

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing
9 Thursday, 6 October 2011
10 The hearing starts at 9.13 a.m.
11 (Open session)
12 (The witness takes the stand)
13 COURT USHER: All rise. The International Criminal Court is now
14 in session.
15 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
16 Good morning to everybody. Good morning, Mr. Katanga. Good
17 morning, Mr. Ngudjolo.
18 Mr. Hooper, we will be resuming work where we left off yesterday.
19 You may proceed.
20 MR. HOOPER: Yes. Thank you very much, Mr. President.
21 WITNESS: WITNESS DRC-D02-P-0300 (Resumed)
22 (Witness answered through interpreter)
23 Questioned by Mr. Hooper: (Continued)
24 Q. Good morning, Mr. Katanga. We were talking yesterday of the
25 earlier attack in which you'd participated, and I just want to ask you,

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1 if I may, a few questions relating to that. The first matter is this:
2 Well, I say the first attack. Generally in respect of Bogoro, prior to
3 the attack of the 24th of February, what intelligence or information did
4 you have, to your knowledge, as to the presence of civilians living or
5 remaining in Bogoro?

6 A. Good morning, Mr. President. Good morning, your Honours. Good
7 morning, Mr. Hooper.

8 With regard to information about the civilian population, I would
9 say that it was impossible to know what was at Bogoro. So this attack of
10 the 10th of February, we didn't observe a civilian presence, because we
11 were pushed back without gaining control of the town.

12 Q. Now, in that attack, the earlier attack, you've told us that you,
13 and obviously people from -- people from Aveba participated. As best as
14 you can recall, who else participated? What groups participated? You
15 mentioned Blaise Koka. Who -- who else was there?

16 A. The rest were, for the most part, people from Kagaba.

17 Q. Now, you spoke of losses and of bodies of people who were killed
18 and whose bodies were not gathered up by you in going back to Aveba at
19 the time. Do you -- do you know if at any time later after the other
20 attack later that month, do you know if at any -- do you know what
21 happened to those -- to those bodies?

22 A. According to the information we received, the bodies of the
23 people who came from Gety on the 10th of February were abandoned, just
24 left there, and they decayed where they were. The bones of those people
25 just stayed where they fell, and they decomposed where they were.

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1 Q. Now, I want to ask you about PUSIC, P-U-S-I-C, and the FIPI
2 discussions, F-I-P-I, that we heard about in the case, that were taking
3 place in Kampala. When did you first become aware that there'd been
4 those discussions?

5 A. The name FIPI, even in the Congo I really didn't have that name
6 in mind. I didn't know it. It's here that I began to read a few
7 documents about FIPI in the file. But in Ituri when I signed the
8 cease-fire on the 22nd of March, 2003, I didn't see the name of FIPI.
9 What I saw, rather, was the name PUSIC.

10 Q. And when was the first time that you came across name PUSIC?

11 A. I saw it on the list of signatories of the cease-fire on the 22nd
12 of March, 2003, the day when I was made to sign.

13 Q. Now, let's come to the attack of the 24th of February. Following
14 the attack of the 10th of -- 10th of February, you told us that Adirodu
15 had arrived. There'd been a confrontation with Kisoro, that he had set
16 up in Kaswara or so you believed, and that there'd been orders to Blaise
17 Koka to press ahead with an attack on -- on Bogoro.

18 This plan, the details, as it were, to attack Bogoro, do you know
19 how that was discussed?

20 A. The details of how we could attack Bogoro arrived on a sheet of
21 paper. The outline, the very programme for the attack on Bogoro was on
22 paper. The concrete details of that had to be worked out in Kagaba, in
23 other words, figuring out how many people would go, what kind of weapons
24 they would take into the battle, what quantity of ammunition, how many
25 health personnel would be allocated for the operation. All of that would

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1 be prepared in Kagaba.

2 Q. What, if any, role was played by the wise men at Aveba,
3 that is.

4 A. The wisemen, as usual, preached to us; they gave us instructions to follow;
5 such as that we should not rape, or touch the women.

6 Because, first of all, you are deprived of your own wife.

7 On the eve of each operation, you are told,

8 "You will not spend the night with your own wife, not even in your
9 home." So you go to a specific place where you will spend even two or

10 three days beforehand to purify yourself. So in this case, these are

11 modes of conduct that we are taught. You must abstain from your wives,

12 you must not steal, you must not do this, you must not do that. All of

13 these things are within the context of the Ten Commandments of

14 Moses. We were following the Bible, the commandments. You must not

15 kill, you must not do that. But the thing is, we're going to war. We're

16 going to kill the enemy.

17 Q. As far as Aveba itself was concerned, what, if any, combatants or
18 troops left to participate in that attack?

19 A. The group that left Aveba was only Garimbaya's team. It was

20 Garimbaya's team that left Aveba and joined Blaise Koka in order to

21 transport ammunition, because a part of the ammunition was to be

22 transported on the head, and then others would try and carry ammunition

23 one way or another by motorbike.

24 Q. When -- when did he leave Aveba and with how many men? Do you

25 know?

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1 A. Garimbaya left Aveba with about 50 men, more than 50 men.

2 Q. And when did he leave in relation to that attack?

3 A. People began to leave Aveba from the 20th, the 21st onwards. So

4 if I'm not mistaken, Blaise Koka left Aveba on the 20th, the 20th of

5 February, and Garimbaya followed with the troops on the 21st.

6 Q. As far as you know, who organised the details of the attack?

7 A. The commander of operations was Blaise Koka. When you talk about

8 the detail of the attack, it was in the hands of Blaise Koka.

9 Q. Do you know what kind of weapons were to be employed in the
10 attack?

11 A. What I didn't tell you yesterday is that on the 10th of February,

12 the support weapons that we had didn't function, didn't work. They had

13 not been properly oiled or cleaned, and that is also what led to the

14 disaster. So at that time, the 20th, 21st, people had to go to Kagaba.

15 They had to be able to maintain all of the weapons that were to be used

16 in Bogoro before the battle so -- in good time. So that is why people

17 left ahead of time to settle -- to establish themselves at Kagaba, to

18 maintain the weapons and to prepare the ceremonies. That's why.

19 Q. Now, you say ceremonies. What ceremonies would those be?

20 A. So that the -- in order for combatants to participate in any

21 given attack, they need to go through a traditional ceremony of our

22 community under Kasaki's supervision.

23 Q. What view, if any, did Kasaki have, or Kayabanga, in respect --

24 or Kakado, sorry. What view, if any, did Kasaki or Kakado have to the

25 second attack?

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1 A. First of all, for those of us who were at Aveba who had lost a
2 lot of men and abandoned their bodies in Bogoro, it was very difficult
3 for us to go back and fight in Bogoro given that the bodies of our
4 brothers had not yet been buried. So that was the first thing.

5 The second thing was that the time period that Kasaki had asked
6 for, because we didn't have the means to go and recover the bodies,
7 Kasaki asked for a certain amount of time, saying that he could solve the
8 problem with traditional ceremonies, but he asked for a period of two
9 weeks. Now, during those two weeks, it was very difficult for Blaise
10 Koka as a military man to wait for those ceremonies. It wasn't part of
11 his working plan. So it was as though you were adding something to his
12 programme, which didn't make sense.

13 Q. When you say that Kasaki wanted time and that he said he could
14 solve the problem in that time, what problem was that?

15 A. On what he said, well -- what he said was that there was
16 traditional or mystical way of recovering the soul, recovering the soul
17 of our brothers who had been left in enemy territory, whose bodies had
18 been left in enemy territory, so that there would be no bad luck. As we
19 had abandoned them there, we hadn't given them a home. Home means a
20 grave in our collectivity, so that means that the enemy forces recovered
21 their soul, their soul, their spirits. And they could have lots of
22 experience and that could be dangerous, because they knew our secrets.
23 That's what I meant. I'm not sure that I made myself clear.

24 Q. What was your position in all this? You've told us you didn't
25 participate in the battle. Essentially, why not?

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1 A. Well, Kasaki said that if the ceremony hadn't been done, then we
2 would not go to Kagaba for those of us who were in Aveba.

3 Q. What was Kisoro's position at that time?

4 A. I told you yesterday that we were afraid of Kisoro. We knew that
5 he was staying in Kagaba, and nobody went along that road from Aveba
6 going through Kaswara.

7 And if I can still answer one of questions you asked yesterday,
8 you asked if there was another route that we could take from Aveba to go
9 to Gety. There's a track, a foot track, that goes from Aveba to Nyarara
10 and to Gety Mission. Nyarara is spelt N-y-a-r-a-r-a
11 . And there is another road, if you look at the map, it goes
12 to Badzanga. . It gets to Aveba and goes through
13 Kabona, and it goes around -- back to Nyarara, and it goes through
14 Munobi, and that's one of the roads I didn't mention yesterday. I hadn't
15 included that. I hadn't found it in my memory. And that road --

16 Q. I'm struggling to find my map. Just ... I'm just looking for our
17 GK map. I'm sorry, I've misplaced it. I won't be a second. I hope to
18 find it.

19 Now, Nyarara isn't -- isn't marked. Roads to Gety -- if we look
20 at our plan -- do -- do you have one? We can pass one up to you. And
21 that's our EVD-D02-00220. Thanks.

22 Now, we don't have Nyarara marked, but just tell us this: Is
23 Nyarara somewhere between Aveba and Gety?

24 A. Nyarara is in between -- you've got Kabona, Aveba and Gety. It's
25 in the centre of that triangle.

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1 MR. MACDONALD: (Interpretation) Your Honour, with your
2 approval, I'm sorry to interrupt my learned friend. Could we ask the
3 witness to indicate it using this as an element for the master map which
4 we're trying to set up, we could add it, and I think this would be useful
5 for the Chamber.

