

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 Tuesday, 4 October 2011
10 The hearing starts at 9.04 a.m.
11 (Open session)
12 (The witness takes the stand)
13 COURT USHER: All rise. The International Criminal Court is now
14 in session.
15 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
16 Good morning, everybody. Good morning to the accused persons.
17 THE WITNESS: (Interpretation) Good morning.
18 PRESIDING JUDGE COTTE: (Interpretation) This morning we do not
19 have our message system up and running. We hope that that will be
20 rectified as quickly as possible, because it's something that we noticed
21 very early this morning. So in the first instance, we don't have our
22 message system. If anybody should have any messages to pass to the
23 Court Officer this morning to request redactions or for any other reason,
24 please don't hesitate to stand up. This is a living courtroom, and there
25 is no problem at all if people want to go all the way over to the

1 Court Officer to give her a piece of paper or whisper something in her
2 ear. Let's do our best to overcome this technical difficulty with an
3 excess of mobility this morning.

4 Mr. Hooper, I give you the floor if you so wish -- oh, excuse me.
5 The Prosecutor. Please go ahead.

6 MR. MACDONALD: (Interpretation) Good morning, Mr. President,
7 your Honours. Just a status report with regard to the maps, the famous
8 maps. We received proposals from the Katanga team. We also received
9 proposals from the Ngudjolo team. We have received the comments of our
10 learned friends the Legal Representatives. It's a matter of trying to
11 put together the two maps received by the two Defence -- received from
12 the two Defence teams and to come up with something which will be
13 acceptable to everybody despite the fact that, of course, the distances
14 are difficult -- can be difficult to specify between each of the
15 localities. But there are certain differences between the map of
16 Mr. Ngudjolo and that of Mr. Katanga. It only relates to the localities
17 on the road from Bogoro to Kagama (* as interpreted), however.

18 Another difficulty, Mr. President, is this: Our technical team
19 which produces the maps has actually moved within the Office of the
20 Prosecutor, and at the moment their printer, the printer that enables
21 them to print out large maps or at least to zoom in and magnify certain
22 parts of maps is awaiting the computer service. In our jargon, they've
23 put a ticket on the printer and they are waiting for everything to be
24 connected up to their computer so they can print out maps.

25 You'll be able to see we can present you with maps in A3 format

1 that -- unfortunately that's a little bit harder to read than if we had a
2 larger format of map or if we were able to magnify certain areas of these
3 maps.

4 So that's the situation, Mr. President. As soon as we're able,
5 we will come back with a single map, but I do have the impression that
6 it's going to take a few more days, the time necessary to print
7 everything out. There you have it. Thank you very much.

8 PRESIDING JUDGE COTTE: (Interpretation) All right. Thank you
9 very much. I was waiting for specification as to the "as soon as
10 possible." You said a few days, which sent a shiver up my spine. It
11 would be a great shame if the maps were to come in after
12 Germain Katanga's testimony had concluded. So I would urge you to the
13 best of your ability to do everything you can to ensure that the
14 technical services and the satellite services which govern the technical
15 services' capacities make it possible to provide these documents
16 which everyone has been waiting for for such a long time. All right?

17 MR. MACDONALD: (Interpretation) Yes, of course. When I say a
18 few days, really actually I meant two days. That's what I had in mind.
19 If we are able to get the map earlier, of course we would be delighted to
20 submit it to the Chamber. Thank you.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.

22 Mr. Hooper, you have the floor.

23 MR. HOOPER: Yes. Can I just come back to the maps? It's
24 imperative that the Court have these maps now, and I have the map that
25 was annotated by Mr. Katanga last week, and I -- I apply to have that

1 distributed, and I can explain then why there shouldn't be a problem in
2 respect of the -- Mr. Ngudjolo's contributions but perhaps I can do that
3 in any event. In fact, we've got copies of both plans, and I'm sure the
4 Court will easily follow the implications. If I pass these two plans up
5 to the Court and very briefly deal with it, and I think the Court, I
6 hope, will agree with my submission that as far as the Katanga map is
7 concerned, that's both a useful document to have, to have now this
8 morning as -- before we start, and we can see, in fact, how relatively
9 easy it will be to reconcile these two plans in due course. So can I
10 pass these -- and these are, I think, in A3 format, the larger format.

11 MR. MACDONALD: (Interpretation) The Prosecution has no
12 objections to Mr. Katanga's map. There's one thing I forgot to mention. With
13 regard to Mr. Ngudjolo's map - this is a question that we had - we only
14 received Mr. Ngudjolo's map unfortunately at the end of the day yesterday
15 and that's why, Mr. President, we were not able to work upon producing
16 that map for today which we would have liked to do despite the technical
17 problems.

18 But other than that, we have no objection to this map, provided
19 that it is the annotations applied by Mr. Katanga to the map, with the
20 reservation, Mr. President, this no doubt also meets the concerns of
21 the Legal Representatives. I don't want to speak on their behalf, but
22 with the proviso that we be wary about the distances. You'll see on the
23 scale that it may be a scale of 2 kilometre or 3 kilometres
24 and the distances can vary. We need to be clear about that. It's
25 important to visualise the geography of certain localities, but, for

1 example, Olongba we can't say is necessarily 3 kilometres from Medhu when,
2 in fact, it might be 5 or 6 kilometres. This is an exaggeration by way of example

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

4 MR. MACDONALD: (Interpretation) And there's another
5 reservation I would like to make with regard to one map. We would like
6 it to be specified with regard to the localities on the Bogoro-Kagaba
7 road, for the time being the Prosecution is not happy with those
8 localities. Our Outlook system is not working at the moment. Some
9 colleagues may have access to those documents but the colleague who can
10 get into the system is not in The Hague at the moment. We shall come back to the
11 Chamber once we have information in this regard.

12 With regard to Bedu-Ezekere, probably there is no difficulty
13 associated with the map so long as we can attentively verify the exact
14 suggestions.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
16 Mr. Hooper, as I have, you have heard that the Prosecutor has no
17 objections to the distribution of the maps that you have. He expresses
18 certain reservations with regard to the calculation of distances which
19 orally Mr. Katanga may be able to specify if you ask him the question.
20 He also has expressed some reservations with the Bogoro-Kagaba road.
21 With those two reservations in mind we ought to be able to work
22 appropriately today on that basis. If you would like to distribute those
23 maps, the Court Usher is available to do so for you.

24 What is important is that we should not become lost in an excess
25 of perfection working among two different maps. When the time comes,

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

Page 6

1 we'll have to do an ultimate sorting exercise among them.

2 MR. HOOPER: I appreciate the Court's concern in that respect.

3 Can I hand up three -- three copies of the Katanga annotated document and
4 invite the Chamber, perhaps, just to perhaps put its own markings on
5 there at the top, GK, perhaps, just to indicate and distinguish it from
6 the very similar document you're about to get in a moment.

7 Now, the -- the --

8 MR. MACDONALD: Do you happen to have a copy for the Prosecution,
9 I'm sorry, because --

10 MR. HOOPER: I'm sorry, I do, yes. I don't have a great number
11 of these. Let me provide one --

12 MR. MACDONALD: Just one will do for the Prosecution.

13 MR. HOOPER: And one for -- perhaps the victims will share one,
14 too, and one for Germain Katanga, please.

15 And perhaps I can draw Mr. Katanga into this at this point.

16 WITNESS: WITNESS DRC-D02-P-0300 (Resumed)

17 (Witness answered through interpreter)

18 Questioned by Hooper (Continued)

19 Q. Good morning, Mr. Katanga. Your evidence is starting. You're on
20 oath, as you recall.

21 This is -- the annotations here that we can see in -- in your
22 handwriting are those that you were good enough to place on the document
23 last week.

24 MR. HOOPER: I've got some more copies if people would like to
25 share them. Not many. Right, can I just pass a couple up to the

1 Registry and we'll keep these because we may need to have things marked
2 as we go along.

3 Q. So we're looking, Mr. Katanga, at your markings, and we can see
4 that unlike as we'll see in a moment Mr. Ngudjolo, and quite naturally
5 you've concentrated on Walendu-Bindi area, can I just indicate the two
6 differences that I've seen so far between your markings and those of
7 Mr. Ngudjolo. The first one is the positioning of Nombe. On your map we
8 see that coming south from Bogoro along the Bogoro-Gety road one gets to
9 Lakpa-Golgota, and then just after that you've drawn Nombe. And as we'll
10 see in a moment, Mr. Ngudjolo's recollection, he places Nombe closer to
11 Lakpa-Golgota, and he's also -- thanks. And he's also marked Lakpa as
12 being between -- a little further north towards Lagabo. You'll see this
13 just in a moment.

14 I'll come back to your plan.

15 MR. HOOPER: Can I pass up to the Chamber the Ngudjolo --
16 Mr. Ngudjolo's annotations, not that, as you'll see, I'll be asking the
17 Chamber to really keep that map in front of it at this stage, but merely
18 to allow the Chamber to see the difference, and I pass three copies of
19 the Mathieu Ngudjolo plan up to you. And we have copies here. Again
20 it's a good idea, I think, to mark the top of that "MN" so as to not get
21 it mixed up. And there's copies for the Prosecution, the victim, and a
22 number of others, and one for Mr. Katanga. So one to Mr. Katanga, one to
23 the Prosecution, one to the victims, please, and the rest can be passed
24 amongst the Registry.

25 And on this map that Mr. Ngudjolo's kindly annotated, we can see

1 that he's, in fact, concentrated, again understandably, on Bedu-Ezekere,
2 and it's merely a suggestion, but it might be a good idea, bearing in
3 mind that position, if, in fact, his plan is perhaps magnified --
4 enlarged, sorry, in respect to that area, because it would make easier to
5 see. And I can say now that certainly in the course of the evidence that
6 I anticipate I'll be leading, that I'm not going to go into that
7 particular area of Bedu-Ezekere, certainly not in the detail that would
8 concern these annotations.

9 But coming back to where there is a difference, I invite the
10 Chamber to compare the road south of Bogoro, the Bogoro-Gety road, and
11 one can see he's added --

12 Q. Well, can you see that, Mr. Katanga? As we go south from Bogoro,
13 we come -- and I'm looking at Mr. Ngudjolo's annotation, we come to --
14 can you read it? I'm afraid I can't. I think it's the farm, is it? (*
15 Indiscernible).

16 A. There are annotations here. There are two.

17 Q. And what do you see? What do you read?

18 A. The first, it looks as if it has been marked "Airport." I don't
19 know, but that is what I managed to make of it.

20 Q. Yes, that's correct. I see a nod from Mr. Ngudjolo behind me.
21 So that's airport, and there's a line there. All right.

22 And what's the next marking below that?

23 A. After airport it looks as if he's done a dash and then a full stop,
24 "Manzikala."

25 Q. And what is Manzikala, if you -- do you agree or not with that --

1 with that addition?

2 A. I don't really know Manzikala, because to date Manzikala doesn't
3 exist. When I've been through there, I haven't seen any houses of
4 Manzikala. There are cypresses or casuarinas which the -- which have been planted
5 there where the residences stood.

6 Q. All right. So we hear that. Now, if we go south further and we
7 pass Lagabo, we can see on your map you haven't added any annotation, but
8 we can see there's a dot printed on the map, Lakpa-Golgota, and if we
9 look at -- and then if we go further down, almost midway between that
10 point and Kagaba you've added Nombe.

11 Now, if we go back to Mr. Ngudjolo's annotation, we see that he's
12 placed Lakpa midway more or less between Lagabo and the Lakpa-Golgota
13 entry on the map, and more or less next to where Lakpa-Golgota is he's
14 added Nombe. So that's the only difference that I've seen, Nombe. So
15 let's just deal with Nombe and with Lakpa and with your annotation as
16 against Mr. Ngudjolo's recollection. We bear in mind the difficulties
17 that you've both obviously had probably trying to place particular places
18 on a map like this, but have you got any comment?

19 Let's talk about Nombe first of all. You've placed Nombe where
20 you have, and you can see the slight difference between your placement
21 and that of Ngudjolo. Do you have any comment to make about that?

22 A. What you're going to see on this map here is, first of all, I
23 don't know if it's the satellite which projected this route, because you
24 could say that you don't see how the road leaves Lakpa on the way to
25 Nombe. There was a great curve in the road which deviated from Lakpa to

1 Nombe. That's where I think the confusion has arisen for everybody,
2 because up to Lakpa-Golgota there is a shortcut that people use on foot.
3 People don't take the main road because the main road goes the long way round.
4 . It's a long way. And so that road as it's represented on the map
5 doesn't actually exist.

6 Q. Yes. All right. So it's not as straight a road as it might
7 appear on our plan, and we -- we hear what you say there. And -- all
8 right. So on both maps we've got Lakpa and Nombe. There's not a great
9 deal of difference between you, and I'm not going to ask you any further
10 about that. All right. Very well.

