

1 International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra, and
4 Judge Christine Van den Wyngaert
5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07
6 In the case of the Prosecutor versus Germain Katanga and
7 Mathieu Ngudjolo Chui
8 Trial Hearing
9 Thursday, 20 May 2010
10 The hearing starts at 9.06 a.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) The Court is now in
15 session. Please be seated.
16 The accused are with us. We are in open session. We're going to
17 briefly start by taking up the urgent application of Counsel Hooper which
18 was filed yesterday, number 2114, 10th of May -- 19th of May, 2010, with
19 a view to lifting redactions in a statement DRC-OTP-1007-0087 of the
20 witness 280 who is called upon to testify next week. This urgent
21 application of Counsel Hooper has regard to the names of places -- place
22 of the capture of the witness according to what the witness says,
23 paragraph 8 of the statement DRC-OTP-1007-0087; the place of residence
24 where this witness was living, that's also in paragraph 8 of the same
25 statement; and the place where the witness is said to have fled to in

1 paragraph 88 of this statement. In paragraph 4 of Counsel Hooper's
2 urgent application, the reasons or grounds are mentioned which justify
3 such lifting of the redactions.

4 During the ex parte hearing, Prosecutor, which we had with the
5 unit on the 24th of September, 2009, you considered that the maintenance
6 of such redactions was still necessary. In its decision in 1051 (as
7 interpreted) of the 22nd of October, 2010, (as interpreted) with regards
8 to the lifting of redactions, the Chamber decided to keep those
9 redactions.

10 Prosecutor, it would be useful, eight months after this ex parte
11 hearing, if you could therefore tell us if you would have any objections
12 to these redactions being lifted. It is indicated to me that on my
13 screen there is a message that I didn't have the time to see, which says
14 that you have already replied to that, stating that you have no
15 objections to the lifting of such redactions. Is that correct?

16 MR. MACDONALD: (Interpretation) Good morning, your Honour.
17 Good morning, Judges. Effectively, your Honour, this morning we sent an
18 e-mail to everybody that the Prosecution had no objections to lifting
19 redactions which appeared in paragraph 8 and 88 thereof. I just wanted
20 to make a correction to the ERN that you gave as stated by Counsel Hooper
21 in his application. There is an error. It has the number
22 DRC-OTP-1007-1089. So we propose firstly, in order to expedite the
23 process, to have the -- or to contact the Defence with the statement with
24 the redactions lifted by secure e-mail, and there, via the Ringtail
25 system, we are going to carry out the disclosure. But from this morning

1 or the start of this afternoon, the Defence will receive the statements.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
3 Prosecutor. Certainly despite a very early arrival at the Court, I can
4 see that your e-mail is dated from 8.59, the time that I put on my gown
5 for the hearing, but it says here 8.59 and that's the transmission via
6 the Legal Officer who received it. Is that right? Okay. So I think
7 that gives the satisfaction to the Defence teams. The Chamber notes the
8 position adopted by the Prosecutor for the lifting of redactions relating
9 to the names of places and the modalities according to which he envisages
10 providing this to the teams, providing the statements without the
11 redactions. This is a matter which has been solved and we would like to
12 thank you for that.

13 Before receiving the witness 119 -- sorry, 279 who we are having
14 this morning, there are certain protective measures that are in place.
15 This witness is also concerned by our decision 1667, of the
16 23rd of November, 2009, relating to protective measures for certain
17 witnesses. The witness, in accordance with the wished formulated by the
18 witness, enjoys certain classic protective measures, such as use of a
19 pseudonym, voice distortion, and distortion of his -- or the picture.
20 This leads us to order a closed session when the witness enters and
21 leaves the chamber.

22 Now, with a view to the observations or comments made by the VWU,
23 Witness 279 should be considered as vulnerable, a situation provided for
24 in decision 1667 of the 23rd of November, 2009, and namely, paragraph 14
25 thereof. The unit has indeed had the possibility to interview the

1 witness on the 11th and 12th of May, 2010. Since then, it has made the
2 Chamber known that this witness, who today is very young and certainly
3 was a lot younger at the time of the facts, is still traumatised by what
4 that witness underwent and would appear to be particularly vulnerable.
5 As such, the witness has agreed to come to The Hague despite the effort
6 that such a step takes and the anxiousness that the idea of testifying
7 causes for this witness. And this is why in the current case, because we
8 rule on a case-by-case basis, the unit favours the use of a curtain which
9 avoids any eye contact between Witness 279 and the two accused, reminding
10 us that the accused will see the face of the witness on their screen.
11 This is a wish which the witness has expressly made. There's also a need
12 for the presence of a psychologist in the unit, and if that -- if that
13 should be necessary.

14 To the extent that it has appeared to the unit that the
15 concentration abilities of this witness may not be long in their
16 duration, the unit therefore suggests ensuring that the questions put be
17 simple and formulated in a very understandable manner. Furthermore, it
18 leaves it to the Bench to consider whether it should be envisaged to have
19 five- to ten-minute breaks approximately every 40 minutes. With regards
20 to this last point, the Chamber will rule in accordance with the
21 behaviour of the witness during this first hearing. We will therefore
22 see this in accordance with the reactions of the witness.

23 Do the parties have any observations to form with regards to the
24 recommendations of the unit being called upon? And this is important --
25 it is important to say that the Bench, as you, gives particular

1 importance to the fact that the proceedings may have the widest possible
2 publicity, but it would also like to remind you that a useful testimony
3 which is useful for the manifestation of the truth does suppose that the
4 witness is testifying under the best psychological conditions possible
5 and, above all, can complete the oral testimony.

6 Now, where it concerns the curtains which separate the witness
7 from the accused, the Chamber also reserves the right to follow this
8 proposal, but it also reserves the possibility to challenge that, whether
9 based on the attitude and the behaviour of the witness in the hearing.
10 Precautions have to be taken before having met the witness, but it is
11 possible to adopt a different attitude when we see what the behaviour of
12 the witness shall be.

13 Counsel Hooper, Counsel Kilenda, do you have any particular
14 comments to make with regard to what I've just stated?

15 MR. HOOPER: No. Thank you, Mr. President.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
17 Counsel Hooper.

18 Counsel Kilenda.

19 MR. KILENDA: (Interpretation) Thank you very much, your Honour.
20 We have nothing to add.

21 PRESIDING JUDGE COTTE: (Interpretation) Now, among the Legal
22 Representatives, Office of the Prosecutor?

23 MR. GILISSEN: (Interpretation) No observations, no comments.

24 MR. GARCIA: (Interpretation) No comments, your Honour.

25 PRESIDING JUDGE COTTE: (Interpretation) The Chamber therefore

1 decides on the effective implementation of this separation of the witness
2 and accused. This applies that Mathieu Ngudjolo, as we have already done
3 during the testimony of previous witnesses, shall sit beside
4 Germain Katanga without the accused being able to communicate between
5 them. This decision also implies that the witness shall enter and leave
6 the courtroom without the presence of the accused, who shall come in
7 after him and leave before him. The Chamber therefore adopts all the
8 other measures recommended by the unit. The Chamber would also like to
9 state finally that Witness 279 will speak in Swahili, and that this
10 witness must possibly be assisted by an interpreter who could help that
11 person if he has to read or write a document.

12 Security officers, please could you escort out of the courtroom
13 Mr. Katanga and Ngudjolo please.

14 MR. HOOPER: Sorry, just before that, can I just raise one
15 matter, just for -- it will take a minute or so. Intermediary 143 is, as
16 you know, one of the class of people that we've asked to have redactions
17 lifted, existing redactions lifted in respect of the name. The last
18 witness, 132, had 143 acting as an intermediary. You may recall I'd
19 started to ask questions about that and recognising the then-sensitivity
20 of the subject and, frankly, almost the impossibility of asking a
21 question because I wouldn't know unless that redaction was lifted who the
22 witness was talking about. So I couldn't use the X or Y description
23 because we wouldn't necessarily know whether we were talking of one and
24 the same person.

25 The next two witnesses, 279 and 280, are also the product of the

1 efforts of this intermediary, 143. We have concerns in respect of many
2 details relating to these witnesses and their background and their
3 stories. I would like to be able to ask direct questions of both the
4 witnesses about the role played by the intermediary, which I understand
5 from what the Prosecution have led us to believe is intermediary 143 who
6 was the primary mover in respect of both those upcoming witnesses. So
7 what it really boils down to is in respect of that -- these particular
8 witnesses and that particular intermediary, 143, we would -- we would
9 like -- we would like the redaction lifted.

10 I can give an indication of who we believe the intermediary is.
11 I won't say it now in open court, other than we understand the name
12 starts with an M. Again, we might not be talking about the same person,
13 so our M might not be 143, but that's the extent of our knowledge, and
14 our only other knowledge is that that person may or may not have been
15 associated with a particular NGO.

