

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
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Thursday, 14 July 2016
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: Good morning everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: Thank you.
20 Now appearances, and if there are no changes you can just refer to yesterday composition.
21 Ms Solano.
22 MS SOLANO: No changes, your Honour.
23 PRESIDING JUDGE FREMR: Thank you, Ms Solano.
24 Defence.
25 MR BOURGON: (Interpretation) Good morning, your Honour, good morning,

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

- 1 your Honours, as well as everybody else present in the courtroom. No change on the
2 Defence side this morning. Mr Ntaganda is present. Thank you.
- 3 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.
4 Legal Representative of Victims, please.
- 5 MS PELLET: (Interpretation) Thank you, your Honour. For the former child soldiers
6 no change.
- 7 MR SUPRUN: (Interpretation) Good morning, your Honour. No change for the
8 victims of the attacks either.
- 9 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.
10 And the legal adviser of our witness, please.
- 11 MR VON BÓNÉ: Correct, your Honour, no changes on my side as well.
- 12 PRESIDING JUDGE FREMR: Thank you, Mr von Bóné.
- 13 Now, we can -- good morning, Mr Witness. So we will continue with your examination.
14 And one point, important point, it's my duty to remind you that you are still under oath,
15 which means that you have to speak the truth and nothing but the truth. I guess it's clear
16 to you.
- 17 WITNESS: DRC-OTP-P-0769 (On former oath)
18 (The witness speaks French)
- 19 THE WITNESS: (Interpretation) Yes, your Honour.
- 20 PRESIDING JUDGE FREMR: So Ms Solano, you have the floor. And as I said
21 yesterday you have at your disposal 51 minutes, sharp. And please bear in mind that
22 this time also include time needed for using some evidence with the witness, playing
23 video and so on. So you have the floor.
- 24 MS SOLANO: Thank you, your Honour.
- 25 QUESTIONED BY MS SOLANO: (Continuing)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. Good morning, sir. Can you hear me? Can you hear me? Can you please speak
2 into the microphone. Can you hear me?

3 A. Yes.

4 MS SOLANO: Your Honour, may we go into private session, please.

5 PRESIDING JUDGE FREMR: All right.

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

7 (Private session at 9.35 a.m.)

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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7 (Redacted)

8 (Open session at 10.06 a.m.)

9 THE COURT OFFICER: We are in open session.

10 And the video will be displayed on the evidence 2 channel.

11 PRESIDING JUDGE FREMR: First question, what excerpts do you want to play?

12 MS SOLANO: Your Honour, I'm going to play consecutively three excerpts without
13 sound before I ask the witness any questions, and they will be 08.00 to 09.17; 31.03 to 31.20;
14 and 33.06, 33.13.

15 Q. And, sir, while this video plays can I ask you to focus because I will ask you whether
16 you can identify the place, including some buildings that are visible, and the people, and
17 what they are doing.

18 PRESIDING JUDGE FREMR: Defence, any objection?

19 MR BOURGON: No objection.

20 PRESIDING JUDGE FREMR: Fine.

21 THE COURT OFFICER: I just would like to double-check with you that the video is
22 public?

23 MS SOLANO: Yes.

24 (Viewing of the video excerpt)

25 MS SOLANO: We're now playing the second excerpt.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 (Viewing of the video excerpt)

2 MS SOLANO: And the third excerpt.

3 (Viewing of the video excerpt)

4 MS SOLANO:

5 Q. Sir, do you recognize the location shown on these images?

6 A. Yes. Yes, apparently.

7 Q. What is it?

8 A. That's in Mandro.

9 Q. Where in Mandro?

10 A. Apparently in the school in Mandro. Primary school in Mandro.

11 Q. There were some people standing around in military uniform. Could you tell who
12 they were and what they were doing?

13 A. I recognize Commander Bosco himself. And the short one with a red beret I'm not
14 sure, but I think it's Commander Mugisa Muleke. The others I don't recognize, not even
15 the soldiers. And the civilians I didn't know.

