

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 2
 8 Thursday, 21 September 2017
 9 (The hearing starts in open session at 9.32 a.m.)
 10 THE COURT USHER: [9:32:08] All rise.
 11 The International Criminal Court is now in session.
 12 Please be seated.
 13 PRESIDING JUDGE FREMR: [9:33:08] Good morning, everybody.
 14 Court officer, please call the case.
 15 THE COURT OFFICER: [9:33:14] 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: [9:33:30] Thank you, court officer.
 20 Now appearances, please.
 21 MS SIM: [9:33:37] Good morning, Mr President. Good morning, your Honours.
 22 For the Prosecution today are Dianne Luping, Marion Rabanit, Nicole Samson,
 23 Selam Yirgou and myself, Kristy Sim.
 24 PRESIDING JUDGE FREMR: [9:33:50] Thank you, Ms Sim.
 25 Defence, please.

1 MR GOSNELL: [9:33:52] Good morning, Mr President, your Honours.

2 Christopher Gosnell for Mr Ntaganda this morning, accompanied by Margaux Portier
3 and Benjamin Nodet. Thank you, Mr President.

4 PRESIDING JUDGE FREMR: [9:34:03] Thank you, Mr Gosnell.

5 And Legal Representatives of Victims, please.

6 MS PELLET: [9:34:10] (Interpretation) Thank you, your Honour. Representing
7 the former child soldiers, myself, Sarah Pellet.

8 MR SUPRUN: [9:34:20] (Interpretation) Good morning, your Honours.

9 Representing the victims of the attack, Anne Grabowski and myself, Dmytro Suprun.

10 PRESIDING JUDGE FREMR: [9:34:34] Thank you, Ms Pellet. Thank you,
11 Mr Suprun.

12 Today we are going to hear the last witness of this evidentiary block, Witness D-211.

13 The Chamber previously decided in our decision, with filing number 2011, to hear
14 this witness via video link.

15 For the next issue, court officer, let's move into private session.

16 (Private session at 9.35 a.m.)

17 THE COURT OFFICER: [9:35:12] We are in private session, Mr President.

18 PRESIDING JUDGE FREMR: [9:35:21] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Open session at 9.37 a.m.)

12 THE COURT OFFICER: [9:37:33] We are in open session, Mr President.

13 PRESIDING JUDGE FREMR: [9:37:52] Thank you, court officer.

14 The Legal Representative of former child soldiers has requested authorisation to

15 question the witness. This is filing number 2035, filed on 18 September 2017. And

16 as per our usual practice, the Chamber will deal with this request after the

17 Prosecution has finished his cross-examination.

18 Finally, I recall that the Defence estimates that it will need three and a half hours for

19 its examination-in-chief of this witness. As with other examinations, the Chamber

20 will remain vigilant to ensure that the examination is relevant to the facts of the case.

21 And now we can turn to the scheduled testimony. Mr Gosnell.

22 MR GOSNELL: [9:38:49] Mr President, I'm not sure if the Trial Chamber is

23 informed, but an email was sent, I don't have the email at hand, but an email was sent

24 subsequent to that initial estimate indicating, if I recall the words exactly, that we

25 believe that we can complete the examination in 2 to 2.5 hours and in my final

1 preparations I do think that's feasible.

2 PRESIDING JUDGE FREMR: [9:39:12] Thank you. It's mainly for Prosecution to
3 be warned.

4 Ms Sim.

5 MS SIM: [9:39:20] Thank you, your Honour. We're just checking because I
6 don't -- I haven't seen this email, but I take note of counsel's submission that it's two
7 to two and a half hour estimate. We of course planned that it was going to be three
8 and a half hours because that was the most recent estimate that we received, so it
9 might be the case that we need more time, but we'll have to see how it goes on that
10 basis.

11 PRESIDING JUDGE FREMR: [9:39:48] To be honest, I'm also not aware of this
12 amendment of the Defence request. But as usual I think it's nothing extraordinary.
13 Generally, general rule is that you should take the same time, but if you would come
14 with some reasonable request we can extend it according reasons which will persuade
15 us.

16 Mr Gosnell.

17 MR GOSNELL: [9:40:16] May I just say, or add to that, Mr President, I hope that I
18 have not provided incorrect information now. We are double-checking to see if this
19 email was sent. It could be it's the type of email that I composed in my mind and
20 didn't actually send. We're just double-checking and if we can find it, we will
21 re-send it. Thank you, Mr President.

22 PRESIDING JUDGE FREMR: [9:40:41] All right.

23 So now we can move to our witness. So I would like to ask our court officer in Bunia
24 to invite Madam Witness into the transmission room, please.

25 (The witness enters the video-link room)

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WITNESS: DRC-D18-D-0211

1 PRESIDING JUDGE FREMR: [9:42:03] Madam Witness, good morning. At the
2 beginning I would like to assure myself that you can see me and hear me.

3 WITNESS: DRC-D18-D-0211

4 (The witness speaks Swahili)

5 (The witness gives evidence via video link)

6 THE WITNESS: [9:42:21] (Interpretation) Yes, I can hear you. I can see you and
7 I can hear you.

8 PRESIDING JUDGE FREMR: [9:42:35] Very well. May I continue.

9 Madam Witness, you are --

10 THE WITNESS: [9:42:46] (Interpretation) I beg your pardon.

11 PRESIDING JUDGE FREMR: [9:42:50] Sorry, is there any problem? Because I see
12 that, Madam Witness, you are asking our officer for something. What is the issue?

13 THE WITNESS: [9:43:05] (Interpretation) I'd like to know about my protective
14 measures. Were they approved?

15 PRESIDING JUDGE FREMR: [9:43:23] Yes, they were. And I will deal with that
16 during my introductory notes. So please listen carefully and I will speak about all
17 measures which are connected with your testimony.

18 So first of all, Madam Witness, I will start with saying that you are called to testify in
19 the case against Mr Bosco Ntaganda. You will be asked questions both by the Judges
20 and lawyers here in the courtroom in The Hague and that is why I would like to
21 provide you with some guidance for answering questions first.

22 So please listen carefully to the questions. If you do not understand, feel free to ask
23 for the question to be repeated. We want you to tell the truth and tell us what you
24 saw, heard or sensed yourself. Please testify just on that which you really remember.
25 Don't guess, don't make things up. There is nothing wrong in saying "I don't know"

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1 or "I don't remember".

2 Do you understand this part of my guidance, Madam Witness?

3 THE WITNESS: [9:44:53] (Interpretation) Yes, I've understood.

4 PRESIDING JUDGE FREMR: [9:44:55] Fine.

5 Now, Madam Witness, I will focus on protective measures. So protective measures
6 are put in place to ensure that your identity is not revealed to the public. In practice,
7 it means that on the video stream available to the public your face cannot be
8 recognised and that your voice is being disguised so that the public cannot recognise
9 it.

10 We all here in the courtroom will refer to you as "Madam Witness" only, so we will
11 not use your name, and ensure that your name and any other information that risks
12 revealing who you are is not broadcast to the public. Therefore, whenever you need
13 to describe anything that might reveal your identity, we will do so in private session
14 so that no one apart from the court officer sitting with you and the persons here in the
15 courtroom can hear your answer.

16 So did you understand all that?

17 THE WITNESS: [9:46:18] (Interpretation) Yes, I've understood.

18 PRESIDING JUDGE FREMR: [9:46:21] So is it okay with you? Are you feeling
19 safe with those protective measures?

20 THE WITNESS: [9:46:34] (Interpretation) Okay.

21 PRESIDING JUDGE FREMR: [9:46:40] Fine.

22 So I can move to the next part of my guidance, which is request for you to make your
23 solemn undertaking. So to facilitate this, I'm ready to read it out. And please repeat
24 it after me. So I start now, and please repeat after me: I solemnly declare --

25 THE WITNESS: [9:47:16] (Interpretation) I solemnly declare --

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- 1 PRESIDING JUDGE FREMR: [9:47:22] -- that I will speak the truth --
- 2 THE WITNESS: [9:47:28] (Interpretation) -- that I shall speak the truth --
- 3 PRESIDING JUDGE FREMR: [9:47:36] -- the whole truth --
- 4 THE WITNESS: [9:47:43] (Interpretation) -- the whole truth --
- 5 PRESIDING JUDGE FREMR: [9:47:46] -- and nothing but the truth.
- 6 THE WITNESS: [9:47:53] (Interpretation) -- and nothing but the truth.
- 7 PRESIDING JUDGE FREMR: [9:47:59] Thank you, Madam Witness. It means that
- 8 now you are under oath. And you also need to be aware that it is an offence to give
- 9 false testimony. Do you understand that?
- 10 THE WITNESS: [9:48:17] (Interpretation) Yes.
- 11 PRESIDING JUDGE FREMR: [9:48:23] Good.
- 12 And finally, a few practical matters you should have in mind in giving your
- 13 testimony.
- 14 It is important to speak into the microphone, which you're doing very well so far, to
- 15 speak clearly and to speak at a slow pace to allow the interpreters to translate
- 16 everything. This is essential for us to properly hear, record and translate what you
- 17 are saying. Have you understood all that, Madam Witness?
- 18 THE WITNESS: [9:49:05] (Interpretation) Yes, I've heard and I understand.
- 19 PRESIDING JUDGE FREMR: [9:49:12] Very well, Madam Witness. That's it for
- 20 the moment from my part and we can then start your testimony. And I will give
- 21 floor to representative of Defence, Mr Gosnell.
- 22 Mr Gosnell, you have the floor and we are in open session at the moment.
- 23 MR GOSNELL: [9:49:33] Thank you very much, Mr President. Just before
- 24 we -- just before I begin and before we leave open session, may I just apologise for
- 25 what I said earlier, which is actually not correct. The email that was sent on Sunday

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1 at 14.21 did not contain the information about the estimate. It had been in a prior
2 draft of the email, but the final version that was sent out did not contain that
3 information. So I apologise for having said otherwise. And I also apologise to the
4 Prosecution for not having provided that courtesy of an advance notice, because it is
5 helpful, Mr President, and we know that and we do try to provide that information.
6 So I do apologise for not having provided that in advance.

7 May we move into private session, Mr President.

8 PRESIDING JUDGE FREMR: [9:50:21] Yes. And before doing that on behalf of
9 the Chamber apology accepted. And I can still insist what I have already said to
10 Ms Sim.

11 Now, court officer, let's move into private session.

12 (Private session at 9.50 a.m.) *(Reclassified entirely in public)

13 THE COURT OFFICER: [9:50:38] We are in private session, Mr President.

14 PRESIDING JUDGE FREMR: [9:50:50] Thank you, court officer.

15 And Madam Witness, again, I am highlighting, as I mentioned, that those parts of
16 your testimony which could reveal your identity by saying something are covered by
17 protection, protective measures that we are moving to private session, which is the
18 moment right now.

19 Now, Mr Gosnell, you have the floor.

20 MR GOSNELL: [9:51:16] Thank you, Mr President. And just for the purposes of
21 planning, it's not likely that we'll be able to move back into public session until the
22 very end of the witness's examination-in-chief.

23 PRESIDING JUDGE FREMR: [9:51:30] So let's move for us a short moment again
24 to open session just to inform public about that important fact.

25 (Open session at 9.51 a.m.)

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1 THE COURT OFFICER: [9:51:43] We are in open session, Mr President.

2 PRESIDING JUDGE FREMR: [9:51:52] Thank you, court officer.

3 We are returning back into open session just in order to inform public that according
4 to information provided by Defence counsel, this testimony is most likely be
5 conducted totally in the regime of private session because this witness is a protected
6 one and that is why she was granted that her identity will not be revealed. And in
7 practice, it means that this testimony which is planned for today and tomorrow will
8 be probably mostly conducted in private session.

9 Now, let's move in private session, court officer, please.

10 (Private session at 9.52 a.m.) *(Reclassified partially in public)

11 THE COURT OFFICER: [9:52:42] We are in private session, Mr President.

12 PRESIDING JUDGE FREMR: [9:52:55] Thank you, court officer.

13 Mr Gosnell, you have the floor.

14 MR GOSNELL: [9:53:01] Thank you, Mr President.

15 QUESTIONED BY MR GOSNELL:

16 Q. [9:53:03] Good morning, Madam Witness. Can you hear me?

17 A. [9:53:11] Yes, I can hear you.

18 Q. [9:53:14] My name is Christopher Gosnell, and I am appearing on behalf of
19 Mr Ntaganda today. Could you please tell us your name.

20 A. [9:53:34] You're asking me my name? Your Honour, I
21 thought -- your Honour, I thought you said that I was going to be referred to as
22 Madam Witness and now you're asking me for my name.

23 PRESIDING JUDGE FREMR: [9:53:56] Madam Witness, it was mentioned that if
24 we would be in so-called open session, when the public can hear what we are saying
25 here in the courtroom. But now we are in private session, so only persons in the

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1 courtroom, which means Defence counsel, counsel for Prosecution and Judges, could
2 hear what you are saying, so there is no risk that your name will be identified
3 anybody outside of the courtroom, so you can freely now speak about everything,
4 what could reveal your name or your identity because only persons present in the
5 courtroom can hear it.

6 And as Mr Gosnell said, it is very likely that we will remain in this regime of private
7 session; it's maybe even possible for all your testimony, but at the moment we are in
8 private session, so there is no risk if you will mention your name or any other details
9 that your identity could be revealed. Do you understand that?

10 THE WITNESS: [9:55:06] (Interpretation) Now I've understood.

11 PRESIDING JUDGE FREMR: [9:55:08] If we would move to open session, which
12 may be for some short moments is possible, then we would only call you
13 "Madam Witness", not by your name.

14 Now, Mr Gosnell, you have the floor.

15 MR GOSNELL: [9:55:23] Thank you very much, Mr President.

16 Q. [9:55:25] (Redacted)

17 (Redacted)

18 A. [9:55:41] (Redacted)

19 Q. [9:55:52] Do you have any other names?

20 THE INTERPRETER: [9:56:05] Message from the Swahili booth: Your Honour, if
21 the witness could be asked to repeat her reply because it was not heard properly.

22 PRESIDING JUDGE FREMR: [9:56:16] Madam Witness, could you kindly repeat
23 your last response because it hasn't been captured by the interpreters, please.

24 THE WITNESS: [9:56:34] (Redacted)

25 (Redacted)

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- 1 PRESIDING JUDGE FREMR: [9:56:50] But the following question was put to you
- 2 by Mr Gosnell: "Do you have any other names?" If not you can say not, if you have
- 3 any other names, please provide them.
- 4 THE WITNESS: [9:57:05] (Interpretation) No, I don't have any other names.
- 5 MR GOSNELL: [9:57:12]
- 6 Q. [9:57:12] And what is your ethnicity?
- 7 A. [9:57:24] I'm from the Kakwa ethnic group.
- 8 Q. [9:57:28] (Redacted)
- 9 A. [9:57:41] (Redacted)
- 10 Q. [9:57:47] (Redacted)
- 11 A. [9:57:53] (Redacted)
- 12 Q. [9:57:57] (Redacted)
- 13 (Redacted)
- 14 A. [9:58:12] (Redacted)
- 15 Q. [9:58:17] (Redacted)
- 16 A. [9:58:31] (Redacted)
- 17 Q. [9:58:33] (Redacted)
- 18 A. [9:58:43] (Redacted)
- 19 Q. [9:58:48] (Redacted)
- 20 (Redacted)
- 21 A. [9:59:14] (Redacted)
- 22 Q. [9:59:19] (Redacted)
- 23 (Redacted)
- 24 A. [9:59:42] (Redacted)
- 25 Q. [9:59:50] Have you ever been a soldier or a member of an armed group?

