

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 Monday, 10 April 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:31] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:33:20] (Microphone not activated)
14 THE COURT OFFICER: Thank you, Mr President.
15 (Overlapping Speakers)
16 PRESIDING JUDGE FREMR: Thank you. (Overlapping speakers)
17 THE INTERPRETER: [9:34:13] The interpreter requests that the sound at the other
18 end be turned down because it is going to overlay any speakers.
19 PRESIDING JUDGE FREMR: [9:34:24] (Overlapping speakers) the French channel
20 number 2.
21 (Overlapping speakers)
22 MR IVERSON: [09:34:31] (Overlapping speakers)
23 PRESIDING JUDGE FREMR: [9:34:50] Thank you, Mr Iverson.
24 Defence, please.
25 MR BOURGON: [9:34:57] (Interpretation) Your Honour, representing Bosco

1 Ntaganda this morning in the courtroom, Mademoiselle Cichalewska; and
2 myself, Stéphane Bourgon.

3 Thank you, your Honour.

4 PRESIDING JUDGE FREMR: [9:35:07] Thank you, Mr Bourgon.

5 And now legal (Overlapping speakers)

6 MS PELLET: [9:35:19] (Interpretation) Thank you, your Honour.

7 Vony Rambolamanana; and myself, Sarah Pellet, counsel with the Office of Public
8 Counsel are representing victims.

9 MR SUPRUN: [9:35:29] (Interpretation) Good morning, your Honour. Good
10 morning, your Honours. The victims of the attacks are represented by the
11 Office of Public Counsel for Victims, Anne Grabowski, associate lawyer; Cherine
12 Luzaisu, counsel in the field; and myself, Dmytro Suprun, also counsel.

13 THE INTERPRETER: [9:35:45] And the interpreter points out that there is a sound
14 overlay.

15 MR SUPRUN: (Interpretation) I would also like to ask, as we have a case manager,
16 Negosava Smiljanic.

17 PRESIDING JUDGE FREMR: [9:35:57] I thank Ms Pellet and Mr Suprun.

18 So even for a while I got impression that everything is okay with the channels, but
19 now I'm afraid the problem is ongoing. So I, again, I switch to French channel, but I
20 would like to at least to stay at one of them.

21 THE COURT OFFICER: [9:36:29] Yes, it seems that the French interpretation booth
22 is using channel 1, the English channel, meaning that on the channel 1 we are
23 receiving both the English and the French.

24 PRESIDING JUDGE FREMR: [9:36:52] So now it seems to be again okay. I am on
25 the English 1. So I will continue.

1 During the next days we will hear the testimony of three victims represented by the
2 Legal Representative of the Victims of the attacks who have been authorised to
3 present evidence by virtue of the Chamber's decision with filing number 1780.
4 Before we start with the testimony of the first witness, the Chamber will address some
5 procedural matters relevant to his testimony.

6 First, I recall that this witness shall be referred to as "Mr Witness" or as "Witness V1".

7 For the purpose of timing for this witness, and as noted in the Chamber's prior email,
8 the Legal Representative of the Victims of the attacks, Mr Suprun, shall have two
9 hours to examine the witness. Once the legal representative has completed his
10 examination, the Prosecution shall indicate which areas, if any, it wishes to question
11 the witness on and, on that basis, the Chamber will decide on the amount of time that
12 will be granted.

13 As previously indicated questioning should not be repetitive of the examination
14 already conducted by the legal representative and, in any event, not
15 exceed 30 minutes.

16 Finally, the examination time granted to the Defence will, in principle, not exceed the
17 combined time of the questioning by the LRV and the Prosecution.

18 The Chamber recalls that pursuant to its decision with filing number 1853 this witness
19 will testify with protective measures.

20 On 7 April 2017, the Chamber received the VWU vulnerability assessment
21 recommending in particular: One, that the witness be observed closely during
22 testimony in order to assess whether additional breaks are necessary; and two,
23 adapted sitting hours, namely two sessions of one hour and 30 minutes per day.

24 The Chamber has taken note of the VWU's recommendations and it will assess the
25 need for them, if any, at the relevant time.

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 Further, the Chamber has taken note of the Defence notice of objections to the use or
2 admission of certain documents and the LRV's response and it will address any such
3 objections if and when they arise.

4 So now we can proceed with this witness' testimony.

5 Mr Witness, good morning. Can you hear me well?

6 VICTIM: a/0056/13

7 (The victim speaks Swahili)

8 (The victim gives evidence via video link)

9 THE VICTIM: [9:40:33] (Interpretation) Yes.

10 PRESIDING JUDGE FREMR: [9:40:35] Good. On behalf of this Chamber,
11 Mr Witness, I would like to welcome you. You are now going to testify before the
12 International Criminal Court. You will be soon asked questions both by the Judges
13 and lawyers over here in the courtroom in The Hague. In this connection, I would
14 like to guide you as follows:

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

21 Do you understand all this, Mr Witness?

22 THE VICTIM: [9:41:51] Ndiyo. Ndiyo, ndiyo.

23 THE INTERPRETER: [9:42:03] The French channel is blocked so the English
24 interpreter can't reply. Now it's open: Yes.

25 PRESIDING JUDGE FREMR: [9:42:12] Very good, Mr Witness.

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 Now, protective measures are put in place to ensure that your identity is not revealed
2 to the public. This means that the public cannot see your face today and that your
3 voice is being disguised so that the public cannot recognise it. We will refer to you
4 as "Mr Witness" only and ensure that your name and any other information that risks
5 revealing who you are is not broadcast to the public. Therefore, whenever you need
6 to describe anything that might reveal your identity we will do so in so-called private
7 session so that no one apart from the court officer sitting with you and us here in the
8 courtroom can hear your answer.

9 Do you understand, Mr Witness?

10 THE VICTIM: [9:43:17] (Interpretation) Yes.

11 PRESIDING JUDGE FREMR: [9:43:29] Good.

12 Now, Mr Witness, you should find piece of paper in front of you with the text of
13 solemn undertaking. Do you have it in front of you?

14 THE VICTIM: [9:43:44] (Interpretation) Yes, I have it in front of me.

15 PRESIDING JUDGE FREMR: [9:43:54] Then please now make your solemn
16 undertaking to tell the truth by reading out the declaration on that piece of paper,
17 please.

18 THE VICTIM: [9:44:12] (Interpretation) I solemnly declare that I will tell the truth,
19 the whole truth and nothing but the truth.

20 PRESIDING JUDGE FREMR: [9:44:31] Thank you, Mr Witness.

21 You are now under oath. And you need to be aware that it is an offence within the
22 jurisdiction of this Court to give false testimony. Do you understand that?

