

Trial Hearing
Witness: DRC-D03-P-0044

(Closed Session)

ICC-01/04-01/07

1 International Criminal Court
2 Chamber II - Courtroom 1
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Germain Katanga
5 and Mathieu Ngudjolo Chui - ICC-01/04-01/07
6 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra
7 and Judge Christine Van den Wyngaert
8 Trial Hearing
9 Tuesday, 16 August 2011
10 (The hearing starts in closed session at 9.03 a.m.)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Open session at 9.05 a.m.)
21 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.
22 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
23 Good morning, Mr Witness.
24 THE WITNESS: (Interpretation) Good morning.
25 PRESIDING JUDGE COTTE: (Interpretation) I can see you can hear me. The

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1 Prosecutor will now be cross-examining you and you will be answering his questions now.

2 Just as yesterday, you will try to speak loudly and slowly so that you can easily be

3 interpreted and made understandable to everybody.

4 Prosecutor, the floor is yours.

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

6 Honours.

7 QUESTIONED BY MR MACDONALD: (Interpretation)

8 Q. Good morning, Mr Witness.

9 A. Good morning.

10 Q. As the President said, my name is Eric Macdonald. Unfortunately, we did not have

11 any opportunity to meet, and I'd like to apologise for not being able to attend the courtesy

12 meeting last Friday, but I do know that you did meet with some of my colleagues who are

13 actually here in the courtroom today.

14 I have a few questions to ask you. Because we are at the beginning of the day's session, I

15 shall begin with some more general questions and then go into more specific areas which

16 are of interest to the Chamber as regards its final judgment.

17 To begin with, Mr Witness, and perhaps we shall, unfortunately, have to go back into

18 private session because I will be going into some of your personal details.

19 If you are willing, your Honour.

20 PRESIDING JUDGE COTTE: (Interpretation) Court officer, let's go into private session

21 just for the amount of time that the Prosecutor will need to ask questions that may

22 identify the witness.

23 (Private session at 9.08 a.m.)

24 (Expunged)

25 (Expunged)

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9 (Open session at 9.13 a.m.)

10 THE COURT OFFICER: (Interpretation) We are now in open session, your Honour.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer. We must be
12 sure that in the final transcript the answer to the question about the mother's name does
13 appear. Prosecutor, we are all ears.

14 MR MACDONALD: (Interpretation)

15 Q. Mr Witness, could you -- well, you mentioned that you reached Kambutso in 2002,
16 or, rather, in the Bedu-Ezekere groupement in 2002, but you don't know exactly on what
17 date. And this is in the transcript for yesterday's session. This is my question: On
18 what date did you finally leave the Bedu-Ezekere groupement?

19 A. I left the Bedu-Ezekere groupement in 2005 and I immediately went on to do my
20 studies.

21 Q. And the studies you're talking about are the ones that you attended at the ISTE
22 from 2005 to 2008, but you are not in a position, are you, to give us the exact date on
23 which you began those studies in 2005, nor the date on which you ended those studies in
24 2008; is that right? You do not know which -- the specific dates on which you started and
25 finished?

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1 A. Yes, this goes back a long way and I don't remember the exact dates.

2 Q. That's right. So it's been a long time, and so it is true to say that you have
3 difficulties recollecting those dates, or dates more generally; is that right? Your memory
4 of dates is not all that good, is it? That's my question.

5 A. Well, when you know a lot of things, your mind is cluttered up with knowledge,
6 well, you tend to forget. A human being will tend to forget the details.

7 Q. Yes, I fully agree with you, Mr Witness. And so you agree that, the more time goes
8 by, the more things we forget? The more our memory weakens?

9 A. Could you repeat your question, please?

10 Q. Do you agree with me, Mr Witness, in saying the more time goes by, in relation to a
11 given event, the more difficult it is to remember that event? Is that not so?

12 A. Yes, yes.

13 Q. Mr Witness, let me come back to your training as health worker. Do you remember
14 once again the exact date on which you began that training course?

15 A. It was during the war in Bunia, when the war became very intense, a lot of people
16 moved about and that is why we left that spot. We didn't know where to go. We
17 would leave without any specific destination in mind and it -- and at times one would go
18 somewhere and then another decision would have to be taken and, as a result, we would
19 go elsewhere.

20 Q. Precisely, and we shall come back to all this, but let me repeat my question to be
21 sure that you have fully understood it. My question is as follows: On what date did
22 you begin your training course as health worker? What time did you -- what date did
23 you start, if you know? If you don't remember the date, please say so.

24 A. I don't remember the precise date.

25 Q. Do you remember the year?

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1 A. It was between the year 2002 -- the year 2000 and the year 2002.

2 Q. Good. Now, on the topic, without mentioning the place where you live right
3 now -- this was already mentioned yesterday. There's no need to repeat that. It's
4 already in the transcript. What I would like to know now, in what groupement is located
5 the place where you live and work at the current time right now?

6 A. I live in the Penyi groupement.

7 Q. Fine. You were in Bunia, the war was going on and you began a training course as
8 health worker. Is it true to say, Mr Witness, that when you fled from the war, in other
9 words when you stopped your training, you went to Nyankunde? Is that right when I
10 say that; when I suggest that that might have been the case?

11 A. Yes, I did go to Nyankunde.

12 Q. What year, or on what date, did you go to Nyankunde?

13 A. That happened during the same period from 2000 to 2001. That's when I was in
14 Nyankunde.

15 Q. How much time did you spend in Nyankunde?

16 A. Well, I cannot say. I don't remember. We were very much disrupted by this
17 situation of war.

18 Q. Mr Witness, please try and help us. Are we talking here about a few days, a few
19 weeks, a few months, a whole year? Give us some sort of rough idea of the amount of
20 time you spent there?

21 A. I didn't spend much time in Nyankunde. Due to the war we had to move, and that
22 is what I did. I moved.

23 Q. And when you moved after Nyankunde you immediately went to the Bedu-Ezekere
24 groupement, or did you go back to Bunia first?

25 A. Before I went to the Bedu-Ezekere groupement, I didn't go to Bunia first, no. I first

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1 went to Gety.

2 Q. And once again, after Bunia, Nyankunde and now Gety, what year were you in Gety?
3 What date were you in Gety on?

4 A. I have difficulty remembering the exact date, I'm a human being after all, but this
5 was during the same period in any case.

6 Q. And after that was it at that particular point in time that you went to the
7 Bedu-Ezekere groupement, or did you go elsewhere?

8 A. When I left Gety, I did go to the Bedu-Ezekere groupement.

9 Q. And just to be absolutely sure, Mr Witness, and to end on this topic, is it exact to say
10 that during this whole period in Bunia, Nyankunde and Gety and the time you arrived in
11 Bedu-Ezekere groupement, Mathieu Ngudjolo was not with you? He didn't travel with
12 you, did he?

13 A. No, he didn't travel with me. During the war, everybody tried to manage as best
14 he could. You couldn't get a particular person, or a particular relative, to travel with you.
15 Each -- you'd be on your own. There was no safety. There was gunfire all over the
16 place and people just had to flee and cope.

17 Q. To be perfectly clear, you just mentioned that people had to manage and you
18 couldn't say to a particular relative or a particular person to go away with you, to leave
19 with you, but my question related to Mathieu Ndugjolo and whether he travelled with
20 you or not. Is Mathieu Ngudjolo a relative of yours? Is he a distant cousin, an uncle, or
21 any part of the extended family as exists in Congo? Is Mathieu Ngudjolo a relative of
22 yours in any way?

23 A. No.

24 Q. For how long had you known Mr Mathieu Ngudjolo? When did you meet
25 Mr Mathieu Ngudjolo for the very first time in your life? I'm talking about the whole

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1 span of your life here.

2 A. Well, I continue to tell the truth. I met Mathieu Ngudjolo when I took part in the
3 training that you are familiar with.

4 Q. When you were in Bogoro and at secondary school, the Bogoro -- the Muzora
5 institute, during that time didn't you ever meet Mathieu Ngudjolo in Bogoro?

6 A. No, I never met him and I didn't know him.

7 Q. But one thing is for sure, Mr Witness, or at least this is the question I'm asking you:
8 It is true to say that you know that before becoming a nurse Mr Mathieu Ngudjolo was in
9 President Mobutu's army, the FAZ, Forces Armées Zairoises? You know that, don't you?

10 A. I know nothing about that.

11 Q. During the period you were in training until the point you left Kambutso in 2005,
12 well, throughout that period, you never learned, never either through people, the radio,
13 TV or even comments by Mathieu Ngudjolo himself on the radio, that he was a former
14 member of the army under Mobutu? You never were aware of that in your whole life?
15 This is the first time you've heard about this? Is that your testimony, Witness?

16 A. Yes, that's right. This is the first time I heard about this.

17 Q. Mr Witness, when you reached the Bedu-Ezekere groupement, yesterday you told
18 us this happened in 2002. Now you talk about the war period 2000 to 2001 or 2002.
19 Where did you go? Where did you live when you fled? Where did you take shelter in
20 the Bedu-Ezekere groupement?

21 A. Could you please repeat your question?

22 Q. When you got to the Bedu-Ezekere groupement, where were you living? What
23 village were you living in?

24 A. Thank you for your question. When I got to Bedu-Ezekere, I went to the locality
25 called Kambutso.

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1 Q. Witness, I'd just like to shed light on one point relating to your life - you mentioned
2 this yesterday - and I make reference to the real-time transcript, page 33. My colleague
3 was asking you questions yesterday; namely, he was asking you exactly what was your
4 status when you were working in Kambutso.

5 Line 1, you said "Yes. When I got to Kambutso, I was a teacher." "Did you teach in
6 Kambutso?" And you answered "I taught -- I taught in Zumbe."