6 PRESIDING JUDGE COTTE: (Interpretation) Of course.

7 MR. MACDONALD: (Interpretation) At least for the Prosecution during our
8 cross-examination.

9 PRESIDING JUDGE COTTE: (Interpretation) Now, Germain Katanga,
10 you've told us that it's in the middle of a triangle made up of Aveba, Kabona, and
11 Gety. On the map which you have in front of you there, which is the map that
12 you annotated, could you add Nyarara, so that we should be clear about its location.

13 THE WITNESS: (Marks)

14 PRESIDING JUDGE COTTE: (Interpretation) And then we will be
15 able to see where it is located.

16 MR. HOOPER: Q. And on that, can you show the track? Just draw a line so that --
17 connecting Aveba and Gety via Nyarara as best you can do.

18 A. The track or the so-called side road. There's a track, and
19 there's also a secondary road next to this one.

20 Q. Why don't you put both down. In fact, put the secondary road
21 down as a straight line, and perhaps you can put a dotted line for the
22 track to distinguish the quality of the route.

23 A. All right. (Marks)

24 MR. MACDONALD: (Interpretation) Excuse me. Could we also
25 display it on the screen, your Honour.

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1 PRESIDING JUDGE COTTE: (Interpretation) Yes, we'll do that.
2 That's what we intended. It will be put on the overhead projector so
3 that everybody can note this on their own maps immediately.

4 THE WITNESS: (Interpretation) And here you also can go from
5 Kaswara to Aveba.

6 MR. HOOPER:

7 Q. Yes. While you're at it, why you don't draw -- that's a road,
8 isn't it, going from Kaswara to Aveba, so you can put a single line for
9 us showing -- indicating that.

10 A. I've put in Aveba-Nyarara in a solid line, because that's the foot track.

11 Q. All right. Have you put Kaswara-Aveba?

12 A. It's what I'm asking, if we can link it up, if possible.

13 Q. Show it. Put the road in.

14 A. (Marks)

15 Q. And then finally before we look at it, you gave us another route
16 via Badzanga, and I'm unclear about that. This is a route -- just tell
17 us about the second route, if I understood you, from Aveba via Badzanga,
18 was it, and linking where?

19 A. I can clarify a point here. This route which goes from Kaswara
20 to Aveba did not exist before.

21 Q. Before what?

22 A. Before the health care centre was set up in Aveba. This road
23 which goes from Kaswara to Aveba was not there before. There was just a
24 road which came down from Badzanga, which went through Aveba and
25 continued up to Kabona, the administrative headquarters.

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1 Q. All right. Well, but at the time we're talking about, as I
2 recall you told us yesterday that the health centre was set up by your
3 father in 1986. So from 1986, presumably, we would have had the road or
4 not?

5 A. Yes, indeed that's what I said. I said at this time from 1986 on, that was
6 when the road was there, but the road which was used during the Belgian era was
7 Munobi-Kaswara-Badzanga, and when you went there you went through Aveba
8 and you went to Kabona, because Kabona was the administration
9 headquarters of the Boloma groupement.

10 PRESIDING JUDGE COTTE: (Interpretation) I think, Mr. Hooper, if
11 we wish to untangle these roads, it would be important for Mr. Katanga to
12 note on the map which ones were there in early 2003. That's what we
13 want.

14 THE WITNESS: (Interpretation) They all existed.

15 PRESIDING JUDGE COTTE: (Interpretation) Well, that's perfect.
16 All of those that came after are of less relevance. So can we complete
17 the work -- could you complete the work which you've been asked to do,
18 and if it's completed, we shall ask the Court Usher to put the map on the
19 overhead projector so that we can comment on it.

20 MR. HOOPER:

21 Q. Looking at your map, I hope that you've been able to put in now
22 the road from Kaswara to Aveba, the road from Aveba to Badzanga that
23 existed for a long time, the road from Aveba to Gety, the secondary road,
24 and the track that went from Aveba to Gety. Have you managed to do that?

25 A. (* No audible response)

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1 Q. Thank you.

2 MR. HOOPER: Then can we see it on the overhead projector,
3 please.

4 COURT OFFICER: (Interpretation) Please press on the button
5 "Docu Cam Witness" to view the document.

6 PRESIDING JUDGE COTTE: (Interpretation) Well, you can see this
7 now. Could you briefly comment on it for Mr. Hooper and the Chamber and
8 all the parties and participants. I can see that you've marked Nyarara,
9 and could you explain to us the paths you've noted here. I can see
10 there's a solid line and there's a track, but so that the transcript
11 gives us a clear vision of the itinerary, could you tell us what this --
12 what the solid lines are and the dotted lines are, very briefly.

13 THE WITNESS: (Interpretation) I just wanted to point out that
14 the solid line, , in 2003 these were old routes that
15 you could use if you had a pick-up or a motorbike, but when there were small
16 bridges, you had to get across the little bridges one way or another. But the
17 dotted line is the track which you could only go on on foot. You had to
18 climb up hills and get down to deep valleys but just on foot. You had to
19 cross the river, walk across the river. So that was -- the only way you
20 could go along that dotted line, that track there, was on foot.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper.

22 MR. HOOPER: All right.

23 Q. So looking at -- for the transcript, you've drawn a line, a road,
24 from Kaswara to Aveba, a line from Aveba joining up with Badzanga, and
25 then from Aveba the road linked Kabona, which is just below Aveba, and

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1 then from Kabona in a more or less straight line you've drawn an
2 indication of a road to Nyarara. But at Nyarara, the road then goes back
3 up to the main road at Munobi, which is already on the map, and continues
4 as a track from Nyarara to Gety with a track from Nyarara also directly
5 to Aveba. So we can see that layout.

6 And unless anyone wants it, I'm not asking for it, but are there
7 tracks the other side of Gety in the direction of Kagaba? Is there a
8 road or track at all that links Gety with Kagaba?

9 A. The dotted line here going up to Gety is to Gety Mission, because
10 there's Gety Mission and Gety-Etat which is the administrative
11 headquarters, and Gety Mission is where the Catholic missionaries built
12 the parish. I've marked the dotted line up to Gety, and that means
13 you could walk to Gety Mission. When you get to Gety Mission, there's a
14 road that the missionaries used which goes from Gety Mission to Gety-Etat
15 and then you could go up to Karagi (* phon) before you get
16 to Mandre, Mandre, which is marked on the map there.

17 And to get to Mandre, you have to take a road which was used by
18 the missionaries driving in pickups or small vehicles.

19 PRESIDING JUDGE COTTE: (Interpretation) And what's the distance
20 between Gety Mission and what you call Gety-Etat?

21 THE WITNESS: (Interpretation) It's about 2 or 3 kilometres.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

23 Mr. Hooper.

24 MR. MACDONALD: (Interpretation) If I may speak. I think Gety
25 Etat has a different name, which can be seen on the map here, if I am not mistaken.

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1 THE WITNESS: (Interpretation) There is no difference between
2 the two names. It's Gety, because when you get there you get to
3 Gety Mission, or you can call it -- we call it the mission of Gety, and
4 there at the administration headquarters we call it Gety-Etat.

5 MR. MACDONALD: (Interpretation) Sorry to speak here, but could
6 we quickly mark this on the map? Could we point out where Gety-Etat is
7 if this doesn't bother my learned friend?

8 PRESIDING JUDGE COTTE: (Interpretation) We will complete this
9 cartographic exercise here. Could the Court Usher please give the map to
10 the witness. We have Gety marked on the map. Now, could you just tell
11 us if Gety Mission is below, above, left, or right, so that we can see it
12 here.

13 THE WITNESS: (Marks)

14 MR. HOOPER:

15 Q. While you're doing that, Mr. Katanga, could you also just
16 indicate the road that went to, on my transcript, a place called Karagi.
17 Just indicate the road that linked Gety with Mandre, please.

18 THE WITNESS: (Marks)

19 PRESIDING JUDGE COTTE: (Interpretation) Now we can see that on
20 the initial map where we had Gety you've added "Mission," so what was
21 originally Gety by itself is now called Gety Mission, and slightly
22 north-east we have Gety-Etat. And as you requested, Mr. Hooper, we can
23 see there's a road which goes from Gety Mission. You've just marked this
24 on the map, which goes up to the main road, and from Gety-Etat there's
25 another road that heads up in the direction of Mandre. It doesn't go all

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1 the way up to Mandre but reaches the main road north of the previous
2 intersection. Thank you.

3 Now, Mr. Hooper, you may proceed.

4 THE WITNESS: (Interpretation) Excuse me. Could we write the
5 name of Karachi (* phon) on this too, please?

6 PRESIDING JUDGE COTTE: (Interpretation) If you wish to. The
7 Court Usher shall come to do this.

8 THE WITNESS: (Marks)

9 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Now we can
10 see that the road which goes from Gety-Etat and goes up to the main road
11 intersects it at Karachi, and these roads, the one going from
12 Gety Mission in the south and the one from Gety-Etat to the north, are
13 almost parallel roads.

14 Thank you, Mr. Katanga.

15 Mr. Hooper, you may proceed.

16 MR. HOOPER:

17 Q. Now, had it not been for the problem with the lack of ceremony,
18 having left bodies on the previous attack, and if it hadn't been for the
19 presence of Kisoro at Kaswara, if those matters had not existed, may I
20 ask you this: Would you have participated in the attack on Bogoro?

21 A. I would have had to have the green light of Kasaki.

22 Q. If you had the green light, accepting that, would you have
23 participated?

24 A. Mr. David, what you need to note is that Blaise Koka lived in my
25 locality, and this was a positive sign that I had to show to Blaise Koka,

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1 as I had welcomed him there. I had to accompany him. It was -- I had
2 to. And if I stayed it was because I had to protect, well, the munitions
3 there and my population in Aveba. That was all it was.

4 PRESIDING JUDGE COTTE: (Interpretation) So this is the third
5 reason, because Mr. Hooper gave you two reasons and you've given us a
6 third one.

7 THE WITNESS: (Interpretation) Indeed, your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) Are there other
9 reasons?

