

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, 5 September 2011
10 The hearing starts at 9.11 a.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. Good
15 morning, everyone. Good morning accused persons. Court Officer,
16 Court Usher, please have the witness brought into the courtroom.
17 (The witness takes the stand)
18 PRESIDING JUDGE COTTE: (Interpretation) Good morning,
19 Mr. Witness. Good morning, Chief Manu. Can you hear me well?
20 THE WITNESS: (Interpretation) Yes. Good morning. I can hear you
21 loud and clear.
22 PRESIDING JUDGE COTTE: (Interpretation) Very well. We will
23 continue with our work. You will recall that at the end of last week,
24 the Prosecutor had just started his cross-examination. So we will
25 continue with that. Mr. Prosecutor, you have the floor.

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1 MR. MACDONALD: (Interpretation) Thank you, Mr. President.

2 Your Honours, good morning.

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

4 (Witness answered through interpreter)

5 Questioned by Mr. MacDonald: (Continued)

6 Q. (Interpretation) Chief Manu, we are going to continue, but before

7 coming back to the issues I had touched on before we adjourned last

8 Thursday, I would like to deal with a few more personal issues.

9 Chief Manu, when you took the oath, the Presiding Judge asked you a

10 question. You began by describing your occupation, which was working in

11 the Ituri road network system and you said the office was in Bunia. On

12 page 3 of transcript 298, the Presiding Judge asked you where your

13 residence is located, and you answered that you have several wives and

14 you described where they lived. I will ask you the question once again,

15 because you gave an answer but it is not in the transcript. Now,

16 Chief Manu, where do you live?

17 A. Good morning, Mr. Prosecutor, even if you did not say good

18 morning to me. I live in the Democratic Republic of Congo,

19 Oriental province, Bunia district, Bedu-Ezekere groupement in the

20 Walendu-Tatsi collectivity. I have a wife who lives in the Linga

21 locality in Bedu-Ezekere.

22 Q. I'm sorry for interrupting you but I will do that systematically

23 if you do on answer my questions precisely: Where do you currently live?

24 Just like you answered when the Presiding Judge asked you. In the

25 evening you go and spend the night somewhere, so that is what I would

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1 like to know. Where do you live?

2 A. I have two wives. It is possible for me to spend a night at any
3 of two different places. So if you want me to tell you where I spend the
4 nights, I have one wife who is Chuta (* phon) from Suaz (* phon) she
5 lives in Linga. I can work in Bunia and then return to Linga to spend
6 the night. I have a second wife whose name is Amani Zuadi Maxaline
7 (* phon). For reasons related to the schooling of the children, she
8 lives in Bunia, in the Kindyi (* phon) been neighbourhood Mulumni
9 (* phon) avenue number 10.

10 My mother is also alive and she lives in the Bupa (* phon)
11 locality. I also go there sometimes to spend the night. I have children
12 who are studies in the Buy-Sabuni primary school and I can also go to
13 that locality. So my answer is I can spend the night in three different
14 places. Bokpa, Linga and Bunia. The wife in Bokpa is already deceased.
15 I believe you have understood me.

16 Q. Very well. So the short answer is Bunia, Linga and Bokpa Lagura.
17 That is what you said in your answer.

18 Mr. Witness, Linga is in the Bedu-Ezekere groupement, I believe;
19 isn't that correct?

20 A. Yes.

21 Q. And just to be sure, Bokpa Lagura is in the Bedu-Ezekere
22 groupement; is that correct.

23 A. Yes.

24 Q. So, Mr. Witness, in light of your last answer, I can conclude
25 that you share or you split your time between Bunia and the Bedu-Ezekere

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1 groupement; is that correct?

2 A. I did not quite understand your question.

3 Q. Currently, you split your time between Bunia and the Bedu-Ezekere
4 groupement?

5 A. Yes, my place of work is in Bunia and my residence where I spend
6 my nights is in Bunia and in the Bedu-Ezekere groupement.

7 Q. Chief Manu, you are no longer the traditional chief of the
8 Bedu-Ezekere groupement ever since 2005. Now, can you tell us when
9 precisely in 2005 you stopped being the chief of that groupement?

10 A. End of 2005.

11 Q. Are we to infer from that answer that you cannot tell us a date
12 or a month in 2005? Is that your answer?

13 A. No. I no longer remember.

14 Q. Chief Manu, despite the fact that you are no longer the
15 traditional chief, you have not lost your title as a notable. You are
16 still a notable; is that correct?

17 A. Yes.

18 Q. I will ask you a question on a different issue. During the visit
19 of the Prosecutor in July 2009, who informed you that the Prosecutor was
20 scheduled to visit Zumbe? Let us begin with that question.

21 A. The people of the Lendu community.

22 Q. Let me ask you the question once again. Who within this Lendu
23 community personally informed you that the Prosecutor was scheduled to
24 visit Zumbe?

25 A. You know, when I use the word "community," I'm not referring to a

1 natural person. Community is a group of people working together. The
2 community was informed that the Prosecutor had to visit the Hema and
3 Lendu communities in Bunia. We were also told that he would equally
4 visit Zumbe and Bogoro. So the community came to see me, because I was a
5 member of that community. I was the president of the community. As you
6 know, in our community we have people responsible for public relations
7 and other things. So I was asked to go to Zumbe to receive the
8 Prosecutor, alongside a delegation which accompanied me.

9 Q. Would I be correct to say that the community you are referring to
10 is the community of notables? It was the other notables of Bedu-Ezekere
11 who informed you about the visit of the Prosecutor; is that correct,
12 Chief Manu?

13 A. You know, Ituri comprises 18 communities. I was not referring to
14 the community of notables. I'm talking about the ethnic community. You
15 have the Lendu community, which is responsible for several
16 collectivities, and in that community, there are many inhabitants.

17 Q. Chief Manu, I will ask you that question one last time and then I
18 will move on to something else, because amongst the members of those
19 communities, there is at least one person or two or three who met you and
20 told you that the Prosecutor was coming to visit Ituri and meet with the
21 representatives of the Hema and Lendu communities. He was also scheduled
22 to visit Zumbe and Bogoro. And since you have not answered the question,
23 I am going to ask you one last time: Which member of that community
24 informed you? Was it one person, two people or three? Was it a group?
25 But what are the names of those people who actually informed you? That

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1 is my question. And it is quite simple. That is, if you remember, of
2 course.

3 A. Mr. Prosecutor, you know, the most important thing here is to
4 understand the definition of the word "community." Let me tell you this
5 carefully. The word "community" does not refer to a physical or natural
6 person. It refers to a group of individuals. In our area, we have the
7 civil society, and an organisation known as UNADI or Union for the
8 Development of Ituri. These people do not personally come to tell me
9 that the Prosecutor is coming there tomorrow, Mr. Manu. No, they wrote.
10 They wrote a letter. As you know, Mr. Prosecutor, if you come to Ituri,
11 I'm not going to be directly informed. You are going to contact someone
12 who will inform me.

13 THE INTERPRETER: The Swahili interpreter points out that the
14 witness is speaking very fast and it is difficult to understand him.

15 THE WITNESS: (Interpretation) It is not a natural person who has
16 to it inform me, Chief Manu, that the Prosecutor is going to come, so it
17 is not a physical individual. It is the community that informed me.

18 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, since we are
19 at the very beginning of our hearing, and it is important to work in very
20 conducive conditions, the Chamber would like to remind you that each time
21 that you are able to provide a very direct and concise answer, then you
22 have to do so. As you know, if the Prosecutor does not have an answer to
23 his first question, he will likely ask you five or six other questions in
24 order to be able to elicit the response that he is looking for.

25 So in order to make progress, as we have been doing, right now,

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1 please remember to cut to the chase, and if you have any comments to
2 make, then make those comments afterwards. I believe that we have
3 understood each other. You have just explained how information reached
4 you, and the Prosecutor wanted to know whether it was a rumour or whether
5 there was an information that at one point or the other reached you that
6 the Prosecutor was going to visit Zombe. You have mentioned that there
7 was a correspondence written to you. So as soon as you have a question,
8 if you have an answer, go directly to the answer. This will make it
9 possible for us to work better and work in a more relaxed atmosphere.

10 Mr. Prosecutor, please proceed.

11 MR. MACDONALD: (Interpretation)

12 Q. Chief Manu, now, I'd like to talk to you about a letter. Now,
13 who wrote this letter? Was it signed by someone, someone representing
14 the Lendu community, as often we see in documents from Ituri? Was there
15 some mention of secretary of the community, president, assistant to the
16 president? So my question is: Did someone sign this written document?

17 A. First of all, civilian society provided me with an invitation.
18 Two people per representative of the Lendu community met and they read
19 the letter which spoke of the arrival of the ICC Prosecutor in Ituri, and
20 the -- it said that the Prosecutor needed the Lendu and Hema communities.
21 There were other representatives, civilian --

22 THE INTERPRETER: Correction.

23 THE WITNESS: (Interpretation) Civil society chaired this
24 meeting. They gave us this information on the basis of a written
25 document, and it was the person in charge of protocol who signed the

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1 invitation from the civil society. We were all informed of this. All 18
2 communities were informed that the Prosecutor was coming to Ituri.
3 I wasn't the only one to be informed of this. Myself, as Chief Manu --

4 MR. MACDONALD: (Interpretation)

5 Q. We will return to this in a few moments. So you said that the
6 person in charge of protocol signed the letter, and I also wish to point
7 out that you have not said who the person was despite repeated
8 questioning. Now, my question is: How many days in advance did you
9 receive this invitation to meet with the Prosecutor of the ICC? In other
10 words, this letter, how much time before his actual arrival did you
11 receive the letter? How many days or weeks in advance did you receive
12 the letter, or did you come into the possession of this letter from the
13 person in charge of protocol?

14 A. The meeting was held over four days. The first meeting was in
15 the office of the civil society. The send one was -- had to do with the
16 community within the CIGR organisation. That is where the Lendu
17 community met to plan for the arrival of the Prosecutor, and that lasted
18 three days. After that, the specific date of the ICC Prosecutor was
19 released, was made public. Ngabu Mandro, Emmanuel, Chura was responsible
20 for greeting the Prosecutor in Zumbe. The chief that I handed power over
21 to - I was never driven out of power. I yielded power. I handed over
22 power - he came to my office and the two of us, we went one day in
23 advance and we went to inform the people that the chief was on his way
24 and we were going to greet him in Zumbe. At the same time we did all the
25 preparatory work so that we could welcome him at the school. It was not

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1 a surprise visit. We had the information in advance. And the entire
2 community had that information. The information was given to us, not
3 just the Hema community, and the information was given in advance.
4 I travelled there one day in advance. I will stop at that point.

5 THE INTERPRETER: Message from the Swahili point: The
6 interpreters mentioned that the witness is speaking very quickly.

7 PRESIDING JUDGE COTTE: (Interpretation) Witness, please slow
8 down. Please slow down. If you see me gesture, this will be a signal
9 for you to slow down, and my colleague, Judge Diarra may also be
10 signalling. And the signal, the gesture, really does mean slow down.

11 MR. MACDONALD: (Interpretation)

12 Q. Witness, so you were informed in advance and preparation was done
13 within the Lendu community, if I understand your testimony properly, but
14 there is one name that I'd like to hark back to, Churi -- Chura, could
15 you please spell out that name, and when you spell out that name, please
16 give the complete name to the Chamber, if you could.

17 A. C-h-u-r-a, Chura.

18 Q. And the other name that goes along with Chura. Could you tell
19 the Chamber, please?

20 A. Bilo, I don't know whether -- I think that -- well, I know him by
21 the name of Bilo as well. I don't know if that's his name.

22 Q. We are familiar with the name Chura Bila -- Bilo, and I think
23 it's T-c-h-u, then Bilo, B-i-l-o. So Mr. Chura Bilo and yourself went
24 and were you in charge of greeting the Prosecutor on behalf of the Lendu
25 community when he came to Zumbe; is that correct? Is that what you're

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1 telling us?

2 THE INTERPRETER: The Swahili interpreter has not understood.

3 THE WITNESS: (Interpretation) The programme was based -- was
4 established in the community and we were given this task to greet him.
5 We didn't follow.

6 Q. As Professor Fofé might put it, for the sake of clarity, my
7 question is as follows, Chief Manu: You, yourself, and Mr. Chura Bilo
8 had been designated by the Lendu community to greet the Prosecutor in
9 Zumbe, is that what you just told us a few moments ago; is that correct?

10 A. Yes. Ngabu Bilo Wele was also part of the group.

11 Q. And a gentleman, Ngabu Wele, could you spell out that name just
12 for the purposes of the transcript, please?

13 A. Nj --

14 THE INTERPRETER: Correction.

15 THE WITNESS: (Interpretation) g-a-b-u, Ngabu. W-u-l-e, Wule.
16 Ngabu Wule.

17 MR. MACDONALD: (Interpretation)

18 Q. Very well. We will hark back to the Prosecutor's visit at a
19 later point today. I would just like to make sure of one thing. And if
20 I could go back to your personal information, you mentioned, and it was
21 in transcript T 299, when you were sworn in, and it said that you were
22 born in knee Nyakunde. That is what you said; is that correct, that you
23 were born in Nyakunde?

24 A. Yes.

25 Q. However, after that, in response to a question from

1 Professor Fofé you said you were born in a locality called
2 Borokpa Lagura. And the reference can be found at transcript 299, page
3 10, lines 18 and 19. I would like to touch upon this very quickly. You
4 said the following. Line 14. Professor Fofé was asking you a question,
5 and this is just for the sake of clarity. He asked whether Bedu-Ezekere
6 was a groupement or a locality or a village, and your answer was that it
7 was a groupement. It is the groupement of Bedu-Ezekere. Ezekere is the
8 main town and the question was:

9 "And Borokpa Lagura, is that a sector or a locality?"

10 Answer:

11 "It is a locality. It is the place where I was born."

12 Just to clarify, were you born in Nyankunde or the other
13 location? One thing for sure is that it can't be both cases, it has to
14 be one or the other.

15 A. My village of birth is Borokpa, however my place of birth is
16 Nyankunde but my locality of origin is Borokpa. So I am from Borokpa,
17 but I was born in Nyankunde. I repeat: My village of origin is Borokpa.
18 However, my place of birth is Nyankunde.

