

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 Thursday, 1 September 2011
10 The hearing starts at 9.01 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 Court Officer, let us please have the witness, Chief Manu,
17 brought into the courtroom. Thank you, Court Usher.
18 (The witness takes the stand)
19 PRESIDING JUDGE COTTE: (Interpretation) Good morning,
20 Mr. Witness. Can you hear me well?
21 THE WITNESS: (Interpretation) Good morning. I can hear you
22 very well.
23 PRESIDING JUDGE COTTE: (Interpretation) Very well. Let us
24 continue with our work.
25 Professor Fofé, you have the floor for the conclusion of your

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1 direct examination. Please proceed.

2 MR. FOFÉ: (Interpretation) Good morning, Mr. President, your
3 Honours, and thank you for giving me the floor.

4 WITNESS: WITNESS DRC-D03-P-0088 (Resumed)
5 (Witness answered through interpreter)

6 Questioned by Mr. Fofé: (Continued)

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

8 A. Good morning.

9 Q. Chief Manu, do you feel fit enough to continue? Did you rest
10 well? Are you ready and willing to continue with the examination?

11 A. I am not feeling too well, but I am fine.

12 Q. To begin with, Chief Manu, with the leave of the Chamber I would
13 like to ask you to use clear language when answering my questions; that
14 is, you have to use language that is literal rather than figurative.
15 Please call a spade a spade. You should not say something like a rat for
16 a cat, for example. Do not use complicated and figurative language
17 because it makes understanding rather difficult. I believe you have
18 understood me.

19 MR. FOFÉ: (Interpretation) And that said, your Honour, and I
20 am saying this in the presence of all the parties and participants, we
21 have re-read the entire transcript of Chief Manu's testimony, but we will
22 revert to the Chamber. I do not know how technically feasible that is,
23 but we are going to ask for certain extracts of that testimony to be
24 reviewed.

25 PRESIDING JUDGE COTTE: (Interpretation) Please contact the

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1 Registry services in order to see what is technically feasible, and in
2 case of any difficulty, please revert to the Chamber. For the time
3 being, let us proceed with the direct examination.

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

5 Q. Chief Manu, on Tuesday, the 30th of August, we were talking about
6 the time when you had returned to Zumbe from Beni. After your return to
7 Zumbe, following that mission, what did you do, that is, in connection
8 with the mission? It is an open question, but it relates to the mission
9 that you had just carried out?

10 A. Yes. Upon my arrival, I convened the wisemen because I had told
11 the young people who were at my place that I had already returned.
12 However, I was not in my own house because it had been set on fire. I
13 brought together the wisemen. I briefed them on what had happened during
14 my trip to Beni. I told them that I had been given a sum of \$400 and how
15 we had split and used the money. The wisemen told me what had happened
16 on the fifth day. They said that a war had broken out during which some
17 people had been killed. They told me about anti-personnel mines, and I
18 was ashamed. Because we had returned by plane and I had not found the
19 materials that we needed, so I had to wait and we waited without doing
20 anything else.

21 MR. FOFÉ: (Interpretation) Your Honour, I would like to draw
22 your attention to page 3, line 28, last line. I apologise to the
23 Prosecutor, but the -- but the witness used a term, the type of terms
24 that have to be avoided and I'm going to say it in Swahili. He used the
25 word *vifaa*. Can the interpreter translate that word, *vifaa*, into French?

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1 THE INTERPRETER: From the Swahili booth: Yes, indeed, your
2 Honour. The Swahili booth was neutral and translated that word by
3 "items" or "goods" because it is neutral.

4 MR. FOFÉ: (Interpretation)

5 Q. Those are the type of words that have to be avoided. In Swahili,
6 *vifaa* is one of those words that are difficult to interpret into French.
7 Now, please tell us, when you say *vifaa* what precisely do you mean?

8 A. I was referring to military equipment, and specifically weapons
9 that can be used in combat. Do you want me to tell you in French? With
10 your leave, military materiel, that is, ammunition, fire-arms, uniforms,
11 food rations, and so on and so forth. Everything that a soldier needs to
12 perform his duties.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Witness.
14 You would have realised that from the very beginning of your testimony
15 there is the need for us and for you to go through interpretation, and
16 this means that all of us must use very simple language, the most clear
17 and distinct and precise terminology which can be understood by the
18 interpreters and who then would translate into French, and then the
19 French would be translated into English. As you can see, the process is
20 rather complex. For example, when I know that I am going to be
21 translated from French into English, quite frequently I use the sort of
22 language that I would not have used if I were addressing myself only to
23 French speakers because I wish to be certain that I am well interpreted
24 so that what I am saying is well understood. So this is an exercise that
25 is probably difficult, but you have to make an effort, just like all the

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1 rest of us. You gave an example and you were talking about military
2 equipment, and I'm not criticising interpreters here, but the word that
3 you used could have led to a very general interpretation and even one
4 that was too general. Do you wish to say something? Please go ahead.

5 THE WITNESS: (Interpretation) Mr. President, I also need to
6 learn because the Swahili that we speak in Ituri is not the same as is
7 spoken elsewhere. For example, the interpreter who's interpreting from
8 French into Swahili for me is teaching me quite a few things and that is
9 how come I used the word that I used. On the other day when we were
10 talking about the four cardinal points, north, south, east, west, in
11 Swahili I found myself in a little bit of difficulty. But I reflected on
12 it and I identified the equivalent terms in Swahili. So I am trying to
13 make an effort to understand based on what I'm hearing through my
14 headset. The Swahili is not an easy language, but I'm making an effort.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Witness.
16 Please proceed, Professor Fofé.

17 MR. FOFÉ: (Interpretation) Thank you, your Honour. I would
18 like to point out a positive example here. On page 4, line 26, where the
19 interpreter correctly interpreted the Swahili words used by the witness,
20 the witness said *mbegu* and the interpreter translated that word by
21 "ammunition." In fact, in this context, *mbegu* refers to ammunition,
22 whereas the literal translation of *mbegu* is actually "grains." And I am
23 drawing the attention of the interpreters to this.

24 Q. So as you can see, Chief Manu, the term *mbegu* can be translated
25 as "grains," but today it was correctly interpreted. Because when you

1 mentioned *mbegu* in this context you were referring to ammunition. Thank
2 you, I felt that this was very important to point out.

3 Chief Manu, you were talking about a war that had taken place on
4 Friday, and you mentioned mines. Was it during that war that your own
5 house was set alight?

6 A. Yes. The day on which I returned to Bolo, Zumbe was set on fire
7 and it was on that same day that my house was burnt down.

8 Q. When you briefed the wisemen regarding what you had brought back,
9 what did they decide in relation to the ammunition?

10 A. This is basically what they said, or rather, the main issue was
11 as follows: Ever since the war had broken out, it is not the ammunition
12 that had been of any assistance to us. We needed to organise ourselves
13 and to carry out an inventory of the ammunition that we had in case of an
14 attack against us. They did not pay too much attention to what I told
15 them.

16 Q. On Tuesday, if I'm not mistaken -- well, let me rephrase my
17 question: What did you do concretely with that ammunition?

18 A. There was no further fighting in Zumbe.

19 Q. And who kept the ammunition?

20 A. The young people divided the ammunition amongst themselves
21 because they thought that the fighting was going to resume, but that was
22 not the case.

23 Q. You have just said that some of the young people received the
24 ammunition. Who were they?

25 A. The ammunition was given to the young people who had fire-arms.

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1 Q. And who were those people who owned or carried fire-arms and
2 which types of weapons were those?

3 A. Counsel, I have said before that in our area we had SMGs, and at
4 that time we did not have any other type of weapon. The young people
5 would hand over the guns to others when they felt tired. I cannot give
6 you the names of those young people because I had many young people with
7 me, but it was mainly the youth committee that was responsible for those
8 young people. I cannot give you all the names of the young people in the
9 village. If, for example, one young man carried a weapon, the next day
10 he could hand it over to the next person and then play football. They
11 carried the weapons in turn because the number of weapons was not enough,
12 that is, in relation to the number of young people.

13 Q. With the leave of the Chamber, I'm going to ask you a direct
14 question. Amongst those young people who had AK-47s, did they include
15 Mathieu Ngudjolo?

16 MR. MACDONALD: (Interpretation) Your Honour, I would like to
17 object. Obviously it is a leading question and the witness cannot answer
18 that question in light of the answer that he just gave. He said he
19 cannot give you all the names of the young people, so we cannot ask him
20 to say whether Mathieu Ngudjolo had a weapon or not. I'm simply
21 interjecting so that we can make progress because there is no probative
22 value to leading questions.

23 MR. FOFÉ: (Interpretation) Your Honour, I do not agree with
24 that reaction of the Prosecutor. The witness said that he could not
25 remember the names of all the young people, and that is quite normal,

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1 because after so many years he cannot be expected to remember all those
2 names. But here we are speaking specifically about Mathieu Ngudjolo. He
3 cannot say that he does not know whether Mathieu Ngudjolo carried a
4 weapon or not. Mathieu Ngudjolo is a very specific person who is known
5 to the witness.

6 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, taking
7 into consideration everything that we have already heard directly from
8 this witness, maybe there is a more subtle way of eliciting the answer
9 that you wish to have from him. I believe that he has said that there
10 was a medical committee and that there were nurses in that groupement in
11 Kambutso. You could ask the question to know whether the nurses were
12 armed. That is one possible way of clarifying the situation and better
13 understanding what the role of the accused person was in this case, that
14 is, the person that you are defending. So you can use one of those
15 methods and that will not lead to objections.

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

17 Q. Chief Manu, you listened to the question the way that it was
18 formulated by the President. Now, did the nurses carry weapons, that is,
19 the AK-47s that you have talked about?

20 A. They did not have weapons.

21 Q. Very well. By way of moving on to another line of questioning,
22 I'm going to ask you the following question: When you returned to Beni,
23 you were informed that your house had been burnt down and that there had
24 been a war. Which were the forces that had attacked your groupement at
25 that time?

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1 A. I have already said that on the day I landed at Bolo I was seated
2 in the cockpit with the pilot. I saw that the town had been set on fire,
3 and when I arrived Zumbe my house no longer existed. I have already said
4 that all the houses had been burnt down. After that battle, there was no
5 further fighting.

6 Q. Yes, I've understood that, but my question was more specific. My
7 question is as follows: During that war, what forces did that? Which
8 forces attacked your groupement? Which forces came and attacked you at
9 that particular time? Please just give us the answer and then we shall
10 move on.

11 A. It was the UPC. They were the ones who brought the land-mines.
12 They slept there. They organised themselves. And in the morning they
13 left. That is what I have explained to you.

14 Q. Chief Manu, this allows us to go back to the report, the reports
15 that you were drafting about the various attacks. And with all due
16 respect, I refer the Chamber and parties and participants to transcript
17 300, French version, page 24, lines 25 to 28; then page 25, 1 to 24; 26,
18 lines 1 to 6; 29, 10 to 13. You told us that you used to draw up reports
19 about the attacks that you endured. My first question is: Who wrote
20 these reports, these reports about the attacks on your groupement during
21 that time, 2001 to the end of 2002, until the last attack. Who wrote
22 these reports?

23 A. It was Ngabu Safari Jean, Ngabu Safari Jean.

24 Q. And where is he now?

25 A. He has passed away. He passed away not so long ago.

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1 Q. Who were these reports for, these reports drafted by

2 Ngabu Safari Jean?

3 A. The report was done on a daily basis. For example, today he

4 would draw up a report, the next day he would draw up another one, so

5 they were daily reports. So I think you understand what I mean by daily

6 activities. In French -- in French, we call these reports the

7 *situation journalière*, the daily situation report. So you see, we would

8 describe the daily situation each and every day in a report, and when

9 nothing happened we would say that it was calm. When there was a war, we

10 would say it was a war. When someone died, we would put that in the

11 report. So, you see, the day-to-day events were set down in writing in

12 these reports.

