

Trial Hearing
WITNESS: DRC-OTP-P-0030

(Open Session)

ICC-01/04-02/06

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 3
7 Tuesday, 4 October 2016
8 (The hearing starts in open session at 9.33 a.m.)
9 THE COURT USHER: [9:33:59] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:34:27] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:34:33] 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 For the record, we are in open session.
18 PRESIDING JUDGE FREMR: [9:34:47] Thank you, court officer.
19 Appearances please, in habitual order.
20 MR PACE: [9:34:55] Good morning, Mr President, your Honours. for the Prosecution
21 today, Dianne Luping, trial lawyer; Selam Yirgou, case manager; Nicole Samson, senior
22 trial lawyer; and I am James Pace, assistant trial lawyer.
23 PRESIDING JUDGE FREMR: [9:35:08] Thank you, Mr Pace.
24 Defence, please.
25 MR BOURGON: [9:35:11] (Interpretation) Good morning, your Honour,

1 your Honours, and good morning to all those in the courtroom. I am representing
2 Bosco Ntaganda, who is present this morning. Jules Guillaumé, Eric Cookson-Montin,
3 and, myself Stéphane Bourgon, are for the Defence. Thank you, Mr President.

4 PRESIDING JUDGE FREMR: [9:35:39] Thank you, Mr Bourgon.

5 Legal Representatives of Victims now.

6 MR ABDOU: [9:35:41] Good morning, Mr President, good morning, your Honours.

7 Mohamed Abdou for the former child soldiers.

8 MR SUPRUN: [9:35:48] (Interpretation) Good morning, your Honours. The victims
9 of the attacks are represented by myself, Dmytro Suprun, counsel at the Office of legal
10 counsel for the victims.

11 PRESIDING JUDGE FREMR: [9:36:00] Thank you, Mr Abdou. Thank you,
12 Mr Suprun.

13 Mr Witness, good morning. We are going to conclude your testimony today, so as
14 usually I am reminding you that you are still under oath, which means that you have to
15 speak the truth and nothing but the truth.

16 Now, Mr Bourgon, you have the floor. Do you want to proceed in open or in private
17 session?

18 MR BOURGON: [9:36:29] Private session, please, Mr President.

19 PRESIDING JUDGE FREMR: [9:36:31] All right.

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

21 (Private session at 9.36 a.m.)

22 (Redacted)

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- 25 (Open session at 9.53 a.m.)

Trial Hearing
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(Open Session)

ICC-01/04-02/06

1 THE COURT OFFICER: [9:53:24] We're in open session, Mr President.

2 PRESIDING JUDGE FREMR: [9:53:32] Thank you, court officer.

3 Mr Bourgon, please proceed.

4 MR BOURGON: [9:53:36] Thank you, Mr President. We will now play the video
5 which will be displayed on evidence 2.

6 THE INTERPRETER: [9:53:53] (Interpretation of the video excerpt)

7 So this is a body of a person who was killed, killed by the combatants who were here.

8 You see here the main entrance of the main market. For the time being, it's not possible
9 to identify the body. It's been here for a very long time. It's been here for about five
10 days. And it's about one day ago now that our army, the UPC, arrived in because they
11 arrived yesterday at 8.45. Eric Mbabazi is surveying all that has happened here
12 previously.

13 You see the situation reigning here in the main market. These -- these enemies robbed all
14 of the property of the people, the residents, before leaving. And you can see what's left
15 here. You can see the state that the market has been left in. There's nothing left. And
16 the UPC army is still, well, working. All of the doors are open, the doors of the main
17 market are open.

18 So here you see how Lendu combatants have committed acts of violence, abuses here in
19 Bunia. And here we are by a body. this is still the massacre that was perpetrated five
20 days ago. I'm going to ask Commander Eric to speak. He'll have other things to say.
21 Commander, so you arrived in yesterday. Now, see what happened here five day ago.
22 This destruction, what impression does that make on you?

23 Well, for me really it's very regrettable because when we re-took the city, things like this
24 did not happen. And for us it's really highly regrettable because when we pulled back,
25 when we were battling the UPDF forces, trying to intervene, trying to re-establish peace in

1 town, when we ascertained that people were going to die in mass, we pulled back.
2 Another force entered and the force that entered really has caused tremendous chaos. It's
3 really most disturbing, very disturbing to me. And when I see things like this, I find it
4 troubling because my brothers are in it. The Congolese people are dying for nothing, and
5 the reason why they're dying is unknown. Really, people need to understand that when
6 such things happen, when such things happen in town, people have to find a way. We
7 have to first find the way -- a way to avoid such things.

8 Okay, thanks. Here we see how" --

9 MR BOURGON: [9:57:17] Mr President, we stop here both to allow for a break for the
10 interpreters, but also to ask a question to the witness.

11 Q. [9:57:35] The situation that we see on this video, sir, is something that you saw
12 with your own eyes; correct?

13 A. [9:57:52] Yes.

14 MR BOURGON: [9:57:57] We will now continue. Well, one more question.

15 Q. [9:58:02] You also see from this video that it is dated 13 May 2003; is that correct?

16 A. [9:58:28] The 13th? I don't have a date in mind.

17 Q. [9:58:34] Well, I was referring to what can be seen from the video.

18 A. [9:58:46] Yes, yes, the date is written on the video, so presumably it is correct.

19 MR BOURGON: [9:58:57] We will now continue playing this video. And we are now,
20 Mr President, for the record, we are now in the translation at line 443.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [9:59:21] (Interpretation of the video excerpt)

23 "Okay, thank you. Here we can see how all of the houses are empty, absolutely all of
24 them, and all of the shops are empty, but -- but little by little, the UPC is beginning to
25 support the people and to ensure that its path -- it's safe to pass through there because

1 yesterday nobody came out, but today you can see that people are outdoors, okay.
2 Go away. Go away. Go away, I tell you. What's that over there? Go away. Go
3 away. Leave. I'm telling you. Where will we go? You, get away. Leave. Go away.
4 You, get out of there. Get out of there. Hit it. Huh, looting is continuing.
5 We see that the UPC army has discharged their weapons to -- to break up the looters.
6 The UPC soldiers are driving people out. What do you want them to do? UPC does not
7 want looting because they're here to be constructive, to build. The army that's here -- that
8 was here, was an army of chaos, it was an army that came to loot.
9 Come on, leave. You. So I'm saying to you now I want to hit somebody here in front of
10 everybody. Leave. Get out. We could hit somebody here. Not in the house, but
11 perhaps at that door over there. Quick. Get out. And don't let me catch you again.
12 You're going to get hurt here. I'm warning you, leave. You. Leave, get out.
13 It's the UPC army that is stopping looting."

