

Trial Hearing
WITNESS: DRC-OTP-P-0907

(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 Tuesday, 26 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 We're in open session.
18 PRESIDING JUDGE FREMR: Thank you, court officer.
19 Now appearances in usual order starting with Prosecution.
20 MR IVERSON: Good morning, your Honours. Today for the Office of the Prosecutor
21 we have Marion Rabanit, associate trial lawyer; Rens van der Werf, assistant trial lawyer;
22 Claudine Umurungi, legal assistant; Julieta Solano, trial lawyer; and Selam Yirgou, case
23 manager; and myself, Eric Iverson.
24 PRESIDING JUDGE FREMR: Thank you, Mr Iverson.
25 Defence please.

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1 MR BOURGON: (Interpretation) Good morning, your Honours. Good morning to
2 everyone here in the courtroom. Representing Bosco Ntaganda who is present today we
3 have Erik Cookson-Montin; Dignité Bwiza; and myself, Stéphane Bourgon. Thank you,
4 your Honour.

5 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

6 Now Legal Representatives of Victims please.

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

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

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

13 And duty counsel, please.

14 MR RAIMONDO: Good morning, your Honours. Fabián Raimondo, legal adviser to
15 the witness under Rule 74. Thank you.

16 PRESIDING JUDGE FREMR: Thank you, Mr Raimondo.

17 Mr Witness, good morning.

18 WITNESS: DRC-OTP-P-0907 (On former oath)

19 (The witness speaks Swahili)

20 THE WITNESS: Jambo sana.

21 PRESIDING JUDGE FREMR: We will continue with your examination by representative
22 of the Prosecution.

23 And it is my duty to remind you that you are still under oath, which means you have to
24 speak the truth and nothing but the truth.

25 And I also would like to remind you my practical guidance that you should observe

1 pauses and speak at slow pace like you perfectly did yesterday afternoon, okay?

2 THE WITNESS: Okay.

3 PRESIDING JUDGE FREMR: So now, Mr Iverson, you have the floor. And just as
4 concerns timing, according our measuring, you exhausted so far 3 hours 53 minutes or
5 roughly. You should have at your disposal 4 hours so, I guess, ideally you could
6 conclude your examination today. Please go ahead.

7 MR IVERSON: Thank you, Mr President. I fully expect to be able to finish today.

8 QUESTIONED BY MR IVERSON: (Continuing)

9 Q. And with your cooperation, sir, I think we'll be able to do that.

10 What I plan to do this morning is centre my questions around the operations in
11 Mongbwalu, and then I'll have a few follow-up questions, and a few shorter topics, so I do
12 expect that I'll be able to finish today.

13 How are you doing this morning, sir?

14 A. I'm all right, but I really don't feel all that good.

15 Q. All right. Well, I would ask you that if you're feeling uncomfortable or if you're not
16 feeling well just let the Presiding Judge know and the Court will take care of the issue.

17 PRESIDING JUDGE FREMR: Yes, I can confirm.

18 MR IVERSON:

19 Q. All right. Well, I'd like to just get right into it and continue where we left off
20 yesterday. So -- and I'd like to stay in open session for the time being, so just keep that in
21 mind, sir, that we're in open session.

22 After the first failed attack on Mongbwalu, was there a time where there was planning for
23 the next attack?

24 A. Yes, we planned another attack.

25 Q. And where did the planning or the staging for the next attack take place?

1 A. The planning of that attack was held in Nizi, the second time, but there were troops
2 in Dala. The equipment that they used for the first attack were there as well. And all
3 those who took part in the first attack were also there in Dala, but the planning was done
4 in Nizi.

5 Q. And do you know who was the personnel who were involved with the planning?

6 A. I was informed by Commander Americain. I was in touch with him on an ongoing
7 basis. He told us that it was Bosco Ntaganda who was planning all the military
8 operations. It was Commander Americain who told me that. He was also involved in
9 the planning of that attack.

10 Q. And was that plan for the second operation in Mongbwalu then disseminated to the
11 UPC/FPLC troops?

12 A. Yes, all the UPC troops were informed that Mongbwalu was going to be attacked.
13 As for ourselves, it was Commander Americain who told us that. He told us that on a
14 particular date we would strike Mongbwalu a second time. And to do that, well, we had
15 to wait for the troops that Commander Manu had sent from Aru from a sector that was
16 led by Jérôme, who was the sector commander of the UPC.

17 The first attack was a failure and that is why they decided to strike the enemy using -- by
18 way of two different roads. We had to wait for these troops that came from
19 Jérôme Kakwavu because, you see, the other way was a distance of 200 kilometres and
20 then, you see, the operation was going to begin. That is what happened.

21 MR IVERSON: There are at least one or two questions I would like to ask in private
22 session and then we can move back into open, so I would ask that we move to private
23 briefly.

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

25 (Private session at 9.40 a.m.)

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- 23 (Open session at 9.55 a.m.)
- 24 THE COURT OFFICER: We are back in open session.
- 25 PRESIDING JUDGE FREMR: Thank you.

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1 Mr Iverson, please proceed.

2 MR IVERSON:

3 Q. Do you remember whether there were any specific instructions about what should
4 be pillaged? Was there any focus on any particular item or items?

5 A. No, no instruction was given about the goods to be looted. We were supposed to
6 loot systematically, take everything that we found. Each time we attacked a particular
7 place we were supposed to loot. And the civilians that went along with us were
8 supposed to go and help the soldiers carry the looted goods; vehicles, mattresses,
9 televisions, radios, furniture, everything. As soon as we entered a house we really
10 couldn't pick and choose, we were supposed to take everything. As soon as we entered a
11 shop we took everything that was to be found there. And we might station someone
12 there to stand watch over the goods and then we would continue looting, but we were
13 never told, "Oh, you mustn't take this," or "You mustn't take that."

14 Q. And for the brigade commanded by Commander Salumu, approximately how many
15 personnel did that entail? How many people did Commander Salumu have in this unit
16 involved in that operation?

