

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Fatoumata Dembele Diarra and
4 Judge Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Monday, 21 February 2011
10 The hearing starts at 2.03 p.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) The hearing has now
15 begun. Please be seated.
16 The accused are with us. Good afternoon, gentlemen.
17 Once again, we find ourselves here back in the courtroom after a
18 long pause, and I believe that everyone was able to take advantage of the
19 break to continue investigations or to prepare for upcoming hearings or
20 to reply to various filings. So I think it has been a period of time
21 that has been quite useful for all those involved.
22 During this period of time, the Legal Representatives of the main
23 group of victims have been very busy. Can you hear me? I don't hear
24 anything in my -- you can hear me. Very well.
25 As I was saying, Mr. Luvengika and his team have worked very hard

1 during the break, and I think we can even speak of a feverish pace of
2 activity in recent weeks. In particular, I think of the initiative of
3 the Prosecutor and the Katanga team, and I believe we are pretty much
4 keeping to the deadlines. And I would like to thank everyone, because I
5 realise that we have asked you to make considerable efforts, and we
6 realise that your teams are rather small in number.

7 Similarly, since we haven't had any hearings for a while, we have
8 not had an opportunity to exchange views as we tend to do during
9 hearings, so we haven't been able to deal with a number of matters
10 orally. There have been a few rapid exchanges of filings, and people may
11 not have been necessarily doing quite the usual activities, but in any
12 event, it would appear that each issue that has been raised has been
13 dealt with.

14 Now, before we resume proceedings and before Mr. Luvengika
15 addresses the Court, the Chamber would like to make a suggestion to
16 parties and participants so we can make better use of our time.

17 In the future, insofar as possible - this is not an obligation,
18 but, rather, it is a suggestion - we would like to ask you, at the first
19 hearing of the week, and that will be, in most cases, Monday or Monday
20 afternoon, if you could please let us know if you are planning to make
21 filings or applications in the course of the upcoming week. If that is
22 the case, the Chamber would like you to tell us briefly at the beginning
23 of the hearing exactly what the issue is all about without going into
24 details as to the underlying reasons. So this is what we suggest: For
25 example, the Defence team of Mr. Ngudjolo may wish to rise and tell us

1 that they wish to make a number of filings.

2 Similarly, if at all possible, during the last hearing of the
3 week, which would be a Friday or could be a Friday, if you could please
4 let us know if you are planning to raise any particular issues during the
5 hearing on Monday. If the last hearing of the week is a Wednesday or a
6 Thursday, you could always send us an e-mail before 4.00 in the afternoon
7 on Friday to let us know whether you wish to raise a particular issue
8 during the first hearing of the following Monday.

9 Providing such information in advance, if you are able to do so,
10 is in everyone's interest. It's in the interest of the Chamber, because
11 we will be able to prepare replies more quickly. And this practice would
12 also be in the interest of parties and participants, who may very well
13 have observations to draft during the week underway regarding specific
14 matters, and they would be able to begin gathering documentation to this
15 end.

16 Of course, it will be possible to make filings unexpectedly if
17 things come up or if something arises because of the proceedings
18 themselves. Also, it goes without saying that this suggestion does not
19 deal with *ex parte* filings, and it will be possible to provide
20 confidential filings in closed session very briefly, and it would be a
21 good idea to try to combine all these various matters so that we don't
22 have to go in and out of closed session constantly.

23 Let me sum up. At the beginning of the week, if at all possible,
24 each party and participant should try to let us know whether you will be
25 making filings or applications, and let us know briefly what the topic

1 will be. At the last hearing of the week, usually a Friday, if there are
2 any matters that may need to be raised Monday, please let us know, and
3 you can do so by e-mail up until 4.00 in the afternoon on Fridays.

4 We are going to give this approach a try. We will see if it is
5 easy to implement, but at least we'll -- we will give it a go and try to
6 make the various tasks that we have to do during the course of the week
7 easier for all.

8 Mr. Luvengika, I believe that you wished to -- ah, Mr. Gilissen
9 is also with us. Tomorrow, Mr. Gilissen, you are not with us, so you are
10 sitting in the second row, I see, so that Mr. Luvengika and his team can
11 have the spotlight, so to speak.

12 MR. GILISSEN: (Interpretation) I have a new team member with
13 me, Ms. Gaetanne Cornet, who is behind me.

14 PRESIDING JUDGE COTTE: (Interpretation) Could she please rise
15 so we can see her and greet her. Welcome, ma'am.

16 MR. GILISSEN: (Interpretation) Thank you for greeting her so
17 kindly.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
19 Mr. Gilissen.

20 Prosecutor, Mr. Dutertre.

21 MR. DUTERTRE: (Interpretation) Your Honour, your Honours, good
22 afternoon. Since we are making introductions, I would like to mention
23 briefly that the Prosecution will be represented by Krisztina Varga,
24 Mr. Garcia, and my colleague beside me. Thank you.

25 PRESIDING JUDGE COTTE: (Interpretation) These are familiar

1 faces, and we greet you. No further introductions are required.

2 Mr. Luvengika, I will allow you to address the Court, and I think
3 everyone does remember the various rulings that have been issued. I
4 believe a request was made to call some witnesses as victims. I don't
5 quite have the names or the numbers here, but please proceed.

6 MR. LUVENGIKA: (Interpretation) Your Honour Presiding Judge of
7 Trial Chamber II, Honourable Judges, Ms. Prosecutor and members of your
8 team, learned friends of the Defence, colleagues belonging to the joint
9 legal representation team representing victims, first of all I would like
10 to thank the Chamber for giving me this opportunity to make a few
11 introductory remarks before the victims appear.

12 As I stressed when the trial began in November 2009, all the
13 victims are expecting something from this august Chamber. This may seem
14 obvious, but this is something that is essential for the victims, namely
15 that justice be rendered in relation to the events that occurred on the
16 24th of February, 2003, in Bogoro. They are yearning that justice be
17 done and that the people responsible for these events are found guilty
18 within full compliance of the law.

19 The fact that victims have an opportunity to take part in these
20 proceedings is already an important step ahead for them, and finally, we
21 see that the system of international justice is reaching out to the
22 victims, the people who were affected most directly. Up until now, some
23 victims have been given an opportunity to come here and tell their
24 stories in their own words before your court. This is a second major
25 step ahead. Not only for the victims who will be testifying in a few

1 moments, but also for all victims. Having an opportunity to take part in
2 the proceedings in a substantive manner and then having an opportunity to
3 come and give testimony, these are ways for the victims to express their
4 views and concerns as was desired by those who drafted the Statute of the
5 court.

6 It is significant to note that the testimony of the victims will
7 begin this week. And this is a very sad week. This is the week that we
8 commemorate the sad events that occurred in Bogoro. On the 24th, it will
9 eight years to the day since the Bogoro attack occurred. Unfortunately,
10 only two victims will be appearing before this august Chamber. There are
11 many reasons for this. These reasons have been set out in our recent
12 filings, and I do not wish to dwell upon them. However, I would like to
13 stress that -- and this was something touched upon by the Presiding Judge
14 a few moments ago. The task of identifying victims, having a
15 Legal Representative identify victims means the same requirements and the
16 same restrictions regarding other witnesses, be they incriminating or
17 exonerating. The same -- we are dealing with the same restricted amount
18 of time, the same restricted human resources, logistics, financial
19 resources.

20 As we can all imagine, these two victims are somewhat
21 apprehensive as they prepare to give testimony before the Court. They
22 dread reliving the events of February 2003. They dread -- they must
23 share with us the stories of their suffering and the impact of this war
24 on the rest of their lives, and so they have come to tell you their
25 stories in their own words, what they have experienced.

1 These victims did not deliberately seek to come and give
2 testimony, on the contrary. When we announced the decision by the
3 Chamber to allow them to appear, the victims had a great many questions
4 about the implications for them. They showed some hesitation. They
5 hesitated in travelling this long distance. They asked many questions
6 about how they would organise their households, how they would have
7 someone take care of their children, how they would set aside their
8 business activities.

9 The voyage was long for them, but now they are here. Thus, they
10 expect to be treated with respect and dignity throughout their testimony
11 by the parties and participants.

12 Your Honour, before we begin to hear testimony from the first
13 victim, (Expunged)
14 (Expunged)
15 (Expunged). She has told us that she will not have any trouble
16 testifying for four hours per day as long as there are a number of
17 breaks. I wanted to inform the Chamber of this, as well as my learned
18 colleagues so that they could take this into account during the lady's
19 testimony.

20 Thank you.

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

23 I think everyone is well aware, and the Chamber has explained
24 this point in the ruling authorising the calling of a number of victims
25 as witnesses, and this was in a filing on the 9th of November,

1 2011 (* as interpreted), it was quite -- we made it quite clear that the
2 status -- the Statute does speak of the role of victims before the court,
3 and this was one of the sources upon which we based ourselves for the
4 ruling.

5 Now, in the case of this first victim, I think it's very
6 important for all to be aware of the protective measures that the
7 victim/witness will enjoy. This victim shall be referred to as
8 V19-P-0002, and she will benefit from a number of protective measures
9 that were defined by the Chamber after consulting the VWU, and these
10 measures are set out in a confidential ruling number 2663, dated
11 27 January 2011. Of course, this ruling has been sent to all parties.

12 So the victim shall enter -- the witness shall enter the
13 courtroom and shall leave the courtroom in closed session. Furthermore,
14 a pseudonym will be used. The witness's voice will be distorted, and the
15 image will also be distorted on the computer screens. We will go into
16 private session when questions are asked that may identify this witness.