16 We also understand that Trial Chamber I - and I haven't seen this
17 decision, I've only received hearsay about it - has ordered the
18 attendance of 143 for questioning, together with two other
19 intermediaries, questioning by the Court. So that's our position this
20 morning. As I say, I won't come to that point until at some juncture in
21 the course of questioning the -- 279, which I would hazard wouldn't be
22 today, it would be tomorrow. Thank you.

23 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, please go
24 ahead.

25 MR. MACDONALD: (Interpretation) Without wishing to delay the

1 testimony of Witness 279, once again we would like to reaffirm the
2 submissions that we have already made before this Chamber, that at this
3 stage there is nothing preventing the Defence from asking questions to
4 the witness without knowing the identity of this intermediary in order to
5 try and elucidate the interventions that this intermediary may have made
6 with regards to this witness, 279.

7 There are submissions, written submissions, before the Chamber,
8 pre-trial -- there are submissions before the Pre-Trial Chamber. I'm
9 aware of the fact that you are aware of them. You have been notified of
10 these decisions and submissions, and I would like to say that at this
11 particular time, in light of the information that you have received until
12 now, also with regards to the testimony of other witnesses and through
13 all the facts that you have available to you now, there is no prejudice
14 to the Defence with regards to having the possibility of questioning the
15 witness with regards to the behaviour of this intermediary, what this
16 intermediary is said to have done, what the witness has answered this
17 intermediary here in the current case.

18 It is true that 143 is the intermediary for 279 and 280, but it
19 is about finding the person as identified by the Office of the
20 Prosecutor, and afterwards having taken that person to a place for an
21 interview. And there is a -- it's a facilitation. This aspect can be
22 explored by Counsel Hooper in cross-examination and he can see the
23 answers given by the witness, whilst balancing or weighing-up the
24 interest that the -- the interests that there are with regard to the
25 protection of this intermediary and the disclosure of that person's

1 identity, the debate still isn't closed in Trial Chamber I, as you know.

2 So once again I would like to submit respectfully that this
3 identity cannot be disclosed. But, to finish, this does not prevent the
4 Defence from examining the intervention of the intermediary 143 with
5 regards to this particular witness.

6 (Trial Chamber confers)

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

8 Counsel Hooper, Counsel Kilenda, the issue of intermediaries is a
9 constant concern for this Bench. Since your application, I think it was
10 1960, you know that Trial Chamber II is dependent on this issue before
11 Trial Chamber I. Now, we are perfectly aware that the time of
12 Trial Chamber I is not exactly the same as that of Trial Chamber II. It
13 has its own constraints, which we don't know, and obviously we respect
14 them, and we have our constraints as well. And the witnesses proceed
15 while some of these witnesses have had 143 as an intermediary. We would
16 have liked to have been able to take a position more quickly in whatever
17 direction, but we're not able to do that.

18 You know, as the Prosecutor has said, that Trial Chamber I
19 recently, last week in fact, issued a decision. This decision - I think
20 there's a public version thereof which you can have access to - this will
21 be rapidly available, I hope, but I don't know. I think so. Because
22 Chamber I knows that there is urgency, undoubtedly in its own proceedings
23 but also in our proceedings. You can be certain that as soon as
24 Trial Chamber I has definitively taken a position on intermediary 143, we
25 will not delay to take a decision in this regard.

1 We fully understand that there are expectations on your part, but
2 for the time being, given that Trial Chamber I wants to -- whether its
3 decision is going to be positive for a maximum degree of precautions or
4 with a certain degree of precautions, we cannot disclose the identity of
5 this intermediary.

6 Now, as MacDonald as just said, this does not prevent you in any
7 way from asking all the questions that you consider to be useful, as I
8 think you've already did a few weeks ago where it concerned another
9 witness. I can't remember the number, but you did so in order to try and
10 determine the exact role that this intermediary might have played, the
11 initiatives that that intermediary might have taken to put the witness in
12 contact with the Office of the Prosecutor and all other initiatives that
13 you might be able to think of and with regard to which you would like to
14 have some degree of clarity.

15 So by way of summary or to summarise the position of the Bench,
16 yes to the question that you -- the questions that you want to ask, but
17 no to a frontal request asking for the identity of the witness unless --
18 but I do not think that we will have the answer before then, unless
19 Trial Chamber I has definitively taken a position in this regard.

20 Please be aware that this Bench is in contact almost on a daily
21 basis with Trial Chamber I on this issue in order not to let a decision
22 pass which could be prejudicial to you if we don't take it into account.
23 That is what we wanted to say to you. But this is a constant concern
24 that we have.

25 Security officers, please could you escort out Mr. Katanga and

1 Mr. Ngudjolo.
2 (The accused withdrew)
3 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, you can
4 take us into closed session to bring in the witness.
5 (Closed session at 9.28 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 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Expunged)
22 (Expunged)
23 (Private session at 9.31 a.m.)
24 (Expunged)
25 (Expunged)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 12 expunged. Private Session.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 13 expunged. Private Session.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 14 expunged. Private Session.

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Open session at 9.40 a.m.)

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

20 your Honour.

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

22 Madam Court Officer.

23 Witness, we are now in open session. Before you begin your

24 testimony you must pronounce the solemn undertaking to tell the truth.

25 This is a solemn undertaking that I'm going to read out slowly and in

1 order for you to understand the importance of this undertaking. The text
2 is as follows: I solemnly declare that I will speak the truth, the whole
3 truth, and nothing but the truth.

4 Have you understood these words?

5 THE WITNESS: (Interpretation) Yes, I've understood,
6 your Honour.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
8 Therefore, do you undertake to speak the truth, the whole truth, and
9 nothing but the truth?

10 THE WITNESS: (Interpretation) Yes, I do.

11 PRESIDING JUDGE COTTE: (Interpretation) Therefore, you've taken
12 the undertaking. The Court would like to ask you to listen carefully.
13 You have just undertaken to tell the truth. If during your testimony or
14 in response to the questions that are going to be put to you, if you do
15 not tell the truth you could be brought before the Court for false
16 testimony. And if it can be established that you did make a false
17 testimony, you could be convicted. Do you understand that, Witness?

18 THE WITNESS: (Interpretation) Yes, I heard you.

19 PRESIDING JUDGE COTTE: (Interpretation) You've heard what I
20 said.

21 The Court has therefore taken note that Article 69(1) of the
22 Statute has been complied with and Article 66 of the Rules of Procedure
23 and Evidence, paragraphs (1) and (3).

24 Witness, I would like to ask you one other thing. When you are
25 asked a question, I would like to ask you to pause a few moments, you can

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 17

1 count to five, between the end of the question and the beginning of your
2 answer. This is a brief pause that is necessary for the interpreters.
3 And when a question is being put to you, do not interrupt. Wait until
4 the end of the question, count to five, and then begin your answer.

5 The Court thanks you for your attention. It was important for us
6 to give you all of these instructions.

7 Mr. Prosecutor, you may begin your direct examination.

8 Witness, it is therefore the Prosecutor who is going to begin the
9 direct examination. Please listen carefully.

10 MR. GARCIA: (Interpretation) Mr. President, Madam Judges, good
11 morning.

12 WITNESS: WITNESS P-0279

13 (Witness answered through interpreter)

14 Questioned by Mr. Garcia:

15 Q. (Interpretation) Witness, good morning. Can you hear me,
16 Witness?

17 A. Yes, I can hear you.

18 MR. GARCIA: (Interpretation) Your Honour, given the questions
19 that I'm going to deal with, I'd like to go into private session rather
20 briefly.

21 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer, we
22 shall go into private session for a few moments, and to the attention of
23 the public gallery, the questions that are going to be asked could lead
24 to the identification of the witness, which is the explanation for the
25 requirement of a private session.

Witness: Witness P-0279 (Private Session)
Questioned by Mr. Garcia

Page 18

1 (Private session at 9.45 a.m.)
2 (Expunged)
3 (Expunged)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
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 P-0279 (Private Session)
Questioned by Mr. Garcia

Page 19

1 (Expunged)
2 (Expunged)
3 (Expunged)
4 (Expunged)
5 (Expunged)
6 (Expunged)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Expunged)
22 (Expunged)

23 *A. Well, it was Commander Boba Boba who made me leave (Expunged). I was
24 not alone. I was with other friends from the neighbourhood.

25 Q. Well, perhaps we need to go step by step and we'll go back to

Witness: Witness P-0279 (Private Session)
Questioned by Mr. Garcia

Page 20

1 *what exactly happened in a moment. But initially, in order for things to
2 be perfectly clear, you mentioned a person, I see the name "Boba Boba."
3 Is that correct?

