

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 3
8 Monday, 27 June 2016
9 (The hearing starts in open session at 10.13 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: 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 And for the record, we are in open session.
19 PRESIDING JUDGE FREMR: Thank you, court officer.
20 Now appearances please, starting with Prosecution.
21 MR VAN DER WERF: Good morning, your Honours. The Prosecution is represented
22 today by Julieta Solano, trial lawyer; Marion Rabanit, associate trial lawyer; Selam Yirgou,
23 case manager; and myself, Rens van der Werf, assistant trial lawyer.
24 PRESIDING JUDGE FREMR: Thank you, Mr van der Werf.
25 Defence now please.

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Open Session)

ICC-01/04-02/06

1 MS GRANDON: (Interpretation) Good morning, your Honour, your Honours. For
2 the Defence, Bosco Ntaganda is here with us; Stéphane Bourgon; William St-Michel;
3 Marlène Yahya; Sandrine De Sena; and Chloé Grandon, myself.

4 PRESIDING JUDGE FREMR: Thank you, Ms Grandon.

5 And now Legal Representatives of Victims, please.

6 MS PELLET: (Interpretation) Thank you, your Honour. The former child soldiers are
7 represented by Mohamed Abdou and myself, Sarah Pellet, counsel with the Office of
8 Public Counsel for Victims.

9 MR SUPRUN: (Interpretation) Good morning, your Honours. The victims of the
10 attacks are represented by myself Dmytro Suprun, counsel with the Office of Public
11 Counsel for Victims.

12 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.

13 As you all know, we faced some technical problems, as usually on a Monday morning,
14 but as usually we succeeded to fix everything, so hopefully we will now continue
15 smoothly.

16 Mr Witness, good morning. Are you doing well today?

17 WITNESS: DRC-OTP-P-0877 (Continuing)

18 (The witness speaks French)

19 THE WITNESS: (Interpretation) Your Honour, I am well. The weekend went well.
20 Thank you very much.

21 PRESIDING JUDGE FREMR: Very good, Mr Witness.

22 So we then can continue with the rest of your testimony, which means rest of
23 cross-examination conducted by Defence.

24 And, again, it's my duty to remind you that you are still under oath, which means that
25 you have to speak the truth and nothing but the truth. Do you understand that?

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 THE WITNESS: (Interpretation) Yes, your Honour, I understand.

2 PRESIDING JUDGE FREMR: So now I can hand over the floor to Ms Grandon.

3 And Ms Grandon, if I'm not wrong, you still have at your disposal one hour and six
4 minutes. Please, you may proceed.

5 MS GRANDON: (Interpretation) Thank you, your Honour.

6 QUESTIONED BY MS GRANDON: (Continuing) (Interpretation)

7 Q. Good morning, Witness.

8 A. Good morning.

9 Q. On Friday, before finishing the hearing, we addressed a new subject concerning the
10 incident with the plane at Mongbwalu airport. And before going back to this subject, I
11 would like to ask you a question with regards to a subject we dealt with on Friday,
12 namely, concerning your professional career. Now, you confirmed to me, during our
13 meeting last week, that you (Redacted).

14 PRESIDING JUDGE FREMR: Sorry. Sorry, Ms Grandon, we obviously have to move
15 into private session.

16 So let's move into private session.

17 (Private session at 10.18 a.m.) *(Reclassified partially in public)

18 THE COURT OFFICER: We are in private session, Mr President.

19 PRESIDING JUDGE FREMR: All right. And we will also redact the last question put to
20 the witness from the record.

21 Now Ms Grandon you may proceed.

22 MS GRANDON: (Interpretation) Thank you very much, your Honour.

23 Q. Now, you confirmed to me that (Redacted).

24 (Redacted).

25 (Redacted).. Can you confirm that?

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 A. Yes.

2 Q. Thank you very much. I'm now going back to the incident of the plane at
3 Mongbwalu airport.

4 On Friday I asked you the question about the name of the two Lendus that you mentioned
5 in your statement and you explained to me that you weren't able to give more than the
6 names that appear in your statement, that is to say (Redacted).. Do you have any
7 more information with regards to these people?

8 A. More information with regards to these people, but not more information with
9 regards to their surnames, no.

10 Q. You also mentioned that other people were (Redacted).. You mentioned
11 (Redacted).. Do you know the surname of this (Redacted).?

12 A. The (Redacted). that I mentioned that was a Nyali. (Redacted)..

13 Q. Do you have a surname for him?

14 A. No. Surname, no, I don't know the surname.

15 Q. (Redacted).

16 A. (Redacted).

17 Q. I'm going to change subject and ask you questions about Kobu.

18 I'd like to start calling the document DRC-OTP-2069-0096, page 0100, if you would be so
19 kind.

20 Can you see the document that's now on your screen? These are notes that were taken by
21 the investigators from the Office of the Prosecutor following your first meeting with them
22 in (Redacted).. And it is stated that with regards to your travel to Kobu in March 2003,
23 when they discovered the bodies they said that:

24 (Redacted).

25 (Redacted).

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

- 1 So it's stated that when you went to Kobu you (Redacted).
- 2 (Redacted).. Do you remember having said that to the investigators of the
- 3 Office of the Prosecutor?
- 4 A. Your Honour, Presiding Judge, (Redacted).
- 5 (Redacted).
- 6 (Redacted).
- 7 (Redacted).
- 8 (Redacted).
- 9 (Redacted).
- 10 (Redacted).
- 11 MS GRANDON: (Interpretation) I'd now like to call up DRC-OTP -- the next document,
- 12 please.
- 13 THE COURT OFFICER: Could you please repeat the ERN number.
- 14 MS GRANDON: (Interpretation) 2069-2066.
- 15 The transcript indicates 2066, it's 2086. If we could go to paragraph 36, please.
- 16 Now, this is the statement given to the investigators of the Office of the Prosecutor in
- 17 (Redacted). and it's about the events in Kobu. Now, on this occasion it states:
- 18 (Redacted).
- 19 Q. (Redacted)
- 20 (Redacted). This is a different version from the first version given to the
- 21 investigators of the Office of the Prosecutor.
- 22 A. Your Honour, Presiding Judge, I don't think that's a different version, that is to say
- 23 the way of understanding a language with regards to another language; for example,
- 24 when we say we're going to (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 (Redacted). I

2 don't think there's a difference between what I've said and what's written here. I don't
3 think so.

4 Q. When the investigators of the OTP state in their notes, following their first meeting
5 with you, that (Redacted) was it the investigators of the OTP who
6 added that?

7 A. Your Honour, we arrived in Kobu, we found a lot of people. Among others, I
8 found (Redacted).

9 (Redacted).

10 (Redacted).

11 I can't make a whole list of them right now. We saw bodies. We saw families who
12 came from Sangi, that's a village three to four kilometres from Kobu. When you're in
13 Kobu you can see Sangi. They came to get their bodies, the bodies of their family
14 members who had been killed by UPC forces.

15 And the others -- the other bodies, there were no family to get them, and that's why we
16 took the decision, rather than just leaving them outside, to bury them together.

17 And if you want to know the difference between (Redacted).

18 (Redacted).

19 (Redacted).

20 Q. You confirm, Witness, you had the opportunity to review the material about your
21 testimony and this investigator's note was among the materials that were put to you, was
22 it not?

23 A. Yes, of course it was.

24 Q. So you made certain corrections to these notes, didn't you?

25 A. Some. I made certain corrections, not with regards to the style because you can see

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 yourself the style with regards to corrections with regards to the style, but the corrections
2 that I made were with regard to certain words which had been added or omitted. That's
3 what I did. I didn't make stylistic questions, the style that's written here.

4 Q. The fact that you gave two different versions of this event to the investigators of the
5 Office of the Prosecutor doesn't that show that you were never in Kobu when the bodies
6 were discovered, but (Redacted).

7 (Redacted).

8 A. I don't think so.

9 (Redacted).

10 (Redacted).

11 (Redacted).

12 (Redacted).

13 (Redacted).

14 (Redacted).

15 (Redacted).

16 (Redacted).

17 (Redacted).

18 (Redacted).

19 Q. Now we're going to change subject. In your statement, (Redacted). and (Redacted)
20 you mentioned (Redacted).. Do you remember?

21 A. Yes.

22 Q. Now, you explained that this was (Redacted)..

23 A. Yes.

24 Q. You stated that (Redacted).

25 A. Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 Q. When we met last week --

2 PRESIDING JUDGE FREMR: Sorry, Ms Grandon. Mr van der Werf.

3 MR VAN DER WERF: Yes, I just want to note that the name wasn't properly captured by
4 the transcript. And it -- the name wasn't captured in the English transcript here at page 9,
5 line 3, but it's -- the same problem exists with regard to the mention of this name in earlier
6 pages of the transcripts, namely at page 5, line 10, and I believe 9, 9 as well.

7 And I take this opportunity to also mention another name that wasn't properly captured
8 at page 7, line 11. The transcript seems to have captured (Redacted) and I heard the
9 witness say (Redacted).

10 And lastly, your Honour, equally something that wasn't captured by the transcript, at
11 page 6, line 2, there was a third location that was mentioned after the locations Sangi and
12 Gutsi and this location hasn't been captured in the transcript.

13 PRESIDING JUDGE FREMR: Mr van der Werf, I appreciate your vigilance, but please
14 next time come with this a bit earlier because now it's not easy to return back.

15 MR VAN DER WERF: Thank you, your Honour. I just want to note that it's for the
16 counsel of the Defence to ensure that the transcript is accurate.

17 PRESIDING JUDGE FREMR: Yes, yes, you're right. You're right.

18 So at least we should return back to the last point which was this name on page 9, line 3,
19 of English transcript. (Redacted) we have the first name.

20 "In your statement, (Redacted) and (Redacted) you mentioned" -- in fact, it is part of your
21 question which hasn't been captured Ms Grandon, so could you kindly at least repeat the
22 second name of (Redacted).

23 MS GRANDON: (Interpretation) The name was correctly put in the French transcript,
24 it's (Redacted).

25 PRESIDING JUDGE FREMR: So please let's agree on one thing, if at least one version of

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 the transcript is correct, then we can just refer and to put, to record that the other version
2 should be put in harmony with the correct one.

3 Now, Ms Grandon, you may proceed.

4 MS GRANDON: (Interpretation)

5 Q. When we met last week, we discussed (Redacted) and I asked you to explain
6 in greater detail what (Redacted) and you confirmed that
7 (Redacted) was not (Redacted)
8 (Redacted); is that right?

9 A. Yes.

10 Q. I understand from your statement that this person was in the Kilo region in
11 2002, 2003?

12 A. Yes.

13 Q. And, therefore, he experienced the same events as you reported on in your two
14 statements?

15 A. Yes. But be careful, that is to say we saw the same events, but that -- or,
16 experienced the same events but that doesn't mean that what I saw today is what he saw.
17 He might -- at the same event he could see something else, and I could also see something
18 different, but where it concerns the part where I put his name in, I put his name in in the
19 part, then we have a common vision of what we experienced together.

20 Q. You have a good relationship with him?

21 A. Well, I showed you. Even -- I even drew how our relationship was.

22 Q. I'm talking about whether you get on well with him?

23 A. I don't understand what you're saying.

24 Q. Is this somebody with whom you have amicable or friendly relationships?

25 A. I think that you, yourself, confirmed that during our meeting the last time that it's

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted) I don't

3 think that there's anything else.

4 Q. Is this somebody you *see regularly?

5 A. Yes.

6 Q. So you must have had the opportunity to discuss the conflict 2002, 2003 with him, I
7 imagine?

8 A. Why discuss that? We experienced it together. What are we going to discuss?

9 The UPC attacked in Kilo *on 6 December. He was in Kilo. I went to the -- fled to the
10 bush, he fled to the bush. The UPC told us to call people in order to go round their camp.
11 All the people, the young people were there. The UPC, with all that was being done in
12 Kilo, those who we called the -- for the women who brought water to the camp there each
13 morning, and now it's such-and-such a group of such-and-such women, and perhaps the
14 next day it's a different neighbourhood.

15 So this is the situation that we experienced together. It's no point in discussing that
16 together. What are we going to discuss? I think that we are going to regret what we
17 experienced. I'm not going to discuss it.

18 Q. So you're telling me that you didn't discuss what each person experienced on their
19 side?

20 A. Your Honour, Presiding Judge, I think that, when we're all here, we know what we
21 call "discussions". You can have discussions when it is a matter of interest that are
22 incompatible. You can have discussions then.

23 But here we are discussing things with him. He suffered in his own way. He has his
24 own way of saying -- he has harm that he suffered. I've also got harm that I've suffered.
25 Why are we going to discuss it or have a debate about it? We can't discuss that. I

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 mentioned him here just because there is -- if you read the context where I put his name,
2 that's not within the framework of discussions(Redacted)
3 (Redacted).

4 And I gave his name not because we had discussions, because when you get to Kilo you
5 ask (Redacted)

6 (Redacted)

7 (Redacted).

8 MS GRANDON: (Interpretation) I'm going *to call up DRC-2069-2086, the statement of
9 (Redacted), page 2092. Could we zoom on to paragraph 34, please.

10 PRESIDING JUDGE FREMR: Sorry, in English translation we have paragraph 34. I
11 don't know how in French.

12 MS GRANDON: (Interpretation) I asked for paragraph 34, which is the number which
13 appears in the French transcript.

14 Q. Do you see the document in front of you?

15 A. Yes.

16 Q. I'm going to read a passage where it is stated:

17 (Speaks English) (Redacted)

18 (Redacted)

19 (Redacted)

20 A. Well, be careful. What I said, that I forgot to mention a moment ago, that in the

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 THE INTERPRETER: Overlapping speakers.

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MS GRANDON: (Interpretation)

13 Q. Mr Witness --

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Can you give me the name (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Could you spell the name?

6 PRESIDING JUDGE FREMR: Sorry. Sorry, again. Please both observe pauses,
7 otherwise it will be impossible for the interpreters to translate it on time.

8 MS GRANDON: (Interpretation)

9 Q. Could you spell that name, please. Go ahead.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. In your statement you referred to the murder of (Redacted). Do you recall that?

20 A. Yes.

21 Q. And you specified that (Redacted)?

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. You explained that you (Redacted).

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 A. Yes, (Redacted).

