

Trial Hearing

(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 3  
8 Wednesday, 1 March 2017  
9 (The hearing starts in open session at 9.47 a.m.)  
10 THE COURT USHER: [9:47:22] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE FREMR: [9:47:50] Good morning everybody.  
14 Court officer, please call the case.  
15 THE COURT OFFICER: [9:47:56] Good morning, Mr President.  
16 This is the situation in the Democratic Republic of the Congo, in the case of The  
17 Prosecutor versus Bosco Ntaganda, case reference ICC-01/04-02/06.  
18 And for the record, we are in open session.  
19 PRESIDING JUDGE FREMR: [9:48:20] Thank you, court officer.  
20 Now appearances please in usual order, starting with Prosecution.  
21 MS SAMSON: [9:48:27] Good morning, Mr President, your Honours. Appearing for  
22 the Prosecution today are Ms Dianne Luping; Ms Selam Yirgou; Ms Kristy Sim; and  
23 myself, Nicole Samson.  
24 PRESIDING JUDGE FREMR: [9:48:39] Thank you, Ms Samson.  
25 Defence, please.

1 MR BOURGON: [9:48:43] (Interpretation) Good morning, Mr President.

2 Representing Bosco Ntaganda this morning, who is present in the courtroom, we have

3 Ms Victoria Cichalewska; Josué Iglesias; and myself, Stéphane Bourgon. Thank you,

4 Mr President.

5 PRESIDING JUDGE FREMR: [9:49:01] Thank you, Mr Bourgon.

6 And now Legal Representative of Victims, please.

7 MS PELLET: [9:49:09] (Interpretation) Thank you, Mr President. Former child

8 soldiers are represented by Vony Rambolamanana and myself, Sarah Pellet, counsel at the

9 OPCV.

10 MR SUPRUN: [9:49:24] (Interpretation) Good morning, Mr President, good morning,

11 your Honours. The victims of the attacks are represented by myself, Dmytro Suprun,

12 counsel at the OPCV.

13 PRESIDING JUDGE FREMR: [9:49:33] Thank you, Ms Pellet. Thank you, Mr Suprun.

14 Today will be the first of two days during which we scheduled to hear six victims, who

15 participate in this case, and who have been authorised, pursuant to the Chamber's

16 decision, with filing number 1780, to appear before the Chamber to present their views

17 and concerns following a request by the Legal Representative of Victims of the attacks,

18 Mr Suprun.

19 Before we start with the presentation of such views and concerns by the first victim, I will

20 address some procedural aspects.

21 We will hear the views and concerns of three victims today and a further three tomorrow,

22 but I expect that there will be some update from Mr Suprun whether we will really be able

23 to hear three victims tomorrow, all of them by or via video link.

24 The Chamber anticipates sitting for three sessions per day at the following times: From

25 10 to 11, from 11.30 to 12.30 and from 2 to 3 p.m.

1 The present session started at 9.45 since it appears it's going to take slightly longer as a  
2 result of the procedural matters that need to be discussed.

3 I recall that the Chamber granted special measures pursuant to Rule 88 of the Rules for  
4 three of the victims, two of whom will appear today.

5 The Chamber has instructed Mr Suprun to ensure that any time spent in private session is  
6 very limited. The third victim who will present his views and concerns today will do so  
7 in public session.

8 With regard to the modalities for the presentation of views and concerns, I emphasise that  
9 these victims are not giving testimony, they will, therefore, not be taking the oath and not  
10 be subject to examination by the parties.

11 The legal representative representing the victims, Mr Suprun, will be responsible for  
12 guiding the victims through the presentation of their views and concerns. The  
13 intervention of the legal representative shall be limited to questions that facilitate and  
14 streamline the presentation of the views and concerns by the victim.

15 The Chamber nevertheless encourages the legal representative to have the victims give a  
16 narrative as much as possible.

17 The Chamber may have some questions for the victims and will pose such questions  
18 whenever it considers it appropriate to do so. While the parties will not question the  
19 victims, they may wish to have certain matters clarified. Should this be the case, the  
20 party concerned should try and do so towards the end of the presentation.

21 And any request for such clarification is to be directed to the Chamber, which will then  
22 decide whether such a clarification is necessary and, if so, whether it will ask the victim to  
23 elaborate on his or her presentation, or ask the legal representative to clarify the matter  
24 with the victim.

25 Finally, I would like to place on the record a ruling rendered by the Chamber via email on

1 27 February 2017, concerning the provision of lesser redacted versions of the victims'  
2 application forms for the victims authorised to present their views and concerns.  
3 The Defence requested the provision of these documents via email on 27 February 2017.  
4 The legal representative opposed the request. The Prosecution did not respond.  
5 The Chamber recalls that in paragraph 51 of its decision, with filing number 1780, it  
6 ordered the legal representative to provide the parties and the legal representative for  
7 former child soldiers with the identity of the victims authorised to present evidence and  
8 views and concerns by 20 February 2017 and by the same date provide the statements and  
9 lesser redacted versions of the victims' application forms.  
10 By noting that the operative part of the Chamber's decision only explicitly refers to the  
11 disclosure of application forms related to the victims authorised to present evidence, the  
12 Chamber hereby clarifies that the direction to provide lesser redacted versions of the  
13 victims' application forms relates to all victims to appear before the Chamber.  
14 Accordingly, the Chamber on 27 February ordered the legal representative to provide the  
15 relevant forms to the parties and the legal representative for former child soldiers.  
16 And now we can turn to the presentation of views and concerns by the first victim, who  
17 should be the victim number a/01635/13.  
18 So court officer, first of all, we have now -- yes, before that I see Mr Suprun on his feet, so  
19 we will give floor to Mr Suprun.  
20 Mr Suprun, please.  
21 MR SUPRUN: [9:56:21] (Interpretation) Thank you, Mr President. Before we hear  
22 the first victim's presentation, I have a suggestion to make to the Chamber and to the  
23 parties.  
24 This first victim is expected to provide a certain number of names during the presentation,  
25 so that -- we would like to suggest that before going into an open session presentation it

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1 might be nice to clarify with her whether she intends to mention those names during her  
2 presentation or views.

3 Now, if that were to be the case, then we would need to ensure whether or not those  
4 names can be mentioned in open session. Thank you.

5 PRESIDING JUDGE FREMR: [9:57:10] All right. So we will -- even you can make this  
6 inquiry in the beginning of presentation made by this victim.

7 But one general comment from my part, I would like to highlight the difference between  
8 testimonies of victims, which will be heard in April, and presentation of their views and  
9 concerns which, in my view, should be mainly focused on, as is even in the name of this  
10 procedural measure, views and concerns, which, in my understanding, means that  
11 obviously it's not unavoidable that during this presentation also some facts have -- have to  
12 be mentioned but, in my view, the core of such a presentation should be, if possible, focus  
13 especially on those views and concerns which normally is not part of the classical  
14 testimony.

15 But, as I said it is understandable that we also, before listening about feelings and harms  
16 affected the victim, that we also have to hear something about the sources of this harm.  
17 So anyway, point taken, now we will invite court officer in the field to get first victim into  
18 the courtroom in the field.

19 (The victim enters the video-link room)

20 PRESIDING JUDGE FREMR: [10:00:34] Good morning, madam. Can you hear me?

21 VICTIM: a/01635/13

22 (The victim gives evidence via video link)

23 (The victim speaks Swahili)

24 THE VICTIM: [10:00:48] (Via video link)(Interpretation) Yes, I can hear you.

25 PRESIDING JUDGE FREMR: [10:00:50] All right, madam. On behalf of this Chamber,

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1 I would like to welcome you. You are before the Chamber today because you have been  
2 authorised to present your views and concerns as a victim in the case against  
3 Mr Bosco Ntaganda.

4 You will be soon asked questions by your legal representative, who is here with us in the  
5 courtroom in The Hague. And in addition, the Judges may also have some questions for  
6 you, so please listen carefully to those questions. We want you to tell the truth about  
7 how you were affected. Do you understand this, madam?

8 THE VICTIM: [10:01:58](Via video link)(Interpretation) Yes, I have understood.

9 PRESIDING JUDGE FREMR: [10:02:01] Good.

10 Next issue, madam: Special measures are put in place for the presentation of your views  
11 and concerns to ensure that your identity is not revealed to the public.

12 In practice, it means that the public cannot see your face today and that your voice is  
13 being disguised so that the public cannot recognise it. We will refer to you as "Madam"  
14 only and ensure that your name and any other information that risks revealing who you  
15 are is not broadcast to the public; therefore, even yourself, please make sure that you only  
16 refer to any identifying information during the private session. Do you understand that,  
17 madam?

18 THE VICTIM: [10:03:15](Via video link)(Interpretation) Yes, I follow.

19 PRESIDING JUDGE FREMR: [10:03:17] And finally, madam, a few practical matters  
20 you should have in mind. It is important to speak into the microphone, to speak clearly  
21 and to speak at a slow pace to allow the interpreters to translate everything.

22 If you have any questions during your presentation yourself, do not hesitate to let us or  
23 your legal representative know by raising your hand, you will then be given the  
24 opportunity to speak. If you cannot hear us well or need to take a break, please let the  
25 court officer who is with you in the room know.

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1 Madam, have you understood all that?

2 THE VICTIM: [10:04:23](Via video link)(Interpretation) Yes.

3 PRESIDING JUDGE FREMR: [10:04:25] Very well. It now means we can start the  
4 presentation of your views and concerns.

5 I am giving floor to Mr Suprun. And we are at the moment in the open session.

6 MR SUPRUN: [10:04:43] (Interpretation) Thank you, Mr President.

7 QUESTIONED BY MR SUPRUN: (Interpretation)

8 Q. Good morning, madam.

9 A. [10:04:57] Good morning.

10 Q. [10:04:59] We already know each other, but for the record let me provide you with  
11 my name, Mr Suprun, representing victims of attacks on the civilian population in this  
12 trial against Bosco Ntaganda.

13 Madam, you have been called before the ICC to provide to the Judges and to the other  
14 parties in the courtroom material on your personal experience and those of your friends  
15 relating to events that took place in 2002 -- late 2002, early 2003 and to talk about the harm  
16 and damage that you and members of your family suffered subsequent to those events  
17 and also about the impact that these events had on your personal life. Do you  
18 understand that?

19 A. [10:05:57] Yes, I've understood.

20 MR SUPRUN: [10:06:00] (Interpretation) Mr President, can we now go into private  
21 session to deal with matters that may identify the victim?

22 PRESIDING JUDGE FREMR: [10:06:08] Certainly.

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

24 (Private session at 10.06 a.m.) \*(Reclassified partially in public)

25 THE COURT OFFICER: [10:06:29] We are in private session, Mr President.

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1 PRESIDING JUDGE FREMR: [10:06:31] Thank you, court officer.

2 Mr Suprun, please proceed.

3 MR SUPRUN: [10:06:42] (Interpretation) Thank you.

4 Q. [10:06:43] Madam, we are in private session now and this means that everything  
5 you say during this session cannot be broadcast out of this courtroom so feel free to  
6 provide information pertaining to your identity.

7 My first question: Can you tell the Court your full names and the place and date of  
8 birth?

9 A. [10:07:15] Yes, I can do so. (Redacted)

10 Q. [10:07:42] Can you give us your full names, madam?

11 A. [10:07:52] Yes. My names are (Redacted)  
12 (Redacted)

13 Q. [10:08:19] What is your ethnicity, madam?

14 A. [10:08:28] I am Hema.

15 Q. [10:08:32] Madam, before you begin to present your views, I would like to ask you  
16 whether during that presentation you intend to mention any names of some persons?

17 A. [10:09:01] I did not quite understand you. Can you please repeat your question?

18 Q. [10:09:06] Madam, this is my question: When you will be talking about what  
19 happened to you and to your family, do you think that in so doing you will be mentioning  
20 the names of some specific individuals?

