

Trial Hearing
WITNESS: DRC-OTP-P-0892

(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 Monday, 18 April 2016
8 (The hearing starts in open session at 10.34 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: Good morning. Yes, 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, starting with Prosecution.
20 MS SIM: Good morning, Mr President. Good morning, your Honours. For the
21 Prosecution appearing in Court today is Nicole Samson, senior trial lawyer;
22 Dianne Luping, trial lawyer; James Pace, assistant trial lawyer; Laura Morris,
23 assistant trial lawyer; Selam Yirgou, case manager; and myself, Kristy Sim,
24 assistant trial lawyer.
25 PRESIDING JUDGE FREMR: Thank you.

1 Now Defence, please.

2 MR BOUTIN: (Interpretation) Good morning, Mr President. Good morning,
3 your Honours. Today for Mr Ntaganda's Defence, and Mr Ntaganda is present in
4 the courtroom, we are Elisa Binon, Chloé Grandon, Stéphane Bourgon, lead counsel,
5 and myself, Luc Boutin, co-counsel.

6 Mr President, with your leave Mr Bourgon would be in court with us for the first
7 session and then would leave later on.

8 PRESIDING JUDGE FREMR: Thank you, Mr Boutin. Your announcement
9 concerning Mr Bourgon was taken and accepted. And again, thank you that you are
10 observing our rules in order to keep our transcript and appearances precise.

11 Now Legal Representatives of Victims, please.

12 MS PELLET: (Interpretation) Thank you, Mr President. Former child soldiers are
13 represented by Mohamed Abdou and myself, Sarah Pellet, counsel at the OPCV.

14 MR SUPRUN: (Interpretation) Good morning, Mr President. Good morning,
15 your Honours. Victims of the attacks are represented by the OPCV, Anne
16 Grabowski, associate jurist, and myself, Dmytro Suprun, counsel.

17 PRESIDING JUDGE FREMR: I thank you both.

18 At the beginning, sorry for this one-hour delay that had been caused by some
19 technical problems. So it forces us to change our today schedule accordingly. So
20 we will sit, the first session will be from 10.30 to 12, the second one from 12.30 to
21 2 p.m., and then, as you know, we will have late afternoon or evening session from
22 6 to 8 p.m.

23 In this connection I would also like to inform you about slight change of the schedule
24 for tomorrow. In order to facilitate some issues and organisation, we will start
25 tomorrow 9 o'clock. As you know, we will have just two sessions, so we will have

1 first session from 9 to 10.30, the second one from 11 to 12.30. So we will finish at
2 12.30 in order to make greater pause between the end of our session and start of
3 preparations for this afternoon opening ceremony.

4 Otherwise today we are starting with the testimony of the third witness during this
5 evidentiary block, which will be the 16th Prosecution witness.

6 Before that I will briefly address a few procedural matters and the first one I would
7 like to address in private session because there are some details concerning protection
8 of our upcoming witness.

9 So, court officer, now please let's move into private session.

10 (Private session at 10.39 a.m.)

11 (Redacted)

12 (Redacted)

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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7 (Open session at 10.42 a.m.)

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

9 PRESIDING JUDGE FREMR: Thank you, court officer.

10 Next I would like to note that Witness P-892 is a dual status witness and that the

11 Legal Representative of Victims of the attacks has requested to examine her. In

12 accordance with the decision on the conduct of the proceedings the Chamber will ask

13 Mr Suprun if he maintains his application to question the witness after the

14 Prosecution's examination-in-chief and then decide upon the request.

15 Then according to its email of 15 April 2016 the Defence does not object to the use of

16 any of the documents the Prosecution may seek to use with this witness provided that

17 applicable provisions of the decision on the conduct of proceedings are complied with.

18 At this stage the Chamber simply notes this for the record.

19 So now unless the parties or participants have anything they wish to raise at this

20 point, we can turn to the scheduled testimony.

21 So I don't see any request for the floor, so please, court usher, you can now bring

22 Madam Witness into the courtroom. And we may remain in open session during

23 this operation since the witness will enter courtroom below the public gallery so can't

24 be visible to the public.

