

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 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 Friday, 15 April 2016
8 (The hearing starts in open session at 9.31 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, everybody.
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 And for the record, we are in open session.
18 PRESIDING JUDGE FREMR: Thank you, court officer.
19 Now appearances, please, in usual order.
20 MS SOLANO: Good morning, Mr President, your Honours, for the Prosecution this
21 morning appear Ms Nicole Samson, senior trial lawyer; Ms Marion Rabanit, associate trial
22 lawyer; Ms Selam Yirgou, case manager; and I am Julieta Solano, trial lawyer.
23 PRESIDING JUDGE FREMR: Thank you, Ms Solano.
24 Defence now, please.
25 MR BOURGON: (Interpretation) Good morning, your Honour, your Honours and

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1 everyone else in the courtroom. For Bosco Ntaganda, who is present with us this
2 morning, Sandrine De Sena, Dignité Bwiza, Isabelle Martineau and myself,
3 Stéphane Bourgon. Thank you, your Honour.

4 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.
5 Legal Representatives of Victims, please.

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

8 MR SUPRUN: (Interpretation) Good morning, your Honour, your Honours. The
9 victims of the attacks are represented by the Office of Public Counsel for Victims,
10 Anne Grabowski, associate officer, and myself, Dmytro Suprun.

11 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.
12 And finally, duty counsel.

13 MS CLÉMENT: (Interpretation) Good morning, your Honour, your Honours.
14 Héléne Clément, I am the duty counsel for the witness.

15 PRESIDING JUDGE FREMR: Thank you, Ms Clément.

16 So Mr Witness, good morning, are you feeling okay today?

17 WITNESS: DRC-OTP-P-0963 (On former oath)
18 (The witness speaks French)

19 THE WITNESS: (Interpretation) Yes, I'm fine, your Honour.

20 PRESIDING JUDGE FREMR: If everything goes well it should be the last day of your
21 testimony. We will continue with your cross-examination conducted by Defence.

22 Mr Bourgon, you have the floor. And common question, as usually, do you want to
23 remain in open session or will the character of your questions require you to move into
24 private session?

25 MR BOURGON: Private session, Mr President, please.

1 PRESIDING JUDGE FREMR: For the information of public, this witness is protected
2 witness, which means that he was given assurance that his identity will not be revealed,
3 that is why that some portions of his testimony has to be conducted in private session and,
4 to be absolutely honest, it is a high likelihood that this upcoming part of testimony will be
5 mostly conducted in private session.

6 Now, let's move into private session, court officer.

7 (Private session at 9.35 a.m.)

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20 (Open session at 11.06 a.m.)
21 THE COURT OFFICER: We are in open session, Mr President.
22 PRESIDING JUDGE FREMR: Thank you, court officer.
23 We will now break for 30 minutes, which means that we will reconvene at 11.35, but
24 before doing that, update on timing, I was informed that you exhausted 8 hours, which in
25 fact means, Mr Bourgon, you still have at your disposal 1 hour 50 minutes. It is another

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1 session before -- don't you think you would be able to finish in one, 1.30, which means by
2 lunch break? But it's up to you, you're entitled to 1 hour 50.

3 MR BOURGON: Mr President, if I can address the Court in the absence of the witness,
4 either now or at the beginning of the next session, I will explain why it is not possible to
5 not finish in that time frame.

6 PRESIDING JUDGE FREMR: Okay.

7 MR BOURGON: Thank you.

8 PRESIDING JUDGE FREMR: No need for explanation. You are entitled to 1 hour 50.
9 Let's break and reconvene at 11.35.

10 THE COURT USHER: All rise.

11 (Recess taken at 11.08 a.m.)

12 (Upon resuming in open session at 11.36 a.m.)

13 THE COURT USHER: All rise.

14 Please be seated.

15 PRESIDING JUDGE FREMR: So we are in open session, so we will proceed with the
16 testimony. Before that I guess I will just make our record precise, which means that
17 Ms Samson for this session is not present, otherwise, Mr Bourgon, I guess I suppose you
18 will continue the same regime you finished before the break, so we will have, I guess,
19 have to move into private session, am I right?

20 MR BOURGON: Indeed, Mr President.

21 PRESIDING JUDGE FREMR: Court officer, let's move into private session now.

22 (Private session at 11.38 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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(Private Session)

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(Open Session)

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4 (Open session at 12.51 p.m.)