21 A. [10:09:30] The names of the persons who hurt me, yes, I am going to mention those  
22 names.

23 Q. [10:09:39] All right. That is one thing. Secondly, I want to find out from you  
24 whether you intend to talk about some members of your family?

25 A. [10:10:08] When you say members of my family, are you referring to my children,



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- 1 or to my siblings in general, or are you talking about my relatives who joined the UPC?
- 2 MR SUPRUN: [10:10:31] (Interpretation) Mr President, I think it might be more  
3 efficient to start hearing the victim and then if she begins to talk about any names, then we  
4 can deal with that issue as it arises and determine whether it should be done in open  
5 session. So I suggest that we begin in private session and see how it goes, Mr President.
- 6 PRESIDING JUDGE FREMR: [10:11:01] Maybe I would propose another approach.  
7 Madam Witness, if you are going to speak about your siblings or about your family, it  
8 would be preferable for us if you just could say, for example, "my daughter", "my  
9 husband", "my nephew" because it would most likely allow us to remain in public session.  
10 So, and your presentation is also very much determined for public to be heard. So do  
11 you think that you will be able just to speak not concretely and not use names of your  
12 siblings and just describe anything in those general terms, like saying, as I said,  
13 "daughter", "father" and so on?
- 14 As concerns names of those who committed some crimes, there is no problem, you may be  
15 absolutely open and concrete, but as to the names of your siblings it would be better to  
16 just to speak in those more general terms.
- 17 THE VICTIM: [10:12:50](Via video link)(Interpretation) Yes.
- 18 PRESIDING JUDGE FREMR: [10:12:53] So I would propose the opposite approach, we  
19 will start in open session, but as soon as you realise there is some risk, you mentioned  
20 Mr Suprun, we will move into private, all right?
- 21 So please proceed. And now we are in private session, so we will move into open  
22 session.
- 23 So Madam Witness, please be careful, not mentioning those names. We are moving now  
24 into open session.
- 25 Court officer, please.

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1 (Open session at 10.13 a.m.)

2 THE COURT OFFICER: [10:13:24] We are in open session, Mr President.

3 PRESIDING JUDGE FREMR: [10:13:31] Thank you, court officer.

4 Mr Suprun, please.

5 MR SUPRUN: [10:13:35] (Interpretation)

6 Q. [10:13:40] Ma'am, I'd now like to ask you -- I'd like to ask you to tell the Judges of  
7 the Court everything that happened to you and the family between late 2002 and  
8 early 2003. Please provide as much details as possible so everyone can understand what  
9 happened.

10 A. [10:14:11] Okay. As you just said, I will tell you everything that happened, but  
11 you're asking me not to give names. But when it comes to the enemies, shouldn't -- am I  
12 not -- am I supposed to mention them or not?

13 Q. [10:14:35] There's no problem giving the names of your enemies, ma'am, no  
14 problem with that, or the enemies in general terms.

15 A. [10:14:51] Okay.

16 Q. [10:14:58] Please go ahead, ma'am. You may speak.

17 A. [10:15:08] Thank you. We were living, my family and I, in Kilo Mission, that is to  
18 say my husband, my children and myself.

19 The children were born into a Lendu family; four girls and one boy, five children. Two  
20 of the girls were born to a Nyali family. And the first one, the elder of the two, went to  
21 live in her home.

22 At one point in time, late November, 2002 it was, we learned that some soldiers were  
23 coming towards our area, coming down the Mongbwalu road, and they were going to be  
24 entering Mongbwalu. And once they were going to get there, those soldiers would kill  
25 all the Lendus, exterminate them. The name of those soldiers or the group of soldiers

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1 was the UPC. They were also called Shika na Mukono.  
2 And when they got there, to Mongbwalu, they began to say that they had already  
3 conquered the entire territory and that the area belonged to them and all the Lendu  
4 people needed to leave the place, otherwise they would all be exterminated.  
5 The soldiers said that they had weapons, and rifles and heavy weaponry that \*the Lendus  
6 did not have, such as SMGs, rocket launchers and Saba Saba weapons. And with these  
7 weapons they were going to exterminate all the Lendus. So they were telling all the  
8 Lendus to leave the area, not a single Lendu person was to remain. And this is what we  
9 learned throughout all of Kilo territory where we were living. They had already  
10 conquered Mongbwalu.  
11 Then they got to Kilo. And 6 kilometres before they got there, they began to shoot their  
12 heavy weapons. And in Kilo Mission we could hear the gunfire. That was at 1900  
13 hours approximately.  
14 We never heard such noise before. And it was the first time. Everyone in the village  
15 was surprised. And I, myself, said to myself that all the Lendus would be exterminated,  
16 and even the children. And the children here are Lendu, where am I going to take them?  
17 I had already divorced their father. What was I to do after they had exterminated all the  
18 Lendu people? And so my husband, who is a Nyali person, said to me "We will flee into  
19 the bush. We will go to my village" which was after Kilo-État, along the main road.  
20 "We are going to do everything we can to get to that village." But I said to him, "How are  
21 we going to manage, night has already fallen?"  
22 I took my seven-month old baby and put the baby on my back and we left everything  
23 behind. I even left all the bedding. We left absolutely everything behind. And the  
24 people in the village, they left everything behind because they were afraid of the UPC  
25 soldiers and their weapons.

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1 So we spent the night in the bush. We did not have any salt, we slept on banana leaves.  
2 Then after that, that night, those of us who had left the village, the men began building  
3 lean-tos and the like with banana leaves. It started to rain. I did not have a house. I  
4 had left two bags of grain behind. I'm sorry, counsel, I've gone on too long. Could  
5 I -- should I -- can I go on with my account? Can you hear me, Counsel?  
6 Q. [10:21:28] Yes, absolutely. Please go on.  
7 A. [10:21:36] Okay, okay.  
8 I was saying that I had left two bags of maize behind, half a bag of beans. And all that  
9 food I left behind at home. I prepared traditional beverages and I left that in a container.  
10 I also had some cigarettes. And I left everything behind at home.  
11 We were in the bush and we did not have anything. We stayed there for four days. We  
12 were afraid. We were short of everything.  
13 The Lendu had fled into the forest. They were very worried. And my husband said,  
14 "We're not going to go over to the Lendu side, otherwise they will kill all the children."  
15 My husband was a Nyali person. We ultimately went to Kilo Mission.  
16 The UPC soldiers said, "Follow all of those who have fled into the bush and find them  
17 wherever they are hiding." And so people left the bush and went towards Kilo-État.  
18 And all the people, all those UPC soldiers were going to -- were going to protect the Nyali  
19 people, but they were going to exterminate the Lendus.  
20 And so people had to leave the bush. If they refused they would be chased out, flushed  
21 out, and we would kill them with our weapons. You have to tell them, you had to  
22 explain that you were somebody's son or daughter and then you would have to say, "Oh,  
23 you know what valley I live in or come from." These were people that we all knew, so  
24 they, people had to explain and ask for protection rather than being killed.  
25 And so I left. And I was thinking about what I had been told, and I said to myself

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1 perhaps it would be better for me to follow this man's advice. We knew him and they  
2 knew all of us. Maybe those people will protect us, protect our children. They will  
3 protect them saying to themselves that the children are their nephews.  
4 And so, you see, I left the place where I was and I went to Kilo-État. And indeed, when  
5 we got to Kilo-État, from the bush, we were suffering, we had no salt, we had no cooking  
6 oil, no soap, but I got to this place and I was able to collect some firewood and I was able  
7 to buy some salt, some cooking oil, some soap. I could no longer continue working as a  
8 trader as I did in Mission.  
9 And when people got to Kilo-État, they did not stay there for very long, they said to  
10 themselves perhaps we should go to Mission, maybe there's some Lendu people hiding  
11 there. And, you see, the soldiers were going to catch them and torch their homes and  
12 exterminate them all.  
13 So we went to the Mission and they started to burn houses. Our area begins by the road  
14 further down. And they began torching all the houses.  
15 First of all, they began to spare the houses of Hema people, but they torched all the houses  
16 belonging to Lendu people, Nyali people and people from other ethnic groups. So we  
17 stayed in Kilo-État for several months. And that is when I began my work.  
18 There was a Lendu house. We had to stay there because the Lendu were not allowed to  
19 go back here, otherwise, if they did so, they would catch them. And we were told, "Stay  
20 in your houses. Everything will belong to you."  
21 So I stayed there and I continued my trading activities, that is to say I was selling  
22 traditional beverage. And as for my children, I said to myself I will continue doing my  
23 work and I resumed my selling of traditional beverages and cigarettes.  
24 These soldiers were supposed to come and buy some of the beverage, and they also  
25 needed to buy some cigarettes to smoke, and so I began recognising some of them. And I

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1 was able to identify them, so-and-so is so-and-so. That one is the son of the other person.  
2 This one lives on that hill. We were at Pongutchu (phon) and others went another  
3 locality close by. They were Hema people.  
4 Days later, I sent my children, that is to say my daughter, who is 14 years old, I sent her as  
5 well with the -- her other siblings, the -- and with the children of some neighbours. I  
6 don't want to give the names. The eldest of the children I sent was 17 years of age. I  
7 sent them somewhere. They spent a long time there. They were afraid of soldiers.  
8 The soldiers -- these soldiers had bodyguards with them. And this soldier asked the  
9 bodyguards to go and detain this girl. And he gave her name. He said, "Oh, that girl  
10 was in Apongutchu (phon) with her uncle." And he mentioned the name of her uncle.  
11 "Catch that girl and bring her here, bring her to me. She shall be my wife."  
12 Her brothers tried to do something, they said, "No, no, no, our mother has sent us to buy  
13 some petrol and to go back home." The soldier said -- do you want me to give the  
14 names?  
15 Q. [10:30:24] Absolutely, you can give those names.  
16 A. [10:30:30] Okay. He said -- this was Maki, that was the person's name. Maki  
17 detained our eldest sister and said this, he said that our elder sister would be his wife, she  
18 shall be his wife. And I asked, "What Maki are you talking about? What person?"  
19 And he said to me, "The one who lives in the valley. And he would come to our area to  
20 buy avocados. Maki who lived in the valley." And I said, "Maki was the one who took  
21 my 14-year-old girl."  
22 A girl of 14 can go and live with a man. She didn't even have breasts. It was Maki who  
23 did that. Maki had already changed names. He was now calling himself Maki Simba.  
24 I took my baby, I put my baby on my back and I went there. I was not going to let my  
25 daughter to spend the night there because she was not old enough, she wasn't old enough

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1 to get married. I was going to go and get my daughter back.  
2 My children said to me, "Maki said so. If you go there, he's going to shoot you." But I  
3 kept my -- I kept calm, I went to the centre and I met up some relatives from the Nyali  
4 ethnic group, my in-laws. And my in-laws, you see, they said -- my in-laws dissuaded  
5 me, they said to me, "Calm down. Maybe go tomorrow, but not now."  
6 I couldn't follow that advice. I was not at peace with myself. My daughter was 14. She  
7 couldn't go and live with a man. I went back home but I could not sleep.  
8 The next day, Maki gave an order to his soldiers not to leave my -- not to let my daughter  
9 get away. And the -- you see, Lendu ethnic group, even though her mother was Hema,  
10 she cannot marry a Lendu.  
11 I left and I got to that place where the bodyguards were. And when I got there, the  
12 bodyguards saw me coming from far away. They already knew who I was.  
13 One of the bodyguards was the nephew of Maki. He saw me from far away and that  
14 bodyguard came up to me and said to me, "Ma'am, don't come any closer. Maki, you  
15 know him, he is no longer the same person, he has changed, he is now called Maki Simba  
16 and he is the kind of person who can even devour someone. Calm down, ma'am.  
17 Perhaps Maki will give a dowry." And I said, "No, my daughter is too young, I can't  
18 agree to that."  
19 I continued with my work. I was brewing this traditional alcoholic beverage. And  
20 people would come and buy alcohol from me from where I was staying, where I was  
21 living.  
22 When the soldiers caught my daughter, my elder daughter went to hide with the Nyali  
23 people, with her brother. I don't want to give his name. She was afraid that Maki and  
24 his soldiers might kill them because they were Lendus.  
25 These soldiers continued to come to my home, but when they took my child they realised