17 A. Well usually there are three battalions in a brigade. That is what a brigade is made
18 up of. And a brigade has 360 to 400 soldiers in a battalion. And then there are three
19 companies. We had 120 soldiers in the company, or more. Usually the company was
20 about 120 people. And then 36 would be the number of people in a platoon. So about
21 1200 in three battalions, or nine companies, a company made up of 120 men. That is
22 what I would say. A battalion is made up of 1080 to 2000.

23 THE INTERPRETER: Correction: 1800 to 2000.

24 MR IVERSON:

25 Q. And during the operation, the second --

1 THE INTERPRETER: Interpreter correction: 1080 to 1200.

2 MR IVERSON:

3 Q. During that operation, the second attack in Mongbwalu, did Commander Salumu
4 have all three battalions within his brigade?

5 A. It was not possible to have a brigade if you did not have enough battalions. He
6 had a brigade, a full brigade. The commanders whom I knew were American, who was
7 the first battalion commander, he used to work in the Chui mobile battalion as an advance
8 party to strike Kilo. He's the one I knew, but there were other brigade commanders
9 whom I got to know; therefore, there was a full brigade under Salumu's command.

10 THE INTERPRETER: And the witness made reference to Chui mobile as well, says the
11 Swahili booth interpreter.

12 MR IVERSON:

13 Q. And other than the unit that was coming from the north from Aru, were there any
14 other units involved in that second attack on Mongbwalu?

15 A. There was only Salumu's unit from Bunia in Mongbwalu, and then there was also
16 Manu's unit from Aru. There were a number of civilians who came as reinforcements
17 with machetes and spears, they came to support us in the mopping-up operations.
18 When we attacked, the civilians would come along with their machetes and their spears.
19 They came from Mabanga and Nizi and Barrière and Lopa. Many of them came to back
20 up and support the soldiers.

21 Q. And to the best of your knowledge were the UPC/FPLC soldiers all armed? Did
22 they all have personal weapons or crew-served weapons or some type of weapon?

23 A. We were all armed. After the training each person received a weapon, each soldier
24 had a weapon. Some civilians also had weapons, arms. Some soldiers even had two to
25 three arms which they would, from time to time, give to some civilians. In any event,

1 each soldier had an AK-47.

2 Q. And were the commanders present, were they able to give the civilians
3 accompanying your force, were they able to give those civilians orders, tell them what to
4 do, give them instructions?

5 A. No, they did not give orders to the civilians, they simply told the civilians to follow
6 the soldiers and to come up behind the soldiers, saying that whenever the soldiers had
7 captured an area, the civilians should occupy the areas after the soldiers. They also told
8 the civilians that any property captured belonged to the soldiers. And this was done by
9 way of oral communication. The soldiers were involved in the fighting, and the civilians
10 would be part of the looting, but all items of great value belonged to the soldiers. So the
11 civilians were taken to the battlefield for the main purpose of looting. That is why they
12 were used.

13 Q. Did these civilians who accompanied the force, did they actually do what the
14 commanders had asked them to do, to follow the force and then to loot?

15 A. Some civilians complied with the orders while others did not. Some civilians even
16 acted beyond the limits of the orders and even went to the battlefield. So some of the
17 civilians were involved in the fighting. The civilians would go ahead and break houses
18 and loot the houses and even kill people within the houses.
19 So what I'm saying is that the soldiers would be fighting with their arms while the
20 civilians used machetes as they fought and searched the houses through which they went.
21 That is how the civilian population was used in the operation.

22 Q. And do you recall if a -- if any of the commanders used their superior fire power,
23 their weapons to put the civilians in line if they were doing something that they shouldn't
24 be doing?

25 PRESIDING JUDGE FREMR: Mr Bourgon.

1 MR BOURGON: Mr President, this is a leading question. Since the beginning of the
2 morning we've had leading question after leading question. Nobody is saying anything.
3 At some point, Mr President, I would like the Chamber to do something about these
4 leading questions. If you just look at the text of the last question, and if -- "Do you recall
5 if a -- if any of the commanders used their superior fire power, their weapons to put the
6 civilians in line if they were doing something that they shouldn't be doing?"

7 How much more leading can a question be, Mr President? Yesterday I made a comment
8 about that I failed to understand or to grasp my colleague's, the Prosecution's answer to
9 my comment that I made. My comment I made yesterday about the witness having
10 learned his material maybe was -- I did not use the best words; however, what I did say is
11 I was not -- I have no problems with the witness. What I meant to say, of course, is that
12 the witness is well prepared and he does not need to be led to give his information.

13 What I will do in cross-examination, I have plenty of material and I'm not worried about
14 that. What I'm worried about is that when we are putting the words in the mouth of the
15 witness. Mr President, I would like the Chamber to do something about the number of
16 leading questions being asked. Thank you.

17 PRESIDING JUDGE FREMR: Mr Iverson.

18 MR IVERSON: Well, Mr Bourgon is obviously welcome to object any time he believes
19 that I'm asking a leading question. I don't believe that I've asked leading questions. It's
20 a difference of opinion. This last question, I've already established that the soldiers had
21 firearms, they had weapons, the civilians did not. And so what I'm curious to know is
22 whether or not the commanders used those weapons on those civilians if they did
23 something -- if the civilians had done something that the commanders didn't approve of.
24 It is just a question that comes out of the logic of his testimony. And it is not leading
25 because I've already established those predicate issues of who had the firearms, who did

1 not have the firearms.

2 PRESIDING JUDGE FREMR: Mr Iverson -- Mr Bourgon, just be briefly please.

3 MR BOURGON: Mr President, of course I disagree with my colleague, but I need to take
4 this opportunity at this time to raise an issue. I hear my name in this courtroom all the
5 time. Where I come from we don't do this in the courtroom. Where I come from we say
6 "my colleague," we say "the prosecution," we say "my learned colleague." We make all
7 kinds of comments, but we never use names.

8 I don't understand why the Prosecution is always using names in this courtroom. This is
9 wholly inappropriate. This is not the proper behaviour of a lawyer in the courtroom.
10 He can call me anything he wants, but he should not personalise his comment. I call "the
11 Prosecution," I say "my learned colleague." I do not say names in the courtroom. I never
12 use names in the courtroom. This is inappropriate.

