

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 International Criminal Court

2 Trial Chamber II - Courtroom 1

3 Situation: Democratic Republic of the Congo

4 In the case of The Prosecutor v. Germain Katanga

5 and Mathieu Ngudjolo Chui - ICC-01/04-01/07

6 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra

7 and Judge Christine Van den Wyngaert

8 Trial Hearing

9 Monday, 10 October 2011

10 (The hearing starts in open session at 1.33 p.m.)

11 THE COURT USHER: All rise. The International Criminal Court is now in session.

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

13 Good afternoon, everyone. Good afternoon, Mr Katanga.

14 THE WITNESS: (Interpretation) Good afternoon, your Honour.

15 PRESIDING JUDGE COTTE: (Interpretation) Good afternoon, Mr Ngudjolo.

16 Before we continue with our work, I would like to inform you that there was a

17 medical problem affecting one of the members of this Chamber and because of that

18 we are going to suspend the audience that was planned for Tuesday, Wednesday,

19 Thursday, Friday, that is 1 to 4 November. One of the days is a maintenance day, so

20 we are only going to sit for -- on Monday, 30 October, and so we are not going to sit

21 on Tuesday, Wednesday and Thursday. It had already been decided that we would

22 not sit on Friday, so for that first week of November we would sit only on Monday.

23 I had already informed you that in principle the Chamber will not be sitting during

24 the last week of October and it would not be preferable for you to commit yourselves

25 to anything on Thursday and Friday. We are not very clear on anything yet, but

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 there is a possibility that we might sit on a few days during that week. We do not
2 know yet whether this will be in the morning or in the afternoon and I am informing
3 you of this because during the week of Monday, 24 October, to Friday 29th, if we
4 have any time at all that we can use then we will use it and as soon as I have any clear
5 information about that I will convey it to you, but there is of course that possibility
6 that we may sit for some time during that last week of October, because we have the
7 problems that I have spoken about for the first week of November. We are sorry for
8 those inconveniences, but we could not do otherwise.

9 Mr Hooper, during a hearing last week Germain Katanga mentioned a
10 communication means known as "Thuraya." You remember that and you also
11 remember that the security officer who was present in the room showed us his
12 telephone set and there is a photograph of that which was done to the scale of one
13 euro, which is by the side of this telephone. Do you wish an EVD number to be
14 assigned to that photograph?

15 MR HOOPER: Yes, please, Mr President.

16 PRESIDING JUDGE COTTE: (Interpretation) Very well. Court officer, please go
17 ahead.

18 THE COURT OFFICER: (Interpretation) Thank you, Mr President. The
19 photograph will be EVD-D02-00227 and will be filed as a public document.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Incidentally, the
21 Prosecutor sent in a number of documents to us that they would like added to the list
22 of documents that they wish to use during their cross-examination. The Prosecutor
23 included those documents on the list that he had previously disclosed to us. To
24 facilitate our work, and specifically my work, I asked him and he accepted to be kind
25 enough to send in his list once again with those documents, but listed after the

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 documents that he had already sent in, so we don't have -- we don't need to have a
2 problem with numbering. Sometimes we use the first list and then we amend it by
3 adding other documents and sometimes this loses us time. So thank you,
4 Mr Prosecutor. If you can do that tomorrow, that will be perfect, but for the time we
5 can actually print out those documents in order to read them.

6 Now, Mr Hooper, you can continue with the direct examination of Mr Katanga, but
7 before that the Prosecutor?

8 MR MACDONALD: (Interpretation) Good afternoon, your Honours. Very, very
9 briefly, I would like to come back to the issue of maps. I sent in electronic versions
10 and we have paper versions that we can distribute to everyone. You will realise that
11 the map annotated by Mr Ngudjolo focuses on the eastern region that covers
12 Bedu-Ezekere and the road to Aveba and Kagaba as well as the intersections. We
13 also have a paper or a hard copy of the map annotated or sketched by Mr Katanga.
14 We extended that map towards the west so that they should include details about the
15 Bunia to Komanda road and I would like my learned friends to cross-check those
16 electronic versions and tell us whether they are acceptable, because we included the
17 annotations made by the two accused in blue.

18 We are going to include those documents in Ringtail and we may use them during
19 our cross-examination to facilitate understanding. The map from Mr Katanga
20 includes additional information that was added recently during his testimony, so I
21 would simply like to request the agreement of my learned friends, rather than to
22 include that document in Ringtail and it will have to be amended later, and then we
23 can give it an ERN number that can later be changed to an EVD. Thank you.

24 PRESIDING JUDGE COTTE: (Interpretation) Very well. Thank you,
25 Mr Prosecutor. We did receive these maps and I will leave it up to the Defence

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 teams and the legal representatives to examine the maps annotated in blue and black
2 on a large scale and they will decide whether those maps are acceptable to them and
3 they will indicate their agreement to you by tomorrow morning.

4 MR MACDONALD: (Interpretation) Very briefly, I have hard copies that I can
5 distribute immediately to each Defence team and to the members of the Bench.

6 PRESIDING JUDGE COTTE: (Interpretation) Very well. Court usher, please
7 retrieve those hard copies.

8 I believe that you can continue with your examination-in-chief now, Mr Hooper.
9 Please go ahead.

10 MR HOOPER: Just before I do that, can I indicate that the map's fine, except I'm a bit
11 concerned at the extension to the Komanda road and only to the extent that it's going
12 to make it difficult to convert into A4 and still be legible. So maybe this could be a
13 parallel and further map that includes Komanda.

14 WITNESS: DRC-D02-P-0300 (On former oath)

15 (The witness speaks French)

16 QUESTIONED BY MR HOOPER: (Continuing)

17 Q. Good morning, Mr Katanga. Good afternoon, I should say. I'm slightly out of
18 spec already. Good afternoon.

19 A. Good afternoon.

20 Q. It's been four days or so since we last met and for that reason perhaps I can take
21 us all back to transcript 318 at page 54, which is the last part of your testimony last
22 week on Thursday, and just to place us where I intend to pick up again and continue.
23 You were telling us then -- and I'll use your own words at line 5, page 54 in the
24 English version, so it's the penultimate -- it's the last page of the evidence that was
25 dealt with last week. You said, "It is at that time, that period of April, that I found

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 that people wanted to build an état-major, a common, a joint staff headquarters,
2 FNI/FRPI. I found Pichou and other people were there already working on that.
3 They wanted to put the FNI and the FRPI together. It was at that period. Even that
4 battle order, the organisational chart, didn't succeed. It didn't work out."
5 And you were asked what you meant by an organisational chart, and your reply was:
6 "First of all, people needed to be able to forge an alliance between the FNI and FRPI to
7 put them together. That's the first thing. Secondly, they needed to be able to
8 build a joint état-major, which therefore would have a classic structure."
9 "Was an état-major established?", you were asked? And you said: "First of all, the
10 way we began to develop that organisational chart, the general said it shouldn't be
11 done in that way. We had to change things." And you said by the general "It was
12 Major-General Kisempia from the FAC," from the F-A-C. So that's where we're at.
13 So let's come back to this meeting where it was sought to establish an état-major.
14 First of all, where was the meeting held?

15 A. The meeting to establish a joint FNI/FRPI military command took place in the
16 Musafiri Hotel in Bunia.

17 Q. That's -- you've answered the question and I can give you another question.
18 Who attended that meeting?

19 A. There was the FNI Minister of Defence and his deputy, and at that time this was
20 Mr Butchu, which is spelled B-U-T-C-H-U. His deputy was Pichou Iribi. There was
21 also the FNI director of cabinet, or directeur du cabinet, Mr Chura Bilo; and this name
22 is spelled C-H-U-R-A B-I-L-O. Chura Bilo. There was also an FNI political adviser
23 whose name was Matche (phon). There was also -- there were also combatants
24 including Maître Kiza, there was Goda Sukpa. I also was present. At that time
25 Mathieu was living in Bunia, and as to the other people, I cannot remember all the

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 names.

2 Q. Can you recall if Ngudjolo - I'll refer to him with respect as "Ngudjolo" - can you
3 recall if he was present?

4 A. He was not present at the Musafiri Hotel.

5 THE INTERPRETER: Can the witness be asked to repeat the last part of his answer?

6 MR HOOPER:

7 Q. Just for the interpreter, can you repeat the last part of that answer, please?

8 A. I said that Mathieu Ngudjolo was in sous-region, and this was the former
9 residence of Lompondo. He was in that area.

10 Q. Can you spell that for us, please, "sous-region"?

11 A. Sous-region is written S-O-U-S-R-E-G-I-O-N. Sous-Region. This is the
12 administrative headquarters of Ituri.

13 Q. Do you know if Ngabu was there, Ndjabu Ngabu?

14 A. No, Ndjabu was not there. Ndjabu went to Uganda on 14 April and that was
15 the same day on which I arrived. I did not meet him.

16 Q. And so what was the état-major structure, if any, that was agreed on as a
17 consequence of this meeting?

18 A. Initially, the état-major was set up as follows: Maître Kiza and
19 Germain Katanga. Maître Kiza was supposed to be the General Chief of Staff and
20 myself, Katanga, I was to be his deputy. And then we had to move to the sectors, the
21 north, centre and south sectors, so these positions had to be distributed; that is, staff
22 headquarters north sector, centre sector and south sector. Then after that there
23 would be the brigades, then the battalions and then the companies, and so on and so
24 forth.

25 At that time Major-General Kisempia then said it was not a good idea, because we

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 were not going to be the region commanders because he was the one who was the
2 commander of the Ituri region. That structure created positions for commanders of
3 military regions, but he for his part proposed that the structure should be amended
4 and there should be a position for one Chief of Staff and three deputies. So if Maître
5 Kiza was the Chief of Staff, then all of us, including myself, the Chief of Staff
6 responsible for administration, one would be responsible for logistics and another
7 Chief of Staff would be responsible for intelligence. That is what he proposed, but
8 this did not work because we did not agree, or rather we did not actually implement
9 that proposed structure.

10 PRESIDING JUDGE COTTE: (Interpretation) In that structure that you have just
11 presented, that is which was proposed by General Kisempia, you said there would be
12 one Chief of Staff and three deputies, administration, logistics and intelligence. Now,
13 what was the position that you were supposed to occupy yourself?

14 THE WITNESS: (Interpretation) I was the Chief of Staff responsible for
15 administration, because our general Chief of Staff, that would be Maître Kiza, was
16 not well educated, there needed to be a deputy to assist him with administration.

17 PRESIDING JUDGE COTTE: (Interpretation) Did that structure actually exist even
18 for a short time?

19 THE WITNESS: (Interpretation) It was included, it was typed into the computer,
20 but it was not implemented.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Mr Hooper, please
22 proceed.

23 MR HOOPER:

24 Q. So just for clarity, what was typed into the computer as it were? What was the
25 structure? First of all, Kiza, what position did he have in this proposed structure?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. Chef d'État-Major General, that is General Chief of Staff.

2 Q. And you were -- you were what?

3 A. I was a deputy head -- Deputy Chief of Staff in charge of administration.

4 Q. And was anybody else deputy or adjoint?

5 A. Mathieu was supposed to occupy the same position, that is Deputy Chief of
6 Staff, and General Goda also was Deputy Chief of Staff.

7 Q. Did Mathieu Ngudjolo have a particular role? You said you were admin,
8 administration. Did he have any role as a deputy adjoint?

9 A. It was proposed that he would be Deputy Chief of Staff in charge of operations.

10 Q. And Goda Sukpa, what function did he have, if any?

11 A. I believe he was the Deputy Chief of Staff in charge of intelligence.

12 Q. Now, this structuring with discussions with Kisempia you said was adopted,
13 but not in practice put into effect. Was any alternative structure developed?

14 A. After a few weeks, we were driven out of Bunia without having implemented
15 that battle order, or that organisation chart, and during that time Maître Kiza also
16 died and when he died we had to go back to square one with regard to the work on
17 that organisation chart. So at that time it was not possible for us to stay together in
18 Bunia, because everyone was returning to their fief.

