

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing
9 Wednesday, 18 May 2011
10 The hearing starts at 9.07 a.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
15 Good morning, everyone. Good morning to the accused persons.
16 Before the witness joins us, the Defence of Mathieu Ngudjolo
17 intends to say a few words.
18 Mr. Kilenda, we're listening to you.
19 MR. KILENDA: (Interpretation) Thank you, your Honour. Good
20 morning, your Honours. I would like to thank you for giving me the floor
21 this morning. I wish to give you some -- two items of information. The
22 first is that tomorrow, Thursday, the 19th, and on Friday, the 20th, I
23 will be absent. During those two days I will be abroad for assignments
24 which relate to the future presentation of our evidence, and during my
25 absence, our team shall be steered by my co-counsel, Professor Fofé.

1 The second piece of information I wish to share with you,
2 your Honours, relates to an application which I am submitting at this
3 moment with a view to the organisation of an ex parte hearing to be
4 attended by VWU and our team only. This ex parte hearing has to do with
5 the better organisation of our defence case so that we can save on time
6 and on resources. I do undertake to send to you before 6.00 p.m. the
7 list of items which we wish to submit to you for consideration during
8 that ex parte hearing.

9 Your Honours, I would like to inform you that we would like this
10 ex parte hearing to be brief. It's going to take a maximum of one hour.
11 With respect to the dates, we propose the 24th or the 25th of May, 2011.

12 I would like to thank you for your kind attention.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Kilenda.
14 With respect to the first point, Professor Fofé shall be there, and we
15 will be assured that the Defence of Mathieu Ngudjolo will be well
16 represented.

17 With regard to the second point, we are waiting to receive from
18 you this afternoon the submission you talked about, and once we receive
19 it, we will then see which date will be the most appropriate. In any
20 case, if this hearing has to take place, it may have to take some of the
21 time that we would devote to this case. In any case, we'll see about
22 that later on.

23 Court Officer, Court Usher, could you please bring into the
24 courtroom the witness.

25 Mr. Hooper, you may proceed.

1 MR. HOOPER: Can I just raise two matters? Yesterday, the
2 Registry made a filing, observations, a confidential filing. My
3 application this morning is for leave for us, the Katanga Defence, to
4 respond to that filing. Reading it, we find that there are significant
5 erroneous statements made in it that reflect upon this Defence and to
6 which we would like to respond and also to assist the Chamber in respect
7 of statements that are contained in that filing. If leave be granted to
8 us, we can undertake to have our response to the Registry filing before
9 you by 1.00 on Friday.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.
11 We agree. This has to do with the filing relating to the hearing we held
12 last Thursday considering the applications -- relating to the
13 applications submitted by the detained witnesses. Is that the case?

14 MR. HOOPER: That is correct. That is correct, yes.

15 PRESIDING JUDGE COTTE: (Interpretation) Very well. The Chamber
16 stands to gain if it obtains information from the various parties and
17 participants who wish to react to that filing given that it's quite a
18 novelty. If you wish to send observations on that application, please
19 send your observations but do so as soon as possible. If we can obtain
20 them before Friday at midday, we would be most grateful. So not later
21 than midday on Friday. Thank you.

22 MR. HOOPER: Thank you.

23 PRESIDING JUDGE COTTE: (Interpretation) If other parties and
24 participants wish to file observations, then the same deadline will apply
25 to them. For now, only the Defence team of Germain Katanga has expressed

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

Page 4

1 an intention to file observations.

2 Court Usher, Court Officer, please bring the witness,

3 Mr. Mbakama, to the courtroom.

4 (The witness takes the stand)

5 WITNESS: WITNESS DRC-D02-P-0147/DRC-D03-P-0236 (Resumed)

6 (Witness answered through interpreter)

7 PRESIDING JUDGE COTTE: (Interpretation) Good morning,

8 Mr. Mbakama.

9 THE WITNESS: (Interpretation) Good morning.

10 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear
11 me clearly, and we can therefore continue with our proceedings.

12 Mr. Hooper, you said you still had a few questions to put to the
13 witness. You have the floor.

14 Questioned by Mr. Hooper: (Continued)

15 Q. And good morning from me as well, Mr. Witness. It's nice to see
16 you again.

17 Now --

18 MR. HOOPER: Your Honour, just before I pose any questions --
19 further questions to this -- to Mr. Mbakama, my -- yesterday, you may
20 recall we dealt with the contract of -- the work contract between the
21 witness. It's his night job contract, evening job contract, and it was
22 assigned an EVD number. In fact, it had an EVD number, I think, to start
23 with. It was -- here it is. This was the -- I don't need it produced on
24 the screen unless you wish it to be. It was EVD-D02-00037, the *contrat*
25 *de travail*, and that's, in fact, made a confidential document. But

1 reflecting overnight, I was wondering whether it needs to be a
2 confidential document, whether it could not, in fact, be a public
3 document. Perhaps other parties could reflect on that and I could come
4 back to that a little later this morning.

5 Q. So, Mr. Witness, can I ask just you, you told us yesterday --
6 we're in public session, so I'm going to talk about Pierre. Do you
7 remember who Pierre is? Pierre and Marie, as we're calling them. Thank
8 you very much.

9 A. Yes, I do remember.

10 Q. Now, Pierre -- Pierre stated -- you said yesterday was never in a
11 militia. Did he ever -- ever claim or, for example, did you ever hear
12 him say that he'd been involved in any battles, battles such as Bogoro,
13 for example? Did you ever hear Pierre ever make such a claim?

14 A. Thank you for the question. I will give you a clear answer. I
15 will give you an answer (Expunged). No, what you
16 just said is not true.

17 Q. Did he ever -- on another similar issue in relation to militia,
18 did he ever claim to have been abducted, kidnapped, taken away from Dele
19 by Boba Boba and militia to be trained as a militia in Zumbe? Did you
20 ever hear anything like that or witness anything like that?

21 A. No, that is not true.

22 Q. Now, the final matter I'm going to go to concerns photographs,
23 and I have a number of photographs here I'm going to show you one by one.
24 It will take a little time but not too long. And the first photograph
25 I'm going to show you is DRC-D02 --

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

Page 6

1 MR. HOOPER: May I say all these photographs have all that
2 prefix. I'm not going to repeat it in full again.

3 Q. And then 0001-0738. And we have a hard copy somewhere, I think,
4 for you, which perhaps you can be provided -- ah.

5 COURT OFFICER: Can you please confirm the level of
6 confidentiality.

7 MR. HOOPER: Well, I think these can be public. Perhaps we can
8 deal with the photographs one by one, but I see no reason why this first
9 one shouldn't be public at all.

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

12 PRESIDING JUDGE COTTE: (Interpretation) Could a hard copy be
13 given to the witness. Thank you, Mr. Usher.

14 Court Officer, is it on the screens? Can everyone see it? Can
15 the accused persons see the photograph? Yes.

16 Mr. Hooper, you may proceed.

17 MR. HOOPER:

18 Q. Well, I suppose if a photograph can be a bit leading then this
19 photograph probably is, but looking at it, do you recognise where it is?

20 A. This is our place at Dele Farm. We have cows here. This is
21 indeed the enterprise called Kilo-Moto.

22 Q. All right. Now, this is the -- the entrance to it from the Bunia
23 road; is that right?

24 A. Counsel, what particular place are you referring to?

25 Q. Well, let's pass over that. It's the Dele Farm. And can I say

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Hooper (Continued)

Page 7

1 that all these photographs that you're going to look at this morning were
2 taken in March of this year.

3 All right. That's the first photograph, and you can put that to
4 one side. And now can I show you photograph -- and again a hard copy
5 will come to you. And I think this photograph and subsequent photographs
6 will need to be confidential. So we'll need the screen behind you to be
7 lowered so that confidentiality is preserved. And the photograph is
8 D02 --

9 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, can the
10 curtain behind the witness be lowered.

11 Mr. Hooper, you were reading out the reference of the photograph.
12 Could you please continue. D02 ...

13 MR. HOOPER: Sorry. D02, and then 1-0737.

14 COURT OFFICER: (Interpretation) To view the document, please
15 press the button "PC 1."

16 MR. HOOPER:

17 Q. Here's the hard copy for you. Now, before saying anything else
18 about this photograph, can I ask you, looking at it, do you recognise
19 where it is and what it is of?

20 A. Yes, I can recognise this place. Our chief used to live here,
21 and one of our workers as well, the assistant chief.

22 Q. I may return to this photograph. If you can just keep it there
23 with you and I'll turn to another photograph. And this is photograph
24 1-0734. And again I've got a hard copy for you. So a bit of backwards
25 to-ing and fro-ing for you. Thank you.

