

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing
9 Monday, 27 June 2011
10 The hearing starts at 2.18 p.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
15 Good afternoon, everyone. Good afternoon to the accused persons.
16 Before I call the witness we are examining today, the Chamber
17 would like to start with an oral decision and certain messages.
18 The first one has to do with the calendar. We will close
19 tomorrow not at 1.30, but at 12.45. So we are going to shorten
20 tomorrow's hearing by 45 minutes, from 9.00 to 11.00, and then from 11.30
21 to 12.45. Bear that in mind. And, Court Officer, do remind me of that
22 tomorrow.
23 We would also like to ensure that the Prosecutor has copied all
24 the Defence teams, or Ms. Menegon has sent to the Defence team of
25 Germain Katanga, the e-mail sent by Mr. MacDonald on the 24th of June at

1 6.22 relating to Mr. Logo. I think that is the case. Fine. I see you
2 nodding. So that is settled.

3 Mr. Gilissen, we have taken note that you had various options to
4 take care of and that you will not be with us on Tuesday and Wednesday.
5 The Chamber, through Ms. Baranes, would like to inform to you that we
6 understood your difficulties and that you had to be away.

7 An oral decision on an application by Mathieu Ngudjolo for the
8 addition of a second expert for the examination of the evidence presented
9 by Dr. Baccard. The Chamber received an application from the Defence for
10 Mathieu Ngudjolo formulated orally during the hearing of 9 June 2011,
11 transcript 218, and in filing number 3008 of the 10th of June, 2011
12 relating to the inclusion of Dr. John Rochefort, that is addition to
13 Dr. Fabrizi, in order to carry out an expertise.

14 The Defence adds that Dr. Rochefort and Dr. Fabrizi have to
15 conduct their examination together with a member of the institute. The
16 Defence team of Mathieu Ngudjolo would like to add that
17 Dr. Jean Rochefort features on the list of experts which is present at
18 the Registry.

19 The Prosecutor, after initially -- initially stating during the
20 hearing of 9 June where he made an application for the modification of a
21 list of witnesses, so on the 13th of June, 2001, transcript 280, that he
22 had no observation to make. None of the other parties and participants
23 filed any observations within the allotted time-limit. The Chamber does
24 not see any obstacle to two experts carrying out that investigation or
25 presenting that evidence, especially as this has to do with one and the

1 same subject matter, which is going to be investigated by two experts.
2 The Chamber would like to state that Dr. Rochefort's CV has already been
3 sent to the Prosecutor. This expert will be authorised to get access to
4 the confidential documents which were sent to Dr. Fabrizi under the same
5 conditions for this purpose.

6 However, the Chamber considers that if the Defence intends to
7 call an expert as a witness, due process requires that only one of those
8 experts should come to present evidence to the Chamber, that is, to
9 present the report which they drafted together. The list of witnesses of
10 the Defence for Mathieu Ngudjolo remains unchanged.

11 Lastly, the Chamber would like to ask the Registry to reclassify,
12 pursuant to Rule 23 bis of the Regulations of the Court, filing number
13 3008 as a public document, excluding its annex which remains
14 confidential, and to send the transcript of this decision to the counsel
15 support section. So this is the oral decision we are handing down with
16 regard to the designation of an expert.

17 Another application from the Defence team of Mathieu Ngudjolo,
18 number 3027, dated 20th of June, 2011, relating to the postponement of
19 the date of the start of the evidence of the Defence team of
20 Mathieu Ngudjolo to the 15th of August because of the withdrawal of
21 Witness P-0099.

22 By filing number 3031 of 21 of June, 2011, the Prosecutor
23 informed us that he had no objection. Mr. Luvengika, by filing number
24 3034 of 24th of June, 2011, also stated that he had no objections. The
25 Chamber was not -- did not receive any other observations.

1 The Chamber therefore takes note of the proposals made, the
2 reasons advanced, namely, the need to better prepare the presentation of
3 the evidence of Mathieu Ngudjolo after assimilation of the evidence given
4 by the Defence team of Germain Katanga.

5 It also takes note of the reaction of the various parties and
6 participants, namely, the Prosecutor and Mr. Luvengika.

7 The Chamber would like to seize this opportunity to remind you
8 all that on the 24th of November, 2009, we started the hearing. From
9 that date we have listened to the witnesses called by the Prosecutor, the
10 witnesses called by Mr. Luvengika, and at this juncture we are concluding
11 the presentation of evidence by witnesses called by Mr. Hooper. The
12 presentation of evidence of Mathieu Ngudjolo would start on Monday, the
13 15th of August, 2011.

14 The Chamber is grateful to that team, and it is equally grateful
15 to the team led by Mr. Hooper for reassessing on a regular basis the need
16 to have all the witnesses initially called to give evidence. In doing
17 so, and while ensuring that the rights of the Defence were respected,
18 these two Defence teams contributed to facilitation and acceleration of
19 the deliberations pursuant to the provisions of Article 67(1)(c), which
20 requires that accused persons should be tried expeditiously.

21 Prosecutor, you, too, have to make your contribution towards
22 speeding up the deliberations. Order number 2775 of 15 of March, 2011,
23 had granted you 120 hours for the entirety of your cross-examination.

24 The Chamber has indicated on several occasions, orally, that this
25 time quota would be reconsidered considering that Mr. Hooper has

1 withdrawn five of his witnesses and the fact that Mr. Kilenda withdrew
2 one witness, as well as the death of another witness. Recently we
3 learned that two other witnesses have withdrawn from Mr. Kilenda's list,
4 and so we can draw the following conclusion: The OTP, for the purpose of
5 cross-examination, used 36 hours and 20 minutes for the first 14 Defence
6 witnesses. We still have to call ten witnesses plus the two accused
7 persons.

8 It is reasonable, therefore, to reduce from 120 hours to
9 100 hours the amount of time which is currently allotted to you. Once
10 more, 36 hours and 20 minutes were used for the first 14 witnesses. We
11 have 10 witnesses remaining plus the two accused persons. It is
12 reasonable therefore to reduce your time allotment from 120 hours to
13 100 hours. However, the Chamber is not going to be too strict on the
14 figures, but we might make any necessary adaptations depending on the
15 outcome of the conduct of the deliberations.

16 As I said earlier, we started this trial on the 24th of November,
17 2009, and it's appropriate for us to set as our objective completion of
18 this trial in the month of November 2011, and we should do everything
19 possible to that end. Please bear in mind that two of the Judges on this
20 Bench will see their mandate run to an end in the month of March 2011 --
21 sorry, 2012. We would therefore like to appeal to you to carry on
22 making -- or carry on with the efforts which you have made so far.

23 Professor Fofé, you should prepare towards Monday,
24 15th of August, 2011.

25 MR. FOFÉ: (Interpretation) Thank you, your Honours.

1 PRESIDING JUDGE COTTE: (Interpretation) Other information to
2 the OTP. Afterwards, we will give you the floor, because you expressed
3 the wish to take the floor at the start of the hearing.

4 With regard to the testimony of Jean Logo, the Chamber would like
5 to give you a clarification following the application made orally by the
6 Prosecutor during the hearing of 14th of June this year, transcript 281,
7 in reaction to the announcement made by the Defence team of
8 Germain Katanga about the withdrawal of witness number D02-047. At that
9 point in time, Mr. MacDonald rose. I hope you remember. For the record,
10 Mr. MacDonald asked for the authorisation to use for the written -- to
11 use the written statement of the witness withdrawn during the
12 cross-examination of Jean Logo, and in the alternative, if the Chamber
13 does not grant that request, then the Chamber should not let D02-047 go
14 away but, rather, call him to give testimony as a witness of the Court.

15 The Chamber would like to reiterate what was said during the
16 hearing of the 14th of June; namely, that it felt that there was no need
17 to make the departure of Witness 047 subject to the decision of the
18 Chamber with regard to that application. You will therefore include,
19 Mr. Prosecutor, if you maintain your application, the document
20 mentioned -- the document in question in the list of documents which you
21 intend to rely on in your cross-examination of Jean Logo, and at that
22 point in time the Chamber is going to take its ruling bearing in mind the
23 arguments which you developed, if the Defence raises any objections.

24 At this juncture, the OTP has the floor to say something about
25 the forthcoming evidence of Mr. Jean Logo, and we would like to give the

1 floor to Mr. Dutertre or Mr. Garcia, whoever is going to take the floor
2 to tell us what this is all about, and it relates to the e-mails sent on
3 the 24th of June, and I would like to say that the Defence of
4 Germain Katanga, I hope has that e-mail so that they will be able to
5 address whatever points the OTP is going to raise now. You have the
6 floor, sir.

7 MR. DUTERTRE: (Interpretation) Good afternoon, your Honours.
8 The Prosecution has striven to respect the order of the Chamber and
9 supply the questions which we are going to put to the witness. The
10 Prosecution would like to know when the evidence of Jean Logo is going to
11 start. We know that familiarisation is going to take place next Friday,
12 but we would like to know whether his evidence will start on the
13 4th of July, that is Monday, or on Tuesday day, the 5th of July. This is
14 important for us so that we can prepare, and maybe the Defence team could
15 give us information with respect to what -- with respect to this point.

16 PRESIDING JUDGE COTTE: (Interpretation) We are going to give
17 them the floor, but when is familiarisation going to start?

18 MR. DUTERTRE: (Interpretation) It's going to start on Friday.

19 PRESIDING JUDGE COTTE: (Interpretation) Because we have
20 hearings -- we have two witnesses we are going to call this week, and we
21 have four days of hearings. On Friday there is going to be maintenance.
22 Next week we are going to have five days of hearings. Does the team of
23 Mr. Hooper have anything to say with respect to the date of the start of
24 Mr. Logo's evidence? Will it be next Friday? It should start at least
25 next Monday. That will be on the 4th.

1 MR. HOOPER: Our understanding is that it will be Monday, the
2 4th of July.

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

4 So you have your answer. Jean Logo will give evidence from the
5 4th right up to maybe the 7th, and next we have enough time for that.

6 You have the floor for another point, I believe.

7 MR. DUTERTRE: (Interpretation) Yes, the point we mentioned
8 earlier. Your Honour, in your decision 2388, the Chamber indicated or
9 stated that in order to ensure the expeditious conduct of the proceedings
10 and avoid any postponement, the Chamber orders the Defence to disclose to
11 the Prosecution either the statements of the witness they wish to call or
12 a summary of the key points that each witness is going to mention in his
13 or her evidence. That summary is -- should -- should provide an
14 exhaustive summary of the facts on which each evidence (* as interpreted)
15 is going to give testimony as well as any important information at the
16 disposal of the witness -- of the Defence regarding these witnesses. The
17 Chamber feels that these summaries would enable the Prosecution to
18 prepare efficiently for the presentation of Defence evidence.

19 Your Honours, we received our first indication in Defence
20 filing 2760, confidential, stating that the resource person is going to
21 give us information concerning Defence investigations. That information,
22 your Honour, we feel is not complete, and it does not enable us to
23 prepare efficiently.

24 A short while ago, you gave us information about the time
25 allotted to us. Our time allotment has been reduced. We are bearing

1 that in mind, and if we have to stick to that time allotment and try to
2 be efficient in the courtroom, we should be able to know in advance and
3 in greater detail about what Mr. Jean Logo is going to say here.

4 When they say that Mr. Jean Logo is going to give information
5 about Defence investigations, this is too general as information, and it
6 covers a lot of things which we cannot anticipate. The information is
7 equally of importance to the Bench. The most important thing is for
8 everyone to receive exhaustive information. For the other witnesses the
9 summaries were longer and they provided a lot more information.

10 Later on there was a discussion during the hearing that led --
11 the hearing whose transcript is T-236, during which Mr. Hooper stated,
12 and I quote:

13 "With respect to Mr. Jean Logo who shall be our witness, I don't
14 know how I can do that now."

15 I see that he is going to be like the last witness who is going
16 to round up things and mention information which would not have been
17 mentioned by other witnesses, because he took photographs, he collected
18 information. Maybe he has personal knowledge of the geography and other
19 such related information.