13 Q. Chief Manu, did you see these reports?

14 A. Well, once the report was drawn up, the delegation had to --

15 well, the secretary -- well, the -- they had to meet and say: Well, we

16 have described this or that in the report. I had a great deal of work to

17 do with my administrative duties, and I was asked to check the report and

18 they would explain to me -- he would explain to me what was put in the

19 report. I didn't have the time to review the report because there were

20 all kinds of people dying and all other -- all kinds of other things to

21 deal with. So they had to deal with that and I had to take care of the

22 people who would come and see me with their various concerns, their

23 problems.

24 (Defence counsel confer)

25 MR. FOFÉ: (Interpretation) I beg your pardon, your Honour.

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1 Before we continue, Mr. Kilenda has pointed out something rather odd and
2 I think that we will have to have this point checked. Page 10, lines 8
3 to 10, I asked my question. I asked whether the nurses had weapons and
4 the answer is at line 12. The witness's answer was clear: There weren't
5 any. But after that, there is something that's odd, *fo février*. Fine.
6 Line 12, page 10.

7 PRESIDING JUDGE COTTE: (Interpretation) Understood, counsel.
8 When the final version of the transcript is prepared, we will see about
9 that point and we will try to see what exactly was meant by *fo février*.
10 That will be checked when the final version of the transcript is checked.
11 Thank you. We shall now proceed.

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

13 Q. Chief Manu, can you remember the basic data, the information that
14 was placed in these reports. What would be recorded in these reports in
15 relation to the attacks, of course? I'm talking about the reports drawn
16 up regarding the attacks. What sort of information was recorded in these
17 reports?

18 A. Well, there were six, six ways, six channels that you would get
19 into the war. So we would write down something like, "Well, today, the
20 attackers came from this particular path, this way, this form of access."
21 And the report would indicate how the UPC had got into the community.
22 Then the report would list deaths and injuries. Then after that the
23 report would indicate what goods had been taken, the period of time. The
24 duration of the fighting was also recorded, one minute, three hours, four
25 hours. That was also recorded, what was done during the fighting. Some

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1 young people would stand watch and they would make sure that the injured
2 people were transported. They were the ones who did the report because
3 the secretary did not go out of his home. He stayed at one particular
4 place. He might draw near. If the war or the fighting was 5 kilometres
5 away, he might go -- he might be 6 kilometres from the actual fighting,
6 and the combatants, the people on the front lines, would send him a
7 report and he would write it down. And after the fighting, he could go
8 and see what happened. I, myself, would go and see how the fighting was
9 proceeding, and then we would record what happened on the -- in the
10 report. So how the attackers got into the place, what access they took,
11 the duration of the fighting, casualties, deaths, and so on and so forth,
12 that is what we put in the reports.

13 Q. Thank you, Chief Manu.

14 MR. FOFÉ: (Interpretation) Your Honour, with your leave, I
15 would like to show the witness DRC-D03-0001-004 --

16 THE INTERPRETER: Inaudible.

17 MR. FOFÉ: (Interpretation) This is a public document and this
18 is actually item number 8 on our list.

19 PRESIDING JUDGE COTTE: (Interpretation) Very well. We have
20 that number.

21 Court Officer, could we see page 1 of that document. Could you
22 display it on the screen.

23 COURT OFFICER: (Interpretation) This document can be viewed by
24 pressing the button --

25 MR. MACDONALD: (Interpretation) Just before that, if you don't

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1 mind, just a few moments. I believe that we made an objection --

2 PRESIDING JUDGE COTTE: (Interpretation) Yes, you did make an
3 objection, but clearly the way that the document has been introduced by
4 Professor Fofé and the easier --

5 THE INTERPRETER: Correction.

6 PRESIDING JUDGE COTTE: (Interpretation) -- the earlier replies,
7 the description that we have just received from the witness of the
8 document or documents quite similar to the one that Professor Fofé would
9 like to show to the witness are very clear. And so we can show these
10 documents to the witness. And so the documents shall be displayed on the
11 screen.

12 I believe the document is now on the screen.

13 Can the witness see -- see the document properly? Apparently so.

14 Professor, please go ahead.

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

16 Q. Chief Manu, please look at this very carefully, the first page of
17 this document. Can you read it? Or should we provide you with a hard
18 copy? Can you read the report off the screen?

19 A. I'm reading the report right now.

20 Q. Have you already seen this report, this document; and if so,
21 could you tell us what it is all about?

22 A. Well, this report tells us about the beginning of the war in
23 2001. There was fighting even before 2001, but this report deals with
24 early 2001.

25 Q. If you look closely, I think you can see the title: "Report of

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1 the bloodshed and attacks upon the Bedu-Ezekere groupement and the
2 collectivity Walendu-Tatsi sector" --

3 MR. MACDONALD: (Interpretation) Just a moment, please. My
4 colleague has pointed out to me that I understand your decision to allow
5 the witness to see the document, but the witness said that these reports
6 were written on a daily basis apparently, on a daily basis, and so we
7 wish to raise that particular point.

8 PRESIDING JUDGE COTTE: (Interpretation) Witness, Professor Fofé
9 just asked you a question a few moments ago and he asked you whether you
10 had already seen this document, page 23, line 15, of the realtime
11 transcript. Now, have you already seen the document? That was the
12 question. And if so, what is this all about? Witness, you must answer
13 that question. A few moments ago, you did tell us about reports that
14 were drawn up regarding the attacks, and you specified what content was
15 included in the reports. We understood that and you said that the people
16 writing the reports would explain the content to you and you were kept
17 abreast of the contents. Have you already seen this report? Does this
18 correspond to the reports that were regularly drawn up, perhaps even
19 quite systematically, every time an attack occurred on your groupement,
20 the groupement that you led? You were the chief and you wanted to be
21 kept informed of things. Have you already seen this document?

22 THE WITNESS: (Interpretation) Yes, I've already seen this
23 document.

24 PRESIDING JUDGE COTTE: (Interpretation) Very well.

25 Professor Fofé, please proceed.

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

2 Q. Yes, Chief Manu, I'd like to ask you if you could look at this
3 document --

4 MR. MACDONALD: (Interpretation) I beg your pardon. I -- I
5 realise that I am interrupting my colleague, my learned friend. The
6 witness has said that he's already seen this document but he's not
7 answering the question. I put this to you with all due respect, as it
8 should be -- the question as it should be put to authenticate this
9 document. He says that he has seen it, but I believe he saw it in 2009.
10 I'm convinced it's a matter of determining whether he's -- I think the
11 Chamber understands what I'm driving at.

12 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, you can
13 hear the exchange of views determined, calm yet determined, between
14 Mr. Ngudjolo's counsel and the Prosecutor. It's important for you to
15 tell us exactly what you mean when you say that you saw this document.
16 Now, is this a document -- is this one of the actual reports that was
17 drawn up each time an attack occurred and perhaps - I'm saying "perhaps"
18 because you need to let us know whether this is the case - is this sort
19 of a summary -- is this one of the reports that led to a summary or was
20 this something drafted much later, after the events of late 2001? You
21 see, right now we are dealing with a certain period of time, August 2002
22 and March 2003, as Professor Fofé set that particular period of time.
23 Now, was the document drafted at that time? Is this sort of a summary?
24 Or is this a document that was drafted much later? Please tell us and
25 then we shall move on from there.

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1 THE WITNESS: (Interpretation) Your Honour, give me at least two
2 minutes to explain the situation to you calmly. If I could have three
3 minutes, I will be able to explain it to you slowly.

4 Your Honour, I'm speaking to you now. Yes, you are the
5 Presiding Judge, you are the Chief --

6 PRESIDING JUDGE COTTE: (Interpretation) No, I am not the Chief.
7 All three of us, we are not speaking as one Chief to another. You are
8 faced with a bench of three, three colleagues working together, even
9 though I am the one who is doing most of the talking, the two ladies are
10 also listening. Please give us your explanation.

11 THE WITNESS: (Interpretation) Before I give you an explanation
12 about the document, I would like to explain how the white people, how the
13 investigators, came to our area. The investigators came in 2006 and in
14 2007. From 2006 to 2010 they regularly would come, and I think that
15 there are still investigators working in our area. So the first document
16 that we drafted is this one. Why did we write this document? Well,
17 because Jean-Pierre Bemba had expressed an opinion. He called the Lendu
18 and the Hema and he wanted to help bring them together in Bogoro,
19 Jean-Pierre Bemba, to re-establish peace. So we left Djugu to go to
20 Bogoro. There were 15 of us --

21 THE INTERPRETER: Correction.

22 THE WITNESS: (Interpretation) 75 of us and there were about ten
23 Hema people. They were there to quarrel. But Jean-Pierre Bemba, who is
24 still alive, at that time he said, "No more fighting." And if someone
25 wants to start fighting or arguing, we need to record that. So we wrote

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1 down this report. Jean-Pierre Bemba was the one who took the initiative
2 to write these reports. At the end, we went back home. And the next
3 day, after 9.00 in the morning, some Ugandan helicopters started to shell
4 us. And we met up with Commander Mozoro (* phon), we met with him. He
5 was a Ugandan commander --

6 THE INTERPRETER: Correction.

7 THE WITNESS: (Interpretation) A Ugandan commander. We met with
8 him in Bogoro, and in the morning, at 9.00 in the morning, your Honour,
9 the fighting resumed even though there had been a prohibition on fighting
10 the night before. We weren't the ones who took the initiatives to start
11 writing the report. It was Jean-Pierre Bemba, himself, who said that if
12 someone resumes hostilities, we are going to have to write this, we'll
13 have to write reports. So we started drawing up reports. And later,
14 when we were asked to give them a document proving what had happened --
15 well, that is why we brought out this document, and I, myself, signed the
16 document and I agreed that the document could be sent ahead. And then
17 Banga Mande, who is now deceased, he didn't sign the document. Today
18 you're talking about Ngudjolo, but Ngudjolo did not sign this document
19 because he was in prison at the time. And recently we were able to write
20 other documents, but initially we started to write reports. But when we
21 had better -- more ideas, we wrote reports. At four -- at first it took
22 the form of reports, but then we changed our minds and we started to
23 draft daily reports. It was to avoid any fighting or arguing. I am here
24 but I don't remember the dates or the years, but I can explain what
25 happened on the basis of the written documents. Each person who was part

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1 of the committee gave me reports and even if I might have been tired or
2 forgetful -- well, I could remember the events, the things that were
3 written down. So this is an extract from that report, and if you ask me,
4 I can tell you that the -- this report was drafted at the initiative of
5 Jean-Pierre Bemba. We started to do so because he asked us to, and it
6 began in 2001. We continued to write such reports until 2006. We wrote
7 down everything that happened. We talked about the arrival of CONADER,
8 we talked to Director Mac Dam when we started to disarm combatants. We
9 wrote everything down, so I don't see why there would be arguments about
10 this document. Ngudjolo was not there at the time.

11 MR. FOFÉ: (Interpretation) With your agreement, your Honour, I
12 think we could ask the witness to halt at this particular point.

13 PRESIDING JUDGE COTTE: (Interpretation) Professor, please
14 continue. Please resume.

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

16 Q. Chief Manu, just a short question about what you just said. You
17 said that the investigators arrived in 2006, 2006. Which investigators
18 are you talking about, the investigators belonging to what institution?