1 Do you recognise that building, and if you do, do you know who
2 lives there?

3 A. Thank you for the question. This is my home. The children you
4 see on the photograph are my grandchildren. You can even see my wife on
5 the photograph as well. The young man in the photograph I believe is one
6 of the people who come to visit me regularly. You know, people like to
7 come to my home. The children you see here are my grandchildren, and
8 they live in my home.

9 I have just seen my last son with his child, and they are seated
10 under a tree.

11 Q. All right. So quite a few grandchildren. Now, can we just go
12 back to the previous photograph just for a moment, the second photograph
13 I showed you, which is the photograph with the palm tree in the middle of
14 the photograph and with various buildings there. And I think I can
15 permissibly help you here, as we can all see it's a photograph, that the
16 building just to the left of the palm tree, one immediately behind and to
17 the left of the palm tree as we look at the photograph, is the same
18 building as you've just identified as your -- as your home. Can you see
19 that now, the photograph? And do you agree with that --

20 * A. Yes.

21 Q. Yeah. Thank you. All right. Now, you may remember that -- how
22 long have you lived in this -- in this house or in this compound? Can
23 you remember?

24 THE INTERPRETER: The answer to the first part of the question
25 was not interpreted.

1 THE WITNESS: (Interpretation) Yes.

2 THE INTERPRETER: Unfortunately, the microphones were having
3 problems.

4 THE WITNESS: (Interpretation) The house that you can see -- the
5 house that you can see was destroyed or was damaged. That happened
6 during events which occurred there. We fled and when we came back, we
7 saw that the house had been destroyed. And after we returned, we tried
8 to repair the house or to rebuild the house, and we built another smaller
9 house. And you can see that next to -- on the side there's a young girl
10 who is standing up, and this is where I live.

11 PRESIDING JUDGE COTTE: (Interpretation) Please respect the
12 five-second rule, because there are some interpretation problems.
13 Mr. Witness, please wait before you answer Mr. Hooper's questions. Thank
14 you, both.

15 Mr. Hooper, you may continue.

16 MR. HOOPER:

17 Q. And if we look at photograph 1-0733 -- again, I have a hard copy
18 of that.

19 MR. HOOPER: And again, all these photographs are confidential,
20 except for the first one.

21 Q. And again as we can see, relating it to the other pictures, this
22 is part of your house. Is that right?

23 A. Thank you for the question. Yes, this is indeed my house, and
24 the woman that you see is my wife.

25 Q. And if we look at another photograph, 1-0732. And again a copy

1 coming to you. And this is, as we can see, if we look at the photograph
2 we've just looked at it with a door in it, if we shift the camera a bit
3 to the left we get the rest of the -- of the house, and that's -- that's
4 the rest of the house there; is that right?

5 A. Excuse me, I was concentrating on the photograph, and I was not
6 able to hear your question. Would you please be so kind as to repeat it.

7 Q. Yes, indeed. Those two -- two photographs, the last two
8 photographs, are photographs, is this right, taken of the same side of
9 the house, just slightly different views of the same house?

10 A. Yes.

11 Q. And can I just show you -- I'll pass up these two photographs
12 together, because it would be a swifter exercise. They're of the same
13 building, and they're -0730 and -0731.

14 MR. HOOPER: And if those can be shown consecutively. I can pass
15 copies of the photograph -- those two photographs, again confidential, to
16 the witness.

17 Q. Now, those two photographs, plainly of the same building, but do
18 you recognise the building, and do you know who occupies it?

19 A. Thank you for the question. Yes, this is the house of a widow
20 who is our neighbour. The woman -- the mother of this woman is deceased.
21 She died in the locality which is inhabited by the Alur. So the
22 inhabitant of this house left, and I am the person who takes care of this
23 house. It is no longer occupied, and it is indeed an empty house.

24 Q. And if we go back to the second photograph, the one with the palm
25 tree. I don't know if you still retain that, sir, but it will come up on

1 the screen in any event, and that's 10 -- 1-0737.

2 MR. HOOPER: Help him with that. Thank you.

3 Q. We can see, and this was the second photograph showing the
4 compound, that to the right as we look at the photograph, the right of
5 the palm tree, the house there immediately to the right of the palm tree
6 is the house in that photograph.

7 Now -- and is that correct? Can you confirm that's -- that's
8 correct, that the house of the widow that you just referred to we can see
9 in the photograph 1-0737 is the house immediately to the right of the
10 palm tree?

11 A. Yes. This is the house that was abandoned by our sister, and
12 this house is now occupied by somebody else, by a woman. The lady who is
13 living at this house sells alcoholic beverages.

14 Q. Right. And I've now just got, I think, one more photograph to
15 show you, and if we can see that. It's at 1-0735, and again we will get
16 a hard copy up to you, and again a confidential document.

17 Now, just to again assist you, if we look at that photograph, if
18 we look at the houses behind, we can see that the two of the larger
19 houses, as it were, the first on the right is the widow's house, and the
20 one on the left we can see from the previous photographs you've
21 identified is your house; is that right?

22 A. Yes.

23 Q. Now, where did Mark -- do you remember -- we had Marie, Pierre,
24 and Mark yesterday. Can you remember who Mark was? He was in another
25 family at Dele Farm. Can you remember who we're talking about when I say

1 "Mark"? I think you probably do, but can you confirm to me that if I say
2 "Mark," you and me are both, I hope, thinking of the same person?

3 A. Yes.

4 Q. Now, you said at one time Mark and his family live near you.

5 Does that picture, that photograph, help you in any way to indicate to us
6 where their house was at the time?

7 Does it help you -- can you indicate on any of them where Mark
8 and his family lived, or -- or do they not help you?

9 A. Thank you for the question. (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 Q. Right. All right. And just before I leave that photograph, we
16 can see on the left Caroline Buisman on mission there. There's someone
17 in the middle between them and -- do you recognise the man in the white
18 waistcoat?

19 A. Would you please be so kind as to reformulate your question. I'm
20 not sure exactly to whom are you referring.

21 Q. (* Previous translation continues) ... I'm looking at the
22 photograph, the last one I handed you, which is 1-0735. Can I just
23 ensure through the Judicial Officer, please, that you're looking at the
24 right photograph, because it does get confusing when you've got a number
25 of photographs and I'm referring to them by number, and I can't hold it

1 up to show you because it's confidential. So -- yes, you're looking at
2 the right one.

3 JUDGE VAN DEN WYNGAERT: May I interrupt. Mr. Hooper, wouldn't
4 it be useful to ask the witness to make some kind of marking of where
5 Mark's house was, because he has described where it is but it's not very
6 clear.

7 MR. HOOPER: I will. That's a good idea.

8 Q. So you're looking at this photograph. Let me just come back to
9 Mark's house, and my question is this -- and if you don't know, then say
10 so. I'm not -- but looking at that photograph, is it possible for you to
11 put a big cross on that photograph indicating in general terms,
12 approximate terms, where the -- where Mark's house was, where the house
13 of Mark's father was? Would that be possible on that -- on that -- on
14 that photograph? I mean, if looking at that photograph you think, Well,
15 you know, I can't really tell, I don't know, then say so, but if you can
16 put a cross on that photograph that shows roughly where Mark's father's
17 house was, then it would certainly assist us if you could do that.

18 So here's my question. Looking at that photograph, do you think
19 you could put a cross, would you be able to put a cross that would show
20 to us the approximate position of the house belonging to Mark's father?

21 A. Thank you for the question. The picture doesn't make it possible
22 for me to put a cross where Mark's father's house was. I would,
23 therefore, be lying. You can see my house, and that actually blocks the
24 view that we have of where Mark's father's house was located. Okay.

25 Q. Thank you anyway, but while we're still with that -- while we're

1 still with that photograph, you see that there's three people -- well,
2 there's more than three people in the photograph, but there's three
3 people that one can perhaps clearly see on the left of the photograph.
4 There's the lady in the red dress, which is Caroline Buisman. Next to
5 her -- do you recognise the person next to her or not?

6 A. Are you referring to the person who is in the middle or the
7 person who is on the side? That is my question to you, sir.

8 Q. All right. The one -- the one in the middle?

9 THE INTERPRETER: The witness repeats himself.

10 THE WITNESS: Okay. (Interpretation) Okay.

11 MR. HOOPER:

12 Q. Do you know who the one in the middle is?

13 A. That is one of my grandchildren. My grandchildren often come to
14 see me.

15 Q. And finally, the man on the right, do you know who that is?

16 A. I'm trying to identify him, but I unfortunately am not able to.
17 This might be one of the men who came to my house in my -- during my
18 absence. He is an investigator. When I asked what his name was, I was
19 told that his name was Logo. Three of them came from Zum (* phon). Two
20 black men, excuse me, came, and a white woman came.

21 Q. Yes. Right. Well -- all right. Thank you very much. Now,
22 those are all my questions, Mr. Mbakama, and now you're going to be asked
23 questions by other people and then I'll have, perhaps, some further
24 questions for you. We'll see. So if you can just wait there. Thank
25 you.

