

1 International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra, and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Monday, 29 August 2011
10 The hearing starts at 2.00 p.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
15 Good afternoon, everyone. Good afternoon to the accused persons.
16 Before the witness enters the courtroom, I think it's not necessary for
17 him to be present at this time, but I believe you had a few things to say
18 about the filing that was received today from the Katanga team. Please
19 proceed. You have the floor. Mr. MacDonald.
20 MR. MACDONALD: (Interpretation) Thank you, your Honour. First
21 of all, good afternoon, your Honours. This new filing has been made
22 3133, unless I'm mistaken. We received the filing -- or, rather,
23 notification thereof about an hour ago. Of course, the Prosecution has
24 not had an opportunity to analyse each document in depth, but by way of
25 an immediate reaction I would make reference to Ruling 1665, which is, as

1 you said, your Honour, somewhat of a Bible for us. And I would draw the
2 Chamber's attention as well as the attention of the paragraphs -- the
3 parties and the participants to paragraph 102.

4 Unless I'm mistaken, the Prosecution and the other parties, that
5 is to say, the Ngudjolo team - I'm referring to Mr. Kilenda and
6 company - we were not notified of the request pursuant to section 102.
7 Usually, there is a chart provided with a column, as the Prosecution did,
8 and the parties do have an opportunity to make comments immediately with
9 regard to the filing that the requesting party makes to the Chamber.
10 That's the first point. And ever since September, we have identified --
11 well, two documents and I'll give the references. Document number 11 on
12 their list, DRC-OTP-0165-0816, and also another document,
13 DRC-OTP-0233-0525_R01. These documents are not found on the list of
14 documents that the Defence was intending to use for their defence, and
15 pursuant to your Ruling which specified the dead-line as being the 7th of
16 March, that was the dead-line set, even though these documents may come
17 from a Prosecution disclosure - I no longer have the number of your
18 Ruling - that specified that the 7th of March was to be the dead-line for
19 all Defence documents that they were planning to use for their purposes.
20 And so once again, with all due respect, I would argue that we find
21 ourselves facing a Rule 35(2) situation once again.

22 When the Prosecution began the trial, we provided a list of
23 incriminatory documents that we intended to use to demonstrate, to make
24 our case, to respect our -- the threshold, which is guilty beyond all
25 reasonable doubt. Then there were the two bar table motions and they

1 were documents that were accepted. They were found on the list of
2 incriminatory materials as amended after applications under
3 Regulation 35. The same principle must also apply to the Defence.

4 So I'm making these two references - there may be others, your
5 Honours. I didn't have an opportunity to go through Mr. Hooper's
6 application with a fine-tooth comb. What I would suggest, and my
7 colleagues may have their own opinion and the Chamber may wish to make a
8 ruling later, the Defence should be asked to follow the undertakings or
9 the requirements, rather, of 102. And for new documents that were not on
10 the list, they should make an application under 35. And we could discuss
11 that, and then later we could look at the documents one by one. At the
12 same time we are preparing our cross-examination for upcoming witnesses.

13 The objective, your Honour, of this list of exculpatory documents
14 from the two Defence teams -- and once again, really, there has to be
15 proper notification to the Chamber and the parties, notification of the
16 documents that one plans to rely on to counter the charges -- or, rather,
17 the arguments of the Prosecution. We should be trying to avoid
18 surprises.

19 Secondly, we also have to consider your Ruling, Ruling 1665,
20 paragraph 102. It says that one must notify the parties of the documents
21 that one wishes to introduce by way of a bar table motion. So this
22 afternoon we find ourselves facing, once again - I'll use an
23 expression - dealing -- scrambling to deal with an application that makes
24 reference to 21 different documents and the Prosecution have to look at
25 these documents and decide whether they will object to them or not. This

1 is not an application that we cannot respond to quickly and simply. So
2 that is what I would suggest.

3 I think the Defence should go back and do their homework and they
4 should follow the procedure as it has been stipulated, as they should
5 have done right from the very beginning.

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

8 Mr. O'Shea, I think there's two issues here: First of all, the
9 first issue has to do with lack of knowledge of paragraph 102 of Ruling
10 1665 of the 1st of December, 2009. I think you will be able to tell us
11 whether this is an oversight -- or, rather, was this a disclosure not
12 preceded -- was this done deliberately? That's the first question:
13 Was it an oversight or deliberate -- or was it deliberate?

14 Now, the second point, we have not reviewed this other document.
15 This filing came in late in the morning. This -- these documents, 13 --
16 document -- filing 1333, and this is paragraphs 47 to 49; reference is
17 also made to 0185, 0816, paragraphs 67 to 69; 0232525_R01. In the two
18 cases, could you tell us whether these documents were not to be found on
19 the list. If that is the case, I think most likely you will have to
20 proceed by way of Regulation 35, so two questions that you will have to
21 answer quickly so as not to cut into the time allocated to Witness 88,
22 Chief Manu.

23 MR. O'SHEA: With regard to the first question raised by
24 Mr. MacDonald, the answer is *un oubli*, I'm afraid. He describes 1665 as
25 our Bible, but sometimes practitioners of religion forget to go back to

1 the original texts of the Bible when the gospels become very familiar.
2 And I'm afraid that's the case here. We went ahead with the bar table
3 motion thinking that we were familiar with the procedure and did not go
4 back to 1665 and did not look at that specific aspect of the table. That
5 having been said, I would suggest that we can easily remedy that. My
6 suggestion would be that we put in a table now and we simply give the
7 Prosecution additional time to deal with this matter.

8 In my submission, that would be an appropriate remedy. And I'm
9 sorry for the oversight.

10 So we can probably get this table to Mr. MacDonald, the parties,
11 and the Chamber within the next couple of days, bearing in mind the
12 pressures that we have at the moment. But I think it's a fairly simple
13 task because the details which would normally be in the table are in the
14 motion. It's just not that -- we haven't put it in Tabular form, and we
15 haven't provided a Tabular form in advance of filing a motion. So there
16 is that procedural incongruence there but not one that can't be remedied
17 without prejudice, in my submission.

18 With regard to the second question, the two documents in question
19 are indeed not on the list provided as the list of documents which the
20 Defence intended to rely upon. However, in my submission, when
21 your Honours lay down a rule of that nature, that we should notify all
22 the evidence that we intend to rely upon, it's a request for good faith
23 on the part of the parties, in my submission. It's a request that the
24 parties provide the maximum amount of information that they can as to how
25 they're going to run their Defence. It is not, in my submission, an

1 absolute barrier to later requesting the Chamber to add documents into
2 evidence. Because, naturally, the case develops and one's view of the
3 case develops, and particularly during the course of witness testimony.
4 So this is not really a situation of Regulation 35(2), where we would
5 have to ask for an extension of time for an obligation that we were
6 supposed to fulfil earlier. In my submission, we have fulfilled that
7 obligation of providing the notice as to what evidence they are going to
8 produce, but what -- we have identified further documents subsequently
9 which we feel are useful to our case. And we're submitting those
10 documents for the consideration of the Chamber, for their possible
11 admission.

12 And if the Prosecution wishes to raise the argument that those
13 specific documents should not be admitted into evidence because they did
14 not fall on the list which was originally provided, then they can make
15 that argument in their response to this motion. And your Honours can
16 then make a decision thereon.

17 PRESIDING JUDGE COTTE: (Interpretation) Well, Mr. O'Shea, you
18 too have made reference to our Bible and your ignorance of biblical
19 prescriptions or -- I'm not so sure that the Prosecution would be willing
20 to forgive you for this.

21 Now, the second point: We have always been strict because these
22 two documents apparently were not on the initial list and you should have
23 proceeded by way of a 35(2) application, and we will decide on the point
24 whether you can make use of the documents or not and whether we should
25 review them first. As for the first point, we accept your apologies.

1 You have suggested providing a chart with what we already find in your
2 filing in a more linear form within 48 hours. We are entirely in
3 agreement with that. Between now and tomorrow evening -- well, Wednesday
4 we aren't sitting and I believe the Court is not working, but Thursday
5 noon the document must be provided to the other parties.

6 Prosecutor, once you receive the document, how much time will you
7 need? What would be a suitable dead-line for your observations? You're
8 the main person in question.

9 MR. MACDONALD: (Interpretation) Usually, for example, in the
10 past when we were given such lists, a dead-line of three weeks, two or
11 three weeks, were given to the Defence to revert to us and provide their
12 comments. And after that, we provided a filing, a proper filing, with
13 the chart appended thereto and our observations. We are going to receive
14 the chart, fill out the column indicating our position, whether we're in
15 agreement or whether we're opposing, with explanations and send it to
16 Mr. Hooper. And then he can make a proper filing and then there will be
17 a dead-line 21 days, I would hope -- I believe, your Honour, we're
18 already looking at the documents. We have 21 documents to review. If
19 my -- our colleagues were to give us until next Monday, next Monday by
20 midday, we would be in a position to send back a chart with our comments.

21 PRESIDING JUDGE COTTE: (Interpretation) I will look at all of
22 this with my own daybook right here. So the table will have to be tabled
23 by Thursday, the 1st of September, at 2.00 in the afternoon. And you
24 were speaking of the following Monday? That wouldn't be Monday, the 5th,
25 but rather, the 12th.

1 MR. MACDONALD: (Interpretation) I was thinking of Monday, the
2 5th, to send --

3 PRESIDING JUDGE COTTE: (Interpretation) Very well. Perfect.
4 So Monday, the 5th of September, 4.00 in the afternoon. The Prosecution
5 will send the Katanga Defence team the observations, and the Katanga team
6 will redo their --

7 MR. MACDONALD: (Interpretation) You mustn't forget, I don't
8 know whether this suits with -- Mr. Kilenda because they, too, have an
9 interest. When we submitted our list, it was to both teams, and now the
10 Hooper team is sending a list to us and to the Ngudjolo team. So five --
11 the 5th would be fine by us and --

12 THE INTERPRETER: Overlapping speakers.

13 PRESIDING JUDGE COTTE: (Interpretation) It is true that you
14 are quite busy these days.

15 Prosecutor, if you can keep to that dead-line of the 5th of
16 September, that would be fine. It would allow Mr. Hooper's team to
17 respond, and if Mr. Ngudjolo's team could table by Friday, the 9th, their
18 comments, that would be another dead-line; and then the Katanga Defence
19 team can revert to us once again within a suitable time-line - I'm not
20 going to give an actual dead-line - but as quickly as possible. So the
21 5th and then the 9th, perhaps earlier. Those are the two dead-lines. If
22 you could let us know by -- let us say, Thursday, the 15th of September.

23 Mr. O'Shea, is that all right by you?

24 MR. O'SHEA: Yes.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well. So the 5th

1 for the Prosecution, 4.00 in the afternoon.

2 Mr. Kilenda, Friday, the 9th, 4.00 in the afternoon.

3 Back to the Katanga team, and then the final dead-line is the
4 15th.

5 MR. MACDONALD: (Interpretation) One point, just to make sure
6 that we understand one another properly. The Prosecution will comment
7 only on the documents that are on the list, the 35 -- the Regulation 35
8 documents -- I'm not sure if it's the Regulation or the Rule -- well,
9 it's up to you.

10 PRESIDING JUDGE COTTE: (Interpretation) Indeed. But I believe
11 there's some 20, perhaps 21 exhibits two of -- a number of them have been
12 put into a band, so awaiting a 35 application. Very well. I think we've
13 dealt with that.

14 We'll now bring in the witness, Madam Court Officer, if you
15 could.

16 (The witness takes the stand)

17 PRESIDING JUDGE COTTE: (Interpretation) Good afternoon,
18 Chief Manu.

19 THE WITNESS: (Interpretation) Good afternoon.

20 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear
21 me. We can now begin, or, rather, resume the proceedings. Is that all
22 right by you?

23 THE WITNESS: (Interpretation) Yes. I can hear you just fine.

24 PRESIDING JUDGE COTTE: (Interpretation) Very well.

25 Professor Fofé, you may proceed.

Witness: Witness DRC-D03-P-0088 (Resumed) (Open Session)
Questioned by Mr. Fofé (Continued)

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1 MR. FOFÉ: (Interpretation) Good afternoon, your Honours.

2 Thank you for allowing me to address the Court.

3 WITNESS: WITNESS DRC-D03-P-0088 (Resumed)

4 (Witness answered through interpreter)

5 Questioned by Mr. Fofé: (Continued)

6 Q. (Interpretation) Good morning, Mr. Manu, Chief Manu.

7 A. Good afternoon.

8 Q. Did you have an opportunity to take some rest over the weekend,
9 sir? Are you in fine fettle and able to proceed?

10 A. Yes, I am ready.

11 Q. Just a reminder. Please don't forget to wait five seconds
12 between each question and each answer, and don't forget to speak slowly.

