

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 Wednesday, 24 August 2011
10 (Closed session)
11 The hearing starts at 9.03 a.m.
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Open session at 9.06 a.m.)
22 COURT OFFICER: (Interpretation) We are in open session,
23 your Honour.
24 WITNESS: WITNESS DRC-D03-P-0066 (Resumed)
25 (Witness answered through interpreter)

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court

2 Officer. Good morning, Witness. Can you hear me properly?

3 THE WITNESS: (Interpretation) Yes. I can hear you.

4 PRESIDING JUDGE COTTE: (Interpretation) Well, in that case, we

5 can return to our work, with the cross-examination being given by the

6 Prosecutor. I would like to ask you once again, and you know that we

7 emphasise this time and again, so I'll ask you to talk as slowly as

8 possible so that you can be properly interpreted and properly understood

9 as a result.

10 Prosecutor, please proceed.

11 MR. GARCIA: (Interpretation) Good morning, your Honours.

12 Simply to -- before beginning, I would like to say that I'm going to be

13 working on the non-edited version of the transcript, and so if there is

14 an intervention or correction to be made, then I'm sure Professor Fofé

15 will certainly stand up and do so. That was just a preliminary remark.

16 Questioned by Mr. Garcia: (Continued)

17 Q. (Interpretation) Good morning, Witness.

18 A. Good morning.

19 Q. Indeed, Witness, let me repeat what the Presiding Judge just

20 said, to say that I too will try and slow my pace down so as to

21 facilitate both interpretation and the court reporters' work. Please

22 slow down, and if I realise that you are speaking too fast, I will

23 interrupt you. So it means that I won't interrupt you because I want to

24 stop you speaking but simply to -- so as to slow you down. Is that all

25 right with you, Witness?

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1 A. Yes.

2 Q. Witness, let me go back to the document about which I asked
3 questions yesterday.

4 MR. GARCIA: (Interpretation) Perhaps we could have up on the
5 screen the document EVD-D03-00093.

6 COURT OFFICER: (Interpretation) To see this document, please
7 press the "PC 1" button.

8 MR. GARCIA: (Interpretation)

9 Q. Witness, if you so wish I can hand you a hard copy.

10 MR. GARCIA: (Interpretation) Mr. Usher, perhaps this hard copy
11 could be given to the witness. It might make things easier for him, and
12 of course, there are no annotations on the document.

13 PRESIDING JUDGE COTTE: (Interpretation) You now have both the
14 screen version and the hard copy, and you're in a position to answer.
15 Prosecutor, please proceed.

16 MR. GARCIA: (Interpretation)

17 Q. Witness, yesterday I asked you a number of questions to try and
18 clarify, amongst other things, the date on which this document was
19 drafted. Now, I would like to ask you a few additional questions about
20 this document. Now, the purpose of this is to clarify matters for both
21 the Chamber and the parties in the courtroom. I asked you specifically
22 when -- well, keeping in mind that you had said during your testimony
23 that the document had been drafted beginning of the war, well, on that
24 basis I asked you when the war started. You answered 1999.

25 So I want one thing to be clear. Now, in your mind, according to

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1 you, does the notion of beginning of the war, is it limited to the 1999
2 or is the whole notion of the beginning of the war stretch from 1999 to
3 2003?

4 A. I can fully understand your question. The beginning of the war
5 was 1999. When Professor Fofé asked me that question, he asked me to
6 describe the events starting from 2001 to 2003. Now, Professor Fofé's
7 question related to that particular period. Now, as for the source of
8 this document, I must say that the person who initiated this organisation
9 was His Excellency the chief of the groupement, Ngabu Mandro Emmanuel,
10 and Mr. Ngabu Emmanuel was initially the chief starting in 2001. But
11 I must say that the war began in 1999, but at that time there was another
12 chief (* indiscernible) Safari, and when he fled the war, the population
13 decided to choose Ngabu Emmanuel Mandro as their interim chief during
14 that period. So this document was therefore drafted during that period.

15 Q. Witness, let me ask you a very straightforward question. What I
16 expect from you is a very simple answer. The document that you can see
17 before you, was it drafted after 2003, according to you? Let me be even
18 more specific, even after the month of July 2003?

19 A. As I already said in previous answers, this initiative came about
20 when the chief was still occupying his position. From what I could tell,
21 the person who drafted this document said that it was done in Zumbe.

22 THE INTERPRETER: The Swahili interpreter says that the witness
23 has spoken too quickly.

24 MR. GARCIA: (Interpretation)

25 Q. I'm being told that you're speaking too fast. Please slow down.

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1 Please slow down because otherwise you won't be translated. Please start
2 from the beginning and answer my question. Slowly. The question was
3 whether or not, according to you, this document was drafted after
4 July 2003. You can answer "yes" and give us an explanation, or "no" and
5 give us an explanation, as you wish, all right?

6 A. Yes. I will repeat my answer. I already said when I answered
7 Professor Fofé's questions about the date of that document that I said
8 that *(Redacted)
9 (Redacted)
10 (Redacted)

11 Q. If I understand your answer correctly, you're not in a position
12 to say when this document was actually drafted; is that right?

13 A. No. I have already said that this document was drafted when the
14 Chef Ngabu Emmanuel Mandro, chief of the groupement, began to take up his
15 duties as chief of the groupement.

16 Q. And to be perfectly clear, now, on what date did he begin to take
17 up those duties?

18 A. He took power in 2001 but I can't give you the exact date.

19 Q. I'd like to draw your attention, Witness, on the first page of
20 the document, the last line that -- of this page. First of all, *(Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. So what you're saying is that you did read the whole document
2 before you signed it. Let me call your attention to the last line on the
3 first page and let me read it out. Just below the title, "*Conseil de*
4 *Rédaction*," what we see here is the written document sent to the Defence
5 counsel.

6 THE INTERPRETER: Interpreter's correction, Defence team.

7 THE WITNESS: (Interpretation) Can you repeat your question,
8 please?

9 MR. GARCIA: (Interpretation)

10 Q. You have read this last line and you do agree, don't you, that
11 this is in no way related to the drafting committee. What is being
12 mentioned are the writings, the written documents, sent to the Defence
13 team.

14 A. As I already said, the person in charge of the drafting was
15 somebody else. *(Redacted) but the person who actually did
16 the drafting and archiving was Ngabu Jean-de-Dieu Safari. When he died
17 I tried to recover these documents in the archives but -- and I even told
18 the Defence team when they asked me to look for some documents.

19 Q. So the Defence team asked you to search for what documents,
20 Witness? And when did that happen, which year?

21 A. The Defence team didn't ask me to look for documents. They asked
22 me for explanations. They asked me whether I could give explanations
23 about the various attacks perpetrated where I live, and if I remember
24 correctly, I told them that I didn't have any documents and that it was
25 difficult to recount what had happened. And those were the circumstances

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1 under which the -- they mentioned those documents.

2 Q. One last question for you, Witness, about this document. On what
3 date did you sign it?

4 A. Prosecutor, we disagree on this. I told you that I signed it,
5 but I don't know about the date. Even the Defence counsel asked me a
6 question about the date and I was unable to answer, and I'm sure I've
7 been clear on this matter.

8 Q. On this last point, when you signed the document, were there any
9 other signatures on the document already or were you the first one to
10 sign it? How did this come about?

11 A. The first signature was that of the groupement chief, plus that
12 of the secretary, followed by my own.

13 Q. And to be perfectly sure we are understanding you, the people you
14 just mentioned, were they there present when you yourself signed the
15 document?

16 A. The secretary is the one who archives the document, Ngabu
17 Jean-de-Dieu, and when I signed, yes, he was there.

18 Q. Do you remember whether the document bore a date already when you
19 signed it?

20 A. I didn't pay much attention to the date.

21 Q. Very good, Witness. We are now going to go on to another
22 subject. During your testimony, a certain trip was dealt with, the trip
23 that you went on with Martin Banga. You spoke to us about this trip
24 yesterday for some time, and you explained to us that you had travelled
25 to replenish your supplies, your food supplies, and you gave us a number

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1 of details about that trip. There is no need for me to repeat those
2 details but I wanted to give you some background. I'm going to ask you
3 some questions about that trip.

4 But first of all, let me ask you -- let me rephrase this.

5 I noticed that yesterday, when you were asked the question of when the
6 trip took place, you said that you weren't quite certain about the date;
7 isn't that right, Witness?

8 A. Yes. It goes back a long time, and I've forgotten the date.

9 And, of course, you will have noticed that we went on several trips, and
10 when Professor Fofé mentioned this matter, I was able to remember some
11 details in respect of when the trip took place.

12 Q. Yes. Indeed, Witness, you did answer several of Professor Fofé's
13 questions about this trip. As for the date, I understand that you don't
14 remember.

15 MR. GARCIA: (Interpretation) Court Officer, perhaps you could
16 have shown on the witness's screen document EVD-OTP-00025. Perhaps we
17 could get the help of the Court Usher so as to hand over a hard copy of
18 this document to the witness.

19 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed.

20 COURT OFFICER: (Interpretation) The document can be seen by
21 pressing "PC 1."

22 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé?

23 MR. FOFÉ: (Interpretation) May we see it?

24 MR. GARCIA: (Interpretation) Let me reassure Professor Fofé
25 that all the documents that we hand over to the witness do not contain

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1 any annotations other than the original ones.

2 MR. FOFÉ: (Interpretation) No, I just wanted to take a look

3 because -- well, we have a copy that is not very clear and we just wanted

4 to be sure that on the copy for the witness, everything appears very

5 clearly. That's the only reason.

6 PRESIDING JUDGE COTTE: (Interpretation) Very well. Prosecutor,

7 please proceed.

8 MR. GARCIA: (Interpretation)

9 Q. About the date of this trip that you talked about, I would like

10 you to take a look at the document that you have. Up at the top on the

11 right there is a date there, Bolo, 4th of January, 03, as far as I can

12 see; is that right, Witness?

13 A. Yes, I can see that on the sheet.

14 Q. And you agree with me, don't you, that this is right, the date on

15 which this letter was written was the 4th of January, 2003; is that

16 right?

17 A. Yes, that's right. I can see the date.

18 Q. So, Witness, I am going to take you back in time to that time,

19 January 2003, briefly, and later on I will ask questions about this

20 document.

21 A. Yes.

22 Q. Am I right in saying, Witness, that at that time, January 2003,

23 the security situation in Zombe was very troubling? Let me explain. You

24 were surrounded by the enemy, the UPC; is that right, Witness?

25 A. Yes, that's right.

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1 Q. Am I also right in saying, Witness, that at the time those
2 people, those communities that surrounded you, were in fact attacking
3 you? There were attacks from Bogoro; is that right, Witness?

4 A. Prosecutor, there were attacks from all sides. The UPC elements
5 on the side of the Hema were there. There were also the people from
6 Kasenyi, the members of the UPC. I can remember. They were our enemies.
7 They were in Bunia. They were also in Bogoro, they were all over the
8 place, and we were surrounded in Zumbe.

9 Q. Indeed, Witness, you said that you were surrounded. Is it
10 correct to say that you were being attacked from all sides?

11 A. That is correct.

12 Q. Witness, am I also correct in saying that it was difficult for
13 you even to get hold of supplies at the time? It wasn't possible even to
14 get to Bogoro; is that correct? As Ngiti or Lendu, it wasn't possible
15 for you to get to Bogoro because the UPC controlled Bogoro?

16 A. No. We couldn't get through, and if we dared to try we would be
17 killed.

18 Q. It was also difficult to get to Bunia, wasn't it, Witness?

19 A. Yes. It was very difficult.

20 Q. So if I can sum up the situation, I would say that in
21 January 2003, you are surrounded by the enemy, you are surrounded, as you
22 say. It's not possible for you to get supplies, basic supplies, because
23 the roads are blocked, the main road to Bogoro is blocked. It's
24 difficult for you to get to Bunia as well. So if I understand correctly,
25 at that time, Witness, you were struggling for your survival; is that

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1 correct?

2 A. Could you repeat your question? I don't think I followed you
3 quite. What exactly did you say?

4 Q. At that time, Witness, you were in the Bedu-Ezekere groupement in
5 Zumbe, you were struggling to survive; is that correct?

