

1 International Criminal Court

2 Trial Chamber II - Courtroom 1

3 Presiding Judge Bruno Cotte, Judge Fatoumata Dembele Diarra and

4 Judge Christine Van den Wyngaert

5 Situation in the Democratic Republic of Congo - ICC-01/04-01/07

6 In the case of the Prosecutor versus Germain Katanga and

7 Mathieu Ngudjolo Chui

8 Trial Hearing

9 Wednesday, 14 July 2010

10 The hearing starts at 9.05 a.m.

11 (Open session)

12 COURT USHER: All rise. The International Criminal Court is now
13 in session.

14 PRESIDING JUDGE COTTE: (Interpretation) Please be seated.

15 The accused persons are in the courtroom.

16 Mr. Kilenda or Professor Fofe, I do not know which one of you
17 would like to address the Court about an electoral document relating to
18 the sister of Witness 279. So please tell us briefly what you wish to
19 tell us. The Prosecutor will respond and then the Chamber will give you
20 our point of view.

21 MR. FOFE: (Interpretation) Thank you very much, Mr. President.
22 I'm wondering whether the microphones are functioning.

23 PRESIDING JUDGE COTTE: (Interpretation) It seems, yes. Can the
24 interpreters hear us? Very well. So please proceed.

25 MR. FOFE: (Interpretation) Thank you very much, Mr. President.

1 We have received from our resource person a document that we would like
2 to tender into evidence. I just wish to locate that document, and it is
3 DRC-D03-0001-0351.

4 You will recall, Mr. President, your Honours, that during the
5 testimony of Witness 279, the Chamber admitted into the record the
6 document EVD-D02-00033, which happens to be the identity card -- or,
7 rather, the student identity card of the student ... who is the junior
8 sister of Witness 279. We believe that this document is relevant in this
9 case, and on the basis of Rule 64 of the Rules of Procedure and Evidence,
10 we wish to produce this document to the Chamber and ask for it to be
11 admitted and assigned an EVD reference number.

12 I would like to point out that during the testimony of that
13 witness, 279, we tendered the electoral card of the witness in question,
14 and if I am not mistaken, that is document EVD-D02-00036. This was done
15 during the discussion on the precise date of birth of that witness.

16 We are aware that this is an exceptional situation, but our
17 request is based, first of all, on Rule 64, and also from a practical
18 point of view, it would not be appropriate to apply to the Chamber to
19 recall Witness 279 for the sole purpose of discussing this document and
20 having it admitted into evidence.

21 In support of our application, we would like to draw the
22 Chamber's attention to the fact that a similar situation occurred in this
23 particular Chamber not so long ago. During the testimony of Witness 280,
24 the Defence of Mathieu Ngudjolo tendered into evidence document number
25 EVD-D03-00024, which happens to be the electoral card of that witness,

1 that is Witness P-280.

2 A few days after that document was admitted and if my memory
3 serves me correctly, that was the day before the 30th of June, so it
4 would be the 29th of June in the evening. The Prosecutor had disclosed a
5 document to us which had been in his possession for a few days and which
6 is an extract of the identity of the bearer of the electoral card number
7 5151/21/0261. That is the electoral card of Witness 280.

8 During the hearing of the 30th of June, 2010, the Prosecutor got
9 to his feet and admitted that he had not disclosed that document to the
10 Defence. He had forgotten to disclose that document. He apologised to
11 the Chamber for that belated disclosure, and this was, of course, after
12 having discussed with the Defence regarding that document. The Chamber
13 did not have any problem with that late disclosure. The Chamber admitted
14 the document and asked for it to be assigned an EVD number, which was
15 EVD-D03-00025.

16 Mr. President, your Honours, we find ourselves today in a similar
17 situation. Obviously, the specificity of this particular situation is
18 that the document that we wish to tender into evidence is an identity
19 document which belongs to the kid sister of Witness 279. And you are
20 fully aware, Mr. President, your Honours, that there is a disagreement
21 regarding the age of Witness 279. There is a serious problem with that
22 witness. We believe, therefore, that this document that we wish to be
23 admitted into the record today is relevant and should be admitted. And
24 the Prosecutor has all the resources and all the time necessary to verify
25 the authenticity of that document. We disclosed to the Prosecutor the

1 chain of custody of that document, which is clear and easily verifiable.
2 We know that considering the situation and the problems related to the
3 age of Witness 279, it is our opinion that the document is relevant in
4 this case. It was for that reason, Mr. President, your Honours, that we
5 are applying for that document to be admitted and assigned an EVD number.

6 Thank you, Mr. President, your Honours.

7 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
8 Professor Fofe.

9 Mr. Prosecutor, and specifically Mr. Garcia, you can please
10 address the Court.

11 MR. GARCIA: (Interpretation) Good morning, Mr. President, your
12 Honours. It is not my intention to take too much time. I believe it is
13 more important to complete the testimony of Witness 267.

14 Regarding that document, we received it yesterday, so when
15 Professor Fofe is telling you that we have all the time to verify its
16 authenticity, that is not true. We received that document yesterday, and
17 we have no person in the field right now to carry out that work. There
18 have been problems with this same person.

19 Secondly, Mr. President, we should not forget that we are
20 currently in the prosecution phase, so it is the Prosecutor who is
21 calling witnesses now and producing evidence through those witnesses.

22 Witness 279 is no longer here in the courtroom. He's not here to
23 comment on anything whatsoever. He was here for some time. The Defence
24 knew perfectly well that he was going to come and testify, so this is an
25 issue that requires evidence to be produced without the witness. Usually

1 it is the Prosecutor that produces or tenders evidence through those
2 witnesses, and the Defence teams could contribute by cross-examining that
3 witness.

4 The witness is no longer there. The Defence did not make the
5 determination to decide what evidence to tender, so the Prosecution only
6 produces the evidence that they feel is relevant. If this document
7 relates to the sister of the witness - I'm not going to even talk about
8 the authenticity - then it is actually relevant. But we are in the phase
9 of the Prosecution case right now. So if the Chamber decides that the
10 Defence cannot proceed in this manner, then I believe that would be the
11 way to do it. And during the presentation of the Defence evidence, the
12 Defence would have every opportunity to produce that exhibit if they
13 believe that it is relevant for the Chamber in the determination the
14 credibility of the witness.

15 So, Mr. President, in a nutshell, that was my comment.
16 Professor Fofe has raised that issue of documents, electoral cards that
17 were tendered through other witnesses, but the situation was different.
18 This particular witness was here, and he could have made a comment. He
19 testified about the information on those particular cards, and therefore
20 it is just normal for those cards to be produced.

21 Professor Fofe also talked about the admission of the electoral
22 card of Witness 280. That was an exceptional case. I'm not going to go
23 into details regarding why that was so, but there was an entire
24 discussion so as to refrain from having to recall the document. So the
25 Defence agreed for that document to be admitted, which simply provided

1 further information.

2 So it is the phase in which the Prosecutor produces evidence, and
3 usually in the presence of the witness. The Defence cannot decide that
4 it will tender evidence at any time they want during the Prosecution
5 evidence. This would complicate matters. During the presence of the
6 Defence case, that is the appropriate moment to produce exhibits, all
7 respectfully submitted.

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

10 Professor Fofe, very briefly.

11 MR. FOFE: (Interpretation) Thank you, Mr. President. Very
12 briefly, we admit that this is an exceptional request considering the
13 fact that we have very limited resources and we had very limited
14 information about that Witness 279. We have only one resource person in
15 the field, and he has a lot of things to do, and he sent us this document
16 not so long ago.

17 I would like to also point out that we are requesting that this
18 document be admitted after our cross-examination of Witness 279, and
19 other documents were admitted at that time. So this is because we did
20 not want to call back Witness 279 to this courtroom for that sole
21 purpose.

22 The third point on which I would like to dwell, Mr. President, is
23 the relevance of that document. It is a relevant document, and the
24 Prosecutor can quite easily verify its authenticity.

25 Thank you, Mr. President.

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
2 Professor Fofe. We will take a moment out briefly to consult amongst
3 ourselves.

4 (The Trial Chamber confers)

5 PRESIDING JUDGE COTTE: (Interpretation) Professor Fofe,
6 Mr. Prosecutor.

7 Professor Fofe, the Chamber is fully aware of the difficulties
8 that Mathieu Ngudjolo's Defence team, and even Germain Katanga's Defence
9 team, may have. You have very limited resources. And the fact that you
10 are applying for late admission of documents is not a major problem.

11 The Chamber does not wish to give an opinion on the relevance of
12 that document right now with an EVD document. We remember what we
13 discuss add few weeks ago regarding the correct age of Witness 279, but
14 the Chamber is sensitive to the objection of the
15 President (as interpreted).

16 On the 15th of June, the Defence of Germain Katanga also raised
17 the possibility, if I remember correctly, of producing information
18 regarding Witness 279, whereas that witness had already left, but in the
19 final analysis, the Defence for Katanga did not do so even though they
20 had raised that possibility.

21 We feel that once a witness has left the courtroom, it is no
22 longer possible to produce evidence and be assigned -- that would be
23 assigned EVD reference numbers, because the witness is no longer there to
24 make any comments about the documents that you wish to produce. So the
25 Chamber is of the opinion that it is when the time shall come for the

1 presentation of your own case that you can produce this document. And if
2 it turns out to be indispensable at that time to call Witness 279 back to
3 this courtroom, then we will think about that. But maybe the other
4 witnesses that you are going to call could be in a position to make
5 comments about that card.

6 So we are not granting your application at this time, but during
7 the presentation of the Defence case of Mr. Mathieu Ngudjolo, you can
8 bring up to issue of the electoral card once again, and we will then make
9 our decision regarding its relevance and whether it should be admitted or
10 not.

11 We would like to provide information to participants, and
12 particularly to the Defence teams, regarding the issue of the disclosure
13 of the identity of Intermediary 143.

14 Following the application made by the Defence team of Germain
15 Katanga and which was joined by the Defence of Mathieu Ngudjolo to have
16 immediate disclosure of Witness 143, the Chamber asked the two Defence
17 teams and the Prosecutor to submit written filings so that we should
18 determine whether that identity is relevant for the cross-examination of
19 Witness 27 -- 267.

20 Following your filings of the 13th of July, the parties agree
21 that the teams can proceed with the cross-examination of that witness
22 without waiting for the disclosure of the identity of Intermediary 143.
23 So it is no longer necessary to discuss, to examine this issue as a
24 matter of emergency as proposed by the Defence team of Germain Katanga.
25 The Chamber is fully aware of the concerns expressed orally and in

1 written form on the 9th of July by the Defence teams considering the stay
2 of proceedings pronounced on the 9th of July, 2010, by Trial Chamber I,
3 as well as the impact on the protection measures that would be attributed
4 in case of the disclosure of the identity of Intermediary 143.

5 The Chamber would like to recall that in keeping with a
6 decision -- ruling, dated June 7, 2010, it ordered the Prosecution to
7 disclose the identity of intermediary 143 to the Defence teams of
8 Germain Katanga and Mathieu Ngudjolo inasmuch as the implementation of
9 protection measures had been ordered by the Trial Chamber I. The Chamber
10 adds that we contacted the unit directly in order to inquire about the
11 present state of the implementation of such protection measures. As soon
12 as this matter is resolved, the said disclosure shall be applied whether
13 this is during recess and even though the Lubanga case is stayed.

14 Madam Court Officer, shall we go into closed session for a short
15 moment in order to bring in the witness.

16 (Closed session at 9.33 a.m.)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Expunged)

22 (Expunged)

23 (Expunged)

24 (Expunged)

25 (Open session at 9.33 a.m.)

1 PRESIDING JUDGE COTTE: (Interpretation) We're in open session,
2 Madam Court Officer?

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

5 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, please
6 proceed.

7 MR. HOOPER: While appreciating that it -- it didn't perhaps form
8 part that have decision that was just given, there was reference made to
9 part of the remedy or relief possibly involving the recall of a
10 Prosecution witness later and during the Defence case. We would have a
11 difficulty with is that as a matter of principle, but at this stage, as I
12 say, all we wanted to do is put it on record that that would be a
13 concern.

14 That's all we have to say, I think it. Yes. Thank you.

15 PRESIDING JUDGE COTTE: (Interpretation) Yes. That comment
16 referred to Witness 279; am I correct?

17 MR. HOOPER: That's right. It's in terms of the remedy or relief
18 that would be available to the Defence in respect of submitting that
19 document if it -- and the possibility of doing so with the recall of the
20 witness at the a later stage. In other words, the appropriate remedy or
21 relief, in our submission, would be the recall of that witness to put
22 that document to the witness. That would have to take place before the
23 close of the Prosecution case, in our submission, unless there were truly
24 exceptional circumstances why not.