4 A. Yes, that's correct.

5 Q. Witness, I understand that it may be difficult for you to think
6 back on the events that occurred, so we're going to go step by step. And
7 these questions are necessary so that everyone understand exactly what
8 occurred. Is that okay with you?

9 A. Yes. Okay.

10 Q. In order for everyone to understand the events, can you tell us
11 what occurred exactly? You said that it was Boba Boba who made you leave
12 (Expunged). What happened exactly?

13 A. Well, it was Commander Boba Boba with some of his soldiers who
14 came to my neighbourhood. They took me and my friends from the
15 neighbourhood, and we went to Zumbe hill.

16 Q. Correct me if I'm mistaken, if I understand correctly, at the
17 time your family lived in (Expunged)?

18 A. Yes.

19 Q. You have stated that you were in the neighbourhood. What were
20 you doing when Boba Boba came to take you?

21 A. Well, at that time I was near my parents, but my parents couldn't
22 prevent him because he and they had all the power, which is the way
23 things happen every time there's a war.

24 Q. Witness, in order for things to be a little bit clearer, you
25 stated that you were close to your parents. Do you mean that you were in

Witness: Witness P-0279 (Private Session)
Questioned by Mr. Garcia

Page 21

- 1 *the family home? Were you outside? And where exactly were you?
- 2 A. We were in the courtyard of the house, inside the concession.
- 3 (Expunged)
- 4 (Expunged)
- 5 (Expunged)
- 6 (Expunged)
- 7 (Expunged)
- 8 (Expunged)
- 9 (Expunged)
- 10 (Expunged)
- 11 (Expunged)
- 12 (Expunged)
- 13 (Expunged)
- 14 (Expunged)
- 15 (Expunged)
- 16 (Expunged)
- 17 (Expunged)
- 18 (Expunged)
- 19 (Expunged)
- 20 (Expunged)
- 21 (Open session at 9.56 a.m.)
- 22 COURT OFFICER: (Interpretation) We're now in open session,
- 23 your Honour.
- 24 PRESIDING JUDGE COTTE: (Interpretation) Thank you.
- 25 Please proceed, Prosecutor.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 22

1 MR. GARCIA: (Interpretation)

2 Q. Witness, you have stated that you were there with your brothers.

3 How many brothers do you have and please don't mention their names.

4 A. Well, it was my younger brothers.

5 Q. Well, was there one or two or more than two?

6 A. There were four.

7 Q. You have stated that a certain Boba Boba came, and how many
8 people were with him?

9 A. When he arrived I was not able to count the number of people that
10 were with him in the group.

11 Q. Were they numerous, Witness?

12 A. Yes.

13 Q. Did they have weapons?

14 A. Yes.

15 Q. How were they dressed?

16 A. Some of them were dressed in civilian clothing, while others were
17 in military uniform.

18 Q. Mr. Witness, just to be clear, with regard to the weapons, what
19 types of weapons were they carrying at that time?

20 A. They had weapons such as SMGs and other small or light weapons.

21 Q. Another clarification, Mr. Witness. You mentioned a commander,
22 Boba Boba. When did you know that he was a commander?

23 A. I knew about that when he came to take me, that is, myself and my
24 friends in the neighbourhood.

25 Q. And how did you know that?

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 23

1 A. I could see that he was a soldier. He came and took us and we
2 went right to the hill, and that is where I realised that he was a
3 commander.

4 Q. Mr. Witness, can you give us further details regarding how he
5 took you from your house? Did -- was he able to converse with your
6 parents?

7 A. He did not discuss with my parents. He arrived, he took me, but
8 before taking me he took my friends from the neighbourhood, because they
9 were already with him at the time that he arrived our home.

10 Q. And when you say that he took you, is it -- do you mean that his
11 soldiers physically took you away or was it himself?

12 A. He sent his soldiers to take me.

13 Q. And what precisely did they do before taking you away? Did they
14 just grab you? Did they ask you any questions? What did they tell you?

15 A. Usually at that time there were people who were taken away and
16 shown how the army functioned. They were also told how battles were
17 fought.

18 Q. Very well. We are going to revisit this issue in a short while.
19 But when you say that his soldiers took you, what precisely did they do?

20 A. The fact is, when they stopped me they grabbed me by my arms.
21 There were two of them. Later on they took me to where my other friends
22 in my neighbourhood were, and from there they took us to the top of the
23 hill.

24 Q. Were you able to resist?

25 A. Yes.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 24

1 Q. What was the reaction of your parents when this was happening?

2 A. They couldn't say anything.

3 Q. While all this was going on, what was Commander Boba Boba doing?

4 A. Can you please repeat your question.

5 Q. Of course. I'm sorry. Maybe I was not clear enough, but my
6 question to you was as follows. While the soldiers were taking you away,
7 as you have said, what precisely was Commander Boba Boba doing? Can you
8 tell us that?

9 A. He was close by the house in the company of his bodyguards.

10 Q. You have also stated that you met other people from your
11 neighbourhood who had also been taken; is that correct?

12 A. Yes, that is correct.

13 Q. What were the ages of those persons?

14 A. Some of them were older than me while others were younger.

15 Q. Just a clarification, Mr. Witness. When you say they were
16 younger than you, approximately how old were they?

17 A. They were less than 13 years old, that is, those who were younger
18 than me.

19 Q. How many of them were there, that is, those other young people?

20 A. Those who were living in my neighbourhood, those who were taken,
21 were four of them. But they had taken other children in other areas that
22 I did not count, so I do not know how many of them were there.

23 Q. Did you know those four children?

24 A. Yes.

25 MR. GARCIA: (Interpretation) Mr. President, I would like us to

Witness: Witness P-0279 (Private Session)
Questioned by Mr. Garcia

Page 25

1 go back very briefly to private session.

2 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please,
3 private session.

4 (Private session at 10.10 a.m.)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Pursuant to the oral order of the Trial Chamber II dated
17 20 May 2010, the following excerpt of the transcript held in private
18 session is reclassified as Public.) (Open session)

19 MR. HOOPER: Just before that happens, may I say we've not been
20 provided with any notice of this evidence.

21 PRESIDING JUDGE COTTE: (Interpretation) Regarding this
22 testimony, what do you mean by that?

23 MR. HOOPER: The names of any others, which is significant
24 because of course it's a -- I don't need to say.

25 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor.

Witness: Witness P-0279 (Open Session)
Evidentiary Matters

Page 26

1 MR. GARCIA: (Interpretation) What I'm realising is that
2 Mr. Hooper is simply making a statement. It doesn't sound to me like an
3 application or an objection, and if that's the case, I will proceed.

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

5 MR. KILENDA: (Interpretation) I believe that Mr. Hooper is
6 correct in raising this issue because even when we read the witness's
7 statements to the OTP, except I am mistaken, no mention was made of those
8 four brothers who are supposed to have been abducted at the same time as
9 the witness. So the problem is real because if we knew about that, we
10 would have investigated that area.

11 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

12 MR. GARCIA: (Interpretation) This is an issue that Mr. Hooper
13 has already raised in the past with other witnesses. There was a
14 statement of this witness that was disclosed to the Defence, and they
15 know precisely what this witness is going to testify to. They know the
16 chronology of the events. So this information that is coming out today,
17 I don't want to plead again what was -- what has already been done in the
18 past. But the bottom line is that it is a principle of spontaneity that
19 should prevail in the courtroom for the determination of the truth. The
20 witness is here now, and I do not see any reason why he should not give
21 us those names if that is going to lead to the truth.

22 MR. GILISSEN: (Interpretation) Can I address the Court?

23 PRESIDING JUDGE COTTE: (Interpretation) Very well,
24 Mr. Gilissen.

25 MR. GILISSEN: (Interpretation) This is an issue in which I

Witness: Witness P-0279 (Open Session)
Evidentiary Matters

Page 27

1 should not normally intervene, except that it concerns the determination
2 of the truth. This is an exercise that I went through with certain young
3 men and women in the field. Everybody knows the difficulty with which we
4 try to obtain responses or answers. I do not want to describe what the
5 Prosecutor is doing, but I believe that he is carrying out his
6 examination in a way that makes it possible to receive the responses or
7 answers from the witness, who is here. It is fortunate for all of us
8 because it will be possible then to know about the events that happened.

9 The Chamber will be the one to determine the truth. I believe we
10 will be losing something, including the Defence, if we do not have this
11 information. The Defence can cross-examine on that and, if possible,
12 carry out further investigations. But I believe this type of information
13 that we are obtaining regarding the manner in which the children could
14 possibly have been abducted is of interest to all of us. Even if in
15 future it is established that things might not have happened precisely
16 that way.