25 (The witness enters the courtroom)

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Madam Witness, good morning. Madam Witness,
2 can you hear me?

3 WITNESS: DRC-OTP-P-0892

4 (The witness speaks Swahili)

5 THE WITNESS: (Interpretation) Good morning.

6 PRESIDING JUDGE FREMR: Madam Witness, you are going to testify before the
7 International Criminal Court and on behalf of this Chamber, I would like to welcome
8 you to the courtroom.

9 THE WITNESS: (Interpretation) Very well.

10 PRESIDING JUDGE FREMR: Madam Witness, this Chamber has been established to
11 try the case of the Prosecutor against Mr Bosco Ntaganda and you are called to testify
12 to assist us in our search for the truth.

13 You will be asked questions both by the Judges and lawyers in the courtroom and in
14 this connection I would like to guide you.

15 Please listen carefully to those questions. It's very important that you make sure that
16 you understand the question before you answer it. If you do not understand, feel
17 free to ask for the question to be repeated or rephrased.

18 Madam Witness, we want you to tell the truth and tell us only what you really saw or
19 heard or sensed yourself. If you didn't see or hear it yourself but you found out
20 some other way, then you should explain how.

21 You may be asked about events that happened many years ago so it's natural that you
22 may not remember all details. It doesn't matter, please testify just on that which you
23 remember. Don't guess, don't make things up. There is nothing wrong in saying
24 "I don't know" or "I don't remember."

25 Do you understand all this, Madam Witness?

1 THE WITNESS: (Interpretation) Yes, I have understood.

2 PRESIDING JUDGE FREMR: Very well. Madam Witness, now let me explain to
3 you how the protective measures work that the Chamber has put in place for your
4 testimony.

5 As you see, you are sitting in a place where the public here in this building cannot see
6 you. In addition, face distortion is applied, which means that your face is blurred on
7 the camera images and the public cannot see your face during your testimony.

8 We also decided to order voice distortion, which means that the public will not be
9 able to identify you by your voice as it has been disguised.

10 And we ordered the use of pseudonym. This means that we will all refer to you only
11 as "Madam Witness" to make sure that the public does not know your name.

12 When you answer questions that will not give away who you are, we will do so in
13 open session, which means that the public can hear what is being said in the
14 courtroom.

15 When you are asked to describe anything that relates specifically to you, we will do
16 this in a private session. Then there is no broadcast and no one outside the
17 courtroom can hear your answers.

18 It will be the case at the very start when a few general questions about who you are
19 will be asked and again when you are asked to mention facts that might reveal your
20 identity, please do not refer to these details later on during your testimony whenever
21 we are in open session.

22 If ever anything gets said during open session which should have been said in private
23 session, we will do our best to protect this information. Your testimony will be
24 broadcast on a delay and we can remove any such remarks from the broadcast which
25 will be heard by the public and read from the public transcript of the proceedings.

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

1 Certain other parts of your testimony may also be conducted in private session.

2 This Chamber recognizes that your security and well-being is important during the
3 course of the trial. If at any point you feel that you would like a brief break from
4 giving your testimony or you feel unwell, do not hesitate to let us know by raising
5 your hand.

6 Do you understand, Madam Witness?

7 THE WITNESS: (Interpretation) Yes, I have understood.

8 PRESIDING JUDGE FREMR: Very good. Madam Witness, you will now be asked
9 to take a solemn undertaking to tell the truth. So I will read the declaration to you
10 and ask that you repeat it slowly after me. Do you understand?