17 Now, all the same, the Chamber does wish to remind everyone that
18 we must endeavour to reduce the number of times that we go in and out of
19 closed session or private session, because we must ensure that the
20 hearing is held in public as much as possible, and we would suggest that
21 these identifying questions be combined so that we are not constantly
22 going in and out of closed session or private session, because, among
23 other things, it makes the transcript difficult to understand when we
24 read it afterwards, and it's also very difficult for the people watching
25 from the gallery.

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1 Now, we also would suggest using figures for the -- for certain
2 names, and I believe in the case of the Katanga team, they used this
3 technique by providing us with a key, so to speak, with the list of names
4 and numbers, and I believe we did receive something similar today, and
5 the only hitch I can see is that if the various parties have different
6 lists, we'll have to make sure that we use the same numbers as much as
7 possible.

8 Now, the witness has told us that she wishes to give testimony in
9 Swahili, and we thank our interpreters in advance. And furthermore, I've
10 taken note that she does not require reading assistance or assistance in
11 writing.

12 I believe we can bring the witness in.

13 Court Officer, we'll go into closed session so that the witness
14 can enter the room.

15 (Closed session at 2.22 p.m.)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

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21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Open session at 2.24 p.m.)

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1 COURT OFFICER: (Interpretation) We are in open session,
2 your Honour.

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

5 Good afternoon, ma'am.

6 THE WITNESS: (Interpretation) Good afternoon. Good afternoon.

7 PRESIDING JUDGE COTTE: (Interpretation) Can you hear me? Is
8 the headset working? Can you hear me fine?

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

10 PRESIDING JUDGE COTTE: (Interpretation) Very well. The Court
11 welcomes you, ma'am. We are pleased to have you here with us today to
12 help us with our work, because coming to give testimony before this Court
13 is -- means providing -- you are providing assistance to the Court so
14 that we can establish the truth.

15 Please now give us your name, and please speak loud and clear. I
16 beg your pardon. We'll first go into private session, and then we will
17 go back into open session so that you can give your solemn undertaking.
18 Please wait one moment.

19 (Private session at 2.26 p.m.)

20 (Expunged)

21 (Expunged)

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18 (Expunged)

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22 (Open session at 2.28 p.m.)

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

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

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1 Court Officer.

2 Witness, before you begin giving testimony and answering the
3 questions from Mr. Luvengika first of all, you must give a solemn
4 undertaking to tell the truth. I am now going to read out this
5 undertaking slowly so that you can understand this undertaking and its
6 importance, as well as its scope. So I would like to ask you to listen
7 carefully. The wording is as follows:

8 "I solemnly state that I will tell the truth, the whole truth,
9 and nothing but the truth."

10 Have you heard what I just said?

11 THE WITNESS: (Interpretation) Yes.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Thus,
13 ma'am, do you undertake to tell us the truth, the whole truth, and
14 nothing but the truth?

15 THE WITNESS: (Interpretation) Yes. I solemnly state that I
16 tell the truth, the whole truth, and nothing but the truth.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you, ma'am. The
18 Court would like to ask you to listen very carefully once again to the
19 following: You have just made a commitment to tell the truth, the whole
20 truth, and nothing but the truth. If during the course of your testimony
21 or in reply to questions asked of you, if you do not say the truth, you
22 could find yourself facing charges before this court for false testimony,
23 and if these facts are demonstrated to be true, you may be found guilty.

24 Have you understood this point?

25 THE WITNESS: (Interpretation) Yes.

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you, madam. The
2 Court will make note that Article 69(1) of the Statute has been
3 satisfied, as has Rule 66, paragraphs (1) and (3) of the Rules of
4 Procedure and Evidence.

5 Before Mr. Luvengika begins his questioning, the Court will ask
6 you, madam, to do as you are doing very well already, to speak loudly,
7 slowly, and in front of the two microphones which are before you. You
8 will be speaking Swahili. It is very important that the interpreters
9 should understand you well, because they are interpreting your Swahili
10 into French, and then from French into English. So the slower and more
11 exact your words, the better the interpreters will be able to work, and
12 the better everybody here in this Chamber will be able to do his or her
13 work.

14 We would ask you not to change the language you are speaking as
15 you give testimony. You have chosen to testify in Swahili. We would ask
16 you, please, to restrict yourself to speaking Swahili.

17 You are not to speak of what you say before the court outside
18 this court. You will be testifying today, tomorrow, perhaps the day
19 after tomorrow as well. When a question is asked of you, you should wait
20 about five seconds before you answer it. Once again, this is important
21 for the work of the interpreters and the stenographers. So please do not
22 answer the question immediately. Allow a brief pause before you speak.
23 This is a rule that everybody in the Chamber is to comply with, not you
24 alone.

25 Madam, you are perfectly entitled to feel tired as you give

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1 testimony. If you are feeling tired, please let us know. Please
2 communicate this information to me as you wish. You have a jug of water
3 on the desk before you. Please do not hesitate to drink should you feel
4 thirsty. The Court will not be shocked to see you drink in our presence.
5 To the contrary. You will see us doing the same thing. You need to be
6 comfortable to provide useful testimony to us.

7 You also have on the desk beside you a box of tissues. Please
8 feel free to use those tissues should you have been affected by the cold
9 in The Hague since your arrival. Please do not worry about using the
10 tissues in front of us. We would like you to feel comfortable and at
11 ease.

12 Have you understood my point?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE COTTE: (Interpretation) We may, therefore,
15 begin.

16 Mr. Luvengika, you have the floor. Please remember, as was said
17 at the outset, as you said yourself, that we are in the presence here of
18 a victim who has come to testify before us. You will remember also that
19 your questions must not be leading questions.

20 After you have questioned the witness, the Prosecution will ask
21 its questions, and the Chamber will decide whether the Prosecution is to
22 ask the questions immediately after yours. After the Prosecution, then
23 Mr. Hooper or Mr. O'Shea and the Defence team for Mr. Katanga will take
24 the floor, followed by the Defence team for Mr. Ngudjolo.

25 We have understood that not all of the victim witnesses have

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1 come. That does not mean, however, that the witnesses who have come to
2 testify before us need to testify for the entire period of two weeks that
3 we have set aside. We do have five hearings this week. Those witnesses
4 could be heard in their entirety in that five-day period. We can spill
5 over to next week, but do your best.

6 Mr. Luvengika, you have the floor.

7 MR. LUVENGIKA: (Interpretation) Thank you very much,
8 Mr. President, your Honours.

9 QUESTIONED BY MR. LUVENGIKA:

10 Q. (Interpretation) Good morning, Witness.

11 A. Good morning -- good afternoon.

12 MR. LUVENGIKA: (Interpretation) The way the microphone is
13 turned on it's going to be difficult for me to turn it on and off.

14 PRESIDING JUDGE COTTE: (Interpretation) Is there a way of
15 placing that microphone next to the pulpit?

16 MR. LUVENGIKA: (Interpretation) Unfortunately, the cable is too
17 short.

18 PRESIDING JUDGE COTTE: (Interpretation) Perhaps that should be
19 fixed later. We perhaps cannot remedy it right now. Unless there is a
20 hole in the pulpit through which we can pull the cable? I can't see one.

21 With the assistance of the representative from the Office of the
22 Prosecutor, I think that you will find a resolution for that difficulty.

23 MR. LUVENGIKA: (Interpretation) I will begin again.

24 Q. Good afternoon, Madam Witness.

25 A. Good afternoon.

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1 Q. Witness, the Presiding Judge explained that you are to speak
2 slowly and directly in front your microphone so that the interpreters can
3 follow what you say. I think the instructions were very clear. I will
4 not repeat them. However, I did want to draw your attention to the
5 protective measures that apply to you. Later, we will be handing to you
6 a list of names, and we will ask you to use that list when you answer
7 questions. We would like you to refer to that list if your answer
8 concerns names that appear on that list. You will find numbers alongside
9 those names. Please use those numbers rather than mentioning their names
10 in open session of this court. It is for your protection. It is also
11 for the protection of those close to you.

12 With the permission of the Presiding Judge, we would like to go
13 into private session for a moment so that we can put to you personal
14 questions which may identify you. And when we do so, we will explain
15 once again how to use this list of names so in this hearing we will be
16 able to remain in open session as much as possible?

17 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we will
18 go into private session, please.

19 For the benefit of the public, the questions that are going to be
20 asked of the witness would clearly identify this witness, who is not to
21 be publicly identified. That is why we are moving into private session.

22 (Private session at 2.40 p.m.)

23 (Expunged)

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20 (Open session at 2.56 p.m.)

21 COURT OFFICER: (Interpretation) We are in public session, in
22 open session.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika, please
24 continue.

25 MR. LUVENGIKA: (Interpretation)

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1 Q. Witness, earlier you said that you were living in Bogoro in 2003.

2 Do you know the Bogoro Institute?

3 A. Yes.

4 Q. More or less how far away from the Bogoro Institute was your
5 house?

6 A. It's about 30 minutes to walk from my house to the
7 Bogoro Institute.

8 Q. Who are the members of your family who lived with you in Bogoro?

9 A. Do you want me to give you the names of the members of my family
10 such as my parents?

11 Q. No, Witness. You can simply say, "My parents." That will be
12 enough for now. "My children," will also be enough for the time being.

