

1 International Criminal Court
2 Trial Chamber II - Courtroom 1
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, 31 May 2011
10 The hearing starts at 9.03 a.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.
15 Good morning, everyone. Good morning to the accused.
16 Before we bring in the witness, Mr. Malivo, the Chamber is going
17 to hand down an oral decision.
18 The Chamber has received an urgent application number 2919, dated
19 the 19th of May, 2011, from Germain Katanga's Defence team asking for the
20 postponement of the appearance of Witness Jean Logo until just before the
21 possible testimony of Germain Katanga, that is, at the -- after the
22 testimony of Defence witnesses of Mathieu Ngudjolo's Defence. To support
23 its application, the Defence cites specific difficulties relating to the
24 application to its resource person of the rules limiting contacts between
25 parties and the witnesses whom they cite to appear as from the beginning

1 of the familiarisation phase of these witnesses. The Defence states that
2 the only alternative to such a postponement would be to authorise the
3 Defence to communicate with Jean Logo after he arrives in The Hague and
4 until such time as the testimony of the last witness who has been cited
5 has been completely. And finally, the Defence states that, in any case,
6 it would be appropriate to authorise contacts between the Defence and its
7 investigator after the investigator has testified.

8 Through an e-mail, the Chamber set the dead-line for responding
9 to this application on the 24th of May, 2011, which was extended to the
10 25th of May, at the request of Mathieu Ngudjolo's Defence team because of
11 an *ex parte* hearing relating to him on the 24th of May.

12 The Office of the Prosecutor informed us orally in the hearing of
13 the 20th of May, 2011, transcript 264, that the OTP had no objections to
14 this application. In their written submissions number 2951 lodged on the
15 24th of May, 2011, the Legal Representatives of the Victims point out
16 that it is not necessary to postpone the appearance of Jean Logo to
17 remedy the difficulties laid out by the Defence and that it is sufficient
18 to provide for him to travel to The Hague only once the last Defence
19 witnesses have completed their testimony.

20 Moreover, they state that any contact between the Defence and
21 Jean Logo during the testimony of the latter should be excluded.
22 Finally, they state that they would not object to the Defence contacting
23 their resource person after he has finished testifying on condition that
24 they do not discuss the content of his testimony.

25 Mathieu Ngudjolo's Defence team responded to the application

1 through its written submission number 2955, dated 25th of May, 2011.
2 They're opposed to the postponement suggested by Germain Katanga's
3 Defence team because it would result in confusing the presentation of
4 witnesses between the two Defence teams, contrary to the principles being
5 followed in this case. On the contrary, they are in favour of
6 authorising contacts between Germain Katanga's Defence team and its
7 investigator after the latter reaches The Hague and until such time as
8 the -- their Defence's last witnesses have completed their testimony.

9 The Chamber considers that Jean Logo, because of his status as
10 the resource person of Germain Katanga's Defence team, is a special
11 Defence witness and this justifies waiving the rules applicable to
12 contacts between parties and witnesses who they cite to appear,
13 particularly as it has been stated that he will testify precisely as an
14 investigator. The Chamber considers in particular that the Defence ought
15 to be able to co-operate with its resource person throughout the
16 procedure, in particular during the presentation of its own case and
17 while evidence is still being submitted to the trial. However, the
18 Chamber feels that we need to adapt the principles which apply, in
19 particular regarding the order of appearance of witnesses, by trying to
20 change this order as little as possible.

21 In this respect, it appears that the proposal made by the Legal
22 Representatives would be the most appropriate solution to remedy the
23 difficulties which the Defence has legitimately raised. To authorise a
24 brief interruption of the hearings between the testimony of the last
25 Defence witness and the appearance of Jean Logo so as to enable the

1 latter to make himself available to -- exclusively to the Court only once
2 the Defence temporarily no longer has a pressing need for his services
3 does indeed have several advantages. On the one hand, it makes it
4 possible to avoid having to implement binding measures of separation
5 between Jean Logo and the other witnesses when they are -- during their
6 travel and accommodation arrangements; and on the other hand, it makes it
7 possible to respect fully the principle of exclusion between contacts in
8 the parties -- contacts between parties and their witnesses from the
9 beginning of the familiarisation phase until they have finished
10 testifying. Thus, neither change in the order of appearance of Jean Logo
11 nor the alternative presented by Germain Katanga's Defence team and
12 supported by that of Mathieu Ngudjolo would appear necessary under these
13 circumstances.

14 So the Chamber decides to accede only partially to the
15 application of the Defence, in that the Chamber authorises by way of a
16 waiver to the principles applicable -- the Chamber authorises the Defence
17 to communicate with Jean Logo after his testimony, given that the content
18 of his testimony cannot be discussed. The application is rejected as
19 regards all other points and the Chamber recalls in particular that the
20 principle of exclusion of contacts between parties and their witnesses as
21 from the beginning of the familiarisation phase up to the end of their
22 testimony remains in force and will apply to the case of Jean Logo.

23 However, to remedy the difficulties set out by the Defence, the
24 Chamber authorises a brief suspension of its hearings so that the
25 witness, Jean Logo, will only arrive in The Hague once the last Defence

1 witness of Germain Katanga has completed his testimony. In order to
2 ensure optimum co-operation between the Defence and its resource person
3 and so as to avoid the adoption of measures of separation, the Chamber,
4 moreover, would see no obstacle in a similar interval being provided for
5 so that the first witness of Mathieu Ngudjolo's Defence should only begin
6 to testify once Jean Logo has returned to his place of work.

7 To this end, the Chamber requests the Court Officer to notify the
8 transcription of this decision to the Victims and Witnesses Unit and
9 urges the unit to take all the necessary measures as far as possible to
10 restrict the period of the two suspensions in our hearings which have
11 just been provided for; they need to be as short as possible.

12 Madam Court Officer, will you please bring Mr. Malivo into the
13 chamber.

14 (The witness takes the stand)

15 PRESIDING JUDGE COTTE: (Interpretation) Good morning,
16 Mr. Malivo.

17 THE WITNESS: (Interpretation) Good morning.

18 PRESIDING JUDGE COTTE: (Interpretation) I see you can hear me
19 well so we can resume our work, and it is the Office of the Prosecutor
20 which will complete their cross-examination.

21 You have the floor, sir.

22 MR. MACDONALD: (Interpretation) Thank you, your Honour, ladies
23 and gentlemen.

24 WITNESS: WITNESS DRC-D02-P-0129 (Resumed)

25 (Witness answered through interpreter)

Witness: Witness DRC-D02-P-0129 (Resumed) (Open Session)
Questioned by Mr. MacDonald (Continued)

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1 Questioned by Mr. MacDonald: (Continued)

2 Q. (Interpretation) Good morning, Witness.

3 A. Good morning.

4 Q. Mr. Witness, I will continue with my questions, and I hope to be
5 able to complete my cross-examination in the next 30 minutes at most.
6 Once again, Mr. Witness, we will try as best we can to respect the
7 five-second rule.

8 Yesterday, Mr. Witness, I read out a section of your testimony,
9 your witness statement. This -- now, let's leave this section aside for
10 the moment, but I'd like to put certain questions to you so as to -- so
11 that we can place ourselves in the context since we're at the start of a
12 new day.

13 Mr. Witness, it's -- as you said yesterday, when Germain Katanga
14 travelled around he had an escort, did he not?

15 A. Yes.

16 Q. Is it also correct that - and I will cite two names - Antilope
17 and Doppel were, inter alia, members of Mr. Germain Katanga's escort; is
18 that correct?

19 A. Yes.

20 Q. Is it also correct, Mr. Witness, that you said that you'd lived
21 with Pastor Vicky when you were in Aveba?

22 A. Yes.

23 Q. I also understand that his wife, Mrs. Julienne Mugo, is your
24 niece, is she not?

25 A. Yes.

Witness: Witness DRC-D02-P-0129 (Resumed) (Open Session)
Questioned by Mr. MacDonald (Continued)

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1 Q. So you have family links with Pastor Vicky, with Julienne Mugo?

2 A. Yes.

3 Q. Mr. Witness, Claude -- now, I re-read the transcript of your
4 testimony yesterday and I'd just like you to confirm once again not just
5 (Expunged)

6 (Expunged); is that correct?

7 A. Yes.

8 Q. And also, Mr. Witness, while you were in Aveba, you yourself saw
9 that Claude, given his close relations with Denise, went to see
10 Germain Katanga, didn't you?

11 A. Yes.

12 Q. And this on quite a regular basis?

13 A. Yes.

14 Q. So Claude was also considered to be a member of Germain's family,
15 was he not?

16 A. Yes.

17 Q. Mr. Witness, did you learn there'd been an attack on the
18 4th of March, 2003, on the village of Mandro?

19 A. Yes.

20 Q. And you were in Aveba at that time, were you not?

21 A. Yes.

22 Q. You also learnt, Mr. Witness, that it was Lendu and Ngiti forces
23 which had attacked Mandro, didn't you?

24 A. Yes, I learnt that.

25 Q. Mr. Witness, is it correct that you learnt -- we read this at the

Witness: Witness DRC-D02-P-0129 (Resumed) (Open Session)
Questioned by Mr. MacDonald (Continued)

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1 request of my colleague, Mr. Hooper, that on the 6th of March, 2003,
2 there was an attack which you described as a complex attack on Bunia; is
3 that correct, sir?

4 A. Yes.

5 Q. Once again, Mr. Witness, were you aware that that was an attack
6 of the Lendu Ngiti forces to drive the UPC out of Bunia?

7 A. Yes, I learned that.

8 Q. So for those two attacks -- I'm sorry, for Bunia when -- during
9 the Bunia attack you were still in Aveba, were you not?

10 MR. HOOPER: (Previous translation continues) ... it would be
11 inaccurate to describe the Bunia attack as an attack by Lendu Ngiti
12 forces to -- to -- to chuck out the UPC given the role of the UPDF, the
13 dominant role of the UPDF.

14 MR. MACDONALD: (Interpretation) Mr. President, calmly and
15 briefly. Mr. Hooper, I am in a process of cross-examination.
16 Mr. Hooper, while the witness is before the Court is answering the -- my
17 questions. If my learned friend does not agree with the suggestions I am
18 putting to the witness, he will have an opportunity to come back, firstly
19 in re-direct, and he will also have an opportunity, if he so wishes, to
20 clarify that with the future witnesses. I will put it to you
21 respectfully that his -- he -- his intervention was just designed to help
22 the witness when he's answering questions from the Prosecution, and I
23 would put it to you that it is very inappropriate.

24 MR. HOOPER: (Previous translation continues) ...

25 PRESIDING JUDGE COTTE: (Interpretation) Please continue with

1 your cross-examination.

2 MR. HOOPER: I'm sorry to interrupt. I don't know about the
3 inappropriateness of the intervention. But, you see, when the
4 Prosecution stand up and make assertions, they're also putting their
5 case. So if they're -- what is their case there? It's an attack by the
6 Lendu Ngiti against the UPC, or is it an attack by the UPC on the UPDF
7 where Lendu Ngiti forces are called into play by the UPDF in order to
8 assist.

9 MR. MACDONALD: (Interpretation) To simplify things I will
10 clarify the situation. I will reword my question.

11 PRESIDING JUDGE COTTE: (Interpretation) You all know full well
12 that when you all speak at the same time nothing can be interpreted and
13 nothing will be down in the transcript. Mr. Hooper has just spoken,
14 Professor Fofé will now speak, and then you, Prosecutor, will react.

15 Mr. Fofé.

16 MR. FOFÉ: (Interpretation) Thank you, your Honour. Good
17 morning, ladies and gentlemen. Your Honour, I am speaking because this
18 is a matter of principle.

19 The Prosecutor is proceeding by making statements. The
20 Prosecutor's statements should be accurate statements to be fair to the
21 witness. And allow me, Mr. President, to underscore the fact that the
22 Prosecutor, as an official of the Office of the Prosecutor, should state
23 the whole truth to the witness. As it so happens, the last statement
24 referring to the attack of the 6th of March, 2003, is not an accurate
25 statement. We know that. It is not accurate. And if he proceeds in

1 this way, he can influence the witness and lead the witness to make
2 incorrect statements. Thank you, your Honour.

3 PRESIDING JUDGE COTTE: (Interpretation) The Prosecutor, a brief
4 rejoinder.

5 MR. MACDONALD: (Interpretation) I will reformulate my question.
6 That will simplify things for everyone, but I think there's already an
7 initial admission from the Defence about the defence (* as interpreted)
8 of the 6th of March, and I'm prepared to accept their proposal, their
9 statement, which I will put to the witness. I am here representing the
10 Office of the Prosecutor. My friend referred to the Prosecution, but I
11 would agree with him that nobody here -- is here to try and deceive the
12 witness.

13 Q. And rest assured that I never wish to suggest to you, Witness,
14 anything that was inaccurate.

15 MR. MACDONALD: (Interpretation) So with your permission,
16 Mr. President, I will reword my question.

17 PRESIDING JUDGE COTTE: (Interpretation) Yes, but having heard
18 this discussion, one can think that the witness would be very careful
19 before answering your question.