11 THE WITNESS: (Interpretation) Yes.

12 PRESIDING JUDGE FREMR: So please repeat after me. I solemnly declare.

13 THE WITNESS: (Interpretation) I solemnly declare.

14 PRESIDING JUDGE FREMR: That I will speak the truth.

15 THE WITNESS: (Interpretation) That I will speak the truth.

16 PRESIDING JUDGE FREMR: The whole truth.

17 THE WITNESS: (Interpretation) The whole truth.

18 PRESIDING JUDGE FREMR: And nothing but the truth.

19 THE WITNESS: (Interpretation) And nothing but the truth.

20 PRESIDING JUDGE FREMR: Thank you, Madam Witness. It means that now you
21 are under oath. You will have already been informed by representatives of the

22 Victims and Witnesses Unit and afterwards by representatives of the Prosecution

23 about the importance of speaking the truth. You need to be aware that it's an offence

24 within the jurisdiction of the Court to give false testimony. Do you understand that?

25 THE WITNESS: (Interpretation) Yes, I have understood.

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Good. And finally few practical matters you should
2 have in mind when giving your testimony.
3 Everything we say here in the courtroom is written down and interpreted into
4 English and French from Swahili. It's therefore important to speak clearly and to
5 speak at a slow pace. We want to make sure that your words can be well
6 understood by the interpreters and then by the rest of us.
7 Please speak into the microphone and what is very important, only start speaking
8 when the persons asking you the question has finished.
9 To allow for the interpretation everyone here has to wait a few seconds before starting
10 to speak, so I recommend to you, when the lawyer has asked his or her question,
11 please count in your head to three and only then give your answer.
12 If you have any questions yourself, raise your hand so we know that you wish to say
13 something. We will then give you the opportunity to speak.
14 Have you understood all that?
15 THE WITNESS: (Interpretation) Yes, I have understood.
16 PRESIDING JUDGE FREMR: Very well. So now we can start with your testimony.
17 Who will be conducting this testimony?
18 MS SIM: It will be myself, your Honour.
19 PRESIDING JUDGE FREMR: Ms Sim, just to assure myself, how much time you
20 envisage you will need to examine in chief this witness?
21 MS SIM: We imagine it's going to take four hours.
22 PRESIDING JUDGE FREMR: Four hours, okay. We will see, but --
23 (Trial Chamber confers)
24 PRESIDING JUDGE FREMR: I also now have been even reminded by my colleague
25 that, if I am not wrong, that there are also some change saying that you will be able

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

1 even to the original estimation to shorten the time for three hours. So now you are
2 coming back for the original request?

3 MS SIM: I'm afraid I don't -- I don't know where the three-hour shortening came in.
4 We requested an additional hour on Friday because we were under the impression
5 that there was only three hours allotted and we anticipated it was going to need four
6 hours, but it was an error on our part. As originally indicated in the will-say
7 statement, we indicated it was going to be four hours. So we're simply sticking to
8 the original indication.

9 PRESIDING JUDGE FREMR: Okay. At the moment I think we can live with those
10 four hours for two reasons, because for one reason because there is still some time
11 buffer because of this special time schedule for this week, but generally please try to
12 be, if possible, more efficient. I think the original estimation three hours seemed to
13 us reasonable because this witness, in fact, is -- her testimony is concentrated on just
14 only one, mainly on one event. So in our view it should be feasible to make it in
15 shorter time than four hours, so please try to do your best.

16 Now you have the floor, Ms Sim.

17 MS SIM: Sorry, Mr President, if I wasn't clear. The original estimate that we had
18 was four hours. It was a misstep on our part on Friday to seek an additional.

19 PRESIDING JUDGE FREMR: But, you know, it's just the issue general policy. We
20 so far, in fact, we I think in most of the requests we found this request reasonable.
21 We also have a chance in advance to compare your estimation with our expectation
22 and both parties be ready that in the future especially we can be stricter and we can
23 say that your estimation asking us to be too generous because we are strongly in
24 favour to make this trial as much efficient, as much time-focused, streamlined as
25 possible. So especially in this witness. In fact, I am remaining a bit generous

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

1 because, as I said, this week we have some time buffer, but still, next time probably
2 we'll be stricter. Especially concerning this witness, in our view three hours should
3 be enough. But as I said, we are making an exception and we are ready to give you
4 four hours for those circumstances I mentioned before.

