

1 International Criminal Court  
2 Trial Chamber II - Courtroom I  
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and  
4 Judge Christine Van den Wyngaert  
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07  
6 In the case of the Prosecutor versus Germain Katanga and  
7 Mathieu Ngudjolo Chui  
8 Trial hearing  
9 Tuesday, 28 June 2011  
10 The hearing starts at 9.01 a.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 morning, everyone. Good morning, gentlemen.  
16 The Prosecutor had something to tell us before we begin the  
17 hearing, and since -- well, I forgot to mention this, but I'm sure the  
18 courtroom officer will mention this to us. We'll have to end a little  
19 earlier today, so I don't think we'll be able to get to the next witness  
20 today.  
21 Mr. Dutertre, please proceed.  
22 MR. DUTERTRE: (Interpretation) Good morning, your Honours. The  
23 Prosecution wishes to speak briefly to a number of points that were  
24 raised by Mr. O'Shea, and apparently a number of points were touched upon  
25 by Mr. Hooper, but these points were not to be found at all in the

1 statement from the witness. For example, the pink notebook. We learned  
2 during the hearing yesterday that the witness had written in that, and  
3 then there were a few cryptic references to awareness, yet yesterday we  
4 had quite a few questions in this regard and some information that was  
5 brought out that was not to be found in the statement at all.

6 This certainly surprised the Prosecution, and I think we have a  
7 problem with equity here. We should have had proper notice, and the  
8 Prosecution is really wondering whether there's another statement that  
9 might be in existence that contains all this information that we might  
10 not have received.

11 So there you have it. This is what the Prosecution is wondering  
12 in light of yesterday's hearing and in -- after reviewing the transcript.  
13 Of course, this is a concern to the Prosecution in terms of preparation  
14 and proper notice. The Defence is well aware that this is necessary.

15 We realise that sometimes one throws a ball up in the air and one  
16 don't quite know where it's going to land, but the Prosecution has the  
17 impression that it was not fully -- did not receive full disclosure.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

19 Now, with regard to the whole issue of awareness-raising, that  
20 was clearly mentioned in the written statement of the witness, which  
21 apparently is being used by Mr. O'Shea in his examination-in-chief. At  
22 page 4 of the statement we do find the word "sensibilisation" in French,  
23 and mention is made of that activity in the statement rather briefly, and  
24 I see that the Defence is exploring this area, and I think it's now  
25 Mr. O'Shea's turn to take the floor and speak to this matter.

1 MR. O'SHEA: With all due respect, I think this is in my learned  
2 friend's imagination. When I was preparing for this  
3 examination-in-chief, I anchored myself in the statement of witness. I  
4 went through the statement of the witness, choosing the topics that I was  
5 going to ask questions about, and thinking about, you know, the areas I  
6 was going to cover. I didn't plan exactly how I was going to ask a  
7 specific question, and it would be a very strange procedure if -- if a  
8 party had to have notice of every single question that was going to be  
9 asked. But the topics that I ask questions on are in the statement, and  
10 my planning of those topics was anchored directly in the statement.

11 I wonder how my friend will manage with a Defence team that only  
12 provides a summary and does not provide a full statement. I mean, we've  
13 provided a seven-page statement for this witness with a fair amount of  
14 detail in it. Some of that detail has come out; some of that detail has  
15 not come out, and the witness has mentioned other things that are not in  
16 the statement. But certainly all the topics in terms of, you know, the  
17 demobilisation process are there. You know, obviously there's details  
18 which are attached to topics, you know, which one elicits in response to,  
19 you know, how the evidence develops, that's natural. But there's no  
20 second statement that I'm hiding under the table, so my learned friend  
21 can be reassured on that front.

22 PRESIDING JUDGE COTTE: (Interpretation) Very well. Duly noted.

23 We'll now call the witness so that he can continue giving  
24 testimony.

25 Courtroom Officer, could the witness be brought into the

Witness: Witness DRC-D02-P-0196 (Resumed) (Open Session)  
Questioned by Mr. O'Shea (Continued)

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1 courtroom now, Mr. Katobe.

2 (The witness takes the stand)

3 WITNESS: WITNESS DRC-D02-P-0196 (Resumed)

4 (Witness answered through interpreter)

5 PRESIDING JUDGE COTTE: (Interpretation) Good morning,  
6 Mr. Katobe.

7 THE WITNESS: (Interpretation) Good morning, sir.

8 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear  
9 me properly. We'll be having about three hours and a quarter hour of  
10 testimony today. We'll have a two-hour session, and then a somewhat  
11 shorter session.

12 We will now give the floor to Mr. O'Shea, who will conclude.

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

14 Mr. President.

15 Questioned by Mr. O'Shea: (Continued)

16 Q. Good morning, Mr. Katobe.

17 A. Good morning.

18 Q. I'm hoping not to be too much longer with you this morning, but  
19 yesterday I was very bad at respecting the five seconds that has to exist  
20 between your answer and my next question, because each one of my  
21 questions has to be translated into French, and I'm -- I'm listening to  
22 the French. I'm not listening to the English translation, so I don't  
23 realise that there's a translation going on when I begin my next  
24 question. So I have to be particularly careful about that this morning,  
25 and that might slow me down just a touch.

Witness: Witness DRC-D02-P-0196 (Resumed) (Open Session)  
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1 MR. O'SHEA: Now, Mr. President, if I could perhaps ask for an  
2 EVD number for the document which was discussed at the end of yesterday's  
3 session, which I can indicate was the document headed "*Programme National*  
4 *de Désarmement, Démobilisation et Réinsertion (PN-DDR)*," and is numbered  
5 DRC-D02-0001-0162.

6 PRESIDING JUDGE COTTE: (Interpretation) Courtroom Officer, if  
7 you could.

8 COURT OFFICER: (Interpretation) Thank you, your Honour. This  
9 shall bear the number EVD-D02-00144.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you, ma'am.

11 Mr. O'Shea, please proceed.

12 MR. O'SHEA:

13 Q. So yesterday, Mr. Katobe, I drew to your attention a definition  
14 of *enfants associés avec les groupes armés*, which was given in that  
15 document of the PN-DDR, and you expressed the opinion that that  
16 particular definition was not the one which was applied in practice at  
17 the site in Aveba. Now, yesterday you also mentioned at some point that  
18 if you were -- when we were looking at the register, the register of  
19 names, you mentioned that if you were given an opportunity, you could  
20 identify names of those within that register who may or may not have been  
21 EAFGA.

22 Have you on a previous occasion had the opportunity to consider  
23 that question of which individuals can truly be considered as EAFGA and  
24 which individuals may not be truly considered as EAFGA?

25 A. Yes. Thank you, Counsel. The EAFGA, E-A-F-G-A, as I said

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1 initially yesterday, that stands for Children Associated with  
2 Armed Forces or Groups. Now, if I said that the definition was not  
3 applied, it was because I was referring to the child soldiers. All the  
4 same, I did say that amongst these EAFGA that we received at the transit  
5 site, there were some children who were living with the armed group.  
6 They were family members or children of members of these groups, and that  
7 is why we came up with this expression, the EAFGA.

8 Q. And if -- if the names of those children who went through the  
9 Aveba side were placed in front of you, would you be in a position to  
10 identify children who were properly so-called EAFGA and children who were  
11 not?

12 A. Yes. As some people went through, I was given the task of  
13 registering all these children that I thought were not EAFGA children.  
14 Owing to a lack of time, I did not complete that task, which is why I  
15 just gave you an approximation when I said that there was 1 out of 10  
16 children who were EAFGA and 9 out of 10 who weren't.

17 MR. O'SHEA: Could the witness please be shown document  
18 DRC-D02-0001-0448. And, Mr. Registrar, if you could also hand up this  
19 hard copy to the witness for his facility, but there might be an  
20 objection. Let me wait.

21 MR. DUTERTRE: (Interpretation) Your Honour.

22 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

23 MR. DUTERTRE: (Interpretation) Judging by that list, a few  
24 preliminary questions should be asked before he shows the list. There  
25 should be questions about how the list was drawn up.

1       PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, if we want  
2 to continue the hearing in a fluid manner, I think it would be  
3 appropriate for you to introduce this document properly and then it can  
4 be shown to the witness.

5       MR. O'SHEA: (\* Previous translation continues) ... witness  
6 himself has just introduced the document. In his last answer, he's  
7 explained the work that he was given to do and what he did. I'm now  
8 placing the document in front of him, and then I will ask him questions  
9 about how the document came about. I mean, I think that there comes a  
10 point when my friend is being a little bit over-technical. We have an  
11 answer from the witness that clearly introduces the document.

12       PRESIDING JUDGE COTTE: (Interpretation) Just to ensure  
13 everything that is quite clear. Between the time the witness speaks and  
14 what -- the time that something comes up on the screen, there is a bit of  
15 a lag, and sometimes it is hard to keep track of everything in realtime.

16       I'm on page 6, line 3. The witness said:

17       "Yes. When some people went by in Bunia, I was given the task of  
18 registering or drawing up a list of all these children who I thought were  
19 not EAFGA children. We separated them. Owing to a lack of time, I did  
20 not complete this task. However, that is why I gave you estimates,  
21 1/10th and 9/10th."

22       And I believe now -- is this the document that you intend to show  
23 to the witness.

24       MR. O'SHEA: (\* Previous translation continues) ... disputed by  
25 the Prosecution which would surprise me greatly. We're dealing with this

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1 document and I think the witness has just introduced it.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well. If that  
3 were the case, perhaps I missed something. Now, we shall not waste any  
4 time with pointless questions. Now, please proceed.

5 MR. DUTERTRE: (Interpretation) No, your Honour, but I think it  
6 might be useful to have some neutral questions, and we could determine  
7 how the witness drew up this list. This is a very important point. We  
8 need to have some neutral and non-leading question. I point out that  
9 there were many leading questions yesterday. So I think we need some  
10 neutral questions, and of course the Bench may not wish to attach as much  
11 importance to some of these answers that were elicited by way of leading  
12 questions. All that, in any event, to say that we require some more  
13 neutral questions so that we can move ahead with this witness, and  
14 naturally the date on which this document was drawn up or the period of  
15 time over which it was drawn up. These are crucial issues, and the  
16 Defence must put some questions in this regard.