20 You have the floor.

21 MR. MACDONALD: (Interpretation)

22 Q. Mr. Witness, as regards the attack on Bunia on the 6th of March,
23 2003, do you know that initially the UPC had attacked the UPDF forces who
24 were based in Dele? Did you know that information at the time when you
25 were in Aveba?

1 A. Yes, I'd heard that.

2 Q. So subsequently you learnt that the Lendu Ngiti forces had come
3 to provide reinforcements to the UPDF to drive out the UPC; is that
4 correct?

5 A. Yes, I'd learnt that.

6 Q. Very well. So if I've understood correctly, you have details or
7 information which may have filtered out to Aveba as to what happened in
8 Mandro on the 4th of March and in Bunia on the 6th of March, 2003; is
9 that correct?

10 A. On those two attacks I don't have any details.

11 Q. Is it not a fact, Mr. Witness, that you learnt that
12 Germain Katanga had taken part in the attack on Mandro with the Ngiti
13 forces who were present there?

14 A. Would you please repeat your question.

15 Q. Yes, I will repeat my question.

16 MR. HOOPER: (Previous translation continues) ... that question.
17 Could my friend not state "is it not a fact." We've had this discussion
18 several times. There's an appropriate way to put a question to state
19 what your proposition is, but it may be misleading to state it is a fact,
20 because it may imply that it is a fact known to this Court.

21 MR. MACDONALD: (Interpretation) Mr. President, I don't intend
22 to engage in polemics. I will reword that.

23 Q. Mr. Witness, am I right that you knew that Germain Katanga took
24 part in the attack in Mandro? Did you learn that, did you learn that he
25 had taken part in the attack on Mandro?

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1 A. I learned that, but I couldn't confirm the information I heard.

2 Q. So you heard that Germain Katanga had taken part in the attack on

3 Mandro? Let's be clear. That is what you've just said or at least

4 that's what I understood, but I wanted to be quite clear about that.

5 This is an important issue and you are under oath.

6 A. Yes.

7 Q. Is it true that Germain Katanga took part in the attack on

8 Mandro?

9 A. That is what I heard.

10 MR. MACDONALD: (Interpretation) Could I just take a few

11 moments.

12 (Prosecution counsel confer)

13 MR. MACDONALD: (Interpretation)

14 Q. Mr. Witness, I'm going to ask the Court Officer to come and take

15 the witness statement.

16 PRESIDING JUDGE COTTE: (Interpretation) Could the Court Usher

17 please give the witness statement to the witness.

18 MR. MACDONALD: (Interpretation)

19 Q. Mr. Witness, I'm drawing your attention to page 7, in particular

20 the paragraph beginning with the heading "Knowledge about the attack on

21 Mandro." Please read the paragraph to yourself first and then I will

22 read it out, but what I'm particularly interested is the last sentence of

23 that paragraph.

24 Mr. Witness, have you read the paragraph? Well, you've read it.

25 I will read it now -- read the paragraph in its entirety - it's a short

1 one - for the benefit of the Court record.

2 "Mandro was another UPC base. I heard that an attack had been
3 perpetrated against Mandro, first of all in July 2002 whilst I was in
4 Bunia and, later on, while I was in Aveba. I heard that people had
5 organised themselves from Kagaba to attack Mandro. I do not know whether
6 or not Germain participated. I have no details on Mandro."

7 Mr. Witness, on two occasions you answered saying that you heard
8 that Germain Katanga had indeed participated in the attack on Mandro.
9 Could you please explain to the Chamber why when --

10 MR. HOOPER: (Previous translation continues) ... that's an
11 incorrect statement. The witness said that he'd heard that he did.
12 That's quite different.

13 MR. MACDONALD: (Interpretation) Your Honour, very well. I will
14 rephrase my question.

15 PRESIDING JUDGE COTTE: (Interpretation) Yes, but you should be
16 very careful, Mr. Prosecutor, because you should not put words in the
17 witness's mouth. He was very evasive, but you can carry on.

18 MR. HOOPER: And indeed, if you go to his first reply, he said,
19 "I heard that I did, but I cannot confirm that that is so." So his
20 position is quite clear and it's wrong to reflect it in the way it was
21 just done.

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, you can
23 have the witness clarify the point or confirm it one last time. You have
24 the floor.

25 MR. MACDONALD: (Interpretation)

1 Q. Mr. Witness, a short while ago you informed the Chamber that you
2 had heard that Germain Katanga participated in the attack on Mandro, and
3 I'm putting to you the following question after reading the paragraph.

4 "I do not know whether or not Germain participated. I have no
5 details on Mandro."

6 Why did you provide such an answer at the time you gave this
7 statement to the Defence team of Mr. Germain Katanga, considering the
8 answer you've just given now in the courtroom? Why is there this
9 discrepancy, Mr. Witness, between what you said in the courtroom and what
10 is found in your statement to the Defence team?

11 A. When I said that I had no details about the attack on Mandro, it
12 is because I simply heard that there had been an attack on Mandro. I
13 also heard that people had gotten organised from Kagaba to go there.
14 Now, with respect to Germain's presence or otherwise, I cannot confirm
15 that because I have no information about any trip he made to Mandro.

16 Q. If I understand you correctly, if I understand your testimony
17 well, you are simply repeating what is found in your statement; is that
18 the case? In other words, you are simply confirming what you said in
19 your statement; is that the case?

20 A. Yes.

21 Q. Mr. Witness, is it not correct that you are here to protect
22 Germain Katanga, that your testimony is given with a view to helping
23 Germain Katanga out of this situation? Could you please answer my
24 question, Mr. Witness. Are you here to protect Germain Katanga? Are you
25 here to help him shirk the accusations against him?

1 A. I cannot confirm that.

2 Q. Mr. Witness, you knew that there was a military camp called the
3 BCA at the time you were in Aveba; is that the case?

4 A. Yes.

5 Q. You also knew, Mr. Witness, that there was a military *phonie* at
6 that camp, the BCA camp; is that not true?

7 A. Yes.

8 Q. Yesterday you told us that you heard -- that you had heard that
9 there were combatants from Aveba who participated in the attack on
10 Bogoro, attack of 24th of February, 2003; do you remember saying that
11 yesterday?

12 A. Yes.

13 Q. It is also true, Mr. Witness, that Denise Katanga referred to you
14 as grand-papa, that is, grandfather, and this reflects the nature of the
15 ties that you have with Denise; is that correct?

16 A. Yes.

17 Q. Mr. Witness, in the course of your testimony and in answer to
18 questions put to you by Mr. Hooper, you said that on the day of the
19 attack on Bogoro you heard the sound of gun-fire and then you went to the
20 health centre of Aveba where there was a white *phonie*; is that the case?

21 A. Yes.

22 Q. That it was whilst you were communicating with other white
23 *phonies* in other villages that you obtained information about what was
24 happening in that region towards Kagaba and Bogoro; is that the case?

25 A. Yes.

1 Q. According to your evidence, therefore, it was in the morning that
2 Germain Katanga mounted his motorbike and came to the health centre to
3 find out what was happening; that is what you said in answer to
4 Mr. Hooper's question. Is that correct?

5 A. Yes, it is.

6 Q. Mr. Witness, you have just confirmed that there was a military
7 *phonie* at the BCA camp, a black *phonie*. You have just confirmed that
8 there was a camp called the BCA camp. Do you know why Germain Katanga,
9 at the time of the attack on Bogoro, went to the health centre in order
10 to obtain information through the white *phonie*? Do you know why he went
11 to the health centre and not to his military camp?

12 A. No, I do not know why.

13 Q. Mr. Witness, I put it to you that the simple reason why you are
14 mentioning this before this Chamber is because you are protecting
15 Germain Katanga. In order to state that he was in Aveba, you referred to
16 the white *phonie* in order to give this Chamber the impression that he was
17 with you, but that is not how things actually took place. Do you have
18 anything to say in reaction to that assertion?

19 You are hesitating, Mr. Witness. You are not answering my
20 question. Is it not correct that this version of the facts is not
21 accurate, that Germain Katanga never went to the place where the
22 white *phonie* is located, and that you did not -- and that you do not know
23 where Germain Katanga was on that particular day; is that not the case?

24 A. I state here that I did see Germain Katanga on that day come to
25 the white *phonie*.

1 Q. If I put it to you that you saw Germain Katanga maybe on the
2 24th of February but this was much later in the day, much later, what
3 would you say to that? And not in the morning, it was much later in the
4 day.

5 A. During the day I saw him come when Yuda was brought in wounded,
6 as I said yesterday, brought into the health centre.

7 Q. Should we understand from your last answer, therefore, that you
8 are saying that it was Germain Katanga who brought Yuda to the health
9 centre; is that your answer?

10 A. No, that is not my answer.

11 Q. Mr. Witness, Philémon Manono, you told us yesterday that you
12 visited him at the Makala prison. You also told us that you had phone
13 conversations with him. You equally stated that he had served in the
14 militia in Aveba. You also confirmed that he was or had been the
15 secretary of Germain Katanga. And above all, you confirmed that you are
16 his uncle.

17 Mr. Witness, is it not a fact that you discussed this case with
18 Philémon Manono at the time you had the phone conversations with him or
19 when you visited him at the Makala prison? I would like to suggest that
20 you discussed the facts of this case with him; would I be right to say
21 that?

22 A. I do not remember that passage. We discussed about many things,
23 but I do not think we discussed about that.

24 Q. Mr. Witness, is it not correct -- Mr. Witness, I wanted you to
25 have your drink of water.

1 Is it not correct, Mr. Witness, that while you were discussing
2 with Philémon Manono, either on the phone or face-to-face, he would give
3 you information about Germain Katanga and his situation here in
4 The Hague; is that not correct?

5 A. Sometimes, yes.

6 Q. It is equally true, Mr. Witness, that in Kinshasa you obtained
7 information on the testimony given by witnesses here in the courtroom;
8 that is correct, isn't it?

9 A. The details, none, no. I read or obtained certain information
10 about this case from the internet.

11 Q. Mr. Witness, is it correct that there were child soldiers in
12 Aveba, children under the age of 15 in Aveba, in Aveba Mukubwa, that is,
13 big Aveba? There were children under the age of 15 who were serving in
14 the militia; is that correct?

15 A. As I said, in Aveba Mukubwa, there was not only the BCA camp,
16 Germain was in his residence, but there were also other people who were
17 there. I was able to see in the residence where Germain lived children,
18 but I cannot confirm whether or not those children were soldiers.
19 Personally, I do not remember having seen any child soldiers there,
20 although there were children in the residence or -- and at the BCA camp.

21 Q. Mr. Witness, let's develop this a little bit because I think it's
22 important for the Chamber. I will even go as far as saying very
23 important. You do confirm that there were children under the age of
24 15 at Germain Katanga's residence; is that correct?

25 A. Yes.

1 Q. The only point here is that you do not know whether or not they
2 were soldiers; is that correct?

3 A. Yes.

4 (Prosecution counsel confer)

5 MR. MACDONALD: (Interpretation)

6 Q. Mr. Witness, I will conclude on that point, but I would like this
7 to be -- to feature in the court record. You signed a declaration, I do
8 not remember the date. Do you remember the date on which you signed your
9 statement, the statement you gave to the Defence team of Mr. Katanga?

10 A. It was in the month of April 2011.

11 Q. It was indeed on the 18th of April, 2011; is that correct?

12 A. Yes.

13 Q. Where were you when you signed this statement?

14 A. I was in Kisangani.

15 Q. And who was present? Apart from yourself, who was with you, that
16 is, from the Defence team of Mr. Germain Katanga, when you signed this
17 statement on the 18th of April, 2011?

18 A. I was alone in my office.

19 Q. So you received this document and you signed it while you were
20 alone. Should I understand that that's what you said?

21 A. Yes.

22 Q. And how did you receive it? In what form did you receive it?
23 Was it as an e-document?

24 A. Yes.

25 Q. Please tell us, who sent you the document?

1 A. I believe that it was the Defence team that sent it to me.

2 Q. But whose e-mail featured in the correspondence?

3 A. It was Caroline's e-mail address.

4 Q. So Ms. Buisman sent you a document by e-mail. Did you read this
5 document line by line before signing it?

6 A. Yes, I read it.

7 Q. And please tell us - I do understand that you are computer
8 literate - please tell us, was this document sent as a PDF document or as
9 a Word document?

10 A. It was sent as a Word document.

11 Q. And when you received this document, did you make any corrections
12 to it after re-reading it? Did you change anything before signing it?

13 A. I cannot remember the few changes I made, but I think I changed
14 one word.

15 Q. Do you remember the word you changed?

16 A. Please give me time to look through the document. I don't know
17 if I can take the time.

18 Q. I don't know if -- I don't think that is necessary. All I -- but
19 I do understand that you cannot remember the word. Is that correct?

