

1 International Criminal Court
2 Trial Chamber II - Courtroom I
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial hearing
9 Thursday, 15 September 2011
10 The hearing starts at 9.12 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 persons.
16 We're running a bit late, because you will have understood, obviously,
17 that we've had some problems with the transcript. Not that the court
18 reporter is absent. On the contrary, they're with us today, obviously.
19 Soon, I have been told, we'll have the French script available to us.
20 For the time being we only have the English one, which I imagine would
21 not give rise to too many problems to the French-speaking persons amongst
22 you, because we're going to speak mostly about protective measures that
23 have been asked for.
24 Indeed, the -- Mr. Mathieu Ngudjolo's Defence team submitted to
25 the Chamber application 3154, dated 14 September 2011, asking for the

1 granting of procedural protective measures to Witnesses D03-0963, who is
2 about to come into the room, and D03-0965, the witness after that one,
3 the second witness. The Defence team has stated that the VWU has
4 informed them that in the course of their familiarisation process, these
5 two witnesses who are considered to be vulnerable expressed the wish of
6 having their identity protected in respect of the public. The Defence
7 team has underscored, and I quote, "that these testimonies are essential
8 for the accused as they demonstrate his innocence." However, the Defence
9 team does indicate that it is in no position to provide any further
10 information, because it has not been authorised to enter into contact at
11 this particular juncture with the two witnesses.

12 Considering the urgent nature of this matter, the application
13 from the Defence having been received yesterday, on the eve of the
14 testimony of Witness D03-0963, the Chamber informally consulted the unit
15 without waiting to have your possible observations from the parties and
16 participants. The unit was only in a position to convey its opinion
17 yesterday, and that opinion only concerns Witness D03-0963 who is giving
18 testimony this morning. Therefore, this decision will only concern that
19 single witness.

20 The unit indicated that it is apparent from its conversation with
21 D03-0963 that the latter does not feel that he will have any security
22 risks by dint of his cooperation with the Court -- that she, that she, is
23 not going to have any security risks by dint of her cooperation with the
24 court. However, it would seem that the apprehensions that that witness
25 does feel are related with the presence of public in the gallery, and

1 that the witness is afraid that the presence of public may increase the
2 stress she feels and therefore her health problems. The witness has
3 apparently also declared that she only wished for measures of face
4 distortion to be adopted but does not believe that it would be necessary
5 to have her voice altered.

6 The unit has no information indicating the existence of any
7 potential threats against that witness.

8 The Chamber should like to stress that the unit had already
9 warned it about the extreme vulnerability of that witness, particularly
10 in the report transmitted by the psychologist. Indeed, it is apparent
11 from that report that Witness D03-0963 is highly impressed, perhaps even
12 upset by travelling to The Hague, and even more so probably by the
13 prospect of bearing testimony before this Chamber.

14 So in light of the information available to us, the Chamber
15 therefore feels that it would be wise for the witness to be able to come
16 into the courtroom and leave the courtroom in a closed session so as
17 never to be exposed to people in the public, in the public gallery. This
18 is the type of measure which would seem to be conducive to protecting the
19 psychological well-being of the witness, and therefore the Chamber
20 suggests that in the first stage the witness be brought into the
21 courtroom in a closed session and then we will move into a private
22 session in order to explain to her the measures that are taken to take
23 into account her stress, to reassure her and to determine, which is what
24 we hope will happen, whether she's ready to bear witness without any
25 other protective measures being necessary.

1 Moreover, the Chamber indicates that it does wish to heed the
2 recommendations from the psychologist of the unit, to wit throughout her
3 testimony there will be a member of the unit sitting next to the witness
4 to give her assistance as we have done for previous witnesses. Also,
5 should her state of stress or distraction require a break, the witness
6 will be entitled to such a break. Third, the literacy skills of the
7 witness are limited, and therefore a member of the unit will provide all
8 the necessary assistance to her for reading any documents that may be
9 presented to her, it being stressed that one should avoid asking the
10 witness to spell anything out or to write anything.

11 Finally, the parties and participants are invited to formulating
12 their questions as simply as possible by using short sentences, avoiding
13 concepts that would be too abstract. This is obviously meant to, in any
14 case, facilitate the work of the interpreters towards Lendu. And
15 yesterday we were told about the difficulties that they may encounter in
16 the discharge of their duties.

17 We will now move to a closed session unless there are any
18 objections, but I don't believe there are. We will use closed session.
19 We shall be using very short sentences. We shall try and endeavour to
20 make ourselves very clearly understood in order to tell her about the
21 measures that are taken which are likely to meet most of her concerns,
22 her essential concerns.

23 Any objections from any of the parties and participants? Fine.
24 We shall make an attempt, therefore. If it were to -- if it turned out
25 that the witness experiences too many difficulties, then we would go back

1 to the classical array of protective measures available to us.

2 So, Court Usher, we shall moved into closed session for the

3 witness's entry into the courtroom and then private session to tell her

4 about the protective measures and then public session for the beginning

5 of the examination-in-chief.

6 (Closed session at 9.21 p.m.)

7 (expunged)

8 (expunged)

9 (expunged)

10 (expunged)

11 (expunged)

12 (expunged)

13 (expunged)

14 (expunged)

15 (expunged)

16 (expunged)

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18 (expunged)

19 (expunged)

20 (expunged)

21 (expunged)

22 (expunged)

23 (expunged)

24 (expunged)

25 (expunged).

- 1 (Private session at 9.25 a.m.)
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7 (Open session at 9.28 a.m.)

8 COURT OFFICER: (Interpretation) We are now in open session,
9 your Honour.

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
11 Court Officer.

12 So, madam, as we do for every witness, I will ask you to give us
13 your name and your first name, please.

14 THE WITNESS: (Interpretation) My name is Jeanne.

15 PRESIDING JUDGE COTTE: (Interpretation) And what is your name?
16 Jeanne is your first name, but what is your last name?

17 We haven't had any interpretation of the witness's answer. Are
18 there any difficulties?

19 THE INTERPRETER: The Lendu interpreter has asked for the witness
20 to repeat her answer.

21 PRESIDING JUDGE COTTE: (Interpretation) Madam, I will ask you,
22 please, to repeat your last name, which was not understood by the
23 interpreters. Take your time, please. You have already given us your
24 first name, Jeanne. Now we need to hear your last name. Thank you.

25 THE WITNESS: (Interpretation) My name is Lissi.

1 PRESIDING JUDGE COTTE: (Interpretation) Do you have another
2 name? Is your name Jeanne Lissi, or is there another name that goes with
3 Lissi?

4 THE WITNESS: (Interpretation) Another name is Marianna.

5 PRESIDING JUDGE COTTE: (Interpretation) For the time being, we
6 will leave it at "Jeanne Lissi."

7 Madam, can you tell us your birth date and the place where you
8 were born, please.

9 THE WITNESS: (Interpretation) I was born on the 23rd of April,
10 1957.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
12 And can you tell us the locality in which you were born?

13 THE WITNESS: (Interpretation) I was born in Bogoro.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
15 Do you currently have a profession, and, if so, what is that profession?

16 THE WITNESS: (Interpretation) In my life I have grown crops,
17 but at the moment I am an assistant. I am a midwife in a maternity ward.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
19 And in what maternity service, in what town, in what village? In what
20 locality do you carry out your profession as midwife?

21 THE WITNESS: (Interpretation) I practice my profession of
22 midwife in Kambutso.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
24 madam. You have answered the questions I asked you very well. You have
25 spoken slowly and that is very good.

1 What we would ask you to do is to continue in that way. Speak
2 slowly, articulate clearly, speak loudly. That is very important for the
3 interpreters who will interpret to us what you are saying.

4 THE WITNESS: (Interpretation) Yes. I have understood very
5 well.

6 PRESIDING JUDGE COTTE: (Interpretation) You have in front of
7 you a glass and a jug of water. If you are thirsty, please drink. And
8 if you would like to use tissues, please use them. The glass and the
9 tissues are there for your use.

10 THE WITNESS: (Interpretation) Yes. I have understood very
11 well.

12 PRESIDING JUDGE COTTE: (Interpretation) Very good. Now, madam,
13 Ms. Jeanne Lissi, before beginning your testimony, you must make an
14 undertaking to speak the truth. This is a solemn undertaking. I will
15 read the wording of that undertaking slowly so that you can fully
16 understand its importance.

17 "I declare -- I solemnly declare that I will say the truth, the
18 whole truth, and nothing but the truth."

19 Have you heard me clearly?

20 THE WITNESS: (Interpretation) Yes, I have understood clearly.

21 PRESIDING JUDGE COTTE: (Interpretation) So, Ms. Jeanne Lissi,
22 do you undertake to say the truth, the whole truth, and nothing but the
23 truth?

24 THE WITNESS: (Interpretation) I solemnly declare that I will
25 say the truth, the whole truth, nothing but the truth.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you, madam. You
2 have just undertaken to say the truth, the whole truth, nothing but the
3 truth.