13 A. All right.

14 Q. Could you please answer the question, Witness, or would you like
15 me to repeat it?

16 A. Could you please ask the question again.

17 Q. In 2003, which members of your family were living in Bogoro?

18 A. In 2003, I lived with my husband, my children, and my parents.

19 Q. What different ethnic groups lived in Bogoro before 2003?

20 A. Before 2003, we had several ethnic groups. There were different
21 ethnic groups, many different ones.

22 Q. Could you tell us which ones, please.

23 A. Yes.

24 Q. Madam Witness, could you please cite the different ethnic groups
25 which lived in Bogoro before 2003.

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1 A. Before 2003, in Bogoro, there were the Azande, the Alur, the
2 Bira, the Ngitis, the Lendu, and there were the Nande ethnic groups.

3 Q. Could you tell us what relations were like between the ethnic
4 groups living in Bogoro?

5 A. In that year, the relations amongst the ethnic groups were good.
6 The relations were good.

7 Q. Yes. Madam Witness, could I just step back in time. Were there
8 Hema in 2003?

9 A. Yes, there were Hema.

10 Q. Yes. Thank you. I just wanted that detail, because you didn't
11 mention it.

12 Had there never been any problems before 2003 in Bogoro?

13 A. Previous to 2003, we got on very well with everybody, but before
14 2003, we sometimes heard some messages.

15 Q. Could you be more precise, please, Madam Witness. When you talk
16 about messages, what do you mean by that?

17 A. Before 2003, where we were living, we used to learn some things.
18 We had friends who would tell us some things.

19 Q. When you say "we," who do you mean by that?

20 A. We, the citizens of Bogoro, the inhabitants of Bogoro.

21 Q. And when you refer to your colleagues, who are you talking about?

22 A. Is your question referring to our informers, or is it referring
23 to ourselves? Do you want to know who we were?

24 Q. Madam Witness, you said just now that your colleagues would bring
25 you messages.

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1 A. Absolutely. Absolutely.

2 Q. This is why I would like you to explain to the Judges what you
3 mean by "colleagues." Who are these colleagues, and what kind of
4 messages did they bring you?

5 A. Well, I'm talking about our Lendu and Ngiti brothers who would
6 come to us to give us some information. And when I'm talking about "us,"
7 I mean we, the inhabitants of Bogoro.

8 Q. Could you be more precise about the time of this. When did your
9 Lendu and Ngiti colleagues bring you messages?

10 A. It was shortly before the year 2003.

11 Q. When you say it was before 2003, are you talking about one month;
12 two, three weeks before 2003? Was it January 2003 or November/December
13 2002? Can you remember?

14 A. Well, I can try to remember. I think this started in December,
15 but we heard most of the rumours in January.

16 Q. What rumours did you hear in January 2003?

17 A. In January, we were told this: "You, the Hema, you must be very
18 careful, because our brothers are preparing for war."

19 Q. Madam Witness, do you have any knowledge of the people who
20 said -- when you say "we were told," who were these people who told you?
21 But you must not pronounce the names in open session. But when you are
22 talking about these people, who are you referring to?

23 A. I'm talking about myself and my parents. We and my parents.

24 Q. So these colleagues who gave you messages, if the person or
25 persons figure on the name (* as interpreted) I gave you, you simply have

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1 to quote the number. So who gave you this information?

2 A. The first person to inform us was the person number 2 on the
3 list.

4 Q. And where did this happen? Where were you when number 2 gave you
5 this message?

6 A. Number 2 came to see my parents at their home to give them
7 information.

8 Q. Was there any special relationship between number 2 and your
9 parents?

10 (Expunged)

11 (Expunged)

12 Q. Who else talked to you about these rumours?

13 A. Apart from number 2, there were women who used to go to the
14 market. These women gave information as well.

15 Q. Do you know any of these women particularly?

16 A. No.

17 Q. I would like to come back to number 3. What did number 3 warn --
18 I beg your pardon. Number 2.

19 THE INTERPRETER: "Number 2," correction from Mr. Luvengika.

20 MR. LUVENGIKA: (Interpretation)

21 Q. What did he come to warn you of?

22 A. Number 2 came to see one of my parents and said, "(Expunged)
23 (Expunged), but I am coming to tell you to be careful because my brothers
24 are preparing for war. They want to come here, and they are currently
25 training up youngsters to prepare for war, to invade Bogoro, the locality

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1 of Bogoro, here. So you must be prepared to leave."

2 Q. Who was there when number 2 said this to your parents?

3 A. There was nobody else. This person came along very discreetly to
4 talk to my parents, and this person did not want to be seen by anybody
5 else.

6 Q. Were you there at that meeting?

7 A. No, I wasn't. I went along the next day.

8 THE INTERPRETER: Correction from the Swahili booth: "I went
9 another day," not "the next day."

10 MR. LUVENGIKA: (Interpretation)

11 Q. And what did you do then when you received this message?

12 A. When I received this message -- in fact, my parents were scared,
13 and they had left. I said to myself, These are perhaps people who want
14 to take our possessions and there may not be any war.

15 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika, so that
16 we can understand things properly, would you be kind enough to ask the
17 witness to give details of what she actually means by -- when she
18 answered the previous question, when she said, "I went the next day."
19 This figures in the French transcript, on page 27, lines 17 and 18. The
20 witness replied in line 13:

21 "There was nobody else. This person came to talk discreetly to
22 my parents, and this person didn't want to be seen by anybody else at
23 that time."

24 You asked a question:

25 "Were you there at that time?"

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1 And the witness replied:

2 "No, I wasn't there. I went along. I went the next day."

3 What are we supposed to understand by this sentence? It's simply
4 so that before you proceed with your examination of the witness, we can
5 understand this sentence, and then you can, of course, pursue your
6 questioning. But there are several people, I think, who have not
7 understood what the witness meant.

8 MR. LUVENGIKA: (Interpretation)

9 Q. Madam Witness, are you all right? Is everything all right?

10 A. Yes, fine.

11 Q. I will -- going back to my questioning, going back to where we
12 were, the information which your parents had received. Number 3 went --
13 well, could you once again explain how number 2 went to your parents to
14 inform them, to give them the message, and then I will continue with
15 other questions after that.

16 A. Well, when number 2 went to my parents to talk to them discreetly
17 so that nobody else would know, would know that number 2 was there, I
18 went along another day to my parents, and my parents said to me, "My dear
19 child, we have learnt that war is afoot and that we will be attacked." I
20 said to my father, "Maybe these are people who want to steal our
21 property, and maybe there won't be any war. They simply want to
22 terrorise us so that we will leave and they will seize our property."
23 And on the basis of that reasoning, I did not leave.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
25 Madam Witness. You clarified to us what we didn't properly understand.

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1 So the following day you went to your parents. Things are clear. Thank
2 you very much.

3 Mr. Luvengika, you may continue.

4 MR. LUVENGIKA: (Interpretation)

5 Q. Could you please tell us why you personally did not think it
6 necessary to leave?

7 A. This is because we had a small business, and this was our
8 livelihood. We thought these were people who wanted to steal our
9 possessions, and since I had my small business, I didn't want to leave.

10 Q. Should we understand by this that in your family there are --
11 there were only your parents who left following on from these rumours?

12 A. No. My parents left, but other inhabitants left as well, those
13 who were scared.

14 Q. But in your family, only your parents left. Is that correct,
15 Madam Witness?

16 A. Yes. In my family it was only my parents who left, but I also
17 sent away some of my children, and I stayed behind with some of my
18 children and my husband.

19 Q. At that time, do you know why the Lendu wanted to attack Bogoro?

20 PRESIDING JUDGE COTTE: (* No interpretation)

21 MR. O'SHEA: Have we had the word "Lendu"? I'm willing to be
22 corrected if we have.

23 PRESIDING JUDGE COTTE: (Interpretation) It would seem up until
24 now the witness has only mentioned "our Lendu Ngiti brothers came to give
25 us information," it seems to me, and then at another point, "You, Hema,

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1 must be careful because our brothers are preparing for war," but as
2 Mr. O'Shea has said, there was no specific mention made as you have
3 referred to. Perhaps you should restate your question, although perhaps
4 by a domino effect, things are beginning to become clear, but we should
5 perhaps elucidate this.

6 MR. LUVENGIKA: (Interpretation)

7 Q. Witness, when number 2 came to warn your parents, and going back
8 to the terms which you used, you said the brothers of number 2. Who are
9 the brothers of number 2? How are you alluding to?

10 A. The brothers of number 2 are the Lendu. These were the people
11 who were preparing within our collectivity.

12 PRESIDING JUDGE COTTE: (Interpretation) You may continue,
13 Mr. Luvengika. This detail has been elucidated. You may continue your
14 question.

15 MR. LUVENGIKA: (Interpretation)

16 Q. And what collectivity are we talking about here?

17 A. We're talking about the inhabitants of the Walendu-Tatsi
18 collectivity in the village known as Zumbe.

19 Q. Why do you think that people wanted to come and steal your
20 property?

21 A. Because they used to do this. They created problems, troubles,
22 here and there. They would steal people's property and then go off.

23 Q. You said just now that you had moved your children out. How many
24 children did you move out?

25 A. At that time I had eight children, but I stayed with four of

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1 them, and I sent four away. And I stayed with four children, because in
2 total I had eight children.

3 Q. And where did you send them to? Which locality did you send them
4 to?

5 A. I sent them to a family member in the locality mentioned before
6 the letter B on the list.

7 Q. Madam Witness, let's change subject. You said that you knew the
8 Bogoro Institute. What was its purpose in 2003?

9 A. In 2003, the institute was used as a military camp.

10 Q. Do you know which soldiers occupied the institute at that time?

11 A. Initially, there were the PDF military, the Ugandans, therefore,
12 and afterwards there was the national army soldiers, and after that there
13 were the UPC military.