20 A. Yes.

21 Q. And for you to remember the word, you need to look through your
22 statement; is that correct?

23 A. Yes.

24 Q. Mr. Witness, the content of the statement, the information in the
25 statement, was obtained before this document was sent to you by e-mail;

1 is that correct?

2 A. What do you mean?

3 Q. I apologise. My question was indeed difficult to understand.

4 Before I put that question to you again, I would like to ask you a
5 preliminary question. So this was a Word document which you received by
6 e-mail. Did you print it and then sign it?

7 A. I printed the last part -- the last page and I signed it.

8 Q. So you printed -- it was only the last page that was sent to you?

9 A. The entire document was sent to me, and after reading it I
10 printed the last page and I signed it.

11 Q. And what did you do with that last page after that? After you
12 signed it, did you send it back to Caroline Buisman?

13 A. Yes.

14 Q. Tell us how you did this. Did you scan it?

15 A. I went and scanned it and sent it back by e-mail.

16 Q. Very well. However, the information contained in this statement,
17 in the document which you received by e-mail, the document whose last
18 page you printed and signed, the information contained in that statement,
19 therefore, when did you give it to Caroline, do you remember?

20 A. It was in the month of January that I provided her with that
21 information.

22 Q. January 2011; is that correct?

23 A. Yes.

24 Q. Very well. Was that the first time you were meeting
25 Caroline Buisman? Had you met her earlier or previously?

- 1 A. No, it was the first time I was meeting her.
- 2 Q. And would it be right to say that at that time Mr. Hooper was
- 3 equally present?
- 4 A. Yes.
- 5 Q. Was Jean Logo present together with them?
- 6 A. Yes.
- 7 Q. Jean Logo is someone you know, right, even before you met him in
- 8 Kisangani with Caroline Buisman and Mr. Hooper; right?
- 9 A. Yes.
- 10 Q. You had met him in Kinshasa previously; right?
- 11 A. Yes.
- 12 Q. He is someone you met personally prior to the meeting in
- 13 Kisangani; right?
- 14 A. Yes.
- 15 Q. On how many occasions did you meet him in Kinshasa, Mr. Witness?
- 16 A. I met him in Kinshasa on two occasions.
- 17 Q. And when he met you, it was to ask you questions about this case;
- 18 right?
- 19 A. The first time when I met him, he wanted us to discuss with him;
- 20 but given my schedule, I could not discuss with him. It was on the
- 21 second occasion that I had a discussion with him.
- 22 Q. When you say "we discussed with him," who else was present?
- 23 A. I'm talking about myself. I had a discussion with him.
- 24 Q. Is it not correct, Mr. Witness - and it's up to you to agree or
- 25 disagree with what I'm saying - it's -- he asked you questions about

1 Claude; is that not correct?

2 A. Yes.

3 Q. Yesterday I asked you questions about Claude's demobilisation, do
4 you remember? And you said that you had a discussion about Claude's
5 demobilisation, that you learned that he had been demobilised in Bunia,
6 not in Aveba. And you also said that you did not know who you discussed
7 Claude's demobilisation with. Do you remember saying that yesterday?

8 A. Yes.

9 Q. But it was not with Jean Logo, it was with some other person that
10 you had that discussion; is that correct?

11 A. I no longer remember whether it was with him.

12 Q. Mr. Witness, is it not correct - and this is a suggestion I'm
13 making to you, you may agree or disagree with it and I will conclude on
14 that point - is it not correct that Claude, the brother of Denise, the
15 brother of Germain in a way, he can be considered to be Germain's
16 brother; is that not correct?

17 A. Brother-in-law.

18 Q. Yes, Germain's brother-in-law. It is --

19 MR. HOOPER: (Previous translation continues) ... we don't want
20 to get misled here. Claude is not the brother of Denise, so we've got to
21 be careful in the use of terms.

22 MR. MACDONALD: (Interpretation) I will reformulate in order
23 to --

24 MR. HOOPER: (Previous translation continues) ... have a
25 brother-in-law on a false basis and there's the problem.

1 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, to
2 avoid any misunderstanding on this point, I would like to ask you to
3 refer to the exact family tie that Claude could have with Denise and
4 consequently with Germain. Of course we understand what the extended
5 family means, but you should use the terms "brother" and "sister" as
6 carefully as you can. You may proceed.

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

8 Q. Mr. Witness, in any case you answered the questions. I will not
9 return to them. But Claude, given his closeness to Denise and
10 Germain Katanga, would it not be right to say that he was considered to
11 be a traitor? It is correct, isn't it?

12 A. I cannot confirm that. Traitor in relation to the family? In
13 relation to whom?

14 Q. Did you hear that he was a traitor?

15 A. I cannot answer you.

16 Q. Isn't it correct that he was a traitor in relation to his family
17 to begin with?

18 A. Maybe so.

19 Q. You say "maybe," but isn't it a fact that he's also considered a
20 traitor in relation to the leader Germain Katanga? Would I be correct in
21 saying that?

22 A. There I do not know. I cannot confirm that.

23 Q. Thank you, Mr. Witness. Those were my questions for you. You
24 are in the hands of the Chamber. It is highly likely that my colleagues
25 may have other questions for you. Thank you.

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
2 Mr. Prosecutor.

3 Mr. Gilissen, you submitted a written application to us, which
4 was also disclosed to the Defence, related to possible questions. I do
5 not know whether you would need to refer to that written submission or
6 whether you would want to ask questions in reaction to the answers that
7 the witness has already provided. In any case, you can begin.

8 MR. GILISSEN: (Interpretation) Thank you, your Honour. Good
9 morning, your Honours.

10 Questioned by Mr. Gilissen:

11 Q. (Interpretation) Good morning, Mr. Witness.

12 A. Good morning.

13 Q. I am Maître Jean-Louis Gilissen. I come from the Liège bar in
14 Belgium, and in this case I represent the interests of those who have
15 come forward as child soldiers. This is important for you to understand
16 the role that I play and we need to be fair and transparent with you.
17 And according to the Rules, I am only supposed to ask questions that are
18 related to that role of representative of child soldiers.

19 I have followed your testimony, Mr. Witness, with keen interest,
20 and obviously you have assisted all those who are in this courtroom to
21 better understand the facts and the complexity of the situation. It was
22 not an easy testimony, and I thank you for all the information that you
23 have already provided which is of interest to the Defence, the
24 Prosecution, the Legal Representatives, and especially the Bench. I do
25 not have many questions for you, but the purpose of my questions would be

1 to help clarify matters. The rest is up to the Presiding Judge and the
2 other Judges and we are here to assist them.

3 This morning, as I have told you, I am the representative of
4 child soldiers. On page 18 of the transcript, lines 15 and 19, you
5 mentioned the presence in two locations in Aveba of 15-year-old children
6 and you have told us very clearly whether -- you were not in a position
7 to tell us whether those children who were younger than 15 years were
8 soldiers or not. I believe I have faithfully summarised that testimony
9 with the understanding that the two locations that you mentioned were
10 respectively the residence of Germain Katanga and the BCA camp.

11 I have a question here, Mr. Witness. You are quite clear in your
12 statement and it allows us to better understand. Now, when you talk
13 about children who are less than 15 years old, it is not always easy to
14 ascertain the ages of people. There are people who are at the very limit
15 there, but you stated clearly that there were children who were less than
16 15. Am I to understand that these children were obviously less than
17 15 years old?

18 A. Yes, that is correct.

19 Q. Isn't it very difficult in your ethnic group to distinguish
20 between children and adults? In my own ethnic group it is quite easy,
21 but in your ethnic group, is it difficult to distinguish between a child
22 and an adult?

23 A. Yes, there are difficulties.

24 Q. And you personally, would you be able to better do that because
25 you are a member of that ethnic group? Because I know it would be

1 difficult for me. I can repeat the question if you wish, Mr. Witness. I
2 have noted that you say that there is some difficulty. Now, if you are
3 able to distinguish between a child and an adult, what is the reason for
4 that? Or, in other words, if you prefer, are you able to do that out of
5 habit because you are a member of that ethnic group? I simply want to
6 understand what makes it easier for you to be able to distinguish between
7 an adult and a child. That is what is of interest to me.

8 A. You can easily see that through the games they play, it is a way
9 of recognising children but it is more difficult to distinguish them or
10 recognise them by their size. Also, the manner of speaking can also tell
11 you whether this is a child or not.

12 Q. Thank you very much, Mr. Witness. I stand to be corrected and
13 please do not hesitate to do so. The criteria that makes it possible to
14 distinguish between children and adults even if this criteria may not be
15 applicable to other ethnic groups, is that a reflection of what you said?

16 A. I really do not understand what you are saying.

17 Q. That is my fault. If I understood you correctly, you have
18 criteria that enabled you to clearly distinguish between adults and
19 children; is that correct?

20 A. Yes.

21 Q. Thank you very much, Mr. Witness. Let us proceed point by point.
22 You mentioned two locations at which you saw children, and I believe that
23 the first place you mentioned was the residence. To the extent possible,
24 can you try to describe what those children were doing at the residence,
25 that is, at least what you personally saw them doing?

1 A. I believe it would be difficult to answer that question.

2 Q. You would have a difficulty describing what you saw them doing
3 even though you might not be able to say precisely what they were doing.
4 Can you tell us simply what you yourself saw them doing?

5 A. I saw them eating in the kitchen on mats.

6 Q. Without giving a precise number, can you tell us whether there
7 were just a few of them or there were many of them? The kitchen must not
8 have been very large. Do you remember approximately how many children
9 you saw?

10 A. Before answering that question, I would say that in the family
11 residence there was a family atmosphere. Aside from Mr. Germain Katanga,
12 there were his brothers, his sisters, and other people. I know that his
13 sister had a child at that time. There was another small boy whose name
14 I no longer remember. That's it.

15 Q. Very well. Thank you very much. What about the BCA camp, you
16 went to the BCA camp on several occasions, didn't you?

17 A. Yes.

18 Q. Can you tell us what you saw there, that is, in relation to those
19 that you believed were children? I am not asking you for an elaborate
20 description, simply what you saw the children doing, that is, the
21 children that you saw there.

22 A. If I remember correctly, at the BCA camp there were families
23 which also had their children in their houses. There were combatants who
24 were already married and who had children. I do not remember all those
25 people who were there.

1 Q. According to you, Mr. Witness, and please, we want information
2 that it is -- that is as objective as possible. So if you do not know,
3 it is no problem.

4 On the basis of what you saw, did you have the feeling that all
5 the children that you saw in the BCA camp were with families or did you
6 think there were some children who were without relatives?

7 A. I cannot confirm whether there were children on their own or not,
8 but I know that there were families which had children. I could not have
9 made the difference, whether there were children who had their families
10 there or not.

11 Q. Thank you very much. I prefer answers like that rather than
12 answers that may not be very certain.

13 Generally in Ituri between the end of 2002 and mid-May 2003, in
14 your personal experience did you get to know about the existence of what
15 is generally referred to as child soldiers? Were you aware of that?

16 A. Yes, I heard that there were child soldiers.

17 Q. Thank you very much. You travelled in Ituri from time to time.
18 Now, during your travels, did you meet such children on the road, in the
19 villages, anywhere?

20 A. No.

21 Q. Did you personally see any child soldiers or is this simply
22 something that you heard about?

23 A. I saw them in the newspapers that were published. There were
24 sometimes children in military uniform.

25 Q. Therefore, in Ituri itself the newspapers reported this

1 information with photographs?

2 A. I saw those photographs in newspapers while I was already in
3 Kinshasa.

4 Q. Mr. Witness, can you tell us, since there were many militia
5 groups, based on your information, was this phenomenon of child soldiers
6 fairly widespread or was it just a specific group or groups of soldiers
7 who had child soldiers?

8 A. To my knowledge, there were several groups that included child
9 soldiers. Sometimes I heard about demobilisations amongst these groups.
10 So when these people were demobilised, I suppose that before demobilising
11 they would have belonged to those groups.

12 Q. Do you have any personal information about the demobilisation
13 process; in other words, can I ask you questions about that?

14 A. While I was in Kinshasa, I heard that there was a programme which
15 had been set up in Bunia known as CONADER which was responsible for
16 demobilisation. I do not know whether it was the same programme that was
17 transformed into the demobilisation reinstallation and reintegration of
18 former combatants, something like that.

19 Q. To your knowledge, Mr. Witness, was this a confidential programme
20 that involved only a few people or was it a large programme that involved
21 many people?

22 A. I believe it was a central government programme which was
23 supposed to work throughout the entire territory of the republic wherever
24 there were political military movements in which there would be several
25 categories of people to be demobilised, and this included children and

1 disabled people in the army and so on and so forth.

2 Q. And in this programme, was the category of child soldiers
3 involved?

4 A. Yes, that is what I thought.

5 Q. Mr. Witness, you came from the east province and Ituri is a
6 district of that province. Are you aware of the scope of that phenomenon
7 of child soldiers in Ituri and can you tell us anything about that?