2 Q. Is it not strange, Witness, that your notebook does not contain any note regarding
3 such a serious matter?

4 A. If this is not mentioned in my notebook that's one thing, but I have mentioned it, I've
5 already mentioned it here.

6 Q. Yes, but I'm referring to your personal notebook, the one in which you noted all the
7 important events of 2002, 2003?

8 A. I said here, if you recall, I said the fact that I used a notebook is one thing, but I
9 didn't use the notebook to log everything, or to administer everything, rather I would note
10 what I wanted to note. What I could easily note I noted, what I couldn't easily note I
11 didn't. So aside from what's in the notebook, just imagine how many other things there
12 are that I know about.

13 Q. I'm going to move to another topic. Last Friday you referred to a matter regarding
14 a Mr Ngwene, do you recall?

15 PRESIDING JUDGE FREMR: Mr Witness.

16 THE WITNESS: (Interpretation) Without turning to the matter of Mr Ngwene, I would
17 like to put a question so that I have a better understanding. I referred to the murder of

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 PRESIDING JUDGE FREMR: Mr Witness, you said that you would like to put a question,
3 so I don't know why you are giving this narrative. Please maybe put this question
4 directly.

5 THE WITNESS: (Interpretation) This is my question: The Defence asked me to give
6 some information, but I don't know why she has just left this topic which is so important
7 without asking me what I think of it.

8 PRESIDING JUDGE FREMR: You know, Mr Witness, I think it's fully in the competence
9 of Ms Grandon because it's the Defence case, so at least you can't simply dictate what
10 Defence will, or what kind of question they will put to you, so it's fully in their discretion.
11 So and this time obviously will not be included to your time that time we spent.

12 THE WITNESS: (Interpretation) Thank you, your Honour.

13 PRESIDING JUDGE FREMR: So Ms Grandon, you may proceed.

14 MS GRANDON: (Interpretation)

15 Q. Do you recall that last Friday you referred to Mr Ngwene. I'm right about that,
16 aren't I?

17 A. Yes.

18 Q. As regards that incident, you explained that you were (Redacted)
19 (Redacted).

20 A. Yes.

21 Q. And that when Bosco Ntaganda arrived (Redacted)
22 (Redacted)?

23 A. Yes.

24 Q. So I thereby conclude that you didn't see what was going on?

25 A. Well, your Honour, this matter is one that you raised to establish whether I knew a

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 Bosco Ntaganda. This is not something that I mentioned in my testimony because it's
2 something that happened in Bunia and I, myself, was not a victim of all that. However,
3 after (Redacted), after the gunfire (Redacted)
4 Inspector Ngwene was already dead, but there were Ugandan soldiers there who said, no,
5 it was Mr Bosco who had shot him. (Redacted)
6 (Redacted)

7 Q. But you didn't see what happened?

8 A. No, I didn't see what happened (Redacted).

9 Q. Now, when you referred to that incident you explained that it was at a time when
10 (Redacted), I believe?

11 A. Yes.

12 Q. And you referred to a 1998; is that right?

13 A. I think it was between '99 and 2000. I think that's what I said, '99 and 2000.

14 Q. Your statement refers to 1998 as does your testimony of last Friday.

15 A. I said no, (Redacted)

16 THE INTERPRETER: Something; the interpreter's not understood.

17 THE WITNESS: (Interpretation) (Redacted). But I believe it was between 1999
18 and 2000.

19 MS GRANDON: (Interpretation)

20 Q. I'm turning now to T-109, French version, page 56, French transcript, line 12 to 17.

21 My colleague, on the team of the Prosecutor, referred you to your second statement, in
22 paragraphs 39 to 41, and that you had said in that statement that you recognized

23 Mr Ntaganda in Kilo because you had seen him in 1998 in Bunia. Are you changing your
24 testimony?

25 A. But did we not correct together? I said that the event that you were referring to

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 had taken place between 1998 -- or, 1999 and 2000.

2 Q. You explained during the preparatory session, which you had with my colleagues
3 from the Office of the Prosecutor, and now I'm going to refer to the DRC document
4 regarding the preparatory session, DRC-OTP-2093-0207, at the last page.

5 Please zoom into the last lines of that paragraph.

6 Do you see the document?

7 A. Yes.

8 Q. As regards Ngwene it is said:

9 (Speaks English) "... everybody in Bunia knows about this."

10 Can you confirm that?

11 Did you hear my question?

12 A. Yes, could you restate your question because I didn't hear.

13 Q. During the preparatory session which you had with representatives of the Office of
14 the Prosecutor, you explained that everyone in Bunia knew about this Ngwene incident;
15 can you confirm that?

16 A. Well, everybody -- when I say here "everybody", I mean all the people who were
17 associated or around that situation knew about the story.

18 Q. A few moments ago you referred -- you confirmed that you (Redacted)

19 (Redacted). So would it -- is it not correct that (Redacted)

20 (Redacted) that incident took place in 2000, at the end of the
21 year 2000?

22 A. Well, thank you very much for that detail.

23 Earlier I said that that incident could have taken place between the year 1999 and 2000, so
24 you'll understand that I've got the timing pretty much right and now you have confirmed
25 the date of that incident in (Redacted). And that's what's important to me.

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 You said to me that (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 Q. Witness, do you confirm that the first time that you referred to Bosco Ntaganda
13 being in Kilo is at the very end of your statement of (Redacted); is that correct?

14 A. Yes.

15 Q. And it was when the investigators were questioning you about the ethnic
16 background of Bosco Ntaganda that you recalled that Mr Ntaganda had been in Kilo; do
17 you confirm that?

18 A. I haven't understood your question.

19 Q. In your statement of (Redacted) you referred to Mr Bosco Ntaganda's presence in
20 Kilo in your last statement and you explained that that was because the investigators had
21 incidentally put a question to you regarding his ethnic background?

22 A. Is -- the question regarding his ethnicity was put to me, Mr Ntaganda's ethnicity that
23 is, was put to me.

24 Q. But you had already referred to Bosco Ntaganda when you first met with the
25 investigators of the Office of the Prosecutor and, at the time, you recounted that

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 Mr Ntaganda had been in Kobu at the time of the Kobu events; do you recall that?

2 A. We're talking about ethnicity, but I think that you are confusing a number of topics
3 and a number of events at one time, so I'm not sure what context you're referring to.

4 Q. Well, let me reword what I'm saying. You confirmed that it was, indeed, in your
5 last statement to the Office of the Prosecutor that - the one of (Redacted)- that you
6 first refer to Bosco Ntaganda being in Kilo?

7 A. Yes.

8 Q. Well, I am reminding you that you also referred to Bosco Ntaganda when you first
9 met with the Office of the Prosecutor, and a brief note was written about that, which was
10 provided to you, and that when you referred to Bosco Ntaganda you stated that he was in
11 Kobu; do you recall that?

12 A. No, no, no. Your Honour, what we're talking about now is Bosco Ntaganda's
13 ethnicity and that is a different topic. I'd given an answer on that topic.

14 As regards the matter of Bosco Ntaganda's arrival in Kilo, I gave an answer, which you
15 will find in my statement, saying that I had seen him in Kilo. And seen him at Kobu, I
16 didn't say that, or at least not at the same time.

17 Q. I didn't say that you said you had seen Bosco Ntaganda at Kobu, but rather that you
18 had recounted that Bosco Ntaganda was there.

19 A. Recounted. Well, first of all, you need to find the paragraph where I said that
20 because we need to be clear on the matter.

21 MS GRANDON: (Interpretation) I'm going to call for DRC-OTP-2069-0096, page 0099,
22 paragraph 12.

23 Q. Do you see that document, yes?

24 A. Yes.

25 Q. Have you -- I believe that you had the opportunity to review this document when

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 you had your preparatory meeting with the Office of the Prosecutor?

2 A. Yes.

3 Q. (Speaks English) "(Redacted) told him about the pacification meeting
4 in Sangi, the killings in Kobu and that Bosco Ntaganda was present in Kobu during the
5 events."

6 That was paragraph 12. Do you confirm that?

7 A. Thank you very much. Your Honour, what I said, and here stated, that it's not I
8 who say that Bosco Ntaganda was in Kobu during those events, but that it was (Redacted)
9 (Redacted), who told me how they had been captured in Sangi at
10 a so-called pacification meeting.

11 He had gone to that meeting and he was captured there. He had managed to escape and
12 it was him who told me that -- that Bosco Ntaganda was there during that operation. It
13 isn't I who said it, I am relating what someone else said.

14 Q. So, Witness, you confirm that you mentioned Bosco Ntaganda during your first
15 meeting with the Office of the Prosecutor. I'm not saying that you said you saw him, but
16 you did speak of him?

17 A. Yes, and I received that testimony through another person.

18 Q. However, it was only in (Redacted) that you mentioned Bosco Ntaganda's
19 presence in Kilo for the first time?

20 A. Yes. Here you see well that Bosco Ntaganda was at Kobu or was not at Kobu, but
21 before being in Kobu he was in Kilo. The matter of Kobu dates back to -- or, first to 2003,
22 and Kilo relates to 2002.

23 Q. Witness, if you really saw Bosco Ntaganda in the -- and the deputy chief of staff for
24 operations in Kilo, would you not have mentioned that at your first meeting with the
25 Office of the Prosecutor, moreover, knowing, (Redacted), you knew very

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 well that the investigations that were being carried out related to Bosco Ntaganda?

2 A. Your Honour, the investigators have their working methods. When they put a
3 question you answer specifically the question which is put. And so it is that any
4 reference to Bosco Ntaganda was in response to the questions that they put to me. I
5 explained when he had arrived in Kilo and that was in response to their questions. And
6 when they questioned me about Kobu, I did not see him in Kobu, but I heard of it through
7 another person.

8 Q. Last Friday, Witness, you told me you knew from the outset that the investigations
9 being undertaken by the Office of the Prosecutor were in relation to allegations against the
10 UPC and Bosco Ntaganda. Now, are you telling me that even though you knew about
11 the objective of the Prosecutor it didn't occur to you to inform the Office of the Prosecutor
12 that Bosco Ntaganda was at Kilo and that is the first time you met?

13 A. Well, what you see here is the food of a methodology. When they put a specific
14 question to you, you answer that question, or you explain something, and more detail is
15 needed, the questions will be reworded. So the information which you have is in relation
16 to the questions which were put to me.

17 MS GRANDON: (Interpretation) Your Honour, I have no further questions.

18 PRESIDING JUDGE FREMR: Thank you very much, Ms Grandon.

19 Now, Prosecution, do you have any request for re-direct?

20 MR VAN DER WERF: No, your Honour.

21 PRESIDING JUDGE FREMR: All right then.

22 So we also have to -- I have to say that also I don't have any question for this witness.

23 Do my colleagues have any question? It's not the case.

24 But there is still one matter pending and that is request made by Prosecution to admit
25 those seven excerpts from the notebook of Mr Witness into evidence.

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 So upon the request of Defence, we deferred our decision on this at the end, or after
2 cross-examination, so now I am asking Defence what is your position on that request
3 made by Prosecution?

4 MS GRANDON: (Interpretation) Thank you, your Honour.

5 A request for admission of this notebook was made to you by the Office of the Prosecutor
6 under Rule 68(3) of the Regulations of the Court.

7 Now, the Prosecutor's request -- should we not invite the witness to leave?

8 PRESIDING JUDGE FREMR: Do you think because, in fact, it is the end of his testimony,
9 so do you think that it could have some negative impact --

10 MS GRANDON: No.

11 PRESIDING JUDGE FREMR: -- because there is probably no idea to continue his
12 testimony. So please proceed.

13 MS GRANDON: (Interpretation) So the Prosecutor is asking you to admit seven
14 entries from this notebook, which are contained in three pages of the notebook, on the
15 basis that this notebook is said to be probative and authenticate. And it has been
16 commented and authenticated by the witness himself.

17 So the question today is not so much of the relevance of the document, but rather the
18 reliability of the document, and that is the reason why the Defence has asked you to
19 postpone your decision on admission of that document.

20 As regards the procedure for admission of documents associated with statements, based
21 on Regulation 68(3) in your decision on the conduct of proceedings, you specified that
22 associated documents should be admitted if they are indispensable to understanding the
23 statements of the witness.

24 Your Honours, the position of the Defence today is that these three pages and these seven
25 entries in no way are indispensable to understanding the statements of the witness quite

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0877

1 simply because when one considers or consults the statement of the witness of
2 (Redacted), it is simply a detailed commentary on the entries, all of the dates are
3 included in it, as well as all of the content. Everything can be found within the statement.
4 By way of example, I would refer you to paragraph 19, 20 and 21 of the statement of
5 (Redacted).
6 If you were to rule that those three pages and seven entries were necessary to understand
7 the statement of the witness, it would still be the case that the Regulation 68 procedure
8 could in -- still not be a means of having admitted into evidence any type of document
9 simply because a witness had identified the document.
10 Indeed, to be admitted in evidence a document must meet a certain number of criteria
11 regarding relevance, reliability, and these are the criteria that accord probative value to
12 the document.
13 It continues to be the position of the Defence, your Honours, that this notebook, when
14 taken in its entirety, does not in anyway meet the criterion of reliability and, in fact,
15 undermines the credibility of the witness.
16 It is not possible to admit this notebook on the basis of the truthfulness of its content and
17 certainly not to only enter in evidence the seven entries selected by the Prosecutor.
18 Indeed, the reliability of the document is highly contestable. We demonstrated this last
19 Friday in cross-examination. And despite the explanations provided by the witness on
20 this topic, I would invite you to look through this document and you will see that this
21 document has definitely been produced in chronological order and that the only notes
22 which are -- have not been maintained or created in a chronological order are five notes,
23 four of which concern the events of 2005 and number of which the Prosecutor wishes to
24 enter in evidence.
25 I'm referring to a notebook of -- which is 80 pages long.

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 THE INTERPRETER: Sorry, the events of 2002 to 2003. The interpreter corrects herself.

2 MS GRANDON: (Interpretation) There was a note which was dated 2004 -- not 2004,
3 but 2009 in a notebook which covers events between 1998 and 2003, going from the first
4 page to the last.

5 Furthermore, as regards indications of place which are noted in that notebook, it was
6 confirmed that, indeed, the statement of place indicated that the note had been taken at
7 that place, but if you examine carefully the notebook 90 percent of the notes concern
8 (Redacted) and only one Kilo, which should -- which is allegedly to indicate that the
9 witness was in Kilo at the time of the events.