7 I would like to know -- I'd like to ask you the following question: Were you indeed a
8 teacher in Zumbe?

9 A. Yes, in Zumbe I was a teacher.

10 Q. Please explain to us: You were living in Zumbe when you were teaching in Zumbe,
11 or were you living in Kambutso and were you travelling back and forth every day
12 between the two places?

13 A. Thank you for your question. I was living in Kambutso and I would go and work
14 in Zumbe. The training that I mentioned was in the morning; and in the afternoon, I
15 would spend all my afternoons teaching the young people.

16 Q. At the primary school or at the secondary school? What level of education was it?

17 A. I was teaching at the primary school.

18 Q. Witness, speaking of Zumbe and Kambutso, do you agree with me that within the
19 groupement of Bedu-Ezekere there is a road, and this road -- when you take Bunia as the
20 reference point, and if you move towards the groupement of Bedu-Ezekere, this road goes
21 up the Blue Mountains, goes by way of Ezekere, Kambutso and ends in Zumbe. You
22 agree with me on that point, don't you?

23 A. Could you repeat your question?

24 Q. Witness, we're talking about a road. There was a road in the groupement of
25 Bedu-Ezekere, do you agree with me with that? That will be my first question.

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1 A. I agree.

2 Q. It is correct to say that when you leave Bunia to go to Zumbe you go along a road
3 that takes you into Bedu-Ezekere, that goes by the village of Ezekere, then Kambutso and
4 ends in Zumbe. You agree with me on that point, don't you, Witness?

5 A. Yes, entirely so.

6 Q. And you agree with me that there are vehicles that go along this road in 2001 and
7 2002. You agree with me on that point, don't you?

8 A. Well, at that time, no vehicles were there.

9 Q. Witness, isn't it correct to say that there were motorcycles that were travelling along
10 the road?

11 THE INTERPRETER: Interpreter's correction, the years mentioned were 2002 and 2003.

12 THE WITNESS: (Interpretation) There were no motorcycles at that place.

13 MR MACDONALD: (Interpretation)

14 Q. Witness, who were you living with in Kambutso, in your house?

15 A. Thank you for the question. I was living with a brother, who was part of my
16 family.

17 Q. Well, if -- we don't have to go into private session right now, we will go back to this
18 if necessary. I'd like to ask you some questions about Bedu-Ezekere, and some localities
19 and villages within the groupement. You just were telling us, and you said that you
20 agreed, that there is a locality or village called Ezekere; is that not so?

21 A. Yes, I agree.

22 Q. You also mentioned Kambutso, you mentioned Zumbe, you also agree with me that
23 there is a locality or a village called Lagura, isn't that so?

24 A. Lagura is not a village, it is a hill.

25 Q. What is the village on that hill? What is the largest village on Lagura Hill. What

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1 is it called?

2 A. Could you repeat your question?

3 Q. Just to make sure, what did you not understand in the question that I just put to you?

4 Because I notice that I've been asking you questions, and you've been asking me to repeat
5 the question. My question is very clear: What is the name of the main village on
6 Lagura Hill?

7 A. Well, all the villages are known.

8 Q. Well, give us the names. I'm asking you to give us the names.

9 A. Well, I couldn't give you all the names. There is a locality called Zaba; there is also
10 Kathonie; and another locality called Sö.

11 Q. At the foot of the hill, towards the bottom of the hill, I think you agree with me that
12 there's a village called Kavalega, and it is actually separated into two parts; Kavalega 1 on
13 one side of the river and Kavalega 2 on the other side of the river. You agree with me on
14 that point, don't you?

15 A. Yes, there's Kavalega -- I don't know whether it's separated, but I am sure that that
16 locality does exist.

17 Q. It's not very far from Bogoro, is it? You grew up in Bogoro. Kavalega is not very
18 far away; is that not so?

19 A. Yes, it is close.

20 Q. You also agree with me that within Bedu-Ezekere groupement there is a place called
21 Ladile?

22 A. Yes.

23 Q. And also a place called Matsu, isn't that so?

24 A. Yes.

25 Q. Another place called Kanzi. I believe it's Kanzi. Do you agree with me on that

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- 1 point?
- 2 A. Yes, quite so.
- 3 Q. Witness, I'd like to ask you a few questions about some people now.
- 4 A. Fine.
- 5 Q. Witness, you know a person called Bahiza (phon) Talika (phon), isn't that so? I
- 6 think you might have known him as a nurse, is that possible? Bahiza Lika (phon).
- 7 A. No, I don't know that person.
- 8 Q. Bahiza de Zumbe, that name is not familiar to you?
- 9 A. No, I don't know that person either.
- 10 Q. You know the brother of Mr Mathieu Ngudjolo, don't you? You know that person?
- 11 A. Yes, I do know Mathieu Ngudjolo's brother.
- 12 Q. What is his name?
- 13 A. His name is Deo-Lochubo Deogratias.
- 14 Q. And he was living in Kambutso, wasn't he?
- 15 A. Yes.
- 16 Q. You also know the wife of Mr Mathieu Ngudjolo, Mrs Sema Kalemi. His wife at
- 17 the time, Mrs Sema Kalemi.
- 18 A. Yes, I do know the wife of Mathieu Ngudjolo.
- 19 MR MACDONALD: (Interpretation) Before we go into private session, I will be giving
- 20 a few other names.
- 21 Q. Mr Martin Banga, you know him, don't you?
- 22 MR HOOPER: Can I just say that we're not getting any spellings? It's all phonetic.
- 23 Thank you.
- 24 MR MACDONALD: (Interpretation) Well, if my colleague looks at filing 2766 and 2771,
- 25 he will see the spellings of these various people and, as well, he will see perhaps in the

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- 1 filing mention made of Ms Semaka, S-E-M-A-K-A, Lemi, L-E-M-I, and furthermore --
- 2 MR HOOPER: It's not just for my benefit, it's for the typographers and stenographers.
- 3 It may assist them if my friend can just introduce the spellings as we go.
- 4 PRESIDING JUDGE COTTE: (Interpretation) We will spell them out. Perhaps
- 5 Professor Fofé will help us. It is true this is rather more for the transcript. It will help
- 6 when --
- 7 MR MACDONALD: (Interpretation) I will spell out Mr Deo as was written by the
- 8 Defence in their disclosure: D-O -- D-I-O. Tchulo, T-C-H-U-L-O; Lochubo,
- 9 L-O-C-H-U-B-O.
- 10 PRESIDING JUDGE COTTE: (Interpretation) And the name of the wife.
- 11 THE INTERPRETER: Overlapping speakers.
- 12 MR MACDONALD: (Interpretation) First name S-E-M-A-K-A.
- 13 PRESIDING JUDGE COTTE: (Interpretation) Professor?
- 14 MR FOFÉ: (Interpretation) I think there might be a mistake regarding the name of
- 15 Mrs Ngudjolo. We can correct this mistake. It is written Sema Kalemi. Sema Kalemi.
- 16 PRESIDING JUDGE COTTE: (Interpretation) So Sema Kalemi?
- 17 MR FOFÉ: (Interpretation) Exactly, Sema.
- 18 PRESIDING JUDGE COTTE: (Interpretation) Sema Kalemi. In the future, we will try
- 19 to ensure that the court reporters have the correct spellings for all these various names.
- 20 MR MACDONALD: (Interpretation) I apologise to Mr Ngudjolo. I always thought
- 21 that the name was spelt differently, and I've thought so for a number of years. I'm sorry
- 22 about that.
- 23 PRESIDING JUDGE COTTE: (Interpretation) We shall proceed.
- 24 MR MACDONALD: (Interpretation)
- 25 Q. Martin Banga, B-A-N-G-A. Martin Banga, a member of the base committee; you

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1 know that person, don't you?

2 A. No, I don't know that person.

3 Q. You never heard about a gentleman by the name of Martin Banga during your entire
4 stay in the Bedu-Ezekere groupement? This is the first time in your life that you've heard
5 that name?

6 A. This is the very first time I've heard that name.

7 Q. President Jacques Banga Mendi. His full name is Jacques Banga, B-A-N-G-A,
8 Mendi, M-E-N-D-I, also known by the name of "President Jacques," the man who was
9 responsible for young people and for security within the base committee. You know him,
10 don't you?

11 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé?

12 MR FOFÉ: (Interpretation) The same mistake has been made regarding the name. I
13 believe that it is actually Jacques Banga Mande.

14 PRESIDING JUDGE COTTE: (Interpretation) Banga Mande.

15 MR MACDONALD: (Interpretation) It all depends on how the name is written down,
16 because there are several spellings.

17 PRESIDING JUDGE COTTE: (Interpretation) We will use today's spelling.

18 MR MACDONALD: (Interpretation)

19 Q. You know this gentleman quite well, don't you? You know who he is, at least?

20 A. No, I don't know this person.

21 Q. Wait a minute. You are a teacher at the primary school. You said yesterday that
22 there was a committee with Chef Manu, who was responsible for the groupement, and
23 you agree with me that there was a committee within that location?

24 MR FOFÉ: (Interpretation) Could you give us the exact reference for this statement
25 regarding the witness statement?

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1 MR MACDONALD: (Interpretation)

2 Q. You agree with me that -- well, this was my first question, I shall rephrase the
3 following questions.

4 THE INTERPRETER: Overlapping speakers.

5 PRESIDING JUDGE COTTE: (Interpretation) This is more complicated, Tuesday
6 morning, because we don't have the final version of the transcript. When we begin the
7 hearing, this definitely is a drawback for our hearing. If you can make reference each
8 time, if you could make reference each time to the statement made by the witness in the
9 transcript, that will avoid interruptions, unless the witness acknowledges immediately
10 that he has said something. So, in this particular case, rephrase your sentence, rephrase
11 your question because I believe the witness may be somewhat lost after our various
12 remarks. Mr Macdonald, please proceed.

13 MR MACDONALD: (Interpretation)

14 Q. Witness, you agree with me that there was a chief, Chief Manu. He was the chief in
15 the groupement of Bedu-Ezekere, is that not so?

