

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 Wednesday, 1 December 2010
10 The hearing starts at 9.02 a.m.
11 (Closed session)
12 (Expunged)
13 (Expunged)
14 (Expunged)
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14 (Expunged)

15 (Open session at 9.06 a.m.)

16 COURT OFFICER: (Interpretation) We're in open session.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

18 Court Officer.

19 (* No interpretation)

20 THE INTERPRETER: Message from the English booth: There is a
21 problem.

22 PRESIDING JUDGE COTTE: (Interpretation) Now, apparently, this
23 is working.

24 Witness, we are going to continue with where we left off. It is
25 very cold in Europe. It's very cold in The Hague. I hope that you are

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1 well despite everything.

2 Ms. Buisman, the floor is yours.

3 Can you hear me clearly, Witness?

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

5 PRESIDING JUDGE COTTE: (Interpretation) Madam Buisman, you have
6 the floor.

7 MS. BUISMAN: Thank you, Mr. President.

8 QUESTIONED BY MS. BUISMAN: (Continued)

9 Q. (* No interpretation)

10 A. (* No interpretation)

11 Q. Yesterday, we spoke about previous attacks, and we spoke about
12 the one in January 2001 and August 2002. I would like to move on now --

13 THE INTERPRETER: Message from the English booth: There is a
14 technical problem.

15 PRESIDING JUDGE COTTE: (Interpretation) I'm sorry, I had no
16 translation, Ms. Buisman. Could you please repeat what you were saying.

17 THE INTERPRETER: Message from the English booth: We have no
18 sound on the correct channel.

19 PRESIDING JUDGE COTTE: (Interpretation) Once we start here in
20 the courtroom, everything has to be ready to function correctly. This is
21 unacceptable.

22 Madam Buisman, the floor is yours.

23 MS. BUISMAN: Thank you, Mr. President.

24 Q. I said I will repeat. Yesterday, we talked about previous
25 attacks, one that took place in January 2001 and the other one that took

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1 place in August 2002. I would now like to move on to other battles you
2 mentioned in your statement and also in the interview that was held in
3 February 2006, and these are battles between August 2002 and
4 February 24th, 2003.

5 You've mentioned some battles, and this is the Ngiti from the
6 south. Do you confirm that there were another few of those battles
7 between the August 2002 attack and the 24th of February, 2003, attack?
8 Would you confirm that, Mr. Witness?

9 A. The battles that took place between 2002 and 2003 were, in fact,
10 conducted by Walendu-Bindi. It was they who came to attack. The
11 Lendu-Bindi came to attack the UPC fighters who were based in Bogoro.
12 They came for the first time, and they were defeated. They were driven
13 back by the UPC elements. Then sometime later, they came afresh to
14 attack. In this second operation, we were also defeated by the UPC.

15 Thirdly, they came and here again they were repulsed by the UPC
16 elements, and it was the same for the fourth battle. And on the 24th of
17 February, this was the date of the fifth battle, the 24th of February,
18 2003. On that date, the Bindi combatants didn't come alone. They were
19 allied with the Lendu North fighters and the UPDF. So the battles were
20 very intense, and the UPC was not able to defend itself. This time the
21 UPC was defeated.

22 Q. Thank you, Mr. Witness. So, if I understand you correctly, there
23 were four battles between the August 2002 and the February 2003 attack;
24 is that right?

25 A. Yes. Unless I am mistaken, yes, I think it was 2004 -- sorry.

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1 No, it was the fourth battle that occurred in 2003, on the 24th of
2 February.

3 Q. Thank you, Mr. Witness. Just that in the investigator's note
4 that we received, you talked about seven of such battles. This is
5 paragraph 14 of the interview note of (Expunged), and that's 4th of
6 February, 2006. The number is DRC-OTP-1016-0083, and these are notes
7 taken on the basis of an interview that was held with you where you've
8 actually mention seven, seven battles from the beginning -- no, from the
9 end of 2002 up to the 24th of February, 2003. You think that may have
10 been a bit of an exaggerated number?

11 A. No. If I mentioned seven attacks, it didn't mean full-blown
12 attacks on that locality. There might have been skirmishes that took
13 place outside Bogoro along the routes, for example, because sometimes
14 there were vehicle convoys, and there were skirmishes between troops, and
15 that is why I mentioned that the number of battles could have been as
16 high as seven. However, as concerns the true battles that took place in
17 the centre of Bogoro, I would say that there are four. There were four
18 battles of this nature against the UPC fighters.

19 As regards the last battle of 2003, the battle wasn't only
20 focused on UPC elements, no. It was also against the whole of the Bogoro
21 civilian population, and the civilian population was massacred.

22 Q. Thank you, Witness. You gave two -- you said in your statement
23 that you cannot remember the exact dates of these previous battles
24 because there were no civilian casualties. You confirm that?

25 A. Yes. If I made that statement, well, you know, that --

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1 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

2 MS. DARQUES-LANE: (Interpretation) Forgive me for interrupting.

3 I do not want to take the floor for very long interrupting the
4 cross-examination of my learned colleague. I was just wondering if you
5 could give us the precise references in that statement, because you have
6 mentioned -- are you referring to the investigator's note or in the
7 witness statement, and could you please give us the exact paragraph
8 references either from the statement or from the interview notes. Thank
9 you very much. This is also very important for the witness. Thank you.

10 PRESIDING JUDGE COTTE: (Interpretation) Very well. So
11 Ms. Buisman had actually mentioned paragraph 14 from the investigator's
12 note. So if you make references to the witness statement, could you
13 please give us those references.

14 MS. BUISMAN: Yes. Thank you.

15 Q. In your statement of 17th of February, up to 19th of February, in
16 paragraph 58 and 59, you are speaking of those previous battles.

17 Yes. And in paragraph 59, you mention that these are attacks
18 coming from the Ngiti only. And in paragraph 58, you mention two
19 potential dates. You said that, indeed, in general you cannot remember
20 these dates because there were no civilian casualties, but you do mention
21 the 16th of December, and you're mentioning one about a month before you
22 leave, and the date we have of your departure is one day before the 24th,
23 which is the 23rd of February, 2003. So potentially there was one of
24 such Ngiti battles on the 16th of December, 2002, and another one around
25 the 20th, the 23rd of January, 2003. Would you be in agreement with

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1 that, Mr. Witness?

2 A. Yes, I agree with you.

3 Q. Thank you. Would one of those battles be more significant in
4 terms of numbers of people who were attacking the UPC camp; is that
5 possible?

6 A. Could you please ask me your question one more time.

7 Q. Yes. Sorry. These more recent attacks, before the 24th of
8 February, 2002, is it possible that at least on one occasion the number
9 of -- of people who came to attack were more significant in number than
10 previously?

11 A. I would say that the battle of the 24th of February, 2002, was
12 not actually something that I could follow through. I didn't witness it.
13 I wasn't there. It was the people who were there who later came to
14 Kasenyi. He told me about it. They told me that there had been many
15 victims. There were several people, even several fighters, from the
16 Walendu-Bindi localities -- collectivities.

17 MS. DARQUES-LANE: (Interpretation) Excuse me for interrupting.
18 In the question that my learned colleague asked, I'm not sure if there
19 was a mistake, because there was a mention of the 24th of February, 2002,
20 but I'm pretty sure that what was meant was the 24th of February, 2003,
21 and I think that would help the witness also situate himself with the
22 dates. Thank you.

23 PRESIDING JUDGE COTTE: (Interpretation) Yes. Thank you. This
24 is on line 6 of the French transcript and line 9 that the word "2002"
25 also appears, but I think we can all correct that. It should be the 24th

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1 of February, 2003. Thank you for that.

2 Madam Buisman, you may proceed.

3 MS. BUISMAN: That's right, 2003.

4 Q. Mr. Witness, I'm not talking about the 24th of February, 2003.

5 I'm talking about these earlier attacks that include only Ngiti fighters.

6 And to be more precise, are you aware of any Ngiti casualties in one or

7 more of those previous attacks? So I'm talking about the period before

8 the 24th of February, 2003, when you were still in Bogoro.

9 A. As regards the attack that occurred before the 24th of February,

10 2003, the enemy would come to fight the UPC soldiers. No, I would say

11 the (* indiscernible) would come to fight, but they didn't come only into

12 the township. The civilians remained in the town and couldn't see them.

13 The UPC would resist and drive them out.

14 As for the third attack, they arrived on one day, and the very

15 next day they were driven out.

16 So the UPC did what was necessary to make sure that the enemy was

17 repulsed before entering the township.

18 As concerns the attack of the 24th of February, 2003, I was not

19 physically present. I was not there in the township. It was those who

20 had escaped after the attack, who fled to Kasenyi, who were able to

21 explain to me everything that had happened. For example, there was

22 someone who had climbed a tree. This person had witnessed the whole

23 thing, and he explained to me what he saw. He had heard and seen

24 everything. He saw how the houses were looted, and he saw a good number

25 of combatants. Combatants had come to escort civilians.

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1 I should also say that during the previous attacks, I didn't
2 actually see the fighters because the attacks were before the -- those
3 attacks before the 24th of February, 2003, were not actually focused on
4 civilians. The enemy would come to attack the UPC elements only in the
5 camp, and it was only on the 24th of February, 2003, that the UPC was
6 defeated and that the enemy came in and pillaged and -- and did
7 everything else within the township itself.

