

1 International Criminal Court  
2 Trial Chamber II - Courtroom I  
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and  
4 Judge Christine Van den Wyngaert  
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07  
6 In the case of the Prosecutor versus Germain Katanga and  
7 Mathieu Ngudjolo Chui  
8 Trial hearing  
9 Thursday, 27 October 2011  
10 The hearing starts at 9.03 a.m.  
11 (Open session)  
12 COURT USHER: All rise. The International Criminal Court is now  
13 in session.  
14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. Good  
15 morning to all of you. We are therefore starting our work once again  
16 with the hearing of Mathieu Ngudjolo. Before asking him to come and join  
17 us on the witness dock, we would ask for some clarifications and  
18 indications which were made with regards to the seizure of different  
19 documents which were carried out on the instructions of the Bunia  
20 magistrates. Please go ahead, Prosecutor.  
21 MR. MACDONALD: (Interpretation) Thank you, your Honour.  
22 Judges -- Judge Diarra, we hope you're better soon.  
23 Following the issue of the question of the Chamber at the end of  
24 the testimony of Mr. Germain Katanga with regard to the seizure of  
25 certain documents which are as evidence before this Chamber in this case

1 and which were seized in Medhu, the Chamber wanted to know in what case  
2 before the Bunia Court this seizure had been carried out, and  
3 by email at 13.41 on the 20th of October I provided an answer to the  
4 Chamber which I would like to read out for the purposes of the record.  
5 So following the attack on the civil population of the village of Lengabo in the  
6 territory of Irumu, on the 20th of September, 2004, the TGI in Bunia  
7 carried out an investigation which led to the seizure of the documents in  
8 question on the 23rd of September, 2004, by MONUC. And the Office of the  
9 Prosecutor has taken possession of copies of these documents and did so  
10 on the 5th of October, 2004. So obviously also the Prosecutor has  
11 also provided details with regards to the chain of custody in that  
12 regard, and I would also like to refer the Chamber to the transcript 95,  
13 edited version, page 73, lines 13 and following.

14 Now, before I sit down once again, perhaps one small point that I  
15 could make for the consideration of the Chamber. Following up  
16 on the email of Madam Baranes which she provided to us yesterday or the  
17 day before -- or it was the day before, I think, with regard to the subject  
18 of the deadlines for filing on the 21st of November, either our requests to produce  
19 the documents or call witnesses as counter-evidence or in the case of the Defence for  
20 the deposition of a Bar table motion, particularly for the first submissions,  
21 namely the counter-evidence of the parties, we also have to envisage a  
22 deadline in order to respond to the different submissions if such  
23 submission are submitted, and if the Chamber has the intention of reducing  
24 this deadline of 21 days, so be it, but making it possible for the parties to have ten  
25 working days in order to be able to provide effective rebuttal evidence

1 if there is a need to do so.

2 Now, with regards to the Bar table motions, obviously there, too, given that

3 the parties have to provide --- the Defence in this particular case ---

4 have to provide a table in advance with a deadline such that the Prosecution

5 can put its comments thereto, well, I just want to make a reminder

6 with regards to procedure. Obviously if there is a potential rebuttal

7 that needs to be made to these submissions --- of course, this is hypothetical ---

8 then there has to be an application. Perhaps there will be no objection

9 on the part of the Prosecution, but with regards to the timetable, we have

10 to look at that. And there's also the email that came this morning from Ms. Baranes

11 with regards to the extension of the deadline for the revision of the

12 transcripts, which will be submitted to the parties

13 in groups of three. That's called rolling disclosure in the jargon,

14 Mr. President.

15 That's it. Thank you very much.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.

17 Now, where it concerns the email that Madam Baranes sent in the

18 name of the Chamber on the 25th of October at 14.52, we did indeed set a

19 deadline on the 21st of November, 2011, in order to gather potential

20 suggestions from the parties and participants as you have just reminded

21 us of, Mr. Prosecutor. We have also -- but perhaps the phrasing is

22 something that might have passed by unnoticed, but if you look at paragraph 2 of

23 this email and the last line of paragraph 2 there's a deadline for

24 answering to these possible suggestions which is set for the 28th of

25 November at 1600 hours. So the initial deadline was the 21st, and if any

1 parties or participants do have an application to be made with regards to  
2 calling certain witnesses or other Bar table motions, for example,  
3 then the other parties and participants will have until the 28th of  
4 November in order to express their observations and comments, and if it  
5 should prove to be the case that these deadlines are too short, then you can  
6 let us know, but we do think that they should be sufficient. And in the  
7 same way, you've also been able to see that this email of the 25th of  
8 October at 1400 -- 14.52 does indicate that the deadline which will be  
9 provided to you in order to submit your written -- final written  
10 submissions will not be set until we know if suggestions have  
11 been formulated in the spirit of that email and once the Chamber has  
12 definitively taken a position with regards to the issue of whether it  
13 will be travelling to the Democratic Republic of Congo or not.

14 Now, I will not in open session mention the period that we have  
15 asked to be reserved therefore, but if you read the last paragraph  
16 carefully of this email, it does ask you not to take up any commitment  
17 with regards to a certain period if the Chamber does decide to go to the  
18 DRC, because if it does so, that will be during that period then.

19 So we are now going to proceed.

20 Counsel Kilenda.

21 MR. KILENDA: (Interpretation) Good morning, your Honour,  
22 Judges. I just have some very brief observations to make with regards to  
23 the explanations that the Prosecutor has just given us with regards to  
24 the seizure of the documents.

25 To my knowledge, in Congolese criminal law, the local Court doesn't

1 open an investigation *proprio motu*. This is a judicial body, and when it  
2 is seized of a matter, it provides a judgement, and it is following this judgement  
3 that thereafter you can carry out a seizure on an application of the most  
4 diligent party.

5 Now, I think that here there is a point which is somewhat  
6 unclear: was the seizure ordered by the Prosecutor of  
7 the Bunia Court or was it ordered by the Bunia Court itself? And  
8 if so, under -- by what act was it ordered, and what is the nature of  
9 this seizure. Was it a seizure to conserve evidence, or was it one to hold  
10 evidence? But we can say that the Court does not order seizures  
11 *proprio motu*.

12 That is what I wanted to say in that regard, your Honours.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,  
14 Counsel Kilenda.

15 Unless Mr. Macdonald has information at this time which he can  
16 provide us with, this morning we shall not go into further discussion  
17 with regards to the exact legal grounds for this seizure. But,  
18 Mr. Prosecutor, if you could provide us with additional clarifications  
19 such that we can be in a position to know whether as I had thought we are  
20 talking about a seizure which was carried out within the framework of a  
21 criminal proceedings, or, on the other hand, if it was carried out within  
22 the framework of a civil proceedings, but when I read your email, since it  
23 refers to civilians who were killed and houses that were pillaged and  
24 burnt, we believed that it was a criminal proceedings which was opened by  
25 the Tribunal de Grande Instance in Bunia, and we also thought that the

1 magistrate who was responsible for these criminal proceedings was behind  
2 the decision to seize these documents. If that was -- is the case, you  
3 will tell us that during a following hearing. If it's not the case, you  
4 will bring us additional details in that regard, but now we are going to  
5 carry on with the testimony of Mathieu Ngudjolo.

6 Now, where it concerns the timetable, today we are sitting, we'll  
7 sit again tomorrow and on Monday morning as well, and we will be back on  
8 the following Monday for a complete week of hearings. The ideal thing,  
9 and this is something that should be possible, since we will not be  
10 sitting on the 14th of November, Monday, the 14th of November, but we  
11 shall conclude the testimony of Mathieu Ngudjolo during the week of the 15th,  
12 16th, 17th of November. I think all that should be possible. There is  
13 the 18th of November, the Friday which should be the final date of this  
14 deposition and this will make approximately 40 hours of hearing.

15 Madam Usher, could you please bring Mathieu Ngudjolo into the  
16 witness bench. Thank you very much.

17 (The witness takes the stand)

18 PRESIDING JUDGE COTTE: (Interpretation) Usher, if could you please  
19 make sure that Mathieu Ngudjolo is able to properly use the microphone,  
20 the instruments that are available to him during the period of his  
21 testimony. Thank you very much.

22 Can you hear me well, Mr. Ngudjolo, in this new configuration?

23 THE WITNESS: (Interpretation) Yes, your Honour. I can hear you  
24 well.

25 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda,

1 Mathieu Ngudjolo is going to testify in which language?

2 MR. KILENDA: (Interpretation) Mathieu Ngudjolo is going to  
3 testify in Lingala.

4 PRESIDING JUDGE COTTE: (Interpretation) We are in agreement.  
5 So everybody must remember the obligation that we have on us to respect  
6 the five-second rule, to speak slowly, to articulate well, because we are  
7 going to have an interpretation from Lingala into French, French into  
8 English, and it's very important that Counsel O'Shea be able to work in  
9 the best conditions possible and be able to have the interpretation of  
10 Mr. Ngudjolo.

11 So, Mr. Ngudjolo, you have made a choice. The choice you've  
12 made, as Germain Katanga has, to testify as a witness and under oath.  
13 The Chamber supposes and it is persuaded that your counsel have explained  
14 to you all the consequences of such a choice as we have also clearly set  
15 them out in the decision 3153 of the 13th of September, 2011, which was  
16 issued precisely on an application of Counsel Kilenda of the 19th of  
17 July, 2011. Mr. Ngudjolo, do you understand the  
18 scope of the testimony you will be giving?

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

20 PRESIDING JUDGE COTTE: (Interpretation) So you are, and this is  
21 the ruling in this regard, you're going to remind us of your identity,  
22 your name, your first name, your names. We are listening to you.

23 THE WITNESS: (Interpretation) Good morning, your Honour,  
24 your Honours. My name is Ngudjolo Tchulo Mathieu.

25 PRESIDING JUDGE COTTE: (Interpretation) Your date and place of

1 birth.

2 THE WITNESS: (Interpretation) I was born on the 8th of October  
3 in '69 -- in '70 in Bunia.

4 PRESIDING JUDGE COTTE: (Interpretation) The profession that you  
5 were carrying out at the time that you were arrested and questioned.

6 THE WITNESS: (Interpretation) When I was arrested, I was a  
7 student in the military college in Kinshasa.

8 PRESIDING JUDGE COTTE: (Interpretation) And your domicile at  
9 the time of your arrest, your family domicile at that time, where was  
10 that?

11 THE WITNESS: (Interpretation) My wife and my children were  
12 living in Bunia, in the Lumumba neighbourhood, in the Yambi Yaya sub-  
13 neighbourhood, and that's on avenue Djalasiga.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you. As the  
15 Chamber did when it addressed Germain Katanga in this regard, it would  
16 like to remind you that you're strictly forbidden from speaking about  
17 your testimony with your co-accused, as well as with your co-detainees  
18 during the entire duration of this testimony, and I would also refer in  
19 this respect to paragraph 12 of decision 3171 of the 23rd of September,  
20 2011. The Chamber also noted the correspondence which was sent on the  
21 17th of October, 2011, at 10.21 by your counsel, Counsel Kilenda, to the  
22 detention unit. This is correspondence which relates to the relation  
23 between your Defence team and yourself during your testimony.

24 So now, Mathieu Ngudjolo, we can receive or take your solemn  
25 undertaking. You have been in a sufficient number of witness depositions

1 or testimony-givings over many months in order to be able to measure the  
2 importance of this undertaking, and it's therefore up to you to tell us if you do  
3 understand well that during this testimony you will tell the truth, the  
4 whole truth, and nothing but the truth. So you commit yourself "I  
5 solemnly declare that I will speak the truth, the whole truth and nothing  
6 but the truth." Do you commit yourself to saying the truth, the whole  
7 truth, and nothing but the truth?

8 THE WITNESS: (Interpretation) Yes, your Honour, I commit myself  
9 thereto.

10 Witness: Witness DRC-D03-P-0707

11 (Witness answered through interpreter)

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,  
13 Mr. Ngudjolo. You have just committed yourself to saying the truth, the  
14 whole truth, and nothing but the truth. And if during your testimony or  
15 in replying to questions which will be put to you by some or other  
16 parties here in the courtroom, if you don't tell the truth, then you can  
17 be prosecuted before the International Criminal Court for perjury and if  
18 the facts are proved, you could be subject to a conviction. Have you  
19 understood me well in this regard?

20 THE WITNESS: (Interpretation) I have understood you well,  
21 your Honour.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you. The Court  
23 therefore takes note of the fact that it has been satisfied with regards  
24 to Article 69(1) of the Statute and Rule 66 paragraph (1) and (3) of the  
25 Rules of Procedure and Evidence.

1       Mr. Ngudjolo, you therefore perfectly know the working conditions  
2   that exist within this courtroom, so please do not hesitate to speak  
3   loudly, speak slowly. You know, please articulate well such that we are  
4   not obliged to have complex revisions and expensive revisions of hearing  
5   transcripts which are carried out or made during your testimony. The  
6   best -- best discipline we have here, the better in the future the  
7   transcripts of your testimony will be, and we all have to be very  
8   attentive to that. But please put yourself at ease. This  
9   testimony-taking is an important time for you, for us all. Please do not  
10   hesitate to drink if you need to do so. You know that these are  
11   recommendations that we make to all witnesses, and although you are the  
12   accused, today you are a witness.

13       Counsel Kilenda, you therefore have the floor.

14       MR. KILENDA: (Interpretation) Thank you very much, your Honour,  
15   your Honours, for giving me the floor. Your Honour, your Honours, for  
16   over three years in which he has been detained in The Hague, Mr. Mathieu  
17   Ngudjolo has been wanting desperately to speak to you, to open up to you,  
18   to be able to explain himself before the Prosecutor and to also speak to the  
19   other parties and participants. Today, the proceedings give him the  
20   opportunity to do so. He knows that the Chamber, the Prosecutor, and all  
21   the parties and participants will listen attentively to him.

22       Questioned by Mr. Kilenda:

23       Q. (Interpretation) Good morning, Mr. Mathieu Ngudjolo.

24       A. Good morning, Counsel.

25       Q. You are here before your Judges. Tell them everything. Tell

1    them the truth, the whole truth, and nothing but the truth. I would  
2    remind you that you've just committed yourself formally. Have no fear.  
3    Give your Judges and to all the parties and all the participants in these  
4    proceedings all the explanations that they will ask for from you. You  
5    should answer the questions of all within the framework of your  
6    knowledge.

7           You have opted to speak in Lingala for the proceedings. Even if  
8    you manage to get one of my questions in French, then, please, I would  
9    ask you to leave the interpreters to do their work. Allow them to  
10   interpret everything. Please let us try, and this is an obligation.  
11   This is something that the President reminded us of. We are all obliged  
12   to respect the five-minute rule.

