

Trial Hearing
Witness: DRC- OTP -P-0790

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI - Courtroom 1
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 Tuesday, 19 January 2016
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.
19 Now appearances in the usual order, please.
20 MS SAMSON: Good morning, Mr President, your Honours. Appearing for the
21 Prosecution today is Ms Marion Rabanit, associate trial lawyer; Ms Claudine Umurungi,
22 legal assistant; Ms Selam Yirgou, case manager; and myself, Nicole Samson, senior trial
23 lawyer.
24 PRESIDING JUDGE FREMR: Thank you, Ms Samson.
25 Defence, please.

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1 MR BOUTIN: Good morning, Mr President, your Honours. Appearing for the Defence
2 this morning is Ms Berta Casas Rochel, who is an intern; Margaux Portier, who is the case
3 manager; and myself, Luc Boutin, counsel, assistant counsel. Thank you.

4 PRESIDING JUDGE FREMR: Thank you.

5 And I'm only adding that Mr Ntaganda is present as well.

6 And now Legal Representative of Victims, please.

7 MS PELLET: (Interpretation) Thank you, your Honour. The former child soldiers are
8 represented by Mohamed Abdou and myself, Sarah Pellet, counsel.

9 MR SUPRUN: (Interpretation) Good morning, your Honours. The victims of the
10 attacks are represented by the OPCV and Ana Grabowski, associate counsel, and myself,
11 Dmytro Suprun.

12 PRESIDING JUDGE FREMR: Thank you, both of you.

13 Very briefly, before I give the floor to the Prosecution to continue with its examination of
14 Witness P-790, I wish to recall that in conformity with instructions we provided yesterday
15 via email, parties and participants are requested to copy the Trial Chamber VI
16 communication inbox when making a request for redactions to the public transcript of
17 proceedings. This will, we hope, facilitate ensuring that all redactions are in fact
18 necessary. Are there any points that the parties or participants wish to raise on this
19 issue? Prosecution?

20 MS SAMSON: No. Thank you, your Honour.

21 PRESIDING JUDGE FREMR: Defence?

22 MR BOUTIN: No, your Honour. Thank you.

23 PRESIDING JUDGE FREMR: Representatives of victims? No. Okay.

24 So we have the witness in the courtroom, so we can continue.

25 Mr Witness, I would like to assure that you are feeling well today. Is everything okay?

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1 WITNESS: DRC-OTP-P-0790 (On former oath)

2 (The witness speaks Swahili)

3 THE WITNESS: Yes, I am just fine.

4 PRESIDING JUDGE FREMR: And, again, it is my duty to remind you that you are still
5 under oath, so you have to speak the truth and nothing but the truth. And I would also
6 like to add that yesterday you perfectly observed our instructions concerning making
7 pauses, listening carefully to the questions. So please proceed in the same way today.
8 Now, Ms Samson, you have the floor.

9 MS SAMSON: Thank you, Mr President.

10 QUESTIONED BY MS SAMSON: (Continuing)

11 Q. Good morning, sir.

12 A. Good morning.

13 Q. I have a few questions for you right now which are intended to clarify some of the
14 evidence you gave yesterday. Yesterday you indicated that there was a message from
15 the UPC that when the population will come back to the village for peace, they should
16 not -- they should not forget to bring back the saba saba.

17 My question is whether there was a date set when the population should come back for
18 peace?

19 A. Yes, an ultimatum had been given; it was one week. That was the ultimatum that
20 had been given to Sangi -- in Sangi --

21 THE INTERPRETER: Correction.

22 THE WITNESS: -- when the people came together for that peace meeting.

23 MS SAMSON:

24 Q. Did you understand where the peace meeting was to be held one week later?

25 A. We were told that the meeting would be in Sangi.

1 Q. Yesterday you also indicated that you were able to move from -- to Sangi, Sayo and
2 to Wadza, and that you had seen some UPC soldiers, but that they didn't harm you. Do
3 you know why at this time you weren't harmed by the UPC soldiers?

4 MR BOUTIN: Objection, your Honour.

5 PRESIDING JUDGE FREMR: Please go ahead.

6 MR BOUTIN: I think that the question as put to the witness calls for the witness to
7 basically read in someone else mind. He is asked -- basically Ms Samson is asking the
8 witness's opinion as to why a third party would have acted in one way rather than the
9 other, and I don't think that it is admissible.

10 PRESIDING JUDGE FREMR: Ms Samson.

11 MS SAMSON: Mr President, I perhaps can rephrase the question, because I am in fact
12 not asking the witness why those particular soldiers hadn't harmed him but, rather, a
13 piece of information that the witness previously gave to the Office in relation to a message.
14 So I will try to phrase it differently so it doesn't appear as though I'm asking the witness to
15 speculate about those particular soldiers.

16 PRESIDING JUDGE FREMR: Please try.

17 MS SAMSON: Thank you.

18 Q. Mr Witness, I'm going to ask my question a bit differently: When you heard the
19 message about going to a peace meeting in Sangi within one week, were you also
20 informed by the UPC soldiers about how they would treat the population during that
21 one-week period?

22 A. Very well. After the one-week ultimatum was given to us, before the meeting with
23 the local people, there was nothing that had been done. The UPC soldiers did not
24 provoke the people. There was a lull as people awaited this peace meeting.
25 Before that

1 date, people went -- came out of the bush and were not provoked by the soldiers. That is
2 when we were all making our preparations to go to Kobu.

3 Q. And during the period that you were not provoked by the soldiers, did you know in
4 advance that you wouldn't be provoked, or did it just happen that you were not provoked
5 by the soldiers?

6 A. When they sent us the message saying that a peace meeting would be organised, the
7 soldiers were not bothering the population. The population had left the bush and had
8 not had any troubles. However, there were no changes to the positions that these
9 soldiers had taken.

10 Q. And when you say there were no changes to the positions the soldiers had taken, do
11 you mean their physical positions, where they were placed, or do you -- are you referring
12 to something else?

13 A. Very well. I'm talking about the positions that the soldiers had taken when they set
14 up operations in Kobu, physically speaking, when they were in the process of -- when
15 they set up operations in Kobu, they took some positions, even along the road.

16 Q. Thank you.

17 Mr President, with your leave, I would like to move into private session now to get back
18 into the area that we had left off with yesterday, which involved the movements of the
19 witness and some identifying aspects about those movements, with your leave.

20 PRESIDING JUDGE FREMR: All right.

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

22 (Private session at 9.45 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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22 (Open session at 10.18 a.m.)

23 THE COURT OFFICER: We are back in open session, Mr President.

24 PRESIDING JUDGE FREMR: Thank you.

25 Ms Samson, you may proceed.

1 MS SAMSON: Thank you.

2 Q. Was the saba saba weapon one that belonged to the local population? Was it part
3 of the weaponry of the local population?

4 A. I had never seen a saba saba personally. The saba saba weapon was taken in Lipri.
5 I was not present at the time. And I do not know whether (Redacted) was in the know.
6 Personally, I do not know what kind of weapon a saba saba is. But I did hear people say
7 that a saba saba weapon had been taken in Lipri.