6 A. I said that we had to eat. That's why I was talking about
7 survival. We would go to get supplies, food supplies, oil, basic
8 foodstuffs. We would go to the Walendu-Bindi collectivity. We had to go
9 through the bush for that, and there were some people who paid with their
10 lives because they encountered the enemy on the way.

11 Q. Witness, would you agree with me that, at the time, it was
12 necessary to find a solution to that problem? Is that correct?

13 A. It was very difficult for us. It was really very difficult to
14 find a solution. All that awaited us was death.

15 Q. I understand, Witness, that it was very difficult, but when you
16 talk about getting food supplies, and we are talking about a solution, we
17 are talking about a short-term solution, it doesn't prevent the
18 surrounding enemy from attacking you, but a solution had to be found so
19 that the UPC soldiers who were in Bogoro could be removed. Would you
20 agree with that?

21 A. No, we had no means of countering them or facing up to them. We
22 were like animals caught in the bush. We had to go through the bush and
23 we didn't have the wherewithal to face up to them. They got their
24 supplies from the Ugandans. They got firearms, and for us, it was
25 difficult to face up to them.

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1 MR. FOFÉ: (Interpretation) Could we wait until we've seen the
2 transcript of the answer, please. Thank you.

3 MR. GARCIA: (Interpretation)

4 Q. I'm going to put a question on the basis of what you just said
5 and then we'll come back to this other question about the solution
6 concerning Bogoro. You said that it was difficult, it was difficult to
7 fight the enemy. Am I correct, Witness, in saying that in January 2003,
8 that's when -- the time we are talking about and you had weapons at your
9 disposal in Zumbe?

10 A. I just said so. We had no weapons in Zumbe. Those weapons that
11 we had in Zumbe were ones we found during the war in Bunia.

12 Q. All right. So if I understand, you did have weapons, you had
13 firearms, not just knives?

14 A. I just said in Zumbe there were firearms, these were firearms
15 that had been brought in following the battle in Bunia. It was
16 Commander Kiza who brought them.

17 Q. I just want to avoid there being any confusion, Witness. I'm
18 talking about the period of January 2003. You are talking about the
19 fighting in Bunia. Just to make sure we are clear, January 2003,
20 Witness, did you have firearms in Zumbe?

21 A. I've just said no.

22 Q. So if I understand your testimony, you had no firearms prior to
23 the fighting in Bunia. Are we talking about the fighting in Bunia when
24 the UPC was flushed out by the UPDF with the assistance of the Lendu? Is
25 that the fighting that you're referring to?

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1 A. Yes. We were the Lendu from Zumbe.

2 Q. Witness, what I find difficult to understand, and perhaps you'll
3 be able to help me out in understanding and help the Chamber to
4 understand, is how you managed to defend yourselves without firearms,
5 defend yourselves against people who, according to what is set out in the
6 document on the structure of the base committee, in the section on the
7 youth and security committee, against penetration of the enemy armed to
8 the teeth? Take a look at this document, structure of the base
9 committee, the Bedu-Ezekere groupement, third point, it says that young
10 people were responsible for maintaining security by self defence, using
11 all means available to fight against or prevent the penetration of the
12 enemy who were armed to the teeth.

13 So, Witness, can you explain how you managed to push back these
14 attacks using just knives, spears, et cetera, given that the enemy was
15 armed to the teeth?

16 A. Prosecutor, God is wonderful. He doesn't want everybody to be
17 exterminated. When the enemy attacked, the first thing we did was to
18 hide the women and children. Then the young people took spears, arrows
19 and machetes. A Lendu is well-versed in throwing spears and arrows, even
20 at 20 metres he can hit his target and he can kill people by using these,
21 thus pushing back the enemy. It's extraordinary but it is true.

22 Q. Witness, are you telling us that in the face of machine-guns,
23 people who have machine-guns and mortars and all sorts of firearms, you
24 were able to defend yourselves just by using spears? You had absolutely
25 no firearms whatsoever in Zumbe?

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1 A. No, Prosecutor.

2 Q. You used the expression "extraordinary" or "incredible." Perhaps
3 it would be more precise to say that it was a miracle that you were not
4 devastated.

5 A. Yes. People were not exterminated. People are creatures of God.

6 Q. I would put it to you, Witness, that you had firearms and that
7 you already had firearms even back in August 2002, because Lopondo was
8 flushed out of Bunia.

9 Witness, you told us that there were soldiers of the UPC who
10 arrived in Zumbe at a given moment in time and I would put it to you that
11 it was in 2002. Is it not correct that those soldiers brought weapons
12 with them and they left you those weapons?

13 A. Prosecutor, these guns were those that belonged to the regular
14 army. Soldiers who are fleeing cannot leave their weapons behind them.

15 Q. But, sir, Zumbe had been under attack for quite some time already
16 in January 2003. I'm sure you had recovered some firearms from those
17 attacking you. Or are you saying that you never got hold of a weapon
18 from an attacker, someone who had been to attack you in the six months
19 preceding January 2003?

20 A. Prosecutor, no. We had no firearms. We had no guns. We got
21 guns, rifles, from the fighting in Bunia. That's when they were brought
22 to us. And after that, we became strong.

23 MR. FOFÉ: (Interpretation) Excuse me, your Honour, I didn't
24 want to interrupt my learned colleague, but the last question, as far as
25 we can tell, has no factual foundation. The witness gave an answer, but

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1 I would just like to draw his attention to this and to make sure that
2 henceforth there are no questions being put without any factual
3 foundation. I hope I'm making myself understood, your Honour.

4 PRESIDING JUDGE COTTE: (Interpretation) I hear you.

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

6 PRESIDING JUDGE COTTE: (Interpretation) Please proceed,
7 Prosecutor.

8 MR. GARCIA: (Interpretation)

9 Q. Once again on this question of the firearms, there were
10 combatants in Zumbe, in the Bedu-Ezekere groupement, at that time,
11 January 2003, were there not, Witness?

12 A. Yes. I agree.

13 Q. Those combatants had firearms, Kute had a firearm, Mr. Witness,
14 at that time?

15 A. This is what I said. We got guns in Bunia. Let me repeat
16 myself. Kute had a weapon and he used it, and that is why he was killed
17 by gunshot wounds. We had many guns in Bunia.

18 Q. So you're telling us that Kute didn't have any firearms before
19 Bunia? Is that your testimony?

20 A. Yes. That is my testimony.

21 Q. So if I understand you correctly, Witness, prior to Bunia, Kute,
22 what weapon did he have, a spear, arrows, a machete, just a machete to
23 defend himself against the enemy armed to the teeth with machine guns?
24 Is that your testimony?

25 A. Prosecutor, a Lendu knows how to use a spear. He can attack you

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- 1 with a spear, arrow -- or an arrow. Kute had such traditional weapons,
2 spears, arrows, and knew how to use them. So if anybody attacks a Lendu
3 with a machine gun, then a Lendu can defend himself using traditional
4 weapons.
- 5 Q. Do you know the name Nyunye, Witness?
- 6 A. Yes, I know Nyunye.
- 7 Q. He was also a combatant, is that not correct?
- 8 A. Yes, I agree. He was a combatant.
- 9 Q. Where was his position, Witness?
- 10 A. Nyunye was based in Lagura.
- 11 Q. Would you not agree, Witness, that Kute was also based in Lagura?
- 12 Is that correct?
- 13 A. That is correct.
- 14 Q. If I understand your testimony, Nyunye was not armed either
15 before Bunia. He didn't have firearms. Is that your testimony? Let me
16 remind you that you are under oath, Witness.
- 17 A. Yes, I'm telling you the truth. We got a lot of guns at the
18 Bunia battle. They were guns from the UPDF.
- 19 Q. Witness, what's the date of the battle of Bunia?
- 20 A. I apologise, but I think, if I'm not mistaken, that it was in
21 March. I think it was in March 2003. But I don't recall the exact date.
- 22 Q. Let's come back to the question of the solution. Witness,
23 I asked you a question which was whether you were looking for a solution
24 in order to dislodge the UPC who were in Bogoro. You, the people in
25 Zumbe, you, the people who were in the Bedu-Ezekere groupement?

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1 A. Prosecutor, you don't know what sort of arms there were in
2 Bogoro. You don't know what the situation was at that time in Bogoro.
3 It was difficult for anybody to attack Bogoro, even the APC had
4 difficulties and they were armed. Just imagine the people living in
5 Zumbe with bladed weapons going to fight against those who were armed in
6 Bogoro. It was a really difficult situation.

7 Q. Witness, my question was different. My question was whether you
8 in Zumbe, in the Bedu-Ezekere groupement, you were looking for a solution
9 to dislodge the UPC people who were in Bogoro. You should answer by
10 "yes" and give an explanation, or if you think your answer is going to be
11 "no," explain why. The question is very straightforward.

12 A. I've just said no. We didn't have the necessary resources. We
13 only had bladed weapons, knives. It was difficult for us to attack
14 people who had weapons such as machine-guns. I don't know what other
15 weapons they had, but it was very difficult for us to cope with that.

16 Q. But, Witness, would you not agree when I say that you shared a
17 common interest with the South Lendu, the Ngiti, that you each had the
18 same problem? And the problem, amongst other things, was the UPC who
19 were in Bogoro, who were blocking the main road and were preventing you
20 from going to get supplies or preventing the Ngiti from going up to Bunia
21 on the main road? It was a problem that you shared, you, the people in
22 Zumbe, in the Bedu-Ezekere groupement, and you shared this with the
23 South Lendu, the Ngiti. Would you agree with this?

24 A. No.

25 Q. Now, just to try and make sure we are understanding, we will

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1 break this question down into two parts. You doubtless had interest in
2 dislodging the people from Bogoro; is that not correct?

3 A. No, you're not right to say that.

4 Q. Well, I'll put it differently. Witness, it was in your interest
5 to dislodge the people, the UPC people, who were in Bogoro; is that not
6 correct?

7 A. Prosecutor, you are not correct. Let me explain. I keep saying
8 this. It wasn't just the UPC in Bogoro. There was the UPC and the
9 Ugandans. We didn't know what their agenda was. There was a hidden
10 agenda and it was very difficult for us, in the groupement, with our
11 bladed weapons, to dislodge them. So we placed everything in the hands
12 of God. That was from 2001 until 2003, but actually they had been there
13 since 1999. And when people died, we would go and look for resources in
14 the bush. We wouldn't do anything to cause further harm.

15 MR. FOFÉ: (Interpretation) I'm sorry, that's an important
16 answer by the witness and I note that not everything is on the
17 transcript. I know that this is a provisional transcript for the time
18 being, but I would like to make sure that this answer is correctly
19 transcribed because it contains a lot of relevant information. Thank
20 you, your Honour. And it's starting on page 20, line 8 to 17.

21 PRESIDING JUDGE COTTE: (Interpretation) Yes. That is agreed,
22 Professor Fofé. So, Court Officer, we'll have to make sure that the
23 recording of what the witness said is correctly verified so as to make
24 sure that the final version of the transcript is checked.

25 MR. FOFÉ: (Interpretation) Could you once again ask the witness

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1 to slow down, to slow down even more?

2 PRESIDING JUDGE COTTE: (Interpretation) Witness, this morning
3 you've made tremendous efforts and we would like to thank you, because
4 since the start of the session this morning you've been speaking slowly,
5 but you could slow down even further, which would facilitate everybody's
6 work. Thank you very much. Prosecutor, please proceed.

7 (Trial Chamber and Court Officer confer)

8 PRESIDING JUDGE COTTE: (Interpretation) Witness, perhaps it is
9 difficult for you to understand why it is so important to speak slowly.
10 We would ask you to repeat the answer that you gave, that we have on
11 page 20 of our provisional transcript. The Prosecutor said, and I would
12 like to go over the question, and I'm reading it from the provisional
13 transcript:

14 "Witness, it was in your interest to dislodge the people, the
15 soldiers, who were in Bogoro; is this correct? Am I correct in stating
16 this?"

17 And then we have your initial answer. Could I ask you to
18 reformulate your answer? The two answers come one after the other but it
19 is important to go about things in this way so as to clarify the
20 situation. So please give us once again the answer you gave just before.
21 You started by saying, "You are not correct." That's to put you on
22 track.

