

1 International Criminal Court
2 Trial Chamber VI - Courtroom 2
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Chang-ho Chung
6 Trial Hearing
7 Wednesday, 4 November 2015
8 (The hearing starts in open session at 9.33 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: Good morning.
13 Court officer, please call the case.
14 THE COURT OFFICER: Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: Thank you, court officer.
19 Now, as usual, appearances, please.
20 MS SOLANO: Mr President, for the Prosecution this morning appear
21 Ms Nicole Samson, senior trial lawyer sitting behind me; on my left, Ms Kristy Sim,
22 assistant trial lawyer; to her left, Ms Marion Rabanit, associate trial lawyer; next to
23 Ms Samson, Claudine Umurungi, legal assistant; Selam Yirgou, case manager; and I
24 am Julieta Solano, trial lawyer.
25 PRESIDING JUDGE FREMR: Thank you very much, Ms Solano.

1 Defence.

2 MR BOUTIN: Good morning, Mr President, your Honours. Appearing this
3 morning, Mr Ntaganda is here, Mr Dennie Michielsen, Maître Chloé Grandon,
4 (Interpretation) legal assistant and myself, the associate counsel.

5 PRESIDING JUDGE FREMR: Thank you very much, Mr Boutin.

6 Legal representatives for victims now, please.

7 MS PELLET: (Interpretation) Thank you very much, your Honour. The former
8 child soldiers are represented by myself, Sarah Pellet, counsel with the Office of
9 Public Counsel for Victims. Thank you.

10 MR SUPRUN: (Interpretation) Good morning, your Honour, your Honours. The
11 victims of the attacks are represented by myself, Dmytro Suprun, counsel of the Office
12 of Public Counsel for Victims.

13 PRESIDING JUDGE FREMR: Thank you very much both of you.

14 Before we bring the witness into the courtroom, the Chamber would like to render its
15 oral ruling. It's oral ruling on Defence request seeking access to the transcript of the
16 ex parte Chamber only hearing with (Redacted), and we have to move for that
17 purpose into private session.

18 (Private session at 9.36 a.m.)

19 (Redacted)

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- 9 (Redacted)
- 10 (Open session at 9.43 a.m.)
- 11 THE COURT OFFICER: We are in open session, Mr President.
- 12 PRESIDING JUDGE FREMR: Thank you.
- 13 (The witness enters the courtroom)
- 14 PRESIDING JUDGE FREMR: Good morning, Mr Witness.
- 15 WITNESS: DRC-OTP-P-0106 (On former oath)
- 16 (The witness speaks Swahili)
- 17 THE WITNESS: (Interpretation) Good morning.
- 18 PRESIDING JUDGE FREMR: Are you feeling well today?
- 19 THE WITNESS: (Interpretation) Yes, I feel well.
- 20 PRESIDING JUDGE FREMR: All right. So we will continue with your testimony.
- 21 Ms Solano will finish her examination-in-chief, and it is my duty to remind you that
- 22 you are still under oath, so you have to speak the truth and nothing but the truth.
- 23 And I also remind you to follow my guidance from yesterday, but you did it perfectly
- 24 yesterday: Focus on questions, try to respond directly to the question put to you,
- 25 and also observe pauses between questions and your answers.

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1 And a last remark to Ms Solano: According to our information, you so far exhausted
2 2 hours 44 minutes, so generally you should be finished by the end of this session.

3 MS SOLANO: Thank you, your Honour.

4 PRESIDING JUDGE FREMR: So the floor is yours.

5 QUESTIONED BY MS SOLANO:

6 Q. Good morning, sir. Can you hear me well?

7 A. Yes, I can hear you very well.

8 Q. Sir, I would like to start by showing you a map, giving you a chance to look at it,
9 and asking you whether you're able to put on this map some of the places that you
10 talked about yesterday. Do you think that you would be able to do that?

11 A. Yesterday there was something that I forgot to mention. I have to admit that I
12 came here just to testify.

13 Q. Sir, what was it that you forgot to mention yesterday?

14 A. In fact, I refuse to look at the photo because I'd already seen it.

15 PRESIDING JUDGE FREMR: But, Mr Witness, now Ms Solano would like you not
16 to watch the photo, but just to make something with a map. So her request doesn't
17 concern any photo, just map.

18 MS SOLANO: Your Honour, perhaps if the court officer can display the map on the
19 screen, it will be easier to understand what I'm trying to do. The ERN of the map is
20 DRC-OTP-2080-0239.

21 PRESIDING JUDGE FREMR: Defence, any objection?

22 MR BOUTIN: No, Mr President.

23 PRESIDING JUDGE FREMR: All right.

24 THE COURT OFFICER: Ms Solano, is the document confidential?

25 MS SOLANO: No. It can be broadcast publicly.

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1 THE COURT OFFICER: Thank you.

2 MS SOLANO: And if the usher could please approach. We have printed copies of
3 a blown-up portion of this map, which is a portion which I would like to have the
4 witness look at specifically.

5 PRESIDING JUDGE FREMR: All right.

6 MS SOLANO: I'm going to ask for the usher's assistance to place a map on the Elmo
7 because I intend for the witness to annotate it.

8 Q. Sir, are you able to read some of the name places on this map?

9 A. I'm able to read the names that are on the map. They are well written and they
10 are visible.

11 Q. Sir, with the assistance of the VWU representative, could you please take a pen
12 and mark on the map the village of Kobu?

13 PRESIDING JUDGE FREMR: Ms Solano, do you think that making circle would
14 be --

15 THE WITNESS: (Interpretation) The village of Kobu --

16 PRESIDING JUDGE FREMR: How the witness should mark? To make a circle, or
17 how?

18 MS SOLANO: I was going to ask him to place a number next to it, your Honour, but
19 I just want to make sure first that he can locate it.

20 Q. Sir, do you see the village of Kobu on the map? Would you be able --

21 A. Yes, I see it.

22 Q. Would you be able to write a number 1 next to where it says "Kobu."

23 A. Next to Kobu, number 1, I see Tchudja, Tchudja town is a groupement, there's
24 also Wadza, which is in the centre of Kobu. Kobu is also in the centre. I can also
25 see Bambu. I also see Petsi, that is a village which is next to Kobu. And going

1 through there you come to Tsili. Tsili is here. Lipri is here. I see Ngongo.

2 Q. Sir, are these all locations that you are familiar with?

3 A. Yes, I know these villages.

4 Q. Very well. Sir, what I want to do with you this morning is for you to use this
5 map and your pen to show to the Judges the route that you followed when Bosco's
6 group attacked Kobu. Do you understand?

7 A. Yes.

8 Q. I will tell you the specific locations that I want you to mark on the map based on
9 what you told us yesterday. Is that clear?

10 A. I understand well.

11 Q. Thank you. Sir, and so that the Judges and everybody else in the courtroom
12 can see what you're doing, I am going to ask you if you could please, with the help of
13 the usher, move towards the left, the usher is going to move the map for you under
14 the lamp, and once you're seated there I will ask you my questions.

15 Sir, I want you to please pay careful attention to what I'm going to ask you now. As
16 I just said what I want you to do is mark point by point on that map where you went
17 when Bosco's group attacked Kobu.

18 Just so I make sure you understand me, can you -- can you tell me what you're going
19 to do, please.

20 A. You've asked me to draw lines on the villages through which I went when
21 Bosco carried out his attacks.

22 Q. Can we please start with Kobu. Can you put a number 1 next to the village of
23 Kobu, please.

24 Very well, sir. You said yesterday that the enemy that attacked Kobu had come from
25 Kilo. And this is at page 27, line 18 of the edited version of yesterday's transcript.

