

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing
9 Wednesday, 5 October 2011
10 The hearing starts at 2.33 p.m.
11 (Open session)
12 (The witness takes the stand)
13 COURT USHER: All rise. The International Criminal Court is now
14 in session.
15 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
16 We greet all of you. Good afternoon, Mr. Katanga, Mr. Ngudjolo,
17 the accused persons.
18 Before we resume our deliberations, we have some small
19 information for you. Yesterday, we indicated that next Monday the Court
20 will be sitting in the afternoon from 1.30 exceptionally. First session
21 1.30 to 3.30, and then the second session from 4.00 to 6.00 p.m.
22 I thank you all for taking note, including the Court Officer, and I hope that
23 transportation for Mr. Katanga and Mr. Ngudjolo will be arranged in a timely
24 manner on that day.
25 By the way Counsel -- by the way, if -- if it is information of a general

1 nature, please, you have the floor.

2 MR. MACDONALD: (Interpretation) I wanted to talk about the
3 maps, Mr. President, but I can wait till you finish.

4 PRESIDING JUDGE COTTE: (Interpretation) Please proceed.

5 MR. MACDONALD: (Interpretation) Good afternoon, everybody.
6 Good afternoon, your Honours.

7 Yesterday, we revisited the matter of the maps. Since then, the
8 Prosecution, in spite of some technical problems, the OTP and the
9 Registry are working at solving the technical problems. In any event,
10 we have been able, for now, to type out the information that was previously
11 handwritten on the two maps and use different colours, one being blue for that
12 information to be placed on the maps. The original information is,
13 therefore, maintained. All the additions annotations by the two accused persons are
14 now available on the map and are typed out in blue. Thank you.

15 Our next step will be to amalgamate or merge those two documents
16 into one map. We are not able to do that now, because our large format
17 printer is not available for technical reasons.

18 PRESIDING JUDGE COTTE: (Interpretation) Do you think it will be
19 available for Monday?

20 MR. MACDONALD: (Interpretation) Tomorrow. Hopefully,
21 Mr. President, tomorrow.

22 PRESIDING JUDGE COTTE: (Interpretation) Well, it will now
23 appear that we have come to the end, more or less, of this beautiful
24 story of maps. That is wonderful.

25 Mr. Hooper, yesterday there was an EVD number assigned to a

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1 photograph which had been annotated by Mr. Katanga, a photograph showing
2 the pictures of a number of adults, a number of persons. Would you like
3 to have an EVD number for the unannotated photograph, that is, the
4 photograph before it was annotated by Mr. Katanga? So if this photograph
5 were to be used by others, it might be better to give it another EVD
6 number. The number was DRC-D02-0001-0889.

7 MR. HOOPER: Yes. That's a good idea. Thank you.

8 PRESIDING JUDGE COTTE: (Interpretation) That is an idea from
9 the Court Officer. I do not claim or lay ownership to it. So let us
10 give to Caesar what belongs to Caesar.

11 COURT OFFICER: Thank you, Mr. President. That photograph will
12 bear EVD number EVD-D02-00224, and will be a public document.

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

15 Mr. Hooper, we shall resume our proceedings once you are --
16 produce one of the documents or the items on your list. Please give us a
17 little minute or two to find the document in our folders, but you have
18 the floor.

19 WITNESS: WITNESS DRC-D02-P-0300 (Continued)

20 (Witness answered through interpreter)

21 Questioned by Mr. Hooper: (Resumed)

22 Q. Good afternoon, Mr. Katanga. Can I, before going back to the
23 meetings at Beni, just take a step back to the issue of the FRPI, and can
24 I ask you to look at the document "*Manifeste de la resistance*" again,
25 EVD-D02-00063, a public document. And I'd like you to look at the last

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1 page of that document with the list of signatories, please.

2 COURT OFFICER: The document can be viewed at PC 1.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

4 Court Officer.

5 Mr. Katanga, do you have the document on your screen, the last
6 page?

7 THE WITNESS: (Interpretation) Yes.

8 PRESIDING JUDGE COTTE: (Interpretation) Yes. Therefore,
9 please, answer the question that will be put to you.

10 MR. HOOPER:

11 Q. Right. And looking at that list, can you just help me, just
12 running your eyes down it, how many of those names are people that you
13 now?

14 A. Good afternoon, Presiding Judge; good afternoon, your Honours;
15 good afternoon, Mr. David.

16 As I look at this list, I can start with Angaika Didi, Alezo Ngari,
17 Charif Ndadza, Muganga Sambidu, Mateso Ninga, Mawazo Baudouin, and
18 Pitsou Iribi.

19 Q. Now, just so -- come back to your own knowledge of the FRPI.
20 You've told us how you arrive in Beni having left Aveba on the 21st of
21 November. As far as you know, when was the FRPI itself founded?

22 A. Mr. David, the acronym FRPI is one about which I cannot provide
23 you with exact information, because I only learnt of it also just like
24 that. When I got to Beni, the FRPI might have already been there. No one had
25 told us about it. But I only found out when Adirodu's introduced

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- 1 himself as the head of our delegation -- the delegation, the FRPI
2 delegation. However, the story of the FRPI,
3 we were just told that that it was created at the Hotel Casino .I was not there.
5 Q. Are you aware who was present when it was founded?
6 A. I do not know.
7 Q. Now, one of the witnesses called by the Defence was Ndjabu Ngabu.
8 May I ask you when did you first meet him?
9 A. Mr. Ndjabu Ngabu Floribert, I met him in August 2003.
10 Q. Now, let's return then, please, to Beni, and you told us
11 yesterday how you'd arrived there. There'd been a meeting with
12 Commander Samy. There'd been a meeting with Mbusa Nyamwisi. You had to
13 wait some days for Adirodu to arrive, and there's a meeting then with
14 Adirodu, and there were several meetings.
15 Who else did you have meetings with when you were in Beni? What
16 other meeting were there?
17 A. In Beni, we had a meeting with Mbusa Nyamwisi. We also met with
18 Kasereka. We met with Uringi-Padolo. We met with Colonel Aguru a
19 l'EMOI (* phon). Yes.
20 Q. Let's go to Kasereka. Who was he?
21 A. Kasereka was the APC Chief of Staff.
22 Q. And what did you discuss at that meeting?
23 A. At that meeting, discussions focused on military problems.
24 Military problems are technical and they might be difficult to explain,
25 but I will try to explain them to you to the best of my ability.

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1 In broad strokes, we looked at how operations and men could work
2 together, that is, the APC and the combatants, how they could come
3 together.

4 Q. At Uringi-Padolo -- can you spell that name for us, please?

5 A. Uringi is spelled U-r-i-n-g-i, and Padolo is spelled P-a-d-o-l-o.

6 Q. And who was he?

7 A. At the time, he was one of the senior leaders of the RCD/K-ML,
8 but I do not remember what his position was, but he was close to Mbusa.

9 Q. Colonel Aguru, A-g-u-r-u, who was he?

10 A. Colonel Aguru was the Chief of Staff of EMOI in Beni.

11 Q. Now, I know we've heard quite a lot about that organisation, but
12 I'd like you to explain to the Judges what your understanding of it was,
13 what meetings you had with -- with EMOI. So let's start with what is
14 your understanding of what EMOI was, of what its function was.

15 A. EMOI, E-M-O-I, was a structure that came from the military house.
16 It was the President, the Head of State, Joseph Kabila, who dispatched
17 Colonel Aguru to go to the area occupied by his ally to facilitate
18 operations and logistics with a view to conquering the areas that had
19 been occupied by rebel forces.

20 Secondly, while on the ground, this would enable the allied
21 force, that is the RCD/K-ML, to be integrated.

22 And third, to facilitate integration of all resistance groups or
23 movements within that area of operations.

24 Q. Now, aside from -- for how long -- when did you first come into
25 contact with EMOI?

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1 A. It was at that time, that is, in November 2002.

2 Q. And for how long did you remain in contact with EMOI officers?

3 A. My contact with the EMOI officers, well, even today there are
4 people who used to work at EMOI with whom I still have contact. So I
5 don't know whether I can tell you that those contacts are over. All I
6 can say is simply that I do not know whether EMOI is still functioning
7 today or not. That is the first part of my answer. But I go on to give
8 you a second component to my answer, namely, that all those officers who
9 were of the EMOI, I have continued to maintain contact with them to this
10 day. Even when I joined the national army, we continued to keep our
11 contacts even to this day.

12 Q. Now, apart from Colonel Aguru, who were the other principal
13 officers in EMOI with whom you came into contact during the time that you
14 were in Ituri?

15 A. Yes. In November 2002, or December, at that time
16 Lieutenant-Colonel Duku, as he then was, was also there.

17 Q. And is that D-u-k-u?

18 A. That is correct.

19 Q. And when you had a meeting or meetings with EMOI officers, can
20 you recall what was discussed between you?

21 A. Yes. The major items, yes, one cannot forget them, but one may
22 forget the small details. In general terms, the issue was that they were
23 the ones who had all the material, and it is EMOI that controlled
24 logistics for all the operations, be it ammunitions, medication, weapons,
25 and instructions. They were the ones who were sort of academicians or

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1 people from the military academy, and they were therefore acting as
2 experts on behalf of the Congolese army. They were the ones who knew the
3 military strategies.

4 Q. Now, at that time, this -- let me just pause there and ask this:
5 Between this visit in November and the attack on Bogoro on the 24th of
6 February, 2003, how many visits did you pay to Beni?

7 A. I went to Beni about four times during that period.

8 Q. And in those visits, when you had meetings with people, did you
9 continue to have meetings with the people you've named or indicated you
10 saw on the first visit? What was the position?

11 A. Apart from Mbusa Nyamwisi, who went to south -- who went to
12 South Africa to receive treatment after the meeting, all the others
13 remained in Beni. Colonel Aguru, Duku, and the Commander Chief of Staff
14 Kasereka at the time, the entire staff was there. Uringi was there.
15 Uringi was of significant importance, because he was from Ituri, and he was from
16 our village, and so we would revert to him to tell him that we are hungry,
17 we are suffering, and then he would give us a little handwritten note
18 and he would send us to the bank and we would then directly go and get something.

19 Q. Now, was Bogoro, Bogoro itself, ever discussed at any of your
20 meetings, and if so, what was said?

21 A. Mr. David, I think that it is because of this case that Bogoro is
22 taking on such significance, but in military terms, Bogoro is also a very
23 important strategic location. You see, I say this because although the
24 UPC had separated from the UPDF, now, where do you think UPC got its
25 ammunition from? From Uganda, although it had changed partners, Rwanda.

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1 What was Salim Saleh's role? He was a businessman and he was not
2 concerned about Uganda's problems, whether or not there was a separation between
3 the UPC and the UPDF. His interest was business. He wanted to sell
4 arms. He sold arms to the UPC as well. So when you talk about UPC, PUSIC and
5 what have you, all of those things are in reference to people who are
6 similar, who are one and the same, so to speak. The road from the lake to Bogoro
7 on to Bunia is a very important road, because it was through that proceed
8 that supplies were made to Bunia. So for military purposes that road had
9 to be -- had to be blocked. So you see, if your enemy is winning because
10 he has water, you must get rid of the water in order to get at the enemy.
11 So that applied to the road as well. We needed to block off or to block
12 the Bogoro road.

13 I don't know what technical words to use to convey this idea more clearly, but
14 I simply am saying that Bogoro was discussed because it was the area
15 through which one needed to go in order to reach the capital of the
16 Ituri. If there was any other access roads to Bunia without having to go
17 through Bogoro, then it would have been necessary to explore other means,
18 but the road only went from Bunia to Komanda, which made it difficult for UPC to be
19 evacuated, made it necessary for a shortcut to be used, and the shortcut
20 necessarily went through Bogoro.

21 Q. Now, can I ask you just to look and make reference to the map
22 EVD-D02-00122, which will come up on the screen. We might have a hard
23 copy, actually, for you. But if it's clear on the screen, then I'd
24 invite you to work with that.

25 Mr. Katanga, it will be displayed on the screen in a moment.

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1 COURT OFFICER: The card can be seen on -- the map can be seen on
2 PC 1.

3 MR. HOOPER:

4 Q. Right. Now, we're familiar with this terrain, obviously, and
5 this is a small-scale map. It shows us -- we can see Kasenyi, we can see
6 Bogoro, we see Bunia. We don't need to dwell on that. But in
7 November/December of 2002, what is your understanding of the general
8 military position of the APC, the RCD/K-ML APC in Ituri? Can I start
9 with the area of Lolwa, which we've seen previously, and that's on the
10 road going towards Kisangani that we see. It's more or less middle left
11 of the -- left in the middle, as it were, on the map. Lolwa. What was
12 happening in and around there as far as you were aware?

13 A. Mr. David, in the month of November, it is true that the APC went to Lolwa
14 and all the way to Mambasa, but they were driven out, just like one would swept
15 away, as you'd sweep dust off a table.

16 Q. Sorry, I'm just unclear on my translation. Who went from Lolwa
17 to Komanda -- or to -- to -- sorry. Could you just repeat what you said,
18 please.