23 THE WITNESS: (Interpretation) This is what I said. I don't
24 agree with what the Prosecutor said, and then I said it was not our
25 interest to dislodge the soldiers from where they were because we didn't

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1 have the necessary wherewithal. We didn't have weapons. They were armed
2 to the teeth. That's what I said. And I say it once again.

3 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Prosecutor,
4 please proceed.

5 MR. GARCIA: (Interpretation)

6 Q. Witness, I understand that you have been a teacher and a head
7 master at a primary school and you have understood the question. The
8 question is: Did you have an interest, did those people, the soldiers in
9 Bogoro, were they to be driven out? You are making a link between two
10 aspects of my question. Now I'm asking you this. You told us that you
11 didn't know, and I'll repeat what you said, you said that there was the
12 UPC and the Ugandans in Bogoro. That's what you just said a few moments
13 ago. Now, you, Witness, at the time, you were the private secretary to
14 Chief Manu, and is it correct that you were also part of the drafting
15 committee? Is that correct, Witness?

16 A. No. I was not a member of the drafting group. I was the
17 chairman of the drafting group or drafting committee.

18 Q. And if we go by the document entitled "Structure de base," one of
19 the duties was to handle whistle-blowing, giving information and drawing
20 up accounts of the many attacks, the times, the dates. So, Mr. Witness,
21 you were very much aware of the situation, you were well informed,
22 whether it was in Zumbe, within the Bedu-Ezekere group, or in the
23 surrounding areas; do you agree with me on that point?

24 A. Yes, I agree with you.

25 Q. And you were even better informed because you were the private

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1 secretary to Chief Manu; is that not correct?

2 A. Yes. I had the information.

3 Q. So, Witness, you must have known that the UPDF was no longer in
4 Bogoro in January 2003. They had left in 2002. So why are you telling
5 us that you did not have any interest because at that time you didn't
6 know who was occupying and that you said that the UPDF and -- was
7 occupying Bogoro. Why did you tell us that when you know full well that
8 it is not correct?

9 A. Prosecutor, the UPC and the UPDF were working together, they were
10 together. The UPC was allied with the UPDF. When I was speaking about
11 March 2003, there was a complication in the dealings with the UPC and the
12 UPDF. Even in March 2003 the UPDF was present and their leader was at
13 the airport, his name was Kale Kahiyura, and the UPDF left Bunia
14 officially. They left after 2003.

15 Q. Witness, I wasn't asking you about Bunia, and I think you'll
16 agree with me that the UPDF stopped supplying the UPC before 2003. Do
17 you agree?

18 A. I'm not in a position to answer that question because, in my
19 opinion, the UPC and the UPDF formed a single unit. If one did not
20 provide supplies to the other, well, I have no information to that
21 effect.

22 Q. Despite all these important tasks that you were carrying out at
23 the time, you had to gather information, you are now telling us that you
24 didn't know about the date or the time when the UPDF stopped cooperating
25 with the UPC? Is that your testimony, Witness?

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1 A. Prosecutor, you are very familiar with the geography of Zumbe.
2 You know -- you even went in that area by way of a helicopter. This is
3 not an unfamiliar part of the world to you. You know that area well.
4 You know the surrounding area. We were surrounded in Zumbe,
5 Mr. Prosecutor. And as you should know, a great deal of the area is
6 occupied by the UPDF and the UPC. It was a tribal conflict and we didn't
7 have an opportunity to go into Bogoro or into Bunia. For your
8 information, with regard to the information that there was a
9 misunderstanding between the UPC and the UPDF, I was not informed of
10 that, because, according to me, they formed a single body, a single
11 group.

12 Q. But all the same, Witness, you agree with me that at the time,
13 January 2003, before the attack on Bunia that you referred to on several
14 occasions, the UPDF was no longer in Bogoro, you agree with me at least
15 on that particular point?

16 A. No. We don't agree on that. I don't agree with you, because
17 that is an item of information I have not verified.

18 MR. FOFÉ: (Interpretation) I beg your pardon, your Honour.
19 Your Honour, we've let the Prosecutor go on with these questions relating
20 to this particular point, and the witness has replied, given several
21 replies, and remained constant. Now, the whole issue of the UPDF's
22 withdrawal from Bogoro and from Ituri, but more specifically Bogoro, this
23 is a complex issue. I don't know whether the Prosecutor has the specific
24 facts relating to this issue. If he has those facts, he can disclose
25 them to us. There you have it, your Honour.

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1 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, did you
2 wish to respond to those points?

3 MR. GARCIA: (Interpretation) Very briefly. First of all, with
4 regard to the many remarks by Mr. Fofé concerning the reading out of the
5 transcript, if it is something very important, I can understand why he
6 would rise immediately so that none of us are misled, but if it is just a
7 matter of getting up to tell us that we must make reference to one
8 particular line or word, I would ask my learned friend, if we could
9 please -- could he do that sort of thing at the end of the hearing so
10 that we can proceed effectively?

11 Secondly, with relation to the facts, we have been in this trial
12 for a year now and this point has been raised several times. If
13 necessary, I can provide him with the facts, the factual basis. I would
14 remind him that it is necessary for the Prosecution to base itself on
15 reasonable information. On the Prosecution's side, we cannot make
16 frivolous accusations that are not supported by fact. Those facts, that
17 allegation, has been demonstrated and is to be found within the evidence.
18 I have no problem with sending him that statement. Of course, it does
19 interrupt the flow of the cross-examination. I would ask Professor Fofé,
20 if he has something particularly relevant, he should rise and make his
21 point, but otherwise he should wait until the end of the hearing.

22 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé, very
23 briefly.

24 MR. FOFÉ: (Interpretation) Thank you, your Honour. With regard
25 to the first point, sometimes it is necessary to point out certain

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1 passages at the very moment -- when the -- strike when the iron is hot,
2 and if we could listen to the witness's answer a second time, I think you
3 would realise that some things were not included in the transcript.

4 As for his second point, I did not rise for no particular reason.
5 I let the witness answer, but I think you'll realise, your Honour, that
6 at a particular point in time, when a witness is giving an answer, at
7 some points we do need to stop because otherwise it starts to turn into
8 harassment. And I will not go into the difference between a fact, an
9 established fact, and an allegation or an allegation based on some kind
10 of interpretation. So to sum up, when we ask the question of a witness
11 several times and when the witness gives the same answer several times,
12 I think it's time to move on to something else. Thank you, your Honour.

13 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, please
14 continue. Our concern is that the proceedings should continue in a
15 linear fashion without unnecessary interruptions. If there are problems
16 understanding an answer, if that can be dealt with later, that is fine.
17 It is true that sometimes if an answer is repeated that can be useful,
18 and anything that can be done to avoid complex re-listening of the sound
19 after the hearings, that's a -- if we can avoid that, that is a good
20 thing. Mind you, we do not want the examination or the cross-examination
21 to be choppy because of repeated interruptions.

22 So, please continue, Mr. Prosecutor.

23 MR. GARCIA: (Interpretation) Thank you, your Honour. Just to
24 settle this issue relating to the factual basis I make reference --
25 I make reference to transcript 88, page 8 and 10, and this was something

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1 that was adduced in evidence by a Prosecution witness. So you can make
2 reference to that.

3 PRESIDING JUDGE COTTE: (Interpretation) Very well. That being
4 said, generally speaking, when we have a witness who had various
5 administrative tasks and responsibilities that allowed him to have a
6 certain overview over important matters, and when dealing with one
7 subject, when we have several answers, when he says he did not know or
8 that he can't go any further, I think the time comes when you have to
9 stop. And Mr. Prosecutor, I think you'll see that in this regard, we do
10 need to either stop or move on to something else, in light of what was
11 said.

12 I will now give you the floor, Prosecutor.

13 MR. GARCIA: (Interpretation)

14 Q. Witness, I asked you a question, namely, in relation to your own
15 interest, now this interest you had in driving the UPDF -- the UPC
16 soldiers out of Bogoro, wasn't this in the interest of the Ngiti, the
17 southern Lendu people? Wasn't it in their interest for the UPC soldiers
18 in Bogoro to be driven out, expelled, so that the road could be used, the
19 main road to go to Bunia, so that the Tatsi and Bindi collectivities
20 could be in contact with one another? Do you agree with me on that
21 point?

22 A. No. I'm not able to know what the Ngiti's interests were in this
23 regard. I repeat: I can't know what the interests of the Ngiti were. I
24 know nothing about that.

25 Q. So you're telling us that you know nothing about that, but my

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1 question is quite simple. You yourself are an Ngiti person. You have a
2 family that was living in the Walendu-Bindi collectivity at the time.
3 You were in contact with those people; is that not correct? Is it not
4 correct that the fact that the UPC were in Bogoro caused serious
5 problems? The Ngiti could not visit you all that easily. You had to
6 walk through the bush. You couldn't go to the Bogoro market. You
7 couldn't go to Bunia by way of the main road. You had to go in a
8 roundabout way so that you would not meet up with an enemy on the way, an
9 enemy soldier.

10 Do you agree with me that for these reasons, the South Lendu
11 people had an interest in the UPC troops in Bogoro be driven out, that
12 they be pushed out? Wasn't that in their interest?

13 A. Prosecutor, with all our weaknesses, we were used to this road,
14 this road or this path through the bush. We lived like animals. We
15 would walk, we would take the way through the bush. We were not strong
16 enough to attack those positions. As I said earlier, I didn't know what
17 the Ngiti's interests were. Personally, as an Ngiti person, I would say
18 that we were powerless. We had no opportunity to find a solution as
19 Ngitis.

20 Q. I put it to you, Witness, that a delegation left Zumbe and you
21 were part of that delegation, some soldiers were part of that delegation
22 and there were also civilians including Martin Banga, and that this
23 delegation went from Zumbe to Aveba, met with Germain Katanga to find a
24 solution to this problem that concerned both of you, the two groups, the
25 Ngitis and the Lendu. Do you agree with me on this particular point,

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1 Witness?

2 A. I have no knowledge of that. I'm looking for such information
3 but for the time being I haven't found any such information. I think
4 those are just allegations.

5 Q. You say that you were looking for information about that
6 delegation? Did I understand what you just said? I just want to make
7 sure that the transcript is correct.

8 A. Yes. Yes. I believe you've understood what I said. I'm trying
9 to find information about that delegation, but my memory is not helping
10 me yet.

11 Q. Are you telling us, Witness, that it is possible that a
12 delegation left to meet with Germain Katanga but you would have -- you
13 have apparently forgotten and you're trying to cast your memory back to
14 try to remember this?

15 A. No. I'm saying this: Up until now, I have no knowledge about
16 this delegation.

17 Q. I would also put it to you, Witness, that this delegation left in
18 December 2002, and indeed this delegation went to Aveba to meet with
19 Germain Katanga. Does that refresh your memory? And I would also put it
20 to you that that was the reason for this document existing, the document
21 that you have here, the -- dated the 4th of January, EVD-OTP-00025.

22 This information that I just gave you, does this refresh your
23 memory about a delegation that left from Zombe and went to meet Germain
24 Katanga? Take some time to think about this, Witness, and remember, you
25 are still under oath.

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- 1 A. Prosecutor, the documents that I have here, I drafted this.
- 2 I drafted it when I ran into my brother at the market. He said to me to
- 3 *(Redacted)
- 4 (Redacted)
- 5 (Redacted)
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1 (Redacted)

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7 (Redacted) Another question

8 was put to me, namely, whether I knew Cobra, and I said yes, I knew Cobra

9 Matata. I don't know whether there is another person in the courtroom

10 who was listening when I was answering that question.

11 Q. Witness, in light -- well, what you're telling us is important

12 because you are telling us what you said from your memory, but I can read

13 back to you what you said. This is yesterday's transcript, page 45 --

14 PRESIDING JUDGE COTTE: (Interpretation) The provisional

15 transcript? The final version has arrived in the meantime. If we could

16 match the two versions, that would be very useful. So you are making

17 reference to page 45 of the provisional transcript.

18 MR. GARCIA: (Interpretation) I will begin reading at line 12.

19 Q. So you were asked a question, Witness, about this trip with

20 Mr. Martin Banga, and in your reply, not the entire reply but the part

21 that is of interest here, you said:

22 "When we found ourselves at the market, I said that we had very

23 little means and that we needed soap. And he said to us that he was

24 going to cover us in relation to the authority, and to that end, he had

25 to write to his chief, Matata Cobra."

