

1 International Criminal Court
2 Trial Chamber VI
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 - Courtroom 2
7 Wednesday, 8 June 2016
8 (The hearing starts in open session at 9.33 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 And we are in open session.
18 PRESIDING JUDGE FREMR: Thank you, court officer.
19 Now appearances, starting with Prosecution.
20 MR IVERSON: Good morning, Mr President and your Honours. Appearing today
21 for the Office of the Prosecutor are James Pace, assistant trial lawyer; Rens van der
22 Werf, assistant trial lawyer; Dianne Luping, trial lawyer; Selam Yirgou, case manager;
23 and Judith Boekstal, intern; and myself Eric Iverson, trial lawyer.
24 PRESIDING JUDGE FREMR: Thank you, Mr Iverson.
25 Defence, please.

1 MR BOURGON: (Interpretation) Good morning, your Honour, your Honours, and
2 everybody else present in the courtroom. Representing Bosco Ntaganda who is
3 present this morning, Margaux Portier, Chloé Grandon and myself,
4 Stéphane Bourgon. Thank you, your Honour.

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

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

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

12 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you Mr Suprun.
13 And at the end duty counsel, please.

14 MR LAUCCI: (Interpretation) Thank you very much, your Honour, good morning.
15 Good morning, your Honours, as well as everybody else in the courtroom. Cyril
16 Laucci to assist the witness this morning.

17 PRESIDING JUDGE FREMR: Thank you, Mr Laucci.

18 Before we approach to the testimony of our witness I have two procedural issues.

19 First one, I wanted to inform you about the issue yesterday brought by Mr Laucci, but
20 because I also understood that Mr Laucci would like to approach Chamber on this
21 issue, I will give you floor first.

22 Mr Laucci, please.

23 MR LAUCCI: (Interpretation) Yes --

24 PRESIDING JUDGE FREMR: Yes, maybe it would be better to move into private
25 session for that.

1 So first, court officer, please let's move into private session.

2 (Private session at 9.37 a.m.)

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- 5 (Recess taken at 10.58 a.m.)
- 6 (Upon resuming in open session at 11.32 a.m.)
- 7 THE COURT USHER: All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE FREMR: So let's continue, but we are in the open session.
- 10 Mr Bourgon, I guess that character of your questions will require to move into private;
- 11 am I right?
- 12 All right. Then, court officer --
- 13 MR BOURGON: Yes, Mr President.
- 14 PRESIDING JUDGE FREMR: Yes. Court officer, let's move into private session.
- 15 (Private session at 11.33 a.m.)
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- 11 (Open session at 12.13 p.m.)
- 12 THE COURT OFFICER: We are back in open session, Mr President.
- 13 PRESIDING JUDGE FREMR: Thank you.
- 14 Mr Bourgon, please proceed.
- 15 MR BOURGON: Thank you, Mr President.
- 16 Q. (Interpretation) Mr Witness, apart from the presence of the APC in
- 17 Mongbwalu you knew that there were also Lendu combatants there, didn't you?
- 18 A. No. I knew that Jean-Pierre Bemba's soldiers were present and they were
- 19 referred to effacer le tableau ordinarily.
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. (No interpretation)
- 25 PRESIDING JUDGE FREMR: Sorry, Mr Bourgon. Mr Iverson first.

1 MR IVERSON: It of course depends on Defence counsel's questions, but there may
2 be a need to go into private session. Just my objection.

3 PRESIDING JUDGE FREMR: I guess, Mr Laucci, you have the same point?

4 MR LAUCCI: Exactly the same, Mr President.

5 PRESIDING JUDGE FREMR: In the last response indicated a bit, so I think it would
6 be safer, Mr Bourgon, to move into private session.

7 MR BOURGON: I agree, Mr President.

8 PRESIDING JUDGE FREMR: Give you even more free space for your questioning.

9 So sorry to the public, but we have to move into private session.

10 (Private session at 12.15 p.m.)

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(Private Session)

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6 (Recess taken at 1 p.m.)

7 (Upon resuming in open session at 2.34 p.m.)

8 THE COURT USHER: All rise.

9 Please be seated.

10 PRESIDING JUDGE FREMR: Good afternoon, everybody.

11 Good afternoon, Mr Witness. We will continue with your testimony. But before
12 doing that I will just put on the record that Mr Suprun has excused himself from the
13 afternoon session and this was accepted by the Chamber.

14 Now, Mr Bourgon, you are free to continue with cross-examination.

15 MR BOURGON: Thank you, Mr President.

16 Q. (Interpretation) Good afternoon, Witness.

17 A. Good afternoon, Counsel.

18 PRESIDING JUDGE FREMR: (Microphone not activated)

19 THE INTERPRETER: Microphone, Mr President.

20 PRESIDING JUDGE FREMR: Sorry. I guess we will again move into private or
21 not?

22 MR BOURGON: Not for the first two questions and then maybe yes, Mr President.

23 PRESIDING JUDGE FREMR: All right.

24 MR BOURGON: (Interpretation)

25 Q. Mr Witness, just before the break we were talking about events relating to the

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1 attacks on Mongbwalu. Before I proceed along those lines, let me revisit two points
2 in particular: First relates to a document which was shown to you yesterday?

3 MR BOURGON: We have to move into private session, Mr President, I'm sorry.

4 PRESIDING JUDGE FREMR: All right then.

5 Court officer, please let's move into private session.

6 (Private session at 2.36 p.m.)

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19 (Open session at 4.32 p.m.)

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

21 PRESIDING JUDGE FREMR: And one additional question from my part to both

22 parties: For the sake of planning, because according our measuring, Defence still has

23 at its disposal 3 hours, 25 minutes and, in my view, but it's up to you obviously,

24 Mr Bourgon, you made big progress, you covered many areas, do you think you will

25 need full time 3.25.

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1 MR BOURGON: Yes, Mr President.

2 PRESIDING JUDGE FREMR: All right. And this is a bit premature Mr Iverson,
3 and I will give you a chance to amend this answer tomorrow, do you envisage at this
4 moment a need for re-examination?

5 MR IVERSON: I'm still considering whether or not there will be -- I'll ask for
6 re-examination, but if so, at this point, it would be minimal, it'd probably be, I
7 estimate around, 5 to 10 minutes.

8 PRESIDING JUDGE FREMR: All right. Because what we had in our mind that if
9 we would prolong the second session tomorrow to two hours it would allow us to
10 finish before the lunch break, but we for sure don't want to push Mr Bourgon, so
11 Mr Bourgon your 3 hours, 25 minutes are guaranteed.

12 Thank you very much and see you tomorrow 9.30.

13 THE COURT USHER: All rise.

14 (The hearing ends in open session at 4.34 p.m.)