

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 Tuesday, 13 July 2010
10 The hearing starts at 9.04 a.m.
11 (Closed session)
12 (Expunged)
13 (Expunged)
14 (Expunged)
15 (Expunged)
16 (Expunged)
17 (Expunged)
18 (Expunged)
19 (Expunged)
20 (Expunged)
21 (Expunged)
22 (Open session at 9.06 a.m.)
23 COURT OFFICER: (Interpretation) We're in open session, your
24 Honour.
25 PRESIDING JUDGE COTTE: (Interpretation) Thank you,

Witness: Witness DRC-OTP-P-0267 (Resumed) (Open Session)
Questioned by Mr. Luvengika

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1 Court Officer.

2 Good morning, Witness.

3 THE WITNESS: (Interpretation) Good morning.

4 PRESIDING JUDGE COTTE: (Interpretation) Well, we're back in
5 court. Mr. Luvengika, who is one of the Legal Representatives of Victims
6 who are authorised to participate here is going to be asking you a few
7 questions.

8 Please proceed, Mr. Luvengika.

9 MR. LUVENGIKA: (Interpretation) Thank you, your Honour,
10 Madam Judges.

11 Questioned by Mr. Luvengika:

12 Q. (Interpretation) Good morning, Witness.

13 A. Good morning.

14 Q. As the Presiding Judge has just stated, my name is
15 Fidel Luvengika. I represent victims from Bogoro who've been admitted to
16 participate in this trial. I'm going to be asking you a few questions,
17 and almost all of my questions relate to your statements since the
18 beginning of your testimony here before the court. These questions, in
19 my opinion, are of interest to the victims that I represent.

20 I have organised my questions by themes. There will be two or
21 three -- two questions on what you stated regarding weapons that were
22 retrieved in Bogoro. I will ask you a few questions about the enlistment
23 of child soldiers, some questions about the -- about the abuses committed
24 by the children and also about the statements you made regarding medical
25 care that the children were able to obtain in the health care centre

1 where there was a nurse, a male nurse and a female nurse.

2 Now, in direct examination -- in fact, we have not received the
3 final corrected version of the transcript, and therefore the references
4 that I will be quoting correspond to the initial version, the realtime
5 version. It is transcript 170, page 15, lines 3 to 8.

6 In your direct examination, you stated that child soldiers who
7 participated in the Bogoro attack mentioned in their accounts that they
8 had received a lot of weapons. Did they tell you how -- did they explain
9 how they received those weapons?

10 A. In the children's accounts, they spoke in general terms about the
11 weapons that were retrieved by their groups following the fighting that
12 was carried out, and it was established in a very clear fashion,
13 undeniable, that Bogoro -- that in Bogoro the other armed group, the name
14 of which I will not mention, had collected, concentrated, its military
15 arsenal. The purpose was to continue taking over the various towns, the
16 Walendu-Bindi towns, and to ensure the passage of traders who were going
17 through the city toward Uganda. That was the goal. And their enemy knew
18 clearly that if they -- if they were able to unlock Bogoro, so to speak,
19 then it would be easy to take over Bunia, the city, and so that was a
20 very important goal, Bogoro.

21 Q. Thank you. Thank you, Witness. You referred to the numbers or
22 the quantities of weapons that were retrieved. Do you know -- do you
23 know or did the children that your organisation worked with, do you know
24 how those weapons were transported to the camp that they were intended
25 for?

1 A. They did not provide much information, because the composition of
2 the groups that attacked Bogoro -- or the group, rather, it wasn't just
3 one battalion with a single command, but it was a coalition, and
4 therefore the children were not able to say how the weapons were
5 distributed. This was not something they were aware of.

6 Q. Thank you. You stated when you referred to retrieving weapons,
7 and here I'm referring to transcript 170, yesterday's transcript, page
8 15, lines 3 to 8, and I will read what you stated:

9 "The weapons, well, that was one of the -- amongst the advantages
10 or -- of Bogoro."

11 Since you said amongst other, were there other aspects that the
12 children mentioned, if you remember?

13 A. Bogoro was a town where the Hema people lived, and there were
14 territorial claims. In other words, as regards this place. And once
15 they had chased out the enemy, the territory was to go back to that
16 particular ethnic group, and the -- so one of the advantages, if you
17 will, one of the victories was that they got back certain territory.

18 Q. As regards -- in answer to the Prosecutor, you mentioned poverty
19 as being one of the reasons for the regroupings and that a child soldier
20 was able to survive. Can you explain how it was that child soldiers were
21 able to survive, as you said?

22 A. Well, in their service as a member of a group, if there was
23 looting, they benefitted from it, and they had no other means of survival
24 during this period of war. The armed groups lived from looting. So once
25 you state that, basically the booty that was looted was then used by

1 those who had participated in the operation. Therefore, the children who
2 participated in the fighting benefitted from that. Even -- and if there
3 was only a small portion, well, the tax authorities as well -- even if
4 the proportion was only very small, they benefitted from it.

5 Q. I'd like to ask you about the abuses committed by the child
6 soldiers. When you were questioned by the Prosecutor, you mentioned in
7 transcript 165, page 50, lines 5 to 8, that one of the reasons that the
8 child soldiers were reticent to tell their accounts was that when they
9 were in the militia and when they committed abuses or violent acts, what
10 exactly regarding these child soldiers, what kind of acts, what kind of
11 violent acts were you referring to?

12 A. The -- their activities involved things that do not come under
13 moral behaviour. In other words, the head of the armed groups or the
14 commanders were the only ones in charge both in civil terms and legal
15 terms. If there was a trial or if there was a conflict between the
16 members of the community, since there was no moral authority, the cases
17 were submitted directly to the commander who was on site and who was --
18 who played the role of a judge, if you will allow me to say so, or an
19 officer of the peace, so to speak. And the individuals who were -- were
20 sent, in other words, the soldiers who were under the command of a
21 particular commander would be sent to be judged, and a child who must
22 obey orders and respect the orders of a commander or respect the orders
23 from the community or from the family, this was the case. In other
24 words, these children carried out orders that went against their own
25 family members.

1 And there was also a problem of vengeance, cases of vengeance.

2 This has been proven during the Ugandan occupation.

3 If a member of the community, a sympathiser -- or, rather, there
4 were sympathisers. There was no lack of sympathisers, because while the
5 occupier was there, they needed the local population to obtain
6 intelligence and other information, and therefore this -- the people in
7 the population who had been sympathisers with the Ugandans, once the
8 Ugandans left there were acts of vengeance, and very often these children
9 stated that they had been enlisted to take revenge because their parents
10 had been punished, and therefore, they, too, had to take vengeance. That
11 was one of the causes of the enlistments.

12 There was also the fact that children imitated other children.
13 If you see your friend, the friend you live with, that that friend has a
14 better means of living, well, that encouraged children to go and enlist.
15 So the entire situation was a situation of chaos and poverty caused by
16 this long period of war.

17 Q. To come back to the issue of the abuses carried out by child
18 soldiers, did the child soldiers tell with -- tell you -- or tell you how
19 they behaved during the fighting?

20 A. Very often when we asked them a question about this they were
21 evasive in their answer. How -- it's hard to understand how a child can
22 have the courage to be in a battle and what exactly -- what kind of
23 courage was it. Some of them answered. Others were brave enough to say
24 that they used various substances. In other words, they took certain
25 substances which drove away their fear, which stimulated them. And

1 generally speaking, however, we were not able to understand the actual
2 motivation of the children during the fighting, what actually pushed them
3 to go to battle, to go to the front. They would answer in a very evasive
4 fashion.

5 Q. Thank you very much. Witness, could you help us a bit more. You
6 referred to substances that they used. What exactly are you referring
7 to, what kind of substance?

8 A. In 2004, we discovered a plant that was called wawa in the local
9 language, and it's very similar to marijuana. When you take this
10 substance, the users were in a state of ecstasy, and this was one of the
11 substances that was used.

12 Q. Other than the consumption of drugs, were there any other
13 practices or beliefs that would encourage these children to go to battle?

14 A. This is something that we wondered about, because right from the
15 start they were told -- they were led to belief that they were
16 invulnerable, and we don't exactly know what the origin of this
17 invulnerability was. So psychologically, clearly they had been
18 influenced. Not just the children but also the adults. In other words,
19 they were stimulated to the extent that they had exceptional courage, and
20 it was a courage such that, in fact, when the enemies learned that they
21 were coming, it made -- it made the enemies flee when they heard that the
22 Ngiti and Lendus were coming, and therefore we think that there was some
23 sort of psychological influence that -- that took place, because the
24 enemy was really afraid of them, and they would run away when they knew
25 that they were coming.

1 Q. You -- according to what you were told, was there someone in
2 particular, specific persons who took care the soldiers in general, or
3 did each individual just have to manage to find whatever substance was
4 required in order to make them invulnerable?

5 A. Let me backtrack just a bit. In 2001, January of 2001, the 19th
6 of January, 1.000 Ngiti soldiers entered the city of Bunia, and they went
7 to the airport where the Ugandans were and the helicopters. The night of
8 the 19th, they were at the very foot of the helicopters, and they
9 declared that they had won the battle.

10 Early in the morning there was -- there were gunshots all over,
11 and -- and they were told that the helicopters had been neutralised and
12 people were fleeing. And I'm telling you that I saw before -- in front
13 of the Ugandan camps, I saw 34 dead bodies torn up. And I saw bodies
14 with the arms cut off. And if you want me to continue the story, that
15 very same day when the fighters were fleeing, children were stopped, and
16 the APC was there. They -- they cut the head off of a child. The head
17 was actually separated from the body. I saw that myself.

18 At 2.00 in the afternoon, we went and asked if we could bury that
19 child, and we were allowed to do so. And the child wore a fetish, an
20 amulet, and this amulet, so they believed, made them invulnerable, and it
21 was that day when we said we have to stop all this stupidity, because
22 people are being killed for no use.

23 PRESIDING JUDGE COTTE: (Interpretation) Mr. Luvengika, we
24 understand what the witness has just explained. We are coming back to
25 the facts at this point.

1 MR. LUVENGIKA: (Interpretation)

2 Q. Witness, a moment ago you stated that the enemy was chased away
3 when Bogoro was taken over. What enemy are you referring to?

4 A. Before Bogoro was taken over, Bogoro was occupied by the UPC
5 and -- since 2002. And I mentioned last time that that made possible
6 free access for trading to the cities in Uganda. It was the only way to
7 go through.

8 Q. And what was -- what happened to the civilian population of
9 Bogoro?

10 A. Until that point, the population was living in Bogoro. We didn't
11 know on the day of fighting where the civilian population was, but before
12 Bogoro fell, the population was there. The population was with its armed
13 group, because it was sure that this armed group was carrying out
14 security. They were living normally there.

