

1 International Criminal Court  
2 Trial Chamber II - Courtroom 1  
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra, and  
4 Judge Christine Van den Wyngaert  
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07  
6 In the case of the Prosecutor versus Germain Katanga and  
7 Mathieu Ngudjolo Chui  
8 Trial Hearing  
9 Wednesday, 29 June 2011  
10 The hearing starts at 9.04 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 to everyone. Good morning to the accused persons.  
16 Court Officer and Court Usher, please bring the witness into the  
17 courtroom, Mr. Katobe.  
18 (The witness takes the stand)  
19 PRESIDING JUDGE COTTE: (Interpretation) Good morning,  
20 Mr. Katobe.  
21 THE WITNESS: (Interpretation) Good morning, your Honour.  
22 PRESIDING JUDGE COTTE: (Interpretation) I can see you hear me  
23 clearly.  
24 THE WITNESS: (Interpretation) Yes.  
25 PRESIDING JUDGE COTTE: (Interpretation) Your headset's working

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- 1 properly. We are going to continue with our proceedings.
- 2 Mr. Prosecutor, you may carry on.
- 3 MR. DUTERTRE: (Interpretation) Good morning, your Honours.
- 4 Thank you, your Honour.
- 5 WITNESS: WITNESS DRC-D02-P-0196 (Resumed)
- 6 (Witness answered through interpreter)
- 7 Questioned by Mr. Dutertre: (Continued)
- 8 Q. Mr. Katobe, good morning.
- 9 A. Good morning, Mr. Prosecutor.
- 10 Q. Mr. Katobe, today we are going to continue with our proceedings.
- 11 I hope we're not going to take long because my intention is to let you go
- 12 early. Mr. Katobe, about a thousand children went through the demobilise
- 13 site in Aveba, about 950, close to a thousand; is that correct?
- 14 A. Yes.
- 15 Q. And those children at the Aveba site in 2004 and 2005 came from
- 16 the entirety of the Walendu-Bindi collective from the five groups; is
- 17 that correct?
- 18 A. Yes.
- 19 Q. There were also children who came from the Bahema de Boga
- 20 chiefdom, is that correct, you talked about that?
- 21 A. Yes, that's what I said.
- 22 Q. Witness, in the course of your testimony you stated that about
- 23 one-tenth of the children were EAFGAs, that was your impression; is that
- 24 correct, Mr. Witness?
- 25 A. Yes, that was my impression. For us the approximate figure --

1 well, our understanding was that there were about one-tenth of them was  
2 an estimate --

3 MR. O'SHEA: Mr. President, sorry. Just a reminder to my learned  
4 friend, on line 21 of the transcript -- of the English transcript his  
5 question is missing. So just a reminder on the five-second rule.

6 MR. DUTERTRE: (Interpretation) Thank you, Mr. O'Shea.

7 PRESIDING JUDGE COTTE: (Interpretation) You see, Mr. O'Shea is  
8 very vigilant. Of course you were aware of that, Mr. Prosecutor.

9 MR. DUTERTRE: (Interpretation) Yes. Thank you. I am not very  
10 disciplined sometimes, but thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) Please do not forget  
12 that you are being listened to by people who are very vigilant and all of  
13 us, including the Bench, should strive to speak as slowly as possible,  
14 even though as I said yesterday this could detract from the vivacity of  
15 the exchange.

16 Prosecutor, you may proceed.

17 MR. DUTERTRE: (Interpretation)

18 Q. Witness, in your statement, your written statement I mean, you  
19 stated that about one-tenth of the children were EAFGAs, that was your  
20 impression, and yesterday or the day before here in the courtroom you  
21 included in that category of 10 per cent of EAFGAs the notion of  
22 traumatised children. That is new, Mr. Witness, that is not something  
23 you mentioned earlier, I am referring to the idea of traumatised  
24 children.

25 A. I had this idea because as it is said this is sometimes -- you

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1 sleep on certain ideas and you come and -- in any case, traumatised  
2 children were children, as I said earlier, who had been victims of war.  
3 Such children were considered as traumatised children and such children  
4 also had to pass through the transit site and they were considered as  
5 EAFGAs.

6 Q. Mr. Witness, in your written statement there is absolutely no  
7 mention of traumatised children. Is that correct, Mr. Witness?

8 A. Yes.

9 Q. When you say "yes," that is ambivalent. You are saying yes you  
10 did not mention them?

11 A. That's right, I did not talk about traumatised children in my  
12 written statement.

13 Q. Mr. Witness, yesterday page 35, transcript 283, for the first  
14 time it was the counsel who came to my house and I asked you, "Which  
15 counsel are you talking about?" You said, "Counsel Jean Logo." And you  
16 said that this was before the month of August 2010. How did he obtain  
17 your address, Mr. Witness, how did Jean Logo obtain your address?

18 A. I do not know how he obtained my address. When he came to see  
19 me, as I said yesterday, I even asked him who had given him my address  
20 but he did not answer my question.

21 Q. He did not tell you anything, if I understand you clearly?

22 A. He did not answer my question.

23 Q. You said Counsel Jean Logo. Is that how he introduced himself to  
24 you, Mr. Witness?

25 A. Yes.

1 Q. But Jean Logo is not counsel, he's not a lawyer, Mr. Witness; is  
2 that not the case?

3 A. When he introduced himself to me he said that he was a lawyer.

4 Q. And when he came to your home, you already knew who he was; was  
5 that the case, Mr. Witness?

6 A. Could you please repeat your question.

7 Q. When he came to your home, did you know him already? Did you  
8 know who he was?

9 A. No.

10 Q. Mr. Witness, we have a photograph, your photograph, and I'm --  
11 could show it to you if need be. And the information received by the  
12 Defence indicates that the photograph was taken or given in July 2010.  
13 Your first meeting with Jean Logo, did it take place at that point in  
14 time or at some other time? Was it in July 2010 when this photograph was  
15 given or taken or was it prior to that date?

16 A. I think that it was before because the photograph was taken  
17 whilst we were with Sophie and the other one Caroline.

18 Q. When you say this was before or earlier, could you give us an  
19 idea of the date? When was this?

20 PRESIDING JUDGE COTTE: (Interpretation) Yes, Mr. O'Shea.

21 MR. O'SHEA: Just to be sure that there's no confusion, just to  
22 be sure that there's no confusion, could the witness please the given the  
23 photograph.

24 MR. DUTERTRE: (Interpretation) That's no problem at all. I'll  
25 look for the photograph.

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1 (Prosecution counsel confer)

2 MR. DUTERTRE: (Interpretation) Photograph disclosed by the  
3 Defence and it has the reference D02-0001-0 --

4 THE INTERPRETER: Well, the interpreter did not catch the end of  
5 the reference.

6 MR. DUTERTRE: (Interpretation) I have a hard copy which can be  
7 handed over to the witness.

8 PRESIDING JUDGE COTTE: (Interpretation) I have a colour version  
9 of this document which should be shown to the witness and we could place  
10 it on the overhead projector. It is a document which features on the  
11 list of evidence that you intended to rely on.

12 MR. DUTERTRE: (Interpretation) That's right. This information  
13 came from the Defence.

14 MR. O'SHEA: -- repeats it so that the English interpreter can  
15 fill in the English transcript.

16 MR. DUTERTRE: (Interpretation) I have given my reference to the  
17 witness.

18 PRESIDING JUDGE COTTE: (Interpretation) It's DRC-D02-0001-0890,  
19 DRC-D02-0001-0890. That is for the benefit of the English transcript.

20 You may proceed, Mr. Prosecutor.

21 COURT OFFICER: (Interpretation) To view the document press the  
22 button Docu Cam Witness.

23 MR. DUTERTRE: (Interpretation)

24 Q. Mr. Witness, can you see that photograph on your screen?

25 A. Yes.

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1 Q. That is indeed yourself in that photograph, Mr. Witness, I  
2 suppose?

3 A. Yes, it is I.

4 Q. So this is indeed the photograph that was given in July 2010.  
5 That is the photograph you had in mind when we are talking about  
6 photographs. Is that the case?

7 A. Yes.

8 Q. Thank you, Mr. Witness.

9 So how many times did you see Jean Logo before July 2010? When  
10 did you meet him for the first time if you are able to remember?

11 A. It is difficult for me to remember. I do know that, as I said  
12 earlier, I met Jean Logo at least twice before the friends Sophie and  
13 Caroline arrived.

14 Q. But you did know that he was an investigator for Germain Katanga,  
15 Mr. Witness, didn't you?

16 A. Yes, but when he came to see me at home, he said that he was a  
17 lawyer, that he was the lawyer of Germain Katanga at the International  
18 Criminal Court.

19 MR. DUTERTRE: (Interpretation) Your Honour, could I have one  
20 moment?

21 (Prosecution counsel confer)

22 MR. DUTERTRE: (Interpretation)

23 Q. Mr. Witness, you said you saw Jean Logo twice before the friends  
24 Sophie and Caroline arrived. You said the friends Sophie and Caroline;  
25 that's what you said?