20 Your Honour, the Prosecution would like to submit that the
21 information we received is not enough for us to determine what Mr. Jean
22 Logo is going to say. They say he's going to round up the evidence.
23 What evidence? They say he has personal knowledge of the geography.
24 What is that? We need this information, especially as his testimony is
25 about one week away, and we have to prepare, and we're running behind

1 time.

2 I would like to state, your Honour, that during that same
3 hearing, transcript T-236, Mr. Hooper, to justify why he did not call
4 Jean Logo first but he's calling him last, he said, "One of the
5 difficulties is that if -- for me to call Jean Logo, I should -- I need
6 time to examine the photographs, to examine other evidence, and then I
7 should put all of that in order and prepare a statement which I will then
8 send to the Court and to all the parties and participants, and I don't
9 see how I can find the time to do all of that by next week."

10 That is what Mr. Hooper said at that point in time to justify why
11 he was putting Jean Logo at the end of the list of witnesses. So the
12 expectation, therefore is that Mr. Hooper is supposed to prepare a
13 statement or a summary, but today we don't have a summary or a statement,
14 and that evidence is going to be presented in one week's time, and the
15 information which is provided to us is not a summary. I think that it is
16 in the interests of expeditious proceedings to ensure that the parties
17 and participants are not surprised, and it's also a question of equity,
18 of equality of arms, to ensure that we received additional information
19 from the Defence team of Germain Katanga.

20 Those are the points I wish to bring to the attention of the
21 Chamber, to state that we have not received enough information so far,
22 your Honour.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
24 Mr. Prosecutor. You have been very clear.

25 The Defence team of Germain Katanga, can they give us

1 clarification? Can they give us assurances, orally perhaps? Tell us and
2 tell you exactly what they requested of Jean Logo in order to edify the
3 Prosecution team and other participants and parties. Is it Mr. Hooper or
4 Mr. O'Shea? And we are going to rapidly answer -- address what was said
5 by the Prosecutor, but if you have any information to give, please go
6 ahead.

7 MR. HOOPER: Yes, thank you. It had initially been our intention
8 of getting a statement as we've done with all the witnesses that we've
9 called, but when one came to look at that, it was apparent that the
10 investigator fell into quite a different category that didn't really lend
11 itself so much to -- to a statement, but I appreciate my friend's
12 concern.

13 Can I assure him, first of all, that I'm not intending to use
14 Jean Logo as a factual witness relating to the events. The only facts
15 that I anticipate he'll be dealing with may be matters to deal with
16 distances and the geography and where places can be found to the extent
17 that those places and distances are unclear. I may also invite him to
18 assist the Court as to perhaps particular instances where he has been
19 himself directly involved and been the subject, we would say quite
20 wrongfully, of explicit criticism by the Prosecution; that he'll also be
21 able to assist in respect of photographs that he's taken or been present
22 when they've been taken or -- or can speak accurately of -- of the images
23 in a photograph, for example. So that's the kind -- the general extent
24 of -- of his evidence.

25 I appreciate my friend's concern that he would like a little bit

1 more detail, and I undertake to provide him with a more detailed summary
2 of the areas that I will be taking Jean Logo to when he gives evidence,
3 and I'll provide that by 4.00 Thursday. There'll also be, of course, the
4 accompanying list of documents that may be used in examination-in-chief
5 of -- of Mr. -- Mr. Logo, and I think taken altogether that would give
6 the Prosecutor a very fair and clear overview of the potential areas of
7 evidence that Mr. Logo will be anticipated and is anticipated to be
8 assisting the Court in respect of. I hope that's sufficient.

9 PRESIDING JUDGE COTTE: (* No interpretation) ...
10 (interpretation) so that they have the necessary amount of time so that
11 the cross-examination can be prepared for Mr. Logo. That would be ideal,
12 but I'll allow Mr. Dutertre to now address the Court.

13 MR. DUTERTRE: (Interpretation) Yes, indeed, your Honour. I
14 think you've anticipated our concern. I would expect that Mr. Hooper
15 already knows exactly what he intends to raise with Mr. Logo.
16 Now Thursday, I think we would only have one working day, and that would
17 be very short, so I think we need to have the information as quickly as
18 possible. Today, even today, after today's hearing is over. We really
19 do need that information as quickly as possible in the sake of fairness
20 to the Prosecution.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika.

22 MR. LUVENGIKA: (Interpretation) Your Honour, thank you for
23 allowing me to address the Court. I wanted to speak and say that I agree
24 with the Prosecutor. Mr. Logo was in charge of various investigations
25 relating to Mr. Katanga's witnesses and also the victims who appeared

1 before the Chamber, so we need to disclose our questions at least
2 seven days in advance. If Mr. Hooper thinks that he won't be disclosing
3 the documents that he intends to use during examination-in-chief not
4 until Thursday, that will not allow us to prepare properly. I thank you.

5 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika, thank
6 you. You and Mr. Gilissen, you do have your own constraints, time
7 constraints, that we've had to deal with from time to time. I think
8 ideally, we will have to -- well, actually, there is a three-day
9 requirement, and that is the time within which the documents must be
10 provided. So if testimony is provided for on Monday, I think -- on
11 Monday, I think Thursday would be rather late. I think this disclosure
12 must begin as quickly as possible, at least partial disclosure, and it
13 should be finished by Wednesday at 4.00 in the afternoon so that we can
14 conclude the hearing of witnesses from Mr. Katanga's Defence team, unless
15 there are any unforeseen circumstances, and everyone needs to have the
16 proper conditions so that they can do their preparation.

17 The Chamber thanks you in advance for beginning disclosure as
18 quickly as possible. If it has to be rolling disclosure, so be it, but
19 it must be finished by Wednesday at 4.00 in the afternoon.

20 I believe we've looked at all the various items that we need to
21 look at at the beginning of this hearing after not sitting for a week.
22 We will now call the witness, Witness D02-196 who is a witness that does
23 not enjoy any special protective measures during the hearing.
24 Consequently, we can have him brought into the courtroom without going
25 into closed session. We be able to address him by his name or first

1 name. He will merely provide us with his identity and make his solemn
2 oath, and then we will move on to examination by the Katanga Defence team
3 led by Mr. O'Shea, it would appear.

4 Court Officer, if you could be so kind as to bring in
5 Witness 196, whose name is Léonard Katobe Adiso.

6 (The witness entered court)

7 WITNESS: WITNESS DRC-D02-P-0196

8 (Witness answered through interpreter)

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

10 THE WITNESS: (Interpretation) Good afternoon.

11 PRESIDING JUDGE COTTE: (Interpretation) Can you hear me?

12 THE WITNESS: (Interpretation) Yes, very well. I am feeling
13 just top-notch, five out of five.

14 PRESIDING JUDGE COTTE: (Interpretation) Very well. The Bench
15 is very happy to welcome you. You have travelled from a great distance
16 to come and give testimony at the request of the Katanga Defence team.
17 We will now be asking you -- I'm sure you've been told this. We will ask
18 you to speak in a loud voice, to speak slowly, and to speak directly into
19 the microphone so that everyone can hear you properly. We would also
20 like to ask you to wait for five seconds from the time that a question is
21 asked of you. Please wait five seconds before you reply. This
22 five-second lag makes the work of our interpreters easier even if you are
23 speaking in French. Apparently you will be speaking in French. This is
24 what I've been told.

25 Now, first of all, I would like to ask you to give us your

1 identity, and if you could please give us your full name or the names
2 that you go by most commonly, and your first name.

3 THE WITNESS: (Interpretation) My name is Adiso.

4 PRESIDING JUDGE COTTE: (Interpretation) And your first name?

5 THE WITNESS: (Interpretation) Katobe.

6 PRESIDING JUDGE COTTE: (Interpretation) I see that you also
7 have a first name, Léonard. Do you also go by that name?

8 THE WITNESS: (Interpretation) That is my first name. Perhaps I
9 should have started differently.

10 PRESIDING JUDGE COTTE: (Interpretation) So your first name is
11 Léonard.

12 THE WITNESS: (Interpretation) Adiso.

13 THE INTERPRETER: Overlapping speakers, the English interpreter
14 regrets.

15 PRESIDING JUDGE COTTE: (Interpretation) How would you like us
16 to address you? Should we call you Mr. Katobe or Mr. Adiso?

17 THE WITNESS: (Interpretation) I've always preferred Katobe. If
18 you could refer to me as Mr. Katobe.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you. We will
20 refer to you in that manner. Could you please give us your date of
21 birth, please, and your place of birth, once again respecting the
22 five-second rule.

23 THE WITNESS: (Interpretation) I was born in Geti on the
24 18th of December, 1958.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Could you

1 tell us what your current profession is, if you are currently working?

2 THE WITNESS: (Interpretation) At the current time, I am a
3 security guard at Oxfam, Oxfam Great Britain.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, sir.

5 Before you begin your testimony, we would like to ask you to give
6 a solemn oath to tell the truth. This is a solemn oath that I will be
7 reading out very slowly so that you can fully grasp the importance of the
8 form. Now, this is the actual oath, the actual words:

9 "I solemnly state that I shall tell the truth, the whole truth,
10 and nothing but the truth."

11 Have you understood that?

12 THE WITNESS: (Interpretation) Very well.

13 PRESIDING JUDGE COTTE: (Interpretation) Do you now give us your
14 commitment to tell us the truth, the whole truth, and nothing but the
15 truth?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you. The Court
18 would like to ask you to listen very carefully once again. A few moments
19 ago, you made a commitment to tell us the truth, the whole truth, and
20 nothing but the truth. If during your testimony or when you are
21 answering the questions that are being put to you from either side of the
22 courtroom, if you do not tell the truth, you could find yourself facing
23 charges before the International Criminal Court for perjury, and if it
24 were to be proven that such were the case, you could be found guilty.

25 Once again, have you properly understood this?

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1 THE WITNESS: (Interpretation) Yes, I have understood that.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well. Mr. Katobe,
3 the Bench take note that Article 69(1) and Rule 66(1) of the Regulations
4 of Evidence and Procedure have been complied with. I notice that you
5 have followed the instructions that I have provided. Please respect the
6 five-second rule. It is an important one. We may have to remind you of
7 it from time to time, and ourselves, we do forget it. Please don't be
8 offended if we do that.

9 It's warm today, so please take a drink of water if you wish, if
10 you're thirsty. Please don't hesitate, take some water. If you're too
11 warm, please use the tissues in the box in front of you if you need to
12 blot your forehead or wipe your brow as you wish.

13 Now, Mr. O'Shea, I believe that the time has come. You now have
14 the floor.

15 MR. O'SHEA: Yes. Thank you very much. Good afternoon,
16 Mr. President, your Honours.

17 Questioned by Mr. O'Shea:

18 Q. Good afternoon, Mr. Katobe.

19 A. Good afternoon.

20 Q. (* Previous translation continues) ... Andreas O'Shea, and I will
21 be asking you some questions on behalf of Germain Katanga, who is one of
22 the accused in this trial, and I will be speaking in the English
23 language, but what I'm saying is being interpreted into the French
24 language directly to you.

25 Now, you may remember that we have met before this year, shortly

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1 after Easter, and you may also know other members of the Defence team.
2 You may, for example, know Ms. Caroline Buisman, or Mama Caroline, if you
3 remember her. I think you have also met Mr. David Hooper, who is the
4 lead lawyer in the case.

5 A. Yes, yes, yes.

6 Q. And you may also know Ms. Sophie Menegon, who sits here next to
7 me.

8 A. Yes, yes. That's fine.

9 Q. Right at the back, you may know the gentleman at the back. Do
10 you know the gentleman at the back?

11 A. Yes. As I was coming in I saw him, and I recognised him. His
12 name is Germain Katanga.

13 Q. So could you perhaps begin by explaining to the Judges what your
14 level of education is, please.

15 A. I went up to the fourth year of secondary school, D4, and I
16 received my fourth grade diploma. We refer to it as the D4 level.

