

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 Tuesday, 11 April 2017

9 (The hearing starts in open session at 9.34 a.m.)

10 THE COURT USHER: [9:34:08] All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE FREMR: [9:34:34] Good morning, everyone.

14 Court officer, please call the case.

15 THE COURT OFFICER: [9:34:39] Thank you, Mr President.

16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor

17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.

18 We are in open session.

19 PRESIDING JUDGE FREMR: [9:34:54] Thank you, court officer.

20 Now appearances. I see the only change on the part of Prosecution, if I am not wrong, so

21 Prosecution first, please.

22 MS LUPING: [9:35:05] Good morning, Mr President, your Honours. Appearing this

23 morning on behalf of the Prosecution are myself, Dianne Luping, Marion Rabanit,

24 Nicole Samson and Charlotte Hubert.

25 PRESIDING JUDGE FREMR: [9:35:17] Thank you, Ms Luping.

1 I guess on the part of the Defence, no changes compared to yesterday.

2 MR BOURGON: [9:35:24] There is a change, Mr President. So representing
3 (Interpretation) representing Bosco Ntaganda, who is present, is Sara Levac and myself,
4 Stéphane Bourgon. Thank you very much, your Honour.

5 PRESIDING JUDGE FREMR: [9:35:37] My apologies to Madam Levac.

6 And Legal Representative of Victims, please.

7 MS PELLET: [9:35:44] (Interpretation) Thank you, your Honour. No change with
8 regard to yesterday for the former child soldiers.

9 MR SUPRUN: [9:35:50] (Interpretation) Good morning, your Honour.

10 Your Honours, for the victims of the attacks there is no change since yesterday.

11 PRESIDING JUDGE FREMR: [9:35:57] I thank both Ms Pellet and Mr Suprun.

12 Today we are going to hear testimony of the second out of the three victims represented
13 by the Legal Representative of the Victims of the attacks who have been authorised to
14 present evidence by virtue of our decision with filing number 1780.

15 Before we start with the testimony, I will address a few procedural matters relevant to this
16 testimony.

17 First I recall that this witness shall be referred to as "Madam Witness" or as "Witness V2".

18 For the purposes of timing for this witness, and as noted in the Chamber's prior email, the

19 Legal Representative of the Victims of the attacks shall have two hours to examine the

20 witness, and the Prosecution will be permitted to question the witness after the Legal

21 Representative on any identified topics not already covered, to a maximum of 30 minutes.

22 The examination time granted to the Defence will in principle not exceed the combined

23 time of the questioning by the LRV and the Prosecution. In this regard, the Defence

24 already indicated that it will require probably less than two hours for the examination of

25 this witness.

1 It seems that if everything goes well, we could even finish this witness a bit earlier, before
2 the end of our normal day. So please be ready, in such a case, we would like to start
3 examination of the third witness this afternoon.

4 The Chamber also recalls that pursuant to its decision with filing number 1853, this
5 witness will testify with protective measures. The Chamber would like to address the
6 need for any special measures with regard to this witness, and I shall do it in private
7 session.

8 Court officer, please let's move into private.

9 (Private session at 9.38 a.m.) *(Reclassified partially in public)

10 THE COURT OFFICER: [9:38:22] We're in private session, Mr President.

11 PRESIDING JUDGE FREMR: [9:38:32] Thank you, court officer.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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6 And we can also move into open session.

7 (Open session at 9.50 a.m.)

8 THE COURT OFFICER: [9:50:39] We are back in open session, Mr President.

9 PRESIDING JUDGE FREMR: [9:51:00] And in the meantime I can just finish my
10 introductory notes, saying that the Chamber also has taken note of the Defence notice of
11 objections to the use of certain documents and it will address any such objections as
12 usually if and when they arise.

13 (The victim enters the courtroom)

14 PRESIDING JUDGE FREMR: [9:51:49] Good morning, Madam Witness. Can you
15 hear me well?

16 VICTIM: a/30365/15

17 (The victim speaks Swahili)

18 (The victim gives evidence via video link)

19 THE VICTIM: [9:51:56] (Interpretation) Yes, very well.

20 PRESIDING JUDGE FREMR: [9:51:58] Madam, allow me to welcome you in the
21 courtroom. You are going to testify before the International Criminal Court. You will
22 be asked questions both by the Judges and lawyers over here in the courtroom.

23 In this connection I would like to guide you as follows:

24 Please listen carefully to those questions. If you do not understand, feel free to ask for
25 the question to be repeated. We want you to tell the truth and tell us what you saw,

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1 heard and sensed yourself. If you didn't see or hear it yourself but you found out some
2 other way, then you should explain how.

3 Please testify just on that which you remember. Don't guess, don't make things up.

4 There is nothing wrong in saying, "I don't know" or "I don't remember". Do you
5 understand all this, Madam Witness?

6 THE VICTIM: [9:53:07] (Interpretation) Yes, I understand.

7 PRESIDING JUDGE FREMR: [9:53:10] Very good. Madam Witness, protective
8 measures are put in place to ensure that your identity is not revealed to the public. This
9 means that the public cannot see your face today and that your voice is being disguised so
10 that the public cannot see, recognise it. We will refer to you as "Madam Witness" only
11 and ensure that your name and any other information that risks revealing who you are is
12 not broadcast to the public. Therefore, whenever you need to describe anything that
13 might reveal your identity, we will do so in private session so that no one apart from the
14 court officer sitting -- no one apart those who are in the courtroom can hear your answer.
15 Do you understand, Madam Witness?

16 THE VICTIM: [9:54:15] (Interpretation) Yes, I understand.

17 PRESIDING JUDGE FREMR: [9:54:17] And, Madam Witness, could you please speak
18 at least a bit more loudly because it would be then maybe problematic for the interpreters
19 who have to translate what you are saying to understand you clearly. So please speak
20 up a bit.

21 Now, Madam Witness, I believe you will be provided with a piece of paper containing
22 text of solemn undertaking to tell the truth. Please now read out the text.

23 THE VICTIM: [9:55:09] (Interpretation) I solemnly declare that I will tell the truth, the
24 whole truth and nothing but the truth.

25 PRESIDING JUDGE FREMR: [9:55:30] Very well, madam. So now you are under oath

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1 and you also need to be aware that it's an offence within the jurisdiction of this Court to
2 give false testimony.

3 Do you understand that?

4 THE VICTIM: [9:55:52] (Interpretation) Yes.

5 PRESIDING JUDGE FREMR: [9:55:53] Fine. And finally a few practical matters you
6 should have in mind. It's important to speak into the microphone, to speak clearly and
7 to speak at a slow pace to allow the interpreters to translate everything.

8 What is also very important, when a question is asked, please do not respond

9 immediately, but please rather count in your head to three and only then give your

10 answer, because this pause is essential for us to properly hear, translate and record what
11 you are saying.

12 If you have any questions during your testimony, do not hesitate to let us know by raising
13 your hand. We will then give you the opportunity to speak.

14 Have you understood all that, Madam Witness?

15 THE VICTIM: [9:56:59] (Interpretation) Yes, I understand.

16 PRESIDING JUDGE FREMR: [9:57:00] Very good, Madam Witness. So we can now
17 start with your testimony, and for that purpose I am giving floor to Mr Suprun, Legal
18 Representative of the Victims of the attacks.

19 MR SUPRUN: [9:57:35] (Interpretation) Thank you, your Honour.

20 QUESTIONED BY MR SUPRUN: (Interpretation)

21 Q. Good morning, madam.

22 A. [9:57:43] Good morning.

23 Q. [9:57:46] We know each other already. My name is Dmytro Suprun, and I
24 represent victims of the attacks against the civilian population who participate in these
25 proceedings against Bosco Ntaganda.

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1 I have a certain number of questions to put to you concerning your own experience and
2 that of your family in the events end 2002, beginning of 2003, but first of all I have certain
3 questions to put to you concerning your personal details. And for that, your Honour, I
4 would ask that we go into private session.

5 PRESIDING JUDGE FREMR: [9:58:26] Certainly.

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

7 (Private session at 9.58 a.m.) *(Reclassified partially in public)

8 THE COURT OFFICER: [9:58:33] We're in private session.

9 PRESIDING JUDGE FREMR: [9:58:49] Thank you, court officer.

10 Mr Suprun, please.

11 MR SUPRUN: [9:58:54] (Interpretation) Thank you, your Honour.

12 Q. [9:58:58] Madam, can you give your full name, please.

13 A. [9:59:11] My name is (Redacted).

14 Q. [9:59:20] What is the date and place of your birth, madam?

15 A. [9:59:31] I was born (Redacted).

16 Q. [9:59:43] Could you also give the day and the month of your birth, please.

17 A. [10:00:01] Yes. It was in (Redacted). I've forgotten the date. It was in (Redacted). It
18 was the first day. (Redacted)

19 Q. [10:00:38] What is your ethnic origin, ma'am?

20 A. [10:00:47] I am an Alur.

21 Q. [10:01:00] I would now like to ask you to concentrate on the period of the end
22 of 2002 and the beginning of 2003. And my first question to you is as follows: What
23 was your occupation during that period?

24 A. [10:01:28] I was a (Redacted) and I
25 would go and buy (Redacted) that I would then sell on.

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1 Q. [10:01:43] Yes, indeed, my first question to you should have been where you were
2 living at that time, but if I've understood correctly, you were living in Mongbwalu; is that
3 right?

4 A. [10:01:55] Yes.

5 Q. [10:01:58] Who were you living with in Mongbwalu, or who was living with you in
6 Mongbwalu?

7 A. [10:02:10] I was living there with my husband and my children.

8 Q. [10:02:18] How many children do you have, ma'am?

9 A. [10:02:28] In Mongbwalu, I had (Redacted) children. In (Redacted), I also had (Redacted) children.

10 Q. [10:02:50] And your (Redacted) children who lived in (Redacted), are these your natural
11 children, that is to say did you give birth to these (Redacted) children?

12 A. [10:03:04] Yes.

13 Q. [10:03:08] And how old were those children?

14 A. [10:03:22] There was one who was (Redacted) years of age and the other was (Redacted).

15 Q. [10:03:29] And the children who were living with you, how old were they?

16 A. [10:03:40] There was one who was (Redacted) years old and the other was (Redacted)
17 old.

18 Q. [10:03:48] I would now like to ask you to give us an outline of the events that
19 occurred at the end of 2002, the beginning of 2003 when you were in Mongbwalu. Could
20 you please tell the Judges what happened.

21 MR SUPRUN: [10:04:09] (Interpretation) I'm sorry, Mr President, I do believe that for
22 this part of the testimony we should move into open session.

23 PRESIDING JUDGE FREMR: [10:04:18] Yes, so do I.

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

25 (Open session at 10.04 a.m.)

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1 THE COURT OFFICER: [10:04:33] We are in open session.

2 PRESIDING JUDGE FREMR: [10:04:35] Thank you, court officer.

3 Mr Suprun, please.

4 MR SUPRUN: [10:04:44] (Interpretation)

5 Q. [10:04:45] Madam, we are now in open session, which means that I request that
6 you do not provide any names during your testimony to avoid anybody outside of this
7 courtroom being in a position to be able to identify you. So I shall repeat my question to
8 you: Could you please provide us with an account of the events that unfolded in
9 Mongbwalu between the end of 2002 and the beginning of 2003.

10 A. [10:05:18] Yes.

11 Q. [10:05:30] Please, go ahead.

12 A. [10:05:32] We were in Mongbwalu in the month of December and war broke out.
13 It was in the morning until midday. We were closed up or holed up inside the house.
14 And for the entire week the situation was not good. We left that area and went to
15 Kodulu quarry, subsequent to which we fled. At that moment in time, the soldiers had
16 started breaking into houses killing people. We went to Kodulu and we spent a week
17 there. After a week we left because the situation in Kodulu had degraded. I went to
18 Pluto with the child who was two months old. And I followed my husband to Pluto.
19 Once arrived -- we arrived in Pluto we remained in the company of my husband for one
20 day. And the next morning we went to Lodjo.

21 Q. [10:06:38] I'm sorry, let's stop at this moment in time. I have a few questions,
22 clarification questions with regard to the events that you have just described to us.
23 So my first question to you is: Do you remember the moment in time specifically when
24 war broke out? How did things happen?

25 A. [10:07:10] War broke out one morning. It was between six -- between 5 and 6 a.m.

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1 Q. [10:07:23] Do you remember whether war broke out -- well, you're speaking about
2 the month of December 2002. Do you remember whether war broke out before or after
3 Christmas 2002?

4 A. [10:07:45] It was before Christmas.

5 Q. [10:07:47] And specifically, because you talk of the war breaking out, could you
6 provide us with some details of how things unfolded. Did you see the soldiers who
7 came to Mongbwalu, or how did things happen? Could you provide us with some
8 details, please.

9 A. [10:08:10] We did not see any soldiers when war broke out. It was the
10 morning -- in the morning that we saw them.

11 Q. [10:08:21] And who were those soldiers that you saw?

12 A. [10:08:31] When war broke out, we did not know from which group they hailed,
13 but we came to know this fact later on.

14 Q. [10:08:41] And when you came to know who those soldiers were, can you now
15 answer me as to which group they belong to?

16 A. [10:08:56] These were elements from the UPC.

17 Q. [10:09:01] And how do you know that these were elements from the UPC? Did
18 somebody tell you?

19 A. [10:09:13] We heard this. There were some people who were saying that because
20 of their names.

21 Q. [10:09:26] Madam, do you remember what kind of uniform these soldiers were
22 wearing?

23 A. [10:09:35] Yes, I did see it.

24 Q. [10:09:38] Can you please describe to us the uniform that they were wearing?

25 A. [10:09:49] They were wearing *camouflage uniforms.

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- 1 Q. [10:09:58] Was that the first time that you'd ever seen that kind of military attire?
- 2 A. [10:10:07] Yes, that is correct.
- 3 Q. [10:10:10] And what kind of shoes were the soldiers wearing, if you can recall, of
- 4 course?
- 5 A. [10:10:27] They were wearing jambières boots.
- 6 Q. [10:10:36] Were these soldiers armed?
- 7 A. [10:10:39] Yes, they were.
- 8 Q. [10:10:44] Do you know what kind of weapons they were bearing?
- 9 A. [10:11:00] They were carrying rifles that were partially metallic and partially
- 10 wooden.
- 11 Q. [10:11:08] Do you know what kind of rifles these were? Did they have a name?
- 12 Do you know what they were called?
- 13 A. [10:11:17] At that moment in time I did not know. Subsequently, I asked the
- 14 question and I was told that these kind of rifles are called SMGs.
- 15 Q. [10:11:31] I'd like to come back to the beginning, this beginning of the war. You
- 16 said that these UPC soldiers came to Mongbwalu. My question to you is as follows:
- 17 What did they do when they first entered Mongbwalu?
- 18 A. [10:11:58] When they arrived they waged war between 4 and 5 a.m.
- 19 Q. [10:12:09] Can you furnish us with some supplementary details when you say that
- 20 they waged war? What did they do precisely when they entered the village?
- 21 A. [10:12:28] They started to open fire, and then they started to break into houses.
- 22 And they arrested people and they killed some people whilst sparing the lives of others,
- 23 the individuals that they arrested.
- 24 Q. [10:12:47] So that I can better understand, madam, those soldiers who entered the
- 25 village, were they fighting any other soldiers, or were they attacking individuals who

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1 were not soldiers? Can you provide us with some details in this regard, please?

2 A. [10:13:11] At that moment in time we were not aware, but subsequently we heard
3 that they were fighting against another group.

4 Q. [10:13:23] And the soldiers who entered the village and whom you say started to
5 open fire, who did they start to open fire upon, everyone who was in the village or upon
6 specific individuals?

7 A. [10:13:47] They were fighting against soldiers who were protecting that location.

8 Q. [10:13:54] Who were those soldiers who were protecting said location?

9 A. [10:14:06] At that moment in time it was said that these were government soldiers.

10 Q. [10:14:16] Apart from the fact that they started to open fire upon people, did they
11 do anything else those soldiers? I'm talking about the UPC soldiers.

12 A. [10:14:39] I did not see what happened elsewhere, but I am aware of what
13 happened at my place. In my house or at my place, I saw an individual decapitated.

14 Q. [10:14:52] And where did that incident occur? Was that in Mongbwalu or
15 elsewhere?

16 A. [10:15:05] At that moment in time -- well, that was when we had already fled to
17 Pluto.

18 THE INTERPRETER: [10:15:14] Message from the Swahili booth: Mr President, could
19 the witness please be requested to repeat the second part of her answer as the Swahili
20 booth did not catch it. Thank you.

21 PRESIDING JUDGE FREMR: [10:15:25] Madam Witness, I would like to ask you could
22 you kindly repeat the second part of your last answer because it hasn't been captured by
23 the interpreters.