19 Q. Now, can we just learn a little more about Maître Kiza. What was his history?
20 Where was he from?

21 A. I spent two to three days with Maître Kiza in Bunia. He was someone we did
22 not quite understand, because he did not speak Swahili. The only language he spoke
23 was Kilendu. It was impossible to live with him. It was impossible to
24 communicate with him, so to be able to communicate with him we needed an
25 interpreter. What I know is that Maître Kiza was a good combatant, he was a good

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 fighter, defending the Kpandroma area, and he protected that area until -- or to the
2 extent that the area was not destroyed and it was not affected by the fighting. That
3 is the background I know of him. He did not receive any military training. He is a
4 man who was blessed by our old wise men and they called him "Maître Kiza," but his
5 real name was Germain Kiza.

6 Q. And we know where Kpandroma is, to the north there, away from Bunia.
7 Now, you are driven out of Bunia in May and I don't think we need to go to the
8 background of all that, with the UPC coming back after the Ugandans had finally left,
9 but just pausing there, did you yourself participate in the fighting in May in Bunia?

10 A. --Participate would be a bit... One can say that we were all in Bunia,
11 combatants, some APC men, the police and the FAC. We were all there, so
12 participate? Well, yes, we were all there. That is what I can say in relation to
13 participation; that is, we were all in Bunia and we fought in Bunia before leaving.
14 We had to check the advance of the UPC in order to enable the population to be
15 evacuated calmly. So I agree.

16 Q. Now, prior to being chased out, in the period between the fall of -- well, I say
17 "the fall." Between the chasing out of the UPC back in March, until the time came
18 when the UPC came back in May, during that time what, if any, military structure did
19 Kisempia of the FAC, the Congolese army, put into effect?

20 A. In Bunia, it is the police that took over directly; that is the Rapid Intervention
21 Police Force is the force that took over from the UPDF. All checkpoints, all strategic
22 points, were taken over by the Rapid Intervention Police Force, whose chief was
23 Colonel Luzembo.

24 Q. Can you spell the name, please?

25 A. Yes, I can. Colonel Luzembo, Luzembo is spelled L-U-Z-E-M-B-O, Luzembo.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. And that force is known as the PIR, P-I-R; is that correct?

2 A. Yes, that is the acronym for the Rapid Intervention Police Force.

3 Q. What happened, if anything, to the RCD-K/ML and its army the APC during
4 those months?

5 A. What I can tell you is that a significant number of the APC soldiers entered
6 Bunia, claiming to be combatants, including among others Commander Unega.

7 There were many of them there Frank Uwechi, people like Arombo, and so on and
8 so forth. They came from Beni through Komanda and went to Bunia, claiming to be
9 Lendu combatants.

10 MR MACDONALD: (Interpretation) I'm sorry to rise, but Mr Hooper, just for
11 spelling, if the witness would help with spelling of the names. I did not hear all the
12 names and I think it would be proper to spell out all the names for the record.

13 THE WITNESS: (Interpretation) I mentioned Arombo, Arombo is a name I
14 mentioned, spelled A-R-O-M-B-O for Arombo.

15 MR HOOPER:

16 Q. You mentioned Unega, a name we have met, U-N-E-G-A. You
17 mentioned -- was it Uwechi?

18 A. I talked about Uwechi Frank, Uwechi Frank. Uwechi is spelled U-W-E-C-H-I
19 Frank.

20 THE INTERPRETER: "And Frank is in French," says the witness.

21 Q. And after the UPC had been chased out in March of Bunia, what was the
22 relationship, do you know, between the central Kinshasa-based government and the
23 RCD-K/ML of Mbusa Nyamwisi?

24 A. Their relationship was further strengthened, because the entire zone was under
25 the RCD-K/ML zone. Their alliance was further strengthened and I may inform you

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 that during that period from May to June the integration of the APC troops into the
2 national army had already taken place. They were already integrated and the
3 President of the Republic, Mr Joseph Kabila, had signed a decree appointing generals
4 and high-ranking officials into the army from Mbusa Nyamwisi's army at the time.
5 So this points to the fact that this relationship moved things forward for the
6 RCD-K/ML.

7 Q. In respect of the non-APC, the combatants, such as yourself and the others,
8 during that period March/April/May, was there any steps at all taken towards
9 integration, or not?

10 A. What I can say is that those of us who were combatants got short changed.
11 Why do I say so? If you look at the full picture, you will see that the APC troops
12 who were with us in the collectivity, in the Lendu areas, were abandoned and they
13 were not integrated. They were simply abandoned. Their names did not appear on
14 the list of the RCD-K/ML soldiers who -- the list which was tabled with the
15 government in Kinshasa, so all the soldiers of the APC who were among the
16 combatants then came to the position that since their hierarchy had abandoned them
17 they would take on a new approach. It was at that time then that the APC soldiers
18 who were among the combatants then joined the local fighters and that is how the
19 APC and the combatants somehow merged, because the RCD-K/ML government had
20 not compensated them.
21 Now, as for the combatants, we were simply asked to organise ourselves and draw up
22 a list that would be sent to Kinshasa. We did not know how much time that would
23 take and, you see, before sending our list to Kinshasa, it was necessary to go through
24 a certain procedure and that procedure was disarmament and integration into the
25 community.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. All right. So in May, after you -- after the UPC come back and chase people
2 out, was there any structuring of the état-major in the light of that event?

3 A. I have told you that the military command -- well, the General Staff did not
4 operate, it did not work. Why? Because our troops, for example, were not
5 identified. A combatant from Medhu, for example, would go -- let's take the
6 example of someone who left Dele and went through Yambi to the city. If that
7 person found Ngudjolo there and Ngudjolo -- Mr Ngudjolo was introduced to him,
8 and so the person would say "He's the commander of Zumbe" and he would go by
9 without any greetings. So a combatant from Zumbe would be introduced to
10 Germain, and he would say "Germain is the commander of Aveba" and he would go
11 by without any due respects. That is what the situation was like. So there was no
12 success in merging the forces, even afterwards.

13 Q. After May, what was the relationship between the FNI and the FRPI, as you
14 understand it?

15 A. My own observation is that I believe that the FNI had abandoned us. FNI had
16 told us that they were our political umbrella, so I felt that the FNI had abandoned us.
17 Why did they abandon us? You see, it is the FNI which was in a position to take
18 steps to facilitate our integration. It was the FNI which could have done that,
19 because FNI was in charge of politics and so it was FNI which was supposed to take
20 up that task.

21 Secondly, the president of the FNI was absent from Ituri and from the Congo in
22 general, he used to live in Uganda, how could we then put our confidence in someone
23 who was not within us, or living with us? That is how we started to withdraw.
24 That is how we started to forget about the so-called FNI party.

25 Q. And after the events of May, what was your relationship with Ngudjolo?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. My answer is that to be a combatant is not an easy thing. You see, we did not
2 agree among ourselves. We did not agree among ourselves, so no one was going to
3 be anybody else's leader. It was impossible. Even if Mathieu claims that he wanted
4 to come to my place and I didn't want him, well, I would not receive him. And, you
5 know, combatants with a very low level could simply stop him and say "No, we don't
6 want you in our area." So it was a strange kind of tension, each party rejecting the
7 other because the impression was given that anyone coming in was likely to take
8 away from the area under your control.

9 Q. Did there come a time when the -- when -- well, at that stage, through 2003,
10 particularly in early 2003, what was the position in your mind of the FRPI? Was it a
11 political party? Was it a military wing? Was it -- what was its essence, as it were, in
12 your mind?

13 A. From the time the name FRPI was taken up, we felt that we were more on the
14 military side; that is resistance movement on the military aspect, not the political
15 aspect.

16 Q. Did that ever change?

17 A. Yes, it changed. It did change indeed, because from the month of May, you see,
18 at that time some initiatives were being taken. We had failed in Bunia, so we needed
19 to organise ourselves in our collectivity. So we started to do a few things together, to
20 come together into a company, into a battalion, into a brigade. We had a brigade in
21 our area with four battalions, and so on and so forth, and then gradually in 2004 I
22 self-proclaimed myself as the president of the FRPI.

23 Q. Right. Just pausing there, I just -- there's a document that I hope to lay my
24 hands on. I am just pausing a moment as I've forgotten to put the EVD number of
25 the document I've got, but it's the document we are familiar with, and it's

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 EVD-D02-00046.

2 MR MACDONALD: (Interpretation) Mr President, with your leave, before the
3 document is shown, could we locate it properly? Thank you, Mr President.

4 MR HOOPER: And this is a document déclaration politique.

5 PRESIDING JUDGE COTTE: (Interpretation) It would appear to be document
6 number 55, Mr Prosecutor, in the list of Mr Hooper's documents, documents disclosed
7 by Mr Hooper. It would appear caption "déclaration politique," is that it? Are you
8 there, Mr Macdonald? DRC-OTP-0106-0483, EVD-00046.

9 MR MACDONALD: (Interpretation) Yes, Mr President, we are there, but we
10 didn't rise on an objection. Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) Yes, please proceed.

12 MR HOOPER: It's a public document and it's on the screen now, is it? Yes.

13 THE COURT OFFICER: (Interpretation) The document can be viewed by pressing
14 "PC1."

15 MR HOOPER:

16 Q. And we've seen this earlier and we'll come back to this document a little later
17 this afternoon, but at the moment we can see looking at that document dated
18 Kampala 8 February 2004 headed "FRPI Déclaration Politique" and at the bottom of
19 the first page "Nous, cadres de la F.R.P.I.," "We, staff of the FRPI, declare the
20 following," and turning over the page "The total rupture with the FNI and the FRPI
21 will become a political military movement independent and autonomous." And if
22 we've looked at the bottom there, we've got the "Done at Aveba-Mkubwa
23 8 February 2004 for the FRPI," and there is your signature "Germain Katanga,
24 President," and can you confirm that that is your signature?

25 A. Could I have a look at the second page, please?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Yes.

2 A. Yes, that is my signature.

3 Q. Right. Now, I want to -- we see the word "President" there and I want to -- if
4 you can, I'll ask you to help us as to the development of the use of this word. First of
5 all, going back to the discussions in November in Beni, we could see last week we
6 dealt with this, this was no use of the word "President," nor does it appear as we
7 know in the manifest. I needn't go back over all that.

8 Now, in April there were discussions -- there were discussions in Bunia about the
9 état-major, you've told us about that. During those discussions about the état-major,
10 was the word "President" used?

11 A. Only the president of the FNI.

12 Q. And who was that?

13 A. The president of the FNI was Floribert Ndjabu Ngabu.

14 Q. Now, at the time of the Bogoro attack, you told us last week that you were and
15 you described yourself as co-ordinator at Aveba with the FRPI -- or for the FPRI with
16 Beni. At that time, who was -- if you were co-ordinator, what function did Cobra
17 Matata have?

18 A. From the time of the birth of the resistance movement and from the time Cobra
19 joined the resistance, he took on the name or the title of colonel.

20 Q. And what -- just sticking with the word "colonel," did you have any rank or did
21 you use any name of a rank at all?

22 A. I never gave myself a rank as such, but people would call me -- people called me
23 "Colonel." I don't know why. They would call me "Colonel." They would refer to
24 me as "Colonel," but I don't know why.

25 Q. Did you ever -- how did the name we see used in February of 2004, in that

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 document you sign yourself "President FRPI," when if any time did you use the word
2 "president" or were known as "President" before that?

3 MR MACDONALD: (Interpretation) Your Honour, could the questions on this
4 issue of "president" be broken down, be split, because I raised an objection to that a
5 few days ago when the issue of the presidency was mentioned and it was fluctuating,
6 so if we are coming back to this topic then it would be important to break down the
7 questions.

