

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 Thursday, 24 November 2016
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:57] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:33:31] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:33:38] The situation in the Democratic Republic of the
15 Congo, in the case of The Prosecutor versus Bosco Ntaganda, case reference
16 ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:33:51] Thank you, court officer. Now appearances,
19 please, in usual order.
20 MR PACE: [9:33:58] Good morning, Mr President, your Honours. For
21 the Prosecution today are Ms Kristy Sim, assistant trial lawyer; Ms Selam Yirgou, case
22 manager; Ms Nicole Samson, senior trial lawyer; and I am James Pace, assistant trial
23 lawyer.
24 PRESIDING JUDGE FREMR: [9:34:13] Thank you, Mr Pace. Defence, please.
25 MR BOURGON: [9:34:17] (Interpretation) Good morning, your Honour. For

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Private Session)

ICC-01/04-02/06

1 the Defence today, Mademoiselle Maria-Kim Vasconi, Margaux Portier and myself,
2 Stéphane Bourgon. Thank you very much.

3 PRESIDING JUDGE FREMR: [9:34:30] Thank you, Mr Bourgon.

4 Legal Representative of Victims, please.

5 MS PELLET: [9:34:36] (Interpretation) Thank you very much, your Honour. The
6 former child soldiers are represented by Sarah Pellet, myself, at the OPCV.

7 MR SUPRUN: [9:34:47] (Interpretation) Good morning, members of the Bench. For
8 the victims of the attacks today, Anne Grabowski and Mr Suprun at the OPCV.

9 PRESIDING JUDGE FREMR: [9:35:02] Thank you, Mr Suprun, thank you, Ms Pellet.
10 And for the record, Mr Ntaganda is also present.

11 Before the next witness can be called, as usual the Chamber wishes to address certain
12 procedural matters. First, for the purpose of timing, as indicated in the Chamber's
13 Rule 68(3) decision for this witness which was delivered orally on 21 November 2016,
14 the Prosecution shall be permitted one and a half hours to examine Witness P-12, and
15 I am highlighting that this includes the process of seeking admission of the witness
16 material under Rule 68(3) as well as its supplementary examination of the witness.
17 The Defence is permitted six hours to cross-examine the witness.

18 Now we have to go into private session for the next part.

19 Court officer, please.

20 (Private session at 9.36 a.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0012

(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-0012

(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 (Open session at 9.40 a.m.)
12 THE COURT OFFICER: [9:40:05] We are in open session, Mr President.
13 PRESIDING JUDGE FREMR: [9:40:10] Thank you, court officer.
14 (The witness enters the courtroom)
15 PRESIDING JUDGE FREMR: [9:40:47] Mr Witness, can you hear me?
16 WITNESS: DRC-OTP-P-0012
17 (The witness speaks French)
18 THE WITNESS: [9:40:52] (Interpretation) Yes, very well, very clearly.
19 PRESIDING JUDGE FREMR: [9:40:56] Fine. Mr Witness, I would like to welcome
20 you on behalf of this Chamber to the courtroom. You are called to testify in the case
21 against Mr Bosco Ntaganda and you will be soon asked questions both by the Judges
22 and lawyers in this courtroom. And in this connection I would like to guide you as
23 follows: Please listen carefully to those questions. If you do not understand, feel
24 free to ask for the question to be repeated. We want you to tell the truth and tell us
25 what you saw, heard or sensed yourself. If you did not see or hear it yourself but

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 you found out some other way, then you should explain how. Please testify just on
2 that which you really remember, don't guess, don't make things up. There is
3 nothing wrong in saying, "I don't know" or "I don't remember." Do you understand
4 all this, Mr Witness?

5 THE WITNESS: [9:42:11] (Interpretation) Yes, very well.

6 PRESIDING JUDGE FREMR: [9:42:21] All right. Mr Witness, protective measures
7 are put in place to ensure that your identity is not revealed to the public. It means
8 that the public cannot see your face and that your voice is being disguised so that the
9 public cannot recognise it. We will refer to you as "Mr Witness" only and ensure that
10 your name and any other information that risks revealing who you are is not
11 broadcast to the public. Therefore, whenever you need to describe anything that
12 might reveal your identity, we will do so in private session so that no one outside the
13 courtroom can hear your answer. Do you understand, Mr Witness?

14 THE WITNESS: [9:43:28] (Interpretation) Yes.

15 PRESIDING JUDGE FREMR: [9:43:29] Good. Now, Mr Witness, you will be
16 provided this piece of paper with the text of solemn undertaking. So please now
17 make your solemn undertaking to tell the truth by reading out the declaration from
18 this piece of paper.

