

1 International Criminal Court
2 Trial Chamber II - Courtroom 1
3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and
4 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 Monday, 21 June 2010
10 The hearing starts at 2.05 p.m.
11 (Open session)
12 COURT USHER: All rise. The International Criminal Court is now
13 in session.
14 PRESIDING JUDGE COTTE: (Interpretation) Court is in session.
15 Please be seated.
16 The accused persons are in the courtroom, and we can now begin
17 our hearing.
18 Before we bring in the witness and continue with our proceedings,
19 even though we had to stop early, we would like to point out that we will
20 be sitting for three days this week, because on Thursday and Friday the
21 Vice-president, Judge Diarra, has to represent the court abroad.
22 Tomorrow at 9.00 a.m. we'll have the Ngiti language expert, and tomorrow
23 in her presence I will briefly give you the background for her appearance
24 because that was a long time ago, and we will even listen to the brief
25 excerpt of last March, which was the basis for her work. Mr. Hooper

1 wanted to ask her some questions for clarification, and that is what we
2 are going to do tomorrow at 9.00 a.m.

3 Right now we will be handing down an oral decision on the motion
4 of the Prosecutor by e-mail on the 17th of June, 2010, that is at 11.13,
5 and that is last Thursday, relating to the disclosure of transcripts.

6 By decision number 2471 of the 11th of June, 2010, reclassified
7 as public on the 17th of June, Trial Chamber I ordered the Prosecutor to
8 disclose to the Defence in the Katanga-Ngudjolo case, pursuant to Rule 77
9 of the Rules of Procedure and Evidence, the unredacted transcripts of the
10 hearings relating to four witnesses who appeared in the Lubanga case.
11 These are Witnesses DRC-OTP-WWW-0007, DRC-D01-WWW-025,
12 DRC-V02-WWW-0001, and DRC-V02-WWW-0002, whose redacted testimony, and
13 these are the four witnesses I have just read, the redacted versions of
14 their testimonies had already been disclosed on the 19th of April, 2010.

15 Amongst other things, Trial Chamber I ordered the Prosecutor to
16 disclose the identities of those witnesses to the Defence teams of
17 Katanga and Ngudjolo. However, Trial Chamber I left open to the
18 Prosecutor the possibility of applying or filing a reasoned application
19 for the maintenance of certain redactions within a period of seven days
20 from the publication of that decision, otherwise, the unredacted
21 transcripts will be communicated. Furthermore, the Chamber asked the
22 Prosecutor to file with Trial Chamber II an application for the same
23 protection measures adopted in the Lubanga case to be granted to these
24 witnesses, and these were protection measures which led to some parts of
25 the testimony taking place in closed session. In this regard, Trial

1 Chamber I recalled that the Defence in the Katanga/Ngudjolo case will be
2 bound to protect the confidentiality of the information -- the protected
3 information pursuant to decision 1372 of the 3rd of June, 2008.

4 By e-mail of 17 June 2010, the Prosecutor indicated to
5 Trial Chamber II, that he had applied for the maintenance of redactions
6 for Witnesses OTP-0007 and D01-025. It is up to him, therefore, pending
7 a decision from Trial Chamber I, to disclose without any further delay
8 the unredacted transcripts relating only to Witnesses V02-0001 and
9 V02-0002. In accordance with the decision of Trial Chamber I, the
10 Prosecutor requested Trial Chamber II, to order the same measures, the
11 same protection measures, as those adopted during the testimony of those
12 same witnesses in the Lubanga case and ask the parties and participants
13 to respect the confidentiality of the excerpts that took place in closed
14 session.

15 The Chamber notes that in order to allow the Prosecutor to comply
16 diligently with its obligations towards the Defence, we accepted to hand
17 down a decision on this motion even though it was filed informally and
18 particularly after the cancellation of the two hearings during which the
19 Prosecutor would have had the possibility to file a formal motion within
20 the deadline ordered by Chamber I. We therefore note that motion and
21 hand down a decision.

22 The Chamber also notes decision number 2471 of Trial Chamber I.
23 In accordance with regulation 42(1) of the Regulations of the Court, the
24 Chamber orders that the protection measures adopted by that Chamber
25 during the testimony of the witnesses in question should be applicable

1 also to the Katanga/Ngudjolo case. The Chamber recalls, as mentioned by
2 Trial Chamber I, that the Defence is bound to respect the confidentiality
3 of the transcripts of the hearings in closed session disclosed to them.
4 The Prosecutor should therefore disclose those transcripts to the Defence
5 immediately.

6 Lastly, the Trial Chamber notes that Chamber I, in paragraphs 33
7 and 34 of its decision, recalled to the Prosecutor his obligations of
8 disclosure vis-a-vis to the Defence pursuant to Regulation -- Rule 77 of
9 the Rules of Procedure and Evidence, drawing his attention to several
10 witnesses whose identification numbers are given.

11 The Chamber in this regard would like to reiterate that these are
12 obligations that the Prosecutor is bound to comply with as a matter of
13 course.

14 Mr. O'Shea, please.

15 MR. O'SHEA: (Previous translation continues) ... a moment ago
16 about the Ngiti expert coming tomorrow morning, and I wonder if I could
17 request if the message could go to the expert that if -- if she has it in
18 her possession, if she could please bring the dictionary that she refers
19 to in her statement with her. Thank you.

20 PRESIDING JUDGE COTTE: (Interpretation) Mr. O'Shea, the Chamber
21 anticipated your question, and please confirm, Madam Court Reporter (as
22 interpreted), and we ask the witness to bring along her large dictionary.
23 In fact, that request was made of her.

24 We will therefore ask the security officers to escort out
25 Mr. Katanga and Mr. Ngudjolo from the courtroom.

1 Mr. Luvengika, please.

2 MR. LUVENGIKA: (Interpretation) Thank you, Mr. President. I
3 simply wanted to address the Court briefly in relation to the oral
4 decision that you have just handed down, but it is not related to that
5 decision. It concerns a filing made by the Prosecutor last Friday, that
6 is filing number 2204, which includes two annexes of the lists of
7 intermediaries and witnesses that the Chamber had requested. This
8 document was filed confidentially, an ex parte accessible only to the
9 Defence and the OTP. We did not understand the reasons behind that
10 decision for it to be ex parte, that is, excluding the Legal
11 Representatives, insofar as on several occasions we have already pointed
12 out that those discussions could be of interest to us, because amongst
13 victims that I represent, there are witnesses. So these are witnesses
14 that have a dual status.

15 Recently the Chamber reclassified several submissions that had
16 been made ex parte, and pursuant to Regulation 23 bis of the Regulations
17 of the Court, when the Prosecutor limits himself to saying that these
18 annexes contain confidential information that is not accessible to the
19 public, we think he is not complying with the conditions laid down in
20 that Regulation. So we do not understand the reason for that ex parte
21 status excluding the Legal Representatives. That is why we are applying
22 to the Chamber to kindly reclassify the annexes attached to document
23 number 2204.

24 Thank you.

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

1 Mr. Luvengika.

2 Mr. Prosecutor, you did indeed file on Friday as expected the
3 first part of that table containing exchanges between intermediaries and
4 the Prosecution witnesses. The last part will be filed later.

5 Now, can you give us your response regarding the observations
6 made by Mr. Luvengika?

7 MR. GARCIA: (Interpretation) Good afternoon, Mr. President,
8 your Honours. The Prosecution does not have any objection to
9 reclassifying those documents to make them accessible to the
10 Legal Representatives of the Victims.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
12 Mr. Prosecutor. Those are documents that arrived in -- in a timely
13 manner and which are relevant.

14 So, Court Officer, take note of the request of the
15 Legal Representative and the response of the Prosecutor, who did not have
16 any objection. So the Legal Representatives should have access to those
17 documents, and particularly the table containing the exchanges that the
18 intermediaries had with Prosecution witnesses.

19 Now the security officers can briefly escort out the two accused
20 persons.

21 (The accused withdrew)

22 PRESIDING JUDGE COTTE: (Interpretation) And, Court Officer, let
23 us go into closed session to allow the witness to come into the courtroom
24 so that the Prosecutor can continue with his direct evidence.

25 (Closed session at 2.19 p.m.)

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Page 7 expunged. Closed Session.

Witness: Witness P-0280 (Resumed) (Private Session)
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1 (Open session at 2.22 p.m.)

2 COURT OFFICER (interpretation): We are in open session, your
3 Honour.

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

6 The Bench would like to address those who are in the public
7 gallery very briefly. For purely technical reasons linked to major
8 difficulties in the Swahili interpretation booth last week, we have to
9 stay in closed session for some time. So, ladies and gentlemen, I cannot
10 see very clearly, do not be surprised if we have a closed session for
11 about five to ten minutes. We are going to go back to open session
12 immediately afterwards, and if that part of the hearing does not deserve
13 to be in closed session, it will be reclassified immediately. But we
14 wanted to explain that to you so that you should not be surprised.