15 Q. To go back to the child soldiers, could you tell us what was
16 their psychological state. Do they regret having killed, having
17 pillaged, when you take their accounts? Do they show remorse with
18 regards to the acts that they carried out?

19 A. From the first demobilisation, they didn't notice it. This is
20 why when they were in the armed groups they had to be protected, and when
21 they were demobilised, they felt alone, alone before their future. But
22 in the armed groups, they did have the team spirit or group spirit. But
23 when they went through the process, having been interviewed and
24 documented, and they were asked for their direction, then they found that
25 they were embarrassed, and most of the time a lot of them expressed

1 regret. "What are we going to do? What are we going to do after this
2 demobilisation?" And this is what we had to respond to. We had to bring
3 a response to that.

4 Q. I'm now going to ask you a last question. This is a personal
5 question. Please excuse me in advance if that shocks you, but you were
6 courageous enough -- or you've been courageous enough to state before the
7 court that you were a parent yourself, that you were a victim yourself,
8 (Expunged)
9 (Expunged)and you explained the phenomenon of
10 the disgust felt by the community, rejection. So as a parent of a
11 victim -- or as a parent who's a victim in such a situation, can you
12 speak easily to third parties about this experience or the fact that one
13 of your children had participated in a group, an armed group? Do you
14 speak about it easily, without any kind of let or hindrance to third
15 parties?

16 A. Having been a victim myself, it's one of my concerns. In my
17 family, it's the only thing that's gone wrong. And when I -- I ask
18 myself the question -- I ask myself a lot of questions. What pushed this
19 child? And still it is a major injury that I have, and I also -- that's
20 why as a parent, that's why I invested myself. From my personal
21 experience, I know what other parents feel, the pain of separation.

22 MR. LUVENGIKA: (Interpretation) Thank you very much, Witness.

23 Mr. President, I have no further questions to put.

24 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
25 Mr. Luvengika.

1 Witness, the Chamber would like to ask you certain questions.
2 They won't be long, and generally they deal with the role of the accused,
3 Germain Katanga, the role that person allegedly played in the
4 demobilisation process.

5 Questioned by the Court:

6 PRESIDING JUDGE COTTE: (Interpretation) Now, you told us during
7 your testimony that Mr. Katanga had first been reticent when you spoke to
8 him with regards to the demobilisation process. Could you tell us what
9 were the hesitations that he expressed, the reasons why he did not
10 immediately accede to the steps that were proposed to him, and also by
11 way of extension to that question, what, in your opinion, are the
12 arguments that you used which managed to convince him that he had to get
13 involved in this procedure?

14 A. Your Honour, it is quite normal to receive an individual who is
15 not familiar to you, who asks questions to you. The person seems
16 sensitive -- or questions that seem sensitive to you of a wide scope, it
17 is not easy to accept that all at once.

18 In his capacity as a person who was responsible, he had to have
19 more information. He had to know the grounds of the programme that was
20 being submitted to him, and that is why I stated before the Court that he
21 let me speak to his advisors so that we could have information -- more
22 information what was therefore the objective that was to be obtained.
23 And I found a responsible attitude on the part of those responsible, and
24 over time when we installed ourselves, there were the efforts that were
25 made. There was awareness-raising which was carried out with regard to

1 the children, and there was a team, a CONADER team, who was dealing with
2 awareness-raising for adults, and this was an action which was done by
3 way of synergy, so that they could adhere to the process.

4 Now, when he gave a green light, the process started without any
5 difficulty.

6 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Witness.
7 Once the green light had been given as you've just stated, did
8 Mr. Katanga participate directly in the demobilisation process, or did he
9 just support your steps taken with regard to different commanders in
10 different camps?

11 A. He officially demobilised himself. He was the first person
12 responsible to go -- in the FRPI to go through the demobilisation, and
13 that was a condition for all the members of the armed groups to go
14 through the process which offered options: Either reintegration into the
15 forces or back into civilian life. And there was an option, for example,
16 all fighters had to go through the process. That was the objective of
17 the programme, and he was the first person responsible and set the tone
18 in this regard.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you. During your
20 testimony, you indicated to us that certain commanders of the FRPI were
21 cautious about this process of demobilisation. They were opposed to it.

22 Now, do you think this operation shows that they were
23 sufficiently independent to ignore the support that Mr. Katanga gave to
24 this process of demobilisation?

25 A. Where it concerns the hierarchy of the FRPI structures, everybody

1 knew that Germain Katanga was the president of the FRPI and that
2 everything was under his command. But there was another contradiction,
3 these -- these commanders who were hesitant. They put up resistance, and
4 this was shown after his departure, because after he left, Mr. Katanga
5 promoted to the grade of general, and it was at that time, those who --
6 those people who opted for it and those people who didn't want to do so.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Witness.
8 During the interviews that you had had in the framework of this
9 demobilisation process with child soldiers, were you able to see if they
10 were treated as ordinary soldiers or if they had activities or functions
11 which were specific within the camps?

12 A. In our sheet -- in our sheet number B -- or letter B, rather,
13 there are rubrics which asked for the function of the child in the armed
14 groups, what did the child do? And this is specified. Was this person a
15 soldier among the ranks, or a body-guard, or an envoy? So everybody had
16 to determine their function, and we had to have -- this had to be stated.
17 They had to state what function they occupied amongst the three different
18 roles that I set out.

19 PRESIDING JUDGE COTTE: (Interpretation) Thank you. You gave a
20 figure, 952 children with regards to camp A. So 952 child soldiers who
21 were demobilised by your organisation.

22 From memory, can you tell it us how many of these child soldiers
23 were already within the FRPI in February 2003?

24 A. Your Honour, we haven't established statistics. If the
25 documentation was within our reach, it's in this documentation, fiche B

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1 and fiche C, sheets B and sheet C, which the date of enlistment was
2 indicated. We didn't make a summary of it, but all these sheets with
3 regard to these 952 children are available. That's where we detailed the
4 date of enlistment and the date in which they left.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Witness.

6 Witness, it is now Counsel Hooper, the principal counsel for
7 Germain Katanga, who is going to cross-examine you. I would like to
8 leave it to him to introduce himself. He has the floor.

9 Counsel Hooper, you have the floor.

10 MR. HOOPER: Thank you very much.

11 Questioned by Mr. Hooper:

12 Q. Good morning, Mr. Witness.

13 A. Good morning.

14 Q. Listening to you, it's plain to me, and I strongly suspect to
15 everybody, that you have been a great force for good in Walendu-Bindi and
16 that you and your organisation have contributed greatly to the
17 well-being, in particular, of the children in that area. Now, I want to
18 say that at the outset of my questions.

19 Now, so far as you were concerned, as I understand it, in the
20 main you found Germain Katanga to be fully cooperative in the
21 demobilising process. Would that be fair?

22 A. Yes, counsel.

23 Q. And essentially again as I understand it, you met with no
24 obstruction from him. Is that also a fair summary?

25 A. Mr. Germain Katanga made no obstruction to the demobilisation

1 process.

2 Q. Indeed, would it be fair to say that of all the groups, to your
3 knowledge, that people had to deal with within the Ituri area, his
4 cooperation was of the highest?

5 A. When we look at the statistics of the five sites, it is my site
6 which provided, other than the other sites in the north, the most
7 children who were demobilised. That proves sufficiently the involvement
8 that there was in this process.

9 Q. Indeed it does, but in fact in contrast, I'm thinking in
10 particular, for example, of the behaviour of the commanders of the UPC.
11 The level of cooperation that you received from Germain Katanga, as I
12 understand your evidence, in your eyes certainly exceeded the cooperation
13 you found from the UPC, for example.

14 A. Counsel, I continue to confirm that once Germain Katanga seized
15 the opportunity and had understood the justification for this process, he
16 subscribed to it with regards to our group which you've just mentioned.

17 Q. Even amongst the commanders of other camps within the FRPI, as
18 you told us, there was opposition displayed by them. Am I right in
19 saying that amongst those that you say opposed this process of
20 demobilisation were Cobra Matata, Dark, Oudo, and Dodova, amongst others?
21 Is that right?

22 A. Counsel, the four names mentioned were resistant at the start of
23 the process.

24 Q. There were threats, I understand, even to kill your agents by
25 them; is that right?

1 A. The agents who I spoke about, it was when it came to the payment.
2 So the commanders who were resistant asked them to pay. And with regards
3 to death threats, I would perhaps, Counsel, have some further
4 clarification in that regard from you.

5 Q. Were there death threats made to your agents?

6 A. I state that my agents, when they received payments, were subject
7 to threats to pay the commanders. That's something that I would confirm.
8 But with regard to death threats, I would like to have precisions in that
9 regard.

10 Q. Well, I'm looking, for example, at paragraph 79 of your statement
11 where you say of those commanders:

12 "They refused to go through the process. They even imposed an
13 amount to my agents, saying if they didn't want to be killed, then they
14 had to pay a certain amount. It was Cobra Matata himself who personally
15 threatened about 15 of my agents. My agents gave him the money under the
16 threat of being killed."

17 So those threats.

18 A. Counsel, I confirm. I confirm that.

19 Q. Thank you. Now, let me go on to ask you about your position.
20 Now, you, as I understand it, first arrived in Aveba in June of 2004. Is
21 that right?

22 A. I confirm that, Counsel.

23 Q. From the time of the first Congo war, had you previously been to
24 Aveba? From 1996 to 2004 had you been to Aveba or not?

25 A. Before 2004, my first visit to the territory, Walendu-Bindi, goes

1 back to 2001, precisely in the locality of Singo where I had carried out
2 with a team a pacification exercise.

3 Q. Can I come in. Sorry, Mr. Witness. It's just to help you. I'm
4 not asking you about Singo. I'm asking you about Aveba.

5 A. Before 2004, I wasn't in Aveba.

6 Q. Thank you. And your reference to 2001, just so that we're clear,
7 was a visit to Singo, and that was in relation to getting clothing, which
8 you told us about, to people who had fled from the Ugandans; is that
9 right?

10 A. I think that I'll give you some clarification in this regard.
11 2001 in Singo, 2002 in Gety to bring support to persons, to children who
12 were in the forest of Zunguluka.

13 Q. So Singo 2001, and Gety --

14 A. 2002.

15 Q. And at Gety you met with Chef Akobi; is that right? Or not.

16 A. Yes, Counsel.

17 Q. And how did you manage to get to Gety, may I ask, in 2002? Who
18 assisted you? Was that the Ugandans?

19 A. In 2002, the Ugandans had made a fortress in Gety. In 2002, they
20 occupied Gety, and almost all the population had been driven out.

21 Q. So my question was, sorry, in 2002, your getting to Gety, was
22 that as a result of the cooperation of the Ugandans who helped you get
23 there or permitted you to get there?

24 A. 2002, we went through because the beneficiaries with the
25 population who were identified in Zunguluka. Now, we went through the

1 chief of the collectivity who was domiciled in Bunia, and it was from
2 Bunia that we sought the "notables" after negotiations with the Ugandans
3 to transport the clothes to Gety, and it was the Ugandans who transported
4 these gifts.