25 And I think further than that --

1 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.

2 MR. HOOPER: -- we have further (sic) comment at this stage.

3 PRESIDING JUDGE COTTE: (Interpretation) You have understood
4 correctly that the Chamber does not intend to interfere in the
5 preparation of the defence of Mathieu Ngudjolo. This is, of course, the
6 responsibility of Mr. Kilenda, Professor Fofe, and their team. The
7 Chamber has well understood that the issue of the precise age of
8 Witness 279 has particular importance. They have stated that during
9 cross-examination. They have also stated that in an application before
10 the Chamber, in particular regarding Article 70 procedures. Therefore,
11 the fact that the Mathieu Ngudjolo Defence team wants to admit this
12 electoral card is under their own responsibility, and the Chamber feels
13 that when the Defence case is presented, they will no doubt want to go
14 back to that issue, most likely, in order to demonstrate their case, and
15 the Chamber feels that indeed the ideal point in time, since Witness 279
16 has completed its testimony, would be when the Defence case is being
17 presented. But again, we are not taking any stand as regards the
18 relevance of that document, and we all are mindful of the discussions
19 that have taken place as regards the precise age of Witness 279.

20 Madam Court Officer, we shall go into closed session in order to
21 bring in the witness, and then Mr. Hooper can continue his
22 cross-examination.

23 (Closed session at 9.37 a.m.)

24 (Expunged)

25 (Expunged)

Witness: Witness DRC-OTP-P-0267 (Resumed) (Closed Session)
Questioned by Mr. Hooper (Continued)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Open session at 9.38 a.m.)

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

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

11 Good morning, Witness.

12 THE WITNESS: (Interpretation) Good morning.

13 PRESIDING JUDGE COTTE: (Interpretation) I see that you can hear
14 me well and that the microphones and your head sets are functioning.
15 Therefore, we will be able to continue the cross-examination done by
16 Mr. Hooper.

17 Mr. Hooper, you may proceed.

18 MR. HOOPER: Thank you, Mr. President.

19 Questioned by Mr. Hooper: (Continued)

20 Q. Good morning, Mr. Witness.

21 A. Good morning, sir.

22 Q. I see you have some documents in front of you. Are those the
23 lists of names? Yes, they are. Thank you very much.

24 Can I come back to this matter of the Dar es Salaam conference or
25 meetings. And while this may well not be determinative of the point of

1 the case, for the purposes of your evidence can I suggest that there
2 were, in fact, two meetings. The first was in February of 2003, a couple
3 of days round about the 9th of February, 2003, there was a meeting with
4 President Museveni, President Kabila, President Mkapa of Tanzania, the
5 Angolan minister of foreign affairs, where a new -- an amendment was made
6 to the Luanda agreement, setting up a new timetable for the work of the
7 envisioned -- envisaged Ituri pacification accord and the exit of Uganda
8 from -- from the region, from Ituri. So that was in February 2003, and
9 there was a later meeting between President Kabila and representatives of
10 some of the armed groups in mid-May, more specifically, I think, the 16th
11 of May, 2003. So it appears that we've got a large or significant
12 interstate meeting in February 2003, and we have a further meeting which
13 appears to be dealing mainly with and between DRC players, if I can put
14 it like that.

15 Now, does that help you? Does that jog your memory? Do you --
16 does that help you? So two meetings, one in February and the other in
17 May 2003 in Dar es Salaam.

18 A. Counsel, I mentioned the Dar es Salaam meeting, because it was
19 part of the demobilisation process, because the prior meetings with the
20 countries in conflict, that is countries that were supporting the armed
21 groups against the government, in fact, the armed groups in Ituri were
22 not associated in those meetings, which only involved the RCD, the MLC,
23 and yet Ituri, it was in Ituri where the most was at stake. And the
24 interested countries were supporting the militias, and therefore it was
25 necessary to take account of the claims made by the armed groups in Ituri

1 in order for demobilisation to take place fully. Therefore, they
2 requested that rather than their being under-represented that they be
3 able to discuss directly with the governments, and that's why the
4 Dar es Salaam meeting took place.

5 Q. Fine. Perhaps just focusing for a moment just on dates. Are you
6 happy that the Dar es Salaam meetings were in 2003?

7 A. Yes, counsel.

8 Q. All right. Thank you very much. Now, I don't want to get
9 rooted, as it were, in the complexities of the various -- of the manner
10 in which the system worked, but we -- let's just revisit that very
11 briefly.

12 There is a national programme for disarmament, demobilisation,
13 and reinsertion known as the PNDDR. Do you agree with that? Perhaps yes
14 or no.

15 A. Yes, Counsel.

16 Q. There's an agency, what you described as at the ministerial
17 level, called CONADER that is managing and has responsibility for the
18 overall co-ordination and management of the project. Do you agree with
19 that?

20 A. Yes, Counsel.

21 Q. And then -- and there may be a little confusion about this. It
22 appears to me from what I can see and from what you've said that there
23 are two other bodies functioning within the same field at a lesser level,
24 as it were, i.e., beneath -- within the PNDDR and beneath CONADER, the
25 first one being the DDR and the other one being the DRC. And my

1 understanding is just dealing with the DDR, Disarmament, Demobilisation,
2 and Reintegration, sometimes also referred to as Disarmament,
3 Demobilisation, and Reinsertion. So reinsertion, reintegration, seem
4 synonymous. And the DDR is referring to the particular schemes put in
5 place of which there were three DDRs. The first phase, September 2004 to
6 July 2005; the second phase later than that; and a final third phase.

7 Let me come back, then, to a question, having said all that. The
8 DDR, do you agree or disagree that the DDR is different to the DRC, first
9 of all? That there are two -- two separate institutions or functions,
10 one DDR, and the other the DRC. Yes or no?

11 A. Counsel, I would like to provide an explanation to you regarding
12 DDR and DRC. They are not functions as such but, rather, stages in the
13 PNDDR; that is, PNDDR, which was a national programme which was composed
14 of various steps, stages. From November 2004 until June 2005, it was
15 called -- it was the DRC. So you see, that stage was called DRC.

16 If you take the PNDDR apart, you have the DDR, and indeed the R
17 refers to reinsertion. This is the final phase of the programme, and DRC
18 was the first phase for the -- in order to take up the programme PNDDR
19 for six months. DRC would finish, and then we would have an evaluation
20 thereof in order to enter and continue with the DDR. So DRC was the
21 initial phase, and the second phase, we would continue with DDR, which
22 was included in the PNDDR. In this phase, the DDR, we had to have,
23 according to the PNDDR programme, which in all of the DRC -- RCD, rather,
24 this was approximately 1.600 combatants who had to be demobilised. And
25 according to the -- when you have a programme, you have to know the

1 number of the people that have to be demobilised.

2 And once we completed the first phase of the DRC, we carried out
3 an evaluation, and we stayed at the level of about 4.000 in terms of
4 protection for our region. Then the second phase after this evaluation,
5 the second phase began in June of 2006. This was the DRC -- the DDR. We
6 had completed the DRC by then. And this programme involved adults under
7 the direction of the CONADER. CONADER was the only official body, the
8 only governmental body that was in charge of leading the PNDDR programme
9 to completion. That is the distinction between those various programmes.

10 If you need further information, I'd be willing to provide it.

11 Q. Thank you.

12 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, I don't
13 know what is happening with the English transcript but in the French
14 transcript it seems that the numbers are quite approximate.

15 Witness, at the beginning of your presentation and the beginning
16 of this answer, you mentioned a number of fighters and a number of
17 children. The number 33.000 children is indicated on the screen. Is
18 that correct? And before that you indicated a number regarding the
19 number of fighters, and that number was not on the screen.

20 THE WITNESS: (Interpretation) In the PNDDR programme, it
21 covered all of the soldiers in the DRC, which was 33.000 total, but as
22 regards the DRC programme, at the end of June we had a number of 4.000.

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

24 Mr. Hooper, please proceed.

25 MR. HOOPER: Yes. I lost that figure completely on my

1 transcript. So perhaps we can -- I'm not going to dwell over much of it.

2 Q. So as I understand it, your understanding of the situation is
3 that the phrase, if I can put it like that, the phrase "DRC" is merely
4 the first stage of the DDR. Have I understood that right?

5 A. Yes, that's correct.

6 Q. All right. All right. Well, maybe we'll -- let's -- let's move
7 on a bit from that.

8 DDR, DRC, let's forget for a moment any possible distinction
9 between them. We have the demobilisation process that has three phases.
10 Are we talking just about Ituri, or are we talking about other areas in
11 the DRC as well as Ituri as being part of those three phases or being
12 subject to the process of those three phases?

13 A. DRC applied to Ituri. DDR applied to the entire Democratic
14 Republic of the Congo.

15 Q. All right. Now, these phases of which you say the first one was
16 called DRC, as I understand your explanation, the first phase, whatever
17 it was called really, let's say DRC, was, in fact, a phase undertaken by
18 the UNDP and MONUC. Let me just go on to -- to say, yes, I accept and
19 agree with you the second phase was conducted by CONADER, and the third
20 phase was undertaken by the Ministry of Defence. Do you agree with the
21 way in which those -- I've just set out these three phases were managed,
22 and in particular, that the first phase was in conjunction -- a
23 conjunction between UNDP and MONUC?

24 PRESIDING JUDGE COTTE: (Interpretation) Yes.

25 MR. DUTERTRE: (Interpretation) That is clearly a very complex

1 question. It was in fact several questions in one. This is an area with
2 a number of different acronyms and agencies. It would be preferable to
3 go step-by-step in order for people to be able to follow. I must say
4 that it's complicated for myself to follow with such complex questions.

5 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
6 Prosecutor. Mr. Hooper is going to endeavour to ask shorter questions
7 given that the witness is at the very heart of this activity, that he's
8 been involved with this for many years, and apparently he is familiar
9 with all of these acronyms, but we all need to be able to follow as well.

10 Please proceed, Mr. Hooper.

11 MR. HOOPER:

12 Q. So let me just break it down with questions and I'll try and
13 frame them so that you can give me a yes or no and we get a clear
14 statement, I hope.

15 The DDR was in three phases. Is that correct?

16 A. When you refer to DDR, you need the P, which indeed included
17 three phases, PNDDR, because you need to refer to the programme. That's
18 very important.

19 Q. So let's go back to -- to -- to the basic structure. And this, I
20 emphasise, is your evidence, yes? I'm not necessarily agreeing with it.
21 I don't say that disrespectfully. It's just that this is your evidence.

22 There is a national programme with the full title PNDDR, a
23 national programme of disarmament, demobilisation, and reintegration or
24 reinsertion. Is that correct?

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

1 Q. And so as I understood your evidence, when we speak of DDR, we
2 are talking of the PNDDR. Is that correct?

3 A. When we speak about DDR, PNDDR is included, because we are, in
4 fact, carrying out the programme. It's one of the phases of the
5 programme.

6 Q. So -- and I hesitate to ask this. We have and we understand
7 there's a national programme, Programme National de Desarmement,
8 Demobiliastaion, et Reinsertion, PNDDR. When we talk about DDR, are we
9 talking about exactly the same thing, i.e., the PNDDR but not using the
10 first two letters, programme national, are we talking about exactly the
11 same thing, or are we talking about a process under the PNDDR that can be
12 identified separately in some way. In other words, is PNDDR synonymous
13 with DDR, or is there a distinction?

14 A. Counsel there's no distinction. In a programme you define
15 stages, and when one refers to DDR -- in fact, we started with DRC. Then
16 there was an evaluation. And then we moved on to the DDR. So there is
17 no other activity outside of the PNDDR. Those are names that were given,
18 and the people involved simply preferred to refer to DDR as one of the
19 stages of the PNDDR programme.

20 Q. So can we conclude then and say that we have the national
21 programme, the PNDDR, that is carried out in several stages, and to those
22 stages the letters DRC and then DDR are applied?

23 A. Counsel, we started with DRC as a pilot programme, an initial
24 pilot programme. After DRC, we couldn't yet speak of DRC, but we went
25 into DDR. DRC was an initial programme to evaluate the PNDDR with a view

1 to amending points given the experience that we would have acquired in
2 that initial phase still while being within DDR.

