

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 2
8 Tuesday, 30 May 2017
9 (The hearing starts in open session at 9.48 a.m.)
10 THE COURT USHER: [9:48:42] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:49:10] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:49:15] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: [9:49:31] Thank you, court officer.
20 Now appearances, please. You can just focus on changes, if any, compared to
21 yesterday.
22 MR IVERSON: [9:49:41] Mr President, the same persons who were present
23 yesterday are once again present.
24 PRESIDING JUDGE FREMR: [9:49:45] Thank you, Mr Iverson.
25 Defence, please.

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

- 1 MR GOSNELL: [9:49:48] Good morning, Mr President. No changes for the
2 Defence. Thank you.
- 3 PRESIDING JUDGE FREMR: [9:49:51] Thank you, Mr Gosnell.
4 Ms Pellet.
- 5 MS PELLET: [9:49:55] (Interpretation) Thank you, Mr President. No changes for
6 the former child soldiers.
- 7 PRESIDING JUDGE FREMR: [9:50:02] Mr Suprun.
- 8 MR SUPRUN: [9:50:04] (Interpretation) Good morning, Mr President,
9 your Honours. No change from this team since yesterday. Thank you.
- 10 PRESIDING JUDGE FREMR: [9:50:12] Mr Witness, good morning.
- 11 WITNESS: DRC-D18-D-0210 (On former oath)
12 (The witness gives evidence via video link)
13 (The witness speaks Swahili)
- 14 THE WITNESS: [9:50:20] (Interpretation) Good morning.
- 15 PRESIDING JUDGE FREMR: [9:50:21] We are going to continue with your
16 testimony. Today you will be examined by Prosecution. I have to remind you that
17 you are still under oath, which means that you have to speak the truth and nothing
18 but the truth, like yesterday; is it clear to you?
- 19 THE WITNESS: [9:50:49] (Interpretation) Yes.
- 20 PRESIDING JUDGE FREMR: [9:50:50] And as concerns practical matters, yesterday
21 you did it perfectly, you responded clearly, you kept pauses between the question and
22 answers. So please continue in this way today, all right?
- 23 THE WITNESS: [9:51:12] (Interpretation) Yes.
- 24 PRESIDING JUDGE FREMR: [9:51:15] Fine. And before I will give the floor to
25 Mr Iverson, just to inform him that yesterday Defence used for direct examination one

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 hour four minutes, so generally you should use the same time. Is it fine with you,
2 Mr Iverson?

3 MR IVERSON: [9:51:36] Yes, that will be fine, Mr President.

4 PRESIDING JUDGE FREMR: [9:51:39] All right. So please you have the floor.

5 QUESTIONED BY MR IVERSON:

6 Q. [9:51:54] Good morning, sir.

7 A. [9:51:59] Good morning.

8 Q. [9:52:01] So yesterday you spoke about your friends who went with you to
9 Mandro and we heard a bit about them. One thing we didn't hear, though, was their
10 names, and I was wondering if I could get their names from you?

11 A. [9:52:28] Yes, I can.

12 PRESIDING JUDGE FREMR: [9:52:35] Hold on, Mr Iverson.

13 I was just reminded that we are in open session, but I don't believe that it is any
14 problem. So please, please proceed.

15 MR IVERSON: [9:52:52] I don't have any information that would indicate to me that
16 we should go into private session, otherwise I would have asked.

17 Q. [9:52:59] So, sir, excuse me, but could you give me the names, please?

18 A. [9:53:13] Tiba is the first, and Kisembo is the second.

19 Q. [9:53:19] All right. Could I ask you to give the full names of your friends and
20 the spellings, please?

21 A. [9:53:41] I don't have their names in full. The names that I know were Tiba and
22 Kisembo.

23 Q. [9:53:55] And do you know where these two individuals are today, at present?

24 A. [9:54:14] They are still around, but I don't know whether they both live in
25 Bunia. They might be living somewhere in that area.

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

1 Q. [9:54:26] And how did you know these two friends? Did you go to school with
2 them, or were they your neighbours? How did you know them?

3 A. [9:54:48] We used to live in the same neighbourhood.

4 Q. [9:55:01] All right. So I'd like to ask you now, how did you come to be a
5 witness in this case? Who first contacted you about giving testimony in this case?