13 Now, the question he put just by his own -- the way he explains the question makes it
14 clear that he is leading the witness to where he wants to go. I can use another many
15 examples yesterday and today where he is taking the witness to particular places where
16 he wants the witness to go.

17 My objection is simply that the witness does not need these types of questions. He
18 knows his stuff and he can say his stuff. It will be better for the Prosecution if they don't
19 lead him. That's my objection, Mr President. Thank you.

20 PRESIDING JUDGE FREMR: So I will summarise that there are two points. As to the
21 first one, it is true that in other cases, we don't have any written rules on that, but it is true
22 that the prevailing way how to call the other party is "my learned friend," so I think I
23 would support that, I think in this point I can join Mr Bourgon. Even myself, I can call
24 you just "counsel" if you would prefer, but I think from the Chamber there is nothing
25 wrong to use name, because your teams are numerous, and I think it is not -- it should be

1 clear who from the team is called by the Chamber.

2 As to the objection, this question I really found leading because it really clearly leads
3 witness to the desirable response.

4 So, Mr Iverson, please rephrase or move on.

5 And on the other hand, I don't agree with the statement that there were many leading
6 questions in the past. If Defence have such a feeling, feel free to object to any such
7 question. It's true that it's even our duty to even without such objection to cut this kind
8 of question, and I will do it. But as I said in the past I haven't found numerous leading
9 questions, but in this case I agree with Defence that this question is leading.

10 Mr Iverson, please proceed.

11 MR IVERSON: I'll rephrase of course, your Honour. And I just want to say this: By
12 calling Mr Bourgon "Mr Bourgon," I mean no disrespect. We come from very similar
13 legal cultures, and I know that it is very common to use that formulation to refer to
14 opposing counsel. If he doesn't want me to do that, he just needs to let me know. He
15 doesn't need to do that in open court. I'm happy to call him whatever he prefers to be
16 called. I'll call him "Defence counsel," I'll call him "learned colleague," although "learned
17 colleague," coming from an American person's mouth sounds a bit unnatural because we
18 don't usually say that. That's a British thing. But I'm happy to accommodate him
19 however, whatever makes him feel most comfortable.

20 So I just want to let the Chamber know I mean no disrespect in anything that I'm saying
21 when I use his name.

22 PRESIDING JUDGE FREMR: It is maybe for further discussion just to satisfy everybody,
23 it is true that in the Ruto and Sang case, the most often used name was "my learned
24 friend." I think the same from my culture, to call the opposite party "friend" is also a bit
25 strange. So I think there could be two different approaches.

1 But I think in order to rebuild some atmosphere of mutual respect so, Mr Bourgon, what
2 would you prefer to be called by opposing party?

3 MR BOURGON: Mr President, it is not what I prefer, it is simply that I'm saying that in a
4 courtroom we refer to parties, we refer to opposing sides and we refer to -- there are all
5 kinds of words that are used in past practices, whether it's British or American.
6 Sometimes these words can have a second meaning. When I say "my learned friend," if I
7 say this in Canada, I say "Mon savant collègue," he knows that I'm really saying that he's
8 not savant.

9 But what is the issue, Mr President, is the personalisation of the debate. This is the issue
10 I'm bringing forward at this time because I hear that on and on and on. The issue should
11 be between parties and between professionals and not aimed at persons. Thank you,
12 Mr President.

13 PRESIDING JUDGE FREMR: But still, Mr Bourgon, and now I am talking to you, so I
14 have to say "Mr Bourgon," if you are making, for example, objection, then I really don't see
15 anything wrong to say "Objection made by Mr Bourgon." I think there is nothing
16 offending in there.

17 MR BOURGON: Mr President, the Chamber can call me by my name, of course. It is a
18 completely different thing. The Chamber is sovereign and the Chamber does what it
19 wants, when it wants and how it wants it. So there's no absolutely problem being called
20 by my name by the Chamber. It's by the opposing parties, because we are parties in a
21 trial, and we are professionals. And I consider myself a professional. I consider myself
22 as a professional. I think it's a manner to keep the debate professional. But, of course,
23 Mr President, you can call me anything you want, and I will say, "I respect whatever you
24 say." Thank you.

25 PRESIDING JUDGE FREMR: I appreciate that. But I meant it even in connection to

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1 Mr Iverson, because I can imagine that he can say "Yesterday Mr Gosnell objected or said
2 or two weeks ago Mr Boutin said." So sometimes it's even enough to say "defence" or
3 "my learned colleague," "my learned friend," but if sometimes it is necessary to be concrete
4 and say this connection.

5 So for sure as I said before, I would like to avoid any atmosphere of some, you know,
6 tension or some disrespect, which I didn't see so far. So I hope that we will continue in a
7 dignified manner.

8 Mr Iverson, please proceed.

9 MR IVERSON: And I'm not going to belabour the point. I will refer to him as "Defence
10 counsel." I think that's a neutral term and that's what I intend to do.

11 PRESIDING JUDGE FREMR: All right.

12 MR IVERSON:

13 Q. Sir, are you aware whether -- of whether or not any UPC/FPLC commander ever
14 pointed a weapon at or shot at any civilian accompanying the UPC/FPLC force?

15 A. I never saw that. I never saw a commander shoot or stop a civilian from pillaging
16 or stealing.

17 Q. And are you aware --

18 PRESIDING JUDGE FREMR: Mr Bourgon.

19 MR BOURGON: Thank you, Mr President. Here we have another example of a
20 perfectly leading question. The question was, page 21, lines 13, "whether or not any
21 commander ever pointed a weapon at or shot at any civilian accompanying the
22 UPC/FPLC force?" Yes or no, did a commander from the UPC aim a weapon and shoot a
23 civilian? Yes or no? It suggests an answer. The witness -- the question can be
24 answered by yes or no, and the witness knows exactly what is requested of him. It is
25 another example of a clearly leading question, Mr President. Thank you.

1 PRESIDING JUDGE FREMR: Mr Iverson.

2 MR IVERSON: Well, I think the definition for me of a leading question, and I
3 understand that this is an issue in this institution, is that one that suggests the answer.

4 And so the leading question here would have been, "No commander ever pointed his
5 weapon or shot at a civilian, did he?" That would be the leading question.

