

Trial Hearing
WITNESS: DRC-OTP-P-0031

(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, 13 December 2016
8 The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:39] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:33:07] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:33:15] 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: [9:33:28] Thank you, court officer.
19 Now appearances please.
20 MS SAMSON: [9:33:32] Good morning, Mr President and your Honours. For the
21 Prosecution today it's the same composition as yesterday, that is Ms Selam Yirgou,
22 Mr James Pace and myself, Nicole Samson.
23 PRESIDING JUDGE FREMR: [9:33:45] Thank you, Ms Samson.
24 Defence now, please.
25 MR BOURGON: [9:33:48] Good morning, Mr President. No change on the

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Open Session)

ICC-01/04-02/06

1 Defence side. Thank you.

2 PRESIDING JUDGE FREMR: [9:33:51] Thank you, Mr Bourgon.

3 And Legal Representatives of Victims, please.

4 MR ABDOU: [9:34:00] Good morning, Mr President. Good morning, your

5 Honours. Mohamed Abdou for the former child soldiers today.

6 MR SUPRUN: [9:34:07] (Interpretation) Good morning, Mr President, your

7 Honours. Myself, Dmytro Suprun, for the victims of the attack, counsel at the Office

8 of Public Counsel for Victims.

9 PRESIDING JUDGE FREMR: [9:34:20] Thank you, Mr Abdou. Thank you,

10 Mr Suprun.

11 Before we continue with the rest of testimony of our witness, I have for the record to

12 correct myself. I was told that Mr Bourgon was already informed that I was too

13 generous when I said that he still had 1 hour 49; in fact, it's just 1 hour 19 minutes.

14 In this connection, Ms Samson, do you envisage at that moment any need for

15 redirect?

16 MS SAMSON: [9:34:57] Yes, Mr President. I will ask for some time, but it will be

17 very brief. At this moment I don't expect that I would ask for more than 10 minutes.

18 In fact, it probably could be 5 minutes, depending. Thank you.

19 PRESIDING JUDGE FREMR: [9:35:12] Then I will give you a chance to update us

20 on that, but I'm asking because I would like to keep the rest of the testimony in one

21 session, so it's possible that we will a bit enlarge this session. Then we will have

22 30 minutes, 30 minutes break and we will shorten the second one.

23 So now -- and before I will give floor to Mr Bourgon, you know, Mr Witness, because

24 in fact you have some experience being a witness even in this case, so as usually I

25 have to remind you that you are still under oath, which means that you have to speak

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Open Session)

ICC-01/04-02/06

1 the truth and nothing but the truth. And I will not give you any details about
2 practical issues because yesterday you did it perfectly, you listened carefully to
3 questions put to you, you responded clearly and briefly, so please just proceed in the
4 same way today.

5 Now, Mr Bourgon, you have the floor.

6 MR BOURGON: [9:36:20] Thank you, Mr President. We can remain for the time
7 being in public session.

8 PRESIDING JUDGE FREMR: [9:36:26] All right.

9 WITNESS: DRC-OTP-P-0031 (On former oath)

10 (The witness speaks French)

11 QUESTIONED BY MR BOURGON: (Continuing) (Interpretation)

12 Q. [9:36:37] Good morning, Mr Witness.

13 A. [9:36:39] Good morning.

14 Q. [9:36:40] Yesterday, Mr Witness, we ended with two video excerpts on which
15 we saw Thomas Lubanga visiting a location held by the White Fathers and where
16 people of various ethnic groups were assembled. My first question is as follows:
17 Do you agree with me on the basis of that video that contrary to your testimony, the
18 UPC was a multi-ethnic group which had at heart the welfare of all the population
19 without discrimination?

20 A. [9:37:35] I have understood your question. The UPC was a group which was
21 necessarily Hema, but just for masquerade purposes they associated certain people
22 who were afraid to die. Certain people who were intimidated came to participate in
23 that group. These are the people who were presented, so many people who were
24 there were there against their own will. But they couldn't do anything because
25 during the UPC activities, it was -- people were being hunted down and they did not

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1 want to go against that.

