

Trial Hearing
WITNESS: DRC-D18-D-0017

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Chang-ho Chung
6 Trial Hearing - Courtroom 2
7 Thursday, 30 November 2017
8 (The hearing starts in open session at 9.16 a.m.)
9 THE COURT OFFICER: [9:16:08] All rise.
10 THE COURT USHER: [9:16:10] The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:16:17] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:16:21] Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:16:36] Thank you.
19 Now appearances.
20 MS LUPING: [9:16:40] Good morning, Mr President, good morning, your Honours.
21 The Prosecution's composition is the same except that this morning we do not have with
22 us Ms Nicole Samson or Ms Selam Yirgou.
23 PRESIDING JUDGE FREMR: [9:16:52] Thank you, Ms Luping.
24 Defence, please.
25 MR BOURGON: [9:17:00] (Interpretation) Good morning, your Honour. No change

1 on the side of the Defence representing Bosco Ntaganda this morning.

2 PRESIDING JUDGE FREMR: [9:17:06] Thank you, Mr Bourgon.

3 Legal Representatives of Victims.

4 MS PELLET: [9:17:11] (Interpretation) Thank you, your Honour. No change for the
5 former child soldiers.

6 MR SUPRUN: [9:17:19] (Interpretation) Good morning, your Honour, your Honours.

7 The composition of the team of the victims of the attacks has not changed since yesterday.

8 PRESIDING JUDGE FREMR: [9:17:30] Thank you, Ms Pellet. Thank you, Mr Suprun.

9 Before we continue with our witness, a very brief consultation of the issue of our schedule
10 for the next week. We received email from Defence that Witness 251 is ready to testify
11 from Bunia on Friday, 1 December, so it seems that it should be -- she should be available
12 to testify viva voce. There are according this email two proposal scenarios, either to start
13 her testimony on Monday, December 11, since Witness D-70 will not come, or to start her
14 testimony either on 6 or 7 December.

15 The Chamber deliberated on that and the position of the Chamber is that we strongly
16 encourage Defence to bring all those three remaining witnesses for the next week. The
17 reason is that there are some medical reasons on the part of one of the members of the
18 Chamber that could lead to the fact that the Chamber would not be in complete
19 composition for the third week. So to allow such a risk we insist on having all three
20 remaining witnesses next week.

21 Because we will start for sure I believe with D-243 on Monday via video link, and then we
22 should have two witnesses, D-251 and D-257 viva voce here in The Hague. We even
23 propose, if necessary, to make the best or the most convenient arrangements for the
24 witnesses, to switch witnesses, which means to have D-257 as a second one, and then 251
25 as a third and last one, but all of them during the next week.

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1 Mr Bourgon, was I clear enough?

2 MR BOURGON: Yes, Mr President. Thank you very much for the Chamber's guidance.
3 The only thing I would like to say is that I just heard that 243 would testify by video link,
4 which is not the case; 243 has arrived and will testify in person on Monday morning. But
5 as for the rest, we are guided by the Chamber's instructions. Thank you, Mr President.

6 PRESIDING JUDGE FREMR: [9:20:19] Very well. And according to your estimation,
7 you estimate six hours, and the Chamber in fact accepted this estimation for total
8 testimony of D-243, which -- and then we would prefer if possible to start the second
9 witness regardless whether D-251 or D-257 even on Tuesday afternoon, to avoid any time
10 pressure.

11 Thank you very much. And now we can proceed.

12 Mr Witness, good morning. So as I --

13 THE WITNESS: [9:20:55] (No interpretation)

14 PRESIDING JUDGE FREMR: [9:20:56] -- as I stressed yesterday, it is the last day of your
15 testimony. I strongly believe that by noon you will be free. Again, I am repeating my
16 instruction: You are still under oath which means you have to speak the truth and
17 nothing but the truth. Is it clear?

