it.

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1 Q. You also talked about Beni during your evidence. Isn't Beni a
2 town in North Kivu?

3 A. Yes, Beni is in North Kivu. I mentioned Beni because I knew that
4 Mbale came from Beni.

5 Q. Thank you, Madam Witness. I have concluded my questions.

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

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Professor Fofé.

9 Mr. David Hooper, you may make your final comments.

10 MR. HOOPER: Yes, thank you, Mr. President. Yes, just a few
11 matters to raise.

12 First of all, can I show this witness a photograph taken of a
13 witness who gave evidence earlier. It's not a protected witness. And
14 the photograph reference, I think, is DRC-D02-P-0136.

15 Further questioned by Mr. Hooper.

16 Q. And in fact, that will come on the screen in front of you in a
17 moment.

18 MR. DUTERTRE: (Interpretation) Your Honour, objection. This is
19 completely new. This should have been presented during the principal
20 examination. We have now reached the final questions, the final
21 comments, and I object to this photo being shown.

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, the
23 reference which you've just given doesn't necessarily give me the name of
24 the person who is on the photograph. It seems to me that in public --
25 open session yesterday we heard the names of brothers and sisters of the

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1 accused person you're representing, we heard that on a number of
2 occasions. Is this what we're referring to?

3 Well, Prosecutor?

4 Thank you, Mr. Hooper. And I'm taking page 8 of transcript 271,
5 and we spent some time talking about the siblings or the relatives of one
6 of the two accused Germain Katanga and we asked the witness if she knew
7 this one or that one and so on, and at one stage we mentioned the name of
8 one of the brothers. It's line 8, page 8. We can find the name of the
9 brother on page 10 also. I think I remember. I haven't been able to
10 read it all when I'm speaking at the moment.

11 I think on a number of occasions Mr. Hooper suggested that he
12 could give the names, the nicknames which would have helped the witness
13 give more accurate answers. And indeed the Bench would have liked to
14 have had those answers but we're not able to get them. But the Bench has
15 no objection to this photograph being shown.

16 So, Madam Witness, we shall have this photograph displayed on the
17 screen. If this is a witness who has given testimony in open session,
18 then this should not be a problem.

19 Court Officer, could you please make sure that the witness first
20 and then we can see this photo.

21 COURT OFFICER: (Interpretation) You can see the photograph by
22 pressing on the button PC 1.

23 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, can you
24 see a photograph on your screen?

25 THE WITNESS: (Interpretation) Yes.

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1 PRESIDING JUDGE COTTE: (Interpretation) I would like to ask the
2 accused, can you see it? Yes.

3 Mr. Hooper, please proceed.

4 MR. HOOPER:

5 Q. Are you looking at that photograph? I appreciate it's someone
6 wearing earphones, but are you in a position -- do you know who that
7 person is?

8 A. Yes, I know him.

9 Q. And can you tell us his name, please.

10 A. I know him as Adoula.

11 Q. That's right. And we know him as Jonathan Dubatso Baguma. So
12 that I hope clarifies that.

13 Now, you were also asked --

14 MR. HOOPER: Thank you very much. We don't need to look at the
15 photograph any further.

16 Can it be given an EVD number? I think it would need one -- can
17 we have that EVD number now so that it's associated on the -- thank you.

18 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

19 COURT OFFICER: (Interpretation) Thank you, your Honour. This
20 photograph would have the reference EVD-D02-00140.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

22 Mr. Hooper, other questions.

23 MR. HOOPER:

24 Q. You were asked about the BCA and whether there was a prison there
25 and you said there was a house that had been pointed out to you on one of

1 your visits as being the jail. Do you know -- while you were in Aveba,
2 do you know of any example or examples of anyone who was put in the jail?

3 A. Could you please ask the question again?

4 Q. Yes. I've been jumping around in my questions because I'm afraid
5 that's the nature of the position at the moment because I'm only asking
6 you about some aspects of the five hours or so that you were questioned
7 by the Prosecution. So I've asked you about the photograph and if you
8 can identify that person, thank you very much, very helpful. And now I'm
9 going back to when you were asked by Mr. Dutertre about there being a
10 jail in the BCA camp. And you may remember that you told us that you'd
11 seen a jail, it had been pointed out to you. And my question relates to
12 what you know about the jail and its use. And my question is this: Do
13 you know -- do any examples come to your mind as you sit there today of
14 anyone put in that jail; and if so, what for? Can you give us any
15 examples from what you know or not?