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1 A. [10:00:07] No.

2 Q. [10:00:09] Do you have any sisters?

3 A. [10:00:29] Yes, I do.

4 Q. [10:00:31] Have any of your sisters been a member of an armed group?

5 A. [10:00:45] No.

6 Q. [10:00:47] May we please have shown on the screen DRC-D18-0001-5871,
7 which is tab 3 of the Defence exhibit list.

8 PRESIDING JUDGE FREMR: [10:01:33] To be assured, Ms Sim, any objection
9 against the use at the moment?

10 MS SIM: [10:01:40] None at all, Mr President.

11 PRESIDING JUDGE FREMR: [10:01:48] All right.

12 MR GOSNELL: May I ask whether the document is displayed.

13 Is it possible to enlarge this as much as possible that -- while keeping the all six
14 photographs visible?

15 THE COURT OFFICER: [10:02:41] Our court officer on the field is also showing
16 the document on his own laptop to the witness.

17 MR GOSNELL: [10:02:49] Thank you very much for that.

18 I would like to have this window nevertheless enlarged so we can see all six
19 photographs. And I take it as large as it's going to get.

20 Q. [10:03:10] Madam Witness, do you see a document in front of you with six
21 photographs?

22 A. [10:03:20] Yes, I can see it.

23 Q. [10:03:24] Do you recognise anyone in any of the photographs?

24 A. [10:03:38] Yes, I can -- I'm able to recognise someone.

25 Q. [10:03:41] And whom do you recognise?

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1 A. [10:07:53] No, I did not see her wearing the camouflage attire, but she was a
2 soldier.

3 Q. [10:08:02] And how do you know that she was a soldier with the APC?

4 A. [10:08:19] I got that information from her friend who was also a soldier, and
5 (Redacted) Whenever her colleague from work would talk, she would
6 often talk about her.

7 Q. [10:08:42] Did (Redacted) herself ever say that she was in the APC, or did she not
8 say that herself?

9 A. [10:09:00] She used to say it herself. She said that she was part of the APC.
10 And even when her friend came to visit, they would say they were friends and that
11 they belonged to such-and-such a movement. That's how I found out.

12 Q. [10:09:25] Did she ever explain how long she had been with the APC prior to
13 you meeting with her for the first time?

14 A. [10:09:50] No, she did not say how much time she had spent with the APC, but
15 when we were together we would have discussions, but she never said how much
16 time she had spent with the APC, although she said that she was a soldier with the
17 APC, and I didn't feel any need or it wasn't necessary for me to ask her how much
18 time she had spent with the APC.

19 Q. [10:10:19] Relative to your own age, do you know in what year (Redacted) was
20 born?

21 A. [10:10:45] Going by my own age, I was born in '86, (Redacted)
22 (Redacted), I was born in '86.

23 Q. [10:11:02] And how do you know that she was (Redacted)?

24 A. [10:11:15] We had -- (Redacted) for some time and from time to time we
25 would have discussions whenever we were together.

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1 Q. [10:11:28] Did she tell you where she was born?

2 A. [10:11:39] She told -- she said that she was born in (Redacted)

3 Q. [10:11:55] Did she tell you what her ethnicity was or do you know what her
4 ethnicity was?

5 A. [10:12:11] She used to say that she was (Redacted) of the Budu ethnic group. I
6 told her that I was Kakwa and she said that she was Budu.

7 MR GOSNELL: [10:12:28] Mr President, I seek to tender the document on the
8 screen.

9 PRESIDING JUDGE FREMR: [10:12:33] Prosecution, any objection?

10 MS SIM: [10:12:38] No, your Honour.

11 PRESIDING JUDGE FREMR: [10:12:40] So the document with six photographs
12 specified by Mr Gosnell -- do we have any number at the moment?

13 MR GOSNELL: [10:12:57] I believe I gave it, but I can give it again, Mr President.

14 PRESIDING JUDGE FREMR: [10:13:00] Please, because I --

15 MR GOSNELL: [10:13:02] Mr President, it's DRC-D18-0001-5871.

16 PRESIDING JUDGE FREMR: [10:13:10] Thank you. So this document is admitted
17 into evidence as a further Defence exhibit.

18 MR GOSNELL: [10:13:27] And I'm done with the document, Mr President. It can
19 be removed from the screen.

20 PRESIDING JUDGE FREMR: [10:13:32] All right.

21 MR GOSNELL: [10:13:34]

22 Q. [10:13:35] Madam Witness, have you ever heard of something called COOPI,
23 C-O-O-P-I?

24 A. [10:13:52] Yes, I've heard that word.

25 Q. [10:13:53] And what was COOPI?

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1 A. [10:14:14] COOPI and CTO, there was COOPI and there was CTO. CTO, a
2 transit centre for child soldiers, but COOPI and CTO were one and the same
3 organisation.

4 Q. [10:14:31] Did they have a physical location somewhere?

5 A. [10:14:48] Do you mean a building? Can you please repeat your question, I
6 didn't understand it.

7 Q. [10:14:52] Yes. Did they have a building somewhere?

8 A. [10:15:06] They had a building at the COOPI headquarters. They had -- they
9 had a headquarters and they had a base as well.

10 Q. [10:15:19] You've made reference to "CTO". Can you tell us where the CTO
11 was located?

12 A. [10:15:32] At COOPI. What I'm saying is that COOPI created the CTO, which
13 was a centre. So there was COOPI and then there was a centre nearby known as
14 CTO.

15 Q. [10:15:49] And can you describe for us, please, where that centre was
16 physically located? Was it along a particular road or in a particular quartier? Was
17 there a landmark nearby?

18 A. [10:16:11] It was located at the Lumumba neighbourhood, along the Freedom
19 avenue in the Qualitex building. It must have been the Nyamukau avenue in the
20 Lumumba avenue within the Qualitex building, the second road down the slope from
21 the Lumumba neighbourhood along the second avenue.

22 Q. [10:16:58] You just mentioned a name of a street which was something like
23 Nyamukau. Can you please spell that for us, the name of the street or the avenue
24 that you mentioned?

25 A. [10:17:23] N-Y-A-M-U-- can you follow? It is N-Y-A-M-U-K-A-U.

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1 THE INTERPRETER: [10:17:46] Message from the Swahili booth: Could the
2 witness be asked to repeat the spelling because it wasn't quite followed in the Swahili
3 booth.

4 MR GOSNELL: [10:17:55]

5 Q. [10:17:56] I'm terribly sorry to have to ask this, Madam Witness, but
6 unfortunately the interpreters did not manage to follow you as you were spelling the
7 name of the street. Could you please kindly spell that again for us?

8 A. [10:18:29] Very well. N-Y-A-M-U-K-A-U.

9 Q. [10:18:45] Thank you. What kind of services were offered at the CTO?

10 A. [10:19:09] I did not work there, but a centre was opened (Redacted)
11 (Redacted)

12 Q. [10:19:18] (Redacted)

13 A. [10:19:33] (Redacted)

14 Q. [10:19:36] (Redacted)

15 (Redacted)

16 A. [10:19:56] (Redacted)

17 (Redacted)

18 Q. [10:20:22] (Redacted)

19 A. [10:20:38] (Redacted)

20 Q. [10:20:41] (Redacted)

21 A. [10:20:56] (Redacted)

22 Q. [10:20:56] Why did you, yourself, want to go to (Redacted)?

23 A. [10:21:16] (Redacted). And when they decided to
24 go there they said that they would not leave me behind all by myself. So we were
25 going to benefit from learning new skills and trade. And so we went together

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1 because we were all close friends.

2 Q. [10:21:53] How did you hear that (Redacted) was a place that you could learn
3 new skills and trade?

4 A. [10:22:19] We went to a (Redacted) in the area where we used to live and it is
5 (Redacted) who told us that a centre had been set up and that the centre was open to
6 people who could learn trades and that once that centre became operational it was
7 possible to go there.

8 Q. [10:22:44] Could you please spell (Redacted)?

9 A. [10:22:56] (Redacted).

10 Q. [10:23:08] And did that organisation where it was located -- did that
11 organisation or where that organisation was located have any other name other than
12 (Redacted), was it known by any other name to you?

13 A. [10:23:34] No. No, that's the only name I knew it by.

14 Q. [10:23:43] Have you ever heard of a place called (Redacted)?

15 A. [10:24:00] (Redacted)? No. There was a mistake in spelling so the right
16 name actually is (Redacted). I made the mistake. I misspelt the word. And again,
17 this happened a long time ago.

18 Q. [10:24:25] Madam Witness, that's no problem at all, but I just want to make
19 sure that I understand what mistake you are referring to. Are you saying that when
20 you referred to (Redacted) you meant to refer to (Redacted)?

21 A. [10:24:53] That is correct.

22 Q. [10:24:53] And what was (Redacted)?

23 A. [10:25:12] (Redacted) was looking for -- for girls who had belonged to armed
24 groups.

25 Q. [10:25:23] And what services did they offer, if any?

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1 A. [10:25:44] (Redacted) provided lessons in literacy to the illiterate persons of the
2 area. So people would come to (Redacted) to -- actually, they came to (Redacted)
3 and found out from (Redacted) that the CTO centre was being build, so it was at
4 (Redacted) that people found out that the CTO was going to provide those
5 services.

6 Q. [10:26:26] (Redacted)

7 A. [10:26:45] (Redacted)

8 Q. [10:26:47] (Redacted)

9 A. [10:27:01] (Redacted)

10 (Redacted)

11 Q. [10:27:16] (Redacted)

12 A. [10:27:31] (Redacted)

13 Q. [10:27:36] (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:28:12] (Redacted)

17 (Redacted)

18 Q. [10:28:19] (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [10:28:51] (Redacted)

22 Q. [10:28:54] How did you respond to those questions?

23 A. [10:29:16] Since I was there with some friends who had belonged to armed
24 groups, we provided the same answer, we said yes and I said that I was part of an
25 armed group as well.

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1 Q. [10:29:29] Were questions also raised about whether you had been a victim of
2 sexual violence?

3 A. [10:29:56] To me? No, that question wasn't put to me. Well, you see, there
4 there weren't too many questions asked. It is at the (Redacted) that many, many
5 questions were asked.

6 Q. [10:30:15] Did (Redacted) ask you about whether you had been a victim of
7 sexual violence or anyone from (Redacted) ask you that question?

8 A. [10:30:39] Yes. They -- they would ask that question.

9 Q. [10:30:48] May we have DRC-OTP-0001-0049, tab 9.

10 PRESIDING JUDGE FREMR: [10:33:06] Yes, Ms Sim.

11 MS SIM: [10:33:06] Mr President, I rise as my colleague is proposing to show a
12 document to the witness. And at this point I fail to see the connection between the
13 witness and the document, so until a foundation is laid in some way, I don't see how
14 this witness is going to be able to respond to anything about this document.

15 PRESIDING JUDGE FREMR: [10:33:07] Before you respond, Mr Gosnell, let's cut
16 the audio between us and Bunia, not to influence witness, just for a moment.

17 MR GOSNELL: [10:33:07] I think I could probably do it without saying anything
18 content-based.

19 PRESIDING JUDGE FREMR: [10:33:07] All right then.

20 MR GOSNELL: [10:33:07] I would just point to the second paragraph under item
21 II.2 on page 2. That's the only paragraph that I would intend to refer to, and I note
22 that this is already a document that has been admitted.

23 PRESIDING JUDGE FREMR: [10:33:07] Let's give some time to Ms Sim to get
24 acquainted with this.

25 MS SIM: [10:33:15] I maintain that there is insufficient foundation laid. There is

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1 insufficient foundational questions to connect this witness to that section of the
2 document as well.

3 PRESIDING JUDGE FREMR: [10:33:25] Mr Gosnell, do you think you are able to
4 briefly lay such a foundation?

5 MR GOSNELL: [10:33:36] I believe so, Mr President.

6 PRESIDING JUDGE FREMR: [10:33:38] All right, so let's proceed.

7 MR GOSNELL: [10:33:40] But perhaps before I get into the document I can ask one
8 additional question.

9 PRESIDING JUDGE FREMR: [10:33:47] All right.

10 MR GOSNELL: [10:33:48]

11 Q. Madam Witness, did you ever hear whether anyone from (Redacted) had been sent
12 out into the community to make (Redacted) inquiries (Redacted)
13 (Redacted) whether anyone had been a victim of sexual violence?
14 Was that something that you heard about?

15 A. [10:34:19] No, I never received any such information.

16 MR GOSNELL: [10:34:26] Mr President, I won't use this document.

17 PRESIDING JUDGE FREMR: [10:34:29] Please. Go ahead, you may.

18 MR GOSNELL: [10:34:34] We can remove the document from the screen because I
19 do not now intend to go into the content.

20 PRESIDING JUDGE FREMR: [10:34:41] All right.

21 MR GOSNELL: [10:34:47]

22 Q. [10:34:47] (Redacted)
23 (Redacted)

24 A. [10:35:15] (Redacted)

25 MR GOSNELL: [10:35:30] Sorry, Mr President, I just need to go back in the

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1 transcript a little bit before I put my next question.

2 PRESIDING JUDGE FREMR: [10:35:36] No problem.

3 MR GOSNELL: [10:35:51]

4 Q. [10:35:51] You said, Madam Witness, that (Redacted) you learned that a

5 CTO was being set up for those who had been members of armed groups. Was that

6 question put to you (Redacted), whether you had been a member of

7 an armed group?

8 A. [10:36:20] Yes, I was asked that.

9 Q. [10:36:22] And how did you respond to that question?

10 A. [10:36:36] I answered by saying "Yes".

11 Q. [10:36:46] Were you also asked about your age?

12 A. [10:37:02] No, I wasn't asked that.

13 Q. [10:37:12] What was the capacity in terms of the number of people who could

14 stay in the CTO of (Redacted)? How many people

15 approximately could be accommodated there?

16 A. [10:37:40] Well, that place could hold a great many people. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:38:01] (Redacted)

20 (Redacted)

21 A. [10:38:26] (Redacted)

22 (Redacted)

23 Q. [10:38:41] (Redacted)

24 (Redacted)

25 A. [10:39:14] (Redacted)

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- 1 Q. [10:39:19] (Redacted)
- 2 (Redacted)
- 3 A. [10:39:42] (Redacted)
- 4 (Redacted)
- 5 Q. [10:40:05] (Redacted)
- 6 (Redacted)
- 7 A. [10:40:29] (Redacted)
- 8 Q. [10:40:31] (Redacted)
- 9 A. [10:40:56] (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 Q. [10:41:27] (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 A. [10:42:14] (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. [10:42:38] (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 A. [10:43:17] (Redacted)
- 25 Q. [10:43:34] Do you know what efforts were made by (Redacted) to fill up the

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1 centre?

2 A. [10:43:57] Well, I know that some people were going around various
3 neighbourhoods and asking people if they had belonged to military groups. And if
4 the answer was yes, they would take you to the centre.

5 MR GOSNELL: [10:44:18] Mr President, may we have --

6 THE WITNESS: [10:44:19] (Interpretation) Even if you hadn't been part of an
7 armed group, you would be taken -- you could be taken there.

8 MR GOSNELL: [10:44:30] Yes. Now, Mr President, I would like to come back to
9 the document, tab 9, DRC-OTP-0001-0049.

10 PRESIDING JUDGE FREMR: [10:44:43] All right.

11 Ms Sim.

12 MS SIM: [10:45:02] I maintain the objection that there is not enough foundation
13 established with this witness to show this document to her at this point.

14 PRESIDING JUDGE FREMR: [10:45:13] Mr Gosnell.

15 MR GOSNELL: [10:45:16] I respectfully disagree. The witness has just described
16 some people were going around various neighbourhoods and asking people if they
17 had belonged to military groups. It's very similar to what we will be seeing.

