

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, 14 November 2016
9 (The trial hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:27] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:34:56] Good morning, everybody. Court officer,
14 please call the case.
15 THE COURT OFFICER: [9:35:00] Thank you, Mr President. The situation in the
16 Democratic Republic of the Congo, in the case of the Prosecutor versus Bosco
17 Ntaganda, case reference ICC-01/04-02/06. We are in open session.
18 PRESIDING JUDGE FREMR: [9:35:16] Thank you, court officer.
19 Now appearances, please, starting with Prosecution.
20 MR IVERSON: [9:35:24] Good morning, your Honours. Appearing today for the
21 Prosecution are Kristy Sim, Selam Yirgou, and myself, Eric Iverson.
22 PRESIDING JUDGE FREMR: [9:35:33] Thank you, Mr Iverson. Defence, please.
23 MR BOURGON: [9:35:39] (Interpretation) Good morning, your Honour. For the
24 Defence, Margaux Portier and myself, Stéphane Bourgon. Thank you, Your Honour.
25 PRESIDING JUDGE FREMR: [9:35:46] Thank you, Mr Bourgon.

1 Now Legal Representatives of Victims, please.

2 MR ABDOU: [9:36:01] Good morning, your Honours, Mohamed Abdou for the
3 former child soldiers.

4 MR SUPRUN: [9:36:09] Good morning, your Honour, your Honours. For the victims
5 of the attacks, Anne Grabowski, associate lawyer; and myself, Dmytro Suprun,
6 counsel with the Office of Public Counsel for Victims.

7 PRESIDING JUDGE FREMR: [9:36:17] Thank you, Mr Abdou.
8 Thank you, Mr Suprun.

9 And I also note for the record presence of the legal adviser appointed pursuant to
10 Rule 74 of the rules to assist the upcoming witness, so welcome and please state your
11 name for the record.

12 MR RAYMONDO: [9:36:37] Good morning, this is Fabián Raimondo, legal adviser
13 to the witness.

14 PRESIDING JUDGE FREMR: [9:36:41] Thank you, Mr Raimondo.

15 First of all, before the witness can be called, I would like to address a few procedural
16 matters, but I was also told that Mr Bourgon would like to address the Chamber.
17 If that is the case, then Mr Bourgon, you have the floor.

18 MR BOURGON: [9:37:03] Thank you, Mr President.

19 Mr President, the Defence has submitted earlier this morning an urgent request for
20 stay of proceedings. This request was communicated by way of a courtesy copy to
21 the Chamber, the parties and the participants.

22 Mr President, this request follows the Prosecution's communication of disclosure of
23 evidence obtained pursuant to Article 70, which was submitted on 7 November last.

24 In this request, Mr President, we seek an immediate suspension of the proceedings.

25 I will not go into the substance of the arguments raised in the motion. It is in

1 writing.

2 However, at this point in time, as an interim relief, we are asking -- we are requesting
3 respectfully not to proceed with the next witness, namely, Witness P-0911, until the
4 Chamber has adjudicated on the Defence request.

5 Mr President, the request is based on an earlier -- on an existing submission which we
6 refer therein as the notice.

7 The prejudice arising from the notice is very likely and real. Should the motion be
8 granted, no witnesses will be heard -- would be heard -- until the conditions set out in
9 the request, or, of course, any other conditions prescribed by the Chamber are
10 fulfilled. In these circumstances, Mr President, we request not to proceed with the
11 next witness.

12 I note in this regard that the request filed this morning was submitted at the earliest
13 opportunity. Justification for this is we had to, of course, consult with the client in
14 trying to get his point of view. We had to assess the situation and, of course, we
15 were expecting some of the disclosure mentioned in the notice, but we did not get any
16 as of Friday.

17 The notice mentions or refers to a link that will be set out, a TRIM, to use the
18 technological word, which to this day still has not been put in place, or at least we
19 don't have access to this TRIM link so far.

20 In these circumstances, Mr President, we suggest not to proceed with Witness 911, but
21 we are willing to proceed to finalise the testimony of Witness P-0918. The difference
22 between the two witnesses is that Witness *P-918 has already begun testifying. In
23 addition, the cross-examination prepared for P-918 does not call into the Defence
24 looking or examining or relying on evidence obtained during its investigations that
25 could have a bearing on what is in the evidence to be disclosed by the Prosecution.

1 So, for all these reasons, we request not to proceed with 911, and finalise the
2 testimony of 918, until the Chamber has adjudicated on the Defence request.

3 Respectfully submitted, Mr President. Thank you.

4 PRESIDING JUDGE FREMR: [9:41:39] Thank you, Mr Bourgon.

5 So now, before -- because it seems that this request requires immediate ruling, but
6 before doing that we would like also to listen to parties and participants and even to
7 Mr Raimondo because it also concerns his client.

8 So Prosecution first.

9 MR IVERSON: [9:42:04] Thank you, Mr President. I received the courtesy copy of
10 the motion that Defence counsel mentioned. I haven't had the opportunity to read it.
11 So I can't give a reasoned response right now. I think that we prefer to respond in
12 writing, because it is a written motion.

13 I understand the gist of it is that, exactly as Defence counsel laid out, the interim relief,
14 they're requesting to suspend the proceedings right now. For that particular part of
15 it, I can say that Prosecution would oppose. We have the witness here today, we can
16 start with the direct examination. I don't think that that even -- if that were the case,
17 I don't think that that would impact on any of the Defence points in their motion, as I
18 understand it. Again, I haven't read it in totality, I've skimmed it briefly. That's
19 really all I can --

20 PRESIDING JUDGE FREMR: [9:43:09] Just maybe, because I'm afraid maybe I was a
21 bit unclear. I'm not asking you to express Prosecution position to the courtesy copy
22 you received this morning, only currently to this interim relief, whether to start
23 with 911 or not.

24 MR IVERSON: [9:43:27] Well, we're ready to begin with the direct examination.
25 We would ask that we start. And then just two things that Defence counsel

1 mentioned briefly. It's my understanding that the registry controls access to the
2 TRIM link that he mentioned. So I don't know what's going on with that. That
3 would have to be addressed to the registry. And the other thing is that we are,
4 Prosecution are preparing these summaries that we had mentioned for disclosure.
5 But I can't say exactly when they will be disclosed, I know that we're preparing them
6 though.

