

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
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 3
8 Wednesday, 25 January 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:15] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:32:48] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:56] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, ICC case reference 01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: [9:33:10] Thank you.
20 Now update on appearances if change compared to yesterday morning.
21 Prosecution?
22 MS SAMSON: [9:33:17] Good morning, Mr President, and your Honours.
23 There has been no change to the Prosecution's composition since yesterday morning.
24 PRESIDING JUDGE FREMR: [9:33:23] Thank you Ms Samson.
25 Defence, please.

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1 MR BOURGON: [9:33:27] (Interpretation) Good morning, your Honour. No change
2 on the Defence side compared to the composition of the team yesterday morning.

3 PRESIDING JUDGE FREMR: [9:33:37] Thank you, Mr Bourgon.

4 And now Legal Representatives of Victims, please.

5 MS PELLET: [9:33:43] (Interpretation) Thank you, your Honour. No change for the
6 former child soldiers.

7 MR SUPRUN: [9:33:52] Good morning, your Honour, your Honours. The victims of
8 the attacks, there is no change since yesterday.

9 PRESIDING JUDGE FREMR: [9:34:00] Thank you, Ms Pellet.

10 Thank you, Mr Suprun.

11 Mr Witness, good morning.

12 WITNESS: DRC-OTP-P-0005 (On former oath)

13 (The witness speaks French)

14 (The witness gives evidence via video link)

15 THE WITNESS: [9:34:09] (Interpretation) Good morning.

16 PRESIDING JUDGE FREMR: [9:34:17] Mr Witness, for today we are planning to
17 conduct two sessions determined for cross-examination by Defence. We plan
18 to -- that each of the sessions should take one hour, but I was told that you are
19 feeling a bit tired. So please, if you would feel need for a break we can even break
20 before that one hour shortly. So in such a case please let us know. But if possible, I
21 would prefer to continue for whole one hour because, as you may know, Defence
22 still have six hours -- six hours for its cross-examination. So ideally we could finish
23 your cross-examination by the end of the week; if not, then we will continue even on
24 Monday. But I believe it is both in the interest of the Court and also in your interest
25 rather to finish by Friday. So we will see and -- but as I said, if you feel

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1 uncomfortable we can even break before, before 10.30 otherwise we should break.

2 Mr Bourgon, you have the floor. Do you want to proceed in open or in private
3 session?

4 MR BOURGON: [9:35:46] Private session, Mr President, please.

5 PRESIDING JUDGE FREMR: [9:35:48] Understandable.

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

7 And in order to, in the meantime, to inform public, this witness is protected one,
8 because of that he was given guarantee that his identity will not be revealed to the
9 public; and since the upcoming questions could bring such a risk, we will have to
10 move into private session, which is the case now.

11 (Private session at 9.36 a.m.)

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4 (Open session at 10.43 a.m.)

5 THE COURT OFFICER: [10:43:24] We are in open session, Mr President.

6 PRESIDING JUDGE FREMR: [10:43:28] Thank you, court officer.

7 So now we break for 30 minutes, which means that we will reconvene at quarter past
8 11.

9 THE COURT USHER: [10:43:39] All rise.

10 (Recess taken at 10.43 a.m.)

11 (Upon resuming in open session at 11.16 a.m.)

12 THE COURT USHER: [11:16:25] All rise.

13 Please be seated.

14 PRESIDING JUDGE FREMR: [11:16:54] Mr Witness, welcome back. We will
15 continue with your cross-examination by Mr Bourgon, who represents Defence.

16 Ms Samson.

17 MS SAMSON: [11:17:03] Yes, quickly, your Honour, I just wonder whether
18 the Defence is seeking to admit or not the last document that it used with the
19 witness, 0194-0328.

20 PRESIDING JUDGE FREMR: [11:17:16] Mr Bourgon, collegial reminder.

21 MR BOURGON: [11:17:19] Yes, I do intend to admit the document, Mr President, but
22 after I ask a few questions on it.

23 PRESIDING JUDGE FREMR: [11:17:26] All right, then.

24 And we are in open session, so I guess we will have to move into private.

25 Am I correct?

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1 MR BOURGON: [11:17:34] Correct.

2 PRESIDING JUDGE FREMR: [11:17:34] So, court officer, let's move into private
3 session now.

4 MS SAMSON: [11:17:40] To be clear, I was referring to the document, the
5 16 May 2002 document, I think it is not the one we are turning to now but the one we
6 just finished with.

7 MR BOURGON: [11:17:52] That's the one, Mr President.

8 PRESIDING JUDGE FREMR: [11:17:54] All right.

9 So you have the floor, Mr Bourgon.

10 MR BOURGON: [11:18:02] (Interpretation)

11 Q. [11:18:02] Good morning, once again, sir.

12 A. [11:18:07] Good morning.

13 (Private session at 11.18 a.m.)

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- 1 (Redacted)
- 2 (Redacted
- 3 (Redacted)
- 4 (Open session at 12.28 p.m.)
- 5 THE COURT OFFICER: [12:28:22] We are in open session, Mr President.
- 6 PRESIDING JUDGE FREMR: [12:28:26] Thank you, court officer.
- 7 Since we don't have any witness for the afternoon, we will continue tomorrow 9.30.
- 8 And again we will have two sessions, each for one hour, but if possible we will -- we
- 9 will maybe, as like today, slightly prolong each session in order to get back to our
- 10 original schedule.
- 11 Now the Court is adjourned.
- 12 THE COURT USHER: [12:28:56] All rise.
- 13 (The hearing ends in open session at 12.29 p.m.)