15 Court Officer, let us now go into private session for that brief
16 period.

17 Good afternoon, Mr. Witness.

18 THE WITNESS: (Interpretation) Good afternoon.

19 THE INTERPRETER: But the Swahili interpreter says they did not
20 hear what the witness -- they did not hear what the witness said.

21 *(Private session at 2.24 p.m.) Reclassified as Public session

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, we have
23 just said that there were major difficulties in the Swahili booth last
24 week, and that compelled us to postpone the hearings of Thursday and
25 Friday. So we have to be very sure that everything is working perfectly.

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1 So speak directly into your microphone and loudly so as to reassure us
2 that everything is working perfectly. So just say anything in answer to
3 my question. Did you hear me well?

4 THE WITNESS: (Interpretation) I can hear you well.

5 PRESIDING JUDGE COTTE: (Interpretation) And the interpreters,
6 can they hear the witness well?

7 THE INTERPRETER: Yes. This time around we heard him.

8 PRESIDING JUDGE COTTE: (Interpretation) Very well. That is
9 perfect.

10 Court Officer, please be alert to inform us as soon as we go back
11 into open session.

12 Mr. Prosecutor, please proceed.

13 Questioned by Mr. Garcia: (Continued)

14 Q. (Interpretation) Good afternoon, Mr. Witness.

15 A. Good afternoon.

16 Q. Witness, when we separated last week, I was asking you some
17 questions in order to clarify your testimony, and today I'm going to
18 continue with that same line of questioning so as to elicit some
19 clarifications from you. I do understand that some of the questions that
20 I will ask you will seem to you to be quite similar to those that I've
21 already asked you. Nevertheless, it is still important for you to answer
22 the questions that I'm going to put to you today.

23 Mr. Witness, during your testimony, you told us that Bogoro fell
24 at one point. You spoke about it to us briefly and gave us some details
25 about the attack. You mentioned a military camp belonging to the UPC.

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1 To your knowledge, that is, aside from the UPC military camp, do you know
2 whether there were UPC soldiers positioned anywhere else, that is, apart
3 from the military camp?

4 A. You are talking of positions, but you have to be precise. Where
5 precisely? Are you referring to Bogoro?

6 Q. Yes, in Bogoro, Mr. Witness. That is, apart from the UPC camp
7 itself. Were the UPC soldiers positioned anywhere else in Bogoro?

8 A. There were UPC soldiers in Bogoro and in Kasenyi. There were
9 also some of them in Bunia.

10 Q. Very well. But in Bogoro itself, if you remember, of course, I
11 do understand that there were UPC soldiers in the military camp, but were
12 there UPC soldiers anywhere else in Bogoro?

13 A. I was only aware of that camp in Bogoro.

14 Q. You have told us that initially you started with the civilians,
15 so to speak, and subsequently the fighting continued with the soldiers.
16 At the end of that attack in Bogoro, to your knowledge, were there any
17 survivors amongst the UPC soldiers?

18 A. Yes.

19 Q. And what happened to those survivors?

20 A. During the fighting, I believe that some of them fled while
21 others were killed, but we killed those that we were able to capture.

22 PRESIDING JUDGE COTTE: (Interpretation) Madam Court Officer, do
23 you think we should stay in private session? Have the tests been done?

24 (Trial Chamber and Court Officer confer)

25 PRESIDING JUDGE COTTE: (Interpretation) We still have about two

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1 or three minutes.

2 Mr. Prosecutor, you can proceed.

3 MR. GARCIA: (Interpretation)

4 Q. Mr. Witness, tell us once more. After the fall of Bogoro, to the
5 best of your knowledge, were there any civilian survivors?

6 A. Yes.

7 Q. And what happened to these civilian survivors following the
8 attack?

9 A. Well, to the best of my knowledge, I did not capture any
10 civilian. I know that there were certain civilians who were not killed.
11 I also know that there were certain civilians who fled.

12 Q. Witness, you just told us that you know that there were certain
13 civilians who did not die, who were not killed. What happened to those
14 civilians?

15 A. I think I have already said this. I did not capture any
16 civilian. However, with respect to those civilians who were captured,
17 they were captured elsewhere. However, in our group we did not capture
18 anyone. In our group, we carried out some looting. I think I talked to
19 you about this.

20 Q. Yes, indeed. You talked about pillaging, but what happened to
21 the survivors? What happened to the civilian survivors of the attack on
22 Bogoro? I understand you when you say that you did not capture any
23 civilians, but what happened to civilian survivors?

24 PRESIDING JUDGE COTTE: (Interpretation) While you reflect on
25 that question, Mr. Witness, I think we are going to return to open

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1 session.

2 Mr. Prosecutor, the Court apologises for interrupting you.

3 (Open session at 2.35 p.m.)

4 COURT OFFICER: (Interpretation) We are in open session,
5 your Honour.

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

8 Mr. Witness, you have the floor now. You heard the question put
9 to you by the Prosecutor. What happened to the civilian survivors? You
10 may answer now if you've had time to reflect on the question and to
11 refresh your memory. We are listening to you.

12 THE WITNESS: (Interpretation) What I know is that the majority
13 of them were killed along the way. They did not reach the hill. There
14 were some of them who did not go all the way to the hill. Those of them
15 who were fortunate arrived there, and the others died on the way.

16 Q. If I understood you well, and you should correct me if I'm wrong,
17 when you talk about "the hill," are you referring to the Zumbe hill?

18 A. I was referring to the hill in our place, Zumbe, Lagura. Those
19 are the same hills. That's where we live. There are two hills, in fact.

20 Q. Thank you, Mr. Witness, for that clarification.

21 Witness, if I understood you correctly, you were present in
22 Bogoro at the time when Bogoro fell. Is that correct?

23 A. I think I have already said this. I said that I was in Bogoro
24 before the commencement of the attack. The attack started, and right up
25 to the end I was in Bogoro. We started the attack, and we indeed

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1 completed the attack.

2 Q. Well, at the end of the attack on Bogoro, did you see any
3 commanders from the FNI or the FRPI present on the spot in Bogoro?

4 A. I think I have already answered this question. I said that at
5 the end of the fighting or at the end of the war each person was taking
6 care of his or her own affairs. Now, with respect to whether there were
7 any commanders of the FRPI and so on there, I have not been able to think
8 about that.

9 Q. Just to make things clear, Mr. Witness, I do understand that you
10 were taking care of your own affairs at the time, that is, after the
11 attack. However, my question to you is the following: Did you,
12 yourself, see any commanders of the FRPI or of the FNI at the end of the
13 attack on Bogoro?

14 A. I only saw the commanders who were controlling our team. We were
15 with Commander Kute, Pitchen, whom I saw as well. I think that the other
16 commanders I saw were other commanders.

17 Q. Just to make things clear, Mr. Witness, you mentioned
18 Commanders Kute and Pitchen, and you said that the other commanders you
19 saw were other commanders. Who, then, were these other commanders?

20 A. I said that I saw other commanders. However, I do not know them.
21 We knew our own commanders, the commanders who were with us. We knew
22 them because we lived with them, and they did not have any epaulettes
23 showing their ranks on their shoulders. So that's how we could identify
24 them.

25 Q. Just to make things clear, Mr. Witness, when you say you knew

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1 your own commanders, are you referring to the commanders of the FNI or
2 the commanders from your camp?

3 A. I'm referring to the commanders, only the commanders from our
4 camp.

5 Q. I understand, therefore, that you were able to understand only
6 those who came from your camp, but could you tell us whether or not there
7 were commanders from other groups, say, the FRPI, who were present there?

8 A. In the FRPI, well, I think I have already mentioned the names of
9 the commanders, the FRPI commanders, that I know.

10 Q. That's right, Mr. Witness. You did mention commanders of the
11 FRPI. Which of these commanders of the FRPI were in Bogoro after the
12 attack?

13 A. As I said earlier, I did not see a single commander of the FRPI.

14 Q. You told us, Mr. Witness, that Yuda's group remained there on the
15 spot and that they occupied Bogoro after the attack. Is that correct?

16 A. Yes.

17 Q. Could you tell us who took that decision, namely, the decision
18 that Yuda's group should remain or stay behind in Bogoro after the
19 attack?

20 A. I have no idea.

21 Q. I do understand that Yuda's group stayed behind. Could you tell
22 us who was in charge of the town of Bogoro after the attack?

23 A. I told you that it was Yuda's group that stayed behind in Bogoro.
24 It was that group, therefore, that controlled Bogoro.

25 Q. Mr. Witness, could you tell us where you got the information

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1 from, namely, that Yuda's group stayed behind?

2 A. Yes. I knew about this. Why? Because after the war, we
3 separated. We went up to the hill. And the friends who were from the
4 same camp as myself returned. At one point in time they returned to
5 Bogoro, and they informed me that they had seen Yuda's soldiers there.
6 So when they returned to us on the hill, they would give us that
7 information.

8 Q. Mr. Witness, were you wounded during that attack on Bogoro?

9 THE INTERPRETER: The Swahili interpreter did not hear the last
10 answer given by the witness. He said, "Yes," but we could not catch the
11 last end of the answer.