8 And during the fighting we, the local people, had fled and we had spent the night in the
9 bush. And on the following day, at approximately 10 or 11 in the morning, we saw
10 houses that had been burnt down, and we saw them burning. We were standing on a
11 hillside when Jitchu -- well, Jitchu and Buli are down the hill. They were down the hill,
12 and we could see houses catching light, but we did not know the reason for this.

13 And later on we saw the UPC soldiers passing through Buli, and there was a four-by-four
14 vehicle that was white in colour in Buli itself, and the soldiers were starting to push this
15 vehicle because they had not been able to start it. They were not able to start the vehicle
16 and, as a result, they abandoned it there.

17 We do not know why it is that they turned around and left, but we gradually came down
18 the hill and some of us went to see what had happened to Jitchu. We noted that all the
19 houses had been set alight.

20 And the same applied to Gutsi, the car had been abandoned there and the soldiers left, but
21 we didn't find out the reason why, the reason why they had left. We noted that some of
22 the elderly men had not been able to flee, and we saw corpses in the village. There was
23 also the body of a young child who had died, but we were not able to understand the
24 circumstances surrounding the death of this young child because he did not bear any
25 marks, any wounds on his body. All of these bodies that we found in Jitchu were taken

1 away in order to be buried in Buli. But we didn't really understand the circumstances
2 surrounding the flight of the soldiers.

3 Q. I do have some more questions about that, but first I have a question about the
4 earlier account on the saba saba.

5 You indicated that the saba saba had been taken in Lipri, to your knowledge. Who had
6 the saba saba been taken from?

7 A. Very well. I heard people say that the weapon was taken from the UPC soldiers
8 and that it was the Lendu group of combatants that seized this weapon. And it was
9 these very combatants who were used to providing support during attacks when trying to
10 save the lives of the local people, and it was in this context that they seized the weapon. I
11 was not an eyewitness to the event, but I heard people speak about it.

12 Q. You've indicated that you gradually came down the hill to see what happened in
13 Jitchu and that all the houses had been set alight, and you said that the same applied to
14 Gutsi. Did you see what, if anything, had taken place in Buli or any other villages?

15 A. No. You are referring to Gutsi, are you not? No. Buildings were -- or houses
16 were burnt down in Jitchu and in Buli as well, but not all houses in Buli were burnt down,
17 only some of them.

18 I also noted that they tried to push a vehicle, but they abandoned it near the Catholic
19 church in Buli.

20 And when we were coming down the hill we noticed that there were the bodies of elderly
21 gentlemen in Jitchu and also the body or corpse of a young child and the corpse of a
22 woman. These corpses were taken to Buli, where they were buried. It wasn't a burial as
23 such, but they were put in a common grave, because time was lacking, and all these
24 bodies were placed in a common grave, a mass grave, which was covered with earth, and
25 then we left. However, the soldiers had already left.

1 Q. When you left Buli, where did you go?

2 A. I left Buli, but some young people tried to see what was going on. I went to
3 Ngabulo, and we did not find anything there. We continued on until Sangi. And upon
4 arriving in Sangi, we found a group of soldiers there. Rather --

5 THE INTERPRETER: Correction from the Swahili booth: This was the location where
6 the soldiers were supposed to be found, but we did not find them there.

7 THE WITNESS: They had already left, they had already left for Kobu. And even in
8 Kobu, well, they didn't stay there either. We remained in Sangi. And whilst we were
9 there, a young man arrived -- well, he wasn't a young man. Let's say that he was an
10 individual of a certain age. He arrived and he gathered the young people together
11 saying to them, "Well, listen, in Kobu there are no longer any soldiers."
12 We were surprised at this and we asked, "Well, if there are no soldiers in Kobu anymore,
13 does that mean that the local people left with them?" And they said that there was
14 nobody in Kobu and that was why we decided to go to Kobu. However, the old man
15 remained behind at that location in Sangi.

16 MS SAMSON:

17 Q. How did you find the houses in Ngabulo and Sangi when you passed through those
18 villages?

19 A. Well, when we went there, there were no longer any houses. All the houses had
20 been burnt down. There was nothing.

21 Q. And in which villages are you referring to, Ngabulo or Sangi or both?

22 A. When we left Buli, we got to Ngabulo. And in Ngabulo, there we went up to the
23 place where the soldiers were, all the way to Sangi. And in that village there were no
24 longer any houses. All the houses had been burnt down. The only house -- well, there
25 were only a few spots in Buli where there were a few houses here and there. There was

1 the church and a few other houses that remained. But all the other houses in Sangi, all
2 those other places, the houses had all been burnt down, Sangi, Ngabulo.

3 Q. So what did you find upon your return to Kobu?

4 A. When I went back to Kobu, once I got to Kobu -- I did not take the main road, I had
5 taken a secondary road leading to the church as the old man had advised me. You see,
6 there were some dead bodies by that church. I took that particular road. And once I
7 got there, where one finds the Catholic church in Wadza, we met up with some young
8 people from Gutsi, because Buli is somewhat far off. The people from Gutsi were
9 already there where the corpses were to be found.
10 I arrived and I saw - I saw - the corpses on the ground beside the church, the place where
11 Gobe is now building a house. I saw all the bodies that were still there at the church. I
12 saw one corpse. There were -- there was a pile of corpses in one spot. Those people had
13 been killed by UPC soldiers. And, you see, there was a banana field. Some of the
14 banana trees had been cut down. So, you see, the banana trees had been cut down and
15 the bodies were lying there. I saw the bodies of children, women, the bodies of young
16 people. And all those bodies that I saw -- well, you see, some people had been beaten to
17 death, some of the women had been disembowelled. One pregnant woman, they had cut
18 the foetus out of her. And I even saw Dyikpanu's corpse, I saw that there.
19 I couldn't stay there for very long. The thoughts that were running through my head,
20 you see, it reminded me of the children who had been killed, so I wanted to go see that
21 place where my children had died.

22 One young man -- there was one young man --

23 Q. Sir, I think perhaps part of the last answer might not been captured. You were
24 speaking about one young man.

25 A. I wanted to say that when we got to that place there was a young man from Gutsi,

1 he had got there first. I wanted to give you his name. His name was Joro, but his actual
2 name is George, that young man who had got there first because, you see, he came from
3 Gutsi, which was not far from the place.

4 I left that place. I wasn't thinking about those bodies. I wanted to go to the place where
5 my children had been killed. I wanted to try to find some bones or other remains, but
6 unfortunately when I got there I could not find anything, not even bones. So I did not go
7 back to the place where those corpses were.

8 Other people were able to carry those corpses. Perhaps the relatives took those bodies
9 away.

10 Q. You referred to the young man who was from Gutsi who had gotten there first.
11 And you said his name was -- did you say Joro? Perhaps you could repeat what the
12 man's name is and spell it, if you could.

13 A. The name of that young man in the village, we called him Joro, but his true name
14 was George, but in the village we called him Joro.

15 Q. And in describing the bodies that you found in the banana field, you've indicated
16 that some people had been beaten, some people had been disembowelled. Are you able
17 to describe any other injuries you might have noted on those corpses?

18 A. What I saw when I got there, I saw the corpses. Some people had been beaten to
19 death. One woman had been disembowelled with a knife. Other people had been tied
20 up with their clothing. And one corpse that I found I saw signs of bullets around the
21 person's mouth. The corpses were different. We found them in different states. And
22 I'd left that place. As I'd left that place I first wanted to go to the place where my
23 children had died.

