

Trial Hearing
WITNESS: DRC-OTP-P-0121

(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, 7 December 2016
8 (The hearing starts in open session at 9.33 a.m.)
9 THE COURT USHER: [9:33:24] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:33:47] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:33:51] 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: [9:34:04] Thank you, court officer.
19 Now appearances, please. Prosecution first.
20 MS RABANIT: [9:34:08] (Interpretation) Thank you.
21 Good morning to everybody. The composition of the Office of the Prosecutor is
22 unchanged compared to yesterday.
23 PRESIDING JUDGE FREMR: [9:34:21] Thank you, Ms Rabanit.
24 Defence please.
25 MR GOSNELL: [9:34:25] Good morning, Mr President and your Honours. No

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1 changes from yesterday for Mr Ntaganda.

2 PRESIDING JUDGE FREMR: [9:34:32] Thank you, Mr Gosnell.

3 And Legal Representatives of Victims please.

4 MR ABDOU: [9:34:37] Good morning, Mr President. Good morning, your

5 Honours. No changes for the former child soldiers.

6 MR SUPRUN: [9:34:46] (Interpretation) Good morning, your Honour, your

7 Honours. For the victims of the attacks, no change since yesterday.

8 PRESIDING JUDGE FREMR: [9:34:54] Thank you, Mr Abdou.

9 Thank you, Mr Suprun. Before we continue with cross-examination of our -- of this
10 direct examination of our witness, on the point of timing, Ms Rabanit, you still have
11 1 hour 35 minutes, but the idea of the Chamber is to give you chance to finish the rest
12 of the examination in one session, so in case of need, we will continue till 11.30

13 maximum. Because we also would like to allow Defence to organise better during
14 the break for cross-examination than to start immediately. So just to let you know.

15 Mr Witness, good morning. Are you okay to continue in giving your testimony?

16 WITNESS: DRC-OTP-P-0121 (On former oath)

17 (The witness speaks French)

18 THE WITNESS: [9:35:53] (Interpretation) Yes. Thank you. I am ready to
19 continue, your Honour.

20 PRESIDING JUDGE FREMR: [9:36:00] Mr Witness, two reminders: First one, you
21 are still under oath, which means that you have to speak the truth and nothing but
22 the truth. And the second one, as Ms Rabanit yesterday several times highlighted,
23 she -- and the same will be with Mr Gosnell -- both counsels are strictly limited by the
24 time that they can utilise for your examination, so that is why they are really
25 interested to get from you clear and rather brief answers, because sometimes, even if

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1 you are giving very -- or providing very interesting information, they would like to
2 limit you on those information that are specified in the question and that are relevant
3 for the charges. So please have it in mind when giving your responses and try to be
4 really as brief as possible.

5 Do you understand, Mr Witness?

6 THE WITNESS: [9:37:08] (Interpretation) Yes, your Honour. I've understood
7 very well. Sometimes I went on too long, but it's also in my nature to do that.

8 PRESIDING JUDGE FREMR: [9:37:33] Don't worry. It's also in my nature. No
9 problem. But as I said, try to follow my guidance.

10 Now, Ms Rabanit, you have the floor. Do you want to proceed in open or in private?

11 MS RABANIT: [9:37:45] In private session, your Honour, please.

12 PRESIDING JUDGE FREMR: [9:37:48] All right then.

13 Court officer, let's move into private session

14 (Private session at 9.37 a.m.)

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21 (Open session at 11.15 a.m.)

22 THE COURT OFFICER: [11:15:08] We are in open session, Mr President.

23 PRESIDING JUDGE FREMR: [11:15:11] Mr Witness, I saw your hand. I will give

24 you the floor, but please have in mind that we are in open session. So, please, you

25 have the floor.

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1 THE WITNESS: [11:15:30] (Interpretation) I'd like to thank you first for this first
2 part, but I would like to ask you for permission to go to the toilet for a couple of
3 minutes.

4 PRESIDING JUDGE FREMR: [11:15:42] No problem. We will break anyway, but
5 we can just -- court usher, please assist Mr Witness.

6 And we will anyway break. We will take our -- you may leave, Mr Witness.

7 (The witness stands down)

8 PRESIDING JUDGE FREMR: And we will take our 30 minutes break, which means
9 that we will reconvene quarter to 12 and the second session will last until 1 o'clock.
10 So now we break.

