

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Friday, 22 September 2017
9 (The hearing starts in open session at 10.01 a.m.)
10 THE COURT USHER: [10:01:23] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [10:01:45] Good morning, everybody.
14 Court officer, may I ask you for assistance.
15 There was some slight sabotage on my equipment. But, at the moment, am I on
16 English channel because I --
17 THE INTERPRETER: [10:03:49] English interpretation, English, English, English.
18 Can you hear me? English, English, English interpretation.
19 PRESIDING JUDGE FREMR: [10:03:59] It doesn't seem to be -- because I can now,
20 at the moment, I can hear Swahili translation. So I would like to change.
21 THE INTERPRETER: [10:04:08] English, English interpretation. Can you hear me,
22 your Honour?
23 PRESIDING JUDGE FREMR: [10:04:17] But I'm now hearing Swahili translation.
24 At the moment now, please English, could you --
25 THE INTERPRETER: [10:04:24] English interpretation.

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

- 1 PRESIDING JUDGE FREMR: [10:04:26] Thank you very much. I can proceed.
2 So good morning, everybody.
3 Court officer, please call the case.
4 THE COURT OFFICER: [10:04:34] Thank you, Mr President.
5 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
6 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
7 We are in open session.
8 PRESIDING JUDGE FREMR: [10:04:49] Thank you.
9 Now appearances, please.
10 MS SIM: [10:04:52] Good morning, Mr President. Good morning, your Honours.
11 The composition of the Prosecution bench remains unchanged.
12 PRESIDING JUDGE FREMR: [10:05:02] Thank you, Ms Sim.
13 And Defence, please.
14 MR GOSNELL: [10:05:04] Good morning, Mr President. Good morning, your
15 Honours and to everyone in and around the courtroom. Appearances for
16 Mr Ntaganda today are unchanged from yesterday. Thank you.
17 PRESIDING JUDGE FREMR: [10:05:13] Thank you, Mr Gosnell.
18 And Legal Representatives of Victims, please.
19 MS PELLET: [10:05:18] (Interpretation) Thank you, Mr President. No change
20 for the former child soldiers.
21 MR SUPRUN: [10:05:28] (Interpretation) Good morning, Mr President. Good
22 morning, your Honours. For the victims of the attacks, no change as well.
23 PRESIDING JUDGE FREMR: [10:05:35] Thank you, Ms Pellet. Thank you,
24 Mr Suprun.
25 Madam Witness, good morning, can you hear me?

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1 WITNESS: DRC-D18-D-0211 (On former oath)

2 (The witness speaks Swahili)

3 (The witness gives evidence via video link)

4 THE WITNESS: [10:05:51] (Interpretation) Yes, I can hear you.

5 PRESIDING JUDGE FREMR: [10:05:54] Are you feeling okay to continue giving

6 your testimony? And I can just promise that if everything goes well, we will

7 complete your testimony around noon. So I believe my estimation is two last hours

8 and then you will be free.

9 THE WITNESS: [10:06:18] (Interpretation) Yes, I am ready.

10 PRESIDING JUDGE FREMR: [10:06:26] All right. Today, Madam Witness,

11 Ms Sim, representative of Prosecution, will continue in your cross-examination and

12 it's my duty to remind you that you are still under oath, which means that you have

13 to speak truth and nothing but the truth. Do you understand that, Madam Witness?

14 THE WITNESS: [10:06:54] (Interpretation) Yes, I have understood.

15 PRESIDING JUDGE FREMR: [10:06:58] Very well.

16 So now I'm giving floor to Ms Sim. And I'm highlighting that we are in open session

17 at the moment.

18 MS SIM: [10:07:08] Thank you, Mr President. While I don't believe my first

19 questions will be identifying, it's possibly safer to go into private session just in case

20 some information comes up.

21 PRESIDING JUDGE FREMR: [10:07:20] Yes, understandable. And in the light of

22 the experience from yesterday I think it's better to proceed this way.

23 So let's move into private session now, please.

24 (Private session at 10.07 a.m.)

25 (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open 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 (Open session at 12.16 p.m.)

13 THE COURT OFFICER: [12:16:44] We're in open session, Mr President.

14 PRESIDING JUDGE FREMR: [12:16:53] Madam Witness, I have good news for you,

15 we completed your testimony. So on behalf of the Chamber I would like to thank

16 you very much that you came and testified. I can imagine that it was not easy

17 experience, but we appreciate that you patiently responded all questions put to you

18 and I really believe that your testimony will help us in our effort to find the truth.

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

20 THE WITNESS: [12:17:44] (Interpretation) Thank you, your Honour.

21 PRESIDING JUDGE FREMR: [12:17:46] Now, court officer, we can cut the

22 connection with Bunia for the very brief rest of this session.

23 (The witness is excused)

24 PRESIDING JUDGE FREMR: [12:18:02] So are there any further requests for the

25 floor? No. No. No.

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1 So I'll be brief as well. That concludes our third evidentiary Defence block. We are
2 going to resume on Tuesday, 17 October 2017 with the next block, during which we
3 will hear further Defence witnesses. In this regard the Chamber has taken note of
4 the list of witnesses transmitted by the Defence on 18 September 2017. The Chamber
5 also notes that only the last witness on the list, Witness D-12, is indicated to be a
6 backup witness. Is it correct, Mr Gosnell?

7 MR GOSNELL: [12:18:57] That does appear to be the case, Mr President.

8 PRESIDING JUDGE FREMR: [12:19:02] All right.

9 MR GOSNELL: [12:19:03] I assume that your Honour is querying why there are
10 not two. Mr President, at this stage I don't know fully the answer, but I can at least
11 provide this information, and that is that that is a rather large witness, so it could be
12 that the reasoning was that since that was a large witness, that would fill a large hole
13 if one appeared.

14 PRESIDING JUDGE FREMR: [12:19:26] It was also my understanding, but you
15 know our practice, and it was in fact my informal message that normally we prefer if
16 there are two or three witnesses because it's always possible that some changes will
17 happen and to be ready for that, not to waste time planned, granted for this block.
18 And before we leave the courtroom, I would like from the whole Chamber to thank
19 all those who supported us, very often in extended hours. I have in my mind our
20 court officers, the interpreters, court reporters and guards. So the Chamber thanks
21 you and we appreciate your support.

22 And now we will adjourn and we will resume on 17 October.

23 THE COURT USHER: [12:20:18] All rise.

24 (The hearing ends in open session at 12.20 p.m.)