1 Are you able to mark on the map the road or the path through which the enemy came
2 to Kobu from Kilo.

3 Sir, if I can ask you to stop there a moment. You have drawn three lines. Starting
4 with the line you drew under Wadza can you tell me what these lines indicate?

5 A. Kobu is a centre and Wadza is a locality which is at the centre of Kobu. Where
6 the bodies were was at Wadza, and that's in the centre of Kobu.

7 Q. Can you please put a number 2 at Wadza to indicate where you say the bodies
8 were.

9 And to be clear, sir, these -- by these bodies you mean the bodies of your wife and
10 your children?

11 A. Yes, all their bodies were in Wadza.

12 Q. Sir, why did you place a line below Tchudja?

13 A. I drew a line under Tchudja because you asked me to show you the areas where
14 the troops carried out their attacks. You see the attackers came through Tchudja and
15 that is why I underlined those places.

16 Q. How about Bambu? What happened at Bambu to your knowledge?

17 A. They carried out attacks throughout Bambu as well.

18 Q. Can you please put a number 3 above Tchudja and a number 4 next to Bambu?
19 How do you know that Bosco's group attacked Tchudja and Bambu?

20 A. I received information that Bosco's group had attacked Tchudja and Bambu and
21 that several dead bodies were found in Tchudja.

22 Q. Who gave you this information?

23 A. That information became available to me under the following circumstances:
24 Some people had been captured and held in some houses, so one man from Tchudja
25 came from Gutsi and was not captured, so he went there and asked whether anyone

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1 had seen Bosco's team arresting his family members. He said that everyone was
2 arrested or captured but he had been in a house which had not been searched and
3 was, therefore, able to flee.

4 Q. Did you speak with this man yourself?

5 A. No, I did not speak with him. However, I got the information that dead bodies
6 had been found in all those locations where the attackers had passed through, and so
7 family members went to collect the dead bodies thereafter.

8 Q. Thank you, sir.

9 Now we're going to go back and concentrate on the things you lived and saw yourself.
10 So I will ask you again if you can show on the map. You said that when Bosco's
11 group attacked Kobu, they had come from Kilo. So can you show on the map the
12 direction from which Bosco's group arrived in Kobu?

13 A. Those who captured Kobu were in great numbers. There were many of them
14 when they arrived in Kobu. One group came from the Tchudja road, another from
15 Oli (phon).

16 Q. Can you show on the map where Oli is?

17 Your Honour, I'm getting a message that in Swahili the witness said "Buli."

18 Sir, did you say Oli, or did you say Buli?

19 PRESIDING JUDGE FREMR: Mr Witness, have you heard Ms Solano's last question?
20 She would like to know whether you said Oli or Buli.

21 THE WITNESS: (Interpretation) From Kobu they went on the Sangi road through
22 Ngabulo on towards Buli and then Jitchu.

23 MS SOLANO:

24 Q. Sir, I would like to focus on the places that you went to, so perhaps you can
25 show us on the map. You said yesterday that from Kobu you fled into the Agora

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1 forest. Can you show on the map with a circle where the Agora forest is.

2 Sir, and to be clear, some of these locations may not be visible on the map with place
3 names. So what I am, in fact, asking you to do is whether you can show us where
4 these places should be marked on the map.

5 A. All right. From Kobu there is a road to Wadza, the main road, but then you
6 must go on a footpath instead, and it is on that footpath that one goes to Sangi, and
7 then to Ngabulo, and then Buli, and then all the way to Jitchu. Jitchu, by the way, is
8 on the one hand and Ngabulo is on the other as you go towards Sangi.

9 Q. Sir, what I would like you to try and identify on the path is the area you
10 referred to yesterday as the Agora forest or the Agora bush to which you fled and in
11 which you stayed several days with the other people who had fled from Kobu. Do
12 you understand my question, sir?

13 A. Yes, I have understood you. Agola is -- well, when you leave Kobu, before you
14 get to Bambu, you use a footpath, and then you get to a village, which is nearby.

15 Q. Sir, can you put a dot on the map where you believe the village of Gola is?

16 MR BOUTIN: Mr President, I think to be fair --

17 PRESIDING JUDGE FREMR: Yes.

18 MR BOUTIN: -- to be fair to the witness, I think that he always referred to the
19 village of Agola or Agora, unless I'm mistaken, and it was throughout the day
20 yesterday.

21 PRESIDING JUDGE FREMR: Ms Solano.

22 MS SOLANO: Yes, your Honour. Thank you to my friend from the Defence. I
23 will rephrase my question.

24 Q. Sir, can you put a dot on the map where the village of Agora should be?

25 A. Agola is in the -- is located in the Petsi groupement.

1 MS SOLANO: Your Honour, and for the record, I'm told that in the Swahili channel
2 the witness is heard saying "Gola," so perhaps the interpreters could listen once more
3 the next time he mentions the village; and if that is correct, reflect that in the English
4 and French transcript, please.

5 PRESIDING JUDGE FREMR: So I would ask the interpreters to be precise because it
6 is important for us.

7 MS SOLANO:

8 Q. Sir, do you -- do you see in the map the villages of Kobu and Bambu? And you
9 had said that the village of Gola is somewhere in between those villages. Are you
10 able to tell us where Gola is by showing us on the map?

11 A. Yes. Gola -- well, Kobu is in the Tchudja groupement, but Gola is in the Petsi
12 groupement, Petsi groupement. Those are two different groupements. Further up
13 you have the Tchudja groupement, and further down you have the Petsi groupement.
14 So there is a place there called "Agola," which is in the Petsi groupement.

15 Q. Sir, is Agola also known as Gola?

16 A. Well, back home you can say Gola, but when you write it down, you write
17 Agola. So in our place this location is referred to as Gola, which is found in the Petsi
18 groupement and not in the Tchudja groupement. It is in the Petsi.

19 Q. Thank you, sir. And which other village is closest to Gola?

20 A. There is a village near Agola known as Ngabulo. There is another village
21 known as Buli, and then another called Jitchu. Those are the villages that are not far
22 away from Agola, and all these villages are in the Petsi groupement.

23 Q. Sir, so is it correct that Ngabulo and Buli are two different places?

24 A. Yes. Yes, those are two different places. There is some distance between
25 those two places, but they are all within the same conglomeration, although they are

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1 different places.

2 Q. Are some of these places close to the Agora forest where you hid when Bosco's
3 group attacked Kobu?

4 A. Yes. That place is actually found in --

5 THE INTERPRETER: A comment from the Swahili booth: Could the witness be
6 asked to repeat his answer.

7 MS SOLANO:

8 Q. Sir, the interpreters did not -- could not hear your answer. Can you please
9 repeat it?

10 A. Yes. Those villages are not far away from Agola which was attacked by Bosco.
11 All those villages are not far away from Agola.

12 Q. Yesterday you talked about how you fled to the Agola forest, or the Agola bush.
13 Is that separate from the village of Gola? Is it a different place?

14 A. The Gola forest, as I've already said, in our place we refer to this as Gola, but
15 when you write it down, you -- you write Agola. But both refer to the same village.

16 Q. Sir, please pay close attention to my next question: When you fled Kobu did
17 you flee to Agola village or to the bush near Agola or Gola?

18 A. Okay. Gola, Gola is a stream. The village also bears the same name as the
19 stream, and that is where we were.

20 Q. Thank you, sir. Thank you, sir. I'm not going to ask you any more questions
21 about the map.

22 If the usher could please remove the map.

23 And, your Honour, I seek to have the map admitted into evidence.

24 PRESIDING JUDGE FREMR: Defence, any objection to that?

25 MR BOUTIN: No, Mr President.

1 PRESIDING JUDGE FREMR: Well, then annotated map, map annotated by the
2 witness ERN number ending with 0239 is admitted into evidence as a Prosecution
3 exhibit.