14 MR BOURGON: [10:02:25] Thank you very much to the interpreters for your assistance.
15 This is very helpful.

16 Mr President, we are -- the image that we see on the video is a bit ahead of the
17 interpretation. We are now -- the last scene that we were looking at was 17.30 and we
18 were following up the translation and we are now at line 491, which matches 15.49. So
19 the image was a bit ahead of the translation. So I suggest we just go back the video a bit
20 so that we hear what was said from 15.32 to 15 -- we see what is from 15.32 until 15.49.

21 PRESIDING JUDGE FREMR: [10:03:37] All right.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [10:04:02] (Interpretation of the video excerpt)

24 "Give them a little something so he'll leave straight away. Take it. Get going. Don't
25 stay here. Off you go. And take that. Go on, take that and then get going. Don't

1 come back here. You're going to get hurt, brothers, because of the property. Go over
2 there to our place of work.

3 We see that we, the UPC soldiers who are patrolling town, who are making sure it is safe
4 in town, it's up to them to stop looting. They're driving out the people who are looting.
5 But after all, the situation has calmed down again and we're together, we'll -- we're going
6 to continue on, continue patrolling through town. Mudzipela, after the -- we're in the
7 neighbourhood of the garage. You see how the people are here."

8 MR BOURGON: [10:05:30] We will stop here to give the interpreters a pause. We are
9 now exactly -- the picture matches the interpretation, so we were at 16.35 of the video and
10 we were just getting to the word "Mudzipela."

11 Q. [10:05:56] Sir, again, you were able to see what is depicted on this video for
12 yourself; is that correct?

13 A. [10:06:12] Yes.

14 Q. [10:06:17] And I understand that the person who is narrating the video, without
15 mentioning any names, is familiar to you; is that correct?

16 A. [10:06:38] Yes.

17 MR BOURGON: [10:06:39] We will now continue. And we are at 16.43 where it talks
18 about Mudzipela. Or 16.39, to be more precise.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [10:07:06] (Interpretation of the video excerpt)

21 "Mudzipela then after -- we're in the garage neighbourhood. You see how the people
22 who were here, the Lendu militia, pillaged everything. They even tried to take the
23 end -- take an engine using a cart. You can see the state of affairs now. It's really -- the
24 situation is really very fragile.

25 It's the 13th of May of the year 2003 here in Bunia. We are now in the commissary.

1 There's nobody in Mudzipela district. Everyone, everyone has left. They're patrolling
2 everywhere. Here we are, we're still in the commissary. You can see that this vehicle
3 has been badly damaged, the vehicle has gunshot holes, has been sabotaged by the Lendu
4 soldiers. As you can see inside, everything has been looted, everything has been
5 removed. Who just entered here yesterday, Monday, at 8.35 in the morning. Today it's
6 Tuesday, it's 12 o'clock. First of all, carry out patrols.
7 We're here now in the grand seminary. You can see there are documents all over the
8 place, in a mess, papers that have been ripped, shredded. All of the doors are opened
9 here in the Théologat, saint -- grand seminary of Bunia. You can see the situation here at
10 the Théologat grand seminary and, furthermore, you can see that there are people here
11 who have come to take the remaining articles. Trunks and cases outside, computers
12 plundered.
13 Thanks to our people who are patrolling in town, the UPC soldiers, they're beginning to
14 re-organise things, although there is still pillaging going on here in the town centre.
15 Everything is thrown about, ripped up. The computers have been looted. Everything.
16 Everything, everything.
17 Here, here, here at the seminary, things are bad. We can see that even the priests'
18 vestments are scattered on the ground: The situation here at the grand seminary was
19 catastrophic. You see, so it's bad here, everywhere. Everywhere. It's a big problem. It's
20 a big problem because you can see here, I mean, this is the home, the place of the priests.
21 It's the place where children studied. It's shocking, really. It's really heartbreaking.
22 I think that if we hadn't arrived in, the city would have been completely destroyed. At
23 least our return, really, at least we are going to be able to resolve a lot of problems,
24 absolutely. Paper scattered everywhere. The doors of all of the rooms are open. We
25 found important documents, and not a student in sight. Really, all of this -- if this is a

1 grave site, can you tell us who were buried here in this grave site? You, come over here,
2 come this way. Let's move closer so that you can talk. The grave site, well, let's start off
3 by establishing who are we talking to, in Swahili, French? Speak Swahili?
4 Swahili?
5 Yes.
6 Okay, come over here. They were here, they were staying over there.
7 You, child soldier -- we were staying here. The last day we left with all those women.
8 Unfortunately, because of him, I don't know what was bothering him but he stayed
9 behind. We fled in the direction of Centrale. When we left Centrale, the woman stayed
10 here in Myala. The women learnt -- that this was on Thursday night - I don't know
11 which day it was - it was the day that the grand seminary was looted. That's when we
12 heard over there. Furthermore, in the evening talk, complaints, saying that he was dead,
13 but the next morning we had contact with the woman herself. And she informed us that
14 he was indeed dead. Yes, yes. And that's all.
15 After three or four days, we brought him here. And what's his name? His name is
16 Lobo, Lobo Gilles Tibamwenda (phon), Lobo Gilles Tibamwenda, a primary school
17 inspector. Okay. From Irumu. Okay, right.
18 How many bodies are there here? Here there's one. Just his body? Just his body.
19 Come, please. There's only his here. Okay, we're at the main market. There he is,
20 Commander Eric, who is stopping looting, to show that there is no looting because
21 everything has already been pillaged. The Lendu have been through here and they have
22 pillaged everything. So UPC soldiers have come into re-establish order."
23 MR BOURGON: [10:14:22] Thank you very much.
24 Mr President, if we can move into private session, please.
25 PRESIDING JUDGE FREMR: [10:14:28] For sure.

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- 1 Court officer, let's move into private session.
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21 (Open session at 10.44 a.m.)

22 THE COURT OFFICER: [10:44:26] We're in open session, Mr President.

23 PRESIDING JUDGE FREMR: [10:44:38] Thank you, court officer.

24 Mr Bourgon, please proceed.

25 (Viewing of the video excerpt)

1 THE INTERPRETER: [10:45:34] (Interpretation of the video excerpt)
2 "How many women are there? How many women? Call Willy, Willy or Isaac. One of
3 them should come here. Wait a minute. Mr Dema's card.
4 What kind of card?
5 A church card, a church membership card. Four women, five men and their children.
6 Four women. Four women, five men and four children. Four women. Five men.
7 Where are the survivors, the escapees? Where are the escapees? No, there are no
8 survivors. Four women, five men and four children.
9 And how many children?
10 Four children. This is -- this is the card. One little girl and four boys. One little girl
11 and three boys. One girl, three boys. It's what we found in his pocket. And one little
12 girl and four boys.
13 A survivor? No. Sorry, one little girl and three boys, that brings it to 14 -- that brings it
14 to 13.
15 Their names, are you taking their names? Tell the president. Take their names. You
16 should --
17 The survivors?
18 No, the people who are here. The people who are here, their names. Their names.
19 When I came here, I tried to see. With his wife Ketura (phon). There's nothing else that
20 could -- that would -- they have to come, come and do their work over there. It's Ngabu
21 and his wife Miriam.
22 Ngabu?
23 Yes. So, in total, there are 13 people dead.
24 Who's his wife?
25 Miriam. Miriam, wife of Ngabu, who is -- by a rocket. In fact, they launched a rocket