16 Q. There were some buildings visible in the video. Do you recognize them?

17 A. Yes, they are the school buildings. I don't know if at our time it was the same size,
18 but that is the school.

19 MS SOLANO: For the record, the short person with a red beret appeared at timestamp
20 33.13.

21 I'm now going to play another excerpt also without sound, the timestamps are 18.19 to
22 19.29.

23 Q. And sir, can I ask you to focus on whether you can identify any of the weapons
24 visible.

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 MS SOLANO:

2 Q. Sir, were you able to recognize the weapons visible there?

3 A. Yes.

4 Q. What were they?

5 A. First of all, AK-47s, GPMG, machine guns, they are light machine guns, mortar.

6 But there is a weapon that I would like to see in a vertical position or a different position
7 so that I can recognize it better.

8 Q. I will show you another excerpt in a moment.

9 MS SOLANO: Your Honours, now I would like to play a series of excerpts with sound.
10 And I will read them into the record first, if that's okay, and then I will play one by one
11 and stop and ask a couple of questions after each one.

12 They are 32.19 to 32.40; 33.00 to 33.12; 34.30 to 34.50; 34.35 to 35.38; and 36.35 to 36.57.

13 PRESIDING JUDGE FREMR: So if I understood well, Ms Solano, it is still the same video
14 but different excerpts?

15 MS SOLANO: Exactly, your Honour.

16 PRESIDING JUDGE FREMR: All right.

17 MS SOLANO: And we will begin with the first one.

18 Q. And, sir, it is going to be with sound. Can you please focus on the singing.

19 PRESIDING JUDGE FREMR: Sorry, stop it, please.

20 Mr Bourgon.

21 MR BOURGON: Thank you, Mr President. The -- on the list of items to be used by the
22 Prosecution we have of course this video. We also received an email by my colleague
23 last night giving me some time, figures that she intended to use.
24 Now, if we are going to go into the transcript or going into the sound, with sound, that
25 means that we will be referring to a transcript and of course we do not agree that this

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 transcript should be used.

2 So what is the purpose of the Prosecution in referring to the sound and not just the visual
3 aspect of the video? That's what I would like to know. Where are we going? And he
4 has recognized there's been no questions asked as to what is happening there, whether he
5 knows this scene. He says it's Mandro, but he has -- he has said nothing as to what is
6 going on there, who is there in terms of what unit, what -- who is -- what organisation is
7 present, and now we're going to ask him to listen to some sound.

8 Mr President, I think this is inappropriate. Thank you.

9 PRESIDING JUDGE FREMR: Ms Solano.

10 MS SOLANO: Your Honour, the conduct of proceedings decision requires that the
11 witness be in a position to speak to the content of a video. I do think that he has been
12 able to do that. I do not intend to use or tender the transcript or the translation of the
13 transcript into evidence. I did, however, indicate to the Defence the references to each of
14 those documents that corresponded to the longer excerpt that we had initially envisioned
15 using. So I think the Defence has at its disposal the means to follow what is going on
16 with the transcript. I do not intend to use the transcript or the translation.

17 PRESIDING JUDGE FREMR: Mr Bourgon.

18 MR BOURGON: Mr President, the idea is the con-- the decision on the conduct of
19 proceeding calls about the witness being able to speak to the making of the recording or
20 the contents.

21 In this case, all we know is that he has recognized a place as being Mandro and a place
22 being the primary school of Mandro. He has not even stated whether he was there or
23 whether he knows when this was made. So to have him listen to this audio at this time
24 isn't appropriate because he just cannot -- he would only offer comments about a scene
25 where he is not present. My colleague can ask him whether he was present there and we

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 know the response, the response will be he was not there. And because he was not there
2 and because he was not involved in the recording of this video and he doesn't know about
3 the video, other than the fact that it was shown to him when he gave his statement, then
4 we should not play the audio.

5 Had the Prosecution, as she did at the beginning, showed a video and asked him to
6 recognize some people, I did not even object because the witness should be able to give a
7 chance, yes, I recognize so and so. But as soon as we get into sound, now we are placing
8 the video in a specific place and area which have not been covered by the witness.

9 Of course I say all this in front of the witness, but we maintain our objection,

10 Mr President, that the sound should not be listened to. Thank you.

11 PRESIDING JUDGE FREMR: Ms Solano, and if any last comment?

12 MS SOLANO: Your Honour, the witness has testified at some length about his
13 experience with Mandro with this location. I can provide several transcript references
14 from yesterday's evidence, including page 63, line 14; page 64, line 9; page 64 line 14;
15 page 52, lines 12 and 15 where he provides a range of information about the place in
16 Mandro that -- that he has recognized on the video. And the conduct of proceedings
17 does not require him to be privy to the making of this video, it's privy to that or to the
18 contents and --

19 PRESIDING JUDGE FREMR: All right, let's finish this dispute. The objection is
20 overruled. And the Chamber is I guess experienced enough to, even to take into account
21 objection made by Mr Bourgon materially. But in our view there's no need to formally to
22 prohibit to use this video, Mr Bourgon.