13 Speak in a good, loud voice, as you've been doing, but slowly.

14 Today, I'm going to try to ask you some very specific questions
15 so that you can answer in a very specific manner so that we can make
16 progress because we have many issues to look at with you.

17 MR. FOFÉ: (Interpretation) Your Honour, before we begin, I
18 believe you wanted us to ask some questions about the seven notabilities
19 within the Bedu-Ezekere groupement. Would you prefer me to do that right
20 now? I believe there were some names to be spelled out.

21 PRESIDING JUDGE COTTE: (Interpretation) Well, I think we should
22 ask the questions now, hoping that he has not already answered our
23 questions at the end of Friday morning.

24 Chief Manu, in response to the questions from Professor Fofé on
25 Friday, you mentioned a number of notabilities and you also mentioned the

1 council of wisemen or the council of elders. Could you tell us whether
2 the seven notable people, the seven community leaders, performed
3 oversight duties over people or over a territory, an area. What was
4 their jurisdiction, so to speak? Did they have a duty to oversee people
5 or oversee a territory?

6 THE WITNESS: (Interpretation) Yes, if you don't mind, I'll
7 explain the situation to you. The Lendu-Tatsi collectivity is made up of
8 eight groupements. And these eight groupements include the Bedu-Ezekere
9 groupement, that is right beside Bunia. The other groupements are to the
10 north. And in our groupement, which is called Bedu-Ezekere, we are to
11 the south, south of our collective. The notability of the traditional
12 chief or the clan chief, the seven chiefs, are chiefs of the Bedu-Ezekere
13 groupement, just them. So those seven people or leaders make up a group
14 that works for the development of the Bedu-Ezekere groupement. They
15 can't take care of the Penyi groupement, or the Loga groupement, or the
16 Gili groupement, or the Saliboka groupement, or the Bordu (* phon)
17 groupement, or the Gobi groupement, or the groupement of Chief Pilo.
18 These chiefs just deal with Bedu-Ezekere, just that single groupement.
19 These seven notable people or community leaders make up a group and these
20 seven chiefs have a group of wisemen who help them. The seven work
21 together to deal with problems. These seven wise people make decisions.
22 For example, they will decide that a particular chief is not working well
23 and should be set aside and another chief should be appointed. The
24 chief, or the sultan, as they are referred to, the person might be -- the
25 chief might be weak or a drunkard, so he will be put off to the side by

1 the seven wisemen who are elected by each clan. When there are problems,
2 they will meet and they will say, "Well, we are having troubles in our
3 part of the world. We need to make a decision about something, decide
4 what to do so." When problems occur in Kpatsi or Nzotsi or Nzitsi, they
5 meet. In Nzotsi, they meet -- they meet together -- or, in Nzotsi, the
6 ones in Nzotsi will meet. Each place has its group of wisemen, a council
7 of wisemen, each locality. We mentioned 29 localities. Each locality
8 has its group of wisemen.

9 These seven wisemen, these old men, work in their locality and
10 they form a single group or a council to help the notable, the community
11 leader.

12 Sometimes there are gatherings and all the chiefs - the 29
13 chiefs - gather together and the 27 (* as interpreted) old men come and
14 meet and talk about the community together. They meet and they set up a
15 common programme. This group of notable people, well if I do something
16 crazy, they will get rid of me. They will say, "Well, you made this
17 mistake, you made that mistake." This is the traditional aspect of our
18 community. They take care of old people, people who are disabled -- or
19 even animals. You can't hurt an animal or kill an animal for no reason.
20 If you do that, you will get into trouble. And they also take care of
21 hunting and fishing.

22 So the role of the chief is to talk to the population and say,
23 "Well, listen, this is what the elders have decided we should do."

24 I don't think I'm going to give you any more detail than that. I
25 believe you have understood me.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Now just to
2 make sure I've understood, can we say that a wiseman represents a clan
3 and each clan has several localities? Is that what you're saying? Each
4 wiseman represents a clan which is made up of several localities. Did I
5 understand you correctly?

6 THE WITNESS: (Interpretation) No. I am speaking only about the
7 Bedu-Ezekere groupement. I am simply explaining what prevails in
8 Bedu-Ezekere. The same thing happened in all the other collectivities.
9 In our collectivity, we have seven clans, but in other collectivities,
10 they have more than ten clans. Each clan has a wiseman, and before
11 taking a decision the wisemen of all the clans take a decision. And
12 after the meeting, each wiseman goes back to his clan to report on the
13 decision that has been taken. It may happen that all the wisemen of the
14 seven clans meet and have a meeting of the groupement.

15 And now in answer to your question, I am simply speaking about
16 our own groupement, that is, the Bedu-Ezekere groupement. The same thing
17 applies to the other groupements. For example, in the Chunja (* phon)
18 groupement in the Walendu-Bindi collectivity, they have 77
19 collectivities. And each collectivity has two wisemen at their head,
20 including a leader and a deputy. So each collectivity has four
21 representatives. And if you multiply four by 77, you will have the
22 number of people in the council of wisemen who meet to take decisions.

23 To summarise, when a meeting of the chiefs is convened, each
24 chief arrives with his deputy as well as the secretary of the
25 collectivity. The explanations that I have given you relate to a major

1 assembly, but there are also select committees in the collectivities
2 where people can take decisions. As you are aware, the work of a
3 traditional leader is to take decisions.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Chief Manu,
5 you are helping us to understand. One last question: How are the 29
6 localities divided amongst the seven clans, 29 collectivities, seven
7 clans? How are they divided? Can you remember that?

8 THE WITNESS: (Interpretation) I did not quite understand your
9 question, your Honour.

10 PRESIDING JUDGE COTTE: (Interpretation) We are speaking about
11 your groupement. I believe you told us that there are 29 localities in
12 that groupement and seven clans. Inside every clan there is a certain
13 number of localities. Is it possible for a clan to have just one or two
14 localities? What is the approximate number of localities inside each
15 clan?

16 THE WITNESS: (Interpretation) That is a good question. The day
17 before yesterday, I wrote down the names of the seven notables as well as
18 the names of the collectivities and the clans. There are two localities
19 in my area. Initially, there were four, but they have been reduced to
20 two. If you read the documents that I prepared the day before yesterday,
21 you would understand that -- you will understand each of the
22 collectivities and localities in the Bedu-Ezekere groupement, these are
23 all in the documents I prepared yesterday. In the council, there would
24 be a clan leader representing the clan; that is, a wiseman who is chosen
25 based on the number of clans per locality. If there are six localities

1 in a clan, then each locality will have to designate one wiseman plus one
2 traditional leader who would be accompanied by a traditional guard. So a
3 clan with six localities could present nine notables.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Chief Manu.
5 If we need further clarification later, we are going to revert to you.
6 But we are trying to understand the traditional customary and
7 administrative organisation of your group.

8 Professor Fofé, you can now proceed.

9 MR. FOFÉ: (Interpretation) much obliged, your Honour.

10 I simply would like to point out to the interpreters that it
11 would probably be preferable to distinguish clearly between locality and
12 collectivity because the two concepts are different. However, the
13 questions put by the President have enabled us to understand that a
14 notability can contain many localities.

15 Q. Mr. Witness, I will ask you to spell some names that you
16 mentioned on Friday, beginning with your nickname, Dunjini?

17 A. (No interpretation)

18 Q. It was actually J.

19 MR. FOFÉ: (Interpretation) I wanted to say, Mr. President,
20 usually in Congo they say G for J.

21 THE INTERPRETER: From the English interpretation, we did not
22 have the spelling from the Swahili booth.

23 MR. FOFÉ: (Interpretation)

24 Q. I will also now ask you to spell the three names of your
25 children, beginning by Kreku.

Witness: Witness DRC-D03-P-0088 (Resumed) (Open Session)
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1 A. K-r-e-k-u, Kreku.

2 Q. So K -- it is Karku (* as interpreted). The second name Puve?

3 A. P-u-v-e.

4 Q. Can you spell the name of the primary school, Isula, which is at
5 Lakpa. Please spell the primary school and the place. You gave a name,
6 I believe Isula.

7 A. I was talking about Isura, which is I-s-u-r-a, Isura, I-s-u-r-a.

8 Q. Thank you very much, Chief Manu. I believe there is no
9 difficulty with the other names.

10 MR. FOFÉ: (Interpretation) Your Honour, we also promised to
11 show Chief Manu two photographs EVD-OTP-0077, and then 00076.

12 PRESIDING JUDGE COTTE: (Interpretation) That is document 19 and
13 document 20 on your list of documents.

14 MR. FOFÉ: (Interpretation) That is correct, your Honour.

15 PRESIDING JUDGE COTTE: (Interpretation) 548 and 546. Those are
16 the DRC numbers.

17 Court Officer, can you display those photographs? But I believe
18 you have already shown them, counsel.

19 MR. FOFÉ: (Interpretation) We presented 00076. I believe we
20 should begin with that.

21 COURT OFFICER: Please press "PC 1" to view the document.

22 PRESIDING JUDGE COTTE: (Interpretation) You want to show it
23 once again?

24 MR. FOFÉ: (Interpretation) Yes, just before I move on to the
25 next picture.

1 Q. Chief Manu, you already saw this photograph on Friday and we can
2 see someone holding up an anti-personnel mine. And I believe this is a
3 person whose name you no longer remember. Can you see that person
4 clearly? Otherwise we will move on to the next picture. Now -- but can
5 you begin by telling us once again the location.

6 A. The chief of the Zumbe II locality had built a house at the
7 centre quite close to the market where there were many people. He also
8 built a small house where people could come and rest. You can see the
9 roof of the house. We used to come and rest in this small house and the
10 chief was in the habit of receiving visitors here. I would like to tell
11 you that my house is further down in the Maso locality about 1 kilometre,
12 200 metres away from this place.

13 I therefore wanted to make the distinction between my place of
14 work and my house of residence, so I was in the habit of receiving people
15 in this house that you can see here, and the owner of the house was known
16 as Kachele.

17 Q. Chief Manu, was this a military camp; that is, the location we
18 are referring to?

19 A. This is near the market, and the people that we received here
20 were representatives of the *collectivités* of people who came from Bunia.
21 And they would spend the night near this place. I would like to add that
22 the Bunia dispensary is also close to this house. Opposite me, you have
23 the road to Zumbe, and opposite where I am, you would also find the
24 dispensary. This means that there was no military camp at that location.

25 MR. FOFÉ: (Interpretation) Your Honour, can we move on to the

1 next photograph, 00077.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well.

3 Court Officer.

4 EVD-OTP-00077.

5 COURT OFFICER: (Interpretation) The photograph is already on
6 your screens.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

8 MR. FOFÉ: (Interpretation)

9 Q. Chief Manu, please look at this photograph carefully. Which
10 location is that?

11 A. It is the same location, but we are outside the house. It is the
12 same place but outside of the house. I am present in that photograph.
13 The person in the red shirt is the chief of the Djugu groupement,
14 collectivity of the Walendu-Djati (* as interpreted). His house is in
15 the Yalala camp. And as you know, the Yalala camp is a quarry for
16 minerals, mineral exploitation. And the people who worked in mining in
17 that area lived in the Yalala camp. These are not notables of my
18 collectivities. They are from Walendu-Chachi (* as interpreted), and
19 they were here as war displaced. The person in the suit is the head of
20 the *collectivité* of the Walendu-Djati his name is Butsoro Bulikoko. We
21 buried him the day before yesterday. He's already deceased. His name is
22 Butsoro Bulikoko, head of the locality of Walendu-Tati
23 (* as interpreted). He used to spend the night in my house together with
24 the head of the Yalala camp. The photograph was taken by some French
25 people after I gave them explanations about the presence of several war

1 displaced persons.

2 Q. What about the fourth people (* as interpreted), can you remember
3 his name?

4 A. No, I do not know the name of the fourth person.

5 Q. Thank you very much. Can you spell the name of the leader of the
6 *collectivité* of the Walendu-Djatsi (* as interpreted), Butsoro Bulikoko?

7 A. It is Walendu-Tatsi but Walendu-Djatsi. The name is spelled as
8 follows, B-u-t-s-o-r-o, Butsoro. Bulikoko is B-u-l-i-k-o-k-o, Bulikoko.