1 here at the time that we were here. They came out of that room over there. Mmm.
2 And they put others on top. They thought that this was an upper floor and thought
3 perhaps that there were people hidden here inside and that's how it came that they
4 launched a rocket. There were a lot here. Where they've opened the wall here, that
5 happened by means of a rocket, yes, a rocket. And they broke down or caused damage
6 using an axe. Yes, everywhere. They caused damage with an axe. And here is where
7 the rocket was launched.
8 Where were you?
9 We were hidden inside. We were inside, in the roof. We were sitting here, our meal
10 was ready, we were about to eat and it was then that we were taken unawares by gunfire
11 on the door. Bang, bang, bang. They fired. We were absolutely shocked. I thought
12 they're there.
13 How many?
14 14 May. Mmm. I said, wait, they're shooting at our door. We went to check. We saw
15 somebody who was climbing up using a ladder. He went up there and he said, 'Today
16 we're going to kill you.' Then he went back down. And I thought, 'Right.' Because I
17 was sure that they couldn't break down the door, I took all of the older people, then we
18 went inside the house, saying we'll lock ourselves inside. Mmm. And then I saw that
19 they'd started -- that they'd started to use the axe. Mmm. And they began to use the axe
20 and cut and cut and cut.
21 When they got to a certain point, someone came by with a rocket. He came by with a
22 rocket and shot it inside. He shot it inside. So inside I said to everybody to lie down.
23 So we stayed lying down and everybody stayed on the alert. Okay, okay, people, it's
24 okay.
25 Who? Who did they take out to kill?

1 Yes, they took people out when they were to die, to kill them. The woman said that
2 others were already dead. Yeah, they had already been shot at before. Yes, that's right,
3 shot at.
4 That woman testifies or says that she saw that others were killed. Ah, yes. The girl,
5 Bettina, what I know -- here, tell us what you know. What is your name?
6 Lolo.
7 Lolo?
8 Mm-hm.
9 Lolo who?
10 Bettina. Lolo Bettina. Mmm.
11 They entered above you, they entered inside.
12 Mm-hm. We were altogether, the older people and us in the room, right? Then I
13 realised that the situation was becoming very serious when the door was broken down, so
14 I asked the older people to open the door so I could get out. When I got out, I placed a
15 ladder at that spot there so that I could jump over to the -- the side where the MONUC
16 people are. They fired at me and I came back. And then I tried to get up the ladder to
17 jump, but they shot at me again and I left again. So I decided then to go somewhere else
18 and not to stay with the elderly people.
19 I went to another room. They shot their weapons and destroyed the house, but I wasn't
20 injured.
21 Did they go with you? Did they take you with them? Wait until she's finished.
22 I left my own means.
23 Let her talk.
24 So I got out by my own means, and they wanted to kill me. I said, 'No, don't kill me.
25 What kind of people are you?' But if you want to kill me, let me first say a prayer and

1 then you can kill me.

2 They moved me from there and took me here. They shot at old Dema when I was just
3 beside him. Here? Old Dema, they tried to -- to shoot at me, but it was the wife of old
4 Dema who got hit. They tried to hit me but it was -- she's the one who was hit by the
5 bullet and she fell there in that pit.

6 They took me back to the group over there. After bringing me back to the group, they
7 fired again, without hitting me. They hit that woman there, or the bullet did, rather, and
8 they shot at another person. They cut that old man there with a machete. After
9 attacking that old man with a machete, they broke up the people, they dispersed the
10 people. And I stayed here. As I stayed here, they said to me to go over there to the foot
11 of the house, the place that they had caused the damage.

12 They lined us up, all standing here, a little boy and myself, that child. They
13 started -- they started to throw him against the wall. One of them was over there.
14 Where? One there and one there. And they pushed him and that one pushed him here.
15 Then he fell down to the ground and they started to cut him up immediately. They said
16 that it seemed that the boys had been hiding there. They said to me to go, to go under
17 the house so that they could break her above me.

18 I went past them and I went to sit down. The house was entirely destroyed and I was
19 there. They said, 'We are Lendu' and they took me back. Right.

20 Thank you. The burial, let the boys do it."

21 MR BOURGON: [10:56:02] Thank you. Many thanks to the interpreters for this very
22 difficult work with the video playing at the same time as the interpretation has to be done.
23 So thank you very much.

24 Q. [10:56:18] Mr Witness, you just saw this video with all the killings that took place.
25 My first question to you --

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1 PRESIDING JUDGE FREMR: [10:56:27] Mr Bourgon, sorry. It is safe to remain in
2 open?

3 MR BOURGON: [10:56:31] At this time, yes, Mr President.

4 PRESIDING JUDGE FREMR: [10:56:33] All right. Sorry to interrupt.

5 MR BOURGON:

6 Q. [10:56:35] We are in public session. My understanding is that you were able to
7 see the scenes depicted on this video yourself; is that correct?

8 A. [10:56:56] Yes.

9 Q. [10:56:57] And you can confirm that the dead bodies that we saw, those are people
10 killed before Kisembo liberated Bunia on 13 May; is that correct?

11 A. [10:57:25] Yes.

12 MR BOURGON: [10:57:32] If we can move into private session, Mr President, please.

13 PRESIDING JUDGE FREMR: [10:57:35] All right. Court officer, let's move into
14 private session.

15 And we should break in roughly five minutes, Mr Bourgon.

16 (Private session at 10.57 a.m.)

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21 (Open session at 11.01 a.m.)

22 THE COURT OFFICER: [11:01:55] We are in open session, Mr President.

23 PRESIDING JUDGE FREMR: [11:02:07] Thank you, court officer.

24 Now we take our regular break. We will continue, resume at half past 11.

25 And just update on timing, Mr Bourgon, so far you, according to my information, you

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1 exhausted 5 hours, 37 minutes, according to my counting, so you still have at your
2 disposal 2 hours 23 minutes.

3 Now we adjourn.

4 THE COURT USHER: [11:02:41] All rise.

5 (Recess taken at 11.02 a.m.)

6 (Upon resuming in open session at 11.33 a.m.)

7 THE COURT USHER: [11:33:51] All rise.

8 Please be seated.

9 PRESIDING JUDGE FREMR: [11:34:15] We will directly continue with
10 cross-examination of our witness. I'm just highlighting, Mr Bourgon, that we are in open
11 session.