5 So please go ahead.

6 MS SIM: Understood, Mr President. Thank you.

7 QUESTIONED BY MS SIM:

8 Q. Good morning, Madam Witness. Can I have you --

9 A. Good morning.

10 Q. Can I have you state your full name for the record.

11 PRESIDING JUDGE FREMR: Sorry, before that we have to move into closed session.

12 Just for the information of the public, there are two main reasons that we in future
13 may move into private session. First of all, if the identity of the witness could be
14 revealed by questions and also because this topic also will deal with issues that also
15 require to move into private session because there is some topic which is very
16 sensitive. So it's, to be honest with you, public, in this case a great likelihood that a
17 vast majority of this questioning will be conducted in private session.

18 So let's move into private session, court officer.

19 (Private session at 10.58 a.m.)

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22 (Redacted)

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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19 (Redacted)

20 (Open session at 11.15 a.m.)

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

22 PRESIDING JUDGE FREMR: Thank you, court officer.

23 Ms Sim, you may proceed.

24 MS SIM:

25 Q. Before your first husband died, what was the ethnicity of the people who were

1 living in Mongbwalu?

2 A. Mongbwalu was a town and all the ethnic groups were present there; the Lese,
3 Lulu, Hema. Everyone was living there. There were members of many ethnic
4 groups, even the Lugbara. So many inhabitants, inhabitants in Mongbwalu were
5 from various ethnic groups.

6 Q. And what about in Sayo, what was the ethnicity of the people living in Sayo at
7 this time?

8 A. Sayo was inhabited by almost all the ethnic groups.

9 Q. Were there also Lendu people living in Mongbwalu during this period?

10 A. Yes. There were also Lendu living in Mongbwalu.

11 Q. Still focussing on this period of time, how did the Hema people and the Lendu
12 people get along with each other?

13 A. Before the beginning of the insecurity they were living together. All of us were
14 living together. There was no distinction between us. You could not talk about
15 Hemas or Lendus and so on because everyone was living together and in harmony.

16 Q. You mentioned the insecurity. Who start -- or, who was fighting during the
17 insecurity?

18 A. I'm sorry, what insecurity are you referring to? Are you talking about
19 Mongbwalu or where?

20 Q. Yes, I'm speaking of the insecurity in Mongbwalu.

21 A. In Mongbwalu there was fighting between the Hema ethnic group and the
22 Lendu ethnic group. They were fighting against each other.

23 PRESIDING JUDGE FREMR: Ms Sim, sorry to bother you, because I don't want to
24 make you nervous, but I think it's the sixteenth witness before us, and I would
25 estimate that at least ten of them have been questioned by Prosecution about those

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

1 issues. Do you really, really think that we need to hear eleventh witness on those
2 general issues - general issues - about the relationship between Hema and Lendu?

3 MS SIM: Before I respond, if I could have the witness remove her headphones.

4 PRESIDING JUDGE FREMR: Yes, please. Assistant, could you -- or, court usher,
5 please assist Ms Witness.

6 Before I give you the floor, just a general, general, I think, issue that we would also
7 like to indicate before both parties that, if I am not wrong, Prosecution intends to call
8 something about 70 witnesses, but you also should take into account that the
9 Chamber would like to avoid numerous, I'm not saying there's repetition, but
10 numerous repetition of testimony of the same fact, so it's up to you to recognize how
11 many testimonies on each issue should be sufficient.

12 But if you, for future, if you would, I'm not saying you, Ms Sim, but Prosecution as a
13 whole, if you bring the 15 witness on the same fact, then we will say no we've already
14 heard enough on that and we will just -- we will not permit such a testimony, or
15 concrete topic of the concrete witness devoting to this issue.

16 That is why I asking you because really -- but I now guess that will have for me some
17 special reasons why you are dealing with this witness with those issues. Please you
18 have the floor.

19 MS SIM: Thank you, Mr President. With this particular witness we're attempting
20 to establish the timing of the attacks and she has difficulty establishing the exact
21 timing so we're simply trying to set it in context so that we know which attack she's
22 speaking of.

