

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 not Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing
9 Friday, 26 August 2011
10 The hearing starts at 9.07 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 to the accused. Mr. O'Shea
16 is filling in for the time being, but I would imagine that the weather
17 conditions might be the reason for the delay.
18 We will now hear from the next witness, Witness 0088.
19 Madam Court Officer, Court Usher, would you be so kind as to
20 fetch the witness and bring him into the courtroom.
21 I think we may have a flip chart just outside of the courtroom
22 that we will need to use. Well, we may need to use it, but for the time
23 being, we have some larger sheets of paper, but it is possible that we
24 may have to make use of this rather large flip chart.
25 (The witness entered court)

1 WITNESS: WITNESS DRC-D03-P-0088

2 (Witness answered through interpreter)

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court Usher.

4 Good morning, sir.

5 THE WITNESS: (Interpretation) Good morning.

6 PRESIDING JUDGE COTTE: (Interpretation) We are pleased to
7 welcome you today. Thank you for coming to The Hague to give testimony.

8 First of all, we will remind all that you did not wish to have
9 protective measures, and so your identity can be mentioned during the
10 hearing without any particular difficulties.

11 We will now ask you to give us your name in full, and I would
12 also like to give you a number of assurances and guarantees which you had
13 asked for, and then after that we will ask you to give your solemn
14 undertaking.

15 First of all, I would like to ask you to tell us your full name,
16 your surname and your first name. If you could speak very slowly,
17 articulate very clearly, and when you give a name that is complicated or
18 has several syllables, please give it very slowly, articulate, even spell
19 it out if you need to.

20 We do have a rule here that we all follow, sometimes with
21 difficulty. This rule is that we leave a five-second pause between the
22 end of a question and the beginning of the answer so the court reporters
23 and the interpreters can do their work properly, which is important for
24 all of us. So please don't hesitate to speak slowly. We certainly will
25 not criticise you for speaking too slowly, but we may have to ask you to

1 speak less quickly. And please try to follow this five-second rule, even
2 though we, ourselves, do have trouble sometimes following it. Once
3 again, please leave a five-second pause between question and answer.

4 Could you begin now by giving us your full name.

5 THE WITNESS: (Interpretation) My name is Ngabu Mandro,
6 Emmanuel. I am also known as Chief Manu.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Could you
8 give us your date of birth and place of birth.

9 THE WITNESS: (Interpretation) I was born in Nyankunde on the
10 15th of November, 1955.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Could you
12 tell us what your profession is, what you currently do for a living and
13 where you practice this profession at the present.

14 THE WITNESS: (Interpretation) At the present time, I am working
15 for the roads. I am part of the group that supervises the roadways that
16 are being built. I am also a notable; that is to say, a community leader
17 within the Tatsi community.

18 THE INTERPRETER: Comment from the Swahili interpreter: Some
19 elements were missing from this last reply.

20 PRESIDING JUDGE COTTE: (Interpretation) Now, what we have
21 gathered from your remarks as they were interpreted is that at the
22 present time you are working for the ministry of roads and that you
23 supervise groups of workers who are building roads; is that correct?

24 THE WITNESS: (Interpretation) I said that I am working on these
25 roads that members of the population use to transport goods and

1 agricultural products.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you. If
3 necessary, we will ask you more questions about this.

4 Now, where do you work? Where is your office when you are not
5 travel on the various roads in question? What locality do you work in
6 when you are not travelling?

7 THE WITNESS: (Interpretation) The office is in Bunia.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you. And where
9 do you live? What locality do you reside in?

10 THE WITNESS: (Interpretation) I have several wives. The first
11 one has passed away. She was living in Lagura. My current wife was
12 living in Zumbé -- lives in Zumbé, but now she lives in another place.

13 THE INTERPRETER: Message from the interpreters: The Swahili
14 booth did not hear the place.

15 THE WITNESS: (Interpretation) There is another lady who lives
16 in Bunia because she has children who are going to school there.

17 PRESIDING JUDGE COTTE: (Interpretation) Just one piece of
18 information, if you don't mind. The wife of yours who was living in
19 Zumbé is now living -- unfortunately, the interpreters did not quite
20 understand where this lady was living, which locality.

21 THE WITNESS: (Interpretation) She lives in Linga.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Thank you
23 for your efforts to speak slowly. Now, the five-second rule applies
24 between the end of a question and the beginning of your reply.

25 Now, Witness, please listen carefully. I must comply with a

1 legal requirement, that is, I must give you the assurances that are
2 provided for in Article 93 of the Statute, as well as the guarantees
3 provided for in Regulation 74. I am now going to read out these
4 assurances. It may seem a bit of a chore, but in any event.

5 Witness, the Chamber wishes to give you the assurances provided
6 for in Article 93(2) of the Rome Statute. The Defence team of
7 Mr. Mathieu Ngudjolo asked you -- asked for these assurances on your
8 behalf on the 19th of July, 2011. And when consulted in advance pursuant
9 to Regulation 191 of the Regulations of Procedure and Evidence, the --
10 the Prosecutor said that he had no objection to such assurances being
11 provided to you. This was on the 12th of August.

12 Now, pursuant to this same provision, 93(2), the lawyer that the
13 Registry provided to you, Mr. Mundire Cikonza, M-u-n-d-i-r-e
14 C-i-k-o-n-z-a, this lawyer, which the Registry designated for you, told
15 us on the 24th of August that you did indeed wish to prevail yourself of
16 these assurances, a request from you and a request from the Ngudjolo
17 Defence team in accordance with the provisions of 93(2) of the Statute.
18 And the Chamber hereby gives you the assurance that you shall not be
19 charged, detained, nor shall the Court restrict your person freedom in
20 any way for anything that you did before you left the Democratic Republic
21 of the Congo or anything you may have failed to do. So you have this
22 assurance.

23 The Chamber would also like to advise you of the provisions that
24 are found in Rule 74 of the Rules of Procedure and Evidence.
25 Mr. Mundire Cikonza, your lawyer, said on the 24th of August that he did

1 meet with you on the 22nd in The Hague, 22nd of August. He explained the
2 wording and the meaning of this Rule to you, and he provided you with
3 legal advice regarding the risk of your incriminating yourself while
4 giving testimony. He then confirmed that you thought you needed all the
5 guarantees that are provided for pursuant to Regulation 74(3)(c) and that
6 you would -- you made a statement saying you would tell us everything you
7 experienced, everything you saw without any fear or worry because of
8 these guarantees, and so you would be able to provide a complete
9 testimony for us.

10 The Prosecutor was consulted pursuant to paragraph (4) of
11 Regulation 74, and he informed us on the 12th of August, 2011, that he
12 did not object to these guarantees being provided to you.

13 Rule 74 is very clear. It states that you may not answer
14 questions that are put to you if, and I stress "if," your answer could
15 incriminate you. And you can make use of this opportunity at any time,
16 this same Rule also states that if this were to be the case.

17 If the Chamber believes that we must order you to answer the
18 question, the Chamber can give you a number of guarantees, and I will
19 remind you of these guarantees even though your legal counsel has already
20 explained them to you.

21 First of all, first guarantee, the information in your testimony
22 shall remain confidential and shall not be revealed to the public or to a
23 State. It will not be used directly or indirectly against you in the
24 case of later proceedings before the Court unless they are proceedings
25 pursuant to Articles 70 and 71 of the Statute. These provisions allow

1 for prosecution but under very restricted circumstances.

2 From a purely procedural point of view, the application of these
3 guarantees, if they are put into effect, will lead the Chamber to order,
4 as provided for in Rule 74(7), that, first of all, this part of your
5 testimony will be -- that this part of the -- that this part of your
6 testimony will not be disclosed in any way. Third, that the transcripts
7 of the hearings shall be sealed.

8 The Chamber points out that you have agreed to give testimony
9 without protective measures, and so you have renounced this opportunity
10 to prevail yourself of 74(7).

11 Now, there is one further point, Witness, that is important to
12 explain to you. Regarding the authorities of the Democratic Republic of
13 the Congo, the Chamber wishes to remind you that in an oral ruling that
14 was issued on the 13th of April, 2011, the Chamber did take note of a
15 letter from the minister of justice of the Democratic Republic of Congo,
16 a letter that was sent to the Prosecutor on the 30th of January, 2009.
17 The provisions of this letter were confirmed on the 7th of March of this
18 year by the same minister.

19 The DRC authorities have made a commitment, and I will quote from
20 their letter:

21 "Witnesses called to give testimony, whether incriminating
22 testimony or exculpatory testimony, before the Court regarding the
23 investigation of the situation in the DRC will not face prosecution
24 before the Congolese courts for any acts that they may have revealed or
25 any offences that they may have revealed or that they may have taken part

1 in when giving testimony before the Court, or any acts or offends they
2 committed that would not have been known of if the person had not given
3 testimony."

4 The same authorities, the authorities of the DRC, made reference
5 to Article 19(1)(c) of the agreement on privileges and immunity of the
6 International Criminal Court, and the DRC is a signatory to this
7 agreement. According to the provisions of this Article, witnesses enjoy
8 absolute jurisdictional immunity for their words and writings, as well as
9 for what they may have done or mentioned during their testimony. And
10 this immunity continues even after they appear before the Court and give
11 testimony.

12 The Chamber can only take note of this correspondence and this
13 position taken by the DRC. And your legal counsel has explained all of
14 this to you, but, you see, the Court had to explain this to you once
15 again at the beginning of your testimony, and this is what I have just
16 done on behalf of the Chamber.

17 Chief Manu, and if you allow us, we will call you Chief Manu,
18 because this is the most widely used name to refer to you, so we shall
19 call you Chief Manu. So Chief Manu, you must now make your solemn
20 undertaking. You know that before this Court you must undertake to tell
21 the truth. I shall slowly read out the wording of this oath so that you
22 can fully understand its significance and scope. This is its wording:

23 "I declare -- I solemnly declare that I shall tell the truth,
24 the whole truth, and nothing but the truth."

25 Did you hear me, Chief Manu?

1 THE WITNESS: (Interpretation) Yes, I did.

2 PRESIDING JUDGE COTTE: (Interpretation) So at this particular
3 moment in time, can you undertake to tell the truth, the whole truth, and
4 nothing but the truth?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE COTTE: (Interpretation) You have just
7 undertaken to tell the truth, the whole truth, and nothing but the truth.

8 If in the course of your evidence, or when you are answering
9 questions by the parties and participants or by the Judges, if you do not
10 tell the truth, you must remember that you are liable to be prosecuted
11 before this Court for perjury. And if this turned out to be the case,
12 you might be convicted. Chief Manu, do you fully grasp what I am saying?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE COTTE: (Interpretation) So the Court takes on
15 record that the requirements of Article 69(1) of the Statute have been
16 met and that those of Rule 66 paragraphs (1) and (3) of the Rules of
17 Procedure and Evidence.

18 Chief Manu, your testimony is about to begin with questioning on
19 the part of the Defence counsel for Mathieu Ngudjolo, who has summoned
20 you as a witness; followed by the Defence counsel for Germain Katanga;
21 followed by the Prosecutor; the Legal Representatives of the victims;
22 perhaps the Bench, too. Please, continue to speak loudly as you are
23 doing now, as well as slowly and clearly, as you have already done, too.
24 Please do not switch from one language to another while you're
25 testifying. Make sure you choose one language. That will be interpreted

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1 into first French and then English, and we must make sure that the task
2 of the interpreters is made as easy as possible.

3 Now, of course, if you feel thirsty, Chief Manu, please go ahead
4 and drink a glass of water. The Chamber will see absolutely no objection
5 to you pouring out a glass of water for yourself. And, of course, we are
6 speaking all the time, and we all need a drink of water from time to
7 time.

8 You also have some paper handkerchiefs there which you can help
9 yourself to without any problem whatsoever during your testimony.

10 What the Bench and the parties and participants want is that you
11 have the most positive conditions to be able to testify before this
12 Chamber in a useful way and help it to better understand the events that
13 it has to assess and pass judgement on. Thank you.