16 A. Yes, I agree.

17 Q. You agree with me that, in order to run the groupement of Bedu-Ezekere, there was
18 a civil organisation that was called the base committee. You agree with me on that point;
19 you know that?

20 MR FOFÉ: (Interpretation) I beg your pardon, your Honour. I believe that we have
21 all seen how the Prosecutor is putting his question. He talks about how the groupement
22 was being run. I don't think that this wording is correct. In any event, the witness did
23 not speak of that.

24 MR MACDONALD: (Interpretation) I'm asking the question. The witness is here, he
25 will reply. Other witnesses will come and give testimony, but this witness can tell us

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1 whether there is a base committee within the groupement. I'm sure he can do that.

2 PRESIDING JUDGE COTTE: (Interpretation) Witness 44 shall answer this question.

3 Mr Witness, in the Bedu-Ezekere groupement, was there, to your knowledge, a
4 mechanism or an organisation called the base committee? This is the question that the
5 Prosecution has been asking you, and if we can get an answer from you about this base
6 committee, its duties, its activities and the people who composed the committee. I'm not
7 asking you this but for the -- to begin with, are you familiar with this committee? Do you
8 know about it, this organisation, if you wish to refer to it in that way?

9 THE WITNESS: (Interpretation) Thank you for the question. I don't know about the
10 base committee. That is why it's difficult for me to answer the question.

11 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, please go ahead.

12 MR MACDONALD: (Interpretation)

13 Q. Witness, now, this isn't the first time that you've heard about this committee, the
14 base committee, or is this the first time? Was the first time you heard it when I asked the
15 question, the comité du base, in French, the base committee.

16 A. This is the very first time I've heard about a base committee here. This is when
17 I've -- this is where I've heard about it.

18 Q. Do you know Mr Bukpa? No, I'll pronounce it again: Bukpa Kalongo. Do you
19 know this person? You know him, don't you?

20 A. No, I don't know Bukpa.

21 Q. Mr Adolphe Liga, you know that person, don't you? Adolphe Liga?

22 A. No, I don't know that person.

23 Q. I could spell out that name: Bukpa, B-U-K-P-A; Kalongo, K-A-L-O-N-G-O; and
24 Mr Liga, Adolphe Liga, L-I-G-A. Witness, do you know -- when you were in Kambutso
25 and in the Bedu-Ezekere groupement, did you know Mr Ngabu Martin? Do you know

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- 1 this person? Ngabu Mateso Martin.
- 2 A. No, I don't know that person.
- 3 Q. Perhaps you know him by his alias, Boba Boba. Boba Boba, that is a name that
- 4 really strikes at one's imagination. Boba Boba, you know that person? When you were
- 5 living in the groupement.
- 6 A. No, I don't know that person.
- 7 Q. Kute. Kute, do you know Kute?
- 8 A. No, I don't know him either. I don't know him.
- 9 Q. I made a mistake. Kute, let's just speak of Kute. Do you know a person by the
- 10 name of "Kute," or is this the first time you've heard about such a person?
- 11 A. This is the very first time I've heard that name.
- 12 Q. Nolema (phon) Nyunye, and I will spell out "Nyunye": N-Y-U-N-Y-E. Nolema
- 13 Nyunye, does that name ring a bell?
- 14 A. I don't know him either.
- 15 Q. Bebe Besto, does that name ring a bell? Have you heard of such a person, Bebe
- 16 Besto?
- 17 A. No, I've never heard anything about that person.
- 18 Q. I beg your pardon, I lost my headset for a moment. Let us change subjects. When
- 19 you got to the groupement of Bedu-Ezekere, can you tell us whether it was before or after
- 20 the fall of Governor Lompondo. It was established - and this has not been
- 21 challenged - that the government of Mr Lompondo fell on 9 August 2002, when the UPC
- 22 drove him out of Bunia. At that time, Mr Witness, were you already in the Bedu-Ezekere
- 23 groupement?
- 24 A. Could you repeat the date, please?
- 25 Q. Well, can we accept as a known fact that on 9 August 2002 the UPC drove out

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1 Governor Lompondo from Bunia? This is not a test. I'm not trying to trick you. This
2 is a fact that has not been contested. So my question is as follows: At the time when
3 Governor Lompondo was driven out of Bunia, where were you at that time? Do you
4 know, or rather do you remember?

5 A. Yes. As I have stated previously, there was fighting everywhere during that period
6 and there weren't many people in Bunia. At that time I was in Bunia, I left Bunia and I
7 went to Nyankunde and later on I went back.

8 Q. And you went back to where?

9 A. I went to -- back to Bedu-Ezekere, after having left Bunia. You know, I left Bunia
10 during the fighting. I went to Gety. In Gety there was no peace, so I left Gety and I
11 went back to Bedu-Ezekere.

12 Q. Witness, during the major attack on Nyankunde there was a major attack where
13 several hundred individuals were killed, and since you yourself are a nurse, a health care
14 worker, in fact during that attack the entire hospital in Nyankunde was destroyed. Do
15 you remember - do you recall - that incident? Do you know what I'm referring to?

16 A. No.

17 Q. On September 5, 2002, that is about a month after the fall of Governor Lompondo,
18 when he was chased out, there was a major attack on Nyankunde. It's said that even
19 close to 2,000 people were killed during that attack. It was the largest attack - the biggest
20 attack - that took place in Ituri and you've never heard about that attack? Is that what
21 you're saying?

22 A. No.

23 Q. Mr Witness, given the last answer that you've just pronounced, I'd like to come back
24 to the suffering of people in Bedu-Ezekere. You said that there was attacks from Bogoro,
25 from Tchomia, from Kasenyi, from Mandro, from Bunia. Do you remember having

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1 testified about that yesterday, Witness?

2 A. Yes, I remember.

3 Q. Is it correct that you have no idea of the dates of when those different villages, or
4 localities, attacked in Bedu-Ezekere; is that correct?

5 A. No, indeed, I don't know the dates. Well, you know there wasn't just one attack.
6 There were several attacks three or four times a week, perhaps more.

7 Q. You mentioned that during those attacks - and here I am referring to page 49 - you
8 mentioned generally speaking that in order to fight against those attacks you used arrows,
9 machetes and spears. Do you remember saying that yesterday?

10 A. Yes.

11 Q. Is it correct, Mr Witness, that you yourself defended yourself, but all of the people in
12 the Bedu-Ezekere groupement came together to defend themselves? Do you agree with
13 me, Witness?

14 A. Well, you know, everyone defends himself individually and, you know, when you
15 want to defend yourself you don't necessarily call for help from one or another person
16 from the outside. You organise yourself to defend yourself personally. Let me give you
17 an example. If you are being attacked, as you stand here, are you going to call upon the
18 Americans to help you?

19 Q. Mr Witness, yesterday my learned friend asked you a question, and here I'm
20 referring to page 48, line 27, of the transcript -- sorry, line 28, and then the beginning of
21 page 49. The question was as follows: "And which forces carried out those attacks?"
22 And your answer was: "You know, I was not a soldier. I was not a fighter. It was the
23 soldiers who came to attack."

24 Next question: "It was soldiers from which organisation? From which movement?"

25 And your answer was: "I have no precise details to give you. You know, when you

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1 hear gunfire, most likely you have soldiers who are at the origins of the gunfire, so it's
2 very difficult for me to answer your question."

3 Witness, I've just read out your testimony from yesterday. Is it not correct to say,
4 Mr Witness, that you know perfectly well that it was the UPC, either from Bogoro,
5 Mandro, Bunia, Tchomia or Kasenyi, that was attacking you? Don't you agree with me
6 on that? You know that that's the case?

7 A. Thank you for the question. I would answer as follows: It's difficult for me to
8 answer your question. This is how the fighting took place. You had some people
9 wearing military uniforms, who came in and they were shooting and they did whatever
10 they liked, so you don't have time to go ask them which group they belonged to.

11 Q. Witness, is that your answer to my question? In other words, you've never heard
12 of the UPC in your whole life and this is the first time you've heard that the UPC from
13 Bogoro, Tchomia, Kasenyi, Mandro and Bunia were attacking you? The fact that I
14 suggest this to you, this is the first time you've heard about this? Is that your testimony?

15 A. I don't even know what the UPC is. I didn't know what that meant. As regards
16 the wartime, you had men, military soldiers, who had weapons, and I didn't know what
17 the UPC meant at the time. The only thing I knew at the time is that there were people
18 coming to attack and that they were wearing military uniforms.

19 Q. Witness, well, let's leave the term "UPC" aside. Do you agree with me that there
20 was a conflict at that time between the Hema North and Hema South community and the
21 Lendu -- the North Lendu and Ngiti communities? Do you agree with me that between
22 the Hemas and the Lendus, generally speaking, there was a conflict?

23 A. Yes, I agree with you. There was a tribal conflict; a tribal war.

24 Q. And you agree that it was the Hema who attacked the Bedu-Ezekere groupement
25 and then later the Lendus responded and went and attacked the Hemas in their

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1 community? Do you agree with me when I say that?

2 A. Yes, as regards the attacks from Bogoro, there were soldiers who came to attack and,
3 yes, there was a counter-attack. I agree with what you said.

4 MR MACDONALD: (Interpretation) Your Honour, if I may have a moment before I
5 continue?

6 Q. Mr Witness, you spoke about Bogoro yesterday. I would like to discuss an attack
7 carried out by the Lendu and Ngiti on Mandro in the days following the attack on Bogoro.
8 You had knowledge of that attack; is that not correct? You were present in Bedu-Ezekere
9 groupement, you saw numerous soldiers go through Kambutso, go to Ezekere and then
10 on to Mandro to attack Mandro? You saw that yourself, didn't you?

11 A. No.

12 Q. Witness, didn't you see people coming back after having looted? Do you agree
13 with me that after the attacks the civilian population went to the villages - once the
14 soldiers had helped themselves - to continue looting, to take the corrugated iron from the
15 roofs, to take livestock, to take food stock, et cetera, do you agree that that was common
16 practice?

