

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
6 Judge Chang-ho Chung
7 Trial Hearing
8 Tuesday, 23 February 2016
9 (The hearing starts in open session at 9.05 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 And for the record we are in open session.
19 PRESIDING JUDGE FREMR: Thank you.
20 Now, appearances please in the usual order.
21 MS SAMSON: Good morning, Mr President, your Honours. Appearing for the
22 Prosecution today are Mr Rens van der Werf, assistant trial lawyer; Ms Marion Rabanit,
23 associate trial lawyer; Mr James Pace, assistant trial lawyer; Ms Dianne Luping, trial
24 lawyer; Ms Selam Yirgou, case manager; and myself, Nicole Samson, senior trial lawyer.
25 PRESIDING JUDGE FREMR: Thank you, Ms Samson.

1 Defence.

2 MR BOURGON: (Interpretation) Good morning, Mr President. Good morning,
3 your Honours. And good morning to all in the courtroom. Representing
4 Bosco Ntaganda, who is in the courtroom this morning, Ms Sandrine De Sena, intern;
5 Maître Dignité Bwiza, legal consultant; and myself, Stéphane Bourgon. Thank you,
6 Mr President.

7 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

8 Now Legal Representatives of Victims please.

9 MS PELLET: (Interpretation) Thank you, Mr President. Former child soldiers are
10 represented by myself, Sarah Pellet, counsel at the OPCV.

11 MR SUPRUN: (Interpretation) Good morning, Mr President. Good morning,
12 your Honours. Victims of the attacks are represented by the OPCV, Anne Grabowski,
13 associate lawyer; and myself, Dmytro Suprun, counsel.

14 PRESIDING JUDGE FREMR: Thank you very much, Ms Pellet and Mr Suprun.

15 As usually before we start with the last witness of this third evidentiary block, we will
16 deal with some time with the procedural matters. The Chamber was informed that
17 Mr Bourgon would like to make submissions.

18 So, Mr Bourgon, you have the floor.

19 MR BOURGON: Thank you, Mr President. The first issue I'd like to inform the
20 Chamber of very briefly is that I have obtained information concerning my co-counsel and
21 colleague, Maître Boutin. And I have already addressed the matter of the scheduling for
22 the next block with my colleague and this week, Mr President, we will be sending a mail
23 to the Chamber asking maybe for a status conference so that we can address scheduling
24 matters sooner than later for the next block.

25 The issue I want to bring before the Chamber this morning has to do with the preparation

1 session that was conducted with Witness P-55 last week.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE FREMR: Mr Bourgon, sorry, we will move into private session.

6 And I would like to redact the last note concerning the -- well, first we will have to move
7 into private and I will then finish my comment.

8 (Private session at 9.09 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

1 (Redacted)

2 (Redacted)

3 (Redacted)

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)

18 (Redacted)

19 (Open session at 9.34 a.m.)

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

21 PRESIDING JUDGE FREMR: Thank you.

22 So first let me clarify that we are scheduled to sit from today until Friday. Currently the
23 sitting hours are three sessions of two hours each day, which means from 9 to 11, then
24 from 11.30 to 1.30 p.m., and then from 3 to 5 p.m.

25 You have probably noticed that watch in the courtroom and also in other places in this

1 building today are not working, so please rely on time on computers or another watch.

2 Sorry, the clocks are not working.

3 Depending how this testimony goes, we may be able to return to normal sitting hours
4 later this week. In case we do not manage to finish the testimony of this witness by
5 Friday, we will continue on Monday, 29 February; but due to the scheduling constraints,
6 we can definitely not sit beyond that, so please keep it in mind.

7 Then the Chamber will now render its decision of the Defence request seeking the
8 admission for the purpose of impeachment of the witness statement of Witness P-790.

9 It's document DRC-OTP-2078-2373 as well as excerpts of the witness preparation session
10 log and disclosure note, document DRC-OTP-2090-0287.

11 This request was sent via email on 26 January 2016 in which the Defence indicated that
12 due to the limited time available at the end of Witness P-790's testimony, the Defence did
13 not seek the admission of these documents immediately upon completion of the witness's
14 testimony.

15 The Defence submits that taking into consideration the length of the witness statement
16 and the number of times it was referred to during the cross-examination of the witness, it
17 should be admitted in its entirety for impeachment purposes.

18 In relation to the witness preparation session log, the Defence seeks admission also for
19 impeachment purposes of three paragraphs used with the witness. The Prosecution
20 responded to the request by email on the same day. It opposes the request as, in its view,
21 no impeachment or contradiction exists between the witness testimony and the
22 documents or excerpts thereof sought to be admitted, the relevant passages of which were
23 read into the record.