14 Professor Fofé, I think you're the one who is going to question
15 the witness first.

16 MR. FOFÉ: (Interpretation) Thank you very much, your Honour.
17 Good morning, your Honours.

18 Questioned By Mr. Fofé:

19 Q. (Interpretation) Good morning, Chief Manu.

20 A. Good morning.

21 Q. Chief Manu, you came on a long trip to get here and come to help
22 the Honourable Judges to understand what happened during a certain
23 period. My first question is whether you are in good condition, in good
24 shape to begin your testimony?

25 A. I have absolutely no difficulty.

1 Q. As the Presiding Judge pointed out to you already, I, too, would
2 like to ask you to carefully listen to my questions and to answer them
3 slowly and clearly so that your answers can be properly interpreted and
4 properly recorded. You point -- you decided to testify in Swahili, and
5 although I can follow you directly in the Swahili language, we must,
6 nonetheless, make sure that we allow for a pause between each question
7 and answer. The Presiding Judge told you so. That pause must be at
8 least five seconds between the question and the answer and the answer and
9 the next question.

10 Chief Manu, you have already stated your names to the Chamber and
11 as well as your nickname, "Chief Manu," that we are going to be using
12 during your testimony. Now, in addition to the nickname "Chief Manu," do
13 you have any other nickname or any other name you go by?

14 A. I have two names. Up in Bunia, I'm referred to as Chief Manu.
15 Where I live on the Zumbe hill, I am called Chief Zumbe. Still, others
16 also call me Ndudjini (* phon).

17 Q. Ndudjini, what does that mean, Ndudjini?

18 A. That the miracle be accomplished.

19 Q. Ndudjini. Chief Manu, please describe to us the circumstances
20 under which that name was given to you.

21 A. I have given you various nicknames. Which of them do you want me
22 to give an explanation for?

23 Q. I apologise. I didn't abide by the five-second rule myself.
24 Yes, I was referring to the name Ndudjini that you just mentioned and
25 described the meaning of. You said in Swahili, *mujia ifanikwe* (* phon).

1 My question is as follows: Under what circumstances, at what time in the
2 past was this name, Ndudjini, given to you?

3 A. There were the disorders. War was the cause of much difficulty,
4 and I, as a customary chief was a traditional chief, realised that the
5 population was in dire straits. And so every morning and every evening,
6 I would kneel down on the ground to pray to God and to beseech him to put
7 an end to the war. However, the young people where I come from would say
8 to me the following thing: "Chief, what advice can you give us? What
9 can you say to us? We are fighting, and you are beseeching God to make a
10 miracle. How can that be possible?" And I said, "Only God knows my
11 answer."

12 Q. Thank you very much, Chief Manu. Now, to supplement what the
13 data concerning your identity, what ethnic group do you belong to?

14 A. I am a Lendu. I am a Lendu coming from the Tatsi collectivity.
15 My village is called Bedu-Ezekere. My sector is called Borokpa Lagura.

16 Q. Now, to be perfectly sure about the clarity of the transcript,
17 Chief Manu, Bedu-Ezekere, is that a groupement or is it a village?
18 Bedu-Ezekere, is it a village or a groupement?

19 A. Bedu-Ezekere is a groupement. Yes, it is the Bedu-Ezekere
20 groupement.

21 Q. Borokpa Lagura, now, is that a sector or locality?

22 A. It's a locality. That is where I was born.

23 Q. Chief Manu, what is your educational background?

24 A. After going to primary school, I spent four years in secondary
25 school, but I didn't finish secondary school.

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1 Q. Before we go on, Chief Manu, to be perfectly clear about the
2 spelling of your locality, I think you said Borokpa Lagura. Could you
3 please spell out Borokpa. Lagura, well, we know how to spell that, but
4 the Borokpa part, please spell it out for us.

5 A. B-o-r-o-k-p-a.

6 Q. Thank you very much. So very quickly, where did you attend
7 primary school? The place and the name of the school.

8 A. I began primary school at Kasenyi and spent two years there. In
9 1964, there was fighting in the Congo. We went back to Borokpa. And in
10 1996, I continued school at Bogoro in a Protestant school. Five years
11 later, my father sent me to continue to study in Nyankunde. What he
12 wanted was for me to go on and study nursing sciences.

13 After my six years of primary school -- after the sixth year of
14 primary school in Nyankunde, I began the first year of secondary school.
15 Later on, I went to Geti and attended the second year of secondary school
16 in the Geti secondary school, the school that was called Isula (* phon).
17 After that, I went back to Bogoro, and there I studied for an additional
18 year. Subsequently, I preferred to go into teacher training, and that is
19 why I went to Bunia. And there, I enrolled in the short cycle of teacher
20 training in the second, third, and fourth years. After that, I obtained
21 a diploma referred to as the D4 diploma.

22 THE INTERPRETER: D4N diploma, interpreter's correction.

23 THE WITNESS: (Interpretation) This diploma was called the
24 *brevet de l'instituteur*, primary school teacher's diploma. That was my
25 educational background.

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1 MR. FOFÉ: (Interpretation)

2 Q. Thank you very much, Chief Manu. Very briefly now, after
3 completing the teacher training studies, did you have any occupation that
4 was in any way related to your qualifications, very briefly?

5 A. Yes.

6 Q. Thank you. You gave some information about your -- some of your
7 particulars about are marital status, et cetera. You are married. You
8 have three wives. How many children do you have, Chief Manu?

9 A. Right now I can say that children of my that are still alive,
10 there are ten of them. Unfortunately, one of them deceased the day
11 before yesterday.

12 THE INTERPRETER: The Swahili interpreter corrects himself: "I
13 lost one child recently."

14 MR. FOFÉ: (Interpretation)

15 Q. When did the last one die?

16 A. I don't remember the exact date of death, but he died in
17 Kisangani. His wife, his widow, is still there. I haven't gone to get
18 her yet.

19 Q. Now, prior to that last death, how many children had you already
20 lost? How many of your children had already passed away before the last
21 one did?

22 A. Seven children.

23 Q. Chief Manu, let me come back a little, because it doesn't come
24 out very clearly on the transcript. You have just said that the last
25 child died in Kisangani and that your widow is currently in Kisangani; is

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1 that right?

2 A. Yes.

3 THE INTERPRETER: English interpreter's correction: "The widow."

4 MR. FOFÉ: (Interpretation)

5 Q. And what was the age of the child that recently died?

6 A. He was two years old.

7 Q. So you had just said that in addition to that child, you had also
8 lost seven other children prior to that. Correct me if I'm wrong. So
9 very briefly, so as to go on to another topic and introduce it, perhaps
10 you could briefly describe to us the circumstances under which you lost
11 those children, very briefly, without entering into any detail.

12 A. My children, well, most of them died due to illness. Apart from
13 my own children, there were also my brother's children and others who
14 disappeared during the war. These are children that I adopted until they
15 became adults.

16 Q. Those who were lost during the war, how did that happen? How
17 did -- how did it happen that they died during the war?

18 A. A young man called Karaku (* phon) disappeared after his mother
19 when they came back from Geti. He disappeared and stayed close to
20 Bogoro. Concerning Mbuve (* phon), he was killed in Kasenyi.
21 Jean (* phoen) and Rose (* phon), they died in Kasenyi, too. We were
22 unable to find their bodies. Thank you.

23 Q. Thank you, Chief Manu. We're now going to move to the period
24 between 2001 and 2003, and I would ask you to follow me and try to go
25 back to that time, 2001 to 2003.

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1 During that period between 2001 and 2003, what was your job?

2 A. In 2001, I was the chief of Bedu-Ezekere, also known as Zumbe.

3 Q. So in 2001, you were chief, and you remained chief until which
4 year? When I say "chief," I mean chief of the Bedu-Ezekere groupement.
5 Until which year were you chief of Bedu-Ezekere?

6 A. I had that responsibility until 2005. After that, I handed over
7 to another young man.

8 Q. Can you give us the name of the current chief of the groupement,
9 the person that you handed over to? Can you give us the name of that
10 young man; in other words, your successor as chief of the Bedu-Ezekere
11 groupement?

12 A. His name is Lokana Safari.

13 Q. Chief Manu, how many localities is the Bedu-Ezekere groupement
14 made up of? Can you list them for us? And please do it slowly because,
15 on occasion, some of the names are actually rather complicated. So
16 please give us the names of the localities that make up the Bedu-Ezekere
17 groupement, slowly.

18 MR. MACDONALD: (Interpretation) Perhaps we should facilitate
19 things. There are, I think, between 25, 29, and this a rather fastidious
20 exercise we're embarking upon. Without wishing to impinge upon the
21 witness's rest time in any way, perhaps at the break the witness could
22 write them down and we could use this sheet of paper as an exhibit.
23 That's a suggestion I'd like to make that could perhaps facilitate
24 things, but I certainly am sorry if I interrupted you. It's just a
25 practical suggestion.

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1 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, we have
2 indeed understood that that was a very well-intentioned proposal, and the
3 idea was certain not to interrupt the proceedings.

4 But what do you think, Professor Fofé? Don't you think that
5 would be a sensible approach?

6 MR. FOFÉ: (Interpretation) That is indeed a reasonable
7 suggestion, your Honour. We can proceed in this fashion. But when the
8 witness comes back with the list, we will have to read it out so that the
9 names can be recorded on the transcript. But to save time, we could do
10 it as suggested. Thank you, your Honour.

11 PRESIDING JUDGE COTTE: (Interpretation) Fine. Chief Manu, it
12 will be during your break that you will be asked to write down the list
13 of the names, and we'll give you an extra five minutes' break so that it
14 doesn't eat into your normal rest time.

15 Please proceed, Professor Fofé.

16 And thank you, Mr. MacDonald.

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

18 Q. Chief Manu, if we could now move on to something else. Just give
19 us the figure, how many areas make up the Bedu-Ezekere groupement? Just
20 give us the figure.

21 A. When I was chief, there were 25. After that, I created another
22 four, so there are now 29. No, actually, there are 34 now. So in other
23 words, with the new chief, the number has been increased to 34.

24 Q. Thank you. To the extent that it is possible for you to do so,
25 we would ask you to list the localities on a sheet of paper during the

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1 break.

2 So there we are. We're back in 2001, 2003. I can see there's
3 been quite an increase in the number of localities, but let's go back to
4 2001, 2003.

5 During that period, were these localities or villages grouped
6 into clans, and, if so, how many?

7 A. There were seven worthies who led, were in charge of the
8 groupement.

9 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, with
10 this type of question, I think you have to be careful only to use the
11 term "groupement" to refer to Bedu-Ezekere groupement. In other words,
12 differentiate between groupement and village, because, according to what
13 I've heard in the interpretation, the witness was talking about several
14 groupements. So we have to avoid there being any confusion.

15 MR. FOFÉ: (Interpretation) Yes, your Honour. I'll ask the
16 witness to clarify this, but I actually understood what he said.

17 Q. Chief Manu, you've referred to seven community leaders or
18 worthies, *notables* in French. Are we to understand that these seven make
19 up the Bedu-Ezekere groupement; in other words, the communities that the
20 leaders are in charge of make up this groupement?

21 A. Yes. I say that because these seven community leaders are the
22 seven clan chiefs. In the seven communities, in those seven, you have
23 all the localities.

24 Q. Could you give us the names of those seven *notabilités*,
25 notabilities, that you refer to also as clans? Could you give us their

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1 names?

2 A. Very well. Let's begin with the current king, Jutsi.

3 Q. Please continue. I'm sure that the Prosecutor won't object to
4 our asking that an exhibit be entered into the record.

5 MR. MACDONALD: (Interpretation) I would suggest, actually, that
6 this be filed. We actually had put questions to Chief Manu as regards
7 these seven communities.

