

1 International Criminal Court

2 Pre-Trial Chamber II

3 Situation: Democratic Republic of Congo

4 In the case of the Prosecutor versus Bosco Ntaganda

5 ICC-01/04-02/06

6 Presiding Judge Ekaterina Trendafilova, Judge Kaul, and Judge Tarfusser

7 Confirmation of Charges Hearing

8 Tuesday, 11 February 2014

9 (The hearing starts in open session at 9.30 a.m.)

10 THE COURT USHER: All rise. The International Criminal Court is now in
11 session.

12 PRESIDING JUDGE TRENDAFILOVA: Please be seated. Good morning to
13 everyone who is in the courtroom. Now I would like to ask the Court Officer to
14 please call the case.

15 THE COURT OFFICER: Thank you, Madam President. The Situation in the
16 Democratic Republic of the Congo in the case of the Prosecutor against Bosco
17 Ntaganda, ICC-01/04-02/06.

18 PRESIDING JUDGE TRENDAFILOVA: Thank you very much, Court Officer.
19 Now I turn to the team of the Prosecutor. Ms Samson, who is going to speak on
20 behalf of the office of the Prosecutor to proceed with the presentation?

21 MS SAMSON: Yes. Thank you, your Honour. I would just like to convey on
22 behalf of Ms Bensouda her apologies that she cannot be in the court today. And I
23 would also like to introduce a new member of the Prosecution team, Ms Marion
24 Rabanit, who is an assistant trial lawyer.

25 PRESIDING JUDGE TRENDAFILOVA: Thank you so much. And I take the

1 opportunity to ask whether there are new faces in the courtroom? On behalf of the
2 Defence, Mr Desalliers.

3 MR DESALLIERS: (Interpretation) Good morning. The Defence team is the same
4 as yesterday.

5 PRESIDING JUDGE TRENDAFILOVA: Thank you so much. And on our part the
6 victims' legal representatives.

7 So, please, the floor is over to you.

8 MR VAN DER WERF: Good morning, Madam President, your Honours. Before I
9 start, I would like to ask the court officer to please display the presentation. Thank
10 you.

11 Madam President, your Honours, I will now continue my presentation of the
12 Prosecution's evidence on the UPC's assault on the collectivité of Walendu-Djatsi in
13 February and March 2003. And I will do so with respect to the war crime of
14 directing an attack against the civilian population, murder as a war crime and a
15 crime against humanity, the crime against humanity of forcibly transferring a
16 population, and a war crime of displacing civilians.

17 Between on or about 16 February and 3 March 2003, Bosco Ntaganda and his
18 co-perpetrators launched an assault on the civilian population in over 40 villages in
19 the Walendu-Djatsi collectivité.

20 Before I present the Prosecution's evidence of the crimes committed during this
21 assault, I will briefly describe the situation in January 2003 after the UPC's assaults
22 on Banyali-Kilo, and I will present briefly the assault on the Walendu-Djatsi
23 collectivité itself.

24 For your Honours reference, I am now displaying a map showing part of Ituri,
25 including the Walendu-Djatsi collectivité, and indicating some, the location of some

1 of the villages that were attacked in blue.

2 After it attacked and took Mongbwalu and other towns of Banyali-Kilo, including
3 the town of Kilo, the UPC's next goal was to open a road connecting Mongbwalu to
4 Bunia. Opening the road to Mongbwalu would permit the UPC to transport the
5 weapons it had started receiving in Mongbwalu by air from Rwanda and to allow
6 business to take place between the two cities. The fastest route was the western
7 road connecting Kilo to Bunia. This road went through the last remaining
8 non-Hema area between Mongbwalu and Bunia, the collectivité of Walendu-Djatsi
9 including Kobu and Bambu.

10 Senior military insider, witness P-55, and two UPC soldiers who participated in the
11 assault in heavy weapons units, witnesses P-17 and P-38 confirm that the plan for
12 the assault of Walendu-Djatsi was conceived by Bosco Ntaganda and his
13 co-perpetrators. Its purpose was to rid the area of the Lendu once and for all and to
14 secure the UPC's passage from Mongbwalu to Bunia. Between on or about 16
15 February and the 3rd of March, Bosco Ntaganda and his co-perpetrators launched a
16 coordinated large-scale assault on the civilian population in over 40 villages in
17 Walendu-Djatsi, including, but not limited to, Lipri, Kobu, and Bambu.

18 The UPC launched its assaults almost simultaneously from all its surrounding
19 positions, including Kilo in the northwest, Bunia in the south, Nizi in the east, and
20 Mabanga in the north. On or about 18 February 2003, the UPC attacked Lipri and
21 Tsili from Mwanga in the south and Kobu from Kilo. On the second day, the UPC
22 attacked Bambu, and by the third day it had reached Gutsi.

23 As UPC troops converged on and towards the Mongbwalu-Bunia road and the areas
24 surrounding it, burning all villages on their way, their inhabitants were trapped in
25 small pockets from which they could not escape. They left the civilians no choice

1 but to flee from hill to hill and to the forests surrounding their villages. The UPC
2 attacked the areas to which the non-Hema civilians had fled capturing many and
3 killing others who resisted.

4 On or about 25 February 2003, the UPC swept the villages, the villages -- the villages
5 of Sangi as well as the surrounding bush seeking out those in hiding and shooting or
6 arresting those who eventually came out. The civilian population was trapped in
7 an area that forms a triangle between Lipri, Bambu, and Kobu. The UPC continued
8 its sweep operation capturing and killing civilians in Jitchu forest and setting the
9 bush on fire.

10 Madam President, your Honours, this multi-day murderous assault on
11 Walendu-Djatsi culminated with a barbaric scene in Kobu where approximately 50
12 civilians were massacred. Those civilians, tired of living in the bush under a
13 permanent threat of being found by the UPC, had decided to accept an invitation
14 they received from Commander Salumu Mulenda to attend a so-called pacification
15 meeting in Sangi. This invitation was a trap. The civilians who attended were
16 captured, tied up, and imprisoned. Some were murdered that night, many were
17 beaten. On or about 26 February 2003, these civilians were brought to Kobu. That
18 night UPC soldiers executed the prisoners and burned the village down. The next
19 morning the UPC left to fight its next battle in Bunia.

20 I will now take your Honours through the evidence establishing substantial grounds
21 to believe that during this assault the UPC troops under Bosco Ntaganda's command
22 intentionally attacked civilians, swept the villages in the bush, hunting down the
23 non-Hema civilian population of Walendu-Djatsi.

24 Your Honours, I will start by presenting the evidence showing that Bosco Ntaganda
25 directed the attack against Walendu-Djatsi and that he intended the civilian

1 population to be the object of the attack. This corresponds to the first and the third
2 specific constituent elements of this crime.

3 The assault on the villages of Walendu-Djatsi was planned by Thomas Lubanga,
4 Bosco Ntaganda, Floribert Kisembo, and other co-perpetrators during a meeting in
5 Thomas Lubanga's office in Bunia shortly before the beginning of the assault.

6 Witness P-55, a senior FPLC military insider, participated in this meeting. He states
7 that at this meeting each person was given his task for the operation, and that
8 logistics were discussed. Upon Bosco Ntaganda's suggestion, Floribert Kisembo
9 was to go to Mongbwalu by air instead of by road to avoid alerting the Lendu and
10 thus ensuring that the UPC's assault would take them by surprise and unprepared.

11 Bosco Ntaganda was to stay in Bunia and direct the attack on the southern part of
12 Walendu-Djatsi including on Lipri and Tsili.

13 Witness P-55 confirmed that as deputy chief of staff in charge of operations, it was
14 Bosco Ntaganda who decided on how the assault on Lipri, Kobu, and Bambu was to
15 be executed. Witness P-55 states that Bosco Ntaganda's role was to control the
16 fighting as it was happening and that he was in constant -- in contact with the
17 soldiers on the ground through a man-pack and a Motorola receiving updates on the
18 situation and issuing commands.

19 Your Honours, this is confirmed by the radio messages sent and received by Bosco
20 Ntaganda at the time of the attack as recorded in the UPC logbook distributed by Ms
21 Samson to your Honours yesterday. In one such message, which is currently
22 displayed, Brigade Commander Salumu Mulenda informs Bosco Ntaganda and the
23 commander of the southeast sector that the battalion commander refused to obey an
24 order.

25 Bosco Ntaganda's response, which is on display now, speaks for itself, and I quote

1 the French translation of this radio message of 18 February.

2 For the court officer, this is public. This can be publicly displayed.

3 This radio message of 18 February 2003: (Interpretation) "You are hereby

4 informed subsequent to the message according to which there is a commander who

5 is refusing to move ahead, no commander has the capacity to refuse an order that

6 comes from above."

7 (Speaks English) In another message, which is now on display, which was sent by

8 Bosco Ntaganda the next day on the 19 February 2003, Bosco Ntaganda informs

9 Floribert Kisembo and Thomas Lubanga that the operation to stay in Lipri, Bambu,

10 and Kobu has started and that the troops have arrived in each zone. The message

11 to Floribert Kisembo and Thomas Lubanga ends with the following words, and I

12 quote the French translation, "vous serez informés de la suite," "you'll be informed of

13 further developments."

14 Your Honours, the account of a senior military insider who participated in the

15 planning of the attack as well as the records of Bosco Ntaganda's own radio

16 communications establish substantial grounds to believe that Bosco Ntaganda

17 directed the attack on the Walendu-Djatsi collectivité.

18 Witness P-55 further states that at the meeting in Thomas Lubanga's office in Bunia,

19 Bosco Ntaganda and his co-perpetrators decided that the road between Kobu and

20 Bambu had to be cleared of the Lendu. The attack was planned in pursuance of this

21 objective and orders were transmitted to the soldiers on the ground. Witnesses P-17

22 and P-38 are two soldiers who fought in two distinct heavy weapons units in Kobu.