1 MR. HOOPER: Oh, thank you very much, Professor Fofé. I forgot.

2 Yes, we will need EVD numbers, of course, for those photographs, and --

3 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,

4 would you please go over the lists of the photographs which have been

5 presented this morning. Unless I'm mistaken, there should be seven of

6 them. I'm not sure. I'm not -- 736 I don't believe was presented, but

7 I'm sure that our Court Officer noted all the numbers of the photographs.

8 MR. HOOPER: So what I suggest, because they're photographs and

9 for the sake of the transcript later, I'll go through them one by one

10 and -- and then the EVD number can be given. So the first one is the

11 photograph showing the sign "Dele Farm," and that is -- do you want the

12 whole number or should I just give the -- DRC-D02-0001-0738.

13 COURT OFFICER: (Interpretation) EVD-D02-000130. This is a

14 public document.

15 MR. HOOPER: The next photograph is the photograph showing the

16 compound and can be identified by the palm tree in the centre of the

17 photograph, and that is DRC-D02-0001-0737.

18 COURT OFFICER: (Interpretation) This is a confidential

19 photograph. It will be given EVD number EVD-D02-000131.

20 MR. HOOPER: The next photograph has been identified as the

21 witness's home. So a photograph showing a building with a number of

22 children identified as grandchildren, and that's DRC-D02-0001-0734.

23 COURT OFFICER: (Interpretation) This confidential photograph

24 has been attributed EVD number EVD-D02-000132.

25 MR. HOOPER: The next photograph has been identified by the

1 witness as showing his home, in front of which stands his wife, and that
2 is DRC-D02-0001-0733.

3 COURT OFFICER: (Interpretation) This confidential photograph
4 has been attributed number EVD-D02-000133.

5 MR. HOOPER: The next picture is another picture of the same
6 house identified by the witness as his own. It's a picture showing an
7 open area of the house with -- with a water container, and that's
8 DRC-D02-0001-0732.

9 COURT OFFICER: (Interpretation) This confidential photograph
10 has been attributed the EVD number EVD-D02-000134.

11 MR. HOOPER: The next two photographs are of a tin-roofed house
12 identified by the witness as belonging to a widow, and the two
13 photographs are, firstly, DRC-D02-0001-0730, which has a child also in
14 the photograph.

15 COURT OFFICER: (Interpretation) This confidential photograph
16 has been attributed the EVD number EVD-D02-000135.

17 MR. HOOPER: And the other more close-up photograph of the house
18 is DRC-D02-0001-0731.

19 COURT OFFICER: (Interpretation) This confidential --
20 confidential photograph will bear the EVD number EVD-D02-000136.

21 MR. HOOPER: And the final photograph shows an area of brush with
22 three figures in it and two houses behind identified by the witness as
23 being his home and that of the widow, and that photograph is
24 DRC-D02-0001-0735.

25 COURT OFFICER: (Interpretation) This confidential photograph

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Fofé

Page 17

1 will bear the EVD number EVD-D02-000137.

2 MR. HOOPER: And finally, if I can revert to the matter I raised
3 at the outset, which was the status of the document, the contract of
4 service. If there's no objection, can that be made a public document?

5 PRESIDING JUDGE COTTE: (Interpretation) Are there any
6 objections? No? Very well. That document that we all remember well can
7 be reclassified as a public document, Madam Court Officer. It is
8 EVD-D02-00037, and that is a service contract which we looked at once
9 again yesterday.

10 Thank you, Mr. Hooper.

11 Court Officer, we have to pull up the screens behind the witness
12 once again so that the hearing can become public.

13 Mr. Kilenda will be the next to do his direct examination,
14 because this witness is a joint witness also called by the Defence of
15 Mr. Ngudjolo.

16 You have the floor, Professor Fofé.

17 MR. FOFÉ: (Interpretation) Thank you very much, Mr. President.
18 Good morning, your Honours.

19 Questioned by Mr. Fofé:

20 Q. (Interpretation) Good morning, Mr. Witness, Mr. Bachweki.

21 A. Good morning.

22 Q. Mr. Bachweki, we have prepared many questions to put to you
23 related to relevant themes which were covered completely by our learned
24 colleague Mr. Hooper. I listened to your testimony. You answered the
25 questions put to you very clearly, and, I repeat, these were questions

1 touching on the relevant themes on which you came to testify before this
2 Court. I will therefore not go back to those questions. We were well
3 enlightened, and for that I thank our learned friend Mr. Hooper.
4 (In English) Good job.

5 (Interpretation) I simply want to seek two minor points of
6 clarification. Do you remember the person that we agreed to refer to as
7 Mark?

8 A. Yes, I do.

9 Q. To your knowledge, was Mark abducted and enrolled in a militia
10 group?

11 A. Thank you for that question. This never happened. If such a
12 thing has been said, then it is not true.

13 Q. Mr. Bachweki, do you also remember the person that we referred to
14 as George?

15 A. Yes.

16 Q. You told us about George, who had contacted Pierre. You dwelt at
17 length on that particular aspect, and yesterday, you stated that at one
18 point, Pierre went to Kisangani. Do you remember that?

19 A. Yes.

20 Q. The clarification that I would like to have from you is as
21 follows: Who sent Pierre to Kisangani?

22 A. Thank you for the question. I will answer you by saying that I
23 do not know the person who sent Pierre to Kisangani.

24 Q. Thank you very much, Mr. Bachweki, and I have no further
25 questions for you. Thank you once again.

1 MR. FOFÉ: (Interpretation) Thank you, Mr. President,
2 your Honours.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
4 Professor Fofé.

5 Mr. Witness, I believe you have fully understood what
6 Professor Fofé said to the effect that the answers that you gave to
7 Mr. Hooper's questions have caused him not to ask many of his questions.
8 So we are going to turn to the Prosecutor for his cross-examination.

9 MR. GARCIA: (Interpretation) Thank you, your Honour. I just
10 want to take a moment to set up.

11 PRESIDING JUDGE COTTE: (Interpretation) Take the time to set
12 up, Mr. Prosecutor, so as to do your job properly.

13 Mr. Prosecutor, for purposes of the organisation of our schedule,
14 can you give us an approximation of the duration of your
15 cross-examination? I know it depends on the answers you will get from
16 the witness, but we need that information to schedule the next witness.

17 MR. GARCIA: (Interpretation) Obviously, everything is
18 approximative, Mr. President. I will not be able to conclude during this
19 first session, and I will go into the second session maybe one hour into
20 the that session, and it will depend on the witness's answers.

21 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we will
22 wait for the break to see what is happening based on the progress made in
23 the cross-examination. We really do not want to bring witnesses here who
24 will be waiting and be unable to begin their testimony.

25 So, Mr. Garcia, you can begin with your cross-examination.

1 Questioned by Mr. Garcia:

2 Q. (Interpretation) Good morning, Mr. Witness.

3 A. Good morning.

4 Q. My name is Lucio Garcia. We met each other a few days ago. I
5 believe you do remember me. Mr. Witness, can you hear me?

6 A. Yes, I can hear you.

7 Q. Mr. Witness, I will be the one to ask you questions on behalf of
8 the Prosecution. I will seek some clarification from you on certain
9 issues and ask other questions as a follow-up to those put to you by
10 Mr. Hooper. If you do not understand any question I ask you, please say
11 so immediately so that I should repeat the question. Have you understood
12 me?

13 A. Yes.

14 Q. Mr. Witness, to begin with, I would like to discuss with you all
15 the issues related to the birth dates of your children. You dwelt at
16 length on this issue of dates of birth with Mr. Hooper, and I have a few
17 further questions for you.

18 If I understood your testimony well, you have six boys and
19 one girl. You were able to give the date of birth of the eldest of your
20 children, and that's Adirodu; is that correct?

21 A. Yes. Thank you. I will give you the date of birth of my son
22 Adirodu. He was born on the 29th of March, 1976.

23 Q. Very well. Thank you, Mr. Witness. I should have made it clear
24 to you I was not asking you to give me the date of birth, because you
25 already gave it in answer to Mr. Hooper's question.

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 21

1 Now, regarding the dates of birth of your other children, if I
2 understood you correctly, you are not sure about the dates. You gave
3 some years, but you said that after Mbadu, the other children were born
4 within or after intervals of three years, but you said you do not
5 remember the precise dates of the other children; is that correct?

6 A. Yes.

7 Q. Mr. Witness, I would like to ask you another question on that.
8 You have said that you are not certain about the dates of birth, and if I
9 understand you correctly, you can neither remember the months or the
10 years. So when it comes to the years, you are telling us they're all
11 approximative?