10 There was also a difference in handwriting which we believe indicates that the seven
11 entries, which have been selected by the Office of the Prosecutor, were not written by the
12 same person who kept that notebook.

13 You will also remember, your Honour, your Honours, that when I asked about the
14 presence of the signature on the first page of the notebook I got from the witness no
15 explanation and the witness was not able to say who had mentioned the signature, who
16 had put the signature in the notebook.

17 All this evidence, your Honour, are sufficient to bring into doubt the credibility of this
18 document and reliability of this document and should take you to reject the request of the
19 Prosecutor to admit these seven entries.

20 And quite the opposite, I would ask you to admit the entire notebook not for the
21 truthfulness of its content, but for an evaluation of the credibility of the witness. Thank
22 you.

23 PRESIDING JUDGE FREMR: Thank you, Ms Grandon.

24 Now, Mr van der Werf, I'm asking you to update your position in the light of Defence's
25 argumentation.

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 MR VAN DER WERF: Thank you, your Honour. We maintain our request to have
2 admitted the three pages of the notebook.
3 The three pages of this notebook are, in our view, necessary to understand the statements
4 of the witness, in particular the second statement as he provides lengthy comments in that
5 statement on the three pages of the notebook. So it is appropriate to admit the three
6 pages of the witness's notebook in accordance and pursuant to Rule 68(3) of the Rules.
7 But even if not admitted under that Rule, this -- these three pages can be admitted under
8 the general rule of admission of evidence as the witness has authenticated the three pages
9 of the notebook.
10 We do oppose the Defence's request to have admitted the entirety of the witness's
11 notebook simply because the witness has not been shown the entirety of the notebook, he
12 was only shown 11 pages of the notebook.
13 As for the Defence's suggestion regarding the authenticity of the notebook and the three
14 pages, in particular the Prosecution has sought to have admitted, currently we only have
15 the -- counsel's opinion that there seems to be a difference in handwriting in the notebook.
16 The witness himself confirmed that he authored the three messages that the
17 three -- pardon, the three notes that the Prosecution has submitted, as requested, to have
18 admitted, and counsel's opinion is not a proper basis for the postponement or the rejection
19 of the admission of these three pages.
20 The Defence is free to produce additional evidence later at trial to challenge the
21 authenticity of the three pages the Prosecution seeks to have admitted, but until there is a
22 basis, until then, there is no basis for further delaying the admission of the three pages.
23 We, therefore, request that they be admitted at this stage and we also request that the
24 pages of the corresponding transcript be admitted. And for the record, because I haven't
25 stated those yet, this is DRC-OTP-2081-0507, at pages 0574, 0578, 0581. And just to clarify,

Trial Hearing
WITNESS: DRC-OTP-P-0877

(Private Session)

ICC-01/04-02/06

1 we request the admission of these three pages for the truth of their content. Thank you,
2 your Honour.

3 PRESIDING JUDGE FREMR: Thank you.

4 Now, any need to react on the recent submission made by Prosecution?

5 MS GRANDON: (Interpretation) I leave it to your disposal, your Honour.

6 PRESIDING JUDGE FREMR: So give us a second, we will briefly, silently deliberate
7 with my colleagues.

8 (Trial Chamber confers)

9 PRESIDING JUDGE FREMR: So after brief, silent deliberation, our ruling is that those
10 three pages now specified by Mr van der Werf are admitted into evidence under Rule 68(3)
11 as an accompanying annexes, together with the corresponding excerpts of transcription of
12 the notebook because, and to be absolutely brief, we found criteria set out by this
13 Chamber made in this case, and I think really, to be again to be brief, we haven't shared
14 objections presented by the Defence.

15 Now, Mr Witness, it concludes your testimony. So I would like to thank you because you
16 patiently responded all questions put to you by both parties, and I believe that your
17 testimony will assist us in our effort to find the truth. So thank you very much and we
18 wish you a safe journey home. Thank you.

19 And now court officer, you can guide Mr Witness out of the courtroom.

20 (The witness is excused)

21 PRESIDING JUDGE FREMR: Ms Grandon, please.

22 THE INTERPRETER: The interpreter missed the first part, apart from the word
23 "document".

24 PRESIDING JUDGE FREMR: Sorry, Ms Grandon, could you just repeat your --

25 MS GRANDON: (Interpretation) I would like three documents to be admitted.

1 PRESIDING JUDGE FREMR: Please go ahead.

2 MS GRANDON: (Interpretation) I would like the admission of the

3 (Redacted); the screening note; as well as

4 (Redacted) submitted to him last Friday, number 37 of the list of documents used during
5 the cross-examination.

6 PRESIDING JUDGE FREMR: First of all, could you first specify the ERN numbers and,
7 the second, what is the purpose, for the truth of the content, or for the purpose of
8 impeachment?

9 MS GRANDON: (Interpretation) Yes, it's for the evaluation of the credibility of the
10 witness.

11 And the screening note because I submitted a passage from the screening note which is in
12 contradiction with what was indicated in the statement.

13 And where it concerns the (Redacted), this is an example of the writing
14 of the witness.

15 And for the document number 37 on the list of documents used during the
16 cross-examination because I submitted this document to him on Friday concerning the
17 events in Kobu mentioned (Redacted), quite
18 simply to be able to mention the document in subsequent submissions with the aim of
19 evaluating the credibility of the witness.

20 PRESIDING JUDGE FREMR: In fact, it's probably possible to find out all those
21 documents, or their ERN numbers, but I would normally expect that if you are making
22 such a formal request you also will just add specific ERN numbers, so are you able to
23 provide us with that?

24 MR VAN DER WERF: Your Honour, and if I may --

25 PRESIDING JUDGE FREMR: In the meantime, yes, we can listen to Prosecution and,

1 please, you utilise the time to find the numbers.

2 Mr van der Werf, please.

3 MR VAN DER WERF: Well, first I would like to request that Defence identified
4 a -- specific portions of the relevant documents that it seeks to have admitted. And I will
5 object, with your leave, when that is done.

6 PRESIDING JUDGE FREMR: Ms Grandon, are you ready to provide us with those
7 numbers?

8 MS GRANDON: Yes.

9 PRESIDING JUDGE FREMR: And even as Mr van der Werf -- even, of concrete portions,
10 if you prefer to just to admit part of them.

11 MS GRANDON: (Interpretation) Where it concerns the screening note, this is
12 document DRC-OTP-2069-0096. And I would like the entire document to be admitted.
13 Where it concerns the (Redacted), that is 2092-0288, I'd like the entire
14 document to be tendered into evidence.

15 Where it concerns the last document, (Redacted), I don't have a
16 DRC-OTP, there's a filing number, tab 37.

17 PRESIDING JUDGE FREMR: And before we decide, Mr van der Werf, could you just
18 provide us with some basis for your objections.

19 MR VAN DER WERF: Yes, your Honour. First we do -- we do oppose the admission of
20 the screening note in its entirety. We would not oppose the admission of the specific
21 paragraphs that were put to the witness during his testimony, that is for the screening
22 note.

23 As for the victim application, DRC-OTP-2092-0288, we object to the admission of this
24 document because other than having the witness confirm that this is (Redacted)
25 (Redacted)

1 (Redacted), the Defence has not done anything with this specific document or topic.

2 As for the third (Redacted) -- sorry, the third document which is also (Redacted)

3 (Redacted), and it's the filing number that my colleague has just mentioned, we object to
4 the admission of this document. The Defence did not return to this issue today, has not,
5 in my view, made any suggestion to the witness regarding the contents of this document
6 and put its case to the witness as is required by paragraph 28 of the decision on the
7 conduct of proceedings.

8 And I would like to add and provide some additional information on this document,
9 which is not in the possession of the Defence, the Defence may be under an impression
10 that there is an inconsistency in the witness's answers.

11 The witness testified that he (Redacted)
12 (Redacted). The Defence then showed the
13 witness a (Redacted)

14 (Redacted)
15 (Redacted). I'm not going to mention the location, but I think
16 that is perhaps information that could shed light on this. Thank you.

17 PRESIDING JUDGE FREMR: All right. Since the -- Ms Grandon.

18 So Ms Pellet first and then we will give last chance to Ms Grandon.

19 Ms Pellet, please.

20 MS PELLET: (Interpretation) Thank you, your Honour. Where it concerns the
21 admission of the (Redacted) and of the witness, I subscribe to the objection
22 of the Office of the Prosecutor.

23 My Defence colleague mentioned that it's not only an admission to have an extract, the
24 handwriting, if you admit this (Redacted) form into evidence, then it has to be
25 mentioned that it's only with the aim of having an example of the handwriting. No

1 information contained therein has been mentioned by the Defence. I'm the only person
2 to have asked questions about it to the witness and, of course, the Prosecution. Thank
3 you, your Honour.

4 PRESIDING JUDGE FREMR: Mr van der Werf.

5 MR VAN DER WERF: Thank you, your Honour. I would just like to clarify my
6 submissions on the screening notes.

7 We would not oppose the admission of the relevant paragraphs identified by the Defence
8 subject to the Defence showing that there are contradictions, but otherwise we would
9 oppose. Thank you.

10 PRESIDING JUDGE FREMR: All right.

11 And the last chance for Defence if you want to say anything more.

12 MS GRANDON: (Interpretation) Just a word with regards to the (Redacted)
13 (Redacted).

14 The witness confirmed to me that the name of the attack mentioned in (Redacted) is the
15 attack relating to Kobu, and then he, of course, meant victims of Kobu, he was talking
16 about the attack on Kobu, and that was the subject of my question at that time.

17 PRESIDING JUDGE FREMR: So since the submissions are relatively complex and
18 extensive, it will require more time than usually for the Chamber to deliberate, so we will
19 not deliver our decision on that immediately, but in due course, I guess either in the
20 afternoon, or tomorrow, tomorrow morning.

21 Now, as concerns our further schedule for today, as you might know now, we should
22 examine another witness but, according special conditions, we had to make some
23 particular arrangement and it would allow to start with this testimony half past 2 this
24 afternoon.

25 We would like to compensate the loss of time we suffered so far, so we would like to sit in

Trial Hearing

(Private Session)

ICC-01/04-02/06

1 the afternoon in two sessions, 90 minutes each, which means the first one will be from half
2 past 2 to 4 o'clock, and the second one 4.30 to 6 o'clock.

3 We have already verified that from the Registry point of view it should be -- it should be
4 feasible, it should be held in this courtroom. The only issue is whether the witness will
5 be also capable to undergo this time schedule. Hopefully we believe that she will, but if
6 not then we would adjust the schedule to her, her mainly health conditions.

7 So now we adjourn and we will reconvene half past 2.

8 THE COURT USHER: All rise.

9 (Recess taken at 11.42 a.m.)

10 (Upon resuming in open session at 2.39 p.m.)

11 THE COURT USHER: All rise.

12 Please be seated.

13 PRESIDING JUDGE FREMR: Good afternoon.

14 Since I see some fundamental changes in composition of the teams, I will ask for a new, or
15 update on appearances starting with Prosecution.

16 MS LUPING: Good afternoon, Mr President. Good afternoon, your Honours.

17 Appearing on behalf of the Prosecution this afternoon are Ms Selam Yirgou, case manager;
18 Ms Laura Morris, assistant trial lawyer; Marion Rabanit, associate trial lawyer; and myself,
19 Dianne Luping, trial lawyer.

20 PRESIDING JUDGE FREMR: Thank you, Ms Luping.

21 Defence.

22 MR GOSNELL: Good afternoon, Mr President and your Honours. Christopher Gosnell
23 representing Mr Ntaganda this afternoon, who is present, assisted by Isabelle Martineau
24 and Elisa Binon. Thank you.

25 PRESIDING JUDGE FREMR: Thank you, Mr Gosnell.

1 And as to the Legal Representative of Victims I can note that the composition remains the
2 same, if I'm not wrong.

3 First as to the scheduling, due to the particular situation of upcoming witness we will sit
4 today from 2.30 p.m. until 4 p.m. and if feasible for the witness from 4.30 p.m. until 6 p.m.
5 I note that it's irregular time schedule so I thank everyone for their flexibility in this
6 regard.

7 Then I will deliver orally two rulings concerning not this upcoming witness, but the next
8 witness on the list, which is Witness P-850, and both those rulings may be delivered in
9 public session.

10 First decision concerns, or is oral ruling on the request for protective measures for
11 Witness P-0850 for whom the Prosecution requested face and voice distortion as well as
12 the use of pseudonym in filing number 1362.

13 After the Chamber shortened the response deadline by way of email, the Defence
14 responded on 13 June 2016 with filing number 1388, in which it opposes the request.

15 On 27 June 2016, the Chamber received the VWU's protective measures assessment which
16 recommends granting the same protective measures sought in the request.

17 The Chamber incorporates by reference the applicable law set out in its decision on
18 protective measures, which has filing number 824.

19 In ruling on the request, the Chamber has considered; first, the place of residence of the
20 witness and his family, which is in a region where the security situation remains unstable,
21 in which the accused allegedly exercises influence; second, the witness's professional and
22 family situation and the fact that his involvement in the proceedings is not known to
23 members of his extended family and to wider community; and third, the minimal degree
24 of protection currently provided. In addition, the Chamber has had particular regard to
25 the VWU's assessment in respect of the witness security situation.

1 The Chamber has not been made aware of any direct threat to the witness, but it notes the
2 reported instances when other witnesses, including crime-based witnesses, were allegedly
3 threatened as a result of their involvement with the Court.

4 In light of the above, the Chamber is satisfied that an objectively justifiable risk exists with
5 respect to the witness's security, and that of his family, warranting the protection of the
6 witness's identity from the public.

7 The Chamber further finds that the in-court protective measures sought do not unduly
8 infringe upon the rights of the accused, given that the accused and the Defence will be
9 able to see the witness give evidence and hear the witness's voice without distortion.

10 Accordingly, the Chamber grants the measures of use of a pseudonym for the purposes of
11 the trial and voice and face distortion during testimony pursuant to Rule 87 of the Rules.

12 Finally, the Chamber orders the filing of public redacted versions of the request and the
13 response within two weeks from the present ruling.

14 This concludes this Chamber's ruling.

15 And the second one is ruling on the Prosecution request for the admission under
16 Rule 68(3) of the Rules of the prior recorded testimony of Witness P-0850, together with
17 one associated document.