24 THE VICTIM: [10:15:57] (Interpretation) Which answer are you talking about?

25 PRESIDING JUDGE FREMR: [10:16:00] Because according the transcript you started

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1 saying "At that moment in time that was when we had already fled to Pluto." And then
2 you said something else which hasn't been captured by the interpreters so I am interested
3 to get the rest of the answer.

4 THE VICTIM: [10:16:27] (Interpretation) We arrived in Pluto, I found my husband
5 there, he was carrying the four-year-old and I was carrying the two-month-old and we
6 took the road towards Lodjo. We arrived at Beba first. In Beba we found a soldier who
7 decapitated a young man. He said that this was a young Lendu. They took that head
8 and they put it on the end of a knife and they were brandishing this, saying that "This is a
9 Lendu."

10 PRESIDING JUDGE FREMR: [10:17:13] Thank you, Madam Witness.
11 Mr Suprun, you may proceed.

12 MR SUPRUN: [10:17:23] (Interpretation)

13 Q. [10:17:24] Madam, you've just talked about an individual who was decapitated
14 and another individual who was brandishing this head. Do you know the name of the
15 individual who was carrying the head of the Lendu person?

16 A. [10:17:45] I do not know that person, but I heard him being called "Kadogo,
17 Kadogo" and then subsequently his name was uttered.

18 Q. [10:17:57] And you yourself, do you know why this Kadogo was carrying the head
19 of a Lendu person? Why did he do that? What is your impression of this?

20 THE INTERPRETER: [10:18:23] The Swahili booth did not grasp the witness's answer.
21 Could she please be requested to repeat.

22 PRESIDING JUDGE FREMR: [10:18:31] Madam Witness, could you repeat your
23 answer again. It hasn't been captured by the interpreters.

24 THE VICTIM: [10:18:45] (Interpretation) We arrived there in Beba and we found
25 some soldiers there, they said, "You women, you need to come over this side. And you

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1 men need to sit down over there." And then we saw somebody who had the head of an
2 individual that they had put on the top of a knife. And somebody was saying "Kadogo,
3 Kadogo, come, bring this head and we're going to burn it." The kadogo took the head
4 and it was put on the fire and after that they said "Women, you need to sit on this side and,
5 men, you need to go to that side." They took us and then three soldiers took me, they
6 took me with my child, they took me into the bush and they asked me to lie down. I
7 refused. And they said that I should give my child to another soldier. I tried to resist.
8 And they gave me -- they hit me with the butt of the rifle in my mouth and I lost some
9 teeth. Subsequent to that they raped me and then they told me to leave.

10 Q. [10:20:09] Thank you, madam, for that information. I would like us to come back
11 to Pluto, that is to say at the moment of time when you were in fact still in Mongbwalu.
12 You say that you saw the soldiers of the UPC arrive in Mongbwalu and that they started
13 to open fire on people and that they started to destroy the houses. Did you yourself see
14 people being killed and houses being destroyed?

15 A. [10:20:46] Yes, I saw how they were destroying the houses. They were killing
16 young people who did not want to go and work side by side with them. They would kill
17 them.

18 Q. [10:21:02] And these soldiers, did they open fire on all villagers in Mongbwalu, or
19 did they not choose to kill some villagers but chose rather to kill others? Do you
20 remember whether that was the case?

21 A. [10:21:30] Whoever refused to join them, whichever man refused to join them they
22 would kill. And if they found a soldier who was not part of the UPC they would also kill
23 them.

24 Q. [10:21:43] Did you know what group, ethnic group the UPC soldiers belong to?

25 A. [10:21:53] I'm not in a position to know that, but some of those soldiers had

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1 Hema-sounding names.

2 Q. [10:22:10] And when you were still in Mongbwalu did those soldiers attack you, or
3 did they attack the houses that you had, or the businesses that you had?

4 A. [10:22:29] They attacked my house and they took everything that I was selling at
5 the time.

6 Q. [10:22:40] Do you know from a personal standpoint why the UPC soldiers came to
7 Mongbwalu and why they attacked people and destroyed the houses? Do you know the
8 reason why they came?

9 PRESIDING JUDGE FREMR: [10:22:57] Mr Suprun, is it really a question for this
10 witness? I don't think so.

11 MR SUPRUN: [10:23:08] (Interpretation) Indeed, Mr President, she's not an expert.

12 But in view of the fact that she was living through the experiences of the attack in
13 Mongbwalu, I am asking her with regard to her personal knowledge and impression of
14 what happened and why the UPC soldiers came and why they started to attack the
15 civilians there.

16 PRESIDING JUDGE FREMR: [10:23:30] So it should be just knowledge, not impression.
17 So please rephrase the question whether she does know, but ...

18 MR SUPRUN: [10:23:46] (Interpretation) Thank you, Mr President.

19 Q. [10:23:48] Madam Witness, you yourself, do you know why the UPC soldiers came
20 to attack Mongbwalu?

21 A. [10:24:05] I do not know the reason.

22 Q. [10:24:10] (Microphone not activated)

23 THE INTERPRETER: [10:24:12] Microphone, please, counsel. Microphone please,
24 counsel.

25 MR SUPRUN: [10:24:18] (Interpretation) I shall repeat.

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- 1 Q. [10:24:21] How many days did you spend in Mongbwalu before you fled?
- 2 A. [10:24:31] I spent a week.
- 3 Q. [10:24:37] And why did you decide to leave Mongbwalu?
- 4 A. [10:24:50] When they started to break into houses and enlist people forcibly, we
- 5 decided to leave.
- 6 Q. [10:25:04] Who was with you when you left Mongbwalu?
- 7 A. [10:25:14] There were seven women and five young people. That was -- those
- 8 were the members of our group.
- 9 Q. [10:25:23] And amidst that group, were there any members of your family?
- 10 A. [10:25:37] We were all from the Alur ethnic group only.
- 11 Q. [10:25:46] Yes, but my question was amongst those people who left Mongbwalu,
- 12 were there any members of your family?
- 13 A. [10:25:58] There was my husband and my children.
- 14 Q. [10:26:05] How old were the children who were with you?
- 15 A. [10:26:14] One was four years old and the other was two months old.
- 16 Q. [10:26:23] Where did you go to when you left Mongbwalu?
- 17 A. [10:26:32] We arrived in Pluto. After Pluto we went to Beba. We wanted to go
- 18 to Lodjo.
- 19 Q. [10:26:48] If you are aware, madam, what is the distance between Mongbwalu and
- 20 Pluto, approximately?
- 21 A. [10:27:04] The distance between Pluto and Mongbwalu is 10 -- at least, 10
- 22 kilometres.
- 23 Q. [10:27:18] And how long did you spend en route between Mongbwalu and Pluto,
- 24 did it take you a few hours or a few days?
- 25 A. [10:27:39] We spent one day travelling.

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1 Q. [10:27:42] When you arrived in Pluto, what did you do there?

2 A. [10:27:56] I arrived in Pluto to meet up with my husband who was already there
3 because war was going on in Pluto but I was in Mongbwalu.

4 Q. [10:28:10] How many days did you spend in Pluto?

5 A. [10:28:13] I arrived there, we spent a night and then my husband told me that we
6 should go on our way in order to go to Lodjo.

7 Q. [10:28:26] And why was it that you decided to leave Pluto?

8 A. [10:28:36] It was because there were disturbances there as well.

9 Q. [10:28:43] What disturbances are you talking about, madam?

10 A. [10:28:54] There were disturbances and they were looking for youngsters in order
11 to forcibly enlist them and if they refused they would kill them, that's why my husband
12 asked me to leave. He said "We should leave."

13 Q. [10:29:08] Who was looking for youngsters in order to enlist them? Who are you
14 talking about?

15 A. [10:29:25] These were UPC elements.

16 Q. [10:29:31] Madam, a little earlier on you told us that after Mongbwalu you went to
17 hide in an open goldmine. Here's my question: You hid there before or arriving at
18 Pluto?

19 A. [10:29:57] Before arriving at Pluto. At Kodulu, that was where the goldmine was.

20 Q. [10:30:09] So you went there -- or, where did you go after you left Pluto?

21 A. [10:30:19] We arrived at Beba, but we were heading for Lodjo. When we arrived
22 at Beba there were upheavals and disturbances there.

23 Q. [10:30:30] What upheavals or disturbances are you referring to?

24 A. [10:30:39] There were soldiers there and when we arrived they told us to stop.
25 We saw a kadogo who had taken his knife and we asked that kadogo to come. And

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- 1 there was the man brandishing the head and that's when they said men one side, women
2 the other. So the men stayed there, we went to one side. And this was around 4 p.m.
3 And then they took hold of me and they said "Come." And they took other women.
4 They took me, and they took me off into the bush, and they asked me to give my child to a
5 soldier there. I refused and they struck me with the butt of their weapon. I lost some
6 teeth. And they raped me one after the other. And then they told us to leave, but I had
7 no strength left and I felt as if my uterus was swollen so I couldn't walk anymore. And
8 there was somebody who asked me, "Where are you going to go?" And I said, "I'm going
9 to go to Lodjo." And so that person with my child helped me and we left.
- 10 Q. [10:32:38] I'd like to return to some things you've just mentioned. When you
11 arrived at Beba you said that you were arrested. Who arrested you, ma'am?
- 12 A. [10:32:54] The same soldiers that I mentioned earlier on.
- 13 Q. [10:33:02] When you say the same soldiers that you mentioned earlier on, what do
14 you mean by that? The same people, or the soldiers from the same group?
- 15 A. [10:33:20] The soldiers from the same group.
- 16 Q. [10:33:27] Do you remember what those soldiers were wearing?
- 17 A. [10:33:37] They were wearing camouflage uniforms, fatigues.
- 18 Q. [10:33:45] And what colour were they, these uniforms?
- 19 A. [10:34:01] I saw black and light green on them.
- 20 Q. [10:34:08] And the soldiers who arrested you, were they carrying weapons?
- 21 A. [10:34:17] Yes.
- 22 Q. [10:34:22] And what weapons were they carrying, if you recall?
- 23 A. [10:34:30] They were in wood and metal.
- 24 Q. [10:34:56] And on to Pluto and Beba, what's the distance separating these two
25 locations if you know?

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- 1 A. [10:35:06] Yes.
- 2 Q. [10:35:08] Can you tell the Court?
- 3 A. [10:35:20] Two kilometres. Pluto is two kilometres away from Beba.
- 4 Q. [10:35:27] And how long were you on the road between Pluto and Beba?
- 5 A. [10:35:41] Only an hour.
- 6 Q. [10:35:49] You also mentioned at Beba you saw someone. Ma'am, are you seated
- 7 comfortably or do you need some assistance?
- 8 A. [10:36:21] I need a bit of help.
- 9 PRESIDING JUDGE FREMR: [10:36:28] Please assist Madam Witness. I don't know
- 10 what would like to get at the moment.
- 11 Madam Witness, should we break for a while, or?
- 12 Madam Witness, could you be more specific, we would like to make you more
- 13 comfortable but you will have to let us know what you need at the moment.
- 14 MR SUPRUN: [10:37:09] (Interpretation) If I can be of assistance. I can see the
- 15 witness.
- 16 THE INTERPRETER: [10:37:14] Overlapping speakers.
- 17 MR SUPRUN: [10:37:17] (Interpretation) If I'm following, perhaps the chair needs to
- 18 be positioned better for her.
- 19 THE VICTIM: [10:37:26] (Interpretation) Okay, we can continue.
- 20 MR SUPRUN: [10:37:29] (Interpretation) No, no, perhaps ...
- 21 PRESIDING JUDGE FREMR: [10:38:03] So for the record, Madam Witness's chair has
- 22 been changed and is now --
- 23 Madam Witness, is it now better? Can we continue?
- 24 THE VICTIM: [10:38:18] (Interpretation) Yes.
- 25 PRESIDING JUDGE FREMR: [10:38:20] Very well.

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1 Mr Suprun, please proceed.

2 MR SUPRUN: [10:38:25] (Interpretation)

3 Q. Ma'am, my question was the following: You said that at Beba you saw an
4 individual, a kadogo who was carrying a Lendu head. Was that person a soldier, if you
5 know?

6 A. [10:38:56] It was indeed a soldier.

7 Q. [10:39:00] And to what armed group did that person belong, if you know?

8 A. [10:39:07] It was a UPC soldier.

9 THE INTERPRETER: [10:39:10] Message from the Swahili booth: Can the witness be
10 requested to speak up a bit.

11 PRESIDING JUDGE FREMR: [10:39:18] Madam Witness, please could you kindly
12 speak up because otherwise the interpreters have a problem to understand and we then,
13 we would have to ask you to repeat it, so it is even in your interest, please, speak up a bit.
14 Thank you.

15 MR SUPRUN: [10:39:44] (Interpretation)

16 Q. [10:39:47] A moment ago, ma'am, you said that upon your arrival at Beba you were
17 arrested. Were you arrested with others or were you alone arrested?

18 A. [10:40:10] Other people were also arrested.

19 Q. [10:40:15] You also said that women were separated from the men. Why, in your
20 view? Why were they separated?

21 A. [10:40:34] I don't know. Possibly for what they had done to us, the bad things
22 that they had done to us. I don't know.

23 Q. [10:40:53] The soldiers who arrested you, did they say anything? Did they tell
24 you why you were being arrested?

25 A. [10:41:05] No, they provided no reasons. They only asked us to stop and then

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1 they separated the men from the women. And they took the women to one side to do
2 what they did.

3 Q. [10:41:29] And what did they do, those soldiers, to the women?

4 A. [10:41:44] They broke two of my teeth and they raped me.

5 Q. [10:41:53] And the other women, were they also raped?

6 A. [10:42:02] Yes.

7 Q. [10:42:04] And how many women were there in your group? And how many
8 women, apart from yourself, were raped?

9 A. [10:42:24] There were seven of us. There were three of us at Lodjo, three of us
10 were raped.

11 Q. [10:42:48] How do you know that the other women were also raped?

12 A. [10:43:05] We all met up at Lodjo, that was our common destination.

13 Q. [10:43:14] Before you and the other women were raped, did the soldiers say
14 anything to you, or not?

15 A. [10:43:28] They said nothing, they only said that we should follow them into the
16 bush.

17 Q. [10:43:46] How many soldiers raped you, ma'am?

18 A. [10:43:56] Three; two raped me and the third said that he couldn't do such a thing.
19 In fact, he refused to do so because he saw in what a state I was in.

20 Q. [10:44:19] To follow on from that, I understand that these are very painful
21 memories, but do you recall how you were feeling throughout these acts of rape at the
22 hands of these soldiers?

23 A. [10:44:44] I was very weak. I felt that my uterus or my womb had swollen.

24 Q. [10:44:58] I'd like a brief clarification, and I do apologise for putting this question
25 to you, but it's very important that you provide details about this tragic event that you

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- 1 experienced to enable the Judges, to enable the Court to properly understand what
- 2 occurred. Here's my question: When you say that you were raped, can you please tell
- 3 me which part of your body was raped?
- 4 A. [10:45:42] Through my vagina.
- 5 Q. [10:45:55] All these acts of rape at the hands of the soldiers do you recall how long
- 6 it lasted?
- 7 A. [10:46:17] It didn't even take them an hour.
- 8 Q. [10:46:22] When you were arrested by these soldiers, were your children with you
- 9 at that point?
- 10 A. [10:46:45] The soldier who refused to rape me held my child of four, and the other
- 11 one he left with the two just nearby.
- 12 THE INTERPRETER: [10:47:04] Microphone, please.
- 13 MR SUPRUN: [10:47:06] (Interpretation)
- 14 Q. [10:47:06] Ma'am, you just said that you were raped and you identified a part of
- 15 your body. In what part of your body did the soldiers rape you -- with what part of the
- 16 soldiers' body did they rape you?
- 17 THE INTERPRETER: Clarifies the interpreter.
- 18 THE VICTIM: [10:47:42] (Interpretation) A sexual act that is normal between men
- 19 and women.
- 20 MR SUPRUN: (Interpretation)
- 21 Q. [10:47:49] Was one of your children next to you when you were being raped?
- 22 A. [10:48:06] They were next to me, they had withdrawn ever so slightly.
- 23 Q. [10:48:12] Were you raped within sight of your children, within the very eyes of
- 24 your children?
- 25 A. [10:48:24] No, they didn't see. But afterwards they asked me, they said, "Mum,

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1 you're not walking properly. What happened?" And I told them, "No, no. I just fell
2 over."

3 Q. [10:48:40] Ma'am, can you provide a description of your physical state of health
4 immediately after the rape? What were you feeling and what physical ailments were
5 you suffering from?

6 A. [10:49:08] At that point I had intense *pain in the lower regions of my stomach.
7 And even today I have problems during my menstrual cycle.