13          PRESIDING JUDGE COTTE: (Interpretation) Five seconds, otherwise  
14   we might overrun somewhat.

15          MR. KILENDA: (Interpretation) Five seconds, yes. Thank you.

16    Q. Please listen well to my questions, and if something is unclear,  
17    please point that out to me. I will reformulate the question. I will  
18    call upon you to be very courteous to all.

19          If you have any complaints of any kind then please address  
20   those to the Chamber, and the Presiding Judge will  
21   answer you.

22          MR. KILENDA: (Interpretation) Your Honour, with your leave, I  
23   would now like to distribute a list of the names of witnesses with their  
24   numbers which I shall use very early on during this examination.

25   PRESIDING JUDGE COTTE: (Int.) Court Officer, usher, if you could take

1 this list and provide it to all the parties and participants and the Court.

2 MR. KILENDA: (Interpretation) I would ask Mr. Ngudjolo to be very  
3 careful. Make sure that this list is not seen by the public because it does  
4 contain certain names which must remain confidential.

5 PRESIDING JUDGE COTTE: (Interpretation) Mr. Ngudjolo, you will keep  
6 this document before you in such a way that your body obstructs the view  
7 thereof from the public.

8 MR. KILENDA: (Interpretation) May I continue, your Honour.

9 PRESIDING JUDGE COTTE: (Interpretation) Please go ahead.  
10 Everybody has received the list. Mr. Ngudjolo is going to ensure that it  
11 is not seen. Please continue.

12 MR. KILENDA: (Interpretation) Thank you.

13 Q. Mr. Ngudjolo, a few moments ago, your Honour, you asked -- Judge  
14 Cotte asked you to give us your identity and with regards to your name and  
15 first name, your surname and first name. I thought I understood that you  
16 were called Ngudjolo Tchulo Mathieu; is that correct?

17 A. Yes, Counsel Kilenda, that is correct.

18 Q. Are you known by any other name?

19 A. I have other names. I'm also referred to as Chui. I have  
20 another nickname, Kimbi.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Ngudjolo, just like  
22 Mr. Katanga did, please do not hesitate to spell any proper name that you  
23 have used so that Mr. Kilenda does not have to ask you to do so. So please  
24 kindly spell the two other names that you have mentioned.

25 THE WITNESS: (Interpretation) Yes, your Honour. I believe

1 everybody knows the spelling of Chui. Tchulo is spelled T-c-h-i-l-o --

2 or, rather, "u" in place of the "i." Kimbi is spelled K-i-m-b-i, Kimbi.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

4 Please proceed, Mr. Kilenda.

5 MR. KILENDA: (Interpretation) Thank you, your Honour.

6 Q. Mr. Ngudjolo, that name Ngudjolo, does it have any particular  
7 meaning?

8 A. Mr. Kilenda, your Honours, my name Ngudjolo has a meaning.  
9 Ngudjolo, in my language, that is Kilendu, means the word of the world.  
10 When you look at it the way it is written in the documents, there is an  
11 error. When one reads it in Kilendu, the way it is written, Ngudjolo, it  
12 has absolutely no meaning in my language. In order for it to have a  
13 meaning in my language, it is written N-g-o with a circumflex accent over  
14 the o, d-j-o-l-o. It is pronounced Ngòdjolo. And yet here it is  
15 Ngudjolo, N-g-u-d-j-o-l-o. This does not mean anything in Kilendu.

16 I will now explain why that error was made. This mistake started  
17 in the primary school. When I obtained my primary school leaving  
18 certificate, the headmaster of my school was not from my tribe or ethnic  
19 group. When he was filling out my certificate, instead of the "o" he used  
20 a "u," and that that error stayed in my documents, and since it was an official  
21 document, no one noticed it right away. It was only later that it was noticed  
22 and it was no longer possible to change it. So that is how it remained, that  
23 is, Ngudjolo, but the name in fact is Ngòdjolo, that is "o" with circumflex  
24 accent.

25 Thank you, counsel.

1 Q. Thank you, Mr. Mathieu Ngudjolo. What about your other name  
2 Tchulo? Does it mean anything?

3 A. Yes. Tchulo is my grandfather's name. That is, the person who  
4 sired my father. In my language, Tchulo means "many people." "Several  
5 people" or "many people," something like that. On the other hand, Chui,  
6 since you have asked me this question, Chui is a Swahili word. It is not  
7 a Kilendu word. Chui is a distortion of Tchulo.

8 When we met with General Kale Kayihura on the 7th of March, 2003, he  
9 had difficulty reading my name Tchulo. Instead of reading Tchulo, since  
10 he is a Ugandan and not a countryman of mine, he read it as Chui, and  
11 since we were working together, ever since then that name was transformed  
12 into Chui, and I adopted it. But if you look at all my documents prior  
13 to the 7th of March, 2003, even my school documents, you would find the  
14 name Ngudjolo Tchulo. On the other hand, all documents after the 7th of  
15 March bear the name Chui, but this is Swahili, as I have just said, and  
16 in Kilendu, Chui is Godza(phon). In principle, if I were supposed to bear  
17 that name, I would be called Ngudjolo Godza. But in Swahili, it is "Chui." In  
18 Lingala, "nkoy", and in French, this is Leopard.

19 Q. Thank you for those explanations. What is your ethnicity?

20 A. I am Lendu.

21 Q. Which groupement do you belong to?

22 A. I am from the Bedu-Ezekere groupement.

23 Q. What is the name of your village?

24 A. My village is Likoni.

25 Q. And what is your civil status?

1 A. I am married.

2 Q. And what is your spouse's name, your wife's name?

3 A. My wife's name is Sema Kalemi Eve.

4 Q. Where is your wife currently?

5 A. She is in Bunia, Democratic Republic of the Congo.

6 Q. Mr. Ngudjolo, how many wives do you have?

7 A. I married several wives over my lifetime, three.

8 Q. Right now, as you sit there, how many wives do you have?

9 A. Currently I have only one wife.

10 Q. Judging by your previous answers, you have lived with other  
11 women; is that correct?

12 A. Yes, counsel, that is true.

13 Q. How many?

14 A. Three.

15 Q. If I'm not being indiscreet, can you tell us their names?

16 A. Yes, Counsel. My first wife was called Neema. She died during  
17 the war. After her, the other wife was Ndjangusi, and then after her it  
18 was Sema Kalemi.

19 MR. KILENDA: (Interpretation) Your Honour, I would like to  
20 remind the Chamber, parties and participants that we distributed the list.

21 PRESIDING JUDGE COTTE: I interrupted you. We do indeed have a  
22 list of names in alphabetical  
23 order. So, Mr. Ngudjolo, please spell only if it is a new name that you are  
24 mentioning.

25 Please proceed, Mr. Kilenda.

1 MR. KILENDA: (Interpretation) Thank you, your Honour.

2 Q. Mr. Ngudjolo, how many children do you have?

3 A. I have six children.

4 Q. Do you have any brothers?

5 A. Yes, I have one brother.

6 Q. Can you please tell us his name?

7 A. My elder brother is Lotchubo Tchulo Déo Gratias.

8 Q. Where does your brother live?

9 A. He lives in the Likoni locality in our country, Congo.

10 Q. Do you have any sisters?

11 A. Yes, counsel.

12 Q. How many of them?

13 A. Two.

14 Q. And what are their names, please?

15 A. The first one is Bugasi Pascaline (phon), and the second one is

16 Nzale Angele (phon).

17 Q. Where do your two sisters currently live?

18 A. They are my younger sisters. Both of them are married.

19 Bugasi Pascaline, well, I heard that she lives in Taba near Lake Albert

20 in Kasenyi with her husband. The other one, Nzale Angele, lives with her

21 husband in Likoni.

22 Q. And you, yourself, where do you currently live?

23 A. I am in the Scheveningen prison.

24 Q. Before coming to the prison in Scheveningen, where did you come

25 from?

1 A. I came from my country, Congo. I was in the military academy in  
2 Kinshasa.

3 Q. Mr. Ngudjolo, did you study?

4 A. Yes, counsel. I went to school.

5 Q. What did you study?

6 A. I -- I did normal ordinary studies and then police studies in the  
7 civil guard. I also attended the military officers academy.

8 Q. What do you mean by civil studies or "ordinary studies"?

9 A. I would say primary and secondary school education. As far as  
10 I'm concerned, I attended primary school and part of secondary school.  
11 After that, I did first aid nursing studies at the Red Cross and then  
12 nursing studies. Those were the studies that I did as a civilian.

13 Q. From which year to which year did you attend primary school and  
14 where was that?

15 A. I attended primary school in Dzago from 1977 to 1983. I obtained  
16 my primary school certificate there, but my father was not satisfied with  
17 my grade. He asked me to repeat the sixth year of primary school, and that  
18 is when I went to the Kavali primary school in Bogoro, and that was from  
19 1983 to 1984 in Bogoro.

20 Q. What about your secondary school education? Where did you attend  
21 secondary school?

22 A. I started my secondary school education at the  
23 Dzago Secondary School. It was part of the Irumu institute. I started  
24 the first year from 1984 to '85. For the second year of secondary school,  
25 I went to the Bunia 2 Institute, but I dropped out without completing the

1 year. After that, I went back for the second year of secondary school in  
2 the Ituri institute. I did not complete that year. I also dropped  
3 out -- or, rather, I did not pass at the end of the year. I dropped out  
4 after failing. After that, my father realised that I was getting older  
5 and he -- I was supposed to learn pedagogy, and I went back to the  
6 Bunia 2 Institute, and did the short program, in '88/'89. I completed the  
7 third year, in 1989/'90, and then I dropped out of secondary school.

8 Q. Thank you, Mr. Ngudjolo. I understand. You mentioned first aid  
9 nursing studies. What precisely does that mean?

10 A. Counsel, after my third year in the short program, I went to study  
11 with the Red Cross for two years, 1990 to 1991, and in 1991-1992 I finished..  
12 During that time, the Red Cross provided training for first aid nurses.

13 Q. You also mentioned medical studies. Where was that, and from  
14 which year to which year?

15 A. I'm sorry, the Red Cross studies took place in Bunia. As to the medical  
16 studies, I started them in '89 to 2002 at the medical technical institute of Bunia.  
17 When that medical technical institute was set up, it was, first of all, called the  
18 Bambu medical technical institute, but it was relocated in Bunia because of  
19 the war. When the war broke out in the interior, all the schools were  
20 relocated to Bunia, such as the ITM in Drodoro, and the institute of Bambu.  
21 After the war, it was reopened back in Bambu. So, since the Bambu technical  
22 institute was operating in Bunia, it remained in operation as the medical  
23 technical institute of Bunia.

24 Q. Were you awarded a certificate at the end of your training as a  
25 first aid nurse?

1 A. Yes, counsel, an attestation of end of studies for first aid  
2 nurses was issued to us. This was on the 31st of August, 1992, in Bunia.

3 MR. KILENDA: (Interpretation) With your leave, your Honour, I  
4 would like to call up document number DRC-D03-0001-0689.

5 PRESIDING JUDGE COTTE: (Interpretation) It is document  
6 number 13 on your list of documents.

7 Court Officer, please.

8 MR. KILENDA: (Interpretation) It is a public document.

9 COURT OFFICER: (Interpretation) You can view the document by  
10 pressing "PC1."

11 PRESIDING JUDGE COTTE: (Interpretation) Can you see the  
12 document, Mr. Ngudjolo? Is it on your screen? Very well.

13 Please proceed, Mr. Kilenda.

14 MR. KILENDA: (Interpretation)

15 Q. Mr. Ngudjolo, can you see that document?

16 A. Yes, counsel.

17 Q. Do you recognise the document?

18 A. Yes, counsel, I can recognise it.

19 Q. What is the name mentioned on that document?

20 A. I am sorry. In that document, the name that appears is  
21 "Ngudjolo Tchulo."

22 Q. How do you explain the fact that the name there is Tchulo and not  
23 Chui?

24 A. Counsel, that is what I had explained before. All my school  
25 documents include that post-name, Tchulo. You will not find Chui in any

1 of my school documents, no.

2 PRESIDING JUDGE COTTE: (Interpretation) I believe we have fully  
3 understood that the cut-off date was the 7th of March, 2003. Tchulo  
4 before that and Chui after that; is that correct?

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

6 MR. KILENDA: (Interpretation) Thank you, your Honour. If there  
7 is no objection, we would like to ask for an EVD number, and we can file  
8 the original with the Registry according to the normal rules.

9 PRESIDING JUDGE COTTE: (Interpretation) Very well. Let us  
10 assign an EVD number to this attestation of completion of studies.

11 Court Officer, please. It is DRC-D03-0001-0689.

12 COURT OFFICER: (Interpretation) Thank you, Mr. President. This  
13 document will bear the reference number EVD-D03-00106.

14 MR. KILENDA: (Interpretation) Thank you.

15 Q. Mr. Ngudjolo, I understand that you were also at ITM from 1999 to  
16 2002. Do you have a document that was issued at the end of your studies  
17 at ITM?

18 A. Yes, counsel. I have an attestation of attendance.

19 Q. Who issued that attestation of attendance?

20 A. It was the Prefet des Études, or studies prefect, who gave it to me. If  
21 you wish, I will tell you his name. I will tell you the  
22 name. The name is Charité Luze Fiba.

23 MR. KILENDA: (Interpretation) With your leave, your Honour, I  
24 would like to call up document DRC-D03-0001-0686.

25 PRESIDING JUDGE COTTE: (Interpretation) Court Officer.

1 MR. MACDONALD: (Interpretation) I have an objection.

2 PRESIDING JUDGE COTTE: (Interpretation) Please explain,

3 Mr. Prosecutor. Why do you object to this document?

4 MR. MACDONALD: (Interpretation) If you could just give me two  
5 moments so I could have a look at this document. I would remind my  
6 learned friend and the Chamber as well that we do have a number of  
7 objections, and before calling documents, I think these objections should  
8 be discussed -- discussed before they are put to the witness. This  
9 document dates back to the 19th of May, 2011. Consequently, given the  
10 circumstances as was the case for other witnesses from Mr. Kilenda's team,  
11 and I am thinking of witness D0055, there was also a document, an attestation  
12 or a record, and here we don't have the person who actually drew up this  
13 document. All we have is the document itself. And it was also  
14 demonstrated during the testimony of the Defence witness that the  
15 records -- the archives, rather, had been destroyed, and that  
16 attestations were issued on the basis of information that could not be  
17 verified. So that is why, your Honour, the whole issue of these attestations  
18 had been raised other than the previous one, the one that received an EVD  
19 number -- we do have objections to such documents; 10<sup>th</sup>, 11, 12, 14, 15, 16,  
20 all these various documents on the list, we object to them. And I thank you.  
21 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.  
22 Indeed, regarding the previous document, there were no objections.  
23 It was presented straightaway. This document has been objected  
24 to as well as other ones. Now, the other ones have not yet -- no. This  
25 document has not yet been put on the screen.