19 A. In the month of November, the APC was controlling -- I'm sorry.
20 I was talking about the month of November. In the month of November, the
21 APC had control of Lolwa, Komanda, Mambasa, so Mambasa and had even
22 advanced up the Kisangani road. Suddenly the MLC and the RCD-N,
23 national, launched the *Effacer le Tableau* operations
24 from Isiro going toward Beni and got to Mambasa, and that's where the MLC,
25 the RCD-National and the UPC formed an alliance. It is from Mambasa,

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1 from Mambasa they then moved on together. So it then became a joint
2 operation. The UPC advanced from Bunia towards Komanda and from Komanda
3 went straight on to Beni, and they directly undermined the back lines of the APC,
4 because Komanda having been occupied by the UPC, how were the people in Lolwa
5 going to get their supplies? Things went helter skelter there. Then the RCD -- the
6 RCD-N and the MLC were able to advance rapidly and unite their forces in
7 Komanda, and move towards Beni.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Katanga, could you
9 please slow down and speak slowly so that we can take notes and follow and
10 understand you. .

11 MR. HOOPER:

12 Q. (* Microphone not activated) ... when we're dealing with names
13 and places and we'd like to look at it, perhaps at the map. So a
14 coalition between the MLC which you explained last week was the party or
15 movement of Jean-Pierre Bemba. The RCD-N standing for RCD National which
16 was the group or political party of -- remind us of the name of the
17 person who was in charge of that?

18 A. Roger Lumbala. Lumbala. That's L-u-m-b-a-l-a.

19 Q. And where was his base, as it were, what was his area,
20 Roger Limbala and the RCD-N?

21 A. At Isiro.

22 Q. And the last in that coalition we know the UPC. Now, having
23 formed that coalition against the APC, you said that they were -- did
24 they reach Beni? This joint attack, did it reach Beni or not?

25 A. They were also stopped by a coalition. So it was the alliance between the

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1 commando unit which came from Kinshasa, the APC, the Mai-Mai, and the
2 combatants in Eringeti on the 23rd and the 24th of December 2002.

3 Q. And was that the battle that you participated in that you
4 described organ to tell us about yesterday?

5 A. Yes, indeed, Mr. David.

6 Q. Now, in November, December of 2002, what was happening, do you
7 know, south of Beni in the Kivus?

8 A. Beni was under some sort of pressure. There was pressure on
9 Beni. They wanted to compress Beni. From the north, Azarias' RCD-Goma and -- I
10 don't know if it was Azarias Ruberwa at the time, or it may have been
11 Adolphe Onusimba, were also coming down on Beni.

12 Q. You're going to have a spell a name there, of course, please.

13 A. The two names I just gave are of the leaders from the RCD Goma.
14 They are Azarias, A-z-a-r-i-a-s; Ruberwa, R-u-b-e-r-w-a. Adolphe, that's
15 a French first name; Onusumba, O-n-u-s-u-m-b-a.

16 Q. There's many groups and names and it's not always
17 straightforward, but the RCD-Goma, as the name implies, was a split of
18 the original RCD and based in Goma which borders on Rwanda. It's in DRC
19 but on the frontier with Rwanda; is that correct?

20 A. Yes, that's correct.

21 Q. And what was happening with this -- this group? What -- what
22 were they doing, and what, if any, part did you play in that?

23 A. Mr. David, our trip to Beni in November opened the way to cooperation,
24 cooperation between our civilians, our local population who always went to Beni
25 to buy supplies and bring them back to our collectivity, and there were also --

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1 the combatants who also went to Beni to buy weapons and ammunition. They could
2 sometimes have two, three or ten people going to Beni to buy ammunitions and then
3 return. So when the combatants would travel to
4 Beni, an APC commander could say to them, "Well, okay. Can you help us, join us
5 in an operation?" Whatever the case, a combatant is always ready
6 when it comes to defending a set objective, and so they were
7 there. And that's how many combatants from our collectivity took part
8 in that clash at Kanyabayonga, a lot, a lot, a large number of them. And the
9 excuse which all those combatants had for going to Beni was to say:
10 "Ah, we've come from Aveba from Commander Germain,". That was their cover or
11 excuse And so that's how my name spread around North Kivu,
12 that is how it happened

13 Q. Did you yourself participate in events south of Beni or not?

14 A. Yes. In south Beni I did take part myself. When I said the 23rd and
15 the 24th, on Christmas Eve, we were also out in the field. When the FAC
16 Mai-Mai -APC started the '*Effacer le Tableau* operation' in
17 Eringeti, we attacked the coast. It was a simultaneous attack on the same
18 day, the same day as the FAC, and the APC- Mai-Mai, attacked Eringeti. We
19 attacked at Otomaber at Fai (* phon), Ofey , Edu (* phon), Mount Hoyo and
20 all the way to Komanda. How... how.. and even if you have a strong army, it can
21 still be weakened by the scale of the attack over such a long distance. That was how
22 we attacked under the Operation *Effacer le Tableau*.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, could I
24 just interrupt you for one moment. I would like to ask Germain Katanga if he
25 could tell us when the Kanyabayonga clash occurred. Do you remember the

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1 date or an approximate date.

2 THE WITNESS: (Interpretation) The Kanya Bayonga operations by the way had
3 stopped until early December. It was the UN that set up a buffer zone at
4 Kanya Bayonga, because the RCD-Goma was advancing on Musyenene which is
5 some 12 kilometres from Bodengo.

6 Thank you.

7 MR. HOOPER:

8 Q. Eringeti, that's the 24th -- 23rd, 24th of December incident.

9 Right. And Kanyabayonga, was that after the Eringeti incident?

10 A. Before Eringeti.

11 Q. And again, just for completeness, if we -- well, I'll come back
12 to it in a moment because we've got this map on the screen, I think, at
13 the moment, which is the map showing the area north essentially of Beni.
14 So while that's there, let's -- let's make a little use of it, and let me
15 ask you this: Looking at this -- this plan, we're talking
16 November/December, and from what you've said it may, I think, have been
17 obvious to us, but I ask you anyway. What problem, if any, would there
18 have been if the APC, EMOI, Kinshasa, as it were, grouping, why couldn't
19 they go down the main road via Komanda, that is, from Beni via Oycha and
20 Komanda and on to Bunia? Why not use that main road rather than go --
21 rather than any other route?

22 A. When you take the Bunia-Komanda road, from Komanda to Eringeti, you'll
23 spend at least two weeks travelling by vehicle. So that means you just couldn't get
24 through on that road, a road which was plied by lorries. The road itself had sunken
25 down by at least 5 metres. You had to look down to see trucks and vehicles in

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1 in the depressed areas there. And the holes filled up with water, when it rained.
2 You needed to have a pump to get the water out and then let the mud dry
3 up, and that would take days upon days. So the road was not easy to ply.
4 Even if you wanted to get to your destination, well, perhaps the enemy
5 could also take advantage of the situation and lay ambush there when you're busy
6 working with the pumps. For example, they could attack you and take over control.
7 So that was why that road was not used.

8 Q. And just remind us. Even to today, is that a tar macadam road or
9 not?

10 A. No, no. No, no, no. Our road has never been tarred. It's the
11 same road which the MONUC repaired, flattened out and graded. They filled
12 the potholes with stones. That's it. But our Congo has very poor roads and has
13 had poor roads for a long time.

14 Q. And talking of structure, generally, structures generally,
15 Walendu-Bindi, by the time Congo gained its independence in the 1960s,
16 1960s, what level of structure was there, do you know, in Walendu-Bindi?
17 Hospitals, roads, schools, that sort thing. What was the position as far
18 as the people there were concerned?

19 A. Well, that's a good question, Mr. David. In our collectivity,
20 all that the colonial regime built in our country, the only thing
21 they built was the maximum security prison. One single maximum security
22 prison, and that prison is still there today. It was built in 1931,
23 and -- and the prison is called Trente et un (31) . And there's no point
24 in even talking about bridges. We make our own bridges ourselves. We cut down
25 the trees, and we spread them across the river. And sometimes -- well, I can

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1 tell you that what we call bridges are really not bridges. We have a bridge which is
2 the only one in the world that runs under the river. Vehicles go across on it, but they
3 don't even know if the bridge is there. They drive through the river, and the
4 bridge support is actually under or inside the water. This is the system that we built
5 ourselves which sits on the bed of the river, because there's no way of
6 building bridges. We don't have bridges.

7 The only structure we have, it's the high security prison.

8 Q. What about schools, hospitals, health centres? What was the
9 position then at the end of the colonial period in Walendu-Bindi? Do you
10 know?

11 A. I can give you a direct example from Aveba Mukubwa.
12 When you hear that name, it was only in 1986 that a tiny health care
13 centre was set up there. That was done by my father. That was done in
14 1986. Most people in the Walendu-Bindi
15 collectivity only had access to traditional medicine and that's still the case to this
16 day. Even today, if you go to a hospital with a soar throat, the nurse
17 will ask you to go home. That's not a disease. If you go to the hospital
18 they'll just tell you to go home and ask the old mothers or old
19 fathers at home to help. That's what it is, your Honour. Today, when you
20 told about fetishes and so on and so on -- I'm surprised to hear that you
21 think these herbs are fetishes. They're medication.

22 Q. I'll come back to that perhaps in a moment. And what about
23 schools? What was the educational facilities that were left in
24 Walendu-Bindi? Do you know?

25 A. Mr. David, our people sought things out for themselves and that's

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1 been the case since colonial times, since the time of Mobutu.
2 The inter-ethnic problem persists. Mobutu sent in commandos that
3 were trained in Motowa (* phon), an entire battalion came to set fire to
4 villages in our collectivity, with orders from our president.
5 It was our president who gave orders and sent one commando unit to set
6 fire to our homes. And if our president does something like that, do you think that
7 the colonial powers would have
8 had any pity on us? We dug the roads using hoes. If you go around our collectivity,
9 you can see that we just did it with our hoes. We did not have any
10 bulldozers coming in to clear up the roads. Perhaps the first time
11 our children saw bulldozers was when MONUC brought their bulldozers. And
12 I'm saying this very sincerely.

13 Our families saw planes in 1986 for the first time. We started seeing
14 planes flying across the sky then. So that's it.

15 Q. Now can I just have a quick look at EVD -- another map, this is
16 D02-00119 just so that we can see Kanyabayonga, revisit that, please.

17 COURT OFFICER: The map can be seen on PC 1.

18 MR. HOOPER:

19 Q. And if we find -- ignore the blue mark there, it's something else
20 as we know. But Beni -- we've got Beni, and if you drop south of Beni
21 you come to Bulambo, and then further south to the bottom of the lake
22 there, I've forgotten which lake that is, actually. Lake Stanley,
23 perhaps, but it's -- Kanyabayonga is there, and we can see that if we
24 drop down below that to lake Kivu and Goma and Rwanda.

25 Very well. So are we to understand that you were in combat in

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 Kanyabayonga yourself?

2 A. Yes, David.

3 Q. And you -- and that was in December, and that after that you were
4 in combat against the MLC, RCD-N UPC coalition at Eringeti, the other
5 side, as it were, of Beni. Is that the position?

6 A. Could I make a slight correction to that to avoid any confusion.
7 In November I was not in Kanyabayonga myself. I had gone as far as
8 Beni. I had entered Beni. The men, the combatants from our collectivity who
9 were in that area of North Kivu are the people who decided to call themselves my
10 combatants. They were under my command. But just so that we can
11 understand the difference. With regard to my participation in the
12 Kanya Bayonga clashes, for instance, that happened afterwards. It happened
13 after the fall of Bunia. There was one more clash that broke out in
14 Kanyabayonga.

15 Q. So the December confrontations there, you didn't participate in
16 Eringeti; 23rd, 24th December you did. And at a later time, there was a
17 further clash at Kanyabayonga in which you did participate. Can you help
18 us be a bit more specific as to when that was? You said even after the
19 fall of Bunia. Can you provide us an approximate date or month when you
20 were involved in that?

21 A. Yes. Mr. David, when Bunia fell, we went to Beni. You'll
22 remember that when ARTEMIS arrived, people went to fetch me in Beni. I
23 arrived in Beni, and it was at that time that there were clashes. The
24 Mai-Mai joined the FDLR. I don't know if it was the FDLR or the
25 RCD-Goma, because there was total confusion, but at that period there was

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 a terrible clash.

2 Q. Okay. Now, let's go back, then. We'll leave that and go back to
3 the chronology.

4 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, just one
5 moment, please. We are trying clearly identify the dates and the
6 possible participation of Germain Katanga in Kanyabayonga and in
7 Eringeti. I can see that on page 15 of the transcript, on line 4, you
8 also mentioned other fronts, other attacks. Phonetically they were Fai,
9 Mount Hoyo, and so on. Do you see what I'm referring to? Good.

10 Did you participate in those events yourself also, and what dates
11 are in question? Were they between Kanyabayonga and Eringeti? Exactly
12 when did all of this take place, to be more precise, please?

13 THE WITNESS: (Interpretation) To be more precise,
14 Mr. President, I'd already given that information. It was the same day
15 when the coalition between the APC and the commando, that is the FAC,
16 were clashing in Eringeti, and we -- we were striking on the wings.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

18 Thank you, Mr. Hooper.

19 And you, you were there?

20 THE WITNESS: (Interpretation) I was in Ofay with the
21 combatants.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

23 I give you the floor, Mr. Hooper.

24 MR. HOOPER: Yes. In my English translation earlier, it came out
25 as we were attacking on the coast, and Ofay by the coast, it would - in

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 this context - have been on the lake I suppose. No. I appreciate that.

2 Ofay is -- can I just lead it in this way: Is near Eringeti, relatively

3 speaking?