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1 that my husband was a Nyali person, whereas -- well, they turned my child into a slave.  
2 They sent her to fetch water, to collect firewood, to make guduria, that is to say their  
3 meals, \*their cooking pots. As for myself -- they would send me to go fetch crates of  
4 ammunition. And they did all of that because they knew that -- that I, his wife, was  
5 Hema, and they said it was because of me that my husband was doing that.  
6 And these soldiers continued to come to my home. The soldiers of Maki Simba  
7 continued to come to my house to buy cigarettes, to drink alcohol, and then they would  
8 go off.  
9 And they would say, "We are going to exterminate all the Lendus. We will catch them  
10 with our very hands. We are going to go into the bush by Kobu, over by Kobu, we're  
11 going to shoot, and then we're going to catch them with our very hands and Simba will  
12 exterminate them." I heard them say these things. And, you see, I had children,  
13 children that I had had with a Lendu man. These people continued to come to my house  
14 and they continued to make these threats.  
15 \*I said even if you continue to threaten us and even if you've abducted my daughter who  
16 is too young since then I can't sleep anymore. And the people who did these things,  
17 those are people whom I knew.  
18 And Maki is not so bad. Everything comes to an end. And after hearing all of this, I heard  
19 people say that the Lendus had said that, that they were in a group and that they were  
20 going to come and regain Kilo territory where there are Nyali people and the -- you see,  
21 the Nyali people are related to the Lendu people. And the Nyali are Korovi (phon).  
22 And even if you boast that serves -- that's pointless. When the Lendus come back, my  
23 daughter will be freed and she will be able to come back to me. So they said to me, "You  
24 dare say that to us." And they said, "You are Hema, why are you protecting a Lendu girl  
25 when you're a Hema person who belongs to Hema territory? Why are you protecting the



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1 Lendus? We're going to kill you." That's what they said to me. The soldiers said to  
2 me, "Ma'am, we're going to kill you."  
3 There was someone by the name of -- who took a kisu, a kind of knife, that has two  
4 cutting edges, two blades, and the soldiers said that he was going to kill me, he was going  
5 to stab me with this dagger, with this knife. He grabbed the dagger and stabbed me with  
6 it in my belly. And the tip of the knife went right into me, this deep. And even today I  
7 have a scar.  
8 And when the Nyalis see that -- these are people who said that they were coming to  
9 protect people, but how can it be that the same people who said they were coming to  
10 protect people began killing their -- their own fellow citizens? Because, you see, they  
11 were married to Nyalis, they were married to foreigners.  
12 So they said they would take me to the centre, but after stabbing me I was bleeding, you  
13 see. And someone said to me, "Sister-in-law, calm down. All bad things shall come to  
14 an end. The child has already been with Maki for a while. You just have to calm down.  
15 As for your wound, the Nyali will give you some medicines made out of herbs to deal  
16 with this wound caused by the stabbing."  
17 After a while I said to myself that is true, this is a true -- well, the sixth day I said to  
18 myself -- I was told that many people had got to Kilo, many people. And so we heard  
19 that a group of Lendus would be coming to the town, they would come by way of  
20 Nyangarai. And then we said to ourselves that we would go and fetch the girl. So we  
21 said to ourselves since people have forgotten -- the girls said that they would hide, they  
22 would hide at home, they wouldn't show their faces.  
23 I was truly afraid. I was afraid because I had already been wounded, they had already  
24 stabbed me once. So I said to my girl, "You can't stay. I'll give you some clothes." I  
25 gave my daughter some clothes.

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1 Things got much worse because it was war with the Lendus. And if the war continued, I  
2 was going to lose my very life, so I stayed there.  
3 So the child went crying and wondering what they were going to do. They left with my  
4 children, headed for Mongbwalu. They left. Then they got to the Wacha (phon) road  
5 and were in Wacha, Wacha area, where they continued to kill people along the road.  
6 They took my daughter with them, they went through a number of other villages killing  
7 people of other tribes.  
8 You see, Simba prided himself in being the operator. He took pride in that. He was  
9 proud and said of himself to be an operator. He also said that no one could compare  
10 themselves to -- to them of the UPC because the UPC members were very strong and that  
11 they were even strong enough to fight European armies.  
12 So they went with my children and that hurt me. I lost a lot of weight. I didn't even  
13 know what to eat. The baby was already breastfeeding, but I was worried about my  
14 children, I was wondering where my children were. I wondered what had happened to  
15 them.  
16 At that time, Maki Simba took them to all the places where they conducted their  
17 operations. And he told his soldiers he would speak to them in Lingala, as the Hemas  
18 would speak Lingala, and they would say things like, "There are women in the areas  
19 where we are going to and we will take these women and those women will belong to all  
20 the men. So you can do whatever you wish with those women since you are soldiers."  
21 That is what he told his soldiers.  
22 So imagine that women would switch men each day, and one would rape you, and  
23 another would do the same thing thereafter, and so on and so forth, following instructions  
24 from Maki. So people were able to swap girls whichever way they wished.  
25 The oldest girl, however, was protected, she was 17 years old, because one of the soldiers

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1 said that he would not let anyone else touch her.

2 So my children went there. They met other soldiers. And while there they met soldiers

3 who were under someone known as Jérôme. That is what the children told me. They

4 told me that they met soldiers from Jérôme's group.

5 There were problems between the soldiers. There was war. And the children told me

6 that they came to the conclusion that they couldn't continue to stay there and that they

7 needed to find a way of escape. Some people told them that if they managed to escape,

8 they would go to Mabanga and that from Mabanga they would be able to go to Barrière

9 and then as far as Bunia.

10 So the children looked for all possibilities to escape. They were able to leave that place

11 and got to another place where they met up with some Lendu girls who used to live in

12 Maki's town. And those girls whom they met were much older. One of them had up to

13 five children, five Hema children. Then, there were other girls who also had children.

14 Now, they left together, met up with those young girls and travelled together all the way

15 to Mabanga. When they got to Mabanga, they found a Hema community. And the

16 Hema people there asked them where they were coming from. The eldest girl, who was

17 much taller and much slimmer, and who was also as big as myself, well, those people did

18 not know that those children were Lendu because they thought that Lendus were usually

19 small in stature. So the youngest one of them, who was 14 years old, was really quite,

20 quite slender, she was very slim, and so they were able to go across and to escape from

21 the enemy because of this factor. However, some of the girls were small in stature.

22 Now, when they got to Mabanga that woman who was smaller in stature was arrested

23 and she -- and they said she was Mulendu and that she was the mother of Malu (phon)

24 from the valley. So that particular woman, who was small in size, was arrested and they

25 tried to kill her. Whereas, her son was there in Mabanga.

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1 Her son heard about what was happening, so he reacted promptly by saying, "I am Hema.  
2 Why do you want me to kill my own mother? You see, simply because she's Lendu?"  
3 So the combatants took that woman and then the young man decided that he was going to  
4 fight against those troops. So an entire group gathered to arrest the young man. They  
5 arrested him and they handcuffed him, they handcuffed him by tying him up with a piece  
6 of rope.

7 Q. [10:52:54] Thank you. Thank you, madam. You have done very well so far, but I  
8 would like to ask you to now focus on what happened after you met up with your  
9 children following that period of absence and then also tell the Court the impact of these  
10 events on yourself and on your daughters and on your family as well. Can you focus on  
11 that, madam?

12 A. [10:53:40] Yes, thank you. When it comes to my daughter, she left that area when  
13 peace had returned. Now, but after that return of peace, my daughter suffered  
14 immensely, she had pain in her stomach, she had pain in her abdomen, and whenever she  
15 had her menstrual period, it could happen twice a month, she would see her period twice  
16 in a single month. And that was extremely difficult for her. It was so difficult for her  
17 that she had to go to the hospital in Bunia to receive treatment. Thereafter she was  
18 healed.

19 Can I continue?

20 Q. [10:54:52] Yes, madam, please continue and tell the Court about the consequences  
21 of these events on your daughter, on yourself. And you may also want to talk about  
22 long-lasting consequences after the war came to an end.

23 A. [10:55:19] Thank you. My daughter suffered because she had been raped several  
24 times by UPC soldiers. She was infected by microbes. And she suffered a lot because of  
25 that.

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1 As for me, I had spilled my blood in attempting to closely follow what was happening to  
2 my daughter.

3 Now, after my daughter was relieved following the treatment -- well, do you want me to  
4 talk about my daughter, or to talk about myself?

5 Q. [10:56:09] Madam, I would like to ask you, first of all, whether the events  
6 experienced by your daughter had any psychological impact on her? And then secondly,  
7 I would like you to talk about yourself, your feelings, your actions, your reactions when  
8 you learnt about those things that happened to your daughter?

9 A. [10:56:49] Okay. My daughter -- my daughter suffered immensely because of all  
10 those bad things that happened to her. After the war, her mental health was not good  
11 when they came back. They realised that many people from the village had come back,  
12 but she -- she suffered quite, quite deeply because she was overwhelmed by seeing people  
13 dying and by experiencing the evil that befell her community.  
14 She thought that people were going to start asking questions about them, about us,  
15 because of the war, and so, at that time, many people asked my daughter about Simba  
16 Maki and so my daughter, when she saw people go by, she would tease them, she would  
17 insult them. That's what she had become, simply because she had experienced a lot of  
18 suffering which had impacted her psychologically and mentally. So everything that she  
19 had seen and experienced had an impact on her.

20 Q. [10:59:19] Can you tell the Court whether the -- your daughter, who was the victim  
21 of sexual experiences, still has psychological and emotional problems?

22 A. [11:00:00] After some time she was not significantly affected because she joined a  
23 charismatic group where she was praying. And thanks to prayer she experienced a  
24 significant psychological improvement. Now, to this day, she is doing well.

25 Q. [11:00:34] Madam, you, yourself, as a victim of the war in the Ituri, what do you

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1 expect from the ICC following this trial of Bosco Ntaganda?

2 A. [11:01:14] Well, personally, I suffered great loss, great loss. I spilled my blood  
3 and I suffered psychologically because of Maki Simba.

4 THE INTERPRETER: [11:01:45] Message from the Swahili booth: Sound quality is not  
5 good enough for the Swahili interpreter to follow.

6 MR SUPRUN: [11:01:53] (Interpretation) We have difficulty with the transmission,  
7 we have a frozen image and no sound.

8 (Pause in proceedings)

9 PRESIDING JUDGE FREMR: [11:02:39] So hopefully the problem will be solved soon.  
10 Anyway, I guess it was your last question, Mr Suprun?

11 MR SUPRUN: [11:02:50] (Interpretation) Yes, Mr President. Yes, indeed. I was just  
12 about to put the very last question to the victim and that would have been all.

13 PRESIDING JUDGE FREMR: [11:02:59] Just a moment, we will now -- the court officer  
14 is trying to connect with the field.

15 So, since it seems that we will need more time to solve the issue, we will break now for 30  
16 minutes and we will have to finish this presentation just after the break.

17 So now we break and we will reconvene 11.35.

18 THE COURT USHER: [11:04:24] All rise.

19 (Recess taken at 11.04 a.m.)

20 (Upon resuming in open session at 11.36 a.m.)

21 THE COURT USHER: [11:36:45] All rise. Please be seated.

22 PRESIDING JUDGE FREMR: [11:36:54] Ms Samson, please.

23 MS SAMSON: [11:36:56] Thank you, Mr President. I would like to note for the record  
24 that Mr Eric Iverson has joined the Prosecution team.

25 PRESIDING JUDGE FREMR: [11:37:04] Thank you, Ms Samson. Now we will continue

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1 in the final part of presentation of victim's views and concerns of this victim.

