

Trial Hearing
WITNESS: DRC-OTP-P-0758

(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, 22 November 2016
8 (The hearing starts in open session at 9.33 a.m.)
9 THE COURT USHER: [9:33:05] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:33:34] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:33:39] Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of the Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:33:57] Thank you, court officer.
19 Now appearances, you can just limit yourself on changes, if any, compared to
20 yesterday.
21 MS SAMSON: [9:34:05] Good morning, Mr President, your Honours. There are no
22 changes for the Prosecution.
23 PRESIDING JUDGE FREMR: [9:34:10] Thank you, Ms Samson. Defence.
24 MR GOSNELL: [9:34:13] Good morning, Mr President. No changes for the Defence.
25 Thank you.

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Open Session)

ICC-01/04-02/06

- 1 PRESIDING JUDGE FREMR: [9:34:18] Thank you, Mr Gosnell.
2 Legal Representatives of Victims.
- 3 MS PELLET: [9:34:24] (Interpretation) Thank you, your Honour. No change for the
4 child soldiers.
- 5 MR SUPRUN: [9:34:31] (Interpretation) Good morning, your Honour, your Honours,
6 for the victims of the attacks today, Anne Grabowski, associate lawyer, and myself,
7 Dmytro Suprun, counsel with the Office of Public Counsel for Victims.
- 8 PRESIDING JUDGE FREMR: [9:34:48] Thank you, Ms Pellet.
9 Thank you, Mr Suprun.
- 10 Madam Witness, good morning. Are you feeling okay to finish your testimony
11 today?
- 12 WITNESS: DRC-OTP-P-0758 (On former oath)
13 (The witness speaks Swahili)
- 14 THE WITNESS: [9:35:00] (Interpretation) Yes.
- 15 PRESIDING JUDGE FREMR: [9:35:02] Good. So as usual, I have to remind you
16 that you are still under oath, which means that you have to speak the truth and
17 nothing but the truth. And the same as yesterday, if you would feel unwell at some
18 moment of your testimony, please let us know and we can make immediately a break
19 like yesterday. Have you understood all that?
- 20 THE WITNESS: [9:35:34] (Interpretation) Yes.
- 21 PRESIDING JUDGE FREMR: [9:35:37] Good. So now I am giving the floor to
22 Mr Gosnell.
- 23 Mr Gosnell, do you want to proceed in open or in private session?
- 24 MR GOSNELL: [9:35:47] Private session, Mr President.
- 25 PRESIDING JUDGE FREMR: [9:35:50] Understandable.

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

- 1 Court officer, now let's move into private session.
- 2 (Private session at 9.36 a.m.)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 11.06 a.m.)

6 THE COURT OFFICER: [11:06:42] We are in open session, Mr President.

7 PRESIDING JUDGE FREMR: [11:06:44] Thank you, court officer.

8 First for update on timing, Mr Gosnell, so far, according to our measuring, you have
9 used 1 hour 50 minutes.

10 And now, since we continued a bit longer, we have to shift our break accordingly so
11 we will break until and we will resume at 11.40.

12 THE COURT USHER: [11:07:21] All rise.

13 (Recess taken at 11.07 a.m.)

14 (Upon resuming in open session at 11.42 a.m.)

15 THE COURT USHER: [11:42:23] All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: [11:42:53] We will now continue with further part of
18 cross-examination of our witness conducted by Defence. And I suppose, Mr Gosnell,
19 that we will continue in private session.

20 MR GOSNELL: [11:43:13] Yes, Mr President.

21 PRESIDING JUDGE FREMR: [11:43:15] So, court officer, let's move into private
22 session.

23 (Private session at 11.43 a.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Open Session)

ICC-01/04-02/06

1 (Open session at 1.01 p.m.)

2 THE COURT OFFICER: [13:01:11] We are in open session, Mr President.

3 PRESIDING JUDGE FREMR: [13:01:13] Thank you, court officer.

4 So update on timing. Mr Gosnell, so far you have used three hours, five minutes,
5 which should mean that you still have at your disposal one hour, 55 minutes. At this
6 moment do you envisage that you will need all that time?