11 MR. HOOPER: Now, can I invite everyone to put the Ngudjolo map
12 away and to one side. I'm not going to refer to it again. And I invite
13 everyone and the parties to consider, in fact, perhaps enlarging the
14 Bedu-Ezekere portion of the -- of the Ngudjolo map, because the only
15 difference essentially between Ngudjolo's map and this one that I've seen
16 is the positioning of Nombe-Lakpa, the addition of the airport. That's,
17 as it were, dealing with the Bedu-Ezekere -- sorry, the Walendu-Bindi
18 part, the Ngiti part of the map.

19 In terms of the Lendu Bedu-Ezekere part of the map, it's not a
20 matter of great concern to us, and it may be that everyone would benefit
21 from having that portion of the map enlarged and kept distinct, as it
22 were, from this map, because we bear it in mind, of course, but it's --
23 it's -- I'd invite the Chamber to consider the Katanga map, as it were,
24 as an annotated map of Walendu-Bindi, and perhaps the Ngudjolo map as an
25 annotated map of Bedu-Ezekere.

1 Q. Now, can I just take you very quickly, then, to your plan. And
2 can you put the Ngudjolo plan away because it's easy, as they're
3 relatively so similar, to confuse them.

4 So looking at your plan. We'll come to various places in due
5 course.

6 You told us on Thursday that -- of the incident at Kazana when
7 the Ugandans had attacked the area and where you had fought back.

8 Now, Kazana we can see if we go to Kagaba on the plan and drop
9 more or less a couple of centimetres below that, we can see that you've
10 written in Kazana. The other point of reference -- or points of
11 reference that we dealt with last week, if I can take you, let's look at
12 Nyabiri. If we go from Kagaba and we go to the left on the plan in more
13 or less a straightish line, eventually we come to Nyabiri. South of
14 Nyabiri we have Tchekele, which we met last week. And again to the left
15 of Nyabiri on the other side of the Avimi River, which is marked, which
16 you've named the Talolo River, we come to Colline Omi, and we have --
17 have you written "Camp Omi-Ama"? Is that the word "camp"? It is. Thank
18 you. And you were telling us that was Cobra's camp until it was
19 destroyed or attacked by Safco following the death of Safco's brother
20 Kandro.

21 And again to the left of that we have Tchey. It might be useful
22 if the interpreters have a copy of this map and the stenographers because
23 of the different spellings we meet.

24 We see the spelling of Tchey there. Is that pronounced Tchey,
25 T-c-h-e-y? Is it spelt Tchey? How do you spell it -- how do you

1 pronounce it?

2 A. Tchey, that's the pronunciation, Tchey.

3 Q. Okay. We'll try to remember that. Tchey. All right. Then if
4 we go a bit further north, we can see -- if we go to the other side of
5 the Talolo River and work up we've got Chyekele, C-h-y-e-k-e-l-e;
6 Nyabiri, which we've met; Avenyuma, which you've mentioned was where the
7 *garrison* went with Yuda. Singo. And then if we go up, follow the stream
8 or the river, we come to Nyankunde. If we turn right at Nyankunde, we
9 then come to Songolo. What's that word? You've written something there.
10 Can you just read those two names you've annotated there, added there?
11 Songolo something and Songolo something else, what is that, please?

12 A. Those are small localities which put together are known as
13 Songolo, all of them together. There is Songolo Mula, Songolo Fau, as
14 well as Songolo Anyoso and Songolo Androzo. All those localities put
15 together are known as Songolo.

16 Q. Finally if we go north of the Songolos, we come to the main
17 Bunia-Kisangani-Beni road, and if we go right along that road towards
18 Bunia, we come to Chay, spelt here C-h-a-y. Am I pronouncing it
19 correctly? How do you pronounce that word, that name?

20 A. Chay. It stands for summer, summer in -- or tea, rather, "tea"
21 in Swahili. "Chay" is "tea" in Swahili. Like tea.

22 Q. So you pronounce it Chay. Okay. Thank you very much. Well,
23 we'll be referring to that from time to time that plan. In the
24 meantime ...

25 Now, last week you were telling us about the APC, the army of the

1 RCD/K-ML, and you'd explained how when Molondo Lopondo went to Beni, he
2 left the APC in the area behind him. And you spoke of the 12th Battalion
3 of the APC, Commander Faustin, and its participation in the Nyankunde
4 incident. And you were coming to tell us, and we left on this note, you
5 were telling us of the decision by the *sages* to send a group of people
6 from Aveba led by you to see Commander Hilaire, who was the commander,
7 you told us, of the 11th Battalion of the APC, based at Marabo. And if
8 we go to our plan, our sketch we've just looked at, we can see that
9 Marabo is there on the main road, on the left of the plan.

10 Now, just before we leave the APC, can I just ask you this to
11 deal with this now: The APC, did they have a uniform, and, if so, what
12 was that uniform?

13 A. The APC had a uniform which was green in colour.

14 Q. Did it have any marking on it?

15 A. Yes. It bore some insignia on the pocket of the shirt, and the
16 letters "APC" were written on the pocket in black. Later on -- no. The
17 black was used for the FARK (* as interpreted), but later on the FAC was
18 taken off and replaced with "APC" in white. So the FAC was wiped out and
19 replaced by "APC."

20 Q. Do you know -- you spoke of their -- their training last week.
21 Do you know where they were trained, APC soldiers?

22 A. The majority of APC soldiers were trained in Nyaleke and in
23 Uganda as well.

24 Q. Do you know what language they spoke?

25 A. The RCD/K-ML soldiers mostly spoke Congolese Swahili known as the

1 Kingwana.

2 Q. Now, you've told us of various groupings, and we've talking here
3 of the end of 2002. Was there any force in Gety? By Gety, I mean
4 obviously the specific place, Gety, as we can see marked on our plan.

5 A. Gety, as you can see on the map, is the headquarters of the
6 Walendu-Bindi collectivity commonly known as Gety-Etat. That is the
7 administrative village of our collectivity. Here, after the departure of
8 the Ugandans, Captain Mutombo de Muto had a company in Gety at that time
9 before Lopondo fled from Bunia.

10 Q. And how many, approximately, would there be in a company?

11 A. About 150 men.

12 Q. Now, let us come to the delegation that was sent from Aveba to
13 meet with Commander Hilaire of the APC. You told us that was in October
14 of 2002. Now, why was it you who was selected and selected as head of
15 that delegation?

16 A. I had already started to explain this to you last week. The main
17 problem we had in our collectivity was that we have only one ethnic
18 group. That is the majority group being the Ngiti, and they speak their
19 own language. From childhood, as a child is born, that child only speaks
20 Kingiti. So Kingwana, we learn it in school. Therefore, even as an
21 adult people are unable to speak Kingwana. It is for that reason that in
22 order to facilitate dialogue with a stranger -- because it was difficult
23 even for our intellectuals to have dialogue in Swahili. You see, in our
24 army at the time of Mbusa Nyamwisi most of those people only spoke
25 Swahili. It could have happened that a battalion commander did not even

1 as much as complete his primary education. He has no education level, he
2 has not been to school, but is a battalion commander almost holding the
3 rank of a major. That is why in order to facilitate dialogue between
4 ourselves and that army it was necessary to use the Kingwana language.

5 Because of my level, my level, my educational level, it was
6 possible for me to facilitate that communication with that commander in
7 order to enable understanding. It is for that reason that I was
8 selected, because of my level, because I belong to that militia of
9 combatants, and being a student at the same time who was able to speak
10 two or three languages. That put me in a favourable position to be
11 selected.

12 Q. How many of you went?

13 A. Are you asking for a number? Well, about 50 men. About 50 of us
14 went.

15 Q. And amongst the various names you've mentioned already, did
16 any -- who went with you?

17 A. When we went to Marabo, we knew that in Marabo -- you see, from
18 Marabo -- from Aveba to Marabo, the distance between those two localities
19 is quite significant so a civilian could not have accepted to go there.
20 We went, those of us who were combatants, we went along with
21 Commander Mbadu and other combatants. So we went. This was not a major
22 or important meeting. It was simply for the purpose of informing him,
23 getting ideas from him and some details from him.

24 If we left Aveba to go to Beni, the question then would have been
25 would there not have been any problems getting to Beni? Would there be

1 any obstacles in our way to Beni?

2 You see, at that time Ituri, as it is said, did not have a direct
3 road to Beni or a direct line to Beni, but we had a direct line to Beni
4 on our side. So if you saw armed people going from Ituri to Beni, that
5 was likely to create some problems, and that was the issue. It is for
6 that reason that we went to discuss these matters with Commander Hilaire
7 in order to obtain from him instructions as to our route in order to
8 avoid us coming under attacks as we went towards Beni, and so that he
9 should inform the general staff that people from the collectivity will be
10 going to meet the president of the RCD/K-ML in Beni.

11 Q. And did you meet with Commander Hilaire?

12 A. Yes, I met him. I met him. We spent the night there. We talked
13 about what needed to be discussed and we reached a compromise.

14 Q. And what happened then?

15 A. And -- and we reached compromise. Yes. The compromise was
16 reached. We reached an understanding, and Hilaire somewhat surprised us.
17 Rather than give us an opportunity to return to Aveba, he took us to the
18 front, to the battlefield at Chay the next day.

19 Q. Chay is the place, as you said, is word for tea, that is on the
20 main road heading towards Bunia. And what happened at Chay?

21 A. You see, Commander Hilaire's problem was that when Nyankunde was
22 attacked by the 12th Battalion and Kandro, the IPC (* as
23 interpreted) was on the main road up to Komanda and they abandoned their
24 positions following that defeat and fell back massively to Chay. From
25 Chay there is a shortcut from Chay to Rwampara up until Bunia, to the

1 city. So the IPC (* as interpreted) concentrated its forces in Chay, because Commander
2 Hilaire had not yet gotten into any confrontation with the UPC, and he was always
3 reluctant to launch operations. So he used us without knowing what was going on.
4 He used us to swell his forces and sent us immediately to the battlefield.

5 Q. Thank you.

6 MR. HOOPER: Can I just for the interpreter indicate there's no
7 IPC. There's, rather confusingly, APC and UPC, and what we've been
8 talking about is the UPC. Very well.

9 Q. So you go to Chay, and what happens there?

10 A. The confrontation took place in Chay, very serious confrontation.
11 It was very difficult, but we were able to dislodge the enemy who was
12 there. Unfortunately, I was wounded during that attack. I was wounded
13 in the afternoon -- or in the evening, and I was taken back to Marabo and
14 I went back home.

15 Q. How did you get back home?

16 A. In a vehicle. I was taken back in a Toyota pick-up. I was taken
17 back along with the men with whom I was. We were taken back to Aveba.

18 I want to draw the Court's attention also to the following: Let
19 me tell that there are several roads that are not reflected on this map.
20 There is a road that goes from Marabo to Nyankunde to Singo,
21 Bavi-Olongba, Nyabiri, Tchekele, right to Kaswara and then on to Bunia.
22 Those types of roads do not figure on this map simply because the MONUC
23 does not use those roads. So what you can see on the maps is simply the
24 roads that are used by MONUC and which are maintained for that purpose.
25 I simply want to give you the context and the itinerary I used from Chay,

1 in a vehicle, right to Aveba.

2 Q. So just take us through that itinerary again slowly because it's
3 difficult to follow. So you're at Chay. You get wounded. You get put
4 in a vehicle, and what route do you then follow.

5 A. We left Chay to Kombokabo to Marabo. Then from Marabo to
6 Nyankunde, from Nyankunde to Singo, Singo to Bavi-Olongba, Bavi-Olongba
7 to Nyabiri, Nyabiri-Tchekele, Tchekele-Anyaga, Kaswara, then Aveba.

8 Q. And when you got to Aveba, what happened there?

9 A. I was hospitalised. I was in the hospital.

10 Q. For how long?

11 A. I would say two weeks, two weeks or more.

12 Q. Now, let's just go back to your wound, and can you describe to us
13 how you received the wound and what its effects were? What were the
14 physical effects of the wound? What was the wound like?

15 A. I was struck by a bullet in my right leg. It only went through
16 my muscle, and for that reason I did not spend much time in the hospital,
17 but it was a big wound. It was a very big wound that resulted, and even
18 the scar today can show you how big the wound was, because it is a big
19 scar.

20 Q. And in which bit of your leg was it that you were hit?

21 A. My right leg, in the thigh.

22 Q. And is it a single wound or is it an entry/exit wound that you
23 have there?

24 A. There's an entry and an exit.

25 Q. And approximately how big are the two wounds, the entry and the

1 exit?

2 A. Well, I would say that the scar is reducing today, but it is
3 quite a large scar, and if -- well, I cannot assess it for myself, but
4 someone else might be able to do so. I am not an expert to -- to -- you
5 know, I have never taken measurements either and that's the truth, but
6 it's was a big wound.

7 Q. Well, I've had sight of it and I'm not going to embarrass you by
8 inviting that, but if anyone wants to invite you to have a medical
9 inspection or report, you're in agreement for that to happen; is that
10 right?

