

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 International Criminal Court

2 Trial Chamber II - Courtroom 1

3 Situation: Democratic Republic of the Congo

4 In the case of The Prosecutor v. Germain Katanga

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

6 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra

7 and Judge Christine Van den Wyngaert

8 Trial Hearing

9 Thursday, 13 October 2011

10 (The hearing starts in open session at 9.02 a.m.)

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

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

13 Good morning, everyone. Good morning, accused persons.

14 Mr Prosecutor, if you are ready, you can continue with your cross-examination.

15 MR MACDONALD: (Interpretation) Good morning, Mr President. Good

16 morning, your Honours. You are probably going to have to pull out the yellow card

17 when we go too fast. We received a reminder from Ms. Toumaj.

18 PRESIDING JUDGE COTTE: (Interpretation) And you have to be looking at it

19 also.

20 MR MACDONALD: (Interpretation) Once again I would like to apologise to the

21 court reporters and to the interpreters. I know that they are doing a very difficult,

22 but very important job, so we will make an effort to pause between questions and

23 answers.

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

25 (The witness speaks French)

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 QUESTIONED BY MR MACDONALD: (Interpretation) (Continuing)

2 Q. To begin this morning -- well, good morning, Mr Katanga.

3 A. Good morning, Mr Prosecutor.

4 Q. Let us go back to the map. In spite of the comments you made about MONUC
5 and the GPS data, the electronic version was sent out a few days ago and copies were
6 given to all parties and participants, but I have other copies with me, including one
7 for Mr Katanga. I would like to ask you, to the extent possible, using this map we
8 have, to make an effort, because we understand that you cannot be very, very specific
9 or precise, but we would like to know where the main locations that we are dealing
10 with in your testimony and in the case in general are.

11 Court usher, you can have this copy and you can show it to my learned friend and to
12 the Bench. It is the same as before. The format is different; the top has been cut off.
13 I have other copies and the usher can distribute the maps. Once again, it is the same
14 map. The version that we are distributing, your Honour, as you can see is almost the
15 entire A3 version, unlike the one that had been annotated and was distributed a few
16 days ago.

17 Mr Katanga, a copy will be given to you. I would like you to make two clarifications
18 about that map, but before that, Mr Katanga, can you confirm to us that
19 Mr Garimbaya, that is the commander, was in Aveba in a camp known as Aero; is
20 that correct?

21 A. Yes.

22 Q. And under his responsibility, on 24 February at least, he had 50 men under his
23 authority; is that correct?

24 A. Yes, Mr Prosecutor.

25 Q. And you will agree with me that those 50 people under his authority were of

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Ngiti ethnicity; is that correct?

2 A. No.

3 Q. In that case, please elaborate.

4 A. They were a mixed bunch. They were Nandes, Lugbaras, Biras, Alurs, so there
5 were not only Ngitis.

6 Q. Can you tell us the number of Ngitis who were under his authority?

7 A. No.

8 Q. I beg your pardon?

9 A. I cannot give you a number.

10 Q. And why is that?

11 A. I did not count them.

12 Q. But, Mr Katanga, you were there in Aveba and you had no idea of the number
13 of Ngitis under the authority of Mr Garimbaya?

14 A. Mr Prosecutor, the majority of people in our collectivity were Ngitis, so why
15 would I go to the Aero camp simply to count the number of Ngitis? It makes no
16 sense. Unless ... If we were outside of the collectivity I would have an interest in
17 finding out how many Ngitis were there where we were, but the majority of people
18 where we were were Ngitis, so I cannot -- I could not have focused on them. On the
19 contrary, I could have focused more on the other ethnic groups. That would have
20 been possible.

21 Q. But you do agree with me that the majority of combatants under Garimbaya's
22 authority were Ngitis?

23 A. I will not say the majority, because what that means is about nine out of ten or
24 90 per cent. It is possible that maybe 50 per cent were Ngiti and the others were of
25 various different ethnicities. In that case, I would agree.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Very well. Mr Katanga, let us now move on to the map. An EVD reference
2 will be required, with leave of the Chamber of course -- well, but to begin with,
3 Mr Katanga, I will ask you, to the best of your knowledge, to indicate to us where
4 Codeco is located? Perhaps you can be given a marker and you can indicate that
5 location on the map?

6 PRESIDING JUDGE COTTE: (Interpretation) Court officer, maybe you can give
7 him a thin pencil so that it should not complicate the map too much. In case
8 anything else is added. Offer Mr Katanga a large marker or a fine-tip one.

9 MR MACDONALD: (Interpretation) Fine tip. I would like to seize this
10 opportunity, Mr President, to ask that the overhead projector should be taken up.
11 The cover should be lifted. Very well. Maybe that document should be placed on
12 the overhead projector.

13 THE WITNESS: (Interpretation) Just one moment, Mr Prosecutor. I think I have a
14 problem with the ink.

15 PRESIDING JUDGE COTTE: (Interpretation) Let us place that document on the
16 overhead projector so that everyone can see where Mr Katanga located Codeco.

17 THE COURT OFFICER: (Interpretation) Please press "Docu Cam Witness" to be
18 able to view the map.

19 MR MACDONALD: (Interpretation)

20 Q. Just to better understand, Mr Katanga, you put there Bulanzabo on the map?

21 A. Yes.

22 Q. And where did you put Codeco?

23 A. I'm sorry, I did not indicate that. I'm sorry.

24 Q. So, if you could also place Codeco ... it's a good thing that you put Bulanzabo,
25 because that was my second question, but please let us put Codeco first. Thank you.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Mr Katanga, what is the distance - the normal distance - between Kaswara and
2 Bulanzabo?

3 A. If you leave Kaswara to go to Bulanzabo it would be a minimum of six hours of
4 walking.

5 Q. Can you tell us the distance between the two locations?

6 A. I do not know. There is no road, only a path. So I have told you it takes at
7 least six hours, but it is not kilometres the way you know it. For example, a normal
8 person can walk six kilometres an hour, but in our area no one can do that. You
9 cannot walk six kilometres per hour, because of the uneven terrain. You have to go
10 down and up, so it would be very difficult for me to say that Kaswara to Bulanzabo is
11 so many kilometres.

12 MR MACDONALD: (Interpretation) Very well. Thank you, Mr Katanga. You
13 can take the map from the overhead projector now and thank you for those
14 clarifications.

15 Your Honour, I would like to have an EVD number assigned.

16 PRESIDING JUDGE COTTE: (Interpretation) Court officer.

17 THE COURT OFFICER: (Interpretation) Thank you, Mr President. This map will
18 bear the number EVD-OTP-00277 and shall be filed as a public document.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

20 Mr Prosecutor.

21 MR MACDONALD: (Interpretation)

22 Q. Mr Katanga, I will now like us to move on to what I would probably describe as
23 the central or main construction of your testimony, the involvement in the attack of
24 10 February 2003, because I'm putting it to you that the attack of 10 February - and
25 this is what I am putting to you - this was used as a pretext by you to explain your

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 lack of communication with the people of Bedu-Ezekere. It is also your pretext to
2 explain your non-involvement in the attack of 24 February, bearing in mind Mr.
3 Kasaki's instructions, because the attack of 10 February, for example, was practically a
4 kamikaze attack where about ten people lost their lives and their bodies remained
5 there.

6 Just one question before that. Blaise Koka is a professional soldier; is that correct?

7 A. He even went to the academy.

8 Q. Blaise Koka felt that it was a good military strategy to send people to carry out
9 an attack and carry out surveillance on the enemy forces in the field; is that correct.

10 A. Mr Prosecutor, he did not send troops. He himself was there.

11 Q. But Mr Katanga, Blaise Koka was a professional soldier. Why would he
12 simply go to provoke the enemy? Why would he do that if he was a military
13 professional?

14 A. That was a way of going to carry out surveillance to locate the UPC camp.
15 That was the first reason. Secondly, since there was no information -- it is not as in
16 Europe when you can have conflict between two towns and then you will have some
17 people leaving one town to go to the other. That was not the case. If you were in a
18 town X the information that was there would remain there, so it was very difficult to
19 have information about everything happening in Bogoro. That was impossible.

20 Q. Mr Katanga, we will revisit this impossibility. Now, how many men did
21 Blaise Koka have? And regarding yourself, how many of you went to provoke the
22 enemy?

23 A. There were more than 100 of us, Mr President -- or rather Mr Prosecutor.

24 Q. Are we talking here about a company?

25 A. I wouldn't say this was an entire company. These were people he had

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 selected. It was his strategy. I do not know precisely how it happened, but he
2 prepared himself very well. He prepared and led the operation very well, because
3 the people who were carrying personal or individual weapons advanced and then
4 there were support weapons. There was a fall-back position where people could get
5 supplies in case of defeat. He anticipated all of that. It was professional. I
6 admired that strategy and if that had not been the case we would not have been able
7 to leave Bogoro.

8 Q. But, Mr Katanga, it is clear that the purpose of that attack was to assess the
9 enemy forces and positions, because that was not going to be the main or real attack.
10 That real attack was going to take place later; isn't that correct? On 10 February, you
11 were simply going to see and assess the forces on the ground, as well as the positions;
12 that is assess the numbers and locations.

13 A. Mr Prosecutor, if on that day our support weapons had worked well, we would
14 have taken control of Bogoro. We should have regained Bogoro that day. It was a
15 surprise. We surprised the UPC. They were not expecting any attack at all. If the
16 support weapons had worked, we would have conquered Bogoro on that day.

17 Q. I'm a bit lost here. So on 10 February the objective was to take Bogoro if that
18 had been possible; is that correct? What was the objective of 10 February?

19 A. Mr Prosecutor, this was not like the raids that the Americans carry out. You
20 don't have surveillance aircraft to go and take photographs. You go on foot. If you
21 succeed, you succeed. If you fail, ... When a soldier goes to battle, he assesses all
22 the risks. In case of failure, what would he do? In case of success, what would he
23 do?

24 We did not simply go there as part of a game and fire a few AK-47 rounds before
25 retreating. No. We went prepared. If the support weapons had worked well, we

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 would have conquered Bogoro. Except in military strategy, your Honours, when
2 you go to war you have to be prepared. If you fail, what do you do? If you have to
3 retreat, what do you have to do? That is to be expected.

4 And commanding the forces depends on the individual commanders. He was a
5 professional and he knew that if we succeeded we would do this, and in order to
6 boost the morale of the soldiers going to fight you have to say something like that.
7 His strategy was to say "We are going there. We are going to assess the forces on the
8 ground, because we do not have any information," but we do not know what he was
9 hiding in the back of his mind because if we had succeeded he would not have said
10 "Let us retreat." No, we would have consolidated the position immediately.

11 Q. Mr Katanga, in light of your answer, I will quote to you what you said
12 previously and I'm referring to transcript number 317, the edited version. It begins
13 on page 51, line 19. Mr Hooper's question: "Which were the attacks in 2003,
14 beginning with the first attack in 2003 that you came to know about, or you heard
15 about?" Answer: "When Blaise Koka arrived, there was an attack that was
16 expected." "Why was that attack on Bogoro expected?" Answer: "The intelligence
17 service was difficult. There was no one who could move from Kagaba or Lakpa and
18 infiltrate Bogoro. That was impossible. Between Lakpa and Bogoro, when you
19 arrived there, either there would be the UPC lying in wait and they would shoot at
20 you; or if you are on the other side of Lakpa, you will be seen to be making strange
21 movements and you will be shot at. I think the distance between Lakpa and Bogoro
22 is not very long, it is about five to six kilometres, but it was impossible to cover that
23 distance. The area was uninhabited and no one could go there.

24 This is why for Blaise Koka launching that operation was simply to assess the
25 capacity of the enemy, the weapons at their disposal, their means of defence. He

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 was able to evaluate that because he was a well-trained soldier, he had a good level,
2 and that operation happened on 10 February 2003."

3 Mr Katanga, you told us there of an operation involving 100 men. You went there as
4 scouts, but you are telling us that one of the objectives was also to take control of
5 Bogoro; is that your testimony?

6 A. That's not true, Mr Prosecutor. That's not true. A scouting mission? Maybe
7 that's what you say. Scouts are what we call the LOPs, the lookouts. Or when you
8 move ahead there might be two or three people in advance. That's what we call
9 scouts, or a scouting mission, but a hundred men, that's not a reconnaissance or
10 scouting mission. That's what I know. But in light of the answer that you just gave,
11 or rather that you read out, an answer I gave, I think that it depends on the question I
12 was asked. You have asked a very in-depth question, and I am answering in
13 depth as well. You see, it depends on the depth of your question. When
14 Mr Hooper asked me that question, he asked me that in a superficial way and I
15 said -- well, I answered and I said what Blaise Koka had said, that we were going to
16 go and evaluate.

17 PRESIDING JUDGE COTTE: (Interpretation) Mr Katanga, page 11, line 2 to 6 of
18 the transcript, your answer: "We are going to assess the forces there. He said that
19 we are going to assess the forces that are there, since we didn't have information, we
20 didn't know what he had in the back of his mind. If we had succeeded, -- he
21 wasn't going to tell us to retreat, we were going to consolidate the position directly,"
22 so please explain that sentence to us. There are two parts: First of all, the part
23 about the assessment and you said that if we succeed, we will consolidate the
24 position directly. What do you mean by "we will consolidate the position directly"?
25 Explain this to us and take your time. Explain.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 THE WITNESS: (Interpretation) Thank you your Honour. If we had aircraft,
2 planes, we could do that by way of a raid of let's say a plane flies over, we take some
3 pictures, we identify the positions of the camps and so on and so forth. That would
4 have been possible if we had had planes, if we had done air raids.
5 Secondly, to say that we were going to assess the position of the enemy, by force, you
6 see, your Honour, if it was a game, an attack, we could have gone and provoked the
7 enemy and then retreated. If that were the case, we wouldn't have taken so many
8 people, but we had more than a hundred, so with the 100 men we could attack.
9 When we see that the enemy is fragile, we would have gone forward, but Blaise Koka
10 told us openly about the mission. He said -- he said "Go and assess the enemy
11 forces". I don't know if I have explained this properly to you?

12 PRESIDING JUDGE COTTE: (Interpretation) Are we to gather - let's be quite sure
13 about this - that the mission on 10 February was basically a mission of going to assess
14 the enemy, but if the opportunity were to present itself you were ready to try to take
15 Bogoro? Is that what you are saying?

16 THE WITNESS: (Interpretation) That could be successful automatically, your
17 Honour, in that all the means were there, so I can confirm that.