8 PRESIDING JUDGE COTTE: (Interpretation) Which exhibit are you
9 referring to?

10 MR. FOFÉ: (Interpretation) DRC-OTP-1038-0053. It's Exhibit
11 number 4 on our list.

12 MR. MACDONALD: (Interpretation) With a reservation.

13 PRESIDING JUDGE COTTE: (Interpretation) Yes. I have just found
14 it in my own file.

15 Prosecutor, what is your reservation?

16 MR. MACDONALD: (Interpretation) Perhaps we can show the exhibit
17 to the witness. He will confirm, and then we will place our reservation
18 next to the notabilité. There are names. It might be necessary to
19 update these. That was all I wanted to say. You'll see, Professor Fofé,
20 on the right-hand side, the first notabilité. There's a name next to it.
21 It might have changed since then. It might need to be updated, because
22 that was 2009.

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

24 I think, Professor, it could be a good idea indeed for this
25 exhibit to be shown on the screen. If anybody has a hard copy, by

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1 chance, then perhaps the witness could be shown the hard copy.

2 MR. FOFÉ: (Interpretation) We do indeed have a hard copy.

3 PRESIDING JUDGE COTTE: (Interpretation) Fine. Good. Well,
4 please make sure that taking a look at the seven names on the list the
5 witness is then asked to say whether the names on the right-hand side are
6 still up-to-date, what they actually correspond to.

7 MR. FOFÉ: (Interpretation) There is one thing, your Honour, I
8 would like to check with the Prosecutor as regards this particular
9 exhibit. Is the Prosecutor able to confirm to us that this exhibit,
10 0053, is linked to the following, 0054, because we have a *recto-verso*.
11 So perhaps if we can have this confirmation from the Prosecutor, it might
12 save time.

13 MR. MACDONALD: (Interpretation) First of all, your Honour - I'm
14 waiting for the five seconds - Exhibit 0054 is part of the interview that
15 the OTP had with the witness. But for our immediate needs, the *verso*
16 side doesn't need to be tendered into evidence, it's only the front side,
17 0053. For the purposes of the case file, when we had the interview, it
18 could well have been that the witness wrote on the back of a sheet of
19 paper, such as he has before him at the moment, and this brings me to
20 point out the witness is currently writing something down. I don't know
21 if he's giving a list of the 25, 29, or 34 localities, but he shouldn't
22 really be doing it now.

23 Secondly, your Honour, I see that the witness has sheets of paper
24 in front of him. That's not for him to take notes during his testimony.
25 I just wanted to say this as a reminder. I don't know what he's actually

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1 doing, but that was just a reminder.

2 So that was in answer to Professor Fofé, but we don't have any
3 objection to 0053 being shown to the witness, but certainly not the
4 reverse side of the paper. Thank you.

5 PRESIDING JUDGE COTTE: (Interpretation) Fine. So as regards
6 the document to be used to save time, it's just 0053 that is to be shown
7 on the screen and a hard copy of which is to be given to the witness, and
8 we make sure that he doesn't have the reverse side, 0054.

9 What is more, Witness, it is true that we and you have to bear in
10 mind certain procedural constraints, and you have before you a blank
11 sheet of paper that is available whenever we need to ask you to write
12 down a name or to provide an annotation that we think is significant, but
13 you are not to be taking notes. I'm assuming that is what you are doing.
14 You are not to take notes in the course of this hearing. These are oral
15 proceedings. We just speak. But perhaps you were quite simply starting
16 to write down the list of the community leaders, the *notabilités*.

17 Professor Fofé, I would ask you to proceed.

18 And, Court Officer, to show us 0053 on the screen. And this
19 exhibit without the reverse side is to be shown to the witness so that he
20 can see it in two different formats.

21 COURT OFFICER: (Interpretation) Professor Fofé, can you confirm
22 the level of confidentiality, please.

23 MR. FOFÉ: (Interpretation) This exhibit can be treated as a
24 public exhibit.

25 COURT OFFICER: (Interpretation) You can see this document on

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1 the screen by pressing PC 1.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
3 Court Officer. I think everybody can see the document on the screen now.
4 Thank you, usher.

5 Professor, please proceed.

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

7 Q. Chief Manu, can you take a look at this list? Take a look at
8 this document. There is the title: "*Les sept notabilités de groupement*
9 *Bedu-Ezekere*," "The seven notabilities or communities, the Bedu-Ezekere
10 groupement." Are you the one who made this list, who drew it up?

11 A. Yes. And I also am the one who signed it. Your Honour, I would
12 ask you to accept my apologies, because I thought that when you asked me
13 the question of this seven *notabilités*, that you wanted me to spell them
14 out letter by letter, and that is why I took a sheet of paper, so as not
15 to make any mistakes in spelling them. So I do apologise for this.

16 PRESIDING JUDGE COTTE: (Interpretation) You are indeed excused,
17 Chief Manu. We thought, and indeed this is what you just confirmed, that
18 this paper was there indeed to help you spell things. Sometimes we need
19 a name to be spelt out to make sure it's correct, especially if it's a
20 complex name. But this has enabled me to provide you with the
21 explanation. And now you know that the sheets of paper are there in
22 order to make things easier for you but not for you to take notes. And
23 that's fine. Now we know you were not taking any notes. So thank you
24 for giving us this explanation.

25 Professor Fofé, please proceed.

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

2 Q. Chief Manu, when was it -- on what occasion did you draw up this
3 document?

4 A. I drew up this document in Entebbe. The Prosecutor wanted to
5 know how many *notabilités* or communities were in the groupement, and
6 that's why I gave the explanation that there were seven and 25 *localité*,
7 localities, 25 or 29. That is why I prepared this document, and here I
8 give the names of the notabilities.

9 Q. Thank you. Chief Manu, you just said that it was when you met
10 with the Prosecutor in Entebbe. Is that the only time that you met the
11 Prosecutor of the International Criminal Court?

12 A. The first time, I met the investigators in Bunia. The second
13 time, I met the Prosecutor in Entebbe. The third time was when I met the
14 Prosecutor in Zombe.

15 MR. MACDONALD: (Interpretation) May I intervene, because the
16 term "prosecutor" is a generic term. Indeed, we did meet Chief Manu in
17 Bunia for the purposes of organisation of the interview that was held a
18 month later in Entebbe. We will say more about that later. And as we
19 know from the video, 1036/0002, Chief Manu met the Prosecutor, in other
20 words, Mr. Moreno-Ocampo, and not myself.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you for that
22 clarification.

23 MR. FOFÉ: (Interpretation) Thank you for the clarification, but
24 we know that a public office is unique and indivisible, and that is why
25 we refer to the function, because, for us, the function is a unique and

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1 indivisible one when we're talking about a public ministry.

2 MR. MACDONALD: (Interpretation) But we're not a public
3 ministry. I'm really sorry. We're the Office of the Prosecutor of the
4 International Criminal Court.

5 PRESIDING JUDGE COTTE: (Interpretation) Please, please,
6 gentlemen. We're not going to embark upon a discussion, and argument on
7 the status and the different functions of the Office of the Prosecutor of
8 this Court.

9 Prosecutor, thank you for your clarifications, but please do so
10 advisedly so as to avoid any reaction from the Ngudjolo Defence team,
11 because it could be felt that even if you are providing assistance or
12 clarification, it might create the impression that you are the one who is
13 testifying rather than the witness.

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

15 Q. Chief Manu, following the clarification that's just been provided
16 by my learned friend Mr. MacDonald, could you briefly, without going into
17 details, just briefly, could you describe to us your meeting with the
18 Prosecutor in Zumbé, with the Prosecutor of the International
19 Criminal Court. Tell us a little bit about what happened, and then we'll
20 come back to the question of the notabilities. But as you are the one
21 who led us into this, we're going to follow you in. So tell us about
22 your meeting with the International Criminal Court Prosecutor in Zumbé.
23 Give us the date, and so on and so forth. Tell us a little bit about
24 this.

25 A. Very well. The Prosecutor came to Bunia, and there we received

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1 the information that the Prosecutor was going to come to Zumbe together
2 with the Chief Lokana Safari, the headmaster of the Zumbe school. We
3 prepared an area at the Zumbe school to greet him, because we heard that
4 he was going to arrive by helicopter. So we got ready to welcome him on
5 the school football pitch. At 9.00 in the morning the first helicopter
6 arrived and landed. On that helicopter there were the security agents
7 and the photographers. On the second helicopter there was the
8 Prosecutor. We greeted him. Chief Lokana Safari, the chief of the
9 groupement, and myself, we greeted him. There was a brief ceremony.
10 During that ceremony we explained to him that during the war
11 Lokana Safari was not there. Lokana Safari confirmed to the Prosecutor
12 that he had not been present during the fighting, at that time that he
13 was some removed from the area. And he explained that currently he was
14 in charge, he was the chief of the groupement. He also said that at that
15 particular moment in time he wanted to hand power to the person who had
16 preceded him, explaining that he was the one who was aware of what had
17 happened at the time. So that is exactly what we did. So there was this
18 ceremonial hand-over to me. There was me, there was the Prosecutor, and
19 all of the other people, including photographers, cameramen. People
20 introduced themselves. After that, we accompanied him to the school
21 football pitch, and after the ceremony, I handed the power back to the
22 current chief. That was at about 11.30.

23 Sometime after that, I showed him the mother of Mr. Ngudjolo, who
24 was present, and I said to him, "Mr. Prosecutor, this is the mother of
25 Mr. Ngudjolo." He greeted her and said that Ngudjolo was there, and he

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1 said that he would pass on greetings from the mother to Mr. Ngudjolo.
2 After that, the Prosecutor said something to the headmaster of the Zumbe
3 school. He said, "I have listened to everything that you have told us.
4 I want to help you with the little means we have so that you can rebuild
5 your school." We greeted -- we said good-bye to him, and he went back to
6 Bunia, the town that he had come from.

7 So those are the detailed explanations I can give you. You asked
8 me to be brief. Thank you.

9 Q. Thank you very much, Chief Manu. All the same, I'm going to ask
10 you two questions, because you have given us some items of information.
11 You just said that you spoke about Mathieu Ngudjolo with the Prosecutor.
12 What did he tell you about Mathieu Ngudjolo? What did the Prosecutor of
13 the ICC say about Mr. Ngudjolo, and what was the reply?

14 MR. MACDONALD: (Interpretation) I shall intervene at this
15 point.

16 MR. FOFÉ: (Interpretation) I think you realise that I am just
17 introducing --

18 MR. MACDONALD: (Interpretation) Let me speak.

19 MR. FOFÉ: (Interpretation) I'll explain. I am telling you that
20 I'm following up on the reply that was given to us by the witness. I am
21 following up. I wish to get some clarification. And at this stage in
22 the process, I think it would be useful for the witness to give us some
23 clarifications before we go any further.

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

25 MR. MACDONALD: (Interpretation) My objection relates to

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1 relevance. What is the relevance of the Prosecutor in the course of his
2 outreach duties going to that place in Ituri and during that trip he met
3 with various parties, various stakeholders, and he made a visit to Zumbe,
4 so be it, a place that is part of this particular trial, but what is
5 really the relevance of what the Prosecutor said? The witness is here to
6 tell us what he knows about a certain period of time; that is to say,
7 2001 and 2003, as Professor Fofé delineated that time. The Prosecutor
8 was not present during the time of the conflict. He was not in that
9 location between 2001 and 2003, and what he may have said really will not
10 allow us to make any progress in terms of coming the truth in the course
11 of this trial. So this is what I have to say.

12 I have nothing to hide. The witness can reply, so be it, but I
13 really think we need to get back to the very purpose of the -- this trial
14 of --

15 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, don't
16 forget that the Chamber, yesterday, decided the part of the video having
17 to do with the remarks made by Chief Manu on the day of that meeting in
18 Zumbe would not be used, would not be tendered into evidence. So I think
19 we need to return to a fundamental principle, that of the oral nature of
20 the proceedings. Now, Professor Fofé has begun the preliminary
21 questions, asking the usual questions about marital status and the like
22 and is now returning to more relevant matters.

23 Now, since we aren't going to be playing the video, the Defence
24 team of Mr. Ngudjolo is asking questions so that the witness will tell us
25 what happened on that day. This is not a detailed account. We have

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1 received a brief account. We do note at page 26 of the realtime
2 transcript, line 8, the witness said that, "Sometime thereafter, I
3 introduced him to the mother of Ngudjolo, and I said to him,
4 'Mr. Prosecutor, Mr. Ngudjolo, whom we've been speaking about, this is
5 his mother.'"

