

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 Thursday, 2 March 2017
9 (The hearing starts in open session at 10.00 a.m.)
10 THE COURT USHER: [10:01:02] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [10:01:24] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [10:01:29] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: [10:01:44] Thank you, court officer.
20 Now appearances in usual order please.
21 MS SAMSON: [10:01:49] Good morning, Mr President, your Honours. For the
22 Prosecution today are Ms Kristy Sim; Ms Selam Yirgou; Mr James Pace; Mr Laura Morris;
23 Mr Janine Ensing; and myself, Ms Nicole Samson.
24 PRESIDING JUDGE FREMR: [10:02:06] Thank you, Ms Samson.
25 Defence please.

1 MR BOURGON: [10:02:10] (Interpretation) Good morning, Mr President. For the
2 Defence this morning of Bosco Ntaganda, he is present, there is Victoria Cichalewska;
3 Sara Levac; and myself, Stéphane Bourgon. Thank you, Mr President.

4 PRESIDING JUDGE FREMR: [10:02:32] Thank you, Mr Bourgon.

5 And Legal Representative of Victims, please.

6 MS PELLET: [10:02:36] (Interpretation) Thank you, Mr President. The former child
7 soldiers are represented by Vony Rambolamanana and myself, Sarah Pellet, counsel in the
8 OPCV.

9 MR SUPRUN: [10:02:49] (Interpretation) Good morning, your Honours. The
10 victims of the attack represented by myself Dmytro Suprun, counsel at the OPCV.

11 PRESIDING JUDGE FREMR: [10:03:01] Thank you, Ms Pellet. Thank you,
12 Mr Suprun.

13 Today we are going to continue with the presentation of views and concerns by victims,
14 pursuant to the Chamber's decision with filing number 1780.

15 As indicated by Mr Suprun yesterday, victim a/01243/13 will no longer appear before the
16 Chamber and, therefore, we will hear two victims today, that is victim a/20018/14 and
17 victim a/20126/14.

18 The Chamber anticipates it sits for two sessions of one hour, that is until 11, and then from
19 11.30 to 12.30.

20 Before we start with the presentation of such views and concerns of victim a/20018/14, I
21 recall that in its decision, with filing number 1808, the Chamber granted special measures
22 pursuant to Rule 88 of the Rules in form of use of pseudonym, voice and face distortion
23 for this victim. These measures were also recommended in the VWU's in-court
24 protective measures and vulnerability assessments that were received yesterday.

25 In addition, the vulnerability assessment recommends that the psychologist be allowed to

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 be present to assist the victim at the video link location. The Chamber considers this
2 appropriate and grants this additional special measure.
3 In relation to victim a/20126/14, the Chamber also received from the VWU yesterday both
4 the vulnerability assessment and the in-court protective measures assessment. The VWU
5 recommends that a psychologist be allowed to be present to assist the victim at the video
6 link location. The Chamber considers this appropriate and grants this special measure.
7 The Chamber further observes that the legal representative did not request in-court
8 protective measures for victim a/20126/14, yet in its protective measures assessment, the
9 VWU recommends that in-court protective measures be granted.
10 For the reasons set out in our decision, with filing number 1808, the Chamber does not
11 find it necessary to grant any in-court protective measures for that victim.
12 And now we can turn to the presentation of views and concerns by the first victim for
13 today, who is victim number a/20018/14.
14 So I see -- I can see that we have our victim ready.
15 Madam, at the video location, can you hear me?
16 VICTIM: a/20018/14
17 (The victim gives evidence via video link)
18 (The victim speaks Swahili)
19 THE VICTIM: [10:06:50](Via video link)(Interpretation) Yes, I am with you.
20 PRESIDING JUDGE FREMR: [10:06:52] Good.
21 Madam, on behalf of this Chamber I would like to welcome you. You are before our
22 Chamber today because you have been authorised to present your views and concerns as
23 a victim in the case against Mr Bosco Ntaganda.
24 You will be asked questions by your legal representative who is Mr Suprun, who is here
25 with us in the courtroom in The Hague.

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 In addition, the Judges may also have some questions for you. Please listen carefully to
2 those questions. We want you to tell the truth about how you were affected. Do you
3 understand that, madam?

4 THE VICTIM: [10:07:45](Via video link)(Interpretation) Yes, I have understood.

5 PRESIDING JUDGE FREMR: [10:07:48] Very well.

6 Madam, special measures are put in place for the presentation of your views and concerns
7 to ensure that your identity is not revealed to the public.

8 In practice, it means that the public cannot see your face today and that your voice is
9 being disguised so that the public cannot recognise it. We will refer to you as "Madam"
10 only and ensure that your name and any other information that risks revealing who you
11 are is not broadcast to the public; therefore, please make sure that you only refer to any
12 identifying information during the private session when no one outside the courtroom
13 can hear your answer. Do you understand that, madam?

14 THE VICTIM: [10:08:59](Via video link)(Interpretation) Yes, I've understood.

15 PRESIDING JUDGE FREMR: [10:09:00] Good.

16 And finally, a few practical matters you should have in mind. It's important to speak
17 into the microphone, to speak clearly and to speak at a slow pace to allow the interpreters
18 to translate everything. You should only start speaking when the person asking you the
19 question has finished. If you have any questions yourself do not hesitate to let us know,
20 you will be then given the opportunity to speak. If you cannot hear us well or need to
21 take a break, please let the court officer who is with you in the room know. Have you
22 understood all that, madam?