6 I don't know the answer to this question. I don't know how I could lead him to the
7 answer because I personally don't know it. I'm asking him because I'm interested in
8 giving the information so that the Court knows. And I can try to ask it in a different way,
9 but I don't -- I don't believe this is objectively a leading question, your Honour.

10 PRESIDING JUDGE FREMR: It is true that even within our case we have still some
11 uncertainty about the definition or interpretation of leading question. I don't think that
12 the definition is so simple that the leading question could be defined by a question that
13 allows only to say "yes" or "no," it's not the case. The leading question should really in
14 fact push witness to give the only possible desirable, desirable from the point of the
15 person who is giving this question, but it also should just bring the answer with just no
16 connection with the previous responses.

17 As you have mentioned, if we establish some basis for going further to making some
18 further inquiry on issues who has been already responded by witness, then I don't see any
19 leading character of such a question which is a matter of this case.

20 So please, objection is overruled. Please proceed.

21 MR IVERSON:

22 Q. Sir, are you aware whether any UPC or FPLC commander ever threatened any of
23 the civilians accompanying the force with force?

24 A. Never, they never stopped them. The contrary actually happened whereby the
25 commanders called upon the civilian population to come and loot. They informed the

1 civilians about the towns where they could pillage. They also asked the civilians to
2 transport weapons. They asked them to loot and to loot items of value and hand them
3 over to the soldiers. But they never stopped them from looting.

4 PRESIDING JUDGE FREMR: Sorry, Mr Iverson, I have to interrupt you. I would like
5 just to correct English realtime transcript, page 23, line 2, I didn't say "any legal," but
6 leading character.

7 Please proceed.

8 MR IVERSON: Thank you, Mr President.

9 Q. So you have told the Chamber about the plan. My next questions have to do with
10 the execution of that plan. Where were the -- in which locations were UPC/FPLC troops
11 staged in preparation for the second attack?

12 A. The UPC soldiers came from two different roads, from Aru to Kandoyi, and the first
13 attack was in Mbidjo where they fought against the Lendu. That was from the north.
14 Now, from the south there was planning, and that planning took place in Nizi and in
15 Dala. The soldiers left that first front and came to Dala. Others prepared themselves in
16 Nizi to link up with those who were in Dala, and then they travelled together to Dhamblo
17 and then to Mongbwalu. Now, when it comes to the Aru and Nizi Ndal (phon) attacks
18 or those who came from Bunia, things were done in that direction as well.

19 MR IVERSON: And, your Honour, could I ask to move into private session please.

20 PRESIDING JUDGE FREMR: All right. Court officer, let's move into private session.

21 (Private session at 10.24 a.m.)

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WITNESS: DRC-OTP-P-0907

(Private Session)

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9 (Open session at 11.00 a.m.)

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

11 PRESIDING JUDGE FREMR: Thank you, court officer.

12 We break now and we will reconvene half past 11.

13 THE COURT USHER: All rise.

14 (Recess taken at 11.01 a.m.)

15 (Upon resuming in open session at 11.30 a.m.)

16 THE COURT USHER: All rise.

17 Please be seated.

18 PRESIDING JUDGE FREMR: So we are in open session. We are going to continue with
19 examination of our Witness 907.

20 Prosecution concretely, Mr Iverson, you have the floor.

21 MR IVERSON: Thank you, Mr President. Just to begin with, I believe we saw a mistake
22 in the transcript and I'd just like to correct it.

23 PRESIDING JUDGE FREMR: All right.

24 MR IVERSON: So it's page 36, line 17 in the English transcript. And it could cause a bit
25 of misinterpretation. And the word is "earlier," and we believe that that is actually

1 "Pluto" rather, a place name, and the confusion comes from the similarity between the
2 place name "Pluto" and the French word "plus tôt," which means earlier. So I just wanted
3 to ask -- I will ask the witness though to clarify this.

4 Q. Sir, just a few minutes ago when we were --

5 And I believe this still can be covered in open session.

6 PRESIDING JUDGE FREMR: All right. So we still remain in open session.

7 MR IVERSON:

8 Q. Just a few minutes ago I was asking you a question, and your response at page 36,
9 line 16 was: "Well, I just said this, Manu soldiers began to attack earlier at about 1500
10 hours."

11 Did you mean earlier, as in plus tôt, or they began to attack Pluto, the location within Ituri
12 at 1500 hours? Could clarify that for the Chamber.

13 A. Okay. What I said is that they got to Pluto, a place, at 3 a.m. -- rather at 3, and it is
14 3 kilometres away from Mongbwalu.

15 Q. And since I'll be from here on out asking questions about your whereabouts, your
16 location, I would ask that we move to private session.

17 PRESIDING JUDGE FREMR: All right. Court officer, let's move into private session
18 now.

19 (Private session at 11.34 a.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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25 (Redacted)

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4 (Open session at 12.44 p.m.)

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

6 PRESIDING JUDGE FREMR: Thank you.

7 Please proceed, Mr Iverson.

8 MR IVERSON:

9 Q. And are you aware of whether any Lendus returned to Mongbwalu while you were
10 there, or attempted to return?

11 A. What I said is that all the ethnic groups began to come back one by one except the
12 Lendu. No Lendu returned to the village.

13 Q. And do you recall if there were ever any instructions or orders, what to do if a
14 Lendu were to return to the city or the locality?

15 A. Even if there were no orders, it was clear right from the beginning that the Lendu
16 was a sworn enemy and that if one saw a Lendu they should be killed. We had been
17 trained to understand that the Lendu was the enemy and, it is for that reason, that no
18 Lendu could dare to return to the village.

19 Q. And are you aware of any UPC/FPLC soldier during that second operation in
20 Mongbwalu and its aftermath ever being punished for -- for killing any civilians or any
21 Lendus? Do you recall any punishments?

22 A. I never heard of it. I never heard that an FPLC soldier had been arrested for having
23 killed a Mulendu. I never heard mention of any such thing.

24 PRESIDING JUDGE FREMR: And sorry to interrupt. I have an additional question:
25 And do you have any knowledge about punishment and arrest of FPLC soldier for

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1 another delict?