18 PRESIDING JUDGE FREMR: [10:45:32] Objection is overruled. Please proceed.

19 MR GOSNELL: [10:45:37]

20 Q. [10:45:37] Now, Madam Witness, this is a document that I do not say that you
21 have ever seen before, and I only want to take you to one section or paragraph of it.
22 And the date of this document is 13 July 2003. And if we could please turn the page
23 and scroll down to the section (Redacted)
24 (Redacted).

25 So, Madam Witness, I'm just going to read you something and I would like to hear

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1 your reaction to it. Quote:

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) .

7 Now, Madam Witness, you just said that if people had not been part of an armed
8 group, they could be taken to (Redacted), to the CTO (Redacted). Is it possible that
9 they were also taking people who had merely been victims of sexual abuse but who
10 had not been members of an armed group? Based on the people whom you met at
11 (Redacted), do you know whether that was the case?

12 A. [10:48:17] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) Personally, I don't know of any such case.

16 Q. [10:48:56] Yes, I understand that, but do you know whether telling the people
17 from (Redacted) would be a way to get into the centre?

18 PRESIDING JUDGE FREMR: [10:49:06] Hold on, Madam Witness.

19 Ms Sim.

20 MS SIM: [10:49:09] Mr President, maybe we should cut the line. I'm not sure if
21 this is something that the --

22 PRESIDING JUDGE FREMR: [10:49:14] Yes, I would also support that.

23 Please, court officer, just cut the audio between us and Bunia.

24 Ms Sim, you may proceed.

25 MS SIM: [10:49:37] Mr President, I object to this question as it's leading, highly

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1 leading, and it's also calling for the witness to speculate.

2 PRESIDING JUDGE FREMR: [10:49:46] Mr Gosnell.

3 MR GOSNELL: [10:49:53] The question was "do you know", and she has testified

4 that (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE FREMR: [10:50:30] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MR GOSNELL: [10:50:49] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE FREMR: [10:51:22] (Redacted)

20 MS SIM: [10:51:24] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE FREMR: [10:51:57] Mr Gosnell, I will allow this question, but
3 maybe you should try rephrase it, and I am saying openly that I even -- even that I
4 will see some leading aspects, but as I said many times in the past, the Judges will
5 take it into consideration when adjudicating the response. So please go ahead.

6 MR GOSNELL: [10:52:24] Is the line restored?

7 PRESIDING JUDGE FREMR: [10:52:29] Good point.

8 Court officer, please restore the line.

9 You may proceed, Mr Gosnell.

10 MR GOSNELL: [10:52:54] Mr President, on reflection I'm going to come back to
11 this question later.

12 PRESIDING JUDGE FREMR: [10:52:59] Noted.

13 MR GOSNELL: [10:53:00] And I'm done with the document.

14 Q. [10:53:11] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [10:53:41] (Redacted)

19 Q. [10:53:42] (Redacted)

20 A. [10:53:54] (Redacted)

21 (Redacted)

22 Q. [10:54:51] (Redacted)

23 (Redacted)

24 A. [10:55:12] (Redacted)

25 MR GOSNELL: [10:55:15] (Redacted)

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1 (Redacted)

2 Q. [10:59:29] And what you said there as well is that she was never a child soldier.

3 Is there any aspect of that response that you would like to clarify?

4 A. [10:59:59] Yes. I know (Redacted) quite well and I met her several times. And I
5 was in a position to know whether she had been a child soldier or not. I never was a
6 soldier, but I have often, always spoke to her (Redacted) and it was her father who
7 had been a soldier, but she, no.

8 PRESIDING JUDGE FREMR: [11:00:39] And sorry to interrupt, Mr Gosnell. One
9 clarifying question from my part, Madam Witness: And when giving this answer (Redacted)
10 (Redacted) what did you understand on the term "child soldier"?

11 THE WITNESS: [11:01:08] (Interpretation) (Redacted) I
12 thought that everyone had been a child soldier. I hadn't understood the question
13 when I was asked whether she had been a child soldier. I thought that everyone
14 who had worn a military uniform had been a child soldier so that is what I
15 understood at the time. I didn't know whether it had to do with someone's age. If I
16 had properly understood that question, I would not have given that answer.
17 Personally, I had not yet -- personally, I was already 18, you see, so at the time I
18 hadn't understood the question properly, the question that had been put to me from
19 that aspect, from that perspective.

20 PRESIDING JUDGE FREMR: [11:02:11] Point taken, Madam Witness.

21 And now you believe that you now you understand what does it mean "child
22 soldier"? If yes, please provide me with your interpretation of such a term.

23 THE WITNESS: [11:02:30] (Interpretation) Yes, today I know what that means
24 (Redacted) and now I

25 understand what "child soldier" means, that is to say you consider the age of someone

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1 who finds himself within an armed group. So it's someone who is under the

2 age -- well, at the time I didn't know what a child soldier was, whether it had

3 something to do with age or gender. I hadn't understood the whole question.

4 PRESIDING JUDGE FREMR: [11:03:19] I see. But even today, do you know what

5 age is relevant for somebody to be defined as a child soldier?

6 THE WITNESS: [11:03:39] (Interpretation) Someone who is 12, 13, 14, 15 is a

7 child soldier. But by 18, someone aged 18, that is the age of majority in our country,

8 so once you're 18 you can't be described as a child soldier.

9 PRESIDING JUDGE FREMR: [11:04:06] Thank you, Madam Witness.

10 Mr Gosnell.

11 MR GOSNELL: [11:04:08] I have just one question before the break, Mr President.

12 Q. [11:04:13] (Redacted)

13 (Redacted)

14 A. [11:04:34] She was about 20. Between 19 and 22 years old, going by my

15 estimate because she was already a -- a grown-up girl. She wasn't a child. She was

16 an adult, grown up.

17 MR GOSNELL: [11:04:58] Mr President, I do see the time.

18 PRESIDING JUDGE FREMR: [11:05:02] Yes, you are entirely right. So we will

19 break now. But before breaking, for the sake of planning, even it's not easy for you

20 to estimate, but do you think you will be able to complete your direct by the end of

21 the next session, which means before the lunch break?

22 MR GOSNELL: [11:05:20] Very likely, Mr President.

23 PRESIDING JUDGE FREMR: [11:05:21] It's mainly for Ms Sim to be ready to hand

24 over the floor.

25 So now we break and --

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1 THE WITNESS: [11:05:34] (Interpretation) I haven't understood what you just
2 said. Do you want to repeat what you just said, Mr President?

3 PRESIDING JUDGE FREMR: [11:05:50] No problem, Madam Witness. It was just
4 my conversation between me and Defence counsel, so it has nothing to do with you,
5 it's fine.

6 Now we will break for 30 minutes, it's also valid for you, Madam Witness, and we
7 will reconvene 11.35.

8 THE COURT USHER: [11:06:06] All rise.
9 (Recess taken at 11.06 a.m.)

10 (Upon resuming in open session at 11.37 a.m.)

11 THE COURT USHER: [11:37:03] All rise.
12 Please be seated.

13 PRESIDING JUDGE FREMR: [11:37:37] We are starting the second session today.
14 At the moment we are in open session, but having taken into account the testimony of
15 our witness so far, I guess that we will have to move into private session. Yes.
16 All right, court officer, let's move into private session.

17 (Private session at 11.37 a.m.) *(Reclassified partially in public)

18 THE COURT OFFICER: [11:38:10] We are in private session.

19 PRESIDING JUDGE FREMR: [11:38:11] All right, we are in private session.
20 And, Mr Gosnell, you have the floor.

21 MR GOSNELL: [11:38:16] Thank you, Mr President.

22 (Redacted)

23 Q. [11:39:04] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [11:40:07] (Redacted)

9 Q. [11:40:09] Had she ever previously, to your knowledge, been associated with
10 an armed group or been a soldier?

11 A. [11:40:27] She was not a child soldier.

12 Q. [11:40:34] How old was she, as best you can assess, (Redacted)
13 (Redacted)?

14 A. [11:41:01] She was already an adult, about 20 years old at that time.

15 Q. [11:41:08] Now, Madam Witness, just two questions -- answers ago you said
16 she was not a child soldier. Can you explain to us why you use the expression "child
17 soldier" instead of just saying she was not previously a soldier?

18 A. [11:41:38] I'm sorry, I didn't quite understand your question. Can you please
19 repeat it?

20 Q. [11:41:43] I'm going back to two questions ago, Madam Witness, and I'll read
21 to you my question, and then I'm going to read to you your response. My question
22 to you was the following, quote:

23 "Had she ever previously, to your knowledge, been associated with an armed group
24 or been a soldier?"

25 And then your answer to that question was the following, and I quote:

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1 "She was not a child soldier." End of quote.

2 A. [11:42:24] Yes. Well, you know, she was not a child soldier. What I mean is
3 that she did not belong to an army.

4 MR GOSNELL: [11:42:48] (Redacted)

5 Q. (Redacted)

6 A. [11:43:28] (Redacted)

7 Q. [11:43:34] What do you mean by "No", Madam Witness?

8 A. [11:43:50] No. No means no.

9 Q. [11:44:17] Had (Redacted) previously to your knowledge ever been a member of
10 an armed group or a soldier?

11 A. [11:44:32] No, she has never belonged to an armed group.

12 Q. [11:44:40] And did (Redacted) have any other name or names to your knowledge?

13 A. [11:44:58] (Redacted)

14 Q. [11:45:05] And was she (Redacted) at (Redacted)?

15 A. [11:45:13] Yes, (Redacted)

16 Q. [11:45:18] (Redacted)

17 (Redacted)

18 A. [11:45:32] (Redacted)

19 Q. [11:45:37] (Redacted)

20 (Redacted)

21 (Redacted) And from the answers that

22 you've given you've said that, to your knowledge, none of these individuals had
23 previously been a member of an armed group or a soldier; is that correct?

24 A. [11:46:21] Yes, that is correct.

25 Q. [11:46:24] Since this was, as you've told us, a CTO for people who had been in

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1 armed groups --

2 PRESIDING JUDGE FREMR: [11:46:36] Hold on, Madam Witness.

3 Ms Sim.

4 MS SIM: [11:46:40] I think we need to cut the feed for my objection, your Honour.

5 PRESIDING JUDGE FREMR: [11:46:44] All right.

6 Court officer, please cut the feed of the audio.

7 Ms Sim, you may proceed.

8 MS SIM: [11:47:14] Yes, thank you, Mr President. The witness was asked

9 previously what efforts were made (Redacted) to get people to come to the centre and

10 she said indeed they went and asked people if they belonged to armed groups and if

11 you were they would take you there, but even if you hadn't been part of an armed

12 group you would be taken there. So I object to the phrasing of the question that the

13 witness has said that (Redacted) mandate was only to take people in armed groups or

14 that that was something that was said to the witness.

15 PRESIDING JUDGE FREMR: [11:47:45] Mr Gosnell.

16 MR GOSNELL: [11:47:48] At page 19, line 9, the answer given by the witness to

17 my question, which is "What was (Redacted)," was "(Redacted) and CTO; there was

18 (Redacted) and CTO. CTO a transit centre for child soldier."

19 The fact that others were brought who did not fit that criterion is precisely the point,

20 Mr President, and that is what I am seeking to elicit from the witness in asking these

21 questions.

22 PRESIDING JUDGE FREMR: [11:48:23] Ms Sim.

23 MS SIM: [11:48:24] I would submit that that's counsel's interpretation and it's

24 something that counsel has added on and that is being now fed to the witness.

25 PRESIDING JUDGE FREMR: [11:48:33] My understanding was that it was simply

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1 Defence between the purpose of the institution and the practice, so I don't see any
2 problem with this question. The objection is overruled.

3 Mr Gosnell, please proceed.

4 MR GOSNELL: [11:48:57]

5 Q. [11:48:58] Madam Witness, you've told us that you told the people who were
6 (Redacted)

7 MS SIM: [11:49:23] (Redacted)

8 (Redacted)

9 PRESIDING JUDGE FREMR: [11:49:29] (Redacted)

10 (Redacted)

11 MR GOSNELL: [11:49:53]

12 Q. [11:49:53] Madam Witness, you've told us that you told the people who were
13 running the CTO (Redacted) that you had previously been a member of an armed
14 group; correct?

15 A. [11:50:15] Yes.

16 Q. [11:50:16] Do you know whether these other individuals, (Redacted)
17 (Redacted) said the same thing to the people who were running
18 the CTO (Redacted)?

19 A. [11:50:43] Yes.

20 Q. [11:50:45] And did they say the same thing?

21 A. [11:50:56] Yes.

22 Q. [11:50:59] And do you know why (Redacted)
23 (Redacted) if you know?

24 A. [11:51:34] There was a project and if someone were receiving training in
25 tailoring they would be given a sewing machine after the training and so that person

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1 would be able to start an independent activity. There was also training on how to
2 cook and how to run your home and things of that nature. And that was part of the
3 motivation for joining the programme.

4 Q. [11:52:17] Do you know whether (Redacted) took any steps, (Redacted)
5 (Redacted) to verify
6 whether what you were telling them was true or untrue?

7 A. [11:52:53] No, I don't know. (Redacted)
8 (Redacted) there was no follow-up; there was no follow-up
9 (Redacted)

10 Q. [11:53:12] Madam Witness, I want to ask you one or two questions about the
11 person whom you've referred to as (Redacted). Can you, even in the most general
12 terms, estimate, or do you know, how old (Redacted) was (Redacted)
13 (Redacted)

14 A. [11:53:57] Estimating somebody's age, well, it depends on the person's size.
15 You might see someone who is plump and say that the person is older, or the person
16 might be small and you might think that the person is younger. So it's difficult to
17 estimate a person's age just by looking at the person's physical appearance or just
18 going by physical criteria. So I -- I would have a hard time estimating (Redacted)s age.
19 I would say that she might have been 17 or 18 years old, (Redacted)
20 (Redacted) even -- even 19 I would say.

21 Q. [11:54:52] May we have tab 8, please, DRC-OTP-0138-0106. If we could turn
22 please to page 2 of the document, bottom line of the page.
23 May I first of all ask you, before zooming in on the name, do you know (Redacted) as
24 having any other name?

25 A. [11:56:07] I knew another name that she went by but I've forgotten now.

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1 Q. [11:56:15] Do you have any knowledge as to which armed group she claimed
2 she had been in when she was talking to the people from (Redacted)?

3 A. [11:56:39] Well, she said that she was part of the UPC.

4 Q. [11:56:46] Let's just zoom in on the bottom line. Yes, I think that should be
5 sufficient.

6 Now, Madam Witness, if I can just draw your attention to the column to the left of the
7 name (Redacted) Do you see a name there?

8 I'm not sure whether the witness might need a bit of assistance in point of
9 transmission.

10 Madam Witness, we're looking at the very bottom row and the column, the box that's
11 just to the left of the name (Redacted)?

12 PRESIDING JUDGE FREMR: [11:57:50] Court officer in Bunia, could you kindly
13 draw attention of Madam Witness on the last line of the document on the screen.

14 Madam Witness, can you see document mentioned by Mr Gosnell?

15 THE WITNESS: [11:58:16] (Interpretation) Yes, I can see it.

16 MR GOSNELL: [11:58:19]

17 Q. [11:58:20] Is that name to the left of the name (Redacted) a name that you ever
18 heard as being associated with the name -- with the person whom you've identified as
19 (Redacted)? It's (Redacted) Madam Witness.