19 THE WITNESS: [9:43:49] (Interpretation) I solemnly declare to tell the truth, nothing
20 but the truth and the entire truth.

21 PRESIDING JUDGE FREMR: [9:44:11] Thank you, Mr Witness. It means that
22 you are now under oath, and therefore you need to be aware that it is an offence
23 within the jurisdiction of this Court to give false testimony. Do you understand
24 that?

25 THE WITNESS: [9:44:38] (Interpretation) Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [9:44:40] Fine. And finally a few practical matters
2 you should have in mind when giving your testimony: It's important to speak into
3 the microphone, to speak clearly and to speak at a slow pace to allow the interpreters
4 to translate everything. You should only start speaking when the person asking you
5 the question has finished. When a question is asked, please do not respond
6 immediately, but rather count in your head to at least three and only then give your
7 answer. This pause of three seconds is essential for us to properly record and
8 translate what you are saying. So please have it in mind, at least three seconds
9 between the question and start of your response.

10 And if you have any questions during your testimony, do not hesitate to let us know
11 by raising your hand. We will then give you the opportunity to speak. Have you
12 understood all that, Mr Witness?

13 THE WITNESS: [9:46:01] (Interpretation) Yes, I will make every effort.

14 PRESIDING JUDGE FREMR: [9:46:12] Very good, Mr Witness. So now we can
15 start your testimony, and I am giving the floor to Prosecution.

16 QUESTIONED BY MR PACE:

17 Q. [9:46:26] Good morning, Mr Witness. We've already met, but I will remind you
18 that my name is James Pace and I will be asking you questions today on behalf of the
19 Office of the Prosecutor. And before I start, I want to ask that if you don't
20 understand any of my questions, just let me know and I will do my best to clarify.

21 MR PACE: And Mr President, I will follow the procedure which we followed thus
22 far in relation to witnesses whose Rule 68(3) applications have been granted in
23 principle. And since my first questions are of an identifying nature, I ask that we
24 move into private session.

25 PRESIDING JUDGE FREMR: [9:47:06] Certainly.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Private Session)

ICC-01/04-02/06

- 1 Court officer, let's move into private session now.
- 2 (Private session at 9.47 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-0012

(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 (Redacted)

18 (Redacted)

19 (Open session at 9.51 a.m.)

20 THE COURT OFFICER: [9:51:32] We are in open session, Mr President.

21 PRESIDING JUDGE FREMR: [9:51:34] Thank you, court officer. Mr Pace, please
22 proceed.

23 MR PACE: [9:51:37] And with the court usher's assistance, I would like to hand the
24 witness a binder, and to clarify this binder is the same one provided to the Chamber,
25 the Defence and the Legal Representatives. However, we have removed from the

1 binder the documents that we do not seek to admit pursuant to Rule 68(3).

2 Yes, if the Defence would like to have a look at the binder.

3 If I could ask the court usher to remain there for the time being. Thank you.

4 Q. [9:52:25] Mr Witness, if you could please have a look through the documents at

5 tabs 1 and 2 of this binder, please. And while the witness looks through these

6 documents, I will state the ERNs for the record, and tabs 1 and 2 are in order,

7 DRC-OTP-2054-0172 and 2054-0351, and I note that since the parties and the

8 participants and the Chamber have the material I'll be referring to, these documents

9 don't need to be called up on to our screens, and the same applies to all the other

10 documents I will be referring to in this binder this morning.

11 Mr Witness, were you able to have a look at the documents at tabs 1 and 2?

12 A. [9:53:51] I can see the documents, but I don't know whether you are asking me

13 whether I've read everything or whether I've seen them, but I can say that I've seen

14 them.

15 Q. [9:54:02] Do you recall reading these documents over the last two weeks?

16 A. [9:54:16] In all likelihood, yes, because I read all these documents, yes.

17 Q. [9:54:20] And did you recognise these documents as you look at them now?

18 A. [9:54:34] Yes.

19 Q. [9:54:37] And do you recall that as part of these documents you were asked to

20 swear an oath to tell the truth?

21 A. [9:54:52] Yes.

22 Q. [9:54:56] And are the contents of these documents true and accurate, to the best

23 of your knowledge?

24 A. [9:55:12] Yes, I stand by what I said, to the effect that it's true.

25 Q. [9:55:23] Do you recall that as stated in these two documents that you just

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 looked at, you were shown a number of other documents and you were asked
2 questions and you provided information about them?