12 MR BOURGON: [11:34:45]

13 Q. [11:34:45] Welcome back, Mr Witness.

14 A. [11:34:51] Good afternoon.

15 Q. [11:34:56] I'd like to go back quickly to your testimony shortly before we broke
16 concerning what happened in the central market. And for this purpose, now that the
17 video has been admitted, I'd like to refer to this video and to play with you without any
18 translation or interpretation, just to play you the live version.

19 And I'd like to begin at -- this is the video number DRC-OTP-0151-0665, and the extract
20 that is now in evidence goes from 11.12 to 23.54.

21 And I would like to play a part for you which starts at 13.01. We are now, Mr Witness, in
22 public/open session, so I'm not going to ask you any questions until after we watch the
23 video.

24 MR BOURGON: There is no sound. I would like to play it with sound, no
25 interpretation, but with sound, so we're going to start over again.

1 (Viewing of the video excerpt)

2 MR BOURGON: [11:38:53]

3 Q. [11:38:53] Sir, did you just see the extract that was just played on your screen?

4 A. [11:39:07] Yes, I've just seen it.

5 Q. [11:39:09] Do you recognize the individual who was speaking as being the G5,
6 Mbabazi; is that correct?

7 A. [11:39:31] Yes, the G5, Eric Mbabazi.

8 Q. [11:39:35] And on this short extract that we just saw, immediately beside Mbabazi
9 we saw someone with a weapon wearing what you -- I'm not sure what the English word
10 is for "pagne," but a weapon, and there's also another one behind Mbabazi. Did you see
11 these two individuals with weapons?

12 A. [11:40:13] Yes.

13 Q. [11:40:13] Let's continue with the viewing of the extract.

14 (Viewing of the video excerpt)

15 MR BOURGON: [11:41:18]

16 Q. [11:41:18] Sir, we will just go back a few seconds, and right beside Mbabazi, I
17 would like to confirm whether you can -- what you see exactly in a few minutes -- a few
18 seconds before that.

19 (Viewing of the video excerpt)

20 MR BOURGON: [11:42:22]

21 Q. [11:42:22] Sir, you see that the video has been stopped at timestamp 14.02, 14
22 minutes, 2 seconds. Now, sir, you see all of the goods or items that are lying in the street
23 that have been taken out of these doors. Sir, is it your testimony that this -- these items
24 were put like this in the streets by soldiers?

25 A. [11:43:14] Yes, UPC soldiers, after looting, so there are backpacks, they have bags,

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1 they have boxes, they take anything of importance and put it in those containers and
2 continue looting. They would take their booty home and then return. They didn't let
3 up pillaging. When they felt that it was time to transport their booty away, they would
4 take their goods home and return the next day to do the same thing. What you see there
5 are bags.

6 Q. [11:44:02] I'm asking you to look at the picture before your eyes and to tell me -- oh,
7 sorry.

8 MR PACE: [11:44:14] Your Honour.

9 PRESIDING JUDGE FREMR: [11:44:15] Mr Pace.

10 MR PACE: [11:44:16] Yes, your Honour, perhaps if the witness can finish what he was
11 stating. Although perhaps there was a misunderstanding, he started saying something
12 and it is of interest that he finishes what he started.

13 PRESIDING JUDGE FREMR: [11:44:31] Mr Bourgon, I understood that you're not
14 interested on the rest of the response or --

15 MR BOURGON: Well, I'm not interested because I'm asking a question and he's not
16 answering my question. So I just want to focus on my question, but I don't want to
17 prevent the witness from saying anything he wants to say. I would like to -- the witness
18 to focus on what I'm asking and what we are seeing before our eyes.

19 PRESIDING JUDGE FREMR: [11:44:53] So, please proceed, Mr Bourgon.

20 MR BOURGON: [11:44:58]

21 Q. [11:44:58] Mr Witness, please focus on the question that I'm asking. And I look
22 the picture on the screen now. I'm asking you whether this is your testimony today that
23 this pillage was committed after Kisembo liberated the town and not before; is that your
24 testimony?

25 A. [11:45:41] Yes, the pillaging began when Kisembo entered the city. They started

1 looting. What you see there are shops of Nande and Hema people who were operating
2 in Bunia. What you see there are empty boxes, empty bags. You see those open doors?
3 The owners did not leave those shops open before leaving. Before leaving, they had
4 locked up their shops, and when they returned, they found that everything was open and
5 everything had been stolen. You can see boxes there, paper. So all of the goods have
6 actually already been taken by the looters. That's it.

7 Q. [11:46:31] So I understand, sir, that what you are -- your testimony to be, that the
8 Lendu combatants had nothing to do with the scene that we see in front of us; that's your
9 testimony, correct?

10 A. [11:46:59] Yes. What we're looking at here is Bunia market and it is the Hema that
11 pillaged Bunia market. They pillaged a lot. If the -- or, when the Lendu pillaged it was
12 because they found a door that wasn't closed well, for instance, but what you're looking at
13 here is Hema looting done by them, with the kadogos. That's it.

14 Q. [11:47:30] Thank you, sir. We will continue playing this extract. Please look
15 carefully and I will stop and ask you further questions.

16 (Viewing of the video excerpt)

17 MR BOURGON: [11:48:08]

18 Q. [11:48:08] Sir, looking at the scene that we have just seen on this video, I'm asking
19 you whether this is -- it is your testimony that -- are these civilians or are these soldiers?

20 A. [11:48:36] The majority are soldiers. If you look carefully, you'll see that
21 they're all armed. Some of them haven't brought their weapons, but I know them.
22 We lived together. They're soldiers, kadogo and other soldiers. The one who
23 discharged his weapon. The people are coming out of the houses. You can see that
24 they found a way in through the wall and then they come out. It's when there is
25 gunfire, pap-pap, that the people come out of the houses and they go to Babu (phon)

1 and they go to put the goods that have been looted there and then return from war.

2 That's what we saw, myself and the (Redacted) They were looting on a grand scale.

3 And there's women, too, as you see, they're looting. And they're not rushing their

4 looting, rather, they are stealing valuable goods. If they felt that something wasn't

5 worth it, they would leave it behind and continue on. That's how it was.

6 Q. [11:49:59] Sir, is it your testimony that regardless of whether a person on this video
7 has a weapon or not, they are all UPC soldiers; is that your testimony?

8 A. [11:50:27] Yes, they are UPC soldiers, with a small number of civilians, but the
9 majority are soldiers. Try and look carefully, they're armed and they have UPC uniforms.

10 The wraps that you see them wearing, inside their wraps they have weapons.

11 Q. [11:51:00] Sir, when the weapon is fired, as you say, pap-pap, and the people come
12 out of the houses, are the people coming out of the houses also soldiers; is that your
13 testimony?