2 Q. [9:38:30] Thank you, Mr Witness. Let me move on to something else.

3 I would like document DRC-OTP-0160-0190 to be displayed on the screen. And

4 I would like page 0194.

5 MR BOURGON: [9:38:53] At this point in time it is better to move into private
6 session, Mr President.

7 PRESIDING JUDGE FREMR: [9:38:59] Understood.

8 Court officer, let's move now into private session.

9 (Private session at 9.39 a.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-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0031

(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 11.30 a.m.)
- 11 THE COURT OFFICER: [11:30:52] We're in open session, Mr President.
- 12 PRESIDING JUDGE FREMR: [11:30:54] Thank you, court officer.
- 13 We will take now our regular 30 minutes break and then the second session will last
- 14 just from 12 to 1 o'clock.
- 15 THE COURT USHER: [11:31:06] All rise.
- 16 (Recess taken at 11.31 a.m.)
- 17 (Upon resuming in open session at 12.02 p.m.)
- 18 THE COURT USHER: [12:02:14] All rise.
- 19 Please be seated.
- 20 PRESIDING JUDGE FREMR: [12:02:42] Good afternoon, everybody.
- 21 I see many changes in composition of the parties' teams, so I will ask for update.
- 22 Prosecution first.
- 23 MS MORRIS: [12:03:00] Good afternoon, your Honours. My name is Laura Morris.
- 24 With me today, Selamawit Yirgou, Janine Ensing, Marion Rabanit, Eric Iverson, and
- 25 Nicole Samson.

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [12:03:14] Thank you, Ms Morris.

2 Defence, please.

3 MR BOURGON: [12:03:19] For the Defence, Mr President, Mr Jules Guillaumé,

4 Mademoiselle Margaux Portier, and myself, Stéphane Bourgon. Merci.

5 PRESIDING JUDGE FREMR: [12:03:31] Thank you, Mr Bourgon.

6 As to the Legal Representatives of Victims I see no changes, so Mr Abdou and

7 Mr Suprun are with us from the morning.

8 Now before we move to the testimony itself, I would like to remind parties that the

9 Chamber has already indicated that the examination-in-chief of this witness should be
10 completed

11 in two hours and the Defence will have equal time.

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

15 And finally, on 12 December the Chamber received the VWU's vulnerability
16 assessment for the forthcoming witness, Witness P-868, and as recommended by the
17 VWU, the Chamber will allow additional breaks, if necessary.

18 And now we can turn to the scheduled testimony.

19 Mr Witness, good afternoon. Can you hear me?

20 WITNESS: DRC-OTP-P-0868

21 (The witness speaks Swahili)

22 THE WITNESS: [12:05:08] (Interpretation) Yes.

23 PRESIDING JUDGE FREMR: [12:05:11] Very good.

24 Mr Witness, on behalf of this Chamber, I would like to welcome you to the courtroom.

25 You are called to testify in the case against Mr Bosco Ntaganda. You will be soon

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 asked questions both by the Judges and lawyers in the courtroom, and in this
2 connection I would like to guide you as follows:

3 Please listen carefully to those questions. If you do not understand, feel free to ask
4 for the question to be repeated. We want you to tell the truth and tell us what you
5 saw, heard and sensed yourself. If you didn't see or hear it yourself but you found
6 out some other way, then you should explain how. Please testify just on that which
7 you really remember, don't guess, don't make things up, there is nothing wrong in
8 saying "I don't know" or "I don't remember."

9 Do you understand all this, Mr Witness?

10 THE WITNESS: [12:06:38] (Interpretation) So far I have understood you very well.

11 PRESIDING JUDGE FREMR: [12:06:47] All right.

12 Mr Witness, protective measures are put in place to ensure that your identity is not
13 revealed to the public. This means that public cannot see your face and that your
14 voice is being disguised so that the public cannot recognize it. We will refer to you
15 as "Mr Witness" only and ensure that your name and any other information that risks
16 revealing who you are is not broadcast to the public. Therefore, whenever you need
17 to describe anything that might reveal your identity, we will do so in so-called private
18 session so that no one outside the courtroom can hear your answer.

19 Do you understand, Mr Witness?

20 THE WITNESS: [12:07:46] (Interpretation) Yes.

21 PRESIDING JUDGE FREMR: [12:07:53] Good. Now, Mr Witness, you should find
22 a piece of paper in front of you. Can you see it?

23 Or, court usher, rather would be better to assist Mr Witness.

24 So now, Mr Witness, you have with you the text of solemn undertaking, so please
25 now make your solemn undertaking to tell the truth by reading out the declaration

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 you have in your hands.

2 THE WITNESS: [12:08:42] (Interpretation) I solemnly declare -- I solemnly declare
3 that I shall speak the truth, the whole truth, and nothing but the truth.

4 PRESIDING JUDGE FREMR: [12:09:16] Very well, Mr Witness.

5 So now you are under oath and you need to be aware that it is an offence within the
6 jurisdiction of this Court to give false testimony.