23 So please proceed.

24 MS SOLANO: Thank you, your Honour. So we will begin with the first excerpt, which
25 is 32.19 to 32.32. We're going to stop a little earlier than I had said at first.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 (Viewing of the video excerpt)

2 MS SOLANO:

3 Q. Sir, what is going on in this scene?

4 PRESIDING JUDGE FREMR: Hold on, Mr Witness.

5 Mr Bourgon.

6 MR BOURGON: Mr President, the first question should be "Were you there?" And "Do
7 you know what the scene is"? And not the question as it is being asked in the present
8 form.

9 PRESIDING JUDGE FREMR: Ms Solano, just put this question to be completely fair.

10 MS SOLANO:

11 Q. Sir, were you there when the scene took place?

12 A. I wasn't there, but that doesn't prevent me from knowing the message which is
13 being given there because I understand the language.

14 Q. What is --

15 PRESIDING JUDGE FREMR: Mr Bourgon, I (Overlapping speakers) --

16 MR BOURGON: That is a leading question, Mr President. Thank you.

17 MS SOLANO: Your Honour, where is my leading question?

18 PRESIDING JUDGE FREMR: I also can't find it, Mr Bourgon.

19 MR BOURGON: Mr President, showing a video where a person is not is highly leading.
20 I said leading question. We are showing a video to someone who was not there, and
21 then we will be asking a question. How much more leading can this be? Thank you,
22 Mr President.

23 PRESIDING JUDGE FREMR: Mr Bourgon, as I said, we are very well aware of the
24 content of your objection and we will evaluate the testimony, this part of testimony of the
25 witness in the light of your objection.

1 Ms Solano, please proceed.

2 MS SOLANO:

3 Q. What -- sir, what is happening in this scene?

4 A. Well, this is a military parade. In the military parade there are songs that are sung.
5 That's a phase you have before the commanders start speaking. There is entertainment
6 and there is songs being sung where they ask the commander, "Commander, speak,
7 speak." And the politics, it's important.

8 MS SOLANO: We will now play 33.00 to 33.05.

9 (Viewing of the video excerpt)

10 Q. Did you recognize a weapon that a soldier was carrying on his shoulder?

11 A. Yes, I recognized it.

12 Q. What is it?

13 A. That's a rocket launcher with a bomb, a launch 7.

14 MS SOLANO: We will continue and stop at 33.12.

15 Q. Can you please focus on the building now.

16 (Viewing of the video excerpt)

17 MS SOLANO:

18 Q. Do you recognize this particular building?

19 A. I recognize it, apparently, but it's a bit different there. It's like it's been rebuilt.

20 MS SOLANO: We will continue and play at 34.30 and stop at 34.50.

21 Q. Please focus on the weapons that are on the floor and on the singing.

22 (Viewing of the video excerpt)

23 MS SOLANO:

24 Q. If you recognize those weapons can you tell us what they are?

25 A. Yes. The first one, that's a machine gun.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 Q. Do you mean the one that is visible on the screen right now at 34.50?

2 A. The one who -- that's visible on the screen now. Now, the second, the -- the person
3 with a red beret is holding a mortar, a mortar 80.

4 Q. Were you able to see the other weapons --

5 A. Yes.

6 Q. -- and what were they?

7 A. The other weapons, there was another machine gun, and then a B-10 or a recoilless.

8 Q. (Microphone not activated)

9 THE INTERPRETER: Microphone please. Microphone.

10 PRESIDING JUDGE FREMR: Your microphone, Ms Solano.

11 MS SOLANO: Sorry, your Honour.

12 Q. Sir, in the excerpt that you just listened to a moment ago what was the singing
13 about?

14 A. These songs -- this is a song which asks the soldiers to be strong, to go and get
15 certain areas in order to set them ablaze, and particularly the bit I heard, "If I didn't burn
16 Nyankunde, that's it."