6 And if the Defence team of Mr. Ngudjolo does wish to determine
7 whether the witness remembers the words between him and the Prosecutor
8 and this Court regarding one of the two accused people, this may be of
9 interest to the Chamber. This may be useful information. Professor Fofé
10 may attempt to glean this information, and this is really not out of the
11 ordinary.

12 Professor, ask your question, but remember that
13 Mr. Moreno-Ocampo, the Prosecutor, apparently when he was visiting the
14 place, and it was not really an investigation -- a visit for an
15 investigation, it was more of a ceremonial visit, he did go there and --
16 please go ahead.

17 MR. FOFÉ: (Interpretation) Thank you, Your Honour. Thank you.

18 Q. Chief Manu, please don't be disturbed by the discussions between
19 legal counsel. Please remain calm. My question is as follows: As the
20 Presiding Judge was just reminding us, you made reference to a
21 conversation you had with the Prosecution regarding Mathieu Ngudjolo. Do
22 you remember this discussion you had? What was said to you? Tell us
23 about this discussion that you had about Mathieu Ngudjolo. Please
24 proceed, and please speak slowly, slowly, please.

25 A. Thank you. When the Prosecutor arrived in Zumbe, I welcomed him,

1 and then the chief greeted him and we asked him to speak. The Prosecutor
2 began to speak. He said the following: He had gone to the place -- he
3 had come here, because here massacres occurred. Because of the killings
4 that occurred here and in Ituri, he first arrested Thomas Lubanga because
5 of certain crimes that he had committed that are not acceptable in the
6 international justice system, and then he said that he had also arrested
7 Germain Katanga because of the Bogoro massacre and because of the
8 massacres you, the inhabitants of Zumbe, you were involved, and Ngudjolo
9 also killed people in Bogoro.

10 After giving his speech, well, I was pleased to explain the
11 situation to him, the situation we were in in Zumbe. I slowly explained
12 to him slowly, slowly, slowly. And I finished my explanations. After
13 that, I said to him, "Prosecutor, I am speaking to you as the chief of
14 that village, of this locality. My role is to protect the people who
15 live here, their animals, their possessions. And that is what my work
16 is. I am telling you that Mr. Ngudjolo was not in Bogoro." I explained
17 to him, to him, the Prosecutor, I said to him, "The people who are here
18 in front of you can tell you that Mr. Ngudjolo was not in Bogoro, and I
19 say this before the good Lord." And then I continued. I said to the
20 Prosecutor, "On the day of the war, the battle of Bogoro, there were
21 clouds and we couldn't see the people. People were talking. Some people
22 were saying that it was *apaka* (* phon), others were saying that it was
23 elsewhere. Some people said perhaps it was in Bogoro. We so talked
24 about all of that, and he said to me that I was misleading him, and said
25 to him, "What interest do I have in misleading you? You've made this

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1 trip to come here to Zumbe. I know that you have come here. And if you
2 want to find out the truth, you want to know, you know that Ngudjolo was
3 arrested because the war in Bogoro. If I'm not the one to tell you this,
4 who else can tell you this? I am the leader. I am the protector of the
5 local population, and I can tell you he was not in Bogoro." And we
6 continued the conversation, and then the clouds came. "You see,
7 Prosecutor, this is a blessing, the other day there were clouds, and we
8 couldn't go out because it was so dark." And so we talked about these
9 things, about Ngudjolo. And even other people said the same thing. They
10 said, "We didn't go to Bogoro. Ngudjolo did not go to Bogoro." They
11 even swore before God himself, and even the people from the church, the
12 people who were the leaders of the various churches, they were there, and
13 they said the same things. So there you have it. That is the
14 conversation that we had.

15 When he said that Ngudjolo and Katanga had killed people in
16 Bogoro, I said, "No, that's not what happened. We did not go out." So
17 that is what we said about Ngudjolo.

18 Q. Thank you, Chief Manu. Let us go back to the subject at hand.
19 We were talking about the notables and the clans. What clan is
20 Mathieu Ngudjolo from?

21 A. Mathieu Ngudjolo is from the Njutsi clan, Njutsi. The locality
22 is Likoni.

23 Q. Now, does the witness have a hard copy of the document?

24 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could
25 you please place that exhibit on the screen.

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1 MR. FOFÉ: (Interpretation)

2 Q. Witness, you can see the list of notabilities. Now, just to
3 ensure proper transcription, could you please tell us which notability
4 you are referring to, which number?

5 A. It's number 3.

6 Q. Just to ensure I don't forget, once again I'll go back to that
7 other point about the video and what you were telling us about. You were
8 telling us about the Prosecutor's visit to Zumbe, and I'd like to ask you
9 the following question.

10 Now, during the entire visit of the Prosecutor to Zumbe, because
11 you said some people had come before, you mentioned people -- you said
12 something in Swahili. Was the entire visit filmed?

13 A. Yes. They began by taking photographs at the football pitch.
14 The people who came out of the aircraft before. You see, there were
15 security first, and even the security first from the Congo and the police
16 officers came before. Some even came by way of vehicles. So the ones
17 who were taking photographs took shots even as the Prosecutor's
18 helicopter was arriving. They started to take photographs. He arrived,
19 he got out of the aircraft, and they continued to take pictures even when
20 we went to the place for the meeting. They continued to take
21 photographs. When he went into the plane, even then they were still
22 taking pictures. I don't know whether it was a joke, but I do know that
23 they were taking photographs.

24 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, let us
25 not forget that what is of interest to the Chamber is -- well, thanks to

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1 Chief Manu's presence, is what he is going to tell us here at the
2 hearing. He's going to tell us what he saw, what he heard, what he
3 experienced at the time of the events.

4 Frankly, this exchange that we've been having about the
5 Prosecutor's visit and the photographs that were taken, there is of no
6 interest to us. Please continue.

7 MR. FOFÉ: (Interpretation) Thank you. We are moving towards
8 something in particular.

9 Q. Chief Manu, you have just mentioned Mathieu Ngudjolo's notability
10 or his clan, and what is yours? Which notability do you planning to?

11 A. Number 6, Kpatsi - Ngabu Mandro Emmanuel.

12 Q. Let us travel back in time and focus on the period of time 2001
13 to 2003. Let's us go back in time, 2001 to 2003. What were the duties
14 of the chief of the notability at that time?

15 A. Well, of the seven notable people here, the community leaders or
16 the clan leaders, they represent tradition and protection. They protect
17 people. They protect our tradition. For example, number 1, we wrote
18 Kado. Kado is the leader of the Jutsi group, and the Jutsi have an old
19 person who they -- they guard.

20 And then we have the third one, he, too, has someone who sees
21 over him; the fourth one, there's also someone else; then the fifth, he
22 also has someone, Ngabu Mandro, Emmanuel; the sixth person on the list,
23 he, too, has someone who protects him. Bavi Katana, he, too, has someone
24 who protects him. All these people that I've just mentioned, we call
25 them the *zene* (* phon), or the traditional wise men. They are the ones

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1 who are the keepers of the tradition in our villages. They are the ones
2 -- now, if it's a customary chief, Ngabu Mandro, Emmanuel, may be a
3 customary chief, but you see all these people will be beside him to give
4 him advice, to ensure that things are not (* as interpreted) done. That
5 is their work, their role. The customary chief, the person who leads the
6 groupement, he is the one. He is amongst the seven people here. And
7 amongst these seven people, one person is chosen. For example, we might
8 choose Kado. At that time, Kado would become the leader of all seven
9 notables, and the others, the other people would come together and work
10 together with Kado. Their work would be to keep an eye what is going on
11 in the villages, take care of security and the development.

12 PRESIDING JUDGE COTTE: (Interpretation) I am gesturing you to
13 speak more slowly. Please don't look so downcast. It is a problem that
14 we all have, but I think you were going too fast. What you are saying is
15 of great interest to the Ngudjolo Defence team, obviously, but please go
16 on but more slowly.

17 As I was saying yesterday, I will be tapping on my desk with my
18 pen. Can you hear that? And when I do that, that is a signal; it means
19 slow down. Please go on, you still have four minutes before our break.
20 Please go ahead. We are all ears.

21 THE WITNESS: (Interpretation) I apologise. Yes. So these
22 seven people, these are the senior leaders of this groupement. The
23 entire groupement is led by a single person, and that is why we refer to
24 the area as a groupement. We bring these seven people together into a
25 group to work together to ensure progress, to ensure the safety of the

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1 groupement. If an a famine occurs, if food is in short supply or there
2 are other difficulties or if there are health problems, if the people
3 have health problems, I'll go even further.

4 In our tradition, people may say that a particular person is evil
5 hearted or a person has brought illness, and the people come together and
6 they look at the situation, and they go and determine why the illness has
7 come. Why are there fierce animals coming in the groupement. That is
8 the work that they do.

9 Now, to answer the question that was put to me, I can tell you
10 that their work is to look at the various difficulties and troubles
11 within the groupement and make a report to the chief, and then the chief
12 goes and sees, because, you see, sometimes evil things come into the
13 groupement. So their work is to look at the good things and the bad
14 things in our community. When I say "our community," I'm speaking of the
15 groupement.

16 PRESIDING JUDGE COTTE: (Interpretation) Professor, I think we
17 will have to suspend now, unless you have a question that just calls for
18 yes or no.

19 MR. FOFÉ: (Interpretation) I just wanted to ask for an EVD
20 number for this particular item, if I could, if that is possible.

21 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, I think
22 we can give an EVD number to this document, DRC-OTP-1038-0053, and this
23 is -- actually is the other side of a document, and the witness has been
24 telling us about that.

25 COURT OFFICER: (Interpretation) Thank you. This shall bear the

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1 number EVD-D03-00094, and shall be registered as a public document.
2 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Witness --
3 Chief Manu, we shall now suspend for 35 minutes, and we shall resume at
4 11.35. The Registry will be giving you some paper and a pen so that you
5 can write down the names of the various localities that we were speaking
6 of earlier, the localities within the groupement of Bedu-Ezekere. Please
7 write down these names very legibly, and we thank you in advance. The
8 Court Usher shall escort you to the VWU premises, and during the
9 suspension, you will have some time to rest and to also refresh your
10 memory and write down these various names for us.

11 (The witness stands down)

12 PRESIDING JUDGE COTTE: (Interpretation) We shall now suspend
13 and resume at 11.35 on the dot.

14 Recess taken at 11.00 a.m.

15 On resuming at 11.38 a.m.

16 (Open session)

17 COURT USHER: All rise.

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

19 Court Officer, please bring the witness back into the courtroom
20 with the help of the usher.

21 (The witness takes the stand)

22 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, we have now
23 returned to the courtroom for, more or less, two hours of hearing. Can
24 you hear me properly? I can see you nodding your head, so we shall
25 continue.

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1 Professor Fofé, please proceed.

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

3 Q. Good day once again, Mr. Manu.

4 A. Good day.

5 Q. We're going to continue our exchanges without forgetting the
6 instructions of the Presiding Judge, i.e., to speak very slowly. I am
7 going to be asking you just a few more questions about the groupement,
8 and then we shall go on to the situation of the Bedu-Ezekere groupement
9 during the period that is relevant to this case.

10 Your Bedu-Ezekere groupement is part of which territory?

11 A. The -- it is in the Djugu territory.

12 Q. And you said that the Bedu-Ezekere groupement is part of the
13 Walendu-Tatsi collectivity. Isn't that so?

14 A. Yes.

15 Q. How many collectivities are there in the Djugu territory, and
16 please correct me if I make any mistakes as to -- between the different
17 administrative units. So how many collectivities are there in the Djugu
18 territory, and what are the main towns in each of these collectivities?
19 Please give us that data in a clear manner.

20 MR. KILENDA: (Interpretation) The transcript on
21 Mr. Mathieu Ngudjolo's computer is not working.

22 PRESIDING JUDGE COTTE: (Interpretation) Court Officer and
23 Court Usher, please try and make sure that Mr. Ngudjolo is able to see
24 the transcript during his own witness's testimony.