4 A. Could I apologise to the interpreters and the Chamber, because
5 perhaps I chose the wrong word in French. I used the word really with
6 the intention -- Mr. President, there is a technical term that we use in
7 military context. You talk about attacking on the wing, and that means
8 that you have a force which is coming from the other side, and you are
9 striking on the flank, on the side, and that is the sense in which I use
10 the word *côté* in French earlier.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you. And the
12 translation in the French transcript does put the word "wing" in brackets
13 for the time being and that is the sense in which you meant it, in the
14 military and strategic sense?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE COTTE: (Interpretation) Good.

17 MR. HOOPER:

18 Q. And those places that you listed for events fighting around the
19 23rd, 24th of December, 2002, in a nutshell can we just say that those
20 are places near Eringeti? If you don't agree with that, my summary of
21 it, then let us know --

22 MR. MACDONALD: (Interpretation) I don't want to interrupt, but
23 I believe that the witness had already explained earlier where Ofay is
24 located, where the localities he is referring to are situated. We talked
25 about Ofay yesterday. It was mentioned. Mount Hoyo, we spoke about

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 yesterday. All of these places the - witness can confirm this - are on
2 the road between Komanda and Beni.

3 MR. HOOPER:

4 Q. And that is that right?

5 A. Mr. David, Mr. Prosecutor, I can help you here. This is the task
6 that you have given me. I'm here to help you.

7 In fact, all of these villages are on the road towards Beni. So
8 Eringeti. After that you have Otomaber, after Otomaber you have Ido.
9 After Ido you have Ofai, Ofai-Mount Hoyo, Mount Hoyo-Komanda, and so on.
10 So that's what I mean. The distance is fairly significant between all of
11 these villages.

12 So when we say that we attacked these villages, it's because that
13 is where the military base of this coalition was. You can't just attack
14 the villages. You attack the clearly identified camps where the soldiers
15 were, because we had soldiers who had come from Beni, from the APC, who
16 accompanied us very precisely. They took us to very specific places.
17 I'm not telling you we took our initiative in this regard. No. We had
18 APC soldiers with us. And they said to us -- they told us which points,
19 which places to attack, which groups were moving from one place to
20 another. That's how it was, Mr. President.

21 PRESIDING JUDGE COTTE: (Interpretation) All right. As I would
22 like to be certain, and I believe that my colleagues would also like to
23 be sure they've understood properly: You are therefore confirming for us
24 that in Kanyabayonga and in Eringeti there were soldiers who had come
25 from Aveba?

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1 THE WITNESS: (Interpretation) Yes, Mr. President.

2 PRESIDING JUDGE COTTE: (Interpretation) And who was commanding
3 those combatants who had come from Aveba?

4 THE WITNESS: (Interpretation) They were APC soldiers,
5 Mr. President.

6 PRESIDING JUDGE COTTE: (Interpretation) All right. The
7 hierarchical and operational structure came from the APC?

8 THE WITNESS: (Interpretation) Directly from the APC,
9 Mr. President, and the APC was being led by the EMOI overall.

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

12 MR. HOOPER:

13 Q. All right. So this first trip to -- to Beni comes to an end, and
14 you go back to Aveba. Can you recall when it was that you got back to
15 Aveba?

16 A. I would say at the beginning of the second week of December, the
17 beginning of the second week.

18 Q. And how did you get back?

19 A. We went back by plane.

20 Q. And when you returned, did you have any function in the F -- in
21 or for the FRPI?

22 A. Defined in the technical sense, no. In the context of
23 combatants, yes, because I changed my status from commander of Aveba to
24 become the coordinator at Aveba.

25 Q. And the BCA camp, remind us, what was its name then?

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
Questioned by Mr. Hooper (Resumed)

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1 A. At the beginning of the month of December, this camp changed and
2 became the bureau for co-ordination at Aveba.

3 Q. Now, travelling back -- all right. Let us just stay with the
4 FRPI for a moment. What was your understanding of what the FRPI was,
5 your part in it and the role of the combatants, if any, in it? What was
6 the position? As far as you can remember, what was -- what was in your
7 mind as you went back to -- arrived in Aveba in December? What was --
8 what was the situation?

9 A. For -- for us, the combatants, it was a good thing to be referred
10 to by a name. So FRPI, we understood that it represented us, and for
11 that reason we appropriated this name, and we said, "All right, from now
12 on we're called the FRPI." That's how it is. It's not because we had a
13 given idea that the role of this person was this or the role of that
14 person was that, no. We just recovered that name. We were called
15 before the farmers. Afterwards we called ourselves the self-defence,
16 and after that "combatants", but we took over this name, the FRPI, and we applied it
17 to ourselves. We appropriated, Mr. President.

18 Q. And did you use the word yourself at that stage at all of "president"?

19 MR. MACDONALD: (Interpretation) Objection, Mr. President.

20 (* Previous translation continues)... (in English) leading,

21 Mr. Hooper: That is not leading question.

22 (* Overlapping speakers)

23 Mr. McDonald: Yes it is indeed.

24 MR. HOOPER: -- With these constant and baseless interruptions, I do not see
25 how we can get to the crux of matters.

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 Judge Cotte: Very well, please.

2 MR. MACDONALD: There is no constant objection. We have been
3 on this now for the last hour and 45 minutes. Thank you.

4 PRESIDING JUDGE COTTE: (Interpretation) All right.

5 Mr. Prosecutor, please explain to us what your concern is? You have
6 the feeling that this question is too suggestive?

7 MR. MACDONALD: (Interpretation) Yes, exactly Mr. President. I
8 don't think that it is debated or contested that at a certain point in
9 time Mr. Katanga had the title of president. It's a matter of finding out when,
10 and I think that is the essence of the objection. Propositions have been put to our
11 witness -- witnesses when they were cross-examined, and then there was
12 a theory that the point at which the witness became president was shifting,
13 was changing depending on which Defence witness was being questioned.
14 Now we have the witness before us. When did he become
15 the president? He must answer that question without being led.

16 PRESIDING JUDGE COTTE: (Interpretation) All right. I'm sure
17 he's going to answer, but the longer you spend speaking, it seems to me,
18 the more you facilitate Mr. Hooper's task.

19 Mr. Hooper, please go ahead. Rather than asking did you yourself
20 use the term "president," ask the question in a different form, the form
21 that has just been suggested to you: From what point on did they call
22 you Mr. President, or else ask the question as you would like to ask it
23 because you are the person who is conducting this examination-in-chief.

24 MR. HOOPER:

25 Q. Yes. I'd like to ask you it in this way, dealing with December,

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 arriving back in Aveba: Who at that time, if anyone, was president of
2 the FRPI?

3 A. On the basis of what could you elect a president of the FRPI if
4 the FRPI didn't have a statute? It didn't even have a determined
5 organisational chart. We just had the FRPI with as chiefs the spokesperson and the
6 coordinator in Beni, that was it. In our collectivity, the name FRPI was
7 brought in by the merchants who went to Beni. It was not anything
8 official that we presented. We didn't call people to a meeting to say,
9 "All right. From now onwards we have changed the name of the combatants,
10 the name of the self-defence group, and from now on *ipso facto* it becomes
11 the FRPI. No. We didn't do things that way.

12 Fortunately, the Prosecutor recognises that I had myself called
13 president from February 2004.

14 Q. And I'll return to that issue in due course because I'm trying to
15 deal with matters, as far as I'm able, in a chronological way.

16 So what was the FRPI at that point? What was its purpose or
17 function as you understood it to be at that time?

18 A. The FRPI, after we took on this name, was used like an umbrella
19 structure just simply so that we could be identified. The objective was
20 not -- we didn't have any clearly defined objective for the FRPI, because
21 the very details of the FRPI came to us along with the little booklet.
22 It was in the little booklet that we started to read a little bit about
23 what the objective of the FRPI was. We didn't know. We didn't know. We
24 simply used that name so that we would be under some sort of cover and
25 also with regard to integration. We knew that EMOI was in Beni for the

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 purpose of integration. We, for that purpose, needed to have some sort
2 of statute, some sort of name. If people ask you before becoming a
3 soldier here, before coming to our bureau, what were you doing? What
4 were you? You need to have a name. You can't simply say, "I've come in
5 from the fields and I become a soldier," no.

6 Q. Now, between your going back to Aveba in December and the Bogoro
7 attack of the 24th of February, what, if any, changes were there in the
8 structure of the FRPI?

9 A. The changes in the structure of the FRPI up until then were not
10 visible, Mr. David. It wasn't visible. We simply know that things began to
11 evolve. People were starting to group together. Little
12 by little, people were getting together and grouping together massively
13 in Aveba and in Nyabiri and in Kagaba, in Singo, Kagaba, in Gety. That's
14 how it was, because at that time where there was a possibility of having
15 three or four weapons together, people needed to gather around those
16 weapons.

17 Q. Did the FRPI, and I'm talking of the time up to the time of the
18 attack on Bogoro, 24th of February, did the FRPI develop a -- a
19 hierarchal structure at all?

20 A. Up till then, David, we were only trying to work with the name,
21 the name FRPI alone. There wasn't even the skeleton of a possible
22 hierarchy, nothing such as that's the president, that's the
23 vice-president, that's the general secretary. It didn't exist.

24 Q. Was there by the time of Bogoro any hierarchy of combatants or
25 commanders from the different places where there were camps?

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 A. Mr. David, even after the fall of Bunia, when you asked three, four,
2 five groups that you would meet in the town of Bunia, you would find that out
3 of 30 people, there were at least 20 commanders. Out of all those people,
4 you would ask the 20 commanders how many people were they commanding,
5 is there anyone in charge of those 20 commanders, no, no. But they were always full
6 commanders. You would ask commander X who they were, and they would say, "I'm
7 the commander of operator -- operations." Someone would say, "My name is
8 S4." One would say, "I'm S2." Another would say, "I'm a battalion
9 commander." And if you ask that person how many men are you commanding
10 so that you can call yourself battalion commander, they might give you 12
11 or 15 people, as example. People were just creating names for
12 themselves, giving free rein to their imagination. It was fantasising
13 that they were strongmen, that they were as strong as everyone else.

14 Q. All right. I want to come back to your formal position in Aveba
15 itself. What was that position? And we're talking of the weeks leading
16 up to the attack on Bogoro?

17 A. On the eve of the Bogoro attack, I was coordinator. Coordinator
18 in what sense? My role of coordinator was quite simply to bring the
19 combatants closer to the APC, to bring the combatants in contact with the
20 small instructions issued by our allies. So that is the sense in which I
21 was coordinator. I was serving as a mediator between the soldiers in the
22 camp and the population in the town.

23 Q. And who was commander of combatants at Aveba?

24 A. At the BCA, it was Commander Mbadu.

25 Q. And you've described him before. And was there anyone above

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 Mbadu?

2 A. Locally?

3 Q. Yes, locally.

4 A. Directly, it was Kasaki.

5 Q. And where did you fit in as between Mbadu and Kasaki?

6 A. According to my authority, I could say that I was between Mbadu
7 and Kasaki, but I couldn't issue any commands to Mbadu, because my
8 *case was somewhat apart.

9 Q. And you told us previously of the APC, Garimbaya. And I'm not
10 going to go back into that again in any detail, but what was your
11 relationship to them?

12 A. Our relations were good in the sense that we were brothers. We
13 were defending the same cause. If assistance came through to us, we
14 always shared it together. If instructions came through, we received the
15 instructions together. So in that sense, we had good relations.

16 PRESIDING JUDGE COTTE: (Interpretation) Please go ahead.

17 JUDGE VAN DEN WYNGAERT: Mr. President, I see on line 15 where
18 Mr. Katanga says, "my case was somewhat apart," and in French he says,
19 "my camp was somewhat apart." Maybe you want to clarify this.

20 MR. HOOPER:

21 Q. Yes. We're asking -- the question was what was your --

22 "Where did you fit in as between Mbadu and Kasaki?"

23 And my English translation is:

24 "According to my authority, I could say that I was between Mbadu
25 and Kasaki, but I couldn't issue any commands to Mbadu, because my"

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 something "was somewhat apart.

2 Was it "case" or "camp"?

3 A. My camp. I was at Atele Ngba.

4 PRESIDING JUDGE COTTE: (Interpretation) Why? How did the fact
5 that your camp was at a distance prevent you from transmitting any
6 instructions?

7 THE WITNESS: (Interpretation) Mr. President, the command you had of the
8 self-defence group depended on who had respect for you. If you already had
9 someone alongside you, people who were reassured as to your status as
10 their chief, then they would listen to you, that's all. Even if you are the president and
11 you go there they would not listen to you. That is how Mbadu began
12 with these combatants from the BCA. From their base foundation, they
13 worked and developed together up until that period. You needed time.

14 So I'm going to anticipate this question. The APC was of capital
15 importance to us. The fact of seeing the APC doing parades and seeing
16 their commander come to salute them is what attracted combatants and lead
17 them to start little by little imitating those movements. It all
18 happened quite slowly. It didn't happen all at once.

19 JUDGE DIARRA: (Interpretation) Mr. President, I have a concern.
20 If Kasaki was Mbadu's superior, how is the witness going to have us
21 accept that he was somewhere between the two without having any
22 hierarchic authority over Mbadu? These two propositions cancel each
23 other out. If he is between those two men, he would be above Mbadu and
24 below Kasaki, so he would be above Mbadu. He can't be between the two
25 and not have authority over Mbadu. I don't understand that.