23 Both of them were ordered to cleanse and take control of the area between Lipri,

24 Kobu, and Bambu.

25 On the morning of the attack on Kobu in Kilo, Brigade Commander Salumu

1 Mulenda organized a parade for his soldiers. At this parade he ordered his soldiers
2 including witnesses P-17 and P-38 to clean the triangle between Lipri, Bambu, and
3 Kobu and to kill everyone they would find in Kobu including civilians. And I quote
4 the statement of witness P-38 in French: (Interpretation) "The instruction was
5 clear given by Salumu: Shoot at everything you find in Kobu, piga na kuchaji. The
6 goal was well known. It was a tribal war. Everyone who was a Lendu, be it a
7 soldier or not, was the enemy," (Speaks English) end of quote.

8 Your Honours, the Swahili expression I have just quoted, "kupiga na kuchaji," is an
9 expression that insider witnesses have explained to translate as "to strike and
10 plunder."

11 Within the context of the UPC, the expression was understood by FPLC
12 commanders and troops as an instruction to attack civilians, kill and pillage. It was
13 also understood by insiders to include rape.

14 Witness P-38 further states that the instruction to kill civilians which Bosco
15 Ntaganda had given in November 2002 at a parade in Mabanga in advance of the
16 attack on Mongbwalu still applied. P-38 states, and I quote in French
17 (Interpretation) "When we went off to Kobu or elsewhere, everywhere I went as part
18 of the war against the Lendu, it was part of a tribal war. Everyone knew it. In that
19 war there were no prisoners. The order was go out and kill everyone."

20 (Speaks English) Witness P-17, who also fought for the UPC in Kobu states, and I
21 quote again in French (Interpretation) "A Lendu person was automatically identified
22 as an enemy whether or not the person was armed."

23 (Speaks English) Senior military insider witness P-55 confirmed that civilians were
24 targeted during the operation, and I quote: "The civilians in Kobu, they died. If
25 you were a Lendu, then there is no way you could be saved." Any non-Hema -- I'm

1 sorry -- end of quote. Any non-Hema civilian who was encountered by a UPC
2 troop was killed.

3 Your Honours, the UPC troops also actively hunted down those civilians who
4 succeeded in fleeing to the bush and the surrounding villages. In Kobu,
5 Commander Salumu Mulenda ordered witness P-17 to clean out those villages, to
6 flatten them. In Kobu, the UPC troops were on a summit, and every evening they
7 would see fires lit in the valley.

8 Witness P-17 was ordered to put pressure on those people in the valley and fire at
9 them with heavy weapons. These people were caught between UPC positions.
10 They could not leave, and they could not even cook. UPC troops would also
11 conduct sweep operations or, in French, "opérations de ratissage," to find and kill the
12 Lendu where they were hiding.

13 Bosco Ntaganda's intention to attack civilians is further evidenced by the very nature
14 of the material acts establishing that there was indeed an attack on a civilian
15 population.

16 I will now turn to the second specific constituent element of the crime of attacking
17 civilians and at the same to the presentation on the crime of murder. The
18 commission of this crime as well as other crimes committed against non-Hema
19 civilians establish substantial grounds to believe that an attack was directed against
20 the civilian population.

21 Madam President, your Honours, the assault on the villages and surrounding areas
22 in Walendu-Djatsi became known as the "shika na mukono" assault. This Swahili
23 expression, which according to the Prosecution's sources means "take with the
24 hands" describes the manner in which many civilians were killed during this assault.
25 Witnesses P-46 and P-317, two UN employees who were investigating grave

1 violations against civilians and conducted interviews with victims and eyewitnesses
2 in Ituri starting in March 2003, documented 230 specific victims of this assault.
3 The UPC killed civilians throughout its coordinated assault on the villages of
4 Walendu-Djatsi. Witnesses P-46 and P-317 identified 30 victims who were killed on
5 or about 18 February 2003 when the UPC attacked Lipri and nearby villages,
6 including Tsili. They also documented 12 people killed during the attack on Kobu
7 on or about 19 February 2003.

8 With the UPC troops taking one village after the other, the civilians fled to nearby
9 villages and from there to the bush. As it had done in Banyali-Kilo, the UPC
10 attacked the areas to which the non-Hema civilians fled. Witness P-17 was one of
11 the UPC soldiers who fired with heavy weapons on the civilians in the valley below
12 Kobu.

13 As I mentioned earlier, the UPC also conducted sweep operations to capture
14 civilians. In one such operation in Walendu-Djatsi, the UPC captured up to 92
15 civilians in Jitchu forest where they were hiding. These civilians were all killed, and
16 these deaths were documented by witnesses P-46 and P-317 in their investigations.
17 Witness P-27 was an eyewitness of these killings. He saw his uncle being killed by
18 two UPC soldiers. And I quote his statement in French (Interpretation) "Some
19 members of the UPC militia who had probably been hiding in the vegetation
20 surprised him and detained him immediately. One militiaman took the machete
21 that my uncle had been using to cut vegetation in the bush, and he killed him with
22 that right there and then dealing several blows."

23 (Speaks English) On the evening of that day, witness P-27 saw many other civilians
24 being captured. And I quote his statement again in French (Interpretation) "From
25 my position looking towards the sunset, I saw that the UPC militiamen had detained

1 many people and had shut them up in the Buli and Jitchu churches. When night
2 fell, I could hear the desperate voices of these people who had been detained who
3 were begging out not to be killed."

4 (Speaks English) The UPC attacked the areas to which the non-Hema civilian
5 population had fled seeking out those in hiding and shooting or arresting those who
6 eventually came out. While fleeing, witnesses P-105 and P-792 heard the UPC
7 troops shouting the Swahili expression, "shika na mukono," as encouragement to kill
8 with bladed weapons to avoid wasting ammunition.

9 Witness P-792 states, and I quote, "I heard the troops pass near me saying 'Find them
10 and catch them with your hands,'" end of quote.

11 P-38, a UPC soldier who participated in the attack, states that every day for a whole
12 week the UPC troops would go on patrol and execute at least two, three persons at a
13 time. In P-38's brigade in Kobu, a commander called Simba had been entrusted
14 with these executions. Upon being captured, an individual would first be
15 interrogated by an intelligence officer, David Pigwa, and would then be handed over
16 to Simba, who would execute them. Insider witness P-17 was an eyewitness of
17 several of such executions, including one of a woman.

18 As I mentioned in my introduction, this murderous assault culminated in the brutal
19 execution of a large group of non-Hema civilians in Kobu. This village was taken
20 on or about 18 February 2003 by Commander Salumu Mulenda, who had thereafter
21 set up a base there.

22 The Prosecution has interviewed 17 eyewitnesses of the events leading up to these
23 executions, the executions themselves or the discovery of the bodies. Some of these
24 witnesses, including P-18, P-100, and P-106 have lost family members in this
25 massacre. Others recognised Lendu dignitaries and other civilians when they

1 found the bodies in a banana field.

2 Witness P-113 was an eyewitness of the killings. The following description of these
3 events is based upon the statements of these witnesses, the statements of insider
4 witnesses P-17 and P-38 who were present at Kobu during the killings, and the
5 findings of witnesses P-46 and P-317, who investigated the killings.

6 After taking Kobu, Commander Salumu Mulenda invited the Lendu community of
7 Buli, Gutsi, and Jitchu to meet under pretences of discussing peace. Community
8 leaders and villagers tired of living in the bush accepted to meet. Others decided
9 not to attend, fearing that the meeting was a trap.

10 The delegation comprised of nearly 50 Lendu dignitaries and civilians left unarmed
11 for that meeting. Upon their arrival in Sangi, Salumu Mulenda demanded the
12 restitution of a heavy weapon believed to have been seized by the Lendu forces
13 during the UPC January attack on Lipri. Two dignitaries were sent back to retrieve
14 the weapon while Salumu Mulenda's soldiers detained the rest of the delegation.
15 UPC soldiers subjected the prisoners to heavy beatings, multiple rapes and murder.
16 More prisoners were brought to Sangi that day as the UPC soldiers captured
17 civilians in the surrounding forest.

18 On or about 26 February, Salumu Mulenda's brigade brought the prisoners from
19 Sangi to their base in Kobu.

20 Some perceived to be Lendu dignitaries were questioned under torture about the
21 location of the weapons. That night, UPC soldiers, including Commander Simba,
22 executed the captives in a banana field behind Hôtel Paradiso, and I quote witness
23 P-38 in French "Parce qu'ils étaient des Lendu de sang," end of quote, because they
24 were Lendu by blood.

25 Witness P-113 was an eyewitness of these killings in Kobu. She states, and I quote

1 in French (Interpretation) "The militiamen ordered a group of people preceding us to
2 follow them towards that banana plantation. And once they arrived there, they
3 started killing them with clubs, machetes, and knives. I could hear them crying out.
4 In that group there were men, women, and even children. The only thing that I was
5 able to see in that banana plantation were children who had been decapitated with
6 machetes and who had been carried on their mother's backs."

7 (Speaks English) Witness P-39, a UPC insider who took part in the attack on
8 Walendu-Djatsi and who visited the banana field within hours of the massacre,
9 described what he saw as follows, and I quote in French (Interpretation) "Their
10 throats had been cut. All their throats had been cut. They had been decapitated by
11 machetes. This was terrible. It gave you goose pimples."

12 (Speaks English) When the UPC left on or about 27 February, the Lendu population
13 came out of the surrounding bush back to Kobu. They discovered the victims
14 murdered in the banana field behind the hotel. Bodies of men, women, and
15 children lay on the ground, many tied up and partially naked. Some were
16 disembowelled. Others were dismembered or their throats were slit open. Many
17 victims had machete wounds on their bodies or smashed skulls. The UPC tore
18 fetuses out of pregnant women's bellies. Lendu dignitaries as well as other Lendu
19 civilians were made prisoner at the pacification meeting were among the corpses in
20 the banana field. These corpses were photographed at the site.