20 A. [11:58:46] No. No.

21 Q. [11:58:52] And if we can just scroll a little bit to the right. And a little bit
22 more, please.

23 Would it be within your range of estimation to say that she was 13 years old?

24 PRESIDING JUDGE FREMR: [11:59:15] Hold on, Madam Witness.

25 Ms Sim.

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1 MS SIM: [11:59:20] I don't believe we need to cut the feed, but my understanding
2 is that the witness has said that these names do not match, so I don't know what the
3 purpose of the question is.

4 PRESIDING JUDGE FREMR: [11:59:34] Mr Gosnell.

5 MR GOSNELL: [11:59:36] In our respectful opinion that is a -- that is a not correct
6 statement of fact, but in any event I am going to withdraw the question, Mr President.

7 PRESIDING JUDGE FREMR: [11:59:47] All right then.

8 MR GOSNELL: [11:59:50]

9 Q. [11:59:50] And just to the --

10 PRESIDING JUDGE FREMR: [11:59:52] Ms Sim, any additional --

11 MS SIM: [11:59:54] For the clarity of the record, the witness also gave a different
12 age for the person she knew by that name, so.

13 PRESIDING JUDGE FREMR: [12:00:02] The Chamber is aware of that.

14 Mr Gosnell.

15 MR GOSNELL: [12:00:09]

16 Q. [12:00:09] To your knowledge, was there more than one person named
17 (Redacted)? Or to your knowledge was there only one person named
18 (Redacted)

19 A. [12:00:31] (Redacted) there was only one person who bore the name (Redacted)

20 Q. [12:00:41] Thank you. I'm done with this document, Mr President.

21 Madam Witness, you said (Redacted) someone named (Redacted) Can
22 you tell us relative to your own age approximately how old she was or she is or was?

23 A. [12:01:27] Eighteen years old. We were born in the same year, 1986. So like
24 me, she was 18 years old.

25 Q. [12:01:41] You mentioned that (Redacted) somebody named (Redacted)

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1 Relative to your own age, can you tell us your estimate of how old she was at that
2 time?

3 A. [12:02:15] I think she was the same age as us, 18 years old.

4 Q. [12:02:24] You also mentioned that (Redacted)
5 (Redacted) was someone named (Redacted) Is that the same (Redacted) whom we
6 mentioned earlier, or is there a different (Redacted)?

7 A. [12:02:49] (Redacted) or something like that.

8 Q. [12:03:06] It might be helpful, Madam Witness, to have a spelling. Could you
9 spell for us please (Redacted)?

10 A. [12:03:30] Well, if you give the name (Redacted), you want me to spell the name?
11 That would be hard for me. (Redacted)

12 Q. [12:03:46] That's all right, Madam Witness, that's not necessary.

13 And do you know in what year she was born?

14 A. [12:04:11] I haven't understood from the Swahili. You want to know her year
15 of birth or how old she is?

16 Q. [12:04:21] If you know, can you tell us whether she ever told you the year in
17 which she was born?

18 A. [12:04:43] I don't know.

19 Q. [12:04:44] And relative to your own age, how old would you say she is or was?

20 A. [12:05:03] We're about the same age almost, 1986; others were born in 1985, but
21 most of us had been born in 1986.

22 Q. [12:05:22] Do you know someone named (Redacted)?

23 A. [12:05:28] Yes.

24 Q. [12:05:32] Does that person have any other names?

25 A. [12:05:45] We used to call her (Redacted) before and then she changed her name.

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1 And then she went by (Redacted), but I don't know her family name. Often really, we
2 weren't used to using each other's family names. We weren't at school so we weren't
3 used to surnames. We were together and we just went by our first names.

4 PRESIDING JUDGE FREMR: [12:06:13] Mr Gosnell, is the current spelling of the
5 name (Redacted) correct or, if not, please correct it also?

6 MR GOSNELL: [12:06:24] Yes, I see that there's a -- it's not correct, Mr President.
7 I can spell it if there's no objection from the Prosecution.

8 PRESIDING JUDGE FREMR: [12:06:33] Please, please.

9 MS SIM: [12:06:36] I believe the French is correct.

10 PRESIDING JUDGE FREMR: [12:06:42] If this is the case then that's okay.

11 MR GOSNELL: [12:06:45] Yes, the French is correct.

12 PRESIDING JUDGE FREMR: [12:06:47] So please correct the English in accordance
13 with the French one.

14 MR GOSNELL:

15 Q. [12:07:06] When you say she changed her name, why did she change her name
16 from (Redacted)?

17 A. [12:07:24] Because (Redacted) wasn't her name; it was a name that was associated
18 with suffering, so she changed her name. She wanted to have a name that would
19 make people think of happiness, so that is why she decided to go by (Redacted).

20 Q. [12:07:48] And how did you know her?

21 A. [12:08:01] We met through some friends. Since we were living with these
22 friends, she would come and visit the friends and so she would come and visit them
23 and I met her and I met -- I met them as well.

24 Q. [12:08:20] Was she with you at (Redacted)?

25 A. [12:08:30] Yes, she was part of the first group as well. We were together.

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1 Q. [12:08:34] Can you tell us, please, relative to yourself how old she was or is?

2 And again, we fully understand that what you've said earlier about estimating ages.

3 A. [12:09:02] Well, that's difficult. It's difficult to estimate somebody's age. If

4 someone tells you what her age is that's -- that's clear, but you might think that a

5 person is an adult but the person is small. You might think a person is still a child,

6 but she is an adult. (Redacted) so we knew, well, we knew our

7 respective ages.

8 Q. [12:09:38] Yes, and (Redacted) and knowing your respective ages,

9 are you in a position to estimate relative to your own age, understanding that it's

10 approximate only, can you tell us how old she is or was?

11 A. [12:10:09] Well, I can give you my estimate. At the time I was 18, and she

12 might have been 15 or 16. Let's put it at that. That's my estimate. But I'm not

13 going to be more specific than that. I'm just giving you an estimate. I can't give

14 you an exact or -- a number when it comes to her age.

15 Q. [12:10:38] Do you know someone named (Redacted)?

16 A. [12:10:48] Yes, I know that person.

17 Q. [12:10:50] (Redacted)

18 A. [12:11:00] (Redacted)

19 Q. [12:11:00] And what was her is her age relative to your own age, again

20 understanding it is an estimate unless you tell us otherwise.

21 A. [12:11:20] Well, if I compare her age to mine, she might have been 19 or 20, or

22 even 18. Well, 18, 19, 20.

23 Q. [12:11:40] Was there any familial relation between (Redacted) and (Redacted)?

24 *A. [12:12:00] Yes, we had familial relations. (Redacted)

25 (Redacted).

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1 Q. [12:12:10] Yes, but what was the relationship, the family relationship, between
2 (Redacted)?

3 A. [12:12:27] No.

4 Q. [12:12:32] Do you know someone named (Redacted)?

5 A. [12:12:41] Yes, I know that person, I know her.

6 Q. [12:12:48] (Redacted)

7 A. [12:12:58] (Redacted)

8 Q. [12:12:58] Relative to your own age, how old is or was she?

9 A. [12:13:15] She might have been 19 or 20, but she never gave me her age; that's
10 just my personal estimate. She looked kind of Chinese, she was thin.

11 Q. [12:13:36] Do you know someone named (Redacted)?

12 A. [12:13:43] Yes, I know that person.

13 Q. [12:13:48] Where do you know her from?

14 A. [12:14:00] (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:14:22] (Redacted)

18 A. [12:14:34] (Redacted)

19 Q. [12:14:36] And relative to your own age, was she younger, older or
20 approximately the same age?

21 A. [12:14:53] She might have been slightly older than me, nearly 20. Yes, let's
22 say 20.

23 Q. [12:15:02] Do you know someone named (Redacted)?

24 A. [12:15:12] Yes, I know that person.

25 Q. [12:15:13] Where do you know her from?

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- 1 A. [12:15:25] I knew her through her friends.
- 2 Q. [12:15:29] (Redacted)
- 3 A. [12:15:43] (Redacted)
- 4 Q. [12:15:46] Relative to your own age, was she older, younger or about the same
- 5 age, as best you can estimate?
- 6 A. [12:16:11] She already had a baby, me too. We were about the same age.
- 7 Q. [12:16:19] Do you know someone going by the name of (Redacted)?
- 8 A. [12:16:31] Yes, I know her.
- 9 Q. [12:16:32] Where did you know her from?
- 10 A. [12:16:44] All those girls would come and visit their friends. They would
- 11 come after a week or so and -- well, that's how I came to know her.
- 12 Q. [12:16:56] And relative to your own age, would you estimate that she was
- 13 older, younger or about the same age?
- 14 A. [12:17:15] I'm not in a position to know that.
- 15 Q. [12:17:35] While you (Redacted) did anyone ask you whether you
- 16 had been raped?
- 17 A. [12:18:04] I don't remember.
- 18 Q. [12:18:06] While you (Redacted) did anyone ask you whether you
- 19 had been raped? (Redacted)
- 20 A. [12:18:36] I was not asked that.
- 21 Q. [12:18:40] (Redacted)
- 22 A. [12:18:51] (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 Q. [12:19:23] (Redacted)

2 (Redacted)

3 A. [12:19:40] (Redacted).

4 Q. [12:19:45] Do you remember whether you told anyone whether you had been
5 raped by a commander in an armed group?

6 A. [12:20:06] I don't remember. I never told anyone that I had been raped, never.
7 You're the one who's saying that. I'm learning this from you. I've never said that.

8 Q. [12:20:24] Did you ever tell anyone that your mother was (Redacted)?

9 A. [12:20:37] No.

10 Q. [12:20:40] Did you ever tell anyone that you had a commander named
11 Tanzanian or that you had a commander of Tanzanian nationality?

12 A. [12:21:09] Well, this is news to me. And I'm surprised to hear this.

13 Q. [12:21:16] May we have DRC-OTP-0223-0117, please. It's tab 4.

14 Now, Madam Witness, (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [12:22:26] (Redacted).

18 Q. [12:22:35] And this document indicates that the source of the information that
19 follows is: Female, 17 years, identified by a local NGO on (Redacted), and that
20 then there was an interview on (Redacted)

21 (Redacted) Does any of that information mean anything to you?

22 A. [12:23:35] Not at all. It doesn't bring anything to mind.

23 Q. [12:23:43] (Redacted)

24 (Redacted)

25 A. [12:24:02] (Redacted)

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1 (Redacted)

2 Q. [12:24:07] (Redacted)

3 (Redacted)

4 A. [12:24:33] (Redacted)

5 Q. [12:24:34] (Redacted)

6 (Redacted)

7 A. [12:24:53] (Redacted)

8 Q. [12:24:53] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Speaks English) Madam Witness, do you care to comment on the information, the
21 accuracy of the information that I have just read out in relation to yourself?

22 A. [12:26:42] Well, yes, these are lies. How could I join the UPC in 1997? That
23 was at the time of Kabila, the father. How old was I at that time? In any event, my
24 mother and father are Congolese. My mother died in (Redacted). In 1997, the UPC did
25 not exist. So at that time it was Kabila, father, who was alive. That is why all this

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1 information adds up to lies. Lies, rather. (Redacted)
2 (Redacted) I don't recognize
3 this document. I have never said that I have been raped.
4 (Redacted)
5 (Redacted). That is
6 where I was born; that's where I grew up. That information is correct. But I have
7 never been raped, so these issues of violence and acts of violence and things like that,
8 I'm just learning about them here. I'm quite surprised. Did the UPC have an army
9 in 1997? How old was I at that time? I didn't even have a child at that time. (Redacted)
10 (Redacted). That is what I can say. So I don't
11 recognise what is contained in that document. Thank you.
12 THE INTERPRETER: [12:28:14] Message from the Swahili booth, Mr President.
13 Could the witness be asked to slow down.
14 PRESIDING JUDGE FREMR: [12:28:20] Before giving floor to you, Ms Sim.
15 Madam Witness.
16 MS SIM: Oh, sorry.
17 PRESIDING JUDGE FREMR: [12:28:28] Madam Witness, there is a request from
18 the interpreters, if you could kindly slow down a bit because sometimes you are too
19 fast, and it is a problem to capture anything you were saying. So please have it in
20 mind.
21 Now, Ms Sim.
22 MS SIM: [12:28:44] As my colleague was reading, I heard in English the year 1988,
23 and in the document it says 1998, but there's no French -- I couldn't see the date in the
24 French translation, so I'm not sure how that came across to the witness. But I
25 heard 1988 and I see 1988 in the transcript, and the witness has now said 1997 a

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1 couple of time, so I think there might have been a translation issue.

2 PRESIDING JUDGE FREMR: [12:29:12] Mr Gosnell.

3 MR GOSNELL: [12:29:14] Yes, I was going to seek to clarify.

4 Q. [12:29:17] Madam Witness, it's possible that a portion of what I read to you
5 was either poorly read by me or not accurately translated, so I'm just going to repeat
6 this one particular aspect to give you a chance to comment. And what it says is the
7 following: (Interpretation)

8 (Redacted)

9 (Redacted)

10 (Speaks English) So just to be clear, the document is not saying that you joined the
11 UPC in 1997, but that you joined the (Redacted). Does that in anyway prompt any
12 change in your response?

13 A. [12:30:43] UPC, RCD. Well, I have never belonged to an armed group. I
14 have never voluntarily joined any army. I have never been in any military service
15 and I have never been raped. So how can they say that I joined the (Redacted) army
16 in 1998? I was born in 1996. In '98 how old would I have been? I was still under
17 the authority of my parents. How then could I have joined an armed group. In
18 1998 I didn't have a child yet. So I don't recognise what is contained here.

19 THE INTERPRETER: [12:31:28] Correction from the interpreters: I was born
20 in 1986. Not '96.

21 MR GOSNELL: [12:31:39]

22 Q. [12:31:42] Did you have a baby when (Redacted)?

23 A. [12:31:56] Yes. My child was eight months old, my baby was eight months
24 old.

25 Q. [12:32:03] And who was the father?

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1 A. [12:32:18] (Redacted)

2 Q. [12:32:20] Was that a consensual relationship or did he rape you?

3 A. [12:32:43] No, I was not raped. We were together. It was consensual.

4 Q. [12:32:49] Now, earlier today at page 30, line 13, I asked you, quote:

5 "Is it possible that ..." the people (Redacted) were also "... taking people who had
6 merely been victims of sexual abuse but who had not been members of an armed
7 group? (Redacted) do you know whether that
8 was the case?"

9 And then your answer to me was:

10 (Redacted)

11 Myself, I can't tell you because even if that had been the case, that is something that a
12 person would keep to herself. The person who might have suffered from that
13 wouldn't have said. Personally, I don't know of any such case."

14 Did (Redacted) tell you whether she had been raped?

15 A. [12:34:05] No, she never told me any such thing. In the course of our
16 conversations, she never told me that she had been raped.

17 PRESIDING JUDGE FREMR: [12:34:17] You were too late, Ms Sim. Do you want
18 to insist?

19 MS SIM: [12:34:20] Well, the question was already asked: Did anybody in your
20 group tell you that they had been a victim of sexual assault? So the question was
21 asked and answered.

22 PRESIDING JUDGE FREMR: [12:34:30] Mr Gosnell, please proceed.

23 MR GOSNELL: [12:34:32] Thank you.

24 Q. [12:34:34] Madam Witness, did any of your family members ever live in
25 Mongbwalu?

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1 A. [12:34:52] Yes, (Redacted)

2 (Redacted)

3 Q. [12:35:14] When you were younger, when you were a teenager did you ever
4 go and visit them?

5 A. [12:35:39] Yes.

6 Q. [12:35:40] And can you describe to us when that was that you went and visited
7 them?

8 A. [12:35:56] Well, I -- I don't remember. This -- this happened a long time ago
9 so I no longer have any recollection of that.