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 THE WITNESS: (Interpretation) I can answer, your Honour.
2 Perhaps this seems strange to you. It may seem strange in the sense that
3 you are thinking ahead.
4 But we were really scattered in our thinking where we were.
5 What I mean by that? What do I mean by "scattered"? For
6 example, I could turn up at the BCA. I could go directly in to see
7 Kasaki and say to him, "Kasaki, there is such and such problem. For example,
8 "The APC commander needs combatants. Here at the BCA you need to pull
9 out 30 combatants, and on the side over where I am, I am going to provide
10 you with 10 combatants." Now, if Kasaki tells Mbadu this directly, Mbadu
11 will execute that order, but with me he needs to cooperate. That is the
12 difference. From Kasaki it would be taken as a direct order, but if it
13 comes from me it's a question of cooperation with him. It's a matter of
14 the function that we were fulfilling. If people came from the outside
15 they would see me more, me, Germain Katanga, than they would Mbadu. And
16 so it is in that sense that I would state that I was between Mbadu and
17 Kasaki.
18 I -- I don't mean that Mbadu and I were exactly equal in rank,
19 and so it was to avoid saying that that I said what I did. I don't know
20 if you've understood.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, we are
22 sorry, but we are trying to get as much information as possible on this
23 point from Mr. Katanga. Are we to understand, and please correct me if
24 I'm mistaken, that Kasaki could have directly -- or could have issued
25 instructions to Mbadu through you? Would that have been possible?

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 THE WITNESS: (Interpretation) If I asked for that, yes.

2 PRESIDING JUDGE COTTE: (Interpretation) And if Kasaki asked you
3 to forward instructions to Mbadu, would that have been possible?

4 THE WITNESS: (Interpretation) In those circumstances, there was
5 need for cooperation.

6 PRESIDING JUDGE COTTE: (Interpretation) As coordinator -- you
7 talked about your role as coordinator. Were you able to have authority,
8 military authority over the men, over the combatants?

9 THE WITNESS: (Interpretation) My function only enabled me to
10 facilitate rapprochement.

11 PRESIDING JUDGE COTTE: (Interpretation) As coordinator?

12 THE WITNESS: (Interpretation) Yes. As coordinator, I was only
13 able to bring people close together. Combatants from Kaswara, for
14 example, I could be there, and I tell them that, "Before you receive any
15 substantial assistance, you need to tell us your numbers and whether you
16 are all together, and tell us about the number of weapons you have."
17 That was the kind of thing I did.

18 PRESIDING JUDGE COTTE: (Interpretation) Are we then to
19 understand that Mbadu who was the BCA commander had authority over a
20 certain number of combatants; whereas, you yourself did not have any
21 specific combatants over whom you had authority?

22 THE WITNESS: (Interpretation) Yes, Mr. President. Mbadu had
23 full command over his combatants.

24 PRESIDING JUDGE COTTE: (Interpretation) Full? Is that full ?

25 THE WITNESS: (Interpretation) Yes

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 PRESIDING JUDGE COTTE: (Interpretation) All right. And your work was to
2 coordinate. Is that the case?

3 THE WITNESS: (Interpretation) Yes.

4 Q. To reconcile?

5 A. To reconcile.

6 Q. To bring together?

7 A. To bring together.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, you have the floor.

9 MR. HOOPER: Q. And what, if any, combatants did you have control over?

10 A. I had more or less 60 men in Atelemba, men who were faithful and loyal to me.

11 Q. Now, just to step ahead a bit, as it were, in time, we'll come

12 back to the situation prior to Bogoro, but stepping forward in time, did

13 this -- your relative position to, for example, Mbadu, did it remain like that or not?

14 A. At some point Mbadu ran into problems with Kasaki. Why? It

15 would seem that the APC platoon at BCA, Mbadu had intended to collect

16 their weapons, to take away their weapons. So under those circumstances,

17 there were some combatants who were ready to surrender their weapons, but

18 when Kasaki didn't approve, things changed. You see, Kasaki was directly

19 at the BCA, and he sent someone to fetch me so that I could come with a

20 force to tell Commander Mbadu to abstain from doing what he was doing.

21 From that time on, Mbadu's authority began to drop, and it is from that

22 time on that I began to have authority over the BCA combatants, and this

23 happened gradually.

24 Q. And can you tell us, for example, the month when -- when that

25 Kasaki asked you to come and tell Mbadu to stop? Can you remember when

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 that was?

2 A. It was in early January.

3 Q. Of which year?

4 A. 2003.

5 Q. All right. And by the time of Bogoro itself, what was Mbadu's
6 position? Did he still have authority and command of his men, or had it
7 devolved or not?

8 A. Mbadu was still there, yes. He was still there, and I came from
9 time to time. You see, the combatants from then on began to take me for
10 their chief, from the time Kasaki said that Commander Mbadu would now not
11 have much authority over you because of disciplinary problems. So
12 because I was not full time at the BCA, he chose one Commander Iringa to
13 become the commander *ad interim* at the BCA at that time.

14 Q. And that's I-r-i-n-g-a; is that correct?

15 A. Yes, Iringa. Yes.

16 MR. MACDONALD: (Interpretation) I'm sorry, just for
17 clarification, are we talking about the 10th of February or the 24th of February?

18 THE WITNESS: (Interpretation) Mr. President, we are not talking
19 about the 10th of February. We are in January 2003.

20 PRESIDING JUDGE COTTE: (Interpretation) Early January 2003, page 35,
21 French transcript, line 20.

22 MR. MACDONALD: (Interpretation) Mr. President, line 24, page 35,
23 "and in Bogoro what was the position of Mbadu? I don't know" You see, when
24 reference is made to Bogoro, we are already around the 10th.

25 PRESIDING JUDGE COTTE: (Interpretation) Yes, I do understand

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1 you. I do understand you. Mr. Hooper's question was in Bogoro what was
2 Mbadu's position. So Mr. MacDonald would like to seek clarification as to
3 whether it is Bogoro 24 February or 10 February 2003 that you mentioned yesterday? ,
4 I think that Mr Hooper is talking about the 24th of February, which is the date of
5 the facts that we're dealing with specifically.

6 MR. HOOPER: Yes. Well, I'm not talking specifically about
7 either. What I'm trying to do is, as best as Mr. Katanga's able, give us
8 a snapshot, a frozen position, as it were, I suppose on the eve of the
9 Bogoro attack, and we're talking here, of course, of the Bogoro attack of
10 the 24th of February, 2003. And I appreciate it's probably not an easy
11 exercise in what is clearly a fluid situation, and we're dealing with the
12 personalities. So we've got the BCA. Mbadu, as I understand the
13 position, his power is beginning to seep away from him. He's got some
14 authority, and there's another man Iringa as well. We've dealt with
15 Atele or Atele Ngba. What was Atele Ngba also known as, if anything? Did it
16 have another name?

17 A. Atele-2,

18 Q. And what was Atele-1?

19 A. Atele-1 was very far away near Codeza (* phon). Now, Atele-2
20 neighbourhood is the area where a building was constructed for the first
21 time by someone who came from Atele-1. When that person came to that
22 area and built the first building there, he named that village Atele-2.

23 Q. All right. A bit of local history. All right.

24 Garimbaya we've dealt with. Let me ask you again, and we're
25 trying to get a snapshot of events of the situation of command just prior

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 to the Bogoro attack.

2 Garimbaya, did you have any authority or control over him?

3 Formal command authority.

4 A. Up until that time, no one had any control over Garimbaya. He
5 was an APC soldier. He was an APC person. He was at the airport. He
6 was independent, and he was answerable to his APC colleagues who were at
7 the BCA with whom he cooperated.

8 Q. And who is the person at the BCA with whom he cooperated?

9 A. At that time it was Mr. Kambale, Kambale. He was also known as
10 Commander *Mbale.

11 Q. We've met that name, it's Kambale, also known as *Mbale. And what
12 was his position? Remind us of this again on the eve of Bogoro, as it
13 were? What was his position or command?

14 A. *Mbale was a platoon commander, platoon commander.

15 Q. Of which force or group?

16 A. Of the APC forces.

17 Q. Now, if we can move outside of Aveba -- and bear in mind, we're
18 looking or trying to get a snapshot picture on the eve of Bogoro,
19 people's relative position to you. So let's go first of all to Kagaba
20 and Yuda who, as you explained last week, was the commander there of the
21 *garrison* that had -- or that part of the *garrison* that had followed him
22 to Kagaba. What was your relationship with Yuda, and what, if any,
23 powers of command over him did you have?

24 A. No, about power and authority, I think we cannot talk about that.
25 He was there. He had full authority. He was fully in charge. And what

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1 I can say in terms of our relationship is that, first of all, when we
2 were in Beni in November 2002, he is the one who facilitated landing in
3 Aveba. It was Yuda. He had a multiple frequency radio, and he knew the
4 secret codes of the general staff of the APC. So in order to coordinate
5 the landing of a plane in Aveba and to determine whether weather
6 conditions were appropriate and also to state whether it was possible to
7 clear the plane to land, Yuda would leave Avenyuma with the radio phonic
8 and go to Aveba where he would set up the transmission centre and then
9 coordinated our landing in November -- rather, in December, yes.

10 Q. All right. All right. So he has a communication there, but
11 let's go forward to eve of Bogoro. He's by then moved to Kagaba, set up
12 camp there. In a sentence, did you have power of command over him?

13 A. I had no command authority over Yuda. Yuda was answerable to the
14 APC.

15 Q. You told us of Gety and Captain Mutombo and a company of APC
16 there. What command did you have over him?

17 A. Well, Captain Mutombo was a Captain. You have referred to him as
18 a captain, even under Mobutu he was a captain, and yet I had no rank.
19 How could I have had authority over him? He was a captain. That is a
20 position with much responsibility, and he was answerable to the APC.

21 Q. Move, where was he? And again, the same question: What power of
22 command did you have over Move?

23 A. Move was not under my authority or my orders.

24 Q. And just remind us, where was he as far as you know?

25 A. Move was in Nyabiri.

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1 Q. Cobra Matata at Bavi, Bavi-Olongba. You nod your head yes. What
2 authority did you have over him?

3 A. None whatsoever. Cobra actually wanted to kill me as well.

4 Q. Dealing with the Bogoro attack of the 24th of February, insofar
5 as you've learnt or heard, do you know if Cobra Matata participated in
6 that attack or not?

7 A. From what I learnt, Cobra Matata did not participate in the
8 Bogoro attack.

9 Q. We dealt with this last week, but just in its context here, have
10 you ever been to Zumbe? When did you first meet Mathieu Ngudjolo?

11 A. Mr. David, I was never in Zumbe. I have never been to Zumbe. I
12 did not even know that there was a village known as Zumbe. I met
13 Mathieu Ngudjolo for the first time on the 8th of March, 2003, in Dele.

14 Q. Now, I want to come to a subject of communication devices,
15 telephones, radios, and the like. And we're particularly interested, of
16 course, in what the position was on the eve of Bogoro, but with that in
17 mind, can you help us as to the position? First of all, we've heard of
18 walkie-talkies which we understand are small hand-held device. Did you
19 have walkie-talkies? Did you have them yourselves in Aveba? If you did
20 have them, do you know if they were elsewhere, and to what extent could
21 you communicate with them? Just briefly.

22 A. Walkie-talkies began to appear in our area in December. When we
23 came from Beni, we had about six walkie-talkies and a Thuraya, a
24 satellite telephone.

25 Q. Forget about the Thuraya for the moment. Don't confuse me. Just

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1 stay with the walkie-talkies. So what sort of range did they have? Did
2 they have a particular name? Did they have a generic name, or did they
3 have a trade name? Just help us out.

4 A. The walkie-talkie I brought from Beni to Aveba was called an
5 Icom, Icom. The French would say Icom and the English would say Icom.

6 Q. And what was its range?

7 A. The walkie-talkie I had at that time had a range of 5 metres --
8 or, rather, 5 square kilometres, 5 kilometres. Not 5 square kilometres.
9 It had a range of 5 kilometres, not 5 square kilometres.

10 Q. What was the -- all right, you said the Thuraya. That's
11 T-h-u-r-a-y-a. Is that correct? A Thuraya, a satellite phone, is that
12 approximately the size of a mobile phone that we see today or that kind
13 of shape? Just so we've got some idea of what we're talking about. What
14 does it -- very briefly, what does it look like?

15 A. I saw on television that nowadays we have Thurayas that are much
16 smaller, but at the time the Thuraya I had was about the size of the
17 device carried by the security officers.

18 Q. Well, we can't quite -- is that the radio that they carry? How
19 does it compare to that -- that -- the light? So that -- oh, here's the
20 officer. The telephone the officer is showing us there, and we can see
21 it's -- I'm not good at centimetres. Anyway, for the record perhaps we
22 could get some idea. It's very helpful getting an idea. So there it is.
23 And does it have sort of an aerial with it like that? Does that look
24 like a Thuraya?

25 A. Almost the same shape. Almost the same shape, yes.

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1 PRESIDING JUDGE COTTE: (Interpretation) What about size? Shape
2 and size?

3 THE WITNESS: (Interpretation) Almost identical in all aspects.

4 PRESIDING JUDGE COTTE: (Interpretation) We thank the security
5 officer who has now had to do much more than his ordinary job.