2 Madam, welcome back. We have just a few final questions for you.

3 THE VICTIM: [11:37:32](Via video link) Ndiyo.

4 PRESIDING JUDGE FREMR: [11:37:34] So now, Mr Suprun, we are in open session, so  
5 please proceed.

6 MR SUPRUN: [11:37:43] (Interpretation) Thank you, your Honour.

7 Q. [11:37:45] Ma'am, I'd like to ask you something just to clear up one point: During  
8 your presentation you mentioned your 14-year-old daughter and you also mentioned a  
9 17-year-old daughter. Who is that daughter, without giving the name please since we  
10 are in open session?

11 A. [11:38:20] I beg your pardon?

12 Q. [11:38:23] I'll repeat my question: During your presentation you spoke mostly  
13 about your 14-year-old daughter, and then, at one point, you mentioned another daughter,  
14 17 years old. Could you tell us about that daughter without giving her actual name?

15 A. [11:38:54] The 17-year-old daughter -- the 17-year-old daughter was the elder sister  
16 of the 14-year-old sister. Both of them were my daughters.

17 Q. [11:39:15] And the 17-year-old daughter, was she also abducted by the UPC?

18 A. [11:39:33] Yes. When she was supposed to travel, the Mulendu who were  
19 supposed to go to Kilo -- since the Lendu people were supposed to head towards Kilo,  
20 they were captured on their way back, and they both returned.

21 Q. [11:40:10] Ma'am, do you remember what month and what year your two  
22 daughters were abducted in?

23 A. [11:40:37] Those two daughters were abducted in 2003. It was in February or  
24 March.

25 Q. [11:41:12] Do you remember how long your two daughters were separated from

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1 you?

2 A. [11:41:42] Well, as for the amount of time -- could you put your question again?

3 Q. [11:41:53] My question is as follows: Do you remember how long your two  
4 daughters were away from you and their village after they were abducted by UPC  
5 soldiers?

6 A. [11:42:40] It was a long time, nearly an entire year, even more.

7 Q. [11:42:58] (No interpretation)

8 A. [11:43:29] Okay, this is what's happening. If someone hurts you you have to  
9 consider that harm done, and if the person who did you harm, and if you accuse that  
10 person, that person must be found guilty. And what is that, what is a finding of guilt?  
11 When you have committed a crime against someone and you have even hurt that person  
12 and spilled their blood and that person comes before the court, you have to pay the  
13 person against whom you have committed a crime. That's how it goes. That's the way  
14 of it.

15 Q. [11:44:30] Thank you very much, ma'am.

16 MR SUPRUN: (Interpretation) Your Honour, my last question. And I -- I would like  
17 the names of the two daughters to be placed on the case record, so if we could go into  
18 private session for a moment?

19 PRESIDING JUDGE FREMR: [11:44:47] Understandable.

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

21 (Private session at 11.44 a.m.) \*(Reclassified partially in public)

22 THE COURT OFFICER: [11:44:57] We are in private session, Mr President.

23 PRESIDING JUDGE FREMR: [11:45:03] Thank you, court officer.

24 Mr Suprun, please.

25 MR SUPRUN: [11:45:09] (Interpretation)



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1 Q. [11:45:12] Ma'am, could you now give us the full names of the two daughters, the  
2 14-year-old daughter and the 17-year-old daughter who were abducted by the UPC and  
3 who became sexual slaves?

4 A. [11:45:37] The 14-year-old daughter, her name is (Redacted) (phon). And the  
5 elder, her name is (Redacted) (phon).

6 Q. [11:46:17] Thank you very much for your responses, ma'am.

7 MR SUPRUN: (Interpretation) Your Honour, I have no further questions.

8 PRESIDING JUDGE FREMR: [11:46:23] All right.

9 Now, court officer, let's return back into open session.

10 (Open session at 11.46 a.m.)

11 THE COURT OFFICER: [11:46:42] We are in open session, Mr President.

12 PRESIDING JUDGE FREMR: [11:46:44] Thank you, court officer.

13 Madam, I also have just two questions for you. The first one: You described armed  
14 conflict with your area as a whole between Hemas and Lendus. According your opinion,  
15 what was the reason or source of the animosity between Lendu and Hema?

16 THE VICTIM: [11:47:39](Via video link)(Interpretation) Please, I'm not in a position to  
17 know that because -- I'm not in a position to know why that ethnic war occurred between  
18 the Lendu and the Hema.

19 This war began at the higher level. It began a very long time ago. We are the people of  
20 Kilo. We can't know why. We heard about the Lendu and the Hema people who were  
21 fighting amongst themselves for concessions of land or for the Hema cattle, because, you  
22 see, the Hema cattle were destroying the Lendu crops.

23 And we were there when the Hema began the war and that war continued and went as  
24 far as Mongbwalu. And we said to ourselves -- we said to ourselves, "This is going to  
25 come our way, it is going to affect us."

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1 We were born in the north amongst the Nyali people. Our father grew up with the  
2 Nyali-Kilo people. And they said that the Hema people should go to their area and that  
3 the Lendu people should go to their area. But when this separation occurred, they took  
4 two parts, that separated, that thought -- and such, the Lendus and the Nyalis were the  
5 same, and they were referred to as the Korovi (phon). And thus, even though the  
6 Hema -- if -- the Hema people said that any Nyali person should leave. And when they  
7 began their war, their cattle, which had destroyed the Lendu crops, they did not want to  
8 deal with the problem peacefully. We don't know why they preferred going to war.

9 PRESIDING JUDGE FREMR: [11:50:33] Thank you. And my last question: At the  
10 moment, do you still see some tension between Lendu and Hema or, according your view,  
11 reconciliation have been completed?

12 THE VICTIM: [11:51:11](Via video link)(Interpretation) The way I see the situation, the  
13 Lendu and the Hema have reconciled, they live together like brothers, as was the case  
14 before. Indeed, if there were conflicts -- and that was because of the cattle, the Hema  
15 cattle. That is why. It's because of the cattle, but now they have reconciled.

16 PRESIDING JUDGE FREMR: [11:52:01] Thank you very much, madam. It concludes  
17 your presentation of -- sorry, Mr Bourgon.

18 MR BOURGON: [11:52:09] Thank you, Mr President. In accordance with the  
19 guidance set out by the Chamber at the beginning, I refer to page 4, lines 14 to 18, I would  
20 like to seek the Chamber's assistance in seeking clarification from the witness. So I'm not  
21 sure if this -- if I seek my clarification while the witness hears the question, or whether  
22 you first hear the question and then put it to the witness as was mentioned at the  
23 beginning. I would just like to know what procedure to follow to be correct.

24 PRESIDING JUDGE FREMR: [11:52:51] As we said in our guidance, it is up to the  
25 Chamber even to decide whether such a clarification is necessary, so please present this

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1 issue and we will then decide.

2 MR BOURGON: [11:53:02] Thank you, Mr President.

3 The first issue I'd like to clarify, obtain clarification from the witness, is in her victim  
4 participation form she mentions that the events took place in February of 2003, whereas  
5 the account that she gave this morning seems to happen in November 2002.

6 So I would like to just clarify which one is -- what is the exact situation, did she had to  
7 leave her village in 2002 as described today, or is the account that she provided in her  
8 victim participation form that it was in 2003 the more or the correct version? I think this  
9 is important in order to understand her testimony.

10 The second issue I'd like to have clarification on, Mr President, is what the witness  
11 referred to this morning, and that was on page 14, at lines 22 to 25, when she described the  
12 manner in which she and her family left Kilo.

13 And I'd like to clarify whether this took place -- my understanding is, but I'm not sure,  
14 and I'd like to clarify that she and her family left Kilo before the soldiers arrived. And  
15 that is also important in order to understand what the victim went through.

16 The third issue I would like to obtain clarification on has to do with the age of her two  
17 daughters. According to her victim participation form, the age of the two daughters was  
18 respectively, without referring to their names, but the eldest would have been 14 and the  
19 youngest would have been 12.

20 We've heard today in her account that the eldest daughter was 17 and that the younger  
21 daughter was 14. I'd like to know which of these ages is correct, the one in the form or  
22 the one that she provided today.

23 Lastly, Mr President, the last issue has to do with -- no, I think I will leave it to these three  
24 requests for clarification, Mr President, however, I would like to address the Chamber  
25 after this views and concerns testimony by the witness is (Overlapping speakers). I

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1 would like to make some submissions to the Chamber and before we proceed to the next  
2 views and concerns witness. Thank you, Mr President.

3 PRESIDING JUDGE FREMR: [11:56:02] All right. So I can see that -- I can say that I  
4 see all those three issues as a feasible for further clarification.

5 So, Madam Witness --

6 THE VICTIM: [11:56:28](Via video link) Ndiyo.

7 PRESIDING JUDGE FREMR: [11:56:30] -- have you heard what Mr Bourgon, who is  
8 representing the Defence, asked for clarification?

9 THE VICTIM: [11:56:53](Via video link)(Interpretation) Yes, I've understood.

10 PRESIDING JUDGE FREMR: [11:56:55] I will just refer to single issues.

11 The first one was that, as concerns events you described in your presentation today and in  
12 your victim participation form, there was difference in the date when those events  
13 allegedly took place. In participation form it is mentioned February 2003, while this  
14 morning you mentioned November 2002. Could you clarify this difference?

15 THE VICTIM: [11:57:59](Via video link)(Interpretation) Thank you. I said that I left  
16 Kilo Mission in November 2002. And after Kilo Mission we went into the bush and we  
17 went to Kilo-État in 2002, that was in November.

18 Now, when I said that, I mean the month during which my daughters left -- can I go on?

19 PRESIDING JUDGE FREMR: [11:58:51] Please, please. Sorry to interrupt you.  
20 Please go on.

21 THE VICTIM: [11:58:58](Via video link)(Interpretation) Okay. The month of  
22 November 2002, which I mentioned, that was when we left our village of Kilo Mission  
23 heading towards the bush. And once we left the bush, we went to Kilo-État, that was in  
24 November 2002.

25 So regarding the departure of my daughters, that was in 2003, that is when they were

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1 abducted. It was between February and March. I don't remember the exact date  
2 subsequent to the events of the war. It was 2003 when the abduction occurred. And  
3 in 2002, that is the time when we left our village of Kilo Mission. Do we understand one  
4 another? Are we on the same wavelength?

5 PRESIDING JUDGE FREMR: [12:00:10] Yes, I believe so.

6 Now the second issue, when you -- you and your family, when you left Kilo, was it before  
7 arrival of soldiers or after arrival of soldiers?

8 THE VICTIM: [12:00:42](Via video link)(Interpretation) Okay, we left Kilo Mission to  
9 go to the bush. When the soldiers had already come close to Kilo, they were a few  
10 kilometres away from Kilo. They were at Bakonde and that is when they started  
11 shooting. And it was the gunfire that caused us to flee, that is when the soldiers had  
12 already come close to Kilo. That is when we left. And immediately after we left, they  
13 entered into Kilo. They had vehicles and they were firing from the vehicles. And they  
14 immediately came into Kilo, Kilo Mission.

15 PRESIDING JUDGE FREMR: [12:01:44] Thank you. And the last point Defence  
16 counsel would like to clarify discrepancy, which is between your victim application form  
17 and your today presentation, because in the form it is mentioned that your daughters at  
18 the time of abduction were 14 and 12, the younger one, and today you said that the older  
19 one was 17 and the younger one 14. Could you clarify this discrepancy?

20 THE VICTIM: [12:02:43](Via video link)(Interpretation) Yes. Let me talk about it.  
21 Regarding the first form that we filled with our lawyers, those white people came for the  
22 first time, they came to look for the victims, but it was difficult. There were two ladies  
23 who arrived as well as a white man. They were accompanied by other people. During  
24 that time we were afraid to talk with those white people. Even today, when I arrived  
25 here I was still afraid. That is why in the midst of that fear I said the things that I said.