6 A. [9:55:33] Someone called me from here, someone who was a lawyer and who is
7 in charge of the case here. He sent my paternal --

8 PRESIDING JUDGE FREMR: [9:55:51] Mr Witness, hold on, hold on, and please
9 wait this translation.

10 Mr Gosnell.

11 MR GOSNELL: [9:55:53] Mr President, if the names of Defence team members are
12 going to be mentioned, then that should be, I submit, in private session. This was the
13 routine policy in respect of Defence investigators -- excuse me, Prosecution
14 investigators.

15 PRESIDING JUDGE FREMR: [9:56:09] No problem. So Prosecution, any objection
16 to that proposal?

17 MR IVERSON: [9:56:14] No, no objection.

18 PRESIDING JUDGE FREMR: [9:56:16] All right then. So court officer, please, let's
19 move into private session.

20 (Private session at 9.56 a.m.)

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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14 (Open session at 10.26 a.m.)

15 THE COURT OFFICER: [10:26:30] We are back in open session, Mr President.

16 PRESIDING JUDGE FREMR: [10:26:38] Thank you, court officer.

17 Mr Iverson, please proceed.

18 MR IVERSON: [10:26:52]

19 Q. [10:26:52] All right, and it's about, depending on where you are in Bunia, it's

20 about 15 -- or 12 to 15 kilometres from Bunia to Mandro; is that fair?

21 Sir, the distance that you walked that day was about 12 to 15 kilometres; is that about

22 right?

23 A. [10:28:01] I haven't been able to measure the number of kilometres we covered.

24 Q. [10:28:12] Did you stop anywhere along the route, or did you go directly from

25 Bunia to Mandro without stopping?

1 A. [10:28:35] We were making the journey and we would stop from time to time.

2 Q. [10:28:46] All right. And your intent was to become a soldier to protect your
3 community; is that right?

4 A. [10:29:14] We wanted to join the army just as everybody else was doing.

5 Q. [10:29:24] And when you say "everybody else", you mean friends of yours?

6 A. [10:29:45] There were other people, others who had already joined the army,
7 and we did the same.

8 Q. [10:29:58] And these were friends from -- from your school; is that right?

9 A. [10:30:20] No, they were people living in neighbourhoods in the various
10 localities in which we were living, people who we knew.

11 Q. [10:30:51] And so you wanted to protect your community, particularly from
12 Lompondo's group; is that right?

13 A. [10:31:23] I don't know their intentions, but our intention was to join the army
14 and to become soldiers. But I still don't know what their objectives were.

15 Q. [10:31:40] Well, and I'm not asking about their objectives or information that
16 would be outside of your personal knowledge, I'm just asking, your motivation was to
17 join this army to protect your community against attacks by Lompondo's group; is that
18 fair?

19 A. [10:32:08] Yes.

20 Q. [10:32:11] And to protect your community against attacks by the Lendu; is that
21 right?

22 A. [10:32:37] When Lompondo was still in power, there were no Lendu in town.

23 Q. [10:32:50] And when we're talking -- but when we're talking about your
24 community, you're talking about the Gegere community; right?

25 A. [10:33:07] Yes, I'm talking about our community, the Gegere.

1 Q. [10:33:15] I mean, this is happening in the midst of an ethnic armed conflict;
2 right? The Hendu versus the Lema -- versus the Lendu -- the Hema -- the Gegere
3 versus the Lendu; is that right?

4 A. [10:33:48] Ethnic conflict was taking place outside of town. When we were in
5 town the conflict there was more of a political nature.

6 Q. [10:34:05] So your testimony is that in the midst of this ethnic conflict, there was
7 no ethnic dimension to what was going on in Bunia; is that your testimony, sir?

8 A. [10:34:24] Yes, that's right. In Bunia, we didn't experience an ethnic conflict at
9 that point in time.

10 Q. [10:34:40] All right. So you arrived on that day in Mandro at 1300; right?

11 A. [10:34:56] Yes.

12 Q. [10:34:58] How is it that you -- that you know or remember the times so
13 distinctly, but you're having difficulty with dates, months, years? Could you explain
14 that?

15 A. [10:35:31] When we left the locality that we had been in to go to our destination,
16 we looked at the sun and my friend said to me, "Ah, it's 1 o'clock."

17 Q. [10:35:49] So you distinctly remember that conversation from June/July 2002,
18 your friend saying it must be 1 o'clock, looking at the sun; is that right?