17 Q. And what -- following your -- your studies at level D4, what, if
18 any, profession did you exercise?

19 A. I was a teacher in Gety for 25 years.

20 Q. And is that Gety, G-e-t-y?

21 A. Yes.

22 Q. And just so that we can situate ourselves geographically, do you
23 know the approximate distance between Gety and Aveba?

24 A. Approximately 15 kilometres.

25 Q. Do you know the approximate distance between Gety and the village

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1 of Bogoro?

2 A. Thirty-five kilometres. That is the distance between Gety and
3 Bogoro.

4 Q. And after teaching at Gety, what -- what did you do then?

5 A. When I was a teacher in Gety, I worked, as I said earlier, I
6 went -- well, I left teaching behind, and I began working in
7 administration, and I did some training in accounting in Bunia.

8 Q. (* Previous translation continues) ... year did you start this
9 stage?

10 A. That internship began in 2001.

11 Q. And did you do anything else?

12 A. Yes. While I was doing this period of training, I was working
13 for an NGO, *Terre des Enfants*, and that was close to the place where I
14 was doing the training, district -- in the Ituri District.

15 Q. And did you -- did you eventually make use of your training in
16 accounting and exercise that profession or not?

17 A. Yes. Towards the end of the training period, I did -- well,
18 there was a test, and I passed, and I did receive a certificate attesting
19 to the fact that I'd finished this internship in accounting.

20 Q. *And after the fall of Lopondo, if you remember,
21 where -- where were you, or where did you go after the fall of
22 Lopondo?

23 A. Well, when Lopondo fell, since Bunia was really
24 in turnmoil,--
25 I had to flee Bunia and go to

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1 Geti via Zumbe, Nombe, and Songolo.

2 MR. O'SHEA:

3 Q. Did you -- did you stay in Gety, or did you return to Bunia at a
4 later stage?

5 A. Yes. I went to Bunia once things had calmed down, towards the
6 end of 2003.

7 Q. And -- and when did you finish your *stage* that you mentioned
8 earlier, the *stage* in accounting?

9 A. When I came back from Gety, I continued the training while I was
10 working for *Terre des Enfants*. I finished in 2004.

11 Q. When exactly did you -- you start working for *Terre des Enfants*?

12 A. I had begun working at *Terre des Enfants* when I was in Bunia in
13 2001, when I was doing that training.

14 Q. And were you still working for *Terre des Enfants* in 2004?

15 A. Yes.

16 Q. And what was your function within that organisation?

17 A. That organisation, well, I was a supervisor. I supervised the
18 children.

19 Q. And the word that you used in French was "*encadreur*." What is
20 the nature of that function? What is the nature of that job?

21 A. Well, we would take care of the children, the NR children. That
22 stands for "unaccompanied children" in French.

23 Q. What did you do specifically?

24 A. Well, we did outreach using the radio. We would try to find
25 these children who were unaccompanied who had to come to our offices, and

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1 they would come to our offices. We would identify them and determine how
2 we could help them go back to their families.

3 Q. Now, this organisation *Terre des Enfants*, what were the
4 objectives of this organisation?

5 A. The objectives of this organisation were to ensure that children
6 could return to their families, go back to their families. That was the
7 aim.

8 Q. And what were the circumstances which would give rise to the need
9 to bring children back into their families?

10 A. The circumstances, well, I can say that since they didn't have
11 any assistance, to save them it was necessary to reunite them with their
12 families.

13 Q. Now, in your -- in your job as *encadreur*, do you remember - and
14 don't mention names yet - but do you remember who you were working with?

15 A. Yes, I do remember.

16 MR. O'SHEA: (* Previous translation continues) ... closed
17 session for just a minute, please, Mr. President.

18 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, if we
19 could go into private session for a moment.

20 (Private session at 3.11 p.m.)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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Page 22 expunged – Private session.

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1 (Open session at 3.14 p.m.)

2 COURT OFFICER: (Interpretation) We are in open session,
3 your Honour.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

5 Mr. O'Shea, please continue.

6 MR. O'SHEA:

7 Q. Yes. Now, we've already spoken about Charles. Now, apart from
8 Charles, who else were you working with when you were fulfilling your
9 functions as *encadreur* that you remember?

10 A. As an *encadreur*, we worked with Jean Aloga as well. There was
11 also Mama Beatrice, as well as Nadine Wanican. There was Israel as well,
12 and lastly, we had Mama Noëlla.

13 Q. Now, if I -- if I bring you directly to 2004, how many people, to
14 your recollection, were working for *Terre des Enfants* in 2004, including
15 yourself?

16 A. Precisely the number of people I mentioned. I don't know how
17 many that equates to. I have the names in mind, but I don't know how
18 many that amounts to.

19 Q. Now, did you, within *Terre des Enfants*, have a specific way of
20 (* Microphone not activated) ... Can you explain that?

21 A. Yes. The children were classified under certain categories in
22 2004, especially whilst we were working at the transit site in Aveba.

23 MR. O'SHEA: Yes. I'll just -- I'll just repeat my question,
24 because apparently part of my question was not on the transcript. The
25 question was: Were children categorised or defined in particular ways

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1 within the organisation of *Terre des Enfants*, and the witness has given
2 his answer, but that was essentially my complete question.

3 Q. Now, you've just mentioned that you -- there were ways of
4 categorising children at the site at Aveba.

5 A. Yes.

6 Q. Now, could you please, to your knowledge, explain how many
7 demobilisation sites there were within the province of Ituri? And if
8 that is difficult, within Walendu-Bindi.

9 A. Well, the sites I knew were the sites of Aveba and the site of
10 Bunia there on the spot.

11 MR. DUTERTRE: (Interpretation) Your Honour, could I ask my
12 learned colleague to give a time-frame when he puts questions to the
13 witness. When he talks about the sites and he talks about categories,
14 it's a bit too general, and this leads to confusion which could be
15 prejudicial to the determination of the truth.

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

17 Mr. O'Shea, if you wish to get clarifications on this point,
18 well, you should try to give some clarifications. Make sure that we know
19 the time period you're talking about. Are we talking about 2001? Is
20 that the period?

21 MR. O'SHEA: The last -- the last year that was mentioned was
22 2004. I framed my questions within the context of 2004.

23 PRESIDING JUDGE COTTE: (Interpretation) 2004 then.

24 MR. O'SHEA: Yes, okay.

25 PRESIDING JUDGE COTTE: (Interpretation) Fine. Well, it's

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1 important for us all to know exactly when he was working so that we can
2 understand whether or not the other demobilisation sites he has
3 mentioned, including Bunia, were sites that were operating at that
4 particular point in time in 2004. So please try to clarify this time
5 aspect. Thank you. You may proceed.

6 MR. O'SHEA:

7 Q. Now, can you -- can you tell us when was the first time that you
8 visited Aveba in 2004?

9 A. The first I went to Aveba, I was accompanied by Aloga.

10 Q. And can you tell us when the site that you mentioned was
11 established in Aveba?

12 A. The site was established in the same year, that is 2004.

13 Q. Do you -- can you remember in which month approximately it was
14 established?

15 A. Yes. The site started in early November 2004.

16 Q. And -- and how long before that was this first occasion when you
17 went to Aveba with Jean Aloga?

18 A. The first time I went with Jean Aloga was between July and
19 August 2004.

20 Q. Okay. I'll come back to that first visit in a moment. This is
21 just to provide a time-frame so that everybody is clear. So when -- when
22 *Terre des Enfants* was carrying out its activities in Aveba in 2004, what
23 was its objective? What was it trying to do in Aveba, *Terre des Enfants*?

24 A. *Terre des Enfants* believed that there were many children in armed
25 groups. Its objective, therefore, was to demobilise such children.

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1 Q. And did *Terre des Enfants* establish a criteria for determining
2 which children should be demobilised?

3 A. Yes. They had criteria, but this criteria was not always -- or
4 was not complied with.

5 Q. And before we come to the non-respect of those criteria, what
6 were the initial criteria envisaged?

7 A. The point was to demobilise the children, children who were in
8 armed forces and groups. They had to be demobilised. And when they
9 arrived, they found that apparently there were really no child soldiers.

10 Q. In -- when *Terre des Enfants* was treating this problem of child
11 soldiers, to -- to what extent did it refer to the Cape Town principles,
12 or did it apply other principles?

13 A. I beg your pardon. The term "Cape Town," I'm afraid, does not
14 make any sense to me. Could you explain?

15 MR. DUTERTRE: (Interpretation) Your Honour, that question was a
16 bit leading, and I think Mr. O'Shea should try to get round this point
17 instead of stating that point, and of course, apparently the witness is
18 not aware of what it is.

19 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, we would
20 like to ask you to put your questions in such a way that the witness will
21 understand you and provide you with answers that will help to speed up
22 our proceedings.

23 Mr. Witness, Mr. O'Shea's going to repeat his question, and he
24 might put it differently, or he might like to put it subsequently.

25 Mr. O'Shea, you have the floor.

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1 MR. O'SHEA:

2 Q. How -- how -- how were child soldiers defined by *Terre des*
3 *Enfants*?

4 A. We saw only one case of a child soldier, on the first day.

5 That -- that child's name was Karido. After that, some time went by.

6 The children were not coming. And since the children were not coming, we
7 had to pack up and go, and so to avoid packing up to go, we had to
8 conduct some sort of awareness-raising to get the children to come, and
9 we carried out this awareness-raising using certain kits that we had, and
10 the children started coming. When the children started coming, instead
11 of doing things meticulously, they were not asked many questions. We
12 would simply ask them whether they had been in one group or another. The
13 whole idea was just to increase the number of children, that's it.

14 Q. Let me come back to my question, which is this: How did
15 *Terre des Enfants* determine whether a child should be demobilised or not?
16 What were the criteria which were used?

17 A. As I said earlier, there were about three categories of children.
18 There were child soldiers, Karido, the only one we saw. And the rest of
19 the children were children we will refer to as the EAFGA, an acronym
20 which means, in French, "Children Associated with Armed Forces and
21 Groups," and these EAFGA children were children who had lived with
22 militia members. They may not have carried weapons, but they could have
23 been their relatives, relatives of militiamen, or children who were
24 living in the camps who did small menial jobs, who ran errands, who would
25 fetch water, for example, or stand guard. Rear cattle, for example. And

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1 so all such children were considered as the EAFGA children, that is,
2 Children Formerly Associated with Armed Forces and Groups. That was the
3 second category.

4 Now, turning to the third category, the last category, you had
5 children from the village who, for reasons of poverty, because they were
6 poor, wanted to obtain the demobilisation kits, and we considered such
7 children as war-traumatised children.

8 Q. So let me come back to your specific activities in Aveba, and
9 beginning with your first contact with Aveba, you said earlier that you
10 went with Jean Aloga to Aveba.

11 A. Yes.

12 Q. That visit, that first visit, that was on the instructions of
13 whom and with what objective?

14 A. I apologise. The name is not Logo, the name is Jean Aloga.
15 That's a point of correction. The name is Jean Aloga.

16 Q. Yes. So -- so you went with Jean Aloga. Who instructed you to
17 go with Jean Aloga that day to Aveba? And remember what I said earlier
18 about the use of names.

19 A. Oh, yes. Thank you for that reminder. It was Charles who
20 instructed us. He gave us a duly signed mission order for us to go
21 there.

22 Q. And -- and what was the objective of that visit to Aveba?

23 A. The objective was to go and prepare, to go and see whether we
24 would be received in Aveba or not.

25 Q. And -- and the objective was to see whether you would be received

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1 or not by whom?

2 A. Received by Germain Katanga.

3 Q. And what were you instructed to discuss with Germain Katanga?

4 A. We did not discuss for long with Germain Katanga when we arrived.

5 When we arrived, he received us and asked his secretary to receive us.

6 Q. When Charles gave you the instruction to go to Aveba to meet with

7 Germain Katanga, what was your mission? What were you -- what were you

8 supposed to achieve?

9 A. We were supposed to obtain at least the authorisation to go and

10 work in Aveba at the transit site located there.