11 A. I have no difficulty with that.

12 Q. Now, you've wounded there in a confrontation with the UPC. Aside
13 from that confrontation with the UPC, did you ever fight against the UPC
14 on any other occasion?

15 A. Yes, yes. We fought the UPC. We fought against them. After I
16 was wounded in Chay -- let me say that on the same day the UPC drove out
17 the APC from that area as far back as Komanda, and they recovered all the
18 positions there in two three days, Nyankunde, Komanda, and what have you.
19 So on Christmas Eve 2002, the UPC went into an alliance with the MLC and
20 the RDC National of Roger Lumbala, and the MLC of Jean-Pierre Bemba.
21 Their objective was to attack Beni, and it is from Ofay, Idohu and Mont
22 Hoyo that we intervened as a resistance force in order to help our APC
23 allies.

24 Q. And Christmas 2002 when you fought the UPC, MLC, RDC/N coalition,
25 where did those confrontations take place? Can we see on our map where

1 they took place or not?

2 A. That area does not appear on the map, the area that I mentioned.

3 It is after Marabo, then you have Irumu. From Irumu you get to Mangiva,
4 from Mangiva to Komanda, and then there is a roundabout from which you go
5 either to Mambasa or to Beni. Then you get to the Mont Hoyo roundabout.

6 From Mont Hoyo you'll get to the main town of Ofay, and then after
7 Ofay there is Idohu, and then Otomabere (phon.) and other areas thereafter.

8 MR. MACDONALD: (Interpretation) Your Honour, with your approval
9 while my colleague is looking at the documentation, I think there are
10 names of locations that were mentioned and which have been transcribed
11 phonetically.

12 PRESIDING JUDGE COTTE: (Interpretation) And you would like them
13 spelled correctly, would you.

14 MR. MACDONALD: (Interpretation) If the Bench has no objection.

15 PRESIDING JUDGE COTTE: (Interpretation) Mr. Katanga, could you
16 please spell some of the names which you have just given us. There's
17 Irumu, we know that one. But then phonetically you talked about Mangiva
18 and there are other names of locations. Could you please spell them very
19 briefly, very quickly.

20 THE WITNESS: (Interpretation) Mangiva is M-a-n-g-i-v-a.

21 PRESIDING JUDGE COTTE: (Interpretation) That's perfect.

22 THE WITNESS: (Interpretation) Then there's Komanda. You can
23 find that.

24 PRESIDING JUDGE COTTE: (Interpretation) We know that very well.

25 Thank you. And then there's Mont Hoyo, I think.

1 THE WITNESS: (Interpretation) It's montagne -- mountain Hoyo,
2 Mount Hoyo. And then Hoyo is H-o-y-o. And after Mount Hoyo, you have
3 the main city of the Walese-Vonkutu collectivity which is called Ofay, O-f-a-y.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

5 THE WITNESS: (Interpretation) And after that you have Idohu,
6 it's Idohu.

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, you may go
8 ahead.

9 MR. HOOPER:

10 Q. How far approximately from Beni were those confrontations with
11 the UPC, MLC, RCD/N?

12 A. The clash was on the 23rd and the 24th of December, 2002, in --
13 in Eringeti. It started in Eringeti. The idea was to undermine the
14 allied forces and they had to be attacked on a number of fronts.

15 Q. Well, let's come to that as we will. We'll touch on it again in
16 its -- I'm sorry.

17 A. I'm sorry, I hope that I said that we weren't attacking the
18 allied forces. What I meant to say was attacking the enemy forces.

19 Q. Yes. No, I understood that. Thank you. Right. Now, aside from
20 Chay and the attack -- and the UPC-MLC battles at Christmas 2002, were
21 there any other battles where you, Germain Katanga, fought the UPC?

22 A. Mr. David, when we went to Beni, the UPC general staff forced us
23 to send out new commanders. So when we went out in the field there were
24 new commanders of operations that turned up. So all the people who had
25 been there before had been changed because they were no doubt more and

1 more incompetent. So we were given a new commander of operations and had
2 Blaise Koka from early February. When Blaise Koka turned up --

3 Q. (* Previous translation continues) ... in a moment. Did you
4 yourself, is the question, participate in any other battles, fighting
5 that is, with a gun, whatever, participating in that sense, did you
6 participate in any other battles after Christmas of 2002 or not?

7 A. No. It was over before Christmas and was after Christmas that I
8 took part in an operation when Blaise Koka turned up, and that was in
9 Bogoro.

10 Q. And we'll come to that in a moment. And aside from that incident
11 at Bogoro, was there any other battle that you participated in against
12 the UPC?

13 A. Well, I'd say on the 12th of May in Bunia.

14 Q. And when you talk of a battle in Bogoro, and we'll come to it in
15 more detail in due course, are you talking about of the attack of the
16 24th of February which directly concerns us or not?

17 A. No, no, no. It's the 10th of February, the 10th, the 10th of
18 February.

19 Q. All right. Let's go back to events after the battle at Chay, and
20 you're wounded, and you're two weeks or perhaps more, you tell us, in --
21 receiving medical treatment. And where did you receive the medical
22 treatment?

23 A. I got all the medical treatment in the Aveba health centre.

24 Q. Now, you -- you told us several days ago that you're a married
25 man, married, as we know, to your wife Denise. When did you get married?

1 A. We got married on the 18th of November, 2002.

2 Q. Now, were you -- by the 18th of November, were you in the medical
3 centre or not?

4 A. I was already in my father's home. He wasn't in the home at the
5 time. He'd -- he'd abandoned the home, and he'd taken refuge somewhere
6 out in the bush.

7 Q. And just very briefly, how did you come to have met Denise?
8 Where's she from? We've heard a lot about her and family and other
9 people associated with that family. How did you know her?

10 A. I met Denise in Nyankunde for the first time. It was in 1998.
11 And then after that, we gradually became friends and then it happened
12 like that, and then war happened and we were together. She used to say
13 before we got married that she had to complete her studies, and I also
14 wanted to complete my studies before getting married. So that was what
15 was happening. Now, Mr. David, all I can really tell you is that what
16 brought the marriage forward was the injury. And to be perfectly frank
18 here in court, our obligation for respect, respect not to touch or have
19 any impurity or whatever, above any impurity, and of course I'd been
20 injured. This meant that I had to move my wedding forward.

21 Q. All right. Now, you mentioned, as we've heard, a trip to Beni.
22 When did you go? Do you know when you went to Beni in relation to
23 perhaps the day you were married? When did the Beni trip start?

24 A. We left Aveba to go to Beni, and we started on the 21st.

25 Q. That's the 21st of which month?

1 A. The 21st of November. So it was three days after my marriage.

2 Q. And just if I can revert to one matter I omitted to deal with,
3 you told us how you were living at your father's home, he having gone
4 into the bush, at the time you married Denise.

5 After you were married, how long did your father's home remain
6 the matrimonial home for you?

7 A. I only left my father's home after the month of May. After Bunia
8 fell, that was when I left my father's home and went to BCA.

9 Q. Now, before we come to -- to Beni, you told us last week of the
10 BCA and Kasaki and his relationship with that. Now, by the time you left
11 for Beni, you told us last week that it existed at the time of Nyankunde,
12 September. By the time you left for Beni, what was the general position
13 as far as the BCA camp was concerned? What did BCA stand for, for a
14 start?

15 A. At beginning, BCA meant the Bureau of Combatants of Aveba.
16 After, it changed and it became the Bureau of Co-Ordination of Aveba.

17 Q. How far from your father's house approximately was the BCA?

18 A. As the bird flies, you could say 1 kilometre.

19 Q. And by the time that you came to leave for Beni towards the end
20 of November, what was the state of the camp? Approximately how big was
21 it at that point? Give us just a brief description of what it was like.

22 A. I'd say that the camp that was built was about the size of a --
23 two football fields. That's about the shape or size of the construction
24 as I see it.

25 Q. How did it compare, say, in November 2002 to how it compared at

1 the time of demobilisation at the end of 2004? Was it approximately the
2 same or not?

3 A. No, no, no. It wasn't the same. After the month of May I also
4 moved to BCA, and I annexed a little house with my body-guards, and I set
5 up one part of the little house where I could set up with my body-guards.
6 And there were other officers there, other UPC officers who -- APC
7 officers who must have been members there.

8 Q. And how did it compare in size, say, by the time of
9 demobilisation to its size at the time that you left in November to go to
10 Beni?

11 A. At the time of demobilisation, the camp was much bigger. The
12 camp increased in size, and at one point we sold one part of the camp, or
13 we gave to -- for the site to be constructed. And as the demobilisation
14 system was a business, everything had to be done to -- to help the
15 demobilisation take place.

16 Q. Now, we've heard the phrase Aveba -- or the place name Aveba and
17 also Aveba Boloma. Can you just help us as to what the significance, if
18 any, is in the word "Boloma"?

19 A. Well, first perhaps you could have more detailed maps than the
20 ones we have here, and even with a more detailed map you would find it
21 difficult to see the name of Aveba. You will find Aveba Mondongo (*
22 phon), Aveba, Aveba Mukubwa, and this will lead you into a state of total
23 confusion.

24 Now, to tell you what Aveba means, Aveba Mukubwa is a collection
25 of five localities. That's Aveba Mukubwa. There's Aveba itself, there's

1 Jimo, Yankongibe (* as interpreted). There's Irichi --

2 Q. (* Previous translation continues) ... go slowly and spell each
3 one. So let's go back and let's start with Mukubwa. Can you spell that
4 for us and then -- Aveba we know, but each word you come to, just spell
5 it briefly for us. Thank you.

6 A. I'm sorry I was so fast. I already talked about Aveba Mukubwa.
7 Mukubwa is M-u-k-u-b-w-a.

8 Q. And you said that that's composed of Aveba itself, and then you
9 came to Jimo. That's J-i-m-o; is that correct? And what were the
10 others, please?

11 A. Ngongi-D. N-g-o-n-g-i hyphen B. There's also Irichi,
12 I-r-i-c-h-i. And there's Fungusa, F-u-n-g-u-s-a. And then -- have I got
13 to the end of the list? No. And then there's Isu, I-s-u.

14 Q. All right. And are those localities --

15 MR. MACDONALD: (Interpretation) I don't know if there's a
16 problem with the transcript, but ours has stopped and I imagine it's the
17 same with all of the transcripts.

18 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, the
19 transcript is now going again. Perhaps there were some statements which
20 were fast, but Mr. Katanga has spelled the names and so the court
21 reporters have been able to catch up after a rapid exchange. We can now
22 go on.

23 THE WITNESS: (Interpretation) To answer your question, the five
24 locations comprise a larger location or district called Aveba Mukubwa.

25 MR. HOOPER:

1 Q. Can you just spell Mukubwa for us, please. Sorry.

2 A. Yes. I've already spelt it, but I'll spell it again.

3 Q. (* Previous translation continues) ... you've spelt it. Don't
4 worry. It's my recollection -- mis-recollection.

5 All right. Now, the geography's interesting, but the -- the
6 interest that I have is -- is this: It's about the *sages*. How many
7 chiefs were there, if any, in this -- in this area of Aveba Boloma, Aveba
8 Mukubwa?

9 A. First, each one of these small locations which I listed, the ones
10 which make up Aveba Mukubwa, well, each small locality has its chief. So, there's
11 the chief of the locality. Then you have the big customary
12 chief. It's as if you had a kingdom. There's a big chief. At the time
13 of the Belgian rule, this was the old man called Bolo, the chief Bolo .
14 So chief Bolo, during his reign when he was asked
15 the name of his village, he would say the name of the village was Bolo.
16 So you have Boloma, and so this means that you can now use it as the name
17 of the groupement, because he was there as if he was the king of
18 the groupement at the time. So that meant that his name, Bolo,
19 remained as the name of our groupement, Boloma. It's a clan.

20 Q. All right. Now, who was the big customary chief in 2002/2003?

21 A. The chief of Boloma was called Ngayoyo. I can spell it for
22 you, N-g-a-y-o-y-o.

23 Q. And when we talk of the *sages*, the *sages*, they affected Aveba,
24 this area, how many *sages* are we talking about? How many were there,
25 would you say?

1 A. There were lots of them. There were many. Well, the village
2 elder, whether he is an intellectual or not, is a *sage*. He has that
3 wisdom. So the word "*sage*" just means an old man who is wise, an adult
4 man who is able to give wise guidance. And there were a lot of them, and
5 the *sages* in that category were also divided amongst them. They divided
6 up their roles and responsibilities.

7 Q. End of 2002 and early 2003, at the time, that is, of the attack
8 on Bogoro, what power did the *sages* have or individual *sage* amongst them?
9 Just explain what the distribution of power was as you saw it, please.

10 A. I would say that the *sage* was the boss. The *sage* was the boss.
11 You can say that the administrative staff did not have more power than
12 the *sage*. The *sage* was more powerful. The *sages* were more powerful.
13 This is to show you that even the chief, even -- of the chief in power
14 today, but it's only the *sages* who give the power to the chief. Without
15 the *sages* there's chaos.