12 A. Yes.

13 Q. Mr. Witness, since you are a family head, when we -- or, rather,
14 when it comes to the education of your children, the registration of your
15 children in school, I suppose that you are the one who goes to register
16 them yourself?

17 A. Did you ask me a question about the registration of my children
18 in school? Well, I was the one who was responsible for that.

19 Q. Thank you, Mr. Witness. That was indeed my question. When it
20 came to registering your children at school, you, as the family head,
21 were the one who went to the school and provided the information about
22 your children to the school; is that correct?

23 A. At the time of registering children at school it is necessary to
24 provide the dates of birth, but over time one forgets. It so happens
25 that it is possible to forget over the years.

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 22

1 Q. I understand you, Mr. Witness. Now I will ask you questions
2 about (Expunged).

3 PRESIDING JUDGE COTTE: (Interpretation) I am trying to
4 remember, but it seems that yesterday we used a pseudonym, in which case
5 we are going to use it once again, and at the same time, we will sign the
6 necessary order.

7 MR. GARCIA: (Interpretation) I'm sorry, Mr. President.

8 PRESIDING JUDGE COTTE: (Interpretation) That is all right. It
9 is usually quite difficult.

10 The order will be drafted, and in the meantime, please continue
11 with your cross-examination.

12 MR. GARCIA: (Interpretation)

13 Q. Mr. Witness, with regard to Marie, are you able to tell us which
14 school she was recently attending?

15 A. Thank you for the question. Marie attended the Kindia Institute,
16 but I cannot remember the name of that institute. It is a Kibangist
17 institute.

18 Q. Very well. Just for purposes of clarity, Marie attended the
19 Kindia institute during the school year 2009/2010, according to your
20 testimony. That is last year; is that correct?

21 A. That is correct. She attended that institute from the first to
22 the fourth year.

23 MR. GARCIA: (Interpretation) I would like a document displayed
24 if we have a clean copy. It is DRC-OTP-1056-0009. I would like the
25 witness to look at that document.

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 23

1 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, have you
2 located the document in question?

3 MR. GARCIA: (Interpretation) It is a confidential document.

4 PRESIDING JUDGE COTTE: (Interpretation) 1056-0009. It is a
5 confidential document, which means the screens behind the witness should
6 be lowered.

7 Please display it on the screens.

8 COURT OFFICER: (Interpretation) Please press "PC 1" to be able
9 to view the document.

10 MR. GARCIA: (Interpretation) I also need the assistance of the
11 Court Usher. I have a clean copy here which can be shown to the witness,
12 because a hard copy is usually more visible.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well.

14 Court Usher, please fetch the document.

15 MR. GARCIA: (Interpretation) Your Honour, given the information
16 that I would like to adduce for my questions, I need to go into private
17 session briefly.

18 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, let us
19 go into private session in light of the questions that the Prosecutor
20 intends to put.

21 And, Mr. Prosecutor, please have us go back to open session as
22 soon as possible.

23 (Public session at 10.23 a.m.)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 24

1

2

3

4

5

6

7

8

9

10

11

12 Page 24 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 25

1

2

3

4

5

6

7

8

9

10

11

12 Page 25 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 26

1

2

3

4

5

6

7

8

9

10

11

12 Page 26 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 27

1

2

3

4

5

6

7

8

9

10

11

12 Page 27 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 28

- 1 (Expunged)
- 2 (Expunged)
- 3 (Expunged)
- 4 (Expunged)
- 5 (Expunged)
- 6 (Expunged)
- 7 (Expunged)
- 8 (Expunged)
- 9 (Expunged)
- 10 (Expunged)
- 11 (Expunged)
- 12 (Expunged)
- 13 (Expunged)
- 14 (Expunged)
- 15 (Expunged)
- 16 (Expunged)
- 17 (Expunged)
- 18 (Expunged)
- 19 (Expunged)
- 20 (Expunged)
- 21 (Expunged)
- 22 (Expunged)
- 23 (Expunged)
- 24 (Expunged)
- 25 (Open session at 10.40 a.m.)

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 29

1 COURT OFFICER: (Interpretation) Your Honour, we're in open
2 session.

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

5 Whilst we were in private session, the content and the conditions
6 under which an identification and educational profile form was
7 established for someone who has been referred to as Marie in the course
8 of these proceedings, Mr. Prosecutor was concerned about the conditions
9 under which this document was prepared. He's going to ask again one --
10 or, rather, a couple of questions which were put to the witness in
11 private session so that this information would feature on the public
12 version of the transcript.

13 Mr. Prosecutor, you may proceed.

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

15 Q. Mr. Witness, a short while ago whilst we were in private session,
16 I asked you questions about Logo and Marie. I asked you the following
17 question:

18 "Mr. Witness, you knew beforehand that Logo was going to look for
19 Marie in school; is that correct?"

20 You answered:

21 "When he followed her to school, I saw him once as he was going
22 there, and on that day he was looking for her school report card. He did
23 everything possible but he could not find it, because the school report
24 card was missing. I don't know how he obtained the document which I saw
25 here. He took a photograph of the child, and that is why I saw a

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 30

1 photograph here. I think that all this material was produced by Logo."

2 Do you remember that that is indeed what you said a short while
3 ago?

4 A. Yes.

5 Q. Well, Mr. Witness, you are aware, of course, that Logo was trying
6 to fabricate, to establish an identity card for Marie with a date of
7 birth which does not tally with the date of birth which is found on the
8 identification form from the school (Expunged); right?

9 Do you agree with me?

10 A. With respect to the form in question, if this document was
11 obtained in school, it would have been shown to me as (Expunged)
12 document, but I have never seen it before prior to coming here. And with
13 respect to (Expunged), the date which features on this document is
14 not correct.

15 Q. My question was simple, Mr. Witness. Would I be right to say
16 that Mr. Logo was trying to establish an identity card for Marie? Yes or
17 no, to the best of your recollection.

18 A. Thank you. I will provide you with an answer. Well, I did not
19 know that he was trying to fabricate an ID card for Marie. I didn't even
20 know that he was looking for her identification form. I should have been
21 informed that this form had been found and I would have double-checked,
22 but that is not what happened.

23 MR. HOOPER: You see, my friend claims that his questions have
24 been straightforward and simple, but one only has to review those last
25 few questions to see, in my submission, the confusion that his questions

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 31

1 have thrown us into, because he's blended his questions with the document
2 which I understand the Prosecution are claiming shows a genuine date of
3 birth, that is, the date of birth that is April of -- 2nd of -- no. The
4 date of birth --

5 MR. GARCIA: (* Overlapping speakers)

6 MR. HOOPER: I'm sorry, I am on my feet --

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, both of you
8 are standing. Mr. Prosecutor, once more, we understand the context of
9 cross-examination. We all wanted to know -- we want to obtain from the
10 witness answers which are precise. For that reason, we are interested in
11 getting precise answers from you, Mr. Witness, especially with regard to
12 dates. These dates are of crucial importance to our proceedings, and for
13 us to obtain such precise answers, it's important for questions to be
14 short, precise, and relevant. However, the witness should be placed
15 under conditions which can enable him to answer clearly, and for him to
16 answer clearly, questions have been clear.

17 This is not a criticism directed at you, Mr. Prosecutor. It's
18 simply a preventive measure if you do not want Mr. Hooper to rise
19 frequently. And it's also in the interests of the Bench and the interest
20 of all parties and participants that we should get clear answers, and for
21 us to get clear answers, please put clear questions.

22 Let's carry on with this interesting topic. You have the floor,
23 Mr. Prosecutor.

24 MR. GARCIA: (Interpretation) Thank you, your Honour.

25 Q. Mr. Witness, I will put the question to you once more. Did

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 32

1 Mr. Logo intend to establish an ID card, an identity card, for Marie?

2 Yes or no?

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged). I do not understand why Marie's age was

7 reduced on this form. I do not know why. That is my answer.

8 MR. HOOPER: Yes. You see -- so there we have it, because my

9 friend's been asking questions about a form and produced a form which he

10 produced to the witness. I think the witness is following this largely,

11 but then my friend asked questions about an identification card which the

12 witness doesn't have in front of him, and it's in relation to the card

13 that the allegation is being made that Mr. Logo fabricated this in

14 collusion with the witness. Now, if that kind of allegation is going to

15 be made, it should be made very, very clearly. And the witness is

16 obviously addressing his answers in terms of the form. So there's two

17 documents, and the way my friend's gone about it has led to confusion.

18 MR. GARCIA: (Interpretation) Your Honour, I don't think there

19 is any confusion here. I asked a very clear question to the witness, and

20 the witness has answered. He talked about an ID card. We'll move on to

21 the identity card. We can produce it and show it to the witness

22 immediately. But my question was simple: Namely, whether Mr. Logo was

23 preparing an ID card for Marie, yes or no. I don't think there is

24 anything confusing in this question, which is very simple.