7 PRESIDING JUDGE FREMR: [9:44:02] Thank you, Mr Iverson. Mr Abdou.

8 MR ABDOU: [9:44:07] Yes, Mr President.

9 Just in response to Mr -- to the Defence submissions for the postponement of 911, the
10 former child soldiers would oppose the relief sought by the Defence, for the very
11 simple reason that we don't see how the investigations conducted by the Prosecution
12 or Article 70 related material would affect the cross-examination of that witness.
13 In any event, Mr President, it is in the interests of the victims to proceed forthwith
14 with the presentation of the evidence of this witness, and also other witnesses.
15 The Defence can always in future, if it finds that some of the materials collected
16 pursuant to Article 70 were material to their cross-examination of this witness, they
17 can resubmit at a later stage a new request for recalling this witness and, based on this
18 new information, conduct another or a further cross-examination.
19 So in our opinion, Mr President, the reasons laid out by the Defence are not sufficient
20 to stop or to delay hearing such evidence. This is our submission and we oppose the
21 Defence request.

22 PRESIDING JUDGE FREMR: [9:45:42] Thank you, Mr Abdou. Mr Suprun, please.

23 MR SUPRUN: (Interpretation) Thank you, your Honour.

24 At this stage I prefer not to take a position with regards to this application. I would
25 prefer to present written submissions. At this stage I'd just like to stress that sooner

1 or later in the proceedings, then if there's a suspension, that will go against the wishes
2 of the victims that I represent.

3 PRESIDING JUDGE FREMR: [9:46:11] Thank you, Mr Suprun. Mr Raimondo, as
4 concerns the interim relief concerning your client.

5 MR RAYMONDO: [9:46:20] Thank you very much, Mr President.

6 This legal adviser was unaware of the existence of this motion and, of course, I
7 haven't had the time to ponder this situation. What I can say at this stage is that the
8 witness is ready to give evidence and that the decision is up to the Trial Chamber.
9 Thank you.

10 PRESIDING JUDGE FREMR: [9:46:55] All right.

11 So Mr Bourgon, yes, please.

12 MR BOURGON: [9:46:59] Mr President, if I can reply very briefly. The object of
13 this morning's arguments is not to address the merits of our motion, it is to address
14 whether an interim relief should be granted in the form of not proceeding with 911
15 until the Chamber has adjudicated on the motion.

16 There are criterias to address when an interim relief should be granted and I've heard
17 nothing in the arguments raised by the parties and participants concerning these
18 criteria. Is the request based on fanciful arguments or is it based on an existing
19 submission? It is based on an existing notice which was filed on 7 November.

20 The second question: Is the prejudice argued therein fanciful, or prima facie very
21 likely and real? It is obvious from what we request and the reasons why we do not
22 want to proceed with 911 that the reasons are stated in that motion and that the
23 resulting prejudice is indeed prima facie very likely and real. More importantly, if
24 the motion is granted, what would happen if 911 was to testify? Like other
25 witnesses, his testimony would be postponed by granting the stay that is requested in

1 the motion. So when we put these three conditions together, they fulfil what is
2 required in order to obtain an interim relief, which is what we ask this morning.
3 It could be, Mr President, that you will rule in our motion on the merits today. It
4 could be that you will rule tomorrow, but we should not proceed until that motion
5 has been adjudicated. This is what is in the interest of justice.

6 Thank you, Mr President.

7 PRESIDING JUDGE FREMR: [9:48:53] Thank you. I think such a submission
8 requires a thorough deliberation.

9 Mr Iverson.

10 MR IVERSON: [9:49:01] And I'm sorry, I may have missed it, but I didn't hear
11 Defence counsel state what the actual prejudice is, what is the alleged prejudice? He
12 says it's real, but I don't understand what the alleged prejudice is, and that would be
13 helpful for a potential response.

14 PRESIDING JUDGE FREMR: [9:49:17] I think I understood what could be the
15 prejudice, so I think I don't need any further submission, thank you.

16 So it requires deliberation in the deliberation room, so we will leave you for a while
17 and I believe that we will return back in a short time.

18 THE COURT USHER: [9:49:36] All rise.

19 (Recess taken at 9.49 a.m.)

20 (Upon resuming in open session at 10.12 a.m.)

21 THE COURT USHER: [10:12:04] All rise. Please be seated.

22 PRESIDING JUDGE FREMR: [10:12:29] The Chamber considered oral submissions
23 we heard this morning and we are issuing the following oral ruling.

24 The Chamber decides that the examination-in-chief of Witness P-911 should proceed.

25 In that regard the Chamber has taken account of factors including the fact that the

1 next witness is here and is ready to testify, as well as the Chamber's understanding
2 that prejudice to the Defence would mainly arise in respect of potential
3 cross-examination of this witness. So we will proceed.

4 And as concerns the main submission, any responses to the Defence request for a stay
5 of proceedings are to be provided by 4 p.m. tomorrow. And it concludes our ruling.

6 Now, before the witness will be brought into the courtroom, I still would like to
7 address a few procedural matters.

8 First, the Chamber recalls its oral decision in transcript number 155 granting in-court
9 protective measures for Witness P-911 in the form of face and voice distortion and the
10 use of pseudonym.

11 Next, Mr Raimondo is present to assist the witness in respect of any self-incrimination
12 issues which may arise. Last Friday Mr Raimondo informed the Chamber by way of
13 filing number 1628 that he has met with the witness and explained Rule 74 of the
14 rules to him. Mr Raimondo further requested assurances under Rule 74(3) on behalf
15 of the witness.

16 The Prosecution subsequently provided observations on this issue by way of e-mail
17 and indicated that it considers the granting of such assurances appropriate.

18 Mr Raimondo, is there anything you wish to add in relation to this request, bearing in
19 mind that we are in public session?

20 MR RAYMONDO: [10:15:31] I don't have anything to add, Your Honour. Thank
21 you very much.

22 PRESIDING JUDGE FREMR: [10:15:37] All right. Defence, are there any
23 submissions you wish to make on this issue?

24 MR BOURGON: [10:15:44] None, Mr President.

25 PRESIDING JUDGE FREMR: [10:15:47] Thank you, Mr Bourgon.

1 The Chamber has considered the request and shall provide assurances under Rule
2 74(3) of the Rules in the presence of the witness before he commences testifying. The
3 Chamber therefore requests the parties to be vigilant about going into private sessions
4 for areas of evidence that are likely to elicit responses that might self-incriminate the
5 witness.