5 Q. The answer was, yes, it was the Ugandans who facilitated the
6 transport of that clothing, and it would follow that, as you've said and
7 I understand you, that at that time the Ugandans, as you say, were in
8 position in Gety; is that correct? The Ugandans at that time were in
9 control of Gety.

10 A. Yes, Counsel.

11 Q. So I suggest that would have been in early 2002; is that right?
12 Because the Ugandans abandoned Gety shortly after that?

13 A. I cannot tell you if it is at the beginning or in the middle, but
14 if I could see my reference documents, I could determine the exact month.

15 Q. Well, we know, of course, what happened in August 2002, and that
16 was the RCD-K/ML and Lomondo were chased out of -- out of -- out of
17 Bunia. So using at that date, would I be right in -- in saying that your
18 visit to Gety, with the Ugandans still in control, was before that date?

19 A. Yes, it could be at that date or before that date.

20 Q. All right. Now, when you arrive in Aveba, June, (Expunged)
21 (Expunged) 2004, and at that time you were introduced
22 Germain Katanga with the title of "President"; is that right?

23 A. Yes, Counsel.

24 Q. And at that time, and in the months that you were there, as
25 you've just replied to the President's questions on behalf of the

1 Judges -- my note may not be exact, but it reads: "As regards the
2 hierarchy, everybody knew Germain Katanga was the president, and
3 everything under -- was under his command," and you went on to talk about
4 this contradiction in respect of the commanders. So let me just ask you
5 about that.

6 Would it be right to say that the nature of the FRPI as an
7 organisation was that it didn't have a vertical command structure so much
8 as a horizontal command structure; would that be right?

9 In other words, that though Germain Katanga was president and
10 recognised as such, individual commanders in individual camps retained a
11 lot of independence and autonomy(Expunged).

12 A. At the beginning of the process, we observed and noticed that
13 everything that was happening at the headquarters near -- or around
14 Katanga. Everybody, all the commanders, came there, and that is when we
15 noticed that particularly during the demobilisation, the demobilisation
16 had been accepted there, and it was particularly after the closure of the
17 site in June we were able to assess which commanders were in charge. It
18 was as the children came through the site, because the children would
19 mention a given commander from a given camp. And that is where we were
20 able to establish which commanders resisted the process and were not
21 supporting the process. When we closed the site, it was a site both for
22 adults and children, and it was closed in June 2004.

23 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, the
24 French description did not make a distinction between the question and
25 the answer. Everything appears on the transcript, but there is no

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1 interruption between the question and the answer. The answer follows
2 Counsel Hopper's (as interpreted) question immediately, and it's not easy
3 to read the transcript as a result. Can you please make that correction.
4 It will help everybody to better follow the debates.

5 Please continue, Counsel Hopper.

6 MR. HOOPER: It's Hooper rather than Hopper.

7 MS. FROLICH: Mr. President, just an intervention, please.

8 PRESIDING JUDGE COTTE: (Interpretation) Yes. Please go ahead,
9 Prosecutor.

10 MS. FROLICH: With your leave, could we go briefly into private
11 session, Mr. President.

12 PRESIDING JUDGE COTTE: (Interpretation) For the question that
13 you would like to put?

14 MS. FROLICH: I just want to say something just in private
15 session, indicate something for the benefit of the Chamber. Just in
16 private session, if you will. Thank you very much.

17 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, we will
18 go into private session very briefly, please.

19 (Private session at 10.06 a.m.)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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14 (Open session at 10.07 a.m.)

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

17 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

18 Counsel Hooper, please continue.

19 MR. HOOPER: Yes. Yes, thank you.

20 Q. Now, Mr. Witness, as you've appreciated, it's a double act
21 inasmuch as I have to ask you questions that don't lead to
22 identification, and obviously you have to respond in a way also. So I
23 apologise if I've led you astray as I suspect I have.

24 Can I look just for a moment at EVD-OTP-00122. If we can bring
25 that up, please. And that, we'll all remember, is the map of Ituri that

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1 has on it your marks relating to the position of battalions.

2 COURT OFFICER: Mr. Hooper, I believe this is a confidential
3 document.

4 MR. HOOPER: I've forgotten why it's confidential. Maybe because
5 it's -- it's got a signature somewhere on it? Well, it has, though I
6 doubt if anyone would recognise it. It has got a signature on it. It's
7 a confidential document. If it can be shown in that way.

8 COURT OFFICER: (Interpretation) Please press "PC 1" next to
9 your screens to view this document.

10 MR. HOOPER:

11 Q. Now, you remember this was a document that you very kindly
12 drafted in the course of your interview, and you've marked -- or remarked
13 in the course of your evidence last week. And this is the position --
14 the positioning of battalions as it became apparent to you in the course
15 of the demobilising process; is -- is that right?

16 A. Yes, Counsel.

17 Q. So it's a snapshot, in a way, of -- of the position once you got
18 to Aveba. So, for example, if I was to suggest to you that, for example,
19 at Tsey, or was it, Tsey, I'm not sure how to pronounce that, T-s-e-y,
20 you have Dodova as commander and Battalion Foudre, lightning, but that
21 battalion, I understand, only came into existence in 2005. Does that
22 accord with your recollection?

23 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

24 MS. FROLICH: Mr. President, I don't know if this is a transcript
25 reference, and if it is, we would like to have it, please, if this is

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1 something that the witness has said before.

2 MR. HOOPER: Well, I'm sure we can all remember that.

3 MS. FROLICH: Out of courtesy, if Counsel Hooper could provide
4 the transcript reference. Thank you very much.

5 MR. HOOPER: Well, I don't have a transcript reference for it.
6 I'll get one later for you.

7 Q. Mr. Witness, it's right that at, as we can see, clearly marked on
8 your plan we have a battalion called Foudre at that place under
9 Commander Dodova. You spoke about that, and I'm putting -- suggesting to
10 you that that battalion, for example, came into existence first in -- in
11 very early 2005. Is that within your knowledge or not?

12 A. Counsel, if I may, I would like to make some comments on this
13 diagram.

14 Q. It's a very simple question. Mr. Witness, I'm sorry --

15 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, please
16 allow the witness to respond at least. There are two points here. Each
17 time we need to make reference to a transcript, as your team does it very
18 well, please make that reference to avoid the interruptions. Your
19 concern with limiting the witness to brief and concise responses is
20 praiseworthy, but allow him the time to respond. Just a few words,
21 please.

22 Continue, Counsel Hooper.

23 THE WITNESS: (Interpretation) That battalion did not -- was not
24 created in 2005. Proof of this: (Expunged)
25 (Expunged) I was taken to the head of that battalion --

1 THE INTERPRETER: To the headquarters of that battalion,
2 correction.

3 MR. HOOPER:

4 Q. Well, it might be there were combatants there, but I'm talking
5 about the actual name, Foudre, that that wasn't assigned until early
6 2005.

7 A. With regard to the names, these are the locations of those five
8 battalions, and they existed before 2005. And within the framework of
9 our work with the children, they had to give us the names of the
10 battalions from which they came. It was on that basis that we drew up
11 this table, that is the provenance of the children, that is the
12 battalions from which they came and the names of the various commanders.
13 So this is what made it possible for us to be able to determine the
14 locations of those battalions on the map.

15 Q. And when do you recall did people from -- I use the word "young
16 people," first come from that area to be demobilised? Was it in 2004 or
17 2005?

18 A. It was from 2004, Counsel.

19 Q. When you stated that you were abducted, what date was that?
20 (Expunged)

21 Q. And I appreciate that must have been a very upsetting experience
22 for you, but I'm only concerned to ask you which camp you were taken to.
23 Which camp were you taken to?

24 A. Counsel, I was taken to Tsey.

25 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor,

1 please go ahead.

2 MS. FROLICH: I am very sorry for having to keep rising, but my
3 comment is the same as the one that I raised previously in private
4 session, and do I not wish to repeat what I said --

5 MR. HOOPER: Very well.

6 MS. FROLICH: -- but for obvious reasons, please.

7 MR. HOOPER: I may have to apply to go into private session for
8 my cross, I'm afraid let --

9 Q. The date you just gave us when you made reference to being taken
10 to the battalion that we can see from your map is at that place. You
11 gave us a date in 2004. Was that right, or did you mean 2005?

12 A. Counsel, I confirm that it was in 2005, (Expunged).

13 Q. So were you of that -- were you ever -- I don't have the
14 transcript now, but a moment ago I understood you to say that you had
15 been taken -- or you went to that camp on the (Expunged)
16 (Expunged) Was that a mistake? I think it may be, or did you go on an
17 earlier occasion?

18 A. Counsel, that was the only time that I was abducted and taken
19 there. That was on the (Expunged).

20 Q. So just so that we're clear, when earlier I put it to you that
21 that battalion was named in 2005 and asking you questions about it, you
22 said, "I went to that camp in -- (Expunged)," that is a
23 mistake and I'm not being critical, it may be a translation mistake, but
24 you see your evidence earlier was that you'd gone in 2004. You now
25 confirm you did no such thing. The only time you went to that camp was

1 on the date you've given us in 2005; is that correct?

2 A. Counsel, I think that the date is correct, but when I mentioned
3 2004, it was in answer to your question regarding when the children were
4 coming out of those camps. My answer was that it was from 2004 that we
5 started receiving children coming from that camp, 2004. Maybe that is
6 where the misunderstanding came from. But my abduction, when I was taken
7 to that camp, was in 2005, (Expunged).

8 Q. And was that the first time you'd been to that camp?

9 A. I was -- I did not go there. I was abducted and taken to that
10 camp. Going there would be something else. I will abducted, taken --
11 and taken to that camp. That was the very first time I went there.

12 Q. Thank you very much. I think there may have been a translation
13 problem earlier in your evidence, but we got the date of your going there
14 as 2004, you see. Now we've ironed it out and we all understand. Thank
15 you very much.

16 Towards the end of 2004, there are, of course, peace negotiations
17 for the different armed groups and political groups in Ituri. Do you
18 agree that it was in the interests of each of these groups to demonstrate
19 their importance through their size? Put the question perhaps another
20 way: There was a motive at that time for these groups to exaggerate
21 their numbers in order to win a better place at the negotiating table.
22 Do you recognise that?

23 A. Counsel, I wouldn't want to take the risk of going into areas
24 that involved politics, the government, and the administration with
25 regard to the participation of those armed groups in the process. We

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1 limited ourselves previously purely to the formal framework of the PNDDR
2 programme.

3 Regarding the declaration of numbers of members of armed groups,
4 this was the responsibility of a national commission which had to have
5 statistics on all the combatants in the various groups. That commission
6 was known as CONADER. For our part, we limited our activities to the
7 issues concerning the children.