8 Q. Mr. Witness, the question is to -- to slow down a little bit,
9 because the interpreters are having difficulties to translate what you're
10 saying.

11 Just I really need a very brief answer on this, just a last
12 question on this. Do I understand that you are not in a position to
13 confirm whether any of the Ngiti fighters -- so I'm not talking about the
14 civilians, I'm talking about those who came before the 24th of February,
15 2003. Are you in a position whether in one of those battles there were
16 ten Ngiti fighters, or thereabouts, who actually died in trying to attack
17 the UPC camp? And this is before the 24th of February, 2003. If you're
18 not in a position to confirm that, then you don't -- you can tell us that
19 too.

20 A. It is difficult for me to answer your question. I'm a civilian,
21 and I was living in the township with other civilians. There was only
22 one UPC soldier who could come and tell me this or that. He would have
23 been able to have come and tell me, "We killed the fighters of the
24 Lendu-Bindi." So I confirm that I received accounts from one UPC soldier
25 who came to tell me that there had been Lendu-Bindi soldiers that had

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1 been killed. That was during the second attack.

2 I think that during the second attack the enemy had come to seek
3 out some of those soldiers.

4 Q. Thank you, Witness. I'll move on to another subject. Do you --
5 if I understand you from your statement, and I am actually looking at
6 paragraphs 110 and 111 of the statement of 2007, February. At
7 paragraph 111, you say that the survivors did not, in fact, identify the
8 commanders, at least on the FRPI side; that's correct, isn't it?

9 MS. DARQUES-LANE: (Interpretation) Your Honour.

10 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

11 MS. DARQUES-LANE: (Interpretation) Yes. Excuse me for
12 interrupting again, but when my learned colleague mentions and --
13 mentions a reference from the witness statement, could she please cite
14 the whole paragraph in question rather than just summarising. I know
15 that she's doing this in order to save time, but at the same time, this
16 is being done at the expense of certain details which could be important
17 for the witness. So I was just wondering if I could mention that.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you. For the
19 moment, we have a two-line paragraph. Maybe there are two words which
20 are of importance.

21 So, Ms. Buisman, could you please read that paragraph - it is
22 only one and a half lines long - and then you can ask your question based
23 on that.

24 MS. BUISMAN: Mr. President, I think, if I say, at least on the
25 FRPI side there are no commanders identified, I think that's actually

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1 fair. But I can read out the paragraph and I'll leave it to my
2 colleagues on the other side to deal with that in their own
3 cross-examination.

4 Q. Paragraph 111 says that:

5 (Interpretation) "The survivors have only seen military
6 uniforms. They were not able to identify the groups' commanders except
7 Ngudjolo."

8 (In English) Do you confirm that?

9 A. Was that a question you asked me?

10 Q. That was. I was actually wondering if you could confirm that the
11 survivors who spoke to you about the 24th of February, 2003, have not
12 identified any of the FRPI commanders.

13 A. They were not able to identify them.

14 Q. They were only able to identify military uniforms; is that
15 correct? I'm now looking at paragraph 117. Do you confirm that they
16 were able to identify military uniforms?

17 MS. DARQUES-LANE: (Interpretation) I apologise for
18 interrupting. Is my learned colleague referring to paragraph 111 or
19 paragraph 117? In paragraph 117, they're talking about the uniforms of
20 FAC. If you are referring to paragraph 111, mention is only made of
21 military uniforms. So I don't think we should mislead the witness here.
22 Thank you.

23 PRESIDING JUDGE COTTE: (Interpretation) Ms. Buisman, indeed,
24 referred to paragraph 117.

25 As far as possible, Ms. Buisman, every time you mention a

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1 paragraph, you should try to make it possible for the witness to
2 understand what military uniform you are talking about, because
3 apparently this is a point which is of importance to you, and that is
4 clearly understandable.

5 Could you please clarify your question so that the witness will
6 understand exactly what you expect of him. Thank you.

7 MS. BUISMAN:

8 Q. Mr. Witness, at paragraph 117 of your statement, you are saying
9 that some of the combatants were wearing FAC uniforms. And FAC, F-A-C,
10 stands for the Army of Congo and all their name, which is now FARDC. Do
11 you confirm that that is the case, that people were wearing these
12 uniforms, as far as the survivors told you?

13 A. Yes, I did make that statement with respect to the fighting which
14 took place in 2004 between the fighters of Lendu-Bindi. Amongst the
15 Lendu-Bindi fighters, there were deserters who had left the Congolese
16 army and who had returned home amongst the Ngitis. It was these
17 deserters who were wearing the uniform.

18 In the year 2001, the North Lendu fighters arrived with the group
19 of APC soldiers. The APC was composed of government soldiers, and most
20 of these soldiers were wearing military uniforms while the others were
21 wearing civilian clothing. Others also carried bladed weapons. The APC
22 soldiers also had guns.

23 In 2004, there were UPDF soldiers, as I said yesterday, and there
24 were also FAC soldiers. That is what the survivors told me. And there
25 were other fighters as well.

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1 In 2004, therefore, there were two groups, the North Lendus and
2 the South Lendus who came from the Ngiti collectivity.

3 Q. Thank you, Witness. Do you have any idea how many FAC soldiers
4 would have participated, or is that a question you cannot answer?

5 A. That is a difficult question. I am not in a position to know.

6 Q. Thank you. Do you know if APC soldiers also participated?

7 A. I know that APC soldiers participated, because when they were in
8 Kasenyi, they were repelled, and Kasenyi was located about 14 kilometres
9 away. They left, and at some point they stopped to rest, and one of the
10 APC soldiers who was of Hema ethnicity heard what was being said by the
11 other members of his group. And he met fighters in Zumbe who were trying
12 to see how they could go up to Zumbe in order to continue to Bogoro after
13 one week.

14 I am referring here to the fighting that took place on the 14th
15 of August, 2002.

16 The young Hema soldier abandoned the group and fled towards these
17 people, and he arrived at Bogoro where the UPDF soldiers were. He went
18 there, handed in his weapon and recounted everything. One week later, an
19 attack took place. That is the attack of the 14th of August, 2002, as I
20 said earlier. However, I am not in a position to tell you the number of
21 soldiers.

22 Q. Thank you, Witness.

23 MS. BUISMAN: I -- I just note for the record there's been some
24 references to 2004, but I think we all agree on that being an error.

25 Q. Witness, I have one more question on this area. This is

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1 paragraph 38 of the first interview, which is the 4th of February, 2006,
2 where you say, at least that's what's recorded, that as far as you know,
3 you have not heard of the FRPI before 2004, and you say that it did not
4 yet exist at the time. Do you confirm that? The FRPI.

5 A. Earlier we did not hear any mention of the FRPI. I would say
6 that I had not heard any mention of the FRPI earlier. I only heard about
7 them later on.

8 Q. Thank you, Witness. I'll move on to another subject, to the UPC,
9 in fact.

10 At paragraph 49 of your statement - so now I'm going to the
11 February 2007 statement, 49 - you mention that the UPC had mines at the
12 entrance of the camp. Do you confirm that?

13 A. At the very beginning of the testimony, I said that I was going
14 to speak the truth.

15 Every armed group tried to defend itself in its own manner. It
16 is true that mines were laid in order to -- to combat the enemy, and a
17 service had arrived to clear mines recently, and they indeed found mines.

18 Q. Do you have any idea how many mines they found?

19 A. If my recollection is right, I think they found two. I was not
20 with them all the time. Sometimes they would come in my absence,
21 sometimes they would come when I was present, but to the best of my
22 knowledge, they were able to find or to clear two mines.

23 Q. Thank you. At paragraph 50 of your statement, you mention that
24 there are about 120 UPC soldiers in Bogoro who came to replace the UPDF,
25 and then you go on, and this is in paragraph 51, that a month and a half

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1 before the attack of 24th of February, 2003, someone called Germain
2 replaced the second in command, Dzibo, D-z-i-b-o, and that he with his
3 arrival in Bogoro, the UPC elements increased because he arrived with a
4 company.

5 So if I am understanding you well, at the time of the Bogoro
6 attack, 24th of February, 2003, there were 120 plus a company of Germain;
7 is that correct?

8 A. That is what I was able to observe.

9 Q. Thank you. And then at paragraph 53, you mention that about once
10 or twice a week in that period, you go to the UPC camp. They either call
11 you or you call them; is that correct?

12 A. It was usually they who would call me.

13 Q. For what, for instance? Witness, be careful, we are in public
14 session. So if your answer has any information that would identify you,
15 we can go into private session.

16 A. Well, you have to understand that at that time they arrived, and
17 in Bogoro we had UPC soldiers. We also had APC -- or, rather, UPC
18 soldiers in Bunia. (Expunged)
19 (Expunged) --

20 PRESIDING JUDGE COTTE: (Interpretation) Could we go into
21 private session so that the witness can speak more freely about that
22 period.

23 Mr. Witness, I interrupted you, but you should be able to talk
24 freely again when we go into private session.

25 (Private session at 9.47 a.m.)

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Page 16 expunged – Private session

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Open session at 9.49 a.m.)