8 A. I prefer not to answer that question because I don't have any
9 details about movements of child soldiers.

10 Q. I believe it's a good thing that you are quite prudent,
11 Mr. Witness, and I would like to continue with you for the purpose of
12 having information to better understand.

13 Based on the information that you received, which is worth what
14 it is worth because you were not a member of this programme, do you think
15 there were several hundred or several thousand child soldiers in Ituri?
16 What did you hear?

17 MR. HOOPER: (Previous translation continues) ... taking these
18 steps, it's not a matter that the witness addressed in chief, as we know.
19 He leaves Aveba in May, as we know. He leaves Ituri at the end of the
20 year to go to Kinshasa. I just invite my friend whether it's appropriate
21 for this witness to give -- to respond to generalisations in this manner.

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Gilissen, the
23 problem is that the current occupation of the witness maybe makes it
24 possible for him to have a fairly panoramic view of certain problems that
25 may have arisen at the time of the events, but this would be in

1 hindsight, that is, regarding what he may have known in 2003. You can
2 continue with your questions. We understand your concern, but do not
3 forget the situation of the witness at the time of the facts, what he was
4 able to see, what he was able to hear, and what he could have received as
5 information. So it is that period that is of interest to us. Whatever
6 he might have learned later indirectly does not present the same
7 interests to the Chamber. Please proceed.

8 MR. GILISSEN: (Interpretation) Thank you very much,
9 your Honours, my learned friend. I do think that I have been extremely
10 careful and I have reminded the witness to be careful because this is a
11 sort of indirect testimony, a sort of hearsay. So believe me, I am being
12 very, very careful here.

13 Q. Mr. Witness, I believe you have understood the intervention of my
14 learned friend, which was quite justified, and the Presiding Judge has
15 reminded us to be cautious. We were trying to find out the possible
16 scope of a phenomenon, but I do not think I want precise details from you
17 on something that you were not directly involved with. So in a nutshell,
18 at the end of the year 2002/2003, this phenomenon of child soldiers was
19 generally perceived or known in Ituri, was it?

20 A. I would say yes.

21 Q. And still as far as you know, Mr. Witness, amongst the ethnic
22 groups and particularly the ethnic groups that had militias, did the
23 parents of these child soldiers voluntarily allow them to join the
24 militia or was -- were they forcibly enrolled?

25 A. I cannot tell you precisely the intentions of some of those

1 children and some of the leaders in order for them to become child
2 soldiers. Nevertheless, I did hear that there might have been some
3 children who were difficult in the family environment and who may have
4 decided to find their way in the armed groups. That is what I heard.

5 Q. And still based on the information that you might have heard,
6 children in Ituri between the end of 2002 and early 2003, was it
7 something of a tragedy to see a child join a militia group or was it
8 something to be proud of or maybe even something else?

9 A. I am not in a position to answer that question because I was
10 never in contact with any of the parents of such children.

11 Q. I may give you the impression that we are repeating ourselves,
12 but it is just to be clear. You were not in contact with some of these
13 parents, but personally, didn't you know any of these parents directly or
14 indirectly or any of the children who might have found themselves in such
15 a situation at one point or the other?

16 A. No.

17 Q. Do you know whether the children who found themselves in this
18 situation and who were demobilised had problems reintegrating the
19 community or readapting themselves to civilian life in Ituri?

20 A. That also I do not know.

21 Q. Are you aware that in Aveba this programme that you talked to us
22 about, that is, the demobilisation programme, was implemented there? Do
23 you know whether there was a demobilisation centre in Aveba?

24 A. Yes, I heard about that.

25 Q. To your knowledge, based on what you saw personally - and you can

1 distinguish between that and what you heard from other sources - did that
2 centre also deal with child soldiers?

3 A. The centre was initially set up after I left Aveba; however, I
4 heard that this programme also involved children, including soldiers.

5 Q. Thank you, Mr. Witness. I was waiting for the five seconds.
6 Even though you did not personally witness this centre in operation, you
7 received reliable information according to which there were children
8 being demobilised in Aveba; is that correct?

9 A. Yes.

10 Q. To your knowledge, this demobilisation centre in Aveba, was it a
11 large centre in relation to the other centres in Ituri?

12 A. I don't know. I don't know.

13 MR. GILISSEN: (Interpretation) I think, Mr. President,
14 your Honours, I have answered the -- I have asked all the questions I can
15 ask on behalf of the Legal Representative. I would like to ask many
16 others, but I know you would call me to order. So I think I will leave
17 things there.

18 Q. Thank you, sir, you have given us information which will enable
19 us to do our job better. Thank you.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
21 Mr. Gilissen.

22 Mr. Luvengika, you too told us that you would have some questions
23 to put in advance. Now, can I ask you whether the answers given to the
24 questions put by Mr. Hooper and the Prosecutor are such that you need to
25 ask the questions which you had indicated? It seems to us that some of

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1 them did go slightly beyond the strict framework of legal representation,
2 in particular advance question number 1. And we'd also remind you that
3 on the subject of Bogoro, the witness clearly said that he was not in
4 Bogoro. And this should inevitably lead to your reviewing some of the
5 questions you had intended to put if you still intend to ask those
6 questions. But perhaps - and I expect this may well be the
7 case - perhaps you may wish to put other questions resulting from the
8 answers which the witness has provided in the course of the examination.

9 You have the floor, Mr. Luvengika.

10 MR. LUVENGIKA: (Interpretation) Thank you, your Honour.
11 Ladies and gentlemen.

12 Questioned by Mr. Luvengika:

13 Q. (Interpretation) Good morning, Mr. Witness.

14 A. Good morning.

15 MR. LUVENGIKA: (Interpretation) Yes, Mr. President, I wish to
16 reassure the Chamber that obviously I have reviewed the questions I had
17 submitted to the Chamber and to my learned friend in the Defence team,
18 and I think a lot of the questions no longer need to be put following the
19 cross-examination of the Prosecutor and the replies given by the witness
20 here to this Court. I just wanted to put two minor questions to the
21 witness to obtain further information.

22 Q. Mr. Witness, yesterday in answering a question from the
23 Prosecutor, you said that you had heard about civilians killed in Bogoro
24 during the attack of the 24th of February, 2003. I just wanted to put a
25 question to you in relation to that attack on Bogoro. According to what

1 you heard, could you tell the Chamber how the combatants behaved in
2 relation to the possessions of the inhabitants of Bogoro. And when I say
3 "possessions," I mean possessions in general, both tangible and
4 intangible assets.

5 A. I have some difficulty in understanding your question.

6 Q. Let me reword it. I'm sorry if I didn't express myself clearly.

7 Let me reword my question. You said that you had heard about the attack
8 on Bogoro on the 24th of February, 2003, and you said that you heard that
9 there'd been casualties among the civilian population who'd been killed
10 by the combatants who attacked the village. So my question is whether
11 you'd also heard any reference to what the combatants did in relation to
12 the assets of the inhabitants of Bogoro, the possessions belonging to the
13 people in Bogoro.

14 A. Yes, I learned that the houses had been destroyed in Bogoro
15 during that attack. Yesterday I said that I've never been to Bogoro.
16 I'd never been to Bogoro before that attack and I've never been there
17 since the attack. I just referred to the information I had obtained that
18 some houses had been destroyed and that possessions had been looted,
19 different kinds of possessions. I read that in the press and I read it
20 on the internet. I followed that on the radio as well. I remember at
21 the time that Radio France Internationale had reported on that and that
22 is how I obtained my information.

23 Q. But you yourself in Aveba where you were living, you did not hear
24 of these -- the combatants carrying off these goods to other areas, you
25 didn't hear of that, apart from what you heard in the media?

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1 A. No.

2 Q. Do you know if the same combatants who'd attacked Bogoro - and
3 I'm referring to those who came from Kagaba under the authority of
4 Yuda - do you know if they'd taken any of the Hema prisoners?
5 (* Indiscernible).

6 A. Yes.

7 Q. Well, if you did know that, what was the fate of those Hema
8 prisoners?

9 A. I'd learnt that there were prisoners of war who'd come from
10 Bogoro. I saw two of them who reached Aveba. Apart from that, I didn't
11 see any other prisoners of war.

12 Q. Could you tell the Chamber, if you know, how those prisoners were
13 treated?

14 A. Which ones, please?

15 Q. The two prisoners you've just referred to whom you saw in Aveba.

16 A. The two whom I saw in Aveba, I saw just as they were leaving --
17 just as they were leaving Aveba. I had been told that they were in Aveba
18 and they were leaving, and they were getting the plane to Beni.

19 Q. So these -- why did these prisoners go to Beni?

20 A. As far as I know, all of the displaced people who went via Aveba,
21 including the prisoners who couldn't find anywhere to live in Aveba, all
22 went on to Beni. Most of them, including me personally, the most
23 favourable direction to go in, and this would be confirmed by other
24 people who went in the same direction, it was Beni. I think -- I don't
25 know whether they went to rest there, but I do know that they took the

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1 plane -- they caught a plane and they went to Beni.

2 Q. Just point of clarification. So when they were -- when they took
3 the plane, they were no longer prisoners, they'd been released; is that
4 correct?

5 A. Yes.

6 Q. Thank you, Mr. Witness.

7 MR. LUVENGIKA: (Interpretation) Thank you, your Honours. I
8 have no further questions.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
10 Mr. Luvengika.

11 Professor Fofé -- or, I beg your pardon, Mr. Kilenda. I'm sorry.

12 Mr. Jean-Pierre Kilenda, you have the floor.

13 MR. KILENDA: (Interpretation) Thank you, your Honour. My --
14 our team has no further questions to put. We too would like to endorse
15 the words of thanks which you will be voicing presently to wish the
16 witness a safe journey home.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
18 Mr. Luvengika -- sorry, Mr. Kilenda. I'm sorry, I'm having some problems
19 with names this morning.

20 Mr. Hooper, I haven't got your name wrong.

21 MR. HOOPER: No. Right. Thank you.

22 Further Questioned by Mr. Hooper:

23 Q. These two prisoners taken from Bogoro that you saw at Aveba, do
24 you know how they came to be in Aveba?

25 A. What I know is that they left Kagaba, I don't know under what

1 conditions or how, and they reached Aveba. From Aveba -- in Aveba they
2 were under guard of Mr. Germain Katanga and they were in
3 Mr. Germain Katanga's residence. And I think when the plane landed in
4 Aveba, they must have taken advantage of that flight to continue their
5 journey to Beni.

6 Q. And what ethnicity were they, do you know?

7 A. From what I learnt, they were Hema from the north called Gegere,
8 but they were from the north.

9 Q. Now you were asked about signing your statement and you said you
10 were in your office. So that would be your office in Kisangani; would
11 that be right?

12 A. Yes.

13 Q. Now, I appreciate that geography may not be your strongest point,
14 but can you just help us just for the record. How far, if you know, how
15 far is Kisangani from Bunia?

16 A. It's about 700-odd kilometres from Bunia.

17 Q. And how far is it from Kinshasa, Kisangani to Kinshasa, how far
18 would that be approximately, if you know?

19 A. About 2.000 kilometres as the crow flies.

20 Q. Now, you receive your statement by e-mail and you told us you
21 read it and you printed out and signed the last page, scanned it, and
22 sent that back. Now, when you signed that last page, when you signed it,
23 in your mind were the contents of your statement true?

24 A. I'm -- I don't understand what you mean.

25 Q. Let me put it another way. Before signing that last page you

1 told us that you read the statement, and my question to you is this:

2 When you read the statement, were the contents of your statement correct?

3 A. Yes, it was -- the content was correct.

4 Q. Now, you were asked about Antilope and Doppel and their being
5 part of Germain Katanga's escort. Did Germain Katanga have any children
6 in his escort?

7 A. I personally didn't see him with any children in his escort.
8 When I saw him from time to time, he was on a motorbike. Sometimes he
9 would be in Aveba by himself, sometimes with one person riding behind him
10 on the motorbike.

11 Q. Do you know the approximate ages of Antilope and Doppel; and if
12 so, can you indicate what those ages might be?

13 A. I think both of them must be at least 20 -- they must have been
14 at least aged 20 at that time.

15 Q. Now, coming to Germain Katanga's residence, did you ever see
16 child soldiers at his residence?

17 A. In -- I didn't see any child soldiers in his residence.

18 Q. Did you ever see child soldiers at the BCA camp?

19 A. There too, when I went to the BCA camp, I never saw any child
20 soldiers.

21 Q. At the time you saw Germain Katanga at the health centre in
22 Aveba - and I'm talking of during the day of the 24th of February - how
23 far at that time away from -- how far was Germain Katanga's residence at
24 that time from the health centre, can you help us?

25 A. The distance, I don't know -- but less than a kilometre.

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1 Q. Now, I want to ask you about Mandro and Bunia. I want to ask you
2 about whether or not Germain Katanga participated in either one of those
3 attacks or incidents. So let me ask you, first of all, about Mandro. Do
4 you know if Germain Katanga was at Mandro?