4 You may proceed, Ms Solano.

5 MS SOLANO:

6 Q. Sir, please -- please stay where you are for a moment more. I would like to ask
7 you, sir, if we give you a write piece of paper and I ask you to draw a sketch of certain
8 places in Sangi and Ngabulo, do you think that you could do that?

9 A. Yes, I can do that.

10 MS SOLANO: Can the usher please place a piece of paper under the Elmo and ...

11 Q. Sir, can you start by showing on your sketch the villages of Sangi and Ngabulo.

12 A. So Sangi is up here and Ngabulo is further down.

13 Q. Can you show on your sketch where the bush is relative to Sangi and Ngabulo?

14 A. Gola, as you can see, is further down, and then you have this road here, which
15 leads to Buli and Jitchu.

16 Q. Sir, and where is Kobu relative to Sangi and Ngabulo?

17 A. Kobu is on this side, a little further on, as I had already mentioned. Some 2
18 kilometres away. Now, from Kobu you take a bush path to Sangi, and from Sangi
19 you can now get to Ngabulo, and from Ngabulo you can go either to Buli and Jitchu,
20 meaning that you are no longer able to go on the other road.

21 Q. Thank you, sir. Could you show on your sketch the place at the entrance of
22 Sangi village where you said Bosco's group was when they invited you to dialogue.
23 And for the record this comes from page 35, from line 11 of yesterday's transcript.
24 Sir, I repeat, can you find -- can you indicate on your sketch the place at the entrance
25 of Sangi village where you said Bosco's group was when they invited you to dialogue.

1 A. When he called us he was at the top of Sangi hill, and he was calling for people
2 who were down in the valley to come up to where he was so that he could talk to
3 them. He was in Sangi at that time.

4 Q. Can you put a number 1 where this person was?
5 Can you please put a number 2 where the valley is?

6 A. The valley is at the bottom of the hill. And it is in that place called Ngabulo
7 where the valley is.

8 Q. Sir, and can you put a number 3 -- a number 2 at the place where Dhikpanu was
9 captured?

10 A. I haven't understood the question that you've asked me about Dhikpanu.
11 Please, could you repeat it, please.

12 Q. Can -- can you -- there's a problem with the microphone.

13 Sir, can you -- can you show on your sketch the place where Dhikpanu was captured?

14 A. Very well. I don't understand. When you say "Dhikpanu," what's that?
15 I don't understand.

16 Q. I'm sorry, sir, it must be a matter of my pronunciation or the interpretation.
17 Yesterday you told us that a man called Dhikpanu had been captured by Bosco's men,
18 that his hands had been tied and that he had been taken away. I want you to show
19 on the sketch where that happened.

20 A. Now I understand you very well. I hadn't understood your question.
21 Dhikpanu was arrested in the centre of Sangi here. We left Ngabulo and we went up
22 this hill. And once we arrived at the top of the hill he was arrested.

23 Q. So he was arrested where the number 1 is; is that right?

24 A. Yes.

25 Q. How about the place where you were beaten. Can you show on the sketch

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1 where you were beaten?

2 A. Yes, I marked Sangi here, that was a hill. We were taken -- taking the Kobu
3 road. And once we arrived at 20 metres they started hitting us.

4 Q. Sir, could you show on the sketch the direction in which you fled into the bush
5 after they beat you?

6 A. Yes. I escaped and spent the night in the bush on a hill, on Sangi hill. I didn't
7 go to Agola or Ngabulo. I was in Sangi but I fled towards the valley.

8 Q. Can you show us where that valley was?

9 A. When you leave Ngabulo you take Kobu road, and the valley is on the left of
10 Sangi.

11 Q. Sir, so if I understand you, the valley is below the line that you've drawn on
12 your sketch; is that right?

13 A. Yes. The valley is below where I drew the line on the sketch. And you leave
14 Buli to go to Jitchu.

15 Q. Sir, could you repeat the last part of your answer. Apparently you said and
16 you leave Gola to go to Jitchu; is that right?

17 A. We were in the valley next to Sangi and we fled when they came to arrest us on
18 the hill. I told you that all these villages are close to each other and you have -- you
19 know our region is mountainous, there are a lot of hills.

20 Q. Thank you, sir. That's very clear.

21 MS SOLANO: Your Honour, can I have a moment please to consult with my team?

22 PRESIDING JUDGE FREMR: All right.

23 (Pause in proceedings)

24 MS SOLANO: Thank you for your indulgence. Your Honour, I have just a very
25 few remaining clarification questions.

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1 Q. Sir, thank you for your assistance with that sketch.

2 And, your Honour, I seek to have the sketch admitted into evidence, please.

3 MR BOUTIN: Mr President, if I could have a look at the sketch before because it was
4 misplaced on the screen, so we didn't have a clear view of the full sketch.

5 PRESIDING JUDGE FREMR: Well, court officer, could you just show the hardy
6 copy.

7 MR BOUTIN: Thank you, Mr President.

8 PRESIDING JUDGE FREMR: So may I take it there are no objections from your
9 part?

10 MR BOUTIN: No objection, your Honour.

11 PRESIDING JUDGE FREMR: In such a case, the sketch made by the witness should
12 be assigned an EVD number and will be admitted into evidence as a Prosecution next
13 exhibit.

14 Ms Solano, you have the floor.

15 MS SOLANO: Thank you, your Honour.

16 Q. Sir, do you know when the interethnic conflict between the Hema and the
17 Lendu began, in what year?

18 A. Yes. I don't remember the year during which the conflict started. We found
19 out that in the east there were clashes, but we didn't have a lot of information about
20 that. However, these clashes occurred in other localities a bit later.

21 Q. When did the interethnic conflict between the Hema and the Lendu begin in
22 your area, in what year?

23 A. In 2001. The clashes started in 2001 in my area.

24 Q. In what year and in what month did Bosco's group attack Kobu?

25 A. Very well. In 2001, the clashes started and Bosco -- Bosco's group was involved

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1 in these clashes until the end of the conflict. However, in my area these attacks
2 occurred in 2003. It was in 2003 that there were widespread attacks.

3 Q. Sir, do you know in what month of the year 2003 Kobu was attacked by Bosco's
4 group?

5 A. It was in March. It was in March that Bosco's troops attacked Kobu. It was a
6 very large attack.

7 Q. Sir, have you heard the word "UPC" before?

8 A. Yes, I had already heard of this acronym UPC. At the time of the clashes we
9 heard it and we found out that there was a group made up of the Hema named as the
10 UPC.

11 Q. Did this group UPC ever come to your village where you lived at the time,
12 Kobu?

13 A. Yes. The UPC came to Kobu. We were subject to their attacks in 2002. The
14 UPC had already come to Kobu.

15 MS SOLANO: Your Honour, I have no more questions.

16 PRESIDING JUDGE FREMR: Thank you, Ms Solano, observing your previous time
17 estimation.

18 So we can break now. And so the witness may be escorted out of the courtroom.

19 (Witness stands down)

20 PRESIDING JUDGE FREMR: But since we finished early we have to start earlier, so
21 we will break and we will reconvene at 11.20.

22 THE COURT OFFICER: All rise.

23 (Recess taken at 10.52 a.m.)

24 (Upon resuming in open session at 11.24 a.m.)

25 THE COURT USHER: All rise.

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1 Please be seated.