4 If during your testimony or in answering the questions asked of
5 you you do not say the truth, you must know that you could be tried
6 before the International Criminal Court for false testimony, and if that
7 offence were proved, you could be convicted of it.

8 Once again, have you understood me clearly?

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

10 PRESIDING JUDGE COTTE: (Interpretation) The Court takes notes
11 that the provisions of Article 69(1) of the Statute and Rule 66(1) and
12 (3) of the Rules of Procedure and Evidence have been satisfied.

13 Once again, as you are already doing very well, we would ask you
14 to speak loudly, slowly, and to wait five seconds before answering a
15 question. And we would also ask you not to speak outside this courtroom
16 about the testimony that you are going to give today. You are giving
17 your testimony to this court. And we would also ask you not to change
18 languages. You are speaking Lendu. Therefore, please continue to speak
19 Lendu throughout your testimony.

20 You will observe that we have to speak slowly because the
21 interpretation is a little more difficult today. For the two Defence
22 teams it will be fairly easy to see the interpreters, and they will be
23 able to make signals to you if you are speaking too quickly. When the
24 time comes, we will see what we do with regard to the Office of the
25 Prosecutor.

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1 But, please, interpreters in Lendu, do not hesitate to interrupt
2 us if necessary.

3 So, Mr. Kilenda, if you are going to be conducting the
4 questioning, you have the floor.

5 MR. KILENDA: (Interpretation) Thank you, Mr. President. Thank
6 you for giving me the floor, Mr. President. Good morning, Mr. President,
7 your Honours.

8 Questioned by Mr. Kilenda:

9 THE INTERPRETER: Mr. Kilenda spoke in Lendu which was not
10 translated.

11 THE WITNESS: (Interpretation) Are you well yourself, counsel?

12 MR. KILENDA: (Interpretation)

13 Q. Yes, I'm very well.

14 MR. KILENDA: (Interpretation) For the sake of the Court, I was
15 simply saying "hello" in Kilendu. You always learn something new on this
16 case.

17 Q. We saw each other recently in Bunia, and I said to you that if
18 everything went well, one day you would come to The Hague with regard to
19 the case of Mathieu Ngudjolo. And as I also said to you, you would come
20 to explain certain things that you experienced to the Judges, and here
21 you are today before the Judges. Do not be afraid. Questions will be
22 asked of you by ourselves, by the neighbouring Defence team, by the
23 Office of the Prosecutor, and by our learned friends the Legal
24 Representatives of the victims.

25 A. Yes. I have understood very well.

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1 Q. Please make yourself at home, as the Presiding Judge said. Do
2 not be afraid of anything. Say what you know. If you do not know
3 something, simply say that you do not know.

4 As I told you in Bunia, people come here to speak the truth, and
5 the Presiding Judge reminded you of this.

6 I'm going to ask you a few questions on behalf of
7 Mathieu Ngudjolo's team, and your answers are to be addressed to the
8 Court, to the three Judges before you, because they need those answers in
9 order to hand down a judgement one day.

10 Mama Jeanne, the Presiding Judge asked you questions about your
11 profession, and I heard that you are a midwife in Kambutso. Is that
12 correct?

13 A. Yes, that is correct. I said the truth.

14 Q. And since when have you been a midwife in Kambutso?

15 A. I began that work when we left Dele to go to Kambutso. This is
16 when I began to work as a midwife.

17 Q. And what year was that?

18 A. Please excuse me. I -- I really forget when I began that work.
19 Maybe I'll remember later, and I'll tell you if I do.

20 Q. That's fine. You told us that you worked in the maternity ward
21 in Kambutso. Since when has that maternity service existed?

22 A. The Kambutso maternity unit was set up at the time of the white
23 people. Because the place is very small, they opened up these centres to
24 help the population in Kambutso. It was, in particular, during the
25 period of the war.

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1 Q. Who opened that centre?

2 A. I'm sorry, I didn't understand the question very well. Could you
3 please repeat it.

4 Q. Who opened the centre where you work today?

5 PRESIDING JUDGE COTTE: (Interpretation) It may be, madam, that
6 there are questions that you cannot answer either because you do not know
7 or because you do not remember. In that case, you must simply say so.
8 Tell the person asking you the question. You have heard that what we
9 would like is for you to tell us the truth, but if you do not know, you
10 do not know, and so in that case, simply answer the question simply that
11 you do not know or that you do not remember. But you always have the
12 option of taking the time to think about it.

13 THE WITNESS: (Interpretation) For the moment, I do not remember
14 that period, and I do apologise.

15 MR. KILENDA: (Interpretation)

16 Q. Mama Jeanne, why did you leave Dele?

17 A. We left Dele because of the war. We fled because we were
18 refugees.

19 Q. Mama Jeanne, when your maternity unit was opened, when your
20 centre was opened, who were you working with? Can you give us the names
21 of the people you were working with?

22 A. Yes, I can give you the names of the people that I was working
23 with.

24 Q. Could you please give them.

25 A. We were working with Longadi, and we also worked with Kiza, and

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1 we worked with Ngudjolo.

2 Q. Is that all?

3 A. The president, the person who was the president of our centre,
4 was called Likpa Gustave.

5 Q. For how long did you work with Mathieu Ngudjolo?

6 A. We worked with Ngudjolo for a whole year, and the second year we
7 didn't work the whole year with him. That's all I can say.

8 Q. Are you still working with Ngudjolo today?

9 A. I haven't yet seen him.

10 Q. When did Ngudjolo leave your centre?

11 A. Ngudjolo left the centre after the attack on Bunia.

12 Q. Do you see Ngudjolo in this room? With the authorisation of the
13 Presiding Judge, you may stand up, look around the courtroom, and point
14 out Ngudjolo to us if you can see him.

15 PRESIDING JUDGE COTTE: (Interpretation) Please do not hesitate
16 to stand up, madam, if you so wish.

17 MR. KILENDA: (Interpretation)

18 Q. Can you see him?

19 A. Yes, I've seen him. I have seen him. I have seen him over
20 there. That's where he is, at the back, at the back of the courtroom.
21 There he is.

22 Q. Thank you. Mama Jeanne, in your maternity unit, in your centre,
23 what exactly does your work consist of?

24 A. My work in the maternity unit is to help women who are giving
25 birth.

1 Q. Did you work alone? Did you help women to give birth by
2 yourself, or did you work with other personnel?

3 A. At the beginning, I worked all by myself in the maternity unit.
4 There were other colleagues, but I worked alone in the maternity unit at
5 that time.

6 Q. And when you had a problem, when you were by yourself, what did
7 you do?

8 A. When I saw that the situation was difficult, that the labour was
9 problematic, I would call other colleagues who were on duty, and I can
10 quote their names. For example, I would call on Kiza from our service,
11 and I would also call on Ngudjolo.

12 Q. Can you give us an example, a case where you called upon
13 Mathieu Ngudjolo?

14 A. Yes, I can explain.

15 Q. Please kindly explain to the Chamber.

16 A. Yes, it's true that I was having a hard time of it. A woman was
17 brought to me, and this woman was brought in at night. This lady was
18 with her husband. I took the lady to the maternity room, to the delivery
19 table. I tried to examine her, and I noticed that the lady had travelled
20 quite a long way. I tried to touch the woman, and she was no longer
21 moving when she was on the delivery table.

22 So, you see, I was brought the woman at 4.00 in the morning, and
23 that lasted for about an hour. I still really didn't have any follow-up,
24 and I saw that the lady was very close to giving birth. I could almost
25 feel the head of the baby, and I said to myself, What am I going to do?

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1 The lady wasn't moving. And that day in the centre there was Philippe
2 who was working, Philippe Longadi. So Philippe is really not in the
3 habit of working in the delivery room. He isn't accustomed to that work.
4 So I really was having a very hard time of it, and I said to myself, What
5 do I have to do? I'm going to call someone else. So I called upon
6 Ngudjolo, because he's already worked in larger medical centres.

7 The woman wasn't moving, so, you see, it was very difficult. I
8 had to call upon someone, and so that person was Ngudjolo. I called upon
9 him so he would come and help me.

10 Q. So Ngudjolo came and then what happened?

11 MS. FROLICH: Mr. President.

12 PRESIDING JUDGE COTTE: (* No interpretation)

13 MS. FROLICH: I let this question slide, but it is a suggestive
14 question, Mr. President. I would like to object to any further
15 suggestive questions being put on this topic, only open-ended, quite
16 neutral questions. Thank you.

17 PRESIDING JUDGE COTTE: (Interpretation) Very well.

18 Mr. Kilenda, please ask open-ended questions, and remember, we
19 must speak slowly, and this will help everyone prepare their questions
20 without any risk of objections. So we will now give you the floor,
21 Mr. Kilenda, so that you can continue with the testimony, so we can
22 continue hearing this account.

23 THE INTERPRETER: Message from the interpreters: Please remember
24 to only speak two or three sentences at a time for our Lendu
25 interpreters. Thank you.