23 PRESIDING JUDGE FREMR: I'm generally fine with that, but still please try to
24 create this context in the -- as short time as possible, not to waste your time. So now
25 point taken. Otherwise the witness could be again provided with the headphones.

1 MS SIM:

2 Q. During the conflict between the Hema and the Lendu, were any other ethnic
3 groups -- or, did the Hema not get along with any other ethnic groups?

4 MR BOUTIN: Mr President.

5 PRESIDING JUDGE FREMR: Mr Boutin.

6 MR BOUTIN: It is such a generic question. I think that we are not making any
7 progress with this witness. I object because, in my view, it is just too generic.

8 PRESIDING JUDGE FREMR: Mr Boutin, in fact you borrowed my issue, but Ms Sim
9 is saying that it's part of her special approach, so I will let her continue.

10 Please proceed.

11 MS SIM:

12 Q. Madam Witness, would you like me to repeat the question that I just asked you?

13 A. I did not quite understand your question.

14 Q. I'm going to repeat the question that I just asked you and that is: During the
15 conflict between the Hema and the Lendu, did the Hema not get -- was there any
16 other ethnic groups that the Hema was not getting along with?

17 A. It was the Lendu and the Hema fighting against each other. There were no
18 other ethnic groups involved.

19 Q. To your knowledge, were the Hema people organised into any military group?

20 A. The armed group was the one known as the UPC, that was the armed group
21 which entered Mongbwalu.

22 Q. When did the UPC enter Mongbwalu?

23 A. It was on 9 November that the UPC entered Mongbwalu for the very first time.

24 Q. How long after the war in Bunia with the Lompondo did the UPC enter
25 Mongbwalu for the first time?

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

1 MR BOUTIN: Mr President.

2 PRESIDING JUDGE FREMR: Mr Boutin.

3 MR BOUTIN: I stand to be corrected, but I think when the witness mentioned

4 Lompondo, she wasn't specific as to the time frame that she was talking about.

5 Again, at this point I think this question as put to the witness is not helping us in

6 making any grounds as to develop or to know what happened exactly in Mongbwalu.

7 I think it could be rephrased, but I object on this ground.

8 PRESIDING JUDGE FREMR: Madam Witness, you provided us with exact number

9 that it was on 9 November that the UPC entered Mongbwalu. Do you also

10 remember the year?

11 THE WITNESS: (Interpretation) I believe that it was in 2003, 2002 or 2003. I really

12 no longer remember the precise year.

13 PRESIDING JUDGE FREMR: I think it's natural, it's many years ago. But my

14 question also is and how you so exactly remember it was 9 November?

15 THE WITNESS: (Interpretation) That is correct.

16 PRESIDING JUDGE FREMR: Madam Witness, I believe you that it's correct, but tell

17 me how is it possible that you remember just this specific date 13 or 14 years later,

18 9 November?

19 THE WITNESS: (Interpretation) I remember that date because we had (Redacted)

20 (Redacted)

21 (Redacted) that the UPC came into that locality.

22 PRESIDING JUDGE FREMR: Thank you, Madam Witness.

23 Ms Sim, please proceed.

24 MS SIM:

25 Q. Madam Witness, I'm going to ask you if you remember how long after the war

1 in Bunia with Lompondo did the UPC enter Mongbwalu for the first time. Was it a
2 long time or a short time?

3 A. In fact, the UPC came in first and then they were beaten and they left. Then
4 they returned a second time and they fought in Mongbwalu where they remained for
5 about a month or a month and a half. At that time I left Mongbwalu for Bunia. We
6 stayed in Bunia for some time during that war between the UPC and Lompondo.
7 They were defeated while I was still in Bunia. Then once again I returned to
8 Mongbwalu. I returned to Mongbwalu again and at that time the Ugandans had
9 arrived and driven out the UPC. When the UPC was driven out, I then returned to
10 Mongbwalu, and then while in Mongbwalu the Ugandans, we met the Ugandans on
11 their way out of Mongbwalu. In fact, that is how things unfolded.