17 PRESIDING JUDGE COTTE: (Interpretation) The Bench is very much  
18 aware that we are dealing with a crucial matter, and we realise that this  
19 witness was himself at the very heart of the matter, so to speak. He was  
20 working with demobilised children, and he is familiar with matters that  
21 we wish to shed light upon.

22 Mr. O'Shea, I think you'll have to be a bit more technical, so to  
23 speak, if we wish to make progress. I can see that you are throwing your  
24 hands up --

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

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1 Mr. President. You know, I'm -- I'm here conducting an  
2 examination-in-chief, and my learned friend is standing up and teaching  
3 me how to do it. I mean, obviously I'm going to ask some questions, and  
4 it might be useful for him to wait and see what questions I ask first and  
5 we might save a bit of time.

6 PRESIDING JUDGE COTTE: (Interpretation) Very well. I think  
7 you've understood where the Prosecution is coming from, so to speak, in  
8 this regard, so I would encourage a prudent approach, a limited approach,  
9 and if you could gradually move towards the destination you are aiming  
10 for, that would be very well, respecting the various conditions so that  
11 you can respect all the various principles in hand -- at hand, such as a  
12 speedy trial, a fair trial. Please proceed.

13 MR. O'SHEA: Yes. So I assume that the document is now on the  
14 screen. Not yet. Okay.

15 COURT OFFICER: Could I just confirm the level of  
16 confidentiality.

17 MR. O'SHEA: Can I have a moment on that? Sorry.  
18 (Defence counsel confer)

19 MR. O'SHEA: I think just, perhaps, out of respect for the  
20 children who are named here, perhaps we should have it as confidential.

21 PRESIDING JUDGE COTTE: (Interpretation) Very well. We'll have  
22 the blinds brought down. That is a precaution.

23 COURT OFFICER: (Interpretation) The document can be viewed on  
24 "PC 1."

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Mr. O'Shea,

1 please proceed. Now, during our exchanges a few moments ago, I was  
2 reminded that we are not speaking slowly enough for stenographers and  
3 interpreters.

4 Mr. O'Shea, please proceed.

5 MR. O'SHEA: And the translators, of course. Now, if -- if,  
6 Mr. Registrar, you could also hand this hard copy to the witness. It  
7 might be a little easier for the witness to manipulate a hard-copy  
8 document.

9 Q. If you could just take a moment to look at that document and then  
10 tell us whether this is a document which you recognise?

11 A. Yes, I recognise this document.

12 Q. Thank you. And is -- is this your handwriting on this document?

13 A. Yes.

14 Q. And you -- you said a moment ago that you were requested to do  
15 work in the sense of identifying those children who were not EAFGA who  
16 went through the Aveba site. Is this the work that you were referring to  
17 in your answer?

18 A. Yes.

19 Q. And do you remember who requested you to do this work?

20 A. Yes.

21 Q. And who was that?

22 A. The first group that was in the field that we met with in Bunia.

23 Q. And there's -- there's no problem giving names, Mr. Witness.

24 A. I think that it was -- it was Sophie who asked me to do that  
25 task.

1 Q. And could you explain to the Judges how you went about this task?

2 A. Before meeting with them, I received Mr. -- Mr. Jean Logo first,  
3 and he put me in contact with her.

4 Q. All right. So -- so you were asked to work on this question, to  
5 identify children who went through the site who were not true EAFGA. And  
6 how did you embark upon that specific task which you'd been assigned?  
7 What did you do?

8 A. I based myself just on that fraction that you wanted me to talk  
9 about earlier. So there you have it. I didn't conclude that task, as I  
10 mentioned earlier.

11 Q. And -- and from where did you obtain the names?

12 A. There were lists that had been given to me.

13 Q. And how did you know which children were EAFGA and which children  
14 were not EAFGA?

15 A. That's why the work remained uncompleted, because I looked at  
16 those names. Since those names were somewhat different and, above all,  
17 since the work initially was not done well, I got off track.

18 Q. And yesterday, I showed you a notebook which was a register. Did  
19 that form part of the material that you used for this purpose or not?

20 A. Yes.

21 Q. And if we look at the very first column, the very first column  
22 contains numbers, and those numbers are related to the date which is  
23 mentioned there. The first date we see is Saturday -- sorry, no, is  
24 Tuesday, the 2nd of November, 2004, and in the left-hand column we have  
25 the number 1. And could you just explain that number 1 in the left-hand

1 column, what that number means.

2 A. That number 1 in the left-hand column represents the order that  
3 was followed on the day, that is, when the children were taken into the  
4 transit site. For example, here the day is -- is Tuesday. On -- on that  
5 day -- and on that day, only one child was admitted into the site.

6 Q. With regard to the first reference, one sees that the name  
7 "Baraka Metu Karido" has been crossed out and replaced with another name,  
8 "Karido Bahati," and in brackets it says "(96)." What -- what does that  
9 96 in brackets refer to?

10 A. Thank you very much.

11 Q. The document. Look at the first reference. You have the  
12 document in front of you, Mr. Karido (sic). Can you look at the  
13 document? Look at the first document where it says "*Mardi,*  
14 *2 Novembre 2004, Karido Bahati,*" and there's "(96)," and just before that  
15 you've crossed a name out. So could you explain what the 96 in brackets  
16 is there in that first reference?

17 A. Thank you for asking that question. I was answering very quickly  
18 so I wanted to observe the pause as instructed at the beginning.

19 When I was doing the work at the beginning, there was a confusion  
20 of names. I confused number 1 with number 96, because those are similar  
21 names. Now you can see the name that was crossed out. That is the true  
22 name that was crossed out. In reality, Karido Bahati is number 96. So  
23 it is the name that was crossed out that was the correct name, and this  
24 is the person that we consider to have been a real child soldier.

25 Q. Now, coming back to the format of the document in general, you've

1 explained what the number is in the left-hand column, then we have the  
2 name, and then we have another column on the right-hand side of the names  
3 which also has a number. What number -- what does that correspond to,  
4 that number, in the right-hand column?

5 A. In the right-hand column we have the overall number. That is, it  
6 is that column that enables you to establish the overall total of  
7 admissions from the beginning to the end, that is, from the time that the  
8 sites were opened up to when they were closed.

9 Q. And then you have a column which says at the top "*Observation*,"  
10 and could you -- could you explain what was the purpose of that column  
11 "*Observation*."

12 A. Yes. Thank you, Counsel, for your question. That column under  
13 "*Observations*" was to indicate whether the person in question was a  
14 student or pupil or not.

15 Q. And if one takes, for example, number 2 on the 11th of November,  
16 2004, the name Baraka Bahati Dieudonné, you have indeed written there the  
17 word "*élève*," which in the English language means "student."

18 Now, when you say there "student," are you referring to the fact  
19 that this person was a student at the time you prepared this document, or  
20 are you referring to the fact that they were a student at the time they  
21 said they were in EAFGA?

22 MR. DUTERTRE: (Interpretation) Objection, your Honour. It is a  
23 leading question. The questions should be neutral.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, do not  
25 forget that you start speaking when the interpretation has not yet been

1 completed. I saw you get to your feet because I was very vigilant. You  
2 can continue speaking now. I believe that Mr. O'Shea now understands  
3 that he could have expressed himself differently. Please proceed.

4 MR. DUTERTRE: (Interpretation) I'm sorry, your Honour, but my  
5 own transcript is not working properly. Maybe someone can come round to  
6 sort this out.

7 My objection was that the question has to be neutral. What does  
8 that word "*élève*" or "student" mean here? The question as put by  
9 Mr. O'Shea is leading, and this was done again yesterday even though we  
10 did not object all the time. So my objection is general in nature and is  
11 geared to indicate that questions have to be neutral. Otherwise, the  
12 answers of the witness would have much less value, and this is not  
13 helpful to the Chamber.

14 I would like that Mr. O'Shea should ask open questions, and we  
15 should not be constantly made to rise to our feet to prevent the witness  
16 from being instructed or influenced. It is the witness who is giving  
17 evidence, not Mr. O'Shea.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, in this  
19 particular case, please ensure that it is the witness who explains to us  
20 precisely what he means by that word "student," as appears in that  
21 column, and based on his answer, you may try to adduce the evidence that  
22 you wish to adduce. Please proceed.

23 MR. O'SHEA:

24 Q. (\* Previous translation continues) ... student there. Are you --  
25 could you please explain what period of time you're referring to?

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1 A. Thank you very much for your question, Counsel. If I backtrack a  
2 little bit here, I can say that we also admitted students into the  
3 transit site. As Prosecution counsel has said, a student is usually  
4 someone who is going to school. And as I said yesterday, we also  
5 admitted students into the transit site, and, in fact, it is for that  
6 reason that I had to mention there that such and such a person was a  
7 student.

8 MR. O'SHEA: Mr. President, may I please have an EVD number for  
9 this document, which is DRC-D02-0001-0448.

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

11 COURT OFFICER: (Interpretation) Thank you, your Honour. It is  
12 a confidential document, and it will be EVD-D02-00145.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Please  
14 proceed, Mr. O'Shea.

15 MR. O'SHEA: If I could -- if I could just come back to another  
16 document which I showed you yesterday for one moment, and EVD-OTP-00120,  
17 and it is the notebook as we've been referring to it.

18 COURT OFFICER: (Interpretation) The document can be viewed by  
19 pressing "PC 1."

20 MR. O'SHEA:

21 Q. Now, I'm going to -- because the exercise I'm going to ask you to  
22 do is a little difficult to do on the computer screen, so I'm going to  
23 dismantle my copy here - and only dismantle in the sense of separating  
24 documents that have nothing to do with the witness - and then I'm going  
25 to give you the entire document.

1 MR. O'SHEA: Registrar, if you could assist, please. Thank you.  
2 Just show it to the Prosecutor so he can assure himself as to what I'm  
3 handing over. Thank you very much.

4 Q. Now. Mr. Katobe, what I'd ask you to do is to through the pages  
5 of that document one by one and look at the column which is headed  
6 "*Observation*." Just -- just go through the column "*Observation*" through  
7 the entire document. I'll give you a minute or two to do that and then  
8 I'll ask you a question.

9 A. Yes, I've finished.

10 Q. (\* Previous translation continues) ... in particular about that  
11 column which is headed "*Observation*" through that document?

12 A. Yes. I have noted something unusual, and that is that under that  
13 column it was necessary to add the date on which the child came into the  
14 transit site or the day the child left. That is what I realised. So we  
15 did not comply with that requirement because it is not everywhere.