11 Q. So how did you go about securing a meeting with Germain Katanga?

12 A. When we arrived, that is, we left Bunia and went to Gety, and

13 since I have a house in Gety, we spent the night in my home. The next

14 day, we had to continue to Aveba. Once we arrived, we went to see a

15 local pastor to request information. That pastor said that before we

16 could see Germain, we had to meet a woman who had some influence in the

17 area. Her name was Regine. The president of the Association of Mothers,

18 that is ADC in French. That is the acronym. The Association of Mothers

19 for Community Development. And that is what we did.

20 Q. And then what happened when you spoke to this lady?

21 A. The lady gave us a document which we presented to

22 Germain Katanga.

23 Q. And when you went to present this note to Germain Katanga, was it

24 just you and Aloga or was there anyone else with you?

25 A. It was just the two of us when we had to meet Germain Katanga.

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1 That is, I was only with Jean Aloga.

2 Q. And then what happened?

3 A. As I said earlier, we were sent to his secretary typist who used
4 the computer.

5 THE INTERPRETER: I think the witness mentioned a name which we
6 could not catch.

7 MR. O'SHEA:

8 Q. And how did things progress? What did Bedi say to you or what
9 did you say to him?

10 A. We told him that we had come to tell Germain that very soon work
11 was going to start at the site, and they accepted.

12 Q. After this first visit to Aveba, did you come back?

13 A. Yes. After that, we made a second trip with (Expunged). That was
14 before we came to eventually start working.

15 Q. And when you -- when you came the second time, apart from
16 Charles, was there anyone else with you?

17 A. There was no other person with us. Since we had been there
18 earlier, we just moved on straight to the place.

19 Q. And did you see Germain Katanga that day or not?

20 A. On that day, yes, we did see him.

21 Q. And what was discussed?

22 A. We told him that work was going to start very soon, as I
23 mentioned earlier, in the month of November. And this was, I believe, in
24 October. And immediately after that, when we returned to Bunia, we
25 prepared ourselves to go and set up in Aveba at the end of the month of

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1 October and start work on the 1st of November, 2004.

2 Q. (* Previous translation continues) ... meeting where there's
3 yourself and Charles going to meet Germain Katanga. Do you remember
4 exactly where in Aveba or in which building in Aveba the meeting took
5 place?

6 A. We met him in the militia camp in Aveba where the site was
7 constructed.

8 Q. And apart from Germain Katanga, who else did you have occasion to
9 meet that day, if anybody?

10 A. On that day, we had occasion to meet Sipa. Sipa was there as
11 well. We found him there.

12 Q. And do you remember how much time you spent with Germain Katanga
13 himself?

14 A. I believe that we spent about 45 minutes to an hour with him.

15 Q. And do you remember what Germain's -- Germain Katanga's general
16 attitude to the discussion was that day?

17 A. Yes, I do remember. His attitude was very good, calm. There
18 were no problems.

19 Q. And did you achieve everything that you had gone there to achieve
20 that day or not?

21 A. Yes.

22 Q. Do you remember if you ate while you were at this meeting with
23 Germain Katanga?

24 A. Yes. We were introduced, and we did share something. We were
25 given something to eat.

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1 Q. And did you have occasion to meet any of Germain Katanga's family
2 at that day or not?

3 A. No.

4 Q. So after this second meeting where Charles was also present, were
5 there any further initial meetings or further initial trips to Aveba
6 before the -- before the -- before you actually moved to Aveba or was
7 that it?

8 A. Well, there was a third trip, and at that time I didn't go. They
9 went with Jean Aloga.

10 Q. (* Previous translation continues) ... say they came with
11 Jean Aloga, who are you referring to?

12 A. Could you please repeat your question.

13 Q. (* Previous translation continues) ... that trip, but you didn't
14 go, and that they went with Jean Aloga. Who went with Jean Aloga?

15 A. Charles.

16 Q. And in relation to these meetings, can you try to situate us in
17 time as to when exactly the site was established. How long after this
18 third meeting was the site established, or was it established before this
19 third meeting? When exactly was the site established or constructed?

20 A. Thank you for your question. The site was set up directly after
21 the third trip, that is to say, early in November 2004, as I said a
22 little bit earlier.

23 Q. And -- and what level of cooperation did you receive from
24 Germain Katanga during this process?

25 A. Well, above all, he --

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1 MR. DUTERTRE: (Interpretation) This was a very leading
2 question. Perhaps Mr. O'Shea could reformulate his question.

3 THE WITNESS: (Interpretation) Otherwise, that might mix me up
4 as well.

5 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, if you
6 could break down your question into smaller units so that we can
7 gradually get to the destination.

8 MR. O'SHEA: (* Previous translation continues) ... second time
9 my learned friend has called me Mr. Hooper, so ...

10 PRESIDING JUDGE COTTE: (Interpretation) Indeed. That is true.

11 MR. DUTERTRE: (Interpretation) Yes. One of those days. We're
12 referring to Jean Aloga and Jean Logo --

13 MR. O'SHEA: (* Previous translation continues) ... Hooper today.

14 I don't think the question was particularly leading. It's a very
15 open question. What was the level? What was the level -- I don't know
16 how it was translated into French, but what was the level of cooperation
17 that you received from Germain Katanga? Was it a low level, a high
18 level, a medium level? There had to be some -- there has to be some way
19 of describing whether there was cooperation or there wasn't cooperation.

20 MR. DUTERTRE: (Interpretation) I object to what Mr. O'Shea has
21 just said. There seems to be a presumption that there was cooperation.
22 First of all Mr. O'Shea should try to determine whether there was
23 cooperation, who cooperated with whom, and then what level of cooperation
24 existed, rather than suggesting to the witness that -- that cooperation
25 did occur. This is a very important point.

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1 PRESIDING JUDGE COTTE: (Interpretation) Mr. Dutertre, we have
2 understood your point.

3 Now, in earlier questioning, all the same, reference was made to
4 the welcome that Mr. Germain Katanga provided, what role had -- he may
5 have played. Mr. O'Shea may ask this question.

6 Now, Mr. O'Shea, perhaps you could begin with -- by saying, "Did
7 Mr. Germain Katanga cooperate with," and then once obtaining an answer,
8 you could ask the level of cooperation.

9 MR. O'SHEA: It's less leading. I think -- I think the
10 question --

11 Q. If I can ask you this question, Mr. Witness, which I think is
12 more leading, but did -- did Germain Katanga cooperate?

13 A. I understand the meaning of "cooperation" as cooperation. We
14 understood they did not make things difficult for us. We thought that
15 perhaps there might be a refusal, so -- well, I spoke of cooperation. He
16 cooperated very well. He understood things very well. He did not
17 complicate matters for us.

18 THE INTERPRETER: Correction from the interpreter: Cooperation
19 in the meaning of comprehension.

20 MR. O'SHEA:

21 Q. (* Previous translation continues) ... how the physical space was
22 found for the establishment of this site, and who organised it?

23 A. Well, I would say no, I don't know who organised it, because we
24 found the camp built. It was built by MONUC, the cooperation of MONUC
25 with ADESE, ADESE which was another NGO responsible for development, and

1 there was Save the Children. They were our partners. They also provided
2 us with things.

3 Now, how they made the arrangements to get that place, well, I
4 don't know.

5 Q. Yes. And do you remember in which month you actually -- you
6 yourself moved to Aveba?

7 A. Yes. It was at the end of the month of October, late in October.
8 We started the actual work on the 1st of November once things were in
9 place.

10 Q. (* Previous translation continues) ... working from the 1st of
11 November, do you remember who were the other -- who were the other people
12 that you were working with other than Charles?

13 A. Other than Charles, amongst the various names that I gave
14 initially, the colleagues that we worked with, there was just one single
15 one who was not part of that, Israel, and Noëlla. Other than that, the
16 others were there, Nadine, Jean Aloga, Mama Beatrice. We were all there.
17 On the site we also took local people, people from the local area, to
18 inflate the figures. There was David and then David Mugasa.

19 Q. Do you -- do you remember what was the physical correlation
20 between the site, the demobilisation site, and the military camp?

21 A. Yes. Unless I'm mistaken, I believe I did provide some sketches
22 last time of the transit site. That was built close to the militia camp.

23 Q. Yes. And perhaps I'll show you that after the break.

24 PRESIDING JUDGE COTTE: (Interpretation) In actual fact, we
25 continue until 4.15. We began at 2.15, so we can keep on going till

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1 4.15. You have 16 minutes remaining.

2 MR. O'SHEA: I didn't realise that. Thank you. Just a moment,
3 please, your Honour.

4 (Defence counsel confer)

5 MR. O'SHEA:

6 Q. Sir, I'm going to show you a sketch and ask if you recognise it,
7 and it is DRC -- thank you. DRC-D02-0001-0447. And that will come on
8 the screen soon for you to have a look at.

9 MR. O'SHEA: It can be public.

10 COURT OFFICER: (Interpretation) Please press "PC 1" to view the
11 document.

12 PRESIDING JUDGE COTTE: (Interpretation) Gentlemen, do you have
13 the screen -- the sketch on your screen? Everyone else?

14 THE WITNESS: (Interpretation) I beg your pardon. I beg your
15 pardon. This sketch, I provided it very quickly when with -- when I was
16 with friends. It really was just for you to have an idea, an overview,
17 so to speak, of the situation.

18 PRESIDING JUDGE COTTE: (Interpretation) It is a sketch. It's
19 not intended to be something finer than that.

20 MR. O'SHEA:

21 Q. (* Previous translation continues) ... accountancy and not in
22 architecture, so you'll be forgiven for that, Mr. Katobe. Now, do you --

23 A. Thank you.

24 Q. (* Previous translation continues) ... the document in front of
25 you? You've obviously already made a comment in relation to it.

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1 A. Yes.

2 Q. And can you -- can you explain the circumstances in which this
3 document was produced?

4 A. This document was produced in reply to a question that was put of
5 me. I was asked to situate the transit site, the Aveba transit site. It
6 was to give an idea of the structure.

7 Q. If you look at this sketch, this is a -- this is a -- this is a
8 sketch that you've -- you've drawn, and you've also signed at the bottom
9 of the sketch with your name, and it's dated 11th of August, 2010, and
10 done at Bunia. So is that correct? That is the date and the place where
11 this sketch was done?

12 A. Yes. That is the date and the place.

13 Q. (* Previous translation continues) ... drawn here "*site de*
14 *transit Aveba*," and you've differentiated between *espace adultes* and
15 *espace enfants*, but it appears from the sketch that you have placed the
16 *espace enfants* within the boundaries of the *espace adultes*; is that
17 right? Is that what you wanted to represent?

18 A. The transit side is represented as such, as it was.

19 Q. So was the *espace enfants*, was the place where the children were
20 demobilised, within a construction designated for adult demobilisation?
21 Was it a component part of a whole as it's represented here?

22 A. Well, the lines that you see represent walls, fences that were
23 built, and within these areas there were tents, tents on various sides
24 within the adult area and also within the space for children. There were
25 tents there. And they were indeed separated by way of fences.

1 Q. (* Previous translation continues) ... to walk to the place for
2 child demobilisation, would one first have to pass through the space
3 designated for adults?

4 A. After the reception area, one would have to go by way of the
5 space for adults, and then one would reach the space provided for
6 children inside.

7 Q. Just to the right of the demobilisation site you've marked "*camp*
8 *de Germain Katanga*," or you've marked "*camp de Germain K.*" That's the
9 camp of Germain Katanga, and you've written in between the site and the
10 camp you've written "5 metres." Is that the distance between the camp,
11 the military camp, and the site? Is that what's meant here?

12 A. Yes. Well, that's an estimate, between 5 and 10 metres in
13 distance. It wasn't very far. The two were close to one another.

14 Q. And you've placed a separate construction outside the
15 demobilisation site or *site de transit*. You've placed a separate
16 construction which you've called *réception*, reception. So the reception
17 area is physically located outside the site itself; is that right?

18 A. Yes.

19 Q. And within this sketch that you've drawn, where -- in which -- in
20 which part of your sketch would be the place where your office would be
21 located? Not -- not the place where you would be interviewing children
22 or whatever, but where would be the place where you would do your work?
23 Where was your office? Where would you sit?