8 PRESIDING JUDGE COTTE: (Interpretation) In any case, Mr Hooper, it would be
9 important for us to fully understand which were the responsibilities or attributions of
10 the various positions and the specific names. Mr Katanga has told us that this
11 changed over time and sometimes names were given spontaneously by others
12 without being officially adopted. We have been making a little progress, but we
13 have difficulty fully understanding the responsibilities and the specific title of those
14 concerned, specifically the accused person who is testifying now, and that is why I
15 would like to agree with the Prosecutor to ask you to make your questions as simple
16 as possible. Thank you. And to the extent possible, please avoid asking two or
17 three questions in the same sentence, even if your intention is to have the witness
18 better understand your question. Thank you.

19 MR HOOPER:

20 Q. Can you help us as to how the use of the word "president" developed, as far as
21 you are concerned? Its use in terms of you, how did it develop?

22 A. If we backtrack a little bit to September 2002, I can tell you about the day on
23 which Cobra felt threatened by Kandro's authority. He thought that Kandro wanted
24 to overthrow him and that he was taking on too much importance, and the only way
25 to neutralise Kandro was to kill him and Kandro died, which is why Cobra remained

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 as the only colonel in our area, in our collectivity. It is possible that the people who
2 were with us, the old wise men addressed us by any titles. There were many names
3 that people used to refer to me and I did not know anything about it.
4 However, it so happened that we -- we started this name "president" at the time of the
5 split with the FNI. I believe I skipped a stage here. Your Honour, I had told you
6 that we met with Kisoro on 3 March 2003 in Tchey and we, on the 3rd we met with
7 Kisoro in the presence of the old man Kakado in Tchey. Cobra was present. Old
8 man Kasaki told those of us who had been invited to Tchey that the time had come
9 when he preferred that the combatants should not kill each other because of titles.
10 Cobra did not want anyone else to be referred to as "Colonel" and so the old man said
11 "Okay, Cobra, you will stay Colonel. Katanga will become the president of the
12 combatants" and he appointed someone else major and others captain, and so on and
13 so forth. That is what happened. And then we came to Bunia. Since this person
14 was an old wise man, he used that title "president" and two or three other wise men
15 heard it and that is what happened.
16 Now, we came to Bunia when we had to establish the battle order, that is the
17 FNI/FRPI organisation chart, but I never used that name "president." I never
18 introduced myself as "President" or even "Colonel," never. In some of the video clips
19 presented by the Prosecutor, you heard someone refer to me as "Colonel." I simply
20 answered because he had addressed me as such.
21 Now, at that stage, your Honour, I did not know what my title was. Everyone
22 referred to me the way they wanted, but personally, I knew that I was the
23 co-ordinator. That was my position.
24 Q. All right. Let's come back to the meeting at Tchey and just look at that for a
25 moment. First of all, because it's not plain on my transcript, when you say "the old

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 man," who are you talking about?

2 A. The old man Kakado. I said "Kakado."

3 Q. And what was at Tchey? What did he have at Tchey?

4 A. On that day, if today you go to the Walendu-Bindi collectivity and you ask
5 anyone "Do you remember any date, that is 03/03, that is 3 March 2003?", at least two
6 out of every three people will tell you "Yes. This is a date that was prophesized by
7 the old Kakado and this is what he said. 'Even though we are going to enter this
8 difficult period, you have to know very well that there will be a change as from
9 3 March 2003'." People even thought that the world would be turned upside down.
10 Some people did not even spend the nights in their houses. They spent the night
11 outside so as to try and find out what that change might be. We met with him
12 because he invited us. He said that he needed to see us in Tchey on 3 March 2003
13 and that is when Kakado said that "Today is the beginning of the change that I have
14 been expecting. I have been expecting the change for a long time, but it will begin
15 today," and so we looked at each other. "What was this change?" We did not
16 understand anything and even until today people are wondering what that change
17 was, but we were all gathered together there in Tchey in the presence of that old man
18 Kakado to explain to us the change he had been expecting on 3 March 2003.

19 Q. Right. And who was gathered there?

20 A. He invited many commanders, many combatants and all those who believed in
21 that theory was concerned because the message was spread throughout the
22 community, so anyone who could go to Tchey did go there. There were many, many,
23 many people in Tchey on that day, 3 March 2003.

24 Q. All right. You have mentioned Cobra. You have mentioned Kisoro. What
25 was your relation with Kisoro by 3 March?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. Kisoro was always my enemy. Kisoro was still my enemy. As you know,
2 when you are in the presence of that old man, even if you are very stubborn while
3 you are elsewhere, when you are in his presence you change your behaviour. You
4 change your contact -- your conduct, because we were afraid of him. We respected
5 him. I'm not saying we were afraid in the sense that he frightened us, no, but we
6 had a lot of respect for him.

7 Q. Now, he says that Cobra is to be, and use the word -- and only he to use the
8 word "Colonel" and you say he also provided other ranks to people who were there.
9 Did you receive any nomination?

10 A. The title that I mentioned is what I said regarding president of the combatants.
11 Maybe that is what it was, but I did not receive any military rank. This was just in
12 order to facilitate what he was saying. He had said that the time had come and
13 something had to happen.

14 Q. Did Kakado have any rank or position, do you know?

15 A. Practically everyone in Ituri knows Kakado. The reason for that is that he has
16 an association and he set up a project known as CODECO, Corporation de
17 Development au Congo, and he brought together all the farmers and together they
18 bought vast plots of land west of Nyankunde and towards the south of Aveba. They
19 were producing plank, they produced charcoal and huge quantities of food which
20 was used to feed people in Bunia and a large part of Ituri, and it was because of that
21 that this man was widely known.

22 You had ten to 15 trucks arriving at the same time at the project site, CODESSA, and
23 they would fill up those trucks with foodstuffs and return to Bunia, 40/60 tonnes of
24 food, and if you needed charcoal you would come and take the tonnes and tonnes of
25 the product to Bunia. If you wanted plank, you could come and carry all the planks

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 that you needed. So it was because of that that this person was known, but beyond
2 that -- beyond agriculture he was someone who was a seer; his main occupation was
3 that of a clairvoyant. That is what made it possible for him to predict things... In our
4 region, there are specific seasons for planting beans. But if he told you: "No, do not go
5 with the planting season of last year; you have to plant earlier". If you respect that,
6 then you would have a bumper harvest. That was the situation that prevailed.

7 PRESIDING JUDGE COTTE: (Interpretation) Mr Katanga, you have to assist us.

8 On page 25, line 2, of the French version, Mr Hooper asked you a question "Did
9 Kakado have any particular position that you know about?", and you have been
10 explaining to us and we already heard that at another time you explained to us that
11 Kakado was involved in agriculture and he was also a seer. We understand that, but
12 the question that was put to you was did he have any position? You gave us your
13 answer, but you did not tell us whether he was known by any particular title, and so
14 you have to help us to better understand who apart from Cobra, who was known as
15 "colonel," who had a title? What was that title? Who had a rank? What was that
16 rank?

17 And when I look at the document déclaration politique, which was produced a
18 short while ago, signed by "Germain Katanga, President," we have to understand why
19 that is so. Somebody referred to you as "President" because he wanted you to be
20 president, but there is a document here signed by you as President and if there is a
21 difference you have to tell us about that.

22 So, Mr Hooper, please continue.

23 MR HOOPER:

24 Q. Listen to the questions, please. Did Kakado ever have a title, or rank?

25 A. Yes, I was coming to that. My answer was a sentence. He was known as

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 "PDG," that is in French Président Directeur-General, President Director-General or
2 Chief Executive Officer. I was coming to that, Mr President.

3 Q. Now, after or on 3 March, so that we are clear, you didn't receive a rank, but did
4 you receive a title or not and, if so, what was it?

5 A. I've told you, president of the combatants.

6 Q. Right. And after 3 March, did you ever use that name?

7 A. I never used that title "President," absolutely not. I simply introduced myself
8 as "Germain Katanga" or "Commander Germain Katanga." Those two introductions
9 are enough for me.

10 Q. Now, we see in 2004 you've signed yourself "President FRPI." Did you use the
11 title "President FRPI" before then?

12 A. That is what I just told you. Old man Kakado gave me the title of president of
13 the combatants. In his mind, he was not aware of the FRPI problem, and so on and
14 so forth, he simply knew that there were combatants. That was enough for him.
15 It was after that date, that is 8 February, when this title was officialised, but it is
16 possible that in anticipation I signed some documents as "President" before that date.
17 There are documents from June, July, August, and so on -- well, but it was on that
18 date that I officially took on that title of "President."

19 Q. All right. Now, let's just go back to the events themselves. Bunia, you get
20 chased out and where do you go when you leave Bunia?

21 A. When I left Bunia, I went directly to Aveba.

22 Q. Now, we've heard from a number of witnesses, and indeed yourself, that there
23 were large numbers of refugees that left Bunia and many came to Aveba. Can you
24 help us as to this? Were there Hema amongst those refugees and, if so, what was
25 your attitude to them?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. There were many, many Hemas. I would say many, many Hemas.

2 Mr President, your Honours, the question that I was asking myself was this: Why
3 do the Hemas want to run away from the UPC? Why? It was later that I realised
4 myself that those Hemas fled for the simple reason that when those of us, that is the
5 combatants, we were in Bunia, if the UPC came in they would say that those people
6 were co-operating with us in order to betray the UPC. That is what I thought about
7 myself, but now somebody who is fleeing away from his own home to come and seek
8 refuge in your place, how can you chase him away? You cannot chase someone who
9 is fleeing from the house of his brother to come to your house and you are supposed
10 to be his enemy, because people were saying that it was an interethnic war between
11 the Hemas and the Lendus, so how could the Hemas flee Bunia to come and take
12 refuge in Aveba? This is questions we might -- these are questions we might ask
13 ourselves, but this is what happened.

14 Q. Prosecution Witness 219 stated that you'd given an order that Hema were not to
15 be killed. Have you any comments to make on that?

16 A. It is true that in our community there are people who have very bad memories
17 of the Hemas. That is true. And so to prevent similar things from happening in an
18 area where we had started becoming civilised, you had to prohibit such acts. So
19 imagine someone fleeing from Bunia right to Aveba. This is more than 70 kilometres,
20 your Honour. If you kill him again where he came and took refuge, that would be
21 inhuman and even immoral. That is why we could not accept that. We could not
22 allow even a single Hema to be killed who was under our control.

23 Q. After the Bogoro attack of February, were you ever aware of any UPC prisoners?
24 Soldiers to start with, were you aware of any UPC soldiers who were prisoners?

25 A. There were two UPC soldiers in Kagaba. They had been captured. They

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 were in Kagaba and this was on 8 March 2003. Well, maybe not specifically 8 March.
2 Around 9 March 2003 when I returned, I found these two Hema boys in Kagaba.
3 They were inside the camp. They were seated somewhere near the entrance to
4 Yuda's house. His wife was not there, but his bodyguards were there.
5 I was going to see one of my brothers from my extended family who was living in the
6 camp. He was a combatant in Aveba. I went in there and we were told "Look, we
7 captured two UPC soldiers who are here." I could not take them away directly
8 without asking for Yuda's authorisation. Yuda was not present in the camp. I tried
9 to locate Yuda so that those two UPC combatants should be taken possibly to Beni,
10 because that was the main direction towards which people from Bunia fled even
11 before 12 May.

12 That is how come those two combatants were taken to Aveba, and from Aveba they
13 took a plane. The plane that was bringing ammunition to Aveba, they boarded that
14 plane and travelled to Beni. Now, I do not know what happened after their arrival
15 in Beni.

16 Q. All right, thank you. Were you aware of any women who had been captured
17 at Bogoro?

18 A. Yes, Counsel. I would tell you that it was here that I received a lot of
19 information. I received a lot of information here, because I learned that there was a
20 woman who was captured in Bogoro and who married Dr Raymond. He was a
21 traditional laboratory technician, so that is why I am saying that I received
22 information here, so I learned that there was a woman who was captured and later
23 married Dr Raymond. He was -- she was a Nande.