1 The Chamber takes note that before the document is called by Mr. Kilenda,  
2 Mr. Ngudjolo, in response to questions, did describe his schooling, his  
3 medical training and his paramedical training, and he did say a few moments  
4 ago that at the particular institute in question he did have rather long  
5 training between 1989 -- correction, between 1999 on the year 2002. So  
6 the Chamber does see that even before the document was shown, the  
7 witness provided information about the duration of his training. So the  
8 Chamber really sees no objection to this document being placed on the record  
9 without going through the witness. This is a document that Mr. Kilenda will  
10 be submitting to us, to all of us, and it is a mere attestation. Like the ones to  
11 come. As for the probative value, we will look at that later.

12 Now, these attestations cannot be likened to statements. We are just trying to  
13 better understand the personal background and schooling of Mr. Ngudjolo.

14 And, Mr. Kilenda, if you could continue.

15 And the Court Officer, if you could please place this on the  
16 screen.

17 MR. KILENDA: (Interpretation) Thank you, your Honour. After hearing  
18 your remarks, in principle I believe I have nothing to add, although I would  
19 add one particular item. I'm sure you'll recall that on the 14th of  
20 September you asked us to provide a more explicit document, to use your  
21 very words, a document detailing the matters that would be the subject of  
22 questioning of Mr. Mathieu Ngudjolo, and we did provide a filing, 3174, that  
23 provided all the various topics that would be covered during  
24 Mr. Ngudjolo's testimony, and I think at points 5 and 6 you will notice  
25 that we did make mention of Mr. Ngudjolo's schooling and professional

1 trajectory. I think you will realise that all the documents we intend to use  
2 during the course of this questioning have to do with these topics that we will  
3 be looking at. So we do not see any particular reason why the Prosecutor  
4 would be objecting to them, but in any event, all is fair in love and war. And  
5 if the document is already on the screen, I would like to ask for a number --  
6 PRESIDING JUDGE COTTE: (Interpretation) Well, you haven't yet asked any  
7 questions of the witness about this particular document. Supposing that you  
8 wish to do so ... Well, it has not been put on the screen. It is about to be put  
9 on the screen, and more generally speaking, the Prosecutor is quite free to  
10 make any objections he wishes to, and we will consider them, and we will  
11 ensure that the documents that have been objected to will not be put on the  
12 screen until the objection has been dealt with.

13 As for these attestations regarding the witness's schooling and  
14 training, we will assume that you can show them. I believe  
15 that document is now on the screen and everyone will have an opportunity  
16 to view this document, those of you who do not have a hard copy.

17 MR. KILENDA: (Interpretation) The document is public.

18 COURT OFFICER: (Int.) This document is now displayed on the screen.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you. This  
20 document confirms what Mr. Ngudjolo just said.

21 So, Mr. Kilenda, did you want an EVD number --

22 MR. MACDONALD: (Interpretation) Objection. Because a precedent  
23 is being set. I realise that this  
24 is one particular area of minor importance, but what about the precedent  
25 that this could set?

1 Mr. Ngudjolo is in prison. He was in prison on the 19th of May, 2011,  
2 and now my learned friend wants to introduce a document through the  
3 witness, but Mr. Ngudjolo cannot attest to this document in any way. I  
4 realise this is a minor point.

5 PRESIDING JUDGE COTTE: (Interpretation) No, this is not a minor  
6 point. I certainly understand that you are driving at. Perhaps there's  
7 been some confusion, but I just said that the Chamber was of the opinion  
8 that this document could be introduced but not by way of the witness.  
9 We are in a hearing. The witness has just told us that he studied between  
10 various dates, and this document can be introduced in its current form  
11 without him seeing it necessarily. We are now hearing testimony about his  
12 schooling and the like. I would like people to be able to look at this  
13 document. It just so happens that Mr. Ngudjolo has the screen in front of  
14 him, so he can see it too. Now, in this document we see that there is an  
15 attestation that Mr. Ngudjolo did, indeed -- it's dated 2011. Yes, I realise that.  
16 19th of May, 2011. That he did attend the ITM of Bunia during that period, and  
17 he was studying general nursing. EVD number, please, and then we shall proceed.

18 COURT OFFICER: (Interpretation) Thank you. Document  
19 DRC-D03-0001-0686 shall bear the EVD number EVD-D03-00107 and shall  
20 be recorded as a public document.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

22 Mr. Kilenda. Now, just before you continue, just before you  
23 continue, I would like to hark back to the previous document,  
24 EVD-D03-00106 and I would like to ask for one item of information from  
25 Mr. Ngudjolo.

1 Now, when you gave your name earlier you said -- you said that you were  
2 born in 1970, but here on this attestation that states you completed first-aid  
3 nursing training, that was issued on 31 August 1992 -- you were -- it mentions  
4 a different birth date, 1990 -- correction, 1972. Could you please explain this  
5 discrepancy, this two-year discrepancy in birth dates?

6 THE WITNESS: (Interpretation) Yes, your Honour. Well, let me  
7 tell you this: I was born in 1970. I did the six year of primary school.  
8 That was in 1983, and you see, my father asked me to repeat that year.  
9 So I did my sixth grade twice and I finished my primary schooling when I was  
10 14 years of age. I began the first year of secondary school and I finished at the  
11 age of 15. Then I went to the second year of secondary school. I didn't  
12 finish. I repeated the year, the next year, and then I dropped out, and when  
13 my father wanted me to start the short program again, you see, I was rather  
14 old then, so my father asked that my age be reduced. So my birth date was  
15 changed so that I could go into --

16 THE INTERPRETER: The Lingala interpreter would like to ask the  
17 witness to repeat what he just said.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Ngudjolo, could you  
19 repeat your explanation just at that point when you were saying that your  
20 father asked for your date to -- your birth date or your age to be  
21 reduced, because the interpreters lost the thread of what you were  
22 saying. Or perhaps let me put it this way: Are we to understand that in  
23 order for you to be registered for this paramedical training, your father  
24 purposely changed your date of birth so that you would appear to be  
25 younger? Is that what you are telling us?

1 THE WITNESS: (Interpretation) Yes. That is right, your Honour.

2 PRESIDING JUDGE COTTE: (Interpretation) That is why we see this  
3 other date, 1972, on the document that we've been discussing.

4 Mr. O'Shea.

5 MR. O'SHEA: Just on the subject of the date of birth,  
6 Mr. President, you just mentioned in the French transcript when you were  
7 seeking the identity of the witness earlier today, the date of birth was  
8 mentioned as 1970. In English transcript I note it says "in 1969 --  
9 in 1979 in Bunia," just to note that discrepancy between the French and  
10 English transcript. The transcript reference is page 7, line 25, and  
11 page 8, line 1, and the expression used is as follows: "In '69 -- in  
12 1979."

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. O'Shea.  
14 We will try to clear this up.

15 Now, Mr. Ngudjolo, could you give us your birth date again.  
16 Please give it us to again, and please speak very slowly.

17 THE WITNESS: (Interpretation) I was born on the 8th of October,  
18 1970, in Bunia.

19 PRESIDING JUDGE COTTE: (Interpretation) Very well. We have  
20 taken note of your birth date, the 8th of October, 1970. And we also  
21 take note that on the two documents, these two attestations of schooling  
22 that have been shown and given EVD numbers, that the  
23 8th of October, 1972, was mentioned, and Mr. Ngudjolo has explained to us  
24 that his father gave a younger name -- correction, a younger age to him  
25 so that he could be registered in school, and Mr. Ngudjolo has also

1 explained that he repeated some years of his schooling. We all heard this  
2 explanation this morning when he was answering questions from Mr.  
3 Kilenda. So now we have an explanation regarding the diverging dates.

4 Mr. Kilenda, please proceed. Thank you, Mr. O'Shea for your clarification.

5 THE INTERPRETER: Message from the interpreters: Please slow  
6 down when giving multiple dates.

7 MR. KILENDA: (Interpretation) Thank you. It's as if you were  
8 reading our minds, because we were going to ask for the clarification that  
9 you have just obtained from the witness. I thank you for this.

10 Q. Mr. Ngudjolo, what is a general nurse, *infirmier polyvalent*, in French?

11 A. Well, a general nurse is one who is a generalist. In medicine or  
12 in nursing sciences, there are some general purpose nurses just like there  
13 are general practitioners and specialists. Amongst nurses, you find specialists  
14 in various areas, such as dentistry, gynaecology, obstetrics, laboratory  
15 tests, that sort of thing, whereas a general nurse is one who has a  
16 somewhat more in-depth knowledge of various areas.

17 Q. Thank you, Mr. Ngudjolo. At the ITM in Bunia, what did you study  
18 exactly? I'm not asking you to list out all the courses you took, but  
19 could you tell us basically what you studied when you were taking these  
20 courses?

21 A. If you don't mind, let me tell you about my training with the  
22 Red Cross. Be it my Red Cross training or my training at the ITM there  
23 were both theoretical and practical courses, and then there was a  
24 practical placement.

25 Q. So you had some placements?

1 A. Yes, counsel.

2 Q. And when did -- where did you do these placements, these periods  
3 of training, practical training, in which institutes?

4 A. Well, first of all, I'll tell you about my schooling with the  
5 Red Cross. When I did my Red Cross schooling, in the first year I had a  
6 placement at the Rwankole hospital in Bunia for six months. In the  
7 second year, as a first aid nurse, I had my practical placement at the  
8 Bunia hospital, which is still called the -- the White hospital. And  
9 when I was admitted into the ITM, I did my placement at the Bunia general  
10 hospital, which is still called the White hospital.

11 And when I went to my second year, I had my training, my  
12 placement at the Zumbe health centre.

13 In my third year, I did my placement at the Bunia general hospital.

14 And then to conclude, I also did a placement and ongoing training,  
15 at the ALTI health centre in Bunia. That's an abbreviation. That is an  
16 acronym that means assistance to those suffering from tuberculosis and  
leprosy in Ituri. That's where I did my placement.

18 Q. Do you have any sort of diploma attesting to this?

19 A. I don't have all the proof, but I do have an attestation that was  
20 given when I ended my placement, my last placement at the Bunia general  
21 hospital. That was in 2002, July to August 2002.

22 Q. And when does this document date back to?

23 A. This attestation was drawn up this year, but I did my placement  
24 in July and August 2002. However, I did other placements; for example,  
25 Rwankole and with ALTI. I don't have any proof of those placements at

1 the current time, but I do have an attestation showing that I did do a  
2 placement in July and August of 2002.

3 MR. KILENDA: (Interpretation) Your Honour, could we have  
4 DRC-D03-0001-0683 placed on the screen.

5 PRESIDING JUDGE COTTE: (Interpretation) That is document number 10.  
6 Now, we're not going to put it on the screen immediately. Prosecutor?

7 MR. MACDONALD: (Interpretation) The same objection once again. We do  
8 want this objection to be on the record. And just to add one particular  
9 point, in our earlier arguments we said that there is no evidence before this  
10 Chamber establishing the provenance, how, who, from where, May 2011,  
11 this document was issued. So on the basis of what was this attestation  
12 drawn up? As is the case for any other document.

13 I do note that the Chamber wishes to view the document. So be  
14 it. But at this particular point, my objection really relates to the  
15 probative value that the Chamber may attach to the document, given that  
16 EVD numbers are being given to this document or to documents from  
17 the Office of the Prosecutor. These same arguments --

18 MR KILENDA: (No interpretation)

19 THE INTERPRETER: Overlapping speakers.

20 PRESIDING JUDGE COTTE: (Interpretation) The Chamber has already  
21 expressed an opinion; the Chamber shall merely take note of the Prosecutor's  
22 reiterated objection, and the Chamber reminds all that we are of the view that  
23 these documents issued in 2011 and the probative value of these documents  
24 will be examined in due course. They can be introduced without going  
25 through the witness. They do show or do support the

1 remarks that were made by the witness, and allow us to better understand  
2 the training that Mr. Ngudjolo has taken, because we see that it is important  
3 for you to really show the Chamber the schooling that the witness had to  
4 carry out this profession.

5 Now given that not everyone has had an opportunity to see the document,  
6 we would like to ask the Court Officer to have this document  
7 displayed on the screen in just a moment.

8 MR. KILENDA: (Interpretation) It is public. It is a public document.

9 PRESIDING JUDGE COTTE: (Interpretation) And what the Chamber  
10 has just said also applies to other similar documents that we will be  
11 looking at relating to the schooling of the witness and his professional  
12 activities, because I can expect that in a few moments we will be seeing  
13 some documents relating to the witness's work, places he has worked at,  
14 and so on and so forth.

15 COURT OFFICER: (Interpretation) The document is now on the  
16 screen.

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, would you  
18 like an EVD number for this document?

19 MR. KILENDA: (Interpretation) Yes, I would like it to have an  
20 EVD number, but I would like to respond briefly to the Prosecutor's  
21 points.

22 First of all, the Bunia general hospital was not destroyed.

23 Secondly, your Honour, the chain of custody of this particular  
24 document is quite clear and all parties and participants have been  
25 notified thereof. It was issued by the medical director of the hospital

1 in Bunia and given to our resource person, and in turn, when I was in Bunia  
2 recently, the document was passed on to me. I think it's quite normal.  
3 I studied at the Kinshasa university. I left that university 25 years ago.  
4 If I had to provide proof that I studied there, I would get a document from  
5 the academic and administrative authorities, an attestation of my studies, an  
6 administrative document showing that I studied there, and it would be  
7 dated – it would have a current date, not an old date. And we are showing  
8 these documents to show that the witness... The fact that Mr. Mathieu  
9 Ngudjolo has been in detention in The Hague for several years does not keep  
10 him from proving that he studied at one particular place or another So there  
11 you have it, Your Honour, I hope ---

12 MR. FOFÉ: (Interpretation) I beg your pardon, your Honours. Just to save  
13 some time, I will add one particular point. The Prosecutor received these  
14 documents a while ago, and he certainly has the resources to verify the  
15 authenticity thereof. Rather than objecting to these documents as he is doing,  
16 rather than objecting to upcoming attestations, I think he would do better to  
17 verify the authenticity of the documents. That is what I wanted to add, your  
18 Honours. Thank you.

19 MR. MACDONALD: (Interpretation) Very briefly. Because after that, I will  
20 no longer rise. I will no longer rise for the other documents,  
21 because you have said that what you have --

22 THE INTERPRETER: Overlapping speakers.

23 MR. MACDONALD: (Interpretation) ... and this is on the record.

24 PRESIDING JUDGE COTTE: (Interpretation) They are in the same category,  
25 so to speak.

1 MR. MACDONALD: (Interpretation) Exactly. I'll use the example of a  
2 number of documents, birth certificates of witnesses 0279 and 0280. These  
3 were carbon copies or true copies, and this legal concept is something that is  
4 well known in many – in all legal systems. In this case this is not a carbon  
5 copy. That is why we are objecting, regardless of the means of investigation.