5 A. I don't know whether he was really in Mandro.

6 Q. Do you know if Germain Katanga was at Bunia participating in the
7 attack of the 6th of March?

8 A. There too, I don't know. I can't say whether he took part in
9 that attack.

10 Q. Now, you said that you had heard that he had participated but you
11 don't know if he did. When you say you had heard, can you help us as to
12 where you heard it or how you'd heard that he participated in either the
13 Mandro or the Bunia attack?

14 A. I don't remember the circumstances under which I heard about
15 that.

16 Q. Now, you were asked -- just one moment. Yes, you were asked
17 yesterday, transcript 271, page 75, line 11, the transcript I got just
18 ten minutes ago, that -- you were asked about Claude - remember who we're
19 talking about with Claude - and you may recall Mr. MacDonald putting to
20 you that you had said that he was 12 to 14 at the time and you agreed
21 with that. Can you confirm that that detail, that Claude was 12 to 14,
22 in fact does appear in your statement also on page 4 of your statement.
23 Perhaps you can have your statement --

24 MR. MACDONALD: We're ready to admit it.

25 (Interpretation) We are prepared to accept that. I received the

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1 information there when I put the point -- information to the witness and
2 I cited that -- my colleague could cite the page, but I have no objection
3 to that to speed things up.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
5 Mr. MacDonald.

6 Mr. Hooper, you may proceed.

7 MR. HOOPER:

8 Q. So that Claude could be -- have been as young as 12 appears in
9 your statement. I think that's agreed by the Prosecution -- is agreed by
10 the Prosecution. Thank you.

11 Now, you were asked yesterday questions about -- I've got some
12 questions that may take us just a few minutes past the hour. I indicate
13 that, but I hope I can conclude before. I won't rush because that's, I
14 know, what -- not what the Chamber would wish.

15 So you were asked questions yesterday relating to the extended
16 family, and that is in relation to you, your extended family. And I just
17 want to -- and also names were put to you by Mr. MacDonald. The name was
18 put to you Baraka Mateso Jackson. Let's be clear, that's a name that
19 appears in your statement that you signed; is that right? You mention
20 his name in the statement. Again, I don't think there will be any
21 contradiction. I can show you the statement, but it may be quicker. If
22 I say anything that's inaccurate, I'm sure I'll be corrected.

23 MR. MACDONALD: (Interpretation) We are prepared to accept,
24 Mr. President, that the name mentioned, Jackson Baraka -- I don't know
25 whether it's Mateso, I can't find the exact reference, is mentioned in

1 the witness statement.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 Mr. Hooper.

4 MR. HOOPER: (Previous translation continues) ... things up.

5 Q. And also you mentioned Philémon in your statement. You mention
6 Nibo Char in your statement. You mention Mike 4 in your statement.

7 Now, in relation to Philémon, he is, as I understand it, the
8 brother - is that right - of another Jackson, Oudo Jackson. Is that
9 right or not?

10 A. Yes, that is correct.

11 Q. Nibo Char, how old is he, for example, in comparison to you? How
12 old is he?

13 A. Nibo Char, if it's the same Nibo Char I'm thinking of, would be
14 about my age. At the time we called him Nito, that was the name he was
15 known by when we were in that Nyankunde, Nito.

16 Q. Now, Mike 4, is Mike 4 any relation to you? And by "relation," I
17 mean a blood relation, is he any relation to you, Mike 4?

18 A. No.

19 Q. Bahati Talika or Bahati de Zumbe, is he any blood relation to
20 you?

21 A. No.

22 Q. Nibo Char, is he any blood relation to you?

23 A. No.

24 Q. Christian Mbodjima Mbaraza, is he any blood relation to you?

25 A. No.

1 Q. Baraka Mateso Jackson, is he any blood relation to you?

2 A. Not directly linked.

3 Q. Philémon, what's his relationship to you, remind me, please?

4 A. He is the son of my older brother.

5 Q. So he is your nephew?

6 A. Yes.

7 Q. Thank you. Now, was Philémon -- did he ever, to your knowledge,
8 carry arms, that is, did he ever carry a weapon or otherwise engage in
9 combat in the militia?

10 MR. MACDONALD: (Interpretation) Your Honour, I'd like to
11 intervene. I understand the late hour. Perhaps we could take
12 Mr. Hooper's questions after the break. Despite the fact that he's
13 re-directing on questions raised by the Prosecution service in
14 cross-examination, he should at least respect the role of not asking
15 leading questions. Once again on points -- and I'm only objecting
16 because they are the most sensitive issues that the -- relating to the
17 questions which the Court has to ask in this case.

18 PRESIDING JUDGE COTTE: (Interpretation) We will in any case
19 adjourn the hearing because we only have two minutes left.

20 Mr. Hooper, we will continue after the break.

21 Mr. Witness, we will resume briefly, no doubt, after the break.

22 So it will only be at the end of the second part of the hearing that we
23 will be able to address our thanks to the witness.

24 Could the Court Usher please conduct Mr. Malivo out of the
25 courtroom.

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1 Mr. Witness, you have 30 minutes to rest and the -- we will meet
2 again at half past 11.00.

3 (The witness stands down)

4 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer,
5 the next witness will need to be available to the Court quite soon after
6 11.30. Could you please take the necessary steps.

7 The hearing is adjourned and we will reconvene at 11.30.

8 Recess taken at 11.00 a.m.

9 On resuming at 11.33 a.m.

10 (Open session)

11 COURT USHER: All rise.

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

13 Court Usher, before you take your seat -- I see you've already
14 taken your seat. Please go and fetch the witness, Mr. Malivo, and bring
15 him to the courtroom.

16 (The witness takes the stand)

17 PRESIDING JUDGE COTTE: (Interpretation) Witness, can you hear
18 me clearly?

19 THE WITNESS: (Interpretation) Yes.

20 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please take
21 the floor again.

22 MR. HOOPER: Yes, thank you.

23 Q. Can I go back to something we were discussing just before -- a
24 little before the break, and that was the two prisoners of war that you
25 told my friend Mr. Luvengika about, who arrived in Aveba and were put on

1 a plane to go to -- or got a plane to go to Beni. Were these men or
2 women?

3 A. They were men.

4 Q. Were they civilians or militia?

5 A. I do not have information on their real identities, but I heard
6 that they were prisoners of war taken in Bogoro.

7 Q. When you say "prisoners of war," are you talking about civilians
8 taken prisoner or soldiers taken prisoner? Can you just explain your use
9 of that phrase.

10 A. I do not know their real identity. As I said earlier, I heard
11 that they had been captured in Bogoro. They first of all lived in Kagaba
12 and then Aveba.

13 Q. Thank you very much. Now, we were on the subject of Philémon
14 before the break, and my question is this: Do you know, to your
15 knowledge, whether Philémon ever bore arms?

16 A. I never saw him bear arms in Aveba all -- that is, for all the
17 times I met him.

18 Q. Now, Oudo Jackson Anyodi, do you know if he ever bore arms to
19 your knowledge?

20 A. To my knowledge, he has never borne arms.

21 Q. Now, returning to Philémon, arrested and detained in Kinshasa, do
22 you know when he was arrested?

23 A. I do not remember the date, but a few days before they were
24 arrested I met them. He was at the *centre supérieur militaire*, that is
25 the information he gave me. He had come to take back his telephone,

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1 which was with the team that was at the hotel. It was on that occasion
2 that he was taken in the group and taken to prison. He was arrested in
3 the group and taken to prison.

4 Q. His arrest, was it -- when did it take place in relation to the
5 arrest of Germain Katanga, was it before, afterwards, the same time?
6 What was the situation? Was Philémon arrested before, with, or after the
7 time when Germain Katanga and others were arrested, can you help us?

8 A. At the same time.

9 Q. And do you know why he was arrested?

10 A. He was arrested together with the team which was, I believe, in a
11 hotel in Kinshasa. And we were informed that they were arrested because
12 they ordered the killing of nine UN soldiers, nine blue helmets. That's
13 the information which was circulating in Kinshasa.

14 Q. And how old was Philémon at that time, do you know, when he was
15 arrested?

16 A. I cannot determine or calculate his age immediately. I do not
17 have precise information on his age.

18 Q. To your knowledge, has he ever been put on trial or received any
19 judicial process for any charges?

20 A. Could you please repeat the question.

21 Q. Certainly. To your knowledge, has Philémon ever had a trial or
22 any other judicial process in respect of any charges over the past
23 six years?

24 A. I know that they were notified in Kinshasa on two occasions. I
25 was physically present on the day they were taken to the supreme military

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1 tribunal for the first time. On that day they were simply requested to
2 say whether or not they were satisfied with their detention conditions,
3 and they presented themselves individually.

4 Q. And Philémon, do you know if he's ever had a trial?

5 A. Not yet, right up to now.

6 Q. Now, you spoke of a place called Mandre to Mr. MacDonald, that's
7 M-a-n-d-r-e. Where is Mandre, can you help us?

8 A. Mandre is located about 12 kilometres away from Kagaba.

9 Q. Right. Now, yesterday you were asked about a date in your
10 statement, and can you please be provided with a copy of the statement.
11 I want to take you to the matters that you were -- that you discussed
12 yesterday at transcript 271, page 70, and your responses there to
13 Mr. MacDonald about the date that appears at page 3 and 4 of your
14 statement of August 2002. And if you've got your statement in front of
15 you, let me take you first of all to -- I don't want any comment from you
16 at the moment. This isn't a question. I want to take you to the two
17 parts of that statement that we're concerned with, and you're dealing, of
18 course, here with Claude, and I'm looking at the fourth paragraph from
19 the bottom that starts with "Lorsqu'il a quitté ..." That one. That's
20 the one you were asked about yesterday -- (interpretation) "When he left
21 Nyankunde in August 2002, Claude was in primary school." (In English)
22 I'm sorry, I thought --

23 MR. MACDONALD: Yes, he does. He does.

24 MR. HOOPER:

25 Q. Oh, you do have it. Thank you very much. Mr. Witness, my

1 confusion, so sorry.

2 So that's the sentence:

3 (Interpretation) "When he left Nyankunde in August 2002, Claude
4 was in primary school."

5 (In English) You also referred to that date of August 2002 on the
6 previous page, at page 3, this is under the heading "Connaissance de
7 Claude." And we see on the very last line of that page after the words,
8 when you found them at Bunia when you came back from the gold mine, they
9 were at Yambi Yaya, and then:

10 (Interpretation) "They arrived in August 2002 when they fled from
11 Nyankunde with all the other Ngitis."

12 (In English) And at transcript 271, page 7 -- 70, line 9, at
13 line 6 you say -- and this is your -- the transcript reads:

14 "I have noticed that this is an error, maybe a stenography error,
15 about the date."

16 Now --

17 MR. MACDONALD: I'll just formulate an objection.

18 (Interpretation) I wish to raise an objection. You will remember that
19 yesterday the witness when he gave that answer he was talking about the
20 date which appears on page 4. After that answer I referred him to
21 page 3, as my colleague just did, and the witness gave an answer relating
22 to the date on page 3, making a distinction with the date that appears on
23 page 4. I can understand my learned colleague putting questions on that,
24 but when he talked about an error he stated that he was referring to the
25 date which appears on page 4 and not an error that relates to pages 3 and

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1 4 simultaneously.

2 MR. HOOPER: I agree. Let me make that quite clear.

3 Q. So if we go to page 4, the phrase: (Interpretation) "When he
4 left Nyankunde in August 2002, (Expunged) was in primary school ..."

5 (In English) It was in respect of that that you said at
6 transcript 271, page 70, line 6, in the English:

7 "I've noticed that this is an error, maybe a stenography error,
8 about the date."

9 And you were then asked by Mr. MacDonald to turn the page back
10 and bottom line, "Ils sont venus en août 2002," and the same error is
11 found.

12 Now, can I ask you this, forget about the statement for a moment.
13 In what year were all the Ngitis chased out of Nyankunde?

14 A. It was in the month of August 2001.

15 Q. And we found several references to that or we can find several
16 references to that in your account yesterday. And indeed in your
17 statement at page 2, if you turn to page 2 of your statement, sixth line
18 from the bottom, you talk about -- well, I'll say it in English.

19 "In July 2001 I left for Bunia in the holidays. Following that,
20 I went in Djugu territory, Mabanga, to look for gold. I stayed two
21 months. I found a little gold. Normally I would return to Nyankunde,
22 but while I was at Mabanga, all the Ngitis had been chased out of
23 Nyankunde."

24 And in terms of -- right. I hope that's a little clearer.

25 MR. HOOPER: Those are all my questions.

1 Q. So, Mr. Witness, those are all my questions unless there are any
2 other matters arising. Just left to me to formally and publicly state my
3 thanks to you for making the effort of coming all this way from the Congo
4 to assist the Chamber, to assist Germain Katanga, let's be frank, and to
5 assist the Chamber. I think there may be an opportunity for us to say
6 more informally our thanks to you, but I want to acknowledge my thanks in
7 public and to acknowledge Germain Katanga's thanks through me to you
8 publicly for you coming all this way to give such assistance as you can
9 in his case. Thank you.

