

Trial Hearing
WITNESS: DRC-OTP-P-0761

(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 Wednesday, 23 November 2016
8 (The hearing starts in open session at 9.30 a.m.)
9 THE COURT USHER: [9:31:01] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:31:22] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:31:40] Thank you, Mr President. The situation in the
15 Democratic Republic of the Congo, in the case of The Prosecutor versus Bosco
16 Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:31:55] Thank you.
19 Now appearances, or just changes, if any, compared to yesterday.
20 MS LUPING: [9:32:00] Good morning, Mr President. Good morning, your
21 Honours. The same appearances for the Prosecution as yesterday, except that
22 Ms Kristy Sim, assistant trial lawyer, is not with us.
23 PRESIDING JUDGE FREMR: [9:32:12] Thank you, Ms Luping.
24 Defence.
25 MR GOSNELL: [9:32:15] No changes, Mr President.

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- 1 PRESIDING JUDGE FREMR: [9:32:17] Thank you, Mr Gosnell.
2 Legal Representative of Victims.
3 MS PELLET: [9:32:20] (Interpretation) Thank you, your Honour. With regards
4 to yesterday, Mohamed Abdou has left the courtroom.
5 MR SUPRUN: [9:32:29] (Interpretation) Your Honour, your Honours, for the
6 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: [9:32:44] Thank you, Ms Pellet.
9 Thank you, Mr Suprun.
10 Mr Witness, good morning. Are you feeling okay to continue in giving your
11 testimony?
12 WITNESS: DRC-OTP-P-0761 (On former oath)
13 (The witness speaks Swahili)
14 THE WITNESS: [9:33:01] (Interpretation) Yes, I'm feeling very well. Thank you.
15 PRESIDING JUDGE FREMR: [9:33:14] All right. So now I will hand over the
16 floor to Ms Luping, who still has additional 15 minutes to conclude direct
17 examination.
18 Ms Luping, and do you want to proceed I guess in private session?
19 MS LUPING: [9:33:33] Yes, please, Mr President. With your leave.
20 PRESIDING JUDGE FREMR: [9:33:36] All right.
21 Court officer, let's move into private session.
22 (Private session at 9.33 a.m.)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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- 13 (Redacted)
- 14 (Redacted)
- 15 (Upon resuming in open session at 10.14 a.m.)
- 16 THE COURT USHER: [10:14:19] All rise.
- 17 Please be seated.
- 18 PRESIDING JUDGE FREMR: [10:14:55] So after deliberation the Chamber's ruling
- 19 will be delivered in private session.
- 20 So court officer, let's move into private session.
- 21 (Private session at 10.15 a.m.)
- 22 (Redacted)
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20 (Open session at 11.01 a.m.)

21 THE COURT OFFICER: [11:01:38] We're in open session, Mr President.

22 PRESIDING JUDGE FREMR: [11:01:43] Thank you, court officer.

23 So we now will take our regular break for 30 minutes.

24 Before doing that, in order to inform public, this witness is protected witness, that is

25 why previous part of his testimony was conducted in the regime of private session in

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1 order to protect his identity, and it's most likely also the further part after the break
2 will be conducted in the same regime.

3 Now we break and we will resume half past 11.

4 THE COURT USHER: [11:02:18] All rise.

5 (Recess taken at 11.02 a.m.)

6 (Upon resuming in open session at 11.35 a.m.)

7 THE COURT USHER: [11:35:39] All rise.

8 Please be seated.

9 PRESIDING JUDGE FREMR: [11:36:01] We will now directly continue with the rest
10 of cross-examination of our witness, and since the witness is protected one and the
11 upcoming questions could reveal his identity, we will have to move into private
12 session.

13 Am I right, Mr Gosnell?

14 MR GOSNELL: [11:36:25] Yes, that's the case, Mr President.

15 PRESIDING JUDGE FREMR: [11:36:27] All right. So, court officer, let's move into
16 private session.

17 And to inform public, it's very likely that we will have to spend the majority of time
18 of this session in the regime of private session.

19 (Private session at 11.36 a.m.)

20 (Redacted)

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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 (Open session at 1.27 p.m.)

11 THE COURT OFFICER: [13:28:09] We are in open session, Mr President.

12 PRESIDING JUDGE FREMR: [13:28:12] Thank you, court officer.

13 Mr Witness, it concludes your testimony. On behalf of this Chamber, I would like to
14 thank you that you underwent such a long journey and that you gave your testimony,
15 since I hope that your testimony will assist us in our deliberations and in our effort to
16 find the truth.

17 So thank you very much and we wish you safe journey home.

18 Now, court usher, please assist Mr Witness to leave the courtroom.

19 THE WITNESS: [13:28:49] Asante sana.

20 THE INTERPRETER: The witness said something, but the English booth has not
21 heard a translation.

22 PRESIDING JUDGE FREMR: [13:29:02] Yes, I understood that he thanked the
23 Chamber as well.

24 (The witness is excused)

25 PRESIDING JUDGE FREMR: [13:29:18] And as I already indicated, for the logistic

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(Open Session)

ICC-01/04-02/06

- 1 reasons, we don't have any testimony this afternoon and we will continue tomorrow,
- 2 9.30 with the testimony of further witness P-12.
- 3 Any request for the floor? If this is not the case, I would like to thank you that you
- 4 remain concentrated even in this extended session. Thank you to the interpreters
- 5 and reporters, and we will continue tomorrow, 9.30.
- 6 THE COURT USHER: [13:29:58] All rise.
- 7 (The hearing ends in open session at 1.30 p.m.)