16 A. Yes, yes, I can answer your question. There was a cell in the
17 camp. And when people left Bunia, they were displaced, there was a man
18 who had killed a militiaman, it was a man from Nyakunde. And when the
19 Ngiti were hunted out of Nyakunde, the Bira and the other Hema militiamen
20 killed the man, they cut him up into bits. And so the man was dead.
21 People from the Red Cross came along to bury the man in a ditch and they
22 were surprised to see that he was still breathing, so they took him to
23 hospital. They looked after him. And he was cured, he survived. And
24 some time afterwards when there was fighting in Aveba, that man
25 recognised a Hema woman amongst the displaced persons and he wanted to

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1 wreak revenge on her, he wanted to kill her because he recognised her as
2 one of the people who had attacked him in Nyakunde. And he took the
3 woman and the different people in the group of displaced people. The
4 people went off and told Germain Katanga about that and Germain Katanga
5 sent people out to help the woman. And the woman was taken to the camp,
6 and the man who was a soldier was arrested, he was put in a hole and the
7 woman spent two days in Germain's house. And after two days she was
8 given a road pass and a couple of soldiers for her safety to the main
9 road, and she went to Gety until she got to where she wanted to go.
10 That's what I know about the person who was imprisoned in the cell in
11 that camp.

12 Q. All right. Thank you very much. Now, I'm going to go on to
13 quite a different thing now. You may remember you were asked about the
14 airstrip and -- in Aveba. When was the last time, may I ask, we're now
15 of course May 2011, when was the last time that you visited Aveba, can
16 you help us?

17 A. You want to know when I went to Aveba the last time or the last
18 day I spent there, the time I left Aveba the last time?

19 Q. Ah, all right. Well, let's start with the first question. When
20 was the last time -- we know you're living where you're living, you're
21 living in Bunia. When was the last time you visited Aveba? Did you
22 visit it this year or last year? Or what's the position?

23 A. I visited Aveba before the birth of my children. Ever since my
24 children were born, I have never returned to Aveba. I can't be any more
25 precise than that.

1 Q. All right. So from what we understand, that would be before
2 February of 2009. Now, let's come to the second question that, as it
3 were, you asked me whether I was asking you it. So let me put this
4 question to you: Can you remember when it was that you left Aveba to go
5 and live in Bunia?

6 A. After the ethnic disturbances the roads were free. We no longer
7 had ethnic problems, even in Bunia. It was at that time that I went to
8 Bunia. I stayed there. And whenever I felt like going to the village,
9 then I would go. So I would say that as from 2006 I was living in Bunia,
10 but from time to time I went to the village. I would say 2005/2006,
11 after the war. As from 2004, the roads were passable. There was calm
12 and people could move about so I could travel to Bunia and to the
13 village.

14 Q. And can you say with certainty what year it was that you were
15 demobilised in Bunia?

16 A. I was demobilised in Bunia in 2006.

17 Q. All right. Thank you. Now, you were asked about someone called
18 Safco and there's a number of Safco's that we've heard about and it
19 wasn't, at least to my mind, clear which Safco you were talking about
20 when you answered my friend's questions. You may remember you were
21 talking about he had two wives, wife one, wife two, you spoke about that
22 this morning. So let me put a name to you. Do you know someone called
23 Safco Safari Ndekote, otherwise known as Koto. My pronunciation may not
24 be right, all right, so you'll have to look with care at the way I
25 pronounce things, but hopefully you're getting through your earphones

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1 into Swahili something perhaps a little more accurate than I may be
2 stating it to be. So let me say it again Safco Safari Ndekote, otherwise
3 known, I believe, as Koto. Have you heard of that person; and if you
4 have, that the Safco you've been talking about or not?