23 THE VICTIM: [10:09:49](Via video link)(Interpretation) Yes.

24 PRESIDING JUDGE FREMR: [10:09:54] Fine.

25 So it means that we can now start the presentation of your views and concerns. And for

Trial Hearing
VICTIM: a/20018/14

(Private Session)

ICC-01/04-02/06

1 that purpose I am giving floor to Mr Suprun, legal representative, who will assist you
2 with that.

3 Mr Suprun, you have the floor, and we are in open session.

4 MR SUPRUN: [10:10:20] (Interpretation) Thank you, Mr President.

5 QUESTIONED BY MR SUPRUN: (Interpretation)

6 Q. Good morning, madam.

7 A. [10:10:28] Good morning.

8 Q. [10:10:30] We have already met, but for the record my name is Dmytro Suprun and
9 I represent the victims of the attacks against the civilian populations participating in this
10 trial against Mr Bosco Ntaganda.

11 Madam, you were called to appear before the International Criminal Court because I want
12 you to tell the Judges everything that happened to you, yourself, everything that you
13 experienced yourself and everything that you suffered yourself, so I would like you to
14 focus on the period between late 2002 and early 2003, that is the period of the war.
15 Before beginning your presentation, I will put some questions to you, particularly for you
16 to give your name and date of birth and for that reason we will need to go to private
17 session.

18 MR SUPRUN: (Interpretation) Your Honour, I would like us to go into private session?

19 PRESIDING JUDGE FREMR: [10:11:40] All right. Court officer, let's move into
20 private session now.

21 (Private session at 10.11 a.m.) *(Reclassified partially in public)

22 THE COURT OFFICER: [10:11:48] We are in private session, Mr President.

23 PRESIDING JUDGE FREMR: [10:12:01] Thank you.

24 Mr Suprun, please proceed.

25 MR SUPRUN: [10:12:11] (Interpretation)

Trial Hearing
VICTIM: a/20018/14

(Private Session)

ICC-01/04-02/06

1 Q. [10:12:11] Madam, we are now in private session, so you can answer my questions
2 without any fear that anyone outside of the courtroom can hear you. My first question:
3 Please state your full name.

4 A. [10:12:41] My name is (Redacted) (phon).

5 Q. [10:12:52] What is the date and place of your birth, madam?

6 A. [10:13:05] I was born in (Redacted).

7 Q. [10:13:17] What is your ethnicity, madam?

8 A. [10:13:27] I am Lendu.

9 MR SUPRUN: [10:13:30] (Interpretation) Mr President, can we go back to open
10 session?

11 PRESIDING JUDGE FREMR: [10:13:34] Certainly.

12 Court officer, let's return back into open session.

13 (Open session at 10.13 a.m.)

14 THE COURT OFFICER: [10:13:42] We are back in open session, Mr President.

15 PRESIDING JUDGE FREMR: [10:13:53] Thank you.

16 Mr Suprun, please proceed.

17 MR SUPRUN: [10:14:04] (Interpretation)

18 Q. [10:14:04] Madam, I would like to ask you to tell the Judges what you experienced
19 yourself and what the members of your family experienced during the period of the
20 war 2002, 2003?

21 A. [10:14:32] During the war we were in Mongbwalu. Before the war broke out,
22 there were bladed weapons being around -- or, rather, around, such as machetes and
23 others. Those of us Lendus were being told not to spend the nights at home, but to
24 spend the night in the bush. And in the night, when we fled, we would be injured, we
25 would injure ourselves.

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 Afterwards, we were told that the landing strip at the airport had already been taken, so
2 we fled to Sayo after moving through the bush to Lipri.
3 There was a lot of suffering. Some of the children that we have had died. A lot of the
4 belongings that we had were left behind. In our restaurant, everything was left behind.
5 We took away children without any clothes. We had small children. I was with my
6 elder brother who was ill. They helped me to carry the children, but we suffered
7 together, but in Lipri he died because we were suffering. We were hungry. And he
8 finally succumbed, he died.
9 After that, when the UPC soldiers came into Lipri we fled and we went to a place between
10 Nizi and Mbau. At that location we met soldiers, some of them were dressed like
11 soldiers while others were dressed at civilians. I had three children. Some members of
12 my family had taken another route. The soldiers asked me, "Who are you?" And I said,
13 "We are people." They started beating me up. I had a little money on me from my trade.
14 They took the money and they raped me in front of my children.
15 I was not injured, but I was very, very tired. After that, I went away and rested a little
16 bit. And when I got stronger, I continued my way slowly up to Kpandroma. Other
17 members of my family who had used other routes found me in Kpandroma. There they
18 took one of my brothers and killed him, they abducted him and killed him.
19 Later on, my brother's child, who was travelling to Mbau was also killed. We didn't find
20 the body and we didn't find the body of my brother. And we do not know whether the
21 bodies were burnt or not. And up to this date, we have not found the bodies.
22 After all the suffering and the people who were killed, we did not have any clothes, we
23 did not have any money, we were suffering a lot and we were facing many problems.
24 Subsequently, the UPC soldiers started taking over control of Kpandroma. We were told
25 that the UPC was coming to Kpandroma and that is how come the combatants started

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 protecting the area and prevented them from entering Kpandroma. That is the suffering
2 that we were subjected to.

3 I was a woman, I had a restaurant, but later on I had difficulties living, I was raped and I
4 did not even have any medical consultation, I did not know whether I was infected or not.
5 Later on I learnt about this, and many diseases were diagnosed. I have children, I do not
6 know what to do. We are still suffering. And this is what we suffered during the war.