19 A. [10:36:17] Yes, they're the ones who looked at the sun and who said that to me.

20 Q. [10:36:26] Do you remember other conversations that you had with your friends
21 on the way to Mandro?

22 A. [10:36:49] No. All that we were saying is we want to, or we've got to go to
23 military training. We didn't talk about anything else.

24 Q. [10:37:05] All right. Now, when you got to Mandro you met Mugisa and
25 Didier, right, two people you mentioned?

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 A. [10:37:24] Yeah.

2 Q. [10:37:25] And did they belong to the same tribe as you?

3 A. [10:37:39] No.

4 Q. [10:37:39] Okay, what tribe did they belong to?

5 A. [10:37:59] Mugisa was Hema-Sud by origin. As regards Didier, I don't really
6 know what his ethnic origin was.

7 Q. [10:38:11] And what are their full names?

8 A. [10:38:30] I don't know their other names. All I know are the names that I've
9 given you.

10 Q. [10:38:37] And what were their military ranks?

11 A. [10:38:58] All the soldiers there came from various ethnic backgrounds.

12 Q. [10:39:13] All right. I wasn't asking about various ethnic backgrounds, but I
13 was asking what Mugisa and Didier's military ranks were.

14 PRESIDING JUDGE FREMR: [10:39:26] Hold on, Mr Witness.

15 Mr Gosnell.

16 MR GOSNELL: [10:39:29] It seems a fact not in evidence, Mr President. I think
17 there should be a preliminary question.

18 PRESIDING JUDGE FREMR: [10:39:37] Mr Iverson.

19 MR IVERSON: [10:39:40] I don't think it assumes anything. He says that they were
20 in this armed group. Armed groups routinely have ranks so I'm asking him if he
21 knows their military ranks.

22 PRESIDING JUDGE FREMR: [10:39:53] Mr Gosnell.

23 MR GOSNELL: [10:39:54] Could we cut the feed, Mr President, to the witness?

24 PRESIDING JUDGE FREMR: [10:39:57] All right. Court officer, please cut the
25 audio.

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 It has been done. You may proceed, Mr Gosnell.

2 MR GOSNELL: [10:40:28] Thank you, Mr President. Of course I formulated the
3 objection neutrally so that I wouldn't project to the witness the issue, but of course it is
4 a contested issue in this case, when ranks were introduced. Therefore, I think it's, for
5 the elicitation of a good record, it would be best to first ask did they have ranks and
6 then to ask them whether they had ranks. Thank you, Mr President. Or what their
7 ranks were.

8 PRESIDING JUDGE FREMR: [10:40:56] Mr Iverson.

9 MR IVERSON: [10:40:59] That's fine. I mean, I can ask that.

10 PRESIDING JUDGE FREMR: [10:41:04] Yeah, please rephrase because it's true that
11 some witnesses, there were some doubts whether there were ranks or not, so please
12 proceed this way.

13 MR IVERSON: [10:41:13] All right.

14 PRESIDING JUDGE FREMR: [10:41:13] Now, court officer, restore the audio,
15 please.

16 Audio restored, so Mr Iverson, please proceed.

17 MR IVERSON: [10:42:00]

18 Q. [10:42:00] So, sir, yesterday when you referred to Mugisa and Didier, you kept
19 on referring to them as commanders. Do you know if they had military ranks?

20 A. [10:42:22] I know that they were called commanders, but I don't know what
21 their rank was.

22 Q. [10:42:40] All right. So you say you left early in the morning the next day;
23 right?

24 A. [10:43:01] Yes.

25 Q. [10:43:02] And someone called Lonjiringa led you out through or around

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 Katoto; is that right?

2 A. [10:43:17] Yes.

3 Q. [10:43:23] So you probably went back to Bunia through Centrale; does that
4 sound right?

5 A. [10:43:45] I don't recall whether we took the road via Centrale. He was leading
6 us. I don't recall right now whether we passed via Centrale.

7 Q. [10:44:05] Well, in any case, all told, you spent less than a day at Mandro, at the
8 training camp; right?

9 A. [10:44:28] Could you repeat your question? I didn't understand.

10 Q. [10:44:34] Just all told, the entire time you were at Mandro is less than one day,
11 from around 1300, one day, until the early morning the next day; is that right?

12 A. [10:44:57] Yes.

13 Q. [10:44:59] And you've already named all the people that you either recognised
14 or you knew; is that right?

15 A. [10:45:19] Yes.

16 Q. [10:45:20] All right. You didn't leave anybody out, you didn't mention -- you
17 didn't fail to mention somebody who you either knew or recognised while you were at
18 Mandro during that time?