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

6 PRESIDING JUDGE FREMR: So we will break a bit earlier than usually now, which
7 means that we will then reconvene at quarter past 2.

8 And just for your information, Mr Bourgon, you still have at your disposal 56 minutes.

9 So we will break now and reconvene quarter past 2.

10 THE COURT USHER: All rise.

11 (Recess taken at 12.51 p.m.)

12 (Upon resuming in open session at 2.18 p.m.)

13 THE COURT USHER: All rise.

14 Please be seated.

15 PRESIDING JUDGE FREMR: Good afternoon, everybody. So as I already indicated -- I
16 see there are some -- is there an issue with Mr Ntaganda? Everything is okay? Fine.

17 So we will continue, as indicated, with the rest of the cross-examination of Witness 963.

18 Mr Bourgon, you still have 56 minutes to finish your questioning. Do you want to
19 proceed in open or in private session?

20 MR BOURGON: Private session, Mr President, please.

21 PRESIDING JUDGE FREMR: So just for the information of public, this witness is
22 protected and he was given assurance that his identity will not be revealed, that is why if
23 questioning could reveal his identity, such part of the trial has to be conducted in private
24 session.

25 But anyway, Ms Solano, you want to comment on this?

Trial Hearing
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1 MS SOLANO: Good afternoon, your Honour. Just to note for the record that Ms Kristy
2 Sim has joined the Prosecution team for this session.

3 PRESIDING JUDGE FREMR: Thank you very much.

4 Now, court officer, please let's move into private session.

5 (Private session at 2.20 p.m.)

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Trial Hearing
WITNESS: DRC-OTP-P-0963

(Open Session)

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4 (Open session at 3.36 p.m.)

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

6 PRESIDING JUDGE FREMR: Mr Bourgon.

7 MR BOURGON: Quickly, Mr President, about the admission of documents, with the
8 witness or without the witness, I'm in your hands. Thank you.

9 PRESIDING JUDGE FREMR: I think it would be better to make it without the witness,
10 because now I would like to -- if you don't object, I think it's no problem for you? Okay.

11 So, Mr Witness, it concludes your testimony. You spent with us a long five days. I
12 really appreciate that you remained concentrated for all that time, that you patiently
13 responded all those questions, and I firmly believe that your testimony will help all of us
14 to find the truth. So thank you very much and we wish you safe journey home.

15 At the same time I would like to thank Ms Clément, who perfectly guaranteed the rights
16 and support rights of the Witness.

17 Now Mr Witness may be escorted out of the courtroom.

18 (The witness is excused)

19 PRESIDING JUDGE FREMR: Now, Mr Bourgon, please take the floor with your request.

20 MR BOURGON: Thank you, Mr President. Further to my cross-examination, I would
21 like to admit the following five documents. The first document is DRC-OTP-0147 --

22 PRESIDING JUDGE FREMR: Sorry to interrupt you. Just to have an idea, all of them
23 for the purpose of impeachment?

24 MR BOURGON: Yes, Mr President.

25 PRESIDING JUDGE FREMR: Okay. Please proceed.

Trial Hearing

(Private Session)

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16 PRESIDING JUDGE FREMR: You are right. Let's move into private session. It was a
17 long day.

18 (Private session at 3.41 p.m.)

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6 (Open session at 3.54 p.m.)

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

8 PRESIDING JUDGE FREMR: Thank you, court officer.

9 So I will publicly repeat that our programme for next week will start with examination of
10 Witness P-892 on Monday in two sessions, first one from 9.30 to 11 and second one from
11 11.30 to 1 p.m. And then we will have to break. And for circumstances very well
12 known to both parties we will conduct the first part of examination of Witness P-933 the
13 late afternoon or in the evening from 6 p.m. to 8 p.m. by video link.

14 It's at the moment all from my part. Give me a second.

15 I would like to give instructions to those who have been present in the public gallery that
16 information inadvertently disclosed during the last submission of the Defence is strictly
17 confidential and must not be disseminated, otherwise you will be at risk of some sanctions.
18 So please I would like to remind it to you, to those four persons who at the moment are in
19 the public gallery.

20 Are there any further requests for the floor? If not, I thank you, all of you, and I wish
21 you a relaxed weekend and see you on Monday.

22 THE COURT USHER: All rise.

23 (The hearing ends in open session at 3.56 p.m.)