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1 So, Mr. Witness, I have just quoted your words, the words that
2 you uttered to explain this story that you are putting forward, to
3 explain this letter, but this is not the same story you are telling us
4 today. So I think you agree with me that you did say this yesterday.
5 I'm reading to you from the transcript, Witness.

6 A. No. No, Mr. Prosecutor. I think that you have taken down my
7 statements incorrectly. I did not say that yesterday.

8 MR. FOFÉ: (Interpretation) I beg your pardon. Your Honour, I'm
9 sorry to interrupt, but we were all here yesterday, and we listened to
10 the reply from the witness. We followed that. I'm not trying to
11 intercede but I think it is necessary to have a verification --

12 MR. GARCIA: (Interpretation) I'm sorry, but I just received the
13 references for the edited version, page 48, lines 1 to 4, and it's
14 basically the same answer.

15 MR. FOFÉ: (Interpretation) Yes. It will be necessary to listen
16 to the audio.

17 PRESIDING JUDGE COTTE: (Interpretation) All very well,
18 Professor Fofé, but I think we are basing ourselves on the definitive
19 transcript, and I'm very pleased that we have the reference, page 48,
20 lines 1 to 4 -- correction, page 38, lines 1 to 4. The witness said that
21 they had very little means, that they needed soap, and that it was
22 necessary to cover him and it was necessary to write a letter to
23 Matata Cobra. "I drafted a letter, I gave it to him, and then he gave me
24 an amount of money and I can't tell you the exact amount and I was with
25 Martin Banga, I myself was the one who wrote the letter. I signed the

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1 letter. Martin did the same thing," and so on and so forth.

2 I'm reading a bit further on.

3 The Prosecutor may, all the same, base himself on a definitive
4 version of the transcript, and now ask the witness the questions that he
5 wishes to, to ensure that the remarks he just made are indeed what he
6 said or whether a further information must be given. It's not a matter
7 of surprising the witness. It's just a matter of ensuring the
8 consistency of these statements relating to an event that is important to
9 you, to the Prosecutor, and is of importance to the Chamber.

10 So, please proceed, Prosecutor. But we are not going to have
11 endless re-listenings of audio recordings once we have the final version
12 of the transcript.

13 MR. GARCIA: (Interpretation)

14 Q. Indeed, Witness, before we go on with this whole issue, Cobra
15 Matata, you knew him at the time, didn't you, you knew he was the
16 commander, didn't you?

17 A. Mr. Cobra Matata, at that time I hadn't met him yet, but since he
18 was the commander we heard about that. Even when we were at the market,
19 well, there, there was only Oudo. And Oudo, he was the one who had given
20 me his name. I couldn't write the letter and approve it myself. That's
21 not something that can be done.

22 Q. So according to what you're saying, the senior commander of Oudo
23 was Cobra Matata. Is that what you're saying?

24 A. Yes.

25 Q. Witness, I have another question relating to this letter about

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1 this whole story that you put forward to explain this. In the letter,
2 you mention the words "*Opérateur* Oudo." Now, essentially this letter is
3 therefore addressed to *Opérateur* Oudo. What does "*opérateur*" mean? Is
4 this a military term? I believe it is, isn't it?

5 A. That's what -- that's how he was referred to, *Opérateur* Oudo, and
6 that's what I wrote down, Operator Oudo.

7 Q. Oudo, as you well know, was not just in charge of the market at
8 that time, he was a commander. His complete name is Oudo Mbafele, and he
9 was commander in Medhu. You knew about that at the time, didn't you? Is
10 that the reason that you called him *Opérateur* Oudo?

11 A. At the time, all the markets were managed by combatants and he
12 was one of those combatants.

13 Q. This letter is not addressed to Oudo as a person in charge of the
14 market. It's addressed to *Opérateur* Oudo. We are talking about Oudo
15 Mbafele who was the commander at the Medhu camp. Are you agreed with me
16 on what I just said?

17 A. No.

18 Q. So you didn't know that he was a commander at the time. Is that
19 what you're saying?

20 A. I knew he was a combatant and I found him there acting as person
21 in charge of the market and that's why I wrote this letter to him.

22 Q. Furthermore, Witness, I would like to suggest to you, I would put
23 it to you, that not only you were in the company of Mr. Banga but that
24 Boba Boba was also with you during that delegation. He was, in fact, in
25 charge of the delegation that started out from Zumbe and went to Aveba to

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1 meet with Germain Katanga. That -- does that refresh your memory
2 somewhat?

3 A. No, Prosecutor. The letter, when I wrote it and I'm repeating
4 what I already said, I wrote this letter, there were two of us, me and
5 Martin Banga.

6 Q. But, Witness, in your letter, you said, right at the start, that
7 we, members of the Zumbe delegation in Aveba. So, Witness, there were
8 not just two of you, there was a whole delegation that had started out
9 from Zumbe to go to Aveba to meet with Germain Katanga and that was the
10 reason that you wrote this first paragraph in that letter; isn't that so?

11 A. No. That's not how things went. If you have proof of that, show
12 them, but what I am saying is that I alone wrote this letter. I wasn't
13 with Boba Boba. I wrote it in the Tatu market, and I was told by Oudo
14 that I should write it. Nobody else wrote it. And I cannot lie on this.

15 Q. So you are seeking soap, you have problems, you wrote the letter
16 in the company of Martin Banga, and all of a sudden, we see a letter
17 where the Zumbe delegation is mentioned and indeed you yourself signed it
18 at the bottom. Isn't that your signature there? You see your name,
19 Bukpa Kalongo, and just above that, secretary of the delegation. So you
20 were secretary of the delegation, Witness, that left Zumbe to go to
21 Aveba; isn't that right?

22 A. Prosecutor, you just want answers. I'm telling you, this *(Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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22 MR. FOFÉ: (Interpretation) Excuse me, but perhaps we also need
23 to be a little bit more careful about functions, duties, et cetera. We
24 will need to ask for some explanations. The name of the witness has, in
25 fact, been mentioned during open session, and we must remember we are in

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1 open session.

2 PRESIDING JUDGE COTTE: (Interpretation) Yes, we must be very
3 careful.

4 JUDGE DIARRA: (Interpretation) Have you seen the court
5 reporter's message?

6 PRESIDING JUDGE COTTE: (Interpretation) Yes, and they are
7 saying that we need to slow down so that's what we will do. But
8 moreover, we must remember the five-second rule, which is, of course,
9 very difficult to apply in a judicial context, because people want to
10 interrupt one another, but nonetheless, we have to abide by it.
11 Prosecutor.

12 MR. GARCIA: (Interpretation)

13 Q. Witness, to be sure that everything is clear, I read out to you
14 the second paragraph of this letter. Indeed -- you can take a look at
15 it. Second paragraph, it begins, "Indeed," and ends with the word
16 "Aveba." I don't think it's necessary for me to read it out once again
17 but this is my question. *(Redacted)

18 (Redacted)

19 (Redacted)

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Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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6 Q. But when you referred to "them" or "they," who are you referring
7 to? "They will think that you're referring to your family or speaking on
8 behalf of your family." Who are these "they" or "them"?

9 A. Prosecutor, the educational level is different and people express
10 themselves according to their intellectual capacities. I had no idea of
11 what that could mean. It really all depends on your level of education,
12 that really impacts the way in which you draft things.

13 Q. One last question before the break. After all, your level of
14 education was rather high, Witness. *(Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MR. GARCIA: (Interpretation) In view of the time, perhaps we
25 should stop here and go on after the break.

Witness: Witness DRC-D03-P-0066 (Resumed) (Closed Session)
Procedural Matters

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1 PRESIDING JUDGE COTTE: (Interpretation) Very well, Prosecutor.

2 Now, by way of indication, do you have any idea of how long you will need
3 to continue your cross-examination? Just an approximation will do.

4 MR. GARCIA: (Interpretation) Well, I always say the same thing.
5 It really all depends on the way in which the witness answers my
6 questions. I will try to finish by the end of the second session today.

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

8 Witness, we shall now have a break for 30 minutes, and you will
9 be able to relax a little before we resume at 11.30 for two additional
10 hours.

11 Court Officer, let's go into closed session so that the witness
12 can leave the courtroom and the Court Usher will accompany him.

13 (Closed session at 10.57 a.m.)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Open session at 10.58 a.m.)

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

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
25 Court Officer. The hearing is suspended. We shall resume at 11.30.

Witness: Witness DRC-D03-P-0066 (Resumed) (Closed Session)
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1 Recess taken at 10.59 a.m.

2 (Closed session)

3 On resuming at 11.37 a.m.

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Open session at 11.39 a.m.)

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

13 Honour.

14 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Can you hear

15 me, Witness?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you. Please

18 proceed, Prosecutor.

19 MR. GARCIA: (Interpretation)

20 Q. Witness, just before continuing with the line of questioning that

21 I had begun before the break, there is one thing I'd like to put to you.

22 Perhaps you've already answered this but I'd like to check that we have

23 your answer. I asked you whether, according to you, as far as you know,

24 Oudo was a commander. Can you tell us whether or not he was at that

25 time?

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1 A. At that time, Oudo was a combatant.

2 Q. You're now saying that he was simply a combatant and not a
3 commander at that time, in other words, at the time when, according to
4 your testimony, you drafted the letter? Is that what you're saying,
5 Witness?

6 A. At that time, he was known as being specifically Operator Oudo.

7 Q. Witness, the reason I'm asking this question is because today,
8 before we suspended the hearing, you stated here in the courtroom, and
9 it's page 32, lines 14 to 18, in one of your answers you said the
10 following:

11 *(Redacted)

12 (Redacted)

13 And now you've just said that he was simply a combatant. Earlier
14 this morning you said he was a commander. So which is the correct
15 version, which of the two are we to take as your answer?

16 A. Well, I think, Prosecutor, you've got things mixed up, when
17 you're talking about commander, combatant and soldier. A combatant is
18 somebody who is a member of the self-defence group who hasn't received
19 any training, and in times of war, he defends his community. That's what
20 we mean in my country when we talk about combatant. And you're trying to
21 mix up everything together. But we have to differentiate among the
22 different terms.

23 Q. Indeed, Witness, I understand this differentiation that you're
24 making, but I asked you whether you remembered what you said earlier this
25 morning, which was that you drafted the document in the presence of

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 commander Oudo. So you, Witness, you used the term "commander" in
2 talking about him. I was not the one who did that. So do you understand
3 what I'm saying? Can you now say that you agree that he was a commander
4 at the time, at the time when you signed -- drafted and signed this
5 document?

6 A. I said that he was the person in charge of the market. It was
7 you who introduced this notion of commander.

8 Q. Witness, I don't want to have to keep going on and on about this.
9 I have given you your words as taken down on the transcript. I was not
10 the one who referred to commander. That was what you said in your
11 answer. And the only thing I am asking you is: Is it correct that he
12 was a commander at the time? In the light of what you said this
13 morning -- and I'll read it out to you once again. Professor Fofé can
14 interrupt if he finds I'm saying anything that's incorrect, but I'll read
15 it to you. It's page 32 of the provisional transcript, line 14, as taken
16 down by the court reporters.

17 You answered: "I say this, I was the one who drafted the
18 document in the presence of Commander Oudo."

19 So you, Witness, you are the one who said that Oudo was a
20 commander at the time when you were drafting this document. In the light
21 of what I just read out to you, Witness, can you now admit, and this is
22 the last time I'll ask the question, that, yes, Oudo was a commander at
23 that time, January 2003? Yes" or "no," Witness?

24 A. Prosecutor, you're asking a question as if you knew nothing. At
25 a particular time there is a confusion among the chiefs, and Professor

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Fofé asked me the question and I said he was the chief of the market. So
2 I've already answered this question and you're still coming back and
3 asking time and time again. I don't see why you won't understand. I've
4 already said everything I can say to you on this.

5 Q. Witness, I note that you are not answering a very straightforward
6 question. Let's change the subject now. We will come back to what we
7 were talking about just before we suspended.

8 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, one moment.
9 Yes, Witness, please go ahead.