18 In its request contained in filing number 1361, the Prosecution seeks to admit parts of the
19 witness's statement and an accompanying sketch. It further seeks permission to use
20 leading questions to elicit from the witness any corrections or clarifications identified
21 during the preparation session and requests one hour to conduct a brief supplementary
22 examination, specifically on alleged crimes committed in Kilo.

23 The Defence responded with filing number 1389, in which it indicates that it does not
24 oppose the admission of the witness's statement and associated document, but that the
25 statement should be admitted in its entirety, and that, if not, the Prosecution should not be

1 authorised to conduct a supplementary examination on the matters contained in the
2 omitted paragraphs.

3 Having considered the materials for Witness P-0850 and the submissions received, and in
4 light of its practice with respect to the application of Rule 68(3), the Chamber is of the
5 view that use of Rule 68(3) is, in principle, appropriate for this witness. It will render its
6 formal decision on the admission of the requested materials when the witness appears
7 before the Chamber and if the requirements of Rule 68(3) are satisfied.

8 As to the Prosecution's request to only admit part of the statement and to elicit certain
9 portions of the evidence viva voce, the Chamber considers it appropriate to admit the
10 statement in full. However, the Chamber considers that should the Prosecution wish to
11 do so, supplementary examination may be conducted on the paragraphs of the statement
12 that the Prosecution had sought to elicit viva voce, as long as such questioning is
13 conducted in a manner which is not merely repetitive of the witness's statement. The
14 Chamber further considers that the sketch drawn by the witness is appropriate for
15 admission pursuant to Rule 68(3), as it is associated with the witness's statement in which
16 the sketch is used and explained.

17 Accordingly, the Chamber will authorise a supplementary examination of a maximum of
18 one hour, during which the Prosecution should also seek confirmation by the witness of
19 the accuracy of the material requested to be admitted and deal with any necessary
20 corrections and/or clarifications. Noting the scope of the witness statement, the Chamber
21 invites the Prosecution to try to use less than one hour to complete its examination, if
22 feasible.

23 The Chamber reiterates its previous finding that clarification should be sought in a
24 non-leading manner, by putting to the witness certain portions of the prior recorded
25 testimony and asking the witness whether any clarifications to that portion are required to

Trial Hearing

(Private Session)

ICC-01/04-02/06

1 be made.

2 The parties are further directed to file public redacted versions of filings 1361 and 1389
3 within two weeks.

4 This concludes this second Chamber's ruling.

5 Now we can move to issues pertaining our upcoming witness. And the Chamber in this
6 connection recalls its decision last week, it is filing number 1418, granting in-court
7 protective measures for Witness P-0018 in the form of face and voice distortion and the
8 use of pseudonym.

9 The Chamber also indicated that it would defer its decision on the Prosecution's special
10 measures request until after receiving the vulnerability assessment for the witness from
11 the VWU. Having received this assessment via email on 24 June, the Chamber will now
12 go into private session to issue its ruling on special measures for the witness earlier today.
13 So, court officer, let's move into private session now.

14 (Private session at 2.50 p.m.) *(Reclassified entirely in public)

15 THE COURT OFFICER: We are in private session, Mr President.

16 PRESIDING JUDGE FREMR: Thank you, court officer.

17 Mr Gosnell, do you want to address Chamber on this issue because it's my
18 indication -- okay, so please you have the floor.

19 MR GOSNELL: Well, thank you very much for that, Mr President. I was just
20 consulting with my colleague because I wasn't sure whether or not submissions had been
21 made before the break on this issue and I understand they have not been made by the
22 Defence.

23 And I see we already have a partition set up, and I would say that actually there are
24 partitions all over the Court today, Mr President, and this is just another one.

25 Just to clarify the position of the Defence, Mr President, we do not specifically oppose the

1 requested measure, but we do leave it to your Honours' discretion as to whether this is an
2 appropriate measure in light of the fact that the witness does not know Mr Ntaganda, did
3 not indicate that he had done anything, or that anyone fitting his description is in any way
4 involved in the events that she describes in her statement. So her position is significantly
5 different than one previous witness that your Honours are aware of where a similar
6 measure was ordered.

7 So again no specific objection, but we leave it to your Honours' discretion as to whether
8 you believe this is an appropriate procedure. Thank you, Mr President.

9 PRESIDING JUDGE FREMR: Yes, before -- I also will give floor to Prosecution, but at
10 least I can just assure yourself that we also consider this factor when deliberating on this
11 ruling.

12 Ms Luping, you have the floor.

13 MS LUPING: Yes, Mr President, your Honours, just simply to state that the
14 Prosecution's position is that even though this witness may not have indicated, at least in
15 her prior statements, that she's had any contact with the accused and is not expected to
16 testify in relation to contacts directly with the accused. In our submission, she is clearly a
17 very vulnerable witness and if she has indicated, and she certainly indicated to the
18 Prosecution, that she would not feel comfortable with having to view the accused directly
19 during her testimony, and in our submission it's certainly a very easy measure of putting
20 a screen in place if it means that the witness will feel more comfortable in testifying before
21 your Honours. And obviously I don't have to refer to the powers that you have under
22 Rule 88 or Article 68(1), but just to be mindful that every individual of witness obviously
23 comes with their own needs and so, in our submission, it would be appropriate for
24 your Honours to decide that this particular witness finds it necessary. Thank you.

25 PRESIDING JUDGE FREMR: And again I can confirm on behalf of the Chamber that,

1 and it's not criticism, but all what was now said by Ms Luping we also considered when
2 we made this ruling that now I will deliver.

3 So our ruling is that in light of the Prosecution's request for certain special measures
4 contained in filing number 1349, and, and that is what I would like to emphasise, and of
5 the recommendations in the vulnerability assessment of the VWU, received via email on
6 24 June 2016, the Chamber orders the following special measures under Rule 88 of the
7 Rules, as recommended:

8 That the witness be shielded from the accused to avoid direct eye contact, on the condition
9 that the Defence can see the witness and that Mr Ntaganda receives the undistorted image
10 of the witness on his computer;

11 Then, that a familiar support assistant from the VWU sit next to the witness in the witness
12 box;

13 Third, that questioning is adapted to the needs and capacities of the witness, and again I
14 am emphasising this part of our decision to counsels who will examine this witness, so in
15 particular, questions should be short and straightforward and, when addressing sexual
16 violence, be framed in a manner that takes into account the sensitive nature of the
17 evidence to be elicited;

18 That breaks will be granted if necessary during the testimony; and that the reading
19 assistance is provided to the witness if and when required.

20 The Chamber further recalls its decision in filing number 1418 in which it ordered that the
21 need for hearing certain evidence in private session will be assessed on a case-by-case
22 basis at the relevant time. The Chamber also recalls that it shall adjudicate any objections
23 to the manner of questioning of the witness if and when such objections arise.

24 That concludes the Chamber's ruling.

25 Is there any need for clarification of this ruling?

1 Prosecution?

2 MS LUPING: No, Mr President, your Honours, that's very clear.

3 PRESIDING JUDGE FREMR: Defence?

4 Very well. So it means that we are not still finished with procedural matters, so I will
5 continue before we invite the witness. So according to its email of 21 June 2016, the
6 Defence objects to certain of the documents the Prosecution may seek to use with this
7 witness. And sorry, we can move for the rest into open session.

8 (Open session at 2.56 p.m.)

9 THE COURT OFFICER: We are back in open session, Mr President.

10 PRESIDING JUDGE FREMR: So I will rather repeat the last sentence said: According
11 to its email of 21 June 2016, the Defence objects to certain of the documents the
12 Prosecution may seek to use with this witness. These objections will be addressed if and
13 when they arise throughout the course of the examination-in-chief.

14 Fourth, in terms of timing the examination-in-chief for this witness is to be completed
15 within four hours, and the Defence will have equal time.

16 The Chamber understands there is no request by the legal representative to question this
17 witness. So I see Ms Pellet nodding.

18 Now we can turn to the scheduled testimony. So, court officer, you may now bring
19 witness into the courtroom, please.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE FREMR: Good afternoon, Madam Witness. Can you hear me?

22 WITNESS: DRC-OTP-P-0018

23 (The witness speaks Lingala)

24 THE WITNESS: (Interpretation) Yes, I hear you.

25 PRESIDING JUDGE FREMR: Very well, Madam Witness. On behalf of this Chamber, I

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 would like to welcome you to the courtroom. You are called to testify in the case against
2 Mr Bosco Ntaganda. You will be soon asked questions both by the Judges and lawyers
3 in this courtroom and in that connection, I would like to guide you as follows:

4 Please listen carefully to those questions. If you do not understand, feel free to ask for
5 the question to be repeated. We want you to tell the truth and tell us what you saw,
6 heard or sensed yourself. If you didn't see or hear it yourself, but you found out some
7 other way, then you should explain how.

8 You may not remember all details, and it doesn't matter, please testify just on that which
9 you remember. Don't guess. Don't make things up. There is nothing wrong in saying,
10 "I don't know" or "I don't remember." Do you understand all this, Madam Witness?

11 THE WITNESS: (Interpretation) Yes, I understand, your Honour.

12 PRESIDING JUDGE FREMR: Very good. Madam Witness, protective measures are put
13 in place to ensure that your identity is not revealed to the public. It means that the
14 public cannot see your face today and that your voice is being disguised so that the public
15 cannot recognize it. We will refer to you only as "Madam Witness" and ensure that your
16 name and any other information that risks revealing who you are is not broadcast to the
17 public. Therefore, whenever you need to describe anything that might reveal your
18 identity we will do so in private session so that no one outside the courtroom can hear
19 your answer. Do you understand, Madam Witness?

20 THE WITNESS: (Interpretation) Yes, I understand.

21 PRESIDING JUDGE FREMR: Good. Madam Witness, you will find a piece of paper in
22 front of you. Now you have it in front of you. It's paper with the solemn undertaking.
23 So please now make your solemn undertaking to tell the truth by reading out the
24 declaration you have in your hands now.

25 THE WITNESS: (Interpretation) I declare solemnly that I will tell the truth, the whole

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 truth and nothing but the truth.

2 PRESIDING JUDGE FREMR: Thank you, Madam Witness. So it means that now you
3 are under oath, so you need to be aware that it's an offence within the jurisdiction of this
4 Court to give false testimony. Do you understand that?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE FREMR: Very well. Now, Madam Witness, a few practical matters
7 you should have in mind when giving your testimony.
8 First, it's important to speak into the microphone, to speak clearly and to speak at a slow
9 pace to allow the interpreters to translate everything. And I am highlighting that you
10 should only start speaking when the person asking you the question has finished and,
11 when a question is asked, please do not respond immediately, but please count in your
12 head to three and only then give your answer. This three-seconds pause is essential for
13 us to properly translate and record what you are saying. If you have any questions
14 during your testimony, or if you feel that you need a break, do not hesitate to let us know
15 by raising your hand and we will then give you the opportunity to speak. Have you
16 understood all that, Madam Witness?

17 THE WITNESS: (Interpretation) Yes, I've understood.

18 PRESIDING JUDGE FREMR: Very well. So it means we can start your testimony.
19 So Prosecution, you have the floor.

20 MS LUPING: Thank you, Mr President.

21 QUESTIONED BY MS LUPING:

22 Q. Good afternoon, Madam Witness. I have met you before. As you may recall, my
23 name is Dianne Luping and I'll be asking you questions today on behalf of the Prosecution.
24 Can you hear me well, Madam Witness?

25 A. Yes, I hear you perfectly.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. Now, Madam Witness, as I would just repeat one of the instructions made by the
2 Presiding Judge, which is whenever there are any questions that you do not understand,
3 or that are unclear in any way, please don't hesitate to ask me to repeat the question.

4 Now, with your leave, Mr President, my first questions are of an identifying nature.
5 There will be some time needed in private session before I can move back into open
6 session.

7 PRESIDING JUDGE FREMR: Just for the information of public, this witness is a
8 protected witness, which means that the guarantee of not revealing any identifying
9 information was granted to this witness, that is why, as soon as such a risk we will have to
10 move into private session, which is the case at this moment.

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

12 (Private session at 3.06 p.m.) *(Reclassified partially in public)

13 THE COURT OFFICER: We're in private session, Mr President.

14 PRESIDING JUDGE FREMR: Thank you, court officer.

15 Ms Luping, you may proceed.

16 MS LUPING: Thank you, Mr President. Thank you, court officer.

17 Q. Now, Madam Witness, could you state what your full name is please?

18 A. My name is (Redacted).

19 Q. And could you state what is your date of birth, please?

20 A. I was born on (Redacted).

21 Q. And can you explain where you were born?

22 A. I was born in (Redacted).

23 Q. And am I correct that (Redacted) of the
24 Democratic Republic of Congo?

25 A. (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

- 1 Q. And what is your ethnicity?
- 2 A. I'm from the Lendu ethnic group.
- 3 Q. And what is your father's ethnicity?
- 4 A. He is also Lendu.
- 5 Q. And what is your mother's ethnicity?
- 6 A. My mother is from the (Redacted) ethnic group.
- 7 Q. And can you state what your father's full name is, please?
- 8 A. My father's name is (Redacted).
- 9 Q. And Madam Witness, what languages do you speak?
- 10 A. (Redacted)
- 11 Q. (Redacted)
- 12 A. (Redacted)
- 13 Q. (Redacted)
- 14 A. (Redacted)
- 15 Q. And what was the highest level of education that you obtained?
- 16 A. I stayed in school until the (Redacted) year of secondary school.
- 17 Q. And what is your current occupation?
- 18 A. I'm a (Redacted).
- 19 Q. And for how long have you been a (Redacted)?
- 20 A. Work starts on Monday and continues to Saturday. That is the work (Redacted)
- 21 And then on Sunday we rest.
- 22 Q. And for how many years have you been doing that type of work?
- 23 A. I grew up doing that work. (Redacted)
- 24 (Redacted)
- 25 Q. Now, without saying any names, is it -- am I correct in saying that you are currently

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 (Redacted); is that correct?

2 A. Yes, (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 A. (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 Q. (Redacted)

10 A. (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 Q. Now, Madam Witness, I'm going to first bring you back a few years to about 1998,
18 1999, just to try to situate us all in time. In 1998, 1999, do you recall where you were
19 living?

20 A. In 1998, '99, I was in (Redacted).

21 Q. And do you recall when you left (Redacted)?

22 A. I don't recall the years because at that time we didn't recall the dates of our
23 movements. And I was very young, I wasn't as old as I am today.