16 Q. And why -- and -- sorry, five seconds. And why is it that when  
17 one looks through that column one doesn't find anything in most cases?  
18 Why is that?

19 A. Thank you for your question. That is what I just said. In fact,  
20 we did not comply with the requirement that the column should be filled  
21 in, because it was filled in certain cases and not in others.

22 Q. Yes. Thank you. I'm going to move away from that document now,  
23 so perhaps if that document can be passed back to me, the hard copy of  
24 it.

25 Now, yesterday you explained that you came -- shortly before this

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1 work began at the Aveba site, you came to install yourself or to live at  
2 the Aveba site to do this work, to interview children, et cetera, in the  
3 demobilisation process. So what I'd like to ask you is this: When you  
4 arrived in Aveba, did you receive any training?

5 A. Yes, we received training.

6 Q. Who gave that training?

7 A. The training was given by (Expunged)  
8 (Expunged), Charles, in collaboration with the director of Save the Children.

9 Q. Do you remember how many hours that training lasted?

10 A. Yes. It did not take very long. We received training for a  
11 single day and that was it.

12 Q. And what was incorporated in that training?

13 A. The training consisted in learning how to work on site and what  
14 our attitudes should be and so on and so forth.

15 Q. Were you given any lessons on the subject of how child soldiers  
16 were defined or how EAFGA were defined as part of that training?

17 MR. DUTERTRE: (Interpretation) Your Honour, once again, only  
18 neutral questions should be put to the witness. I know that it is not  
19 always easy.

20 PRESIDING JUDGE COTTE: (Interpretation) Please proceed,  
21 Mr. O'Shea. Ask your question, which is important.

22 MR. O'SHEA:

23 Q. Did you receive -- sorry. In that training you were given, was  
24 the subject of the definition of child soldiers or EAFGA, was that a  
25 subject which was covered?

1 A. Yes. In fact, we based ourselves on that acronym.

2 Q. Do you remember how that subject was covered, what was referred  
3 to in the way of documents or what you were told on that subject? Do you  
4 have a recollection that you're able to explain to us?

5 A. As concerns the documents, during the meetings we did not dwell  
6 so much on that. It was only when we were in Aveba, in the field, that  
7 we were told how to handle the documents.

8 Q. Were you given any readings on the subject of how EAFGA or child  
9 soldiers were to be defined during the course of that training?

10 A. Counsel, I did not quite understand your question.

11 Q. I have to be careful not to be too pointed in my questions.

12 Were -- was there any -- any published documentation that you  
13 were asked to read or not?

14 A. Yes. The documents that we had access to did not exist. We had  
15 no documents to read.

16 Q. Now, if I can come back -- move away from this -- this area now  
17 of training and come back to the area of the demobilisation process  
18 itself. I'd like you to help the Judges understand what role, if any,  
19 the commanders played in the demobilisation process. What's your  
20 understanding of that?

21 A. I do not know which commanders you are referring to.

22 Q. Who -- who were the commanders who were present at Aveba in 2004  
23 that you remember or know of? It's not a memory test, but if you  
24 remember the names of commanders who were present in 2004, I'd be  
25 grateful if you'd let us know.

1 A. What prompted me to ask that question was that while we were in  
2 Aveba, there was the militia group in their camp. There was the FARDC  
3 group which was together with the MONUC group. That is why I wanted to  
4 ask you whether you were referring to the militia group or not, because  
5 we also had a commander of the FARDC, Tchaki, who was there at the  
6 reception while the other one, Germain Katanga, was in his camp.

7 Q. What -- so what was the function of the FARDC commander you just  
8 mentioned who you said was at the reception? Tchaki.

9 A. Oh, yes. Yes. He was there to check the adults. He was the  
10 focal point at the reception area.

11 Q. And who -- who was responsible for controlling the children at  
12 the reception, do you remember?

13 A. Well, on our side there was a focal point. It was David. He was  
14 there on site. After the reception, he was the one who would bring the  
15 children to us, to the site.

16 Q. And do -- do you remember David's other name?

17 A. I just know him by one name.

18 Q. That's all right.

19 MR. O'SHEA: I notice the curtain is still down, your Honour, but  
20 I'm not using any documents at the moment.

21 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, indeed  
22 we can raise the blinds. Thank you.

23 Mr. O'Shea, please proceed.

24 MR. O'SHEA:

25 Q. (\* Previous translation continues) ... the names of the militia

1 commanders who were present in Aveba at the time you were there in 2004?

2 Other than Germain Katanga, of course, who you've already mentioned.

3 A. Otherwise, I have no idea what other commanders might have been  
4 there at that time. I only knew Katanga as the commander there at that  
5 time in Aveba.

6 Q. And while we're on the subject of commanders but on a slightly  
7 different note, yesterday you spoke about Germain Katanga's cooperation  
8 in the demobilisation process. Did it come to your knowledge as to what  
9 was the attitude of commanders in other villages outside Aveba?

10 A. Yes. His attitude -- correction, their attitude was very good,  
11 even inside.

12 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, are you  
13 sure that the witness has entirely understood the question? I believe  
14 you wish to obtain some information about the behaviour of commanders in  
15 other villages, but the answer really seemed to focus on Mr. Katanga.  
16 I'm not quite sure that the question was entirely understood.

17 MR. O'SHEA:

18 Q. When you were -- or when *Terre des Enfants* was doing its initial  
19 planning for the demobilisation process, did the organisation go to other  
20 areas than Aveba to try to speak to people or not?

21 A. In other areas? More specifically, as I said yesterday, it was  
22 Boga. Boga was the place we went to, and the groups that I mentioned  
23 yesterday in Boga would go there for this purpose.

24 Q. And what -- what about other villages like Bavi, Kagaba?

25 A. Yes.

1 Q. Who went to those villages?

2 A. When we were in Aveba, we went to those villages.

3 Q. Do you know why not?

4 THE INTERPRETER: Correction: None of us went to those villages  
5 or places.

6 THE WITNESS: (Interpretation) We were concentrated in Aveba and  
7 then in the direction of the Aveba-Boga road.

8 MR. O'SHEA:

9 Q. You -- when you were speaking about the children who were  
10 demobilised, you spoke about the first child who was demobilised, one  
11 Karido. What -- what, if any, follow-up was there after his  
12 demobilisation from *Terre des Enfants* or other organisations with respect  
13 to him?

14 A. The follow-up after -- after the reception --

15 Q. (\* Previous translation continues) ... help you there so we can  
16 save some time. I'm not talking about after the reception. I'm talking  
17 about once the child had been demobilised. Once you'd gone through the  
18 process of identification, verification, and reinsertion, once the whole  
19 process at the Aveba site was complete and the child left the site, after  
20 that what, if any, follow-up was there with respect to the child and the  
21 child's life, do you know?

22 A. I believe -- well, thank you very much for the question. I  
23 didn't understand the question. You interrupted me when I was trying to  
24 get to the point.

25 The follow-up, there was no follow-up. No follow-up was done.

1 Q. What, if any, activities took place in Aveba on  
2 International Children's Day? Do you remember if there was anything on  
3 International Children's Day?

4 A. Yes. Thank you, Counsel, for your question. Since the date of  
5 the 16th occurs every year, it is a date, an international date for  
6 African children. There was an organisation within the site, so there  
7 were events organised. Events were organised. Games were organised.

8 MR. O'SHEA: Can the witness please be shown -- sorry. I was  
9 just thinking about the public confidentiality issue.

10 Can the witness please be shown document DRC-D02-0001-0443,  
11 entitled "*Terre des Enfants note de service*."

12 MR. DUTERTRE: (Interpretation) Your Honour.

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

14 MR. DUTERTRE: (Interpretation) We had announced that we were  
15 opposed to this document being adduced -- being shown. It is not from  
16 the witness. It was not disclosed to the witness. It was given to the  
17 Defence by someone else on the list and then it was struck off. If the  
18 Defence wishes to use the document, it should proceed otherwise.

19 Mr. O'Shea yesterday asked some questions about communications  
20 within the organisation, and the witness gave a reply that showed he was  
21 unfamiliar with such a document. I would further add that he even said  
22 that things were communicated orally.

23 There has to be some fairness here in terms of the document that  
24 the Defence wishes to use and the Prosecution wishes to use. Very  
25 recently, we tried to introduce a document that was addressed to the

1 headquarters of an organisation that a witness belonged to and the  
2 document was not -- it was part of a group of documents, and we were not  
3 in a position to present that particular document to the witness. So we  
4 are of the opinion that there is not enough of a link between this  
5 document from Mr. O'Shea, this memo, and the witness that we have before  
6 us, and the Prosecution was not allowed to do -- well, the Defence should  
7 not be allowed to do that either. There is not a sufficient link between  
8 the document and this witness.

9 Furthermore, in actual fact, the question was asked by  
10 Mr. O'Shea. He wanted to know what was -- what went on during this  
11 national celebration, and this document will just be used to refresh the  
12 witness's memory on the point that Mr. O'Shea wishes to visit. But this  
13 is not a document that the witness can really speak to.

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

15 Mr. O'Shea, indeed this document has not been signed by the  
16 witness. The witness did not receive the document. It would not appear  
17 that the witness gave you the document himself.

18 Can you tell us any more about the apparently tenuous link  
19 between the witness and this particular document, if any such link  
20 exists.

21 MR. O'SHEA: (\* Previous translation continues) ... test as  
22 outlined by your Honours is that there should be an inherent correlation  
23 between the document and the testimony of the witness. Now, certainly if  
24 the witness was the one who had written the document or signed the  
25 document, or if it was in the form of a letter and had been specifically

1 and directly sent to him, then that test would be fulfilled; but that, of  
2 course, does not mean that there cannot be a relationship between the  
3 document and the testimony of the witness if one doesn't find the  
4 signature of the witness or the name of the witness on the document or --  
5 or that one got the document from the witness. There could be other  
6 factors that come into play.

7 And in this instance, I'm not sure that this document -- in fact,  
8 can I just ask:

9 Q. Mr. Katobe, do you understand the English language?

10 A. Absolutely not.

11 Q. (\* Previous translation continues) ... remove your headphones, if  
12 you don't mind, for a moment, just so that Mr. Duterte doesn't get up in  
13 a second?

14 MR. O'SHEA: Thank you.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Katobe.  
16 You are fully entitled not to understand English, and you're not the only  
17 one.