9 Q. Thank you very much, Chief Manu.

10 MR. FOFÉ: (Interpretation) And, Court Officer, can you please
11 take down the photograph from the screens.

12 Q. Chief Manu, from 2001 to 2003, were there any military camps
13 within your Bedu-Ezekere groupement?

14 A. No.

15 Q. Last Friday, for the benefit of the Judges, you described the
16 various localities around your Bedu-Ezekere groupement. The UPC and the
17 UPDF you said launched attacks against your groupement from there during
18 that period, that is, 2001 to 2003.

19 My question is as follows: In the past, did you ever have the
20 opportunity to describe that situation or those attacks to any authority?

21 A. When the Prosecutor came to Zumbe, I gave him a report on that.
22 That is when he came to Zumbe.

23 Q. Without going into the details of that attack, because you
24 already talked them on Friday, can you briefly explain to the Judges how,
25 in which way, and by what means did you explain this situation to the

1 Prosecutor of the International Criminal Court.

2 A. Very well. When the Prosecutor came to Zumbe, we had two
3 objectives to which I would like to add a third. The first objective was
4 to inform the Prosecutor that we were in the middle of the conflict,
5 right in the middle of the enemy. Whether it was to the north, the
6 south, or the east, or the west, we were surrounded by the enemy. And by
7 that, I mean that the fighting in our locality came from those four
8 directions that I have just mentioned. We prepared a table which we
9 explained in order to enable the Prosecutor to better understand us. We
10 wanted him to understand that we were surrounded by the enemy. We were
11 not in a position to receive any foodstuffs, any supplies. We could not
12 have any supplies of salt. We explained to him that we were surrounded
13 by the enemy. That was our first objective. Our second objective was to
14 inform the Prosecutor that many people had died in the Zumbe locality,
15 many people died and were buried in mass graves. We wanted to ask him to
16 investigate the situation.

17 Our third objective was to tell the Prosecutor in the presence of
18 the population that Ngudjolo was not in Bogoro. Those were our three
19 objectives. Because, as you know, upon his arrival, the Prosecutor
20 started saying that he had arrested Ngudjolo, he had arrested Lubanga,
21 and Germain Katanga; it was for that reason that we wanted to tell the
22 Prosecutor in the presence of the entire population that Ngudjolo was not
23 in Bogoro. Those were our three objectives and we informed the
24 Prosecutor about that. If you want me to repeat, I will do so.

25 Q. Thank you, Witness. I think we have understood you well.

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1 MR. FOFÉ: (Interpretation) Your Honour, I think that with these
2 explanations we can show Chief Manu the document DRC-D03-0001-0343
3 (* as interpreted). That is document number 11 on our list.

4 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could
5 you please show that document or that exhibit on the screen. I think
6 that is what the witness was referring to a short while ago.

7 COURT OFFICER: (Interpretation) Could you please tell us the
8 level of confidential of the document, Professor Fofé.

9 MR. FOFÉ: (Interpretation) yes, it's a public document.

10 COURT OFFICER: (Interpretation) To view the document please
11 press the button "PC 1."

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Court Officer.

14 MR. FOFÉ: (Interpretation) That is not the document,
15 Court Officer. It is a sketch, the one I am showing you.

16 PRESIDING JUDGE COTTE: (Interpretation) It is a sketch,
17 Court Officer.

18 COURT OFFICER: (Interpretation) Could you please repeat the ERN
19 number, please.

20 PRESIDING JUDGE COTTE: (Interpretation) DRC-D03-0001-0343.

21 THE INTERPRETER: Correction from the English booth: 0347.

22 MR. FOFÉ: (Interpretation) Maybe I am mistaken. Your Honour,
23 we will try to double-check. It is a document which we received from the
24 Prosecutor.

25 PRESIDING JUDGE COTTE: (Interpretation) I have the impression

1 that the Court Usher has displayed the document on his screen.

2 COURT OFFICER: (Interpretation) To view the document, please
3 press "PC 1."

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
5 Court Officer. Thank you, Court Usher.

6 MR. FOFÉ: (Interpretation)

7 Q. Chief Manu, can you see this document? What is it?

8 A. What you see there is what I talked about. I said we had three
9 objectives when we met the Prosecutor. All that you see on the board was
10 written by me. I wrote all of that personally. Later on, I explained
11 what the sketch meant.

12 Q. You talked about this at length. We will not dwell on that point
13 excessively, but I would like you to very briefly talk about this line
14 which leaves or which runs from Bunia, passes through Nyakeru. I can see
15 a line there. What is that all about, a line which starts from Bunia,
16 passes through Nyakeru, Bogoro, Kasenyi, and Tchomia? What is it all
17 about?

18 A. As I explained earlier, you can see Bunia. Further up, you see
19 the UPC, and below you see the UPDF, so that is a trench. On the
20 photograph, I see a yellow mark which runs all the way to the border.
21 This road descends to Nyakeru. And in indicating it. I was trying to
22 tell the Prosecutor that this was the road leading to Kasenyi and we
23 share everything -- in Nyakeru, Bogoro, Kasenyi, and it runs all the way
24 to Datule which is where you see Mandro. We are located to the north,
25 and Bogoro is in the south. Kasenyi is on the east and where you see O

1 is the western part.

2 I told the Prosecutor that this was a road that started from
3 Kasenyi. Can you see where Kasenyi is written? You will also see "UPC"
4 written there. I have drawn a line there which runs to the east. And
5 where you see the figure "33" written, there is a stream there and that
6 stream runs to Uganda. I explained to him that people, that is, soldiers
7 of the UPDF, would come from Uganda and go to Kasenyi. And where you see
8 5, Utsi, it's near Tchomia in the east. Soldiers left Uganda and they
9 went to Tchomia. They left Uganda and they went to Kasenyi, and then
10 they would go up to Bogoro and, later on, moved to Bunia. I showed this
11 itinerary to enable him to understand the situation we were experiencing.
12 Do you see the small arrows? The people of Mandro, Bunia, Nyakeru,
13 Bogoro, Kasenyi, and Tchomia, the arrows show that all these people used
14 to enter Zombe. And under Mandro, I wrote the figure 1 which shows that
15 there are certain notability which joins Mandro and Tchomia. And 2 means
16 that there is another locality which links Tchomia to Kasenyi.

17 THE INTERPRETER: English interpreter apologies, we did not catch
18 the name of the locality.

19 THE WITNESS: (Interpretation) On 3, you have Njutsi which
20 borders Bunia. And a fourth notability is -- well, there is something
21 here which I cannot see very clearly. But you have Jutsi; number 5,
22 Utsi; number 6 which is disclosed -- so these are things which I have
23 already explained to the Prosecutor. I wanted to tell you where we were
24 located in Zombe, from the geographical standpoint. Later on, I provided
25 him with explanations on the battles that took place, the frontiers. I

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1 explained how the UPDF entered Bogoro and I also explained the various
2 positions of the UPDF. You also see the army headquarters. You also see
3 Lagura, Kpatsi, Lagutsi (* phon), and Utsi. We used to hear people sing
4 from those localities. I explained all of that to him using this
5 blackboard. And I wrote down everything on the blackboard. I told him
6 how the 12th Battalion left Kasenyi after Lopondo departed, and I
7 explained to him the itinerary that they followed.

8 MR. FOFÉ: (Interpretation)

9 Q. Thank you, Chief Manu.

10 MR. FOFÉ: (Interpretation) Your Honour, could we have an EVD
11 reference for this blackboard.

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

13 COURT OFFICER: (Interpretation) Thank you, your Honour. The
14 document DRC-D03-0001-0347 shall bear the EVD reference EVD-D03-00096 and
15 shall be filed as public.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
17 Court Officer.

18 Professor Fofé, you have the floor, sir.

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

20 Q. Chief Manu, the Bedu-Ezekere groupement experienced these attacks
21 up to what point in time?

22 A. The very last attack -- well, I cannot provide you with the exact
23 date when it took place. However, it was at the time when the UPDF
24 soldiers came to Zumbe. They fought for the entire day and they even
25 spent the night there. And they laid mines. I have already talked about

1 that. They took up position everywhere. And when they realised that
2 they had accomplished their duty, they went back again. They never
3 returned. I could say that that was the very last attack. They burnt
4 down everything, including my house. They also burnt down the Protestant
5 church. They even destroyed the roof of that church.

6 Q. Did this last attack take place before or after the arrival of
7 the APC soldiers who were chased out of Bunia by the UPC? Was this
8 before or after the fall of Lopondo in Bunia?

9 A. The attack happened after the departure of the APC from Zumbe.
10 At that time, I was personally in Beni, and when I returned, when I
11 arrived at Bolo, the attack took place.

12 Q. So it was after the APC soldiers left Zumbe, when they left Zumbe
13 after the fall of Lopondo in Bunia; is that the case?

14 A. Yes.

15 Q. Chief Manu, were you keeping reports of all these attacks that
16 you experienced?

17 MR. MACDONALD: (Interpretation) Your Honour, I would like us to
18 take note of one thing. My colleague has just put a very leading
19 question when he says: Was it before or after the departure of the APC?
20 That question was not put to this witness, and we are -- apparently, he's
21 taking for granted that this witness is privy to information that was
22 known only to certain witnesses. One thing is certain: It has never
23 been established with this witness when the APC arrived on Zumbe, the
24 time they left, and the various dates. So we are still in the dark. He
25 talked about a journey to Beni, but we have established nothing about any

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1 journey to Beni. I am rising to protest against the suggestive nature of
2 the questions. The foundation of the question has not been established,
3 and so he cannot, therefore, deduct that he can put such questions to the
4 witness or deduce that the witness knows the answers.

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

7 Yes, Professor Fofé, you wanted to say something about the APC
8 and Beni. Please be brief.

9 MR. FOFÉ: (Interpretation) Your Honour, these are themes which
10 we are going to delve further into in the rest of our questioning or
11 examination of this witness. I would like to appeal to the Prosecutor to
12 be patient. We are going to get there, but at this point we can ask
13 questions to Chief Manu about the fall of Lopondo in the town of Bunia.
14 I was thinking, I was thinking that at some point in this case we can
15 consider, we can admit certain facts. I've not yet finished --

16 MR. MACDONALD: (Interpretation) I agree with you,
17 Professor Fofé, the fall of Bunia on the 9th of August is a fact which we
18 have all admitted. But I am reacting to your saying that the -- talking
19 about when the APC left Zombe. We have to agree on the fundamentals
20 first.

21 MR. FOFÉ: (Interpretation) Prosecutor, I don't know whether
22 you are following what we have been saying. Chief Manu has been saying
23 since Friday -- Chief Manu told us about the presence of APC soldiers in
24 Zombe. He has already said that. I would not like to dwell at length on
25 this, but Chief Manu has already said on several occasions that this

1 happened.

2 PRESIDING JUDGE COTTE: (Interpretation) Well, we will all look
3 at the transcript of Friday and on the issue of the APC. As concerns
4 Beni, I do not believe. I think that the witness, on page 26 -- of the
5 French transcript, line 26 stated that:

6 "I was in Beni, personally."

7 We are not -- I think the witness talked about that. We will ask
8 Chief Manu, and we should refrain from leading questions. And if you
9 have to ask questions relating to points which the Prosecution might not
10 agree with, you should please rely on the transcript and quote the
11 relevant excerpts before you put your question. We will now ask the
12 witness to answer this question:

13 Chief Manu, were you keeping reports of all the attacks which
14 were experienced? That was the last question which was put to you by
15 Professor Fofé and the Defence team of Mathieu Ngudjolo. We are waiting
16 for your answer. Thank you.

17 THE WITNESS: (Interpretation) Fine. Your Honour, here is my
18 answer. Here is how we prepared our reports: We sat down with the
19 wisemen of the village as well as the wisemen of the groupement. We
20 adopted a five-stage plan. First of all, we set up a group of wisemen.
21 Secondly, we had representatives of the administration, myself and my
22 men. There was a group of the wisemen and my group. We then designated
23 a group of *rapporteurs*. Everything had to be written down. In addition
24 to that group of *rapporteurs*, we had another group in charge of security;
25 that is, persons living around that area and who kept surveillance of the

1 enemy. Fifthly, there was a group in charge of health care and that
2 group moved around with security officers. We had a group of young
3 people, a group of *rapporteurs*, a group of wisemen, ourselves, and
4 persons in charge of health care. In other words, there were five
5 groups. It was not possible to meet the leader of the entire
6 *collectivité*. The *rapporteur* prepared a report, all the reports, because
7 we had five different groups. Those responsible for preparing the report
8 would submit the said report, they would present it. That report was
9 never publicised, but it indeed existed. I don't know if you've
10 understood me well.