8 Q. [10:49:27] Where you able to receive medical treatment after the rapes?

9 A. [10:49:51] I went to Rimba hospital. I was told I had problems in my womb, and I
10 asked them to treat me and they did so. But when I see -- when I have my periods I have
11 intense pain. They asked whether they could remove my womb and I told them "No."

12 THE INTERPRETER: [10:50:28] Microphone, please.

13 MR SUPRUN: [10:50:30] (Interpretation)

14 Q. [10:50:31] And why did the doctor ask whether he could remove your womb?

15 A. [10:50:44] They told me that my womb wasn't in the right position, so I asked
16 them -- after receiving medical treatment, I asked them, "Well, is it possible that my womb
17 will regain its initial position?" And they said, "Yes."

18 Q. [10:51:09] How much time after your rape went by before you actually received
19 treatment at the hospital, if you recall?

20 A. [10:51:23] Three months. It took three months.

21 Q. [10:51:32] And immediately after the rape, were you able to receive medical
22 treatment, traditional medical treatment or any other form of treatment?

23 A. [10:52:01] There was a doctor who treated me.

24 Q. [10:52:06] Ma'am, you mentioned that after being raped at Beba you set off for
25 Lodjo. How long, therefore, did you stay at Beba?

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1 A. [10:52:35] We didn't stay very long at Beba. We journeyed to Lodjo and arrived at
2 10 p.m.

3 Q. [10:52:56] How far away is Lodjo in relation to Beba, if you know?

4 A. [10:53:06] Twelve kilometres between Beba and Lodjo.

5 Q. [10:53:12] And your husband and the other men that you were separated from in
6 Beba, what happened to them, do you know?

7 A. We spent three days in Lodjo. One of the men who had been with them had
8 managed to escape, and when he arrived at Lodjo we asked him, "Where are our
9 husbands?" And he said that he had just escaped, he, himself. But he said all those who
10 didn't want to join the army were eliminated. He accepted to join the army, but then he
11 escaped. But my husband had been eliminated. Among the men some had accepted to
12 join the army and they were still alive, but those who had refused had been eliminated.

13 MR SUPRUN: [10:54:32] (Interpretation) Your Honour, could we switch very briefly
14 into private session?

15 PRESIDING JUDGE FREMR: [10:54:37] For sure.

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

17 (Private session at 10.54 a.m.) *(Reclassified partially in public)

18 THE COURT OFFICER: [10:54:48] We're in private session, Mr President.

19 PRESIDING JUDGE FREMR: [10:54:59] Thank you, court officer.

20 Mr Suprun, please proceed.

21 MR SUPRUN: [10:55:03] (Interpretation)

22 Q. [10:55:10] Do you know the name of the person who managed to escape you just
23 mentioned and who told you the fate of your husband?

24 A. [10:55:25] Yes, I do know his name.

25 Q. [10:55:30] Could you tell the Judges the name of that person?

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1 A. [10:55:41] His name was (Redacted).

2 Q. [10:55:47] Who is (Redacted)? Do you have any link with that person? Is he a
3 member of your family, or was he a neighbour? Who, in fact, was that person in relation
4 to you?

5 A. [10:56:10] (Redacted)

6 Q. [10:56:19] Your husband who was first arrested and then killed, what was his
7 name?

8 A. [10:56:34] (Redacted), that was his name.

9 Q. [10:56:46] And what ethnic group did he belong to?

10 A. [10:56:56] (Redacted), that was his ethnic group.

11 Q. [10:57:00] And (Redacted), to which ethnic group did he belong, if you know?

12 A. [10:57:08] Alur, he was an Alur.

13 MR SUPRUN: [10:57:38] (Interpretation) Your Honour, there's a problem here
14 because -- oh, no, it's ironed itself out.

15 Q. [10:57:56] (Redacted), did he tell you how your husband and the other men were
16 killed?

17 A. [10:58:13] He told me that my husband had refused by saying that he couldn't join
18 the army. And after that, they shot him in the head.

19 Q. [10:58:27] And did he also tell you how the other men who were arrested died?

20 A. [10:58:44] He told me that the other men were eliminated in the -- in the building.
21 Their heads were crushed with clubs.

22 Q. [10:58:58] And can you clarify to the Court who those soldiers were who killed
23 your husband and the other men?

24 A. [10:59:15] They were the soldiers who had arrested us at Beba.

25 Q. [10:59:19] And those soldiers belonged to which armed group, ma'am?

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1 A. [10:59:33] They were in great numbers. I don't know their ethnic group.

2 Q. [10:59:45] A brief clarification. These were the soldiers belonging to the same
3 armed group that drove you out of Mongbwalu?

4 A. [11:00:01] Yes.

5 MR SUPRUN: [11:00:04] (Interpretation) Your Honour, I think time has arrived for
6 our break and this would be a useful point for me because I would like to move on to
7 another area.

8 PRESIDING JUDGE FREMR: [11:00:14] You are right.

9 Just for the sake of planning, can you estimate, Mr Suprun, how much time you will need
10 to complete your testimony in the next session.

11 MR SUPRUN: [11:00:23] (Interpretation) Can you tell me how much time I've already
12 used?

13 PRESIDING JUDGE FREMR: [11:00:30] Yes, I just got information, so far you have
14 used one hour sharp.

15 MR SUPRUN: [11:00:38] (Interpretation) Well, I can't guarantee it, but I would
16 imagine I would need no more than half an hour, but it really depends on the speed at
17 which we have answers from the witness.

18 PRESIDING JUDGE FREMR: [11:00:57] Yes, I understand, but my impression was that
19 so far you have succeeded to cover a lot of areas anticipated, but it's up to you.

20 Now let's move into open session.

21 (Open session at 11.01 a.m.)

22 THE COURT OFFICER: [11:01:13] We're in open session, Mr President.

23 PRESIDING JUDGE FREMR: [11:01:24] Thank you, court officer.

24 Madam Witness, we will break now. I would like to thank you for the moment, you are
25 doing very well. You patiently and clearly responded many questions. So now you can

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- 1 take some rest for 30 minutes and then we will then continue after the break.
- 2 So now we break and we will resume at half past 11.
- 3 THE COURT USHER: [11:01:50] All rise.
- 4 (Recess taken at 11.01 a.m.)
- 5 (Upon resuming in open session at 11.32 a.m.)
- 6 THE COURT USHER: [11:32:51] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE FREMR: [11:33:20] So we will now continue with examination of
- 9 our witness by Legal Representative of Victims. We are in open session.
- 10 Mr Suprun, you have the floor.
- 11 MR SUPRUN: [11:33:42] (Interpretation) Thank you, your Honour.
- 12 Q. [11:33:44] Madam, I would like to go back to what you said at the start of your
- 13 testimony, in particular you stated that when the UPC soldiers entered Mongbwalu they
- 14 started firing at people and they also started destroying houses. Now, my question is as
- 15 follows: Did you see that with your own eyes? Did you see the bodies of people who
- 16 were killed with your own eyes?
- 17 A. [11:34:16] Yes, I saw that with my own eyes.
- 18 Q. [11:34:23] The people killed that you saw, were they soldiers or were they
- 19 civilians?
- 20 A. [11:34:31] They were civilians.
- 21 Q. [11:34:39] Among these people whose bodies you saw, were there people of
- 22 different sexes, men, women, children?
- 23 A. [11:34:56] I saw three men.
- 24 Q. [11:35:06] Did you know their ethnic origin, madam?
- 25 A. [11:35:11] I don't know.

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1 Q. [11:35:19] Another question by way of clarification, madam. Now, you
2 mentioned that in Beba you saw a person, a kadogo, who was carrying a Lendu head.
3 Now, my question is as follows: How did you know that the person who had been killed
4 was a Lendu?

5 A. [11:35:45] I heard the kadogo shouting, "We have decapitated a Lendu."

6 Q. [11:35:59] And you also mentioned somewhat earlier that when you left for Lodjo
7 there were three women with you who had also been raped. Now, my question is as
8 follows: Did these women give you the details, or did they say themselves that they had
9 been raped? Did they give you details regarding that event?

10 A. [11:36:32] They told me that they had slept with them.

11 Q. [11:36:38] Do you know the ethnic origin of these three women?

12 A. [11:36:52] One was from Lugwara, that's an area called Kakwa. Another was
13 Alur. And another was Alur as well. Two of them were Alur, therefore.

14 Q. [11:37:19] And the men who were arrested in Beba and were executed, did you
15 know their ethnic origins?

16 A. [11:37:31] Most who had returned home were Alur.

17 Q. [11:37:40] Just a last question by way of clarification concerning three women who
18 were raped. Do you have an idea as to how old they were, or do you know that?

19 A. [11:38:05] They were above the age of 28. They must have been 30, 32, or slightly
20 more than 32 years old.

21 Q. [11:38:15] Do you remember the names of these three women?

22 A. [11:38:23] Yes, I remember.

23 MR SUPRUN: [11:38:25] (Interpretation) Your Honour, could we go into private
24 session so that I can ask further questions to the witness?

25 PRESIDING JUDGE FREMR: [11:38:37] All right.

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- 1 Court officer, let's move into private session now.
- 2 (Private session at 11.38 a.m.) *(Reclassified partially in public)
- 3 THE COURT OFFICER: [11:38:47] We are in private session, Mr President.
- 4 PRESIDING JUDGE FREMR: [11:38:54] Thank you, court officer.
- 5 Mr Suprun, please proceed.
- 6 MR SUPRUN: [11:38:57] (Interpretation) Thank you.
- 7 Q. [11:39:03] Madam, I would now like to ask you the names of these three women
- 8 who were with you who were raped in Beba.
- 9 A. [11:39:20] One was called (Redacted).
- 10 Q. [11:39:26] And the two others, do you remember their names?
- 11 A. [11:39:34] Yes, I remember.
- 12 Q. [11:39:36] Please go ahead then.
- 13 A. [11:39:41] One was called (Redacted), the other (Redacted), and the other (Redacted).
- 14 Q. [11:39:50] Do you remember in what psychological or physical state these women
- 15 were in having been raped? What had you noticed yourself?
- 16 A. [11:40:19] They were sad.
- 17 Q. [11:40:20] Witness, in order to have these exact names, could I ask you to spell each
- 18 of the names of these three women.
- 19 A. [11:40:39] One was called -- is called (Redacted).
- 20 THE INTERPRETER: [11:40:47] Inaudible.
- 21 MR SUPRUN: [11:40:51] (Interpretation)
- 22 Q. [11:40:52] Yes, please go ahead.
- 23 A. [11:41:04] (Redacted)
- 24 Q. [11:41:16] Madam, could you spell their full names?
- 25 A. [11:41:25] (Redacted).

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- 1 Q. [11:41:37] Thank you. Could you now spell the second name?
- 2 A. [11:41:43] (Redacted)
- 3 Q. [11:42:08] Thank you. Could you now spell the last, the third name, the name of
- 4 the third woman with whom you were?
- 5 A. [11:42:23] (Redacted)
- 6 THE INTERPRETER: [11:42:45] Could the witness be asked to repeat the spelling of the
- 7 second name asks the Swahili booth.
- 8 PRESIDING JUDGE FREMR: [11:42:53] Madam Witness, could you kindly repeat
- 9 spelling of the last name because it hasn't been captured by the interpreters. Thank you.
- 10 THE VICTIM: [11:43:15] (Interpretation) (Redacted)
- 11 MR SUPRUN: [11:43:42] (Interpretation)
- 12 Q. [11:43:43] Thank you, Madam Witness.
- 13 Another question by way of clarification concerning what you said at the start of your
- 14 testimony. You stated that you spent seven days in Mongbwalu before leaving the
- 15 village. Now, my question is as follows: Why did you wait seven days to leave the
- 16 village? If I understand well, the UPC soldiers were already in the village. Why did
- 17 you wait such a long time?
- 18 A. [11:44:26] We believed that the situation was going to calm down.
- 19 MR SUPRUN: [11:44:38] (Interpretation) Your Honour, we can go into open session.
- 20 PRESIDING JUDGE FREMR: [11:44:41] All right.
- 21 Court officer, let's return back into open session.
- 22 (Open session at 11.44 a.m.)
- 23 THE COURT OFFICER: [11:44:48] We are back in open session, Mr President.
- 24 PRESIDING JUDGE FREMR: [11:44:58] Thank you, court officer.
- 25 Mr Suprun, please proceed.

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1 MR SUPRUN: [11:45:05] (Interpretation) Thank you.

2 Q. [11:45:07] Madam, you mentioned that all the men who were in Beba were killed,
3 including your husband. Now, did you ever find -- did you never find your husband's
4 body; is that correct?

5 A. [11:45:29] To this day, we have not found it.

6 Q. [11:45:40] Do you know if your husband was buried?

7 A. [11:45:43] I don't know.

8 Q. [11:45:57] After the war of 2002-2003, did you marry again, madam?

9 THE INTERPRETER: [11:46:07] Microphone, please.

10 MR SUPRUN: [11:46:09] (Interpretation)

11 Q. [11:46:10] After the war of 2002-2003, did you remarry?

12 A. [11:46:29] I remarried.

13 Q. [11:46:31] Were you able to give birth to a child after the war?

14 A. [11:46:37] Not yet.

15 Q. [11:46:49] In order to understand, you didn't give birth to a child because you
16 didn't want to, or because you had a state of health which would not allow for that?

17 A. [11:47:03] I wanted to have other children, but it was not possible any longer.

18 Q. [11:47:12] Could you explain to the Court why it was no longer possible?

19 A. [11:47:32] I don't know.

20 Q. [11:47:33] Is your new husband aware of the fact that you were raped during the
21 war?

22 A. [11:47:47] He's not aware of that.

23 Q. [11:47:48] Is anyone in your family aware of the fact?

24 A. [11:48:03] Yes.

25 Q. [11:48:03] Is he aware of the fact that you were raped?

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- 1 MR SUPRUN: (Interpretation) Your Honour, I think that it's better for us to go into
- 2 private session at this moment. I'm sorry.
- 3 PRESIDING JUDGE FREMR: [11:48:17] Understandable.
- 4 Court officer, let's move into private session.
- 5 (Private session at 11.48 a.m.) *(Reclassified partially in public)
- 6 THE COURT OFFICER: [11:48:26] We're in private session.
- 7 PRESIDING JUDGE FREMR: [11:48:35] Thank you.
- 8 Mr Suprun, please proceed.
- 9 MR SUPRUN: [11:48:44] (Interpretation)
- 10 Q. [11:48:45] My question is: Who, among members of your family, is aware of the
- 11 fact that you were raped?
- 12 A. [11:49:01] (Redacted) are aware. (Redacted) as well.
- 13 Q. [11:49:14] These people, are they members of your close family or your extended
- 14 family?
- 15 A. [11:49:34] They were people who we met when we were fleeing, leaving
- 16 Mongbwalu.
- 17 Q. [11:49:48] What was their reaction when they found out that you had been raped
- 18 by the soldiers?
- 19 A. [11:50:05] They were sad because we told them what had happened to us.
- 20 Q. [11:50:15] Did somebody from your community -- or is somebody from your
- 21 community, outside of your family members, aware of what happened to you during the
- 22 war?
- 23 A. [11:50:30] Yes, there are.
- 24 Q. [11:50:37] What was their reaction when they found out that you had been raped?
- 25 A. [11:50:53] They advised me to consult a doctor.

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1 Q. [11:50:59] I have a question concerning your children who were with you at the
2 time that the war started. Are these children still alive?

3 A. [11:51:18] Yes.

4 Q. [11:51:21] You also mentioned that your (Redacted) other children were in (Redacted) when
5 the war started in Mongbwalu. Could you say what happened to those (Redacted) children?

6 A. [11:51:43] When we left Mongbwalu, when we arrived in Mongbwalu they told
7 us -- or the people who I left the children with fled towards (Redacted). I was asked to follow
8 them and I found that they had fled and they had left my children and I was told that
9 these children had been killed.

10 THE INTERPRETER: [11:52:11] Correction of the interpreter: We left Mongbwalu to
11 go towards (Redacted).

12 MR SUPRUN: [11:52:20] (Interpretation)

13 Q. [11:52:21] Who told you that your (Redacted) children had been killed?

14 A. [11:52:33] (Redacted)

15 Q. [11:52:36] Who is (Redacted)?

16 A. [11:52:43] (Redacted)

17 Q. [11:52:58] Madam, do you remember if this (Redacted) gave you the details about the
18 circumstances in which your (Redacted) children were killed?

19 A. In fact, as they were new to that place, they didn't know where to go. They were
20 told that their mother had fled and they said that they were rebel children and they had to
21 be killed.