18 PRESIDING JUDGE COTTE: (Interpretation) So that was -- that explains your
19 reaction when you said that you were a hundred or so men and that if it were
20 possible --

21 THE WITNESS: (Interpretation) We would have consolidated the position.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

23 Mr Prosecutor, I will give you the floor.

24 MR MACDONALD: (Interpretation)

25 Q. Mr Katanga, Bogoro was attacked on 14 August 2002, by Faustin. You said

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 that yourself. He tried to find a path going by way of Bogoro and we also heard
2 witnesses before this Chamber, and you were present, witnesses who came and gave
3 testimony about these attacks, these previous attacks, including the one of
4 August 2002. Isn't it true that at that particular time information about the
5 geography, the geographical layout of Bogoro, if I am to follow your logic, was
6 available? That information was available? And if I continue following your line of
7 argument, the APC -- that information was available to the APC soldiers?

8 A. Prosecutor, well, those are different officers. If we had sent the same officers
9 back who were in the field at the time, for example Commander Faustin or one of his
10 officers who was with him, that would have been easy, very easy, in that the strategy
11 would have been different, Prosecutor. Perhaps, depending on the path taken by
12 each one of these two individuals, each one had his military training in his own way.
13 One might have gone to an academy to become a commander, another one might
14 have focused on operations, or another person might have studied military
15 administration. You see, there are different departments in the army and perhaps
16 strategy can differ from one commander or one person to another. To my
17 knowledge, and I know that on 14 August, and the file says so, there was an attack on
18 Bogoro, but myself, according to what Blaise Koka told me, that's what happened. I
19 can't make up what Faustin did because I wasn't with him, so that's the difference.

20 Q. Mr Katanga, Faustin, when he attacked Bogoro, he was with Ngiti combatants
21 before getting to Songolo, before being accused of deserting, of not controlling his
22 forces, rather, who deserted. Mr Katanga, everyone knew. Everyone in
23 Walendu-Bindi knew what the geographical layout of Bogoro was. Everyone knew
24 that there was a camp there in Bogoro. It was common knowledge; isn't that so?
25 And what's more you were a commander and a combatant at that particular moment

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 in time so, it's your testimony that neither you nor Blaise Koka had any information
2 about the geography of that place, about Bogoro? Is that what you want the
3 Chamber to gather from your testimony?

4 A. Prosecutor, even you, even MONUC, doesn't know the geography of the Ituri
5 region up until now. That's the first thing. Secondly, Prosecutor, you must realise
6 how long has it been that the Lendu people have not been going to Bogoro? They
7 haven't been going there since 2001, since 2001. Lendu people do not go to Bogoro.
8 When Faustin got to Bogoro to attack Bogoro, we don't know whether he was halted
9 or not by the enemy. We don't know. And to tell you myself, Germain Katanga, I
10 knew that the UPC was in Bogoro, we knew that the UPC was in Bogoro, but myself,
11 it was the first time I had ever gone to Bogoro, the very, very first time I had gone to
12 Bogoro, and you say to me that I knew. What did I know?

13 Q. Very well. Now let's turn to the document. Let's talk about the document
14 that was drafted in Aveba on 15 November 2002. This is exhibit 38 on my list.
15 Yesterday I was speaking about tabs, because I have a binder with tabs, but actually
16 this is number 38 on my list. EVD-D03-00093 -- correction, 98, and I'll see if I have a
17 hard copy. I would like to make sure that Mr Katanga has an actual hard copy of the
18 document. I believe I do have one with me, if you could just give me a moment?

19 PRESIDING JUDGE COTTE: (Interpretation) Court usher, could you fetch the
20 document the one that has not been marked in any way. Fine.

21 Mr Prosecutor.

22 MR MACDONALD: (Interpretation)

23 Q. I believe that my colleague, Mr Hooper, showed you the exhibit. Mr Katanga,
24 let's turn to the last page of this document, with the signatures that I was referring to,
25 DRC-OTP-0194-0354?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 PRESIDING JUDGE COTTE: (Interpretation) This is the last page in the document.

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

3 MR MACDONALD: (Interpretation)

4 Q. "For the Lendu community, the base," I realise that the document is using the
5 word "Lendu" here and not "Ngiti," because there were Lendu from Walendu-Tatsi
6 who were part of that group; isn't that so?

7 A. Chief Manu was there.

8 Q. Martin Banga as well?

9 A. Yes.

10 Q. Also Mr Adolphe Njaba Liga, and I will spell that out, Njabu, N-J-A-B-A, Liga is
11 L-I-G-A, and by the way, that's the brother of Etienne Nuna Liga, isn't that so?

12 A. Well, you can deduce that by his name, but I don't know him, so just to tell you
13 in practical terms the Lendu-Tatsi community, that was with Chief Manu, you realize
14 that when the chief is there his subordinates are secondary. You can't identify
15 who... No. Because the chief is running the show, so to speak.

16 Q. And we also see here Mr Bahati John Talika, and it is true that this person you
17 didn't know him by that name at the time but rather you knew him as Bahati from
18 Zumbe I'm gathering this from your earlier testimony before this Chamber.

19 A. Prosecutor, I Read this document here. I didn't see this document in the field
20 to identify the name of ... When he wrote his name here himself. And does that
21 mean I knew? I didn't know who he was. I didn't know what his full name was.

22 Q. Mr Katanga, I'd like to refresh your memory. I'll read out previous testimony
23 you gave, page 41, transcript 316, line 11 and on, your reply -- the question was as
24 follows: "At that time we were talking about Frel Frec." "And did you know what
25 that was, when they existed and who were the members of the group?" And your

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 answer was: "Well, what opened up my mind was when I saw on the seal of the
2 letter that was taken to Beni I saw that there was an organisation and the way, but I
3 didn't know. I didn't know the -- exactly what it meant, but there were things like
4 Frec that I had heard of."

5 Do you remember saying that earlier before this Chamber on 4 October?

6 A. Well, it was the seal on the letter. I didn't say anything about the content of the
7 letter. I was talking about the seal.

8 Q. Mr Katanga, isn't it true that you were the one - you were the one - who asked
9 for those notables to be present in Aveba? Let me be even clearer. This meeting of
10 the two groups, Walendu-Tatsi or their representatives from Walendu-Ezekere and
11 the other representatives of the Walendu-Bindi chiefery, isn't it true that you were
12 the one who organised this meeting in Aveba? You asked them to come to your
13 place in Aveba?

14 A. Well, where's my signature on this?

15 Q. That's your answer? So just because you didn't sign it means you weren't there,
16 you didn't organise it? Answer my question, Mr Katanga, isn't it true that you were
17 the one who asked them to come to Aveba?

18 A. I couldn't invite Chief Manu to come from Bedu-Ezekere. I wasn't his chief. I
19 wasn't his chief of collectivity. I wasn't an administrator of the territory. No,
20 Prosecutor, you must not think that I was a lord or a VIP of some kind. This was the
21 year 2002.

22 Q. Mr Katanga, isn't it true that in the fall of 2002 -- well, let us begin in August.
23 Usually the fall begins in September, but let us speak of August, September, October,
24 November. The civilian administration had no control over -- was not operating
25 because this ongoing conflict was underway?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. Prosecutor, if there was ... we know that the administration - the
2 government - wasn't working or operating because who could it report to? The
3 RCD-K/ML, irresponsible, had fled. The leaders of the collectivity and the
4 groupement, the local leaders had been abandoned. They were on their own. So
5 you see, your Honour, I don't know who initiated the document.
6 My ability, my ability to conceive of such things, no, I'm not able to help you. I can't
7 say that I was the one who took the initiative to invite people and say "Come" and
8 draw up a document, make a report. No, Prosecutor. No.

9 Q. Mr Katanga, is it not true that it was the combatants - the armed
10 combatants - who at that time had authority, power, in the collectivity of
11 Walendu-Bindi? Let's begin with Walendu-Bindi. You, Mr Katanga, you, you were
12 the one who had the authority.

13 A. Prosecutor, why are you just talking about me? Why don't you say Kakado?
14 Why are you saying me? Why don't you say Kasaki? I'm lost. I'm at a loss here.
15 I don't know what you mean, what you're driving at. Initiatives? The
16 administration? I was a combatant. When there is a war, well, I was trying to
17 protect my people. The problem is that you're saying that I was the leader or that I
18 could invite people to meetings, that I was an administrator. I didn't have that
19 ability.

20 Q. Mr Katanga, clearly Kasaki and Kakado weren't soldiers; isn't that so? What's
21 more, I think you said that earlier. We can find the reference later, but I'll put the
22 question to you again: Isn't it true that at that time Kasaki and Kakado were not
23 soldiers?

24 A. Prosecutor, they weren't soldiers, but they were all powerful. All powerful.
25 Even –when you aimed a gun at Kakado's chest, he would dare you to shoot. Your

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Honour, this is a phenomenon. When you hear about that here, you think that it's
2 some story that someone has dreamt up, but those people they were all powerful.
3 They really were all powerful. Someone who says to you "Do this" and if you don't
4 obey you'll pay the price and that's the way things were. I couldn't go over Kasaki.
5 I couldn't go over the head of Kakado, no. They were the -- at the top. They were
6 running the show. --Even Akobi ... Akobi couldn't do anything without Kakado,
7 without Kasaki either.

8 Q. Mr Katanga, isn't it true that this meeting to draw up this document, even
9 though -- even though it says that it was done at Gety, they actually met in Aveba?
10 That's where the people met, they met at the CE39 church. Do you remember that,
11 Mr Katanga?

12 A. Prosecutor, to write "Gety" on the document, well that locates the people at the
13 administrative centre and it's the same thing. I -- I did the memo about the
14 independence of the FRPI at Fort Portal, but to be logical I would refer people to the
15 documents and say "No, it was done in Aveba, or Aveba-Mukubwa." These
16 are -- that's the way that you do such things. So when they write here "Done at
17 Gety" that means, you see, that's the centre, the main town or the administrative
18 centre.

19 So when you look at the letter and read it and you see "Done at Gety," they know
20 what it's all about. That's why. If it says "Done at Aveba" it would be as if you had
21 done it in a community of the church, but you see we specified a particular
22 administrative location. This is what I'm seeing here in this document.

23 Q. Mr Katanga, is it not true -- and I'm asking you the question because you
24 haven't answered. Isn't it true that this delegation met at your place in Aveba - and
25 just to refresh your memory, I'll specify the particular location - at the CE39 church?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. Prosecutor, Aveba -- when you say at my place, maybe you are making quite a
2 statement. Yes, Aveba is my village, yes, okay, they met in Aveba. The meeting
3 that included more than 20 people could be held in a large room of some kind or a
4 hall, and in Aveba for that either you go to the school or to the church. So the
5 answer is easy. That's it. If they went to Aveba, I didn't invite them. They came
6 there because they themselves saw that this would be a safe place to work together
7 calmly.

8 Q. Mr Katanga, did you see them in Aveba, or not, these men who met? Were
9 you there? You were there? We're talking about 15 November at the latest. You
10 were no longer at the hospital after your injury. You were getting ready for your
11 marriage on 18 November and three days later your departure, the 21st, when you
12 were going to Beni. Mr Katanga, did you see these men or not? Did you see them
13 meet and have a discussion?

14 A. Prosecutor, I don't know what you want me to say. They were in Aveba. I
15 could see -- have seen Chief Manu, Didi, all these people. Perhaps physically I could
16 identify them as having been in Aveba. Well, I would say even two-quarters of the
17 people here on this list travelled to Beni. We travelled together to Beni. I would
18 say two-quarters of them. So to say that I saw them or I didn't see them... They were
19 in Aveba, I might have seen them. They would also come to my place, my village.
20 That's normal, but attending the meeting? I wasn't there.

21 Q. Mr Katanga, we are going to get to that point, the people who were travelling to
22 Beni, but in Aveba, Aveba itself, you talked to those people as well, didn't you? You
23 had discussions with them when you ran into them in Aveba; isn't that so?

24 A. Prosecutor, amongst these people on this list there were people who were just
25 having beer, having beers, people who were, you know, having a coffee. You might

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 run into someone in the morning and have a cup of coffee with them. That's entirely
2 normal. "Come to my place. Have a cup of coffee." In the evening, some people
3 might have had a beer or two, and might have met for a beer or two, and that's no big
4 deal to meet someone in that way. Under those circumstances, we would speak, we
5 would say "How are you?" "How is your meeting going?" "Did you have
6 something to eat?" "How was your -- did you sleep well?" "Are you feeling
7 secure?" That's normal.

8 Q. Mr Katanga, more than that, you have been talking about your place. Now,
9 Chief Manu slept in your home, didn't he? Isn't that so? Do you remember that?
10 Chief Manu who actually slept in your home before travelling to Beni with you?

11 A. Mr Prosecutor, that's what I'm telling you. He can be there. In the morning
12 we have tea. He sleeps in the room assigned to him. There was a room assigned to
13 him, a bed. He sleeps there. In the morning he wakes up, we have a coffee, he goes
14 work and later on in the evening we sit at the table and we have our meal, then we
15 take a drink together. That's all.

16 Q. Before going to Beni, you spoke with Chief Manu, right, when he was in Aveba.
17 When you got up in the morning and you had a coffee with him or had a drink in the
18 evening? I've just received a yellow card. You were going to say that you had
19 spoken with Chief Manu those times. You discussed. Then you stopped.

20 Mr Katanga, isn't it true that you spoke with Chief Manu while he was in Aveba?

21 A. Mr Prosecutor, when I tell you "Good morning" in the mornings, "did you sleep
22 well?", I cannot go and wake up Chief Manu and say "Come, let us dance. Tell me
23 what you discussed in the meeting." That does not happen in our culture. Chief
24 Manu is as old as my father. He has my father's age. I cannot play with him like a
25 small toy. That does not happen in our country.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Mr Katanga, isn't it true that you were the head of that delegation which
2 travelled to Beni? You were the military leader? There was a civilian group and a
3 military group and you were the leader of the soldiers travelling to Beni; isn't that
4 correct?

5 A. We are talking about the leader of the combatants. When you say "soldier" or
6 "military" that is professional. When you use the word "soldier" that means a
7 professional. Yes, I was the leader of the delegation of combatants. We went to
8 Beni. That is correct.

9 Q. This was a time of war. You were involved in a war that you described as
10 "ongoing." The document here is a document which was produced by Chief Manu.
11 It gives a background or chronology of the conflict, the attacks in their groupement
12 and your collectivity, focussing just on the autumn or the fall of 2002, and you are
13 telling us that during that period you never discussed with Chief Manu, that is the
14 traditional ruler of the Bedu-Ezekere groupement, you never discussed with him the
15 problems and difficulties and suffering that the entire population was subjected to?