23 THE VICTIM: [9:44:53] (Interpretation) Yes.

24 PRESIDING JUDGE FREMR: [9:44:59] Fine.

25 And finally, a few practical matters you should have in mind when giving your

1 testimony.

2 It's important to speak into the microphone, so far you are doing that very well, to

3 speak clearly and to speak at a slow pace to allow the interpreters to translate

4 everything. You should only start speaking when the person asking you the

5 question has finished. And when a question is asked please do not respond

6 immediately, but please count in your head to three and only then give your answer

7 because this pause of three seconds between the question and response is essential for

8 us to properly hear and record what you are saying.

9 If you have any questions during your testimony, do not hesitate to let us know, we

10 will then give you the opportunity to speak.

11 Have you understood all that, Mr Witness?

12 THE VICTIM: [9:46:14] (Interpretation) Yeah.

13 PRESIDING JUDGE FREMR: [9:46:18] Good, Mr Witness. It means that we can

14 now start your testimony so I am giving floor to Legal Representative of the Victims,

15 Mr Suprun. Mr Suprun, you have the floor.

16 THE VICTIM: [9:46:43] (Interpretation) I have a cough, please excuse me for that.

17 It was in 2002 --

18 PRESIDING JUDGE FREMR: [9:47:05] Mr Witness, just concerning your cough,

19 there is no problem, it's no problem. Mr Witness, I wanted to comment your

20 problem with cough. It is no problem for us. If you would feel that you need some

21 break because of that, please let us know. All right.

22 And now I am giving floor to Mr Suprun.

23 QUESTIONED BY MR SUPRUN: (Interpretation)

24 Q. [9:47:45] Witness, good morning.

25 A. [9:47:52] Good morning.

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

1 Q. [9:47:55] I am going to give my name for the record.

2 My name is Dmytro Suprun and I represent the victims of the attacks against the
3 civilian population participating in these proceedings against Bosco Ntaganda.

4 I am going to ask you a certain number of questions this morning concerning your
5 experience, as well as that of your family, in 2002/2003, do you understand that?

6 A. [9:48:27] Yes, yes.

7 Q. [9:48:40] Your Honour, could we go into closed session for the first questions
8 referring to the identity of the witness?

9 PRESIDING JUDGE FREMR: [9:48:49] Certainly.

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

11 (Private session at 9.48 a.m.)

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
VICTIM: a/0056/13

(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 (Open session at 9.51 a.m.)
- 17 THE COURT OFFICER: [9:51:59] We are back in open session, Mr President.
- 18 PRESIDING JUDGE FREMR: [9:52:06] Thank you, court officer.
- 19 Mr Suprun, please proceed.
- 20 MR SUPRUN: [9:52:10] (Interpretation)
- 21 Q. [9:52:16] Witness, I would ask you to concentrate on the events that you
- 22 experienced, as well as your family, 2002 to 2003. I would ask you to proceed in the
- 23 following way: I would ask you to start by presenting your experience, and at
- 24 a certain time I will have certain questions by way of clarification.
- 25 THE INTERPRETER: [9:52:44] The interpreter lost part due to a cough.

1 MR SUPRUN: [9:52:50] (Interpretation)

2 Q. But first of all, I would like you to tell us about your experience.

3 A. [9:53:06] Yes. It was at the end of 2002. I was arrested by soldiers; they beat
4 me. It was on the road, and from there they took me to prison. There, one of the
5 chiefs sent me to hospital and at the hospital they found that I had been seriously
6 injured and they treated me there. And when they sent me there to the health centre,
7 they told me that if I was cured I should go home. So I went home. And in the
8 month of December in 2002, I went home, and in the same month my house was
9 burnt down.

10 Q. [9:54:17] I would now like to come back to what you have just said. From the
11 moment you were abducted, I would like to ask you a few questions. Who arrested
12 you? Who abducted you?

13 A. [9:54:34] It was soldiers.

14 Q. [9:54:41] And which armed group did these soldiers belong to, if you
15 remember?

16 A. [9:54:49] They were from Bosco's group.

17 Q. [9:54:58] And how did you know it was soldiers from Bosco's group?

18 A. [9:55:06] I found out because at that time Bosco was the head of the soldiers
19 there and his HQ was there, in Lopa.

20 Q. [9:55:31] Could you give some more detail about the time you were abducted, so
21 why were you arrested or abducted?

22 A. [9:55:47] They arrested me because I am Lendu, and at that time the Hema and
23 the Lendu were not getting on. They were fighting. And the head of the Hema
24 soldiers was there; their boss was Bosco Ntaganda.

25 Q. [9:56:07] So you were abducted by Bosco's soldiers. Now, where were you

1 taken?

2 A. [9:56:23] Having arrested me, they took me to Nizi, and from there I had been
3 abducted. The MLC was the chief of soldiers who was there and he sent me to the
4 hospital. He sent me to Buli in order to be treated. And I was treated some days
5 afterwards and I was able to return home. And I found my village. There were
6 people who were there. And afterwards my house was burnt down, three houses.

7 Q. [9:57:00] Could you concentrate on this episode when you went home. And
8 could you give us more detail about the time when you were abducted and the time
9 when you were taken to Nizi. First of all, what happened in Nizi? Why were you
10 taken to Nizi?

11 A. [9:57:25] Very well, in Nizi they took me there because I am Lendu. The Lendu
12 weren't getting on with the Hema. But I don't know what fault I had committed.
13 The reason was that I was Lendu, and the Hema were carrying out war against the
14 Lendu. They just arrested me because I was Lendu.

15 Q. [9:57:57] Very well. So you were taken to Nizi, but what happened in Nizi?
16 Why did they take you to that place? What happened in Nizi?

17 A. [9:58:18] Before taking me to Nizi, they beat me severely. And when I arrived
18 in Nizi, they beat me again. After that, they took me to Bunia, so the head of the
19 soldiers came and we went with him to Bunia. And they sent me to the health centre
20 because I was wounded, seriously wounded.

21 Q. [9:58:50] I would like to go back to what you just said. Now, when you say
22 that you were beaten, could you give some more detail with regards to how you were
23 beaten and who beat you?

24 A. [9:59:14] In order to beat me, they used batons, batons. It was the soldiers who
25 beat me.

1 Q. [9:59:26] Which soldiers are you speaking about? Which armed group? To
2 which armed group did the soldiers who beat you belong to?

3 A. [9:59:39] They were soldiers from Bosco's group.

4 Q. [9:59:44] Once again, I would like you to give some more detail about how you
5 were beaten, about the circumstances. Could you give some more details so that
6 the Chamber may better understand.

7 A. [10:00:09] When they were beating me, they previously took all my clothes off.
8 They poured water over me and then they hit me with batons or clubs.