19 Q. During your testimony, Chief Manu, you also mentioned that you
20 studied at the -- in Bogoro, at the primary and secondary school; more
21 specifically, your secondary education, you said, that you spent about
22 one year in Bogoro, and that reference can be found in -- at page 12 of
23 transcript 299. My question is as follows:

24 MR. HOOPER: I learn from my client, Mr Katanga, that there are
25 difficulties in the Swahili translation. So, for example, in respect of

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1 the previous issue whether the witness was born in Nyakunde or in the
2 other place, he'd originally said one place but that the other place was
3 his village of, well, sort of his family -- I don't know the phrase but
4 he'd answer it had already. There has been a number of problems like
5 that as we've gone through. It's not a criticism of the interpretation
6 but there are differences. And I know --

7 PRESIDING JUDGE COTTE: (Interpretation) Let us try to have the
8 witness be very specific. He seems to be trying to be specific. When
9 the Prosecutor is asking him to choose between Nyankunde and Borokpa
10 Lagura, in actual fact the witness told us -- well, tell me if I'm
11 mistaken, Chief Manu, but you said that you were born in Nyankunde but
12 that your village of birth, I believe you mean the village where you
13 spent your earliest days, was Borokpa Lagura; is that correct.

14 THE WITNESS: (Interpretation) Yes, your Honour. You have
15 understood. If I repeat one more time so that everyone understands, you
16 see, our custom is that -- well, we have our customs and they are
17 different from the customs of white people. Someone might ask you a
18 question, they might say, Well, where are you from? And you will say to
19 him, I am from Borokpa. And the person might ask you, Where were you
20 born? Were you born in Borokpa or were you born at some other place?
21 And at that time you will say to him, Well, I was born in Nyankunde.
22 These kinds of questions do exist in our part of the world. People do
23 say, Where are you from? And the person will answer -- might say, I'm
24 from Holland but I was born in the Congo. The place of birth is
25 Nyankunde, but I am from Borokpa. I am a child of Borokpa.

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1 I think we have understood one another.

2 PRESIDING JUDGE COTTE: (Interpretation) Yes, I do think we have
3 understood one another. Your mother brought you into the world in
4 Nyankunde but your village where you spent your childhood is
5 Borokpa Lagura. Thank you.

6 Professor Fofé.

7 MR. FOFÉ: (Interpretation) Well, I think it's a good thing that
8 the Prosecutor has asked this question just to clear things up and the
9 witness has cleared things up. Now, we did notice in transcript 299,
10 page 10, lines 18 and 19, I believe that with the explanations provided
11 by Chief Manu, the Chamber has seen that the differences -- the
12 difference between being from a place and the -- and being born in a
13 particular place, these are two concepts that Chief Manu has just
14 explained to you. You can be from one particular place, even though you
15 were born in a different place. I don't want to make things
16 unnecessarily complicated, but these are two very different concepts, and
17 Chief Manu has explained the difference to us. Thank you very much, your
18 Honours.

19 PRESIDING JUDGE COTTE: (Interpretation) Mr Macdonald, please
20 proceed.

21 MR. MACDONALD: (Interpretation) I will try.

22 Q. If we are going to have such a discussion on -- I'm going to --
23 if we have such a discussion, I think I will end up being from The Hague
24 even though I was born in Montreal.

25 PRESIDING JUDGE COTTE: (Interpretation) Please continue with your

1 cross-examination. Let us try to get to the heart of the matter, if we
2 could. Please proceed.

3 MR. MACDONALD: (Interpretation)

4 Q. Chief Manu, you studied in Bogoro at the Bogoro secondary school
5 for about one year, is that not the case?

6 A. Yes, I did do my primary schooling in Bogoro, and my secondary
7 school as well, and then Geti and then Bogoro and then I did my teacher's
8 training in Bunia.

9 Q. Which secondary school did you study at in Bogoro? What was the
10 name of that school in that place?

11 A. Astibo (* phon), the Bogoro institute.

12 Q. In the testimony, you gave the pedigree, or, rather, certain
13 information regarding Logoro Chembari (* phon), Mr. Bahati,
14 Mr. Boba Boba. We know him by Boba Boba, but I'd like to ask you the
15 question. I'll give you a bit of background before I ask the actual
16 question. Now, am I correct to say that you know that Mathieu Ngudjolo
17 also study at the Bogoro institute at a particular point in his life?
18 I'm asking you the question. To your knowledge, did Mr. Ngudjolo study
19 in Bogoro, at the Bogoro institute. Answer, please.

20 A. I don't know.

21 MR. FOFÉ: (Interpretation) I beg your pardon --

22 MR. MACDONALD: (Interpretation) No. The witness has just
23 replied.

24 MR. FOFÉ: (Interpretation) The witness has indeed replied but you
25 put some information to him that we were unaware of.

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1 MR. MACDONALD: (Interpretation) Well, it is found in the
2 interview with another witness that the Prosecution had -- a witness who
3 is now deceased, Nunalika (* phon). I can even mention this before
4 Chief Manu. I believe the name was actually mentioned. We can come back
5 to this, if necessary. Thank you.

6 THE INTERPRETER: Overlapping speakers.

7 PRESIDING JUDGE COTTE: (Interpretation) Let us note that the
8 witness answered no. Prosecutor, please continue.

9 MR. MACDONALD: (Interpretation)

10 Q. Chief Manu, so to your knowledge, all those years ago, all those
11 years ago, when you spent time with Mr. Ngudjolo in the groupement, you
12 never knew or you never learned that he had studied at any secondary
13 school of any type at all? You have no knowledge of that? No idea?
14 More specifically in Bogoro? You don't know anything about that? You
15 have absolutely nothing to tell the Chamber about where
16 Mr. Mathieu Ngudjolo may have studied?

17 A. I don't know. The locality of Mathieu Ngudjolo is far away from
18 mine. When I went to school, Mathieu Ngudjolo wasn't studying. Mathieu
19 and I were not living together. How could I get that information about
20 his schooling? He's not part of my family, after all. I have no
21 information about Mathieu Ngudjolo's schooling other than his training as
22 a nurse.

23 Q. Very well. Let us now move on to another topic. I'd like us to
24 talk about Bedu-Ezekere groupement. You are the former chief. You are
25 Chief Manu of Bedu-Ezekere groupement, a person who had responsibilities

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1 within the groupement. I would like to go back to a few details, to make
2 sure that we are clear about the facts coming out of your testimony. So
3 Zumbe, let us take the locality of Zumbe within Bedu-Ezekere groupement.
4 According to you, you said in earlier testimony that the altitude of this
5 locality is 1,650 metres.

6 A. Correct.

7 Q. And you agree with me that this locality, Zumbe, is the main
8 town, the primary inhabited place within the groupement. Am I correct
9 when I put that to you, when I put that fact to you?

10 A. Do you want me to answer that?

11 Q. If you can say "yes" or "no," that would be just fine.

12 A. I would say no. And then I will explain. When I listened to the
13 interpreter, you tell me Bedu-Ezekere. Bedu-Ezekere. You should remove
14 the E. It's Bedu-Ezekere. Bedu-Ezekere is a single name. It is a name
15 that has a hyphen in the middle of it. It is the main town. It is the
16 headquarters of the traditional chief of the entire groupement. What you
17 are saying about Zumbe is because the attackers drove us away and we
18 we've met in Zumbe. Zumbe is a small place that wasn't even known.
19 Nowadays, Zumbe is known to people because of the war. You can't even
20 speak of Zumbe at the global level. It was because of the war that
21 people talked about Zumbe. However, the Bedu-Ezekere groupement does
22 have its main location in Ezekere and the chief is Kabaya.

23 THE INTERPRETER: Correction: The locality is Kabaya.

24 THE WITNESS: (Interpretation) But the groupement's name is
25 Bedu-Ezekere not Bedu and Ezekere. And the chief is Kabaya, that is his

1 name.

2 Q. I apologise for my pronunciation of Bedu-Ezekere. But since you
3 want to correct me, one thing is for sure. Each time I pronounce the
4 name with a -- with the word "and" or without the word "and," I'm
5 speaking about the groupement you are the leader of. Do we understand
6 each other? So Zumbe became the main locality and let us talk about that
7 time when all the people fleeing the war or trying to take refuge because
8 they were under attack, they went to that place.

9 A. Yes, that's right.

10 Q. Once again, just to be absolutely certain - and if you could give
11 me a moment, please - when there is no fog, from Zumbe you can see
12 Lake Albert; is that correct?

13 A. You can see it very well.

14 Q. Can you see the locality of Kasenyi and I'll ask the same thing
15 about Tchomia. I think that you can see the lake, but, more
16 specifically, can you see the localities that are on the lake shore which
17 are quite big, the localities of Kasenyi and Tchomia?

18 A. You can see the sheet metal that is shining, and you can say,
19 Okay over there is Tchomia and over there is Kasenyi.

20 Q. All right. You can see the sun reflecting on the roofs of the
21 houses. Mandro, from Zumbe can you see the metal roofs that form the
22 locality of Mandro?

23 A. You cannot see it because of the hill. Before you get to Mandro
24 there is a big hill. Mandro is behind that hill.

25 Q. What is the name of that hill that hides Mandro from view? Is it

1 the hill of Ezekere or am I wrong? Is there another name for that hill?

2 A. Zedu (* phon).

3 Q. Is this hill of Zedu in Bedu-Ezekere or is it in Chief Kahwa

4 locality already?

5 A. Ezekere sold it to Mandro so now it is in the territory of chief

6 Kahwa. The second hill is called Pa and the two hills are side by side.

7 There is Zedu and Pa.

8 Q. How do you spell "Pa," do you spell it P-a or P-a-h?

9 A. As it sounds, P, and then A, so those are the two hills, Pa.

10 Q. Again, from Zumbe, when there is no fog, you can clearly see the

11 roofs of the houses that form the village or the locality of Bogoro,

12 would you agree with me?

13 A. You can see quite clearly, you will not see the business centre

14 of the village but you will see the institute and you can also see the

15 Protestant mission.

16 Q. When you say the institute, we are talking about the Bogoro

17 institute, are we not?

18 A. Yes.

19 Q. So when the weather is clear, you can see the Bogoro institute

20 and you can also see the UPC camp, can you not? There was a camp within

21 the Bogoro institute and that was the UPC camp, was it not?

22 A. You can see the metal roofs of the houses, and if you know the

23 place well, you could say that is where the camp is but you can't see the

24 camp itself. What you will see, rather, is the metal roofs of the

25 houses. When I talk about the institute, you will see the roofs if the

1 roof is made of sheet metal but if it is not, you will not see it. From
2 far off, you can see those metal roofs.

3 Q. But you, Chief Manu, you knew that there was a UPC camp in Bogoro
4 on the grounds of the Bogoro institute, did you not? I can see that
5 you're nodding to that. Is that correct?

6 A. Yes. It's because I was waiting a period of five seconds. That
7 is why I did not answer immediately, but my answer is yes. The camp was
8 in Bogoro.

9 Q. Once again, from Zumbe, from that altitude of 1650 metres, can
10 you also see Bunia or perhaps can you see Dele before it and then Bunia
11 in the far distance, when you look towards Bunia, can you see Bunia?

12 A. No. The hill blocks your view.

13 Q. And what hill is it that prevents you from seeing Bunia? What's
14 the name of the hill?

15 A. Phdu.

16 Q. Could you spell that, please?

17 A. Yes. It is a hill. Phdu, D-u -- P-h-d-u. I am not well-versed
18 in writing the Lendu language. I'm not sure quite how you spell it but I
19 know how it's pronounced.

20 Q. When you are in Zumbe, you can see the institute but if you look
21 towards Katoni, can you see what is behind it in the distance? I know
22 that Katoni is on the Bogoro road but can you see behind it in the
23 direction of the Walendu-Bindi territory?

24 A. You cannot see the entire country of Katoni but you will see a
25 part of the road down below. You can see Bogoro from a distance, but

1 Katoni is at the bottom of the hill alongside the road. You won't see
2 everything. You will see just a part of it at the bottom of the hill.

3 Q. Just to confirm something, we are talking about the Bunia-Bogoro
4 road at this point, are we not?

5 A. Yes.

6 Q. Just a small geographical detail: When you go down the Lagura
7 mountain towards the road, either in the direction of the road or in the
8 direction of Bogoro itself, I understand that there is a locality called
9 Kavalega. Some people would say there is Kavalega 1, on one side of a
10 small river and Kavalega 2 on the other side of that small river. Does
11 that mean anything to you? Can you give the Chamber clarification on
12 that point?

13 A. From Lagura, you will go down as though you were going to Katoni.
14 So you are going downhill towards Katoni. For example, if I am in Lagura
15 here, Katoni will be in front of me, like this. When I come down to the
16 bottom of the Lagura hill, Kavalega is over here, and after Kavalega, you
17 have Basenji river which separates Kavalega from Bogoro, it is called
18 Kasanji (* phon). So Katoni is set out like that. You have the road
19 coming this way and it is not a road to go to Bogoro. You have bush land
20 after that. But if you're coming down the hill this way, then Kavalega
21 is on the left and the water way that I'm talking about separates Bogoro
22 and Kavalega. You have Kavalega 1, which is in Borokpa and then Kavalega
23 one, is at the bottom of the hill by the water course, but people built
24 in preference on the other side.

25 Q. I think you're giving us some very interesting information here

1 but you are making hand gestures in your explanations. It can be seen on
2 the video but we need to put it into the transcript. You're coming down
3 the Lagura and you have Katoni in front of you, we agree on that point,
4 do we?

5 A. Lagura and Katoni, Lagura is the hill, all right? But Borokpa is
6 at the bottom of the hill, it is a locality. The locality of Lagura is
7 above that, but people only cultivate fields there, they don't live
8 there. Katoni, Buy-Sabuni and Borokpa are set out this way. You can see
9 there is a waterway here. The waterway separates them. The waterway can
10 be crossed at a ford. You can walk across it without getting your shoes
11 wet because there is sand there. So you arrive at the waterway, you
12 cross it and you enter into Katoni. To go to Kavalega, you will also
13 cross a waterway, a small waterway. It's not very big. You cross it and
14 you arrive at Kavalega. Have you understood me?