16 A. Mr Prosecutor, let me repeat once again. Regarding Chief Manu, I can wake
17 up in the morning. I cannot knock on Chief Manu's door. Even if he is in my house,
18 I cannot knock on his door to wake him up and say, "We have to talk," no. Chief
19 Manu has the right to say "Go and wake up Germain and ask him to come here."
20 He's my father. I can say that he is my father. I can come to him and he will say
21 "Germain, as you know, I have this problem, X, Y, Z. What about this or that?" He
22 is a father, but to say that I would sit down and discuss with Chief Manu, that is an
23 exaggeration. When he came to Aveba, as I have told you, I could say "Good
24 morning. Did the meeting go well? Did you have any problems? Do you need
25 anything?" I can do such things. When he arrives, we are together, we sit around a

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 table, I can ask him such questions, but with regard to discussions, Mr President, no.

2 PRESIDING JUDGE COTTE: (Interpretation) Just so that we fully understand,

3 because we have been dealing with the same issue for a long time, you said that you

4 did not take part in the meetings, but you have said that you had the opportunity to

5 meet with the participants in that meeting, either in the morning to have a coffee, or

6 in the evening to have a beer, or perhaps at other times during the day. I can see that

7 you are nodding. You have also told us that it was not possible for you to take the

8 initiative to have a discussion with Chief Manu, for example, but that on the other

9 hand it could have been possible for you to discuss with Chief Manu if he wanted to

10 speak with you. Did he ever want to discuss with you? Did he ever initiate a

11 discussion with you? That is what we want to understand so that we can make

12 some progress, because we are beating about the bush here. Please answer the

13 question.

14 THE WITNESS: (Interpretation) Mr President, Chief Manu did not request any

15 discussion with me. He did not ask me to speak to him.

16 PRESIDING JUDGE COTTE: (Interpretation) Please continue, Mr Prosecutor.

17 MR MACDONALD: (Interpretation)

18 Q. You agree with me that Bahati de Zumbé was a member of that delegation; isn't

19 that so?

20 A. We went right to Beni.

21 Q. There was Mr Didi?

22 A. Yes.

23 Q. There was Mr Martin Banga?

24 A. That is possible, yes.

25 Q. There was also Mr Adolphe Liga?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. That is possible, because Chief Manu said so.

2 Q. There was also the signatory of this letter, Mr Muganga Liga?

3 A. Yes, he was noticeable.

4 Q. And there were also other representatives of Walendu-Bindi?

5 A. Other representatives apart from Bahati?

6 Q. Civilians.

7 A: But the names are at the bottom. Other than Bahati Talika, he was the only one
8 who was a combatant.

9 Q. Very well, let us talk about Mr Bahati. You said in your previous testimony
10 and also this morning that you did not know anything about Bogoro, that you did not
11 know anything about Zumbe, you did not even know the name. I can find the
12 reference for you, if you wish. Now, but Bahati de Zumbe came from Zumbe; isn't
13 that correct? It is clear from his name.

14 A. Mr Prosecutor, I did not know Zumbe as an important place, or village, but just
15 talking about the name "Zumbe," it was located on the Blue Mountains. Zumbe
16 could be one of the localities in that groupement, but the name like that, today you
17 mentioned the name "Zumbe" and everybody knows exactly what you are referring
18 to, no. At that time that was not the case. At that time, if you wanted to describe
19 the area to anyone you would use the description "Monts Bleus" or Blue Mountains.
20 So to situate someone, to say no, we are going to the Blue Mountains. So people
21 from Bunia went to the Blue Mountains to transport soil and gravel for construction,
22 for building. That is where "Blue Mountains" comes from. But to have a clear idea
23 about a locality known as Zumbe in that area, the Blue Mountains area, that came
24 afterwards, your Honour. Afterwards.

25 Q. Mr Katanga, I will ask you one question about geography. You have talked

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 about the Blue Mountains. This is a chain of mountains at the foot of the road to
2 Kasenyi that extends north, right up to Kpandroma. Do we agree that it extends
3 over dozens of kilometres? And when you are talking about the Blue Mountains
4 you could be referring to any locality over that area of tens of kilometres?

5 A. No, Mr Prosecutor, let us not go too far. If you go to Bunia today, I hope that
6 you were in Bunia, if you go there and you ask someone to take you to the Blue
7 Mountains, he will take only that road directly and take you there. He will take you
8 to the Blue Mountains. He cannot take you to Kpandroma, no. He will not take
9 you to Loga, no. He will take you directly to that place where people go to carry
10 stones and gravel. It does not mean that Monts Bleus or the Blue Mountains extends
11 to Kpandroma and so on and so forth. No. It is very specific. In the Ituri region,
12 when you get to Aveba, it is direct, they will show you that place. They will tell you
13 "That is Monts Bleus."

14 Q. Very well, let us come back to what we were talking about. Mr Bahati de
15 Zumbe was a combatant who fought in Nyankunde and he was with you, so from
16 one soldier to another, given that you came with Faustin's men from Zumbe as you
17 mentioned previously, during that trip you must have discussed with him "What is
18 happening in Zumbe, in the Blue Mountains? How did you manage to survive?
19 How are you doing? What is happening?" That is from one soldier to another.
20 You must have discussed military affairs with him, all those things?

21 A. I could have done so, but I did not have that idea to discuss with him to ask him
22 what was happening in Zumbe. I did not know what was happening in Zumbe.
23 All we knew was that Commander Faustin had left Zumbe and had got to Songolo.
24 We agree on that, Mr Prosecutor, but as to the minor details, for example this is Bahati
25 Zumbe coming from Zumbe, that there had been an attack on Zumbe on a particular

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 day, people were suffering in Zumbe, no, I did not discuss that. I didn't even have
2 the intention to ask about those things, no.

3 Q. Mr Katanga, let us go back to your visit to Beni. We have an idea of why you
4 were going to Beni. You had a document and we are bearing that in mind. There
5 was a civilian delegation, so you were grouped together in this community of military
6 and civilian representatives of Walendu-Bindi and Bedu-Ezekere. That group
7 travelled to Beni and you did not discuss anything with Bahati about your enemies,
8 where they were positioned and so on and so forth? You did not discuss anything
9 about that? Let us forget about Chief Manu. You were talking with another
10 combatant here?

11 A. Mr Prosecutor, even though Bahati de Zumbe was a combatant, he was also an
12 intellectual. A good intellectual. He was educated and had abilities. At that time,
13 he was mature and very solid. He was an adult man. And in our country if it is
14 said that when you have become an adult, it means you are able to take initiatives.
15 Everything, everything, everything. I agree on that. And so to discuss the suffering
16 in Zumbe with Bahati de Zumbe, I didn't do that, and it was for a simple reason,
17 Mr President. I did not know whether we were going to Beni on our own initiative.
18 We had been invited.

19 And when the Prosecutor says that we had the document, I was not the one who had
20 the document. It was the group of civilians that had the document. I did not know
21 the substance of the document. I didn't know it. I went to Beni just because I was a
22 combatant, I had been invited to go there, but regarding the details of the letter and
23 documents that were going to be submitted concerning our grievances to the
24 government and so on, this is not what was in my mind.

25 All I knew was those of us, the combatants, of the Walendu-Bindi collectivity had

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 been invited; and if combatants had been invited, we needed to have intellectuals
2 amongst us to assist us. So we needed someone, for example, who spoke French
3 well, who was able to think, who was knowledgeable. That is all, Mr president.

4 Q. Mr Katanga, Bahati de Zumbe, Bahati de Zumbe was in Walendu-Bindi. He
5 was in Zumbe. Blaise Koka, did you have any discussion -- didn't you have any
6 discussion with him from one soldier to another discussing about Bogoro, the forces
7 that might be present there and their positions? To your knowledge, Blaise Koka or
8 didn't anyone say, for example, "We should ask Bahati de Zumbe. He comes from
9 there"? It didn't cross anyone's mind?

10 A. Mr Prosecutor, I am surprised because so far you do not want us to talk about
11 Blaise Koka as the person who initiated that operation. You do not want us to talk
12 about the fact that the APC led that operation. I don't know. When you think
13 about Bahati John Talika who was a member of that delegation to Beni, I can tell you,
14 your Honour, that the people who went to Beni came together as a group.
15 There were people responsible for health. For example, Bahati John Talika was one
16 of those responsible for health issues. There were the administrators who were there
17 in their camp. You had teachers in their group. So people were selected. Even
18 pastors were present. People were chosen to travel to Beni. That's how people
19 were chosen to go to Beni.

20 Let us set aside the status of Bahati de Zumbe, which was that of a combatant. When
21 anyone saw Bahati, everybody had in their mind that he was a nurse.

22 Q. Mr Katanga, you are not answering my question.

23 A. I'm coming to that, Mr Prosecutor. So before you say that Blaise Koka could
24 not ask Bahati de Zumbe, for example, "What was happening in Bogoro?", maybe
25 when he saw his status, Blaise Koka didn't think about asking him. But my answer

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 to you will simply be that I do not know why Blaise Koka did not ask him that
2 question.

3 Q. You returned from Beni on board the same plane with Chief Manu; isn't that
4 correct?

5 A. Yes, on board the same plane.

6 Q. You had two bags with AK-47s and munitions, about 50 AK-47s; right?

7 A. More. Maybe about 100. Maybe 50. Well, in the bag you could have had 50
8 weapons, but we had a total of about 100 weapons.

9 Q. And you had ammunition for these weapons in the same two bags?

10 A. No, no. The ammunition was in boxes. A box is different from a bag.

11 Q. So there were boxes in the plane, then these boxes were opened and the
12 ammunition put in the bags for easier transportation; right?

13 A. No, not in bags, but in small sachets, because when you talk about a bag it
14 sounds to me like something that is large. So you could have 100 bullets in a little
15 sachet, like what I'm showing, so you had about 15 sachets in a box of 1,500 rounds of
16 ammunition.

17 Q. And you are talking about 1,500 bullets per box; is that correct?

18 A. Yes, yes, this was a box made from cypress wood and produced in Kananga.

19 Q. And when you alighted from the plane, those weapons and ammunition were
20 taken to your house; right?

21 A. No, they were not brought to my house, because I could not put them in my
22 house. They were taken to the depot.

23 Q. And that depot or armoury is right next to your house, because I'm referring to
24 your compound including the yard.

25 A. No, that is not correct, Mr Prosecutor. Do not think of it as the type of houses

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 that you have in Europe. You saw that small house on the photograph. There are
2 four rooms in that house, your Honour, and all those rooms were occupied because
3 when I returned some of my in-laws were still there. I had some of my in-laws there,
4 so I could not have had space for the weapons. So the ammunition was taken to
5 the BCA depot, there was a well-protected place there, so even if initially it had be
6 taken towards my place I can say that the ammunition would be taken to that depot
7 at a time when nobody was watching. We thought of it as a secret. We could not
8 show everyone that that is where the depot was. No.

9 Q. Mr Katanga, isn't it true that Chief Manu asked you for weapons, for
10 ammunition, because they had been attacked? They were being attacked in
11 Bedu-Ezekere. They were under pressure, as indicated in the letter that you took to
12 Beni. They were being frequently attacked and the area was surrounded. Isn't it
13 true that Chief Manu asked you for weapons and ammunition, he asked you for
14 assistance?

15 A. Mr Prosecutor, even if he asked, he wasn't He did not have any share of
16 the ammunition that had been brought to Aveba. I couldn't imagine ... If I took out
17 a box, then I would have to assume responsibility. I would have to say "Let me take
18 out a box that belongs to my soldiers." That was impossible. No, no. He was not
19 amongst those people to whom that ammunition had to be distributed. He did not
20 have his share of that ammunition.

21 Q. Mr Katanga, you are not answering my question. Isn't it true that Chief Manu
22 asked you for weapons and ammunition?

23 A. I do not know what you mean by "request for weapons." What I'm saying is that
24 it is possible that he asked for ammunition and that I know also that he did not have a
25 share of the weapons and the ammunition that were brought. How could weapons

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 and ammunition be given to a chief of groupement? Imagine.

2 Q: So they were for soldiers?

3 A: What soldiers?

4 Q: Indeed ... or combatants? You could not give those weapons to Chief Manu
5 because he was not a combatant?

6 A: Yes.

7 Q: That's your answer?

8 A: Yes.

9 Q: Isn't it true, Mr Katanga - and we have documentary evidence of this, we have
10 witnesses who have come to testify to that - there were people who were very close to
11 you? There was a delegation from Bedu-Ezekere that travelled to Aveba with a
12 specific purpose, namely the procurement of ammunition and weapons. They
13 wanted to share in what had been brought from Beni.

14 A: It is one of your witnesses who said that, and his father said that he was not
15 there, and that he was not one of the members of that delegation. I, Germain
16 Katanga, I did not see that delegation. Perhaps when you say that I saw Chief Manu,
17 OK, maybe ... If you can replace or substitute that delegation with Chief Manu, then I
18 might agree, your Honour, but the delegation that you say arrived, that there is
19 documentary evidence, I have no idea. I do not know. If you talk about Chief
20 Manu, I would agree with you, because I saw Chief Manu. He told you that he spent
21 the night in my house. He was there. We had our meals together, we would have ...
22 We were in Aveba with Chief Manu.

23 Q: But did you discuss with Chief Manu or not because, Mr Katanga, you are
24 changing your story? In light of the questions that I am asking you, you change, you
25 amend the answers, you add information. You are not answering my questions. I

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 try to refocus you and then you change your answers. Why are you doing that,
2 Mr Katanga?

3 MR HOOPER: I think my friend needs to study what the witness has said. That's
4 an unfair suggestion. In fact, he's been particularly consistent in his replies in
5 respect to Chief Manu this morning. He has been very clear. There's been several
6 occasions when my friend has put to him he hasn't answered the question when he
7 clearly has and after an hour-and-a-half sitting in the witness box, particularly
8 accused, doesn't really deserve that kind of suggestion.

9 MR MACDONALD: (Interpretation) I withdraw my question.

10 PRESIDING JUDGE COTTE: (Interpretation) Very well. We have the impression
11 that Mr Katanga is continuing to give the same replies. He is sticking to his account.
12 Now this may not be what you wish, Mr Prosecutor, but he is sticking to a particular
13 line of answers. Let us now continue.

14 MR MACDONALD: (Interpretation)

15 Q. Were you surprised when Chief Manu asked you for ammunition? You must
16 have been surprised when he asked you for ammunition?

17 A. Surprised about what, Mr Prosecutor? I wasn't surprised. I didn't feel upset
18 or anguish; merely I knew that he didn't have his share. That was one thing.

19 Secondly, he could ask. He could ask. It is quite normal for someone in a tough
20 spot to ask for things, or complain, but to say that I was surprised? No.