19 A. [10:45:49] The only person I saw whom I recognised is the person who came
20 towards us. As for the others, I did not know their names. Some of them I was able
21 to recognise facially, but I did not know their names.

22 Q. [10:46:12] All right. And while you were there, you say you saw
23 Bosco Ntaganda; is that right?

24 A. [10:46:28] Ndiyo.

25 Q. [10:46:30] But Bosco Ntaganda didn't speak to you, did he?

- 1 A. [10:46:49] Yes, when we arrived at the site we saw him.
- 2 Q. [10:46:57] But he never spoke to you; right?
- 3 A. [10:47:06] No.
- 4 Q. [10:47:09] And you never spoke to him; right?
- 5 A. [10:47:21] No.
- 6 Q. [10:47:21] And since you were 15 to 20 metres away, you have no idea what he
- 7 was saying or what words he may have used; right?
- 8 A. [10:47:47] Yes, that's correct, we were not able to hear what they were saying to
- 9 each other.
- 10 Q. [10:47:57] So you don't know whether Bosco Ntaganda said, "Well, I know -- I
- 11 know him, he's my neighbour, send him back home"? You wouldn't have known if
- 12 Mr Ntaganda would have said something like that; right?
- 13 A. [10:48:26] Yes, but I do not know what the two commanders were saying to
- 14 each other. They came towards us, but I'm not aware of what they were discussing.
- 15 Q. [10:48:46] So you also wouldn't know, for instance, if Mr Ntaganda said, "Well,
- 16 he's too small to carry a weapon, send him home"; right?
- 17 A. [10:49:18] Well, that is what the commanders told us. They said, "You are still
- 18 small, go back home."
- 19 Q. [10:49:34] So, really, it would be fair to say that you weren't exposed to the
- 20 inner workings of the UPC, you were essentially a visitor for that day; is that right?
- 21 A. [10:50:02] No. Our intention was to join the training so as to join the army.
- 22 Q. [10:50:13] And I understand that was your intention, but truth be told, you
- 23 don't really know much about the UPC because you weren't in the UPC; right?
- 24 A. [10:50:37] That's correct.
- 25 Q. [10:50:40] All right. So you -- you said that Bosco Ntaganda was your

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 neighbour; correct?

2 A. [10:50:57] Yes.

3 Q. [10:50:59] And Mr Ntaganda, he lived on a -- on a big compound with a house;
4 right?

5 A. [10:51:19] Yes.

6 Q. [10:51:19] And on that compound there were several outbuildings, if you want
7 to call them that; is that right?

8 A. [10:51:35] No, on that property there was only one big house.

9 Q. [10:51:46] All right. And did -- did he live right next door to you and your
10 family?

11 A. [10:52:15] What I can say is that the distance was about 10 metres. There was a
12 road separating us.

13 Q. [10:52:28] Okay. So you're essentially next door neighbours to
14 Bosco Ntaganda? I don't know if that translates well in Swahili, but that's what I
15 would say in English.

16 A. [10:52:50] Yes.

17 Q. [10:52:55] All right. So from time to time you would see Bosco Ntaganda and
18 Bosco Ntaganda would see you; right?

19 A. [10:53:13] Yes.

20 Q. [10:53:14] And you would have seen soldiers coming in and out of his
21 compound; right?

22 A. [10:53:35] What did you say, that I saw who?

23 Q. [10:53:39] Well, you would have seen soldiers, combatants, going in and out of
24 his compound because he was a military leader; right?

25 A. [10:54:07] Yes, it was his residence, it was guarded by soldiers who provided

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 security.

2 Q. [10:54:24] All right. And you mentioned that Mr Ntaganda would come over
3 to your house from time to time; is that right?

4 A. [10:54:44] Yes.

5 Q. [10:54:46] And he would come over to your house and he would talk to your
6 father; right?

7 A. [10:55:04] Yes, he would come to greet us and then leave.

8 Q. [10:55:08] Now, what was your father's profession?

9 A. [10:55:22] He was a trader.

10 Q. [10:55:24] Okay. And now I assume that living in this neighbourhood, it was
11 a -- he must have been a pretty successful trader. You come from a wealthy family; is
12 that right?