18 THE WITNESS: (Interpretation) Even here at the hotel where I've  
19 been staying at, I had to communicate by hand gestures. I really had a  
20 very difficult time of it. I don't --

21 PRESIDING JUDGE COTTE: (Interpretation) Please just rest for a  
22 moment while Mr. O'Shea speaks in English.

23 MR. O'SHEA: This is not -- this is not on the face of the  
24 document, Mr. President, this is not a letter. It's headed "Note de  
25 service." It doesn't specifically say which individuals it's addressed

1 to, and it may or may not be the case that this individual has seen the  
2 document.

3 We know that the organisation we're talking about is a small  
4 organisation, and we know that this document is defined as a document  
5 about -- about work within the organisation. So it could be, and it's up  
6 to the witness to -- to -- you know, if the witness recognises the  
7 document, it's up to the witness to tell us if this is the case. It  
8 could be that this was a general document that was circulated among the  
9 staff of the TDE. At the moment, we don't know. But that -- that is a  
10 reasonable possibility looking at the face of the document.

11 So we cannot exclude that, number one -- we can -- we cannot  
12 exclude that, number one, the witness might not recognise the document,  
13 and we cannot exclude that the witness might not, in fact, have been one  
14 of the *destinataire* of the document, using the French expression. It  
15 might be that those preliminary questions would sort out whether, in  
16 fact, this witness has, in fact, seen this document ever before. And if  
17 he has seen the document before, then he has a legitimate basis for  
18 commenting on it.

19 Now, what is the link between this witness's testimony and this  
20 document? Then one has to go to the contents of the document, and  
21 your Honour will see on the second page of the document it is headed  
22 "*Projet d'activités pour la Journée Internationale de l'Enfant Africain*  
23 *2005*." And then it gives a list of issues in note form relating to that  
24 international day of children. And so since the witness was working for  
25 this organisation, since he was in Aveba in 2005 where these activities

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1 are purported to be taking place, and since he has just spoken about in  
2 his evidence activities taking place on that day in Aveba, in my  
3 submission, there is a correlation between the content of this document  
4 and the testimony of this witness. And so far as whether the witness is  
5 able to recognise the document or not, we're in no -- we're not in --  
6 we're not in the capacity to make a final determination of that until we  
7 ask the witness.

8 I understand what my learned friend has said about the witness's  
9 answer yesterday about all communications being oral, but in my  
10 submission, that answer must be looked at with care and in its context.  
11 It doesn't exclude the possibility that this witness has seen documents  
12 which might have been generally addressed to the staff of the  
13 organisation.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.

15 Prosecutor, please, briefly, because we have had a glance at this  
16 document, and we see that there are a number of references. Please  
17 proceed.

18 MR. DUTERTRE: (\* Previous translation continues) ... speak  
19 English, Mr. President. The question yesterday was put clearly to the  
20 witness as to whether instructions were given in a written way, and the  
21 answer was it was in -- it was oral, and it's on page 71 of the realtime  
22 transcript. So there is a clear indication that this witness is not in a  
23 position to comment on written documents because his position is that  
24 communication was oral.

25 First of all -- second point: I'm sorry, but this document is

1 clearly addressed to one specific person, and it's indeed on the first  
2 page of the document, and it reads as follows: "*A l'attention de*" and I  
3 leave the rest. I don't need to give my explanation that the witness  
4 could pick up, even if it's in English.

5 So clearly it is not addressed to this witness. There is no link  
6 to this witness. And there is no more link between this witness and the  
7 document than between -- or no less link than between the document we  
8 tried to put in cross-examination not only to elicit information but even  
9 more to address the credibility of the other witness. So there is no  
10 more link between this document and the document that was addressed, and  
11 addressed à *Monsieur Président du Mouvement d'Aveba*, dated February 2002.  
12 I don't need to go into further details. Everybody knows what I'm  
13 referring to right now.

14 It is also perfectly suggestive to put this document to this  
15 witness who only after being questioned by Maitre O'Shea provide an  
16 answer in general ways. So what Mr. O'Shea is trying to do right now is  
17 to refresh the memory of the witness, and it's a question of fairness. I  
18 mean, we cannot proceed that way. Mr. O'Shea ask his answers. He got --  
19 ask his question. He got answers, and now he's trying to have the  
20 information he is looking for, but the witness gave his answer. It's  
21 asked and answered. That were the additional observations I wanted to  
22 make, Mr. President.

23 MR. O'SHEA: May I briefly reply?

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, I don't  
25 want us to have some sort of dialogue of the deaf.

1        Now, the Prosecutor stressed that yesterday the witness said that  
2        there were no written instructions, and a few moments ago you just asked  
3        and the witness answered, and the question had to do with the celebration  
4        of the 16th of June, which is the date for an international event. There  
5        were a number of events, including games that were organised. He said  
6        that some activities had been organised for the international children's  
7        day, and we have seen, and the Prosecutor just pointed this out, that  
8        this document is addressed to someone, it says "To," and then a name is  
9        provided, someone who was a colleague of this particular witness, and  
10       mention was made of the 16th of June.

11       For the time being, the Chamber is of the opinion that there are  
12       sufficient elements for you to ask questions, and then we shall see what  
13       shall become of this particular document. The Chamber is well aware of  
14       its duty to act in a very fair manner.

15       Now, Mr. O'Shea, please proceed after this exchange of views that  
16       has allowed for an airing of the issue.

17       MR. O'SHEA: If I may, I think my learned friend misunderstands  
18       the purpose for which I'm producing this document. I'm not trying to  
19       refresh the memory of the witness. I'm not even trying to get the  
20       witness's comment on the document. What I am attempting to do is get the  
21       document admitted into evidence, and in order to do that I have to  
22       authenticate the document. Now, the witness may or may not have seen  
23       this document before but the witness may be in a position to comment upon  
24       the stamp which is on the document. The witness may be in a position to  
25       comment upon whose handwriting the document -- whether the -- sorry,

1 who -- whose handwriting is present on the document, and if that's done  
2 then the document is authenticated, and there is really no other way I  
3 can authenticate the document, because there's no other witness coming  
4 before this Court other than this witness who could possibly be in a  
5 position to authenticate the handwriting on this document. So it's a  
6 question about the admissibility of the document. We could, of course,  
7 put it in a bar table motion, but in my submission, it's more appropriate  
8 to have it authenticated by somebody who was working for the  
9 organisation.

10 And I repeat, it's not my intention to refresh the memory of this  
11 witness or to ask this witness questions about the content of the  
12 document.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, gentlemen.

14 Witness, please put your headset back on and we shall now  
15 continue. Is it working? Can you hear?

16 THE WITNESS: (Interpretation) Yes, I can hear just fine.

17 PRESIDING JUDGE COTTE: (Interpretation) Very well. We shall  
18 continue.

19 MR. O'SHEA: May have a minute, Mr. President?

20 PRESIDING JUDGE COTTE: (Interpretation) Please, go, take a  
21 minute.

22 (Defence counsel confer)

23 MR. O'SHEA: Those are all my questions of this witness.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.

25 Professor Fofé, you now have the floor. This may come as a bit

1 of a shock. Take a moment or two if you need.

2 MR. O'SHEA: Ms. Menegon informs me that I may have  
3 misunderstood. I may have misunderstood something that your Honour said.  
4 I just want to clarify what the position is. My understanding was that I  
5 was not being permitted to put the document in front of the witness. Is  
6 that the case?

7 PRESIDING JUDGE COTTE: (Interpretation) On the contrary. The  
8 Chamber was authorising you to try to obtain what you're trying to get  
9 at, that is to say, information that would be useful to all of us.  
10 Now -- otherwise, Mr. Fofé seems to be in a position --

11 MR. O'SHEA: I'd misunderstood. I thought I'd pushed the  
12 patience of the Court, that's why I sat down. But I -- all right, then.  
13 If the witness could then be shown the document, and I'm only going to  
14 ask him three questions to determine whether he can authenticate this  
15 document and that's it. And if he can, I will ask for it to be admitted.  
16 If he can't, then I won't.

17 MR. DUTERTRE: (Interpretation) Your Honour, I thought I  
18 understood the exact contrary.

19 PRESIDING JUDGE COTTE: (Interpretation) No. I was very, very  
20 clear about that, Mr. Prosecutor. You should know that the Chamber is  
21 always very patient, even though we can seem irritated at times. That is  
22 part of what goes on in proceedings, but a short while ago I said that  
23 there might be a misunderstanding, and I concluded by asking the witness  
24 to provide any clarification that he is able to provide to us on the  
25 document in dispute. So Mr. O'Shea will ask his three questions, and

1 we'll see whether he is able to authenticate that document. That is  
2 where we are at.

3 Mr. O'Shea, please proceed.

4 MR. O'SHEA: Now, the source of this document, I think, has to  
5 remain confidential, but I think that there's no problem with the content  
6 of the document, unless my learned friend says otherwise. So I think the  
7 document can be public. And the number is DRC-D02-0001-0443.

8 COURT OFFICER: So this document is public?

9 MR. DUTERTRE: (Interpretation) There is a signature at the  
10 bottom of the page which is identifying, so it has to remain  
11 confidential.

12 PRESIDING JUDGE COTTE: (Interpretation) Very well. Let us pull  
13 down the blinds, Court Officer, so that there should be no risk.

14 Thank you, Mr. Prosecutor.

15 MR. O'SHEA:

16 Q. So again, I'm going to give you a hard photocopy so that you can  
17 see the one on the screen and the hard copy photocopy. The advantage of  
18 the one on the screen, Mr. Katobe, is that - thank you very much - is  
19 that it's in the original colour of the document, whereas the photocopy  
20 is black and white. So you might want to look at both for the purposes  
21 of my questions.

22 And my first question is this: Have you seen -- well, before you  
23 answer this question, please look at the document and read it. I'll give  
24 you an opportunity to do that, but have you seen this document before?  
25 Do you recognise the document? So just have a quick read of it and see

1 if you recognise it. I think it's a three-page document, so I'll give  
2 you a minute or two to read through it.

3 A. This is my first time of seeing this document. I believe that  
4 this is probably a document that was prepared for the ceremonies, for the  
5 events at the time. This is a document that I'm seeing just here. I did  
6 not even see that document there at the time.