21 I will now show three photographs of victims of the Kobu massacre. They are very
22 graphic and may not have been shown publicly before. Out of concern for the
23 privacy, dignity, and psychological well-being of the victims and their family
24 members, the Prosecution requests that the photographs be excluded from public
25 broadcast at the hearing.

1 PRESIDING JUDGE TRENDAFILOVA: Would you wait a little bit, Mr van der
2 Werf --

3 MR VAN DER WERF: Yes.

4 PRESIDING JUDGE TRENDAFILOVA: -- while the court officer gives instructions?

5 MR VAN DER WERF: Thank you.

6 PRESIDING JUDGE TRENDAFILOVA: Court officer, are we disconnected from
7 the public gallery?

8 MR VAN DER WERF: On this first picture, your Honours can see the bodies of four
9 victims.

10 PRESIDING JUDGE TRENDAFILOVA: Just a moment, Mr van der Werf. We
11 have a question from Mr Desalliers.

12 MR DESALLIERS: (Interpretation) Thank you, Madam President. I'm sorry to
13 interrupt my learned colleague at this time, but I think I understand that the reason
14 why my colleague is asking for these photographs not to be shown publicly is
15 because as far as he knows, this has never happened.

16 I stand to be corrected, but the evidence provided to the Defence indicates that these
17 photographs were published on Channel 4 and that they are included in video clips
18 disclosed by the OTP to the Defence. So as far as I understand, and I stand to be
19 corrected by my learned colleagues, but I was not advised in advance of the
20 numbers, the reference numbers.

21 But I believe these photographs were reported upon on Channel 4, so they have been
22 broadcast widely and could then be shown publicly.

23 PRESIDING JUDGE TRENDAFILOVA: So your request is that we do not
24 disconnect from the public gallery the picture which is on our screens? Do I
25 understand you correctly, Mr Desalliers?

1 MR DESALLIERS: (Interpretation) Yes, Madam President. I believe that there is
2 no problem with those photographs being broadcast publicly outside of this
3 courtroom.

4 PRESIDING JUDGE TRENDAFILOVA: Madam Samson, what would be your
5 response? If this is the case as explained by Mr Desalliers, there is no reason to
6 proceed as requested by Mr van der Werf.

7 MS SAMSON: Yes, your Honour, that's correct. We were not at hand recalling
8 this particular instance that Mr Desalliers has mentioned. If indeed, and I'm certain
9 Mr Desalliers is correct on that, we have no objection to displaying these images
10 publicly.

11 PRESIDING JUDGE TRENDAFILOVA: Thank you, Ms Samson.

12 I would like to thank Mr Desalliers, because as I have stated in the introductory
13 remarks, publicity is the guiding principle of the proceedings. So thank you very
14 much.

15 Court Officer, would you give some instructions so that the public gallery is not
16 disconnected from the screens.

17 Mr van der Werf, you can proceed.

18 MR VAN DER WERF: Thank you, Madam President. On this first picture, your
19 Honours can see the bodies of four victims lying in the banana field. Several
20 witnesses, including P-105, P-106, and P-805 were shown these pictures and
21 recognized the banana field where they had seen the bodies.
22 Your Honours, this second picture, on this second picture three victims are visible.
23 Two of these victims on the foreground have their arms tied behind their backs.
24 Lastly, this third picture shows the bodies of two victims. One of them is a woman.
25 The photo shows that she was disembowelled. The Prosecution has shown this

1 image to (Redacted). The other victim is

2 one of the Lendu dignitaries who fell into Salumu Mulenda's trap. Witness P-805

3 states that he recognized the body of the Lendu dignitary and states that when they

4 found him, he was tied up.

5 Your Honours, again, the sample of evidence I've just referred to illustrates only part

6 of the killings committed by Bosco Ntaganda's troops during the assault on

7 Walendu-Djatsi. This evidence establishes substantial grounds to believe that there

8 was indeed an attack on a civilian population in Walendu-Djatsi, and that during

9 this attack, non-Hema civilians were targeted, captured, and systematically

10 murdered.

11 I will now turn to the Prosecution's allegation that during this attack UPC troops

12 were ordered to displace the non-Hema civilian population of the Walendu-Djatsi

13 collectivité.

14 Madam President, your Honours, as I said yesterday, the war crime of displacing

15 civilians requires the perpetrator to order the displacement of a civilian population.

16 It further requires that the perpetrator be in a position to affect such displacement by

17 giving such order and that this order was not justified by the security of the civilians

18 involved or by military necessity.

19 The crime against humanity of forcible transfer of population requires that the

20 perpetrator be forcibly transferred without grounds permitted under international

21 law. I apologise. I'll start again.

22 The crime against humanity of forcible transfer of population requires that the

23 perpetrator forcibly transferred without grounds permitted under international law

24 one or more persons to another location by expulsion or other coercive acts.

25 Additionally, such person or persons must have been lawfully present in the area

1 from which they were transferred.

2 As I said earlier today, on the morning of the attack on Kobu, Salumu Mulenda
3 addressed his troops during a parade in Kilo. He ordered his soldiers, including
4 witnesses P-17 and P-38, to clean the triangle between Lipri, Bambu, and Kobu. In
5 Kobu, Commander Mulenda addressed the troops again and according to witness
6 P-17 ordered them to clean out those villages, to flatten them. With this order to rid
7 the area of the UPC's enemies, Commander Mulenda reissued Bosco Ntaganda's
8 standing order to chase the civilians away from the area.

9 Witnesses P-46 and P-317, two UN employees who were investigating grave
10 violations against civilians and conducted hundreds of interviews with victims and
11 eyewitnesses in Ituri, estimate that 60,000 civilians were forced to flee to the
12 surrounding bush as a result of the assault on Walendu-Djatsi.

13 The Prosecution has taken statements of 16 witnesses who were among those
14 refugees. One of them, witness P-800, I apologise, witness P-804 describes their
15 living conditions as follows, and I quote, "The living conditions were very hard. We
16 could go two or three days without eating, and we could not get clean water, and we
17 had to drink whatever we could find. We were constantly moving around. We
18 would avoid spending two nights at the same place. We were sleeping outside, and
19 we were constantly frightened of being bitten by snakes. When it rained, we had to
20 stay outside like animals. We could not change our clothes. We were living the
21 life of an animal. Our clothes were full of lice. In the bush, people would die from
22 disease, and pregnant women would die because they had nowhere to go for
23 medical help. All this time the UPC soldiers would still try to find us and kill us,
24 which was the reason why we had to keep on moving."

25 (Speaks English) Your Honours, turning now to the last remaining specific

1 constituent elements of these crimes, the possible justification for a displacement,
2 nothing, again, nothing under international law or the law of this court justifies the
3 intentional targeting, killing, and chasing away of civilians.

4 Madam President, your Honours, this concludes my presentation on the crimes of
5 attacking civilians and murder, displacement of civilians and forcible transfer
6 committed by Bosco Ntaganda and his troops in the collectivité of Walendu-Djatsi.

7 PRESIDING JUDGE TRENDAFILOVA: Thank you, Mr van der Werf. Now, who
8 will proceed with the presentation on other counts?

9 MR VAN DER WERF: My colleague, Marion Rabanit, will proceed with that.

10 PRESIDING JUDGE TRENDAFILOVA: Well, she's invited to, she's invited to join
11 the floor.

12 Are you ready? Please go ahead.

13 MS RABANIT: Madam President, your Honours, the Prosecution will now present
14 the core evidence in support of counts 4, 5, 7, 8, and 10 of its document containing
15 the charges against Bosco Ntaganda. These are the crimes against humanity and
16 war crime of rape, the crime against humanity and war crime of sexual slavery, and
17 the crime against humanity of persecution. All these crimes were committed by
18 Bosco Ntaganda's troops and were directed against the non-Hema civilians in Ituri
19 from July 2002 to December 2003.

20 Madam President, your Honours, the Prosecution will start its presentation with the
21 sexual violence charges and then discuss the crime of prosecution.

22 Madam President, your Honours, the specific constituent elements of the crime of
23 rape as set out in Articles (7)(1)(d)(i) and 8(2)(e)(vi)(1).

24 PRESIDING JUDGE TRENDAFILOVA: I'm sorry, Ms Rabanit. Judge Kaul is
25 making the point that we do not have on our screens reference to the counts that you

1 are right now analyzing. If you do not have something to display, just this has to go
2 from the screen.

3 MS RABANIT: Of course. Sorry, your Honours.

4 Thank you, Madam President, your Honours.

5 PRESIDING JUDGE TRENDABILOVA: Thank you.

6 MS RABANIT: I will now continue. Elements 1 and 2 for the crime of rape as
7 crime against humanity or as war crimes, the constituent elements are identical.

8 The same applies to specific constituent elements of the crime of sexual slavery.

9 These are Articles 7(1)(j)(ii) and 8(2)(e)(vi)(2).

10 To avoid overlap and repetition, I will address the specific constituent elements of
11 each of those crimes together. For the contextual elements of the crime of sexual
12 slavery and of the crime of rape, I integrate by reference the submissions of my
13 colleague Ms Luping on the subject.

14 Your Honours, I will start with some pattern evidence, relevant to both the charges
15 of rape and sexual slavery. This evidence demonstrates how sexual violence was
16 part of the means used by the co-perpetrators to take over Ituri. It was meant to
17 victimise, terrorise, and punish the non-Hema civilian population, considered as the
18 enemy. It also aimed at rewarding the troops and keeping their morale high.

19 Because rapes occurred during every UPC offensive and because they were also
20 committed by UPC officers, their occurrence were known to the UPC leadership
21 including to Bosco Ntaganda. There was no sanction, no punishment when the
22 victims were non-Hema. This is because as UPC military insider witness P-38
23 explains, sexual abuse was just another weapon that the UPC used for violence. I
24 cite in French from his statement (Interpretation) "They were Lendus. They were
25 our enemies. They had to be treated just anyhow."