7 Q. [10:19:44] Thank you, madam. I have a few clarification questions regarding
8 what you have just said. First question: Do you remember when specifically these
9 events took place, do you remember the month and the year?

10 A. [10:20:26] Counsel, I have difficulty remembering precise dates, but I know that it
11 was between 2002 and 2003. However, I have difficulty remembering days and months.

12 Q. [10:20:42] That's not very serious, madam.

13 Secondly, the people you talked about who raped you, were you raped by one person or
14 several?

15 A. [10:21:02] There were five of them, but only two out of the five raped me.

16 Q. [10:21:10] And do you know who these people were?

17 A. [10:21:19] No.

18 Q. [10:21:24] Were these people civilians or soldiers?

19 A. [10:21:36] They were soldiers. They were dressed in military uniforms.

20 Q. [10:21:42] And to which armed group did these soldiers belong, that is if you
21 know?

22 A. [10:22:00] They were UPC soldiers because these were people who were coming
23 from Nizi. And during that period, they were UPC elements.

24 Q. [10:22:13] You said that you were travelling with your children. Can you tell us
25 the ages of those children?

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 A. [10:22:29] The first was 10 years old; the second 8 years; and the last one, 6 years.

2 Q. [10:22:41] Madam, can you tell the Court how you felt after you were raped and
3 afterwards?

4 A. [10:23:05] When I was raped I was very weakened, but I was not injured.
5 Subsequently, I fell ill and there was no treatment, no medicines. I had fevers, I had
6 stomach pains. And when I went to urinate I felt pain. And I continued living like that
7 without any treatment. And it was recently that I was examined and it was found that I
8 was suffering from venereal diseases.

9 Q. [10:23:52] Madam, this incident, the rape that you were subjected to, did it have a
10 long-term impact on you psychologically and emotionally?

11 A. [10:24:27] I was in pain, I was suffering. This happened in front of my children.
12 They witnessed all those events. This really disturbed me, but what could I do? It had
13 already happened.

14 Q. [10:24:43] After the rape, madam, were you able to have any children?

15 A. [10:25:00] Yes, later on I had children, but it took some time. I had three other
16 children; and one of them is deceased, the other two are still alive.

17 Q. [10:25:14] When you returned home after the war, what did you find, in what state
18 was your house and your business? What was the state of your business?

19 A. [10:25:46] Up till today I have not continued. The straw house that I had was
20 destroyed and the roofing had been taken off. Up to this day, I have to pay rents with
21 my children, even the children of my brothers, who died, I am living with them. I am
22 compelled to rent a house and I have to trade in charcoal to feed the children. I am
23 suffering.

24 Q. [10:26:23] The three children who were with you during the war, after the war
25 were they able to go back to school?

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 A. [10:26:36] Yes, they went back to school, but not all of them, just some of them,
2 specifically one of them went back to school. I did everything possible for him to be able
3 to complete his secondary education, but he was not able to continue beyond secondary
4 school.

5 Q. [10:27:06] As a victim of the war in Ituri in 2002, 2003, madam, what do you expect
6 from the International Criminal Court?

7 A. [10:27:30] I would like for a house to be built for me and the expenses for the
8 children under my care, because their parents are dead. We have difficulties living. So
9 that's why I'm asking for a house to be built for me.

10 THE INTERPRETER: [10:27:52] From the Swahili booth, Mr President, the interpreter
11 did not get the last part of the answer.

12 MR SUPRUN: [10:28:00] (Interpretation)

13 Q. [10:28:01] Can you repeat the last part of your answer, please?

14 PRESIDING JUDGE FREMR: [10:28:10] Madam witness, madam, the last part of your
15 answer was not captured by the interpreters. Could you kindly repeat it?

16 THE VICTIM: [10:28:29](Via video link)(Interpretation) I am asking the Court to build
17 a house for me, to build a house for me and take care of my children to enable them to go
18 to school, and also to give me something to continue being able to live, because with the
19 house I should be able to have something to continue living.

20 MR SUPRUN: [10:29:02] (Interpretation)

21 Q. [10:29:02] For the Court to be able to better understand, can you say how many
22 children you have currently in your care?

23 A. [10:29:21] Amongst the children that I have, five of them are mine, and there are
24 four others who are orphans, the children of my brothers who died. So, in total, I have
25 nine children as well as my father who are in my care, that is a total of 10 people.

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 Q. [10:29:50] And since you were raped in the presence of your children, does that
2 have any impact on your relationship with those children?

3 THE INTERPRETER: [10:30:21] From the Swahili booth: The interpreter did not
4 understand what the victim said. Could she kindly repeat?

5 MR SUPRUN: [10:30:29] (Interpretation)

6 Q. [10:30:29] Unfortunately, the interpreter did not understand your answer, can you
7 repeat it, please?

8 A. [10:30:54] It was traumatic for those children who actually saw the rape. And
9 they do not experience any joy. They are somewhat better, but those children were aged
10 10, eight at the time. They were old enough to understand what had happened. And
11 the event traumatised them.

12 Q. [10:31:21] When you remember the events of 2002 and 2003 now, what do you
13 experience yourself emotionally and psychologically?