13 A. [10:55:54] No, that I don't know.

14 Q. [10:56:01] Well, the houses in that neighbourhood are generally pretty big,
15 they're pretty nice houses; right?

16 A. [10:56:22] No, there were no beautiful houses. They were simple houses that
17 had been built, but I wouldn't say that they were beautiful houses.

18 PRESIDING JUDGE FREMR: [10:56:36] Mr Witness, please, you want to say
19 something, please go ahead.

20 THE WITNESS: [10:56:45] (Interpretation) I would like to have some water,
21 please.

22 PRESIDING JUDGE FREMR: [10:56:51] Yes, we will provide you with that. Could
23 I ask our field officer to provide Mr Witness.

24 Are you fine to proceed, Mr Witness?

25 THE WITNESS: [10:57:31] (Interpretation) Yes.

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:57:32] Mr Iverson, please.

2 MR IVERSON: [10:57:49]

3 Q. [10:57:49] And did your father have political affiliations?

4 A. [10:58:05] No.

5 Q. [10:58:13] And how well did your father know other senior UPC people other
6 than Mr Ntaganda?

7 A. [10:58:44] It was Bosco who had the habit of coming to our house. As for the
8 others, he could have greeted them when they met along the road.

9 Q. [10:59:05] All right.

10 MR IVERSON: [10:59:07] Your Honours, I have a request. I don't think that the
11 witness needs to be present when I make the request or needs to hear it, but it will be a
12 short request and then I would propose we could take the break, cut the transmission,
13 make the request and take the break, and then I would come back at half past 11 to
14 finish the cross-examination.

15 PRESIDING JUDGE FREMR: [10:59:34] All right then.

16 So now, Mr Witness, we will break and we will continue after 30 minutes in -- at half
17 past 11.

18 So we can cut the line.

19 And if I understood well, you want to make this request after the break or now?

20 MR IVERSON: [11:00:01] I would prefer to make it just now. That way, the
21 Chamber would have some time to deliberate if necessary.

22 PRESIDING JUDGE FREMR: [11:00:09] Yes, I see.

23 So let's wait for cutting the line.

24 (The witness stands down)

25 PRESIDING JUDGE FREMR: [11:00:40] So we didn't cut the line, but both the field

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

1 officer and the witness are away from this room so they can't hear us. So, Mr Iverson,
2 please proceed.

3 MR IVERSON: [11:00:53] If I could, I'm unsure, so I think I would prefer to ask in
4 private session.

5 PRESIDING JUDGE FREMR: [11:00:59] All right.

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

7 (Private session at 11.01 a.m.)

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 (Recess taken at 11.07 a.m.)

2 (Upon resuming in open session at 11.38 a.m.)

3 THE COURT USHER: [11:38:14] All rise.

4 Please be seated.

5 PRESIDING JUDGE FREMR: [11:38:36] We will continue with the rest of

6 cross-examination of our witness.

7 Now, according our measuring, Mr Iverson, you should still have five minutes only,

8 but in the light of the -- this new information, I can imagine that you can come with

9 some request for some limited extension of your time. So, if yes, please go ahead.

10 MR IVERSON: [11:39:05] I would like to request an additional 15 minutes,

11 Mr President.

12 PRESIDING JUDGE FREMR: [11:39:10] All right. So 15 minutes is fine. So you

13 have in total 20 minutes to finish this cross-examination. Please proceed.

14 MR IVERSON: [11:39:24]

15 Q. [11:39:24] All right, sir, could you please tell the Chamber the name of your

16 father, the full name please?

17 A. [11:39:43] Yes.

18 Q. [11:39:52] Please do so.

19 A. [11:40:02] Bochu Dhekana.

20 PRESIDING JUDGE FREMR: [11:40:06] And sorry, sorry to interrupt you,

21 Mr Iverson. I forgot to put on the record the names of persons who represent

22 Registry. So may I ask you to introduce yourself for the record, please.

23 MR PERALTA LOSILLA: [11:40:25] Yes, your Honour. Good morning. My name

24 is Esteban Peralta Losilla and I am the chief of the Counsel Support Section in the

25 Registry.

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 MS SCHAUDER: [11:40:33] Good morning, your Honours. For the Victim and
2 Witnesses Unit, Lejla Komarica and Natacha Schauder.

3 PRESIDING JUDGE FREMR: [11:40:49] Could the third person -- or could you just
4 introduce her or --

5 MS KOMARICA: [11:40:55] Good morning, your Honour. My name is
6 Lejla Komarica and I'm the planning officer for the Victims and Witnesses Section.