1 (Speaks English) Senior military insider witness 16 clarifies how sexual violence was
2 part of the UPC/FPLC operational pattern. I cite from his statement in French
3 (Interpretation) "After every operation, there were rapes. When the FPLC soldiers
4 raped women, they were fully aware that they would not be punished for it. When
5 the FPLC were fighting against the Lendus, the senior commanders were not
6 interested in the damage done to the civilian population. They considered that it
7 was normal for women to be frequently raped during the war. Ntaganda, Lubanga,
8 and Kisembo were aware of this daily activities. All the operations happened in the
9 same manner each and every time."

10 (Speaks English) Sexual violence was even authorised and condoned by the
11 UPC/FPLC leadership. This came through the umbrella order "kupiga na kuchaji."
12 Your Honours have heard already this expression that means in English "to strike
13 and to plunder." But it was an expression that actually signified to the troops that
14 they would get spoils of war. Senior UPC insiders as well as low-level soldiers
15 involved in the operations explained the meaning of that order. UPC insider
16 witness 17, a soldier in the heavy weapon unit, states that "kupiga na kuchaji" meant
17 the soldiers could take whatever they would find during operations, and this
18 included women.

19 That order was meant to calm the UPC troops and to boost their morale before
20 battle.

21 P-17 further states that during UPC operations it was madness, and that rape was
22 common place. Senior military insider witness 55 states that the expression could
23 be used to charge at civilians and that it could include taking women. Heavy
24 weapon unit insider witness 38 heard Bosco Ntaganda tell his troops before the
25 assault on Mongbwalu, I cite in French (Interpretation) "Everything you find there is

1 yours."

2 (Speaks English) UPC officers also committed rapes on non-Hema civilians. It was
3 known by the UPC leadership, and the perpetrators were not punished. UPC
4 Commander Linganga raped crime-base witness P-19. UPC Commander Mulenda
5 raped crime-base witness P-113. Military insider witness P-38 states that UPC
6 Commander Abelanga was a notorious rapist and that he raped civilians in
7 Mongbwalu. Insider witness P-17 states that UPC Officer Simba openly talked
8 about having raped women before killing them in the Kobu massacre.

9 UPC Officer Simba's rapes on Lendu women in Kobu are further corroborated by
10 insider witness P-38. Witness P-38 heard Simba bragging about raping some of the
11 Lendu prisoners. P-38 states that Simba boasted about committing sexual violence
12 to appear like a leader.

13 According to this witness, Bosco Ntaganda himself sexually exploited women. P-38
14 states that Bosco Ntaganda kept female UPC soldiers and civilians including Lendu
15 women at his house. Senior and low-level insiders P-16 and P-38 confirmed that the
16 UPC leadership including Bosco Ntaganda knew about the sexual abuse committed
17 by his troops.

18 Both witnesses further states that there were no punishment for UPC soldiers who
19 sexually abused non-Hema civilians. Senior military insider witness P-55
20 commented on a radio logbook message sent by Bosco Ntaganda and ordering that
21 all the so-called wives must leave the UPC camp. This message was sent following
22 an incident when one of the so-called wives had sent -- had set weapons on fire in a
23 UPC camp.

24 Witness P-55 explains that UPC soldiers often took women to their camps, and they
25 kept them there. P-55 further states that some women were forced to. I cite in

1 French P-38's evidence (Interpretation) "So there were some orders that came from
2 someone, and the others carried out the orders. Kisembo, Salumu, and Bosco, they
3 were all there, and they knew what was going on. All the rapes, murders,
4 massacres, they knew about all of that."

5 (Speaks English) Madam President, your Honours, I will now turn to the core
6 evidence that establishes that the UPC soldiers committed the crime of rape as a
7 crime against humanity and as a war crime during the attack on the Banyali-Kilo
8 collectivité from on or about 15 November to 15 December 2002 and on the
9 Walendu-Djatsi collectivité from 16 February to 3 March 2003.

10 UPC soldiers committed rape in the Mongbwalu assaults starting on or about 21
11 November 2002. Your Honours, when the UPC commanders prepared their troops
12 for the attack on Mongbwalu and on the Banyali-Kilo collectivité, they promised
13 them there would be women to rape.

14 Military insider P-17, a UPC soldier who participated in the assault, testified under
15 oath that Salumu Mulenda told his troops that there would be "Kuchaji" in
16 Mongbwalu. This was done in pre-attack gathering meant to boost the troop's
17 morale. Mulenda said to the troops, I cite, "You are going to loot. You are going to
18 have women," end of quote.

19 According to insider witness P-38, Bosco Ntaganda also used the expression "piga na
20 kuchaji" in the pre-attack meeting. From the outset of the attack, UPC rapes of
21 civilians were encouraged, promised, and envisaged as part of the operation. P-17
22 further states that the rapes started after the take of Mongbwalu. I cite his evidence
23 in French (Interpretation) "The soldiers began to make their rounds. There was
24 widespread looting. There were rapes on a daily basis. They occurred by soldiers
25 of the UPC."

1 (Speaks English) Military insider P-38, who also participated in the assault, confirms
2 that rapes occurred during that operation. I cite in French (Interpretation) "Some
3 women were prisoners. They were raped before they were killed. Some soldiers
4 told us what they had done. They went off on patrol. They would loot here or
5 there. They would meet a woman or a girl, and then they would rape her and then
6 kill her," (Speaks English) end of quote.

7 These statements confirm that the UPC considered women and goods equally as
8 spoils of war. P-38 identifies UPC Commander Abelanga as one of the notorious
9 rapists of the Mongbwalu attack.

10 Senior military insider witness P-768 stated that on Bosco Ntaganda's orders, his
11 bodyguards raped three women who were held captive in the apartment that Bosco
12 Ntaganda was occupying in Mongbwalu.

13 Your Honours, as UPC troops continued their offensive up to Kilo at the end of
14 November and into December 2002, they continued raping the civilian population.

15 UPC insider witness P-17 states that in Kilo, where he was deployed, rapes occurred
16 on a large scale. He states, I cite in French (Interpretation) "There were fewer
17 problems with murders than with rapes."

18 (Speaks English) He also explains that a nurse asked him, asked him to bring
19 antibiotics to Kilo to treat the venereal diseases within the UPC troops.

20 Your Honours, I will now present the accounts of witness P-22, a direct victim of
21 rape in Kilo in early December 2002.

22 Witness P-22, a Lendu woman, was arrested near Kilo market at the beginning of
23 December 2002 by an UPC soldier named Nguma. After he inquired about her
24 ethnicity, the UPC soldier tied her up. He also arrested another Lendu woman.

25 The UPC soldier brought them both to a so-called prison. This prison was a hole in

1 the ground covered by wooden boards. The UPC soldiers kept nine prisoners in
2 that hole, all of whom were non-Hema.

3 One of the UPC soldiers hit P-22 on the head with the butt of his gun, and P-22
4 started to breathe heavily. The UPC soldiers would come regularly to -- sorry -- to
5 beat the prisoners. At one point armed UPC child soldiers took out the planks and
6 ordered the male prisoners to rape the women detainees. One of the male prisoners
7 penetrated P, witness P-22's vagina with his hands.

8 The next day the UPC soldiers took the prisoners tied up outside. P-22 saw the
9 corpses of two of the individuals that had been detained with her, including a
10 pregnant woman. A UPC soldier made P-22 lay down on the ground next to
11 another pit and started to cut her neck. Witness P-22 lost consciousness but
12 miraculously survived. She has since died.

13 Madam President, your Honours, I am now going to the part where I will examine
14 the evidence of rape in the Walendu-Djatsi collectivité. Before I do so, I request the
15 leave of the Chamber to go into private session for a few moments. I am about to
16 go through the accounts of three witnesses whose identity is protected. And I'm
17 about to relay -- I will use the codes obviously, but some of the accounts, some of the
18 facts of the accounts may identify those women for the general public. The rest of
19 this presentation won't necessitate going into private session.

20 PRESIDING JUDGE TRENDABILOVA: Well, Court Officer, please organise the
21 private session.

22 (Private session at 10.41 a.m.)

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11 (Redacted)

12 (Open session at 10.55 a.m.)

13 THE COURT OFFICER: We are now in open session.

14 MS RABANIT: Madam President, your Honours, these direct accounts of sexual
15 abuse and rape are corroborated by the statements of insider witnesses. Insider
16 witness P-38 was present in Kobu when approximately 50 Lendu prisoners were
17 executed in the banana field. P-38 stated that some women had been raped before
18 being murdered. As indicated before, P-38 further stated that UPC Officer Simba
19 bragged about raping the prisoners before executing them.

20 Simba also told the other soldiers how he had forced the prisoners to rape each
21 other. Witness P-17 confirmed that Simba openly talked about having raped
22 women before killing them in the Kobu massacre.

23 Senior military insider witness P-55 states that he heard through the UPC internal
24 reporting system that rapes occurred in the assaults on the Walendu-Djatsi
25 collectivité. These rapes were endorsed by the commander according to witness

1 P-55's evidence.

2 Madam President, your Honours, the totality of the evidence relied upon by the
3 Prosecution in its list of evidence of which I have just provided a sample
4 demonstrates substantial grounds to believe that Bosco Ntaganda's forces committed
5 rape in the Banyali-Kilo and in the Walendu-Djatsi collectivité.

6 Madam President, I think maybe now is a good time to break with your leave.

7 PRESIDING JUDGE TRENDABILOVA: There are two minutes left. So we shall
8 take the break now, and we shall resume the next session at 11.30.

9 THE COURT USHER: All rise.

10 (Recess at 10.58 a.m.)

11 (Upon resuming in open session at 11.30 a.m.)

12 THE COURT USHER: All rise.

13 PRESIDING JUDGE TRENDABILOVA: Please be seated.

14 We are now in our second session for today, and we will proceed listening to the
15 presentation of the Office of the Prosecutor.