6 MR. HOOPER: Yes.

7 Q. So -- so we're look there at something certainly probably twice
8 the size of a modern mobile phone, maybe three times, and it had an
9 encased aerial of a few centimetres sticking out of it, for the record,
10 so that we know what we're looking at. And -- and perhaps we'll have
11 that measured up or do something with it over the break, but I notice the
12 time, and we have got a few more minutes so let me ask you this: That --
13 that satellite phone, who -- yes.

14 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, when we return shortly,
15 the Court Officer will bring a tape to enable us to measure and have reflected on the
16 record an approximate size of what Mr Katanga is referring to. Yes Prosecutor.

17 MR. MACDONALD: (Interpretation) Maybe we could photocopy the
18 picture and produce it. That will be easier.

19 PRESIDING JUDGE COTTE: (Interpretation) Yes, as you wish. That
20 might be the simpler solution. Or both solutions could apply.

21 MR. HOOPER: (* Previous translation continues) ... just for the
22 record is -- we'll -- we can perhaps bring a camera tomorrow and just
23 take a quick photograph -- (* Overlapping speakers) perhaps in a few days
24 we'll have --

25 PRESIDING JUDGE COTTE: (Interpretation) Very well, very well.

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1 That's it an even better solution, thank you. We know that
2 Germain Katanga's Defence team has full mastery of the photograph.
3 THE WITNESS: (Interpretation) Mr. President, I think -- I'm
4 sorry, there are still some Thuraya telephones that you can find in the
5 dictionaries, and I can point out the specific make of Thuraya that I
6 had.

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper will
8 determine what works best for him, and so I think it is good for the
9 record to show, clearly, what we understand here, because tomorrow we
10 need to have the same understanding.

11 So the time has come for us to break. It is almost 4.30 p.m. We will
12 have a 30-minute break and resume at 5.00 p.m. for a second shift, which
13 will run till 7.00 p.m.

14 Mr. Security Office, please kindly take Mr. Katanga back to his
15 place and then we will adjourn.

16 (The witness stands down)

17 PRESIDING JUDGE COTTE: (Interpretation) We shall now adjourn
18 and resume at 5.00 p.m.

19 Recess taken at 4.29 p.m.

20 On resuming at 5.05 p.m.

21 (Open session)

22 (The witness takes the stand)

23 COURT USHER: All rise.

24 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. We
25 shall resume our proceedings.

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1 Mr. Hooper, you have the floor.

2 MR. HOOPER: Thank you, Mr. President.

3 Q. So the Thuraya satellite phone, I understand we're going to get a
4 photograph of that tomorrow or in the near future, for the record. In
5 the meantime, for those of us who, perhaps, are a bit challenged by the
6 sophisticated things, what does a Thuraya satellite phone do? Who do you
7 talk to on it?

8 A. The Thuraya is a mobile satellite device. It can also be a satellite briefcase which
9 is small in size, and it's designed to provide
10 communication where you don't have network coverage.

11 Q. Prior to the Bogoro attack, did you have one?

12 A. There were already these phones in Aveba.

13 Q. Well, who had them?

14 A. It was at my place, but Mike-4 was the transmission officer who used it.

15 Q. Did you have one at all of your own at that point?

16 A. No. At that time, we just had one Thuraya device. We
17 had only one.

18 Q. Did you ever yourself ever then a Thuraya phone?

19 A. Yes. After, I had three of them.

20 Q. And, briefly, where did you get each of the three phones?

21 A. I got the other three in Uganda. They were given to me by....

22 It was Museveni, the President of Uganda who gave them to me.

23 Q. All right. And that's at a later time. So we'll perhaps catch
24 up with that at another time.

25 Now, we've dealt with -- ordinary telephones. Was there any

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1 telephone network that you could pick up in Aveba in 2002, beginning
2 2003?

3 A. Even today there's no cell phone network in Aveba. At that time,
4 there -- there weren't any cell phone antennas in Bunia.

5 Q. Now, let's move away from walkie-talkies and telephones to radio,
6 larger radio devices. Was there -- we've heard of -- well, was there
7 radio -- any radio communication available in -- in Aveba, and if so,
8 what sort was it and where was it?

9 A. The radio communication device in Aveba was a multifrequency radiophony.
10 It was an iPhone (* as interpreted) brand, and Mike-4 brought it in in
11 January 2003.

12 Q. Can you just name the brand for us again, please?

13 A. Icom.

14 Q. Thank you. And Mike-4, we'll come to him in more detail in a
15 moment, but he brought it in - let me just look at the transcript - in
16 January of 2003. And what was the range and capacity of that radio
17 phone, the multifrequency?

18 A. The radio phone covered large distances, but I can't imagine what
19 it is. I don't know how many kilometres it could have covered. It
20 covered a wide range.

21 Q. All right. Well, for example, with it could you have contacted
22 Kinshasa, for example, if you wanted? What kind of distances are we
23 talking about?

24 A. Well, as we didn't have a direct line to use with the frequency
25 going straight to Kinshasa, we didn't try to do that, but it could have,

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1 it could of because we could get to Beni or Kisangani, Equateur, that had
2 contact everywhere.

3 Q. Was there any other kind of phonie in Aveba?

4 A. There was a white radio phone system, but the missionaries -- which
5 was based in the health centre in Aveba.

6 Q. And dealing with that, with whom could you communicate?

7 A. Well, this white radio phone in the health care centre was for
8 the nurses, the pastor, and they could communicate with it to -- they
9 could communicate with different health care centres.

10 Q. What sort of range did it have?

11 A. Aveba could communicate with Tchekele. So that was 5 or 6
12 kilometres away. With Gety, which was more than 10 kilometres away. And
13 that was the direct distance, but beyond that you had to have relay
14 connections.

15 Q. And the phonie blanche, was it used by the APC or other
16 combatants in Aveba?

17 A. No, no, no. To make things clear -- well, how did the
18 multifrequency telephone system work along with the white radio phone
19 system? When the multifrequency system turned up, we didn't have
20 batteries. We didn't have any chargers there on a permanent basis. We
21 had to buy fuel. We'd turn on the generator in the health care
22 centre, and we could then use our radio there. That is how there was some
23 connection between the two phone systems, but there was no way of saying
24 that APC could use the white radio phone. Who would they be using
25 the white radio phone to communicate with? With the pastor or the

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 nurses? Of course not.

2 Q. How many generators were there available to you in Aveba in
3 January or February 2003?

4 A. On site in Aveba there were two generators. My father had one
5 generator. It had broken down. And there was the health care centre
6 generator which was operational, that was at the time.

7 Q. And how would you obtain fuel?

8 A. From Beni.

9 Q. After -- in the time after Bogoro, months or years after Bogoro,
10 you've told us that you got Thuraya phones, Thuraya phones from Museveni.
11 Did the radio situation change in any way at that time after Bogoro?

12 A. Yes... After Bunia when there was pacification, the situation in
13 Bunia had developed. There were still satellite relay antennae --
14 rather, cell phone relay antennae, not satellite ones, and so that meant that
15 communication had changed. It went from the old-fashioned archaic system to a
16 professional system, if I can describe it as that.

17 Q. Now, you mentioned that the multifrequency was based in the
18 health centre. Did it remain based in the health centre, and if it did
19 not, what, if anything, changed?

20 A. That radio remained there until March, until March.

21 Q. And what happened then?

22 A. After that, the radio was taken down to the BCA camp.

23 Q. Now what about other camps or commanders in Walendu-Bindi? Did
24 any of them have radio communication, to your knowledge?

25 A. There were only two multifrequency telephone devices in our

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 collectivity, in Kagaba -- no, first in Avenyuma, and then to
2 Kagaba in January, and again in January Mike-4 brought a radio into
3 Aveba. So these were multifrequency radio phone devices, and the others
4 had walkie-talkies.

5 Q. Did you ever have radio contact in the time prior to the Bogoro
6 attack with Bedu-Ezekere, Zumbe, Lagura, or any of those places on the
7 Monts Bleus?

8 A. Perhaps I should first say that we didn't even know the name
9 Zumbe at the time. We didn't know. We saw Chef Manu. I saw him in Aveba,
10 but I'd never spoken on the radio phone with him. I saw him only in
11 Aveba. We travelled together to Beni. Together we went become home, but I never
12 had contact with the people from Zumbe.

13 Q. I want to ask you now about arm deliveries. Prior to any
14 deliveries that came from Beni as a consequence of the visit that you
15 made there in November/December of 2002, prior to that time how did
16 the -- not the APC, but how did the ordinary people of Aveba, as it were,
17 the ordinary local combatants, obtain AK-47s and like, if any?

18 A. Well, at the time, we collected the weapons in
19 Aveba from the UPDF. This was at the time of the UPDF. The number of AK-47s in
20 Aveba at the time was equal to the number of Ugandans who had remained in -- in
21 Aveba, the same number.

22 Q. I'm sorry, I don't quite understand. What do you mean it was the
23 same number as the number of Ugandans who remained in Aveba?

24 A. "Remained in Aveba" meant that if a Ugandan died on the
25 battlefield, his weapon stayed there. The body was abandoned and the

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 weapon was taken. So when I say that -- that the number of Ugandans that
2 remained, the number of bodies, is the same as the number of weapons, that
3 means there weren't many weapons. There weren't many weapons at the
4 time. There were some AK-47s at the time, but not many of them. But later,
5 we managed to buy AK-47s, buying them from the APC soldiers. That
6 happened gradually.

7 Q. Now, following your trip to Beni, we've heard that you returned
8 with others, including Chef Manu and landed -- and were landed by plane
9 in Aveba. Did you bring any other arms or other equipment on that plane
10 to Aveba?

11 A. The weapons which we had directly with us, although there were
12 about two sacks of them, there were two sacks with ammunitions, there were
13 about 50 and 50 AK-47s, so a hundred, with the ammunitions. These were
14 sacks which were also used as -- siege

15 THE INTERPRETER: The interpreter wonders if it's "*siège*" meaning
16 "seat" or "*siège*" meaning "a siege."

17 MR. HOOPER:

18 Q. There is an interpretation question, and that is that they were
19 sacks that were also used as -- what were they also used as? You've used
20 the word "*siège*," but it's not clear what you mean, whether you mean a
21 siege or a seat.

22 A. For commercial reasons they'd removed all the seats on the
23 aeroplane to leave space to put freight, and so we put the sacks inside
24 the aeroplane, and so then we could sit on them. The sacks were used as
25 seats. Otherwise, you had to remain standing in the aeroplane.

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 Q. All right. And that plane that you came in with Chef Manu, what
2 kind of plane was that, do you know?

3 A. It was an Antonov 28.

4 Q. Do you have any idea what its load capacity was?

5 A. If the airport runway was tarred, the aircraft could take
6 up to 2.200 kilos, but on an airstrip like NRA which only had a dirt and gravel
7 runway it was 2 tonnes, but for Aveba it was the same, 2 tonnes, that is 2.000 kilos.

8 Q. And what was the -- well, you've told us it was a dirt runway.
9 How long had that runway been there, and did it undergo any changes at
10 all?

11 A. Initially there were missionaries, Protestant missionaries who
12 had made that landing strip, designed just for smaller four-seater or
13 six-seater aircraft, small aircraft, and that meant that the missionaries
14 could go off quickly go to and return from Nyankunde. And for the health
15 care centre at the time, if there was a patient who needed surgery, then
16 they would call in one of these small aircraft to take the patient to
17 the hospital in Nyankunde.

18 Q. Now, with an Antonov 28, did any work have to be done on the
19 airport, and if so, what was it?

20 A. Yes. It was essential to change the runway, because the aircraft
21 landing there were small ones. So they had to make the runway
22 bigger, and they had to increase the gravel and fill up areas where it was sinking
23 into the ground. Where the -- where the ground wasn't solid, they had to add gravel
24 to it.

25 Q. And who directed that work? Who ordered that it be done and

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 perhaps supervised what took place?

2 A. The person who supervised the work was Yuda.

3 Q. Now, between the time that you came back from Beni that first
4 trip until the 23rd, 24th of February, the time of the Bogoro attack, in
5 that period of time, how many deliveries by plane of material were made
6 to Aveba, as far as you can recall?

7 A. The exact number of plane rotations I can't give you, because
8 in February, I would say that sometimes the plane would do the trip
9 twice in a week. It could happen that I would take the plane that
10 arrived on a Tuesday, I would go to Beni, and then on the Friday I would
11 come back on the same plane. So to have a really exact idea of the
12 number of rotations of planes, I really couldn't say. Sometimes a week
13 would go by without any landings because the plane would only come when it was
14 needed. To give an exact figure, I could perhaps say about six times or
15 more.

16 Q. Now, between your coming back from Beni and the attack of
17 February the 24th is, we can see, eight, nine, ten weeks. It's not a
18 long period.

19 During that period of time, can you give us any idea what amount
20 of time you spent away from Aveba in Beni or, as you explained, fighting
21 the coalition at Eringeti, for example? How much time, in days or weeks,
22 between mid-December and February 24th were you out of the area?

23 A. Mr. David, we came back from Beni, I would say, in the second
24 week of December. I'm not being exact, but I would say in the second
25 week of December. Well, a week after that we went back there again. We

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1 returned to the front. So that period around the 23rd, 24th, 25th, 26th,
2 27th, up till the beginning of January, I was in that area, and after
3 that I went back to Aveba in January, sometime in January.

4 Q. And when you made trips other than that to Beni, on average can
5 you help us as to how long you'd stay in Beni? Would you go straight
6 back to Aveba? What would be the position?