1 A. Yes.

2 Q. On Monday, Mr. Witness, Mr. O'Shea asked you a question, page 62,  
3 transcript T-282, and he asked you whether you wanted the photocopy of a  
4 document and you answered, and I quote, "Yes, willingly, my chief" or "my  
5 boss." What did you mean by "yes, willingly, my chief" or "my boss,"  
6 when you were addressing Mr. O'Shea?

7 A. Thank you for your question, Mr. Prosecutor. I think that you  
8 should repeat the statement because you can say "willingly" in answer to  
9 a question that is put to you, I really am not clear about what you are  
10 saying.

11 Q. That does not answer my question, Mr. Witness. My point is not  
12 about "willingly." You said "my chief" or "my boss" when you referred to  
13 Mr. O'Shea. What did you mean by "my chief" or "my boss."

14 MR. O'SHEA: Sorry, Mr. Dutertre. I wonder if you could just  
15 read the passage again to the witness because I think that was his  
16 request.

17 MR. DUTERTRE: (Interpretation) The question is very clear but  
18 I'll read it again.

19 PRESIDING JUDGE COTTE: (Interpretation) Yes, I think it's  
20 proper for you to read it from line 11 of the French transcript, page 62.  
21 Prosecutor, read that excerpt and that will put the witness's answer in  
22 context. Page 62, transcript 282, from line 11.

23 MR. DUTERTRE: (Interpretation) I am trying to look for the  
24 excerpt, your Honour.

25 PRESIDING JUDGE COTTE: (Interpretation) Yes, you can take your

1 time; otherwise, I could read it for you.

2 MR. DUTERTRE: (Interpretation)

3 Q. "I will show you a document to see whether you have seen this  
4 document before, it's document DRC-D02-0001-0162. I can also give you a  
5 hard copy of the document if you have problems using your computer  
6 screen. But I can also give you a hard copy if that is going to make  
7 things easier for you. Do you prefer a photocopy?"

8 And your answer, Mr. Katobe, was:

9 "Yes, willingly."

10 A. It was --

11 Q. Let me finish my question --

12 PRESIDING JUDGE COTTE: (Interpretation) We just want the  
13 transcript to be clear, Mr. Witness. We are not interrupting you.

14 MR. DUTERTRE: (Interpretation)

15 Q. And your answer was, and I quote:

16 "Yes, willingly, my chief."

17 Now, Mr. Witness, what do you mean when you said "my chief" in  
18 answer to Mr. O'Shea?

19 A. It was my way of saying "my counsel," for example. When I said  
20 "my chief," it's like saying "counsel" or "your Honour." That was the  
21 sense in which I meant or used the expression. I could say "my Judge" or  
22 "your Honour," for example. That was the sense in which I used the  
23 expression.

24 Q. How many times did you meet Mr. O'Shea, Mr. Witness?

25 A. I do not know -- who is Mr. Maître O'Shea, is he the gentleman

1 who is sitting opposite me?

2 Q. Yes, Mr. Andreas O'Shea.

3 A. I have no idea, no.

4 Q. Mr. Witness, you do not know how many times you met  
5 Andreas O'Shea?

6 A. Oh, yes, now I get the name. I think once.

7 Q. If you met him once, you did not remember. It took you a lot of  
8 time to remember that you met him only once; is that the case?

9 A. Yes.

10 Q. For the benefit of the transcript, I would like to state that  
11 when I asked this question to the witness, he was looking to his left  
12 several times towards the Defence team of Germain Katanga.

13 MR. HOOPER: I don't know if my friend's now extending the  
14 Prosecution conspiracy theory from Mr. Logo now to my colleague  
15 Mr. O'Shea. I sincerely hope that's not his intention. I've said from  
16 the outset if the Prosecution want us to indicate to them how many times  
17 we've met with particular witnesses we would do so. They've never in  
18 fact taken up that offer, but it still holds. If Mr. Dutertre wants to  
19 know from us, as counsel in Court, how often we've met with this witness,  
20 we will tell him. He only has to ask.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.  
22 Prosecutor, we leave that in your hands.

23 Mr. O'Shea.

24 MR. O'SHEA: Your Honour, the comment that my learned friend made  
25 just a moment ago about marking on the transcript that the witness was

1 looking in the direction of myself and Mr. Hooper, I would just like it  
2 to be noted for the transcript as well that he did invite the witness to  
3 look in my direction and say that -- when the witness seemed to be  
4 hesitating he said -- he said he's sitting in front of you, "*en face de*  
5 *vous*" so there was a reason why the witness looked in my direction.

6 PRESIDING JUDGE COTTE: (Interpretation) Very well. The Chamber  
7 draws no conclusion from any movement or any direction that the witness  
8 looked at. We are going to continue with this cross-examination. We are  
9 going to listen to the questions put to the witness and we will listen to  
10 his answers.

11 Witness, you are here to talk. Please go ahead.

12 THE WITNESS: (Interpretation) I looked in that direction  
13 because when the Prosecutor said that he was seated in that direction I  
14 had to turn around and look at the person who was being indicated because  
15 I did not have his image in mind and forgotten.

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

17 Prosecutor, you may proceed, please, but do not forget the  
18 proposal that has been made to you by Mr. Hooper, and if you want to take  
19 up that offer, please, that is up to you.

20 MR. DUTERTRE: (Interpretation) Yes, your Honour, we had already  
21 answered by saying that the most important thing for us is what the  
22 witness says and not what the Defence team says.

23 PRESIDING JUDGE COTTE: (Interpretation) We would bear that in  
24 mind.

25 MR. DUTERTRE: (Interpretation)

1 Q. I believe you said that you met Mr. O'Shea once. So now might it  
2 be possible that you met him on other occasions?

3 A. Yes.

4 Q. When was the last time you saw Mr. O'Shea, Mr. Witness?

5 MR. HOOPER: I would like to intervene here because  
6 (overlapping speakers) to --

7 MR. DUTERTRE: (Overlapping speakers)

8 MR. HOOPER: -- perhaps to a level which it's rather regrettable  
9 to see. Mr. O'Shea met this witness once. That's on counsel's  
10 undertaking before this Court, if that assists my friend. And may I say  
11 that one of the difficulties sometimes happens inter-racially, whether  
12 it's white on black or black on white is recognition, and that's a matter  
13 that has been drawn to my attention by Mr. Katanga and I adopt it, and  
14 it's right. So if this is a meaningful exercise that my friend's  
15 conducting, let me just underscore Mr. O'Shea met with this witness once.

16 MR. DUTERTRE: (Interpretation) I would point out that  
17 Mr. Hooper is giving testimony which is entirely inappropriate and at  
18 this stage --

19 PRESIDING JUDGE COTTE: (Interpretation) The interpretation just  
20 ended a few moments ago.

21 Now, Mr. Dutertre, you may resume, but let us recall that the  
22 witness has said that he has met Mr. O'Shea once. You -- the memory came  
23 back to him gradually, but he said "once." He told you that he met with  
24 him once. We have heard that. Mr. Hooper has said "once," and I don't  
25 think we need to spend a great deal of time on this point.

1 MR. DUTERTRE: (Interpretation) Yes, I understand, your Honour.  
2 But I really would like to point out that Mr. Hooper should not be giving  
3 evidence in this regard, and I would like to ask a number of questions to  
4 finally come to the whole issue of Mr. Jean Logo. This is of great  
5 concern to the Prosecution, and I am asking a number of preliminary  
6 questions to gradually come to the heart of the matter.

7 Q. Witness, when you saw Mr. O'Shea, was that -- that was slightly  
8 after Easter 2011; is that not so?

9 A. Yes.

10 Q. And Jean Logo was there with Mr. O'Shea; is that not so?

11 A. Yes.

12 Q. And during that discussion you were asked a number of questions  
13 and notes were taken; is that not so, Witness?

14 A. Yes.

15 Q. And during the discussion various matters were touched upon such  
16 as the awareness-raising and you had in-depth discussions about that,  
17 didn't you?

18 A. Yes.

19 Q. You also talked about the pink notebook with the 950 names,  
20 didn't you; is that not so, Witness?

21 A. Yes.

22 Q. And you knew that you would be asked questions about these  
23 particular considerations. You were told that they would be topics for  
24 your testimony before the Court; isn't that so, Witness?

25 A. Well, yes. Yes, I knew that all the same. I -- it wasn't clear

1 whether I really was supposed to be here.

2 Q. Witness, when you were seen at Easter you knew that you were  
3 coming to give testimony for the Defence team of Mr. Katanga and you  
4 signed a statement shortly thereafter at the end of May. You did know  
5 that you were coming -- were going to be coming here to give testimony.  
6 This is not something that you discovered recently, was it?

7 A. Sometimes promises are made but they are not kept.

8 Q. I'm just waiting for the transcript to come up on the screen. I  
9 just want to make sure I've correctly understood the reply.

10 Well, the idea at that time was that you were going to be coming  
11 here to give testimony; is that not so?

12 A. Yes, that's what I said. But sometimes something is said and it  
13 is not respected or the plan does not come to fruition.