9 Q. [10:00:27] And up until the point when you were beaten, did the soldiers tell
10 you why you were being beaten or did they say anything else? Do you recall what
11 they said, if anything?

12 A. [10:00:45] They were saying this, "We are the Lendus. It's because you are a
13 Lendu. We are the people who are the masters of the Lendu."

14 Q. [10:01:08] How many times were you beaten during that particular period at the
15 time you were at Nizi?

16 A. [10:01:18] They beat me a number of times, countless times.

17 Q. [10:01:28] How many days did you spend at Nizi?

18 A. [10:01:39] Four days.

19 Q. [10:01:44] And apart from the beatings, were you compelled to do something
20 else at Nizi?

21 A. [10:01:58] They forced me to go and get water from a well. And at that
22 particular point I didn't have any strength left, but they forced me to go and get water
23 from the ground and to clean their toilets, which I did barehanded. And I was doing
24 that with my hands; I didn't have any gloves.

25 Q. [10:02:29] Can you clarify, when you said you were forced to clean the toilets

1 with your hands, can you give me the context, what procedure was adopted and how
2 did the events unfold?

3 A. [10:02:53] When I was cleaning the toilets, I was doing it barehanded, and then
4 they brought me back into the prison.

5 Q. [10:03:12] And were you forced to clean the toilet before your beatings or after
6 the beatings?

7 A. [10:03:27] We were cleaning the latrines after receiving the lashes from the whip
8 and we were injured, therefore. And every time we cleaned the latrines, we were
9 brought back into the prison.

10 Q. [10:03:53] And after cleaning the toilets, were you able to clean yourself, to
11 wash?

12 A. [10:04:07] No.

13 Q. [10:04:11] And when you were at the Nizi prison were you given food and
14 water?

15 A. [10:04:23] No.

16 Q. [10:04:28] You also talked about "we" were forced to clean the latrines, "we"
17 were beaten. So who was imprisoned with you and who else was compelled to do
18 what you were compelled to do?

19 A. [10:04:56] There were other people in the prison. But that particular one, he
20 was responsible for growing crops in the field. My task was to clean the latrines.
21 To clean, to weed all around the latrines, and then I was taken back into the prison
22 itself.

23 Q. [10:05:33] When you were at Nizi, Mr Witness, and you spoke of the soldiers
24 that forced you to do these things, do you recall what they were wearing, what these
25 soldiers were wearing?

1 A. [10:05:49] The soldiers were wearing fatigues.

2 Q. [10:06:04] And these soldiers, were they carrying weapons?

3 A. [10:06:14] Those -- the soldiers were carrying rifles, they had rifles.

4 Q. [10:06:24] I would like you now to focus upon the consequences following the
5 beatings. My first question: Subsequent to the beatings, did you have any
6 particular injuries?

7 A. [10:06:48] Yes, injuries to my head.

8 Q. [10:07:01] And apart from your head, your wounded head, were any other parts
9 of your body wounded in addition?

10 A. [10:07:17] Yes, I was wounded in my head and in my back, as well as here on
11 my legs. And even today, right until this day, I can't walk very well. I received
12 injuries to my back, and that's why they took me to a health centre to receive
13 treatment.

14 Q. [10:07:43] And when you went to the hospital to receive treatment, what
15 treatment did you receive?

16 A. [10:07:57] I received first aid, really, treatments. They gave me some pills and
17 they bandaged my wounds and they gave me one or two injections.

18 Q. [10:08:23] And these injuries that you received during that period of the war,
19 these injuries still affect you today?

20 A. [10:08:45] Yes. I was wounded on my sides as well. When I went to my fields,
21 I couldn't farm for -- for a long time. Even when I walk, I have problems walking
22 because I have pain. So to work I need to take some medication.

23 Q. [10:09:21] And even today you take medication?

24 A. [10:09:32] Even today, yes, I take medication. I need to take medication to walk,
25 and from time to time I need to sit down and have a rest and then stand up and carry

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 on. For example, to walk a number of kilometres -- well, after one kilometre I have
2 to, well, I have to have rested twice already.

3 MR SUPRUN: [10:10:03] (Interpretation) Your Honour, I would like the Chamber's
4 leave to show the witness a document. This is at tab 5 in my binding that I have
5 already circulated.

6 PRESIDING JUDGE FREMR: [10:10:17] Defence, any objection?

7 MR BOURGON: [10:10:21] No, Mr President.

8 THE COURT OFFICER: [10:10:24] Could you please let us know the level of
9 confidentiality of the document?

10 MR SUPRUN: [10:10:52] (Microphone not activated)

11 PRESIDING JUDGE FREMR: [10:10:54] Your microphone was off.

12 MR SUPRUN: [10:10:57] (Interpretation) Yes, thank you. So let me give the
13 number of this document. It's DRC-PCV-0001-0079. This is a confidential
14 document, I clarify.

15 PRESIDING JUDGE FREMR: [10:11:22] And before, before we approach this
16 document, I would like to put one additional question to Mr Witness.

17 Mr Witness, you said "I received injuries and they took me to a health centre." Who,
18 if you could just be more specific, who did take you to a health centre?

19 THE VICTIM: [10:11:55] (Interpretation) It was a commander who took me to
20 a hospital. It was a commander at Bunia, because he saw that I was severely injured
21 and my head was swollen and I had pain in my sides. I couldn't even walk because
22 I was seriously wounded, and so that particular commander took me to the hospital.

23 PRESIDING JUDGE FREMR: [10:12:26] All right, so if I understood well, it was UPC
24 commander; am I correct?

25 THE VICTIM: [10:12:47] (Interpretation) Is that question being put to me?

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:12:50] Yes, Mr Witness, it is a question for you.

2 THE VICTIM: [10:12:59] (Interpretation) All right. It was the Bunia airport
3 commander who took me to the hospital. I don't know whether he was a UPC
4 soldier.

5 PRESIDING JUDGE FREMR: [10:13:13] Thank you, Mr Witness.

6 Now, Mr Suprun, I guess we may proceed.

7 MR SUPRUN: [10:13:29] (Interpretation) I don't know whether the document has
8 been displayed. I don't know whether the witness has sight of that document, and if
9 not, if he could do so.

10 THE COURT OFFICER: [10:13:39] The document is indeed displayed and the victim
11 should be able to see it.

12 MR SUPRUN: [10:13:48] (Interpretation)

13 Q. [10:13:49] Please look at your screen. Do you see a photograph before you?

14 A. [10:14:00] Yes.

15 Q. [10:14:00] What do you see?

16 A. [10:14:06] This photo will show you the marks of the clubs that struck me, and I
17 had pain in all these areas, on my sides. I was taken off to the hospital, I received
18 treatment. And so I found relief in that. And then I went back.