17 This is a moment of reality and I believe that it is important,
18 Mr. President. Thank you.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
20 Mr. Gilissen. We will have just a moment.

21 (Trial Chamber confers)

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, so far
23 during the testimonies of two other witnesses the statements that the two
24 witnesses made were spontaneous. This was unexpected information. This
25 case is slightly different because as a follow-up to answers that the

Witness: Witness P-0279 (Open Session)
Evidentiary Matters

Page 28

1 witness gave you, you have just asked him a more precise question about
2 identities. The Chamber believes that the determination of the truth
3 justifies that these questions be asked.

4 The two Defence teams in the course of their cross-examinations
5 can, depending on the modalities that they choose to follow, question the
6 witness and they will try to have clarifications. And they will be able
7 to determine professionally how to react to these answers that they were
8 not expecting. If at the end of their cross-examinations they feel that
9 they have suffered a prejudice, the Chamber will act in the same way that
10 we did in -- with regard to the two other witnesses. We will determine
11 whether there is indeed prejudice, and if that is the case, the Chamber
12 will allow the two Defence teams the necessary time to carry out any
13 investigations that they deem necessary. The Chamber would also allow
14 the possibility in response to a written motion to re-call that witness
15 if necessary.

16 So, Mr. Hooper, Mr. Kilenda, this is our decision now, and after
17 your respective cross-examinations, we will determine if there is a
18 prejudice whether to adopt the position that we have already adopted on
19 two occasions.

20 So, Mr. Prosecutor, please proceed with clarification. Are you
21 looking for the identities of the four brothers that Mr. Kilenda said or
22 are you talking about four young people who are neighbours of the
23 witness, in the neighbourhood, because I was rather confused there?

24 MR. GARCIA: (Interpretation) Mr. President, these are four
25 other young people who were abducted in the neighbourhood.

Witness: Witness P-0279 (Private Session)
Questioned by Mr. Garcia

Page 29

1 PRESIDING JUDGE COTTE: (Interpretation) Yes. Mr. Kilenda's
2 team have to understand, it was not four brothers, but four young people.

3 Mr. Witness, this was a legal issue and this should not pose any
4 problem to you, so you can now answer the question that the Prosecutor
5 put to you. If I am not mistaken, we were in private session and,
6 Court Officer, I believe it would be necessary for this section of our
7 proceedings to be reclassified as open session because it is important
8 and interesting. I do not think there is any objection to that because
9 no names were mentioned during those exchanges.

10 Prosecutor, you can continue.

11 (Private session at 10.20 a.m.)

12 (Expunged)

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 P-0279 (Private Session)
Questioned by Mr. Garcia

Page 30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 30 expunged. Private Session.

Witness: Witness P-0279 (Private Session)
Questioned by Mr. Garcia

Page 31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 31 expunged. Private Session.

Witness: Witness P-0279 (Private Session)
Questioned by Mr. Garcia

Page 32

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

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 10.32 a.m.)

18 COURT OFFICER: (Interpretation) We are in open session,
19 your Honour.

20 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, please
21 continue.

22 MR. GARCIA: (Interpretation)

23 Q. Witness, you also stated a few moments ago that around -- they
24 also took other children. You didn't count the number of them. Are you
25 able to tell us how old these children were approximately, starting with

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 33

1 the youngest?

2 A. As far as I could see, there were children who were 12 years old
3 and above.

4 Q. And I understand, Witness, you're not able to tell us exactly the
5 exact number of them, but are you able to tell us approximately how many
6 of them there were, how many children were taken on that day, more than
7 six? Less than six?

8 A. It was more than six children.

9 Q. Witness, these children and yourself when you were stopped on
10 that day, they took you to a particular place -- did they take you to a
11 particular place?

12 A. Please could you ask your question again.

13 Q. You told us a few moments ago in your testimony when these
14 soldiers took you, they took you somewhere, you joined your other
15 friends. Where were your other friends at that time exactly?

16 A. They were at home.

17 Q. Are you able to tell us how Commander Boba Boba came to your home
18 at that time? Did he take transport or did he go on foot?

19 A. He arrived on foot.

20 Q. These soldiers, how did they arrive?

21 A. I don't understand your question.

22 Q. If I understand you, Commander Boba Boba and his soldiers all
23 came on foot on that day; is that correct?

24 A. Yes.

25 Q. Are you able to tell us how Commander Boba Boba was dressed on

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 34

1 that day?

2 A. He was wearing military uniform.

3 Q. You also told us that Commander Boba Boba was accompanied by a
4 bodyguard as well as other soldiers. Are you able to tell us how old
5 they were, these soldiers, starting with the youngest?

6 A. Are you talking about the soldiers who were accompanying
7 Commander Boba Boba?

8 Q. Yes. I should have been more clear about that. The soldiers who
9 were accompanying Boba Boba. Could you estimate their age approximately,
10 starting with the youngest amongst them from this group. How old was
11 that person, if you're able to tell us?

12 A. It's difficult for me to give you their age.

13 Q. So quite simply, Witness, so that we can really situate this, at
14 what time did it happen? Are you able to tell us if on the day when you
15 were taken by force, was this before the fall of Lompondo in Bunia? We
16 all establish that was in August 2002. Or was it after the fall of
17 Lompondo in Bunia?

18 A. It was after the fall of Lompondo.

19 Q. Simply, if you're able to give us additional precision, was it a
20 few weeks or months after the fall of Lompondo, if you can give us such
21 clarification?

22 A. I do not remember.

23 Q. You told us in your testimony that you were taken to Zumbe hill;
24 is that correct?

25 A. That is correct. We were taken to Zumbe hill.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 35

1 Q. So it's clear, when we -- when you talk about "we," is that you
2 as well as your friends, your three friends as well as the others, were
3 they -- they were taken -- the others who had been taken from around
4 there; is that correct?

5 A. Yes, that is correct.

6 Q. Did you go on foot?

7 A. Yes.

8 Q. To your knowledge, Boba Boba and his soldiers, did they go
9 elsewhere before taking you to Zumbe?

10 A. Please could you ask your question again.

11 Q. En route to Zumbe, did Commander Boba Boba and his soldiers, did
12 they stop in another village?

13 A. No. No, we didn't stop anywhere.

14 MR. GARCIA: (Interpretation) Your Honour, taking into account
15 the suggestion to limit the testimony and the time that we've already
16 used, I'm going to go into another subject, I would suggest that we take
17 a break at the moment, if the Bench is agreeable.

18 PRESIDING JUDGE COTTE: (Interpretation) We do have a quarter of
19 an hour left. Our witness is replying in a very clear and precise way to
20 the questions you're putting to the witness. He won't hesitate to ask
21 you for clarifications. I think that we can continue so that we don't
22 disorganise our hearing too much. So we'll continue till 11.00.

23 MR. GARCIA: (Interpretation) Thank you, your Honour.

24 Q. Witness, could you describe what happened when you were taken to
25 Zumbe hill?

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 36

1 A. We were taken to Zumbe hill. The next day they were showing us
2 how to load a rifle, how to put the ammunition into the charger, and how
3 to fire -- into the magazine and how to fire. They gave us military
4 training.

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 A. During this time it took about one hour.

10 Q. Just so that it's clear, when you arrived in Zumbe, how were you
11 received there?

12 A. We were received and placed into the camp, and as I said, the
13 next day we started, we were shown how to put ammunition into a magazine
14 and how to fire. They showed us how to train soldiers.

15 Q. Can you tell us who it was who received you when you came to
16 Zumbe?

17 A. When we went there, we were with Commander Boba Boba and Ngudjolo
18 himself was present. There were also other commanders.

19 Q. Are you able to tell us who these other commanders were?

20 A. There was Crikaka, there was Kp adhole, as well as other persons
21 whose name I no longer remember.

22 Q. Did these people say anything to you when you arrived with the
23 other young people?

24 A. They did not say anything. They were pleased that we had
25 arrived.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 37

1 Q. We're going to go into the details of your training in a minute,
2 but for the moment, could you tell us where you spent the night with the
3 others, the other young people.

4 A. We spent the night in that camp.

5 Q. Were there houses or other type of buildings in which to sleep?

6 A. Yes.

7 Q. Quite simply, so it's clear, you said that it was a camp. Could
8 you tell us what type of houses, what type of structures there were in
9 this camp?