11 MR. FOFÉ: (Interpretation)

12 Q. Chief Manu, as you provide all this information -- since you've
13 provided all this information, we are going to talk about it. You said
14 that there were five committees. Could you please explain to us the role
15 played by each committee. Could you please explain their respective
16 roles and even mention some of the members of each committee so that we
17 can understand how you organised your groupement during that war period.
18 And please do so slowly. Try to speak as slowly as you can.

19 A. Very well. Let me start with the committee of traditional
20 chiefs. That committee was chaired by Mr. Kitoko (* phon). Since we
21 were all there together in Zumbe, the seven notables, they were members
22 of that committee of wisemen. When certain points had to be discussed,
23 we would come together to discuss them. It was a committee of wise, old
24 men who discussed specific matters. And they even issued prohibition
25 orders. During that period of war, there was prohibition of fighting.

1 Anyone who wanted to fight with any person was prohibited, and we would
2 stop them or even detain them. Although there was war at that time, our
3 administration was running smoothly.

4 These old, wise men were responsible or they handle persons who
5 violated the law. During the war time it was -- this was prohibited,
6 insulting other people was prohibited. There was also a ban on sexual
7 relations with your spouse, for example. That was prohibited. It was
8 prohibited to have sexual relations while people were in difficulty. It
9 was taboo. It was also prohibited to take alcoholic drinks. If someone
10 loses his or her child, you cannot go and drink, amuse yourself, and get
11 drunk. So the old, wise men were responsible for the enforcement of
12 these prohibition orders which they had issued. They were in charge of
13 surveillance, therefore, at war time. It was war time and the old, wise
14 men ensured that no one took alcoholic drinks, had sexual relations with
15 their wives, and so on and so forth. All of that was prohibited. And as
16 far as I'm concerned, there was also an administrative committee which
17 was responsible for punishing offences committed -- punishing persons who
18 committed offences. The local police was in charge of local offenders
19 who had to be managed. And when we had a dispute to hear, our secretary
20 would record everything in writing.

21 For example, they would say on such and such a day, such and such
22 a person committed such and such an offence.

23 There was also the drafting committee which recorded all the
24 activities which were implemented on a daily basis. We kept an inventory
25 of everything that was done. Young -- the young people prepared reports

1 on everything done on a daily basis. And these *rapporteurs* included
2 certain persons who were responsible for submitting these documents or
3 reports to the old wise people, old wise men, and provided explanations.
4 And the old wise men would come to tell me about it. There also was a
5 youth committee that conducted patrols within our area so that the enemy
6 could not attack us. Amongst these young people -- amongst these young
7 people, there were some who were in charge of communications. If an
8 enemy got into a particular area, someone would beat the drums and call
9 out to alert people, to alert people. They even used the horns of cows
10 to sound the alarm. And we knew how to interpret these various sounds.
11 There was a special way of using these horns to send out a particular
12 message to someone who was far away. They would call out or beat the
13 drums or make a sound with a cow's horn.

14 There was also a safety, security, group within this youth
15 committee. These young people, if they saw that someone had been
16 injured, they would help him and ensure that he got care. If there's no
17 way of providing him with care, they would await his fate, what was to
18 become of him. These people responsible for security might have even
19 helped an old man move about, an old man who couldn't walk anymore. I
20 don't know whether you've understood all of this, all of my explanations.

21 Q. Please take some time to drink some water. I'll just wait.

22 Chief Manu, could you provide us with the names of people who
23 were working as members of the drafting committee.

24 A. Ngabu Safari. I will give the names one by one. I'll start with
25 Ngabu Safari, drafting committee.

1 Q. Yes, Ngabu Safari. Could you give us the names of any other
2 members of this drafting committee?

3 A. Zulo Vili.

4 Q. Very well. And the last committee that you mentioned. It was
5 the health committee. Was that the case? Was it the health committee?
6 Could you give us the names of the people who were members of the health
7 committee?

8 A. Well, within the health committee there was Mr. Mathieu Ngudjolo,
9 there was a nurse who provided treatment, Talika, Bahati Talika. Within
10 this committee, the health committee -- I've forgotten the person's name.
11 It has left me, but if I remember the name I will give it to you.

12 Q. Very well, Chief Manu. Now, if you remember that name or any
13 other name for all the other committees, if you could please provide them
14 to us. In the meantime, we shall now move on --

15 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, just
16 one question. Last week, mention was made of these various committees,
17 and the witness, in turn, has answered your questions and spoke of these
18 various committees and, more generally, of the -- he's spoken about the
19 administrative organisation of the groupement that he led and the various
20 tasks that the committees took care of. We are wondering, is this being
21 challenged by the Prosecution? If there's any challenge, you can
22 continue your line of questioning, but in terms of the actual structure,
23 the division of tasks amongst the committees, the objective of these
24 various committees, the names of people belonging to the committees, in
25 particular, the name of the person who is of most concern, Mr. Ngudjolo.

1 Now, Mr. Prosecutor, is there any challenge to these facts or is
2 this data accepted?

3 MR. MACDONALD: (Interpretation) The Defence is providing some
4 information, yes, but the Prosecution can't go as far as the Chamber,
5 among other things, for reasons of contradictions between witnesses. And
6 I will limit myself to that since our witness is here with us.

7 PRESIDING JUDGE COTTE: (Interpretation) Very well. We just
8 wanted to check that point.

9 Professor, please continue.

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

11 Q. Chief Manu, you were just telling us about the reports that were
12 drawn up about the various attacks you endured. I won't really dwell on
13 that right now. I'll come back to that later. Now, there was one report
14 about -- one report about an attack that your groupement was subjected
15 to, and we will be getting to that. Chief Manu, last Friday you stated
16 that in response to the unhappiness of your community and the many
17 complaints, you had the idea of taking flight, of fleeing. And I believe
18 I gave an indication to the Prosecution. You said in transcript 299,
19 page 59, line 28; and page 60, as well, line 6, and before that you said
20 that you had been designated chief of the groupement in 2001. You told
21 us that. My question is as follows: Who was the chief of the
22 Bedu-Ezekere groupement before you, before you were appointed or elected
23 to that position, before you became the leader of the groupement, who was
24 the chef, the leader, of the groupement before you, just before you?

25 A. Before me, Pilo Safari and then Lusin Safari. After those two

1 people, I was the one who was designated.

2 Q. So what did your predecessors flee from?

3 A. Everything fled. They went to Gety. A war was going on.

4 Amongst the people within the family of the traditional chiefs, some went
5 to Komanda, some went to Gety. And the traditional chief of the time
6 went to Gety. Some even went to Tchekele. They did not come back ever,
7 they stayed there.

8 Q. You also said on Friday - and you repeated this today - that
9 during that time of war the people were hungry. Your people were short
10 of supplies, all kinds of supplies. What goods were in short supply
11 during that time of war?

12 A. Usually Lendu people eat beans, flour, and so on and so forth.
13 After the battle when people came back home -- well, you see, they had no
14 work. They had no work. And the people who were living all around that
15 area had left their various goods. Some people had lost all their
16 foodstuffs. So what did people do then? Well, they went to get food
17 even at night for their families. And so that is how we came to have the
18 idea of sending young people even towards Gety to get supplies, from
19 Gety -- to go to Gety to get fresh food supplies, such as flour and beans
20 and bring these supplies back. And people who had cattle, goats sold the
21 animals to get food. So we went very far to get food. We had a hard
22 time going as far as Kasenyi. There was fish to be had there, but it
23 wasn't possible to get it where we were. Some people even ate rats.
24 Yes, you would go into the bush and find rats who had just died two days
25 earlier and you would eat the rat. There was no other way to survive.

1 God always looks over his creatures. That's why we always had something
2 to eat. I had a large field with sweet potatoes, and there was a
3 prohibition, you weren't allowed to steal anything. But I let people
4 steal. I didn't do anything about that because people needed to eat.

5 There was a shortage of salt. But, you see, there was something
6 in the soil that could be used as salt. It is something that is -- that
7 you process, that you boil, and it takes the form of salt. That's the
8 product that the local people were using, were eating. And this sort of
9 mud that was processed and became sort of like salt was white in colour.
10 People would eat all kinds of vegetables because they didn't have any
11 food to eat. There wasn't even any cooking oil, so we ate our meals
12 without any oil.

13 Q. So in addition to local products that you mentioned, you also
14 mentioned a shortage of salt and cooking oil. So those were the
15 products - how should I put this? -- so, now, these manufactured goods or
16 these products from the food industry such as salt and cooking oil, in
17 addition to those two goods, what else was in short supply by way of
18 manufactured goods or manufactured food products?

19 A. Counsel, it wasn't possible to get any imported products anywhere
20 in Bunia, in Bogoro. Where could you go to get manufactured goods?
21 Those were products that you would buy in shops, but there weren't any.
22 I could spend a lot of time telling you about this. I could take three
23 hours to explain and my answer to your question. We were surrounded.
24 How could we go somewhere else or go to a shop to buy such products?
25 Cooking oil? Impossible. Bunia was the big town and no Lendu could get

1 there. So where could they go to find such goods? Kpandroma was a Lendu
2 locality 85 kilometres away. How many days would it take to get there?
3 Q. Chief Manu, you said - and I'm making reference to page 36 -- you
4 said that some young people would go as far as Gety to obtain certain
5 goods. How were they able to get to Gety during that time when you were
6 surrounded by the enemy? Which way did they go? How did they manage to
7 get all the way to Gety to get these goods which were in short supply?
8 A. Counsel, it would be better to have an eye-witness. I just said
9 that between Bogoro and the plain there are a number of hills, rugged
10 terrain. There's Manje hill where there are some people who work on the
11 roads. All this to say that there weren't any roads. We would travel
12 around like animals. The Walendu-Bindi collectivity was inhabited only
13 by Lendu people. There were no --
14 THE INTERPRETER: Inaudible.
15 THE WITNESS: (Interpretation) But if you managed to get through
16 a Hema collectivity, you could then go on to a Lendu place and walk
17 through there. People from Beni brought back cooking oil and salt.
18 Since there were no barriers, they were able to go through the bush and
19 get to their destination. You see, we lived together, there are Lendu
20 people, Hema people, and other tribes present. To go to Kpandroma, you
21 have to go through the bush and there are hills, and, for that, we would
22 send brave people to go from Zumbe to Penyi. You absolutely have to go
23 through a Hema location. And if a Hema person needs to go through a
24 particular place, he has to go through a Lendu locality. So all this to
25 say we were living side by side. All the Lendu people who needed to

1 travel more than 200 kilometres away would have to go through a Hema
2 locality. I would say even 10 kilometres. There is a Hema village and
3 right beside it there would be a Lendu village, and so on and so forth.
4 So the peoples lived together in the Djugu territory. But in Irumu there
5 is only Walendu-Bindi. All the five groupement are inhabited by Lendu;
6 that is to say, a Lendu who lives Irumu who goes to Walendu-Bindi can do
7 so easily. He can get all the fresh supplies that he needs. But as far
8 as we were concerned, us Lendus, it was difficult to travel about, it was
9 impossible.

10 MR. FOFÉ: (Interpretation)

11 Q. Thank you, Chief Manu. I would like to ask you a short
12 introductory question before moving on to something else.

13 Chief Manu, do you remember the date on which Lopondo was driven
14 out of Bunia? Do you remember that, the date, the month, the year?

15 A. No, I don't remember. I do know I was in Zumbe. That day we
16 were attacked. The attack came from Mandro and the people who attacked
17 us went by way of Ezekere. The battle started in the morning and
18 continued until 4.00 in the afternoon. I don't remember what day, the
19 day on which that leader was sent away or driven away.

20 Q. What year was it in?

21 A. I think it was in 2002.

22 Q. Try to situate yourself in terms of 2002. There's no controversy
23 about the date, no conflict amongst the parties, but I'd like to ask you
24 to try to cast your mind back and situate yourself. Approximately when
25 was that in 2002?

1 A. I think it was after June. I no longer recall. I don't remember
2 particularly well, but I think it was in 2002.

3 Q. I see. I'm looking at the time. We still have a few moments.
4 Now, you do remember that event, the fall of Lopondo. What did you
5 experience in terms of the people moving about in Zumbe after Lopondo
6 fell, after he was driven out of Bunia? What happened in Zumbe in terms
7 of population movements? I'm not talking about attacks, but rather I'm
8 talking about the movements of various populations. What happened in
9 Zumbe?