7 Q. Yes. Have you seen the stamp which is fixed to this document  
8 before or not?

9 A. Yes, I can see the stamp, where the seal is.

10 Q. (\* Previous translation continues) ... stamp that you've seen  
11 before on any other document?

12 A. Yes. It is the seal for *Terre des Enfants*.

13 Q. And my third and final question, my third and final question, is  
14 this: Do you recognise the handwriting and/or the signature on the  
15 document? There's a signature at the bottom and the document is  
16 handwritten. So do you recognise the handwriting and/or the signature,  
17 and if so, could you tell us whose it is?

18 A. The handwriting is similar to that of Charles.

19 Q. Thank you very much.

20 MR. O'SHEA: I would therefore request an EVD number for this  
21 document, Mr. President. Which, Madam Registrar, as I say, is  
22 DRC-D02-0001-0443. It would appear that it should be confidential in the  
23 circumstances.

24 (Trial Chamber confers)

25 MR. O'SHEA: Your microphone is on, Madam President.

1       PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, we have  
2   clearly heard the answers that the witness has given to your questions.  
3   Our concern is to ensure that he can really authenticate that document,  
4   but the fact of the matter is that it was limited and shaky. That is his  
5   authentication. So we cannot give an EVD number to this document, but  
6   it was quite logical of you to try to seek clarification from the witness  
7   that we thought could have been important. So that was not the case, but  
8   there is no EVD number. You can continue, Mr. O'Shea.

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

10      PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.  
11      Professor Fofé, we have about 17 to 18 minutes. You can begin  
12   your own examination if you wish.

13      MR. FOFÉ: (Interpretation) Good morning, Mr. President,  
14   your Honours, and thank you very much for giving me the floor.  
15      Good morning, Mr. Katobe.

16      THE WITNESS: (Interpretation) Good morning, Counsel.

17      MR. FOFÉ: (Interpretation) My name is Jean-Pierre Fofé Djofia  
18   Malewa, and I am co-counsel in the Defence team of Mr. Mathieu Ngudjolo.  
19   I followed with keen interest your testimony before this Court, and at  
20   this particular stage of your testimony I do not have any questions for  
21   you.

22      Thank you, your Honours.

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

25      Mr. Prosecutor, if you wish, you can now begin your

1 cross-examination. You can take the time to get ready.

2 MR. DUTERTRE: (Interpretation) Thank you very much,  
3 your Honour. I will take a few moments to set up.

4 PRESIDING JUDGE COTTE: (Interpretation) Very well.

5 Court Officer, is it technically possible to take the break now?  
6 That will allow the Prosecutor to prepare if he has not yet done so. We  
7 resume at 11.15 to 12.45. Is that technically possible? Well, that is  
8 how we are going to proceed, if you wish, Mr. Prosecutor.

9 Mr. Witness, we are going to break for 30 minutes for you to  
10 rest.

11 THE WITNESS: (Interpretation) Thank you, your Honour.

12 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, please  
13 lead the witness out of the courtroom.

14 (The witness stands down)

15 PRESIDING JUDGE COTTE: (Interpretation) This hearing is  
16 suspended. We will reconvene at 11.15 and work until 12.45.

17 Recess taken at 10.44 a.m.

18 On resuming at 11.18 a.m.

19 (Open session)

20 COURT USHER: All rise.

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

22 Court Officer and Court Usher, please bring the witness into the  
23 courtroom.

24 MR. HOOPER: Just for a moment while the witness is being brought  
25 in, needn't hold things up, there's a new face here amongst the Katanga

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1 side. Her name is Mademoiselle Laura Rousseau. She's a student at the  
2 Paris Bar, so she is maintaining the Francophone element in this team,  
3 and she's here to assist us and Mr. Katanga over the next several months.  
4 Thank you.

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

6 Welcome, madam. We hope for you that this internship is going to  
7 be profitable, exciting, and that it will enable you, once you return to  
8 France, to champion the interests of the International Criminal Court.  
9 At the right time, you are going to be our best messenger, we hope.

10 (The witness takes the stand)

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, are you  
12 all right?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE COTTE: (Interpretation) Very well.

15 Prosecutor, you have the floor, sir.

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

17 Questioned By Mr. Dutertre:

18 Q. (Interpretation) Good morning, Mr. Witness.

19 A. Good morning, Mr. Prosecutor.

20 Q. Mr. Witness, my name is Gilles Dutertre, and today I'll be  
21 putting questions to you on behalf of the Prosecutor in this case. If my  
22 questions are not clear, please do not hesitate to ask me to repeat them.

23 A. Thank you very much. There are many big words which I may not  
24 understood, dictionary words, so to speak, but if I do not understand I  
25 will seek your help.

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1 Q. Very well. Mr. Witness, I'd like to ask you a few questions on  
2 your past. You were born in Gety, and you grew up in Gety; is that  
3 correct?

4 A. Yes.

5 Q. And that is where you served as a teacher for 25 years; is that  
6 correct?

7 A. Yes.

8 Q. You handled generation after generation, batch after batch of  
9 students; is that correct?

10 A. Yes.

11 Q. And in 2001/2002, you went to Bunia. You left Bunia when Lopondo  
12 fell, and you returned to Gety; is that correct?

13 A. Yes, I returned to Gety.

14 Q. Towards the end of 2003, things calmed down, that's what you said  
15 yesterday, and you returned to Bunia; is that correct?

16 A. Yes.

17 Q. If I understand you correctly, Mr. Witness, right up to the end  
18 of 2003, you spent most of your time in Gety; is that correct?

19 A. Yes. For the entirety of 2003, I was in Gety.

20 PRESIDING JUDGE COTTE: (Interpretation) Could both of you speak  
21 more slowly and try to observe the five-second rule, because the  
22 cross-examination has started at breakneck speed and is putting the  
23 stenographers and others in difficulty.

24 THE WITNESS: (Interpretation) Thank you, your Honour. It looks  
25 like I'm a bit fast. I'll try to slow down. Thank you.

Witness: Witness DRC-D02-P-0196 (Resumed) (Open Session)  
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1 MR. DUTERTRE: (Interpretation)

2 Q. We all share the blame, Mr. Witness. I think I am even the one  
3 who is most responsible.

4 Mr. Witness, my question was broader than that. Right up to the  
5 year 2003, you lived mainly in Gety, apart from the short time you spent  
6 in Bunia in 2002; is that correct?

7 A. Yes. I was living in Gety.

8 Q. Mr. Witness, you do know Francine, Germain Katanga's sister; is  
9 that correct?

10 A. Yes, I do know her.

11 Q. She even worked for TDE at the demobilisation centre in  
12 2004/2005; is that correct?

13 A. That is what I was saying. She was my colleague.

14 Q. And at this moment she's in Bunia. Is that correct, Mr. Witness?

15 A. Yes.

16 Q. And she lives in the Kindia neighbourhood, Mr. Witness; is that  
17 correct?

18 A. Yes.

19 Q. When did you see her for the last time, Mr. Witness? I'm  
20 referring to Francine.

21 A. Since we live far from each other, before I left -- I would say  
22 about one month. I last saw her about one month before leaving.

23 Q. If I understand you correctly, one month prior to leaving Ituri  
24 to come here; is that correct?

25 A. Yes.

1 Q. And under what circumstances did you see Francine, Mr. Witness?

2 A. I saw her in passing. Since we live in the same neighbourhood,  
3 when we move around, of course we are bound to meet each other. We would  
4 say -- greet each other, and just -- that's it.

5 Q. And you did see her regularly; is that correct, Mr. Witness?

6 A. I did not see her regularly. Of course, as I said, we lived far  
7 away from each other. We have a distance separating us.

8 Q. She knows that you are a witness for the Defence team of  
9 Germain Katanga. Is that correct, Mr. Witness?

10 A. I do not know whether or not she's aware of my being a witness  
11 for the Defence. The first time it was counsel who came to my house,  
12 came to my home, and when he arrived, I did not talk to him. I did not  
13 talk to him about problems related to Germain Katanga.

14 Q. You talked about counsel who came to your house. Which counsel  
15 are you talking about?

16 A. I'm talking about counsel Jean Logo. And this was before the  
17 month of August 2010.

18 Q. We will return to that, but when you met Francine a month ago,  
19 you did talk to her about the trial. She is Germain's sister. You have  
20 been called as a Defence witness on behalf of Germain. You certainly  
21 told her a few things about the case, didn't you, Mr. Witness?

22 You had taken some time to answer my question. Let me repeat it.

23 When you met Francine one month before coming here, you had been  
24 called as a Defence witness for Katanga. You know Francine, and Francine  
25 is Germain's sister. You certainly told her that you were coming here to

1 give testimony. She was aware of that, was she?

2 A. As I said earlier, I did not have regular contact with her. I  
3 used to meet her in passing when I was strolling around.

4 Q. Mr. Witness, I don't think you're answering my question. When  
5 you met her the last time - I'm talking about Francine - did she know  
6 that you were coming here to give evidence?

7 A. No.

8 Q. Mr. Witness, it was Francine who gave your name to Jean Logo; is  
9 that correct?

10 A. Yes, but when I asked about that, Logo did not tell me anything.  
11 He did not tell me that it was Francine who -- who selected me.

12 Q. But you put that question to Jean Logo. You were curious. You  
13 wanted to find out from him who had directed him to you, didn't you?

14 A. That is what I did, but he did not give an answer.

15 Q. Jean -- Jean Logo is Hema, is of Hema ethnicity; is that correct?

16 A. I do not understand.

17 Q. He is of Hema ethnicity; is that correct?

18 A. Yes, yes.

19 Q. Mr. Witness, before meeting him, you did not know Jean Logo  
20 previously, did you?

21 A. No, I did not know him.

22 Q. Jean Logo came to your home. He was of Hema ethnicity. You are  
23 of Ngiti ethnicity, and he comes to ask you questions, important  
24 questions, and you did not try to find out, to ask him who had sent him  
25 to your home? Mr. Witness, is that your testimony?

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1 A. Well, I asked him that question, I asked him who had directed him  
2 to my home, and he said -- or, rather, he did not give the name. He told  
3 me I should not be afraid, that I should speak to him, and I accepted to  
4 speak to him.

5 Q. Mr. Witness, you mentioned David Adirodu --

6 MR. O'SHEA: I just intervene for one second. In actual fact,  
7 the witness mentioned David and specified that he did not know the other  
8 name.

9 MR. DUTERTRE: (Interpretation)

10 Q. Sir, you mentioned a certain David who was at the site in Aveba.  
11 You were referring to David Adirodu; is that correct?