16 Q. Now, with the intrusion of war, first by the Ugandans and later
17 the problems with the UPC, did the power of the *sage* diminish, get less,
18 or not?

19 A. The *sage* in our community plays a very, very important role.
20 Even to this day the *sages* are there. If you arrive, in order to start
21 your assignment, you as lawyers, when you come to Aveba, three, four,
22 five notables will be sent to meet with you before you begin your work,
23 and that exists to this day.

24 Q. My question was: What was their position in the circumstances at
25 the end of 2002/2003 with the wars and what have we? What was their

1 position then? Were they -- was their power weakened or what?

2 A. I would say that it was the administration that was not
3 functioning. For example, the chiefs of the collectivities with their
4 administrations, that wasn't working. And that is different from the
5 *sages*. The *sages* are the old men who were there all the time. It's
6 really very difficult for me to define it beyond that. They're there
7 to -- it's very difficult to -- to specify the term "*sage*" so that you
8 understand it more clearly than that. But their power to this very day
9 has not diminished.

10 PRESIDING JUDGE COTTE: (Interpretation) Mr. Katanga, in fact,
11 what we would like to know, and I think this is what Mr. Hooper is asking
12 you, during this period of hostilities, did the role of the *sages* change
13 or was it exactly the same as their role had been beforehand? Can you
14 see what you're being asked?

15 THE WITNESS: (Interpretation) Yes, yes. I can see it now.
16 Yes, I see. In fact, the *sages* of the village react with the regimes.
17 For example, at the moment, now, the *sages* are reacting according to the
18 season, the time in which they find themselves now. There is a greater
19 degree of openness towards the outside with the chiefs of the localities
20 and so on. I don't know.

21 PRESIDING JUDGE COTTE: (Interpretation) Well, thank you, but
22 let's come back to the end of 2002, the beginning of 2003. You know that
23 that's the period that interests us.

24 THE WITNESS: (Interpretation) Yes.

25 PRESIDING JUDGE COTTE: (Interpretation) During this period

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

Page 30

1 during which there were hostilities, did the role of the *sages* in Aveba
2 take on any other kind of dimension? Did it change or did they, as
3 usual, react according to events?

4 THE WITNESS: (Interpretation) They reacted according to events
5 in the sense that if, for example, there was a mobilisation, it would be
6 the *sages* who would do that. It was the *sages* who could mobilise people.
7 It was the *sages*, for example, who could judge someone if that person had
8 committed an offence or exonerate them if they had not. That is what I'm
9 talking about.

10 PRESIDING JUDGE COTTE: (Interpretation) Okay. And so it is in
11 that sense that you indicated a few minutes ago that they could take the
12 place of or that they were almost more important than an administration
13 which was failing.

14 THE WITNESS: (Interpretation) Yes, Mr. President. That's
15 right, because they are there regardless of the regime. Whether the
16 regime is coming in, going out, changing, they are there.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Mr. Hooper,
18 I interrupted you. You may go ahead.

19 MR. HOOPER:

20 Q. All right. And amongst these *sages* at the end of 2002, early
21 2003, which ones were the most important?

22 A. I would say that there is nobody who could exert more power than
23 Kabayonga.

24 Q. Now, can we just come back to Kabayonga? You spelt his name last
25 week. I'm just unclear that the -- the order of his names. Is he

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

Page 31

1 Tsubina Kabayonga Kakabo Bernard? Is that sequence of names correct or
2 not?

3 A. Yes, all of that is his name.

4 Q. And you told us about -- well, you didn't tell us very much about
5 him last week. I think we've got a photograph of him somewhere, so let's
6 get that up so that -- as an aid to us. So this is a public document,
7 and it's DRC-D02-0001-0888. I say it's a photograph of him. It will be
8 for you to tell us if it is a photograph of him or not.

9 PRESIDING JUDGE COTTE: (Interpretation) Have you identified the
10 photograph, Court Officer?

11 COURT OFFICER: (Interpretation) You can see the photograph if
12 you press "PC 1."

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

14 MR. HOOPER:

15 Q. And is that -- is that the man that you're talking about or not?

16 A. Yes, Mr. David. That's the old gentleman.

17 Q. All right. Now, that photograph was taken about three years ago.
18 Bear that in mind. And how old is he today, approximately?

19 A. Okay. I think that he's around -- or he's in his 80s. I say in
20 his 80s or perhaps approaching 90.

21 Q. Is he a married man?

22 A. I don't know if you can apply the term "polygamist" to him or
23 not, because he has taken 15 wives, more than 15.

24 Q. Do you know how many children he has?

25 A. The others haven't yet been identified. He still has some young

1 children aged 2 or 3 even now. He's still having children even now.

2 Q. And do you know how many children he has -- he's reputed to have
3 had by now?

4 A. It's -- David, it's difficult to say. Alongside him, when we've
5 seen him, there are more than -- more than 30 children. He has more than
6 30, anyway, but it could be more than that, because we don't know how to
7 identify them.

8 Q. Now, he's an important man in the story, and I'm going to take a
9 little time about him. Where -- where he's from? Is he from Aveba or is
10 he from elsewhere, do you know?

11 A. His hometown is Kagaba, his birthplace. His name indicates that,
12 Tsubina.

13 Q. And in 2002 to 3, where was he living then?

14 A. In 2002/2003, he was living in Tchey.

15 Q. All right. Now, we need to look at that on our map. Is that the
16 Chay that's on the left of our map, to the left of the Omi hills, the
17 Colline Omi.

18 A. Yes. It is not Chay, it is Tchey.

19 Q. So that's the one spelt T-c-h-e-y; is that correct?

20 A. Yes, yes.

21 Q. And how well did you know Kakado? We'll call him Kakado. How
22 well did you know him? How close were you to him? What was your
23 relationship with him?

24 A. Like any African child, first and foremost I respect these
25 elders. First of all, because he is older than my father. Secondly,

1 this old man has critical importance, because at the beginning he had set
2 up an association that we called Codeza at the time. He is the one who
3 launched that project. That project involved all of the farmers, so at
4 the time he was also living in the village that we call Codeza, and it is
5 the war that drove him out of Codeza and led him to go and live in Tthey.

6 Q. Right. Now, I'm asking about you and your relationship with him
7 and how well you knew him. So just tell us about that, please.

8 A. This old man is a respected man as is the case throughout our
9 community, very respected for his -- his prophetic abilities. I'm having
10 trouble finding the right word for him, but he is the person who tells
11 our community about when to harvest, tells us about the rains and the
12 drought for each season every year. He tells us whether there's going to
13 be a good harvest. He's the one who informs everybody that you can go
14 ahead and prepare the fields for a given time because after this period
15 there's going to be famine. So it's thanks to him. He's a visionary.
16 He's a prophet in our community.

17 Q. And what was his position in the wars?

18 A. Counsel David, before the war, he had already told us that there
19 would be war. So his position is very important in our community.

20 Q. Now, we've -- we've heard of fetishes. Did -- did he make fetishes
21 or not?

22 A. Well, everywhere where you see them, he doesn't touch the herbal
23 plants. He could know that a given herb is very important for a given
24 reason, but he will say to Kasaki, to his assistants, to go out and collect
25 particular herbs, to select them, to prepare a given product. So it's in

1 that sense he is the initiator, but the people who carry out his
2 instructions act for him.

3 Q. What role, if any, did Kakado play in terms of the war? For
4 example, would he have any import --

5 MR. MACDONALD: Objection, your Honour. (Interpretation) I do
6 understand that the Chamber is very interested in this subject, as is the
7 Prosecution, but he cannot ask leading questions. No suggestion. What
8 was his role in the war should be the question. He shouldn't give
9 examples.

10 PRESIDING JUDGE COTTE: (Interpretation) Perfect. We've
11 understood. Thank you, Prosecutor. We've got your point.

12 So the question, please, Mr. Hooper, could you rephrase it.
13 Thank you. What was his role.

14 MR. HOOPER:

15 Q. What, if any, role did he have during the war during the times we
16 are concerned with, end 2002, 2003? What was his input, if any?

17 A. David, Kakado, if he told the fighters, "Stop," if he said,
18 "Stop," to the combatants, nobody can move.

19 Q. Did he ever involve himself in any way in planning or
20 preparations of battles?

21 MR. MACDONALD: (Interpretation) Mr. President. Mr. President,
22 that is highly suggestive. That is an entirely suggestive question.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please
24 continue with that question, and be very attentive, because you can see
25 that the Prosecutor is being very vigilant.

1 MR. HOOPER: Yes.

2 PRESIDING JUDGE COTTE: (Interpretation) Go ahead.

3 MR. HOOPER:

4 Q. If he said, "Stop," it would stop. Did he ever have any
5 involvement in planning or anything like that? Did he ever say "Go," for
6 example?

7 A. If he does not say to go, nobody can go.

8 Q. Now, aside from Kakado, you mentioned last week Kasaki. Where
9 was he in relation to Kakado? I know you've told us something about this
10 last week, but I'm asking you to place Kasaki in the picture for us. And
11 what did he do? What was his role?

12 A. Kasaki was, in a way, Kakado's voice in our groupement. So what
13 Kakado says is what Kasaki passes on to us. He transmits to us Kakado's
14 message. Kasaki is the one who accompanied the combatants to the front.

15 Q. Do you know if Kakado ever expressed any view about the Hema?

16 A. Mr. David, all that I can tell you -- perhaps it would be better
17 to -- to rephrase the question. I've forgotten it. I'm sorry.

18 Q. Did Kakado, to your knowledge, ever express any -- any view
19 about -- about the Hema? Put another way, did he ever display to you a
20 like or dislike towards the Hema?

21 A. Actually, Kakado has not yet said that he hates the Hema. He's
22 never said that.

23 Q. Now, you told us last week that you were a believer yourself in
24 fetishes. You made reference to your gris-gris, and remember that. Do
25 you, in fact, have scarring on you as a result of fetishes?

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

Page 36

1 A. I can't show you, because maybe it's -- maybe it's fading now,
2 but it is visible if -- if I were to show you. Well, yes, yes, I do.

3 Q. And where would these marks be?

4 A. There are incisions on my wrists, my elbows, on my chest and so
5 on, my torso, on my back. There you have it.

6 Q. I'd like to look at another picture in this context, and it's
7 DRC-D02-0001-0889.

8 COURT OFFICER: Could you please confirm if this is a
9 confidential document.

10 MR. HOOPER: No. They're all public. All our material will be
11 public.

12 THE INTERPRETER: Interpreter correction, line 13 of the English
13 transcript: It should not be "I can't show you," it should be, "I can't
14 not have them."

15 MR. HOOPER:

16 Q. And looking on our screen -- now, with the obvious exception of
17 one person there, who are the other people who are gathered in this
18 photograph which was taken some three years ago?

19 A. I have already given you a part of the answer concerning a
20 similar image, which is when you arrive in our community, each time it
21 will be the *sages*, the wise men of the village who will come and meet you
22 before you undertake a project or an assignment. So these are our *sages*,
23 our wise men of Aveba.

24 Q. Now, I'm not going to go through the list of everyone who's
25 there, but on a previous occasion I know you looked at this and assigned

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

Page 37

1 names to nearly all of them, but that will take us a time. Let me just
2 direct you then, if I may, to, first of all, the gentleman standing
3 second from the right, in the suit, holding his hat and facing the camera
4 there, with a tie. Who is that?

5 A. That person is our chief of the collectivity, Mr. Kavochi Tumi
6 Katogo Edouard (* as interpreted).

7 PRESIDING JUDGE COTTE: (Interpretation) Mr. Katanga, we don't
8 have much time. Could you please articulate the name of this chief of
9 the collectivity very clearly so the stenographers can get it down.

10 THE WITNESS: (Interpretation) Yes, Mr. President. I'd already
11 given this name before. Perhaps I can pronounce it slowly for you. His
12 name is Mr. Akobi Chomi Katorogo --

13 MR. HOOPER:

14 Q. (* Previous translation continues) ... chef. That's Chef Akobi.
15 Right. Chef Akobi, customary chief of Walendu-Bindi. Is that right or
16 not?

17 A. That's him.

18 Q. And are the others chiefs? Are there other chiefs there or not?

19 A. I would say that there is another chief, as I have said, of the
20 kingdom of Boloma. He is there, the old -- old Kamaraki next to him.
21 Immediately next to Chief Akobi that is Papa Kamaraki.

22 Q. Is that the man in the blue suit next to Chef Akobi?

23 A. Yes. And just next to him in the red sweatshirt with the white
24 shirt, that is our pastor, Matatia.

25 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, we might

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

Page 38

1 leave it there. Before we adjourn, we agree that we have Chief Akobi in
2 the beige suit; to his right, in the blue suit, the old man Kamaraki; and
3 then the person wearing the red jacket is the pastor. Is that right?

4 THE WITNESS: (Interpretation) Yes.

5 PRESIDING JUDGE COTTE: (Interpretation) Well, it is time to
6 stop. We will see you again, Mr. Katanga, in 30 minutes, at 11.30. The
7 hearing is adjourned.