14 A. [10:31:56] I have been traumatised --

15 THE INTERPRETER: [10:32:07] Inaudible.

16 MR SUPRUN: [10:32:08] (Interpretation)

17 Q. [10:32:09] In addition to what you have told the Court, do you have anything else
18 to tell us?

19 A. [10:32:28] I wanted to add this: My body is very weak. I'm always sick. And
20 where we live the roads are bad and I wonder how I'm going to be able to go back home
21 because, you see, I'm ill. My health is not good at all.

22 Q. [10:32:54] Thank you very much for that information. I believe that the people
23 who are helping you where you are right now will provide some assistance. I thank you,
24 ma'am, for all your help.

25 MR SUPRUN: (Interpretation) Your Honour, I have concluded with this witness.

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:33:10] Thank you, Mr Suprun.

2 Now, madam, I have also in fact two questions for you, first one: Could you estimate
3 what would be the cost of building new house for you, I mean the house that would be, in
4 fact, the same like house, your previous house that had been destroyed?

5 THE VICTIM: [10:33:58](Via video link)(Interpretation) Well, would you be rebuilding
6 my house, or giving me some money? I think it's you who would be estimating the time
7 or the money that would be needed to rebuild my house.

8 PRESIDING JUDGE FREMR: [10:34:25] You know, I ask you because it's -- we are still
9 very far from the judgment, if any, in this case, but as you may know also the part of the
10 proceedings before this Court is proceedings concerning reparations, so that is why, just
11 to at least have an idea, even rough idea, we would like to know what is in fact the costs
12 in your country, at your area, to build a house, and again it should be very different, but I
13 mean the house of the size and quality you had in the past. Could you at least estimate
14 cost of building such a house, roughly? I am not asking for some precise budget.

15 THE VICTIM: [10:35:34](Via video link)(Interpretation) A plot of land is 2,000 dollars
16 where we live, perhaps 1,500 American dollars. I'm talking about an empty plot of land.
17 If you're talking about a house that is built with a sheet metal roof, I would say eight to
18 10,000 dollars, US dollars.

19 PRESIDING JUDGE FREMR: [10:36:03] Thank you, madam.

20 And the second issue: Now, at area that you are living nowadays it's just Lendu village
21 or also village where is also inhabited by Hema as well?

22 THE VICTIM: [10:36:36](Via video link)(Interpretation) No, for the time -- well, right
23 now it's a mixture, all the ethnic groups live together, the Janja (phon), the Hema, even
24 Hema people live there, several different ethnic groups live together in that place.

25 PRESIDING JUDGE FREMR: [10:36:57] And according your opinion, is there still some

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 tension between the Lendu and Hema, or do you think that now the relationships
2 between Hema and Lendu are completely peaceful?

3 THE VICTIM: [10:37:24](Via video link)(Interpretation) Well, right now there's a lull
4 but, we don't know, someone might possibly -- we don't know what someone might have
5 in the back of his mind, but right now we live in peace. Between us and the Lendu and
6 the Hema, people marry between the different groups, people live together. Right now
7 everything is fine.

8 PRESIDING JUDGE FREMR: [10:38:02] Thank you, madam. I don't have any further
9 questions.

10 Do my colleagues have any questions? I don't think so.

11 So now I am asking parties whether they would require some clarification?

12 Ms Samson?

13 MS SAMSON: [10:38:16] No, thank you, your Honour.

14 PRESIDING JUDGE FREMR: [10:38:18] Thank you.

15 Mr Bourgon?

16 MR BOURGON: [10:38:21] Indeed, Mr President, I would like to seek clarification on
17 one specific point.

18 Based on the information that we were provided before this hearing, I'm referring to the
19 filing 1739 confidential, at paragraph 47, the information we were provided with and
20 what we were expecting to hear this morning reads as follows:

21 "As a result of rape, the victim could never give birth to a child."

22 This morning, at page 11, from lines 23 to 25, she said the opposite. I would just like to
23 know if this was ever discussed with the victim appearing before us this morning.

24 Thank you, Mr President.

25 PRESIDING JUDGE FREMR: [10:39:08] And just to be clear, you mentioned filing 1739,

Trial Hearing
VICTIM: a/20018/14

(Open Session)

ICC-01/04-02/06

1 could you be more specific, it's --

2 MR BOURGON: [10:39:15] That was the request, the title of the request is "Confidential
3 redacted version of request by Common Legal Representative of the Victims of the attacks
4 for leave to present evidence and victims of views and concerns" dated 23 January 2017,
5 and filing number is 1739. And I was quoting from paragraph 47.

6 PRESIDING JUDGE FREMR: [10:39:45] Mr Suprun, could you clarify what is the
7 source of this information?

8 MR SUPRUN: [10:39:51] (Interpretation) The only source of information is the
9 information that was provided by the victim herself.

10 PRESIDING JUDGE FREMR: [10:40:04] All right.

11 Madam, as you might hear, it seems that you provided on two different occasions two
12 different information concerning your ability to have children, because one information
13 says that after those events, after you have been raped, you had no chance to bear another
14 baby, today you said after that you still had, you still had three further children. Could
15 you clarify this discrepancy?

16 Have you understood, Madam Witness? Today you said that after having been raped
17 you still -- you had some health problems but later on you bore three further children, but
18 in information from the past you said that you had no further children, so could you
19 explain this difference in two of your statements?

20 Mr Bourgon.

21 MR BOURGON: [10:42:35] We're not insisting on any answer, Mr President. Thank
22 you.

23 PRESIDING JUDGE FREMR: [10:42:38] All right. Just for the record, so we haven't
24 received any answer from our victim.