24 Q. Right. What about Aveba? Were there any women who were captured who
25 were brought to Aveba, or "kept" as we have used the phrase, as sexual slaves?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. I would like to apologise for using that word. I apologise for using the word
2 "sexual slavery." It's a word like "rape" which is a taboo in our area. It is really a
3 taboo. You know, those types of things, no, no. Even today in the presence of
4 Kasaki, no, no, impossible.

5 Q. Now after the fighting at Bunia in May, I just want you to take us forward, as it
6 were, as to what, if any, fighting was done by combatants at Aveba to your
7 knowledge after May. So let's deal with it. In June 2003, were there any attacks
8 against or by Aveba?

9 A. All I can say is that from early 2002, that is from the beginning of the year 2002
10 in the month of, or should I say the first quarter of 2002, the combatants in Aveba
11 were not involved in any fighting because no one had attacked them in Aveba. The
12 war was taking place far away from Aveba. The war, indeed, was taking place far
13 away from Aveba. Attacks were occurring far away from Aveba and the combatants
14 in Aveba were not involved in any fighting.

15 Q. And you're speaking from early 2002. Did that situation change?

16 A. Why do I say that? The only exception is internal clashes between combatants.
17 Combatants against combatants. It is true that we used to fight each other. If
18 someone came to disturb you in your area, you would retaliate by destroying his
19 camp, and that is how it was. So to that extent I could say that there was fighting
20 among or between ourselves, but fighting as against an enemy or against the enemy,
21 no, no, no.

22 Q. Now, I would like to come to the events, other events, and to some extent I want
23 to sort of tread lightly through these. Though the facts behind them may be quite
24 complicated, I am going to try and see if we can take it fairly quickly so as to finish
25 this part of your evidence as quickly as we can. Kinshasa, did you -- well, we have

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 heard clear evidence you did. When did you go to Kinshasa for the first time?

2 A. I went to Kinshasa for the first time in August 2003.

3 Q. Now, I don't think there is any dispute on this and perhaps I can lead. Was
4 that in respect of the CCGA, the comité de consultation de groupe armée?

5 A. Yes, it was within the context of the CCGA.

6 Q. And for how long were you in Kinshasa?

7 A. I would say two weeks, two-and-a-half weeks, or three weeks maybe.

8 Q. And when did you first meet Witness 12?

9 A. I went -- I met Witness 12 on the plane in August 2003.

10 Q. Was that going or coming, as it were? Going to Kinshasa, or coming from
11 Kinshasa?

12 A. At the Bunia airport on our way to Kinshasa.

13 Q. And what contact did you have with him while you were in Kinshasa on that
14 first visit?

15 A. In Kinshasa -- and I don't know whether accommodation was provided by the
16 government or by MONUC. In any event, we were divided into two groups. One
17 went to the Grand Hotel de Kinshasa and the other group, that is the remainder of us,
18 were taken to Kitambo, I think. Kitambo in the compound of the -- or in the
19 premises of the Catholic church. That is where we were given accommodation. So
20 myself and P12 were provided accommodation there. We had our meals there.

21 Q. Before you move on, can you spell that place just for the transcript's benefit,
22 where you stayed?

23 A. It was a centre for white fathers known as Kitambo. K-I-T-A-M-B-O for
24 Kitambo.

25 Q. And what contact did you have with Witness 12 during those two weeks?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. Contacts with P12 in Kinshasa during those two weeks? Well, most of it was
2 "Good morning," or "Greetings." However, on one day we were all at the Grand
3 Hotel, on the terrace of the Grand Hotel, and P12 was using his telephone nearby to
4 talk to somebody whom I did not know. Then all of a sudden he brought the
5 telephone to me and told me that a person wanted to talk to me so I said "Talk to me?
6 Who is it who wants to talk to me?" And he said "Well, just take the phone and talk
7 to the gentleman." So I took the phone and in order not to be impolite, because
8 maybe the person had identified me, I simply agreed to talk to that person. So the
9 person introduced himself. "My name is Emmy Allio." And I said, "Emmy Allio,
10 yes?" And so I asked him to introduce himself further to help me to know who he
11 was, so he said he was a journalist, a journalist working for New Vision, a press
12 organ .
13 So I asked him what he wanted, and he told me that he was President Museveni's
14 adviser and that President Museveni had sent him to ask me whether upon my return
15 from Kinshasa I would like to stop over in Kinshasa -- in Kampala, rather, and I was
16 baffled at that. A thousand and one questions came to my mind. I was wondering,
17 "How did he know that I was here? I don't know him. How did Museveni get to
18 know that I was in Kinshasa?" Then he simply told me, "Well, he knows everything.
19 He knows, because you went -- we went through Entebbe. We left Bunia for
20 Entebbe and then Entebbe to Kinshasa, and our return flight was going to be along
21 the same route and so we were going to go through the same route from Kinshasa to
22 Entebbe and Entebbe to Bunia."
23 So I began to wonder. Many questions came to my mind and I said, "Okay, very
24 well." Since I knew that our return route was likely to take us through Entebbe, I
25 thought that maybe in Entebbe some police people would come and take me away

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 and what have you. So I said, "No problem. If we are going back through Entebbe,
2 I will stop over in Kampala and so that we can have a discussion," and that was the
3 end of our conversation. Unfortunately for him, our itinerary changed. We went
4 from Kinshasa to Kisangani and Kisangani to Bunia, and when we went -- when we
5 got to the airport in Bunia I did not want to go to Kampala. I dropped there, and P12
6 and the others remained in the plane and continued to Uganda where they lived.
7 Even before he came to Bunia, he came from Kampala. Kampala to Bunia, Bunia to
8 Kinshasa.

9 Q. Now, back in Bunia, did you attend any meetings of the CCGA?

10 A. Yes, Mr David. It is from that time on I attended the CCGA meetings once or
11 twice per month, if I was given the opportunity to be taken there by helicopter. So
12 when the helicopter was available I would attend, but if it was not available I would
13 not attend. That is how things happened. You see, we had liaison officers who
14 were permanently available in Bunia.

15 Q. Did you see Witness 12 or Emmy Allio again and, if so, when?

16 A. The next time I saw P12 was again in Bunia. I went to Bunia for the CCGA
17 meeting and, when I arrived in Bunia, P12 -- well, I didn't own a mobile phone.
18 Pascal Alezo is the one who had a mobile phone; the two of them had a
19 conversation, and Pascal Alezo told me that if possible we could meet P12 in the
20 evening. So I said "Very well."

21 In the evening we met and he again asked me about my position regarding the
22 meeting with the Ugandan president. I put a number of questions to P12: How can
23 the Ugandan president be looking for me? Why not my chief of collectivity? Why
24 is he not looking for intellectuals? Why does he not seek to discuss the issues of our
25 collectivity with the leaders of our collectivity?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 So I told him that I was not in a position to give him an affirmative answer about
2 travelling to Kampala. I told him it was a difficult proposition and I told him that
3 I had reservations about travelling to Uganda. So he said "Well, if that is your
4 position, I cannot leave it at that. I will talk first of all to the person with whom you
5 talked on that day and then find out how you can have a discussion with him to be
6 given a number of guarantees."

7 Two days after, the man arrived in Bunia and Emmy Allio called me in the morning
8 and then I saw a gentleman who spoke more English than Swahili and it is P12 who
9 was our interpreter. So I said "Well, I want you to know that I agree to come, but I
10 do not have to take the plane from Bunia to Uganda. I cannot accept to take the
11 plane directly from Bunia to Uganda." That is why I used another route. I went
12 from Bunia to Beni, Beni on the motorcycle to Kasenyi and then on to Kampala. This
13 happened in November, in the month of November or October, if I am not mistaken.
14 I cannot be specific as to the date.

15 Q. Now, in respect of going to Uganda and visiting Uganda, did you discuss that
16 with anyone in Walendu-Bindi, or not?

17 A. Mr David, if I had discussed this with anyone in Walendu-Bindi collectivité,
18 they would simply have killed me. If I had told them I was going to Uganda, they
19 would have killed me, because, you know, in my collectivity, Uganda -- I don't know
20 whether even a civilian Ugandan can be given land for a farm in my area. I don't
21 know. I don't think so. So nobody can receive Ugandans in our area; very difficult.

22 Q. So let's come to this first trip to Kampala. Well, when was that?

23 A. Mr David, I don't have any reference or anything that can determine clearly for
24 me what the date may have been, but I would put it between October and November.
25 That is the time-frame during which we went to Kampala for the first time. There

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 were three of us.

2 Q. So who went? And remember that we're talking of Witness 12 and not his
3 name. Who went?

4 A. As I stated, there were three of us: P12, myself and Pascal Alezo.

5 Q. And I don't think there's a dispute about this. You took a circuitous route via
6 Beni and then over the border and into Kampala by bus. And how long did you stay
7 in Kampala that first trip?

8 A. Two weeks, I would say.

9 Q. And where did you stay?

10 A. We went to three different locations. When we arrived, we spent one night in
11 a hotel, yes. Second day we went to meet President Museveni in Mbale. Mbale is
12 spelled M-B-A-L-E. Upon our return from Mbale, we were lodged in another hotel,
13 and I don't remember the name of the hotel, and on the third -- the third location was
14 in fact another hotel. It was a centre or a hospitality centre located near Museveni's
15 residence from which we were able to meet ministers and the Chief of General Staff
16 and that was close to the State House.

17 Q. And how far approximately was Mbale from Kampala?

18 A. Quite far. Quite far. I would put it at about 200 -- more than 200 kilometres.

19 Q. And who would -- did you travel with to Mbale?

20 A. We had an escort of two jeeps, then there was Colonel Peter Karim and myself
21 and Emmy Allio. Myself, Pascal, Emmy Allio were in one jeep, including the driver
22 of course; and in the other jeep there was a driver, Colonel Peter Karim and P12.

23 Q. And in brief, what did you discuss with President Museveni?

24 A. We were surprised. In fact, I was surprised because Museveni, the Ugandan
25 president, said that I, Mr Katanga, was hosting Ugandan rebels in the Walendu-Bindi

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 collectivité. And I told him "Mr President, this is" -- you know, for political reasons,
2 I said "Yes, they are there, so it is very difficult to dislodge them because they have
3 taken root in our collectivity," but those were lies because they were not there.
4 Everybody knows that there is no room for any rebels to stay in our collectivity.
5 They were not there. However, for political posturing, we stated that they were
6 there. So when they asked us to arrest and bring some of those rebels, there was
7 nothing to show, nobody to arrest, because there were no Ugandan rebels there. It is
8 at that time that the Ugandans were enraged against me and they felt that I was
9 kicking them around.

10 Q. Aside from meeting Museveni, did you meet any other members of government,
11 ministers, departments, that sort of thing, during your two weeks?

12 A. Yes. We met the General Chief of Staff of Uganda, we met a number of
13 ministers, including the Minister of Home Affairs, the Minister of Defence. We met
14 many people. It was a very busy week and President Museveni at some point had to
15 go to the battle-front, leaving us behind with the ministers. So it was a very busy
16 time and we had several meetings.

17 PRESIDING JUDGE COTTE: (Interpretation) A last question, Mr Hooper, before
18 the break.

19 MR HOOPER:

20 Q. Did you meet Witness 160 during that time?

21 A. That witness was the taxi driver when we arrived.

22 Q. Did you know at that time if she had any relationship with Witness 12?

23 A. Absolutely not. No, absolutely not.

24 MR HOOPER: If that is a convenient moment.

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

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 usher, please take Mr Katanga to his place. Mr Katanga, we shall resume at 4, after a
2 30-minute break.

3 The proceedings are suspended. We shall resume at 4.

4 THE COURT OFFICER: (Interpretation) All rise.

5 (Recess taken at 3.28 p.m.)

6 (Upon resuming in open session at 4.00 p.m.)

7 THE COURT USHER: All rise.

8 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. Mr Hooper, can we
9 continue now?