8 MR. HOOPER: Just before we adjourn, might it be possible if we
9 put a copy of one of those photographs -- give it to Mr. Katanga and ask
10 him to mark up some names in the border so we can read it, and when he
11 comes back we can do the exercise quite quickly?

12 PRESIDING JUDGE COTTE: (Interpretation) All right.
13 Court Officer, could you please hand over a copy of that photograph.
14 Thank you.

15 Recess taken at 11.00 a.m.

16 On resuming at 11.34 a.m.

17 (Open session)

18 COURT USHER: All rise.

19 PRESIDING JUDGE COTTE: (Interpretation) Please be seated. Our
20 proceedings shall now resume.

21 Mr. Hooper, the Court Officer has just informed me that
22 Mr. Germain Katanga, during the break, was able to provide details on the
23 photograph which you made available to him for that purpose. So,
24 Mr. Hooper, do you want Mr. Katanga to make any comments on the annotated
25 photograph? If that were to be the case, then we will display it on the

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

Page 39

1 screen and then we will all become aware of it, but again maybe you want
2 to do that later on. You have the floor.

3 MR. HOOPER: Yes. I wondering if I can be shown it. And while
4 that's happening, can I have an EVD number for the plan that was put in
5 this morning, that's the -- what I call the Germain Katanga -- well, both
6 of them should get a number, I suppose, both the Germain Katanga
7 annotated plan and the Mathieu Ngudjolo annotated plan, please. Thank
8 you.

9 PRESIDING JUDGE COTTE: (Interpretation) In all our map
10 adventures, we will provide a number for the Germain Katanga annotated map,
11 which focuses on Walendu-Bindi, as we have understood, and we also need
12 an EVD number for Mathieu Ngudjolo's map, which is much more focused on
13 Bedu-Ezekere area.

14 Madam Court Officer, please.

15 COURT OFFICER: (Interpretation) Thank you, Mr. President. The
16 map for Mr. Katanga is EVD-D02-00220. And the map annotated by
17 Mr. Mathieu Ngudjolo will bear the EVD number EVD-D02-00221. The two
18 maps are public.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Now that we
20 are assigning EVD numbers, let us deal with Mr. Hooper's photograph. Is
21 it supposed to have an EVD number, Mr. Hooper?

22 MR. HOOPER: Yes, please. The photo of Kakado, DRC-D02-0001-0888
23 needs an EVD number, please.

24 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
25 please.

1 COURT OFFICER: (Interpretation) This will be EVD-D02-00222.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

3 Madam Court Officer. Please would you now kindly display the photograph

4 so that all in the Court may be able to see it, and I'm referring to

5 Mr. Katanga's annotated photograph.

6 COURT OFFICER: (Interpretation) Mr. Hooper, could you confirm

7 the confidentiality level of this photograph, please? Thanks.

8 MR. HOOPER: Public.

9 COURT OFFICER: (Interpretation) This document can be viewed on

10 "Docu Cam 2 (* as interpreted)."

11 MR. HOOPER:

12 Q. Now, Mr. Katanga, you've -- you've written names there. Using

13 the pen, without marking it, just as an indicator, if you could put the

14 tip of the pen on each person you've named, written the name of on the

15 document, and just state the name, bearing in mind if it's a difficult

16 word to spell it for us, please. So starting with Chef Akobi, and you've

17 got to be careful because your hand may otherwise block the image. So

18 going across from Chef Akobi from left to right, if you can just indicate

19 who's who that you've named.

20 A. Do we start with Chief Akobi, or we start from the beginning?

21 Q. Whichever you're comfortable with. You just -- you just take us

22 through the names, please.

23 A. Okay. Number 1 is Mr. Alexis Mbakama.

24 Q. (* Previous translation continues) ... on the person clearly so

25 that we can --

1 A. Alexis Mbakama.

2 Q. Off you go.

3 A. Number 2, Chef Akobi. Number 3, the old man, Kamaraki. Number
4 4, Pastor Matatia. Number 5, I do not know his name, but he was the
5 pastor of the Anglican church. He is the pastor of the Anglican church.
6 Then there's another old man here who is kneeling, who is in a crouched
7 position. I have forgotten his name, but he is the pastor of the
8 Catholic church in our sublocality, that is at Atele 2, or at Atele Ngba.
9 Here, the next person is the chief of Ngongi-B locality. His name is
10 Mr. Ambayo. Next to him is a teacher of the Aveba primary school. His
11 name is Mbadu Iringa. And next to him you have Mr. Avegi (* phon)
12 Ngongi. He is a nurse. And then next to him there is a teacher of the
13 Ruzinga primary school, Mr. Bajanga. Here is the pastor of the Ngongi-B
14 Catholic church. I do not remember his name. Next to him is the
15 pastor of the Fungusa Anglican church. And then you have the old man,
16 Valentin. And right there is the director of the Ruzinga primary school.
17 And then here we have Mr. Chabi (* phon), a teacher at Aveba Mukubwa.
18 And then we have Caroline Buisman.

19 Q. Right. Now, looking at this grouping here, as you've indicated,
20 were people who came to greet Ms. Caroline Buisman. Now, when we use the
21 word "*sage*," were these people and particularly the ones you've named,
22 would they be part of the *sages* or not?

23 A. I would say that they were the *sages*, because they were referred
24 to as intellectuals as well as notables, and -- so this is an association
25 bringing together intellectuals, wise men, and notables, and the overall

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

Page 42

1 term used for them all was the *sages*.

2 MR. HOOPER: Can we have an EVD number, please, for this
3 photograph?

4 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
5 please.

6 COURT OFFICER: (Interpretation) Thank you, Mr. President. The
7 annotated photograph will bear number EVD-D02-00223 and will be public.

8 PRESIDING JUDGE COTTE: (* No interpretation)

9 MR. HOOPER:

10 Q. To your knowledge, when you went into battle, did you ever
11 receive any instructions or directions from the *sage* as to how you should
12 behave in battle or not?

13 MR. MACDONALD: (Interpretation) Mr. President, this subject is
14 clearly relevant, but the Prosecution rises, because Mr. Hooper is
15 putting a leading question pointing to an answer. He can put that
16 question in a very open answer as he's very able to do. So I think that
17 we need to take the time necessary to deal with this important matter,
18 and the answers must flow from the witness himself without any leading
19 questions being put to him.

20 PRESIDING JUDGE COTTE: (Interpretation) Very well. Mr. Hooper,
21 please rephrase your question.

22 MR. HOOPER: Yes. Well, I must just say again there is a
23 distinction between taking a witness, your own witness, to a subject and
24 a leading question. And the last question was not, in my submission, a
25 leading question, but I'll reframe it.

1 Q. Did you ever receive any instructions from the *sage* as to your
2 comportment in battle?

3 A. What I can say about instructions is that the instructions from
4 the *sages* were in relation to our self-defence goals. It was our duty to
5 protect civilians and their property.

6 MR. HOOPER: I'm wondering if we can have the overhead camera
7 down, please, for the time being. Thank you.

8 Q. When you say -- excuse me. When you say, "It was our duty to
9 protect civilians and their property," which civilians? Which side?
10 Your side, their side? What was the position?

11 A. When we talk about self-defence, I think you automatically
12 understand that we are dealing with our area. We were not going to
13 provide security for an area outside of our collectivity.

14 Q. When you went into battle, when you from time to time, as you've
15 told us, attacked the UPC, did you ever receive any advice or
16 instructions as to how you should treat any civilians that you came
17 across?

18 A. Mr. David, the purpose of self-defence is to provide protection
19 for all categories of civilians. I repeat, all categories of civilians.
20 You see, in a nutshell, what I can say is that, personally, I at least
21 had -- or have some basic understanding of concepts relating to the army.
22 I have at least some basic knowledge of what an army is.

23 Secondly, when we went, even when we went outside of our
24 collectivity, the goal and purpose have always been the same, namely to
25 protect the population and their property as well.

1 PRESIDING JUDGE COTTE: (Interpretation) Mr. Katanga, please be
2 concise and specific in your answers to Mr. Hooper's questions. What he
3 meant was whether this is something that arose from your conduct as a
4 responsible soldier, or were these instructions, as he has put it to you,
5 that were given to you by those *sages* or those wise men?

6 THE WITNESS: (Interpretation) Mr. President, it had become at
7 all times a matter that was repeated over and over, and whenever the old
8 wise people met, they gave out the same message.

9 PRESIDING JUDGE COTTE: (Interpretation) So these were standing
10 and permanent instructions?

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

12 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please
13 proceed.

14 MR. HOOPER:

15 Q. What were the -- what was that message, those instructions?

16 A. If you engage in anything contrary to the instructions, the old
17 wise men could submit reports against you, and these *sages*, these old
18 wise men, could even curse you.

19 Q. I wasn't asking what would happen if you didn't obey the
20 instructions. My question is: What were the instructions that were
21 repeated? What were those instructions in respect of conduct? What were
22 they?

23 A. Mr. Hooper, I'm not quite with you. When you asked me about the
24 conduct or the nature of the instructions, I don't think I understand.

25 Q. Well, when you went into battle, did you receive any instructions

1 as to how you should behave in respect of civilians? Hema, for example,
2 if you came across -- you were attacking, for example, a Hema village or
3 came across a Hema farm or some such. Did you ever receive any
4 instructions as to how you should conduct yourself, behave, in respect of
5 those Hema civilians?

6 A. Mr. David, let me tell you, first of all, that we were asked not
7 to bother the population, not to bother them. But because we did not
8 have salaries, what do you think would happen when you find something?
9 You will take it.

10 Q. I'll come to that in a moment. What do you mean when you say
11 "not to bother the population"? What do you mean?

12 A. That means do not kill the Hema people, as you mentioned.

13 Q. What about rape? Was ever anything said about rape?

14 A. That was taboo. When you do that, you die, completely. You die.

15 Q. How is rape viewed, as far as you know, amongst the Ngiti?

16 A. Well, Mr. David, the word "rape" itself, I did not know it
17 before.

18 I did not know the word "rape" before, Mr. President. That word
19 "rape," when you talk about rape, I do not know whether our people in the
20 villages understand that. You see, first of all, in our area, if --
21 well, I'm sorry. If you sleep with a girl with consent and without the
22 necessary traditional rites having been performed, that is already taboo.
23 You are not just going to chat up a girl and sleep with her like that,
24 no, not at all. In our place, you don't do it that way. If that were to
25 happen and your sexual relationship with consent is considered to be

1 taboo, how then can you talk about rape?

2 Q. Well, that's sexual intercourse with consent, albeit outside a
3 traditional arrangement. But what is the attitude of Ngiti to forcing a
4 woman into sexual conduct or sexual intercourse against her will?

5 A. David, let me reiterate my answer. Rape, rape is a difficult
6 matter in our area. It is difficult. To rape someone, a girl, no,
7 impossible. Impossible, in any event.

8 Q. What about raping a Hema girl, someone who is viewed as enemy in
9 a battle or after a battle, if they fell prisoner to you? What's the
10 position there?

11 A. Mr. David, no. No. Rape is prohibited in our area. It is a
12 taboo.

13 Q. Now, I want to come to the subject of FRPI, FNI, those
14 organisations, and before coming to them, I want to ask you if you've
15 ever heard of the F-R-E-L, FREL, or the F-R-E-C, FREC. Have you ever
16 heard of either one of those organisations?

17 A. FREL, FREC, well, I'd say that I've perhaps heard FREC before,
18 Force of Resistance against the Extermination of the Congolese. I've
19 heard similar things to that.

20 Q. And do you know what it was, where it existed, who its members
21 were?

22 A. What made me realise this was that seal on the letter
23 , that was brought to Beni. That was when I
24 found out there was an organisation like that, but I didn't know exactly
25 what it meant. But there are things like FREC. I've already heard that.

1 Q. All right.

2 MR. HOOPER: I'd like to call up a document. That's
3 DRC-00029.109. At least that's the number on the document. It doesn't
4 look like a proper number.

5 MR. MACDONALD: (Interpretation) Your Honour, now, before we
6 have this document, can we make sure we can find it?

7 PRESIDING JUDGE COTTE: (Interpretation) We had not got to the
8 end of the interpretation. Could you please wait for the time to reply
9 as required. I would like to find what Mr. Hooper said before you speak.
10 So it's a question of presenting a document. Okay. Thank you.

11 Mr. MacDonald, you have the floor.

12 MR. MACDONALD: (Interpretation) My apologies, your Honour. I'm
13 sorry for speaking before the end of the interpretation. Now, we're
14 going into an area of documents where there may be objections,
15 your Honour, and so before the document is shown to the witness, I would
16 like to make sure that it can be properly identified, and then if there's
17 objection, we'll see or not and then we'll see how the document can be
18 presented to Mr. Katanga, if indeed it should be. This is just
19 preliminary knowledge. Thank you.