6 COURT OFFICER: (Interpretation) We are in open session,
7 your Honour.

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

10 Ms. Buisman, you may proceed.

11 MS. BUISMAN: Thank you, your Honour.

12 Q. Just two more questions, very simple ones, on the UPDF camp. At
13 paragraph 47 of your statement, you mention that they built *manyatas*,
14 little huts, in the area, and this is the Bogoro Institute area. That's
15 where the camp was; isn't that right?

16 A. This is right. The soldiers constructed *manyatas* in which they
17 would spend the night. However, I would like to say that the UPC
18 soldiers found the *manyatas* right there on site when they arrived. Those
19 *manyatas* were constructed by UPDF soldiers.

20 Q. Do you know how many there were? Approximately.

21 A. I did not count them, and I am not in a position to tell you how
22 many soldiers would sleep in one *manyata*. I did not count them, and I
23 was not aware of the organisational arrangements that were made with
24 respect to the *manyatas*.

25 Q. Did civilians ever stay over for the night?

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1 A. Civilians did not spend the night in these manyatas. Most of the
2 civilians occupied the environs of the camp. They lived in the homes of
3 other civilians who had fled from the area. The inhabitants who came to
4 live in Bogoro centre settled very close to the camp. It was only when
5 they heard the sound of gunfire that they would rush into the classrooms.
6 They would rush into the classrooms when they heard the sound of gunfire.

7 Q. All right. Thank you, Witness. I'll move on to the list which
8 is EVD number OTP-00203, which we discussed at length yesterday and which
9 is an effort, a joint effort, of number 5, number 15, number 7 and 8 on
10 the list of names which has EVD number OTP-00204.

11 On that list, as you indicated yourself, this is a sum-up of
12 victims of attacks that took place either on the 9th of January, 2001, or
13 August 2002, or 24th of February, 2003. It also includes battles in the
14 neighbourhood. For example, if you look at page -- this is
15 DRC-OTP-1007-0033. We see many victims of Nyakeru, and these are Nyakeru
16 and Talieba.

17 You have the list in front of you, Mr. Witness?

18 A. Yes.

19 Q. These -- these are different dates. As far as I can tell, these
20 are different attacks. I see, for example, Nyakeru, 12th of February,
21 2002, which is on number 220 of the list. And then I see 222, Nyakeru,
22 the 7th of August, 2002. And I see several dates, and we can all see
23 this for ourselves because it's in evidence.

24 There as also Talieba. The 7th of August, I see, 2002, and there
25 is a date of the 2nd of October, 2002. Or that must be the 7th of

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1 October, 2002.

2 So these are different attacks. You confirm that, don't you,
3 Mr. Witness?

4 PRESIDING JUDGE COTTE: (Interpretation) Yes, Prosecutor.

5 MS. DARQUES-LANE: (Interpretation) Well, for the record, I
6 think it's best to give the reference at the same time. When you give a
7 date, the date on which a victim fell, could you please identify the
8 entry for the witness so that the witness can find that spot. I think
9 you are probably referring to number 236. And if you could give the
10 number each time to the witness, that is going to help him to answer your
11 questions.

12 Thank you.

13 PRESIDING JUDGE COTTE: (Interpretation) We are looking at the
14 column on the left of the table, Ms. Buisman. If you could please
15 mention the numbers in that column, that would be helpful.

16 MS. BUISMAN: Yes. Okay.

17 Q. So we are talking now about -- I was giving examples between
18 numbers -- I already gave two numbers. 222, I said, and, for example,
19 there is 215, 216, and then, for example -- this is all Nyakeru. Between
20 214 to 235, this is all Nyakeru, and as far as I can see, these are all
21 different dates than the 24th of February, 2003. Do you see that, what
22 I'm looking at, Mr. Witness? This is at page 0033 at the bottom of the
23 line. These are the numbers, the numbers of the victims. Do you see
24 what I'm looking at?

25 A. Yes, I can clearly see that.

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1 Q. And then it goes on to Talieba, and this is now number 236 on the
2 list, and it goes on up to the bottom of that page, and I see, for
3 example, 236 there is a date, 7th of August, 2002, and these names under
4 it are all on that date. And then that's a date of -- I think it must be
5 the 7th of October, 2002, and this is now number 241 on the list. You
6 see that?

7 A. Yes, I do see that. (Expunged).

8 Q. Thank you. I just -- there's something I'm trying to understand.
9 You have talked about four collectivities yesterday of Bogoro, Nyakeru,
10 Talieba, Dodoy, and Bagaya, and if I understand it well, Dodoy and
11 Bagaya, that's the town of Bogoro; is that right?

12 A. Yes, that is exact.

13 Q. And on the 24th of February, 2003, did the attack only take place
14 in a town or were also these other collectivities that are a bit further
15 removed, were they also attacked on the same day?

16 A. Yes. Above all, it was in Bogoro centre where the UPC were.
17 In Nyakeru and Talieba, in the other two localities, people had left. As
18 we said on the other dates, the different dates, there were attacks.
19 People were leaving Bunia because they were hungry. They were going to
20 work on the farms, and when they did that, they encountered the enemy.
21 (Expunged). If you see different dates, it's because
22 of this. When people went into the farms, they met the Zume enemy on
23 the -- in the hills. When you go onto the hills, you take the main road.
24 You go to Nyakeru. This is a road which goes through Songolo,
25 Walendu-Bindi. That is to say the Walendu-Bindi collectivity. This is

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1 in the Irumu territory. And when the enemy met the people who were
2 working on their farms, they killed them and stole their cattle.

3 This is why you can see that the dates are not the same. It
4 wasn't simply one attack with soldiers, no. They were going to and
5 forth. This was the road between Zumbe and Songolo.

6 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé.

7 MR. FOFÉ: (Interpretation) May I just say that we have a slight
8 problem with the interpretation. The witness has talked about the road
9 which was followed by the combatants and elements of the APC, and what I
10 see written, instead of APC, is UPC. This is on page 20, line 1. Is
11 this on the English or the French transcript, please?

12 PRESIDING JUDGE COTTE: (Interpretation) On the French
13 transcript. So page 20, line 1.

14 MR. FOFÉ: (Interpretation) The witness talked about the APC
15 combatants.

16 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, can we
17 read back to you what you said: Now this is a road which goes through
18 Songolo, Walendu-Bindi. This is the collectivity of Walendu-Bindi in the
19 Irumu territory, and it -- it was not the combatants of the UPC when they
20 went back into the fields, when the people went into the field. Did you
21 mean to say UPC or APC?

22 THE WITNESS: (Interpretation) I said APC. It's perhaps as
23 mistake. I said, actually, APC. The APC were linked to the combatants
24 in the Djugu territory. When you leave the Zumbe hill, this was a road
25 to go to Songolo. Songolo is a Walendu-Bindi village in the Irumu

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1 territory.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
3 indeed. Thank you, Professor Fofé.

4 Madam Buisman, you have the floor.

5 MS. BUISMAN: Thank you.

6 Q. So on this list, when it says "Bogoro, 24 February 2003," are we
7 talking about Bogoro town only? Am I right to think that?

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 MS. DARQUES-LANE: (Interpretation) Perhaps the witness would
14 feel freer to speak if we were in private session, sir.

15 PRESIDING JUDGE COTTE: (Interpretation) The question is an
16 appropriate one.

17 Madam Court Officer, could we move into private session, please,
18 so that all information relating to the drawing up of this list can be
19 expressed as simply as possible.

20 (Private session at 10.06 a.m.)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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13 Page 23 expunged – Private session

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Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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13 Page 27 expunged – Private session

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Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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1 (Expunged)

2 *Q. Okay. Thanks. So then I look at 118, and this is someone called
3 Mugisa Tibasima, and we have a date of birth which is 1993.

4 A. (* No interpretation)

5 Q. Yes, you can (* Microphone not activated).

6 A. 114, 114. Concerning 114, in the course of the attack of the
7 24th of February, 2003, (Expunged) this person's name as being deceased. In
8 fact, he (* as interpreted) had been kidnapped, and today this person is
9 alive. That is true.

10 Q. And so are the parents, I think; isn't that right?

11 A. No. The parents, brothers and sisters, are deceased. His
12 brother is alive, yes. I know that.

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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13 Page 29 expunged – Private session

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Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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13 Page 30 expunged – Private session

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Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Open session at 10.37 a.m.)

24 COURT OFFICER: (Interpretation) We are in open session,

25 your Honour.

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
2 Court Officer.

3 Ms. Buisman.

4 MS. BUISMAN: And just for the public record, we just came to
5 about 150 names on the list of victims that are actually victims of the
6 Bogoro attack, 24th of February, 2003.

7 Q. Of these people, Mr. Witness, you've already said there were
8 displaced people and people passing through; that's right, isn't it?

9 A. Yes, that is true.

10 Q. And just one last question on this list. Some of these people,
11 particularly maybe those passing through, they may have been killed at
12 locations outside the town of Bogoro; is that right?

13 A. I mentioned the following: For example, outside of Bogoro, in
14 the collectivity of Babira, there was an attack that occurred there, and
15 that attack pushed the Bira to come to our place. And there are two
16 localities in centre -- in Central Bogoro (Expunged)
17 (Expunged). There were people who were there on
18 their farms, and they could -- and they were attacked and killed there.