12 PRESIDING JUDGE COTTE: (Interpretation) Mr. Witness, could you
13 please repeat your answer. The interpreters had difficulties and they
14 only heard the first part of your answer and not the final part thereof.

15 The question of the Prosecutor was the following: "Were you
16 wounded during that attack on Bogoro?" Could you please repeat your
17 answer. Thank you in advance.

18 THE WITNESS: (Interpretation) Yes. I did say, "Yes, I was
19 wounded."

20 MR. GARCIA: (Interpretation)

21 Q. Could you explain to us how you were wounded, Mr. Witness.

22 A. It is as the result of an error made by my friend, my colleague.
23 My colleague loaded a gun, and he let a bullet in the magazine, and the
24 gun was uncocked and he had forgotten. And while we were sitting
25 together, his arm touched the trigger and the gun went off, and since we

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1 were sitting face-to-face, the bullet nearly hit my head. However,
2 fortunately the bullet went out on the other side.

3 THE INTERPRETER: The English booth did not capture where or what
4 the Swahili booth said because of technical problems.

5 MR. GARCIA: (Interpretation)

6 Q. Is that wound still visible?

7 A. Yes. Just a small scar, because it's scarring rather well, and
8 it's no longer very visible.

9 Q. In the course of your testimony, Mr. Witness, you talked briefly
10 about Hema civilians who were being used to transport goods. I'm
11 referring to transcript 156, French transcript, page 45 thereof, from
12 lines 4 -- from line 4 onwards.

13 In a nutshell, you said:

14 "It would happen that we could arrest certain civilian Hemas, or
15 Hema civilians, and we would have them transport these goods."

16 Later on you said, in line 9 that:

17 "It would happen that sometimes some of them would be released,
18 or we could hide them, because if the soldiers knew that you were married
19 to a Hema, they could shoot you. And if you were a high-ranking
20 commander, you could keep a Hema in your house. But if you were not high
21 ranking, if you were a mere foot soldier, you did not have the right to
22 keep a Hema in your house, in your home."

23 Now, with respect to those Hemas who could be arrested or taken
24 and used to transport looted property, could you please tell us whether
25 such a thing happened in Bogoro or in subsequent attacks or in both

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1 situations, or in both cases?

2 A. In the case of Bogoro, we did not have Hema civilians in our
3 group. However, elsewhere we did that. We did that in my group as well.

4 Q. Just to make things clear, Mr. Witness, you said:

5 "In our group in Bogoro we did not have Hema civilians, but
6 elsewhere we did that in my group as well."

7 I simply wish to understand you. If I understood your answer
8 correctly, you were saying in Bogoro, Hema civilians were used to
9 transport looted property?

10 A. I thought what I said was clear. This is what I said: In
11 Bogoro, in my group, we did not take or capture any Hema civilians, but
12 elsewhere, where we waged battles, we captured Hema civilians whom we
13 asked to transport or to whom we asked to work for us, as I said -- or as
14 you said.

15 Q. And in those other places, did you have to wage any battles, or
16 you simply capture the Hema civilians and asked them to transport looted
17 property? What attacks are you referring to here?

18 A. When we fought in Mandro.

19 Q. Did you fight in any other places apart from Mandro?

20 A. Yes. We also fought in Kasenyi.

21 Q. Apart from Kasenyi and Mandro, were there any other places?

22 A. Well, those are the two areas where we made Hema civilians work
23 for us. In other places where I fought, we did not do that.

24 Q. Well, Mr. Witness, we are going to return to that point, namely,
25 about persons who were used to transport looted properties -- or

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1 property. We are going to do that in detail after discussing the issue
2 of the attacks on Mandro and Kasenyi. However, for now I wish to get one
3 last clarification from you.

4 In response to one of my questions, you said, and this is in
5 transcript 156, page 46, line 21, you say that:

6 "I believe that in our militia people did not have ranks. It was
7 later on that ranks were given."

8 Now, could you tell us at -- at what point in time did people
9 start having ranks within your militia? And just to give a point of
10 reference to you and ourselves, was this before the attack on Bogoro or
11 after the attack on Bogoro that people within your militia started
12 getting military ranks?

13 A. I said that the ranks were worn on the shoulders. If you had
14 something like a star on your shoulder, you would be called captain or
15 sub-lieutenant. So those epaulettes would show that you are a captain, a
16 sub-lieutenant, or a sergeant. They would see that from the star. But
17 if you see somebody who doesn't have such epaulettes on their uniform, it
18 would be difficult to determine or to know their rank.

19 Q. When you arrived at the Lagura camp, were people already wearing
20 these stars which distinguished them from the rest of the soldiers, or
21 was it later on that they started wearing these military ranks?

22 A. In the Lagura camp, we know our commanders very well because we
23 lived with them. We knew their names. We know that A is commander
24 so-and-so, and B is commander so-and-so. So if you are a soldier and you
25 come from our camp, it would be difficult to know whether you are a

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1 commander or not because there is no distinctive sign to show whether or
2 not you are a commander.

3 Q. If you are able to answer the question, Mr. Witness, when you
4 arrived at the Lagura camp did people already wear those distinctive
5 emblems, or was it just afterwards?

6 A. I think I've already answered as follows: I said that at our
7 camp we already knew the commander.

8 Q. You have just told us that when a star was worn or when somebody
9 had a star, you could call them captain, commander, sergeant. Now, when
10 you arrived at the Lagura camp, did you identify people as such? In
11 other words, as captain, lieutenant, or sergeant, or was it just when it
12 was a commander?

13 A. I think I already answered that. In our camp, we knew our
14 commanders. We were able to identify them by their names. We knew who
15 one commander was or another one. We were able to do so without any rank
16 or distinctive sign. Nobody wore a distinctive sign on his military
17 uniform from the time I arrived until the very end.

18 Q. Witness, we are going to change topics. You told us that you
19 fought not only in Bogoro but also in Mandro. My questions will be on
20 the attack on Mandro.

21 Could you first tell us what happened.

22 A. Before going to attack Mandro, the UPC groups came to attack us.
23 They were the first to attack us -- us. They left Mandro and came to
24 attack us. We fought back, and we fought them back that far.

25 Q. Could you give us some details on this attack? I would first

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1 like to ask you who went to fight in Mandro.

2 A. Yes. Our group left, as well as the group from Zumbe. That's
3 it. There were two groups, Zumbe and Lagura.

4 Q. Were there any other military groups involved in that attack?

5 A. As far as I know, because we went to Mandro to fight, we didn't
6 attack Mandro that day. I'm talking about the battle I participated in.
7 I would like to specify that we went to fight in Mandro, but we didn't
8 conquer them. We looted and then we left.

9 Q. With regard to the attack on Mandro that you have just spoken
10 very briefly about, is that an attack that occurred after the attack on
11 Bogoro or prior thereto?

12 A. I would like to set things straight by saying the following: We
13 did not fight Mandro just once. There wasn't just one battle on Mandro,
14 there were several. We attacked Mandro several times. We went to
15 Mandro, and we would fight, and then we would retreat. We would go back.
16 And so it's difficult for me to say which battle you are referring to,
17 because we attacked Mandro even before Bogoro. And if you would like me
18 to be more specific about the battle I am talking about here, it was the
19 battle that occurred prior to us attacking Bogoro.

20 Q. Can you tell us about the battles on -- or fights on Mandro after
21 the battle of Bogoro?

22 A. To my knowledge, I only have information on the battle that
23 occurred prior to attacking Bogoro.

24 Q. Witness, how many attacks on Mandro were you involved in, you
25 personally?

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

Page 21

1 A. I think I went just once to fight in Mandro.

2 Q. So you say you think you went to attack Mandro just once.

3 A. Yes, that's correct.

4 Q. Is it possible that you were involved in other attacks on Mandro
5 afterwards?

6 A. Most of the fights I was involved in were in Zumbe, at the hill,
7 when the members of the UPC and the others came to attack us. I was
8 involved in many attacks there. I did not get out of that area really.

9 Q. All right, Mr. Witness, but I was wondering whether you were
10 involved in another attack on Mandro after the attack on Bogoro?

11 MR. FOFE: (Interpretation) I am trying to come to the witness's
12 rescue here. I think that the question was asked a number of times of
13 the witness, and I think that the witness has already answered that
14 question. Thank you.

15 PRESIDING JUDGE COTTE: (Interpretation) Well, Prosecutor, you
16 may continue, but I think, indeed, that perhaps we should get out of this
17 spiral.

18 MR. GARCIA: (Interpretation)

19 Q. Well, Witness, I will just ask my question again. Is it possible
20 that you had been involved in an attack on Mandro after the attack on
21 Bogoro?

22 A. I think I already answered your question. I said that I went to
23 fight in Mandro prior to the attack on Bogoro. I did not participate in
24 the other attacks. I went to attack Mandro before we went to attack
25 Bogoro, and I went just once.