17 A. Yes, they went to get food.

18 Q. But my question was: The Lendus as well, after the attacks that they carried
19 out - that is, the counter-offensives - there was also looting that took place that was done
20 by the Lendu, do you agree with me?

21 A. Yes. When there was a victory, after the battle everyone was free to loot and most
22 of the time it was food that was looted.

23 Q. Weren't women also taken, abducted? Are you aware of the fact that women were
24 abducted as part of the booty, that you could use the women after the attacks? You as a
25 nurse, are you not aware of that? Are you aware of the poor treatment reserved to

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1 women after the battle?

2 A. Yes, I can answer your question, and I would give you the following answer: I
3 personally did not see those events with my own eyes, and that's why it's difficult to agree
4 with you.

5 Q. But, Witness, you did hear about it? You've said you didn't see it with your own
6 eyes but you did hear people talking about what was done to the women, the condition of
7 women, how they were treated during attacks. Surely you're aware of that, Mr Witness,
8 aren't you? This is something that is common knowledge and, therefore, am I right to
9 say that you also know that?

10 A. I would answer as follows: In order to answer your question, there has to be some
11 sort of logic; and yet I do not have the appropriate logic, so to speak, and I know of no
12 eyewitnesses so it's very difficult for me to answer your question.

13 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé.

14 MR FOFÉ: (Interpretation) I would like to ask the Prosecutor to be more cautious in the
15 way he phrases his questions. He mentioned this is common knowledge, it's known to
16 all. This is a statement which can be a matter for discussion, and it's this kind of
17 statement which can perhaps lead the witness to misunderstanding or making mistakes.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr Kilenda.

19 MR KILENDA: (Interpretation) To add to what Professor Mr Fofé has just said, I
20 would like to ask the Prosecutor to remember the introductory statement yesterday. We
21 stated that we were not calling witnesses who knew everything about all these events;
22 that we were calling witnesses to testify as to what they had personally seen themselves.
23 So when the witness says he doesn't know, that means he doesn't know.

24 PRESIDING JUDGE COTTE: (Interpretation) Yes, we've understood that, Mr Kilenda.
25 And indeed from the beginning of this morning's hearing, the witness has been telling us

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1 what he knows, what he has seen and he's always distinguished what he does not have
2 knowledge of. And I think we've understood that perfectly clearly.

3 Mr Prosecutor, please proceed. You may rephrase your question, if you so desire. And,
4 Witness, please answer while recalling that indeed you are here to tell the truth; that is,
5 what you actually saw or distinguishing from things that you might have heard people
6 talking about. And you've done that quite well, thus far. Prosecutor, please proceed.

7 MR MACDONALD: (Interpretation)

8 Q. Witness, have you heard people talking about the fact that women were raped and
9 abducted during the battles and that they were forced to marry the soldiers? You've
10 heard about that, haven't you?

11 A. Well, it's completely useless to make a statement without any proof.

12 Q. Witness, let's go back to Mathieu Ngudjolo and what you stated yesterday in
13 response to the questions. We all noticed that you were hesitant and, in fact, you even
14 asked Professor Fofé to rephrase his question. I would like to refer to page 56, for the
15 benefit of the parties and participants, lines 27 and 28, and then page 57 at the beginning
16 of the page, and I will read it to you, Witness, to refresh your memory as to what you said
17 yesterday.

18 The question was as follows: "During that period, did Mathieu Ngudjolo have any
19 military activity?" And you hesitated, and you thought about it, and you asked Professor
20 Fofé to rephrase or to repeat the question.

21 And then the following question was put to you: "During the period of the attack on
22 Bogoro, that is 24 February 2003, did Mathieu Ngudjolo have a military activity at that
23 time?" And your answer was "No."

24 Mr Witness, during that period, that is 2002 up to March of 2003, you hesitated because
25 you knew that Mathieu Ngudjolo did -- was involved in military activity. This is

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- 1 something you saw yourself, with your own eyes, in Kambutso.
- 2 MR FOFÉ: (Interpretation) Objection.
- 3 MR MACDONALD: (Interpretation) I would rather hear the witness's answer first,
- 4 because the objection can have an impact on the witness's answer.
- 5 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, please, we have to play
- 6 the game by the rules. This is a very sensitive matter, as you can understand; so if you
- 7 were to express something in your objection, that would have an influence - even
- 8 indirectly - on the witness's answer, we will have him leave the courtroom for a few
- 9 moments. So that's my question.
- 10 MR FOFÉ: (Interpretation) I don't think that my comment will have an influence on the
- 11 witness. I would simply like to emphasise the fact that the Prosecutor is basing his
- 12 question on his own interpretation. And from the very beginning of today's
- 13 cross-examination, on several occasions the witness has had to ask him to repeat the
- 14 question.
- 15 Perhaps it's simply because the witness has not understood the question, and therefore he
- 16 has the right to ask the questioner to rephrase the question. And to take the step from
- 17 there and state that he is hesitating is an interpretation.
- 18 THE INTERPRETER: Unfortunately, two speakers at the same time.
- 19 MR FOFÉ: (Interpretation) No. A question cannot be based on your own
- 20 interpretation. It is a way of leading the witness and leading him to make a mistake.
- 21 PRESIDING JUDGE COTTE: (Interpretation) Indeed. Any impression we may have
- 22 that a witness is hesitating is a very subjective feeling. One person may think the witness
- 23 is hesitating; another person may simply think the witness wants a more precise detail;
- 24 and even when the witness is perfectly certain of the question, may need further precision.
- 25 So I think it would be preferable for you to rephrase your question.

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1 All of this discussion is taking place in a very pleasant atmosphere; I want it to continue
2 that way. And it is important that on this matter any potential military activity of
3 Mr Ngudjolo, which is a matter which was discussed yesterday by the Defence Counsel of
4 Mr Ngudjolo, this is something where you are entitled to obtain additional information.
5 No one contests that right that you have. You may proceed, Mr Macdonald.

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

7 Q. Witness, is it correct that during the period 2002 up until March of 2003 Mathieu
8 Ngudjolo had military activity, was involved in military activity?

9 A. No.

10 Q. Witness, do you agree with me that Mr Mathieu Ngudjolo exchanged his nurse's
11 uniform for a military uniform? You knew that, didn't you? In fact, you saw it with
12 your very own eyes; is that not correct?

13 A. Yes.

14 Q. Witness, from the very beginning of your testimony, be it under direct or
15 cross-examination this morning, do you agree with me -- I think there's one thing we all
16 agree on is that you are not very good with dates. You are not able to provide dates
17 because, as you've stated, memory is such that you tend to forget things, in particular
18 dates.

19 You told us -- I don't remember your exact words but you told us you had trouble with
20 dates, so is it correct that you are not able to tell us at which date that Mathieu Ngudjolo
21 exchanged his nurse's uniform for a military uniform? Do you agree with me on that?

22 A. I do remember; but as to the exact date, that's difficult. Ngudjolo left Kambutso in
23 2003. It was during the period when there was the war in Bunia. The war began in
24 Bunia. Ngudjolo left that place, left where he was, and went to Bunia. And to this day,
25 as I speak here today, Ngudjolo never came back. He never went back.

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1 Q. Just a moment, Mr Witness. We're going to come back over two things and we will
2 finish on this topic. You said that you left the Bedu-Ezekere groupement in 2005 but
3 you're not sure when. In other words, between the point in time when Mathieu
4 Ngudjolo left for the war in Bunia in 2003 and your departure in 2005 you are saying that
5 Mathieu Ngudjolo never returned to the Bedu-Ezekere groupement, is that your
6 testimony, or isn't it correct that you saw him again in Kambutso among other places
7 during that period?

8 A. Ngudjolo left the groupement. He went to Bunia where there was fighting, and
9 throughout the period of the war he was in Bunia, and we -- we stayed in the groupement.
10 He never returned to Bedu-Ezekere.

11 Q. So you never saw him in 2004 or in 2005 in the Bedu-Ezekere groupement, is that
12 your testimony?

13 A. Yes, I never saw him again during those two years.

14 Q. Do you agree with me that you were still living in Kambutso during that period, is
15 that correct?

16 A. Yes. I was in Kambutso because when they left he was working. They were
17 doing what they could. I stayed and then, a short time after, I went for training.

18 Q. You mean nurses' training in Bunia from 2005 to 2008? You're not referring to
19 military training; am I correct? I'll rephrase that question, Mr Witness, and this is
20 something else I wanted to ask you about. You do not remember the date when you
21 went to primary school, or secondary school. You don't know when you began your
22 studies as health worker, whether or not it was 2000 or 2001 or 2002. You don't know
23 exactly when you went into training as a nurse. One moment, please, I haven't finished
24 my question. But, funnily enough, there is one date that you do remember and that is
25 the date of the attack on Bogoro, 24 February 2003.

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1 Witness, what I suggest is that that date, 24 February 2003, is a date that you do not
2 remember. You did not remember it and this is something that somebody suggested it to
3 you before you came here to testify before this Chamber. That is what I suggest. I
4 suggest that somebody else gave you that date of 24 February 2003, and prior to that you
5 were not aware of that date. You had no idea of -- about that date. Do you agree with
6 me? Am I right?

7 A. No, you're wrong, and I cannot be in agreement with you.

8 Q. Well, in that case, Witness, tell us how you can remember 24 February 2003, because
9 the Defence hasn't produced any notes that you might have taken or any information
10 whereby you kept a record, or any information about any way in which you could
11 remember that date of 24 February 2003, so please explain to the Chamber how you
12 remember that date.