10 THE WITNESS: (Interpretation) There could have been others.
11 They'll come to mind spontaneously, your Honour. But in general, the
12 main reason was insecurity, which was threatening us there with Kisoro
13 who was around there somewhere. And secondly, the munitions which had
14 stayed in Aveba, they couldn't be left there without anyone there. There
15 had to be someone who had to look after them. And thirdly, it was my
16 population that would have been massacred, and they could have looted the
17 health care centre and schools. That's it.

18 PRESIDING JUDGE COTTE: (Interpretation) Okay. This is
19 important for the Chamber, and I've noted four reasons. There's the
20 problem related to the absence of any ceremony, and the presence of
21 Kisoro in Kaswara, the insecurity related to Kisoro's movements, and the
22 protection of the munitions which were stored in Aveba. This is what
23 you've said; is that right? Have I got you right?

24 THE WITNESS: (Interpretation) Yes, your Honour.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you. You may

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1 proceed, Mr. Hooper.

2 MR. HOOPER:

3 Q. But if it hadn't been for those matters, would you have
4 participated in the attack?

5 A. That is what I have just said. Since I was hosting Blaise Koka,
6 meaning that he was in Aveba, he came to my area. When you host
7 somebody, when they are going out, you have to accompany them. You have
8 to show them the way, to tell them, "This is the way you go. You go
9 across the river, and if there are any risks, you can escape through
10 such-and-such a shortcut." So somebody needed to accompany him, someone
11 who was familiar with the area to accompany him.
12 I could have been that someone who was familiar with the area.

13 And if it had not been for all those things, I would have gone, because
14 I would have had to accompany him.

15 Q. Did you -- what did you know about the plan of attack? What details, if any
16 , did you know? For example, did you know the day of the attack or the hour of the
17 attack or -- what was your knowledge prior to the attack itself?

18 A. I did not know the specific day of the attack. However, I knew
19 that there was an impending imminent attack on Bogoro. Yes, I did. What
20 I'm saying is that for my part, I heard the explosions from Aveba, and we
21 were surprised by such strong explosions.

22 Q. Was there a meeting to plan the attack held at Aveba a day or a
23 couple of days at the most before the attack of the 24th? Was there a
24 meeting of commanders at Aveba?

25 A. No, David, no. We were living in times of insecurity, and there

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1 was no way for us to meet and have a discussion at a meeting, no.

2 Q. Was there a meeting -- was there a meeting at Medhu the day
3 before the attack?

4 A. No. The itinerary I was familiar with was that Blaise Koka left
5 Aveba and went to Kagaba.

6 Q. Aside from Chef Manu's visit in November 2002, was there ever a
7 so-called delegation sent from Zumbe to -- to Aveba, and in particular,
8 was there any liaison between Aveba and Zumbe? I say Zumbe, the people
9 on Monts Bleus, les Monts Bleus, in relation to the attack on Bogoro?

10 MR. MACDONALD: (Interpretation) Objection, Mr. President. A
11 two-pronged objection.

12 PRESIDING JUDGE COTTE: (Interpretation) Yes, Mr. Prosecutor.

13 MR. MACDONALD: (Interpretation) Yes. The question is somewhat
14 leading, and there are several questions in one, and as I read over the
15 transcripts, I note that Mr. Hooper can put three questions in one, and
16 then Mr. Katanga would answer one of them and not all of them.

17 PRESIDING JUDGE COTTE: (Interpretation) Please break down your
18 questions. Let us break down the questions so that Mr. Katanga can tell
19 us the important things that he has to tell us. And so now he is going
20 to tell us whether apart from chief -- Chef Manu's visit in November
21 2002, whether a delegation came from Zumbe to Aveba, and thereafter,
22 Mr. Hooper will ask the other components of his question. So for now the
23 question is very clear. Apart from the November 2002 visit by Chef Manu,
24 did any delegation come to Aveba from Zumbe during that specific period,
25 that is, before the 24th of February, 2003? I think that was the first

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1 of Mr. Hooper's question. We are listening to you.

2 THE WITNESS: (Interpretation) The answer is no.

3 PRESIDING JUDGE COTTE: (Interpretation) No, without any
4 comment?

5 THE WITNESS: (Interpretation) No. Categorically, no.

6 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please
7 proceed.

8 MR. HOOPER:

9 Q. We've heard of someone called Bahati de Zumbe. What did you know
10 him as?

11 A. Bahati de Zumbe was already within our collectivity from the 31st
12 of August, 2002. His wife was in Aveba, in my house. She gave birth in
13 my house in Aveba, and she was attended to by my mother.

14 Q. Can you just clarify what you mean by "attended to by -- by my
15 mother"?

16 A. I'm sorry, my step-mother.

17 Q. Right. Now, what name did Bahati de Zumbe have that you knew at
18 that time?

19 A. If you want to know all the names of Bahati de Zumbe, I got to
20 know him when the list of the names of combatants was being drawn up. So
21 that is when I found out his name was Bahati John Talika, and it was in
22 2004 that I found out his full name was Bahati John Talika, but before
23 then we knew him as Bahati de Zumbe, the dentist, and I'm referring there
24 to his occupation.

25 Q. What contact, if any, did you have with the people in

Witness: Witness DRC-D02-P-0300 (Resumed) (Open Session)
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1 Bedu-Ezekere?

2 A. I only saw Chef Manu from among the people from Bedu-Ezekere.

3 Q. Well, was there any radio contact between Walendu-Bindi and
4 Bedu-Ezekere, to your knowledge?

5 A. Mr. David, no. We had two multifrequency radio phonies. The
6 health centre was in our collectivity, and they had their own white
7 phonie, and I don't know whether there were any phonies or any white
8 radio phonies in Zumbe. I do not know. I never talked with the people
9 from Bedu-Ezekere, never.

10 Q. Now, in -- when arms and ammunition or other supplies arrived
11 from Beni, to your knowledge did any part of that find its way to
12 Bedu-Ezekere?

13 A. Before the weapons go to Bedu-Ezekere, you need to transport them
14 from Aveba to Bedu-Ezekere, but that did not happen. No weapons were
15 transported from Aveba to Bedu-Ezekere. At least I should have known.
16 At least I should have known, because I knew what weapons had left Aveba
17 for Kagaba, Aveba for Singo, and Aveba for Songolo. I was aware of that.
18 But nothing from Aveba to Zumbe, no.

19 Q. The day of the attack you've already said you heard loud
20 detonations. What happened that day? What's your recollection of events
21 that day, in brief?

22 A. I heard those explosions from my home, from my father's home, so
23 I quickly took a motorbike and went to the health centre, I hope..... Yes, I
24 went to the health centre to cross-check and find out whether Mike-4 had
25 any information on the situation in Kagaba. When I got to the health

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1 centre, I found Mike-4 communicating with one Aldo on the multifrequency
2 phonie. He told me that he had just received the message from Kagaba,
3 from Aldo, who was known as Alpha Lima, and that the message was that
4 Bogoro had come under attack in the early hours of the morning. That was
5 the message.

6 Q. And how did that day progress? What happened? What did you
7 experience, anyway?

8 A. Some two or three hours thereafter, we no longer heard any loud
9 sounds of explosions. The detonations had reduced. And one hour after
10 the two or three hours I just mentioned, that is, four hours or so after
11 the loud explosions, that was around 10.00 a.m. or 10.30, Yuda appeared
12 or arrived in Aveba wounded.

13 Q. And where was he wounded?

14 A. Yuda's left hand was wounded, as well as his chest. He was
15 wounded in the chest. Yes.

16 Q. Now, just staying with Yuda, what happened to him? Did he
17 receive treatment, and how long was he receiving it for at Aveba?

18 A. Yuda spent some time in Aveba. I would say one week or so, yes,
19 at the hospital. He was at the hospital. Then he didn't make it through
20 the second week because he went back to Kagaba, and all he was receiving
21 at that time was the dressing and taking care of the dressing, because he
22 had some problems with the bones in his hand.

23 Q. So Yuda appears. How did he arrive?

24 A. Yuda arrived in Aveba on a motorbike. It was the only means by
25 which he could have been quickly brought there, on a motor -- on a

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1 motorcycle.

2 Q. And what else happened that day that you remember?

3 A. Shortly after he arrived -- or, rather, I left shortly after Yuda was already
4 there because it was necessary to try and prepare something for him, and
5 at the health centre, Mike-4 and Aldo had set up a system, a running
6 communication system, whereby Aldo would send walkie-talkie messages that
7 he was exchanging with people in Bogoro. He would send those
8 messages directly to Mike-4. In that way, they were able to monitor what
9 was happening at the battlefield.

10 Q. Now, from what you understood, information you received, can you
11 tell us, first of all, who participated in the attack? You've spoken
12 about Garimbaya. So let's just stay with Aveba for a moment.

13 The *autodéfense* at Aveba, what training had it received?

14 A. Training?

15 Q. (* Previous translation continues) ... what training, if any, had
16 it received?

17 A. There was no training; there was never any training in Aveba.

18 Q. How long had they possessed firearms, AK-47s?

19 A. The AK-47s had been there since 2000. The combatants had
20 weapons. They weren't empty-handed.

21 Q. Aside from Garimbaya, did anybody else go from Aveba?

22 A. I have told you that Garimbaya left the camp, the Aéro camp, with
23 more than 50 men.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, let me put
25 in this word: Let -- when Garimbaya left, you mentioned a short while

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1 ago the reasons for which you did not go to Aveba, and at that time you
2 said "Garimbaya was in our place and we had to accompany him." My
3 question is who accompanied him?

4 THE WITNESS: (Interpretation) I'm sorry. Presiding Judge, I'm
5 very sorry, but I had to accompany Blaise Koka. Blaise Koka.

6 PRESIDING JUDGE COTTE: (Interpretation) Yes, yes, Blaise Koka,
7 Blaise Koka. I'm sorry, yes. Page 15, yes, it was on page 15.

8 "Mr. David, what you must remember
9 is that Blaise Koka lived in my area".