14 A. [11:51:25] Yes, soldiers together with civilians. There's a mix. They're Hema.

15 Q. [11:51:34] Sir, let's continue this extract.

16 (Viewing of the video excerpt)

17 PRESIDING JUDGE FREMR: [11:51:42] Stop it. Stop it, please.

18 Mr Pace.

19 MR PACE: [11:51:46] Sorry, your Honour, just if the Defence counsel could provide a
20 time stamp where we stopped before so that we have a clear record of when we're starting
21 and stopping.

22 PRESIDING JUDGE FREMR: [11:51:56] Yes, it is in fact my job, I should remind you.

23 Please, Mr Bourgon, always we need time stamps, the beginning and the end, for the
24 record.

25 Thank you, Mr Pace.

1 MR BOURGON: [11:52:06] Indeed, Mr President. The extract we had stopped at
2 14.27.

3 Well, if my colleague will accept 14.27, I don't think the scene has changed very much but
4 it's a few seconds before that.

5 PRESIDING JUDGE FREMR: [11:52:39] I think it's --

6 MR BOURGON: [11:52:40] I do not have the exact time stamp.

7 PRESIDING JUDGE FREMR: [11:52:43] It should be okay. It should be okay.

8 MR BOURGON: [11:52:45] Sir, I'll start and stop the video again and ask you a few
9 questions.

10 (Viewing of the video excerpt)

11 MR BOURGON: [11:52:54] I'd like to have the sound, please.

12 (Viewing of the video excerpt)

13 MR BOURGON: [11:53:13] We stopped the video at 14.41.

14 Q. [11:53:19] Sir, you see at the bottom left corner of the screen there is a -- a young
15 person with a yellow shirt. Is that your testimony that this is a soldier?

16 A. [11:53:49] He might be -- or, that might be a PMF. You know, there are people
17 who had -- come in with Kisembo from Centrale and even from Barrière, they followed
18 him in to loot. They'd come from their hill. I think that those people may have come
19 from the Centrale area. And they were wearing civilian clothing and had left their
20 uniforms at home. Those are kadogos. I've just looked, I've seen gunfire into the air
21 and they didn't react to it so they are used to hearing that, they're used to gunfire.

22 Q. [11:54:41] Sir, I'd like you to focus on the questions that I ask and only because I
23 have limited time. I asked you a question about the person in yellow. Now, my next
24 question is: It's your testimony that the people who are there are not Kisembo soldiers
25 but other UPC members coming from Centrale; is that your testimony, sir?

1 A. [11:55:16] They're together. They're together. You know, when looting, you go
2 in here, you go in there, you find somebody looting there and you go elsewhere to
3 continue on. That's how looting goes. You enter somewhere and often the goods there
4 have already been stolen so you go somewhere else and you break in there, or you found
5 a shop that has not yet been broken into and you break in and take any goods of value,
6 taking them home to your place.

7 The little ones here are not going to wait, they're going to enter and loot. And you
8 continue like that. That's how looting goes. If the looting continues, and I think that this
9 person knows that they have already looted and perhaps they, that person is putting
10 things in a wrap and is going to then take those things and go. That's it.

11 Q. [11:56:23] Sir, again, I ask you to focus on my question. I'm going to let you talk
12 and say anything you want to say, but please focus on the question that I was asking.
13 You answered my question in the first 10 seconds and then the rest, I don't want to
14 prevent you from saying it but I would like you to focus on my question. So now what
15 you're saying is those people there are a mix of Kisembo soldiers and other UPC people
16 coming from Centrale who left their uniforms at home; that's your testimony, right?

17 A. [11:57:12] What I'm saying is that everybody is looting here. All the groups are in
18 the process of looting. These people have come to loot. They're together. The soldiers
19 break open the buildings and then the people enter. You can't really distinguish between
20 one and the other.

21 Q. [11:57:35] Thank you, sir. We will continue with this video. I did provide the
22 time stamp. We will continue.

23 (Viewing of the video excerpt)

24 MR BOURGON: [11:58:03]

25 Q. [11:58:03] Sir, we stopped the video now at 14.56. Did you hear the gunshots, sir?

1 A. [11:58:20] Yes.

2 Q. [11:58:21] Is it your testimony that the people fleeing upon hearing the gunshot are
3 UPC soldiers?

4 A. [11:58:39] Yes. The major who shot also shouted out, "Stop looting. Stop." And
5 when people didn't listen to him, he fired, pap-pap, and then people exited the buildings,
6 including that woman.

7 Q. [11:59:03] We will continue with the extract.

8 (Viewing of the video excerpt)

9 MR BOURGON: [11:59:44] We have now stopped the video at 15.31.

10 Q. [11:59:55] Sir, the scene before your eyes that you just saw, do you maintain that
11 soldiers are doing the pillaging, are not trying to prevent the pillage?

12 A. [12:00:24] They are all looters. All the people you see there are looters. Like
13 Cyril, he looted elsewhere. There are people who have already looted shops. They will
14 take the contents of a whole flat, a car. And then there are people who have come in
15 from neighbouring villages together with UPC troops and here they're in the process of
16 pillaging. But I have a question: If they were the enemy, if it was the enemy that was
17 looting, then they would open fire on them, would they not? Rather, here they are
18 defending their children. They're not arresting people. Irrespective of what is said, the
19 people are continuing to pillage.

20 Q. [12:01:19] We will continue with this extract.

21 (Viewing of the video excerpt)

22 MR BOURGON: [12:01:58] We have now stopped, sir, at 16.04. So you saw just in the
23 preceding seconds a man holding a weapon parallel to the ground. Did you see this
24 man?

25 A. [12:02:22] Yes, I know that person. His name is Chile. That person who was

1 going by, his name is Chile.

2 Q. [12:02:32] Is he a soldier and was he looting, sir, in your opinion?

3 A. [12:02:50] At that point they had already pillaged. He had already pillaged,
4 and although he may be trying to stop people from pillaging, it is only a masquerade.
5 And even after we left, they continued to loot. And these are images that we took to
6 show Kisembo and to use in order to request or ask for aid from the international
7 communities. And in them you can hear them trying to stop people from pillaging.
8 However, they forgot that those who were involved in the pillaging were actually
9 supporters of the UPC.

10 PRESIDING JUDGE FREMR: [12:03:40] Mr Bourgon, also probably you see there are
11 some technical problems, but we have been advised to stop for a while and hopefully in a
12 moment we will be able to fit it out.

13 (Pause in proceedings)

14 PRESIDING JUDGE FREMR: [12:09:01] So it seems that we are back, Mr Bourgon, and
15 sorry for the inconvenience. You may proceed.

16 Mr Pace.

17 MR PACE: [12:09:15] Yes, your Honour, the witness was asked about a man holding a
18 weapon parallel to the ground in the preceding seconds. And for clarity, could the
19 witness be asked whether this is the man we still see on our screen? At least on evidence
20 2 I can see a person, and just so that it's clear who we're describing at the moment.