13 A. Thank you. What I can say is that Ngudjolo is like a relative. What I am today, I
14 largely owe to Ngudjolo. So how can I remember? How could I recollect the date of
15 24 February? Well, it is because Ngudjolo helped me a great deal during my life. I
16 knew -- know that when he left, when he left, he did so to take care of our security,
17 our -- us, his brothers. But we learned from radio broadcasts that Ngudjolo,
18 unfortunately, had been arrested, and that was due to the war that took place in Bogoro
19 on 24 February. That was announced over the radio, and I do believe that this was also
20 announced on TV. The newspapers reported this. And once that information had been
21 made public, I was able to remember it.

22 Q. Witness, on what date did Mathieu Ngudjolo trade-in his nurse's uniform for a
23 soldier's uniform? On what date did that happen? Give us a month.

24 A. Well, I cannot give you a date, but as for Ngudjolo's departure from Kambutso, he
25 didn't leave as a soldier. When he left Kambutso, he was a combatant. I could have

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1 done so myself. He left to defend the population. He left, and I don't know what he
2 became afterwards, in the place where he went to, and I don't know what the -- under
3 what circumstances he acquired his uniform. I don't know what went on in that place
4 where he went. He was in the battlefield and he was given a rank and promoted later on,
5 but I don't know under what circumstances he was given his military uniform.

6 Q. Witness, how much time after Bogoro was attacked, how long after the attack on
7 Bogoro, did Mr Mathieu Ngudjolo become colonel? When did he become Colonel
8 Ngudjolo? How long after the attack?

9 A. Well, I cannot give you an accurate answer. This is something that happened
10 where he and the others had gone to.

11 Q. Witness, you had a meeting with Mr Christophe Lopa Koli, is that not so, the
12 investigator working on behalf of Mr Mathieu Ngudjolo? You know him, don't you,
13 Christophe Lopa Koli?

14 A. Yes.

15 Q. On how many occasions did you meet with him? On how many occasions?

16 A. I met Pastor Lopa Koli on several occasions, but I couldn't tell you the exact number.
17 I met him on several occasions.

18 Q. Please explain to the Court how many times in the months before your
19 testimony - in the years before your testimony - how many times you had contact with
20 Mr Mathieu Ngudjolo's brother, Deo? How many times did you meet him? In 2010, in
21 2009, in 2008, how many times did you meet with Mathieu Ngudjolo's brother, Deo?

22 A. I didn't meet this man in the period you just mentioned.

23 Q. Just out of interest, after having left the groupement in 2005, the Bedu-Ezekere
24 groupement, did you go back and live there or work there, thereafter; in other words,
25 after 2005? Yes, I know you were in training in 2005 to 2008 but once that training was

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1 over, after 2008, did you come back to the Bedu-Ezekere groupement or did you stay in
2 Penyi?

3 A. No, I never went back to Bedu-Ezekere.

4 Q. You mentioned that you have a nickname and I won't repeat it, but do you know
5 anybody else who has the same nickname as you do, as far as you know? In the
6 Bedu-Ezekere groupement, was there anyone else in that groupement that had the same
7 nickname as you?

8 A. I don't know.

9 Q. Witness, who approached you so as to come and testify here? Who asked you to
10 come here to testify, and when did that happen? What is that person's name?

11 A. Thank you. I was in Bunia when a white person, a -- came there, came to see me
12 but unfortunately, I didn't ask him his name. He was in fact there with a black man.
13 There were two people, therefore, and they got to my locality but I wasn't there. They
14 asked for me and when I was located they asked me whether I was (Expunged),
15 (Expunged) from that moment I began to have conversations with the
16 employees of this Court.

17 Q. A white man and a black man? What is the name of the black man? Was it Lopa
18 Koli, or was it Mr Roc (phon) Banga Mateso?

19 A. No.

20 Q. Who was it? Give us his name? This person must have introduced himself to you
21 and given you details; numbers, telephone numbers, a name, so that you could call back,
22 et cetera, surely?

23 A. No. This white man, well, when he got there, he asked questions about me and
24 then he met with me another time and this time he found me there in the locality, but I
25 didn't know what his name was and in fact I didn't know the name of the person

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1 accompanying him.

2 Q. But he introduced himself, surely, didn't he? When he reached your locality he
3 must have introduced himself. Muzungu (phon)?

4 A. Unfortunately, I've forgotten his name. It could well be that he introduced himself
5 to me but that took place a long time ago and I've forgotten.

6 Q. Mr Lopa Koli, you said that you met with him on several occasions. Why did you
7 meet with him on several occasions? For what reason?

8 A. Yes, I did meet with Lopa Koli. He summoned me because he wanted me to talk to
9 people who had come from here, from The Hague I mean, and at the time there was a
10 question of me testifying in the Mathieu Ngudjolo case.

11 Q. And with -- did you have any conversations with Mr Lopa Koli and Mr Mathieu
12 Ngudjolo since he was at the detention centre? I mean, did -- was there any telephone
13 conversation between Lopa Koli and Ngudjolo and were you passed the phone so that
14 you could speak to him in the detention centre? I'm talking about Mr Mathieu Ngudjolo.
15 Did you ever speak to him since he was detained?

16 A. No, I never had any opportunity to speak to him.

17 Q. And lastly Mateso, Dr Mateso Lodya, L-O-D-Y-A, do you know him?

18 A. No, I do not know Mateso Lodya.

19 Q. Somebody who has practised in Zumbe, do you know him?

20 A. No, I don't know any Mateso Lodya.

21 Q. Just to end now, Witness, you come from the Penyi groupement. You live in that
22 groupement. Do you know the association called Inter Penyi? Inter Penyi?

23 A. Yes, I am familiar with the association called Inter Penyi.

24 Q. Do you agree with me to say that it is actually called the Inter Penyi Council? That
25 is the name of the group?

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1 A. No, we just call it Inter Penyi.

2 Q. Could you describe to us what it is exactly? What type of organisation or structure
3 is it?

4 A. Well, Inter Penyi is a group that helps the inhabitants of the locality to develop their
5 locality, to build it up.

6 Q. Are you a member of that association?

7 A. Yes, I am.

8 Q. Do you agree with me if I say that this association has a department for civilian
9 members and another department for the so-called defence members, i.e. soldiers?

10 A. No.

11 Q. Witness, if I suggested that Colonel Boba Boba is part of this organisation, would
12 you say you are in agreement?

13 A. That is a lie; a big lie.

14 MR MACDONALD: (Interpretation) We shall now go into private session, if the
15 Chamber so permits, because I would like to ask you a question about a person I will
16 name.

17 PRESIDING JUDGE COTTE: (Interpretation) Court officer, please let's go into private
18 session for a short time.

19 (Private session at 10.49 a.m.)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Open session at 10.51 a.m.)

9 THE COURT OFFICER: (Interpretation) We are now in open session, your Honour.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer.

11 Prosecutor, go ahead.

12 MR MACDONALD: (Interpretation)

13 Q. Witness, I am going to end now and then we will be having our break and my

14 questions will actually be finished before the break. Witness, if I understand your

15 testimony, before the troubles, the war in Bunia in 2003, your testimony is that Mathieu

16 Ngudjolo never, never took part and was not a soldier in any way whatsoever and from

17 one day to the next he took up weapons and became a commander. Is that your

18 testimony? Is that what we can infer from your testimony?

19 A. No, when Ngudjolo left his locality he was not a soldier yet. He was simply a

20 combatant.

21 Q. So for you a combatant is a member of the militia, is that right, whereas a soldier is a

22 member of the Congolese army? Is that so?

23 A. This is the explanation I give: Where I come from, we use the term "combatants"

24 for people who defended themselves. This was the name given to people involved in

25 self-defence, whereas military men, soldiers, are under the orders of somebody, whereas

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1 we were not under the orders of anybody. When we came under attack, well,
2 automatically when one is attacked one defends oneself and under those circumstances
3 we referred to ourselves as "combatants."

4 Q. Witness, do you agree with me in saying that Mathieu Ngudjolo in 2002 and up to
5 March 2003 was a combatant? If I use your terminology, do you agree that he was a
6 combatant in addition to being a nurse?

7 A. Here is my answer: Where I come from, everybody is a combatant. Whether
8 you're a mother, a child, we are all combatants, because when you come under attack,
9 when there's a war, you don't call on people from the outside to defend yourself. You
10 have to defend yourself from where you are attacked, and there were several ways of
11 going about defending oneself. When you could not maintain your defence position you
12 would run away, and when you run you also are defending yourself. That is why I say
13 that he was also a combatant, as well as a nurse. The same applies to me. I cannot deny
14 that. That is something that we did.

15 MR MACDONALD: (Interpretation) Thank you, Witness. I have no further
16 questions.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much, Mr Prosecutor.
18 Court officer, before I adjourn the meeting, or rather before I suspend the session, how
19 much time will it take us to switch from one witness to the next? In other words, will I
20 have to suspend the hearing again when this witness leaves us? So I've been told that
21 this is going to be seamless, unless the teams change.

22 So we shall ask the legal representatives whether they have questions for Witness 44 after
23 the break, and then Mr Hooper will be able to make some last comments, if he wishes, and
24 Professor Fofé will end. We suspend this hearing for a half-hour and we will return here
25 for a fairly short period at 11.30 and then we shall go on to the next witness. This means

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1 that the witness will be able to meet with Ngudjolo and his Defence team towards 11.30
2 and so we will have to stay here until then. We shall go into closed session now so as to
3 allow the witness to leave the courtroom.
4 (Closed session at 10.57 a.m.)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Open session at 10.58 a.m.)
11 THE COURT OFFICER: (Interpretation) We are now in open session, your Honour.
12 PRESIDING JUDGE COTTE: (Interpretation) The hearing is suspended and we shall
13 meet here again at 11.30.
14 (Recess taken at 10.59 a.m.)
15 (Upon resuming in closed session at 11.31 a.m.)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Expunged)
22 (Open session at 11.33 a.m.)
23 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.
24 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer.
25 Witness, I had a little bit of a technical problem and the court officer has just fixed it

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1 for me. Can you hear me?