20 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. Given the
21 number of documents which Mr. Hooper wishes to present, at least in
22 theory, perhaps not all of them will be presented, but perhaps given that
23 it's a large number, it would be a good idea to identify them before they
24 are displayed on the screen or commented on. Now, this one we're talking
25 about here is DRC-00029-109. I'm trying to find the reference to it here

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

Page 48

1 in my binder.

2 Ideally, Mr. Hooper and Ms. Menegon, would be to have the ranking
3 or the reference number in the left column, which would make it easier
4 for us to find it.

5 Now, I'm got my own little cottage industry system here, and I'm
6 trying to find it, but I can't for the moment identify the document.

7 MR. MACDONALD: (Interpretation) There is an objection,
8 your Honour.

9 PRESIDING JUDGE COTTE: (Interpretation) Well --

10 MR. MACDONALD: (Interpretation) It's the document and the
11 translation.

12 PRESIDING JUDGE COTTE: (Interpretation) Yes. But I would like
13 to find it. I'm trying to find it in my own binder here as I have my
14 notes which I put on before the hearing, and this is why it really would
15 be necessary to have numbers in a column on the left-hand side.

16 MR. HOOPER: (* Previous translation continues) ... by
17 Ms. Menegon on the original list. We got leave to add to it to our list
18 just a few days ago. I've -- I've got --

19 PRESIDING JUDGE COTTE: (Interpretation) Perfect.

20 MR. HOOPER: (* Previous translation continues) ... a hard copy.

21 PRESIDING JUDGE COTTE: (Interpretation) Here we are. It has
22 very kindly been given to me. Now, could you first give us the
23 explanation before the Prosecutor takes the floor to make any objection
24 he may have. Could you tell us what the document is, where it comes
25 from, and to what extent is -- does the accused witness have to comment

1 on it? Could you do that before, please, Mr. Hooper, before presenting
2 the document.

3 MR. HOOPER: Yes, certainly. In a way, may I say, it's not
4 necessary -- necessary for me, strictly, to present this document to this
5 witness. It's more -- its significance as a document is that it should
6 be seen by the Chamber, at least to the extent that we can see the
7 reference to the second name or the second line on the left. It refers
8 to -- the *mouvement de la* --

9 MR. MACDONALD: Objection, your Honour. (Interpretation) Now,
10 this is it. We have the person accused present.

11 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, could you
12 please give the explanation.

13 MR. MACDONALD: (Interpretation) My colleague may ask questions
14 without showing the document so that we can move ahead and the Chamber
15 can decide whether the accused witness can testify on this document, but
16 the unusual situation, as you pointed out, your Honour, is that it is
17 quite clear that Mr. Katanga has had access to all the documents as the
18 accused, and the other unique position is that he cannot withdraw while
19 we comment on documents and this is yet another reason for my colleague
20 Mr. Hooper to pay even greater attention when he is speaking when
21 Mr. Katanga is present and hearing the legal discussion.

22 Now, on this document, which does not come from the witness, and
23 we have no information as to whether it has been in his hands, he may ask
24 questions, of course, referring to the content of the document if need be
25 but not showing it to the witness. The ultimate objective may be to

1 show -- to ask him if he's seen it, but this is the same procedure, your
2 Honours, as all procedures which we've had for all the other witnesses.
3 There as nothing new here. And if my colleague is showing this to the
4 Chamber just so the Chamber -- just so the Chamber can see it, it's
5 called a bar table motion. That's clear.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Well, I
7 think we're all speaking the same language, because, unless I'm mistaken,
8 what I heard just a short moment ago was going in that direction.

9 Mr. Hooper, if you wish, you may start by asking questions on the
10 basis of the content of the document, and then as we proceed, we will see
11 if it is appropriate and possible to present it to the witness.

12 You have the floor.

13 MR. HOOPER: Can I say that my -- my understanding of its
14 provenance was it was the same source as the -- what I call the *savon*,
15 the soap, letter that we had -- that was admitted, and it's difficult
16 when at first sight there appears to be a degree of inconsistency in the
17 Prosecution approach, because in their objections, and this is the
18 limited use I wish to put this document to in any event, they say that
19 the existence of an alleged group called, et cetera, et cetera, can be
20 put to the witness without presenting him with a document itself, and I
21 have no objection to taking that course. I'm not concerned necessarily
22 with the details of the document. But from the Chamber's point of view
23 in making an assessment, it would be necessary to establish that such a
24 document existed and such a name appeared on it, and for the Defence, a
25 very important feature of this is the conjunction of that name with the

1 date that is on the document, which you can see in the top right-hand
2 page.

3 Now, a day or two ago this document was also added to our more
4 recent bar table motion as well, and it may well be that that is a
5 suitable avenue, a suitable portal, I should say, for this document to
6 enter into evidence, and I'm content with that.

7 But in fairness as well to the Prosecution, if we are making
8 these points they should be made fair and square to this witness, and if
9 the Prosecution wants to raise any matters on the document, then this is
10 the opportunity to do so, i.e., in cross-examination of Mr. Katanga and
11 not by some secondary comment later.

12 So the document, I'm in the hands of the Court in respect to
13 that, but if there is any point to be taken on this by the Prosecution,
14 then they will have the responsibility of producing this document to the
15 witness.

16 Now, bearing that in mind, what I propose to do at the moment is
17 to produce this document now. I appreciate it also features in a bar
18 table motion. To produce this document to Mr. Katanga now, and merely to
19 ask him whether --

20 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, why don't
21 you proceed as you mentioned just a moment ago by asking the witness and
22 accused? For we've see that he is able to see a number of situations and
23 a number of entities. Why don't you just ask him whether he knows the
24 group with the name which is at the top left of this document, and
25 Mr. Katanga can tell us what he thinks. He will tell us whether he knows

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

Page 52

1 this group or not. And then depending on his answer, perhaps you could
2 ask him other questions which could give us more detail in time about the
3 existence of the group. Perhaps you could start that way, but it's up to
4 you to decide.

5 MR. HOOPER: Yes. Thank you, Mr. President. I'll take that
6 course.

7 Q. Mr. Katanga, have you ever heard of a group -- and when I say
8 "ever heard," had you prior to coming to The Hague here, had you heard of
9 a group called *Mouvement de Libération Lendu*?

10 A. Never.

11 Q. Do you know if Cobra -- and let me again frame it in this way:
12 Prior to your coming to The Hague, did you ever know of any association
13 by Cobra Matata with a group with a name like that?

14 A. No.

15 PRESIDING JUDGE COTTE: (Interpretation) Even in reality, it's
16 not a group. It's a movement, Lendu liberation. It's very important for
17 these words to be indicated very clearly to the witness. It's the
18 Lendu Liberation Movement. You've said "no."

19 THE WITNESS: (Interpretation) Your Honour, perhaps I've got
20 things confused, but I know that it's the Lendu Liberation Movement.
21 That's what Mr. David said, and I said no.

22 PRESIDING JUDGE COTTE: (Interpretation) I just wanted to make
23 that clear.

24 Mr. Hooper.

25 MR. HOOPER:

1 Q. The FNI, when did you first learn of the existence of the FNI?

2 A. I heard about the existence of the FNI on the *22nd
3 of March, 2003.

4 Q. And in what circumstances?

5 A. That was the day that I was forced to sign the cease-fire.

6 Q. And what date was that?

7 A. The 22nd of March, 2003.

8 Q. Yes.

9 MR. HOOPER: The English translation was 2nd of March. In fact,
10 in the French and original, as it were, translation, it's the 22nd of
11 March. So can that be corrected, please.

12 PRESIDING JUDGE COTTE: (Interpretation) Well, on the French
13 transcript we have the 22nd of March, 2003.

14 MR. HOOPER:

15 Q. All right. We'll come to the signing of the cease-fire in due
16 course.

17 We've heard a lot about the history of the FNI in the course of
18 the case, and I'm not going to ask you to repeat what we've all heard.
19 Let me go on to the FRPI. In September, say, 2002, at Aveba, was there
20 any specific structure or organisation by which the combatants were
21 known?

22 A. There was nothing.

23 Q. When did you first hear about the FRPI?

24 A. It was in November 2002, in Beni.

25 Q. Do you know from what you've learnt, and in particular before you

1 came here to The Hague, do you know when and in what circumstances the
2 FRPI was founded?

3 A. The FRPI was founded in Beni with Mr. Borwadi Dudu (* as
4 interpreted).

5 Q. Just assist the interpreter there. The name is -- can you just
6 state the name clearly for us, please, Mr. Katanga.

7 A. It's Mr. Baudouin Adirodu Mawazo.

8 Q. Could you spell the last name? Adirodu. We have Baudouin.
9 Adirodu. And the last name, please.

10 A. Mawazo. M-a-w-a-z-o.

11 Q. And who is Baudouin Adirodu Mawazo?

12 A. If you want to find him today, he is national member of the
13 RCD/K-ML in Kinshasa, and he's also referred to as Dr. Adirodu.

14 Q. So just pausing there, the RCD/K-ML, does it still exist today?

15 A. These are parties which are in power at the moment. There is a
16 coalition of parties supporting the current president. So they're part
17 of the UMP.

18 Q. And Dr. Adirodu, what ethnicity is he?

19 A. Dr. Adirodu is an Ngiti Bamuko group.

20 Q. When did you first meet him?

21 A. I met Adirodu in Beni, in Mbusa Nyamwisi's residence. That is
22 the first time I met him.

23 MR. HOOPER: Can I call up a public document which is
24 EVD-D02-00063, which is the "*Manifeste de la Resistance*" of FRPI,
25 document we're familiar with.

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

Page 55

1 COURT OFFICER: (Interpretation) This document can be seen on
2 "PC 1."

3 PRESIDING JUDGE COTTE: (* No interpretation)

4 MR. HOOPER:

5 Q. I've got a hard copy for you which I think will make it slightly
6 more expeditious for us all if you have that. It's unmarked, of course.
7 And just to just remind ourselves perhaps as well of its context. This
8 is a FRPI document published, it states on its cover, in January 2003 and
9 entitled "*Manifeste de la Resistance*." It's in French, and it has a
10 preamble viewing some of the history from its perspective.

11 And it on page 2 -- or column 2, the column headed 2, it speaks
12 of *autodéfense* with various names, and it lists those names we see, the
13 FAP, B-O-B, BOB. Just pausing there, had you ever heard of the FAP?
14 That's the *Force d'Autodéfense Populaire*. Had you ever heard of that?

15 A. No.

16 Q. *Bureau d'Organisation Bhale*, had you ever heard of that?

17 A. No.

18 Q. Do you know what or where Bhale is?

19 A. Bhale means Lendu, that's all.

20 Q. Then we have *Force d'Autodéfense Lendu*, FAL --

21 MR. MACDONALD: (Interpretation) Your Honour, I apologise, but
22 has the witness said that he has already seen this document? We're going
23 into the content, and we're going through all the different stages. We
24 can't use the document just to refresh the memory of a witness. We ask
25 questions. But here he is holding the document. He's looking at it page

1 by page. We don't know if he's already seen it before. Where did he see
2 it before if he has seen it? Has he read the content and so on. These
3 are preliminary questions that should be asked before the witness can be
4 given a document. I make that submission to you with great respect,
5 your Honour. I think the procedure -- this is the procedure we've had
6 with all the other witnesses. There's nothing more.

7 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, we must
8 respect the procedure every time we have documents which are presented
9 for the first time in our debate. But yourself, earlier you pointed out
10 that this is an unusual situation. Today it's Germain Katanga, in a
11 couple of days' time it's Mr. Mathieu Ngudjolo who are accused and who
12 are witnesses, and there are a number of documents which will be dealt
13 with and which have been presented in the course of hearings, they've
14 been presented to witnesses and Mr. Katanga and Mr. Mathieu Ngudjolo were
15 in attendance then. And this concern that they should not have their
16 memories refreshed is quite legitimate, but it's obviously limited by the
17 fact that they have this dual role and this unusual situation which you
18 have mentioned earlier. So, now to ask the accused, today it's
19 Mr. Katanga, to give details about this document, this is part of the
20 Defence, and we'll see what Mr. Katanga can answer. But we cannot really
21 have complete copy of the practice of the testimony of an accused
22 compared to the testimony of a witness coming from a distant country and
23 then returning immediately to their country.

24 We are striving to ensure we
25 have a fair trial, but we are in a situation where we have the accused

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

Page 57

1 testifying, and the document we're talking about today is a document
2 which has already been referred to a number of times in the course of our
3 hearings, and I think we need to be fully aware of this.

4 MR. MACDONALD: (Interpretation) Yes, indeed, your Honour, and I
5 can understand the position of the Chamber, of course, but you saw that
6 there was no objection from us for the document being given. But having
7 said that, now the accused was in the courtroom when the document was
8 presented, but I think it's still important to have preliminary questions
9 asked to say, "Have you already seen this document?" "Now, were you
10 familiar with it," for example, "before?" And this is what my learned
11 friend has done in similar situations. I think this preliminary stage
12 would be important for the Chamber to understand and then assess the
13 credibility of the witness on these points.