19 A. Well, it wasn't just 2006. Everything began in 2004.

20 Q. Which investigators were they? What organisation did they come
21 from?

22 A. Some NGOs arrived, white people who came from the NGOs and they
23 would call people in separately and ask for them -- ask them to give
24 explanations about the war. People would go just -- they would go and
25 talk to them and they would say, "Well, we are going to help you, we are

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1 going to give you food and other things," and they would call people.
2 People were afraid but they were called and they were asked questions
3 about the war. And whether the people understood or not, they would give
4 explanations. After, peace was restored in 2004. They started to ask
5 questions about the war, about the fighting. Up until now, whether they
6 were prosecutors -- whether they were investigators from the Prosecutors
7 or if they were sent by the Judges, well I don't -- well, you see, many
8 people came, some NGOs came because of the war.

9 Q. Yes. Chief Manu, you spoke about the Prosecutor's investigators.
10 Do you remember the first time, the first time you had an opportunity to
11 talk to the investigators from the Office of the Prosecutor from the
12 International Criminal Court?

13 A. I met with them in Bunia. I didn't know who had given them my
14 telephone number, but they called me and we met at the Ndromo camp and
15 they asked me, they begged me to go to a place of my choice to speak to
16 them. And I said, "Well, I know Uganda, Kisangani. I know Goma,
17 Kinshasa as well. I know those places ." That's what I told them. So I
18 met them in Bunia. That might have been in 2009. 2009 I met them in
19 Bunia. And, so, in 2009, I met them in Uganda as well and that is when I
20 found out that they were investigators from the ICC, but before that
21 there were two people who came and asked questions but not in a very
22 organised way.

23 Q. Thank you very much.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, we are
25 trying to understand what you said, page 20, last line of the realtime

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1 transcript in French, and you stated:

2 "We wrote or prepared that document because he,
3 Jean-Pierre Bemba, had asked us to do it. It started in 2001. We
4 continued preparing those types of reports right up to 2006. We wrote
5 down everything that had happened."

6 Now, based on what you have said, Mr. Bemba encouraged you to
7 write down everything that had happened and did he start doing that in
8 2001?

9 THE WITNESS: (Interpretation) That is correct. This is because
10 in 2001 he brought together the Lendus and the Hemas and asked them to
11 stop the war. His objective was to reconcile the two ethnic groups which
12 were in Bogoro.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well. Thank you.
14 What about the document that we are discussing right now? Just to be
15 clear, is this a document that was prepared or initiated in 2001 and the
16 preparation was completed in -- later in 2001 or 2002, or was this a
17 summary of the reports that had been written for every attack? Was this
18 simply a recapitulation.

19 THE WITNESS: (Interpretation) The report was first prepared in
20 2001. We used some of the reports by distributing them to anyone who
21 wanted them. At that time we would give out anything that was asked of
22 us. There were other people who told us that we should sign any reports
23 that we gave to them. Many reports were given to people who had asked
24 for them, and this happened as from 2001. Even when the NGO responsible
25 for demobilising children arrived, questions were asked about the

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1 children's families, their deceased parents, and they even asked
2 questions about the children who had to receive technical training. It
3 was said that \$100 would be given to the children who were going to
4 school. Later on, the parents of those children brought many children.
5 This means that these reports were written a long time ago, well before,
6 and anyone who gave us -- who asked for those reports were given them.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

8 Professor Fofé, please proceed with your examination.

9 MR. FOFÉ: (Interpretation) Thank you very much. In passing,
10 your Honour, I would like to point out that I had hoped to conclude
11 before now, but as you realise it is dragging on. But I believe that
12 what we are doing is useful.

13 Q. Chief Manu, let me ask you a few questions about this document.
14 I believe it is still on the screen. Please look at page 1 number 1. In
15 the first column, we can see names of the leaders, the Hema militias, and
16 the Ugandans based in Bogoro led by Nono, Papy, Hanga, and so on. My
17 question is as follows: What did you mean by the Hema militia? What did
18 that refer to? And, Chief Manu, I would like to ask you to be brief
19 because we have quite a few things to deal with. So when the question is
20 brief, please reply briefly. And I repeat my question: What do the Hema
21 militia refer to?

22 A. The Hema combatants, those who took up weapons.

23 Q. And now moving on to point 2, third column, it is titled:

24 "The shelling of the population by the Ugandan helicopter, the
25 fire of the 24th in localities in the Bedu-Ezekere groupement. The

1 disturbances continued in the other localities."

2 And then on the last column mention is made about 100 people
3 killed. My question is as follows: You talked about many people who had
4 been killed and I'm not going to come back to all those details, but my
5 question is: Where were those people who had been killed buried?

6 A. These people were buried in different localities. Some of the
7 bodies were recovered by the family members for burial and the graves
8 were 1 metre deep. This means that these people were buried in various
9 localities.

10 Q. Still on that page and further down at number 6, if point number
11 6 can be displayed in zoom. We can read there:

12 "His Excellency Jean-Pierre Bemba, 17th of February, 2002."

13 And then second column:

14 "Put an end to the inter-ethnic war between the Hemas and the
15 Lendus in the year 2001."

16 Was this what you were referring to a short while ago?

17 A. This relates to what happened to Bunia and not -- what happened
18 in Bunia and not in Bogoro. This was done in Bunia. I am referring to
19 the document of the 17th of February, 2001. That document was prepared
20 in the Bunia football stadium and does not relate to Bogoro.

21 Q. Let us now move on to the last page with the assistance of the
22 Court Officer. And if you can please zoom in to number 18, point 18,
23 this is what is stated there, point 18:

24 "The Hema militias of Bogoro ..."

25 Let me stop here for the time being. Who precisely are you --

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1 who precisely does that refer to?

2 A. Let me tell you this, counsel, any Hema --

3 Q. If you continue in that way, we are not going to conclude. I'm
4 very sorry. When I ask you a clear question, you need to give me a brief
5 answer. We have many things to discuss. It is written here:

6 "The Hema militias of Bogoro ..."

7 My question is simple: To which force did they belong? Please
8 answer briefly.

9 A. The UPC.

10 Q. Very well. That is the way to proceed. I can see the date. The
11 29th of November, 2002, and then the next column:

12 "Attack on Lagura mountain. Many people killed. Pastor Yopete,
13 Akpa, Kiza, Lonjiringa."

14 My question is as follows: We are talking about the 29th of
15 November, 2002. Is this the attack that was launched or that took place
16 at the time of your return from Beni?

17 A. I believe so, yes. That was indeed the attack.

18 Q. Thank you, Chief Manu.

19 MR. FOFÉ: (Interpretation) Your Honour, we would like to have
20 an EVD number assigned to this document.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, before we
22 assign the EVD reference and at the risk of repeating ourselves, please
23 do not be offended if I ask you this question one last time. We would
24 like to know very clearly whether, as you have said - but you need to
25 confirm it to us - the -- whether the preparation of this document

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1 started in 2001 and was completed as the attack took place, right up to
2 December 2002, that is, on the 16th of December, 2002. Now, was this
3 document started in 2001 and completed as the attacks went on, or was it
4 written later as a summary of the daily reports that were explained to
5 you in your capacity as chief of groupement? Please be very precise. We
6 need to know clearly what this point is all about.

7 THE WITNESS: (Interpretation) We started preparing this
8 document in 2001. When the summary of those reports was prepared, not
9 all of us were there. However, each time someone asked us for
10 information relating to the battle, we went and looked for this report to
11 give to them and then we would sign later. There are other reports,
12 annexes to this report. The report is not complete.

13 PRESIDING JUDGE COTTE: (Interpretation) I'm talking about this
14 particular document, the one we are looking at, and in light of your last
15 answer, we understand that the preparation of this document started in
16 2001 and then was completed subsequently.

17 Court Officer, please assign an EVD number to the document,
18 please.

19 COURT OFFICER: (Interpretation) Thank you. The document
20 DRC-D03-0001-0089 will bear the reference EVD-D03-00099. I would like to
21 correct the ERN number, and that ERN number is DRC-D03-0001-0086.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
23 Court Officer.

24 Please proceed, Mr. Fofé.

25 MR. FOFÉ: (Interpretation) Much obliged, your Honour.

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1 Q. Chief Manu, during your previous testimony and even today, you
2 mentioned anti-personnel mines laid by UPC soldiers. Did you also
3 include this type of information on mines in your reports, that is, your
4 reports about the attacks?

5 A. Yes, of course.

6 Q. And when you mentioned this information about the mines, did you
7 also include information about the victims of those mines?

8 A. The drafters of those reports included everything. As far as I
9 can remember, I remember that they told me that they had included
10 everything, including about the mines, in our reports.

11 MR. FOFÉ: (Interpretation) Your Honour, in answer to your last
12 question, Chief Manu indicated that there were other reports, and with
13 the leave of the Chamber, I would like to ask for document number
14 DRC-D03-0001-0004, which is a public document, to be presented to the
15 witness. It is document number 10 on our list.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, you're
17 on your feet.

18 MR. MACDONALD: (Interpretation) Briefly. I have the same
19 observations as I had for the other documents. The Chamber's
20 intervention was on point, and I would like to ask Professor Fofé to lay
21 the factual foundation before the document is presented to the witness.
22 He has to be asked whether he recognises the document, from where, and
23 from when.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
25 Professor Fofé.

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1 Regarding this document, 0004, even more so than for
2 document 0086, it is important to elicit from the witness clarifications
3 that are as precise as possible regarding the author of the document,
4 whether he saw it, when the document was prepared, and so on and so
5 forth. So this document requires even more information than document
6 0086.

7 Please proceed.

8 MR. FOFÉ: (Interpretation) Thank you, your Honour. That is how
9 we are going to proceed because our main concern is the enlightenment of
10 the Chamber.

11 PRESIDING JUDGE COTTE: (Interpretation) Please bear in mind
12 that if we find that everything that happened from 2001 to the end of
13 2002 is of interest, then we would even be more interested in anything
14 that might have happened between end of 2002 to March 2003, which is the
15 period that is of the greatest interest to us. Thank you.

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

17 Court Officer, can you kindly display page 1 of the document,
18 please.

19 COURT OFFICER: (Interpretation) You can view the document by
20 pressing "PC 1."

21 MR. FOFÉ: (Interpretation)

22 Q. Chief Manu, please look at that document and tell us whether it
23 rings a bell. Have you ever seen the document before?

24 A. That is our secretary's handwriting. It is indeed one of our
25 documents.

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1 Q. Do you remember when this document was prepared? Can you try to
2 remember?

3 A. I think you can see the date indicated on the document. I was
4 not the one who drafted that document; it was our secretary.

5 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, it is
6 important for you to answer any questions very precisely. You understood
7 that Professor Fofé wanted to ask you whether you recognised this
8 document, whether you know who prepared it. So make an effort to draw on
9 your memory. Do not answer a question with a question. Try to remember,
10 and if you cannot, then simply say: I do not know. But it is important
11 for us to understand where this document came from, the date on which it
12 was prepared, whether the document was addressed to you, and for what
13 purpose. Do not repeat what you have already said. Simply give us
14 clarification. But if you are not able to give us those details, then
15 you simply say so. Please go ahead.

16 THE WITNESS: (Interpretation) I can see a document in front of
17 me. What is written in it is a clear reflection of what happened in our
18 area.

19 Mr. President, I have said before that I was aware of any
20 documents that were prepared. However, I did not have the time to read
21 all the contents of the documents. I would also like to add that the
22 documents were not kept by me. It was those who drafted the documents
23 that kept them. That is all I know. Everything that is mentioned in
24 this document, for example, Neema-Ngoy, this is my uncle's wife who died
25 in Lagura. I know that she died. I was told, but I did not keep the

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1 documents, but I can tell you that this is our document.

2 PRESIDING JUDGE COTTE: (Interpretation) What we need to know
3 is: As far as you know, when was this document prepared?

4 MR. FOFÉ: (Interpretation) With your leave, your Honour, as a
5 follow-up to your question I believe that I understood what the witness
6 said, even though I do not want to speak in his stead. But maybe he
7 should ask -- he should be asked how the documents were prepared. Were
8 they prepared on a daily basis, on a monthly basis, or on an annual
9 basis? Maybe that could assist him, your Honour.