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1 But what I told you here is, indeed, the true ages of my daughters. During that time I  
2 was afraid of the white people, but the exact ages or dates are the ones I have given you.  
3 I believe I have been understood.

4 PRESIDING JUDGE FREMR: [12:04:05] All right. So now I can really say that your  
5 presentation of your views and concerns is concluded.

6 And on behalf of this Chamber, madam, I would like to thank you because we are aware  
7 of the fact that talking about what happened can be a difficult experience, but we  
8 appreciate that you have helped us understand how the events affected you. And we  
9 thank you very much for assisting us in this regard. So thank you and now you may  
10 leave the courtroom at your place.

11 THE VICTIM: [12:04:58](Via video link)(Interpretation) Thank you. I would also like  
12 to thank you very much, however I have experienced a lot of difficulties with my children  
13 in that inter-ethnic war.

14 Those of you defending us, I would like to thank you because you are defending our  
15 cause. You have left Europe to come right to our area here in Ituri and Djugu territory.  
16 I would like to thank you very much for your work, for what you have done for me,  
17 because I was in great difficulty and I never knew any peace, because from time to time I  
18 saw the mother and father of this young man, even if he is deceased now, I do not have  
19 any peace, so I thank you for the concern shown to me. This man asked me that I would  
20 go to The Hague and I said I'm ready to go there, I wouldn't be afraid to go there, but you  
21 listened to what I had to say, you facilitated my trip and I did not travel as far as I thought  
22 and today I have found peace again in my heart because I have seen you brought all sorts  
23 of machines and equipment to defend our cause. Thank you.

24 PRESIDING JUDGE FREMR: [12:06:56] Point taken. Thank you very much, madam.

25 And now we will continue with the -- we will continue with the second victim, who has

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1 been authorised to appear to present views and concerns. We will hear these views and  
2 concerns mostly in public session, but before we start I would like to briefly give some  
3 guidance in private session.

4 And, yes, in the meantime you can switch the witnesses or the victims. I think the court  
5 officer will convey this message.

6 (The victim is excused)

7 PRESIDING JUDGE FREMR: [12:08:11] But, sorry, don't go into private session  
8 because I forgot that Mr Bourgon would like to address the Chamber, so we will remain in  
9 open session.

10 Mr Bourgon you have the floor.

11 MR BOURGON: [12:08:22] Thank you, Mr President. I did not get up earlier out of  
12 respect for the lady who provided us with important information today, however I do  
13 want to object to the nature of the information which was provided.

14 It is our respectful submission, Mr President, that the guidance issued by the Chamber  
15 with respect to views and concerns witnesses was not properly followed.

16 I cannot say that we haven't any views and concerns, we did, towards the end, the last  
17 five maybe 10 minutes, maybe we heard some views and concerns, but what we've heard,  
18 in fact, is an account of what the witness went through and detailed information and facts  
19 as to what happened on the ground. And this can only be both misleading and  
20 prejudicial in the context of these proceedings.

21 Mr President, the Chamber in its decision said already earlier that it does not appear  
22 clearly, and I quote here from the Chamber's decision of 10 February, at paragraph 28,  
23 talking about this specific witness. The Chamber said:

24 "... it does not appear clearly where the victim's daughters were captured from or held, or  
25 when the displacement from Kilo Mission took place. Noting this uncertainty as to the



1 exact time and place of certain of these events, the Chamber does not consider that it  
2 would be sufficiently assisted by this victim's expected evidence or that it would be  
3 appropriate in the circumstances to call her as a witness" talking about "... the proximity to  
4 the temporal and geographical location of the charges has not been adequately  
5 demonstrated."

6 Mr President, you said yourself this morning we can't avoid getting into some of the story  
7 and some of the narrative of the witness in order to understand the views and concerns.  
8 And the Defence fully agrees with the Chamber's holding in this regard. However, I  
9 believe that what is wrong in this case is the question that was put to the witness in the  
10 first place. And I refer here to the question that was put on page 12, at lines 20 to 25, and  
11 the question that was put to the witness is the following:

12 "I'd like to ask you to tell the Judges of the Court everything that happened to you and the  
13 family between late 2002 and early 2003. Please provide as much details as possible so  
14 everyone can understand what happened."

15 And later on, of course, my colleague, legal representative of the lady who testified, added  
16 that of course it's no problem when it comes to enemies to mention some names.

17 I believe that this question in itself calls for facts, calls for a description of events and I  
18 don't think that this is the purpose of hearing the views and concerns of the persons we  
19 are about to hear this morning and today.

20 We should limit our self, of course, saying what they went through, but we should focus  
21 on what is important for victims, and that is while do they see the harm they suffer, what  
22 do they want from the Court, what do they feel about what happened, but not a detailed  
23 description. Even though it is not under oath, it is highly prejudicial.

24 Mr President, this testimony is heard in public session. Tomorrow all people who have  
25 heard this it will be all over the news that the UPC did this and this and this and that to



1 people. That's not what they're supposed to -- to happen in this case, we're supposed to  
2 hear about the prejudice, the harm and the impact and we have heard very little of that,  
3 Mr President.

4 I would appreciate and I kindly request that my colleague be given some guidance so that  
5 the next witness focuses on prejudice and harm rather than on the facts of what happened  
6 to him or her. Thank you, Mr President.

7 PRESIDING JUDGE FREMR: [12:12:47] Before I will react, Mr Suprun you also will be  
8 given the chance to react. Please.

9 MR SUPRUN: [12:12:56] (Interpretation) Thank you, Mr President. I think that the  
10 objection of my learned friend is not founded because the victim who had those  
11 experiences to tell us the impact of what happened to her necessarily needs to tell us the  
12 basis of that prejudice. Someone cannot be asked to talk only about the prejudice  
13 without giving the background to what caused that prejudice. So concerning the nature  
14 of the presentation, I asked the fewest number of questions possible, and it was the victim  
15 herself who decided to present it in that way because she felt that it was the experience  
16 that led to the impact and the prejudice, because I believe that is what the witness herself  
17 decided to do. And I don't see what is wrong with that.

18 MS SAMSON: [12:14:16] Mr President.

19 PRESIDING JUDGE FREMR: [12:14:17] Ms Samson, you also have the chance to  
20 comment it. Please.

21 MS SAMSON: [12:14:20] Yes. Well, the Prosecution lends it support to the  
22 submissions made by the Legal Representative of Victims. We note that the Defence had  
23 an opportunity to raise objections to the scope of the views and concerns and it did not  
24 object to views and concerns of these witnesses knowing what they were about to speak of,  
25 knowing the length of time they were going to be given, with the exception of asking that

1 it be limited to views and concerns and harms suffered.

2 As the legal representative set out, it is impossible to discuss harm suffered without  
3 contextualising the account. We note as well that the Chamber has indicated these are  
4 not -- this will not be used as evidence, and so in fairness to these victims they ought to be  
5 given an opportunity to provide their views and concerns as fully as appropriate within  
6 those limits. Thank you.

7 PRESIDING JUDGE FREMR: [12:15:22] Thank you, Ms Samson. Because this is an  
8 issue which I think should be discussed by the whole Chamber before I present even my  
9 view, so give us a second, we will silently deliberate on that.

10 (Trial Chamber confers)

11 PRESIDING JUDGE FREMR: [12:16:07] So after silent deliberation, it is in fact not  
12 ruling, but our guidance is that, and I can make it brief, that in fact we share most of what  
13 was said by Mr Bourgon because it's really about the purpose of this special procedural  
14 measure, which is presentation of views and concerns of the victims, so it's really not part  
15 of the evidence.

16 If there are some facts mentioned, as I said before, we will not take it when we will in  
17 future deliberate about possible judgment in our consideration as evidence. So the main  
18 purpose is really to allow victims to present their position, how they were allegedly  
19 affected by the crimes again allegedly committed by the accused.

20 So even if I think we all are on the same page that some facts, the mentioning of some  
21 facts is unavoidable, so it should be a basis for presenting views and concerns, but in the  
22 different, I would say, different amount, because here I would say this last victim  
23 presented in, I would say, 90 percent of her time facts and only 10 percent of time her  
24 views and concern. And the numbers should be, in fact, the opposite. So I would like to  
25 now ask Mr Suprun try to adjust next examination or not examination but the way how

1 you will lead the next victim in this way.

2 And for the public present now in the gallery, again I have to highlight that we are

3 listening to views and concerns of the victims, which is not part of the evidence.

4 And before inviting the second victim, we will have to move into private session, court

5 officer, please.

6 (Private session at 12.18 p.m.)

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1 (Open session at 12.20 p.m.)

2 THE COURT OFFICER: [12:20:52] Mr President, we are in open session.

3 PRESIDING JUDGE FREMR: [12:21:14] Thank you, court officer.

4 Sir, can you hear me okay? Again, sir, can you hear me?

5 VICTIM: a/30169/15

6 (The victim gives evidence via video link)

7 (The victim speaks Swahili)

8 THE VICTIM: [12:21:59](Via video link)(Interpretation) Yes, I can hear you.

9 PRESIDING JUDGE FREMR: [12:22:02] Sir, on behalf of the Chamber I would like to  
10 welcome you. You are before the Chamber today because you have been authorised to  
11 present your views and concerns as a victim in the case against Mr Bosco Ntaganda. You  
12 will be soon asked questions by your legal representative, who is here with us in the  
13 courtroom in The Hague. In addition, the Judges may also have some questions for you,  
14 so please listen carefully to those questions. We want you to tell the truth about how you  
15 were affected. Do you understand this, sir?

16 THE VICTIM: [12:22:55](Via video link)(Interpretation) Yes, thank you.

17 PRESIDING JUDGE FREMR: [12:22:58] Fine.

18 Sir, as you will already have been informed, you are appearing before us today in public  
19 session, that means that while the Chamber and the parties and participants are still likely  
20 to refer to you as "Sir", your name and appearance before this Chamber will be a matter of  
21 public record. I guess you understood?

22 THE VICTIM: [12:23:34](Via video link)(Interpretation) Yes, thank you.

23 PRESIDING JUDGE FREMR: [12:23:38] Good.

24 Finally, a few practical matters you should have in mind. It is important to speak into  
25 the microphone, to speak clearly and to speak at a slow pace to allow the interpreters to

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1 translate everything. If you have any questions during your presentation, do not hesitate  
2 to let us or your legal representative know by raising your hand and you will then be  
3 given the opportunity to speak. If you cannot hear us well, or need to take a break,  
4 please let the court officer who is with you in the room know. Have you understood all  
5 that?

6 THE VICTIM: [12:24:30](Via video link)(Interpretation) Yes.

7 PRESIDING JUDGE FREMR: [12:24:33] Very well.

8 So now I am giving floor to Mr Suprun, your legal representative.

9 Mr Suprun, you may proceed.

10 QUESTIONED BY MR SUPRUN: (Interpretation)

11 Q. Good afternoon, sir.

12 A. [12:24:56] Good afternoon.

13 Q. [12:24:59] We already know each other, but I will give my name for the record, my  
14 name is Dmytro Suprun, and I am representing the victims of the attack against civilians  
15 accepted to participate in this case against Mr Ntaganda.

16 The Presiding Judge has already said that you have been called to give your views and  
17 concerns about the events that you experienced and those experienced by your family. I  
18 will ask you to give us some information, but please, to begin with, give us your -- can  
19 you state your complete or full name?

20 A. [12:25:50] My name is Chwekabo Mutubule, and my first name is Gislain.

21 Q. [12:26:07] Can you state the date and place of your birth?

22 A. [12:26:22] I was born on 15 March 1963 in Bunia.

23 Q. [12:26:30] What is your ethnicity, sir?

24 A. [12:26:37] I am Bira.

25 Q. [12:26:44] Now, sir, I would like to ask you to tell the International Criminal Court

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1 everything that happened to you between -- during the war, 2002-2003, and I would like  
2 you to focus on your experience and the experience of your family. The Court would  
3 like to know what you felt, what you experienced and the harm suffered by you, yourself,  
4 and the members of your family. So you can proceed, sir.