25 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, we

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 33

1 fully understand that both of you understand each other very well. What
2 we wish to get here is to obtain, through both of you, clear answers from
3 a witness who has been travelling for thousands of kilometres to give us
4 information relating to the case in hand. The most important thing is
5 that both of you should place the witness under the best possible
6 conditions to provide clear answers. Of course, it is in your interest,
7 Mr. Prosecutor. Please strive -- strive not to make the process complex
8 to the witness who is here seated through your questions.

9 Once more, what we wish to obtain from this witness is useful
10 clarification. The identification and educational profile form is one
11 thing, and if you want us to move on to the identity card, then try to
12 make sure that the witness understands what this is all about. That is
13 how we should proceed. We have about eight or nine minutes left, and you
14 may proceed.

15 I would like to remind the parties and participants that the
16 interpreters would like you to observe the five-second rule. This rule
17 can be quite constraining, I must say, when there is electricity in the
18 courtroom, I do understand that, when everyone wishes to take the floor
19 at the same time, but we do understand the interpreters.

20 Mr. Garcia, we are listening to you.

21 MR. GARCIA: (Interpretation) I wish to apologise to the
22 interpreters. I will strive to respect the five-second rule, which is
23 sometimes not very easy to observe.

24 Your Honour, to facilitate things and to act more usefully, I
25 think the document should be shown to the witness. I have a series of

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 34

1 questions which I would like to put to him, and I would not like to be
2 interrupted. Since we still have about four or five minutes left,
3 couldn't we rise now so that when we return I will be more focused in my
4 questions to the witness?

5 PRESIDING JUDGE COTTE: (Interpretation) Very well,
6 Mr. Prosecutor.

7 Witness, we are going to rise now. The time now is about 10.55,
8 and we will reconvene at 11.25. We will have a 30-minute break.
9 Mr. Witness, you are going to leave the courtroom now, and during this
10 interval you're going to have a short rest.

11 Court Officer, could you please get the document back from the
12 witness and raise the screen behind him, and please lead the witness out
13 of the courtroom. We will reconvene at 11.25.

14 (The witness stands down)

15 PRESIDING JUDGE COTTE: (Interpretation) We stand adjourned, and
16 we will reconvene at 11.25.

17 Recess taken at 10.55 a.m.

18 On resuming at 11.30 a.m.

19 (Open session)

20 COURT USHER: All rise.

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

22 Mr. Prosecutor, before we have the witness come in, you wanted to
23 say a few words. Sir, you have the floor.

24 MR. GARCIA: (Interpretation) Thank you, your Honour. I will be
25 very rapid, but what I have to say is very important for the Prosecution

1 and, I think, for all the parties and the Bench.

2 What I'm trying to do with my questioning is to ensure that the
3 testimony of this very important witness is done as efficiently as
4 possible. Now, it is with that in mind that the Prosecution will
5 continue with its line of questioning. What I find entirely
6 inappropriate in these proceedings are the numerous interventions which
7 have been made by Mr. Hooper. Usually I would not have a problem if he
8 were making simple objections which the Bench could decide upon, but some
9 of the comments made by Mr. Hooper could possibly lead the testimony of
10 the witness to go in one direction or the other, and I think that that is
11 inappropriate.

12 So on one hand, I think that his comments are inappropriate, and
13 if you look at the questions that I've been asking they are very clear,
14 and if Mr. Hooper wants to make objections, then he should ask them after
15 the witness removes his headphones in order to ensure that the witness
16 will not be influenced by the questions -- or by the comments made by
17 Mr. Hooper.

18 Those are my main remarks. What I'd like to do is to ensure that
19 this testimony comes off as efficiently as possible. Thank you,
20 your Honour.

21 PRESIDING JUDGE COTTE: (Interpretation) Okay. So we share the
22 same objective. We want this hearing and all the other hearings to be as
23 efficient as possible and to go as smoothly as possible. We want the
24 witness to be able to provide us, and not just the Prosecution or the
25 Defence, but provide us all with the information which will be required

1 for us to judge what we have been called here to judge when that time
2 comes.

3 Everybody is aware of the limits of his capabilities, and
4 everybody understands the professional rules which are to be applied. We
5 all understand how these hearings have been going since we've been
6 working together. We know that everything, globally speaking, is going
7 very well, and there is no reason for that to change.

8 Mr. Prosecutor, we listened to what you said. We've taken note
9 of your comments, and we will have the witness come in now. He is
10 somebody who is of a certain age who thinks before he speaks, and with
11 this witness, whenever a question is put to him we must understand that
12 these questions need to be clear. We need to provide him with clear
13 questions so that he'll be able to provide clear answers in the best
14 conditions as possible, and that, globally speaking, is something that
15 applies to all witnesses, but here we have a head of family who has shown
16 that he has a certain number of particular points. I'm sure we don't
17 need to go into any more detail than that. I think we have all
18 understood the witness. What we need to do is help him, to help him to
19 provide us with the truth and also to provide clarifications to the
20 Bench.

21 Mr. Usher, would you please escort the witness into the
22 courtroom.

23 And would you please help me, Madam Court Officer, to ensure that
24 my transcripts are on the same page or else it will be difficult for me
25 to follow. And I must admit that my ability to use these screens is

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 37

1 something which -- with which I have a certain amount of difficulty.

2 (The witness takes the stand)

3 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, welcome
4 back. We'll be working for another two-hour period for the second part
5 of our hearing. The Prosecutor will be continuing with his
6 cross-examination.

7 Mr. Prosecutor, you have the floor, sir.

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

9 Q. Hello again, Mr. Witness.

10 A. Hello.

11 MR. GARCIA: (Interpretation) If possible, I would like to have
12 EVD-D02-00033, a confidential document, displayed for the witness.

13 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer, if
14 you would please lower the blinds behind the witness, because we are
15 dealing with a confidential document, and also have that document
16 displayed, we would be very grateful.

17 COURT OFFICER: (Interpretation) The document can be seen by
18 pressing the button "PC 1" on the console.

19 MR. GARCIA: (Interpretation) I would also like to ask for the
20 help of the Court Officer -- the Usher. I would like to ask him to
21 please provide this to the document (* as interpreted).

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

23 Mr. Usher.

24 MR. GARCIA: (Interpretation)

25 Q. Mr. Witness, I see that you're observing the document that we

1 just provided you with. Is it correct to say that this document was
2 shown to you yesterday? Mr. Hooper showed you this document and that you
3 recognised the photograph on the document. Please do not mention any
4 names that might be on the document.

5 A. Yes.

6 Q. Just before we recessed, with regards to Mr. Logo, you said the
7 following, and I quote what you said. This is page 29 in the French
8 transcript, beginning on line 16. You said, sir, that:

9 "Logo took a photograph of the child, and that is why I saw the
10 photograph here."

11 Now, sir, the photograph that you see before you on that
12 document, is that the photograph that Logo took? Is that correct, sir?

13 A. Yes, I remember. The date that I referred to yesterday is
14 identical to this one, and I can confirm that this is indeed her
15 photograph.

16 Q. This photograph which we see is the photograph which was taken by
17 Logo of Marie. Is that correct, sir?

18 MR. HOOPER: (* Previous translation continues) ... my friend so
19 soon after his earlier comments, but, you know, he's got to reflect what
20 a witness has said accurately or I'm going to get on my feet. It's as
21 simple as that. The witness didn't say that this was the photograph that
22 Logo took. What he said is that it conforms with the date of birth that
23 he gave yesterday.

24 MR. GARCIA: (Interpretation) Your Honour, it would seem that
25 the question which I asked to seek clarification was very clear, and once

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 39

1 again I would like to ask Mr. Hooper to please not influence the witness.

2 PRESIDING JUDGE COTTE: (Interpretation) It's very important
3 that as we get back to work that everybody stays calm or else we will
4 lose the witness, and then we will, of course, be lost ourselves.

5 We don't have people come from as far as this gentleman has come
6 in order to have the participants confuse him and, therefore, to lose the
7 venture.

8 Mr. Prosecutor, you may continue with your line of questioning.
9 If you must quote from the transcript, even the temporary transcript,
10 please ensure that the pages and lines that you're referring to are
11 provided, and please say when you begin your quotation and please also
12 say when you end your quotation. For the next two hours, I think that we
13 are all going to have to be very vigilant, and perhaps if we are able to
14 respect these rules, then we will be able to avoid having as many
15 objections, and I think that that will make it possible for you to be
16 more productive and more efficient in your work and that will make it
17 possible for us to facilitate our quest for the truth.

18 So, Mr. Prosecutor, we are going to continue.

19 MR. GARCIA: (Interpretation)

20 Q. I will go back over what I said, Mr. Witness. I'm going to quote
21 what you said yesterday, what you answered when Mr. Hooper asked you a
22 question yesterday. You said --

23 MR. GARCIA: (Interpretation) And, your Honour, I'm referring to
24 page 29 of the French transcript, line 16 to line 22. Lines 16 to
25 line 22, once again.