10 A. When Lopondo came to Bunia, people said that he was the governor
11 and he was also the chief commander in charge of operations, the chief
12 operational commander. At that time even people who lived in Zumbe would
13 go to Bunia. Unfortunately, the war broke out. Lopondo was driven out.
14 We didn't know. We had heard -- we had heard gun-fire from Mandro.
15 People fell back to the locality called Buyi (* phon). They were fleeing
16 towards Lagura. And that evening we learned from Candip radio, we
17 learned that Lopondo had been driven out of Bunia. When you talk about
18 population movements, I can tell you that the population went into a
19 crisis and the people said: If Lopondo has been driven out, what will
20 become of us? Will we be able to go Bunia? Bunia is a Bira
21 collectivity, and the Bira have fled towards our area and they were
22 trying to find some way to get to Bunia. But during the war, many
23 people, even those who lived in Bunia, had a hard time moving about. The
24 Ugandan operational commander from the UPDF and UPC soldiers kept them
25 from going into Bunia.

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1 Q. Thank you. We will leave it at that for right now and continue
2 after the break.

3 PRESIDING JUDGE COTTE: (Interpretation) We will now suspend.

4 MR. KILENDA: (Interpretation) If you don't mind, a procedural
5 matter. Your order 3131 regarding the visit has been -- has set the date
6 of the 11th, but that falls on a Sunday.

7 PRESIDING JUDGE COTTE: (Interpretation) My goodness, I'm -- I
8 suppose we should say the 12th then, but I would imagine at 4.00 in the
9 afternoon. So yes, of course, the 12th, not the 11th.

10 Thank you, Mr. Kilenda. Thank you for making that point which is
11 useful to everyone.

12 Witness, we will resume in 30 minutes so you will have some time
13 to take some rest, and we will resume and have two more hours of hearings
14 starting at 4.30.

15 Court Usher, thank you.

16 (The witness stands down)

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, that shows
18 just how the concept of a Saturday or a Sunday doesn't seem to exist for
19 anyone anymore.

20 Recess taken at 4.00 p.m.

21 On resuming at 4.31 p.m.

22 (Open session)

23 COURT USHER: All rise.

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

25 Court Officer, please have the witness brought into the

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1 courtroom.

2 Professor Fofé, it is almost five and a half hours now of direct
3 examination of the witness. I believe there is a certain number of
4 points that we have dealt with, the surrounding of Zombe and the
5 groupements; difficulties of getting foodstuff supplies, and so on and so
6 forth. So please, you can now refocus on the charges against our two
7 accused and specifically the one that you are defending. We would be
8 very grateful for that.

9 (The witness takes the stand)

10 PRESIDING JUDGE COTTE: (Interpretation) Can you hear me well,
11 Chief Manu?

12 THE WITNESS: (Interpretation) Yes.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well.

14 Professor Fofé, please proceed.

15 MR. FOFÉ: (Interpretation) Thank you very much, your Honour.

16 MR. O'SHEA: Sorry -- the proceedings. I just -- I'd just like
17 to point out, your Honours, that there might be some corrections that
18 need to be made in the transcripts to some of the names and one
19 significant one that we've identified is Walendu-Bindi which of course
20 should be Walendu-Bindi; or it should be the other way, Walendu-Bindi
21 should be Walendu-Bindi. And I, myself, noticed that the word Tatsi was
22 becoming Djati and Tatsi and Tandi, all sorts of combinations of that
23 word. So that's just something we have to keep an eye on.

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

25 And we would like to ask the Registry to be very careful about

1 the spelling and we have a problem with our Monday hearings because of
2 the time of the hearing, which means that we cannot have an edited
3 version of the transcripts before Tuesday.

4 Professor Fofé, please proceed.

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

6 Q. Chief Manu, to conclude on the issue we were discussing before
7 the break, you stated that during that period of war many people sought
8 refuge in Zumbe. Now, these people who fled the war and took refuge in
9 Zumbe, what was their ethnicity?

10 A. Counsel, Bunia is an area that is inhabited by many ethnic
11 groups, and even today all the ethnic groups of Congo live in Bunia.
12 When I said that we welcomed many people of different origins in Zumbe, I
13 was referring to all the ethnic groups in Ituri which were not allied to
14 the UPC. We even took in a nun. There were people from Equateur,
15 Bandundu, Bakuku (* phon), Kinshasa, all the provinces of Congo. We took
16 those people in. Let me also add that there were people from both north
17 and south Kivu. There were also Hemas in my own house in Zumbe people of
18 Hema ethnicity. We felt that a Hema civilian was not a soldier, so we
19 had Hema civilians in my place. So we had people from all the ethnic
20 groups -- from several ethnic groups in Congo. That is the reason why I
21 said that we welcomed many people.

22 Q. You just said that you even took in even Hemas. Can you give us
23 the names of some of the Hemas that you took into your home in Zumbe
24 after the fall of Loponde in Bunia?

25 A. Very well. There was a Hema man known as Banga. He was living

1 in Kindia. In fact, Mr. Banga is a bicycle repairman. He took refuge in
2 my house. There was a Hema woman who was Mr. Tobi's (* phon) daughter,
3 that is Mr. Tobi who was living in Dele. That woman stayed in my house.
4 Her husband was not in my house, but she was there. I can mention
5 another woman whose name was Baseza. She and her entire family took
6 refuge in my house. Right now, Baseza is in Dele. There is another
7 woman Kabihura. She stayed at my home, and currently she is in
8 Yambi Yaya. There were many of them. It is possible that I might have
9 forgotten some of the other names, but the people that I have just
10 mentioned are still alive. You can even ask them the question and they
11 will give you the answers.

12 Q. I'm going to ask you specific questions so that we can move
13 forward.

14 A. Do you want more Hema names?

15 Q. That's all right. You have already given us the names. I will
16 ask you later to spell them for us, but I wanted to ask you the following
17 question to begin with: If we understood you correctly in this
18 courtroom, you made a distinction between Hema civilians and Hema
19 soldiers. Can you kindly explain that to the Judges, please.

20 A. Counsel, as you know, during the war the term "Hema" did not
21 refer to a soldier. It referred to a person. When you are a traditional
22 leader, you are the leader of the entire population. You are not the
23 leader of animals or plants. You are the leader of everybody, all those
24 who are in your collectivity, whether these people are disabled people,
25 witches, thieves, you are the leader of all those people. So let me

1 repeat the term, "Hema," does not refer to soldiers. We also took in
2 Hema soldiers. They came to attack us, we welcomed them, but they came
3 armed. They came to attack us. We had not invited them, but they came
4 all by themselves to come and attack us. There were also UPDF soldiers
5 who came and attacked us. So let me repeat, when I mentioned the word
6 "Hema," I'm referring to a civilian, an unarmed person who is afraid to
7 die. We received many visitors in our area, even white people. There
8 were white people from France, from England, and they visited us. So I
9 make a distinction between a Hema soldier and a Hema civilian because
10 when you are a traditional leader, you are the leader of everyone without
11 exception. When somebody arrives in the locality bearing weapons, we
12 consider that person as an enemy.

13 Q. Thank you, Chief Manu. Now I will ask you to spell a few names
14 that you mentioned and I believe that was on page 44. You mentioned
15 Banga. Banga is not difficult to spell. You also mentioned the wife of
16 Tubi (* as interpreted) and Tubi is not difficult to spell. But would
17 you please kindly spell Basenza for us.

18 A. It is Baseza, B-a-s-e-z-a, Baseza.

19 Q. Kabihura, can you spell that for us. If you wish to write the
20 name down in order to better spell it, do not hesitate to ask for a sheet
21 of paper.

22 A. I can spell it. It is K-a-b-i-h-u-r-a, Kabihura.

23 Q. And then there was Kabiadu (* phon). Did you mention a name like
24 that, Kabiadu? If yes, please spell it.

25 A. No, I didn't mention any such name.

1 Q. Chief Manu, you also talked about the arrival of APC soldiers in
2 Zumbe and this happened also after the fall of Lopondo in Bunia. I have
3 some questions for you on that. Where did those APC soldiers come from,
4 that is, those who came to Zumbe?

5 A. These were APC soldiers in the Kasenyi plain. They were on the
6 shores of Lake Albert. That is where they were, and so what I'm saying
7 is that those people came from the area of Lake Albert.

8 Q. And who was their commander?

9 A. Their commander was Major Faustin. He was a member of the
10 12th Battalion led by Major Faustin, and he, himself, hailed from
11 North Kivu.

12 Q. Do you remember how many of them were there, approximately? If
13 you don't, then that is no problem.

14 A. Counsel, it would be difficult for me to give you the number of
15 soldiers when -- given that I was the traditional leader. However, I can
16 estimate that there were more than 300 of them. Well, I would estimate
17 their number between 200 and 300, but they were not up to 500. As you
18 are aware, in the middle of a war it is not easy to ask a military
19 commander how many men are under his command. He cannot tell you. So
20 based on my own estimates, there were about 300 of them. They were
21 accompanied by women and children. Some of the women were even pregnant.
22 So I'm not in a position to give you the precise number of soldiers.

23 Q. And approximately for how long did they stay in Zumbe?

24 A. They spent one month and a few days.

25 Q. What did they do while they were in Zumbe?

1 A. Their main objective was to find a way out. They left their
2 property in the Kasenyi hill at the place known as Manje. There is a
3 small wood there. They even left a vehicle there. Their main objective
4 was to find a way out and go to Beni.

5 Q. What did they do to try to find a road to go to Beni? What
6 precisely did they do?

7 A. This is what I know about what happened. They sent me a message,
8 telling me that they were stuck and that it was difficult for them to
9 reach the hill. I sent some young people to fetch them. They spent two
10 days in Lagura. They switched on their communication equipment and had a
11 conversation with Beni as well as other locations in Congo. I noticed
12 that there were many people in Zumbe and that it would not be wise to
13 leave them in Lagura. So I asked them to leave Lagura and to come and
14 settle in Zumbe. I prepared -- we prepared a small area near the school.
15 That is where we received the Prosecutor, and we asked them to build a
16 place there and stay there. With regard to the women and the children,
17 we told the children to go to school because where they were was very
18 cold. One day in the morning Major Faustin - and this is before he
19 died - came to my house and told me the following, "Chief, what are we
20 going to do to retrieve our property and vehicle at the bottom of the
21 hill?" I told him to leave it at that and to try to find a way to leave.
22 Major Faustin decided to go to Bogoro to open up a road and pass through
23 Gety. I said, "No." I told him, "If you go to Bogoro, you are going to
24 meet with the Ugandans and the UPC soldiers. You are going to fight with
25 them and they are going to attack you and chase you right up to here."

1 He did not understand me. He acted like a soldier. He realised that I
2 was not a military commander. He went to Bogoro and he was defeated.
3 And so I realised that he had gone to Bogoro. He attacked Bogoro on two
4 occasions and he was defeated on two occasions. I therefore decided to
5 send some young men to Songolo, where Kandro was a military commander.
6 Kandro was the leader of the Songolo combatants. Kandro had also fought
7 against the Hemas because the Hemas were in the habit of attacking them.
8 Kandro told me that, "if those people that you have are fighters or
9 combatants, send them to me." He sent a group of young people and
10 Major Faustin left with the group of young people and they went right to
11 Songolo. There was a second group that followed them and I personally
12 accompanied them to Songolo. But, there, I found that Major Faustin was
13 not there. He had gone to Singo in the Baviba groupement. I took some
14 of my combatants and we accompanied them during the night right to Singo.
15 I left them there and we returned at night.

16 As you know, there were many people who had been stuck in Zumbe
17 and that they decided to go with this armed group. They went to Gety and
18 to Singo. That is how I was able to be rid of this group. But I would
19 like to point out that when they were in our area, they went and attacked
20 on two occasions and they were defeated on those two occasions. He even
21 asked me to give him his combatants so they should go and fight together
22 and I refused. I told him that they did not have weapons and they could
23 not win. They had nothing to give us. We had helped them to leave and
24 we told them, "Good-bye." That is what I told him. They had complicated
25 my life because they were asking me to provide food for them and for the

1 members of their group. That is the explanation I can give you about
2 that group.

3 Q. Thank you, Chief Manu. Regarding those two attacks carried out
4 by the APC soldiers against Bogoro, was there any reaction against your
5 groupement, that is, by the UPC elements based in Bogoro?

6 A. While they were still in our locality, the situation was calm.
7 No one came to attack because it was known that there were soldiers in
8 that locality. They felt that they could not be attacked because there
9 was a military group in the area, so there were no attacks. Shortly
10 after their departure, I do not know who informed our enemy that there
11 were no longer any soldiers in our area because they came and attacked
12 us. They started shooting in the air from the main road. Two days
13 later, they entered into the locality, and shortly afterwards they left.
14 They came to find out whether the soldiers who had been in our locality
15 had actually left.