10 THE WITNESS: (Interpretation) Mr. Garcia, I think you're trying
11 to put words into my mouth and I have given you my answer and you don't
12 like my answer. And you're trying to distract me in a way. So I have
13 said what I have to say and I turn now to the Presiding Judge.

14 PRESIDING JUDGE COTTE: (Interpretation) Witness, each person
15 here who puts questions to you is pursuing an objective that is specific
16 to his or her responsibility. It may be Prosecution, it may be
17 representation of victims, it may be the Defence or one of the accused.
18 What the Court wants is that when questions are put to you in a clear
19 fashion, you should try to give as clear an answer as possible. When you
20 have a question which is: Was Oudo, quite simply, a combatant or a
21 commander, the Prosecutor was trying to obtain an answer and he considers
22 that he has not received that answer.

23 Now, before changing subjects, Prosecutor, I would like to draw
24 your attention to a slip that you committed, which was on page 49 of the
25 provisional transcript of the French version, lines 3 and 4, you said

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Questioned by Mr. Garcia (Continued)

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1 just before you said he was simply a commander, and this morning you said
2 he was a commander. So the first time you said "commander," obviously
3 that should not have been commander, it should have been combatant.
4 Let's correct that immediately. It will make it possible for us to save
5 time and clarify things.

6 THE INTERPRETER: The interpreter would like to point out that
7 the correction was made to the English version.

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

9 PRESIDING JUDGE COTTE: (Interpretation) Please proceed.

10 MR. GARCIA: (Interpretation)

11 Q. Witness, we will come back to the question of the letter that you
12 can see on the screen before you, EVD-OTP-00025. I think you've got a
13 hard copy in front of you as well. You explained this morning, and
14 I understand that this was a cover letter that you yourself drafted in
15 order to obtain either money or soap.

16 Witness, I'd like us to take a look at the third paragraph of
17 this letter, I don't have many questions about this. After that I only
18 have a few more points and then we'll leave the letter and move on to
19 something else, but let me just wind up on this. In this third paragraph
20 you say in the letter, and you have given your version of what was
21 involved in this. "However, we were welcomed as brothers, we were unable
22 to find enough money to get hold of soap."

23 Witness, am I correct in saying that if, as you claim, it's a
24 cover letter, this information that you set down in writing the letter is
25 irrelevant? The fact that you're explaining that you were welcomed as

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 brothers, would you not agree that that is totally irrelevant as regards
2 what you're saying concerning the need, what you say you have had as a
3 need to get hold of money? Would you not agree with me?

4 A. Prosecutor, that is your opinion. But my objective in drafting
5 this letter was quite other.

6 Q. And if I understand correctly, you felt that it was essential to
7 explain how you were welcomed in Aveba; is that correct?

8 A. No. You haven't understood me. I said I drafted the letter so
9 that it could serve as a cover for the person that we know. But I was
10 actually at the Tatu market when this was drafted.

11 Q. Witness, as regards your explanation of the letter, there is
12 something else that doesn't quite work and that's the last sentence.
13 "There are 15 of us and we intend to send a small delegation, if we
14 receive, as we hope, a favourable answer, send this delegation on Friday
15 to the Tatu market."

16 So in this letter you're saying that there is a delegation and
17 that you intend to send a smaller delegation in order to go and get,
18 I would imagine the money, which is what I understood from your letter,
19 from the Tatu market. You're not asking for money immediately.

20 The story you gave us today, Witness, briefly, is that you'd been
21 asked to write a letter asking either for money or for soap and you can
22 say which subsequently, but in this letter, at the end of this letter,
23 you say that you are a delegation and then you give even more detail.
24 You give the number of people who will go to the Tatu market in order to
25 follow up on this request. So can you see, Witness, it doesn't fit in

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 with the story you gave us. Nor does it match the story of the cover
2 letter. Would you not agree?

3 A. Prosecutor, that is what you think but when I wrote this letter,
4 I have already explained to you why I did so. So you are now putting
5 forward your views. I was the resource person for the drafting of this
6 letter. There was just a small group of us. We didn't have any work at
7 the time. We lived virtually like animals. I do not agree with what you
8 are suggesting and I've already given my explanation to the Chamber.
9 I acknowledge that I wrote this letter but the purpose of that is
10 something I've already explained.

11 Q. Witness, I put it to you the reason why there are so many details
12 in this letter, why is it that mention is made of a Zumbe delegation, why
13 is there mention of an assignment, why is it that you say that you were
14 very well received, why are you saying there are 15 of you, why are you
15 mentioning delegation all over the place, why did you sign as secretary
16 of the delegation, why did Martin Banga sign as president of the
17 delegation, why is that? Well, it's because there was a Zumbe delegation
18 that went to Aveba to meet Germain Katanga. All of these details,
19 Witness, if it really were just a cover letter were really not essential.
20 If they are included in this letter it is because that is really what
21 happened. You were in Aveba and that is why we see Bolo, 4th of January,
22 2003, we see that the date is authentic, we see Aveba on the left, the
23 top left.

24 JUDGE DIARRA: (Interpretation) Prosecutor, you cannot be
25 followed either by the interpreters or the court reporters, this is quite

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Questioned by Mr. Garcia (Continued)

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1 serious.

2 MR. GARCIA: (Interpretation) I'm sorry, your Honour, I will
3 slow down.

4 Q. Witness, what I'm putting to you is that the reason why there are
5 so many details in this letter, the details that I've already mentioned,
6 the number of people in the delegation, 15, the number of people being
7 sent to the Tatu market, the fact that you mention the Zumbe delegation,
8 the fact that you signed as secretary, which was pretty much the same
9 function as that that you held for Chef -- Chief Manu, the fact that
10 Martin Banga signed as well, all of that, Witness, is because there was a
11 delegation that went from Zumbe with soldiers and civilians, and you went
12 to meet Germain Katanga in Aveba. The reason why you invented all of the
13 business about the trip with Martin Banga was in order to explain this
14 letter because you know how harmful this is from the point of view of the
15 defence of Mathieu Ngudjolo. Is that not correct?

16 A. Prosecutor, I don't know when you obtained a copy of this letter.

17 You are just expressing your opinion. *(Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 (Redacted)

2 Q. As regards the rubber stamp on the letter, you said that the
3 letter had actually been deformed, but there is a rubber stamp on this.
4 It says "*Forces des Résistance Patriotiques en Ituri*," Patriotic
5 Resistance Forces in Ituri, "*Bureau D'État Major-Siège, Tatsi Zumbe*,"
6 Staff Office Headquarters, Tatsi Zumbe. And if I'm not mistaken there
7 seems to be an arrow at the top and a machine-gun at the bottom.

8 Have you seen the stamp on this document, Witness?

9 PRESIDING JUDGE COTTE: (Interpretation) Perhaps it's a seal or
10 a rubber stamp. Witness, take the time you need to look at it and then
11 answer the Prosecutor.

12 MR. FOFÉ: (Interpretation) I apologise, your Honour. I would
13 once again ask the witness to slow down. It really is very important.
14 There are parts of his answers that we don't see on the screen. We don't
15 yet have the definitive version, but could the witness be asked to slow
16 down even more, your Honour?

17 PRESIDING JUDGE COTTE: (Interpretation) In the future, whether
18 it's the witness or any other person intervening in this courtroom, short
19 of coming down with a gavel, like an auctioneer, I will use my pencil and
20 do this so that the speaker who may not be looking at me will understand
21 that he or she is speaking too fast and that will avoid having to
22 interrupt, which only adds to further confusion in the ears of the
23 court reporters and the interpreters. So this is what will happen and
24 there may well be a gap in the proceedings at that point, but please
25 listen out. Witness, when I do this, it means slow down. And that

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Questioned by Mr. Garcia (Continued)

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1 applies to everybody. And I would ask you to admire the extreme slowness
2 with which I'm currently expressing myself and you can congratulate me on
3 it.

4 Please proceed, Prosecutor.

5 MR. GARCIA: (Interpretation)

6 Q. Witness, in your replies to Professor Fofé, now I don't have the
7 transcript references, I just have the provisional transcript references,
8 page 47, I believe you said to Professor Fofé --

9 MR. HOOPER: (* Previous translation continues) ... is it? Is
10 this yesterday's transcript or today's? So it's yesterday's transcript?
11 Because I thought the confirmed transcript -- the corrected or edited
12 transcript was available. That's all. Sorry.

13 MR. GARCIA: (Interpretation) Indeed, the corrected version is
14 now available as you know quite well. The corrected version only came
15 out this morning while we were having this hearing. I'm working with the
16 provisional transcript, but don't worry, I'm just expressing the ideas.
17 If there is any problem, I'm sure you or Professor Fofé will interrupt.
18 That's just one minor thing. It's really quite simple.

19 Q. Now, Mr. Witness, yesterday, when you were asked questions about
20 this document, Professor Fofé asked you a question, namely, whether
21 you -- the document bore some kind of seal when you drafted it. And you
22 replied, saying:

23 "Where could we have found some sort of stamp or seal? There was
24 only one in the office of my chief and I was not in the office. I was
25 the one who wrote the letter myself?"

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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- 1 So if I understand your reply correctly, this seal or stamp that
- 2 we see on the letter, according to your testimony, was not placed there
- 3 by you or by Mr. Martin Banga; is that correct?
- 4 *(Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
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Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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12 Page 54 redacted.

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Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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1 (Redacted)

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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) Indeed, that is an

21 important point.

22 Prosecutor, please continue.

23 MR. GARCIA: (Interpretation)

24 Q. In any event, Witness, you did use stamps and seals as the

25 secretary to Chief Manu, you had them in Zumbe, am I correct?

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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1 A. Yes, that's right.

2 Q. And, Witness, when we look at the seal on this letter, it says
3 that it is the Office of the Headquarters, Tatsi Zumbe. So you agree
4 with me that there was such a headquarters with a leader in Zumbe at that
5 time, in Tatsi Zumbe; do you agree with me on this point, Witness?

6 A. No. Why did I say this? Well, I will say this once again. The
7 person who gave you this letter is making this a political thing. I
8 don't know when Oudo's office handed over the letter. I didn't see this
9 seal. I could say that I don't recognise the letter because I didn't
10 sign this letter. I don't know where this seal comes from, this seal
11 from the person when approved the letter. It might have been Oudo. You
12 could call Oudo to give testimony. I don't know where this stamp comes
13 from. I've said that and I say it once again.

14 Q. Very well, Mr. Witness. Just to sum up your testimony, first of
15 all, you're saying that you did not place the seal on the letter, someone
16 else did, and what's more, what you're telling us here, under oath, is
17 that when this seal was placed on the letter, it was a mistake and that
18 this seal is false or fake. It's not -- it doesn't match the one that
19 was in Zumbe. So your answer has two parts to it. First of all, you
20 didn't place the seal and, secondly, someone else placed a false stamp or
21 seal on the letter and has been trying to make this debate a political
22 one. Is this what you're saying?

23 PRESIDING JUDGE COTTE: (Interpretation) What we would like to
24 know --

25 THE WITNESS: (Interpretation) Prosecutor, you haven't

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 understood. What I said was this: Perhaps it might have been the person
2 who gave you the document who placed this stamp on the document, or the
3 stamp was placed on the letter in the office, in the office at the
4 market. Everything at the bottom of this document does not come from me.
5 I can't approve this document. I couldn't have approved this document.
6 That sort of thing was not done.

7 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, we merely
8 wish to know whether, in your question, the statement that the witness
9 allegedly said that it was a false stamp, was that something that you
10 deduced by his answer, this affirmation that there was no headquarters in
11 Tatsi Zumbe? Was it in response to one of your questions that allowed
12 you to say in your question that this was a fake? I just want to try to
13 make this clear.

14 MR. GARCIA: (Interpretation) Indeed, your Honour. Indeed,
15 your Honour. I drew that conclusion but I can go into greater depth.
16 I'll ask another question. This may be enlightening to all parties,
17 participants and the Chamber and we can make better use -- if the Court
18 allows, I will ask an additional question, this additional question that
19 you are recommending.

20 PRESIDING JUDGE COTTE: (Interpretation) I just want to make
21 sure that no one is jumping to conclusions. Put your question.