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

2 Q. Jeanne, more or less, when did this happened? Could you tell us
3 approximately when this happened?

4 A. We worked with him from 4.00 in the morning until 6.00 in the
5 morning.

6 Q. Yes, ma'am. Do you remember which day it was?

7 A. I'm sorry. Are you asking about the date, the year? Is that
8 what your question is about?

9 Q. Exactly. That's exactly right, ma'am. That's what I'm asking
10 you.

11 A. You mean the year? It was on the 24th of February, 2003.

12 Q. Ma'am, could you please explain to the three Judges why you
13 remember that particular date?

14 A. I remember that date because there was gunfire all over the
15 place. There was noise, the noises of war. That's why I remember that
16 particular date. It was from Bogoro.

17 Q. Thank you, ma'am. Could you explain to us -- I'm sorry. Ma'am,
18 could you tell us about the various buildings of the health centre? What
19 do they look like?

20 A. I'm sorry. I apologise. I'll try to remember. I don't quite
21 remember, but I will try.

22 Q. That's not a problem, ma'am. Please just tell us, does the
23 centre that you work at still exist? I'm talking about the maternity
24 unit. Is it still there? Is it we were to go to your place in Kambutso,
25 would we still find that maternity unit there?

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1 A. Yes, the maternity unit still is there. I've left the maternity
2 unit to come here, but I still work there.

3 Q. Thank you very much, ma'am. I have no further questions for you,
4 and I thank you for coming here to explain to the Judges what you know,
5 and I thank you.

6 MR. KILENDA: (Interpretation) Your Honour, I have concluded my
7 examination-in-chief.

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

9 Mr. O'Shea, would you like to now proceed? In any event, you do
10 have the floor.

11 MR. O'SHEA: Mr. President, your Honours, I have no questions.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
13 Mr. O'Shea.

14 Prosecutor, please take a few moments to prepare if you wish to
15 do so.

16 MS. FROLICH: Yes, indeed. Just a few moments, Mr. President.
17 Thank you.

18 PRESIDING JUDGE COTTE: (Interpretation) Take your time.

19 Questioned by Ms. Frolich:

20 Q. Good morning, Madam Witness.

21 A. Good morning.

22 Q. You might recall my face. We met last week during a meeting to
23 say hello to each other, and my name is Ruth Frolich, and like I told you
24 last week, I will be asking you some questions on behalf of the Office of
25 the Prosecutor today.

1 A. Yes, I've understood that.

2 THE INTERPRETER: Message from the interpreters: Please remember
3 to ask -- to only give two or three sentences at a time to facilitate the
4 work of our Lendu interpreters. Many thanks.

5 MS. FROLICH:

6 Q. And like you -- like you were already told, since you're speaking
7 in Kilendu, we will try to speak in short sentences, and I will try to
8 keep my questions to you short. I hope that is clear, madam. And I ask
9 that you listen carefully to my questions and respond to those questions.
10 Is that clear, madam?

11 A. Yes, I've understood.

12 Q. And if there is ever anything that you do not understand in any
13 of my questions, please let me know and I will try to rephrase the
14 question or explain to you what I mean. Is that clear?

15 A. Yes, I've understood.

16 Q. All right. So let me first ask you just a few additional
17 questions about your background, and my first question is, you are of
18 Protestant religion. That's right, isn't it?

19 A. Yes, I am a Protestant, and I'm truly telling you the truth.
20 That is really the truth. Even before God I am telling you this.

21 Q. And -- and I fully accept that, madam, and my questions are at
22 this point just to clarify certain things. And my next question is: You
23 attend the CECA 20 church. You're a member of that church in Kambutso;
24 is that right?

25 A. Yes, I am a member of that church, the CECA 20 church, and I am a

1 Protestant. I even have been baptised in the Protestant church.

2 Q. And you also attended that church when you lived in Bogoro.

3 That's right, isn't it?

4 A. I'm still going to that same church, the CECA 20 church. Are
5 people to change churches?

6 Q. Not at all, madam. Like I said, my questions are not meant to
7 confuse you. And I will ask you about the time you lived in Bogoro. You
8 lived there until you were 16 years old; is that correct?

9 A. Yes, that's right, indeed. What I'm telling you is the truth.

10 Q. And after you left Bogoro, did you go to live in Kambutso
11 directly afterwards, or did you go live somewhere else?

12 A. When I left Bogoro, I went to Dele. From Dele we went to
13 Kambutso because of the war. We fled.

14 Q. And when you say you fled Dele because of the war, do you recall,
15 do you remember, which year that was that you left Dele to go to
16 Kambutso?

17 A. I don't remember exactly what the date was, the date we left Dele
18 to go to Kambutso. I don't really remember. I have no idea, and I'm
19 really very sorry. I apologise. I'm sorry I've forgotten that.

20 Q. So to be clear, you do not recall the month, the day, or the year
21 when you went -- you left Dele to go to Kambutso. Just to be completely
22 clear, madam.

23 A. Yes, we left Dele, and we went to Kambutso in 2001. I remember
24 that. It was in 2001. That's when I got to Kambutso, because first of
25 all, we fled -- really, I've forgotten. I've forgotten the place. From

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1 there I went to Kambutso in 2001.

2 Q. And, madam, just to be clear, you -- you are now -- excuse me.

3 You are a midwife, and would you be able to tell us how many years of
4 experience you have as a midwife?

5 A. Well, I can say I started that work sometime between the year
6 2000 and 2001. I got there, and I was directly assigned to that work.
7 That was in 2001.

8 Q. And I would be correct to say that you cannot recall the day, the
9 month -- or the month when you started your work as midwife? You cannot
10 recall that, or would I be wrong in saying that?

11 PRESIDING JUDGE COTTE: (Interpretation) Ma'am, if you can't
12 remember what you're trying to remember, could you try to relate that
13 moment to other events so that you can give an answer to the Prosecutor?
14 If you can't remember the exact date, perhaps you could remember that
15 point in time in relation to other important events in your life. But if
16 you don't remember, just say that you don't remember.

17 THE WITNESS: (Interpretation) I have completely forgotten, that
18 is true.

19 (Prosecution counsel confer)

20 MS. FROLICH:

21 Q. Madam, as midwife, in any case, you have many years of
22 experience, and you have delivered many babies. Isn't that right?

23 A. What I tell you is this: When I work, it's always two of us
24 helping in the delivery, and usually there's a person who takes down the
25 date of the baby who is born immediately. This is why I don't have the

1 date myself, and I should like to apologise for that.

2 Q. Madam, there is nothing to apologise about, but if you would --
3 would not mind just listening to my question. My question was: During
4 all these years that you have worked as a midwife, you have delivered a
5 lot of babies. That would be fair to say. You would agree with me that
6 you delivered a lot of babies?

7 PRESIDING JUDGE COTTE: (Interpretation) I believe, ma'am, that
8 this question is not really one where your exact memory of the event is
9 required. I would imagine you do have some information to give to the
10 Prosecutor. She is referring to your profession, to what you did every
11 day, your beautiful profession. So this is something which normally
12 should conjure up memories and should enable you to give some information
13 even if it is only approximate information. You do not have to give
14 perfectly accurate information. What we want you to do is obviously to
15 tell us the truth but even in a schematic way.

16 Throughout these years of professional life, you helped in the
17 delivery of many babies. I'm asking this question: Did you help in the
18 delivery of many babies, or was this an activity which was not very
19 important, there were not many babies delivered? This is, I believe,
20 what the Prosecutor wishes to know, and if you have something to say
21 about that, it would be very helpful.

22 We only have some 20 minutes left for the hearing. After that
23 there will be a break for you to rest, but this last question, it is
24 important that you should give us some information. Please think about
25 it.

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1 The Prosecutor is not asking you for the exact number of children
2 you have helped to deliver but just an order of magnitude, an approximate
3 order of magnitude.

4 THE WITNESS: (Interpretation) Your Honour, Honourable Judges, I
5 should like to ask for your forgiveness. At times I forget things. I
6 believe that it is only normal, and I should like to apologise for that.

7 PRESIDING JUDGE COTTE: (Interpretation) Well, then I believe
8 the Prosecutor will be asking other questions, and if she wants to, she
9 may revert to this particular question a bit later in the course of her
10 cross-examination. She would be able to reformulate that question again
11 once all of these things have become clear in your mind or once you feel
12 better and less tired.

13 MS. FROLICH:

14 Q. Madam, please -- please take it from me that I do understand why
15 you would feel this way, and I -- this was -- these events were a long
16 time ago, and it is difficult to remember things that happened such a
17 long time ago, isn't it? Isn't that right?

18 A. That is correct. It goes back a long time.

19 Q. And indeed, it's also very difficult to remember specific dates
20 and events of those dates that happened such a long time ago; isn't that
21 right?

22 A. That is right. I am really doing my best to try and recover
23 those memories, but I have totally forgotten, and I do not have an exact
24 answer to give you.