6 PRESIDING JUDGE COTTE: (Interpretation) Very well. Perhaps at one time  
7 we may be called upon to decide whether the same treatment should be  
8 reserved for attestations certifying that a person has studied at a particular  
9 time and documents relating to civil status certifying that a person has been  
10 born on a particular date, at a particular place.

11 We may have to make some distinctions between the two.

12 THE INTERPRETER: Interpreter's correction: "Witnesses 279 and 280."

13 PRESIDING JUDGE COTTE: (Interpretation) Please continue, Mr. Kilenda.  
14 Well, a very brief reply. The important thing is for us to keep on going.

15 MR. KILENDA: (Interpretation) We do not need to provide carbon  
16 copies. We have originals that we shall file with the Registry.

17 PRESIDING JUDGE COTTE: (Interpretation) Very well. Let us  
18 continue with these various questions relating to Mr. Ngudjolo.

19 MR. KILENDA: (Interpretation)

20 Q. Can you see these documents?

21 A. Yes, Counsel.

22 PRESIDING JUDGE COTTE: (Interpretation) So this document is being  
23 introduced, but not through the witness. I wanted it to be displayed on the  
24 screen so that in the course of the proceedings, people can review this  
25 document, and I suppose you want an EVD number.

1 MR. KILENDA: (Interpretation) Yes.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well. Court Officer, could  
3 you please give an EVD number to this document as we have done  
4 previously. And we will proceed in the same manner for any other  
5 documents like this one that may be relied upon.

6 COURT OFFICER: (Interpretation) Thank you, your Honour. Document  
7 DRC-D03-0001-0683 shall bear the EVD number EVD-D03-00108 and shall be  
8 recorded as a public document.

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

10 MR. KILENDA: (Interpretation) Thank you, your Honour.

11 Q. Mr. Ngudjolo, you also mentioned some studies that you did to become a  
12 police officer. Could you tell us about this police training that you did.

13 A. Counsel Kilenda, I carried out training, police training, as a civil guard.  
14 At the time -- at the time of the Mobutu regime. This was in Bunia. I carried  
15 out this training in July '94, and this lasted for nine months, 1994, and after  
16 that I worked in the civil guard, *garde civile*. If I am speaking about police  
17 training, that is because this training came under the Ministry of the Interior,  
18 which is different to the Defence ministry, which governs the army.

19 Q. Where did you carry out this police training? Where did you  
20 undergo this police training?

21 A. I undertook this police training in the Rwampara centre in Bunia,  
22 Rwampara centre in Bunia.

23 Q. Mr. Ngudjolo, what is the *garde civile*, the civil guard?

24 A. The civil guard, as you can imagine, is a police force. At the  
25 time of the -- Mobutu's regime, this was called *garde civile*. It was the

1 same thing. It's like the gendarmerie that you have. Simply put, I would say  
2 the civil guard is a national police force.

3 Q. You also spoke to us about military training. Where did you  
4 carry out your military training, and when did it take place?

5 A. Counsel, I'm going to be clear in my explanation. I had military  
6 training as a military officer. I did this in Kinshasa at the higher institute --  
7 higher military institute. I did -- I started that on the 3rd of November,  
8 2007. I didn't finish it, because on the 6th of February, 2008, I stopped --

9 THE INTERPRETER: "I was arrested," corrects the interpreter.

10 THE WITNESS: (Interpretation) -- and handed over to the  
11 International Criminal Court, so I was unable to finish it.

12 MR. KILENDA: (Interpretation)

13 Q. Thank you very much. We'll come back to your arrest. Mr. Ngudjolo, in  
14 your life have you had one or several different professions or functions?

15 A. Counsel, I have held several different functions. I was a nurse. I worked  
16 as a first aid nurse and also as a nurse, and I also worked as an intelligence  
17 advisor to the commander of the Ituri operational zone in Bunia in the  
18 army. I was also a trainer of community health workers.

19 Q. Please, let's go through this slowly and carefully. So where did  
20 you -- firstly, where did you work as a first aid nurse?

21 A. Having been -- having finished my training within the Red Cross,  
22 I also worked as a nurse, first aid nurse, in the locality of Digeni, and  
23 that was a place that was in the collectivity and --

24 THE INTERPRETER: The Lingala interpreter was unable to catch the  
25 name of the locality. If the witness could please repeat that name.

1 THE WITNESS: (Interpretation) Digeni is 10 kilometres from Mongbwalu.

2 PRESIDING JUDGE COTTE: (Interpretation) Could you repeat the  
3 name of the locality, please, witness.

4 THE WITNESS: (Interpretation) Yes, your Honour. I shall spell  
5 it. It is spelt as follows: D-e-g-e-n-e (as interpreted), Digeni.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.  
7 Please continue. Mr. Ngudjolo, please continue. So, first of all, you worked  
8 in the locality of Digeni, is that correct?

9 THE WITNESS: (Interpretation) Yes, that is right, Your Honour.

10 MR. KILENDA: (Interpretation)

11 Q. Mr. Ngudjolo, in what other period did you work as a first aid  
12 nurse?

13 A. In Digeni I started in the month of August until the month of  
14 December in '92, and thereafter I worked as a first aid nurse in  
15 the locality of Buy-Komy , in Ndrigi, in the groupement of Ezekere.  
16 I was working since 1997 to the month of November of the same year, '97.  
17 I would say that I worked there for ten months.

18 Q. You said that you had also worked as a nurse. Could you tell us  
19 where that was and during what period you did that?

20 A. I worked -- or I held the post of nurse in several different  
21 places. I started in Bunia. That was in 1993/1994, in the central  
22 dispensary in Bunia, and after that I also worked in the Papa Aoki  
23 dispensary as a nurse in the laboratory, a laboratory nurse. That was in  
24 '93 to -- 1993 to 1994 in the Salongo neighbourhood in Bunia. I  
25 worked in two places; that is to say that in the morning, I would work

1 as a laboratory nurse in the Papa Aoki dispensary, and in the  
2 afternoon, I would work as a nurse, a treating nurse, in the central  
3 dispensary with a nurse whose name was Beiza. And all these places were in  
4 the Salongo neighbourhood. And after that I worked in Zumbe; that is to say  
5 at the health centre of Zumbe, November 1997 until the start of 1999.  
6 I stopped working in Zumbe. I went to Bunia, and I worked in the university  
7 dispensary of Dr. Utchonen, and I was responsible for the  
8 laboratory in this dispensary. It was the university dispensary of  
9 Dr. Utchonen, and that was also in the town of Bunia.

10 Thereafter, I went to work in By-Saboni in the locality of Vilo  
11 in Katoni, and there I worked from the month of July, July 2000, until 9  
12 January 2001. I worked as a nurse, and thereafter I continued  
13 to work as a nurse in the health centre of Kambutso, and that was from the  
14 month of September 2002 to the 6th of March, 2003.

15 Q. Do you have documentation which would prove that you worked in  
16 these places?

17 A. Counsel, I have attestations of service provided, but I did not  
18 produce all of these attestations. I've only produced three of them,  
19 the ones from Kambutso, Katoni -- from Kambutso and Katoni. The others I  
20 did not present.

21 MR. KILENDA: (Interpretation) With your leave, your Honour, I  
22 would like to remind everyone -- firstly I would like to recall  
23 DRC-D03-0001-0690, entry 14.

24 PRESIDING JUDGE COTTE: (Interpretation) Your number 14, yes. So we  
25 agree the objections by the Prosecutor have been noted, and the answer of

1 the Chamber have also been.

2 The Court Officer will present these attestations on the screen so that  
3 those who do not know them can see them, and I will not repeat what we  
4 have said about the probative value of these documents.

5 Court Officer, then you have this first document 690, which is  
6 public, tab 14.

7 COURT OFFICER: (Interpretation) The attestation is on the  
8 screen, your Honour.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Everybody can  
10 read it, and I think I would anticipate Mr Kilenda's wish with regards to it  
11 having an EVD number.

12 We are looking at this attestation with regards to a period of  
13 employment at the health centre in Zumbe in November 1997.

14 So an EVD number, please, Court Officer.

15 COURT OFFICER: (Interpretation) Thank you, your Honour. This  
16 document will have the number EVD-D03-00109, and it will be registered as  
17 a public document.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

19 Counsel Kilenda, what is the other document that you wished?

20 MR. KILENDA: (Interpretation) Excuse me. It's  
21 DRC-D03-0001-0691. Number 15.

22 PRESIDING JUDGE COTTE: (Interpretation) Yes. So we will continue in  
23 that vein without losing any time thereon. This is an attestation which  
24 indicates that Mr. Ngudjolo held the function of a trainee nurse in the  
25 health centre of Kambutso from September 2002 to the 6th of March, 2003.

1 COURT OFFICER: (Interpretation) Thank you, your Honour. This  
2 document will have the number EVD-D03-00110, and it will be registered as  
3 a public document.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you.  
5 Counsel Kilenda, is there another document?

6 MR. KILENDA: (Interpretation) DRC-D03-0001-0692.

7 PRESIDING JUDGE COTTE: (Interpretation) So that's entry 16,  
8 which the Court Officer shall bring to the screen so that everybody is  
9 able to see it and which refers to a period of activity in Vilo, in the  
10 private dispensary there, in Katoni, from July 2000 to the 9th of January,  
11 2001, a period prior to the document which we have just viewed.

12 COURT OFFICER: (Interpretation) Your Honour, this is on the  
13 screen.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.  
15 And please could you give it an EVD number.

16 COURT OFFICER: (Interpretation) Thank you very much,  
17 your Honour. This document will have the EVD number EVD-D03-00111  
18 and it shall be registered as a public document.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,  
20 Court Officer.

21 Mr. Kilenda, please continue.

22 MR. KILENDA: (Interpretation) Thank you, your Honour.

23 Q. Mr. Ngudjolo, you stated before the Court that you had trained  
24 health -- community health officials. Did I understand that correctly?

25 A. Yes, that is correct.

1 Q. What is a community health officer or worker?

2 A. A community health officer is an auxiliary.

3 A health worker in the community, that is to say, or health assistant worker.

4 These people are not doctors when you talk about these health workers.

5 They are people who raise awareness.

6 They are people who are responsible for public hygiene.

7 Staff who help the doctors, nurses to raise awareness

8 amongst the population, to make them understand the need that there is to

9 be treated in the hospitals. That is what their function is.

10 Q. How many of these officials did you train and where?

11 A. I started to train them in Zumbe. That was in '98. When I went

12 back to Bunia, I continued to train them in the office of the health

13 zone of Bunia. Their programme was established within the area of the

14 zone of health, zone of health, which made the programme for their

15 training, and as a nurse in the Bunia health area, given that Zumbe came

16 under the health area of Bunia, I went to Bunia in order to train this

17 staff. And when I fled to Kambutso, because there was the war, then I

18 continued the training, because we really needed this paramedical staff.

19 Q. I know that you have a lot to tell us, but please do so calmly

20 and slowly, as Professor Fofé often says.

21 A. Counsel, I also noted that the Court Officer made a sign for me

22 to slow down, and I understood.

23 Q. Thank you, Mr. Ngudjolo. Please could you tell the Court how the

24 person was designated -- or how the people were designated who came to

25 have courses with you. First of all, what courses did you give?

1 A. It was the community who chose them. The community expressed its  
2 needs with regards to medical staff and its paramedical staff. So it was  
3 the same community which would choose them, which would send them to  
4 the health centre so that they could be trained there.

5 Q. If your memory serves you well, do you remember any names of  
6 people that you trained?

7 A. Yes, Counsel. Right at the start when I started in Zumbe, I  
8 trained Bosa Lavi; Tchama Vero; Ndjangusi, who became my wife;  
9 Katabuka-Ngaya; Lotsove Lomayi;; Mandro Ndalo. I don't  
10 remember the other names, but if I remember them later, I can tell you  
11 about -- of them. I remember another name. Longadi Philippe (phon)  
12 and another as well, Lubanga Guba (phon). There were lots of  
13 them, counsel.

14 MR. KILENDA: (Interpretation) Thank you very much, Mr. Ngudjolo.  
15 Your Honour, if you see no problem with that, there is a whole series of  
16 documents which show or prove what the witness has been saying,  
17 what Mr Ngudjolo has been telling us. So you have DRC-D03-0001-0695,  
18 entry 17; and then you have DRC-D03-0001-0696; DRC-D03-0001-0698; and  
19 then DRC-D03-0001-0699 for which we would like to obtain an EVD  
20 number, and these will be public documents.

21 PRESIDING JUDGE COTTE: (Interpretation) So we're still dealing with  
22 the same group of documents, either in French there are translations or  
23 they are in a language which I can't identify which perhaps you can tell us  
24 is that Swahili, Lingala?

25 MR. KILENDA: (Interpretation) It is Swahili. There is a translation --

1 THE INTERPRETER: Overlapping speakers.

2 MR. KILENDA: (Interpretation) But I did forget one evidentiary  
3 item and that is 0697.

4 PRESIDING JUDGE COTTE: (Interpretation) We're not going to put  
5 them on the screen. We are going to lose a lot of time if we do that.  
6 The Court Officer is going to give them an EVD.

7 Mr. Macdonald, yes.

8 MR. MACDONALD: (Interpretation) For these documents, please  
9 excuse me because we have to see if my colleague can refer us to the  
10 translations thereof because, I'm extremely sorry, but we just have noted the  
11 first one and I want to go back to what my colleague has just said: "This  
12 proves what Mr. Ngudjolo has said or it corroborates that." I've read the  
13 documents, and I don't know what Mr. -- that's not what my learned friend  
14 said or what Mr. Ngudjolo said in his testimony. That is what we are  
15 asserting. Mention was made of training that he has said -- that he's said to  
16 have trained people --- and give us some names --- but the first document,  
17 which is in French, does not seem to state that or be specific about that, and  
18 that's the reason for our intervention.

19 Before giving EVD numbers, we would ask you for just one moment or two--  
20 or maybe we should have a break now given the time, but perhaps we'll  
21 have to look at the translations thereof. Thank you very much.

22 PRESIDING JUDGE COTTE: (Interpretation) Now, where it concerns  
23 these documents, we have no objection that has been registered but we do  
24 hear from the Prosecutor a request for precision which Counsel Kilenda  
25 will give after the break, because we do not have the time to do that

1 now. There is, therefore -- there are five documents, going from  
2 DRC-D03-0001-0695 to 0699. The first is in French, and the others are  
3 in Swahili. Counsel Kilenda will explain what these notes are, or what  
4 these documents are, such that we can see how they fit with regards to the  
5 testimony that has just been given by Mathieu Ngudjolo.

6 MR. KILENDA: (Interpretation) Your Honour, please excuse me for  
7 interrupting you but the translations go from DRC-D03-0001-0713 to 0716,  
8 those are the translations of those documents.

9 PRESIDING JUDGE COTTE: (Interpretation) 0713 to 0716. Perhaps  
10 I'm the person who doesn't have a complete dossier before me. I will check  
11 during the break. Thank you very much.