24 Q. Do you recall leaving (Redacted), and if so why?

25 A. I left (Redacted) because of the war.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. And the war between whom? What groups, if you can remember?

2 A. Yes, it was an armed conflict between the Lendu and the Hema.

3 Q. (Redacted)

4 A. (Redacted)

5 Q. (Redacted)

6 A. (Redacted)

7 Q. (Redacted)

8 A. (Redacted)

9 PRESIDING JUDGE FREMR: Sorry, Ms Luping, it seems that the last part of the
10 witness's response was inaudible.

11 MS LUPING: Indeed, Mr President. I was just waiting for both the French and the
12 English to come up. I'm still waiting. We don't have the answer yet in the French, but
13 certainly in the English it's not appearing.

14 Q. Madam Witness, could you repeat your response. I asked you if you stayed in (Redacted)
15 or if you left at some point. Could you repeat your answer.

16 A. (Redacted)

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 Q. (Redacted)

23 A. (Redacted)

24 Q. And why did you leave this place to go to Bambu?

25 A. Because there was war which had broken out.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. Was this the same war that you were referring to before, or different groups?

2 A. Yes, it's the same war. The Ugandans had called people to the market, so they'd
3 come to a meeting at the market. During the meeting they shot at the people.

4 Q. And what was the ethnicity of the people who had been called to the market and
5 who were shot at?

6 A. They were Lendu.

7 Q. Now, you say you went to Bambu. When you went to Bambu what was the
8 majority of the ethnicity of the people living in Bambu?

9 A. The majority were Lendu.

10 Q. Now, in the time that you were living in Bambu, do you remember any war that
11 happened in that area?

12 A. Yes.

13 Q. Now, in a moment I'm going to ask you to describe what you remember of this war
14 that happened in this area, but before I do I want to go back to -- I want to ask you
15 questions about the timing of when this war happened. Do you remember if it was at
16 the end of the year or at the beginning of the year, or the middle of the year? Do you
17 remember roughly what part of the year that was that this war happened in Bambu?

18 A. I no longer remember exactly. It was a long time ago, so I can't remember the
19 dates.

20 Q. Okay. Have you heard, Madam Witness, of -- or, do you remember hearing of a
21 person called Molondo Lompondo, Governor Lompondo?

22 A. Yes, I heard people speak about Lompondo.

23 Q. And do you know who he was? Could you explain who he was, from what you
24 remember?

25 A. Yes, I heard this name. People told me that person was *around Bunia, but I don't

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 know what her job was, I think it was a figure in authority.

2 Q. And this person Lompondo who was, as you say, a figure in authority in Bunia, do
3 you remember a war in Bunia when Lompondo and others were basically ousted from
4 Bunia? Do you remember that, Madam Witness?

5 A. A lot of time has passed. I have forgotten.

6 PRESIDING JUDGE FREMR: Ms Luping, gentle caveat, I found this question heavily,
7 heavily leading. So simple questions which are recommended doesn't mean leading
8 questions, but it is not a big deal at this case, so just for future.

9 MS LUPING: Understood, Mr President. I had anticipated that my learned colleague
10 would not object to leading in a non-contentious issue, it's a question of just situating in
11 time. My purpose is not to elicit evidence about the event, it's simply to clarify whether
12 we can situate the witness in time. And in fact the issue of the timing of the ousting of
13 this individual is a matter of an agreed fact between the parties.

14 PRESIDING JUDGE FREMR: Then it's fine. Sorry for that.

15 MS LUPING: No, thank you, Mr President. But certainly on leading questions I'll be
16 sure to be very cautious.

17 Q. Madam Witness, you said that you can't recall exactly when this event occurred, but
18 do you remember if this event -- the war in Bambu happened before or after the war in
19 Bunia? Only if you can remember, if you cannot remember, please just say so.

20 A. The war in Bambu took place after that in Bunia.

21 Q. And do you remember how long after the war in Bunia that this war in Bambu
22 happened? Only if you can remember.

23 A. No, I don't remember. I don't remember the exact day, or the month.

24 Q. And the war in Bambu that I will be asking you more questions about, do you
25 remember if there was any term used for this war in Bambu, any expression or phrase to

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 describe this war in Bambu?

2 A. When the war in Bambu started it was called shika na mukono.

3 Q. This expression shika na mukono, could you explain to the Judges what this term
4 means and what language this is?

5 A. Shika na mukono is a Swahili expression, it means you have to you catch them using
6 your hands, catch them with your hands.

7 Q. And this expression "to catch them with your hands," do you understand what the
8 meaning is of this, or did you ever learn what the meaning of this is? I'll rephrase that
9 question: What do you understand from this expression "to catch them with your
10 hands"?

11 A. For me, shika na mukono means that you have to grab a person using your hands,
12 even if the person flees far away. Whatever the distance is that the person flees, you
13 have to be able to catch that person with your hands.

14 Q. Now, Madam Witness, I'm going to ask the Presiding Judge for his leave to move
15 now into open session. Now, when I do I'd ask you to be very careful that you do not
16 give names of any persons that were with you when you describe initially these events. I
17 will ask to go back into private session to ask for any names of people who were with you
18 at the time. Is that understood, Madam Witness?

19 A. Yes, I'm following you.

20 Q. Thank you.

21 MS LUPING: So, Mr President, with your leave, if we could now go into open session.

22 PRESIDING JUDGE FREMR: Certainly.

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

24 (Open session at 3.29 p.m.)

25 THE COURT OFFICER: We are in open session, Mr President.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Thank you, court officer.

2 Ms Luping, please proceed.

3 MS LUPING: Thank you, Mr President. Thank you, court officer.

4 Q. Now, Madam Witness, you stated that you were present in Bambu when you
5 remember that there was war there and you refer to the war as -- in a Swahili term shika
6 na mukono. Now, could I ask you please to explain to the Judges what you remember,
7 from the very first moment you became aware there was an attack, what you remember
8 you saw and that you heard? If you can describe with as much detail as possible this
9 attack in Bambu or this war in Bambu from the very first moment you realised that there
10 was a war happening.

11 A. The war broke out when we were in Bambu. Suddenly we heard shots coming
12 from Mai Shari. The gunshots could be heard. We fled, and these people who were
13 firing went to Kobu, and from Kobu they went to Mongbwalu. The way in which they
14 went to Mongbwalu, well, they went there firing, they didn't go into the locality, but they
15 continued to Mongbwalu.

16 Q. Thank you, Madam Witness. You said that "suddenly we heard shots coming
17 from" -- and now I just want to clarify what we have recorded here. In the English
18 transcript it's recorded as Masherri (phon). Could you state the name of the place again.
19 And we're still waiting for the French transcript, so it's not clear what the name of this
20 place is.

21 Ah, in the French transcript it says Maikari, M-A-I-K-A-R-I. Could you repeat the name
22 of the place?

23 A. The place where they started to fire was called Shari. This is a river, or a stream, if
24 you cross it you arrive in Bambu. So it is in that place, in Shari, that we started to hear
25 the shots.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. And how do you know that the shots were coming from Shari?

2 A. Well, it wasn't far, in the same region, and that's how we were able to hear the shots.

3 Q. And can you recall what time of day it was when you first heard these shots coming
4 from Shari?

5 A. It was in the morning, in the -- between 8 o'clock and 9 o'clock in the morning.

6 Q. Now, you stated that you then fled.

7 I'm just going to ask for leave to briefly go into private session for this question.

8 PRESIDING JUDGE FREMR: For sure.

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

10 (Private session at 3.34 p.m.) *(Reclassified partially in public)

11 THE COURT OFFICER: We are in private session, Mr President.

12 PRESIDING JUDGE FREMR: Thank you, court officer.

13 Ms Luping, please proceed.

14 MS LUPING:

15 Q. Now, Madam Witness, you said that you heard firing and you said that "we fled".

16 First of all, can I ask you to explain who you were with when you fled from the firing
17 when you were in Bambu?

18 A. (Redacted)

19 (Redacted)

20 THE INTERPRETER: (Redacted)

21 MS LUPING: (Redacted)

22 Q. (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. And were there any other relatives with you who were in Bambu and fled?

2 A. Yes, (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 A. (Redacted)

6 Q. And when you heard the shooting in Bambu, where did you -- sorry, you stated that
7 these people were coming from Kobu -- I'm just going to look at the exact transcript
8 reference. One moment, please. It's stated here that you could hear the shooting
9 coming from Shari and that you fled, and the people who were firing went to Kobu and
10 from Kobu they went to Mongbwalu. Now, is that correct, Madam Witness, I'm just
11 trying to understand what was stated in the -- what's reflected in the transcript, as to
12 whether that's an accurate reflection of what you said or not?

13 A. That's true.

14 Q. And how is it that you know that -- where these people who are firing went to?

15 A. They took the same itinerary, and when they started to hear shots they followed the
16 road to Mongbwalu.

17 Q. And how do you know that, Madam Witness?

18 A. I found out because other people who had fled towards Mongbwalu took paths
19 going through the bush and they arrived at the place where we were.

20 Q. Now, I'm just going to try to clarify that last response, Madam Witness, because it
21 says here "I found out because other people who fled towards Mongbwalu took paths
22 going through the bush and they arrived at the place where we were." Could you clarify,
23 where were you when you came across these people who you say were fleeing towards
24 Mongbwalu?

25 A. When we fled leaving Bambu we went via Peti.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. And you say you left Bambu via -- it says in the French transcript "Peti", P-E-T-I.

2 Could you just repeat the name of this place?

3 A. Peti.

4 Q. And you left Bambu, you went via Peti. Where did you go to first.

5 A. As we heard shots we fled, and we went via Bambu.

6 Q. And again I want to clarify the response. You had originally stated you were in
7 Bambu when you heard shots. You left Bambu, then went to Peti. Where did you go
8 after Peti? After having left Bambu and Peti, where did you go to?

9 A. From Peti -- well, in fact, we didn't go from Peti, we stayed around Peti.

10 PRESIDING JUDGE FREMR: Mr Gosnell.

11 MR GOSNELL: I didn't want to interrupt, but in respect of important place names
12 perhaps it might not be a bad idea to get a spelling before we move away.

13 MS LUPING: I can do so to the extent that the witness feels that she's able to do so. I
14 did ask to explain the pronunciation.

15 Q. Are you able to spell the name, Madam Witness. It's not a problem if you cannot,
16 the spelling of Peti?

17 A. Yes, I can spell it.

18 Q. If you could proceed to spell it then, please.

19 A. Could I write it on a piece of paper?

20 PRESIDING JUDGE FREMR: Or maybe why not to try to lead witness. Do you have
21 any knowledge of this name? If you do please try.

22 MS LUPING: I don't, to be very honest, Mr President. I see what's in the French
23 transcript, I'd be guessing. If the witness can -- there is a piece of paper and pen, as I
24 understand the court usher is saying, next to the witness.

25 Q. Perhaps if you could use the piece of paper and pen, Madam Witness, it's just next

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 to you or should be next to you.

2 But if I could ask that the court usher could get the piece of paper once the witness is done

3 I can read it. That might be the best way forward.

4 A. Do you want me to write Peti, just Peti, or another name?

5 Q. Yes, please, just Peti at this stage, Madam Witness. Are you able to read it out, or
6 would you like me to do it?

7 A. You can read the name.

8 Q. I'm going to read this, it's -- written on the piece of paper are the letters P-E-T-S-I.

9 Now, if I was to pronounce it, Madam Witness would I be correct in saying Mpetsi?

10 Mpetsi? Is that a yes?

11 A. Yes. Yes, that's correct.

12 Q. And you said that you were in the environs of Mpetsi. Could you explain exactly
13 where in the environs of Mpetsi that you had fled to?

14 A. We were in the bush in the surrounding area, because we were looking for a place to
15 hide and we went into the bush of the surrounding area.

16 Q. And did you learn who were the people who were firing at Bambu? Did you learn
17 who those attackers were that fired on Bambu?

18 A. We learnt that they were UPC soldiers.

19 MS LUPING: Mr President, I think we can return into open session.

20 PRESIDING JUDGE FREMR: Court officer, let's return back into open session.

21 (Open session at 3.46 p.m.)

22 THE COURT OFFICER: We're in open session, Mr President.

23 PRESIDING JUDGE FREMR: Ms Luping, please.

24 MS LUPING: Thank you, Mr President. Thank you, court officer.

25 Q. Now, Madam Witness, you stated whilst we were in private session that you learnt

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 that the people who were firing at Bambu were UPC soldiers. Now, my first question is
2 this: From whom did you learn that the people firing at Bambu were UPC soldiers?

3 A. In fact, it was an ethnic conflict and we were told that the Hema were coming to
4 attack the Lendu.

5 Q. And from whom did you learn specifically that UPC were attacking Bambu? Was
6 there any people that you spoke to in particular who told you this?

7 A. We knew that the Lendu couldn't attack Lendu localities.

8 Q. Now, when you say UPC soldiers, to what group are you referring? Do you know
9 what ethnicity or ethnicities the UPC were?

10 A. They're Hema.

11 Q. Now, Madam Witness, I had asked you from whom you heard that the UPC were
12 attacking Bambu, now your response was that "We knew that the Lendu couldn't attack
13 Lendu localities." I'm just going to rephrase my question: Did you hear from anybody
14 that the group that attacked Bambu were UPC soldiers? If you didn't, then say so. I'm
15 just asking if there was anyone who told you that these were UPC soldiers and, if so,
16 who?

17 A. (Redacted)

18 (Redacted)

19 PRESIDING JUDGE FREMR: Sorry, I think it would be better to redact this part of the
20 response.

21 MS LUPING: Indeed, Mr President. And with your leave if we could go into private
22 session.

23 PRESIDING JUDGE FREMR: I find it reasonable, yes. So let's move into private session
24 again.

25 (Private session at 3.49 p.m.) *(Reclassified partially in public)

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 THE COURT OFFICER: We're in private session, Mr President.

2 PRESIDING JUDGE FREMR: Now you may proceed, Ms Luping.

3 MS LUPING: Thank you, Mr President.

4 Q. Now, Madam Witness, you stated that you were with a person called (Redacted)
5 and other people and it was (Redacted) who gave you this information. Just first just a
6 question of clarifying for the record the name, because we have different names in the
7 French and the English.