5 A. The Safco that I was talking about is the one who was the younger
6 brother of Kandro.

7 Q. All right. And that is the name I've just named,
8 Safco Safari Ndekote. Thank you.

9 Now, you've been asked lots of questions this morning about
10 meetings, and it wouldn't be, I think, appropriate for you to leave the
11 witness box without me making it clear of the, more or less, more exact
12 dates in which you met certain members of this team which we have of
13 course direct personal knowledge and records. And I suggest you first
14 met -- this is a matter of clarification which one might have thought the
15 Prosecution demanded.

16 MR. DUTERTRE: (Interpretation) Before moving to that question,
17 I believe that there was some confusion about the question relating to
18 Safco. If I remember correctly, when we were talking about Safco with
19 the witness and she said that this person was married to two wives, this
20 was somebody who was a member of the escort of Kandro. So this is page
21 34, lines 20 to 22. And the question was as follows:

22 "I'm talking, Madam Witness, about the person who was a member of
23 Kandro's escort."

24 And the answer was:

25 "Yes, I know him, I know Safco."

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1 And now there is some confusion with the introduction of the
2 Safco who is the younger brother of Kandro. These are two different
3 persons and it is confusing. So I think my learned colleague should seek
4 to clarify this issue.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
6 Mr. Prosecutor.

7 Mr. Hooper, are you in a position to clarify this yourself or
8 should we ask the witness to clarify so that there should be no ambiguity
9 about the identity of Safco?

10 MR. HOOPER: It's much better to come from the witness as to
11 which Safco she was talking about this morning when she was talking about
12 the man with two wives. So perhaps I can pose the question.

13 Q. Madam Witness, when you were answering Mr. Dutertre this morning
14 and he was asking you questions about Safco and you said Safco had two
15 wives, which Safco were you talking about? Was it Safco, the brother of
16 Kandro or another Safco? And if it is the brother of Kandro, is that the
17 same person as you said was in Kandro's protection -- bodyguards or
18 whatever? Can you help us?

19 A. Yes, it is the same Safco, the younger brother of Kandro, he was
20 a member of Kandro's escort and had two wives. I did not know any other
21 Safco.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
23 Madam Witness.

24 Please proceed, Mr. Hooper.

25 MR. HOOPER: All right. So these are questions which I had

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1 anticipated -- or I thought my friend was getting up to his feet to
2 object, but I see that's not the case. So I apologise to him for that.
3 Q. Now, the meetings I suggest you had with us, who represent
4 Germain Katanga, the first meeting that you had - and I'm leaving aside
5 meetings you had with Jean Logo who is our intermediary -- our person --
6 our investigator there. You met Sophie, who sits next to me here, if you
7 look in our direction just so that you know who I'm indicating, that's
8 Sophie. And Mama Caroline, as you know, sitting behind me here on the
9 right. And our records are that they met you in January of last year,
10 2010. All right. January 2010. And the pair of them only met you on
11 that mission in January --

12 MR. DUTERTRE: (Interpretation) Mr. Hooper has to be neutral and
13 he must not ask leading questions to the witness because he's already
14 suggesting dates. So he should avoid providing information.

15 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper will be
16 careful, but at this level the Chamber simply wants to be clear and go
17 out of these long discussions with -- concerning meetings with Logo,
18 Madam Menegon, and so on. And we have not yet grasped the full relevance
19 of this issue.

20 So, Mr. Hooper, please proceed but do not state the answers. Ask
21 her the questions so that we should try to put an end to this testimony.

22 Mr. Hooper.

23 (Defence counsel confer)

24 MR. HOOPER: You see the discussion amongst the Defence because
25 even talking about events this year we can't remember quite when they

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1 were. So I certainly have to stop criticising any witnesses I think.