Witness: Witness P-0280 (Resumed) (Open Session)
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1 Q. Well, Witness, we are going to talk about the attack that were
2 involved in, the attack on Mandro prior to the attack on Bogoro. You say
3 that there were basically two groups that were involved in that attack.
4 If I'm not mistaken, it was the group from the Lagura camp, as well as
5 those from the hill. Is that correct?

6 A. Yes. Yes. On the Zumbe hill, and I spoke as well about the
7 Lagura camp.

8 Q. Who ordered that attack?

9 A. It's our commander from Lagura, Kute, who gave us the order to go
10 and attack Mandro.

11 Q. And what was the order exactly?

12 A. Here are the orders that we were given. We were told, first of
13 all, to go and attack Mandro. The objective of our battle was to go and
14 loot the ammunition and other goods, but the priority was to loot the
15 ammunition in order to have several weapons.

16 Q. When you say the first order was given, who gave you that order?
17 You said the first said the following: "You will go and attack Mandro."
18 Who was that first person?

19 A. I think I said the following: I said the first -- the first
20 order. I said the first order was to go and attack Mandro. The main
21 goal was to loot weapons, guns, and ammunition. The second objective was
22 to loot other goods, and that was secondary. It wasn't a priority.

23 Q. You say that it was Kute who issued the order to attack Mandro.
24 Who did Kute get his orders from?

25 A. I think I said the following: All of us, including Kute and his

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

Page 23

1 soldiers, were under the authority of Mr. Ngudjolo, because Mr. Ngudjolo
2 had the biggest camp, and he was superior to all of us.

3 Q. What means of communication existed to enable Kute to communicate
4 with Ngudjolo?

5 A. We had Motorolas.

6 Q. Were there any parades or military assemblies before the attack
7 on Bogoro?

8 THE INTERPRETER: Rather, correction from the interpreter:
9 Attack on Mandro.

10 THE WITNESS: (Interpretation) I think I already said that
11 before attacking Mandro, we all got together.

12 MR. GARCIA: (Interpretation)

13 Q. In order for it -- in order for it to be clear for everyone,
14 Witness, are you referring to the gathering that occurred prior to the
15 attack on Bogoro?

16 A. I'm talking about Mandro and not Bogoro.

17 Q. A few moments ago, and this is what I'm trying to clarify, I
18 asked you whether there were parades or gatherings before the attack on
19 Mandro, and I think you said, "Prior to the attack on Mandro, we got
20 together."

21 That meeting, that gathering, can you tell us who was part of
22 that meeting?

23 A. All of us were there. There was our group. We got together in
24 our camp, the Lagura camp. We were all there.

25 Q. Which commander was present?

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

Page 24

1 A. I said the following: Before attacking Mandro, we were at our
2 camp. We spoke together and then we went to the Zumbe market, and that
3 is where we met all of the soldiers. In other words, the soldiers from
4 Zumbe and Lagura, they got together and that was at the Zumbe market.

5 Q. Well, Witness, we will go through this step-by-step. You said,
6 first of all, you all got together in your camp, in the Lagura camp. Who
7 were the commanders who were there at that first meeting that took place
8 at your camp in Lagura?

9 A. There was our commander, Kute. There was also another commander.
10 I think I've forgotten the names of the other commanders we were with,
11 because there wasn't just Kute as commander. There were at least four or
12 five commanders who were beside Kute.

13 Q. Well, Witness, I can understand that you may have forgotten the
14 names of the other commanders, but can you tell us whether they were
15 commanders from the Lagura camp or whether they were from elsewhere?

16 A. No. It was just our commanders.

17 Q. You say we spoke among ourselves. What was said exactly about
18 the Mandro attack during that first meeting?

19 A. Here's what they told us, they said: "We will attack Mandro.
20 Mandro is not easy to take. You have to fight courageously. The
21 objective is to loot weapons and ammunition."

22 And they said that with regard to looting civilians' goods, that
23 should be the result of that battle. In other words, if we win, then we
24 should loot the goods of the people who live there, and if we don't, then
25 we don't do that.

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Q. And in order for it to be clear, you said that that first
2 gathering at the Lagura camp, you said, "We were all there." Are you
3 telling us that all of the soldiers at that Lagura camp attended that
4 first gathering?

5 A. I think I already answered with regard to what happened in our
6 camp in Lagura. There were soldiers who were in the Lagura camp who
7 attended the gathering, but it is true that not all of the soldiers went
8 to battle.

9 Q. And you said that you then went to the Zumbe market, and it is
10 there that you met all of the soldiers. In other words, the soldiers
11 from Zumbe and from Lagura.

12 A. Yes.

13 Q. Could you explain to us what you did at the Zumbe market. Why
14 did you go there?

15 A. We gathered there and the same thing that we heard in Zumbe, the
16 same speech was given in that place. We were told that we should go and
17 fight, and then we went to get the fetish.

18 Q. And who made the speech? Who gave you that order in Zumbe, at
19 the Zumbe market?

20 A. There was Commander Mbulo who was a commander from Boba Boba.
21 Kute was there as well.

22 THE INTERPRETER: The Swahili interpreter would like to point out
23 that Boba Boba, the Commander Boba Boba, was also present.

24 MR. GARCIA: (Interpretation)

25 Q. Can you remember whether any other commanders were there at the

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 gathering at the Zumbe market?

2 A. I think the names that I've given you are those that I remember.

3 There were several commanders, but the question here is one for which I

4 cannot remember the names of the commanders.

5 Q. Witness, if you are able to do so, would you be able to tell us

6 where Mathieu Ngudjolo was there when the gathering took place at the

7 Zumbe market?

8 A. I have no idea, because we were in the markets. The distance

9 between the market and Ngudjolo's residence is quite large, and that's

10 why I can't tell you where he was at that particular time.

11 Q. And just for clarification purposes, where was Mr. Ngudjolo's

12 residence?

13 A. Ngudjolo's house was -- well, you see, I don't know what kind of

14 references I can give you. If you leave the Zumbe market, then you go up

15 a road that goes towards the church. I'm not quite sure how to explain

16 it, because there are several roads, small little houses here and there.

17 I would say this: When you leave the Zumbe market, you take the road

18 towards Bunia, then you go up towards the church, and his house was near

19 there.

20 Q. The place where Mr. Ngudjolo had his house, did it have a

21 specific name?

22 THE INTERPRETER: The Swahili interpreter did not hear the answer

23 provided by the witness.

24 PRESIDING JUDGE COTTE: (Interpretation) Witness, you will have

25 to repeat your answer, because the Swahili interpreter did not hear it.

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Perhaps you could repeat the answer that you just gave to the question as
2 to whether the place that Mr. Ngudjolo had his house had a specific name.
3 We would appreciate it if you could repeat your answer.

4 THE WITNESS: (Interpretation) No.

5 MR. GARCIA: (Interpretation)

6 Q. Mr. Witness, you described to us where Mr. Ngudjolo's house was
7 located. Did you ever go to that house, you personally?

8 A. When we went there, we stopped near his house, but there was no
9 possibility for us to go in there. There was very robust security there,
10 and if you crossed the line to go into the house, then you would be
11 tried.

12 Q. Mr. Witness, at that time when you were in Lagura camp and even
13 after the Bogoro attack, did you ever see Mathieu Ngudjolo with your own
14 eyes?

15 A. Yes. I saw Mathieu Ngudjolo from the hill, right up to the time
16 that we returned to Bunia. I saw him.

17 Q. Mr. Witness, just so as to be very clear, when was the first time
18 that you saw Mathieu Ngudjolo? What were the circumstances?

19 A. This is what I can tell you: The first time that I saw him was
20 in Zumbe market.

21 Q. When was that? Was it before or after the Bogoro attack?

22 A. I saw him after the Bogoro attack.

23 Q. Can you tell us how long was that after the Bogoro attack? Was
24 it a matter of days or weeks? Can you tell us something about that?
25 Approximately how long?

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 A. It would be difficult to estimate how many days it was. At that
2 time, I did not take any note of the time after the attack when I saw
3 him. But I know that it was after the fighting and the fall of Bogoro.

4 Q. Is it possible that you saw Mathieu Ngudjolo before the Bogoro
5 attack, and if necessary, you can take your time to reflect on that.

6 A. I saw him after the Bogoro attack.

7 Q. You have told us that you saw him for the first time in Zumbe
8 market. Explain to us the circumstances in which you saw him. What was
9 Mathieu Ngudjolo doing when you saw him?

10 A. I saw him arrive. There were two of them. There were
11 body-guards. There was Chef Manu and Mathieu Ngudjolo.

12 Q. And how was Mathieu Ngudjolo dressed?

13 A. When I saw him on that day, he was in civilian clothing.

14 Q. You have also indicated that he was accompanied by body-guards.
15 How were those body-guards dressed?

16 A. I did not say two body-guards. I said body-guards.

17 Q. How many body-guards were there, Witness, as far as you can
18 remember?

19 A. I did not count the number of body-guards, but I knew that there
20 were body-guards there.

21 Q. And how were those body-guards dressed?

22 A. Some of them were dressed in Ugandan military uniforms, while
23 others were dressed in UPC military uniforms. Still others were dressed
24 in civilian clothing. That means they had civilian tops over military
25 trousers.