7 Do you understand that?

8 THE WITNESS: [12:09:36] (Interpretation) Yes.

9 PRESIDING JUDGE FREMR: [12:09:40] Fine.

10 And finally, a few practical matters you should have in mind when giving your
11 testimony. It's important to speak into the microphone, to speak clearly, and to
12 speak at a slow pace to allow the interpreters to translate everything.

13 What is also very important, you should only start speaking when the person asking
14 you the question has finished. So when a question is asked, please do not respond
15 immediately but, rather, please count in your head to 3 -- 1, 2, 3 -- and only then give
16 your answer, because this pause between the question and your answer is essential
17 for us to properly translate and record what you are saying.

18 If you have, Mr Witness, any questions during your testimony or if you would need a
19 break, do not hesitate to let us know by raising your hand. We will then give you
20 the opportunity to speak.

21 Mr Witness, have you understood all that?

22 THE WITNESS: (Interpretation) Yes.

23 PRESIDING JUDGE FREMR: [12:11:11] All right. Then we can start with your
24 examination, and it will be started by Prosecution, by Ms Morris. Sorry, madam.

25 Please go ahead.

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 QUESTIONED BY MS MORRIS:

2 Q. [12:11:40] Good afternoon, Mr Witness. We have already met but I'll remind
3 you, my name is Laura Morris and I will be asking you questions today on behalf of
4 the Office of the Prosecutor. Before I start, I want to say that if you don't understand
5 any of my questions, please let me know and I will do my best to clarify.
6 Since my first questions are of an identifying nature and this witness has been granted
7 protective measures, I would like to move into private session.

8 PRESIDING JUDGE FREMR: [12:12:12] Court officer, let's move into private session.

9 (Private session at 12.12 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-0868

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 (Open session at 12.24 p.m.)

2 THE COURT OFFICER: [12:24:21] We are in open session, Mr President.

3 PRESIDING JUDGE FREMR: [12:24:23] Mr Witness, Ms Morris will put to you
4 questions that shouldn't reveal your identity, but if you would feel that some answer
5 requires to mention some detail that could reveal your identity, just raise your hand
6 and we will return back into private session. Do you understand?

7 THE WITNESS: [12:24:57] (Interpretation) Yes.

8 PRESIDING JUDGE FREMR: [12:24:58] Ms Morris, please proceed.

9 MS MORRIS: [12:25:00]

10 Q. [12:25:00] Mr Witness, I'll repeat my last question since I don't believe there was
11 an answer. My question was what were -- my question is: What were Bosco's other
12 names, if you know?

13 A. [12:25:28] The other names, I do not know them. The name that I have given
14 you is the name that I knew.

15 Q. [12:25:44] Thank you. You just said that those who carried out the attack at
16 Nyangarai were Hema and that they were together with their leader, Bosco. My
17 question is: Do you know the name of this group that Bosco led?

18 A. [12:26:15] The group that he led was known as UPC; that is the name of the
19 group that he was the leader of.

20 Q. [12:26:36] Thank you. You said that you fled. Do you recall the date that you
21 fled Nyangarai?

22 A. Regarding the date on which I fled, it was in 2002, I remember that year.

23 Q. [12:27:32] Mr Witness, I'd like to read back what you said about 2003 earlier. I
24 asked you, "Can you tell the Chamber what happened in February 2003?" You
25 answered, "During that period, we were living -- we were still living in that village.

1 War broke out there, and when the war started, we fled that locality in a hurry."

2 My question is: Did you flee -- where did you flee to in 2003?

3 A. [12:28:31] When we fled, we went and hid in the bush. This was a location
4 where the armed group could not find us. So we were hiding in the bush.

5 Q. [12:29:14] You said that those who -- you said that those who carried out the
6 attack were Hema. Do you recall, were they dressed in any particular way?

7 A. [12:29:51] Talking about the clothes they were wearing, they were green in
8 colour.

9 Q. [12:30:03] Were the Hema armed?

10 A. [12:30:17] They were armed. In the locality where we were, there were trees,
11 normally referred to as eucalyptus, so those people opened fire and up to this day the
12 shell penetrated the tree, went into the tree, and that tree is at the very centre of that
13 locality.

14 Secondly, they opened fire on a Protestant church and that place has -- or was
15 destroyed. So these are the types of guns that they had to come and kill us with.

16 Q. [12:31:50] Do you know what kind of guns these were?

17 A. [12:32:06] In my opinion, well, I cannot really distinguish between the types of
18 weapons, but the guns that they used -- or the bullets used had this shape. They
19 were longer, elongated shapes, and the front part of this bullet hit the tree and so this
20 is the type of bullet that went into the tree. But I cannot tell you the type of weapon
21 that was used. That is why I said that, to this date, you can see the marks made by
22 that bullet on the eucalyptus tree.