2 Q. Right. So -- and I'm sure this won't be disputed by the

3 Prosecution. These aren't going to be matters in dispute, I'm sure. So

4 I would have thought my friend would have no objection to my stating what

5 I state.

6 So January 2010, that was Sophie and Caroline Buisman. And then

7 this year in February of 2011 --

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

9 MR. DUTERTRE: (Interpretation) These elements were not

10 disclosed to us previously. My learned colleague cannot now raise issues

11 that were not disclosed to the Prosecution before. So I'm objecting to

12 that. The Prosecution was never aware of these aspects. So it is not

13 the moment for Mr. Hooper to testify and tender evidence himself that we

14 knew nothing about before. So we strongly object on the side of the

15 Prosecution.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, you have

17 just said that in your opinion these were undisputed facts and you were

18 being a bit too optimistic there. So as part of your final observations,

19 is it really necessary to continue with questions on this issue? Of

20 course they were touched on by the Office of the Prosecutor this morning,

21 but is there any great interest in following this up for purposes of the

22 credibility of the witness and so on and so forth? We are talking about

23 the dates of the meetings with this witness, but we all know that the

24 members of the Defence of Germain Katanga met with the witness to obtain

25 a statement that would serve as the basis for your examination-in-chief.

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1 So is it indispensable for you to continue? This is the question I'm
2 asking you. Thank you.

3 MR. HOOPER: Well --

4 PRESIDING JUDGE COTTE: (Interpretation) The witness is raising
5 her hand.

6 What would you wish to say?

7 THE WITNESS: (Interpretation) I'm really sorry. We were
8 talking about the date that I met with them in 2010. I believe that to
9 my knowledge I said I believed we met in 2010. The Prosecutor confused
10 me a little bit and I said it was 2009, but it was not in 2009. My first
11 meeting with those people and Jean Logo happened in 2010, and then one
12 year passed before I met them again, this time in 2011.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well. It was
14 important for you, Madam Witness, to be the one to make that
15 clarification because you are the principal concerned.

16 Mr. Hooper.

17 MR. HOOPER:

18 Q. Yes, thank you, Madam Witness.

19 MR. HOOPER: Your Honour's just asked me if it's indispensable,
20 that's a very high-hedged jump, indispensable. What I'd say is this, we
21 spent the best part of an hour this morning with questions from the
22 Prosecution that meandered around this question of the dates with this
23 witness. The Prosecution has said that they were going to indicate what
24 the relevance was, but we've heard nothing about that and I can't see
25 into the future as to what the Prosecution may construct out of this

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1 witness's answers in the future.

2 Now, the actual questions that are asked I've said before in
3 respect of other witnesses, and I repeat it now, if the Prosecution want
4 to know when we met witnesses, we'll tell them. They've never come to
5 ask this. Now, we're at a position now when I can tell the Chamber when
6 any member of this team present here met with a witness. All right.
7 And, for example, this witness has corrected herself in the light of
8 clearly an authoritative pronouncement on my part which she accepts. And
9 the fact is here that these are not facts that the Prosecution are going
10 to dispute. And what is astonishing is that they're nevertheless facts
11 that they don't want laid before the Chamber for some reason.

12 Now, this is a misconceived objection and I'd invite the Chamber
13 to push those objections aside. They're on the most tenuous grounds in
14 any event, this question of notice, because of course we won't know and
15 weren't put on notice that the Prosecution were going to spend -- and
16 please give way to me, Mr. Dutertre. I'll sit down as soon I've
17 finished. We want to know today -- sorry.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, you
19 will be allowed on your feet immediately, but what the Chamber expects
20 from the parties and participants is assistance so that within the
21 context of adversarial proceedings and with the assistance of the
22 witnesses, we should better be able to understand the case and establish
23 the truth. If we spare ourselves of exchanges that seem to be sterile
24 and which relate to a part of the cross-examination that we did not fully
25 understand, then we would be very grateful. But right now I want to

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1 state very, very clearly that we are wasting time.

2 Mr. Prosecutor.

3 MR. DUTERTRE: (Interpretation) Your Honour, we can explain our
4 line of thinking to the Chamber, but in order to do so the witness has to
5 leave the courtroom. We can answer that question, but it -- this is not
6 something we wanted to do because that would have meant asking the
7 witness to leave the courtroom and we did not want to do that. We did
8 not want to interrupt the examination.

9 With regard to what Mr. Hooper said, we did not want to challenge
10 the dates, but the issue is that Mr. Hooper cannot give testimony.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, we are
12 fully aware of that. We know that you touched on several issues this
13 morning. Mr. Hooper is trying to clarify certain points and you are
14 accusing him of using statements and providing dates to the witness. So
15 we are going to continue.