3 Q. Thank you. Thank you. Your position, I think, is clear.

4 And what dates were the DRC? Between which dates did it run, the
5 evaluation, initial programme, according to you?

6 A. At our level where it concerns the children, from the month of
7 July we started to collect the results in order to compile them of the
8 five different sites in order to see how many children, boys and girls,
9 had gone through the process where it concerns the children.

10 Where it concerns the adults, we had another body which -- and if
11 I can give you some clarification in that regard, CONADER was already
12 implanted with the support of MONUC and PNUD as a support organ right
13 from the beginning, because CONADER was the institution, the national
14 commission which had to ensure the execution of the whole programme.

15 Q. All right. So you started in July. Which year was that, and
16 when did the DRC, the evaluation project, end, please?

17 A. To our knowledge, we evaluated DRC until the month of December.

18 Q. That's 2004? July to December 2004?

19 A. 2005, because the programme DRC went to -- it finished in June
20 2005 in all the site.

21 Q. All right. So just give us the dates again, please, month and
22 year, that DRC began and completed, as far as you can recall.

23 A. We opened the site in 2004. That was November 2004 for the DRC,
24 and finished in June 2005 for the DRC.

25 Q. I'm not just talking about site AA. I understood you to say the

1 DRC was a general project involving five sites. So when did it start,
2 and when did it end, that -- what appears to be the first phase, albeit
3 an evaluation phase. When did -- did it begin? Because you mentioned
4 July a moment ago. Forget AA. DRC, did it start in July 2004 and end in
5 December 2005 within which we have the AA project too?

6 A. There's confusion I think maybe on your part. I didn't say it
7 was November 2004 to July 2005 for the five sites, DRC, all of Ituri.
8 And from July we were in 2005 to December we evaluated DRC for the five
9 sites.

10 Q. Right. DDR -- well, let's stay with DRC, shall we? Did DRC
11 apply to adults as well as to children? Yes or no, please.

12 A. Yes, Counsel.

13 Q. Right. I think we'll leave the system. Can we go to the
14 particular NGO which you were a part of, NGO D on our list.

15 Now, this started as an unaccompanied children's project and then
16 became involved in demobilisation, or at least an attempt at securing
17 some demobilisation from the UPC, but that project didn't come off,
18 didn't work, and then later ARTEMIS captured some children and something
19 had to be done and somebody had to react to that. In essence, is that
20 how things developed? In brief, of course.

21 A. Yes, Counsel.

22 Q. And in the -- when you were discussing the ARTEMIS position, you
23 spoke there of the children being dealt with at -- and you introduced the
24 word CT0, Centre de transit et d'Orientation; is that right?

25 A. Yes, counsel.

1 Q. So this is the first use of the word CT0; is that right?

2 A. Yes, Counsel.

3 Q. "Centre de transit," we can refer to it, was -- who provided that
4 name? Was that a name provided by Save or was it provided by some other
5 source?

6 A. This name existed well beforehand.

7 Q. So is it a phrase that is applied or was applied in similar
8 circumstances, perhaps in different countries, Somalia, Sierra Leone,
9 something like that? Was that your understanding? It was what such a
10 thing was called?

11 A. This name was applied in other countries where there was a
12 problem of child soldiers.

13 Q. Right. So it's a working term perhaps within NGOs and
14 governments concerned with this issue, "centre de transit." And my
15 understanding is that later when the targeting of children became part of
16 the DDR or DRC project, the demobilisation project in Ituri, one of the
17 sites selected was AA. Is that right?

18 A. Yes, Counsel.

19 Q. And am I right that heading the project was UNDP and MONUC? Is
20 that right?

21 A. That's not correct, Counsel, not exactly correct, because --
22 perhaps you would allow me to give you some clarification in this regard.

23 MONUC intervened while the government did not yet have the
24 authority in the territory which was occupied by the rebel group, rebel
25 groups, and it had acted with the mandate of the Security Council, and it

1 is within that framework, within the framework of protection, that child
2 protection had to initiate an activity aimed at protection for children
3 who were fleeing the armed groups, and it is within that framework that
4 ARTEMIS had stopped children and had handed them over to MONUC. And
5 MONUC, for its part, had called upon organisations, protection
6 organisations in order to take responsibility for these children. So
7 MONUC intervened during a phase when the government did not have the
8 means to intervene.

9 Q. Well, I accept that was the motive, but the point being that this
10 first phase was, in fact, conducted by MONUC because it had the muscle in
11 the area, the force in the area, together with the UNDP, which like MONUC
12 was a United Nations agency. These were the managers, the top
13 controllers of this system, I suggest, under which UNICEF played a part,
14 Save played a part, and so it flowed down to other NGOs.

15 Would that be a reasonable way of reflecting what was going on,
16 what I've just said?

17 A. In this sense, Counsel, all these bodies -- well, MONUC made it
18 possible for the government to send CONADER to establish itself. CONADER
19 wasn't going to establish itself in an environment which wasn't safe. So
20 MONUC ensured the security, and they assured -- ensured at the same time
21 the security of those who intervened such as the UNDP, because it was the
22 UNDP that had the -- at logistical level, they had put all the materials
23 there which had to be used for the activities of demobilisation in the
24 DRC. So they came in support. But CONADER, as a national commission,
25 had started with the support.

1 This is the clarification that I wanted to make. It was CONADER
2 who oversaw programme, the whole programme from the start, but with the
3 support of MONUC and the UNDP.

4 Q. Right. Now, you get to AA in June of 2004, and by then was
5 CONADER in place or not?

6 A. This is a very good question. CONADER wasn't yet in place, but
7 there was already an expert from the UNDP who was in the field in order
8 to prepare the establishment of the structure which should receive all
9 the different actors involved in the process.

10 Q. Now, before you arrived in June, had Germain Katanga been in
11 discussions with the UNDP and MONUC as to demobilisation?

12 A. As far as I'm concerned, I cannot confirm that because when I
13 found the presence of an expert from the UNDP, that person doubtlessly
14 had to have contact with an expert, because I found an expert from the
15 UNDP who had already been shown the establishment of the site.

16 Q. And MONUC in 2004 -- well, from mid-2003, was in contact with
17 Germain Katanga. Was that something within your knowledge?

18 A. Where it concerns bilateral contacts at a certain level, I cannot
19 confirm that that was not something that was made known to us. There
20 were a lot of events. We weren't able to get to know everything that was
21 going on with regards to the situation.

22 Q. Yes, I thank you. That answer actually makes the point I'm
23 seeking to make, but can I take you, please, to -- I'm not sure what
24 the -- what the EVD number on this was. Let me just consult the oracle,
25 please.

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1 (Defence counsel confer)

2 MR. HOOPER: I'll give the numbers as we have it on the document,
3 which is DRC-OTP-10044, and it's the sites of transit, and it's
4 EVD-OTP-1008 -- sorry, 118. So it's item 118, OTP 118.

5 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, are we
6 going to be able to see this on our screens?

7 MR. DUTERTRE: (No interpretation).

8 COURT OFFICER: Mr. Hooper, the two --

9 MR. DUTERTRE: (Interpretation) It's confidential, I think.

10 COURT OFFICER: (Overlapping speakers) -- the different
11 documents.

12 MR. HOOPER: Is there one document that doesn't have the
13 signature. It's the signature on this document that means the public
14 don't have access to it. Has there been a document produced without this
15 redacted as to that very slight indicia of identity of the witness?
16 Otherwise, it will have to be private, a private showing.

17 COURT OFFICER: Okay. But do you wish us to display
18 EVD-OTP-00118 or document with the ERN number DRC-OTP-1000-0044?

19 MR. HOOPER: I think they're the same document. They're not the
20 same document.

21 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, it would
22 seem to me to be the same document. Please have a look. Unless I am
23 mistaken.

24 MR. DUTERTRE: (Interpretation) Your Honour?

25 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, it

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1 would seem to be the document that the witness wrote annotations on the
2 other day, because I've got it in my hand. From last week or from
3 somewhat previously, document DRC-OTP-1000-0044 with the number
4 EVD-OTP-00118. This has been noted by the witness. I think it's this
5 document which you want to have appear on the screen. Is that right?

6 MR. HOOPER: Yes, I suppose that would be best. It's the one
7 where the forest was indicated.

8 PRESIDING JUDGE COTTE: (Interpretation) Court Officer,
9 therefore we will have to have this appear, and perhaps hide the
10 signature at the bottom to have at least the minimum degree of
11 confidentiality respected. I think this is the only element which would
12 make possible any type of identification. There is a signature at the
13 bottom. There's also a date. So please make it confidential. The
14 important thing is that we can show it to the witness so that the witness
15 may answer the questions that are put to him.

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

18 MR. HOOPER:

19 Q. Now, I hope to ask questions that won't, as it were, identify
20 you.

21 This map, you were good enough to draw and present in the course
22 of your original interview and slightly annotate recently shows five
23 sites, five demobilisation sites. Are these the five CTO sites? In
24 other words -- yes. Are these the five CTO sites?

25 A. Yes, Counsel. These are the five CTO transit sites.

1 Q. And when we use the phrase "CTO," it's a phrase that is applied
2 only to sites for the reception of young people, not adults; is that
3 right? So the term "CTO," when we're using it only applies to
4 non-adults; is that right?

5 A. Counsel, it's also for children.

6 Q. Well, let me phrase it again. Does the phrase "CTO" -- is it a
7 phrase that also applies for adults, or is it only for children? The
8 phrase "CTO."

9 A. To our knowledge, the CTO was only applied to children in our
10 case in point.

11 Q. Right. So we understand the definition. But at each of these
12 sites would there also be a facility for adults?

13 A. The sites, the transit sites were a space or an area which were
14 clearly delimited, and in the transit sites -- in the transit sites there
15 was a space which was reserved for children.

16 Q. Well, I'm sorry, but we're going to mix our definitions again. I
17 thought we just agreed that "transit site" refers only to children. Is
18 that right?

19 A. I said that the -- these transit centres were applied to
20 children, but in the transit sites there were a space which was well
21 defined and limited for children in the transit sites. So you have a
22 transit site, but within that transit site there was a space which was
23 separate, which separated adults and children, and we didn't call this
24 CTO, but we said child space, "espace enfants."

25 Q. Right. It's getting confusing. I'm sorry, it's my fault.

1 "Centre de transit," is that a phrase that only applies to children or
2 does it also apply as a place where adults can go?

3 A. This is applied to children.

4 Q. So within the site de transit, which is a site dedicated to
5 children, there was within the site dedicated to children an even more
6 particular space, "espace enfants."

7 A. That is correct.

8 Q. And in each of these sites -- no. Let me not use the word
9 "site." In each of these places where there was a site, a "centre de
10 transit" for children with its "espace enfants," as a separate unit to
11 the "centre de transit" for children was there also, in each of these
12 places, a place run by CONADER for adults?

13 MR. DUTERTRE: (Interpretation) Mr. President, I do not know
14 whether it is an interpretation problem, but it is a bit confusing.
15 There is a transit centre for children and then an "espace enfants," and
16 what does that space serve for? I think my learned colleague can clarify
17 that situation.

18 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, thank
19 you, but I believe that is precisely what Mr. Hooper is trying to do
20 right now. We have to better locate the various places reserved for
21 children and the names that are given respectively to the spaces reserved
22 for adults and those reserved for children. This is a difficult
23 exercise, and so, Mr. Hooper, try to continue with your clarification
24 exercise so that the witness can give us all the relevant information.
25 Please proceed.

1 MR. HOOPER:

2 Q. So let's just catch up to where we are because it is a little
3 confusing as you know. We don't know, you see. We have a phrase,
4 Centre de transit et d'Orientation, the CT0. I imagine it as a square
5 called CT0, and this is dedicated to children, not to adults. And within
6 this square there's another little square, "espace enfants," particularly
7 dedicated to children. That's how I've understood what you've said. Is
8 that right or wrong?

9 A. In order to better understand, let us go to that main place that
10 you have mentioned, which is referred to as a site. At that site you
11 have the "espace enfants," that is for the children, and the rest of that
12 space is reserved for adults. The CT0 is outside of that place known as
13 the site. It is the Centre de Transit et d'Orientation. That is the
14 CT0. It is outside.

15 Q. All right. So we can wind back all we've said, and I've
16 certainly understood, and go back to the beginning. So the "centre de
17 transit" is not just dedicated just to children. It is also there for
18 adults. Yes or no?