21 Q. What do you mean by a person who is in a tough spot, who makes complaints
22 or -- you just said that, transcript page 35, line 22. I'll read it back to you: "Secondly,
23 he could ask. He could ask. It's quite normal for someone who is in a tough spot to
24 complain or make requests, but to say that I was surprised? No." So the specific
25 question is: Chief Manu was in a tough spot, but what do you mean? Which tough

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 spot?

2 A. Let's not play the games that lawyers play. Now, I can tell you that you have
3 already said ever since Chief Manu's departure for Beni, you are saying that he was in
4 a tough spot. He was surrounded. All paths were blocked. So that's what you
5 mean. It is the same line of argument, the same logic. You say he was surrounded
6 and so, fine, I follow your line of argument, okay, you say -- you said that when we
7 landed Chief Manu complained or made requests or asked for ammunition. I'm just
8 answering your question. So for someone to make a request, that means that he's
9 dealing with the problem. You can't ask for something when you don't have a
10 problem. For example, if I were to ask for water, that means I need some water. It's
11 quite normal.

12 Q. And so you knew that Chief Manu was surrounded in Bedu-Ezekere, the UPC
13 in Bogoro, the UPC in Bunia, PUSIC in Mandro, or at that time it was still the UPC,
14 Kasenyi, Tchomia, you knew all of that, Mr Katanga, didn't you?

15 A. You're the one who is telling me about all of this. After the fall of Lompondo,
16 the UPC evolved, changed, deployed their troops. I didn't know whether Mandro
17 existed behind Zumbe, no. I didn't know whether Bogoro -- where it was in relation
18 to Zumbe, no.

19 Q. Well, let's move on to 24 February 2003, Mr Katanga. Isn't it correct that you
20 have no idea of the date of the attack? According to your testimony, according to your
21 version, you have no idea the date on which the attack occurred?

22 A. Prosecutor, the problem of dates, 24 February, I've been clear. I didn't know
23 whether it was the 24th. I didn't know. I didn't know. I don't know whether
24 I had a calendar at home, or not, but I do know that Monday, Tuesday, Wednesday,
25 Thursday, et cetera, Sunday you go to mass and then you start another week, Monday,

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Tuesday, Wednesday, Thursday, Friday. Sunday you go to church to mass. That's
2 the way things work.

3 Q. Tell us, this attack was supposed to be an early attack. How did you know that
4 that earlier attack was 10 February? I'm not talking about the 24th; I'm talking
5 about the 10th. You gave that date. How did you manage to do that if you're
6 telling us that you didn't have a calendar and that dates weren't important to you?

7 A. Well, you see, the death of some men who were in my village, that doesn't do
8 away with that situation, Prosecutor. For example, another example, the day Cobra
9 killed people in Aveba, I can't forget that date. So dates -- you see, some events you
10 can't forget. When you wake up in the morning, you're asked a question and it'll
11 take you a while to situate yourself, but then you will remember. You will
12 remember, Prosecutor.

13 Q. Well, if you didn't have a calendar and there wasn't any date, how did you
14 manage to know that on 24 February you weren't in a position to go and fight? How
15 did you manage to know that?

16 A. Prosecutor, old Kasaki, when we came back from Bogoro to Aveba, we didn't go
17 back from Bogoro the same day after that defeat, all the way to Aveba, no. At least I
18 was the first to go back home to Aveba. The next day, the 11th, and Blaise Koka in
19 turn, he didn't arrive with me directly. It took him one or two days to get to Aveba
20 after. He didn't come with me directly. So this is to tell you that when Blaise Koka
21 arrived, he called the headquarters, the army headquarters. He made a report.
22 After giving his report, he was asked immediately to go back and to carry out that
23 attack. I'm getting to my point. I'm getting to my point, Prosecutor. So when it
24 happened, during that period of time, the delegation, so he was the one who
25 conveyed the ammunition to Aveba. Doctor Adirodu arrived on the 15th. You see

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 how I can't forget that.

2 Q. Just one question: It may seem to be completely trivial, but the two weeks
3 starting -- starting as of what day? When did you start to count the days, that period
4 of 14 days or 15 days, when did you start counting? When did you start counting
5 that particular period, that period of time when you couldn't fight?

6 A. On the basis of the answer, Captain Blaise did his report and when he was
7 told --

8 Q. You are not answering my question. You are just twisting your story around.
9 I am asking you a very simple question. Isn't it true that you don't know because it
10 is not true? This is an utter fabrication --

11 PRESIDING JUDGE COTTE: (Interpretation) I think we should allow the witness
12 to answer. Sometimes he starts off from a distance and then gets to his answer but,
13 Mr Katanga, you have heard the question. Now please answer. Please answer.
14 Use the words that are useful to you, but answer as best you can.

15 THE WITNESS: (Interpretation) I want to answer, your Honour.

16 PRESIDING JUDGE COTTE: (Interpretation) Very well, go ahead.

17 THE WITNESS: (Interpretation) Well, to have a date, to know Blaise Koka was to
18 send a report and then go back and obliging him to attack, we learned that on the 15th.
19 We learned about that on the 15th when the supplies arrived, so on the basis of that,
20 at that time, Blaise Koka came and told us, "Here -- here, this is what has happened.
21 I made my report to Beni and here, we are being sent reinforcements to go and attack
22 Bogoro again." I hope he received the messages before, but to inform us - us - to
23 inform Kasaki, that was after, after the reinforcements, the additional ammunition
24 and weapons had arrived, so as of that point we had to go see Kasaki, consult him,
25 see about the availability and to have the ceremonies for the combatants, so I do have

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 an answer to that question. So, you see, I am answering.

2 PRESIDING JUDGE COTTE: (Interpretation) So to sum-up, this 15-day period
3 which was important in Kasaki's mind and in your mind, that started on what date?

4 THE WITNESS: (Interpretation) As of the 15th, the day the fresh ammunition
5 arrived.

6 THE INTERPRETER: Overlapping speakers. The English interpreter regrets.

7 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, please go on. We have
8 just had an answer from the witness.

9 MR HOOPER: Yes, but it is not on the transcript because there was an overlapping
10 microphone, so we didn't get that -- the answer. We just have 15 days after, not the
11 complete sentence. I don't know what it is on the French, I am just reading the
12 English. The interpreter said that he couldn't pick it up because of the overlapping
13 microphones.

14 PRESIDING JUDGE COTTE: (Interpretation) My apologies to the interpreters.

15 Now, Mr Hooper, what I see here on the transcript, page 39, line 15, my question:

16 "So to sum-up, this 15-day period of time which was important in the mind of Kasaki
17 and you began on what exact date?" Answer: "As of the 15th, the day of the
18 ammunition." Question: "As of 15 February?" Answer: "As of 15 February."

19 Is that all right? Professor?

20 MR FOFÉ: (Interpretation) Just to be very clear, your Honour, you said
21 15 February, 15 February 2003 I think everyone agrees to that point, the day -- the day
22 of the ammunition. I think that needs to be made clearer. If I've understood the
23 witness correctly, he said the day on which fresh ammunition arrived, the fresh
24 supplies, fresh supplies of ammunition, the 15th of February, 2003.

25 PRESIDING JUDGE COTTE: (Interpretation) Yes, we agree. This is a provisional

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 transcript, and it will be reviewed, and then a final version shall be sent out. When
2 this is done, the editors will have to be very careful about that particular point,
3 because I think we do need to ensure we have a very clear answer, a clear record of
4 the answer, given by Mr Katanga. There was the initial question from the Prosecutor
5 and then I rephrased the question to cut the tension in the Courtroom.

6 Now, Mr Prosecutor, if you could please go ahead.

7 MR MACDONALD: (Interpretation)

8 Q. So these instructions from Kasaki, Mr Katanga, it wasn't three days, it wasn't
9 seven days, it wasn't ten days, but rather it was two weeks; two weeks during which
10 you couldn't travel about or do anything in Bogoro, is that what you're saying? Is
11 that your testimony?

12 A. Prosecutor, what Kasaki said he said. He couldn't -- he couldn't set aside what
13 he said for a simple reason: When we were fighting before, if it hadn't been for the
14 intervention of those people we would not have survived. So that's why we had
15 respect for those wise old men, the elders, so we had respect for them because of that.
16 When he gave you a gris-gris and said "that is going to protect you," we believed that;
17 because when a shell falls a metre away from you and it does not explode or you fall
18 into a trap, or a machine gun goes off and yet you are spared, you are not injured and
19 you don't die, why? Why wouldn't we believe? We believed because -- because it
20 happened.

21 Q. Well, did that include all the Ngiti combatants, Mr Katanga? Out of respect to
22 those who died... So that protection covered everyone? Was everyone spared?
23 This order, was it for all the Ngiti combatants?

24 A. Prosecutor, no. No, Mr Prosecutor. It is true that some Ngiti people died, but
25 the people most affected... It's normal for someone to die in a family. The person

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 most affected is the father or the mother or the wife. If a wife lost her husband, she
2 is the one who is the most affected; or a father, if he loses his child, the father and the
3 mother are affected, but the uncle -- so, you see, that's the way it goes. These ten
4 combatants were in our house, in our locality, and that is why we were the most
5 concerned, or affected.

6 Q. Not only was there this two week period, but what's more - to focus in - to drill
7 down even more, it was the Ngiti combatants in Aveba who were -- who received
8 those orders not to travel about, not to take part in the Bogoro attack to be conducted
9 on 24 February 2003; is that your testimony? Is that what we are to gather, that there
10 was this two week period of time and that there was a specific geographical location
11 that was a no-go zone? So Kasaki, in his -- with his clear sightedness, is that what he
12 told you?

13 A. Well, there were other conditions too that the other ones were not in a position
14 to respect. There were a lot of thing. These are our secrets. If you were to be so
15 kind as to visit our village and conduct your investigation of these things, the fetishes,
16 the gris-gris, the good luck charms, you would learn the details, because we just get
17 the final product; but before the ceremony is conducted, you see, they have to go into
18 the forest and look for the roots, the bark, the special herbs, bring it all back and then
19 season --- if I can use that word, "season" --- the final product, so you see they needed
20 time.

21 For example, Prosecutor, there was a group of combatants who were not allowed to
22 eat pork for a period of time. I was one of them. If you gave me some pork, I
23 would not eat it, but I'm not a Muslim. Other groups were told "No eating spinach."
24 Even if you were given spinach, you were not to eat it. You see, there were very
25 specific conditions for various categories of people.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Mr Katanga, okay, so there were various categories of people and various
2 conditions, but we're talking about 24 February 2003. Tell us, who were these people
3 who were concerned who couldn't go to Bogoro, the people from Aveba? Who were
4 these people who were concerned or involved, subject to Kasaki's words?

5 A. The local combatants. They were the local combatants, the local combatants.
6 People who had military experience who obeyed the commands of their military
7 commanders could not obey what Kasaki said.

8 Q. you told us that you were responsible for 500 men, so those 500 combatants
9 from Aveba who couldn't fight; is that your testimony? Remember you said that
10 you were responsible for 500 men?

11 A. I mustn't deny what I said. If I said it, I said it. I mustn't deny, but very
12 simply, Prosecutor, in our part of the world we are different from Europeans. Our
13 culture is totally different. When you think on once -- you may see things one way,
14 I see things a different way, so that river between our two groups will remain without
15 any bridge.

16 PRESIDING JUDGE COTTE: (Interpretation) I'd like to ask you to specify
17 something for us: Page 43 of the French real-time transcript, line 4, 5, 6 and 7. You
18 just said, and I just want to ask you to confirm this, you said "They were local
19 combatants, local combatants, the ones who had military experience, so they had to
20 obey Kasaki. Those who obeyed the commands of their military commanders could
21 not obey what Kasaki said." So the wording is not very specific.

22 My question is: Are you making a distinction between people who you called "local
23 combatants" who had to obey Kasaki, the instructions of Kasaki, and then on the
24 other side you were talking about people who obey the instructions of their military
25 leaders and don't have to obey Kasaki? So are you talking about two categories,

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 namely local combatants versus others? Please specify.

2 THE WITNESS: (Interpretation) I just wanted to specify the APC. So since
3 Garimbaya was part of the APC, since Mbale didn't -- wasn't part of the local
4 combatants, they couldn't obey Kasaki.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
6 Mr Prosecutor.

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

8 Q. But Garimbaya is from the Ngiti ethnic group; isn't that so?

9 A. He is Ngiti and he is a trained soldier, trained by those people who were
10 identified as APC.

11 Q. But wasn't he involved or concerned as an Ngiti by the words preached by
12 Kakado, I beg your pardon, by Kasaki, the instructions for you combatants in Aveba?
13 Garimbaya, he wasn't affected or involved?

14 A. This is what I'm telling you, Prosecutor. Garimbaya -- Garimbaya may have
15 had some gris-gris, some charms. He might have. The problem is you see the
16 belief, the respect. There was a hierarchy. It was a vertical hierarchy; it wasn't a
17 horizontal structure. It was a vertical hierarchy. If their commander of operations
18 said "Do this" they would.

19 They were Ngiti, I'm not denying that, but his status, the fact that he had been trained,
20 that he was under the command, that meant he had a special status, a distinct status.

21 MR MACDONALD: (Interpretation) Your Honour, I would suggest that we now
22 take our break, even though we have four minutes approximately, because I'm still on
23 this particular topic but I would like to quote a passage from a transcript and that
24 may take some time and we may go over.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well. We will now suspend.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Court usher, if you could escort Mr Katanga to his seat. So, Mr Katanga, you will

2 have 30 minutes to rest and we shall resume at 11.30 sharp.

3 The hearing is now suspended and we shall resume in 30 minutes at 11.30.

4 THE COURT USHER: All rise.

5 (Recess taken at 10.56 a.m.)

6 (Upon resuming in open session at 11.35 a.m.)

7 THE COURT USHER: All rise.

8 PRESIDING JUDGE COTTE: (Interpretation) You may now be seated. Mr Prosecutor.

9 Mr Hooper?

10 MR HOOPER: Yes, before we reach that point -- do excuse me, I just need to adjust

11 my -- just a note of concern. Right at the end, almost at the very end of this morning's

12 questioning, my friend put to the witness that he, that is Mr Katanga, had said, and this is

13 how it reads in the English transcript: "You told us that you had 500 men under your

14 command, so those 500 combatants from Aveba who couldn't fight; is that your testimony?

15 Remember, you said that you had 500 men under your command." And he says: "I

16 mustn't deny what I said. If I said it, I said it. I mustn't deny, but very simply ...", and

17 he goes on, "... in our part of the world ..."

18 Now, at no time am I aware of Mr Katanga giving evidence to the effect that he had

19 command of 500 people, and it happened several times this morning that things were

20 said - significant things - without transcript reference. So my first request is that in

21 future, if there is going to be a reference to words allegedly said by Mr Katanga, that we

22 have a clear reference - transcript reference - and time to see and catch up with that

23 reference, in my case in the English transcription.