7 MR GOSNELL: [13:01:43] I might be able to finish in less, Mr President. I will have
8 to review my notes and I'll be, of course, as efficient as I can possibly be.

9 PRESIDING JUDGE FREMR: [13:01:54] Because you might know that there is also
10 request from your colleague that would require some adjustment of our tomorrow
11 schedule and it will also depend on whether we will be able to start the next witness
12 this afternoon or not. So, frankly, I think it would be even in the interest of your
13 colleague if you could finish a bit earlier. In this connection, Ms Samson, do you
14 envisage any need for redirect?

15 MS SAMSON: [13:02:28] I have no re-examination at the moment, your Honour.

16 PRESIDING JUDGE FREMR: [13:02:32] Okay. So we will see.

17 At the moment we break and we will resume at half past 2.

18 THE COURT USHER: [13:02:43] All rise.

19 (Recess taken at 1.02 p.m.)

20 (Upon resuming in open session at 2.31 p.m.)

21 THE COURT USHER: [14:31:20] All rise.

22 Please be seated.

23 PRESIDING JUDGE FREMR: [14:31:47] Good afternoon, everybody.

24 Our schedule is relatively tight today, so let us not wait any minute and let's -- there
25 are some changes. Thank you. Ms Grabowski, please.

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1 MS GRABOWSKI: [14:32:03] Mr President, I just wanted to put on the record that
2 Mr Suprun has left this afternoon. Thank you.

3 PRESIDING JUDGE FREMR: [14:32:08] Thank you very much, Ms Grabowski.
4 Otherwise I don't see any changes.

5 So we will now directly continue with cross-examination conducted by Defence,
6 concretely by Mr Gosnell.

7 Mr Gosnell, you have the floor.

8 MR GOSNELL: [14:32:23] Thank you, Mr President. And I can already indicate
9 that I may be able to finish in maybe even less than an hour if we're lucky.

10 PRESIDING JUDGE FREMR: [14:32:35] I think it would be good, not only for the
11 Court but also for your colleague.

12 MR GOSNELL: [14:32:41]

13 Q. [14:32:42] Madam Witness, I'd like to ask you some questions about --

14 PRESIDING JUDGE FREMR: [14:32:45] Sorry, sorry. Hold on. We are still in
15 open session.

16 So I guess let's move into private session because the upcoming questions require
17 that.

18 (Private session at 2.32 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Open session at 3.11 p.m.)

18 THE COURT OFFICER: [15:11:59] We are in open session, Mr President.

19 PRESIDING JUDGE FREMR: [15:12:07] Thank you very much, court officer.

20 Madam Witness, it concludes your testimony. I would like on behalf of the whole

21 Chamber to thank you for making such a long journey and testifying before this

22 Court. I can imagine that it was sometimes very hard experience to testify,

23 especially that some parts of your testimony was even maybe painful to you, but we

24 strongly believe that your testimony will assist us in our effort to find the truth.

25 So again I thank you very much, and we all wish you safe journey home.

Trial Hearing
WITNESS: DRC-OTP-P-0758

(Open Session)

ICC-01/04-02/06

1 And now, court usher, please assist Madam Witness to leave the court.

2 (The witness is excused)

3 PRESIDING JUDGE FREMR: [15:13:19] And now we will break, I would expect at
4 least for 10 minutes, simply to give you time and also to give the time to Registry to
5 make all preparation necessary for the next witness.

6 So now we break.

7 THE COURT OFFICER: [15:13:41] All rise.

8 (Recess taken at 3.13 p.m.)

9 (Upon resuming in open session at 3.30 p.m.)

10 THE COURT USHER: [15:30:25] All rise.

11 Please be seated.

12 PRESIDING JUDGE FREMR: [15:30:55] Good afternoon, everybody and especially
13 to those, to Mr Witness and to those who joined us for the afternoon session. That is
14 why we will have to make some additional record of appearances. So I would ask
15 Prosecution to make update on that.