3 A. [9:55:43] Yes.

4 Q. [9:55:45] Could you please next turn to the documents at tabs 8 to 12 of this
5 binder.

6 MR PACE: And while the witness has a look at those documents, I will state their
7 ERNs for the record, and they are in order: DRC-OTP-0106-0169, 0014-0140,
8 0106-0030, 0107-0198, and 0107-0324. And again, while the witness is looking at
9 these documents, I know that from DRC-OTP-0106-0030, the Prosecution seeks only
10 to admit page 0035.

11 Q. [9:57:08] Mr Witness, have you had a chance to look at these five documents?

12 A. [9:57:34] Yes, I remember all these documents, yes.

13 Q. [9:57:39] Is the information that you provided about these documents true and
14 accurate, to the best of your knowledge?

15 A. [9:57:56] Yes.

16 Q. [9:57:58] Mr Witness, if you could next please to tab 5 of the binder, and this is
17 DRC-OTP-0105-0085.

18 MR PACE: And while the witness has a look at this document, I note that the
19 Prosecution seeks only to admit the following paragraphs: 109 until 136, 272 and 273,
20 341 until 354, and paragraph 472.

21 Q. Mr Witness, do you recognise this document?

22 A. [9:58:58] Yes, I recall very well.

23 Q. [9:59:01] Could you please turn to page 87 of this document, which is ERN
24 page 0171. Do you see a signature on this page?

25 A. [9:59:26] Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 Q. [9:59:28] Is that your signature?

2 A. [9:59:37] That's right, yes.

3 Q. [9:59:39] And are the contents of this document true and accurate, to the best of
4 your knowledge?

5 A. [9:59:59] Yes.

6 Q. [10:00:03] And finally Mr Witness, if you could please turn to tab 13 of this
7 binder, and this is DRC-OTP-0086-0086. Do you recognise this document?

8 A. [10:00:37] Yes, it was me who provided it.

9 Q. [10:00:44] And do you recall commenting on this document to Prosecution
10 investigators?

11 A. [10:00:57] Yes.

12 Q. [10:01:00] And was the information that you provided about this document true
13 and accurate to the best of your knowledge?

14 A. [10:01:15] Yes.

15 MR PACE: [10:01:17] Thank you very much, court usher. And you may also take
16 the binder with you for the time being. Yes.

17 Q. Mr Witness, do you remember over the past two weeks that you were given an
18 opportunity to review these and other documents?

19 A. [10:01:44] Yes.

20 Q. [10:01:45] And do you remember that after you had reviewed these documents
21 you were given an opportunity to make corrections or clarifications to them?

22 A. [10:02:07] Yes. But there were some additions that could arise after having
23 read the documents because that might bring back some memories and then I could
24 add things. But on the documents per se, everything was clear and I had nothing to
25 add.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 Q. [10:02:30] Is there anything that you would like to correct or clarify in the
2 documents now? And to be clear, I am not asking for additions to them, I am asking
3 about corrections or clarifications at this stage?

4 A. [10:02:53] No.

5 Q. [10:02:56] Mr Witness, did you tell the truth in your prior recorded testimony?

6 A. [10:03:13] As far as I know, yes.

7 Q. [10:03:17] And did you provide accurate information to the best of your
8 knowledge in your prior recorded testimony?

9 A. [10:03:31] Yes.

10 Q. [10:03:35] And is your prior recorded testimony an accurate record of your
11 recollection and knowledge of the events which you addressed in it?

12 A. [10:03:55] Yes.

13 Q. [10:03:58] And do you consent to your prior recorded testimony and the other
14 material we have referred to this morning being admitted into evidence in this case?

15 A. [10:04:28] Yes, I agree.

16 Q. [10:04:30] And do you consent to being questioned about this information by
17 the Defence and by the Chamber, if necessary?

18 A. [10:04:45] Yes.

19 MR PACE: [10:04:49] Your Honour, at this stage I request that -- I request admission
20 into evidence of the witness's prior recorded testimony and associated material and I
21 know that these are items 1 to 5 and 8 to 13 on the Prosecution's list of items. I do
22 not propose to repeat the ERNs again. We have provided the court officer and court
23 usher with this list of items. I note that the relevant excerpts are also specified in
24 that list. So we seek admission at this stage.

25 PRESIDING JUDGE FREMR: [10:05:20] All right. Defence, any change to your

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Private Session)

ICC-01/04-02/06

1 position, compared to our previous, previous ruling?

2 MR BOURGON: [10:05:28] There is no change to our position, Mr President.

3 However, I would like to address the Chamber in the absence of the witness in

4 respect of one of these documents.