14 Q. Could you remember, to the best of your recollection, when the
15 UPC soldiers set up camp in Bogoro?

16 A. The UPC soldiers took over from the UPDF soldiers, that is to
17 say, the Ugandan soldiers. And the UPC soldiers were, therefore, there
18 at the beginning of 2003.

19 Q. Did you see them personally?

20 A. Yes, I saw them, because they were on guard, protecting the
21 population, and they also patrolled and carried out inspections to ensure
22 the safety of the members of the population.

23 Q. And what was the relationship like between these soldiers and the
24 local population?

25 A. When the members of the population heard rumours, they would

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1 report them to the soldiers, and the soldiers would go out on patrol.

2 Q. Do you know whether these UPC soldiers were also on good terms
3 with other communities living in Bogoro?

4 A. Yes. Yes. They had good dealings with those people.

5 Q. Once again, I would like to move on to another topic, Witness,
6 and now we will discuss the attack on Bogoro itself.

7 How were you warned about the attack, or how did you come to
8 realise that there was an attack on the village?

9 A. The Bogoro attack began at 5.00 in the morning. It was on a
10 Monday.

11 Q. How did it come to be that you were warned?

12 A. At that time we were asleep, and I heard some gunshots. I got
13 up. I went out, outside, and I heard gunfire coming from the camp where
14 the soldiers were positioned.

15 Q. Do you know where the shooting was coming from?

16 A. Initially the shooting was coming from the Bogoro Institute,
17 where the soldiers were.

18 Q. And where were you when you heard this gunfire?

19 A. I was at home. I heard the shooting when I was at home. I went
20 outside, and I heard the gunshots coming from the Bogoro Institute.

21 Q. Witness, I'd like to ask you for some more details. Now, were
22 you -- did you hear the gunshots while you were sleeping or once you were
23 outside, once you had left the house?

24 A. First I heard the gunshots as I was sleeping, and I was woken up
25 by the shooting.

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1 Q. And what did you do after you heard these gunshots?

2 A. When I heard the gunshots, I got up and I went out. Once I was
3 outside, I realised that the shooting was coming from the place where the
4 soldiers were.

5 Q. And then what did you do?

6 A. After that, I asked my husband to get up, and I told him that
7 there were -- there was gunfire, and I asked him to go towards the camp
8 where the soldiers were.

9 Q. So was it your husband who went to the camp, or was it the entire
10 family that went towards the camp?

11 A. When I woke up my husband, we went outside, and we took the path
12 that goes beside the camp. No one went into the camp because there were
13 many shots, and everyone went off in his or her own direction.

14 Q. So are we to understand that you did not actually go to the camp?
15 Is that correct?

16 A. Exactly. I didn't go to the camp. I was intending to go to the
17 camp, but there was no way of getting there and getting inside.

18 Q. Witness, now you said that initially there was some shooting
19 coming from the UPC camp. Was there later more shooting coming from
20 another direction?

21 A. Yes. As we were fleeing, we took a path, and once it was
22 daylight, we were able to see people, a great many people, who were at
23 the military camp, and they fled towards Mount Waka, and we, too, tried
24 to flee towards Mount Waka. But since I had a baby, I was carrying a
25 baby, I wasn't able to go towards Mount Waka. There were many people.

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1 There were short people who were *wearing tattered clothing. Others carried
2 machetes, and we
3 told them that, and we told them that they were -- they were actually
4 Lendu people who were coming into our village.

5 Q. Witness, let us go back a step. You were at home. You heard gunshots.
6 You went outside. You realised that the gunshots came from the UPC camp, from
7 that direction. You went back into the house. You woke up your husband, and
8 then -- and I'd like you to start up again from that particular point.

9 How did you organise your flight from the house? Let us go to the point
10 in time when you were home. How did you go about things?

11 A. While we were sleeping, I was woken up by shooting. I got up,
12 and I went out, and a few minutes later I went back into the house, and I
13 asked my husband to get up because there was -- there were gunshots. I
14 asked him to flee, and my husband got up. We both went out, and we
15 decided not to take the main road. We took the path.

16 Q. You said, "We all went out." When you say "we," who do you mean?

17 A. Myself, my husband, and our children.

18 Q. How many children?

19 A. Four children.

20 Q. Then what did you do?

21 A. Then we ran. My husband left with some of the children, and the
22 older ones went off in their way. I went off in my direction, in my way.

23 Q. From your home to the camp, when you said that you left, at what
24 point in time -- or from what position did each person go off in his or
25 her own direction?

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1 A. When we went out of the house, it was still dark out. It was
2 around 5.00 in the morning, just at daybreak. As we moved ahead, it
3 started to become lighter out, and we could clearly see the enemy, and
4 then that was when each person went off in his or her own direction.

5 Q. And how did you take this decision to go off in various
6 directions, or was a decision taken?

7 A. We left the house together, but before going into the camp, when
8 we realised that it was impossible to get into the camp, each person went
9 off in his own direction.

10 Q. Now, when you took various paths in relation to the camp, what
11 distance was that from the camp? What distance were you at when you
12 realised that it was impossible to actually reach the camp? How many
13 minutes' walk was it from the camp, or if you could give us an estimate
14 of the distance? How many metres were you from the camp?

15 A. We didn't have time to make a decision together. The camp was at
16 a -- somewhat of a distance away, but not a kilometre. Less than a
17 kilometre away from us. It was not very far away.

18 Q. And at that point, where did you go? What place did you go to at
19 that particular time?

20 A. As I was running -- you see, each person had headed off in his or
21 her own direction. My husband and the other children were running
22 quickly. (Expunged)
23 (Expunged)
24 (Expunged)
25 (Expunged), but

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1 I wasn't able to stay there. I ran to find a hiding place.

2 MR. LUVENGIKA: (Interpretation) Your Honour, with you leave, I
3 would like to ask if we could briefly go into private session, because we
4 will be ask for some explanations regarding this particular set of
5 circumstances which we just heard about.

6 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, if we
7 could briefly go into private session.

8 Mr. Luvengika, I think you realise that we have slightly more
9 than 12 minutes left.

10 (Private session at 3.46 p.m.)

11 (Expunged)

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- 20 (Closed session at 3.53 p.m.)
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1 (Expunged)

2 (Open session at 3.53 p.m.)

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

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

7 Mr. Luvengika, we have spent quite a bit of time so far with this
8 witness, and we have become acquainted with her -- acquainted with her,
9 and you, yourself, have been dealing with her, so to speak, for the first
10 time during the examination, and the Chamber certainly sees the approach
11 you were taking. We wish to remind you that this is a difficult
12 exercise, and insofar as is possible, it would be suitable if you could
13 avoid any questions that are excessively repetitive in relation to what
14 we've already heard from the previous witness.

15 Now, we are aware that it is important for you to bring out
16 certain details and to base your questioning on the witness's reality,
17 but please remember what I am saying so that we can make progress with
18 the necessary haste. So I think we all have to take -- or make an
19 assessment of that.

20 We will suspend now and then resume at 4.28 so that we can
21 actually resume at 4.30.

22 COURT USHER: All rise.

23 Recess taken at 3.55 p.m.

24 On resuming at 4.30 p.m.

25 (Closed session)

Witness: Witness DRC-V19-P-0002 (Closed Session)
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9 (Open session at 4.32 p.m.)

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

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

14 Witness, can you hear me clearly?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE COTTE: (Interpretation) We are going to
17 continue your testimony. Witness, we will be holding this hearing from
18 16.34 to 18.30. That is 6.30 p.m.

19 I give the floor to you again, Mr. Luvengika. We are in
20 open session for the time being. As far as possible, everything must be
21 done to stay in open session while we can.

22 MR. LUVENGIKA: (Interpretation) Thank you very much,
23 your Honour.

24 Q. Witness, we are still talking about the scene in which the groups
25 were pursuing you. You said earlier that there was a group of people

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1 chasing you, and there was another group to your left. Could you tell us
2 which of the two groups caught up with you? Is it the group that was
3 behind you or the group that was alongside you?

4 A. The people who caught up with me were the people who were behind
5 me. I did not see them.

6 Q. While you were running, did you hear them drawing closer to you?

7 A. While I was running, I was not alone. There was a group of us.

8 (Expunged)

9 (Expunged)

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22 Mr. Luvengika, I think that is what you're aiming find out. If
23 the witness can respond briefly, she may do so. If she does not feel
24 able to respond, she need not, and then we will move on very quickly to
25 another aspect of the questioning.

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1 MR. O'SHEA: Sorry, Mr. President. I may be wrong about this,
2 but my understanding (Expunged)
3 (Expunged)
4 (Expunged)
5 (Expunged)

6 PRESIDING JUDGE COTTE: (Interpretation) Yes. Thank you very
7 much, Mr. O'Shea. That is exactly the situation.

8 Mr. Luvengika, can we move on from this situation? Could you
9 wrap up very quickly and move on to something else.

10 MR. LUVENGIKA: (Interpretation)

11 Q. Witness, I know that this is difficult, but so that your
12 testimony is understood better -- I know that (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)

17 MR. LUVENGIKA: (Interpretation) Your Honour, I think that we
18 have adequately addressed this situation, which, as I said earlier, is
19 one which is a clearly identifying situation with regard to the facts --
20 the events experienced by the witness. With your leave, I would ask that
21 we go into private session just for a moment.

22 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
23 move into private session, please.

24 (Private session at 4.43 p.m.)
25 (Expunged)

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11 (Open session at 4.46 p.m.)