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Q. Were these body-guards carrying weapons?

2 A. Yes. All of them were armed.

3 Q. And what were you, yourself, doing in Zumbe market on that day?

4 A. I was in Zumbe market to make some purchases. I needed to fetch
5 what I had to buy at that time.

6 Q. And to your knowledge, what was Mathieu Ngudjolo doing on that
7 day?

8 A. I do not know what he was doing at that time.

9 Q. More specifically, at the time that you saw him what was he
10 doing? And I'm referring to Mathieu Ngudjolo.

11 A. When he alighted from his vehicle, the vehicle of the body-guards
12 were all around, and the soldiers were alighting. I saw him come out of
13 the vehicle, and he started walking. I went on my way.

14 Q. You have also said that the vehicle of the body-guards was all
15 around, and the soldiers were coming out of the vehicle. Now, apart from
16 the body-guards that were accompanying Mathieu Ngudjolo, were there other
17 soldiers?

18 A. No. When he travelled, he was on board his vehicle. The
19 body-guards also had their vehicle which followed his.

20 Q. Just to be clear, you told us that some of the body-guards were
21 wearing Ugandan or UPC uniforms. Are you telling us that these were
22 Lendus wearing these uniforms?

23 A. Yes.

24 Q. You also mentioned a Chef Manu. To your knowledge, who was that
25 person?

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 A. Manu was the chief of the entire hill, Lagura-Zumbe. He was the
2 overall chief.

3 Q. You have also mentioned a certain Boba Boba. Do you know where
4 that person was based? Do you know from which camp he came?

5 A. All I know about Commander Boba Boba is that he was in Zumbe
6 camp, but I cannot give you any details.

7 Q. Witness, you have just told us about the first time that you saw
8 Mathieu Ngudjolo. Did you see him on other occasions after that first
9 time? And I'm referring to Mathieu Ngudjolo.

10 A. I saw Mathieu Ngudjolo just as a passer-by. I was passing by,
11 and he himself was passing by and that is when I saw him.

12 Q. And when you tell us that you saw him while passing by, where
13 specifically was this?

14 A. I saw him on one Sunday. We were coming from the church, from
15 mass, and we were passing by.

16 Q. Since you were talking about coming from the church, you said
17 "we." Who are "we"? You and who?

18 A. My friends and I. That is the other soldiers who were with me in
19 the same camp. We usually went to the church, and after we left church,
20 we saw him.

21 Q. Mr. Witness, where was the church located?

22 A. There were several churches in Zumbe. There were churches on the
23 road to the airport, opposite the market. And even on the road to
24 Lagura, there was also a church there. So I would say that there were
25 several churches in the area.

Witness: Witness P-0280 (Resumed) (Open Session)
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1 Q. Very well, but the church where you saw him, where was that
2 church located? Which church was it?

3 A. This was the church which was located on the road from Zumbe
4 market to Kambutso. If you take that road going to Kambutso and further
5 on to Bunia, it was on that road that that church was located.

6 Q. When you met Mathieu Ngudjolo, was he alone or with others?

7 A. Ever since I knew him, Ngudjolo never moved about alone. He
8 always had his body-guards with him.

9 Q. When you saw him there, how was Mathieu Ngudjolo dressed?

10 A. Sometimes he was dressed in civilian clothes, and he was wearing
11 a leopard-skin cap. Sometimes he was dressed in military uniform.

12 Q. Did you know the body-guards that travelled with
13 Mathieu Ngudjolo?

14 A. No.

15 Q. Did you know their names?

16 A. No.

17 MR. GARCIA: (Interpretation) Mr. President, I intend to move on
18 to something else, and that being the case, I would suggest that we break
19 now.

20 PRESIDING JUDGE COTTE: (Interpretation) Very well,
21 Mr. Prosecutor.

22 Witness, we are going to stop here for about 30 minutes. You
23 have already answered questions for about one and a half hours. For the
24 second part of this hearing, we will start at 4.30 p.m. We will listen
25 to your testimony for about 50 to 55 minutes, then we will break for

Witness: Witness P-0280 (Resumed) (Closed Session)
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1 10 minutes, then another segment of 50 to 55 minutes, just to be sure
2 that you are in good shape.

3 Security officers, please escort the accused persons out of the
4 courtroom, and we will see you again in about 30 minutes.

5 (The accused withdrew)

6 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, let us
7 go into closed session to allow the witness to withdraw.

8 (Closed session at 3.55 p.m.)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Open session at 3.55 p.m.)

19 COURT OFFICER: (Interpretation) We are in open session,
20 Mr. President.

21 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

22 Yes, Mr. Prosecutor. Before we break for 30 minutes, do you have
23 any time estimates regarding the continuation of your direct examination?

24 MR. GARCIA: (Interpretation) Mr. President, I was intending to
25 try to conclude the direct examination today with the witness, but

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1 everything will depend on how the witness answers.

2 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

3 The hearing is suspended. We will meet again at 4.30 p.m.

4 Recess taken at 3.56 p.m.

5 On resuming at 4.32 p.m.

6 (Closed session)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Open session at 4.33 p.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 two accused persons are here in the courtroom.

22 Mr. Witness, we are going to sit until 6.30, but we are going to

23 take a ten-minute break at some point. We are going to, as I said, take

24 a ten-minute break.

25 Mr. Prosecutor, you have the floor.

Witness: Witness P-0280 (Resumed) (Open Session)
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1 Witness, can you hear me?

2 THE WITNESS: (Interpretation) Yes.

3 PRESIDING JUDGE COTTE: (Interpretation) Everything's working
4 fine, and that suits us well.

5 Mr. Prosecutor, you have the floor.

6 MR. GARCIA: (Interpretation)

7 Q. Mr. Witness, before the break you were giving us details on the
8 meetings you had with Mr. Ngudjolo near a church along the road leading
9 to Zumbe market. I have further questions to put to you on that topic,
10 and the first question is the following: Did you have an opportunity to
11 speak to Mr. Mathieu Ngudjolo when you met him on the occasions you
12 talked about?

13 A. I have never had any discussion with Mathieu Ngudjolo.

14 Q. Now with respect to the times when you met him at the church, did
15 that happen frequently? Did that happen often? Did that happen
16 occasionally? Can you throw some light on that?

17 A. What meetings are you talking about? I've never had any meeting
18 with Mathieu Ngudjolo.

19 Q. When you saw him at the church, how often did this happen? Did
20 you see him on many occasions? Did this happen only sometimes? Could
21 you clarify that point?

22 A. I did not see Mathieu Ngudjolo at the church. This is what I
23 said. I saw him at the time I was leaving the church. I was not alone.
24 I was with my soldier colleagues. As we were leaving the church we saw
25 him along the way, that is, Mathieu Ngudjolo, and we went on our way. It

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 was not in church that we saw Mathieu Ngudjolo.

2 Q. Very well. So when you met him along the way, how often did that
3 happen?

4 A. It was rarely.

5 Q. If I understood you well, when you saw him, you were still
6 serving in the militia.

7 A. I was a soldier. However, with respect to that particular day,
8 we were on an outing.

9 Q. With respect to the first time you saw him, you said you saw him
10 in Zumbe market. Were you serving in the militia at that particular
11 point in time?

12 A. Yes.

13 Q. You talked briefly -- well, let me repeat the question. Have you
14 ever gone to the residence of Mathieu Ngudjolo?

15 A. I think I have already answered that question. Now, it's not
16 easy to enter Mathieu Ngudjolo's residence. You cannot enter. There is
17 a very well-organised security team there. If you try to enter, you'll
18 be stopped at the very first or second gate.

19 Q. If I understood you well, you have already gone to his residence.
20 You just said it was difficult to enter that residence. Should I
21 understand, therefore, that you have already or ever gone to his
22 residence?

23 JUDGE DIARRA: (Interpretation) Mr. Prosecutor, are you asking
24 whether he has ever attempted to get into that residence?

25 MR. GARCIA: (Interpretation) Well, my question is simple,

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 your Honour. I wanted to know whether he has ever gone there. The
2 witness told us that it would be difficult for anyone to try to get into
3 the residence, but I would like to know from him has he ever tried
4 personally to get into that residence.

5 THE WITNESS: (Interpretation) I think I have already answered
6 that question. This is what I said: There is a difference between
7 entering his residence and arriving at the first gate. Those are two
8 different things.

9 Yes, I went there, but I was stopped at the gate.

10 MR. GARCIA: (Interpretation)

11 Q. And why did you go there?

12 A. I was touring around. I was a soldier, and I could go all the
13 way to that place. I was his soldier. I had the right to move around in
14 the whole of Zumbe, and that is what I did in fact. I went all the way
15 to the first gate. I knew someone who was there, but I did not have the
16 opportunity or the luck to meet him.

17 MR. GARCIA: (Interpretation) Your Honour, given the nature of
18 certain questions which I'm going to put the witness, I would like us to
19 move into private session for a short while, with your leave.