10 PRESIDING JUDGE COTTE: (Interpretation) Chief Manu, in fact,
11 these are the same questions that we asked you in relation to the
12 previous documents. When we have documents that cover a long period of
13 time, it is important for the Court to know whether these are documents
14 that were prepared at one point after December 2002, and in that case,
15 precisely on what date or whether these are documents that were prepared
16 as from the 29th of October, 2002, and continued as the attacks took
17 place. This is the information that we would like to have. Thank you in
18 advance.

19 THE WITNESS: (Interpretation) Your Honour, I was not present
20 when this document was prepared. The document was drafted and then the
21 report given to me, but I did not re-read it. They wrote a report after
22 each battle. But regarding the details and the specific time that the
23 document was drafted, I was not aware of that. Each committee chair
24 prepared his committee for the work.

25 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé.

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

2 Q. Chief Manu, look at page 1 of the document. And I'm going to
3 refer you to point number 1. If the Registry officer can zoom in to that
4 point, number 1:

5 "The Hema military of the UPC/RP who came from all corners of
6 Ituri ..."

7 And then under the column "days and dates":

8 "Tuesday, 29th October 2002."

9 And then you have the third column, "acts and events":

10 "Death of the young man Mateso whose right leg was amputated by a
11 bomb on the 17th of October, 2002, in Zumbe."

12 And then "observation":

13 "These bombs were laid after the incursion of the Hemas from
14 the -- in the Bedu-Ezekere group of the 15th and 16th of October, 2002,
15 and this led to many victims."

16 My first question is as follows: Do you know that young man,
17 Mateso?

18 A. Yes, I did know him. I knew that young man well.

19 Q. Now, it says that his right leg was taken off. Now, is this
20 young man still alive?

21 A. Yes, he is still alive.

22 MR. MACDONALD: (Interpretation) Your Honour.

23 PRESIDING JUDGE COTTE: (Interpretation) Yes.

24 MR. MACDONALD: (Interpretation) Just to reiterate what you were
25 saying earlier, we are getting into the details of the entries within

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1 this chart, a chart that this witness has never seen before, that he may
2 have had a verbal report about it, we're having a discussion about
3 whether the person has lost a leg, whether the person is still alive.
4 What is the relevance of this? I really wonder. Now, I really am
5 racking my brains. I'm trying to understand where are we going with
6 these questions? According -- how many hours now has this witness been
7 giving testimony? I think that we really need to cut to the chase.
8 Thank you.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

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

11 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, I think
12 the Prosecutor has really made quite a good point, and I really think
13 that you need to refocus your line of questioning unless there's some
14 specific point relating to these various events that occurred so long
15 ago. Now, if these points are not relevant, I think it would be better
16 for you to go on, to move on to something else.

17 JUDGE DIARRA: (Interpretation) Particularly since this
18 document, if I read it correctly, states that the young man died after
19 sustaining the injury, but the witness has said that he is alive and this
20 is not helping me understand matters.

21 PRESIDING JUDGE COTTE: (Interpretation) Professor.

22 MR. FOFÉ: (Interpretation) Thank you, Your Honours.
23 Your Honour, I merely wish to demonstrate to the Chamber that the
24 previous document also was rounded out by other documents that were
25 closer to the period of time when the alleged offences occurred. Now, we

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1 have mention made here of 2001, but also we see mention made of events
2 that occurred in 2002, in late 2002. So the two documents really round
3 one another out. That's what I was trying to demonstrate to the Chamber,
4 but if the Chamber is of the opinion that we need not go into the
5 details, I would merely ask for an EVD number for this particular
6 document and then move on to another topic.

7 PRESIDING JUDGE COTTE: (Interpretation) We shall assign an EVD
8 number to this document without any prejudice at this particular stage in
9 the proceedings. This really does not mean anything in relation to the
10 probative value that we may wish to attach to this document in the
11 future.

12 Court Officer, please.

13 COURT OFFICER: (Interpretation) Thank you, your Honour. This
14 document DRC-D03-0001-0004 shall bear the number EVD-D03-00100 and shall
15 be filed as a public document.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

17 Professor Fofé, if we could resume at a lively pace, please.

18 MR. FOFÉ: (Interpretation) Yes.

19 Q. Witness, we are going to move on to something else. We have been
20 talking about the reports about the various attacks that occurred. And
21 now, with all due respect, I would refer the Chamber, parties and
22 participants, to transcript 300, transcript 300 of the 29th, lines 10 to
23 28, page 61; as well as page 62, lines 1 to 11.

24 Chief Manu, I asked you whether after the attacks that you were
25 subjected to within your groupement, whether you, in turn, had taken

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1 revenge by attacking the localities that had attacked you, including
2 Bogoro, which is the matter at hand. And in response, you said no and
3 you explained why. And I've provided the references to the Chamber, the
4 parties and participants, the references to the transcripts. In
5 addition, you mentioned Bunia. You, yourself, mentioned Bunia on the 6th
6 of March, 2003, and I'm going to ask you a few questions about Bunia now,
7 Bunia, the 6th of March, 2003. I'd like to ask you some very specific
8 questions so we can make progress quickly. My first question is as
9 follows -- you mentioned the war in Bunia, the 6th of March, 2003,
10 between the UPC and the UPDF. My first question is as follows: Who
11 started this war?

12 A. It was the UPC.

13 Q. The UPC. And where did the war begin and where did it spread to?
14 Where was the UPC at first and where was the UPDF?

15 A. The UPC soldiers were in Bunia, the UPDF soldiers were at the
16 airport and in Dele.

17 Q. Who led the UPC in Bunia? Who? Who was it?

18 A. It was the late General Kisembo Floribert.

19 Q. How long had the UPDF soldiers been in Dele?

20 A. I'm not in a position to know that.

21 Q. Now, Dele is approximately how far from Zumbe?

22 A. 20 kilometres by road.

23 Q. Chief Manu, speaking about the attacks upon your groupement, the
24 groupement of Bedu-Ezekere, you stated that those attacks were led by the
25 UPC and the UPDF. The UPC and the UPDF, what were their dealings like at

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1 the time. Now, the two forces fought each other briefly, why was that?

2 A. The UPDF was no longer co-operating with the UPC for the simple
3 reason that UPC soldiers had splintered into several fractions --

4 THE INTERPRETER: Factions. Correction.

5 THE WITNESS: (Interpretation) Some were led by
6 Kisembo Floribert and another group was led by Bosco. Another part
7 called PUSIC was commanded by Chief Kahwa. So the UPDF withdrew from the
8 coalition.

9 MR. FOFÉ: (Interpretation)

10 Q. Just by the way, Chief, you mentioned Bosco. Who was he? Do you
11 know his other name?

12 A. Bosco was a UPC leader, so there you have it. Bosco was the
13 leader of the UPC when the UPC was only one group. I've forgotten what
14 his surname is.

15 Q. And when this division occurred between Floribert and Kahwa,
16 where was Bosco based? Where was Kisembo based? And when -- where were
17 PUSIC's forces based? Could you tell us briefly.

18 A. Bosco was based in Lokpa, Lokpa, which is located beside the Iga
19 cross-point. Kisembo was in Bunia, and chief Kahwa of PUSIC was in
20 Tchomia.

21 THE INTERPRETER: Interpreter correction: The check-point
22 mentioned was the Iga check-point.

23 MR. FOFÉ: (Interpretation)

24 Q. Just before we hark back to the attack that is of concern to us,
25 the 6th of March, 2003, and we will be getting to that in a few moments,

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1 we will be going back to that point in a few moments. But were there
2 also problems, was there fighting, were there problems, between the UPC
3 and PUSIC? If you could tell us so briefly. If so, where, between the
4 UPC and PUSIC led by Chief Kahwa located in Tchomia.

5 A. Unless I'm mistaken, the UPC and PUSIC fought in Datule in the
6 village of Kahwa. They fought after the Bunia fighting on the 6th.

7 Q. Yes, that was after the 6th of March, 2003. Can you remember
8 what month that was, even just the month before we go back to the topic
9 at hand? Can you remember what month when that fighting occurred between
10 the UPC and PUSIC?

11 A. No, I'm not in a position to know that date.

12 Q. But it was after the 6th of March, 2003, you did say that, didn't
13 you?

14 A. Yes.

15 Q. Chief Manu, you just said that the UPC attacked the UPDF at the
16 airport and in Dele on the 6th of March, 2003. As the chief of the
17 Bedu-Ezekere groupement, how were you made aware of that attack? How did
18 you come to know about this attack?

19 A. When I left Loga we got, together with the chief, we got -- to
20 the night at around 9.00 in the evening. We were at the boundary between
21 Ezekere and Penyi. At midnight, I got to the house. My first wife, the
22 one who is now dead, showed me a letter. She gave a letter to me. She
23 said to me that the UPC had decided to attack Dele, to attack Zumbe, and
24 to attack Bogoro. I said to her, "Why are you talking about the war? Is
25 this some topic of interest to you? Can you fight?" And she said,

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1 "Yes." And it's true. It was even on Candip radio. I asked her to be
2 quiet. I told my wife to be quiet because she wasn't allowed to talk
3 about the war. She asked me to go see the wisemen, who would confirm the
4 information. I went to see the wisemen and the letter was clear. It
5 said this -- Captain Kiza, the commander of the UPDF, was in Dele. He
6 was the one who had wrote the letter. And in this letter he said this,
7 "Watch out, chief of the hill, you shall be attacked."

8 So we realised he was going to attack us by way of the hill, as
9 had been done in the time of Lopondo. So we decided to make our
10 collectivity safer. And around 5.00 in the morning, the shelling could
11 be heard. We decided to go to the foot of the hill by Bunia, and we went
12 into Bunia.

13 Q. Chief Manu, you just said that you had received this letter and
14 that the UPC had planned to attack Dele, Zumbe, and Bogoro. How can you
15 explain that the UPC was going to attack Bogoro when we know that in
16 Bogoro there were UPC soldiers there?

17 A. The UPC soldiers had been driven out of Bogoro before the Bunia
18 fighting. They were driven out in February and I am talking to you about
19 fighting that occurred in March. At that time there were no UPC soldiers
20 in Bogoro anymore.

21 Q. I see.

22 MR. FOFÉ: (Interpretation) I would suggest, your Honour, that
23 we adjourn at this time because I'm about to go into this attack in
24 greater detail. Perhaps it would be better to do it after the break.

25 PRESIDING JUDGE COTTE: (Interpretation) We will take a

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1 30-minute break now, and at about 11.25 or 11.30, we shall resume.

2 Court Usher, could you please escort the witness out of the
3 courtroom.

4 Chief Manu, we will see you somewhat later.

5 THE WITNESS: (Interpretation) Very well.

6 (The witness stands down)

7 PRESIDING JUDGE COTTE: (Interpretation) Professor, before we
8 adjourn -- rather, before we suspend, could you give us an approximate
9 idea.

10 MR. FOFÉ: (Interpretation) I can assure you that I think I
11 could finish in two hours, but you can see the progress that we've made.
12 In any event, I will do all I can to conclude today.

13 PRESIDING JUDGE COTTE: (Interpretation) Very well. We realise
14 that the witness is in a position to answer questions because he gives
15 some very specific replies to some questions, but you realise - and I
16 think we all realise - and Mr. MacDonald and Mr. O'Shea will be having
17 their turn in -- shortly. I think it's very important to ask him very
18 clear, very targeted questions in order to get clear, specific answers.

19 So we will resume at 11.25. This hearing is now suspended.

20 Recess taken at 10.55 a.m.

21 On resuming at 11.29 a.m.

22 (Open session)

23 COURT USHER: All rise.

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

25 Court Officer, please have the witness brought into the

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1 courtroom. Thank you, Court Usher.