6 Next, according to its e-mail of 11 November 2016, the Defence objects to certain
7 documents the Prosecution may seek to use with or to tender through this witness.
8 These objections are or will be as usually addressed if and when they arise
9 throughout the course of the examination-in-chief.

10 Finally, the Chamber recalls that by way of e-mail of 17 October 2016 it indicated that
11 each of the parties would be encouraged to complete their respective examinations
12 within five hours. So now I guess we can turn to the scheduled testimony.

13 So, court officer, please, have the witness brought into the courtroom.

14 Ms Samson.

15 MS SAMSON: [10:17:16] Good morning, Mr President.

16 I just wanted to know note for the record that I did arrive into the courtroom and I'm
17 going to move now to the back area. Thank you.

18 PRESIDING JUDGE FREMR: [10:17:26] It's my fault that I haven't noted. Sorry.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE FREMR: [10:18:30] Mr Witness, good morning. Can you
21 hear me?

22 WITNESS: DRC-OTP-P-0911

23 (The witness speaks French)

24 THE WITNESS: [10:18:36] (Interpretation) Yes.

25 PRESIDING JUDGE FREMR: [10:18:38] Well, Mr Witness, on behalf of this Chamber,

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(Open Session)

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1 I would like to welcome you to the courtroom. You are called to testify in the case
2 against Mr Bosco Ntaganda. You will be asked questions both by the Judges and
3 lawyers in the courtroom, and in this 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
5 for the question to be repeated. We want you to tell the truth and tell us what you
6 saw, heard and sensed yourself. If you did not see or hear it yourself but you found
7 out some other way, then you should explain how.

8 Please testify just on that which you remember. Don't guess, don't make things up.
9 There is nothing wrong with saying, "I don't know" or "I don't remember."

10 Do you understand all this, Mr Witness?

11 THE WITNESS: [10:19:50] (Interpretation) Yes.

12 PRESIDING JUDGE FREMR: [10:19:52] Good. Mr Witness, protective measures
13 are put in place to ensure that your identity is not revealed to the public. In practice,
14 it means that the public cannot see your face today and that your voice is being
15 disguised so that the public cannot recognize it. We will refer to you as
16 "Mr Witness" only and ensure that your name and any other information that risks
17 revealing who you are is not broadcast to the public. Therefore, whenever you need
18 to describe anything that might reveal your identity, we will do so in private session
19 so that no one outside the courtroom can hear your answer.

20 Do you understand, Mr Witness?

21 THE WITNESS: [10:20:43] (Interpretation) Yes.

22 PRESIDING JUDGE FREMR: [10:20:53] Another important issue, Mr Witness, you
23 have been assigned a lawyer to provide you with legal advice about possible
24 self-incrimination. Mr Raimondo, who is sitting over there. And Mr Raimondo has
25 requested on your behalf that you be given certain assurances by the Chamber.

- 1 There may be questions asked to you for which you fear that answering them
2 truthfully may incriminate you because these questions relate to your own conduct.
3 In such cases, we will require you to answer the question, but we assure you that
4 your answer will be kept confidential and will not be disclosed to the public or to the
5 government of any country.
6 The Prosecution has further assured that they will not themselves use this
7 information to prosecute you before the ICC, provided that you tell the truth. Do
8 you understand all this, Mr Witness?
9 THE WITNESS: [10:22:13] (Interpretation) Yes, I do understand.
10 PRESIDING JUDGE FREMR: [10:22:15] Fine. Mr Witness, now you will be
11 provided with a piece of paper with the text of solemn undertaking. Please now
12 make your solemn undertaking to tell the truth by reading out the declaration you
13 have in your hands.
14 THE WITNESS: [10:22:41] (Interpretation) I solemnly declare to tell the truth, all
15 the truth and nothing but the truth.
16 PRESIDING JUDGE FREMR: [10:22:49] Thank you, Mr Witness. It means you are
17 now under oath. You need to be aware that it is an offence within the jurisdiction of
18 this Court to give false testimony. Do you understand that?
19 THE WITNESS: [10:23:09] (Interpretation) Yes, I do understand that.
20 PRESIDING JUDGE FREMR: [10:23:19] And a few practical matters you should
21 have in mind when giving your testimony. It's important to speak into the
22 microphone, and I believe it would be better if you could speak up a bit because
23 sometimes it's not easy to hear you. So please speak up a bit. Otherwise, you are
24 expected to speak clearly and to speak at a slow pace. And what is also important,
25 you should only start speaking when the person asking you the question has finished.

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1 And please do not respond immediately. When a question is asked, please count in
2 your head to three and only then give your answer because this pause is essential for
3 us to properly hear and record what you are saying. So, please, have it in mind.

4 And if you have any questions during your testimony or if you feel that you need a
5 break, do not hesitate to let us know by raising your hand. We will then give you
6 the opportunity to speak.

7 Have you understood all that, Mr Witness?

8 THE WITNESS: [10:24:42] (Interpretation) Yes.

9 PRESIDING JUDGE FREMR: [10:24:48] Very well. So now, Mr Witness, we can
10 start with your testimony.

11 Who will be examining the witness, Prosecution? I see it will be Mr Iverson. So
12 take your time to prepare the things that are necessary.

13 MR IVERSON: [10:25:13] Thank you very much, Mr President.

14 PRESIDING JUDGE FREMR: [10:25:15] And do you want to start in open or in
15 private session?

16 MR IVERSON: [10:25:19] I would like to start in private session, please,
17 Mr President.

18 PRESIDING JUDGE FREMR: [10:25:24] For the information of public, this witness is
19 a protected one, so he was guaranteed that his identity will not be revealed to public,
20 which means that as soon as there is a risk that questions that will come could reveal
21 his identity, then it is necessary to move into private session, which is the case
22 right now.

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

24 (Private session at 10.25 a.m.) *(Reclassified partially in public)

25 THE COURT OFFICER: [10:26:06] We are in private session, Mr President.

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1 PRESIDING JUDGE FREMR: [10:26:09] Thank you, court officer. Mr Iverson,
2 please proceed.

3 QUESTIONED BY MR IVERSON:

4 Q. [10:26:20] Good morning, sir, we met last week, but I just wanted to introduce
5 myself again. My name is Eric Iverson and I'll be asking you questions today on
6 behalf of the Office of the Prosecutor. Do you understand, sir?