18 WITNESS: DRC-D18-D-0017 (On former oath)

19 (The witness speaks Swahili)

20 THE WITNESS: [9:21:13] Ndiyo.

21 PRESIDING JUDGE FREMR: [9:21:14] And now I am giving floor to Ms Luping.

22 Ms Luping, you have 1 hour 37, I believe, 37 minutes. Please proceed.

23 MS LUPING: [9:21:24] Thank you, Mr President.

24 PRESIDING JUDGE FREMR: [9:21:25] And we are in open session.

25 MS LUPING: [9:21:28] Yes.

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1 QUESTIONED BY MS LUPING: (Continuing)

2 Q. [9:21:30] So good morning, Mr Witness.

3 A. [9:21:32] Jambo sana.

4 Q. [9:21:33] Now, Mr Witness --

5 A. [9:21:35] Good morning.

6 Q. [9:21:36] Yesterday, we were talking about Commander Safari, and you confirmed
7 that his call sign was Double Seven Golf. My question is this, first of all, sir, isn't it right
8 that Safari was of Rwandan origin?

9 A. [9:22:06] I think he was a Rwandan.

10 Q. [9:22:09] And he spoke Kinyarwandan, including with Bosco Ntaganda; isn't that
11 right?

12 A. [9:22:31] When we were present we only heard him speak Swahili.

13 Q. [9:22:38] He acted as a liaison on behalf of the UPC to liaise with Rwanda; is that
14 right?

15 A. [9:22:59] That I -- I can't know.

16 Q. [9:23:04] He helped to organise delivery of weapons from Rwanda to the UPC; isn't
17 that right?

18 A. [9:23:28] As I said, when the weapons arrived we just simply saw them arrive,
19 which is why I said we didn't know what the origin of these weapons was. And he was
20 in charge.

21 Q. [9:23:50] Commander Safari would sometimes accompany shipments of weapons
22 at times, wouldn't he?

23 A. [9:24:08] That is correct.

24 Q. [9:24:11] And he would travel to Rwanda for that purpose; isn't that right?

25 A. [9:24:31] During the period he was with us, before he left after being injured, he

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1 did the coordination on site.

2 Q. [9:24:46] When you say "he did the coordination on site", could you clarify where
3 precisely, which country?

4 A. [9:25:07] There, where he found us, in Mandro. When he came during all that
5 time, we said that we welcomed visitors, hosted visitors, and he was responsible for
6 coordination and he was responsible for the aircraft from which the weapons were
7 dropped.

8 Q. [9:25:34] And Safari still works for the Rwandan government today, doesn't he?
9 And I'll be more precise, sir. He is an agent of the Rwandan Ministry of Defence, and he
10 is a captain with the Rwandan Armed Forces.

11 A. [9:26:05] This I hear from you; I was not aware of that fact.

12 MS LUPING: [9:26:13] Mr President, with your leave the Prosecution would seek the
13 floor so that we can show a document to the witness. It's item 77 on the list. It is
14 DRC-OTP-2103-0401.

15 PRESIDING JUDGE FREMR: [9:26:29] All right with us.

16 In the meantime very brief correction of the transcript, page 2, line 26 instead of word
17 "testify" should be word "travel".

18 Ms Luping, please proceed.

19 THE COURT OFFICER: [9:26:58] The document will be displayed on the evidence 2
20 channel.

21 MS LUPING: [9:27:07]

22 Q. [9:27:07] Mr Witness, can you see the document in front of you?

23 A. [9:27:22] The document hasn't yet arrived on my screen. I don't see it yet.

24 THE COURT OFFICER: [9:27:41] In the meantime, Ms Luping, if you could please
25 confirm the level of confidentiality.

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1 MS LUPING: [9:27:48] This could be published publicly.

2 Q. [9:28:00] Can you see the document now, sir?

3 A. [9:28:11] Yes, I can see the document, but it's written in extremely small letters.

4 Q. [9:28:22] My colleague has now enlarged it, and I can confirm it is a page from the
5 network called LinkedIn, and I will read the names set out in the information that we see.

6 It's not very extensive. We see the name Célestin Senkoko, Agent de l'État at Ministry of
7 Defence Rwanda. Can you see that, sir?

8 A. [9:28:58] Yes, I've read it. I've seen the name written there, but I have to say I
9 didn't know this name before. It's different from the name I was given before.