12 Mr. Ngudjolo, you'll have to also tell us why on the attestations  
13 which have been attributed EVD numbers there is also this date of October  
14 1972. And with regards to this subject, this is something we can review  
15 after the break so we can all be clear in this regard.

16 Please could the usher take Mathieu Ngudjolo to his place and  
17 thereafter we shall have a break.

18 (The witness stands down)

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.  
20 The hearing is therefore suspended. We'll be back at 11.30.

21 Recess taken at 10.58 a.m.

22 On resuming at 11.33 a.m.

23 (Open session)

24 (The witness takes the stand)

25 COURT USHER: All rise.

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

2       Let us continue with our proceedings.

3       Mr. Kilenda, please provide clarification on the precise content  
4 of the various documents with their translations in DRC-0713 to 0716.

5       MR. KILENDA: (Interpretation) Thank you, your Honour. I would  
6 like to begin by having a clarification from the witness, because he is  
7 here. On page 37 of the transcript, lines 4 to 5, Mr. Ngudjolo was  
8 talking about the location of the dispensary where he worked as a  
9 laboratory nurse, '93/'95. Now I would like to know the name of that  
10 dispensary.

11      Q. Do you know the name of that dispensary, Mr. Ngudjolo?

12 A. Your Honours, the name of the dispensary was the *dispensaire université* or  
13 university dispensary. That is how people referred to it. It was located in the  
14 Lumumba neighbourhood, on Ituri Avenue, where Dr. Unen (\*phon) lived.

15      Q. You mentioned a name before the break. Was it Papa Aoki or was  
16 it Bapa Aoki?

17      A. Papa Aoki, A-o-k-i. Aoki.

18      Q. Thank you very much.

19       MR. KILENDA: (Interpretation) As the President requested, we  
20 are going to provide clarification.

21 Your Honour, there are several documents,  
22 and we would like to begin with DRC-D03-0001-0695  
23 . With your leave, we would like to have this document shown  
24 to the witness, because it does not reflect exactly the same content as the  
25 others.

1       PRESIDING JUDGE COTTE: (Interpretation) Since we would like to  
2   know exactly what we are talking about, Court Officer, please call up this  
3   document on the screens. It is a public document and it is not  
4   particularly confidential.

5       And please let us try to move rapidly on the presentation of  
6   these documents so as to be able to appreciate their possible scope.

7       COURT OFFICER: (Interpretation) Mr. President, the document is  
8   now on the screens.

9       PRESIDING JUDGE COTTE: (Interpretation) Thank you.

10      Mr. Kilenda.

11      MR. KILENDA: (Interpretation)

12      Q. Mr. Ngudjolo, you can see this document on your screen. Have you  
13   read it?

14      A. Yes. I saw it, and I read it.

15      Q. Good. Before the break, in answer to one of my questions relating to how  
16   the people who came to be trained by you, how they were selected, you  
17   said that they were selected by their community. Regarding the person  
18   mentioned in this document, was that person recommended?

19      A. Yes, exactly, Counsel. This is how it happened. The community made its  
20   recommendations and sent those names to the health centre. The people  
21   selected had to make an undertaking. They needed to pledge to become  
22   community workers, because those community health workers could only  
23   work in their health zones. They could not leave the zone and they could not  
24   work like doctors, whereas -- because a doctor could leave one area and go  
25   and work elsewhere, but not in the case of a health worker. Since such a

1 health worker is recommended by his community, he has to undertake not to  
2 leave that health zone without the authorisation of the health-centre  
3 authorities. That is how the health workers functioned.

4 So when I say a health worker or agent is not a doctor or nurse,  
5 that is what I meant. He has to be recommended, and he has to make an  
6 undertaking.

7 Q. Can you briefly explain to the Chamber why you countersigned all  
8 these documents?

9 A. Excuse me. I countersigned those documents because I was the head nurse  
10 at the Zumbe health centre at that time, and then subsequently in Kambutso.  
11 The recommendation was made to me because I was the one responsible for  
12 their training. And when the recommendation was made, I would keep a  
13 copy in my file, and I had to sign to indicate that these persons had, in  
14 fact, presented themselves, and I had accepted to train them. That is  
15 why I countersigned all these documents.

16 Q. Thank you, Mr. Ngudjolo.

17 MR. KILENDA: (Interpretation) Regarding the chain of custody of  
18 all these documents, I believe it is indicated there. We have informed the  
19 parties and participants of that, and we would now like to have an EVD  
20 number assigned for each document, including the translations.

21 PRESIDING JUDGE COTTE: (Interpretation) We have now a better  
22 understanding of the contents of those documents which relate to your line  
23 of questioning about Mathieu Ngudjolo as a trainer in the medical field.  
24 So, Court Officer, please assign a series of EVD numbers to these documents,  
25 both the Swahili originals and the translations. Can you do that right

1 now or do you need some time?

2 COURT OFFICER: (Interpretation) Mr. President, I can do that  
3 right now.

4 PRESIDING JUDGE COTTE: (Interpretation) Very well. Please go  
5 ahead.

6 COURT OFFICER: (Interpretation) Thank you, Mr. President.

7 Document DRC-D03-0001-0695 will bear the number EVD-D03-00112.

8 Document DRC-D03-0001-0696 will bear the reference number  
9 EVD-D03-00113.

10 Document DRC-D03-0001-0697 will be assigned the number  
11 EVD-D03-00114.

12 Document DRC-D03-0001-0698 will be assigned the reference number  
13 EVD-D03-00115.

14 Document DRC-D03-0001-0699 will be assigned the number  
15 EVD-D03-00116.

16 Those documents will be filed as public documents. Can you give  
17 us the ERN numbers of the translations, Mr. Kilenda?

18 MR. KILENDA: (Interpretation) Thank you, Court Officer. The  
19 first is DRC-D03-0001-0713. The second is DRC-D03-0001-0714. The third  
20 document is DRC-D03-0001-0715. And the last document is  
21 DRC-D03-0001-0716.

22 COURT OFFICER: (Interpretation) Thank you.

23 The document ending with 0713 will be EVD-D03-00117.

24 The document ending with 0714 will be EVD-D03-00118.

25 The document ending with 0715 will bear the number EVD-D03-00119.

1 The document bearing number 0716 will be EVD-D03-00120.

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda.

3 MR. KILENDA: (Interpretation) Thank you, Mr. President.

4 Thank you, Court Officer.

5 PRESIDING JUDGE COTTE: (Interpretation) Perhaps we should now

6 ask Mr. Ngudjolo why it is that in the attestations of services rendered

7 the year 1972 was also indicated as his year of birth.

8 Can you explain to us why this date of birth continued to be

9 used?

10 THE WITNESS: (Interpretation) Yes, indeed, your Honour. On the

11 attestations of services rendered or end of practicums, my date of birth

12 is indicated as 8th of October, 1972, and this is because in order to

13 work at that place or do an internship somewhere first one had to study,

14 and after completion of the studies you would begin an internship.

15 And also, the date of birth to be taken into consideration where the person

16 did their internship was taken from the school documents, and no one

17 could change that.

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

19 That is what we thought, but it was important for you to be the one to say it.

20 So the initial date of birth used for the registration for paramedical training

21 continued to be used and was recorded on the attestation issued at the end

22 of the internship

23 Please continue, Mr. Kilenda.

24 MR. KILENDA: (Interpretation)

25 Q. Mr. Ngudjolo, regarding the documents to which the -- the

1 Court Officer has just assigned EVD numbers, top left-hand corner it is  
2 indicated "CL Ngudjolo." Have you seen that? Could you ---

3 A. Yes, I can see that.

4 Q. I beg your pardon. It is indicated "CL Ngudjolo." Can you explain to  
5 the Chamber, the parties and participants, what "CL" means?

6 A. Mr. President, your Honours, CL just means *classement*, or classification.  
7 It is a abbreviation for "filing." This really means filing. It is my copy which  
8 was included in my own files. That is why I put the "CL Ngudjolo," and on  
9 the other side I would write "For My Approval." That is what "CL" means.

10 Q. Thank you very much, Mr. Ngudjolo. Let us revisit the issue of  
11 the civil guard. You have explained what it was, and we are not going to  
12 come back to that, but briefly, how did you come to be enrolled in the  
13 civil guard?

14 A. Counsel, in 1994, under Mobutu's government, I learned over Radio Candip  
15 that anyone who wished to receive civil guard training could go and enrol at  
16 the civil guard headquarters in Bunia. This is how come I went and registered.  
17 And we were sent to the Rwampara training centre. When I talk about  
18 Rwampara in relation to Bunia, I should explain that Rwampara is not really  
19 inside Bunia. It is about 10 to 12 kilometres to the west of Bunia. So we  
20 registered in town at the headquarters, and then we were sent to the training  
21 centre at Rwampara.

22 Q. And when did you leave the civil guard and why?

23 A. I left the civil guard in October 1996 because of the war. We  
24 were in Bunia, and when we finished our training, we had been transferred to  
25 Tchomia and later on to Kasenyi. And after that, in 1996, September, we were

1 transferred back to Bunia, and the war broke out in Goma in October 1996  
2 with the arrival of the AFDL. Orders were issued by the authorities who  
3 had taken the commandos and civil guards. In Bunia there were no  
4 commandos. We left Bunia to go to Kisangani, and there we found  
5 commandos who were getting ready to go to the front in Goma. The civil  
6 guard was also sent to Goma. That is how come we went to the front in Goma.

7 The war was so intense that we were compelled to flee and retreat  
8 to Kisangani. After that, I left that line of work.

9 Q. I heard you state that you joined the military or that you  
10 embraced a military career. Can you tell us when your military career  
11 started?

12 A. I beg your pardon. I started my military career when I was appointed  
13 to the rank of colonel in October 2006, and that is when I joined the military.

14 Q. And where was that?

15 A. In Bunia.

16 Q. How did you become a soldier?

17 A. I became a soldier when I was given the rank of colonel.

18 Q. When you were given -- who gave you that rank of colonel?

19 A. I was appointed by presidential decree. So this was the  
20 president of the republic.

21 Q. The president of the republic of which country?

22 A. The president of the Democratic Republic of the Congo,  
23 Joseph Kabila.

24 Q. Are you still currently in the army?

25 A. Yes, indeed. I am a soldier.

1 Q. Mr. Ngudjolo, where were you between August 2002 and May 2003?

2 A. From August 2002 to May 2003... in August I was in Bunia for my  
3 internship right up to the 9th of August, 2002. I was still in Bunia at that  
4 time. I left Bunia on the 9th of August, 2002, after the fall of Governor  
5 Lompondo. I fled to my village in the Ezekere groupement. When I arrived  
6 at my village Ezekere I first arrived at Zumbe, and then I returned to my  
7 village in Kambutso. This means that I left Bunia on the 9th of August, 2002. I  
8 arrived at the Ezekere groupement, more specifically in Zumbe on the 14th of  
9 August, 2002. And from the 14th of August, 2002, to the 6th of March, 2003, I  
10 stayed there, and from the 6th of March, 2003 until --

11 Q. Mr. Ngudjolo, I must interrupt you. Please listen to my questions carefully.  
12 My question was as follows: Where were you between August 2002 and  
13 May 2003? Please wait for me to ask you questions in order for you to answer.  
14 You have told us that you were in Bunia in August 2002; is that correct?

15 A. Yes, but I did not stay in Bunia 'til the end of the month of August.

16 Q. Very well. What were you doing in Bunia in August of 2002?

17 A. I was studying in Bunia to begin with, but in August I was doing  
18 my internship at the Bunia hospital.

19 Q. You were studying. Can you mention the names of some of your  
20 classmates or schoolmates? Just a few, not all.

21 A. Yes. First of all, there was Pastor Mangoli. The name is spelled  
22 M-a-n-g-o-l-i, Mangoli. There was Abutumange, which is spelled  
23 A-b-i-u-t-u-n-g-e (as interpreted) Abutumange. He's a pastor at the 8<sup>th</sup>  
24 CEPAC church -- of the Pentecostal community in Bunia. The last person I  
25 can mention is Azanga Ziungu. Azanga is spelled A-z-a-n-g-a. Azanga.

1 Then Ziungu is spelled Z-i-u-n-g-u. Ziungu. The third person I can mention  
2 is Paluku Juakali. Paluku Juakali. P-a-l-u-k-u, Paluku.  
3 J-u-a-k-a-l-a-I (as interpreted), Juakali. Another person was Kahindo Kabasha.  
4 Another colleague was Anetcho (phon). And then there was Bumba Philippe  
5 (phon), but he came from the Drodro ITM and he joined us in third year. He  
6 did his first year and second year in Drodro and then joined us in the third  
7 year at the ITM in Bunia. Bumba Philippe is running a dispensary in the  
8 Lumumba neighbourhood in Bunia. There are many other names, but I can  
9 leave it at that, counsel.

10 Q. At the time when you were studying in Bunia, what was the  
11 security situation like?

12 A. In 1999, the war had started in the north, in the Djugu territory. Starting  
13 in the year 2000, the situation was unstable because conflicts became – begun  
14 with Wamba dia Wamba and Mbusa Nyamwisi. Then the Ugandans took  
15 out Wamba, Mbusa stayed, and there were disturbances between Mbusa's  
16 soldiers, starting in March 2003 and continuing in April 2003. The security  
17 situation was really very bad, because there was dissent within Mbusa's APC  
18 forces and one of Mbusa's commanders, Papy Ndongala, was killed by Bosco  
19 Ntaganda, and that was right in the city. After -- after that killing, Bosco was  
20 a wanted man. People were looking for him. And then after that, the  
21 commander of Mbusa's security force was murdered, Claude Kiza, and I  
22 believe that was in April 2002. And it also was right in the town. Lompondo  
23 had control of Bunia at that time, and there were so many disturbances and  
24 troubles that Governor Lompondo was finally driven out on the 9th of  
25 August, 2002. And that is how it came to be that the situation which was

1 quite unstable -- starting in the year 2000, with Wamba dia Wamba against  
2 Mbusa and then -- you see, the situation became less and less stable, and  
3 after the departure of Wamba dia Wamba, the situation seemed to be  
4 stabilizing, but by March 2002, things had really degenerated.

5 Q. Now, I thought you were speaking about March 2003?

6 A. I am talking about 2002. I beg your pardon.

7 Q. I see. So when did you leave Bunia?

8 A. I left Bunia on the 9th of August, 2002.

9 Q. Why did you leave Bunia?

10 A. Because of the war, but let me backtrack. Now, on the 7th of August, it was  
11 a Wednesday. I was doing my training in Bunia at the general hospital, and  
12 the general hospital there is in Mudzipela neighbourhood, in the Bigu 3 sub-  
13 neighbourhood. And my house was not far from the hospital, not far from  
14 the school either. So we studied in the buildings of the laboratory of the  
15 general hospital, and I was living quite close to those places. I was there, I  
16 was doing my placement, my internship, and at about 2.00 in the afternoon I  
17 saw some people, I saw guns, civilians, women, mothers, coming from the  
18 Mudzipela neighbourhood and heading toward the Lumumba  
19 neighbourhoods. Others were moving toward the Bakoko neighbourhood,  
20 and they were carrying luggage. And so, they were going into the residential  
21 area where the governor was living. When I saw these people moving about,  
22 I went outside and I asked them, "What's going on?"  
23 And they told me, "Well, today things are looking bad." And since they  
24 had learned that the Hema were getting ready to kill all the people who  
25 were not Hema, the Lendu would also be killed.