17 MS SOLANO: We will now play 34.55 to 35.38.

18 Q. Please focus on the singing.

19 (Viewing of the video excerpt)

20 MS SOLANO:

21 Q. Sir, what were these people singing? Please answer.

22 A. They said "Mr President".

23 Q. I'm sorry, I meant you.

24 A. Well, this song has two versions. When we were recruits this was a promise this
25 song, we promised. When the Kale Kale -- the Kale Kale, the boys, Kale Kale, you will

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 have weapons, don't worry. But here this is the same song that we're hearing again and
2 now it's confirmed. It said Kale Kale, the boys, Kale Kale, be brave you will have
3 uniforms, you have obtained weapons, you've got them already. To confirm here, you
4 have weapons, you have uniforms, you've got everything that you need.

5 PRESIDING JUDGE FREMR: Mr Witness, and just to be clear, so is it the first time now
6 you heard those songs, or did you also sing those songs yourself in the past?

7 THE WITNESS: (Interpretation) Yes, it's not the very first time. That's the start. When
8 you start, these are the first songs that you learn when you get to the training centre.
9 Thank you.

10 PRESIDING JUDGE FREMR: Thank you.

11 And, Ms Solano, you have the last three minutes.

12 MS SOLANO: Thank you, your Honour. One final excerpt, we will begin at 36.35 and
13 stop at 36.57.

14 Q. Can I ask you please to focus on the people who can be seen walking in front of the
15 weapons, as well as on the weapons.

16 (Viewing of the video excerpt)

17 MS SOLANO:

18 Q. Sir, are you familiar with this last weapon, and if so, what is it called?

19 A. It's a GPMG. It is a machine gun, heavy machine gun.

20 Q. There were two people walking in front of the weapons, do you know -- did you
21 recognize them?

22 A. I recognize Bosco very well.

23 Q. Did you recognize the other person?

24 A. Yes, yes. The other I didn't recognize well.

25 MS SOLANO: Your Honour, I seek to tender these excerpts into evidence.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: But now to be clear, first of all, you said at least in case of
2 one excerpt that you will not tender it, if I remember well. I think it was reaction to -- to
3 Mr Bourgon's objection or not?

4 MS SOLANO: Your Honour, what I said is that I would not be using or tendering into
5 evidence the transcription or translations of this -- these excerpts.

6 PRESIDING JUDGE FREMR: All right. Now it's clear.
7 And the second issue, I am not sure, because some of those excerpts were familiar to me.
8 Are you sure that some of them were not already admitted?

9 MS SOLANO: Your Honour, some of them have been admitted, however, as far as I was
10 able to establish when I checked last night, the time codes are not exactly the same that
11 were played to witnesses before, so I do think that we need to tender them anew.

12 PRESIDING JUDGE FREMR: So just a question to the court officer before I ask
13 Mr Bourgon: Is it even possible just to say that those excerpts that haven't been already
14 admitted are admitted? Just to make such a little bit general decision and then you can
15 find those parts that were not already admitted?

16 (Pause in proceedings)

17 PRESIDING JUDGE FREMR: But before we rule on that, Mr Bourgon, what is the
18 Defence position to that request?

19 MR BOURGON: No objection, Mr President, as long as the transcript and
20 the -- transcription and translation do not go in. Thank you.

21 PRESIDING JUDGE FREMR: All right. So those excerpts used with this witness as
22 specified by Ms Solano, with exception of those parts that have already been admitted
23 now are admitted into evidence as a further Prosecution exhibit.

24 MS SOLANO: Your Honour, can I ask if I have at least one minute left, I would like to
25 ask one final question?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: One minute is not a problem. Please proceed.

2 MS SOLANO:

3 Q. Sir, why did you agree to be a witness in this case?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE FREMR: Sorry, we have to move into private session. I also -- I'm
8 sorry, I was also late. And please redact this part of witness's testimony. I can just, for
9 the record, note that there's nobody at the moment in the public gallery.

10 (Private session at 10.34 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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8 (Open session at 10.40 a.m.)

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

10 PRESIDING JUDGE FREMR: Thank you.

11 Mr Suprun, you filed a request to examine this witness. My usual question, do you want
12 to -- sorry, Ms Pellet, sorry for that. Mea culpa.

13 Ms Pellet, so in the light of direct examination, do you want to amend your request or to
14 change it or to insist on that?

15 MS PELLET: (Interpretation) Thank you, your Honour. Given the questions put by
16 my colleague and given the answers that were given by the witness, I have no additional
17 questions. Thank you, your Honour.