21 PRESIDING JUDGE FREMR: [12:09:37] Mr Bourgon.

22 MR BOURGON: [12:09:39] No problem. I believe it is not, but we'll get the witness to
23 confirm.

24 Q. [12:09:44] Mr Witness, please say yes or no: The man on the screen is not the one
25 you describe as being Chile, I believe, is that correct?

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1 A. [12:10:05] No, Chile was on the previous picture.

2 PRESIDING JUDGE FREMR: [12:10:11] Mr Pace.

3 MR PACE: [12:10:12] In that case, your Honour, can we see the picture because there
4 might be multiple men holding guns or weapons parallel to the ground, and it is not clear
5 to the Prosecution which specifically man is Chile.

6 PRESIDING JUDGE FREMR: [12:10:26] Mr Bourgon. And this time will not be
7 included in your time, so it will be extra time.

8 MR BOURGON: [12:10:32] Thank you, Mr President. If we can just go back just a
9 little.

10 (Viewing of the video excerpt)

11 MR BOURGON: [12:11:38]

12 Q. [12:11:38] Sir, is this the individual that you were referring to?

13 A. [12:11:53] No, not this one.

14 (Viewing of the video excerpt)

15 THE WITNESS: [12:13:14] Yes, that's Chile.

16 MR BOURGON: [12:13:16] So we are at time stamp 15.35 based on the video 1532.

17 PRESIDING JUDGE FREMR: [12:13:28] Mr Pace.

18 MR PACE: [12:13:30] I apologise, your Honour. Just so that it's clear, can we know
19 which of the people on the screen the witness identifies as this person?

20 PRESIDING JUDGE FREMR: [12:13:38] Mr Witness, we have one man on the middle
21 of the picture, one on the right side. Which one is Chile?Yes,

22 THE WITNESS: [12:13:59] (Interpretation) Chile is the one in the middle. And the
23 one who is to the right is the one who fired the gunshots, Cyril. The one on the road is
24 the one who is wearing a weapon and who throw a stone, he was also one of the UPC
25 soldiers.

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1 PRESIDING JUDGE FREMR: [12:14:24] Thank you, Mr Witness.

2 MR BOURGON: [12:14:35]

3 Q. [12:14:35] Mr Witness, we will continue with the viewing of the video.

4 (Viewing of the video excerpt)

5 MR BOURGON: [12:15:52]

6 Q. [12:15:53] Sir, did you see, based on this last scene -- I believe we went a bit further
7 than we had gone previously because we are now at 16.44, whereas before we had
8 stopped at -- no, no, we are still - we are still part of the scene that we had. So we are
9 now at timestamp 16.44.

10 Sir, you saw the vehicle there with the UPC soldiers in the vehicles; is that correct?

11 A. [12:16:31] Yes, I saw a vehicle with some soldiers.

12 Q. [12:16:41] And, sir, I suggest to you that what you saw there and what you heard
13 in the original version of the video is a description of the soldiers who are there with their
14 vehicle, not pillaging but stopping the pillaging. Would you agree with me?

15 A. [12:17:08] Yes, they were driving around town, and even though they stopped the
16 people from pillaging, they did not remain at the same location. So they drove around
17 the city and went to different areas.

18 Q. [12:17:31] Sir, do you recall giving information to the Prosecution concerning this
19 video that we saw together this morning?

20 A. [12:17:50] I have no recollection. Because many things happened, there were
21 many events, and so I can't -- I don't remember.

22 Q. [12:18:03] Well, sir, let me refresh your memory by reading from your statement.

23 MR BOURGON: I take it we are in private session.

24 PRESIDING JUDGE FREMR: [12:18:20] No, we are in open session at the moment.

25 MR BOURGON: [12:18:23] If we can move in private session please.

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- 1 PRESIDING JUDGE FREMR: [12:18:26] All right.
- 2 Court officer, let's move into private session.
- 3 (Private session at 12.18 p.m.)
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22 (Redacted)

23 (Open session at 1.25 p.m.)

24 THE COURT OFFICER: [13:25:39] We are now in open session, Mr President.

25 PRESIDING JUDGE FREMR: [13:25:49] Thank you, court officer.

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1 Mr Bourgon, please.

2 MR BOURGON: [13:25:52] Thank you, Mr President. So we will play this video. It's
3 a very short 24-second extract.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [13:26:22] Message from the Swahili booth: They are requesting
6 the reference of the video or the transcript reference for the Swahili booth, Mr President.

7 MR BOURGON: [13:26:38] The transcription reference is DRC-OTP-1050-0525, and the
8 corresponding lines are 663 to 669. The translation itself is DRC-OTP-1050-0298, and the
9 lines are 677 to 683. So we'll start over again this very short extract.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [13:27:42] Mr President, I believe the Swahili booth is not yet
12 ready.

13 PRESIDING JUDGE FREMR: [13:27:46] Sorry, according message I received, Swahili
14 booth is still not ready. So please, Swahili booth, let us know as soon as you are ready.

15 (Viewing of the video excerpt)

16 MR BOURGON: [13:29:01] This is the extract I wanted to play out, but maybe I can just
17 read the lines or have my assistant, Maître Bwiza, read the extract.

18 PRESIDING JUDGE FREMR: [13:29:14] All right. I think try to make (Overlapping
19 speakers).

20 MR BOURGON: [13:29:17] And I'm reading from line 6 -- in the original language, it
21 begins at line 663 and we will read until 669.

22 MS BWIZA: [13:29:37] Line 667:

23 (Interpretation) "They were staying there.

24 Yes, kadogo.

25 We were staying there and the last day we went out with all the women."

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- 1 MR BOURGON: [13:30:06]
- 2 Q. [13:30:07] Sir, you did see this short extract?
- 3 A. [13:30:23] (Redacted).
- 4 Q. [13:30:26] I would like you to focus on a screenshot --
- 5 PRESIDING JUDGE FREMR: [13:30:31] Mr Pace.
- 6 MR PACE: [13:30:33] Can we move into private session, your Honour.
- 7 PRESIDING JUDGE FREMR: [13:30:36] Yes, sorry, and we have to redact the last
- 8 sentence. I can just note that nobody is in the public gallery.
- 9 So, court officer, please redact and move into private session.
- 10 (Private session at 1.30 p.m.)
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- 13 (Redacted)
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22 (Open session at 1.34 p.m.)

23 THE COURT OFFICER: [13:34:04] We are in open session, Mr President.

24 PRESIDING JUDGE FREMR: [13:34:14] Thank you, court officer.

25 So according recent information, Mr Bourgon, Defence so far utilised 7 hours 24 minutes,

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1 which in my counting means that you still have 36 minutes for the afternoon session.

2 And it seems to be most likely that we will start the next witness in the afternoon session,

3 which is Witness 365.

4 So at the moment we break and we will continue at 3 o'clock and our session will take two
5 hours.

6 THE COURT USHER: [13:34:51] All rise.

7 (Recess taken at 1.34 p.m.)