12 COURT OFFICER: (Interpretation) We are in open session,
13 your Honour.

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

16 Mr. Luvengika, you have the floor.

17 MR. LUVENGIKA: (Interpretation) Thank you very much,
18 your Honour.

19 Q. Witness, we are going to continue. Leaving this scene behind us,
20 moving on to another issue, how were you able to escape your pursuers?

21 A. When the enemies attacked me from behind, I was running. (Expunged)
22 (Expunged)

23 (Expunged). I kept

24 running, and I told myself this is not the day that I die. I was able to

25 run, and I was able to get away, even though these people were running

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1 faster than I was.

2 Q. After your escaping your pursuers, where did you go?

3 A. I hid in the bush, and these people continued to yell and shout
4 in their language.

5 Q. You have just told us that those people continued to shout. Who
6 are those people?

7 A. They were Lendu who had come to attack Bogoro.

8 Q. And when you said that they continued to shout in their language,
9 what distinction do you draw between Kilendu, the Lendu language, and
10 Gegere?

11 A. There is a difference between Kilendu and Kigegere. The first
12 difference relates to the pronunciation. The pronunciation between the
13 two languages is different.

14 Q. But the two communities can understand each other. Is that the
15 case, Witness?

16 A. Yes.

17 Q. While you were hiding in the bush, did you see other attackers?

18 A. From my hiding place, I heard them shouting in their language,
19 and they were continuing to chase other people. I heard a voice speaking
20 Swahili, and then at that point I came out of my hiding place.

21 Q. And what was that voice saying, the voice that you heard speaking
22 Swahili?

23 A. The voice speaking Kiswahili was saying, "I'm asking you to
24 continue to run, to flee to Bunia, because this camp is swallowed by
25 the -- is surrounded by the Lendu and the Ngiti. There is no other way

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1 out." That is what I heard, and at that point I came out of my hiding
2 place in the brush, and these people and I continued on our way together.

3 Q. Can you describe the route that you took in your flight?

4 A. When we left Waka hill, we headed off in the direction of
5 Kanyamusenyi, a small stream. We reached Nyakeru. We continued to
6 Bunia, and there we stopped at the place called Yambi-Yaya. That was our
7 final destination.

8 Q. And when you reached the Yambi-Yaya area, did you get any news of
9 your children?

10 A. I arrived in Yambi-Yaya alone. I found that there were other
11 people there, but I did not see my children. I looked, and I tried to
12 look at each group that was arriving to see if my children were there.
13 There is a group that arrived where I was able to identify my husband and
14 some of my children.

15 Q. When you said "as well as some of my children," were there some
16 of your children who were missing?

17 A. Of the four children, three arrived. The only one who stayed
18 behind (Expunged).

19 Q. And what did you do next?

20 A. When I saw them, I welcomed them, but I was crying and I told
21 them that I thought that they had died. I cried. We all sat down on the
22 ground, and I told my husband everything that had happened. I (Expunged)
23 (Expunged), and I explained the route that I had
24 taken to get to Bunia.

25 Q. And how did you survive in Bunia after the attack -- just after

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1 the attack?

2 A. We set off in search of members of our family in Bunia. We found
3 them, and we went to live with them in (Expunged) in Bunia. We
4 stayed with our family.

5 Q. How long did you stay in Bunia?

6 A. We didn't stay for very many days in Bunia. We stayed with our
7 family. We were receiving aid and food. There were a lot of people who
8 came to help us. The day in which the UPDF forces from Uganda went home,
9 we seized the opportunity to leave with them.

10 Q. Witness, can you tell us about your departure with the Ugandan
11 soldiers? More or less, how long after your arrival in Bunia did this
12 departure take place?

13 A. It was just after the fighting. I would say two months after the
14 fighting. I would say about two months after the fighting, the Ugandan
15 soldiers went back home, and we took that opportunity to leave with them.

16 Q. Could you tell us how you went to Uganda. Tell us the route that
17 you followed.

18 A. The Ugandan soldiers had vehicles, and they took women and
19 children in those vehicles. Men who were strong enough left on foot.
20 There was a large number of people, both civilians and soldiers. We took
21 the Dele road. We went through Bogoro. We arrived in Kasenyi.

22 Q. You say that you went through Bogoro. What did you see when you
23 arrived in Bogoro?

24 A. When we arrived in Bogoro, we, the population of Bogoro, began to
25 cry, because the town was destroyed. The houses were destroyed. They

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1 were burnt. The village had become a wasteland, and we were all crying.

2 Q. At that time were there people living in Bogoro?

3 A. Yes. We found a barrage that had been set up, and we found
4 inhabitants of two ethnic groups.

5 Q. Can you tell us which two ethnic groups they were?

6 A. They were Ngiti soldiers, and they were Lendu soldiers. They
7 lived there, and they were setting up roadblocks across the road. When
8 the UPDF soldiers arrived, they addressed them and told them to leave.

9 Q. Witness, we're now going to talk about when you went to Uganda.
10 On the list that I gave you, there is a place name. If you are to
11 mention that name, please make reference to what is listed next to that
12 name on the sheet.

13 Where did you live in Uganda, and what were the conditions there?

14 A. We went to Uganda at the place called C, letter C on the list,
15 and during this time we ate flour. We ate corn and beans.

16 Q. How long did you stay in Uganda?

17 A. We stayed in Uganda for a long time. I remember that I went back
18 to the Congo the day of the elections.

19 Q. When you were in Uganda, could you send your children to school?

20 A. Yes. My children went to school when we were in Uganda.

21 Q. In the refugee camp where you were living in Uganda, were there
22 any other inhabitants of Bogoro, without mentioning the names?

23 A. Yes. Yes, there were many.

24 Q. You said just now that you went back to the Congo at the time of
25 the elections. What elections are you referring to?

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1 A. The presidential elections in Congo.

2 Q. Madam Witness, should we understand by what you say that it was
3 after the elections that you went back to the Congo?

4 A. No. I didn't go back after the elections. I went back when
5 messages were circulated and the Congolese were asked to participate in
6 the elections in their country, and that was when I left Uganda to go
7 back home.

8 Q. Where did you go to live when you returned to your country?

9 A. When I returned from Uganda, I arrived in the town which is
10 called B on the list.

11 Q. Madam Witness, still referring to the list, could you explain to
12 the Court one point. Just now you said that you lived in the locality
13 called B. At the beginning of your statement, you said that you lived in
14 the place letter A. Now, the *voter's card which you have in your possession
15 indicates that you actually lived in the place letter B. Could you
16 explain this difference, please?

17 A. This difference exists because when we left Uganda, there were
18 far more people in place B, and there were a lot fewer people in place A.
19 So when we returned, we went directly to the -- what did we do before we
20 voted?

21 THE INTERPRETER: Interpreter's note: The witness is asking
22 herself this question.

23 THE WITNESS: (Interpretation) Can you remind me of what we did
24 before we obtained this card? Yes, there was enrollment, and it was at
25 this time that we left Uganda and we went to a bureau to be enrolled on

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1 the voters' list at B. And at the time of the vote, we asked people
2 where they had been enrolled on the voters' list, and this is why you
3 have seen the difference between the two places.

4 MR. LUVENGIKA: (Interpretation)

5 Q. Thank you very much, Madam Witness. Could I now talk about the
6 harm which you have suffered. Just a small detail first, please,
7 Madam Witness. You said that you returned at the time of voters
8 inscription on the electoral list. Can you remember which year this was,
9 please?

10 A. I think that must have been in 2005.

11 Q. If you don't remember, it doesn't matter. If you do remember
12 later on, then you can always tell us so that we can move forward.

13 I was saying just now that we would now move on to assessment of
14 the wrongs which you have suffered. All right?

15 In 2003, before the attack on Bogoro, you said just now that you
16 were running a restaurant. What other activities did you have?

17 A. Apart from the restaurant, we lived there because we had other
18 possessions which were there at that place.

19 Q. What other property did you have at that place in 2003?

20 A. In that place, I had 7 cows, 25 goats. As for the number of
21 chickens, I can't tell you. There were chicks, there were hens. And we
22 also had a straw hut. We didn't have a house *with a sheet-metal roof.

23 Q. Where were your animals the day you were attacked?

24 A. We had a shepherd who looked after these animals, and at the time
25 of the attack, this person ran off. And when the Lendu arrived, they

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1 took all the animals, and they went off with them.

2 Q. Where were the animals precisely on that day, the day of the
3 attack?

4 A. At the time of the attack, the animals were at Ngida in Bogoro.

5 MR. LUVENGIKA: (Interpretation) Your Honour, with your
6 permission, I would like to remain in public session for the witness to
7 write down on a piece of paper the name of the person who was looking
8 after their animals.

9 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could
10 you give the witness a piece of paper and something to write with.

11 Madam Witness, Mr. Luvengika is going to ask you his question,
12 and as you've heard, it concerns writing something down on a piece of
13 paper.

14 MR. LUVENGIKA: (Interpretation)

15 Q. Madam Witness, could you write down on the piece of paper the
16 name of the shepherd who was looking after your animals, please.

17 PRESIDING JUDGE COTTE: (Interpretation) We will put this
18 document on the overhead projector, but it's only for the courtroom's
19 eyes.

20 COURT OFFICER: (Interpretation) To see the document, you need
21 to press the button "Docu Cam Witness."

22 PRESIDING JUDGE COTTE: (Interpretation) Can everybody see on
23 the overhead projector what the witness has written? Mr. -- for Katanga,
24 for Mr. Ngudjolo Chui, can you see, the Defence teams? Good. Without
25 quoting this name, because we've had the witness write it down,

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1 Mr. Luvengika, would you like to continue.