25 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor, I

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1 should like to make a suggestion to you if I may. In the light of the
2 difficulties we are encountering for the time being, and also in light of
3 the fact that the Lendu interpreters are only two and not four as is
4 normal for the other languages, I was wondering, therefore, whether we
5 should not have a 40 rather than a 30-minute break, unless you were to
6 have any objections thereto. I would move that we suspend now. It is
7 about a quarter of 11.00, and I would suggest we return at 25 past 11.00.
8 Twenty-five past 11.00 we shall reconvene. And the witness after this
9 first part of the hearing perhaps will be in a better position to tackle
10 the second part of the hearing. The interpreters will also have a rest,
11 and we hope to put that time to the best possible use.

12 Have you any objections to that, Prosecutor?

13 MS. FROLICH: None at all, Mr. President. We can take the break
14 now. I have no -- no objection at all to that way of proceeding. Thank
15 you.

16 PRESIDING JUDGE COTTE: (Interpretation) Very well, then. Thank
17 you.

18 Ma'am, Witness, we shall stop now for some 40 minutes. We will
19 reconvene at 11.25, at 11.25 on the dot, obviously so that our work can
20 be reconvened properly. In the meantime you shall have a rest, you may
21 have something to drink, and when you come back into this courtroom you
22 will answer the questions of the lady Prosecutor who will have other
23 questions to ask of you. You will think in the meantime about this last
24 question that she asked you and perhaps you will be in a position better
25 to remember the approximate number of children that you have helped

1 deliver or that you have delivered personally.

2 Court Officer, we shall now move into closed session to enable
3 the witness to leave this room, the courtroom, together with the person
4 accompanying her in totally -- in conditions of utter secrecy.

5 (Closed session at 10.42 a.m.)

6 (expunged)

7 (expunged)

8 (expunged)

9 (expunged)

10 (expunged)

11 (expunged)

12 (expunged)

13 (expunged)

14 (expunged)

15 (expunged)

16 (expunged)

17 (Open session at 10.43 a.m.)

18 COURT OFFICER: (Interpretation) Your Honour, we're now in
19 public session.

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
21 Court Officer.

22 Madam -- Madam Prosecutor, the information that we had received
23 from the unit -- the information we had received from the unit made us
24 think that the witness perhaps at times may be a little bit distracted or
25 overwrought. I don't know whether that is the case or whether it is your

1 questions that created some problems for her. Be that as it may, wisdom
2 would have us interrupt our proceedings now and we shall see when she
3 returns whether she will be in a position to speak more fluently.

4 The hearing stands adjourned, and we shall reconvene at 11.25.

5 Recess taken at 10.44 a.m.

6 On resuming at 11.32 a.m.

7 (Closed session)

8 (expunged)

9 (expunged)

10 (expunged)

11 (expunged)

12 (expunged)

13 (expunged)

14 (expunged)

15 (Open session at 11.33 a.m.)

16 COURT OFFICER: (Interpretation) We're now in public session,
17 your Honour.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you, madam.
19 Good morning, madam.

20 THE WITNESS: (Interpretation) Good morning to you too.

21 PRESIDING JUDGE COTTE: (Interpretation) Well, we meet again for
22 a second part of the hearing in the course of which the lady Prosecutor
23 will continue putting some questions to you. Now, we hope that you have
24 had some rest and have been able to relax and, therefore, that you're now
25 in shape to answer the questions that are put to you.

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1 Prosecutor, please proceed.

2 MS. FROLICH: Thank you, Mr. President.

3 Q. Welcome back, Madam Witness. I hope you are feeling well and
4 ready to continue.

5 A. Yes, I am listening to you.

6 Q. All right. In that case, let me ask you a few questions on your
7 background that I omitted to ask you before the break. And I wanted to
8 ask you -- perhaps this is a bit of a painful subject so forgive me in
9 advance, but what is the name of your deceased husband, madam, because my
10 understanding is that you are a widow, and what is the name of your
11 deceased husband, please?

12 A. My husband's name was Ngabu.

13 Q. And did he have any other names except for Ngabu, if I heard you
14 correctly?

15 A. His name was Ngabu Losa.

16 Q. Madam, is one of his names perhaps Safari?

17 A. Are you talking about the names of my husband? I'm asking this
18 question because I'm afraid I haven't really understood. Are you asking
19 about other names of my husband?

20 Q. Yes, madam. Indeed, that is my question, all of the names your
21 husband that you know.

22 A. His name was Ngabu Losa Safari, Safari Losa.

23 Q. And, madam, of course you know Mr. Emmanuel Ngabu Mandro, also
24 known as Chief Manu, Chef Manu. That's right, isn't it?

25 A. Yes, I know Manu. I know Manu well.

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1 Q. In fact, Chief Manu is a relative of yours. Your mother and his
2 mother are sisters. Isn't that right?

3 THE INTERPRETER: The interpreters have asked for the question to
4 be repeated.

5 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor, would
6 you kindly rephrase your question. The Lendu interpreters have asked for
7 that to be done.

8 MS. FROLICH: Yes, of course.

9 Q. Madam Witness, your mother and mother of Chief Manu are sisters.
10 That's right, isn't it?

11 A. Yes, that is right. I want my explanation to be totally clear.
12 Is it Manu's mother's father? Would you re-explain that to me, please.

13 Q. What I'm simply asking you to do is tell us how you are related
14 to Chief Manu. Would it be correct to say that you and Chief Manu are
15 cousins? Would that be correct, madam? Or if it's not correct, then
16 please let me know how you are related if that is wrong.

17 A. I do not have the exact answer. I don't actually know what the
18 kinship is.

19 Q. That -- that is all right, madam. Just another question on your
20 husband. Has he died recently, madam? What can you tell us about that?
21 When did he die?

22 A. Yes, I can explain that. It wasn't long ago. He died in 2007.
23 He died in 2007 of his own natural death.

24 Q. And, madam, was your husband a member of the -- of a structure
25 called *comité de base*? Was he a member of that?

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1 A. His name was not to be found among the members of the *comité de*
2 *base* which you mentioned. I cannot tell you something I do not know
3 about.

4 Q. Madam, do you know what *comité de base* is? Do you know? Have
5 you heard about it?

6 A. I do not know about the *comité de base*. I do not have an answer
7 to give you about the *comité de base*, what you're asking me about.

8 Q. All right. Madam, I would be also correct in saying that you
9 know Mr. Déo Tchulo Lochubo. That's right, isn't it?

10 A. Mr. President, please excuse me. I cannot answer questions about
11 things I don't know. I do not know the answer to that question.

12 PRESIDING JUDGE COTTE: (Interpretation) I did hear you clearly,
13 the Prosecutor will continue with her questions.

14 MS. FROLICH:

15 Q. Just to be clear on that last answer, madam, are you saying that
16 you do not know that person, Déo Tchulo Lochubo, or that you do not have
17 an answer to give? Which one is it, do you know or do you not know that
18 person, madam?

19 A. I do not know this gentleman. I cannot talk about things I do
20 not know.

21 Q. You do know that Mathieu Ngudjolo has a brother by the name of
22 Déo? Do you know that?

23 A. I don't know personally. You need to say what you know, what
24 you're really familiar with. I don't know.

25 Q. Madam, perhaps I can -- maybe I can jog your memory on this.

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1 Mr. Déo Tchulo Lochubo was the vice-president of the committee of the
2 health centre of Kambutso where you work. Does that maybe refresh your
3 memory, madam? May I just add that perhaps you also known him by the
4 name of Déogratias?

5 A. Was he working with us in the health centre? I don't exactly
6 remember. I wanted to know whether he was a member of our committee in
7 the health centre in Kambutso. Was he working with us?

8 Q. My last question on this, madam, and please remember you are here
9 under oath to tell the truth. Do you or do you not remember the person
10 who is the big brother of Mathieu Ngudjolo and who was the vice-president
11 of the committee of the health centre in Kambutso? Yes or no, madam? It
12 is, I think, a very simple question.

13 A. The person who was president when I was working there was a
14 gentleman who was not called Lochubo. I remember that I worked with
15 Decho (* phon). Decho was the president at that time. That's all I
16 know.

17 Q. So you do, madam, remember someone who was called -- you said
18 Dechu (* phon)? I would suggest Dechubo (* phon), and this is the big
19 brother of Mathieu Ngudjolo. You do remember that? I know this is
20 difficult for you, madam, but you do know the big brother of
21 Mathieu Ngudjolo, don't you?

22 A. Mr. President, I beg your pardon. I cannot talk about what I do
23 not know.

24 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, indeed,
25 you should only talk about what you know, but listening carefully to the

1 questions which Madam Prosecutor is asking slowly and which are short
2 questions, perhaps you might remember a certain number of points or facts
3 which would be useful to her. So please give us answers, and the
4 Prosecutor and the Chamber will sort through them afterwards for what
5 might be useful to us or not.

6 And we thank you for the efforts you are making, because it is
7 difficult to give testimony. We do know this. You do, however, need to
8 make the greatest effort possible, and I believe you are doing that, to
9 answer the questions. Thank you.

10 Madam Prosecutor.

11 MS. FROLICH: Thank you, Mr. President.

12 Q. All right, madam. Now, I would like to ask you about something
13 that you have mentioned already. We mentioned this before the break,
14 that is, the situation of, as you put it, war, when you left from Dele
15 and arrived to Kambutso. And, madam, I would be right to say that that
16 was a very difficult time for you. That's right, isn't it?