10 MS LUPING: [9:29:14] Mr President, your Honours, the witness indeed has not
11 confirmed this particular name. We have other evidence on the record to connect the
12 name of Commander Safari and his call sign, Double Seven Golf, with this name Célestin
13 Senkoko. We're guided by you. We would seek to admit this document for the truth of
14 its content. We can either do so via this witness or we could also seek to do so via
15 rebuttal, but we do think it is more expedient to do so now.

16 PRESIDING JUDGE FREMR: [9:29:44] Defence, your position?

17 MR BOURGON: We oppose admission of the document, Mr President. It's not part of
18 the Prosecution's case before. My colleague just mentioned they have already other
19 evidence that establishes the link according to the Prosecution between the name and the
20 call sign. This witness is not able to help us between this document and the call sign.
21 There's no reason why this could not have been done earlier and should not be admitted.
22 Thank you, Mr President.

23 PRESIDING JUDGE FREMR: [9:30:15] Ms Luping.

24 MS LUPING: [9:30:16] Well, two points in relation to that, sir. The Prosecution could
25 not have anticipated before the Defence's list that this witness, bearing in his mind his role,

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1 which I'm not going to restate in open session, would be called and that he would be
2 giving the testimony that he would. He was able to provide evidence in relation to
3 Commander Safari and his call sign. The other evidence or separate evidence that is
4 already on the record does link the name of this individual with this, and we certainly
5 were also previously not able to anticipate that there would be a change in an agreed fact
6 relating to the role of Rwanda. Thank you.

7 PRESIDING JUDGE FREMR: [9:30:56] Objection is sustained because especially it's not
8 possible, I believe, in the Chamber's view, to tender this evidence through this witness
9 because witness has no idea about that document. So it's not the right way how to tender
10 this document.

11 MS LUPING: [9:31:19] Thank you, Mr President. We'll move on and I'll ask my
12 colleague to remove the document.

13 Q. [9:31:24] Mr Witness, I'm going to change subjects now. And I will be asking you
14 a few questions about your testimony relating to the attack on Songolo or the operation in
15 Songolo that you participated in. And according to your testimony you went to Songolo
16 after the operation in Zumbe; is that correct?

17 A. [9:32:09] I think that was it, yes.

18 Q. [9:32:12] And you've also testified that it was commanders Kisembo, Safari and
19 Didier who were involved in this operation that you participated in; isn't that right?

20 A. [9:32:30] Ndiyo.

21 Q. [9:32:33] And you --

22 A. [9:32:33] Correct.

23 Q. [9:32:34] Apologies. You explained how the UPC forces were driven out by the
24 enemy. And I refer to transcript 252, page 107, lines 17 to 23.

25 Now, you described how in the Komanda operation Ngiti participated, who had come

1 from Songolo. And my question first is this: Songolo was a predominantly Ngiti
2 village; isn't that right?

3 A. [9:33:26] That's correct. I -- yes, I think it is a village of the Ngiti and so was
4 against the APC.

5 THE INTERPRETER: [9:33:49] "It was mixed in with elements of the APC".
6 Correction from the Swahili booth.

7 MS LUPING: [9:33:52]

8 Q. [9:33:52] And Songolo was an important base for the Ngiti; isn't that right?

9 A. [9:34:14] I can't answer that. I don't know.

10 Q. [09:34:37] At Songolo -- well, sorry, before I move on from that. You said you can't
11 answer that. There was a purpose for your operation on Songolo, wasn't there, sir?
12 There were soldiers there as well as civilians?

13 A. [9:34:50] I said we went there because they were APC soldiers who'd taken that
14 route and there were also Ngiti there.

15 Q. [9:35:01] And in terms of the Ngiti present in Songolo, there was a mix, wasn't
16 there, soldiers and civilians?

17 A. [9:35:28] How do you mean a mix of soldiers and civilians?

18 Q. [9:35:33] There were soldiers living in Songolo; there were also civilians living in
19 Songolo.

20 A. [9:35:53] What I know is that we fought the group of soldiers that we encountered
21 there, and we also fought against the Ngiti combatants.

22 Q. [9:36:10] And this operation you described that involved Kisembo, Didier and
23 Safari, that was not the only operation the UPC had in Songolo was it? There were a
24 number of UPC operations on Songolo.