7 A. From Aveba to Beni, I would take advantage of the aircraft
8 schedule. If I know that the plane is arriving today and then heading
9 back to Beni, then I would know that three or four days later it would be
10 coming back, and I would take advantage of that and board the same plane
11 that was going to return three or four days later. It was easy. So I
12 didn't spend a great deal of time in Beni. I would go and I would come
13 back. I'd spend a maximum of three or four days there.

14 Q. And these deliveries by plane, what would the plane bring to
15 Aveba? I'm asking that in general terms, and then we can perhaps look at
16 specifics, but in general, what sort of stuff did the plane bring to
17 Aveba?

18 A. The greater part of merchandise transported by the plane was
19 ammunition. After the ammunition, then you would have the medication --
20 no, not the medication. I would say the rations next. So in terms of
21 quantity after ammunition, you'd have rations, and after the rations
22 it was fuel, diesel fuel, the other fuels and so on. Then you
23 would have the medication, then you would have the uniforms, military
24 uniforms, boots, and so on. So in general, that was the kind of
25 merchandise that the plane was transporting.

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1 Q. And what kind of arms and ammunition were brought in?

2 A. That depended on need. For example, mortars were sent on the
3 plane, rockets, rocket launchers, various support weapons like
4 machine-guns. So the SMGs, the AK-47s, the MAGs. These were the
5 categories of weapons that I saw arriving.

6 Q. Now, prior to those deliveries, at Aveba did you have things like
7 mortars or rockets or rocket launchers or MAGs or machine-guns other than
8 AK-47?

9 A. No. No. In Aveba we didn't have machine-guns. It was in Kagaba
10 with Yuda that we had about six machine-guns, about six machine-guns
11 at the time. Cobra also had machine-guns, and Kisoro also had
12 machine-guns. So these are the major individuals who had those weapons,
13 the heavy weaponry.

14 Q. And just so that we're clear in our mind's eye, when you say
15 machine-guns, how do you distinguish a machine-gun from an AK-47? What's
16 the difference?

17 A. The AK-47s have the magazines, while machine-guns use a chain.
18 That's the difference that you see when you have them in front of you.

19 Q. And the machine-guns, do you know what calibre they were?

20 A. No. No, I don't.

21 Q. And what about mortars? Do you know the calibre of mortars that
22 were brought in?

23 A. Even small children know that. 60 millimetres and the 82.

24 Q. Maybe small children in Congo know that, but I'm not sure in The
25 Hague they'd be so familiar.

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1 All right. Now, when these weapons arrived and this ammunition
2 arrived and the stores, the rations and what have you, arrived, who took
3 control of them? What happened to them?

4 A. All of the equipment was for the APC. If we benefited, it's
5 because we were allies. What do I mean by "allies"? Well, the APC
6 wasn't going to go to the front alone. They were going to need
7 combatants. So to gain the trust of the combatants, for example, when 30
8 cases came to their bases, they would give 10 cases to the combatants.
9 They didn't give them a great deal, because they knew that perhaps a day
10 later the combatants would turn on them. That was always the problem.
11 So they would give ammunition to the combatants when they knew that, all
12 right, now we're going to go to the front. At that point they would give
13 them ammunition.

14 Q. Excuse me. What about mortars, rocket launchers, grenade
15 launchers, and machine-guns? Were those similarly provided to the local
16 combatants or not?

17 A. Yes. Perhaps they would give an 82 millimetres to a combatant,
18 for example, to help them to -- to pound *sombe* which is cassava leaves, for example,
19 but not to use them as weapons. They didn't know -- the combatants didn't know
20 how to use those weapons, the mortars, support weapons and so on.

21 Q. So bearing in mind the -- what you've just said in terms of the
22 APC receiving the bulk of them and distributing some, let's deal first of
23 all with the APC. When deliveries were made, where did they put their
24 supplies of guns and ammunition?

25 A. Before Blaise Koka arrived, all of the ammunition was stored at

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1 the BCA.

2 Q. And when did he arrive?

3 A. Captain Blaise Koka arrived at the beginning of February.

4 Q. And after he arrived, what happened to the supplies?

5 A. Blaise Koka, well, old Kasaki gave him a house in Atele Ngba,
6 beyond my residence. It was, I would say, the house of Kasaki's
7 family-in-law. It was empty, and so he offered Mike -- no, Blaise Koka
8 and the officers with him this house to occupy, and they were allowed to
9 build small houses for their body-guards there.

10 Q. And just to complete the sense of what you're saying, so what
11 happened to the supplies to the APC after Blaise Koka arrived? Where
12 were they put?

13 A. Where he lived in Atele Ngba, in the residence he was living in
14 himself.

15 Q. Now, this terms of any distribution by the APC of arms to
16 combatants, non-APC people, who decided what weapons should be
17 distributed and to whom?

18 A. From the staff headquarters in Beni, they knew that the
19 combatants didn't know how to use heavy weaponry. They're very quick and
20 very flexible when they use AK-47s.

21 Q. All right. But my question -- listen to the question, please.
22 When weapons were distributed to the local combatants as opposed to the
23 APC, who decided what weapons should go to them? Who made that decision,
24 the distribution amongst combatants?

25 A. Here we're talking about before Blaise Koka arrived, are we, or

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1 afterwards, because when Blaise Koka arrived, he was the big boss of
2 the APC directly there.

3 Q. All right. Who, for example, would decide that Yuda would get
4 some weapons or Cobra would get some weapons or Aveba would get some
5 weapons? Who made that decision?

6 A. All right. Before Blaise Koka arrived, Mike-4 was deployed there
7 first. Mike-4, because of the experience he had, was able to say, all
8 right, the number of weapons here.... People were not handed weapons unless
9 there was an operation. That's the problem. They only gave weapons to
10 the combatants when there was an operation. But, for example, Yuda, you
11 could give him ammunitions at any time because he was on the front lines.
12 You could give him weapons at any time. You could give him ammunition at
13 any time. That was different from the combatants in Aveba, because what
14 were you going to give them weapons for? That was the difference.

15 Q. All right. Now, can I come back to EMOI and the APC and the
16 position at Aveba.

17 Such APC soldiers as were in Aveba, Gety, or elsewhere on that
18 side of Walendu-Bindi, which battalion of the APC did they come from, or
19 battalions, for that matter? Do you know?

20 A. Most of those APC commanders who were scattered through the
21 collectivity were from the 12th Battalion, the 12th Battalion of Faustin,
22 and the rest were in Lopondo's convoy, so I would say that most of
23 them -- it was Lopondo's convoy that had left them, that when Faustin
24 arrived, also in his group a lot of people stayed.

25 Q. And at the time, December/January, who commanded them?

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1 A. In December, I would say that they were almost independent
2 where they had gathered. It was when Mike-4 arrived that he began to
3 identify all the APC combatants.

4 Q. Well, now who was Mike-4?

5 A. Mike-4 was the lieutenant, but he was the communications
6 director, the communications director. He had a double status quite
7 simply because he went out into the field to evaluate the situation. He
8 prepared the field so that he could inform the hierarchy accordingly.

9 Q. And what group did he belong to?

10 A. He was of the APC.

11 Q. Mike-4, is that his proper name or what?

12 A. Mike-4's real name is Kasereka Sivamwenda.

13 Q. So that's K-a-s-e-r-e-k-a, and can you spell the second name, the
14 second part of the name, please.

15 A. Sivamwenda is spelled S-i-v-a-m-w-e-n-d-a.

16 Q. All right. Well, just stay with him for a moment. Sort of at
17 what age was he? Where did he come from? Just tell us a bit about him
18 if you know.

19 A. Mike-4 at that time probably would have had -- would have been
20 more than 30. So he might have been about 35. I don't really know. I
21 can't really assess it, but that's what I would estimate. Perhaps it's a
22 rough estimate. Mike-4 -- what gave people a lot of faith in Mike-4 was
23 his courage. He was very brave. During the rebellion, it was Mike-4 who
24 did a lot against the Ugandans in Beni. That is -- it was at that time
25 that he was shot in the leg. And later that leg was amputated. He had a

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1 prosthesis to walk with.

2 Mike-4 didn't fear taking risk. He voluntarily accepted that mission from
3 Mbusa Nyamwisi because Mike-4 himself, when he felt there was a need,
4 would directly communicate with Mbusa Nyamwisi without any
5 intermediaries. That is why Mike-4 asked for this mission, so that he
6 could go out where people were afraid to go, because a lot of the APC
7 officers were afraid of operations. That is why Mike-4 went to Aveba to
8 do that work under those conditions. He was really very brave. He may have been
9 somewhat handicapped , but he was a very, very brave man.

10 Q. Now, he arrived when?

11 A. I would say that Mike-4 arrived at the beginning of 2003, in
12 January.

13 Q. Now, aside from him, did anyone else arrive from Beni?

14 A. After Mike-4, there was a large team, Blaise Koka's team, because
15 Blaise Koka did not come alone. Blaise Koka came by plane with more than
16 15 people, and then other soldiers came on foot.

17 THE INTERPRETER: Interpreter correction: Page 53, line 18, it
18 was against the Rwandans not the Ugandans.

19 MR. HOOPER:

20 Q. Thank you. There was a translation change. Thank you. So now
21 the soldiers. So how many soldiers altogether came, 15 and how many
22 others altogether? We're talking events leading up to Bogoro, of course.

23 A. The force that accompanied Blaise Koka might have been a company,
24 maybe 150 people. They were not all given accommodation with Mike-4 in the
25 town, but some -- a part of them stayed at the BCA, and a large number

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1 went directly to Kagaba.

2 Q. And Blaise Koka, who -- who did he report to? Who commanded him?

3 A. Directly to the staff headquarters of APC, to Kasereka.

4 Q. And why had he come to Aveba, Blaise Koka?

5 A. For the simple reason that they received a warm welcome there.

6 People appreciated them there. For example, Mike-4 gave them the
7 information about where they should go and settle and how they should run
8 operations, and they chose Aveba. It was practical because of the
9 landing strip there. When ammunitions arrived, they needed to be there
10 to check that the ammunitions was there, what the quantity was. They
11 also needed to be able to send a message directly to say, "No, the
12 quantity that you have sent us is not enough." So it was direct. That's
13 why. They were there for that reason.

14 Q. That was their reason for being in Aveba, but what was their
15 purpose for being there? What was their objective in coming from Beni to
16 Aveba?

17 A. Mike-4's objective was not only simply to target the APC.
18 It was also to evaluate how they could make progress in reaching Bunia,
19 how to run the operations. All of these evaluations enabled Mike-4 in his turn -- no,
20 rather Blaise Koka in his turn, when he arrived, to already know that the fastest
21 possibility for reaching Bunia would be to go through Bogoro. You had to go
22 through Bogoro to get to Bunia quickly because if you took the main road, they
23 would get nowhere.

24 Q. Now, these arms that came in, were -- what was the -- their
25 purpose of bringing those arms in?

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1 A. The significance of the weapons was only for the war. It was
2 just for the war. The war that was imminent, involved going to Bunia
3 passing through Bogoro. From our axis, it was there. From Gety it was
4 to strike at Bogoro and to get to Bunia.

5 Q. Now, aside from Blaise Koka and Mike-4, Kasereka, were there any
6 other officers who came from Beni at that time?

7 A. The EMOI soldiers were also there, the EMOI. They came, and
8 their purpose was that as they were advancing, they would have the
9 opportunity to conduct a head count of their combatants and integrate
10 them into the national army. That was the objective of some of the
11 soldiers of the EMOI. Other EMOI soldiers were experts, simply experts
12 who were part of the operations. They were the ones issuing
13 instructions, targeting specific areas as the attacks and operations were
14 being conducted.

15 Q. Now, in this period of time of build-up to -- to operations, did
16 you yourself communicate with the APC in Beni? What was the, as it were,
17 communication avenue between Aveba and Beni?

18 A. Mr. David, it was impossible for me not to communicate with them,
19 because it was my role to do so as the coordinator. I could not just
20 remain in Aveba without contacting or having communication with Beni. We
21 had the satellite phone, and whenever it was necessary, we called
22 Mbusa Nyamwisi directly, wherever he was, be it in South Africa or
23 Kinshasa, and we could tell him that we had problems here and that it was
24 necessary for this and that to be facilitated, and financial resources to
25 be provided to help us do this and that. So I communicated with Beni,

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1 with the people in Beni, and Aguru. Aguru and Duku considered me as their junior
2 brother, and they are both natives of Ituri.

3 Q. Now, attacks on Bogoro. We've heard of attacks in -- as way back
4 as 2001, and were you at all involved in any attacks on Bogoro in 2001 or
5 2002?

6 A. From Aveba to Bogoro, the distance is about 45 kilometres, David.
7 At that time, the war did not involve going from Aveba to Bogoro, no.
8 That was something that concerned people in Lakpa and Nombe and so on and
9 so forth. It didn't concern us, and it was not part of -- it was not
10 prepared. It was not prepared.

11 Q. I'm just dealing with that issue of distance. You may recall
12 Witness 219 told us he'd walked there and back from Aveba, from Aveba to
13 Bogoro and back in a day with his bad leg, but even if you were a fit
14 young man, do you think he could walk that distance on that terrain and
15 in those circumstances?