2 PRESIDING JUDGE FREMR: We will continue now with the testimony of our
3 witness concretely with his cross-examination.

4 According to my information, Prosecution exhausted for examination-in-chief three
5 hours 48 minutes, so according to our Rules, Mr Boutin, you have the same time at
6 your disposal. But to be open, we still believe that if you do your best, maybe it
7 would be feasible to finish this witness today and maybe even we can think about
8 short extension of time because, frankly, saying to come tomorrow because you all
9 know that if we would have had a witness, we will have him on Friday, so to come to
10 the courtroom all of us for 20, 30 maybe wouldn't be the best way.

11 So it's up to you please do your best.

12 And before that, Mr Witness, I have to guide you that now you will be questioned by
13 Defence and this Court is governed by the principle of fair trial which also means that
14 both parties, Prosecution and Defence, should be treated equally, so in this sense I
15 would like to instruct to you follow in the way you started, which means to focus on
16 questions, try to put clear answers and also observe pauses as you did. Okay?

17 So I guess it would be you, Mr Boutin, it would be you who will be taking this
18 witness?

19 MR BOUTIN: Yes, this is exact, Mr President.

20 PRESIDING JUDGE FREMR: So you have the floor.

21 MR BOUTIN: Thank you, Mr President.

22 QUESTIONED BY MR BOUTIN: (Interpretation)

23 Q. Good morning, Witness. My name is Luc Boutin. You had the opportunity to
24 meet my learned sister to my right, Maître Chloé Grandon, recently, and I have a few
25 questions to put to you for purposes of clarification. Do you understand me?

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1 A. Yes, I understand you.

2 Q. Yesterday when we broke off at the end of the day you remember, don't you,
3 that we were talking about a photograph which you had previously seen. Let me
4 reassure you that I do not immediately intend to show you that photograph, but do
5 you remember that issue surrounding the photograph which you have been shown?

6 A. Yes, I do remember. I was shown a photograph.

7 Q. That photograph, if I understand very well, is a photograph which you saw or
8 you looked at once in 2005 when you met with the investigators of the court; is that
9 correct?

10 A. Yes, that is correct.

11 Q. Maybe you also remember the circumstances which lead up to the investigators
12 showing you that photograph. Do you remember?

13 A. What I can say is that I was called up to meet with them. We met, we had a
14 discussion, and during those discussions they showed me a photograph.

15 Q. During that discussion the fact is that you were shown only one photograph; is
16 that not the case?

17 A. Yes. They showed me only one photograph.

18 Q. At that time you pointed out that the woman on the photograph was your wife;
19 is that correct?

20 A. Yes. That is correct.

21 Q. If I understand properly, to this day you have not seen that photograph again.
22 You never looked at it again; is that correct?

23 A. Yes. On that day I told them that I did not want to look at that photograph any
24 more.

25 Q. Do you remember meeting with members of the OTP on 6 October of this year?

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1 Do you remember that meeting?

2 A. I do not remember the date on which we met, but whenever they invited me to
3 meet with them, I did show up, but I do not remember the date on which we had the
4 meeting.

5 Q. It is, in fact, my mistake, Mr Witness. You met with the OTP on 29 October, a
6 little above a week ago; is that correct?

7 A. Yes, it could be so, but I don't remember the date.

8 Q. Do you remember that you were shown two photographs at that meeting; isn't
9 it so?

10 A. Yes. I do remember, yes.

11 Q. And those two photographs were photographs on which one could see several
12 persons; is that correct?

13 A. Yes, that is true.

14 Q. Those two photographs were similar, to the extent that they depicted several
15 persons; is that correct?

16 A. Yes. That is correct.

17 Q. Please correct me if I am mistaken, but you pointed out to the Prosecutor that
18 you were not able to recognize any of the persons on those photographs; is that
19 correct?

20 A. No, no. That's not what happened. I was able to recognize some of the
21 persons on those photographs.

22 Q. Were you able to provide their names specifically?

23 A. Yes. I was able to name them specifically.

24 Q. Mr Witness, I have a document here with me, the notes of the Prosecutor which
25 were provided to the Defence following that meeting.

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1 And for the record the reference is DRC-OTP-0089-0109 at page 0112 and paragraphs
2 11, 12 and 13.

3 Mr Witness, according this document, you were shown two photographs and at that
4 time you indicated to the Prosecutor that you were not able to recognize any of the
5 persons on the photograph.

6 PRESIDING JUDGE FREMR: Ms Solano?

7 MS SOLANO: Your Honour, I'm sorry for intervening, but I just want to remind
8 Defence counsel that in addition to these two photographs, other photographs were
9 shown to the witness during the preparation session and he might be confused as to
10 which photographs are the ones you've asked him to confirm whether he identified
11 somebody on them or not. So the witness was also shown the photographs that
12 I -- three of the photographs that I admitted into evidence yesterday.

13 PRESIDING JUDGE FREMR: Mr Boutin.

14 MR BOUTIN: (Interpretation) I do understand that the witness may have been
15 shown other photographs.

16 Q. The fact is that you were shown photographs of yourself and you identified
17 those pictures or photographs as being photographs of yourself. Is that not the case?

18 A. Yes. That is correct. I said that I was the one depicted on those photographs.

19 PRESIDING JUDGE FREMR: Mr Boutin, could you be more specific what persons
20 were on the photograph you are trying to present to witness, at least in
21 general -- generally speaks, I don't want -- civilians, soldiers, something?

22 THE WITNESS: (No interpretation)

23 MR BOUTIN: (Interpretation) Mr President, what I intend to do is to ask the
24 witness to describe the photographs that he was shown.

25 PRESIDING JUDGE FREMR: All right.

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1 MR BOUTIN: (Interpretation)

2 Q. Mr Witness, apart from the three photographs on which you appear, two other
3 photographs were shown to you. Do you remember what you saw on those two
4 other photographs?

5 A. Yes. I saw those photographs.

6 Q. Can you describe those photographs?

7 A. One of the photographs was a picture of myself showing the spot on my head to
8 which I received a wound.

9 Q. Yes, Witness, apart from those pictures of yourself, you were shown two other
10 pictures, two other photographs on which there were several persons. Is that not
11 true? Is that not the case?

12 A. No. The photographs that I saw were only the photographs of myself, not any
13 pictures of several persons, as you -- as you say.

14 Q. My point, Mr Witness, is that to this day the pictures that you were shown
15 depicted in the fore, so to speak, a disembowelled woman and that only one such
16 picture has been shown to you since 2005. Not so?

17 A. In 2005, I was shown a photograph in (Redacted) and I told them never to show me
18 that photograph again. The other photographs which I saw subsequently were
19 photographs of myself only.

20 Q. Very well. Now, that leads me, Mr Witness, to the following question which I
21 understand would be a difficult question for you but I must put it to you: Now,
22 when you arrived at the location which you described where there were some bodies,
23 including the bodies of your wife and your children, can you describe for the Court
24 how you then proceeded to identifying, or to finding and then identifying the
25 members of your family?

1 A. When we arrived at the location where the bodies were found, we realized that
2 the bodies were in a certain state. They were disfigured. And when it comes to my
3 wife, I was able to identify her legs. She had been disfigured, and so I could not
4 recognize her by her face.

5 Q. The legs that you saw, were they of a particular physical appearance that it was
6 possible for you, going by that physical appearance, to identify the person as your
7 wife?

8 A. I knew my wife. I knew her body. When you live with someone you know
9 that person, don't you, whether it is a man or a woman, a husband or a wife.

10 Q. When you arrived at that location where the bodies were, if I understand
11 properly, there were several persons there, several dead persons there; is that correct?