10 MR HOOPER: Yes.

11 Q. Just going back to Witness 160, what degree of association did you have during that
12 first trip to Kampala?

13 A. When we arrived at Kasindi we crossed to Luberia, and from Luberia we took
14 public transport to Kasesi and the following morning we then took the bus to Kampala.
15 When we alighted from the big bus, we met this lady in a car. She drove the car that
16 took us to the hotel. We spent the night there: P12, myself, Pascal Alezo and 160. That
17 is what I can tell you. We were all together.

18 Q. And over the next two weeks did you see 160 again, or not?

19 A. Even if we went elsewhere we still had to call 160, either to take us to go and
20 entertain ourselves in town, or just to visit a few places in Uganda. We spent almost
21 the whole night in meetings, considering that we would return at 3, 4 a.m., then we
22 would sleep for half of the day, and in the afternoons we needed to entertain ourselves
23 and this was the person who drove us to where we wanted to go.

24 Q. Did your relationship with 160 remain a formal one?

25 A. I'm sorry that I have to answer that question. We should bear in mind that we

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 were together with 160. She did not have a husband and she could do anything that she
2 wanted, so if we could keep it at that it would be better rather than to go into details.

3 Q. All right. Now, there comes a time when you go back to the DRC. How did you
4 get back from that first trip?

5 A. It was an obstacle course. The Ugandan government hired a small aircraft, a
6 four-seater plane. In principle we were supposed to fly from Entebbe directly to Aveba,
7 but there were problems because the landing strip in Aveba is not known. It is known
8 only by the missionaries, so it was difficult for an international pilot to go and just travel
9 to Aveba or Gety. Surprisingly, this gentleman landed at Bunia, and after landing at
10 Bunia he himself was questioned. He was asked why he had flown from Entebbe and
11 who were his passengers, because we had just disappeared without passing through the
12 airport services. We simply disappeared into the air and left, and that is why the pilot,
13 who was a Kenyan, was actually taken in and questioned. So he was the one who
14 provided information and told them that he had taken us from Entebbe to Bunia.

15 Q. Right. Now, you mentioned last week this issue of the Thuraya phone and that
16 you got some in Uganda. On your return -- had you actually got any Thuraya phones
17 provided you during that first two-week trip, or not?

18 A. Yes, Museveni ordered that a Thuraya be given to me during that trip. I was given
19 a Thuraya with a small solar panel, to be able to recharge the Thuraya, and since
20 generators consume a lot of fuel there is a lot of sunshine in our area and we could simply
21 set up this three square decimeter solar panel that would be used to recharge the
22 Thuraya and it was at that time that I was given the telephone.

23 Q. Did you make a second trip to Uganda and, if so, when?

24 A. Yes, we returned to Uganda once again. I am not very certain about the time, but it
25 must have been in early 2004. That is when we travelled to Toronko, and Toronko is

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 spelled T-O-R-O-N-K-O. Toronko. It is on the other side of Uganda; that is on the
2 shores of Lake Albert.

3 Q. And for how long were you in Uganda for that second trip?

4 A. That is what I explained. When we went to Toronko we returned on the same day
5 to Semiliki, and then we went up the Semiliki river on a boat, right up to Buguma, and
6 from there we crossed to Rwabisengo. That is where we were to meet P12 again. We
7 met P12, Emmy Allio and Kitembo Bitamara. Together with them we went right to Fort
8 Portal, and it was at that time that I signed the document; the declaration that was just
9 produced here.

10 Q. And just so we've got our bearings, if we look at our EVD-D02-00122 map -- and we
11 don't necessarily have to call it up it, but it shows Fort Portal, which is just over the border
12 in Uganda. So the place itself is in Uganda, and it's spelled F-O-R-T, and then separate
13 word P-O-R-T-A-L, and it's just south of Lake Albert. And if we can come back to the
14 reference you've just made, which is EVD-D02-00046, which is the FRPI document that we
15 saw earlier, if we can have that back on the screen as a public document, I can move on.
16 Thank you.

17 PRESIDING JUDGE COTTE: (Interpretation) I simply want to note that Fort Portal is
18 in the interior, quite far inside the interior.

19 MR HOOPER: Yes, indeed, and knowing the distance as we do it would seem it must be
20 about 50 kilometres from the border, the Semiliki river border.

21 Q. Can you confirm that, in terms of how far it is into Uganda? Can you help us?
22 How far is Fort Portal from the Semiliki river, which is the marked boundary between the
23 two countries?

24 A. I am not quite certain about that, but the distance is quite far. One could say 60 to
25 70 kilometres, because you climb up the Renzori chain, and Fort Portal is on the plateau.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. And just while we're with the geography, when you say "the chain", in fact we can
2 see from our map that there's mountains there in Uganda going up to 5,000 metres, 3,000
3 to 5,000 metres. Obviously very mountainous. All right.

4 So, Fort Portal. Now, we're looking at this document that we saw earlier, EVD-D02-46, if
5 that's on the screen -- and it is, and you've confirmed already that's your signature on it,
6 signing as "FRPI President," and what were the circumstances that -- in which this
7 document, which has both a date of Kampala, 8 February, and a date made at
8 Aveba-Mkubwa for 8 February, what are the circumstances that that came into existence,
9 in brief?

10 A. In order for this document to be produced, it was at the initiative of Emmy Allio;
11 that is Museveni's adviser. Now, what was the problem? Initially, the FNI was like a
12 fabrication of Uganda; that is, it was Uganda that created the FNI. But considering that
13 the FNI turned its back on Uganda and allied itself with the UPC, well, when we went to
14 Kinshasa in August 2003 Lubanga and Floribert Njabo stayed in Kinshasa and I would say
15 that they were practically under house arrest. They were not allowed to go to the airport,
16 and so on and so forth.

17 The Kinshasa government wanted them to stay in Kinshasa, and while Thomas Lubanga
18 and Floribert Ndjabu were in Kinshasa they got into an alliance, that is the UPC and the
19 FNI came together, and denounced all the irregularities perpetrated by the government of
20 Kinshasa and Uganda in Ituri. And when Uganda realised this, they said "Very well."
21 They asked us do we want to continue collaborating with the FNI, which is allied with the
22 UPC, which UPC is an ally of Rwanda?" And we said "No, that is impossible; our
23 ideology is not to ally ourselves with the UPC or Rwanda." That is when they said "If
24 you do not want that, then do something," and it was in light of all this that this document
25 was prepared.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. And who prepared it?

2 A. Mr David, well, you would have been able to measure my knowledge of French here.

3 It has been improving here, so it is people who are strong in politics who are able to
4 draft such a text. That was Emmy Allio, Bitamara and Pascal Alezo. All I did was
5 initial the document.

6 Q. Now, looking at that document, we have an email there and telephone numbers.

7 And again, if it's necessary, do use pseudonyms, rather than not. Do you know what
8 those -- that email and those telephone numbers relate to?

9 A. If we can go back to the first page.

10 Q. Yes, just look at the first page, if that's on the screen.

11 A. The first Congolese number is Pascal Alezo's number. The second number is the
12 number of 160. It is a Ugandan number, if I'm not mistaken.

13 Q. And the email there, FRPI Katanga @ Yahoo.France, where did that come from?

14 A. All that, including the email, it was up to the people of Uganda there. Even if they
15 sent a message to me using that address, where was I going to read it? I was very far
16 away in Aveba, where we don't even have a phone network. And this email, what was
17 the purpose? This is something that was simply put there. I really do not know who
18 used that mail address. Maybe P12 or 160. But, as far as I'm concerned, I don't even
19 know how the email functions. Even up 'til today, I've never sent email.

20 Q. Now, Fort Portal, and a meeting, did you go anywhere else in Uganda, or not?

21 A. No. During that trip we ended only in Fort Portal. That is where that letter was
22 drafted, and it was typed in an internet cafe. There was a girl there who went and typed
23 the document and then handed it over to us.

24 Q. Now, that's the second trip. Did you ever return to Kampala, to Uganda?

25 A. We returned from Uganda, and specifically Fort Portal, on the day following

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 8 February 2004. We returned to Buguma, through Rwabisengo and we went directly to
2 Gety. The next day I arrived at Aveba. This is simply because I did not want to stay for
3 long in Uganda, given that my absence during that period was noted. The United
4 Nations frequently came to Aveba so as to try to set up the sites, their sites, and that is
5 why I had to return quickly to Aveba to see whether there had been any developments.
6 But a week or two afterwards, we returned to Uganda.

7 Q. And on this third trip, where did you go? What happened?

8 A. During the third trip, it was then that quite a few of us went. Cobra joined the
9 group. There was also Didi Angaika who joined the group. So there were five of us in
10 total, without forgetting P12. P12 was acting permanently as a liaison officer for Uganda,
11 if I can use that terminology, because all the messages coming from the Ugandan officers
12 on the other side passed through P12. We were wondering how he could be in contact
13 with all those officers.

14 MR MACDONALD: (Interpretation) Mr President, I'm not sure whether this is a
15 general problem but my French transcript is projecting the same information permanently.
16 I think this is a general problem, because we can no longer follow the transcript.

17 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed, you are correct. I was
18 trying to listen to Mr Katanga, rather than reading the transcript. But, court officer, I
19 believe the French transcript is projecting the same page or pages repeatedly. I can see
20 page 61, line 3 is the same thing that we have on page 62, line 3, and so on and so forth.
21 So please take note, but we will continue.

22 And the transcript is scrolling at an unprecedented speed, which of course is not normal.
23 So we can continue now and, if necessary, we can refer to the English transcript. Please
24 proceed, Mr Hooper, until the problem is resolved. I hope that will be very soon.

25 MR HOOPER: All right.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. So just to pick it up, third trip to Uganda you said, "Many of us went." You named
2 Cobra, Didi Angaika, yourself, P12, who was a liaison officer you said with -- between
3 you and the Ugandans. Anybody else?

4 A. I said Pascal Alezo.

5 Q. Yes, I know. It's just for the transcript. Right, so where did you go on this trip?
6 What did you do?

7 A. We left Buguma to cross the River Semiliki and got to Rwabisengo, where we had a
8 small meeting with the Ugandan officers relating to the Lake Albert problems. You see,
9 whenever there were problems --

10 Q. Well, if necessary others can ask you about it, but -- so you had a meeting there
11 about the Lake Albert problem. What after that? What did you do?

12 A. On the same day, in the evening, we left Rwabisengo in the company of the
13 Ugandan Lieutenant-Colonel Chimboa, and Chimboa is spelled C-H-I-M-B-O-A,
14 Lieutenant-Colonel Chimboa of the UPDF. He is the one who was responsible for
15 escorting us from Rwabisengo to Kampala. We left Rwabisengo some time in the
16 evening and got to Kampala the next day in the morning. Before noon we were in
17 Kampala and we were provided accommodation. It is from then -- in fact, in
18 Rwabisengo P12 was present. He travelled by another means, but we all got together in
19 the same hotel in Kampala.

20 Q. And while you were in Kampala, did you have any significant meetings?

21 A. Yes. Whenever we got to Kampala, except on the second trip on which we did not
22 meet President Museveni, on all other trips we met President Museveni in person. After
23 having received us, he would now allow his ministers or chiefs of staff to have further
24 meetings with us. Whenever we arrived, the first Ugandan official whom we met was
25 President Museveni himself.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Now, can I ask you please to look at another document, and that is our
2 EVD-D02-00074 which is the -- another FRPI document that we've met before. If that
3 could be called up, please? It's a public document.

4 PRESIDING JUDGE COTTE: (Interpretation) Mr Hooper, please can you repeat the
5 number?

6 MR MACDONALD: (Interpretation) It's confidential, Mr President.

7 MR HOOPER: Oh, yes, it might be. Yes, it is confidential. I'm sorry.

8 EVD-D02-00074.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Number 57 in the bundle.
10 Do you want this document to be displayed on the screen? If that were the case, then we
11 would have to close the curtains.

12 MR HOOPER: Well, I can pass a hard copy to the witness and nobody I'm sure will be
13 able to read it in the public gallery.