24 Q. Do you know how many corpses were in the area of the banana field or other places
25 that you found?

1 A. Yes. When I got there I found a corpse. As you walk away from the church and
2 you go towards Paradiso there were other corpses. I counted them. And when I got
3 there in toto I counted 57 bodies in all. I also saw some corpses along the road and on
4 the way to Paradiso. All these corpses were piled up. We piled them up and we
5 counted them, we counted 57 corpses.

6 Q. What is Paradiso?

7 A. Paradiso is the name of a hotel. There is a hotel there in Wadza. That hotel is
8 called the Paradiso.

9 Q. You've indicated that you recognized the body of Dyikpanu. Are you able to
10 describe his corpse and the injuries you noted or the state in which his corpse -- in which
11 you found his corpse?

12 A. Yes. Dyikpanu, when I saw him -- well, the body that -- they had taken the clothes
13 off. He had been tied up with his clothing, I believe, with his shirt. The corpse only had
14 some underwear on it, red, sort of a red underpants. He had been tied up with his shirt.
15 That is how they killed him.

16 Q. Did he have any obvious injuries to his body that were visible to you?

17 A. It looked as if he had been beaten to death. The only injury that I saw was an
18 injury here on his flank. I thought -- it was my thought that he had been beaten with
19 sticks, beaten to death. He must have bled. Beside his body there was the body of a
20 woman whom I recognized, she and her children. It was the wife of a gentleman
21 called -- well, we used to call him Peme. So his wife was dead. The corpse of his wife
22 was there and the corpse of his children. That is what I saw. That is -- I recognized
23 them. I didn't recognize the other bodies because those people came from various places,
24 Mongbwalu, all those people who had fled into the bush. So those were the bodies that I
25 saw.

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1 Q. And were you able to tell what ethnic group some of the individuals came from?

2 You've already told us about Dyikpanu. For instance the woman that you saw, or any
3 others that were in the banana field?

4 A. Yes. All those people who had been killed there they were from the Lendu ethnic
5 group because in the bush there were only Lendu people. All those dead bodies were of
6 people from the Lendu ethnic group.

7 Q. Do you know a person named Moise?

8 PRESIDING JUDGE FREMR: Mr Witness, don't respond. I think it would be better for
9 this question to move into private session.

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

11 (Private session at 10.46 a.m.)

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7 (Open session at 10.55 a.m.)

8 THE COURT OFFICER: We are in open session, Mr President.

9 PRESIDING JUDGE FREMR: You may proceed, Ms Samson, and please be careful.

10 MS SAMSON: Yes. Thank you.

11 Q. Sir, do you see the photograph that's on your screen?

12 A. Yes, I can see the photograph. I've already seen it, and I recognize it. Yes, I
13 recognize this person.

14 Q. Who is it and which person?

15 A. Here I see Dyikpanu. I recognize -- I recognize him by his underwear. I don't see
16 his head, but I recognize his underwear because I can't see his head very well here.

17 Q. And do you recognize the body next to Dyikpanu?

18 A. The photograph is not very clear here. It's a bit difficult to make out.

19 Q. Does the photograph -- is it an accurate depiction of things you saw yourself when
20 you were in Kobu?

21 A. Yes. When I see this, I immediately remember how the bodies were sprawled on
22 the ground. And beside the body of Dyikpanu there was a body of a woman, the body
23 of a woman. Yes, I do remember that. I remember very well.

24 Q. Do you recognize the place where the bodies are depicted in this photograph?

25 A. Yes, I do recognize that place. That is where Gobe's house is, the place where they

1 had killed the people. There were -- there was a spot where they had cut down the
2 banana trees. I recognize this place.

3 MS SAMSON: Thank you, sir.

4 Mr President, with your leave, we can break now and continue later. I can also continue
5 with the photographs now, as the Chamber sees fit.

6 PRESIDING JUDGE FREMR: I think I would prefer to continue with this topic now.

7 MS SAMSON: Certainly.

8 Q. Sir, I would like to show you another photograph. The photograph is at
9 DRC-OTP-0152-0239. It's number 15 on the Prosecution's list of documents. It may
10 contain an annotation, and for that reason I have a hard copy. It's a -- if it doesn't contain
11 the annotation, then that's fine.

12 So take a moment to look at the photograph, and let me know when you're done.

13 THE COURT OFFICER: Once again, may I have the level of confidentiality, please.

14 MS SAMSON: This document can be shown publicly.

15 Q. Sir, do you recognize anything in this photograph?

16 A. Yes. When I see this photograph I recognize here -- I recognize towards the -- the
17 first -- the second person, that's Dyikpanu. And on the other side here, I don't recognize
18 that person. And the person who is standing here above, I can see that person; for
19 example, there is a young man called Samuko. I can see him on this photograph. He is
20 standing. I recognize him. Yes, I can recognize him. Samuko is the name that he is
21 called.

22 Q. Starting with the first -- starting with the first person you've identified you said is
23 Dyikpanu, can you help us understand where you see him on this image?

24 A. Well, the corpses that I see here, the first body -- I see the first body. On the right
25 we see the first body, then the second corpse is him. I recognize him there. He is

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1 wearing red underwear and his hands are -- well, his arms are tied behind him. That is
2 what I can see.

3 After that, I also recognize Samuko, who's standing. Beside where there's that head of
4 the corpse, I recognize the person who is there, that's Samuko.

5 Another thing that I notice here is the banana trees that were cut down. So that's all I can
6 tell you about this photograph.

7 Q. The person you've identified as Samuko, which individual is he if you start from the
8 individuals we can see standing at the top left-hand portion of the photograph? Is he the
9 first person we see, or the second, or the third, or the fourth? Can you help us locate him
10 in the picture?

11 A. It's the person who is wearing brown clothing with trousers. He is to the right.
12 That is the person who I have identified as being Samuko.

13 MS SAMSON: Would it perhaps be easier, your Honour, if we could use the Elmo or
14 some other electronic device for the witness to identify which person he is describing?
15 At the moment I'm finding it difficult to identify the person.

16 PRESIDING JUDGE FREMR: Court officer, is it feasible? So please do make necessary
17 arrangements.

18 THE COURT OFFICER: I will ask the parties and participants in the courtroom to press
19 the Evidence 2 button, please, on your grey box. Yes.

20 PRESIDING JUDGE FREMR: Thank you. It is clear.

21 MS SAMSON:

22 Q. Sir, could you just please make an indication as to where you see Samuko, perhaps
23 an arrow and then his name.

24 So, sir, I see the name "Samuko" and what appears to be a marking on that person's shirt.

25 Would it be possible to just draw a line from the word "Samuko" to the head of the

1 individual that you've identified as Samuko so it is perfectly clear.

2 PRESIDING JUDGE FREMR: Now I find it perfectly clear.

3 MS SAMSON:

4 Q. Thank you very much, sir.

5 In terms of the location where this photograph was taken, you've indicated that you
6 recognize banana trees that were cut down. Can you help us identify where this
7 photograph was taken, the name of the village to your recollection or the area?