15 Q. Yes. All right. But just to understand correctly, Katoni is
16 opposite you, Lagura mountain is behind you and in front of you, you have
17 Katoni. And then for Kavalega, you have indicated towards the left - and
18 I can see that you're nodding as I say this - you head towards the left,
19 so towards Kavalega and after that is Bogoro. If you continue straight
20 away you could get -- straight ahead you would get to Katoni. You go on
21 the Bogoro road and arrive in Katoni straight ahead.

22 A. That is exactly right. You are speaking as though you know the
23 place very well.

24 Q. Chief Manu, what is the distance between Bunia and Zumbe, by the
25 road, I mean, because there is a road in the Bedu-Ezekere groupement, so

1 what is the distance between Bunia and Zumba on this road?

2 A. 22.

3 Q. Dele-Zumba by the road again, how many kilometres is that?

4 A. 19.

5 Q. So Dele is about two or three kilometres, according to your
6 calculations, from Bunia; is that right?

7 A. Yes.

8 Q. But would you agree with me that from Zumba you can go to Dele by
9 a small path or track, and if you do that, the distance is shorter than
10 if you take the road? Do you agree with that? Maybe it's not shorter in
11 time, if you're taking a car or a taxi or a motorbike on the road, but on
12 foot, if you follow that path from Zumba to go to Dele, you will get
13 there faster than if you took the road to Bogoro down the bottom of the
14 hill.

15 A. From Dele, there are many short cuts to get to Zumba. There are
16 short cuts that go by Kanzi. There are others that go through Lima.
17 There are others that go through Masson (* phon).

18 Q. Kanzi, Lima and Masu, M-a-s-u; is that correct? The locality of
19 Masu, the locality of Lima and the locality of Kanzi in Bedu-Ezekere?

20 A. Yes. That's what we call Baladu Kanzu (* phon).

21 Q. But Chief Manu what is the shortest distance, what is the
22 shortest shortcut from Dele to Zumba on foot following those small paths?
23 How many kilometres are we talking about?

24 A. As far as I would judge, it would be 15 kilometres because you go
25 through Zokozo (* phon). You go uphill, you go down the hill, you go up

1 again, you go down again. I think it's about 15 kilometres. You don't
2 just go uphill once. You have to go up and down, up and down, go by a
3 waterway. Even before you get to Zumbe, you have to go downhill once
4 again and then you climb up to get to Zumbe. And there are curves along
5 the path, you head to the left, to the right, you go downhill. There is
6 quite a lot of curves on the path and it might be as much as 15
7 kilometres, although nobody has measured that, I don't think. I'm just
8 giving you an estimate.

9 Q. Well, one thing is for sure, it is a shortcut which the
10 population uses when it is fleeing; is that correct?

11 A. The path was not created so that people could flee. No. These
12 are paths because people go and collect wood to sell it in Bunia. There
13 is nothing other than that. It's just transporting goods or wood.
14 People have been using these paths for a very long time to transport wood
15 or to carry bread that they've baked or alcoholic drinks. People use
16 these paths so you'll understand that these paths do not exist simply so
17 that people can use them to flee.

18 Q. Chief Manu, the 6th of March, 2003, the 6th of March, 2003, how
19 many health centres, whether they were health centres, health clinics,
20 nursing posts, hospitals, it doesn't matter what they were called, but
21 how many health centres were there on the 6th of March, 2003? How many
22 establishments were there where people could go and get health care in
23 the Bedu-Ezekere groupement?

24 A. There was only one health post in Kambutso and one health centre
25 in Zumbe. The centre in Buy-Sabuni no longer existed. The Ezekere one

1 did not exist any more either. There was only one health centre in Zumbe
2 and one health post or outpost in Kambutso.

3 Q. When Bunia fell on the 9th of August, 2002, we were talking about
4 the 6th of March, 2003, now let's look at the 9th of August, 2002. When
5 the UPC, supported by the UPDF, chased the Governor Lopondo out, there
6 were a lot of refugees who fled to Bedu-Ezekere, is that correct?
7 Refugees from Bunia, from round about to that area, from the
8 neighbourhoods, Kenziya (* phon) and so on, from Dele, these people
9 sought refuge in the groupement, did they not?

10 A. Yes. In Bedu-Ezekere, that is Zumbe.

11 Q. Before that, were there already refugees or did the refugees
12 really start to arrive at that time, on that occasion, the event of the
13 fall of Bunia on the 9th of August, 2002?

14 A. Well before that, there were displaced persons. I don't think
15 that that is anything relevant here because this is something that took
16 place in 1999, 2001. There were people from Ngeti who went there and
17 they did not go back home afterwards. I think I've already mentioned
18 that.

19 Q. All right. So just in order to understand clearly, there were
20 people from the Walendu-Bindi community who had come to seek refuge in
21 the Bedu-Ezekere groupement around the years 1999-2001, because you
22 mentioned Ngeti; is that accurate?

23 A. A lot of Geti people went to Bunia. The people from Geti who
24 lived in Geti went to Bunia, and they fled then to Zumbe because there
25 was nothing else for them to do. These were not people from Geti who

1 went to Zumbe. They are people from Bunia, the Ngeti who left Bunia to
2 go and live in Zumbe because there was no road that they could use to get
3 to Geti. There was no road in existence.

4 Q. That is the road existed but Bogoro was under Ugandan control in
5 1999, 2001, is that what you're saying?

6 A. If you want us to go back to 1999, it's up to you. We can do
7 that. But the Rwandans and the Ugandans went there in 1997, they were
8 there in Ituri and they were the ones working with the UPC. Bogoro was
9 in their hands, the Ugandans and the UPC, and at that time even the APC
10 was there, even the APC.

11 Q. All right. Let's come back to the month of August 2002. All of
12 these refugees come to your groupement. And if I've understood
13 correctly, at this point, the localities around the periphery of
14 Bedu-Ezekere all turned to Zumbe, and in the months following the
15 9th of August 2002, the population of Bedu-Ezekere, everybody, including
16 the refugees arriving from Bunia, fell back to a centre point which was
17 Zumbe, is that what you're saying? Is that your testimony?

18 A. Yes.

19 Q. And it was at this time, Chief Manu, after the fall of Bunia in
20 2002, that self-defence begins. It is at this point, and from this point
21 onwards, that young people, the strong, the brave, begin to defend Zumbe
22 and its population, this population that has gathered there which is
23 under pressure from Chunya (* phon), Kasenyi, Bogoro, Bunia and Mandro;
24 is that correct?

25 A. I haven't understood what you said. The war did not begin in

1 2002. The fall of Lopondo was not the beginning. The beginning of all
2 of this was not the fall of Lopondo. The self-defence that I mentioned
3 began even before the fall of Lopondo. Lopondo took place afterwards --
4 excuse me, Lopondo arrived later as a governor and commander of
5 operations in Ituri. No, self-defence did not begin at that particular
6 point.

7 Q. The self-defence indeed began well before that, did it not? Well
8 before the 9th of August, 2002. It's not something which was improvised
9 over night at that point, Chief Manu. So you would agree with me on that
10 point, according to what you've just said?

11 A. Yes. That is what I said.

12 Q. Mathieu Ngudjolo, for his part, arrived after the fall of
13 Lopondo, in the groupement, did he not?

14 A. Yes.

15 Q. You would agree with me, would you not, that Mathieu Ngudjolo is
16 from Bedu-Ezekere groupement? Despite the fact that he studied more in
17 Bunia before the fall of Lopondo, he was moving around in the groupement
18 of Bedu-Ezekere, was he not? You would see him there. Perhaps he was
19 even carrying out work as a nurse in the Bedu-Ezekere groupement at that
20 time; is that correct, Chief Manu? To say that even though he was
21 studying in Bunia, he was present and moving around in Bedu-Ezekere,
22 before the fall of Lopondo?

23 A. I'm going to answer you by giving you some explanations. When he
24 was studying as an intern, he couldn't come back to the *chef-lieu*, the
25 main town. He would stay in his locality. I didn't have all of this

1 information. I was in charge of one single locality so I couldn't tell
2 you whether he was coming to visit the locality or if he was going here
3 or there. I don't know all of these things. What I do know is that this
4 child of Marua Ngudjolo Kindi (* phon) was in Bunia at the school of
5 nursing for the children, who were studying there. I knew those who came
6 from this groupement. I knew those. But to say that he left Bunia to go
7 back to his locality and that he went back to Bunia afterwards is
8 something that I do not know, whether he came or whether he didn't come,
9 I really have no way of knowing. And there is nobody who can tell me
10 today that Mathieu Ngudjolo was arriving in Gubalu (* phon) as he was
11 studying in the nursing school. People can't really tell me whether
12 people studying mechanics were going there either. These are private
13 matters which they know at their level.

14 Q. Mr. Witness, Chief Manu, after the fall of Lopondo, there were
15 still people living in Kambutso, isn't that correct? That is immediately
16 after the 9th of August, 2002. The war started and the self-defence
17 groups had been there for a long time, the people from Kambutso did not
18 move to Zumbe, the inhabitants of Kambutso remained there; isn't that
19 correct?

20 A. Yes, that is correct. Yesterday (* as interpreted), you showed
21 me footage of the Prosecutor's visit to Zumbe. Likoni, that is,
22 Ngudjolo's village, is not separated by a stream. The boundary is made
23 up of trees that are planted there to indicate that on the one hand there
24 is Likoni, Ngudjolo's village, and on the other side there is Zumbe. We
25 considered it as a single locality. Someone could go to his farm and

1 then return to Zumbe. It is a mere ten-minute walk between Likoni and
2 Zumbe. You are quite correct when you say that during the war the people
3 of Likoni had small houses that they had built to protect themselves.

4 They abandoned their village.

5 Q. What about Lagura? It was not everyone from Lagura who moved to
6 Zumbe. There were still people living in Zaba and other localities,
7 Borokpa, Lagura, and so on, not Kavalega, let us leave Kavalega aside for
8 the time being. There were still people living in localities at the foot
9 of Mount Lagura, isn't that correct?

10 A. Mr. Prosecutor, do not lead me to tell lies. People were there.
11 I was there. I was from Lagura. I went to Zumbe and my entire family
12 went there. There was no one in Lagura. If you are at the top of Lagura
13 or Rena (* phon) hill, you would be able to see a big hole. That is
14 where people lived. At the top of the Lagura hill, there was no one.

15 Q. Yes, but that is correct. There was no one living at the summit
16 but at the foot of the mountain, there were people living there, they did
17 not all move to Zumbe?

18 A. Everyone went to Zumbe. I can tell you that even ten times.
19 Everyone moved to Zumbe.

20 Q. What about Ladile, there were people in Ladile, weren't there?

21 A. Yes. There is a small stream that separates Ladile from Zumbe.
22 You can cross that stream and then go up and you walk for about ten to 20
23 minutes and then you would arrive Zumbe from Ladile.

24 Q. And Kanzi, there were people who lived there, weren't there?

25 A. Kanzi is far away from Zumbe. Kanzi is rather far away from

1 Kambutso. Kanzi is in the Mbala locality. The people of Kanzi went to
2 Zumbe. But at one point, when Lopondo arrived, people started
3 cultivating their farms and then they went to live in that village. If
4 you are in Kanzi, you can look over at Ezekere, three or four kilometres
5 away. There is a mountain in the direction of Ezekere and there is also
6 another mountain on the Kanzi. They are separated by a small stream
7 whose name I do not remember.

8 Q. So from Kanzi, one can see Ezekere. But what about Masu? There
9 were also people there, weren't there?

10 A. My house was in Masu. There is a small boundary between those
11 two localities, there is no stream between them. You simply walk, and
12 you are already in the next locality. It is like where we are now, you
13 have the road in front of the building. Once you cross that road, you
14 are on another avenue. That is the boundary. I do not know whether you
15 have understood me. If you leave this building, you cross the road and
16 you are right on a different avenue. That is like the boundary between
17 those two localities. There is no stream separating them.

18 Q. I have understood you. What about Logodza (* phon) that is where
19 the *féticheurs* met, where is it located?

20 MR. FOFÉ: (Interpretation) Please, Mr Macdonald --

21 MR. MACDONALD: (Interpretation) I'm simply asking a question.
22 Where's the problem?

23 MR. FOFÉ: (Interpretation) Mr. Prosecutor, please do not be
24 agitated. If a learned colleague is on his feet because -- just enough
25 to allow him to speak.

1 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé.

2 MR. FOFÉ: (Interpretation) Your Honour, the Prosecutor has been
3 asking questions. So far I did not stand up, but he is putting
4 everything in the same basket. He is asking a question while introducing
5 a topic that was not there before. I would like him to refrain from
6 mixing things up. He has to proceed serenely, methodically and stage by
7 stage.

8 MR. MACDONALD: (Interpretation) Very briefly, your Honour, I am
9 in cross-examination. I do not have to move from the major issues to the
10 minor ones. In cross-examination, that is the case.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, as I said
12 at the beginning of the hearing, our concern is to have the witness
13 provide to you answers that are as precise as possible so that we should
14 not lose any time, and in order for him to provide answers that are as
15 precise as possible, you should not include two aspects in the same
16 question. Where is this location; that is, where the *féticheurs* used to
17 meet? It is true that you are in cross-examination, you have a lot of
18 room to manoeuvre. We are dealing with geographical details which
19 obviously are very important to you because you have been dwelling at
20 length on those, and the witness is giving you precise answers, so please
21 proceed.

22 MR. MACDONALD: (Interpretation) Very well. I'm sorry.

23 Q. Let us move on, Chief Manu. Do you know a place that was known
24 as Logoja maybe I'm not pronouncing it correctly.