10 A. Certain houses were made of straw, others were covered with a
11 sheet-metal roofing.

12 Q. Were you also received by soldiers apart from the people that you
13 have mentioned?

14 A. On Zumbe hill?

15 Q. Yes, sorry. I should have been more precise. In the camp, when
16 you arrived to the camp in question.

17 A. We found other soldiers, we met other soldiers in the camp.

18 Q. If you are able, could you tell us what the -- or how many
19 soldiers there were. Were there a lot of them?

20 A. There were many of them.

21 Q. If I understand correctly, Witness, we're talking about Zumbe
22 camp?

23 A. Yes.

24 Q. Are you able to tell us if there was a village in Zumbe,
25 somewhere thereabouts?

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 38

1 A. Pardon?

2 Q. You spoke about Zumbe camp. To your knowledge, was there a
3 village of the same name, Zumbe?

4 A. I do not understand your question very well.

5 Q. I'm going to reformulate or change the question then, Witness.
6 When you speak about Zumbe camp, if I understand it correctly, that is a
7 military camp; is that correct?

8 A. Well, Zumbe was a village -- or Zumbe is a village, and this camp
9 was in the village called Zumbe.

10 Q. Thank you for this clarification in this regard.

11 A. Thank you as well.

12 Q. Witness, if I understand well, you had military -- or military
13 training started for you on the next day?

14 A. Yes.

15 Q. How many of you approximately, I can't give a precise number
16 unless you have one, but approximately how many of you followed this
17 military training the next day?

18 A. There were many of us who followed this training, but I cannot be
19 precise with regard to the number thereof.

20 PRESIDING JUDGE COTTE: (Interpretation) We are therefore going
21 to suspend this session. Thank you, Prosecutor.

22 Thank you, Witness.

23 Security officers, please could you escort out Mr. Katanga and
24 Ngudjolo, accused. We are going to have a 30-minute break.

25 Court Officer, please could you take us into closed session to

Witness: Witness P-0279 (Closed Session)
Procedural Matters

Page 39

1 allow the witness to leave the courtroom in full discretion.
2 (The accused withdrew)
3 PRESIDING JUDGE COTTE: (Interpretation) Witness, we are now
4 going to have a break for half an hour, 30 minutes, in which you can
5 rest.
6 (Closed session at 10.55 a.m.)
7 (Expunged)
8 (Expunged)
9 (Expunged)
10 (Expunged)
11 (Expunged)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Open session at 10.56 a.m.)
17 COURT OFFICER: (Interpretation) We are in open session,
18 your Honour.
19 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
20 Court Officer.
21 The hearing is now suspended, and we will be back at 11.30.
22 Recess taken at 10.56 a.m.
23 On resuming at 11.32 a.m.
24 (Closed session)
25 (Expunged)

Witness: Witness P-0279 (Closed Session)
Questioned by Mr. Garcia

Page 40

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Open session at 11.34 a.m.)

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

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
15 Good day, Witness. We are here for the second part of today's
16 hearing. Can you hear me?

17 THE WITNESS: (Interpretation) Yes, I can hear you well.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Given that
19 you can hear well, we can proceed.

20 Prosecutor, please proceed.

21 MR. GARCIA: (Interpretation)

22 Q. Good morning again, Witness.

23 A. Good morning.

24 Q. Just to be clear, when we stopped for the break you were telling
25 us about military training that you underwent at the Zumbe camp. Can you

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 41

1 tell us exactly who was the person who was giving this military training?

2 A. (No interpretation)

3 THE INTERPRETER: The witness is not speaking loud enough.

4 PRESIDING JUDGE COTTE: (Interpretation) Witness, could you
5 please speak up and sit in front of the microphone, perhaps closer to the
6 microphone. You can move the microphone so that it's closer to you and
7 please speak up. I'm sorry I interrupted what you were saying. Would
8 you please start over because the beginning was not translated. The
9 Prosecutor asked you who was giving military training. Could you please
10 answer that question.

11 THE WITNESS: (Interpretation) Mr. Ngudjolo was in charge of the
12 camp, of the Zumbe camp. He gave the orders to Commander Boba Boba to
13 train us.

14 MR. GARCIA: (Interpretation)

15 Q. So if I understand correctly - and please correct me if I've
16 misunderstood - was it Boba Boba himself who gave you the military
17 training the day after you arrived?

18 A. Yes.

19 Q. Aside from Commander Boba Boba, were there any other high-ranking
20 officers or high-ranking military people who were present during that
21 training?

22 A. The person in charge, the chief, was Mr. Ngudjolo, and there were
23 other commanders as well.

24 Q. Witness, quite simply, without going into the details, we will
25 deal with the details of the training later on, can you tell us

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 42

1 approximately how long this training lasted?

2 A. The training lasted about one week.

3 Q. Did Commander Boba Boba say anything to you at the beginning of
4 the training?

5 A. No.

6 Q. In order to be perfectly clear, can you tell us what was involved
7 in this military training? What were you taught?

8 A. As I said earlier, the training involved showing us how to charge
9 a rifle, how to load a rifle, how to shoot a rifle, and also the various
10 techniques involved in war or battle.

11 Q. Did you have weapons during the training?

12 A. Yes, there were weapons.

13 Q. Can you tell us what kind of weapons you used during the training
14 that we're speaking about?

15 A. We had weapons that were called SMGs.

16 Q. Can you tell us what an SMG is?

17 A. It's a rifle.

18 Q. Were there other types of weapons or rifles that you used during
19 the military training, Witness?

20 A. There were large weapons like RPGs, large calibre, but there were
21 light weapons like arrows, spears, and knives.

22 Q. You said a moment ago that you learned about techniques involved
23 in war or battle. What kind of techniques were you taught during the
24 military training ?

25 A. We were taught how to use certain types of medication in

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 43

1 particular; in other words, if they -- so that if they sent us off to
2 fight, we wouldn't have any problems.

3 Q. So that things are perfectly clear, when you refer to medication
4 what exactly are you referring to?

5 A. When I refer to medication, let me explain in the following way.
6 If you follow the indications that are given for a particular medication,
7 you won't be hit by bullets.

8 Q. Well, to be perfectly clear, this medication you're referring to,
9 what exactly was it like?

10 MR. HOOPER: (Previous translation continues) ... interrupt. Can
11 I just again raise the issue that this has not been a subject that's been
12 disclosed as a subject to be discussed with this witness.

13 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

14 MR. MACDONALD: (Interpretation) Thank you, your Honour. The
15 Prosecution, on request of the Chamber, did provide a very detailed table
16 including all of the evidence. Perhaps the witness may mention certain
17 things that are not in a 12-page statement, or 12 or 13 pages if you
18 remove the cover pages. But all of these general topics have been
19 analysed, have been presented in detail, and there's nothing new as
20 regards the case here.

21 Mr. Hooper's previous objection gave rise to a ruling on your
22 part, your Honour, and clearly, if the witness mentions spontaneously and
23 voluntarily certain things, it is perfectly normal that the Prosecution
24 requests certain details which, in fact, the Chamber might also decide to
25 request before the end of the testimony because the Chamber does want to

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 44

1 know exactly what we're speaking about, as well as the Legal
2 Representatives of Victims may also want to ask questions on these
3 topics. And no doubt under cross-examination the Defence can also
4 discuss these aspects of the testimony. So there is no surprise here.
5 There is nothing new in the case. And the Chamber has already taken note
6 of Mr. Hooper's previous objection on this topic. This is something that
7 might be repeated with this witness, given the fact that the Office of
8 the Prosecutor only met with him once; whereas in the case of other
9 witnesses, we were able to have two or three different statements.

10 So I believe the Chamber will understand, and as you have stated
11 previously, your Honour, aside from certain rights that the Defence may
12 have, we believe that the Chamber has already handed down a ruling in
13 this matter. Thank you.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you. One moment,
15 please.

16 (Trial Chamber confers)

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, following
18 your comment and your objection and, Mr. Prosecutor, in response to your
19 comment, the Chamber considers that the direct examination should
20 continue with this witness, in particular as regards this question. This
21 will be of use to the Chamber in order to understand practices or
22 behaviour upon which we do not have any information as of yet.

23 As we stated at the beginning of this hearing, the Chamber can
24 hear your submissions if -- during your cross-examination. If you feel
25 that there has been prejudice to your case, then we will authorise

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 45

1 additional time in order to complete your investigation on this
2 particular point or even re-call the witnesses if you feel that is
3 necessary. But we need to understand the comment that was just made by
4 the witness and we need more information than what was given in his
5 previous answer.

6 So, Mr. Prosecutor, you may proceed.

7 And, Witness, would you please supply the additional information
8 that was asked of you. I believe that the question was: What exactly
9 was this medication, what kind of medication was it? Yes, in order to be
10 perfectly clear, the question was: What was this medication or the
11 medication that you referred to? What exactly was this medication? A
12 simple question could be: What exactly was this medication, Witness?

13 THE WITNESS: (Interpretation) Well, they were -- it was
14 traditional medicine. If you use this traditional medication and you
15 went off to fight a war, you wouldn't be hit by a bullet. That's what I
16 explained. A fetich, in fact.