5 PRESIDING JUDGE FREMR: [10:05:38] All right.

6 So, court usher, please assist Mr Witness to leave the courtroom for a while.

7 Mr Witness, we will have to excuse you for a while because we will have to solve

8 some procedural issue in your absence.

9 (The witness stands down)

10 PRESIDING JUDGE FREMR: [10:06:15] Mr Bourgon, for your submission could we
11 remind in open session or would it be safer to move into private?

12 MR BOURGON: [10:06:23] I believe we need to move into private session,

13 Mr President.

14 PRESIDING JUDGE FREMR: [10:06:28] All right. Court officer, let's move into
15 private session.

16 (Private session at 10.06 a.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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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 (Open session at 10.17 a.m.)
12 THE COURT OFFICER: [10:17:47] We are in open session, Mr President.
13 PRESIDING JUDGE FREMR: [10:17:49] Thank you, court officer.
14 (The witness enters the courtroom)
15 PRESIDING JUDGE FREMR: [10:18:35] So sorry for inconvenience, Mr Witness.
16 Now the Prosecution will continue with your examination. So I am giving floor to
17 Mr Pace.
18 And we are in open session.
19 MR PACE: [10:18:48]
20 Q. [10:18:49] Mr Witness, I would just like to inform you that in your absence
21 the Chamber has admitted your prior recorded testimony. And I will now move to
22 a brief supplementary examination and as I previously explained to you, I am not
23 going to ask you questions about all the information that you are able to provide
24 the Chamber; rather, I am going to ask you questions about specific and limited
25 aspects of this information.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Private Session)

ICC-01/04-02/06

1 And, your Honour, I move -- ask that we move back into private session for my next
2 set of questions.

3 PRESIDING JUDGE FREMR: [10:19:22] Understandable.

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

5 (Private session at 10.19 a.m.)

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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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 (Open session at 10.53 a.m.)
- 16 THE COURT OFFICER: [10:53:07] We are in open session, Mr President.
- 17 PRESIDING JUDGE FREMR: [10:53:09] Thank you, court officer.
- 18 Mr Pace, please proceed.
- 19 MR PACE: [10:53:15]
- 20 Q. [10:53:15] Mr Witness, while we were in private session you mentioned that
- 21 "The organisation of those weapons, well, that was entrusted, particularly the heavy
- 22 weaponry, that was entrusted to Bosco Ntaganda."
- 23 Could you tell the Chamber briefly, if you know, what kind of heavy weaponry
- 24 you are referring to?
- 25 A. [10:53:50] I'm not really an expert in weapons but I do know that the machine

1 guns that you can put on top of lorries or minibuses or pickups, those, he was
2 responsible for those and that's why, with those machine guns, he went into Tchomia
3 when they endeavoured to take that particular place.

4 And I, I know that they had mortars, 80, 81 millimetre mortars. And I also know
5 that they had RPGs, because that was the type of weapon that the UPC had over and
6 beyond. The Kalashnikovs, they had those, so they had those and they only used it
7 in particular operations.

8 Now, Chief Kahwa told me that there were many other weapons that they had been
9 given but they themselves didn't know how to use those weapons. Rwandan
10 experts had to come to teach them how to handle those weapons. And they sent,
11 they were sent, rather, to Kigali to study how to use those weapons, people from the
12 UPC, to use them and Kahwa said that those weapons weren't proportionate to the
13 war that they had to do against the Lendu, thought it was a bit overkill, like
14 anti-personnel mines. I remember in the pacification order in Ituri we burned, in
15 fact we blew up a huge number of those particular mines. The anti-tank mines, we
16 blew them up, but strangely enough there were others that had remained and that
17 they kept.

18 Q. [10:56:25] Mr Witness, could you clarify to which group these anti-personnel
19 mines and anti-tank mines belonged?

20 A. [10:56:38] Yes, those mines belonged to the UPC. And I remember that they
21 were handed over, those particular mines were handed over during the Pacification
22 Committee's work in Ituri following a visit that we undertook in the Shari camps
23 where they were, where the UPC soldiers were billeted and they were under the
24 responsibility of General Tchaligonza. And the mines that were put in that location.

25 Q. [10:57:27] I'm sorry to interrupt you, Mr Witness, I just want to remind you that

1 we are in open session. I think what we have said thus far is okay to be in open
2 session, but just to remember to tread carefully. And if I could at this stage just ask
3 you whether you know if the UPC ever used anti-personnel mines or anti-tank mines?

4 A. [10:57:57] They did use them, and on 6 March, on 6 March they laid mines in
5 order to stop the Ugandan tanks, unfortunately, and one of their colonels betrayed,
6 that's why the Ugandans didn't actually use those tanks but they were hoping to use
7 those particular tanks.