8 A. This photograph was taken in the locality of Wadza, in the Tchudja groupement,
9 sector Walendu-Djatsi, Ndjugu territory, in the Ituri district.

10 Q. How far from this location is the Hôtel Paradiso that you referred to earlier?

11 A. From the place where this photograph was taken, well, it's not far from the Paradiso.
12 These places are quite close to one another, about half a kilometre. I can't tell you exactly
13 how many metres it is between the two places, but the two places are close together.

14 Q. Can you see the Hôtel Paradiso from this banana field to your knowledge?

15 A. Yes. If someone were to be in that banana field you -- that person could see the
16 Paradiso Hotel.

17 Q. And what is the distance between Kobu and Wadza?

18 A. From Kobu to Wadza, those two places are not far from one another. Between
19 Wadza and Kobu, it's only -- these two places are close to one another.

20 Q. Thank you.

21 Mr President, I seek to admit this version of the photograph into evidence, please.

22 PRESIDING JUDGE FREMR: Defence, any objection?

23 MR BOUTIN: No objection, your Honour.

24 PRESIDING JUDGE FREMR: All right. Then annotated photographs is admitted into
25 evidence as a further Prosecution exhibit.

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1 You may proceed, Ms Samson.

2 MS SAMSON: Thank you.

3 Q. The next photograph I would like to show you, sir, is DRC-OTP-0077-0295. It is
4 number 17 on the Prosecution's list of documents. I have a version without any
5 annotations if this version has one.

6 THE COURT OFFICER: I wish to inform the parties and participants that you will need
7 to switch back to Evidence 1, please.

8 PRESIDING JUDGE FREMR: Thank you.

9 MS SAMSON:

10 Q. Sir, do you recognize the image in this picture?

11 A. I'm not so sure that I recognize this photograph. I can see -- well, some
12 banana -- apparently there are some people. Well, it's not clear.

13 Q. Do you recognize the place where this photograph was taken?

14 A. Yes. It is the same place. The same place. However, the persons here are not
15 very visible.

16 MS SAMSON: Thank you, sir.

17 Mr President, I seek to admit this document into evidence. It is the same photograph
18 that's been admitted via P-805, however, without the signature of that witness. So in that
19 sense, it's different.

20 PRESIDING JUDGE FREMR: Defence, any objection?

21 MR BOUTIN: No objection, your Honour.

22 PRESIDING JUDGE FREMR: Then this photograph ERN ending with 0295 is admitted
23 into evidence as further Prosecution exhibit.

24 Ms Samson, how much time you will need to finish this issue of showing photographs?

25 MS SAMSON: Probably another 10 minutes, your Honour, but it may make sense to

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1 break now so that I can -- yes, perhaps it makes sense to have a quick break now.

2 PRESIDING JUDGE FREMR: You know, from the technical point of view, I would
3 rather when we have everything ready, witness is focused on the topic. So if you really
4 need just 10 minutes, which we would appreciate, I would still rather continue.

5 MS SAMSON: Yes. Let's do that.

6 Q. The next photograph that I'd like to show is DRC-OTP-0072-0473. And that is
7 number 18 on the Prosecution's list of documents. Sir, as you're looking at this document,
8 I'd like you to let us know if you recognize the place, the event, or any of the people you
9 see.

10 THE COURT OFFICER: Ms Samson, can the photograph be published publicly, please?

11 MS SAMSON: Yes.

12 THE WITNESS: I recognize the location where the photograph was taken. There are
13 some banana trees that have been -- or plants that have been cut down. And this is the
14 location that I indicated to you as being the place where the people had been killed and
15 the corpses had been found.

16 However, I no longer recall the people -- the dead people represented in this photograph.
17 It may be that this scene came to light once I had already left that location, but I do
18 recognize the place where the photograph was taken.

19 MS SAMSON:

20 Q. Thank you. And just for absolute clarity, this place, can you tell us what location it
21 is that you recognize?

22 A. This is within Wadza locality.

23 Q. Thank you, sir.

24 Mr President, I seek to have this document tendered into evidence, please.

25 PRESIDING JUDGE FREMR: Defence?

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- 1 MR BOUTIN: No objection, your Honour.
- 2 PRESIDING JUDGE FREMR: Sorry. You said objection?
- 3 MR BOUTIN: No objection.
- 4 PRESIDING JUDGE FREMR: Okay then. Then this photograph ERN ending with 0473
- 5 is admitted into evidence as a further Prosecution exhibit.
- 6 Ms Samson.
- 7 MS SAMSON: Thank you, Mr President.
- 8 I will conclude here on the photographs and then continue after the break with the
- 9 remaining time that I have left.
- 10 PRESIDING JUDGE FREMR: And are you aware of the time remaining because,
- 11 according to my counting, it's something about 15 to 20 minutes?
- 12 MS SAMSON: Yes, it must be about that.
- 13 PRESIDING JUDGE FREMR: Okay.
- 14 MS SAMSON: I believe that makes -- right.
- 15 PRESIDING JUDGE FREMR: Okay. So we will break now. It's 11.25, so we will
- 16 reconvene at 5 to 12.
- 17 THE COURT USHER: All rise.
- 18 (Recess taken at 11.24 a.m.)
- 19 (Upon resuming in open session at 11.59 a.m.)
- 20 THE COURT USHER: All rise.
- 21 Please be seated.
- 22 PRESIDING JUDGE FREMR: So we can continue with the Prosecution's examination of
- 23 this witness.
- 24 I would like to first announce that we will break at 1 o'clock till 2.30, then we will see
- 25 whether there will be some need maybe to sit in extended hours in the afternoon, but it

1 will depend.

2 But anyway, Ms Samson, you are expected to finish in 20 minutes, okay? Please proceed.

3 MS SAMSON: Yes, thank you, Mr President.

4 Q. Sir, I would like to show you a document, please. The document is

5 DRC-OTP-2078-2408. It's number 4 on the Prosecution's list of documents. It should be
6 shown confidentially, please.

7 Sir, can you see the document on your screen?

8 A. Yes, I can see it.

9 Q. Can you tell the Court what this document represents, what it is?

10 A. This document represents the road and the location of the various villages. At the
11 top of this document or towards the top of this document it is marked -- the location of the
12 UPC soldiers is marked. That is the location where they stopped in order to take up
13 position in various locations within the bush. This is what this document shows or
14 depicts.

15 Q. And is there one specific area on this map where the UPC stopped or did they stop
16 in all of the places depicted on the map? Can you clarify that?

17 A. Yes, I can indicate the location where they stopped on this sketch. They stopped in
18 Sangi-Catsu. If you go down the hill between Ngabulo and Sangi-Catsu, I also indicated,
19 and I showed this with a red triangle, this is the hillside where the UPC soldiers stopped.

20 Q. And as you yourself were moving about at the time that the UPC attacked Kobu, did
21 you pass through these villages or some of them?

22 A. Yes. At that time when the UPC soldiers attacked the village, I went from Kobu,
23 where we were, and we took the road from Kobu downhill to Sangi-Sayo and then up the
24 hill towards Sangi-Catsu. This is the road that we took because there was no way to flee
25 on the main road. This is the itinerary that we took that I have just described to you.