2 (The witness takes the stand)

3 PRESIDING JUDGE COTTE: (Interpretation) We will resume our
4 work, Mr. Witness.

5 Professor Fofé, you have the floor.

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

7 Q. Good morning once again, Chief Manu.

8 A. Good morning.

9 Q. Chief Manu, you received a letter from Kiza, that is,
10 Captain Kiza of UPDF Dele. You went and saw the wisemen. What was the
11 reaction of those wisemen?

12 A. (No interpretation)

13 THE INTERPRETER: From the Swahili booth: We did not understand
14 what the witness said.

15 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, can you
16 kindly repeat your answer for purposes of interpretation. Thank you for
17 rephrasing your answer.

18 THE WITNESS: (Interpretation) We had to go to our border with
19 Dele.

20 MR. FOFÉ: (Interpretation)

21 Q. And what did you do after that?

22 A. We went right to Bunia.

23 Q. Are we to understand that those of you, the people of Zumbe, took
24 part in that attack, that is, the UPDF against the UPC in Bunia? Just
25 answer briefly and then I will follow-up.

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1 A. Yes.

2 Q. Who took the decision to have the people of Zumbe involved in
3 that battle between the UPDF and the UPC in Bunia on the 6th of March,
4 2003?

5 A. It was the old wisemen who took that decision. Our role was to
6 make noise and to sing. Our adversaries would then hear the noises and
7 understand that the people from the hill were coming after them, and so
8 they would flee.

9 Q. Who are those from Zumbe who participated in that attack?

10 A. At that time, we had 12 fire-arms. On that day I, myself, went
11 down in the direction of Bunia. And even Ngudjolo, they went to Bunia.
12 I cannot give you the names of everyone who went to Bunia. The people
13 from the village were more than 150. They were singing and making noise
14 and they chased away the UPC. The UPC was aware that the UPDF and the
15 Lendus had become allies and their objective was to fight right up to
16 Bunia.

17 Q. Who was the commander of the group from Zumbe, who was their
18 leader?

19 A. I was one of those people and there was no one commanding us.
20 The wisemen said that I had to accompany the population, and they added,
21 "Do not kill the Hemas. Confront only those who have fire-arms."
22 Mathieu Ngudjolo was with me on that date of the 6th of March, 2003.

23 Q. Chief Manu, please listen to my question carefully. It is very
24 precise. Did the people of Zumbe make up a separate group or were they
25 all mixed up with the UPDF soldiers?

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1 A. No. They did not mix with the UPDF soldiers. They were in a
2 separate group and they were screaming and singing.

3 Q. Who was the commander of the UPDF forces?

4 A. Captain Kiza. When we reached the EPO school, that is, at the
5 football-pitch, we found Captain Kiza there at the head of the group of
6 soldiers based in Dele.

7 Q. Upon your arrival at Dele, you found Captain Kiza. Did he give
8 you anything, whatever was necessary to enable you to take part in that
9 battle?

10 A. I personally went right to Captain Kiza's camp. Captain Kiza
11 told me that it was necessary to be careful with the weapons. I
12 personally took a box of ammunition.

13 Q. And what type of ammunition was that?

14 A. It was ammunition for the SMG guns.

15 Q. And so you went to Bunia. I'm not going to go into the details
16 of what happened there, but after that battle of the 6th of March, 2003,
17 when did you return to Zumbe?

18 A. I believe it was after two weeks. We used to attack and then
19 retreat. We would go right to Bunia and then fall back. We did not have
20 a place to sleep except that sometimes I spent the night in a Bunia
21 hotel, the INK hotel. People went forward and looked for food and then
22 they would withdraw.

23 MR. FOFÉ: (Interpretation) Just one moment, your Honour.

24 (Defence counsel confer)

25 MR. FOFÉ: (Interpretation)

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1 Q. Chief Manu, there is something that you have said which
2 apparently is not reflected in the transcript. When you arrived Dele,
3 what did Captain Kiza tell you, that is, relating to your participation
4 in that battle?

5 A. This is what Captain Kiza said, "Do not go in front of us because
6 a fire-arm is a dangerous weapon."

7 Q. Thank you very much. You have said that after the 6th of March
8 you stayed in Bunia for two weeks, but you were shuttling between Zumbe
9 and Bunia. As far as you can remember you were going back and forth, but
10 at what time would you say that you actually returned to Zumbe finally?

11 A. As far as I'm concerned, I can say that the people were returning
12 as usual, but what prompted me to return to the village personally was
13 that the FNI people arrived with a specific plan. We had not seen them
14 before or during the battle, and so we do not know where they came from
15 to restore order in Bunia. So we decided that it was necessary to
16 return, but we did not return permanently because we had to go to Bunia
17 to look for oil and foodstuffs, otherwise we would not have been able to
18 survive. But when the FNI arrived and they restored order, then I
19 returned to the village. I only went back to Bunia when I needed to get
20 some supplies.

21 Q. Thank you, Chief Manu. Now, after that battle of Bunia on the
22 6th of March, 2003, did Mathieu Ngudjolo return to Zumbe?

23 A. Yes, he returned. He used to go back and forth. But when the
24 FNI arrived, he reached an understanding with them without my having to
25 intercede and then he stayed with the FNI.

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1 Q. When did the FNI arrive in Bunia?

2 A. The FNI soldiers reached Bunia on the 18th of March, 2003.

3 Q. Thank you very much, Chief Manu. I would like to show you a few
4 photographs now very briefly and then I will ask you whether you
5 recognise those photographs.

6 MR. FOFÉ: (Interpretation) Your Honour, with your permission,
7 we would like to show Chief Manu photographs number EVD-OTP-00080. It is
8 document number 15 on our list.

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

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

12 PRESIDING JUDGE COTTE: (Interpretation) Can you see that
13 photograph, accused persons? Yes, you can. Perfect.

14 MR. FOFÉ: (Interpretation)

15 Q. Chief Manu, please look at that photograph carefully. Can you
16 recognise the people on that photograph? To begin with, can you see the
17 photograph very well?

18 A. Yes. I would say that I cannot recognise anyone on that
19 photograph.

20 Q. Let me ask you the question anyway: Do you know that person in
21 the foreground?

22 A. This person is not from our area.

23 Q. Chief Manu, do you know anyone by the name of Cobra Matata, that
24 is, irrespective of what you see on the photograph? Do you know anyone
25 who goes by the name of Cobra Matata?

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1 A. I know him.

2 Q. Is the person who is standing up in the foreground here, is he
3 Cobra Matata?

4 A. No. This is not Cobra Matata.

5 MR. FOFÉ: (Interpretation) With your leave, Mr. President, I
6 would like to move on to the next photograph, EVD-OTP-00081, and that is
7 item number 16 on our list. It is the same photograph.

8 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

9 COURT OFFICER: (Interpretation) You can view the photograph by
10 pressing "PC 1."

11 MR. FOFÉ: (Interpretation)

12 Q. This is the same photograph which has been zoomed. Is this
13 person Cobra Matata?

14 MR. MACDONALD: (Interpretation) I don't see the relevance of
15 the question. It was never said that this is Cobra Matata. I believe it
16 was said that this is someone known as Cobra, quite simply. This is not
17 something that is in dispute. We have never said that this is
18 Cobra Matata.

19 PRESIDING JUDGE COTTE: (Interpretation) Very well. But let us
20 go on with these photographs. Professor Fofé will ask his questions and
21 then we will have the answers.

22 MR. FOFÉ: (Interpretation) Thank you, your Honour. I am happy
23 that the Prosecutor has now put this on record. Can we now move on to
24 the next photograph, EVD-OTP-00074, item number 17 on the list.

25 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

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1 COURT OFFICER: (Interpretation) Press "PC 1" to see the
2 photograph.

3 MR. FOFÉ: (Interpretation)

4 Q. Once again, Chief Manu, please look carefully at that photograph.
5 Do you recognise anyone there?

6 A. No one.

7 MR. FOFÉ: (Interpretation) Can we move on to the next
8 photograph, your Honour. It is EVD-OTP-00078 and it is document number
9 18 on our list.

10 PRESIDING JUDGE COTTE: (Interpretation) Very well.

11 MR. FOFÉ: (Interpretation)

12 Q. Chief Manu, please look at that photograph. Do you recognise
13 that person?

14 A. No, I do not know that person, PM of the FAC.

15 Q. Thank you, Chief Manu. I believe we are done with the
16 photographs.

17 MR. FOFÉ: (Interpretation) Your Honours, we would now like to
18 ask for your leave to play the first extract of video DRC-OTP-1068-0002.
19 And then I repeat: Video number DRC-OTP-1063-0002 from minute 39 to
20 minute 40.26.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, you did
22 not object to that first extract?

23 MR. MACDONALD: (Interpretation) In my learned friend's e-mail,
24 there are two extracts, 39-40 and then minute 3. We do not object to
25 minute 3, but we object to the other extract for the reasons that I have

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1 mentioned. If you look at the e-mail of the Defence, it is stated --
2 and, in fact, we did not have any objection to minute 3, 4, and so on,
3 even including sound. But we have an objection to minute 39 of extract
4 number 39-40 for reasons that I have explained in my e-mail. Maybe I am
5 mistaken about the time stamped because the e-mail starts with minute 39
6 to 40.26. But the second extract -- I can see that you're raising your
7 eyebrows, Mr. President.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, I'm
9 sorry to the interpreters and court reporters for not observing the
10 five-second rule, but what I thought I understood was that you did not
11 object to the projection of the sound and images of one of the two
12 extracts from 3 minutes to 4 minutes, 13; but that, on the other hand,
13 you did not wish the sound to be played on the second extract, that is,
14 from minute 39 to minute 40.26. But you did not object to the video-clip
15 as such, it was only the sound; is that correct?

16 MR. MACDONALD: (Interpretation) Yes, that is understood. I'm
17 sorry about the five seconds.

18 You do recall your decision.

19 PRESIDING JUDGE COTTE: (Interpretation) Yes. The decision that
20 we handed down drastically reduced the extracts to be shown by Mr. Fofé
21 and he complied with it. And there was a decision not to include the
22 sound on one of those extracts because these are oral proceedings and it
23 is possible to question the witness on the extract. And so it would be
24 preferable for him to express himself on that occasion.

25 So, Mr. Fofé, if it is the extract from minute 39 to 42 -- 40.26,

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1 it would be necessary to play that clip without sound, and after that you
2 will ask Chief Manu questions.

3 MR. FOFÉ: (Interpretation) With all due respect, the Prosecutor
4 stated his views, and with all due respect, I would like to ask for leave
5 to respond to his position.

6 PRESIDING JUDGE COTTE: (Interpretation) Of course.

7 MR. FOFÉ: (Interpretation) Prosecutor, I do not understand the
8 Prosecution's overreaction. I just don't understand. Our concern is
9 that we wish to give you as much material as possible so that you may be
10 as edified as possible. The witness has already mentioned this, this
11 aspect having to do with the atmosphere. He already made mention of this
12 and it was recorded in the transcripts. I don't think that the
13 Prosecutor really has any particularly -- interest in being so terribly
14 official about things. He is complicating things for -- pointlessly.
15 This is a short segment, 1 minute and 26 seconds, no more than that. The
16 witness has already explained, so I really don't see why the Prosecutor
17 would -- well, he says that he is not an officer of a ministry, but he is
18 an officer of the Court, really, and you would think that he would want
19 the truth to be revealed clearly. So I really don't see what kind of
20 specific interest he has in hiding the witness's words in this regard,
21 because in this particular segment of the footage the witness explains
22 the atmosphere that prevailed at the time.