8 General Kayihura told us in fact that he had received information, and General
9 Tchaligonza had recognised the fact that the Ugandans, well, that these tanks could
10 be stopped and then they could launch that attack on that particular day. And they
11 had used in the past what I had direct knowledge of, and that was on 6 April, 6 April,
12 because this was borne out by Colonel Ali and General Kayihura from the UPDF.

13 Q. [10:59:18] Are you aware whether the mines that the UPC laid in order to stop
14 the Ugandan tanks, did those mines ever detonate?

15 A. [10:59:39] No, I don't know. I didn't know how things went. But what I can
16 tell you and what's certain is that Ugandans were aware, because their tanks after that
17 event carried on and so they must have de-mined, because the tanks left the airport
18 afterwards and I think they were told where the mines had been laid. And that's
19 why they were able to retrieve them, otherwise their tanks would never have got
20 through.

21 MR PACE: [11:00:11] And I have one more question before, your Honour, we can
22 move to the break, if that's okay.

23 Q. Mr Witness, just to be clear, when you earlier said that the organisations of the
24 heavy weaponry wasn't just Bosco Ntaganda, could you tell the Chamber, if you
25 know, who decided when such heavy weaponry was used during operations?

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 A. [11:00:50] Based on what I was told, (Redacted) based
2 on that, their heavy weaponry, well, Bosco Ntaganda was using them only when they
3 were going to launch operations that would be of benefit to Rwanda. And the only
4 person who received orders for the use of that weaponry was Bosco Ntaganda.

5 MR PACE: [11:01:25] Your Honour, I believe it's a good time for a break.

6 PRESIDING JUDGE FREMR: [11:01:30] Yes.

7 So we break now and we will reconvene at half past 11.

8 As to the time used by Mr Pace so far, I believe I am almost precise saying that he
9 used 1 hour 2 minutes? Yes, 1 hour 2 minutes, so you still have 28 minutes at your
10 disposal, Mr Pace.

11 And now we break.

12 THE COURT USHER: [11:02:02] All rise.

13 (Recess taken at 11.02 a.m.)

14 (Upon resuming in open session at 11.32 a.m.)

15 THE COURT USHER: [11:32:30] All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: [11:33:03] We start without witness since the Chamber
18 is going to deliver a brief oral ruling. It's oral decision on in-court protective
19 measures for once P-300. It can be issued in open session.

20 The Chamber will deliver a decision with respect to one of the 11 witnesses for whom
21 the Prosecution requested protective measures in filing number 1579. The present
22 decision concerns Witness P-300 for whom the Prosecution requests in-court
23 protective measures pursuant to Rule 87 of the Rules, in the form of face and voice
24 distortion during testimony and the use of a pseudonym.

25 The Defence opposes the protective measures in filing number 1593 on the basis that

1 the Prosecution fails to demonstrate any objectively justifiable risk of post-testimonial
2 retaliation. In this regard, the Defence argues that P-300 is a well-known local figure
3 and that there is little basis to believe that his testimony will heighten any risk of
4 retaliation.

5 On 22 November 2016, the Chamber received the VWU's in-court protective measures
6 assessment for this witness in which it was recommended that protective measures as
7 sought by the Prosecution be granted.

8 In assessing whether there exists an objectively justifiable risk for Witness P-300, the
9 Chamber recalls that it has previously held that the general security situation in a
10 region may be a relevant consideration in respect of specific witnesses.

11 In this instance it's noted that the witness, together with his family, currently resides
12 in an area where former UPC/FPLC militia members and supporters of the accused
13 are present or continue to have influence. The Chamber further recalls that actual
14 threats to a witness or his or her family are not a prerequisite to determining whether
15 as a witness, whether a witness faces an objectively justifiable risk and that there are
16 reported instances where other witnesses were allegedly threatened as a result of
17 their involvement with the Court.

18 The Chamber further notes: One, the nature of Witness P-300's expected testimony,
19 particularly in light of his role and experiences during the events; second, the extent
20 to which Witness P-300 is known in his community and thus may be particularly
21 identifiable; three, the witness's current employment situation which brings him in
22 regular contact with a wide range of people; and four, the reported risk of reprisals.

23 In this regard, the Chamber has had particular regard to the VWU's assessment that
24 public testimony would present a realistic threat to both the witness and his family
25 and that protective measures would reduce such risk.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 Finally, the Chamber notes that the witness is not currently in the ICC Protection
2 Programme.