25 Madam, it concludes your presentation. I would like on behalf of this Chamber to thank

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 you. We are very well aware that talking about those events could be very difficult
2 experience, nevertheless we appreciate that you have helped us understand how those
3 events affected you and your life and we thank you for assisting us in this regard.
4 And now I think we will still keep 30-minute break but, since we spare some time, we will
5 start next session at 11.15. So now we break for 30 minutes.

6 THE COURT USHER: [10:43:46] All rise.

7 (The victim is excused)

8 (Recess taken at 10.43 a.m.)

9 (Upon resuming in open session at 11.19 a.m.)

10 THE COURT USHER: [11:19:57] All rise.

11 Please be seated.

12 PRESIDING JUDGE FREMR: [11:20:41] During this session we are expected to
13 conclude the presentation of views and concerns by victims.

14 And now we are going to listen to victim number a/20126/14.

15 Sir, good morning. Can you hear me?

16 VICTIM: a/20126/14

17 (The victim gives evidence via video link)

18 (The victim speaks Swahili)

19 THE VICTIM: [11:21:17](Via video link)(Interpretation) Yes, I can hear you.

20 PRESIDING JUDGE FREMR: [11:21:23] Good.

21 Sir, on behalf of this Chamber I would like to welcome you. You are before us today
22 because you have been authorised to present your views and concerns as a victim in the
23 case against Mr Bosco Ntaganda. You will be asked questions by your legal
24 representative, Mr Suprun, who is here with us in the courtroom in The Hague. And in
25 addition the Judges may also have some questions for you. Please listen carefully to

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 those questions. We want you to tell the truth about how you were affected. Do you
2 understand this, sir?

3 THE VICTIM: [11:22:21](Via video link)(Interpretation) Yes, I do understand.

4 PRESIDING JUDGE FREMR: [11:22:27] Fine.

5 Sir, as you will already have been informed, you are appearing before us today in public
6 session, that means that while the Chamber and the parties and participants are still likely
7 to refer to you as a "Sir", your name and appearance before this Chamber will be a matter
8 of public record.

9 THE VICTIM: (Via video link) Ndiyo.

10 PRESIDING JUDGE FREMR: Now, a few practical matters you should have in mind.

11 It's important to speak into the microphone, to speak clearly and to speak at a slow pace to
12 allow the interpreters to translate everything. You should only start speaking when the
13 person asking you the question has finished. If you have any questions yourself, do not
14 hesitate to let us know, you will then be given the opportunity to speak. If you cannot
15 hear us well, or need to take a break, please let the court officer who is with you in the
16 room know. Have you understood all that, sir?

17 THE VICTIM: [11:23:59](Via video link)(Interpretation) Yes, I understand.

18 PRESIDING JUDGE FREMR: [11:24:01] Very good.

19 Now we can start with the presentation of your views and concerns. And I, for that
20 purpose, am giving floor to your legal representative, Mr Suprun, who will assist you
21 with your presentation.

22 Mr Suprun, you have the floor.

23 MR SUPRUN: [11:24:25] (Interpretation) Thank you.

24 QUESTIONED BY MR SUPRUN: (Interpretation)

25 Q. [11:24:37] Good morning, sir.

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 A. [11:24:38] Good morning.

2 Q. [11:24:39] We have met once before, but I will introduce myself for the court record,
3 my name is Dmytro Suprun and I represent the victims of the attacks who have been
4 given leave to take part in this trial of Mr Bosco Ntaganda.

5 You have been asked to appear before the Court and I would like to ask you to explain to
6 the Court everything that happened to you and your family members during the war in
7 Ituri in late 2002 and early 2003.

8 I'd like to ask you to focus on what you, yourself, experienced, what you yourself suffered
9 and the harm that you yourself endured; do you understand, sir?

10 A. [11:25:41] Yes.

11 Q. [11:25:42] I would like to put a number of questions to you. First of all, your
12 identity, could you kindly give us your full name, sir?

13 A. [11:26:03] My name is Nguna Gérard Laki. I am from the locality of Jwiji (phon),
14 from the groupement -- but for the time being he died -- he died before the war, that war.
15 As for my address I am a farmer --

16 Q. [11:26:46] Sir, I'm afraid I have to interrupt you. Please answer my questions
17 specifically. I asked you your identity, which you have provided to us. Could you
18 kindly now give us your date of birth?

19 A. [11:27:18] I was born in Lita (phon), amongst the Lendu-Djatsi people, towards
20 Katoto. I was born on 5 May 1960.

21 Q. [11:27:45] And what is your ethnicity, sir?

22 A. [11:27:56] I am from the Lendu ethnic group.

23 Q. [11:28:00] Now you may begin telling the Judges everything that happened to you
24 in 2002, 2003. Please go ahead, sir.