12 A. Yes.

13 Q. And he shuttled between the FRPI and the transit site,  
14 Mr. Witness; is that correct?

15 A. Yes.

16 Q. He's currently living in Bunia, Mr. Witness; is that correct?

17 A. Yes.

18 Q. You meet David Adirodu from time to time, Mr. Witness; is that  
19 correct?

20 A. I have never met David, never.

21 Q. Mr. Witness, you mentioned a certain David Mugasa who was at the  
22 site. That's your younger brother; is that correct?

23 A. Yes. He was my younger brother. There was another one there  
24 called Charles who was there as well. I did not talk about him  
25 yesterday. There was also Richard with whom we worked at the transit

1 site.

2 Q. Mr. Witness, I'm going to change topics here. Child soldiers  
3 were a widespread phenomenon in Ituri. Is that correct, Mr. Witness? At  
4 the time of the conflict in 2002, 2003, and 2004; is that correct?

5 A. Well, in the various groups or in the groups, I did not see  
6 children below the age of 18, in the armed groups.

7 Q. Mr. Witness, but you surely agree that the phenomenon of  
8 child soldiers was a widespread one in Ituri, don't you? People were  
9 talking about this. Is that not correct?

10 A. Yes, people were talking about that.

11 Q. There were child soldiers in all the militia groups, Mr. Witness;  
12 is that correct?

13 A. In our place, as I stated earlier, the real child soldier that we  
14 mentioned, that we met, was Karido, who was the first child to get  
15 demobilised at the transit site.

16 Q. Mr. Witness, that was not my question. My question was: There  
17 were child soldiers in all militia groups in Ituri. Is that not correct,  
18 Mr. Witness? Mr. Witness, you're not answering. Do you want me to  
19 repeat the question?

20 A. Well, I used to hear that there were children in Ituri in  
21 general. However, whilst I was there in 2003, at that particular point  
22 in time I did not see children in the militia groups that went through  
23 there.

24 Q. Mr. Witness, if I understood you correctly, there was a  
25 widespread phenomenon of child soldiers in Ituri, but whilst you were

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1 there in Aveba, in the Walendu-Bindi collectivity, there was only one  
2 child soldier. Is that your evidence today before the court,  
3 Mr. Witness?

4 A. Yes. That was the only child soldier we registered. As for the  
5 others, we considered them as EAFGAs, E-A-F-G-A children, which is an  
6 acronym for children associated with armed groups, and these children  
7 could be relatives of militiamen or children who were running errands,  
8 such as helping with the cooking or fetching water.

9 Q. Mr. Witness, you stayed there right up to June 2005 in Aveba.  
10 You spent several months in the Walendu-Bindi collectivity. Is that  
11 correct, Mr. Witness?

12 A. Yes.

13 Q. Your witness -- your testimony today is that during that entire  
14 period, you met only one child who had carried weapons. Is that your  
15 evidence today before the court, only one child?

16 A. Yes.

17 Q. Mr. Witness, Germain Katanga left Aveba to go to Kinshasa in  
18 February 2005; is that correct?

19 A. Yes.

20 Q. And after that there were difficulties with demobilisation,  
21 Mr. Witness; is that correct? The demobilisation of child soldiers?

22 THE INTERPRETER: Correction from the English booth: Germain  
23 Katanga left to go to Kinshasa in January/February 2005.

24 THE WITNESS: (Interpretation) Could you please kindly repeat  
25 the question.

1 MR. DUTERTRE: (Interpretation)

2 Q. I will. After the departure of Germain Katanga, there were  
3 problems with the demobilisation of child soldiers; is that correct?  
4 After he left.

5 A. I have forgotten. I do not remember the precise date of his  
6 departure, and I don't have an idea about any such difficulty regarding  
7 demobilisation.

8 Q. With regard to his departure date, there is no problem with that.  
9 He was appointed General within the FARDC in Kinshasa by decree. He  
10 arrived there in January/February.

11 A. I do know that he was a Major.

12 Q. So from around January/February, he left. That is not contested.  
13 After his departure, your testimony is that there was no problem with  
14 regard to the demobilisation of child soldiers?

15 A. We continued right up to the month of June, but there were no  
16 difficulties.

17 THE INTERPRETER: Please could the speakers in the courtroom  
18 observe the five-second rule.

19 MR. DUTERTRE: (Interpretation)

20 Q. Mr. Witness, you know whom I'm talking about when I mention  
21 Commandant Cobra Matata, don't you?

22 A. Yes. As it is known within those circles I know him, but he does  
23 not know me. I used to see him go by, and I would be told that is  
24 Cobra Matata. That is how I came to know him.

25 Q. Mr. Witness, Cobra Matata was against the demobilisation of child

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1 soldiers. Is that not correct?

2 A. Fine. I remember now. Yes, towards the end. Towards the end of  
3 the operation this happened.

4 Q. And it was after the departure of Germain Katanga that he posed  
5 problems, Mr. Witness; is that correct?

6 A. Yes. And let me add something else. Those of us who worked at  
7 the transit site were also threatened by him.

8 Q. You were threatened, because he obviously did not want child  
9 soldiers to be demobilised; is that correct?

10 A. Yes.

11 Q. Dark, Commander Dark, was also against the demobilisation of  
12 child soldiers, Mr. Witness; is that correct?

13 A. With respect to Dark, I am not in a position to say, because at  
14 that time the name that was mentioned most often was that Cobra.

15 Q. When I talk of Dark, you know whom I'm talking about,  
16 Commander Dark. You spent about six months in Aveba. You know whom I'm  
17 talking about, don't you?

18 A. Whilst I was in Aveba, Dark was not there, but I knew him as I  
19 just mentioned. But his name was not mentioned amongst the names of  
20 those who were trying to hamper demobilisation.

21 PRESIDING JUDGE COTTE: (Interpretation) We think it's  
22 primordial for both of you to speak slowly. Of course, this may detract  
23 from the vivacity of the exchange, but it's important for both of you to  
24 observe the five-second rule. Thank you.

25 MR. DUTERTRE: (Interpretation)

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1 Q. Mr. Witness, the staff of *Terre des Enfants* was threatened by the  
2 militia members. Is that not correct?

3 A. Yes. There was a group -- including the group of Cobra, whom I  
4 just mentioned.

5 Q. And these militia members even asked you for money, Mr. Witness,  
6 is that not correct?

7 A. Yes. Besides, one of my colleagues was detained and fined. He  
8 had to give a cow to go free and put an end to the matter, and this had  
9 to do with Cobra's group.

10 Q. Mr. Witness, and this was because the militias were against  
11 demobilisation. Is that not so?

12 A. Well, I can say that even whilst we were there at the time of  
13 Germain Katanga, Cobra was not very happy about this, whereas with him we  
14 did not have a problem. If he had been there right up to the end of the  
15 operation, we would not have had the problems we had.

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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1 (Expunged)  
2 (Expunged)  
3 (Expunged)  
4 (Expunged)  
5 (Expunged)  
6 (Expunged)  
7 (Expunged)  
8 (Expunged)  
9 (Expunged)  
10 (Expunged)  
11 (Expunged)  
12 (Expunged)  
13 (Expunged)  
14 (Expunged)  
15 (Expunged). That is after the  
16 departure of Germain Katanga; right?

17 A. We talked about Cobra. There were other people who supported  
18 Cobra and who had the same ideas as him. That is why I said that  
19 everyone has their own way of being.

20 Q. Mr. Witness, yesterday you mentioned that stones were thrown at  
21 the transit site, the children's area. This was also done by militiamen  
22 which -- who were against the demobilisation of child soldiers because it  
23 reduced their strength and lessened their numbers. Isn't that correct,  
24 Mr. Witness?

25 A. Yes. I can say -- well, if you allow me to elaborate. There

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1 were many children, and as is normally the case, you have the really  
2 stubborn ones in any group, and since we were a bit experienced, we knew  
3 that there were amongst those children some who were well behaved, but  
4 then there were others who were stubborn and who could have done that.

5 Q. I'm not sure I understood your last answer, Mr. Witness, but in  
6 any case, we agree that it was not just because of one child soldier that  
7 there was this kidnapping and throwing of stones. Isn't that correct,  
8 Mr. Witness?

9 A. Mr. Prosecutor, I did not quite understand you. Can you kindly  
10 repeat.

11 Q. Mr. Witness, you have said that there was only one child soldier  
12 who was in Aveba, so my question to you is as follows: The threats that  
13 were made against the TDE staff, the money taken from them and the fact  
14 that Charles was kidnapped, the obstruction from Cobra Matata, the stones  
15 that were thrown, this was not only because of one child soldier. The  
16 reason was that there were other child soldiers, and the militiamen were  
17 against the demobilisation of child soldiers --

18 MR. O'SHEA: (\* Previous translation continues) ... my learned  
19 friend does not confuse this witness. We have essentially two quite  
20 distinct incidents which have been described. One is the throwing of  
21 stones which is at Aveba, and the second incident is an incident of  
22 kidnapping which takes place outside Aveba. Now, when my learned friend  
23 was asking questions about the first child soldier and he was putting  
24 questions to the witness about this first child soldier, and was it  
25 really his testimony that there was only one child soldier, that

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1 testimony was given with respect to Aveba, the village of Aveba.

2 So there's a risk here. If my learned friend is -- is going to  
3 intertwine the incident of the kidnapping by Cobra's group with the  
4 incident of the throwing of the stones at Aveba and then put it to the  
5 witness that that wasn't just because of one child soldier, there's a  
6 risk of confusing the witness here, because the child soldier incident is  
7 at Aveba, and the kidnapping incident is outside Aveba.

8 That's my concern, that things are being fused here in a manner  
9 which is not fair to the witness.

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

11 PRESIDING JUDGE COTTE: (Interpretation) You can answer, but be  
12 sure that the Chamber understood what you were saying, that the witness  
13 had said that there was one child soldier and that, on the other hand,  
14 there was the issue of kidnapping and then the throwing of stones. You  
15 seem to wish to draw a parallel between the kidnapping and the throwing  
16 of stones in relation to the reaction of certain members of the militia  
17 group who were opposed to demobilisation. This seems to be what  
18 underlies your cross -- your cross-examination, but simply ensure that  
19 the witness fully understands and is quite certain of the questions that  
20 you're -- that you're putting to him.