2 MR. LUVENGIKA: (Interpretation) Thank you very much,
3 your Honour.

4 Q. Madam Witness, what was the purpose of these animals which you
5 kept?

6 A. When the number of animals increased, we would sell one, and by
7 selling some heads of animals, some animals, we were able to use the
8 money for schooling our children.

9 Q. You said that your house was destroyed. Could you describe this
10 house to us, please? What was it made of, and what was -- how was it
11 organised inside?

12 A. This house was made of wood, earth as well, and it had a straw
13 roof. Within the house we had a big table, four chairs, four armchairs,
14 and a small table, plates, pans, and other cooking utensils. And when we
15 left, we couldn't even take our clothes with us.

16 MR. LUVENGIKA: (Interpretation) Your Honour, I would like to
17 have a few words with my learned friend, because we have a question.

18 (Legal Representatives for Victims confer)

19 MR. LUVENGIKA: (Interpretation)

20 Q. Madam Witness, I want you to be very careful answering this next
21 question. This could contain certain identifying elements. If you have
22 any problems with answering this, do tell us and we will see how to
23 proceed.

24 (Expunged)

25 (Expunged)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged), and we weren't complaining at all.

19 Q. Madam Witness, over and above the animals which you had, the
20 house, and the restaurant, did you have any other property in Bogoro in
21 2003?

22 A. Yes. We had fields, fields which we tended.

23 Q. Can you tell me what you were growing in your fields at the time
24 of the attack?

25 A. We would grow manioc and potatoes, but to make a lot of money

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1 quickly, we would also grow tomatoes and onions.

2 Q. Do you remember how big these fields were? Were they the size of
3 this courtroom, twice as big? What would you say was the size of the
4 fields?

5 A. We used to work in a group on land which was 50 square metres.

6 Q. Would you please be more precise. When you say that you worked
7 as a group, does that mean that the field which you have just described
8 belonged to several people?

9 A. No. This field only belonged to one single person.

10 Q. And what did this work as a group entail? I'm asking this so
11 that the Bench and my honourable friends can understand how you
12 functioned within your community.

13 A. We would work as a group so that we would be well considered.

14 Q. If I understand you right, the groups got together in order to
15 work on the fields of one person. Is that correct, madam?

16 A. Yes, indeed.

17 Q. Madam Witness, I would now like to move on to the psychological
18 harm which you suffered and your life as it is today. I don't want to
19 re-awaken the pain which you went through, but for the better
20 understanding of your story, I would nevertheless like to go back to some
21 of the things which you have said.

22 Generally speaking, what has been the impact of the attack on
23 Bogoro on your life? What has it changed in your life?

24 A. The attacks there have really upset me. I have been sick
25 physically, and all of this has changed my life. At the time, we had a

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1 nice life. We had a lot of things. Today we have nothing.

2 Q. Was your -- is your life easier now or more difficult?

3 A. The life I'm leading now is more difficult, if you want to make a
4 comparison to the life that I had before.

5 Q. You spoke about illness, physical illness. Exactly what are you
6 referring to?

7 A. At that time I was ill, and when I think about these things a
8 lot, I suffer from a form of epilepsy, so to speak. But over the years,
9 things have improved.

10 THE INTERPRETER: The Swahili booth adds that from time to time
11 the witness would also suffer from sudden frights, that she would startle
12 from time to time.

13 MR. LUVENGIKA: (Interpretation)

14 Q. Ma'am, we are coming to the end of our -- of my examination. Do
15 you know who is responsible for the attack on Bogoro?

16 A. Yes, I know those people. I know their names.

17 Q. When you say, "Yes," do you know them because you saw them or
18 because you heard about them?

19 A. With regard to number 2, I heard when that person went -- came to
20 our house. So that is how I learned about these things.

21 Q. According to your knowledge, who is or who are the people
22 responsible for the attack on Bogoro?

23 A. The people responsible for the attack on Bogoro are two people,
24 Mathieu Ngudjolo Chui and Germain Katanga. They are the ones who are
25 responsible for the attack that occurred in Bogoro.

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1 Q. Do you know that because person number 2 on the list told you
2 that in the past, or do you know that, or did you hear that from other
3 sources?

4 A. First of all, I learned this thanks to person number 2 on the
5 list, and I also know it because the women who would come to the market
6 gave us information. There was a group of women who would come from
7 Beni, and they would tell us that Germain Katanga gave training to these
8 soldiers, whereas the women who came from the north would also tell us
9 that Mathieu Ngudjolo took part in training with people from his area in
10 Zombe.

11 Q. Witness, what do you expect from this Court?

12 A. I would like the legal authorities to help me. It is necessary
13 for the guilty parties to plead guilty, and they must be found guilty.

14 Q. Witness, I would like to ask you one last question. How did it
15 come to be that you gained victim status? Who told you about this
16 opportunity to take part in these proceedings as a victim?

17 Do not give any names, Madam Witness, but could you explain to
18 us -- could you explain the process that you followed to gain victim
19 status and thus take part in these proceedings before the International
20 Criminal Court?

21 A. One day when I was at home, someone came looking for victims.
22 This person came to my house, and the person asked me my name, and I gave
23 that person my name, and so that is how it came to be that I was put on
24 the list of victims.

25 Q. This individual, did he or she work for an organisation or an

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1 association or a not-for-profit organisation? Although do not give the
2 name of the NGO if that was the case.

3 A. This person did not work for an NGO. However, the person did
4 work somewhere in an office.

5 Q. Witness, I would like to ask you my very final question. Are you
6 afraid for your safety? Could you tell us what the current situation is
7 in your community?

8 A. At the present time, I am afraid because there is not enough
9 safety. Above all, for someone like me who has come here.

10 Q. Do you mean that the fact that you have come here to give
11 testimony has placed you in a dangerous situation?

12 A. Yes.

13 Q. Could you provide us with further explanations, more information
14 to the Judges about this dangerous or unsafe situation?

15 A. There are many of us, us victims, and only some of the victims
16 can come here, so it might be frowned upon. And if people learn that I
17 have come here to give testimony, they will not be happy about that.

18 Q. Thank you very much, Witness, for answering my questions.

19 MR. LUVENGIKA: (Interpretation) Your Honours, I have concluded
20 my examination-in-chief as Legal Representative.

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

23 Do the representatives of the Office of the Prosecution have any
24 questions for this witness?

25 MS. VARGA: Mr. President, could I have one moment to confer with

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1 my colleagues first? Thank you.

2 PRESIDING JUDGE COTTE: (Interpretation) Please consult the
3 members of your team.

4 (Prosecution counsel confer)

5 (Trial Chamber confers)

6 PRESIDING JUDGE COTTE: (Interpretation) Please proceed.

7 MS. VARGA: Mr. President, we have no further questions at this
8 stage for the witness. Thank you.

9 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, have you --
10 are you ready to begin cross-examination?

11 Mr. Gilissen?

12 MR. GILISSEN: (Interpretation) With your leave, your Honour, I
13 want to raise one issue having to do with my status as
14 Legal Representative, and I wish to reassure the Court that I will not
15 ask for leave to ask the question, but earlier, when you summarised the
16 situation -- now, I'm not speaking as a -- personally I'm speaking more
17 in my capacity as Legal Representative for the purposes of clarity, and I
18 do have an idea of what answer I might receive from you, your Honour.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
20 Mr. Gilissen.

21 Mr. O'Shea.

22 MR. O'SHEA: (* Previous translation continues) ... lost here.
23 I'm afraid I didn't understand that question. If I didn't understand it,
24 I can't react to it. I may have no reaction, but I didn't understand it,
25 with all due respect to my learned friend.

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1 PRESIDING JUDGE COTTE: (Interpretation) Apparently, Mr. O'Shea,
2 the Legal Representative of the child soldiers group is wondering about
3 the role that he might play when another Legal Representative calls
4 victims he represents as victims. Should he address the Court in the
5 course of the hearing and ask questions? This is the identity crisis
6 that Mr. Gilissen is telling us about. He has realised that it is not
7 a -- it is more -- it's not really about him, himself, but it is more a
8 question about the manner in which we organise the proceedings.

9 Do you believe that Mr. Gilissen should have an opportunity to
10 ask questions? Apparently he does not wish to ask questions at this time
11 of the witness. Or is this a point -- well, not without interest to the
12 Defence, but is not an obstacle or a hindrance to the Defence.

13 MR. O'SHEA: Well, all I can say at this juncture is that, on the
14 basis of the information which was provided to the Defence through the
15 application and statements of this witness, the types of questions that
16 one would normally anticipate from my learned friend ought not to arise
17 at this stage because the Defence doesn't have any notice that this
18 witness is going to deal with that -- with that matter. It may very well
19 be that Mr. Gilissen has other questions in mind which relate to matters
20 which we do have notice of. But certainly insofar as his specific
21 mandate, that of child soldiers, we don't actually have any notice that
22 this witness was going to say anything -- anything relating to that. So
23 from that perspective, my submission would be -- would be no. But
24 obviously I recognise that the Chamber always has a discretion, and if
25 Mr. Gilissen had questions relating to matters of which the Defence did

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1 have notice, then I could imagine that there would be situations where
2 that discretion should -- could be exercised in his favour.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
4 Mr. O'Shea.