16 Q. Chief Manu, with regard to those APC soldiers, you have said that
17 you took them in. You even accompanied some of them right to Songolo.
18 What was their reaction towards you; that is, the attitude of the APC
19 soldiers towards you?

20 A. They did nothing in particular against us, apart from the fact
21 that prior to his departure Commander Faustin left a machine-gun in my
22 home. He said the following, "Chief, I am going away and I would like
23 you to keep my gun." That is what he said. He did not keep it for my
24 own safety. He left the weapon because he believed that if a battle
25 broke out, the weapon -- well, I could use the weapon. I cannot lie. He

1 left that gun in my home. He left and went to Gety, and the people in
2 Gety received him just in the same manner in which they had received
3 Lopondo. Shortly afterwards, a messenger came to tell me that I was
4 being called upon to go to Beni. In Beni, they thanked me for the
5 gesture, and I was given a sum of \$400. That amount was given to me by
6 Lopondo through Kakolele. That amount of money was paid to me. That's
7 what I received from them.

8 Q. We will return to your trip to Beni later on.

9 MR. FOFÉ: (Interpretation) Your Honour, could I have one
10 moment?

11 (Defence counsel confer)

12 MR. FOFÉ: (Interpretation) Your Honour, I would like to state
13 that on page 49, on lines 21, 28 -- or, rather, 27 and 28. Page 49,
14 lines 18, 27, and 28.

15 MR. MACDONALD: (Interpretation) I object. I would like -- I
16 object to my colleague reading the passage. I would like the question to
17 be put again to the witness to avoid any contradiction in the transcript.
18 Maybe the question should be put to the witness again. The witness is
19 here and he should be addressed directly.

20 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, if you
21 think that there is -- that what the witness said is not very clear in
22 lines 18, 21, 23 (* as interpreted), then please put the question to the
23 witness again since he is here, and let us move on and not waste any time
24 on these matters. Please. On line 28, what would you like to have
25 clarified, especially as there might be difficulties of translation or

1 stenography. I would not like to read out the line because it might give
2 rise to an objection. Page 49, line 18, you said.

3 MR. FOFÉ: (Interpretation)

4 Q. Chief Manu, we have an issue with the interpretation of what you
5 said here. You said that Faustin sought your assistance when he decided
6 to go and attack Bogoro. I would like you to repeat the same words which
7 you used, the same words you used. What answer did you give to Faustin
8 when he came to seek your participation in the battle on Bogoro? What
9 did Faustin ask you and what did you say in answer?

10 A. Yes. Professor, Faustin wanted to take the vehicle and other
11 equipment he had left in Kasenyi, but he could not go through Bogoro with
12 that vehicle, because, in Bogoro, there were the UPDF and UPC soldiers
13 stationed there. For that reason, he came to see me in my home, and he
14 told me the following, "My group and myself need to take our property
15 located at the foot of the hill. And for us to be able to carry that
16 property away, we have to attack Bogoro first and foremost." And I told
17 him, "If you attack Bogoro, that is going to cause a lot of problems to
18 us. Please, do not even think of launching such an attack." I dissuaded
19 him, but he did not wish to see my point, since he was a soldier. He
20 forgot that I was the one who had taken him all the way there. He had to
21 understand me but he did not. He made two vain attempts against Bogoro,
22 and I'm saying this before God and I hope you have understood me
23 correctly.

24 Q. Yes, Chief Manu, Faustin asked you something. What did he ask
25 you in order to go and attack Bogoro?

1 A. This is what Faustin said, "I wish to go to Bogoro. Provide me
2 with your young people to accompany us to Bogoro." And this is what I
3 said to him in answer, "No, my young people will not go there because you
4 are not able or you will not be able to pay them."

5 MR. FOFÉ: (Interpretation) Your Honour, we have all heard, that
6 is what Chief Manu said, he talked about young persons and not fighters.
7 On page 49 --

8 PRESIDING JUDGE COTTE: (Interpretation) We would like the
9 Registry, lines 18 of page 49 of the French transcript, that is, the
10 provisional French transcript, please listen to the recording very
11 attentively in order to determine the words which Chief Manu used at the
12 time he was speaking at that point in time. Those words are of
13 importance. You have just obtained some clarification from him, but we
14 still have that excerpt of the provisional transcript before us.

15 Court Officer, it is important for that line, 18, to be listened
16 to very attentively. From, "I took part ...," from that point onwards,
17 it should be corrected.

18 Professor Fofé, let us carry on because I do not see why you
19 cited lines 21 to 23.

20 MR. FOFÉ: (Interpretation) Your Honour, I talked about
21 page 49 --

22 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed.

23 MR. FOFÉ: (Interpretation) Line 18, line 27, and line 28.

24 PRESIDING JUDGE COTTE: (Interpretation) I apologise. 27 and
25 28. Similarly, Court Officer, we would like the recording to be listened

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1 to attentively; that is, lines 26 to 28, to ensure that the words which
2 appear in the transcript are indeed the words which were used by the
3 witness. The final transcript should be sent to us only after these two
4 areas have been double-checked.

5 Professor Fofé, you may proceed.

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

7 Q. Chief Manu, last Friday you stated that given the damage caused
8 by the various attacks on Bedu-Ezekere groupement, the wisemen of your
9 groupement decided to organise the young persons of the locality to
10 protect the community, and you even repeated that as well today.

11 MR. MACDONALD: (Interpretation) Unfortunately, I was probably
12 not very attentive on Friday and I probably missed out a lot of things.
13 I would like you to read out the excerpt of the transcript you are
14 referring to. Thank you.

15 MR. FOFÉ: (Interpretation) Very willingly, Mr. Prosecutor.
16 Please --

17 MR. MACDONALD: (Interpretation) It should be read out to the
18 witness.

19 MR. FOFÉ: (Interpretation) Now, listen, when we read out the
20 transcript, I tried to read it some time ago and the Presiding Judge said
21 I should summarise. And, Mr. Prosecutor, I'm sorry you are not supposed
22 to dictate to me how I am going to carry out my examination-in-chief.

23 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, you are
24 right. The Prosecutor is not supposed to dictate to you how you are
25 going to carry out the examination. The Chamber stated that the Chamber

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1 (* as interpreted) should not be read out in its entirety if quotations
2 are too long. If it is a short quotation which can be read out to
3 clarify things, please go ahead and read it out. And the way you
4 formulate your questions will preclude any interventions of the kind that
5 the Prosecutor has just made. We are referring to the transcript of last
6 Friday, transcript 299. Could you please, if that is possible, tell us
7 the page you are referring to so that we can see the statement that the
8 witness made and that we might not need to read it if we can all turn to
9 that part of the transcript.

10 Professor Fofé, take your time. Take your time.

11 The Prosecutor's raising his hand -- sorry, the witness is
12 raising his hand.

13 Yes, we are listening.

14 THE WITNESS: (Interpretation) Your Honour, give me two minutes.
15 I wish to go put myself at ease.

16 PRESIDING JUDGE COTTE: (Interpretation) Court Officer and
17 Court Usher, could you please lead the witness out of the courtroom. We
18 don't need to go into closed session for that. That will give
19 Professor Fofé time to look for the references of the statements made on
20 Friday by the witness.

21 (The witness stands down)

22 PRESIDING JUDGE COTTE: (Interpretation) The witness's request
23 gives us the opportunity, affords us the opportunity, to put ourselves at
24 ease, like the witness, if you so wish.

25 You have found a reference, I suppose?

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1 (The witness takes the stand)

2 PRESIDING JUDGE COTTE: (Interpretation) Well, Professor Fofé,
3 you were talking about the reference to the witness's statements of last
4 Friday. And since it's not long, you can read it out.

5 MR. FOFÉ: (Interpretation) I'm going to read out what I found.
6 Your Honour, maybe you found something else. Page -- or, rather,
7 transcript 299, page 44, lines 22 to 28.

8 PRESIDING JUDGE COTTE: (Interpretation) That's right.

9 MR. FOFÉ: (Interpretation) I read:

10 "It was at that point in time that the wisemen of the 29
11 localities came together. They met for three days and asked
12 themselves" -- no, let me repeat:

13 "They asked themselves the following question: What is the
14 solution that can be provided to solve this problem? Some of them said:
15 We can send young persons to go and look out for the arrival of the enemy
16 because we have been attacked too much. The same applied -- or, the same
17 happened in Zumbe. I said this to the Prosecutor when he arrived."

18 That's it.

19 MR. MACDONALD: (Interpretation) I would like to repeat the
20 question of Professor Fofé. His question was:

21 "Last Friday" --

22 PRESIDING JUDGE COTTE: (Interpretation) You should try to speak
23 slowly.

24 MR. MACDONALD: (Interpretation) I apologise.

25 Professor Fofé's question is on page 54 of today's transcript

1 from line 21. It reads:

2 "We had decided to organise young people to protect the
3 population ..."

4 So sending out young people to look out for the arrival of the
5 enemy, and given the answer provided by the witness, you find that the
6 two do not tally.

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, you are
8 right. Every word counts here. We have noticed that the turn of events
9 requires us to be very careful. Any question which is predicated on the
10 previous statements made by a witness should start with the exact
11 reference of that statement as made previously by the witness.

12 Professor Fofé, this statement, as it appears on page 49, reads:

13 "We could send young people to go and look out for the arrival of
14 the enemy because we have been attacked too much ..."

15 I think that you should ask your question on that basis. I think
16 we all agree on that.

17 Mr. Prosecutor, you may go ahead.

18 MR. MACDONALD: (Interpretation) You will remember that earlier
19 this afternoon the witness said something similar and I do not dare to
20 paraphrase what he said, but he did talk about surveillance, looking out
21 for the enemy.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you. We should
23 try to refer to the final transcript when asking questions rather than
24 relying on the provisional transcript. So, Professor Fofé and
25 Mr. Kilenda, you should try to rely on the right pages of the transcript.

1 You may proceed.

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

3 The members of my team have given me a second reference of
4 today's transcript, page 32, lines 12 to 15. Page 32 of today's
5 transcript, lines 12 to 13, that said, your Honour, I am going to move
6 on. I don't think this is very important. I will move on. I really do
7 not see what the Prosecutor is objecting to, fundamentally.

8 PRESIDING JUDGE COTTE: (Interpretation) You will understand
9 with me that he attaches utmost importance to every word used, especially
10 when it refers to someone who was called or who could have been called
11 upon to provide weapons. That's it. You may proceed.

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

13 Q. Chief Manu, you talked about wisemen. Is there or was there a
14 particular area where these wisemen would meet?

15 A. Yes. When the wisemen of the village have to meet, they do not
16 go to the market square or to an open area. The wisemen of the village
17 meet in -- at a meeting venue which we call Lo; that is, we, the Lendus,
18 call it Lo. The Lo is a venue for meetings, for discussions. They can
19 even sit in one of their homes to discuss. So the word is Lori. As I
20 was saying, it is a venue for meetings for discussions called Lori. Yes,
21 L-i-r-i. I apologise. I repeat. L-o-r-i, Lori.

22 Q. Was just anybody or everyone authorised to go to that venue?
23 Could strangers, could foreigners, go to that venue?

24 A. There are meetings which can be attended by all the inhabitants,
25 for example, if there is a special problem, a problem of theft, for

1 example, a marital problem, a problem of witchcraft, the members of the
2 community, about 20 of them, for example, can be called upon to
3 participate in the discussion. For example, we are meeting here. There
4 are people who are not speaking but who are simply listening. They are
5 sitting here, for example, like they would sit in the Lori. Similarly,
6 members of the community can be authorised to participate in discussions.
7 So in this courtroom I could say we are sitting in a Lori, and at the end
8 of our discussions, we are going to come up with something concrete.

9 Q. During that time, that war period which ran from 2001 to 2003,
10 why did you use your young people to provide security to your locality?
11 Why did you not turn to the Congolese government, to the Congolese state?

12 A. Well, that is a special question. It will be difficult for me to
13 answer such a question, but let me tell you that for several years now
14 the government of Congo has had good soldiers. In the eastern part of
15 the country, there have been problems, and the soldiers know this.
16 Someone like me, someone from the bush like me, how could I have been
17 able to discuss with the government? The Chief of Staff of the Congolese
18 army was in Kinshasa. Zumbé is under Kinshasa; Kisangani is under
19 Kinshasa. The Rwandans and the Ugandans fought in Kisangani, but the
20 people of Kisangani did not request for assistance. What more of me who
21 was in the bush, what more could I have done?