21 MR. DUTERTRE: (Interpretation) Yes, your Honour, and my  
22 question was clear and unequivocal, because someone was kidnapped, and  
23 this person worked in Aveba. (Expunged). And  
24 moreover, I did not just mention the throwing of stones. There was the  
25 issue of money and other things. So let me now repeat the question.

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1 Q. Mr. Witness, there were threats against the workers of  
2 *Terre des Enfants*. Money was extorted, and there was (Expunged)  
3 (Expunged) after the departure of Germain Katanga. Stones were  
4 thrown. Cobra was against the demobilisation of child soldiers.

5 Mr. Witness, this was because there were many children being  
6 demobilised. It was not because there was just one child soldier. Isn't  
7 that correct, Mr. Witness?

8 A. I do not know what answer to give you.

9 Q. Very well, Mr. Witness. We will move on to something else.

10 Mr. Witness, you mentioned that you did not know about the  
11 Cape Town Principles. That was your testimony yesterday, if I'm not  
12 mistaken, wasn't it?

13 A. I am not familiar with that word, "Cape Town." If you can kindly  
14 explain.

15 Q. I am referring to the Cape Town Principles which were drawn up in  
16 South Africa. It didn't ring a bell with you yesterday, did it,  
17 Mr. Witness?

18 A. The Cape Town Principles.

19 Q. It concerned child soldiers, children associated with the armed  
20 groups and forces.

21 A. That question is difficult for me to answer.

22 Q. Mr. Witness, I will have a copy shown to you for purposes of  
23 fairness, so I will ask the Court Usher to show the document to the  
24 Presiding Judge and then show it to you. It is DRC-D02-0001-0206.

25 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, please

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1 retrieve that document.

2 MR. DUTERTRE: (Interpretation)

3 Q. Mr. Witness, you have the document in front of you. Page

4 DRC-D02-0001-0216, do you have it?

5 A. Yes.

6 Q. Can you see the word "Definition" at the top?

7 A. Yes.

8 Q. I'll read the definition of child soldiers as laid down in this

9 document, Mr. Witness:

10 "In this document, the term 'child soldiers' will refer to anyone  
11 less than 18 years old enrolled in a regular or irregular armed group or  
12 force, irrespective of his or her duty, including but not limited to a  
13 cook, messenger, and others who are associated to such a group.

14 "This definition includes women recruited for sexual purposes and  
15 forced marriages. It does not refer only to children who are armed or  
16 had carried weapons."

17 Mr. Witness, you received training. You must have heard of this  
18 definition and discussed it during that training. Isn't that correct,  
19 Mr. Witness?

20 A. Yes.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea.

22 MR. O'SHEA: (\* Previous translation continues) ... given the  
23 answer. I just wonder if my learned friend could not -- because he's a  
24 very technical man, my learned friend, and he likes to do things very  
25 technically, if he could not himself ask this witness if this witness has

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1    seen this document before, if this witness has seen the Cape Town  
2    Principles before. I think that's a preliminary question that he would  
3    have asked me to ask, and I'm asking him to ask it now.

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

5           MR. DUTERTRE: (Interpretation) I believe there is a slight  
6    difference between the position of the Defence and mine, and that  
7    difference is cross-examination. So I can ask direct questions.

8           PRESIDING JUDGE COTTE: (Interpretation) Very well. Let us  
9    avoid any disputes and continue to work as serenely as possible. You may  
10   continue, Mr. Prosecutor.

11          MR. DUTERTRE: (Interpretation)

12    Q. Mr. Witness, there was CONADER which was present in the Aveba  
13    site; is that correct?

14    A. Yes.

15    Q. And they supervised the operations, didn't they?

16    A. Yes.

17    Q. And it was CONADER which was responsible for managing the site.  
18    Isn't that so, Mr. Witness?

19    A. Yes.

20    Q. Mr. Witness, we will now talk about the forms that you mentioned  
21    during your testimony yesterday. They were referred to as forms A, B,  
22    and C, weren't they, Mr. Witness?

23    A. Yes.

24    Q. And initially, Mr. Witness, form A had to be filled in by the  
25    commanders with the details of the demobilised children included. Isn't

1 that correct, Mr. Witness?

2 A. In our area, form A was used for identification purposes, as I  
3 stated yesterday.

4 Q. Mr. Witness, I do not believe that you have answered my question.  
5 The form was for identification, but initially it was the commanders who  
6 had to fill in that form for the child soldiers who were scheduled to be  
7 demobilised. Isn't that correct?

8 A. At that time, I do not know whether it was the commanders who had  
9 to fill in those forms or not, but Charles had given us those documents  
10 to fill.

11 Q. Mr. Witness, you were present there for several months. Are you  
12 telling us that you did not know the procedure? Were you not aware that  
13 it was the commanders who had to fill in that form?

14 A. No. That form was in our office, and that is the form with which  
15 we started work each time we received a child in the children's area.

16 Q. Mr. Witness, the form that you had to start filling in in the  
17 children's space was form B on the basis of the information contained in  
18 form A. Isn't that correct?

19 A. Since this is something that happened a long time ago, I might be  
20 confused. It happened in 2005, and now we are in 2011.

21 Q. That was far -- or long ago, and you do not have any clear  
22 information, and you did not know that you would be questioned on this  
23 six years later. Isn't that so?

24 A. Yes. I was not expecting this.

25 Q. Mr. Witness, the children had to be asked many questions in order

1 for you to fill in form B. Isn't that correct? You had to actually fill  
2 in the answers to 22 questions. Isn't that so?

3 A. If I had a form, a copy of the form, I would be able to remember  
4 all those questions that had to be asked to the children.

5 Q. And these questions concerned origin, the group member to which  
6 the children belonged, what his or her duties were, the commanders, and  
7 so on and so forth. All those questions were included, weren't they?

8 A. Yes.

9 Q. Mr. Witness, yesterday you said that form B was not taken into  
10 consideration, so why did you ask all those questions, 22 questions, and  
11 then you did not take form B into consideration? Can you clarify that?

12 A. Thank you, Mr. Prosecutor. It is now that I have just  
13 remembered. I was confusing between forms A and B. We stated that  
14 form A was for identification, and I also said that form B was for  
15 verification, and this had to take place at the second children's area.  
16 That is where AJEDEC and ADESE worked. Then there was the reintegration  
17 form. I said that the verification forms were not taken into account.  
18 That was my testimony yesterday. And what was the reason for that?  
19 Because we were simply trying to inflate the numbers. So I said that we  
20 did not take the answers to those questions very much into consideration.

21 Q. Mr. Witness, TDE was not alone in the site. There was CONADER,  
22 MONUC who supervised the operations. Isn't that correct, Mr. Witness?

23 A. Yes.

24 Q. Mr. Witness, yesterday you stated that the second children's area  
25 was AJEDEC --

1 MR. O'SHEA: (\* Previous translation continues) ... my learned  
2 friend could just be careful to recapture the words of the witness. It's  
3 true that this witness confirmed the presence of those two organisations,  
4 but he only used the acronym in relation to one of them. So it's just  
5 important that my learned friend is accurate in the way he frames the  
6 information which has previously come from the witness, and if he's not  
7 sure, then to refer to the transcripts.

8 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. I believe  
9 that the transcript, in English and French, should be referred to if you  
10 wish to quote from the witness's testimony yesterday. Please proceed,  
11 Mr. Prosecutor.

12 MR. DUTERTRE: (Interpretation) I do not have the reference with  
13 me. I do not intend to mislead the witness, but the transcript is there.  
14 In any case, with regard to AJEDEC, they were there at the second  
15 children's area, even if we are not sure about the second organisation.

16 Q. But I was telling you, Mr. Witness, that form C was filled in at  
17 the transit site children's area 2, and then if the child spent more than  
18 48 hours and was not reunited with the family, then that form was filled  
19 in at that second area for the children. Isn't that correct?

20 A. To my knowledge, those forms were to be kept in the second  
21 children's area.

22 Q. Mr. Witness, form C was to be used at the second stop, second  
23 children's area, but it was TDE that filled in those forms, Mr. Witness.  
24 You certainly remember that.

25 A. I do not remember.

1 MR. DUTERTRE: (Interpretation) Just a moment, your Honour.

2 Q. Mr. Witness, you do not remember, but it is possible that this  
3 was the case, that it was in the transit centre that you referred to as  
4 number 1 that that form was filled in. Isn't that correct?

5 A. Thank you for your question. However, I really do not know.

6 Q. Mr. Witness, the names in the pink notebook, you know what I'm  
7 referring to, or do you wish me to show it to you again? Can you see  
8 what I'm referring to when I mention the pink notebook?

9 These names, they were written down after the verification.  
10 Isn't that correct?

11 Do you want me to repeat the question, Mr. Witness?

12 A. I have understood the question. I am thinking about it.

13 Q. It is a simple question, Mr. Witness.

14 A. Yes. This was something that we did at that time in 2005, and  
15 today we are in 2011. Before travelling here, I did not prepare for all  
16 that. I was not expecting such questions.

17 PRESIDING JUDGE COTTE: (Interpretation) Please think about it  
18 calmly. Take your time. It is important. Take your time.

19 And if you want the question to be repeated, it will be repeated.

20 THE WITNESS: (Interpretation) I understood the question.

21 MR. O'SHEA: Can we -- can we just be quite sure that the  
22 question has been understood and perhaps place the document in front of  
23 the witness? Because I certainly understood what my learned friend was  
24 referring to, but I want to be sure that the witness is following.

25 MR. DUTERTRE: (Interpretation) I can repeat the question,

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1 your Honour.

2 PRESIDING JUDGE COTTE: (Interpretation) Yes. And I would like  
3 my own copy of the document to be placed before the witness - it has not  
4 yet been annotated - so that he will know exactly what we're talking  
5 about.

6 Mr. Witness, this is just to enable you to better visualise the  
7 document.

8 Prosecutor, you may proceed.

9 MR. DUTERTRE: (Interpretation)

10 Q. Mr. Witness, the names in that pink book were written after the  
11 verification form had been filled out, Mr. Witness. That was the  
12 procedure, isn't it?

13 A. Yes. I do remember now. Yes, that was the procedure.

14 Q. Mr. Witness, you talked about awareness-raising conducted in the  
15 month of November 2004. Did I understand correctly that you yourself did  
16 not go out into the field to carry out awareness-raising or what you call  
17 sensitisation?

18 A. Yes.

19 Q. Mr. Witness, this was not the first time that awareness-raising  
20 was being organised. It was organised in the month of June 2004,  
21 Mr. Witness. You are certainly aware of that, are you not?