24 A. Our office was within the area for children. That is to say,
25 there was an apartment, an apartment/dormitory. Since there were boys

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1 and girls, there was a dormitory for boys and another one for girls, and
2 in that same apartment there was part of it that was set aside for our
3 office, and everything was built --

4 THE INTERPRETER: Correction: Everything took the form of tents.

5 MR. O'SHEA:

6 Q. And are you able to estimate, and -- of course, His Honour the
7 Judge President has already indicated that we don't expect the finesse of
8 an architect here, but are you able to estimate how many square metres
9 would have been the space designated for the children?

10 A. The space for children, perhaps 40 square metres. That is an
11 estimate. I would say about 40 square metres.

12 Q. And --

13 A. I would say 40 would be the length, and then the breadth --

14 THE INTERPRETER: Inaudible.

15 THE WITNESS: (Interpretation) I would like to make a reference
16 to the length. It was about 40 metres X 30 metres.

17 MR. O'SHEA:

18 Q. And you say that there were different tents within this space.
19 Would one of those tents be a place where children could sleep?

20 A. Yes. I believe that I mentioned dormitories. There were
21 dormitories for girls and dormitories for the boys. And the other place
22 was set aside for the sanitary facilities.

23 Q. And where would you sleep? Would you sleep within the site or
24 would you sleep outside the site?

25 A. I would sleep at the transit site, because the children were not

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1 to be left alone, and I was the supervisor.

2 Q. (* Previous translation continues) ... area designated for the
3 children as opposed to the area designated for the adults? Was that
4 within the area that you've described as 40 metres X 30 metres?

5 A. It was in the same area so as to provide proper supervision of
6 the children.

7 Q. Now, looking at your sketch, the construction which is marked
8 "*réception*," or "reception," could you describe to the Court what was the
9 function of that particular construction?

10 A. Thank you for your question. That part was a tent as well that
11 was put up there where all the children and adults had to go before
12 entering the site itself, and that was called the focal point. There was
13 one person there who would wait and then after asking a number of
14 questions to verify or to identify, the person would then be taken to the
15 transit site.

16 Q. (* Previous translation continues) ... you with this a little
17 later. Thank you.

18 PRESIDING JUDGE COTTE: (Interpretation) Witness, we are going
19 to suspend the hearing. After two hours we always take a break. We'll
20 have a break, and during that time you will be able to take some rest and
21 have something to drink, and we will resume at 4.45 and go for another
22 two hours, ending at 6.45.

23 The hearing is now suspended.

24 THE WITNESS: (Interpretation) Very well.

25 PRESIDING JUDGE COTTE: (Interpretation) We will now have the

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1 witness shown out. The Court Usher will show you out. I was a little
2 bit hasty. We will not leave the courtroom until the witness has left
3 the courtroom.

4 (The witness stands down)

5 PRESIDING JUDGE COTTE: (Interpretation) The hearing is now
6 suspended, and we shall resume at 4.45.

7 Recess taken at 4.14 p.m.

8 On resuming at 4.48 p.m.

9 (Open session)

10 COURT USHER: All rise.

11 PRESIDING JUDGE COTTE: (Interpretation) You maybe seated.

12 Court Officer, Court Usher, please bring the witness into the
13 courtroom, Mr. Katobe.

14 (The witness takes the stand)

15 PRESIDING JUDGE COTTE: (Interpretation) Good afternoon,

16 Mr. Witness. We are going to continue with our hearing. Can you hear
17 me?

18 THE WITNESS: (Interpretation) Yes, very well.

19 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Mr. O'Shea
20 will continue with his examination.

21 Please proceed, Mr. O'Shea.

22 MR. O'SHEA: (* Previous translation continues) ...

23 Mr. President.

24 Q. Mr. Katobe, we were asking you about your sketch before the
25 break, and I'll ask you a few more questions on your sketch.

1 Do you remember how large the military camp of Germain Katanga
2 was at the time when the demobilisation site was in place in 2004?
3 You've mentioned that the espace enfants, according to your estimation,
4 and we understand that these are approximations, but according to your
5 estimation you said it was 30 metres X 40 metres, that children's space.

6 Do you recall at all how large the camp, the military camp, was?

7 A. Regarding the size of the military camp, I would say that it was
8 a small camp. I really cannot give you an estimate of the land area.

9 Q. (* Previous translation continues) ... the demobilisation site.

10 A. Smaller than the demobilisation site.

11 Q. And at the time, at the time of demobilisation in November 2004,
12 were there any hostilities going on in the region where Aveba was located
13 or not?

14 A. There were hostilities in areas very far from there, but it was
15 not frequent.

16 Q. (* Previous translation continues) ... hostilities going on at
17 that time, November 2004?

18 A. No.

19 Q. And you've mentioned the organisation -- you've mentioned the
20 organisation called Save. Can you explain in relation to your sketch,
21 where would be the tent of Save?

22 A. On the sketch -- Save used to come from Bunia. The Save officers
23 were in the adult area. They had their tent there because they were
24 working in close collaboration with the NGOs that I have mentioned here,
25 ADESE and also MONUC. So that is where the office of the Save the

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1 Children was to be found.

2 Q. And where did the interviewing of the children take place?

3 A. The interviews took place in our office, in the children's area.

4 I don't know whether I can add something. For purposes of the interview,
5 we had forms which had to be filled. There were three forms. The first
6 form was for identification. The second form was for verification; that
7 is, we were supposed to cross-check whether the child had actually been a
8 member of an armed group or force. Thirdly, there was the form for
9 reintegration. This form was given a young people's association, AJEDEC,
10 which was responsible for taking care of the children. So in our area,
11 the children spent one or two weeks, after which they would go to another
12 children's area. This means that there were two children's areas. That
13 is where I was probably a bit confused, and I apologise for that, because
14 that area was in the other area -- in the other side.

15 Q. (* Previous translation continues) ... you can indicate where
16 this other espace enfants is located. Thank you.

17 A. Yes. It is clear.

18 MR. O'SHEA: Before I do that, I'm going to ask for an EVD number
19 of the sketch as it is, and then later I will ask for an EVD number of
20 the sketch as amended, if that's convenient, Mr. President.

21 PRESIDING JUDGE COTTE: (Interpretation) Court Officer,
22 DRC-D02-0001-0447, and that is the sketch. Please assign an EVD number
23 to that.

24 COURT OFFICER: (Interpretation) Thank you, your Honour. That
25 sketch will be EVD-D02-00142, and it will be filed as a public document.

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

3 Mr. O'Shea, it seems like you want the sketch to be annotated.

4 MR. O'SHEA:

5 Q. (* Previous translation continues) ... Mr. Katobe, that this is a
6 rough sketch and we understand that, but just so that we have a general
7 idea, could you perhaps put a cross where the second space for children
8 is that you were just referring to, and then perhaps you can just write
9 next to it in small letters "Espace enfants de."

10 A. I do not have a pen. Thank you very much.

11 MR. O'SHEA: Yes. I think if we put it on the -- what is it
12 called? The Retrovisor, I think.

13 PRESIDING JUDGE COTTE: (Interpretation) It is an overhead
14 projector.

15 MR. O'SHEA: *Rétroprojecteur*.

16 COURT OFFICER: (Interpretation) Press "Docu Cam Witness" to see
17 the document.

18 MR. O'SHEA:

19 Q. Yes. So -- so what would -- what would be the -- the route of a
20 child, then? If you could indicate to the Court which points on the
21 sketch the child would go to, one after the other, so that we have a
22 picture of that. From the time the child arrives at reception, assuming
23 that they start at reception -- you don't have to mark it, but if you can
24 just explain in relation to your sketch.

25 A. Thank you, your Honour. From the reception, as the arrow shows,

1 the children went to the children's space or area for identification and
2 verification, and after having received some moral and civic advice from
3 us, after one week they had to be taken on the same way back, that is, to
4 the second children's space where those children were taken care of by
5 associations that we found on the spot. AJEDEC, for example, Association
6 of Young People for Community Development, as well as the Association of
7 Mothers for Community Development. Regine was responsible for that. The
8 head of AJEDEC was Amié Zaba, and they were the ones who would then try
9 to find a way of having the children rejoin their families.

10 Q. You mentioned a moment ago that there were three forms which had
11 to be filled in, the first being identification, the second being
12 verification, and the third you described as reinsertion. So taking the
13 first form, the form identification, at which location would that form be
14 filled in?

15 A. That first form would be filled in in the first children's space.

16 Q. (* Previous translation continues) ... would it?

17 A. Yes, yes.

18 Q. The second form, verification, that would be done in which
19 location and by whom?

20 A. The second form, that is verification, we were the ones who kept
21 that document. Unfortunately, we didn't take it into consideration. It
22 was not taken into consideration. And I would like to add, it was by
23 using that form that it could be established whether the child had really
24 been a member of an armed group or force.

25 Q. And the third form which you earlier described as *fiche de*

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1 *réinsertion*, that third form, where would that be filled in and which
2 organisation handled that?

3 A. The third form was directly sent to the second children's space
4 or area where the two associations, AJEDEC and the other, would take care
5 of them.

6 Q. (* Previous translation continues) ... or after it was sent to
7 that enfants espace de?

8 A. The third form was kept there. That is the second children's
9 space, because it related to reintegration. They were the ones who
10 reunited their children with their families.

11 THE INTERPRETER: From the interpreter, if Mr. O'Shea could be
12 reminded to kindly please wait for interpretation before beginning his
13 next question, because a lot of what he's saying is being lost in the
14 transcript.

15 PRESIDING JUDGE COTTE: (Interpretation) Observe the five-second
16 pause.

17 MR. O'SHEA: I'm listening in the French, so I have to make a
18 conscious effort, a real conscious effort.

19 Could I please ask for an EVD number for the sketch as amended.

20 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, an EVD
21 number for the sketch on which the second children's space is indicated.

22 COURT OFFICER: (Interpretation) Thank you, your Honour. The
23 number will be EVD-D02-00143.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

25 MR. DUTERTRE: (Interpretation) Your Honours, in both English

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1 and French we do not have the answer to the question regarding where the
2 third form will -- was filled in. Maybe Mr. O'Shea should repeat the
3 question.

4 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. Line 25
5 on page 46 in the French version is not included. You have said, "Yes.
6 The form was filled in there." Is that correct? And, Mr. Witness, your
7 answer does not appear in the transcript. Can you repeat your answer? I
8 will tell you what you said on line 19. You said:

9 "I have said clearly that that third form was kept there. They
10 were kept there at the second children's area, because it related to
11 reintegration. They were the ones who reunited the children with their
12 families."

13 And Mr. O'Shea said:

14 "Very well. The form was filled in there; is that correct?"

15 And the answer does not appear on the transcript, so please
16 repeat.

17 THE WITNESS: (Interpretation) Very well. I understand. The
18 third form was filled in in the second children's area or space.

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

20 Mr. O'Shea.

21 MR. O'SHEA:

22 Q. And on your -- on your sketch, you have marked in French "terrain
23 de foot," "football field" in English. Do you know what -- what sports
24 were played at Aveba by the combatants and by Germain Katanga, if any?

25 A. That was a small field which had been assigned so that the

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1 children who were at the site should find something to occupy themselves
2 and play some sports, so they played football there. The football pitch
3 used by the villagers was a bit further up, that is, before you reach the
4 transit site. It is not indicated here.

5 May I? That football pitch was the field that was supposed to be
6 used by the villagers. That was the field that was used by the people of
7 the village. It was a bit far away from the militia camp.

8 Q. So to -- so to clarify because I'm not -- I'm not quite clear.
9 The *terrain de foot* which you've marked on your sketch, is it designated
10 for the children or it's designated for the villagers, the one that's
11 marked on your sketch?

12 A. For the villagers. The other one I mentioned was right where the
13 reception is. There was a small field there that had been prepared for
14 the children who were coming into the site.

15 Q. And can I -- can I ask you, do you know -- doesn't matter if you
16 don't know, but do you know what sports Germain Katanga was involved in,
17 if any?