8 MR. HOOPER: Right. Now if we can go into closed session just --
9 just briefly.

10 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please.

11 (Private session at 10.25 a.m.)

12 (Expunged)

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16 (Expunged)

17 (Expunged)

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12 Page 29 expunged. Private Session.

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9 (Open session at 10.40 a.m.)

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

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

14 Mr. Hooper, please proceed.

15 MR. HOOPER:

16 Q. By the time you got to Aveba in mid-2004, the eastern part of the
17 Democratic Republic of Congo, as I understand it, had been immersed in
18 conflict since the mid-1990s; is that right?

19 A. The period of our activities was particularly when I talked about
20 2004. That was when the intensity of the conflicts had started to
21 subside.

22 Q. But overall in the region, and you were living -- and I don't
23 think this in any way identifies you, you were living in Bunia.
24 Throughout that period you lived the wars, as it were, from the time of
25 the rebellion against Mobutu through the resistance to the invaders, the

1 inter-ethnic difficulties, it's been said that 3 million people or more
2 were killed. Is that right?

3 A. Counsel, it is possible that the figures put forward by the
4 various sources could be correct based on the information provided to
5 MONUC. After any acts of violence against a party, well, the victims
6 would come forward. That is how come such figures were compiled. In
7 fact, this was not our responsibility. It was the responsibility of
8 MONUC to gather statistics on the victims. This is because when a
9 village was destroyed by one group or the other, there was a team that
10 had to immediately travel to the field to report on the situation and, if
11 possible, gather evidence to include in that report.

12 Q. But an effect of these terrible -- this terrible time and the
13 destruction of physical and social infrastructure was that, for example,
14 in an area such as Walendu-Bindi, for example, there was no government
15 power or structure, that is, no power or structure in the normal sense of
16 government from Kinshasa, no police force, no national army to protect
17 the area. As I understand it, that condition had subsisted there for
18 several years; is that right?

19 A. Counsel, there were places, there were towns where the
20 destruction was noteworthy. As far as I know, when I arrived in the area
21 of Walendu-Bindi, I noted that where the Ugandans had been in the
22 chef-lieu, where there had been damages in the infrastructure due to
23 attacks to chase them out, but otherwise as regards the fighting between
24 the various protagonists, a village that was conquered was simply wiped
25 out, and until today there are remains that can be seen. So the state

1 authorities came in gradually starting from ARTEMIS all through the
2 deployment of the FRDC in the sector -- FARDC.

3 Q. So in that area prior, if you like, to the developments such as
4 ARTEMIS and over the years since, in Walendu-Bindi, to state the obvious,
5 for several years there was no proper government structure, no national
6 army to defend it against the Ugandans, no police force to conduct
7 policing within the area. In short, would you agree that that area,
8 Walendu-Bindi, was isolated and left to defend itself?

9 A. The area of Walendu-Bindi underwent two particular events as
10 regards the security. First of all, the occupation of Uganda, and
11 secondly, and that's why the term "resistance" is used, there was the
12 invasion of the UPC, the UPC which tried to enter the region of
13 Walendu-Bindi, and there was resistance to protect the population. Those
14 were the two main events. They protected their natural borders.

15 Q. And though this is a time, of course, that doesn't concern us, is
16 it within your knowledge, can you confirm that, in fact, new horrors were
17 brought to Walendu-Bindi at the hands of the national army, the FARDC,
18 with rapes, widespread rapes of women in Aveba in 2006, for example,
19 after demobilisation?

20 A. This matter was raised by the human rights division, and it was
21 shown, in fact -- or, rather, bodies were why shown that had undergone
22 violent treatment, and indeed any time there are such events there were,
23 as the government troops advanced, such violent acts were carried out,
24 and they were reported, and such violence committed by the army was
25 reported.

1 Q. Now, I want to take a little time up just reviewing the general
2 context, if I may. I hope to take not too much time doing so.

3 The first Congo war, my understanding is, started in November of
4 1996, until the flight of Mobutu in May of 1997. Does that accord with
5 your recollection?

6 A. Counsel, yes. I lived through those events.

7 Q. Indeed. And by living through them, you can obviously assist us.

8 In -- you mentioned in your evidence that the phenomena of child
9 soldiers first appeared, as I understand it, in the course of that first
10 Congo war. Is -- is that right?

11 A. Yes. The kadogo phenomenon began with the entry of the AFDL.

12 Q. That's the AFDL, which was the rebel army supported essentially
13 by Rwanda; is that correct?

14 A. Yes, that's correct.

15 Q. And, of course being before the first Congo war there'd been no
16 invasion or massive disturbance of the peace by foreign forces; is that
17 right?

18 A. Before that date, before that year, although there had been land
19 conflicts, territorial conflicts, everything had been settled by
20 negotiation and reconciliation amongst the chiefs in order to settle the
21 conflicts. And I must say -- I must admit that it was when those foreign
22 groups arrived, because when the AFDL came in, they came with two foreign
23 armies, the Rwandans and the Ugandans, and we saw child soldiers amongst
24 the ranks. And there is rather atrocious testimony when the camp of
25 Ndromo was taken over. Should I continue?

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1 Q. It's unnecessary for the detail, but if anyone wants to ask you,
2 my friend perhaps.

3 The -- at that time, and indeed prior to that time, under Mobutu,
4 was local community defence introduced, i.e., systems wide whereby local
5 communities, villages, were encouraged to defend themselves?

6 A. Before the AFDL arrived, there was the authority of the state on
7 site. So the population was to take charge of themselves in terms of
8 security. There was the army, there was the police, which was there,
9 which was active.

10 Q. But wasn't, in fact, Mobutu the first to call for a rising up and
11 for local communities to defend themselves with such assistance as the
12 Zaire Army could contribute?

13 A. Until proof of the contrary, the army, Mobutu's army, did not
14 call upon civilians to join in in defending the territory. And this
15 brings me back to the fact that before the fall of the city, there was a
16 battalion of civilian guards, and they had weapons and munitions. And
17 before the AFDL came in, that battalion withdrew and left the weapons and
18 munitions in the camp, and the local population went to take the weapons
19 and munitions.

20 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, we're going
21 to have to take a break at this point in our hearing.

22 Witness, we're going to have a 30-minute break. This will enable
23 you to take a rest.

24 Court Officer, closed session, please, so that the witness can be
25 escorted out of the courtroom.

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1 (Closed session at 10.58 a.m.)
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10 (Open session at 10.59 a.m.)
11 COURT OFFICER: (Interpretation) We are in open session, your
12 Honour.
13 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
14 The hearing is therefore suspended. We shall resume at 11.30.
15 COURT USHER: All rise.
16 Recess taken at 10.59 a.m.
17 On resuming at 11.34 a.m.
18 (Closed session)
19 (Expunged)
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1 (Expunged)

2 (Open session at 11.35 a.m.)

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

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

6 Witness, we shall now continue for another two hours.

7 Mr. Hooper, please proceed.

8 MR. HOOPER: Thank you.

9 Q. Mr. Witness, again just touching on the contextual background and
10 history, if I may, with you. We dealt with the first Congo war very
11 briefly. The second Congo war, from August 1998 until the global and
12 all-inclusive agreement of December 2002, that is five years of war,
13 attracted many African countries, Sudan, Angola, Namibia, Zimbabwe,
14 Uganda, Rwanda. Indeed, there may be others I've omitted. But for
15 Eastern Congo, for your area, Bunia, and Ituri, this second rebellion, as
16 it were, Rwandan-led in the main, was fronted as far as Bunia and Ituri
17 was fronted was concerned, by the RCD; is that right?

18 A. Yes, that's correct.

19 Q. Thank you very much. And RCD is the Rassemblement Congolais Pour
20 la Democratie, at the time led by Mr. Wamba dia Wamba. Am I right in
21 saying that in November of the second Congo war, the first year of the
22 second Congo war, in November the Ugandans set up base in Bunia. Is that
23 something within your knowledge? November 1998.

24 A. Yes. In November 1998, that's when the RCD entered, came in,
25 supported by Uganda and Rwanda in Bunia.

1 Q. Thank you. And the RCD itself then divided in 1999 into two
2 factions, one supported by Rwanda and the other supported by Uganda.
3 That was -- and became the two factions RCD/G, or Goma, and RCD/K, or
4 Kisangani. Is that right? Did that division take place at that time?

5 A. Yes, that's correct, Counsel.

6 Q. And both the Rwandans and Ugandans fought in the area of
7 Kisangani, which resulted in the RCD/K faction setting up its
8 headquarters in Bunia itself; is that right?

9 A. Yes. That's correct.

10 Q. And then in November of 2000, the RCD/K suffered a coup by
11 Mbusa Nyamwisi; is that correct?

12 A. Yes. At the time of the transfer of the RCD Kisangani to Bunia.
13 In that faction, in that political faction, Mbusa Nyamwisi was a member.

14 Q. And just to tidy up that complicated history of the RCD -- just
15 excuse me a moment. It became renamed after that coup by Mbusa the
16 RCD/K-ML, and from then on it was the controlling or purported to be the
17 controlling government in Ituri supported, of course, by the Ugandans.
18 Would that be a fair resume of the position?

19 A. At the time, before Mbusa carried out the coup, Wamba dia Wamba,
20 who was a dissident in the RCD/K, had already taken measures so that
21 there were contacts between the central power and the RCD Kisangani, that
22 is RCD/K as we call it. And when Mbusa Nyamwisi carried out his -- the
23 coup, Professor dia Wamba, who was an eminent figure, he didn't want
24 there to be a bloodbath. He withdrew with his staff to go to Tanzania,
25 and therefore it was Mbusa Nyamwisi who took over with his army.

1 Q. And so from then on we have, as you say, Mbusa Nyamwisi with his
2 army and his RCD/K-ML in control of Bunia and consequently, at least
3 nominally, in charge of Ituri; is that right?

4 A. Well, those who had the power in their hands -- well, there was
5 an administration, there were civilian authorities who didn't really have
6 authority. It was the warring movements. We referred to political
7 military movements, and they were the ones who took the decisions
8 alongside of the regular administration.

9 Q. And the -- the army, as it were, was the RCD/K-ML army that was
10 the controlling army at that time. And I'm talking about early -- well,
11 2000, 2001, until its division in April 2002.

12 A. The problem was that they reconverted, so to speak. It was the
13 same soldiers who had been there during the takeover, and those same
14 people converted to become the army of whoever was occupying the area,
15 and it -- it was then called APC instead of FAZ, F-A-Z. And it was those
16 who were on site before this conversion, if you will. These same people
17 took on a new name.

18 Q. But as well as being constituted of ex-FAZ fighter soldiers, they
19 actively recruited many thousands of people, and indeed training took
20 place both in Ituri and in Uganda of those recruits; is that right?