16 A. Counsel David, I would hesitate to qualify anything in those
17 terms, but it's not possible. Ninety kilometres on foot? Well, maybe
18 you can do that easily here in Holland where there are no hills and
19 mountains, but you see, if you go to our country these are steep hills,
20 and he was on foot, he had to cover that itinerary on foot. When you go
21 up a hill, by the time you get to the middle of a hill you -- or the top
22 of a hill, you have to rest before you start going down, because if you
23 start -- if you attempt to start going downhill, your legs are going to
24 be shaky.

25 Now, he was someone with a limp. How was he going to be able to

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1 do that? It might be possible to do it here in Holland where it is very
2 flat, but back home it would be extremely tiring.

3 Q. Fine. Now, in terms of attacks on Bogoro, you've referred to
4 your having heard of the attack made by the APC under Commander Faustin
5 that got trapped at the Zumbe area and went down to try and get away to
6 Songolo.

7 Now, forgetting that, and staying in 2002 onwards, what other
8 attacks do you know or have heard of that took place against Bogoro?

9 A. Only in 2003.

10 Q. And what -- what attacks took place in 2003? Let's start with
11 the first attack in 2003 that you have heard or know about, and tell us
12 about it.

13 A. When Blaise Koka arrived, an attack was launched earlier. Why?
14 Because the intelligence system was not working. No one could go from
15 Kagaba or Lakpa through to Bogoro to provide intelligence, it was
16 impossible to do that. So between Lakpa and Bogoro, in that area the UPC
17 would target and shoot you, or if you were on the other side, you would
18 be seen from Lakpa with -- doing anything fishy, you would be shot at.
19 So the distance might not be very great, that is, between Lakpa and
20 Bogoro. It is some 5 to 6 kilometres, but it was impossible, impossible
21 to cross that area. It was an uninhabited area, and no one could go
22 there. It is for that reason that Blaise Koka launched that operation
23 simply to assess the capacity of the enemy and to determine what weapons
24 they had and what their defences were. He was able to assess that
25 because his -- he was a well-trained soldier with a good level. And the

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 operation took place on the 10th of February, 2003.

2 Q. And did you participate in that or not?

3 A. We went with Blaise Koka, yes.

4 Q. And how did things turn out?

5 A. David, it was disastrous. You see, we had never lost as many men

6 as we did, even in local clashes. We abandoned ten corpses on that day.

7 Ten combatants were abandoned there. They remained there. Many were

8 wounded and ended up dying in health centres.

9 Q. When you say many were wounded and ended up dying in health

10 centres, is that a reference to the ten corpses, or is it other people

11 who died subsequently?

12 A. David, we abandoned, we abandoned ten corpses in Bogoro. Just

13 imagine that you get into a zone or an area which you have not yet

14 identified. You do not know the location of the camp. And that was the

15 problem. The road to Gety, when you're going towards Gety, you would see

16 a church CECA 20 to your right, and between Bogoro centre and the cemetery along

17 the road in Bogoro, there is a marshy area and a slight slope on both

18 sides, and then you have mango trees on either sides of the road. So we

19 did not identify the position or location of the camp. And those who

20 were watching at the roundabout withdrew without any signs. And this was

21 very early in the morning. It was foggy, so we moved about without

22 noticing any traces they had left.

23 I hope you have already been to that area and you can understand

24 what I am talking about.

25 So a machine-gun positioned at half a metre, pointing at a

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 section, which unfortunately would be moving in that direction without
2 any cover, was bound to be decimated. No one would have survived,
3 because once a round of firing starts with the machine-guns, you can
4 imagine the outcome and the fate that would befall the section that went
5 that way. No one came out of it alive. They all died there, all of
6 them.

7 Q. And among those who died, did any of them come from Aveba?

8 A. It was a section that indeed came from Aveba, a section that came
9 from Aveba.

10 Q. All right. And that -- I think you provided us with the date,
11 10th of February of 2003. Now, exactly two weeks later, on the 24th of
12 February, 2003, we know that there's the attack and consequences that
13 we're concerned with in this case. Did you go to Aveba on the 24th of
14 February, 2003?

15 A. I did not go to Aveba. I had already returned to Aveba. I did
16 not go to Aveba. After that disaster, we went back to Aveba.

17 Q. Sorry, that's a quarter past 6.00 question. I got it wrong.

18 MR. MACDONALD: (Interpretation) Mr. President, the question
19 should be:

20 "Where were you, and what were you doing on the 24th of
21 February?"

22 PRESIDING JUDGE COTTE: (Interpretation) Now, the question as to
23 whether he went to Aveba on the 24th of February, 2003, well, the answer
24 to that has just been given, and Mr. Hooper has said this is a 6.15
25 question, so let's not ascribe any malice. I'm sorry, did he say Bogoro?

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1 No, he did not say Bogoro. No, I don't think so. In fact, he didn't say
2 so. Well, I think the question should be what was the accused doing on
3 that day? Well, we do understand, we do understand that although we need
4 to be very vigilant, please let us not put words into anyone else's mouth
5 and let us not ascribe intention where intention may not have existed.
6 So please proceed.

7 MR. HOOPER:

8 Q. Did you participate -- did you go to Bogoro on the 24th of
9 February?

10 A. We returned on the same day, the 10th of February, and anyone did
11 whatever they could to go back to their home. I went back the next day
12 and got to Aveba on the 11th. The others arrived one after the other,
13 one after another. And on the 15th, the 15th of February, 2003,
14 Baudouin Adirodu arrived at -- or landed in Aveba in an Antonov 28,
15 bringing with him some 200 AK-47s and ammunition and rations for the
16 campaign. He alighted from the aircraft, and there was Adirodu, the
17 co-pilot, and the two pilots. So there were five of them in that plane.

18 Adirodu came out, and we all were around the landing strip, and
19 we withdrew and started to talk. Then Adirodu pulled out a piece of
20 paper and said, "Well, we learnt that the operation had failed, but you
21 have to return as fast as possible before the soldiers have any
22 opportunity to reorganise and increase their numbers."

23 So we talked about those things at the football pitch. I was
24 there, and he said, "Mr. Blaise Koka, this is a matter of urgency. That
25 is why the ammunition and the weapons have been sent to you, so that you

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 can take this operation all over again as soon as possible."

2 That was the purpose of Adirodu's arrival, and those were the
3 explanations he provided.

4 Now, when Adirodu was about to fly back, a huge bull appeared.

5 Q. Just, pause, please, just for the interpreters to draw a breath,
6 all right?

7 MR. MACDONALD: (Interpretation) Mr. President, I think that the
8 accused was in full gear but he was interrupted. I don't know whether
9 there was any problem with the interpretation, but I do understand that
10 these are some of the things that happen every now and then, indeed.

11 MR. HOOPER: Yes.

12 PRESIDING JUDGE COTTE: (Interpretation) Now, Mr. Katanga, you
13 have now caught your breath. Mr. Hooper will now put a question to you,
14 but otherwise, you may proceed if he doesn't, if he chooses not to put a
15 question to you.

16 MR. HOOPER: Why don't we stop and continue tomorrow? No, sorry
17 I -- I misunderstood what was dangled there for a moment, so --

18 PRESIDING JUDGE COTTE: (Interpretation) Unfortunately or
19 fortunately, we're here till 7.00 p.m.

20 MR. HOOPER: Taking the harness off for a moment. In fact, I
21 paused not for Germain Katanga. He was in full flood. We saw that. It
22 was for the interpreters, because it isn't an easy task, and particularly
23 after several hours of it. So it wasn't -- my friend was wrong. I'm not
24 doing this for Germain Katanga.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well.

Witness: Witness DRC-D02-P-0300 (Continued) (Open Session)
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1 Mr. MacDonald was rather quite impressed by your consideration for the
2 interpreters. So let us continue, and I think that Mr. Katanga has
3 caught his breath now, and we can proceed.

4 MR. HOOPER: All right.

5 Q. Yes. The transcript's left in a luring way, so let me just read
6 it in English:

7 "Just as when Adirodu was about to fly back, a huge --"

8 And then it's cut off.

9 MR. MACDONALD: A huge bull came.

10 MR. HOOPER: Well, let's ask the witness to continue, rather than
11 Mr. MacDonald.

12 THE WITNESS: (Interpretation) A huge bull, Kisoro.

13 MR. HOOPER:

14 Q. Now, we haven't heard a lot of Kisoro. First of all, who is
15 he --

16 JUDGE DIARRA: (Interpretation) I'm sorry, is it Kisoro whose
17 name is "*taureau*" in French? Mr. President, I don't understand.

18 PRESIDING JUDGE COTTE: (Interpretation) Madam Diarra is
19 concerned about the use of the "bull" and the word "Kisooro" and the
20 relation between those two words.

21 Mr. Hooper and Mr. Katanga will help us to clarify all that.

22 MR. HOOPER:

23 Q. Please, Mr. Katanga.

24 A. Well, that is only an adjective to describe a big man, a man -- a
25 great man whom people were afraid of.

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1 JUDGE COTTE: (Interpretation) Now, when you talk of bull, are
2 you referring to Mr. Kisoro in this sense that it was a person who was as
3 impressive as a bull; is that correct?

4 THE WITNESS: (Interpretation) Yes, that is correct.

5 MR. HOOPER:

6 Q. Now, we heard it about him last week. Just remind us: What
7 group was he, where was he based?

8 A. Kisoro was an APC combatant, an APC soldier who used to live in
9 Bulandjabo. His native village is in Kaswara, so he would come to visit
10 his father in Kaswara every now and then, and on some occasions when the
11 plane would land in Aveba, he would be in Kaswara. He always went about
12 with some 100 people behind him. He marched on Aveba. So during that particular
13 time when the plane had been off-loaded and we had those discussions with
14 Adirodu, Kisoro was able to make it to Aveba. No one saw him come in, but he
15 simply appeared from behind and went to take up a position in the middle
16 of the field.

17 When the pilot wanted to take off, he pointed at the plane and
18 said that if that plane took off, he would shoot it down. So Adirodu saw
19 that happening and came out of the plane, and he knew Adirodu very well,
20 and so he said to him, "You are the man I am looking for." He made
21 Adirodu to sit down. And for us, to cause Adirodu to sit down on the
22 ground would be -- was a very serious matter, because Adirodu was a very
23 important man for us.

24 So we went towards Kisoro, and we decided that if he was going to
25 open fire, we were all going to fire at each other directly on the spot.

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1 So the first concern was to get Adirodu and the plane and the pilot out, and then we
2 will settle the other matters among ourselves.

3 We were ready. We understood Kisoro's ideology. We knew what he
4 wanted. We already knew what he wanted. So we calmed him down. Adirodu
5 went back into the plane, and they took off. Then we went back to the
6 camp. I took him to my place. I took him to my place and somehow
7 diverted his attention from the material that was -- or the goods that
8 were taken off the plane. And this was matter of sheer luck. It was
9 sheer luck that they came through Atele Ngba where we used to stay.

10 You know, in principle, the ammunition and the weapons were
11 supposed to be taken to Blaise Koka's along that very road, but by some
12 luck Blaise Koka decided to send the ammunition to the BCA. Now, when
13 that incident occurred, we then decided that since he had arrived at our
14 location and in order to calm him down, we would provide him with some
15 ammunition. So we asked him what he wanted, and he said he needed
16 ammunitions for the AK-47 and for the M-16s. That is a type of Swedish
17 gun that is similar to the AK-47. So he asked for that, and he asked for
18 a few shells, and we said, "Okay. Very well." Lieutenant (* phon) Bip was
19 there and he was asked to put that packet together for him. So rather
20 than provide him with the right cartridges for weapons that he had, we
21 put in a set of cartridges that would not fit, and this was to ensure
22 that if he came back, he would not use those ammunitions against us. We
23 knew what he could do. So he went away, but when he got to Kaswara he
24 found out the ammunition was not the correct ammunition, and that is
25 where Kisoro wanted to kill all of us.

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1 The very next day, the 16th, Kisoro came back to fight us, to
2 fight us, in order to forcibly take away all the remaining ammunitions.
3 We succeeded in warding him off, fortunately, and this was simply because
4 he did not have enough ammunition on him. So he fell back or he withdrew
5 to Kaswara, and at that time the people of Aveba could no longer go
6 through Kaswara. It was forbidden for anyone from Aveba to go through
7 Kaswara.

8 I provide these explanations in order to get you to understand
9 that during the time that Kisoro conducted these operations from Kaswara,
10 we in Aveba were in a state of total insecurity knowing that he could
11 have attacked us at any time. Now, Captain Blaise Koka therefore had to
12 act quickly pursuant to the orders that had been given to him, but he
13 could not do so because he did not know or did not master the situation
14 on the ground and that is why he had to go on foot through shortcuts to
15 Gety. That is what actually happened. He took the majority of the APC
16 soldiers and went along with them, but we remained in Aveba under those
17 conditions of insecurity showing that Kisoro was likely to come back
18 either at night or during the day. So we remained in Aveba waiting for
19 Kisoro.

20 Q. Let me just go back on one thing. You mentioned a Lieutenant
21 Bip, B-i-p; is that correct in?

22 A. Yes, Lieutenant Bip. Yes.

23 Q. And who was he?

24 A. He was in charge of administration and logistics too.

25 Q. I mean which group was he?

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1 A. APC.

2 Q. When did he arrive in Aveba?

3 A. He came with Koka and other soldiers, but first Mutombo,
4 Captain Mutombo who was in Gety was told to come back to Aveba.

5 Q. And so when did Mutombo come back to Aveba?

6 A. I'd say the day after, the day after. The day after Blaise Koka
7 got there, because the order came from the Chief of Staff.