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

11 Mr. Witness, your testimony has come to an end. You are going to
12 leave. The Chamber would like to join the various parties and
13 participants who put questions to you in the course of your testimony in
14 thanking you. You have provided us with the items of information at your
15 disposal. We would like to urge you to ensure that everything that
16 you've said in the course of your testimony should be kept to yourself.
17 You don't have to discuss it with anyone when you return. We equally
18 wish you a safe trip back to your place of residence. Thank you very
19 much and good-bye, sir.

20 THE WITNESS: (Interpretation) Good-bye.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, you are
22 going to wait for a while in the premises of the Victims and Witnesses
23 Unit until this hearing is concluded, and you will have the possibility,
24 that is, if the Defence team of Germain Katanga so requests and if you do
25 not disagree with that request, you will be able to greet Mr. Katanga and

1 his Defence team more informally.

2 Court Usher, please could you lead the witness out of the
3 courtroom.

4 MR. MACDONALD: (Interpretation) Your Honour, with your leave,
5 can we recover the statement?

6 PRESIDING JUDGE COTTE: (Interpretation) Yes.

7 MR. MACDONALD: (Interpretation) Thank you. And if you -- with
8 your leave, we are going to change the Prosecution team. We'll wait for
9 the witness to leave the courtroom and we'll change the Prosecution team.

10 PRESIDING JUDGE COTTE: (Interpretation) We'll wait for the
11 witness to leave and Mr. Hooper will give us an idea of time management
12 and the presentation of the rest of his evidence.

13 (The witness withdrew)

14 PRESIDING JUDGE COTTE: (Interpretation) And after that, we'll
15 bring in the next witness.

16 Mr. Hooper, we would like to know whether you can approximately
17 give us information on time management and the presentation of your
18 evidence, it being understood that the decision which was given this
19 morning could lead to a brief suspension before the arrival of Jean Logo
20 and after his departure. And I think this is going to be good news to
21 the Defence team of Mathieu Ngudjolo, which is going to have a little
22 respite at that point in time.

23 Mr. Hooper, do you have any information to give us? We are going
24 to receive Witness 160, who will be received (* as interpreted) by 01,
25 and 148, and 147, and so on and so forth. Shall we say that we can

1 conclude by the end of June, it being understood that we are not going to
2 sit in the third week of June?

3 MR. HOOPER: Can I come back to you on that? I've -- we've
4 worked it out several times. Certainly I think by the end of June. I
5 can't remember whether I took into account the week off, that's what's
6 perplexed me, or whether I've had sitting days in my mind as, you know,
7 five days a week of sitting days. But if you give me a moment, can I
8 reflect and come back to you by half past 1.00 with a clearer indication
9 when I've reminded myself of the calendar and also taking into account
10 Jean Logo giving evidence and that time. But I think approximately,
11 Mr. President, you're correct.

12 PRESIDING JUDGE COTTE: (Interpretation) Very well, you are
13 going to give us that information tomorrow morning at 9.00 a.m., that
14 will give you enough time to calmly reflect on these matters. But you
15 should all bear in mind that the Chamber has in its decision this morning
16 requested the unit, whose job is very complex, to do everything possible
17 to ensure that the suspensions we have provided for in order to
18 facilitate the arrival of Jean Logo and his return be as brief as
19 possible. Of course, there will be one or two free days before and
20 afterwards.

21 MR. HOOPER: (Previous translation continues) ... one matter.
22 Hearing your decision this morning, I noticed that there was a -- also
23 within the decision I think expressly stated a desire that Jean Logo
24 return quickly after giving evidence. And just in respect to that, I'd
25 be grateful if Jean Logo could remain here with me in The Hague for a few

1 days after he's given his evidence, not to discuss his testimony, that's
2 not my objective. But generally that he doesn't, as it were, get swept
3 in and swept out and that he can spend a few days here in Holland before
4 he goes back.

5 PRESIDING JUDGE COTTE: (Interpretation) Very well. We have
6 taken note and we will give you our determination tomorrow morning after
7 re-reading our decision, to ensure that there is no inconsistency between
8 your requests and the rest of the witnesses who are going to appear for
9 Mathieu Ngudjolo.

10 Thank you, Ms. Luping and Mr. MacDonald.

11 Court Officer, can the next team from the OTP be informed that
12 the place or -- that it's time for them now to come in.

13 We are now going to call Witness DRC-D02-P-0160, Mr. Christian
14 Mbodjima Mbaraza Mbomba.

15 Court Officer, Court Usher, please have the witness brought into
16 the courtroom.

17 (The witness entered court)

18 PRESIDING JUDGE COTTE: (Interpretation) Good morning, Witness.

19 THE WITNESS: (Interpretation) Good morning.

20 PRESIDING JUDGE COTTE: (Interpretation) I see you can hear me
21 well.

22 THE WITNESS: (Interpretation) Yes.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you for having
24 travelled here to give your testimony before this Court. We have
25 understood that you accepted that your identity be known to the public

1 and that your testimony should also take place in public, subject to a
2 certain number of private sessions that might be deemed necessary.

3 To begin with I would like to ask you to give us your identity
4 details, beginning with your name and first name, and you should speak
5 slowly and articulate well so that the interpreters and court reporters
6 should hear you well.

7 THE WITNESS: (Interpretation) Thank you. My name is
8 Mbodjima Mbaraza Christian.

9 PRESIDING JUDGE COTTE: (Interpretation) Thank you. What is
10 your place and date of birth?

11 THE WITNESS: (Interpretation) I was born in Lolwa on the
12 28th of January, 1985.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you. And what is
14 your current occupation, if you have one?

15 THE WITNESS: (Interpretation) I am the private secretary of the
16 provincial minister of finance and the economy in the Democratic Republic
17 of the Congo.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you. You are
19 speaking loud enough, you are articulating well, and this is very good
20 for the interpreters and court reporters who will be working with you.
21 Nevertheless, you have to observe a five-second pause between the
22 question put to you and your answer. This is a procedure that we follow
23 to facilitate the work of the interpreters and the court reporters. So
24 even if you are very prepared to answer, make the effort to observe a
25 five-second pause before answering.

1 Now, Mr. Witness, before your testimony actually begins, we will
2 ask you to make a solemn undertaking to speak the truth. That
3 undertaking is solemn and I'm going to read out the wording so that you
4 should fully understand it and appreciate its import. The wording is as
5 follows: I solemnly declare that I will speak the truth, the whole
6 truth, and nothing but the truth.

7 Did you understand me well?

8 THE WITNESS: (Interpretation) Kindly repeat so that I should
9 better understand.

10 PRESIDING JUDGE COTTE: (Interpretation) I will repeat.

11 I solemnly declare that I will speak the truth, the whole truth,
12 and nothing but the truth.

13 Have you fully understood me now?

14 THE WITNESS: (Interpretation) Yes.

15 PRESIDING JUDGE COTTE: (Interpretation) Now, at this time that
16 your testimony is going to begin, do you pledge to speak the truth, the
17 whole truth, and nothing but the truth?

18 THE WITNESS: (Interpretation) Yes.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

20 Once again, listen carefully. You have just committed yourself
21 to speak the truth, the whole truth, and nothing but the truth. If in
22 the course of your testimony or while answering questions put to you by
23 the parties and participants in this courtroom you do not speak the
24 truth, you might be prosecuted before this court for false testimony.
25 And if the facts were to be proven, you could be convicted.

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1 Once again, did you understand me well?

2 THE WITNESS: (Interpretation) Yes, I have understood you well.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

4 The Chamber notes that the provisions of Article 69(1) of the
5 Statute and Rule 66(1) and (3) of the Rules of Procedure and Evidence
6 have been complied with.

7 Mr. Witness, you'll begin by answering the questions put to you
8 by the Defence team of Germain Katanga. I believe that the way you are
9 expressing yourself will enable all of us to work in excellent
10 conditions. Do not hesitate to pour some water and to have a drink of
11 water if you need it. You may need to drink quite a lot. The air in
12 this room is rather dry, so we do not have any problem with your helping
13 yourself to water or your using the tissues that have been placed at your
14 disposal. You can use them to blow your nose or to wipe your face if you
15 are transpiring a little bit. The essential thing that you should feel
16 at ease so as to be able to answer properly the questions that are put to
17 you by the Defence teams, the Prosecutor, and the Legal Representatives.
18 Thank you.

19 Mr. Hooper, you can now begin.

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

21 WITNESS: WITNESS DRC-D02-P-0160

22 (Witness answered through interpreter)

23 Questioned by Mr. Hooper

24 Q. Good morning, Mr. Witness.

25 A. (No interpretation)

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1 Q. Now, let's decide, first of all, how we're going to address you.
2 If we call you -- how would you like to be addressed? Mbodjima or
3 Mbaraza, which name are you most comfortable with that we can use so as
4 not to complicate it for us to say both names.

5 A. Mbomba.

6 Q. (Microphone not activated)

7 THE INTERPRETER: Counsel's microphone, please.

8 MR. HOOPER:

9 Q. All right, Mr. Mbomba. Now, you've told us that you were born in
10 Lolwa on the 28th of January, 1985, which make you, of course, now, I
11 think, 28 years of age. Congolese. What's your ethnicity?

12 A. I am Ngiti.

13 Q. And which languages do you speak?

14 A. I speak French, Lingala, Swahili, and a little English.

15 Q. And what of Ndruna, do you speak Ndruna?

16 A. I also speak Ndruna.

17 Q. Now, you were born in Lolwa, but is it right that you grew up in
18 Komanda until the age of 5; is that correct?

19 A. Yes, indeed. I was born in Lolwa on the 28th of January, 1985,
20 and I was in Komanda up until I was 5 years. Before being born in Lolwa,
21 my parents were actually living in Komanda. It was because there was no
22 health centre in Komanda that my mother went to the reference centre in
23 Lolwa. This means that my parents went to Lolwa, but we ourselves, we
24 lived in Komanda.

25 Q. Yes, we've -- those of us in this courtroom, while we're not very

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1 familiar, obviously, with your country, your particular regions in it, we
2 have seen maps and we have a knowledge where Lolwa is and Komanda is.
3 Now, to what age did you remain in Komanda and where did you go to after
4 Komanda?

5 A. I stayed in Komanda up until I was 5 years old, and then I went
6 to Aveba, which today I consider the place of residence, not only of my
7 father but of myself, my future place of residence. This means that
8 Aveba is my point of reference. Even though I'm right now in Kisangani,
9 it is simply for purposes of work, because ever since I was 5 years old
10 up until today my family lives in Aveba.

11 Q. Do you hold the *diplôme d'état* for your education?

12 A. Yes. I am a holder of the *diplôme d'état* since 2004.

13 Q. After leaving or concluding your secondary education, did you go
14 on to any further education; and if so, where and what did you study?

15 A. After the *diplôme d'état* in 2004, I stayed at home in 2005. And
16 in 2006 I went to the University of Kisangani where I did law for
17 five years and completed in 2010.

18 Q. So last year you graduated with a law degree; is that correct?

19 A. Yes. In November 2010 I graduated in law.

20 Q. Are you the member of any bar?

21 A. I am not.

22 Q. Does anything prevent you from being a member of the bar -- of a
23 bar in your country?

24 A. No. Otherwise, I've not yet fulfilled all the conditions. For
25 example, our documents have not been issued by the central university.

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1 And then there is also the bar examination and one has to pass that
2 examination before becoming a member of the bar. So if the certificates
3 or files are withdrawn from the university and if the bar examination is
4 organised, I will be a candidate to become a member.

5 Q. Very well. Then, as we've heard, you are currently working as
6 the personal secretary of the provincial minister, and that, of course,
7 means that you're working and living in Kisangani; is that right?

8 A. Yes, I work with the minister. After my studies, I did not
9 return to Bunia; I stayed in Kisangani.

10 Q. Now, I'm going to come to your studies now in some detail or at
11 least your studies as part of your history which gets a little
12 complicated. So we're going to take that quite slowly. Now, looking
13 around this courtroom, as you have been, I think it's fair to say there's
14 very few faces here that you recognise. I don't know if you recognise
15 mine because you and I met earlier this year in Kisangani, but I was, of
16 course, dressed rather differently to the way I am now.

17 You might also recall Caroline Buisman, who sits on the second
18 row there, again someone you met with me in Kisangani earlier this year.
19 And I'm going to ask him to stand up. I'm going to ask -- he's getting
20 used to this. That gentleman there at the back, maybe you recognise
21 him - thank you very much - and if you do, can you give us his name?

22 A. His name is Germain Katanga, Simba.

23 Q. Now, where were you that you can remember when you first met
24 Germain Katanga?

25 A. I met Germain Katanga for the first time in Aveba in 1998.

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1 Q. And what were you doing then that you remember and what was he
2 doing?