14 Q. Now, during the discussion who was doing the talking, Logo or  
15 Mr. O'Shea, Witness, during that discussion after Easter?

16 A. Mr. O'Shea was the one doing the talking.

17 Q. You met Mr. Hooper in January; is that not so, Witness, January  
18 2011?

19 A. Yes.

20 Q. And Jean Logo was also present, isn't that so, at that time?

21 A. Each time we met, Logo --

22 THE INTERPRETER: Inaudible.

23 THE WITNESS: (Interpretation) -- yes, he was there.

24 MR. DUTERTRE: (Interpretation)

25 Q. You had a meeting in August 2010 as well with Jean Logo,

1 Sophie Menegon, and you said perhaps Caroline Buisman as well, and that  
2 is when instructions were given regarding the drawing up of the list.  
3 Perhaps you've slept on the matter and you are more -- you are  
4 remembering this. I'm speaking of August 2010 and Caroline?

5 A. Yes.

6 Q. Between August 2010 and January 2011 when you saw Mr. Hooper, you  
7 had an opportunity to see Mr. Jean Logo again; isn't that so, Witness?

8 A. That is where the problem was. I didn't see them again. After,  
9 after that period of dead time, so to speak, I thought perhaps there were  
10 some problems, perhaps the problems had disappeared.

11 Q. Witness, let us go back to the discussion with Mr. O'Shea when  
12 Mr. Jean Logo was there just slightly after Easter. How long did the  
13 discussion last for, Witness?

14 A. I would estimate it -- I think it lasted one hour or one hour and  
15 30 minutes.

16 Q. And during that discussion, that interview, who was taking notes,  
17 Mr. Witness?

18 A. Mr. O'Shea himself was taking notes.

19 Q. And when you said one hour or one hour and a half after Easter,  
20 did you have an opportunity to see them again or was it just the one time  
21 for an hour and a half? Did you see Jean Logo again after Easter? Was  
22 it just one single meeting of one and a half hours or were there other  
23 meetings? Could you clarify, Witness?

24 A. The meeting occurred once with Mr. O'Shea and Jean --

25 THE INTERPRETER: Inaudible.

1 MR. DUTERTRE: (Interpretation)

2 Q. And where was the meeting held?

3 A. Bunia.

4 Q. And where exactly in Bunia?

5 A. At the hotel, the MONUC hotel.

6 Q. On the 31st of May you signed your statement; is that not so?

7 A. Yes, I do think so.

8 MR. DUTERTRE: (Interpretation) I would like to show the  
9 statement to the statement (\* as interpreted) very briefly.

10 PRESIDING JUDGE COTTE: (Interpretation) If you do have a copy,  
11 thank you very much.

12 Court Usher, could you provide a copy of the statement to the  
13 witness, a hard copy, the written statement dating back to the -- dated  
14 the 31st of May 2011.

15 MR. DUTERTRE: (Interpretation)

16 Q. That statement DRC-D02-0001-0917, the small figure that you see  
17 on the right-hand side, that is indeed your statement, isn't it, Witness.

18 A. Yes.

19 Q. And you read it over in French at that time, when you signed it?

20 A. I read it over.

21 Q. And you initialled each page and you signed at the end; is that  
22 not so?

23 A. Yes.

24 Q. And Jean Logo, who was present with you, also initialled each  
25 page and signed at the end; that was indeed the procedure followed?

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1 A. Yes.

2 Q. And that day you received a copy of the statement, didn't you,

3 Witness?

4 A. Yes, I did receive a copy.

5 Q. After the 31st of May, how many times did you see Mr. Jean Logo?

6 A. I saw him again just -- just when the friends were coming;

7 otherwise, in the absence when there was no one in Bunia I no longer saw

8 him.

9 Q. Now, you have the statement here with you in The Hague, Witness?

10 A. I don't know whether the statement is here in The Hague. I

11 didn't know.

12 Q. The statement that was given to you, you brought it with you here

13 to The Hague?

14 A. No, I did not bring any document with me this month.

15 Q. Witness, you said - if I've understood your answer

16 properly - that you saw Jean Logo after the 31st of May, after signing

17 it -- after signing the declaration. At that particular time he took

18 back the copy of the statement that you received, didn't he, Witness?

19 A. Yes, yes. Well, otherwise it's as if -- well, we didn't meet

20 each time. I didn't realise that he gave the documents -- well, which

21 day, but I know very well that I did receive that document. But what

22 day? I have no idea what actual day it was.

23 Q. My question was: When you saw him again after signing the

24 statement, at that particular time he took back the copy of the statement

25 that you received, didn't he?

1 A. Yes, he took it back, he took back the copy.

2 Q. Witness, you were in Kinshasa before you came here. You didn't  
3 come here directly from Ituri. You were in Kinshasa?

4 A. Yes.

5 Q. And you spent several weeks there I would imagine, didn't you,  
6 Witness?

7 A. Yes, counsel. Yes, Mr. Prosecutor.

8 Q. In particular, you had to get your passport and so on and so  
9 forth. That took some time?

10 A. Yes, Mr. Prosecutor.

11 Q. And you weren't all by yourself in Kinshasa waiting to come here  
12 to give testimony; isn't that so?

13 A. I learned that there were others who would be coming here, but --  
14 but when I left Bunia to go to Kinshasa I was alone. Even when I had to  
15 leave Bunia, it was only by telephone calls that I was told what to do.  
16 Kisangani the area -- and Kinshasa, well that was the first time I was  
17 there so I was all by myself. Fortunately, I was guided, so to speak, by  
18 telephone, and I was able to find the person who was waiting for me in  
19 Kinshasa at the airport.

20 Q. Witness, you stated:

21 "I learned that there would be other people who would be coming  
22 here..."

23 So who were these other people, these other people that you heard  
24 about who would be coming here, who were going to be coming here?

25 A. The others who would be coming here, I was told that I was not

1 the only one. Other people would be coming, and when I got the kit  
2 that's when I learned about that. Those were the circumstances under  
3 which I learned that other people would be coming here.

4 Q. Who told you that, Witness? Who told you that other people would  
5 be coming here?

6 A. (Expunged) from Kinshasa.

7 MR. DUTERTRE: (Interpretation) Just one moment, if you don't  
8 mind, your Honour.

9 (Prosecution counsel confer)

10 MR. DUTERTRE: (Interpretation) I was just discussing a matter  
11 having to do with confidentiality. Could we go into private session.

12 THE WITNESS: (Interpretation) I would like to say something. I  
13 would like to add something. It was just because when -- you see this  
14 watch here. There were two. I wanted to take another one and he said,  
15 "Well, since I chose the first watch - well, there you have it - the  
16 other watch will stay for the other person." And so I said to myself,  
17 okay if -- if there's another -- if I asked for the other watch, that  
18 would be selfish, and so I realised that there was another person who  
19 would be coming here to give testimony.

20 MR. DUTERTRE: (Interpretation) Before we go into private  
21 session --

22 Q. Who gave you the watch --

23 MR. HOOPER: Can I emphasise that we're talking of VWU. I don't  
24 want any of us to think for one moment that it's the Defence who are  
25 doing this. This is the Victims and Witness Unit, and I think my friend

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1 should make that very clear in public.

2 MR. DUTERTRE: (Interpretation) I believe -- I think it's clear

3 to everyone that there's no one by such a name who works --

4 PRESIDING JUDGE COTTE: (Interpretation) Duly noted. You were

5 asking a question and then I believe you asked if we could go into

6 private session.

7 Please proceed, Prosecutor.

8 MR. DUTERTRE: (Interpretation)

9 Q. To avoid any confusion, who gave you the watch?

10 A. (Expunged) who I mentioned, he is someone who was providing

11 support to me in Kinshasa.

12 MR. DUTERTRE: (Interpretation) We can go into private session.

13 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, can we

14 briefly go into private session because the Prosecutor may be asking a

15 question that could lead to the identification of someone and so we have

16 to take this precaution.

17 (Private session at 9.53 a.m.)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0196 (Resumed) (Private Session)  
Questioned by Mr. Dutertre (Continued)

Page 21

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 (Open session at 9.55 a.m.)

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

16 Honour.

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

18 Prosecutor, please proceed.

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

20 Q. Witness, you said a few moments ago that Jean Logo had taken back

21 the copy of your statement. That was in Kinshasa last week; isn't that

22 so, Witness? Isn't that when it happened?

23 A. Yes.

24 MR. DUTERTRE: (Interpretation) Your Honour, we have no further

25 questions. We have concluded our cross-examination of Mr. Katobe.

1       PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.  
2       The Chamber has not received any request from Mr. Luvengika, any  
3 request to ask questions. Any of his colleagues -- I'm very sorry, I'm  
4 mixing up the names. The person representing Mr. Luvengika, would you  
5 like to ask some questions.