24 Secondly, to address this particular matter. Now, in the English transcription - and we

25 appreciate that this is the first draft, as it were - the word is translated as "command," but I

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 understand in the French -- can I have the page reference? In the French, and I'll just get
2 the transcript reference, it will be page 43, line 9 through 12, which corresponds to the
3 English page 42, lines 18, 19, et cetera, the word that Mr Macdonald used was
4 "responsabilité".

5 Now, certainly at no time - and we are talking here of the eve of the Bogoro attack - has
6 Mr Katanga claimed that he had "responsabilité" or "control," as I understand it, of 500
7 men. So that was a misleading thing to have said on what is a significant issue, and I
8 would invite my friend, as I am sure he would agree, on reflection that it would be better
9 to use specific words when talking about matters like this.

10 But I can refer the Chamber, if I may, to transcript 315 in the English at page 65, at line 8
11 onwards, when in answer to my questions as to the position in September, October,
12 November of 2002, a very specific - deliberately specific - period chosen, he said: "There
13 was a large number of combatants in Aveba. I would say approximately at least 500
14 troops were there. 500 combatants were there." And he was asked whether these were
15 local men from Aveba, or not, and his answer was: "I would say no, because a lot of
16 people fled their villages." And he went on to say, "There were three commanders," and
17 the Chamber will recall he named those three commanders, including Mbalu, Nono,
18 Abala, and he was talking then of a time when people were largely using bows and
19 arrows, spears and machetes as weapons, with some AK-47s. So that was in
20 September/October.

21 And then the only other time when I have seen in a transcript reference to this particular
22 area being discussed was in transcript 317 -- in transcript 317, at page 31. He had been
23 talking about Mbadu, and the President asked questions as to Mbadu's authority, that's at
24 page 31, line 22, in the English, to which he said: "Mbadu had full command over his
25 combatants." And your Honour asked: "Full. Is that full?" And he said, "Yes, and he

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 was working as co-ordinator." And then he was asked: "What, if any, combatants did
2 you have control over?" And he said: "I had more or less 60 men in Atelengba; men
3 who were faithful and loyal to me." He then spoke of the problems between Mbadu and
4 Kasaki and how there then began a falling off of the authority of Mbadu and the
5 appointment of a Commander Uringa to the BCA.

6 So that's the position, and I went into it in length because in no part of the transcript, in
7 my submission, is the comment that was put to the accused at the end of a two-hour
8 session in fact borne out. So, in a sensitive area like this, I go back to what really
9 underscores my intervention at this stage: (1) a concern that that was done; and,
10 secondly, a request that any other suggested words from the accused be referenced
11 appropriately and in sufficient time for those of us on this side of the courtroom - and,
12 indeed, the Chamber - to have time to turn up the page and the reference.

13 Thank you very much.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr Hooper. On a purely
15 procedural point, if it is an important issue, that is something that we all consider as
16 important, we have to refer to the transcript. You have done so several times,
17 Mr Prosecutor, but probably not systematically. It is a good thing to have in mind the
18 transcript number, the page and the lines, even though this requires a little bit more time.
19 This is a requirement that will help us when the time comes.

20 Now, this leads us to the question of knowing whether Mr Katanga had 500 men under
21 his command or under his responsibility.

22 Mr Katanga, this is the time for you to clarify. Explain all of this to us.

23 THE WITNESS: (Interpretation) Mr President, your Honours, I was talking about the
24 500 combatants in Aveba. I can say that in Aveba, in the BCA camp before my arrival,
25 these were different from Garimbaya, different from where I was in Atelengba. I can say

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 in Atelengba I had combatants who were loyal to me; so when the Prosecutor said I said
2 that, I simply agreed. But what I can say is that the 500 combatants that I mentioned
3 were in Aveba, they were locals in Aveba. They could have been either in the camp or in
4 the town.

5 PRESIDING JUDGE COTTE: (Interpretation) So please, Prosecutor, you can continue
6 and bear in mind that you need to give us the references of the relevant pages of the
7 transcript.

8 MR MACDONALD: (Interpretation) Thank you, Mr President.

9 Q. Mr Katanga, let us come back to the issue that we were discussing before the break.
10 We were talking about Garimbaya, and you stated that Garimbaya was not concerned by
11 those instructions from Kasaki because he was a member of the APC.

12 Nevertheless, Mr Katanga, isn't it true that all the combatants who were in Aveba and
13 who were of Ngiti ethnicity -- let us begin with Aveba, that all of them at that time were
14 concerned by those instructions from Kasaki because -- and you have already mentioned
15 this, I will come back to that and give you the references.

16 The fact of being Ngiti was what was specific to them. What made them culturally
17 different as Ngitis? They had beliefs and, according to those beliefs, Kasaki and Kakado
18 were people who were important to them. Now, these Ngiti combatants who, according
19 to your theory, were under the APC were they not concerned about the fate of their
20 brothers-in-arms who died during the fighting, during the attack of 10 February 2003,
21 when they had gone to assess the forces in Bogoro?

22 A. I have already described to you the difference. There were combatants and there
23 were the locals. Now, the APC soldiers, Garimbaya, Mbale... I am just ... I already
24 explained the difference. We were different. The others were soldiers, the APC military
25 forces, and on the other side we were the local combatants. That is all, Mr Prosecutor.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Very well. Let us go back to transcript number 320, page 68, line 20 onwards,
2 edited version, and to give you the context you referred to that meeting in
3 TcheY - T-C-H-E-Y - of 3 March 2003, and I will read: "What was the APC doing there in
4 TcheY? What were the representatives of the APC doing in TcheY, if they were there?"
5 Page 68 in French.

6 MR HOOPER: I beg your pardon, which page please?

7 PRESIDING JUDGE COTTE: (Interpretation) It is at page 68 of the French transcript,
8 and you can locate it in English if you can find the corresponding pages. It would have
9 been very useful if we had the same pages in English and French but we don't have that
10 facility, so it is transcript number 320, page 68, line 20.

11 MR MACDONALD: (Interpretation)

12 Q. "If Move and Bebe were in TcheY, what were they doing there, Mr Katanga? They
13 were not combatants. They had nothing to do with your movement. What were they
14 doing there?" And your answer: "Mr Prosecutor, you are a native of Quebec, if I'm not
15 mistaken. If there is -- a Quebec ceremony takes place in Canada, even if you are the
16 Prosecutor of the ICC, it concerns you. It is for you. It is your community.
17 Mr President, that is the difference. We, we have this belief. We were born and we
18 believe in certain things. Even today, when I'm here with you, I can be asked to do one
19 thing or the other. There are other things that you can ask of me, and I will not do them
20 for the simple reason that my community did not authorise me to do those things. And
21 considering that Move is Ngiti and the other one was Ngiti, they knew that this old man
22 was important. They had deputies. They could leave their responsibilities to their
23 deputies and go there. They received the same treatment as us. They were able to
24 benefit because they are Ngitis. They were there to protect their culture. It was in that
25 sense, Mr Prosecutor."

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 So my question to you, Mr Katanga, is this: On the one hand you explain why the APC
2 people were there, because it was part of their culture, they were believers; but now,
3 under different circumstances, you are justifying the contrary because they are APC
4 members, they are no longer believers, in spite of the fact that they are Ngitis? That is
5 my question.

6 Why is it that when it is in your interest they are there as Ngitis on the 3rd, but if it is also
7 in your interest they are members of the APC? Explain to us. They are Ngitis, so why
8 did they not comply with the instructions given?

9 A. Quite simply, in Tchei, on 3 March 2003 it was a celebration, it was a ceremony, but
10 to go to Bogoro this was an order for -- or a command, so these were two different things.
11 On the one hand, there was just an occasion to relax and on the other hand there was an
12 order. So they could have gone to that invitation. It is part of the culture.
13 And it was in their interest to go there because they could. When I say "treatment," it is
14 not the way the French would understand it. The treatment I'm referring to would refer
15 to supplies in the area of protection, gris-gris and so on. They would take advantage of
16 this. When I said "treatment," that is what I meant; that is, it was the treatment that all of
17 us received. If we were given something, they also being from the community could also
18 benefit. That is different. Even if I had a Nande as one of my bodyguards, that would
19 not be given to him, Mr President.

20 PRESIDING JUDGE COTTE: (Interpretation) There is a little difficulty answering that
21 question, but I can see it. Please proceed, Mr Prosecutor.

22 MR MACDONALD: (Interpretation)

23 Q. If we follow your logic, Mr Katanga, isn't it true that there was a large UPC force in
24 Bogoro, because you learned about that on 10 February. My question is this: Isn't it
25 true that there was a large UPC force in Bogoro?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. Mr Prosecutor, I didn't hear about it, I felt it. That is through the fire directed at us,
2 I felt it. There is a difference between hearing about something and feeling something.

3 Q. According to your own estimates, how many UPC combatants did you feel were
4 there?

5 A. That would be difficult, Mr Prosecutor. One could not count the number of gun
6 barrels spitting out bullets. It would be difficult. I cannot tell you that we were able to
7 count the number of UPC forces, except that there was sustained fire from them which
8 indicated to us that there were many of them.

9 When there is ongoing fire without any interruption, it means that people are firing in
10 turns in a very orderly manner. It does not mean that people come and fire a few rounds
11 and then they stop, in order to change the gun magazines and so on, no. It was
12 continuous. It was sustained fire, so that indicated to us that it was a large group.

13 Q. What type of weapons did you feel that the UPC was using?

14 A. I will start with the light weapons, beginning with the AK-47s, then there were the
15 LMGs and then the MAGs and then the rockets, rocket launchers and then the mortars,
16 60 millimetre mortars, 82 millimetre mortars, all of that.

17 Q. So this was a large arsenal; isn't that correct?

18 A. Yes, there was a lot of shelling. We could feel it, places were shaking.

19 Q. Isn't it true, Mr Katanga, that on that day of 10 February, based on what you felt,
20 you were aware that this was a fortress; Bogoro was a fortress?

21 A. Can you please explain that word "fortress" to me? Or could you use another word?

22 PRESIDING JUDGE COTTE: (Interpretation) Please reframe your question,

23 Mr Prosecutor, so that the witness should better understand what you mean in terms of
24 strength.

25 MR MACDONALD: (Interpretation)

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. In terms of men, in terms of the arsenal, you would agree with me that Bogoro was a
2 fortress, a stronghold, a place that would be difficult to attack?

3 A. I don't know. Within that framework, well, if you put it that way, you are not a
4 soldier. You always attack places that are difficult, because your objective is to drive
5 them out. So, Prosecutor, if our support weaponry had worked, it was because we were
6 unable to drive them out because, they were in the communication hole. You see -- well,
7 we had the possibility to drive them out. We could have fired shells that would have
8 fallen close to their communication hole. They could have retreated. But since that
9 didn't work it was impossible, but I would say to you that a soldier can't be afraid just
10 because the defence is strong. If that were the case, there would no longer be any wars.
11 There would be no longer any wars.

12 Q. Isn't it true, Mr Katanga, that in Bogoro there was a main camp, as was mentioned
13 here, that was located at the former Institute of Bogoro, the school?

14 A. Yes, Prosecutor. When you mention "the main camp," yes, that's right., but then it
15 remains the secondary camp. You can't focus just on the main camp. Okay, yeah, I saw
16 that the camp -- when I went by, when I sensed the gunfire, I didn't know that it was first
17 at the school. When I went by I saw the school building there to the left and I saw the
18 fox-holes and the little houses - houses - so I saw those tiny little houses, the military
19 buildings, and I agree with you, yes, that really was the headquarters. I don't mean the
20 general headquarters of the whole force, that was in Bunia, but the headquarters of that
21 particular camp there.

22 Q. Isn't it true now, because you're a soldier, a combatant at the time, a combatant who
23 later became a soldier, but going by your experience as a combatant and given your
24 training, a headquarters is protected by way of positions? Positions are taken to protect
25 the headquarters; isn't that so?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. The headquarters - the main headquarters - of the UPC was in Bunia.

2 Q. The UPC headquarters in Bogoro, I am trying to use your terminology. The camp.
3 The camp. The camp was protected. There were positions taken. It's entirely normal;
4 isn't that so? One protects the camp by having positions; by taking positions around the
5 camp?

6 A. I don't know whether there were positions, because we came from the Gety
7 direction, so by Lakpa. From there, we came and we got to the cemetery. To the right
8 there was the church. We saw a shallow little pond and some palm trees -- opposite we
9 saw some little houses - the little houses of the soldiers - in a circle and that's what we
10 focused on. So to say that there were other positions, well, I don't know, but I can
11 confirm that when we got there, when we got to the cemetery, we deployed moving
12 forward towards the camp, but to say that there was another position, I couldn't confirm
13 that.

14 Q. On 10 February, you all came from that road, the Lakpa road. Is that what we are
15 to understand from your testimony? The 100 people, the combatants and the soldiers
16 who arrived in Bogoro, they all came from Lakpa?

17 A. Well, what road could we take, Mr. Prosecutor? There was no other road to take.
18 It's still there. That road is still there, but to deploy we had to deploy from the cemetery.
19 So some continued along the road to go around and got to the roundabout, the road from
20 Kasenyi is to be found there, and the others went in the other way. They went down into
21 the little ravines and there was a bit of swampy area and then they climbed and crawled
22 up so that they could reach the camp. There's no other way to go around and get there.
23 There's no other way.

24 Q. Mr Katanga, isn't it true that to drive out the UPC from Bogoro it required a large
25 force, a very large number of soldiers, in light of the number of UPC fighters who were

Trial Hearing
Witness: DRC-D02-P-0300

(Open Session)

ICC-01/04-01/07

1 present and their arsenal? Do you agree with me with regard to that statement,
2 Mr Katanga?

3 A. No, no, it's not the numbers of -- the number of combatants that counts. On
4 a defensive, when you're on a defensive, well, there might be an entire battalion, or it
5 might be a single company, manoeuvring. It might just be a company, but the fact that
6 they regularly replaced one another and that they had a large inventory of ammunition
7 allowed them to put up a fierce resistance. Secondly, to launch an attack, if you are
8 numerous they will exterminate you, because when you come in a group one rocket can
9 take out four people at once. So, you see, it's very difficult to come many in number in
10 that way. It's not like a rugby match. When you are machine-gunned like that, in a
11 group, a bullet might go through five people. A single bullet, your Honour. It could go
12 in, go out. In our region, people don't have bullet-proof vests -- you go off to battle just
13 like that.

14 Q. According to what you just told us, it would be more logical in your view to attack
15 Bogoro on 24 February with a limited number of men. Is that what we are to gather from
16 your testimony?