12 Q. Madam Witness, my question was a little bit different than what you answered.
13 My question was: During the time when your husband was in Bunia and he was
14 sick and you talked about a war with Lompondo, I wanted to know how soon after
15 that time did the UPC enter Mongbwalu for the first time?

16 A. It is difficult for me to answer that question. You see, so much time has
17 already gone by. What I know is that the UPC entered Mongbwalu before the battle
18 against Lompondo.

19 Q. Was your husband still alive when the UPC entered Mongbwalu for the first
20 time?

21 A. Yes, he was.

22 Q. Madam Witness, can you please describe what happened during the first
23 UPC -- the first time the UPC entered Mongbwalu when you were living there?

24 A. When the UPC attacked Mongbwalu the first time, we fled and sought refuge in my
25 brother-in-law's house in (Redacted)--or his name, rather, is (Redacted). And we were in a

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

1 house and while we were there (Redacted)

2 (Redacted) and so they got us out of the

3 house.

4 MS SIM: Mr President, may I request we go into private session for the next series of
5 questions.

6 PRESIDING JUDGE FREMR: All right.

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

8 (Private session at 11.37 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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8 (Open session at 11.47 a.m.)

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

10 PRESIDING JUDGE FREMR: Thank you, court officer.

11 Ms Sim, you may proceed.

12 MS SIM:

13 Q. Madam Witness, earlier you had mentioned that when you arrived at your

14 brother-in-law's house or when you were at your brother-in-law's house a child

15 laughed. Which child was that that laughed?

16 PRESIDING JUDGE FREMR: But I think it wouldn't be --

17 MS SIM: Sorry.

18 PRESIDING JUDGE FREMR: Sorry, sorry, it wouldn't be wise to mention the name

19 of the child.

20 MS SIM: I beg your pardon.

21 PRESIDING JUDGE FREMR: So should we return back into private or what?

22 MS SIM: I'll rephrase my question.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

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16 A. It was the soldiers.

17 Q. What group were the soldiers associated with, if you know?

18 A. They were soldiers of the UPC. You see, it was being said that the UPC had
19 just entered the city and that is how I got to know that they were UPC soldiers.

20 Q. What were these soldiers wearing?

21 A. The soldiers were wearing military uniforms, brand-new military uniforms,
22 camouflage uniforms, and they were also armed.

23 Q. How long did the soldiers stay?

24 A. I do not remember how long they stayed there. It is very difficult for me to
25 remember. All I know is that they did not spend the night there.

1 Q. What language were the soldiers speaking?

2 A. Swahili and Lingala.

3 Q. What language did they speak to you?

4 A. When they spoke to me, it was in Swahili.

5 Q. Following this interaction with the soldiers, did you stay in Mongbwalu?

6 A. We left around 5 p.m. heading for Sayo and it is at that time that they were
7 driven out.

8 Q. Why did you go to Sayo?

9 A. The Lendu left Sayo shouting and that's how the UPC troops fled, and the
10 Lendu asked all those who were in their houses to move to Sayo, saying that if the
11 UPC attacked again and found them in their houses, they would not survive. And it
12 is for that reason that everyone left heading for Sayo.

13 Q. Who did you go to Sayo with?

14 A. There were very many of us. I was with my children. There were very many
15 of us fleeing to Sayo.

16 Q. How do you know that the people shouting and telling you to go to Sayo were
17 Lendu?

18 A. That group was made up of civilians, very many of them. They came down
19 from Sayo and that is how I found out that they were Lendu. I also saw it with my
20 own eyes.

21 Q. Where did you go when you arrived in Sayo?

22 A. When we got to Sayo, I tried to find a place to sleep. All the houses had been
23 occupied, so we decided to go to a school where there was also a large number of
24 people. It is in that school that we slept. One of my daughters had disappeared.
25 (Redacted) at that school. She was within the school.