17 PRESIDING JUDGE COTTE: (Interpretation) Please proceed,
18 Prosecutor.

19 MR. GARCIA: (Interpretation)

20 Q. Witness, who spoke to you about these fetiches?

21 A. Could you please repeat your question.

22 Q. Yes, of course, Witness. I'm very sorry. Perhaps I wasn't very
23 clear. You stated to the Chamber that this fetich, if you respected it,
24 if you used it, you would not be hit by a bullet. Who exactly told you
25 that in the camp? Was there one particular person who told you that?

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 46

1 A. You want details about the fetich?

2 Q. Yes, indeed. When they told you about these fetiches, was there
3 a particular person? Can you give us the name of that person?

4 A. During our training, before we were to go to battle, we had to go
5 to the laboratory to receive these fetiches.

6 THE INTERPRETER: And the witness added the name: Mr. Ngudjolo.

7 MR. GARCIA: (Interpretation)

8 Q. Witness, I'm very sorry, but I believe that the last part of your
9 answer was not fully heard by the interpreters. You mentioned the name
10 "Ngudjolo." What was the relationship between Mr. Ngudjolo and the
11 fetich? Could you please speak a little bit more closely into the
12 microphone so that we can hear you well? Thank you.

13 A. He was in charge. He was in charge in Zumbe, and that's why
14 anything related to that place was under his responsibility, as I
15 mentioned. When there was a programme related to an attack, he asked the
16 soldiers to go get the fetich, to receive the fetich, before they went
17 off to battle. That's what I said a moment ago.

18 Q. If I understand correctly, it was Ngudjolo who asked you to go
19 take this fetich?

20 A. Yes. If someone did not follow the order, in other words, didn't
21 go get the fetich before going off to battle, that person would be hit by
22 a bullet -- could be hit by a bullet.

23 Q. One last question regarding this matter, Witness, if I may. You
24 said that you had to go to the laboratory to get the fetich. This
25 fetich, is it an object or what exactly is it?

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 47

1 A. You want to know what it is?

2 Q. Yes, indeed, Witness, if you can tell us.

3 A. Well, this is what I can say. This fetich was a mixture of oil
4 with a substance, a powder, that comes from trees in the forest but
5 combined with animal skin, wild animal skins.

6 (Prosecution counsel confer)

7 MR. GARCIA: (Interpretation)

8 Q. This laboratory you're mentioning, was it inside Zumbe camp?

9 A. The laboratory was inside the camp, and there was one in Lagura
10 camp as well. I think there was one in every camp.

11 Q. Well, we shall talk about the one that was inside Zumbe camp.
12 Was there a name for this laboratory you're referring to?

13 A. No. The laboratory didn't have a name.

14 Q. If I understand correctly, you referred to it with the word
15 "laboratory" or was there another word that you could use to refer to it,
16 another name?

17 A. It was a place where we went to get the fetich.

18 Q. If I understand correctly, you received the fetich during the
19 week of military training that you underwent in Zumbe camp?

20 A. No. It was during the preparation for battle.

21 (Prosecution counsel confer)

22 MR. GARCIA: (Interpretation)

23 Q. Witness, I would like to ask for further detail. When you say
24 that it was during the preparation for battle, which battle are you
25 referring to?

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 48

1 A. When --

2 THE INTERPRETER: The Swahili interpreter did not understand what
3 the witness said.

4 THE WITNESS: (Interpretation) Ah, well, I was about to answer
5 the question but you asked another one.

6 MR. GARCIA: (Interpretation)

7 Q. Witness, I beg your pardon. I'm going to repeat the question.
8 As regards the point in time when you received the fetich, you told us
9 that it was during the preparation for battle. Which battle were you
10 referring to?

11 A. I am going to talk about the battle. When we were in the Zumbe
12 camp, we spent one week there. We were already used to living in that
13 camp and they started deploying us. We were sent to provide security on
14 a road. And a few weeks later, on that road that we were guarding,
15 Mr. Germain Katanga and his group passed by. They went to our camp in
16 Zumbe and they met with Ngudjolo there. They discussed. They even
17 slaughtered a cow and feasted while talking about the Bogoro battle.
18 They were planning that battle.

19 We were at our positions. In the evening, some colleagues came
20 back and took over from us so that we should go back to the camp. And
21 these colleagues told us about the plan for the Bogoro war. We went to
22 the camp and we received a message in the camp, and we said, "Very well."
23 We stayed there in the evening. We participated in a parade.

24 I'm sorry, when we arrived the military camp, Katanga and his
25 group had already left. So we arrived the camp and we received a

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 49

1 training. Later on, Mr. Ngudjolo came and gave us an order. He had
2 already planned the war in Bogoro, and a few days later we were supposed
3 to go and fight in Bogoro. We spent the night there and the next day
4 they talked to us about the Bogoro war.

5 The following day he spoke about Bogoro, and about 4.00, the plan
6 was already ready because he had already discussed with Germain Katanga.
7 They had discussed who had to pass through the area where Katanga was and
8 who had to pass through Zumbe to start that war in Bogoro. That is how
9 the war was launched.

10 Ngudjolo told us, that is, the soldiers, that we should not kill
11 civilians, but that we should kill the soldiers. So there was fighting
12 and more fighting, but some members of the civilian -- of the civilian
13 population also died. Some of our soldiers were killed too. The
14 fighting continued. My group and Germain Katanga's group were fighting
15 and moving forward. And while the fighting was still going on, the
16 enemies and the UPC soldiers -- well, some of them were killed and others
17 fled.

18 At the time that some of them fled, there was an order from
19 Ngudjolo to the effect that the people who had been killed had to be
20 buried. We dug some holes very close to the centre, where we buried the
21 bodies of the victims.

22 And then Commander Katanga and Commander Ngudjolo went to the
23 centre, near the school. I do not know what they talked about when they
24 went there because Bogoro was already under our control. After their
25 discussion there, those of us soldiers from Zumbe left, but others stayed

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 50

1 there. Some from the group of Germain Katanga stayed there while others
2 left. So we went back to Zumbe camp. We stayed there for a long time
3 doing nothing.

4 Q. I'm sorry to interrupt you in this way, but we are going to come
5 back to all this information that you have just given us subsequently in
6 the course of your testimony. For the time being, I would like us to
7 backtrack a little bit to the time of your military training in Zumbe
8 camp. You told us that the military training had lasted approximately
9 one week, if I'm not mistaken. Is that correct?

10 A. Yes.

11 Q. You also told us that Commander Boba Boba personally provided
12 that training. As far as you can remember, did any other commanders
13 participate as trainers during this one-week military training?

14 A. During that first week of training there was Commander Boba Boba
15 as well as Commander Kpadhole. Commander Crikaka was also there, as well
16 as other commanders whose names I no longer remember.

17 Q. Did these commanders tell you anything at the end of this first
18 military training that you were given in Zumbe camp?

19 A. I have forgotten.

20 Q. Very well, Mr. Witness. Now, after this military training were
21 you given any particular duties in the Zumbe camp?

22 A. I was assigned to the camp after the Bogoro war. It was after
23 that war that I was assigned (Expunged)

24 Q. Mr. Witness, maybe I was not clear enough with my question, but
25 what I wanted to know was with regard to the period before the war in

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 51

1 Bogoro. After your training, what specifically did you do?

2 A. There was nothing to do in the camp. We took part in the
3 training and we guarded our positions. That was all.

4 Q. Mr. Witness, can you tell what it means to be part of the line?
5 Does that mean anything to you?

6 A. Can you repeat your question.

7 (Prosecution counsel confer)

8 MR. GARCIA: (Interpretation)

9 Q. Mr. Witness, I do not know whether you are reflecting on my last
10 question. I will simply want to rephrase. You said a short while ago
11 that you were guarding your positions. What precisely was that? Was
12 exactly were you doing?

13 A. We guarded our position in order to be able to alert those who
14 were inside the camp in case they -- there were enemies wanting to
15 attack.

16 Q. And how many of you were guarding that position?

17 A. There were 12 people who would be sent to the position, and they
18 would be relieved by another group of 12 people.

19 Q. And these 12 people including yourself, how old were they, that
20 is, those people who were sent to guard that position, beginning with the
21 youngest?

22 A. Most of them were adults.

23 Q. Were you armed?

24 A. Do you want to know whether I was carrying a fire-arm?

25 Q. That is correct, Mr. Witness. Were you carrying any weapon while

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 52

1 you were on guard at that position?

2 A. I did not understand the question.

3 Q. Mr. Witness, can you understand me well?

4 A. Yes, and please repeat the question.

5 Q. Very well, Mr. Witness. My question was this: While you were
6 guarding that position, were you carrying a weapon; and if so, what type
7 of weapon was it?