21 A. During the occupation, to my knowledge there was no APC group in
22 Ituri -- or no training, no APC training. It took place in Uganda very
23 discreetly. So the recruiting was not the same as the AFDL in 1996.
24 People were recruited, and the training took place in Uganda and not in
25 Ituri.

1 Q. Well, the RCD/K-ML, with the assistance of the Ugandan army, was
2 the effective force, and I understand that that continued until there
3 were divisions in the RCD/K-ML which eventually led to a complete break
4 by the UPC and the establishment of a further force within Ituri.

5 MS. FROLICH: Mr. President. Mr. President, I have to object at
6 this point. I understand contextual elements are one thing, but I have
7 to ask what is the relevance of this line of questioning at this point.

8 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, would
9 you wish to state what the relevance of this is? I see you getting up
10 quickly, so do you have an answer to give to the Prosecutor in this
11 regard?

12 MR. HOOPER: Well, yes. Hitherto we've not had, albeit a brief
13 overview of the position. This witness is placed because he's lived
14 these circumstances, he lives in Bunia, he has matters such as this - it
15 appears - within his knowledge, he's not having difficulty in responding
16 to my questions and indeed contributing detail, and it's relevant to
17 understand the next steps that take place. And those steps, of course,
18 involve the Walendu-Bindi area, and it's getting that into its proper
19 context.

20 PRESIDING JUDGE COTTE: (Interpretation) Please continue then,
21 Counsel Hooper.

22 MR. HOOPER:

23 Q. I believe it was in April 2002 that there's a full split and
24 division, and the UPC becomes a fully active force, eventually chasing
25 out the RCD/K-ML from Bunia where you were then living, and doubtless you

1 witnessed that; is that right?

2 A. Counsel, if you would allow me, in order to understand this
3 context, it wasn't at this same time. At the moment that the Ugandans
4 were having a double game at the same time. They were supporting Mbusa
5 at the same time. In the region there were preparations for Fataki, a
6 militia equipped by the Ugandans with a view to, if necessary, there was
7 a break in the alliance. Then they were preparing people. They wanted
8 to use them, and when they saw that their profile was in danger, then
9 they would take the other person, the other party, which they had
10 prepared to clash with the other one. And this was the principle of
11 divide -- divide and rule.

12 Q. August 2002, the UPC takes over Bunia. Were you present?

13 A. Yes, Counsel, I was there.

14 Q. Were there atrocities committed against Lendu or Ngiti people in
15 Bunia at that time?

16 A. When Bunia was taken by the UPC, the Ngiti, if we get into the
17 context, there was the Governor Lompondo, who was a soldier. He carried
18 out an awareness-raising campaign in the region affected by the conflict.
19 When he returned after this awareness-raising campaign, we don't know on
20 what basis that he found in his conclusions that the Ngiti population was
21 more receptive to peace. And that's why Lompondo went towards the Ngiti.
22 And the UPC didn't like this taking of position, so he had to dislodge
23 this government, this administration, which was local. And all this we
24 remember as, as I said previously, the Ugandans had been driven out by
25 the Ngiti from their stronghold, and they wanted to take revenge, and

1 that's why they supported the other party.

2 Q. So --

3 A. To my knowledge, the Ngiti and Lendu population who was there had
4 to evacuate. There were people who left in a hurry from their houses to
5 go back, to flee from the violent acts that were being committed.

6 Q. Now again it's just a quick view of the perspective here, but are
7 you aware of the Luanda agreement of September 2002, which was an
8 agreement between Uganda and Kinshasa, the DRC, whereby Uganda was to
9 leave Ituri within a hundred days of September 2002? Were you just -- is
10 that something you were aware of?

11 A. The Luanda agreement was published, but Uganda was not ready to
12 leave Ituri because of economic interests.

13 Q. Indeed. And as you told us in your evidence last week, having
14 taken over Bunia, the UPC commenced attacks on Walendu-Bindi. In your
15 words: "The conflict was transposed from the north to the south."
16 Transcript 163, 42, 1.

17 Is that correct? Is that what happened in a nutshell, that the
18 conflict that had previously really existed in the north, north of Bunia,
19 was now transposed, as you said, from the north to the south? Very
20 briefly.

21 A. In a few words, the conflict of leadership, the president of the
22 UPC wanted to eradicate the influence of Mbusa, because when Bunia was
23 taken, the -- Mbusa's army did not leave Ituri. It went back to the
24 south, Nyankunde, where these people were still active. And so the UPC
25 launched a campaign towards the south with a view to driving Mbusa from

1 the territory. So the whole of Ituri I mean by that. And that was the
2 expansion and the displacement of the conflict from the north to the
3 south. Walendu-Bindi was affected because Walendu-Bindi is south of
4 Bunia.

5 Q. I see you make reference in your statement to a document produced
6 by someone called (Expunged), and you appear to adopt that, or part
7 of it. In that document, there's talk of the UPC having an intent to
8 exterminate Ngitis. Is that a view you have?

9 MS. FROLICH: I'm sorry. I am sorry. Just a -- just a moment.

10 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

11 MS. FROLICH: And I believe that the name that was just mentioned
12 was a name that was on the list in red, I believe. So the Prosecution
13 will take appropriate action as to the transcript, but please be cautious
14 as to the names you are using.

15 MR. HOOPER: Well, I see no personal objection to using that
16 name, but -- I don't know what interest is being protected. I'll
17 certainly do my best to comply.

18 PRESIDING JUDGE COTTE: (Interpretation) In as far -- yes. To
19 the extent that we have established this list right at the start of the
20 giving of testimony, the person figures thereon, so we will therefore use
21 a number when the redactions have been made.

22 Please continue, Counsel Hooper. Please do not forget, as far as
23 possible, to mention the paragraph which is being referred to.

24 MR. DUTERTRE: (Interpretation) If I could allow myself. We
25 mentioned a document to the witness. Perhaps this should appear on the

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1 screen so he knows exactly what's being spoken about here, which
2 paragraph of this document is being referred to such that the answer can
3 be clearly based on something which he knows in terms of the object and
4 content.

5 PRESIDING JUDGE COTTE: (Interpretation) It is necessary every
6 time as -- every time possible to give a paragraph, the number of the
7 paragraph, and to read it out such that the witness can be put in the
8 right situation without necessarily producing the document.

9 Please continue, Counsel Hooper.

10 MR. HOOPER: It's document 1000-0080.

11 COURT OFFICER: Sorry, Mr. Hooper. I would need the full ERN
12 number, please.

13 MR. HOOPER: DRC-OTP-1000-80.

14 COURT OFFICER: And should this document be confidential?

15 MR. HOOPER: I've no objection to it being public, but I don't
16 know if the Prosecution have a concern.

17 MS. FROLICH: There was some information that was redacted in
18 this document, and the Defence does have the full -- full -- I think -- I
19 believe the Defence has the unredacted version, but that unredacted
20 version cannot be made public. So if we are using a clean version of the
21 document, then it should be a confidential document.

22 PRESIDING JUDGE COTTE: (Interpretation) So, Court Officer,
23 confidential, and we shall continue.

24 COURT OFFICER: (Interpretation) In order to view this document,
25 please press "PC 1."

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1 MR. HOOPER:

2 Q. You make reference to this document in -- in your -- in your
3 statement, but if we look -- it's in French manuscript. For example, in
4 the first paragraph -- this is a document not written by you, sir, but by
5 a person whose name is on a list. Let me turn up the list. Oh, you're
6 right, it is on the list. It's at number 13 on the list. Yes.

7 MR. HOOPER: I must say it would be helpful, Mr. President, if
8 the unredacted versions of the transcripts replace the number with the
9 names, because otherwise when we come to review these transcripts for
10 closing briefs and the like, it's going to be quite difficult to -- to
11 trace the names, but I just mention that.

12 Q. So looking at that document, I see that he asks what is the FRPI,
13 and he answers it:

14 "It's a resistance movement created in the first place to defend
15 the integrity created with the sole goal of defending territorial
16 integrity in the --"

17 Let me read it in English. If we're going to read it. It may be
18 better that it's appropriately translated.

19 "(Interpretation) So what is the FRPI? The FRPI in initials is
20 a resistance movement created with the sole aim of defending the
21 territorial integrity at the first level, and thereafter to protect the
22 Lendu community planned by the Hema tribe for the total extermination
23 following the top secret inflicted on it by the latter with the support
24 of Rwandans and Ugandans."

25 (In English) And was that a sentiment that you -- you agreed

1 with; i.e., did you agree with what was referred to there?

2 A. Counsel, in the introduction, it's a secret to nobody that they
3 say the empire -- the Hema, which said that Ituri should become part of
4 this empire. So they had to take the east of -- of DRC, Ituri and
5 North Kivu. So basically Ituri going to Uganda and North Kivu to Rwanda.
6 That was no secret for anyone. That was known nationally.

7 Q. Thank you. Now, at the time that the UPC were focusing its
8 attentions to the south of Bunia, on the 17th of December, 2002, there
9 was the global and all-inclusive agreement, that is, the interstate and
10 intrastate agreement that constituted the formal end to the second Congo
11 war. Does that accord with your recollection? That was the 17th of
12 December, 2002. (Interpretation) Briefly.

13 A. Counsel, I think that the dates -- I couldn't tell you whether it
14 was the 17th, but since the Luanda agreements until Sun City, we followed
15 the process such that hostilities cease. We were focused a lot more in
16 our area on all the agreements. Ituri was not taken into account. So we
17 took the agreements without putting in the warlords who were in Ituri.
18 All the aggressors had been introduced so that the communities would come
19 into conflict with each other. In all the agreements in Luanda from Sun
20 City, as Ituri wasn't taken into account they were rejected, because they
21 also called for taking into account their claims, and that is why we
22 organised another meeting in Dar es Salaam, and that was at the
23 international level to try and calm the conflict.

24 Q. (In English) Indeed. Was that in January 2003?

25 A. The Dar es Salaam agreement?

1 Q. I don't know if you can help us with just an approximate date,
2 just for completeness. If you can't, it doesn't matter. I can come back
3 to you perhaps with a date. Let's leave it like that. I'll come back to
4 you on a date for that if I can. But in December 2002, this global and
5 all-inclusive agreement, as it liked to be known, envisaged even at that
6 time not only elections after a 24-month transitional period from on the
7 political side, but an integrated army, amnesty, and the disarming of
8 armed groups. That's December 2002. It was, as it were, a milestone in
9 the peace process that was to continue over the next several months, many
10 months, in fact. Do you accept that?

11 A. It was the agreements, the Luanda agreements. As I stressed, the
12 armed groups in Ituri were not taken into account. So Uganda went to
13 speak on behalf of the Ituri groups, knowing that it was Uganda who was
14 currently -- who was dividing them.

15 Q. Well, here we are, as it were, on the verge of entering 2003 and
16 the period of time that most interests this Court. Were you aware that
17 at that time in November the FRPI was founded in Beni by, amongst others,
18 Mr. Adirodu? Or Dr. Adirodu, I should call him.