2 THE WITNESS: (Interpretation) Yes, I heard that an FPLC soldier, whose name was
3 Asimwe, had taken some money from a civilian and who had been arrested. There is
4 also another soldier who was killed because he had killed a Hema civilian, but I never
5 heard mention of a soldier being punished for having killed a Lendu.

6 PRESIDING JUDGE FREMR: Thank you.

7 THE WITNESS: It was possible for a soldier to be arrested for having killed a Hema
8 civilian but not for a Lendu civilian, no.

9 PRESIDING JUDGE FREMR: Thank you, Mr Witness.

10 Mr Iverson, please proceed.

11 MR IVERSON: And I just have a few more similar questions and then I'll move on.

12 Q. Do you have any knowledge of any UPC/FPLC punishments for the crime of rape?

13 A. I never heard mention of a soldier being punished for having raped a woman.

14 Q. Are you aware of any punishments of UPC/FPLC soldiers for crimes where the
15 victim happened to be of Hema ethnicity?

16 A. I told you earlier that they shot a soldier in Mongbwalu because he had killed a
17 Hema civilian. At that time the civilians were about to demonstrate. And for that
18 reason, the chief of staff ordered the soldier to be killed. That soldier was called up and
19 executed publicly because he had killed a Hema civilian.

20 I also mentioned another soldier called Asimwe who had taken away some money from a
21 civilian in the Mongbwalu market. But what I said is that I never heard mention of a
22 soldier being punished for having killed a Lendu. I never heard mention of any such
23 thing.

24 Q. So I'd like to move on to another topic, but it will take far longer than the time we
25 have allowed, so for the remaining minutes I do have a few follow-up questions that can

1 be asked and then when we come back from lunch I'll start on a new topic. When -- let
2 me ask the ones that can be asked in open session.
3 You've previously mentioned a Commander Roy, page 25, line 10, in today's transcript.
4 Do you happen to know the full name of this person? And if so, could you state the full
5 name and if necessary spell it.

6 A. Are you talking about Brigade Commander Roy, or the Roy (Redacted)
7 (Redacted) Because there were two commanders who both bore the name Roy.

8 Q. Well, in order to avoid confusion, if -- if I could ask, first, for private session.

9 PRESIDING JUDGE FREMR: All right.

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

11 (Private session at 12.54 p.m.)

12 (Redacted)

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- 15 (Redacted)
- 16 (Recess taken at 1.01 p.m.)
- 17 (Upon resuming in open session at 2.31 p.m.)
- 18 THE COURT USHER: All rise.
- 19 Please be seated.
- 20 PRESIDING JUDGE FREMR: Good afternoon, everybody.
- 21 We will continue with examination of Witness 907.
- 22 Mr Iverson, you have the floor. Do you want to remain in open or is there a need to
- 23 move into private session?
- 24 MR IVERSON: Mr President, I'd like to request that we remain in open session for the

1 time being. I think there will come a moment where I will request private session.

2 PRESIDING JUDGE FREMR: All right. So the floor is yours.

3 MR IVERSON:

4 Q. Sir, and I'm referring to today's transcript, page 69, lines 2 and 3. I just want to ask
5 you about a clarification. When you say that there was -- a Commander Roy Ndimba
6 Christ was in charge of public relations, could you describe for the Chamber what you
7 mean by public relations?

8 A. When I said so it was in relation to our entry in Mongbwalu during the second
9 attack. He had not yet been appointed to a position of responsibility and that is why he
10 was in charge of public relations; namely, coordinating activities between traders and
11 gold miners, and the soldiers as well as civilians. In that case, civilians who were gold
12 diggers were expected to provide food to the soldiers as well as make contribution to the
13 war chest, and that is why there were a number of meetings that held in order to support
14 the war effort. All of that was taking place in Mongbwalu.
15 So in my case, for example, if I needed some food for the soldiers, I would contact him
16 and then he would be in charge of public relations; namely, to contact members of the
17 population in order to obtain supplies of food.

18 Q. And turning now back to a few last questions about the Mongbwalu operation and
19 the second attack in Mongbwalu. Are you aware of how senior level commanders, the
20 highest level commanders in the UPC and FPLC were able to receive reports of activities
21 in Mongbwalu? Do you know how that happened?

22 A. Reports were transmitted according to various stages of hierarchy. The chief of
23 section would report to the commander of the platoon. The platoon commander will
24 report to the company commander. The company commander will report to the
25 battalion commander. And the battalion commander would report to the brigade

1 commander. And the brigade commander would report to the sector commander. And
2 the sector commander would then forward the report to the chief of general staff in charge
3 of operations, who would then report to the chief of general staff.

4 Q. So I think that provides a good general understanding of how information went
5 upward through the chain of command. Was -- how did information then come down
6 from the top of the chain of command?

7 A. Reports or information would trickle down in the same manner; for example, if an
8 operation were to be conducted somewhere, the chief of operations will receive orders
9 from the sector commander. The sector commander contacts the commanders of its three
10 brigades, and then they would plan together and then report to the chief of staff in charge
11 of operations.

12 And so it is in the same manner that the sector commander contacts the various battalion
13 commanders, who would then meet with the company commanders and so on and so
14 forth. When it came to the foot soldiers or the troops, the information is provided to
15 them during the parades. When the platoon commanders bring their troops together for
16 a parade, then such information is given to the soldiers.

17 Take the case of an operation. The officers are usually present and each officer would
18 report in a hierarchical manner, the least high ranking starting first and ending with the
19 sector commander. So if the chief of general staff is in attendance, he would also speak
20 and at that time he would speak to the troops prior to the launching of an operation.
21 So it's the same system that is in place for the transmission of information from down to
22 up and from up to down.

23 Q. And at the very top of the hierarchy with Mr Kisémbó and Mr Ntaganda, could you
24 explain to the Chamber what -- what was the difference between Mr Kisémbó's role and
25 Mr Ntaganda's role, if any? What were the -- what were the two roles and distinguish

1 them, if you can?

2 A. They had different roles and duties. Kisémbu's roles were different from Mzee
3 Tango's role. Both of them were chiefs of general staff, but Mzee Tango was the chief of
4 general staff in charge of FPLC operations, from commander to Aru, which was Jérôme's
5 sector, he was the one in charge of FPLC operations in that area and he was the one who
6 deployed all commander sectors for operations.