10 Q. [12:36:09] Was there a time before, and you've already mentioned something
11 about knowing when the UPC did and did not exist, was there a time before the
12 existence of the UPC that you went to Mongbwalu to visit (Redacted)

13 (Redacted)

14 A. [12:36:37] Yes.

15 Q. [12:36:41] And how did you travel to Mongbwalu?

16 A. [12:37:00] I went there by car.

17 Q. [12:37:04] Was that a car travelling on its own, or were other cars part of the
18 same trip, other cars or vehicles?

19 A. [12:37:30] It was in a convoy.

20 Q. [12:37:37] Was there security along the road at the time that you made this
21 journey? Was the road secure and safe?

22 A. [12:38:01] The vehicle in which I travelled was part of a convoy, so you
23 understand that security was provided along the road accordingly.

24 Q. [12:38:17] Who --

25 PRESIDING JUDGE FREMR: [12:38:18] Hold on, Madam Witness.

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1 Ms Sim.

2 MS SIM: [12:38:21] Mr President, the witness has testified about the existence of
3 the UPC as an army in 1997 and that was the only time reference that we've been
4 given at this point and counsel is now asking for questions around that time, and I'm
5 just wondering if there's -- we could situate the witness in time a bit more because
6 right now it's not clear other than before the UPC.

7 PRESIDING JUDGE FREMR: [12:38:46] Mr Gosnell.

8 MR GOSNELL: [12:38:49] Mr President, can we cut the feed, please?

9 PRESIDING JUDGE FREMR: [12:38:52] Certainly.

10 Court officer, please cut the feed.

11 You may proceed, Mr Gosnell.

12 MR GOSNELL: [12:39:09] Mr President, the witness said the opposite of what my
13 colleague has just stated. The witness said that the UPC did not exist in 1997. And
14 now we have just had counsel saying within the audio of the witness that she said
15 that the UPC did exist in 1997. So first of all, I object to that statement having been
16 made within the witness's hearing. And secondly, I would like to proceed first to
17 adduce the substance of the incident and then if I can adduce the day, I'll do so. But
18 it is my examination and I think I should be accorded the latitude to do so without
19 being instructed as to in what order those questions are asked, unless of course
20 Mr President does so.

21 PRESIDING JUDGE FREMR: [12:40:01] Ms Sim.

22 MS SIM: [12:40:04] Your Honour, I was reading the transcript as it was moving. I
23 apologise to my colleague if I misquoted, but I -- the witness knows her evidence, I
24 don't think that there's a prejudice that she could be misled by what I said.

25 PRESIDING JUDGE FREMR: [12:40:21] All right then. And, yes, I would defer to

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1 two possible situations. If there is something which really could mislead the witness,
2 then any party is free to object that, but if the objection concerns the way how the
3 examination should be according the other party conducted, then -- and I think we
4 faced few such situations in the past, and always the party touched by this objection
5 was strongly against. And I also confirmed, I believe, that it's really not for the other
6 party to comment how the examination should be made. In this case, I'm also
7 interested on timing, but if Mr Gosnell think that he will first start with the situation
8 or the event itself and then he will touch the issue of timing, it's, I think, really in his
9 competence how he will structure examination on this event.

10 But I don't think it was any kind of bad faith on Ms Sim and I find satisfactory her
11 explanation.

12 Now we can cut audio with Bunia again and Mr Gosnell may proceed.

13 MR GOSNELL: [12:41:56] And just for the record, Mr President, no bad faith was
14 alleged or suggested.

15 PRESIDING JUDGE FREMR: [12:42:01] Very well.

16 MR GOSNELL: [12:42:05]

17 Q. [12:42:05] Now, Madam Witness before the interruption --

18 PRESIDING JUDGE FREMR: [12:42:08] Hold on, Mr Gosnell. We are still not
19 connected with Bunia.

20 Now you may.

21 MR GOSNELL: [12:42:15]

22 Q. [12:42:16] Before the interruption, Madam Witness, I asked you:

23 "Was there security along the road at the time that you made this journey? Was the
24 road secure and safe?"

25 And you answered, quote:

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1 "The vehicle in which I travelled was part of a convoy, so you understand that
2 security was provided along the road accordingly."

3 Who was providing that security to which you've just referred?

4 A. [12:43:02] Security was provided by the Ugandans.

5 Q. [12:43:06] Did you stop anywhere during this journey when you were in the
6 convoy with security provided by the Ugandans on your way to Mongbwalu?

7 A. [12:43:39] Yes, we stopped from time to time.

8 Q. [12:43:41] Can you remember ever encountering a particularly shocking and
9 unusual scene when you stopped during this journey to Mongbwalu?

10 A. [12:44:22] What I remember is that we stopped at the Kobu market square.

11 Q. [12:44:27] And what did you see at the Kobu market square?

12 A. [12:44:50] We saw some crows coming out of the bush, but we couldn't go
13 close to them because there were people in charge of our security. Some of the
14 soldiers came out of some vehicles and some people, some other people joined the
15 vehicles that were part of the convoy.

16 Q. [12:45:22] Why were there crows there?

17 A. [12:45:39] Well, what do you want me to -- to answer? If I had gone close to
18 them I would have known why, but I didn't go close to those crows to know a little
19 more. Maybe they were eating something.

20 Q. [12:46:05] Did anyone provide you any information as to what they may have
21 been eating?

22 A. [12:46:29] No. It was a spectacle which drew our attention and curiosity.
23 There was insecurity in that area and no one told us what those vultures were eating.
24 And in any event we didn't get close to them.

25 Q. [12:47:13] You say there was insecurity in that area, can you tell us, if you

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1 know, who was responsible for this insecurity at this time?

2 *A. [12:47:46] At that time there was inter-ethnic conflict. There were Ugandan soldiers
3 and further down there were APC soldiers. They were ensuring security because the
4 situation wasn't good in the village. That is the reason for which we were escorted by the
5 soldiers in order to safely get to our destination.

6 Q. [12:48:33] Approximately how old were you at the time of this event?

7 A. [12:48:57] I -- I would say 15, 15 years old. I had not yet had my baby. My
8 baby was born two years later, and I was 17.

9 Q. [12:49:19] Now, if you were born in 1986, as you've told us, and you were 15
10 years old at the time of this event, that would bring us to 2001. Does that correspond
11 to your recollection as to the year when you encountered this event?

12 A. [12:49:49] Yes, that was in 2001, late 2001, early 2002. At that time,
13 Lompondo's APC troops were there. I must have been 14 or 15 years, 14 to 15.

14 Q. [12:50:15] When you say that Lompondo --

15 A. [12:50:17] It's in 2003 that I -- I became pregnant.

16 Q. [12:50:28] You say that APC troops were there. Who controlled Kobu at that
17 time when you passed through Kobu based on what you were able to observe?

18 A. [12:50:49] Ugandans and the APC, but at different positions. However, those
19 are the two groups that occupied the same village.

20 MR GOSNELL: [12:51:12] Mr President, I would like to ask a slightly leading
21 question with your permission.

22 PRESIDING JUDGE FREMR: [12:51:16] Go ahead, we will see.

23 MR GOSNELL: [12:51:20]

24 Q. [12:51:21] Did you hear whether there were any dead bodies or people who
25 had been killed in Kobu when you were passing through there and stopped?

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1 PRESIDING JUDGE FREMR: [12:51:33] Ms Sim.

2 MS SIM: [12:51:34] Mr President, the -- maybe we should cut the feed so that we --

3 PRESIDING JUDGE FREMR: [12:51:40] We will.

4 Court officer, please cut the feed.

5 Ms Sim, please.

6 MS SIM: [12:51:59] The witness has said that she saw crows, that they never got

7 close enough to see what the crows or bird were doing and that they had no idea why

8 they were there, so I don't see -- I appreciate my friend said he was going to be

9 leading, but this is really coming out of nowhere. And more to the point or equally

10 to the point, we were not given any notice about -- I will stop -- I will stop there.

11 There is -- there was an email that we received about additional information that may

12 be elicited from this witness, but it was never formally put before the Chamber or in

13 the summaries, the updated witness summaries that we have. So we had notice that

14 we were going to hear evidence about count 17, but that was never concretized in the

15 summary. But more to the point, this evidence is incredibly leading and based on

16 nothing that the witness has any knowledge of.

17 PRESIDING JUDGE FREMR: [12:53:12] Mr Gosnell, any reaction from your part?

18 MR GOSNELL: [12:53:14] Well, just a correction, I made a mistake earlier, and we

19 all make mistakes, but in this case the final version of the revised summary,

20 paragraph 11 squarely covers the matter that I'm now addressing.

21 But, Mr President, in light of the witness's answers, I'm not going to pursue the

22 question further if your Honour believes that it's not appropriate to lead in this way.

23 PRESIDING JUDGE FREMR: [12:53:35] Frankly saying, I wouldn't have a big

24 problem because I'm coming back to that issue. You know, this game with leading

25 and not leading questions coming from common law system, which is mainly focused

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1 on tendency not to mislead jurors, we are professional Judges, so if in some cases
2 even calling party needs to put leading question which would satisfy or which would
3 facilitate something or speeding up something, then I think it's possible to make it
4 with the request to the Chamber. And we as three professional Judges will, I hope
5 that you believe that, will be able to evaluate to what extent such a question was
6 leading.

7 So if you want to put this question. And, frankly saying, I don't even in the answer
8 see big deal because she said she hasn't seen. So whether she heard something or
9 not, I don't believe that we will base on this our judgment, so that is why I even don't
10 find this fight so important.

11 So if you want, please put this question.

12 Court officer, let's return back our connection with Bunia.

13 MR GOSNELL: [12:55:03] Just for the record, Mr President, the revised summary
14 to which I'm referring is dated 4 August 2016.

15 PRESIDING JUDGE FREMR: [12:55:12] Thank you and noted.

16 MR GOSNELL: [12:55:22]

17 Q. [12:55:22] Madam Witness, did anyone say that on that occasion when you
18 stopped there that there were dead bodies there who had been killed?

19 A. [12:55:56] No, that was not at the spot where we stopped at the market square.

20 THE INTERPRETER: [12:56:07] Message from the Swahili booth: Mr President,
21 we did not hear part of her answer. Could the witness be asked to repeat the entire
22 answer.

23 PRESIDING JUDGE FREMR: [12:56:17] Madam Witness, there was some problem
24 because the interpreters couldn't catch everything what you have said. Could you
25 kindly repeat your last response. At the moment we have: "No, that was not at the

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1 spot where we stopped at the market square." But you said probably something else
2 which hasn't been captured. So please, if you remember, say it again.

3 THE WITNESS: [12:57:07] (Interpretation) When we stopped at the market
4 square we saw some soldiers there. Some of the soldiers alighted from the vehicles
5 while others boarded the vehicle to go to Bunia. So we went with them to the
6 destination. It is at the point where we stopped that we noticed that there were
7 some vultures eating something. Maybe they were eating some dead bodies, but
8 given that we were being escorted, there was some kind of a security perimeter
9 beyond which we couldn't go to find out what was actually happening and what they
10 were eating.

11 MR GOSNELL: [12:58:13]

12 Q. [12:58:13] Madam Witness, thank you very much. That concludes my
13 questions for you.

14 MR GOSNELL: [12:58:19] Mr President, that concludes the direct examination.
15 I apologise, there is just a matter of one document that needs to be admitted.
16 DRC-OTP-0223-0117, a version of this note which was read has been admitted, but
17 not with the name visible. Only a redacted version of this document has been
18 admitted. So I seek to tender this particular document.

19 PRESIDING JUDGE FREMR: [12:58:50] Ms Sim, your position?

20 MS SIM: [12:58:51] No objection.

21 PRESIDING JUDGE FREMR: [12:58:53] All right. So this document as specified
22 by Mr Gosnell, including the name mentioned and read, is admitted into evidence as
23 a further Defence exhibit.

24 Before we break -- and we can move to the open session.

25 (Open session at 12.59 p.m.)

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1 THE COURT OFFICER: [12:59:30] We are in open session, Mr President.

2 PRESIDING JUDGE FREMR: [12:59:33] Thank you.

3 First, slight correction of our transcript, page 66, line 8, I said I wouldn't, wouldn't
4 have a big problem. So the word "not" is missing in line 7.

5 And now, court officer, may I ask you to provide us with information concerning how
6 much time the Defence used so far within the direct examination.

7 THE COURT OFFICER: [13:00:06] The Defence has used 2 hours and 12 minutes.

8 PRESIDING JUDGE FREMR: [13:00:11] Two hours and 12 minutes. So which
9 means that, Ms Sim, you, for sure, will have at your disposal whole afternoon session.
10 Do you think still that you will need -- after having listened to Mr Gosnell's questions,
11 that you will need more time than those two hours?

12 MS SIM: [13:00:34] It's hard to estimate right now just because I don't know how
13 my questions are going to be responded to, your Honour.

14 PRESIDING JUDGE FREMR: [13:00:42] I see. So in order not to surprise you at
15 the end of the session, please, you can just remind me 30 minutes before the end of
16 the afternoon session, we can just return back to that issue and we will then decide
17 about the potential request, if any, for extension of time.

18 Now we break and we will reconvene half past 2.

19 THE COURT USHER: [13:01:11] All rise.

20 (Recess taken at 1.01 p.m.)

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

22 THE COURT USHER: [14:31:34] All rise.

23 Please be seated.

24 PRESIDING JUDGE FREMR: [14:31:58] Good afternoon, everybody.

25 Good afternoon, Madam Witness.

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1 Mr Gosnell, the Chamber was informed that you would like to address us and that it's
2 necessary to cut audio for that submission. All right.

3 So now, court officer, please disconnect audio connection between us and Bunia.

4 Now, I was informed you may proceed, Mr Gosnell.

5 MR GOSNELL: [14:32:42] Thank you, Mr President. Since this concerns
6 transcript issues that were heard in private session, I believe we need to move into
7 private session.

8 PRESIDING JUDGE FREMR: [14:32:50] Court officer, let's move into private now.

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

10 THE COURT OFFICER: [14:33:00] We are in private session.

11 PRESIDING JUDGE FREMR: [14:33:06] Mr Gosnell, please.

12 MR GOSNELL: [14:33:08] Mr President, this concerns two either interpretation or
13 transcription issues both of which are rather important I must say. The first
14 concerns a passage that appears at page 50, line 18 to 19, of the English transcript.
15 The question that I asked to the witness was, and this is accurately recorded in the
16 transcript: "Did you have a family relationship". I'm sorry, I just need to
17 double-check, Mr President.

18 The question that I asked was: "Was there any family relation between (Redacted)
19 (Redacted)? And then I asked again, "But what was the relationship, the family
20 relationship, between (Redacted). The information that I have is that in Swahili
21 the question as translated was "did you have a family relation with (Redacted)".
22 So that obviously would have a substantial impact on the answer if that's what was
23 indeed posed to the witness.

24 And the second transcript issue concerns page 63 in the English, line 23 to 25, and the
25 French page 62, lines 16 to 18. We believe that what was said at that point was not a

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1 reference to UPC but a reference to APC. And in fact there are subsequent
2 references that I suggest corroborate that understanding of what was heard. We
3 have requested that the tapes with checked in respect of both of these issues.
4 Apparently, it was not possible to come back with an answer on either of them at this
5 moment. So I'm not sure how your Honour would wish to --

6 PRESIDING JUDGE FREMR: [14:35:08] As to the second point, I believe that the
7 verification would be enough. If you, I can imagine, if you would want to return
8 back to the first issue by some additional question or questions, I think we are open to
9 do that.