16 MS RABANIT: Madam President, your Honours, I am now turning to the evidence
17 that demonstrates -- demonstrates to the requisite threshold that UPC troops
18 sexually enslaved members of the civilian population of Ituri during the attacks on
19 the Banyali-Kilo collectivité and on the Walendu-Djatsi collectivité. I will examine
20 the evidence in support of the constituent elements of this crime that you would now
21 be able to see on your screens.

22 Madam President, your Honours, the pattern evidence provided by senior insider
23 witness P-55 shows that UPC soldiers kept so-called wives in their camps. They did
24 so against their will. The FPLC -- FPLC logbook message sent by Bosco Ntaganda
25 demonstrates that he knew that his soldiers had so-called wives. In this message

1 Bosco Ntaganda only ordered the wives to leave the camp in this one instance

2 because one of them had destroyed weapons.

3 Insider witness P-17 deployed in Kilo explains how the women were sexually

4 enslaved. I quote in French: (Interpretation) "The population, as I have said, they

5 did not flee, and that population ended up paying a price for the soldiers exploited

6 them. They used the population. This is how come a high number of venereal

7 diseases were discovered amongst the soldiers based at Kilo."

8 (Speaks English) Witness P-17 goes on to tell the story of three UPC officers, Eric,

9 Américain and Salumu, who sent soldiers to get the same civilian women from Kilo

10 village. This soldier brought her back to the camp. I quote from P-17's evidence in

11 French: (Interpretation) "One day she first came out of Américain's place in the

12 morning. Two days later she came out of Eric's place. At one point Salumu

13 arrived Kilo and Salumu had to call me. I don't know about what. She was at

14 Salumu's place, but I -- I was wondering how -- how are all those things happening?

15 And this is how I started trying to find out. In fact, the members of the population

16 were practically totally intimidated to a point where they had nothing else to say.

17 All they did was follow orders."

18 (Speaks English) P-17 came to realise that she, meaning that woman, and the local

19 population had no choice but to endure that sexual exploitation. When Kisémbé

20 visited the town, he told the Kilo population that they should ally with the UPC in

21 order to stop being victims and in order to be able to complain about abuses.

22 Your Honours, UPC soldiers sexually exploited these so-called wives in the UPC

23 camps in the sense of elements 1 and 2 -- constituent elements 1 and 2 of the crime of

24 sexual slavery.

25 These women were sometimes brought to the commanders by other soldiers in a

1 highly coercive environment during war time and in the military camp. They were
2 raped and lent over to other soldiers to be raped.

3 Your Honours, to avoid repetition of facts, I hereby integrate some of the
4 submissions made earlier in support of the crime of rape, but I'll -- that also supports
5 elements 1 and 2 of the sexual slavery charges.

6 The Prosecution submits that the full accounts of Witnesses P-22, P-18, P-19 and
7 P-113, as well as the abuse that they witnessed of other women and men detained
8 with them in Kilo in early December 2002 and in Sangi and Kobu on or about 25, 26
9 and 27 February 2003, also satisfy the constituent elements of the crimes of sexual
10 slavery.

11 First, your Honours, it is clear from their evidence that UPC soldiers exercised
12 powers attached to the right of ownership by depriving the victims of their liberty as
13 per element 1.

14 Madam President, your Honours, the evidence of these witnesses demonstrates that
15 Bosco Ntaganda's troops used the witnesses and other victims as personal property.
16 Just as the Kuchaji order intended, those women were treated as spoils of war.
17 They were treated as goods.

18 The perpetrator reduced the victims to a servile status and exploited them. UPC
19 soldiers, including notorious UPC commanders, sexually exploited the victims by
20 brutally raping them. UPC soldiers came and raped the victims at will when and
21 how they wanted, one or several perpetrators. Sometimes in front of other
22 detainees, sometimes in front of family members, sometimes on the road to another
23 village, sometimes in the room of commanders.

24 UPC child soldiers forced detainees to rape women prisoners for their
25 entertainment. UPC soldiers also lent the victim to other soldiers to rape them,

1 treating them as objects. UPC troops forced the victims to cook for the soldiers.
2 They forced the victims to carry looted goods from one village to another. The
3 perpetrators were in complete physical and psychological control of the victims who
4 were in a position of vulnerability and had no possibility to make any decision.
5 P-19 -- sorry, Witness P-19 explains how the UPC imposed this servile status on the
6 women. I cite from her statement: "Some of the women were made to cook.
7 Some of the other women like I were made to become wives of commanders."
8 UPC soldiers captured and detained the victims in armed custody from which they
9 could not freely escape. Witness P-22 was kept in a hole dug in the ground. They
10 forced the victim to travel from one detention location to another. UPC soldiers
11 further threatened, beat and humiliated the victims.
12 The perpetrator caused those witnesses and other victims detained with them to
13 engage in acts of a sexual nature, namely rape. One or multiple UPC perpetrators
14 penetrated the victims by force. They were raped under circumstances of extreme
15 coercion, detention, threats of death and beatings as established by the photographs
16 of the -- sorry, of the wounds inflicted on the witnesses. Some of the rapes of other
17 victims culminated in murder and attempted murders.
18 For these reasons, Madam President, your Honours, the Prosecution submits that
19 element 2 of the crime of sexual slavery is equally established.
20 Madam President, your Honours, the Prosecution would like to address the topic of
21 the duration of sexual enslavement as a point of law.
22 In some of the evidence of crimes of sexual slavery the duration of enslavement
23 ranges between 1 and 3 days. I refer your Honours to the statements of Witnesses
24 P-18, P-19, P-22, and P-113. The Prosecution stresses that duration of enslavement
25 is not a requisite element of the crime of sexual slavery. To the extent that duration

1 can be a factor to inform whether the exercise of the rights of ownership, element 1,
2 is satisfied, it is only a factor among others.

3 Your Honours, the evidence that I just presented fully demonstrates that UPC troops
4 exercised the right of ownership over civilians because the victims were abducted,
5 detained, guarded with weapons, threatened, abused, raped, beaten, forced to do
6 chores for their abusers and unable to freely leave.

7 Your Honours, duration does not appear in the elements of the crime of sexual
8 slavery under the Statute, nor is it discussed in the travaux préparatoires. The body
9 of international instruments and jurisprudence from other international tribunals do
10 not refer to this concept when defining slavery. The Appeal Chambers in the
11 Kuranac case before the ICTY held that, and I quote, "duration is not an element of
12 the crime." It is a factor to determine the quality of the relationship between the
13 perpetrator and the victim. It is also an aggravating circumstance of the crime. In
14 this case, the accused Kovac was found guilty for having sexually enslaved two
15 women for one week.

16 In the Charles Taylor case before the Special Court for Sierra Leone the Trial
17 Chamber entered some findings of enslavement for a particular incident that started
18 and ended on the same day.

19 Madam President, your Honours, I now turn to the crime against humanity of
20 persecution. Your Honours, the fourth element of the crime reads: "The conduct
21 was committed in connection with any act referred to in Article 7, paragraph 1 or
22 any crime within the jurisdiction of the Court."

23 Your Honours, I refer to my previous submission on the crime of rape and sexual
24 slavery, and I integrate my colleague's -- my colleague, Mr van der Werf's
25 presentations on the crimes of forced displacements, attack against the civilian

1 population and murder. I also refer to the submissions that I will be making after
2 this presentation on the crime of pillaging -- crimes, sorry, crimes of pillaging,
3 destruction of property and attack on protected objects.

4 Your Honours, those crimes were committed by the UPC during the attacks on the
5 Banyali-Kilo collectivité from on or about 15 November to 15 December 2002 and on
6 the Walendu-Djatsi collectivité from 16 February to 3 March 2003. Your Honour, in
7 our submission this establishes element 4 of the crime of persecution.

8 Element 1 of this crime is, I cite, "the perpetrator deprived, contrary to international
9 law, one or more persons of fundamental rights."

10 Satisfaction of this element derives directly from the commission of the crimes.

11 Pillaging and destruction of property committed by UPC troops deprived victims of
12 their right of property. Attacks on the civilian population and crimes of murder
13 infringe on the right to life, to bodily integrity and to security. Attacks on schools,
14 hospitals and churches are breaches of the rights to education, to health and to
15 practice one's religion. Forced displacement infringes on the victims' right to
16 security and freedom of movement. Rape violates the right to bodily integrity as
17 does sexual slavery, which also breaches the right not to be held in servitude and the
18 right to freedom of movement.

19 Your Honours, all those crimes infringes the victims' rights to dignity and security.

20 I will now focus on the evidence that supports element 2 and 3, the targeting
21 elements. The crimes committed by Bosco Ntaganda's troops were directed against
22 Lendu and non-Hema civilians. The victims were targeted as a group because of
23 their identity as member of the non-Hema civilian population. This targeting was
24 thereby based on ethnic grounds.

25 Madam President, your Honours, the tribal dimension of the conflict was exploited

1 by the UPC co-perpetrators in their plan to take over Ituri. Bosco Ntaganda and the
2 co-perpetrators ordered their troops to target the Lendu and non-civilians because of
3 their ethnicity.

4 UPC child soldiers, low-level soldiers and senior military insiders all agree that they
5 were taught that the Lendu were the enemy and that their orders included orders to
6 target Lendu and non-Hema civilians. UPC insiders confirm that those orders were
7 implemented on the battlefield.

8 Non-Hema crime base witnesses tell how they were targeted because they were
9 non-Hema. Bosco's troops attacked them because they lived in Lendu areas. The
10 perpetrators enquired about their ethnicity before victimising them. They were
11 invited as Lendu to trap meetings set up -- sorry, to meetings set up to trap them and
12 where many of them were executed.

13 Madam President, your Honours, senior military insider P-768 states that Bosco
14 Ntaganda would tell his troops that, I quote from his interview: "The Lendu were
15 our enemies and we needed to exterminate them, to make them disappear and chase
16 them away from those territory that we were occupying."