1 Q. How long did you stay in Sayo?

2 A. We remained in Sayo for three to four days and then we left Sayo and went back
3 to our home.

4 THE INTERPRETER: Mr President, in the previous answer the witness mentioned a
5 name which the interpreters did not mention, the English interpreters.

6 PRESIDING JUDGE FREMR: Madam Witness, you mentioned at your last response
7 a name, but that name was not captured by the interpreters. Could you repeat it
8 kindly?

9 THE INTERPRETER: My apologies, Mr President. The name of the -- apologies,
10 Mr President. A name was mentioned of a relative, but which the interpreters in the
11 English booth did not mention, just for the record.

12 PRESIDING JUDGE FREMR: No. Please don't repeat that. It's my error, sorry.

13 MS SIM: I have one final question on this topic and then perhaps we can take the
14 break.

15 PRESIDING JUDGE FREMR: Okay.

16 MS SIM:

17 Q. Madam Witness, when you returned to Mongbwalu, were the UPC still there?

18 A. When I returned to Mongbwalu, there were no UPC soldiers there by the time
19 we returned there.

20 Q. Do you know who drove the UPC soldiers out?

21 A. Yes, I do, I know. It is the Lendu who drove out the UPC soldiers.

22 Q. And how do you know this?

23 A. I know that they are the ones who drove out the UPC troops because when they
24 came down, the soldiers fled helter-skelter immediately and that is how I became
25 aware that they had been driven out by the Lendu.

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Open Session)

ICC-01/04-02/06

1 MS SIM: Mr President, I'm going to move on to another subject now, so perhaps it's
2 a good time for the break.

3 PRESIDING JUDGE FREMR: All right. So we will have to break now for
4 30 minutes, which means that we will reconvene at half past 12.

5 THE COURT USHER: All rise.

6 (Recess taken at 12.03 p.m.)

7 (Upon resuming in open session at 12.34 p.m.)

8 THE COURT USHER: All rise.

9 Please be seated.

10 PRESIDING JUDGE FREMR: So we can proceed with the testimony of our witness.
11 Before doing that, Ms Witness, allow me to say that the Chamber appreciates the way
12 how you are responding because you are perfectly following our guidance, you are
13 patiently waiting for the questions, you are focused on responding, you are even
14 keeping those pauses, so please continue in the same way. It's really very good.
15 Now, Ms Sim, do you want to proceed in private or in open session?

16 MS SIM: I will ask to proceed in private session. Before we do that, I'd like to
17 advise your Honours that Ms Samson will have to leave the courtroom at 1.15.

18 PRESIDING JUDGE FREMR: All right. That's accepted.

19 And you may proceed but, before that, we have to move into private session.

20 (Private session at 12.35 p.m.)

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22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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15 (Open session at 1.30 p.m.)

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

17 PRESIDING JUDGE FREMR: Ms Sim, please proceed.

18 MS SIM:

19 Q. What, if anything, were you able to see when the plane arrived?

20 A. When the plane landed, I was in (Redacted). I saw that plane land. From afar

21 I was able to see some people wearing white and then I left (Redacted) and went

22 towards my house, I went down towards my house, and when I arrived at my house

23 there was nothing left in the house. Shortly afterwards, I saw the plane take off.

24 After observing that, I said, well, this means that all those goods that are being taken

25 away are being carted off by plane. So I understood that all the items, all the

Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

- 1 property that was being taken was loaded onto the plane and taken away.
- 2 MS SIM: Mr President, I think we're going to have to return to private session.
- 3 PRESIDING JUDGE FREMR: All right.
- 4 Court officer, let's move into private session.
- 5 (Private session at 1.32 p.m.)
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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0892

(Private Session)

ICC-01/04-02/06

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- 11 (Open session at 1.57 p.m.)
- 12 THE COURT OFFICER: We are in open session, Mr President.
- 13 PRESIDING JUDGE FREMR: Thank you, court officer.
- 14 So we break now and we will reconvene again at 6 o'clock in order to conduct
- 15 testimony of upcoming witness.
- 16 THE COURT USHER: All rise.
- 17 (Recess taken at 1.58 p.m.)