18 MR. DUTERTRE: (Interpretation) Your Honour, the Prosecution
19 would like to know the relevance of that question. That is in light of
20 the themes of this witness's testimony. That is a question as to which
21 sport one of the accused played.

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, can you
23 clarify this for the Prosecutor, and probably for us too?

24 MR. O'SHEA: (* Previous translation continues) ... he knows the
25 content of the evidence of his own witnesses. Suffice to say that it's

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1 part of the evidence of one of his own witnesses. One of -- one of his
2 own witnesses addressed that topic.

3 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, if you are
4 able to give us an answer, please do so.

5 THE WITNESS: (Interpretation) Can you kindly repeat the
6 question? Was it about the football field?

7 MR. O'SHEA:

8 Q. The question is this, Mr. Katobe, and it doesn't matter if you
9 don't know, I'm just asking in case you do know, do you know what, if
10 any, sports Germain Katanga was involved in in 2004 at the time that the
11 demobilisation site was operative?

12 A. Thank you very much for that question. I was present there, and
13 I did not see Germain Katanga taking part in any sport.

14 Q. And can you give us an idea as to how much actual contact there
15 was between the staff of *Terre des Enfants* and Germain Katanga during the
16 period of operation of the demobilisation site from the end of 2004 into
17 2005?

18 A. Yes. As I said earlier, we had good collaboration with
19 Germain Katanga. For example, since the two camps were side by side,
20 there were times when militiamen would throw stones at the children in
21 our premises and he would intervene. He would intervene. That is why I
22 would say we had good relations with Germain Katanga whilst we were in
23 the transit site.

24 Q. Coming back to the children and the demobilisation process
25 itself, did *Terre des Enfants* have a method of recording or registering

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1 the -- the children who passed through the demobilisation site?

2 A. Yes. There was a document in which all children who entered the
3 transit site were registered.

4 MR. O'SHEA: Can the witness please be shown EVD-OTP-00120.

5 PRESIDING JUDGE COTTE: (Interpretation) The Court Officer has
6 reminded me that this document is confidential. For that reason, we are
7 going to lower the blind behind the witness so that this document will
8 not be viewed by whoever in the public gallery. Please have it shown on
9 our monitors.

10 COURT OFFICER: (Interpretation) You can view the document by
11 pressing on the button "PC 1."

12 PRESIDING JUDGE COTTE: (Interpretation) Can everyone see the
13 document? Mr. Ngudjolo, can you see the document? Fine.

14 Mr. O'Shea, sir, you may proceed.

15 MR. O'SHEA: Thank you, Mr. President.

16 Q. At the moment, Mr. Katobe, I'm just showing you the front page of
17 the document, and I'll start by asking you if -- if looking at that front
18 page it is a document that you recall?

19 A. Well, that writing on the document is mine.

20 Q. (* Previous translation continues) ... a document which you
21 recognise; right?

22 A. Yes.

23 THE INTERPRETER: Message from the English booth:

24 Counsel O'Shea, sir, could you wait for the interpreters to finish
25 translating the answers of the witness.

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1 MR. O'SHEA:

2 Q. (* Previous translation continues) ... of 96 pages.

3 A. Yes.

4 Q. And when you -- you said that you were the one who had the
5 handwriting on the front of the notebook. Who was -- who was in charge
6 of this notebook? Who was in charge of keeping it and being responsible
7 for it?

8 A. This notebook was kept and updated by the officers, the
9 *encadreurs* in turns. That is why in this notebook you will find
10 different handwritings. And my writing is on the first page, on the
11 cover page, that is, because I am the one who started writing the names
12 in that notebook, and that is why you find my writing there on the cover
13 page.

14 Q. If we could turn to the first page of the notebook where things
15 are recorded, which is DRC-OTP-0164-0870. Does that help you to recall
16 the general format in which things were recorded?

17 A. Yes.

18 Q. And the information which is recorded here, is this information
19 that was first recorded somewhere else, or is it information which has
20 been directly recorded into this notebook?

21 A. After completing or filling the identification form I talked
22 about, we had to put this information into the notebook to indicate the
23 number of children.

24 Q. And one sees at the top there it says: "*Les EAFGAs recu au*
25 *site.*" So we see the notion of EAFGA, which you mentioned earlier in

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1 your evidence, the acronym spelt E-A-F-G-A. That's what's written at the
2 top of the page. Is that the notion or the criteria which was meant to
3 be applied?

4 A. Yes.

5 Q. And if you look in the column which is headed "*tot gen*," which I
6 assume refers to "*total général*," you have numbers which are written in
7 red. Are those numbers there to indicate the chronological order in
8 which children came to the site?

9 A. Yes.

10 Q. And we see at the top of the page -- at the top of the page which
11 is shown on the screen now, which is DRC-OTP-0164-0870, we see under
12 "*total général*" we've got number 1 as the first entry which is also given
13 as number 1 on that day in the first column on the left-hand side, and
14 that entry is headed with the date "Tuesday, the 2nd of November, 2004."
15 So was that the first day of the operation of the site so far as children
16 were concerned?

17 A. That's correct.

18 Q. And we see there a name, "Baraka Metu Karido." Do you recall the
19 child which is made reference to here?

20 A. Yes, I do remember.

21 Q. And what is -- what is the situation of that child with respect
22 to his status as an EAFGA, E-A-F-G-A?

23 A. This child is precisely the one I talked about at the beginning
24 when I entered the courtroom, prior to the break. This is the child whom
25 we recognised as a true child soldier.

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1 Q. And do you know who it was who interviewed that particular child?

2 A. On the first day, what you find on the page is not my
3 handwriting. It was another *encadreur* who interviewed this child.

4 Q. And did you come to know which, if any, battles this child was
5 involved in?

6 A. With respect to battles, no. Whether he wore uniforms or carried
7 weapons, I do not know. He was in a group, but I -- I'm not aware that
8 he participated in any battle. I did not get any information to that
9 effect.

10 Q. Can you look at the -- the page. We see that the next date entry
11 is Wednesday, the 10th of November, 2004. Were any children received at
12 the site between the 2nd of November and the 10th of November, 2004?

13 A. No. No child came to the site. No child came to the transit
14 site. Well, with your permission, I would like to say a little more. I
15 would like to explain why we have this gap of a certain number of days
16 between the 2nd -- between the 2nd and the 10th, making about eight days
17 or about a week.

18 Children were not coming, and we, the officials, the officials of
19 *Terre des Enfants*, I mean, our boss, Charles, believed that the children
20 were -- did not want to come, that we were -- we had to pack up and
21 leave. What were we to do then? We started carrying out
22 awareness-raising to get the children to start coming to the site so that
23 the team would not pack up and leave, and it is after that
24 awareness-raising drive that the children started coming, that is, from
25 the 10th.

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1 Q. And who was involved in this sensitisation or campaigning?

2 A. This awareness-raising campaign was conducted by all three
3 associations, *Terre des Enfants*, AJEDEC, and AMDC.

4 Q. And insofar as the campaigning which was done by *Terre des*
5 *Enfants* -- insofar as the campaigning that was done by *Terre des Enfants*
6 is concerned, where -- which -- which individual -- let me start by
7 asking which individuals were involved in that exercise?

8 A. The persons involved in this exercise were the associations I
9 just mentioned now, that is, *Terre des Enfants*, AJEDEC. That is the
10 Association of Youths for Community Development. The acronym is AJEDEC,
11 which means the Association of Young People for Community Development.
12 And thirdly, you had Mama Regine's group, which I mentioned earlier.
13 That is the AMDC, which means -- A stands for association, M of mothers,
14 for community development. AMDC.

15 Q. And with respect to *Terre des Enfants*, who -- which
16 individuals -- who was in -- involved in that campaigning process within
17 the organisation of *Terre des Enfants*?

18 A. There was Jean Aloga, who went a bit further from where we were
19 to Boga to carry out this awareness-raising. That is why we received
20 children who also came from Boga. Boga is located about 60 kilometres, I
21 believe, from Aveba.

22 Q. The children who came from Boga were of which ethnicity? Do you
23 remember?

24 A. Thank you very much for that question. Yes, I do remember. They
25 were from ethnic groups other than ours. They were of Hema ethnicity.

1 Yes, most of them were Hema. We called them the Bahema Boga. There are
2 three groups of Hemas. You have the North Hemas, whom we called the
3 Gegere; you have the South Hemas, whom we called the Bahema South; and
4 those from Boga called Bahema Bogas.

5 Q. And those children who came from Boga, which armed group did they
6 pretend to be associated with?

7 A. You know, I was bit confused when you talked about the group. I
8 thought there must have been an error. Well, they belonged to the armed
9 group which had existed in Boga. There was an armed group that existed
10 in Boga.

11 Q. And what was the umbrella name for that organisation or that
12 armed group?

13 A. Well, I have no idea of the name of that armed group, but there
14 was one.

15 Q. And were you -- were you yourself involved in the campaigning or
16 not?

17 A. I did not participate in the campaigning. This was because I had
18 to stay behind and watch over the premises, that is, the site of
19 *Terre des Enfants*.

20 Q. And do you know if during the course of this campaigning the
21 schools were visited or not?

22 A. Yes. Schools were visited, because they normally had to provide
23 us with information, and that is why we equally received pupils or
24 students at the transit site.

25 Q. And are you aware of what the people, whether it be children or

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1 parents, were told during the course of this campaigning?

2 A. Yes. In the course of that campaign, parents were -- they
3 received the information and they also sent their children to the transit
4 site.

5 Q. (* Previous translation continues) ... in English "campaign" was
6 literally translated. I'm referring to the sensitisation. During the
7 course of the sensitisation, do you know what -- what -- those who were
8 involved in sensitising, do you know what they were telling the
9 population?

10 A. Well, they said that if there were children who had been
11 traumatised, especially by the war, I just enumerated to you the various
12 categories of children we're dealing with, that such children could come
13 to the site because we had kits in place and that they could benefit from
14 such kits. That is the message that they were sending out.

15 Q. Within the organisation *Terre des Enfants* -- within the
16 organisation *Terre des Enfants*, who took responsibility, or who gave
17 instructions as to how to go about the sensitisation?

18 A. The person who gave such instruction was Charles.

19 Q. And as far as you are aware, did Charles know that people were
20 being told about these kits during the course of this sensitisation?

21 MR. DUTERTRE: (Interpretation) Your Honour, I think this is
22 speculative, and this is a leading question, and I firmly object.

23 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, I did not
24 hear you because I was listening to the interpreter. What do you intend
25 to tell the Bench?

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1 MR. DUTERTRE: (Interpretation) Yes, your Honour. The
2 Prosecution has let a lot of things go by with respect to the last
3 15 minutes of questioning carrying out by -- carried out by Mr. O'Shea,
4 and Mr. O'Shea is carrying on, putting a question to the witness which is
5 speculative, is asking the witness about information which he's not
6 supposed to know, and it is also leading in the sense that he's orienting
7 the witness towards a particular direction, and I firmly object to such
8 questioning.

9 MR. O'SHEA:

10 Q. Insofar as you know -- and it's not speculative, because you're
11 working with Charles, but insofar as you know, what was the state of
12 knowledge of Charles with respect to information given about kits?

13 A. Well, with respect to the awareness-raising or sensitisation, we
14 could not carry out without instructions from Charles because he was the
15 person in charge, and nothing could be done without his knowledge.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, your last
17 sentence, you said, "nothing could be done without his knowledge."
18 Should we understand from what you're saying that Charles had to be
19 informed about everything? Would we be right to understand that? Are
20 you saying that Charles wished to be informed about everything that was
21 going on?

22 THE WITNESS: (Interpretation) Yes.

23 PRESIDING JUDGE COTTE: (Interpretation) Does that also mean
24 that Charles was indeed aware of everything that was taking place?

25 THE WITNESS: (Interpretation) Yes.

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Witness.
2 Mr. O'Shea, you may proceed, but it was important for us to get a
3 clarification on that sentence.