19 A. Counsel, no, that is not correct, Counsel. I have said clearly
20 that there are specific terms. In the programme, the site is the place
21 where all the combatants are received, adults and children, but inside
22 this place there is a space that is reserved for children, and they had
23 to spend 48 hours there.

24 Q. All right.

25 A. I simply want to clarify.

1 PRESIDING JUDGE COTTE: (Interpretation) Please, please, please.
2 During a previous hearing the witness actually referred to that duration
3 of 48 hours, which made it possible sometimes to have of a child join his
4 family very quickly. And when it was not possible for that child to
5 rejoin his family within 48 hours, that child was sent to where,
6 Mr. Witness?

7 THE WITNESS: (Interpretation) To the CTO.

8 PRESIDING JUDGE COTTE: (Interpretation) So chronologically, it
9 seems that the child arrivals first of all in that transit site. They do
10 not mix with adults. They are in this "espace enfants" where they stay
11 for 48 hours. If during that period the child had been handed over
12 quickly to the family, then the organisation is happy. If that is not
13 possible, then the child is taken to another place which is the CTO. Is
14 that correct, Mr. Witness?

15 THE WITNESS: (Interpretation) Yes, that is correct.

16 PRESIDING JUDGE COTTE: (Interpretation) That was a modest
17 contribution from me, but I think it enables us to make progress.

18 MR. HOOPER: Thank you.

19 Q. And where was the site for adults in these schemes? Where was
20 the CONADER site for adults in these schemes? Not on -- not in the
21 Centre de Transit d'Orientalion, because that's for children, but next to
22 it. Is that the position I ask hesitantly.

23 A. Counsel, regarding all the stakeholders, well, CONADER had
24 representation in all five sites, because they were the official
25 organisation responsible for the programme. So CONADER was present in

1 all the five sites. That is apart from their provincial office which was
2 in the headquarters of the district. So CONADER had its five members
3 present in all the five sites so as to follow up the demobilisation
4 process.

5 Q. And did their interest extend to the children?

6 A. At the same time as the verification and documentation operations
7 were concluded, the same figures, that is the same statistics, were
8 transmitted to the partners, to CONADER and MILOB. So all the structures
9 operating in the site had to be aware of the conclusion or the conduct of
10 those activities.

11 Q. And is it right that CONADER was also in a supervisory or
12 management roll over the children's site? It had overall -- an overall
13 overarching umbrella interest in both children and adults; is that right?

14 A. Since CONADER was the body responsible for the programme, they
15 had to be aware of everything that was happening with both the adults and
16 children because CONADER was the national organisation empowered to
17 present the conduct of the activities to the government.

18 Q. And again, in respect of any discussions between CONADER and
19 Germain Katanga, you would not necessarily be aware of such discussions
20 or when they started or what was discussed. Would that be fair?

21 MR. DUTERTRE: (Interpretation) Mr. President, I believe that
22 that question was already asked, and it contains a hypothesis. So I
23 believe this is not an appropriate question to put to the witness.

24 PRESIDING JUDGE COTTE: (Interpretation) We will ask Mr. Hooper
25 to rephrase, but he can ask his question, because it may be a question

1 that has been put to the witness, but given the difficulties that we have
2 been facing, you can ask that question again, but rephrase it,
3 Mr. Hooper.

4 MR. HOOPER:

5 Q. Yes. The earlier question concerned MONUC and United Nations
6 particularly. I'm now asking about the DRC overarching body, and my
7 question is: Were you aware of any discussions that took place between
8 CONADER and Germain Katanga, or is it the case that that is not something
9 within your knowledge?

10 A. It is not possible for me to know the dates and places, but the
11 fact remains that CONADER had to contact all the leaders of the armed
12 groups prior to the beginning of the process, and in that particular case
13 each person had a role to play in the programme. We were responsible for
14 protection, and we only dealt with issues related to the children.

15 Q. Very well. Now, looking at the map, it shows five sites of CTO.
16 To your knowledge, were there also demobilisation points in each of these
17 five sites for adults?

18 MR. DUTERTRE: (Interpretation) I do not want to interrupt my
19 learned friend, but we cannot see the map on the screen.

20 PRESIDING JUDGE COTTE: (Interpretation) Yes. Everything is now
21 in order. The map can now be seen.

22 You can proceed, Mr. Hooper.

23 THE WITNESS: (Interpretation) If I can answer. I understood
24 your question. Now, before having access to the entrance of the site,
25 there was a space that was reserved for weapons to be handed in. So

1 there was a disarmament point. So the combatant will -- would arrive
2 with his weapon, and there was a specific point before entering into the
3 site where the weapons were handed in.

4 MR. HOOPER:

5 Q. I used the wrong word, I used the word "disarmament," and you've
6 addressed your answer to that question. Let me put the question as I
7 intended really and did not.

8 Do you confirm that at each of these sites indicated there was a
9 demobilisation centre for adults, as well as a demobilisation centre
10 for children? I would hope that's a yes or no, but ...

11 A. Counsel, your question is not clear. Let me explain myself.
12 Disarmament is when you hand over the weapon, and after handing over the
13 weapon, there is the other term, which is "demobilise." So disarmament
14 is handing over the weapon, but at the same time you begin the
15 demobilisation process. It is a process. That is why for the children
16 we didn't talk about disarmament, because in the protocol for the
17 children, with or without weapons, they were eligible for the
18 demobilisation process.

19 Q. All right. Thank you. The question is, I hope, a simple one.
20 At each of these five sites was there facility for the demobilisation of
21 adults?

22 A. Yes, Counsel. The site was a demobilisation site, and if you ask
23 me where weapons were handed over, this was the disarmament point. The
24 combatant would arrive with the weapon, as well as the uniform. That is
25 where the uniform also was handed over. That is before entering into the

1 site.

2 Q. Forget guns and uniforms. The question is: At each of these
3 sites were adults also subject to the demobilising process? Or do these
4 five sites only concern children? Or do these sites concern children and
5 adults? I think it's an easy question, at least from my point of view.
6 Obviously not from yours.

7 A. Counsel, the five sites were for the demobilisation of all the
8 combatants, and this referred to adults and children.

9 Q. (Microphone not activated) ...

10 MR. GARCIA: (Interpretation) With your leave, I would like to
11 object.

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

13 MR. GARCIA: (Interpretation) I didn't say anything before, but
14 several times and also yesterday I have realised that the witness is
15 constantly interrupted when he is making an explanation. The witness has
16 come to the Chamber, and he is answering the questions the best way he --
17 he can, and Mr. Hooper is asking general questions which require the
18 witness to answer in a general manner. So he cannot be interrupted in an
19 aggressive manner, whereas the witness is answering in good faith and is
20 answering all the questions. Mr. Hooper asks questions, and then he
21 makes comments later on, and it is not easy for the witness. And the
22 witness talked about the transit sites. He explained clearly in answer
23 to the Prosecutor's questions. So sometimes Mr. Hooper does not
24 understand. So comments of that nature are totally inappropriate.

25 PRESIDING JUDGE COTTE: (Interpretation) Very well. We have to

1 speak slowly to begin with. And, Mr. Prosecutor, you remember that
2 yesterday the Presiding Judge intervened at one point to tell Mr. Hooper
3 that we were perfectly aware of his desire to obtain answers that would
4 not be too long and which would enable a more coherent testimony.

5 Since he interrupted the witness, I told him at that time that he
6 had to allow the witness a minimum amount of time to answer. We fully
7 appreciate the witness's efforts to contribute to this procedure. The
8 hearing -- the proceedings have been a bit complicated this morning.

9 So, Mr. Witness, I would like to ask you to confirm whether I
10 have understood you perfectly. When adults went to a site, they had to
11 first pass through a phase of handing over their weapons and uniforms,
12 and once they had handed over those weapons and uniforms, the adults now
13 entered the demobilisation process. On the other hand, when the children
14 arrived at the site, whether they had weapons or not, they were
15 immediately taken into the demobilisation process; is that correct?

16 THE WITNESS: (Interpretation) Yes, Mr. President, but I would
17 like to add that the children passed through the same disarmament point.

18 PRESIDING JUDGE COTTE: (Interpretation) We have understood. If
19 they had weapons, it goes without saying that they would hand them in.
20 And if they didn't, then they simply enter the demobilisation process.
21 So we had the space where they spent 48 hours, and if they could not
22 rejoin their families during that time, then they would be taken to the
23 CTO. We agree on that now, so, Mr. Hooper, you can continue.

24 MR. HOOPER:

25 Q. So at each of these places, Mahagi, Kpandroma, for example, there

1 was a facility for children and a facility for adults; is that correct?

2 A. Yes, Counsel, in the sites.

3 Q. I think you -- I think you well appreciate I'm not trying to cut
4 you off or interrupt you unnecessarily. In fact, I think we're getting
5 on very well, aren't we, you and me? So let me go on to this question:
6 In respect of site which we call AA, do you know how many men were -- how
7 many adults were processed through the centre? How many adults were
8 demobilised at AA?

9 A. Counsel, our concern was not the adults. We were more focused on
10 the children. It was CONADER that compiled the statistics that included
11 the numbers of both adults and children that were processed.

12 Q. I appreciate your area of concern, but do you have an approximate
13 idea how many adults were demobilised at AA or not? A rough idea.

14 A. Since we were together at the same site, if you refer to the
15 statistics concerning the children, the number of adults was lower,
16 generally speaking. That is, those who passed through the AA centre. I
17 cannot give you a precise number, but I can confirm that in relation to
18 the children, the number of adults was lower.

19 Q. Yes. Thank you for that. Now, turning to the map if it's still
20 on the screen, please. We can see that these five centres are, starting
21 from the top, Mahagi. Now, that's on the Ugandan border almost, isn't
22 it, Mahagi? It's close to the border. We can see the border is the
23 dotted line indicated in the top -- towards the top right-hand corner of
24 this plan. Do you agree?

25 A. Yes, Counsel.

1 Q. We see Kpandroma slightly below that. We see Nizi north of
2 Bunia. We then have a site at Bunia, and we have a site at Kasenyi. Was
3 the Kasenyi site concerned solely with PUSIC or mainly with PUSIC? Would
4 that be right?

5 A. Yes, Counsel.

6 Q. And that's -- for the spelling, P-U-S-I-C, Chef Kahwa's
7 essentially Hema force. And then we drop down to --

8 MR. DUTERTRE: (Interpretation) Mr. President, I have a small
9 problem with one of the previous answers, and I am sure that Mr. Hooper
10 is going to be able to clarify that.

11 PRESIDING JUDGE COTTE: (Interpretation) And what is that,
12 Mr. Prosecutor?

13 MR. DUTERTRE: (Interpretation) The question was, mainly, the
14 Kasenyi site mainly concerned the PUSIC people. When he said yes, what
15 was the witness referring to? Did he mean it was solely for PUSIC
16 members or mainly for PUSIC members? I believe that could be rephrased.

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, before we
18 break, please seek that clarification from the witness and then we will
19 take our break. And let us remember that we are dealing here mainly with
20 child soldiers.

21 MR. HOOPER: I know there's just a couple of minutes and how
22 important that time is. Can I just say that I was going to invite the
23 witness, if he'd agree and if the Court would allow, to assist us by
24 drafting a very simple sketch of the site at (Expunged) showing the site, the
25 Centre de Transit et d'Orientation, 1; the "espace enfants," 2; the BCA,

1 that is the FRPI camp; the CONADER building; the demobilisation tent; and
2 MONUC; the BanBat camp, and any other detail that you might -- he might
3 feel useful. Not in detail. I don't need pictures of lavatories and
4 specific boys' and girls' quarters. Just a simple indication of where
5 they were in relation to each other, because I think that will save a lot
6 of time when we come back at 11.00. So can I respectfully ask the
7 witness.

8 Q. Mr. Witness, would you be happy to do that, just to draw us, if
9 we give you pen and lots of paper, you can draw at your leisure over a
10 cup of coffee and perhaps a cake, you can draw a quick sketch. And I
11 will remind you of what would be helpful to be shown on it: The "espace
12 enfants," the Centre de Transit et d'Orientation, (Expunged)

13(Expunged) - I don't want details. I don't need tents and things being shown
14 the CONADER space, the MONUC space, and the demobilising tent for where
15 they handed in arms. And I see you're nodding. I thank you very much.
16 And could I also ask you this: Who was demobilised at -- children and
17 adults, of course, but who was demobilised or processed at Kisenyi, was
18 it PUSIC or was it PUSIC and other people? Who was demobilised there.