25 A. [9:36:38] I don't know. I can only speak of the operations in which I took part.

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1 Q. [9:36:46] Would I be right in saying, sir, you do not know the date of the operation
2 that you were involved in in Songolo?

3 A. [9:37:08] In general, my testimony -- or, during my testimony I have said that I
4 don't recall dates.

5 Q. [9:37:26] Now, in 2002 to 2003, Commander Germain was a UPC commander
6 based at Bogoro; isn't that right?

7 A. [9:37:50] I didn't work with him and I don't know anything about him.

8 Q. [9:38:07] Now, you explained though that you have been to Songolo yourself.
9 Isn't it correct that Songolo is not located very far from Bogoro? And I'll be more specific,
10 it's located approximately 10 to 15 kilometres away only.

11 A. [9:38:38] I don't know because the road that we took went from Bunia to
12 Nyankunde, but Bogoro is on a different route, different road, so I am not really able to
13 situate that.

14 Q. [9:39:04] Well, I'm going to show you a map now, sir, with the leave of the
15 Presiding Judge.

16 MS LUPING: Mr President, if we could have leave to -- from the Prosecution floor to
17 show a document, it's --

18 PRESIDING JUDGE FREMR: [9:39:17] All right.

19 MS LUPING: [9:39:18] -- item 60, DRC-OTP-2106-0044.

20 Q. [9:39:39] So, sir, just to explain what the document is before we zoom in to the
21 relevant information. This is a map of the district of Ituri which was created by the UN
22 office for the coordination of humanitarian affairs. And it's the district of Ituri in the
23 Democratic Republic of the Congo. I'm now going to ask my colleague to zoom in on a
24 part of Ituri. You see Lac Albert on the right. And you see Bunia to the north. And
25 I'm going to ask my colleague to put the cursor on Songolo. Can you see Songolo, sir?

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1 A. [9:40:38] Yes, I can see that there is a place which is labeled Songolo.

2 Q. [9:40:45] And you've explained that you took the route from Bunia to Songolo, so
3 can you confirm, as you took this journey from Bunia to Songolo, that this is the Songolo
4 that you had been talking about?

5 A. [9:41:10] As I said, we left Bunia. We took the road to Marabo which is towards
6 near Nyankunde and that's the route that we took.

7 Q. [9:41:32] So you went -- you can see on the map here, sir. You go from Bunia and
8 you've mentioned Nyankunde, and you have Songolo not far from Nyankunde. Can
9 you see that, sir?

10 A. [9:41:59] Yes. If you put it like that, where it says Songolo and Bogoro, you can
11 see the difference between the -- the distance between Songolo and Bogoro is similar to
12 Songolo and Nyankunde, but looking at it from the point of view of the road to
13 Nyankunde -- that's the road that we took.

14 MS LUPING: [9:42:42] Mr President, your Honours, the Prosecution would seek to
15 have this map admitted at this point.

16 PRESIDING JUDGE FREMR: [9:42:51] Defence.

17 MR BOURGON: [9:42:56] Mr President, in under normal circumstances we would
18 object, but we like maps and we're happy to see the Prosecution moving to maps and we
19 have no difficulty admitting this map. I do note, however, that the map is dated -- the
20 date on the map is 2007, and I do know that it was disclosed only last week. We've never
21 seen this map before but we have no objection. Thank you.

22 PRESIDING JUDGE FREMR: [9:43:21] We appreciate that. So this map is admitted
23 into evidence as a further Prosecution exhibit.

24 Ms Luping, please proceed.

25 MS LUPING: [9:43:31] Thank you, Mr President.

1 Q. [9:43:33] Mr Witness, Commander Germain and Byaruhanga were involved in a
2 successful operation to attack Songolo on 31 August 2002; isn't that right?

3 A. [9:44:08] I don't know. I can only speak to you about operations that I took part
4 in. I can't talk about things that I wasn't part of or things I don't know.

5 Q. [9:44:19] So you confirm that you were not involved in the same operation in
6 Songolo as Commanders Germain and Byaruhanga?

7 A. [9:44:41] I say -- I said with Kisembo, Safari and Didier in the operation in which I
8 took part, and I was not with Germain. If I had with him, I would have said so, but I
9 didn't see him.