8 And with the Presiding Judge's leave, I would lead on the spelling of the last name?

9 PRESIDING JUDGE FREMR: Yes.

10 MS LUPING:

11 Q. Now, (Redacted), am I correct in saying that the last name is spelt (Redacted)?

12 A. I'm sorry, could you put your question again?

13 Q. Certainly, Madam Witness. You referred to a name of an individual who you said
14 you were with, (Redacted). I should just say that we have an English and we have a
15 French transcript in front of me and I can see that we have different spellings in the
16 French and in the English. So to be clear that we're talking about the same person I
17 wanted to see whether you agree with my spelling of the last name of (Redacted)
18 (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 A. Yes.

22 Q. Now, you said you were with (Redacted) and others who told you that the people
23 who attacked Bambu were UPC soldiers. Can you remember where you were when he
24 told you this?

25 A. We were in Bambu.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. So just to clarify you were still in Bambu when the attack was happening when he
2 said these were UPC? Is that what you mean? I just want to clarify your answer.

3 A. When they attacked we went to Petsi, and when the attackers withdrew we returned
4 to the same village.

5 Q. And how long after this -- the war in Bambu (Redacted)?

6 A. The attackers continued on their way -- well, in fact, as you know, a lot of time has
7 elapsed since then so I've forgotten a lot of details regarding dates and time.

8 Q. That's understandable, Madam Witness, but I'm going to try to -- we can take this
9 step by step. You said that you were in Bambu when the war happened in Bambu, you
10 could hear the firing coming from Shari, you flee with your family and you stay in the
11 bush surrounding Mpetsi. Where did you go to after Mpetsi? What was the place that
12 you went to after Mpetsi?

13 A. We left Mpetsi, but we couldn't go back to our own locality and that's why we
14 stayed in the bush in the environs of Mpetsi. I can't tell you the names of all of the
15 villages we passed through.

16 Q. And still whilst you're in Mpetsi can you remember, I know it may be too difficult,
17 in which case you can say so, but do you remember if you were there for a very long time
18 in Mpetsi?

19 A. We didn't spend several days in Mpetsi.

20 Q. And after leaving the bushes near Mpetsi what was the name of the next village that
21 you went to?

22 A. We left Mpetsi and we went to Enoka.

23 Q. And do you recall roughly how long you were by the village Enoka?

24 A. That's the type of detail that I have forgotten given the time which has elapsed.

25 Q. And after the village Enoka what was the next village that you went to?

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 A. From Enoka we went to Buli and that's where the events took place.

2 Q. Now, you have stated previously that you were with your family and you describe
3 which family members were with you when you fled from Bambu to Mpetsi. When you
4 came to Buli were you still with the same family members, or had some of them fled
5 elsewhere? Just sorry, I should clarify, be clearer in my question. Sorry.

6 First of all, you had said when you left Bambu you were with (Redacted)

7 (Redacted)

8 (Redacted) When you arrived at Buli, were you still all together as a group or
9 were some of your family members elsewhere by then?

10 A. We had separated.

11 Q. And which of your families -- family members had gone to another direction? And
12 if so, where had they gone?

13 A. (Redacted)

14 (Redacted)

15 PRESIDING JUDGE FREMR: And Madam Witness, what made you to leave (Redacted)?

16 (Redacted). So my error.

17 MS LUPING:

18 Q. Now, you've stated that you were with (Redacted) in Buli and you
19 were staying with a relative of (Redacted)

20 (Redacted)

21 A. (Redacted)

22 Q. And this is my last question before the break, got one minute to go: when you
23 arrived in Buli, do you recall if there were others like you that had arrived from different
24 places?

25 A. Yes, there were.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. And can you recall where these people came from? What different villages that
2 they had come from.

3 A. Some were from Mongbwalu, others had come from the direction of Bambu and
4 others came from neighbouring localities.

5 MS LUPING: Mr President, I can ask follow-up questions after the break. It's as you
6 wish.

7 PRESIDING JUDGE FREMR: Yes, I think I would prefer that.

8 So, Madam Witness, and everybody, we break now for 30 minutes and -- and let's move
9 into open session just to announce that publicly.

10 (Open session at 4.00 p.m.)

11 THE COURT OFFICER: We're in open session, Mr President.

12 PRESIDING JUDGE FREMR: So we break now for 30 minutes and we will resume half
13 past 4 and then we will continue till 6 o'clock.

14 THE COURT USHER: All rise.

15 (Recess taken at 4.01 p.m.)

16 (Upon resuming in open session at 4.30 p.m.)

17 THE COURT USHER: All rise.

18 Please be seated.

19 PRESIDING JUDGE FREMR: Before we continue with the testimony, two piece of
20 announcement. The first one: unfortunately we, and you as well, will not have at your
21 disposal French realtime during this session. I'm sorry for that, but I hope that we will
22 commonly overcome this issue.

23 So I see no strong objections to that. As I said, we are not very happy with that, but we
24 were informed about that. Tomorrow everything should be okay.

25 And the second issue: Tomorrow we were invited to continue in courtroom 2, but

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 because Chamber in fact would prefer to continue in this courtroom because there were
2 no technical problems so far, so I guess, I hope, we expressed this preference and Registry
3 hopefully will confirm, so at the moment we would like to continue in this courtroom. If
4 not, you will be informed.

5 Now, Madam Witness, are you feeling okay?

6 THE WITNESS: (Interpretation) Yes, I'm well, your Honour.

7 PRESIDING JUDGE FREMR: I would like to thank you, still a bit premature because
8 you perfectly observed my guidance. You patiently wait for the questions. You
9 responded clearly. You also observed pauses between your response and the question.
10 So please continue in the same way because so far you are doing very well. Do you
11 understand?

12 THE WITNESS: (Interpretation) Yes, I have understood you well.

13 PRESIDING JUDGE FREMR: Fine.

14 So now I can hand over the floor to Ms Luping. Ms Luping, do you want to proceed in
15 open or in private session?

16 MS LUPING: For the first few questions we can remain in open session, with your leave,
17 Mr President.

18 PRESIDING JUDGE FREMR: Very well.

19 Q. Madam Witness, just returning back to the answer you gave before the break, you
20 mentioned that in Buli there were people who came from different places also not
21 originally from Buli, including people from Mongbwalu, from Bambu and from
22 neighbouring localities. Now, my first question is this: Can you recall some of the
23 different neighbouring localities that these other people were from who were also in Buli
24 when you got there?

25 A. There were several villages around. Some came from Kobu among the people who

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 were there, because other members of the population *went towards Gutsi and others
2 went to Buli.

3 Q. I just want to clarify the last response because there may be possibly an error in the
4 transcript. You said other members of the population came from Gutsi and others went
5 to Buli. Could you just clarify what you just said before. Were people coming from
6 Gutsi to Buli or were there members of the population that had gone to Gutsi? I'm just
7 trying to clarify that last response there, it's unclear.

8 PRESIDING JUDGE FREMR: Mr Gosnell.

9 MR GOSNELL: I do believe that's leading, Mr President, and there's no need for the last
10 element, which is a suggestion.

11 PRESIDING JUDGE FREMR: Let's make it in a different way.

12 Ms Witness, could you just repeat your last response because there is some uncertainty
13 whether it was precisely or correctly recorded.

14 THE WITNESS: (Interpretation) Where it concerns Gutsi it's another village. Buli is a
15 different village. Kobu is in the middle. I stated that the population of Kobu went to
16 Buli. Others, the Kobu population went to Gutsi. That's what I said.

17 PRESIDING JUDGE FREMR: Thank you, Madam Witness.

18 Ms Luping, please proceed.

19 MS LUPING: Thank you, Mr President.

20 Q. Now, just in terms of these people that you found in Buli that came from these
21 different locations, do you know why they were there in Buli?

22 A. All these people fled the war.

23 Q. You've referred to a place called Kobu. Do you know what -- at that time what the
24 majority of the population were, the ethnicity of the majority at Kobu at that time?

25 A. Kobu is a village of the Lendu. The Lendu are in the majority there.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 Q. And when you were in Buli and you found there were these other people who were
2 from different places in Buli, what was the majority of the ethnicity of the people you
3 found there at Buli when you got there?

4 A. The majority were Lendu, Bira, Nyali, as well as *Djadjambo or people who came
5 from other provinces.

6 Q. And you've just referred to a term "*Djadjambo ". Could you explain what
7 language that is and what it means?

8 A. *Djadjambo, as in Bunia. We say *Djadjambo are people who come from other
9 provinces, who do not come from Bunia. These are people who come from elsewhere.

10 Q. And when you say they are people who come from different provinces, from
11 outside which province, which province are you referring to?

12 A. Other provinces, for example Bas-Congo, Baluba (phon), people came from other
13 areas of the Congo. We call them by this term because these people are not from our
14 tribe.

15 Q. And just to clarify, from which province were you from at that time?

16 A. I'm from the Province Orientale.

17 Q. I'm going to ask you a few more questions about what happened in Buli, but before I
18 do, I just want to just briefly take you back in time when you said that you were living for
19 a short time in the bush whilst you were in Mpetsi and then you also said that you went
20 next to Enoka. This time that you were living in the bush, could you describe what life
21 was like living in the bush. What was it like?

22 A. Our life in the bush was difficult. First of all, it was difficult to find food. We
23 were living with difficult living conditions.

24 Q. And if you were to describe for the Judges a day living in the bush, how would
25 that -- what would that day be like? When you say "difficult living conditions" can you

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 explain what you mean by that?

2 A. I was speaking about the difficult life. It was difficult to get food. We slept under
3 very poor conditions. That's why I said that life was difficult in the bush.

4 Q. And when you say you slept under difficult conditions, what do you mean by that?

5 A. Well, that means there weren't houses in the bush. We just had to find makeshift
6 shelters. We were getting wet, soaked in the rain. That's why it was difficult.

7 Q. And when you say it was difficult to get food, was it possible to eat anything, and if
8 so, what were you eating?

9 A. Where it concerns the food, you could spend the whole day without eating. When
10 things calmed down in the evening we could go into the village in order to get something
11 to eat like bananas or cassava, and then we were still in the bush.

12 Q. And can you describe how you were feeling at that time? When you were living in
13 the bush, what were you feeling?

14 A. Well, it's difficult. We were suffering. We didn't know where to go, what could
15 we do? There was nothing to do.

16 MS LUPING: Mr President, for my next question I'd like to briefly go into private
17 session.

18 PRESIDING JUDGE FREMR: Certainly.

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

20 (Private session at 4.44 p.m.) *(Reclassified partially in public)

21 THE COURT OFFICER: We are in private session, Mr President.

22 PRESIDING JUDGE FREMR: Thank you, court officer.

23 Ms Luping, please proceed.

24 MS LUPING: Thank you, Mr President.

25 Q. Now, Madam Witness, you had explained that when you were travelling and you

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 were in the bush and then went on to Buli that you had your small child with you (Redacted)
2 (Redacted). Can you just describe what was it like looking after (Redacted) in the bush when
3 you were still there?

4 A. My life with my baby was difficult. We had nothing to do. For example, the child
5 could only eat what I found. We didn't have food. We couldn't dress ourselves
6 properly. That's why I said that life was difficult.

7 Q. And, Madam Witness, returning now to Buli, when you arrived there and you were
8 with (Redacted) and with (Redacted) your child, you describe the other people who
9 are there in Buli and you said that you came across people also from Kobu and other areas.
10 Did you know any of these people that you met there in Buli personally? Did you
11 recognize anybody that you saw there in Buli? And if so, who?

12 A. No, no. I didn't recognize anyone among these people.

13 Q. And before the break, Madam Witness, you said that when you got to Buli, this is at
14 page 69, line 21, "From Enoka we went to Buli and that's where events took place," end of
15 quote. Could you please explain what you meant by that? What happened in Buli?

16 A. Are we in private session?

17 Q. Yes, we are, Madam Witness. I'll just double-check.

18 Yes.

19 PRESIDING JUDGE FREMR: I can confirm. We are in private session, Madam
20 Witness.

21 THE WITNESS: (Interpretation) Okay. What happened in Buli is as follows: We
22 were there, (Redacted) went somewhere in order to find something to eat, to get
23 some bananas, plantains from Sangi and from Sangi we heard shots. As (Redacted) had
24 left with a group of boys I saw her come back in the evening. She told us that she had
25 been stopped by UPC troops and they took her to Kobu. UPC troops said they didn't

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 come for war, they came for peace. They gave a letter to take to Bunia in order to give it
2 to the chef de localité in Buli saying we haven't come for war. And they took the letter,
3 they read the letter because in the letter they asked for a meeting in Sangi, to have a
4 security meeting in Sangi. And as in Buli people were suffering, they had had enough of
5 fleeing right and left. It was important to speak and negotiate peace. Now, the
6 *member of my family came with this letter to Kobu. Having arrived in Kobu, *he didn't
7 come back. On the Wednesday the meeting was meant to take place in Sangi and on that
8 Wednesday at 1500 hours or 1600 hours the population went to Sangi. I didn't go.
9 (Redacted) left with other people, particularly the men went to this meeting. And
10 sometime afterwards we saw on the Gula road there was a woman who came and she was
11 coming in haste and she said, or we asked her -- we said "Why are you hurrying?" And
12 she said that, "On the road there are the *Effacer troops" and sometime afterwards we
13 heard shots from Gula.
14 Now, the people who were in Sangi also fired shots. Everybody who participated in the
15 meeting was stopped and members of my family who went there, I never saw them again.
16 And in (Redacted) there were troops who came and they came from Buli and we left Buli. (Redacted)
17 (Redacted)
18 (Redacted) We went to Jitchu and we stayed there. There were shots that were fired
19 until nightfall. And the next morning we saw fires in Gutsi and at that time there were
20 also other soldiers who entered where we were. Well, (Redacted) was in the house,
21 I took refuge among the banana trees behind the house and they entered into the house
22 and they took (Redacted). As my baby was crying, they heard that and they came
23 behind the house and they took me. I was taken with my baby. They also took my
24 (Redacted). And not far from there there was a woman, an elderly woman who was
25 also arrested, apprehended.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 They started burning our *house. They pillaged in the houses. They took chickens,
2 goats and took them away and they took all our goods with us and left. We went to Buli.
3 And from Buli they apprehended other people and took all of us to Sangi and that's how
4 we ended up in Sangi.