19 MR. HOOPER: My friend is on his feet. I'm asking his question.
20 I'd rather you didn't interrupt just now.

21 Who was demobilised there?

22 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, the witness
23 will not be able to answer that question because we have no recording
24 time left. On the other hand, Mr. Witness, in principle you seem to have
25 accepted to draw that sketch. That's just a brief sketch. You're not

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1 going to draw the entire map of the AA camp.

2 Mr. Prosecutor, very quickly.

3 MR. DUTERTRE: (Interpretation) Yes. I prefer that we use AA,
4 not the other word. And regarding the PUSIC thing, I prefer -- I defer
5 to you.

6 PRESIDING JUDGE COTTE: (Interpretation) That is an issue that
7 we thought about, but if the Defence feels that the witness should devote
8 some time during the break -- well, because the witness has to rest.

9 So, Mr. Witness, if you think you can start drawing that sketch
10 during your rest time and maybe come back here at 11.35, we would
11 appreciate that.

12 Do you agree, Mr. Witness, that the -- Mr. Hooper, that the
13 witness should reflect and prepare his sketch during the break?

14 MR. HOOPER: Yes. And five minutes, ten minutes. We can sit a
15 little later, but it would be easier for him not being in the witness
16 box, as he is, to do it, and he can, you know, get it right. We all know
17 what it's like doing these sketches. They're not easy, but it would be
18 very helpful.

19 MR. DUTERTRE: (Interpretation) Just one second, to know whether
20 the Defence of Mr. Ngudjolo has any objection.

21 PRESIDING JUDGE COTTE: (Interpretation) I was looking at them.
22 Do you have an objection? If you have an objection, the witness is going
23 to reflect during the break.

24 MR. KILENDA: (Interpretation) We were silent, Mr. President,
25 which means that we have no objection.

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1 PRESIDING JUDGE COTTE: (Interpretation) Very well.

2 Mr. Witness, you have listened to all of this. You are going to
3 rest for 35 minutes, and during those 35 minutes you can take a pencil
4 and sketch the main structures of the AA camp. You will come back here
5 with that sketch and present it to us. We thank you in advance.

6 Court Officer, let us go into closed session to allow the witness
7 to leave the courtroom, and we will meet here again at 11.35.

8 (Closed session at 11.02 a.m.)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Open session at 11.03 a.m.)

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

18 PRESIDING JUDGE COTTE: (Interpretation) Thank you. The hearing
19 is suspended. We will reconvene at 11.35.

20 COURT OFFICER: (Interpretation) All rise.

21 Recess taken at 11.03 a.m.

22 On resuming at 11.44 a.m.

23 (Closed session)

24 (Expunged)

25 (Expunged)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Open session at 11.44 a.m.)

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

10 PRESIDING JUDGE COTTE: (Interpretation) Thank you,
11 Court Officer.

12 Now, at the onset of the second part of the morning, we are all
13 going to recall the fact that we must remember the five-second rule. Our
14 court reporters have reminded us, as well as the interpreters, that we
15 have not been doing that. Therefore, we shall all promise to keep to
16 that rule, and I'm looking on both sides of the courtroom.

17 JUDGE DIARRA: (Microphone not activated)

18 PRESIDING JUDGE COTTE: (Interpretation) Witness, I see you have
19 a sheet of paper with you, and most likely this corresponds to the sketch
20 that Mr. Hooper asked you to draw before the break.

21 Mr. Hooper, I imagine you want the witness to put this sketch on
22 the screen, the sketch of AA camp. Could the usher help us.

23 MR. HOOPER: Yes. Not just at the moment, though. Perhaps it's
24 an opportunity, though, for the Prosecutors to be shown it. My friends
25 for the Prosecution can see it, and -- and we can generally -- while I'm

1 asking other questions, if it can be passed around. I'm not going to
2 come to this point of the plan for just a while.

3 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, go ahead.

4 MR. DUTERTRE: (Interpretation) I have two points. First of
5 all, I would have preferred that we give the witness the opportunity to
6 answer the question regarding Kasenyi demobilisation centre.

7 PRESIDING JUDGE COTTE: (Interpretation) You mean "principally,"
8 "essentially," et cetera. Yes, of course. Thanks for reminding me.

9 MR. DUTERTRE: (Interpretation) The second concerns the
10 confidential or public nature of the sketch which has been drawn by the
11 witness. I would request that it be confidential, and when we do ask
12 precise questions about it, that we use the accepted terminology in order
13 to avoid the risk of identification.

14 Now, the fact of showing it around in the courtroom could lead to
15 it being seen on one of the cameras accidentally, and therefore I suggest
16 that we put it on the overhead projector directly.

17 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, at the
18 point in time when you would like the witness to comment on this sketch
19 in answer to your questions, please let us know, and we shall put it on
20 the overhead projector directly. Before, however, we begin that portion
21 of your cross-examination, we must settle the matter raised by the
22 Prosecutor just before the break, which related to the use of the word
23 "principally" or "essentially," which was a problem for the Prosecution,
24 and they wanted to know exactly what the answer to that question was.

25 Prosecutor, could you perhaps recall the transcript number. I

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1 myself don't quite remember what it was. Perhaps you could reformulate
2 the comment you made earlier. Then Mr. Hooper can ask the necessary
3 information of the witness, and then can he proceed with his
4 cross-examination.

5 MR. HOOPER: Perhaps I can ask the question simply.

6 Q. Mr. Witness, who was demobilised at Kasenyi?

7 A. In Kasenyi, it was children who belonged to the UPC PUSIC group
8 of Hema origin.

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

10 Thank you, Mr. Hooper.

11 Prosecutor, are you satisfied? Fine.

12 Mr. Hooper, please proceed with your cross-examination, and if we
13 are to discuss the sketch, it will be kept confidential, and we shall use
14 the letters or numbers that have been decided amongst ourselves. Go
15 ahead.

16 MR. HOOPER:

17 Q. Just before we do that, can I ask you this question with the
18 Judges' leave: Of course we're dealing with this very confidentially and
19 your position, your name is confidential. What is your particular
20 concern about -- about that? Why, may I ask, do you require this level
21 of confidentiality given that there's been press handouts, you've even
22 appeared on a French television or radio programme concerning the ICC.
23 What is your particular concern? Do you really need this level of
24 protection?

25 MR. DUTERTRE: (Interpretation) Your Honour.

1 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor.

2 MR. DUTERTRE: (Interpretation) A decision has been handed down
3 by the Chamber, and I do not see any use in going back over this matter.

4 And secondly, if we are to re-discuss this matter, which has
5 already been decided, it would have to take place in closed session. But
6 I don't even see the point of doing so, because the Chamber has already
7 handed down a ruling on this matter.

8 PRESIDING JUDGE COTTE: (Interpretation) Mr. Hooper, I believe
9 we need to move along in the cross-examination. So please proceed with
10 your cross-examination.

11 MR. HOOPER: Very well.

12 Q. Now, Mr. Witness, returning to the plan of the -- naming the
13 sites of transit. Can you just help us in terms of scale, if you can.
14 How far is it from Bunia to Mahagi? Do you know? Approximately.

15 A. The distance between Bunia and Mahagi is approximately 173
16 kilometres.

17 Q. Thank you very much. How many of these camps, don't mention them
18 as it were, how many of these camps did you yourself visit? I say
19 "camps." These sites. Did you visit the Mahagi site, for example?

20 A. Counsel, I could not be in two places at the same time. When I
21 was working at AA, Mahagi was operational. However, before the
22 operations, we had joint sessions where we discussed the functioning. In
23 other words, we standardised how these sites were to function. All the
24 sites had to be in keeping with the programme.

25 Q. Did you visit any site other than AA?

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1 A. Well, let me repeat. The operations were taking place at the
2 same period of time, and during that period of time we were working at
3 our site. So it was not part of my duties or responsibilities to report
4 on any other sites.

5 Q. So if I ask the question, "Did you visit any other sites," the
6 answer is no; is that correct?

7 A. Yes. The answer is no.

8 PRESIDING JUDGE COTTE: (Interpretation) The question is simple.
9 Did you visit the other four sites?

10 THE WITNESS: (Interpretation) No.

11 PRESIDING JUDGE COTTE: (Interpretation) Fine. Please proceed,
12 Mr. Hooper.

13 MR. HOOPER:

14 Q. Now, at site AA, with the exception of a group of UPC that you've
15 mentioned, all the other young people or children that you dealt with
16 were drawn from one particular ethnic group; is that right? And I put it
17 that way because we're in open session.

18 A. Yes. That's the case. That's true.

19 Q. And site AA was chosen by MONUC and UNICEF. Is that not right?

20 A. The site was selected in presence -- in the presence of the
21 general coordinator of CONADER who was leading the session, if you will,
22 that decided on where the sites were to be. Of course with the support
23 of MONUC and the other participants.

24 Q. And at site AA there was a contingent from BanBat, the
25 Bangladeshi Battalion; is that right?

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1 A. Yes, that's correct.

2 Q. And that was a company of 120 soldiers; is that right?

3 A. I cannot tell you how many soldiers were in a company, but they
4 were numerous in order to provide the protection for the entire site.

5 Q. And also there, aside from your NGO, D, there was also NGO A and
6 NGO E; is that right?

7 A. That's correct.

8 Q. And am I right in saying that Save the Children was the head NGO?

9 A. The association, our partner that you've just mentioned, was in
10 the area of protection. It was the lead organisation as regards the
11 programme. Of course, they worked in cooperation with UNICEF, which is
12 an international agency, part of the United Nations, involved in
13 protection.

14 Q. So UNICEF and Save. And you describe it as your partner, but
15 it's the partnership of the mouse and the elephant, isn't it? I mean,
16 Save, for example, last year had a spend budget of \$450 million. It's a
17 huge concern.

18 A. Counsel, as regards the details of the finances, this is not
19 something that we were made aware of. That is, as regards the finances,
20 we were only involved in the operational side of things. As regards
21 finance, this was not something that we are aware of. That's an internal
22 matter.

23 Q. Now, I'd like to touch on the question of finance. How were you
24 funded? What was the arrangement? How much were you paid, and what was
25 the basis for the payment? Was it on results? Was it on a projected

1 period of time that you were operating? How was it done? And I'm
2 talking specifically, of course, about the period from June and most
3 particularly from November until July when, of course, you were mainly
4 operating in AA.

5 A. As regards the operational framework, there was a protocol, an
6 agreement, which -- which linked us with Save, and in that protocol there
7 were certain clauses that indicated the commitments of both partners as
8 regards the activities, and of course that implies that there are results
9 and also as regards the payment of the individuals, the agents who are
10 working, who are going to be carrying out the activities.

11 Q. So how much did your organisation receive as a result of its
12 work?

13 A. In the programme, in the national programme, the payment was
14 standardised. Payments were standardised. All the actors who had to
15 provide a service within the demobilisation programme had a threshold
16 applied to them where it concerned the national level, and this threshold
17 had to be taken up in the protocol that was signed with the partners.

18 Q. So how much did the organisation get?

19 A. It was a sum which seems modest. Each person, each agent,
20 received a hundred American dollars as a payment.

21 Q. Was -- was that the sum paid by your organisation to each agent?

22 A. The lump sum was available for the partners in the name of the
23 agents who were working in the site.

24 Q. Did your organisation itself benefit by a sum of money? Were
25 you, for example, paid in the same way as the agents, or were you

1 managing a fund of money which had been contributed by Save or UNICEF or
2 whatever body it was who was providing the finance?

3 A. We did not receive other financing or support. We called it
4 support because it was just the payment for the activities which we
5 carried out during the precise period.

6 Q. So you got a support payment. Was that the position?

7 A. It was called a support. It was called in terms of support.

8 Q. Yes. Don't feel there's any criticism. (Expunged). You'll
9 know Luke, chapter 10, verse 7, "The labourer is worthy of his hire."

10 What sum of money did your organisation get?

11 A. Outside our payment there was no other sum that was paid other
12 than the lump sum to our organisation.

13 Q. Now, together with you, we know that there were these other
14 organisations there, organisation E, organisation A, and am I right in
15 saying that you each had an equal share in this project, each of you
16 employing, for example, 15 agents, 45 agents in all, at any one time? Is
17 that right?

18 A. There were 45 of us on the site with the same conditions.

19 Q. And would I be right in saying that you are yourself not privy or
20 aware necessarily of discussions between, for example, organisation A or
21 organisation E with Germain Katanga?

22 A. Before our arrival, I could not confirm it, because these are
23 local organisations. If they had meetings, then I can only confirm it --
24 I would only be -- I know after our arrival on the site, not before.