17 A. No, I didn't say that. All I said was that, when you said that many of us had to go,
18 I'm telling you it's not important whether you come in large numbers or in small numbers.
19 That's not important. It's the objective of the operation that counts, the plan of the
20 operation. It's how you get fresh supplies, how you conduct the operation. You have to
21 have a strategy. If you don't have a strategy, you're not going to -- you're not going to
22 come in many numbers? No, it doesn't make sense. Few numbers doesn't necessarily
23 make sense. It depends on the objective of the operation.

24 Q. Mr Katanga, indeed I think what is becoming important here is the strategy, the plan,
25 not necessarily the number of men; isn't that so?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 A. The plan and the strategy are very important.

2 MR MACDONALD: (Interpretation) Very well. I would like to ask if we could have
3 displayed -- I believe there is one screen that the witness can draw on, if necessary. I'd
4 like to call up exhibit EVD-OTP-00051, which is at one of the last tabs in the binder. I'll
5 give you the number.

6 PRESIDING JUDGE COTTE: (Interpretation) 46, I believe.

7 MR MACDONALD: (Interpretation) Exactly. If that could be placed on everyone's
8 screen.

9 PRESIDING JUDGE COTTE: (Interpretation) Court officer, could you have that
10 document put up on the screen, EVD-00051.

11 I believe we are familiar with this document, because many witnesses have filled it out.

12 THE COURT OFFICER: (Interpretation) This document can be seen on "PC1."

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

14 MR MACDONALD: (Interpretation)

15 Q. Mr Katanga, you're familiar with this sketch of Bogoro, aren't you?

16 A. Well, if you want to call it a sketch, fine. What I see is a situation. I wouldn't
17 really call it a sketch. I don't know whether it's exactly -- whether Bogoro is exactly like
18 that.

19 Q. Very well. This sketch, this is actually taken from a satellite image. Now, you can
20 see the road from Gety?

21 A. Yes.

22 Q. That is to the south on this sketch. To the north, you have the road heading to
23 Bunia, going from Bunia towards Bogoro. Then you see a yellow circle, this is the camp,
24 and the little rectangle inside is the Bogoro Institute, the former institute. What's more,
25 towards the right you can see a road that goes down towards Kasenyi, a road from

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Kasenyi to the junction of the road that goes from Bunia to Gety. This is the place that
2 we call "the roundabout." Then we have the green area to the left, and that is Waka
3 mountain as it's called, and finally coming from Gety to the north we have a road that
4 goes to the right to an area, a neighbourhood called Diguna.

5 Do you agree with me, Mr Katanga, that at that place, when you are at the very end of
6 that arrow that's marked "1,400 metres," that it's not really a ravine, it's more of a cliff that
7 goes down, and then there is a plateau, the Kasenyi plateau? Do you agree with me?

8 A. Well, you were there. I've never been to Diguna, never.

9 Q. Mr Katanga, if you had to defend Bogoro, you know, given your military
10 experience --

11 MR HOOPER: Could I just -- I'm sorry, but perhaps Mr Macdonald is talking from
12 experience. I've been there. I don't remember a ravine. Of course memory may not
13 always serve us, but I don't remember a ravine. There's a hill, as I remember, that
14 descends. Well, you are on the escarpment of the Rift Valley, so it's obviously steep, but
15 I don't remember there being a ravine, which is of course a --

16 MR MACDONALD: We agree, Mr Hooper, with what you just said.

17 MR HOOPER: Which is a formidable obstacle. I mean, it's something you could walk
18 up. In fact, I saw ladies with things on their heads going up, so it's not that kind of
19 obstacle.

20 PRESIDING JUDGE COTTE: (Interpretation) Very well. Prosecutor, please choose
21 your words carefully when you are describing the topography of this place, so that
22 everything than be perfectly objective. Don't put the witness in a difficult spot. Don't
23 surprise him. We want the witness to answer very specific questions and give very
24 specific answers. Let us all recall that each and every word has its own importance.
25 Please continue.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 MR MACDONALD: (Interpretation)

2 Q. Mr Katanga, is it not true that to take Bogoro, in light of the forces present and the
3 weapons there, the more logical -- the most logical way of doing so would -- is to encircle
4 it, to surround and attack it, and block all the roads out; roads to Bunia, to Kasenyi, Gety,
5 or by way of Mount Waka? I would even use the expression the four cardinal -- the four
6 points of the compass, because the objective is to drive out the UPC, and the centre is in
7 the -- the camp is in the centre - and you did say that it was well-protected because there
8 were the trenches, the foxholes around it - from a military point of view, the best approach
9 would be to attack by surrounding it?

10 A. You are contradicting yourself because when you say "surround it" and then you
11 say "drive out," well, when you -- if you surround the area, how can you drive them out?
12 You don't want them -- if you surround them, they can't get out, if I've understood the
13 French correctly.

14 Q. Mr Katanga, you explained to us how in Oicha, Ofray (phon), in December 2002 you
15 attacked the flanks, you spoke of the wings or the sides, but let me say -- let me put it this
16 way: The flanks, to use a specific military term, isn't that what you did? And now
17 you're telling us the best way of attack in Bogoro is for everyone to come from Gety and to
18 head towards the camp, is that what you're telling us?

19 A. Perhaps I misunderstood your first question, because the second question that you
20 asked is not the same as the one you asked before. Before you said blocking and driving
21 out, and now you're talking about the way of attacking. Let me just say that to leave
22 Gety and arrive in Lakpa, Prosecutor, it's better to analyse this right. You had to go up
23 on Waka hill. And I've seen this with the videos that were shown.
24 It's difficult for someone to find a path behind Mount Waka because your witnesses said
25 that there was a position there. If there was a position on Mount Waka, just by seeing the

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 troops coming from that area, from that pasture, the area where the animals grazed, from
2 that direction, the lookouts the LOPs could see the troops directly.

3 So I don't know what you're driving at, what you're talking about when you say
4 "surround," "attack." You see, it's about strategy. This is about strategy, Prosecutor. I
5 don't know why on that day, the 24th, there was that -- how the operation began. I
6 don't know.

7 Q. Just to try to understand one expression that you used, the LOP, the L-O-P, what
8 does that mean?

9 A. It's an English term. It means "look-out."

10 Q: *Look Out Position?*

11 A: Yes, yes.

12 Q. So you agree with me that if you are a member of the UPC in Bogoro and you're
13 defending Bogoro, you will set up a position on Waka hill to see the Ngiti enemy arrive?

14 A. I didn't say that. That's your witnesses who said that there was a position on
15 Mount Waka, that the look-outs were there. I'm just taking your line of argument. I'm
16 not saying that I said that.

17 Q. Isn't it true, Mr Katanga -- and, once again, you're a combatant who became a soldier,
18 you set up operations at a position to the south, coming from Gety, because if -- if ever the
19 Kagaba people in this -- who, in this conflict, if they were to get out of these skirmishes, if
20 the UPC gets out, attacks Nombe, attacks Lakpa, if ever the Ngiti arrived there would be
21 an LOP on that road to see them coming, to see the enemy come; isn't that so?

22 A. And where is that position? Where would you put that position?

23 Q. Well, where would you put it if you had to defend Bogoro?

24 A. I don't know. I don't know. You must realise the terrain. You have to
25 understand the terrain before you deploy positions. Before deploying the positions you

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 have to understand the terrain, and since I'm not familiar with the terrain it's difficult for
2 me. It's difficult for me to assess terrain that I have no knowledge of. I don't know how
3 the paths -- I know the road coming from Gety that goes to Lakpa and then to Bogoro, I do
4 know that road, but you are saying to me that behind Waka hill or in Diguna -- I don't
5 know.

6 Q. Isn't it correct, Mr Katanga, that looking at the sketch, if one wishes to defend one's
7 position in Bogoro, if we put ourselves in the shoes of the UPC you'll also put an LOP by
8 the road leading to Kasenyi? You'll put an LOP there; you agree with me on that?

9 A. In the direction of Kasenyi? But where? Where? And why?

10 Q. Because -- and I think we're getting to this in a few moments, we'll see what -- if we
11 continue to look at this map, if you are the UPC and you want to defend Bogoro, keep this
12 position in Bogoro, you'll also place an LOP on the road coming from Bunia; isn't that so?

13 A. Prosecutor, I don't know. Please, please. I don't know. Let's assume
14 positions -- placing positions there towards Bunia to protect, to await attacks from whom?
15 You have your own forces, in Bunia, and then you put a position to attack your people
16 who come to your area? I don't know. The patrols -- and this comes from your
17 witnesses, they said that there were ongoing patrols there; but to my mind, from a
18 strategic point of view, it makes no sense to put a position on the Bunia road which -- or to
19 deploy a position in Katonie because we know that there are Lendu there. So it doesn't
20 make sense, put them there but not there? In Bogoro? You don't defend the target
21 within the target.

22 Q. Mr Katanga, I think you really have hit the nail on the head, and you know that
23 because you know the location. In Katonie -- you mentioned Katonie. In Katonie,
24 Lendu people are there on the flanks of the Blue Mountains; isn't that so?

25 A. Prosecutor, I went by that area on 8 March, and there were reeds that could be used

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 to build little houses. There were no tiny little houses along the road. All those people
2 came and built their little houses after, during the time of pacification; that was when the
3 Lendu came down and built their tiny little houses in Katonie. In Katonie,
4 Mr Prosecutor.

5 Q. Mr Katanga, isn't it correct that to the right of this sketch, the north-east, we see a
6 square? If we take the references at the top to the right, there's a square, and that's the
7 beginning of the Blue Mountains. And that whole mountain, that escarpment, as we can
8 see on the video that's Mount Lagura. And you saw that at least on 8 March, its ... There
9 is a mountain there, it's called Mount Lagura, and it's one of the Blue Mountains and you
10 knew that that area was inhabited by Lendu. You knew that.

11 A. Well, to know whether it was inhabited you would have to see the little houses, but
12 there weren't any. There was nothing but stones. Even now people will tell you that
13 people live there, but when you look with your actual eyes you won't see anything, just
14 stones, just stones. They might have built something now, but when I went there I saw
15 Mount Lagura there only stones and at the bottom of Lagura -- and I think it was before,
16 there might have been villages, but it was in -- it was not inhabited.

17 Q. Mr Katanga, isn't it true that you know full well that it was inhabited, that entire
18 area, that part of Mount Lagura and the Blue Mountains because Chief Manu had visited
19 you, --Bahati de Zumbe had visited you, Adolphe Liga had visited you, Martin Banga had
20 visited you as early as November 2002 and you were well aware with the beers and the
21 coffees that you were having with these people that --

22 A. The beer was from where?

23 THE INTERPRETER: Microphone, please. Inaudible.

24 MR MACDONALD: (Interpretation)

25 Q. Mr Katanga, you know that Manu, Banga, Bahati and Liga came from that area,

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 from Bedu-Ezekere from Zumbe, and that they were living in that area.

2 A. Well, now the question is clear. I would just tell you this: I know that Chief Manu
3 came from Djugu, from the Bedu-Ezekere groupment, but if people -- your Honour, if
4 people lived directly, directly on that hill, the Lagura -- as the ground rises up, when you
5 are in Bogoro, you can see the beginning of the hill. But you would put the mortar guns
6 there, you would not have to go very far. You would fire from there, and that would
7 drive out people who were living directly there. You would put an 80 or a
8 220 millimetre gun there. You would drive out everyone from there.

9 Perhaps the villagers were not directly beside Bogoro because the hill continues to rise,
10 perhaps further away, but when you look at the little dot here, the little square on the
11 sketch, that's where you -- but perhaps they might have been higher up, higher up, yes,
12 but when you show me the little dot here and you say that Mount Lagura starts there and
13 that the Lendu people were living there, no. No.

14 MR HOOPER: Sorry to interrupt. It's just while we're on this subject, because we're
15 having a quick look at the source of this map, the croquis, and it's got all these little
16 squares on it, but we notice that on what Mr Macdonald said at transcript 103, so some
17 time ago now, transcript 103 in the English, page 25, in producing this sketch we were
18 told that it was taken from a satellite photograph taken in March or April of 2003.

19 MR MACDONALD: March?

20 MR HOOPER: Or April 2003, which puzzles us now as to whether all these suggested
21 squares were existing places at that time. That would have been post-Bogoro, so it's
22 something perhaps we could have clarified at some point. I don't expect it today, but if
23 we're dealing with this subject and it's come to mind now, how were these squares
24 reached, because it would tend to go against the suggestion of course of the damage that
25 was -- the large-scale damage that was done?

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 So I don't know what's observable on the photograph, or whether in truth this is merely
2 an estimate as it were, but I doubt if it would be that. Anyway, I doubt if my friend is in
3 a position to help us, but it's just a concern that's suddenly come to mind. Thank you.

4 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, if you are able to refresh
5 our minds on the specific conditions in which this map was developed, a view from very
6 high above. Now, was this March or April 2003, as Mr Hooper has said, or was it after
7 that period? Are you in a position to give us any further clarifications in order that we
8 may proceed with a clearer understanding? Thank you.

9 MR MACDONALD: (Interpretation). As it is said in English, I'm rather puzzled at this
10 rather belated question which arises 18 months, more or less, into the case.

11 PRESIDING JUDGE COTTE: (Interpretation) No, it's just that ...

12 MR MacDONALD: It is March ...

13 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, off-the-cuff I think that
14 this document has often been used by witnesses, or at least on a number of occasions by
15 witnesses, who rather talked about Bogoro centre and now we are dealing with peripheral
16 areas. For that reason, belated as it were - and it might be important - we need to be
17 reminded of the exact conditions in which and the date on which this document was
18 prepared. Thank you.

19 MR MACDONALD: (Interpretation) To be brief, Mr President, the exact date, if I recall,
20 is early March -- 4 or 6 March. I'll bring the specific date later, but what really matters,
21 Mr President, is the roads and the access points which are more important. The small
22 squares represent the houses, and for the purposes of our discussions with Mr Katanga
23 these are irrelevant. They are not important. Let me reassure my colleague that if we
24 revisit this matter, and I think we have a copy, but I simply pulled out a document from
25 the case file, one of the key documents which we can use to elicit information from other

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 witnesses, so this is not even important.

2 PRESIDING JUDGE COTTE: So, listen ...

3 MR MacDONALD: I can revert to the Chamber with ... but it isn't even important.

4 PRESIDING JUDGE COTTE: Well, if we ...

5 MR MacDONALD: That's not the point. I did not even ask for any annotations.

6 PRESIDING JUDGE COTTE: Fine.

7 MR MacDONALD: I simply used this as a reference for us, because the roads, the

8 entrance points, the distances between the geographic locations or the topography,

9 including Mount Waka, were all taken from this satellite shot.