7 Now, when it came to the chief of general staff, Kisémbu, he received reports from the G
8 officers, all the Gs; G4, for example, who was in charge of logistics, would report to him.
9 The G in charge of administration also reported to him. So he was the one who
10 centralised all the reports from the G officers.

11 Furthermore, he is the one who attended the political meetings. Kisémbu did not miss a
12 single political meeting in which or at which Thomas Lubanga was in attendance.

13 So the planning of the operations was done under Tango Romeo, but Kisémbu was the
14 one who received all the reports from all the offices, office 1, office 2, office 3, office 4 and
15 office 5 as well as reports from the transmission officers.

16 Q. While you were -- let me ask this in a different way, keeping in mind that we're in
17 open session. Could I ask, were you generally familiar with the UPC/FPLC operations in
18 the Walendu-Djatsi region and specifically Kobu, Bambu, Lipri? Were you generally
19 familiar with those operations?

20 A. I was fully informed of the Kobu-Lipri operation.

21 Q. And could I ask that we move into private session, Mr President?

22 PRESIDING JUDGE FREMR: Certainly.

23 Court officer, let's move into private session.

24 (Private session at 2.43 p.m.)

25 (Redacted)

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11 (Redacted)

12 (Open session at 15.04 p.m.)

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

14 PRESIDING JUDGE FREMR: Thank you.

15 And just to correct English transcript, line 21 I didn't say with certain things, but with
16 third attack.

17 Mr Iverson, you have the floor.

18 MR IVERSON:

19 Q. Sir, so I'll just pose that question again. You had mentioned that there were three
20 attacks, three military operations in Mongbwalu, so I just wanted to ask, when was
21 the -- and you can give a month, year range, if you're able to do so -- when was the third
22 attack, or what you refer to as the third attack in Mongbwalu.

23 A. Yes, the third attack occurred early in June, the first day when the Mirage aircraft
24 from the force arrived in Bunia.

25 Q. And could you just let the Chamber know in what year was the -- was that? You

1 said June. If you recall the year, that would be helpful.

2 A. That was in June. Early in June 2003 when we came back from exile in Medi. It
3 was early in June. It might have been the 5th. I can't be more specific than that. But it
4 was early in June in the year 2003, that is when the third attack occurred on Mongbwalu.

5 THE INTERPRETER: Interpreter correction: The force mentioned in the previous reply
6 was the Artemis force.

7 MR IVERSON:

8 Q. And who led this attack for the UPC/FPLC?

9 A. It was led by Mzee Tango himself. That day he was at the front lines. We had
10 prepared for the attack, we stayed at Dhego waiting for the aircraft, but the aircraft had
11 had an accident. That aircraft was supposed to provide us with munition. We spent
12 three weeks there and on 12 May they went to attack Bunia. The airplane that was
13 supposed to bring us munition had an accident. A battalion stayed there to protect that
14 airplane. It was -- it was Ndimba Christ's battalion.

15 Q. Thank you. Sir, for the sake of time, I'm going to -- those were the only questions I
16 had about the third attack. I just wanted to establish a few things.

17 MR IVERSON: What I would like to do now is I would ask that we be able to play an
18 audio excerpt. And I have the ERN number right here. It is DRC-OTP-0162-0115, and it
19 is track 2, minutes 3 to 9. And my understanding is this particular exhibit and the
20 particular minute marks have already been submitted into evidence. And so what
21 I'm -- what I'd like to do is have the witness listen to that excerpt. It's not in a language
22 that any of us will understand. And I don't intend to provide the translation for the
23 understanding of it for your Honours, I just want to ask the witness several questions
24 about that audio. And I don't want to describe the audio right now because I want the
25 witness to be able to describe the audio for himself.

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1 PRESIDING JUDGE FREMR: Do you want to -- maybe first question goes to court
2 officer. So could you just confirm that this excerpt has been already admitted into
3 evidence.

4 THE COURT OFFICER: I would like first to know the level of confidentiality of the
5 document.

6 MR IVERSON: It is a confidential document -- or exhibit, excuse me.

7 THE COURT OFFICER: We will then need to go into private session.

8 MR IVERSON: Yes. I was about to ask that. Thank you.

9 PRESIDING JUDGE FREMR: Yes, we will do it now.

10 Let's move into private session.

11 (Private session at 3.09 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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6 (Open session at 3.28 p.m.)

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

8 PRESIDING JUDGE FREMR: Thank you, court officer.

9 Mr Iverson, please proceed.

10 MR IVERSON:

11 Q. Well, let me ask the question again slightly differently. During the -- during the
12 time of the UPC/FPLC back in 2002/2003, did you learn or come to know how
13 Mr Ntaganda, Bosco Ntaganda, became the deputy chief of staff in charge of operations of
14 the UPC/FPLC?

15 A. I didn't hear your question. I just was hearing the English channel.

16 Q. All right. Sir, are you hearing the Swahili channel now?

17 A. Yes, I can hear now.

18 Q. Okay. So during the time of the UPC/FPLC in 2002/2003, did you come to learn
19 how Mr Bosco Ntaganda became the deputy chief of staff in charge of operations for the
20 UPC/FPLC?

21 A. Yes. We were told this: The officers told us that the officers who took part in that
22 meeting told us what happened, they told us that there was an election of chief of general
23 staff, and Bosco Ntaganda was the one, because initially at the beginning of the movement,
24 in July, there was no chief of general staff at that point.

25 In August we were told there had been an election, and the chief of general staff had been

1 appointed, Kisembo. But Bosco was supposed to hold that position. But they said that
2 we had to appoint a native person, a local person, so Kisembo was appointed, and then
3 Bosco was appointed deputy in charge of operations. That is information came to me by
4 way of people who had actually been at that meeting. That is what I heard.

5 Q. Thank you, sir. That concludes my questioning. I appreciate your having listened
6 to my questions and having fully answered them. And thank you for your patience.

7 Thank you, Mr President, and your Honours.

8 PRESIDING JUDGE FREMR: And we also thank, I mean the whole Chamber, we also
9 thank you, Mr Iverson, because you proved in practice that even such extensive testimony
10 could be covered in 7 and a half hours, which is much less than in the previous
11 comparable cases.