1       And so I stayed until 4.00 or 5.00 in the afternoon, and I could  
2   see people moving about. Many people were continuing to flee, and since  
3   I had worked in the day up until 6.00 in the afternoon, I went back home  
4   after the shift change, and I said to my wife that the situation was not  
5   good. "Take everything that's important and go to the neighbours, and  
6   take the child with you," because, you see, we had a child. So, "Go to  
7   the neighbours and stay with them."

8       So I went back to the hospital to see, the people moving  
9   about, and I realised something was wrong. At about 7.00 in the evening  
10   I went back home, and I stayed there until 9.00 in the evening, and  
11   at 9.00 in the evening I saw a group of armed people with firearms and  
12   bladed weapons. They were coming all the way to my house, because -- you  
13   see, there was light. I had -- there was some light. I had turned off  
14   the lights in my house, but there was some light from the neighbours, and  
15   I saw them asking who the house belonged to, and if they said it was a  
16   Bira house, okay, they would leave. And then they kept on moving  
17   towards my house, and they said -- someone said, "A nurse lives here." And  
18   someone asked, "What tribe is he from?" And I was with another fellow, a  
19   Lendu fellow whose name was Lukana. His brother Mambo is a trader, and  
20   we heard them say that the nurse that was living here is a Lendu person.  
21   And right away I heard them say, "Well, let's -- let's burst into the house and  
22   get him, arrest him." We fled, and they saw us flee. They shot at us. So --  
23   they couldn't see us well because it was night-time. And behind our house  
24   there is a bit of a valley, so we went down, and they chased us, firing  
25   at us. We hid in the forest, and we stayed there until the morning.

1 At about 5.00 in the morning, we crossed the road, and we came out of the  
2 forest, and we went to Governor Lompondo's place, and that was on the  
3 Thursday, the 8th of August, 2002.

4 I got to Dr. Adirodu's home. He was my doctor, that is to say,  
5 he was the head of the zone, and the house I was living in close to the  
6 hospital, well, it was the doctor who had given me that place to stay  
7 since I was a student. And so I spoke to the doctor, and he was one of  
8 Mbusa's advisors, and the doctor went to see the governor and spoke to  
9 him about what had happened in the Mudzipela neighbourhood, and indeed  
10 some people had died. I got there Thursday morning to the doctor's  
11 home at about 6.00 in the morning, and the doctor went to speak to the  
12 governor, and during that time, your Honours, the town was divided into  
13 two. The governor's soldiers couldn't go through Mudzipela and the Ngezi  
14 neighbourhoods, which are in the north part of Bunia. The governor could  
15 not go there. The soldiers on the other side were rebels. We stayed until the  
16 evening, until approximately 7.00 in the evening, and the rebels came to  
17 attack the governor's residence, and that's where I met Floribert Njabu, and  
18 the residence was attacked. The attack continued until 8.00 in the evening.  
19 They were unable to gain entrance to the house. And on the morning of the  
20 Friday, the 9th of August, at 2.00 in the afternoon, the Ugandans and the rebels  
21 -- well, at the time -- I had never heard of the UPC at the time, and at 2 in the  
22 afternoon on Friday, the 9th of August 2002 -- the rebels came to attack the  
23 residence with the UPDF, and they were able to drive out the governor. And  
24 myself, I took advantage of his fleeing to also flee myself. We fled with a  
25 group of the local people.

1 MR. KILENDA: (Interpretation)

2 Q. Thank you, Mr. Ngudjolo. Could you describe to us the dealings  
3 between the UPC and the UPDF at the time?

4 A. The UPDF were the allies of the UPC. Consequently, they were friends.  
5 Consequently, you see, they were friends.

6 Q. So you left Bunia, and where did you go?

7 A. From Bunia, I fled to Songolo with the governor, the soldiers,  
8 and other civilians.

9 Q. And you stayed in Songolo?

10 A. We left Bunia, and we got to Songolo, but not the same day. We  
11 were afraid. Even the governor and his soldiers were afraid. You see,  
12 Kandro had soldiers in Songolo, and we were afraid that we might be  
13 ambushed at night and so we spent the night in the forest close to Songolo.  
14 And on the Saturday, early in the morning, on the 10th of August, 2002, we  
15 got to Songolo. And the governor went to see Kandro. We stayed there.  
16 That was the whole day. And in Songolo, I learned from Radio Candip that  
17 the UPC and the UPDF had driven out Governor Lompondo. And on the  
18 Saturday, I was there, and Sunday, the 11th of August, 2002, the governor  
19 left. He went to Beni, and he left me there in Songolo.

20 On the 13th of August, 2002, I had to leave because Songolo was  
21 not my village. So I went to Zumbe, and I got there on the 14th of  
22 August at 2.00 in the morning.

23 Q. So that was on the 14th of August, 2002. That's when you arrived in Zumbe?

24 A. No, Counsel.

25 Q. And who did you find there in Zumbe?

1 A. In Zumbe, I found the 12th Battalion APC soldiers there, and I met  
2 up with people from Bunia. And so they were the ones in Zumbe.

3 Q. Now, when you mention people coming from Bunia, who do you make  
4 reference to?

5 A. When I speak of people who had come from Bunia, I mean the  
6 civilians who had fled the war in Bunia.

7 Q. What ethnic groups were these civilians from?

8 A. They were from all the various tribes, even Hema people.

9 Q. So you got to Zumbe and you met up with the APC soldiers and the  
10 civilians. And where were you staying, you, yourself?

11 A. In Zumbe, I was in my old house, the house that I was living in  
12 when I was a nurse in Zumbe not far from the Zumbe health centre.

13 THE INTERPRETER: Interpreter correction: When the witness  
14 mentioned the 12th Battalion, that was of the APC.

15.....Q. Were you the owner of this house?

16 THE WITNESS: (Interpretation) No, I didn't own that house, but  
17 when I was living -- working there, I was living there.

18 MR. KILENDA: (Interpretation)

19 Q. Where was this house exactly in Zumbe?

20 A. Well, this house is no longer in existence. It was destroyed.  
21 It wasn't far from the Zumbe health centre coming by way of Kambutso.  
22 Before getting to the health centre -- well, first you would come to that  
23 house, and then you later would find yourself at the health centre.

24 Q. Tell us, Mr. Ngudjolo, since you are from the Ituri region, what  
25 was the security situation like in Ituri at that time?

1 A. Counsel, at the time, a war was going on in Ituri at that time.  
2 It started in 1999, in June, in the Walendu- Pitshi collectivity. And the  
3 reason, well, it was because of a land concession. The property of  
4 Mr. Uguaro, who is an Alur person. And you see, your Honours, I'm  
5 talking about conflict between the Alur and the Lendu people from  
6 Kpandroma at the Uguaro farm. The conflict went from Uguaro with the  
7 Savu family against the Lendu people, and then it became a conflict between  
8 the Bira and the Ngiti, and then it continued between the Nyali and the  
9 Hema. So that's what the situation was like. And since a rebellion was  
10 underway, the owner of the concession, well, they took advantage of the  
11 Ugandans' presence to change the boundaries of their concession illegally,  
12 and this didn't please the local people. So those people left and they changed  
13 the boundary markers and Uguaro went and got some Ugandan soldiers to  
14 drive out the population. That is where it all started: first the Lendus and the  
15 Alurs. It ended with a pact of blood between the Lendu and the Alur, and  
16 they ended this war. Then, it was a conflict between Lobocho and the  
17 Lendu, , once again, it was about concessions, and he did exactly what  
18 Ugwaru did. I can spell out that name if you want me to. U-g-u-a-r-o (*as*  
19 *interpreted*). Ugwaru. He's an Alur person. He is neither Hema nor Lendu.  
20 When the war began, it was to the north, and we are in the south,  
21 and in our part of the world everything was peaceful, in Bunia and in the  
22 Ezekere groupement. Everything was peaceful. Gradually as the war moved  
23 towards us on the 9th of January, 2001, in Kotoni, at the time I was  
24 working at the dispensary there and studied in Bunia at the same time.  
25 That was in -- from July 2000 to 9 January 2001 I was in Kotoni. I was

1 working there, but I was also studying in Bunia. I would leave my home  
2 every day at 5.30 in the morning because I went to Bunia on my bicycle. I  
3 would leave., and nothing bad would happen. There was nothing serious  
4 going on. That was after me. Afterwards, I didn't know what had happened  
5 when I was away, but when I came back, when I got to the Lumumba  
6 neighbourhood, more specifically Yambi, I saw people carrying luggage  
7 and fleeing, and I asked them, "What's going on?" I thought that these  
8 people were fleeing from Nyankunde because in Nyankunde as well, there  
9 were Bira and Ngiti people there who were having a conflict. And these  
10 people said to me, "No. There is fire in Kotoni." And I asked them again,  
11 "Fires in Kotoni? What's going on?" And they gave me the same reply. And  
12 I got to Dele, and when I asked the question, I was told, "No, don't go there.  
13 You won't find anyone there. Everything has been burnt down." And I  
14 said, "What is happening?" And I was told that the Ugandans had come,  
15 and they had burnt down the whole village of Kotoni. So I left my bicycle in  
16 Dele and went on to Zumbe.

17 Q. Mr Ngudjolo, try to speak slowly, because everything you're saying is  
18 very important. Everything has to be transcribed properly.

19 A. Thank you, counsel. Understand me.

20 Q. You have a great deal to tell us, since you have had to remain silent  
21 over many years, but please tell us what happened calmly  
22 and slowly so that the interpreters can do their work properly and so  
23 that everything can be transcribed, so that the Judges, the parties, and the  
24 participants can understand. They need your answers. Do you understand?

25 A. Thank you, counsel.

1 When I got to Zumbe, my family had remained behind in Kotoni. There was  
2 no way for me to get there. So that is why I went to Zumbe. It was in Zumbe  
3 that I learned indeed what had happened in Kotoni. In Zumbe, I was told  
4 this: Ugandan soldiers, 13 of them, arrived at 10.00 in the morning in Kotoni  
5 to look for the head -- the chief of the locality. They didn't find him, and  
6 instead they arrested the officer instead of him -- the son of the chief of the  
7 locality, correction, also the son of Pastor Hamisi who was the cousin of  
8 Étienne Lona Liga. I believe seven or eight people were arrested, and they  
9 said -- and they took them to Bogoro and the chief, as well, was to follow  
10 them to in Bogoro. When they got to a small market called Parking in  
11 Katoni -- correction, Kotoni, the young people saw that those people had  
12 been -- had gone to Bogoro, had been deported there, and they said "No, this  
13 can't be so. They should wait for the chief." they should not take either the  
14 son of the pastor, or the daughter of the pastor or the son of the chief -- and  
15 at that time there were rumours, of war, because in December 2000, the  
16 village of 150 ??? had been burnt down. Penyi had been burnt down.  
17 Chief Kahwa had attacked them. The villages were destroyed.  
18 And this was not far from our part of the world, so people were afraid.  
19 And the young people who were there said "No." Because they refused, the  
20 Ugandans shot at them, and -- so that is how the war started in the  
21 Ezekere groupement.  
22 People fled. There were deaths. On the 10th of January, 2001,  
23 the Wednesday, the Ugandans' helicopter came to shell people in Zumbe and  
24 in Kotoni, because people -- you see, people had fled at 10.00 or 11.00  
25 in the morning. They left everything behind. The houses had been

1 abandoned, and in the morning, some people went back to fetch their  
2 property. So when people left from Zumbe, those who had fled to Zumbe and  
3 to Lagura when they went to fetch their belongings on the 10th in the  
4 morning, that coincided with the position of the Ugandan soldiers who were  
5 in Kotoni, and who were already burning houses down. The helicopter left  
6 from Bunia and went to Kagaba, and coming back it began to shell. It shelled  
7 people. People fled in all directions, and as of that point in time,  
8 people went back home to gather in Zumbe.

9 At the time they shelled the Ezekere groupement, they also bombed the Ngiti.

10 And that is the reason why on the 19th of January, 2001, your Honour,  
11 my -- myself I was in Bunia, because on the 9th of January, I spent the  
12 night in Zumbe. The shelling of the 10th, this happened when I was in  
13 Zumbe. The 11th I came back to Bunia for my studies, because I could no  
14 longer continue in -- stay in Kotoni, and that's the reason why I  
15 therefore went to Bunia.

16 On the 19th of January, after the shelling of the collectivity of Walendu-Bindi,  
17 Colonel Simba, who was a Lendu fighter, and Colonel Kandro

18 went to Bunia, and they went to attack the UPDF at the airport of Bunia.

19 The UPDF responded, and there were deaths. People were fleeing in all  
20 directions, and since they were people who didn't know Bunia well, they got  
21 lost, and most of them....

22 THE WITNESS: (Interpretation) Still on the 19th, the mutiny had  
23 already started between Mbusa's soldiers. A commander called Pepe, a  
24 commander of the APC, a Hema, had arrested a Lendu. And perhaps you've  
25 heard people speak about the head of a person who -- they walked around

1 with. He arrested this Lendu, and he decapitated that person and he  
2 put it on an arrow and he walked around with it in the town and he said,  
3 “anyone who attacks the Ugandans, we will do this to  
4 them. That will be their fate.” Everybody had seen that. And that's  
5 why you heard about massacres of the 19th of January in Mudzipela. Some  
6 Lendus and some Bira were killed, and particularly Professor Charles Oloni,  
7 Charlotte, who was a student, and her mother too. Neema was the name of  
8 the mother.

9 The situation in Bunia seemed to have calmed down when Lompondo  
10 arrived. That was more or less it, counsel.

11 Q. Thank you very much, Mr. Ngudjolo, but when I hear you speak about  
12 -- or give all these descriptions, who was responsible for Ituri at the time?

13 Who was managing it? Was it governed?

14 A. Yes, counsel. The authorities who were governing Ituri were the  
15 Ugandans. It was the Ugandans who were governing Ituri at the time. It  
16 was these Ugandans who made Ituri a province because before Ituri had the  
17 status of a district and it was they who appointed the first governor of Ituri.  
18 So the authorities who were administering Ituri were the Ugandans.