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1 Q. Sir, in the centre, the centre portion of this document, at the bottom, we see a name
2 and a signature. Is that your name and signature?

3 A. Yes. This is indeed my name and my signature.

4 Q. Who drew this map?

5 A. I am the one who drew this map, this sketch, and I am the one who indicated the
6 various locations on this map.

7 MS SAMSON: Mr President, I would like to admit this map into evidence, please.

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

9 MR BOUTIN: No objection.

10 PRESIDING JUDGE FREMR: Very well then. Document ERN number ending with
11 2408 is admitted into evidence as further Prosecution exhibit.

12 Ms Samson, you may proceed.

13 MS SAMSON: Thank you. Mr President, for my next series of questions I ask to move
14 into private session, please.

15 PRESIDING JUDGE FREMR: All right.

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

17 (Private session at 12.07 p.m.)

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- 25 (Open session at 12.38 p.m.)

1 THE COURT OFFICER: We are back in open session.

2 PRESIDING JUDGE FREMR: Thank you.

3 Mr Suprun, you may proceed.

4 MR SUPRUN: (Interpretation)

5 Q. Mr Witness, when you returned to your home after the attacks, did all the other
6 villagers return to their homes with you?

7 A. After the attack, the members of the population returned to the village, and they
8 started to rebuild their houses, which had been previously destroyed. The inhabitants,
9 therefore, had to rebuild their homes and to buy new material to rebuild their houses and
10 their lives.

11 Q. Could you clarify this point? Are there any villagers who did not return to their
12 homes after the attacks?

13 MR BOUTIN: Let me just switch channel. I object, your Honour. I believe that this
14 question including the previous one are outside the scope that has been granted by the
15 Chamber, and unless I am mistaken, the Chamber has granted request under paragraph
16 8(a) and (d), (a) being situation of the witness and his family, and (d), Delta, being other
17 harms suffered by the witness and his relatives.

18 The current question including the previous one related to the people of the village as a
19 whole and it is my understanding that it was not granted.

20 PRESIDING JUDGE FREMR: Objection sustained.

21 MR SUPRUN: (Interpretation)

22 Q. Mr Witness, when you returned to (Redacted) after the last attack and discovered
23 that all your property had been looted and your house had been destroyed, what did you
24 and your family do at that time?

25 A. When we returned to the village, that is my family and myself, we started to rebuild

1 because we found nothing in place. That is why we had to rebuild from scratch. We
2 put together materials to build. And so my wife would come to help along with the
3 children who were still there. So we used some tarpaulins to build something that could
4 help us resume our lives.

5 Q. Because of the 2003 events that you experienced, and apart from the wound that you
6 suffered and the loss of your child, did you or any other members and other members of
7 your family suffer any other psychological, physical or health trauma or prejudice?

8 A. We went through a difficult period during that war. We lost our children and that
9 is a prejudice that haunts us to this very day. We wonder what it is that we did to
10 deserve this thing that befell us. And today we are still of that mindset. Whenever we
11 think about these things, the same feelings swell within us.

12 Q. The events of 2002-2003, which you survived, did they have any impact on your life
13 and on the life of your family? Have you been able to recover and restore your life to the
14 situation in which it was before those events?

15 A. No, I have not been able to reconstruct my life to the level it was at before. My life
16 is quite different from what it was before. However, we still struggle to lead a normal
17 life, but that is not easy to achieve.

18 Q. Witness, did you receive any help or assistance following the 2002-2003 events,
19 material help, psychological or material help from the Congolese authorities, from NGOs
20 or from any other source?

21 A. So far I have not received any help. I survive on my own financial resources to
22 obtain medication. When it comes to psychological help, there are people who surround
23 me with words of encouragement, but neither the government nor any other organisation
24 has provided me with any assistance or help whatsoever.

25 I have problems, personal problems regarding what befell me during the war. I received

1 some treatment, which I paid for personally.

2 Q. Mr Witness, as a war victim what do you expect from the ICC following the trial of
3 Bosco Ntaganda?

4 A. Speaking for myself, this is what I can say: The Court has taken up the Bosco
5 Ntaganda case, and I expect the Court to proceed with the trial so that those who are
6 guilty may pay for that which happened and repair or provide reparation. I know that
7 some people died and they cannot be resurrected. I was personally injured and this is
8 irreparable. He must provide reparation for that. And may justice be done.

9 Q. You have just talked about reparations. Now, to your mind, what should
10 reparation be?

11 A. What I can say is that I was injured and affected as well as other persons, other
12 persons who lost their property, their homes in the same way as I did. Now, as for me,
13 when it comes to reparation, what I can say is that, well, I wonder in fact whether it is
14 possible to pay for or to repair everything that was lost by the community. Is it possible
15 to provide general reparations?

16 I think that it may be difficult to provide individual reparations to all those who were
17 affected within the community. However, collective reparations, if possible, may be the
18 solution.

19 Q. Mr Witness, I thank you very much for your answers.

20 MR SUPRUN: (Interpretation) Mr President, I have no further questions for this
21 witness.

22 PRESIDING JUDGE FREMR: Thank you, Mr Suprun, for obeying our decision.

23 Mr Boutin, I think we still have 10 remaining minutes. And because it seems that if you
24 really need for your cross-examination 6 hours, then we will have a tight schedule. So
25 maybe it would then be better to start now. What is your perspective about your

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1 cross-examination?

2 MR BOUTIN: Obviously time being of the essence, it's always difficult to assess
3 accurately. I expect to be -- to stay clearly within my time allowed, allotted.

4 I suggest I maybe proceed with some questions pertaining to LRV's examinations with
5 regards to his personal injuries.

6 PRESIDING JUDGE FREMR: Very well. Just few words to Mr Witness.

7 Mr Witness, now you will be examined by Mr Boutin, who represents Defence here. I
8 would like to highlight that this Court is based on the principle of the fair trial, which
9 means that both parties are equally treated. So please, as I said before, you perfectly
10 responded to all questions put to you by Prosecution and Legal Representative of Victims,
11 so please proceed in the same way as to the questions put to you by a representative of
12 Defence.

13 Mr Boutin, you have the floor.

14 MR BOUTIN: Thank you, Mr President.

15 QUESTIONED BY MR BOUTIN: (Interpretation)

16 Q. Allow me to introduce myself. My name is Luc Boutin, co-counsel in the Ntaganda
17 Defence team. I have several questions for you, Mr Witness, which I will put to you
18 today and tomorrow. I would like to start right away by addressing the medical
19 situation, which you referred to. You told the Chamber that you were injured (Redacted)
20 (Redacted) is that correct, Mr Witness?

21 A. Yes.

22 Q. Can you describe in detail the nature of that wound or injury?

23 A. Yes, I can, I can do so.

24 PRESIDING JUDGE FREMR: Ms Samson, I guess you are offering to move to private?

25 MS SAMSON: Yes, we have elicited this information in private session previously. In

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- 1 my opinion it would be better to do so now.
- 2 PRESIDING JUDGE FREMR: Fully agree.
- 3 Court officer, let's move into private.
- 4 (Private session at 12.54 p.m.)
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16 (Recess taken at 1.05 p.m.)
17 (Upon resuming in open session at 2.32)
18 THE COURT USHER: All rise.
19 Please be seated.
20 PRESIDING JUDGE FREMR: Good afternoon. So as I said before, we will be sitting in
21 extended hours this afternoon in order to get some buffer for tomorrow, but we really
22 have to finish by 4 o'clock sharp.
23 Now, Mr Boutin, you have the floor.
24 MR BOUTIN: Thank you, Mr President.
25 Q. (Interpretation) Good afternoon, Mr Witness.