19 So, yes, there were people outside Bogoro, such as those in
20 Babira.

21 Q. Thank you, Witness. Just on the Bira, at paragraph 110 of your
22 statement, you also mention that Bira form part of the groups that
23 attacked. So if I am understanding you correctly, there were Bira, on
24 the one hand, displaced in Bogoro, some of whom fell victim of the 24th
25 of February, 2003, attack, but there were also Bira part of the attack;

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1 is that correct?

2 A. You know, before the 24th of February, 2003, attack, the attack
3 wasn't only where we were. It wasn't only on us, on the Hema side.
4 There was also an attack on the Bira side. The Bira were also attacked.
5 The combatants arrived and killed the Bira, and that's why there were
6 Bira who fled to come to where we were. And if I said among the
7 combatants there were Bira, this is actually a reality. This was
8 information that I had received. There are young Bira who -- there were
9 young Bira who allied themselves with the Bindi combatants, and they
10 conducted the attack together. They were survivors, the people who gave
11 me this information.

12 Q. Thank you, Witness. I'll move on to another area. In fact, I
13 would like to ask you to -- you have -- we have a map -- or two, in fact,
14 that were drawn on the basis of your information, and they are Annexes 3
15 and 2 to the statement.

16 MS. BUISMAN: We have one. In fact, we only need the Annex 3,
17 and we have one where we have deleted the signature, so we can make it,
18 perhaps, a public document, and if that can be shown to the witness, and
19 maybe on the screen as well.

20 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, do you
21 have enough identifying references in order to put this on the screen?

22 COURT OFFICER: Do you have the number of the document?

23 MS. BUISMAN: I do. This is DRC-OTP-1007-0027. It's Annex 3 to
24 the statement.

25 PRESIDING JUDGE COTTE: (Interpretation) There it is. Yes.

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1 This is indeed a document that you had submitted in due time,
2 DRC-OTP-1007-0027.

3 MS. BUISMAN: The question is: Normally this should be a private
4 document because the signature is on there, but I'm wondering if I can
5 give my copy to the Registrar, because we have deleted the signature, and
6 as far as I can tell, there's nothing else that identifies the witness on
7 this copy. If there is no objection from the other side.

8 (Trial Chamber and Court Officer confer)

9 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor, do
10 you see any objection to this redacted sketch being able to be shown? I
11 can see on the top left of the document --

12 MS. DARQUES-LANE: (Interpretation) Yes. I wanted to ask
13 Ms. Buisman if the initials on the top left of the document are also
14 redacted on her version of the document. If they have indeed been
15 redacted, and I see that she's nodding, then we have no objection to
16 that, your Honour.

17 PRESIDING JUDGE COTTE: (Interpretation) Very well. So,
18 Court Usher, could you please show the document to Madam Darques-Lane.
19 Otherwise, we could simply cover that part of the document. That would
20 be even simpler. We could put a Post-It on it.

21 MS. BUISMAN: Thank you.

22 PRESIDING JUDGE COTTE: (Interpretation) Very well. We can
23 continue without any (* indiscernible). This will be put on the OHP so
24 that everybody will have the document in front of them and the witness
25 will be able to answer the questions put to him.

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1 COURT OFFICER: (Interpretation) To see this document, please
2 press "Docu Cam Witness" on your console. It is in -- a public document.

3 PRESIDING JUDGE COTTE: (Interpretation) Do the accused persons
4 have the document? Yes. Very well. Perfect. In that case -- the
5 witness also has the document.

6 Madam Buisman.

7 MS. BUISMAN: Thank you.

8 Q. Mr. Witness, do you recognise this map which, as far as I know,
9 is drawn not by you but on the basis of the information you have given;
10 is that correct?

11 A. Yes, that is right.

12 Q. Okay. Does the Triki, T-r-i-k-i, area, does that ring a bell to
13 you? Is that in Bogoro, and if so, could you indicate where on this map?

14 A. This map shows certain points in Bogoro, and I'm not sure what
15 you want me to show you.

16 Q. All right. I'll come back to it if there's time. Let me just go
17 through this map with you. The road, the Bunia road, coming from Bunia
18 to Geti. We see on the right-hand side -- no. This is -- on the
19 right-hand side this is sort of the *centre ville* of the town it looks,
20 and you have indicated the sites where people were buried for the first
21 and second attack, not the 24th of February, 2003, and then I look at
22 number 3 on your map, and this is the École Kavali; is that correct?

23 A. Yes. It's the Kavali school, yes.

24 Q. Is this a primary school?

25 A. Yes, it is indeed a primary school, and it is a Catholic

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
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1 convention school.

2 Q. And I see you have indicated a number of other primary schools.

3 There's one at the Diguna road. If you go further, you pass the
4 roundabout towards Geti. You have then on your left a road that goes to
5 Diguna, and you have indicated that there's 220 metres until you turn
6 left to go to Diguna; that's correct, isn't it?

7 A. Yes, that's right.

8 Q. And would you actually agree with me that that part when you turn
9 left, go to Diguna, that part itself should probably be about 750 metres,
10 or, at least in my information, from Diguna centre to the roundabout
11 where the camp was on the right-hand side, that's about 1 kilometre; is
12 that right?

13 A. Yes, according to my estimates, it would be about a distance of
14 1 kilometre.

15 Q. And then on that road, at number 4, you have another
16 *école primaire*, the Mission Bogoro. Do you confirm that?

17 A. Yes, this is the Bogoro primary school. This is a Protestant
18 primary school.

19 Q. And then at number 8, further on the road to Diguna, there is the
20 Muzora Institute. Is that also a primary school?

21 A. Yes, it is an institute which is a secondary school.

22 Q. And before the camp was established, the Bogoro Institute was
23 also a secondary school; is that right?

24 A. Yes. There was a secondary school which was there, and it was
25 called *Institut de Bogoro*, Bogoro Institute.

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1 Q. Witness, can you tell me when -- did they operate these schools,
2 the primary schools and the secondary school? Did they operate during
3 the war? To be more precise, if I -- the 24th of February, 2003, were
4 they still operational?

5 A. No. The schools were no longer open. In Bogoro, the schools had
6 ceased all activity during the attack in 2001, which means that in
7 Bogoro, there was no functioning school until -- until 2003. And it was
8 only in 2005/2006 that we did everything necessary to get the schools
9 open again. And the first school to open its doors is the primary
10 school.

11 THE INTERPRETER: The Swahili booth interpreter did not catch the
12 name of that primary school.

13 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, what was
14 the name of that school that opened in 2005/2006? You said:

15 "... we did everything necessary to get the schools open again.
16 And the first school to open its doors was the primary school."

17 And then, unfortunately, the interpreter did not catch the name
18 of that school. Could you please repeat it for us, please.

19 THE WITNESS: (Interpretation) We started with the Kavali
20 primary school. We started by opening three classrooms, and then
21 gradually we were able to set up all of the other years in that Kavali
22 primary school. Next, we deployed more efforts and managed to get a
23 secondary school functioning in 2006. We started with the
24 Muzora Institute. We started with the first year class and second year
25 class. The following year we kept on it, and so on, until we got right

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1 up to the sixth year which was open and working. And this was in the
2 building in which the combatants were housed at the time.

3 We did everything to rehabilitate these buildings. There was
4 also a NGO called ADRA which also gave us assistance. This NGO was able
5 to build six classrooms and the director's office, as well as a meeting
6 room for the teaching staff, and the children now go to school as normal.

7 MS. BUISMAN:

8 Q. Sorry, Witness. Thank you for that information. I'm just asking
9 you be a bit shorter in the questions because I promised the Judges an
10 hour and I'm already an hour over, so we're a bit on time and I have only
11 a few more questions for you, so I really ask you after the break to keep
12 the answers very short, if possible.

13 Can you tell me if this institute, the Muzora Institute, did this
14 move to Bunia at some point? Are you aware of that?

15 A. Yes, that is true. Yes. It was able to work in Bunia, and even
16 to today this institute is operating in Bunia. But when people returned,
17 the institute opened its doors in Bogoro.

18 I think that the name of the Bogoro Institute of Muzora is going
19 to actually disappear, but -- but it's in Bogoro.

20 PRESIDING JUDGE COTTE: (Interpretation) I do think that it
21 would be time to stop -- wise to stop now since we only have three
22 minutes left, and you could continue after the morning recess.

23 MR. FOFÉ: (Interpretation) Yes. Just to point out that last
24 part of the witness's answer where he was saying "*été Bogoro également*,"
25 in French, had also been transferred to Bunia, did not actually show up

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1 in the transcript.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
3 Professor Fofé, for that. Indeed, for the reporters, we're on page 38 of
4 the provisional French transcript, lines 8 to 10, which do need to be
5 completed given the witness's oral testimony.

6 Ms. Buisman, you have wisely foreseen what I was going to
7 mention. Yesterday, we talked about one hour for the cross-examination.
8 We're going to, therefore, ask you to finish your cross-examination
9 rather swiftly after the recess.

10 If you would like the witness to look at the list that you were
11 talking about on many occasions as you mentioned before, then it's up to
12 you to tell him that, and do remember that we are in open session, and
13 then we will be back here at 11.30.

14 Would you like to ask the witness to look at that list during the
15 break, that half-hour break? If so, you have to tell him now.