8 (Upon resuming in open session at 3.01 p.m.)

9 THE COURT USHER: [15:01:06] All rise.

10 Please be seated.

11 PRESIDING JUDGE FREMR: [15:01:30] Good afternoon, everybody.

12 Since I see, if I'm not wrong, some changes in appearances, I would ask for update,
13 Mr Pace.

14 MR PACE: [15:01:39] Yes, your Honour. The Prosecution has been joined by Marion
15 Rabanit, associate trial lawyer.

16 PRESIDING JUDGE FREMR: Thank you, Mr Pace.

17 Defence, any change?

18 MR BOURGON: [15:01:52] Yes, Mr President. Joining the Defence this afternoon,

19 Mademoiselle Han-Catherine Morin. Thank you, Mr President.

20 PRESIDING JUDGE FREMR: Thank you.

21 And Legal Representatives, Mr Abdou is just alone again.

22 MR SUPRUN: [15:02:05] (Interpretation) Anne Grabowski has joined us this afternoon,
23 Mr President. Thank you.

24 PRESIDING JUDGE FREMR: [15:02:09] Thank you, Mr Suprun.

25 So we will directly proceed with the rest of cross-examination of our witness. But before

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1 doing that, I would like just to highlight that at the end of this testimony we will give you
2 some really short break, allowing you to switch the composition of the team, if necessary,
3 and then we would like to continue after this short break with testimony of the next
4 witness.

5 Now, Mr Bourgon, you have the floor. Do you want to proceed in open or private
6 session?

7 MR BOURGON: [15:02:41] Open session, Mr President, please.

8 PRESIDING JUDGE FREMR: [15:02:44] Okay, then let's proceed.

9 MR BOURGON: [15:02:50]

10 Q. [15:02:51] Good afternoon, Mr Witness.

11 A. [15:02:57] Good afternoon, Counsel.

12 Q. [15:03:06] I only have a few questions left for you. Please focus on the question so
13 that we can finish in the time that I have left.

14 Just before the break, I showed you a video and I asked you the question whether you
15 were surprised that the man wearing the shirt that was white, or at least of light colour,
16 used the term "kadogo," and you responded that you were not because you knew the
17 individual in question.

18 Do you recall this, sir?

19 A. [15:04:04] Yes. (Redacted).

20 MR BOURGON: [15:04:17] If we can move into private session, Mr President, please.

21 PRESIDING JUDGE FREMR: [15:04:21] Certainly.

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

23 (Private session at 3.04 p.m.)

24 (Redacted)

25 (Redacted)

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8 (Open session at 3:18 p.m.)

9 THE COURT OFFICER: [15:18:22] We are back in open session, Mr President.

10 PRESIDING JUDGE FREMR: [15:18:24] Thank you, court officer.

11 Mr Bourgon, please proceed.

12 MR BOURGON: [15:18:29] Thank you, Mr President.

13 Q. [15:18:31] You mentioned in response to one question that was put to you on Friday,
14 this is always transcript 144, at lines 10 to 12. We were talking about -- I'll read the
15 question:

16 "Mr Witness, you mentioned that the guards who were 12, 13, 14, some of them were in
17 uniform." And the question was: "Did the uniform fit them?"

18 And your response was: "Well, some of them had uniforms that fitted them because
19 some of the uniforms were" in small -- "some of the uniforms were small in size, but other
20 children were wearing uniforms that did not fit them, that were bigger, and so they used
21 belts to use such uniforms."

22 Do you recall this testimony, sir?

23 A. [15:19:37] Yes. I don't know whether I talked about belts, but if I talked about belts,
24 that is fine.

25 Q. [15:19:46] Sir, I'd like to show you a video, and this is a video that bears the number

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1 DRC-OTP-0127-0061. And I would like to show you a screenshot from this video, and
2 the screenshot I would like to show you is at 01.49.01 seconds. If I can have the picture,
3 we will display the picture ourselves on the screen.

4 PRESIDING JUDGE FREMR: Mr Pace.

5 MR PACE: [15:20:31] Yes, your Honour, the Prosecution objects to this exercise as it has
6 done before. I note that this exercise has been allowed, despite the Chamber's comments
7 as to probative value. I could make further submissions, but I would need to do so in the
8 absence of the witness. In this particular instance at a minimum if there is a video,
9 perhaps part of the video can be shown rather than a screenshot of the video.

10 PRESIDING JUDGE FREMR: [15:20:57] Mr Bourgon.

11 MR BOURGON: [15:20:59] Mr President, we went through this before. I can go into
12 private session and say a bit more about this specific video, but it is a screenshot. The
13 witness has just said that with a picture he's able to identify the age, and the video will
14 be -- he will recognize the video, in our submission, and he will be able to tell us the age of
15 the person.

16 PRESIDING JUDGE FREMR: [15:21:26] But, Mr Bourgon, I told you absolutely openly
17 that we will not, and I think I can speak on behalf of the Chamber, we will not obviously
18 base our judgment on estimation made by this witness of some individual kadogo. It
19 should be our estimation, not the estimation of this witness. So really I find this exercise
20 really useless for us.

21 MR BOURGON: [15:21:55] Well, Mr President, I intend to do this exercise over and over
22 and over and over again and -- unless you stop me, and then we will seek interlocutory
23 appeal because we believe that this is evidence of high probative value in terms of who
24 and how can assess the age of a child soldier back in 2002-2003. Mr President, this
25 Chamber --

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1 PRESIDING JUDGE FREMR: [15:22:19] All right. I don't want to limit you. Okay,
2 then we will go as you wish. So let's proceed as proposed.

3 MR BOURGON: [15:22:27] Thank you, Mr President.

4 Q. [15:22:29] Mr Witness, this -- we are at 01.49.01 of a video bearing the number
5 DRC-OTP-0127-0061.

6 Sir, my question --

7 THE COURT OFFICER: [15:22:55] Mr Bourgon, could you please indicate the level of
8 confidentiality of the document, please.

9 MR BOURGON: [15:23:02] We have to go into private session for this.

10 PRESIDING JUDGE FREMR: [15:23:05] All right. Court officer, let's move into private
11 session.

12 (Private session at 3.23 p.m.)

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15 (Open session at 4.30 p.m.)
16 THE COURT OFFICER: [16:30:22] We are in open session, Mr President.
17 PRESIDING JUDGE FREMR: [16:30:25] Thank you, court officer. So, Mr Witness, at
18 this moment your testimony is concluded.
19 So, on behalf of this Chamber, I would like to thank you for coming and for testifying,
20 because I believe that it was not easy to stay with us for three days and to answer so many
21 questions. So we thank you and we wish you safe journey home.
22 Now, court officer, please assist Mr Witness to leave the courtroom.
23 And now we break in order to allow parties to switch, if necessary, for the next witness.
24 And as soon you will be ready, court officer will report it to us and we will return back to
25 the courtroom.