19 MS. FROLICH: Mr. President. First of all -- first of all, this
20 is a compound question. Second, I just -- I understand we have been
21 establishing context, but Mr. Witness is not a contextual witness, and
22 there might be some relevance, but clearly to go into many details this
23 witness is not the best-placed witness to speak about some things that
24 are perhaps of relevance to the Chamber, but he's still not in the best
25 position to speak about them. So therefore I think that to go into too

1 many details, I believe we are overstepping some boundaries here.

2 MR. HOOPER: Well, I'm no longer on context. I'm on FRPI.

3 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, this
4 witness has exercised responsible functions at the head of an
5 organisation which had the objective of carrying out activity in a camp
6 which was an FRPI camp. We are coming to a period which was a period
7 which is of significant interest to the Court. I think at this precise
8 moment in the cross-examination of Counsel Hooper and bearing in mind the
9 status of this witness, his age and what he has experienced and what he
10 has seen and the responsibilities that he exercised, it is important that
11 he tries to bring to the court the information that Counsel Hooper is
12 trying to obtain from him.

13 So, Counsel Hooper, please continue.

14 MR. HOOPER:

15 Q. Let me rephrase my question in a slightly more general way, and
16 it's a question that I hope can be answered perhaps a yes or no. The
17 question is this: Are you aware that the FRPI was founded towards the
18 end of 2002?

19 A. No.

20 Q. Then I take that no further. Are you aware that the FNI was
21 founded at the end of 2002 or possibly the first week of 2003? Is that
22 something that you -- is within your knowledge?

23 A. No.

24 Q. So moving now into 2003, you are living in Bunia, as I understand
25 it. Is that right?

1 A. Yes, Counsel.

2 Q. We have the event of Bogoro, and in early March 2003, the
3 Ugandans -- well, the UPC is chased out of Bunia. In a nutshell is that
4 right?

5 A. The UPC was chased out on the 6th of March, 2003, from Bunia.

6 Q. And is it right that their chasing out, the fighting that took
7 place, started with an attack by the UPC on the Ugandans on or about the
8 6th of March, 5th or the 6th of March, and having been attacked, the
9 Ugandans, with the help of the FNI and some FRPI, chased out the UPC?

10 A. Regarding the fall of the UPC from Bogoro, the UPC retreated back
11 to their fief in Bunia. The Ugandans were still occupying Dele where
12 they had their major base. In reprisal, the UPC accused Uganda of being
13 in connivance with the FNI and the FRPI. So the UPC organised themselves
14 to attacked the Ugandan base in Dele. I have already mentioned that had
15 it not been for the intervention of the FNI, Uganda would have suffered a
16 catastrophic defeat. And on the very day that the UPC was defeated in
17 Dele, Uganda completely retreated and concentrated all their forces at
18 the airport. And the Ugandan army became the buffer force between the
19 south and the town, and therefore the FNI was able to march into the
20 counsel.

21 Q. Right. Now, that's 6th of March, 2003. In early May, the
22 Ugandans leave Bunia, and the UPC come back to try and take it over.
23 I'll come back to that point in a moment.

24 What I'm interested in are the months March and April. This is
25 at a time when the UPC has been chased out of Bunia. At that time, did

1 the central government of Kinshasa, in fact, return in some form, for
2 example, either through its army or through sending a division of
3 gendarmerie to Bunia?

4 A. During the occupation in 2003, there was what was referred to as
5 the interim administration of Ituri, AII. There was also a special
6 assembly of Ituri, and that was -- that was after the initiative of MONUC
7 for political leaders to discuss in order to find solutions, peaceful
8 solutions. And this administration was not an armed group. It was not
9 an armed group that negotiated. It was the administration with the
10 agreement of the FNI. There was a police battalion sent from Kinshasa to
11 come and support that administration, because that administration did not
12 have any forces of law and order.

13 Unfortunately, that administration lasted -- that battalion
14 lasted only for one month. It was attacked by the UPC, and some of the
15 members of the UPC were killed. The battalion retreated in our presence.
16 They abandoned the -- their guns and ammunition, and they were safe
17 thanks to the FNI which protected them on the Beni road. Those are the
18 facts.

19 Q. Now, during that time in Bunia was there a meeting of the Ituri
20 Pacification Commission? I could be more specific. I understand it sat
21 between the 4th and the 14th of April of 2003, under the auspices of
22 MONUC, with obviously DRC support and with Security Council ambassadors.

23 A. That meeting did, indeed, take place.

24 Q. Was it at Bunia, sir, or was it somewhere else? It was in Bunia.
25 It's just I heard a -- let me move -- yes. I understood.

1 A. In Bunia.

2 Q. On the 18th of March, 2003, in Bunia, and again under the
3 auspices of MONUC, was signed by the armed groups, FNI, FRPI, an Accord
4 de Cessation des Hostilities en Ituri, 18th of March, 2003? Do you
5 accept that was done?

6 A. That agreement was signed, but it was not complied with.

7 Q. On the 4th of April, a long way from Ituri, in Kinshasa,
8 Kabila fils, indeed still -- and now the president, the president of DRC,
9 but Kabila fils was sworn in as the interim president following the Sun
10 City agreements, 4th of April 2003; is that right?

11 A. Which date, counsel?

12 Q. I have the 4th of April. Let me come back to you on the date.
13 If -- I can see there's a hesitation there. I don't want to lead you
14 into accepting a date that you doubt and I'm going to check up on.

15 So that's March and April, as it were, and then at the beginning
16 of May the Ugandan army leaves precipitately, quickly, and the UPC come
17 back. Now, you dealt with that in your evidence last week, sir, and you
18 spoke there of the consequence as a result of people's fears of the UPC.
19 You said in a nutshell, "We became victims," and that much of Bunia
20 emptied. You spoke of 200.000 people fleeing. Is that right?

21 A. Counsel, after the arrival of the FNI, they stayed with the
22 population, and we are talking here about the urban population. There
23 was no problem. The town was divided into two parts, the north and the
24 south. All those who supported the UPC or were of that ethnic group
25 retreated to the north, and the majority of the population who had not

1 come from there stayed in town. And the UPC accused everyone, and I
2 repeat, everyone who had stayed in Bunia of conniving with the FNI, and
3 if they took over the town they would pay. So when the town was taken
4 over, people -- when the hostilities began, people started evacuating
5 Bunia and travelling in the direction of Beni. Some of them also went
6 towards Zumbé, and there they were protected by the FNI. Many of them
7 also went through Aveba, and they received the protection of the FRPI.
8 Those who were able to continue, continued right up to Beni, but the
9 disabled stayed in the Walendu-Bindi collectivity. Once the UPC returned
10 to town, there were very few people left, and we went to seek refuge
11 within the MONUC premises, and about 10.000 people crowded in there to
12 seek protection.

13 Q. And that's 10.000 just in the MONUC facility in -- or just
14 outside Bunia. How many people altogether fled at that time? How many
15 people do you know? Can you give us a figure as to how many left the
16 city of Bunia?

17 A. Bunia is made up of 12 neighbourhoods, and if we take out the one
18 neighbourhood favourable to the UPC, you have 11 neighbourhoods left, and
19 everyone had deserted Bunia. There was nobody left at home. I don't
20 know whether this was 100.000, 150.000, but I can confirm that everybody
21 had left. It was a deserted town. That is including the 11
22 neighbourhoods, except those of us who had sought refuge in the MONUC
23 premises, and that figure was about 10.000, including men, women, and
24 children.

25 Q. All right. Now, certainly from then on, so that's from August of

1 2000 -- sorry, May of 2003, do you agree that the Ngitis themselves and
2 their groups remained in what I would call Ngiti land in Walendu-Bindi?

3 A. Until otherwise proven, the Ngitis had only moved away once -
4 this was in 2001 - to attack the Ugandans, but Ngitis never left their
5 territory to go and attack others. Right up to that time they never left
6 their territories to carry out actions out of their territory.

7 Q. Then we have the European Union's intervention force with a
8 Security Council mandate led by the French and largely composed of French
9 troops, the ARTEMIS force, which arrived in June and was there for June,
10 July, August, until September, by which time, I understand, a reinforced
11 MONUC force was able to be sent over the next several months. Again, in
12 a nutshell is that a fair summary of those events over June to September
13 2003?

14 A. The presence of ARTEMIS made it possible for the town to be
15 demilitarised. They asked the FNI to retreat to the south and the UPC to
16 the north such that the members of the population who were in the sites
17 should be free to move about. It was thanks to those negotiations and to
18 that presence, which was not a fighting force but which had turned out to
19 be a peacekeeping force. They wanted the adversaries to be able to
20 understand themselves and particularly to make it possible for the
21 population to be able to resupply themselves, because at that time it was
22 almost a situation of a town under siege. And upon the arrival of
23 ARTEMIS, the people were safe in the south, because it was already
24 possible to have access to other areas in order to procure foodstuffs.
25 And so in a nutshell, life was coming back to normal gradually, and MONUC

1 was reinforced in order to be able to maintain law and order.

2 Q. And following the events of May 2003 when people fled Bunia in
3 massive numbers, until ARTEMIS and MONUC were able to restore a degree of
4 law and order, is it right that many, many thousands of people from Bunia
5 found sanctuary, help, and food with the Ngiti of Walendu-Bindi?

6 A. Counsel, I do confirm that the salvation of all those people who
7 sought refuge in the south was due to the fact they were taken in. I
8 have talked about people who could not continue to Beni 200 kilometres
9 away. So they found refuge amongst the Ngiti population. That is why
10 they are liked in that area. They provided great assistance during that
11 period, and it did not stop there. Even afterwards a corridor was open
12 so that the members of the population could go and fetch cassava and
13 other basic commodities in the Walendu-Bindi collectivity. And the
14 Walendu-Bindi did a lot of agricultural work and they produced a lot,
15 which made it possible for the members of the population to survive.

16 Q. Now, moving now into 2004. I'm wondering if I can bring up
17 DRC-OTP-0106-0483, which is a public document.

18 COURT OFFICER: (Interpretation) In order to view that document,
19 please press the "PC 1" button.

20 PRESIDING JUDGE COTTE: (Interpretation) I think everyone can
21 see the document on the screen.

22 The accused persons, can you see the document? Very well.

23 Mr. Hooper, please proceed.

24 MR. HOOPER: I can only see a bit of it, unfortunately. Can it
25 be squared so that we can see.

1 PRESIDING JUDGE COTTE: (Interpretation) I believe that format
2 is a satisfactory.

3 MR. HOOPER:

4 Q. (Previous translation continues) ... the 8th of February, 2004,
5 and is headed "Declaration Politique."

6 MR. HOOPER: Can we see the -- just keep it on the screen for a
7 moment just to get a sense of what it is. And can we see the following
8 page, please.