3 In light of the specific situation of the witness, the Chamber is satisfied that there
4 exists an objectively justifiable risk with respect to the security and well-being of
5 Witness P-300 and his family, warranting the protection of his identity from the
6 public. The Chamber further finds that the in-court protective measures sought do
7 not unduly infringe upon the rights of the accused, given that the accused and the
8 Defence will be able to see the witness give evidence at trial and hear his voice
9 without distortion.

10 Accordingly and pursuant to Rule 87 of the Rules, the Chamber grants the measures
11 of use of pseudonym for the purposes of the trial and voice and face distortion during
12 testimony for Witness P-300.

13 This concludes the Chamber's ruling.

14 And now, court usher, you may bring Mr Witness back in the courtroom.

15 (The witness enters the courtroom)

16 PRESIDING JUDGE FREMR: [11:39:35] Mr Witness, welcome back. We will
17 continue with your examination by Prosecution. So now I am giving floor to
18 Mr Pace.

19 Mr Pace, do you want to remain in open session or is there a need to move into
20 private?

21 MR PACE: [11:39:55] We can remain in open session for my next set of questions,
22 your Honour.

23 PRESIDING JUDGE FREMR: [11:40:00] Very well.

24 MR PACE: [11:40:02]

25 Q. [11:40:02] Mr Witness, just before we went on a break, I'm here referring to page

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 38, lines 13 to 17, you told the Chamber that "based on that, their heavy weaponry,
2 well, Bosco Ntaganda was using them only when they were going to launch
3 operations that would be of benefit to Rwanda. And the only person who received
4 orders for the use of that weaponry was Bosco Ntaganda." So you refer to who
5 received orders.

6 My question, Mr Witness, is who within the UPC gave orders about the use of the
7 heavy weaponry?

8 A. [11:40:54] When it comes to the use of heavy weaponry, as I explained, there
9 was Bosco Ntaganda. It was Bosco Ntaganda himself.

10 MR PACE: [11:41:15] I will next be referring to tab 3, which is DRC-OTP-2054-0073,
11 from page 74, line 25, to page 75, line 14.

12 Q. Mr Witness, during this part of your prior recorded testimony, you stated that
13 the UPC took over half of the city of Bunia in May 2003. My question, Mr Witness,
14 and I'm reminding you that we are in open session, is where were you at the time of
15 the fighting in Bunia in May 2003?

16 A. [11:42:09] I was at MONUC in Bunia, in the MONUC HQ. Most of the
17 population which was not originaire or people from other communities who were not
18 from the UPC, or Lendus, took refuge at MONUC HQ.

19 Q. [11:42:38] You just referred to people who are not originaire or people from
20 other communities who are not from the UPC, or Lendu. What communities were
21 part of the UPC at the time?

22 A. [11:43:09] The communities in the UPC, as I mentioned, the town was divided in
23 2: On the one side you had the Lendu and on the other side, you had the Hema.
24 And people who were not originaire didn't have a place to go, either they had to go to
25 MONUC, but there were a lot of others who preferred to go to the Lendu side, not on

1 the Hema side. Particularly the Ngiti, they took refuge with MONUC. I think they
2 came from the part that was occupied by the Hema.

3 Q. [11:44:13] And if you know, could you tell the Chamber why the Ngiti opted to
4 go to MONUC rather than stay in the part that was occupied by the Hema?

5 A. [11:44:37] It was dangerous. They could be killed at any time. Even when we
6 were at MONUC. When the Hema entered, of course, the Lendu caused a lot of
7 problems, damage, killings, before of the Hema came in, but the same day a lot of
8 people who came to complain to MONUC: My husband's just been killed, my
9 child's just been killed but by the UPC soldiers. And they were seriously killing
10 people. That's why people had to save their lives, they couldn't just stay there.
11 MONUC was full, it was full up.

12 Q. [11:45:29] You referred to someone reporting that their husband had just been
13 killed. Are you able to provide the Chamber with any further details about this
14 incident?

15 A. [11:45:50] Yes. Personally, I asked a question to the woman if she recognised
16 the person who had killed her husband. She said yes, I know that person,
17 Commander Saidi from the UPC. And Saidi wanted that woman, that was the
18 reason. But the woman didn't want Saidi. And the husband was a motor taxi
19 driver so he took that opportunity, the day that they entered, he went into that man's
20 house, he was a non-originaire from Ituri, and he killed him in the house. And the
21 wife came crying to MONUC.

22 Q. [11:47:01] Earlier you also referred to reports about a child being killed. Do
23 you have any information about that specific incident?