25 Q. Was organisation A a local organisation, or is it right it was

1 operating elsewhere as well? Organisation A.

2 A. It was a local organisation. It was very active.

3 Q. Now, you've referred to a trip to (Expunged) made in June, and you
4 told us you spent one night en route with number 8 on the list headed --
5 I think it's EVD-00119, which we all have, just for the record. It's --
6 sorry, not number 9, number 8. Do you have that name in front of you?
7 Have you got the list? And then you say you continued to AA, and then
8 you returned from AA, as I understand it, the same day and spent two
9 nights then. So altogether three nights away, as I understand it, on
10 that trip in June. Have I got that right, understood that correctly?

11 A. We left. On the first day we spent the night in locality 43.
12 And if we go to the list, you will find the locality 43. It's numbered
13 43. And it was the next day that we continued to reach AA. And
14 afterwards, after our meeting, we went back in the evening to the same
15 locality where we spent two days.

16 Q. And then did you return to Bunia?

17 A. Correct.

18 Q. And then you say that two others went up there. When did they go
19 up there in relation to your getting back to Bunia?

20 A. They left. It was before the 20th, because we had organised a
21 campaign in three different localities, 21st to the 29th, and this
22 campaign had led them to locality 43, 34, and AA.

23 Q. You see, is it not the case that looking at the list number 2 and
24 number 8 -- do you see on the list? You've got that? Number 2 and
25 number 8 on the list, in fact, were the first two to go to (Expunged), and you

1 went afterwards. I know it's a long time ago now, but isn't that what
2 happened? They were the first to go to (Expunged).

3 A. I would like to --

4 Q. A --

5 A. I'd just like to make a correction. I was the first to go with
6 number 8. It was on my return that I took my field agent with the same
7 agent, number 8, to return the second time. It was during the trip that
8 was planned for the awareness raising that they carried out work in the
9 three localities.

10 Q. Very well. Well, I suggest your memory is at fault there and
11 indeed it was number 2 and number 8 who preceded you. I have a duty to
12 put my case to you, so that is what I'm putting.

13 Now, can I refer you, please, to document DRC-OTP-1000-0083.

14 MR. DUTERTRE: (Interpretation) Your Honour.

15 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, please go
16 ahead.

17 MR. DUTERTRE: (Interpretation) Counsel Hooper made a comment a
18 moment ago with regards to the memory of the witness, and it would seem
19 with a view to equality of arms or just fairness, rather, that the
20 witness should have the opportunity to react to this comment that was
21 made. If it is a comment with regards to the Defence don't want us to
22 react to, they can do so as a closing argument, but mentioning it there,
23 the witness has to be able to have the opportunity to be able to respond
24 to it.

25 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, it is a

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1 comment which is only a commitment on the part of Counsel Hooper. When
2 Counsel Hooper the first time indicated that in his opinion 2 and 8 went
3 to AA before our witness, the witness clearly replied that that was not
4 the case, that he went first to AA with number 8. Counsel Hooper at that
5 point indicated, and here I take up the transcript, well -- page 63 of
6 the French transcript, line 2.

7 "Well, I put it to you that your memory is at fault and that it
8 was 2 and 8 who preceded you."

9 This is a point of view which only commits Counsel Hooper, nobody
10 else. Apparently the witness said the opposite. This is where we are.

11 Witness, do you want to confirm that you arrived first to AA with
12 number 8?

13 THE WITNESS: (Interpretation) I confirm that, your Honour.

14 PRESIDING JUDGE COTTE: (Interpretation) Counsel Hooper, please
15 continue.

16 MR. HOOPER: Yes, and in putting it to the witness in that way, I
17 hopefully am fulfilling my obligation to put my case where there's a
18 clear difference, and that's what I've been doing.

19 And I see another Prosecutor is up on his feet, so do let me sit
20 down for a moment.

21 PRESIDING JUDGE COTTE: (Interpretation) Prosecutor, if it's
22 once again with regards to this episode, is it essential for you to take
23 the floor?

24 MR. GARCIA: (Interpretation) If you would allow me, your
25 Honour, with regards to this, it's a particular question, very briefly.

1 If we object, it's with regard to making comments afterwards. As
2 Counsel Hooper said, you can put the case to the witness, and you can
3 leave the opportunity of the witness to be able to respond to that and to
4 affirm that, to react to it, in such a way that -- to what Counsel Hooper
5 does, to the suggestion and to the point, but for afterwards to go back
6 and to make a comment with regards to the question of whether the witness
7 is telling the truth or not, this type of conduct, really, is
8 inappropriate. It's the second or the third time that it's been done.
9 I've already got to my feet once before in order to say that this is a
10 conduct which shouldn't be acceptable in a courtroom. It's during the
11 pleadings. If Counsel Hooper wants to confirm that this witness was not
12 telling the truth or any other type of comment in that regard, that is
13 something that can be done at that point, but the Chamber should clearly
14 instruct Counsel Hooper not to make comments of this type. We are in
15 cross-examination here, which is principally aimed at assessing the
16 credibility of what the witness is saying. With regards to comments on
17 the part of the Defence, counsel is inappropriate at this particular
18 juncture.

19 (The Trial Chamber confers)

20 PRESIDING JUDGE COTTE: (Interpretation) We're going to
21 continue, but firstly the Chamber would like to point out that it does
22 not have the feeling that the conduct of the cross-examination has been
23 unfair to the witness. We have the opportunity to have before us a
24 witness, and this is something I've already said, who has a certain age,
25 and if the Court allows itself to speak about the age of the witness, it

1 is because for its President, the President himself is older than the
2 witness, so we have a witness before us who of a -- a witness with a
3 certain stature, a certain age, who is perfectly able, as demonstrated,
4 to react to the questions that are put to him or to react to what does
5 not seem to be his truth, and that's the essential points.

6 Witness, you certainly have the right to react when you consider
7 that is the truth according to you is not understood. So we will
8 therefore continue calmly and serenely with the aim of obtaining from you
9 the answer that are the most appropriate and which will make it possible
10 to make progress in our search for the truth.

11 Counsel Hooper, please continue with tact and friendliness with
12 regards to this witness. Thank you very much.

13 MR. HOOPER: And I'm older than the witness, too, but not as old
14 as the Judge, of course.

15 Q. The -- the question that I have --

16 MR. HOOPER: Or not quite, I should say. And may I say contrary
17 to the way in which one of the Prosecutors just formulated what I was
18 putting, I haven't suggested that the witness is lying. It was quite
19 improper and unnecessary to put -- or intone what I put in that way.

20 Q. Mr. Witness, it may well be that this is a matter of recollection
21 of something that occurred several years ago. Can I take you to that
22 document, if it's up now, 1000-0083, which is the report on what is the
23 mission of sensitisation.

24 MR. HOOPER: Now, this is a private document, because it lists
25 the NGO clearly. So I'm afraid that the public must be excluded from

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1 this document.

2 COURT OFFICER: Could I also ask you which version of the
3 document do you wish to show. There is two redacted versions.

4 MR. HOOPER: Well, the least redacted, and I'm not sure which
5 that is. I have 1000-0083, and it doesn't help me as to which form that
6 is. So the least redacted document, which I assume is probably the most
7 resent, if that's helpful. Thank you.

8 COURT OFFICER: (Interpretation) In order to view this document,
9 please press "PC 1" next to your computers.

10 PRESIDING JUDGE COTTE: (Interpretation) Is the document visible
11 to everybody? Is it sufficiently readable.

12 The accused, can you see the document on your screens? But it's
13 not very clear. There are screens, mine, for example, where there is a
14 weak contrast, and the document can hardly be seen on it.

15 MR. HOOPER: Well, I -- I have one -- I have one paper copy here,
16 one paper copy here that's just got two jottings of mine on it which are
17 not a problem, I hope. Would it be -- would it assist the witness to
18 have a paper copy? If your Honour thinks it does, then I can pass this
19 to him. If not, we can carry on with the screen.

20 Let me ask the witness this:

21 Q. Mr. Witness, looking at the document which is in manuscript on
22 the screen, do you remember that document, and if so, do you have a good
23 knowledge today of what it contains, a good recollection of what it
24 contains?

25 MR. DUTERTRE: (Interpretation) Your Honour, excuse me. I think

1 that it would be worth it having a paper version for the witness.

2 PRESIDING JUDGE COTTE: (Interpretation) Witness, if you have
3 difficulties reading this document, we can provide with you a paper
4 version thereof. Perhaps you'd prefer a paper version. Yes?

5 Okay. Counsel Hooper, if you, please. If you could provide that
6 to our usher.

7 MR. HOOPER: I found an unmarked version.

8 PRESIDING JUDGE COTTE: (Interpretation) Perfect. Very well.
9 Witness, you have a paper document. It's a lot more readable, legible.
10 It should make it possible to answer in a much more simple way to the
11 questions that are put to you by Counsel Hooper.

12 MR. HOOPER:

13 Q. This mission of sensitisation, as it's described, is identified
14 in the first three lines of the report as having taken place at named
15 places -- I lost my word list now. And those places are named by your
16 organisation, and it refers to a mission of sensitisation in, and on the
17 word list that you have, 43; 28, which is AA; and 34, between June the
18 21st to June the 29th, 2004. Now, which mission of sensitisation was
19 that? Was that your mission or the subsequent mission, on your evidence?

20 A. Counsel, after my interview with Germain Katanga, I stated that
21 we came back to join person 9 with whom we had discussions, and he drew
22 up a table of all of the children who were in the group, group 14. And
23 it was from there that we asked -- from that that we asked in his
24 consideration how many children there were, because in my first, my very
25 first visit, my partner asked me to evaluate the situation, and I said

1 that we've taken up contact, but a second mission will go down there, and
2 during that mission we will be able to localise the children and know the
3 approximate number. That was the aim of the mission. This mission went
4 after my first initial contacts.

5 Q. Now, you've referred to us so far as number 2 and number 8 being
6 on that mission, but I see from the introduction when it states that the
7 mission was carried out between the 21st of June to the 29th of June, it
8 specifies it was by four animateurs of your organisation. Who were the
9 four? Are they on the list?

10 A. During my first testimony, I said that the person 15 was residing
11 in the locality -- in the locality 43. We went after the first contact
12 from AA to spend the night in locality 43. We met this person. Having
13 met this person, person 15, the second mission, which left with number 2
14 and number 8, joined the person, person 15, and these three others went
15 back to AA in order to make up a team of four persons, including the
16 person 9 who was * the contact, our contact. These
17 four people carried out the awareness-raising.

18 Q. But -- but number 9 was never a member of your organisation, was
19 she?

20 A. Counsel, I would state that this person was our contact, because
21 at the start it was the resource person for us in order to conduct or
22 take our animateurs to the sites that were mentioned above.

23 Q. Now, may I make it clear, and I'm putting my case again, and I
24 hope the Prosecution appreciate the function of the putting the case,
25 that I don't dispute that you were active in AA, but my difficulty is

1 that Germain Katanga has no distinct recollection of you being there. I
2 don't dispute you were there, nor through me does he.

3 You see, I suggest that you were one of a large number of NGOs,
4 well, several NGOs and interested parties, UNICEF, UNDP, MONUC, CONADER,
5 three NGOs, other NGOs such as COOPI, the Italian NGO, and Save, all of
6 whom descended on AA at about the same time. Do you -- do you
7 understand?

8 Would it be fair to say that you had very little contact with
9 Germain Katanga during your time between June -- your time in AA between
10 June 2004 and June or July 2005? Would it be fair to say you had little
11 contact with him?

12 A. Counsel, it would be difficult to quantify the contacts given
13 that it would be denying reality. This is because ever since July, I
14 actually settled in AA. I was living there.

15 Q. I understood your evidence to be that you settled there only in
16 November; is that right or not?

17 A. Counsel, I stated that I settled there ever since the month of
18 July to begin preparing for setting up and beginning the operations that
19 were going to start in November.

20 Q. You see, in your statement at paragraph 39, it reads -- and I
21 don't dispute that you've said that you were visiting there from June
22 onwards. It states quite clearly:

23 "In November 2004, (Expunged)after the opening of the
24 site."

25 Is that wrong?

1 A. I settled there before the opening of the site, and I prepared
2 the opening of that site, that is, the "espace enfants."

3 Q. You see, I suggest your role was one of many people there and not
4 perhaps quite as significant as you're painting it now; is that right?