10 MR GOSNELL: [14:35:23] Thank you, Mr President. I think it would just take one
11 question.

12 PRESIDING JUDGE FREMR: [14:35:28] Prosecution, any objection to that
13 proposal?

14 MS SIM: [14:35:32] No, your Honour.

15 PRESIDING JUDGE FREMR: [14:35:33] All right then.

16 So now we still remain in private session, but we can now renew the audio
17 connection.

18 Madam Witness, can you hear me again? Not yet.

19 Madam Witness, good afternoon. Can you hear me again?

20 THE WITNESS: [14:36:15] (Interpretation) Yes, I can hear you.

21 PRESIDING JUDGE FREMR: [14:36:18] I have already said, Madam Witness, that
22 the examination by Defence is completed, but because we realised there is some
23 reason to put to you one or two or few additional questions by Defence counsel, so I
24 will again give floor to Defence counsel, and then we will continue with your
25 examination by Prosecution.

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1 So now I am giving floor to Mr Gosnell.

2 And for your information, Madam Witness, we are still in private session.

3 Mr Gosnell, you have the floor.

4 MR GOSNELL: [14:36:54] Thank you, Mr President.

5 Q. [14:36:56] Madam Witness, I was asking you earlier today about (Redacted)
6 (Redacted), and the question that I would like to ask you is whether (Redacted) had a
7 family relationship with (Redacted) of any kind, not whether you had a family
8 relationship with either (Redacted), but whether they had a family relationship with
9 each other. Do you know whether that's the case?

10 A. [14:37:30] Yes.

11 Q. [14:37:36] And what was their relationship with each other?

12 A. [14:37:47] They were sisters from the same family.

13 Q. [14:37:52] And was one of the two elder or were they twins?

14 A. [14:38:03] They aren't twins. They're two sisters from the same family. One
15 elder and one younger.

16 Q. [14:38:15] And which was elder?

17 A. [14:38:23] (Redacted) was the elder of the two.

18 MR GOSNELL: [14:38:27] Thank you, Mr President.

19 PRESIDING JUDGE FREMR: [14:38:29] So now, Madam Witness, we will move to
20 your cross-examination by Prosecution, and it's my duty to remind you that this
21 Court is governed by principle of fair trial, which, inter alia, means that both parties
22 are treated in the same way, which for you means that although you have been called
23 by Defence, you still have to respond to all questions put to you by Prosecution in the
24 same way as you did so far, and you did it perfectly. So please continue in the same
25 way.

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1 Do you understand that, Madam Witness?

2 THE WITNESS: [14:39:26] (Interpretation) Yes, I've understood.

3 PRESIDING JUDGE FREMR: [14:39:32] Now I'm giving floor to Ms Sim, and, Ms
4 Sim, we are in private session.

5 MS SIM: [14:39:54] Like the Defence counsel, I believe that the majority of my
6 examination will have to also be conducted in private session.

7 QUESTIONED BY MS SIM:

8 Q. [14:40:18] Madam Witness, can you hear me all right?

9 The screen reads "no camera connected", so I'm not sure if that also means that the
10 audio ...

11 I'll repeat my question.

12 Madam Witness, are you able to hear me all right?

13 PRESIDING JUDGE FREMR: [14:41:01] Ms Sim, court officer verified the
14 connection should be okay. So I don't know.

15 Madam Witness, can you hear Prosecution counsel, Ms Sim?

16 THE WITNESS: [14:41:20] (Interpretation) There's a sound problem. I can't hear.

17 PRESIDING JUDGE FREMR: [14:41:39] You can't hear anything or you have some
18 disturbance?

19 THE WITNESS: [14:41:54] (Interpretation) When you speak I hear you, but when
20 she speaks, I didn't hear what she said.

21 PRESIDING JUDGE FREMR: [14:42:04] Ms Sim, please try again.

22 MS SIM: [14:42:07]

23 Q. [14:42:07] Madam Witness, are you able to hear me now when I'm speaking?

24 A. [14:42:21] Yes, I can hear you.

25 Q. [14:42:24] If there's any point when you can't hear or it's not being interpreted

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1 so that you can hear, please let me know.

2 Now, we've met once before. My name is Kristy Sim, and I'm going to be asking you
3 questions on behalf of the Prosecution today. And my first question is, (Redacted)
4 (Redacted) do you remember meeting with an individual
5 named (Redacted)?

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

7 Q. [14:43:16] And it's correct that the person who asked you to meet with
8 (Redacted) was an individual named (Redacted)?

9 A. [14:43:31] Yes.

10 Q. [14:43:33] And (Redacted) had been a soldier in the UPC?

11 A. [14:43:49] Yes.

12 Q. [14:43:50] And (Redacted) knew where to find you to come ask you to speak to
13 (Redacted) correct?

14 A. [14:44:05] Yes.

15 PRESIDING JUDGE FREMR: [14:44:07] Ms Sim, please hold on because at the
16 moment at least I have no further transcript. So I was now given signal that the
17 Registry is working on reparation.

18 Madam Witness, please remain patient. We have some technical problem that we
19 are trying to solve and hopefully we will continue soon.

20 So I'm sorry to inform you that we're informed that our technical centre, we got
21 information that there's some problems with server which will require 15, 15 minutes
22 to repair it. So I'm sorry, but we will have to take break for 15 minutes. So
23 hopefully we will reconvene at 3 o'clock.

24 Now we have to break.

25 THE COURT USHER: [14:46:41] All rise.

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1 (Recess taken at 2.46 p.m.)

2 (Upon resuming in open session at 2.58 p.m.)

3 THE COURT USHER: [14:58:51] All rise.

4 Please be seated.

5 PRESIDING JUDGE FREMR: [14:59:11] At the moment we are in open session, but

6 I will limit myself on announcement that after resolution of our technical problems,

7 we will continue with cross-examination of our witness. And for that purpose, we

8 have to move into private session because our witness is protected one.

9 So now, court officer, let's move into private.

10 (Private session at 2.59 p.m.) *(Reclassified partially in public)

11 THE COURT OFFICER: [14:59:51] We are in private session, Mr President.

12 PRESIDING JUDGE FREMR: [14:59:54] So Ms Sim, you have the floor. And this

13 time, spent by fixing up the problem, certainly will not be included in your time.

14 MS SIM: [15:00:04] Just to note before I start that the name that I read or that I

15 spoke of (Redacted) has appeared correctly spelt in the English transcript, and in the French

16 transcript it appears as (Redacted) the man's name, so if it could be changed to reflect

17 the English translation.

18 PRESIDING JUDGE FREMR: [15:00:31] Yes, supported by the Chamber.

19 MS SIM: [15:00:34]

20 Q. [15:00:35] Madam Witness, are you able to hear us from this side?

21 A. [15:00:46] Yes, I can hear you.

22 Q. [15:00:49] Before we broke, I was asking you about an individual named

23 (Redacted) and your meeting with him. Do you remember that?

24 A. [15:01:14] Yes, I do.

25 Q. [15:01:15] And my following question from that is when (Redacted) told you that

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1 (Redacted) wanted to speak to you, she also told you that she was afraid to meet with
2 him; isn't that right?

3 A. [15:01:42] Please repeat your question. Please repeat your question. I didn't
4 quite follow.

5 Q. [15:01:48] Certainly. We were speaking about an individual named (Redacted) who
6 asked you to meet with (Redacted). And my question is when (Redacted) talked to you
7 about meeting with (Redacted) didn't she also say that she herself was afraid to meet
8 with (Redacted)?

9 A. [15:02:27] Yes. *She said it was difficult to meet him and that she's
10 *(Unintelligible. Poor sound quality)* not able to answer several questions.

11 Q. [15:02:47] I want to make sure that you understood my question because
12 you've answered a slightly different question. My question was: Did (Redacted) tell
13 you that she was afraid to meet with (Redacted)? Do you recall her saying that?

14 A. [15:03:10] She was afraid of him. She said that she was afraid of meeting him
15 so she wanted to meet -- or, she was looking for other people (Redacted) to talk with
16 him and so she said, "He might be able to talk with you, but I am not able to talk with
17 him." That's what she said.

18 Q. [15:03:37] Now, you knew when you met with (Redacted) that he was with the
19 UPC, right?

20 A. [15:04:05] Yes.

21 Q. [15:04:11] Did (Redacted) say what his job was with the UPC?

22 A. [15:04:27] Please, can you repeat your question from the beginning to the end.

23 Q. [15:04:38] My question was: Did (Redacted) tell you what his job was within
24 the UPC party?

25 A. [15:05:02] Well, he did not give me any details, he did not tell me that he was

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1 working at the UPC and he did such and such a thing. No, he didn't say so.

2 (Counsel confers)

3 MS SIM: [15:05:49]

4 Q. [15:05:51] Now, you met with (Redacted) before you met with the (Redacted)
5 (Redacted) correct?

6 A. [15:06:13] I had not seen him before. I did not know him. I saw him for the
7 first time when (Redacted) introduced him to me. Maybe he and (Redacted) had known each other,
8 but I did not know him.

9 Q. [15:06:35] And you met with (Redacted) before you met with the Defence
10 lawyers; is that correct?

11 A. [15:06:55] How was I going to meet the Defence lawyers without someone
12 guiding me? He is the one who put me in contact with the Defence lawyers. It
13 would have been impossible to meet with the Defence lawyers if no one had
14 introduced me to them.

15 Q. [15:07:22] And this first meeting with (Redacted) was inside somebody's house,
16 somebody's residence in Bunia; isn't that right?

17 A. [15:07:39] Yes.

18 Q. [15:07:47] And (Redacted) was also at the meeting, it was the three of you at the
19 meeting, correct?

20 A. [15:08:07] Yes, that's correct.

21 Q. [15:08:10] And this meeting with the three of you lasted for about an hour; is
22 that correct?

23 A. [15:08:27] Yes.

24 Q. [15:08:32] Now, at this meeting with (Redacted) had a document
25 or documents with him, did he not?

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1 A. [15:08:57] I have forgotten. This happened a very long time ago. I no longer
2 recall.

3 Q. [15:09:06] All right. But you remember (Redacted)
4 (Redacted)

5 A. [15:09:24] (Redacted)

6 Q. [15:09:26] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [15:13:15] Now, at the same meeting (Redacted) also told you that victims had
19 said that they had been raped and asked you questions about that particular point;
20 isn't that right?

21 A. [15:13:45] He did not ask any questions about sexual violence. Most of the
22 questions he raised were in an effort to find out whether all the girls who had gone
23 through the centre were soldiers or not.

24 Q. [15:14:07] All right. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE FREMR: [15:14:41] Hold on, Ms Sim.

7 Court officer, please cut the audio for a while with Bunia.

8 Ms Sim, kind gentle guidance from my part. I think it's clear that the way of

9 examination of this witness should be accommodated to her capability. I think you

10 know what I am speaking about. And especially, I don't know what you have in

11 your mind now, but (Redacted)

12 (Redacted) I don't believe that she's really capable to -- even to remember all

13 details from such an extensive passage. So it's my view, it's rather

14 counter-productive to try to lead examination this way.

15 I don't know what you have in mind now, but I would really, if you want to get

16 something from the witness, recommend to, rather to try to put to her relatively

17 simple and short questions. (Redacted)

18 (Redacted)

19 It's just my guidance. It's up to you whether you will take it or not.

20 Now, court officer, please return us or renew the connection with Bunia.

21 Ms Sim, please proceed.

22 MS SIM: [15:16:43] Thank you, Mr President.

23 Q. [15:16:47] Madam Witness, are you able to hear me?

24 A. [15:16:56] Yes, I can hear you.

25 Q. [15:16:58] Good. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 So my question for you now is do you remember that at this meeting with (Redacted)

13 he asked you questions or he spoke to you about victims saying that they had been

14 raped?

15 A. [15:18:39] No. I don't remember. This happened such a long time ago.

16 Q. [15:18:46] At this meeting do you remember being asked questions about a

17 person named (Redacted)?

18 A. [15:19:08] Yes, I remember that.

19 Q. [15:19:11] And did Mr Mbuna tell you things about this individual named

20 (Redacted) then ask you if what he was saying was correct?

21 A. [15:19:51] I haven't understood your question. Please repeat.

22 Q. [15:19:55] All right. I'm speaking about the meeting that you had with

23 (Redacted) and where you were speaking about an individual named (Redacted)

24 And my question is: When he was asking questions about (Redacted) would he provide

25 information to you about (Redacted) and then ask you if you knew whether or not that

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1 was true or false?

2 A. [15:20:42] Give me a few minutes to see if I can remember anything. Well, he
3 asked me whether (Redacted) had done the military service and I said, in answer that, yes,
4 indeed she had done the military service.

5 Q. [15:21:13] Did (Redacted) ask you or tell you why he was interested in
6 speaking about (Redacted)?

7 A. [15:21:36] He tried to explain things to me somewhat. He told me that he was
8 looking for other victims who may have belonged to armed groups and that it is for
9 that reason that he asked me whether (Redacted) I answered that
10 (Redacted) some of
11 them had belonged to military groups while others had not.

12 Q. [15:22:28] And at this meeting (Redacted)?

13 A. [15:22:50] (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)

17 Q. [15:23:35] (Redacted) then arranged for you to meet with the Defence
18 lawyers, right?

19 A. [15:23:46] Yes. After I provided him with details on (Redacted) and
20 told him I had never belonged to any military or armed group, he then told me that
21 he was going to put me in touch with the lawyers so that I could come and testify.

22 Q. [15:24:25] And this meeting that you had with the lawyers was quite short,
23 about five minutes or so?

24 A. [15:24:51] I don't remember. You see, such a meeting might last 5 to
25 10 minutes, but I don't, I don't recall the exact time.

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1 PRESIDING JUDGE FREMR: [15:25:06] Sorry to interrupt. Madam Witness, it's
2 fine. As I told you at the beginning, don't fabricate anything, don't make things up.
3 If you don't remember, you simply don't remember. It's fully understandable to the
4 Chamber, because some events you are asked to testify about occurred many years
5 ago, so the better to please don't lie, don't fabricate those things. If you don't know,
6 you don't know.

7 THE WITNESS: [15:25:42] (Interpretation) Very well.

8 MS SIM: [15:25:50]

9 Q. [15:25:50] (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [15:26:14] (Redacted)

13 (Redacted)

14 Q. [15:26:36] (Redacted)

15 (Redacted)

16 A. [15:27:00] (Redacted)

17 Q. [15:27:15] (Redacted)

18 (Redacted)

19 A. [15:27:35] (Redacted)

20 Q. [15:27:39] (Redacted)

21 (Redacted)

22 A. [15:27:50] (Redacted)

23 Q. [15:28:07] (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [15:28:38] It was a meeting during which we had some discussions, but I'm not
2 able to tell you exactly how long those meetings lasted.

3 Q. [15:29:05] I'm just going to read (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Does that help refresh your memory about how long the second meeting was with the
12 lawyers?

13 A. [15:30:23] My reply -- well, do you want me to say -- to tell you how many
14 minutes my meeting with the lawyers lasted for?

15 When they came to see me, well, I saw that -- well, the discussions didn't last very
16 long, and I really didn't intend to time the meeting. So I can't tell you exactly how
17 long it took.

18 Q. [15:31:13] Can you tell me who contacted you about (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [15:31:41] (Redacted)

22 Q. [15:31:46] (Redacted)

23 A. [15:31:59] It was (Redacted) who came to see me, and he said
24 that he was looking for potential witnesses.

25 Q. [15:32:15] And is that person's full name (Redacted)? Do you

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1 know if that's his full name?

2 A. [15:32:36] Well, honestly, your question is very confusing to me. You're
3 constantly repeating names and my head is spinning. I think my head is going to
4 explode. I said (Redacted) and now you're saying (Redacted)?
5 I think my head might just explode.

