

Trial Hearing
WITNESS: DRC-OTP-P-0963

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI - Courtroom 2
3 Situation: Democratic Republic of 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 Thursday, 14 April 2016
9 (The hearing starts in open session at 9.32 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.
14 Court officer, please call the case.
15 THE COURT OFFICER: Thank you, Mr President. The situation in the Democratic
16 Republic of the Congo in the case of the Prosecutor versus Bosco Ntaganda, case reference
17 ICC-01/04-02/06.
18 And for the record, we are in open session.
19 PRESIDING JUDGE FREMR: Thank you, Ms Court Officer.
20 Now appearances starting with Prosecution.
21 MS SOLANO: Good morning, your Honours. For the Prosecution this morning appear
22 Ms Nicole Samson, senior trial lawyer; Ms Marion Rabanit, associate trial lawyer; Ms Kristy
23 Sim, assistant trial lawyer; Ms Dianne Luping, trial lawyer; Ms Selam Yirgou, case manager;
24 and I am Julieta Solano, trial lawyer.
25 PRESIDING JUDGE FREMR: Thank you, Ms Solano.

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1 Defence, please.

2 MR BOURGON: (Interpretation) Good morning, your Honours. Good morning to
3 everyone in the courtroom. Representing Bosco Ntaganda, who is present today in the
4 courtroom, Ms Sandrine De Sena; Maître Dignité Bwiza; Maître Isabelle Martineau; myself,
5 Stéphane Bourgon. Thank you, your Honour.

6 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

7 I see that your client had some problems with headphones.

8 Mr Ntaganda, can you hear us? It's okay, everything fine?

9 Court officer, please be so kind and assist Mr Ntaganda.

10 In the meantime I think we can proceed with appearances.

11 Legal Representatives of Victims, please.

12 MS PELLET: (Interpretation) Good morning. The former child soldiers are represented
13 by myself, Sarah Pellet, Office of Public Counsel For Victims.

14 MR SUPRUN: (Interpretation) Good morning, your Honours. The victims of the attacks
15 are represented by the Office of Public Counsel for Victims, Ms Grabowski and myself,
16 Dmytro Suprun.

17 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.

18 And duty counsel, please.

19 MS CLÉMENT: (Interpretation) Good morning, your Honours. Hélène Clément, duty
20 counsel. I'm here to assist the witness.

21 PRESIDING JUDGE FREMR: Thank you, Ms Clément.

22 Just I would like to get some assurance from the court officer that Mr Ntaganda, his
23 headphones are working? Okay, fine.

24 So, Mr Witness, good morning.

25 WITNESS: DRC-OTP-P-0963 (On former oath)

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WITNESS: DRC-OTP-P-0963

(Private Session)

ICC-01/04-02/06

- 1 (The witness speaks French)
- 2 THE WITNESS: (Interpretation) Good morning.
- 3 PRESIDING JUDGE FREMR: I suppose that everything is okay today with you?
- 4 THE WITNESS: (Interpretation) Yes.
- 5 PRESIDING JUDGE FREMR: Good. So Defence will continue with your
- 6 cross-examination.
- 7 Mr Bourgon, we are in open session, so you may start. Do you want to start in open
- 8 session or is there a need to move into private one?
- 9 MR BOURGON: I would like to go in private session, Mr President.
- 10 PRESIDING JUDGE FREMR: All right.
- 11 Court officer, please let's move into private session now.
- 12 (Private session at 9.36 a.m.)
- 13 (Redacted)
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- 17 (Recess taken at 11.05 a.m.)
- 18 (Upon resuming in open session at 11.41 a.m.)
- 19 THE COURT USHER: All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE FREMR: So we should continue with the cross-examination of Witness
- 22 963, but I see now Ms Solano on her feet. Ms Solano.
- 23 MS SOLANO: Your Honour, I just want to note for the record that Ms Luping and Ms Sim
- 24 have left during the break.
- 25 PRESIDING JUDGE FREMR: Thank you.

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1 Before we continue, Mr Bourgon, I guess you will have a need to continue in private
2 session?

3 MR BOURGON: Indeed, Mr President.

4 PRESIDING JUDGE FREMR: So in that connection I would like to inform the public that this
5 witness is a protected witness, which means that he got a guarantee that his identity wouldn't
6 be revealed through his testimony, and that is why the vast majority of his testimony
7 probably will be conducted in private session.

8 Mr Bourgon, you may proceed.

9 Sorry. And for that reason, we have to move into private session.

10 (Private session at 11.43 a.m.)