18 PRESIDING JUDGE FREMR: All right. It was also, I have to say, my understanding
19 that in fact five areas you have indicated was almost comprehensively addressed in
20 examination-in-chief.

21 Mr Witness.

22 THE WITNESS: (Interpretation) Thank you. I wanted to add one little pint to what I
23 stated a moment ago, if you allow me, your Honour.

24 PRESIDING JUDGE FREMR: Go ahead.

25 MR VON BÓNÉ: Maybe private session then?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Yes.

2 Mr Witness, do you think you know -- only you know what will be the content of this
3 additional issue. Do you think we can remain in open session or should we move into
4 private?

5 THE WITNESS: (Interpretation) Private session I believe, your Honour.

6 PRESIDING JUDGE FREMR: All right.

7 Let's move to private session.

8 And thank you, Mr von Bóné, for this.

9 (Private session at 10.42 a.m.)

10 (Redacted)

11 (Redacted)

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15 (Redacted)

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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9 (Open session at 10.45 a.m.)

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

11 PRESIDING JUDGE FREMR: Now we are going to -- and now we should continue with
12 cross-examination, but I guess that it will be more comfortable, Mr Bourgon, just to break
13 now and to continue after break? Or are you ready to start immediately?

14 MR BOURGON: Whatever the Chamber prefers, Mr President.

15 PRESIDING JUDGE FREMR: Ms Solano.

16 MS SOLANO: Your Honour, I have some submissions that I want to make to the
17 Chamber in private session and without the witness being present. They concern items
18 77 to 91 on the list of items that the Defence may use during cross-examination, and I
19 want to make sure the Chamber hears the submissions before the documents are called up,
20 if they are.

21 PRESIDING JUDGE FREMR: All right. So then we will now release Mr Witness.

22 So, Mr Witness, thank you very much. We will continue after the break.

23 You can just escort Mr Witness out of the courtroom.

24 (The witness stands down)

25 PRESIDING JUDGE FREMR: We will move into private session to listen to this

- 1 submission indicated by Ms Solano.
- 2 Please still wait, we are not in private session yet.
- 3 (Private session at 10.47 a.m.)
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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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8 (Open session at 10.58 a.m.)

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

10 PRESIDING JUDGE FREMR: Thank you, court officer.

11 So we break now for 30 minutes, which means that we will reconvene at half past 11.

12 THE COURT USHER: All rise.

13 (Recess taken at 10.58 a.m.)

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

15 THE COURT USHER: All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: We commence this part without witness because I would
18 like to specify our position on the issue presented or that arose before the break.

19 So in our view there should be two alternative possible approaches how to approach this
20 witness: Either if any party, but now mainly Defence, want to refer to information
21 gathered from another protected witness, so either to refer to the fact that this information
22 came from person A, B, but not revealing the fact that it was gained through the testimony
23 before this Court; or the other alternative, to reveal the fact that this information came
24 from testimony of the witness before this Court, but not to reveal his/her identity, so
25 another witness before that court said that and so on.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 And I guess this meets requirements presented by both parties. And in any case, please
2 be vigilant, if you would like to object or to go further with -- beyond those limits, we will
3 have to discuss those issues in the absence of the witness. So please have it in mind.

4 Now please escort Mr Witness into the courtroom.

5 And additional information concerning timing. Mr Bourgon, according my information,
6 Prosecution has exhausted 5 hours 5 minutes, so you should generally be entitled to the
7 same time for cross-examination.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE FREMR: Welcome back, Mr Witness. Now the second part of your
10 examination will be conducted and will be conducted by Defence.

11 Allow me to emphasise that this Court is governed by principle of fair trial which, apart of
12 other things, means that both parties should be treated equally, and in your case it means
13 that you are expected to respond all questions put to you by Defence in the same way as
14 you did it to questions put to you by Prosecution.

15 Do you understand, Mr Witness?

16 THE WITNESS: (Interpretation) Yes, I understand.

17 PRESIDING JUDGE FREMR: Very well.

18 So now the floor moves to Defence. Mr Bourgon, you may proceed.

19 MR BOURGON: Thank you, Mr President. We can remain in public session for the
20 time being.

21 PRESIDING JUDGE FREMR: All right.

22 QUESTIONED BY MR BOURGON: (Interpretation)

23 Q. Good morning, Witness.

24 A. Good morning.

25 Q. First of all, allow me introduce myself. My name is Stéphane Bourgon, I am a

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 Canadian lawyer and I represent Bosco Ntaganda, the accused in this case. Do you
2 understand that?