12 Now usual procedural step, we got two requests from our Legal Representatives of
13 Victims, requests on granting possibility to question this witness. Mr Suprun originally
14 indicated eight topics, Ms Pellet five topics. So my usual question goes to them, whether
15 you are insisting on your request, and if yes, on what topics?

16 Starting with Mr Suprun -- Ms Pellet, ladies first. Sorry.

17 MS PELLET: (Interpretation) Thank you, Mr President. I maintain my application,
18 but only with regard to points C and D of the request, that is in relation to the living
19 conditions within the UPC training camps and the measures pertaining to discipline that
20 were applicable within the FPLC/UPC.

21 PRESIDING JUDGE FREMR: Ms Pellet, you are reading my thoughts.

22 Now, Mr Suprun.

23 MR SUPRUN: (Interpretation) Thank you, Mr President. Yes, indeed, I maintain my
24 application relating to all the identified themes, and I would like to make some
25 submissions to support this in the absence of the witness if possible.

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1 PRESIDING JUDGE FREMR: Mr Suprun, I have one problem I would say because as
2 concerns topics A to G, they were not covered, and please remain just in this abstract way
3 of discussion, topics A to G were not covered by examination-in-chief. So I frankly think
4 I find it a little bit problematic to allow you to question witness if he was not questioned
5 by Prosecution, so I would understand that H is fine, but from A to G, I see some
6 problems. So maybe you can just comment on it in abstract or in a general way.

7 MR SUPRUN: (Interpretation) Yes, Mr President, indeed these topics were not touched
8 by the OTP, but the scope of my representation is in relation to the special and personal
9 interests that are represented here and which touch on this witness. And it is for this
10 reason that we would like to put these questions to the witness, which do not cause
11 prejudice either to the interests of justice or to the interest of the witness. So these
12 matters have a direct bearing on the direct interests of the witness, who is also -- I mean,
13 this is as much as I can say, Mr President, in open session.

14 PRESIDING JUDGE FREMR: It is fine. It's I think sufficient for the moment.
15 Now, any observation from the Prosecution on that issue? I mean on both requests.

16 MR IVERSON: Well, I think I don't really have any substantive observations. I'm just
17 looking at the time and I see that there is time, so time probably shouldn't factor into
18 your Honours' consideration of the matter. But I would invite them to -- the Legal
19 Representatives of the Victims to ask the questions that they deem are within the scope of
20 their representation of their clients for certain.

21 PRESIDING JUDGE FREMR: As a rather general observation, but okay, fine with that.
22 Defence now.

23 MS BWIZA: Yes, your Honour. The Defence would like to object to the questioning of
24 the witness because for -- thank you. Sorry.

25 Regarding the request of the Common Legal Representatives of the Victims of the Attack

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1 to a question on point H, it's not established why this witness would be the best witness to
2 give information about this point, because the point is whether the witness is aware of
3 what happened to the civilian women who were taken as wives by other UPC and in his --

4 PRESIDING JUDGE FREMR: Mr Bourgon.

5 MR BOURGON: Mr President, I don't think we should do this in front of the witness.

6 PRESIDING JUDGE FREMR: Court officer, please take Mr Witness out of the courtroom
7 for a while.

8 Sorry, Mr Witness, because there are some issues that could concern you, so it is bit early
9 to discuss this in your short absence.

10 (The witness stands down)

11 PRESIDING JUDGE FREMR: Do you think we could remain in open session, or it
12 depends on the character of your comment, or would it be better to move into private?

13 MS BWIZA: Private session, your Honour.

14 PRESIDING JUDGE FREMR: I thought so.

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

16 (Private session at 3.38 p.m.)

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20 (Open session at 4.00 p.m.)

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

22 PRESIDING JUDGE FREMR: Thank you.

23 Mr Suprun, you may proceed.

24 MR SUPRUN: (Interpretation)

25 Q. Witness, can you explain in greater detail what was the role of these girls and

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1 women who were taken as wives by the UPC/FPLC soldiers?

2 A. No, they had no other role to play. They were there to sexually satisfy the soldiers.
3 They were supposed to stay at the camp. They were not allowed to go up. There was
4 no coming and going from the camp. So they were there to sexually satisfy the soldiers.
5 And when there was an attack, the women were supposed to help the soldiers carry their
6 possessions, their military clothing, some munitions. They were supposed to help us by
7 carrying goods for us; our suitcases, our clothing, the boots. They were supposed to
8 carry the suitcases of the soldiers. And when we occupied a particular locality, those
9 women were supposed to sexually satisfy the soldiers.

10 Q. To your knowledge, Witness, what happened to these girls and women who were
11 sexually abused once they became pregnant? Did they usually give birth to the children
12 or did they get abortions?

13 A. (No interpretation)

14 PRESIDING JUDGE FREMR: Mr Bourgon.

15 MR BOURGON: Thank you, Mr President. Could the witness take his earphones off,
16 please?

17 PRESIDING JUDGE FREMR: Mr Witness, could you kindly take your headset off.

18 Okay, please proceed, Mr Bourgon.

19 MR BOURGON: Well, Mr President, it's just a comment that is an observation. My
20 colleague just put a question as to "What happened to these women who were sexually
21 abused?" Now, I don't know what "sexually abused" refers to, but I don't recall that the
22 witness said that the sexual relationship, if any, were not consensual. And so to suggest
23 to the witness that these women were abused I believe is inappropriate. I would like my
24 colleague to rephrase his question. Thank you, Mr President.

25 PRESIDING JUDGE FREMR: Mr Suprun, please, maybe it would be fine just to follow

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1 your previous vocabulary just to remain precise.

2 So now we can put witness headphones back.

3 MR SUPRUN: (Interpretation) Thank you, your Honour.

4 Q. Witness, to your knowledge, what happened to these civilian girls and women who
5 were taken as wives by the UPC/FPLC soldiers when they became ill -- I beg your pardon,
6 when they became pregnant?

7 A. It would depend on the financial means of the husband of that woman. If it was a
8 commander who had some money or resources, she could have her baby. If it was a
9 rank and file soldier, sometimes he would ask for the woman to have an abortion.