3 A. He was a student at the Badjanga Institute, while I myself was a
4 student at the Aveba Mukubwa Institute.

5 Q. At that time were you doing your primary or secondary education?

6 A. At that time I was in the first year of secondary school and he
7 was in the fourth year.

8 Q. And you told us that that was at the institute -- *l'Institut*
9 *d'Aveba*, so your first year there. And where did you do your second year
10 of secondary education?

11 A. In Aveba.

12 Q. And your third year?

13 A. Nyankunde.

14 Q. And your fourth year?

15 A. Nyankunde.

16 Q. And your fifth year?

17 A. At the Gety institute.

18 Q. And can you remember which year it was that you started the
19 academic year for your fifth year of secondary education, so what year
20 was the fifth year? When did you start your fifth year, if you can
21 remember?

22 A. Yes. I started the fifth year to begin with during the year
23 2001/2002. I dropped out and then came back again for the school year
24 2002/2003.

25 Q. Now, we've learned that the academic year for both primary and

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1 secondary education starts in September of the year. So let's pick your
2 story up from September of 2001 as you start your fifth year at Gety.
3 What was the situation in Gety as you started that year? Was Gety a
4 peaceful place or what?

5 A. When I started in September 2001, Gety was a peaceful town.
6 There were Ugandan soldiers there.

7 Q. Did Gety remain peaceful?

8 A. Gety did not remain peaceful because in December 2001, there was
9 already insecurity. The Ugandans were not the only ones there. There
10 were also APC soldiers, that is, the Congolese People's Army.

11 Q. So what happened? Just tell us what you experienced living in
12 Gety there from December of 2001 onwards and the increasing insecurity.

13 A. The first thing is that in December, which I have mentioned,
14 Ugandan soldiers fought with combatants, and this was towards the end of
15 2001. In 2002, except I am mistaken, on the 3rd of February, 2002, there
16 was fighting between the combatants and APC soldiers led by
17 Captain Mandefu.

18 Q. Let me just pause you there and just go back, take a step
19 backwards, to events in December. The Ugandans attacked, you say,
20 combatants. Where were these combatants?

21 A. At Tche-y.

22 Q. And I think that's spelled T-c-h-e-y.

23 Do you spell it like that, by the way? I've just put my spelling
24 in there, T-c-h-e-y.

25 A. Yes.

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1 Q. Do you know what combatants were there at that time, I mean any
2 names of commanders of combatants who were attacked by the Ugandans at
3 that time?

4 A. Yes. Some names were known to everyone. There was
5 Colonel Cobra, Colonel Kandro was still alive, Kisoro also.
6 Commander Nyamrunji (* phon), who was known as Lengalenga (* phon), was
7 also alive. Then there was also Commander Move who was still alive.
8 These names were very well known. There was also Commander Dodova.

9 Q. All right. Thank you. So, that's the end of 2001 and then you
10 moved on and you're talking about February of 2002 when I interrupted
11 you. So let's go back to February 2002 and you're talking of a captain
12 Mandefu; is that right? Just tell us in your own words what happened.

13 A. On the 3rd of February, 2003, at about 3.00, 4.00, it was a
14 Sunday, 3.00, 4.00 in the afternoon, the combatants fought in Gety with
15 the APC soldiers because the Ugandans who lived in Gety had already left
16 a week earlier. And the fighting I'm referring to here occurred between
17 the combatants and the APC soldiers.

18 Q. And what happened in brief? What happened?

19 A. After the fighting, the APC soldiers could not resist, they left.
20 They left and we stayed in Gety. The combatants themselves did not stay
21 in Gety, they left. I assume they went back to Tchei. A week later --
22 because after this fighting there were no APC soldiers and no combatants
23 in Gety and there weren't the Ugandans either. It was only a week later
24 that the Ugandans came back once again to Gety. And at their head there
25 was Major Madimo (* phon).

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1 Q. And what happened when they came back?

2 A. When the Ugandans came back -- well, actually before they got
3 back to Gety, people were afraid. With the return of the Ugandans there
4 was increased insecurity. Firstly, the schools were closed throughout
5 the whole of the collectivity, beginning with Gety, Aveba, Bavi,
6 Bukiringi, everywhere, because the Ugandans had begun -- I don't know
7 whether we should call it an exclusion or what. I don't know what word
8 one should use. Sometimes they went to Aveba, they went as far as Boga.
9 They had patrols and traces of fighting in those areas. So with the
10 presence of the Ugandans once again in Gety, there was a lack of
11 security, general lack of security beginning in Gety and then throughout
12 the whole of the collectivity.

13 Q. And as far as that insecurity in Gety was concerned, what
14 happened -- what happened then?

15 A. With this insecurity in Gety, the result of that was multiple
16 fighting, instances of fighting in Gety, in the neighbourhood near Gety,
17 in Aveba, in Bukiringi, and the Ugandans also set fire to the houses as
18 they went through these places. And some of the people had been shot
19 during this fighting.

20 Q. Did you remain in Gety?

21 A. I didn't stay in Gety since I was going to resume my schooling
22 after the exam for the first semester, which we'd just finished on the
23 2nd of February, and that was a Saturday, and the classes should have
24 started again on the Wednesday. There was a three-day break, but after
25 that break the classes didn't start again and I had to go back -- because

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1 of the lack of security and I had to go back to my family in Aveba.

2 Q. And just so we're clear, which year are we talking about?

3 A. This is 2002.

4 Q. Now, you go back to your family in Aveba. Can you remember
5 which -- what date or month it was that the insecurity in Gety caused you
6 to go there, back to your family?

7 A. I don't remember the date, but it was in February.

8 Q. Right. Now, I'm going to just pause there for a moment, and
9 you've told us that you'd been in Gety and before then you'd been in
10 Nyankunde for your third and fourth year of secondary school. Now,
11 during the time you're in Nyankunde, during the time that you were at
12 Gety - perhaps taking them one by one, Nyankunde first and then
13 Gety - would you visit Aveba at any time; and if so, how often would you
14 go there?

15 A. Yes. That's where -- when I was studying in Nyankunde, from time
16 to time I would go to Aveba. Firstly, because of the school fees, I
17 could only go to Aveba. The holidays -- during the holidays I could only
18 go to Aveba. And while I was studying in Nyankunde, it was impossible
19 for a month to pass without my going to Aveba.

20 Q. And during that time and during the time you were at Gety until
21 you had to flee in early 2002, did you know Germain Katanga when you went
22 to Aveba? I mean, did you meet Germain Katanga at all when you went to
23 Aveba? And if you did, what was he doing at the time, do you know?

24 A. While I was studying in Nyankunde and when I went to Aveba, I met
25 Katanga each time I went. Because we weren't very far apart. It was

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1 500 metres, I think, between my father's home and Germain Katanga's
2 father's home, because he was living with his father. He was a student
3 just as I was a student, the only difference being that Katanga was
4 studying in the lycée -- at the school in Badjanga and living at home in
5 his father's home while I was studying in Nyankunde. Otherwise, he was
6 just a student. And it -- and his activities even before I left for
7 Nyankunde were activities which we continued. We played football. We
8 played volleyball together even when I was in Nyankunde and I came on
9 visits to Aveba.

10 Q. All right. Now, if I can take you back to 2002, the insecurity
11 in Gety, the Ugandans being there, and a time came when you left. You
12 told us you went to your family in Aveba. How long did you stay in Aveba
13 for, can you remember?

14 A. I stayed in Aveba from February, when I left Gety, until the
15 31st of March of the same year.

16 Q. And where did you go then?

17 A. So the 1st of April, 2002, I left Aveba and I went to Bunia. I
18 arrived in Bunia on the 2nd of April, 2002.

19 Q. And what did you do there?

20 A. In Bunia I didn't do anything. I was just wait -- I was just
21 there waiting for security to be re-established so I could go back. I
22 didn't go back too soon. I stayed in Bunia for at least four months.

23 Q. Can you remember when it was that you eventually left Bunia?

24 A. I left Bunia in August 2002.

25 Q. Now, we've heard in this court repeatedly of a particular event

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1 in August 2002 that befell the Governor of Bunia, Lopondo. Did you --
2 when did you leave Bunia in relation to the fall of Lopondo, can you
3 remember?

4 A. I remember the fall of Lopondo. I left Bunia a few days prior to
5 that event, because it was already a very high degree of insecurity in
6 Bunia and I couldn't support that. There were already various events
7 occurring and we were afraid, and we left Bunia just a few days or a few
8 weeks prior to the fall of Major Lopondo.

9 Q. And leaving Bunia, where did you go?

10 A. When I left Bunia I went back to my family in Aveba, and I went
11 via Songolo, Bavi Olongba, Chekele, to reach Aveba.

12 Q. On that journey did you come across any combatants or commanders;
13 and if so, which ones?

14 A. I met combatants. I also met commanders even though I wasn't in
15 contact with them, but I did see them. I saw combatants on my way back.
16 I saw combatants for the first time. It was -- there was a small market
17 near Bunia called (* indiscernible), and there, firstly there was a small
18 group of combatants who lived with Lopondo, and I moved further on. I
19 went to Songolo and I saw combatants there and I saw Colonel Kandro, I
20 saw him. And then I went to Bavi and I saw combatants and I saw Colonel
21 Cobra. I saw Move and I saw Katanga.

22 Q. And where did you see Katanga?

23 A. I saw Katanga at the market in Bavi Olongba. He had -- he had
24 gone to the market. When I saw him, he said he came from Nyabiri.
25 Nyabiri is about 3 kilometres from the centre of Bavi Olongba, but I met

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1 Katanga not in Nyabiri but in the market in Bavi Olongba.

2 Q. And at that time, what did you understand Katanga was doing?

3 A. I met -- when I met Katanga then he had a weapon, but I don't
4 know what he was doing.

5 Q. And this journey eventually, you tell us, took you to Aveba. Can
6 you recall when it was that you got to Aveba?

7 A. I reached Aveba. I stayed there, and a few days later we heard
8 that Bunia had fallen, that Lopondo was no longer the governor. That was
9 the first event that occurred.

10 Q. Did you learn what happened to Lopondo after he -- after he fell?
11 Do you know where he went, what he did?

12 A. We learnt, all of us learnt, that Lopondo after his fall went
13 to -- via Songolo. He fled via Songolo, and from Songolo he was
14 accompanied by the soldiers of -- of Colonel Kandro to the border -- in
15 fact, to the border-line between Walendu-Bindi collectivity and the
16 collectivity of Walese-Vonkutu, in the forest, and that's where he went
17 to reach Komanda. And from Komanda, apparently, he went to Beni.

18 Q. And at the time Lopondo went to Bunia, do you recall where you
19 were?

20 A. When Lopondo was fleeing via Songolo, I was in Aveba.

21 Q. How long did you remain in Aveba?

22 A. I stayed in Aveba about a month, about a month or six weeks, and
23 I went to Gety.

24 Q. So you go back to Gety, and what did you do in Gety?

25 A. I went to Gety to go -- to resume my fifth year which I'd had to

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1 drop out of.

2 Q. And did you, in fact, resume your fifth year?

3 A. Yes.

4 Q. And again, from the dates you've given, six weeks after the fall
5 of Lopondo and start of the academic year, would that have been in or
6 about September, therefore, of 2002?

7 A. Yes, it must have been in September 2002 or perhaps at the
8 beginning of October 2002.

9 Q. And recommencing your fifth year, did you manage to finish that
10 year; and if so, did you finish it at Gety or elsewhere?

11 A. I finished my year in Gety.

12 Q. And we understand that the school year in DRC concludes in or
13 about July. Can you confirm if that's right or not?

14 A. Yes.

15 Q. What about your sixth year, your final year, of secondary school,
16 where did you do that?

17 A. In the same school in Gety.

18 Q. How far is Gety from Aveba?

19 A. Approximately -- approximately 20 kilometres.

20 Q. And to make that journey to visit Aveba and family, et cetera,
21 how would you travel?

22 A. I was on foot.

23 Q. Now, another event or an event that we've learnt about in this
24 case is the big attack, the attack, on Nyankunde when the hospital was
25 destroyed, and we know that to be in September, 5th of September, of

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1 2002. Where do you recall you were on the 5th of September, 2002?

2 A. In Aveba.

3 Q. Now, we appreciate that you were in Aveba and not at Nyankunde,
4 but what did you learn at the time about this attack on Nyankunde? What
5 do you recall? What were the things that you learnt about it?

6 A. I heard that Nyankunde had indeed been attacked by the
7 combatants, but prior to that attack -- that attack in Nyankunde
8 represented the other side of the coin because prior to that Songolo had
9 been attacked, in particular the residence of Colonel Kandro was
10 attacked. So for reasons of revenge, the combatants under Colonel Kandro
11 also attacked Nyankunde.

12 Q. Do you know where Germain Katanga was on the 5th of September?
13 I -- from what you've heard or understood?

14 A. As I said earlier, I saw him in Bavi. I went to Aveba, but at
15 the time of this event I don't know where he was. I don't know whether
16 he was in Bavi on this particular day or whether he was in Aveba. I
17 don't know.