16 But, Mr. Hooper, as part of your questions related to the
17 meetings that your team had with the witness, just make an effort not to
18 suggest an answer or answers to the witness even before she answers. We
19 all understood the witness telling us herself that she had been mistaken
20 this morning when she talked about 2009, while she actually intended to
21 talk about 2010. We have understood that there's really no contradiction
22 regarding the date that the statement was given to the Defence and which
23 was used as a basis for the examination-in-chief, the cross-examination,
24 the questions by the Legal Representatives, and the questions by the
25 Bench.

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1 Can we make progress here, Mr. Hooper, or is it absolutely
2 necessary to stand-down the witness for a while so as to obtain from
3 Mr. Dutertre the necessary information?

4 MR. HOOPER: No, we don't need to stand the witness down. Once
5 the witness has left the Court, as she will do very shortly I anticipate,
6 we can perhaps hear what Mr. Dutertre has to say then.

7 Q. In the meantime, Madam Witness, simply this: When you met me and
8 Caroline -- I'll start the question again.

9 When you met me and Caroline in Bunia this year, can you remember
10 how old Omar (* phon) was when you met us?

11 A. At the time of our meeting in Bunia, there were three of you and
12 Omar was almost one month old.

13 Q. Right. The three were me and Caroline and Jean Logo, is that
14 right, as you've told us this morning? That was a question. Was it
15 right that the three were Jean Logo, me, and Mama Caroline?

16 A. Yes.

17 Q. Right. Just one moment.

18 (Defence counsel confer)

19 MR. HOOPER:

20 Q. All right. Well, those are all my questions and our questions I
21 anticipate, Madam Witness. And it just remains for me to say, as we're
22 in public now: Thank you on behalf of Germain Katanga for coming all
23 this way to help him and to assist the Chamber. And so thank you very
24 much and I wish you a safe journey and of course my thanks to your two
25 children, particularly the younger one for not disturbing us this

1 morning. Thank you.

2 PRESIDING JUDGE COTTE: (Interpretation) We have no doubt that
3 the younger one will really welcome the thanks and greetings from the
4 Defence of Germain Katanga.

5 Madam Witness, this is the end of your testimony. We all thank
6 you. This was probably the very first time that you entered a courtroom,
7 in any case, the courtroom of this Tribunal. You must have realised that
8 these are adversarial proceedings which are sometimes calm and sometimes
9 much more lively. This is how our system functions. You have provided
10 answers to many questions. This was a difficult exercise. You travelled
11 very far with your two children, and so we thank you very much and we
12 wish you a safe trip to your place of residence.

13 At the end of this hearing, that is, around 1.30 p.m., if he
14 wishes to, Mr. Katanga will have the opportunity to greet you and to
15 thank you for having travelled to testify in his defence. And the
16 Defence team of Mr. Katanga can join him to personally express to you
17 their gratitude.

18 We are going to go into closed session now to allow the witness
19 to leave the room.

20 Good-bye, Madam Witness.

21 THE WITNESS: (Interpretation) Thank you.

22 (Closed session at 12.58 p.m.)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Open session at 12.59 p.m.)

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

13 Honour.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

15 Court Officer.

16 As he promised a short while ago, Mr. Dutertre in the absence of

17 the witness will give us a brief explanation about the relevance of his

18 cross-examination which at some points this morning was not fully

19 understood by the Bench.

20 Mr. Dutertre.

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

22 apologise for the late explanation. But even though it's coming at this

23 juncture, this does not detract from its relevance. Of course, this is

24 not a type of explanation that should have been given before the witness,

25 and I did not want us to go into the system of sending the witness out of

1 the courtroom frequently.

2 The point, your Honour, is that of the influence of Logo and
3 possible contamination. We have had the testimonies of other witnesses
4 who have raised this point, and therefore there is a legitimate problem
5 here which requires the Prosecution to investigate. Of course this
6 involves or entails a certain number of questions of context. For
7 example, trying to know how the contact took place, who initiated the
8 contact, how many contacts -- how many meetings took place, was it only
9 one meeting, were -- did the witnesses meet only Logo alone or Logo with
10 other people? So there are a certain number of questions which we have
11 to ask to certain witnesses. Of course witnesses may have difficulties
12 with dates, but we have to try to establish a chronology of things.