20 PRESIDING JUDGE COTTE: (Interpretation) If you deem it
21 necessary, we are going to go into private session for a short while.

22 Court Officer, please.

23 PRESIDING JUDGE COTTE: (Interpretation) I have been given two
24 reminders we ought to therefore ensure that we do not speak rapidly
25 because the stenographer has been having some difficulties from the time

Witness: Witness P-0280 (Resumed) (Private Session)
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1 we resumed our hearing.

2 Court Officer, could we therefore move into private session,

3 please.

4 (Private session at 4.42 p.m.)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

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11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

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17 (Expunged)

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20 (Expunged)

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Witness: Witness P-0280 (Resumed) (Private Session)
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Witness: Witness P-0280 (Resumed) (Private Session)
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Page 39 expunged. Private Session.

Witness: Witness P-0280 (Resumed) (Private Session)
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Page 40 expunged. Private Session.

Witness: Witness P-0280 (Resumed) (Open Session)
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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Open session at 4.54 p.m.)

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

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Could you
9 proceed, Mr. Prosecutor.

10 MR. GARCIA: (Interpretation)

11 Q. Who authorised you to leave the Lagura camp, Mr. Witness, to go
12 and settle in Zumbe for a while?

13 A. There was no one in our service who could authorise anyone to do
14 whatever it was, who could authorise a soldier to come and go or to leave
15 the place. No one had those powers. I was able to decide on my own to
16 leave Lagura to go to Zumbe, and no one could prohibit me from doing
17 that. I was even able to go to my home and live there and no one would
18 stop me from doing that -- from doing that. And all the while I retained
19 my status as a soldier.

20 Q. And where did you reside whilst you were in Zumbe?

21 A. I was living close to my friends. I was living with their
22 family.

23 Q. Do you have -- did you have any special duties, any special tasks
24 to perform whilst you were in Zumbe?

25 A. No, I did not have any specific tasks. I was there, and I had

Witness: Witness P-0280 (Resumed) (Private Session)
Questioned by Mr. Garcia (Continued)

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1 nothing to do. I was just moving around.

2 Q. Did you have any tasks to perform for Mathieu Ngudjolo?

3 A. I think I have already said that I never had any discussion with
4 Mathieu Ngudjolo. I never had the opportunity or the time to talk to
5 Mr. Mathieu Ngudjolo.

6 Q. You are right, Mr. Witness. You had no discussion, no
7 opportunity for discussion with him, but did you have at any particular
8 point in time any responsibilities, any tasks to perform for
9 Mathieu Ngudjolo? Have you ever worked for him?

10 A. I carried out my job. I performed my duties. I was a militia
11 member, period.

12 Q. Could you tell us whether you performed any tasks or any special
13 duties for Mathieu Ngudjolo whilst you were in Zumbe? It's important for
14 us to get your answer.

15 A. No.

16 MR. GARCIA: (Interpretation) Your Honour, with your permission,
17 I would like us to move into private session for a while.

18 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
19 move into private session.

20 (Private session at 4.57 p.m.)

21 (Expunged)

22 (Expunged)

23 (Expunged)

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25 (Expunged)

Witness: Witness P-0280 (Resumed) (Private Session)
Questioned by Mr. Garcia (Continued)

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12 (Expunged)

13 (Open session at 4.59 p.m.)

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

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

17 Mr. Prosecutor, you may proceed.

18 MR. GARCIA: (Interpretation)

19 Q. In your testimony, Mr. Witness, you said that you would be able
20 to recognise Mathieu Ngudjolo's wife; is that correct?

21 A. Yes.

22 Q. Would you be able to recognise Mathieu Ngudjolo himself?

23 A. Yes.

24 Q. Witness, you said that at one point you saw Mr. Mathieu Ngudjolo
25 at the market of Zumbe, and you also mentioned that you saw him when he

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 was on the road. Did you meet him in any other context, or did you ever
2 see him in any other context when you were a member of the militia?

3 A. Here's my answer: I could meet him when I went for a walk. I
4 saw him move around. I saw him on the road.

5 Q. In order for us to better understand, you said that you met him
6 on the road when he was coming back from church. Were there other times
7 that you saw him on the road?

8 A. No. I was the one who was coming back from church. It wasn't
9 him. And I saw him go by.

10 Q. So apart from those circumstances, when you saw him when you came
11 back from church, were there any other occasions when you saw
12 Mathieu Ngudjolo?

13 A. In Bunia.

14 Q. Under what circumstances did you see him in Bunia?

15 A. I had already become a civilian. I had left behind military
16 activity, and I saw him at his residence.

17 Q. Could you give us any further details as to the circumstances
18 under which you saw him at his home.

19 A. I think I have already answered that question. I saw him in
20 Bunia, and he was on a hill. That's all.

21 MR. GARCIA: (Interpretation) Your Honour, I would have to go
22 back into private session for one question.

23 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we would
24 like to move into closed session, please.

25 (Private session at 5.05 p.m.)

Witness: Witness P-0280 (Resumed) (Private Session)
Questioned by Mr. Garcia (Continued)

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Page 45 expunged. Private Session.

Witness: Witness P-0280 (Resumed) (Private Session)
Questioned by Mr. Garcia (Continued)

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13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Open session at 5.11 p.m.)

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

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you, that's
21 perfect.

22 You can continue, Prosecutor.

23 MR. GARCIA: (Interpretation)

24 Q. Witness, you said that you slept in the same place as that
25 person. Where was that?

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

Page 47

1 A. I said that when we were still in the village, we would spend the
2 nights together. We slept together.

3 Q. You say you know how that person became a member of the militia.
4 How did that happen?

5 A. He is older than me. I know that it was of his own volition that
6 he became a member of the militia.

7 Q. Did you meet that person? Did you go to see that person when he
8 was in Zumbe?

9 A. That person joined the militia after me, and he was Ngudjolo's
10 body-guard, and up until the time he returned to Bunia, he was still
11 Ngudjolo's body-guard. We lived in the same house, and I went to take
12 care of my own personal affairs, and I left him in that same house that
13 we shared.

14 Q. Witness, during your testimony you said you went to Zumbe for a
15 certain time. When you were in Zumbe, did you have any contact with that
16 person?

17 A. I said that he joined the militia after me. It was after me, and
18 at the time, I was getting ready to leave my job.

19 Q. Well, Witness, let's go back to the attack on Mandro. You
20 started to talk to us a little bit about that. Could you tell us what
21 happened during the attack that you participated in?

22 A. We attacked Mandro. We were able to recover some weapons and
23 ammunition. We also took some cows in Mandro.

24 Q. And who was in Mandro when you attacked?

25 A. There were the UPC groups and Ugandans.

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Q. Was there a military camp in Mandro?

2 A. They had a military camp, a very big military camp there in
3 Mandro.

4 Q. And before moving on to other questions, could you tell us
5 whether there was a village, whether there were civilians living there,
6 to your knowledge?

7 A. Yes, there were civilians.

8 Q. Were the civilians in the camp or was there a village outside the
9 camp?

10 A. Mandro is a big town. There were villages as well as that
11 military camp.

12 Q. And what was the strategy during the attack?

13 A. We arrived in Mandro. We used all the tactics. There were
14 people who were shouting, some who were hammering drums, and we decided
15 just to descend on Mandro, just go straight ahead.

16 Q. In order for us to fully understand, were you divided into
17 numerous groups for the attack? How did all this unfold?

18 A. The soldiers, we arrived. Some of us who had weapons, who had
19 already gone down further, and we left there and we opened fire, and
20 others who were behind us moved forward and were carrying machetes. We
21 did not attack for a very long period of time. The attack lasted about
22 four hours and then we left.

23 Q. And the weapons that you used for the attack on Mandro, where did
24 those weapons come from?

25 A. We carried our own weapons. We had a few mortars. We had some

Witness: Witness P-0280 (Resumed) (Closed Session)
Procedural Matters

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1 RPGs, some Belgian MAGs, SMGs, as well as NATOs. Those are the weapons
2 that we had when we attacked Mandro.

3 Q. And those weapons, where did you get them? How did you get them?

4 A. We were given weapons with which to fight, but I don't know where
5 they came from.

6 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, if we would
7 like to carry out our plan to divide the second session of the afternoon
8 into two parts, we will have a little break, and so you will have to stop
9 here.

10 MR. GARCIA: (Interpretation) That's fine.

11 PRESIDING JUDGE COTTE: (Interpretation) All right. We will
12 break now.

13 Security guards, if you could escort out Mr. Katanga and
14 Mr. Ngudjolo, please.

15 (The accused withdrew)

16 PRESIDING JUDGE COTTE: (Interpretation) And, Court Usher, if
17 you could escort out the witness, and then we will resume at 25 minutes
18 to 6.00.

19 (Closed session at 5.23 p.m.)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

Witness: Witness P-0280 (Resumed) (Closed Session)
Procedural Matters

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Open session at 5.24 p.m.)