22 Q. [11:53:37] Do you know how these (Redacted) children were killed?

23 A. [11:53:52] The woman said that (Redacted)
24 (Redacted).

25 Q. [11:54:04] Did this woman say who had killed your children?

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- 1 A. [11:54:11] She said that it was soldiers.
- 2 Q. [11:54:18] Which armed group did these soldiers belong to?
- 3 A. [11:54:24] I don't know.
- 4 Q. [11:54:29] Were you able to find the bodies of your dead children?
- 5 A. [11:54:38] I never found them.
- 6 Q. [11:54:43] How old were those (Redacted) children at the time they were killed?
- 7 A. [11:54:55] (Redacted)
- 8 Q. [11:55:01] Could you give the names of these (Redacted) children, please?
- 9 A. [11:55:09] Yes. (Redacted)
- 10 Q. [11:55:44] Madam, could you spell the names that you've just given, please?
- 11 A. [11:55:58] Yes.
- 12 Q. [11:55:59] Please go ahead, madam. Please spell the names if you would be so
- 13 kind.
- 14 A. [11:56:09] (Redacted)
- 15 Q. [11:57:01] Madam, is that the name (Redacted)
- 16 (Redacted)
- 17 A. [11:57:13] Yes, that's the name (Redacted).
- 18 Q. [11:57:23] Could you give the name of (Redacted) killed?
- 19 A. [11:57:33] (Redacted)
- 20 Q. [11:58:17] By way of clarification, madam, did these children have other names, or
- 21 were these their only names?
- 22 A. [11:58:41] Those were their names.
- 23 Q. [11:58:42] Madam, how did you feel -- or how do you feel, given that you've never
- 24 been able to retrieve the bodies of your children, who were very young at the time?
- 25 A. [11:58:59] It hurts me very much.

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1 Q. [11:59:01] Could you tell the Court why you never told your second husband that
2 you had been raped during the war?

3 A. [11:59:26] I was afraid.

4 Q. [11:59:42] After the rape that you suffered, do you still have physical health
5 problems currently?

6 A. [11:59:50] Yes.

7 Q. [11:59:54] Could you give some details about your health condition linked to the
8 crimes that you were a victim of?

9 A. [12:00:18] (Redacted)

10 (Redacted)

11 Q. [12:00:33] (Redacted)

12 A. [12:00:52] (Redacted)

13 Q. [12:01:04] Do you have any psychological or emotional problems when thinking of
14 what you fell victim to and what members of your family fell victim to?

15 A. [12:01:30] I only have to think about it and I burst into tears and bad thoughts
16 creep into my mind.

17 Q. [12:01:47] And how often do you have such bad thoughts that creep into your
18 mind? On a daily basis, or once a week, or is it a question of months?

19 A. [12:02:15] When those ideas come into my mind I feel very bad.

20 Q. [12:02:33] Would you like us to have a break, to allow you to rest, ma'am?

21 A. [12:02:44] No, we can continue.

22 THE INTERPRETER: [12:02:47] Request from the interpreter: Could counsel speak
23 more directly into the microphone.

24 MR SUPRUN: [12:02:53] (Interpretation)

25 Q. [12:02:54] I have not many questions to put to you and no doubt after my round of

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1 questions you will have an opportunity for a break.

2 Do you suffer psychological problems in the form of bad dreams, nightmares?

3 A. [12:03:16] Yes.

4 Q. [12:03:21] Do you have such nightmares frequently, or are they infrequent?

5 A. [12:03:38] In the beginning it happened often and now they're more infrequent.

6 Q. [12:03:55] And even beyond the treatment you received in the hospital did you
7 soon after receive treatment?

8 A. [12:04:16] I haven't yet had such treatment.

9 MR SUPRUN: [12:04:23] (Interpretation) Perhaps, your Honour, we could move back
10 into open session.

11 PRESIDING JUDGE FREMR: [12:04:30] All right.

12 Court officer, let's move into open session again.

13 (Open session at 12.04 p.m.)

14 THE COURT OFFICER: [12:04:37] We're in open session, Mr President.

15 PRESIDING JUDGE FREMR: [12:04:48] Thank you, court officer.

16 Mr Suprun, please.

17 MR SUPRUN: [12:04:53] (Interpretation) Thank you.

18 Q. [12:04:59] A little earlier on you mentioned, madam, that -- that you never told
19 your second husband that you'd been raped during the war and you told us that the
20 reason for that was because you were frightened. So why is that the case? And why,
21 therefore, are you frightened of saying such things to your second husband? Are you
22 frightened of anybody in particular?

23 A. [12:05:36] I was frightened because it's a source of shame.

24 Q. [12:05:54] Do you think that you need medical treatment for your physical
25 ailments? In addition to that, do you think you need psychological support?

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1 A. [12:06:25] Yes.

2 PRESIDING JUDGE FREMR: [12:06:31] I'm sorry.

3 Court usher, could you kindly provide Madam Witness with a tissue. I think she will
4 need it.

5 THE INTERPRETER: [12:06:49] Message from the interpreters: Could the LRV speak
6 more directly into his microphone, please.

7 PRESIDING JUDGE FREMR: [12:06:56] Mr Suprun, have you heard this message from
8 the interpreters? Please, could you kindly speak directly to the microphone to improve
9 quality of the sound.

10 Mr Suprun, please try to proceed.

11 MR SUPRUN: [12:07:38] (Interpretation)

12 Q. [12:07:44] I have the last round of questions.

13 As a victim of the Ituri war of 2002-2003, can you tell us what expectations you have in
14 regard to the ICC in terms of justice and reparations?

15 THE INTERPRETER: [12:08:28] Response not captured by the interpreters.

16 MR SUPRUN: [12:08:32] (Interpretation)

17 Q. [12:08:33] And what type of assistance are you seeking?

18 A. [12:08:44] I want to be able to rebuild my house and help me resume my trade, and
19 also that I can receive assistance with medication.

20 Q. [12:09:07] Thank you very much for your answers. I think you're very brave to
21 come all the way to The Hague to provide evidence directly before the Chamber.

22 MR SUPRUN: [12:09:18] (Interpretation) Your Honour, nothing further.

23 PRESIDING JUDGE FREMR: [12:09:22] All right. I can join Mr Suprun in his
24 statement, but there are also the other parties that should have a chance to examine you,
25 Madam Witness.

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- 1 So first I'm asking Ms Pellet. Ms Pellet, I guess you don't have any additional questions?
- 2 MS PELLET: [12:09:41] (Interpretation) No, your Honour.
- 3 PRESIDING JUDGE FREMR: [12:09:45] I also got information about timing.
- 4 Mr Suprun has used one hour 36 minutes for his examination.
- 5 Now I'm asking Prosecution, Ms Luping, Ms Luping do you request to examine
- 6 Madam Witness? If yes, for what amount of time?
- 7 MS LUPING: [12:10:09] Mr President, I envisage two brief topics slightly less than 10
- 8 minutes. But if the witness needs a break I'm also happy to question her after a brief
- 9 pause. It's in your hands.
- 10 PRESIDING JUDGE FREMR: [12:10:21] Yes, but I even, and I'm just following the
- 11 report from VWU, I think it would be even better to continue now, so please you have
- 12 your 10 minutes. Please go ahead, Ms Luping.
- 13 MS LUPING: [12:10:36] Understood, Mr President.
- 14 QUESTIONED BY MS LUPING:
- 15 Q. [12:10:39] So good afternoon, Madam Witness. My name is Dianne Luping.
- 16 And we did meet briefly before. I just have two brief areas that I want to cover with you.
- 17 Madam Witness, can you hear me and are you able to answer my questions?
- 18 A. [12:11:06] Yes.
- 19 Q. [12:11:09] Okay, first I'm going to refer to an extract, it is from the French transcript,
- 20 at page 29, lines 15 to 19, and the relevant excerpt from English is at page 31, line 23 to
- 21 page 32, line 3.
- 22 The English and French are slightly different so I will read the French:
- 23 (Interpretation) "How many women belong to your group and how many women were
- 24 raped apart from you, yourself?"
- 25 Answer: "There were seven of us. We were three to meet in Lodjo and all those people

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1 had been raped."

2 (Speaks English) Now, you've been asked questions about the three that you met at Lodjo.

3 My question is this, Madam Witness: The other four women who had travelled to Beba,
4 do you know what happened to them, if anything?

5 A. [12:12:27] I don't know what happened after because the women I met, there were
6 only the three people I made mention of, the three that I met after the events in question.

7 Q. [12:12:41] I move to my second topic. And this is where you were questioned,
8 Madam Witness, about events in Mongbwalu. It's earlier on today, I'm going to refer to
9 page 19, lines 22 to 25, and this is from the English transcript:

10 "They started to open fire, and then they started to break into houses. And they arrested
11 people and they killed some people whilst sparing the lives of others, the individuals they
12 arrested."

13 My first question is this, Madam Witness: Do you know what the ethnicity is of the
14 people that you say were spared, the ones that were arrested but who were not killed?

15 A. [12:13:52] I couldn't know that. I wasn't in a position to know that.

16 Q. [12:14:02] And when you say that some were spared and some were killed, how
17 did you learn about that, Madam Witness? Was this something that you saw with your
18 own eyes or something somebody told you later?

19 A. [12:14:24] I saw that with my own eyes.

20 Q. [12:14:34] And in terms of the civilians who are living in Mongbwalu, do you
21 know how Lendu civilians were treated by the UPC during this attack in Mongbwalu?

22 A. [12:15:11] They were killed.

23 Q. [12:15:16] And when you say Lendu civilians were killed during this attack, how
24 do you know that?

25 A. [12:15:37] Well, listen, I -- I saw a Lendu that had been killed, and after, his brother

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1 said that somebody had died, and his brother actually was killed.

2 Q. [12:15:59] And when you say you saw a Lendu who was killed, is this in
3 Mongbwalu?

4 A. [12:16:19] It was in Mongbwalu that a Lendu was killed. Another person said
5 that it was his brother who had been killed. He took his machete to kill that soldier.
6 The soldier killed him. The second case, I saw it at Beba. The person was killed and
7 then his head was taken and then was pushed onto the point of a knife.

8 Q. [12:16:56] And just focusing on the first case in Mongbwalu. The English and the
9 French are the same when you say that someone told you that his brother was killed, he
10 had taken a machete to kill the soldier. Who had taken that machete to kill the soldier?
11 Was that the brother or the victim who was killed?

12 A. [12:17:32] No, the soldier killed his brother. And later on he saw his brother take
13 a machete to kill the soldier, so the soldier took his weapon and shot at him.

14 Q. [12:17:57] So the Lendu who was killed had a machete; is that what you're saying?

15 A. [12:18:23] Yes, he took hold of a machete because they killed his brother, so he
16 wanted to go off and kill the soldier, so that's how the soldier shot at him.

17 MS LUPING: [12:18:35] Mr President, I just have one question in private session.

18 PRESIDING JUDGE FREMR: [12:18:38] All right.

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

20 (Private session at 12.18 p.m.) *(Reclassified entirely in public)

21 THE COURT OFFICER: [12:18:45] We're in private session.

22 PRESIDING JUDGE FREMR: [12:19:03] Thank you.

23 Ms Luping, please proceed.

24 MS LUPING: [12:19:07]

25 Q. [12:19:07] The Lendu man whose brother was killed, do you remember his name?

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1 A. [12:19:25] No, I don't know his name.

2 Q. [12:19:27] And how do you know that his brother was Lendu?

3 A. [12:19:42] Because when they killed his brother, the person who took the machete
4 started shouting, "They've killed my brother, Lendu. This time we're really going to kill
5 each other." And that's really what he said.

6 Q. [12:20:07] And you say the soldier shot at him. Did they shoot at his brother or
7 they shot at the person who was shouting this?

8 A. [12:20:36] His brother was taken to be forcibly enlisted, and he wanted to run away,
9 and so they shot at him. So his brother went off and hid. And when he learned about
10 that, he picked up a machete and they said, "They just killed my brother because he is
11 Lendu. We're going to sort each other out." And that's why this soldier took the
12 weapon and shot at him, and that's why there was all this shouting.

13 MS LUPING: [12:21:11] Mr President, your Honours, I have no further questions for
14 this witness.

15 Thank you, Madam Witness.

16 PRESIDING JUDGE FREMR: [12:21:16] All right. Now, court officer, let's return back
17 into open session.

18 (Open session at 12.21 p.m.)

19 THE COURT OFFICER: [12:21:25] We're in open session.

20 PRESIDING JUDGE FREMR: [12:21:39] Thank you, court officer.

21 Before I will give floor to Mr Bourgon, I have one additional question for Madam Witness.

22 Madam Witness, I would like to return back to the moment when a group of soldiers,
23 according your testimony, had been raping you and other women. At this moment had
24 you noticed presence of any commander of this group?

25 THE VICTIM: [12:22:24] (Interpretation) I wasn't in a position to know whether there

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1 was a commander.

2 PRESIDING JUDGE FREMR: [12:22:27] All right.

3 So now we will continue with examination by Defence. But before doing that, I'm
4 ordering to install the shield because it is visible that Madam Witness is permanently
5 turning to the left and it would prevent Mr Bourgon from seeing her face during the
6 testimony.

7 So, Madam Witness, we will install the shield so that now it's not possible for the accused
8 to be in eye contact with you. The same is for you, so please, I would ask you to turn a
9 bit and to look straight forward.

10 Madam Witness, can you hear me?

11 THE VICTIM: [12:23:36] (Interpretation) Yes.

12 PRESIDING JUDGE FREMR: [12:23:37] We need you now -- there is -- if you look on
13 right, you will see that Mr Accused can't -- the accused can't see you. Yeah, so please
14 remain like that because -- yeah. Thank you very much, Madam Witness.

15 And now I am giving floor to Mr Bourgon. And, Madam Witness, one guidance from my
16 part, because this Court is governed by principle of fairness, it means that you are
17 expected to respond to questions put to you by the Defence the same way how you did
18 it -- how you responded questions put to you by LRV, Legal Representative, and
19 Madam Prosecutor.

20 Now, Mr Bourgon, you have the floor.

21 MR BOURGON: [12:24:36] Mr President, before I begin the cross-examination, I have a
22 request to make to the Court, and I would like to make that request in the absence of the
23 witness or maybe just to take her earphones off.

24 PRESIDING JUDGE FREMR: [12:24:48] Madam Witness, may I ask you to take -- but
25 please make the submission in English because I -- according to my understanding, she

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1 can speak partially French.

2 MR BOURGON: [12:25:02] Thank you, Mr President. The request coming from the
3 Defence at this time is to postpone the cross-examination of the witness due to
4 information that was elicited from the witness that was not communicated to the Defence
5 and that should have been communicated to the Defence.

6 Mr President, this witness provided initial information in her request to participate as a
7 victim in these proceedings, and that was on 10 April 2015. Then a statement was taken
8 from her on 2 November 2016, and at that point in time, there were two legal
9 representatives present to take this statement.

10 Lastly, Mr President, on 6 April 2017, which is last week, a preparation session was
11 conducted with the witness, again with two legal representative present, unless I am
12 mistaken.

13 Mr President, the information that was elicited from the witness today, which is material
14 to investigating and preparing for cross-examination, arose in a minimum of three
15 different instances.

16 First of all, at page 36, line 17 to 13, the witness provided the name of the person who
17 allegedly informed her about the murder or the killing of her husband and the killing of
18 other UPC members.

19 This information, Mr President, can be found in paragraph 23 of the witness' statement.
20 The event is mentioned therein. However, there is no information as to the person who
21 provided the information --

22 PRESIDING JUDGE FREMR: [12:27:05] Mr Bourgon, I found safer to move into private
23 session because you mentioned several details, so maybe you will mention the further
24 ones.

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

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1 (Private session at 12.27 p.m.) *(Reclassified partially in public)

2 THE COURT OFFICER: [12:27:19] We're in private session.

3 PRESIDING JUDGE FREMR: [12:27:28] Thank you, court officer.

4 Mr Bourgon, please proceed.

5 MR BOURGON: [12:27:32] Thank you, Mr President. I'll continue where I left off, in
6 the sense of providing where the related information is to be found in the witness'
7 statement, and that is in paragraph 23, where she says that -- and I will read the
8 paragraph in French:

9 (Interpretation) "We learned that our husbands had been killed at Beba because they had
10 refused to enter within the UPC ranks."

11 (Speaks English) This is the extent of the information provided by the witness in her
12 statement. Today we have information as to who provided the information and the
13 identity of this man who was or would have been (Redacted) of the witness at the time.
14 When this interview was conducted, undoubtedly the question either was or should have
15 been asked to the witness as to whether she knew who had provided this information if
16 it's going to be used against the accused. It is important to find out whether that
17 information was available so that we can investigate who (Redacted) is and that we can
18 investigate whether there was indeed (Redacted).

19 The second incidence, Mr President, arose when the witness provided the names of three
20 ladies who would have been victim either at some point in relation to the facts which she
21 mentioned today.

22 The three ladies are referred to in paragraph 21 and 22 of the statements. In these
23 paragraphs it is mentioned, and I will read in French paragraph 21:

24 (Interpretation) "Each of the other women had also been raped by several UPC soldiers."