25 Please proceed, Professor Fofé.

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1 MR. FOFÉ: (Interpretation)

2 Q. Yes, Chief Manu, how many collectivities are in the Djugu
3 territory? Please give their names and possibly give the main towns in
4 each of these collectivities.

5 A. There are 12 collectivities in the Djugu territory. The Lendu
6 have four of those.

7 Q. So just give us the names of the Lendu collectivities, the four
8 Lendu collectivities.

9 A. There is the Walendu-Pitsi collectivity, the main town is Libi;
10 The Walendu-Djatsi collectivity, its main town is Pimbo; then there is
11 the Walendu-Mabendi collectivity, and the main town there is Makofi; the
12 Walendu-Tatsi collectivity with Masumbuko as its main town.

13 Q. Thank you very much, Witness.

14 MR. FOFÉ: (Interpretation) Now, to speed matters up,
15 your Honour, if there is no objection from the Prosecutor, we would like
16 to very quickly present to the witness DRC-OTP-1038-0056, 0056, Exhibit 7
17 on our list.

18 PRESIDING JUDGE COTTE: (Interpretation) This document had not
19 so far been in any way involved in an objection or suggestion of an
20 objection by the Prosecutor, either by e-mail or otherwise.

21 MR. MACDONALD: (Interpretation) Before we do that, the very
22 minor difficulty we have here is that were there two parts to this
23 document. During the interview, the witness initially wrote down the
24 four first items that he's just mentioned, and then in the lower part,
25 well, that part relates to some other aspect of his encounter with the

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1 Prosecutor, so I don't really see any need for repeating what has already
2 been said. We have the full place -- the four collectivities, the four
3 main towns, so I don't see why we have to do this once again. I can, of
4 course, understand my colleague wishes to mention that the witness is
5 here repeating what he already said in another conversation with the
6 Prosecutor. Well, this brings me back to this idea of corroborative
7 evidence. We're saying here that he said something he's already said,
8 and that seems to be the only purpose of this exhibit. But quite
9 clearly, the witness, Chief Manu, did indeed mention the same places and
10 same names, so I don't see any need here. And indeed, let me take this
11 opportunity to say that there are 24 -- 29 other collectivities that we
12 still have to deal with and which will have to be tendered.

13 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, since
14 on the transcript there has already been a record just now, thanks to the
15 help of the witness, the names of the four Lendu collectivities and their
16 main towns, it is not necessary to tender in the written document, the
17 document that was written during the interview with the Prosecutor which
18 covers only what has already been said -- the witness and recorded. We
19 have the four collectivities, the four main towns, and on this piece of
20 paper, handwritten, apparently by the witness during his conversation
21 with the Prosecutor in 2009, as we heard earlier on, the same main towns
22 and the same main collectivities. So all this is perfectly visible to
23 everybody.

24 Now, we don't want to make your task any more difficult, but,
25 yes, indeed, at some moment in time, there will have to be that

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1 clarification.

2 Let's proceed, Professor Fofé.

3 MR. FOFÉ: (Interpretation) Thank you, your Honour. I will go
4 along, needless to say, with your decision. I wanted to avoid things
5 having to be spelled out because on the document it's very clearly
6 written, but when we re-read the transcript, there is some difficulty
7 with just a few words, or at least if that happens, we shall make this
8 known.

9 PRESIDING JUDGE COTTE: (Interpretation) Yes, of course. Do
10 that.

11 MR. FOFÉ: (Interpretation) Perhaps we could check one thing.
12 The head of the -- well, rather, the main town of the Mabenti (* phon)
13 collectivity.

14 PRESIDING JUDGE COTTE: (Interpretation) The Mabendi
15 collectivity, it's main town is Makifi, M-a-k-i-f-i (* as interpreted);
16 the Walendu-Pitsi, well, it's main town is Libi, and a little beyond
17 that, Kpandroma; and the Walendu-Djatsi collectivity, its main town is
18 Pimbo, P-i-m-b-o; the Walendu-Tatsi collectivity, it's main town,
19 Masumbuko. There we are. Let's go on.

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

21 Q. Chief Manu, the main town of Mabendi, is it Makifi? Is there a
22 mistake there? Is it Makifi?

23 A. It's Makofi.

24 PRESIDING JUDGE COTTE: (Interpretation) Yes. We'll note that.

25 MR. FOFÉ: (Interpretation)

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1 Q. Chief Manu, can you give us, and of course just answer straight
2 off-the-cuff, can you estimate the number of Lendu people there are in
3 these various collectivities? Have you any idea of the figure? How many
4 in total are there? How many Lendus in total are there in these four
5 collectivities, any idea?

6 A. No.

7 Q. All right. Now, before forgetting, were you able to list the
8 nine localities that make up your groupement? Did you bring a sheet of
9 paper with that list back with you from the -- from the break?

10 THE INTERPRETER: Interpreter's correction: The 29
11 collectivities -- localities.

12 MR. FOFÉ: (Interpretation)

13 Q. Can we recover the list?

14 THE INTERPRETER: Interpreter's note: The witness had said yes.

15 PRESIDING JUDGE COTTE: (Interpretation) Yes. Court Officer, we
16 asked the witness earlier on to do this little task.

17 Professor Fofé, do you want to see it before it's put up on the
18 overhead projector? Well, then let's put it on the overhead projector.

19 COURT OFFICER: (Interpretation) Could you give us the level of
20 confidentiality, please, Professor Fofé?

21 MR. FOFÉ: (Interpretation) This is a public document.

22 COURT OFFICER: (Interpretation) To see the document, please
23 press "Docu Cam Witness."

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
25 Chief Manu, for having completed this task. We all have this up on the

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1 screen. Does Mathieu Ngudjolo have a screen that is in working order?

2 Yes. The list is called by Chief Manu as being the localities making up
3 the seven notabilities in the Bedu-Ezekere groupement.

4 Do the interpreters also have this document?

5 Professor Fofé, do you want it to be read out?

6 MR. FOFÉ: (Interpretation) Well, that is up to the Bench's
7 wisdom, but what I would like is an EVD number. Now, it's up to you, of
8 course, whether it should be read out or not.

9 PRESIDING JUDGE COTTE: (Interpretation) Well, we believe that
10 we can just give one and a half minutes for everybody to read the
11 document, particularly the Prosecutor. And if there's no particular
12 comment on the part of the OTP, then we won't read out the document, and
13 we will simply allocate an EVD number to it.

14 MR. MACDONALD: (Interpretation) Yes, an EVD number, and if
15 needed, the colleague may come back to this for more details later on or
16 else we will deal with it during the cross-examination. Thank you.

17 PRESIDING JUDGE COTTE: (Interpretation) Fine. So the document
18 is up on the screen so everybody can see it and read it and see that
19 there are seven notables, and in the second column, there are the names
20 of the localities, and Chief Manu has, in fact, added the date of today
21 to the document, and apparently, although we don't see this here, but no
22 doubt he has signed it. Perhaps we could bring the document up a little
23 bit on the screen and see what's down at the bottom there. A little
24 more. Fine.

25 Yes, there is a signature -- date and signature. Court Officer,

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1 please allocate an EVD number to this document.

2 COURT OFFICER: (Interpretation) Thank you, your Honour. This
3 document will bear the EVD number EVD-D03-00095 and is registered as a
4 public document.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

6 Professor, perhaps you have questions to ask about this document.

7 MR. FOFÉ: (Interpretation) No, not for the time being,
8 your Honour.

9 PRESIDING JUDGE COTTE: (Interpretation) Fine. And thank you,
10 Witness, for having prepared this document.

11 MR. FOFÉ: (Interpretation)

12 Q. Chief Manu --

13 MR. FOFÉ: (Interpretation) Perhaps the overhead projector could
14 be lowered.

15 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, perhaps
16 the overhead projector could be lowered, indeed.

17 MR. FOFÉ: (Interpretation)

18 Q. Chief Manu, you were chief of the Bedu-Ezekere groupement between
19 2001 and 2005. You said so, but the period that is relevant to this case
20 is the period 2001 to 2003. In your capacity as the chief of the
21 groupement, were you under the authority of some other public authority
22 of the state, and if so, which?

23 A. Yes. The chief of a collectivity, Tshats' Ngabile.

24 PRESIDING JUDGE COTTE: (Interpretation) This time we would ask
25 you to spell out the name, if you will.

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1 THE WITNESS: (Interpretation) N-g-a-b-i-l-e, Ngabile. Tshats'
2 now, T-s-h-a-t-s'. Tshats'.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
4 Professor Fofé, please proceed.

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

6 Q. Sir, during that period of conflict between 2001 and 2003, how
7 did you operate in relation to the collectivity chief? During that
8 period of war, how did it function? Did you have any relationship or
9 relations with the Chief Ngabile during that period?

10 A. When I became chief, Chief Ngabile was in Masumbuko. When I was
11 appointed, the Djugu chief of territory was sent by the Ministry of
12 Culture and he came there with Chief Ngabile to my appointment ceremony,
13 my investiture. When I began my duties, I didn't have the appropriate
14 documents that officially appointed me in July 2001. I received that
15 letter, the letter of appointment, from the government. Apparently,
16 Chief Ngabile Tshats' has gone back to Masumbuko, i.e., 65 kilometres
17 away from Zumbe. When war broke out, there was no way we could send him
18 the various reports or get them to him.

19 When it was absolutely necessary, the young people and the police
20 would go through the bush, travel through the bush to get to Masumbuko --
21 or, rather, to Logba (* as interpreted).

22 THE INTERPRETER: The Swahili interpreter asks the
23 Presiding Judge whether the witness could repeat the last sentence.

24 PRESIDING JUDGE COTTE: (Interpretation) Yes. Please, could you
25 just repeat the last sentence you uttered for questions of interpretation

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1 when you said that, "When it was absolutely necessary, the young people
2 and the police" -- okay. So please repeat that part of your answer.

3 THE WITNESS: (Interpretation) I was saying this: When it was
4 absolutely necessary, I personally would send a young policeman over,
5 because the groupement did have a local police force, and those policemen
6 would go through the bush and over the hills to get to Loga. I say this
7 because the chief was in Masumbuko, at the boundary between the
8 Hema North and the Hema-Tatsi territories. He left there to go to Loga.
9 And when he was in Loga, when he was there -- or, rather, while he was
10 there, we would send young people from the village so that our reports
11 reached him.

12 MR. FOFÉ: (Interpretation)

13 Q. Thank you, Chief Manu. Now, during that period, 2001 to 2003 --
14 I can even give you a smaller time period. Let's say between -- no.
15 Let's stay with that range. Let's keep it to that range now. So during
16 that period 2001 to 2003, what was the situation in terms of security in
17 your Bedu-Ezekere groupement?

18 A. From the security point of view, let me explain the following:
19 When it got worse, it was difficult for us to get our reports through to
20 the chief. We were faced with that difficulty because we were surrounded
21 by the enemy on all sides. So it was difficult for us to get through to
22 Loga, very difficult.

23 MR. MACDONALD: (Interpretation) I intervene. I take the
24 opportunity because my learned friend is looking at the screen.

25 I think when the witness says what we hear in the interpretation

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1 as being "Logba," that it should actually be "Loga." Perhaps I'm wrong,
2 but perhaps the witness could spell this as, certainly on the Prosecution
3 side, we are having difficulties as regards to this name.

4 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, I could ask
5 you, please, to spell what we are hearing phonetically as "Logba," so
6 that everybody is clear as to what we are talking about. Thank you.
7 When you said, "It was difficult for us to get through to Logba," how do
8 you spell this? L-o, and what comes next?

9 THE WITNESS: (Interpretation) L-o-g-a. Loga.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
11 Please proceed.

12 MR. FOFÉ: (Interpretation)

13 Q. Thank you, Witness. And the enemy surrounding you, who was that?

14 A. The first enemy was the Hema. And then there was a change, it
15 was the UPC, and later the UPDF or even the APC. Let me explain why I'm
16 mentioning the APC here. It's because elements of the APC arrived at
17 that time without any problems. But when they started to extort money
18 from the population, then that was a problem. So that was the enemy:
19 The Hema, the UPC, and Uganda. Those were the three.