8 A. We only had SMG rifles.

9 Q. Mr. Witness, just to be clear, you talked about a position.
10 Where was this position located, that is, in relation to Zumbe camp?

11 A. When you're going to Zumbe camp, that is, if you go beyond Zumbe
12 camp and you go next to a hill nearby whose name I no longer remember.

13 (Prosecution counsel confer)

14 MR. GARCIA: (Interpretation)

15 Q. Quite simply, Mr. Witness, if you can elaborate, you have
16 indicated that this place was on the road to Zumbe camp. Would that be
17 in the same direction as the road towards Dele or is it another road?

18 A. No, it was not on the road to Dele.

19 Q. If you can tell us, it was on the road to where, which village or
20 other location?

21 A. I can say that this road was the road between Bogoro and Kasenyi.

22 Q. And who gave you the order to go and guard that position?

23 A. It was Commander Boba Boba who assigned people to that position.
24 I do not know whether Boba Boba had received an order from Ngudjolo for
25 people to go and protect that position or not.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 53

1 Q. Mr. Witness, and I'm still referring to the period before the
2 Bogoro war, while you were in Zumbe camp were there parades sometimes
3 there? Were parades sometimes organised?

4 A. Yes, there were parades every day in the morning and in the
5 evening.

6 Q. Mr. Witness, to enable us to understand, what exactly did you do
7 during those parades?

8 A. As I have already said, during the parades we were told about
9 waging war, how guns are operated and how ammunition is fed into a
10 magazine before shooting.

11 Q. Mr. Witness, who addressed you during those parades, was there
12 someone in particular or were there several people?

13 A. Sometimes Ngudjolo could come and conduct the parade, and at
14 other times other commanders would come and lead the parade.

15 Q. Mr. Witness, regarding this Zumbe camp, what was the ethnicity of
16 the soldiers who were there?

17 A. There were many ethnic groups. There were Lendus, Ngitis, Biras,
18 and other people from other ethnic groups, apart from the Gegeres and the
19 Hemas.

20 Q. Mr. Witness, I will ask you some more specific questions about
21 the soldiers who were in that camp in Zumbe. Are you able to tell us
22 whether these groups were divided into particular groups, sections,
23 companies, platoons, battalions, do you have that information?

24 A. The smallest group was a section and it was under the command of
25 Commander Kpadhole.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 54

1 THE INTERPRETER: The Swahili interpreter says he did not
2 understand what was said about Kpadhole, but Ngudjolo was the battalion
3 commander.

4 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, can you
5 repeat your answer because the interpreter did not understand part of
6 your answer. Thank you. You started by talking about the section. If
7 you can continue from there.

8 THE WITNESS: (Interpretation) You want me to start with the
9 section, Mr. President?

10 PRESIDING JUDGE COTTE: (Interpretation) Yes, that is where you
11 started your answer. So if you can simply repeat that answer. Thank
12 you.

13 THE WITNESS: (Interpretation) Let me repeat what I said. There
14 was the group belonging to Commander Boba Boba. The largest group was
15 the group of Ngudjolo.

16 PRESIDING JUDGE COTTE: (Interpretation) At the beginning of
17 your answer, you talked about a section under the control of
18 Commander Kpadhole. Can you simply be more specific about those various
19 divisions.

20 MR. FOFE: (Interpretation) Thank you, Mr. President. With all
21 due respect, I would like the record to show that the notions of a
22 section and others was introduced by the Prosecutor and not the witness.

23 PRESIDING JUDGE COTTE: (Interpretation) That is quite correct.
24 It was the Prosecutor who himself suggested the names for the various
25 divisions.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 55

1 So what you're being asked, Mr. Witness, is to tell the Court
2 whether the soldiers were divided into various groups. Did they form a
3 single group or were they divided into different groups? And if they
4 were divided into different groups, please tell us how those groups were
5 called and who were their leaders, that is, if you know.

6 THE WITNESS: (Interpretation) The large group was the head;
7 Ngudjolo led that group. The group who followed, it was
8 Commander Boba Boba. And Kpadhole led the following group.

9 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, please
10 continue.

11 Thank you, Witness.

12 MR. GARCIA: (Interpretation)

13 Q. Witness, quite simply, so it's clear, I would like to refer to
14 page 66, page (as interpreted) 12, the interpreter states that you said
15 that Ngudjolo was directing a battalion.

16 Witness, did you state that Ngudjolo was leading a battalion
17 during your testimony?

18 A. It was him, he was the leader of the whole camp.

19 THE INTERPRETER: Which was in Zombe.

20 MR. GARCIA: (Interpretation) If you would allow me,
21 your Honour.

22 (Prosecution counsel confer)

23 MR. GARCIA: (Interpretation)

24 Q. Witness, simply before I ask you a question by way of
25 clarification, just before answering I'd just ask you to go closer to the

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 56

1 microphone so that we can have a clear answer. You stated - and here I'm
2 referring to page 68, line 11, concerning Ngudjolo - you said it was he
3 who was the leader of all the camp. He was there -- here in Zumbe. Are
4 you referring to several camps?

5 A. It's as I just said. He was the person in charge. He was
6 responsible for all the camps in Zumbe.

7 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, on the
8 French version of the transcript there's perhaps a pronunciation problem.
9 In the French version of the transcript it says "the camp," "le camp,"
10 "le camp." So it's not "les camps," which would be "the camps." Just to
11 indicate it to you. The witness has just given a new answer. I don't
12 know if you want to continue with your answer (as interpreted), but in
13 the transcript, at least in the French version, in the written
14 transcript, it says "the camp" in singular. I don't know about the
15 English version.

16 (Prosecution counsel confer)

17 PRESIDING JUDGE COTTE: (Interpretation) Witness, in the French
18 version of the transcript, page 69, lines 1 and 2, it states, as I just
19 have said:

20 "He was responsible or the leader of all the camp of Zumbe."

21 MR. GARCIA: (Interpretation)

22 Q. Witness, were there other military camps in the surroundings,
23 other than the camp you mentioned to us, Zumbe camp? To your knowledge,
24 were there other military camps?

25 A. Apart from Zumbe camp, there was another camp, Lagura. The

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 57

1 commander who led that was called Commander Kute.

2 Q. Are you able to give us the name of other military camps, if
3 there were any, to your knowledge?

4 A. No, I do not remember any more.

5 (Prosecution counsel confer)

6 MR. GARCIA: (Interpretation)

7 Q. Witness, we're going to change subject for a moment and come back
8 to Zumbe camp, where you were. Are you able to tell us if there was a
9 prison in this camp?

10 I'm sorry to interrupt, Witness, but have you heard my question
11 or do you need some time to reflect thereon?

12 A. No, I didn't understand the question --

13 MR. HOOPER: In which case can I ask it to be formulated in a way
14 that's not leading. Thank you.

15 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, you will
16 appreciate the means of reformulating this question, possibly in an
17 indirect way. What is important for you is to have an answer.

18 MR. GARCIA: (Interpretation) Thank you, your Honour.

19 Q. Witness, when you were in Zumbe camp, to your knowledge, if there
20 was soldiers -- or if soldiers or people in the camp committed some kind
21 of offence, were they punished?

22 A. In this camp, if there was a soldier who committed some kind of
23 offence, yes, he was punished. The punishment was to whip that person,
24 quite simply.

25 Q. Witness, who decided on the punishment to be administered to

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 58

1 somebody, to a person or a soldier who had committed an offence?

2 A. I can say in Zumbe camp the order came from the chief, Ngudjolo,
3 or Commander Boba Boba. When a soldier committed an offence, that person
4 was whipped and then put against a tree, and there, a guard would be
5 there so that that person couldn't get down from the tree.

6 Q. Is it the case as well that people or soldiers who committed an
7 offence would be detained or imprisoned in a place?

8 MR. FOFE: (Interpretation) We are going back to the same
9 thing. That's not something that was said by the witness.

10 PRESIDING JUDGE COTTE: (Interpretation) Please reformulate,
11 Prosecutor.

12 MR. GARCIA: (Interpretation)

13 Q. Witness, apart from the punishment you've already mentioned, was
14 there other type of punishment administered on people who had committed
15 an offence?

16 A. Apart from this punishment, I do not see any other punishment.

17 Q. Witness, I'm going to ask you a few questions of a general nature
18 with regards to the camp where you were in Zumbe. Could you tell us
19 quite simply how the life of people in the camp was organised. While
20 you -- what time you got up, what did you do during the day. I'm talking
21 obviously before the attack on Bogoro.