10 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, if we understand you,

11 your purpose simply is to point out the access roads and the position of Mount Waka and

12 the position of the Blue Mountains and so on and so forth, and if I have understood you

13 correctly the small squares representing the houses are of no importance for now in these

14 discussions. I think Mr Hooper has now received that clarification from you, but we

15 need to know the exact date and year. Was it March or was it May of which year?

16 MR MACDONALD: (Interpretation)

17 Q. Mr Katanga --

18 MR HOOPER: I am sorry, but just before we leave it --

19 MR MACDONALD: (Interpretation) This is obstruction now.

20 MR HOOPER: No. Well, Mr President asked specifically which year and the

21 Prosecutor didn't reply. On the transcript, 103, it's stated, "It's 2003, taken in March or

22 April." And I appreciate that my friend -- and we've dealt with this so far in this way,

23 that it's helpful in terms of general scale. I don't think any of us have placed any weight

24 on the actual little squares that have been represented, or that we can see on the plan, but

25 the matter that's come to mind and the concern is that, in inviting this sketch to be

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 prepared, did the preparer base his placement of these little squares on what he saw on
2 the satellite photograph? In other words, is this a reasonable representation of the
3 placement of buildings, presumably existing buildings, in March or April of 2003? That's
4 the line of particular concern and I think I made that clear. So we'd like to know, or have
5 sight of the specific satellite photographs. Perhaps that would be one way of
6 approaching it.

7 I'm sorry to take it up. I haven't introduced it now as a distraction, but as a point of
8 relevance given that we are dealing with it in this way.

9 PRESIDING JUDGE COTTE: (Interpretation) Mr Prosecutor, you need to clarify this
10 point. It is true that this document has had an EVD number for a very long time,
11 OTP-00051, but it is also true that when we used this document in the proceedings, by
12 various witnesses, the flavour so to speak of the testimony was not the same as that
13 coming from an accused person who has decided to appear as a witness. So Mr Hooper's
14 questions are relevant and you might deal with them today, or subsequently.

15 For now we shall proceed, bearing in mind that you have just stated that for the purposes
16 of your cross-examination today, at 11.40 or should it be 12.40, your concern is about the
17 access roads and the positions of Mount Waka and the Blue Mountains, and so on and so
18 forth, and that we are not focusing on the squares that purport to represent houses. So
19 please proceed.

20 MR MACDONALD: (Interpretation) I have just talked with my colleagues to find out
21 if there is an EVD which does not show houses. I believe that there is something like that
22 in the file. We will cross-check, but yes, indeed, the Chamber has noted properly that we
23 should not pay attention to the houses as far as our examination of Mr Katanga goes at
24 this juncture.

25 Q. Mr Katanga, when one looks at these roads, or access points, from the north, south

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 and east and the pastureland from the -- to the west, isn't it correct to say that in order to
2 guarantee victory, something we may have not have reached in the past, the best way
3 would have been to attack the four cardinal points and to surround Bogoro from all those
4 access points?

5 A. Mr Prosecutor, surround or encircle Bogoro? I don't know what logic you are
6 using. Surround Bogoro so that the enemy should not be dislodged, so that they should
7 not get out, or surround them and wait for them to starve to death, or what is it that
8 you're talking about? I don't understand.

9 Q. Mr Katanga, isn't it correct that, in order to guarantee victory, attacks were launched
10 from the north, the south and the east and the west?

11 A. If we did that, then we would have run the risk of shooting at ourselves. If I am
12 this way and the other person is on the other side and I shoot across, I am likely to shoot
13 my own person. So that kind of strategy, I don't know whether anybody can adopt that
14 kind of strategy. Surround a small camp like that and shoot AK-47s across the camp?
15 No, no, Mr Prosecutor. That is a theory that does not exist.

16 Q. Mr Katanga, isn't it correct that unavoidably you needed the Lendu on mount -- on
17 the Blue Mountains to cover the north flank, the north-east flank and the east flank?

18 A. We would need them for what?

19 Q. To hold back the enemy in Bunia, to hold back the enemy on Lake Albert and
20 thereby help you to capture and dislodge the UPC from Bogoro?

21 A. If the Lendu from the north were on that road, we -- where would you leave from to
22 be able to dislodge the enemy from the camps here? So they would go back to our
23 collectivity in Gety. If were managed to drive them out, you have the map before you,
24 Mr Prosecutor. If we took that road and sealed it off and attacked the UPC, then they
25 will go back to the Walendu-Bindi collectivity. Do you see what I'm talking about? Just

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 look at the map, Mr Prosecutor. They will go further into the Walendu-Bindi collectivity
2 and that is not correct.

3 Q. Mr Katanga, isn't it correct - and you said so previously - that Blaise Koka was ...
4 and the APC was an army of professionals? How do you explain the number of
5 deaths - civilian deaths - in Bogoro? How can you explain that?

6 A. Prosecutor, what I can tell you is that if so many civilians were killed I also ask
7 myself why so many civilians may have died Secondly, people talk about a lot of
8 civilians. But we do not know with certainty whether there were many civilians. Third,
9 Mr Prosecutor, when you say "a lot of," or "many civilians," we need to know whether
10 they found the dead bodies of those civilians. How many? How many? You say
11 "many," or "a lot of." I do have respect for human life, yes. Even just one death or two
12 is a death, there is no denying that there were deaths, and whether it is a soldier, or not,
13 soldiers are also members of the population. Before one becomes a soldier one is first of
14 all a member of the population or a civilian, so I agree and I understand that, but this
15 reference to "many civilians," "many civilians" what does it mean? Does it mean more
16 than two civilians, or what is it? So the question is still -- is still rather unclear. It is still
17 blurry, Mr Prosecutor. Do tell us.

18 Yes, I do agree that they were professionals, yes, but I told you yesterday that this idea of
19 professional soldiers in the APC is a concept that even from a political standpoint -- and,
20 by the way, I told you yesterday the example of the plane belonging to Cetraca,
21 Mr Mandrabi's company . Mr Mandrabi, that was the name I wanted to mention
22 yesterday. His plane was stopped in Bunia because the Hema had been detained in
23 massive numbers in North Kivu, in Mbusa Nyamwisi's fiefdom in the north. So the
24 professionalism of the APC can also be set aside when they decided to behave out of
25 anger, if one may say so.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Mr Katanga, is it normal for an army of professionals, or a professional army, to put
2 people in a classroom and kill them using machetes, among other things? Does a
3 professional army do that, Mr Katanga?

4 A. Mr Prosecutor, we saw that happen in Serbia. We saw how professional soldiers
5 shot at people on the hills. They did that in Serbia, we have seen it on video, and
6 recently - when they brought that gentleman here - I saw that and I was frightened that
7 such things can happen here too.

8 So I will refrain from giving you an answer to that question. I really would just
9 simply like to tell you that even professionals from time to time may stray, may go astray,
10 by some instinctive reaction which overwhelms them and causes them to behave in an
11 inappropriate manner. So I cannot tell you that because they were professionals they
12 could not kill somebody. It can happen.

13 Now, let me take another example. In Bavi Olongba, the FARDC - our own army - how
14 many innocent civilians did it kill? How many? In Aveba, they continue to kill
15 innocent people. Well, now, are they not professionals? Are they not? Even
16 professionals can shoot and they can kill. That happens.

17 Q. Mr Katanga, you are talking about stray bullets, line of fire and so on and so forth,
18 but when it comes to killing women, children, babies, civilians with machetes, is that what
19 instinct would lead anybody to do, instincts of a professional army?

20 A. Mr Prosecutor, let me talk about Serbia again. It's not far from The Hague, and I
21 saw it on video. Even in Libya we see the pictures of houses, civilian houses being
22 shelled. This is something that continues to happen; it doesn't change. There are real
23 NATO soldiers who are doing these types of things.

24 Well, I don't know how I can convince you, I don't know which words to use to convince
25 you, but these things are being done by professionals and it can happen that professionals

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 do these things or that they have others do these things, or vice-versa. So the only direct
2 answer I can give you, as to whether civilians were massacred voluntarily or that people
3 were asked to massacre civilians, is that I really cannot confirm.

4 Q. Mr Katanga, using tricks to pull people out of their hide-outs in order to kill them,
5 civilians who were in hiding, who were fleeing, bringing them out of their hide-outs and
6 killing them using machetes, is that what a professional army would do?

7 A. Mr Prosecutor, I don't know how long we have been here but I think that you
8 started your investigations in 2004, 2005, 2006. Well, you have not been able to count the
9 number of people for which we are here. You have not yet been able to count the
10 number of people. First you needed to count to determine the number, people say that
11 civilians were killed, people say that civilians were lured out, people say that this or that
12 was done to them. That is your allegation, but what is the reality, Mr Prosecutor? What
13 is the reality?

14 Has any investigation been conducted to determine and cross-check and cross-check again
15 what numbers we are dealing with? What really happened? No.

16 So, Mr Prosecutor, I hesitate to answer, to tell you no, that civilians were lured out of their
17 hide-outs to kill them ... because I was not there. I really cannot tell you that, yes, indeed
18 people called civilians out of the bushes in order to kill them. I cannot confirm that.

19 But let us be clear on this aspect of "many civilians": How many civilians? Who were
20 they? Well, Blaise Koka was there, yes, and he was a professional, yes, and that is it.

21 Q. Mr Katanga, a professional army will take off the roofs of houses which had roofs in
22 corrugated iron sheets? Does a professional army do that?

23 A. The FARDC also took off roofs and looted containers in Bogoro, the FARDC, and
24 this was said by your witness here. They took off roofs from houses.

25 Q. Is it normal for a professional army, which knows that there are civilians in a house,

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 is it normal for the army to enter such houses and attempt to kill those people or even go
2 further and torch those houses in order for those persons to die?

3 A. Mr Prosecutor, these are professionals. I can't sidestep. This happened. And the
4 FARDC in times of peace, not even war-times, in 2005 after pacification they took off the
5 roofs of houses in Bogoro. The FARDC, the national army of Congo, the ones who
6 protect you when you go to Congo, they are the ones who took off roofs in Bogoro.
7 Diguna, the mission in Diguna, the roofs were taken off by the FARDC and they even
8 brought empty containers from Diguna.

9 So what do you want me to say? These are facts, these are things that are real. Now,
10 people have seen them. How can you attempt to distort these things? They cannot be
11 distorted. The FARDC looted and took off roofs from houses in Diguna. I told you that
12 the APC led the operations on Bogoro and civilians died. Well, civilians died, but
13 soldiers also died and -- they died. I have respect for human life. I have respect for
14 human life.

15 Q. Mr Katanga, you stated that the purpose was to dislodge the UPC, and if that was
16 the purpose why take it out on so many civilians? Why kill those children, those women,
17 those senior citizens, fathers and mothers, at 5.30 a.m.?

18 A. Mr Prosecutor, please do not use those words to attract international attention. Let
19 us be very, very clear on these points: Germain Katanga was not in Bogoro. Blaise
20 Koka was APC. Your witnesses have given his name, said he was in Aveba, he went to
21 Kagaba and to Bogoro.

22 So, please, go and put these questions to him and say "You, Captain Blaise, you are a
23 professional. Why did you kill civilians in Bogoro; the children, the women and the
24 elderly? Why did you do that?"

25 Now, why are you protecting Mbusa? Why do you want to protect Kabila? It is Kabila

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 who appointed me, he is my president and I respect him, but, Mr Prosecutor, you needed
2 to have questioned him and asked him why he sent arms and ammunitions from
3 Kinshasa to Beni and from Beni to Aveba, why he sent men. That is what you should
4 have done, Mr Prosecutor.

5 Q. Mr Katanga, isn't it correct -- well, it's not the APC, not the APC; it is you, the Ngiti
6 combatants, you who were caused to suffer by the UPC and the Hema through constant
7 attacks leading to loss of civilian life. It is you, the Ngiti and the Lendu, who had an
8 interest in killing those civilians, just as the case had been before in Nyankunde?

9 A. Faustin was there.

10 Q. Kandro too.

11 A. Mr Prosecutor, you know, this question that you have put does not help your case.
12 It does not help your case, Mr Prosecutor.

13 Why don't you want to talk about the APC? Let us talk a little bit about the APC. Put
14 questions to me about Koka and I will tell you, and you know this too, you know that he
15 was trained. He was a trained person, Mr Prosecutor, so let us not hide the truth. Do
16 we want to hide part of the story and expose only part of it? Let us lay all the cards on
17 the table and talk about everything so that we can see where all and sundry belong.

18 So, Mr Prosecutor, I don't see myself in this picture that you are painting. I was not that
19 great man you are trying to portray me to have been, I was not that person, but maybe
20 today - as I talk to you today here - if you were to put me back in that stage we might
21 compare and see who I may really have been.

22 But if you look at me today and compare me to what I was before, you will see that there
23 is a clear difference. I have evolved here. I am grown up now. Things have
24 developed in my mind here, Mr President, and I am gradually beginning to understand a
25 number of things. Before now, I was not the person I am today.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Q. Isn't it correct that following that attack there was not a single Hema in Bogoro; all
2 those who were there initially were combatants, is that the case in Bogoro, that is the day
3 after the attack? The Lendus, the Ngitis, the inhabitants, the civilians returned to Bogoro
4 as the road was reopened.

5 A. Yes, if the road is open, people will be free to move about. Yes, I agree with you,
6 yes. But, Mr Prosecutor, you must know that it was not the Lendu who were there
7 saying that we were dislodging the UPC. The objective was political and military;
8 political first and then military secondly.

9 Q. Isn't it correct, Mr Katanga, that those who were in Lakpa could go to Bogoro? The
10 Lendu from Lakpa could go to Bogoro and see their brothers and sisters in the Blue
11 Mountains? Trade was resuming. Markets were coming together again. Lendus,
12 Ngitis, could meet again and move about freely; is that not the case?

13 A. And open up transport channels so that people in Bunia could get their supplies.
14 Cargo that was blocked in Bunia, or by the UPC, was now able to move, and so we are the
15 ones who did that. The OPJ under Blaise Koka's orders ordered vehicles that had been
16 blocked in Kasenyi by the UPC to move freely and to do their work. Nandes and all
17 ethnic groups were free now to move about because Dark, the judicial police officer, did
18 all of this.

19 Q. Just to be clear to everyone, "OPJ" you mean judicial police officer?

20 A. Yes.

21 Q. Mr Katanga, there is even something more important. Not only was the road open,
22 people were able to meet, people who had been surrounded for so long, they were
23 enclaved for so long, now they no longer suffered. There were no longer any attacks on
24 Bogoro. They were able to live in security, but relative safety?