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE FREMR: Stop here. We have to move into private session and we
13 will have to redact the previous part of the response.

14 (Private session at 4.05 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 4.05 p.m.)

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

22 PRESIDING JUDGE FREMR: Now my message goes to public gallery: The last
23 response given by the witness inadvertently was made public, but it should remain
24 confidential, which also cover you, so please keep this response confidential, otherwise
25 you will be in trouble.

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1 Now, let's move back into private session.

2 (Private session at 4.06 p.m.)

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6 (Open session at 4.10 p.m.)

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

8 PRESIDING JUDGE FREMR: Mr Suprun, please proceed.

9 MR SUPRUN: (Interpretation)

10 Q. Now, you mentioned a number of cases of girls or women who had been raped and
11 ultimately died. Are you familiar with any such cases?

12 A. Yes. The women were raped. We knew about that. We heard about that. They
13 were raped. But I don't know whether they were killed. Many women were raped.
14 We had reports, we learned that there had been rapes, and we would go after the person,
15 because you couldn't necessarily identify which soldier had committed the rape. I never
16 saw any cases of someone -- I never saw any cases of a woman being killed.

17 Q. My last question, Witness --

18 PRESIDING JUDGE FREMR: Sorry, Mr Suprun, Mr Bourgon is on his feet.

19 Mr Bourgon.

20 MR BOURGON: Thank you, Mr President. To the best of my recollection, my
21 counsel -- my colleague was authorised to ask questions under point H, and I don't
22 believe that this last question is included in point H.

23 PRESIDING JUDGE FREMR: Yes, you are right. But anyway I think the answer was
24 very, very general, very general hearsay, so I think that even if I'm rather premature, the
25 probative value of this response is minimal.

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1 Mr Suprun.

2 MR SUPRUN: (Interpretation)

3 Q. Witness, I think the last question really comes under the heading H because it was
4 mentioned "Whether he is aware of what happened to the civilian women who were taken
5 as wives by the UPC soldiers." (Interpretation) Does not come into this -- fall into this
6 category.

7 Once again, my last question, and I think it does fall into this area, your Honour.

8 Witness, when the civilian girls and women were taken as their wives and then rejected or
9 discarded by the soldiers and went back to their communities, did you hear anything
10 about what sort of situation they found themselves in once they were back in their own
11 community?

12 A. Some would go back pregnant and others would stay with the soldiers. Sometimes
13 when the soldier realised that the woman was pregnant, he would throw her out, often
14 saying that, well, a soldier can't get some girl pregnant. Only a few soldiers agreed to
15 continue living with their wife. Most of them threw them out.

16 And I don't know what happened when they went back home. Most went back
17 pregnant. And I saw many who were crying as they left. And they were told, "Get out
18 of here." And some -- even now I see some of them. Many of these former wives of the
19 soldiers are in the village in Mongbwalu, in Bunia, and I see them often.

20 Q. Thank you very much for your responses, Mr Witness. Your Honour, I have no
21 further questions for this witness.

22 PRESIDING JUDGE FREMR: Thank you, Mr Suprun.

23 One additional question from my part, Mr Witness: How many wives in DRC you can or
24 any man can get married? Legally I mean, just one or more?

25 THE WITNESS: (Interpretation) The law in Congo allows one to marry only one wife.

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1 The civil status does not authorise marriage to more than one wife. Only one wife is
2 recognized.

3 PRESIDING JUDGE FREMR: Thank you, Mr Witness.

4 Now, let's move into -- we are in open session.

5 Now question to Defence, Mr Bourgon, do you find reasonable to start with
6 cross-examination now, because from the Chamber's point of view we can I think adjourn
7 now, because we have 12, 13 minutes? It probably doesn't make any sense to start
8 tomorrow. But it's up to you, if you want to start, we can.

9 MR BOURGON: Well, I'm willing to start, Mr President, maybe just to address this last
10 topic which I can put aside before I begin my cross-examination, per se.

11 PRESIDING JUDGE FREMR: All right then.

12 I will also ask court officer to inform me how much time Mr Iverson used. I think it was
13 roughly 7 and a half hours, something like that? Yes. So, Mr Bourgon, you know our
14 main principles, generally you should take the same time. If you would think that you
15 need more, then you can make a submission on that.

16 Now, Mr Witness, before we move to cross-examination, I would like to remind you that
17 this Court is governed by a fair trial, which means that both parties are treated equally.
18 And as concerns you, it means that you should, indeed, you responded very well, so you
19 should respond in the same mode to the questions put to you by Defence. Is it clear to
20 you?

21 THE WITNESS: (Interpretation) Yes, I am ready.

22 PRESIDING JUDGE FREMR: Very well.

23 Mr Bourgon, the floor is yours.

24 MR BOURGON: Thank you, Mr President.

25 QUESTIONED BY MR BOURGON:

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1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon.

3 Q. I just have a few questions for you this afternoon just to follow up on your previous
4 answers. If I understand your testimony correctly, (Redacted)

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

7 MR BOURGON: Indeed, Mr President.

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

9 And for the information of the public, this witness is protected, this is why he was granted
10 that his identity will not be revealed, that is why we have to move into private session.
11 Sorry for that.

12 (Private session at 4.18 p.m.)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

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17 (Open session at 4.35 p.m.)
18 THE COURT OFFICER: We're in open session Mr President.
19 PRESIDING JUDGE FREMR: Thank you, court officer.
20 So we approach the end of today's session. I by error said that we will continue
21 tomorrow. We will not continue tomorrow since tomorrow is a holiday. So we will
22 continue on Thursday, 9.30.
23 And it is my duty, Mr Witness, to remind you that you, in the meantime, you must not
24 discuss the content of your testimony with anybody else, including the person mentioned
25 by Mr Bourgon. Is it clear to you?

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- 1 THE WITNESS: (Interpretation) Yes, Mr President.
- 2 PRESIDING JUDGE FREMR: So I guess there are no further requests for the floor, so
- 3 thank you and we will reconvene on Thursday, 9.30.
- 4 THE COURT USHER: All rise.
- 5 (The hearing ends in open session at 4.36 p.m.)