5 A. My role was of crucial importance in the conduct of the
6 demobilisation operations for children in the AA site.

7 Q. Between -- in November and December 2004, can I ask you this
8 question, how often do you say Germain Katanga was there in AA? Let's
9 take November to start with. How often do you recall him being there at
10 that time, November 2004?

11 A. November 2004, he was present. I cannot tell you how frequently
12 he was present at AA.

13 Q. Well, was it half the month, more than that, less than that? And
14 if you can't say, say so? It's a long time ago, I know.

15 A. I do confirm that he was permanently present, because we started
16 our operations on the 2nd of November, and he was present.

17 Q. Yes. I'm not -- I'm not just talking about the 2nd of November,
18 but in the weeks following that in November. Was he always there or not?

19 A. I do confirm that he was present.

20 Q. And now moving to December 2004, was he present throughout
21 December?

22 A. Regarding whether he was present, I can testify to that, because
23 all instructions for the conduct of the operations, that is access of the
24 children to the site, came from the general staff -- from his general
25 staff headquarters.

1 Q. All right. So he was present for November to December. Now,
2 what about you? Did you remain on site all the time at AA?

3 A. Ever since my transfer there right up till the end of December, I
4 was always in AA.

5 Q. And during those months, November and December, did your work
6 take you away from AA itself to other neighbouring places and villages in
7 Walendu-Bindi, in the area? For sensitisation, for example.

8 A. My role was mainly to supervise children coming in and going out
9 of the AA site. Once we had set up, they came. And there were other
10 organisations that have been mentioned here who took over the
11 responsibility of awareness-raising in the communities.

12 Q. Can you recall which banner or announcement it was that you had
13 with you that you say you gave to Germain Katanga, the ICC document? Can
14 you recall which one it was?

15 A. I showed him the Prosecutor's communique, as well as
16 Resolution 1460, as well as the banner that MONUC had prepared for the
17 awareness campaign.

18 Q. And what was the Prosecutor's communique? Was that the fact that
19 the Prosecutor was opening his first investigation and that it concerned
20 the DRC or was it some other matter?

21 A. It was the communique relating to the activities of the
22 Prosecutor, particularly with regard to the DRC situation. Furthermore,
23 Resolution 1460 talked about the demobilisation of children from the
24 armed groups and forces, and this was supported by the banner published
25 by MONUC.

1 Q. Now, January the 4th, Germain Katanga left AA to go eventually to
2 Kinshasa; is that right?

3 A. That is correct.

4 Q. And on that day is it right that he was demobilised in a ceremony
5 by CONADER?

6 A. Yes, indeed. That was the official ceremony that was organised
7 at the site.

8 Q. And by then a number of adults had been demobilised; is that
9 right?

10 A. During that ceremony, it was an opportunity for a number of
11 people to show up for demobilisation, and I cannot give you an estimate
12 of the number in question.

13 Q. But he wasn't the first to be demobilised, as I understood you to
14 have said earlier today. Isn't that right? He was only demobilised on
15 the 4th of January.

16 A. That is what we referred to as the formality. However, he was
17 the first to pass through the disarmament site as the FRPI leader. It
18 was on the day that he was promoted to general that a ceremony was
19 organised, and it was during that ceremony, that august ceremony, that it
20 was made public that he had been demobilised, but from a practical point
21 of view, he was the first to hand in the first weapon. And then there
22 was also the first child.

23 Q. Well, you're not suggesting he was demobilised twice?

24 A. By handing in the weapon and considering his status as a
25 president of a movement, the conditions were as follows: The demobilised

1 person would hand over the weapon and stays in the site, but given his
2 rank, he made that symbolic gesture and then returned to his headquarters
3 to continue to carry out his duties, and you will see from the sketch
4 that I show you that this distance was not even up to 50 metres, and he
5 was therefore able to continue carrying out or directing operations.

6 Q. We'll come to that sketch almost immediately, but before we do,
7 can I ask you this: In all the time that you saw Germain Katanga, did
8 you ever see him in uniform?

9 A. Counsel, he did not often wear a uniform. In fact, if you were
10 not close to Germain, it was not possible to know him. That is why I
11 have said that we had several contacts with him. Often you could find
12 him wearing jeans or wearing some very normal type of clothing. And if
13 you want further details, I can give you to confirm that we knew each
14 other and that he knows me very well.

15 Q. My recollection, I can't turn it up, I'm afraid, just at the
16 moment, is that I think in your statement you said you never saw him in
17 uniform. That's not disputed that you never saw him in uniform. Was
18 that the position?

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

20 MR. HOOPER: (Overlapping speakers) ... asking the witness.

21 PRESIDING JUDGE COTTE: (Interpretation) Mr. Prosecutor, you
22 wanted to intervene.

23 MR. DUTERTRE: (Interpretation) Thank you, Mr. President. Maybe
24 we can allow Mr. Hooper the necessary time to find the reference so that
25 we can follow precisely what the witness said.

1 PRESIDING JUDGE COTTE: (Interpretation) Well, Mr. Hooper, let
2 us look for the reference, except you want to proceed. I also have my
3 statement with me.

4 MR. HOOPER: Certainly. Thank you very much. It is --

5 PRESIDING JUDGE COTTE: (Interpretation) Do not forget your
6 microphone, Mr. Hooper, if you wish to continue.

7 MR. HOOPER:

8 Q. Again, perhaps a matter of recollection over the years, and no
9 criticism of you, Mr. Witness, for perhaps not recollecting, but when you
10 made your statement much closer to these events in -- I'll remind myself
11 of the date. I think it was 2007. Sorry -- yes. November 2006. Sorry.
12 So much closer to the time, just two years afterwards.

13 At paragraph 46, you say, and I'll go to the relevant part:

14 "Each time I saw him, he was dressed as a civilian with a pair of
15 jeans. I did not see him in uniform."

16 So I remind you of that. Is that perhaps a more reliable
17 recollection when you wrote that in 2006 than perhaps your recollection
18 today, getting on for four years after you had the opportunity to say
19 that? "I did not see him in uniform, normally in jeans." Would that be
20 the -- do you accept that's the position?

21 A. Counsel, I will confirm it once again following your question
22 whether I saw him in uniform. I said no. All the times that I saw him,
23 he was in jeans or in casual dressing. And if you saw him for the first
24 time and you did not really know him, you wouldn't be able to tell that
25 it was Germain Katanga.

1 PRESIDING JUDGE COTTE: (Interpretation) Please speak slowly so
2 that our support staff should be able to record your testimony.

3 Mr. Hooper, please proceed.

4 MR. HOOPER: Yes. Thank you.

5 Q. I think it may have been a bit lost in translation, the first
6 answer, which is why I may have misunderstood what you'd said.

7 Can we come to the sketch plan, sir, that you very kindly
8 provided or drawn for us over the break this morning.

9 MR. HOOPER: I don't know if anyone's had an opportunity of
10 looking at it yet. Nobody has.

11 With the Registry's assistance, could -- could it be put on the
12 overhead monitor so that we can see it.

13 THE WITNESS: (Interpretation) Mr. President, I had something to
14 say, with your leave. I wish to ask question -- a question to counsel.

15 PRESIDING JUDGE COTTE: (Interpretation) Tell us what you wanted
16 to tell counsel, because you have been dialoguing him for some time.

17 THE WITNESS: (Interpretation) Thank you. Counsel, you talked
18 about my probity regarding my private life, and I'm addressing myself to
19 Germain Katanga as I knew him. He is there in front of me. He has said
20 that he never knew me. Can that question be asked him? Can he be asked
21 that question? And that question will play on his conscience. Do you
22 allow me to ask that question or to relate this small incident?

23 If someone doesn't know someone, he cannot have my telephone
24 number.

25 One small incident: In Kinshasa in 2005, he was there and he

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1 sent his elder sister to me because his mother was seriously sick in
2 Mambasa, and he wanted me to provide assistance to his mother. And given
3 that I knew the good services that he had rendered to us, I made that
4 gesture. I intervened. Would this be someone who doesn't know another
5 person?

6 So this is my way of telling you that I knew him. My feelings
7 were noble, and so I will stop here.

8 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Witness,
9 for expressing yourself.

10 Mr. Hooper, please.

11 MR. HOOPER:

12 Q. Just before we come to that and on that point, in fact, (Expunged)
13 (Expunged)

14 MR. DUTERTRE: (Interpretation) Mr. President, they are
15 questions that should be asked in closed session, because they are of an
16 identifying nature.

17 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed,
18 Mr. Prosecutor.

19 We will now go into private session, and as soon as it is
20 possible, we will revert to open session.

21 Court Officer, please.

22 (Private session at 12.56 p.m.)

23 (Expunged)

24 (Expunged)

25 (Expunged)

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1 (Expunged)

2 (Expunged)

3 (Expunged)

4 (Expunged)

5 (Expunged)

6 (Expunged)

7 (Expunged)

8 (Expunged)

9 (Expunged)

10 (Expunged)

11 (Expunged)

12 (Open session at 12.57 p.m.)

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

14 Mr. President.

15 In order to view that sketch, please press on "Docu Cam Witness."

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

17 Can everyone see the sketch? Mr. Ngudjolo? Mr. Katanga? All of you can
18 see the sketch? Yes.

19 Mr. Katanga, it is "Docu Cam Witness."

20 MR. O'SHEA: (Previous translation continues) ... because I was
21 consulting with him when you were speaking.

22 PRESIDING JUDGE COTTE: (Interpretation) No problem, Mr. O'Shea.

23 I simply wanted to be sure that everyone can see the sketch, and

24 Mr. Katanga is indicating that he can see it. That is the essential
25 thing.

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1 Now, Mr. Hooper, that sketch is visible. Thank you, Mr. Witness,
2 for drawing that sketch.

3 And, Mr. Hooper, you can continue.

4 MR. HOOPER:

5 Q. Very well. In fact, looking at the time, I can see I'm not going
6 to complete my questions today, so perhaps I can come back to this
7 tomorrow and we can have this circulated, sir, but just looking at it we
8 can see very well what you've put there, a sketch of the site of transit.
9 And we have an area in which there is "espace enfants" and some other
10 buildings indicated and an entrance, and then separately you've drawn a
11 square with "Camp MONUC, personnel and contingent." And then to the
12 bottom right we have "CTO" in its own little box or square. And then to
13 the right of the main part of your sketch we have (Expunged)

14 Can I just ask you one question, and that's this: Where is
15 CONADER here? Or better still, where was CONADER?

16 A. Counsel, you can see that in the site there is a part where I
17 have written "IRIS computers, computer room." This is where we had a
18 CONADER expert with equipment, computers, in order to identify these
19 soldiers. Once they went in they went directly to this area called IRIS
20 where the computers were. So a photograph was taken and this is where
21 their card was made. This is where the CONADER office was. And next to
22 that, the staff housing was situated. And a bit further it was all a
23 series of tents, in fact. So all of these areas were made up of tents.

24 So you see the CONADER people were at the area where I have
25 written "IRIS" and the French word "informatique" on the sketch, computer

1 room.

2 Q. Just very briefly, if I'm an adult soldier, where do I go? What
3 happens to me? Do I go there or do I go somewhere else?

4 A. When you come to the disarmament area before you have access, and
5 in fact I put parentheses here, there was an FARDC and a CONADER agent
6 there, and this is where the weapons were handed in, and the agent
7 working there would take down the number of the weapon. And it was a
8 mobile structure, if you will. We set it up between 7.00 in the morning
9 till 6.00 in the afternoon, and all of the weapons that were collected
10 would then be taken back to the MONUC camp.

11 Now, as regards the soldiers, they would come in, hand in their
12 weapons, and they would go hand in their uniforms and go directly to the
13 area entitled IRIS. Their photograph would be taken, and they would be
14 given a card which had the photograph and the identification number for
15 the person. And once they received that card, which had a photograph,
16 they would then be sent to the housing area. This was for adults.

17 Q. So that's adults, and where's the housing area? Is it somewhere
18 else than indicated in the sketch?

19 A. Pardon?

20 Q. You say that the adults then went to the housing area. Where is
21 the housing area? Is it on your sketch, or is it somewhere else?

22 A. Well, in this sketch you see the words "logement desmobilises,"
23 demobilised housing, and this was a temporary structure that could be
24 dismantled. It was all temporary with a tarpaulin, and these were all,
25 these structures could be dismantled with sheeting. So it was there. I

1 couldn't add any more, but you can see there was a whole series of
2 structures where films were projected, and it was a fairly large area.