22 MR. GARCIA: (Interpretation)

23 Q. I'm going to try to ask the question as simply as I can. You saw
24 the stamp on this letter. This stamp, this seal, is it -- does it match
25 the seal that was used in Zumbe Tatsi at the time? Basically we want to

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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1 know is this a proper, true stamp or is this false, is it a fake?

2 *(Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. And that is the reason, Witness, for my asking to you confirm
8 that your testimony is that you did not place this stamp or seal on the
9 letter, and now we understand that the people who put this stamp put a
10 false stamp on the letter. Is that your testimony?

11 A. You just gave your view-point. You're asking me to confirm it.
12 I've just told you what I must confirm. I said this: I wrote this
13 letter, and what you just said is only your opinion and the person who
14 gave you this letter. I have to tell the truth. I'm not denying that
15 I didn't write this -- I'm not denying that I wrote the letter.

16 Q. I put it to you, Witness, that the reason why this stamp is found
17 on this letter is to justify the request that has been made. There had
18 to be a seal or a stamp from the delegation to justify the request, and
19 if mention is made of a headquarters in Tatsi Zumbe, it's because that's
20 the easiest -- well, the easiest answer is no one was fiddling around
21 with this stamp. The fact is there was a headquarters in Tatsi Zumbe,
22 there was a leader, and that was Mathieu Ngudjolo, and that is why this
23 stamp is found at the bottom of this letter.

24 A. I reject what you have said, Prosecutor. I maintain what I've
25 been saying. Everything that has to do with this stamp and -- well, this

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 is about the person who gave it to you. The person who wrote this letter
2 is me. However, I don't know the person who put the stamp on the letter.
3 Everything that you're saying, which contradicts my version, is only your
4 opinion and the opinion of the people who gave you the document, because
5 I don't know who put the stamp on this very document.

6 Q. One last question, Witness. This document that we've spent some
7 time discussing, when did you see the document for the last time, this
8 document?

9 A. Prosecutor, well, the people who had the document -- well, the
10 first time I saw it was here. They didn't show the documents to us when
11 we were in the field.

12 Q. So if I've understood correctly, Witness, the Defence team of
13 Mr. Ngudjolo never showed you this document. Did Mr. Lopa Koli show you
14 the document before today's hearing?

15 A. Prosecutor, I've never seen this document. The first time I saw
16 it was here in this courtroom, and I was surprised, astonished.

17 Q. One last question, Witness. Now, I gather from your testimony
18 that you've never seen it before. But was reference made to the
19 document? Did they talk to you about the document? Did Lopa Koli or
20 someone else talk to you about the document?

21 A. Yes, at the beginning, Maryse asked me a question. She asked me
22 whether I had written a letter. We were speaking in French. And in the
23 letter, did you ask for assistance from Germain Katanga? And I said I
24 don't know. Maryse was the one who asked me that question. That was
25 three or four years ago. And at that time, Mr. Kilenda and Lopa, I don't

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 know, well, it has to do with their code of ethics, they never showed me
2 the document.

3 Yesterday, when you sent the documents to me and you showed them
4 to me I was very surprised. That is why I was all worked up and nervous
5 in the afternoon yesterday. But now I feel at ease because I have the
6 document right in front of me. Yesterday after seeing the document
7 *(Redacted)

8 (Redacted) that Maryse explained to me, she explained
9 something about the document but it wasn't as clear as now, here, in
10 front of the Court.

11 Q. I understand that Maryse spoke to you about this document, but
12 did Lopa Koli talk to you about this document?

13 A. No.

14 Q. So what you're saying is that at no time did Lopa Koli mention
15 anything to you about this document, he did not show you the document or
16 mention the existence of this document?

17 A. Prosecutor, the Ngudjolo Defence team came into the field and
18 they spoke about things in a superficial way. They didn't go into the
19 details of my testimony before the Court or the content of the testimony,
20 no. They didn't say that. Today, I see clearly what my work here is, as
21 a witness before the Court.

22 Q. Witness, certainly you talked about this document with the other
23 members of the base committee, with Chief Manu?

24 A. Even if you show the documents to Chief Manu, he won't know. It
25 was written at the market. He's not aware of this document.

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 Q. My question was simple: Did you talk about this with the other
2 members of the base committee, be it Chief Manu or any of the other
3 committee members?

4 A. No. Martin and I are the ones who are aware of this document.

5 Q. You mentioned Germain Katanga in your testimony. Now, when you
6 arrived in Aveba -- I'll rephrase my question. When you got to the
7 Walendu-Bindi collectivity with Mr. Martin Banga, am I correct to say
8 that Germain Katanga was the leader of the combatants who were in Aveba?

9 A. In Aveba, we went to the market. I saw Germain Katanga in Aveba.
10 We went to the Bavi market because the relatives were there and that is
11 my place of birth. And we would go back and forth, to and from, between
12 the market and our home in Chaluwakaka (* phon) and my parents were
13 there. As for Germain Katanga, I would say that I don't know him well.
14 The first time I came here I was curious, I wanted to see him, and that's
15 why I asked if the curtains could be drawn back a bit so I could see him,
16 but I have nothing to say about Germain Katanga. I don't know him well.
17 I don't know his identity, what he was doing. I have some information
18 about him, and other people, but personally speaking, I don't know him.
19 It would be difficult for me to give testimony about him. I really have
20 nothing to say about him.

21 Q. Witness, I noticed that you were looking at Mr. Katanga while you
22 were answering that question. Are you afraid to give testimony, to
23 answer the question that I asked you? Because the question was very
24 simple. You said, Witness, that with this whole story of yours, that you
25 yourself are Ngiti and often you went to Walendu-Bindi to get supplies,

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Questioned by Mr. Garcia (Continued)

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1 foodstuffs, through the bush. You went to see your parents. You also
2 told us that you were the chairman of the drafting committee and you were
3 aware of everything that was going on. You were also the private
4 secretary, Witness, to Chief Manu.

5 Are you telling us, Witness, that in light of all that, with all
6 that, at the time, January 2003, you didn't know that Germain Katanga was
7 not only the leader of the combatants in Aveba but also the leader of all
8 the Ngiti combatants in the Walendu-Bindi collectivity?

9 MR. HOOPER: That is not an accepted fact and it's quite improper
10 for my friend to assert that as a fact to this witness, in my submission.

11 PRESIDING JUDGE COTTE: (Interpretation) Witness, you have heard
12 the question. The Prosecutor wishes to know whether, given the various
13 tasks that you performed at that time, you were in a position to have
14 some idea, some specific idea, or perhaps not a particularly specific
15 idea, of who Mr. Katanga might have been at the time. Can you please
16 answer that question. You had administrative responsibilities, and
17 because of that, did you learn whether Mr. Katanga was playing a role
18 and, if so, what role was he playing? That is what we are asking you to
19 tell us.

20 THE WITNESS: (Interpretation) Well, the Prosecutor asked me a
21 question and I replied saying that I don't know Germain Katanga well. I
22 don't know what his rank was at that time. To give testimony about a
23 person, you have to know that person. If you don't know the person, you
24 will tell a lie about him. That is why I don't want to tell a lie about
25 Germain Katanga because I don't know him well enough.

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1 Between Zumbe and Aveba, it's a distance of 80 kilometres, and we
2 would go there to buy various items, goods, that were less expensive but
3 we didn't go for other reasons, so I can't give details about Germain
4 Katanga because I don't know him well.

5 PRESIDING JUDGE COTTE: (Interpretation) Now, you have told us
6 in a very loyal way that you don't know Germain Katanga personally, and
7 what about the role he played, and that is fine, we have certainly heard
8 your answer. Now, by any chance, did you hear people saying that he was
9 playing a particular role? And if so, what was that role? Because given
10 the administrative position that you held, you might have heard people
11 talk about other people.

12 THE WITNESS: (Interpretation) Your Honour, everything is
13 perfectly clear now. Everything is official and you have all the
14 documents that contain the information. However, in 2001 to 2003, it was
15 very difficult to identify anybody, and that is the reason that I am
16 saying once again that I do not know Germain very well and it's very
17 difficult for me to make any statements about him.

18 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, you can
19 proceed but please keep in mind that when you go on to a quite different
20 area, you should warn us because before we leave this area, i.e., the
21 letter, once and for all, the Bench will have two questions, one for the
22 witness and one for you yourself.

23 MR. GARCIA: (Interpretation) Yes, of course, your Honour.

24 Q. Witness, you spoke about somebody called Martin Banga. Is Martin
25 Banga known under any other name?

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 A. Yes. He has three names. Banga Dheji Martin. Let me repeat
2 that, Banga Dheji Martin.

3 Q. Is he also known by the name Martin Cobra?

4 A. No.

5 Q. And this person, Martin Banga, for how long have you known him?

6 A. We lived together for a while.

7 Q. You lived together during which period, please?

8 A. We grew up together. He was in -- he grew up in Bogoro and I was
9 at school.

10 Q. And to add a few -- you are friends, as far as we can understand;
11 is that right?

12 A. We both come from the same village.

13 Q. You also told us, Witness, that you went with him to the
14 Walendu-Bindi territory; is that right?

15 A. Prosecutor, I've already told you this.

16 Q. Is it not true to say, Witness, that there had already been a
17 delegation that had left Zumbe, going to Aveba to meet with Germain
18 Katanga, the delegation later on went on to Beni. And among the people
19 that made up the delegation, there was Martin Banga, Adolphe Liga and
20 also Chief Manu. And so that you have a few additional details, these
21 three people are thought to have gone to Aveba and Beni, having left
22 Zumbe in roughly November 2002. Does this refresh your memory? Do you
23 remember that occurrence?

24 A. I think, Prosecutor, that this question could usefully be
25 addressed to Chief Manu.

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Questioned by Mr. Garcia (Continued)

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1 Q. You are quite right, Witness. We could ask Chief Manu this
2 question but you're here testifying, and from what we understood of what
3 you said, you were the private secretary to Chief Manu, hence I'm asking
4 you this question in your capacity as private secretary and as a person
5 who was living in Zumbe at the time and who had connections. You were
6 president of the drafting committee as well. You knew Martin Banga. So
7 let me ask the question once again. No doubt you did hear about this
8 delegation that had started out from Zumbe in roughly November 2002 to go
9 to the Walendu-Bindi territory to meet with Germain Katanga and then
10 later on went to Beni.

11 A. I said that you should ask Chief Manu this question because you
12 mentioned that Chief Manu was part of that delegation.

13 PRESIDING JUDGE COTTE: (Interpretation) Witness, you can in
14 your answer say that somebody is perhaps in a better position than
15 yourself to answer the question, but that doesn't prevent you from
16 answering and telling us whether or not you knew that this delegation
17 existed. Either you did know of it, and in that case you will give the
18 relevant details to the Prosecutor and as a consequence to the Chamber,
19 or you did not, but at that point you could add that perhaps other people
20 are in a better position to answer than I am. But please do not try to
21 evade a question when it's being addressed to you.

22 MR. GARCIA: (Interpretation)

23 Q. To help you a little, Witness, your chief, Chief Manu, left
24 during a certain period for about one month, one month minimum.
25 Martin Banga was with him, Adolphe Liga Ngaba was also there, and

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
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1 Talika Bahati too. Does all this jog your memory?

2 A. As the Presiding Judge just said, it's difficult for me to give
3 information on this topic because you have the names of the people
4 concerned. I heard you giving the name of my chief so I think he is the
5 person in the best position to answer this question. I myself have no
6 information on this topic.

7 PRESIDING JUDGE COTTE: (Interpretation) So, Prosecutor, the
8 witness to answer your question -- I think I am giving it right. No
9 doubt you did -- well, you asked him whether he had heard about this
10 delegation, he answered that he hadn't and that his -- and that Chief
11 Manu would be in a better position to answer that question. That is
12 where we stand at 12.40.

13 MR. GARCIA: (Interpretation)

14 Q. Witness, well, we will move on to another area and return to the
15 core topic. You drafted this letter that bears the date 4th of January,
16 2003, and without going into the details or back to the discussion on the
17 delegation, from Zumbe or otherwise -- well, you went back to Zumbe at a
18 given point in time, following that short trip to the Walendu-Bindi; is
19 that right?