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1 A. Good afternoon.

2 Q. Just before the lunch break, we were talking about the injury, the injury you
3 sustained during the fourth UPC attack?

4 PRESIDING JUDGE FREMR: And we will move into private session for this topic,
5 rather.

6 (Private session at 2.34 p.m.)

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10 (Redacted)

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8 (Open session at 2.59 p.m.)

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

10 PRESIDING JUDGE FREMR: Thank you, court officer.

11 Mr Boutin, you may proceed.

12 MR BOUTIN: Thank you, Mr President.

13 Q. (Interpretation) Witness, now you remember you were asked a question, you
14 were asked how you could identify those soldiers as being Ugandans or members of the
15 UPC, and I think you answered in the affirmative; is that correct?

16 A. Yes.

17 Q. The political/military organization known as the UPC, were you familiar with this
18 organization back in 2001, Mr Witness?

19 A. Yes. There was an organization called the UPC. These people were Hema
20 soldiers, but we didn't know much about their structure. We knew that it was a Hema
21 movement.

22 Q. Now you heard that at the time there were other political/military organizations,
23 including the APC; are you familiar with the APC, Mr Witness?

24 A. Yes. Now, regarding the APC, I had heard talk about it. However, I did not see
25 the people that made up the APC and I had no knowledge of it, really.

1 Q. So in the year 2001, Mr Witness, you had never seen any soldier from the APC, am
2 I -- in your region, in the Kobu area; is that correct?

3 A. Yes. Now, regarding the APC soldiers, I had heard talk about these people, but I
4 hadn't seen them myself and I didn't know who exactly made up this unit -- or this
5 movement, rather. I didn't know where they were from.

6 Q. Since you had never seen APC soldiers in your area, you would not have been able
7 to distinguish between soldiers from the UPC movement and soldiers from the APC;
8 isn't that so?

9 A. I haven't understood your question.

10 Q. I will repeat my question, Mr Witness. Now, you have said that in the year 2001,
11 you had not seen any APC soldiers. Is that what you said?

12 A. Yes, that is what I have just said; I had not seen them, I had heard talk about them,
13 that's all.

14 Q. So I put it to you, Mr Witness, that in the year 2001 you were not in a position to
15 distinguish between UPC soldiers and soldiers from other military movements such as
16 the APC?

17 A. Very well. I can answer your question. At that time, I was able to distinguish
18 between the various soldiers posted in Kobu. At that time there were soldiers from the
19 UPC and there were Ugandans.

20 As for the APC, I did not see them, but I had heard talk about them. However, I didn't
21 see them in Kobu.

22 Q. And if I put it to you, Witness, that in actual fact the Ugandan forces, with the APC
23 forces, coming under Lopondo were present in Kobu in the region and were conducting
24 military operations, would you not be in agreement with my suggestion to you?

25 A. As I just told you, I was there at that locality and I was able to see the various

1 forces who were there. But as I just told you, I did not see the APC soldiers. I only
2 saw soldiers from the UPC and Ugandan soldiers who had taken up positions in Kobu.
3 That is what I saw.

4 Q. Witness, you gave testimony during which you identified a Ugandan commander.
5 You mentioned him, Commander Alpha. Do you remember that?

6 A. Yes, I do remember.

7 Q. Did you have any direct dealings with Commander Alpha?

8 A. Yes. I did have time to speak to him about the problems that the inhabitants of
9 my locality were having.

10 Q. Now, let us clarify matters. Commander Alpha, did he arrive, or was he present
11 in your region during the first or the second attack?

12 A. Commander Alpha arrived during the second attack and he set up operations in
13 Kobu with his soldiers and they were able to bring back the civilians to the village, yes.
14 He did set up operations there for a while.

15 Q. Is it possible that you might be mistaken and that in actual fact Commander Alpha
16 was in Kobu during the first attack and not during the second?

17 A. No. I am not mistaken because Alpha came during the second attack. And
18 what's more, he and his soldiers were there when the civilians were driven out of the
19 village, so I'm not mistaken.

20 Q. Now, Witness, do you remember meeting or providing a statement to ICC
21 investigators for the first time in January 2015? Do you remember that meeting?

22 A. Yes.

23 Q. And correct me if I'm wrong, but the statement was given to you and you had an
24 opportunity to review it just last week with representatives of the OTP; isn't that so?

25 A. Yes, I was shown that statement.

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1 Q. Now, you had an opportunity to read over or review the statement with the
2 assistance of an interpreter; isn't that so?

3 A. Yes.

4 Q. You were asked whether you needed to make any corrections to the statement that
5 you had provided in January 2015, the first statement that you gave to the investigators
6 of this Court; isn't that so?

7 A. Yes. After I read the document, which contained my statement, there were some
8 passages that had not been recorded properly and were not clear, so I asked that those
9 passages be corrected. That is what happened.

10 MR BOUTIN: (Interpretation) Your Honour, could I refer the Chamber to
11 DRC-OTP-2079-2373, which is on the list of documents that we have provided,
12 documents that will be used. In particular, I'd like to make reference to paragraph 51,
13 which is found under the heading "First Attack."

14 THE COURT OFFICER: Mr Boutin, could you please provide us with the ERN number
15 of the first page of the document?

16 MR BOUTIN: (Interpretation) Of course. 2078-2373. Of course this is a confidential
17 item, your Honour, and I don't intend for it to be shown to the public.

18 PRESIDING JUDGE FREMR: I do have a hard copy. Prosecution, do you have a copy
19 of the hard copy with you at the moment?

20 MS SAMSON: Yes, your Honour, I do.

21 PRESIDING JUDGE FREMR: Then you may proceed.

22 MR BOUTIN: Thank you, Mr President.

23 Q. (Interpretation) Mr Witness, now, this statement, which comprises several pages,
24 contains an account of what you said. It sets out your remarks to the investigators of
25 this Court, and it has to do with the first attack on Kobu. And the document at

1 paragraph 51, and I will read it out to you, states the following:

2 (Speaks English) "After a certain time, Alpha sent his troops to the neighbouring forest
3 to call the population back to the village, but the population stayed in hiding in the
4 forest. The population stayed in the forest for about a month and only returned after
5 Jean-Pierre Bemba came to Kobu."

6 (Interpretation) Have you understood what I just read out to you, sir, which makes
7 reference to what you said? You made mention of Commander Alpha, and you also
8 mentioned Jean-Pierre Bemba. Do you remember that?