24 A. [11:47:21] Children had been killed, a lot of children had been killed, but I
25 wasn't able to ask about it. I spoke to this woman because she came directly and

1 that's the reason why she asked questions. But where it concerns the children, I
2 wasn't able to ask where the children came from.

3 Q. [11:47:51] And other than this one killing that you refer to that was committed
4 by Commander Saidi from the UPC, were you able to learn about any other crimes
5 committed by the UPC at this time in Bunia?

6 A. [11:48:07] There were a lot of crimes. You couldn't list them all. There were
7 people settling scores. When they entered, first of all, they pillaged in the town, all
8 the houses that weren't pillaged by the Lendu, Ngiti, and when they took the town,
9 all those houses, they were considered as accomplices. So they went house to house,
10 and people couldn't stay in their houses and see how it was being pillaged because
11 they would die.

12 A lot of others were killed, abducted. And during this period, after the pacification
13 commission of Ituri, the commission of the human rights observatory went to verify
14 or check what was happening when they heard reports of people being killed. They
15 would go and see if that was true or not, were people killed or not, on both sides.
16 Lendu were killing people. Hema were killing people too. It wasn't a good place to
17 live at that time, it really wasn't.

18 Q. [11:50:10] In the first part of your answer you were talking about when they
19 entered, all the houses that weren't pillaged by the Lendu, Ngiti, when they took the
20 town, all those house, they went house to house and it was being pillaged. Who are
21 you referring to, what group?

22 A. Well, there I'm referring to the UPC. One of the friends who was let's say
23 Hema, before he could go into the town, he spoke with certain commanders, saying,
24 "You shouldn't do as the Lendu are doing. You should try and show what the
25 difference is." Because the MONUC commander or Commander Volot, Commander

1 Volot, was complaining about what was happening with the Lendu in that period and
2 hoped that perhaps there would be a balance when the UPC entered. The friend
3 spoke to the commander, saying, "Do not do anything stupid." They came in
4 strength and they stopped at MONUC. What the Hema were hoping for was to
5 drive Lendu out of the town of Bunia, but as they had to go and pillage quickly, that's
6 why they only took half of the town. And they left -- and they left quickly to go and
7 pillage.

8 And I remember there were others blaming the commander and they said "No." You
9 have to be in charge. Those were the -- that's what they were told. That was said in
10 English. According to them, they had learnt that from their Commander Kisembo,
11 be in charge. You have to take everything that you have. That's what they did.

12 Q. [11:52:35] Could I ask the witness to repeat the last words that he said? And
13 they were interpreted in the English transcript as "be in charge." Do you recall the
14 words that you used, Mr Witness? If they could not be translated into English.

15 A. [11:53:01] What I said was what they said -- they said it in English. Beat, as in
16 to strike and charge as in to strike. Beat and charge. Beat and charge.

17 MR PACE: [11:53:25] Your Honour, I would like to move back into private session
18 for my next set of questions.

19 PRESIDING JUDGE FREMR: [11:53:30] All right.

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

21 (Private session at 11.53 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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 (Redacted)

18 (Open session at 12.11 p.m.)

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

20 PRESIDING JUDGE FREMR: [12:11:46] Thank you, court officer.

21 So now we concluded examination-in-chief of our witness and we will move to
22 cross-examination. And I'm just reminding the Defence that it was allotted six hours
23 for cross-examination. So now, Mr Bourgon, I guess it will be you, you have the
24 floor. And we are in open session, so --

25 MR BOURGON: [12:12:14] Thank you, Mr President. Before I begin, I would like

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 to address the Chamber in the absence of the witness, please.

2 PRESIDING JUDGE FREMR: [12:12:20] All right.

3 Court usher, please assist Mr Witness to leave the courtroom.

4 Again, Mr Witness, sorry for the inconvenience but we will have to deal with the next
5 issue in your absence.

6 (The witness stands down)

7 PRESIDING JUDGE FREMR: [12:12:56] Mr Bourgon, please proceed.

8 MR BOURGON: [12:12:58] Thank you, Mr President.

9 Mr President, when we submitted our response to the Prosecution's Rule 68(3)
10 application, we addressed the issue of the time required for the supplemental direct
11 examination.