6       MS. DENIS: (Interpretation) I beg your pardon, your Honour, I'm  
7 Catherine Denis.

8       PRESIDING JUDGE COTTE: Oh, sorry, Denis.

9       MS. DENIS: (Interpretation) No, Mr. Luvengika did not submit any  
10 questions in advance, and in light of the current testimony we have no  
11 questions. I thank you, your Honour.

12       PRESIDING JUDGE COTTE: (Interpretation) Thank you, Counsel.

13       Now, the person representing Mr. Gilissen, I believe there were  
14 some questions provided in advance. Do you wish to take the floor.

15       MR. NARANTSETSEG: Mr. President, your Honours. My name is  
16 Orchlon Narantsetseg. I'm the Legal Officer from the OPCV. Today, I am  
17 filling in for Mr. Gilissen. We have consulted Mr. Gilissen and he  
18 informed us that he's formally withdrawing his questions that he had  
19 submitted to the Chamber before. Therefore, we have no questions to ask  
20 to the witness today. Thank you.

21       PRESIDING JUDGE COTTE: (Interpretation) Thank you, Counsel. We  
22 now come to the stage of final observations from the Defence teams.

23       The Chamber has no particular question to ask of the witness who  
24 has given testimony for a while now.

25       Mr. O'Shea, if you wish, take some time to confer, but you do

1 have the floor for final observations followed by Professor Fofé.

2 You may proceed, Mr. O'Shea.

3 MR. O'SHEA: In fact, I don't have any questions in

4 re-examination.

5 And, Mr. Katobe, I won't be asking you any further questions, but

6 I think that you will have an opportunity at the end, with the permission

7 of the Judges, to be thanked by Mr. Katanga and also by the Defence team.

8 But there may be questions from my learned friend who's representing

9 Mr. Ngudjolo and there may be questions from the Judges. But for now I'm  
10 done.

11 Thank you, Mr. President.

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

13 Professor Fofé.

14 MR. FOFÉ: (Interpretation) Good morning, your Honours. Thank  
15 you for allowing me to address the Court.

16 Good morning, Mr. Katobe.

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

18 MR. FOFÉ: (Interpretation) We listened carefully to your  
19 entire testimony before the Chamber and we do not have any questions for  
20 you. We merely wish to thank you for agreeing to travel to The Hague to  
21 come and give testimony for the edification of the Bench. I thank you  
22 very much and I wish you a pleasant journey home.

23 THE WITNESS: (Interpretation) I thank you.

24 (Trial Chamber and Court Officer confer)

25 MR. DUTERTRE: (Interpretation) Your Honour, I apologise for

1 interrupting. We need about ten minutes after the departure of this  
2 witness to change our team.

3 PRESIDING JUDGE COTTE: (Interpretation) I think we will have to  
4 give you a little more than ten minutes because we did not expect this  
5 cross-examination to end so early, and we have been informed that the  
6 next witness will only appear at about 10.25.

7 Mr. Witness, you wish to take the floor? Please go ahead because  
8 we will soon be rising.

9 THE WITNESS: (Interpretation) Thank you, Your Honours, for  
10 giving me the floor. I would like to rectify what I said yesterday  
11 because I deem it very important. As I said earlier, they say when you  
12 sleep on certain matters you rise up better edified, and when I went home  
13 I reflected a lot on this point, and I am referring to an excerpt where I  
14 talked about doing things by chance. That worried me. With respect to  
15 the number of children, the number of EAFGA children, and I said that  
16 they constituted one-tenth of the total number of children. In fact,  
17 this activity is a heavy one. Why do I say so? I say so because ever  
18 since the site was closed down - that's about six years ago -- well, the  
19 centre closed down six years ago and it was difficult for me to remember  
20 the names precisely. So when I talked about doing things by chance, what  
21 I meant was I was doing things approximately, approximately means  
22 something which is not exact, it's an estimate. An estimate is something  
23 which is not very exact. That's why I used the term "by chance." What I  
24 really meant was "approximately." That's the addition I wish to make.

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

1 you, Mr. Witness, for that clarification, which has been entered into the  
2 Court record. The Chamber would like to thank you for your testimony for  
3 the answers you've provided to the questions put to you by the two  
4 Defence teams and by the Prosecutor and for making this long trip to The  
5 Hague to help us understand these matters better. You are going to  
6 return home. We wish you a safe trip, and we would like to urge you not  
7 to discuss your testimony with third parties. You should not discuss  
8 this outside of the courtroom. At some point during this morning period  
9 you will, if you so desire, and if Germain Katanga so desires, meet  
10 Mr. Germain Katanga. So he will thank you for making the trip all the  
11 way to The Hague to give your testimony. The Court Officer will organise  
12 that. It will be a short meeting between you which will not be very long  
13 and it will give you an opportunity to greet him and to have a short  
14 exchange with him.

15 THE WITNESS: (Interpretation) Thank you, your Honour. That was  
16 a request I was going to make to the Bench, that I should be given an  
17 opportunity to at least greet him.

18 PRESIDING JUDGE COTTE: (Interpretation) Well, that will be a  
19 short greeting that you are going to have with him.

20 THE WITNESS: (Interpretation) Thank you.

21 PRESIDING JUDGE COTTE: (Interpretation) Usher, could you please  
22 take Mr. Katobe out of the courtroom.

23 (The witness withdrew)

24 PRESIDING JUDGE COTTE: (Interpretation) We do not have the next  
25 witness available, Witness 259, and the Court Officer has informed me

1 that he will be here at 10.25. So we will rise until 10.45. So when we  
2 meet, we will meet for two hours and rise at 12.45. Is that technically  
3 possible, Court Officer; that is, we take a break until 10.45 and then  
4 sit for two hours with that witness from 10.45 right up to 12.45. Is  
5 that technically feasible?

6 COURT OFFICER: (Interpretation) It is technically feasible, but  
7 I would like to inform you that the next witness is arriving at 10.35 and  
8 I have been informed that he will be ready as from 11.00 a.m.

9 PRESIDING JUDGE COTTE: (Interpretation) 11.00 a.m., very well.  
10 If we have no other solution, then we will reconvene at 11.00 a.m. prompt  
11 and rise at 1.00 p.m. prompt. That will make two hours of hearing with  
12 that witness.

13 Mr. O'Shea, are you the one who's going to do the  
14 cross-examination -- sorry, the examination-in-chief?

15 MR. O'SHEA: (Previous translation continues) ...

16 PRESIDING JUDGE COTTE: (Interpretation) I apologise. Maybe I  
17 should use easier words. Are you the one who is going to conduct the  
18 examination-in-chief of that witness.

19 MR. O'SHEA: (Previous translation continues) ... thinking in the  
20 circumstances that we're in at the moment, with your Honours' leave,  
21 perhaps it's the moment for Mr. Katanga to see Mr. Katobe now for five  
22 minutes, if he has your leave, and then perhaps -- perhaps also us.

23 PRESIDING JUDGE COTTE: (Interpretation) If the Registry can  
24 organise that meeting now, then that will be the case. The Court Officer  
25 has just informed me that that is possible. We will rise until

1 11.00 a.m. We reconvene at 11.00 a.m. prompt in order to rise at 1.00  
2 p.m. Is that clear to everyone?

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

4 PRESIDING JUDGE COTTE: (Interpretation) Well, in that case we  
5 stand adjourned and we meet again at 11.00 a.m.

6 Recess taken at 10.08 a.m.

7 On resuming at 11.00 a.m.

8 (Open session)

9 COURT USHER: All rise.

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

11 We are going to continue with our proceedings.

12 Court Officer, Court Usher, kindly bring into the Courtroom  
13 Witness DRC-D02-P-0259.

14 This witness does not benefit from any special protective  
15 measures in the courtroom, so his identity will be stated publicly. We  
16 are going to refer to him by his full name or we adopt whatever name the  
17 witness would like us to use.

18 (The witness entered court)

19 PRESIDING JUDGE COTTE: (Interpretation) Good morning,  
20 Mr. Witness.

21 THE WITNESS: (Interpretation) Good morning.

22 PRESIDING JUDGE COTTE: (Interpretation) I see you can hear me  
23 clearly.

24 THE WITNESS: (Interpretation) Yes.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well.

1 Mr. Witness, thank you for coming all the way here to give your testimony  
2 at the request of the Defence team of Germain Katanga. Let me start by  
3 asking you to state your full name and please speak slowly, speak loudly  
4 into the two microphones before you. And you should strive to pause for  
5 a while between question and answer, a pause of about five seconds,  
6 between the end of a question and the time you start giving your answer.  
7 This is to enable the interpreters to do their job properly. Thank you  
8 in advance.

9 What is your first name, your middle name, and your last name?

10 THE WITNESS: (Interpretation) Thank you, your Honour. My name  
11 is Mugangu Awenya Bonheur.

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

14 THE WITNESS: (Interpretation) Thank you, your Honour. I was  
15 born on the 29th of November, 1987, in Aveba.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.  
17 At this moment do you have an occupation?