25 A. Kilendu is my native language. Do not be worried about that.

1 Allow the Prosecutor to ask his question and I will give him an answer.
2 Mr. Prosecutor, let me first give you the meaning of *godza*
3 (* phon). The person who gave you that information must have told you a
4 lot of things. Now, allow me to explain so that everyone should
5 understand. In our area *godza* is not a *féticheur* as you are saying.
6 That is not the case. Go in our language is an evil spirit, a devil,
7 somebody with a wicked heart, someone who does not want to work with
8 others. If he is given corn flour, he wants something else. This is
9 somebody with an evil heart. Those are the people known as witches or
10 wizards, the people known as gos. It is for that reason that the wisemen
11 reflected. Let us revisit the case of Kute, for example. Kute did a lot
12 of bad things and the wisemen met in order to provide a solution. *Godza*
13 is not a *féticheur* because a *féticheur* cannot launch a war. Even here, I
14 believe there are people who do not want this country to develop. Those
15 people are known as sorcerers. And people try to find out what to do in
16 order to save the society from them. So you do not know what is *godza*.
17 Even if you go there now, you can see *godza*. This is not a place where
18 there are sorcerers. These are people who are -- have been attacked by
19 evil spirits. Even here, one can even refer to a house as *godza*. You
20 would think that the house can start a war. This is something that is
21 understood by the Kilendu. The person who gave you that information did
22 not explain it correctly to you.
23 Q. Very well, Chief Manu. I'm going to read page 32, because this
24 is the second time that you are saying this. Line 15. I asked you a
25 question about *godza*, and you said: It is my language, Kilendu.

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1 A. Allow the Prosecutor to ask his question and I will answer.

2 Mr. Prosecutor, I will begin by giving you the meaning of *godza* because
3 the person who gave you that information told you a lot of things but
4 allow me to explain it now so that everybody should understand. In our
5 place, there is *godza* --

6 Q. Chief Manu, who is this person that gave us this information?

7 Who precisely are you referring to? And I would like to remind you that
8 you are under oath. Who informed the OTP or the Chamber about *godza*?
9 Who is that person because you are dwelling on this issue by clearly
10 stating that you know what this person said on that issue and you want to
11 correct. So who is that person? And let me remind you once again, you
12 are under oath.

13 A. Mr. Prosecutor, you know the person who gave you the information
14 about *godza*. I'm saying that it is my language. I can explain it to
15 you. You are the one who mentioned *godza*.

16 Q. But, Mr. Witness, you are the one who said that: The person who
17 gave you that information told you many things, but now allow me to
18 explain it to you so that everyone should understand.

19 Chief Manu, your answer here indicates clearly that you are aware
20 of the Prosecution case. You are aware of the evidence that could have
21 been adduced before this Chamber. So my question to you is: You know
22 the name of that person who is supposed to have given information to this
23 Chamber or to the OTP about *godza* and which you want to correct here in
24 the course of your testimony.

25 A. Mr. Prosecutor, let us calm down a little bit. Even in Entebbe

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1 you got angry with me. Let us be calm. I do not want you to get angry.
2 You are the one who mentioned *godza*, not me. You are the one asking the
3 question. Why are you getting angry? I wanted to explain to you because
4 it is my language.

5 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, let us not
6 play hide and seek here. The Prosecutor reread your answer to a question
7 a short while ago, and line 17 this is what you said: I will begin by
8 telling you the meaning of *godza* because the person who gave you that
9 information told you many things. Now allow me to explain it to you so
10 that everyone should understand.

11 Now, the Prosecutor is asking you this question: Who is that
12 person who gave him, the Prosecutor, the information, the information
13 that you wish to correct. If you have the name of a person in mind,
14 please give the Prosecutor that name. If you were simply clumsy in your
15 phrasing, then say so. But let us not spend one hour playing hide and
16 seek here because we need to make progress.

17 MR. KILENDA: (Interpretation) Please --

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, please wait
19 for the time being. Let's have the witness give us an answer.

20 MR. KILENDA: (Interpretation) Will I have the floor later?

21 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. Witness,
22 please answer.

23 THE WITNESS: (Interpretation) Your Honour, I would want that word
24 "information" to be struck off the record. I'm being told that
25 I mentioned that word *godza*. If the Prosecutor can read it out once

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1 again, that will enable me to better understand. Obviously he received
2 that information about *godza*. *Godza* is a word in my language. I did not
3 say anything about *godza*. It is the person who gave him that information
4 who knows. That is the person who talked to him about *godza*. And that
5 is why I told him: The person who gave you the information about *godza*
6 probably told you something else, but I am going to explain to you and
7 that is what I started doing. That information is very different from
8 what I am telling you here.

9 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, our concern
10 was whether you know the person who gave that information to the
11 Prosecutor. That is a simple question that you have to answer with a yes
12 or a no, and after that, Mr. Kilenda will take the floor.

13 THE WITNESS: (Interpretation) I do not know the person who talked
14 to him about *godza*. That is why I said it is as if -- because he is not
15 an Mulenda. How does he know the word *godza*? He's not from our area.
16 That is why I thought that there must have been someone whose name I do
17 not know who talked to him about *godza*. And it is for that reason that
18 I wanted to give him an explanation. I did not receive any information.

19 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda.

20 MR. KILENDA: (Interpretation) Thank you, your Honour. That is
21 precisely what I wanted to say.

22 PRESIDING JUDGE COTTE: (Interpretation) But you admit at least
23 that it was wise for it to be the witness to say so.

24 MR. KILENDA: (Interpretation) Yes, indeed, your Honour. I'm not
25 here to prevent the witness from speaking. He has to answer all the

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1 questions put to him. I simply wanted to say that it was the Prosecutor
2 who started everything. He's the one who mentioned the word *godza* and he
3 defined the word. That is why Professor Fofé intervened. And when the
4 witness started answering, even before you intervened, Mr. President,
5 this was simply his way of speaking. Obviously, there must have been
6 someone who told you about *godza* and the information that he gave you is
7 not correct. That does not mean that the witness knows of any particular
8 individual who would have given that information to the Prosecutor. That
9 is what I wanted to say but you were quite correct, your Honour, in
10 asking that the witness should answer before me. Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Kilenda.
12 That short sentence from the witness could have a different meaning
13 depending on which side you are on. The Prosecutor understood it in his
14 way. You understood it in your own way. The witness provided his own
15 understanding of the matter. So, Mr. Prosecutor, please proceed.

16 MR. MACDONALD: (Interpretation) Very well.

17 Q. Let us conclude on this issue. When I tell you *godza*, this is
18 something that you understand because it is in your language, isn't it?
19 It is not something new to you, Chief Manu. Based on your answer, the
20 word *godza* has a meaning to you, isn't that correct?

21 A. *Go* is an evil spirit. *Dza* is a house. Just like the people of
22 the church say *ecclasia* to mean a holy house. Someone who is
23 possessed -- well, a witch or wizard could be referred to as *godza*
24 because *go* is an evil spirit and *dza* is a house; that is, in our
25 language. But to give a different meaning to that concept, well, I do

1 not agree with that because a *go* is something evil and *dza* is a house.
2 It is somebody who is possessed by evil spirits. That is what is known
3 as *godza*.

4 Q. I heard a translation of that and it is a witch or wizard. Isn't
5 that correct?

6 A. I wasn't talking about a sorcerer or something like that. I was
7 just talking about an evil person, a place inhabited by evil spirits.

8 Q. In your Bedu-Ezekere groupement, were there *féticheurs* there,
9 Chief Manu, or was this something that was totally absent, that is within
10 the context of self-defence? Did people appeal or call on the
11 *féticheurs*, the spirits, or the gods?

12 A. In our place, there are several types of traditional products.
13 If someone is injured, the wound can be treated using a traditional
14 product. A stone could actually be put on the fire and then used to
15 treat an injury. And the people who do that are people who know those
16 techniques. If you have problems with your eyes and you are unable to
17 open them, they could use some leaves and you are cured. This is
18 something that happens everywhere in Ituri. If you have back ache,
19 someone can use leaves to treat you. So it was not because of the war
20 that people started using those traditional products. The people who do
21 that are known in our language as *nguba* (* phon). These are people who
22 treat sick people. These are healers, people who heal people. But *godza*
23 refers only to people who do evil things. So these are two different
24 things. There are people who heal and for the time being, they have an
25 authorisation from the state because if you do that without having an

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1 authorisation from the state, you would be arrested. So these are
2 traditional healers. These people are there right now. If you have back
3 ache or other sicknesses, these people can help you. They existed even
4 before the war. If you have been bitten by a snake, they will place
5 leaves on the wound and you are treated. But the word *go* means devil and
6 *dza* is a house. So this refers to someone with an evil heart. So I can
7 even tell someone in front of me: Your wife committed adultery with
8 somebody else. And if that is not true, at that time, then I can be
9 considered as *go*. That is it. There is also the name *jukpa* (* phon) and
10 I can spell that, those are people who are involved in traditional
11 medicine. There are even illnesses that cannot be treated by doctors but
12 those people can treat them.

13 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, I believe
14 we have to break now.

15 Chief Manu has just given us a certain number of clarifications
16 that he wanted to give. And it's possible that you are not entirely
17 satisfied with the answer that you wish to have on the role of the
18 *féticheurs*. And if you want to pursue the issue, you can do so at 11.30
19 when we reconvene.

20 Mr. Witness, what you said was very interesting, but it was not a
21 direct answer to the Prosecutor's question. So try to reflect on it
22 because there is a likelihood that you will be asked further questions on
23 the specific role of the *féticheurs*, so for the time being, please try to
24 rest. And, Court Usher, lead the witness out of the courtroom.

25 Mr. Prosecutor, we will reconvene in 30 minutes.

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1 The hearing is suspended. We will reconvene at 11.30.

2 (The witness stands down)

3 Recess taken at 11.00 a.m.

4 On resuming at 11.33 a.m.

5 (Open session)

6 COURT USER: All rise.

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

8 Now, Court Usher, before you sit down, could you please go fetch
9 the witness. Thank you.

10 (The witness takes the stand)

11 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, are you ready
12 to resume now? We have two hours of hearings ahead of us. Yes?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, you may
15 proceed. We shall now resume the hearing.

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

17 Q. Chief Manu, one last time, and then we will move on to another
18 topic, as part of the self defence efforts, were the services of
19 *féticheurs* called upon for the combatants who were taking part in these
20 self-defence efforts? I will put the question to you again, because
21 before, you did not answer. I will ask the question one more time and
22 then after that we will move on to something else.

23 A. No.

24 MR. MACDONALD: (Interpretation) Your Honour, may I have a moment?
25 I'm lacking a reference number and I need to check the transcript.

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1 PRESIDING JUDGE COTTE: (Interpretation) Feel free to take a few
2 moments.

3 MR. MACDONALD: (Interpretation)

4 Q. Now, just to repeat your earlier reply, witness, you said,
5 initially, and I make reference to page 32, lines 22 and on, and I'll
6 read it out and then stop. In your answer you said: Well, it wasn't a
7 *féticheur* as you put it. *Godza* is an evil spirit, a devil, someone with
8 an evil heart, someone who doesn't work with other people. Well, you --
9 you are given flour and corn and meat and you get something else. These
10 are sorcerers, wizards, people with evil hearts. That is why the wisemen
11 reflected upon this. Let us cast our minds back to the case of Kute. He
12 did many evil things, and the wisemen met to deal with the problem.
13 *Godza* doesn't mean *féticheur*. A *féticheur* cannot spark the battle but
14 I think that some people aren't in favour of the development of the
15 country. Those are the kind of people who might use a *godza*, but, you
16 see, it's not a place where there are sorcerers or wizards. Now the part
17 that of interest to me is this: You said a *féticheur* cannot begin a
18 battle. Pages 5 and 6.

19 THE INTERPRETER: Correction.

20 MR. MACDONALD: (Interpretation) Page 33, lines 5 and 6. What
21 did you mean, witness, when you said that a *féticheur* cannot launch the
22 battle? This answer would mean that, first of all, that there are
23 *féticheurs*, and then, secondly, you said that they cannot launch a
24 battle. What did you exactly mean when you said that a *féticheur* cannot
25 launch a battle?

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1 A. Well, I was trying to explain to you that when there are two
2 teams playing football, for example, France against Holland. If they are
3 playing football between one another, they are not going to call upon a
4 *féticheur* to get fetish objects. That is why I said that. I told you
5 that these fetish objects do not exist in combat. On the other hand,
6 these fetish items are important when someone is ill or when someone has
7 been injured. That is when you would use the services of a *féticheur*.
8 I would add this as well. It is true that there are traditional fetish
9 items that can help a person or kill a person. No. One cannot use
10 *lingonza* (* phon) in war.

11 MR. MACDONALD: (Interpretation) Very well. Now, just to finish
12 our questions relating to geography, could -- could the Court Officer
13 please display the sketch, 006 -- 56 -- DRC-OTP-1038-0057. It is a
14 sketch of the Zumbe area and I would suggest to my learned friends, as we
15 did earlier, rather than asking the witness to draw all the places once
16 again, all the various places that were mentioned, why don't we take this
17 sketch as our reference and give it EVD number and then I will ask some
18 questions of the witness whether he recognises the sketch, whether this
19 is his signature so we can make progress. Otherwise, we would have to
20 ask him to make another sketch and I will be needing to ask some
21 questions about the contents of the sketch.

22 MR. FOFÉ: (Interpretation) Which number?

23 PRESIDING JUDGE COTTE: (Interpretation) Is it number 3 on your
24 list?

25 MR. MACDONALD: (Interpretation) Just one moment, if you don't

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1 mind. It's the other one. It's an annex to an interview with the OTP.
2 And if you give me one moment, I will find the exact number. The number
3 is 14. It is number 14 on our list. And the last column says, "sketch,"
4 a sketch of Bedu-Ezekere.

5 PRESIDING JUDGE COTTE: (Interpretation) Quite right. You are
6 quite right. And we see that. Professor Fofé, do you have that sketch?

7 MR. FOFÉ: (Interpretation) Yes, your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) Please, go ahead,
9 Prosecutor.

10 MR. MACDONALD: (Interpretation)

11 Q. Basically, I have a hard copy here, which can be provided to the
12 witness as well. And if it could also be displayed?

13 PRESIDING JUDGE COTTE: (Interpretation) Court Usher, if you could
14 give the hard copy to the witness and we will also display the sketch.

15 COURT OFFICER: (Interpretation) This exhibit can be viewed by
16 pressing "PC 1."

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

18 MR. MACDONALD: (Interpretation)

19 Q. Witness, first of all, at the bottom left we see the date, the
20 21st of the third month, 2009, Ngabu Mandro Emmanuel, and then a
21 signature. Is that indeed your signature, Witness?