7 A. [10:26:33] Yes, I do understand.

8 Q. [10:26:37] Sir, could I ask you, please, to state your full name?

9 (Redacted)

10 Q. [10:26:57] And what is your date of birth, please?

11 (Redacted)

12 Q. [10:27:15] And what is your place of birth, please?

13 (Redacted)

14 Q. [10:27:28] And where is (Redacted) located, in what country?

15 A. [10:27:37] (Redacted) is in the DRC.

16 Q. [10:27:46] And what is your ethnicity?

17 A. [10:27:53] I am (Redacted).

18 (Redacted)

19 (Redacted)

20 Q. [10:28:34] And I understand that you're able to speak the language (Redacted)
21 (Redacted); is that right?

22 A. [10:28:46] Yes, I speak all of those languages.

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 THE INTERPRETER: Interpretation provided.

3 MR IVERSON: [10:29:39]

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:30:21] All right. Have you ever served in a military force or in a militia?

9 A. [10:30:34] No. I was in the UPC militia, that's all.

10 Q. [10:30:47] And why did you join the UPC militia?

11 A. [10:30:58] I joined the UPC because there was no way of living at home. At any
12 time things were happening and life was becoming difficult. That's the reason why I
13 decided to join the UPC.

14 Q. [10:31:18] And when was that, when did you join the UPC?

15 A. [10:31:24] It was towards the end of 2001, when I had finished my secondary
16 school studies.

17 Q. [10:31:39] And where did you join the UPC, if you recall?

18 A. [10:31:53] That was in Mandro.

19 Q. [10:32:06] And could you explain the circumstances of what happened in
20 Mandro when you joined the UPC?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:33:01] And once you joined the UPC, what did you do within the UPC, what

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1 function did you have?

2 A. [10:33:20] My function? I was a soldier.

3 Q. [10:33:31] And where did you receive your training as a soldier?

4 A. [10:33:39] That was still in Mandro.

5 Q. [10:33:44] And how long was the training in Mandro?

6 A. [10:33:54] The training? It depended. Two weeks, three weeks, one month.

7 Q. [10:34:02] And if you recall, how long was your training?

8 A. [10:34:14] About three months -- about three weeks.

9 THE INTERPRETER: The witness corrects himself.

10 MR IVERSON: [10:34:25]

11 Q. [10:34:25] And do you recall what was the month and year in which that

12 training started?

13 A. [10:34:35] I don't remember well.

14 Q. [10:34:39] Do you recall just the year then?

15 A. [10:34:51] End of 2001.

16 Q. [10:35:04] And how many other recruits were with you at the training

17 in Mandro?

18 A. [10:35:20] There were a lot of us. I don't know the numbers. There were a lot

19 of us.

20 Q. [10:35:28] Would you be able to estimate the number of recruits that you trained

21 with at Mandro?

22 A. [10:35:42] Well, it wasn't more than 500.

23 Q. [10:35:54] And among those recruits, do you recall what the age range was of

24 those recruits?

25 A. [10:36:03] Yes. From 18 upwards.

1 Q. [10:36:28] And what was the gender of the recruits, if you could clarify whether
2 it was just male or both male and female?

3 A. [10:36:43] There were men and women.

4 Q. [10:36:50] Were the female soldiers referred to in any particular way? Was
5 there any particular name or names for the female soldiers?

6 A. Please, could you ask the question again?

7 Q. Well, what I'm asking is whether the female soldiers had any particular name or
8 whether the others in the UPC called the female soldiers by any particular name?

9 A. [10:37:31] Yes, they were called PMF.

10 Q. [10:37:41] And while you were at Mandro during your training, do you recall
11 who the commander of the camp was?

12 A. [10:37:57] No, I don't remember.

13 Q. [10:38:01] And do you recall the names of higher level UPC commanders while
14 you were serving in the UPC?

15 A. [10:38:16] Yes, General Kisembo and General Bosco.

16 Q. [10:38:25] And who was General Bosco to you, in relation to you?

17 A. [10:38:45] Well, he was my hierarchy, my chief.

18 Q. [10:38:54] Did you ever see Bosco Ntaganda at Mandro training camp?

19 A. [10:39:11] I saw him once when he came with President Thomas Lubanga.

20 Q. [10:39:18] And when was that, if you recall?

21 A. [10:39:29] That was two weeks after starting training.

22 Q. [10:39:43] Could you explain what happened during the training? What type
23 of training did you undergo?

24 A. [10:39:57] With regards to the training, physical education, there was also
25 ideology. When I speak about ideology, we were given certain discipline, how

1 should a soldier behave, how should a soldier comport himself.

2 Q. [10:40:21] And what did you learn about discipline during that training
3 in the UPC?

4 A. [10:40:33] On the subject of discipline, I learnt certain things. Firstly, a soldier
5 shouldn't steal. A soldier shouldn't rape. A soldier shouldn't harm the population.
6 A soldier should just work with complete discipline.

7 Q. [10:41:05] Could you tell the Chamber whether there was any weapons training
8 at Mandro?

9 A. [10:41:17] Yes.

10 Q. [10:41:21] And what was that weapons training?

11 A. [10:41:29] It was just opening the weapon and using it, and also to know certain
12 positions, defensive positions.

13 Q. [10:41:47] And what types of weapons were used?

14 A. [10:41:54] Just AK-47s.

15 Q. [10:42:12] So after your approximately three weeks of training at Mandro, where
16 did you go next? Or did you stay at Mandro?

17 A. [10:42:25] After three weeks we finished training and then we went to the centre
18 of Mandro, and it was after the centre of Mandro that we were deployed towards
19 Komanda road.

20 Q. [10:42:43] And do you recall approximately when that was when you were
21 deployed along the Komanda road?

22 A. [10:42:56] No.

23 Q. [10:43:01] And what were your duties along the Komanda road when you were
24 deployed there after Mandro?

25 A. [10:43:15] I was a simple soldier.

1 Q. [10:43:21] Could you tell the Chamber whether there was any combat along that
2 road, the Komanda road during that time that you were there?