16 MS. BUISMAN: Yes. In fact, I will not have time to ask further
17 questions on the list, but I just asked my colleagues who probably will
18 ask some questions. So I think it would be a good idea if the witness
19 would have a look at this list and indicate perhaps those who he
20 personally knows. And I gave some numbers you can look at just for --
21 for fairness to the accused, there are certain omissions in that list.

22 I also wonder if I can ask one favour during the break, to
23 indicate on this map, I have a map, the -- we also indicated we wanted to
24 use it. It's a map from the RDC, DRC-D02-0001-0047, and I'm wondering if
25 the witness can indicate a few towns during the break, which is Avenyuma,

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1 Tchekele, Singo, and Bavi. And we'll give him the map.

2 PRESIDING JUDGE COTTE: (Interpretation) Well, the map will be
3 given to the witness, then.

4 Court Officer, could you please transmit the unit this
5 information that has just been mentioned. It's important for the witness
6 to have a copy of the map that we will be talking about since the start
7 of the hearing.

8 Court Usher, please show the *carte* to Madam Darques-Lane so she
9 knows what we're talking about.

10 Then, Professor Fofé, it's important for you to make it very
11 clear what you want to be pointed out on that list, if there are UPC
12 combatants, if there are civilians, and similarly, it's important to see
13 if among the civilians there were some who were defending Bogoro. In
14 other words, civilian defenders. So we need to understand the structure
15 of this list very clearly. We will talk about that a bit later on.

16 Okay. Now we need to go into closed session so that the witness
17 can leave the courtroom. We have gone over time, and that is my fault,
18 but we must bear in mind that because a hearing is a living thing, there
19 will every now and then be a tiny overflow. It could be just a few
20 minutes, but we do need to bear that in mind.

21 Thank you. Let us move now into closed session.

22 (Closed session at 11.02 a.m.)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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11 (Expunged)

12 (Expunged)

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14 (Expunged)

15 (Open session at 11.03 a.m.)

16 COURT OFFICER: (Interpretation) We in open session,

17 your Honour.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

19 Court Officer.

20 We rise, then, until 11.35.

21 Recess taken at 11.04 a.m.

22 On resuming at 11.33 a.m.

23 (Closed session)

24 (Expunged)

25 (Expunged)

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9 (Open session at 11.34 a.m.)

10 COURT OFFICER: (Interpretation) We are in open session,
11 your Honour.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Court Officer.

14 Witness, we have met again. Ms. Buisman is going to complete her
15 cross-examination, and she has the floor.

16 Ms. Buisman, please.

17 MS. BUISMAN: Thank you.

18 Q. Just a last question on the Muzora Institute. Am I right to
19 understand that that, like the other schools, ceased operating in -- in
20 Bogoro as of 2001; is that correct?

21 A. Yes, that's right.

22 Q. Thank you. And on your map, number 5 you indicated "Eglise grand
23 Ceca 20." Do you see that?

24 PRESIDING JUDGE COTTE: (Interpretation) Have you been able to
25 locate on this sketch point number 5, Mr. Witness?

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1 THE WITNESS: (Interpretation) Yes.

2 PRESIDING JUDGE COTTE: (Interpretation) Very well.

3 MS. BUISMAN:

4 Q. Do you confirm that that is indeed Ceca 20? It's the Ceca 20
5 church, is that correct, as you indicated on the map?

6 A. Yes, that's right. It is indeed the church called Ceca 20.

7 MS. BUISMAN: Can I show a picture to the witness, which is
8 EVD number D02-00082, and it's DRC-D02-0001-0349. We have one here and
9 we indicated we wanted to use it in cross. Can someone show this to the
10 witness, please. And it can also be put on the screen.

11 COURT OFFICER: Can you please confirm the level of
12 confidentiality?

13 MS. BUISMAN: Public.

14 COURT OFFICER: (Interpretation) To view the document, please
15 press the button "PC 1" on your console.

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

18 Ms. Buisman, we all have the photograph on your screens. You
19 have the floor, and you may proceed.

20 MS. BUISMAN:

21 Q. Witness, do you recognise this church?

22 A. Yes.

23 Q. Can you tell us the name, please.

24 A. This is the church called Ceca 20 in Bogoro Mission.

25 Q. Thank you, Witness. And just to be clear for the record, that is

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1 number 5 indicated on the (* indiscernible) on the map; isn't that right?

2 That's the same church.

3 A. Yes, it is indeed the church. If you leave the junction of the
4 road leading to Geti, you will see the primary school, that is the
5 Ceca 20 primary school. After that you will see a series of houses, and
6 after that series of houses you have the church.

7 Q. Thank you, Witness. And just a last question on this map. In --
8 in totality, if you look at this map, you've given the information to the
9 best of your recollection; is that right? As far as you're concerned,
10 this is a correct description of Bogoro as indicated on the map. Do you
11 agree with that?

12 A. Yes. That is right. This is Bogoro centre, far from the Nyakeru
13 locality. When you leave Bogoro centre, you'll find that that locality
14 is located about 12 kilometres away, when you are on the Bunia road.

15 Q. Thank you. I'll move on to another subject. In your -- in this
16 interview dated the 4th of February, 2006, of which we have an
17 investigator's note, I'd like to read out a paragraph to you that was --
18 that was reported to have come from you, and you tell me if this is
19 correct or not, if that's okay.

20 (Interpretation) "There were some young Hemas who had been
21 trained by the UPC who fought to defend the village."

22 (In English) Do you confirm that, Mr. Witness?

23 A. Yes, I do confirm that.

24 Q. Thank you. At paragraph 109 of your statement 2007, February,
25 you say that there were no abductions from Bogoro. Now, we know that

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
Questioned by Ms. Buisman (Continued)

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1 you've given one name, 114, which you said initially -- 114 on the list,
2 who turned out not to have died but be abducted, I think, you otherwise,
3 do you still agree that there were no abductions from Bogoro? Paragraph
4 109. If I need to, I can read it out. We're talking about the 24th of
5 February, 2003, attack.

6 I will read out the first line:

7 (Interpretation) "To the best of my knowledge, during the third
8 attack there were no abductions."

9 (In English) Do you confirm that?

10 A. If I said there were no abductions, it was because I was not in a
11 position to know. You must understand that when the UPC was defeated,
12 the enemy remained there from the 24th of February, 2003, right up to the
13 month of November. The enemy stayed in the town. They only went away
14 when the UN Blue Helmets. It was the Blue Helmets from Bangladesh
15 accompanied by the Congolese army who arrived. This was the first
16 integrated brigade of the Congolese army. They arrived and chased away
17 the FRPI fighters.

18 Q. On FRPI we already have an answer from you, but I just want to
19 have a clearer answer. When did you hear first about the FRPI?

20 A. It was at the time of the fighting. It was at that time that I
21 heard mention of the FRPI.

22 Q. Witness, earlier you said that you had not yet heard of the FRPI
23 during the fighting, that it was only later you found -- you heard about
24 this name, and I have earlier read out to you that during this 2006
25 interview, you said you only heard about the FRPI in 2004. Do you

Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
Questioned by Ms. Buisman (Continued)

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1 confirm that?

2 A. I do not believe that I was mistaken on this point. I am certain
3 that the FRPI movement indeed existed. Now, with respect to the precise
4 date, I would like to acknowledge that I'm only human. I can make errors
5 as well.

6 Q. But you did not hear about it yet until later; is that right?

7 A. Yes. That is what I am trying to tell you.

8 Q. All right. Thank you. I have one last question, and I think --
9 I will put it to you in private session.

10 MS. BUISMAN: Can we go in private session, please.

11 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
12 briefly move into private session, please.

13 (Private session at 11.48 a.m.)

14 (Expunged)

15 (Expunged)

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24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
Questioned by Ms. Buisman (Continued)

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13 Page 47 expunged – Private session

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Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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17 (Expunged)

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19 (Expunged)

20 (Expunged)

21 (Open session at 11.54 a.m.)

22 COURT OFFICER: (Interpretation) We are in open session,
23 your Honour.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
25 Court Officer.

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Questioned by Ms. Buisman (Continued)

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1 Now, the public should understand that this short private session
2 was accepted because we do not wish to disclose identifying information
3 about certain people.

4 Ms. Buisman, you may proceed.

5 MS. BUISMAN: Yes.

6 Q. Do you have an opportunity to indicate on this map given to you
7 the places Avenyuma, Tchekele, Singo, and Bavi?

8 MS. BUISMAN: And can someone --

9 Q. If you have, I will ask someone to put it on the overhead.

10 Have you indicated?

11 A. No. You have to understand that all these villages are located
12 within the Walendu-Bindi collectivity. The sketch I have before me
13 indicates the following: Olongba. Near Olongba you have Bavi. However,
14 Bavi is not featured in this particular spot.

15 As concerns Tchekele, I do not see Tchekele represented here as
16 well.

17 Bavi is located close to Olongba. Bavi is a commercial centre.

18 I do not see Tchekele represented here on the sketch.

19 Q. I'll leave it. I think that's the best. And I'll -- yeah. I
20 just want to thank you, Mr. Witness, and (* No interpretation), and I
21 leave it now to my co-accused -- the team of my co-accused.

22 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Ms. Buisman.

23 During the break, the witness, because of his health condition,
24 was not able to carry out the activity you wanted him to carry out.