25 A. [11:28:24] At first of -- at the beginning of that war, I was in my village and we

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 began to flee. Since I was from the Lendu ethnic group, we fled, we headed towards
2 Lenyali (phon). In actual fact they were fighting us, they wanted us to abandon our
3 village and they wanted us to go somewhere else.
4 So we fled our village and we went to live with the Nyali people. After that, things
5 settled down, it was calm, and we went back to the village to work our farms. And just
6 after, the war resumed and we continued to flee.
7 At that point in time, there was no way for us to work the fields, it just was not possible.
8 All we would hear was gunfire everywhere, amongst the Bira people, in the area of the
9 Nyali people. And things got worse for the Nyali people, their area, and the fighting
10 continued in our village, our village of Nyangarai. We had to endure the situation. But
11 there was no way for us to go about our usual work, our farming, and ultimately we fled
12 once again.
13 And my younger brother headed towards the village of the Bira people. It was a village
14 where various people came together. My younger brother was killed. He was hacked to
15 death with machetes, around Kunda, that area. We learned that in the village, we heard
16 that my brother had been killed, so we decided to go and bury him.
17 At that time there was no other choice, we could do nothing else. My -- he was my
18 brother and he was living in a village beside our village. We went and saw him. He
19 had been hacked to death with machetes.
20 After that point in time, everything that happened -- and we began to experience the
21 consequences of that war within our own family.
22 And a little while after that, it was a Sunday, we were walking towards the market
23 because, you see, in our part of the world the market is held on Sunday. So we were
24 getting ready to go to the market. As we were getting ready to go to the market we
25 heard shots once again from the Bira village. And we were not able to go to the market

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 because, you see, there was a great deal of shooting and we didn't know, we didn't know
2 where we should go. That was on a Sunday. That's when those events occurred.
3 On the Monday morning, we heard shots once again. That day all the houses were
4 torched. Around Nyangarai, about five villages were burnt to the ground. And people
5 fled, taking various different roads. Some people took the Nyakuta (phon) road, others
6 took the --
7 THE INTERPRETER: [11:34:18] Inaudible.
8 THE VICTIM: [11:34:21](Via video link)(Interpretation) Others headed towards
9 Nyangarai. On that day, all the houses in our village were torched. And we fled
10 because we could not wait there and wait to be killed. We fled.
11 When an entire village is burnt to the ground everyone fled, without even taking any
12 supplies.
13 We fled towards our own groupement, Petsi. And the next morning we were all hungry,
14 starving. We tried to get some supplies and food from the village. We went into the
15 fields looking for something to eat. And as we came close to the village, the soldiers who
16 had torched the houses, some of them had remained, and they were waiting. They were
17 waiting to arrest anyone who might be heading back to that village.
18 I was with my brother and my paternal uncle. He fled. They ran after him. They
19 caught him and they killed him that very same day.
20 They also caught me, they arrested me and they took me to their leader. And once I was
21 brought there to the leader, fortunately that man had been at school with me. We had
22 been in fifth and sixth grade together. He had been a classmate of mine.
23 That day he saw me and he said, "Gérard, how can you be involved in all of this? And
24 we suffered with you, we studied with you in fourth, in fifth years of primary school.
25 How can you be involved in all of this?"

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 And I said to him, "No, it was because of hunger. I went back to the village because I was
2 starving to death and that is why they arrested me." And my classmate said to me -- he
3 said to his soldiers to go and patrol another place, somewhere else. And he didn't tell
4 them that we had been to school together, he just said that to me. And he asked me why
5 I was involved in all of that.

6 So, you see, since they had arrested me their intent was to kill me. They stabbed me with
7 a bayonet that was affix to the rifle. And my classmate said to me, "Gérard, you're a
8 lucky man that you have ended up here before me. And you see, I am their leader."
9 And so he said he would send his men to go and patrol elsewhere. So he said to me that
10 if I could, I could leave and find a place to hide. And so my classmate let me go.

11 And I still have the scar, you know, the scar from the injury, the wound, the wound that I
12 had when they stabbed me with the dagger at the end of the rifle.

13 The younger brother of my father was killed that very day. So my family members came,
14 they took the corpse of my uncle and they went and buried him in an area where we had
15 been exiled close to our groupement.

16 That day -- that day a school was torched in our village. And in all the neighbouring
17 villages the houses were burnt to the ground throughout the course of the day. And so
18 we went to the place where we had been exiled within our groupement close to Petsi.

19 We were very hungry, starving to death. There was nothing to eat and so we tried to go
20 and get some food and we began to farm in the surrounding area so that we might have
21 something to eat.

22 And so we settled there. There was a fence around us. And the soldiers from Nizi
23 Barrière, Nizi Bambu and along the entire Kobu road, they had gathered the people
24 together, we were brought together and surrounded, just like people do when they kill
25 wild animals. There were a whole bunch of soldiers around us.

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 Around Lipri, that place, all the people were gathered from the groupement. And we
2 suffered tremendously. We were ravenous. And so the people from Nyangarai tried to
3 go back to their village. Many people did not believe that the situation would last for a
4 long time. And everyone was afraid, afraid of being killed. And so there was no way to
5 get back to the village.

6 As for myself, I had a house made out of sheet metal and another house made out of straw.
7 And the house made out of straw was torched. And, in actual fact, the house that had
8 the metal roof, made out of sheet metal, I had a shop in that building and I had some
9 inventory. The entire inventory was looted. They took everything. They also took the
10 sheets of metal of the house itself. As for the straw building, that was used as a kitchen,
11 it was torched.

12 Once we went back to the groupement there was absolutely nothing. We couldn't do
13 anything at all. And life was very difficult. And we tried to farm our fields and thus
14 have something to eat.

15 So from that time on, anyone who wanted to go home was assured to meet their death.
16 So our farms had been abandoned. And it was difficult for us to go back to our homes
17 until 2003. And we couldn't do otherwise.

18 During the war, I lost several members of my family; my father's brother, my own
19 brother, my uncle's son and two other persons, two other members of my family -- my
20 father's family. They all lost their lives, all those people died.