19 Q. [10:14:33] So, Mr Witness, can you tell me who is this person on the photo so we
20 are absolutely certain at what we are looking at?

21 A. [10:14:46] This is me on the photo.

22 MR SUPRUN: [10:14:57] (Interpretation) Your Honour, could this item be entered
23 into evidence, please.

24 PRESIDING JUDGE FREMR: [10:15:03] Before doing that, I would like to ask
25 Mr Witness.

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 Mr Witness, do you remember what time this picture had been taken and by whom?

2 I don't mean exact date but whether, you know, two, two days after you had been
3 released from hospital, one week, two weeks, at least some estimation of time?

4 THE VICTIM: [10:15:45] (Interpretation) The photo was taken once I had returned
5 home, once I had provided my statement to the LRV at Bunia, and that's about when
6 this photo is taken.

7 PRESIDING JUDGE FREMR: [10:16:12] All right, so there is a motion to tender this
8 picture.

9 Defence, any objection?

10 MR BOURGON: [10:16:25] Mr President, as the Chamber is aware, the Defence
11 initially objected to the use of this document based on a requirement for the identity
12 of the person who took the pictures and also on a basis of the date on which the
13 picture was taken. The information provided by my colleague Legal Representative
14 indicates a date. I am not going to say this date openly here, but I would like to
15 confirm that this date corresponds to what the witness now provided as an answer so
16 that we know that this is when this picture was taken because it has, indeed, very
17 important impact on the probative value which can be attributed to this picture. But
18 we do not oppose tendering this picture. Thank you, Mr President.

19 PRESIDING JUDGE FREMR: [10:17:21] Mr Suprun, could you elaborate on that,
20 please.

21 MR SUPRUN: [10:17:25] (Interpretation)

22 Q. Mr Witness, can you provide greater details about when exactly this
23 photograph was taken?

24 A. [10:17:42] The photo was taken when I provided my statement in Bunia with the
25 victims' lawyers.

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 Q. [10:17:56] Mr Witness, do you remember in what month this photo was taken?

2 Two months, one month ago, three years ago? Could you give me some

3 clarifications, please?

4 A. [10:18:20] I think this photo was taken three months ago. It was taken at Bunia
5 when I provided my statements to the LRV lawyers.

6 PRESIDING JUDGE FREMR: [10:18:40] Hold on, Mr Witness.

7 Mr Bourgon.

8 MR BOURGON: [10:18:45] I just wanted to say, Mr President, that my colleague, if

9 he wants to lead the witness to the particular date, we have no objection so we can

10 save some time.

11 PRESIDING JUDGE FREMR: [10:18:55] So the last question, Mr Suprun, just put the
12 leading question concerning date.

13 MR SUPRUN: [10:19:05] (Interpretation) Thank you very much, your Honour, and
14 thank you to my learned colleague from the Defence.

15 Q. [10:19:12] If I put it to you, Mr Witness, that this photo was taken on 14 March,
16 would that refresh your memory or not?

17 A. [10:19:24] Yes, that's right. Yes. It was on that particular date, indeed.

18 PRESIDING JUDGE FREMR: [10:19:32] All right then, so I understood there were no
19 objection from the Defence part. So this picture is admitted into evidence as
20 an LRV's evidence.

21 Now, exhibit -- sorry, not evidence, exhibit.

22 Now, Mr Suprun, you may proceed.

23 MR SUPRUN: [10:20:05] (Interpretation) Your Honour, I would like to show another
24 photo to the witness. It's at tab 7 in my folder.

25 PRESIDING JUDGE FREMR: [10:20:23] Defence? Again, any objection?

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [10:20:28] None, Mr President.

2 PRESIDING JUDGE FREMR: [10:20:30] All right.

3 MR SUPRUN: [10:20:34] (Interpretation) So for the transcript, let me give you the
4 number.

5 PRESIDING JUDGE FREMR: [10:20:39] Mr Suprun, I guess madam court officer
6 would like to verify whether it's -- the level of confidentiality, I guess.

7 MR SUPRUN: [10:20:50] (Interpretation) Yes, this is a confidential document.

8 PRESIDING JUDGE FREMR: [10:21:09] So we will manage it accordingly. You
9 may proceed, Mr Suprun.

10 MR SUPRUN: [10:21:22] (Interpretation) So for the transcript, the ERN number of
11 this photo is DRC-PCV-0001-0081.

12 Is the photo being displayed before the witness?

13 Q. [10:22:04] Mr Witness, look at the screen, please. What do you see on the
14 photo?

15 A. [10:22:25] I see something that looks like a house.

16 MR SUPRUN: [10:22:44] (Interpretation) Well, your Honour, perhaps we can take
17 this photo down because the witness quite obviously is having trouble identifying
18 what features in the photo.

19 PRESIDING JUDGE FREMR: [10:22:54] All right.

20 MR SUPRUN: [10:22:59] (Interpretation)

21 Q. [10:23:00] Mr Witness, can you tell us, did you receive, apart from the injuries to
22 your back, did you receive other injuries subsequent to the beatings?

23 A. [10:23:24] Yes. I was wounded in my back, and in my left leg. I couldn't even
24 walk very well subsequent to that injury. I also spoke to you about the injury I
25 received to the head, as well as the injuries I had to my sides, and that had

1 consequences for me because I couldn't farm and I couldn't build my house.

2 Q. [10:24:02] And can you tell us where you received that injury to the head?

3 A. [10:24:12] Here, the injury was located here.

4 MR SUPRUN: [10:24:23] (Interpretation) Your Honour, I am noting that the witness
5 is indicating with his hand the injury that he received to the left side of his head.

6 PRESIDING JUDGE FREMR: [10:24:32] For the record, I can confirm we have seen
7 that.

8 THE INTERPRETER: [10:24:35] The right-hand side of the head.

9 MR SUPRUN: [10:24:44] (Interpretation)

10 Q. [10:24:45] I'd just like to clarify with the witness what he has said in the
11 transcript. I'm referring to the French transcript, page 13, from line 10 to 12. Can I
12 just ask the witness to clarify his answer.

13 PRESIDING JUDGE FREMR: [10:25:19] Please go ahead.

14 MR SUPRUN: [10:25:21] (Interpretation)

15 Q. [10:25:21] In answer to my previous question you said, going to what the
16 soldiers in Nizi said to you when you were beaten, you said they said the following,
17 "We are the Lendus because you are Lendus. We are the masters of the Lendus."
18 When you say, "We, we are the Lendus", are you talking about the Lendus or are you
19 talking about another group, another ethnic group altogether?