25 Ms. Buisman, well, it's not the conduct here to congratulate counsel on

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
Questioned by Ms. Buisman (Continued)

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1 how they carried out their cross-examination, but we would like to say
2 that the Court was very appreciative of the manner in which you carried
3 out your cross-examination.

4 Professor Fofé, you may proceed, sir -- before Professor Fofé
5 starts his cross-examination, does the Defence team of Germain Katanga
6 wish for EVD references to be given to the various documents which they
7 tendered? Some of them already have EVD numbers, but I do not think the
8 same applies to the sketch we used a short while ago.

9 MS. BUISMAN: Mr. President, I think you're right. I don't think
10 that has an EVD number yet, and we would like that to get an EVD number.
11 Thank you.

12 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
13 Court Officer, for bringing that to my attention.

14 COURT OFFICER: (Interpretation) Thank you, your Honour. The
15 public version of the sketch will bear the reference EVD-D02-00099.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
17 Madam Prosecutor.

18 MS. DARQUES-LANE: (Interpretation) I beg your pardon. Maybe I
19 have made an error, but the map which has just been annotated by the
20 witness to identify certain localities, I wonder if that sketch has been
21 given an EVD number.

22 PRESIDING JUDGE COTTE: (Interpretation) I don't think that
23 document was annotated. Ms. Buisman did not proceed on that point, and
24 so that document went back to her file and it was not tendered into our
25 own file.

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Further Questioned by the Court

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1 MS. DARQUES-LANE: (Interpretation) I beg your pardon, and thank
2 you.

3 FURTHER QUESTIONED BY THE COURT:

4 PRESIDING JUDGE COTTE: (Interpretation) Before I give you the
5 floor, Professor Fofé, the Chamber would like to ask the witness, to ask
6 a few clarifications from the witness about the list we have been talking
7 about since yesterday and the day before yesterday, and later on we will
8 see whether we could elicit further information after the
9 cross-examination of Professor Fofé.

10 Could you please say or confirm, just in case we did not
11 understand well, or just in case we forgot, could you please tell us
12 whether any civilians in Bogoro participated in the defence of the
13 village on the 24th of February, 2003?

14 A. As far as I know, roughly 30 metres from the camp there were
15 civilians, and when the attack took place, I know some young people who
16 helped the soldiers to transport essential equipment such as munitions.
17 So I do know some young civilians who helped out the military.

18 PRESIDING JUDGE COTTE: (Interpretation) And as far as you know,
19 on this list which we've been talking about since yesterday, on this list
20 are there the names of people who may have participated in the defence of
21 Bogoro on the side of the UPC? As far as you know, on that list are
22 there the names of any people who took part in the defence of Bogoro on
23 the side of the UPC?

24 A. I do not have any details on that, but at the time, there were
25 people who were fleeing and going into the classrooms, and I know that

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1 the UPC used these civilians who were trying to live in the classrooms,
2 but I cannot give the names of any young civilians who were working for
3 parts of the UPC.

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

5 Professor Fofé, you have the floor.

6 MR. FOFÉ: (Interpretation) Thank you very much, indeed,
7 Mr. President.

8 Good morning. Good morning, Judges.

9 QUESTIONED BY MR. FOFÉ:

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

11 A. Good morning.

12 Q. My name is Jean-Pierre Fofé. I am co-counsel working on the
13 defence team of Mr. Mathieu Ngudjolo. I am going to ask you a few
14 questions so that you can throw further light on this matter for the
15 Judges. My questions will principally deal with your statement, the
16 statement that you made to the OTP. I will, therefore, be using the
17 DRC-OTP-1007-0002.

18 In order to avoid having to move too often into closed session or
19 private session, given that this hearing should basically be a public
20 hearing, I am going to provide you with a list. This is reference
21 DRC-D03-0001-0458. This, of course, with the support of Madam the
22 Court Officer, or Mr. Usher, please.

23 THE INTERPRETER: The English booth would request a copy of this
24 document, please.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
Questioned by Mr. Fofé

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1 Professor Fofé. You may start.

2 MR. FOFÉ: (Interpretation) Thank you very much.

3 Q. Mr. Witness, I would like you to look at this list. This is the
4 list Madam Prosecutor has provided to which we have added two numbers,
5 number 15 and number 16. Could I ask you to look attentively at number
6 15, without reading it out, but look at number 15. Without naming it,
7 simply look at the number, please.

8 A. I see it. Thank you.

9 Q. Mr. Witness, quoting several paragraphs from DRC-OTP-1007-0002,
10 which talk about 15 -- now, I've only mentioned the number 15, nothing
11 else. Everybody here and yourself, you see who number 15 is, and you,
12 when you answer my question, you say nothing else about the person who is
13 number 15. All you say is, "15." So this person is 15. Do we agree on
14 that, please, Mr. Witness?

15 A. Yes.

16 Q. Thank you very much. My first question, therefore, is:
17 Mr. Witness, in paragraph 14 of the statement which you made before the
18 OTP, you talk about the tribal composition of the Bogoro population at
19 the time of the attack on Bogoro on the 24th of February, 2003. You say
20 the Hema were the largest group, but there were also the Lendu, the Bira,
21 and other tribes.

22 Mr. Witness, could you give us further details about the other
23 tribes. What were these other tribes?

24 A. Number 15. In 2001, number 15 said that before the war there
25 were other ethnic groups, and from 2001 onwards, up until 2003, apart

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
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1 from the Bira ethnic group, number 15 said that in terms of other ethnic
2 groups, there were only the Bira, the Lulu, Lendu. The Ngiti were no
3 longer there, and other ethnic groups had left too. This was according
4 to him before the fight.

5 Q. Mr. Witness, do you have the documents.

6 MR. FOFÉ: (Interpretation) With the assistance of the
7 Court Usher, perhaps the witness could be provided with
8 DRC-OTP-1007-0002. This is the witness's statement. Perhaps I could
9 give you a copy of this for the witness, please.

10 PRESIDING JUDGE COTTE: (Interpretation) I think this is the
11 best way of doing things, ensuring that the witness has a paper copy of
12 his statement before him.

13 MR. FOFÉ: (Interpretation)

14 Q. Mr. Witness, could I ask you it look at paragraph 14 of this
15 document, which you recognised yesterday. Have you found the place, sir?

16 A. Yes.

17 Q. So we are reading this:

18 "The Hema form the biggest group in the population of the
19 government. After that, the population -- population of the groupement.
20 After that there are the Lendu, the Bira, and other tribes. This was the
21 tribal composition at the time of the attack of the 24th of February,
22 2003."

23 This is indeed what you said, Mr. Witness, is it not?

24 A. Yes. That is what I said. And concerning the tribal population,
25 in fact, I made a mistake. All these tribes were there before the battle

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
Questioned by Mr. Fofé

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1 of 2001. It was only the Bira who were there in 2004. Other tribal
2 groups had already left.

3 Q. Mr. Witness, listening to your answer, it would seem that in your
4 statement, and some paragraphs were tendered yesterday, there are some
5 paragraphs which, therefore, must be corrected. These paragraphs contain
6 mistakes.

7 A. I am not refuting the statement, but on the 24th of February,
8 2003, the Lendu were not there. So I made a mistake. There were only
9 the Bira and the Lulu on the date of the 24th of February, 2003. And we
10 have the list of victims. But concerning the victims of the North and
11 South Lendu, these people were not there at that date. They only came at
12 the time of the attack during the war.

13 Q. Thank you very much, indeed. In paragraph 17, you say that all
14 the population in Bogoro at the time of the war, 24th of February, 2003,

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

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21 (Expunged)

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23 (Expunged)

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1 (Expunged)

2 (Expunged)

3 PRESIDING JUDGE COTTE: (Interpretation) Yes. I think it's
4 better not to provide the explanation because this would wipe out our
5 efforts, reduce them to nothing. We'll move very briefly into private
6 session in order to restate the conditions in which this
7 cross-examination should be taking place.

8 Court Officer.

9 I apologise for not complying with the five-second rule.

10 (Private session at 12.20 p.m.)

11 (Expunged)

12 (Expunged)

13 (Expunged)

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13 Page 57 expunged – Private session

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15 (Expunged)

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18 (Expunged)

19 (Open session at 12.27 p.m.)

20 COURT OFFICER: (Interpretation) We are in public session,

21 Mr. President.

22 PRESIDING JUDGE COTTE: (Interpretation) We are in public

23 session.

24 Professor, you may go on.

25 MR. FOFÉ: (Interpretation) Thank you very much.

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Questioned by Mr. Fofé

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1 Q. Mr. Witness, before looking at the document of number 15, could I
2 ask you the following question: When did the UPC military settle in
3 Bogoro?

4 A. Number 15 says that the UPC soldiers started to settle in Bogoro
5 after the departure of the UPDF moved out and went to the Bunia airport.
6 This means that this was in the course of 2002, according to number 15.

7 Q. Thank you, Mr. Witness. Just another initial question, and here
8 I am referring to document DRC-OTP-1016-0083.

9 MR. FOFÉ: (Interpretation) I don't know if the witness still
10 has this document. These are the notes of conversation with an
11 investigator from the OTP. Perhaps we could hand the witness a copy, of
12 course with the assistance of the Court Usher.