17 P-768 further states, I quote: "That didn't happen -- that didn't happen only on one
18 occasion." Bosco, he meaning -- sorry, "Bosco Ntaganda was repeating that all the
19 time. And I was present multiple times when he said such instructions."

20 Senior military insider witness P-55 states that the killing of Lendu civilians was the
21 usual consequence of the UPC conquering an area because, I quote, "the fighting was
22 ethnic."

23 Heavy weapon unit insider Witness P-38 explains that the war conducted by the
24 UPC was directed towards the non-Hema, particularly the Lendu, civilian
25 population. I quote from his interview in French: (Interpretation) "It was still a

1 tribal war. If he was a Lendu, then he had to be killed. No distinction had to be
2 made between Lendu soldiers and civilians. This means that even Lendu civilians
3 had to be killed."

4 (Speaks English) This instruction that all Lendu or non-Hema people, including
5 civilians, were the enemy was taught during the UPC military training. It was
6 taught to the recruits. Senior military insider Witness P-16 testified under oath that
7 the trainers at Mandro sang songs saying that the Lendu should be exterminated.
8 P-16 further states that Bosco Ntaganda was present when the recruits were singing
9 these songs. P-16 -- sorry, P-16 also states that after the new soldiers left Mandro
10 and were deployed, they were singing anti-Lendu songs whilst marching. Officers
11 were also singing those songs.

12 UPC lower military insider Witness P-10 states that the UPC instructors would make
13 the trainees sing songs against the Lendu and tell them that their mission was to free
14 Congo from the Lendu.

15 In training UPC recruits were also ordered not to distinguish between combatants
16 and non-Hema civilians.

17 I quote from the statement of Witness P-10 in French: (Interpretation) "With regard
18 to military strategy, Commander Bosco gave us precise instructions on how to
19 conduct ourselves during battle. We had to kill all the enemies, that is the Lendus,
20 that we came across on our way without making any distinction between soldiers
21 and civilians." (Speaks English) Just before a military operation, Bosco Ntaganda
22 repeated that order to the troops.

23 UPC child soldier Witness 758 corroborates that UPC recruits were ordered in
24 training to kill Lendu civilians and that once engaged in military operations, they
25 did so.

1 P-758 explains that the UPC forces would warn the Gegere villages before an attack
2 because Gegere are Hema north. The UPC also warned the Hema inhabitants of
3 Bunia before attacking. They conveyed the message to the families of UPC soldiers.
4 P-758 further states, and I quote: "If we were attacking an area inhabited by Lendu,
5 we never warned them. We just went ahead and attacked them. I think we did
6 not warn the Lendu because the war was between the Lendu and Hema."

7 Senior military insider P-16 explains that three quarters of villages they attacked -- of
8 the villages they attacked were Lendu or Ngiti. In P-16's opinion, the UPC troops
9 should have warned villagers to leave but did not always do that. All the
10 population was considered an enemy according to P-16.

11 This witness also stated -- sorry, also states that UPC soldiers were not punished for
12 raping Lendu women.

13 Senior military insider P-55 stated that Lendu could not go back once the UPC had
14 taken control of an area -- an area. If they did, they would get killed.

15 As your Honours can see, those orders, including from Bosco Ntaganda himself,
16 were issued from the beginning of UPC trainings and they were reiterated when the
17 soldiers went into battle. Words like "exterminate", "chase them away" directed the
18 troops to use means such as killing, destroying, forcibly -- forcibly displacing and
19 attacking civilians and protected objects. Sexual violence such as rape and sexual
20 slavery was also envisaged as a way to terrorise and oust the non-Hema population.

21 I remind your Honours of the statements of insider P-38 who explains that sexual
22 abuse was just another weapon that the UPC used for violence.

23 Madam President, your Honours, I am now turning to the evidence in relation to the
24 persecution that occurred during the assault in the Banyali-Kilo collectivité.

25 Bosco Ntaganda's troops persecuted non-Hema civilians based on their ethnicity

1 during that assault.

2 Senior military insider Witness P-768 states that Bosco Ntaganda gave the following
3 order to the troops before the assault on Mongbwalu. I quote from his interview:
4 "He said to arrest everyone from the Lendu tribes, even to eliminate them because
5 they had been supporting the RCD-K/ML. And he incited also the young boys from
6 the Hema tribe to exterminate the Lendu tribe. And when he said so, he said so
7 without making any distinctions between civilians and military."
8 Bosco Ntaganda repeated that the Lendu were -- were the enemy and that they
9 should be eliminated and chased away.

10 Witness P-38, who participated in the Mongbwalu assaults, corroborates that the
11 soldiers were told to chase out everyone from Mongbwalu.

12 During the Mongbwalu assault, after killing the priest he kept in custody, Bosco
13 Ntaganda told senior insider Witness P-768 that the Lendu were the enemy and that
14 they should be eliminated.

15 Crime base witness P-800 states that, I quote in French: (Interpretation) "During the
16 war the UPC killed everyone who was living or had stayed in Mongbwalu and Sayo
17 because they were living together with the Lendus."

18 (Speaks English) Crime base witness P-792 explains why the UPC assault triggered a
19 massive displacement of population. I quote from his statement: "In November
20 2002, it became clear that they were -- that they were no longer seeking our leaders
21 but were now killing any Lendu within their reach."

22 Your Honours, Bosco Ntaganda's troops targeted the Lendu civilian population by
23 attacking an area that was predominantly inhabited by non-Hema at the time. UPC
24 troops also used specific means to identify civilians of Lendu ethnicity in order to
25 victimise them.

1 Insider P-17, present during the operation, states that when Eric, a UPC officer,
2 brought prisoners to the camp, they were categorised into Lendu and other tribes
3 with the assistance of a person who spoke the local languages. P-17 states that the
4 Lendu prisoners were automatically considered combatants.

5 Crime base witness P-22 states that she was stopped in Kilo by a Gegere UPC officer.
6 The UPC officer enquired about her ethnicity, and when she responded Lendu, he
7 captured her and told her to comply or he would rip her with his knife.

8 NGO researcher Witness P-315 states that individuals she had interviewed about the
9 assault on Mongbwalu told her that the UPC soldiers often identified Lendu on the
10 basis of their physical appearance or because they were wearing bracelets and
11 necklaces.

12 Witness P-315 was also told that the UPC soldiers sometimes went house to house to
13 identify Lendu. Bosco Ntaganda's troops sometimes questioned the civilians that
14 they captured and tried to determine their ethnicity through directed questions. If
15 they were considered Lendu, they were executed.

16 After the assault, victims told Witness P-315 if you were Lendu -- sorry, I quote: "If
17 you were Lendu, you could not return to Mongbwalu."

18 Madam President, your Honours, when Bosco Ntaganda's troops launched the
19 assault on the Walendu-Djatsi collectivité in February 2003, they continued to
20 commit the crimes charged against the non-Hema civilians by reason of their
21 ethnicity. The UPC troops carried on what their commanders, including Bosco
22 Ntaganda, had taught them and had ordered them to do.

23 UPC insider witness P-38, involved in that military operation, states that the UPC
24 fired indiscriminately at civilians and military targets during the attack in
25 Kobu -- during the assault on Kobu. I quote in French: (Interpretation) "That was

1 more or less the objective to ensure that no one was left. It was the same thing.
2 Everyone in Kobu had to be shot at. In Kobu it was the Lendus who were living
3 there, and those of us attacking were Hemas. And so during a tribal war they were
4 the enemy. All Lendus, whether they were soldiers or not, were the enemy."

5 (Speaks English) Senior military insider Witness P-55 states that, I quote: "The
6 civilians in Kobu, they died. If you were a Lendu, then there is no way you could
7 be saved."

8 Insider Witness P-17 states that Lendu were automatically identified as enemies
9 during this assault and that brigade commanders told the soldiers, including P-17, to
10 clean out these villages, to comb through them and flatten them.

11 The modus operandi of the UPC troops during that assault also reveals how they
12 intended to target the non-Hema population. In Walendu-Djatsi the UPC forces
13 attacked areas inhabited almost exclusively by Lendu and non-Hema. UPC forces
14 systematically attacked, pillaged and burned down the Lendu villages. UPC troops
15 also conducted systematic opérations de ratissage in the bush and forest to seek out
16 the Lendu civilians.

17 Insider Witness P-38 explains that the UPC soldiers were required to patrol around
18 Kobu following the attack. He states, and I quote in French: (Interpretation) "It
19 was only the Lendu. They were taken into that bush and they were killed there
20 using knives. They were civilians because it was difficult to capture the
21 combatants. It was mainly the civilians and it was mainly women."

22 (Speaks English) On or about 22 February 2003, UPC Commander Mulenda invited
23 the Lendu population displaced around the Buli-Gutsi areas to a so-called
24 pacification meeting.

25 The UPC soldiers arrested the unarmed members of the delegation shortly after

1 arrival in the Sangi village. They then detained them, beat them, abused them or
2 used them as porters. The UPC soldiers raped and sexually enslaved some
3 members of the delegations -- sorry, of the delegation and other displaced civilians
4 they had arrested in the forest. Most members of the delegation were executed in
5 the Kobu massacre. They were -- sorry, they were executed because, in the words
6 of insider P-38, present in Kobu at the time, and I quote: "They were Lendu by
7 blood."

8 The UPC invitation sought to entice the displaced Lendu civilians and their notables
9 out of the forest. It was a mean of identification and targeting of the non-Hema
10 civilian population. The pacification meeting scheme is corroborated by insider
11 witnesses involved in the operation as well as senior military insiders and 17 crime
12 base witnesses.

13 Senior insider witness P-55 states that, I quote: "Mulenda had called that fake
14 meeting to trick the civilians. So what I think is that they killed them because they
15 were Lendu."