21 That is why I went to write down my name indicating that I had lost my junior brother. I
22 am the only one who survived from my family. There were only two of us brothers, I
23 lost my junior brother, and I was the only remaining child.

24 The junior brother of my father who would have been the only surviving relative from my
25 father's side also died, he also lost his life.

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 So I went to introduce myself as the only surviving member of my family. I had lost five
2 members of my family.

3 And I must say here that the supplies that I had, which was the harvest from my farms,
4 had also been looted. All the farms had been looted. Everything that I had planted was
5 looted. And my house was torched.

6 That is how I came to a point where I did not know what to do. And that is how I ended
7 up putting down my name on the list of those who had lost property. I, therefore, went
8 to register at the office where those names were being collected, the names of those who
9 had lost their property.

10 That is what I can say about my story. I lost members of my family and everything that I
11 owned. I lost everything. So I went to that office, the government office, to ask for help,
12 if they could help me, since everything was in their hands, including me, I was also in
13 their hands.

14 Q. [11:48:45] Thank you, sir, for all that information. I have a few questions to seek
15 clarification on what you have just said.

16 First question: Throughout your narrative you talked about the attack on your village
17 and people firing all over the place and so on and so forth, but you did not mention who
18 those people who came to your village were, those people who were firing, who shot at
19 people and who torched houses. Can you be specific, who were those people who did all
20 those things?

21 A. [11:49:27] Those people were UPC combatants. They were people belonging to
22 the UPC. Let me repeat, they were people of the UPC. The war was between the
23 Lendus and the Hemas. It was the Hema group that did all those things.

24 Q. [11:49:57] How do you know that it was the UPC troops?

25 A. [11:50:14] I know that it was the UPC because, for one thing, they virtually killed

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 my brother using a machete in Kunda. From that time on we knew that they were the
2 ones. And the war was between two groups, the Lendus and the Hemas.

3 Q. [11:50:47] Do you remember the time frame within which these events took place,
4 the month or the year during which those events took place?

5 A. [11:51:06] These events occurred in 2000 -- 2002, rather, towards the end of 2002
6 and in early 2003. My younger brother was killed in May, or around May or June 2002,
7 but I can't give the specific date, but it was between May or June 2002. And my house
8 was burnt down in 2003.

9 Q. [11:51:52] You stated that your brother was killed with a machete and that you saw
10 his body. Can you describe the state of his body, if you do remember?

11 A. [11:52:16] His body was chopped with a machete. He was grievously wounded.
12 And he died because of his injuries.
13 But his entire body was basically chopped up. He was hacked. In fact, it was extremely
14 difficult to bury my brother because his body was so chopped up that it was thanks to
15 family members that various parts of his body were put together and buried. It was not
16 possible to bury or leave that kind of body outside.

17 Q. [11:52:58] You also say that your paternal uncle was killed. Did you see his body,
18 the body of your paternal uncle?

19 A. [11:53:14] I saw the body of my father's brother. We were together when we went
20 out to fetch some foodstuffs. We had gone to look for cassava in an abandoned farm and
21 he was killed in my presence.

22 After my father's brother was killed, they arrested me. And that's when I was also
23 injured with a dagger. They injured me with a dagger. And I still bear the scar of that
24 injury on my forehead. And it is thereafter that they took me to their leader, who was
25 their commander, and it is that commander who was their leader who had been my

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 classmate in fourth, fifth and sixth years.

2 So he is the one who stopped his troops from killing me and enabled me to escape when
3 he sent his combatants on another mission to conduct a patrol elsewhere. And he took
4 advantage of that to release me.

5 Now, when it comes to the injury, the next day my father's younger brother could not go
6 back to the village, but I had been with him, and it is after I had gone back that we
7 collected his body and brought it back to my ethnic groupement, and that is where he was
8 buried.

9 Q. [11:55:30] Sir, can you describe the state of the body of your uncle, if you
10 remember? Do you know, in particular, how your uncle was killed?

11 A. [11:55:57] He was shot. Well, he wasn't killed with a machete, he was shot at.

12 Q. [11:56:14] Is there any particular event among these events that you experienced
13 during the war which stands out to your mind?

14 A. [11:56:38] I have not quite understood your question, Counsel.

15 Q. [11:56:47] Let me repeat the question. You have just described a number of events
16 that you experienced during the war, can you be specific as to whether among those
17 events there is one or several events that affected you more than others?

18 A. [11:57:25] What affected me the most is the loss of my entire family. I don't know
19 if I can actually handle that. Then there is also the fact that I lost some money. In fact, I
20 lost everything. And for that reason, I went to give my name at the office, to report that I
21 had lost everything, my family and my property.

22 Q. [11:58:01] From the time of the 2002, 2003 events, have you or any members of
23 your family received any assistance whatsoever from any source?

24 A. [11:58:20] No, we haven't received any help. We haven't received any reparations.
25 Nothing. Even when people were being helped in Teti (phon) when they were being

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 provided with hoes and various implements, we didn't receive anything from our side,
2 nothing.

3 Q. [11:58:56] When you remember those events that you experienced in 2002, 2003, do
4 you currently experience any psychological and emotional difficulties?

5 A. [11:59:18] Yes. Problems, yes. Yes. You see, when you have lost your family
6 you can -- you cannot help thinking about it. You're alone, and all you do is think about
7 your family members. And that pain keeps coming back when you think about the
8 family you have lost. I lost my entire family. And that causes me great distress. And
9 that is why I went to the authorities to declare that I was a victim.