22 A. Awareness-raising in the month of June 2004. We were still in  
23 Bunia. We were working there. At that time, we were working for the  
24 ENAs, that is, unaccompanied children.

25 Q. Mr. Witness, I have understood the issue of the ENAs. This

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1 happened before you started working in Aveba, before you started work in  
2 Aveba. My question to you was: In June 2004, awareness-raising  
3 campaigns were organised in Walendu-Bindi; is that not correct? Is that  
4 not correct, Mr. Witness?

5 A. Yes, there was awareness-raising prior to the creation of the  
6 transit site.

7 Q. And in the course of that awareness-raising exercise,  
8 Mr. Witness, you explained why it was important for children to get  
9 demobilised, why it was important for them to be reunited with their  
10 families, important for them to leave the armed groups. Is that not the  
11 case, Mr. Witness?

12 A. Demobilisation was carried out.

13 Q. You said "demobilisation"? Were you trying to say  
14 "awareness-raising"?

15 A. I beg your pardon. Yes, indeed, awareness-raising was conducted.

16 Q. Mr. Witness, I'm going to change topics here, and here I'm going  
17 to deal with the list which you prepared, the list you prepared yourself  
18 at the request of the Defence team. Mr. Witness, do you understand the  
19 list I'm talking about, the list which is entitled "The children who were  
20 not EAFGAs and who were received at the Aveba site." Maybe this document  
21 should be put before you.

22 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, could you  
23 hand that list over to the witness, and bring back my copy of the pink  
24 book, please.

25 MR. DUTERTRE: (Interpretation) Your Honour, I don't know how --

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1 up to when I have to carry on questioning the witness.

2 PRESIDING JUDGE COTTE: (Interpretation) You have about  
3 25 minutes. You're going to work up until quarter to 1.00.

4 MR. DUTERTRE: (Interpretation)

5 Q. Mr. Witness, I will start with a very simple question. When were  
6 you asked to prepare this list? On what date were you requested to  
7 prepare this list?

8 A. It was in the month of August.

9 Q. August of which year, Mr. Witness?

10 A. 2010.

11 Q. And who was present when you were requested to prepare this list,  
12 Mr. Witness?

13 A. Mr. Jean Logo was present.

14 Q. Who else was present, Mr. Witness?

15 A. There was Sophie. I do not remember whether Caroline was present  
16 as well.

17 Q. And where was this done? Where did this meeting take place, the  
18 meeting of August 2010 with Sophie, Logo, and maybe Caroline? Where was  
19 this?

20 A. It was in Bunia.

21 Q. And what precise instructions were given to you? What was  
22 requested of you precisely, Mr. Witness?

23 A. I was asked to provide the names of those who were not children  
24 formerly associated with armed groups and forces, EAFGA.

25 Q. So when you met Jean Logo and that day and he asked you to

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1 prepare the list, how many times had you met him before, prior to that  
2 occasion?

3 A. I had met him at least twice before that occasion.

4 Q. And when? Which two occasions were these?

5 A. It was before this date, and I cannot tell you more precisely  
6 than that, but it was prior to this occasion.

7 Q. Mr. Witness, how long did it take you to prepare this document?

8 A. Since I had other duties, as I said yesterday, I did not have  
9 time to complete this document. I started it, but I could not complete  
10 it because I had other things to attend to.

11 Q. I do understand that you had other things to attend to, but all  
12 in all, how much time did it take you to prepare this document? It took  
13 you how long to complete it?

14 A. What I presented was not the entirety of the document. It was  
15 only part thereof. I think it took me about two to three weeks. This  
16 was because I worked on the document after, when I returned from work.

17 Q. Mr. Witness, you handed this document to the Defence team in the  
18 month of February, 2011? Is that correct, Mr. Witness?

19 A. I did give the document to them, but I do not know when it  
20 arrived here in the court.

21 Q. To who? To whom did you give the document, Mr. Witness?

22 A. I gave the document to Jean Logo who then passed it on to Sophie.

23 Q. Mr. Witness, but it was in the year 2011 that you gave the  
24 document to Jean Logo; is that correct?

25 A. Yes.

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1 Q. So, Mr. Witness, from August 2010 right up to the year 2011,  
2 well, that was the time you took to prepare the document. That was not  
3 two weeks. You had enough time -- a lot of time to prepare the document,  
4 Mr. Witness; is that correct?

5 A. As I told you --

6 MR. O'SHEA: (\* Overlapping speakers) ...

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea.

8 MR. O'SHEA: Again, it's important that questions are put  
9 accurately when they try to recapture what the witness has said. It's  
10 not -- the witness did not say he had only two to three weeks to prepare  
11 the document. He said that the job took him about two to three weeks.

12 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. We agree.

13 Mr. Prosecutor, proceed.

14 MR. DUTERTRE: (Interpretation)

15 Q. Witness, you had a long period of time, from August 2010 right up  
16 to the year 2011, to prepare this document. Is that not the case? You  
17 had a lot of time at your disposal, even though you had other things to  
18 attend to. It wasn't until the year 2011 that you handed the document  
19 over. Is that not the case?

20 A. Well, yes. I will say no, because I did not have enough time  
21 since I had other matters, personal matters, to attend to, and that is  
22 why it took that amount of time to complete this document. I did not  
23 focus on it exclusively. When I had time, I would take the document and  
24 I would work on it, as others just said.

25 Q. Mr. Witness, I understand that you had personal matters to attend

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1 to, but we have metadata from the Defence which shows that you gave the  
2 document to Jean Logo in February 2011. So you had more than six months  
3 at your disposal to work on this document, even if you did not work on it  
4 continuously, even if you had other things to attend to. Am I right,  
5 Mr. Witness?

6 A. I think that the document maybe spent more time with him, but I  
7 know that I gave the document to him prior to that date. I'm not sure he  
8 sent the document directly or immediately when he received it. I do not  
9 know that.

10 Q. But one thing is certain, you gave the document to him in the  
11 year 2011. That's what you said, if I'm not mistaken; is that correct?

12 A. Yes, I gave him the document, but I do not remember the precise  
13 date on which I handed the document over.

14 Q. Mr. Witness, I'd like you to return to the last page,  
15 DRC-D02-0001-0457.

16 Mr. Witness, on the right-hand side can you see the date?  
17 Tuesday, June 2007. Can you see it?

18 A. Yes.

19 Q. So you worked on the entire lists prepared by TDE; is that  
20 correct?

21 A. All the names you'll find here, since this task was entrusted to  
22 me, since this job was done --

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor should  
24 listen to the witness. When you start talking to Mr. Garcia, he gets  
25 distracted because he wants to get your attention again. You should

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1 listen to him.

2 MR. DUTERTRE: (Interpretation) But I was listening to him,  
3 your Honour.

4 PRESIDING JUDGE COTTE: (Interpretation) But the witness would  
5 like you to give attention to what he's saying.

6 THE WITNESS: (Interpretation) This document which I prepared  
7 was done in a hurry, although it was with me for a long time. This is to  
8 say that I had other matters to attend to, and I did not focus on this  
9 document. I prepared this document in a hurry. That is why the document  
10 that was given to me yesterday to read and be familiar with my  
11 statements, at the end of that document there was a list which I copied.  
12 I had started working on this document in order to rectify any errors I  
13 made. There are a lot of errors in this document. These are names which  
14 I took just in any manner. There was nothing to determine whether which  
15 child had done what. That is to tell you the truth.

16 Q. If I understand your evidence correctly, Mr. Witness, you took  
17 these names by chance and you were not in a position to determine whether  
18 these children were EAFGAs. Is that the case?

19 A. Yes, to make -- to differentiate the children from the EAFGAs, as  
20 I said earlier, children who lived with the militia, militia members, or  
21 worked in the camp, and it was difficult for me to differentiate them. I  
22 wanted to do this list all over again, but I didn't succeed in doing so.  
23 I was not able to do it correctly. I can admit to that.

24 Q. So there are errors in this list, Mr. Witness; is that the case?

25 A. Yes.

1 Q. Mr. Witness, you said that you took the names by chance, that you  
2 were not very interested in this list. But this is something serious.  
3 You had to come and give evidence before the International Criminal Court  
4 in a case, to tell the truth before the International Criminal Court, and  
5 you did not take that seriously? Is that your evidence, Mr. Witness?

6 A. At that point in time, I did not have enough time. That's what I  
7 said.

8 Q. So this list, you are -- you don't have confidence in it. We can  
9 put it aside, can we?

10 A. Could you please repeat your question?

11 Q. This list, in and of itself it's -- well, you don't have  
12 confidence in it. We can put it aside, Mr. Witness. Is that the case?

13 A. This list which I have presented here is -- well, I do not  
14 disagree with it.

15 MR. DUTERTRE: (Interpretation) Your Honour, I'm looking at the  
16 time, and if I move on to the next question, I might be forced to  
17 interrupt myself, but I would like to ask my questions -- put my  
18 questions together and ask them at the same time, so with your  
19 indulgence, we would like to adjourn until tomorrow.

20 PRESIDING JUDGE COTTE: (Interpretation) Could you please give  
21 us an idea of the time you have left? Can we call the next witness to  
22 come tomorrow? We have four hours' of hearing tomorrow.

23 MR. DUTERTRE: (Interpretation) It wouldn't take me a long time,  
24 your Honour, and this afternoon I'll look through my questions again, and  
25 I'm sure that I'll be able to complete the cross-examination before the

1 mid-morning break, and we could then start with the next witness  
2 afterwards.

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

5 Court Officer, even if he has to wait, we think it would be  
6 proper for us to bring in the next witness -- or bring him to court  
7 tomorrow so that he'll be ready to give evidence after the mid-morning  
8 break.

9 Mr. Witness, we are going to let you go. You will rest and  
10 return tomorrow at 9.00 a.m. for the continuation of the Prosecutor's  
11 cross-examination.

12 THE WITNESS: (Interpretation) Thank you.

13 PRESIDING JUDGE COTTE: (Interpretation) Mr. Usher --  
14 Court Usher, could you please lead Mr. Katobe out of the courtroom.

15 (The witness stands down)

16 PRESIDING JUDGE COTTE: (Interpretation) We will reconvene  
17 tomorrow morning at 9.00 a.m. We stand adjourned.

18 The hearing ends at 12.39 p.m.

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