17 A. There are times when you can forget to give precise answers. The
18 exact answer that I can give you now might not be very certain, and so
19 that is why, Mr. President, I am begging your pardon.

20 There was the attack, and that is why we left Dele to go to
21 Kambutso.

22 Q. Perhaps my question wasn't entirely clear, and I do apologise for
23 that, and I will try to maybe pose it a little more clearly and
24 accurately.

25 When you arrived to Kambutso, you and people in Kambutso, and, in

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1 fact, in the entire Bedu-Ezekere groupement, lived in difficult
2 conditions. That would be fair to say, wouldn't it, madam? Difficult
3 conditions of life you had. It was a war. It was a conflict --

4 A. Yes, that is right. Those -- that is quite right. The
5 conditions were very, very difficult for all of us.

6 Q. And a big reason why conditions were so difficult was because
7 there were many attacks going on, many attacks in Bedu-Ezekere
8 groupement. Isn't that right?

9 A. Yes, that is right.

10 Q. Madam, when was the last time that you spoke to Chief Manu?

11 A. I haven't spoken with Chief Manu. There was the attack. There
12 were conditions of war. We were living in the bush in difficult
13 circumstances.

14 Q. Perhaps again forgive me. Maybe I wasn't clear. I'm talking
15 about the more recent period. I am talking about have you seen -- you've
16 seen Chief Manu recently, haven't you? You live in Kambutso, and you
17 must have seen him recently. I'm not talking about the period of the war
18 that we discussed a few minutes ago. I am not talking about that period
19 now. I'm talking about a recent period, the last few months maybe.

20 A. I apologise. I don't understand your question.

21 (Prosecution counsel confer)

22 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, what the
23 Prosecutor would like to know is whether you have had occasion to meet
24 with Chief Manu and talk with him over the last few months. We're now in
25 2011. Have you seen him in 2011, or did you see him in 2010? That is

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1 the kind of information that the Prosecutor is asking you to give.

2 THE WITNESS: (Interpretation) Since Chief Manu made the trip to
3 The Hague, here, I have not seen him. I don't know what he's been doing.
4 I haven't encountered him.

5 PRESIDING JUDGE COTTE: (Interpretation) And before he made that
6 trip to The Hague, did you have occasion to meet him before he left?

7 THE WITNESS: (Interpretation) Manu lives in Kindia. How would
8 I cross paths with him? We live in separate areas. I have not met him
9 face-to-face.

10 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.
11 (Prosecution counsel confer)

12 MS. FROLICH:

13 Q. So, madam, if I understand you, you know that Chief Manu is --
14 was -- came here to court to testify. That's right, isn't it?

15 A. I understood that when I encountered him here at the victims'
16 service. I don't know when he began his trip to come here, but I did
17 catch a glimpse of him the day he left.

18 Q. And did you manage to talk to him when you saw him here in
19 The Hague, madam?

20 A. I learnt that he had left. I just learnt yesterday when he was
21 to leave, but I personally did not encounter him. We did not talk
22 together. I didn't see him. I do apologise.

23 PRESIDING JUDGE COTTE: (Interpretation) Please do not forget to
24 speak slowly, madam. Please do not forget to speak slowly so that what
25 you are saying can be properly interpreted.

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1 Madam Prosecutor, you may go ahead.

2 THE WITNESS: (Interpretation) Thank you.

3 MS. FROLICH:

4 Q. Forgive me, perhaps I misunderstood, but I thought you did say
5 that you could catch a glimpse of Chief Manu the day he left on the --
6 did you catch a glimpse of him? Where was this, madam?

7 A. I just learnt that he was about to leave, but I did not encounter
8 him face-to-face. When I was coming out of the toilets, I learnt this in
9 passing, but I did not see him.

10 Q. So, madam, you said that Chief Manu lives in Kindia. So do you
11 mean to say that you have not seen Chief Manu at all in the last year?

12 A. It's because we live in separate places. We don't live in the
13 same village as him. That is why I'm saying this. But I do want you to
14 forgive me.

15 Q. But, madam, please forgive me, but it's just -- could you answer
16 my question, madam. I understand that you live in separate places, but
17 did you or did you not see Chief Manu in the last year, madam?

18 A. I am not going to lie. As I have stated that I would -- I say
19 the truth, I will continue to speak the truth, and that is the truth.

20 MR. KILENDA: (Interpretation) Excuse me, Mr. President.

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

22 MR. KILENDA: (Interpretation) Thank you, your Honour. I did
23 not want to interrupt the Prosecutor, but I do have the clear impression
24 that all of these questions about Chief Manu have been covered, and I see
25 also that the witness has answered them exactly. So I think that perhaps

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1 we should now move to another line of questioning, because I am observing
2 that the witness's answers have stayed the same. That is only my
3 impression.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Kilenda.
5 We can but observe that the Prosecutor is moving forward with a great
6 deal of courtesy and tact and that she has a difficult task. We have the
7 impression that she is perfectly able to judge at what point in time a
8 given line of questioning should be put aside, taking into account the
9 possibility of obtaining further information from the witness.

10 Madam Prosecutor, at this point the witness has made reference
11 once again to the oath that she has taken to speak the truth, and that is
12 the only answer that she has given to your new attempt to obtain
13 clarification. Perhaps, indeed, you should move on, unless you feel it
14 is necessary to come back to these questions. We would not have any
15 objection to that, because we have understood that this is a complex
16 task. So you can repeat your question if you need to or come to it later
17 if you feel that it is simpler to build it into your line of questioning
18 then.

19 We give you the floor, but we do take note of what Mr. Kilenda
20 has said.

21 MS. FROLICH: Thank you very much, Mr. President. Let me
22 reassure the Chamber that it is my plan to move on at this point.

23 Q. Madam Witness, just one more question on your deceased husband.
24 Is his full name -- could it be Jean de Dieu Ngabu Safari? Is that his
25 full name, madam?

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1 A. Are you asking me about my late husband, my own husband? I would
2 like you to repeat the question, please. I haven't understood it very
3 well. Would you be able to repeat it so that I can answer you?

4 Q. Of course, madam. The full name of your late husband is, and I
5 will try to pronounce this slowly and carefully, Jean de Dieu Ngabu
6 Safari. That is his full name, madam? Yes or no?

7 A. This is a difficult question. I don't have an answer to give
8 you. I do apologise. I'm really quite lost at this question.

9 PRESIDING JUDGE COTTE: (Interpretation) Madam Witness, we will
10 perhaps try to orient you given that you are saying that you are lost.
11 Earlier, the Prosecutor asked you what your husband's name was, your
12 husband who is now deceased, and you told her that his name was, and I'll
13 look back at my notes, Ngabu Losa Safari. Is that correct?

14 THE WITNESS: (Interpretation) Mr. President, please excuse me.
15 For the moment, I have no answer to give you. I don't have an exact
16 answer to give you at the moment.

17 PRESIDING JUDGE COTTE: (Interpretation) We have taken note that
18 earlier today in response to some very short and simple questions, you
19 answered that your husband, who has passed away, was called Ngabu Losa
20 Safari. So we are of the opinion that that is your answer, and the
21 Prosecutor is just asking you whether your husband was also called Jean
22 de Dieu. Did some people call him Jean de Dieu? So there you have it.
23 It's a very simple question.

24 THE WITNESS: (Interpretation) I haven't learned that he was
25 called Jean de Dieu. I just gave the names that I am very familiar with.

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1 PRESIDING JUDGE COTTE: (Interpretation) Well, Prosecutor, we
2 have taken note of this answer, namely that the witness says that she is
3 unaware of other people calling him Jean de Dieu. She said that she just
4 gave the names that she knew him by, that she was quite familiar with.
5 So please proceed.

6 JUDGE DIARRA: (Interpretation) Do you know another person by
7 the name of Jean de Dieu? Have you ever heard about a person who goes by
8 the name of Jean de Dieu?

9 THE WITNESS: (Interpretation) Your Honour, I apologise. I
10 can't tell you something I don't know about. I don't have an exact
11 answer to give you, because I don't know.

12 JUDGE DIARRA: (Interpretation) I apologise.

13 PRESIDING JUDGE COTTE: (Interpretation) No, no.
14 Mr. Kilenda.

15 MR. KILENDA: (Interpretation) Your Honour, I don't want to
16 repeat what you said before the witness came into the courtroom regarding
17 the reports that you received from the VWU, but if we take that as our
18 basis, I think the parties and participants here must take into account
19 what you said earlier, and indeed, they should try to put specific
20 questions to the witness that don't seem to be -- not loaded questions or
21 questions with traps built into them.

22 Now, with regards to the husband of our witness, she has replied
23 that he died in 2007. Is the Prosecutor trying to insinuate that Ngabu
24 Jean de Dieu is the husband of the witness? I have no idea, but if that
25 is the case, I think you must note, your Honours, that we have said here

1 that that gentleman died in 2011, and I think that -- I have the floor.