20 THE INTERPRETER: Interpreter's correction: To practice
21 extortion on the population.

22 MR. FOFÉ: (Interpretation)

23 Q. Could you tell the distinguished Judges what are the different
24 places, or, if it's the case, localities where the UPC and the UPDF
25 forces were based; in other words, those that were surrounding you and

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1 were causing problems for you.

2 A. We were surrounded by the UPC and the UPDF at the level of
3 Mandro; in other words, in the north. We were surrounded by UPC and UPDF
4 elements in Bunia as well. We were faced with the same situation in
5 Nyakeru; surrounded, in other words, by the same elements. Ditto in
6 Bogoro, in Kasenyi and in Tchomia. As a result of that situation, we had
7 no way of moving around. Bogoro is in the south, Tchomia and Kasenyi in
8 the east.

9 Q. And where is Bunia?

10 A. Bunia is in the west.

11 Q. You referred to Mandro. You used the Swahili term
12 *kaskazini* (* phon), Mandro *kaskazini*. And Bunia is where in relation to
13 your groupement? Could you give us the geographical position in relation
14 to your groupement?

15 A. Bunia is to the west, and Nyakeru as well.

16 Q. And what is there to the north?

17 A. Mandro.

18 Q. And these UPC and UPDF forces, what exactly were they doing
19 during that period, as regards your Bedu-Ezekere groupement?

20 A. We were taken by surprise. When you talk about all those groups,
21 well, I would say we lived together. We gave them pieces of our land.
22 Bunia was our land, and we gave the Bira part of our land in Nyakeru. We
23 gave it to the Hema. We did the same in Bogoro as well.

24 In Kasenyi, I had my own land, and I gave it to the Hema.

25 In Tchomia, the plots of land that belonged to our people were

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1 given to the Hema.

2 THE INTERPRETER: The Swahili interpreter asks the
3 Presiding Judge to ask the witness to repeat his last sentence.

4 THE WITNESS: (Interpretation) We were taken by surprise. We
5 lived together, and all of a sudden a war broke out, and it was a serious
6 one. We didn't know when it was they prepared for that war. Now
7 everybody knows.

8 MR. FOFÉ: (Interpretation)

9 Q. Chief Manu, you've just given your answer, but I would ask you to
10 describe to us what exactly they did. It's an open question. I leave it
11 up to you to speak. You said something in Swahili which I heard, but
12 could you please tell us exactly what happened? What did they do?
13 Describe it to us, slowly.

14 MR. MACDONALD: (Interpretation) Your Honour, I'd like to stand
15 up. I don't speak Swahili, and when my colleague uses Swahili terms with
16 the witness, and it's not anything probably controversial as compared to
17 what we've seen so far with other witnesses, I would like to be able to
18 follow and, if necessary, raise objections concerning possible leading
19 questions. But anyhow, this is the second time my learned friend has
20 been using Swahili terms, citing them from the witness's mouth, and that
21 has to be avoided.

22 I'd also like to remind my learned friend that the interpreters
23 stated in the middle of that answer that, unfortunately, there was
24 something they hadn't caught.

25 PRESIDING JUDGE COTTE: (Interpretation) Yes. We would also

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1 expect the short phrase in Swahili, pronounced by Professor Fofé, be
2 interpreted. So I would ask the Swahili interpreters: When
3 Professor Fofé says something in Swahili, please be good enough to
4 interpret this so that we can all understand.

5 As for the interpreter's intervention asking that the witness
6 clarify something when he referred to Mandro, I thought it was better not
7 at that point to interrupt the witness. He was referring to the fact
8 that they had been taken by surprise. He was saying that they had been
9 living together and all of a sudden hostilities broke out. I didn't
10 think that it was absolutely essential to have that additional element
11 interpreted, which, what is more, could be given now.

12 Anyway, let us proceed.

13 MR. FOFÉ: (Interpretation) Thank you, your Honour. Let me set
14 the Prosecutor's mind at rest. Sometimes even I can't think precisely of
15 the translation of a Swahili word, and you will note that I sometimes use
16 one word, because it's preferable that the official interpreters give you
17 the French equivalent. This is to make sure that things remain
18 authentic. I'm not trying to lead you up the garden path in any way.

19 Q. Witness, I'd like to ask you to describe slowly what happened,
20 what the UPC and the UPDF forces did to your groupement?

21 PRESIDING JUDGE COTTE: (Interpretation) Listen, let's try to
22 simplify things for the interpreters and also try to make sure that
23 everybody is understanding the same thing. Please, in other words, try
24 to avoid this. We've understood what you've just said, and I'd ask you
25 now to proceed.

1 MR. FOFÉ: (Interpretation)

2 Q. Did you understand my question, Chief Manu? So please describe
3 to us, please explain to us what it was they did. What actually
4 happened? What did the UPDF soldiers, the UPDF, do? Tell us slowly.

5 A. Thank you. I'm sorry. Let me explain to you everything that is
6 relevant as regards what happened within my groupement. Over the first
7 few months of that year, people were leaving Bogoro; in other words, in
8 2001. They started with Buy-Sabuni (* phon), a place called Katonie.
9 They started to shoot there without any reason whatsoever. There were
10 people who wanted to know what had happened, and they had difficulties.
11 They were shot at. Shortly afterwards, there were troubles in and around
12 Mandro and people leaving to go to Zumbe.

13 Before that, everybody lived in their own place. But shortly
14 after that, as the situation deteriorated and the Lendu in Bunia were
15 being killed, your Honour, everybody who lived round about Bunia, in
16 other words, Kasongo (* phon) and Sokotso (* phon), which is right next
17 to Bunia at the border with the actual town of Bunia, all of those people
18 fled, and they went up into the hills.

19 In Kasenyi, there were children and men who lost their lives.
20 There were some who fled, and they went up into the hills. There was
21 intense fighting. We didn't want to see the Lendu. It was as if the
22 Lendu had committed the worst possible crime against humanity. Even
23 today as I sit before you, I really don't know where and why the war
24 began.

25 I would describe that war as a sudden bolt from the blue that

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1 hits you as you're asleep at night in your home. The whole of the Zumbe
2 region was affected. Houses were burnt down. People were killed while
3 they were asleep. All of those people in Bogoro, Nyakeru, Kasenyi,
4 Tchomia, Mandro, Bunia, they all fled to go to Zumbe. Zumbe is a small
5 locality as compared to all the others in the groupement.

6 The Prosecutor saw them for himself. He toured in a helicopter.
7 He saw Zumbe. He saw the Zumbe region.

8 I sit here before you today, and I can say that I realise that if
9 Zumbe could be likened to where we are here, then we would start
10 fighting, because everything was there to allow fighting.

11 Let me stress this: The Prosecutor saw what Zumbe was like.
12 It's a locality that is in the bush. The Ugandans attacked us. They
13 made use of helicopters for this. They used all sorts of weapons to
14 attack us. We didn't see the weapons, but we saw the bullets, and we saw
15 people who had been killed by those bullets. That is what happened in
16 Zumbe. It was a mass slaughter.

17 It's difficult for me, actually, to describe what happened.
18 There were children, women who were killed. What had they done to
19 deserve that?

20 Professor Fofé, you're asking me these questions, and you must
21 appreciate that the war in Zumbe meant that people left their territory.
22 Zumbe is a small, insignificant place. Between my village and Zumbe
23 there are just 10 kilometres.

24 I also went to Zumbe. Between Ezekere and Zumbe it's 8
25 kilometres. The people from that collectivity left to Zumbe as well.

1 And then 22 kilometres separate Songo from Zumbe. People from that place
2 went as well to Zumbe. Others as well, Drigi (* phon), Boykom (* phon)
3 on the plain on the border between Kasenyi and Tchomia. They all left
4 over the hills to get to Zumbe. All of those people went to Zumbe. Now,
5 people are talking about Zumbe.

6 Why is so much being made of Zumbe? It's because people who
7 lived within 25 kilometres and beyond left where they lived just to go to
8 this small place called Zumbe. And it's at that point that the wise men
9 from the 29 localities met over a period of several days and they tried
10 to find a solution to the problem. Some of them said, "We can send young
11 people to keep an eye out for the arrival of the enemy," because we
12 really had been under considerable attack. It was the same thing in
13 Zumbe.

14 I told the Prosecutor when he came -- this is what I said to him:
15 "Prosecutor, you're accusing us of having killed people. Can you come to
16 carry out an investigation and take a look? There are so many people,
17 men, women, and children, all thrown into a mass grave." And the
18 Prosecutor said to me that that was not the purpose of his visit. And if
19 he had done that, he would have seen that there would -- that there were
20 many people who had been killed in Zumbe. He continued to say to me that
21 he didn't have any carbon with him. I thought when he was talking about
22 carbon he was talking about carbon copies that you use in a typewriter.

23 Zumbe was affected by all of this, and I wondered why they didn't
24 attack Kinshasa or some other locality. They were just going for Zumbe.
25 I don't know what their objective was.

1 Q. Thank you very much, Chief Manu. You have given us a great deal
2 of information, and we've asked you some questions about all this, and
3 you have touched upon many things.

4 Now, first of all, could you provide us some clarity regarding
5 one particular point. As I listened to you, I noticed sometimes you said
6 Zumbe to refer to the Bedu-Ezekere groupement. Could you explain this to
7 the Judges so that they can understand properly. Sometimes you refer to
8 Bedu-Ezekere groupement as Zumbe?

9 A. No. The Bedu-Ezekere groupement includes several localities and
10 notabilities. Everyone fled his or her village to go stay in Zumbe.
11 That is why I was referred to as Chief Zumbe. The main town of the
12 notability is Ezekere. But Zumbe was chosen because everyone had gone to
13 take refuge there. You see, it is difficult to go to Zumbe. Leaving
14 Bunia you have to go onto the hill, but to get to Zumbe, you have to walk
15 a great deal. You have to walk up the hill and walk down the hill. From
16 Zumbe, you can see Kasenyi by way -- on the side of the lake, and then
17 you can also see Bogoro and Bunia. You can also see Mandro. Zumbe is
18 located on a hill.

19 Experts who have done research -- Zumbe is a locality located
20 1.650 metres altitude in a cold area. So to get to Zumbe, you have to
21 climb mountains and go down them. And the explanations I provided can be
22 summarised as follows: Zumbe was chosen as a central location that
23 everyone fled to. There were children, old people, women. So after the
24 fighting, everyone left Zumbe, and the bad thing is that this is an area
25 where it's very cold. It was important for people to leave their homes,

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1 but you see, it was very cold and the locality was attacked.

2 Another reason that forced people to leave their locality was the
3 famine. That is why the villagers were in the habit of fetching food at
4 a place 10 kilometres away from the village, and these people who went to
5 get food were unlucky. They were caught by the enemy and they were
6 killed. That's what happened in Zumbe.

7 Q. Thank you, Chief Manu. I think you're anticipating what I was
8 going to ask. I wanted to ask you why people were fleeing to Zumbe, and
9 you mentioned the large rocks. I don't see it in the transcript. I
10 don't see it in the interpretation. Could you repeat that part. Could
11 you repeat the part about the large stones, just to make sure that it's
12 transcribed properly. What were the large stones used for?

13 A. Well, on Zumbe hill, there are large stones, rocks. And from far
14 away, you would think that they were large stones, but when you draw
15 closer you see that they were actually house or fortresses. Because to
16 get there, you see there is a small road. If you take one particular
17 position, you can get in from outside. From outside, these large stones
18 really look like stones, but from the inside, well, really it's kind of a
19 fortress where a person can hide. I believe that it was Mother Nature
20 that gave that hill that particular aspect. There's not just one large
21 stone or rock formation. There's several. Also close to a village
22 called Maso (* phon), one finds these stone formations there as well.