9 A. Yes. I remember quite well. And if you wish, I can provide you with further
10 information. The soldiers who were with Alpha -- well, in actual fact Alpha, you see,
11 was a commander. He was a commander based in Kobu. The soldiers who were
12 positioned in Kobu were joined by other soldiers after the first attack. The soldiers
13 stayed there. You see, when a commander leaves, he leaves some of his soldiers, and
14 the commander who replaces him comes in.
15 So Alpha came in and some soldiers were there. He sent his soldiers into the bush to
16 ask the civilian population to come back to their villages. So you see, yes, there -- some
17 soldiers did remain. When one commander leaves, he leaves some of his soldiers
18 behind, and the new commander who replaces him takes these soldiers under his wing,
19 so to speak. They report to him.

20 Q. And do you know Mr Jean-Pierre Bemba?

21 A. Yes, I do know Jean-Pierre Bemba. But when he came to Kobu, I did not speak to
22 him. He came, he spoke briefly and then he went to Mongbwalu. He came in by
23 helicopter. And after he spoke to people and then he went to Mongbwalu.

24 Q. Now, do you know whether Jean-Pierre Bemba belonged to any kind of
25 political/military organization, Mr Witness?

1 A. I didn't know whether that was so.

2 Q. Had you heard about the MLC movement, by any chance, Mr Witness?

3 A. Yes. Now, people talk about this movement even on the radio. People said that
4 Jean-Pierre Bemba had a movement called the MLC. But when he came to Kobu, he
5 came out of his helicopter, he was alone, not with his movement, and he spoke to the
6 local people briefly and then he left. He went on to Mongbwalu.

7 Q. I put it to you, Mr Witness, that in the year 2001, the troops that you said were
8 from the UPC could only -- could not be from the UPC because the UPC movement only
9 emerged much later. Would you agree with this statement, Mr Witness?

10 A. I was not aware. I know that the UPC is a movement that launched attack right
11 from the very outset in our region, along with Ugandan soldiers. However, I did not
12 see the UPC present during the last attack. And the earlier attacks had been launched
13 by the UPC. These were attacks upon the Lendu militia.

14 Q. Now, Mr Witness, I'm not sure whether this is an interpretation error. Now, I
15 gather from what you're saying that the UPC troops were involved in the first and
16 second and third attacks, but not in the last attack, namely the fourth attack. Is that
17 indeed what you're telling us?

18 A. Yes. The UPC launched attacks, first of all, with the Ugandan soldiers. But
19 during the last attack, I did not see the Ugandans. It was just UPC soldiers who
20 perpetrated those killings.

21 Q. Thank you for that clarification.

22 Now, regarding the second attack, Mr Witness, you said that the second attack occurred
23 as Governor Loponde -- while Governor Loponde was still there; is that correct?

24 A. Yes.

25 Q. Do you remember the period of time during which Governor Loponde stepped

1 down?

2 A. I was not informed of that at that time, so I did not know when he stepped down.
3 I'm speaking of Lopondo.

4 Q. Mr Witness, you stated the time at which the third attack occurred on Kobu as
5 being early 2002; is that correct?

6 A. When it comes to the third attack, maybe we should start with the first and the
7 second attacks. Those two attacks came quickly back to back, so to speak. The third
8 attack was launched in 2002, but I do not recall the dates on which those attacks took
9 place.

10 Q. In answer to a specific question from my learned colleague regarding the time at
11 which the third attack took place, let me quote her question to you. I'm sorry. The
12 question:

13 (Speaks English) "I understand that the dates are very difficult, particularly in those
14 circumstances, but do you have any recollection of the approximate year in which this
15 third attack took place?"

16 (Interpretation) Your answer from yesterday:

17 (Speaks English) "Yes. The third attack took place in the year 2002."

18 (Interpretation) My learned colleague then went on:

19 (Speaks English) "Do you recall whether it was at the beginning of 2002 or in the
20 middle or towards the end of 2002?"

21 (Interpretation) Your answer:

22 (Speaks English) "It was towards the beginning of the year. This attack lasted quite
23 some time."

24 (Interpretation) Do you remember providing that answer to the Prosecutor?

25 A. Yes, I do. That is the answer I gave.

1 Q. So you agree with the suggestion that, as indicated in your answer, the third attack
2 allegedly took place in early 2002; therefore, putting attacks number one -- rather,
3 putting attack number one in 2002 and attack number two somewhere between those
4 two times frames. Do you agree with that suggestion?

5 A. Yes. I follow you clearly.

6 Q. Once again, Mr Witness, I put it to you that contrary to your assertion that the UPC
7 was involved in attack number one, and attacks number two and three, the fact of the
8 matter is that the military group that fought alongside the Ugandans was the APC given
9 that the UPC was not in the Kobu area at that time. What do you say to that?

10 A. Okay. I will answer as follows to your suggestion: At that time we did not see
11 the APC in our area, in Kobu. The APC was not in any conflict whatsoever with the
12 Lendu, so I don't know whether the APC was on the ground at that time or the troops
13 that were there in Kobu, which came to attack, well, did not involve any soldiers who
14 came just to remain in our area and work for peace.
15 Those who came, came to attack the population and the population fled while the troops
16 remained there and it was common knowledge that this was done by the UPC. One
17 could tell by their attire, by their speech, by their manner of speaking. Some of them
18 even spoke their mother tongues to prove, indeed, that they were who they were, you
19 know? Sometimes they spoke Swahili and you may want to know that there is a
20 difference between Congolese Swahili and Ugandan Swahili.

21 These are the things that proved to us that we were dealing with the UPC and Ugandan
22 soldiers. They are the ones who attacked us.

23 Q. Mr Witness, I understand that you want to make the UPC responsible for all the
24 attacks in your area, but I want to put it to you that you are mistaken. You are
25 mistaken to the extent that the UPC was not operational as a political and military

1 organization in your area at that time.

2 A. This is what I can say to you: I do not know whether there were any other troops
3 in our area. The only troops that were fighting the Lendu were the UPC and then
4 subsequently it was the UPC and some Ugandans. This is what I saw for myself.
5 If you want to talk about something else, like the APC, all I can say is that I heard
6 mention of the APC, but I never saw the APC fighting against the Lendus.

7 Q. Very well, Mr Witness. You testified that during the third attack, you fled to the
8 bush -- to the forest -- to the bush for a period of about three months. Do you
9 remember that as being your testimony?

10 A. Yes.

11 Q. Correct me if I'm mistaken, but you testified that you spent the three months in
12 Buli; is that correct?

13 A. Yes. We spent three months in the bush. We fled from Buli -- or we fled
14 towards Buli, an area around Buli village, but we were in the bush.

15 Q. It has also been your testimony that Gutsi had been attacked by the UPC according
16 to your testimony; is that correct?

17 A. Yes. During that attack the civilians who were there, some of them had fled to
18 Gutsi, Buli, Sangi, Ngabulo and what have you, that area also came under attack.

19 Q. Did you go to Gutsi yourself during that three-month period when you sought
20 refuge in the bush?

21 A. I did not go to Gutsi during the third attack. During the third attack, we fled, but
22 those who were in Gutsi told us that they had come under attack from the UPC as much
23 as those who were in Buli. In any event, I did not go to Gutsi myself.

24 Q. Therefore, you do not have any personal knowledge of the military operations that,
25 according to you, were carried out by the UPC in Gutsi because you were in Buli at the

1 time; is that the case?

2 A. Yes. I was in Buli. I did not witness anything in Gutsi with my own eyes, but
3 those who were there and who came back to the village told us about what had
4 transpired.