23 Q. [12:33:13] Thank you. Mr Witness, where were you when the attack started?

24 A. When the attack started, it was on a market day in that locality, so I myself was
25 at the market on that day. I therefore fled without even returning to my house.

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1 Q. [12:34:09] You say you fled. Who did you flee with, if anybody?

2 A. [12:34:38] At that time each person had to take their own precautions to save
3 themselves. Later on, we all found ourselves together in a locality. We met other
4 people there, and I know two of the names of those people. (Redacted)

5 Q. All right, Mr Witness, please stop for one second.

6 MS MORRIS: Sorry, your Honours, we may have to go into private session.

7 PRESIDING JUDGE FREMR: [12:35:35] Now, court officer, let's move into private
8 session.

9 (Private session at 12.35 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-0868

(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 12.43 p.m.)
18 THE COURT OFFICER: [12:43:21] We are back in open session, Mr President.
19 PRESIDING JUDGE FREMR: [12:43:24] Thank you, court officer.
20 Ms Morris, please proceed.
21 Mr Bourgon.
22 MR BOURGON: [12:43:30] Thank you, Mr President. I mean, I don't know how
23 many people went to that place, but I think this has a risk of identifying the witness,
24 more than -- more than anything else. I don't think very few people went to that
25 location.

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1 MS MORRIS: [12:43:50] Your Honour, out of previous caution, we can remain in
2 private session. I apologise.

3 PRESIDING JUDGE FREMR: [12:43:55] All right. It's better always if we are in
4 doubt to choose private session in order to protect our witness, so sorry, we have to
5 return back into private session again.

6 (Private session at 12.44 p.m.)

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-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 1.02 p.m.)

10 THE COURT OFFICER: [13:02:52] We are in open session, Mr President.

11 PRESIDING JUDGE FREMR: [13:02:55] Thank you, court officer.

12 So we now take our regular lunch break. We will reconvene half past 2.

13 And for information of Ms Morris, so far, according to our measuring, you used

14 49 minutes.

15 MS MORRIS: [13:03:15] Thank you.

16 THE COURT USHER: [13:03:17] All rise.

17 PRESIDING JUDGE FREMR: [13:03:19] Sorry, Mr Bourgon?

18 MR BOURGON: [13:03:20] Yes, Mr President, I have a quick request to make

19 concerning the timing of the next witness. I just wanted to know when the Trial

20 Chamber would like me to make this request, now or maybe at the beginning of the

21 next session.

22 PRESIDING JUDGE FREMR: [13:03:33] Make it now, but please be brief anyway.

23 MR BOURGON: [13:03:36] Yes, thank you, Mr President.

24 In all likelihood, we will finish with this witness either this afternoon or early

25 tomorrow morning. We can of course then immediately begin with Witness 453. I

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 spoke with my colleague earlier today. I guess the Prosecution is ready to begin
2 immediately after this witness tomorrow morning. However, on the Defence side,
3 my colleague Mr Gosnell is scheduled to cross-examine this witness, but he is
4 presently busy in some hearings in another case which will terminate tonight. We
5 don't intend to delay the proceedings, but I would like to have the possibility for
6 Mr Gosnell to sit through the examination-in-chief tomorrow, but not to begin his
7 cross-examination until Thursday morning. That will give him a few hours to be
8 ready for his cross-examination. So that is the request we would like to make at this
9 time, Mr President.

10 PRESIDING JUDGE FREMR: [13:04:34] So, to sum it up, no problem to start with
11 examination-in-chief, but in fact you request to start with cross-ex on Thursday
12 morning?

13 MR BOURGON: [13:04:45] That is correct, Mr President. And just for the record, of
14 course I believe this is the last witness for the week.

15 PRESIDING JUDGE FREMR: [13:04:52] Prosecution, any position?

16 MS SAMSON: [13:04:55] Well, we would prefer to continue with the
17 cross-examination immediately following the examination-in-chief, but we do
18 understand that counsel has been busy in a different hearing, so we will leave it to the
19 Chamber to determine how best to organise the proceedings, but finishing earlier on
20 Thursday or even Wednesday would be preferable to extending. Thank you.

21 PRESIDING JUDGE FREMR: [13:05:18] We will deliberate on that during the lunch
22 break and then we will inform you.

23 Now we adjourn until 2.30.

24 THE COURT USHER: [13:05:26] All rise.

25 (Recess taken at 1.05 p.m.)

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 (Upon resuming in open session at 2.32 p.m.)