22 A. Yes.

23 Q. Do you agree with me that this is a sketch that you, yourself,
24 made when we met in Entebbe; is that correct?

25 A. Yes.

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1 Q. I just want to make sure of the colours here, now, the red, the
2 red line, it's not really a circle but it seems to indicate a boundary, a
3 boundary that is sketched in red. Do you see that?

4 A. Yes.

5 Q. Very well. If we look at the top, to the left, you even
6 indicated the four cardinal directions. Now, this is a view of
7 Bedu-Ezekere and the surrounding areas. We see Lake Albert to the
8 south-- no, correction to the east. To the east, at the bottom of this
9 sketch we see that you have indicated Lake Albert; is that correct?

10 A. Yes.

11 Q. Witness, let me reassure you, there is no trap here. I'm just
12 describing the sketch. I see that you are frowning. This is just for
13 the transcript. I'm just determining -- I'm just making it clear what we
14 see on this sketch. Now, at the top, just above Lake Albert, you
15 indicated Kasenyi and Tchomia, just on top of the part of the sketch that
16 shows lake Albert.

17 A. Yes. I'm waiting the five seconds before giving my answer.

18 Q. That's good. Now, at the right, at the bottom, you have shown
19 the locality known as Datule. And another place very close by.

20 A. Yes.

21 Q. And at the top, to the right, you have indicated the town of
22 Bunia.

23 A. Yes.

24 Q. And right beside that, to the left, we see the place known as
25 Dele. Beside Bunia we see the place known as Dele.

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1 A. Yes. I prepared this sketch.

2 Q. Indeed. If we look at the writing, we see that you wrote Dele.

3 And just above Dele, you showed a road, a road that goes from Bunia to
4 Zumbe and then into the groupement and then it ends at Zumbe; is that
5 correct?

6 A. Yes. That's the exact name. The houses don't go to Zumbe. They
7 don't go all the way to Zumbe. It stops at the school, at the church, to
8 be more specific. It doesn't go beyond that.

9 Q. I just want to focus on what's more important here because the
10 other things can be seen clearly, Bogoro, the road towards Kasenyi,
11 et cetera, but inside, when you take that road to Dele, you first -- that
12 road from Dele, you first go to Ezekere; is that correct? When you take
13 the road from Dele heading towards Zumbe, the first major curve in the
14 road, we see that there is a curve and that the road turns to the left
15 and the place known as Ezekere is indicated.

16 A. Yes.

17 Q. If we keep ongoing down this road, heading towards Zumbe, to the
18 left we see a circle and inside we see that you have written Likoni in
19 red ink and there are two blue dots and arrows that point to them, PSMN,
20 so that is the health centre where Mathieu Ngudjolo was and that is right
21 by the road, judging by the way you placed the dot.

22 A. Yes.

23 Q. And just to the left there is another dot and it indicates the
24 residence of Mathieu Ngudjolo; is that correct.

25 A. Yes.

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

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1 Q. Just so that we can understand properly, there is a whole area
2 that you showed as being Kambutso, and Likoni is inside of Kambutso; is
3 that correct?

4 A. Yes. This is a notability. The notability of Kambutso which is
5 just by the road.

6 Q. So in this place known as Kambutso, I think you'll agree with me
7 that the -- that part goes to the road between Bunia and Bogoro that is
8 higher up and to the west; is that correct?

9 A. Yes. That road goes beyond Likoni and goes all the way down to
10 Zumbe.

11 Q. Inside of Kambutso, we see the locality called Ladile, Masu,
12 Kanzi; is that correct?

13 A. No. Ladile is Lima. You say see Ladile or Lima, that's the same
14 thing, but the red ink shows Lima and beside Kanzi and Ladile and Lima
15 are the same thing, the same place.

16 Q. I see. So Lima and then there is a red circle around that with
17 an arrow and the mention Ladile, so we are talking about the same place,
18 so Ladile is also called Lima; is that correct?

19 A. Yes.

20 Q. Chief Manu, just to conclude, you showed something in green ink.
21 This is within the groupement. It's a small stream, the Ludda stream,
22 L-u-d-d-a, between Zumbe and Lagura and you also indicated the Ndrigi
23 river, N-d-r-i-g-i; is that correct? Are we talking about streams,
24 waterways?

25 A. Yes. There is a stream.

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1 Q. And also, if we look to the left, in the south, if we go down
2 towards the lake, you sketched the Basenji river and also the Kisege
3 river; is that correct?

4 A. Yes. Between the two roads, the hill, there is Basenji and then
5 further down, it's Kisege.

6 Q. One thing for sure, judging by this sketch that we are talking
7 about the Basenji river and the boundary in terms of the groupement and
8 Bogoro?

9 A. Yes. Like I told you earlier.

10 Q. Very well. I'm nearly finished with the sketch. You also
11 sketched a circle, Zumbe, and then above there seems to be a 1, and below
12 Zumbe there is a 2 and there is also a road. On one side of the road we
13 see the number 1. On the other side of the road we see the number 2; is
14 that correct?

15 A. Yes.

16 Q. And your residence is close to Zumbe 1; is that correct?

17 A. No. My residence is in Masu. You can see the arrow on the Zumbe
18 side, and it also indicates Mama Mathieu, that is Zumbe 1. I live in
19 another area, you can see an arrow where one -- an arrow, and it's
20 written Chief Manu.

21 Q. Yes. I see. So you're on the boundary between the two, on the
22 boundary between Masu and Zumbe, where there is a blue circle? Close to
23 Masu?

24 A. Yes, that's right.

25 Q. I see. And just above, at the top of the sketch, to the west, we

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1 see Nyakeru; is that correct? That's right, isn't it?

2 A. Yes, Nyakeru.

3 Q. You explained to us that you travelled to Beni. So it was
4 between Bogoro and Nyakeru and you went down from the mountain of the
5 Bedu-Ezekere groupement and you crossed the road somewhere between
6 Nyakeru and Bogoro; is that correct?

7 A. Yes.

8 Q. Well, let's continue talking about the Bogoro road and head
9 towards Bunia. Bogoro towards Bunia. We go by way of Nyakeru and then
10 there is something, a little rectangle and two little points beside it,
11 and there are two initials MB are beside that. What does that indicate?

12 A. That's the Mbogu bridge. There is also a stream by the same
13 name.

14 Could I have 15 seconds to confer?

15 MR. MACDONALD: (Interpretation) Very well. Well, with these
16 explanations, your Honour, could I ask for an EVD number for this sketch?

17 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, if you
18 could.

19 COURT OFFICER: (Interpretation) Thank you, your Honour. Document
20 DRC-OTP-1038-0057 shall bear the number EVD-OTP-00273. And shall be
21 placed on the record as a public document.

22 MR. MACDONALD: (Interpretation) Very well. Thank you.

23 MR. HOOPER: We are in the fourth year of this trial, and we are
24 wondering whether we are going to have produced at any time a map of this
25 area. Maps exist. It does seem extraordinary that we have to spend so

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Questioned by Mr. MacDonald (Continued)

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1 much time talking about basic geographical facts and using, helpful
2 though his plan has been, nevertheless doubtless a secondary skill, is
3 this witness's ability to draw a plan, very helpful though it's been.
4 Why is it the Prosecution haven't produced a plan to assist us and to
5 assist the Chamber, there are survey maps or the equivalent, I don't know
6 what the phrase is in French but appropriate army-type maps and the like
7 which MONUC have been using in this area. Why is it the Prosecutor
8 hasn't produced one in four years?

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.
10 Indeed, your Defence team has provided the Chamber with small maps at
11 various times so that we could follow the unfolding of the proceedings.
12 Now, Mr. Prosecutor, at this advanced stage of the trial, indeed, if we
13 could have a map that everyone could agree to, that shouldn't be too
14 difficult an endeavour, a map that would be specific, detailed, clear,
15 and we can only see advantages to having such a map. We do wonder, when
16 we look at this sketch that has just been given an EVD number, I, myself,
17 had some questions. I was wondering whether it might have been possible
18 to ask the witness for various items of information, whether Katoni might
19 appear or not, and whether another stream, the Maya Franga stream might
20 also be on this map somewhere. So there was a whole series of names,
21 names of streams, names of hills, names of localities, if they could be
22 shown on a detailed map of some type that everyone could agree to,
23 I think we could do our work much better. So the Chamber would pass on
24 this request from Mr. Hooper. It may not be possible to have a perfect
25 map, but if we could have some kind of proper map, we would definitely be

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1 very pleased.

2 Please continue, Mr Macdonald.

3 MR. MACDONALD: (Interpretation) Yes. I take note, your Honour,
4 but I would like to reassure the Chamber that there are sketches that
5 were admitted into evidence by Mr. Hooper and his Defence that you
6 accepted.

7 PRESIDING JUDGE COTTE: (Interpretation) Well, that's fair enough
8 but now we have a series of details that have accumulated in the
9 witness's testimony. A series of questions have been asked to clarify
10 that information, a map at a scale that would enable us to work better as
11 we arrive at the key point of this trial would be most welcome. So thank
12 you in advance and you may continue.

13 MR. MACDONALD: (Interpretation) Well, what I would suggest at the
14 moment, Your Honour, to be frank. I was thinking that we could say --
15 have it admitted that Likoni is on the Bunia road. I don't know if with
16 the assistance of Madam the Court Officer it would be possible to put
17 this on the screen. Would we be able to have it so that the witness can
18 add information on the screen and we have it recorded on screen? I don't
19 know if that is a capacity that we have. The Court Officer appears to be
20 nodding. Perhaps that would be simpler, perhaps the witness can directly
21 add the localities that the Chamber would like added to the sketch or we
22 could do it now, because perhaps the witness has some of that
23 information.

24 PRESIDING JUDGE COTTE: (Interpretation) Well, we have an EVD that
25 has been given at a certain stage of this sketch's evolution. I will

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1 perhaps ask now if you have another copy of that sketch on paper which --
2 the witness apparently has another paper copy of the sketch. In that
3 case, Mr. Witness, on the paper copy of the sketch that you have before
4 you, and the usher will assist you in this, will give you the necessary
5 tools to do so, could you --

6 MR. MACDONALD: (Interpretation) Just a moment. May I look at the
7 sketch with you, your Honour? Perhaps we could choose a different colour
8 to indicate the additions. Red has already been used.

9 PRESIDING JUDGE COTTE: (Interpretation) I don't know what we have
10 available to us. We are not going to spend too much time on this
11 because, of course, the sketch will never replace a good detailed
12 specific carte but --

13 MR. MACDONALD: (Interpretation) In brown, your Honour.

14 PRESIDING JUDGE COTTE: (Interpretation) All right. In brown.
15 Would it be possible to put an approximate tracing representing the Maya
16 Franga stream on the sketch? That would be most useful. If there is
17 anything else that you would like to mention, please let us know. And we
18 would like to do this as quickly as possible, Mr. Prosecutor, so that we
19 can really get back to the point. These geographic considerations are
20 important, of course, but we need to come back to the heart of the matter
21 that brings us all here together; that is, the date of 24 February 2003,
22 and just before.

23 Mr. Witness, are you able to trace the course of that stream
24 called the Maya Franga on the sketch or is this not possible?

25 MR. MACDONALD: (Interpretation) I think it is the Maya Franga, if

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1 I may.

2 PRESIDING JUDGE COTTE: (Interpretation) Excuse me, Maya Franga.

3 Unless I'm mistaken it is written M-ay-a F-r-a-n-g-a,

4 Maya Franga.

5 MR. MACDONALD: (Interpretation) Mr. Witness are you able to draw

6 the stream in question on to the sketch, that is the stream called the

7 Maya Franga.

8 A. Yes, I know the Maya Franga but that water way is in Rumu

9 territory and I'm drawing the Jugu territory but as I know Bogoro, as

10 I studied in Bogoro, I can draw the Maya Franga. It doesn't reach the

11 centre. It goes through here. And it goes into Basenji.

12 MR. MACDONALD: (Interpretation) Would it be possible to put that

13 drawing up on the screen? Because the witness has just made an addition

14 to the sketch. And, Mr. Witness, we are going to add several things on

15 to this map.

16 PRESIDING JUDGE COTTE: (Interpretation) Not too much. Only what

17 is essential for a better understanding of what we are going to judge.

18 COURT OFFICER: This is a public document and you can look at the

19 document on "witness cam."

20 MR. MACDONALD: (Interpretation)

21 Q. Mr. Witness, you have drawn a brown line. Would you be able to

22 indicate the Maya Franga so that it appears on the new sketch? Could you

23 write in by hand the description "Maya Franga," please, along the water

24 course that you have just drawn in?

25 A. (Marks)

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1 PRESIDING JUDGE COTTE: (Interpretation) You could just put MF, if
2 you would like, as you have quite a thick pen to write with. If you
3 write MF on the map, we can put it in the transcript that as you wrote
4 MF, you were describing the Maya Franga stream.

5 MR. MACDONALD: (Interpretation) That is exactly what I wanted.

6 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Thank you very
7 much, Mr. Witness. Chief Manu, could you indicate Kavalega by marking a
8 point with K next to it. I can see Lagura mountain. Can you indicate
9 where Kavalega.

10 THE WITNESS: (Marks)

11 MR. MACDONALD: (Interpretation)

12 Q. Chief Manu, could I stop you there for just a moment. You have
13 described a territory -- you have drawn a territory on the map and then
14 you have written KV in that area. Does that stand for Kavalega?

15 A. Yes.

16 Q. And just to the right of that, you have also just written
17 something which unfortunately we have difficulty reading. What exactly
18 is that?

19 A. Borokpa.

20 Q. Very well. Could you stop drawing for the time being, and can
21 you indicate to us where the locality of Katoni is situated on the Bogoro
22 road, please? The Bogoro-Bunia road, of course.

23 A. (Marks)

24 Q. KT indicates Katoni?

25 PRESIDING JUDGE COTTE: (Interpretation) Katoni, all right.

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1 MR. MACDONALD: (Interpretation) Thank you very much, unless the
2 Chamber would like anything else marked on the map.

3 PRESIDING JUDGE COTTE: (Interpretation) No, thank you.

4 MR. KILENDA: (Interpretation) Just a contribution to guide the
5 Office of the Prosecutor with regard to the maps. Towards the geographic
6 institutes of the Congo in Kinshasa or in the Tervuren museum in Belgium
7 or in the African library in Brussels, I'm sure that the OTP would be
8 able to find some official maps.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Kilenda.
10 Mr. Hooper.