22 Let me remind you of one thing: Before the trip to Beni, we had
23 a meeting and we signed a report in Bolo. That report was sent to the
24 Government of Congo. Mr. Kisempia was present. The president was
25 present, but they did not provide us with any assistance. What do you

1 want me to say? It was not up to me to request for assistance. That was
2 not my role. They knew very well that the people controlling Zumbe,
3 Kasenyi, and the entire territory of Congo could have done so. I am only
4 a mere chief. What could I say? The governor himself did not say
5 anything, the head of the district, the head of the territory did not say
6 anything. Would I have been able to say anything? Let me remind you
7 that in the days of Mobutu there was a war between the Hemas and the
8 Lendu-Bindis. Mobutu issued an order to Mutawa. Mutawa went there and
9 he restored order. But that is above me, counsel, I could not say
10 anything. I could neither send a letter nor make a phone call. You
11 should understand my situation. It really is a very difficult matter to
12 touch upon.

13 Q. You just mentioned a report that you drew up in Bolo. Was that
14 correct? Do you remember when that was?

15 A. Counsel, I'm not the one who drafted that report. I found
16 that -- well, there were some people who prepared a programme to draw up
17 the report. I had four people who helped me and we found that the work
18 was already ready, were we to contribute by giving our report about the
19 suffering that the population was undergoing. And in Djugu, we were --
20 you see, this is why I wrote -- I added in the report what was important,
21 to tell the government how we were suffering, how our people were dying,
22 how the Ugandans and the Rwandans were invading our area. And I signed
23 the reports, but we did not deal with the government. You see, it was
24 the Congolese government. We wrote a report to that government. I
25 didn't write it all by myself. If I remember correctly, perhaps I was

1 the one who signed the last one, but amongst the various people who made
2 up these councils, I still remember that I did sign as well.

3 Q. We will hark back to that, Chief Manu. For the time being, let
4 us remain in Zumbe. So you had recourse to your young people to ensure
5 that the population would be protected, and these young people, your
6 young people, did they receive any form of military training in your
7 groupement, the groupement of Bedu-Ezekere?

8 A. Professor, no. When I was talking about young people, our young
9 people, I would say that during the battle if they were not there who was
10 going to go and take care of business? Look at how old I am and subtract
11 six years. Do you think I was strong enough to flee through the hills
12 and the other old people? I've just repeated that it was the young
13 people, the brave-hearted young people, who were able to run all day
14 long. I was talking about the young men, the brave ones. I'm not
15 talking about disabled people. They couldn't do anything. That is why
16 I'm telling you that there was no training. The government was well
17 aware of what was going on. They knew where the training centres were,
18 but in our groupement, there were no such cases, no military training.

19 Q. Chief Manu, were these young people brought together in a
20 military camp of some kind? Did they live together in a military camp?

21 A. I just said no, counsel. In the Bedu-Ezekere groupement there
22 never were -- was any military camp. Perhaps the investigators didn't do
23 their work properly. Give them another chance. They can ask the people.
24 There never were any military camps from 2001 to 2003. Of course a war
25 was going on, but there were no camps.

1 Q. Chief Manu, these young people who were defending your community,
2 how old were these young people in approximate terms? How old were they?

3 A. Well, I don't have my advisor with me, the one who is in charge
4 of civil registry matters. You're asking me how old they were? I think
5 you would have to ask someone from the civil registry office. Your
6 Honours, counsel, I must tell you this: These young people were fighting
7 to protect their families, their spouses, their children. They needed to
8 be protected against the enemy. At that time, you might have found some
9 young people aged -- well, 30 years, aged 30. But one little detail --
10 I'll show you a little detail. A pygmy - you could find a young person
11 of 20 age -- of 20 years of age of that size who would be the same size a
12 10-year-old child who might even look like a newborn, a baby. God works
13 many wonders. He ensured that Lendu people would be small in size, and
14 what does that mean? I do remember in 1964 there was a rebellion in the
15 Congo. Some parents gave their children to the rebel movement. They
16 became rebels, and they were killed. No one knows how many Lendus were
17 killed during the rebellion, but why is it that today a Lendu gives his
18 son to go off and -- fighting when there is no government. Some people
19 fought and we asked who fought in a particular place. So that's why
20 when you ask me about children, I don't know what to tell you.

21 PRESIDING JUDGE COTTE: (Interpretation) Now, for this
22 particular Chamber, it is important -- it is important for the Chamber to
23 know exactly what you mean by "young people." We don't want to call upon
24 people from the civil registry office for that information. You said
25 that a person might be aged 30. You referred to some people who were

1 very small in stature, but can you tell us, you must know, you remember
2 I'm sure, what age were these young people? What age category were they
3 in? Did they bear bladed weapons such as knives or spears or machetes at
4 the age of 10 or was it at the age of 20? Are we talking about people
5 between 10 and 20 years of age? That is the assessment that we need from
6 you, setting aside any question having to do with civil registration.
7 The answer is meant for us. We need to know this information. Please
8 try hard. Tell us, approximately what age were these young people, what
9 age category did these young people fall into?

10 THE WITNESS: (Interpretation) Your Honour, I'm delighted, I'm
11 delighted at what you just said. I will tell you this: I don't know
12 everyone's age. I can't be specific about that, but I do know that all
13 the young people had a responsibility if they were married, if they had
14 children. I even said to the Prosecutor -- well, he asked me similar
15 questions, and I called over a young person, and the young fellow came
16 over, and he saw it was a young fellow who was 23 years of age. He had
17 two wives and four children. And I said to the Prosecutor, "Look, look
18 at this child." Your Honour, we have more than 20 localities, and so
19 it's difficult for me to answer that question. One cannot.

20 PRESIDING JUDGE COTTE: (Interpretation) Please, please. We are
21 listening to you with great interest and we have been listening to you
22 for several hours, and we are assessing the responsibilities of the chief
23 of the groupement. You were the chief of the groupement during an
24 extremely difficult period. We have understood just how important it was
25 for you to have these young people who were looking out for the arrival

1 of the enemy, who were protecting the population, and you spoke in very
2 eloquent terms, your testimony was quite stirring. So that shows you
3 were very much taking an interest in the activities of these young
4 people. You must tell us. Think. Cast your mind back. Remember. What
5 was the age of the youngest ones amongst this group and what was the age
6 of the oldest ones? When we talk about young people, we're not talking
7 about people aged 50, unfortunately. I think there is a point or an age
8 limit, so to speak, even in the Democratic Republic of the Congo. After
9 a certain age you are deemed to be an adult, and then after another age
10 you are deemed to be an old man. That is the case in each and every
11 civilisation. So what exactly do you mean by "young people"? Was the
12 lower limit 10 years of age? 8? 15? Tell us, when does one stop
13 becoming a young person in your culture? Please answer us simply. Just
14 give us a very simple, practical answer. This is important to us.

15 THE WITNESS: (Interpretation) Thank you, your Honour. I have
16 understood what you have said. When I was talking about young people, I
17 meant any person who was over 18 years of age. When I said that I
18 couldn't say anything about these events, it's because I really can't
19 make a distinction between a person who already has a wife, if that
20 person, if that man, is necessarily over 18 years of age. Any person
21 who is married in our culture, any man who is married, and whose age is
22 over 18 -- well, you see, the father brings him his bride, his wife, and,
23 you see, they have bracelets, these women. And to my mind, if the person
24 is wearing the bracelet, that means that the person has been integrated
25 into society and can be useful to society.

1 PRESIDING JUDGE COTTE: (Interpretation) So the youngest people
2 within this group, were they over 18 years of age and how -- what was the
3 upward age limit, whether they were married or not? People who were
4 considered to be young but within this group, what was the upper age
5 limit?

6 THE WITNESS: (Interpretation) We would say that even someone
7 aged 33 would be young because such a person could teach the others how
8 to run away and hide in the forest. There were some people between 35
9 and 40 years of age, they taught the other ones how to realise that a
10 danger was present and how to get away. Yes, there were people aged 35
11 to 40.

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

14 MR. FOFÉ: (Interpretation) Thank you.

15 Q. Chief Manu, sometimes you have to give a simple answer to a
16 question. I understand what you're saying, and I realise that in your
17 culture -- well, our culture, often when we give an answer, sometimes we
18 speak in metaphoric ways. But sometimes you have to answer very briefly
19 and specifically. You have answered. I'd like to ask you an even
20 clearer question.

21 Were there child soldiers within your groupement of Bedu-Ezekere
22 during that period?

23 A. There weren't any.

24 Q. Briefly, without going into details, but just to ensure that the
25 honourable Judges can understand this from a cultural point of view, what

1 does your culture say about dealings between -- or rather, involvement of
2 children in war? What are your culture's teachings in this regard?

3 Briefly, could you explain this to the august Bench?

4 A. All children are saviors. You asked me about our culture. I
5 would say that all children are saviors, and that's the case everywhere,
6 in all countries. When a father sees his son having trouble, he only can
7 help him -- we were talking about Ngabu Ngally, about a shield. In our
8 culture we say this: You have to build a shield in keeping with the size
9 of the person. You can't give a big shield to a small person, for
10 example, that's impossible. We also say that you aren't going to swim
11 with people who aren't the same age as you. A woman cannot go and swim
12 with a little girl. A man can't swim with a little boy.

13 Q. Now, in your culture do children take part in war?

14 A. No, that is forbidden. If a child dies in battle, the chief, the
15 traditional chief, will be accused; and the Lendu are very strict about
16 that. It is forbidden. A child cannot go off and fight a lion or a
17 leopard. A child has to be valiant to do such a thing.

18 MR. FOFÉ: (Interpretation) Your Honour, I believe that there's
19 a problem with page 66, line 2. One of my colleagues has alerted me to
20 this. There is a problem with the transcript. We will check this point.

21 PRESIDING JUDGE COTTE: (Interpretation) Very well. I can read
22 line 2 here and I see -- and I really don't see anything that I didn't
23 hear.

24 MR. FOFÉ: (Interpretation) We will double-check that point,
25 your Honour.

1 Q. Chief Manu, before we go on, I would like to ask you if you could
2 participate in a little exercise with us. When you were talking about a
3 young man of 30, you gestured. You said that you could see a boy of 30
4 years of about this size and you gestured. Could you take some physical
5 object as a reference, perhaps even the Bench here? Now, what did you
6 mean when you said a 30-year-old person would be this size and then you
7 made a gesture? Could you help us so that this can be transcribed
8 properly or recorded properly.

9 A. Counsel, I explained that using gestures. I explained why. I
10 know why I did that. Some people invaded the Lendu community's soldiers.
11 Investigators, they think that the Lendu people are children because of
12 their size, whereas you can see someone who is small but they are not
13 children. They are very small like pygmies, but they are not children.
14 So who are the children? They are the ones, when you look at them, you
15 can see right away that they are children.

16 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, I don't
17 think we can ask the witness to be clearer than that regarding the
18 gestures he made because all of this remains extremely subjective. What
19 we're trying to understand with your assistance, we are trying to
20 understand the age group that this group of -- the age category of this
21 group of young people. This witness is saying that there were no child
22 soldiers in their groupement. So if you could, could you proceed,
23 focusing as much as possible on the charges against Mr. Mathieu Ngudjolo
24 and take advantage of this witness being present so that we can make some
25 progress in this regard. And I will repeat one point: Please ensure

1 that the questions are very specific so that they will elicit very
2 precise answers. Sometimes it is good to have some context but not
3 necessarily always so. So only ask such general questions when necessary
4 when we need to understand the local custom or the local culture. Thank
5 you.

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

7 Q. Chief Manu, these young people we have been talking about who
8 were looking out for the enemy, he -- were ensuring security, how did
9 they do this? Exactly how did the young people do this? What tools did
10 they have at their disposal to fulfil these duties; that is to say,
11 ensuring the safety of the population and watching or looking out for the
12 enemy? Briefly, if you could answer us briefly.

13 A. Well, the Lendu use arrows, bows, and spears, and they go around
14 everywhere with these weapons, in the bush, in the fields, even up into
15 the hills. One might come across a wild animal and you might have to use
16 such a weapon to defend oneself. The Lendu people use arrows and spears
17 as their weapons.