20 A. [10:26:05] The soldiers that arrested us were Hema.

21 Q. [10:26:09] So for the avoidance of doubt, so that we are following your evidence,
22 the soldiers that were beating you, what ethnic and what armed group did they
23 belong to?

24 A. [10:26:31] Well, I can't be expected to know the ethnic groups, but the only thing
25 that I was aware of was that the soldiers were Hemas. They were on Hema's side

1 and they were fighting the Lendus.

2 Q. [10:26:46] Thank you very much, Mr Witness. I would like you now to tell us
3 what happened to you and your family after the date at which you returned home
4 and when you received treatment in Bunia's hospital. Can you give us the account
5 of yours and your family's experience once you returned home?

6 A. [10:27:16] Thank you. When I returned home, after one or two days, it was in
7 December, at the beginning of December 2002, our house was burnt -- three houses in
8 fact that were burnt. These had thatched roofs. We ran away and we sought refuge
9 in the bush, and then when we came back, we found that all our belongings had been
10 looted, cattle and household objects. After that, we went back to the village after
11 spending the Christmas period in the bush.

12 Upon our return, we went to live in a house that was made out of corrugated iron.
13 And then in February 2003, my, my compound received shells, shelling, there was
14 shelling, and one of my family was killed. Six people died. In our house they were
15 eating at the time and the shells fell and killed six people simultaneously.

16 Q. [10:29:08] Thank you very much, Mr Witness. Let me ask one or two questions
17 for clarification. The first, you made mention of your three houses that were burnt
18 and burned. Do you know who burned your houses?

19 A. [10:29:30] The houses were burned down by Bosco's soldiers because it was at
20 that particular point that he was in power.

21 Q. [10:29:44] Let me now ask you to provide greater detail in terms of what
22 occurred exactly when a weapon exploded in your compound. Can you give us
23 greater detail about that? How did the events unfold?

24 A. [10:30:19] So I was there. I'll tell you what I saw with my own eyes. I'll tell
25 you what happened when I was actually there in situ. So we were in the house.

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

1 My wife had, had come up to serve me some tea, and when she left the house she
2 was -- she arrived at the point where the children were pounding the flour, and we
3 heard an explosion and it was in my compound. We also had a guest who ran off,
4 escaped into the bush, and I noticed that my wife was on the ground. She was dead.
5 And I rushed up to her and I said to myself, "If other shells fall, then I will also die."
6 I also saw one of my children on the ground, one of my nephews on the ground, and
7 another who had received a shell impact to the stomach. And all these people died
8 at the same time. Six people, six people died.

9 Q. [10:31:42] Thank you, sir.

10 I'm going to ask you for the names of the people who were killed. In order to do that,
11 we need to go into private session, witness.

12 So please could we go into private session.

13 PRESIDING JUDGE FREMR: [10:31:58] All right.

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

15 (Private session at 10.32 a.m.)

16 (Redacted)

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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14 (Recess taken at 11.00 a.m.)
15 (Upon resuming in open session at 11.31 a.m.)
16 THE COURT USHER: [11:31:31] All rise.
17 Please be seated.
18 PRESIDING JUDGE FREMR: [11:31:57] We will continue with examination of
19 Witness V1.
20 Before doing that, Mr Witness, I would like to appreciate the way how in which
21 you are giving your testimony because you perfectly follow my guidance, you remain
22 concentrated, you answer clearly, you are observing pauses, so please continue in
23 a way, it's perfect so far.
24 Now, Mr Suprun, I will give floor to you and I am just highlighting that we are in
25 open session at the moment.

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

1 THE INTERPRETER: [11:32:51] Would counsel kindly repeat his statement.

2 MR SUPRUN: [11:32:55](Interpretation) Can I just have some clarification about
3 how long I still have remaining to put my questions?

4 PRESIDING JUDGE FREMR: [11:33:06] Yes, you so far exhausted one hour so you
5 still have exactly, so sharp, so you still have 60 minutes at your disposal, 59 probably
6 now.

7 MR SUPRUN: [11:33:19] (Interpretation) Thank you very much, your Honour. Can
8 we go into private session, please?

9 PRESIDING JUDGE FREMR: [11:33:25] Certainly.
10 Court officer, let's move into private session.

11 (Private session at 11.33 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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21 (Open session at 11.55 a.m.)

22 THE COURT OFFICER: [11:55:16] We are in open session, Mr President.

23 PRESIDING JUDGE FREMR: [11:55:28] And Mr Suprun, please repeat the question
24 to even make public clear what it is about.

25 MR SUPRUN: [11:55:38] (Interpretation) Yes, your Honour. Of course.

1 Q. [11:55:42] Mr Witness, here's my question: After the tragic event you
2 experienced and the six members of your family had been killed by this weapon,
3 what was your state of mind, what did you feel? Could you explain that
4 to the Chamber.

5 A. [11:56:10] After the event in question I was in a state of profound sorrow and for
6 six months I didn't want to utter one word to a woman because my wife had died, my
7 children had been killed, and so for six months I didn't speak to a woman at all
8 because I was in a deep state of -- profound state of sorrow because I had lost people
9 close to me, my own. And from time to time people congregated around me and I
10 kept saying to them "Why are you following me all the time?" And they said "Well,
11 we're frightened that you might harm yourself or hurt yourself." And I said, "Well,
12 I can't hurt myself, death can come. I have no intention whatsoever of committing
13 suicide." But I did spend a six-month period in a very profound state of sorrow.

14 Q. [11:57:32] Mr Witness, you also said that during the war your belongings and in
15 particular your home had been destroyed, hence my question: Since you had no
16 property or anything how did you make ends meet after the end of the war?

17 A. [11:58:02] After the events that you mentioned I was living in a state of poverty
18 and I was very debilitated physically because I had pain. Even up to today I feel
19 unwell, I can't farm, I can't build my house. And only members of my family
20 actually provided me any assistance. They farmed.

21 THE INTERPRETER: [11:58:42] Interpreter correction: I farm, but I can only do
22 that by taking medication, or for any type of work. And even for walking I need to
23 take medication.

24 THE VICTIM: [11:58:56] (Interpretation) And people supported me, however.

25 MR SUPRUN: (Interpretation)

1 Q. [11:58:59] To understand properly your response you said that since the events
2 in question you have had to take medication. Can you tell the Court how many pills
3 per day you take?

4 A. [11:59:26] Every single day I have to take a pill in the morning, another one at
5 midday and a final one in the evening. So I take at least three pills per day. And so
6 morning, midday and night. Two additional pills when I have intense pain, when I
7 walk or when I have to farm my field.

8 Q. [12:00:05] You have just said that you were very, very sad and that you were in
9 a very debilitated emotional state following the death of your family, given these
10 tragic events that have occurred in your life. Have you suffered any psychological
11 consequences?