5 MS LUPING:

6 Q. Thank you, Madam Witness. I'm just going to be asking you a number of questions
7 relating to this description of what happened when you were in Buli. I'm just going to
8 go back to the very beginning. You said that an (Redacted) went somewhere to get
9 something to eat, to go get bananas and plantain in Sangi. First of all, we are in private
10 session, if you could please give us the name of this (Redacted).

11 A. No, it was (Redacted)

12 Q. And this (Redacted)

13 (Redacted)

14 A. (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 A. (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 A. (Redacted)

5 Q. You said that Gombili returned in the evening and he said he'd been stopped by
6 UPC troops, that he had been taken to Kobu, that the UPC troops said they didn't come
7 for war but peace and that they gave a letter to give to the chef de localité of Buli. This
8 letter that you referred to that he was asked to give to the chef de localité of Buli, how do
9 you know he had a letter? How do you know this?

10 A. He came to where we were in Buli and he was the one who told us.

11 Q. And when you say "he told us," who is us, who are you referring to?

12 A. (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 A. (Redacted)

16 Q. And did you see the letter?

17 A. I saw it in her hand, but I didn't have the opportunity to read it.

18 Q. And did anybody tell you what the contents of the letter were?

19 A. No. But Gombili himself said that he had a letter and he was asking -- well, the
20 letter asked for a meeting in Sangi because they had come for peace and not for war.

21 Q. And did you learn what language that letter was written in? Did anybody tell you
22 that?

23 A. No, I don't know. There people spoke Swahili, so I think that the letter was written
24 in Swahili.

25 Q. Now, you said that the population went to Sangi for this meeting. Do you know

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 why they went to the meeting in Sangi, why they decided this?

2 A. They decided to go because of the suffering. They decided it was preferable to go
3 and to listen to what had to be said so the people could return to their villages.

4 Q. And how do you know that? How do you know that that's why they decided to
5 go?

6 A. Well, it's because they agreed to go. They agreed to go to Sangi.

7 Q. And when they agreed to go to Sangi, do you know what happened next? Sorry, I
8 should go back one step. You said that Gombili had the letter and he told you what was
9 in the letter. Do you know if he passed the letter on to anybody?

10 A. He handed it over to the chef de localité. He sent it to them. That's who he gave it
11 to.

12 Q. And when you say he gave it to the chef de localité, of which locality is that?

13 A. I don't know all of the names of the localities there. We were on the run and that's
14 why I don't know the names of the localities very well.

15 Q. You previously stated he gave the letter to the chef de localité de Buli; is that
16 correct?

17 A. Yes, that's right.

18 Q. Now, you said that they agreed to go to the meeting. What happened after they
19 made this decision to go to the meeting? What happened, can you just describe the
20 events step by step? You say Gombili brought the letter to the chef de localité of Buli,
21 they agreed to go to the meeting. What happened after this discussion and agreement to
22 go to the meeting? What happens next?

23 A. They went to the meeting. Some of them were already at the place of the meeting
24 and others followed on. We, however, remained in Buli. When I was in Buli, my
25 (Redacted) went but we stayed in Buli. Then we saw a woman who came running towards

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 us on the road from Gula and she told us that she had seen les *Effacer. That's how she
2 called them. She said les *Effacer have entered. And a little bit later we heard
3 gunshots -- gunfire, rather.

4 Q. Thank you, Madam Witness. I'm sorry to interrupt you, but I want to just clarify
5 something here. Now, you said that there was a letter from the UPC that your (Redacted)
6 (Redacted) To the best of your knowledge was there ever
7 any written response back to the UPC or did people just go to give their answer that they
8 agree to go?

9 A. Yes, they wrote a letter and Gombili went to them to hand the letter to them.

10 Q. And do you know where Gombili went to to hand the letter back -- hand the letter to
11 them?

12 A. He went to Kobu.

13 Q. And how do you know he went to Kobu to bring that letter to the UPC?

14 A. Because before leaving he said it.

15 Q. And he said it to who? Who did he say it to?

16 A. He told us who were in the house, he said "They've provided an answer to the letter
17 that I brought and they have agreed to meet in Sangi." And he said that he was going to
18 provide or hand over the answer to their letter in Kobu.

19 Q. And you said "he told us who were in the house." Can you explain who was in the
20 house when Gombili said this to you all?

21 A. Well, I was there, (Redacted)

22 (Redacted)

23 Q. Now, you said that the population went to the meeting in Sangi and you mention
24 (Redacted) went too. Do you recall anybody else who went to that meeting in that
25 group together with your (Redacted)?

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 A. It was (Redacted) who went. I didn't go.

2 Q. And do you remember who else was in the group? Not only (Redacted), but anybody
3 else who was in the group who went to Sangi.

4 A. I don't recall. I don't recall all those people. I don't remember. Amongst those
5 who went, the people who I remember were (Redacted), because we spent a lot of time
6 with him and that's why I remember him.

7 Q. You've mentioned (Redacted) before. Where was (Redacted) originally from?

8 A. He was also Mulendu, but I don't recall which locality he came from originally.

9 Q. And this group that travelled with (Redacted) how
10 many were in this group if you can remember? Do you remember how many there were
11 that were travelling to Sangi for this meeting?

12 A. I can't tell you the number of people who went. There was a large number.

13 Q. And how do you know that there was a large number who went? Did you see this
14 with your own eyes or did somebody tell you?

15 A. You know, there were a lot of people in Buli. There was a very large number of
16 people.

17 Q. And did you see them leave yourself or did you just hear this, that this group was
18 leaving? Did you see them go?

19 A. I saw some who left and in the case of others I just heard that they had gone. But a
20 large number went.

21 Q. And when you say a large number, you can say if you've forgotten, but do you
22 know if this was 10 people, 20 people, more than 20? Can you estimate or can you recall
23 how many there were that went to this meeting in Sangi?

24 A. I can't say because this -- these events took place a long time ago.

25 Q. And at the time of these events your (Redacted), what was his job?

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 A. (Redacted) didn't work. We went there as refugees so he had no particular work.

2 Q. Before he was a refugee arriving in Buli, what kind of job had he done before that?

3 A. He was a (Redacted).

4 Q. And do you know why your (Redacted) decided to go to the meeting in
5 Sangi? Did he tell you why he went with the others?

6 A. They took that decision because they wanted to go to hear what was going to be said
7 at the meeting. That's why they went.

8 Q. And when your (Redacted) left to go to the meeting, do you remember if
9 he was armed with any weapons or was he unarmed?

10 A. No, he wasn't armed. He never did that kind of work.

11 Q. And amongst those what you saw leaving to go to the meeting, did you see any
12 carrying any weapons?

13 A. No, no, I didn't see that.

14 Q. Now, you said in this group that (Redacted) went with it was especially men.
15 Were there women also in the group that went to Sangi for the meeting?

16 A. Well, I didn't see any, I didn't see any women.

17 Q. Did you learn if any women went to the meeting or not? If you don't know also
18 please say so.

19 A. Well, I wasn't told as regards women, I don't know. Women could go, but I didn't
20 pay too much attention as to whether women went.

21 Q. Now, you said that you were in Buli, you said that there was a woman who was
22 coming in haste along the Gula road and who said that les *Effacer troops were coming.
23 Can you explain exactly what she said and what you understood when she said
24 les *Effacer troops were coming?

25 A. It was a woman coming from the direction of Gula. She was running and she was

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 shouting out "The *Effacer have already entered". And she had only just finished saying
2 that when we heard the rattle of gunfire from the direction of Gula. When we heard
3 these gunshots we were in Buli and started running in the direction of Jitchu.

4 MS LUPING: Mr President, I believe we can go into private session -- sorry, open
5 session with your leave for the following questions.

6 PRESIDING JUDGE FREMR: All right. Court officer, let's move into open session now.

7 (Open session at 5.17 p.m.)

8 THE COURT OFFICER: We're in open session, Mr President.

9 PRESIDING JUDGE FREMR: Thank you, court officer.

10 Ms Luping, please proceed.

11 MS LUPING: Thank you, Mr President.

12 Q. Now, you -- just a moment before you were describing a woman coming from the
13 direction of Gula who was running and shouting that the *Effacer had already entered,
14 and that she'd only just finished saying this when you heard the rattle of gunfire from the
15 direction of Gula. Now, this incident where you see a woman coming in, running from
16 the road from Gula and saying that the *Effacer were on their way, was this on the same
17 day or a different day to when this group go for the meeting in Sangi, if you can
18 remember?

19 A. It was the same day.

20 Q. And when she was shouting out that les *Effacer were on their way, could you
21 explain what you understand the term "les *Effacer" to mean. Could you explain this to
22 the Judges.

23 A. Now, when she said "*Effacer ", basically the *Effacer have to kill everybody they see,
24 they have to destroy everything they see and that's why they took that name.

25 Q. And to the best of your knowledge when you -- when you -- from what you

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 understand the term "*effacer" to mean, what ethnic group or groups does this group
2 belong to?

3 A. They spoke Swahili as if they were Rwandan because their Swahili is difficult to
4 understand, that is to say the Swahili spoken in Rwanda. And that's the kind of Swahili
5 they spoke.

6 Q. And when you say the Effacer had to kill everybody they see, they had to destroy
7 everything they see and that's why they took that name, where did you learn that from?

8 A. That's how we knew. They themselves called themselves *Effacer le tableau. And
9 we know what *effacer means. It means that you have to destroy everything you see.
10 And that's how things went.

11 Q. Just to be clear, when you say "they themselves call themselves *Effacer le tableau,"
12 to whom are you referring to "they"? Who is "they"?

13 A. Those soldiers, the soldiers who came. It was they who gave themselves this name.

14 Q. Now, you've referred to a location called Gula. Can you describe where it is
15 located in relation to Buli and Sangi? Where is Gula? And only if you know.

16 A. Gula is between Sangi and Buli. It's close to the bush. So there is a stream there
17 called Gula and people would go to Gula also to go to the bush to hide.

18 Q. And you explain that you fled with others to a place called Jitchu. Could you
19 describe where Jitchu is located, in relation to Buli and Sangi, for example.

20 A. Jitchu is behind Buli. It's beyond Buli. You have to first go through Buli to get to
21 Jitchu.

22 MS LUPING: Mr President, with your leave I would like to show a document, it's at
23 tab 2, for my learned colleague's information, it is a sketch. Actually, before it is shown
24 though to the witness, before I give the ERN one further question.

25 Q. Madam Witness, do you remember meeting investigators of the Office of the

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 Prosecutor in May 2005?

2 A. Yes. Yes, I met with them.

3 MS LUPING: If I could ask that the first document be called up, that's

4 DRC-OTP-0096-0128.

5 PRESIDING JUDGE FREMR: And one additional question before that And during those
6 meetings, were you asked to draw some sketches?

7 THE WITNESS: (Interpretation) Yes, yes they did ask me to do that.

8 PRESIDING JUDGE FREMR: All right then. Let's proceed.

9 MS LUPING: This document will not be able to be shown publicly. It is a confidential
10 document.

11 Q. Madam Witness, can you see the document in front of you?

12 A. Yes, I can see it.

13 Q. And can you explain -- do you recognize it?

14 A. Yes, I recognize it.

15 Q. And can you explain what it is?

16 A. It's a sketch that I did because they asked me questions about the localities that we
17 had passed through.

18 Q. And I'm just going to refer to the place names that you can see written there. There
19 is a place written, it looks like Winde, Jitchu, Buli, Gula, Kobu and then there is a place
20 written there S-A-G-I, Sagi. Is that correct, Madam Witness, is there a place called Sagi?

21 A. Yes, that's Sangi. That's the place where the meeting was to take place. It's called
22 Sangi.

23 Q. Now, Madam Witness, do you recall meeting investigators a second time? I'm not
24 going to refer to the month or the year in public session, but do you remember meeting
25 investigators of the Office of the Prosecutor a second time when you gave a witness

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 statement?

2 A. Yes, I remember.

3 Q. And do you recall drawing a sketch that second time as well?

4 A. Yes, I recall.

5 MS LUPING: Mr President, with your leave, I would like to ask for a second document
6 to be called up, that's tab 4 for my learned colleague, DRC-OTP-2052-0188.

7 PRESIDING JUDGE FREMR: Defence, I guess no objections?

8 MR GOSNELL: I think it would have been preferable, Mr President, to have the witness
9 draw the sketch here in the courtroom rather than showing it, but having said that, there
10 is no objection.

11 PRESIDING JUDGE FREMR: All right.

12 MS LUPING: If we could have the second document shown now, Mr President.

13 Obviously with the interests of time as the reason why drawings drawn by the same
14 witness are being shown to her a second time.

15 PRESIDING JUDGE FREMR: Especially taking into account the importance of these
16 kind of sketches, I think it's fully fine with the Chamber.

17 MS LUPING: And this is again obviously not a public document. It is a confidential
18 document.

19 Q. Madam Witness, can you see the document in front of you?

20 A. Yes, I see the document.

21 Q. And do you recognize it?

22 A. Yes, I recognize it.

23 Q. And can you explain what it is.

24 A. When I met them for the second time they asked me more questions and I
25 mentioned the names of the localities you see here.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 Q. And who drew this document?

2 A. I did.

3 Q. And who drew the other sketch that we just saw a moment ago?

4 A. I did.

5 Q. Now, you stated that you arrived in Sangi. Can you please describe the
6 neighbourhoods of Sangi.

7 PRESIDING JUDGE FREMR: Ms Luping, could you be more specific? What do you
8 mean under description of neighbourhoods?

9 MS LUPING: I'm asking the witness, Mr President, to explain what she knows of the
10 village of Sangi and what were the various parts of Sangi.

11 PRESIDING JUDGE FREMR: All right.

12 THE WITNESS: (Interpretation) Well, the localities around Sangi, in fact there are three
13 Sangis. The first Sangi is on the side of Bambu. It's called Sangi-Sayo. And the other
14 is when you leave Buli, you walk up, and that place is Sangi-Singa -- no, sorry,
15 Sangi-Singa is when you're coming from Bambu and when you come down the road from
16 Buli that you arrive in Sangi-Sayo. And then in the middle there's what we call Sangi
17 and that Sangi goes to Kobu.

18 MS LUPING:

19 Q. And is this what we see in the sketch that you drew, the different parts of Sangi;
20 Sangi-Singa, Sangi-Sayo and then Sangi?