18 THE WITNESS: (Interpretation) No.

19 PRESIDING JUDGE COTTE: (Interpretation) At this moment you are  
20 unemployed?

21 THE WITNESS: (Interpretation) That is correct.

22 PRESIDING JUDGE COTTE: (Interpretation) How would you like us  
23 to refer to you when we speak to you? Would you like us to use the name  
24 Mr. Mugangu or Mr. Awenya?

25 THE WITNESS: (Interpretation) I would like you to refer to me

1 as Mr. Mugangu.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well. We will  
3 refer to you as Mr. Mugangu. That is understood.

4 THE WITNESS: (Interpretation) Thank you.

5 PRESIDING JUDGE COTTE: (Interpretation) Mr. Mugangu, before the  
6 first questions are put to you, you have to make a solemn undertaking to  
7 speak the truth. I am going to read the solemn undertaking slowly to you  
8 so that you can understand its importance. Listen to me very  
9 attentively, and I read: I solemnly declare that I will speak the truth,  
10 the whole truth, and nothing but the truth. Have you understood me  
11 clearly?

12 THE WITNESS: (Interpretation) Yes.

13 PRESIDING JUDGE COTTE: (Interpretation) Well, Mr. Mugangu, do  
14 you undertake at this moment to speak the truth, the whole truth, and  
15 nothing but the truth?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE COTTE: (Interpretation) Very well. The Court  
18 would like you to listen very attentively. You have just made a solemn  
19 undertaking to speak the truth, the whole truth, and nothing but the  
20 truth. However, if in the course of your testimony or in answer to  
21 questions which are put to you by the Defence teams, by the Prosecutor,  
22 by the Legal Representatives of Victims or by the Chamber, if in doing so  
23 you do not tell the truth you may be prosecuted before the International  
24 Criminal Court for false testimony. And if this is proven to be true,  
25 you may be convicted and sentenced. Have you understood me?

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1 THE WITNESS: (Interpretation) Yes.

2 PRESIDING JUDGE COTTE: (Interpretation) The Court therefore  
3 notes that the provisions of Article 69(1) of the Statute and of  
4 Rule 66(1) and (3) of the Rules of Procedure and Evidence have been  
5 satisfied. Before we give the floor to the Defence team of  
6 Germain Katanga, I would like to remind you once more - and you've been  
7 doing quite well since the start of this hearing - that you should speak  
8 slowly as I am doing now, that you should speak clearly and straight into  
9 the microphone. You can take a drink or serve yourself a drink of water  
10 if you so desire. You are going to be talking and you might feel a bit  
11 thirsty and if you feel like drinking, please feel free to do so. Close  
12 by you will find a box of paper serviettes. You can use the serviettes  
13 if you wish to blow your nose or to wipe your face. Please feel free to  
14 do so. The Court would like you to feel comfortable as you give your  
15 testimony, would like you to give your evidence under the best possible  
16 conditions.

17 Mr. O'Shea, you have the floor to start your  
18 examination-in-chief, sir.

19 MR. O'SHEA: Thank you very much, Mr. President, your Honours.

20 WITNESS: WITNESS DRC-D02-P-0259

21 (Witness answered through interpreter)

22 Questioned by Mr. O'Shea:

23 Q. Yes, hello, good morning, Mr. Mugangu. My name is Andreas O'Shea  
24 and you met me once this year. We met already, and you may remember  
25 that, at the end of April. Now, when we met I had the impression that

1 you spoke good French. Are you comfortable in French? Are you listening  
2 in French at the moment or would you prefer Swahili? Are you comfortable  
3 in French? I just want to be sure of that.

4 A. French, please.

5 Q. Now, apart from myself, in the Defence team who's representing  
6 Mr. Katanga you may also have met Ms. Caroline Buisman or Mama Carolina.  
7 Did you meet her?

8 A. Yes.

9 Q. And I don't think that you've met anyone else on this team except  
10 perhaps our resource person Jean Logo. Have you met anyone else here in  
11 the room? I don't think so.

12 A. No.

13 Q. Now, I know this is a very new environment for you and a very  
14 strange environment because there are a lot of people in this room  
15 wearing strange clothes, and you will see a lot of procedures that you're  
16 not familiar with. But don't worry about it. You just tell your story,  
17 tell the truth, and don't concern yourself with the strange "*vêtements*"  
18 in the room or indeed with the legal arguments that might go on from time  
19 to time. You might notice the lady opposite representing the  
20 Prosecution, she might stand up from time to time to intervene. That's  
21 normal procedure but it's nothing for you to worry about. All right.

22 And when I am asking my questions, I am speaking in English but  
23 you will be hearing an interpretation in French, but I will also be  
24 listening in French. So I will have to be careful even more than you to  
25 leave a bit of time before I ask my next question once you've given me an

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1 answer just to give time for the interpretation to take place. But the  
2 same goes for you as well, you need to leave a little bit of time when I  
3 ask a question - not a long time, just a few seconds - just to allow the  
4 interpretation to complete, but in your case that will be a little bit  
5 easier because you're listening in French.

6 Now, you've already given your date of birth to His Honour the  
7 Judge President, and could you please confirm your ethnic group?

8 A. Yes. I am a Ngiti.

9 Q. And you were born in Aveba; is that correct?

10 A. Yes.

11 Q. And where did you go to school when you were very young?

12 A. The second and the third years and the first years of school were  
13 done in Aveba; the fourth, fifth, and sixth years were done in Bunia.  
14 And the first, second, third, and even fourth years were done in Aveba;  
15 and the fifth and sixth were done in Bunia.

16 Q. Do you know between which years you were in Bunia?

17 A. In Bunia I was there from 1996 right up to 1999, and again from  
18 2005 right up to this moment.

19 Q. So in the years 2003 and 2002 --

20 Objection, Mr. President?

21 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

22 MS. FROLICH: Just, at the very start -- now, the objection is --  
23 relates to any dates or any years being suggested to this witness from  
24 here on based on the fact that chronology, the knowledge of the exact  
25 years, is very important for this witness, and it is necessary that

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1 neutral questions be asked in this regard at all times by my learned  
2 friend. So at any point that years will be suggested, even for  
3 clarification, the Prosecution will be objecting, Mr. President. Thank  
4 you very much.

5 PRESIDING JUDGE COTTE: (Interpretation) We have fully  
6 understood, Madam Prosecutor, but I have noticed that on page 33, page  
7 33, line 3, Mr. O'Shea's question was:

8 "Do you know when, in which years, you were in Bunia?"

9 I do not have the impression that he's suggesting a date. He  
10 asked the witness a question and the witness is free to answer the  
11 question in the most precise manner possible. However, Mr. O'Shea should  
12 be careful.

13 Please go ahead.

14 MR. O'SHEA: I want to try and get through this witness quickly,  
15 so I'll just keep rephrasing my questions, whether I'm right or wrong.

16 Q. So on the basis of what you've just said, Mr. Witness, when -- in  
17 terms of your schooling, when you were not in Bunia, where were you?

18 A. When I was not in Bunia, I was in Aveba.

19 Q. And when did you complete your schooling?

20 A. I completed my schooling in Bunia, in the year 2008.

21 Q. And what did you do after your schooling?

22 A. After completing school, I worked for Vodacom Congo in Bunia, but  
23 this was not for a long time. A few months later I was unemployed again.

24 It wasn't until the end of January 2011 that I started training -- doing  
25 IT training in Bunia in a training centre.

- 1 Q. In 2002 and 2003, where were your parents?
- 2 A. My parents were in Aveba.
- 3 Q. And while your parents were in Aveba, who were you living with?
- 4 A. I was living with my parents.
- 5 Q. And what was the profession of your father?
- 6 A. My father was a pastor, he worked for the church.
- 7 Q. And while you were schooling and while you were in Aveba, did he
- 8 undertake any other profession than that?
- 9 A. Apart from his job as a pastor, my father worked -- he was
- 10 working as a translator, translating the Bible into our language.
- 11 Q. And what is your language?
- 12 A. My language is Ndruna, also referred to as Kingiti.
- 13 Q. And while you were living in Aveba with your parents, what was
- 14 the occupation of your mother?
- 15 A. My mother was not working. She only had a few duties to perform
- 16 in church.
- 17 Q. And when you talk about the "*église*," or the church, which church
- 18 is that and which religion is it?
- 19 A. I am referring to the Protestant denomination, and the name of
- 20 the church is *Communauté Emmanuel*, 39th *Communauté Emmanuel*.
- 21 Q. And what was your personal association with that church, if any?
- 22 A. Yes, I was a member of the choir.
- 23 Q. Do you remember when you were in the choir?
- 24 A. This was in the years 2002/2003.
- 25 Q. And what was -- while you were living in Aveba what was your

1 record of attendance of the church?