25 A. I think maybe according to you they shouldn't have free movement, they shouldn't

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 have peace, but when there was peace and free movement, well, the UPC terrorised the
2 ACP. I'm telling you, Mr Prosecutor, the UPC set up base in Bogoro - I believe it was in
3 August - and for that position in Bogoro to start attacking positions on the road, it was in
4 January when Yuda set up base in Kagaba and so ever since the UPC had settled in
5 Bogoro they had not attacked our collectivity. They also had means of communication
6 and they could intercept coded messages and launch attacks. That was possible. I
7 know that you are trying to establish a list of the dates of attacks. Those were the people
8 in that area who were doing that. That is what happened.

9 Q. Mr Katanga, you did see that I have in my hand the list, which is EVD-D03-00098,
10 which is in our list of documents, and you can actually anticipate things, can't you?

11 A. I did see it, Mr Prosecutor.

12 Q. What you have just said is totally contrary to what the list of attacks indicate, and
13 I'm going to give you just one example. On page --

14 MR HOOPER: Can I just say that we --

15 PRESIDING JUDGE COTTE: (Interpretation) Maître Hooper.

16 MR HOOPER: We had this at length yesterday - at length yesterday - and I'm just
17 surprised that my friend's being so selective, given the other document was referred to
18 this morning, the document that was signed by Njabu in Aveba. Mr Katanga was asked
19 about this list yesterday at length and he gave his response in terms of dates.

20 MR MACDONALD: (Interpretation) Mr President, the accused person has just said
21 that it was after the arrival of Mr Yuda in Kagaba. What I want to establish is that there
22 were attacks prior to that, and I will put it to him again that as early as 10 October 2002
23 there were attacks against Lakpa, Nombe (phon), Ngasubari (phon).

24 PRESIDING JUDGE COTTE: (Interpretation) Let us simply go on to the questions right
25 now so that the accused person should be able to understand. That is the most important

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 now.

2 MR MACDONALD: (Interpretation)

3 Q. I will give you one example, Mr Katanga, because there are many others and the
4 Chamber has all these documents. Isn't it correct that as early as October 2002 the UPC
5 and their allies attacked Lakpa, Nombe, Ngasubavi (phon), Kagaba, Tsarukaka - and that
6 is spelt T-S-A-R-U-K-A-K-A - and civilians died, houses were destroyed and so on and so
7 forth? Do you agree with that, Mr Katanga, or is it some mad intellectuals who wrote
8 that?

9 A. Mr Prosecutor, even the UN documents, we are the ones, the natives who give them
10 the figures. Imagine a small locality like Songolo and you said that 800 people died in a
11 single day. That is terrible, when you hear that 800 people died in a single locality. This
12 would be a never-ending funeral; that is this would mean almost half of the tribe would
13 have died. We do agree on one thing: People died, houses were torched, people fled,
14 houses were abandoned, children died, I agree, but there are other things. Even if these
15 things have been published, you have to ask questions. This is propaganda. The
16 RCD-K/ML, for example, also caused trouble for us. They should have been told that
17 they made these people suffer and they had to compensate them for it.

18 Q. Mr Katanga, isn't it true -- and I'm referring you to transcript 318, page 34, as from
19 line 17, where Mr Hooper asked you a question about Mandro. Let me read that out to
20 you, page 34 of transcript number 318. There was an interpretation problem. You
21 heard "Mandre," whereas it was actually Mandro, and on line 11 Mr Hooper asked you:
22 "What about the Mandro attack? Did you take part in that?" And your answer, line 17:
23 "Yes, Mandro, what would have been my interest in that?" You answered with a
24 question: "I did not take part in Mandro. I do not even know Mandro." Line 20, Mr
25 Hooper asked you this question: "Did you hear about that attack?" Answer on line 22:

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 "We heard about the Mandro attack in Bunia, but before that I had heard that there was an
2 attack on Mandro over the radio, that there were troops in Bogoro who left Bogoro and
3 passed through Zumbe to Mandro. I heard about that."

4 My question to you, Mr Katanga, is as follows: According to your theory, the objective
5 was to go and take Bunia. Was that the plan? Bogoro was a strategic location when it
6 came to that objection -- the objective of Bunia, so explain to us why would the
7 professional army attack Mandro for that reason? Why would the APC do that?

8 A. I will give you an answer, Mr Prosecutor. You know that Mandro was the training
9 centre of the UPC. It was an important base. It was a large base and the officers
10 thought that, if you started by attacking Bunia and you were surprised and blocked there,
11 how would you leave the town? This was very strategic, Mr Prosecutor. When you
12 look at the map you will see Bunia, you will see Mandro and then you can realise the
13 importance of Mandro; that is if you are in Bunia. If you are in Bunia, you would realise
14 that Mandro was crucial. These were men who had studied, prepared very well before
15 doing that.

16 Q. Yes, indeed, Mr Katanga. If you attack Bogoro and Mandro was behind you, there
17 were the Blue Mountains, you would need Mr Ngudjolo? You would need to block the
18 UPC coming from that direction; isn't that correct?

19 MR FOFÉ: (Interpretation) I'm sorry, Mr President.

20 MR MACDONALD: (Interpretation) I will rephrase my question, your Honour.

21 PRESIDING JUDGE COTTE: (Interpretation) Very well, please rephrase.

22 MR MACDONALD: (Interpretation)

23 Q. If Mandro was that important, you would need assistance from the Blue Mountains
24 to avoid any reinforcements? You understand my question? From Bunia to the lake
25 you would like to block all those directions in order to be able to conquer Bogoro; isn't

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 that correct?

2 A. You're contradicting yourself with the two words "blocking" and the "driving out."

3 Those two words are different, even if you look at the dictionary. You can ask your
4 experts. Even in military terms, if you are asked to dislodge someone you are not going
5 to surround them. You are going to use a technique that forces them to leave, to flee.
6 That is the distinction between that and surrounding.

7 Now, coming to Bogoro, one could not simply go from Bogoro to Bunia like that, as if you
8 were going to a football match. There are strategies. There are techniques. Mr
9 Prosecutor, if for example there was a force in Zombe, why did they never attack
10 Mandro and drive soldiers out of Mandro? The answer is simple: They were not able
11 to. If ever there was a force in Zombe, Mandro could not stay there just like that until
12 people would leave Bogoro to go and attack. This means that there were no forces there.
13 They were not strong enough to do that. So what I'm telling you is that, in order for
14 Dark to be able to issue those orders to the combatants there, the local combatants, the
15 APC combatants, to go to that place. It means that was important.

16 Q. Yes, indeed, Mr Katanga. Let us come back to what you have just said: If they
17 were not a strong force, wouldn't it be correct that the reason why you went to Mandro,
18 that is the Ngiti and Lendu forces went to Mandro, was because it was open season.
19 Bogoro had just been taken. The Hemas attacking you had just been annihilated and the
20 group was now going to attack another Hema stronghold that had been conducting
21 attacks, you were going to attack Mandro because Mandro caused a lot of suffering to you;
22 isn't that correct, Mr Katanga? If the objective was Bunia?

23 A. Mr Prosecutor, if you knew that the UPC had caused suffering amongst the
24 Lendu, then you would have investigated that but you didn't do that perhaps because you
25 have a hidden agenda to protect them. I would say that openly, but I will refrain. Mr

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Prosecutor, no, no, no. Let us cut to the chase, Mr Prosecutor. The APC did that
2 because that is what they wanted to do. If you went to Bunia without dislodging that
3 force, well actually it was a base, a training centre. There were many soldiers there.
4 And according to what people said there were many of them there. So it was deemed
5 necessary to go and attack Mandro before moving on to Bunia. Why? Because if you
6 attacked Bunia and that attack came ... You see, if you go to Bunia from Ndromo, behind
7 Ndromo, there is the road toward Rwampara, there UPC was there, at the airport.
8 Behind the airport there is a village there. I will think about it. Then there is Mudzipela,
9 toward the Iga-Barrière road. Mandro, you could be surrounded all at once and you
10 would be stranded in the town, so you have to broaden the escape route so that if you are
11 in Bunia and you realise that your forces aren't strong enough you would have the
12 possibility to retreat. That was very strategic.

13 Q. Mr Katanga, you said according to what people said--- I am tempted to ask you
14 which people --- but I will go to the important thing. Who said there was a large force in
15 Mandro? You were present here in the courtroom when Mr Iribi testified. Isn't it
16 correct, Mr Katanga, that you were part of that attack in Mandro? You took part in that
17 attack? You went to Mandro?

18 A. Mr Prosecutor, that is misinformation. There is misinformation that spreads like
19 that. I did not have any direct contact with Pitchou Iribi. That's the first thing.
20 Secondly, I couldn't have been in Tchei on the 3rd and been in Mandro on the 4th. That
21 is a very long distance.

22 Q. We are going to come back to Tchei on 3 March 2003 tomorrow but I am happy that
23 you made an effort to inform the Chamber that you had an alibi for Mandro. You have
24 said that you were in Tchei. Mr Katanga, you were detained with Mr Iribi. You even
25 signed documents together with him. You were even in the FRPI where he was the

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 Minister of Defence during the FNI/FRPI alliance which was very short but, Mr Katanga,
2 not only did he say that you took part in that Mandro attack but he also said that you
3 were in Zumbe, that you spent the night in Zumbe. My question to you is as follows:
4 Isn't it true that you spent the night in Zumbe or in the Bedu-Ezekere groupment before
5 going to attack Mandro?

6 A. I was never there, Mr Prosecutor. Quite simply, I can tell you ... what? If you
7 read the document that was signed in prison, if -- all, everything I am saying here was
8 already denounced before, that Joseph Kabila was sending weapons to Beni, and from
9 Beni, operations were carried out in Aveba. There were operations in Aveba. Before
10 you issued your warrants, all these things had already been denounced. But are you
11 sure that you did not know? You knew. All those documents were in the case file.
12 While being in prison in Congo, we mentioned the main players. We see that there was
13 Kisempia, Ukuba, people like Duku, Zaguru,. We had already denounced all that and
14 now we are marking time. When we come back now, you say we were in prison, we did
15 that. The question you are putting to me, well, we had already denounced all those
16 things.

17 Q. Mr Katanga, still about Mr Iribi, you referred to the signing of the cessation of
18 hostilities agreement on 22 March. In your testimony you alluded to the fact that on that
19 day you met Mr Kale Kayihura and afterwards you were taken to some location. Can
20 you remind us where you signed that agreement?

21 A. At the ISTB. It was not at the same place where everyone else had signed, no. It
22 was at the ISTB. I know that theology school, it was the theological centre, the theology
23 centre where I signed. I do not know when or where the others signed. I know that
24 that is where I signed myself, at the ISTB.

25 Q. Mr Katanga, you signed that document, as you have said, without reading it. If

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 you take out the signature pages, the last page and the last but one page, and I am
2 referring to EVD-D03-0044. It is on our list at number 19. But the agreement itself,
3 Mr Katanga, covers three pages. Are we to understand from your testimony that you
4 could not read three pages on 22 March?

5 A. Mr Prosecutor, let us be concrete here. In order for me to sign that document, I had
6 to be invited. You do understand that? I had not been invited. Imagine that myself,
7 and the FAPC, we were added, that was added in my presence. Even Amos Ngongi can
8 confirm to you that they added that with a ballpoint pen --- well, I don't know if it was a
9 ballpoint pen --- in my presence. I could see them writing for the FRPI. I saw that
10 directly. If I had been invited they would already have typed the name of FRPI on the
11 computer and FRPI would already appear there. Moreover, we had to be present.
12 People did not only sign the document, they attended a meeting, and the definition of that
13 cessation of hostilities had been given to them. That was not the case for me. For me, I
14 was told that this is a document about the cessation of hostilities. Mr Prosecutor, it did
15 not cross my mind to say: Look, I'm opposing or I have to sign. I never thought that
16 signing it could cause any harm to me. I didn't know.

17 Q. Mr Katanga, as Mr Iribi said in this courtroom, isn't it correct that he was the one
18 who came to fetch you, and take you to MONUC headquarters to sign that document?
19 Do you remember that?

20 MR HOOPER: Is there a reference to that, please?

21 MR MACDONALD: (Interpretation) Certainly.

22 PRESIDING JUDGE COTTE: (Interpretation) I'm afraid we might not have enough
23 time for the answer.

24 MR MACDONALD: (Interpretation) We will come back to that tomorrow morning,
25 your Honour, and I will need about one hour more.

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 PRESIDING JUDGE COTTE: (Interpretation) Very well. That clarification is
2 important, Mr Prosecutor, because we need to know whether Mr Ngudjolo can begin his
3 testimony on Tuesday, and apparently, that is the case. If you have one hour tomorrow
4 then there will be the legal representatives and the Bench will have questions to put to the
5 witness, and then final submissions from the parties. So in any case it seems, Madam
6 Court Officer, that Mr Ngudjolo should be able to begin his testimony at the very latest
7 during the -- at the beginning of the second session on Tuesday, if not earlier. That is
8 important for the Lingala interpretation, because arrangements must be made in advance.
9 We will now adjourn, and I would like to ask the court usher to lead Mr Katanga back to
10 his seat. Mr Kilenda? But Mr Katanga can go back to his seat in the meantime.

11 MR KILENDA: (Interpretation) I believe I understood that tomorrow we will continue
12 with Mr Katanga, and that Mr Ngudjolo will begin on Tuesday?

13 PRESIDING JUDGE COTTE: (Interpretation) The Prosecutor has said that he needs
14 one hour. Based on our experience sometimes there are very nice surprises, but usually,
15 a bit more time is needed.

16 MR MACDONALD: (Interpretation) That is why when you mentioned the second
17 session of Tuesday, I believe that is more accurate. That is in order to be cautious. I
18 have two topics. One will be a little longer than what I said, because we will be using
19 many documents. But after that, I will be finished. If we can use one hour, very well,
20 but it could be one-and-a-half hours. I hope not.

21 PRESIDING JUDGE COTTE: (Interpretation) After that then there will be the legal
22 representatives of the victims, then the Bench will have questions because the witness has
23 provided a lot of information and we would like to obtain some clarifications. Please go
24 ahead.

25 MR KILENDA: (Interpretation) Thank you, your Honour. With your leave, I would

Trial Hearing

(Open Session)

ICC-01/04-01/07

Witness: DRC-D02-P-0300

1 like to prepare mentally for Tuesday.

2 PRESIDING JUDGE COTTE: (Interpretation) That is what we are going to do. It is
3 clear that Mr Ngudjolo will not begin tomorrow, but it is highly likely that he will begin
4 on Tuesday. Probably not at 9 a.m., but sometime in the morning Agreed?

5 Thank you very much everyone. We will meet again tomorrow at 9 a.m at the end of a
6 long week of hearings. Court is adjourned.

7 (The hearing ends in open session at 1.29 p.m.)

8 CORRECTIONS REPORT

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

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

12

13