18 Q. At that time, early September 2002, do you know who the
19 commanders of the militia were in Aveba?

20 A. In Aveba at that time in September, I knew in particular that
21 there was Commander -- there were two, Commander Nono -- there were two
22 key people, there was Nono and Abala. But both of them were shot during
23 the attack on Nyankunde. Nono was shot, he fell on the day of the
24 biggest attack, but Abala was -- fell a few days later because there were
25 patrols, I think, which were organised by the combatants and Abala was

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1 shot during one of those patrols. This was after the death of Nono, but
2 it was Nono who was shot dead on the day of the biggest attack of the
3 fighting.

4 Q. Now, I know the phrase "*tombé*" in French has a particular
5 meaning, but just so that we're clear, when you say "they fell," do you
6 mean that they were killed or not?

7 A. Yes, they were killed. They were killed. That is what I meant.

8 Q. Do you know what happened to Kandro after the battle at
9 Nyankunde?

10 A. After the battle of Nyankunde, Kandro was killed by Colonel Cobra
11 following a disagreement between them. I don't know what the cause of it
12 was.

13 Q. Now, picking up your account from after the battle at Nyankunde,
14 which you told us -- we understand, of course, that you were in Gety
15 restarting your fifth year at secondary school there. During the, let's
16 say, the year that followed, so the academic year that followed,
17 September to July, September 2002 to July 2003, during that time how
18 often would you take the 20-kilometre walk to Aveba? How often would you
19 go there during that time?

20 A. I do not know how many times, but I went there several times,
21 actually several times, sometimes twice or thrice in a month.

22 Q. Now, I'll come back to that period. Just going ahead, you've
23 told us that you did your sixth year at Gety and you received your
24 *diplôme d'état*, your leaving qualification, in 2004. You told us how
25 earlier you'd been at school with Germain. Were you ever at school with

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1 Germain after those initial -- that initial period that you spoke about
2 earlier?

3 A. I do not understand your question.

4 Q. No, I don't blame you. You received your *diplôme d'état*. Do you
5 know if Germain Katanga ever obtained a *diplôme d'état* or not?

6 A. We obtained it in the same year. First of all, the preliminary
7 stage, because we wrote it in Gety. All the time we were together in
8 Pastor Azo's house and I would come often. We were there, we wrote the
9 preliminary stage together. We also wrote the state exam together and we
10 obtained the diploma at the same time, in other words, in the year 2004.

11 And the results were published at the time when I was already in Aveba.

12 Q. All right. Thank you. So -- now let's go back to this period
13 end of 2002 and into 2003, and this is the period that most interests the
14 Judges of this Court. And there's a particular event, of course, that
15 we're focused on in this case that concerns the village or town of
16 Bogoro. Do you know if anything particular happened to the village or
17 town of Bogoro during 2003?

18 A. Yes. I know that fighting broke out in Bogoro.

19 Q. Do you know the date that that occurred?

20 A. I do not know the precise date.

21 Q. And let me put it this way: What was the consequence of the
22 fighting at Bogoro that you remember, just so that we know whether we're
23 talking about the same event or not?

24 A. The consequence was that the combatants took over the locality of
25 Bogoro from the UPC.

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1 Q. So we know of what you're -- of what you speak. So we've got
2 the --

3 MR. HOOPER: I don't know if there's any objection to my leading
4 the date of the battle of Bogoro. It's very well established and of no
5 particular assistance, it would seem, to the witness.

6 MR. GARCIA: (Interpretation) Your Honour, I am aware that we
7 need to be efficient here, but I would prefer Mr. Hooper to ask questions
8 relating to the itinerary of the witness, what the witness did, and that
9 all of such questions should be put before he asks leading questions
10 regarding the date of the event in Bogoro. If Mr. Hooper has questions
11 to ask about precise dates on which the witness did certain things, he's
12 welcome to ask such questions. After that, he can then lead him or
13 suggest the date of the attack on Bogoro.

14 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, you're
15 being requested to adopt a more concentric approach.

16 Please proceed.

17 MR. HOOPER: Yes, the date isn't particularly significant, I
18 agree.

19 Q. Where were you when that happened?

20 A. I was in Gety.

21 Q. Did you witness any activity on the part of any combatants in or
22 around Gety relating to the fighting at Bogoro?

23 A. Could you please repeat that question.

24 Q. Well, we know that there was a battle at Bogoro. You were at
25 Gety. You weren't at Bogoro. Did you see anything while you were at

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1 Gety in any way that relates to the fighting at Bogoro? Did you see any
2 activity, for example, by militia or -- and if so, by whom and what did
3 you witness?

4 A. While we were in Gety, *we heard that apparently fighting had broken out in
5 Bogoro, serious fighting, between Ngiti fighters and the UPC.

6 And I personally saw as proof Commander Gildas who had been wounded in the
7 course of that fighting, and apparently he was treated in Aveba.

8 But I saw him personally in Gety and he had a bandaged hand.

9 He had been wounded during the fighting in Bogoro.

10 Q. Do you know or did you ever see a camp in Gety, a militia camp in
11 Gety?

12 A. There was a militia camp in Gety. There was one.

13 PRESIDING JUDGE COTTE: (Interpretation) Yes, your Honour.

14 JUDGE VAN DEN WYNGAERT: I'm looking at the French transcript and
15 there's a difference between the French and the English. I'm reading the
16 French now, page 80, line 25, where it is said (No interpretation),
17 that's the conditional sense, and in the English version it's the
18 indicative. So there it says that "there was."

19 So maybe that should be clarified with the witness.

20 MR. HOOPER:

21 Q. So just coming back to that point, in -- what did you hear in
22 Gety? You've heard the learned Judge's concern about the difference on
23 the transcript. So just revisit that, if you will. What did you hear in
24 Gety had happened at Bogoro? What were you saying earlier about that?

25 A. We heard that fighting had broken out in Bogoro.

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1 Q. Thank you. Now, coming back to Gety you say there was a camp
2 there. Do you know who the commander was and can you give us his name?

3 A. Yes. The name of the commander was Androzo Joel.

4 Q. Did you ever visit that camp yourself?

5 A. I did not personally go to the camp, but the soldiers were living
6 in the house of a former businessman of Gety. It wasn't a camp properly
7 so called, it was the house of private individual located not far from
8 the football pitch in Gety. It was not very far from the road. It was
9 located about 4 metres away from the road. That is where the combatants
10 were living. There was -- it wasn't a camp built outside the village.
11 They were living with other people in the home of an individual.

12 Q. So approximately how many of them would there have been?

13 A. I do not know.

14 Q. Well, I don't know if you can help us. I mean, was it 20? 50?

15 A hundred? 200?

16 A. They were not less than 20.

17 Q. Did you ever see any children acting as soldiers, child soldiers?

18 A. I believe there were children.

19 Q. All right. Now, you've spoken about the Bogoro attack. You've
20 spoken about seeing Yuda with a bandaged hand in Gety itself. And I'd
21 like to know before the Bogoro attack on your visits to Aveba - I'm
22 talking about the month or two before the Bogoro attack - whether you
23 ever met Germain Katanga and whether you can help us as to what you
24 understood his position was in the militia at Aveba at that time. So I
25 hope that's not too complicated a setting out of what I'd like you to

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1 address in your mind. So did you visit Aveba? Did you meet
2 Germain Katanga? And what was your understanding of his position in the
3 militia at Aveba at that time?

4 A. Before the attack on Bogoro, I went to Aveba. I met Germain and
5 Germain, of course, had a weapon, and he was living in his father's
6 house. And I could not go there easily because that was not his house,
7 it was his father's house. So I met him on several occasions and I also
8 saw him surrounded by what you would call bodyguards, but I did not know
9 the function which he held within the militia. I simply knew that he was
10 a commander without knowing his specific rank or position.

11 THE INTERPRETER: Correction from the English booth: I could go
12 to his house easily because that was his father's house, so I could go
13 there easily.

14 MR. HOOPER:

15 Q. I had a correction in the English booth.

16 All right. So that's before Bogoro. Now, after the Bogoro
17 attack, on your visits to Aveba in the months, year or so, whatever,
18 after the Bogoro attack, did you visit Aveba? Did you meet ever
19 Germain Katanga? And do you know what, if any, position he held in the
20 militia? That's after -- any period after the Bogoro attack?

21 A. Even after the attack on Bogoro, I went to Aveba several times
22 and I met Katanga several times. But I cannot tell you what his position
23 was. Right from the day I met him when I was passing through Bavi, I
24 know that he was a combatant, that's all. I have never taken the courage
25 to ask him what position he held within that militia. He himself never

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1 told me.

2 Q. Does the name Kisoro mean anything to you? In fact, you've
3 mentioned him already as a commander when you were at Gety. Let me ask
4 you this: We've heard that there was a piste for planes to land on at
5 Aveba. Did you ever witness any planes landing at Aveba?

6 A. Yes.

7 Q. And what were these planes doing landing at Aveba, so far as you
8 know?

9 A. I must say that the airstrip in Aveba had been existing for a
10 long time. It was an airstrip created by the Protestant mission based
11 there and which was used to bring pharmaceuticals to the community or to
12 evacuate patients. And at the time when insecurity reigned, planes could
13 not land for that reason. The planes of the Protestant mission,
14 therefore, could not land. It was planes from Beni which could land
15 there and they did very often.

16 Q. And these planes from Beni, what was your understanding of what
17 they were doing there? Why were they coming to Aveba?

18 A. Well, I think there was a connection between Beni, meaning the
19 APC, and the militia. Because people were leaving from Aveba to Beni in
20 those planes. There were also people coming from Beni to Aveba. There
21 were also officers that would come on these planes, officers whom I knew,
22 such as Mandefu whom I knew long before 2002 in Gety. He came to Aveba
23 in one of those planes.

24 During that period, therefore, when there was a lot of
25 insecurity -- when the planes that were expected to land in Aveba could

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1 not land, if any planes landed, because some of them did land, coming
2 from Beni, then there must have been some collaboration between the APC
3 which I also saw there and the militia.

4 Q. You saw a Captain Mandefu come in one of those planes. Did you
5 see anybody else whom you knew arriving by plane?

6 A. I saw the doctor. The doctor came once to Aveba as well. I know
7 that the doctor was an ally of the APC, but I do not know what he came to
8 do there. But during that time his family was residing in Aveba. There
9 was also -- only Dr. Adirodu who was living in Beni, but his family at
10 that point in time was living in Aveba. I also saw him come on this
11 plane and return again to Beni. There were others whose names I do not
12 know. There was a certain Kambale who I saw arrive on that plane. There
13 was a radio operator Mike 4 who came on that plane as well.

14 Q. Now, you mentioned earlier Kisoro in the context of one of the
15 combatants who was attacked by the UPDF. Did you ever see Kisoro at
16 Aveba or not?

17 A. Kisoro, well, I never saw Kisoro personally in Aveba. I have
18 never seen Kisoro in Aveba, but I saw Kisoro elsewhere. I saw Kisoro in
19 Kabona but I have never seen him in Aveba. But the fact remains that he
20 used to come quite often to Aveba.

21 MR. HOOPER: Now, I see the time and I'm going to move on to
22 another subject, so if that's convenient to your Honour, I'll recommence
23 my questions tomorrow at 9.00.

24 PRESIDING JUDGE COTTE: (Interpretation) I think that would be
25 wise, Mr. Hooper. We will continue tomorrow morning at 9.00 a.m.

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1 Thank you, Mr. Mbomba, for this first part of your testimony. We
2 are going to rise now, and we will reconvene tomorrow morning at
3 9.00 a.m. and continue with Mr. Hooper's examination-in-chief.

4 Court Usher, please lead the witness out of the courtroom.

5 See you tomorrow, Mr. Witness.

6 (The witness stands down)

7 PRESIDING JUDGE COTTE: (Interpretation) I would like to thank
8 all those who have given us assistance this morning, interpreters,
9 stenographers, and various technicians, without whom this hearing would
10 not be possible.

11 We stand adjourned and we will reconvene tomorrow at 9.00 a.m.

12 The hearing ends at 1.26 p.m.

13 CORRECTIONS REPORT

14 The Court Interpretation and Translation Section has made the following corrections
15 in the transcript:

16 *Page 74 lines 4 to 9

17 "we heard that fighting had broken out in
18 Bogoro, serious fighting, between Ngiti fighters and the UPC. And I
19 personally saw as proof Commander Yuda who was wounded in the course of
20 that fighting, and he was treated in Aveba. But I saw him personally in
21 Gety and he had a bandaged hand. He was wounded and had been wounded
22 during the fighting in Bogoro."

23 Is corrected by

24 "we heard that apparently fighting had broken out in Bogoro, serious fighting,
25 between Ngiti fighters and the UPC. And I personally saw as proof Commander

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- 1 Gildas who had been wounded in the course of that fighting, and apparently he was
- 2 treated in Aveba. But I saw him personally in Gety and he had a bandaged hand.
- 3 He had been wounded during the fighting in Bogoro.”