24 On 2 February, the Chamber rejected Defence request seeking leave to reply and further
25 directed that it identify the portions of the transcripts that the excerpts of the documents

1 sought to be admitted were used with Witness P-790.

2 As instructed, the Defence sent its supplementary email on 5 February identifying the
3 relevant transcript references.

4 The Chamber recalls its decision on Defence request seeking the admission of certain
5 documents following the testimony of Witness P-10. It was decision number 1070 in
6 which it held that determining whether or not admission of the relevant parts of witness
7 statements are necessary for impeachment purposes requires a case-by-case assessment.

8 The Chamber also held that parties ought to be conducting their examinations in a
9 manner designed, to the extent possible, to create a clear and self-contained transcript
10 record without unnecessary recourse to seeking admission of supplementary documents
11 for the purposes of impeachment on points of inconsistency with prior statements.

12 Accordingly, turning to the excerpts of the witness preparation session log and disclosure
13 note, the Chamber finds that only paragraph 15 shall be admitted for the purpose of
14 impeachment as the information contained therein may be relevant to the assessment of
15 the witness' credibility. The Chamber however decides not to admit into evidence
16 paragraph 6 of the log as it finds that no contradiction exists in relation to this excerpt, nor
17 paragraph 4, for which no transcript references were identified by the Defence.

18 As concerns the statement of Witness P-790, the Chamber notes that for the vast majority
19 of the paragraphs cited to, the witness either maintained his original statement and
20 merely provided additional information or explanation during his testimony, or the
21 relevant portion of the statement was read into the record in full and thus its admission is
22 not required for the purposes of impeachment. And consequently, the Chamber does not
23 find it appropriate to admit the entire witness statement into evidence, only paragraph
24 104 is to be admitted for the purpose of impeachment, as there is an apparent difference
25 with the witness testimony on this point.

1 This concludes the Chamber's ruling.

2 I then note that the Defence yesterday made an urgent request relating to the upcoming
3 witness. As you will have seen, the Chamber had shortened the deadline for responses
4 to this request to this afternoon and also asked the VWU to provide the Chamber with its
5 observations. The Chamber will rule on this request prior to the start of
6 cross-examination of this witness.

7 Next, I also note that the Chamber decided the protective measures that were previously
8 ordered for this witness are to remain in place, that measures are image and voice
9 distortion as well as the use of a pseudonym during testimony.

10 The next matter I will turn to is as usually the request by the legal representative of the
11 former child soldiers to question the witness which was filed on 26 October 2015. As per
12 the conduct of proceedings decision, after Prosecution's examination-in-chief is
13 completed, I shall ask Ms Pellet if she maintains her application to question the witness
14 and, if so, in relation to which topics. We can then deal with any objections arising
15 regarding this request.

16 Are there any further comments on this for now, noting we are in open session?

17 Prosecution?

18 MS SAMSON: No. Thank you.

19 PRESIDING JUDGE FREMR: Defence? No.

20 MR BOURGON: No observation, Mr President.

21 PRESIDING JUDGE FREMR: No, okay.

22 Now I will turn to the topic of objections according to its email of 21 February 2016. The
23 Defence objects to certain of the documents the Prosecution may seek to use with this
24 witness. The Chamber considers that certain of these objections can be best addressed if
25 and when they arise as we did it in previous cases throughout the course of the

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1 examination-in-chief.

2 Now for the next issue we have to move into private session, so court officer please.

3 (Private session at 9.43 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)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13

14 Page redacted – Private session

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13

14 Page redacted – Private session

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Open Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 9.56 a.m.)

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

8 PRESIDING JUDGE FREMR: Thank you.

9 Mr Witness, you will find a piece of paper in front of you with the solemn undertaking.

10 Now you have it in your hands. Please now make your solemn undertaking to tell the
11 truth by reading out the declaration on the piece of paper in front of you.

12 THE WITNESS: (Interpretation) I solemnly declare that I shall tell the truth, the whole
13 truth and nothing but the truth.

14 PRESIDING JUDGE FREMR: Thank you, Mr Witness. It means you are now under
15 oath. You will have already been informed by representatives of the Victims and
16 Witness Unit and I guess afterwards by representatives of the Prosecution about the
17 importance of speaking the truth, but nevertheless you need to be aware that it's an
18 offence within the jurisdiction of this Court to give false testimony. Do you understand
19 that?