6 Q. [15:33:19] I'm certainly not trying to confuse you, Madam Witness. I'm trying
7 to figure out how it was that (Redacted)
8 (Redacted) And I'm asking you for the name of the person, and you told me the
9 person's name was (Redacted), and I want to know if you know any of their other names,
10 their full name?

11 A. [15:33:53] No. I don't know all those names. I just know his first name,
12 (Redacted) and you are saying (Redacted) you're giving another name.

13 Q. [15:34:09] How did (Redacted) contact you? Did he come to your house
14 or did he call you over the telephone or how did he get in contact with you?

15 A. [15:34:35] Well, I'm well known. He spoke to someone and asked whether
16 that person knew so and so, and that person came to see me and said "there's a man
17 who is looking for you", and so I went to his office and I met him.

18 Q. [15:34:56] And was this man, (Redacted) also with you during the witness
19 preparation session that you attended over the weekend (Redacted)?

20 A. [15:35:26] Which day? I was travelling, and once I was back, someone came
21 to see me and he said that there was a man who wanted to see me and I didn't know
22 him. We took a motorcycle and we went to his office and he said to me "you are
23 going to speak to some people" and so that is how the contact was made.

24 Q. [15:36:03] All right. And do you remember just a couple of days ago, on
25 Saturday, you had a session (Redacted) There was lawyers on this side and

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1 you could see them over the video link. Do you remember that happening?

2 A. [15:36:25] Yes, I remember.

3 Q. [15:36:29] And there was a person on the -- on your side with you who was
4 helping you on that side. Do you remember that person?

5 A. [15:36:47] Yes, I remember.

6 Q. [15:36:48] And is that person the same person who you were in contact with
7 before about testifying in this trial?

8 A. [15:37:04] Yes.

9 Q. [15:37:08] Now, at that same meeting on Saturday, the same meeting that we
10 were just speaking about, did this gentleman, (Redacted) have documents that he
11 showed you?

12 A. [15:37:36] No. That's this Saturday (Redacted) where we were, he didn't
13 show any documents to me.

14 Q. [15:37:49] Now, when this morning you were being asked questions and you
15 answered questions about travelling to (Redacted). Do you remember that?

16 A. [15:38:28] Yes, I remember.

17 Q. [15:38:31] And you mentioned that one of your mother's family members used
18 to work with the armed group the APC. Do you remember that?

19 A. [15:38:51] Yes.

20 Q. [15:38:52] My question is, what is the name of this family member, this family
21 member of your mother's that worked for the APC.

22 A. [15:39:16] (Redacted) (phon).

23 Q. [15:39:33] Now, (Redacted) you testified that you
24 always lived in Bunia and that you did not often travel outside of Bunia. Is that
25 correct?

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1 A. [15:39:58] No, that's not so. That's not true.

2 Q. [15:40:04] And (Redacted) you also mentioned only

3 one trip to (Redacted) and that was a trip you took when you were 13 and it was

4 when your grandmother died. Is that correct?

5 A. [15:40:41] It was when we were mourning my grandmother. You asked me
6 about this.

7 THE INTERPRETER: [15:40:54] Correction: I was asked questions about this and
8 that is the answer I gave.

9 MS SIM: [15:41:02]

10 Q. [15:41:02] And in this particular trip to (Redacted) where you were mourning
11 your grandmother you were there for one week; is that correct?

12 PRESIDING JUDGE FREMR: [15:41:15] Hold on, Madam Witness.

13 Mr Gosnell, it's possible to make your submission --

14 MR GOSNELL: [15:41:23] I can make neutrally, Mr President.

15 PRESIDING JUDGE FREMR: Please.

16 MR GOSNELL: And the question that I raise and at this point it is an objection, is
17 whether it would not be appropriate to take into account the information that has
18 been communicated in the prep session note, rather than merely taking the
19 information (Redacted) The objection is that, if questions are going to
20 be put in respect of information that has been -- for which there is additional
21 information, then I think it's only fair to the witness to provide the additional
22 information.

23 PRESIDING JUDGE FREMR: [15:41:58] Ms Sim.

24 MS SIM: [15:42:02] My response needs to be made without the witness being able
25 to hear me.

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1 PRESIDING JUDGE FREMR: [15:42:07] All right.

2 So, court officer, please cut the audio for a while.

3 Ms Sim, you may proceed.

4 MS SIM: [15:42:26] Thank you, Mr President. My the point I am attempting to

5 make with the witness is that she only spoke of one trip during (Redacted)

6 (Redacted) it was for one week, where she went to see her grandmother. And it's

7 only now there is a lot more information about a lot more trips that happened. And

8 I'm simply pointing that out. So the information provided in the witness prep

9 session doesn't assist in that; that's not the point that I'm attempting to make with the

10 witness.

11 PRESIDING JUDGE FREMR: [15:43:03] Mr Gosnell.

12 MR GOSNELL: [15:43:05] Well, Mr President, I actually think we've -- and I don't

13 have a reference for you, but I do think that this issue came up during the Prosecution

14 case. And I do believe that the point that was made then was that it was not fair to

15 limit the information put to the witness only to what was said in an initial statement.

16 And this is a particularly glaring example, Mr President, because if you were -- I don't

17 know if you have the proofing note available, but if you could turn to page 5 of the

18 proofing note, you'll see the extent to which the witness commented on this during

19 the preparation session. So to now put to the witness the proposition without

20 reference to that, I submit, is unfair to the witness.

21 PRESIDING JUDGE FREMR: [15:43:50] Ms Sim, also don't understand why it's not

22 possible to say, okay, in one occasion and to refer to clearly to such occasion,

23 (Redacted) you said this, and now in another occasion you said

24 that, just to make it clear, and she then could provide you with explanation.

25 MS SIM: [15:44:11] I was getting to that part. That was where I was heading with

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1 my question.

2 PRESIDING JUDGE FREMR: [15:44:16] But I am still understanding why you need
3 three preparatory questions before putting this clear question. I think it should be
4 even less time consuming. So please think about this.

5 And before returning back to Bunia, one correction of the transcript from my part,
6 page 82, line 13. I was probably misunderstood. I didn't say "counter-protective", I
7 said counter-productive.

8 Now please let's renew the audio connection with Bunia.

9 So I believe we have connection back. Ms Sim, please proceed.

10 MS SIM: [15:45:31]

11 Q. [15:45:34] Madam Witness, you gave far more information recently about trips
12 to (Redacted), whereas (Redacted) you spoke about one trip to (Redacted). Isn't
13 that right?

14 A. [15:45:59] Yes, I said that I went to (Redacted) once and that was when my
15 grandmother died.

16 Q. [15:46:22] And just to be clear, that one trip was when you were 13 and when
17 your grandmother had died?

18 A. [15:46:51] Yes.

19 Q. [15:46:57] Now (Redacted) that you met
20 (Redacted) in (Redacted), which is the same thing that you have said today.

21 A. [15:47:15] Yes.

22 Q. [15:47:20] Except (Redacted) you said that you met (Redacted) during this
23 trip when you were 13 when your grandmother died; isn't that right?

24 A. [15:47:49] Yes.

25 Q. [15:47:54] It's correct, isn't it, that you have never seen any documents that

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1 show you when (Redacted) was born? Isn't that right?

2 A. [15:48:22] I never saw such a document, but (Redacted)

3 that's what she said, but I never saw any kind of document.

4 Q. [15:48:41] And it's correct, isn't it, that you're not able to say whether (Redacted)

5 told you how old she was or told you when she was born? Isn't that correct?

6 A. [15:49:06] (Redacted) we told each other how old we were.

7 I told her I was born in '86 and she told me that she was (Redacted). But as for the

8 seeing the date of birth on a document, no. We (Redacted) would talk

9 about our age, and she would say to me as well, she would tell me her age. So there

10 you have it.

11 PRESIDING JUDGE FREMR: [15:49:36] Sorry to interrupt, Ms Sim. I would like

12 to put one question.

13 Madam Witness, if you are saying (Redacted) what does it mean?

14 (Redacted)

15 THE WITNESS: [15:49:54] (Interpretation) (Redacted)

16 PRESIDING JUDGE FREMR: [15:50:06] Thank you.

17 THE WITNESS: [15:50:08] (Interpretation) (Redacted)

18 PRESIDING JUDGE FREMR: [15:50:12] (Redacted)

19 (Redacted)

20 THE WITNESS: [15:50:27] (Interpretation) (Redacted)

21 (Redacted)

22 PRESIDING JUDGE FREMR: [15:50:32] Thank you. And if -- I mean, I am

23 having -- and for what time (Redacted)

24 (Redacted)

25 THE WITNESS: [15:50:52] (Interpretation) (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE FREMR: [15:51:17] Understandable.

4 Ms Sim, please proceed.

5 MS SIM: [15:51:24] I apologise, Mr President. If I could just have a moment.

6 PRESIDING JUDGE FREMR: [15:51:59] Take your time.

7 (Counsel confers)

8 MS SIM: [15:52:33]

9 Q. [15:52:36] Now, I'm going to return to the time when you were in (Redacted) at
10 your grandmother's funeral. And at this time you were a young girl of 13 and you
11 were not connected to any armed group, correct?

12 A. [15:53:01] Yes, that's right.

13 Q. [15:53:06] So it wasn't possible for you to go to a military camp to socialise
14 with soldiers; isn't that right?

15 A. [15:53:28] Well, you could know if someone was in an armed group, even if
16 you lived on the same street as that person. That wasn't when we were friends.
17 And she was a friend of (Redacted) It was later when we went to Bunia. That,
18 that is when we met one another. Through our (Redacted) whose name is (Redacted)
19 That is when I met her. Not just -- I mean, you -- you wouldn't meet someone
20 just -- you wouldn't meet a soldier just at a camp.

21 Q. [15:54:25] Now, in (Redacted) you met (Redacted) through
22 someone named (Redacted) but now you've said you met (Redacted) through someone named
23 (Redacted), so which is it?

24 PRESIDING JUDGE FREMR: [15:54:45] Hold on.

25 THE WITNESS: [15:54:50] (Interpretation) I haven't quite followed you. (Redacted)

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1 (Redacted) were in the same group. They worked at the same place when they were
2 in (Redacted) within the APC. It was later. That is when I went and met them.
3 That is what I just explained.

4 PRESIDING JUDGE FREMR: [15:55:23] Mr Gosnell.

5 MR GOSNELL: [15:55:24] Mr President, I have not requested a page reference in
6 respect of every proposition being put to the witness because I'm familiar with
7 (Redacted) But I would like a reference in respect of the (Redacted) information.

8 PRESIDING JUDGE FREMR: [15:55:39] Ms Sim.

9 MS SIM: [15:55:41] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [15:56:56] So I'm going to return to my question, Madam Witness, which was,

18 (Redacted) that you met (Redacted) through someone

19 named (Redacted) and now you say you met her through someone named (Redacted), and I want
20 to know which it is.

21 PRESIDING JUDGE FREMR: [15:57:20] Hold on, Madam Witness.

22 Mr Gosnell.

23 MR GOSNELL: [15:57:23] I believe that the name that the witness just mentioned
24 was (Redacted) not (Redacted)

25 PRESIDING JUDGE FREMR: [15:57:31] I have to say I had the same in my notes.

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1 (Redacted)

2 MS SIM: [15:57:37] Prior to (Redacted) it was (Redacted). I can find the reference to that.

3 It's page 90, line 17.

4 PRESIDING JUDGE FREMR: [15:58:16] Mr Gosnell.

5 MR GOSNELL: [15:58:18] I'm just trying to read the entire context, but I don't see

6 in that earlier reference the indication that it was through her that she had met (Redacted)

7 but maybe I'm not reading the entire context. In any event, I don't see it,

8 Mr President. Perhaps I could be assisted by my colleague.

9 PRESIDING JUDGE FREMR: [15:58:49] Ms Sim, please provide assistance to

10 Mr Gosnell.

11 MS SIM: [15:58:53] Certainly. In the examination-in-chief on page 16 today:

12 "How is it that you came to meet (Redacted)? What were the circumstances?"

13 The answer: "One of my mother's family members used to work for the APC and it

14 is through that person I got to know (Redacted)"

15 I then asked in my question: "What was the name of that family member?" The

16 response was (Redacted). And I'm putting to the witness that in her previous testimony

17 the answer given was (Redacted) as the person whom -- between -- from whom she met

18 (Redacted)

19 PRESIDING JUDGE FREMR: [15:59:34] Madam Witness, have you succeeded to

20 listen to Ms Sim, because she in fact quoted from three different answers from your

21 part to same question --

22 THE WITNESS: [15:59:49] (No interpretation)

23 PRESIDING JUDGE FREMR: [15:59:55] So it seems that you provided three

24 different answers to the same questions: Who got you acquainted with (Redacted) So

25 do you have any explanation for that? Once you said one person, then another

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1 person, then the third person.

2 THE WITNESS: [16:00:24] (Interpretation) Yes. I do have an explanation. Do
3 you want me to explain?

4 PRESIDING JUDGE FREMR: [16:00:33] Please do.

5 THE WITNESS: [16:00:37] (Interpretation) (Redacted)

6 (Redacted) From Bunia -- well, I knew (Redacted) I met her in Bunia with

7 (Redacted) came with (Redacted). In (Redacted) I wasn't very used to (Redacted) I met

8 her through my (Redacted) whose name is (Redacted) So that is how I met (Redacted)

9 The people through whom I met -- through (Redacted) in (Redacted), and here

10 where I am right now through (Redacted) And (Redacted) And so that's why I

11 said (Redacted) I met her through that person, as I just said. In (Redacted) it

12 was through (Redacted) and in Bunia we saw each other once again and that's

13 how we started to socialise a bit more. But in Bunia it was through (Redacted)

14 PRESIDING JUDGE FREMR: [16:01:56] Thank you, Madam Witness.

15 Ms Sim, you have the floor.

16 MS SIM: [16:02:08]

17 Q. [16:02:08] Now, previously today you testified that (Redacted) none

18 of them were members of an armed group. But now you're saying that (Redacted)

19 (Redacted) was in an armed group. (Redacted) were in an armed group

20 or not? Was (Redacted) --

21 PRESIDING JUDGE FREMR: [16:02:32] Hold on, Madam Witness. I see

22 Mr Gosnell on his feet.

23 MR GOSNELL: [16:02:36] Mr President, the witness never said that (Redacted) was

24 (Redacted)

25 PRESIDING JUDGE FREMR: [16:02:44] Ms Sim.

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1 MS SIM: [16:02:45] My apologies. It was (Redacted) It was (Redacted) that you said was (Redacted)

2 (Redacted)

3 PRESIDING JUDGE FREMR: [16:02:52] Ms Sim, do you think really that this – and

4 you spent 15 minutes on (Redacted) is really something that is

5 relevant to the credibility of the witness, having taken into account that we are talking

6 about events some years ago? I personally see more relevant parts of her testimony

7 which could be probably good topics for cross.

8 MS SIM: [16:03:21] Mr President, with respect, it is very important for the

9 Prosecution to establish the timing of when these individuals met.

10 PRESIDING JUDGE FREMR: But don't forget that what is very important for

11 Prosecution shouldn't be necessarily important for the Chamber.

12 MS SIM: [16:03:46]

13 Q. [16:03:56] Madam Witness, (Redacted) you answered

14 that you met (Redacted) in (Redacted) through (Redacted) That is not the case, is it?

15 A. [16:04:27] You said that I met (Redacted) in (Redacted) through (Redacted)? No. It was

16 through (Redacted) Maybe you have mixed things up when it comes to the people I met.