5 Q. But, once again, you're able to identify the attackers as being soldiers of the UPC;
6 isn't it so?

7 A. Yes. It was the UPC. They are the ones who attacked the Lendu population.

8 Q. Mr Witness, is that what you were told, or is that what you believe? In fact, you
9 don't have any personal knowledge of those facts; is that not the case?

10 A. I myself did not see those who attacked Gutsi. It is those who were there who
11 narrated it to us. What we saw was what happened in the area where we were present.

12 Q. The area where you were present, Buli. And now, for the purposes of clarity of
13 understanding, Buli is on one side of the main road leading to -- that is the Bambu road,
14 Bambu-Kilo, while Gutsi is entirely on the other side, the opposite side of that road. Is
15 that not correct?

16 A. That is correct. Buli is located to the right of Kobu while Gutsi is located towards
17 Tchudja, that is the road towards Tchudja. These locations are in opposite and distant
18 directions.

19 Q. You indicated that during the third attack, some Hema civilians were present
20 along with -- or in the company of the attacking troops: Do you remember that part of
21 your testimony?

22 A. Yes, I do. I do remember.

23 Q. You stated that those civilians were Hema; is that correct?

24 A. Yes. Those civilians were Hema, who had joined the combatants and went along
25 with them in the looting. They looted in all areas where -- which had come under

1 attack.

2 Q. The looting and the destruction you referred to, Mr Witness, as having been
3 allegedly committed by the Hema civilian population, according to -- according to you,
4 once again, they acted alongside the UPC. Is that -- is that correct?

5 A. Yes.

6 Q. Therefore, it is your testimony that according to your understanding of the events,
7 there is no doubt in your mind that the UPC conducted military operations and
8 destroyed several items and attacked civilians in 2001 and 2002 in the Ituri territory.
9 Mr Witness, would that be an appropriate summary of your testimony?

10 A. Yes. Yes. I know very well and I can confirm that those attacks took place there.
11 They were carried out by the UPC, which attacked the population. Even if there were
12 any other soldiers in the area, it was the UPC which conducted or carried out those
13 operations in collaboration with Ugandan soldiers.

14 Q. That is what you have said to the investigators of this Court when they met you for
15 the first time in January 2015. That is -- is that what you said to them in January, some
16 12 years, at least, after the events?

17 A. Yes.

18 Q. Mr Witness, if you feel like having a glass of water, please do. I still have a
19 number of questions for you, such as this question pertaining to what you described as
20 being the fourth attack. If I understand your testimony properly, that attack came from
21 Kilo; is that correct?

22 A. Yes.

23 Q. Mr Witness, did the previous attacks not come from Kilo? Were they launched
24 from elsewhere?

25 A. The last attack came from Kilo. Yes, from Kilo. The previous attacks were

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1 launched from Nizi, Bambu, but the fourth attack came from were the Kilo road.

2 Q. If I understand properly, the fourth attack came from a different direction, actually
3 opposing or opposed to the previous attacks -- or, opposite to the direction of the
4 previous attacks; is that the case?

5 A. Yes.

6 Q. You stated that a large number of inhabitants fled with the onset of the fighting
7 when they heard gunfire from the Kobu direction or gunfire coming from Kobu. Is that
8 a proper summary of your testimony, Mr Witness?

9 A. Yes. Gunfire was heard coming from Kilo and some young people went to find
10 out why there was gunfire and, of course, they found some UPC soldiers who continued
11 to fire, and so those youth fled and brought back the information to the entire village.

12 Q. Those youth, as you refer to them, Mr Witness, at some point became organised
13 into a group in order to participate in the fighting by defending the Lendu inhabitants; is
14 that correct?

15 A. It is not the young people who went to find out where the gunfire was coming
16 from. The group that was organised to protect the civilian population was a different
17 group. The young people who went to find out where the gunfire rattles were coming
18 from were young people from the village who had heard the gunfire sounds and had
19 gone out to find out what was happening.

20 MR BOUTIN: Mr President, as a matter of caution, I would suggest to enter into a
21 closed session.

22 PRESIDING JUDGE FREMR: Okay. Let's move into -- you mean closed or private?
23 Because closed means that we just need to cover the windows, but I guess it's not
24 necessary. Private is sufficient?

25 MR BOUTIN: Yes.

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

2 MR BOUTIN: Yes.

3 PRESIDING JUDGE FREMR: But before doing that, yes, I was told that we -- you
4 probably noticed, that we still have problem with transcript and I was informed that, in
5 order to repair that, there's a technician ready to come and to deal with it, but it will
6 require three minutes to restart the system. So I'm -- court officer, is he going to come
7 soon or when?

8 THE COURT OFFICER: Mr President, the technician should be able to solve the
9 problem from his office. We won't be able to see any transcript for about three minutes
10 and this is why I would like to benefit from the private session so that the -- in case of a
11 redaction order is needed, we won't need to worry. Thank you.

12 PRESIDING JUDGE FREMR: So it seems that it's okay because we are anyway in
13 private session, so we may proceed. Am I right?

14 THE COURT OFFICER: We are in private session, indeed.

15 (Private session at 3.56 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 4.17 p.m.)

5 THE COURT OFFICER: We are back in open session, Mr President.

6 PRESIDING JUDGE FREMR: Thank you.

7 Mr Boutin, you may proceed.

8 MR BOUTIN: Thank you, Mr President.

9 Q. (Interpretation) Witness, if you don't mind, if I could hark back to an earlier
10 question, the question about firearms. Apparently now you said in response to a
11 question from the Prosecution that the young people, with time, had begun to acquire
12 weapons as you said earlier.

13 Now, the saba saba weapon that you mentioned that people were looking for from the
14 UPC troops, you knew or were you told that the saba saba was a piece of heavy
15 weaponry that had been taken from the UPC and that was in the possession of the
16 Lendu combatants. Did you know that? Isn't that so?

17 A. Yes. The saba saba weapon, I can say that I learned about that, but I didn't know
18 exactly what kind of weapon it was. I was told that it had been seized in Lipri, far
19 away from (Redacted). Then later I heard that this weapon apparently had been
20 brought to (Redacted). I didn't see it myself, but I did hear talk about it.

21 Q. Now, Witness, you have told us about your travels with (Redacted). Now, that
22 was -- to (Redacted). Now, that was where the weapon was found; isn't that so?

23 THE INTERPRETER: Correction: (Redacted) knew where the weapon was, isn't that
24 so, and he told about it?

25 THE WITNESS: (Interpretation) When I was with (Redacted), he did not tell me where

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1 that weapon was to be found, nor did he tell me where it really was. Now, when we
2 went with him towards (Redacted), that is when I learned about that. I don't know
3 whether he knew where the weapon was or not.

4 PRESIDING JUDGE FREMR: Ms Samson, sorry, I was late. Do you want to object?

5 MS SAMSON: It wasn't to the question, it wasn't an objection, just that the -- at times
6 the people that the witness is travelling with we've elicited in private session to ensure
7 that the witness is himself not identified. Thank you.

8 PRESIDING JUDGE FREMR: Okay. So let's move into private session now, please.

9 (Private session at 4.21 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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- 1 (The hearing ends in private session at 4.36 p.m.)