2 I have the floor. It is the Presiding Judge who is running -- who is --

3 THE INTERPRETER: (* Overlapping speakers)

4 PRESIDING JUDGE COTTE: (Interpretation) The Prosecutor wishes
5 to raise a number of issues. They are admissible. We realise that you
6 are trying to make a point about dates, and we have certainly understood,
7 and I believe everyone is quite aware of this, that people should avoid
8 questions that are too abstract or overly conceptual in nature, and quite
9 clearly the Prosecutor is complying with those directives. We will let
10 her continue her cross-examination, which is -- you are not presenting
11 legal arguments at this particular point in time regarding the dates of a
12 person's death. This is --

13 MR. KILENDA: (Interpretation) Yes. I just want to stress that,
14 first of all, when the Prosecutor mentions facts, she needs a basis to do
15 so.

16 Secondly, I would like to point out to the OTP that you are
17 running the show here. You are running this trial. They have been
18 very -- you are the person in charge here. You are the policeman, so to
19 speak. You are the one who gives the floor to people, and I think that
20 really should be made extremely clear to the Prosecutor.

21 PRESIDING JUDGE COTTE: (Interpretation) I am fully aware of
22 that, Mr. Kilenda, and I am doing that particular task with relative
23 amounts of happiness, depending on the day, but I think you realise that
24 when someone has the floor and when remarks are made that upset the usual
25 procedure, it's not unusual for someone to rise and gesture to indicate

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1 that he or she wishes to intervene.

2 We now -- we shall now continue the hearing. All of us shall
3 play our respective roles and shall respect one another.

4 Now, Prosecutor, please proceed.

5 MS. FROLICH: Thank you, Mr. President.

6 Q. Madam Witness, does the name Kpenge mean anything to you, madam,
7 Kpenge?

8 A. Penge. I don't know Penge. I don't know who that person is.

9 Q. Madam, exceptionally I don't know if this is going to help you,
10 but I am going to spell out this name so that you know which name I'm
11 referring to. It is K-p-e-n-g-e, Kpenge, madam.

12 A. I don't know. I don't even know how that name is written. I
13 don't know. If you don't know something, you can't talk about that thing
14 that you don't know about. I don't know.

15 Q. Madam, earlier when you were -- when Mr. Kilenda was asking you
16 questions, it was mentioned that you met with him in Bunia a few months
17 ago. But that wasn't the first time that you met with representatives of
18 the Defence for Mr. Ngudjolo, is it? You met with them before.

19 A. It was so long ago that I saw them. There were several teams. I
20 was actually ill at one point, and there was another group that came. So
21 I don't know exactly what answer I can give you, and I apologise for
22 that.

23 Q. All right, madam. Well, you do not recall when, but the first
24 time that you met with a representative of the Defence of
25 Mathieu Ngudjolo, that was Mr. Lopa Koli, wasn't it? Christophe Lopa

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1 Koli. Am I right?

2 A. We did talk to the lawyer, the gentleman I see here. That
3 person, I ran into him and we did speak to him, but the other ones met
4 with me in the hospital when I was ill. With that person, we did have a
5 good conversation, yes.

6 Q. And this person that you had a good conversation with, first of
7 all, who is that person? Is that Mr. Lopa Koli? Am I to understand
8 that, madam?

9 A. Lopa came and visited me with a team of lawyers. Lopa was
10 present. I wasn't feeling very well, you see, so I didn't speak to those
11 people. But when -- well, the second time, the lawyer that is here, the
12 gentleman, when he did come, I did speak to him. I do know that.

13 Q. And when Lopa came and visited you with a team of lawyers, did --
14 did they tell you how they obtained your name, madam? How did they come
15 to find you in the hospital where you were ill?

16 A. Yes, they came and saw me at the hospital. They said that they
17 were coming to visit me and that they needed to ask me some questions. I
18 was getting a transfusion -- correction, a drip, and they just asked me
19 one little question, and when they noticed that I wasn't really feeling
20 very well, they didn't continue with their questions.

21 THE INTERPRETER: Interpreter correction: The witness was
22 speaking of receiving an intervenous drip, not a transfusion.

23 MS. FROLICH:

24 Q. Madam, you said a team of lawyers was there the first time they
25 came. Could you tell us the names of these people or could you maybe

1 point them out to us if they are here in the courtroom? Could you tell
2 us who were these people who came to visit you.

3 A. Really, that was a long time ago. I remember -- I remember --
4 all I remember is the lawyer who's here, but the other ones, I couldn't
5 give you their names. I really don't remember. It was an awfully long
6 time ago.

7 I can -- I can point them out right now.

8 Q. Madam, you said it was quite a long time ago, but you would agree
9 with me that was, in fact, quite recently that you saw them for the first
10 time, several months ago? That would be true, wouldn't it, several
11 months ago that you met them for the first time?

12 A. Of course. A few months ago, of course, but sometimes, you see,
13 there are times with one forgets things all of a sudden, and sometimes I
14 have a hard time and I forget things. So really, ma'am, I apologise to
15 you.

16 Q. There is no need to apologise, madam. You are here to tell the
17 truth. And I asked you this a little while ago, a few moments ago. I
18 was wondering how did this team of lawyers that came with Mr. Lopa Koli,
19 how did they know that they would find you in this hospital? Who gave
20 your name to this team, madam? Could you please answer my question.

21 A. I gave my name. I gave them my name when they came to see me.
22 That is true.

23 Q. Well, indeed. Madam, I understand that you introduced yourself
24 when you met with them, but how did they know -- how did they know they
25 would find you in a hospital? How did this team -- didn't you ask,

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1 madam? How did they know this, that you were there?

2 A. They asked the question when they came to the hospital, and
3 that's when they were told that I was inside, and so they came to where I
4 was. I was in my bed at hospital -- in the hospital, and they introduced
5 themselves to me.

6 THE INTERPRETER: Interpreter correction: "They first went to my
7 home, and people at my home told them that I was in hospital, and then
8 they came to visit me in the hospital." Correction from the Lendu booth.

9 MS. FROLICH:

10 Q. And, madam, just to be clear for the record, which hospital was
11 this? Where and what is the name of the hospital?

12 A. The hospital wasn't very far away from my house. It was in
13 Kambutso where I work, the Kambutso hospital.

14 Q. And, madam, do you recall the precise date on which this first
15 visit of the Defence team took place? If you can give us the exact day
16 and month, please.

17 Do you have an answer, madam, or if you do not remember, that is
18 all right.

19 A. I no longer recall. I no longer remember the date.

20 Q. Madam, yes, we have seen, indeed, today that you -- that you are
21 not very good with dates, and you do not remember almost any dates except
22 for the date of 24th of February, 2003. Now, madam, I know this is
23 difficult, but you are here to tell the truth, madam. Isn't it true that
24 this date was suggested to you by the Defence team? It was suggested to
25 you, wasn't it? It was given to you.

1 A. No. No. No. That's something I know myself. It wasn't someone
2 else who told me the answer.

3 Q. But, madam, on the 24th of February, 2003, you did not know I
4 would be asking you questions about that date today, just like on any
5 other dates that I asked you about, when you left Dele, when you started
6 your work, when you met with the Defence. You did not know that I would
7 be asking you questions on that, and it is difficult to remember, isn't
8 it, these things, and, in fact, you do not remember the dates.

9 A. I know that date because there was a lot of noise that day. I
10 wasn't told something. You see, there was gunfire that day and a lot of
11 noise.

12 Q. Madam, there was a lot of noise on many other days. It was a
13 time of conflict. There were many attacks. It was a time of maximal
14 disorder. That day, because of noise, does not stand out for you, and
15 you -- you are saying now that today, eight years later, you are able to
16 tell us exactly what happened on that day. Is that what you are saying,
17 madam?

18 A. Well, the events occurred, I agree. That day, it's true, there
19 was gunfire and a lot of noise that day. That is why I remember that
20 date. The other dates are the days I really don't have an answer to give
21 you because I don't know.

22 Q. Madam, just a little while ago, you told us there were numerous
23 attacks, that when there were attacks there was noise, madam. There were
24 other days it was noisy. Isn't that a fact, madam? That's what you told
25 us previously.

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1 A. I don't remember dates. It's difficult for me to remember dates.

2 Q. Madam, madam, isn't it a fact that you are here to testify
3 because you had no choice? You had to come and testify for
4 Mathieu Ngudjolo. Isn't that a fact, madam?

5 A. Yes, that's right. I came to testify, but if I don't remember
6 something, well, I don't have a memory. What am I to do?

7 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, your
8 question was not transcribed, and I think it's important for that to be
9 added. Or it may not have been entirely transcribed. Please continue
10 for the time being.

11 MS. FROLICH:

12 Q. My question to you, madam --

13 PRESIDING JUDGE COTTE: (Interpretation) It was interpreted but
14 not transcribed.

15 Please continue, Madam Prosecutor. I apologise for interrupting.

16 MS. FROLICH:

17 Q. Madam, you came here to say exactly what you said in court today,
18 because otherwise you would be considered as a traitor in your community,
19 as a traitor to the community and to Mathieu Ngudjolo. And I put that to
20 you, madam. That is why you are here today. Isn't that a fact?