5 A. [12:27:28] Very well. You want me to begin my account?

6 Q. [12:27:33] Yes, absolutely, sir.

7 A. [12:27:40] Thank you. When the war started, I was with my children, my 12  
8 children. We decided that it was difficult to stay in the village because there were acts of  
9 violence, people were compelled to carry things, so we decided to flee into the bush.

10 Q. [12:28:17] Yes, sir, you can continue without waiting for my questions. Please, go  
11 on.

12 A. [12:28:35] Thank you very much. When we fled we went to the bush, we were a  
13 whole group of us, and we spent two weeks in the bush. It was very difficult to find any  
14 salt, soap or oil. It was very difficult. And that is why two of my children fell ill. They  
15 were affected by kwa shokoro (phon), and we ate food that was roasted on the fire. And  
16 each time the soldiers were passing to Lipri they would see the smoke, so they started  
17 shooting into the bush.

18 One day my sister went to look for cassava in the village. She was beaten. And so my  
19 sister came and told us that we had to leave the bush because it has been said that shells  
20 were going to be fired into the bush. That is why we left the bush.

21 I carried one of my children who was ill and another person carried another sick child of  
22 mine, and we were trying to go to my brother-in-law's place. We were going through the  
23 bush because it was difficult to use the main road. My aunt went to find some food. So  
24 we were travelling through the bush with my sick children.

25 When we reached a stream we heard some gunfire in front of us. I asked my children to

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1 stop and I told them that these people were going to come and find us.  
2 It was my smaller brother who was hit by the gunshots. He was hit by 12 bullets.  
3 Eleven people were killed. I did not know that my father was there as well as my aunt.  
4 We then took the food that we had and carried it away.  
5 Shortly afterwards, we heard a gunshot. It was a heavy weapon. I think it was a rocket  
6 launcher.  
7 Our children who were ill died. And when we found my brother who had been killed, it  
8 was not possible to carry away his body. Later on, we took the body and sent to our  
9 brother-in-law. The head of the collectivité asked the prisoners to go and bury the 11  
10 people who had been killed in the valley. We buried my two children. And shortly  
11 afterwards, we went and recovered the corpse of my younger brother, but his body had  
12 already been partially eaten by wild animals.  
13 So we abandoned all our property, the chickens, the goats and so on. There was no way  
14 to take them along. That is why we used the bush road to go and recover our belongings.  
15 And when we went there to recover our belongings, two of my daughters were abducted.  
16 They were 14 years and 12 years old. They were taken to Lipri.  
17 MR SUPRUN: [12:32:41] (Interpretation) Could we go into private session for the rest  
18 of the account?  
19 THE INTERPRETER: [12:32:48] Message from the Swahili interpreter: Could the  
20 witness be requested to slow down.  
21 PRESIDING JUDGE FREMR: [12:32:57] All right.  
22 So first of all, Mr Witness, if you kindly could a bit slow down because sometimes the  
23 interpreters had a problem to capture everything you said. So please, a bit, slow down.  
24 And now let's move into private session.  
25 (Private session at 12.33 p.m.) \*(Reclassified partially in public)

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1 THE VICTIM: [12:33:23](Via video link)(Interpretation) Okay.

2 (No interpretation)

3 PRESIDING JUDGE FREMR: [12:33:30] Hold on, Mr Witness. Hold on, Mr Witness.

4 THE COURT OFFICER: [12:33:35] Thank you, Mr President. We are in private  
5 session now.

6 PRESIDING JUDGE FREMR: [12:33:39] So now I am giving floor to Mr Suprun.

7 MR SUPRUN: [12:33:44] (Interpretation) Thank you, your Honour.

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12 PRESIDING JUDGE FREMR: [12:48:59] Sorry to interrupt you, Mr Suprun, and our  
13 victim, because I saw some signs of disagreement from Mr Bourgon.

14 Mr Bourgon, I find this question proper because we don't really need to know names of  
15 concrete, concrete alleged perpetrators, but that what we really have to know whether it  
16 was even soldiers of the UPC allegedly again, because it could be -- possibility that it  
17 could be Ugandan soldiers, so other -- even Lendu soldiers, so at least we will have to  
18 know whether it -- allegedly, these victims is victims of the crimes with which your client  
19 is prosecuted.

20 Mr Bourgon.

21 MR BOURGON: [12:49:52] Thank you, Mr President. Very shortly. The only  
22 difficulty with allowing such question is then we get into the fact as how could he  
23 recognise a soldier? How does he know they were such-and-such a soldier? Where  
24 were the soldiers? How does he know that they were Bosco's soldiers? And then we  
25 get into a factual -- a factual inquiry. That's what we want to avoid.

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1 Up to now, things were going fine, he was describing prejudice in general, he was  
2 describing how -- his views and concerns, now we get into a factual inquiry and that is  
3 where, I think, Mr President, that we should avoid this. My colleague has been guided  
4 in order to -- what questions to ask and that question was not necessary. Thank you.

5 PRESIDING JUDGE FREMR: [12:50:39] I have already commented that.

6 Mr Suprun, please proceed.

7 MR SUPRUN: [12:50:45] (Interpretation) Just a comment, if I may. We are not  
8 presenting evidence, we are hearing the account of a victim. The victim is explaining  
9 who is doing what and, thus, we must properly understand who did what, otherwise no  
10 presentation is possible, your Honour.

11 PRESIDING JUDGE FREMR: [12:51:15] Yes, I fully agree.

12 MR SUPRUN: [12:51:22] (Interpretation) If we could go into open session,  
13 your Honour.

14 PRESIDING JUDGE FREMR: [12:51:28] All right.

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

16 (Open session at 12.51 p.m.)

17 THE COURT OFFICER: [12:51:38] We are in open session, Mr President.

18 PRESIDING JUDGE FREMR: [12:51:46] And as concerns timing, unfortunately we will  
19 probably have to break this presentation in two pieces because we will have to break at  
20 1 o'clock, so I'm sorry but I don't see any solution.

21 MR SUPRUN: [12:52:09] (Interpretation)

22 Q. [12:52:10] I'd like to ask you something, sir, and most likely my Defence colleague  
23 opposite will object, but I am trying to determine who attacked the village, who was  
24 behind the gunfire, so my question is this, sir: Now, sir, earlier you mentioned that  
25 someone attacked your village, someone was firing shots, but you never said who did

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1 this. Who did these things?

2 A. [12:52:45] UPC soldiers. They were the ones who did these things. Before that  
3 they went by in large numbers on their way to Kobu with Bosco, who would leave them  
4 here and there and ask people to help them carry their various goods in various localities,  
5 Bunia, Kobu and elsewhere.

6 Q. [12:53:18] And who killed the members of your family? You said that several of  
7 your family members had been killed. Who killed them?

8 A. [12:53:43] Once again, it was the UPC soldiers who did that, the UPC soldiers with  
9 their commander.

10 Q. [12:53:55] You also mentioned that people had been asked to carry various goods.  
11 And did someone ask you or family members of yours to carry goods?

12 A. [12:54:12] Within my family my -- it was my children who were asked that.

13 PRESIDING JUDGE FREMR: [12:54:19] Mr Witness, please don't respond this  
14 question.

15 Mr Bourgon.

16 MR BOURGON: [12:54:23] Thank you, Mr President. Again, my colleague is going  
17 way beyond what can be described as views and concern. And not only now is he not  
18 going beyond views and concern, he's actually leading the witness into specific answers.  
19 This is also way beyond guiding the witness as he was instructed to do by the Chamber at  
20 the beginning of this court session.

21 Mr President, to allow such questions without the Defence being able to ask questions and  
22 return to clarify the information is not helping the Chamber, the Chamber is getting a  
23 one-sided view without any challenge as to the veracity of this information. Even though  
24 it is not evidence against the accused, it is still highly prejudicial to hear this kind of  
25 evidence without any cross-examination. We should stick to views and concerns and not

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1 go into these kind of factual questions. Thank you.

2 PRESIDING JUDGE FREMR: [12:55:24] Mr Suprun.

3 MR SUPRUN: [12:55:26] (Interpretation) I am not adducing evidence. The witness'  
4 statements will not be part of the evidence considered by the Bench at the end of this trial.  
5 And I'm quite sure that each victim who claims to be a victim of the war is entitled to tell  
6 us what happened to him and should not be restricted in his/her way of expressing one's  
7 views and concerns. The victims should be allowed to express themselves. And the  
8 Defence counsel really is out of order.

9 PRESIDING JUDGE FREMR: [12:56:17] Yes, as -- I have to repeat myself, we are not  
10 contacting -- gathering of evidence, but still what we at least have to know who caused  
11 the harm alleged, so no details but at least we have to know this, so please proceed.  
12 By the way, Mr Suprun, how much time do you think you will need to complete?

13 MR SUPRUN: [12:56:49] (Interpretation) I believe in about 15 minutes, your Honour.

14 PRESIDING JUDGE FREMR: [12:56:55] Fifteen minutes. So, okay, it means that we  
15 could conclude at 10 past one, so we will try to - hold on, Mr Witness - so we will try to  
16 complete this presentation even some time after one o'clock, so please proceed.

17 MR SUPRUN: [12:57:18] (Interpretation) Thank you, your Honour.

18 Q. [12:57:22] Sir, I would like to ask you something. You did not mention, you  
19 didn't provide specific information about the time at which these events you described  
20 actually occurred. Do you remember the year and the month they occurred?

21 A. [12:57:51] I no longer recall when the events exactly unfolded, but I do know that it  
22 was Bosco's men. Some went by way of the Bunia road, others by way of the road  
23 towards Kunda. And they asked people to carry goods for them, the various goods they  
24 had taken from the population. They were looting. And there were a great many of  
25 them.

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1 Q. [12:58:25] Amongst the various events you experienced and the events experienced  
2 by your family members, did any event affect you more than others?

3 A. [12:58:47] My entire family was affected by this war, not just my family, but all the  
4 villages. We suffered. We went without salt, we had no homes. And even today we  
5 remain poor because of all of that.

6 Q. [12:59:08] After the war, once you had seen that all your belongings had been  
7 looted and so many had been killed, what was your life like after the war?

8 A. [12:59:26] We suffered greatly, we suffer greatly. We lack many things, clothing.  
9 And the children as well. We began by spending nights sleeping in the bush. We were  
10 cold, we were bitten by mosquitos. And the village leaders spoke to the people from  
11 Caritas asking for help. They asked for blankets, sheets, that sort of thing, to help us.

12 Q. [13:00:02] As a victim of the war in Ituri in 2002 and 2003, what do you expect from  
13 the ICC subsequent to this trial of Bosco Ntaganda?

14 A. [13:00:29] Thank you for your question. Someone by the name of -- well, it was  
15 an official of the Court who came to our area, he came to the school, they asked everyone  
16 to come and tell their story. Nicolas Kwaku. He wrote down the names of all the  
17 victims. And I believe that is the list that he presented to you where you are.

18 Q. [13:01:11] What I'm asking you is what do you expect from the ICC at the end of  
19 this trial of Bosco Ntaganda, that is from the point of view of justice?

20 A. [13:01:39] Personally I'm happy to have been called up to give an account of what  
21 happened to me. Today I'm happy and even my family is happy. I'm well dressed  
22 today. They gave me a little money to also help even with school fees. I'm very happy  
23 and I thank the Court very much. I'm happy that the Court called me up.

24 Q. [13:02:14] If Bosco Ntaganda were to be declared guilty and convicted, would you,  
25 yourself, wish to have compensation for the harm suffered?



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1 A. [13:02:36] In the name of Jesus, I must say that I am suffering a lot. I am a farmer  
2 and I would be happy to have a little bit of money to put in there. And my arm hurts, so  
3 I have great difficulty carrying out the farming. I cannot compel the authorities of the  
4 Court to tell me what they have to tell me. They are aware of what we have experienced.  
5 And what they -- whatever they decide to give me could help me and help my children.