25 Paragraph 22: "After having raped us, they released the women and we left. We all met

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1 up again at Lodjo. By speaking with the other women who had been released, we
2 learned that we all had been raped."

3 (Speaks English) Mr President, this information did not provide any details concerning
4 the identity of the woman she met in Lodjo, nor of the fact that those persons are still alive
5 or that these persons could be met for an interview to at least maybe verify the account of
6 the witness. That information, again, was either asked or should have been asked to the
7 witness when she provided her statement so that the information can be provided to the
8 accused.

9 A third information which also is being used against the accused stems from paragraph 24
10 of the witness's statement. In paragraph 24, and I will read in French:

11 (Interpretation) "Later, I learnt that (Redacted) my children had been killed by UPC troops in
12 (Redacted) --"

13 PRESIDING JUDGE FREMR: [12:31:09] Mr Bourgon, I told you that Madam Witness
14 understands French, but anyway I think now is a good time, you can just take
15 Madam Witness out of the courtroom for those submissions because we also hear LRV
16 and Prosecutor. But please remain standby, close to the courtroom, because it is pretty
17 possible that we will still call witness for the rest of this session.

18 (The victim stands down)

19 PRESIDING JUDGE FREMR: [12:31:51] Mr Bourgon, you may proceed.

20 MR BOURGON: [12:31:53] Thank you, Mr President. I was quoting from
21 paragraph 24, which refers to the fact that the witness mentioned that:

22 (Interpretation) "I found out that (Redacted) my children had been killed by UPC soldiers in
23 (Redacted)

24 (Redacted) The leader of the soldiers was called (Redacted). I never saw the
25 body of my children. They were buried by the Djegu population."

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1 Mr President, the person who provided this information, the name should have been
2 obtained or maybe was obtained but it was not provided to the Defence. With that type
3 of information it was not possible for the Defence to investigate and to prepare for the
4 testimony that we have heard this morning. So these are three instances.

5 Now, it is also significant that, reading from page 45 at lines 9 to 11 of the transcript, we
6 understand from her testimony that these persons are still alive today. So the Defence
7 was deprived of the opportunity to investigate and to prepare for cross-examination.

8 Article 67(1)(a) is clear that the accused has a right to be informed promptly and in detail
9 of the nature, cause and content of the charge so that he knows the case he has to meet.

10 When we listen to the testimony this morning, clearly this right was violated and the
11 accused was not in a position to know the case he has to meet and to prepare accordingly
12 for cross-examination.

13 This topic was raised earlier on when motions were exchanged or request were exchanged
14 and responses concerning disclosing the information that had to be disclosed by the Legal
15 Representative of Victims. Whether or not they have this information, they should have
16 acquired it in order to present. If they're going to present information that is going to be
17 used against the accused, then they have to put the information that is relevant and
18 material and that will allow the Defence to prepare, or leave it as general in the manner it
19 appears in the statement and then not to expect that the witness will come and provide all
20 kinds of details.

21 The witness did provide other details further than her witness statement. To provide one
22 example; when she said that she saw bodies in Mongbwalu. That was never mentioned
23 in the statement, but we wouldn't expect -- we would expect information to be there, but it
24 would not be a problem if this information was missing because that's a clarification,
25 that's adding details. But here we're not talking about adding details, we are talking

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1 about providing material elements to charges and that the accused must be aware of this
2 information before proceeding with cross-examination.

3 This is our submission, Mr President, to postpone the cross-examination to a later time
4 after the Defence having been given a proper opportunity to investigate.

5 Thank you, Mr President.

6 PRESIDING JUDGE FREMR: [12:35:26] And if you are saying a later time you mean by
7 that what?

8 MR BOURGON: [12:35:31] Later on in time so that the Defence has time to investigate,
9 which means, of course, it could be a matter of weeks, it could be a matter of days, but of
10 course we need to investigate these issues. And it is very likely that we are able to locate
11 these three ladies, that we are able to locate (Redacted) and that we are able to locate the other
12 person living in (Redacted) who reported this information. We were in the presence of –

13 PRESIDING JUDGE FREMR: [12:36:00] It's enough, thank you.

14 I just want to clarify the issue of timing.

15 Now I will give chance to LRV and Prosecutor to respond.

16 Mr Suprun.

17 MR SUPRUN: [12:36:16] (Interpretation) Thank you, your Honour.

18 The first aspect mentioned by my colleague from the Defence, namely that Defence wasn't
19 provided with information -- sufficient information in order to prepare. I'd like to draw
20 the attention of the Chamber to the fact that the victim's statement was prepared and sent
21 to the Judges and parties. They are so detailed that I think the legal representatives have
22 no general disclosure obligation. I think it is very rare that such a document is provided
23 to the parties and participants.

24 Now where it concerns the information that comes from -- or, that has just been

25 mentioned during the testimony of the witness, of course, we cannot predict all aspects

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1 which might arise during testimony. You can't expect that all information that the
2 witness has will be put in the written statement. That's the reason why the witnesses
3 come here, to provide details about the events in question.

4 Now with regards to the hesitation, we have no other statement of the witness. And the
5 information that was raised and provided by the witness today that is mentioned by the
6 Defence counsel, this is also new information for us. We didn't have that information
7 before the witness stated it before the Court.

8 As regards the Defence application, this is new information from today, but it's not so
9 relevant for the Defence not to be able to cross-examine the witness. And during its
10 investigations, well, the Defence envisaged to go into its case in two months. They can
11 investigate on these people mentioned by the witness today, and afterwards, if necessary,
12 they can call these people during the presentation of their own case such that they can
13 give evidence concerning this witness who is before us today. Thank you, your Honour

14 PRESIDING JUDGE FREMR: [12:38:39] Thank you, Mr Suprun.

15 Ms Luping.

16 MS LUPING: [12:38:43] Thank you, Mr President, your Honours. We would simply
17 state that the Prosecution believes the cross-examination should proceed and should
18 proceed now. The key facts or allegations are already contained in V2's statement which
19 was provided to the Defence. Names have arisen, but they've arisen spontaneously and
20 this is not the first witness who's providing additional details as to the source or basis of
21 their knowledge simply whilst they're testifying.

22 We would simply support Mr Suprun in his suggestion that if the Defence does wish to
23 conduct additional investigations in relation to these names it can do so, and should it
24 believe it's necessary, the Defence is able to make an application to have the witness
25 recalled subsequently.

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1 However, in our submission, this is a very fragile, vulnerable witness, as your Honours
2 will have seen for yourself, and it's, in our view, or in our submission, it's not in the best
3 interests either for this witness for her cross-examination to be delayed at this point.

4 Thank you.

5 PRESIDING JUDGE FREMR: [12:39:46] Thank you. We will deliberate, but we will
6 need -- Mr Bourgon, but please briefly.

7 MR BOURGON: [12:39:53] Mr President, I believe that my colleague fails to
8 understand that he's been authorised to present evidence against the accused. Whether
9 he is a Legal Representative of Victims, the evidence that is being presented is going on
10 the record and is going to be used against the accused.

11 While he says that he has no disclosure obligation, Mr President, when you are going to
12 submit evidence à charge you need to inform the accused ahead of time. My colleague
13 cannot omit that.

14 The nature of the question, he mentions that this information came spontaneously. The
15 Chamber is very well experienced to understand the way the questions were asked today
16 and whether or not this information was or should have been elicited prior to the
17 testimony in order to ensure the fairness to the accused. Thank you, Mr President.

18 PRESIDING JUDGE FREMR: [12:40:47] Thank you.

19 We will deliberate outside of the courtroom but I think we will need not more than five
20 minutes.

21 THE COURT OFFICER: [12:40:56] All rise.

22 (Recess taken at 12.40 p.m.)

23 (Upon resuming in private session at 12.46 p.m.)

24 THE COURT USHER: [12:46:36] All rise.

25 Please be seated.

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1 PRESIDING JUDGE FREMR: [12:46:44] So, court officer, let's move into open session.

2 (Open session at 12.46 p.m.)

3 THE COURT OFFICER: [12:46:55] We're in open session.

4 PRESIDING JUDGE FREMR: [12:47:02] So after our deliberation, our ruling is that the
5 request to postpone cross-examination is rejected.

6 And I, in reasoning, I'll be relatively brief. In fact, we agree with Mr Bourgon only in one
7 of his argument; the fact that even LRV has in such a case disclosure obligation because
8 those testimonies could be used to prove charges, could be used against the accused. So
9 LRV also has, in those cases, disclosure obligation, but our main conclusion is that he
10 doesn't violate it, this obligation. According our conclusion, he doesn't hide
11 anything -- he didn't hide anything, he did not prevent this witness from providing
12 further details which she did today spontaneously, so that is why we don't see any
13 reasons to postpone cross-examination.

14 I also can refer to other reasons mentioned by Ms Luping and also Mr Suprun. It's true
15 that there are some details mentioned today could be material for the Defence, but there is
16 still good chance to make further investigation and even call witnesses that could clarify
17 facts mentioned by madam witness today.

18 We still have 12 minutes, so we would like to use those 12 minutes for the beginning of
19 cross-examination.

20 So court usher, please bring madam witness into the courtroom.

21 (The victim enters the courtroom)

22 PRESIDING JUDGE FREMR: [12:49:50] Madam Witness, welcome back. We still
23 have just 10 minutes before the lunch break, so please remain patient and we will just start
24 with the opening part of cross-examination by Defence.

25 Mr Bourgon, you have the floor. And I'm just highlighting that we are in open session.

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1 QUESTIONED BY MR BOURGON:

2 Q. [12:50:16] Good afternoon, madam.

3 A. [12:50:23] Hello.

4 Q. [12:50:23] I did not have the opportunity of meeting before since you refused to
5 meet with us when the courtesy meeting was called, so allow me to introduce myself, my
6 name is Stéphane Bourgon, I am a lawyer from Canada and, together with my colleague,
7 sitting beside me, we represent Bosco Ntaganda in these proceedings. Do you
8 understand that?

9 A. [12:50:55] Yes.

10 PRESIDING JUDGE FREMR: [12:50:55] Madam witness, sorry to interrupt, Mr
11 Bourgon, we fully understand that you could have some mental problems to look at the
12 accused, but I really don't understand why you should, couldn't see or look
13 straightforward and even to look at Defence counsel. Is there any problem for you?
14 Because it is a lawyer, so it has nothing to do with the situation in your country, it has
15 nothing to do with the harm you have suffered. So could you, as I asked you before, just
16 to look straightforward?

17 THE VICTIM: [12:51:48] (Interpretation) I don't feel very well.

18 THE INTERPRETER: [12:51:59] The Swahili booth did not capture the last part of her
19 utterance.

20 PRESIDING JUDGE FREMR: [12:52:04] All right, we have just seven minutes, let's
21 continue in this way then we will see how it will go on in the afternoon.
22 Please proceed, Mr Bourgon.

23 MR BOURGON: [12:52:19] Well, Mr President, the -- from my screen, I think the
24 witness said, "I don't feel very well."

25 PRESIDING JUDGE FREMR: Yes, yes.

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- 1 MR BOURGON: Does that change --
- 2 PRESIDING JUDGE FREMR: [12:52:26] Yes, I understand that as well, but she
- 3 probably add something which was not audible, but please now try to finish those seven,
- 4 eight minutes.
- 5 MR BOURGON: [12:52:37] Thank you, Mr President.
- 6 Q. [12:52:39] So my question, madam, was simply that you understand that I
- 7 represent Bosco Ntaganda in these proceedings; is that correct?
- 8 A. [12:52:59] Yes, I've seen that.
- 9 Q. [12:53:00] Now, I'd like to refer briefly to your situation today. (Redacted)
- 10 (Redacted)
- 11 A. [12:53:27] (Redacted)
- 12 Q. [12:53:37] (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 A. [12:53:59] (Redacted)
- 16 THE INTERPRETER: [12:54:10] The first part was inaudible and then:
- 17 MR SUPRUN: (Interpretation) Can we go into private session for this type of
- 18 testimony?
- 19 PRESIDING JUDGE FREMR: [12:54:16] Exactly. Good point. And if there were any
- 20 details mentioned at the first part of the response it should be redacted.
- 21 Now, let's move into private session.
- 22 (Private session at 12.54 p.m.) *(Reclassified partially in public)
- 23 THE COURT OFFICER: [12:54:32] We are in private session.
- 24 PRESIDING JUDGE FREMR: [12:54:42] Mr Bourgon, please proceed.
- 25 MR BOURGON: [12:54:43] Thank you, Mr President.

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- 1 Q. [12:54:45] Madam, what I would like to establish with you is that you (Redacted)
- 2 (Redacted)
- 3 A. [12:55:10] (Redacted)
- 4 (Redacted)
- 5 Q. [12:55:18] (Redacted)
- 6 (Redacted)
- 7 A. [12:55:33] (Redacted)
- 8 Q. [12:55:33] Now, about your husband, I'd like to know when you remarried?
- 9 A. [12:55:56] (Redacted)
- 10 Q. [12:56:01] (Redacted) I'd like to
- 11 know if your husband ever asked you what happened to your first husband?
- 12 A. [12:56:29] Yes, he's asked that question.
- 13 Q. [12:56:31] And what did you tell your husband about what happened to your first
- 14 husband?
- 15 A. [12:56:50] I said that he'd been killed during the war.
- 16 Q. [12:56:57] And how did you describe how your husband was killed to your new
- 17 husband?
- 18 A. [12:57:16] I said that he'd been killed when we were fleeing the war. He'd been
- 19 asked to enlist by force and he was killed when he refused.
- 20 Q. [12:57:32] And how did you describe these incidents to your new husband?
- 21 A. [12:57:51] I told him we were in Mongbwalu, we were fleeing the war, we were
- 22 arrested, my husband was killed. That's what I told him.
- 23 Q. [12:58:03] Now, madam, your new husband must have asked you how you
- 24 survived these events and what happened to you. What did you tell him?
- 25 A. [12:58:31] I told him that we were spared, the women, because they needed men.

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1 Q. [12:58:43] So do I understand correctly that you told your husband that you were
2 spared because the women were spared while you were fleeing; is that what you told
3 him?

4 A. [12:59:17] They wanted the men to join the armed group, their armed group.

5 Q. [12:59:25] My question, madam, is what you told your husband about what
6 happened to you, how did you describe what happened to you to your husband?

7 A. [12:59:49] I said the war came to us in Mongbwalu, we fled and we found soldiers
8 walking our way. They took our husbands and then we heard that they had been killed.

9 Q. [13:00:01] And what did you tell your husband that you went to after Mongbwalu?

10 A. [13:00:24] We experienced war. I said what had happened to us during the war.

11 Q. [13:00:29] Well, what I'd like to know, and we'll start again with this after lunch, is
12 the manner in which you describe you fleeing Mongbwalu to your husband, but I have
13 just a last question before lunch: Does your husband know where you are today?

14 A. [13:00:59] He knows.

15 Q. [13:01:00] So he knows that you are here in The Hague to testify; is that correct?

16 A. [13:01:18] Yes.

17 Q. [13:01:18] And he knows what you are to testify about?

18 A. [13:01:34] He knows that I'm going to come and speak about the murder of my
19 husband.

20 Q. [13:01:45] Did your husband ever ask you if you had been -- had been raped while
21 fleeing Mongbwalu?

22 A. [13:02:04] (Redacted)

23 (Redacted)

24 MR BOURGON: [13:02:16] Mr President.

25 PRESIDING JUDGE FREMR: [13:02:21] I hope that you complete this even minor issue

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1 and that you will continue after the break. Fine.

2 And maybe just please add to, it's English transcript, page 74, line 3, the words missing is

3 "did your husband ever ask you if you had ever been raped" and so on.

4 Now, Madam Witness, now we can excuse you. You will have 90 minutes to take some

5 rest and take lunch. And I hope that you will remain strong because if you will patiently

6 respond all remaining questions we can finish, we can complete your testimony this

7 afternoon and you will be free, you will have a chance to return home.

8 So now please escort madam witness from the courtroom.

9 (The victim stands down)

10 PRESIDING JUDGE FREMR: [13:03:31] Let's move into open session for the remainder.

11 (Open session at 1.03 p.m.)

12 THE COURT OFFICER: [13:03:43] We are in open session.

13 PRESIDING JUDGE FREMR: [13:03:47] First, information about timing. Mr Suprun

14 has used one hour 36, madam Luping 11 minutes, which makes in total one hour 47

15 minutes for the Defence. And Defence so far has exhausted 10 minutes only. So

16 Mr Bourgon you still have one hour 37 if you will need it. And now we break and we

17 will reconvene at half past two.

18 And as I said, if we finish this testimony in some reasonable time before the normal end of

19 the session we will start testimony of the third witness also today.