3 Q. Yes, thank you very much. That's very helpful. So that's the
4 adult area. And then we have the "espace enfants," which you've
5 described previously in your evidence and its function, where details
6 were taken, forms filled in, and if they hadn't been reunited with family
7 within 48 hours, am I right in saying that -- and these were children,
8 were then moved to the CT0?

9 A. Yes, Counsel. After 48 hours, the children who had not been
10 reunited with their families, they were taken to the CT0 where they might
11 spend one week, two weeks, or three, depending on how long it took to
12 look for their families.

13 Q. And am I right in saying that the CT0 itself was essentially the
14 concern, direct concern, of the NGO E on our list?

15 A. Unfortunately, we did not use the name of this local NGO under 8,
16 which you will find in my previous statements. It has not been included
17 here.

18 Q. But there was an (Expunged) functioning as part of the scheme, and
19 I'm merely asking you was the CT0 their area of responsibility, the (Expunged)?

20 A. Yes. That was -- they were in charge of managing the CT0.

21 Q. And organisation A, what was their primary task? Do you recall?

22 A. Its main task was to go and find the families, and once the
23 families had been located, then to take the children who were living in
24 the CT0 and return them to their parents.

25 MR. DUTERTRE: (Interpretation) Just a brief comment. It would

1 be preferable to use the accepted nomenclature rather -- I don't dispute
2 the code letter that was chosen, of course.

3 PRESIDING JUDGE COTTE: (Interpretation) Yes, indeed. It's
4 preferable to use the single letter code rather than using the acronym.
5 "Acronym," is that the term?

6 MR. DUTERTRE: (Interpretation) "Acronym," yes.

7 PRESIDING JUDGE COTTE: (Interpretation) Please proceed,
8 Mr. Hooper.

9 MR. HOOPER: Very well.

10 Q. Now, on site also was Mr. -- number 12 on the list, and he, I
11 understood, was the main -- the main man from -- from Save, from Save the
12 Children. He was their agent on site; is that right?

13 A. He -- this was the agent in charge of logistics, one of our
14 partners. The main role of that person was to manage logistics.

15 Q. But -- but he was from Save; is that right? He was the Save
16 agent. Let me repeat that. I cut myself off. He was the Save agent at
17 AA.

18 A. Yes, Counsel.

19 Q. And he had direct dealings with Germain Katanga, did he not?

20 A. What exactly do you mean? In what context? Could you explain?
21 Do you mean within his official functions or on a friendly basis?

22 Q. He was the person Germain Katanga dealt with primarily.

23 A. I cannot disagree.

24 Q. Now, I've noticed in the course of your evidence, Mr. Witness,
25 that you've been very careful not to use the word "child soldiers"

1 yourself. It's been used by the Prosecutor. It's been used by the
2 victims' representatives. But your term functioning with your
3 organisation was EAFGA; is that right? Or EAFGA, perhaps, with French,
4 EAFGA, "Enfants Associes des Forces ou Groupes Armes."

5 A.Counsel, the terminology "child soldier" evolved and became EAFGA in keeping
6 with * the Cape Town Principles. It was a more general expression than was
7 child soldier which was limited solely to children who bore weapons, and the
8 expression EAFGA includes all of the children, boys and girls, who were
9 involved in activities in the groups and armed forces. In other words,
10 the weapons bearers, the messengers, the cooks, the girls, and the young
11 mothers. It was a general term, and it was a newer, more recent term.

12 Q. And am I right in saying that the source of that term and its
13 employment by UNICEF was based on the Cape Town Principles. Is that
14 right?

15 A. That's correct. That's exactly what I've just said.

16 MR. HOOPER: Now, we have the Cape Town Principles. Can that be
17 brought up just for a reference for the Chamber. And that is our
18 document ...

19 (Defence counsel confer)

20 MR. HOOPER: This is a public document, and the English version
21 is DRC-D02-0001-0182, and the French version of that is
22 DRC-D02-0001-0206.

23 COURT OFFICER: Mr. Hooper, which version (Previous translation
24 continues) ... English or French?

25 MR. HOOPER: It would be best in French. And I hope the

1 interpreter has available the English translation, or at least the
2 English version.

3 COURT OFFICER: (Interpretation) In order to view the document
4 please press "PC 1."

5 PRESIDING JUDGE COTTE: (Interpretation) I'm not absolutely
6 certain that the interpreters have the English version.

7 MR. HOOPER: The English version is, as I say, all the letters I
8 gave, and then it is -- DRC-D02-0001-0182. And it's again a UNICEF
9 document, produced by UNICEF, but in English. And I'm going to refer in
10 particular to the back page under "Definitions." And though that
11 document is accessible to everybody, and obviously to the Chamber, it's
12 really just that one part that I will deal with.

13 Q. So the "Cape Town Principles and Best Practices" is the name of
14 the document and relates to a conference in Cape Town between the 27th
15 and 30th of April, 1997. And on the front page we can see that the Cape
16 Town Principles and Best Practices was adopted at that symposium "on the
17 prevention of recruitment of children into the armed forces, and on
18 demobilisation and social reintegration of child soldiers in Africa."

19 And there's a little summary on the second page which starts:

20 "As part of the effort to deal with the tragic and growing
21 problem of children serving in armed forces, the NGO working group on the
22 Convention on the Rights of the Child and UNICEF conducted a symposium in
23 Cape Town, South Africa, from the 27th to the 30th of April, 1997. The
24 purpose of the symposium was to bring together experts and partners to
25 develop strategies for preventing recruitment of children, in particular

1 for establishing 18 as the minimum age of recruitment and for
2 demobilising child soldiers and helping them reintegrate into society.
3 The Cape Town Principles and Best Practices are the result that have
4 symposium. They recommend actions to be taken by governments and
5 communities in affected countries to end this violation of children's
6 rights."

7 I'm not going to go through the body of the text. It's
8 available, as I say, but to turn, rather, to the very back where in both
9 the French and the English there is a list of definitions, and "child
10 soldier" is defined as:

11 "In this document is any person under 18 years of age who is
12 part of any kind of regular or irregular armed force or armed group in
13 any capacity, including but not limited to cooks, porters, messengers,
14 and anyone accompanying such groups other than family members. The
15 definition includes girls recruited for sexual purposes and for forced
16 marriage. It does not, therefore, only refer to a child who is carrying
17 or has carried arms."

18 Now, as far as your organisation was concerned, and indeed as far
19 as Save was concerned, that was the essential criteria by which -- or the
20 essential criteria that was to be applied at AA; is that correct?

21 A. Well, those were the criteria that we referred to.

22 Q. I'm coming to look, and this is the -- essentially the concluding
23 part of my questions, at the specific aspects or some specific aspects of
24 that demobilising process and -- and also at the contents and nature of
25 the (Expunged) document which we saw and which lists the 952 children.

1 Now, of those 952 children listed in that book as you've made
2 clear there are children of 15 and 16 and 17; is that correct?

3 A. Yes.

4 Q. There are also numbers of children where age is not indicated, a
5 number of examples of that, which for my purposes I've added to those
6 children who were aged or specifically indicated as having the age of 15
7 or 16 or 17, and by my calculation, which is open, of course, to
8 correction, I have found 527 of the names in this book of children 15 or
9 over. So 527, which would leave, by my mathematics - again open to
10 correction, and I'd strongly invite anyone to check - 425 children who
11 were less than 15.

12 Now, just dealing with the number of 527, I know you haven't gone
13 through it -- let me please finish my question. Of the 527, Mr. Witness,
14 would you accept that that would be a fair representation of the number
15 of children in this book who are or may be 15 or over?

16 PRESIDING JUDGE COTTE: (Interpretation) Before you answer,
17 Witness, please wait for the Prosecution's objection.

18 MR. DUTERTRE: (Interpretation) We have this book, this
19 register, and if we want the witness to be able to respond in a useful
20 fashion and for reasons of fairness, he needs to be able to consult the
21 book and that he be able to confirm the number or check it, but he cannot
22 confirm by memory. And the way this question was put to the witness does
23 not really make it possible for the witness to respond. If he is to
24 respond to this question, he has to have the document in front of him and
25 be able to go through and count himself. It may take time, but it seems

1 to me that that's the only way to proceed.

2 We cannot ask him to confirm such numbers, especially large
3 numbers, important numbers, regardless without he being able to consult
4 the document.

5 MR. HOOPER: I'd say palpably obvious. I must completely agree
6 with Mr. Duterte on that point. Maybe the Prosecution can do the adding
7 and subtracting and come up with a figure to assist the witness. I'm not
8 going to deprive the witness of any opportunity that the Prosecution
9 think is appropriate. I can provide him with the book, but it does seem
10 a chore which the Prosecution is capable of doing and checking these
11 figures, and effectively I've invited them to do that. And I'm raising
12 the matter now because it's 1.28, and I would have thought overnight they
13 can have a look and see whether I'm right or wrong, and if wrong to what
14 extent, and the witness himself, I'm sure, will accept our joint
15 proposal.

16 PRESIDING JUDGE COTTE: (Interpretation) Thank you, Mr. Hooper.
17 We are talking about this book which is a register, a notebook where
18 there is a register of the children who entered the AA camp. Fine.

19 Well, each and everyone will examine the book today and the
20 witness shall answer tomorrow, and at the beginning of tomorrow's
21 hearing, Court Officer, we can give the witness a copy of this notebook.
22 In fact, ideally, he can be given a copy of this notebook this afternoon
23 so that he be able to check the 952 entries and count up the number of
24 children who are over the age of 15 and those are under the age of 15.
25 I'm certain that he has already done this calculation, but he will do it

1 once again.

2 So therefore, Court Officer, before the witness goes back to
3 where he is staying, please give him a copy of this document, and
4 Mr. Hooper will restate his question tomorrow morning so that the witness
5 can answer with the appropriate information.

6 We must now close our hearing. Mr. Hooper, can you give us an
7 approximation of about how much time you will need tomorrow in order to
8 complete your cross-examination? Can you tell us that at this point?

9 MR. HOOPER: By the break, by the morning break. I will have
10 concluded by the morning break.

11 PRESIDING JUDGE COTTE: (Interpretation) Thank you.

12 MR. HOOPER: 11.00 break.

13 PRESIDING JUDGE COTTE: (Interpretation) Yes, I understood.
14 That's important for the Defence team of Mathieu Ngudjolo, who is now
15 informed that they will have about two hours tomorrow and perhaps three
16 hours on Friday morning. I don't know if it's going to be sufficient or
17 not. I hope it's not going to be too much of a constraint, because we do
18 have a leave a bit of time for additional questions on the part of the
19 Prosecution, and the Chamber also has four questions for this witness
20 which were suggested to the Judges by a number of matters which are
21 important for us in order to find the truth. Is that satisfactory?

22 MR. KILENDA: (Interpretation) Yes.

23 PRESIDING JUDGE COTTE: (Interpretation) Thank you very much,
24 Witness, for your testimony this morning for four hours. It's been long
25 and rather dense. You will now have an opportunity to rest. Please

1 examine the notebook that you're familiar with so that you can answer
2 Mr. Hooper's questions tomorrow, and in the middle of the morning
3 tomorrow Mathieu Ngudjolo Defence team will carry out their
4 cross-examination. I'd like to thank all those who assist us in today's
5 hearing. On some of occasions some of us spoke a bit quickly and made
6 their work more difficult, and we therefore apologise.

7 Court Officer, closed session, please, so that the witness can be
8 escorted discreetly out of the courtroom.

9 (Closed session at 1.29 p.m.)

10 (Expunged)

11 (Expunged)

12 (Expunged)

13 (Expunged)

14 (Expunged)

15 (Expunged)

16 (Expunged)

17 (Expunged)

18 (Expunged)

19 (Expunged)

20 (Expunged)

21 (Open session at 1.30 p.m.)

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

24 PRESIDING JUDGE COTTE: (Interpretation) Court Officer, please
25 take this document.

1 Our hearing is adjourned. See you tomorrow morning at 9.00.

2 The hearing ends at 1.31 p.m.

3 CORRECTIONS REPORT

4 The following corrections have been made to the English transcript:

5 *Page 56, line 16: "person 9 who was our respondent -- correspondent
6 coordinator".

7 Is corrected by

8 "person 9 who was, the contact, our contact"

9 *Page 70, lines 5-6: "Counsel, the terminology "child soldier" evolved
10 and became EFAGA in keeping with the CAP"

11 Is corrected by

12 "Counsel, the terminology "child soldier" evolved

13 and became EFAGA in keeping with the Cape Town Principles".

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