14 PRESIDING JUDGE COTTE: (Interpretation) Court officer, please could you collect
15 that hard copy and discreetly hand it over to the witness, who will place it before himself
16 in a manner as to avoid anybody reading it from outside, even as he himself proposed to
17 do last week.

18 MR HOOPER:

19 Q. All right. So you've got that document and you can see the date there, 22 February,
20 headed "FRPI," with the same telephone and email details as we saw on the last, one
21 might say, companion document. In brief, what was the purpose of this document?

22 A. The purpose of the document simply was to ensure that they would have -- that we
23 would have a representative who would stay in Uganda. What does this mean? We
24 didn't feel good ourselves about remaining in Uganda, so when President Museveni asked
25 us prior to our returning to the Congo, that is to Ituri, that he would like to discuss with

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 us a number of projects that he would like to fund. He wanted to fund a project on Lake
2 Albert and, if we were to agree with PUSIC, then he would himself provide funding for
3 the project and that was his strategy. I don't know what he actually wanted, but we felt
4 that remaining in Uganda was not something that we were very interested in doing. So
5 we told him we wanted to go back, we wanted to go back to Congo, and so before we
6 returned, if he actually wanted to finance the project, then he would need to contact our
7 representative, whom we had designated, and that if possible we should through that
8 person, that channel, be informed of what is happening in Uganda.

9 Q. All right. Now, I think I can take back the document from you, now you've seen it.
10 While that is happening, can I ask you this? Again pseudonyms, please, but who was
11 your representative and how did that person come to be your representative?

12 A. Our representative was 160. How did 160 become our representative? It is P12
13 who proposed 160 to that position. What did he say? He was on the other side with
14 PUSIC and therefore could not belong to both sides, that is, PUSIC and FRPI, at the same
15 time. So it was difficult for him to play that dual role, and so he needed to look for
16 somebody to occupy that role to ensure that the FRPI had a representative in Uganda and
17 it is for that reason that he proposed 160.

18 Q. When, if ever, did you discover that 160 was the wife of number 12?

19 A. Maybe that word "wife" is too strong. Maybe his girlfriend. Maybe girlfriend.
20 Not wife, I don't think so. Officially as a wife, no. Well, boyfriend/girlfriend maybe.

21 Q. Right. Now, what if anything was in this for 160, or 12? What was -- what, if any,
22 advantage was there in having any -- having this role to play with the FRPI?

23 A. That problem, if I may say so, had become like a business, if I can say so. And
24 what do I mean? If you look at P12, for example, his laptop - the laptop he
25 had - belonged to the party. It was not his personal laptop. The means of

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 transportation available to him did not belong to him. It belonged to the party. The
2 house or apartment he might have been occupying, which I did not know if that were
3 true, belongs to the party and not to him. So all of those things were benefits that
4 accrued to him, Mr President. Any financial resources, or means, that were given to the
5 party were received by them -- by him actually, by him, because he is the one who was
6 present. P12 is the one who received those resources and informed his hierarchy
7 accordingly. So that was the same thing that happened when he believed that things
8 would go along the same lines through his girlfriend and that it would all be similar. So
9 if Mr -- if President Museveni were to disburse an amount of money and, since we were
10 not there, the money would be submitted to 160 and then 160 would tell us how the
11 money has been spent, or managed.

12 So, first of all, if President Museveni were to fund or finance that project, we needed to
13 have a permanent residence in Uganda, such as a house, where we could have a number
14 of offices within, such similar to what the PUSIC had. They had transportation, they had
15 free means of communication; and all of that was in fact to P12's benefit.

16 Q. Now, over this time, did Museveni provide you with any money at all?

17 A. Well, what I can say is that whenever you meet a president you always leave with
18 an envelope, a khaki envelope, a non-transparent envelope containing money. So we
19 received an envelope, we received money on each occasion.

20 Q. Now, coming back to P12, did you ever visit his house in Kampala?

21 A. I, P12, 160, Pascal Alezo, we were at the hotel. We were all at the hotel, so how
22 could we have gone to his place?

23 Q. Well, did you ever go there, for example, for supper as he related to this Court that
24 you did?

25 A. No, no, not at his home. No. We went to public restaurants, to open places,

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 restaurants. And we had the resources, Mr President. It was the government that had
2 invited us.

3 In Uganda, you see, in Kabalagala commune, in those neighbourhoods, there are many
4 Congolese. It's an entire neighbourhood that is occupied by Congolese, so if we wanted
5 to eat Congolese food we would go to their restaurants. If we wanted Congolese outfits
6 or clothes, we could find them there, so there was really no reason to go to his place as
7 such, if we wanted to eat some good Congolese food. No, no, not at all. We had all the
8 resources for that. President Museveni had invited us, and he was not going to leave us
9 in the hands of someone who was as dependent as we were.

10 Q. During trips to Uganda, did you ever discuss the Bogoro attack of 24 February with
11 P12 or P160?

12 A. Why? Why talk about the Bogoro attack? Who was he? What was his status?
13 Why should I have started chatting with him about things that are meaningless? No, no,
14 not at all. You see, what I can say is that at that time I was not even able to engage in
15 conversations as such. No, no.

16 Q. Did you ever tell him that the Ugandans had been present at Bogoro operating the
17 heavy weapons?

18 A. David, no, no. What I can tell you, you see, I'm truly a village boy, a village boy in
19 the clear meaning of the word. You see, in the presence of any strangers, I am
20 dumb-founded. I can't speak. It is difficult for me to speak out in the presence of a
21 stranger. It is only here that I have now learnt to express myself, to talk and to engage in
22 this exchange for at least 30 minutes or so. So, Mr President, it was very difficult for me
23 at the time to talk to a stranger.

24 Q. Now, I want to come on to a -- well, let me just move on. Yes, I'll come back to P12
25 in a moment. Let me just touch on another distinct subject there and that is child soldiers,

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 defined for purposes of this trial as those younger than 15, and in this particular case
2 we're concerned with soldiers, child soldiers, children less than 15, actually participating
3 in battle. That's what I'm asking you about. What was the position, as far as child
4 soldiers was concerned? Did you ever go into battle with a child less than 15 years of
5 age?

6 A. That I should have participated in an attack with children less than 15 years old?
7 Well, maybe if it was an attack on Aveba, then it could be that we were all together and
8 we were all taken unawares (sic) by the attack, taken by surprise. So, in those
9 circumstances, I could then say that children may have been in Aveba at the time when
10 rockets were shelled on them. So leaving Aveba, when the war was already over in
11 Aveba, there was no war in Aveba, nothing, since early 2002. There was no war in
12 Aveba and the war had moved on. It had gone far away.

13 Q. Were children present at the BCA or other camps in Aveba?

14 A. My son was born at the maternity, and after that he was brought to the camp where
15 I was with my wife. So there were children there, and he was my child and he lived in
16 the camp. That is a very personal example that I'm giving you.

17 Q. All right. Aside from children, parts of combatants' families or belonging to
18 combatants' families, were there any other children do you know in the camps? By "the
19 camps," I'm talking here of the BCA camp?

20 A. There were many, many children whose children -- whose families were there.
21 They lived with their families. I had my family with me in the camp, just like other
22 combatants had their families in the camp. Some even had their mothers, and brothers
23 and children in the camp, so what else do you want me to say? We were in our village,
24 and there was space for our livelihood within the camps and that is it.

25 Q. Was there any utility in having young children fighting? Were they of any value?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. No, no. Now, Mr David, what is the problem? I hope that we are not going to
2 rely on movies and films that depict situations as if -- you know, a child cannot stand
3 shells except we are looking at a community which has decided to sacrifice a generation.
4 Now, if you are going to send children, what would be the use of adults? It is the adults
5 who have to go so that, if you die, your children who stay behind can replace you when
6 they grow up. Now, if you take children out in that manner, the risk is that an entire
7 people can be wiped out. What I am saying is that children were not authorised to go to
8 the battle-front.

9 Let me give you an example. There were times when Ugandans will come into Aveba at
10 night. People are in their homes, in their houses, and then they hear explosions, and
11 detonations and rockets flying here and there, and a child could come out running in all
12 directions. Can you say that this child was taken to the battle-front? I don't think so,
13 absolutely not.

14 So to claim that those of us who were combatants, for the future of our collectivity, for the
15 Defence of our people, no, we could not have taken children to the battle-front.

16 Q. Right. Well, more specifically, to your knowledge did any children, any person
17 less than the age of 15, leave Aveba to participate in the Bogoro attack?

18 A. Categorically, no. From Aveba, zero. In any event, no. And I did not hear
19 mention of it. First of all, Mr David, Counsel David, the distance is such that for a child
20 to walk over 45 kilometres, we at least need to have pity on children. That would
21 amount to torture. Forty-five kilometres on foot, it's long. It's a long distance to be
22 covered by children.

23 Q. Now, what about your own personal bodyguard. First of all, did you have a
24 bodyguard?

25 A. I had bodyguards, six of them.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Approximately how old was the youngest, and we're talking of 2003, specifically
2 February of 2003. So let me in fact ask you two questions, first of all this: Did you have
3 a bodyguard in February 2003?

4 A. I had bodyguards in February 2003.

5 Q. And approximately what age was the youngest of them?

6 A. At the time of the events, I had two people - my close bodyguards - Antelope Jolie
7 (phon) and Doppel Mbafele (phon). Antelope at the time was an adult. He was a ripe
8 man. He had a two-year old child already, a two-year old child. And the other, Doppel
9 Mbafele, was my age mate. Really, my age mate.

10 Q. Were there any who were younger?

11 A. The one who appeared to be young could be Lombe, and Lombe was already in the
12 fourth year of his secondary education. He was already a mature man. And it isn't as if
13 he had reached the fourth year of secondary school without repeating any classes. He
14 was already sporting a beard and he was a mature man.

15 Q. Can I ask you to look at -- can we call up a photograph, DRC-D02-0001-0467? It's
16 public.

17 PRESIDING JUDGE COTTE: (Interpretation) Court officer.

18 THE COURT OFFICER: (Interpretation) You can see the photograph by pressing
19 "PC1."

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

21 Can you see that picture on your screen, Mr Ngudjolo? Yes, very well.

22 MR HOOPER: Okay.

23 MR MACDONALD: Just a second. Are you sure you have the right ERN number,
24 because I don't see that picture on your list, or is this a new photo that you want to
25 introduce?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 MR HOOPER: I believe it's in our list and the reference I have is the one I gave,
2 D02-0001-0467.

3 MR MACDONALD: Which number on your list? Which page?

4 MR HOOPER: Well, I don't know. I don't have the list, I'm afraid, Mr Macdonald. It's
5 my belief it's on the list. Is it on the list? Well, it was my belief it was on the list, but I
6 am told it's not on the list. It's been omitted. Well, I'm not sure. Can I just -- give me a
7 moment, please.

8 PRESIDING JUDGE COTTE: (No interpretation).

9 MR MACDONALD: (Interpretation) Your Honour, we have no objection to the
10 photograph being shown so as to make progress. I believe it was handed over by
11 Madam Denise Katanga in May 2009.

12 PRESIDING JUDGE COTTE: (Interpretation) Mr Hooper, you can use that photograph
13 because the Prosecutor is not objecting.

14 Mr Kilenda, for the documents that you need to use for the examination-in-chief of
15 Mr Ngudjolo, you would need to number them on the left which will make it possible to
16 locate them very quickly, because each time I have to go through ten pages in order to
17 locate the reference; in this particular case, the photograph was not there, but we will
18 still use it. Thank you in advance, Mr Kilenda. I can see that your collaborator is
19 nodding.