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 40

1 Q. Mr. Witness, we are talking about Logo, and you said, you
2 answered that:

3 "When he went to the school I saw him there one day, and on that
4 day he was trying to get the report card. He tried as hard as he could
5 but he couldn't find it because the report card had been misplaced. I
6 don't know how he found the document that I have been shown here. He
7 took a picture of the child, and that is why I saw the picture here. I
8 think that all of that was the work of Logo."

9 Mr. Witness, are those your words? Did you say those words
10 during the hearing yesterday in this courtroom?

11 PRESIDING JUDGE COTTE: (Interpretation) This morning, this
12 morning.

13 MR. GARCIA: (Interpretation) Indeed, this morning. This
14 morning.

15 PRESIDING JUDGE COTTE: (Interpretation) I can see that people
16 were getting ready to get on their feet so I want to clarify that it was
17 this morning. And thank you for being so clear in your quoting of the
18 text, page 29, lines 16 to 22 of the French temporary text, and that did
19 indeed take place this morning.

20 So your question, Mr. Prosecutor, had to deal with what the
21 witness said this morning.

22 MR. GARCIA: (Interpretation)

23 Q. Mr. Witness, the photograph which you see before you, is that
24 indeed the picture which was taken by Logo, the picture taken of Marie by
25 Logo?

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 41

1 A. Thank you for the question. The picture (Expunged) which you
2 can see here on the screen was taken in the following way: Logo took
3 this girl, and he went to have her picture taken somewhere. When this
4 picture was taken, I was not shown it. I didn't see it before. I wasn't
5 able to identify it before. It's just today that I have seen it for the
6 first time. I have just seen it today for the very first time.

7 Q. Mr. Witness, am I to understand that you knew that Logo was going
8 to take a picture (Expunged) at the time to be used on an identity
9 card?

10 A. No, I did not know.

11 Q. But, Mr. Witness, you stated that Logo was trying to find the
12 report card at school, Marie's report card. Is that correct, sir?

13 A. Yes. He went to try and find it, but he was not able to find it.

14 Q. And the reason he was looking for this report card or the reason
15 he was seeking information on Marie was to create an identity card for
16 Marie. Is that exact?

17 A. I do not know.

18 Q. But the identity card on the screen in front of you, this is not
19 the first time that you've seen it?

20 A. This is the first time that I've seen this identity card.

21 Q. Mr. Witness, in order to make things as clear as possible, how
22 many times did you meet Mr. Logo?

23 A. Before everything, I would like to say that I don't know Logo. I
24 met Logo for the first time when he arrived with two white people, a man
25 and a woman. We met two times.

1 Q. And when you met Logo, was that before or after he went to the
2 school to try to get Marie's report card?

3 A. Thank you for the question. I saw Logo for the first time, and
4 the second time was the day where he was trying to obtain the picture (Expunged)
5 (Expunged). I don't know if that's -- the fact that he was seeing (Expunged)
6 (Expunged) was related to the fact that he was trying to obtain a picture
7 or not.

8 Q. We're going to talk about the first time that you met him, which
9 was before he went to the school to try to obtain Marie's report card.
10 This first time that you met him, he spoke to you, and he talked about
11 creating an identity card for Marie.

12 A. Mr. Logo was looking for Marie, and when he was looking for her,
13 he didn't say why he was looking for her. He didn't say that he was
14 looking for her in order to create an identity card.

15 Q. Mr. Witness, I would like you to shed some light on something if
16 you would, please. A few moments ago, you said -- rather, this morning
17 during the hearing, you said, once again at page 29, from line 20 to 22:

18 "I don't know how he obtained the document which I have seen
19 here. He took a photograph of the child, and that's why I was able to
20 see the picture here. I think that all that is the work of Logo."

21 That's what you stated here, Mr. Witness.

22 Now, the document that you're referring to is indeed the one
23 which you can see on the screen in front of you. Am I correct, sir?

24 A. It's difficult for me to believe in this document. (Expunged)
25 never showed it to me. This document was created without my ever having

1 seen it.

2 Q. But, Mr. Witness, when you said, "I don't know how he found the
3 document that I saw here," you were talking about the document which
4 appears on the screen in front of you, the same document which Mr. Hooper
5 showed you yesterday. You recognised the photograph at that time. This
6 is indeed the document to which you are referring. Am I correct, sir?

7 A. Here I recognise the photograph (Expunged). With the regards to
8 the rest of the document, I don't know anything about that. I don't know
9 who filled out the form, but I do recognise that the date is on the
10 document. That the date on the document is correct.

11 Q. And when you said, "I think that all of that is the work of
12 Logo," what exactly were you referring to, to the document, to the
13 photograph? To what exactly were you referring?

14 A. This man was trying to get in touch with (Expunged) through the
15 school.

16 Q. Yes, I understand, Mr. Witness, that Mr. Logo was looking for
17 Marie at the school. My question, however, is simple. When you said
18 that, "I think that all of that is the work of Logo," you were indeed
19 referring to the document which is visible on the screen in front of you,
20 and if that is not the case, then to which document were you referring?

21 A. Thank you for the question. What I said about the document was
22 this: Understanding a document like this is not easy. I don't know
23 where they were able to find this date.

24 MR. FOFÉ: (Interpretation) Excuse me, your Honour. I would
25 just like to bring something to your attention. This needs to be perhaps

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 44

1 verified. Page 45, lines 9 to 13. The answer which was transcribed is
2 not -- does not accurately reflect what the witness said. I think that
3 we should perhaps, if possible, verify that.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
5 Professor Fofé, for your vigilant expertise. All of this will have to be
6 verified, and we'll have to go back over the voice tapes as well when we
7 have an opportunity to do so.

8 Mr. Witness, I would like to take this opportunity to ask you to
9 speak perhaps a bit more slowly. You have been very disciplined so far,
10 but if you could speak even slower still, that would be appreciated by
11 the interpreters and by everybody else here, because we, of course,
12 depend on what the interpreters provide us with. Thank you very much,
13 Mr. Witness.

14 MR. HOOPER: (* Previous translation continues) ... what
15 Professor Fofé is -- is right. I'm instructed that, in fact, the Swahili
16 hasn't been interpreted, and so what your Honour's just said about that
17 portion of the tape requiring revisiting is indeed correct.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, I think
19 the simplest way to proceed would be for you to ask your question again.
20 The answer is on page 45 of the French transcript, from lines 9 to 13.
21 Would you please re-ask your question, and that will make it possible for
22 the witness to answer again. I'm sure he will speak slowly, and then
23 this time it will be accurately interpreted. So your question started on
24 line 4 of page 45 of the temporary transcript. To make sure that
25 everybody understands clearly, it would be a good idea for you to re-ask

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 45

1 your question, sir. Have you found the passage?

2 MR. GARCIA: (Interpretation) Yes, I have. What I'm going to do
3 is to ask my question in such a way that the witness will be able to
4 understand it if he has not understood it already.

5 PRESIDING JUDGE COTTE: (Interpretation) Please follow the same
6 line of questioning so that we will be able to obtain an answer that is
7 clear and accurate.

8 Mr. Garcia, you have the floor.

9 MR. GARCIA: (Interpretation)

10 Q. Mr. Witness, please listen very carefully. I asked you a few
11 questions a few minutes ago, and they were all the same question. You
12 said here during the hearing, referring to Logo:

13 "I don't know how he was able to obtain the document which I saw
14 here. He took a picture of the child, and that is why I saw the picture
15 here. I think that all of that is the work of Logo."

16 That is what you stated here in the courtroom, sir.

17 Now, when you refer to "this work" as being the work of Logo,
18 exactly to what are you referring? If I understand you correctly, you're
19 referring to the document which you can see on the screen in front of
20 you; is that correct?

21 A. Thank you for that question. When I referred to Logo's work,
22 this is what I meant: I was referring to this document and nothing else.

23 Q. That is the document in front of you, the student's identity card
24 and school profile; is that correct?

25 A. Yes. I am referring to this document in front of me.

1 Q. Do you agree with me, Mr. Witness, that the date of birth on that
2 document, that is 08/08/1988, is not the same as the date on the other
3 document that I showed you in which the date of birth is the 2nd of
4 April, 1993? Do you agree with me that the two dates of birth are not
5 the same?

6 A. Thank you for your question. The two dates are different.

7 Q. Mr. Witness, would I be correct to say that you already knew at
8 that time when you met Logo for the first time that he intended to create
9 this identity card for Marie?

10 A. In order to fully understand what someone is thinking -- in fact,
11 that is usually difficult. This means that it is not possible for me to
12 guess or interpret his intentions.