11 MR. HOOPER: It might be useful for us to indicate -- I have only
12 one observation to make. I don't know about the Kavalega and the Borokpa
13 markings, but as far as the Maya Franga marking is concerned, the Defence
14 for Germain Katanga do not accept that that's its direction. It more or
15 less starts there, but we say turns further heading more east -- sorry,
16 heading southerly, really, following the line of the valley going down
17 towards Kasenyi. We can see the Kasenyi road and the lie of the land, of
18 course, it drops away and I would have thought that was pretty obvious,
19 really. So it's not -- this is not a river that flows uphill, in other
20 words, as far as we know.

21 MR. MACDONALD: (Interpretation) My colleagues will have the
22 opportunity, in re-examination, to come back to these points with the
23 witness, if they so wish.

24 PRESIDING JUDGE COTTE: (Interpretation) Well, that may well be
25 the case. In addition, we are all aware that despite the efforts of the

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1 witness, and we thank him for that, that this is only an approximate
2 sketch which, of course, can never replace a map. Which is specific and
3 detailed.

4 Thank you, Chief Manu, for this contribution.

5 Mr. Prosecutor, would you like this second copy of the sketch
6 also to be given an EVD number?

7 MR. MACDONALD: (Interpretation) Yes, of course, your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) All right, the
9 Court Officer will do that.

10 COURT OFFICER: (Interpretation) Thank you very much. The sketch
11 made by the witness will bear the number EVD-OTP-00274, and it will be
12 put on the record as a public document.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
14 Court Officer.

15 Prosecutor, let us now refocus on the purpose that brings us here
16 and I give you the floor once again.

17 MR. MACDONALD: (Interpretation) Thank you, your Honour. Now
18 I would like to call for document EVD-OTP-00077 to be made available.

19 PRESIDING JUDGE COTTE: (Interpretation) Could you please indicate
20 what we are talking about?

21 MR. MACDONALD: (Interpretation) It is the photograph presented by
22 my colleagues in cross-examination. The photograph of the famous
23 anti-personnel mine.

24 PRESIDING JUDGE COTTE: (Interpretation) Well, if each time you
25 cite a document you could give us the number of that document among the

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1 documents that you are producing, it would make it possible for us to
2 refer to it more quickly. Professor Fofé, I believe it's the 10th item
3 on the list. So this is a document which you would like put up on the
4 projector as well; is that correct? In that case, Court Usher, would you
5 do so, this is EVD-OTP-00077. A document which we have seen and upon
6 which the witness has commented in response to questions put by
7 Professor Fofé.

8 COURT OFFICER: (Interpretation) You can see this document if you
9 press the button "PC 1."

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

11 MR. MACDONALD: (Interpretation)

12 Q. Chief Manu, so we are coming back to this photo. Can you see it
13 at the moment? Can you see it clearly?

14 A. Yes.

15 Q. You said that you had an American flag on your head. That's --
16 as may be. Here you are wearing an leopard skin coat. I'm not quite
17 sure what kind of fur it is. I'm not sure that I recognise the animals
18 with any skill, but what kind of fur is this that you're wearing?

19 A. It is leopard skin, *chui*.

20 Q. Leopard. You mentioned that if we look at the photograph we see
21 you front on. Immediately to the right, you said that when you were
22 answering questions in examination-in-chief, the man to your right was
23 your personal secretary; is that correct? Do you remember having said
24 that?

25 A. I did not say that. I said he was my registrar. The registrar

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1 of the secondary tribunal. That's what I said.

2 Q. Yes, yes. I agree.

3 MR. MACDONALD: (Interpretation) We just had an interference in
4 the interpreting. Could we sort that out?

5 PRESIDING JUDGE COTTE: (Interpretation) Yes, we had interference
6 in the interpreting. Could you perhaps repeat that so that we have a
7 clear transcript?

8 MR. MACDONALD: (Interpretation)

9 Q. Mr. Witness, do I understand that you did indeed mention that it
10 was a registrar. In fact, I will quote what you said. I'm making a
11 reference to transcript 299, the first day of your testimony, page 57.
12 From line 11 onwards, the question of Professor Fofé was this:
13 Chief Manu can you see this photograph? Can you tell me what it is shown
14 on the photograph? Can you tell us about it? Where was it taken?
15 Quickly, who is on the photograph? And your answer is at line 15: Very
16 well, the person wearing the scarf, the American flag, is me, and the
17 person to my left is person from Kambutso, Lochubo, he was the registrar
18 of the secondary tribunal. He was my registrar, my secretary. And the
19 person holding the mine, I cannot see his face very clearly, I could
20 perhaps have identified him if the face was clearly shown on the
21 photograph, but it's been a long time and I don't remember.

22 Chief Manu, you said, He is my registrar, my secretary. Was he
23 your secretary or not? This person whom we can see in the centre of the
24 photograph to your right.

25 A. Lochubo ndombe (* phon). That name *ndombe* means registrar.

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1 MR. MACDONALD: (Interpretation) Excuse me, we are not getting
2 any interpreting and I can't rely on the transcript. The interpretation
3 is not coming through in French when I press button "02" for the French
4 channel. Your Honour, under these circumstances, I cannot proceed with
5 the cross-examination. I'm not getting the witness's answer. I have to
6 wait for the transcript to come through.

7 PRESIDING JUDGE COTTE: (Interpretation) All right. Well, clearly
8 you seem to be the only one having the difficulty because I heard the
9 witness's answer interpreted virtually in realtime. I don't know if
10 anyone else had a problem.

11 MR. MACDONALD: (Interpretation) Oh, excuse me it's my own head
12 phone that is not working properly.

13 PRESIDING JUDGE COTTE: (Interpretation) All right. That's not a
14 problem but are you able to rectify the problem quickly?

15 MR. MACDONALD: (Interpretation) Yes, no problem. There was a
16 short circuit.

17 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, you may
18 have the floor.

19 MR. FOFÉ: At line 14, the witness use add Swahili term which was
20 not translated. It is marked on the transcript as inaudible. I think it
21 would perhaps be better if the question were asked again of the witness.
22 I retained the Swahili term but I cannot give it to you. I would prefer
23 the witness repeat his own words.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, we are going
25 to try and make things easier for you. You began your answer answering

1 the Prosecutor who was saying -- who was reading our line 11 saying: Was
2 it your secretary, yes or no, the person whom you see in the centre of
3 the photograph to your right. Then at line 14, you began answering as
4 follows: You said *Lochobo c'est*, "Lochubo is" and there the interpreter
5 was not able to understand or hear what you said. We have a blank in the
6 transcript in French, and then you said that's what we call -- this name
7 means Registrar. Could we ask you to repeat the sentence that you
8 uttered a little earlier? It was not properly interpreted. There was no
9 doubt a comprehension problem. Please go ahead.

10 THE WITNESS: (Interpretation) I said *ndombe*. That name *ndombe*,
11 why did I use that term? If you go to Zumbe or other places and you say:
12 The person in the middle of the photograph, did he work with Chief Manu,
13 the population will tell you that this man was Chief Manu's *ndombe*. What
14 does *ndombe* mean to us? *Ndombe* means a scribe who takes notes in the
15 courtroom, what you would call a registrar. This is what we call an
16 *ndombe*. I said *ndombe* because you might go there one day and if you ask
17 the question: Do you know who is this person in the middle of the
18 photograph, did he work with Chief Manu? And the people living there
19 will say he was an *ndombe*. *Ndombe* in French means *greffier* or registrar.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Thank you
21 very much, sir. Prosecutor, you may continue.

22 MR. MACDONALD: (Interpretation).

23 Q. And this person is Mr. Ngudjolo Lochubo; is that correct?

24 A. Lochubo, yes, that's correct.

25 Q. And so he is one of the traditional chiefs, one of the 17

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1 notables of the groupement; isn't that correct?

2 A. Yes.

3 Q. And for the sake of even more clarity, he is

4 Mr. Mathieu Ngudjolo's brother, is he not? He is Mathieu Ngudjolo's

5 older brother, isn't he?

6 A. Yes. He is Mathieu Ngudjolo's big brother but he is not the

7 first born of Mathieu Ngudjolo's family.

8 Q. Mr. Witness, you have been testifying for four days, four days,

9 and even when I cross-examined you on Thursday and we can go back and

10 look at the transcript, never, never have you volunteered that

11 information that this person whom we saw on the photograph or any time we

12 talked about Lochubo we were talking about Mathieu Ngudjolo's brother,

13 never. You give information, you talk about people, but you have never

14 said, Oh, and by the way, that is Mathieu Ngudjolo's brother. You have

15 never said this. Is there any reason to explain why you avoided saying

16 it was Mathieu Ngudjolo's brother, or did you indeed avoid saying so?

17 A. I don't know why you have a problem here. I said that

18 Lochubo Deogratias is Mathieu Ngudjolo's brother. But he is not the

19 first-born in Mathieu Ngudjolo's family. If you want me to give you a

20 lot more information, I can do so.

21 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé.

22 MR. FOFÉ: (Interpretation) To be fair to Chief Manu,

23 Mr. Prosecutor, I remember that on Thursday, you asked Chief Manu whether

24 Mathieu Ngudjolo was a notable and Chief Manu answered that, no,

25 Mathieu Ngudjolo was not a notable, it was his big brother, Lochubo who

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1 was a notable.

2 MR. MACDONALD: (Interpretation) I'm going to quote the
3 transcript.

4 PRESIDING JUDGE COTTE: (Interpretation) All right. Let's look at
5 the transcript of the hearing at the end of the morning on Thursday,
6 unless I'm mistaken, that was at the point where we were about to rise,
7 the Prosecutor asked a question, I believe it was transcript 302.

8 MR. MACDONALD: (Interpretation) Yes. Transcript 302, page 63,
9 line 16, the question line 19, the answer, and, if I may, I'm going to
10 read. The last question for today and we will come back to the reference
11 if there is a problem, this is the question that I asked: Mathieu
12 Ngudjolo was a notable as well, wasn't he? Is that your testimony?
13 Answer: Mathieu Ngudjolo is not a notable.

14 PRESIDING JUDGE COTTE: (Interpretation) Please speak slowly
15 because we are difficulty getting interpretation because the interpreters
16 will say you're speaking too quickly we are not having enough time to
17 render your words. Please speak slowly, Mr Macdonald.

18 MR. MACDONALD: (Interpretation)
19 Q. Your answer is essentially as follows: Mathieu Ngudjolo is not a
20 notable, quite simply because his older brother is a notable. And when
21 he has a son, that is the -- Mathieu Ngudjolo's big brother, then that
22 person will be a notable. Never in that extract did you make the
23 connection, and on no day of your testimony did you make that connection.
24 You did say that he had an older brother. You did say that there was a
25 person called Lochubo Deogratias but you never indicated to the Chamber

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1 or to anybody at all that this Mr. Lochubo was Mathieu Ngudjolo's older
2 brother?

3 MR. FOFÉ: (Interpretation) Your Honour, your Honour.

4 PRESIDING JUDGE COTTE: (Interpretation) Mr. Fofé, quickly if you
5 would, because this is a matter of principle. Let's be very clear here.
6 What we are looking at here is whether the witness should be taking
7 initiatives here or whether the witness should content himself with
8 answering the specific question asked of him, but please go ahead,
9 Professor Fofé.

10 MR. FOFÉ: (Interpretation) That is exactly right, your Honour.
11 And I would ask you, your Honour, to tell the Prosecutor to allow me to
12 finish when I take the floor. It's the second time today that he has not
13 allowed me to finish.

14 PRESIDING JUDGE COTTE: (Interpretation) Please keep your cool,
15 Professor Fofé.

16 MR. FOFÉ: (Interpretation) The Prosecutor -- the witness talked
17 about his experience, he took an oath in 1999. Now, in 1999 -- excuse
18 me, Mr Macdonald said that he had taken his oath of office in 1999. At
19 that point, I already had 11 years experience.

20 PRESIDING JUDGE COTTE: (Interpretation) Let's not compare CVs at
21 this point because I don't think we are getting anywhere here. I would
22 say that all of us, all of us, must make the effort to ensure that this
23 Court benefits from a serene and relaxed atmosphere for the well being of
24 the Court itself but also for the well being of the witness so that he
25 can make the best possible contribution. We do not want the witness to

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1 feel that he is caught between two opposing parties that are proceeding
2 in a spirit of aggression and tension. We would like to continue as we
3 began in an atmosphere of calm and constructiveness.

4 MR. FOFÉ: (Interpretation) Just this, your Honour, you have
5 spoken very well. It is for the Prosecutor to ask questions of the
6 witness, and the witness is only there to answer the questions asked of
7 him. If the Prosecutor did not ask a specific question, establishing the
8 connection between Mr. Lochubo and Mathieu Ngudjolo, how could you expect
9 the witness to take the initiative and start giving that information?

10 No. On several occasions, you have asked the Prosecutor to ask specific,
11 precise questions, and the witness has been asked to give specific
12 precise answers to those questions. This manner of proceeding on the
13 part of the Prosecutor is not orthodox and thank you for giving me the
14 floor, your Honour.

15 PRESIDING JUDGE COTTE: (Interpretation) Very well. We
16 acknowledge that the Prosecutor just like any other party has the right
17 to be surprised when he feels that the witness might have added some
18 supplementary information at one point. On the other hand, we know that
19 the parties have to ask clear and precise questions to the witness which
20 would make it possible for the witness to provide clear and concise
21 answers.

22 Mr. Witness, it is difficult for you because we usually tell you
23 to stop because you are going too far, but also, when you feel that there
24 is something that is useful, then you might need to add it because your
25 information is very useful to the Chamber. So do not hesitate to add any

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1 clarification that you, as a former chief of a groupement, feel is
2 necessary. You want to tell us something, then please go ahead. After
3 that, the Prosecutor will continue with his cross-examination.