14 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor -- just one
15 moment, Mr. Hooper. Once again we are concerned to see matters being
16 conducted with optimal respect of rules for procedure, but we must
17 realise that some questions may be artificial when we can presume what
18 the answer will be.

19 Now, Mr. Hooper, Mr. Kilenda and Professor Fofé will be attentive
20 to this type of document being presented after asking a couple of
21 questions just to put it in context and we all wish to move forward and matters are
22 progressing in a very interesting manner. Mr Hooper, please proceed.

23 So we've understood this, Prosecutor. We know the message you
24 wanted to convey, and I'm sure the Defence teams will do their utmost to
25 avoid you having to make further objections. Mr Kilenda.

1 MR. KILENDA: (Interpretation) Thank you, your Honour. I know
2 we're all concerned with having a fair trial here, but I think quite
3 sincerely there are some questions which are not really worthwhile. Why?
4 Because most of these documents have been disclosed, and when the
5 documents have been disclosed, then obviously the accused has knowledge
6 of them. So there's no point in coming back to it now and asking this
7 type of question which quite obviously, or at least I think so, are just
8 time consuming. I think Mr. Hooper is working in the right direction,
9 and I think we could continue without having these interruptions to the
10 debate.

11 These documents have been seen by our clients, and this is the case for all
12 documents with an EVD reference here. All our clients are aware of these
13 documents.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you Mr. Kilenda.
15 I think we're all on the same wavelength. And I think the Prosecutor
16 wanted to make additional caution there. So I think we shall proceed,
17 Mr. Hooper. We are not going to make things excessively complicated when
18 these are documents which already have an EVD number. We shall now
19 resume or, rather, continue. Thank you.

20 MR. HOOPER: Thank you. I'll be careful.

21 PRESIDING JUDGE COTTE: (Interpretation) That being said, that
22 being said, there is also a way of introducing the document which is to
23 ask the question: When did the witness see this document for the first
24 time? That simultaneously allows us to situate the knowledge of the
25 witness in time and also, possibly, to ascertain that the witness was very

1 familiar with the document before our discussions began. Thank you.

2 MR. HOOPER: I'll do that. I'm come to that very shortly. It
3 was just this particular aspect.

4 Q. FAL, *Force d'Autodéfense Lendu*. Before coming here, had you
5 heard of that name?

6 A. No.

7 Q. And then we have FREL and FREC, and you told us about that this
8 morning. Now when, did you first see this document?

9 A. This little booklet I saw in 2003, in the month of February,
10 March. I saw it in the month of February 2003.

11 Q. Now, we've had a look at this document earlier, and you've been
12 in court when we've gone through it. I may return to the document in a
13 moment. It's -- I can always call it up again. Can we go to the last
14 page, the last written page. Below column 9 we have an annex with the
15 list of participants or purported participants at the adoption of the
16 manifesto. We can see those names. I don't need to go through them. The
17 second but last is Baudouin Mawazo. Can you confirm that's also known --
18 whose also known, as you've told us, as Dr. Adirodu?

19 A. Yes.

20 Q. And can you confirm the obvious, and that is that your name does
21 not appear on this document?

22 A. It is not there.

23 Q. And while we have the document up, can we just go to -- back a
24 page or two to column 5 and to heading 4 where it's described as "De la
25 structure organisationnelle," and we see that it describes itself as

1 having here two structures, "*de base ... Conseil des Sages et le Conseil*
2 *Militaire mieux le Conseil des Combattants.*" And that there's no mention
3 of a president in that document. And we can leave that document, and
4 we'll talk about it again I think in a moment, but can I pick up the
5 chronology by just talking about or addressing the subject of your trip
6 to Beni, and you told us that you left on the 21st, was it, of November?
7 Correct me if I am wrong. You've told it's the 21st of November, three
8 days after you were -- you were married. And before we come to the
9 actual trip itself, can I call up another document. I'll just get the
10 reference. And this is DRC-OTP-0194-0348. And that's been -- we've seen
11 this before. It does not, in fact, appear on my list, probably my
12 omission, but it's a document we're familiar with. It's the Chef Manu
13 letter, if I can put it like that, that he signed at Aveba. And before I
14 step off, as it were, towards Beni, it may be helpful if we look at that
15 document. It's EVD --

16 MR. MACDONALD: It's not on your list (* overlapping speakers).

17 MR. HOOPER: (* Overlapping speakers) ... D03-00098 for the
18 record. My friend can interrupt me now if he wishes. Sorry, I was
19 interrupted. Let me say it again slowly. The document which may give
20 rise to an objection is EVD-D03-00098 and is the Chef Manu letter to the
21 authorities in Kinshasa relating to attacks in Lendu and Ngiti areas by
22 the UPC, which was signed in Aveba, and I wish - and it may assist my
23 friend - just to take the witness not to its contents but to the way in
24 which it was signed, and also to the dates on it, which are of some
25 assistance to the Chamber.

1 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

2 MR. MACDONALD: (Interpretation) First of all, Mr. President, to be brief, we have
3 no objection. Once again, my learned friend must follow a procedure. He can't just
4 show. He needs to orient the witness. The question needs to be put to the witness, as
5 the witness talked about this letter in his testimony today, and this
6 leads me, Mr. Chairman, to mention that this document is on our list of
7 documents with regard to which we want to cross-examine the witness.
8 Now, if Mr. Hooper uses documents that are not on his list, then he needs
9 to send us amended lists before the hearing so that the Prosecution knows
10 where Mr. Hooper is heading, so that the parties are aware, so that the
11 Chamber knows where Mr. Hooper is heading. Because there are rules.
12 There is a decision, Decision 1665, and Mr. Hooper is not respecting any of that when
13 he uses documents on the sly like that.

14 We don't have an objection to this particular one, but before the
15 document is shown to the witness, we need to ask him questions about this
16 delegation. He needs to be asked questions about this letter, the existence
17 of which he recognised when he spoke about his wedding and about his trip
18 three days later.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
20 Mr. Prosecutor. You are being very understanding, because as Mr. Hooper
21 has said, this document was not on the list that he transmitted to us.
22 On the other hand, this is indeed a document that we know which you are
23 going to be referring to. You've reminded us of that. So this is an
24 opportunity to begin to talk about it.

25 But, Mr. Hooper, we need to follow the usual protocol, and

1 perhaps doubly so in this case because it is a document which is bursting
2 onto the scene somewhat unexpectedly. You have the floor.

3 MR. HOOPER: I think maybe there's some -- certainly some
4 misunderstanding in my mind that the three-day rule for serving documents
5 is aimed at documents that haven't yet been produced in evidence, and, in
6 fact, paragraph 108 of 1665 states:

7 "If a cross-examining party knows in advance it will make
8 reference to a document that is not already in evidence during
9 cross-examination of a particular witness, it must inform the Chamber."

10 And even in evidence in chief the principle surely is the same
11 inasmuch as the rule is there, really, not in order to ensure that there
12 isn't surprise in that way.

13 Now I appreciate there might be documents in evidence, though I
14 can't think of very many, when one is dealing with an accused because
15 he's in a particular position. If a document's in evidence, an accused
16 falls into a different category, as your Honour has already mentioned,
17 because he's dealing with matters of accusation. But in any event, my
18 friend won't be surprised by this and it would be helpful perhaps just
19 to -- to cover this rather than lead it -- leave it to a generalised and
20 unrooted comment later. It would be better, in my submission, for the
21 witness to deal with it. I stress that I'm not concerned with the
22 detailed allegations within this document. That's not my purpose. In
23 fact, rather the opposite, to indicate that the provenance of this
24 document is of a particular kind, if I can put it like that.

25 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, I don't

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

Page 63

1 believe that there is a misunderstanding. In reality, what we would all
2 like is that -- well, you've sent to us a list with a great number of disclosures,
3 we want everyone to prepare for the hearing as well as they can with a little bit of
4 advanced warning concerning which documents you intend to use and when you
5 are going to use them. In this instance you have used this document. The Prosecutor
6 is not objecting here. The common goal of everyone here is to obtain from
7 Mr. Katanga, because he is the person who was testifying at that point,
8 the greatest number of explanations concerning the documents that have
9 been circulating in this Chamber as possible.

10 It's very important that he be able to speak at this point, so
11 please go ahead.

12 MR. HOOPER: All right. Very well. I'm not trying to take my
13 friend by surprise. I'm sure he appreciates that. It's just that
14 sometimes there are omissions. This is one of mine, I very clearly
15 state.

16 This document ...
17 (Defence counsel confer)

18 MR. HOOPER: Sorry, is it on the screen yet? Can we see it on
19 the screen?

20 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, have you
21 been able to identify this document, and which button should we press?

22 COURT OFFICER: (Interpretation) The document may be seen on
23 "PC 1."

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
25 Can Mathieu Ngudjolo see the document? He's remaining quite silent in

1 his corner over there. Apparently he can see it.

2 MR. HOOPER:

3 Q. And the document we see is -- is signed on the 15th of November,
4 both in the top right-hand corner there. And if we go to the end, we can
5 see that the signature is also dated. We can go to the last page. Can
6 we go ... just stay on that page. We can see "*Fait à Gety-Etat*," 15th of
7 November, 2002, and we then have a list of -- of names. We can drop down
8 to the bottom so that we and Mr. Katanga can be reminded. He's seen this
9 document again in the course of the trial. We can go down to the bottom.

10 Right. Now, first of all, does your name appear on that
11 document?

12 A. It does not appear.

13 Q. So we can conclude, obviously, that you haven't signed it. Can
14 you remember if any discussion was taking place about this document at
15 the time? When did you first see the document?

16 A. To have a -- in terms of having a detailed knowledge of this
17 document, it was here in The Hague, but I know that there was a document
18 which our notables, the notables with whom I went to Beni, had produced.
19 They had a document which they were going to deliver to the president of
20 the RCD/K-ML.

21 PRESIDING JUDGE COTTE: (Interpretation) Are we to understand
22 that you saw this document for the first time in The Hague but that you
23 had knowledge of it beforehand? Is that what you're saying?

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

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

1 Mr. Hooper.

2 MR. HOOPER: Right. Thank you. I don't need the document any
3 further. Thank you.

4 Q. Now, how did this trip to Beni come about?

5 A. To get to this trip to Beni, I would like -- there were two major
6 problems. The first was the weakness of the APC, which was in our
7 collectivity. Secondly, there was also the concern about what our
8 community was experiencing.

9 With regard to the APC's weakness, since Lopondo was driven out
10 of our collectivity, all of the APC positions were attacked, and when all
11 of these APC positions were attacked, the APC wasn't resisting. There
12 were fires, there was looting, and so on. And our community was bearing
13 the brunt of this a great deal more, because with regard to our
14 community, when we were talking about the combatants themselves, they
15 resisted, but when you got up to the issues of command and so on, that
16 didn't fit together with the combatants, so we needed to try and find a
17 way of harmonising everything.

18 And then on the other side -- on the other hand, while there were
19 also attacks going on, there were calls for pacification, people saying,
20 "No, the war is over. We need to live together." And on the other hand,
21 with Mbusa Nyamwisi, he was saying, "No, no. Don't prepare for peace,
22 because these people who are calling for peace are your enemies."

23 Between the two political branches, we found ourselves stuck. On
24 the other hand, the UPC was saying, "No, we need to reconcile." And then
25 on the other hand, the RCD/K-ML were saying, "No. There shall be no

1 reconciliation."

2 So we needed at least to be able to get information from our
3 authorities with the RCD/K-ML.

4 Q. Do you know whose idea it was that there should be this visit?

5 A. The idea came from the *sages*, the wise men.

6 Q. And how many of -- of you went?

7 A. With regard to the combatants, I can't give a specific number, or
8 even the number of intellectuals or notables who went to Beni, I can't
9 give a specific number either, but it could have been more than 60
10 people, a mix of notables and combatants.

11 Q. And what was your position in this group?

12 A. David, in Aveba as things were calm, we had to go to Beni, but
13 before going to Beni, we needed to have a position so that we could go
14 and participate. When I left there, I was like one of the commanders
15 from Aveba.

16 Q. But was there, as it were, a head of the delegation?

17 A. Yes. I led the delegation of combatants from Aveba, and then
18 Munganga Leba for his part was leading the notables.

19 Q. And can you spell his name, please?

20 A. Munganga Leba, M-u-n-g-a-n-g-a. Leba, L-e-b-a.

21 Q. All right.

22 A. He is Adirodu's brother also.

23 Q. Can I ask you about a man called Bahati? Do you know of a
24 Bahati? Who was he? Was he part of the delegation?

25 A. The name Bahati, perhaps, if I associate it with Bahati John

1 Lakali (* as interpreted), he is a the current lieutenant-colonel. Or Bahati
2 from Zumbe?

3 Q. I think we're concerned rather with Bahati de Zumbe. So with a
4 do you know about him, and was he a member of the delegation?