7 PRESIDING JUDGE FREMR: [11:41:03] I thank all of you.
8 Now, Mr Iverson, please proceed.

9 MR IVERSON: [11:41:07] Thank you, Mr President.

10 Q. [11:41:12] Now, sir, we did some open-source searching of the name of your
11 father and it showed the -- the results showed that he has a number of businesses. So
12 I just wanted to ask you about those. Is your father the owner of a company called
13 Service Petro (phon), a transport company?

14 A. [11:41:59] Yes. They sell fuel.

15 Q. [11:42:03] And he also --

16 PRESIDING JUDGE FREMR: [11:42:05] Sorry, sorry, hold on, Mr Iverson.
17 Mr Gosnell.

18 MR GOSNELL: [11:42:09] Mr President, I would like to request at this time that we
19 move into private session. I appreciate my colleague having come and spoken to me
20 before the start of session, and I already advised him that I would be submitting that
21 out of an abundance of caution, private session is warranted, in particular because I
22 have not had an opportunity since the VWU report to understand in any way what the
23 concerns are of the witness. And I think especially now that we're moving into
24 matters of -- really private matters, I'm not saying that it's irrelevant matters, but
25 matters that are private to a third person, that it would really be prudent to move into

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

1 private session. So that would be my request, Mr President.

2 PRESIDING JUDGE FREMR: [11:42:59] Mr Iverson, any problem to move into
3 private?

4 MR IVERSON: [11:43:02] Well, yes, actually, Mr President. This is open-source
5 material. I also -- the reason I asked Defence counsel before the hearing to get his
6 views was to let -- so I could listen to his concerns, if he had any. I don't see any
7 concrete reasons to move into private session. And absent any reason, we shouldn't
8 be going into private session just because of abundance of caution. The general rule
9 should be public. That said, of course, if there is a reason, I would be willing to
10 accept that we should go into private.

11 PRESIDING JUDGE FREMR: [11:43:41] My ruling is that we will move into private
12 session because I am taking into account the concern, even if it didn't lead to use of
13 protective measures, but at least to make witness more comfortable when speaking
14 about his personal, personal matters. So now let's move into private session.

15 (Private session at 11.44 a.m.)

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0210

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 Redacted

2 (Open session at 12.03 p.m.)

3 THE COURT OFFICER: [12:03:20] We're in open session, Mr President.

4 PRESIDING JUDGE FREMR: [12:03:29] Thank you, court officer.

5 Mr Gosnell, please.

6 QUESTIONED BY MR GOSNELL:

7 Q. Good afternoon, Mr Witness, again. Yesterday you were asked a question by

8 his Honour, Mr President, about your height at the time that you went to Mandro.

9 Can you tell us relative to your own height how tall were the two other people with
10 you who were also rejected? Were they taller, were they shorter, were they the same
11 height?

12 A. [12:04:22] They were taller than both of us.

13 Q. [12:04:26] Just to clarify your answer, I'm asking you now about the two people
14 who accompanied you from Bunia and tried to join in the training at Mandro. Those
15 two people who went with you there, were they taller than you, were they the same
16 height or were they shorter, if you can recall?

17 A. [12:05:02] One of the two was the same height as me, and the other was taller
18 than both of us.

19 Q. [12:05:16] What were their fathers' professions at the time? What kind of jobs
20 did they have, if you know?

21 A. [12:05:39] I couldn't know that precisely. One of their mothers sold milk, and
22 the other one was a housewife. I don't know what she did in addition to that.

23 Q. [12:06:00] Did they come from rich families?

24 A. [12:06:18] I couldn't know that precisely. We lived in the same neighbourhood.
25 But I didn't have much information about their family life.

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 Q. [12:06:34] Is your Swahili better than your French?

2 A. [12:06:51] Yes, I speak Swahili fluently.

3 Q. [12:06:56] You speak Swahili fluently. How do you speak French and how do
4 you read French and how do you write French compared to Swahili?