23 So there you have it, your Honour. I will leave it at that and I
24 think you can see how I feel about this.

25 PRESIDING JUDGE COTTE: (Interpretation) Well, you speak about

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1 the atmosphere. You are talking about the weather atmosphere, the
2 weather conditions, let's make that quite clear when we talk about the
3 atmosphere. So I think the Prosecutor could have risen and said that he
4 wished to abandon his objection unless he does so at this particular
5 point in time, but that does not seem to be the case. Perhaps, to your
6 mind, he is being excessively official or rule-bound. You say that this
7 is a very short segment and you believe that the Prosecutor believes that
8 this extract is long enough that some of the remarks that Chief Manu made
9 will be rebroadcast. So I think to be consistent here, we have to ensure
10 that the decision taken regarding the major parts of the video, that is
11 to say the meetings with the Prosecutor, Mr. Moreno-Ocampo, should also
12 apply to these other excerpts. And I would suppose that one's opinion on
13 this depends on which side of the courtroom one finds oneself on.

14 So you should ask the questions about the weather to Chief Manu
15 so that the information can be provided to us as you wish. Do not forget
16 that there may be -- there may be different perceptions from one witness
17 to another and perhaps that is why the Prosecutor is particularly
18 watchful in this regard and perhaps even rather formal, rather official.

19 Now, Court Officer, is it possible to show this segment, this
20 footage, without the sound for this particular piece of footage? The
21 other piece of footage can be shown with sound.

22 COURT OFFICER: (Interpretation) Yes, it can be shown without
23 sound.

24 PRESIDING JUDGE COTTE: (Interpretation) Very well. If you are
25 the person who will be doing that, please go ahead.

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1 COURT OFFICER: (Interpretation) This extract can be seen by
2 pressing button "PC 1."

3 Is this a public document, Professor Fofé?

4 MR. FOFÉ: (Interpretation) Public.

5 PRESIDING JUDGE COTTE: (Interpretation) Who will be actually
6 playing the video? You will, ma'am? Very well. If you could please go
7 ahead.

8 (Video-clip played)

9 MR. FOFÉ: (Interpretation)

10 Q. Chief Manu, please look at this video very carefully and I'd like
11 to ask you one or two questions.

12 MR. FOFÉ: (Interpretation) Thank you, ma'am. If we could just
13 suspend the video footage at that particular spot.

14 Q. Chief Manu, we stopped at minute 40, 26 seconds. Could you tell
15 us about the atmosphere, without referring to the people, briefly. What
16 did you say about the atmosphere that we see here? Briefly.

17 A. Well, the Prosecutor, you can see him there dressed in white, he
18 spoke first. He said that Ngudjolo killed people in Bogoro. So I
19 explained to him that Ngudjolo did not go to Bogoro. On the day of that
20 attack on Bogoro, there was fog. There was a great big cloud. And when
21 the Prosecutor landed in Zumbe, when he landed by the school on the
22 field, the helicopter was back, further back. And you see, he did not
23 leave that day because there was fog. When the Prosecutor landed there
24 was no fog, but afterwards, but about 9.00, there was fog. And I said to
25 him, "I am blessed," I said to him, "because this atmosphere, this

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1 weather, is similar to the weather that prevailed on the day of the
2 attack on Bogoro." I explained that to him because he -- all he could
3 think about was this idea -- was that a group of people had gone to fight
4 in Bogoro. I explained to him all about the clouds, and we saw the
5 clouds that -- the clouds around the school, that is to say the fog.

6 Q. Thank you. I think that is sufficient.

7 If we could now move on to the next piece of footage. So that is
8 from time-stamp 3 minutes to time-stamp 4 minutes, 13 seconds.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well.

10 Court Officer, Court Usher, if you could take care of that for
11 us.

12 COURT OFFICER: (Interpretation) This video footage can be seen
13 by pressing "PC 1."

14 MR. FOFÉ: (Interpretation)

15 Q. Chief Manu, could you please watch this video footage very
16 carefully and then I will be asking you a question. Please watch this
17 short segment of video footage very carefully.

18 (Video-clip played)

19 MR. FOFÉ: (Interpretation) Thank you very much. So that was
20 time-stamp 4 minutes, 13 seconds.

21 Q. Chief Manu, could you briefly explain to the Chamber what we saw
22 on that video, briefly, without going too far in -- by way of an
23 explanation. Briefly.

24 A. Well, you just saw the playground for the school children. The
25 first helicopter landed and then took off again. The first helicopter

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1 contained photographers, and then the next one came, the second
2 helicopter, with the Prosecutor. And you can see a hill with a wooded
3 area. That is the Ngudjolo hill, it is Likoni hill. There is a moment
4 when you can see the road, the road that goes up towards Zumbe, and the
5 images you just saw show the time when we greeted the Prosecutor in
6 Zumbe, but the big hill in the background with a group of cactus plants
7 is Likoni. There is a village, and behind the hill there is Ngudjolo's
8 house.

9 Q. Yes. Could you tell the Judges how many hills like that are to
10 be found in your groupement? What is the terrain like? How many --

11 MR. MACDONALD: (Interpretation) I'm sorry to interrupt. This
12 hill that we're talking about, is this Likoni hill? Is that the hill at
13 time-stamp 4 minutes, 13, or at 3 minutes? Because at one point the
14 person filming takes a 360-degree shot. Perhaps we should go shot by
15 shot so we can understand. It's not clear to the Prosecution which hill
16 we are talking about and it may not be clear from the transcript a few
17 months from now.

18 PRESIDING JUDGE COTTE: (Interpretation) Let's try to be as
19 specific as possible.

20 Court Officer, might it be possible to rewind, so to speak.

21 And, Professor Fofé, could you please tell us where to stop the
22 video footage so that we can identify the hill properly. We won't play
23 the entire segment, but just the part.

24 MR. FOFÉ: (Interpretation) If you don't mind, your Honour.

25 PRESIDING JUDGE COTTE: (Interpretation) Just a moment. The

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1 film hasn't started.

2 MR. FOFÉ: (Interpretation) I asked the Court Officer to stop
3 the footage at 4 minutes, 13 seconds. I don't have any other shots to
4 show you. If the Prosecution wishes to show other shots, they may do so
5 during cross-examination. But I was asking for the image at 4 minutes,
6 13 seconds.

7 PRESIDING JUDGE COTTE: (Interpretation) Perhaps there's been
8 some misunderstanding. Let us go to the part of the footage time-stamped
9 4 minutes, 13 seconds.

10 (Video-clip played)

11 PRESIDING JUDGE COTTE: (Interpretation) There we are. I think
12 this scene has been identified properly.

13 Continue, Professor.

14 MR. FOFÉ: (Interpretation) Thank you.

15 Q. Chief Manu, I'd like to ask you the following question, and this
16 is to give the august Bench an idea of the terrain. And please just
17 simply answer the question: In addition to this hill, are there other
18 hills in your groupement?

19 A. We have many other hills.

20 Q. Thank you very much.

21 MR. FOFÉ: (Interpretation) Your Honour, before we go on, I may
22 forget something, so could I please ask for an EVD number for these two
23 segments of video footage.

24 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, if you
25 could.

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1 COURT OFFICER: (Interpretation) Thank you, your Honour. The
2 segment from 39 minutes to 40 minutes, 26 seconds of video
3 DRC-OTP-1063-0002 shall bear the EVD number EVD-D03-00101. The passage
4 from time-stamp 3 minutes to time stamp 4 minutes, 13 seconds shall bear
5 the number EVD-D03-00102 and the two passages will be filed as public
6 documents.

7 PRESIDING JUDGE COTTE: (Interpretation) Professor.

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

9 Thank you, Court Officer.

10 Q. Chief Manu, you've had an opportunity to view this video on the
11 22nd of August. My question is as follows: You saw the entire video on
12 the 22nd of August, 2011. My first question is as follows: You were
13 talking to the Prosecutor, the Prosecutor of the International Criminal
14 Court, in this video and you were talking about Mathieu Ngudjolo. Are
15 those words that you uttered to be heard on the video that you saw?

16 A. I didn't see everything. I just saw a small part of the video.

17 Q. My second question is as follows: The words that you had with
18 the Prosecutor about the mass graves, you mentioned that here before the
19 Bench. You mentioned some mass graves located not far from the Zumbe
20 primary school, the place where you greeted the Prosecutor. Now, these
21 remarks that you had with the Prosecutor regarding mass graves in Zumbe,
22 were those words, was that conversation, recorded on the video that you
23 saw?

24 A. No.

25 Q. Chief Manu, were you not filmed and recorded when you were having

1 this discussion with the Prosecutor of the ICC regarding Mathieu Ngudjolo
2 and mass graves in Zombe?

3 A. Well, everything I said was filmed right from the very beginning.
4 They filmed the Prosecutor's helicopter and they filmed everything up
5 until the point that I went back with him. I don't know why that isn't
6 to be seen on the video.

7 Q. So when you viewed this video, what did you observe? What did
8 you see when you viewed this video?

9 A. I saw what happened. At one particular point, I pointed out
10 Ngudjolo's mother to the Prosecutor, but that part isn't seen in the
11 video. When I asked him, I begged him, to go visit the mass graves, he
12 said to me, "I didn't come here with the carbon 14," that part wasn't
13 included on the video. And there were two important things, the place
14 where I said, "You weren't going to that place." That doesn't appear on
15 the video either. I don't see any mention of Ngudjolo's mother on the
16 video either, even though it had been filmed as well.

17 Q. Thank you very much, Chief Manu. Thank you for being so patient
18 with me and thank you for answering all the questions that I had for you.
19 I have concluded my questioning, and now you are going to be questioned
20 by my learned friends, other counsel -- actually, by Mr. Katanga's
21 counsel, and after that, particularly by the Prosecutor. Please be
22 patient. Your work is not over. I thank you very much.

23 MR. FOFÉ: (Interpretation) Thank you very much, your Honours.

24 THE INTERPRETER: Interpreter's correction: Last reply of the
25 witness: Ngudjolo did not go to Bogoro.

1 MR. KILENDA: (Interpretation) I really don't wish to begin a
2 debate on whether the Prosecutor travelled to that area for outreach
3 activities and that after his visit film footage was obtained. If that
4 were the case, it would have to be disclosed. But I do note that at the
5 public hearing of the 19th of August, 2011, your Chamber, speaking
6 through you, your Honour, was sensitive to the issue, to the argument,
7 that this video can be likened to an earlier statement given by the
8 witness insofar as his words were recorded when he was preparing a sketch
9 and when he was commenting upon the sketch. And that has to do with the
10 events that this witness will be giving testimony about, testimonies that
11 we are all awaiting with baited breath. Because this witness will be a
12 useful one to the Chamber and we do hope a relevant, interesting one as
13 well.

14 I do note as well, your Honour, that in 2009, on the 2nd of
15 November, 2009, even back then I make reference to transcript 74.
16 Speaking to the Prosecutor, you said that the video had to be disclosed.
17 So I am of the opinion that this statement - and we've heard the witness
18 give testimony -- this statement has been trimmed, so to speak, and so
19 the entire video should be disclosed to the Defence. So this is the
20 brief application I wish to make to you, with all due respect. Unlike
21 what the Prosecutor said to you on the 18th of August when asked whether
22 the video was complete, he said -- and I remind the Chamber that the
23 Prosecutor is an officer of this Court, and he declared that this was the
24 full video. The Defence believes that the entire video should be
25 disclosed, the entire video. I thank you. Of course, it is up to you to

1 rule on this matter and I merely make this application, this request.

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, you began
3 by saying that you didn't understand -- you didn't want to begin a
4 debate, but then you did begin a debate and you ended your debate or a
5 discussion with an oral application.