3 A. [10:43:35] Yes, there was combat around Irumu, Tchai, Irumu.

4 Q. [10:43:48] And could you tell the Chamber whether you yourself actually
5 participated in that combat?

6 A. [10:43:54] Yes, I participated in it.

7 Q. [10:44:02] And what did you do in that combat along the Komanda road during
8 that time?

9 A. [10:44:08] As there was the attack, we just had to defend ourselves and drive the
10 enemy back.

11 Q. [10:44:20] And who was the enemy?

12 A. [10:44:31] At the time the UPC was attacked by the FNI and other armed groups
13 as well.

14 Q. [10:44:40] And what were those other armed groups, if you recall?

15 A. [10:44:53] It was the APC.

16 Q. [10:44:56] And what other armed groups, if you recall?

17 A. [10:45:02] No.

18 Q. [10:45:12] All right. So after the operations at Komanda road, where did you
19 go next? Did you remain in the UPC, or did you leave the UPC?

20 A. [10:45:25] After Komanda, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:50:34] So from within the hierarchy, who within that hierarchy was asking
15 for people (Redacted)

16 A. [10:50:47] That was just General Bosco.

17 Q. [10:51:01] And so do you recall the circumstances of -- well, let me ask you this
18 first: Did you interact with Bosco Ntaganda during that time in order for him to
19 determine (Redacted)

20 A. [10:51:26] I'm sorry, I haven't understood the question.

21 Q. Well, you stated that Mr Ntaganda was looking for (Redacted)
22 (Redacted), so I'm asking you if you interacted with Mr Ntaganda (Redacted)
23 (Redacted)

24 A. [10:51:53] It was just during the parade.

25 Q. [10:52:03] Okay. And what happened at the parade? How did Bosco

1 Ntaganda identify you (Redacted)?

2 A. [10:52:14] When he asked the question to the crowd, nobody else answered, and
3 fortunately I was there and I just put up my hand (Redacted)

4 Q. [10:52:30] And once you put up your hand and told Mr Ntaganda that you
5 (Redacted), what was his reaction? What did he do?

6 A. [10:52:44] It was automatic.
7 I just had to go where the friends had to be.*

8 Q. [10:53:03] All right.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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2 (Redacted)

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4 Q. [10:55:23] And as Bosco Ntaganda was one of your hierarchical superiors, could
5 I ask you to tell the Chamber whether you showed this information to him.

6 A. [10:55:42] This information, I would give it directly to my direct superior, who
7 was managing at that level, and it was that person who would then pass on the file to
8 a higher level. If you like, there's an organigram structure. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:57:56] Between 2002 and 2003, yes.

25 Q. [10:58:12] (Redacted Were your

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1 duties any different (Redacted), or were they the same,

2 as you just mentioned?

3 A. [10:58:38] It was the same functions.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:01:24] All right. Thank you, sir.

23 MR IVERSON: [11:01:27] Mr President, I see that it's --

24 PRESIDING JUDGE FREMR: [11:01:30] Actually, Mr Iverson, I would like to ask

25 you to continue for the next 14 minutes because in fact we had unintended break

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1 because we had to deliberate. So if you don't mind, I would like to compensate it by

2 adding 15 minutes to this session. Is this a problem for you to continue?

3 MR IVERSON: [11:01:49] No, I can continue.

4 PRESIDING JUDGE FREMR: [11:01:52] Until quarter past 11.

5 MR IVERSON: [11:01:54] I can do that. I'll do that. Thank you, Mr President.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MR IVERSON: [11:03:06] I'd like to ask if the court officer could please display an

12 exhibit, and it is (Redacted), and it's item (Redacted) on the Prosecution's list of

13 documents.

14 Q. [11:03:52] Sir, do you see a document on the screen before you?

15 A. [11:03:59] Yes.

16 Q. [11:04:02] Do you recognise this document, sir?

17 A. [11:04:07] Yes, I recognise it.

18 Q. [11:04:10] And could you tell the Chamber why it is that you recognize this

19 document?

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [11:04:43] All right.

25 MR IVERSON: [11:04:47] And could I ask the court officer to now display

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1 (Redacted) And that is document (Redacted) on the Prosecution's list of documents.

2 Q. [11:05:28] Sir, do you recognise this document on your screen?

3 A. [11:05:34] Yes.

4 Q. [11:05:39] And again could you tell the Chamber why it is that you recognize
5 this document?

6 (Redacted)

7 (Redacted)

8 MR IVERSON: [11:06:01] All right. Could I ask that that document be removed
9 from the screen, please.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [11:07:25] And the first document you saw had a date on it of (Redacted) 2002.
19 Is that the date when the document or documents were created, or could you explain
20 what that date means?

21 A. [11:07:50] Well, because I generally --

22 PRESIDING JUDGE FREMR: [11:07:55] Hold on, Mr Witness, please.

23 Mr Bourgon.

24 MR BOURGON: [11:07:57] Thank you, Mr President. I would like if my colleague
25 would show the document and ask the witness where the date is found on the

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1 document so that we are not talking from something that is information provided by
2 counsel but that comes from witness. Thank you.

3 PRESIDING JUDGE FREMR: [11:08:12] I see no problem, Mr Iverson.

4 MR IVERSON: [11:08:20] Just for the sake of time, I'd rather just ask the question in
5 a different way, if that is acceptable.

6 PRESIDING JUDGE FREMR: [11:08:27] I think it would be even for this better to
7 have it before him.

8 MR IVERSON: [11:08:32] All right. So could I ask that (Redacted) please
9 be displayed to the witness.

10 And if you could just focus in on the bottom right-hand corner of the document,
11 please.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [11:09:38] All right. And the date is (Redacted) 2002; is that right?

16 A. [11:09:47] Yes.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MR IVERSON: [11:11:35] And if I could just have the court officer zoom out so we
6 could see the whole document, please.

7 Q. [11:11:50] As you look at the entire document, are you able to say whether this
8 document is --

9 A. [11:11:57] Yes.

10 Q. [11:12:01] Are you able to say whether this document is true and accurate to the
11 best of your belief and knowledge?

12 A. [11:12:08] Yes. Now it's right. All the columns, I can see them all on the
13 screen in front of me.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 MR IVERSON: [11:14:26] All right. And could I ask the court officer to please
4 display the previous document, which is (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE FREMR: [11:15:48] Mr Iverson, it's quarter past 11. We'll have
9 to break at this moment. Moreover, I see some problems with the real transcript.

10 MR IVERSON: [11:15:57] Very well.

11 PRESIDING JUDGE FREMR: [11:15:59] So we will break now. We will take our
12 regular break for 30 minutes and the second session has been shifted accordingly,
13 which means we will start at quarter to 12 and finish at quarter past 1.

14 THE COURT USHER: [11:16:18] All rise.

15 (Recess taken at 11.16 a.m.)