16 MS LUPING: [15:31:23] Good afternoon, Mr President. Good afternoon, your
17 Honours. I will be questioning the witness this afternoon, myself, Dianne Luping,
18 trial lawyer; otherwise the composition of the Prosecution team remains the same.
19 We have two additional individuals who have joined the team now, Janine Ensing,
20 intern, and Ms Laura Morris, assistant trial lawyer.

21 PRESIDING JUDGE FREMR: [15:31:48] Thank you, Ms Luping.

22 Defence, any changes? I don't think so.

23 MR GOSNELL: [15:31:55] No, Mr President.

24 PRESIDING JUDGE FREMR: [15:31:57] The same with Legal Representatives of
25 Victims.

1 All right. So first, in relation to our new witness, there is an outstanding Prosecution
2 request for special measures under Rule 88 with bears the filing number 1579. The
3 Chamber has also received the VWU's vulnerability assessment which recommends
4 that reading assistance be available, if necessary, and having regard to the assessment,
5 the Chamber grants the measure as recommended by the VWU.

6 With regard to the necessity of breaks, the Chamber will monitor the situation
7 carefully.

8 For the purposes of timing for this witness, as indicated in our Rule 68(3) decision,
9 which bears the filing number 1640, the Prosecution shall have 45 minutes to examine
10 the witness, which shall include the process of seeking admission of the witness
11 material under Rule 68(3) as well as its supplementary examination of the witness.

12 The Defence has been permitted 2 hours for cross-examination of the witness.

13 Further, the Chamber has taken note of the Defence notice of objections to the use or
14 admission of certain documents and it will address any such objections if and when
15 they arise.

16 Now nothing prevents us from turning to the scheduled testimony.

17 So, Mr Witness, again, good afternoon. I would like to highlight that you are called
18 to testify in the case against Mr Bosco Ntaganda and you will be soon asked questions
19 both by the Judges and lawyers in this courtroom. And in this connection I would
20 like to guide you as follows:

21 Please listen carefully to those questions. It's very important that you make sure that
22 you understand the question.

23 Mr Witness, there's no need to answer immediately. Then I will ask you at the end
24 of my guidance whether you did understand. So please hold on for the moment and
25 I will continue with my guidance.

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Open Session)

ICC-01/04-02/06

1 So, as I said, it's very important that you make sure that you understand the question,
2 and if you do not understand, feel free to ask for the question to be repeated. We as
3 a Chamber want you to tell the truth and tell us what you saw, heard and sensed
4 yourself. If you didn't see or hear it yourself but you found out some other way,
5 then you should explain how.

6 You also may not remember all details, and it doesn't matter. Please testify just on
7 that which you really remember. Don't guess. Don't make things up. There is
8 nothing wrong in saying, "I don't know" or "I don't remember."

9 So now I'm asking you, Mr Witness, do you understand all this?

10 WITNESS: DRC-OTP-P-0761

11 (The witness speaks Swahili)

12 THE WITNESS: [15:35:56] (Interpretation) Yes, I have understood you clearly.

13 PRESIDING JUDGE FREMR: [15:36:03] Very well, Mr Witness. Now another
14 issue: Protective measures are put in place to ensure that your identity is not
15 revealed to the public. In practice it means that the public cannot see your face and
16 that your voice is being disguised so that the public cannot recognize it.

17 We will refer to you only as "Mr Witness" and ensure that your name and any other
18 information that risks revealing who you are is not broadcast to the public.

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

22 THE WITNESS: [15:37:16] (Interpretation) Yes.

23 PRESIDING JUDGE FREMR: [15:37:18] Fine. Now, Mr Witness, our court usher
24 will provide you with piece of paper with the text of the solemn undertaking. So
25 please make your solemn undertaking to tell the truth by reading out the declaration

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Open Session)

ICC-01/04-02/06

1 on the piece of paper in your hands.

2 THE WITNESS: [15:37:45] (Interpretation) I solemnly declare that I will speak the
3 truth, the whole truth and nothing but the truth.