3 A. Yes, I understand.

4 Q. A bit earlier this week you had the opportunity to meet my two colleagues sat on
5 my left and right; do you remember this meeting?

6 A. Yes, I remember.

7 Q. Unfortunately I wasn't able to make myself free to meet you at that time, but we are
8 now going to proceed with the cross-examination.

9 Firstly, I would like to confirm that the Prosecution explained to you what
10 cross-examination is, did they not?

11 A. Yes.

12 Q. Before going any further, I would like to take this opportunity just to make an
13 additional point. Because we speak the same language, it's essential before answering
14 my question that you wait a few seconds; and also on my side, when you answer, I am
15 also going to wait a few seconds so that the transcript can be in realtime. Do you
16 understand that?

17 A. Very well.

18 Q. I listened, Witness, to your words concerning your motivation to testify and I think
19 furthermore that it explains, to a large extent, several aspects of your testimony that we're
20 going to explore together during the next hours.

21 The first -- or, the first subject that I would like to explore with you is firstly your
22 knowledge of the town of Bunia.

23 Now, my first question is, therefore: Can you confirm that you lived in Bunia for several
24 years, did you not?

25 A. Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 Q. And this town, this is a town that you know well, do you not?

2 A. Yes. Yes.

3 Q. So, when you speak about a place in the town such as the sous région, you say that
4 knowing what you're talking about?

5 A. Yes.

6 Q. So in order to start and so we can start on a common basis, I would like to show you
7 a map of the town of Bunia and I'd like to ask you to indicate certain places thereon. You
8 understand what I would like to do?

9 A. Yes, I understand.

10 MR BOURGON: With the assistance of the court usher, if we can have the map
11 displayed on the side of the witness. And I would like to have on the screen before the
12 witness, I would like to have exhibit number (Interpretation) DRC-OTP-0207-0330.

13 THE COURT OFFICER: Could you please confirm the level of confidentiality of the
14 document, please.

15 MR BOURGON: The document is public.

16 MS SOLANO: Your Honour.

17 PRESIDING JUDGE FREMR: Ms Solano.

18 MS SOLANO: I just want to ask the Defence if -- the Defence counsel if with the
19 assistance of his team he could kindly provide me with a number on which your different
20 exhibits are listed on your list. It will facilitate my task. Thank you.

21 MR BOURGON: Number 12.

22 Q. (Interpretation) Mr Witness, I'm going to explain the way in which I intend to
23 proceed. First of all, next to you, on your right-hand side there is a map.

24 (Speaks English) If I can have the court usher to bring the map even closer to the witness,
25 please.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 (Interpretation) Can you see the map which is on your right-hand side?

2 A. Yes.

3 Q. Do you recognize this map? Do you recognize the map?

4 A. Yes, I do recognize the map.

5 Q. So now I'd like to draw your attention to the screen in front of you where you will
6 find the same map. Can you see the map in front of you?

7 A. Yes.

8 Q. The only reason that there's a larger map on your right-hand side is to help you in
9 finding where you are with regards to the map on the screen. And I'll be asking you
10 with a pen to indicate certain places. Do you understand the exercise we're trying to
11 attempt?

12 A. Yes.

13 MR BOURGON: If I can have the court -- or, madam registrar to increase the zoom on
14 the exhibit that is on the witness. We have a better version actually of the same map
15 which was sent to you, which is a high resolution version, which was sent to you, which is
16 better for the purpose of this exercise. And I would like to use -- let's try with 100, please.
17 Voilà.

18 Q. (Interpretation) Witness --

19 MR BOURGON: If we can have, yes, to the -- to the left like this, and then if we can go
20 up again. Again. Again. Okay, if we can just stop here for now.

21 Q. (Interpretation) Witness, I would like you to confirm firstly that this is a map of
22 Bunia, is it not?

23 A. Yes.

24 Q. I would like to start by asking you to indicate where camp Ndromo is on the map.

25 If you can use the map on your right in order to show us where camp Ndromo is and you

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 can say if you see it on the electric -- or, electronic map that is in front of you.

2 When you've located it on the large map, you can thereafter turn your attention towards
3 the electronic or digital map.