23 Each stone has a particular name. There are several. I
24 believe -- I believe God made these rock formations like this. In our
25 part of the world -- we have a kind of rat in our part of the world, and

1 those rats live in these large rock formations, and you can see these
2 rats going into these rock formations. You can also find snakes there.
3 The snakes hide in there.

4 So these are large stones or rocks that God gave to us. It was a
5 blessing or a gift from him. Without these large rock formations, no one
6 could have gotten away. Even today, if you go there, you will see these
7 large rocks. We can show them to you if ever you go to our collectivity,
8 because it's important for you to understand that if the people of Zumbe
9 were saved, it was thanks to these large rocks, these rock formations.

10 In a nutshell, the salvation of the Zumbe people was with those
11 large rock formations. If it had not been for those rocks, we would have
12 all been killed. The fighting began at 5.00 in the morning and continued
13 until 9.00 in the morning. From 10.00, they -- at 10.00, they attacked
14 again and continued until 2.00 in the afternoon. In the night, another
15 attack. So you see, it was these large rock formations that saved the
16 people of Bunia.

17 I can see that it's difficult for you to understand when I give
18 you these explanations. But if the Chamber were to travel to our
19 locality, you would see these large rocks and you would understand.

20 I was very happy to see the Prosecutor personally travel to
21 Zumbe. He visited Zumbe, the surrounding area. He saw the large rocks,
22 but he didn't understand just how important they were.

23 If he had had the time, he could have visited that, but perhaps
24 he thought that he would have been attacked by the people of Zumbe.
25 That's not true, because the people of Zumbe cannot attack anyone. If he

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1 had been able to spend one day in our collectivity, we could have shown
2 him these large rock formations, but he refused. We wanted to show him
3 everywhere around so that he could see the church that was destroyed, the
4 houses, the house that was destroyed, a house with seven bedrooms. I
5 suggested that he visit these places, but he refused.

6 I think I'll leave it at that.

7 PRESIDING JUDGE COTTE: (Interpretation) At this particular
8 point in your testimony, and perhaps Professor Fofé was going to do this,
9 but this is important for us, could you specify exactly which attack
10 you're speaking of? I'm speaking of the attack mentioned at page 56.
11 You said it started at 5.00, continued to 9.00, and then at 10.00, they
12 attacked again until 2.00 in the afternoon. Now, just to be very clear,
13 so it's clear to us, do you remember the date of that attack, even in
14 approximate terms? That's my first question. And then my second
15 question is -- it may seem a bit ridiculous to you, but I'll ask the
16 question all the same.

17 These large rocks that played such an important role - and we are
18 listening very carefully to you - did these rocks save part of the
19 population because they hid amongst these rocks? Was it popular --
20 possible for the population to hide? Was it a kind of a natural
21 fortress, as you said? This is what we would like to know.

22 So those are my two questions, and we await your reply. Thank
23 you.

24 THE WITNESS: (Interpretation) Well, if I've understood your two
25 questions, your Honour, I would give you this reply: The fighting didn't

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1 last just one day -- or, rather -- well, there wasn't just one attack.
2 There were attacks from several places, and the aim was to wipe the
3 locality off the map. I said to myself that perhaps the Hema wanted to
4 attack our collectivity because they didn't have any pasture land. They
5 didn't have any land to put their animals out to pasture. But I was
6 surprised to see UPDF soldiers, UPC soldiers all armed come and attack.
7 And I tell you, they came and attacked us every day. And the most
8 surprising thing was that they even spent the night in our locality one
9 time. But I wasn't present. I was in Beni. They spent the night there.
10 They went into the locality in the morning, they fought us, and they
11 spent the night there.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you. We have
13 understood that you are speaking of numerous attacks, and that when you
14 made reference to certain times, we thought you were talking about one
15 specific attack. But if I've understood correctly, you are now telling
16 us that in actual fact there had been several attacks that occurred in
17 the morning or in the afternoon; is that correct?

18 THE WITNESS: (Interpretation) Yes, that's right, your Honour.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Now, what
20 about these large rocks? Just so that we better understand the role that
21 these large rocks played.

22 THE WITNESS: (Interpretation) Very well. As for your second
23 question about the big rocks, this is what I would tell you: These rocks
24 even exist now. At the time, it wasn't possible to leave Zumbe, so the
25 old people of the village gave us a plan. They said that the children

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1 would go this way, women that way, the young people another way.
2 Everyone received instructions. They were told exactly how they were
3 going to go and hide amongst these large rock formations. These rocks
4 still exist today, and if you were to see them today, you would be
5 astonished, and you would say that God did a great thing for the
6 population.

7 One thing that -- one problem was that it was very cold amongst
8 these rocks. People couldn't stay there for more than a week. That was
9 the only danger with these large rocks. If it hadn't been cold, the UPDF
10 and the UDF (* as interpreted) wouldn't have been able to see us because
11 we could have stayed there for a long time.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Thank you.
13 You have given us the specific information that we were looking for. So
14 these rocks were a kind of natural fortress that allowed the people to
15 hide.

16 Professor Fofé, we shall now continue with this important
17 clarification.

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

19 Q. Witness, I'd like to now move on to something that was mentioned
20 by the Presiding Judge. You said that one time those soldiers from the
21 UPC -- from the UPCF and the UPC had spent the night in Zumbe.

22 THE INTERPRETER: UPDF, correction from the English booth.

23 MR. FOFÉ: (Interpretation)

24 Q. My question is as follows: As far as you know, when did they
25 withdraw? They spent the night there, but when did they withdraw from

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1 your groupement?

2 A. The wise men told me this -- well, you see, I wasn't there. So
3 they went in in the morning, they fought during the morning, and our
4 young people thought that they would leave after the attack, but they did
5 not go off. They stayed. And the next morning, they didn't fight, and
6 they withdrew at that time.

7 However, there's one thing: During the night, they set traps.
8 They spent the night there to set traps, and if you were to walk on --
9 step onto one of those traps, you would lose your leg. If you touched
10 the trap, your hand would be ripped off. So I realised that they were
11 there at night to set these traps everywhere.

12 In the morning, the combatants came to fight, but you see, during
13 the night they placed these traps everywhere. And in our mother tongue
14 we referred to these traps as *kongbe*, and that means take off the leg or
15 rise up the -- or the leg rises up. They were about the size of a
16 doughnut, and they hid these traps in the grass, and they put them
17 everywhere. And if you were so unfortunate as to walk on one of these
18 things, you would lose your leg. And even today we have some people who
19 had lost their leg or their arm. In some cases people grasped these
20 traps out of curiosity and they lost their leg or their arm. So you see,
21 they spent the night there to set these traps.

22 We were looking for them. We thought to ourselves, Where have
23 they gone? But in actual fact, they had spent the night there to lay
24 these traps without fighting, and then the next day they went off without
25 fighting.

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1 After their departure, many people died. There was a great deal
2 of harm done. I'll give you an example: The wife of the chief of
3 another localities was killed. She was killed by one of these traps.
4 And some people died because of these traps, and the bodies were buried
5 in mass graves.

6 I think you've understood what I've told you.

7 Q. Thank you very much, Chief Manu. Could you spell out the word
8 that you used. Kenbe (* phon) I believe you said. Could you please
9 spell that out for us. Could you spell out that word.

10 A. Your Honour, may I have permission to write it out?

11 PRESIDING JUDGE COTTE: (Interpretation) Of course.

12 THE INTERPRETER: Interpreter's correction: The wife of the
13 chief that was mentioned in the previous response was the chief of the
14 Likoni locality.

15 THE WITNESS: (Interpretation) May I go ahead? O-n-g-b-u
16 (* as interpreted). Kongbe, K-o-n-g-b-e.

17 PRESIDING JUDGE COTTE: (Interpretation) Perfect.

18 MR. FOFÉ: (Interpretation) Thank you very much, your Honour.
19 I'm sorry to speak to you. I wanted to ask a leading question of the
20 witness. However, he described what this word meant. He's told us what
21 it means. Now would the Prosecutor --

22 MR. MACDONALD: (Interpretation) He is referring to a mine.

23 PRESIDING JUDGE COTTE: (Interpretation) Indeed. The
24 description that the witness has given us allows us to understand what
25 these objects were.

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1 Please proceed.

2 MR. FOFÉ: (Interpretation)

3 Q. Chief Manu, you have given us a good description of what you
4 referred to as *kongbe*, k-o-n-g-b-e. Are we to understand that these were
5 land-mines?

6 A. I showed them to the French soldiers when they came to our
7 locality, and these French soldiers were part of the group. They were
8 referred to as the Artemis people or group, and they used that term.
9 They -- I can confirm that word.

10 Q. Thank you. We will have an opportunity to look into that.

11 Now, while you were describing the situation in the locality
12 during that period, you mentioned that even helicopters bombed you. What
13 army did these helicopters belong to?

14 A. They were the helicopters of the UPDF.

15 Q. Thank you. So UPDF helicopters. Thank you, Chief Manu. You
16 also said that many people died, and these people were buried in a mass
17 grave. Could you tell us where the mass grave is located?

18 THE INTERPRETER: Correction: These mass graves.

19 THE WITNESS: (Interpretation) These mass graves are in Zumbe,
20 Kavalega II. In Zumbe, there are two or three, and in Kavalega II, there
21 is just one such grave.

22 MR. FOFÉ: (Interpretation)

23 Q. In Zumbe, exactly where is this mass grave located? Exactly
24 where in Zumbe?

25 A. Just beside the place where the Prosecutor came.

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1 Q. And exactly where did he arrive? Where did you greet him?

2 A. Not far from the school, the Zumbe school.

3 Q. You added that you spoke about these mass graves. When you spoke
4 to the Prosecutor of the ICC, what was the Prosecutor's reaction when you
5 spoke to him about the existence of these mass graves not far from the
6 primary school, not far from the place where you greeted him?

7 MR. MACDONALD: (Interpretation) Your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) Sir.

9 MR. MACDONALD: (Interpretation) I think that we've already had
10 this question and there was an answer. There was also mention made of
11 carbon. Once again, we're going back to earlier discussions that the
12 witness may have had, and I don't see the relevance.

13 PRESIDING JUDGE COTTE: (Interpretation) A few moments ago
14 someone made reference to carbon. Let's us be very frank. I don't think
15 it was very clear. Now, I think perhaps if this is the time to seek
16 clarification, let us avail ourselves of that opportunity.

17 Now, Professor Fofé, perhaps it would not be a good idea to dwell
18 too much on matters that don't concern us, the discussions of the
19 Prosecutor during a trip. Now, the respective responsibilities of the
20 Hema community, the Lendu community, other communities, I think we do
21 need to refocus. This maybe of great interest, but I don't think this
22 witness is here to comment upon the choices the Prosecutor made regarding
23 prosecution before the Court.

24 MR. FOFÉ: (Interpretation) I wish to reassure the Chamber. I'm
25 sure you've noticed that we are proceeding in a very rational way. We

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1 have a reason for asking this question. It is to justify certain things.

2 PRESIDING JUDGE COTTE: (Interpretation) And we, too, follow the
3 discussions very closely, as usual. Perhaps even a little more than
4 usual. So please proceed.

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

6 Q. Chief Manu, you said that you had spoken about the existence of
7 these mass graves to the Prosecutor, not very far from the place where
8 you welcomed him. What was the reaction of the Prosecutor?

9 A. The Prosecutor just said -- well, he answered very briefly. I
10 had asked him lengthy questions, saying that there were things that had
11 happened in Europe and that people were looking for gold in the -- under
12 the ground, or even human remains. But he didn't come with his materials
13 to look underground. That in spite of the interest that could have --
14 all we wanted to show him was that people had died there. We were not
15 allowed to excavate them so that he could see them. If we had received
16 permission to do so, we could have done that and found those remains.
17 But what he said was, "No, I didn't come with the appropriate materials."
18 And the person who was his interpreter used the word "carbon." He
19 continued using the word "carbon," and I thought to myself, Well, no. He
20 just didn't want to give any importance to this word "carbon." And
21 afterwards, I found out that he would have had to have that carbon,
22 whatever it is, whether it was metal or whatever. I just thought that
23 when he spoke about carbon, he was speaking about paper, but I was given
24 explanations later on, and I was told that this was a piece of equipment
25 to find out how many people were in the mass grave.