20 THE COURT USHER: [13:04:34] All rise.

21 (Recess taken at 1.04 p.m.)

22 (Upon resuming in open session at 2.31 p.m.)

23 THE COURT USHER: [14:31:58] All rise.

24 Please be seated.

25 PRESIDING JUDGE FREMR: [14:32:32] Good afternoon, everyone. Good afternoon,

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1 Madam Witness. Madam Witness, we are approaching the last part of your testimony,
2 so please remain patient. If everything goes well, you will be free in slightly more than
3 one hour. Are you feeling a bit better now?

4 THE VICTIM: [14:32:57] (Interpretation) Yes.

5 PRESIDING JUDGE FREMR: [14:33:00] I am very glad to hear it. So now I am giving
6 floor to Defence. Mr Bourgon, you have the floor. And we are in open session at the
7 moment.

8 MR BOURGON: [14:33:15] Thank you, Mr President.

9 Maybe it is better if we go into private session to begin.

10 PRESIDING JUDGE FREMR: [14:33:29] Certainly.

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

12 (Private session at 2.33 p.m.) *(Reclassified partially in public)

13 THE COURT OFFICER: [14:33:37] We are in private session.

14 PRESIDING JUDGE FREMR: [14:33:49] Thank you, court officer.

15 Mr Bourgon, please proceed.

16 MR BOURGON: [14:33:58] Thank you.

17 Q. [14:33:58] Good afternoon, madam.

18 A. [14:34:04] Good afternoon.

19 Q. [14:34:07] before I return to the description of the events you provided to your new
20 husband, I'd like to ask you a few questions about your situation today as I've mentioned
21 earlier on. Now, we established this morning in the few minutes I had that today (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [14:34:54] Yes, that's right.

25 Q. [14:34:59] (Redacted)

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- 1 A. [14:38:28] (Redacted)
- 2 Q. [14:38:32] (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 A. [14:39:05] (Redacted)
- 7 Q. [14:39:09] (Redacted)
- 8 (Redacted)
- 9 A. [14:39:32] (Redacted)
- 10 Q. [14:39:34] (Redacted)
- 11 (Redacted)
- 12 A. [14:39:52] (Redacted)
- 13 Q. [14:39:54] (Redacted)
- 14 A. [14:40:13] (Redacted)
- 15 Q. [14:40:20] (Redacted)
- 16 (Redacted)
- 17 A. [14:40:37] (Redacted)
- 18 Q. [14:40:39] (Redacted)
- 19 (Redacted)
- 20 A. [14:40:56] (Redacted)
- 21 Q. [14:40:59] Now, this morning we established that your husband is aware that
- 22 you are here in The Hague to testify, and what you said is he knows you are here to testify
- 23 about the death of your first husband. So that you said this morning, and you also said
- 24 at page 74, lines 4 to 6, that your husband asked you about how you (Redacted)
- 25 (Redacted). Do you remember saying that this morning?

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- 1 A. [14:41:40] (Redacted)
- 2 Q. [14:41:41] (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 A. [14:42:13] (Redacted)
- 6 Q. [14:42:21] (Redacted)
- 7 A. [14:42:38] (Redacted)
- 8 Q. [14:42:47] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 A. [14:43:21] (Redacted)
- 12 (Redacted)
- 13 Q. [14:43:31] And when you provided your new husband with the answer you said this
- 14 morning, that you had resisted and not been raped, did, did you also tell him that other
- 15 women were raped?
- 16 A. [14:43:59] I didn't tell him.
- 17 Q. [14:44:03] Now, I also understand or I suggest to you that you also did not tell your
- 18 husband about the, the kadogo carrying a Lendu head on a stick. You didn't tell him that
- 19 either, did you?
- 20 A. [14:44:36] I told him that I had to tell him how things went and how the events
- 21 unfolded.
- 22 Q. [14:44:46] So you mentioned to your husband that you had been -- that you escaped
- 23 from Mongbwalu and that your husband was killed in Beba and that you resisted rape
- 24 and that there was a Lendu head on a stick, but you never told him that you were actually
- 25 raped; is that correct?

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1 A. [14:45:18] That's right.

2 Q. [14:45:20] Now, madam, we are in private session, and I understand these are
3 personal questions, but you went -- really described at length the fact that you are still
4 hurting today and the fact that you still have problems with, you still have problems with,
5 (Redacted). Has your husband, your new husband, has he
6 noticed these troubles that you have?

7 A. [14:46:02] Yes.

8 Q. [14:46:04] And what did you tell him?

9 A. [14:46:22] I told him I didn't know why it was happening.

10 Q. [14:46:28] And did your new husband suggest that you should go to the hospital to
11 have things checked out?

12 A. [14:46:43] Yes.

13 Q. [14:46:46] And didn't you discuss the result of whatever -- what the result was at the
14 hospital with your husband?

15 A. [14:47:04] Yes.

16 Q. [14:47:06] And what did you tell him?

17 A. [14:47:19] That they discovered that the -- well, they'd asked me whether they could
18 operate, and I said no, they couldn't.

19 Q. [14:47:35] Did you describe for the medical practitioners at the hospital what had
20 happened to you?

21 A. [14:47:56] I told the, the doctor.

22 Q. [14:48:00] Now, I understand from what you're saying that this, when you told the
23 doctor, that's when you went to see, when you went to the hospital at the request of your
24 husband. Which hospital was this? Is this the one that you mentioned this morning,
25 (Redacted)?

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1 A. [14:48:33] Yes.

2 Q. [14:48:37] So I understand from your testimony, madam, that these events took place
3 in 2002, that you never reported to any medical authority what had happened to you
4 about the rape, rapes even, with an S, until a few years ago; is that correct?

5 A. [14:49:09] Yes.

6 Q. [14:49:15] So you did not seek medical attention for all the pain that you were
7 suffering since then?

8 A. [14:49:44] I wanted to receive treatment, but we didn't have any money.

9 Q. [14:49:53] I return to the story you would have told, that you say you told your
10 husband. And I'd like to know if you did inform your husband that when you escaped
11 Mongbwalu that you stayed in town for (Redacted) days after the beginning of the attack.
12 Did you explain that to your husband?

13 A. [14:50:30] I only told him what had happened during the war. So it was only from
14 that angle that I told him what had occurred.

15 Q. [14:50:48] What I'm interested in is whether you told him the detail that your
16 escape -- did you describe your escape or you fleeing Mongbwalu (Redacted) days after the
17 attack began?

18 A. [14:51:23] I told him, but I didn't make any mention of rape.

19 Q. [14:51:39] This morning when you testified you mention that you saw with your
20 own eyes in Mongbwalu that you saw dead bodies on the ground; do you recall this?

21 A. [14:51:57] Yes, I do.

22 Q. [14:52:00] And you also said this morning that the soldiers were either killing people
23 or arresting the one they spared; do you recall this?

24 A. [14:52:28] Yes, I do.

25 Q. [14:52:29] Now, what I would like to know is, what you did yourself, in order to

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- 1 escape either being -- or avoid either being arrested or killed during those (Redacted) days,
2 what did you do?
- 3 A. [14:53:03] We were inside the house.
- 4 Q. [14:53:08] So I understand that you remained inside the house and that you were
5 basically hiding from what was happening outside; is that a fair statement?
- 6 A. [14:53:27] That's right.
- 7 Q. [14:53:30] So the bodies that you would have seen, you saw that, I take it, on your
8 way out of Mongbwalu; is that correct?
- 9 A. [14:53:53] I saw what happened in Mongbwalu, and then the other time was at Beba.
- 10 Q. [14:54:04] We'll get back to the events as you describe them. For now, I would just
11 like to know how long you had been living in Mongbwalu before these events.
- 12 A. [14:54:33] (Redacted) years. I had already been there (Redacted) years.
- 13 Q. [14:54:40] Well, what I would like you to do now for us is to describe what you were
14 witness of during those (Redacted) years in Mongbwalu, starting by, who was in power or who
15 was ruling in Mongbwalu when you were there.
- 16 A. [14:55:17] I think it was the (Redacted) who was in power. His name was
17 (Redacted).
- 18 Q. [14:55:32] Do you recall during that period, let's say -- let's return back to two years
19 before the events that you described this morning. During the -- those two -- this
20 two-year period, can you recall anything happening in Mongbwalu with respect to people
21 being chased out?
- 22 A. [14:56:07] Driven out or chased out? How? In what circumstances?
- 23 Q. [14:56:15] Well, you were living in Mongbwalu for (Redacted) years, so probably from (Redacted).
24 Now, first let me suggest to you that the -- the actual ethnic war started in 1999. Would
25 you agree with that?

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1 A. [14:56:38] I agree.

2 Q. [14:56:42] So were there any ethnic tensions or fighting in Mongbwalu during that
3 period?

4 A. [14:56:59] Yes, there were.

5 Q. [14:57:02] Please describe for us what was happening.

6 A. [14:57:21] After the upheavals, these upheavals arrived after the outbreak of war.

7 Q. [14:57:37] I would like you to describe, madam, what happened in Mongbwalu,
8 what ethnic tensions or fighting took place in Mongbwalu before the events you describe.

9 A. [14:58:11] In this inter-ethnic war you had the Lendus on one side and the Hema on
10 the other.

11 PRESIDING JUDGE FREMR: [14:58:22] Mr Bourgon, for these kind of questions I believe
12 you can move into open session.

13 MR BOURGON: [14:58:28] I was just about to suggest that, Mr President.

14 PRESIDING JUDGE FREMR: [14:58:30] All right.

15 So, court officer, let's move into open session.

16 (Open session at 2.58 p.m.)

17 THE COURT OFFICER: [14:58:53] We are in open session.

18 PRESIDING JUDGE FREMR: [14:58:55] Thank you, court officer.

19 Mr Bourgon, you may proceed.

20 MR SUPRUN: [14:59:07]

21 PRESIDING JUDGE FREMR: [14:59:08] Sorry, Mr Bourgon. Mr Suprun is on his feet.
22 Mr Suprun.

23 MR SUPRUN: [14:59:13](Interpretation) Yes, Mr President, I believe that the witness
24 raised her hand. Either they need to say something or maybe we should let the witness
25 say what they have to say.

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1 PRESIDING JUDGE FREMR: [14:59:26] Thank you for reminder.

2 Madam Witness, do you want to say anything? If yes, please go ahead.

3 THE VICTIM: [14:59:38] Yes, I was raising my hand because I wanted to request
4 authorisation to go and relieve myself.

5 PRESIDING JUDGE FREMR: [14:59:51] All right. So please assist her to leave the
6 courtroom and we will wait.

7 (The victim stands down)

8 PRESIDING JUDGE FREMR: [15:00:38] And as I was reminded by Judge Chung,
9 the Chamber would like to inform you that we would like to complete this part of
10 proceedings tomorrow, so it depends, but if necessary we would like to sit tomorrow in
11 slightly extended hours. We would anyway start at 9.30, but in case of need we -- and
12 you also should be ready to shorten probably the lunch break a bit. So it is just
13 extraordinary measure, but in order to complete this part of proceedings tomorrow we
14 will probably have to do it. If not, we will sit the normal, normal sitting schedule, but it
15 will depend what progress will be made with this witness and, as I said, we would still
16 like to start third witness testimony, at least just the initial part today. But anyway,
17 please be ready for such a change of the schedule tomorrow.

18 (Pause in proceedings)

19 (The victim enters the courtroom)

20 PRESIDING JUDGE FREMR: [15:03:22] Madam Witness, can you hear me well?

21 THE VICTIM: [15:03:29] Yes.

22 PRESIDING JUDGE FREMR: [15:03:31] All right, let's continue.

23 Mr Bourgon, you have the floor.

24 MR BOURGON: [15:03:34] Thank you, Mr President.

25 Q. [15:03:37] Madam, we are now in open session so any answers you give, please do

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1 not say anything that could identify yourself. If so, we will return into private session.

2 My next question is, your last answer you provided is that the ethnic conflict involved

3 Lendus on one side and I guess you said Hema on the other side. Let me get the exact

4 words you mention.

5 "And the Hema on the other". So were there Lendus in Mongbwalu, madam?

6 A. [15:04:37] Yes, there were.

7 Q. [15:04:41] And when did the Lendus arrive in Mongbwalu?

8 A. [15:05:00] I do not know when they arrived. Because when the disturbances began,

9 they started in Bunia, in Largo, and then subsequently there were agreements reached, or

10 peace talks.

11 THE COURT OFFICER: [15:05:25] I would like to remind Defence counsel to switch off

12 his microphone when the witness is providing her answer so that we are not hearing

13 a voice through your -- through your microphone.

14 MR BOURGON: [15:05:52]

15 Q. [15:05:53] Madam, I have your answer here. My next question is, you mention

16 about agreements. What I am interested in is what you saw with your own eyes in

17 Mongbwalu. Now, are you able to confirm that the Lendus were not originally from

18 Mongbwalu and that they started arriving en masse around 2000/2001? Can you confirm

19 this, madam?

20 A. [15:06:37] I do not know because I did not hail from Mongbwalu either.

21 Q. [15:06:46] Now you arrive in Mongbwalu, according to your testimony, four years

22 prior to these events. I'd like to know if you can -- are in a position to say that originally

23 when you arrived there the majority of the people in Mongbwalu were of Hema ethnic

24 background; is that correct?

25 A. [15:07:16] I do not know because there were many ethnic groups in Mongbwalu.

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1 There was a mixture.

2 Q. [15:07:24] Are you able to confirm whether around the year 2000/2001 that most of
3 the business people and the merchants, the commercial people in Mongbwalu, were of
4 Hema ethnicity?

5 A. [15:07:54] There were many ethnic groups who were conducting businesses,
6 business. All of the ethnic groups were represented.

7 Q. [15:08:05] Describe for us, madam, how the Lendus behave in Mongbwalu during
8 the two years preceding these events.

9 A. [15:08:28] I didn't quite grasp your question. I didn't understand.

10 PRESIDING JUDGE FREMR: [15:08:33] Mr Bourgon, allow me to remind you that one of
11 the recommendations presented by VWU was that we should all adjust our questions to
12 the capacity of the witness and I'm afraid that especially the last question was over the
13 capacity of this witness.

14 MR BOURGON: [15:08:52] Thank you, Mr President. Well, the question was not
15 complicated. How did the Lendus behave in Mongbwalu when she was there. I think
16 it's a very simple question, Mr President. Much more simpler than things that were
17 asked this morning.

18 Q. Are you able to understand this question, madam, how the Lendus behave in
19 Mongbwalu?

20 A. [15:09:21] I do not know. Everyone lived in their own home. I don't know what
21 their habits were and I do not know how they behaved. I just conducted my own
22 business.

23 Q. [15:09:38] And in which part of Mongbwalu did you live?

24 MR BOURGON: [15:09:44] (Redacted)

25 PRESIDING JUDGE FREMR: [15:09:47] (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Private session at 3.09 p.m.) *(Reclassified partially in public)

5 THE COURT OFFICER: [15:10:58] We're in private session, Mr President.

6 PRESIDING JUDGE FREMR: [15:10:26] So now, Madam Witness, nobody outside of the
7 courtroom can hear us so you may proceed with your response, please.

8 MR BOURGON: [15:10:56]

9 Q. [15:10:56] Can you tell us, madam, where you lived in Mongbwalu?

10 A. [15:11:07] I was living in (Redacted).

11 Q. [15:11:17] And whereabouts is that in Mongbwalu compared, for example, to the
12 airport?

13 A. [15:11:40] At that moment in time there was no airport. Subsequently, the airport
14 was constructed.

15 Q. [15:11:54] Now these events that you describe, did they take place when the airport
16 was there or before the airport was there?

17 A. [15:12:11] I do not know. I couldn't be aware of what was going on at the airport.

18 Q. [15:12:25] My question is much simpler, madam. Was the airport -- did it exist
19 when these events took place or was the airport constructed later?

20 A. [15:12:44] The airport had not yet been constructed. I do not know whether it was
21 a football pitch or an airport.

22 Q. [15:12:57] Do you know a place by the name of Sayo?

23 A. [15:13:10] Are you talking about Sayo in Mongbwalu or Sayo in Bunia?

24 Q. [15:13:16] Sayo in Mongbwalu. Do you know where that is?

25 A. [15:13:34] Yes, Sayo in Mongbwalu.

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1 Q. [15:13:43] Where is it compared to where you lived?

2 A. [15:14:00] Well, I don't really know because when I came to Mongbwalu I came there
3 to do some business. I wasn't interested in anything else. When I went to Mongbwalu I
4 might buy some drink or some (Redacted) in order to sell it on. I am not in a position to know
5 how many kilometres distance there is because I didn't really move around very much in
6 that neighbourhood.

7 Q. [15:14:29] You know a place in Mongbwalu where there was a mining company
8 which had its headquarters or its main buildings, a place called Appartements, are you
9 aware of this?