4 If you could simply tell me you find it when you have found camp Ndromo.

5 A. I found it, but it's not written camp Ndromo here. It could be in the area close to
6 the prison.

7 Q. Are you able to see on the large map, are you able to locate it?

8 A. With exact -- precisely I couldn't do so, but I can show you the zone.

9 Q. The zone that you can see on the large map, do you see that on the digital map?

10 A. Yes.

11 MR BOURGON: If I can have the court usher to help assist the witness with a pencil, an
12 electronic pencil so that we can make a marking.

13 Q. (Interpretation) On the digital map, can you see the area which you refer to as
14 camp Ndromo? I would ask you to put a circle around that area. Please could you
15 write the number 1.

16 And for the record this is the place indicated by the witness as being camp Ndromo.

17 Now, on the map, Witness, I would like you to look at the large map on your right side to
18 show the garage you spoke about during your testimony. Do you remember having
19 spoken about a garage?

20 A. Yes.

21 MS SOLANO: Your Honour, can we move into private session, please?

22 PRESIDING JUDGE FREMR: All right, I also believe that will be safer because the
23 witness could add some personal details.

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

25 MR BOURGON: Mr President, this is solely an exercise in marking areas with no

1 substantive questions, but if the Chamber prefers, we can go into private session.

2 PRESIDING JUDGE FREMR: Let's go into private then.

3 (Private session at 11.52 a.m.)

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(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-0769

(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-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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- 17 (Open session at 12.59 p.m.)
- 18 THE COURT OFFICER: We are in open session, Mr President.
- 19 PRESIDING JUDGE FREMR: Thank you, court officer.
- 20 So we take our regular lunch break now and we will reconvene half past 2.
- 21 THE COURT USHER: All rise.
- 22 (Recess taken at 12.59 p.m.)
- 23 (Upon resuming in open session at 2.32 p.m.)
- 24 THE COURT USHER: All rise.
- 25 Please be seated.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Good afternoon everybody. Good afternoon, Mr Witness.

2 We will continue with your cross-examination conducted by Defence, namely by

3 Mr Bourgon.

4 Mr Bourgon, do you want to proceed in open or in private session?

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

6 PRESIDING JUDGE FREMR: And for the benefit of public present at the public gallery,

7 this witness is a protected one, which means that he was given guarantee that his identity

8 will not be revealed, so if the questions could reveal his identity then we have to move

9 into private session, which is the case right now.

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

11 (Private session at 2.34 p.m.)

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(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-0769

(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-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(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-0769

(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-0769

(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-0769

(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-0769

(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-0769

(Private Session)

ICC-01/04-02/06

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15 (Open session at 4.31 p.m.)

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

17 And for the information of the parties, the document -- the last document will bear the
18 number DRC-REG-0001-0034.

19 PRESIDING JUDGE FREMR: Thank you, court officer.

20 Mr Witness, it concludes your testimony for today, so we will break now, we will
21 continue tomorrow.

22 And it seems to me that since the Defence has slightly less than 2 hours to finish it's
23 cross-examination, so it seems we will be finished before the noon. Yes, now I got a
24 direct, precise information. Defence exhausted so far 3 hours 7 minutes, so still it has at
25 its disposal 1 hour 53 minutes.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 And before you leave, Mr Witness, it's my duty, I can -- first of all I would like to thank
2 you because it was a very long time, I can imagine that it was very tiring for you, but I
3 think you still remained very much concentrated and you patiently responded all
4 questions put to you.

5 What is important, I have to remind you that in the meantime, till tomorrow, you must
6 not discuss your testimony with anybody else, neither with your family, nor with your
7 friends. Do you understand?

8 All right. So now please, court officer --

9 THE WITNESS: (Interpretation) Yes, I understand.

10 PRESIDING JUDGE FREMR: Now please escort Mr Witness out of the courtroom.

11 (The witness stands down)

12 PRESIDING JUDGE FREMR: And last point from my part, just for the sake of planning,
13 so as you heard, Mr Bourgon, you still have almost 2 hours. Do you think you will need
14 all that time to finish your cross-examination?

15 MR BOURGON: Indeed, Mr President, I will.

16 PRESIDING JUDGE FREMR: All right. Well-noted.

17 So now court is adjourned and we will continue tomorrow 9.30.

18 THE COURT OFFICER: All rise.

19 (The hearing ends in open session at 4.33 p.m.)