12 A. Yes, that is correct.

13 Q. And you were at that location in the company of other persons; is that not so?

14 A. Yes. I was there with other people.

15 Q. So when you started looking for -- or, trying to identify someone, do you
16 remember who it is you found first?

17 A. When I was looking, I first identified my wife.

18 Q. Obviously, if I understand you well, then you continued looking for the corpses
19 of those whom you described as being your children; is that correct?

20 A. Yes. After I had identified my wife, I then thought that my children would
21 probably be nearby, near their mother. So I kept looking and I found them at that
22 location.

23 Q. You have a clear recollection of the way and the sequence in which the search
24 and identification occurred, that is, beginning with your wife and then your children;
25 is that so?

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1 A. While I was looking for them, I kept feeling that I must find them. I kept
2 thinking that they must be among these dead bodies.

3 Q. Mr Witness, do you remember that you met the investigators of this Court in
4 2005, as you already confirmed earlier; is that correct?

5 A. Yes, I met them.

6 Q. During that meeting, do you remember explaining to the investigators how you
7 were able to find the corpses of the persons whom you have described as members of
8 your family? Do you remember that?

9 A. They had invited me to (Redacted) and asked me to tell them what happened, just
10 as you are asking me to do now. So I told them the same thing. And I was telling the
11 truth about what happened without changing anything. This is what it is all about.

12 Q. Mr Witness, I have with me a document being the report of the OTP on your
13 meeting with the investigators in 2005. For the record, this is document
14 DRC-OTP-0096-0074, and I am looking at page 0081, at paragraph 34.

15 Mr Witness, let me read what is contained in that report at paragraph 34. First
16 sentence:

17 "I had to look among the corpses for a long time before finding that of (Redacted).
18 He had been disembowelled and his throat was slit."

19 Let me continue, Mr Witness:

20 "When I found him I was immediately convinced that (Redacted), would not
21 be far away and, indeed, I was able to recognize her a little further away because of
22 her fine figure."

23 THE COURT OFFICER: I would like to remind the parties that we are in open
24 session.

25 PRESIDING JUDGE FREMR: Ms Solano.

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1 MS SOLANO: It's been taken care of, your Honour.

2 PRESIDING JUDGE FREMR: Okay. So let's move into private session now.

3 (Private session at 11.52 a.m.)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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7 (Redacted)

8 (Open session at 12.37 p.m.)

9 THE COURT OFFICER: We're in open session, Mr President.

10 PRESIDING JUDGE FREMR: You may proceed, Mr Boutin.

11 MR BOUTIN: Thank you, Mr President.

12 Q. (Interpretation) Yesterday you spoke at length about some young people who
13 were in your company. Do you remember that, Mr Witness?

14 A. Yes. I'm waiting for your question.

15 Q. I would like to put a few questions to you specifically about the Lendu
16 combatants who were in your sector. The youth or young persons whom you said
17 were in your company, some of them were Lendu combatants, is it not so?

18 A. Those young persons with whom we were were our young people, it was us.
19 We were the ones who were taking note of what was happening.

20 Q. When you say we were the young people, or it was us, are you saying that those
21 young people, including yourself, were the ones in charge of patrolling during the
22 day and at night in order to watch or look out for the enemy?

23 PRESIDING JUDGE FREMR: Ms Solano?

24 MS SOLANO: Your Honour, I stand corrected but I do not believe that the witness
25 has uttered those words during his testimony and, if he has I would request that my

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1 friends please provide us with the transcript references.

2 PRESIDING JUDGE FREMR: Yeah, I would support that, Mr Boutin.

3 MR BOUTIN: (No interpretation)

4 Q. There were Lendu combatants in your sector who had sought refuge in the bush;
5 is that correct?

6 A. In our area, we were the only ones, the young people. Several young people
7 had sought refuge or were in hiding, so at night, as the families were in the bush,
8 women and children, the young men were able to go out and see from which angles
9 the enemy may come and then go back to inform the families so that they may change
10 their hiding places, if need be.

11 Q. Witness, as far as you know, were there soldiers who had sought refuge in your
12 sector, soldiers who had previously belonged to Lompondo's APC? Is that the case?

13 A. That is a good question. The soldiers, like I mentioned on that piece of paper
14 were the soldiers who had been driven out of Bunia by the Hema when the governor
15 Lompondo was driven out. So the soldiers did not know where to go. These were
16 government soldiers. So they thought that they could be killed if they sought refuge
17 in areas occupied by the Hema. That is why they came to seek refuge in the Lendu
18 areas. We learnt that some of them were in Jitchu. So when the war broke out in
19 our area, those soldiers took off. They went, but we don't know where they went.
20 That is how things happened.

21 Q. There were Lendu combatants defending the villages in your sector, including
22 Kobu; is that not the case, Mr Witness?

23 A. The Lendu who were there wanted to know where the attacks would come from,
24 but when the war broke out everybody went in their own direction, in different
25 directions. Some went one way and others went the other. And people were going

1 in different directions.

2 Q. Mr Witness, I want to understand your answer. Now, were there any Lendu
3 combatants defending the villagers who would flee, or the villagers who would flee
4 into the bush when the enemy arrived?

5 A. No. There were no combatants there. We were the ones who went to the
6 bush at night. At night we were able to come out of the bush, and from those houses
7 or places where we were hiding, and then we would patrol the area. You see, it is a
8 hilly area. And we were able to go up the hill to see what was happening around
9 and then determine whether the enemy was arriving from Ngabulo and if that were
10 the case, the people from Ngabulo would then have to come and hide in our own
11 sector and the people from there would now move to a different area and indicate
12 that the enemy was on his way. And each village would move accordingly
13 depending on where it was appropriate to seek refuge. That is how things happened
14 in our area as we watched over the village at night to determine which area the
15 enemy was likely to come from.

16 Q. Mr Witness when you moved about in your sector, whether it's in Kobu or in
17 Sangi, did you meet from time to time any Lendu combatants?

18 A. At night we did not travel to any distant locations. We remained in our area.
19 I was in Gola, for example, and I did the rounds only in Agola. And we were the
20 ones, the internally-displaced persons who were doing this. There were no
21 combatants among us. It was us who used to live with our chef de localité in that
22 way. We did not go to Ngabulo, or to Buli, or even to Jitchu. We didn't go as far as
23 those places. We simply remained in Agola. And even the inhabitants of Agola
24 and the people of Ngabulo, they also had patrols in their individual villages.

25 Q. Witness if I understand you properly, you are saying that as you moved about,

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1 you had no opportunity to see or meet any Lendu or APC combatants in the sector in
2 which you were. Is that your testimony?

3 A. We had sought refuge at a location and what I am saying is that there were no
4 APC soldiers in that location. We heard mention about them. They were in Jitchu
5 but we were in our own area down in the valley because we could not go further.
6 You see, everybody was just there and the patrols took place in that neighbourhood.

7 Q. Witness, when you left Gola to attend the meeting to which people had been
8 convened, did you meet any combatants along the way?

9 A. At that time I did not meet any combatant. We, the youth, were the ones in
10 place. I did not see any combatants.

11 MR BOUTIN: For the record, Mr President, I would like to refer the witness to his
12 2005 statement, same document 0096-0074, with specific reference to page 0080,
13 paragraph 27.

14 Q. Mr Witness, last week you had the opportunity to review your statement with
15 the help of the OTP. And I'm referring to your 2005 statement. Is that not the case?

16 A. Yes. They invited me to meet with them and I discussed with them about how
17 I got here.

18 Q. Do you remember that in the statement you provided information to the
19 investigators regarding your movement from Gola to Sangi as you went to attend the
20 meeting to which you had been convened? Do you remember doing this?