10 And so let me open a
11 parenthesis there and I would like you to clarify this point for us: Who
12 accompanied Blaise Koka?

13 THE WITNESS: (Interpretation) Mr. President, there were two
14 captains in Aveba. The substantive captain was Blaise Koka. He was in
15 charge of the operations, and his immediate subordinate was Mutombo, who
16 was already used to our collectivity. So they went straight on away,
17 using the itinerary.

18 PRESIDING JUDGE COTTE: (Interpretation) Are you saying that
19 this person was able to show him the way and to guide him?

20 THE WITNESS: (Interpretation) Yes, all possible routes.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, I'm sorry,
22 I just wanted to seek clarification on this point and it has now been
23 clarified. You now have the floor. Your question was: Apart from
24 Garimbaya, who has left Aveba, that is where we were before I disrupted
25 matters. Please proceed.

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1 MR. HOOPER:

2 Q. Aside from Garimbaya and his 50-plus men, who else, if any,
3 joined in the attack from Aveba, to your knowledge?

4 A. I do not know. I do not know. I have told you that Garimbaya
5 left Aveba. Maybe some combatants went along with him, but it was a
6 high-risk matter for them, because they would be exposing themselves to
7 some consequences.

8 Q. Prior to the attack, may I ask you what -- had you yourself
9 considered that the attack would succeed or not?

10 A. It would have been very difficult to have such an expectation.
11 The kind of fire we ran into was -- was very heavy, and it was very
12 difficult, Mr. David. So when we went to Bogoro on that day, we knew
13 that since we had disturbed them, they would seek reinforcements and that
14 they were certainly going to increase their numbers, and I am convinced that they
15 did so. You see, the amount of ammunition that they wasted, from the exchange of
16 gunfire, maybe some two or three soldiers may have been killed on their side, we do
17 not know, but I think that they necessarily must have called in reinforcements, and
18 these had to be a significant number of men coming in reinforcement.

19 Q. Now, aside from -- do you know -- we've heard of civilians -- or
20 it's been said civilians would sometimes join in and take advantage of
21 the situation to pillage and the like. To your knowledge, did any of the
22 ordinary population of Aveba make their way down to Bogoro?

23 A. That would have been too far away, too far away. To have in mind
24 to leave Aveba for Bogoro to loot, well, one may go that far to loot just a door.

25 How would you transport the door back from Bogoro to Aveba -- or to Bogoro ?

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1 That is impossible. Counsel, all I can tell you is that the civilians who entered Bogoro
2 were civilians who used to live in Bogoro. They had abandoned their homes and
3 everything else in -- in Bogoro and --and fled. So they fled to neighbouring areas
4 around Bogoro, not too far away. Their farms were in Bogoro, although they did not
5 have access to them. They could not harvest their crops, but they continued to live
6 around Bogoro, Lakpa, Nombe, Tcharukaka, and those small villages around
7 Bogoro.

8 Q. And speaking of access, we heard from one witness, Prosecution
9 witness, that the market -- at the market in Bogoro, people, Ngiti or
10 Lendu people, would come to the market, and they'd glean some information
11 or be tipped off about attacks or whatever. What's your reaction to
12 hearing that?

13 A. I cannot make any comment on that, but let me tell you that
14 Bogoro was inaccessible, inaccessible. At the time, the distance between
15 Lakpa and Bogoro is one which I covered on the 10th of February, and all
16 I found was animals, antelopes, and foxes, no human being. The only
17 human beings we saw were in Lakpa. And about 500, one kilometre outside Lakpa,
18 there was no human being. That was my observation. No one travelled on
19 the road from Lakpa to Bogoro. And there was no reason for anyone to go
20 to the Bogoro market. What would you have bought at the market in
21 Bogoro? Maybe some fish? But we also have part of the *lac* in our
22 area -- of the lake, rather, in our area.

23 So as for market operations, let me say that I cannot make any
24 comments about any information that may have been gathered at
25 the market. All I can say is that it was impossible. It was impossible.

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1 Q. All right. So let's come back to those who participated. That
2 deals with Aveba. Who else participated in the attack on Bogoro as far
3 as you know?

4 A. Who came from Aveba?

5 Q. Just talking about the attack generally. Who -- who was in on
6 the attack?

7 A. What I can tell you is that some of the combatants were from
8 Gety, and they went to Kagaba. The garrison itself.

9 Q. (* Previous translation continues) ... interpreter, the word
10 *garrison* is a term of art, as it were, in the case. So *garrison* is the
11 word.

12 So where was the *garrison* from?

13 A. The *garrison* was Yuda's combatants in Kagaba.

14 Q. Did you know if Move participated or not?

15 A. Move was in Nyabiri. I don't have any details. I have more
16 details about Cobra particularly, because Dark was speaking badly of me
17 and of Cobra, so that is what sticks in my memory. With regard to Cobra
18 and me, Dark was mocking us.

19 Q. We'll come to Dark. What about Cobra? You mentioned him
20 yesterday, but just as we're dealing with this, what was his position?
21 Did he participate?

22 A. Cobra did not go there. Since he was wounded -- I'm not sure
23 when he was wounded, but he had an injury. His left foot was injured,
24 and he fled the front. He was not going to the front. He was simply an
25 expert in terrorising people on the roads.

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1 Q. Do you know if anyone from the Congolese Army, the national army,
2 participated?

3 A. The national army, that is the FAC, the F-A-C? Are you talking
4 about the FAC?

5 Q. The FAC as it was then called, the F-A-C.

6 A. There were a few FAC officers who were in Aveba. In other words,
7 the officers who were already in the FAC were in Aveba, and they went as
8 well. First of all, the uniform that they were using there was the
9 uniform that had "FAC" written on it. It had "FAC" on it. It was not
10 marked "APC."

11 Q. Do you know if Ugandan soldiers played a part? UPDF.

12 A. I don't have information concerning the UPDF. I only learnt from
13 the casefile that there were UPDF there. I myself was not directly concerned
14 with that. But later I saw Ugandans in Bogoro. They had a camp in
15 Bogoro.

16 Q. But in terms of the attack on Bogoro, which is our concern, did
17 the Ugandans participate, physically participate, in that attack?

18 A. Nobody gave me that information. So that's possible. That may
19 have been. It is a secret. That's a plan that people had developed sometime before, so
20 it could have been possible. They could have had FAC uniforms and
21 entered into the operations, but the Ugandan problem was there. They
22 were creating confusion everywhere. They were creating confusion
23 everywhere, so it might be possible. But direct information telling me
24 that a given commander did this or that, I really wouldn't say that,
25 because nobody told me directly that a given UPDF commander was in a

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1 specific place.

2 Q. Do you know if Uganda played any part at all in events that day?

3 A. One way or another, Uganda could always have been playing a role.

4 That might always have been the case, because with regard to Uganda, it

5 was a possibility for getting rid of the UPC. It was a possibility open

6 to them to get rid of the -- UPC. So the fact that they stopped the UPC from receiving

7 reinforcements coming from Bunia to Bogoro, that meant they already intended to

8 act against the UPC, but I can't tell you that I knew that ahead of time,

9 no. To be quite honest, I learnt from the case record that there were

10 UPC soldiers coming to reinforce their Bogoro colleagues who were blocked by the

11 UPDF in Dele. I did not have that information directly beforehand.

12 Q. Now, I want to ask you, if I may, about what happened after,

13 after Bogoro, but before I do that, can I just ask you about the nature

14 of the Bira people. Is it possible to distinguish a Bira from a Ngiti or

15 a Lendu?

16 A. Mr. David, we Congolese can tell each other apart. I can look at

17 someone directly and know this person is Bira, this person is Ngiti, this

18 person is Lendu, this one is Nyari, Lese, Mbila. I can tell them apart.

19 As I am from Ituri, yes, I can tell them apart. I can look at someone

20 and say yes, this person comes from the west of the Congo. This one over

21 here looks like he comes from Equateur province. Yes, I can see that

22 directly.

23 Q. What is, if any, the difference between the Bira language and the

24 Ngiti and Lendu language? Is it possible to tell or distinguish the

25 language, and if so, was -- how easy is it? How distinguishable is it?

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1 A. I would say that it's direct. You can hear that this is a
2 language that's different from the other one. Kibira and Kingiti can't be
3 confused. Kibira and Kilendu can't be confused. Even Kingiti and Kilendu
4 are different. There are differences in tone, different pronunciation,
5 different accent. It's different.

6 Q. So what happened after -- after Bogoro? Let me ask you this:
7 Did you notice any pillaged items arriving? Were you aware of any
8 pillaging that had gone on at Bogoro?

9 A. Well, we -- you talk about looting. What was there to loot in
10 Bogoro? Bogoro was a village covered with little straw houses, according
11 to my memory. As I saw it on the 8th of March, as I went through Bogoro,
12 there were a few buildings of more durable material, I would agree with
13 that. For example, from a distance you can see the Diguna compound.
14 On the 8th of March I went through there. I saw that there was sheet
15 metal roofing there. In the commercial centre of the town there were old
16 buildings, there were old buildings. I couldn't tell you who they
17 belonged to, those old buildings. There were all kinds of ethnic groups
18 mixed together in Bogoro.

19 For my part, what I understood was that there are a lot of Ngiti
20 who were living in Bogoro, and those Ngiti went back to Bogoro to recover
21 whatever they could to compensate for what they had left behind in
22 Bogoro. But when you say "looting Bogoro," what was there to loot? What
23 were people going to take?

24 In general, to be quite frank, our Hema brothers don't grow
25 crops. Even if you go to Bogoro today, people will tell you there are

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1 banana plantations and so on. Well, there are maybe three or four or ten measly
2 banana trees. If you go to Bogoro, you will see there's nothing there,
3 there are no traces of that, because banana plantations don't just
4 disappear, don't just fade away into the bush just like that. If you
5 plant banana plants, they will last for at least ten years. They stay
6 there, they take up room. And the banana tree will proliferate. It will
7 kill off the smaller plants around it. So that's what you have when you
8 say a banana plantation. So when people say there were banana
9 plantations at Bogoro...