5 A. [12:07:26] If somebody speaks to me in French, I can answer that person. I can
6 read too.

7 Q. [12:07:36] Do you feel more comfortable expressing yourself in Swahili than in
8 French?

9 PRESIDING JUDGE FREMR: [12:07:45] Hold on, Mr Witness.
10 Mr Iverson.

11 MR IVERSON: [12:07:49] Objection. Leading. He's trying to make the witness say
12 he's more comfortable in Swahili.

13 PRESIDING JUDGE FREMR: [12:08:02] Objection sustained. Please proceed.

14 MR GOSNELL: [12:08:07]

15 Q. [12:08:07] Did you prior to the commencement of the interview with me express
16 the wish to our investigator, who I will refer to by the initials JC, did you express the
17 wish to speak in Swahili rather than in French?

18 A. [12:08:47] Yes.

19 Q. [12:08:48] On the day that you signed your statement, did you read it in
20 Swahili?

21 A. [12:09:06] Yes, I read it in Swahili.

22 Q. [12:09:10] Did you need anyone to interpret for you that statement in Swahili
23 that you signed?

24 A. [12:09:36] No.

25 Q. [12:09:36] Did anyone pressure you on the occasion that you signed your

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 statement to alter its content before you signed it?

2 A. [12:10:02] No, nobody.

3 Q. [12:10:06] Last Friday, did you read that statement again in my presence by
4 video link?

5 A. [12:10:28] Yes.

6 Q. [12:10:29] Did you have plenty of time to read it, understand it and make any
7 corrections that you deemed necessary on that occasion?

8 A. [12:10:47] Yes, I read it.

9 Q. [12:10:53] Did the Defence investigator, JC, at any time tell you how you should
10 respond to questions being posed by me during our interviews? Did he tell you that
11 before or at any time after those interviews with me took place?

12 PRESIDING JUDGE FREMR: [12:11:22] Hold on, Mr Witness.

13 Mr Iverson.

14 MR IVERSON: [12:11:25] It's a compound question. There are several questions
15 included in that one and it will create a bit of confusion.

16 PRESIDING JUDGE FREMR: [12:11:32] It is a common law, common law objection.
17 If the witness is capable to, which I believe this witness is capable to answer such a
18 question, I have no problem with that.

19 Mr Gosnell, please proceed.

20 MR GOSNELL: [12:11:47] Thank you.

21 Q. [12:11:48] Mr Witness, you can answer my question: Did JC at any time
22 encourage you as to how you should answer my questions?

23 A. [12:12:15] No.

24 Q. [12:12:21] Thank you very much, Mr Witness, for your testimony.

25 MR GOSNELL: [12:12:24] Mr President, I came in well inside the ten minutes, I

Trial Hearing
WITNESS: DRC-D18-D-0210

(Open Session)

ICC-01/04-02/06

1 think. Thank you for your indulgence.

2 PRESIDING JUDGE FREMR: [12:12:30] Thank you, Mr Gosnell.

3 Mr Iverson, any request for re-cross?

4 MR IVERSON: [12:12:36] No, your Honour.

5 PRESIDING JUDGE FREMR: [12:12:37] All right.

6 So, Mr Witness, it concludes your testimony. I would like to thank you very much for
7 patiently answering and clearly answering all questions put to you. And I believe
8 that your testimony will assist us in our effort to find the truth in this case. So I thank
9 you and we wish you safe journey home.

10 THE WITNESS: [12:13:18] (Interpretation) Yes, thank you.

11 PRESIDING JUDGE FREMR: [12:13:20] Now, court officer, the line may be cut.

12 (The witness is excused)

13 PRESIDING JUDGE FREMR: [12:13:40] And the rest of the session I would like to
14 devote to two organisational matters. The first one is the testimony of Witness 0172
15 and the second one is setting up time for tomorrow to listen to your submissions on
16 filings 1915 and 1924.

17 We will start with the issue of testimony of D-0172.

18 So according our information, recent information, at the moment, the Defence is
19 saying that they are not able to complete preparation of the witness. At the same
20 time, Prosecution is opposing that it should be, should be feasible, subject to some
21 further cooperation with the Registry, that is why we invited representatives of the
22 Registry.

23 But my first question will go to Mr Gosnell: Is there still any chance to prepare
24 witness and, if yes, what the Registry should do in order to allow that?

25 MR GOSNELL: [12:15:00] I'm not sure whether -- may we go into private session

1 because I will need to refer to some matters pertaining to the witness?

2 PRESIDING JUDGE FREMR: [12:15:12] Certainly.

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

4 (Private session at 12.15 p.m.)

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Trial Hearing

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing

(Private Session)

ICC-01/04-02/06

- 1 Redacted
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- 14 (The hearing ends in private session at 12.31 p.m.)