2 A. When I was still very young we would go -- we would attend Sunday  
3 school every day.

4 Q. What is this Sunday school? What was its purpose? What did you  
5 learn there?

6 A. In Sunday school we were taught about Jesus Christ. That was it  
7 basically.

8 Q. And -- and what is your situation of religious faith today?

9 A. Today I attend church every Sunday.

10 Q. Who were the occupants of Aveba at the time that you were living  
11 there?

12 A. I'm sorry, but I did not understand your question. Could you  
13 kindly repeat it.

14 Q. Apart from the civilian population in Aveba, was anyone else  
15 living at Aveba?

16 A. Please could you tell me the time-frame from which year to what  
17 year so that I can understand you more clearly.

18 Q. Have you ever had any association with militia?

19 A. No.

20 Q. In Aveba was there a demobilisation site?

21 A. Yes.

22 Q. And in 2004 did you know anybody who went through that site?

23 A. Yes.

24 Q. And in what circumstances did you learn that those individuals  
25 went through that site?

1     A. I learnt that certain individuals had gone to that site. First  
2     of all, I realised that they were absent from school and they were absent  
3     from the playground, and these were friends I used to play with. When I  
4     discovered that they were not there, I and the others asked ourselves --  
5     wondered where they had gone to. And others said that they had gone for  
6     demobilisation. I did not understand the meaning of that term and I  
7     waited for them to return. And when they returned, they then told us  
8     about what they had encountered there.

9     Q. And what was your association with these individuals?

10    A. These people were friends and people with whom we lived together.

11    Q. And when you say that you saw them when they came back from the  
12    demobilisation site, what, if anything, were you told by those  
13    individuals on their return from the demobilisation site?

14    A. When they returned, I asked them what had happened there. They  
15    told me that, "When you go there, questions are put to you to know  
16    whether you were really a militiaman or not, and then afterwards you were  
17    given a kit."

18    Q. Did you receive any explanation as to what was meant by the kits?

19    A. Yes.

20    Q. What explanation did you receive?

21    A. With regard to the kits, they told us that you were given  
22    blankets, towels, and also bags, as well as clothes, and that was  
23    basically it.

24    Q. And to your recollection, how many children did you speak to in  
25    this situation?

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1 A. I spoke with many children, several children, and I really cannot  
2 estimate the number.

3 Q. Do you remember of the individuals that you spoke to what their  
4 ages were, to your knowledge?

5 A. Yes. I do remember some of them.

6 Q. Can you tell us the ages which you do remember of the friends  
7 that you met?

8 A. Yes. All those friends that I spoke to were almost the same age  
9 as myself. The ages were not very different.

10 Q. And can you try to remember the months that we're talking about  
11 here?

12 A. Yes. Some of those I spoke to, I met them around December 2004  
13 and I met with others in January 2005, and this continued even up until  
14 the month of March 2005. I was still meeting with them with them and  
15 trying to find out information about what had happened at the site.

16 Q. (Previous translation continues) ... back to December 2004, which  
17 is one of the months that you mentioned, and try to recall if you can the  
18 ages of the children that you spoke to at that -- during that period.

19 A. I really do not remember.

20 Q. Now try to think back to January of the following year 2005 and  
21 the children you spoke to at that point in time and try to remember if  
22 you remember their ages?

23 A. I can also say that I no longer remember their age except that we  
24 had grown up together and so they had approximately the same age as  
25 myself.

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1 Q. (Previous translation continues) ...

2 A. Yes. Some of them were in the first, second, third, and fourth  
3 years.

4 Q. And earlier you said that these children were more or less the  
5 same age as you. Were they -- and you've spoken about the first year,  
6 second year, third year, and fourth year. Those children in those  
7 various years, what was the correlation of their ages with each other?  
8 Were they different ages from each other or were they more or less the  
9 same age, do you remember?

10 A. Yes, the ages were different, but the differences were not very  
11 much.

12 Q. And what was the correlation between age and the class they were  
13 in? Was there a correlation between what age they were and what class  
14 they were in or not?

15 A. Those who were in the first year were about one year younger than  
16 those who were in the second year, and those who were in the second year  
17 were younger than those in the third year, and so on and so forth.

18 Q. And these children that you spoke to in December and January and  
19 March, I know you've touched on this already, but how well did you know  
20 these various children you were speaking to?

21 A. I know them well.

22 Q. And where did they live, these various children, in relation to  
23 your house?

24 A. Those children all lived in Aveba because all the children I have  
25 been talking about are from Aveba.

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1 Q. And of the various children that you spoke to, were you or were  
2 you not aware of where -- of their exact location where they lived, their  
3 exact houses? Did you have knowledge of where their houses were or not?

4 A. I knew where some of them lived because Aveba is not such a large  
5 place and most of those children that I have been talking about were  
6 children with whom we lived at the mission.

7 Q. And at the time that these children, these friends, were speaking  
8 to you on the subject of the demobilisation and what happened in the  
9 demobilisation, during that period of time, do you know where these  
10 children -- sorry, do you know who these children were living with?

11 A. Yes. I knew that these children were living with their parents.

12 Q. And do you know if any of these children had any function or  
13 occupation outside their schooling?

14 A. Apart from going to school, some of them were singing together  
15 with me around 2002/2003; but apart from that, they had no other  
16 occupation.

17 Q. To your knowledge, did any of these children have any association  
18 of any kind with a militia?

19 A. No.

20 Q. Did you have any knowledge of any children, not necessarily the  
21 children that we've been talking about, did you have any knowledge of the  
22 association that any children living at Aveba may or may not have had  
23 with the militia?

24 A. No, I have no idea.

25 Q. Did you know in 2004 and 2005 where the military camp in Aveba

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1 was located?

2 A. Yes. In 2004/2005 the military camp was in the south of Aveba.

3 That is where the soldiers were.

4 Q. And do you know if any of the children that you spoke to about  
5 demobilisation had any connection with the BCA?

6 A. No. I do not know about any child who was connected to the BCA.

7 Q. At that time, in 2004 and 2005, were you aware of the  
8 international or national organisations which were present in Aveba?

9 A. There were certain organisations in Aveba. There was AMDC, there  
10 was AJEDEC, those were the two organisations that were in Aveba. And  
11 when the site was set up in Aveba, Save the Children also arrived, and  
12 there was *Terre des Enfants* as well as CONADER, to mention those few.

13 THE INTERPRETER: And addition: The witness had mentioned that  
14 the military camp was at the Aveba site, specifically the BCA.

15 MR. O'SHEA:

16 Q. Do you know where these organisations located themselves within  
17 Aveba?

18 A. Yes, all those organisations were located at the site, except  
19 AJEDEC and AMDC. Even before the site was set up, they were located near  
20 the church. They had their offices near the church at that time, but all  
21 of them worked in the site.

22 Q. To what extent, if any, did these organisations interact with the  
23 general population in 2004 and 2005?

24 A. Can you kindly repeat your question, please.

25 Q. In the years that we're talking about, you've explained how

1 organisations such as Save the Children, *Terre des Enfants*, CONADER,  
2 AMDC, AJEDEC, how these organisations were present at Aveba. You've  
3 explained to us where they located themselves. And my question is: To  
4 what extent did they interact with the people in Aveba?

5 A. There were exchanges, or rather, communication between the  
6 population and those organisations during the sensitisation period when  
7 they came to raise awareness amongst the population to go and demobilise  
8 themselves.

9 Q. To which places specifically in Aveba did they come in order to  
10 do this awareness-raising campaigns?

11 A. They went to the school and also to the playgrounds.

12 Q. (Previous translation continues) ... that last expression. You  
13 said in the place of what?

14 A. Playgrounds where we often played.

15 Q. And where did you play often?

16 A. On the football-pitch.

17 Q. So starting with that place then, which of these organisations that  
18 you have just mentioned came to the football field?

19 A. AJEDEC and Save the Children came to the football field.

20 Q. And do you remember -- do you remember the names of any of the  
21 individuals that came on behalf of those organisations to the football  
22 field?

23 A. I really do not remember.

24 Q. And when they came to the football field, do you remember what  
25 they were saying to the people who were there?

1 A. Yes. They told those who were there that, "If you had been  
2 militiamen or if you were members of the militia groups, please come and  
3 be demobilised so as to have your demobilisation certificate, after which  
4 you will be given kits." That is what they said.

5 Q. Did these individuals explain what they meant by "kit"?

6 A. Yes, they explained what they meant by "kits."

7 Q. And you said that they also came to the school. Were you there  
8 on any occasions when they came to the school?

9 A. Yes, I was present. It was during the assembly before classes  
10 began.

11 Q. What was the name of the school?

12 A. IPAM, the Pédagogique Institute of Aveba Mukubwa.

13 Q. And when you say "assembly," can you explain that for us so that  
14 we understand at what time of the day is an assembly.

15 A. The assembly took place in the mornings before classes began.  
16 That was where we all assembled to sing the national anthem and receive  
17 instructions from the prefect before going into the classrooms. And the  
18 assembly took place each morning.

19 Q. (Previous translation continues) ... present at an assembly?

20 A. All the students attended.

21 Q. And do you remember which organisations came to the assembly when  
22 you were there or which individuals?

23 A. I no longer remember. They all came from the site.

24 Q. Do you remember -- you're not expected to remember all the  
25 details, but do you remember in broad terms what was said at the

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1 assembly?