10 How many kilometres are there around Bogoro?

11 Perhaps in Bogoro people had small gardens where they
12 would grow tomatoes, onions, maybe that kind of thing, but there was no
13 agriculture. Agriculture is more what we do.

14 That was our activity.

15 Q. All right. What about cattle, which is what they do. What about
16 that? Did you see any cattle taken?

17 A. David, to keep livestock, you need to have space for them to
18 graze. We call that pasture in our area, and how can you have pastures
19 where you preventing people from growing crops. Well, you say this
20 concession is reserved for the livestock, for the cattle, for the sheep,
21 for the goats. Nobody can grow crops on that land.

22 If you have a field a kilometre away, then you will have to stay
23 around your cattle from morning to night, and that's not the case where
24 we live. There are areas set aside for livestock raising. Each
25 groupement where we live has this kind of livestock concession, a

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1 concession for raising livestock, and we call that pastureland.

2 In Bogoro, however, if you go through Bogoro from when you arrive
3 on the border of -- between Bogoro and the Walendu-Bindi collectivity at
4 Langabo, when you leave Langabo you reach the centre of Bogoro within about
5 3 kilometres, and then from the centre of Bogoro when you arrive at the
6 cypress trees you've already gone all the way through Bogoro. I don't
7 know if Bogoro stretches much further than that. I really don't know,
8 but as far as I remember, that's about the size of Bogoro.

9 PRESIDING JUDGE COTTE: (Interpretation) Despite everything,
10 Mr. Katanga, to pursue Mr. Hooper's question, when he says to you "and
11 the cattle," perhaps the cattle can be taken to the pastures afterwards,
12 but can't you also sell the cattle to other people?

13 THE WITNESS: (Interpretation) Sell the cattle to other people.
14 I learnt that there was a livestock market in Bogoro, yes. I don't know
15 where they kept the herds. Maybe in the concession by Dele or maybe in
16 Katonie, because that's where I can see that there is land that would be
17 suitable to graze livestock on. Or maybe on the Kasenyi plain. That's
18 where you have the appropriate kind of land for pasturing cattle. But in
19 Bogoro, Mr. President, you will see Bogoro is stuck here like this. Just
20 a few metres away you have a hillside, the beginning of Monts Bleus. On
21 the other side of Bogoro you see Mount Waka. Behind Mount Waka you have
22 Bira and the Bira concession, or maybe they raised livestock in the Bira
23 concession. Perhaps they did that, I don't know.

24 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, you may
25 proceed.

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1 MR. HOOPER:

2 Q. I don't want to get too bogged down in cows and cattle, but when
3 you talk in this area, in Ituri, of herds and cattle, how big can the
4 herds be when you're talking about herds of cattle? How many cows might
5 a man, perhaps a wealthy man, own?

6 A. There are people who have more than 500. There are such people,
7 yes, people who have more than 500. A thousand, yes, but they're not
8 together. Not together. They spread them out. Perhaps 100 or 150 in a given
9 farm, 100, 150, 200 in different farm. They do it like that. They don't
10 have them all together, not together.

11 Q. All right. Now, coming back to pillage in Bogoro, do you know if
12 any cattle was pillaged from Bogoro?

13 A. I did not see the cattle leave Bogoro and reach Aveba. I didn't
14 see that. If there had been looting of cattle, necessarily the cattle
15 would have had to go through Aveba to go up to North Kivu to be sold
16 there. You couldn't simply pillage the cattle to eat, no.

17 Q. So after Bogoro, what happened? What did you do over the next
18 days? Well, let's put it like this: When did you first go to Bogoro
19 after the 24th of February?

20 A. I didn't return to Bogoro. I passed through Bogoro on the 8th of
21 March, 2003.

22 Q. Now, between the 24th of February and the 8th of March, had you
23 left Aveba at all?

24 A. Yes, I left Aveba. I went to Tchei to visit my spiritual father.
25 I went through Tchei.

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1 Q. And just to remind ourselves, Tchey is T-c-h-e-y; is that
2 correct?

3 A. Yes.

4 Q. (* Microphone not activated) ... map. Now, did you go anywhere
5 else from Aveba in that time?

6 A. Yes. Before going to Tchey, I also went to Kagaba. I went to
7 Kagaba.

8 Q. And when did you go there?

9 A. I went to Kagaba by motorbike, passing through Kabona. I went
10 through Kabona, and I went to Kagaba two days after the fall of Bogoro.

11 Q. And what did you go there for?

12 A. I simply wanted to inform myself as to what had happened in
13 Bogoro, because we attacked Bogoro on the 10th of February, 2003. The
14 capacity that we encountered in Bogoro, that is the strike force, didn't
15 lead me to believe that even if the second attack took place that it
16 would be able to drive the UPC out of Bogoro, because the size of the defensive
17 structures that the UPDF had established there was
18 enormous. . This meant that it would be very difficult, very very difficult to
19 dislodge a soldier from a foxhole. So it seemed to me that no matter
20 how many of you went there, you wouldn't be able to dislodge them from
21 their entrenchments. So that's why I went there, to see what had
22 happened in Bogoro, because nobody was able to give us those
23 explanations.

24 PRESIDING JUDGE COTTE: (Interpretation) And who gave you those
25 explanations? Who gave you this kind of debriefing?

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1 THE WITNESS: (Interpretation) Yes, Mr. President. When I
2 arrived in Kagaba, I knew that the man who had come from Aveba was still
3 there, Garimbaya, because he was not yet in Aveba, and I wanted to know
4 what had happened in Bogoro. As he did not come back directly to Aveba,
5 I took advantage of the opportunity of going to meet him over there. His
6 parents were also there in Kagaba. He came from Kagaba. So he was
7 taking the time to stay with his parents, and I took advantage of the
8 opportunity to go and talk with him.

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

10 MR. HOOPER:

11 Q. All right. And you've related what you came to know about the
12 attack. What about Bedu-Ezekere? What, if any, was their participation?

13 A. On the day of the attack, I don't know if there were people from
14 Bedu-Ezekere. After the attack, I don't know. It could be that the
15 population which had left its -- their property in Bogoro came back to
16 recover their property. That could happen, but I'm not certain. I can't
17 say with certainty that no, a given commander told me that people came
18 from Bedu-Ezekere to attack Bogoro, no. But when I went through Bogoro
19 on the 8th of March, there were people there, North Lendus and
20 South Lendus coming through, they were doing return trips. They had the
21 option of leaving the *Monts bleus* hill and come down to Bogoro,
22 going through to Lakpa, making return trips that way. The road was
23 impassable.

24 Q. What, if anything, did you hear about civilians having been
25 killed or murdered there?

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1 A. What you will remember is that a soldier cannot accuse himself.
2 That's the first thing. Secondly, with regard to the death of civilians,
3 I'm not sure whether civilians could die under those conditions. Now,
4 why am I saying that civilians couldn't die there? Well, Mr. President,
5 your Honours, these were professionals who were directing the operations.
6 These were professional soldiers. Unless a shell misses its target and
7 falls on a house and kills the people who are in the house, if that
8 happens, then I would understand that civilians might die in misdirected
9 fire because they didn't aim accurately. You could understand that. But
10 it was in Bunia that we were informed by the media that there were 400
11 deaths, 500 deaths. There was a whole list of the numbers of the dead,
12 500, 400. It was a lot. The list went on and on.

13 Q. And why would it be that you wouldn't have been told that that
14 had happened, in your -- in your debriefing --

15 MR. MACDONALD: (Interpretation) Objection.

16 MR. HOOPER: -- about that.

17 MR. MACDONALD: Why didn't you learn about that.

18 (Interpretation) I'm sorry, but the witness can't answer that. The
19 witness can't answer why was I not informed of that. That is a purely
20 hypothetical question. He can testify as to what was actually reported
21 to him, was this reported to you, this information. But the question why
22 was that not reported to you, the witness cannot answer.

23 PRESIDING JUDGE COTTE: (Interpretation) All right. We are
24 going to adjourn the hearing because we only have one and a half minutes
25 left, and that will enable Mr. Hooper to rephrase his question when we

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1 come back. It will enable Mr. Katanga also to have a little rest now.

2 We will meet again, Mr. Katanga, at 11.30 for a shorter hearing
3 than usual.

4 I remind everybody we will finish at 12.45.

5 Mr. Usher, could you please accompany Mr. Katanga to his usual
6 place.

7 (The witness stands down)

8 PRESIDING JUDGE COTTE: (Interpretation) The hearing is
9 adjourned. We will meet at 11.30.

10 Recess taken at 11.00 a.m.

11 On resuming at 11.33 a.m.

12 (Open session)

13 (The witness takes the stand)

14 COURT USHER: All rise.

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

16 Mr. Hooper, you may proceed. We shall resume.

17 MR. HOOPER:

18 Q. Now we're dealing with civilian deaths. Would you have expected
19 to have learnt of those deaths, to have been told about it?

20 A. Usually, if there were the number of soldiers, it was possible
21 for military deaths, but for civilians, these people couldn't accuse
22 themselves. They're professionals.

23 They wouldn't accept the accusation

24 that they'd killed civilians.

25 They couldn't say it.

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1 Q. Did you ever find out how it came about that the civilians were
2 killed?

3 A. We heard about the civilian deaths in Bunia during pacification,
4 and that's how we discovered that civilians had died in Bogoro, but we
5 thought that everything was closed. No one talked about deaths of
6 civilians or anything. There was no one there talking about deaths of
7 civilians.

8 Q. Now, you mentioned Yuda was -- was wounded and that he had to
9 leave and go to Aveba where you saw him on the 24th of February. He was
10 head of the *garnison*.