4 THE WITNESS: (Interpretation) Mr. President, I do recall that I
5 have already stated on several occasions that Lochubo was the elder
6 brother of Mathieu Ngudjolo. Even when the Prosecutor came to Zumbe,
7 this Ngudjolo's elder brother asked a question. He said that he was a
8 member of the family and that he would like to go and see Ngudjolo, and
9 I explained that the nuclear family of Ngudjolo is his wife and children
10 so what would you be going to do? So I explained to the Prosecutor that
11 Mr. Lochubo was Ngudjolo's elder brother. So why would I be afraid to
12 say that Lochubo was Ngudjolo's elder brother? He has nothing to do with
13 what we are doing here. I cannot go into details. I can give you
14 further information about Lochubo just like I can give you information
15 about Ngudjolo. Lochubo is my registrar. Why should I be talking about
16 that? If you want, I can explain to you how he became my registrar. Did
17 I appoint him? Did I force him to be there?

18 PRESIDING JUDGE COTTE: (Interpretation) In that case, I'm going
19 to return the floor to the Prosecutor because he is the one conducting
20 his cross-examination. Thank you. The incident, that is, if incident it
21 was, is now concluded. So, Mr. Prosecutor, please proceed.

22 MR. MACDONALD: (Interpretation)

23 Q. We are going to come back to that information that you have just
24 given us when we deal with other issues. Now, when you said that each
25 notable has a body guard, who was Deo's bodyguard?

1 A. He's already deceased. I forgot the name. I will give you the
2 name later. I have just remembered. His name is Jean Damascene. I do
3 not know his surname but in the entire locality, he was known as
4 Jean Damascene.

5 Q. Very well. Mr. Witness, once again, I would read you page 63 of
6 transcript 302. You mentioned that Mathieu Ngudjolo was not a notable,
7 but I would like to go back to transcript number 301 and I believe that
8 was on Tuesday of last week. I want to locate the extract to ensure that
9 it is the right quotation. It is on page 8 of transcript 301.

10 Professor Fofé asked you the following question:

11 "Do you have any blood ties with Mathieu Ngudjolo?"

12 Your answer: "No Mathieu Ngudjolo is from Kambutso." I'm going
13 to speak slowly:

14 "Mathieu Ngudjolo is from Kambutso. He is a Kambutso notable who
15 hails from Nzotsi. The locality is known as Likoni. When you travelled
16 to my home from his locality by taxi, you go through five localities. A
17 member of my family can marry a member of Ngudjolo's family. That was
18 before, but currently it is no longer possible. And that is because the
19 members of the family of my grandfather and the members of the family of
20 his grandfather married each other so it was possible that the families
21 should intermarry."

22 There are two aspects that I would like to come back to. The
23 first one is that in this extract, you mentioned that Mathieu Ngudjolo is
24 a Kambutso notable. So my first question is as follows: Was Mathieu
25 Ngudjolo a notable or not?

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1 A. In order to understand well, it is necessary to explain at
2 length. Mathieu Ngudjolo is not a notable. It was Kambutso who was a
3 notable but he died a long time ago. After him there was another one who
4 died. His name was Kambutso, so the people who took that position were
5 always known as Kambutso.

6 Q. Mr. Witness, I will have to interrupt you from time to time. My
7 question is quite simple. On Tuesday, you said he was a notable, and on
8 Thursday, you said he was not a notable. So why is it that on Tuesday
9 you said he was a notable and then on Thursday you said he is not, and
10 today you are saying he's really not a notable. Are your answers related
11 to how you feel?

12 A. You are the one who noted it down incorrectly. You did not
13 understand correctly. I'm the one who knows. I'm the one who is a
14 responsible -- who was responsible for the groupement. I know every
15 notable. This does not mean that the president here should also be
16 president of Holland and that his son can also be president. No. I want
17 to explain so that you should understand, so that everybody should
18 understand.

19 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, it is
20 difficult to ask the witness questions, then tell him that his answers
21 are not satisfactory, and then just when he says he wants to explain so
22 that everyone should understand, then you tell him not to continue. We
23 are talking about two statements here made by the witness, when he said
24 that Mathieu Ngudjolo was not a notable but that his elder brother was a
25 notable and then there is this second extract in which the witness says

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1 that Mathieu Ngudjolo is a Kambutso notable. There is a contradiction
2 here, but maybe it's just a question of understanding or interpretation,
3 which the witness can clarify for us.

4 So, Mr. Witness, is there a contradiction between the two
5 statements that you made? Try to explain to us as briefly as possible,
6 and we will be listening to you with keen interest.

7 THE WITNESS: (Interpretation) Yes. I wrote down somewhere Nzotsi
8 Nzensi (* phon) and even included the names of the notables where it is
9 written Ngabu Emmanuel, I wrote other names, Mateso, Kado, and so on.
10 The seven people had been elected by the wisemen so that they should be
11 notables. They were appointed notables through an election, and people
12 were wondering who would be the leader of that group, and the person who
13 came first was Ngabu Emmanuel, the entire population of the groupement
14 voted for the seven people. The wisemen proposed seven notables. Nzitsi
15 Mateso, and then I came first. The second was Lochubo.

16 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu -- I'm sorry
17 for not observing the five seconds. But Mr. Witness, we all remember the
18 written document that we discussed in other hearings and those documents
19 contain the names of those seven notables that you are talking about us
20 about, including your own name. The Prosecutor has asked a question:
21 Given that among those notables the name Mathieu Ngudjolo is not there,
22 why did you say that he was a Kambutso notable? I believe that is
23 something you have to clarify, and I think you probably have an answer
24 for us here. Briefly, please.

25 THE WITNESS: (Interpretation) Your Honour, what I can say is that

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1 Mathieu Ngudjolo cannot be considered as a notable, given that his elder
2 brother is a notable. He belongs to the ruling family of that locality.
3 He hails from Likoni, so he is a member of the family, the ruling family,
4 but it is his elder brother who has the power, and if his elder brother
5 died, it would be that elder brother's son who would succeed him. It is
6 not difficult. I don't know whether it is the Swahili or not, but I am
7 clear in my head. I believe that is the answer that I gave.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you. I believe
9 this may just be an issue of understanding. There are seven notables,
10 and based on what you have said, it is not out of the question to refer
11 to someone as notable even if that person is not amongst the seven that
12 you have mentioned. I think maybe the Prosecutor has understood. He has
13 listened to the witness. Maybe the witness is not expressing himself as
14 clearly as we would have liked. But based on what he has said, there is
15 no contradiction. Please proceed, Mr. Prosecutor.

16 MR. MACDONALD: (Interpretation) We still have document
17 EVD-OTP-00077 on our screens; that is, if you press the button "PC 1."
18 And on that photograph, there is someone holding an anti-personnel mine.
19 Now have you able to remember who that person is? If not, I would like
20 to ask that photograph EVD-OTP-00077 be called up. 00077.

21 I'm sorry, I made a mistake. It is 00076.

22 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please.
23 EVD-OTP-00076. And that is document number 8 in the list of documents.

24 MR. MACDONALD: (Interpretation) I'm simply referring to
25 photographs that have already been shown to the witness, nothing new.

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1 PRESIDING JUDGE COTTE: (Interpretation) Very well. Has that
2 document been displayed on the screens?

3 MR. MACDONALD: (Interpretation) It is a public document.

4 COURT OFFICER: (Interpretation) You can see the photograph by
5 pressing "PC 1."

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court Officer.
7 Can the accused persons see the photograph on their screens? Perfect.

8 MR. MACDONALD: (Interpretation)

9 Q. Mr. Witness, you are there on the right still with your leopard
10 skin but without the American scarf. Now you still can see this person
11 who is taking notes. Chief Manu, you know who that person is. Please
12 tell the Court who he is.

13 A. I really do not know, the person in the blue jacket is the head
14 of the collectivity of Walendu Tatsi, then you have the next person who
15 is from the -- the leader of the Yalala camp, but the other person
16 I really do not know him.

17 Q. Mr. Witness, there is someone who is known in this case, who is
18 deceased, Tampo Atanasi (* phon). If I put it to you that this person is
19 Tampo Atanasi, this is someone who liked to write a lot, who had several
20 diaries and if my colleagues are wondering, it is Witness 167, and we
21 asked to use his personal notes. Can you recognise that person now?

22 A. I cannot see his face. I can see the person there but I don't
23 know if it is Tampo. I not live with him. When he arrived Zumbe, after
24 the FNI, he was in Kambutso, in Likoni. That is where he was living.
25 And if this is Tampo here, then I really no longer remember. I can see

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1 the person on the photograph. Everybody could stand next to me. And
2 what I'm telling you is true. You have the people behind me. I was not
3 the one who invited them. They simply came out of curiosity. You could
4 even ask those people whether I was the one who invited them. But the
5 person who is on the photograph, I do not know him.

6 Q. Very well. Mr. Witness, the two photographs that we have just
7 displayed, 00077 and 00076, EVD documents of the OTP were taken on the
8 2nd of July, 2003. Do you remember -- and, Mr. Witness, I put it to you
9 that the person who took those photographs is known as Mr. Renaud Khan.
10 He is a French man who was a photo journalist who was travelling around
11 the area. And at the time he took those two photographs, he was
12 accompanied by a German journalist known as Thomas. Unfortunately, I
13 cannot remember his family name. But do you remember a certain
14 Mr. Renaud who was accompanied by a German journalist and who visited the
15 area, yes or no? Either you remember or you don't.

16 A. I do not remember. I have told you that the French people came
17 and took those photographs. René (* as interpreted) Khan that you are
18 talking about was not with the others. He was with the French troops.
19 As far as I was concerned, they were all French men. I did not know what
20 their jobs were. I simply knew that these were Frenchmen who had come
21 there. It was after the Bunia events, and we were in the village. I do
22 not know whether he was a journalist or not. And I did not know his
23 name. All I knew was that these were French soldiers who arrived.
24 I received them and I gave them explanations. I didn't know all the
25 details.

1 Q. But Mr. Witness, Mr. Renaud Khan was not a soldier who came with
2 the ARTEMIS force. He was a photojournalist, and there is a specificity
3 here. His parents are of Asian origin so it reflects on his physiognomy.
4 So do you remember something about him someone who came with a camera, he
5 was taking photographs, and you even accompanied him around Zumbe to take
6 photographs.

7 A. He did not come alone. I did not know what his other nationality
8 was. I knew that he was French. He was not alone in the vehicle when he
9 came there. He came with the French soldiers of ARTEMIS. I knew that it
10 was their group. I could not have asked him, Where do you come from,
11 what do you do? You are the one telling me that he was a journalist.
12 You are the one telling me that I accompanied him around. I no longer
13 remember all that.

14 Q. Chief Manu, you remember something. Let us admit that this
15 photograph was with the ARTEMIS force in Zumbe. Do you accept that you
16 accompanied them around to show them certain locations just like you
17 wanted to do with the Prosecutor? In July 2003, during that visit, you
18 went around Zumbe and the neighbouring areas and photographs were taken,
19 just like these ones. Do you remember all that, Mr. Witness?

20 A. You are asking me questions about things that you know. I did
21 not know all that. Maybe you are the one who arranged for him to be near
22 me so that we should move around. I do not know whether they took the
23 photographs secretly. They did not explain anything to me. I do not
24 remember whether I showed them places. If you have photographs, show
25 them to me, and even his face, I cannot see his face here.

1 Q. So you do not remember whether you moved around with members of
2 the ARTEMIS force and journalists that were with the group taking
3 photographs? You no longer remember?

4 A. Mr. Prosecutor, I was the one who gave authorisation for
5 photographs to be taken. If you wanted to take photographs in a
6 disorderly manner, I would not accept. I was the one who gave
7 authorisation for photographs to be taken so I cannot remember all that,
8 to be able to say that such and such a person came and took photographs
9 here and there. No. All I knew was that these were Europeans who had
10 come as part of the ARTEMIS force to provide security. I allowed them to
11 do their work so I cannot tell you where we went, where photographs were
12 taken. I cannot remember that. All I know is that I facilitated their
13 work for them. They were doing their work and I was not afraid of
14 anything. If they asked me questions, I would answer. I was not afraid,
15 because I had not provoked anyone. I was the one who gave the
16 authorisation for photographs to be taken, but I no longer -- anybody who
17 was small in size or whatever. I no longer remember.

18 Q. I'm sorry, I missed the last part of your answer. What did you
19 say about shortish people or smallish people?

20 A. You are the one who said that the person who was taking
21 photographs was this way or that way, and that I was accompanying him so
22 I was simply telling you that I was not afraid of anyone, but I do not
23 remember who was taking photographs. Even after coming here, I no longer
24 remember your name, but I was with you there. Here, I have heard your
25 name here, I simply knew that you were known as Mr. Prosecutor. That is

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1 all.

2 Q. Witness, we were going to show you a piece of evidence or an
3 exhibit, rather, EVD, and this is actually something that was shown by my
4 learned friends, and answers were provided, EVD-OTP-00076. This is a
5 public document. If it could be displayed, please, on PC 1?

6 COURT OFFICER: (Interpretation) EVD-OTP-00076 is already on the
7 screen.

8 MR. MACDONALD: (Interpretation) I'm sorry, I'm all mixed up when
9 it comes to these numbers. I meant to say 00078. It's the photograph
10 with the person who is wearing the uniform of a military police officer.

11 Q. Chief Manu, is this a pigmy to your mind? Is this a pigmy?
12 During your testimony, you spoke about children, you said that there were
13 no child soldiers in Bedu-Ezekere. You said there were pigmy people. Is
14 this person a pigmy, in your opinion?

15 A. How would you know if were a child from my area, during the
16 tribal conflict, how would the person have found a uniform if he were
17 from my part of the world? It says FAC here. It's clear that the person
18 is wearing an FAC uniform and you say that this is one of our soldiers?
19 FAC stands for the Congolese Armed Forces. This is not a UPC soldier.
20 This person was photographed and you're saying that it's a young person
21 from my area? I don't know this person. The person who is wearing this
22 uniform -- well, this person knows who he is.

23 Q. Well, you see, Chief Manu, I was asking you -- I asked you where
24 this information came from. I'm asking you these questions. But you
25 see, there is a gentleman by the name of Renaud Khan who came and gave

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1 testimony before the Court and he mentioned that he went around with you,
2 a person wearing an leopard fur coat, and when he got to this child he
3 took the picture of the photograph --

4 THE INTERPRETER: Correction, a picture of the child.

5 MR. MACDONALD: (Interpretation)

6 Q. And he asked the person what that stood for, and the child didn't
7 have a chance to answer. You said it was a military police officer.
8 That is the testimony of Mr. Renaud Khan. A witness who came here and
9 said that you were present when that photograph was taken, witness. I'm
10 not making this up. A person like you who was under oath today, this
11 person said that the picture was taken in Zumbe on the 2nd of July and
12 that the -- he thought the person in the photograph was nine or ten years
13 of age. And he explained why he thought so. He gave the criteria. That
14 is why I'm asking the question: Is this a pigmy? And with this
15 information, sir, do you remember, do you remember being present when
16 this photograph was taken?