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

14 MR. FOFÉ: (Interpretation)

15 Q. Witness, I should like to refer you to paragraph 16 of that
16 document, para 16, and I quote -- and here we're talking about the attack
17 of the 24th of February, 2003, and I quote:

18 "There were about 360 deaths, among which were Hemas, Alurs,
19 Biras, persons passing through, and also kadogo fighters."

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
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13 Page 60 expunged – Redaction order

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Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
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5 (Expunged)

6 (Expunged)

7 Q. Thank you very much, Witness. Witness, can we please affirm
8 before the Honourable Bench that person 15 did not have the wherewithal
9 to verify the information that was given to him by the people who said
10 that they were survivors of the 24th of February, 2003, battle in Bogoro?
11 Fifteen did not have the possibility of verifying whether or not this
12 information was accurate; is that correct?

13 A. It was difficult. (Expunged)

14 (Expunged).

15 (Expunged)

16 (Expunged). But when it comes to

17 determining whether this person was a UPC fighter or not, this
18 information was not given. People would not tell him whether it was a
19 UPC fighter or whether the kadogo in question was his son. He was not
20 able to say whether it was a kadogo or a UPC fighter.

21 All of this information might not have been given to him. So
22 it's possible that that could have occurred. And the number of people to
23 be seen on that document, the people that 15 had seen, and the kadogos in
24 that group, there were UPC fighters. There were also young people from
25 the village who were family members of the UPC fighters, and they were in

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
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1 the UPC camp at the time of the battle.

2 During the combat, when someone is next to a fighter, if that is
3 the moment in which the person dies, then the person will simply die.

4 Q. Thank you, Witness. Just to have this perfectly clear, I believe
5 that you have already said that among the victims on the list, there are
6 some victims from localities which are outside Bogoro. I think you said
7 that. Is that not the case?

8 A. Yes.

9 Q. We could, therefore, deduce that these victims are not victims of
10 the 24th of February, 2003, attack on Bogoro. Is that not the case?

11 A. (Expunged), if you look at the date of the
12 massacres, even if there were some people who were killed on the 24th of
13 February, 2003, there are other dates as well. For example, the 9th of
14 January, 2001; the 14th of August, 2002; and the 24th of February, 2003.

15 The other dates, for example, the people who are on the list and
16 are from the village of Nyakeru and those who are from Talieba who found
17 themselves in the enemy line, well, they died. And if it's not only this
18 date that appears, the 24th of February, as 15 mentioned, this is why.

19 Q. Thank you, Witness. I have a question that I'd like to ask just
20 for verification. (Expunged)

21 and look at number 4, entry number 4. (Expunged)

22 It's true it's tricky. Witness, we shall move through this slowly. I
23 know that it's not easy.

24 (Expunged), the person listed at number 4. This person
25 is of the Alur ethnicity. Is that not so, the person at number 4?

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1 A. The person is Alur, is a young woman, just as 15 said. She
2 remained -- or she was living with someone who was Hema North.

3 Q. I should like to refer you to number 117 as well. Forgive me,
4 Witness. Number 177, not 117. One hundred and seventy-seven.

5 The person appearing under number 177 and who is listed here, I
6 would suggest that this person is currently still alive. This person is
7 not dead. Do you recognise that here again this is a mistake?

8 A. You're talking about 177?

9 Q. 177. This person here under number 177, I would suggest, is
10 still alive. Does her name here appear by way of error?

11 A. If it is a mistake, then it is not my mistake. It is the fault
12 of the person *who gave me that report, in other words, her father, if in
13 reality this person is alive.

14 Q. Thank you very much, Witness. Witness, I should like to refer
15 you to the very first page of the document of 15, the document that you
16 have. Please look at the first page.

17 I look at the title of this document, and I quote:

18 "List of victims of the massacres perpetrated by the Ngiti and
19 Lendu-Tatsi combatants, as well as their allies, FAC, NALU, DIPI, EDIEF,
20 and UPDF, years 2001 to 2003, in Bogoro."

21 My first question on this matter is as follows: (Expunged)
22 (Expunged) which people on this list who had been killed
23 by the Ugandan forces, the UPDF --

24 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

25 MS. DARQUES-LANE: (Interpretation) I would just like to suggest

Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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1 that this might be easier in private session.

2 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, do you
3 have many further questions on this document of person number 15?

4 MR. FOFÉ: (Interpretation) No, your Honour. No.

5 PRESIDING JUDGE COTTE: (Interpretation) Well, let us move
6 briefly into private session so that the witness can speak more easily
7 and more freely, and I really hope that the members of the public will
8 understand that this movement into private session will just be for
9 security reasons of those people who are assisting the Court.

10 Court Officer, let us move briefly into private session.

11 (Private session at 12.52 p.m.)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

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19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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Witness: Witness DRC-OTP-P-0166 (Resumed) (Private Session)
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21 (Expunged)

22 (Open session at 12.59 p.m.)

23 COURT OFFICER: (Interpretation) We in open session,
24 your Honour.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well.

Witness: Witness DRC-OTP-P-0166 (Resumed) (Open Session)
Questioned by Mr. Fofé

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1 Professor Fofé, please proceed.

2 MR. FOFÉ: (Interpretation) Thank you, your Honour.

3 Q. Witness, who had created this grand coalition encompassing the
4 Ugandan army soldiers, the UPDF, the government forces, the FAC, the
5 Ugandan rebels, the NALU, the DIPI, EDIEF? Who had created this grand
6 coalition?

7 A. When this comes to NALU and the DIPI and the EDIEF, I have no
8 idea, but what I can say is that they are members -- it was the members
9 of the committee of displaced persons in Bogoro who had this information
10 about this coalition. To the best of my knowledge, the UPDF --

11 Q. I think that you've already said this, that -- that they were in
12 Bogoro. So it's not worth repeating that. I'm just wondering if you
13 knew who had created this coalition. Who had established this coalition?
14 If you don't know, you don't know, but if you do know, then please tell
15 us the name of the person who created that coalition.

16 A. I have no information about these three groups. However, with
17 respect to the FAC, I know that these were deserters. I know this
18 because when there was a misunderstanding between the UPDF and the UPC,
19 the UPDF went to join the Lendus and Ngitis in order to attack the UPC.

20 Q. Yes, Mr. Witness. Do you know what NALU, DIPI, and EDIEF mean?

21 A. No, I do not know. All I know is that these are Ugandan rebels
22 who live around Rwenzori. That is the information I obtained.

23 Q. Thank you very much, Mr. Witness. I will now ask a you few
24 questions on the sketch which bears the reference DRC-OTP-1007-0026.

25 MR. FOFÉ: (Interpretation) Maybe a copy of this sketch could be

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1 given to the witness.

2 PRESIDING JUDGE COTTE: (Interpretation) If you have a copy,
3 that would be fine. It would be easier for him to have a hard copy
4 rather than looking at the sketch on screen when it's not very visible.

5 COURT OFFICER: (Interpretation) Please push the button "PC 1"
6 on your console if you wish to view the document.

7 MR. FOFÉ: (Interpretation) Beg your pardon, your Honour. We
8 have a copy here and we would like this document, this exhibit, to be
9 public. For that reason, we would like the signature and the information
10 at the bottom of the document to be deleted so this document will be
11 public material.

12 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor, the
13 information which had to be redacted has been redacted. The document is
14 going to be given to the witness now, and a copy appears on screen so
15 that all parties and participants can view it as Mr. Fofé carries on with
16 his cross-examination.

17 COURT OFFICER: (Interpretation) To view this document, please
18 press the button "Docu Cam Witness" on your console.

19 MR. FOFÉ: (Interpretation)

20 Q. Mr. Witness, I would like you to look at the sketch. You see the
21 point that is point number 4 on this sketch. Can you see it? Try to
22 read the inscription on the top left. It states that this is a school
23 building, point number 4.

24 PRESIDING JUDGE COTTE: (Interpretation) Can you see this point
25 number 4, Mr. Witness, because that figure, number 4, is not written in a

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1 manner which is very legible. I think the Court Usher is going to help
2 you identify it.

3 THE WITNESS: (Interpretation) Yes. I have seen it.

4 PRESIDING JUDGE COTTE: (Interpretation) Very well.

5 Professor Fofé has asked you a question.

6 MR. FOFÉ: (Interpretation)

7 Q. Yes. Mr. Witness, when we read what is written on the top
8 left-hand corner, it is stated that point number 4 is a school building.
9 Now, my first question to you is very simple. Was it indeed this
10 building that served as a military camp, first of all for the UPDF and
11 later on for the UPC? Was that the case?

12 A. Yes, that was the case.

13 Q. A little further above that point, on the left, it is written
14 "Waka Mountain." My question to you is the following: What is the
15 distance between point number 4, that is the school building which served
16 as the UPC camp, what is the distance, therefore, between this point
17 number 4 and the Waka Mountain?

18 A. I said that it was about 500 metres. That is just an estimate.
19 From point number 4 all the way to Waka Mountain, the distance is about
20 500 metres.

21 Q. Thank you, Mr. Witness. If someone is standing on Waka Mountain,
22 can that person identify people who are located at point number 4, that
23 is, in the UPC camp?

24 A. From that distance a person can see people, but I think it would
25 be difficult to identify anybody at that distance. However, since it was

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1 a military camp, it was possible from that distance to determine that it
2 was indeed a military camp, but one would not be able to identify
3 anybody. Even I wouldn't have been able to. If, for example, that
4 person knew that a certain individual wore red clothes or clothes of any
5 particular colour, that could help him to identify the individual in
6 question. Otherwise, it would be very difficult to identify anybody at
7 that distance.