10 Q. [9:44:55] You've heard of the attack on Nyankunde by APC and Ngiti and Lendu
11 forces on 5 September 2002, sir? And just to clarify, the Operation Nyankunde I'm
12 talking about is one of the biggest attacks in Nyankunde. There were reportedly very
13 large numbers of civilians, both Bira and Hema, who were killed in Nyankunde at the
14 time. You presumably would have heard of this attack, sir?

15 A. [9:45:51] I cannot talk about an operation in which I did not take part. As I told
16 you, this was at the Nyankunde front and I wasn't present there so I can't tell you
17 anything about it.

18 Q. [9:46:05] I'm not talking about an operation by the UPC against Nyankunde; it's
19 the other way around. I'm talking about an operation where the APC, not the UPC, the
20 APC together with Ngiti and Lendu combatants attacked Nyankunde. And it's
21 reportedly one of the biggest attacks in Ituri, sir. There were hundreds
22 reported -- hundreds of civilians. Both Hema and Bira were reportedly killed. There
23 was large-scale pillaging, massive destruction of property. This was one of the most
24 notorious attacks in Ituri, sir. Isn't it right that you would have heard of this attack?

25 A. [9:47:09] Yes, I know that the hospitals also were destroyed. The shopping

1 centres were all burnt. But I don't know if it's this operation that you're referring to.
2 What I'm saying is since I was not present, I really can't explain it very well. But I know
3 that we travelled through that place and I saw the -- the gravity or the level of destruction,
4 but I don't know if it's this operation that you're talking about.

5 Q. [9:47:34] Yes, it is the operation I'm talking about, sir. It is the biggest attack on
6 Nyankunde to which I'm referring. And isn't it right, sir, that not long before that attack
7 on Nyankunde, which was on 5 September 2002, UPC forces carried out a large attack on
8 Songolo on 31 August 2002; isn't that right, sir?

9 A. [9:48:14] I told you that I did not remember the dates. I also told you that we
10 went to the airport with Kisembo, just as I told the Defence team, and it was at this point
11 that we came from the -- we went to the airport and this is when there was an ambush
12 and this is where Kisembo fell. And this place was completely destroyed, as I could
13 observe.

14 Q. [9:48:56] And before this big attack on Nyankunde, wasn't there a big attack by
15 UPC on Songolo not long before the attack on Nyankunde?

16 A. [9:49:26] I don't know.

17 Q. [9:49:27] I'm going to change topics, sir, and I'm going to ask you about an attack
18 on Bogoro by Ngiti, Lendu and APC forces. Do you remember hearing about a big
19 attack on Bogoro, sir, that was perpetrated by the enemy on UPC and Hema civilians
20 living in Bogoro?

21 A. [9:50:14] Yes, I crossed Bogoro at some point of time. When I was going to
22 Kasenyi there was an attack but I don't remember the dates. All that you're saying, I did
23 not really participate in them. This is precisely why I can't answer your questions on the
24 attacks that took place in these roads because I wasn't there.

25 Q. [9:50:43] But did you hear of a big attack on Bogoro where a large number of

1 civilians were killed by the enemy? Did you hear of that big attack, sir? It happened on
2 24 February 2003, so it was early 2003.

3 A. [9:51:24] I said that I can't answer the question with regards to the battles fought in
4 the roads where I wasn't present. At some point, I did go to Kasenyi and I observed the
5 devastation that was observed here in this road.

6 Q. [9:51:53] Isn't it right, sir, that before the fighting between the UPC and the UPDF
7 in Bunia, that you were informed of a massacre committed by Lendu combatants in
8 Bogoro; isn't that right, sir?

9 A. [9:52:13] No, I wasn't aware of this.

10 Q. [9:52:25] Well, I'm going to refer to paragraph 193 of your witness statement and
11 I'm going to read a passage from it. Before I do, I'm going to remind you of your
12 testimony, sir. You confirmed that the statement you signed on 7 November 2017 was
13 true and correct to the best of your knowledge. And in your witness preparation I can
14 confirm that no correction was made to this particular paragraph, which I'll now read to
15 you.