10 Q. [12:00:01] As a victim of the 2002, 2003 war, sir, what do you expect of the
11 International Criminal Court?

12 A. [12:00:18] Well, I don't know whether the ICC received my name for -- for some
13 purpose or another. They know why they took down my name.

14 Q. [12:00:41] Yeah, my question is slightly different: What do you personally expect
15 from the ICC when it comes to justice and reparation were Bosco Ntaganda to be found
16 guilty?

17 A. [12:01:05] If the person who perpetrated or who is the author of that evil is
18 convicted, I would ask for my house to be built because I lost my house during the war, I
19 lost my stock breeding during the war, I also lost many members of my family during the
20 war. However, what I want is for my house to be rebuilt, for my house to be rebuilt.

21 Q. [12:01:38] Sir, apart from the story you have told, do you have anything else to tell
22 the Judges?

23 A. [12:01:59] Well, the Judges have heard my plea, they have heard the pain I suffered.
24 They have heard about it.

25 Q. [12:02:06] Thank you, sir, for the information you have provided to the Court.

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 Mr President, that will be all.

2 PRESIDING JUDGE FREMR: [12:02:14] Thank you, Mr Suprun. I don't have any
3 additional questions.

4 Do my colleagues? They don't.

5 So now, Ms Samson.

6 MS SAMSON: [12:02:23] Yes, Mr President, just one point of clarification. The victim
7 referred to having lost five family members and he's also indicated what his relationship
8 was to, from my account, three of them, but for clarity, would it be possible to ask the
9 victim to either identify those family members by name, the full five, or their relationship
10 to him? Thank you.

11 PRESIDING JUDGE FREMR: [12:02:56] Mr Witness, have you heard the clarification
12 required by representative of Prosecution? They would like to, if you could, specify by
13 names those who have been -- those members of your family who have been killed during
14 that conflict. You mentioned them by number, but not by names.

15 THE VICTIM: [12:03:35](Via video link)(Interpretation) Yes, I can give you their names.
16 I know their names. They are Ngandi Bulong (phon), he was the one who was chopped
17 with a machete, Ngandi Bulong; second, Mbedo Bosco, Mbedo Bosco, that's my paternal
18 uncle, my father's younger brother; the third person is my uncle's daughter, her name was
19 Dwize (phon); and then the other members of my family, Ogpa (phon) and Lomba (phon).
20 That makes five.

21 PRESIDING JUDGE FREMR: [12:04:47] Thank you, sir.

22 Now Defence any request for clarification?

23 MR BOURGON: [12:04:52] No, Mr President. Thank you.

24 PRESIDING JUDGE FREMR: [12:04:54] All right.

25 Sir, this concludes the presentation of your views and concerns. On behalf of our

Trial Hearing
VICTIM: a/20126/14

(Open Session)

ICC-01/04-02/06

1 Chamber, I would like to thank you very much. We are aware of the fact that recalling
2 those said events can be a difficult experience, but we appreciate that you have helped us
3 understand how those events affected you and we thank you for assisting us in this
4 regard.

5 THE VICTIM: [12:05:39](Via video link)(Interpretation) Thank you.

6 PRESIDING JUDGE FREMR: [12:05:42] So if the line could be, maybe, disconnected.
7 (The victim is excused)

8 PRESIDING JUDGE FREMR: [12:06:01] And before we adjourn, I will also like to thank
9 Mr Suprun because I believe that he significantly contributed to the fact that the role of
10 victims have been facilitated. And thanks to him also we have been provided with those
11 presentations in a comprehensive but, at the same time, in an efficient way. So thank
12 you Mr Suprun. I hope that you will proceed in a similar way when you will be
13 presenting evidence during the week of 10 April.

14 And allow me in this connection one comment concerning narrative, because you may
15 remember that in our decision on conduct of proceedings we encouraged parties to, at
16 least to try to encourage their witnesses to provide narratives. I have to conclude that
17 Prosecution used or followed this encouragement very sporadically, but I think those
18 presentations, in my view, at least, proved that it could be sometimes very efficient to, I
19 agree that it depends on concrete witness, but still much less consuming I think without
20 time -- less time consuming without any doubts. And we all remember sometimes
21 parties got in a big troubles because of time pressure.

22 And frankly saying, from the Chamber's point of view, such a spontaneous narratives is
23 much better for evaluation of credibility of the witness and his potential testimony than
24 system question answer, question answer.

25 So it's just, I hope, it could be an inspiration both for Mr Suprun and also mainly for

Trial Hearing

(Open Session)

ICC-01/04-02/06

1 Defence case, but I would also like to highlight that it's not only for calling party, I think,
2 even during the cross-examination, I can imagine that even in some short, short parts a
3 narrative could be asked from the witness. And even there is, according common law
4 system, privilege to, for non-calling party, to use leading questions.
5 In my view again, from the Chamber's point of view, answers given after non-leading
6 question is much more valuable than answer as a result of a leading question. So please,
7 it's also inspiration for Prosecution, take it into account for the second or further part of
8 our case.
9 That is from my part. If there are no further requests for the floor we will adjourn and
10 we will adjourn till the week of 10 April, then we will continue with presentation of
11 evidence by the legal representatives of the victims of the attacks, Mr Suprun.
12 And now Court is adjourned.
13 THE COURT USHER: [12:09:36] All rise.
14 (The hearing ends in open session at 12.09 p.m.)
15 RECLASSIFICATION REPORT
16 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
17 the public reclassified and lesser redacted version of this transcript is filed in the case.