11 Do you know who -- if he had a second in command,
12 and if so, who was it?

13 A. His Deputy was Androzo Zaba Dark.

14 Q. Yes. Can you spell that name for us, please, for the transcript.

15 A. Androzo, A-n-d-r-o-z-o. Zaba, Z-a-b-a. And Dark --

16 Q. We understand. And what do you know about Dark? What was his
17 history that you know?

18 A. Dark was a policeman. He was a member of the national police
19 force. In 2002, Dark was arrested and charged and sentenced to death.
20 He was sentenced to death, and when Lompondo arrived,
21 as they were from the same village as Adirodu, when Lompondo arrived,
22 Adirodu explained Dark's problem to Lompondo. And Lompondo then released
23 Dark, and then until Lompondo fled on the 9th of August, Dark was
24 considered to be one of Lompondo's inner circle. They fled from Bunia
25 together and went to Songolo, and when they got to Songolo, Dark stayed

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1 in Songolo with Kandro . That's what I know about

2 Dark's past.

3 Q. Do you know was he an able commander or not?

4 A. He was -- he was a man who knew how to speak. He was a former OPJ.

5 He was a man who could speak. In the video sequence, you can see how he

6 could speak. He had that ability to speak and to command too.

7 Q. Now, between the -- following the taking of -- of Bogoro, do you
8 know what happened in Bogoro? Who took, as it were, charge of Bogoro?

9 A. After Yuda was injured, it was his second in command who took
10 over automatically, automatically. So when Bogoro was taken, Dark stayed
11 there as commander there, and he was in control of the entire situation.

12 Q. After taking Bogoro, militarily do you know how secure the
13 situation was?

14 A. No. No. There was no way of being sure that people were going
15 to stay safely in Bogoro, because the UPC could come in at any time, and they
16 were obviously going to come back. Those who had been in Kasenyi were still in
17 Kasenyi, Kasenyi, Tchomia, there were lots of villages by the lake there
18 that were occupied by the UPC. So at any time they could come in and
19 people were expecting a counter-offensive, and the other side of Bunia,
20 too, people were expecting them to come in one way or another, that they
21 would come in and attack Bogoro. So the consolidation of forces in Bogoro
22 was absolutely necessary; there had to be a large number in Bogoro. They were
23 expecting the UPC counter-attack.

24 Q. In the days after Bogoro, was there any inter -- inter-reaction
25 with the UPDF, do you know?

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1 A. UPDF also fought with the combatants in Bogoro, for whatever reason. I think
2 they were leaving Kasenyi. They'd come from Kasenyi. I don't know if they
3 wanted to go to Bunia or if they were together with UPC men, but people
4 identified them as Ugandans from the bodies there, in Ugandan uniforms. There
5 were Ugandan soldiers. They were dead there, and they physically looked like
6 Ugandans. So then people wondered why they came with the attack or if they
7 wanted to forcibly set up camp there. We didn't know.

8 Q. When was that in relation to the 24th of February?

9 A. The date of the 24th of February is in the file. I didn't know
10 if the Bogoro attack was on the 24th of February. I didn't remember that
11 date, because the attack on Bogoro wasn't just one day. It wasn't over
12 in one day. It went on. There was a bit here. There were little pockets of resistance
13 that still went on. It continued. Well, when the attack happened, it wasn't at 11.00
14 in the morning that everything stopped, as has been claimed in the record. No, it
15 continued. There were still pockets of resistance. So I don't know if
16 it was the same day or the day after or the days following that attack,
17 because there was still clashes then.

18 Q. All right. Well, you -- you told us that the first you passed
19 through Bogoro was the 8th of March. This incident with the UPDF, was
20 that before or after the 8th of March?

21 A. I'd say before, but I could say after, too, after the 8th of March. It wasn't
22 a major uprising. There was one individual who went off and targeted the
23 Ugandans. It wasn't a serious attack; it was dealt with very quickly. That was in
24 March with Lobo Tchamangere. But before the 8th of March
25 there were Ugandans there in Bogoro.

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1 Q. Now, in the time that followed Bogoro, weeks or months, who, as
2 it were, was in charge of Bogoro?

3 A. Well, I'd say Dark. He was in charge of the field.

4 Q. Did you have any interest, financial, for example, in Bogoro?

5 A. No personal interest at all. I don't see what I could have got
6 financially in Bogoro. Nothing. I never had any trade. I never went
7 off to get fish. We could get a vehicle to go and fetch fish and go through
8 Bogoro on the way, but I never did that. No. Financial reasons, no, but
9 what I know is that Bogoro was important from a military perspective.

10 Q. Now, you mentioned the -- an incident with the UPDF. Do you know
11 if the UPDF ever established itself, in the time after the attack on
12 Bogoro, in Bogoro or not?

13 A. There was indeed a company in Bogoro.

14 Q. And do you know when that arrived?

15 A. I don't have the exact date, but on the 8th of March, I didn't
16 see them there in Bogoro, but when I came back again on the 22nd, I saw
17 there were Ugandans in Bogoro.

18 Q. The attack on Mandro, did you play any part in that?

19 A. There was no attack on Mandre. Is it a confusion with Mandro?

20 Q. There are some difficulties with the interpretation of names,
21 so -- Mandro is what I said.

22 A. Yes. What's the point in Mandro? I wasn't involved in Mandro.
23 I don't even know Mandro.

24 Q. Did you learn about the attack?

25 A. We heard about the attack on Mandro when we were in Bunia, but

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1 before that, I heard that there'd been an attack on Mandro through the
2 radio, that there were troops who were -- in Bogoro; who'd left Bogoro.
3 They went through Zumbe and got to Mandro. That's what I heard.

4 Q. The Bunia attack, which we know is the 6th of March, 2003, not a
5 date that you'd necessarily know, but we've all heard it for many times
6 in this court, were you involved in any way in the attack on Bunia, or
7 more particularly, the attack on the UPC at Bunia on the 6th of March?

8 A. The Bunia attack occurred on the 6th of March. I didn't know if
9 it was the 6th of March, but I know that I got to Bunia on the 8th of
10 March, and that was two days after the Bunia attack. So I wasn't there
11 at the time of the attack on Bunia.

12 Q. Where were you?

13 A. On the 6th of March I was in Aveba.

14 Q. Had you had any forewarning or notice or knowledge that there was
15 to be an attack or a battle, shall I say, in -- in Bunia on the 6th of
16 March?

17 A. That battle was a surprise. -- It was not known to anyone. It was UPC
18 attacking the UPDF. The UPC attacked UPDF. They were all in Bunia, and we --
19 or I, I was 70 kilometres away from Bunia. I didn't know anything about
20 it. The information that we got subsequently told us that it was -- that
21 it was a surprise attack.

22 Q. All right. Now, let's come to the 8th of March. Where did you
23 go on the 8th of March, and were you with anybody?

24 A. We left Aveba on the 8th of March with Blaise Koka. Blaise Koka
25 had a body-guard, and I also had a body-guard, and we went to Dele. And

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1 the reason for going to Dele was a decision made by Blaise Koka. Why?
2 We knew that Ugandans were going to leave Ituri, were going to leave the
3 Congo, and the force that had to take over had to be APC forces. So he
4 had to go and negotiate that so that he could find out what forces would
5 remain in Bunia after the Ugandans left. Unfortunately, once we got to
6 Dele, Captain Kiza didn't want to bring forward the conversation or the
7 discussions with the APC before he had hierarchical approval. So he
8 didn't want to see them.

9 Q. I'll come back to Dele and Captain Kiza. Let's go back to your
10 journey there, and what route did you take? How did you get there?

11 A. We left Aveba in the morning on two motorbikes, and we went to Bogoro
12 and obviously went through Kagaba. So Aveba, Munobi, Kagaba, and then
13 Bogoro.

14 Q. (* Microphone not activated) ... Bogoro. When you got to Bogoro,
15 who, if -- who did you find there?

16 A. We found Dark in Bogoro. That was where Dark threatened me. Why
17 did he threaten me? Quite simply because -- well, he wondered why I had
18 to take that road to go to Bunia going through Bogoro when I hadn't been
19 involved in fighting against the UPC that had been there. That's what he
20 said. They're the words he used.

21 Q. And what happened?

22 A. Well, Captain Blaise Koka said to Dark, "Well, he wasn't there.
23 I was there." And, "I'm going through, and he's accompanying me." So it
24 was Captain Blaise Koka who prevailed over Dark to settle the situation.

25 Q. So continuing to Dele, which we know is on the outskirts of

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1 Bunia, and coming back now to Captain Kiza. So -- so what happened
2 with -- at Dele and Captain Kiza?

3 A. We arrived in early afternoon, and we tried to meet with
4 Captain Kiza going through his soldiers, and we were told we couldn't.
5 There was an APC military corps that was there from Gety. And we asked
6 if the -- they said that if it was the APC coming, then the answer was
7 no. He wanted to ask for authorisation to have discussions with APC
8 officers, and so he said no, he would not talk to us. And as he would not
9 talk to us, by that time it was already late, late -- too late to go back
10 from Dele to Aveba. The road was not in good condition. It was in very
11 bad state, and there was the problem of security over that distance. We
12 didn't know who could be hiding in ravines between Bogoro and Dele, and
13 so we suggested that we'd spend the night in Dele. And the next day, on
14 the 9th -- no. No. The evening. In the evening, I saw Mathieu on the
15 8th, the 8th of March, 2003. And I saw Mathieu for the first time.

16 Q. And just plainly for the record, you're referring to
17 Mathieu Ngudjolo; is that correct?

18 A. Yes, Mathieu Ngudjolo.

19 Q. Again, just so we're plain, had you ever met him before?

20 A. I have told you that I was meeting him then for the very first
21 time, the very first time.

22 Q. So you told us you spent the night there. Where exactly did you
23 spend the night of the 8th?

24 A. Mr. David, we did not know the level of security in Dele. We did
25 not know, so for us and for me personally, I was very afraid of the

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1 Ugandans. So we -- we went -- we went -- we spent the night in a
2 pick-up, in a pick-up. We spent the night in a pick-up. Myself, Blaise
3 Koka, and our two body-guards, we spent the night in that pick-up in
4 Dele.