11 THE COURT OFFICER: [11:16:19] All rise.

12 (Recess taken at 11.16 a.m.)

13 (Upon resuming in open session at 11.46 a.m.)

14 THE COURT USHER: [11:46:41] All rise.

15 Please be seated.

16 PRESIDING JUDGE FREMR: [11:47:07] We are going to continue with
17 cross-examination of our witness, which will be conducted by Defence.

18 Before doing that, Mr Witness, I would like to remind you that this Court is governed
19 by the principle of fair proceedings which, among other things, also means that both
20 parties should be treated equally, which also means that even you should, regardless
21 that you have been called by Prosecution, but you should and you are expected to
22 respond to questions put to you by the Defence in the same way how you did it to
23 questions put to you by Prosecution.

24 Do you understand that, Mr Witness?

25 THE WITNESS: [11:48:10] (Interpretation) Yes, I do.

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1 PRESIDING JUDGE FREMR: [11:48:12] Very well.

2 Now I hand over the floor to Mr Gosnell. And, Mr Gosnell, do you want to proceed
3 in open or in private session?

4 MR GOSNELL: [11:48:24] I think at the outset, private session, Mr President.

5 PRESIDING JUDGE FREMR: [11:48:28] Understandable.

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

7 (Private session at 11.48 a.m.)

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- 25 (Open session at 1.05 p.m.)

Trial Hearing
WITNESS: DRC-OTP-P-0121

(Open Session)

ICC-01/04-02/06

- 1 THE COURT OFFICER: [13:05:07] Could you please from the Defence turn slightly
2 more the screen. Thank you. Thank you.
- 3 We are in open session, Mr President.
- 4 PRESIDING JUDGE FREMR: [13:05:18] Thank you. So we will take our regular
5 lunch break until 2.30. May I just ask for the update on timing.
- 6 THE COURT OFFICER: [13:05:27] Yes, Mr President. The Defence used so far 1
7 hour 06 minutes.
- 8 PRESIDING JUDGE FREMR: [13:05:32] One hour 06. You still have two hours, so
9 it would be fine. We would appreciate if you could finish this testimony by the end
10 of the day.
- 11 Do you see it feasible, Mr Gosnell?
- 12 MR GOSNELL: [13:05:47] I do see it as feasible, with perhaps a bit more control,
13 which I will attempt to exert now.
- 14 PRESIDING JUDGE FREMR: [13:05:54] Good news. All right.
- 15 So now we break and we will reconvene at half past 2.
- 16 THE COURT USHER: [13:06:05] All rise.
- 17 (Recess taken at 1.06 p.m.)
- 18 (Upon resuming in open session at 2.31 p.m.)
- 19 THE COURT USHER: [14:31:53] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE FREMR: [14:32:17] Good afternoon, everybody. Mr Witness,
22 please take your headphones. I see no changes in appearances so we can directly
23 continue with cross-examination. Mr Gosnell, private or open session?
- 24 MR GOSNELL: [14:32:41] Private session, Mr President.
- 25 PRESIDING JUDGE FREMR: [14:32:42] All right.

Trial Hearing
WITNESS: DRC-OTP-P-0121

(Private Session)

ICC-01/04-02/06

- 1 Court officer, let's move into private session.
- 2 (Private session at 2.32 p.m.)
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(Private Session)

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(Private Session)

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12 (Open session at 4.32 p.m.)

13 THE COURT OFFICER: [16:32:06] We are in open session, Mr President.

14 PRESIDING JUDGE FREMR: [16:32:09] Thank you, court officer.

15 Mr Witness, it concludes your testimony. I can imagine that it was not easy

16 experience for you, but we appreciate that you underwent such a long journey and

17 we hope that your testimony could assist us in our deliberation and in our effort to

18 find the truth in this case.

19 So on behalf of this Chamber I thank you and we wish you safe journey home.

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

21 THE WITNESS: [16:32:54] (Interpretation) Thank you. I would like to thank you.

22 (The witness is excused)

23 PRESIDING JUDGE FREMR: [16:33:13] And unless there are no further requests for

24 the floor, we will adjourn. And we are going to continue tomorrow at 9.30 with

25 testimony of Witness P-31.

Trial Hearing
WITNESS: DRC-OTP-P-0121

(Open Session)

ICC-01/04-02/06

- 1 THE COURT OFFICER: [16:33:27] All rise.
- 2 (The hearing ends in open session at 4.33 p.m.)