19 Q. And the Congolese state?

20 A. The state no longer existed. At the time the state did no longer  
21 exist. Since 1998, when the war in the RCD started -- DRC started, the  
22 state no longer administered the east part of the DRC. All that part was  
23 in the hands of the Ugandans, the Rwandans and Ugandans --

24 THE INTERPRETER: “And people from Burundi,” corrects the  
25 interpreter.

1 THE WITNESS: (Interpretation) -- and Ituri was in the hands of  
2 the Ugandans.

3 MR. KILENDA: (Interpretation)

4 Q. Do you have an explanation with regards to Ugandan presence in  
5 Congo at that time?

6 A. The Ugandans arrived firstly quite a long time before that. It  
7 was they who brought in President Laurent-Désiré Kabila to drive out  
8 Mobutu. I don't know  
9 how they separated, because the Ugandans, the Rwandans, and others  
10 entered into the DRC in 1996. They drove out Mobutu. It was the  
11 17th of May, 1997. The 2nd of August, 1998, the Rwandans and the  
12 Ugandans came back again to fight Laurent Désiré Kabila, and they stayed  
13 there.

14 And that is how they found themselves in Ituri, because Ituri shares the  
15 same border with Uganda.

16 Q. Thank you. Now, with regards to Bedu-Ezekere, your home. Y your  
17 groupement at the time, was it governed? Was it administered?

18 A. The groupement of Ezekere, well, the Ugandans weren't there, but  
19 from time to time they came to fight the population of the groupement of  
20 Ezekere, because at the time there was an administrator of the group, of  
21 the groupement.

22 Q. Could we have the name of this administrator?

23 A. The chief of the groupement at the time was called Losinu Safari.  
24 He himself was afraid of this war. When he heard that there were battles in  
25 the Penyi groupement he fled, and that is the reason why Chef Manu

1 was appointed afterwards. Because when the battle came to Ezekere, it was  
2 at the time of the reign of Chief Ngabu Emmanuel called Chief Manu.

3 Q. Mr. Ngudjolo, in what exact location in Ituri could one at the  
4 time find the Ugandans present?

5 A. In Ituri, the Ugandans were in the five territories of Ituri.  
6 The Ugandans were in Aru, in Mahagi, in the territory of Djugu, Mambasa  
7 territory, and in the territory of Irumu, and the Ugandans were in all these  
8 five territories.

9 Q. I would remind you that you have to speak slowly, slowly, and  
10 please respect the five-second rule.

11 Very well. You tell us that the Ugandans were in all five  
12 territories of Ituri. Could you give us the names of some Ugandan  
13 authorities who were present at that time in Ituri?

14 A. In 2000/2001, the sector commander of the UPDF was  
15 Colonel Edison Muzora. He was the person who had bombed the  
16 groupement of Ezekere.

17 THE INTERPRETER: "Or shelled," corrects the interpreter.

18 THE WITNESS: (Interpretation) And another colonel who I knew  
19 was called Arocho. In 2003, it was at that time that I got to know their  
20 names. After the 6th of March, 2003, the chief of the UPDF, the leader  
21 of the UPDF who I knew was called General Kale Kayihura, and I also knew  
22 Captain Kalwiche Félicien, and there was another major who was in  
23 Mongbwalu.

24 There was also a colonel called Muzi, and he was the commander of the  
25 sector, and he was the person who Kale Kayihura had come to replace. I

1 also knew a Captain Kiza who was in Dele and a commander called Bogota.  
2 He was the one who attacked Kotoni. I think he was a lieutenant. There was  
3 Lieutenant-Colonel Chumboa Hassan. There were several names, but I can't  
4 remember them all, counsel.

5 THE INTERPRETER: The interpreters ask for the name of the major  
6 to be repeated.

7 PRESIDING JUDGE COTTE: (Interpretation) Could you repeat the  
8 name of the major, please. The interpreters were not able to hear it  
9 well. I think it was a major. You tell us that he was in Mongbwalu. Do  
10 you have his name?

11 THE WITNESS: (Interpretation) Yes, Mr. President. He was  
12 called Esdras. It is spelt E -- please allow me a moment, your Honour.  
13 I would like to write the name on a piece of paper.

14 MR. MACDONALD: (Interpretation) If you would allow me while the  
15 witness is writing, there's also the mention --

16 THE WITNESS: (Interpretation) Excuse me, your Honour. This pen  
17 does not write.

18 MR. MACDONALD: (Interpretation) While Mr. Ngudjolo is writing,  
19 I would like to speak to indicate that he mentioned the name of the  
20 commander, the Ugandan commander that Mr. Kale Kayihura replaced.  
21 The name of Kale Kayihura, that doesn't pose a problem, but if it was  
22 possible to have the spelling of this commander, unless it's the same  
23 name that the Chamber's referring to. What I would note here is that  
24 several names have been mentioned, and in the transcript these names are  
25 obviously written phonetically despite the fact that my colleagues did

1 provide a list of names and places prior to the hearing. Perhaps it  
2 would be good if at a certain time we could stop so that these names  
3 could be spelt, these places could be spelt, so that we can ensure that  
4 they're correctly spelled, because they could be relevant here after.  
5 Thank you very much.

6 PRESIDING JUDGE COTTE: (Interpretation) So I will take the  
7 French transcript, page 64, line 24. You told us, Mr. Ngudjolo, that  
8 during the year 2001 -- 2000 to 2001 the sector commander was  
9 called -- was Colonel Edison Muzora. I don't think there is a difficulty  
10 with regards to the spelling there. The person who shelled the  
11 groupement of Ezekere and then another colonel who I knew was called, and  
12 here in the transcript with a star it says Arocho. Could you please  
13 spell the name of that colonel. Is it Arocho, A-r-o-c-h-o; is that  
14 right? A-r-c-h-o -- A-r-o-c-h-o.

15 THE WITNESS: (Interpretation) Arocha is spelled A-r-o-c-h-a.  
16 Mongbwalu was Major Esdra. E-s-d-r-a, Esdra. Esdra. The other --

17 PRESIDING JUDGE COTTE: (Interpretation) Arocha, we have that on  
18 the list which was provided by your Defence. Esdra, we have just heard  
19 that clearly. I will continue with the transcript. "After the 6th of  
20 March, 2003, the chief of the UPDF, who I knew, General Kale Kayihura. I also  
21 knew the Captain Kalwiche Félicien. Please could you spell Kalwiche for us.

22 THE WITNESS: (Interpretation) It was Felix Kulaije. Felix as  
23 it is written in French. Kulaije is spelled, K-u-l-a-u-d-g-e .

24 THE INTERPRETER: The interpreter corrects, "i-j-e."

25 THE WITNESS: (Interpretation) He was a captain. Now with

1 regards to the sector commander, Kale Kayihura -- who Kale Kayihura  
2 replaced, that was Colonel Muhozi. M-u-h-o-z-i, Muhozi. I don't know if  
3 I've forgotten a name.  
4 PRESIDING JUDGE COTTE: (Interpretation) Colonel Muhozi just to answer  
5 the question of the Prosecutor, he wanted to know who had replaced Kale  
6 Kayihura, and that was the colonel whose name you've just said to us. So  
7 we shall continue.

8 Counsel Kilenda, if you would be so kind.

9 MR. KILENDA: (Interpretation) Thank you very much, your Honour.

10 Q. Mr. Ngudjolo, could you tell us at this time what was the  
11 relationship between the Kinshasa government and the Ugandan  
12 authorities at that time?

13 A. At that time, there wasn't agreement between the government  
14 and -- of the DRC and Uganda. There wasn't an agreement. It was like a  
15 game of cat and mouse.

16 Q. When you say there was no agreement, what should we understand by  
17 that? What should we make of that?

18 A. They were fighting each other. The Ugandan government supported  
19 a rebellion against the Kinshasa government, so all the rebel groups who  
20 were operating in the east were supported on the one hand by the Ugandans  
21 and on the other by the Rwandans against the Kinshasa government, and that  
22 is the reason why I said that there wasn't an agreement between these two  
23 countries. They were enemies.

24 Q. A few moments ago when you were explaining the situation to us,  
25 the security situation, you mentioned Ugandans who with their

1 helicopters, they shelled Zombe. They were having a picnic, so to speak.  
2 Weren't there Congolese authorities to stop them doing that? Or should  
3 we understand that they, the Ugandans, were really dominating at that time?

4 A. Counsel, when the Ugandans were there the government did no  
5 longer exist. The Ugandans said the following. They said, "That is your  
6 country, but we're the ones who give orders." And that is the reason why  
7 they did everything they wanted to or anything they wanted to without  
8 there being a slightest challenge to that they could pillage things,  
9 pillage goods. For example, at the Bunia airport, the sand which was  
10 there for the roads was taken by the Ugandans. They wanted to make Bunia  
11 airport an international airport, but they took all the sand that was  
12 there and they went to Kilo-Moto and they took all the gold that was  
13 there, and they pillaged wood and -- as if they were in a chicken coop or  
14 they cut down all the trees, they took all the citrus fruit.

15 THE INTERPRETER: "As if they were in the garden of Eden," corrects  
16 the interpreter.

17 THE WITNESS: (Interpretation) There was an antenna on top of  
18 Mount (inaudible) and they dismantled it and took it away. And all the  
19 traders who had any kind of resources, for example, all the people who had  
20 cattle or livestock had to pay a type of tax to the Ugandans, and everyone  
21 who had to carry out commercial activities and had to travel to do so had to  
22 pay a tax. They behaved like police in that country, accompanying the  
23 civilians, and these civilians had to pay something. For example, the  
24 livestock breeders also had to provide livestock, and it was the same  
25 Ugandans who appointed the authorities in place. They made Ituri a

1 province, and they carried out appointing all the authorities within the  
2 administration. Whether it was the creation of armed groups, it was the same  
3 Ugandans who were behind that. It was really like an occupying force. They  
4 dominated our country at that time.

5 MR. KILENDA: (Interpretation)

6 Q. Could you tell the Chamber how the population of Ituri  
7 experienced this Ugandan dominance?

8 A. The population of Ituri was not happy with the Ugandan presence.  
9 The first community to revolt was the Lendu, and that's the reason why  
10 there was a war. There were clashes between the Lendu and the Ugandans.  
11 Even the Hema also revolted, and thereafter group -- armed groups also  
12 revolted against the Ugandans, and that's the reason why the Ugandans  
13 went to conclude an agreement with the UPC on the 6th of March. So the  
14 population wasn't happy with the presence of the Ugandans. Whether it  
15 was politicians, armed groups, no one was happy with that, but  
16 because the state didn't exist, Kinshasa was very far away, you couldn't  
17 do anything else.

18 Q. Thank you very much, Mr. Ngudjolo.

19 MR. KILENDA: (Interpretation) Please, your Honour, would you  
20 allow us to confer for a moment? Thank you.

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

22 (Defence counsel confer)

23 MR. KILENDA: (Interpretation)

24 Q. Mr. Ngudjolo, we have followed what you said. You mentioned at a  
25 certain time the shelling that your groupement was a victim of. Could

1 you tell the Chamber how your groupement faced or dealt with these  
2 attacks?

3 A. Yes, counsel. When the Ugandans came to attack our groupement,  
4 the civil -- civilian population, so the *chef du groupement* organised the  
5 population to make a self-defence force against these attacks. So the  
6 *chef du groupement* they made a committee structure, and in this structure  
7 this made it possible for the population to defend themselves against the  
8 attacks of the Ugandans who were attacking our groupement.

9 Q. Concretely, what did you do with this structure? What exactly  
10 did you do to ward off the attacks of the Ugandans?

11 A. The population used bladed weapons to defend themselves against  
12 the Ugandans. As far as we were concerned, well, with us we have -- or  
13 we're lucky because the Ezekere groupement is at the bottom of a hill --

14 THE INTERPRETER: "Above a hill," corrects the interpreter.

15 THE WITNESS: (Interpretation) -- and there is just one road  
16 which goes from Bunia, that goes through Ezekere to stop in Zumbe. And  
17 so the Ugandans soldiers came on foot, armed, and when they went up  
18 there, when they went up towards our groupement, young people hid all  
19 around this road because you know if you fire an arrow even from a  
20 distance of 40 metres. As these Ugandans were going up the hills, the  
21 people who were above the hill could see them. So how could -- how did  
22 these Ugandans proceed? Well, in order to make the civilian population  
23 afraid, they could fire mortars, and when somebody fires a mortar, they  
24 shoot very far away and the population can hide nearby, and when the  
25 soldiers advanced, they thought because they had fired mortars all the

1 population had already fled, and of course there were people who had  
2 indeed fled. For example, the elderly, wives, women, children, but people  
3 who had strength, they hid. And as the Ugandans were thinking that they  
4 had already fired such mortars then there were no longer people on that hill.

5 They were going up slowly, and when they came close to these young  
6 people, they threw their spears and they were able to kill some of those  
7 Ugandan soldiers. And some of them threw away their guns. If that hill had  
8 not existed, the population would not have been able to resist the Ugandans.

9 If we had been living in a savannah area we could not survived the  
10 Ugandan attacks. Thank you.

11 PRESIDING JUDGE COTTE: (Interpretation) I would like to remind  
12 you, Mr. Ngudjolo, to speak slowly.

13 Please proceed, Mr. Kilenda.

14 MR. KILENDA: (Interpretation)

15 Q. Mr. Ngudjolo, we were talking about young people. I do  
16 remember that one of our witnesses here, Chef Manu specifically, had  
17 mentioned a committee of young people. What was this committee?

18 A. Counsel, I am sorry, I will have to remember to comply with the  
19 five-second rule. Regarding the youth, I would say the following: when the  
20 battle started, the

21 chief convened the wise old men. They started reflecting on the ways and  
22 means of protecting the population. They started to think about ways of  
23 protecting the population. As you know, the Lendu people are  
24 farmers, but they are also livestock breeders, so they are both farmers  
25 and livestock breeders. This means that the people live off their farm

1 products, and it is impossible for them to leave their territory to go  
2 and die of hunger in someone else's land. That is why the people decided  
3 not to leave.

4 The people asked the young people to protect their territory  
5 and not surrender it to other people. It was because of this that the  
6 young people organised themselves. They started to cut ... preparing  
7 arrows, using tree stems. Several of them were responsible for alerting the  
8 population when the enemy was on their way so that women, children, and  
9 the elderly people should go and hide in the caves or grottos, because we  
10 have caves in our area. This is how come that organisation was set up to  
11 defend the territory.

12 Q. And what -- what was the criteria for becoming members in that  
13 young people's committee?

14 A. Regarding those young people, I would like to say the following:  
15 Anyone who was older than 18 years, that is someone who had attained the  
16 age of majority, who was fit and capable of fighting, those were the  
17 conditions necessary to become a member of this group and defend the  
18 territory, but elderly people, women, and children needed to flee. They  
19 had to be protected.

20 Q. One of the Prosecution witnesses, DRC-OTP --

21 MR. MACDONALD: (Interpretation) Objection, your Honour, to the  
22 manner in which my learned friend is phrasing his question. He can put  
23 that fact to the witness without referring to the witness, for it is the  
24 Chamber that is going to determine or assess the credibility of the  
25 evidence, or the weight of the evidence. But I am submitting that this

1 manner of proceeding is unorthodox.