5 Q. Coming to the 9th of March, what happened then?

6 A. On the 9th of March, we had some hot coffee in the morning with
7 Mathieu Ngudjolo, and then we went our separate ways thereafter, and I
8 went back directly to Aveba.

9 Q. Now, I just want to just hand you a paper to save us going to
10 closed session with the names of Prosecution witnesses on it and their
11 pseudonym number so that we're not confused.

12 MR. HOOPER: Can I let the Prosecution and your Honours see just
13 as a general (* indiscernible). These are numbers we all know, but it
14 may be assistance. If that can be distributed. There's copies there for
15 everyone, and of course -- indeed probably for everyone. Have the
16 interpreters got them? The interpreters haven't got them, but then
17 it's -- if any can be got upstairs it may assist them, because then the
18 numbers are clearer.

19 MR. MACDONALD: (Interpretation) Maybe we need to draw the
20 curtains, Mr. President, if need be.

21 PRESIDING JUDGE COTTE: (Interpretation) I want to see the
22 document first.

23 Court Officer, please would you draw the curtain behind
24 Mr. Katanga, who is the witness for today. That way the public gallery
25 will not be able to see the names mentioned on this document.

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1 THE WITNESS: (Interpretation) Mr. President, if I put the piece
2 of paper on my lap, would that be a problem?

3 PRESIDING JUDGE COTTE: (Interpretation) But if you were able --
4 if you were to cover the paper with your broad shoulders, we could
5 attempt that, but it might be wiser to protect Prosecution witnesses in
6 spite of your offer. So we're going to pull the blinds,
7 such that those sitting behind you might shift
8 to other locations in order to be able to see what's going on in the
9 courtroom.

10 The persons in the public gallery have shifted to the right -- or
11 to the left, which is to my right.

12 MR. HOOPER:

13 Q. Sir, I want first of all -- I'm going to deal very briefly with
14 the subjects of these pseudonyms. Number 28.

15 MR. MACDONALD: (Interpretation) We're in open session. Is that
16 the case?

17 MR. HOOPER: Yes. That's why we've got pseudonyms. Otherwise,
18 I'd be using the name.

19 Q. Number 28. Do you remember when number 28 first came to Aveba?

20 A. I do not know when he came. I do not know. To know that 28 came
21 to Aveba, he must have held an important position for me to be aware, but
22 an ordinary person like that who goes to be with his family in the
23 village in Aveba, well, I was not in a position to know whether he had
24 come or when he had come. Going by his status of his position, no, I
25 could not have known.

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1 Q. Was he ever in your body-guard?

2 A. My body-guards are -- are all known, even to MONUC. MONUC is
3 able to give you a full list of all my body-guards, but not -- not this
4 person. Never has this person been part of the militia.

5 Q. 219, pseudonym 219. Did you know him?

6 A. I saw that person at some point in Aveba with my brother-in-law
7 Safari.

8 Q. What access did he have -- what access did he have to the BCA?

9 A. Counsel David, I -- I do not know where he lived. I did not know
10 where he lived, and I do not know how he may have gone to the
11 BCA, because I was not at the BCA at that time. I was at my father's
12 home.

13 Q. Do you know when he first came -- well, do you know when he came
14 to Aveba?

15 A. He fled Bunia. He fled from Bunia like all those who fled that
16 area on the 12th of May, 2003.

17 Q. You had a telephone conversation with him that we have a
18 transcript of. Now, I'm not going to go into that. You may be asked
19 some questions about it. My question is: Did you ever ask him to give
20 false evidence?

21 A. There is something which I said, and I hope that it was the
22 following, namely to tell Mr. 219 that if he knew anything, he should
23 speak the truth about what he heard and what he said. And I think this
24 statement of mine can be found somewhere. I never asked him to come here
25 and spoil matters before this court when I myself, I am pleading not

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1 guilty. So I cannot ask someone to come here and say the contrary to
2 what I am pleading.

3 Q. All right. Now, 250, pseudonym 250. Did you know him?

4 A. I saw him for the first time sitting on this chair as a witness.
5 That was the very first time I saw him.

6 Q. 279, Witness 279. Did you know him?

7 A. I also saw him for the first time sitting on this chair.

8 Q. Witness 280. Did you know him?

9 A. That one, too, I saw him on this chair for the first time.

10 Q. And the other two we'll come to in due course, not today.

11 MR. HOOPER: So it may be helpful if people could retain the
12 pseudonym paper for perhaps a later occasion.

13 MR. MACDONALD: (Interpretation) I suggest, Mr. President, that
14 we take back the papers and pull the blinds and then proceed. What I was
15 saying, Mr. President, is that we take the papers back and then revert to
16 open -- or, rather, pull the blinds and probably redistribute the papers
17 on Monday as we proceed.

18 PRESIDING JUDGE COTTE: (Interpretation) So, Court Usher, please
19 take back the piece of paper and, as Mr. Hooper has said, we will resume
20 with this matter on Monday. And I now ask the Court Officer to please
21 pull the curtains.

22 Now, Mr. Witness, considering or regarding the person whose
23 pseudonym is 28, your answer to Mr. Hooper was that when somebody does
24 not have a major position, one does not necessarily see them when they
25 arrive, but did you see him after he had arrived? Was 28 someone who came to your

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1 home, who associated with your friends or relatives, or who came to the camp when
2 you subsequently moved there ?

3 A. Mr. President, when I moved to the camp, number 28, we organised
4 a football tournament to kick off our sensitisation efforts. And so all
5 the combatants who were around gathered at the football field. There
6 were some six to eight teams in that local tournament or championship in
7 Aveba. That gave people the opportunity to get a bit used to not just staying there in
8 the camp... in order to try and entertain people.

9 So, Mr. President, at that time I owned some sports equipment
10 which had been supplied by the transit centre to the combatants. These
11 were balls, boots, jerseys, and all of those things were in my keeping.

12 PRESIDING JUDGE COTTE: (Interpretation) So that is one occasion
13 on which you met 28. Did you meet 28 again at another opportunity? Did
14 28 usually come to your home or did he have contact with your close
15 relatives or friends?

16 THE WITNESS: (Interpretation) Mr. President, maybe he came.
17 You know, in Africa when a young man comes to visit, what you do is look
18 around to see whether there is some food to share. So maybe he would
19 have come and gone to see Denise, because Anyolito went... and so on. And my
20 wife belonged to a -- a big family, and such things may have happened.

21 PRESIDING JUDGE COTTE: (Interpretation) Was the lone purpose of the football
22 tournament only to entertain combatants, or was it open to non-combatants as well,
23 because you just said that number 28 was never a member of the militia.

24 THE WITNESS: (Interpretation) He was never in the militia.
25 The football team did not include only combatants. The

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1 football championship was something we simply wanted to organise
2 involving combatants and the young persons in the village. It involved
3 everybody.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
5 Mr. Katanga.

6 Mr. Hooper, please proceed.

7 MR. HOOPER: Thank you.

8 Q. So following the -- your visit on the 8th, 9th of March to Dele,
9 when was the next time that you went to the Bunia area?

10 A. After that, I went to Bunia on the 21st of March, 2003.

11 Q. And what happened?

12 A. When I went to Bunia on the 21st of March, 2003, I spent the
13 night with a former senior worker of the UPC. He was of the Lugbara
14 ethnicity, L-u-g-b-a-r-a. This ethnic group lives in the Aru territory.
15 They live in the Aru territory or area. By the time I got there, I was
16 not familiar with Bunia. The person who provided me with the
17 opportunity to live with this man in Kindia, is
18 Lobo Tchamangere because they belonged to the same extended family, and
19 that is how the connection was made, and for that reason we were able to
20 spend the night at his place.

21 When we got there, when we got to his place, I don't know what
22 happened, but in the morning -- you see, we had arrived in Bunia around
23 3.00 or 4.00 p.m., and we were at his house. I do not know what happened, but
24 maybe he had some connection with brigadier -- Brigadier Kale Kayihura.
25 He went out in the evening, and upon his return he asked us whether it

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1 would be possible for us to meet General Kale Kayihura in the morning. I did
2 not know General Kale Kayihura, so I asked who is he, and I was told he is the sector
3 commander for Bunia. So since he knew that we were there, I said, let us
4 go meet him. So we went to the airport, and at the airport I saw things
5 I did not understand. There were cameras, there were journalists. And I
6 was very frustrated, because that was the first time for me to access a
7 Ugandan camp. I was really frustrated. In fact, I was truly terrorised
8 by all those things. Those things really frightened me. I was
9 frightened.

10 Q. And what happened?

11 A. It is at that time, and I am sure you can see the -- the footage
12 in which the journalist came by with his camera and asked us to introduce
13 ourselves. So after that, Kale Kayihura told me, "No. You don't have to
14 go back there." And while this was happening, he was constantly on his
15 Thuraya, communicating with somebody. So he told me, "No, you don't have
16 to go back. We are moving to the centre, to theology, the ISTB,
17 the *Institut Supérieur Technique Biblique*. That is the
18 Superior Technical Bible Institute. And I said but why? So he told me we are
19 going to sign the cease-fire. I said, "What cease-fire are you talking
20 about?"

21 That is how they took me in a pick-up, and we got to that
22 location where I found a document that had already been signed by other
23 people. In fact, I did not have time to read that document, because the
24 document was placed before me, and right there, in my presence, the word
25 "FRPI" was written on that document in my presence and I was asked to

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1 sign. You see, and in all of that, Pitchu was there, Pascal was there,
2 so I said I cannot sign alone. All of us must sign. We must all sign
3 together. And that is how I got to sign that cease-fire.

4 I really do not -- I did not know the content of that document.
5 No, I did not. It was at that very time that I saw the word "FNI." I said, what are
6 these things? I saw FNI, PUSIC, and what have you, what are all of these things, I
7 asked. And I was told FNI -- the president of the FNI is Ndjabu, and that is how
8 I came to see all of those acronyms.