6 MR. MACDONALD: (Interpretation) As member of a bar, as an
7 official of the Court, I -- I have been the member of a bar since 1989.
8 I'm taking this very seriously. The Prosecution provided the video in
9 the version that we received from our public relations unit, and in the
10 complete version -- that was the complete version that we received. The
11 Prosecution did not film everything. Perhaps other people may have been
12 doing filming on that particular -- at that location, but what the
13 Prosecution had at that time was indeed disclosed to the Defence team.
14 And once is one thing, but to repeatedly make such assertions, the
15 Prosecution understands fully well its responsibilities in relation to
16 disclosure. And this Prosecutor in front of you is entirely aware of
17 this requirement. And throughout my entire career, since 1989, I have
18 always strived to conduct my duties in this manner. We act with
19 integrity, in a professional manner, and now I say the ball's in your
20 court now.

21 PRESIDING JUDGE COTTE: (Interpretation) We will leave it at
22 that.

23 Now, let us take note of the protests made in good faith by the
24 Prosecutor, his protestations of good faith and integrity. We also take
25 note of the other point of view, that is to say that we did not see the

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1 entire video apparently, and perhaps others were filmed. I think
2 everyone recalls that when the witness began giving testimony and we
3 spoke of this video, we were reminded that this was an outreach trip that
4 Mr. Moreno-Ocampo, Prosecutor of this Court, was undertaking. He was not
5 going there as an investigator and that there was a discussion, and at a
6 later point in time this may be relevant, useful to us or not. But I do
7 not think that we should try to turn this footage which was really
8 intended just to record this trip taken by the Prosecutor -- well, we'll
9 leave it at that.

10 Mr. O'Shea, apparently you are the next to speak. Apparently,
11 you will be questioning Witness Chief Manu on behalf of the Katanga team.

12 MR. O'SHEA: I don't have any questions, but I believe that
13 Mr. Hooper may have a few.

14 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper -- well, in
15 any case, the Defence team of Germain Katanga has the floor.

16 Questioned by Mr. Hooper:

17 Q. Good afternoon, Witness. My name's David Hooper, and I
18 represent, together with the other people that are collected here on this
19 side of the court, Germain Katanga. I don't have very many questions to
20 ask you, and those that I do concern documents that we've seen this
21 morning. And perhaps I can go to those documents and perhaps you could
22 be given a hard copy. Going to the first one, that's our EVD-D03-00098,
23 which is the typed copy or the typed document, that we looked at and
24 which is the document that you told us that you -- when you arrived in
25 Bolo found that a document had been prepared that was a cry, really, for

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1 help to the central government, to the Congolese government, and which
2 you signed together with others who were with you, the three others who
3 were with you, on that journey which eventually took you, as we know, to
4 Beni. So that's the context of this document, and have you got a copy?
5 We've got one for you. Perhaps someone -- thank you very much. Someone
6 I think is going to come and bring that to you.

7 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, or
8 rather, Court Usher, please. Can you show the witness that document. It
9 will be easier for him. It is a document that we saw last week.

10 I would like to seize this opportunity to be clear about one
11 thing, that is, the phrase "application rejected" should be on the
12 record. And so the record has to show that the projection of the video
13 footage was shown according to the rules in force.

14 Mr. Hooper, you can now continue.

15 MR. HOOPER:

16 Q. Now, I'd like to ask you to turn, if you may, to the second
17 page -- well, it's the page, in fact, that's numbered number 2 at the
18 top. It's the third page of the document, in fact. And you'll see that
19 item 5 - and I'll allow you to read it, so I won't read it to you. We
20 can see what it says - refers to a first attack on Songolo by the UPC and
21 then RP and its allies, reference to the Bira of Nyankunde and that three
22 localities were completely sacked and they're named. And there's a date
23 assigned to that attack of the 31st of August, 2002. And beneath that,
24 there's a list of numbers killed, wounded, and what was lost in goats and
25 cows and the like, substantial numbers that we see there.

1 Now, generally where we're talking of, for example, numbers of
2 people killed, and we can see that there's other references with numbers
3 of people killed, sometimes much lower numbers than we see on the Songolo
4 reference, other times substantial numbers. Do you know how those
5 numbers of dead were reached? You signed this document. Presumably you
6 had some confidence in the figures that the document referred to. What
7 was your understanding as to how those numbers of dead people were
8 reached, can you help me?

9 A. Counsel, the Walendu-Bindi collectivity and chiefdom is a large
10 collectivity in the Irumu sector. The people referred to here live next
11 to each other and build their houses next to each other's. The battle in
12 Gety did not involve the people who attacked us in Zumbe because there
13 were some people in Nyankunde, others in Tchei, Komanda, Irumu, all of
14 those people came and attacked Gety. However, the people who attacked us
15 were different. When I'm talking about Zumbe, I'm referring to a single
16 groupement, but --

17 Q. Just please listen to my question: Where numbers are given, the
18 numbers of dead people are given - and this is a document you signed - do
19 you know how those numbers were reached? Do you know how those total of
20 dead at these places was reached? Did you have any information of that?

21 A. Counsel, this is what I said: I was from Zumbe and I could not
22 reject the testimony of someone else. I was accompanied by people who
23 were under my authority. You cannot tell me, "Where did you have these
24 figures from?" It was a report or reports that were given by young
25 people, and I could not contest that. I know that I signed the document,

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1 but I do not know the person who carried out the investigation in order
2 to write what is to be found in this report.

3 Q. Very well. Can I ask you to turn to the next page, and this is
4 the entry at number 9 which concerns the attack on Zumbe. And if you
5 have that in front of you, you will see 15th of October, 2002, and the
6 entry there is, as best as I can see, an attack, a kind never seen
7 before, attacking the locality of Zumbe by the same army. Just pausing
8 there, we can see by "same army," I think we can conclude is the UPC/RP
9 which has been previously mentioned throughout the previous page, "by the
10 same army." And then the localities Kabutso, Likoni, Masu, Zaba, Buy-Hu,
11 Zumbe, were sacked. And then we have the bill, as it were, the total:
12 215 civilians killed, 62 wounded by fire-arms of all calibres and
13 anti-personnel mines; systematic pillage and burning of two health
14 centres, six schools, four churches, all the houses of the specified
15 localities; 83, was it bikes, bicycles, 15 motorbikes, 180 radios, 19
16 sewing machines, and then obviously it goes on as we see the dots, dot,
17 dot, dot. Now, that attack of the 15th of October on Bedu-Ezekere led,
18 is this right, to 215 dead and those details? That -- when you signed
19 that document, that was your belief. You believed that that was true.
20 Would that be fair to say?

21 A. Yes, that is correct.

22 Q. And then we can see that there's some subsequent attacks, those
23 are mentioned, and we end the bottom of that page, respective attacks in
24 that area, your area and other areas, your area and attacks on areas in
25 Walendu-Bindi with 1.831 killed, 313 wounded, 44 localities completely

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1 devastated, 1,501 cows pillaged, 446 goats and sheep, pigs, 8 health
2 centres pillaged or burned, 7 (* sic) churches pillaged or burned, 17
3 schools pillaged or burnt. And as far as you are aware today and at the
4 time when you signed that, it was, to your mind, a true reflection of
5 what had been inflicted on your area and that of Walendu-Bindi. Would
6 that be right to say?

7 A. I know that it is true. This is what I told you. I did not
8 cross-check everything that happened in Walendu-Bindi, nor did my young
9 people. This concerns the Irumu territory, and I know that these are
10 Lendus from Djugu and Irumu. They are the ones that the statistics refer
11 to. I signed because my own people were involved, and I know that it is
12 true.

13 Q. Yes, thank you very much. Now, just turning to the front of the
14 page, the front -- sorry, the first page where the address would be --
15 proposed recipients of the letter are named. And we can see that this is
16 dated the 15th of November, 2002, and indeed that's the same date that
17 appears, as we know, on the last page above the signatures, above the
18 words *fait a Gety état*, next to that, again, we find that date, the 15th
19 of November, 2002.

20 Now, at the bottom of that page to the left of the signature
21 there's a stamp. And we can see that it's a heart, it would seem with
22 a -- perhaps an arrow. Is that an arrow going through the heart?
23 There's a star and then these words are on the circumference of the
24 stamp: "*Force de Résistance contre l'extermination des Congolaise.*"
25 "*Force de Résistance contre l'extermination des Congolaise,*" which I

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1 understand is also known as FREC, F-R-E-C. Had you heard of FREC at the
2 time that letter was signed by you?

3 A. No. I do not know anything about the stamp.

4 Q. All right. Thank you. Now, you go on to Beni and you're there
5 for, you told us, two weeks and then you had the difficulty in getting
6 back, few more days. Now, when you were in Beni, aside from meeting the
7 Kakolele and receiving \$400 by way of thanks in respect of the help you
8 had given Loponde and his soldiers, aside from that meeting, did you
9 attend any other meetings while you were in Beni?

10 A. No, I did not take part in any other meeting.

11 Q. Can I come to the next document that we looked at, which is now
12 EVD-D03-99, and, again, if we have a copy of that, perhaps you can be
13 provided with that.

14 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please
15 locate that document which was actually examined this morning. The
16 initial reference was 0086 before it became EVD-00099.

17 COURT OFFICER: (Interpretation) Please press "PC 1" to view the
18 document.

19 PRESIDING JUDGE COTTE: (Interpretation) You do not have a hard
20 copy, Court Officer?

21 I can see that Professor Fofé has one and this should facilitate
22 the task of the witness.

23 Thank you, Professor Fofé.

24 MR. FOFÉ: (Interpretation) Don't mention, your Honour.

25 MR. HOOPER: Thank you.

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1 Q. And we're familiar with the document. Can I ask you to turn to
2 the last page which is headed item -- well, has 16, item 16 at the top.
3 And we can see that that's another reference to the big attack and in
4 fact is described as *la plus grande* attack at Zumbe. And that's Tuesday
5 and Wednesday, the 15th and 16th of October, 2002, it's recorded here,
6 during 48 hours. It's difficult to read the number, but it's 200 and
7 something there at Zumbe, 211 or -- it's unclear.

8 And then below that we've got another attack specified as the 8th
9 of November, 2002, these are Hema militia from Bogoro attacking the
10 locality, and there's particular names there of four people who are
11 killed. And then below that the 29th of November, 2002, an attack on
12 Bogoro -- from Bogoro, sorry, by Hema militia attacking the mountain
13 Lagura. Several people killed, and then there's four names of people
14 listed. And that attack there is dated the 29th of November, 2002. And
15 you told us a moment ago that you believe that that was the attack that
16 you'd witnessed from the plane, your airplane, when you were trying to
17 get to Aveba to land.

18 Now, again from what you say, you were merely the recipient of
19 information that was being brought to you by the young people and
20 recorded by your secretary. But again, as far as you know, the
21 information that you received was good and true, was it not?

22 A. I know that all the information that I received from the young
23 people I considered as being correct because they could not deceive me.

24 Q. And if we go to the last document, which is EVD-D03-100, and if
25 we can have a hard copy of this document provided to you. We looked at

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1 this very briefly this morning.

2 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

3 MR. HOOPER:

4 Q. Do you have that --

5 MR. HOOPER: Do we have a hard copy?

6 MR. FOFÉ: Yes, of course.

7 MR. HOOPER: Thank you very much.

8 PRESIDING JUDGE COTTE: (Interpretation) Do you have a hard copy
9 of this two-page document? Thank you, Professor Fofé.

10 MR. HOOPER:

11 Q. Again, we can see at items 1, and running our eye down the page
12 in the first column, the Hema militia from various places were involved,
13 including from Bogoro and with the Ugandans and attacking you, or
14 attacking areas from -- coming from Dele. A lot of those on that page
15 are from Dele, attacks based -- from -- by militia and army based in
16 Dele. If we look over the page at item 10, we can see that there that's
17 militia, Hema militia, of the UPC and Rwandan army based at Kasenyi and
18 Bogoro, and that attack is, again, the 29th of November, 2002, and so we
19 can link it to the last entry we saw on the previous document which
20 referred to Lagora and the attack that day. And we can see that the
21 details here are fuller. Attack on the locality and then by Kavalega and
22 Burokpa, B-u-r-o-k-p-a, (Lagora), spelled with an O, L-a-g-o-r-a, from
23 5.00 in the morning until 1300. And then it's got a list of casualties:
24 129 dead; 69 wounded; 149 houses burnt; pillages of goods and beasts. Of
25 the 129 dead, 72 are women, 31 men, and 26 children killed -- killed or

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1 wiped out.