4 MR. O'SHEA:

5 Q. And along the same lines, do you remember attending any meetings
6 on the subject of this sensitisation?

7 A. The awareness meeting, yes, of course. As I said earlier, at
8 that time I was in charge. I was to stay there on site, to remain at
9 that site or that place that was provided for the children.

10 Q. I haven't quite understood your answer. Let me ask the question
11 again. Were there any meetings where Charles was present and where you
12 were present where there was any discussion on the subject of
13 sensitisation? Were there any meetings that you attended or not?

14 MR. DUTERTRE: (Interpretation) This question is very much
15 leading, and I would ask my learned friend opposite to rephrase it.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, rephrase
17 your question. I think this is a rather complex area we are delving
18 into, so we would like to hear more from the witness about what he means
19 about -- by awareness or sensitisation.

20 MR. O'SHEA:

21 Q. (* Previous translation continues) ... remember any discussions
22 taking place on the subject of sensitisation?

23 A. Yes, that does come back into my mind. Normally speaking, within
24 a group or within a family, amongst ourselves, well, there were meetings
25 during which we were supposed to talk about that and say, "Oh, no. Such

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1 a person is going to go to such and such a place to conduct awareness
2 activities."

3 Q. And at these meetings where you were present, do you remember
4 whether there was any discussion around the issue of kits or not?

5 MR. DUTERTRE: (Interpretation) Your Honour, I beg your pardon.
6 This is very much leading. Once again, Mr. O'Shea is leading the
7 witness. This is examination-in-chief. He is not supposed to be
8 suggesting answers to the witness, but by making such a suggestion, he is
9 leading the witness in a certain direction. He should have asked what
10 was being discussed, nothing more than that. That would be a proper
11 question, as he knows quite well, rather than leading the witness to a
12 specific point in order to get the kind of answer he wants to obtain,
13 because by asking such questions he is merely trying to obtain certain
14 answers.

15 PRESIDING JUDGE COTTE: (Interpretation) Gentlemen, let us take
16 the time that we need to ensure that this part of the
17 examination-in-chief is conducted gradually, one step at a time, so as to
18 take the witness to where you want to take him to but under such
19 conditions that the Prosecutor will not be rising too often to make such
20 objections.

21 You have the floor.

22 MR. O'SHEA:

23 Q. At these meetings where sensitisation was discussed, do you
24 remember what Charles would say at these meetings?

25 A. Yes. He would say that if no children came into the transit

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1 site, we would pack up our things and go, as I said earlier, and so we
2 had to continue doing this awareness-raising, so to speak, so that we
3 would not be obliged to leave.

4 Q. And what does that mean, "so that we don't go back"? What do you
5 mean by that?

6 A. Well, "going back," we meant going back to Bunia where we had
7 come from.

8 Q. If I could bring you back to the document which is still on the
9 screen, which is the notebook we were discussing -- yes. You'll notice
10 on the page which is already on the screen that there is a space for age,
11 a column for age, and if you look under the entry of the 11th of
12 November, 2004, you see that there are five children's names given, but
13 in the column for age, there is nothing mentioned.

14 MR. O'SHEA: And if the witness can also see page
15 DRC-OTP-0164-0878.

16 Q. You'll see just above the entry 11th of January, 2005, the
17 entries for the previous day, which are, if you look at the red numbers,
18 447 to 459, and again you will see that there is a column for -- in the
19 column for age there are no ages mentioned for any of those children,
20 although there is an age mentioned, 17 years, for number 460.

21 Do you have any explanation as to why there are certain points in
22 this document where there are groups of children against which no age is
23 mentioned?

24 A. Well, for that, I believe that it was he who worked that day, and
25 he must have forgotten to record the ages of the children.

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1 Q. And if you look -- if you look at the last page of this document,
2 which is DRC-OTP-0164-0887, which will come on the screen in a moment,
3 the last column is mentioned number *d'ordre*, and those numbers, the last
4 number is saying 952. On the other pages, those numbers are in red, but
5 here they're in blue, just to save confusion. But that last number is
6 952, so that suggests that there are 952 children mentioned in this
7 document. Is that right?

8 A. Yes.

9 Q. Now this may be a difficult exercise for you, and tell me if it
10 is, but are you in a position to give a view or an observation on what
11 proportion of that -- of those 952 children which are recorded here were
12 genuine EAFGA?

13 A. Yes. Thank you for your question. Of the 952 children, the
14 total number of children who had been registered, to sum up I would say
15 that there was one child soldier, as I said at the beginning, who was a
16 real child soldier, and then --

17 THE INTERPRETER: Inaudible.

18 THE WITNESS: (Interpretation) I would say 1/10th would come
19 into that category that I mentioned, that is to say, the EAFGA and the
20 traumatised children. Nine out of ten -- the remaining nine out of ten
21 were children who came from the various villages to get kits because of
22 the poverty, that's all.

23 MR. O'SHEA:

24 Q. And of all the children which are mentioned here -- of all the
25 children which are mentioned here, can you give us an idea as to how many

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1 of those children you would have been personally involved in the
2 interviewing process of?

3 A. Yes. Well, generally speaking, one could take ten children and
4 use that proportion, that is to say, the EAFGA and the -- no. Let me
5 repeat -- resume, rather. Ninety per cent for the EAFGA, that is to say,
6 children who lived together with armed groups, who were from the actual
7 family of the militia member, we estimated that at -- as 1/10th, and
8 9/10ths were traumatised, because in the villages, before receiving them,
9 even Charles knew. He said no, since everyone, all the children, were
10 affected by this war, consequently it would be better to receive all the
11 children who come, each and every child who comes.

12 Q. Thank you. But let me come back to my question. Of the
13 952 children which are registered in this document, what proportion of
14 those children would you, Mr. Katobe, have been personally involved in
15 interviewing?

16 A. There were a few children who I registered who were mentioned in
17 this document. There are some pages where my writing is to be found, so
18 I don't know. I really couldn't give you a number.

19 Q. To what extent were you -- to what extent were you involved in
20 interviewing children, putting the documents aside for a moment.

21 A. I beg your pardon. I haven't understood the question.

22 Q. (* Previous translation continues) ... aside for one moment to
23 what extent were you involved --

24 MR. DUTERTRE: (Interpretation) Your Honour, couldn't he ask the
25 witness what his role was? This is a question that we've been hearing

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1 ever since the beginning. If he were to ask a question such as, "What
2 was your role," that would be better than the leading questions that we
3 have been hearing.

4 PRESIDING JUDGE COTTE: (Interpretation) Very well. We may have
5 been seeing such a thing for a while. Now, Mr. O'Shea asked --

6 MR. O'SHEA:

7 Q. (* Previous translation continues) ... (* Overlapping
8 speakers)... role within *Terre des Enfants*, but I suppose I can ask you
9 this question: While you were at the demobilisation site, what was your
10 function in relation to the children? What do you do at the site when
11 you were there?

12 A. As I said at the beginning, my role, that is to say, my duties,
13 were to work as a supervisor or an officer, *encadreur*.

14 Q. Between November 2004 and June 2005, to what extent were you
15 involved in the interviewing of children? Were you involved in the
16 interviewing of children or not? And if so, to what extent? Did you
17 interview children?

18 A. Yes. Since everyone had to perform that task from time to time,
19 I myself, too, took part. That is to say, I asked questions of the
20 children in actual fact. Well, it was just a formality.

21 Q. And between November 2004 and June 2005, how many children would
22 you estimate you had asked questions of? Not the organisation, you.

23 A. As I answered earlier, I really couldn't give you an exact answer
24 as to the number of children that I interviewed. Now, since my writing
25 is to be found in the notebook -- I do know where my writing is to be

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1 found, like in that notebook.

2 Q. The -- the job of interviewing the children, the job of asking
3 questions of the children, was this a job which was shared among the
4 different members of *Terre des Enfants* or were there specific individuals
5 who did it?

6 A. Could you please repeat your question.

7 Q. I'll ask another question. When you were asking questions of
8 children, how -- how did you formulate your questions? Were they
9 questions which were given to you in advance, or were they questions
10 which you thought of spontaneously yourself?

11 A. Yes. There were questions prepared in advance, that is to say,
12 questions asked of all children. So the same questions were put to all
13 the children. For example, one question might be where they came from or
14 which armed group the child had come from. So there you have it. And
15 since -- well, I've said the children already knew where the camps of the
16 armed groups were. If a child came from that area, he would just say,
17 "Oh, I was with this group or that group."

18 Q. When you say the questions were predetermined, who gave you the
19 questions?

20 A. The questions were prepared in advance by Charles.

21 Q. And are these -- are these the questions in the form, or did you
22 have a separate list of questions? How did this work?

23 A. I just gave an example. That is to say, there weren't several
24 questions to ask. There weren't many questions to ask. After asking the
25 child where he came from, we just had to move on to identifying the child

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1 and get his name, the name of his father, the village he was from, and so
2 on and so forth. His age, that sort of thing.

3 Q. When you asked the age of the child, did you require any
4 documentation to prove the age or not?

5 A. No. We did not take that into account.

6 Q. And if you asked the age of a child and the child said, "Okay.
7 I'm 14 years of age," for example, did you ask follow-up questions to
8 cross-check that answer you'd been given, or did you accept the answer as
9 it was given?

10 MR. DUTERTRE: (Interpretation) Your Honour, Mr. O'Shea's
11 question should really bear upon how the children's ages were determined.
12 That would be an open question, an open-ended question.

13 * PRESIDING JUDGE COTTE: (Interpretation) Witness, how were you
14 able to assess the age of the children, that -- the children who came
15 before you?

16 THE WITNESS: (Interpretation) Yes.
17 They were not even told to show a document
18 such as an identity card or parents or such things.
19 Except if we just saw them,

20 if the child was somewhat bigger, he had to be sent back home

21 PRESIDING JUDGE COTTE: (Interpretation) Would they hesitate?
22 Were there hesitations about the child's age or was the age of the child
23 relatively unimportant?

24 THE WITNESS: (Interpretation) What I said was that when we saw
25 that the child said he was 14 and that his size said something else, we

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1 would send the child back home.

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, please go
3 ahead.

4 MR. O'SHEA:

5 Q. Now, at -- at Aveba was there a medical centre?

6 A. Yes.

7 Q. Do you know if there were any medical staff involved in the
8 process of evaluating age?

9 A. No, there weren't any.

10 Q. And what -- what was the age -- what was the appropriate age for
11 someone to qualify as an EAFGA for the purposes of your work?

12 A. Eighteen years. I'm sorry. Let me withdraw my answer. For a
13 child to be considered an EAFGA, they had to be less than 18 years old,
14 that is, 17 and below.

15 Q. And do you know if *Terre des Enfants*, in defining an EAFGA, made
16 reference to any international principles?

17 A. No.

18 Q. Now, when you were -- sorry. When you were conducting interviews
19 of children, when you were questioning children yourself, Mr. Katobe, was
20 Charles present when you were asking questions of children, or was he
21 absent when you were asking such questions?

22 MR. DUTERTRE: (Interpretation) Your Honour, I'm afraid I have
23 to repeat myself, but I think I have made several objections. I do not
24 want to get on my feet all the time. These are leading questions. The
25 question should be: Who else assisted in the interviews carried out by

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1 the witness, if any?

2 Mr. O'Shea should really make an effort not to be leading. I
3 would appreciate that. I understand that it is not easy, but I would
4 appreciate it if he does that.

5 PRESIDING JUDGE COTTE: (Interpretation) Very well.

6 Mr. Witness, were you the only one conducting those interviews, or did
7 you sometimes have other persons with you? If yes, who were those
8 persons? Please answer those three questions.

9 THE WITNESS: (Interpretation) Thank you for your question,
10 your Honour.

11 It happened in the presence of Charles. He was the one who gave
12 the instructions to be followed.

13 PRESIDING JUDGE COTTE: (Interpretation) To complete your
14 answer, you have just told us that sometimes Charles was present. Was it
15 just from time to time, or was he present all the time?

16 THE WITNESS: (Interpretation) The other supervisors were
17 present, because we worked as a team.

18 PRESIDING JUDGE COTTE: (Interpretation) You worked as a team.
19 Now, did this teamwork take place systematically in the presence of
20 Charles, or did Charles only come from time to time?