13 If a witness -- if a intermediary meets with a witness for one
14 day, that's fine, but if the meeting spreads over several days we have to
15 find out and we have to ask these questions in order to establish the
16 real state of things. It takes time. And of course it's understandable
17 that as we put the questions the Bench might not immediately see the
18 relevance, but that was the whole point. And Mr. Hooper equally touched
19 on this point. So I think this is a legitimate point.

20 After all the evidence would have been analysed at the end of the
21 case, all of this will be put in perspective, I suppose, and the
22 Prosecution will then be able to give further explanations to the Bench,
23 to the Chamber to put all the pieces of the puzzle together, so to speak,
24 from the various testimonies that have been provided.

25 Your Honour, when we put in our final written submissions,

1 everything is going to fall into place and I can understand that at
2 certain moments in the course of the trial it may be difficult to see the
3 overall objective or target of the Prosecution. But in our closing
4 arguments which we are going to submit to the Chamber, all the pieces of
5 the puzzle will be put in place and you can then understand our
6 perspective.

7 Thank you, Your Honours, for listening.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
9 Mr. Prosecutor, for these explanations. Of course you have given us a
10 certain amount of information which we took note of and which you have
11 confirmed. The Chamber strives not to intervene in examinations-in-chief
12 or cross-examinations, except when it discovers that there might be a
13 problem of relevance in the questioning or when it has the impression
14 that the amount of time devoted to the questioning is excessive. Of
15 course, you understand that although we are supposed to speed up the
16 proceedings, we do not intend to carry out this trial in a hurry. We
17 would like serenity to reign in the courtroom and we would want the
18 proceedings to be as calm and as constructive as possible, but then it is
19 truly imperative to ensure that excessive time is not devoted to issues
20 which though important might not be useful, especially when you have
21 before you a witness who cannot provide useful answers to your questions.

22 We have the next witness. We still have to sit until 1.30. We
23 are going to bring in the next witness to make a solemn undertaking. We
24 are going to meet on Monday at 1.30. I don't think we have to rise now,
25 Court Officer. No protective measures have been requested for this

1 witness, and for that reason, therefore, we are going to receive Witness
2 0129 and ask that witness to state his identity in open session and
3 equally have him take his solemn undertaking, after which we will rise
4 because I think it would be important for Mr. Hooper to start his
5 examination-in-chief without any interruptions.

6 Court Officer, I hope the witness is close by.

7 MR. DUTERTRE: (Interpretation) Your Honour, although the
8 witness is going to make the solemn undertaking, I would like to put you
9 on notice that the Prosecution team is going to change for this witness
10 subsequently.

11 PRESIDING JUDGE COTTE: (Interpretation) Very well.

12 Court Officer, is the witness on the way? Yes.

13 MR. HOOPER: Your Honour, just as the witness makes his way in,
14 Witness 001, he's not this witness, not the next witness, he's the next
15 one. Realistically, we think it unlikely we'll reach him before the
16 break. So our discussion is shall we tell VWU that we don't encourage
17 them to bring him except to be ready to start his evidence on Tuesday
18 week. Otherwise, it means he'll be on his own here for -- well, it could
19 be from this weekend all the way through which will be seven, eight, nine
20 days. So it seems -- and the cost as well, of course, to the Court. So
21 if we could have your judicial blessing on our proposal that we send a
22 message to VWU and, with your support, stating that we will not be
23 requiring Witness 001 until Tuesday, the 7th of June, to commence his
24 evidence at 9.00 that morning.

25 PRESIDING JUDGE COTTE: (Interpretation) That is understood,

1 Mr. Hooper. Witness 129 will start briefly today. We have three
2 hearings next week and we might not have enough time to complete the
3 testimony of 129 and 260.

4 So, Court Officer, Witness 001 has to be ready for Tuesday, 7th
5 of June, but it would be proper for that witness to be there on the 6th
6 of June for the purposes of familiarisation. Do you have difficulties
7 with that, Court Officer?