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

7 PRESIDING JUDGE COTTE: (Interpretation) (Microphone not
8 activated) ...

9 Recess taken at 5.25 p.m.

10 On resuming at 5.36 p.m.

11 (Closed session)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Open session at 5.38 p.m.)

22 COURT OFFICER: (Interpretation) We are in open session,
23 Mr. President.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

25 Witness, can you hear me?

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 THE WITNESS: (Interpretation) Yes.

2 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, please
3 continue.

4 MR. GARCIA: (Interpretation)

5 Q. Witness, at the time we took the break, you were telling us about
6 the attack on Mandro. You told us that some of the soldiers opened fire
7 while others were behind and moving ahead with machetes. I would like us
8 to be clear here. Were there soldiers who only had machetes in the group
9 and who were participating in the attack?

10 A. In Zumbe, it is during the fighting, even in Lagura, if there is
11 someone, a civilian who wishes to go to the front, he can follow the
12 soldiers. So you had such people with machetes, others with knives, and
13 others even had arrows. That is what happened.

14 Q. And during an attack, did everyone have a duty to perform
15 depending on the particular weapon that they were carrying?

16 A. There were no specific duties as such. Everyone had to fight.
17 And after the battle, those who had followed us with machetes, including
18 everyone, could take part in the looting. And if someone was able to
19 seize a weapon, then that person can go home with the weapon. And if
20 someone managed to grab two weapons, then they could give one weapon to
21 the soldiers and take the other one home.

22 Q. You also said that you looted cows. Is that correct?

23 A. Yes.

24 Q. Where were those cows taken, to which camp?

25 A. The cows were taken to Zumbe camp.

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Q. Do you know who took that decision?

2 A. I do not know. Those who looted the cows were members of a
3 different group. There were people who were only occupied with looting
4 the cows. When you go to fight, you have people who actually fight while
5 others go and break down the doors of the stables with the cows. So even
6 while people were fighting, others were taking away the cows.

7 Q. Were houses burnt down?

8 A. Yes. We set houses on fire.

9 Q. Did any commanders take part in that attack?

10 A. I believe I told you there was Mbulo, Kute, Boba Boba, and other
11 commanders with whom we went down there.

12 Q. Mr. Witness, for the Bogoro attack you told us that there were
13 companies who travelled there for that attack. Regarding the Mandro
14 attack, can you tell us which type of military groups were responsible
15 for that attack? Did you have companies or other types of military
16 groups involved? Were they larger or smaller?

17 A. There were many of us. Only a few soldiers stayed in the camp.
18 The majority had left to go and fight.

19 Q. Mr. Witness, initially I asked you questions about Hema civilians
20 who are supposed to have been used to transport looted property, and I
21 will read out to you what you said in your testimony last week about Hema
22 civilians being arrested or stopped and made to transport property to the
23 camp.

24 Today I asked you questions in order to clarify this issue, and
25 you told us, and this is on page 20 of the French transcript, lines 15

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 and following, you told us that Hema civilians were taken to transport
2 looted property during the attack on Mandro.

3 Can you explain to us how that happened?

4 A. This is what I can tell you: It was not the Mandro attack. All
5 I can say is the following: When a Hema civilian is caught, he has to
6 transport something, and if he becomes tired, he is killed. It is the
7 same in all cases. If the person says he is tired, he is killed. But
8 even if you -- even if the person carries the property to the camp, at
9 the end we still end up killing him.

10 Q. Very well, Witness. We understood your answer, but when I asked
11 you the specific places or attacks during which civilians were taken to
12 transport property, you told us that this happened when you fought in
13 Mandro and also when you fought in Kasenyi. This was your testimony
14 today.

15 A. This is what I'm saying. During the fighting, that is when I
16 personally had a Hema or Gegere civilian transport property, that was
17 during the fighting in Mandro and Kasenyi. In other battles, people
18 would be killed and people would be made to transport property, but I did
19 not do that. I want to be clear about this. So I did not have anyone
20 transport property during the Bogoro battle, but I also had people
21 transport -- I only had people transport property during the fighting in
22 Mandro and Kasenyi. I want it to be all clear.

23 Q. Very well. So if we have understood you correctly, you did not
24 use any civilian to transport property personally during the Bogoro
25 attack, but only during the Mandro and Kasenyi attacks civilian Hemas

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 were used. Is that correct?

2 A. Yes.

3 Q. Concerning the Mandro attack, please explain to us how it
4 happened.

5 MR. KILENDA: (Interpretation) Mr. President, if I say anything
6 stupid, I would crave -- I would like to crave the indulgence of the
7 Court. I believe this question has been asked and answered sufficiently
8 by the witness. We have the impression that many questions are being
9 repeated, and we are not making much progress given that the accused
10 persons have to be tried within a reasonable period of time.

11 MR. FOFE: (Interpretation) I'm sorry, Mr. President, but I
12 would like to add to what Mr. Kilenda has said. We are fully aware that
13 the Prosecutor, and I repeat my expression here, is trying to cast his
14 net very wide, but I think that the attack on which the Prosecutor is
15 dwelling is not part of this case. We are disturbed that he should be
16 dwelling on this Mandro attack at length. It should be pointed out that
17 the witness has made it clear that the attack on Mandro in which he took
18 part was before the Bogoro attack.

19 MR. GARCIA: (Interpretation) I would like to object,
20 Mr. President. I understand that counsel may have an objection, but I
21 object to his using that time to try to influence the witness.

22 [In English] For Defence counsel to try and induce the witness
23 into testifying in one way or another, what Professor Fofe has done --

24 MR. FOFE: Excuse me. Just to --

25 MR. GARCIA: -- what Professor Fofe --

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 MR. FOFE: (Interpretation) Just to point out that the witness
2 still has his headphones.

3 PRESIDING JUDGE COTTE: (Interpretation) Please. Please. The
4 Chamber was expecting that the witness would talk about Mandro. The
5 witness talked about Mandro in his written statement, and the Prosecutor
6 mentioned that in his table.

7 That said, Mr. Prosecutor, we are not privy to your work plan.
8 It is true that a certain number of questions might seem to be repetitive
9 because you wish to elicit more elaborate details from the witness. It
10 is perhaps necessary to remind you to refocus, even if only to keep
11 yourself within the time limits.

12 The Prosecution has already used a lot of time. It is up to you
13 to determine how much time is necessary, but Mr. Ngudjolo's Defence is
14 not totally wrong when they point out that many of the questions seem to
15 be repetitive. The Chamber has the same feeling, but we know that your
16 duty, your responsibility is not easy. So, Mr. Prosecutor, please
17 continue. You -- we have another 35 minutes, but you have to do your
18 best. We know it is not easy.

19 MR. GARCIA: (Interpretation) Thank you, Mr. President.

20 Q. I will repeat the beginning of my question, because you did not
21 have your headphones. You said that it was during the Mandro and Kasenyi
22 battles that you personally had someone transport property for you. Can
23 you please tell us how precisely this happened?

24 A. Yes. We went to Mandro, to attack Mandro. When we arrived
25 there, those of us who had weapons were the first to arrive. Other

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 people had machetes. There were other people behind us making noise to
2 cheer us on. We started the attack. The others who were shouting came
3 down, and those who had machetes and knives were following behind. We
4 had weapons, and we opened fire. If someone managed to escape, those who
5 had machetes or knives would be able to finish them off.

6 We attacked Mandro. We defeated the UPC soldiers. They
7 retreated. We seized their weapons and ammunition. There were other
8 soldiers who had already taken away the cows.

9 Q. Was it one or several persons that you had transport looted
10 property?

11 A. As far as I'm concerned, there were ten soldiers in our group,
12 and we also took ten civilians. These were young girls, and we made them
13 to carry the property that we had looted.

14 Q. And what was the ethnicity of those girls?

15 A. They were Hemas.

16 Q. And where were those girls taken to?

17 A. We went up with them, but they did not go to the top of the hill.
18 They carried the items, and when we arrived a certain point a distance
19 away from our camp, some of them were getting tired. We started killing
20 them on the road. When we arrived almost at the top of the hill after
21 Mandro, only three of those girls that we had taken were still there. We
22 had killed the other ones on the way.

23 Q. And what happened to those three persons? If I understood you
24 correctly, these were also girls.

25 A. The soldiers who had taken them went with them. I do not know

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 what those soldiers did to them.

2 Q. Where did they take them to?

3 A. I do not know. When I took my property, I took care of -- I took
4 care of it, and we started going on our different ways. That is, when we
5 arrived Zumbe, everyone went on his own way.

6 Q. And the soldiers in question, were they from Zumbe or Lagura,
7 that is, the soldiers who were with the girls who had survived.

8 A. These were soldiers from Zumbe.

9 Q. If I understood you correctly, those soldiers and the surviving
10 girls stayed in Zumbe.

11 A. Yes.

12 Q. Did you see those girls again subsequently?

13 A. No. I don't have any idea. When we separated, everyone went on
14 his way.

15 Q. Do you know what happened to those three girls?

16 A. I do not know. As far as I know, I do not think they continued
17 living after that.

18 Q. Why are you saying this?

19 A. The soldiers with whom we were, we arrested those girls. There
20 was no soldier amongst them who was of a sufficiently high rank to keep
21 them.