16 (Upon resuming in open session at 11.47 a.m.)

17 THE COURT USHER: [11:47:41] All rise.

18 Please be seated.

19 PRESIDING JUDGE FREMR: [11:48:20] Let's continue with examination-in-chief of
20 our witness and I assume, Mr Iverson, that you would like to proceed in private
21 session?

22 MR IVERSON: [11:48:33] Yes, please, Mr President.

23 PRESIDING JUDGE FREMR: [11:48:35] All right, court officer, let's move into
24 private session.

25 (Private session at 11.48 a.m.) *(Reclassified partially in public)

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1 THE COURT OFFICER: [11:48:49] We're in private session, Mr President.

2 PRESIDING JUDGE FREMR: [11:48:51] And just reminder for all of you, this session
3 is going to last until quarter past 1.

4 MR IVERSON: [11:49:03] And just for the record, Nicole Samson, senior trial lawyer,
5 is now absent from the courtroom.

6 PRESIDING JUDGE FREMR: [11:49:13] Noted. Thank you, Mr Iverson.

7 MR IVERSON: [11:49:17]

8 Q. [11:49:18] Welcome back, sir. I would like to continue to ask questions about
9 (Redacted) that we were looking at before the break. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MR IVERSON: [11:51:54] All right. Could I ask that the court officer please display

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [11:52:54] And I'd asked questions about the other document with the signature
5 and the date, but as you look at this document are you able to say that this document
6 is true and accurate, to the best of your belief and knowledge?

7 I'm sorry, I didn't get that, sir. Is this document true and accurate, to the best of your
8 belief and knowledge?

9 A. [11:54:16] Yes, that's correct. Yes.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 THE INTERPRETER: [11:55:09] I'm sorry, the interpreter did not catch the reply.

15 PRESIDING JUDGE FREMR: [11:55:13] Mr Witness, could you kindly repeat your
16 reply. It was not captured by the interpreters.

17 (Redacted)

18 MR IVERSON: All right. Could I ask the court officer to remove this exhibit, please.

19 (Redacted)

20 (Redacted)

21 Q. [11:56:06] And what do you recall about this individual, (Redacted)

22 A. [11:56:20] *I remember that after the Komanda squirmish, I had taken him in.
23 He was not in the military, I took him with me because he was just there hanging
24 around, so we came back with him.

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 Q. [11:56:55] All right. And what were (Redacted) duties as
4 your escort?

5 A. [11:57:22] At the time (Redacted), he should not take up weapons, and
6 since he was far away from his parents because of the war and everything, he had
7 been taken with us in order to protect him. And I was taking him with me, this
8 young boy, where I went.

9 Q. [11:57:54] All right. And according to you, did you take him on any military
10 operations?

11 A. [11:58:04] No.

12 Q. [11:58:06] After the operations at Komanda road, what military operations did
13 you participate in with the UPC?

14 A. [11:58:25] I had to go to Mongbwalu for the operation there in Mongbwalu.

15 Q. [11:58:33] And what operation was that in Mongbwalu? Could you explain
16 that to the Chamber, please.

17 A. [11:58:41] We had to go there to take back Mongbwalu.

18 Q. [11:58:59] And when was that operation?

19 A. [11:59:10] I'm not sure but it was about 2002, 2003, but I don't have an exact date
20 for it.

21 Q. [11:59:20] Just so the Chamber can identify which attack you're talking about,
22 did this operation have any specific name or any specific characteristic so that
23 the Chamber could identify what operation you're talking about?

24 A. [11:59:46] I don't have any details.

25 Q. [11:59:48] How many attacks, UPC attacks, were there at Mongbwalu, if you

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1 know?

2 A. [11:59:55] If I recall correctly, there were two attacks at Mongbwalu.

3 Q. [12:00:11] And which military operations or attacks did you participate in at
4 Mongbwalu, the first or the second, or the first and the second? Could you clarify
5 that.

6 A. [12:00:29] We went to the first attack.

7 Q. [12:00:36] And when you say "we," who do you mean by that?

8 A. [12:00:43] We, when I say "we," I mean I.

9 Q. [12:00:55] And who else was with you on that attack?

10 A. [12:01:06] There were a lot of soldiers involved, a lot of us went. We went from
11 Mandro to Iga-Barrière, and then to Mabanga.

12 Q. [12:01:41] And who were your escorts during this attack?

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [12:02:34] All right. So what were (Redacted) duties during the first attack
19 on Mongbwalu?

20 A. [12:02:55] He was seen as a simple soldier, he had no function there.

21 Q. [12:03:11] So as a soldier, did he operate as a soldier or not?

22 A. [12:03:22] He did not operate as a soldier.

23 Q. [12:03:26] How long was (Redacted) your escort in the UPC?

24 A. [12:03:55] Only during the two attacks.

25 Q. [12:04:02] When you say "two attacks," are you referring to the two attacks at

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1 Mongbwalu or different attacks?

2 A. [12:04:18] (Redacted)

3 Q. [12:04:39] And you had mentioned previously that there were two attacks in
4 Mongbwalu so I am just trying to clarify. You said that (Redacted) was with you only
5 during the two attacks. Which two attacks are you talking about, sir?

6 A. [12:05:01] I was talking only about the first attack, because after the first attack (Redacted)
7 (Redacted)

8 Q. [12:05:16] Could you explain how long was (Redacted) your escort in
9 the UPC?

10 A. [12:05:27] (Redacted) he didn't
11 have a weapon. He stayed with me. I was looking after him, and we were planning
12 the attack on Mongbwalu. He asked whether he could come with me, *I did not want to
13 leave him alone, and we went. And when the first attack failed, we came back together.
14 For the second attack, he asked whether he could go and he went pour de bon, là.

15 Q. [12:06:16] And just to clarify, is that to say that he went to the second attack in
16 Mongbwalu; is that a correct understanding?

17 A. [12:06:32] Yes, because he wanted to go with us for the second attack and so he
18 went during the second attack.

19 MR IVERSON: [12:06:56] Could I ask the court officer to please display
20 (Redacted) And that's at tab (Redacted) of the Prosecution list.