21 A. Yes, that's what I mentioned there. I indicated the difference between the three
22 Sangis; Sangi-Sayo, Sangi-Singa and Sangi where the meeting was held, and from there
23 there's a road that goes towards Kobu.

24 MS LUPING: Mr President, could we briefly go into private session for my follow-up
25 question?

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: For sure.

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

3 (Private session at 5.32 p.m.) *(Reclassified partially in public)

4 THE COURT OFFICER: We're in private session, Mr President.

5 PRESIDING JUDGE FREMR: Thank you.

6 Ms Luping, you may proceed.

7 MS LUPING:

8 Q. Now, before the events that you've described when you went from Jitchu to Sangi,
9 were you familiar with Sangi? Did you know Sangi at all? And if so, how did you
10 know Sangi?

11 A. I knew Sangi because it's a locality which is on the road which goes towards Kobu.
12 That's why I knew Sangi. You had to go through it in order to go to Kobu.

13 Q. So just to clarify, had you been to Sangi before?

14 A. Yes, I'd already been there before.

15 Q. And had you ever stayed in Sangi before?

16 A. No. I never lived in Sangi. (Redacted) lived in the locality, the last locality
17 on the Sangi road, the road that goes towards Kobu.

18 Q. I'm going to clarify my question. My question was not whether you had ever lived
19 in Sangi. My question is whether you had ever been to Sangi, if you'd ever stayed there,
20 I mean as in to visit, not necessarily to live there?

21 A. Yes, I've been there because (Redacted) lived in Sangi.

22 Q. Now, we're still in private session, Madam Witness, and I just want to take you back
23 in time -- sorry, before I do, Mr President, your Honours, just to seek leave to have these
24 two exhibits that have been shown to the witness admitted as evidence as Prosecution
25 exhibits?

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Defence, your position?

2 MR GOSNELL: No objection, Mr President.

3 PRESIDING JUDGE FREMR: Then those two exhibits are admitted into evidence as a
4 further Prosecution exhibit.

5 Please proceed.

6 MS LUPING: Thank you, Mr President.

7 Q. Now I'm just going to go back in time slightly, Madam Witness. This is after you
8 hear the woman on the road from Gula and you say that shots were being fired and she's
9 calling out that les *Effacer are on their way. You said you fled to (Redacted) and that you
10 were together with (Redacted)

11 (Redacted)

12 (Redacted)

13 A. (Redacted)

14 Q. (Redacted)

15 A. (Redacted)

16 (Redacted)

17 Q. Thank you for clarifying that. Now, you said that you were staying overnight in
18 Jitchu, you said, you described how the next morning you saw fires in Jitchu, you said
19 "other soldiers entered where we were." Now, when you said the "other soldiers entered
20 where we were," could you see these soldiers as they entered Jitchu?

21 A. They were the same troops, the UPC. It was them.

22 Q. And how do you know that these soldiers who entered Jitchu were UPC?

23 A. I knew that because they were the ones who entered the locality and started firing,
24 the ones who came from Kobu. And that's why I knew that they were UPC troops.
25 They were the ones who were in Kobu.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. And how do you know that these were the soldiers that were in Kobu?

2 A. We knew them. We knew it because it wasn't possible for a Mulendu to take a rifle
3 and start firing. That's the reason why we concluded that they weren't Lendu. They
4 were UPC.

5 Q. And you said that soldiers entered Jitchu. Did you see any of these soldiers with
6 your own eyes?

7 A. Yes, I saw them because they apprehended me.

8 Q. And before soldiers apprehended you, had you seen any of them before soldiers
9 apprehended you?

10 A. No. Before that, no, I haven't seen them.

11 Q. And the soldiers that apprehended you, you described how you took refuge and
12 they took first (Redacted). Did you see the soldiers that took (Redacted)?

13 A. Yes, I saw them.

14 Q. And when did you see them? Did you see them when they were taking (Redacted)
15 (Redacted) or was it after that?

16 A. When they arrived Jitchu, I saw houses that had been set on fire, gunfire, and it was
17 at that time that my (Redacted) had fled into the house. I fled outside the house where
18 the banana plantation was. And afterwards I saw them take (Redacted). I was
19 hiding. And *the man who was behind me took me to where (Redacted) was and
20 that's how I saw that she had been apprehended.

21 Q. And can you describe these soldiers that you saw apprehend (Redacted)?

22 A. Well, they were dressed in military uniform and they were armed, but I can't tell
23 you how old they were.

24 Q. And could you tell what ethnicity they were?

25 A. I couldn't know what ethnic group they belonged to.

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 Q. And then you said that you were also taken, you said "they heard the crying baby
2 and they took me." Were these the same soldiers or different soldiers who took you?

3 A. It was the same group.

4 Q. And you said an elderly woman was also arrested. Where was the elderly woman
5 when she was arrested?

6 A. Well, she was also in the bush.

7 Q. Now, you said that you saw that they were burning houses, pillaging, they took
8 chickens and goats, they took goods and then they left to Buli. Now, when you say they
9 were burning houses and pillaging, who did you see burning houses and pillaging, just to
10 be clear?

11 A. It was the same soldiers.

12 Q. You said that when you -- sorry, that you said they took goods and left. Who was
13 carrying these goods that you saw had been pillaged from Jitchu?

14 A. We did. The people who they had taken, we were the ones who were forced to
15 carry their booty.

16 Q. And do you remember what you had to carry? If you don't remember it doesn't
17 matter, but do you remember what you were -- what you had to carry from Jitchu first on
18 to Buli?

19 A. We transported mattresses, cases of clothing as well.

20 Q. And this group of you that were transporting pillaged goods from Jitchu to Buli,
21 how many of you were there? Do you remember how many in your group carrying
22 pillaged goods?

23 Sorry, to be clear, I'm talking about you said the people who were captured had to carry
24 the pillaged goods. Do you recall how many captured people there were together with
25 you and (Redacted), and the elderly woman?

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 A. There were a lot of us. I would guess about 10 or 11 people.

2 Q. You said that when you reached Buli there were others there. Who were these
3 other people in Buli?

4 A. We found other people who had been taken in Buli.

5 Q. And this group that was travelling with you from Jitchu to Buli, do you remember
6 what the ethnicity was of this group?

7 A. We were Lendu.

8 Q. And the other people that you said had been taken in Buli, these other people that
9 you found there, do you recall what ethnicity they were?

10 A. I couldn't specify the ethnicity of some of them because when we were taken I really
11 didn't have my wits about me, but what I do know is that the majority were Lendu.

12 Q. Now, you said that you were then all taken to Sangi. Now, when you arrived in
13 Sangi, can you recall what time of day it was when you first reached Sangi?

14 A. I don't recall. I don't recall at what time of day we arrived. It was late in the day,
15 in the afternoon, but I don't recall at what time.

16 Q. And Madam Witness, before asking you about what happened in Sangi, I just
17 wanted to clarify, when you were in Buli and you saw other people there, can you recall
18 what the state of the buildings was like in Buli? Did you see anything in Buli?

19 A. A lot of houses had been set on fire, a lot of houses had been set on fire.

20 Q. Now, you state that later in the day that you and the group arrive in Sangi. Now,
21 when you arrive in Sangi, from the moment you first enter Sangi, can you please describe
22 what you see, what you hear so that we can imagine that we're travelling in this group
23 together with you and we're entering Sangi.

24 A. When we arrived in Sangi, we found people who had been taken. The people who
25 had gone to the meeting previously, they were in a building near the road. And those of

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 us who had just arrived, we were taken and put in that building. Later they asked all of
2 the women to leave the building and to take place under a tree.

3 Q. Now, you said that when you arrived in Sangi you found people who had been
4 taken, people who had been in the meeting and they were in a building near the road.
5 Could you please describe this building and can you explain which road this was?

6 A. It was a building by the road, a wattle and daub house.

7 Q. Okay. And before you get brought to the building you said you had come from
8 Buli, you arrived in Sangi. Even before you see these people who had been taken and
9 who had been at the meeting and in the building, can you describe for us what you see as
10 you enter Sangi. You're coming from the road from Buli and as you enter Sangi, which
11 part of Sangi do you first reach and what do you see when you first walk into Sangi, if
12 you can remember?

13 A. When we arrived in Sangi, the first thing we saw was weapons. There were heavy
14 weapons there. There were also soldiers. I also saw commanders who were
15 communicating via Motorola. We also saw houses that had been set on fire and we
16 could see smoke rising from those houses which had been set on fire.

17 Q. And these weapons and soldiers that you saw, which part of Sangi was this that you
18 first saw these weapons and soldiers?

19 A. It wasn't in a town. Sangi isn't a town. It's a village. And that's where we found
20 those who were located there.

21 Q. And you've previously described three different parts or three different Sangis.
22 Which part of Sangi was this that you saw the soldiers and the weapons?

23 A. We were in Sangi, which is on the road to Kobu. Sangi is the locality where the
24 road is, the road to Kobu.

25 Q. Now, you said that you were taken to a building. Can you explain who was in that

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 building that you were taken to?

2 PRESIDING JUDGE FREMR: I'm sorry, in that connection, I am looking at the transcript
3 and it still don't have the right or proper spelling of the name of this building. It's
4 page 99, line 17. Could you also clarify that with the witness. It's important.

5 MS LUPING: Yes, Mr President, I heard wattle, but I will ask Madam Witness to
6 explain.

7 Q. Now you said there was a building by the road. I hadn't noticed indeed that there
8 was -- it's not been captured correctly in the transcript. I had heard the response in my
9 earphones. But could you explain what the building was made of. If you could just
10 repeat it because the answer wasn't captured on the transcript?

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MS LUPING: Mr President, I notice it's now dead on 6 o'clock. I will obviously have
9 quite a number of questions, further questions to clarify this.

10 Madam Witness, I want to thank you. I will have more questions for you tomorrow, but
11 I just hope that you rest well and I shall, we shall see you in the morning.

12 PRESIDING JUDGE FREMR: Madam Witness, I also would like to thank you. We will
13 continue with your testimony tomorrow and it is my duty to remind you that in the
14 meantime till tomorrow you must not discuss your testimony with anybody else. Do
15 you understand that?

16 THE WITNESS: (Interpretation) Yes, I've understood, your Honour.

17 PRESIDING JUDGE FREMR: Very well. So thank you and see you tomorrow morning.
18 Now, court officer, please escort Madam Witness out of the courtroom and then let's move
19 into open session for a while.

20 (The witness stands down)

21 (Open session at 6.01 p.m.)

22 THE COURT OFFICER: We're in open session, Mr President.

23 PRESIDING JUDGE FREMR: And usually short inquiry about, for the sake of planning,
24 because you know that especially for this week our schedule is a bit tight.

25 So, Ms Luping, according to my information you so far exhausted 2 hours 22 minutes so

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 you should be entitled still to utilise 1 hour 38 minutes. Do you think that you will need
2 for the rest of your examination all that time?

3 MS LUPING: We'll have to see how it progresses I'm afraid, Mr President, tomorrow.
4 We certainly were making a lot better progress later on this afternoon. I do have quite a
5 number of exhibits, although we have really shortened the number of exhibits we planned
6 to show this witness, considerably shorter number than appears currently on the list.
7 That will still nevertheless take a bit of time. So at this stage I'm afraid it's possible I may
8 need all of that time. It may be shorter if all goes well.

9 PRESIDING JUDGE FREMR: And again, a question to Defence, I know that is pretty
10 premature, but, Mr Gosnell, do you expect that you will need also your four hours?

11 MR GOSNELL: Quite difficult to say at this stage, Mr President. I can only promise, as
12 I always do, that I'll do my best to keep it as short as possible.

13 And could I just in that vein ask one question, and it concerns page 67, line 3 of the
14 transcript. And there is what appears there to be an answer by the witness that then, if
15 I'm not mistaken, then records the next question by my colleague from the Prosecution,
16 but there's no actual indication that it's the next question. It appears that it's still the
17 answer from the witness. So I don't know whether this is something that customarily
18 can just be corrected or --

19 PRESIDING JUDGE FREMR: Sorry, you said page 67?

20 MR GOSNELL: Line 3.

21 PRESIDING JUDGE FREMR: Of the English?

22 MR GOSNELL: Yes, of the English.

23 PRESIDING JUDGE FREMR (Redacted)
24 people" --

25 MR GOSNELL: And you can see, Mr President, perhaps, just from reading the transcript

Trial Hearing
WITNESS: DRC-OTP-P-0018

(Open Session)

ICC-01/04-02/06

1 why I raise this.

2 PRESIDING JUDGE FREMR: First of all, we have to redact my own because I read out
3 something that should be confidential.

4 Now, Mr Gosnell, so your comment on that is what?

5 MR GOSNELL: Unless I'm mistaken, and it does appear just from reading the text, that
6 what happened was that the subsequent question from the Prosecution which occurs
7 halfway, appears in the transcript to occur halfway through the answer is not actually
8 indicated. And then I know that the Prosecution then asked a question about a page
9 later. And I must say I myself had not heard the answer, that answer from that witness,
10 and so there's a bit of a problem here with the transcript and I don't know whether it can
11 just be fixed by way of the very competent people who prepare the transcript reviewing
12 the audio or (Overlapping speakers).

13 PRESIDING JUDGE FREMR: At least we can focus their attention to that to correct again
14 carefully and compare the written, what is written with the audio.

15 Ms Luping, could you make any comment on that? Do you remember? I think I don't.

16 MS LUPING: I have to admit, and I apologise, I don't recall the precise answer. It was
17 certainly -- my recollection was that I was getting the answer as to who provided certain
18 information, that was my understanding of the response. As to the precise words the
19 witness used, indeed I think it would be better if the audio is listened to so we can get the
20 precise response.

21 PRESIDING JUDGE FREMR: Very well. So we ask Registry really to focus their
22 attention to that. As usual I think that the whole transcript should be reviewed in
23 accordance with its audio, but especially now focus on that point.

24 Now we finish. Also, I would like to thank those who supported us and who had to stay
25 with us to such a late hour, so thank you court reporters, thank you interpreters, thank

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0018

- 1 you guards. And tomorrow we will continue in the normal schedule and in this
- 2 courtroom, which had been confirmed by court officer. So tomorrow 9.30 in this
- 3 courtroom.
- 4 THE COURT USHER: All rise.
- 5 (The hearing ends in 6.06 p.m.)
- 6 RECLASSIFICATION REPORT
- 7 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
- 8 the public reclassified and lesser redacted version of this transcript is filed in the case.