17 A. I would be happy if your photographer were to come here. People
18 who wear this are called *passa* (* phon). They are called *Passa* in you
19 our part of the world and, you see, that was when those events occurred
20 in Ituri. This is a red arm-band and it's marked FAC. Well, you see the
21 person who took the picture would have to come here to confirm that this
22 was a soldier from my part of the world. I've come here. I've given an
23 oath and I'm giving testimony under oath. You sent the person, he took a
24 photograph of a young man, I don't know the fellow's age, and I must tell
25 you, Prosecutor, that this person, who came to our area, if that person

1 came, the person could tell us where we found this uniform, the Ugandans
2 didn't have a uniform like that. There was no such uniform like this in
3 our area. Where could we have gotten it from? Listen, I'm the one here,
4 I am telling the truth. Set aside the lies. You even have to ask a
5 question of the Congolese Armed Forces. Where did someone get this
6 uniform? Am I supposed to answer a question about the Congolese Armed
7 Forces? You have to ask Kisempia this question.

8 Q. Ah, you know very well exactly where this uniform came from. You
9 just mentioned the person from the Congolese Armed Forces, this person
10 Kisempia. This was taken in July 2003 after Bogoro, after Bunia, after
11 Tchomia, after Kasenyi, after Bunia once again. Kisempia -- tell the
12 Chamber when did Kisempia come to Bunia, do you know? If you don't know
13 that's fine. Just answer yes or no. Did you know that Kisempia arrived
14 in April 2003 coming from Kinshasa with police officers and they were
15 wearing blue uniforms?

16 A. Well, it was Lusembo who came with those people. It wasn't
17 Kisempia. I saw Lusembo at the Lusakivana hotel. I greeted him myself,
18 and I congratulated him because he had brought some police officers who
19 were to ensure the safety of the population. I greeted him properly.
20 I welcomed him, because he was coming to help people, so that was Colonel
21 Lusembo not Kisempia. I must add this. You refer to some people as
22 combatants. If they fought in 2001, 2002 and 2003, at the arrival of the
23 FNI and then they went back to their villages, well, how would one be
24 able to find them in June in Zumbe? During that period of time, there
25 was no such uniform. If the Chamber allows me, well --

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1 THE INTERPRETER: Correction.

2 MR. MACDONALD: (Interpretation)

3 Q. If the Chamber allows, the photographer should come here to give
4 more information. If I had been there, he would have taken a picture of
5 me as well beside the young man.

6 Witness, I'd like to show the photographs once again, EVD-OTP -
7 and I don't want to get it wrong but I believe these are photographs that
8 were shown by my learned friend - 00080, and 00081. There are two of
9 them. They were photographs of people lined up in rows. Let us begin
10 with 00080.

11 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

12 COURT OFFICER: (Interpretation) The photograph is now displayed
13 on screen "PC 1."

14 MR. MACDONALD: (Interpretation)

15 Q. Well, we can see this photograph, Witness, this wide shot, and
16 this is -- and then we see the other photograph which is more of a
17 close-up of the person that you said you didn't recognise, and none of
18 the people you say you recognise in this photograph. Witness, once
19 again, this photograph was also taken on the 2nd of July as well as the
20 following one, on the 2nd of July, and up just told us earlier that if
21 photographs were taken in Zumbe, you were the one who would have allowed
22 for that. So I'm asking you: Do you remember being present when this
23 photograph was taken within your groupement in your locality, Zumbe, on
24 the 2nd of July, 2003, by Mr. Renaud Khan?

25 A. This isn't Zumbe. There is no one from Zumbe here. Renaud Khan

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1 should come here. I believe he's still alive.

2 Q. But that's it. Just to conclude, now, Mr. Renaud Khan did come
3 and give testimony. He too swore to tell the truth, as you have, and he
4 says that he took all the photographs that we've shown you ever since
5 this morning on 2 July in Zumbe, and there is two of these photographs
6 and we see you in them wearing the leopard fur coat, and Renaud Khan
7 testified to the effect that you were beside him when the photograph was
8 taken and Renaud Khan went even further than that. He said that those
9 two photographs were also taken in Bedu-Ezekere and what's more, in the
10 Zumbe area, on the 2nd of July. So do you remember?

11 A. No. I don't remember. And today, I realise that the
12 photographer lied. This is an out-and-out lie. And if you talk about
13 Cobra or other people, well, then, those are falsehoods. Prosecutor, let
14 me give testimony about what happened, about the facts that I know
15 myself.

16 Q. Very well. We shall now move on. Witness, if we could go back
17 to the notabilities and Mr. Pierre Zulo-Vili, we saw the document, and
18 EVD-D03-00094. It formerly was a Prosecution document and the seven
19 notabilities that are mentioned on that document, number 4, the full name
20 of -- the full name of Zulo-Vili is Pierre Zulo-Vili; is that correct?

21 A. Pierre Zulo-Vili.

22 Q. And what is that person doing these days? What kind of work is
23 he doing, in addition to being a notable? He has a day job, isn't that
24 so?

25 A. He is the principal of a primary school in Zumbe.

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1 Q. So, indeed, Mr. Zulo-Vili is the principal of the Zumbe primary
2 school, is that not so? The same school that the Prosecutor visited; is
3 that not correct, Chief Manu?

4 A. You are quite right.

5 Q. Now, according to what you said earlier, on the first day of your
6 testimony, he was one of the people that you were with when you prepared
7 the school yard at the Zumbe primary school, when you prepared the school
8 yard to get ready for the Prosecutor's visit; isn't that right?

9 A. Yes.

10 Q. What's more, according to your testimony, transcript 300, Monday
11 was the day, you mentioned that Mr. Zulo-Vili was a member of the
12 drafting committee along with Ngabu Safari; isn't that right?

13 A. Yes, that's right.

14 Q. Could you tell us who the other members of the drafting committee
15 were within the base committee? Who were the other people who also were
16 drafters?

17 A. Well, that's a good question. Ngabu Safari was a member of the
18 drafting committee. I have to explain one thing: In my groupement, not
19 many people are educated. We are trying to use people in various units,
20 Zulo-Vili managed things. What I mean by that is when I talk about
21 managing, well, I mean if letters had to be written within the committee,
22 Zulo-Vili would manage that correspondence. Within the committee, there
23 was a great deal of activities, a lot of work. Within the group we have
24 the police, the registry of the court, and Zulo-Vili would manage the
25 correspondence and the documents.

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1 Q. Witness, my question was: Other than Mr. Zulo-Vili and
2 Mr. Safari, Ngabu Safari, who were the other members of the drafting
3 committee? Were there other members? If so, who were they? Could you
4 give us their names, please?

5 A. Do you want me to mention everyone? All the groups? Are you
6 going to give me enough time so that I can write all of that down before
7 I give the names?

8 Q. Witness, the base committee, you gave testimony about the base
9 committee. There was the youth committee, the health committee, the
10 administrative committee, the drafting committee, and then there was the
11 council of wisemen. Now, my question is simple: Who was part of the
12 committee that was called the drafting committee? In addition to
13 Mr. Zulo-Vili and Mr. Ngabu Safari, who were the other people who helped
14 you with writing documents within the drafting committee?

15 A. Bukpa Kalongo was a member of that committee, Adolphe was a
16 member, and many other people, amongst the young people who knew how to
17 read and write. One day one person might have come along with me and
18 then another day it might have been another person. They would take
19 turns. That's how things operated.

20 Q. Chief Manu, you mention Mr. Bukpa Kalongo, Bukpa Kalongo, and you
21 just mentioned Adolphe Liga. Adolphe Liga, by the way that's the brother
22 of Mr. Etienne -- the late Etienne.

23 THE INTERPRETER: Inaudible.

24 THE WITNESS: (Interpretation) Yes.

25 MR. MACDONALD: (Interpretation)

1 Q. And you also said you knew other people, young people who knew
2 how to read and write. Could you give us those names, the names of those
3 young people who knew how to read or white and who were members of the
4 drafting committee? If you could just give the names for right now.

5 A. I no longer recall their names.

6 Q. Very well. I'm looking at the clock, we have ten minutes left,
7 it's 20 after 1.00. Now, you mentioned the Prosecutor's visit. You said
8 that there was an appeal to the Lendu community, and you travelled to
9 Zumbe one day before the Prosecutor arrived and you also mentioned that
10 you prepared the school yard for the visit. Now, I've realised that, as
11 well, the population was mobilised, people were asked to come and attend
12 this meeting, the people of Bedu-Ezekere, more specifically the people of
13 Zumbe.

14 A. Basically, it was the members of the population who were in that
15 area, that surrounding area, who went there. You see other people had
16 already gone back to their homes, 20 or 30 kilometres away. So the
17 people who lived in close vicinity to the school were there.

18 Q. How did you mobilise the population for the Prosecutor's visit?

19 A. In our part of the world, in the village, we have ways of sending
20 young people out and we ask them to run off and ask the chiefs to make
21 announcements, tell people this: Tomorrow we are going to have a
22 visitor, and you, the people in such and such a locality, please come and
23 meet the visitor. That sort of thing is done. And the next day, people
24 come. And people who had planned to conduct their usual activities would
25 not come. So we alerted people who had lived in the surrounding area,

1 and we asked people from Kambutso and people from Boikati (* phon) which
2 is not far from Zumbe. We also asked people from Zumbe to come but we
3 didn't all come to the ceremony. So, many people came to see the
4 Prosecutor. We didn't ask for all the inhabitants of the groupement to
5 come, the ones who were able to come and who were not too far away did
6 come to greet him.

7 Q. Did you also set up the various barricades to hold back the
8 crowd? Not you personally, I mean, but -- but the people who were
9 organising the greeting for the arrival. When I speak of the barricades,
10 I'm speaking of the boundary or the line behind which the people had to
11 stay, it was to hold the crowd back.

12 A. Prosecutor, I don't know anything about these barricades you're
13 talking about. You see, I'm very much respected there because
14 I reinstated the chieftaincy and I was introduced to the Prosecutor and
15 I was told that --

16 Q. I'm interrupting you. You mentioned that earlier but I'm asking
17 you a very specific question about the way the school yard was organised
18 for the visit. Now, I'll ask another question. Some chairs were lined
19 up, isn't that so? The visit was prepared for? You said that. And the
20 blackboard that you sketched on with some chalk, I suppose someone had to
21 make the arrangements so that a blackboard would be there, that was one
22 of the arrangements that had to be made before the Prosecutor arrived?
23 Isn't that so?

24 A. Yes, Prosecutor, when a visitor comes, he doesn't just stand up
25 in front of everyone. He -- we provide for a place where he can sit.

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1 Q. My question was about the blackboard. The blackboard had been
2 arranged for. It had been take be out of the classroom, hadn't it? I'm
3 asking you.

4 A. We were at the school and the blackboard was in the principal's
5 office. Is it a problem to take a blackboard out of an office that is
6 just right next door? We didn't think we were doing any harm by doing
7 that. One day before the visit, I went to the school, and I had a
8 specific purpose. We intended to speak to the Prosecutor and we wanted
9 to raise three specific issues. If you want me to go back to that, I
10 can. And we had to put the three issues on the blackboard.

11 Q. Exactly. That's what I wanted to ask you. And I'll close on
12 this point. So the infamous three objectives had been discussed and
13 prepared for before the Prosecutor arrived. So it's not something that
14 you just made up as you went along, isn't that so? Can you confirm that?
15 Am I right?

16 A. When an eminent person, a VIP, comes to a place, one prepares for
17 his visit. Even in Europe, when the president of Congo visits and when
18 that announcement is made, preparations are made. It was a very unusual
19 event. It's very unusual when a white person comes to our area. You
20 think it is something -- something easy? Well, this is not a joke.

21 PRESIDING JUDGE COTTE: (Interpretation) We shall conclude today's
22 hearing and we shall resume tomorrow at 9.00 a.m. We hope you have a
23 pleasant afternoon. Please take some rest and try to relax after these
24 four hours of testimony.

25 Court Usher, if you could please escort the witness out of the

1 courtroom. Witness, sir, we'll see you tomorrow.

2 (The witness stands down)

3 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, before we
4 adjourn, now it's too late for this particular moment, but tomorrow
5 morning, before the witness comes in, could you please explain to us
6 exactly where you're going? Because some of the questions that you asked
7 were problematic for us. We really haven't quite understood why you were
8 asking these questions and the very last answer from the witness, unless
9 you have some additional information or explanations, the answers seem
10 quite sensible. There may and few links missing in this particular chain
11 within your cross-examination. Please help us better understand the
12 relevance of some of these questions, particularly with respect to what
13 we are trying to clarify. I speak of the charges that we must deal with.
14 Is that understood?

15 MR. MACDONALD: (Interpretation) Without the witness being
16 present?

17 PRESIDING JUDGE COTTE: (Interpretation) Yes. Briefly, because we
18 are trying to understand -- we want to really cut to the chase.

19 MR. MACDONALD: (Interpretation) This is something that relates
20 to collusion, the announcement to everyone, and the third objective that
21 was defined by the witness himself during cross-examination.

22 PRESIDING JUDGE COTTE: (Interpretation) Are you planning to spend
23 all of tomorrow morning on the cross-examination? Most likely?

24 MR. MACDONALD: (Interpretation) Yes.

25 PRESIDING JUDGE COTTE: (Interpretation) It was just a question.

1 Professor Fofé. Very quickly, Professor Fofé.

2 MR. FOFÉ: (Interpretation) Yes, your Honour, I would remind the
3 Prosecutor of 54(1)(a), Article 54(1)(a). I think he'll have to look at
4 other aspects. Thank you.

5 PRESIDING JUDGE COTTE: (Interpretation) Well, we shall now
6 adjourn. We will see you tomorrow.

7 COURT USHER: All rise.

8 The hearing ends at 1.31 p.m.

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