12 And we addressed of course that, we made it clear, and that was in paragraph 25 of
13 our response, number being 1634, and we've said this before, but once the Prosecution
14 decides to use Rule 68(3) and adduce in evidence a large amount of evidence and then
15 it is authorised to conduct a supplementary examination, one issue that is very
16 important for us in terms of any supplementary examination is notice. When the
17 Prosecution is going to present a witness before this Chamber in a trial it must inform
18 the Defence, we must know ahead of time, we must be informed of what will be the
19 nature and what the witness will testify about. Now in this case, with regards to the
20 witness and his involvement in terms of what he did with the commission and
21 whether he was involved in the investigation --

22 MR PACE: [12:14:22] Your Honour, we are in open session.

23 PRESIDING JUDGE FREMR: [12:14:23] Yes.

24 So let's move into private session.

25 (Private session at 12.14 p.m.)

Trial Hearing
WITNESS: DRC-OTP-P-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 12.29 p.m.)

7 THE COURT OFFICER: [12:29:49] We are in open session, Mr President.

8 PRESIDING JUDGE FREMR: [12:29:50] Thank you, court officer. Mr Bourgon,
9 please proceed.

10 MR BOURGON: [12:29:58] (Interpretation) Thank you, Mr President.

11 Q. [12:29:59] Mr Witness, I would like to start by introducing myself: I am
12 Stéphane Bourgon, I am a Canadian lawyer and I represent Bosco Ntaganda in this
13 case. I have two colleagues by my side. I have a number of questions to ask you
14 following your testimony. Do you understand that?

15 A. [12:30:19] Yes.

16 Q. [12:30:28] My colleague from the Prosecution and the Presiding Judge have
17 explained that we need to take a short break between replying -- between asking the
18 question and answering, and it's particularly important if we're speaking the same
19 language so that the interpreters can work properly. Do you understand that?

20 A. [12:30:52] Yes.

21 Q. [12:30:56] (Redacted)

22 A. [12:31:02] Yes.

23 PRESIDING JUDGE FREMR: [12:31:07] We are in open session, Mr Bourgon, so let's
24 redact the last part of the last question. And I -- it will be safer to move into private
25 session.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Private Session)

ICC-01/04-02/06

- 1 (Private session at 12.31 p.m.)
- 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 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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. So we take our
- 4 regular lunch-break now and we will reconvene half past two.
- 5 THE COURT USHER: [13:01:25] All rise.
- 6 (Recess taken at 1.01 p.m.)
- 7 (Upon resuming in open session 2.34 p.m.)
- 8 THE COURT USHER: [14:34:23] All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE FREMR: [14:34:41] Good afternoon, everybody.
- 11 We will directly continue with cross-examination of our witness.
- 12 Ms Grabowski.
- 13 MS GRABOWSKI: [14:35:09] Mr President, I just wanted to put on the record that
- 14 Mr Suprun has left the courtroom this afternoon. Thank you.
- 15 PRESIDING JUDGE FREMR: [14:35:15] Thank you, Ms Grabowski.
- 16 I hadn't noticed. Otherwise appearances, I see, remain the same.
- 17 So, Mr Bourgon, you have the floor and, usual question, do you want to remain in the
- 18 regime of open session or is there a need to move into private?
- 19 MR BOURGON: [14:35:35] I would like to try in public session, Mr President.
- 20 PRESIDING JUDGE FREMR: [14:35:40] Let's try, but please be vigilant,
- 21 Mr Bourgon.
- 22 MR BOURGON: [14:35:49] (Interpretation)
- 23 Q. [14:35:52] Good afternoon, Mr Witness.
- 24 I don't know whether you replied or not, but I did wish you a good afternoon.
- 25 A. I didn't hear you. Thank you.

Trial Hearing
WITNESS: DRC-OTP-P-0012

(Open Session)

ICC-01/04-02/06

1 Q. [14:36:22] Mr Witness, you mentioned having carried out an investigation on
2 the subject of Bosco Ntaganda and other people and you said that you did that for
3 your country, amongst other things, and that that made me curious. So I'd like to
4 ask you a few questions on that topic.

5 I imagine that, given where you're living for some time, you are well aware that the
6 conflicts, the ethnic conflicts in the Congo go back to 1998. (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-0012

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MR PACE: [14:39:34] I could make further submissions in private session on this
6 matter, your Honour.

7 PRESIDING JUDGE FREMR: [14:39:38] All right.

8 Let's move into private session.

9 (Private session at 2.39 p.m.)

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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(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-0012

(Open Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Open session at 4.31 p.m.)
- 3 THE COURT OFFICER: [16:31:58] We are in open session, Mr President.
- 4 PRESIDING JUDGE FREMR: [16:32:03] Thank you. So we will adjourn now and
- 5 we will continue tomorrow with the rest of cross-examination of this witness
- 6 tomorrow at 9.30.
- 7 THE COURT USHER: [16:32:18] All rise.
- 8 (The hearing ends in open session at 4.32 p.m.)