9 MR. HOOPER: And if we could just have a look at that document,
10 which is EVD-D03-00099. It's a public document. Sorry, wrong number.
11 00094. No. Sorry. Start again. 00044. And there's a hard copy that
12 we can provide.

13 PRESIDING JUDGE COTTE: (Interpretation) Those who have binders,
14 it must be document number 50 as appears on the list of documents from
15 the Germain Katanga Defence team.

16 MR. HOOPER: There's an unmarked copy for the witness.

17 Q. There's two versions of this document, one with a signature,
18 relevant signature on it, and one without. This is the one with, and if
19 we look at -- you've got the document in front of you. We can see what
20 it is. (Interpretation) "Cessation of hostilities agreement in the
21 Ituri." (In English) And it has an introduction which acknowledges he
22 facility that MONUC has provided for the agreement. It makes reference
23 to, on the first page, the Luanda Agreement of the 6th of September,
24 2002, between the DRC and Uganda, which sought to establish a Commission
25 of Pacification for Ituri, and it also refers to the Ugandan Declaration

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1 of the 10th of March, 2003, that guaranteed the security of civilians and
2 those who participated in the CPI.

3 There's then a number of -- well, there's just four -- or is it
4 three. Three articles, in fact - a simple document - relating to the --
5 relating to the objects of a cease-fire.

6 We can see Article 1, to stop attacks. Article 2 is reference to
7 observing human rights.

8 MR. MACDONALD: (Interpretation) Mr. President, I recognise the
9 document. My learned friend is reading it. We're capable of reading it.
10 We've all read it. All of us have. I think we should ask the questions,
11 otherwise I'm not sure what we're doing.

12 PRESIDING JUDGE COTTE: (Interpretation) I think that Mr. Hooper
13 wanted at this stage of his examination-in-chief to have the broad
14 outlines of this document on the record. If that's not the question,
15 then -- the case, then, Mr. Hooper, please ask your questions. We have
16 13 minutes left before the end of the hearing.

17 MR. HOOPER: No. It is -- it is just to have something on the
18 record, on the transcript.

19 Q. And we then come to signatures, and we can see on page 4 that it
20 says "Done at Bunia," the 18th of March, 2003. And then it has the
21 signing parties, and we can see the representatives Lendu from Djugu who
22 have signed on the 18th of March, four of them. We then have
23 representatives Lendu-Bindi, and we have four names there, again signed
24 on the 18th of March. We then have for the FRPI, and I'll come back to
25 that in a very brief moment, but just continuing, for the other

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1 signatures we have PUSIC, again signed by Kahwa, K-a-h-w-a, on the 18th
2 of March. We have for the FNI Floribert Ndjabu Ngabu, 18th of March.
3 And then Unencan for the FPDC, and some other names there. For the
4 RCD-ML, looking at that name can you help us who that is? It's not clear
5 on the signature to me. Do you know who -- who signed for the RCD/K-ML
6 on the 18th of March?

7 A. No.

8 Q. For the UPC there's no apparent signature, and then for the FAPC
9 we have Jérôme, as we know him by, who signs again on the 18th of March.
10 So all those signatures, the 18th of March. Let's go back to the FRPI.

11 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, I simply
12 note that for the UPC it would appear that there is a signature. It's
13 not exactly on the same line with the acronym but it does appear to be
14 there. That's for the sake of the transcript. I'll let you continue.
15 Unless it's the witness's signature, there's a mark "MONUC (Witness),"
16 but there is a signature under UPC.

17 MR. MACDONALD: (Interpretation) Yes, that's it, Mr. President.
18 It's the representative of the sub-Secretary-General of MONUC.

19 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Okay, let's
20 continue.

21 MR. HOOPER: All right. So for the record, I think we
22 acknowledge that there's a signature for MONUC and for the FAPC, but UPC
23 is not represented as a signature on the document.

24 Q. Going back to the FRPI, number one, we have Germain Katanga and
25 do you acknowledge that that's your signature and signed on the date

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1 represented there, the 22nd of March?

2 A. Yes, Mr. David.

3 Q. There's also at number 2 Pascal Alezo and Pitchou Iribi, both
4 dated the 22nd of March. Were they present when you signed or not?

5 A. I'm the one who asked them to sign along with me.

6 Q. All right. Now, having signed that document, did you remain
7 in -- in Bunia or not?

8 A. I was very afraid for my safety in Bunia. I have a very bad --
9 very bad memories of the Ugandans. I couldn't stay in Bunia with the
10 Ugandans, no. It's the fact that General Kale Kayihura identified me,
11 and that frightened me a lot. It was as if I had been exposed.

12 Q. Now, Kale Kayihura, had you met him before that day or not?

13 A. It was for the first time on the 22nd of March, 2003, that I saw
14 Kale Kayihura and spoke with him.

15 Q. Now, having a -- where did you go from Bunia?

16 A. I went back home on the same day. I went back to Aveba. I
17 wanted to go back as quickly as possible so that I would already be in
18 Aveba when night fell because of the state of the road.

19 Q. Did you ever return to Bunia in March or not?

20 A. If I remember correctly, I went back to Bunia, I think, on the
21 14th, the 14th of April, because when I arrived in Bunia at the Musafiri
22 Hotel, I was told that Ndjabu had left Bunia the same day to go to
23 Kampala. And so that is why I remember that day, that date, the 14th of
24 April.

25 Q. Now, by the 14th of April, had you met Ndjabu Ngabu?

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1 A. No. I arrived in his absence. It was the same day on which
2 Ndjabu had left Bunia to go to Kampala.

3 Q. Had there been any post-Bunia -- that is, after the UPC left,
4 were there any discussions at all about the FRPI?

5 A. It is at that time, that period of April, that I found that
6 people wanted to build a staff headquarters, a common, a joint staff
7 headquarters, FNI/FRPI. I found Pitchou and other people were there
8 already working on that. They wanted to put the FNI and the FRPI
9 together. It was at that period.

10 Q. And what was the consequence of those discussions?

11 A. Even that battle order, the organisational chart, didn't succeed.
12 It didn't work out. First of all because people wanted to --

13 Q. (* Microphone not activated) ... interrupt you there. When you
14 say that "organisational chart," what was the organisational chart that
15 you're referring to?

16 A. First of all, people needed to be able to forge an alliance
17 between the FNI and FRPI to put them together. That's the first thing.
18 Secondly, they needed to be able to set up a joint General staff ,
19 which would have a classic structure.

20 Q. Was an *état-major* established?

21 A. First of all, the way we began to develop that organisational
22 chart, general Kisempia said that it shouldn't be done in that -- in the way
23 we were doing it. We had to change things.

24 Q. Thank you. Who -- which general are you talking about?

25 A. I apologise. At the time it was Major-General Kisempia Sungi Langa from the

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1 FAC.

2 Q. And that's K-i-s-e-m-p-i-a, Kisempia; is that right?

3 A. Yes.

4 Q. All right. Perhaps we can come back to the structuring when we
5 return next week, looking at the time.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
7 Mr. Hooper. Do you think it would be useful - I think it probably would
8 be - to give an EVD number to the map which Mr. Katanga completed for us
9 this morning. All right. Yes, Court Officer, could we do that.

10 COURT OFFICER: (Interpretation) Thank you, Mr. President. The
11 map annotated by Mr. Katanga this morning will bear the EVD number
12 EVD-D02-00226, and it will put on the record as a public document.

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

15 Mr. Hooper will resume his examination-in-chief on Monday. Could
16 I remind you that we are sitting at 1.30 on Monday. The Chamber will
17 also have a question to put to you, sir, at that time, on Monday, coming
18 back to things that you have said this morning, Mr. Katanga. We don't
19 have time to do it now.

20 Court Usher, could you please escort Mr. Katanga to the place he
21 usually occupies.

22 (The witness stands down)

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, given that
24 we're seeing Mr. Hooper making progress in his examination-in-chief, are
25 you able to give us a very broad approximation of how long your

1 examination-in-chief is likely to last?

2 MR. KILENDA: (Interpretation) I'm not going to lie to you,
3 Mr. President. As you know, we do an assessment every day. Perhaps
4 after the Prosecutor's cross-examination or perhaps at the beginning of
5 that we'll be in a position to give you an idea.

6 PRESIDING JUDGE COTTE: (Interpretation) All right. So you
7 would rather wait until Mr. Hooper has finished before giving us an
8 estimate, because bear in mind that you will be asking your questions
9 before the Prosecutor.

10 MR. KILENDA: (Interpretation) Are you talking about the
11 cross-examination?

12 PRESIDING JUDGE COTTE: (Interpretation) No, we're talking about
13 your own examination. Once Mr. Hooper has finished, your team will
14 have the floor, and following you, it will be for Mr. MacDonald to ask
15 questions, followed by the Legal Representatives of the Victims. Don't
16 you intend ask questions of Mr. Katanga?

17 MR. KILENDA: Possibly, possibly.

18 PRESIDING JUDGE COTTE: (Interpretation) All right. You will
19 tell us on Monday how you think of proceeding.

20 MR. KILENDA: I was thinking about the examination-in-chief of
21 Mathieu Ngudjolo.

22 PRESIDING JUDGE COTTE: (Interpretation) No, no, no, no. No,
23 no. Let's not get ahead of ourselves, Mr. Kilenda.

24 MR. KILENDA: (Interpretation) It will be Professor Fofé who is
25 doing that.

1 PRESIDING JUDGE COTTE: (Interpretation) All right. Thank you
2 very much. Just to get a broad idea so that the Prosecutor can prepare
3 and so that we all know where we are.

4 So we will see each other on Monday at 1.30. The hearing is
5 adjourned.

6 The hearing ends at 12.46 p.m.

7 CORRECTIONS REPORT

8 Pursuant to the oral order issued by the Trial Chamber II on the 19th October 2011
9 this transcript has been revised and corrected.

10 Please note that the corrections have been implemented directly into the transcript.

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