21 A. If one forgets something, one does not remember, one has no
22 memory, what can one answer? I do not actually remember any of this.
23 This is why I ask to be excused.

24 Q. Madam, I thank you very much. Those were all my questions to
25 you. Thank you for your efforts and for the considerable difficulties

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1 that you -- you've gone through to answer my questions.

2 MS. FROLICH: Mr. President, I have no further questions.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
4 Prosecutor.

5 Sir, have you any questions to ask of the witness?

6 MR. GILISSEN: (Interpretation) Your Honour, Honourable Judges,
7 I have no questions to ask of the witness to the extent that I believe
8 that the interests that I represent are not concerned in this testimony.
9 Thank you very much indeed.

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

12 Mr. Luvengika.

13 MR. LUVENGIKA: (Interpretation) Good afternoon, your Honour,
14 Honourable Judges. I have no questions to put to the witness.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you, sir.

16 Questioned by the Court:

17 Madam Witness, the Bench would simply like to ask you to specify
18 again some of the time periods in that morning of the 24th of February,
19 2003, to which you referred.

20 If we had understood you correctly, you said a while ago that the
21 person who was coming to have her baby delivered arrived, and I'm
22 speaking from memory, around 4.00 in the morning, and you also said that
23 that lady could not move and that you were encountering many difficulties
24 in that delivery. And from memory also, I think I remember that you said
25 that you called one first person Philippe, and then Mr. Ngudjolo who

1 arrived around 6.00 a.m. Is this -- is this the exact chronology? Is
2 this the way it actually happened? First, the woman who was going to
3 deliver her baby came into the health post at 4.00 a.m. I think I'm not
4 mistaken. Second, you found the case difficult, you were encountering
5 difficulties, you asked for assistance, and Mathieu Ngudjolo arrived at
6 around 6.00 a.m. Is that the exact order of events?

7 A. That lady arrived around 4.00 in the morning, and I tried to help her all by myself.
8 I spent almost a whole hour with her. Mathieu Ngudjolo *joined me around 5.00
9 a.m. He helped me, and I tried to work with him together until 6.00 am, when the
10 lady gave birth. After the delivery, I took her to the treatment room, where Mathieu
11 Ngudjolo began treating her. We tried to give the appropriate medications so as to
12 save her life and save the life of the baby, but it was very difficult, because
13 unfortunately the baby died around 6.00 am - - 10.00 am. That is when I called
14 Mathieu Ngudjolo back.

15 THE INTERPRETER: Correction of the interpreter: At 10.00 a.m.

16 PRESIDING JUDGE COTTE: (Interpretation) Do you remember at what
17 time Mathieu Ngudjolo left the health post? More or less.

18 A. Are you asking me when Mathieu Ngudjolo left the hospital in
19 order to go back to his home?

20 PRESIDING JUDGE COTTE: (Interpretation) Yes. You worked together to assist
21 this lady in her delivery of her child. Do you know at what time Mathieu Ngudjolo
22 left the hospital or the health centre? Perhaps he stayed at the health centre. Just
23 answer this: Did he stay in the health centre or did he leave, and if he left, do you
24 remember more or less at what time he left?

25 A. He did not leave the hospital immediately. He stayed the whole

1 day there. It was Philippe who left the hospital and went back to his
2 place, whereas Mathieu Ngudjolo remained in the hospital the whole day.
3 When Philippe finally returned back to the hospital in the evening,
4 Mathieu Ngudjolo left the hospital and went back home then.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

6 Madam Prosecutor, the Chamber has felt the need to ask for two
7 clarifications. You do have now leave to ask other questions but within
8 the limitations of the questions I have put to the witness on behalf the
9 Chamber and in the light of the answers furnished by the witness.

10 MS. FROLICH: I have no further questions for this witness,
11 Mr. President. Thank you.

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

13 Mr. O'Shea?

14 MR. O'SHEA: No, Mr. President, no questions.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
16 Mr. O'Shea.

17 Mr. Kilenda.

18 MR. KILENDA: (Interpretation) Thank you, your Honour. I have
19 no further questions of the witness. You know our habitual request at
20 the end of the testimony of one of the witnesses for
21 Mr. Mathieu Ngudjolo. It only remains for me to convey to Madam Jeanne
22 our thanks, and I shall say so in Kilendu.

23 THE WITNESS: (Interpretation) Many thanks to you, but not just
24 to you, but to everyone in this courtroom.

25 MR. KILENDA: (Interpretation) Thank you very much indeed,

1 ma'am. I'm sure the Presiding Judge will allow us to come see you and
2 greet you personally, and once again here in *viva voce* we should like to
3 convey our thanks to you.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Kilenda.
5 Madam, you have come to the end of your testimony. We should like to
6 thank you for having come to The Hague. This is what I said when I first
7 bid you welcome. I wish you a safe return to your home, to the place
8 where you live.

9 At the end of this hearing, if you have no objections to that,
10 Mr. Ngudjolo and his Defence team should like to greet you and thank you
11 for your travel. May I remind you that everything that has been said
12 within this courtroom must be kept secret.

13 We shall now move into a closed session to allow you to leave
14 this courtroom in utter secrecy, and after that we will revert to an open
15 session. So good-bye, madam, and bon voyage.

16 THE WITNESS: (Interpretation) Thank you, Mr. President and all
17 of the team. Thank you indeed very sincerely.

18 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, may we
19 move into closed session, please.

20 (Closed session at 12.55 p.m.)

21 (expunged)

22 (expunged)

23 (expunged)

24 (expunged)

25 (expunged)

1 (expunged)

2 (expunged)

3 (expunged)

4 (Open session at 12.57 p.m.)

5 COURT OFFICER: (Interpretation) We're now in public session,
6 your Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Court Officer.

9 Is it therefore possible to already usher Witness 0965 into the
10 courtroom? Is it the same team?

11 MS. FROLICH: (* Previous translation continues) ...

12 Mr. President, and I would just ask if your Honour intends to proceed
13 with direct examination, then we would need to change teams. But if it
14 is only to swear in the witness, then we would stay as we are right now.

15 PRESIDING JUDGE COTTE: (Interpretation) Indeed, we were
16 thinking in terms simply of welcoming the witness and the
17 examination-in-chief would only be commenced tomorrow morning, but first
18 we need to know whether it is possible.

19 May I also point out that the witness, as I said this morning,
20 had initially expressed his intention via Mr. Kilenda of wanting to
21 benefit from protective measures. Last night we didn't have any specific
22 answer from the unit on that point. However, in the course of the
23 hearing, I did receive an e-mail pointing out to me that the witness has
24 changed his mind and now does not wish to enjoy any particular protective
25 measures.

1 As I was not certain that we would be in a position to welcome
2 him this morning, I did not convey that message to you before the
3 suspension of the hearing, but I now do so, which would therefore enable
4 us, indeed, to welcome this witness, 0265 -- or 0965, I beg your pardon,
5 0965, to ask for the usual identity details and to swear him in.

6 Court Officer, would you have any idea how long it would take for
7 the witness to get here?

8 COURT OFFICER: (Interpretation) We need a few minutes,
9 your Honour, for the witness to be able to come down from the unit.

10 PRESIDING JUDGE COTTE: (Interpretation) Perfect.

11 Mr. Hooper. Mr. Hooper? I'm hailing you, Mr. Hooper.

12 Taking into -- let's try to take advantage of this short pause.

13 On the assumption that the witness we shall now be welcoming concludes
14 his testimony tomorrow, the Chamber would not be in session next week,
15 however, it would reconvene on Monday, the 26th of September. I was
16 going to say 26th November, but I was jumping the gun. Really, it's the
17 26th September.

18 Mr. Hooper, so would you be in a position to begin the testimony
19 of Mr. Germain Katanga on Monday, the 26th of September?

20 MR. HOOPER: I would. I'm not here tomorrow. I have a dental
21 appointment tomorrow in London, and I'm not going to be here next week.
22 It would be a great favour to me, at least, if the Court didn't sit on
23 the Monday but on the Tuesday of that week. That would be the 27th.

24 PRESIDING JUDGE COTTE: (Interpretation) Very well. We can do
25 that. We could indeed, because yesterday you had envisioned the

1 3rd of October. Things may move forward a bit more speedily, and we
2 should keep the Monday should, obviously, the testimony not be concluded
3 tomorrow. So let us start with the idea that Germain Katanga's testimony
4 will begin on Tuesday, the 27th of September at 9.00. Thank you very
5 much, Mr. Hooper, and may everything go well with your dental
6 appointment, sir.

7 I'd like to share that concern with you. This is exactly how I
8 feel personally. The public may be surprised to see the scattering of
9 brains in this courtroom right now, but we're in an open session with
10 everyone.

11 Judge Diarra, the witness is on the way down, but as you know,
12 this is a tall building, and the lifts at times are rather slow.