8 (Trial Chamber and Court Officer confer)

9 MR. DUTERTRE: (Interpretation) Your Honour.

10 PRESIDING JUDGE COTTE: (Interpretation) Yes.

11 MR. DUTERTRE: (Interpretation) With respect to Witness 160 we
12 have problems, the cross-examination might be disrupted and may not be
13 completed.

14 PRESIDING JUDGE COTTE: (Interpretation) Maybe 160 might spend
15 more time in The Hague, but we were rather raising concerns about
16 Witness 0001. On Friday we are going to have maintenance done and this
17 would -- this is what accounts for the disruption which we might have in
18 the proceedings.

19 Pending the arrival of the witness, Mr. Hooper, do you still have
20 the same arrangement for the continuation of your case? Do you still
21 target the middle of June or are you thinking of carrying on until the
22 end of June?

23 MR. HOOPER: No, I --

24 PRESIDING JUDGE COTTE: (Interpretation) If you can give us an
25 idea by 1.30, Monday, that would be proper.

1 MR. HOOPER: Thank you very much.

2 (The witness entered court)

3 PRESIDING JUDGE COTTE: (Interpretation) Good afternoon, sir.

4 Can you hear me clearly?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE COTTE: (Interpretation) We kept you waiting for
7 a long time this morning. We thought you were going to come to the
8 courtroom earlier. Well, you'll be sitting here for only about ten
9 minutes. Ten minutes are enough for us to get to know each other, that
10 is important, and during those ten minutes you are going to state your
11 identity and make your solemn undertaking.

12 I would also like to tell you that it's at the beginning of
13 Monday's hearing that we are going to clarify a problem which you face
14 after it has been told, and this relates to the fact that you were able
15 to meet another witness within the premises of the VWU. That shouldn't
16 be of any major importance to you. We simply wish you to give your
17 testimony under the best possible conditions. We are going to clarify
18 that point on Monday in the early afternoon. I heard that this was of
19 issue, of concern, to you. Please rest assured.

20 We would like you to speak clearly and slowly and you should
21 articulate well. Please state your name and first name.

22 THE WITNESS: (Interpretation) My name is Malivo Kagaba Jeannot.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Could you
24 please state your date and place of birth.

25 THE WITNESS: (Interpretation) I was born on the 14th of

1 December, 1980, in Nyakunde.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 Could you please state before the Court your current occupation.

4 THE WITNESS: (Interpretation) I am a senior advisor to the
5 provincial minister of finance and economy in Oriental province, the
6 equivalent of director of cabinet.

7 PRESIDING JUDGE COTTE: (Interpretation) Very well. Right now,
8 Mr. Witness - and this is important, and it will enable us to start with
9 the examination-in-chief of Mr. Hooper - you are going to now make your
10 solemn undertaking. I call it a solemn undertaking. I will read it very
11 slowly so that you can understand it in its entirety. It goes as
12 follows.

13 I solemnly declare that I will speak the truth, the whole truth,
14 and nothing but the truth.

15 Did you hear me well?

16 THE WITNESS: (Interpretation) Perfectly.

17 PRESIDING JUDGE COTTE: (Interpretation) Now, do you undertake
18 to speak the truth, the whole truth, and nothing but the truth?

19 THE WITNESS: (Interpretation) Yes.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you. The Court
21 would like to request you to listen carefully. You have just undertaken
22 to speak the truth, the whole truth, and nothing but the truth. If,
23 however, in the course of your testimony as you speak spontaneously or in
24 answer to questions which will be put to you by the various parties
25 present here in the courtroom, if in so doing you do not speak the truth,

1 then please know that you might be prosecuted before this Court for false
2 testimony. And if it turns out that this is proven to be true, you might
3 be sentenced.

4 Did you fully understand me?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE COTTE: (Interpretation) The Court therefore
7 takes note that the provisions of Article 69(1) of the Statute and
8 Rule 64(1) and (3) of the Rules of Procedure and Evidence have been
9 satisfied.