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, you were  
3 at the very beginning of your -- of your question, so please try to  
4 rephrase it or move on to something else and remember to reformulate that  
5 question and ask it later.

6 MR. KILENDA: (Interpretation) Thank you, your Honour. I will  
7 rephrase it, but I would like to remind everyone that at point 40 of the  
8 list of issues that we were going to raise includes -- that is  
9 confrontation of the allegations of all Prosecution witnesses, but I will  
10 rephrase.

11 Q. Mr. Ngudjolo, where did the members of this committee of young  
12 people live?

13 A. Each one of them was living in their own house.

14 Q. But we were told here that there were military camps, that those  
15 young people were living in military camps, that the Zumbe village and  
16 the camp were very well organised.

17 What are your comments?

18 A. Counsel, Mr. President, your Honours, we have to distinguish  
19 between a civilian and a soldier.

20 In Zumbe, there were no military camps.

21 In the Bedu-Ezekere groupement, there were no military camps, and  
22 there were no soldiers.

23 We should not confuse between a civilian

24 practising self-defence or political, military groups, or even the army.

25 Those are very different things.

1 It is possible for a civilian to be armed, but he is still a  
2 civilian even though he is bearing a weapon.

3 He is not a soldier.

4 Here in Europe, you have civilians who have a weapons licence, a  
5 licence to carry a weapon.

6 They are not soldiers. They are civilians.

7 A soldier is a civilian who has been recruited, given military  
8 training, and at the end of that training the person in question becomes  
9 a soldier.

10 In a nutshell, Counsel, there were no military camps in Zombe,  
11 and there were no soldiers either.

12 MR. MACDONALD: (Interpretation) Your Honour, I'm sorry for  
13 interrupting my learned friend.

14 The last date referred to was 9, 10, 11 January 2011,  
15 and here we have no time-frame at all in relation to that  
16 answer.

17 I am making this point because we have the issue of the sources,  
18 the factual basis or foundation based on which Mr. Ngudjolo  
19 can make such a statement in light of his  
20 previous testimony so far.

21 We do not have any time-frame, so which  
22 period are we talking about?

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, you are  
24 going to answer that question,  
25 but it seems to me that we were referring

1 to the time when Mr. Ngudjolo fled Bunia and passed through Songolo  
2 briefly to Zumbe.

3 That was after the fall of Lompondo. Is that the  
4 case?

5 MR. KILENDA: (Interpretation) Yes, indeed, your Honour.

6 PRESIDING JUDGE COTTE: (Interpretation) Maybe things were made  
7 a little bit more complicated because of the fact that Mr. Ngudjolo  
8 answered at length and spontaneously.

9 But, in any case, you have confirmed that your recent questions to the  
10 witness have prompted him to talk about the conditions in  
11 Zumbe in August 2002, where a self-defence group  
12 had been put in place.

13 Do we agree on that, Mr. Kilenda?

14 MR. KILENDA: (Interpretation) Yes, we do agree, Mr. President.

15 PRESIDING JUDGE COTTE: (Interpretation) Very well. Please  
16 proceed.

17 MR. KILENDA: (Interpretation)

18 Q. Mr. Ngudjolo, that same person who appeared  
19 here stated that he or she had seen child soldiers in Zumbe.  
20 What do you have to say to  
21 that?

22 A. Counsel, there were no child soldiers in Zumbe.

23 Q. And why was it that those young people were staying in their  
24 various homes?

25 A. The young people were staying in their homes because they were

1 civilians.

2 MR. KILENDA: (Interpretation) Your Honour, I would like to call  
3 up document EVD-OTP-00084.

4 PRESIDING JUDGE COTTE: (Interpretation) Can you tell me the  
5 number on the list of documents?

6 MR. MACDONALD: (Interpretation) Thirty-four.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Thank you,  
8 Mr. Prosecutor.

9 It is a photograph, isn't it?

10 MR. KILENDA: (Interpretation) Yes, indeed.

11 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, I note  
12 that the Prosecutor did not object, so please display that photograph on  
13 the screens, please.

14 COURT OFFICER: (Interpretation) Your Honour, that document can  
15 be viewed by pressing "PC1."

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you,  
17 Court Officer.

18 Mr. Kilenda.

19 MR. KILENDA: (Interpretation) Thank you, your Honour.

20 Q. Mr. Mathieu Ngudjolo, have you seen this photograph before?

21 A. Counsel, this is my first time of seeing this photograph that is  
22 in this courtroom.

23 THE INTERPRETER: Correction by the Lingala interpreter: "It is  
24 here in the courtroom that I'm seeing the photograph for the first time,  
25 that I saw the photograph for the first time."

1 MR. KILENDA: (Interpretation)

2 Q. Look at that photograph carefully. Do you know those children?

3 A. No, I do not know them.

4 Q. You were in Zumbe. Are these children from Zumbe?

5 MR. MACDONALD: (Interpretation) I would like to make an observation,

6 Mr. President. We have to talk about the date on which that photograph

7 was taken as indicated to us by the witness who took the photograph.

8 I will not assist my learned friend, but at this particular point, I would like to

9 say that we need to be

10 very specific, because there were other witnesses for the Defence,

11 including Chief Manu, who provided information that were in contradiction

12 to this photograph. So we cannot assist Mr. Ngudjolo at this point with

13 such a broad question.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

15 Mr. Prosecutor, but this shows that your previous objection makes the

16 task of the Defense very complicated. We have an accused person here who

17 has decided to testify as a witness, under oath. You reacted here when Mr.

18 Kilenda wanted to give the number of a Prosecution witness, but it is clear

19 that Mr. Ngudjolo is here also to provide his point of view on testimonies

20 given by Prosecution witnesses. And here you quite correctly observe

21 that the date on which this photograph was taken has to be indicated

22 insofar as another Prosecution witness provided different information about

23 that photograph and challenged it. So we need to allow Mathieu Ngudjolo to

24 answer those questions, and we need to allow his Defence team to ask him

25 such questions, making reference to the witness numbers so that we all

1 know what we are talking about. Otherwise, our transcripts will be very  
2 confusing. In this particular case, I do not remember the number.

3 MR. MACDONALD: (Interpretation) It was Mr. Renault who at ---

5 PRESIDING JUDGE COTTE: (Interpretation) Let us observe the five-second  
6 rule. We are indeed talking about Mr. Renaud Kahn. Very well, go ahead.

7 MR. MACDONALD: (Interpretation) Mr. Khan did testify in this  
8 courtroom, and it was through him that the photograph was introduced.

9 According to the chronology given by Mr. Ngudjolo and specifically from  
10 the 6th of March, 2003, his version has now changed somewhat, and  
11 he was in command during events between August and May, 2003, in  
12 Bedu-Ezekere. That was the question that led to ... So we have to be a bit  
13 more specific here with the witness. Mr. Kahn's photos were taken --

14 PRESIDING JUDGE COTTE: (Int.) We are aware of that We know that..

15 MR. MACDONALD: (Interpretation) on another date.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda is asking his  
17 questions, and you are quite correctly worried. No one knows whether Mr.  
18 Kilenda was intending to give a time-frame for those photographs or not, but  
19 we are aware of that. So, Mr. Kilenda, you can proceed, but bear in mind that  
20 at the end of that line of questioning relating to those photographs, we should  
21 be clear about the date on which those photographs were taken, because we  
22 know that for the period between August 2002 and August 2003, we have  
23 to be very specific with the dates. Please proceed.

24 MR. KILENDA: (Interpretation) Thank you, Mr. President. I  
25 would like to admit that the objections of the Prosecutor to the effect

1 that we should not mention the names of witnesses are actually complicating  
2 our task. I was intending to mention this witness and indicate the  
3 period during which he went to Bedu-Ezekere, and I was stopped short by  
4 the Prosecutor's objection. Your Honour, I think we should have a *modus*  
5 *vivendi* between the Prosecutor and us. Many Prosecution witnesses came  
6 and stated here that they were with Mathieu Ngudjolo here and they were  
7 with Mathieu Ngudjolo there. It is our duty, since Mr. Mathieu Ngudjolo is  
8 there in front of you ... I think it is entirely normal for us to ask him questions  
9 regarding those witnesses and the locations that those witnesses mention.  
10 If we cannot do that, then the Prosecutor should tell us how to proceed.  
11 PRESIDING JUDGE COTTE: (Interpretation) Mr Kilenda, we hear what you  
12 are saying. There are two distinct issues here. Mathieu Ngudjolo is an  
13 accused person who has decided to testify, so it is necessary for him to be  
14 confronted with allegations made by Prosecution witnesses in this courtroom.  
15 You can do that, and that is very important for us. Otherwise, this Chamber  
16 is pointless, and the testimony of the accused as a witness would not be very  
17 relevant. Regarding the second issue, the Prosecutor merely wishes that in  
18 the answers that Mathieu Ngudjolo gives to your questions about this  
19 photograph ... let us not forget that he was present since the bringing of the  
20 trial. Mathieu Ngudjolo should be informed about the date of this  
21 photograph. If you do not remember, I do remember, and I can assist you.  
22 MR. KILENDA: (Interpretation) Thank you, your Honour. That  
23 Prosecution witness who is a photo journalist said that he visited Zombe  
24 on the 2nd and 7th of July, 2003. That is the specific timeframe.  
25 PRESIDING JUDGE COTTE: (Interpretation) Very well.

1 THE INTERPRETER: From the interpreter, there are a lot of  
2 overlapping speakers.

3 PRESIDING JUDGE COTTE: (Interpretation) That makes it possible for us to  
4 relate to the date that we are concerned with, that is, the 24th of February,  
5 2003. Please go on, Mr. Kilenda.

6 MR. MACDONALD: (Interpretation) And the photographs taken on his way  
7 back. The witness stated that it was on his way back to Bunia from Zumbé  
8 that he took that photograph.

9 PRESIDING JUDGE COTTE: (Interpretation) Mr. Kilenda, you have  
10 7 minutes left. Please take a moment, calm down and then proceed.

11 MR. KILENDA: (Interpretation) Thank you, your Honour.

12 Q. Mr. Ngudjolo, do you remember having received that person in  
13 Zumbé or in Kambutso?

14 A. No, Counsel. Mr. President, your Honours, I left Bunia on the  
15 11th of May. No, that's not correct. Let me repeat. On the  
16 11th of May, 2003, I went to Kambutso. On the 30th of May, I left the  
17 Ezekere groupement, and I went to Beni. I spent the entire month of June  
18 in Beni, and on the 30th of June, 2003, I celebrated in Butembo where I was  
19 received by General Kasereka at the Auberge (phon) hotel in Butembo.  
20 From Beni, I returned to the Ezekere groupement on the 20th of July,  
21 2003. On my arrival, I found ARTEMIS soldiers there. They were already  
22 in Bunia. That was the clarification that I wanted to give regarding the time  
23 from the 30th of May, 2003, to the 20th of July, 2003. I was in the groupement..  
24 I was not in the Ezekere groupement. I, therefore, did not receive that  
25 witness. I did not receive any journalist or photographer. At that time, I was

1 in North Kivu and specifically in Beni and Butembo. That was between the  
2 30th of May, 2003, and the 20th of July, 2003.

3 Now, regarding that photograph, I would say that I know the  
4 Ezekere groupement very well. There is no indication here that this  
5 picture was taken in the Ezekere groupement. There is no indication of  
6 that at all. That is the first point.

7 Secondly, you can look at that photograph and look at the boot that is  
8 next to that child. Do you think that is his size? Look at it carefully.

9 The third thing is this: What shows that those children are  
10 soldiers? There is nothing at all that points to that. What shows, what  
11 proves that these are child soldiers from Zumbe? Ever since the  
12 9th of January, 2001, right up until my arrest on the 23rd of October,  
13 2003, in the Lokana case, I never heard of any military training centre  
14 in the Ezekere groupement. I never heard either that any child soldiers  
15 had been recruited.

16 We know what a child is worth. When a Mulendu says that he has  
17 ten children, just like I have six myself, it is because we know the  
18 value of a child. When I die, it is my son who will succeed me. A  
19 father never sends his son to battle. The father would prefer to die in  
20 order for his son to live. That is why I'm telling you that we know the  
21 value of a child.

22 In a nutshell, this photograph is not a photograph of children  
23 from Zumbe. It is not a photograph of child soldiers from Zumbe. I do not  
24 know whether these are child soldiers. I do not know  
25 where this photograph was taken.

1 MR. KILENDA: (Interpretation) Your Honour, I would like to end  
2 with one very short question.

3 PRESIDING JUDGE COTTE: (Interpretation) If you think you can elicit a  
4 quick reply, please go ahead.

5 MR. KILENDA: (Interpretation)

6 Q. Mr. Ngudjolo, Bunia is how many kilometres away from Beni?

7 A. Between Bunia and Beni is 200 kilometres, and between Beni and  
8 Butembo is 50 kilometres. So the distance is more than 250 kilometres.

9 MR. KILENDA: (Interpretation) I would like to stop here now,  
10 your Honour.

11 PRESIDING JUDGE COTTE: (Interpretation) Very well. Let us end  
12 here for today.

13 Court Usher, please lead Mr. Ngudjolo back to his seat.

14 (The witness stands down)

15 PRESIDING JUDGE COTTE: (Interpretation) Mr. Ngudjolo,  
16 Mr. Katanga, we are going to continue with our proceedings tomorrow  
17 morning at 9.00 a.m.

18 The hearing is hereby adjourned, and we will reconvene tomorrow  
19 morning at 9.00 a.m.

20 The hearing ends at 1.28 p.m.

21 CORRECTIONS REPORT

22 The Court Interpretation and Translation Section has made the following  
23 corrections in the transcript:

24 \*Page 53 lines 7 to 8

25 "I saw a group of armed people with firearms and bladed weapons"

1 Is corrected by

2 "I saw a few armed people with bladed weapons"

3 \*Page 59 lines 5 to 8

4 "Neither the son of the pastor

5 nor the daughter of the pastor or the son of the chief, and at that time

6 there were rumours, because in December 2000, the village of 150 had been

7 burnt down. The chief had attacked them."

8 Is corrected by

9 "They should not bring either the child of the pastor or the daughter of the

10 pastor or the child of the chief. At, that time there were rumours of war,

11 because in December 2000, the village of 250 groupements, the village of

12 Penyi, had been burnt down. Chief Kahwa had attacked them."

13 \*Page 51 lines 20 to 21

14 "And then after that, one of the commanders of Mbusa's security forces was

15 skilled" Is corrected by

16 "And then after that, one of the commanders of Mbusa's security forces was

17 killed"

18 CORRECTIONS REPORT

19 Pursuant to the Decision ICC-01/04-01/07-3216 issued by the Trial Chamber II

20 on the 13th December 2011, this transcript has been revised and corrected.

21 Please note that the corrections have been implemented directly into the

22 transcript.