2 A. During the assemblies what they said was almost the same thing  
3 they had said at the playgrounds; that is, that if anyone had been a  
4 militiaman or woman or a member of the militia groups, they should go and  
5 be demobilised so as to have their demobilisation certificates.

6 Q. (Previous translation continues) ...

7 A. No.

8 Q. And when you were hearing these stories from your friends coming  
9 from the demobilisation site, what was your reaction? What were your  
10 feelings on the matter at the time?

11 A. After having heard what my friends told me about what had  
12 happened there, I also decided to go and have myself demobilised even  
13 though I was not a militiaman. And it was after what my friends told me  
14 that I also had the opportunity to go there so as to be given a kit.

15 Q. And did you act on those feelings or not?

16 A. Yes, I did act. It was towards the end of the process. I ended  
17 up going to be demobilised myself.

18 Q. And when you say "towards the end of the process," can you give  
19 us a little more precision on the date or the time, which month, which  
20 year?

21 A. Yes. It was in June 2005.

22 Q. Now, when you decided to go down to the demobilisation site  
23 yourself, did you inform your parents of your intention to do so?

24 A. No.

25 Q. And why was that?

1 A. Because the -- my parents would not go along with that idea, that  
2 I would go and get myself demobilised, saying that I had been a member of  
3 a militia. I had not been the member of a militia.

4 Q. So what did you do before going to the demobilisation site?

5 A. Before I went to the demobilisation site I just told my younger  
6 sister that I was going to this site, and I said her to -- if our parents  
7 ask her where I was, "Tell them that I went to the site."

8 Q. So let's talk about what happened the day you went to the  
9 demobilisation site. If you can try and think back to what the site  
10 looked like and tell us where you went first that day.

11 A. Well, that day, first of all, I went to see the people at  
12 Save the Children.

13 Q. And before arriving at Save the Children, did you pass by  
14 anywhere else or did you go directly to Save the Children?

15 A. I went directly to Save the Children.

16 Q. Who was with you, if anyone, when you went to Save the Children?

17 A. When I went to Save the Children, no one went along with me. I  
18 just went to the door and knocked on the door. Someone opened the door  
19 and I went in.

20 Q. And Save the Children, what kind of construction was it? You  
21 see, we weren't there and so we don't know what it looked like. When you  
22 went to Save the Children, what kind of construction was it that you  
23 entered into?

24 A. At Save the Children, first of all -- well, there was a fence, it  
25 was fenced-off, a bamboo fence, and the door -- and you see, there was a

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1 door, a door built into the fence, and I knocked at that door.

2 Q. And do you remember who was there when you arrived at the entry?

3 A. I don't really remember who was there except -- well, there was  
4 someone at the door, who opened the door, and then there was someone at  
5 the reception area. I don't really remember the person in question.

6 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, we're going  
7 to suspend for three minutes without everyone leaving the room for  
8 medical reasons. Judge Diarra must take some treatment, so just one  
9 moment, please.

10 Break taken at 12.07 p.m.

11 On resuming at 12.17 p.m.

12 MR. O'SHEA: Mr. President, can I -- Mr. President, sorry, can I  
13 just take advantage of this short break to go out a minute myself?

14 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, take  
15 advantage of the break, and perhaps you may even run into Judge Diarra as  
16 she returns to the courtroom. I would imagine that she has -- ah, make  
17 it quick, Mr. O'Shea.

18 We shall resume the hearing.

19 Witness, Mr. O'Shea will be continuing with his questions.

20 Mr. O'Shea, please proceed.

21 MR. O'SHEA: Mr. President, thank you.

22 Q. Yes, so just to contextualise the questions that I'm about to  
23 ask, how would you categorise the stages that you went through in the  
24 demobilisation centre? How many stages were there?

25 A. When I arrived I went to see Save the Children, and from there

1 the same day I was taken again to CONADER and that is where I spent the  
2 night, and then I was first handed over to -- I was given a towel and a  
3 blanket in a bag and I was given this bag, and I put the towel and the  
4 blanket into the bag and I went and had my first interview. And the  
5 first interview was a matter of determining my age. And after that I was  
6 asked about the militia, which militia group I had been in and what I did  
7 and what kind of things I had done within the militia. Then I went on to  
8 the second interview and I was asked practically the same questions  
9 again. And then there was a third interview. I was given some advice  
10 and I was asked to sign a document.

11 Q. And one more contextual question before we go through each of  
12 those stages. To your recollection - and this is not a memory test - but  
13 to your recollection how long did you spend at the demobilisation site  
14 before you finally went home?

15 A. After the demobilisation, now if I remember correctly I spent a  
16 number of days, two days -- I spent two days.

17 Q. So is that from the time you entered at Save the Children to the  
18 time you left and went home?

19 A. Yes, because I spent two nights at the site -- two days, it was  
20 two days.

21 Q. So coming back then to the first stage that you've mentioned  
22 which you've described as Save the Children, what happened there?

23 A. At Save the Children after going to the reception I was asked  
24 what I was there for and I said I had come to be demobilised and I was  
25 taken that same day to CONADER. I was taken there immediately.

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1 Q. So you're at Save the Children and they ask you what you're there  
2 for, and you tell them that you're there to demobilise. And then what  
3 else happens there if anything?

4 A. After there were some transfers --

5 Q. Do you remember approximately -- I'll start again. Do you  
6 remember approximately how long you spent at Save the Children?

7 THE INTERPRETER: Interpreter's correction, previous reply:  
8 Nothing special happened. It was the transfer to CONADER.

9 THE WITNESS: (Interpretation) Save the Children, I spent a  
10 minimum of two hours there.

11 MR. O'SHEA:

12 Q. And what did you do during those two hours?

13 A. I didn't do anything. I was sitting there in the waiting-room  
14 and I was there. And then after I was shown a room and I was then called  
15 in to speak to the officer who received the children, and after that I  
16 was asked to go back in to the waiting-room to wait for a few minutes for  
17 the transfer.

18 Q. So when you went to those people who were to receive you at the  
19 level of Save, what -- who were those people and what did they do?

20 A. They were the ones working for Save the Children. I really don't  
21 know the people, I don't know what they did within the organisation.

22 Q. Were they sitting or standing?

23 A. They were sitting.

24 Q. And what did they say to you?

25 A. After saying that I had come for demobilisation -- well, they

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1 didn't say anything. So I waited -- I waited for the transfer to

2 CONADER.

3 Q. And at which stage of the process did you identify yourself?

4 A. I identified myself when I got to CONADER, and the three stages  
5 that I mentioned, those were the stages that I spent with them before  
6 going to CONADER.

7 Q. So --

8 THE INTERPRETER: Correction: Those three stages took place in  
9 CONADER.

10 MR. O'SHEA:

11 Q. (Previous translation continues) ... did anybody write anything  
12 down?

13 A. After the identification, yes.

14 Q. When you say "after identification," I'm talking about  
15 identification. When you're being identified, did anybody write anything  
16 down?

17 A. Yes, yes.

18 Q. And did you have to identify yourself only once or more than once  
19 during the process?

20 A. Just once.

21 Q. I'd like to show you a document and it's EVD-OTP-00120.

22 MS. FROLICH: Objection, Mr. President.

23 PRESIDING JUDGE COTTE: (Interpretation) We are listening to  
24 you, Madam Prosecutor. You would probably want Mr. O'Shea to introduce  
25 this document more precisely. Is that the case?

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1 MS. FROLICH: Yes, indeed, Mr. President. That would be my  
2 objection.

3 PRESIDING JUDGE COTTE: (Interpretation) Very well.

4 Mr. O'Shea, you will have to adopt a more progressive or guarded  
5 approach before this document is put before the witness. That way we  
6 will proceed under the best conditions possible.

7 MR. O'SHEA: Yes.

8 Q. You've just told the Court that you identified yourself and that  
9 the person you were speaking to wrote something down. And you -- earlier  
10 in your evidence you told us that you demobilised towards the end of June  
11 2005 and --

12 MS. FROLICH: Mr. President.

13 MR. O'SHEA: Before --

14 PRESIDING JUDGE COTTE: (Interpretation) Yes, Madam  
15 Prosecutor --

16 MR. O'SHEA: (Previous translation continues) ... that the  
17 previous objection was that I haven't asked preliminary questions to  
18 introduce this document. Now, I'm reminding the Court of the preliminary  
19 questions relating to this document which have already been asked and  
20 answered because there's no point in me asking the same questions again  
21 and getting the same answers again. So I'm just reminding the Court of  
22 what those two questions were and what the answers were so I can move on  
23 from there.

24 MS. FROLICH: Mr. President, if I may. This -- it's all very  
25 well, but my objection this time goes to something else and it is if

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1 Mr. O'Shea is going to recap what the witness said earlier, then he  
2 should be very accurate. And I would just note that, I am referring to  
3 English transcript, and Mr. O'Shea just said:

4 "Earlier in your evidence you told us you demobilised towards the  
5 end of June 2005."