20 A. I was living in Zumbe.

21 Q. Are you in a position to tell us how many weeks, once you had
22 written this letter, how many weeks later you went back to Zumbe after
23 doing that?

24 A. Well, when somebody goes to market he doesn't spend the whole
25 night there.

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1 Q. Yes, Witness, I'm asking you very simple questions. If you're in
2 a position to answer them, please do so. If you can't answer them, just
3 tell me so, tell me, "I cannot tell you how many weeks or how long
4 afterwards." My question was simple. Are you in a position to remember
5 how many days or weeks after having drafted this letter you went back to
6 Zombe? It's a very straightforward question.

7 A. Prosecutor, this letter was drafted in 2003. We are now in 2011.
8 You can see the number of years that have gone by. We reached the
9 market, as I've already said, and when night came we went back. The
10 reason I'm becoming slightly aggressive with my answers, and I'd like to
11 apologise, is because you continuously repeat the same questions and my
12 heart tires and I become angry.

13 Q. Well, Witness, answering questions put to you by Professor Fofé
14 concerning attacks, you mentioned that you remembered attacks made by the
15 APC on Bogoro; is that right?

16 A. Yes, that's right.

17 MR. GARCIA: (Interpretation) Could I have a moment,
18 your Honour?

19 THE WITNESS: (Interpretation) May I relieve myself, your
20 Honour?

21 PRESIDING JUDGE COTTE: (Interpretation) Let's go into closed
22 session so that the witness can leave the courtroom for just a few
23 moments, along with the Court Usher.

24 (Closed session at 12.44 p.m.)

25 (Expunged)

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Procedural Matters

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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 (Open session at 12.49 p.m.)

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

21 Honour.

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

23 Court Officer. And our thanks to the witness and to the Prosecutor who,

24 for a long time -- both of you whom for a long time have been speaking

25 slowly. Please continue. Prosecutor, please proceed.

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Questioned by Mr. Garcia (Continued)

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1 MR. GARCIA: (Interpretation)

2 Q. Witness, let me give you some context. Before you went out we
3 were talking about attacks made by APC on Bogoro, and when you testified
4 in answer to a question put to you by Professor Fofé -- if you want to do
5 something, Witness, go ahead, do it now. I thought I saw you pick up --
6 oh, no, you don't need the time? Okay. I'll go ahead with my questions,
7 then.

8 A. Yes, yes, I can follow you. I'm staring at you and I can follow
9 you. Now I'm not distracted in any way.

10 Q. Fine.

11 PRESIDING JUDGE COTTE: (Interpretation) So the witness has his
12 gaze trained on you, Prosecutor.

13 MR. GARCIA: (Interpretation)

14 Q. In answer to the questions put to you by Professor Fofé you
15 stated: "I do remember something about the attack on Bogoro. When the
16 people from the APC coming from Tchomia going to Zumbe, they were in fact
17 going to North Kivu. That is the attack I remember."

18 And you mentioned, on line 27:

19 "Chief Manu had helped people to leave during the battle."

20 And finally, and this is the most important thing, you also
21 state:

22 "That is the only battle that I know about. As for the other
23 battles, I don't know about them."

24 Is that your testimony, Witness?

25 A. Well, yes, I remember Professor Fofé's questions well. He asked

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 me about the number of attacks that had occurred in Zumbe, the number of
2 times we had come under attack in Zumbe, and I answered that I didn't
3 have very good recollection of this, that I wasn't a computer and so
4 I couldn't list all of the attacks, because there had been several of
5 them. Professor Fofé asked me yet another question. He asked me whether
6 the APC had attacked Zumbe and I answered that, no, that was not true.
7 Chief Manu went to go and get them to bring them to Zumbe.
8 Professor Fofé also asked another question and it was at that point that
9 you took the floor so as to say that he should not be leading. And
10 Professor Fofé's question was whether members of the APC had
11 counterattacked in Bogoro and I answered yes. That had happened twice.
12 First when they had wanted to go to North Kivu and they fought but they
13 were defeated, and then they came once again and were beaten again, and
14 went to Nyakeru via Songolo and went to a destination unknown to me.
15 Professor Fofé also asked me whether I could give the succession of
16 events and I answered that, no, I couldn't remember the dates.

17 Prosecutor, that -- in that way I'm reminding you of what had
18 happened. You have the written elements. I have to rely on my memory.
19 This is what I said the day before yesterday. Thank you.

20 I don't know, Professor Fofé, whether my statements are in
21 contradiction with what actually happened.

22 Q. Thank you very much for your answer, Witness. What I wanted to
23 know essentially, Witness, and in fact you partially have answered this
24 question, is that when you asserted during the hearing that "this is the
25 only battle I know about, I don't know about the other ones," what you

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Questioned by Mr. Garcia (Continued)

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1 meant was that the subsequent battles, be they battles or attacks, in
2 Zumbe or attacks on Bogoro, well, about them you are not in a position to
3 provide specific details to the people present here in the courtroom as
4 to who took part, who led, how many victims there were, what dates the
5 attacks took place on; is that right? Does this reflect what you're
6 saying here?

7 A. Perhaps you could rephrase your question because you went rather
8 quickly.

9 Q. I'm going to repeat my question, Witness. When during your
10 testimony you stated with reference to those attacks by the APC on
11 Bogoro, you mentioned the fact that this was the only battle that you
12 know of -- knew about. As for other battles, you did not know. And let
13 me read out the beginning actually. Following a question made by
14 Professor Fofé you said, during that period -- the question was: "During
15 that period, which is the attack on Bogoro that you remember?" This was
16 the question put to you by Professor Fofé yesterday, and in answer you
17 say:

18 "I remember something about the attack on Bogoro. When the
19 people of the APC coming from Tchomia went to Zumbe and they were going
20 towards North Kivu. That is the attack I remember. Chief Manu had
21 helped people to leave during the battle. That is the only battle I know
22 about. As for the other battles, I don't know."

23 So subsequent to this answer that you provided Professor Fofé
24 with, should we infer that as regards attacks or battles that took place
25 after, subsequent to this particular battle, you're not in a position to

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Questioned by Mr. Garcia (Continued)

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1 provide details to the Chamber; i.e., when the attacks took place, who
2 participated in them, how many victims resulted? Is that right?

3 A. Let me just make a minor correction to what you said. This is
4 what I said about Chief Manu. It's a minor correction but -- when the
5 APC soldiers came from Tchomia, Chief Manu greeted them and took them to
6 Zumbe. That's what I said. And so I'd like to correct that.

7 Now to come back to your question, no, I did not know about other
8 attacks that had taken place in Bogoro because, if I'm not mistaken,
9 there is a distance of 35 to 40 kilometres between Zumbe and Bogoro. For
10 instance, if there was an attack or -- in Songolo or Bunia or anywhere
11 else, when Professor Fofé asked me about this, I asked him to be
12 specific, to tell me which particular locality he was thinking of, the
13 locality. And when I asked that, you objected, you stood up and objected
14 against the fact that Professor Fofé was giving leading questions.

15 Q. From your answer, Witness, what I understand is that as regards
16 the subsequent attacks, subsequent to the one you've mentioned, on
17 Bogoro, you cannot tell us who took part or who would have been the
18 leaders of the groups, whether or not there were victims, you can't give
19 us the dates, you cannot give us any of that information. You cannot
20 give us precise information about that; is that correct, Witness?

21 A. Prosecutor, I'm not a citizen of Bogoro. It's difficult for me
22 to know that sort of information. I would also add that, at that time,
23 it was difficult for to us get through to Bogoro.

24 Q. What I'm getting at, Witness, is the following: You, as Chief
25 Manu's secretary, and as chairman of the drafting committee, and let me

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 remind you that according to what we were told by the document, there was
2 a function for this committee which was to draft reports, in other words
3 the drafting committee deals with denunciation of information, drafting
4 reports on the daily situations following multiple attacks, giving the
5 days, dates, hours.

6 Witness, you knew that in February, the 24th of February, 2003,
7 there was an attack against Bogoro and that it was a veritable carnage, a
8 massacre of children, the elderly. Many civilians were killed. You knew
9 that, Witness, did you not?

10 A. Prosecutor, I don't know. The organisation that you see there
11 was not everywhere. It was just for the Zumbe groupement.

12 Q. Are you saying, Witness, that when you were in Zumbe, which is
13 not very far from Bogoro, relatively speaking, and you were in a war
14 situation, and your -- you held this important position at the time, that
15 are you saying that you didn't know there was an attack against Bogoro
16 during which there were more than 200 civilian victims? Is that what
17 you're testifying today, Witness?

18 A. Prosecutor, I have no proof of this. When there is something
19 where there is no proof, no evidence, it's very difficult to talk about
20 it.

21 Q. Nonetheless, Witness, when you came back from the Walendu-Bindi
22 collectivity, that was after there was an attack against Bogoro, is that
23 not correct? You can surely confirm that today. I'm not asking you to
24 say anything about the number of victims, but do you agree with me,
25 Witness, when I say that after you came back from that trip, you

Witness: Witness DRC-D03-P-0066 (Resumed) (Open Session)
Questioned by Mr. Garcia (Continued)

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1 explained to the Chamber that it was simply to procure supplies, that
2 there was nothing to do with the plan of an attack against Bogoro, would
3 you agree that after your return there was an attack against Bogoro and
4 the attack against Bogoro, Witness, involved not just the Ngiti but also
5 the Lendu? Witness, in other words, anybody who was concerned with
6 dislodging the UPC soldiers from Bogoro, from flushing -- interested in
7 flushing them out, would you agree with that?

8 A. Prosecutor, you are the one who has the proof of this and this is
9 your statement. We did not go to Bogoro. We went through the bush. We
10 could only get through by going through the bush because there were no
11 official roads. So it's you who can have any proof, and it's you who can
12 have the names of the victims, not me.

13 Q. Witness, if I understand you correctly, first of all you cannot
14 say whether or not there was carnage, an attack against Bogoro.
15 Secondly, you cannot confirm to us that the attack occurred after your
16 return, in other words, after the 4th of January. I don't know exactly
17 when you came back, but these are the two things you're saying in your
18 testimony. Do you stand by that? And I'd like to remind you that you
19 are under oath, Witness.

20 A. Prosecutor, if I don't know about something, I cannot say
21 anything about it, because I would be unable to provide any
22 justifications.

23 Q. Witness, I understand from your testimony that you're saying that
24 it's quite by chance that after your return from the Walendu-Bindi
25 collectivity that there was an attack against Bogoro; is that correct?

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1 A. Prosecutor, I have no proof of this, and let me say once again
2 that that is the situation.

3 Q. So if I understand correctly, to summarise the situation about
4 Bogoro, you can say nothing about the victims, you cannot confirm whether
5 it was after your return that it occurred. So, Witness, that means that
6 you cannot say who took part, who did not take part, who led the attack,
7 is that correct?

8 A. I am unable to tell you because when the armed groups were there,
9 there were dissidents, you didn't know which armed group was involved in
10 the fighting, and you just didn't know what was happening in the camps.

11 Q. Witness, at the start of the cross-examination, I referred to the
12 fact that you were surrounded at the time and you agreed, and in fact you
13 spoke at some length to that matter in answer to a question put by
14 Professor Fofé, but I'm sure you'd agree with me when I say that it was
15 to your advantage that there was the battle in Bogoro that freed up the
16 road. That was on the 24th of February, 2003. Perhaps you don't recall
17 the exact date but you probably remember that the road was opened up,
18 which meant you could get through to Bunia by using the main road. It
19 was no longer impossible to get to the Bogoro market. I'm sure you must
20 remember that, Witness.

21 A. Prosecutor, you can get proof as to your statements. I don't
22 know what happened. If there is something I don't know about, I cannot
23 state anything about it before this Chamber because I wouldn't be able to
24 provide proof. You asked me before, when there were armed groups, that
25 there was an awful lot of dissidents and disagreement, and I honestly

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1 don't know exactly who and which groups were there.

2 Q. I think I'm right, Witness, in saying that Mandro was attacked on
3 the 4th of March, after the Bogoro attack. Would you agree?

4 A. Once again, Prosecutor, I do not know.

5 Q. And during your testimony, you admitted that there had been an
6 attack against Bunia; is that not correct, Witness?