9 Q. And just looking at that third or fourth line from the bottom
10 reading:

11 "Creons une direction politico-militaire provisoire visant a
12 conduire la FRPI," signed "Germain Katanga, President."

13 So that is a declaration signed by Germain Katanga as president
14 of the setting up of a political movement, the FRPI, change in its
15 status. It may be you've never seen that document, sir, and I'm merely
16 showing it to you. Were you aware in early 2004 --

17 MS. FROLICH: Mr. President.

18 PRESIDING JUDGE COTTE: (Interpretation) Madam Prosecutor.

19 MS. FROLICH: Surely the procedure would then properly be to ask
20 the witness if he has seen this document, does he recognise it.

21 MR. HOOPER: So --

22 PRESIDING JUDGE COTTE: (Interpretation) It is exactly in that
23 way that Mr. Hooper will proceed. So the question to the witness should
24 be has he already seen that document.

25 Mr. Hooper, please.

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1 MR. HOOPER: Yes. Sorry.

2 Q. Have you seen that document before today?

3 A. No, Counsel. However, there is a fact to not base oneself on
4 documents. In the Dar es Salaam conference, the FRPI was not
5 represented. The FRPI was represented under the FNI, but that was not
6 acceptable. That was not something that was favoured by the leaders.
7 This was an entity that was defending itself, and according to them, the
8 FRPI was supposed to be an autonomous entity representing itself. So it
9 was around the interim administration and in the special assembly that
10 you had all the representatives of all the ethnic groups of Ituri, those
11 who were in conflict and those who were not in conflict. So all the
12 politicians and leaders had gathered to find a solution. So we knew that
13 FRPI wanted to be autonomous, but we did not have that document.

14 PRESIDING JUDGE COTTE: (Interpretation) Just one minute. I
15 would like to ask the witness whether he can tell us the date of the
16 Dar es Salaam conference.

17 Can you remember the date, Mr. Witness? You just referred to
18 that conference. I do not know whether you can tell us the date, if you
19 can remember.

20 THE WITNESS: (Interpretation) I cannot remember.

21 PRESIDING JUDGE COTTE: (Interpretation) Please proceed,
22 Mr. Hooper.

23 MR. HOOPER:

24 Q. I'll try and remember to look that up, because I think there was
25 more than one conference in Dar es Salaam as well to confuse matters. So

1 I'll come back if I may, and I hope assist, jog your memory on that date.

2 Right. So we're coming up to events in June 2004, but it would
3 be right to say from 2001, 2002, 2003, until mid-2004, there was no
4 outside assistance by way of NGO activity or central government activity
5 for the Ngiti of the Walendu-Bindi; is that right?

6 A. Well, to my knowledge there was discrimination vis-a-vis that
7 community, and the security situation was not well known amongst that
8 community, and the humanitarians had doubts about intervening. So to my
9 knowledge, that community was left on its own, abandoned. In particular,
10 the major part of the Ngiti in the AA region. Therefore, when we went
11 back, we discovered that they had organised in their own fashion for
12 their own survival.

13 Q. Now, in that way of fashion, you earlier indicated areas where
14 there were camps and battalions, and would it be right to say that in the
15 main the people in each of those places, particularly, for example, at
16 Aveba, were people principally drawn from that immediate community? So
17 in Aveba, you would find people with some attachment to Aveba. In
18 Kagaba, you'd find people with attachment, families and the like, in
19 Kagaba. Would it be fair to say that was the pattern?

20 A. The collectivity, that is to say the Walendu-Bindi collectivity,
21 was composed of the five main groups, the Bamuku, the Baviba, the Baluma,
22 Bukiringi and Zadhu, and each of them lived, and this is often the case
23 in our country, each one lived in their own group, within their own
24 entity, and the chief of that particular group managed the situation.
25 And you will find people, the AAA, they were outside of the profession

1 such as teaching nurses. In other words, you would only find members of
2 the particular entity that lived there.

3 Q. Now, with the flood of people who left Bunia to take refuge in
4 Walendu-Bindi, you referred last week in your evidence to families that
5 became separated, children that became separated for one reason or
6 another. In those circumstances, would it be fair to say that some of
7 those children would attach themselves to camps?

8 MS. FROLICH: I'm sorry, but I think this question is not very
9 clear. Maybe it should be put in a -- in a different fashion.

10 MR. HOOPER: All right. If it's not clear to you, it probably
11 won't be clear to the witness.

12 Is it clear to you or not? Shall I ask? Let me -- let me ask
13 the question again and I'll then --

14 A. Well, perhaps I can give you an answer as I understood the
15 question.

16 To be perfectly frank and truthful, the FRPI did not use children
17 from other communities. We expected that amongst those children, that is
18 amongst the displaced people, people who found refuge, that they be used
19 or at least partially used, but the FRPI never did that. They provided
20 their hospitality, if you will, and they used their own children. And
21 you will see that in other cases there were -- they were all Ngitis,
22 Ngitis, Ngitis, in the various registers. Of the 118 children, they were
23 Hemas in the UPC. And so from the other communities then you had the
24 non-accompanied children.

25 We were very satisfied to see that those children were, those

1 unaccompanied children were taken care of by pastors who took them in.

2 And once the population started to come back, we were informed that in a
3 particular area there were a number of children who were taken in by the
4 community whose parents had left for an unknown place, and they were
5 looking for host families. And this is something that really impressed
6 us, this form of hospitality. They did not use children from other
7 communities.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, apparently
9 the question was well understood. You may proceed.

10 Yes, I was saying you may proceed, because apparently the
11 question was well understood.

12 MR. HOOPER: Thank you.

13 Q. I want to talk about orphans. Orphans have their own tragic --
14 tragic and distinct problem because they are left alone in the world
15 without a family, but am I right in saying that this is not a phenomenon
16 unknown amongst the Ngiti, because a child who loses his parents is
17 absorbed by the family or group, so that orphans was not a particular
18 problem as it is or was with other groups and areas in Ituri when it came
19 to the Walendu-Bindi? They dealt with the problem, in other words. Do
20 you agree with that?

21 A. Some may contradict me in saying that the taking in, the
22 management of orphans, that is in terms of providing food, that can be an
23 issue if the population is not working, but as I stated, this group,
24 these people, continued producing during that period. Their only problem
25 was education and health care. But in any case, they did manage. In the

1 south they were able to obtain medication, and this was their survival
2 strategy because they had no roads, no means. How is it that they
3 managed to go to Begi (phoen), Butembo and find medication? It's a bit
4 of a mystery, but they were able to resist. They were not receiving
5 support. They were able to take care of themselves, and the issue of
6 orphans -- the issue of orphans existed as was the case in other
7 communities. When the people left their villages, their natural
8 environment, and went to the cities. Then there was an issue, a housing
9 problem or a health care problem. But, in fact, they stayed in their own
10 environment. They stayed in their own environment. No one chased them
11 out. So they were able to manage this critical period on their own.

12 So the issue of orphans did not come to rise in that community as
13 was the case elsewhere where people were displaced. We received a number
14 of cases where one parent might have abandoned the children or left them
15 behind. In other words, they simply had no strength left and could not
16 continue to stay with the children, and they preferred to leave them.
17 And this occurred in -- right in the city, but this is something that did
18 not take place in those communities.

19 Q. Now let's come to the demobilisation process, and by mid-2003,
20 would it be right to say that there were the beginnings of significant
21 political efforts to get demobilisation going from about mid-2003?

22 A. Starting in 2003, almost until the end of 2003, we established no
23 formal contacts with the FRPI group regarding demobilisation. This only
24 took place with the group that was close to us, the UPC, and we began
25 establishing contacts even before, well before, 2003. That's it.

1 Q. Yes. I understand. My way -- it was a loose question. I'm
2 sorry. You have answered it, actually, but in part.

3 In mid-2003, the emergency demobilisation and reintegration
4 project, that is the EDRP, dare I speak in English, and so those letters
5 may have a different order or even be different in French, but the
6 Emergency Demobilisation and Reintegration Project, which was implemented
7 in the DRC, first of all required money and was financed, was it not, by
8 a hundred million dollar international development agency credit and a
9 further 100 million multi-country demobilisation and reintegration
10 programme trust fund; in other words, the international community
11 provided in 2003 a total of 200 million dollars in order to finance a
12 national demobilisation programme in the DRC. Is that something that you
13 have knowledge about?

14 A. As I have emphasised elsewhere, the DRC programme, the pilot
15 programme, took shape in 2004. In 2003, all of the activities were
16 centred around the protection of children, the self-demobilised children.
17 That is, the MONUC child protection unit took care of all of the cases of
18 the children who demobilised themselves, because there was no formal
19 framework. There was no government programme in 2003. If there was
20 funds, well, we were not aware of that.

21 Q. Now, I'm not necessarily talking solely of Ituri. What I'm
22 seeking to demonstrate, I hope based on the facts, is that from 2003,
23 there was an increasing progression towards setting up systems of which
24 your organisation came to play a part. So for example, the monies put in
25 place with the EDRP, which I've referred to, in August of 2003 the --

1 there were meetings in Kinshasa, for example, and the PNDDR, and for the
2 interpreters and stenographers it's item 94 on the word list, that is the
3 Programme National de Desarmement, Demobilisation, et Reinsertion; in
4 English the National Disarmament Demobilisation and Reintegration
5 Programme, PNDDR, was established. That's in 2003, is it not?

6 A. The PNDDR programme in Kinshasa did not apply in Ituri. In 2003,
7 there had not been or, rather, we were not able to assemble all of the
8 rival factions in order to develop awareness of this programme.

9 Q. Very well. Let me make it plain that I'm talking about
10 developments, and this development started in Kinshasa and was eventually
11 to be implemented in Ituri. My point being it started in 2003, not
12 whether -- when it came to Ituri. For example, in August 2003, there
13 were meetings in Kinshasa at which Germain Katanga attended, meetings
14 that were concerned, for example, with demobilisation, reintegration of
15 armed groups. Now, it may be that was not something you were aware of at
16 the time. Were you aware of meetings in Kinshasa in August of 2003?

17 In short, I'm seeking to demonstrate that indeed Germain Katanga
18 was participating in discussions on reintegration, demobilisation long
19 before you arrived in June, you see. That's -- that's the point.

20 I have an interruption.

21 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

22 MS. FROLICH: Mr. President, maybe this was clear to someone, but
23 to me it seemed like there were three or four different questions in one,
24 and at this point I would ask that Counsel Hooper takes it one at a time
25 so that it becomes clear what we are talking about exactly.

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1 MR. HOOPER: All right. Thank you.

2 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, indeed.

3 That was a tree-shaped question, a multiple question, but it seems to me
4 that at the end Mr. Hooper had more or less summarised in a sub-sentence,
5 which was more or less: Are you aware of the fact that Germain Katanga
6 attended meetings as from August of 2003 in Kinshasa.