2 THE COURT USHER: [14:32:53] All rise.

3 Please be seated.

4 PRESIDING JUDGE FREMR: [14:33:26] Before we continue with further part of
5 testimony of our witness, I would like to issue briefly a ruling, Chamber's ruling on
6 request made by Defence before the end of the previous session and, in the meantime
7 also, joined by request from Prosecution asking to postpone even not only
8 cross-examination but also direct examination of our last witness till Thursday
9 morning.

10 Our decision is that we are granting just request submitted by the Defence and we are
11 not granting, we are rejecting request made by Prosecution.

12 Just briefly, we considered all time scheduling consequences and we preferred this
13 option.

14 So now we can proceed with further part of direct examination.

15 And, Mr Witness, just to remind you, you are still under oath, you have to speak truth
16 and nothing but the truth. And I also appreciate that you perfectly followed my
17 guidance, you listened carefully to questions, you spoke slowly, you also observed
18 those pauses between question and answer, so please proceed in the same way.

19 Okay?

20 Ms Morris, you have the floor.

21 MS MORRIS: [14:35:27] Thank you, Mr President. If we could return to private
22 session, please.

23 PRESIDING JUDGE FREMR: [14:35:32] Certainly.

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

25 (Private session at 2.35 p.m.)

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Recess taken at 3.03 p.m.)

2 (Upon resuming in open session at 3.19 p.m.)

3 THE COURT USHER: [15:19:07] All rise.

4 Please be seated.

5 PRESIDING JUDGE FREMR: [15:19:30] Before we continue with examination of our
6 witness, just for the record, the Chamber decided to break for 10 minutes. It took
7 a little bit more, but the reason was that we, even in accordance with recommendation
8 by VWU, we wanted to give some time to Mr Witness to recover.

9 Now, Mr Witness, are you feeling okay to continue with your testimony?

10 THE WITNESS: [15:20:06] (Interpretation) Yes.

11 PRESIDING JUDGE FREMR: [15:20:10] Very well. And if, in future, the same
12 problem would repeat, no problem, just raise your hand and we can take another
13 break, if necessary.

14 Now, Ms Morris, I suppose you would like to continue in private session?

15 MS MORRIS: [15:20:27] Yes, Mr President.

16 PRESIDING JUDGE FREMR: [15:20:30] Understandable.

17 Court officer, please let's move into private session.

18 (Private session at 3.20 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Private Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – Private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 4.26 p.m.)

6 THE COURT OFFICER: [16:26:47] We are in open session, Mr President.

7 PRESIDING JUDGE FREMR: [16:26:49] Thank you, court officer.

8 Mr Suprun, please proceed.

9 MR SUPRUN: [16:26:55] (Interpretation)

10 Q. [16:26:57] Witness, as a victim of the war in Ituri 2002 to 2003 what do you

11 expect from the International Criminal Court in this trial against Bosco Ntaganda?

12 A. [16:27:36] If I have understood your question well, I would say the following to

13 the ICC: May it continue to do its work according to the law.

14 Q. [16:27:54] If Bosco Ntaganda is declared guilty following this trial, would you

15 wish to have reparations?

16 A. [16:28:16] Yes. That will depend upon what the law provides in accordance

17 with your text.

18 Q. [16:28:46] But can you give your opinion, in what should -- or what should

19 reparations consist of for you? What do you understand by way of reparations for

20 the harm that you suffered during the war?

21 A. [16:29:19] I experienced difficulties. My house was destroyed and I would ask

22 that a house be built for me so I could live in it again.

23 Q. [16:29:47] Thank you very much, Witness, for your answer.

24 MR SUPRUN: I have no more questions, your Honour.

25 PRESIDING JUDGE FREMR: [16:29:51] And I thank you, Mr Suprun, for your

Trial Hearing
WITNESS: DRC-OTP-P-0868

(Open Session)

ICC-01/04-02/06

1 punctuality.

2 Now, Mr Witness, it concludes your testimony for today. Roughly we are in the half
3 of your testimony so with the second half we will proceed tomorrow morning at 9.30.

4 And it is my duty to remind you that in the meantime till tomorrow morning you
5 must not discuss your testimony with anybody else. Do you understand,
6 Mr Witness?

7 THE WITNESS: [16:30:37] (Interpretation) Yes.

8 PRESIDING JUDGE FREMR: [16:30:38] So, very well, Mr Witness. We adjourn and
9 we reconvene tomorrow, 9.30.

10 THE COURT USHER: [16:30:47] All rise.

11 (The hearing ends in open session at 4.30 p.m.)