7 A. That is true. I did agree to that.

8 Q. So to summarise what you've said in the testimony, you've got a
9 delegation made up, you go to Walendu-Bindi at a date that we find on the
10 letter, on the 4th of January, 2003, and when you come back, all of a
11 sudden, Witness, there are attacks perpetrated all over the place,
12 attacks against villages or places where the UPC were found, your enemy,
13 Bogoro, Mandro, Bunia. You know, Witness, that the Lendu were involved
14 in those attacks. It wasn't a coincidence.

15 A. If I have to give you an answer as regards the Bunia attack, I
16 knew about that. Commander Basi Uzendele (* phon), the UPDF commander,
17 called up Chief Manu and Chief Manu went to that attack. Yes, I knew
18 about that, but as for the others, I really don't know.

19 Q. Before continuing, Witness, I don't have many questions left, but
20 there is something that I don't want to forget so I'm going to ask it
21 now, immediately. When I asked you questions, several questions, in
22 fact, to do with the fact that Chief Manu went off in a delegation to
23 Zumbe -- or, rather, a delegation from Zumbe to Aveba, with Adolphe Liga,
24 Martin Banga, you said several times over that we should put the question
25 to Chief Manu. Now, if I understand correctly, you know that he's going

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1 to come to testify before the International Criminal Court; is that not
2 correct, Witness?

3 A. I know what?

4 Q. Witness, before you came here, you were in contact with Chief
5 Manu. You spoke to him frequently; is that not correct?

6 A. Chief Manu, well, I'm in the inner part, and I'm in Katoni and
7 Chief Manu is in Bunia.

8 Q. I understand, Witness, that you're not in the same region, but my
9 question is fairly straightforward. Surely you talked to him sometimes,
10 you spoke to him before you came to testify at this hearing before the
11 Court; is that not correct?

12 A. Spoke to Chief Manu? In my testimony, I have said that the
13 people from the Defence team spoke to me. They didn't give me all of the
14 information. I didn't even prepare for this.

15 Q. Witness, when was the last time you spoke to Chief Manu?

16 A. I don't really understand this -- these questions. Speak to him
17 about what?

18 Q. Witness, I'll try to be clearer. When I say speak to him, I mean
19 speak to him about anything, just exchange words with him. You speak to
20 him, he speaks to you. When was the last time you spoke to him, you
21 spoke to Chief Manu? It's a very simple question. (Expunged)
22 (Expunged). I don't really see why this is
23 difficult for you.

24 A. I have no problem answering that. It's because I thought it was
25 a vague question. I apologise. Speaking, yes, we can talk about things

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1 to do with the family or other subjects. Chief Manu is no longer a
2 chief. He was a chief during the war. Afterwards, when the other chief
3 came back, he took over the function. So Manu is now in Bunia and I'm a
4 head master in the inner part of the country.

5 PRESIDING JUDGE COTTE: (Interpretation) Witness, you really
6 must try, and I have to reiterate my request, you really must try to
7 answer the questions that are put to you. You say that Manu is in Bunia,
8 you are in the inner part of the region, okay, fine. But the Prosecutor
9 is asking you when did you last have the opportunity to speak to
10 Chief Manu? It might have been during a meeting when you physically saw
11 him, or it might have been on the phone. I don't know. But please try
12 to answer the questions that are put to you. Either you can answer
13 because you can remember, or you don't remember, but please give a direct
14 answer to the question. It's important. Thank you.

15 THE WITNESS: (Interpretation) I see. I lost track in the
16 questions being put by the Prosecutor, when he was asking about speaking
17 to people. He's the one who should perhaps know whether I have been
18 talking or who has been talking. Perhaps -- maybe he's had contact with
19 the chief. If he can be more specific, but he was just saying talking,
20 speaking, in contact, but talking about what?

21 PRESIDING JUDGE COTTE: (Interpretation) Witness, you have seen
22 that these proceedings are rather complex. Even if the Prosecutor during
23 the cross-examination has considerable room for manoeuvre, he starts by a
24 question where he asks you whether you had the opportunity to talk to
25 Chief Manu, and if so, when was the last time you did. And then, if you

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1 say in your answer, "I had the opportunity to speak to Chief Manu," and
2 if you say at what time, he might then put another question and ask you
3 what you spoke about. But, Witness, it is important that you answer the
4 questions. You are not the one who is putting the questions. You are
5 not the one who tells the Prosecutor or anyone else how best to put the
6 questions. You are here to answer questions, Witness. I don't want to
7 have to remind you of this too often. Thank you.

8 THE WITNESS: (Interpretation) Your Honours, I said this was an
9 impertinent question because I didn't know what to answer to the
10 Prosecutor. And I thought that rather than saying nothing, I should
11 answer in this way, and that is why I answered in that way.

12 PRESIDING JUDGE COTTE: (Interpretation) Very well. But
13 I think, Witness, that you know the best way of answering is to say, "I'm
14 sorry, I don't remember the last time. I no longer remember when I last
15 spoke to Manu." But, Witness, I don't want us to keep playing cat and
16 mouse. Answer the questions. Don't try to find a way of perhaps
17 avoiding answering a question that you think is perhaps not a pertinent
18 one. It's up to the Court to decide on whether things are pertinent or
19 not.

20 Prosecutor, perhaps you might like to reformulate your question
21 or move on to something else. Please proceed.

22 MR. GARCIA: (Interpretation)

23 Q. I note that you have not answered my question but I'll move on to
24 another question. Witness, you know --

25 MR. FOFÉ: (Interpretation) Excuse me, your Honour.

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1 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofé?

2 MR. FOFÉ: (Interpretation) I think we ought to try to assist

3 the witness. Following the instructions given by the Bench, I think if

4 the Prosecutor wishes to know more about that point, then he could

5 reformulate his question so as to allow the witness to answer. I think

6 it would be advisable to reformulate this question which has been the

7 source of problems. Thank you, your Honour.

8 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, please

9 formulate -- reformulate the question, if it's an important question for

10 you and if you stand by it, in such a way as to enable the witness to

11 tell you, to tell us, whether or not he had the opportunity to talk to

12 Manu, and if so, when was the last time. And after that, it will be up

13 to you to decide to know whether you wish to know what was the subject of

14 their conversation. Please proceed.

15 MR. GARCIA: (Interpretation)

16 Q. Witness, I come back to you with the same question. When did you

17 talk to Chief Manu for the last time?

18 A. Prosecutor, I no longer remember when it was.

19 Q. I understand you do not remember, Witness. Is it a question of a

20 few days ago, a few weeks ago, before you came to the Court for this

21 hearing?

22 A. Even before I came here, I slept at Chief Manu's house, but we

23 didn't discuss anything to do with this because we didn't know anything

24 about what we were going to be asked to testify on here. We were told

25 all of that on arrival here.

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1 Q. So before you came here to testify, you were sleeping in the home
2 of Chief Manu; is that correct?

3 A. I can't say I was sleeping in his home. When we left our house,
4 we were at the disposal of the assistants right through to Kinshasa and
5 then we came here. Chief Manu is the village chief and sometimes he
6 comes to our village and we talk to him. I don't exactly remember when
7 was the last time that we spoke and that is why I said the first time, as
8 regards this question. I don't really remember because we often talk to
9 him. It wasn't just before coming here to the ICC to testify.

10 Q. If I understand correctly, Witness, you said, line 25, page 89:

11 "Chief Manu -- even before coming here I slept at his home."

12 So, Witness, you knew that he was also coming to the Court to
13 testify. He surely told you that.

14 A. Excuse me?

15 Q. Witness, given that you said even before coming here you slept in
16 his house, am I correct in saying, Witness, that you knew, you know and
17 you knew then that Chief Manu was also going to come to the
18 International Criminal Court to testify in the same case?

19 MR. FOFÉ: (Interpretation) Excuse me, your Honour, I don't
20 think that the Prosecutor took account of the witness's last answer,
21 which was on line 4 of the last page.

22 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, as regards
23 the question as to where the witness slept, the witness says as at
24 line 4: "I can't say I slept in his home." And Professor Fofé, eagle
25 eye, notes on line 20 that you say, as a preliminary to your question:

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1 "Given that as you said even before you came here you slept here," so
2 please, in the light of this, reformulate your question. We only have
3 four minutes left.

4 MR. GARCIA: (Interpretation)

5 Q. Witness, never mind where it was, whether it was in your house,
6 his house, wherever. My question is very simple: Before you came here
7 to the hearing, you knew that Chief Manu was also going to testify here
8 before the International Criminal Court in the same proceedings; is that
9 not correct?

10 A. Yes. I knew that.

11 Q. Witness, given that you knew that, am I also correct in saying
12 that you spoke about what you would be saying here in the Court in this
13 trial before the Judges in this case of Mathieu Ngudjolo and
14 Germain Katanga?

15 A. Prosecutor, you have the file. We don't. How can we know what
16 we are going to be saying before the Court?

17 Q. Are you saying, Witness, that you knew he was going to come and
18 testify here, and in all of your discussions with Chief Manu, you never
19 broached the subject of what you were going to say here and what the
20 chief was going to say? Is that your testimony?

21 A. Prosecutor, all of those things, those who came to see us in the
22 field and talk about it with us, we didn't know, we didn't know anything,
23 we didn't know what we were going to talk about, we weren't told
24 anything. Even Professor Kilenda knew nothing. We didn't know at all
25 what was going to be the subject of what's happening here.

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1 MR. GARCIA: (Interpretation) I see what time it is, your
2 Honour. I'll need a short amount of time tomorrow morning, around about
3 15 minutes, no more, just to wind up. Thank you.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Prosecutor.
5 So tomorrow, you will conclude your cross-examination. The Legal
6 Representatives of the Victims will tell us whether they have any
7 questions they would like to put. The Bench will probably also have a
8 few questions to put, as I was intimating earlier on. These will be very
9 brief questions and then there will be the final observations.

10 Court Officer, that means that we should expect the following
11 witness to begin tomorrow morning. Will there be an interruption of half
12 an hour or not? No. So the witness will have to be here at the court
13 for 9.30 tomorrow morning so that he can enter the courtroom in due
14 course.

15 Witness, that brings us to the end of proceedings for today. You
16 will rest and come back tomorrow morning for the final part of your
17 testimony before us.

18 Court Officer, we'll go into closed session so that the witness
19 can leave. We will see you tomorrow, Witness.

20 MR. FOFÉ: (Interpretation) Excuse me, your Honour.

21 PRESIDING JUDGE COTTE: (Interpretation) Please go ahead.

22 MR. FOFÉ: (Interpretation) I do apologise. Once again it's a
23 question of verification, your Honour, and it's an important matter.
24 I would like there to be a check made of the answer given by the witness
25 on page 84, lines 24 to 28, page 84, lines 24 to 28. We will see what we

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1 get in the final version of today's transcript. And if there were not to
2 be any correction made, then we would have more to say on this tomorrow.
3 Thank you, your Honour.

4 PRESIDING JUDGE COTTE: (Interpretation) Yes, that's fine. So
5 the court reporters are asked to verify that portion of the transcript.
6 We will now go into closed session. And I would like to thank on behalf
7 of the Chamber all of those who have assisted us in the course of today's
8 proceedings.

9 (Closed session at 1.30 p.m.)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Open session at 1.31 p.m.)

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

20 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Court
21 Officer. Work hard this afternoon, all of you, and we will see you
22 tomorrow. The hearing is adjourned.

23 The hearing ends at 1.31 p.m.

24 RECLASSIFICATION REPORT

25 Pursuant to Trial Chamber II's email instructions dated 10 October 2012, the

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- 1 following excerpts of this transcript are reclassified as confidential.
- 2 *Page 5 lines 8 to 10
- 3 *Page 5 lines 20 to 25
- 4 *Page 6 line 15
- 5 *Page 28 line 3 until page 30 line 7
- 6 *Page 34 line 22 until page 39 line 21
- 7 *Page 40 line 17 until page 41 line 5
- 8 *Page 41 lines 14 to 23
- 9 *Page 44 lines 11 and 12
- 10 *Page 50 line 17 until page 51 line 1
- 11 *Page 53 line 4 until page 55 line 20
- 12 *Page 58 lines 2 to 6
- 13 *Page 60 lines 7 and 8