17 I met (Redacted) here in Bunia, so I can say that I met (Redacted) through (Redacted) in Bunia. But

18 when it comes to (Redacted), it was through (Redacted)

19 (Redacted), so it is through (Redacted) that I got to know (Redacted)

20 But again, these things happened a very long time ago. Now, when it comes to

21 Bunia, I met up with her again and I got to know her again through (Redacted), and then we

22 (Redacted)

23 This is the clarification that I can provide. I did not get to know her (Redacted)

24 through (Redacted) but rather through (Redacted) Now, when it comes to Bunia, I got to know

25 her through (Redacted)

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1 (Counsel confers)

2 MS SIM: [16:06:19]

3 Q. [16:06:20] (Redacted)

4 (Redacted)

5 PRESIDING JUDGE FREMR: [16:06:31] Hold on, hold on, Madam Witness, hold
6 on, because Defence counsel asks for the floor.

7 Mr Gosnell.

8 MR GOSNELL: [16:06:39] I'm terribly sorry to raise this but could I please have a
9 reference to where the witness said that (Redacted)

10 PRESIDING JUDGE FREMR: [16:06:49] And, Ms Sim, it should be, I think, a
11 general rule, unless it's really one hundred per cent clear that everybody is familiar
12 with your reference, you should simply give specific reference.

13 MS SIM: [16:07:05] The witness has just testified that she met (Redacted) in – that she got
14 to know (Redacted) again when she (Redacted) and I'm –

15 MR GOSNELL: [16:08:01] May I just clarify my concern, Mr President.

16 PRESIDING JUDGE FREMR: [16:08:04] Please.

17 MR GOSNELL: [16:08:05] Because what the witness actually said is, "Now when it
18 comes to Bunia I met up with her" – referring to (Redacted) – "again and I got to know her
19 again through (Redacted) and then (Redacted)

20 And, Mr President, at page 2 of the prep session note, the Prosecution is informed of
21 the issue in terms of why the "we" may not be referring (Redacted) as someone who (Redacted)
22 (Redacted)

23 PRESIDING JUDGE FREMR: [16:08:35] Understood by me.

24 MS SIM: [16:08:37]

25 Q. Why I don't I back up and simply ask, Madam Witness, (Redacted)

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1 (Redacted)

2 (Redacted)

3 Now, Madam Witness, can you confirm that you (Redacted)

4 (Redacted)

5 A. [16:09:22] This is what I said: We (Redacted)

6 (Redacted)

7 (Redacted) If you look at my statement, you will see in

8 it that (Redacted)

9 THE INTERPRETER: [16:09:49] Message from the Swahili booth: Mr President,

10 could the witness be asked to slow down.

11 THE WITNESS: [16:09:57] (Interpretation) I did not say that (Redacted)

12 (Redacted) She left from (Redacted) and she came to (Redacted)

13 (Redacted) So if you look at the statement you would see it in there. But there might

14 have been some mistakes. I did not say that (Redacted) we

15 (Redacted)

16 And (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE FREMR: [16:10:36] Madam Witness, I can understand that it's

20 not easy for you to sit whole day here and to answer so many questions put to you

21 by -- sometimes very complex questions put to you by lawyers. Please slow down a

22 bit because sometimes you are too fast, then the interpreters cannot capture

23 everything and you will be then asked to repeat that. So please slow down a bit. It

24 will be for the future benefit of all of us. And please remain patient. I think it's

25 last 15 minutes, and after 15 minutes roughly you will be free for today. So remain

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1 patient please.

2 Ms Sim, you have the floor.

3 MS SIM: [16:11:24] Thank you, Mr President.

4 Q. [16:11:25] Madam Witness, earlier you were asked questions by Defence

5 counsel, and I'm looking at page 20 of today's transcript, and you referred to going to

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 So it is correct that (Redacted) before you

17 went to (Redacted)?

18 A. [16:12:57] Do you want me to answer that question?

19 Q. [16:12:59] Yes, please.

20 A. [16:13:12] Yes, we (Redacted)

21 Q. And how -- how did it happen?

22 THE INTERPRETER: [16:13:15] The Swahili booth requests that the witness repeat

23 the name of the place where (Redacted)

24 PRESIDING JUDGE FREMR: [16:13:23] Madam Witness, could you kindly repeat

25 the place (Redacted) because they

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1 didn't, haven't captured this part of your response. So only please repeat the place

2 (Redacted)

3 THE WITNESS: [16:13:45] (Interpretation) (Redacted)

4 (Redacted)

5 PRESIDING JUDGE FREMR: [16:14:03] Thank you.

6 MS SIM: [16:14:08]

7 Q. [16:14:09] My next question for you, Madam Witness, is how did it happen

8 that you (Redacted) with these girls? How did you find out

9 about (Redacted)?

10 A. [16:14:37] (Redacted)

11 (Redacted) Then through (Redacted) -- some friends had come to see her,

12 including (Redacted) These are the people who already knew

13 themselves, they knew each other. So one of them would come and look around

14 (Redacted)

15 Q. [16:15:26] And it's correct that you -- well, let me preface this. I'm referring to

16 (Redacted) It is correct that you (Redacted), did you, you (Redacted)

17 (Redacted) for free; isn't that correct?

18 A. [16:15:59] Yes.

19 Q. [16:16:11] And it's also correct that the other girls that (Redacted) with

20 had all been in an armed group, they were all soldiers; isn't that correct?

21 A. [16:16:32] Yes.

22 Q. [16:16:36] What is the name of the person who (Redacted)?

23 A. [16:17:06] It was a young man (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [16:17:40] Now, the girls, the other girls (Redacted) who were
5 soldiers or who had been soldiers, they were in the UPC, were they not, they had
6 been in the UPC army?

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

8 Q. [16:18:04] And the two individuals you mentioned, specifically (Redacted)
9 (Redacted), do you know their ethnicity?

10 A. [16:18:26] No. I wasn't asked any questions about ethnic groups. And in
11 any event, I don't even know their ethnic groups. Even in the other case, no
12 questions were put to me about their ethnicity.

13 Q. [16:18:44] And earlier you were answering questions put to you by the
14 Presiding Judge and you'd said that (Redacted)
15 (Redacted) with
16 these girls (Redacted)?

17 A. [16:19:21] Yes.

18 Q. [16:19:25] In your testimony earlier today you said that you had a child with a
19 man named (Redacted) And my question is: He was a UPC commander,
20 was he not?

21 A. [16:19:58] Yes. Yes. He was.

22 Q. [16:20:04] And at the time that you were with (Redacted) you were
23 16 years of age, that's correct?

24 A. [16:20:36] Sixteen years and a half, going on 17. Let's put it at 17. I had just
25 turned 17. Let's put it that way.

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1 Q. [16:20:59] And the year you met (Redacted) was 2002; is that correct?

2 A. [16:21:13] Yes, in 2002.

3 Q. [16:21:19] And at that time he was 20 years of age; is that correct?

4 A. [16:21:35] I do not know how old he is. All I know is that he was born
5 in 1982.

6 Q. [16:21:57] And you met (Redacted) in Bunia; is that correct?

7 A. [16:22:06] Yes.

8 Q. [16:22:12] And you know that (Redacted) remained in the UPC after
9 the time that you two separated; isn't that correct?

10 A. [16:22:44] Yes.

11 Q. [16:22:48] And when you had your child, the child for which (Redacted)
12 (Redacted) is the father, you were no longer with him; isn't that correct?

13 A. [16:23:11] When I got pregnant, he left. You see, we were not married. We
14 did not live in the same house. He was just a friend. We had a child together. I
15 got pregnant, he left. And shortly after I had the baby he came back. But we were
16 not legally married. That's how things happened.

17 Q. [16:23:52] You knew that (Redacted) worked in (Redacted)
18 (Redacted) did you not?

19 A. [16:24:16] Yes.

20 Q. [16:24:21] And you knew that (Redacted) had another last name or
21 another name which was (Redacted), didn't you?

22 A. [16:24:47] His names were (Redacted)

23 Q. [16:24:55] Now, when you said that you had a child together and then he,
24 (Redacted) left and "shortly after I had the baby he came back", do you mean that you
25 two resumed your relationship?

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1 A. [16:25:35] No. When I became pregnant, he was not even aware of it. Then
2 he left. But shortly after the baby was delivered he came back. That's it. But we
3 did not get married. We only had a child together. And the only link between us
4 was that he was the father of my child.

5 Q. [16:26:23] And when was that child born? What is the birth date of that
6 child?

7 A. [16:26:39] I have forgotten. He was born in 2003. His birth certificate is at
8 home. He was born in 2003. That's when I delivered -- I was delivered of the baby.

9 Q. [16:26:57] Do you remember if it was at the beginning of the year of 2003 or
10 the end of the year of 2003?

11 A. [16:27:08] Not in early 2003. It was in late 2003. Just before 2004. Must
12 have been (Redacted) or thereabouts. I've forgotten.

13 Q. [16:27:37] And it's true, isn't it, that you were allowed to (Redacted) with
14 these former UPC soldiers because the -- you were in a relationship with (Redacted)
15 (Redacted)?

16 A. [16:28:07] No. We knew each other. We were neighbours. We were down
17 slope while they were up the slope. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [16:28:58] The person that you mentioned earlier by the name (Redacted) that's a
24 military name, isn't it?

25 A. [16:29:18] Yes, he was a soldier.

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1 Q. [16:29:23] Was he a soldier with the UPC?

2 A. [16:29:30] Yes.

3 MS SIM: [16:29:36] Mr President, I note the time and I'm going to change subjects,
4 so perhaps --

5 PRESIDING JUDGE FREMR: [16:29:42] I think it's the right time to conclude
6 today.

7 Now let's move into open session.

8 (Open session at 4.29 p.m.)

9 THE COURT OFFICER: [16:29:56] We're in open session, Mr President.

10 PRESIDING JUDGE FREMR: [16:30:08] Thank you, court officer.

11 Madam Witness, we have to break now. We will continue with your testimony
12 tomorrow, but I can assure you that tomorrow you will not be -- you will not be with
13 us whole day. I can guarantee that by noon you will be free. But I would like to
14 thank you very much for today's testimony. I know it was very tiring exercise, but I
15 appreciate that you remained patient, that you tried to clearly respond all the
16 questions put to you.

17 And before you leave, I have to give you one guidance: In the meantime till
18 tomorrow, you must not discuss your today's testimony, what you said today, with
19 anybody else. Do you understand that?

20 THE WITNESS: [16:31:13] (Interpretation) Yes, I have understood. It's even
21 difficult to talk about these things with anyone else, even -- no one from my side
22 knows that I am here. So I would like to ask whether we can start at 10 tomorrow.
23 Can we start at 10 tomorrow? I have a baby and I have abandoned this child the
24 whole day with a feeding bottle. I didn't know that we were going to sit till this
25 time.

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1 So please give me time to get my child ready in the morning, to prepare a bottle for
2 the child, and to get the other children ready for the school. I have (Redacted) children
3 who have to go to school. I will need some time.

4 I respected time you gave me today. I left my child with my (Redacted) who
5 is -- my child who is ill. So tomorrow I will only be available from 10 a.m. because I
6 have (Redacted) child. I will only be here from 10.

7 PRESIDING JUDGE FREMR: [16:32:17] Give me second.

8 Court officer in Bunia, may I consult you on that request.

9 Madam Witness saying 10 o'clock. I understand she means 10 o'clock of the Bunia
10 time? What is the time at the moment in Bunia?

11 THE COURT OFFICER: [16:32:42] (Via video link) (Interpretation) Mr President,
12 we are at the same time. We have the same time as The Hague.

13 PRESIDING JUDGE FREMR: [16:32:50] All right. So 10 in Bunia means 10 here.
14 Give me a second. I will consult court officer and my colleagues about that request.
15 (Trial Chamber confers)

16 PRESIDING JUDGE FREMR: [16:33:30] So, Madam Witness, the Chamber
17 consulted your request. We fully understand your reasons, and in order to make
18 you comfortable we will change the beginning of our session tomorrow and we will
19 start at 10 o'clock. So I thank you for today. See you tomorrow at 10. And now
20 you may leave the transmission room.

21 And we can cut the line because I would like to consult one last procedural issue.

22 And now so according my information, Ms Sim, you so far used 1 hour 14 minutes
23 while Defence used 2.14, I guess, before noon, and then Mr Gosnell had been
24 provided with next roughly 5 minutes, so it was 2.19, something like that. How
25 much time you estimate you will need to complete your examination tomorrow?

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1 MS SIM: [16:34:41] Thank you, Mr President. Again, it's hard to estimate entirely
2 but, but I think an hour is not enough, but easily an hour and a half would do it.

3 PRESIDING JUDGE FREMR: [16:34:56] You are reading my thought. I will
4 consult my colleagues.

5 (Trial Chamber confers)

6 PRESIDING JUDGE FREMR: [16:35:10] Mr Gosnell, you are opposing that?

7 MR GOSNELL: [16:35:12] Yes, Mr President. The request is that the Prosecution,
8 as was so often the case with the Defence, be limited to the amount of time that was
9 used during the direction examination.

10 PRESIDING JUDGE FREMR: [16:35:23] Yes, we said that it's a general rule which
11 could be in some well-founded cases adjusted for some specific reasons. Ms Sim
12 would be then in accordance with this general rule good for the Chamber to hear
13 your reasons to ask for more time that has been given to the Defence.

14 MS SIM: [16:35:48] Well, as we discussed this morning, we were under the
15 impression that this examination was going to go on for three and a half hours.

16 PRESIDING JUDGE FREMR: [16:35:59] This is not relevant, I told you.

17 MS SIM: [16:36:02] We certainly didn't prepare on that basis but my submission to
18 you at this point is that the capabilities of the witness have made it seem prudent to
19 go slowly and sometimes read over portions of the transcript and so for that reason it
20 may take a bit longer.

21 PRESIDING JUDGE FREMR: [16:36:21] Madam Sim, again my comment from my
22 part, you are right, but it is also up to you, as I said, to adjust the way of the
23 questioning to the capability of the witness. I will consult my colleagues. There
24 were also some technical problems, I must admit. I will consult my colleagues on
25 that.

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1 (Trial Chamber confers)

2 PRESIDING JUDGE FREMR: [16:37:15] So after brief deliberation in the courtroom,
3 silent deliberation, our ruling is that you, Ms Sim and the Prosecution, will be given
4 in fact 15 minutes extra, which means that you will have at your disposal
5 tomorrow 1 hour 15 minutes. Am I correct? Because the Defence used 2.15 and
6 you will be given 2.30, which means it's correct. Because also Chamber at the
7 moment has idea to put some additional questions, it is possible there will be some
8 redirect, and generally we believe that in one session lasting two hours we should
9 complete this witness. So it's in accordance with this estimation.

10 Mr Gosnell.

11 MR GOSNELL: [16:38:16] May I make one request, Mr President.

12 PRESIDING JUDGE FREMR: [16:38:20] Please.

13 MR GOSNELL: [16:38:20] If there is going to be a reference to something the
14 witness has previously said (Redacted) that we be
15 provided with a line and page reference. That actually may reduce the number of
16 objections that need to be made. Thank you, Mr President.

17 PRESIDING JUDGE FREMR: [16:38:36] Yes, I agree because for the first thought it
18 seems that it would be more time consuming, but I agree with Mr Gosnell that in the
19 outcome it will be less time consuming.

20 So, Ms Sim, please have it in mind in preparation of your tomorrow examination.

21 All right? Fine.

22 That's it, and see you tomorrow 10 o'clock.

23 THE COURT USHER: [16:39:01] All rise.

24 (The hearing ends in open session at 4.39 p.m.)

25 RECLASSIFICATION REPORT

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