6 That is not exactly what the witness said and his memory should  
7 not be refreshed with this, and in addition, my objection goes to how  
8 questions are asked and which questions are asked in order to establish a  
9 foundation for showing this document that Mr. O'Shea tends to show.  
10 Therefore, any inscriptions that are to be found in that document should  
11 not be suggested to the witness. Therefore, neutral questions should be  
12 asked in that regard.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you,  
14 Madam Prosecutor, but we have to bear in mind what the witness said a  
15 short while ago. That reference should be made to the statements he made  
16 a short while ago does not seem to us to be inappropriate. I don't think  
17 we should go asking questions to the witness again because we have to  
18 gain time. He was asked when he went to the demobilisation centre and he  
19 said it was towards the end of the process in June 2005. You are right.  
20 I don't know whether it was towards the end of June. He said it was  
21 towards the end of the process and this might be the 1st of June. In any  
22 case, we are going to proceed on that basis. We are not going to ask  
23 questions to the witness again on this point.

24 Mr. O'Shea, you may proceed to lay the foundation for introducing  
25 this document, but please try to be as careful as possible and to observe

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1 all the procedural usages. You have the floor.

2 MR. O'SHEA:

3 Q. When you identified yourself in June 2005 and the person in front  
4 of you was writing, do you remember what name you gave?

5 A. Yes. I gave the name -- I started by giving the name  
6 Awenya Mugangu.

7 Q. And during the course of your process of demobilisation we'll  
8 come back to specific interviews in a moment, but during the course of  
9 your process of demobilisation, what age did you give as your age?

10 A. I really do not remember the age I gave because I did not give  
11 them my exact or precise age.

12 Q. And do you remember -- to the best of your recollection, do you  
13 remember how many other children demobilised with you that day?

14 A. Yes, we were four in number.

15 Q. Right. Well, I'm going to show you a document -- there's an  
16 objection.

17 MS. FROLICH: I'm sorry, Mr. President, I was waiting for the  
18 reference to see which document my friend was going to show before I need  
19 to place an objection or not.

20 MR. O'SHEA: I gave the number a few minutes ago. I'll give it  
21 again.

22 MS. FROLICH: Well, then I maintain my objection, Mr. President,  
23 because there is information in this notebook, respectfully, that it  
24 would not be appropriate, in light of the witness's answers, for the  
25 witness to see. And it would, in my submission, be the same as

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1 refreshing the witness's memory on certain issues. And I'm not going to  
2 spell it out in front of the witness, but it is a very specific piece of  
3 information that -- and he has to be able to give this answer; and if  
4 not, then I'm sorry, I don't believe that the foundation has been laid.

5 (Trial Chamber confers)

6 MR. O'SHEA: I can ask one or two more questions to see if we can  
7 overcome that obstacle. If we can't, I've got another suggestion after  
8 that.

9 Q. Mr. Witness, you say that you don't remember which age you gave  
10 at the demobilisation process. Do you remember whether or not you gave  
11 your true age?

12 A. I have already said that I did not give my real age.

13 Q. And do you remember whether the age you gave was lower or higher  
14 than your actual age at that time?

15 A. Yes, I remember that the age I gave was lower than my actual age;  
16 however, I am not able to remember the precise age that I gave.

17 Q. Do you remember the names of the other three people that  
18 demobilised with you that day? Only if you remember. Do you remember  
19 any of those names?

20 A. Yes. There was a certain Androzo and the other was Alezo. I  
21 have forgotten the names of the others.

22 MR. O'SHEA: Right. So, Mr. President, the position is this:  
23 The concern of my learned friend is that I will be providing information  
24 which the witness hasn't himself provided. Now, the relevant page is  
25 DRC-OTP-0164-0887, and I'm saying that now for your Honours' benefit so

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1 that your Honour can look at that page. And your Honour will see that  
2 certain of the details which I've asked about have a correlation with  
3 what's here --

4 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, Mr. O'Shea,  
5 I have the document before me. We have the document before us and the  
6 answers given by the witness to the three questions you just asked  
7 relating to his true age, relating to whether the age was lower or higher  
8 than his true age and his answer was that it was lower, and the  
9 information he has given relating to the presence of three other children  
10 who had come to demobilise with him, giving the names of two of the  
11 children, all of that information lays enough information for you to  
12 introduce this document. Please go ahead.

13 MR. O'SHEA: So ...

14 (Defence counsel confer)

15 MR. O'SHEA: So if the witness could be -- please be shown the  
16 document in question, which I repeat is -- and in fact the relevant page  
17 I will go straight to it. It's DRC-OTP-0164-0887. Thank you,  
18 Madam Registrar.

19 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could  
20 you lower the blind behind the witness so that the document will not be  
21 viewed from the public gallery. That document contains a certain amount  
22 of information, identifying information, which should not be disclosed to  
23 the public.

24 COURT OFFICER: (Interpretation) You can view the document by  
25 pressing the button PC 1.

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

3       Does the witness have the document?

4       Can you see the document on screen, Mr. Witness?

5       THE WITNESS: (Interpretation) Yes.

6       PRESIDING JUDGE COTTE: (Interpretation) Can the accused persons  
7   see the document? Yes.

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

9       MR. O'SHEA: Right.

10    Q. Now, if you look at the right-hand part of that document at the  
11   bottom, you will see four names. And the very last name that you see is  
12   what? Can you just read out the last name that you see on the right-hand  
13   side there. Just read it out without comment.

14    A. Awenya Mugangu.

15    Q. Just answer this question and this question only: Do you  
16   recognise that name?

17    A. Yes, I recognise the name.

18    Q. (Previous translation continues) ... belong to?

19    A. That is my name.

20    Q. And does the name that appears there correspond to your  
21   recollection of the name that you gave that day?

22    A. Yes, those are the names I gave on that day, Awenya Mugangu.

23    Q. (Previous translation continues)... much.

24       MR. O'SHEA: The document can be taken away from the witness,  
25   thank you, in computer-speak.

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1       PRESIDING JUDGE COTTE: (Interpretation) Court Usher, you can  
2   take the document.

3       You are no longer going to use the document. Can we lift the --  
4   or raise the screen behind the witness?

5       MR. O'SHEA: (Previous translation continues) ... establish and  
6   confirm that the person mentioned there is the person in the witness box  
7   because it's already in evidence, this document, so it can be analysed at  
8   the appropriate time.

9       PRESIDING JUDGE COTTE: (Interpretation) Court Officer, if it's  
10   possible, is it possible to take back the document and raise the screen  
11   so that the courtroom will be visible, fully visible, to those sitting in  
12   the public gallery?

13      Mr. O'Shea, you may proceed.

14      MR. O'SHEA: (Previous translation continues) ...  
15      (Defence counsel confer)

16      MR. O'SHEA:

17      Q. So -- so when you got to CONADER, what happened there?

18      A. When I got to CONADER, the first thing was I was given a towel so  
19   that I could take a bath. After that I was given a blanket and a bag.

20      Q. And at which point was your first interview -- at which point was  
21   the first time you were asked questions?

22      A. In CONADER the first interview took place in the morning.

23      Q. And when you were asked questions, how many individuals were in  
24   front of you, do you remember?

25      A. When I was asked questions, I was speaking to only one person.

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1 Q. Do you remember if that person was a man or a woman?

2 A. That person was a man.

3 Q. And do you remember which ethnic group that person belonged to?

4 A. No.

5 MR. O'SHEA: Could I please go into closed session for one

6 moment.

7 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, let's go

8 into private session for a while.

9 (Private session at 12.51 p.m.)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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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)  
16 (Expunged)

17 (Open session at 12.54 p.m.)

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

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

21 Mr. O'Shea, you may proceed.

22 MR. O'SHEA:

23 Q. Now, when you were asked questions on the first occasion at the  
24 demobilisation site, try if you can to the best of your recollection to  
25 remember what questions or what types of questions were put to you.

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1 A. When I went for the first interview, after giving my age I was  
2 asked questions which -- to find out whether I had actually been a member  
3 of a militia group. I answered saying, yes, I had been a militia member.  
4 And since I was coming from Aveba, I said that I belonged to  
5 Germain Katanga's militia group.

6 MR. O'SHEA: Just one moment, please, your Honour.

7 I think that's a good point to pause.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, we are  
9 going to suspend our hearing now and we'll reconvene tomorrow morning at  
10 9.00 a.m. thank you for your contribution. Your answers have been clear.  
11 You have spoken clearly and you have observed all the instructions we  
12 gave you at the beginning. Right now you are going to leave the  
13 courtroom. You will rest and be back in the courtroom tomorrow morning  
14 at 9.00 a.m.

15 Court Usher, could you lead Mr. Mugangu out of the courtroom.

16 Thank you.

17 THE WITNESS: (Interpretation) Thank you.

18 (The witness stands down)

19 PRESIDING JUDGE COTTE: (Interpretation) We reconvene tomorrow  
20 morning at 9.00 a.m. We stand adjourned.

21 The hearing ends at 12.58 p.m.

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