21 A. Yes, I remember. I remember how we left Gola -- Agola to go to Sangi. I told
22 them that when we got to Sangi, it was I and some young people who were there.
23 When we got to Sangi, we thought that he had invited us to a discussion, and yet he
24 had already prepared something and said that anyone who came would not be able to
25 return.

1 Q. Mr Witness, in 2005 you made the following statement at paragraph 27: "On
2 Tuesday, around 11 a.m. in the morning, I heard a mortar shell, the sign that the UPC
3 militia had arrived in Sangi. Driven by a will that I am unaware of, and even
4 mindful of the potential danger, given that I had sent away my family to hide with
5 our property in the bush, I decided to leave Gola to attend the meeting. I went by
6 the road that goes straight to Sangi. And shortly before arriving there, I -- or, the
7 road links with another footpath to Buli. On that path, and at the level of another
8 place known as Ngabulo, I met a group of Lendu combatants which was marching
9 towards Sangi and I joined them. All of us were not armed because we wanted to
10 display our goodwill towards pacification." Now, Witness, have you understood
11 what I have read out?

12 A. Yes. I have fully understood. Now, when I left Agola, we went to the
13 junction leading to Ngabulo. And when I say "we" I'm talking about us, the young
14 people. And we decided -- by the way, this is what Bosco did. And I'm going to
15 explain to you how things happened because I don't want to lie. I'm not here to lie.
16 It was on a Friday, not -- not a Tuesday. On that Friday, he had arrived in Sangi
17 village and they fired a heavy weapon, just one shot. And it was him and his troops.
18 And they said, "No, you don't have to fire anymore. Do not fire. Let us first call
19 those people to come and have a discussion with us." So the person who was firing
20 stopped firing and this, as I said, happened on a Friday. So some people went and
21 they called for one young person whose name is Gombili. Gombili is a Nyali name.
22 I thought maybe they knew him. So they called for him and they had a discussion.
23 We don't know what they talked about because on that day we did not go there.
24 Now, after that they went to Kobu. They returned to Kobu.
25 Now on Tuesday he arrived and invited us and we went to meet him and have this

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1 discussion. He came twice actually. He first came on a Friday, then left and came
2 back for the second time on Tuesday after that Friday. And it is -- it was at that time
3 with the intention to attack the people.

4 You see, but I came with the young people in order to listen to what he had to say.

5 We were told that when he was there on Friday, no one showed up so he wanted to
6 have this discussion with us on Tuesday. When we got there, things changed
7 because they promptly and directly attacked us.

8 Q. Mr Witness, I would like you to listen carefully to the questions that I'm putting
9 to you. And please focus, focus specifically on this question: When you left Gola
10 for Sangi, with the young people or those whom you refer to as young people or
11 youth, isn't it true that, as you said in 2005, isn't it true that those young persons were
12 Lendu combatants?

13 A. No. I did not say that they were Lendu combatants. I said that it was us
14 young people. There was no one else. We were the ones. So we went to listen to
15 what he had to say.

16 MR BOUTIN: Mr President, I still have a number of questions on this line. I think
17 it is -- it would be the right time to break for the lunch.

18 PRESIDING JUDGE FREMR: All right.

19 Mr Witness, we will break now so you will have time to take your lunch and also to
20 take some rest. And we will continue half past 2.

21 So first court officer, please escort Mr Witness out of the courtroom.

22 (The witness stands down)

23 PRESIDING JUDGE FREMR: And for the sake of planning, one question to

24 Mr Boutin: Mr Boutin how much time you think you will need to wrap up your
25 cross-examination?

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1 MR BOUTIN: Obviously, Mr President, as you know, it is always very difficult to
2 predict, but if things go relatively well, I expect that I might be done today.

3 PRESIDING JUDGE FREMR: Very well. And as I already indicated if there would
4 be a need to, we can just provide with some even limited additional time. But
5 anyway, we should finish today at half past 4 at the latest. But still, as I said before,
6 it would be probably very useful for all of us not to adjourn to tomorrow just for a
7 very short time. So please take it into account.

8 We break now and then we will reconvene at half past 2.

9 THE COURT USHER: All rise.

10 (Recess taken at 1.02 p.m.)

11 (Upon resuming in open session at 2.34 p.m.)

12 THE COURT USHER: All rise.

13 Please be seated.

14 PRESIDING JUDGE FREMR: Good afternoon. We will continue with
15 cross-examination of our current witness.

16 Mr Boutin, do you prefer to continue in private or in closed session -- private or open?
17 Sorry.

18 MR BOUTIN: I think at this stage we can -- we can go in public, Mr President.

19 PRESIDING JUDGE FREMR: All right. So you may proceed.

20 MR BOUTIN: (Interpretation)

21 Q. Good afternoon, Witness. Can you hear me well?

22 A. Yes, I can hear you fine. Thank you.

23 Q. Witness, I'd like to clarify something with you regarding what you said
24 yesterday, which is on page 30 of the transcript, line 24, and at the beginning of the
25 next page as well. You said in response to a question from the Prosecutor that

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1 during the attack on Kobu, you saw Bosco Ntaganda's group following you into the
2 bush, capturing people, and killing others. Do you remember -- do you remember
3 saying that?

4 MS SOLANO: Your Honour.

5 PRESIDING JUDGE FREMR: Ms Solano.

6 MS SOLANO: I apologise, your Honour, but I just want to note that neither the
7 witness nor I, as far as I recall, have mentioned the last name. So actually the
8 proposition put to the witness just now is incorrect in that respect.

9 PRESIDING JUDGE FREMR: Mr Boutin.

10 MR BOUTIN: (Interpretation) Your Honour, I understand that the objection
11 regards the fact that I mentioned the last name of Bosco. I don't think it is a secret
12 for anybody, your Honour, and so I don't really understand the nature of the
13 objection.

14 PRESIDING JUDGE FREMR: I understood this objection that Ms Solano just
15 reiterated that both her and Mr Witness called this group "Bosco's group," so -- not
16 "Bosco Ntaganda's group." Have I understood?

17 MS SOLANO: Your Honour, if necessary, I will clarify. It is just that my friend was
18 putting to the witness what the witness had supposedly said, and there was that
19 small imprecision in what the witness had actually said. So my request is simply
20 that the proposition put to the witness be exactly what he had said or what he had
21 been asked.

22 MR BOUTIN: (Interpretation) I must say I still have trouble understanding the
23 nature of the objection. I will rephrase my question and, if need be, I will quote
24 specifically the passage, perhaps the entire page. I believe that this attitude on the
25 part of the Prosecutor, your Honour, would be fine if she thought that the questions

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1 relating to Bosco proposed a problem, and, indeed, it seems perfectly logical in
2 cross-examination to clarify that kind of point, but I will be fair play and quote
3 directly the English transcript.

4 PRESIDING JUDGE FREMR: All right.

5 MR BOUTIN: (Interpretation)

6 Q. On page 30, on line 24 in English (Speaks English) you said that Bosco's group
7 followed you into the bush and arrested people and killed others. Did you see this
8 yourself?

9 (Interpretation) Page 31, line 1, the answer: (Speaks English) "Yes, I saw that."

10 (Interpretation) My question to you, Witness, is do you remember saying that in
11 answer to the Prosecutor's question yesterday?

12 A. When we fled to the bush, Bosco Ntaganda followed us into the bush; and those
13 who were arrested or captured in the bush were taken with him to Kobu and were
14 killed. I saw the corpses of the people who were killed in Kobu, and amongst them
15 there was my wife and my children.

16 Q. Witness, you remember in 2005 when you met with an investigator of the Court
17 you were asked to describe what you saw during the initial attack on Kobu on the
18 part of enemy soldiers; do you remember that?