16 (Interpretation) "The question that was asked to me was during Bosco Ntaganda's
17 absence before the battle against the Ugandans, I -- if I was informed about the massacre
18 committed by the Lendu combatants in Bogoro. I heard of such an attack, but I do not
19 remember the date. It's only later on I understood the gravity of the massacre that was
20 perpetrated by the Lendu combatants. Today, I know that it was one of the most
21 notorious massacres committed during this period."

22 (Speaks English) Isn't it right, sir that you have heard of this attack on Bogoro?

23 A. [9:54:09] I think I said before, that I went to Kasenyi and on this road I realised that
24 there was a massacre that took place in this place.

25 Q. [9:54:30] And isn't it right, sir, that in around about the same period of time you

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1 must have also heard of a large UPC operation taking place in the area of Lipri, Kobu,
2 Bambu and in the surrounding neighbouring villages?

3 A. [9:55:08] I would say that I was not aware.

4 Q. [9:55:14] And just so I understand your testimony, are you saying that you're also
5 not aware of a large massacre of civilians in Kobu at that time as well?

6 A. [9:55:34] In my testimony, I was talking about the facts to which I was witness, that
7 I experienced and I heard of. I really can't answer questions related to events where I
8 wasn't there and which I hadn't seen.

9 Q. [9:56:14] Sir, even if you were not there and you did not see it, is it your testimony
10 that you had not even heard of the massacre at Kobu? And I want to remind you, sir,
11 that you are under oath.

12 A. [9:56:53] Yes, I'm aware of the fact that I'm under oath.

13 Q. [9:57:04] So I will repeat my question, sir: Is it your testimony that you have
14 never heard of the massacres in Kobu; is that right? Is that your testimony?

15 PRESIDING JUDGE FREMR: [9:57:20] Hold on, Mr Witness.

16 Mr Bourgon.

17 MR BOURGON: [9:57:23] Just for the sake of clarity, Mr President, my colleague
18 should say "who commit -- who would have committed the massacre that we're talking
19 about." Maybe that will help the witness remember or not remember, but now we're
20 talking just about a massacre. If we know who allegedly committed the massacre, maybe
21 that can help the witness.

22 PRESIDING JUDGE FREMR: [9:57:44] Ms Luping.

23 MS LUPING: [9:57:47]

24 Q. [9:57:48] Mr Witness, if it was not clear to you, I'm talking about massacre, a
25 massacre committed by UPC forces, UPC forces killing civilians in Kobu. My question is:

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1 Had you or had you not heard of this?

2 A. [9:58:15] Let me come back to what I said. You said that I was under oath, and I
3 said yes, I'm aware. This is what I -- my testimony is based on the facts that I saw and I
4 had been witness to. How can I reply to facts to which I was not a party, I haven't heard
5 of or I haven't experienced?

6 Q. [9:58:49] Now, Mr Witness, isn't it right that Bosco Ntaganda was the deputy chief
7 of staff still at this time in February 2003, early 2003? Sorry, to be more precise, the
8 deputy chief of staff in charge of operations in early 2003.

9 A. [9:59:28] If you put the date aside, I would say it was before Kisembo left the UPC.
10 It was Mr Bosco who was the deputy chief of staff.

11 Q. [9:59:46] And at this time, sir, so it's about the time of the Bogoro attack, (Redacted)
12 (Redacted) -- apologies.

13 MS LUPING: Mr President, if we could move into private session.

14 PRESIDING JUDGE FREMR: [9:59:58] I see the point.

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

16 (Private session at 10.00 a.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Recess taken at 11.04 a.m.)
- 4 (Upon resuming in open session at 11.17 a.m.)
- 5 THE COURT USHER: [11:17:55] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE FREMR: [11:17:58] We will now proceed with the remainder of
- 8 cross-examination conducted by Prosecution, by Ms Luping.
- 9 Ms Luping, you have still 8 minutes to complete.
- 10 MS LUPING: [11:18:02] Thank you, Mr President. Could I ask if we could please move
- 11 into private session with your leave.
- 12 PRESIDING JUDGE FREMR: [11:18:08] For sure.
- 13 Court officer, let's move into private session.
- 14 Sorry, I see now Mr Suprun changing composition, I guess.
- 15 MR SUPRUN: [11:18:14] (Interpretation) Yes. Anne Grabowski has left the
- 16 courtroom.
- 17 PRESIDING JUDGE FREMR: [11:18:23] Thank you very much, Mr Suprun.
- 18 (Private session at 11.18 a.m.)
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- 24 (Redacted)
- 25 (Redacted)