5 A. Bahati was there at the time of the trip. At that time Bahati
6 was there, and he went to Beni with us.

7 Q. What was his background? Where did he come from?

8 A. I -- I know Bahati as a nurse and -- a dental nurse. His father
9 is a native of Kagaba. At the time when Lopondo was in Bunia, he was
10 shuttling. He was in Bunia or where he worked. So when the 2nd
11 Battalion (* as interpreted) went to Songolo, it is at that time that
12 Bahati arrived where we were, arrived with Major Faustin.

13 Q. Sorry, which battalion came to Songolo? Again it's for the
14 transcript.

15 A. 12th Battalion.

16 Q. It's got 2nd on the transcript. So 12th, please. So he arrived
17 in Songolo with the 12th, and what happened to him after that, do you
18 know?

19 A. After that, Bahati was with Commander Faustin, with Kandro, and
20 they went to Nyankunde.

21 Q. And after that?

22 A. After that, Bahati was moving between Olongba, Kagaba, and Aveba.

23 Q. All right. Now, if we can just have another look at an another
24 map, which is -- that one.

25 THE INTERPRETER: Interpreter correction, page 64, 15: Instead

1 of "shuttling," "commuting." Thank you.

2 MR. HOOPER: We'll call it up. This is EVD-D02-00122.

3 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, have you
4 found the map?

5 COURT OFFICER: (Interpretation) You can see this map on "PC 1."

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.

7 MR. HOOPER:

8 Q. All right. So we've got a map, I think, on the -- all right. So
9 I just call that up, because we can see Beni on it. And Aveba isn't
10 marked on this map. We do have Gety, though, so we can follow it in that
11 way.

12 Now, how long did it take you and the rest of the people with you
13 to -- to travel to Beni when you left on the 21st of November?

14 A. Mr. David, it took three to four days, because we had some
15 difficulties. It was during the rainy season. It was difficult walking
16 in the forest in the rain with the mud. That slowed us down a lot, and
17 so it took us three to four days to get to Beni.

18 Q. I think you've told us, but how did you get there? I think you
19 told us, but did you have a vehicle? Were you walking?

20 A. No, no, no. On foot. On foot.

21 Q. And did you walk the entire distance or not?

22 A. No. No. We didn't travel the entire distance on foot, but from
23 Eringeti where we met Major Adolphe, I think, yes, it was from there on
24 that provided us with a vehicle, and he accompanied us to Oycha where we spent
25 the night.

1 Q. And we can just see Oycha on the map. It's spelt on the map
2 O-y-c-h-a. It's just north of Beni on the map.

3 Chef Manu was on that journey with you. Do you know what role,
4 if any, he played? What was he doing?

5 A. As a child who grew up in Africa, I knew that Manu was the chief,
6 and the chief always had value and importance among us. As he was there
7 among the group of notables, the civilian group accompanying us, he came
8 to Beni with us, and he was the most respected man there.

9 Q. Did you -- did you have any dealings yourself with him?

10 A. In terms of seeing him, yes, I saw him, but I didn't go over and
11 chat with him because he was not a man of my own age, not a man of my
12 age. If, perhaps, he addressed me, if he began a conversation, then,
13 yes, I could have spoken with him, but for me to go over to him and
14 engage him in conversation would be really impolite.

15 Q. So you get to Beni, and what happens? Where do you stay?

16 A. I arrived in Beni, and they put me up at the Terminal Hotel,
17 Hotel Terminal.

18 Q. And can you tell us what you did? Well, first of all, how long
19 did you spend in Beni?

20 A. We spent about two weeks in Beni.

21 Q. And what did you do, and I mean you, what did Germain Katanga do,
22 while he was there?

23 A. The day we arrived in Beni, if I remember correctly, we arrived
24 just before midday. We spent the day there at Major Samy's place.

25 The next day, Pitchu, Iribi and Sambidhu came to fetch me and a few notables.

1 So Munganga Leba with a few others. Perhaps I don't remember all of the
2 civilian group, but we went to Mbusa's place for the first time. So the
3 day after we arrived. We arrived there, and it was simply to inform
4 Mbusa that we had arrived, and if he needed us, we were already there.
5 We introduced ourselves. We presented ourselves.

6 On that first day he said, "No. We're waiting for somebody, and
7 when he arrives, that is when we will begin our meetings."

8 The person we were waiting for, the person in question, was
9 Baudouin Adirodu. Baudouin Adirodu arrived three days after we arrived
10 there in Beni. He was coming from Kinshasa.

11 Q. All right. Can I come back to Mbusa? Had you met Mbusa before
12 that meeting?

13 A. No, only on that day. That was the first time.

14 Q. And can you remind us, what was his position?

15 A. Mbusa was the president of the RCD/K-ML, allied to the Kinshasa
16 government.

17 Q. And what is his position today, do you know?

18 A. Mbusa Nyamwisi's situation is degrading from day to day. He
19 started off as the minister of state in charge of foreign affairs, and
20 now he is on the decline. I don't know what he is today, but I know he's
21 some kind of minister.

22 Q. So after that first meeting, what happened after that? I don't
23 need everything that happened, just the main events for us, please.

24 A. Three days after, when Adirodu arrived, we returned once more.
25 They came to fetch us to meet Mbusa with Adirodu at that time.

1 Q. And where was this meeting held?

2 A. At Mbusa Nyamwisi's residence.

3 Q. How many of you were present?

4 A. There were about 10 persons -- more than 12 persons in
5 attendance. Twelve, 15, maybe, yes.

6 Q. At these meetings, either the first one or this one or subsequent
7 meetings, did Chef Manu attend?

8 A. No. No. No. No. I don't think he attended the first meeting.
9 There were not more than five of us at that meeting, that is, those of us
10 who came from the collectivity.

11 Q. Now this, meeting when Adirodu was in attendance, what happened, in
12 brief?

13 A. When Adirodu arrived, well, I did not know him. Adirodu entered
14 the room and said that he was the head of the delegation. We were all
15 surprised at that. And then from there on, those of us who had come from
16 the village, it is then that we learnt about the FRPI, and he said that
17 he was the head of the FRPI delegation, and at that time we did not even
18 know what the FRPI stood for. We had arrived a few days earlier, and we
19 were wondering, why FRPI? What is the FRPI? Why not FRPC? So those
20 were the questions that came to our mind, that is, to those of us who
21 were there. His answer was simply, no, this is the position that has
22 been adopted, and there was nothing we could do about it and things
23 remained that way.

24 Q. And can you just explain, what was the concern about FRPI as
25 opposed to FRPC?

1 A. When you look at the FRPI tendency, it is restricted. It is
2 limited. Why say that we are only a resistance movement in Ituri,
3 whereas there are combatants fighting in the North Kivu. There were
4 Lendus who had gone to help Mbusa in the North Kivu and in Kanyabayonga,
5 including myself.

6 Q. So what happened at that meeting? He introduces the name of the
7 FRPI. Let me ask you this: What was your understanding of the structure
8 of the FRPI? Who was its leader? Did it have a president? Was there a
9 committee? What was the position, in your mind?

10 A. The FRPI was Adirodu's private matter. When Adirodu arrived and
11 came with this FRPI concept, he wanted everything to happen within a
12 closed group. He wanted to have his brother as a coordinator, and that
13 was it. He felt that -- or he said that he himself was the spokesperson.
14 So it was difficult to know with precision what the hierarchy of the FRPI
15 was except for those two people. The leader of the FRPI was Adirodu, and
16 the second in command was his younger brother.

17 Q. And what was its objective, the FRPI? What was its purpose,
18 function?

19 A. The FRPI, well, the purpose of the FRPI, we only saw it in the --
20 in the manifesto, but, you see, that transition from the self-defence
21 movement to the FRPI was a simple figment or intellectual concept,
22 because we -- it was difficult to understand how the transition had
23 occurred. From combatant to FRPI was something beyond -- in fact, beyond
24 my understanding. I cannot even explain it. So for the name FRPI to
25 come into existence, I think it was simply from Adirodu's mind that it

1 emerged.

2 David, let me also tell you that we found out about the birth of
3 the FRPI through Adirodu with Mbusa's blessings.

4 Q. And so this meeting, Mbusa and Adirodu explaining FRPI, what
5 else, if anything, was discussed at that meeting, and how did things
6 progress?

7 A. The various meetings were held one after another. Well, Mbusa,
8 first of all, wanted to define his position in relation to the
9 pacification that the UPC was calling for.

10 Secondly, he wanted to inform our community that he was the
11 umbrella, the big man, our umbrella, and that it was thanks to him that
12 our community was living due to the protection provided by his army, the
13 APC.

14 Why do I say that he was the umbrella? I say so because it was
15 said that if the APC did not remain in our area, the UPC, which was
16 identified as the Hema-Tutsi force, was going to invade us and take our
17 land. So you can see how those explanations were provided, culminating
18 in a point whereby he could -- he could win, win us over to his side. So
19 for us he was saying no to peace. And when he says no to peace, then we
20 must help the APC soldiers by all possible means. What does that mean?
21 It means providing them with information and not throwing them out of our
22 community because we were fed up. You see, we were fed up, because whenever
23 the UPC attacked, the APC fled without any resistance whatsoever,
24 and it was our villagers who became the victims.

25 Q. So what other meetings did you have?

1 A. Other meetings? Other meetings also took place. And by the way,
2 at some point Mbusa said that the notables should go back while we
3 continued holding the meeting with the combatants, and the combatants
4 were myself, Pascal Alezo, who were present. We were present there. And
5 what was the problem? What was his problem? His problem was, in fact,
6 that he wanted -- he wanted us, that is, those of us who were combatants,
7 that we should at least be identified, "identified" meaning that we
8 should at least know our location, where we were located. And it was
9 very difficult for a classical or traditional army to understand our
10 situation. We as combatants acted on the basis of automatisms,
11 When he asked us how we could be identified, then we were confused, because
12 how was that going to be done? Some of us had UPC uniforms, others had APC
13 uniforms, others had UPDF uniforms. Even the APC did not have specific uniforms,
14 and they were using the *méli-mélo*, a *mish-mash of attire*, and that was enough reason
15 for the identification to be done, both of ourselves and of the APC.

16 Q. So was the problem of identification resolved, if at all?

17 A. The problem of identification was one of simply identifying the
18 APC. You see, in our area, we were not able to identify ourselves as
19 such. It was difficult to bring all the combatants together in a group.
20 However, the solution that was adopted was to identify the APC and to
21 give them uniforms, and identify all locations at which they were. Now,
22 as for the combatants, maybe two, three, four or five commanders were
23 given uniforms and that was enough. But in broad strokes, the
24 identification of the APC was the most important task.

25 Q. What else was discussed --

1 THE INTERPRETER: Microphone, Counsel.

2 MR. HOOPER:

3 Q. Was anything else discussed, and what other meetings were held?

4 A. Other meetings were, indeed, held, at which decisions had to be
5 made on how to supply those people and how to get supplies. Now you know
6 you need to get supplies and know how to supply. You can supply or make
7 provisions for an identified group, and to identify the group, you need to
8 send some experts to do so. You see, in our area it was not possible to
9 go by road. The only way was to use planes. And in order to land, if any missions
10 were organised and ammunition was organised, you needed to be able to work
11 according to those goals. With regards to ammunition, we had to justify our use of
12 this ammunition by stating our aim. And the goal was to help the APC to -- to
13 recapture the positions it had lost.

14 Q. Now, when you mention planes, the only way out was to use planes,
15 where could those planes go in Walendu-Bindi?

16 A. The safest place was Aveba, only, in our collectivity.

17 MR. HOOPER: I see the time, and perhaps that's a convenient
18 moment to stop for today.

19 PRESIDING JUDGE COTTE: (Interpretation) I think we must stop.
20 If we had five, six, or seven hours, we may have continued, but that is
21 not the case. So we must stop now. But before we adjourn, I would like
22 to remind you that tomorrow we are sitting from 14.30 to 19.00, and for
23 unforeseen circumstances, on Thursday, the 6th of October, we have to
24 stop our proceedings at 12.45, that is, 45 minutes before the normal stop
25 time. But next week, except I am mistaken, we will sit every single day.

1 Court Usher, please take Mr. Katanga to his place.
2 (The witness stands down)
3 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please,
4 before we adjourn, it had been scheduled that we would meet on Monday
5 morning. However, it would appear that the courtroom will again be
6 available in the afternoon, and in which case we would sit Monday in the
7 afternoon and then in the mornings throughout the week.

8 Court Officer, do you have any information on this point? Well,
9 if you don't, please let us know in the afternoon whether it will be
10 possible so that all court parties and participants can be informed by
11 e-mail as to whether from Monday we will revert to our normal sitting
12 hours. Is that okay? Thank you.

13 The accused persons, we will reconvene tomorrow afternoon at
14 2.30.

15 This hearing is adjourned.

16 The hearing ends at 1.28 p.m

17 CORRECTIONS REPORT

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

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

21 SECOND CORRECTIONS REPORT

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

24 *Page 53 lines 2 to 3

25 "2nd (* as interpreted) of March"

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

Page 77

- 1 Is corrected by
- 2 "22nd of March"