19 A. The initial attack on Kobu -- well, we called it an attack because he came from
20 Kilo to go to Kobu. That was the first attack launched by him; but the attacks, as
21 such, were carried out on people who were in the bush.

22 Q. My question to you, Witness, is: Did you see with your own eyes people,
23 either Lendu combatants, civilians, during the initial attack being killed by enemy
24 soldiers?

25 A. After the attack launched by the enemy things calmed down and we stayed in

1 the bush trying to determine whether it was calm in the village, and that's why we
2 went back to Kobu to stay. There were no more attacks. But before that, we were
3 in the bush for a certain period of time.

4 Q. And while you were in the bush for a certain period of time following the initial
5 attack on Kobu, did -- you did not see any wounded or killed either amongst Lendu
6 combatants or amongst civilians; is that correct?

7 A. After the initial attack, I did not see any people killed or injured. The people
8 who were killed were killed later on. I don't know whether during that initial attack
9 there were any victims who were killed, but as far as I'm concerned and as far as the
10 killings that impacted my family in Kobu.

11 Q. So your knowledge regarding the fact that certain people were killed, including
12 members of your family according to you, this is information that you learned later
13 on; is that correct?

14 A. Yes, that is correct. In fact, I came here to tell you what happened to my family
15 and what happened to myself. I can't tell you anything about other victims. I don't
16 know what happened to other people who were killed or other victims. It is up to
17 the family members of those victims to tell that story. I came here to tell you my
18 own story.

19 Q. Witness, I have another question for clarification regarding weapons. At the
20 time of the attack in Kobu you had weapons at home; is that correct?

21 A. We did not have any weapons in our house. Personally, I did not have any
22 arms -- or, rather, I didn't have any rifles.

23 Q. Well, maybe you didn't have rifles, but did you have a bow and arrow?

24 A. Well, I can only tell you the truth. I am not going to tell lies here, so if I'm
25 walking around at night I would carry an arrow or a machete because there was a risk

1 of being attacked by wild animals or by a snake in the middle of the night. And so
2 in case we were attacked, we needed to be able to defend ourselves with such
3 weapons. And even today, someone who was walking about at night will always
4 have at least a stick, traditional weapons. But at night, not during the day.

5 Q. So, Witness, when the initial attack took place against Kobu you did take your
6 arrows in order to try to defend the village; is that the case?

7 A. When we were attacked the adults stayed in the village. I stayed in the village,
8 but during the night I might go out to find out what the situation was, or how far the
9 enemy had advanced so I could report to my fellow villagers, but it was during the
10 night.

11 Q. And in order to do that, to check the situation and then report back to your -- to
12 the villagers, you took arrows with you; is that not the case?

13 A. They were spears -- it was a spear, rather. I would walk about with a spear to
14 keep watch on the situation in the village. I came here to tell you the truth and to tell
15 you the truth regarding what happened to me. I cannot tell lies to the Judges. I did
16 not come here to lie. I have come here to tell you the truth and that is contained in
17 my statement.

18 Q. Thank you, Witness. Now, on another topic, earlier today you mentioned
19 someone called Gombili. Do you remember that?

20 A. Yes, I remember.

21 Q. Of course you know who is or who was Gombili; is that correct?

22 A. I have something to say about that. I didn't know which Gombili you were
23 referring to. There's someone who was called Gombili and we heard that name
24 Gombili, Gombili, but I didn't know him. Normally this is a Nyali name, that is,
25 people who are members of the Nyali ethnic group.

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1 Q. And you met with Mr Gombili and you knew that he was a former member of
2 the APC; is that correct?

3 A. We heard that name. We would hear the name Gombili. Now, was he a
4 member of the APC? I didn't know. Those who knew him can testify about that,
5 but as far as I'm concerned all I can tell you is that I heard the name Gombili.

6 Q. The Gombili that you know, Witness, is it not the case that that is the person
7 who relayed messages from Sangi to Kobu? Or he carried messages?

8 A. Yes. Yes, you've put your question well. At the time we heard people saying
9 the name Gombili, but I did not know him. Later on, when young people were
10 talking amongst themselves, you know, when you're a member of a group you hear
11 things, you receive information, and we found out that Gombili had been given a
12 letter announcing that he would come on Tuesday. Personally, I did not see the
13 letter, but when it was delivered I was not there. But the information was talked
14 about by the young people.

15 Q. You heard mention of this invitation, apparently you heard about it later on,
16 regarding a meeting in Sangi in the Lendu community. Before that pacification
17 meeting that was held there had been meetings and discussions with -- with
18 community leaders; is that not the case?

19 A. Yes. That kind of meeting took place on a Friday, and it was the following
20 Tuesday that the letter was brought announcing that they were going to attack.

21 THE INTERPRETER: Your Honour, could we ask the witness to repeat the last part
22 of his answer which the Swahili booth did not catch.

23 PRESIDING JUDGE FREMR: Mr Witness, could you kindly repeat the last part of
24 your response because it hasn't been captured by the Swahili interpreters, please.

25 THE WITNESS: (Interpretation) Very well. On that day, called the name of

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1 Gombili. It was a Friday. I don't know which Gombili it was. Furthermore,
2 I don't know when Gombili came. All I heard was that Gombili had come with a
3 letter announcing that Bosco Ntaganda was going to come on a Tuesday.

4 On that Tuesday, he came with his people, and they launched an attack.

5 MR BOUTIN: (Interpretation)

6 Q. Witness, during this meeting in the Lendu community with a view to discussing
7 the letter of invitation to the meeting, did you participate in this meeting or in the
8 discussions yourself?

9 A. On that Friday, when people had been called, I didn't participate in the meeting.
10 I didn't go.

11 Q. If I understand well, you went later with a view to meeting?

12 A. Yes. I didn't participate in the meeting on Friday. I heard voices, people
13 speaking because I was nearby; but on the Tuesday, on the day of the attack, I
14 participated.

15 Q. Witness, you refer regularly to "groups of Bosco," or "men of Bosco"; is that
16 correct?

17 A. What I say on that subject is with regard to their actions, and I am a witness of
18 these acts, and it's the truth as I'm relating it to you now, they know themselves.

19 Q. Witness, isn't it true that you didn't meet Bosco Ntaganda in Sangi during the
20 events?

21 A. On the Tuesday he called us again to go to the dialogue, and I went, personally.
22 He saw that the young people had arrived, and it was at that time that they
23 surrounded us and pushed us towards Kobu and drove us towards Kobu. I didn't
24 know that it was him, Bosco Ntaganda, at that time. It was only afterwards that
25 other people told me that it was Bosco because they had already met him before.

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1 Q. So if I understand well, Witness, you didn't know if the person or the
2 commander that you met at that time was Bosco Ntaganda or not; isn't that correct?

3 A. You put your question rightly. At that time when we arrived there we saw
4 that he had arrived with one of his commanders whose name he knew. It was a
5 commander who was with him.

6 Q. And this commander, do you know what his name was, Witness?

7 A. For the moment, I don't remember his name anymore. Please accept my
8 apologies. I can't remember anymore. But I think that his name can be found in a
9 document, in the statement.

10 Q. You're referring to your statement of 2005, Witness?

11 A. Yes, it is that document.

12 Q. Commander Salumu, does that remind you of anything?

13 A. Yes, yes, that's him. Thank you. It was him, Commander Salumu, yes,
14 because I no longer remember. I'm a bit tired. Please excuse me. Yes, he was one
15 of the people who were working with him. Bosco knew these people.

16 Q. So isn't it true that in your statement of 2005, Witness, you never mentioned at
17 any time having seen Bosco Ntaganda with Commander Salumu?