5 Mr. Kilenda, would you like to make your views known?

6 MR. KILENDA: (Interpretation) Thank you, your Honours.

7 The Defence of Mr. Ngudjolo does not have any particular
8 difficulty with Mr. Gilissen addressing the Court, given that everything
9 that is said and done here is related to the interests that we are
10 defending. Of course, we rely upon your wisdom, the wisdom of the Bench.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Gilissen, we have
12 here a Legal Representative who is authorised to call victims, and this
13 is a special situation that is dealt with within the basic texts of the
14 institution and also within the jurisprudence of the Appeals Chamber.

15 In the view of the Chamber, when a Legal Representative asks for
16 leave to call certain victims whom he represents as witnesses, he, as the
17 Legal Representative, has a monopoly, so to speak, on the
18 examination-in-chief, as was just the case, except for other items that
19 may not have been touched upon. The Chamber or the Office of the
20 Prosecutor may wish to raise issues to bring out a particular detail.
21 And, of course, this is all in light of possible cross-examination from
22 the Defence teams.

23 So all this to say we did not provide for Mr. Gilissen -- or,
24 rather, the Legal Representative of the child soldiers group, and this is
25 a very restricted field of activity, we did not provide for that person

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1 to address the Court. This moment is for the clients of Mr. Luvengika,
2 and this is his time to ensure full fulsome representation of the victims
3 he represents, so that is the current situation.

4 The Chamber has never wished to abide strictly or blindly by
5 rules unless bound to do so. You may ask a few questions if you wish,
6 but this is not absolutely necessary, because Mr. Luvengika and -- has
7 definitely examined the entire field.

8 Now, there is the matter of reparations. This comes not as a
9 surprise to the Defence, because a number of matters were reiterated
10 today, and if we set aside any decision that may be taken by the -- any
11 decision that the Court may take, the witness is here.

12 MR. GILISSEN: (Interpretation) Thank you very much,
13 your Honour, and in the interests of clarity and what interests me,
14 actually, and this is set out at paragraph 31 of your ruling of November
15 past, and this has to do with the system set up by the Court.

16 Now, at first glance this is not exactly the procedure we are
17 following today, but in any event, this is more of a theoretical issue
18 today, and perhaps in the case of the second witness, I will be asking
19 questions. I wanted to be very clear about this. I'm not trying to set
20 a trap or engage in semantics. I did wish to raise the matter so that
21 the Chamber could reflect before the second witness appears.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
23 and thank you for reminding us of the ruling of November last -- November
24 2009.

25 Now, there was mention made of a filing. Would you like this

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1 filing to be placed on the record of the court?

2 MR. LUVENGIKA: (Interpretation) No, your Honour.

3 PRESIDING JUDGE COTTE: (Interpretation) Very well.

4 Mr. O'Shea.

5 MR. O'SHEA: That brings me two points, one for each person who's
6 spoken.

7 With regard to Mr. Gilissen's flag that he's just raised as to
8 the next witness, it's appropriate for me to give him sufficient notice
9 of our view, which is this: Your Honours will remember that the regime
10 that was put in place in relation to questions to Prosecution witnesses
11 was that if questions were anticipated, then a written application should
12 be made to your Honours. That written application was copied to the
13 Prosecution, not *a priori* to the Defence, but your Honours would have a
14 discretion to notify the Defence. That's, as I remember, the regime.
15 And it is with regard to unanticipated questions that the
16 Legal Representatives could add questions during the proceedings --
17 sorry.

18 PRESIDING JUDGE COTTE: (Interpretation) I beg your pardon. We
19 are trying out a new transcript system, and we're still breaking in this
20 new system, and so the French transcript doesn't come up immediately on
21 the screen.

22 Could you repeat the first point that you were discussing, if you
23 don't mind.

24 MR. O'SHEA: My first point is this in relation to Mr. Gilissen's
25 intervention: Mr. Gilissen has flagged up the possibility of him asking

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1 questions of the next witness, and I'm obviously appreciative of the fact
2 that we don't want to clutter this witness's testimony with debates about
3 the next witness. However, there is a question of timing that makes it
4 appropriate for me to respond to what's just been said.

5 My recollection of the regime which was in place with regard to
6 Prosecution witnesses, and I'm always open to correction, was that where
7 questions were anticipated on the part of Legal Representatives, those
8 Legal Representatives would make a written application to the Chamber so
9 that the Chamber could have advance notice and could consider in advance
10 those questions, if any.

11 With regard to copying those -- that written application, my
12 recollection is that the written application was copied to the
13 Prosecution but not necessarily to the Defence. That would be a matter
14 of discretion for the Chamber. That deals with anticipated questions.

15 Then comes the -- the area of unanticipated questions, and there,
16 if my recollection is correct, and I haven't looked at these documents
17 for at least -- or this particular paragraph for at least two months, my
18 recollection of the unanticipated questions is that with regard to those,
19 if questions arose in the minds of the Legal Representatives during the
20 course of the proceedings or during the course of the evidence of a
21 witness, then the -- then the Legal Representative could ask those
22 questions under the control of the Chamber and, of course, interventions
23 from the parties.

24 So in my submission, given that the two Legal Representatives
25 have independent legal interests from each other and given the necessity

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1 of preserving the fairness of the trial, I would suggest that the same
2 procedure ought to apply in this case with regard to Mr. Gilissen. If he
3 has questions that he anticipates now, he should, in my submission,
4 forward those questions to the Chamber for advance consideration.

5 And would I add that in these circumstances, given that
6 essentially the Prosecution and the Defence are in a way on an equal
7 footing with regard to these witnesses, save, of course, when the
8 witnesses are incriminating the Defence, in these circumstances I would
9 suggest and submit that such written application be copied not only to
10 the Prosecution but also to the Defence, with regard to the anticipated
11 questions.

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

13 Now, it was said that this first hearing would not go by without
14 a discussion of procedure, and I think you are an avid reader of rulings
15 by the Chamber.

16 I was slightly lost a few moments ago when mention was made of a
17 ruling issued in November of 2009, because I believe this is 160 -- 1665,
18 dated 1 December 2009, and my mind has a great deal of information
19 with -- within it and I try to be organised, but I did want to make sure
20 of this.

21 In this particular case, Mr. Gilissen, you have not been taken
22 unaware. Mr. Luvengika disclosed well in advance the first and the
23 second statement, the supplementary statement, of the witness who is
24 before us today, and if you thought that you wanted to ask questions that
25 would have been closer to your bailiwick, namely, child soldiers, well,

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1 you would have had to inform the Chamber of that desire in writing,
2 because this would have been expected.

3 On the other hand, the Chamber does have this opportunity, if
4 proceedings lead to completely unexpected questions, the Chamber may, and
5 the Chamber has in the case of nearly every witness from the Prosecution,
6 allowed the Legal Representatives to ask questions which were not thought
7 of in advance.

8 In this particular case, considering your particular field of
9 endeavour or your responsibility, child soldiers, it would be suitable to
10 make -- give written notice to the Chamber before the hearing of any
11 possible questions that you might have wanted to ask. And so, once
12 again, we have this ruling of the 1st of December in mind, and we are
13 familiar with the provisions thereof, and thus we must make reference to
14 this ruling.

15 The two statements from this witness did not deal with your area,
16 and none of the questions asked by Mr. Luvengika led to any necessity for
17 a question about the whole issue of child soldiers, and so we will leave
18 it there with regard to this witness, and Mr. O'Shea will begin his
19 cross-examination of this witness.

20 Mr. O'Shea.

21 MR. O'SHEA: May I have the lectern? Oh, there's one here.

22 PRESIDING JUDGE COTTE: (Interpretation) Court -- oh, I see we
23 have one. Thank you.

24 QUESTIONED BY MR. O'SHEA:

25 Q. Good evening, madam. My name is Andreas O'Shea.

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1 A. Good evening.

2 Q. Thank you. My name is Andreas O'Shea, and I represent
3 Mr. Katanga in these proceedings. Before I commence my questions, let me
4 say at the outset, on behalf of myself and Mr. Katanga, that we
5 understand and we are deeply sorry for the suffering that you underwent
6 and for the loss of your child.

7 A. Thank you.

8 Q. I will just, to begin with, if I may, recap on what interviews
9 you have had to tell your story before today.

10 Now, is it right that on the 6th of May of 2008, you, with
11 assistance, filled in an application form for participation in these
12 proceedings?

13 A. Yes, that is correct.

14 PRESIDING JUDGE COTTE: (Interpretation) Yes, go ahead.

15 MS. DENIS: (Interpretation) I apologise, your Honour, for
16 interrupting my learned friend at the beginning of his
17 cross-examinations, but because we're talking about the Court's working
18 methods and approach with regard to victims, I remember that with regard
19 to the decision of the 1st of December, paragraph 32 of that ruling
20 specifies that both the Prosecution and the Defence are to proceed with
21 neutral questioning, and so I was wondering about what direction we are
22 heading in if my learned friend intends to conduct a thorough
23 cross-examination from A to Z. You, in your ruling, your Honour,
24 referred to a case-by-case decision. Thank you.

25 PRESIDING JUDGE COTTE: (Interpretation) Yes. Thank you for

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1 recalling that important point at this point of the proceedings. You
2 have recalled the exact provisions of that ruling of the 1st of December,
3 2009. That permits me to read paragraph 31 in passing, which I had
4 forgotten. Paragraph 32 that you have just mentioned also.

5 The Prosecution will then have the possibility of questioning the
6 victim. The Prosecution then abstains in this case, followed by the
7 Defence of Mr. Katanga and the Defence of Mr. Ngudjolo. In principle,
8 the questioning of the witness must proceed in a neutral manner.
9 However, the Chamber may decide on a case-by-case basis to authorise the
10 Prosecution or the Defence to proceed with a cross-examination as defined
11 below. And below, there is a reference to paragraph (iv), (iv)(b), for
12 "Bernard," (iii) of this same ruling, and that appears on page 28 in the
13 French version.