8 Q. Right. Now Kisoro -- or Kisoro, at the time we're talking about,
9 was he in the APC or not?

10 A. At the time, Kisoro mistreated the APC as he did with other
11 combatants. He was on his neutral turf at Bulanjabo. Nobody could do anything.

12 Q. What do you mean nobody could do anything?

13 A. Well, if the APC soldiers crossed Bulandjabo, he might disarm
14 them or kill them too. Just as a combatant who might go through there
15 could be taken captive, they could take his weapons, or he could be
16 killed, or could humiliate him.

17 Q. And aside from the band of a hundred men he -- he liked to move
18 about with, do you know if he had any other men under his control?

19 A. He had a lot of men. He had a lot of men. So Kisoro walked
20 around with hundreds of -- a hundred men, but that was just for his security. But
21 wherever he went, if he saw something which he liked, he would take it by force.

23 Q. Do you know what relationship, if any, he had with Kakado?

24 A. Originally, Kisoro was well-behaved, because before things
25 changed he used to go and see the old Kakado, but then when the old

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1 Kakado wanted to assert his authority, he turned against the old man, and
2 one of Kakado's sons was killed by Kisoro. So Kisoro and the old Kakado
3 no longer remained in contact.

4 Q. Do you know what happened eventually to Kisoro, and is he alive
5 or -- or what?

6 A. Kisoro was killed by Oudo at Bavi.

7 Q. Sorry, could you just say that again? He was killed at Bavi. Do
8 you know who killed him? Wait for the question. Do you know who killed
9 him and when that happened, when he was killed?

10 A. It was in the course of an operation. He came to attack the camp
11 of Oudo. It was a reprisal. Oudo had gone after him, and he wanted to
12 take refuge with Cobra, and he was caught, and he was killed. They were
13 soldiers. They were Oudo's soldiers, Oudo Mbafele Moise. Do you want me
14 to spell it?

15 Q. The last two names. Oudo we've had.

16 (* Microphone not activated) ...

17 THE INTERPRETER: Microphone, please.

18 MR. HOOPER:

19 Q. Oudo we've had, O-u-d-o, Mbafele, M-b-a-f-e-l-e; and the last
20 name --

21 A. L-e -- Moise. It's "Moses" in French.

22 Q. (* Previous translation continues) ...

23 A. Yes.

24 Q. When was he killed?

25 A. He was killed late 2003.

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1 Q. All right. So he arrives in Aveba. He threatens the plane, and
2 he's fobbed off by you with some ammunition that's not suitable for his
3 needs. What happened with him after that?

4 A. The day after that attack, he tried again to get back to Aveba.
5 That was the day when Bahati de Zumbé was wounded. Bahati de Zumbé was
6 wounded, and then they got -- they forced Kisoro out of Aveba, and he
7 went back to Kaswara. But the insecurity that he created around the Kaswara
8 road was difficult to manage. It was very difficult, because we knew that
9 Kisoro had a lot of men and that you couldn't go in and attack him in
10 Kaswara. That was difficult. And the people in Kaswara were also at
11 great risk, because things were not good around Kaswara.

12 Q. How long did Kisoro remain in Kaswara?

13 A. Well, given the insecurity around us, Kisoro had already left
14 Kaswara too, but we were afraid to go across Kaswara because we didn't
15 know if he was there or not.

16 Q. All right. So for how long did this situation last for?

17 A. I discovered that Kisoro was not in Kaswara on the 3rd of March,
18 in Tchéy, because we all met up at Tchéy with the old man Kakado and that's
19 why I knew that Kisoro was not in Kaswara. So then we weren't afraid of
20 anything.

21 Q. Now, with him at Kaswara as well -- most certainly.

22 JUDGE DIARRA: (Interpretation) Mr. Hooper, excuse me. What did
23 you mean when you said you were afraid of -- afraid of -- for nothing, or
24 afraid of nothing? You --

25 THE WITNESS: (Interpretation) We feared for nothing. In other

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1 words, we were afraid of a person who was not there. It meant there was
2 no reason for us to be afraid.

3 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, could we
4 please ask Germain Katanga to clarify something. In the French
5 transcript on page 69, line 9, Germain Katanga said, I'll just go back to
6 page 69, he said that Kisoro was an APC combatant, and then a bit later
7 you asked him for clarification, and Germain Katanga answered: "Well, he
8 was unpleasant with both sides." Well, you didn't say "unpleasant," but
9 that was the idea that you were getting at. And then you said that he
10 was with around fifty men. Where did those people come from, the
11 people who were under Kisoro's command? Were they APC people? Were they
12 combatants from the locality where he lived? What was the make-up of
13 that group of men that -- that were with him, if we've understand
14 properly.

15 THE WITNESS: (Interpretation) Your Honour, after -- before,
16 before Loponde fell, in other words, before the 9th of August, Kisoro was
17 APC, but when Loponde fled with a huge number of soldiers fleeing Bunia,
18 they stayed with Kisoro, because Kisoro was the platoon commander in Komanda.
19 So when the APC fled, they withdrew from that area at Peleso, and Kisoro went to
20 Bulandjabo with the APC soldiers who had stayed with him, and that's why
21 I said he was APC. But later, when he built up his ideology and spread
22 it amongst his supporters, he was neither APC nor combatant. He didn't
23 have a direct position.

24 PRESIDING JUDGE COTTE: (Interpretation) Now, I don't know if I
25 can make myself clear here, but can we consider that he had become a free

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1 element?

2 THE WITNESS: (Interpretation) Yes. In that sense you could
3 state that, because on many occasions he went off and attacked the APC
4 forces in Komanda. It was dreadful. There were officers, APC officers,
5 who died.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Katanga.
7 Mr. Hooper.

8 MR. HOOPER: I wonder if we could look -- first of all could we
9 go to our map DRC-D02-00020, which is our -- our map, the Germain Katanga
10 annotated map. I don't know if we've got a copy for --

11 PRESIDING JUDGE COTTE: (Interpretation) I think it is 002110 --
12 210.

13 COURT OFFICER: (Interpretation) It is 00220. The map can be
14 displayed on PC 1.

15 MR. HOOPER:

16 Q. All right. So you can see it in front of you there, and I want
17 to go to Aveba first of all and then Kaswara, and looking at that, it
18 appears there's two Kaswaras, or there appears to be on the map. Can you
19 help us as to that? Is -- is -- one seems to be -- have you renamed the
20 first one as Kengelu, "market"? Just explain, please, what that is
21 there.

22 A. Yes. David, now, I identified this as Kaswara Kengelu, because
23 the little stream there which is in blue goes between Kaswara Kengelu and
24 central Kaswara. That's why I wanted to make a distinction between them,
25 because even in Kaswara Kengelu -- another map you might find it called

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1 Rozinga (* phon). Kengelu is the market which is in the larger locality
2 of Kaswara. Kengelu just means "market," and it's the market in Kaswara.

3 Q. (* Previous translation continues) ... and then we've got Kaswara
4 itself, as it were, a little bit further down. Now, can I just ask you
5 something. Looking at that plan that we've got, there's no marked road
6 between Kaswara and Aveba. The road runs Kaswara-Badzanga and continues
7 down towards Bukiringi. Can you just help us, what is the road situation
8 here? If we're coming from Kagaba and we come up to Kaswara, in the
9 normal course of events, how do we travel to Aveba? Do we have to turn
10 off or what's the situation?

11 A. David, it's what I said earlier. There are lots of roads which you can't see on
12 the map, and that's simply because the MONUC
13 does not go along those roads. For the road from Kaswara to Aveba, well,
14 MONUC is in Aveba. I don't know why they haven't got the road here. But
15 this is just to say that the road that goes from Kaswara to Aveba is
16 not -- is not known as the road. It was a road that was made in 1986.
17 It's a recent road, a recent one.

18 Q. All right. Okay. And this road, does it run from Kaswara to
19 Aveba or from where you've marked Kaswara Kengelu to Aveba?

20 A. No. No. When you come from Munobi, you get to Kaswara, and then
21 you're going to turn right -- no, sorry, left. You go left. And you get
22 to Aveba. And when you leave Aveba, you go -- you go along the same road
23 which you left in Kaswara. You reach Badzanga. So it makes a
24 little triangle. You've got the triangle of that road there.

25 Q. All right. So the road goes from Kaswara to Aveba and then to

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1 Badzanga on the plan. Or not? Have I misunderstood you? All right.

2 Let's leave it like that.

3 We've got a road going from -- if we're in Aveba, the normal
4 route from what you say would be Aveba-Kaswara down to Kagaba to Bogoro.
5 Again, it's not shown here, but are we to understand that there is a road
6 between Aveba and Gety, and if there is, what -- what was it's condition
7 in 2003, early 2003?

8 A. The road which you travelled along yourself turns off at Kaswara.
9 At Kaswara you noted there was a red dirt track and that is from Kaswara
10 to Aveba. But from Aveba to Gety, there's also a shortcut, and you walk.
11 You don't take a bicycle, just walking.

12 Q. Very well. In early 2003, what was the condition of the Kaswara
13 to Bogoro road?

14 A. From Kaswara to Kagaba, it was reasonable. You could use it on a
15 motorbike, on a motorbike, okay. But if you had a vehicle, you might get
16 stuck in a small river. If you ventured off with a pick-up and you'd go
17 on a wooden bridge, you'd fall down because the wood was already rotten.
18 It could only cope with the weight of a motorbike. Vehicles didn't go
19 along that road at the time. There's a bridge at Munobi, here. There's
20 river at Munobi, and there's another one on the other side which is
21 called Alesai (* phon). These are big rivers. And it cost a lot of
22 money for MONUC to put the bridge there.

23 Q. And with Kisoro at or believed to be at Kaswara. If you wanted
24 to travel from Aveba to Kagaba, what route could you take?

25 A. No, you wouldn't go off to Kaswara.

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1 Q. All right. So which -- how would you get to Kagaba from Aveba if
2 you don't pass through Kaswara?

3 A. We used the footpath, just a track for walking. You would leave
4 Aveba and go straight to Gety. You'd get to Gety and there's a road that
5 goes from Gety to Munobi.

6 Q. Now --

7 (Defence counsel confer)

8 MR. HOOPER: Well, let's just very quickly deal, if I may, with
9 some photographs. I'm going to please ask for some photographs to be put
10 up. Put all of them up. Can we see DRC-D02-0001-0803.

11 COURT OFFICER: Is this a public document?

12 MR. HOOPER: Yes. All our documents are public.

13 PRESIDING JUDGE COTTE: (Interpretation) It's document number 9
14 in the list of Germain Katanga's Defence counsel. And, Mr. Hooper, we'll
15 have to conclude with the presentation of this photograph.

16 COURT OFFICER: (Interpretation) Your Honour, the photograph is
17 on PC 1.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

19 Mr. Hooper.

20 MR. HOOPER:

21 Q. Do you recognise the terrain in that photograph, and if so, what
22 is it? What does it represent?

23 A. The photograph shows the space of the BCA, the old area of the
24 BCA.

25 MR. HOOPER: All right. Can we have an EVD number for that,

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1 please.

2 PRESIDING JUDGE COTTE: (Interpretation) Court Officer. This is
3 the photograph DRC-D02-0001-0803.

4 COURT OFFICER: Thank you, your Honour. This photograph will
5 have reference EVD-202-00225 and will be recorded as a public document.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you, madam.

7 MR. HOOPER: Thank you, Mr. President.

8 PRESIDING JUDGE COTTE: (Interpretation) I would like to remind
9 you all that we have to conclude the hearing tomorrow 45 minutes earlier than
10 originally schedule, that is at 12.45, yes, at 12.45.

11 Mr. Hooper, of course I think you need the entire hearing time
12 tomorrow. Do you have any other prospects ahead for the likelihood of
13 the length of your future questioning? Can you quantify it for us?

14 MR. HOOPER: Yes. I'll need -- I'll need tomorrow. I originally
15 said five days, and I think I was right. We've had some time eaten into,
16 obviously, with other matters, and so starting tomorrow I think that we'd
17 then go into the hearings on Monday but not the entire Monday.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you. It's
19 important for Mathieu Ngudjolo's team and for the Prosecutor.

20 Mr. Katanga, we are going to suspend the hearing. The Court Usher will
21 accompany you back to your seat. We'll see -- I'll see you tomorrow. We'll say
22 that too to Mr. Ngudjolo, who is sitting in silence at the back of the courtroom
23 (* indiscernible). So good evening one and all. We shall resume
24 tomorrow at 9.00. We'll have the first session of two hours, and the
25 second one will conclude at 12.45. Session is adjourned.

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1 (The witness stands down)

2 The hearing ends at 7.00 p.m.

3 CORRECTIONS REPORT

4 The Court Interpretation and Translation Section has made the following
5 corrections in the transcript:

6 *Page 28 line 8

7 "because my case (* as interpreted) was somewhat apart." Is corrected by "because
8 my camp was somewhat apart."

9 *Page 35 lines 10

10 "Commander Mbali." Is corrected by " Commander Mbale."

11 *Page 35 line 11

12 "it's Kambale, also known as Mbali." Is corrected by "it's Kambale, also know as
13 Mbale."

14 *Page 35 line 14

15 "Mbali was a platoon commander,..." Is corrected by "Mbale was a platoon
16 commander,..."

17 SECOND CORRECTIONS REPORT

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

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

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