10 A. [15:14:58] Yes, I do know that place, it's called Kilo-Moto.

11 Q. [15:15:04] And how close did you live to Kilo-Moto or the Apartment?

12 A. [15:15:22] It's a little far afield from Kilo-Moto or from Apartment.

13 Q. [15:15:30] Where (Redacted) that you mentioned, is that on the -- close to the road
14 that leads to Kilo?

15 A. [15:15:50] No, it's a little bit between the two.

16 MR BOURGON: [15:15:56] We can return into public session, Mr President.

17 PRESIDING JUDGE FREMR: All right.

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

19 (Open session at 3.16 p.m.)

20 THE COURT OFFICER: [15:16:15] We are back in open session, Mr President.

21 PRESIDING JUDGE FREMR: [15:16:18] Thank you.

22 Mr Bourgon, please proceed.

23 MR BOURGON: [15:16:24]

24 Q. [15:16:25] Madam, are you aware that in -- towards the end of 2001 and in 2002 the
25 Hema ethnic group was chased out from Mongbwalu? Did you see that with your

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1 own eyes?

2 A. [15:16:49] I do not know.

3 Q. [15:16:51] Are you able to confirm that the houses that were occupied by Hema who
4 left Mongbwalu were then occupied by Lendus?

5 A. [15:17:13] No, I do not know.

6 Q. [15:17:17] Are you able to confirm that by the time the events you describe took
7 place, there were, for all intent and purposes, no more Hemas in Mongbwalu?

8 A. [15:17:41] I know nothing about this. I was in Mongbwalu for business reasons. I
9 am not aware of what happened with the Hema and the Lendu.

10 PRESIDING JUDGE FREMR: [15:17:57] Madam Witness, allow me to remind you that
11 you are under oath and that you swore today that you will say truth and nothing but the
12 truth. And in case that you would say that you don't know but in fact you would know,
13 it would be also a lie. So please have it in mind when you are giving your further
14 answers.

15 MR BOURGON: [15:18:32]

16 Q. [15:18:32] Madam, while you were doing business in Mongbwalu did you do
17 business with Hemas?

18 A. [15:18:50] Yes, the Hema might also come to buy things from me.

19 Q. [15:19:00] (Redacted)

20 PRESIDING JUDGE FREMR: [15:19:09] (Redacted)
21 (Redacted)

22 MR SUPRUN: [15:19:14](Interpretation) (Redacted)
23 (Redacted)

24 PRESIDING JUDGE FREMR: [15:19:27] (Redacted)

25 MR BOURGON: [15:19:28] (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE FREMR: [15:19:39] (Redacted)

3 (Redacted)

4 (Private session at 3.19 p.m.) *(Reclassified partially in public)

5 THE COURT OFFICER: [15:20:06] We're in private session.

6 PRESIDING JUDGE FREMR: [15:20:08] Thank you, court officer.

7 Mr Bourgon, please.

8 MR BOURGON: [15:20:10] Thank you, Mr President.

9 Q. [15:20:12] Madam, while you are in Mongbwalu my question was whether your
10 shop was in (Redacted) or if you moved around Mongbwalu?

11 A. [15:20:35] Yes.

12 Q. [15:20:43] So when you were -- when you were doing business with the Hemas, did
13 they come to your -- to your shop?

14 A. [15:21:06] I sold things from (Redacted).

15 Q. [15:21:12] Well, that's what I meant. So the Hemas, when they wanted to buy from
16 you, the people from the Hema ethnic group, they went to (Redacted); that's correct?

17 A. [15:21:27] Yes.

18 Q. [15:21:30] Did you -- were you privy to any big disciplinary regime put in force in
19 Mongbwalu where -- let me give you a description, then you can say if that corresponds to
20 something that you saw with your own eyes: Where women have to walk without
21 the -- wearing anything over their breasts; where women are not allowed to prepare
22 manioc; where women are not allowed to cross their arms; where women are not allowed
23 to prepare alcohol, kaikpo; and where there are work obligations imposed, and where if
24 you disobey these work obligations or anything else you can get your ears cut off. Is that
25 something that you saw yourself in Mongbwalu?

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1 A. [15:22:40] These are not things that might have drawn my attention. When I came
2 to testify, I came to talk about what I had seen and heard, and not other people's business.
3 PRESIDING JUDGE FREMR: [15:22:56] Madam Witness, I don't want to repeat myself,
4 but are you saying that if you would see women wearing anything over their breasts, that
5 it would not draw your attention? You haven't seen anything like that, what I now
6 mention?

7 THE VICTIM: [15:23:37] (Interpretation) That is no concern of mine. I came here to
8 testify with regard to what happened to me and not with regard with what happened to
9 other people.

10 PRESIDING JUDGE FREMR: [15:23:46] It's not true, Madam Witness. You came to
11 testify to assist the Court but also the parties in their effort to discover facts that are
12 relevant for them. And if any fact is not relevant for you, it doesn't mean it couldn't be
13 relevant for the parties. So please, if you know the answer, please provide it to
14 the Defence counsel. Even if, according your opinion, it is not important for your, your
15 thing.

16 MR BOURGON: [15:24:30]

17 Q. [15:25:00] Madam, I will repeat my question. I gave you a description of a number
18 of events, including women walking without anything over their breast, and I'm not going
19 to repeat all of it, but everything I said earlier, did you see that yourself in Mongbwalu or
20 you did not see that?

21 A. [15:25:02] I said that that was no concern of mine. I only know about things that
22 happened to me. I am not aware of anything about that.

23 Q. [15:25:20] In -- we can -- an area was mentioned this morning. I would just like
24 you to describe where this area is. And we are in private session anyway, so. You
25 mention that you at some point went to la carrière d'or Kodulu. I would like to know

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1 where that is.

2 A. [15:26:03] It's towards the east.

3 Q. [15:26:11] So when you mention the east, I take it that this will be the side opposite
4 to Sayo; would you agree with me?

5 A. [15:26:38] It is a quarry where people work. They leave Mongbwalu and they go
6 there.

7 Q. [15:26:51] Is it an area that is outside of Mongbwalu?

8 A. [15:27:01] It's just nearby.

9 Q. [15:27:11] And now you mention the east. I would like to confirm, when you
10 mention the east, is it on the side of Sayo, of Mongbwalu, or the opposite side?

11 A. [15:27:33] It's just nearby.

12 Q. [15:27:40] I would like you to describe for us and give us one feature of Mongbwalu
13 which is close to this Kodulu mine, or Kodulu carrière.

14 A. [15:28:14] I do not know because it is a village of Nyali. It is a Nyali village. I was
15 a visitor and I do not have any further information.

16 Q. [15:28:30] Well, can you describe this place for us? Describe for us the Kodulu
17 carrière d'or.

18 A. [15:28:47] I only came there during the war. I had never been there. There were
19 other people who directed me there.

20 Q. [15:29:05] So you cannot help us with where about it is, close to Mongbwalu? No
21 feature in Mongbwalu you remember which would be close to Kodulu mine?

22 A. [15:29:29] No, I do not know. We arrived there. We spent a few days there and
23 then we left.

24 Q. [15:29:38] Madam, the -- this morning my colleague asked you a question. The first
25 question, he directed you to the events of 2002 and 2003. I would like to know how you

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1 can say that these events took place in 2002.

2 A. [15:30:07] It started in 2002 until 2003.

3 Q. [15:30:19] Now, how can you say that it is 2002? What is your reference point?

4 A. [15:30:43] (Redacted)

5 Q. [15:30:55] (Redacted)

6 A. [15:31:07] (Redacted)

7 Q. [15:31:19] (Redacted)

8 (Redacted)

9 A. [15:31:47] (Redacted)

10 Q. [15:31:53] Now, madam, the -- in Mongbwalu at the time, are you able to say
11 whether there were some soldiers there? Because you mention that they were -- that the
12 UPC would have been attacking another group, but what was this group?

13 A. [15:32:24] When they arrived they found the government forces there, but I don't
14 know whether that was indeed the case.

15 Q. [15:32:45] And I would like to know if there were some Lendu combatants there,
16 people dressed in tribal wear and fighting, or fighters. Did you see that?

17 A. [15:33:09] At that time we had already gone. We just heard about it. When we
18 were there, we knew that they were fighting the government troops. But by one thinking
19 about what you have just put forward, by that point we had already gone.

20 Q. [15:33:31] But if I mention to you Lendu combatants, you know what that is, right?

21 A. [15:33:51] At that time we realised that they were fighting against the troops in
22 Mongbwalu, but once I'd left I didn't know what was happening behind me in that place.

23 Q. [15:34:09] Now, madam, there was a number -- according to the information we
24 have, there was a number of attacks that took place and there was a lot of fighting in
25 Mongbwalu. Is it possible that you mixed the date as to the events and what -- the

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1 moment to which this attack took place?

2 A. [15:34:39] It began in the morning, at four, four in the morning towards five in the
3 morning.

4 Q. [15:34:51] Let me ask you then, was this attack successful, to your knowledge, to
5 what you saw?

6 A. [15:35:13] No. I don't know. We left the place immediately. We had already
7 gone. I don't know what happened after we left.

8 Q. [15:35:27] Well, when you say you left the place immediately, did you leave the
9 place immediately when the fighting began?

10 A. [15:35:39] Yes.

11 Q. [15:35:43] A number of witnesses have testified before this Chamber and have said
12 that when there was some firing the people would leave and would escape. So that's
13 what happened to you; is that correct?

14 A. [15:36:02] Yes. At the outbreak of the war we all fled.

15 Q. [15:36:10] And when you fled you never returned to Mongbwalu; is that correct?

16 A. [15:36:21] No, even today I have never been back to Mongbwalu.

17 Q. [15:36:27] Now, in which area did you flee when you fled? Towards where did you
18 go?

19 A. [15:36:48] Before returning away we arrived at Lodjo, and from Lodjo we went to
20 (Redacted).

21 Q. [15:37:01] Can you repeat this last name that you just gave.

22 A. (Redacted)

23 Q. [15:37:19] (Redacted) Now, would I be correct in saying that when you arrived in.
24 (Redacted) you were still with your husband; is that correct?

25 A. [15:37:31] No.

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- 1 Q. [15:37:33] Well, this morning (Redacted) was not mentioned, so when exactly did you
2 go to (Redacted)?
- 3 A. [15:37:52] It was when we'd left Mongbwalu and we arrived at Pluto, and then we
4 went to Beba, and then from Beba we went to Lodjo, and then from Lodjo we went to
5 (Redacted).
- 6 Q. [15:38:05] And after (Redacted) did you go elsewhere?
- 7 A. [15:38:21] We went back to (Redacted).
- 8 Q. [15:38:30] (Redacted)
- 9 A. [15:38:58] (Redacted)
- 10 Q. [15:39:02] Now, I look at your request form to participate in these proceedings and I
11 just look at the fact that it says here that after the events, which you described this
12 morning, you went to (Redacted)?
- 13 A. [15:39:29] (Redacted)
- 14 (Redacted)
- 15 Q. [15:39:45] (Redacted)
- 16 A. [15:40:02] (Redacted)
- 17 (Redacted)
- 18 Q. [15:40:15] (Redacted)
- 19 A. [15:40:31] (Redacted)
- 20 Q. [15:40:34] (Redacted)
- 21 A. [15:40:45] (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 Q. [15:41:25] (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 A. [15:41:39] (Redacted)
- 5 Q. [15:41:48] (Redacted)
- 6 (Redacted)
- 7 A. [15:41:59] (Redacted)
- 8 Q. [15:42:04] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 A. [15:42:28] (Redacted)
- 12 (Redacted)
- 13 THE INTERPRETER: [15:42:48] Interpreter requests the witness to repeat her utterance,
- 14 please.
- 15 PRESIDING JUDGE FREMR: [15:42:55] Madam Witness, could you kindly repeat your
- 16 last response since it hasn't been captured by the interpreters.
- 17 Mr Bourgon, please repeat the question.
- 18 MR BOURGON: [15:43:39] Yes.
- 19 Q. [15:43:45] (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 A. [15:44:07] (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [15:44:24] (Redacted)

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1 (Redacted)

2 A. [15:44:46] I was told it was the Djegu people who had buried them.

3 Q. [15:44:51] Did you ever look for the graves of your children.

4 A. [15:45:04] No, I haven't done that.

5 Q. [15:45:05] Now, madam, if I would ask you to provide us, just to help us understand
6 what happened, the birth certificate of your children, you would agree to that; would I be
7 correct?

8 A. [15:45:32] No, I wouldn't agree to that because all that occurred during the war and
9 everything was in great chaos.

10 Q. [15:45:52] But these certificates exist, you have birth certificates for your children?

11 A. [15:46:12] At the outbreak of war we took nothing with us, not even our clothes. I
12 just took a pair of shorts and a wrap to carry the children. Everything else we left
13 behind.

14 Q. [15:46:32] Now, madam, this morning on page 15, lines 21, you said that the (Redacted)
15 children (Redacted) were (Redacted) years old. And then later on, at page 47, you said
16 that they were (Redacted) years old; which one is it?

17 A. [15:47:02] (Redacted)

18 (Redacted)

19 Q. [15:47:21] (Redacted)

20 A. [15:47:39] Maybe I forgot.

21 Q. [15:47:47] Madam, let me go back quickly to the time you leave Mongbwalu. I'd
22 like to know that you said - we are in private session - (Redacted) days in Mongbwalu, (Redacted)
23 days in Kodulu, but now we know that you left immediately. So I'd just like to know if
24 you experience or if you are aware of any other attack on Mongbwalu in the days that
25 you are either in Kodulu or in Mongbwalu?

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1 A. [15:48:32] War was still being waged.

2 Q. [15:48:37] While you describe an attack as beginning in the morning of a certain day,
3 was there another such attack, to your knowledge, in the days that followed?

4 A. [15:48:59] No. After my departure after the first attack, well, I didn't know what
5 happened at all following my departure.

6 Q. [15:49:17] Now, madam, based on the information we have, the people who left
7 Mongbwalu after this attack which you appear to be talking about, people that fled, they
8 fled either towards Sayo or towards Kilo. I'd like to know why is it that you fled instead
9 towards Pluto and Beba. What prompted you to go there?

10 A. [15:49:57] Because the war got nastier and I was frightened.

11 Q. [15:50:06] But why did you not follow what most people did, I suggest to you, which
12 is go towards Sayo or go towards Kilo, why did you take another way?

13 A. [15:50:25] I wasn't alone. I was part of a group of people.

14 Q. [15:50:35] Now talking about this group, you described this group this morning as
15 including seven women and five young people. That was on page 25, at lines 16 to 19.
16 Do you remember this?

17 A. [15:50:58] Yes.

18 Q. [15:50:59] Why did your husband not leave with you?

19 A. [15:51:12] Because we were separated. They told the women to go to one side and
20 the men to go to the other.

21 Q. [15:51:26] I'm talking, madam, about the time in Mongbwalu before leaving
22 Mongbwalu. Why did your husband leave separately from you, from your group?

23 A. [15:51:46] At the outbreak of war he wasn't there, he was in Pluto. We were at
24 Mongbwalu, but he was in Pluto for gold-connected activities.

25 Q. [15:52:02] So when you say that you stayed (Redacted) days in Mongbwalu, your

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- 1 husband did not come back and get you during that time; is that correct?
- 2 A. [15:52:16] No. He didn't come.
- 3 Q. [15:52:19] So you only met him in Pluto; that's correct?
- 4 A. [15:52:27] Yes.
- 5 Q. [15:52:31] Now, this man (Redacted) you mentioned this morning, (Redacted), how close
- 6 to -- we are in private session, how close to your house did he live?
- 7 A. [15:52:57] (Redacted) lived in Mongbwalu, but I don't know where his house was there.
- 8 But what I do know is that I met him when I fled with other members of the family at
- 9 Kodulu.
- 10 Q. [15:53:22] So (Redacted), you met with (Redacted) and that was when you were at Kodulu
- 11 carrière d'or; that's correct?
- 12 A. [15:53:34] Yes.
- 13 Q. [15:53:39] What is the family name of (Redacted)?
- 14 A. [15:53:49] (Redacted)
- 15 Q. [15:53:53] Can you spell that for us, please?
- 16 A. [15:54:05] It's as follows: (Redacted)
- 17 Q. [15:54:19] And where is (Redacted) today?
- 18 A. [15:54:32] I don't know his current location, but I do know he's still alive.
- 19 Q. [15:54:37] And when is the last time you met with (Redacted)?
- 20 A. [15:54:48] The last time I saw (Redacted) was October of last year.
- 21 Q. [15:55:02] Did you discuss on this occasion the events that you describe this
- 22 morning?
- 23 A. [15:55:12] Yes, we did speak of that.
- 24 Q. [15:55:19] And what did you speak about, what part of the story did you discuss
- 25 about?