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1 Now, when he apologised, he said he didn't have that equipment,
2 so I shut up because I didn't want to interfere with such -- with the
3 schedule of such an important person. It was up to me just to talk to
4 him about what had happened in the village and so that he could assess
5 the situation there with his own eyes. That was my purpose. That was
6 what was -- what I was aiming at.

7 Q. Thank you, Chief Manu. You have just spoken about the
8 land-mines, and you added that you presented one of these devices to the
9 Artemis French force which had come over. Do you remember, more or less,
10 when that happened, when you showed one of these to those soldiers?

11 A. The land-mine, well, I don't remember exactly the date, but I do
12 know that the French soldiers had reached Bunia and wanted to come and
13 see me. They could come on helicopters or land vehicles, and he -- they
14 even had aircraft that we couldn't see. They were flying at low altitude
15 and made noise and went by very fast indeed. And when they came, I would
16 welcome them, because I do understand some French, and we would talk to
17 them. For me, it was a joy to welcome people who spoke like they did,
18 the French language. Some of them came and spoke English, but I didn't
19 want to speak to them because I might be saying one thing and my opposite
20 party might misunderstand me. There was this risk of misunderstanding,
21 and that is why I liked to speak to people who spoke French.

22 PRESIDING JUDGE COTTE: (Interpretation) Witness, perhaps you
23 could just slow down the pace of your speech, although that generally is
24 the case. Professor Fofé let's refocus, please. We understand that the
25 existence of land-mines is very important for your line of defence, but

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1 let's not get lost in the details. This is a risk right now. Please
2 proceed.

3 MR. FOFÉ: (Interpretation) Thank you, your Honour.
4 Your Honour, to illustrate what the witness has just said, perhaps we
5 could show him document EVD-OTP-00077.

6 PRESIDING JUDGE COTTE: (Interpretation) This is not one of the
7 exhibits you listed, did you? It must have been a previous exhibit; is
8 that right?

9 MR. FOFÉ: (Interpretation) Yes.

10 MR. MACDONALD: (Interpretation) I'm sorry, it's not on the
11 list.

12 PRESIDING JUDGE COTTE: (Interpretation) Yes, I just said that.
13 Yes, I just said that.

14 MR. MACDONALD: (Interpretation) Yes, okay, but couldn't we have
15 so much material --

16 PRESIDING JUDGE COTTE: (Interpretation) That's precisely what
17 we're about to do.

18 MR. MACDONALD: (Interpretation) I believe it's a photograph
19 presented to a previous Prosecution witness that was with the Artemis
20 force.

21 MR. FOFÉ: (Interpretation) Yes. It is number 19 on our list.

22 PRESIDING JUDGE COTTE: (Interpretation) Oh, well I apologise
23 then. Yes, it is a photograph. I'd forgotten to highlight the fact that
24 it bore that EVD number. So it's photograph number 19, Mr. Prosecutor.
25 And before becoming EVD-00077 was DRC-OTP-1036-0548.

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1 Professor Fofé, shall we have this photograph put on the overhead
2 projector since you want to show it to the witness? Or far more simply,
3 just perhaps on the computer screen. Thank you very much, Court Officer.

4 COURT OFFICER: (Interpretation) Please "PC 1" to see the
5 document on the screen.

6 MR. FOFÉ: (Interpretation)

7 Q. Chief Manu, do you see the photograph? Can you tell us what this
8 is and briefly give us some context where this photograph was taken? Who
9 appears on it?

10 A. Yes. The person who is wearing a scarf, an American flag, on his
11 head, that's myself. And the person next to him -- next to me is
12 Kambutso Nopo (* phon). He was my registrar at the secondary court. He
13 was my registrar, my secretary. And the person who is holding the
14 land-line, well, I don't see his face properly, but if it had been
15 clearer, I could have identified him, but now it's been a long time and
16 I've forgotten the faces of many people.

17 MR. MACDONALD: (Interpretation) I'm sorry to interrupt,
18 Professor Fofé, it's just a technical matter, because perhaps to help
19 Chief Manu, we could improve the contrast and the brightness -- that he
20 could recognise this person, unless Professor Fofé wishes to show him a
21 different photograph. If we did that, we might be able to refresh his
22 memory about the identity of this person on this photograph.

23 PRESIDING JUDGE COTTE: (Interpretation) And if Professor Fofé
24 really does want to know what the identity of this person holding the
25 land-line is, and if it is of special relevance to you, then we shall ask

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1 the Court Officer to make the picture more brilliant.

2 We are doing this, Witness, so that you are able, perhaps, to
3 recognise this person. But please don't spend too much time looking into
4 your memory.

5 MR. FOFÉ: (Interpretation)

6 Q. Well, you can take a look at the photograph, but what is
7 essential to us in this photograph is the land-mine.

8 Was this -- well, let me reformulate that. Where was this
9 photograph taken, and what were the circumstances under which it was
10 taken?

11 A. The photograph was taken in Zumbe. This is the chief of the
12 Zumbe locality's house. His name was Kahele. I used to go there from my
13 own house about a kilometre and a half away and spend a bit of time there
14 because there were many visitors who were looking for me and wanted to
15 ask me questions. That is why I went there, so that my secretary could
16 take things down on record. The person holding the land-mine, well, he
17 was called *kongbe* (* as interpreted). There were many land-mines, more
18 than 500. We looked for them. We tried to look for them, and when we
19 found them, we would put them in a stack, and indeed we even took them to
20 Beni. So this person is *kongbe* (* as interpreted), and the other person
21 is me, and the place the photograph was taken was the house of the chief
22 of the locality in the place where you rest, not his living-room. No.
23 He prepared a place where people could rest, and that is where I would
24 welcome people.

25 Q. Thank you, Chief Manu. When you spoke about the attacks that you

1 were the victims of during that period, from 2001 to 2003, you mentioned
2 difficulties, the difficulties to which the -- with which the population
3 was confronted with, where they had assembled in Zumbe. So what were
4 those difficulties? Perhaps you could describe them to us. In
5 particular, you spoke, and let me check this, you spoke about famine,
6 hunger, the fact that the population was hungry. Could you describe to
7 us those types of difficulties faced by the population at the time?
8 A. All right. The person who is asking me questions, well, I think
9 I've been clear. A chief like myself has responsibility for protecting
10 civilians, for protecting citizens, and when those people scream that
11 they are hungry, how will they consider me? When they have no medicines,
12 who will they turn to? When people no longer know where to go because
13 all their houses have been burnt down and the -- and it is very, very
14 cold where they are -- from Lake Albert, the distance is 1650 kilometres,
15 and people have no warm clothes. Well, for the clothes, well, we had no
16 problem because we were used to the cold and we could even go about with
17 very little clothing. Now, the problems with war. First of all, death.
18 Death is a big problem. And someone who loses his father, his child, the
19 chief must come and express condolences, but there was no time to do
20 that. People would weep. All would be weeping everywhere. Some people
21 would say, "I prefer to die than to remain on my own. Who is going to
22 look after me?"

23 These are very serious problems. Today all this has become
24 history, but I would like the Judges to be aware that these were true
25 problems and that I, myself, wanted to flee. If there had been nobody

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1 alongside me to advise me, I would fled. I wouldn't have been able to
2 stand it. Seeing somebody coming to me and saying, "I'm ill. My child
3 is dead." They forgot that they were locality chiefs. We were all
4 together. The locality chiefs, what could they say? What could they
5 give them?

6 See the situation that we find ourselves in? Those were the
7 problems we were facing at the time, very serious problems.

8 MR. FOFÉ: (Interpretation) Your Honour, I can see time is going
9 by, and I will perhaps stop there. But if I may, if I have your
10 permission, I would like the witness to spell a word out. It seemed at
11 one point the names the children -- interpreters had difficulty with the
12 names the witness's children. Perhaps we could ask the witness to spell
13 those names out.

14 PRESIDING JUDGE COTTE: (Interpretation) Yes. The Chamber, too,
15 would have liked a few moments to get details about the particular
16 responsibilities of the notabilities, but go ahead, Prosecutor.

17 MR. MACDONALD: (Interpretation) And if I, too, may -- there
18 were two names mentioned in respect of the photograph Cubo (* phon) is
19 okay. We know who he is. But the two other persons, it might be
20 helpful. *Kongbe* (* as interpreted) and one other person, perhaps they
21 could be spelled out, too.

22 PRESIDING JUDGE COTTE: (Interpretation) Yes, okay. Witness,
23 perhaps you could spell out the name of the person who was holding the
24 land-mine. We heard his name phonetically. We have attentive spelling
25 of it, but we want to be sure that it's right.

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1 THE WITNESS: (Interpretation) Mr. President, I didn't say the
2 name of the person who was holding the *kongbe*. *Kongbe* is the name of the
3 device he was holding. French soldiers call them *mine*, mines. But in my
4 own language we use the name *kongbe*. That is not the name of the person
5 who is holding it. The person in the middle is my secretary. He was
6 part of the court, and his name is Lchubo.

7 PRESIDING JUDGE COTTE: (Interpretation) Lochubo. L-o, and
8 then, can you do that?

9 THE WITNESS: (Interpretation) Let me use my pen to be sure I'm
10 spelling it properly. If I may. There we are. Shall I start?
11 L-c-h-u-b-o. And then the other part of his name Deogratias.

12 PRESIDING JUDGE COTTE: (Interpretation) Yes, fine. Do you now
13 remember the name of the person who is holding the mine? If you don't,
14 we won't ask you to spell it, but Professor Fofé did have two other names
15 that he wanted to have spelt.

16 MR. MACDONALD: (Interpretation) About the same topic, and I'm
17 sorry to interrupt both to you and the court reporters and interpreters,
18 the witness mentioned the name of the person who owned the house, Kahele.
19 There is an asterisk in the transcript. Perhaps that name, too, could be
20 spelt by the witness, with your leave.

21 PRESIDING JUDGE COTTE: (Interpretation) Well, I'm afraid that
22 we won't be able to finish this spelling exercise, but, Witness, the name
23 Kahele, as we've heard it, could you spell it after having written it
24 down, if you want to do that.

25 THE WITNESS: (Interpretation) Yes. K-a-h-e-l-e.

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Professor,
2 which were the two names you wanted to have spelt?

3 MR. FOFÉ: (Interpretation) Well, I'm afraid we really won't
4 have enough time because we have several names. We can start with that
5 perhaps on Monday.

6 Concerning the photograph, the document, 00077, if there's no
7 objection from the Prosecutor, we could show the witness this document,
8 EVD-OTP-00076, and this photograph might help him to see the various
9 persons involved on Monday.

10 PRESIDING JUDGE COTTE: (Interpretation) Yes. Very good idea.
11 On Monday we shall start with the presentation, with this second
12 photograph.

13 Chief Manu, thank you very much for having worked with us today
14 for four hours. We shall meet again Monday afternoon, and then Tuesday
15 morning, and then again Thursday morning. Have a very good weekend.
16 This will be an opportunity for you to rest after this first hearing.

17 Court Usher, perhaps you could escort Chief Manu out of the
18 courtroom.

19 See you on Monday.

20 THE WITNESS: (Interpretation) Thank you very much.

21 (The witness stands down)

22 PRESIDING JUDGE COTTE: (Interpretation) As for the question on
23 the role of notables, well, we'll have to see about that on Monday.

24 Before we go our respective ways, Professor Fofé, this morning we
25 got the assistance of the witness to describe the whole context that --

1 it was interesting to hear about. But on Monday we hope you will be
2 focusing on the facts that are relevant to this case and the issues of
3 potential responsibility of Mathieu Ngudjolo. Is that the case?

4 MR. FOFÉ: (Interpretation) Yes, indeed.

5 PRESIDING JUDGE COTTE: (Interpretation) Well, have a good
6 afternoon's work. Have a nice weekend. Gentlemen, the accused, we shall
7 see you on Monday.

8 The hearing ends at 1.27 p.m.

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