16 UN researchers also confirm the occurrence of this event. UPC soldiers revealed
17 that they were targeting non-Hema civilians through the verbal abuse they subjected
18 their victims to.

19 Crime base witness P-19 states that when they were detained and beaten up, UPC
20 soldiers shouted at the Lendu that they were not human but animals from the forest
21 and that they were going to kill them.

22 When a UPC soldier raped crime base witness P-113, he said to her, I quote: "You
23 are not human beings and in three days we will finish you all."

24 UPC Commander Salumu subsequently told the same witness that he had been sent
25 here in Kobu to exterminate the Lendu house by house.

1 Madam President, your Honours, the entirety of the presentations on the individual
2 crimes charged further demonstrates the systematic targeting because the UPC
3 committed those crimes against non-Hema civilians.

4 Madam President, your Honours, the core evidence that the Prosecution has just
5 presented, taken together with other items included on its list of evidence,
6 demonstrate that there are substantial grounds to believe that the UPC troops
7 committed the rape -- sorry, committed the crimes of rape, sexual slavery and
8 persecution as defined in counts 4, 5, 7, 8 and 10 of the document containing the
9 charges.

10 PRESIDING JUDGE TRENDAFILOVA: Ms Rabanit, is this the end of your
11 presentation as part of the Prosecution's presentation as a whole?

12 MS RABANIT: Madam President, it is end of this presentation, and I will go on
13 with another presentation --

14 PRESIDING JUDGE TRENDAFILOVA: Please.

15 MS RABANIT: -- on different crimes.

16 PRESIDING JUDGE TRENDAFILOVA: Yes. Please go ahead.

17 MS RABANIT: Madam President, your Honours, I will now present the evidence
18 supporting counts 11, 17, and 18 of the document containing the charges. These are
19 the crimes -- sorry, these are the war crimes of pillaging, attacks against protected
20 objects and destruction of property committed by Bosco Ntaganda's troops during
21 the assaults on the Banyali-Kilo and on the Walendu-Djatsi collectivité.

22 The Prosecution will present its core evidence demonstrating that the UPC troops
23 and Bosco Ntaganda himself systematically raped -- sorry, systematically pillaged
24 the location they attacked, that the UPC troops burned and destroyed entire villages,
25 and that the UPC forces intentionally attacked schools, hospitals and churches

1 pursuant to the common plan.

2 Madam President, your Honours, these crimes were the means used by Bosco
3 Ntaganda and the co-perpetrators to take over Ituri. Pillaging motivated and
4 rewarded the UPC troops. It left entire non-Hema population in misery. The UPC
5 troops' destruction of civilian property ensured that non-Hema civilians would be
6 unable to come back to their villages. The attacks on protected objects intended to
7 destroy the civilian communities' basic foundations.

8 Madam President, your Honours, I will first examine the evidence supporting each
9 of the three charges during the UPC troops assault on the Banyali-Kilo collectivité
10 and then I will proceed to the UPC assaults in the Walendu-Djatsi collectivité.

11 Your Honours, for these three war crimes I will only address the constituent
12 elements of the crime as the contextual elements of war crimes have already been
13 presented by my colleague, Ms Luping.

14 Your Honours, UPC committed pillaging on a massive scale during the assault on
15 the Banyali -- Banyali-Kilo collectivité from on or about 15 November to 15
16 December 2002.

17 Bosco Ntaganda himself pillaged. He gave orders to pillage and UPC troops looted
18 everything they could find during that offensive.

19 I refer your Honours to the slide now visible on your screens. This crime requires
20 that the perpetrators -- the perpetrator appropriated certain property without the
21 consent of the owner and with the intent to appropriate it for private or personal use.

22 Your Honours, prior to the attack on Mongbwalu in November 2002, Bosco
23 Ntaganda and other commanders promised looting to the UPC troops who were not
24 paid.

25 Several UPC military insiders, including heavy weapons unit P-17 and P-38 and

1 senior military insider P-768 were all present at the briefings to the troop prior to the
2 Mongbwalu assault. They all confirmed that during the briefings Bosco Ntaganda
3 and his UPC commanders -- his subordinate UPC commanders ordered the soldiers
4 to plunder.

5 P-38, who was deployed in Mongbwalu, heard Bosco Ntaganda order the troops to
6 pillage at this -- at this briefing. I quote in French: (Interpretation) "It was clearly
7 stated, 'Piga na kuchaji'. It's a term which was often used in the UPC. So go and
8 fight and conquer the land and then pillage."

9 (Speaks English) Bosco Ntaganda's subordinate commanders re-issued that order to
10 the UPC troops.

11 After taking over Mongbwalu, the UPC troops, followed by Hema civilians
12 supporters, under the command of Bosco Ntaganda, pillaged just like they did after
13 every attack. Bosco Ntaganda's troops went house to house to search for goods to
14 loot. UPC troops entered every shop and pillaged clothes and even vehicles.

15 Five witnesses confirm that UPC soldiers looted everything. They include senior
16 military insider P-75 -- sorry, P-768, the members of heavy weapons unit fighting in
17 Mongbwalu, P-38 and P-17, crime base witness P-804, Witness P-2, who was present
18 in the aftermath of the attack, and NGO researcher Witness P-315. The UPC troops
19 under the commands of Bosco Ntaganda followed by Hema civilian
20 supporter -- supporters also systematically pillaged Sayo.

21 Military insider witness P-38 participated in the pillaging himself along with other
22 UPC commanders. P-38 states, I quote: "Everyone was pillaging, even Bosco."

23 Insider witness P-17 states, I quote: "The commanders, they pillaged too.
24 Everyone pillaged."

25 According to high-level military insider Witness P-16, vehicles were automatically

1 reserved for the commanders. According to this witness, Bosco Ntaganda decided
2 in advance when to pillage and who could benefit from the spoils of war.

3 P-16, along with military insider P-17, corroborates the fact that Bosco Ntaganda
4 pillaged both in Mongbwalu and in Sayo. According to insiders witness P-768 and
5 witness P-38, Bosco Ntaganda had even recruited a group of individuals to pillage
6 for him.

7 Bosco Ntaganda pillaged the Mongbwalu church. He then called senior military
8 insider Witness P-768 and ordered the soldiers to go and pillage the church.

9 I quote from Witness P-768's interview: "He called me and told me to tell the
10 soldiers to go and get whatever that they wanted and even if they had to destroy the
11 parish church, to demolish it. He was saying these were the goods from the enemy
12 so they have to be pillaged."

13 P-768 and P-17 state that Bosco Ntaganda's troops also looted the hospital in
14 Mongbwalu. Senior insider P-768 found medication and medical equipment at
15 Bosco Ntaganda's residence. P-768 was later told by a nurse that there were no
16 medication -- sorry, no medications in this hospital because, I quote, "everything had
17 been taken by Bosco."

18 Heavy weapons unit insider witnesses P-38 saw Bosco Ntaganda using and carrying
19 pillaged goods in a pickup truck also looted in Mongbwalu. This is corroborated by
20 Witnesses P-768 and P-17.

21 UPC military insiders P-16, P-38, and P-768 state that Bosco Ntaganda organised the
22 transportation of goods pillaged for him to his residence in Mongbwalu. Bosco
23 Ntaganda had also arranged for planes to carry some of these goods back to Bunia.
24 Insider witness P-290 and P-768 state that Bosco Ntaganda had pillaged so much that
25 the plane had to fly back and forth several times. Senior insider witness P-16, who

1 was in Bunia at the time, saw Bosco Ntaganda's bodyguards bring back the pillaged
2 goods from Mongbwalu.

3 In Sayo UPC troops continued to pillage. UPC soldiers even pillaged the health
4 centre. Insider witness P-17 saw looted computers, TVs and DVDs at the residence
5 of Salumu Mulenda, a UPC commander. P-17 explains that the pillaging was
6 envisaged as the UPC soldiers had arrived at the camp without even a change of
7 clothes.

8 Through his own -- sorry, through his own perpetration of pillaging and his orders
9 for his subordinates to pillage, Bosco Ntaganda was aware that the UPC actually
10 committed pillaging during the Banyali-Kilo assault.

11 UPC soldiers were not punished for pillaging. Pillaging was a means by which to
12 target the non-Hema civilian population and drive them away from the areas
13 attacked.

14 Your Honours, I will now turn to the destruction of property charge in the
15 Banyali-Kilo collectivité. In order to chase away the Lendu and other non-Hema,
16 UPC destroyed property during that assault. Insider witness P-38 states that there
17 was an implied order to burn down houses and that the soldiers were not punished
18 for doing so. The destruction of civilian property would ensure that the non-Hema
19 population would not come back.

20 In addition to the orders -- sorry, I'll start again. In addition to the orders I have
21 been making reference to, the military strategy itself, planned and implemented by
22 Bosco Ntaganda, the deputy chief of staff of operations -- in charge of operations,
23 provides substantial grounds to believe that there was a deliberate intent to destroy
24 property as required by the constituent elements of this crime.

25 Bosco Ntaganda deployed the UPC troops on Mongbwalu and later on Sayo,

1 including several heavy weapons units. One of these units operated directly under
2 his command. These UPC units shelled houses in civilian areas using mortars and
3 incendiary grenades. This means of warfare caused extensive destructions of
4 homes and buildings.

5 Crime base witness P-804 heard the heavy weapons as the UPC was approaching
6 Mongbwalu from Pluto. This witness -- this witness stated, I quote: "I heard the
7 sound of gunshots and heavy weapons which could fire from a long distance and
8 which could deliver bombs that could overturn the earth and destroy buildings."

9 During the Sayo attack UPC soldiers burned down houses with people still inside
10 them.

11 High-level military insider Witness P-768 states that the UPC troops on the ground
12 completed the destruction of the buildings not destroyed by heavy weapons.

13 Insider witness P-38 deployed on the ground states, I quote in French:

14 (Interpretation) "The damage was enormous. All the houses were burning."