20 Very well. For the next part --

21 THE WITNESS: (Interpretation) Yes, I have understood, your Honour.

22 PRESIDING JUDGE FREMR: Very well. For the next part of my guidance we have
23 again to return back into private session.

24 (Private session at 9.57 a.m.)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 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)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Open session at 10.03 a.m.)
- 22 THE COURT OFFICER: We're in open session, Mr President.
- 23 PRESIDING JUDGE FREMR: Thank you.
- 24 And, Mr Witness, I will finish my guidance with a few practical matters.
- 25 First of all, you should have in mind when giving your testimony that everything we say

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Open Session)

ICC-01/04-02/06

1 here in the courtroom is written down and your answers are interpreted into English. It's
2 therefore important to speak clearly and to speak at a slow pace. We want to make sure
3 that your words can be well understood by the interpreters and then by the rest of us.
4 Please speak into the microphone and only start speaking when the person asking you the
5 question has finished.

6 And to allow for the smooth interpretation everyone, including myself, has to wait a few
7 seconds before starting to speak, so I recommend to you when the lawyer or Judge has
8 asked his or her question, please count in your head to three, at least, and only then give
9 your answer.

10 If you have any questions yourself, raise your hand so we know that you wish to say
11 something, we will then give you the opportunity to speak.

12 Have you understood all that, Mr Witness?

13 THE WITNESS: (Interpretation) Yes, I have understood, Mr President.

14 PRESIDING JUDGE FREMR: Very well, Mr Witness.

15 So now we can move the floor to Prosecution. It will be, I guess, you, Ms Samson, who
16 will be examining this witness?

17 MS SAMSON: Yes, Mr President, that's right.

18 PRESIDING JUDGE FREMR: And before you start, allow me to say that the Prosecution
19 made estimation that you will need 10 hours to examine this witness. The Chamber
20 finds this estimation realistic, so please arrange your examination in a way that really
21 would allow you to finish in 10 hours because otherwise you would have to request for
22 additional time and it's not certain that the Chamber will grant such a request.

23 So, please, you have the floor.

24 MS SAMSON: Yes. Thank you, Mr President.

25 QUESTIONED BY MS SAMSON:

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1 Q. Good morning, sir.

2 A. Jambo.

3 Q. We've met before, but I'll repeat for you that my name is Nicole Samson and I
4 represent the Prosecution today. I have questions for you today and tomorrow. The
5 first series of questions that I have for you relate to your identity and for that reason I will
6 request that we move into private session.

7 PRESIDING JUDGE FREMR: All right, let's move into private session now.

8 (Private session at 10.07 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Recess taken at 11.00 a.m.)

4 (Upon resuming in open session 11.31 a.m.)

5 THE COURT USHER: All rise.

6 Please be seated.

7 PRESIDING JUDGE FREMR: So we are in open session, Mr Bourgon. You wanted to
8 make any submissions in open session?

9 MR BOURGON: Yes, Mr President.

10 PRESIDING JUDGE FREMR: Okay. So then go ahead.

11 MR BOURGON: Well, I'm not sure if this was made -- this might have been made in
12 private session, so I think we might be on the safe side and go into private session.

13 PRESIDING JUDGE FREMR: So let's move into private session, court officer, please.

14 (Private session at 11.32 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 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)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Recess taken at 1.35 p.m.)
- 23 (Upon resuming in open session at 3.02 p.m.)
- 24 THE COURT USHER: All rise.
- 25 Please be seated.

1 PRESIDING JUDGE FREMR: Before we continue with the testimony, one question from my
2 part to Mr Bourgon concerning your request on status conference.

3 Mr Bourgon, could you hear me? Okay. Fine. Because I have just maybe two
4 additional questions. Your request for status conference, are you requesting ex parte
5 or inter partes status conference?

6 MR BOURGON: Thank you, Mr President. Are you referring to my -- what I mentioned
7 this morning?

8 Yes, inter partes, of course, with the Prosecution. I've addressed the matter already
9 with my colleague, and I expect to have some information probably today or
10 tomorrow, at which point we will send a message to the Trial Chamber.

11 PRESIDING JUDGE FREMR: Okay. For the sake of planning. And my other question
12 was what time you expect it will require? But I think also it depends, and we will see from
13 your email maybe.

14 MR BOURGON: I would assume that half hour would do what is necessary; but, of course,
15 it all depends how much consultations there are with the Prosecution.