21 THE WITNESS: (Interpretation) Since there were many teams, he
22 was moving around and trying to see how the work was going on.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, please
24 proceed.

25 MR. O'SHEA:

1 Q. And during the course of -- during the course of this process
2 between November 2004 and 2005, was Charles always there? Did he
3 sometimes go away? What was the situation with his general presence at
4 the site during the whole demobilisation process?

5 A. He was permanently there at the site. Sometimes, and this was
6 not many times, it was not just one, two, or three times, he also went
7 elsewhere for awareness-raising. For example, he went to Tchekele.

8 Q. And the time that he was to Tchekele to do sensitisation, were
9 there interviews going on at the site or not during that particular
10 period?

11 A. He would go when there were very few people coming in. So when
12 the numbers dropped, he would go away, and at that time there were no
13 people coming in.

14 Q. Now, those individuals who came to demobilise at the site of
15 Aveba, which ethnic groups did they belong to? Can you list the ethnic
16 groups which came through the site?

17 A. Yes. In the children's area, there were three ethnic groups that
18 I observed. There were the Ngitis from that collectivity, and then you
19 had those from Boga. In addition, there were also pygmies who came to
20 the site from the forest.

21 Q. And do you know the circumstances in which that came about? In
22 other words, do you know the circumstances in which it came about that
23 these pygmies came through the site? Do you know how they ended up at
24 the site?

25 A. This was something that Charles had done, because I myself was

1 not expecting it, but suddenly I saw pygmy children. Charles was in
2 contact with them. He was the one teaching them literacy, and then he
3 had asked them to also come to the site so as to receive the kits.

4 Q. And were these pygmies children or adults?

5 A. When you saw those pygmies because of their height you would
6 think they were children, and yet they were not children. These were
7 pygmies of a certain age, adult pygmies, but if you saw their size, you
8 would think they were children.

9 Q. How -- how, if at all, was the work at the Aveba site or the
10 demobilisation process publicised to the general population? Was there
11 any form of publicity, and, if so, how was that conducted?

12 A. There were communiques in the churches' announcements, in the
13 churches and even in the schools about the activities, as I said before.

14 Q. And within *Terre des Enfants*, among the staff of *Terre des*
15 *Enfants*, did you only communicate with each other verbally or did you
16 also use a written form of communication? If, for example, an
17 instruction was to be given, would it be given systematically verbally
18 or -- or were instructions also given in writing occasionally? I'm
19 talking about the inner workings of the *Terre des Enfants* now.

20 A. Communication was oral. We took in various children, those who
21 had gone to school and those who had not gone to school. That is why all
22 communication had to be oral.

23 Q. Did there come a point when the national government became
24 involved in the process of demobilisation, and, if so, when did that
25 happen at Aveba?

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1 A. No.

2 Q. And were there any national processes which were put in place at
3 any time on a countrywide basis or on an Ituri-wide basis?

4 A. Yes. The process or procedure was already in place. It was
5 known at the national level that the demobilisation of children and
6 adults was ongoing.

7 Q. Have you heard about of the PN-DDR?

8 A. Yes. That is why I just said that those issues were known at the
9 national level.

10 Q. I'm going to show you a document now and see if you have seen the
11 document before. It's DRC-D02-0001-0162. I can -- I can -- I'll also
12 hand you a paper copy if you're like me and you're not very good with
13 computer screens. It's up to you. Because it will be shown on the
14 computer screen as well, but I can also hand you a photocopy of the
15 document if it makes it easier for you. Would you like me to hand you a
16 photocopy?

17 A. Yes.

18 PRESIDING JUDGE COTTE: (Interpretation) Very well. We will
19 have it projected on the screen, and you will be given a hard copy.

20 COURT OFFICER: (Interpretation) (* Previous translation
21 continues) ...

22 MR. O'SHEA: Public.

23 PRESIDING JUDGE COTTE: (Interpretation) Very well. We can pull
24 the blinds back up.

25 COURT OFFICER: (Interpretation) The document can be viewed by

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1 pressing "PC 1."

2 MR. O'SHEA:

3 Q. This is a document which has a heading "*République Démocratique*
4 *du Congo*" with the flag of the Congo immediately above that, and
5 immediately below, the expression "*Programme National de Désarmement,*
6 *Démobilisation et Réinsertion,*" and in brackets "PN-DDR."

7 Can I ask you, Mr. Katobe, is this a pamphlet which you have seen
8 before or not? You can take a few minutes to --

9 A. Yes.

10 Q. So this is -- this is a document you have seen before at some
11 point?

12 A. Yes.

13 Q. And on the first page of the document, in the left-hand column,
14 under number 7, we have an indication there as to the creation of PN-DDR,
15 and the -- it's spoken of there as being created by a *décret présidentiel*
16 number 03/042 of the 18th of December, 2003. You see that reference?

17 A. Yes.

18 Q. So when -- when, in fact, did this PN-DDR being operative in
19 practice insofar as you know?

20 MR. DUTERTRE: (Interpretation) Your Honour.

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

22 MR. DUTERTRE: (Interpretation) The Prosecution would like to
23 know whether the purpose of this exercise is to refresh the witness's
24 memory or to have the document admitted, because the witness did not even
25 know what the PN-DDR meant or what it was, and that it was responsible --

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1 it was the demobilisation and reintegration procedure. So Mr. O'Shea was
2 the one who suggested that to the witness. So if the objective is to
3 refresh the witness's memory, then the Prosecution objects.

4 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor,
5 Mr. O'Shea will answer your question, but on page 71, line 19, there is a
6 question that is asked:

7 "Were there any national processes at the national level or in
8 Ituri?"

9 And the answer was:

10 "Yes. The process was already in place. Yes, it was at the
11 national level. It was known that it was -- that there was a
12 demobilisation process for children and adults."

13 And then the next question was:

14 "Have you heard of the PN-DDR?"

15 And the answer was:

16 "Yes. That is why I just said that the process was known at the
17 national level."

18 It is possible that the witness may not know all the
19 abbreviations or the acronyms, but in light of the exchanges it is clear
20 that the witness was fully aware of what he was referring to, that is, a
21 national organisation.

22 Mr. O'Shea, please proceed.

23 MR. O'SHEA: (* Previous translation continues) ... seems that
24 part of the difficulty is that -- that in the minds of the Prosecution,
25 everything has been in dispute. The way we ask our questions is that we

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1 decipher what is in dispute and what is not in dispute. When I mention
2 PN-DDR, for example, I assume that it is an organisation the existence of
3 which is not in dispute.

4 So I think it's only -- it's only when something is in dispute
5 where leading questions become highly problematic, and that's where --
6 that's where my learned friend and I have this dividing line and why I
7 have all these interruptions, I think. Because on a subject like this
8 it's difficult to move forward with -- with only completely open
9 questions. It's the nature of the subject. One has to be able to
10 progress. So I just say that as a by the way, but anyway, I'm sensitive
11 to my learned friend's interventions.

12 MR. DUTERTRE: (Interpretation) The issue is not to know whether
13 it is something in dispute or not. The issue is whether the witness is
14 familiar with this. He started by saying that he did not know whether
15 the national government was involved. That is why I intervened, because
16 there was a leading question about the PN-DDR.

17 MR. O'SHEA: (* Previous translation continues) ... who have
18 placed this individual in *Terre des Enfants* at Aveba, so it's a very --
19 it's a very strange area to have a dispute on, but anyway ...

20 Q. Now, Mr. Witness, if you look at this pamphlet, on the
21 second page of the pamphlet, at number 3, it reads as follows:

22 "(Interpretation) Who are those children associated with the
23 armed groups and forces?

24 "These are all the children, both girls and boys, aged less than
25 18 years, who were associated with the various armed forces and groups

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1 that recently fought against each other in the Democratic Republic of
2 Congo. That is all the children who took up arms, who were used to carry
3 weapons and ammunition and as human shields, as well as cooks and
4 messengers, or children who were used for sexual purposes. Anyone who is
5 to be found in the various categories of children mentioned here must be
6 taken out of the armed forces and groups."

7 (* Previous translation continues) ... (In English) Read that
8 definition of *enfants associés aux forces et du groupes armés*. Does that
9 definition correspond to the definition used by *Terre des Enfants*, or
10 does the definition of *Terre des Enfants*, is it narrower or broader than
11 that definition? Can you help the Court understand just how broad or
12 narrow a definition of the expression "*enfants associés aux forces et*
13 *groupes armés*" was used by *Terre des Enfants*? I know this is something
14 that you've already alluded to at the very beginning of your evidence,
15 but now is your opportunity to give us a clear light on what children
16 were included within that definition so far as your organisation was
17 concerned.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, you have
19 only a very short time to answer. You can begin your answer this evening
20 and answer for one minute, or you can keep that question in mind and
21 answer tomorrow morning. We are at the end of our hearing. You can
22 answer for one minute even if you have to continue tomorrow.

23 THE WITNESS: (Interpretation) Thank you, your Honour. The fact
24 is that *Terre des Enfants* did not follow those standards that have been
25 read out here, and I even said that before those were the standards to be

1 followed.

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, if you
3 think it is necessary to come back to this issue, you can do so tomorrow
4 morning. We do not want to cramp everything into this time period.

5 So, Mr. Witness, tomorrow we will meet again at 9.00 a.m. The
6 Court Usher would lead you out of the courtroom.

7 I would like to ask the parties whether in their opinion it is
8 necessary to bring the next witness in tomorrow, or do you believe that
9 the four hours of tomorrow will be devoted to your direct examination?

10 MR. O'SHEA: (* Previous translation continues) ... that my
11 examination-in-chief will be finished very soon. The cross-examination
12 and the questions of -- because of course this relates to child soldiers,
13 the questions of the victims may take us through much of tomorrow, but
14 as -- so far as my questions are concerned, I'm almost at the end.

15 (The witness stands down)

16 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, without
17 revealing your programme.

18 MR. FOFÉ: (Interpretation) We will not take much time.

19 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we can
20 plan for the arrival of the next witness, in any case not before the
21 break. The Prosecutor actually also has a cross-examination, so we
22 cannot be certain about anything. You would have realised that
23 Judge Diarra has left, and that was because he had a problem.

24 Tomorrow we will meet at 9.00 a.m. The hearing is adjourned.

25 The hearing ends at 6.46 p.m.

CORRECTION REPORT

1 The Court Interpretation and Translation Section has made the following correction in
2 the transcript:
3 *Page 65 line 13 to 20:
4 "PRESIDING JUDGE COTTE: (Interpretation) Witness, how are you able to assess the
5 age of the children, that -- the children who came before you?
6 THE WITNESS: (Interpretation) We would ask them to show
7 documents, any such -- any documents, unless -- well, if we just saw
8 them, if we saw that the child was fearful --
9 THE INTERPRETER: Inaudible.
10 THE WITNESS: (Interpretation) -- back to the house."
11 is corrected by
12 "PRESIDING JUDGE COTTE: (Interpretation) Witness, how were you able to assess
13 the age of the children, that -- the children who came before you?
14 THE WITNESS: (Interpretation) Yes. They were not even told to show a document
15 such as an identity card or parents or such things. Except if we just saw them, if the
16 child was somewhat bigger, he had to be sent back home."
17 *Page 19 line 20 to Page 20 line 1:
18 "Q. And after the fall of Lopondo, if you remember the fall of Lopondo, where --
19 where were you, or where did you go after the fall of Lopondo?
20 A. Well, when Lopondo fell, since Bunia was really.
21 THE INTERPRETER: Inaudible.
22 THE WITNESS: (Interpretation) I had to flee Bunia and go to Geti via Zombe, Nombe,
23 and Songolo. "
24 is corrected by
25 "Q. And after the fall of Lopondo, if you remember, where -- where were you, or

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- 1 where did you go after the fall of Lopondo?
- 2 A. Well, when Lopondo fell, since Bunia was really in turmoil, -
- 3 I had to flee Bunia and go to Geti via Zumbe, Nombe, and Songolo.”