12 A. [12:00:38] I sometimes think on it, but worse still is I don't feel very well in my
13 body. Every time I want to walk I get tired very quickly. And when I sit down I
14 feel better. Because I have got leg pains. So anything that involves walking causes
15 me a lot of trouble and pain.

16 Q. [12:01:23] And if you weren't to take your medication what would happen, can
17 you tell us?

18 A. [12:01:36] Well, when I don't take my medication I have intense pain at night,
19 particularly in my left leg from my waist all the way down, in fact, to my toes.
20 I don't know how they beat me, I don't know whether a sciatic nerve was hit by the
21 blows, I don't know. I really don't know what is the root cause of that intense pain
22 that I feel.

23 Q. [12:02:24] Do you think you need medical treatment currently for the injuries
24 that you sustained at the time of the events?

25 A. [12:02:50] Yes. That's what I wish. I wish that I have access to adequate

1 treatment, because I cannot move about as I please. If I have to move using a motor
2 taxi, go around with a motor taxi it's okay, but when I have to walk, when I have to
3 grow crops in my field I have lots of difficulties, so I would like to receive appropriate
4 medical treatment, if possible.

5 Q. [12:03:33] Witness, why have you come here before the Court in order to testify
6 in the case of Bosco Ntaganda? What is your motivation for doing so?

7 A. [12:03:57] What has made me want to be a witness in this case is because I
8 suffered a lot, and I ask the Legal Representative of Victims to help me so that I could
9 receive assistance.

10 Q. [12:04:32] Witness, as a victim of the war in Ituri, 2002-2003, what do you expect
11 from the International Criminal Court following this trial against Bosco Ntaganda in
12 terms of justice?

13 A. [12:04:59] At the end of this trial, I would like to be helped to rebuild my three
14 houses which were set alight and burnt down. My 17 goats as well. I also lost
15 members of my family. I would like to be able to build graves and bury them in
16 a dignified way. I also lost six pigs. I would, therefore, ask to be able to receive
17 reparations with regard to that.

18 MR SUPRUN: [12:06:05](Interpretation) Your Honour, can we go into private
19 session. I have a question to put to the witness.

20 PRESIDING JUDGE FREMR: [12:06:12] For sure.

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

22 (Private session at 12.06 p.m.)

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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22 (Open session at 12.26 p.m.)

23 THE COURT OFFICER: [12:27:08] We are in open session, Mr President.

24 PRESIDING JUDGE FREMR: [12:27:10] Thank you, court officer.

25 And, Mr Suprun, please proceed as you wish.

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 MR SUPRUN: [12:27:21] (Interpretation) Just a question, does that mean that this
2 item is now being shown without image distortion? Because that's where the
3 witness was. In principle, his image is distorted, so I don't know if this is being
4 filmed without image distortion?

5 PRESIDING JUDGE FREMR: [12:27:57] And the court officer in the field, I believe
6 that your arm is still okay, because it's not easy exercise?

7 THE COURT OFFICER: [12:28:16] The Registry is not too keen on removing the
8 protective measure put in place. We are, however, looking for a suitable solution to
9 be able to display the item outside of the courtroom without distortion.

10 MR SUPRUN: [12:28:35] (Interpretation) Your Honour, I think to avoid
11 complications for this process, I think it's better if we stay in private session. We just
12 need to have this item measured.

13 THE COURT OFFICER: [12:28:51] The distortion has been removed.

14 PRESIDING JUDGE FREMR: [12:28:55] So distortion has been removed. So can we
15 start measuring?

16 MR SUPRUN: [12:29:12](Interpretation) Indeed, if the court officer in the field could
17 put the ruler against the object in order to show the length of the object.

18 PRESIDING JUDGE FREMR: [12:29:25] And, court officer, could you inform us
19 about result of your measuring?

20 THE COURT OFFICER: (Via video link) [12:29:41] (Interpretation) Yes,
21 your Honour, 32 centimetres is the result.

22 PRESIDING JUDGE FREMR: [12:29:52] Thank you.

23 MR SUPRUN: [12:29:53] (Interpretation) Could we now measure the diameter, the
24 width.

25 THE COURT OFFICER: (Via video link) [12:30:14] (Interpretation) The diameter

1 is 3 centimetres, your Honour, in the centre.

2 Your Honour, the base is 9 centimetres.

3 PRESIDING JUDGE FREMR: [12:30:44] Thank you.

4 MR SUPRUN: [12:30:47] (Interpretation) Thank you very much. I don't need this
5 item anymore. We can ask the witness to return.

6 PRESIDING JUDGE FREMR: [12:30:56] But no, no, no, please, because it's just
7 unique chance even for parties to, if they want, or participants if they want to make
8 any question because then we will remove this item.

9 Prosecution, any question on that issue concerning the item, measuring mainly?

10 MR IVERSON: [12:31:14] No, your Honour. I think we have the measurements.

11 PRESIDING JUDGE FREMR: [12:31:18] All right.

12 Defence?

13 MR BOURGON: [12:31:24] No, Mr President, no. We are satisfied. Thank you.

14 PRESIDING JUDGE FREMR: [12:31:28] And the other LRV, no questions?

15 All right. So we can now remove the item and we can ask -- invite Mr Witness
16 return back into the courtroom -- no, no, sorry. Yes, we have to set up distortion of
17 the image again.

18 Mr Bourgon.

19 MR BOURGON: [12:31:50] Well, actually, Mr President, I do have one question
20 because there was a measurement taken at the base and we have a result of 9
21 centimetres. Maybe if the measurement could be taken from the outside of the piece
22 so we have a straight diameter of the end part, which is the left of the screen.

23 PRESIDING JUDGE FREMR: [12:32:12] Court officer in the field, have you heard
24 Mr Bourgon's request to measure the -- from our view it's on the left side, but now it's
25 downstairs, I believe.

1 THE COURT OFFICER: (Via video link) [12:32:41] (Interpretation) Your Honour,
2 on this side 8 centimetres is the measurement.

3 PRESIDING JUDGE FREMR: [12:32:51] Thank you very much.
4 Mr Bourgon.

5 MR BOURGON: [12:32:55] I was referring to the other end from the outside, rather
6 than where the centre part fits into the base.

7 THE COURT OFFICER: (Via video link) [12:33:20] (Interpretation) On the other
8 side, your Honour, we had taken the measurement of 9 centimetres.

9 PRESIDING JUDGE FREMR: [12:33:28] Thank you.
10 Are you satisfied, Mr Bourgon?

11 MR BOURGON: [12:33:31] Yes, Mr President. Thank you very much.

12 PRESIDING JUDGE FREMR: [12:33:34] Thank you very much, court officer in the
13 field. So you can now remove the item and please invite Mr Witness.
14 Can we -- not yet, sorry.