2 THE WITNESS: (Interpretation) Yes.

3 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Mr Gilissen, as I was
4 saying yesterday, neither one of the legal representatives of victims said that they
5 wanted to provide any questions in advance; but after examination by Professor Fofé
6 and cross-examination by the Prosecution, do you wish to ask any questions?

7 MR GILISSEN: (Interpretation) I thank you, your Honours. Good morning, your
8 Honours. The testimony was very edifying, and I thank the witness for taking part
9 in the proceedings, but myself I have no questions for the witness -- well, with one
10 thought, if you don't mind, regarding the provision of questions in advance.

11 It is true that this is an entirely legal way of going about things, so I'm really not
12 criticising anyone at all, but this means application of Ruling 1665 is rather complex,
13 applying this ruling is complex. I can see that thought has been given to this; I don't
14 doubt that. As for the future of questions we might ask, I think perhaps it would be
15 advisable to give some thought to the mechanisms for our asking questions; but for
16 the time being, I have no further questions.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Gilissen. Certainly,
18 when witnesses come one after another, at a faster pace than what you might expect,
19 it becomes difficult to prepare questions in advance; and that is why we offer you the
20 opportunity, after examination and cross-examination have been conducted, so that
21 you may make comments or ask questions, if you wish. Mr Luvengika.

22 MR NSITA: (Interpretation) Good morning, your Honours. As far as I'm
23 concerned, I have no questions either for the witness after the examination-in-chief
24 and the cross-examination by the Prosecution.

25 Mr Witness, I thank you. I am the legal representative of the group of victims of the

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1 attack on Bogoro. I have no questions for you.

2 I thank you, your Honour.

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

4 Mr Hooper, would you like to put any questions to the witness while he's with us, or

5 any final comments, which actually would be your first ones?

6 MR HOOPER: No questions. Thank you.

7 PRESIDING JUDGE COTTE: (Interpretation) That was very brief. Professor Fofé.

8 MR FOFÉ: (Interpretation) Thank you, your Honour. After cross-examination

9 conducted by the Prosecutor, your Honours, we have no further questions for the

10 witness.

11 Witness, we merely wish to take this opportunity to thank you. As the Bench has

12 provided for, we will have an opportunity to express our thanks face-to-face in a few

13 moments.

14 Thank you, your Honour.

15 PRESIDING JUDGE COTTE: (Interpretation) Sir, your testimony has come to an

16 end. You have travelled a great distance to come and give testimony before the

17 Court. And when you gave your oath yesterday, I forgot to say to you that your

18 testimony should be kept to yourself. You should not tell people about the

19 testimony that you have given. I'd like to stress that point.

20 We wish you a pleasant trip home, to your place of residence. And best of luck in

21 that occupation that you exercise, which is a difficult one, namely, taking care of

22 others.

23 We will now go into closed session so that you can leave the courtroom in a low-key

24 fashion. Now, Mr Prosecutor, will your team remain in the same configuration?

25 MR MACDONALD: (Interpretation) The colleagues who are sitting behind me

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1 will be moving up, so perhaps if we could have a few moments while the witness
2 leaves and the next one comes in.
3 PRESIDING JUDGE COTTE: (Interpretation) We will stay in closed session while
4 the witness leaves and also when the next witness comes in. We will now go into
5 closed session so that Witness 44 can leave the courtroom. Farewell, sir.
6 THE WITNESS: (Interpretation) Goodbye.
7 (Closed session at 11.41 a.m.)
8 (Expunged)
9 (Expunged)
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20 (Expunged)
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22 (Expunged)
23 (Open session at 11.50 a.m.)
24 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.
25 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer.

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1 Good morning, Witness.

2 THE WITNESS: (Interpretation) Good morning.

3 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear me properly

4 and that the headset is working properly. We would like to ask you to speak loudly

5 and --

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

7 PRESIDING JUDGE COTTE: (Interpretation) We would like to ask you to speak up

8 in a good loud voice, to speak slowly and, when you answer a question, please

9 observe a pause of five seconds so to make the job of the interpreters easier because

10 they have to interpret from your language into French and then French into English.

11 This will also make it easier for the court reporters to do their work. So after a

12 question, please count to five in your head and then reply. If you forget this point,

13 we will remind you, and this will force you to speak slowly, as I am doing right now.

14 The Court is pleased to greet you. You have come from a great distance to give

15 testimony here. Through Mr Ngudjolo's Defence counsel, you have expressed the

16 requirement for protective measures, and these measures have been granted. That

17 means that you will enter the courtroom and exit the courtroom in closed session so

18 that the general public cannot identify you. We will never refer to you by your

19 actual name or first name. Rather, we will refer to you as "Mr Witness" or "Witness

20 number 55." Your face shall be scrambled. The image of your face will be distorted

21 so that people cannot see you and your voice will also be distorted so that people

22 can't recognise your voice, and that way your identity will be protected.

23 The parties and participants and the Court, if they realise that a question might lead

24 to your being identified, they will ensure that the proceedings are held in private

25 session. We will all do our best to ensure that as little time as possible is spent in

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1 private session because, as a general rule, the proceedings here at this Court are
2 supposed to be held in open session. So there you have it, Witness. That's what I
3 wanted to tell you at the beginning of the hearing.
4 Now we are going to briefly go into private session so that you can give us your
5 identity, and you will be able to give us that information quite freely. Then, after
6 that, we will go back into open session so that you can make your solemn declaration.
7 Court officer, if we could go into private session for a moment so that the witness
8 may give us his identity.

9 (Private session at 11.54 a.m.)

10 (Expunged)

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15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

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1 (Expunged)

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7 (Expunged)

8 (Open session at 11.56 a.m.)

9 THE COURT OFFICER: (Interpretation) We are in open session.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer.

11 Witness, before you begin giving testimony, you must make a solemn -- give a solemn
12 undertaking to tell the truth, and I will slowly read out the words of this undertaking
13 so that you can fully grasp the significance of it. This is how it goes: "I solemnly
14 state that I shall tell the truth, the whole truth, and nothing but the truth." Have you
15 heard what I just said?

16 THE WITNESS: (Interpretation) Yes, I did hear what you said.

17 PRESIDING JUDGE COTTE: (Interpretation) Thus, do you commit to telling us the
18 truth, the whole truth and nothing but the truth?

19 THE WITNESS: (Interpretation) Yes, I shall tell the truth, the truth and nothing but
20 the truth.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you. The truth, the whole
22 truth and nothing but the truth. So you have just made this commitment to tell us
23 the truth, the whole truth and nothing but the truth. If in the course of your
24 testimony, if you say something spontaneously, or if you give an answer and do not
25 tell the truth, you must realise that you could be brought before the International

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1 Criminal Court to face charges of perjury, and if that were to be proven, you would be
2 found guilty. Have you understood that?
3 THE WITNESS: (Interpretation) Yes, I have understood.
4 PRESIDING JUDGE COTTE: (Interpretation) The Court takes note that you have
5 complied with Section 69(1) of the Rome Statute and 66(1) and (3) of the Rules of
6 Procedure and Evidence.
7 Now, we will now get going. I remind you that you need to speak loudly, slowly,
8 which you have been doing for the time being, speaking clearly into the two
9 microphones in front of you. Please do not switch languages in the middle of your
10 testimony, and do not repeat outside of the courtroom what you tell us here inside.
11 If you wish to take a drink of water, please do so. There is a glass and a carafe of
12 water beside you. They're there for you and the ventilation in this room is not
13 always perfect so you may become thirsty. Similarly, if necessary, if you need to use
14 a handkerchief there is a box of tissues right beside you. That certainly is fine.
15 Please don't hesitate to take a tissue from the box if you need to, and if you are thirsty
16 please have something to drink. We all do so. We want to ensure that we are all
17 working in the best possible conditions.
18 So, Professor Fofé, you may now proceed with your examination-in-chief.
19 MR FOFÉ: (Interpretation) Thank you very much, your Honour, for giving me this
20 opportunity to carry out my examination.
21 QUESTIONED BY MR FOFÉ: (Interpretation)
22 Q. Good morning, Witness.
23 A. Good morning.
24 Q. My name is Jean-Pierre Fofé Djofia Malewa. I am co-counsel for the Defence
25 team of Mathieu Ngudjolo. We have already had an opportunity to speak to each

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1 other. I'm going to be asking you a few questions, because you are familiar with
2 some of the aspects of the case of interest to this Chamber and I hope that you will be
3 able to respond precisely to my questions. The Presiding Judge has just told
4 you - and I would like to repeat what he said - that you need to speak up, to speak in
5 a loud voice, slowly and clearly, without any misconceptions. You must feel
6 comfortable, as if it were a conversation.
7 Your Honour, I'm going to begin with a series of questions which could potentially
8 identify the witness and, therefore, I would like to request that we go into private
9 session for a few moments.
10 PRESIDING JUDGE COTTE: (Interpretation) Indeed, it is important that the public
11 gallery understand that the questions that are going to be put to the witness at the
12 beginning of his testimony could lead to his identification. Therefore, we're going to
13 go into private session for a few moments. Madam Court Officer, would you be so
14 kind as to take us into private session.
15 (Private session at 12.03 p.m.)
16 (Expunged)
17 (Expunged)
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1 (Expunged)

2 (Expunged)

3 (Open session at 12.29 p.m.)

4 THE COURT OFFICER: (Interpretation) We are now in open session, your
5 Honour.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Professor Fofé, you can
7 go on in open session.