14 So apparently, Mr. O'Shea, you wish to proceed with the
15 appropriate tact and exactitude with a true cross-examination. Is that
16 the case?

17 MR. O'SHEA: Yes. Well, the question that I've asked so far are,
18 of course, neutral, because they're not in dispute, but, yes, the answer
19 to that question is yes. I was going to, at the appropriate time, seek
20 leave, but I suppose it's just as well that my friend raises it and I
21 seek leave now. If this witness had -- in response to the question "Who
22 in your opinion was responsible for the attack," if this witness had not
23 used the words "Germain Katanga," then I may have had no questions at
24 all, let alone a cross-examination. But, unfortunately, in the
25 circumstances, having mentioned the name and in the context in which she

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1 mentioned the name, that is to say, prior to the attack on Bogoro, I'm
2 duty-bound to request leave to cross-examine the witness, because in a
3 sense, she's placed herself over and above the interests of a victim
4 into -- into the arena of witnesses that are analogous to those of
5 Prosecution witnesses.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.
7 It was important for Ms. Denis to get that clarification, because it
8 enables Mr. Luvengika's team to understand exactly what to expect.

9 Mr. Luvengika, and Ms. Denis assisting, know therefore that you
10 are going to be proceeding, once again with the appropriate level of
11 tact, with a cross-examination of this witness, because we are in the
12 presence of a witness, so you may go ahead with your cross-examination.
13 The same thing applies with the team of Mr. Ngudjolo. Shall we solve
14 this issue here now?

15 MR. KILENDA: (Interpretation) Yes, we will proceed in the same
16 manner. Thank you, your Honour.

17 PRESIDING JUDGE COTTE: (Interpretation) All right. But please
18 do not lose sight of the schedule that we're trying to keep to.

19 Mr. O'Shea, you have the floor for the beginning of a
20 cross-examination. We have about 16, 17 minutes remaining.

21 I give you the floor, Mr. O'Shea. We are finishing at 6.30 this
22 afternoon. You have the floor.

23 MR. O'SHEA: Thank you very much, your Honours.

24 Q. Now, could you please tell the Court with regard to this victim's
25 application that you made, when you made it, how many people were present

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1 during your interview where you made this application to participate in
2 these proceedings?

3 A. What interview are you referring to? In which year, please? I
4 haven't fully understood the question. I don't understand what year
5 you're talking about in which I filled out a form.

6 Q. I -- I completely appreciate your position, Madam Witness,
7 because, of course, since my last question there have been a lot of
8 people popping up and talking, and we've kind of lost the thread. So I
9 will remind you that I asked you the question whether you had made an
10 application to participate in these proceedings with assistance, and that
11 application was made on the 6th of May of 2008, and you confirmed that
12 you did make such an application. So my question relates to that
13 application.

14 Basically, you -- there was a form that had to be filled in, and
15 someone assisted you to fill in that form. So you would have had a
16 meeting with one or more individuals where this application form to
17 participate in these proceedings, an application filled in in 2008, would
18 have been filled. So it would have been essentially your first
19 opportunity to tell your story to this court through an application form.
20 And my question is, on that occasion, how many people were present when
21 this form was being filled in?

22 A. There was one person only at that first encounter.

23 Q. And in which language did that person speak to you?

24 A. That person interviewed me in Swahili.

25 Q. And was that person proficient in the Swahili language?

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1 A. Yes. That person spoke fluent Swahili.

2 Q. And after the application form was filled in, did the person read
3 back to you its contents in the Swahili language?

4 A. No.

5 Q. Did that person explain to you what he was writing down or she
6 was writing down?

7 A. That person explained that she had come to look for victims.

8 Q. And that person asked you to explain what happened on the
9 24th of February, 2003?

10 A. Yes. I explained to that person what had happened.

11 Q. And when the application form was filled, did that person ask you
12 to sign the form?

13 A. Yes. I signed that document.

14 Q. Did you sign that document not knowing its contents?

15 A. I signed that document, because when that person asked me
16 questions, I understood that from that point in time onwards, I was one
17 of the victims.

18 Q. And were you given a copy of the application form which was
19 filled and signed?

20 A. That person had forms filled in with regard to other people,
21 other individuals, in their possession.

22 Q. But my question is this: In relating to your application form,
23 after the person had filled it in and you had signed it, did they, at
24 that time or afterwards, provide you with a copy?

25 A. No. I did not receive a copy.

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1 Q. Since the time that you had that meeting, and you signed the
2 application form, have you ever seen that application form again?

3 A. No.

4 Q. After that meeting, you then had another meeting much later -- or
5 shall I say two meetings, and those two meetings were on the
6 10th of September, 2010, and the 11th of September, 2010. So towards the
7 end of last year. And at that meeting you told your story in more
8 detail, a statement was taken, and you signed it. Do you remember that?
9 Do you remember that process?

10 A. Yes, I remember that.

11 Q. And when you had those two meetings back in September, how many
12 people were present on that occasion?

13 A. Are you talking about the people who were running the meeting?

14 Q. How many people were there with you, whatever their function?

15 A. I was not alone at that meeting. There were other victims.

16 Q. Are you all right, madam? Do you need a rest?

17 A. I am tired.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, in any
19 event, we are reaching the end of the day's hearing, so I think perhaps
20 you should resume your cross-examination tomorrow morning at a time when
21 indeed the witness will probably be less tired, because the first
22 four hours must be quite wearing.

23 Witness, we are going to finish for the afternoon. We are
24 virtually at the end of the hearing. We will go into closed session so
25 that you can leave the Chamber discreetly. We will see you again

1 tomorrow morning at 9.00 a.m.

2 (Closed session at 6.25 p.m.)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged). *(Open session)

14 PRESIDING JUDGE COTTE: (Interpretation) We are in

15 closed session. Mr. Luvengika, would you like the list to be given an

16 EVD number? I don't think there will be any objections. We have worked

17 on the basis of a list to which the Court Officer is going to give an

18 EVD number, and don't forget that we have added a third name to that

19 list.

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

21 Presiding Judge.

22 This document will be EVD-V19-00002.

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

24 Let us go back into open session.

25 Court Officer, could you reclassify the intervention concerning

1 that EVD number attribution, because that should be stated in public
2 session.

3 (Open session at 6.26 p.m.)

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

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

7 Before we leave, given that Mr. Gilissen will not be with us
8 tomorrow morning and as it is important that things should be clear, I
9 would recall paragraph 31 of decision 1665 of the 1st of December, 2009,
10 which is a decision on Rule 140. It is in -- in paragraph 31 the
11 following is stated:

12 "After taking the required solemn undertaking the victim called
13 as a witness will be questioned by her Legal Representative in
14 examination-in-chief. The Representative of the victim who is testifying
15 can also authorise the other Legal Representative to ask questions."

16 Let us be clear and frank. That is a provision that I had
17 forgotten when we were discussing all of this earlier. However, I think
18 that it would be wise also to comply with the other provision of this
19 ruling according to which it is appropriate to submit to the Chamber the
20 questions that are to be asked. And also in that case, the questioning
21 of the other Legal Representative would be authorised to make sure there
22 is no overlap between your questions.

23 MR. GILISSEN: (Interpretation) If I may, your Honour. I feel
24 much more at ease now than I did earlier. I think that we've all
25 understood. I would agree with Mr. O'Shea with regard to procedure. It

1 was a purely procedural question. I believe that everyone has understood
2 that, and I thank you.

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

4 Prosecution, you have the floor.

5 MR. GARCIA: (Interpretation) Thank you very much. Very
6 quickly, your Honour. I'm concerned about a document which bears a name.
7 I know that Mr. Luvengika has not agreed for it to be admitted into
8 evidence but I don't know if that name was read out in the file, because
9 I would like it to appear in one form or another. The record does need
10 to be exact.

11 PRESIDING JUDGE COTTE: (Interpretation) Well, given that we
12 have put this list into -- onto the record with an EVD number, it would
13 be useful for that name - I think he was a shepherd or a herdsman - to be
14 on the record.

15 Court Officer, you will give us an EVD number for that tomorrow.

16 The Chamber would like to thank everybody, those of you up above,
17 those of you here in the Chamber with us, for our respective work. We
18 did have a need for a quick taking of stock. So has everybody followed
19 the debate? Defendants, have you followed debates adequately, because it
20 is your trial. Thank you very much.

21 The hearing is adjourned.

22 The hearing ends at 6.30 p.m.

23 CORRECTIONS REPORT

24 The Court Interpretation and Translation Section has made the following corrections
25 in the transcript:

1 *Page 51 line 14

2 "...the map which you have in your possession..." is corrected by "...the voter's card
3 which you have in your possession..."

4 *Page 52 line 22

5 "We didn't have a house made of brick." Is corrected by "We didn't have a house
6 with a sheet-metal roof.

7 *Page 34 line 1

8 "There were short people who were -- some of them carried machetes,..." is
9 corrected by "There were short people who were wearing tattered clothing.
10 Others carried machetes,..."

11 RECLASSIFICATION REPORT

12 Pursuant to Trial Chamber II's oral instruction dated 21st of February 2011, the
13 excerpt of the transcript page 74 line 14 to page 75 line 2 is reclassified from
14 closed session to open session.

15 INFORMATION REPORT

16 Pursuant to Trial Chamber II's email instruction, dated 29 September 2011,
17 additional redactions have been implemented into the transcript.