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1 A. [15:55:37] We talked about the fact that the women were asked to go ahead and that
2 the men were to stay behind. And when (Redacted) met up with us at (Redacted), he told me that
3 they had killed my husband because he refused to join the ranks of the army. As far as
4 I was concerned, I was able to flee afterwards.

5 Q. [15:56:06] Madam, let's get into the part where you arrive in Beba, based on your
6 testimony. My understanding is, is that the moment you arrive in Beba from the time
7 you leave is the same day; is that correct?

8 A. [15:56:37] Yes, that's right.

9 Q. [15:56:38] And when you were separated in Beba, the women on one side and the
10 men on the other, you did not see where the men were, you could not see where the men
11 were, correct?

12 A. [15:56:54] No, I couldn't see them.

13 Q. [15:56:58] And when you arrive in, in Beba and the men were separated, (Redacted) was
14 not in that group, correct?

15 A. [15:57:15] Yes, he was.

16 Q. [15:57:17] I'd like you to confirm that when -- where the women were. We're
17 talking about a group of seven women, if I understand correctly; is that so?

18 A. [15:57:31] Yes.

19 Q. [15:57:36] Now, the -- based on your testimony this morning, you arrive in Lodjo
20 that day around 10 p.m. So what time did the rape take place?

21 A. [15:58:00] It was at 4 p.m.

22 Q. [15:58:04] And when these unfortunate events would have taken place, you were
23 alone in the woods with those three soldiers, were you?

24 A. [15:58:19] That's right.

25 Q. [15:58:21] And the other womans who would have been raped, you only learned

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1 about this when you were in Lodjo; is that so?

2 A. [15:58:36] Yes.

3 Q. [15:58:37] This morning you mentioned three names. I would like to have the
4 family names of these three women.

5 A. [15:58:53] The first one, (Redacted)

6 Q. [15:59:08] And the next one?

7 A. [15:59:15] (Redacted)

8 Q. [15:59:24] I just want to make sure, but we will get those names from you after, but I
9 have here (Redacted). That's one person; is that correct?

10 A. [15:59:39] No. (Redacted)

11 Q. [15:59:52] And where are these ladies today?

12 A. [16:00:06] One of them I no longer see, but the two others are still there.

13 Q. [16:00:15] When you say "there", where is there?

14 A. [16:00:28] They are to be found in (Redacted).

15 Q. [16:00:40] And when is the last time that you met with them?

16 PRESIDING JUDGE FREMR: [16:00:52] Sorry, hold on, Madam Witness, hold on.

17 Mr Suprun.

18 MR SUPRUN: [16:00:58] Mr President, in principle the location of residence of the
19 witness is redacted. The Defence is not supposed to know this. And this question that's
20 just been put runs the risk of revealing the current location of residence of the witness.

21 PRESIDING JUDGE FREMR: [16:01:25] Mr Bourgon.

22 MR BOURGON: [16:01:26] Well, Mr President, as we established this morning, it's
23 a material element to know the identity of these three people who are the ones who
24 are -- who would give any kind of weight to the hearsay that we heard this morning. But
25 it is material and we need the identity and where they live and whenever, when is the last

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1 time the witness spoke to them.

2 PRESIDING JUDGE FREMR: [16:01:51] Yes, objection is overruled.

3 Please proceed.

4 MR BOURGON: [16:01:55]

5 Q. [16:01:57] Madam, please tell me when is the last time you met with the two ladies in
6 (Redacted)?

7 A. [16:02:11] It's not long ago, in the month of November.

8 Q. [16:02:18] Now, in the month of November did you discuss with them the events
9 that took place in 2002?

10 A. [16:02:34] Yes, we did talk about it. We talked about what had happened.

11 Q. [16:02:42] And these ladies, did you inform them that you were in touch and contact
12 with the International Criminal Court?

13 A. [16:03:01] No, they are not aware.

14 Q. [16:03:22] I'd like to know -- we mentioned earlier on hospital Rimba. I'd just like
15 to confirm that this is the hospital that -- to where you went a couple of years back when
16 your husband asked you questions about your health; is that correct?

17 A. [16:03:47] Yes.

18 MR BOURGON: [16:03:52] I'd like to know how much time I have left, Mr President,
19 please.

20 PRESIDING JUDGE FREMR: [16:03:56] According my measuring -- but I would rather
21 ask court officer.

22 THE COURT OFFICER: [16:04:06] Thirteen minutes left.

23 MR BOURGON: [16:04:11] Thank you, Mr President.

24 Q. [16:04:13] Madam, when you left Beba after the unfortunate events that you reported
25 this morning, you mention of course that you were exhausted, or words to that effect, but

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1 you said that a person helped you out. I'd like to know who this person is.

2 A. [16:04:45] Helped me to do what? Helped me in what way?

3 Q. [16:04:53] I'm just referring to your testimony this morning when you said that when
4 you left Beba, you received the assistance of a person. And I'd like to know who was this
5 person.

6 A. [16:05:16] It was when we left Beba to go to (Redacted) and the person who assisted me
7 was (Redacted) whom I chanced upon there, and he asked me whether he could help me to
8 carry my child and we covered some ground together.

9 Q. [16:05:41] And do you recall the name of this person?

10 A. [16:05:51] No, I do not know the name of that (Redacted) person.

11 Q. [16:06:04] Now, madam, I -- based on the information I have, and I look back at your
12 testimony of what would have happened to you in Pluto and Beba, I suggest to you,
13 madam, that at the time that you describe there were no UPC troops or FPLC troops in
14 that area because this was the area where the troops had come from. Is it possible,
15 madam, that you are mistaking these events with some other troops or some other times?

16 A. [16:06:58] No, these were UPC elements.

17 Q. [16:07:06] Earlier on I asked you, madam, whether you would be -- you would
18 consent to providing us with birth certificate. You said that you did not have birth
19 certificates for the (Redacted) children in (Redacted), but what about your (Redacted) existing child? Of
20 course you will agree to provide us with a birth certificate so that we can better
21 understand these events. Would you agree to that?

22 A. [16:07:39] We didn't take anything with us from our house. I left the house with the
23 clothes on my back. I abandoned everything in the house. I took nothing with me.

24 Q. [16:07:55] Now, madam, today those (Redacted) children are still living with you. I would
25 like you to consent to providing us with their birth certificate.

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1 A. [16:08:08] Ndiyo.

2 MR SUPRUN: [16:08:10](Interpretation) Mr President.

3 PRESIDING JUDGE FREMR: [16:08:11] Yes, Mr Suprun.

4 MR SUPRUN: [16:08:13] I object to that question because the identity of the (Redacted) children
5 who were with the witness during the war was not in (Redacted) but in Mongbwalu and this
6 is not material to the Defence because they were there at the time and they are still (Redacted),
7 so I do not see the relevance for the Defence to obtain the birth certificates for those
8 people.

9 PRESIDING JUDGE FREMR: [16:08:40] Mr Bourgon.

10 MR BOURGON: [16:08:41] Well, Mr President, contrary to what my colleague states, it is
11 highly material. These (Redacted) children were there at the time, the age on the birth
12 certificate is important in order to locate in time. Now of course now the witness can
13 hear, but she said there were no airports, she said she is dealing with Hema people, the
14 only link we have to the time period is the birth certificate, so we would like to have the
15 birth certificate, which I am sure the witness has for her (Redacted) kids whom she is living with
16 today.

17 PRESIDING JUDGE FREMR: [16:09:14] All right. The objection is overruled.

18 Mr -- I don't need any further submissions, please sit down.

19 Mr Bourgon.

20 MR BOURGON: [16:09:33] I just need one minute to look at my notes, Mr President,
21 and ...

22 PRESIDING JUDGE FREMR: [16:09:41] All right.

23 MR BOURGON: [16:10:04]

24 Q. [16:10:04] Yes, I have one last question, madam. I think I did ask the question, but I
25 just want to make sure because I don't have a check mark in my notes. The ethnicity of

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1 your new husband.

2 A. [16:10:29] He is an Alur.

3 Q. [16:10:35] Thank you, madam, I have no further questions.

4 Thank you, Mr President.

5 PRESIDING JUDGE FREMR: [16:10:39] Thank you.

6 Now, Mr Suprun, do you have any request for re-examination.

7 MR SUPRUN: [16:10:45](Interpretation) I have some further questions with the
8 authorisation of the Chamber. Just one question.

9 PRESIDING JUDGE FREMR: [16:10:57] Just one. Then it is fine, please proceed. Do
10 you want to remain in private?

11 MR SUPRUN: [16:11:07](Interpretation) Yes, I do believe that that is the best thing to do,
12 Mr President.

13 PRESIDING JUDGE FREMR: [16:11:13] All right.

14 QUESTIONED BY MR SUPRUN:

15 MR SUPRUN: [16:11:16](Interpretation)

16 Q. [16:11:18] Madam Witness, counsel for Defence just put a question to you and
17 indicated that he is sure that you are in possession of the birth certificates for the (Redacted)
18 children that you had in Mongbwalu and that they are still alive. My question to you is:
19 Do you have in your possession the birth certificates for your (Redacted) children who were with
20 you in Mongbwalu and who are still alive?

21 A. [16:11:51] I do not have them. We left the house without taking anything with us.
22 We just took a loincloth and the clothes on my back, and the loincloth that I was using to
23 carry my child. I did not take anything with me, all my possessions remained behind in
24 the house.

25 Q. [16:12:15] Thank you, Madam Witness.

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- 1 Mr President, I have no further questions.
- 2 PRESIDING JUDGE FREMR: [16:12:18] All right.
- 3 Before that, Ms Luping, any need for any additional questioning?
- 4 MS LUPING: [16:12:26] No, Mr President.
- 5 PRESIDING JUDGE FREMR: [16:12:27] All right.
- 6 And Mr Bourgon?
- 7 MR BOURGON: [16:12:29] Thank you, Mr President. I just want to establish with the
- 8 witness that she does have some document, whether it's a school document, whether it's
- 9 an electoral card coming from her (Redacted) children, or (Redacted) natural-born children --
- 10 PRESIDING JUDGE FREMR: [16:12:43] All right, go ahead.
- 11 MR BOURGON: [16:21:00] -- with the date of birth.
- 12 Q. [16:21:00] Madam --
- 13 PRESIDING JUDGE FREMR: [16:21:00] Mr Suprun.
- 14 MR SUPRUN: [16:12:48](Interpretation) Counsel for Defence cannot redact this unless
- 15 this aspect was raised by the examining party. However, the questions that the Defence
- 16 wants to put to the witness are far broader in scope and should have been put at an earlier
- 17 stage. It is not the context of its exercise.
- 18 THE INTERPRETER: [16:13:21] Message from the interpreter:
- 19 The interpreter did not gasp the beginning of what Mr Suprun said because he
- 20 overlapped the previous speaker. Thank you.
- 21 PRESIDING JUDGE FREMR: [16:13:31] Mr Bourgon, please proceed. This issue has
- 22 been touched by Mr Suprun in his redirect so you are allowed to touch it as well.
- 23 MR BOURGON: [16:13:40] Thank you, Mr President.
- 24 QUESTIONED BY MR BOURGON:
- 25 Q. [16:13:41] Madam, we discussed, you just provided an answer that you do not have

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1 the birth certificate because you left the house in a hurry. I would just like you to
2 consent of course for the purpose of truth-seeking that you are willing to provide us with
3 an official document which bears the date of birth of your (Redacted) children, your (Redacted) natural
4 children. You will agree with that of course, would you not?

5 A. [16:14:18] Where am I going to go and find them, because I abandoned everything
6 behind me in the house. Where do you think I'm going to find those documents?

7 Q. [16:14:31] Madam, how old are your children today? Because they were (Redacted)
8 (Redacted) at the time. (Redacted)

9 (Redacted) So do they go to school and do you
10 have a schooling document, or do you have any type of electoral card which can verify
11 their date of birth.

12 That's for truth-seeking purposes, madam.

13 A. [16:15:06] I do not have any document. I didn't take anything with me from the
14 house. I am telling you what I know. (Redacted)
15 (Redacted)

16 MR BOURGON: [16:15:29] Mr President, I would like at this point in time, based on the
17 answer provided by the witness, one of two things: Either to order the Legal
18 Representative to provide us with an official document stating the date of birth of the two
19 children, or to give us permission to go and enquire into this --

20 THE VICTIM: (No interpretation)

21 MR BOURGON: -- existence of such a document. This is very important in order to
22 establish whether the events, when those events would have taken place.

23 PRESIDING JUDGE FREMR: [16:15:59] Mr Suprun, any comment from your part?

24 MR SUPRUN: [16:16:05](Interpretation) Mr President, I do not have any voter's card or
25 any document confirming the date of birth of the witness's children. So even if I am

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1 ordered to produce them I have no means of doing so because I am not in possession of
2 them. We could ask the witness to verify whether she has any documents that can
3 confirm the date of birth of her children at home, but she has already clearly confirmed on
4 a number of occasions that she doesn't have any. So I do not see what our learned friend
5 from the Defence is trying to gain in terms of information.

6 PRESIDING JUDGE FREMR: [16:16:43] Mr Bourgon.

7 MR BOURGON: [16:16:44] Mr President, it is clear that I am trying to establish a date of
8 birth of the (Redacted) children. And the witness might not have brought a document with her,
9 but for sure it's very easy to obtain such a document. And whether I can obtain it myself
10 if I have permission to do so, or whether the Legal Representative obtains such
11 a document a document can be prepared and ensure that these children did go to school,
12 being (Redacted), so they must have went to school and a document
13 like that must exist. And it is very easy to get with all the big organisation that the legal
14 representative has, all the representatives in the field, surely can get this document and
15 provide it to the Court for truth-seeking purposes.

16 PRESIDING JUDGE FREMR: [16:17:38] Mr Bourgon -- Mr Suprun, but please briefly.

17 MR SUPRUN: [16:17:41](Interpretation) Mr President, I would like to draw the attention
18 of the Chamber to this manner of presenting information that Mr Bourgon is absolutely
19 sure that these documents exist, whereas if the witness says that she has not got any such
20 documents, and I myself do not have any such documents, then I do not see what
21 measures can be taken.

22 PRESIDING JUDGE FREMR: [16:18:04] Yes, Mr Bourgon, Madam Witness is saying, and
23 at the moment we don't have any evidence that she is lying, that she doesn't -- doesn't
24 have in her possession any such a document. It doesn't prevent you from making your,
25 your own investigation. If you need any support from the Chamber you can just contact

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1 us and we will provide you with that. But as -- even as concerns the other witnesses you
2 also made enquiry on school reports and other possible documents, you are free to do it
3 and, as I said, if you need any confirmation from the Chamber that such an investigation
4 we find material, because we agree with you that those facts could be material, we will
5 provide you with that.

6 MR BOURGON: [16:18:50] Thank you, Mr President. If I can rely on my colleague's
7 cooperation in giving you the full names of the (Redacted) children then I will do my own
8 investigation. No difficulties here.

9 Thank you, Mr President.

10 PRESIDING JUDGE FREMR: [16:19:03] All right. So now let's move into open session.
11 (Open session at 4.19 p.m.)

12 THE COURT OFFICER: [16:19:17] We are in open session, Mr President.

13 PRESIDING JUDGE FREMR: [16:19:26] Thank you.

14 Madam Witness, I have good news for you. It concludes your testimony. I would like
15 to thank you because I can understand it was very tough experience for you, but we,
16 the Chamber, we appreciate that you tried to do, hopefully, your best to answer all
17 questions put to you and I hope that your testimony will assist us in our effort to find the
18 truth in this case.

19 So I thank you, Madam Witness, and we wish you safe journey home.

20 Now Madam Witness may be escorted out of the courtroom.

21 (The victim is excused)

22 PRESIDING JUDGE FREMR: [16:20:35] I said that we would proceed with the third
23 witness if we have at our disposal reasonable time, which I'm afraid is not the case,
24 because I was informed that at least five minutes would take to bring another witness.
25 Nevertheless, we will reconvene tomorrow, and please, as I told, be ready for sitting in

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- 1 extended hours, so it depends, if you will be able to make it in a shorter time, then there
- 2 will be no need to sit in extended hours, but please be ready to sit from 9.30 to 11, then
- 3 from 11.30 to 1.30 p.m. and then the third session, if necessary, would be from 2.45 till 4.45.
- 4 And also take into account that we also reserve the last 10, 15 minutes for oral submission
- 5 of the Defence concerning the Prosecution submission targeting some, according them,
- 6 shortcomings on specificity of facts concerning Defence case.
- 7 So now we adjourn and we will reconvene tomorrow 9.30.
- 8 THE COURT USHER: [16:21:59] All rise.
- 9 (The hearing ends in open session at 4.22 p.m.)
- 10 RECLASSIFICATION REPORT
- 11 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017, the
- 12 public reclassified and lesser redacted version of this transcript is filed in the case.