22 Q. Explain that to us. You said that there was no soldier with a
23 sufficiently high rank to keep them. Can you explain to us what you mean
24 by that?

25 A. If you are a commander, you can prevent a soldier from killing a

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 woman that you have taken as your wife; but if you don't have the rank,
2 there is no way for you to prevent the soldier from killing his victim,
3 because the soldier can kill the person at any time.

4 Q. Mr. Witness, you just said that if you are a commander, you can
5 stop a soldier from killing a woman that you have taken as your wife. I
6 would like to get some clarification on that part of your testimony.

7 The type of situation in which a commander takes a woman to
8 become his wife, to the best of your knowledge, during what attack --
9 during what attack did this happen?

10 A. After an attack, I knew that there were several commanders.
11 However, I'm not able to give you all their names. I have forgotten
12 them. I know that commanders would take the wives of others during
13 battle. A commander would take a woman, give her something to carry, and
14 she would have to go give that to his wife.

15 Q. Could you please tell us during which attack this took place?

16 A. In every attack that we waged, we always took war prisoners.

17 Q. Could you clarify this: Are you in a position to give us the
18 names of those commanders who took civilian Hema women to become their
19 wives?

20 A. This is what I have just told you. I no longer remember the
21 names of the commanders. There were several commanders, and I have
22 forgotten their names. Hence, I'm not in a position to tell you such and
23 such a commander took such and such a woman to be his wife. I have
24 forgotten their names, but I do know that there were certain commanders
25 who took women, but I have forgotten their names.

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

Page 59

1 Q. I do understand that you have forgotten their names, but are you
2 in a position to tell us whether or not these were commanders from your
3 camp, that is, the Lagura camp?

4 A. Yes. In our camp there were some. However, there were
5 commanders in other camps such as the camp of Zumbe. There were
6 commanders there who took women when we went to Mandro.

7 Q. We are going to talk about the Lagura camp. When a commander
8 returned with a woman with the intention of making her his wife, did that
9 commander need to seek authorisation from anybody? How did they go about
10 it?

11 A. If I remember correctly, all the commanders who were there had
12 had people under their authority or under their responsibility. And if
13 you went after a commander's wife, you would have problems with him. He
14 could even shoot you.

15 Q. You have just said that it was indeed a commander, and you said
16 all the commanders who were there had people under their authority or
17 under their responsibility. When you talk about these individuals, are
18 you referring to Hema women?

19 A. I am talking about body-guards. Each commander had his
20 body-guards.

21 Q. Mr. Witness, I put the following question to you: When a
22 commander returned with a Hema woman - we have talked about this on
23 several occasions - and that commander wished to make that woman his
24 wife, did he need to seek the authorisation or obtain the authorisation
25 of anyone? That is the question I put to you.

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 A. I thought I said no, he would not need to obtain any
2 authorisation.

3 Q. You also said that this happened in Zumbe camp; is that correct?

4 A. I did talk about Zumbe, and from what I saw, there were people
5 who were caught. I knew two commanders who did that, commanders who had
6 taken Hema women. However, I do not remember their names.

7 Q. Do you need to take some time to reflect on what their names
8 were? Do you remember their names?

9 A. I have just told you that I no longer remember their names.

10 Q. Well, just to make things clear, you are referring to commanders
11 of Zumbe; is that correct?

12 A. Yes.

13 Q. Mr. Witness, we have also talked about your camp, Lagura camp.
14 With respect to the Hema women who were taken by commanders as their
15 wives, what happened to them? Did they continue to live with the
16 commanders? Could you give us some details about their lives in the
17 camp?

18 A. Well, they led an ordinary life like everyone. We lived
19 together.

20 Q. Still with respect to those women, the women of the commanders
21 who were in Lagura camp, where did they stay at the time they were in the
22 camp, to your knowledge?

23 A. They spent their nights in the places where their men were
24 living.

25 Q. Witness, you also mentioned that you participated in an attack on

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Kasenyi. Is that correct?

2 A. Yes.

3 Q. Just to make this clearer, could you please tell us whether or
4 not that attack on Kasenyi took place before or after the attack on
5 Bogoro?

6 A. The attack on Kasenyi took place after the attack on Bogoro.

7 Q. Who ordered the attack?

8 A. I would say we did not go there to fight. We went to loot. We
9 encountered difficulties, and because of the difficulties, we started
10 fighting and we killed people. We went to steal cattle, and after doing
11 that, we brought back our war booty.

12 Q. Who issued the order for you to go to Kasenyi in order to loot,
13 as you put it?

14 A. The orders were given by the commander.

15 Q. Just to make it clearer, Mr. Witness, you said "the commander."
16 Are you referring to Kute when you talk about the commander who issued
17 orders for you to loot in Kasenyi?

18 A. Yes. When I answered your question, I mentioned the name of
19 Commander Kute.

20 Q. And what did Commander Kute tell you specifically with respect to
21 Kasenyi?

22 A. I have just told you that all the orders we received were for us
23 to fight. We had to fight in order to retrieve weapons. If we met a
24 Hema or a Gegere, we had to kill them.

25 Q. Mr. Witness, was there a military rally or come-together before

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

Page 62

1 the attack on Kasenyi?

2 A. Yes, indeed.

3 Q. Could you please tell us who was in attendance, that is, with
4 reference to the commanders?

5 A. There was Commander Kute, Boba Boba, Mbulo. Those are the three
6 commanders who were in attendance with us.

7 Q. And who participated in that attack on Kasenyi? Well, without
8 giving us the exact figures. You talked about a company in case of the
9 attack on Bogoro. How many people or what groups, what military groups,
10 participated in that attack?

11 A. When we went to Kasenyi, we got together with the group from
12 Kasenyi (as interpreted). However, I'm not in a position to give the
13 difference between a company and a section, but I would like to say we in
14 our group were not numerous. We constituted a company, but I don't know
15 how many people were in the group that came from Zumbe.

16 Q. Just to make things clear, Mr. Witness, I see in the answer you
17 gave us:

18 "When we went to Kasenyi, we got together with the group from
19 Kasenyi."

20 Were you referring to Zumbe instead with respect to that attack
21 on Kasenyi, a group from Zumbe?

22 A. I did not mention Kasenyi. I think it's an error made by the
23 interpreters. I talked about Zumbe and Lagura. We were a mixed group.
24 There were people from Lagura and Zumbe.

25 Q. Thank you, Mr. Witness, for that clarification. You said that:

Witness: Witness P-0280 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 "We had difficulties, and because of those difficulties we had to
2 fight, and we killed people."

3 Could you explain further, give us more details how this came
4 about? What type of difficulties are you talking about? What type of
5 difficulties did you encounter when you arrived there on site?

6 A. When you go somewhere to loot, as it was the case for us, we
7 sneaked in to go and break the entrance into the cattle pens. At that
8 time we met some UPC soldiers who were on patrol, and they attacked us.
9 That is what provoked the battle. There were some of us who were
10 supposed to take away the cattle and others who were supposed to fight
11 back against the group that was trying to interrupt our endeavour.

12 Q. Were you able to defeat that UPC group that was stationed there?

13 A. We pushed them back, and at that time they started calling for
14 reinforcement. But we fought them back all the way to Kasenyi, and then
15 we realised that we didn't come there to fight, and so we withdrew.

16 Q. Were you able to loot and to take any cattle eventually?

17 A. Yes. We withdrew, taking along cattle.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, I think
19 we'll have to start preparing for the conclusion of this hearing.

20 MR. GARCIA: (Interpretation) I don't think I have more
21 questions for tomorrow morning, your Honour.

22 PRESIDING JUDGE COTTE: (Interpretation) I am afraid we may have
23 to go beyond 6.30. In any case, we are going to start tomorrow with the
24 expert at 9.00 a.m., and we'll have to carry on with this witness for
25 quite a while, and for that reason I think it's the proper moment for us

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1 to stop the examination.

2 MR. GARCIA: (Interpretation) I agree, your Honour. We can stop
3 at this juncture.

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

6 Mr. Witness, we have therefore come to the end of this hearing.
7 We are going to resume tomorrow later in the morning.

8 Security officers, please could you lead the accused persons out
9 of the courtroom.

10 (The accused withdrew)

11 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, could we
12 return -- or could we go into closed session so the witness can leave the
13 courtroom.

14 (Closed session at 6.25 p.m.)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Open session at 6.26 p.m.)

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

25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

1 Court Officer.

2 The Chamber would like to thank all those who have provided us
3 with assistance this afternoon. We are satisfied to note that the
4 Swahili booth worked to the satisfaction of all.

5 We stand adjourned.

6 The hearing ends at 6.26 p.m.

7 RECLASSIFICATION REPORT

8 *Pursuant to Trial Chamber II's email instructions dated 26 March 2012,
9 the excerpt of the transcript from page 8 line 21 to page 12 line 2 is
10 reclassified as public, as ordered by the Chamber.

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