20 Mr Hooper, we can use that photograph on the screen.

21 MR HOOPER: All right. Well, I'm sorry about that. I hope it is not -- I hope it won't
22 be repeated.

23 Q. The photograph on the screen, can you help us as to approximately when that
24 photograph was taken, if you know?

25 A. That photograph was taken in 2004.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

- 1 Q. And reading from the left, can you identify the people we can see in it, starting
2 obviously with the ones who are standing up? So who's the first person that we see on
3 the left, closest to the door?
- 4 A. In a green beret, with a Kalashnikov, that is Lombe that I have mentioned. I think
5 he was the one that you could say was young; that is relatively to the others.
- 6 Q. And the next one?
- 7 A. That is Antelope. He has a 23 millimetre AK-47.
- 8 Q. And the next one along?
- 9 A. The next one is Lieutenant-Colonel Bahati, John Talika.
- 10 Q. Is he known by another name?
- 11 A. Bahati de Zombe.
- 12 Q. And then there's a man at the end in a pork-pie hat. Who is he?
- 13 A. That one is known as Kandro.
- 14 Q. And, finally, the one squatting?
- 15 A. He called himself DSP.
- 16 PRESIDING JUDGE COTTE: (Interpretation) How do you spell that?
- 17 THE WITNESS: (Interpretation) D-S-P.
- 18 MR HOOPER:
- 19 Q. And how old would he have been at the time this photograph's taken?
- 20 A. What I'm saying is the youngest person in that group would have been Lombe and
21 he could have been 22 years old. That is the youngest and that is the first person
22 carrying the AK-47.
- 23 PRESIDING JUDGE COTTE: (Interpretation) But Mr Hooper seems to be asking you
24 about the age of the person who is squatting, Mr Katanga.
- 25 THE WITNESS: This means he was already more than 22 years old.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 PRESIDING JUDGE COTTE: (Interpretation) The person who is squatting?

2 WITNESS: Yes, he was a mature person.

3 MR HOOPER:

4 Q. Do you know what his marital status was?

5 A. He was married. All my bodyguards were married.

6 Q. And finally on this photograph, do you know what building that is in the
7 background?

8 A. That was the house of the administrator of the Aveba medical centre, Nyanza
9 Niatsiba. It is spelled N-Y-A-N-Z-A, then N- Y-A-T-S-I-M-B-A, Nyanza Nyatsimba, so
10 that is the medical centre.

11 MR HOOPER: Right, thank you.

12 Now, we can I think use another photograph, rather more confidently I'm glad to say.

13 This one is EVD-OTP-00096 and this is a public document.

14 THE COURT OFFICER: (Interpretation) Please press "PC1" to view that document.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer.

16 MR HOOPER:

17 Q. And when was this photograph taken? When and where, please?

18 A. This photograph I believe was taken in June 2003, at the time of the arrival of the
19 Artemis force. This was in the neighbourhood where General Thonier lived.

20 Q. And going again from left to right, can you briefly --

21 MR MACDONALD: I'm sorry, Mr Hooper, but -- (Interpretation) I'm looking at the
22 chain of custody of that photograph and I think it is DRC-D02 -- I'm sorry, I had the
23 wrong photograph. I'm sorry.

24 PRESIDING JUDGE COTTE: (Interpretation) DRC-OTP-1036-0588 and which is
25 EVD-00096.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 MR MACDONALD: (Interpretation) I'm sorry for having interrupted my learned
2 friend.

3 PRESIDING JUDGE COTTE: (Interpretation) No, the important thing is to have
4 realised it.

5 Please continue, Mr Hooper.

6 MR HOOPER: All right.

7 Q. So going from left to right, just briefly can you name the first person, the one on the
8 left?

9 A. The first person is the Director of Cabinet, Chura Bilo of the FNI.

10 Q. And the next?

11 A. After him you have Pichou Iribi, then Pascal Alezo....

12 Q. Can you tell us who Pichou Iribi is, please?

13 A. Pichou Iribi at that time was the Defence Commissioner of the FNI, or Minister of
14 Defence of the FNI in other words.

15 Q. And the next one?

16 A. The next one is Pascal Alezo Ngari.

17 Q. And what did he do?

18 A. He was the G2 in charge of intelligence.

19 Q. And for which group was he the G2?

20 A. FRPI.

21 Q. I thank you. And the next person, the one in the red - partially red - jacket, who
22 was that?

23 A. His name is Mache Safari, the political adviser of the FNI.

24 Q. And Mache is spelt M-A-C-H-E; is that correct? You nod, thank you.

25 A. Yes.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. And the next person along, standing in the background, who is that?

2 A. The one wearing a beret is Antelope Jolie, my bodyguard. My first bodyguard.

3 Q. And how old was he, do you know?

4 A. Antelope was barely 24 years old at that time.

5 Q. And you may have mentioned it earlier, but what was his marital status?

6 A. He had two wives and children.

7 Q. Well, then we come to you - and I'll return to you in a moment - but let's move on to
8 the next person stood in the background, and who is that?

9 A. That was also one of my bodyguards. His name was Jean-Claude.

10 Q. Do you know how old he was?

11 A. He would have been between 20 and 22 years old. He was young, relatively to
12 Antelope.

13 Q. And the last person, who is that?

14 A. That is Muhito Akobi Emile, G1. That is, he was in charge of administration for
15 the FRPI.

16 Q. Now, turning to you, looking very smart there, but what uniform is that that you're
17 wearing?

18 A. That is the uniform of the Commando Regiment which was in Beni at the time.

19 Q. You say Commando Regiment. Which -- of which force?

20 A. Of the FAC.

21 Q. And how long had you possessed that uniform?

22 A. There were many of them, ever since the arrival of EMOI in Beni. And after my
23 first trip to Beni in November, we had those uniforms. That is how come you might
24 realise that all my bodyguards had that uniform; it could be green or those type that you
25 see here. We had them.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. All right. Now I want to move on to the subject of demobilisation. Now, you just
2 mentioned Artemis arriving, and we know - as you've said - you've said they arrived in
3 June. They were there for three months, they left in September 2003. We know that.

4 Did Artemis ever make its way to Aveba?

5 A. Never, never.

6 Q. MONUC, United Nations force, do you know when any representative or part of
7 MONUC first came to Aveba?

8 A. I would say that MONUC arrived Aveba after the Artemis force. So up 'til then, I
9 would say that there were no United Nations officers who had come to Aveba, no.

10 Q. Now, from the time that the UPC were chased out of Bunia in March 2003 onwards,
11 what again briefly was your relationship with MONUC?

12 A. What was of concern to all of us and to our communities was peace. We wanted
13 the weapons to disappear so that we should return to cultivating our farms. We had no
14 other concern. We were not looking for anything. Our desire was to co-operate with
15 MONUC and with all the multinational forces that were coming to ensure that we had
16 lasting peace. That was it. So we were compelled to engage in that co-operation.

17 Q. We've spoken of CONADER, the demobilisation people as it were. Can you recall
18 when you first made contact?

19 A. I no longer remember because if I think of the person who was representing
20 CONADER, he was a former EMOI officer, Colonel Dukwa (phon), and we met with
21 Colonel Dukwa frequently in Bunia. So I do not know whether during that period he
22 was representing CONADER, but at one point in time he came to Aveba and said that he
23 was the person responsible for CONADER in Ituri. That is what happened, but we were
24 with Duku (phon) since Beni, and then Bunia. We were together. We met with each
25 other.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. All right. Now, at the time of demobilisation, are you in a position to give us an
2 idea of how many combatants were in Walendu-Bindi? And by that I mean truly
3 combatants.

4 A. When we prepared the list of names, to tell you the truth, the full strength did not
5 have the number, up to the number represented in the organization chart that we had
6 submitted, because we had presented a battle order indicating that a battalion had to be
7 made up of 900 people, but the numbers were not enough. In a battalion, for example,
8 you could have 600 but that was it.

9 However, if you actually try to cross-check name by name, person by person, the numbers
10 would not have been enough but there were about 3,000, about 3,000, but I cannot give
11 you a very accurate number.

12 But people put forward some very extravagant numbers, because from the north to the
13 south people mentioned 10,000 combatants but we never reached that number of 10,000.
14 In our Walendu-Bindi collectivity, people mentioned 4,000 men, and so on and so forth,
15 but we never reached that number.

16 Q. Now, the witness, Prosecution Witness 267, I think you know who I'm talking
17 about - you nod your head, you do - he came and gave evidence here, as you know, you
18 saw him and you heard him. Did you meet him? Did you have dealings with him over
19 demobilisation?

20 A. According to what he said. For example, he said he came to my place and I
21 discussed with him. In any case, I do not remember. I cannot remember everyone who
22 came to see me during that period, no, but I remember the person with whom they came
23 because this person was living in our area, and that person could come back and see me
24 any time. I could remember that old man Katobi (phon) had actually been
25 here, -- that I can remember, but this person, is it 267? Yes, 267.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 PRESIDING JUDGE COTTE: (Interpretation) 167? No, no, no. Yes, it is 267, I'm
2 sorry.

3 THE WITNESS: (Interpretation) Even when 267 was in Aveba, your Honour, I did not
4 know him. I went to Kinshasa. I did not know him. The only person that I knew, who
5 was in charge of children, the so-called EAFGANs, was from Save the Children; this was
6 Martin Paluku Mululu (phon). He is a native of North Kivu. That was the person that I
7 knew. He had a red bike, which he used to move about. But that other person, 267,
8 until I left for Kinshasa, I did not know him.

9 MR HOOPER:

10 Q. And what level of co-operation did you provide in respect to demobilisation at
11 Aveba and in Walendu-Bindi?

12 A. Because of the respect that we had for the international community, we made every
13 effort possible to achieve that demobilisation. The objective was to demobilise the
14 combatants. And when they talk about child soldiers, this should be people who were of
15 course coming from the camp, rather than picking up just anybody. What was of great
16 surprise to us was that the disarmament that was imposed to us by MONUC, the DRC,
17 everywhere in Congo it was the DDR. It sort of destabilised us, but we complied with it
18 and our objective was that if we achieve that demobilisation it should be the
19 demobilisation of the combatants - the real combatants - and so we co-operated fully.

20 Q. Now, you will remember the book that we've all seen many times. And I'm not
21 going to ask it to be produced, it's many pages, but it's our EVD-OTP-00120 and we know
22 it's got a child school thing --

23 PRESIDING JUDGE COTTE: (No interpretation).

24 MR MACDONALD: I think that there's -- (Interpretation) I would like to cross-check,
25 but I think we had an objection to that, if I'm not mistaken.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 PRESIDING JUDGE COTTE: (Interpretation) Please wait. Please wait. It is
2 document number 64 on Mr Hooper's list of documents, EVD-OTP-00120.

3 MR MACDONALD: (Interpretation) Mr President, it's more an issue of the production
4 of this document. A foundation should have been laid, that is preliminary questions,
5 before that document is shown. An answer had already been started, that he had never
6 met P-267, but preliminary questions have to be asked first; that was our objection.
7 There are objections that are more important than others, I admit.

8 PRESIDING JUDGE COTTE: (Interpretation) I think Mr Hooper tried to introduce this
9 document. The accused person has already seen that document on several occasions,
10 because he is present in the courtroom, so I do not think there is room for a lot of dispute
11 here.

12 Mr Hooper, please continue.

13 MR HOOPER: I'm not formally producing it to you, because it takes technically a bit of
14 time and we need to move on. It's the Musana document, as we know.

15 Q. I merely want to ask you about this. First of all, prior to coming to The Hague had
16 you seen this document before, or not?

17 A. Never.

18 Q. Now, as a combatant yourself, an adult combatant, were you ever demobilised?

19 A. I was the first to be demobilised in Aveba.

20 Q. Now, we've heard a lot about this, the nature of the contents of the people as it were
21 in this document. I'm not going to ask you about it, others may, but the first person
22 whose name appears on this document, number one which we know just relates to young
23 people, children, or EAFGAs as they are called here, and number one is Baraka Metu
24 Karido. That's B-A-R-A-K-A, separate word M-E-T-U, separate word K-A-R-I-D-O,
25 described as "Male, aged 12," and he's number one on the list. Do you know him?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. Yes, very well, Counsel David.

2 Q. Is that age of 12 reflected there, as far as you know, accurate?

3 A. That is not the exact date, but it might have been a little higher than that.

4 Q. When you say "date," can I -- the English translation came over as "date." Are you
5 talking about date, or age? Can you just help me, please?