4 PRESIDING JUDGE FREMR: [15:38:02] All right, Mr Witness. It means you are
5 now under oath, so you need to be aware that it is an offence within the jurisdiction of
6 this Court to give false testimony. Do you understand that?

7 THE WITNESS: [15:38:26] (Interpretation) Yes, I understand very well.

8 PRESIDING JUDGE FREMR: [15:38:31] Very good, Mr Witness. And finally a
9 few practical matters you should have in mind when giving your testimony. It's
10 important to speak into the microphone, to speak clearly and to speak at a slow pace
11 to allow the interpreters to translate everything. What is also very important, you
12 should only start speaking when the person asking you the question has finished.
13 When a question is asked, please do not respond immediately, just take your time,
14 count at least to three and only - one, two, three - and only then give your answer
15 because this pause is essential for us to properly record and translate what you are
16 saying.

17 If you have any questions during your testimony, do not hesitate to let us know by
18 raising your hand and we will then give you the opportunity to speak.

19 Have you understood all that, Mr Witness?

20 THE WITNESS: [15:39:53] (Interpretation) Yes, I have understood you very well.

21 PRESIDING JUDGE FREMR: [15:39:56] Fine. So we will then start your
22 testimony.

23 Prosecution, I see that Ms Luping will conduct this examination, so Ms Luping, you
24 have the floor.

25 MS LUPING: [15:40:08] Thank you, Mr President.

26

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1 QUESTIONED BY MS LUPING:

2 Q. [15:40:12] And good afternoon, Mr Witness. We have met before. My name
3 is Dianne Luping, I'm a trial lawyer with the Office of the Prosecutor. I just want to
4 give you one reminder, sir, as mentioned by the Presiding Judge which is that we
5 have very limited time, only 45 minutes, so that I would ask that you listen very
6 carefully to my questions and please only answer the questions as posed.

7 MS LUPING: And, Mr President, with your leave, I would ask for leave to move
8 into private session and also to ask my initial questions in a leading manner relating
9 to the witness's background.

10 PRESIDING JUDGE FREMR: [15:40:52] Fine with me.

11 Just to assure myself, Mr Gosnell, no objection to use leading questions at the
12 beginning?

13 MR GOSNELL: [15:40:58] No, Mr President.

14 PRESIDING JUDGE FREMR: [15:41:01] Fine. Court officer, let's move into
15 private session.

16 (Private session at 3.41 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Open session at 4.34 p.m.)

14 THE COURT OFFICER: [16:34:19] We are in open session, Mr President.

15 PRESIDING JUDGE FREMR: [16:34:27] Thank you. And in the remaining time

16 I would like to deal with the issue of timing. So according to my report I was given,

17 you just now exhausted 45 minutes but I see there were some, you know, I would say

18 special issues. How much time, Ms Luping, you need, you would need to finish or

19 to your complete your supplementary examination?

20 MS LUPING: [16:34:51] Mr President, your Honours, I think you may have

21 appreciated some of the difficulties that can be faced with this particular witness in

22 terms of trying to seek very short focussed responses. With your leave and

23 indulgence, I would ask for a further 15 minutes. That would enable me to cover

24 some important topics relating to documents, documentary evidence, that are pretty

25 critical for the assessment of another related witness, your Honours.

Trial Hearing
WITNESS: DRC-OTP-P-0761

(Private Session)

ICC-01/04-02/06

- 1 PRESIDING JUDGE FREMR: [16:35:21] Yes, you are reading my thoughts. It was
2 just my idea to give you additional 15 minutes but not one minute more. Even if you
3 would face the same problem, try to, I don't know, even to simplify further questions
4 or try to be brave enough to cut Mr Witness. But I have to agree that some problems
5 was not caused by you, so that is why the Chamber is granting you additional
6 15 minutes for tomorrow.
- 7 And we will now break and start tomorrow with another regular timing at 9.30 with
8 our classical schedule.
- 9 THE COURT OFFICER: [16:36:04] All rise.
- 10 (The hearing ends in open session at 4.36 p.m.)