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

9 Q. Witness, what is your religion? Do you have a religion?

10 A. I am a Catholic.

11 Q. Did you go into any studies and, if so, what sort of studies?

12 A. Yes, I did. I was educated up to the cinquième class in the secondary school.

13 Q. Let's do this stage by stage. First of all, did you undergo primary schooling
14 and, if so, where?

15 A. I attended primary school in Mongbwalu.

16 THE INTERPRETER: And the Swahili interpreter did not hear the name of the town
17 involved.

18 PRESIDING JUDGE COTTE: (Interpretation) In Mongbwalu, and could you repeat
19 the second place you mentioned?

20 THE WITNESS: (Interpretation) Mongbwalu and Yedi. And I ended my primary
21 school in Nizi.

22 PRESIDING JUDGE COTTE: (Interpretation) Now, perhaps you could spell out
23 Yedi and Nizi. We already know about Mongbwalu, so for Yedi, how do you spell
24 it?

25 THE WITNESS: (Interpretation) All right. Concerning Yedi, Y-E-D-I.

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1 PRESIDING JUDGE COTTE: (Interpretation) And the third name of a locality where
2 you ended your primary school, Nizi.

3 THE WITNESS: (Interpretation) Nizi, N-I-Z-I.

4 PRESIDING JUDGE COTTE: (Interpretation) That's perfect. Let's go on and we
5 shall no doubt go on to secondary school.

6 MR FOFÉ: (Interpretation)

7 Q. But before doing that, do you remember what dates you went, you attended
8 primary school, from what date to what date?

9 A. I began primary school in 1960 and primary school for me ended in 1967.

10 Q. Let's go on to secondary schooling. Where did you attend secondary schooling
11 and from what year to what year? I'm talking about secondary school up to the
12 cinquième class.

13 A. As for secondary schooling, I attended the school in Bunia. I began secondary
14 school in 1968 and I stopped in 1974.

15 Q. Do you have a certificate, a diploma, of any sort?

16 A. No, I didn't obtain any diploma but I did get what is called an Brevet certificate.

17 Q. Could you tell us what your marital status is, please?

18 A. I'm married and I have children.

19 Q. How many children do you have?

20 A. I have eight children.

21 Q. Thank you, Witness. Witness, do you know Mr Mathieu Ngudjolo?

22 A. Yes, I do know him very well.

23 Q. How did you meet him and when did you meet him?

24 A. I met Mathieu Ngudjolo when I was a child, when we were both children,
25 starting in 1975.

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- 1 Q. And where did you meet him in 1975?
- 2 A. We met in the village. I met him in the village.
- 3 Q. Which village?
- 4 A. Ezekere.
- 5 Q. Are you directly related to Mathieu Ngudjolo?
- 6 A. No.
- 7 Q. Do you know which clan Mathieu Ngudjolo belongs to?
- 8 A. Yes. Mathieu Ngudjolo is part of the Nbjoesi clan.
- 9 Q. Could you spell that for us, please, Nbjoesi, that name.
- 10 A. N-B-J-O-E-S-I.
- 11 Q. And which clan to you belong to?
- 12 A. I am part of the Joesi clan.
- 13 Q. Could you spell that for us, Witness?
- 14 A. J-O-E-S-I.
- 15 Q. Witness, I would like to ask you to look around this courtroom and please tell
- 16 us which person you identify as being Mathieu Ngudjolo here. With the President's
- 17 leave, you can even stand up and actually show us who Mathieu Ngudjolo is.
- 18 A. He's over there at the back.
- 19 Q. The very person who is standing up now, is that him, Mathieu Ngudjolo?
- 20 A. Yes, that's him.
- 21 Q. Thank you. And so you have properly identified Mr Mathieu Ngudjolo, and I
- 22 thank you for that. Witness, I am now going to ask you to talk to us, to talk to the
- 23 Honourable Judges, about the security situation in Bedu-Ezekere during the period
- 24 going from 2002 to 2003. My first question is as follows: From 2001 - we shall go
- 25 back to 2001 - from 2001 to 2003, where did you live?

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1 A. In 2001 I was at Bunia. We fled from the fighting. From Bunia, I went to
2 Zumbe.

3 Q. And how long did you stay in Zumbe?

4 A. From 2001 to the time when peace was restored. Well, during that period I
5 went back to Ezekere -- at that time I went to Ezekere, that is my native village, so it
6 was then that I returned in 2004, returned to Ezekere.

7 Q. Fine. So from 2001 to 2004 you were in Zumbe; is that right?

8 A. Yes.

9 Q. While you were in Zumbe from 2001 to 2004, what was the situation in terms of
10 security? Did you live in an atmosphere of peace? What happened in Zumbe
11 between 2001 and 2004 at the time you were living there?

12 A. No, there was no peace; that's why we had fled Bunia. We went to Zumbe
13 from there. The situation was not a calm one; there was fighting?

14 Q. So while you were in Zumbe, the war continued to go on; is that right?

15 A. Yes, that's right.

16 Q. Could you tell us whether Zumbe came under attack during that period?

17 A. Yes, Zumbe did come under attack several times from the outside.

18 Q. And where did these attacks come from?

19 A. This was ethnic fighting. They came from Bunia, Tchomia, Mandro, Kasenyi.

20 Q. Which forces attacked Zumbe while you were living there?

21 A. Zumbe was attacked on several occasions by the UPDF and the UPC.

22 Q. What damage did these attacks by the UPDF and the UPC cause?

23 A. People were killed. Villages were burnt down.

24 Q. When these attacks occurred - and we are talking here about the period from
25 2001 to 2004, during which you were living in Zumbe - so when you came under

1 these attacks, did you complain with the authorities? Were there any authorities to
2 whom you could complain; make out complaints to?

3 A. There was no place where we could do that, because the government - the
4 State - no longer existed at the time.

5 Q. And what did the population of Zumbe do when it came under these attacks?

6 A. There were two options: You could either run away, or defend yourself.

7 Q. And in what way did the population of Zumbe defend itself?

8 A. The first possibility was, of course, to run away. Those who were strong and
9 stayed behind would defend themselves with arrows, spears and machetes that they
10 used as defensive weapons.

11 Q. While you were there, did the population of Zumbe take any initiative to attack
12 other localities?

13 A. No, they did not attack other localities.

14 Q. So if it did not attack, then what did it do?

15 A. As I have already explained, there were two options: You either fled, and
16 people would do that, they would run away into the bush, whereas the stronger ones
17 would stay behind to fight the enemy.

18 Q. Was there any structure or committee in Zumbe that looked after the
19 self-defence aspects?

20 A. Yes.

21 Q. What was the membership of that committee?

22 A. This committee had Mr Banga Jacques as its president. Mr Banga Martin was
23 also a member, and Mr Bukpa Kalongo, Mr Kitoko (phon), Mr Ndjabu Safari and so
24 on.

25 Q. Thank you. At that time, were there any military camps in Zumbe?

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1 A. No, there were no military camps.

2 Q. At the time, were there any child soldiers in Zumbe?

3 A. No, there were no child soldiers.

4 Q. You said that in 2004 you went back to Ezekere. Did you go back to Ezekere
5 for any particular reason? Did something happen that compelled you to leave
6 Zumbe and go back to Ezekere?

7 A. The reason I went back to Ezekere was, first of all, that peace had been restored
8 in Ezekere and, secondly, Ezekere is my own native village.

9 Q. To be sure that everything is clear, Witness, could you tell us which year peace
10 was restored? Which year?

11 A. Peace was restored when the Artemis force arrived.

12 Q. So, all right, we know when the Artemis force reached Ituri. Witness, you told
13 us that you knew -- you have known Mathieu Ngudjolo since your childhood.
14 When you reached Zumbe, when you were living in Zumbe during the period of the
15 troubles 2001 to 2004, where was Mathieu Ngudjolo at that time?

16 A. When we fled to Zumbe, Mathieu Ngudjolo was still in training at Bunia.
17 When we began -- when they began to get rid of the Lendu in Bunia, he too fled. He
18 was being trained at the ISTM in Bunia.

19 Q. So that was the same period during which you yourself fled Bunia.

20 A. Yes, we fled together.

21 Q. Fine. And you have just mentioned that Mathieu Ngudjolo was a student at
22 the ISTM in Bunia. Are you familiar with the course of study followed by Mathieu
23 Ngudjolo? Do you know what his educational background was? Could you give
24 us any details about the type of studies that he followed?

25 A. No. Well, I don't know everything. When we became adults, he left to study

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1 and I went to work. That's what I can say on that topic.

2 In 1992 or '93, when I was appointed the head of -- an interim head of the Ezekere
3 groupement, well, I found Mathieu there in that village. He was working for the
4 Red Cross. Later on, he went back to the ISTM.

5 After that, when my interim post ended, I was appointed to another office and I was
6 driven out by the war. I fled and I went to Bunia. When I got to Bunia, I met -- I
7 found Mathieu at the ISTM. That was at the time when the war wasn't yet arrived in
8 our villages. Mathieu was in Bunia as a student. I, too, was in Bunia. When the
9 war broke out in Bunia, we fled together and went.

10 Q. Thank you very much. Do you know the name -- correction, the year that you
11 arrived in Bunia?

12 A. Yes, I arrived in Bunia on 12 December 1999.

13 Q. You said that when you got to Bunia on 12 December 1999 you ran into Mathieu
14 Ngudjolo in Bunia and he was continuing his education at ISTM.

15 A. Yes.

16 Q. Could you tell us what ISTM stands for, what it means?

17 A. It is an abbreviation that means Medical Technical Institute.

18 Q. When you all fled Bunia, you got to the Bedu-Ezekere groupement, and
19 as -- perhaps I won't mention your actual status in an open hearing. In light of the
20 duties that you were carrying out there, did you have an opportunity to work with
21 Mathieu Ngudjolo in one way or another, perhaps within the framework of medical
22 activities?

23 A. Well, the answer is clear. When I met him, there were many people in Zumbe
24 and there was only one health centre. There wasn't enough room to provide care to
25 everyone. Mathieu sent us an invitation and we responded to the invitation. Many

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1 of us went, and we met at the meeting; and during the meeting he suggested that we
2 set up another health centre in Kambutso. We talked about that. We agreed. And
3 during the meeting, (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 A. That's right.