6 Q. [13:03:31] Sir, do you have anything else to tell the Judges?

7 A. [13:03:43] I think this is the third time that I am coming here. I'm happy about the  
8 work that the Judges are doing and may God bless them. I can see that they are  
9 continuing to do good work for me, so I really do not have anything to ask from them, but  
10 whatever they will decide to give me I am going to thank you. Whatever is gone can  
11 never be recovered again.

12 Q. [13:04:18] Thank you very much, sir, for the information you have given us.

13 MR SUPRUN: (Interpretation) And Mr President I have nothing more.

14 PRESIDING JUDGE FREMR: [13:04:29] Thank you.

15 Now, are we in private or open session? We are open, fine.

16 Since I would like to put to you, sir, just maybe one question: Some witnesses who  
17 appeared before us in the past presented this armed conflict as a conflict between Hema  
18 and Lendus; would you agree with this opinion?

19 THE VICTIM: [13:05:10](Via video link)(Interpretation) Yes, that war was between the  
20 Hema and the Lendu. In fact, there were three groups in conflict. And these were  
21 people who only stirred up problems. When the UPC went to Lipri, the Lendu came  
22 back to start or to make war, and when the Hema saw us fetching oil, for example, they  
23 would kill us. We were being killed everywhere. There are three groups that  
24 committed many, many crimes.

25 PRESIDING JUDGE FREMR: [13:06:02] It was just my point because I understood you

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1 are Bira, so did your tribe, was it allied to any part of the conflict? Did Bira support  
2 either Hema or Lendu?

3 THE VICTIM: [13:06:36](Via video link)(Interpretation) No. No, we were not fleeing  
4 from the Lendu, but they were saying that since the Hema were coming from the Bunia  
5 area they thought we were the ones helping them, but we did not support either the  
6 Lendu or the Hema.

7 PRESIDING JUDGE FREMR: [13:07:00] And my last question: Currently, today, at  
8 the area you are living, do you still feel some ethnic tension between some tribes, or you  
9 mean that everything is now fine?

10 THE VICTIM: [13:07:23](Via video link)(Interpretation) Thank you for that question.  
11 For the time being, all the three groups are living peacefully. We are living together and  
12 there is no other problems. No crimes are being committed. All the three groups are  
13 living in harmony, including the Hemas and the Lendus and without any problem.

14 PRESIDING JUDGE FREMR: [13:08:01] Thank you, sir.

15 I don't see that my colleagues would like to put a question but, yes, now I would like to  
16 ask whether parties ask for some clarification.

17 Prosecution?

18 MS SAMSON: [13:08:14] No, thank you, your Honour.

19 PRESIDING JUDGE FREMR: [13:08:17] Defence?

20 MR BOURGON: [13:08:18] Yes, Mr President. I would like to seek clarification from  
21 the witness.

22 He mentioned at the end of his account today that it is the third time that he comes -- that  
23 he is called upon to participate. I think it is important for the record to know when, in  
24 what trial or what context he was previously called upon to provide information.

25 And the second issue I'd like to have clarification upon is that the -- according to the

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1 information we have, albeit very limited, the witness had 12 children. What happened to  
2 the other children? Thank you, Mr President.

3 PRESIDING JUDGE FREMR: [13:09:04] Mr Suprun.

4 MR SUPRUN: [13:09:06] (Interpretation) For the first aspect --

5 THE INTERPRETER: [13:09:16] The victim is speaking at the same time, the  
6 interpreters cannot hear.

7 PRESIDING JUDGE FREMR: [13:09:22] Mr Witness, Mr Witness, please hold on. We  
8 will ask you after some time, but at the moment please remain silent, all right, because  
9 now the floor is for Mr Suprun.

10 Mr Suprun, please.

11 MR SUPRUN: [13:09:38] (Interpretation) Thank you, Mr President. I think that the  
12 first aspect raised by my learned friend has nothing to do with the presentation of the  
13 views and concerns of the victims, this means that it is not cross-examination and it has  
14 nothing to do with what the victim has said. I have no problem with the second aspect.

15 PRESIDING JUDGE FREMR: [13:10:02] Objection is overruled. I found both points of  
16 clarification reasonable.

17 Mr Witness, have you heard Defence counsel? He would like to get clarification what  
18 you meant by saying that it is the third time you are in contact with, I don't know, with  
19 the Court or with somebody? What do you mean by that it is the third time you are  
20 giving your view?

21 THE VICTIM: [13:10:43](Via video link)(Interpretation) It is the third time that I'm  
22 coming to talk about what happened during the war. I cannot say anything that is not  
23 true. I am telling only the truth.

24 PRESIDING JUDGE FREMR: [13:10:57] And, Mr Witness, today is the third time, so  
25 what was the first and second time?

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1 THE VICTIM: [13:11:14](Via video link)(Interpretation) The first time, I went to the  
2 hotel, I was with someone who was asking questions and taking notes.

3 The second time, I went to the small office, that's where they took me and, once again, I  
4 gave an account of what happened.

5 And so today it is the third time I'm being called up for the same thing.

6 PRESIDING JUDGE FREMR: [13:11:52] And do you still remember what was the  
7 agency or institution who contacted you for the first and second time? Was it  
8 International Criminal Court or other body, if you remember?

9 THE VICTIM: [13:12:21](Via video link)(Interpretation) I was in my farm. There was  
10 the chairman of our village committee who sent a message saying that I should come and  
11 see him. I was afraid. And when I returned from the fields in the evening, I asked my  
12 wife about it and she told me. On that day we were 12 people from various  
13 neighbourhoods, there were people from Lipri, Bambu and other places.

14 We went there and we were told to give a report. And it was the chairman of the  
15 committee. It was on that day that notes were taken.

16 The second time we were called up again. Some other people did not show up, but I  
17 showed up. Today I am alone, but the other people who had been called up alongside  
18 me the first time are not here.

19 PRESIDING JUDGE FREMR: [13:13:35] And the last issue, Defence counsel also would  
20 like to get clarification about the situation of the other -- your children, apart of the  
21 situation of the two daughters you have already described sufficiently, but what about the  
22 other children, have they also -- did they suffer any harm?

23 THE VICTIM: [13:14:16](Via video link)(Interpretation) They suffered a great deal and  
24 continue to suffer. We are not able to go back to the level at which we were before that  
25 war. We cannot rebuild our home because the house that we have is almost totally

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1 destroyed. These children suffered a lot, they suffered from malaria and from lice that  
2 affected them everywhere. And even school fees are very high, because I have to pay  
3 5,000 for the school fees of the children. But things are very difficult and everyone is  
4 suffering.

5 PRESIDING JUDGE FREMR: [13:15:17] Anything else, Mr Bourgon?

6 MR BOURGON: [13:15:20] Yes, Mr President, with the Court's indulgence, there is one  
7 question I forgot to ask in which I wanted to seek clarification.

8 And this is what the witness mentioned, and that was on page 55, at lines 17 and 18.

9 And if I quote from the witness, he mentioned:

10 "During the war we would hear intense gunfire. And the entire population fled,  
11 everyone in the valley. We left all our belongings behind in the village."

12 I'd like to clarify if this is his experience during the war that whenever he heard some  
13 firing around his village that the population would immediately flee the village. I think  
14 this is an important aspect of how he came about to leave his village. Thank you,  
15 Mr President.

16 PRESIDING JUDGE FREMR: [13:16:12] All right. Even if I -- I'm afraid that it's  
17 completely contrary to your previous objection, Mr Bourgon.

18 Mr Witness, have you heard Defence counsel's question? Could you answer that,  
19 whether you just reacted on hearing some gunfire?

20 THE VICTIM: [13:16:40](Via video link)(Interpretation) Yes, yes, there were explosions  
21 every day, in the morning, in the evening and at night. It was not possible for the  
22 population to stay put. There was a lot of suffering at that time. And if you remained  
23 in the village, if you were seen, you would be shot at. This happened in the entire area,  
24 in the mornings, in the evenings. There were explosions all the time. And the entire  
25 night these people were moving about, they were having their trans -- their equipment

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1 and belongings transported. And during those movements they were shooting  
2 everywhere.

3 PRESIDING JUDGE FREMR: [13:17:35] All right. Mr Witness, I would like to thank  
4 you. It concludes the presentation of your views and concerns. On behalf of our  
5 Chamber, I would like to thank you. We can imagine that even presentation of such  
6 views would be difficult experience, but we appreciate a lot that you have helped us at  
7 least to understand how the events affected you and we thank you for assisting us in this  
8 regard. Thank you very much.

9 And now we will break. And in order to keep a 90-minute lunch break we have to shift  
10 the afternoon session, so it will mean that we will continue 2.50; am I correct? So now we  
11 break.

12 THE COURT USHER: [13:18:49] All rise.

13 PRESIDING JUDGE FREMR: [13:18:51] I think it is 2.50, yes.

14 (The victim is excused)

15 (Recess taken at 1.20 p.m.)

16 (Upon resuming in open session at 2.52 p.m.)

17 THE COURT USHER: [14:52:22] All rise.

18 Please be seated.

19 PRESIDING JUDGE FREMR: [14:52:46] Good afternoon, everybody.

20 First of all, I see some changes in composition of the teams, so I will ask for update.

21 Prosecution, Ms Samson, any change?

22 MS SAMSON: [14:53:06] No change, your Honour, from the second session of the  
23 morning.

24 PRESIDING JUDGE FREMR: [14:53:09] Thank you, Ms Samson.

25 Defence?

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1 MR GOSNELL: Good afternoon, Mr President, the only change is that I am replacing

2 Maître Bourgon. Thank you.

3 PRESIDING JUDGE FREMR: [14:53:20] All right. And as concerns legal

4 representatives I don't see any change.

5 Now, madam, can you hear me?

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7 (The victim gives evidence via video link)

8 (The victim speaks Swahili)

9 THE VICTIM: [14:53:38](Via video link)(Interpretation) Yes, I can hear you.

10 PRESIDING JUDGE FREMR: [14:53:42] All right. Madam, on behalf of this Chamber,

11 I would like to welcome you. You are before the Chamber today because you have been

12 authorised to present your views and concerns as a victim in the case against

13 Mr Bosco Ntaganda.

14 You will be soon asked questions by your legal representative, who is here with us in the

15 courtroom in The Hague. In addition, the Judges may also have some questions for you.

16 Please listen carefully to those questions. We want you to tell the truth about how you

17 were affected. Do you understand this, madam?

18 THE VICTIM: [14:54:40](Via video link)(Interpretation) Yes, I understand.

19 PRESIDING JUDGE FREMR: [14:54:42] Good.

20 Now, madam, special measures are put in place for the presentation of your views and

21 concerns to ensure that your identity is not revealed to the public. In practice, it means

22 that the public cannot see your face today and that your voice is being disguised so that

23 the public cannot recognise it. We will refer to you as "Madam" only and ensure that

24 your name and any other information that risks revealing who you are is not broadcast to

25 the public. Therefore, please make sure that you only refer to any identifying

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1 information during the private session. I also note that the psychologist has been  
2 approved to assist you if such a need would arise. Do you understand, madam?

3 THE VICTIM: [14:55:57](Via video link)(Interpretation) Yes, I understand.

4 PRESIDING JUDGE FREMR: [14:55:59] Very well.

5 And finally, a few practical matters you should have in mind. It is important to speak  
6 into the microphone, to speak clearly and to speak at a slow pace to allow the interpreters  
7 to translate everything.

8 You should only start speaking when the person asking you the question has finished. If  
9 you have any questions during your presentation, do not hesitate to let us know or let  
10 know your legal representative, you will then be given the opportunity to speak.

11 In case you cannot hear us well or need to take a break, please let the court officer who is  
12 with you in the room now. Have you understood all that, madam?