18 A. That could be the case. For example, when the enemy arrived, let's say we
19 who are there in the courtroom, if we go to a place, the people, they don't know who
20 we are; but among us, we do know who's who, and that's how at that time I didn't
21 know who they were, but I did know there was a war which had -- or during which
22 the Hema had attacked us and people from our villages said that it was
23 Bosco Ntaganda's group.

24 Q. You're referring to Bosco in your community. It's the only name which is
25 circulating or being said as the leader; is that not correct?

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1 A. That's correct.

2 Q. At the time of the events in particular in Sangi, in fact, you didn't even know the
3 name of Bosco Ntaganda; isn't that correct?

4 A. At that time, I didn't know his name. It was during the conflict, particularly
5 the day that I went to see the bodies. It was at that time that I knew it was the group
6 of Bosco that had gone into action. The people who were with me to find the bodies
7 didn't know that it was Bosco. They thought that it was the Hema.

8 Q. Witness, do you remember during your meeting, your recent meeting with the
9 Office of the Prosecutor -- well, the question of Bosco, or when you got to know about
10 Bosco, that issue was dealt with, with the members of the Office of the Prosecutor?

11 A. First of all, I would say the following: I don't know Bosco, I didn't know Bosco,
12 but there are people who did know him. These people said that it was the group of
13 Bosco who had done that because the Hema couldn't act in such a way.

14 Q. It was after the conflict that this information was provided to you about
15 Bosco Ntaganda; isn't that correct?

16 A. No, it wasn't after the conflict. It was at the time that people were going to get
17 bodies of their families and they were seeing if the people were going to attack again,
18 and it was at that time that they said it was the work of Bosco.

19 Q. Witness, you remember discussing with members of the Office of the Prosecutor
20 during your recent meeting exactly on this specific subject you were asked -- and I'm
21 going to read it, and I'll read it from the document, your Honour,
22 DRC-OTP-2089-0109, page 0111, paragraph 5, and it's in English. I'm going to read
23 the full paragraph to be certain that there's no ambiguity.

24 There's a reference, Witness, to your statement of 2005 (Speaks English) "When
25 asked if he -- if he saw Commander Salumu himself, the witness responded that 'The

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1 message from the person uphill who was calling for the people to come out was from
2 Commander Salumu who was working for Bosco. He heard it that when they were
3 captured it was difficult to distinguish who was who, but people there said that they
4 were working on the orders of Commander Salumu."

5 (Interpretation) The next paragraph: (Speaks English) "When asked when we
6 heard about Bosco Ntaganda for the first time, the witness responded that 'When the
7 war had finished, people said the person who was commanding the operations was
8 Bosco Ntaganda.'"

9 (Interpretation) And I continue:

10 (Speaks English) "When asked when the war had finished, the witness responded
11 that 'The war became very intense and then finish in March 2003.' When asked how
12 long after the war had finished he heard about Bosco Ntaganda for the first time, the
13 witness responded, 'It was less than 1 month.'"

14 (Interpretation) So, Witness, have you understood well what I read to you?

15 A. Yes, I understood it. During the conflict -- I didn't say after a month, no; it was
16 at the time that people were going to get the bodies and it was at that time the young
17 people said that it was Bosco's group. I didn't say it was after a month. No, I didn't
18 say that.

19 Q. So what the Office of the Prosecutor reports as having been your words on 29
20 October that's not correct; is that what you're saying?

21 A. No, it wasn't like that. That wasn't what I said. What I said was the following:
22 During the conflict we learnt that it was Bosco's group that had done that. I didn't
23 speak a month, no.

24 Q. Witness, on another subject, you know the term "saba saba"?

25 A. Yes, you've asked your question well.

1 Q. Could you tell us in your opinion what saba saba means, or what it refers to?

2 A. Okay, you've asked a good question. Saba saba is a weapon, a heavy weapon.
3 We were in Agola and we heard that there was a battle in Lipri. The Hema were
4 fighting in Lipri and it was them who had this heavy weapon. And when the Lendu
5 from Lipri drove them away, it -- the Hema couldn't transport the heavy weapon, so
6 the Lendu took it. It was very heavy.

7 Q. And you know where this weapon was taken to from Lipri, Mr Witness?

8 A. You've asked a good question. When this weapon was taken -- Lipri and
9 Agola are distant localities. At that time we found out that the weapon had been
10 transported, but when the French arrived in order to go to help to put an end to the
11 interethnic conflict, they took the weapon and they left with it.

12 Q. I'll repeat my question, Witness: This weapon which was allegedly seized by
13 the enemy in Lipri, do you know where it went afterwards? Where was it taken
14 afterwards, to what place?

15 A. Yes, you've put your question well. After -- or, with regards to this weapon, I
16 heard people speak about it. You know, when somebody isn't in a place and he
17 finds something out, the person can only say what he's heard. The weapon was
18 seized and it was taken to Bambu. Some days later the French arrived, they took the
19 weapon which was in Bambu. The French were there to prevent the interethnic
20 conflict continuing. That's why they took that weapon with them. We found that
21 out. You know, Agola and Lipri are two distant localities.

22 Q. Within the framework of the negotiations in which Gombili took part with the
23 enemy, did you hear anyone speak about the fact that the enemy were trying to find
24 the saba saba?

25 A. Yes, you've asked a good question. When they entered to attack they wanted

1 that their arms be given to them. If you don't give in -- if you don't surrender your
2 weapons, you'll be exterminated. That's the way it was. They entered because they
3 wanted to recover the weapons. That was their objective.

4 Q. Did you find that out from other people; is that correct?

5 A. Yes, that's something that I found out from other people. People knew that
6 when they arrived they wanted to recover their weapons. Even if another witness
7 comes here to testify that witness will tell you the same thing. The account won't be
8 different from mine.

9 Q. Witness, allow me now to go on to another subject. Page 42, lines 5 to 10 of the
10 transcript from yesterday. You mentioned having met an elderly lady. Do you
11 remember?

12 A. I didn't speak about an elderly lady that I met.

13 Q. I will read the transcript of the day to you in English. And it refers to the fact
14 that you found out that people had been arrested, from line 5, Madam Prosecutor
15 asks you (Speaks English) "How do you know that they arrested people? Did you
16 see this yourself or did someone tell you?"

17 (Interpretation) Answer:

18 (Speaks English) "Okay. The reason why I tell you that people were arrested is that
19 all those people who had been hiding in that small valley try to come out and find out
20 what was happening in the village, so one lady told me that somebody had fled to
21 Agora and that all those people there had been arrested."

22 (Interpretation) The next question:

23 (Speaks English) "Who was this lady?"

24 She was a lady whose name I do not know."

25 (Interpretation) Do you remember now, Witness?

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1 A. Very well, you've asked a good question. I will tell you the truth. You know
2 here it's not a place where somebody has to say lies, tell lies. Here you have to tell
3 the truth so that everything happens and takes place as it should.
4 When people were arrested in Agola there weren't elderly women. There was a
5 woman, my sister-in-law, it was -- she was the one who was arrested with the others,
6 she was the one who gave me the news saying that persons have been arrested in
7 Agola and they'd been killed. She told me, "Brother-in-law, you should go there"
8 and also asked the people who have lost their family to go to Kobu to go and see what
9 happened there. But when she entered into the house they didn't open the house
10 where they were.

11 MR BOUTIN: At this stage, Mr President, I suggest that we should go into private
12 session.

13 PRESIDING JUDGE FREMR: For sure.

14 Court officer, let's move into private session now.

15 (Private session at 3.25 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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- 19 (Redacted)
- 20 (Redacted)
- 21 (The hearing ends in private session at 3.55 p.m.)