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1 So now we break.

2 (The witness is excused)

3 THE COURT OFFICER: [16:31:17] All rise.

4 (Recess taken at 4.31 p.m.)

5 (Upon resuming in open session at 4.40 p.m.)

6 THE COURT USHER: [16:40:39] All rise.

7 PRESIDING JUDGE FREMR: [16:41:05] Good afternoon, everybody. Since there were
8 some changes in appearances, please, I would like to ask you for update. Ms Rabanit.

9 MS RABANIT: (Interpretation) Yes, Mr President, Ms Luping and Mr Pace have left
10 the courtroom, for the Prosecution.

11 PRESIDING JUDGE FREMR: [16:41:28] Defence, please.

12 MR BOURGON: [16:41:32] Good afternoon, your Honour. For the Defence, Mr Jules
13 Guillaumé, Maître Erik Cookson-Montin have left the courtroom. Thank you.

14 PRESIDING JUDGE FREMR: [16:41:50] Thank you, Mr Bourgon.

15 And legal representatives of victims, I see no changes. All right.

16 So before we start with testimony, I would like to recall that the Chamber yesterday
17 granted in-court protective measures for this witness in the form of face and voice
18 distortion and the use of a pseudonym. In terms of timing, the Chamber previously
19 indicated that the examination-in-chief for this witness is to be completed within 3 hours,
20 even if I made an attempt to encourage you to try to make it shorter, and the Defence then
21 will have the same time. So now we can turn to the scheduled testimony.

22 Good afternoon, Madam witness. Can you hear me?

23 WITNESS: DRC-OTP-P-0365

24 (The witness speaks French)

25 THE WITNESS: [16:42:51] (Interpretation) Yes.

1 PRESIDING JUDGE FREMR: [16:42:52] Very well. So, on behalf of this Chamber, I
2 would like to welcome you to the courtroom and say that you are called to testify in the
3 case against Mr Bosco Ntaganda. You will be soon asked questions both by the Judges
4 and lawyers, and in this connection I would like to guide you as follows. First, please
5 listen carefully to those questions. If you do not understand, feel free to ask for the
6 question to be repeated. We want you to tell the truth and tell us what you saw, heard,
7 and sensed yourself. If you didn't see or hear it yourself but you found out some other
8 way, then you should explain how.

9 Please testify just on that which you remember, don't guess, don't make things up. There
10 is nothing wrong in saying, "I don't know" or "I don't remember." Do you understand
11 that all this, Madam Witness?

12 THE WITNESS: [16:44:10] (Interpretation) Yes.

13 PRESIDING JUDGE FREMR: [16:44:12] Madam Witness, another issue, protective
14 measures are put in place to ensure that your identity is not revealed to the public. I am
15 aware that this has already been explained to you, but let me briefly summarise. Those
16 measures means that the public cannot see your face and that your voice is being
17 disguised so that the public cannot recognize it. We will refer to you only as "Madam
18 Witness" and ensure that your name and any other information that risks revealing who
19 you are is not broadcast to the public.

20 Therefore, whenever you need to describe anything that might reveal your identity, we
21 will do so in private session so that no one outside the courtroom can hear your answer.
22 Do you understand, Madam Witness?

23 THE WITNESS: [16:45:19] (Interpretation) Yes.

24 PRESIDING JUDGE FREMR: [16:45:21] Now, Madam Witness, you will be provided
25 with this piece of paper with the solemn undertaking. Please make your solemn

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1 undertaking to tell the truth by reading out the declaration from the paper.

2 THE WITNESS: [16:45:43] (Interpretation) I solemnly declare that I will tell the truth,
3 the whole truth, and nothing but the truth.

4 PRESIDING JUDGE FREMR: [16:45:53] Thank you, Madam Witness. And finally, a
5 few practical matters: It's important to speak into the microphone, to speak clearly, and
6 to speak at a slow pace so allow the interpreters to translate everything. What is also
7 important, not to respond immediately but wait at least 3 seconds after the question is put
8 to you, in order to allow smooth transcript and precise interpretation. So this point is
9 very essential for us. If you have any questions or if you feel that you need a break, do
10 not hesitate to let us know by raising your hand. We will then give you the opportunity
11 to speak.

12 Have you understood all that, Madam Witness?

13 THE WITNESS: [16:46:47] Yes.

14 PRESIDING JUDGE FREMR: [16:46:50] And even now I would like to ask you, it is just
15 an example, you were too fast, so please wait a bit until you answer the question. Thank
16 you. And now I can --

17 THE WITNESS: [16:47:04] (Interpretation) Very well.

18 PRESIDING JUDGE FREMR: [16:47:06] I thank you. Now I can hand over the floor to
19 Ms Rabanit. Ms Rabanit, you have the floor.

20 MS RABANIT: (Interpretation) Thank you, Mr President.

21 QUESTIONED BY MS RABANIT: (Interpretation)

22 Q. Witness, good morning.

23 A. Good morning.

24 THE INTERPRETER: Good afternoon, corrects the interpreter.

25 MS RABANIT: (Interpretation)

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1 Q. [16:47:41] My name's Marion Rabanit, and I'm going to ask you questions on behalf
2 of the Prosecutor

3 A. [16:47:44] Yes.

4 Q. [16:47:49] The Presiding Judge has already reminded you that you have to speak
5 slowly, but I would like you to be particularly aware of that because you and I, we're
6 going to speak in the same language. Have you understood that?

7 A. Very well.

8 MS RABANIT: (Interpretation) Mr President, I would like to go into private session to
9 ask my first questions, please.

10 PRESIDING JUDGE FREMR: For sure, Ms Rabanit.

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

12 (Private session at 4:48 p.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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11 (Open session at 5.00 p.m.)

12 THE COURT OFFICER: [17:00:35] We are in open session, Mr President.

13 PRESIDING JUDGE FREMR: [17:00:38] Thank you, court officer.

14 Madam Witness, it was rather short today but anyway, I thank you, and tomorrow I can

15 assure you, you will spend with us the whole day so it will be much more tiring.

16 Anyway, thank you very much. And it's also my duty to remind you that in the

17 meantime, till tomorrow, you must not discuss your testimony with anybody else. Do

18 you understand that?

19 THE WITNESS: [17:01:04] (Interpretation) Yes.

20 PRESIDING JUDGE FREMR: [17:01:09] Thank you, Madam Witness.

21 And update the timing: Because our schedule is still very tight, we are forced and you

22 are forced as well to sit in -- we are calling it semi-extended hours, so our schedule for

23 tomorrow ought to be 9.30 till 11, 11.30 till 1.30, and then from 3 to 5 p.m.

24 So now we adjourn and we will reconvene tomorrow at 9.30.

25 THE COURT USHER: [17:01:45] All rise.

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- 1 (The hearing ends in open session at 5:01 p.m.)