7 I believe that was the question. So, Witness, would you be so
8 kind as to answer that question alone.

9 MR. DUTERTRE: (Interpretation) If I may, your Honour. It would
10 be preferable that Mr. Hooper establish whether or not the witness is
11 aware of the existence of meetings in Kinshasa in August of 2003, and
12 then perhaps ask him if he knows who attended those meetings, if he is
13 aware of that, because even in the question as you formulated it, the
14 hypothesis is that he is aware of the existence of such meetings.

15 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
16 Mr. Dutertre. You must go a few steps down, three steps down, and ask
17 the question to the witness so that he can answer.

18 MR. HOOPER:

19 Q. Well, I'm going to let you frame the question and then you can
20 answer it. Just give us your answer, because I think you follow the
21 point. Or not.

22 The question is: Were you aware of meetings taking place in
23 Kinshasa involving, for example, Germain Katanga and others, in August
24 2003?

25 PRESIDING JUDGE COTTE: (Interpretation) That's a triple

1 question.

2 THE WITNESS: (Interpretation) Well, there were matters relating
3 to pacification which involves the high levels of responsibility that
4 everyone in general was not aware of. There were matters relating to
5 technical matters or to operational matters, and we were in charge of
6 executing decisions -- or, rather, the MONUC was to execute these
7 decisions because they were in charge -- they were overseeing all of the
8 activities involved in the regrouping of all of the various factions
9 involved in the conflict. There were meetings that we could not attend,
10 but we, we were at a level where activities related to -- well, in fact,
11 these activities mobilised a lot of people in relationship to a
12 particular activity, but we were not involved in the major decisions, if
13 you will, not at our level.

14 Q. All right. I understand that. Now, I've referred to the
15 Emergency Demobilisation and Reintegration Project, and it may be, I am
16 personally unclear, that that is synonymous with the PNDDR. All right?
17 So I'm unclear on that, but whatever the name was of the national DRC
18 project, in terms of the management, in terms of overall co-ordination,
19 management, and implementation of that project, a separate government
20 agency called CONADER, which we've met, C-O-N-A-D-E-R, 98 on the word
21 list, Commission Nationale de Desarmement et de la Reinsertion, and that
22 separate government agency, Commission Nationale Desarmement et de la
23 Reinsertion, that separate DRC government agency, CONADER, was assigned
24 the task of overall co-ordination of the demobilisation project. That
25 was the system put in place; is that right?

1 A. The National Disarmament and Demobilisation Reinsertion
2 Commission was a commission that came under a ministry, it was
3 ministerial commission that brought together representatives of four
4 different ministries, youth, social affairs, justice. So it was this
5 commission which was in charge of developing a programme, and that is the
6 programme that was called PNDDR.

7 If you recall, yesterday I emphasised that it wasn't in 2003. In
8 fact, they had started in 1997, when Kabila, the father, was there. The
9 government set up a fund for the demobilisation of the former FAZ
10 members, including the kadogos. But this programme did not actually come
11 about, was not implemented, because of the second war. So it didn't
12 start in 2003. It started way back in 1997.

13 So in 2003, the PNDDR programme was designed, if you will, but
14 the actual application didn't start until 2004 with the DRC as a pilot
15 programme.

16 Q. Well, perhaps it gets confusing if we talk about schemes that
17 didn't work and didn't start. So let's just keep it to the schemes --
18 the set-up of the scheme that we're concerned with.

19 So we have the EDRP and the funding, 200 million dollars. You
20 have the DRC establishing CONADER, I suggest, as a separate government
21 agency to manage that, and you've added the detail of various ministries,
22 including youth to participate in that.

23 Do you know when CONADER was first established? Very briefly.
24 CONADER. Was it 2003 or another date?

25 MR. DUTERTRE: (Interpretation) Your Honour, if I may. The

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1 witness did not say anything about the financing, and I'm sure that this
2 was not Mr. Hooper's intention, but when he states that the witness added
3 something, it shouldn't refer to the amount of \$200 million, which was
4 not mentioned by the witness.

5 PRESIDING JUDGE COTTE: (Interpretation) Yes. Thank you for
6 that comment. Please proceed, Mr. Hooper.

7 MR. HOOPER: All right. Let me split it up and see where we are.

8 Q. The Emergency Demobilisation and Reintegration Project, known in
9 English as EDRP, was a project that was financed in the way I previously
10 described, and I won't repeat, to the sum of \$200 million by the
11 international community and which was the base financial foundation for
12 the demobilisation project for all DRC. Is that something that you're
13 aware of, this international funding?

14 A. The amount of the financing of CONADER by the government was not
15 something that was part of our scope of knowledge or information. We
16 were told in the beginning of 2004 that we could implement a
17 sub-programme of the PNDDR, which was entitled "DRC." That is it was to
18 be a pilot programme.

19 Q. (Previous translation continues)... that. We'll come to that. I
20 think we have your answer. The answer is: "I'm not aware of the funding
21 background." All right. Thank you very much.

22 Let me then come to the --

23 MS. FROLICH: Mr. President, I think from this answer it is
24 apparent that the terminology is perhaps not clear to everyone in terms
25 of EDRP is or what it means to this witness, and this question was never,

1 in fact, asked, so maybe we should clarify this, because I don't think
2 this is sufficiently clear.

3 MR. HOOPER: Well, I'll leave you to do that in
4 cross-examination -- re-examination if you wish. I'm moving on, because
5 the witness, in my submission, has said he is not aware of the funding,
6 and EDRP is the funding scheme.

7 Q. So my next question is CONADER, which is -- sorry?

8 PRESIDING JUDGE COTTE: (Interpretation) Please go ahead. It's
9 just to ask you to move from that part and to go on to the next bit. So
10 please continue. We've still got around ten minutes left. Having said
11 that, you'll have to tell us if the Court Officer has to give EVD numbers
12 to the documents you produced at the start of the hearing, but please
13 continue for the moment.

14 MR. HOOPER: All right.

15 Q. Which was the top, head, overarching source? Was it CONADER or
16 was it the PNDDR? Which one of the two was top dog, as it were? Was one
17 under the other? Was one the product of the other?

18 A. CONADER is a commission, a national commission responsible for
19 executing the national programme.

20 Q. Was it therefore CONADER that developed the PNDDR?

21 A. I specified that CONADER was composed of certain ministers and
22 experts, including World Bank experts, because the demobilisation didn't
23 start at the national level but at the international level, and this
24 involved several different actors.

25 Q. So we know that there is a programme called Programme National de

1 Desarmement Demobilisation et de Reinsertion, the PNDDR. Am I right in
2 saying that the PNDDR was a programme established by CONADER?

3 A. The programme PNDDR was not only established by CONADER alone.
4 There were other actors, international actors, experts such as the CNUD
5 programme. There was a whole group of different actors which could
6 define a programme, establish a programme, which would take into account
7 all the aspects linked to disarmament and demobilisation and reinsertion.
8 CNUD. CONADER was only the executor of this programme.

9 Q. So CONADER executed the PNDDR programme.

10 A. That's correct.

11 Q. Thank you. Now, we then have the DDR, item 96 on the word check,
12 Desarmement Demobilisation et Reintegration. It gets confusing because
13 the names are often the same, or the same words are used. The DDR, was
14 that a national programme, DRC programme, that is, under the Kinshasa
15 government? Was it a MONUC programme with the UNDP? What's your
16 understanding of the position in the demobilisation system?

17 A. This process there was only one programme, PNDDR, which had to
18 run in several stages. The first phase is what we applied. DRC was the
19 title. Demobilisation and reinsertion -- community demobilisation and
20 reinsertion, without taking into account the part on how to carry out
21 reinsertion. This was within the framework of the fighters, the
22 children. They were demobilised, and they were returned. For the
23 adults, there were options. For those who chose the army, they choose
24 the army, and those who didn't choose the army they went back into
25 civilian life. But for the children specifically, they were demobilised

1 and they were returned to their families, their natural environment. The
2 problem that started in November 2004, finished in June. We had the
3 evaluation to continue in the PNDDR programme.

4 (Overlapping speakers) ... another phase.

5 Q. So the DDR. The first phase of that, I suggest, ran from
6 September 2004 to July 2005, and it was managed by the UNDP and MONUC,
7 and that's the programme obviously that we're talking about in this case.
8 The first phase, September 2004 to July 2005, UDP -- UNDP, sorry, and
9 MONUC managed that. And that was -- do you agree with that?

10 A. Correction. DRC wasn't managed by MONUC but by CONADER, from
11 November until June. In the five seats it was always CONADER who oversaw
12 the national programme. CONADER was the national commission which
13 received the support of international actors for the execution of its
14 programme. Its support, logistics and financial support as well it
15 received, that was CONADER, always via CONADER.

16 Q. All right. All right. I'm afraid this is an involved matter and
17 probably best picked up when we're both fresh again tomorrow.

18 MR. HOOPER: And if that's an opportune moment.

19 PRESIDING JUDGE COTTE: (Interpretation) Understood. So this
20 morning two documents were produced, one handwritten document and another
21 document which I can't remember exactly, but it was signed by
22 Mr. Katanga. 8th of February, 2004 was the date written thereon. Are
23 these documents that the Defence of Katanga wish to see attributed an EVD
24 number or not?

25 MR. HOOPER: Yes. Thank you, Mr. President. There are two

1 documents there. There's the FRPI document of February 2004. If that
2 can be given an EVD number. And the handwritten manuscript document in
3 French on the FRPI. That also could be given an EVD number, please.

4 PRESIDING JUDGE COTTE: (Interpretation) Thank you. So these
5 are two documents that were presented.

6 Court Officer, if you please.

7 COURT OFFICER: (Interpretation) Thank you, your Honour. The
8 document with the number DRC-OTP-1000-0080, will have the number
9 EVD-D02-00045, and it will be registered as confidential.

10 And the document DRC-OTP-0106-0483 will have the number
11 EVD-D02-00046 and it will be filed as public.

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

14 We will therefore continue tomorrow. You will continue tomorrow.
15 The whole morning?

16 MR. HOOPER: I hope to finish tomorrow. I hope to finish
17 tomorrow, yes.

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much.
19 That will make it possible for Counsel Kilenda and Professor Fofe to
20 prepare or to get themselves available in their minds to do the work.

21 If we could go into closed session so that the witness can leave
22 us discreetly.

23 Thank you, Witness, for your contribution throughout this long
24 four-hour session. We will be back tomorrow morning at 9.00. Thank you.

25 The accused we'll be back tomorrow morning at 9.00.

1 (Closed session at 1.28 p.m.)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Open session at 1.28 p.m.)

11 PRESIDING JUDGE COTTE: (Interpretation) The Court would like to
12 thank all of those who have helped it during this morning, interpreters,
13 court reporters, and other court technicians.

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

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
17 Court Officer. So the hearing is now adjourned. We will be back at 9.00
18 tomorrow morning.

19 The hearing ends at 1.29 p.m.

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