15 (Speaks English) Madam President, your Honours, I will now move on to the crime
16 of attacking protected objects.

17 Among the structures targeted by the UPC during the attack, there were schools,
18 hospitals, health centres and churches. Your Honours, the first element of this
19 crime is the existence of an attack on the protected object. The UPC's attacks were
20 perpetrated through the destruction of property and the extensive pillaging to which
21 these places were subjected.

22 The second element of this crime requires that the object of the attack be a building
23 which is not a military objective dedicated to religion, education or a hospital or a
24 place where the sick and wounded are collected.

25 In this case, as part of the plan to systematically drive the non-Hema civilians away

1 from these areas, Bosco Ntaganda's -- sorry, Bosco Ntaganda himself and the UPC
2 troops under his command attacked the hospital and the church in Mongbwalu.
3 The UPC had previously attacked hospital and churches in Nyankunde and other
4 locations.

5 In Sayo the UPC troops attacked the church in the presence of Bosco Ntaganda.

6 UPC military insider P-17 was present at the church. He saw Bosco Ntaganda
7 filming the civilians fleeing to hide inside the church. Witness P-17 states that a
8 man was taken out of the church and executed in front of Bosco Ntaganda.

9 UPC troops also attacked the health centre in Sayo. Witness P-800 states that the
10 soldiers opened fire on the health centre during the attack and without warning.

11 They then pillaged the building. Some civilians had brought their property to the
12 health centre in Sayo because they thought that it would be protected, but the UPC
13 troops pillaged their property too. After the assault, bullet cartridges were found in
14 the rooms of the health centre.

15 During the course of the attacks on these protected objects the UPC also killed the
16 civilian who were taking refuge in the churches in Mongbwalu and Sayo. They also
17 killed the civilians that were wounded or sick patients in the health centre in Sayo.

18 Your Honours, the last element of this crime is the intention of the direct perpetrator
19 to target protected objects. This means that the perpetrator must be aware of the
20 nature and purpose of the structure. It does not require that the perpetrator knew
21 that the object had a protected status. The Prosecution submits that the evidence
22 provides substantial grounds to believe that the UPC were aware of the nature and
23 purpose of the churches and hospital and intended to attack them. The churches
24 and hospitals pillaged and destroyed or otherwise attacked by the UPC troops were
25 easily identifiable as such, in particular once the UPC's attacks got under way. The

1 UPC troops could not have failed to recognise the nature and purpose as they were
2 targeting them.

3 Moreover, Bosco Ntaganda's troops targeted these structures to further persecute the
4 non-Hema population and drive it away. Bosco Ntaganda took part in the attack
5 on the Mongbwalu hospital and the churches -- and on the attack in the churches in
6 both Mongbwalu and Sayo. He ordered the soldiers under his command to pillage
7 the church in Mongbwalu after attacking it, and he indicated to them that they were
8 free to destroy it if necessary. He thereby conveyed to his troops the message that
9 these protected objects could be targeted.

10 UN researcher Witness P-317 states, I quote: "During this operation, the main
11 hospital of the region, all religious structures, the orphanage and the schools were
12 looted, and all electronic devices, archives and medical equipment destroyed." This
13 resulted in, I quote, "the complete destruction of 26 localities."

14 According to a report produced by witness -- by another UN researcher, Witness
15 P-46, the pattern of destruction of those basic infrastructures demonstrated that the
16 UPC, I quote, "wanted to completely eliminate all chances for the population of the
17 region to have social assistance."

18 The destruction of this infrastructure significantly affected the ability of the civilian
19 population to continue living in the area. It cut them off from access to essential
20 services such as health care and education, and it deprived them of a central part of
21 their community life.

22 Madam President, your Honours, I am now going to examine the same three crimes
23 during the assault conducted by the UPC troops on the Walendu-Djatsi collectivité.
24 During the Walendu-Djatsi offensive from on or about 16 February to 3 March 2003,
25 UPC troops continued to commit pillaging and to destroy property and to attack

1 protected objects systematically.

2 UPC troops and the Hema civilian supporters under the command of Bosco

3 Ntaganda received orders from their commanders to pillage systematically and to

4 destroy properties during the operation.

5 UPC soldiers pillaged the cattle, the fields, clothes, mattresses, cutlery and bicycle

6 from the houses before setting them on fire. They pillaged offices of the gold

7 mining company, orphanages, schools, religious structures and the health buildings

8 in Bambu causing considerable damages.

9 On or about 25 February 2003, UPC troops assaulted the villages of Jicho, Buli,

10 Ngabuli, Pili, Athe, Bakpa, Lambi and Widde, following the same pattern in

11 committing their crimes. They killed the civilians and looted and the burned all

12 their property.

13 The looted goods were distributed among the soldiers and the commanders. UPC

14 soldiers forced non-Hema civilians, including crime base witnesses 19, crime base

15 witness P-100, P-107 and P-113 to carry looted goods through Buli, Sangi, Kobu and

16 Lipri. Along the way Witnesses P-19 and P-113 saw the houses demolished or

17 burnt by the UPC troops.

18 Your Honours, I am now moving on to the crime of destruction of property still in

19 the Walendu-Djatsi collectivité.

20 Your Honours, UPC commanders ordered their troops to flatten the villages as

21 stated by Witness P-17, a military insider deployed during the attack. The heavy

22 weapons unit fired grenades, mortars and rockets on the villages to destroy the

23 houses and chase away the population.

24 Following their objective to clear the road, the UPC troops systematically

25 burned -- sorry, systematically burned down the straw huts along the road between

1 Bambu, Kobu and Lipri. This is corroborated by insider witness P-17, P-38 and
2 P-55. This is also corroborated by crime base witnesses P-19, P-113, P-804 and by
3 UN researchers P-46 and P-317. UPC troops took the metal roofs off the house.
4 Madam President, your Honours, in the expert report on satellite imagery you will
5 be able to see the extent of the destruction in some of these villages, namely Bambu,
6 Lipri Kobu centre, Kobu-Wadza and Sangi.
7 Crime base witnesses P-18, P-19, P-100, P-15 -- sorry, correction, P-105, P-106, P-113,
8 P-121, P-127 and P-300 saw the following villages being burned down by UPC
9 forces: Camp P.M., Avetso, Katho, Petsi, Tsili, Gola, Djuba, Thali, Buli and all the
10 villages between Sangi and Kobu.
11 Witness -- UN researcher Witness P-46, who travelled across the area as she
12 conducted an investigation two months after the assault, saw the villages of Jitcho,
13 Pili, Thali, Mindjo, Ngabuli and Dhekpa burnt to the ground.
14 UN researcher Witness P-317 also confirmed that the UPC troops systematically
15 burned down the villages in this area.
16 Your Honours, I am now moving on to the crime of -- the last crime, the crime of
17 attack against protected objects during the assault on the Walendu-Djatsi collectivité.
18 Bosco Ntaganda's forces attacked and pillaged the Bambu hospital, which was the
19 biggest of the region. UN researcher P-46, who visited the premises subsequently,
20 states that, and I quote: "Everything was systematically destroyed from beds to
21 cupboards. Nothing was functional." The UPC troops also pillaged the hospital,
22 religious structures and schools in all of those neighborhood villages.
23 These structures are all protected objects. The Prosecution submits that the
24 evidence provides substantial grounds to believe the UPC troops were aware of the
25 nature and purpose of the churches and hospital and intended to attack them. The

1 churches and hospital were easily identifiable as such, and the UPC troops could not
2 have failed to recognise their nature and purpose.

3 Bosco Ntaganda's troops deliberately targeted these structures which were essential
4 to the local population's daily lives. This was done as part of the strategy to
5 persecute and chase the non-Hema civilians from these areas.

6 Madam President, your Honours, the core evidence that the Prosecution has
7 presented in these submissions and other items on its list of evidence provides
8 substantial grounds to believe that Bosco Ntaganda's forces committed the war
9 crimes of pillaging, destruction of property and attack on protected objects as
10 charged in its document containing the charges. Thank you very much.

11 PRESIDING JUDGE TRENDABILOVA: This brings to an end your presentation?

12 MS RABANIT: It does.

13 PRESIDING JUDGE TRENDABILOVA: Thank you so much. Now, could I ask Ms
14 Samson to give us some guidance how much time you will need for the rest of your
15 presentations so that we could put on notice the Defence when they could be ready
16 to start, because if we are to count yesterday's schedule and the timing, we are one
17 hour and a half ahead. So this is just something that I would like to enquire about,
18 you know, that you -- to be in a way assisting the preparation of the Defence team.

19 MS SAMSON: Yes, your Honour. The Prosecution and the Defence have been
20 discussing this issue and keeping each other informed on the pace. At present the
21 Prosecution will commence its presentation on the war crimes of conscription,
22 enlistment and use of children under the age of 15 after the break at 2.30. We expect
23 that that will continue until 4 o'clock and possibly shortly thereafter. Then we will
24 commence the first presentation on the modes of liability, which will take us to 6
25 p.m. today. Tomorrow we will start the second presentation on the modes of

1 liability. I anticipate, your Honour, that we will certainly aim to be completed at or
2 just after the first break, certainly before lunch tomorrow.

3 PRESIDING JUDGE TRENDABILOVA: So then, Mr Desalliers, you are put on
4 notice that maybe you have to start with your presentation with the second session
5 tomorrow morning.

6 MR DESALLIERS: (Interpretation) No problem, your Honour.

7 PRESIDING JUDGE TRENDABILOVA: Thank you so much. Now this brings us
8 to the end of the second morning session. We shall meet at 2.30. I thank very
9 much the interpreters, of course, and everyone who is today here in the courtroom.
10 It's adjourned. The session is adjourned for 2.30.

11 THE COURT USHER: All rise.

12 (Recess taken at 12.57 p.m.)

13 (Transcription of the hearing continues in Transcript: ICC-01/04-02/06-T-8bis-ENG)