15 THE COURT OFFICER: [12:34:05] We are implementing the protective measure
16 back and we will ask the court officer on the field to wait for my confirmation that
17 everything is fine before bringing the witness in. Thank you. And if you could
18 please replace the camera at the right angle.

19 PRESIDING JUDGE FREMR: [12:34:23] And in the meantime may I ask,
20 court officer, about the timing, about the time exhausted so far by LRV?

21 THE COURT OFFICER: [12:34:42] Mr Suprun has used one hour and 41 minutes.

22 PRESIDING JUDGE FREMR: [12:34:48] So you still have 19 minutes, Mr Suprun.

23 THE COURT OFFICER: [12:35:03] The protective measure have been put back and
24 the witness may be brought back in the transmission room. Thank you.

25 (The witness enters the video-link room)

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [12:35:37] So welcome back, Mr Witness. Can you
2 hear us again?

3 THE VICTIM: [12:35:47] (Interpretation) Yes, I can understand you.

4 PRESIDING JUDGE FREMR: [12:35:50] Very well.

5 Mr Suprun, please proceed, and we are in open session at the moment.

6 MR SUPRUN: [12:35:58] (Interpretation)

7 Q. [12:36:01] Thank you very much. I'd like to put my last question before going
8 into open session.

9 A little earlier this morning, in the French transcript, page 23, line 27, all the way
10 through to page 24, line 1, and you said:

11 "When we returned" - back to your house, I imagine - "we discovered that all our
12 belongings had been looted, household goods, cattle." So can you clarify who looted
13 all your goods and belongings?

14 A. [12:36:51] Well, that's how it was. I lost those belongings when the house was
15 burned down. So when the house was set alight, I lost everything. But I don't
16 know who did it because we went off into the bush to escape.

17 Q. [12:37:15] Thank you very much for your answer.

18 Your Honour, I have finished.

19 PRESIDING JUDGE FREMR: [12:37:22] Thank you very much, Mr Suprun.

20 And allow me to make one comment at this occasion, that I would also encourage, it's
21 mainly for the Defence, for its case, to encourage them to follow the way how

22 Mr Suprun conducted the examination. Because I know that it's very common to
23 common lawyers to lead examination style, question answer, question answer, but I
24 still believe, and I am strongly promoting this way of examination used by Mr Suprun,
25 that at least for some part of examination should be given opportunity to the witness

1 to use narrative. Because it's first, in my view, clearly less consuming and you
2 always -- both parties were under strong time pressure in conducting examination,
3 and also from the point of view of Chamber, it's more spontaneous and because of
4 that more natural for the witness. So for that reason, it's even, I think, more
5 appropriate for the Chamber for evaluation of the credibility of such a, such a
6 testimony.

7 So I would strongly encourage -- I know it requires anyway individual approach, not
8 for every witness such approach could work, but I still believe that for many
9 witnesses, and at least for some part of their testimonies, such approach could work
10 very well.

11 Now, so these LRV for the former child soldiers confirmed that they will not have any
12 additional questions for this witness. Now I'm asking Mr Iverson what is position of
13 the Prosecution.

14 MR IVERSON: [12:39:17] Mr President and your Honours, with the leave of the
15 Chamber, I would ask to ask four questions. And the area pertains to --

16 PRESIDING JUDGE FREMR: [12:39:29] It's fine with us, under general condition
17 that you shouldn't be repetitive. It's the same as concerns LRV towards to your
18 examination. So please, under such condition, you may proceed.

19 MR IVERSON: [12:39:43] Thank you, Mr President.

20 QUESTIONED BY MR IVERSON:

21 Q. [12:39:48] Sir, my name is Eric Iverson and I will be asking you a few questions
22 today on behalf of the Office of the Prosecutor. And I would ask that we go into
23 private session please, Mr President.

24 PRESIDING JUDGE FREMR: [12:40:04] Certainly.

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

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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18 (Open session at 12.45 p.m.)

19 THE COURT OFFICER: [12:45:58] We're in open session, Mr President.

20 PRESIDING JUDGE FREMR: [12:46:07] Thank you, court officer.

21 Mr Witness, again I would like to thank you because we are approaching the end of

22 the second session and we would like to continue or to complete your testimony in

23 the afternoon. Now we will take break for one hour and 45 minutes, so I hope that

24 will give you enough time to a bit recover. I now see that your cough disappeared.

25 So I hope that you are feeling still okay to complete your testimony today; am I right?

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

- 1 THE VICTIM: [12:46:47] (Interpretation) Yes.
- 2 PRESIDING JUDGE FREMR: [12:46:52] I appreciate that.
- 3 Mr Suprun?
- 4 MR SUPRUN: [12:46:55] (Interpretation) Do forgive me for interjecting, but if I've
- 5 followed things, there was a VWS application, according to which there should only
- 6 be an hour and a half session. So I don't know whether this really conforms.
- 7 PRESIDING JUDGE FREMR: [12:47:19] Who according you should have the final
- 8 say, VWU or the Chamber?
- 9 MR SUPRUN: [12:47:27] (Overlapping speakers)
- 10 PRESIDING JUDGE FREMR: [12:47:30] Because if you attentively follow my
- 11 introductive speech, I said that we will consider that. Now I made inquiry and I
- 12 came to conclusion this is nothing wrong, even according Mr Witness, to continue in
- 13 the afternoon. So we are not bound by the recommendation. VWU took it into
- 14 consideration and we, as you now can see, decided in a way to continue in the
- 15 afternoon. Is it clear, for my part?
- 16 All right.
- 17 MR SUPRUN: [12:48:02] (Interpretation) Yes, absolutely, your Honour.
- 18 PRESIDING JUDGE FREMR: [12:48:05] So now we break and we will resume at half
- 19 past 2.
- 20 THE COURT USHER: [12:48:18] All rise.
- 21 (Recess taken at 12.48 p.m.)
- 22 (Upon resuming in open session at 2.30 p.m.)
- 23 THE COURT USHER: [14:30:39] All rise.
- 24 Please be seated.
- 25 PRESIDING JUDGE FREMR: [14:31:03] Good afternoon, everyone.

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

1 We will continue taking testimony of Witness V1.

2 Now, it's turn for Defence to examine the witness. And just one reminder
3 concerning timing, Mr Bourgon, time exhausted by LRV plus time exhausted by
4 Prosecution in total is 1 hour 48 minutes, so you are generally expected to complete
5 your examination by that time, unless there should be some extraordinary reasons
6 that would lead to some more extensive time.