21 Q. Sir, do you see this photograph in front of you?

22 A. [12:07:50] Yes, I can see it.

23 Q. [12:07:52] And what is this photograph, if you know?

24 A. [12:08:00] Yes. There's me and (Redacted).

25 Q. [12:08:21] And which one of the two individuals in the photograph is you?

- 1 A. [12:08:34] (Redacted)
- 2 Q. [12:08:42] And what is that in your hands?
- 3 A. [12:08:47] It's a weapon.
- 4 Q. [12:08:52] And do you recall approximately when this photograph was taken?
- 5 A. [12:09:05] Yes.
- 6 Q. [12:09:12] When was that? When was that?
- 7 A. [12:09:18] This was the day (Redacted)
- 8 Q. [12:09:32] And approximately what year was this?
- 9 A. [12:09:43] (Redacted)
- 10 Q. [12:09:59] All right. (Redacted). What year was this,
- 11 approximately, if you know?
- 12 A. [12:10:19] I don't know exactly, but it must have been 2002/2003.
- 13 Q. [12:10:34] (Redacted)
- 14 A. [12:10:47] (Redacted)
- 15 Q. [12:11:03] And is this photograph -- if you know, could you tell the Chamber
- 16 whether this photograph was taken while you were in the UPC?
- 17 A. [12:11:16] Yes.
- 18 (Redacted)
- 19 (Redacted)
- 20 MR IVERSON: [12:11:48] Your Honours, I'd like to submit this
- 21 exhibit (Redacted), which is a photograph.
- 22 PRESIDING JUDGE FREMR: [12:12:00] Defence, any objection?
- 23 MR BOURGON: [12:12:03] None, Mr President.
- 24 PRESIDING JUDGE FREMR: [12:12:05] So the photograph submitted by Mr Iverson
- 25 is admitted into evidence as a further Prosecution exhibit.

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1 MR IVERSON: [12:12:13] And just one more question about the photograph.

2 Q. Where was this photograph taken, if you remember?

3 A. [12:12:24] It was taken in (Redacted).

4 MR IVERSON: [12:12:40] And could I ask the court officer to please display
5 (Redacted), which is tab (Redacted) of the Prosecution list of documents.

6 Q. [12:13:19] Sir, do you recognise the document in front of you on your screen?

7 A. [12:13:25] Yes, I can recognise it.

8 Q. [12:13:29] And what is this document?

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:15:02] And could you tell the Chamber whether it was the same day, if you
20 know?

21 A. [12:15:10] Yes.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:18:07] And is the information true and accurate to the best of your
17 knowledge and belief?

18 A. [12:18:22] Yes, to the best of my knowledge, everything that I told him to do he
19 did.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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2 (Redacted)

3 Q. [12:22:54] All right. That's clear.

4 MR IVERSON: [12:22:58] Your Honours, I would like to submit these three (Redacted) that
5 I've been asking questions about. The first one is (Redacted); the second
6 one is (Redacted); and the third one is (Redacted).

7 PRESIDING JUDGE FREMR: [12:23:29] I understood that some of them have been
8 even already admitted. All of them or some of them, court officer?

9 In the meantime, court officer will check it.

10 Mr Bourgon, Defence position to that request?

11 MR BOURGON: [12:23:45] Mr President, we note for the record that these (Redacted) were
12 previously admitted, but albeit for a specific purpose. So I can understand that my
13 colleague is asking for them to be admitted today. We do not have objections,
14 subject of course to the few observations we put on our list, which is the timing and
15 the scope of these documents. Thank you.

16 PRESIDING JUDGE FREMR: [12:24:11] Anyway, so court officer, no problem to
17 admit those three (Redacted)? So okay, those three (Redacted) are admitted into evidence as
18 a further Prosecution exhibit. Nevertheless, I would like to keep the last one on the
19 screen and put some additional questions, because I don't want to, with this issue, to
20 wait until the end of examination.

21 MrWitness, first of all, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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4 (Redacted)

5 PRESIDING JUDGE FREMR: [12:25:38] Now it's more clear to me. Fine. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 THE WITNESS: [12:26:08] (Interpretation) In those days an identity card didn't exist.

11 When it -- well, the identity card arrived in 2006, and everybody had to have an

12 identity card.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE FREMR: [12:27:08] You mentioned this morning some

22 instruction given to you as concerns recruits under some age coming from

23 Mr Ntaganda. Could you repeat and be more specific about this instruction.

24 THE WITNESS: [12:27:28] (Interpretation) (Redacted) there was

25 already a good number of people there, (Redacted). Those are the ages. And those

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1 refused to go, well, refused to go through the training centre, even though the order
2 was given to drive them out, but they refused to go. (Redacted)

3 (Redacted)

4 PRESIDING JUDGE FREMR: [12:28:13] I'm not sure that you understood or whether
5 you really responded to my question. I understood, and I can refer to the part of the
6 transcript, but you said that Mr Ntaganda gave you some instruction about those who
7 are under 18 years of age.

8 Had you obtained any such instruction from Mr Ntaganda?

9 THE WITNESS: [12:28:43] (Interpretation) (Redacted)

10 (Redacted)

11 (Redacted) a child or any person under the age of 18.

12 Now, but they, they said that their father and mother had died, et cetera, so they were
13 saying, where can we go? (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE WITNESS: [12:29:46] (Interpretation) (Redacted)

18 (Redacted), the people who had stayed in situ in the centre and others had gone but there
19 were a good number of people, 30, 20 people who just stayed there.

20 PRESIDING JUDGE FREMR: [12:30:10] This answer sounds to me strange,

21 Mr Witness. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE FREMR: [12:31:13] That was my error. All right. So those

6 people who were under 18, so it was perspective to use them as recruits or not?

7 Because I understood if they were not capable to become soldiers, why not to send

8 them, send them home directly?

9 THE WITNESS: [12:31:47] (Interpretation) Well, the idea wasn't that they should

10 become soldiers, but to -- but to give them to Human Rights. That was the

11 instruction received and that's what we did. Even though the children were coming

12 there, they would never be used as soldiers. It would be better to give them to

13 Human Rights and they were responsible then for taking those people and taking

14 them back home for their own safety and security.

15 PRESIDING JUDGE FREMR: [12:32:25] And last, my last question for this moment:

16 Do you have any indication that some of those recruits either was not sure about date

17 of their birth or even could lie to you about the date of their birth?

18 THE WITNESS: [12:32:55] (Interpretation) Well, there are other people there. And

19 there was a person I didn't even know his date of birth. And when his colleague

20 says 1987, well, he can talk about 1989 and you would see similar things.