22 A. The life in the camp, it was a life like that. It wasn't a
23 normal life. That was the life that we had there.

24 Q. Witness, I understand that this is an issue which is difficult
25 for you to remember today, but I would like to know, when you say that it

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 59

1 wasn't a normal life, could you tell us why it was not a normal life?

2 A. Because when they took us from the village, they took us to the
3 camp, we saw that the life in the camp was not a good life.

4 Q. When you were in the camp, Witness, where did you sleep, under
5 what conditions did you sleep?

6 A. Sleep, well, we slept very badly. There were straw houses in
7 which we slept.

8 Q. How many of you slept per house?

9 A. There were two people in each little house, there were two people
10 who slept in each little house, and (Expunged)

11 Q. At what time did you awake, Witness?

12 A. We got up very early in the morning.

13 Q. When you were woken up very early in the morning, what was that
14 to do exactly in the camp?

15 A. It was to have training.

16 Q. Where it concerns this training, are you able to tell us how long
17 it lasted for?

18 MR. GARCIA: (Interpretation) Your Honour, I note that the
19 witness is having increasing difficulties in answering. Taking into
20 account what the VWU suggested, perhaps it would be appropriate to take a
21 short break, should the Bench consider it necessary.

22 PRESIDING JUDGE COTTE: (Interpretation) Witness, a question has
23 just been put to you. You're taking time to answer it. Is this because
24 you don't remember it well and, quite normally, you're trying to find the
25 answer to it; or is it because you're tired at this stage in the

Witness: Witness P-0279 (Closed Session)
Procedural Matters

Page 60

1 examination-in-chief? Could you let us know what the situation is quite
2 simply, because we can stop for five minutes to give you a rest, should
3 you so wish. Please do not hesitate, Witness. I'm just asking this
4 question. Would you like us to stop for five minutes in order to have a
5 glass of water, to rest for a moment, or are you trying to bring back
6 certain memories in order to answer the Prosecutor?

7 THE WITNESS: (Interpretation) I forget.

8 PRESIDING JUDGE COTTE: (Interpretation) So you're not able to
9 answer this question concerning the way in which a day in the camp
10 continued? If you so wish, we shall have a short break and we'll be back
11 at 1.00. It is now 12.50. We'll be back at 1.00.

12 Security officers, please could you escort out the accused.

13 Court Officer, we'll now go into closed session so the witness
14 may leave the courtroom and have a break.

15 Witness, we will be back at 1.00 for a 30-minute session. We
16 will finish at 1.30.

17 (The accused withdrew)

18 (Closed session at 12.51 p.m.)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

1 (Expunged)

2 (Open session at 12.52 p.m.)

3 COURT OFFICER: (Interpretation) We're in open session,
4 your Honour.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
6 Court Officer.

7 The session is therefore suspended. It is now 12.53. We will be
8 back at 1.03 so we can be fully in our work at 1.05.

9 Break taken at 12.53 p.m.

10 On resuming at 1.02 p.m.

11 (Closed session)

12 (Expunged)

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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 62 expunged. Closed Session.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 63 expunged. Closed Session.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 64 expunged. Closed Session.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 65 expunged. Closed Session.

1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Open session at 1.13 p.m.)

15 (The accused entered court)

16 COURT OFFICER: (Interpretation) We are in open session,
17 your Honour.

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

19 Witness, we are back here for 15 minutes only. The Prosecutor is
20 going to continue his direct examination, and then we shall come back
21 tomorrow morning. Tomorrow morning, most likely we will take a number of
22 shorter breaks so that you can feel more comfortable and perhaps be less
23 tired. Tomorrow we will have 50 minutes of questioning, ten-minute
24 break, and then come back again for 50 minutes. This will enable you to
25 pace yourself.

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 67

1 Prosecutor, please.

2 MR. GARCIA: (Interpretation)

3 Q. Witness, I understand that it's difficult for you to answer some
4 of my questions, but rest assured, I only have a few additional questions
5 for you today until the end of today's hearing. As regards your life in
6 the military camp in Zumbe, can you tell us what they gave you to eat
7 every day?

8 A. We only ate what we could find on site. We didn't have enough to
9 eat.

10 Q. Witness, I'm going to talk about another topic. As regards the
11 camp where you were, the Zumbe camp, I know that you've already given
12 some details as regards the structure inside the camp, but could you
13 describe the Zumbe camp in fuller detail?

14 A. Well, in my opinion, the living conditions in the camp were not
15 good.

16 Q. I beg your pardon, Witness, perhaps you misunderstood my
17 question. I was asking you about the military camp where you were. You
18 said there were structures, there were houses in the camp. Is that
19 correct?

20 A. What type of houses do you mean, Prosecutor?

21 Q. Well, were there houses for the soldiers to live in in the camp?

22 A. I said that there were a few houses inside the camp that were
23 occupied by the soldiers.

24 Q. Were there houses or buildings where the weapons were stored?

25 A. There was no weapons warehouse. We -- we kept the weapons in the

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 68

1 houses where we spent the night, with us.

2 Q. And did you yourself have a weapon when you were in the camp; and
3 if so, what kind of weapon?

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Prosecution counsel confer)

8 MR. GARCIA: (Interpretation)

9 Q. During your testimony, you stated that there were weapons you
10 called RPGs. Can you tell us where those weapons were kept?

11 A. Those heavy weapons were kept in Ngudjolo's camp.

12 Q. You refer to Ngudjolo's camp. Where was that camp? What was the
13 name of that camp?

14 A. The camp was in Zombe.

15 Q. Where exactly were those weapons stored, in what exact place?

16 A. Could you repeat the question, please.

17 Q. Was there a particular place, a building or a house, in the camp
18 where those weapons were stored?

19 MR. FOFE: (Interpretation) I understand where the Prosecutor is
20 trying to go, but I believe the question was put clearly to the witness
21 and the witness answered quite clearly. I'm sure you've understood my
22 objection.

23 PRESIDING JUDGE COTTE: (Interpretation) Yes, but,
24 Professor Fofe, the answer given was "in Ngudjolo's camp." The
25 Prosecutor tried to obtain additional explanations and the witness stated

Witness: Witness P-0279 (Open Session)
Questioned by Mr. Garcia

Page 69

1 that Ngudjolo's camp was the camp in Zumbe. So we needed to be a bit
2 more precise and I think that we need to clarify.

3 THE WITNESS: (Interpretation) It's the camp that we had in
4 Zumbe.

5 PRESIDING JUDGE COTTE: (Interpretation) Well, Mr. Prosecutor, I
6 don't think you're going to get a more precise answer to that question.
7 Perhaps it's preferable to go on to another question or to perhaps obtain
8 the answer you're looking for later on through a different question.

9 (Prosecution counsel confer)

10 PRESIDING JUDGE COTTE: (Interpretation) This will be your last
11 question, Mr. Garcia.

12 MR. GARCIA: (Interpretation)

13 Q. Witness, do you know whether Mr. Ngudjolo had a private house in
14 the camp?

15 A. Yes, he had his own house.

16 PRESIDING JUDGE COTTE: (Interpretation) Well, then we shall --
17 that will be the last question, Witness. We thank you for your
18 contribution this morning to the hearing today. You have answered as we
19 requested, in a precise fashion. Tomorrow you need to perhaps try to
20 speak a little bit more loudly in order to facilitate the work of the
21 interpreters and also to facilitate our understanding. We thank you,
22 therefore. We shall see you tomorrow morning at 9.00. You may now leave
23 the courtroom.

24 Security officers, would you escort the two accused out of the
25 courtroom.

1 Accused, we shall meet tomorrow morning at 9.00.

2 (The accused withdrew)

3 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, closed
4 session, please, so that the witness can leave the courtroom discreetly.

5 (Closed session at 1.26 p.m.)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Open session at 1.27 p.m.)

15 COURT OFFICER: (Interpretation) We are in open session,
16 your Honour.

17 PRESIDING JUDGE COTTE: (Interpretation) The Chamber would like
18 to thank all those who have assisted us this morning, and the session is
19 suspended -- adjourned. The session is adjourned.

20 The hearing ends at 1.27 p.m.

21 RECLASSIFICATION REPORT

22 * Pursuant to the oral order of the Trial Chamber II dated 20 May 2010,
23 the excerpt of the transcript from page 25 line 16 to page 29 line 10 has
24 been reclassified from private session to open session.

25 SECOND RECLASSIFICATION REPORT

- 1 *Pursuant to Trial Chamber II's email instructions dated 10 July 2012,
- 2 the following excerpts of the transcript are reclassified as public,
- 3 after the indicated redactions have been implemented,
- 4 as ordered by the Chamber:
- 5 *Page 19 lines 23 to 25
- 6 *Page 20 lines 1 to 25
- 7 *Page 21 lines 1 to 2