13 Who is going to represent the Office of the Prosecutor, madam?

14 Mr. Garcia, who is going to represent the Office of the
15 Prosecutor tomorrow?

16 MR. GARCIA: (Interpretation) It will be Mr. Gilles Dutertre
17 from the Office of the Prosecution.

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

19 Court Officer, do we actually need to impugn the lifts of this
20 building, or do you have any other explanation? In any case, let me
21 reassure you it is not your fault.

22 Now, obviously it would be ideal if tomorrow we could complete
23 the testimony of this new witness in light of the fact that next week we
24 will not be convening. One could imagine that four hours would be
25 enough.

1 Very well, then. There is a problem that did arise somewhat
2 belatedly. The only protective measure this witness requires is to have
3 next to him an assistant, and this will be all the more necessary as his
4 literacy skills are very limited, and if per chance he were asked to read
5 out a document, or if indeed he had to spell out letters of somebody's
6 name, he would not be in a position to do so. So we hereby authorise the
7 presence of a person, as we just had with the previous witness, a person
8 sitting next to the witness who was just an assistant, both a
9 psychological and constant source of assistance, and to help that person
10 either read or write a document.

11 So, Court Officer, may we under these circumstances enjoy now the
12 presence of that witness, because it would be a pity not to swear him
13 in -- not to swear him in this morning. You may have noticed how calmly
14 I have expressed this wish to you.

15 COURT OFFICER: (Interpretation) Your Honour, the witness is on
16 his way. He shall proceed into the courtroom promptly.

17 PRESIDING JUDGE COTTE: (Interpretation) The recommendations
18 that had been made for the previous witness are also applicable to the
19 present witness -- or to the new witness. The questions are to be short.

20 Prosecutor, you will tell Mr. Dutertre that his questions should
21 be short, specific, to the point. The interpretation problems are
22 exactly the same. If it is necessary we shall have breaks or, in any
23 case, speak very slowly so that the Lendu interpreters are in a position
24 to be able to interpret from Lendu into French, or French into Lendu, or
25 English into Lendu, as the case may be.

1 (The witness entered court)

2 WITNESS: WITNESS DRC-D03-P-0965

3 (Witness answered through interpreter)

4 PRESIDING JUDGE COTTE: (Interpretation) Good afternoon, sir.

5 Can you hear me?

6 THE WITNESS: (Interpretation) Good afternoon to you, sir.

7 PRESIDING JUDGE COTTE: (Interpretation) Again I say good
8 afternoon on behalf of this Chamber and on behalf of all the people
9 present within this courtroom. We're very pleased to welcome you, and we
10 should like to thank you for coming from -- all the way to The Hague,
11 covering a long distance in order to give your testimony at the behest of
12 the Defence team for Mr. Mathieu Ngudjolo.

13 THE WITNESS: (Interpretation) Yes. And I should like to thank
14 everyone here as well.

15 PRESIDING JUDGE COTTE: (Interpretation) Witness, we will ask
16 you to speak, as you have been doing so far, very slowly, to enunciate
17 clearly, to speak loudly so as to enable the interpreters to do their job
18 properly and to enable the court reporters as well.

19 THE WITNESS: (Interpretation) Yes, I have understood fully.

20 PRESIDING JUDGE COTTE: (Interpretation) Very well, then. I
21 will ask you now to please give us your last name and your first name.
22 Speak loud and clear, please, so that we can understand you well. What
23 is your last name, sir?

24 THE WITNESS: (Interpretation) My name is Longa Linjukpa
25 Richard.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
2 sir. What is your date of birth and your place of birth, the locality,
3 the city, or the village?

4 THE WITNESS: (Interpretation) I was born on the 23rd of March,
5 1967.

6 PRESIDING JUDGE COTTE: (Interpretation) And can you tell us
7 where you were born, your place of birth?

8 THE WITNESS: (Interpretation) I was born in Noba (* phon).

9 PRESIDING JUDGE COTTE: (Interpretation) In the Democratic
10 Republic of the Congo. Thank you. Do you currently have a profession,
11 and if you have a profession, please tell us what that profession is.

12 THE WITNESS: (Interpretation) I am a crop farmer.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you. And
14 thank -- where do you grow crops, in what locality do you have your land,
15 the land that you cultivate?

16 THE WITNESS: (Interpretation) I am a crop farmer in
17 Bedu-Ezekere groupement in the locality of Lone.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, before
19 beginning your testimony, you are to make a solemn undertaking to tell
20 the truth. I am going to read you out the wording of that undertaking.
21 I want you to listen to it carefully, because it is important for you to
22 understand it properly. This is the wording:

23 "I swear that I will tell the truth, the whole truth, nothing but
24 the truth."

25 To be simple:

1 "I solemnly declare that I will say the truth, the whole truth,
2 nothing but the truth."

3 Have you understood me clearly?

4 THE WITNESS: (Interpretation) Yes, I have understood clearly.

5 PRESIDING JUDGE COTTE: (Interpretation) All right. Now,
6 Witness, do you undertake to tell the truth, the whole truth, nothing but
7 the truth?

8 THE WITNESS: (Interpretation) I declare that I will say the
9 truth.

10 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, you have
11 just made an undertaking to say the truth, the whole truth, and nothing
12 but the truth. If during your testimony or in answering the questions
13 which will be put to you by the counsel for the Defence, by the
14 Prosecutor, or by any other person you do not speak the truth, you could
15 be tried before this court for bearing false witness, and if the offence
16 were to be demonstrated, you could be convicted for it.

17 Once again, have you understood me clearly?

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

19 PRESIDING JUDGE COTTE: (Interpretation) In that case, we
20 understand each other, and that is perfect.

21 The Court takes note that the provisions of Article 61 of the
22 Statute and Rule 66(1) and (3) of the Rules of Procedure and Evidence
23 have been satisfied.

24 Mr. Witness, your testimony will, in fact, begin tomorrow morning
25 at 9.00 a.m. with examination-in-chief from Mr. Kilenda, who is the

1 Defence counsel for Mr. Mathieu Ngudjolo. Following that, counsel for
2 Mr. Germain Katanga will perhaps ask you questions as well. After that
3 it will be the Prosecutor's turn to ask questions, possibly also the
4 representative of the victims, and perhaps also the Bench.

5 Tomorrow, please do not forget to speak slowly. Beside you you
6 have a jug of water. You will have it there tomorrow as well. Please do
7 not hesitate to take a drink of water if you are thirsty. We are in a
8 closed room with no windows. Sometimes it gets hot, and you will be
9 speaking. So the Court will see no difficulty at all if you would like
10 to drink a glass of water in front of it. Please feel free also to use
11 the box of tissues that you have on the table.

12 What we would like, Mr. Witness, is for you to proceed in good
13 physical and psychological conditions so that the testimony you give to
14 us is useful, is a testimony that fulfils the terms of the solemn
15 undertaking that you have just sworn.

16 Have you heard and understood what I've told you?

17 THE WITNESS: (Interpretation) Yes, I've understood very well.

18 PRESIDING JUDGE COTTE: (Interpretation) We are now going to
19 part company. We were just meeting each other this morning, and we will
20 reconvene tomorrow morning at 9.00 a.m.

21 Court Officer, Court Usher, could you please escort the witness
22 out of the courtroom. We thank you.

23 THE WITNESS: (Interpretation) Yes. Thank you.

24 (The witness stands down)

25 PRESIDING JUDGE COTTE: (Interpretation) The Court would like to

1 thank everybody who has assisted it this morning, in particular our Lendu
2 interpreters.

3 THE INTERPRETER: The Lendu interpreters thank the Judge.

4 PRESIDING JUDGE COTTE: (Interpretation) We hope that we have
5 not made your work too complicated.

6 THE INTERPRETER: Not at all, your Honour. Thank you.

7 PRESIDING JUDGE COTTE: (Interpretation) Very good. And we're
8 getting used to having the stenographers in the courtroom beside us.
9 The hearing is adjourned. Have a pleasant afternoon. We will
10 see you tomorrow morning.

11 The hearing ends at 1.22 p.m.

12 CORRECTION REPORT:

13 The Court Interpretation and Translation Section has made the following
14 correction in the transcript:

15 *Page 46 lines 8 to 14

16 "Mathieu Ngudjolo came to help me at around 5.00 a.m. He helped me, and I
17 tried to work with him together until 6.00 a.m. We tried to give the lady the
18 appropriate medications as to save her life and save the life of the baby, but it was
19 very difficult, because unfortunately the lady died around 6.00 am – 10.00am."

20 Is corrected by

21 "Mathieu Ngudjolo joined me at around 5.00 a.m. He helped me, and I tried to work
22 with him together until 6.00 a.m, when the lady gave birth. After the delivery, I took
23 her to the treatment room, where Mathieu Ngudjolo began treating her. We tried to
24 give the appropriate medications so as to save her life and save the life of the baby,
25 but it was very difficult, because unfortunately the baby died around 6.00 a.m. --

1 10.00 a.m. That is when I called Mathieu Ngudjolo back.”

2