9 PRESIDING JUDGE COTTE: (Interpretation) Ma'am, please proceed.

10 MS LUPING: Mr President, I've just -- no, I shall leave that, Mr President. I was
11 just concerned that a number of the questions now have been very leading, and I
12 would just ask Mr Fofé if he could keep his questions neutral and open-ended.

13 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, you have been asked,
14 in a rather polite manner, to not lead the witness. Please try not to lead the witness
15 to discussing activities that might identify him. Perhaps one of the answers that was
16 given should be redacted. We shall now continue but, I remind you, this is always a
17 difficult matter, remaining in open session as much as possible.

18 MR FOFÉ: (Interpretation) Thank you, your Honour. I wish to reassure the
19 Prosecutor that I will be careful. I asked this last question because the witness said
20 this himself, and I just wanted to stress the particular point in question.

21 Q. Witness, you spoke of a meeting and that led you to setting up a health centre in
22 Kambutso. Did you personally take part in this meeting?

23 (Expunged)

24 (Expunged)

25 Q. Do you remember -- could you mull this over for a moment, do you remember

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1 the date on which the meeting was held? Do you remember that date? Try to
2 remember, when was the meeting held, this meeting that led to the setting up of the
3 Kambutso health centre?

4 A. The meeting was held on 18 September 2002.

5 (Expunged)

6 (Expunged)

7 MR FOFÉ: (Interpretation) Your Honour, if the Prosecution does not object, I
8 would just like to show a document to the witness, and this document is related to
9 what he has just been saying. This is DRC-D03-0001-0051. I believe we have the
10 original document with us.

11 PRESIDING JUDGE COTTE: (Interpretation) Yes, it is a handwritten document
12 that you have disclosed.

13 MR FOFÉ: (Interpretation) Exactly, your Honour. Perhaps with --

14 PRESIDING JUDGE COTTE: (Interpretation) Perhaps the document could be
15 placed underneath the overhead projector so everyone can see it. The reference
16 number is 0001-0051.

17 THE COURT OFFICER: (Interpretation) Could you confirm the level of
18 confidentiality of this document?

19 MR FOFÉ: (Interpretation) This is a public document. Allow me to correct:
20 Confidential, please.

21 THE COURT OFFICER: (Interpretation) To view the document, please press
22 "PC1."

23 PRESIDING JUDGE COTTE: (Interpretation) Court usher, might it be possible to
24 zoom in? Perfect. Perfect. Can everyone see the document properly? Professor,
25 please proceed.

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1 MR FOFÉ: (Interpretation)

2 Q. Sir, you have the document before you. Please take some time to have a look
3 at the document. The original is easier to make out. You have it before you. Do
4 you need glasses?

5 A. Yes.

6 Q. Please put on your glasses and look carefully. Now, as you look at this list,
7 could you tell us whether your name or your nickname is to be found on this list?
8 Have you finished, Witness? Can you see your name on this list?

9 A. Yes.

10 Q. We are in open session. Did you indeed see your nickname on this list?

11 A. Yes.

12 PRESIDING JUDGE COTTE: (Interpretation) Perhaps you could make reference to
13 the number that precedes the name.

14 MR FOFÉ: (Interpretation)

15 Q. Now, what number does your nickname correspond to? I hesitated because
16 the numbers and the names don't match up, or don't line up exactly. Could you tell
17 us the number that corresponds to your nickname; the number?

18 PRESIDING JUDGE COTTE: (Interpretation) Do you think it will be sufficient for
19 the witness to give the number and we can deduce from that? What number,
20 Mr Witness, is in front of --

21 THE WITNESS: (Interpretation) Number 13.

22 MR FOFÉ: (Interpretation) Thank you very much. That is indeed so.

23 Q. Now, are these the people who attended the meeting, this meeting that was set
24 up to do the preparatory work for establishing this health centre in Kambutso?

25 A. Yes.

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1 Q. Thank you very much, Witness.

2 Your Honour, if the Prosecution doesn't mind, we would like an EVD number to be
3 allocated to this document.

4 PRESIDING JUDGE COTTE: (Interpretation) Court officer, if you could please
5 assign an EVD number to this document. It shall -- it is DRC-D03-0001-0051.

6 THE COURT OFFICER: (Interpretation) Thank you, your Honour. This shall bear
7 the number EVD-D03-00087 and shall be recorded as confidential.

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

9 MR FOFÉ: (Interpretation)

10 Q. Witness, we still have ten minutes. I will ask you a few more questions before
11 this hearing comes to an end. In light of your status, could you give us some names,
12 the names of people who were working at the Kambutso health centre?

13 A. Yes, I can give you the names of people who were working there, but are you
14 asking me to give you the names of the nurses, or of the committee members?

15 THE INTERPRETER: Message from the Swahili booth: Could Professor Fofé
16 please allow the interpreters to finish translating.

17 PRESIDING JUDGE COTTE: (Interpretation) You would like --

18 THE INTERPRETER: Message from the Swahili booth: With all due respect,
19 Professor Fofé is speaking before the witness finishes his answer, and the Swahili
20 interpreter has not finished translating from Swahili into French.

21 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé will be very careful
22 about this point. So if Professor Fofé could repeat the question, then the witness will
23 reply and the answer shall be recorded in both official languages of the Court.

24 MR FOFÉ: (Interpretation) Thank you. I apologise to our interpreters. It is due
25 to the fact that I am tuned into channel 00. I am listening to the floor. I am listening

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1 to the witness reply in Swahili, but I will make an effort.

2 Q. Witness, in light of your status or considering the duties that you were carrying
3 out, could you give us the names of the people who were members of the health
4 committee for Kambutso?

5 A. Yes, I can give you those names. There was myself, the chairman, then there
6 was --

7 THE INTERPRETER: The Swahili booth requests the witness to repeat the name.

8 PRESIDING JUDGE COTTE: (Interpretation) We will remain with the first part of
9 the sentence, namely, "There was myself, the chairman." Other than you, who were
10 the other members of the committee? Who can you remember? Please proceed.
11 We are all ears.

12 THE WITNESS: (Interpretation) I was giving the names. There was the
13 vice-president, Deo-Lochubo; there was the secretary, Budz's; the treasurer - I've
14 forgotten his name; there was also an adviser, his name was Likwa Jean; and then
15 there was another adviser or councillor, Lokana Losa (phon). There was also
16 Mr Singo Pele.

17 MR FOFÉ: (Interpretation)

18 Q. Thank you very much, Witness.

19 PRESIDING JUDGE COTTE: (Interpretation) I think you are going to have some
20 problems with the --

21 MS LUPING: (Overlapping microphones) Please, Mr President, if the witness could
22 please be asked to spell out the names.

23 PRESIDING JUDGE COTTE: (Interpretation) I think we will leave it at that. Now,
24 Witness, could you either spell out or write out the names in question? Court officer,
25 could the witness be given a blank sheet of paper and he will be able to write out

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1 these names.

2 MR FOFÉ: (Interpretation) There are actually five names.

3 PRESIDING JUDGE COTTE: (Interpretation) I suppose I forgot a few along the way.

4 THE WITNESS: (Interpretation) It might be a good idea to proceed that way, and

5 much easier to write out the names.

6 MR FOFÉ: (Interpretation)

7 Q. Just let me remind you of the names that you gave us, Witness. Deo-Lochubo,

8 Dots (phon), Likwa Jean-Damascène, Lokana Losi, Singo Pele.

9 MS LUPING: If the witness -- if the witness can please be asked to clarify because on

10 the transcripts that we have, Lokana, the name is Lokana Losa, not Losi.

11 PRESIDING JUDGE COTTE: (Interpretation) Witness, could you specify?

12 THE INTERPRETER: Inaudible.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you for doing that so quickly.

14 The document shall be placed underneath the overhead projector so that everyone

15 can view it quickly.

16 THE INTERPRETER: Message from the English booth: The earlier reply was

17 Lokana Losa.

18 THE COURT OFFICER: (Interpretation) To view the document, please press "Docu

19 Cam Witness."

20 PRESIDING JUDGE COTTE: (Interpretation) There it is. Everyone can look at the

21 six names that are written down here and then we see the six. I believe Ms Luping

22 has received the information that she wanted.

23 MR FOFÉ: (Interpretation) I think that's fine and we can now get an ERN number.

24 PRESIDING JUDGE COTTE: (Interpretation) We will conclude today's hearing with

25 the allocation of an ERN number.

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1 THE COURT OFFICER: (Interpretation) This document shall bear the number
2 EVD-D03-00088 and shall be registered as a public document.

3 MR FOFÉ: (Interpretation) Since the names are here, I think it might be better if
4 the document be registered as confidential.

5 PRESIDING JUDGE COTTE: (Interpretation) Indeed. Thus, it shall be registered as
6 confidential. We shall now conclude the hearing with this task that the witness has
7 just carried out.

8 Witness, we will see you tomorrow at 9 a.m. for the continuation and probably the
9 conclusion of Professor Fofé's examination-in-chief. Court officer, if we could go
10 into closed session so that the witness can leave the courtroom.

11 Witness, thank you for your testimony.

12 (Closed session at 1.28 p.m.)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Open session at 1.29 p.m.)

19 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer. Professor
21 Fofé.

22 MR FOFÉ: (Interpretation) I beg your pardon. I just wanted to ask when
23 we -- when shall we have an opportunity to have a few words with the first witness?

24 PRESIDING JUDGE COTTE: (Interpretation) Well, before we adjourn, I would like
25 to thank everyone. I forgot to do so yesterday at the end of the hearing, but I think

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1 they know that they are very close to all of us, in heart and in mind. The hearing
2 now stands adjourned.

3 (The hearing ends in open session at 1.30 p.m.)

4 CORRECTIONS REPORT

5 The Court Interpretation and Translation Section has made the following corrections
6 in the transcript:

7 * Page 37 lines 13 to 17

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19