8 Q. Thank you very much, Mr. Witness. Since we still have some time,
9 we will move on to the next sketch, the sketch which bears the reference
10 DRC-OTP-1007-0027, which received an EVD reference, the reference being
11 EVD-D02-00099.

12 MR. FOFÉ: (Interpretation) Could a copy be given to the
13 witness, please.

14 PRESIDING JUDGE COTTE: (Interpretation) This is a sketch which
15 has already been shown to the witness, shown during Ms. Buisman's
16 cross-examination. The usher going to place it on the overhead
17 projector, and we will all be able to view it.

18 Gentlemen, accused persons, can you see that sketch on your
19 screen? Very well.

20 Professor Fofé, you may proceed.

21 MR. FOFÉ: (Interpretation) Thank you, your Honour.

22 Q. Mr. Witness, on this sketch could you please show us where the
23 road leading to Medhu is located.

24 A. That road is not indicated. However, if you're standing by the
25 school building and you move towards the Waka Mountain, well, maybe on

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1 the sketch that was shown to me previously it will be possible to
2 identify that road. It was a path which the civilian population used
3 when going to Medhu.

4 Q. In which collectivity is Medhu located, Mr. Witness?

5 A. Medhu is located in the Walendu-Bindi collectivity. It is one of
6 the localities which make up the Soke groupement.

7 Q. Looking at the sketch you have before you now, points 1 and 2
8 about which we are going to be discussing shortly, from those two points
9 could you give us an idea of how to get to Medhu?

10 A. Hear we can see point 1. That is a veterinary camp. Point
11 number 2 (Expunged). It is the office of the
12 groupement. Just close by that point when you leave the veterinary camp,
13 you pass through the office of the groupement and you'll find a path that
14 leads to the market where cattle was sold, that is the cattle market.
15 From the office of the groupement, therefore, well, I believe that that
16 place is located about 700 kilometres away, and from there you can see
17 Medhu from a distance.

18 Now, from the cattle market, you continue, you cross a stream,
19 and you will arrive at the chiefdom of the Biras because we are
20 neighbours with the Biras. Then you carry on and you cross a stream.
21 The first stream is called Nyakibira, and the second stream is called
22 Nyamusenyi, and there you are still within the chiefdom of the Biras.
23 You carry on and you arrive at the river called Tinda. When you cross
24 the river called Tinda, you carry on, you go some distance, and then you
25 will arrive at Medhu. At Medhu there is a market, and there are people

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1 from my locality who used to go to that market.

2 Q. Thank you very much, Mr. Witness. Between point 1 and point 2

3 there is some sort of a junction, a road junction. I think there are

4 many roads that cross each other around that area, so I call it a

5 crossroads or a junction between point number 1 and point number 2.

6 Now, approximately what is the distance between the point 1 and

7 point 2 and the junction where the UPC camp is located in Bogoro? What

8 is the distance between the cross-section -- the road cross-section or

9 the junction that is between points 1 and 2 and the junction where the

10 UPC camp is located?

11 A. Would I estimate this distance at 900 metres or 1 kilometre.

12 Q. Thank you, Mr. Witness. Well, since you know that area well,

13 could you tell us if someone is standing at the roundabout where the UPC

14 camp is located, can that person see people standing at the roundabout

15 located at point number 2?

16 A. It's difficult, but if you are standing at that point, you can

17 see buildings. It would be difficult to identify anyone at that distance

18 because there are trees in the locality.

19 Q. Thank you, Witness. Leaving from Bogoro and heading towards

20 Bunia, which village is the last Hema village when you leave from Bogoro

21 and you're going towards Bunia?

22 A. Before you arrived at Bunia, the village you are going to pass

23 through will -- is called Nyakeru. There are cattle rearers who build

24 houses in that locality. There is another area called Nyamusole.

25 Nyamusole is a river, (Expunged)

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1 (Expunged), and that is where cattle rearers were constructing
2 their houses, and that particular spot is located in the village of
3 Nyakeru.

4 Q. Just to get some clarification from you: Diguna, where is it
5 located, in what locality?

6 A. Diguna -- Diguna's located in the Dodoy locality.

7 Q. Thank you. Mr. Witness, do you know -- well, I think this
8 question has already been put to you, but since I'm not sure, I'll put it
9 again. Do you know a locality which goes by the name of Triki?

10 A. If I'm not mistaken, Triki is located in the Djugu territory. If
11 it is not in Walendu-Tatsi, it will be in Djugu territory, but that is in
12 Banaygi, but I have no additional information or details to give.

13 Q. Thank you. Can you please estimate the distance between Triki,
14 or, I don't know why they called it Triki. Do you know the distance
15 between that locality and Bogoro centre; that is, the place where the UPC
16 camp was located in Bogoro?

17 A. Well, when you asked me this question, I told you that it would
18 be very difficult for me to give you the precise distance, because I have
19 never been there.

20 Q. Let me start for the benefit of the record by spelling Triki,
21 T-r-i-k-i, Triki.

22 Well, last question before we rise. Mr. Witness, when you leave
23 Bogoro centre and you are moving towards Bunia, which village is the
24 first Hema village that you will arrive at? That is, when you leave
25 Bogoro and you're heading towards Bunia, which village is the first Hema

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1 village you'll get to?

2 A. It will be the Dodoy locality. And that place is called Ngida.

3 Ngida is a river. I can say that that is the first village, because you
4 have houses there. You even have a representative of the locality chief
5 there, and that place is called Ngida.

6 THE INTERPRETER: Overlapping speakers. Overlapping speakers.

7 MR. FOFÉ: (Interpretation)

8 Q. What is the estimated distance between that village and Bogoro
9 centre where the UPC camp is located?

10 A. I think that that distance is approximately 1 kilometre.

11 Q. Thank you very much.

12 MR. FOFÉ: (Interpretation) Your Honour, I am looking at the
13 clock, and I think that it's the right time for me to put an end to this
14 cross-examination.

15 Thank you, Mr. Witness.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
17 Professor Fofé.

18 Mr. Witness, thank you for your contribution.

19 Madam Prosecutor, you wish to say something before the witness
20 leaves? Yes?

21 MS. DARQUES-LANE: (Interpretation) I apologise for
22 interrupting. We have one last question to put to the witness before he
23 leaves. It will take us about 30 seconds.

24 PRESIDING JUDGE COTTE: (Interpretation) Unfortunately,
25 Professor Fofé still has some time, I believe.

1 Mr. Fofé, how much time do you still have left for tomorrow?

2 Please let's make one thing clear. It's imperative that the Chamber
3 concludes this examination in the first half of the morning.

4 The Prosecutor says she will only have one question for her
5 re-examination. Of course, maybe -- maybe Ms. Buisman may have some
6 final comments to make after that as well.

7 Professor Fofé, do you believe that you'll be able to conclude
8 your cross-examination by 1.30?

9 MR. FOFÉ: (Interpretation) That will be difficult, but I will
10 do my best, your Honour. However, if I'm not able to do so, then I would
11 like to crave your indulgence, because we have questions that are useful
12 for the defence of our client.

13 PRESIDING JUDGE COTTE: (Interpretation) If the re-examination
14 is going to be short and if Ms. Buisman does not have much to say
15 afterwards, then we will proceed on the assumption that you have one and
16 a half hours tomorrow, and you may have an extra 15 minutes. And if you
17 have that time tomorrow and you add that time to what you have done
18 today, then you will have conducted solid cross-examination.

19 Mr. Witness, you have given testimony the whole morning. It's
20 been tiring. We understand. We know you're not feeling very well, but
21 we wish to thank you. Please try to rest. You are going to come back
22 tomorrow for a short while, and after that you will be able to return
23 home.

24 Court Officer, can we go into closed session so the witness can
25 leave the courtroom.

1 Mr. Witness, see you tomorrow.

2 THE WITNESS: (Interpretation) Thank you.

3 (Closed session at 1.28 p.m.)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Open session at 1.29 p.m.)

11 COURT OFFICER: (Interpretation) We are in open session,
12 your Honour.

13 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
14 Court Officer.

15 Before we rise, some of us this morning experienced some
16 discomfort in this courtroom. I'm talking about the quality of the air
17 here. Was that the case, or did you think that everything was fine and
18 that the air-conditioning was normal? You did not feel any discomfort at
19 all?

20 Well, if other parties and participants felt the same degree of
21 discomfort, then we would like to appeal to the Registry that they should
22 ensure that the air-conditioning is good enough so that we have some
23 fresh air as we work.

24 Gentlemen, accused persons, we are going to meet again tomorrow.

25 I would like to thank the interpreters and the stenographers who

1 are sitting in their small booths and who we hope are protected from the
2 microbes and the cold which we experienced in the courtroom today.

3 We will see you again tomorrow. Thank you.

4 The hearing ends at 1.33 p.m.

5 RECLASSIFICATION REPORT

6 Pursuant to Trial Chamber II's email instructions dated 10 July 2012, the following
7 excerpts of the transcript are reclassified as public, as ordered by the Chamber:

8 *Page 28 lines 2 to 12.

9 *Page 63 line 12.

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