18 Q. And did these young people have fire-arms, rifles?

19 A. At the beginning of the war, there weren't any. They were
20 hidden. And -- so they used arrows. I don't know if I can explain it by
21 way of gestures. You see, an arrow -- an arrow is shaped like an
22 airplane with two wings at the back. And when a Lendu person shoots an
23 arrow at you and it enters your body and you try to pull it out, the
24 arrow won't -- can't come out. The arrow remains stuck in your body.
25 And when that happens, well, you see, when such a thing happens you will

1 just cast down your weapon, even a fire-arm, because you will just want
2 to run away and save yourself. And if you try to remove the arrow, you
3 can't, it will remain in your body. And you will have to go somewhere
4 and have an operation. But during the battle, it's difficult to find
5 someone to do that for you. You asked me if the young people had
6 weapons, no. They had arrows. They shot arrows at their enemies, who
7 threw down their weapons and ran away. That is why we were able to pick
8 up some fire-arms. This is the truth, I'm telling you.

9 Q. Thank you, Chief Manu. And how did those young people
10 communicate amongst themselves? Did they have a means of communication?
11 And what about you as the chief of the groupement? How did you
12 communicate with them?

13 A. We used horns and whistles as well as drums, and in our area,
14 people beat drums, for example, to indicate death. If there is a war,
15 there is a way of beating the drum or blowing a whistle to indicate to
16 people that it is war. If someone does not hear a horn being blown,
17 another person who hears it is able to tell the others what is happening.
18 So this means of communication enables us to know what is happening, that
19 is, the use of drums, whistles, and horns.

20 Q. During the period from August 2002 to March 2003, did you have
21 any modern means of communication in the Bedu-Ezekere groupement,
22 Motorolas, telephones, and so on? Did you have such means of
23 communication in your groupement?

24 A. No.

25 Q. During that period, August 2002 to March 2003, did you have a

1 phoney in Bedu-Ezekere?

2 MR. MACDONALD: (Interpretation) Your Honour, I realise that
3 even though we have 25 minutes left, the last few questions of my learned
4 friend on means of communication have been leading. He could have asked
5 a general question: What were the means of communications you used?

6 PRESIDING JUDGE COTTE: (Interpretation) We are compelled to
7 come back to things that the witness has already explained, such as the
8 horns and others. But, Professor Fofé, if you have to continue with this
9 line of questioning, please try to limit yourself to general questions.

10 MR. FOFÉ: (Interpretation)

11 Q. Chief Manu, aside from the traditional means of communication
12 that you have mentioned, during that period between August 2002 and
13 March 2003, did you have any other means of communication?

14 A. Counsel, we did not have any means of communication. You are
15 asking me this question about the means of communication, but I believe
16 that I've already answered that question. We did not have any means of
17 communication, per se.

18 Q. Chief Manu, please listen to my question carefully: You
19 described the various attacks against your groupement and you have also
20 described the way that you were organised, specifically the young people
21 who provided security in the community. Having been subjected to
22 attacks, including from Bogoro and from Mandro, as you have said, did you
23 not carry out revenge attacks against those localities?

24 A. No, that did not happen at all. We did not leave our locality to
25 go and fight elsewhere, never.

1 Q. And why didn't you do that?

2 A. They always came to our locality, and when two or three of them
3 were hit by arrows then they would flee. The young people will chase
4 them away right back to where they came from. They would be screaming
5 and running. They screamed aloud to frighten those people into dropping
6 whatever they were holding so we could pick them up. So our young people
7 chased them away.

8 Q. So you never took the initiative to attack Bogoro or Mandro, for
9 example?

10 A. No. We never decided to attack. They came almost every day. If
11 we had decided to go to Bogoro, people from Mandro or Bunia would have
12 attacked us. If we went to Kasenyi, other people would have attacked us.
13 So we monitored the situation because we knew that if we went to attack,
14 another group could come and attack us and finish us off. So we decided
15 never to leave our area. We decided to monitor access to our locality.
16 If the enemy had not surrounded us, we could have carried out attacks;
17 but since the enemy surrounded us, if we had taken the direction of the
18 north or the south, the enemy would have entered from the west or the
19 east. That is why we decided not to go anywhere. We organised our
20 self-defence inside our collectivity, and, because of that situation, we
21 did not leave since we were being attacked from all directions. I
22 believe that you have understood me. If we went to Bunia, the people
23 from Kasenyi would have come to attack us, and if we had gone to Bogoro,
24 people from other localities would have attacked us also.

25 Q. Let us talk about Bogoro. You have testified that you discussed

1 this with the Prosecutor during his visit to Zumbe, and you mentioned
2 that on the day of the Bogoro attack the atmosphere was similar to the
3 one that prevailed on the day that the Prosecutor visited. I will try to
4 locate the reference. Let me refer the Chamber and the parties to
5 transcript 28 -- 299, page 25, lines 7 to 10 and lines 18 to 21.

6 Which Bogoro attack were you referring to when you talked about
7 the circumstances of that day? You said there were fore -- there were
8 clouds. Which Bogoro attack were you referring to?

9 A. I was referring to the attack of the 24th of February, 2003. It
10 was the Prosecutor who started asking questions. He said that Ngudjolo
11 had killed people in Bogoro. I told him that it was a lie. Then I gave
12 the Prosecutor certain explanations about the Bogoro attack. It was on
13 that day that Bogoro had fallen.

14 Q. So you were referring to the war in Bogoro on the 24th of
15 February, 2003. On that day, given the weather, was it possible for you
16 to observe what was happening in Bogoro?

17 A. Professor, the clouds in our country are not the same as the
18 clouds here. You can have a wall of clouds from the ground right up to
19 the sky. It is not possible to see anything. It is completely foggy.

20 Q. On that day, were you aware that Bogoro was being attacked; and
21 if so, how did you come to know?

22 A. Everyone was talking about it in our collectivity. People said
23 it was happening in Lakpa, others said it was in Kagaba. And, still,
24 others said it may not be in Kagaba but only in Lakpa. Each person
25 interpreted the situation the way they understood it because we were

1 inside fog. When you heard explosions, one could think it was in Bogoro
2 because Bogoro was just below our locality, because from our hills it was
3 possible to see Bogoro. People thought it was in Bogoro, but we were not
4 sure. Some people said Lakpa, others said Kagaba, and others said
5 Bogoro, but we were not sure. Even though there was fog -- well, in
6 fact, I ordered that no one should leave the locality to go to Bogoro.
7 Maybe there was some thieves who did not listen to me and who went, but
8 they did not go there in response to my orders.

9 Q. Did people from Zumbe participate in that Bogoro attack of the
10 24th of February, 2003?

11 A. I just said no because I do not know. I did not know about that.

12 Q. And you, yourself, Chief Manu, you personally --

13 MR. MACDONALD: (Interpretation) Your Honour, it is a leading
14 question. He could ask Chief Manu: What did you do on that day?

15 MR. FOFÉ: (Interpretation) We are already talking about the
16 attack.

17 MR. MACDONALD: (Interpretation) It is leading.

18 PRESIDING JUDGE COTTE: (Interpretation) Well, Professor Fofé,
19 do not exaggerate beating about the bush. We are finally talking about
20 the 24th of February, 2003, so let us make some progress there. It is
21 quite important.

22 Now, Mr. Witness, what did you, yourself, personally do on the
23 24th of February, 2003, from sunrise to sunset?

24 THE WITNESS: (Interpretation) I was at home. I did not leave
25 my house. And when I talk about my house, I am talking about the Zumbe

1 area. I did not leave that area.

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, since we
3 are talking about this issue and it is 18 minutes past 6.00, we would
4 like to ask you a question: You have testified that you prohibited
5 anyone under your authority to leave the locality. Is it possible, as
6 you have insinuated, that some members of the population disobeyed you
7 and managed to leave the locality and join the fighting where it was
8 taking place? Because you have told us that you were not sure of where
9 the fighting was taking place. But as far as you know, is it possible
10 that a certain number of people would have been able to disobey you and
11 leave the area to join the fighting? Please make an effort to remember
12 because you must have wondered about this quite frequently since the
13 events and ever since that period.

14 THE WITNESS: (Interpretation) Your Honour, I am saying this
15 before God. I did not say anything at all to my men and I did not hear
16 anyone say that my men had gone there. What I said was that I did not
17 want my men to go there. I had said I did not want my men to go there.
18 No one, your Honour, went there. I am a person of authority. I have to
19 tell the truth. Were it not for the wisemen who had been at my side, I
20 would have punished certain people. People were afraid of me. When I
21 issued orders, those orders had to be obeyed; otherwise, those who
22 infringed, the others would be locked up in a jail. There were others
23 who supervised others and when people were detained it was not possible
24 for them to escape because they were chained. So I'm telling you, I did
25 not heard any such thing. I had given an order, and I was sure that once

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1 that order was issued no one was going to go there.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 Professor Fofé, I would like you to continue, that is, if you
4 want the witness to give you a more detailed account of how he spent the
5 24th of February, 2003. If you have -- want to have a further
6 information, please go ahead.

7 MR. FOFÉ: (Interpretation) Thank you, your Honour. I do not
8 have any more questions on this point. I am looking at the time. I had
9 planned to continue with a brief closed session, but I believe that at
10 this time, your Honour, it would be preferable to adjourn and continue
11 tomorrow.

12 PRESIDING JUDGE COTTE: (Interpretation) Very well. We will
13 take leave of Chief Manu right now.

14 And, Court Usher, please lead the witness outside of the
15 courtroom.

16 And, Chief Manu, please try to rest and we will meet again
17 tomorrow at 9.00 a.m. Thank you for your contribution to our work.

18 THE WITNESS: (Interpretation) Thank you.

19 (The witness stands down)

20 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, how do
21 you foresee the morning of tomorrow? We have completed about six and a
22 half hours of direct examination and you had planned for eight hours, I
23 believe. So what is going to happen tomorrow? Should Mr. Hooper and the
24 Prosecutor prepare for the second session of tomorrow?

25 MR. FOFÉ: (Interpretation) Thank you, your Honour. I fully

1 understand your question. I have fully understood your message. With
2 all due respect to the Chamber, I believe I will need to take the entire
3 day of tomorrow, and that is because this witness, Chief Manu, is very
4 important for us. I would like to reassure the Chamber that all the
5 questions that we are putting to the witness are in response to the
6 Prosecution allegations. Maybe we are being too meticulous, but we want
7 to face up to all the allegations made by the Prosecution and possibly by
8 the other witnesses. So if we don't do that, then we may have a problem
9 at the time of our closing arguments. We have to bring in aspects that
10 we will use in our closing arguments, and I believe that is the
11 foundation of the adversarial system. And I would like to draw the
12 attention of the Chamber to the fact that we have quite a good amount of
13 time left because we reduced many of our interventions in the past and we
14 have a reasonable stock of time remaining to enable us to examine
15 Chief Manu on issues that we believe to be crucial for the defence of
16 Mr. Ngudjolo. Thank you.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
18 Professor Fofé. Please be aware that we are all aware of the importance
19 of the testimony of someone who was the leader of the Bedu-Ezekere
20 groupement at the time of the events. As you have just said, he is a
21 very crucial witness and it is the same for the Prosecutor. I do not
22 know what is the situation with Mr. Hooper.

23 And with regard to the Legal Representatives of the Victims, they
24 may have questions prompted by the answers given by this person who had
25 responsibilities within the groupement at the time of the events. So be

1 reassured that we are fully aware of the importance of this witness and
2 do not be mistaken, we are alive to the efforts that you have made for
3 the previous victims to streamline your examination. And we do not want
4 to rush you during your examination-in-chief.

5 You have also said that you understood me, you heard me loud and
6 clear, and I will just stop there, not without pointing out that it is
7 indispensable that this time that we are spending with this witness
8 should be time that should be truly useful. And in very simple
9 terms - and that is the best way to express ourselves - it may have
10 appeared to us on various occasions that some of the questions were not
11 absolutely necessary and that they elicited answers from the witness
12 that, in our opinion, were not absolutely relevant. But you are the one
13 leading your examination-in-chief and you have said that you want to
14 respond to all the allegations made. But just remember that these are
15 our observations, and if we have to have four more hours of direct
16 examination tomorrow, then we wish that these hours should be used in a
17 very useful manner for this witness to tell us about what he saw, what he
18 observed in his capacity.

19 Once again, I would like to thank all those who have assisted us
20 today. We will meet again tomorrow morning at 9.00 a.m., and do not
21 forget that we have hearings on Tuesday and on Thursday, but no hearings
22 on Wednesday and Friday because on Friday we have maintenance. So we
23 have hearings on Tuesday and Thursday. We are not sitting on Wednesday
24 nor on Friday. I'm sorry if I was mistaken. Mr. Kilenda called me to
25 order.

1 The hearing is adjourned.

2 The hearing ends at 6.27 p.m.

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