6 A. I'm sorry, I misled you. I was referring to the age.

7 Q. Now, was he ever in combat, to your knowledge?

8 A. That small man fled from Singo. He fled from Singo, and why? Why did he flee?
9 When the 12th Battalion was driven out of Nyakunde in October 2002, that child used to
10 live with his parents in Singo. When the UPC struck Commander Faustin's group in
11 Nyakunde, at that time Commander Faustin was absent, the APC fell back or withdrew to
12 Singo, and so the UPC launched further operations on Singo following the operation that
13 drove APC out of Nyasingo -- Nyakunde, rather. It is at that time that this young boy
14 flew -- fled from Singo to Aveba.

15 Q. Do you know what happened to his family?

16 A. What he told us is that his parents had all been killed. He arrived in Aveba like
17 that, with no one of his family being -- no member of his family being in Aveba.

18 Q. And where did he live thereafter?

19 A. Before I settled in Aveba he used to live at the BCA, so when I arrived and I went
20 to the BCA then he came to my home and we were together. He was like any other child
21 of the family. I took him in as any other child of the family.

22 Q. Was there any particular reason why he was the first on this list of demobilised
23 EAFGAs?

24 A. If that name appears at number one, it is very important. It is important that the
25 name should be there, because he is the one who would have been taken to be a child

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 soldier in our area. A child who was abandoned by everybody who lives and depends
2 on the camps is the one who, according to us, could have been identified as a child soldier
3 in the proper meaning of the word "child soldier." That is why when the site was open
4 we -- he was freely taken -- voluntarily taken there without any reservations. He was
5 taken there because clearly he deserved to be identified as a child soldier, because he was
6 a child living in military camps without his parents, without any family members.

7 Q. Thank you. I just want to ask you about some names that we've heard, and again I
8 just need a brief reply. Boba Boba, otherwise known as Ngabu, did you know him and
9 in what circumstances?

10 A. I knew him in Bunia and I saw him in Bunia.

11 Q. Kpadhole, K-P-A-D-H-O-L-E?

12 A. I have never seen him with my eyes to this very day.

13 Q. Lone Nyunye? That's L-O-N-E, separate word N-Y-U-N-Y-E?

14 A. I saw Lone Nyunye in Yambi-Yaya, because he had a small position in Yambi-Yaya,
15 opposite the Amuda hotel.

16 Q. Lobo Justin? That's L-O-B-O, Justin?

17 A. I saw Lobo Justin for the first time on 22 March 2003.

18 Q. Now, finally can we come up to later events which aren't disputed, at least in their
19 essentials as I understand it, and can we come to your -- can we come to December 2004
20 and your appointment to the rank of brigadier-general in the Congolese army? Can you
21 remember the date that you learned that there'd been a presidential decree nominating
22 you to the rank of brigadier-general?

23 A. I learned of it somewhat belatedly. You see, I think the President of the Republic
24 signed the decree on 4 December, if I am not mistaken, and I was informed later -- later
25 because I did not have any direct link with Kinshasa, or Bunia. One would have had to

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 have a communication link, but I think it was either Christmas Eve, or New Year's Eve,
2 that I met Colonel Ekuba. Colonel Ekuba is the one who informed me of it.

3 Q. And consequently in January did you leave Aveba, never to return from that date to
4 this, and travelled via Kisangani to Kinshasa?

5 A. Yes, yes, yes.

6 Q. Did you meet President Kabila?

7 A. Yes, we met President Joseph Kabila in Kisangani, yes.

8 Q. Do you recall the date that you arrived in Kinshasa?

9 A. If I'm not mistaken, I think we arrived in Kinshasa on 8 January.

10 Q. Again, we don't need detail, but what was to happen? What did you expect was
11 going to happen in Kinshasa? Was it a question of you being trained and the like?
12 What was your position, very briefly?

13 A. We went to Kinshasa mainly for the swearing-in ceremony, mainly that was the
14 reason.

15 Q. And what was to happen to you after you'd been sworn in?

16 A. We were rehearsing the ceremony, that was on 25 February, and we learned of the
17 death of the Blue Berets from Bangladesh, and then on 6 February it was -- or 26 February
18 it was claimed that we had ordered the assassination of those Blue Berets and we were
19 put under house arrest.

20 Q. I just want to, as it were, clear the air on that. Had you any role in that? Did you
21 have any control even over the area where those men were killed?

22 A. I did not even know the name. I did not even know the location at which those
23 people had died. I absolutely had no idea. The radio was talking about Cafe, Cafe. I
24 don't know where Cafe is. Even in Ituri, I never heard that name, Cafe. Your Honour,
25 it was a small village. I don't even know whether it has a road but the point is that I did

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 not know where Cafe was located.

2 Q. Now, since that time and during the time you were detained in Kinshasa, was
3 anyone arrested for those specific murders?

4 A. Arrested? That is also a strong word because no-one was forcibly picked up.
5 Someone surrendered. Étienne Lona Liga surrendered and gave himself up to be
6 arrested. That is what happened. He was not arrested; he surrendered himself.

7 Q. Now, prior to your being placed under house arrest during your time in Kinshasa,
8 did you have an opportunity to meet P12?

9 A. Yes, yes, yes, I met P12, yes.

10 Q. And what happened?

11 A. It was at that time that P12 took us to his place, to his place in Kinshasa. He had a
12 residence in Kinshasa.

13 Q. And what happened there? How long did you stay there? What were the
14 circumstances?

15 A. Well, Mr David, I'm sorry to have to describe the state of P12's house, I'm really
16 sorry, and although I lived in my -- in fact it was better for me to live in my thatched hut
17 in the bush than to live in that kind of place, that kind of an oven. I don't know whether
18 it was his house or whether it belonged to one of his family members; in any event we
19 were received. We went into a house and we had to buy a few drinks to cool down
20 ourselves, to refresh ourselves.

21 Q. Did you meet 160 during your time there in Kinshasa, in 2005? 260, sorry?

22 A. 160? 160? No, no, she was not in Kinshasa.

23 Q. Now, from the time of your arrest -- sorry, you say you were first placed under
24 house arrest. In brief, was any -- how did things develop after that?

25 A. The government in Kinshasa and MONUC were playing a game. On the one hand,

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 the Kinshasa government was claiming that they wanted to protect us and wanted us to
2 be taken from the Grand Hotel Kinshasa to another hotel known as Flat Luntu. Flat is
3 written as pronounced, and Luntu is L-U-N-T-U. So they wanted to take us to that place
4 and to keep us in a safe place where MONUC will not be able to see us. Now, whether
5 there was a risk from MONUC, well, that was the situation in which we were, but, out of
6 lack of caution, President Ndjabu called someone from the media and talked to the media
7 and on the same day, that very day, he was blamed by DEMIAP for having done that, and
8 so they had to move us again claiming that MONUC might come and even kill us and so
9 they took us to another hotel known as the Glodis, and we were in a very difficult
10 situation. We couldn't understand what was going on, and we were wondering what
11 was happening.

12 So one day, one Major Didier Tumba told us that the Chief of General Staff was calling for
13 us and that we needed to meet him, so all of us were taken on 9 February to the DEMIAP,
14 and then the next day we were moved to --

15 THE INTERPRETER: If the witness could be kindly asked to repeat the last part of his
16 answer it would assist the interpreters.

17 MR HOOPER:

18 Q. What is your last few words? You were then moved to, and they lost the last bit in
19 the interpretation, sorry?

20 A. From DEMIAP, we were taken to the CPRK on 10 March 2005, of course.

21 Q. And having heard the evidence of others we know the people, when you say "we"
22 we understand the situation. And being taken to the CPRK, 10 March 2005, you there
23 remained until you were transferred to The Hague on 18 October 2007; is that correct?

24 A. Yes, that is correct, yes.

25 Q. You were in Kinshasa under house arrest or later in prison, was there ever -- did you

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 know what charge you were under, or what you were charged with? Was there a formal
2 charge?

3 A. Charges? I only became aware of the charges here at the ICC. While there, I
4 never -- no one ever -- well, let me -- even before I say anything, did I see a warrant of
5 arrest? The arrest warrant was issued after we were arrested. We were first arrested
6 and then an arrest warrant was issued. So this is very difficult. You know, our rights
7 were not respected, not at all.

8 Q. All right. Now, I've only got just a few, perhaps one document or two documents
9 and a few photographs to run through with you, which I would have thought shouldn't
10 take more than 15 minutes at the outside. I can start now. Shall I start now your
11 Honour, and see how far we go? There's a few minutes.

12 PRESIDING JUDGE COTTE: (Interpretation) We have four minutes.

13 MR MACDONALD: (Interpretation) Mr President, I think we should continue
14 tomorrow because we need to find out how much time the Kilenda team has for its
15 examination, and so I think we can do that.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr Hooper, would you like to have an
17 EVD number for the photograph DRC-D02-0001-0467? Court officer, please.

18 THE COURT OFFICER: (Interpretation) Thank you, Mr President. The EVD number
19 will be EVD-D02-00228 to be filed as a public document.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you, court officer. Now,
21 Mr Hooper, we think that we understand that you don't need much more time to
22 conclude your examination-in-chief tomorrow morning?

23 MR HOOPER: No, I've got some photographs, I'm not going to put them all in, a
24 photograph of this and that of Aveba, really, and I'll say now there's -- there's the
25 handwritten document signed by Nguru, which I'm going to invite Mr Katanga to look at

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 but there's also one document which is one of those which was produced when Jean Logo
2 gave evidence and relates to --

3 PRESIDING JUDGE COTTE: (Interpretation) I think we can deal with that tomorrow
4 morning, because at this time we are not able to follow and identify the documents.
5 Professor Fofé, Counsel Kilenda, is any of you in a position to tell us how much time you
6 would need?

7 MR FOFÉ: (Interpretation) Yes, Mr President. All we can say is that the Prosecution
8 should get ready to start tomorrow. We will not be ...

9 PRESIDING JUDGE COTTE: (Interpretation) Hold on, hold on please. I think
10 Professor Fofé has a wide, a broad smile on his face. He's going to provide the details
11 you seek.

12 MR FOFÉ: (Interpretation) Yes, thank you, Mr President. We will not have many
13 questions for Mr Germain Katanga. I think 30 minutes will be too much.

14 PRESIDING JUDGE COTTE: (Interpretation) So, Mr Prosecutor, there you are. Thank
15 you, Professor Fofé. We therefore believe that the Prosecutor would have to start
16 tomorrow before the break.

17 MR MACDONALD: (Interpretation) Mr President, we would need the ERN by email
18 from our learned colleague, which he intends to use tomorrow, because the Prosecution
19 would like to know those ERN numbers before the hearing tomorrow.

20 PRESIDING JUDGE COTTE: (Interpretation) Which colleague are you referring to?
21 Mr Hooper or Professor Fofé?

22 MR MACDONALD: (Interpretation) I'm sorry?

23 PRESIDING JUDGE COTTE: (Interpretation) Are you talking about Mr Hooper?

24 MR MACDONALD: (Interpretation) Yes, Mr Hooper, he referred to a number of
25 documents, one or two, and mentioned a name, I will not repeat those names. I just want

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 him to provide us with the ERN or the EVDs so that we will know -- we can know what
2 appears on his list.

3 PRESIDING JUDGE COTTE: (Interpretation) What appears on your list?

4 MR HOOPER: They are all on the list. It's what appears on the list, yes.

5 PRESIDING JUDGE COTTE: (Interpretation) These have been raised rather
6 prematurely, and tomorrow you will mention them at the time you use them. So for
7 now, let us hold it at that. We thank all those who have assisted us. The court usher
8 will take Mr Katanga back to his place and we shall adjourn to tomorrow morning, 9 a.m.
9 Proceedings are adjourned until tomorrow morning.

10 (The hearing ends in open session at 6.02 p.m.)

11 CORRECTIONS REPORT

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

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

15