10 Mr. Witness, you have accepted to give testimony in open session.
11 You do not benefit from any special protective measures in the course of
12 the hearing which will follow next Monday. You have stated that your
13 name is Jeannot Malivo Kagaba. Mr. Hooper who called you will on Monday
14 decide on whether he will call you Mr. Kagaba or Mr. Malivo. That is a
15 decision we are going to take on Monday afternoon.

16 What you have to know at this point now is that as you are doing
17 now you should speak slowly, speak clearly, speak into the microphone and
18 articulate your words carefully, and observe between question and answer
19 a short period of five seconds for the benefit of the interpreters. That
20 way the interpreters will be better able to do their job because in this
21 courtroom we have people who understand French, others understand
22 English. And so the clarity and the slowness of your speech is going to
23 make for better translation of what you say.

24 On Monday when you come here, you are going to find that water
25 jar which is standing close to you. Please feel free to serve yourself a

1 glass of water in the course of the hearing. That is no problem. We do
2 not have any formalities in that regard because this is a courtroom that
3 has no windows and you should feel free to take a drink of water from
4 time to time. You also have a box of paper serviettes standing next to
5 you. The Chamber has no problem with you pulling out a serviette to wipe
6 your face if you feel a bit hot or to blow your nose. Of course when you
7 have to answer many questions, it might happen that you feel a bit hot.

8 Mr. Witness, these are just words of welcome which we are
9 extending to you. You have just made your solemn undertaking which is
10 very important, and from Monday Mr. Hooper is going to put questions to
11 you on behalf of Defence team of Mr. Germain Katanga. He will be
12 followed by the Defence team of Mathieu Ngudjolo, Mr. Kilenda, or
13 Mr. Fofé. And after them, the Prosecutor, it might be a different
14 Prosecution team; and after them the Legal Representatives of Victims.
15 We expect you to provide us with answers that will enable us to better
16 understand the events which you have experienced and that could enable us
17 to better -- or to get better acquaintance with persons whom you met or
18 persons whom are relevant to this case. We would like to thank you in
19 advance.

20 Court Officer and the Court Usher, could you please lead the
21 witness out of the courtroom.

22 As I told you earlier, this is just a brief encounter between us
23 and we are going to start your testimony on Monday afternoon. Thank you,
24 sir. See you on Monday.

25 (The witness stands down)

1 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, on Monday
2 afternoon you should be able to tell us how you're going to use the time
3 as well -- unless you want to tell us that now, give us an idea of time
4 management. Maybe it will be easier for you to do that on Monday in the
5 afternoon?

6 MR. HOOPER: Is this in respect of whether I'm still on for the
7 10th of June? Because I've got some money on that, so I would have
8 thought that it's positive but we'll see. I'll see whether -- I've
9 reviewed the position on Monday. I know there's members of my team who
10 are not as optimistic as I am, as you know, and they've tended to be
11 proved correct. So can I come back to you on Monday.

12 In terms of this witness, I'll certainly be through him, I hope,
13 on Monday, finish him on Monday. That is, certainly my questioning will
14 be finished on Monday, I would have thought before the close of the
15 session on Monday.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you. That is
17 important, important for the team of Mr. Kilenda and the representatives
18 of the OTP who shall be with us on Monday.

19 Mr. Hooper, you must have understood that our concern is to be
20 able to have an idea. We do not have a dead-line for you to complete
21 your examination-in-chief. We simply want to determine when the Defence
22 team of Mathieu Ngudjolo is going to start calling its witnesses so that
23 they can appreciate whether they're going to start with which witnesses
24 in the early days of June. That is the only concern that drove us to ask
25 you to give us an idea of your time management on Monday.

1 Once more, we do know that the management, time management, of
2 hearings is not an exact science.

3 We will meet on Monday at 1.30. We thank the various parties and
4 participants. We thank our discreet and very efficient collaborators.

5 Accused persons, see you on Monday.

6 The hearing ends at 1.26 p.m.

7 CORRECTION REPORT

8 The Court Interpretation and Translation Section has made the following
9 corrections in the transcript:

10 *Page 34 lines 18 to 19

11 “in Aveba or somewhere else. I believe my statement is clear”

12 is corrected by

13 “in Aveba or somewhere else, and I did not know who had carried out the attacks.

14 I believe my statement is clear”

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