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22 (Open session at 1.09 p.m.)

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

24 PRESIDING JUDGE FREMR: Thank you, court officer.

25 Mr Bourgon, according to my information, Ms Solano used 9 hours 50 minutes. So

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1 in effect you are very slightly behind half of your time because normally, you know,
2 as a principle you should use equal time to time used by Prosecution.

3 I would like just to check how far you are in your plan? Are you also in half of your
4 plan of questions? Just to make what progress you have made so far.

5 MR BOURGON: I believe I am halfway through, Mr President.

6 PRESIDING JUDGE FREMR: Very well. And because we get a bit behind our plan, so we
7 will not start at 2.30 but quarter to 3.

8 Now court is adjourned.

9 THE COURT USHER: All rise.

10 (Recess taken at 1.10 p.m.)

11 (Upon resuming in open session at 2.47 p.m.)

12 THE COURT USHER: All rise.

13 Please be seated.

14 PRESIDING JUDGE FREMR: Good afternoon, everybody. We are in open session, and we
15 will start by oral ruling. And since this oral ruling concerns our witness, we didn't want to
16 influence him in any way by this decision, so we preferred to deliver this decision in his
17 absence and then we will invite him into the courtroom immediately.

18 So it's oral ruling on Defence request to admit document DRC-D18-0001-0508 into
19 evidence.

20 Before the break the Defence requested the admission into evidence of two
21 documents.

22 The first one, DRC-OTP-0018-0220, has been admitted.

23 With regard to the second one, DRC-D18-0001-0508, the Chamber notes that it
24 appears to be (Redacted)

25 that the witness recognizes him names and date of birth in one of the columns, was

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1 questioned and provided answers about some of the information included therein.

2 The Chamber has taken note of the Prosecution objections, especially those

3 concerning the authenticity of the document, however, considers that there is prima

4 facie reliability noting in particular that the witness recognized the form of the card.

5 In the circumstances the Chamber will admit the document into evidence recalling always

6 that the weight to be attached to the document and to the witness's evidence in relation to it

7 will be determined only at a later time and in light of the evidentiary record as a whole.

8 This concludes the Chamber's ruling.

9 And now, court officer, please bring Mr Witness into the courtroom.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE FREMR: Good afternoon, Mr Witness. We will continue with your

12 cross-examination conducted by the Defence.

13 Mr Bourgon, common question, do you suppose that the further questions will

14 require to move into private session or we can remain in open session?

15 MR BOURGON: I guess we have to go into private session as the subjects, the evidence was

16 elicited in private session, so I'm not taking any chances.

17 PRESIDING JUDGE FREMR: So for the information of public, since this witness is a

18 protected witness and was given guarantee that his identity will not be revealed to the public

19 and that the questions, prospective questions could make it, we have to move into private

20 session. I frankly think there is a great likelihood that we will remain in private session for

21 the vast majority of this session.

22 Mr Bourgon, you may proceed, but before that, we have to move - yes, thank you

23 for correcting me - we have to move first into private session.

24 (Private session at 2.52 p.m.)

25 (Redacted)

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- 14 (Open session at 4.35 p.m.)
- 15 THE COURT OFFICER: We are back in open session, Mr President.
- 16 PRESIDING JUDGE FREMR: Thank you, court officer.
- 17 For the sake of planning, I would like to get some update on timing.
- 18 So according to my information, Mr Bourgon, you are still entitled to 3 hours and 15
- 19 minutes of examination. Do you envisage that you really will need all that time,
- 20 3.15.
- 21 MR BOURGON: 3.15 or 3.50? I'm sorry.
- 22 PRESIDING JUDGE FREMR: Three-one-five.
- 23 MR BOURGON: Indeed, Mr President, I will require the 3 hours 15 minutes, thank you.
- 24 PRESIDING JUDGE FREMR: All right. It's your right. And maybe I'm again a bit
- 25 premature, but Ms Solano do you at this moment envisage any need for re-examination?

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- 1 MS SOLANO: Your Honour, I will need to assess it tonight, but if there is any
- 2 re-examination on the basis of what we have heard so far it would be very brief.
- 3 PRESIDING JUDGE FREMR: Thank you.
- 4 So thank you and we will continue tomorrow in the same time regime like today,
- 5 which means that we are to start at 9.30.
- 6 Now court is adjourned.
- 7 THE COURT USHER: All rise.
- 8 (The hearing ends in open session at 4.36 p.m.)