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- 16 (Open session at 12.08 p.m.)
- 17 THE COURT OFFICER: [12:09:02] We're in open session, Mr President.
- 18 PRESIDING JUDGE FREMR: [12:09:07] Thank you, court officer.
- 19 Mr Witness, just one topic I would like you to elaborate on. You said that the sexual
- 20 relationships between recruits were prohibited. But now I am interested how it was with
- 21 sexual relationships --
- 22 THE COURT OFFICER: I'm sorry to interrupt, Mr President, but I have a message from
- 23 the French booth. If the interpreter could please speak in the microphone. We cannot
- 24 hear her at all.
- 25 PRESIDING JUDGE FREMR: [12:09:47] So how it was with sexual relationship between

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1 other members of the UPC, which I mean between soldiers -- not -- between recruits, or
2 between soldiers and recruits? Were those sexual relationships also prohibited or not?

3 THE WITNESS: [12:10:16] (Interpretation) They were also prohibited.

4 PRESIDING JUDGE FREMR: [12:10:18] All right. Therefore my second question, let's
5 move into private session.

6 (Private session at 12.10 p.m.)

7 (Redacted)

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22 (Open session at 12.17 p.m.)

23 THE COURT OFFICER: [12:17:33] We are in open session.

24 PRESIDING JUDGE FREMR: [12:17:39] Mr Witness, I'm sorry, I am a little bit behind my
25 promise. I promised you would be free at noon. It's 12.17. But anyway, now your

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1 testimony is finished. I would like on behalf of the whole Chamber to thank you very
2 much that you spent with us a long time, and I hope that you did your best to answer all
3 those questions. And hopefully your testimony will assist the Chamber in its task to find
4 the truth.

5 So I thank you very much. I wish you safe journey home, and that's it. Thank you.

6 And you now may leave the courtroom.

7 Court usher, please assist Mr Witness to leave the courtroom.

8 THE WITNESS: [12:18:33] (Interpretation) Thank you.

9 (The witness is excused and exits the courtroom)

10 PRESIDING JUDGE FREMR: [12:18:51] Ms Luping, any request for the floor? I see Ms
11 Luping, please.

12 MS LUPING: [12:18:54] Apologies, Mr President, your Honours. I hopefully will not
13 keep you long. It's just that the Prosecution would like a little more clarity on the
14 proposed schedule for the upcoming witnesses. We did notice in the transcript your
15 mention, Mr President, that Witness 70 will not come.

16 We have also received some information subsequently from the Defence. We
17 understand, but we would like this confirmed, that Witness 70 is no longer coming as a
18 witness and we want to understand if that's correct, and secondly to understand then the
19 timing of the forthcoming witnesses. We understand that 243 then will start on Monday
20 4 December.

21 PRESIDING JUDGE FREMR: [12:19:30] Step by step.

22 MS LUPING: [12:19:31] Sorry.

23 PRESIDING JUDGE FREMR: [12:19:32] Ms Luping, as regards Witness D-70, I think
24 Mr Bourgon could provide us with clarification.

25 MR BOURGON: [12:19:43] Indeed, Mr President. And I believe that it is important

1 because we communicated with the Trial Chamber on an ex-parte basis last night and
2 because we wanted to avoid the Prosecution being aware of this fact until the end of the
3 witness -- of the testimony of this witness.

4 So at least I think this should -- this can be clarified. This morning the Chamber
5 confirmed that our information that D-0070 would not be testifying, and the reason for
6 this mainly is it's not -- are we in private session?

7 PRESIDING JUDGE FREMR: [12:20:22] No. We are in open.

8 MR BOURGON: [12:20:24] We need to go in private session, Mr President.

9 PRESIDING JUDGE FREMR: [12:20:26] Understandable.

10 Court officer, let's move into private.

11 (Private session at 12.20 p.m.)

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- 7 (The hearing ends in private session at 12.24 p.m.)