13 THE VICTIM: [14:57:07](Via video link)(Interpretation) Yes, I have understood.

14 PRESIDING JUDGE FREMR: [14:57:09] Very good, madam.

15 So we can now start the presentation of your views and concerns. And I will for that  
16 purpose hand floor over to Mr Suprun. And I note that we are in open session.

17 QUESTIONED BY MR SUPRUN: (Interpretation)

18 Q. [14:57:52] Good afternoon.

19 A. [14:57:55] Good afternoon.

20 Q. [14:57:56] We already know each other, but my name for the record is  
21 Dmytro Suprun and I represent the victims of the attack in this trial against Mr Ntaganda.  
22 You were invited to appear before the ICC because the Chamber would like to hear what  
23 happened to you, what you felt, the harm that you personally suffered during the events  
24 in Ituri between the end of 2002 and early 2003; do you understand?

25 A. [14:58:34] Yes, I understand.



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- 1 MR SUPRUN: [14:58:42] (Interpretation) For my first question, your Honour, can we  
2 go into private session?
- 3 PRESIDING JUDGE FREMR: [14:58:46] For sure.  
4 Court officer, let's move into private session please.  
5 (Private session at 2.58 p.m.) \*(Reclassified partially in public)
- 6 THE COURT OFFICER: [14:58:56] We are in private session, Mr President.  
7 PRESIDING JUDGE FREMR: [14:59:02] Thank you, court officer.  
8 Mr Suprun, please proceed.
- 9 MR SUPRUN: [14:59:08] (Interpretation)  
10 Q. [14:59:10] Madam, we are now in private session, so you can answer clearly to my  
11 questions without any fear for your security or that anyone outside of this room would  
12 hear you.  
13 To begin with, madam, kindly state your full name, please.
- 14 A. [14:59:36] My name is (Redacted)  
15 Q. [14:59:56] What are your date and place of birth?  
16 A. [15:00:15] I was born on (Redacted)  
17 Q. [15:00:19] What is your ethnicity?  
18 A. [15:00:31] I am Lendu.
- 19 MR SUPRUN: [15:00:34] (Interpretation) Mr President, we can now go back to open  
20 session, please.  
21 PRESIDING JUDGE FREMR: [15:00:37] All right.  
22 Court officer, let's return back into open session.  
23 (Open session at 3.00 p.m.)
- 24 THE COURT OFFICER: [15:00:45] We are in open session, Mr President.  
25 PRESIDING JUDGE FREMR: [15:00:55] Thank you.

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1 Mr Suprun, please proceed.

2 MR SUPRUN: [15:01:03] (Interpretation) Thank you, your Honour.

3 Q. [15:01:05] Madam, we are now in open session and I will tell you to tell your  
4 stories to the Judges. And for your own security, please do not name any names, and if  
5 you want to give any names we will go to private session.

6 So let me now ask you to tell the Judge everything that happened to you, yourself, during  
7 the period between late 2002 and early 2003. Please proceed.

8 A. [15:01:47] It was at the end of 2002 and early 2003, we were in Petsi village. The  
9 war had started. And on that day we were at home. Suddenly we heard gunshots from  
10 all the four corners of the village. We tried to leave the village, but it was not possible. I  
11 had my aunt because my mother was already deceased. My aunt fled. I remained  
12 alone at home. And when we heard the gunshots, I became afraid. I went out of the  
13 house and I saw soldiers wearing uniforms. After that, they said they were going to kill  
14 all the villagers. They caught me by my hand, they told me they would kill all the  
15 villagers but that they would not kill me, they told me that instead they were going to  
16 marry me and if I was all right with that I would survive, otherwise I would die. I told  
17 them, "Do anything that you want."

18 We started going towards the bush. One of them closed my mouth to prevent me from  
19 shouting out, another one took me by the hand. They introduced themselves, they said  
20 they were soldiers belonging to someone and that they were going to exterminate us on  
21 that day.

22 They took me by the hand, we went into the bush, they forcibly put me on the ground and  
23 removed my underclothes. There was no way to shout out because one of them had  
24 closed my mouth and the other took me by the hand. So he took his penis and  
25 penetrated me. After that, they -- another one came, after which I lost consciousness.

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1 They finished what they were doing. I had lost consciousness and I was out cold.  
2 The following day, there was a lot of bleeding from my private parts, from my vagina.  
3 People were shouting out around. And they were looking for members of their families.  
4 There were houses that had been set on fire. And so the people thought I was already  
5 dead. The soldiers had come in, they did what they did and then they left.  
6 Then there were members of my family who came, and other young people who had  
7 survived, they took me, they realised that I was bleeding profusely and they tried to find  
8 out what they could do in my situation.  
9 They took me to the village of Petsi and then to the Bambu hospital. We arrived the  
10 Bambu hospital and we found that the soldiers had already passed through there. They  
11 had attacked that hospital, but there were still a few medications left.  
12 They treated me to stem the bleeding. I was given some injections, but I was not aware  
13 because I was unconscious. We were at the hospital at Bambu where we spent three  
14 days.  
15 Later on I was discharged -- or, rather, since there was no change in my situation, they  
16 took me to the Bunia hospital for further treatment. So I was taken out to the MSF  
17 hospital where I was treated for haemorrhage, haemorrhaging and then I was treated.  
18 But after that I had a very serious headache. I was at the MSF and they were giving me  
19 some medication. There was no way for me to go back home. I stayed at the hospital.  
20 And the wound was becoming very painful. It was becoming infected. They gave me  
21 some further medications and I felt better.  
22 We returned home, but there was no house because they had burnt down all the houses in  
23 the village. We did not have anything at all.  
24 I had lost all my dignity. At that time, I was 13 years old, I was still a child, so I felt that I  
25 no longer had any dignity left. I hate myself.

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1 Q. [15:08:46] Would you like a little break, madam, so as to rest a little bit?

2 A. [15:08:58] I am going to continue.

3 The entire village, even when we were talking people would betray me, so I felt ill at ease.

4 Even now I cannot meet any man who would marry me. I had found a husband, but  
5 after what people were saying about me he abandoned me.

6 The person with whom I was at the hospital was the one taking care of me. She took care  
7 of the children. So it hurts me very much because I am isolated, but I thank the good  
8 lord who protected me.

9 The entire house had been burnt to the ground. In fact, we didn't know where to start or  
10 finish. For the time being I lost my reputation at 13 years old in the entire village. So no  
11 girl can speak to me in the village. I do not even have the courage to talk.

12 So I have come here before you to speak the truth. I am telling you about what happened  
13 to my body. No one asked me to speak. I am the one talking about what happened to  
14 me, to myself when I was 13 years old. All the members of my family have tried to  
15 advise me, but it hurts me. Sometimes I just lie on the bed and I am thinking about that.  
16 Sometimes I even leave the house and my child does not know anything about it. I can  
17 only think of the soldiers. And I have nightmares in which I have -- I see the soldiers  
18 come and take me by force and take me out.

19 So these are thoughts that I keep having constantly. And I would really need some help  
20 because I am suffering a lot from those nightmares. If you go to that village the entire  
21 village was burnt down. Even the neighbours are crying, they are suffering. I don't  
22 even have any means of subsistence. Everyone is afraid to rebuild the village. They're  
23 only doing it progressively. But we had a tarpaulin and we set up a, sort of, house or  
24 shelter with it because we don't have any other resources.

25 Q. [15:13:04] Thank you, madam. You are extremely courageous to come and speak

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1 about your experience before this Court. You have done very well in giving your  
2 account. I would simply like to ask some questions of clarification.

3 Do you know who were the soldiers who raped you, to which armed group they  
4 belonged?

5 A. [15:13:36] Those soldiers said that they were Bosco Ntaganda's soldiers. They  
6 said that we were "going to catch you with our bare hands, Shika na Mukono. We are  
7 coming to exterminate you." They said it themselves. And that is how we came to  
8 know that they were soldiers belonging to someone.

9 Q. [15:14:03] You have said that there were several people, those soldiers who raped  
10 you, how many soldiers specifically raped you?

11 A. [15:14:19] Three soldiers.

12 Q. [15:14:21] Madam, can you tell us precisely when that event took place, the month  
13 and the year, if you know?

14 A. [15:14:40] I was still 13 years old.

15 Q. [15:14:58] Madam, after all those events, and it is already 13 years since they  
16 happened, do you still have psychological problems when you remember those events?

17 A. [15:15:17] It makes me suffer. Sometimes even when I see soldiers on the road I  
18 am afraid, I am extremely afraid.

19 Q. [15:15:31] Following the rapes that you suffered, did you have any physical  
20 injuries?

21 A. [15:15:47] Yes, I had injuries, I even had stitches.

22 Q. [15:15:59] Madam, as a victim of the war in Ituri in 2002, 2003, what do you expect  
23 from the International Criminal Court at the end of this trial against Mr Bosco Ntaganda,  
24 that is from the point of view of justice?

25 A. [15:16:30] I would want that the ICC should assist me and administer justice to me.

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1 Q. [15:16:44] When you say that you need assistance, what are you referring to?

2 A. [15:17:01] Justice must be done. The criminals have to be punished.

3 Q. [15:17:09] And if Bosco Ntaganda is found guilty, would you want to have  
4 compensation for the suffering that you endured?

5 A. [15:17:29] But we don't have anything left, we don't have houses, we don't have  
6 anything.

7 Q. [15:17:36] And you, yourself, what would you like to have at the end of this trial in  
8 the form of reparation?

9 A. [15:17:54] I would like them to assist me so that I can go back to school, that they  
10 should be able to build a house for us given that our house was destroyed.

11 Q. [15:18:11] Thank you very much, madam, for your answers.

12 MR SUPRUN: (Interpretation) Mr President, I have no further questions.

13 PRESIDING JUDGE FREMR: [15:18:17] And neither do I. And I don't see that my  
14 colleagues would like to put any questions.

15 Now I ask parties whether they would like to get some clarification.

16 MS SAMSON: [15:18:29] No, thank you, your Honour.

17 PRESIDING JUDGE FREMR: [15:18:32] Thank you, Ms Samson.  
18 Defence?

19 MR GOSNELL: [15:18:36] No, Mr President.

20 PRESIDING JUDGE FREMR: [15:18:37] All right then.

21 Madam Witness, it means that your presentation of your views and concerns is  
22 completed. I would like to thank you very much because I fully understand that to recall  
23 and to revive some memories in your head could be sometimes even very painful, but we  
24 believe that your presentation could assist us to understand the harm you have suffered,  
25 so thank you very much and we thank you and we wish you a safe journey home. Thank

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1 you.

2 THE VICTIM: [15:19:34](Via video link)(Interpretation) Thank you very much as well.

3 PRESIDING JUDGE FREMR: [15:19:38] And now we can disconnect the line and move  
4 into open session for remainder.

5 (The victim is excused)

6 PRESIDING JUDGE FREMR: [15:19:57] We are in open session, fine.

7 So now my question goes to Mr Suprun. Mr Suprun originally we planned to hear three  
8 victims tomorrow, but I understood there is some logistical problems. Could you update  
9 the Chamber about programme for tomorrow.

10 MR SUPRUN: [15:20:18] (Interpretation) Yes, Mr President, one of the scheduled  
11 victims for tomorrow is not available, and I have provided the reasons for their  
12 unavailability through email to the Chamber yesterday, therefore we will have two  
13 victims who will present their views and concerns tomorrow. Based on the information I  
14 have received recently, they are ready to present their views and concerns tomorrow.

15 PRESIDING JUDGE FREMR: [15:20:49] All right then. So well noted. It means that  
16 we will have just two sessions tomorrow, first starting at 10 o'clock, lasting till 11 and the  
17 second one from 11.30 to 12.30.

18 And now the Court is adjourned.

19 (The hearing ends in open session at 3.21 p.m.)

20 RECLASSIFICATION REPORT

21 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,  
22 the public reclassified and lesser redacted version of this transcript is filed in the case.