16 PRESIDING JUDGE FREMR: Thank you. It was just my inquiry for the sake of further
17 planning.

18 Now, we will continue with examination of this witness. For the information of
19 public, there is a very high likelihood that because this witness is protected one, that
20 we will -- the vast majority of his examination will be conducted in private session. I
21 can ask Ms Samson what is the perspective, whether I am right or wrong.

22 MS SAMSON: Yes, your Honour. You are correct. I will request we remain in private
23 session for the series of questions I have next, and it will likely go on for some time.

24 PRESIDING JUDGE FREMR: So now court officer let's move into private session.

25 (Private session at 3.05 p.m.)

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 4 p.m.)
- 14 THE COURT OFFICER: We're in open session, Mr President.
- 15 PRESIDING JUDGE FREMR: Ms Samson, please hold on. We will still wait whether we
- 16 succeed to assist Mr Bourgon.
- 17 THE COURT OFFICER: The technician is on his way, Mr Bourgon.
- 18 MR BOURGON: I will use my colleague's computer just to avoid wasting time.
- 19 PRESIDING JUDGE FREMR: Mr Bourgon, we thank you for your indulgence and we
- 20 appreciate your flexibility.
- 21 So now, Ms Samson, you may proceed and we are in open session, so please bear it in
- 22 mind.
- 23 MS SAMSON: Yes.
- 24 Q. And so, sir, where were the signora themselves based?
- 25 A. Each one had a place within the headquarters, for example, the signora of the Mahagi

1 sector was in the Mahagi headquarters.

2 Q. And you mentioned that there were Manpacks at various places with Mr Lubanga, Mr
3 Ntaganda, Mr Kisembo. Did they have signora based with them at their residences or offices
4 or not?

5 A. They had their own residences.

6 Q. And just to be clear on that, at Mr Lubanga's or Mr Ntaganda's or Mr Kisembo's
7 residences where there were Manpacks, were the signora working from those three areas with
8 the Manpacks or did they work from afar, remotely?

9 A. No. It was at their own residence. The Manpack belonging to Mr Lubanga was in his
10 residence, and it was the same thing for the other commanders. They couldn't be set up far
11 away from the place where they were, because each person might receive a report from the
12 signora. So the signora could not be far away from the commander's residence.

13 Q. And what was the range of a Motorola?

14 A. I couldn't tell you exactly what the range was of those Motorola, but it was a long
15 distance, for example, for someone who was here, here in The Netherlands, someone in The
16 Netherlands could send a message to someone in Belgium, and what's more, you could send a
17 message to someone who was in France. So really it had quite a large range.

18 Q. And were you able to follow communications on the Motorola?

19 A. No. That was impossible. For instance, someone in Bunia could not communicate
20 with someone in Aru or Mongbwalu. That was impossible.

21 Q. Was that impossible using the Motorola? Is that what you mean?

22 A. No. It was far away. The Motorolas were used for short distances. For relatively
23 long distances we used other means of communications. They were called base stations.
24 For example, you might ask someone who was operating the base station to communicate
25 with someone with a Motorola so that the two parties could communicate.

1 Q. What is the difference, if any, between a base station and a Manpack?

2 A. They're different. I don't know how to explain it to you, because you've never been in
3 Bunia, but I'll give you the example of someone here. Someone who is here can
4 communicate with someone who is in France or England using a Manpack. But for someone
5 who is here, in order to communicate with someone who is in Delft, for example, an example
6 I'm giving you, well, then you have to call someone who has the other equipment called the
7 base so that he can connect you to the person using the Motorola.

8 Q. So the base is connected to the Motorola in order to allow for longer distance
9 communication; is that correct?

10 A. Yes, that's right. Now, for someone who is far away, if that person used a Motorola,
11 that person had to go through the person who was operating the base as a relay so that they
12 would be able to communicate.

13 Q. And could Motorola communications or base station communications be intercepted?

14 A. Yes, that was possible. The communications could be intercepted if, for example, you
15 knew the frequency that was being used, it was possible. For example, you could intercept
16 Lendu communications if you knew what the frequencies were.

17 Q. And were the Lendu in a position to intercept UPC communications or did that not
18 happen?

19 A. That was possible. I would say that was possible because I was a witness to that, to
20 such a case.

21 Q. And can you describe what you witnessed in that case.

22 Excuse me one moment, sir.

23 Perhaps we should move into private session, your Honour, before we get this answer.

24 PRESIDING JUDGE FREMR: Good point. Let's move into private session now.

25 (Private session at 4.11 p.m.)

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0055

(Private Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (The hearing ends in private session at 5.04 p.m.)