13 Q. That is correct, Mr. Witness, but is it not correct that during
14 your first meeting with Logo, he told you that he was going to Marie's
15 school to look for report cards and to search for information about her?

16 A. Thank you for that question. The first time that Logo was trying
17 to meet with Marie, he was not able to do so. The second time, he went
18 to look for her at the school. He saw her there, and then they went to a
19 photo studio to take a photograph of Marie for the purpose of her
20 identity card. I was not aware of all that, but I had to inform you
21 about what I have just said.

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, we are
23 asking you to do something quite difficult by using the pseudonyms.
24 Whenever you use the pseudonyms Pierre, Mark, George, Marie, make an
25 effort to use only those pseudonyms without using an adjective to

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 47

1 describe them or give further information. Just say, "Marie," without
2 adding anything, because we all understand who you're referring to.
3 Thank you.

4 Mr. Prosecutor, please proceed.

5 MR. GARCIA: (Interpretation)

6 Q. Mr. Witness, unless I'm mistaken, you have testified that you met
7 Mr. Logo on two occasions. Is it possible, sir, that you met him on
8 other occasions, that is, apart from those two times?

9 A. No. I met him twice only.

10 Q. Can you tell us in which year you met Logo for the last time?

11 A. The last time I met him was when I returned from where I was on
12 my way here.

13 Q. Just to be clear about your answer, this -- did this happen
14 recently, that is, in the course of the last few months?

15 A. Please, could you kindly repeat your question.

16 Q. You have said that, "The last time I met him was after my return
17 from where I was on my way here." Can you elaborate? Was it last month?
18 Can you tell us the month and/or year?

19 A. Thank you for that question. I must say that I have worked a lot
20 and I've been travelling a lot because of my work, so I do not remember
21 the month in which I met him for the last time.

22 Q. Mr. Witness, on the last page of your statement which you signed
23 and which was also signed by Jean Logo, the date indicated is the
24 16th of April, 2011. Does that refresh your memory? Is it possible that
25 you met him on that day?

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 48

1 A. Can you repeat the date to help me remember?

2 Q. Yes, indeed, Mr. Witness. I think the Defence can also confirm
3 that the date indicated there is the 16th of April, 2011. Your signature
4 is on that document, as well as Jean Logo's signature as a witness. Does
5 that refresh your memory?

6 MR. HOOPER: Again, best that the witness is shown the statement
7 signed by him so that it's clear.

8 PRESIDING JUDGE COTTE: (Interpretation) This is understood.
9 Does someone have a clean copy of that statement? If not, I have one.
10 The witness should be able to see that date as well as hear it. There is
11 no problem?

12 MR. GARCIA: (Interpretation) There is no problem at all.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well. If you have
14 a clean copy, then it should be given to the witness.

15 Mr. Witness, you will be handed a copy of that statement, and
16 please look at the very last page, which is page 12. The Prosecutor will
17 ask his question again.

18 Thank you, Court Usher.

19 MR. GARCIA: (Interpretation)

20 Q. Mr. Witness, please look at the last page. You will notice that
21 there is a date there, and that date is the 16th of April, 2011,
22 16/04/11. Your signature is at the bottom, and next to it there is the
23 name "Jean Logo, witness," with another signature. Have you seen that,
24 Mr. Witness?

25 A. Yes, I see his name and my signature on that document.

1 Q. If I understand correctly, then, you met with Mr. Logo on the
2 16th of April, 2011. Is that correct?

3 A. That is correct. You can see my signature on that document.

4 Q. Can you tell us, Mr. Witness, where you were when you signed that
5 document?

6 A. Thank you for the question. I signed that document while I was
7 in Dele. That is where we met.

8 Q. Just to be clear, Mr. Witness, was this entire statement given in
9 just one day or was it over several days? The statement is 12 pages
10 long.

11 A. To tell you the truth, that statement was given on the same day.

12 Q. So everything contained in those ten -- those 12 pages is
13 information that you provided in the course of a single day, and then you
14 signed the document. Is that your testimony?

15 A. Thank you. This statement was taken in a single day. However,
16 the document was signed sometime later.

17 Q. How many -- or, rather, how much later, Mr. Witness? Was it a
18 few days later, some weeks later?

19 A. Thank you for that question. With regard to the time that it
20 took for that statement, it would be difficult for me to give you the
21 number of days or weeks. It would be difficult to answer that question.

22 Q. Mr. Witness, between the time that you completed that statement
23 and the time you signed the statement, did you keep that statement with
24 you in your possession?

25 A. No. Logo was the one who kept the document.

1 Q. And when the time came to sign that statement, were there any
2 additions made? That is, on the day the statement was signed, were any
3 sentences or paragraphs added to the statement you had given before?

4 A. Thank you for your question. Nothing was added to the document.
5 Nothing was changed.

6 Q. If I understand you correctly, Mr. Witness, before you signed the
7 statement it was re-read to you. The whole statement was re-read to you;
8 is that correct?

9 A. The statement was handed over to me. Before that, it was re-read
10 to me. After having understood it, I signed.

11 Q. Mr. Witness, was this the only statement that you gave or were
12 there other statements that you gave to the Defence before this one?

13 A. Thank you. This is what I can say about this statement: It is
14 the only one that I gave to the Defence team.

15 Q. We have been talking about Logo. Can you tell us when you met
16 the other members of the Katanga Defence team for the first time, and I'm
17 referring here to Mr. Hooper and Ms. Buisman. Do you remember?

18 A. I have already said that I met with those people. I do not
19 remember the date, because I had a lot to do. I was working at the same
20 time when I met with them. This is why I cannot tell you the precise
21 date on which I met them.

22 Q. Thank you, Mr. Witness. I have one last question on this matter.
23 Regarding the statement that you have in front of you, who took that
24 statement? Was it Logo or someone else?

25 A. It was Logo who took the statement.

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 51

1 Q. Who else was present, Mr. Witness, when he took that statement?

2 A. Thank you. It was only Logo and myself.

3 Q. Mr. Witness, let us move on to something else.

4 MR. GARCIA: (Interpretation) And, your Honour, I would like to
5 go very briefly into private session so as to ask a question.

6 PRESIDING JUDGE COTTE: (Interpretation) Yes. Do you think the
7 screen should be pulled up or not?

8 MR. GARCIA: (Interpretation) Yes, it should.

9 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, let us
10 go into private session, and pull up the screen behind the witness also.
11 Thank you. And we will try to go back to open session as quickly as
12 possible.

13 (Private session at 12.26 p.m.)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 52

1

2

3

4

5

6

7

8

9

10

11

12 Page 52 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 53

1

2

3

4

5

6

7

8

9

10

11

12 Page 53 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 54

1

2

3

4

5

6

7

8

9

10

11

12 Page 54 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 55

1

2

3

4

5

6

7

8

9

10

11

12 Page 55 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 56

1

2

3

4

5

6

7

8

9

10

11

12 Page 56 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 57

1

2

3

4

5

6

7

8

9

10

11

12 Page 57 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 58

1

2

3

4

5

6

7

8

9

10

11

12 Page 58 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 59

1

2

3

4

5

6

7

8

9

10

11

12 Page 59 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 60

1

2

3

4

5

6

7

8

9

10

11

12 Page 60 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 61

1

2

3

4

5

6

7

8

9

10

11

12 Page 61 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 62

1

2

3

4

5

6

7

8

9

10

11

12 Page 62 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 63

1

2

3

4

5

6

7

8

9

10

11

12 Page 63 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 64

1

2

3

4

5

6

7

8

9

10

11

12 Page 64 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 65

1

2

3

4

5

6

7

8

9

10

11

12 Page 65 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 66

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 1.03 p.m.)

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

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Madam
8 Court Officer.

9 Mr. Witness, please don't be too surprised by all the discussions
10 taking place around you which must seem very complicated and perhaps a
11 bit artificial, but all of this is part of the proceedings that we are
12 involved in and this, in fact, is part of the rules of the game of a
13 trial. The Prosecutor will now continue with his cross-examination by
14 asking you questions.

15 Mr. Prosecutor, sir, you have the floor.

16 MR. GARCIA: (Interpretation)

17 Q. Mr. Witness, I will go back over what I was saying before. On
18 the 9th of September, 2010, you had a telephone conversation with
19 Mr. (Expunged) from the Office of the Prosecutor. Is that correct,
20 sir?

21 A. Excuse me. Would you please be so kind as to repeat your
22 question so that I can understand it. I didn't understand it.

23 Q. I'll repeat my question, Mr. Witness. In the month of September
24 of the year 2010, you had a conversation with a person whose name is
25 (Expunged). Is that correct? A person who represents the Office of

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Open Session)
Questioned by Mr. Garcia

Page 67

1 the Prosecutor of the International Criminal Court.