7 Mr Suprun.

8 MR SUPRUN: [14:31:58] (Interpretation) I'm sorry, your Honour, I just have
9 noticed that I'm not going to ask for the admission into evidence of the last item -- or I
10 haven't asked for that item to be entered into evidence. Can I ask for it now?

11 PRESIDING JUDGE FREMR: [14:32:14] Please go ahead.

12 MR SUPRUN: [14:32:16] (Interpretation) So I would ask the admission of item 17.
13 And the number of that item is as follows: DRC-PCV-0001-0126. It is confidential.

14 PRESIDING JUDGE FREMR: [14:32:43] Mr Bourgon, any objection to the
15 admission?

16 MR BOURGON: [14:32:46] No, Mr President.

17 PRESIDING JUDGE FREMR: [14:32:49] So the item specified by Mr Suprun is
18 admitted into evidence as a further LRV's exhibit.

19 And now I'm giving floor to Defence, to Mr Bourgon.

20 And we are in open session.

21 QUESTIONED BY MR BOURGON:

22 Q. [14:33:12] Good afternoon, sir.

23 A. [14:33:18] Good afternoon.

24 Q. [14:33:22] We had the pleasure of meeting via the technology, by video link,
25 last week. You recall when we had this short meeting last week?

1 A. [14:33:47] Yes.

2 Q. [14:33:48] Just for the record I'll state my name over again. My name is
3 Stéphane Bourgon and I am the lawyer representing Bosco Ntaganda and, together
4 with my colleague, we have a few questions to put to you further to your testimony
5 this morning. Do you understand what I'm about to do?

6 So I take it, sir, that you understand and I can proceed with my questions?

7 A. [14:34:41] Yes.

8 Q. [14:34:44] Now, let me begin by stating, if I understand correctly, your
9 testimony where you covered two main incidents, the first one would be your arrest
10 where you would have been beaten and taken to Bunia, and the second would be
11 when members of your family were killed.

12 So basically this is the gist of your testimony; is that correct?

13 A. [14:35:29] Yes.

14 Q. [14:35:33] Now, you also testified this morning, this was at page 23, at lines 16
15 to 25, you also testified about the burning of three houses and the looting of your
16 property. And it's my understanding, based on your testimony, that this would
17 have taken place in the same time frame as the other two incidents; is that correct?

18 A. [14:36:17] They set it on fire. They didn't break it. It was the house, the
19 houses were set alight and then they pillaged what was inside. They also pillaged
20 the cattle. The house was set alight.

21 Q. [14:36:40] Sir, what I'd like to establish with you very quickly is simply,
22 according to your testimony, the order in which these events took place. Now, I
23 understand from this morning's testimony that first you were arrested, then second
24 there was the looting of the property or the burning, and the third event would be the
25 killing of your family members; is that -- do I place the events in the right order?

1 A. [14:37:26] The day when my house was burnt down, it was at that time that
2 they took the cattle, the goats and the pigs. That's how it happened. They burnt the
3 house down and they stole the cattle. That was on the same day, the day when the
4 house was burnt down.

5 Q. [14:37:57] Sir, I will look at the three incidents that you covered this morning
6 one by one, but I'd like to begin by clarifying a few issues. The first thing I'd like to
7 clarify with you is where you were when you would have been arrested by soldiers.
8 This morning you provided two different answers and I'd like to know which one is
9 correct.

10 On page 10, at lines 13 to 15, you mentioned that you were on the road when this took
11 place.

12 When you answered a similar question, and that was on page 64, at lines 6 to 8, you
13 said that you were arrested in your house.

14 Sir, where were you when you were arrested?

15 A. [14:39:20] I will repeat, that's how it was. When we were fleeing I went back
16 to the house. At that time the house hadn't been set alight.

17 Q. Sir, let me stop you there.

18 A. And it was next to the house.

19 Q. [14:39:42] Let me stop you, sir. I think you are not following my question. I
20 will repeat my question: I'm referring to the moment you would have been arrested
21 by soldiers and then beaten. Do you understand what I'm -- the incident I'm
22 referring to?

23 A. [14:40:18] Yes, I understand. Continue.

24 Q. [14:40:21] This morning at one point you mentioned that you were on the road
25 when you were arrested and then a few minutes later you mentioned that you were in

1 your house. I'd like to know where you were when you would have been arrested.

2 A. [14:40:54] I was at home on my compound. That was the day on which the
3 people were killed that I was at home in my house.

4 Q. [14:41:15] Do I understand correctly that you were arrested on the day that
5 your family was killed?

6 A. [14:41:30] No. No. They arrested me before that. I was beaten, that was
7 beforehand. Afterwards, I got treatment and then I went to home and when I went
8 home it was then that my house was burnt down. After that, I went into the bush
9 until the end of 2002. I was fleeing at that time. After that, I returned to the house
10 which had corrugated iron, and that's where the shell hit. I was there at the time.

11 Q. [14:42:20] Thank you, sir. The second clarification I would like to obtain from
12 you has to do with the answer you provided again concerning your arrest. I will
13 read to you what you said, and this was on page -- that was on page 11, sir, and that's
14 at lines 16 to 20. So I will read what you said in response to the question. Please
15 listen carefully:

16 "Having arrested me" -- maybe it's better if we move into private session,
17 Mr President.

18 PRESIDING JUDGE FREMR: [14:44:01] All right.

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

20 (Private session at 2.44 p.m.)

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
VICTIM: a/0056/13

(Open Session)

ICC-01/04-02/06

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4 (Open session at 4.33 p.m.)

5 THE COURT OFFICER: [16:34:05] We are in open session, Mr President.

6 PRESIDING JUDGE FREMR: [16:34:09] Thank you, court officer.

7 Mr Witness, so it concludes your testimony. I would like on behalf of this Chamber
8 thank you very much because I can imagine that it was very, a demanding and very
9 tiring experience. You spent the whole day with us, you had to answer so many
10 questions, but I appreciate that you remained patient, you remained focused and tried
11 to answer all questions put to you. And I believe that your testimony will assist us in
12 our effort to find the truth in this case. So thank you very much.

13 Otherwise, if there are no further requests for the floor, we will adjourn now and we
14 will reconvene tomorrow.

15 THE VICTIM: [16:35:06] Ndiyo.

16 PRESIDING JUDGE FREMR: [16:35:06] Well noted. Thank you, Mr Witness.

17 And otherwise --

18 THE VICTIM: [16:35:10] (Interpretation) Thank you as well.

19 PRESIDING JUDGE FREMR: [16:35:14] We will resume tomorrow 9.30 and we
20 will commence testimony of the second witness, V2.

21 Now Court is adjourned.

22 (The witness is excused)

23 THE COURT USHER: [16:35:35] All rise.

24 (The hearing ends in open session at 4.35 p.m.)