2 Now, that's the attack right at the end of November, and you're
3 not there, you see something from the air. But if we drop our eyes down
4 to the next one, we've got an attack three days later -- or sorry, it's
5 not an attack, it's an individuals -- it's someone who's detained and
6 maltreated. There is a record of that. Then we have an incident on the
7 3rd of December, referring to the cruel murder of the Atori sisters and
8 the exposure of their bodies at the Dele military camp for two days by
9 the Ugandan soldiers. We then at item 13 on the 5th of December, have a
10 record of rockets being fired from Bogoro on Lagora with two dead and one
11 badly wounded.

12 MR. FOFÉ: From ...?

13 MR. HOOPER:

14 Q. From Bogoro, so the rockets are being fired from Bogoro on
15 Lagura.

16 MR. FOFÉ: (Interpretation) What number, please?

17 MR. HOOPER: 13.

18 MR. FOFÉ: (Interpretation) Number 13, 13, from Bunia -- I think
19 it's from Bunia, 13.

20 MR. HOOPER: You're quite right. It's my misreading. I read
21 *sorté* and not route. It's route.

22 Q. So firing of rockets from the Bogoro road on Lagura, two dead and
23 one wounded.

24 We then have another record of something that happened to
25 somebody. And then the last on this page, we have no other pages, item

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1 15, militia -- Hema militia of the UPC/RP based at Bogoro. Tuesday, the
2 10th of December, towards 10.00. Attack of the locality Buy-Zaba. One
3 killed and one wounded badly, and he's named, and he died later that
4 day -- or the next day, I should say. And then towards 1700, they came
5 back in numbers and Lagora, killing seven people: Four women, one man,
6 and that's -- that's five. So there's two -- it might be children, we
7 don't know, but it's not on that page. And again, these are details
8 collated by others, provided to your secretary who had an official duty
9 to record the information. And looking at that information today,
10 sitting in this Court as you do, do you still understand that information
11 recorded here to be true?

12 A. I hereby confirm that the information found in these documents
13 was recorded properly to justify the accuracy in relation to the events
14 that occurred. You see, it really shouldn't be a person from Europe or
15 from Kinshasa who should come and record this information. I'd like to
16 confirm that these are true facts that have been recorded in this
17 document.

18 Q. And to your knowledge, up until today, has any investigation been
19 done in respect of those who attacked your community?

20 A. I didn't conduct an investigation about this. You see, it is
21 well-known that the Hema, the UPC soldiers, and the Rwandan, and the
22 others who helped them were the ones behind that fighting. It's not
23 responsibility to conduct investigations or to try to find out why they
24 began these attacks.

25 Q. No, and it wasn't -- that wasn't what I was suggesting for a

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1 moment. We understand your role as a chief, one of those with the
2 obligation to protect your community. But from what you say, can we
3 conclude that there has been no investigation, to your knowledge, by the
4 authorities, the people who should do such investigations, into the
5 suffering that you and your people endured in 2001, 2002, and 2003?
6 There has been - are we right in concluding - no investigation into those
7 responsible for those crimes?

8 A. Counsel, I don't know. I didn't know the people who came from
9 Kinshasa with documents that already been prepared. They went about all
10 the localities, the Lendu localities, the Hema ones, also in Bunia. They
11 had a document and they asked questions. They asked people, "Sir, how
12 many people did you lose, how many family members did you lose during the
13 fighting?" Because the Congolese government wants to make sure that
14 Uganda pays for all the evil that they did in Congo. We provided them
15 with the names of the people who died. Sometime after that it was said
16 that compensation would be provided for the evil that was done in
17 Kisangani. But they refused our proposals. They said they were not
18 going to help us. They were only going to help Kisangani because there
19 were two foreign armies that clashed there. But what I say is that the
20 foreigners attacked several towns, Bunia and other ones. They killed
21 people. They were not able to recognise our documents. I did not remain
22 silent. I did all I could. I begged them to compensate us; they
23 refused. They said they were only going to get compensation for the bad
24 things that were done in Kisangani because of the armies there that had
25 fought and caused the death of several people. I repeat: They said they

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1 were not going to provide compensation to us.

2 Q. Thank you very much, Chef Manu, those are all my questions.

3 Thank you.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.

5 Prosecutor, you may begin your cross-examination. You do not

6 have a lot of time this morning, but you can establish initial contact,

7 so to speak, with the witness. You may proceed.

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

9 your leave, I would just like to look for one item that is behind me.

10 PRESIDING JUDGE COTTE: (Interpretation) I'll take advantage of

11 this moment just to remind you that next week we will be sitting Monday

12 morning at 9.00 a.m., and also the same thing holds true for Monday, the

13 12th, because we will be sharing the courtroom so we will be sitting the

14 mornings, including Monday morning, next Monday morning at 9.00 a.m.. I

15 remind you as well that next Friday most likely we will only be sitting

16 for two hours, from 9.00 to 11.00, that would be the 9th of September,

17 and that's all I have to say about that.

18 Now, Mr. Prosecutor.

19 MR. MACDONALD: (Interpretation) Thank you, Your Honours.

20 Questioned by Mr. MacDonald:

21 Q. (Interpretation) Well, Witness, given the time of day, perhaps I

22 should start off with a few lighter topics and get to the heart of the

23 matter next week. Chief Manu - because that is how you are to be

24 addressed - we are going to proceed slowly, *polé polé*, as they say in

25 Swahili.

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1 A. I am ready.

2 Q. Now, I realise we have already met, that was in March 2009. I
3 don't remember the exact date, but I think you recall we met in Entebbe.
4 Is that not so?

5 A. Yes.

6 Q. At that time, two of my colleagues were with me, two
7 investigators, and an interpreter. And there was also a technician, an
8 AV technician. Do you remember that, Chief Manu?

9 A. Yes.

10 Q. However, prior to that, my colleagues (Expunged) and
11 Mr. Lucio Garcia had met you in Bunia with view to making initial contact
12 and to see whether you were willing to meet with us, and that meeting
13 occurred early in February 2003, one or perhaps two months before our
14 meeting in Entebbe --

15 MR. FOFÉ: (Interpretation) I think you might have made a slip
16 of the tongue, 2003?

17 MR. MACDONALD: (Interpretation) Indeed, it was a slip of the
18 tongue. I meant 2009, not 2003.

19 Q. You remember that time we met in Entebbe, perhaps not that exact
20 date but that exploratory meeting that we had in Bunia with a colleague
21 who was an investigator and Mr. Garcia in Bunia?

22 A. Yes.

23 Q. Very well. Now, the purpose of that exploratory meeting was to
24 ensure that -- well, we would introduce ourselves. We would explain who
25 we were. And we were trying to determine whether you would be willing to

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1 give a statement to the Office of the Prosecutor; isn't that so?

2 A. No. I was not the one who asked for that. They asked me, so I
3 told them that I was available and I could answer any questions that they
4 cared to put to me.

5 Q. Yes, that's quite right. We contacted you over the telephone and
6 we were the ones who asked you if you were willing to meet with us.
7 Isn't that so? And you agreed. Isn't that right?

8 A. Yes, I did agree.

9 Q. Very well, we can go back to that later. But I just wanted to
10 establish a few factual items. One last question: Now, you travelled by
11 your own means to Entebbe, the place where the meeting was held; is that
12 not so?

13 A. No. I did not use my own means of transport.

14 I thought that you were going to pay for my ticket and you asked
15 me whether I could get there by myself to Uganda. You were the ones that
16 gave me the money. You gave me \$150 --

17 THE INTERPRETER: Correction.

18 THE WITNESS: (Interpretation) \$140 to go to Uganda and that
19 money was also supposed to be used to obtain a visa, a passport, and you
20 also gave me money for the transportation. I left Bunia. I spent the
21 night in Kasenyi, and from Kasenyi, I got to Kampala at night. I took a
22 vehicle from Kampala to Entebbe. I got to a place called *station shell*,
23 the shell station, and then I went to my hotel. Let me repeat. I did
24 not go to Uganda by my own means. You were the ones who paid for all my
25 travel.

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1 Q. Certainly, Chief Manu. My question was just as follows -- I'll
2 repeat my question. Perhaps I expressed myself poorly, but you travelled
3 alone, you were by yourself when you travelled to Entebbe. Is that not
4 so?

5 A. Yes, yes. And that was at your request.

6 Q. Witness, I may refer to you as "witness," and it's not out of a
7 lack of respect. It's a technique we have developed when we're
8 questioning protected witnesses. To avoid revealing their identity, we
9 tend to say "witness" or "Mr. Witness, Madam Witness." Could we go back
10 to the whole question of the notabilities, and there was one exhibit - we
11 don't need to call it up, we'll be talking about it on
12 Monday - EVD-D03-00094. And you wrote the seven notabilities. Now, I
13 understand that the notables are also considered to be wise men, wise old
14 men. Now, is that correct or do you have an explanation to give us? Is
15 there a distinction between a notable or a notability and a wiseman, a
16 wise old man? Please give us a brief explanation because we have very
17 little time today. Am I correct when I say that?

18 A. A notable is also a wise old man; whereas, in the villages, when
19 we say a "wise old man" or a "wiseman," in actual fact, they are the
20 guards of the notable, they protect the notable, to stand around him.
21 The notables are the wisemen, and it is by law as of their right -- as of
22 their right.

23 Q. I just want to make sure I've really understood what you just
24 said. So the notables are the old wise men, but there is another kind of
25 old wise men that protect the notables. Is that correct or am I mixing

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1 things up?

2 A. Each notable has his wiseman, this wise old man. A notable has
3 to be from the lineage of the king and he has his wise old man. And the
4 wise old man is called the guard of the traditional chief.

5 Q. Very well. I think we'll finish this particular point. Two
6 little details. On this exhibit that we will be calling up on Monday,
7 you gave the names of the seven notable people, the notables, that you
8 spoke of and you also gave the name of Mr. Lochubo Bodeo Gracias (* phon)
9 is that not correct? We also see that at entry number 3 on this document
10 and also entry number 4 we see the name of Pierre Zulo Vili. Do you
11 agree with me that Mr. Zulo Vili and Lochubo Gracias two notables? Do
12 you agree with me on that point?

13 A. Yes.

14 Q. And my last question for today, and we will provide the reference
15 if there is a problem, but let me ask you the question:
16 Mr. Mathieu Ngudjolo was a notable as well, wasn't he? Is that indeed
17 your testimony?

18 A. Mathieu Ngudjolo is not a notable. Just because his older
19 brother is a notable, and when there is a son -- well, when that older
20 brother has a son, the son will be the notable.

21 Q. Thank you, Chief Manu, and we will see you again on Monday.
22 Good-bye.

23 A. Thank you.

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

25 Witness, that will be all until Monday because the courtroom is

1 not available tomorrow. So we will see you on Monday morning at 9.00
2 a.m. and we will continue with the cross-examination by our Prosecutor,
3 Mr. MacDonald. Thank you for giving testimony this morning. Thank you
4 for answering our questions. We wish you a pleasant weekend.

5 Court Usher, could you please escort Chief Manu out of the
6 courtroom.

7 THE WITNESS: (Interpretation) Thank you.
8 (The witness stands down)

9 PRESIDING JUDGE COTTE: (Interpretation) We shall resume Monday
10 morning at 9.00 a.m., please remember, because that is an unusual time of
11 day for Monday morning for us.

12 The hearing ends at 1.28 p.m.

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