2 A. Thank you for the question. I would first like to say that I do
3 not have a telephone, so with what telephone would I have been able to
4 speak with the Prosecutor to whom you are referring?

5 Q. Mr. Witness, you just said a few minutes ago that you were given
6 a telephone. A person provided you with a telephone to speak with
7 somebody.

8 A. Here is what I have to say: As far as I'm concerned, that was
9 the first time I'd ever been given a telephone to speak to somebody else,
10 and I would like to point out that I refused to accept the telephone, and
11 I also refused to participate in the phone call, because that would do
12 nothing to get my child back. So I refused to have the telephone. I do
13 not have a telephone. Nobody has called me, whether I was in Bunia or
14 whether I was in Kinshasa or even here.

15 Q. Mr. Witness, I would like you to reflect, sir, upon the question
16 that I am currently putting to you. On the 9th of September, the year
17 2010, you did indeed speak with an investigator whose name was
18 (Expunged). That person presented himself as an investigator working
19 for the Office of the Prosecutor of the International Criminal Court.

20 Please take a moment to think, sir, before you answer the
21 question.

22 Please remember, Mr. Witness, that you are under oath. I'm sure
23 you will recall the oath which you took at the beginning of the hearing.
24 Do you remember that, sir? That means that you must provide honest
25 answers.

1 A. Yes. I will tell my truth. The person whom you call (Expunged), if
2 that's the person that I yelled at, then that's the person who was on the
3 telephone -- or who had the telephone and who tried to give it to me, and
4 I refused to accept that telephone. This person gave me the telephone in
5 order to speak to somebody else, somebody who was far away, the person
6 who stayed at the hotel. I had to ask that person a question. I asked
7 him about the situation, and then I gave him the telephone back. The
8 person wanted to meet me at a hotel, and I asked him where his hotel was
9 located, and he refused to tell me where the hotel in question was, and
10 that is what happened.

11 Q. Mr. Witness, you spoke with somebody on the telephone. According
12 to what you say, somebody told you to go see him at the hotel, and you
13 refused to do so. Is this your testimony? I just want things to be
14 clear, sir.

15 A. Thank you. You have just said that I spoke on the telephone with
16 that person. I don't know if that person is (Expunged). I -- it was a black
17 person, a big black person who came -- a tall black person who came with
18 the telephone, but I spoke on the telephone with a white man, and I asked
19 him where the white man was, but he refused to tell me where the man was.
20 I don't know if he thought that I wanted to cause him any harm. I just
21 wanted to know where he was and they refused to give me the address.

22 Is that what you call a telephone conversation, sir? I told you
23 that I never spoke on the telephone, but if that's what you call a
24 telephone conversation, then I don't know.

25 Q. Is it not correct to say, Mr. Witness, that you spoke on the

1 telephone with the person and that you established a time when you would
2 meet each other, to wit, the 14th of September, the year 2010, in Bunia?

3 A. I will repeat the answer that I have already given you. I said
4 that I asked the person on the other end to provide me with the address.
5 They refused to provide me with the address. I don't know if that other
6 person was (Expunged) or not. But when I refused to continue with the
7 conversation, the telephone conversation, the person left.

8 Now, if you are referring to a telephone conversation that I had,
9 then I don't know what you had -- other than what I've just read to you,
10 I haven't had any telephone conversations.

11 Q. According to your testimony here, Mr. Witness, you had no
12 discussion, you never spoke with the person who was on the telephone, the
13 person who wanted to talk with you, and that person never introduced
14 himself as an investigator for the Office of the Prosecutor of the
15 International Criminal Court. Is that your testimony here today, sir?

16 A. Thank you. When that person came to see me, I provided him with
17 a chair and I sat next to him, and I asked him, "Who are you?" And the
18 person said that he worked for an NGO. I think it might have been
19 UNICEF. And then the person said that he had been sent to find me, and I
20 asked, "Who sent you?" That's what I've told you so far. Shortly before
21 that, that white person was looking for me, and who was looking -- trying
22 to obtain my address, and I said that perhaps that person was coming on
23 behalf of that white person.

24 Q. So if I understand what you're saying, Mr. Witness, you wanted to
25 meet that person who was on the other end of the phone line. Is that

1 your testimony, sir?

2 A. No. When I refused to speak on the telephone, that is when the
3 person who was with me started speaking with a white person who was very
4 far away, and that person suggested that I take the phone to speak to the
5 white person. Because of the conversation which had just occurred
6 between me and that person who was with me, I refused to speak to person
7 who was far away, and when I refused, that person began to speak with the
8 other person who was on the other end of the telephone line in order to
9 explain that I had refused to speak with him. But that's as far as that
10 goes in terms of my having had that conversation with the person who was
11 very far away.

12 Q. Mr. Witness, you just said, according to page 62, lines 7 and 8:

13 "I had no interest in keeping the phone. What I want is to have
14 my son back, because since he was relocated, we have been very
15 concerned."

16 So you already knew in September of the year 2010 that your son
17 had been relocated, had been relocated elsewhere, and that was done for
18 his safety.

19 A. No, that is false. That is false. I apologise for repeating
20 myself. As the parent of a child, I know that I can't take somebody
21 else's child to send him away far, to put him in exile, far from
22 everybody else. Why would I do such a thing? Would that mean that I was
23 tired of the child and that I sent him away? And if the child's mother
24 wanted to see the child, then she would ask me where the child was. And
25 other members of the family would have asked me the same question, and I

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 71

1 would not have been able to answer that question.

2 That's why I'm here today, in order to try to find out where my
3 child is. I want to know the truth. I want to know the truth about that
4 child.

5 MR. GARCIA: (Interpretation) I suggest we move into private
6 session given the nature of the questions which I intend to put to the
7 witness.

8 PRESIDING JUDGE COTTE: (Interpretation) We'll move into private
9 session, Madam Court Officer, with the few minutes which we have left in
10 today's session.

11 (Private session at 1.18 p.m.)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 72

1

2

3

4

5

6

7

8

9

10

11

12 Page 72 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 73

1

2

3

4

5

6

7

8

9

10

11

12 Page 73 Expunged – Private session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Witness DRC-D02-P-0147/DRC-D03-P-0236 (Resumed) (Private Session)
Questioned by Mr. Garcia

Page 74

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 * Open session MR. GARCIA: (Interpretation) No questions for the time being,

17 but there were a number of documents which were shown to the witness --

18 which will be shown to the witness. I don't know if we should do it

19 perhaps tomorrow. It is up to the Bench.

20 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,

21 are there many documents which are going to receive an EVD number? Just

22 one single document? Then perhaps we could do it now. There were two

23 documents. I believe that one had already been admitted. I'll let you

24 do it, Madam Court Officer.

25 COURT OFFICER: (Interpretation) Thank you very much,

1 your Honour. The document DRC-OTP-1056-0009 has been attributed
2 EVD number EVD-OTP-000264, and it will be preserved as being a
3 confidential document.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
5 Madam Court Officer.

6 Mr. Witness, thank you very much for being here with us today.
7 We will resume our work tomorrow at 9.00. The Prosecutor will continue
8 with his cross-examination. The Legal Representatives for Victims have
9 not told us that they want to speak yet. They will tell us tomorrow if
10 they have any spontaneous questions to put to you, and then there might
11 also be some observations or comments from the two Defence teams.

12 So, Madam Court Officer, we can, I think, imagine that we will
13 begin with the statement from a new witness tomorrow after perhaps one or
14 one and a half hours of work. So we must plan for the next witness to
15 arrive around 10.00.

16 Mr. Witness, please have a pleasant afternoon. We will resume
17 our work tomorrow morning at 9.00. Thank you very much for your
18 contribution to our proceedings.

19 (The witness stands down)

20 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
21 can we please move back into open session so that we can adjourn today's
22 hearing.

23 (Open session at 1.29 p.m.)

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

1 PRESIDING JUDGE COTTE: (Interpretation) So with regards to the
2 very end of the day's work, on page 78 of the temporary transcript,
3 line 2, Mr. Garcia says, "I have no more questions," and we can have all
4 of that perhaps made public so that it will be visible on the transcript.

5 I'd like to thank you all. Accused gentlemen, thank you very
6 much. We will see you tomorrow at 9.00 a.m.

7 This hearing is adjourned.

8 The hearing ends at 1.30 p.m.

9 RECLASSIFICATION REPORT

10 Pursuant to Trial Chamber II's oral instruction dated 18th of May 2011, the
11 excerpt of the transcript page 74 line 16 to page 75 line 22 (*) is reclassified
12 from private session to open session.

13 CORRECTION REPORT:

14 The Court Interpretation and Translation Section has made the following correction
15 in the transcript:

16 * Page 8 line 20

17 "A. (* No interpretation)" is corrected by "A. Yes"

18

19

20

21

22

23

24

25