21 PRESIDING JUDGE FREMR: [12:33:23] Thank you, Mr Witness.

22 So sorry for interrupting you, Mr Iverson. Please proceed.

23 MR IVERSON: [12:33:39] So I'll actually just follow up on a few of your questions,

24 Mr President.

25 (Redacted)

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1 (Redacted)

2 A. [12:34:07] No, that's not what I said. (Redacted)

3 (Redacted) those people who are under the age of 18 and then, well, it wasn't up to us,

4 but it was up to the president to talk about them and defend them before human

5 rights so that all those children would be taken back home, back to their homes and

6 that's all there was to it.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [12:37:53] And when I use the word "recruit" I'm asking actually military
7 recruits. Just so there's no misunderstanding, I am talking about military recruits.
8 Is that also your understanding?

9 A. [12:38:22] Exactly right, yes.

10 PRESIDING JUDGE FREMR: [12:38:23] Mr Bourgon.

11 MR BOURGON: [12:38:24] Thank you, Mr President. (Redacted)

12 (Redacted) before he starts

13 to cross-examine the witness and to put leading questions, he should first have the
14 witness declared as hostile if he wants to act in this way.

15 The last questions in terms of my understanding that this document did this, is this
16 correct? Is this this? Is this that? This is cross-examination, Mr President, and
17 that should only be done by the Prosecution with a hostile witness. Thank you.

18 PRESIDING JUDGE FREMR: [12:38:51] Mr Iverson.

19 MR IVERSON: [12:38:55] I am verifying information. If I asked a leading question,
20 it was not on purpose, I can assure you. But if I do ask a leading question I would
21 ask the Defence counsel just object to that question. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE FREMR: [12:39:37] For me I don't see anything wrong in this

2 part of examination.

3 Please proceed, Mr Iverson.

4 MR IVERSON: [12:39:48] All right.

5 Q. [12:39:49] Sir, are you fine to continue?

6 A. [12:40:11] Yes.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 A. [12:42:20] It was just after the meeting with Human Rights, UNICEF, that took
2 place in Bunia. And directly following that we received training to the effect that we
3 should never recruit children, and that's what was said.

4 Q. [12:42:47] And do you recall approximately which month and year this
5 happened?

6 A. [12:42:58] Well, it is going back a while now so I don't have any details, but I
7 remember it was said that people under 18 should never be recruited.

8 Q. [12:43:21] Do you recall whether this -- do you recall whether there was any
9 other military operations, even the ones that you did not participate in, involving the
10 UPC in 2002 and 2003? If you could just name any of those military operations,
11 please.

12 A. [12:43:51] Sorry, I didn't understand your question.

13 Q. [12:43:55] Well, I'd like to know whether you are aware of any other military
14 operations or attacks or battles or combat that the UPC was involved in in 2002, 2003,
15 even if you yourself were not involved.

16 A. [12:44:23] Well, we weren't informed, (Redacted)
17 (Redacted)

18 Q. [12:44:38] All right. Do you recall whether in Bunia there was combat or battle
19 or an attack on or about March 2003; do you recall any of that?

20 PRESIDING JUDGE FREMR: [12:45:01] Hold on, Mr Witness.

21 Mr Bourgon?

22 MR BOURGON: [12:45:04] Mr President, I object to the question. The witness said
23 that he was not aware of, that he did not remember, (Redacted)

24 (Redacted), and now we are suggesting to him a specific operation and

25 a specific date. This is highly leading, Mr President, and it should not be authorised

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1 for the Prosecution. Thank you.

2 PRESIDING JUDGE FREMR: [12:45:26] Mr Iverson.

3 MR IVERSON: [12:45:30] Well, I'm not suggesting any answer here, so I don't think
4 the question is leading. I'm asking him if he recalls this information.

5 PRESIDING JUDGE FREMR: [12:45:42] Objection overruled. Please proceed.

6 Mr Bourgon, objection overruled. I don't need to listen to, for five minutes for
7 exchange of views on any objection. It is clear to me. Please proceed.

8 MR IVERSON: [12:46:04]

9 Q. [12:46:04] All right. So, sir, do you recall any such attack or battle or combat in
10 Bunia on or about March 2003?

11 A. [12:46:14] No idea.

12 Q. [12:46:22] And how long did these recruits stay in the UPC before, (Redacted)
13 (Redacted) the president of the UPC asked for information
14 about them?

15 A. [12:46:52] They just stayed two weeks, just two weeks.

16 Q. [12:47:00] And then, (Redacted), what happened?

17 A. [12:47:11] After two weeks, (Redacted) the training, some were told
18 to go back home to their families.

19 Q. [12:47:30] And what happened to the others, the ones that weren't told to go
20 back home to their families, (Redacted)?

21 A. [12:47:51] On the other hand, (Redacted) tried to home
22 them somewhere or to send them back to their mothers.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE FREMR: [12:49:48] Hold on, Mr Witness. Mr Bourgon.

14 MR BOURGON: [12:49:50] Leading question, Mr President. It should not be
15 permitted.

16 PRESIDING JUDGE FREMR: [12:49:55] Mr Iverson.

17 MR IVERSON: [12:49:57] Well, excuse me, Mr President, it was a leading question
18 but I believe he already provided that so I was just verifying that he had already
19 provided that he recalled what happened (Redacted). But I can ask him
20 again.

21 Q. [12:50:13] What happened with (Redacted), if you recall?

22 A. [12:50:25] I have no information.

23 Q. [12:50:34] All right, so you don't know whether this person stayed in the UPC or
24 was demobilised, is that --

25 PRESIDING JUDGE FREMR: [12:50:42] Mr Bourgon.

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1 MR BOURGON: [12:50:42] Leading question, Mr President. Should not be
2 permitted.

3 PRESIDING JUDGE FREMR: [12:50:48] Mr Iverson.

4 MR IVERSON: [12:50:51] All right. I was just trying to seek clarification. My
5 understanding was --

6 PRESIDING JUDGE FREMR: [12:50:57] He said, Mr Witness said he has no
7 information, so I think asked and answered.

8 MR IVERSON: [12:51:03] All right.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:51:23] Do you recall what happened with this individual?

13 A. [12:51:32] No, I don't know.

14 Q. [12:51:37] (Redacted), do you recall what happened to that
15 individual?

16 A. [12:51:59] No, no, no.

17 Q. [12:52:06] (Redacted), do you recall what happened with any of these
18 individuals after they registered as a UPC recruit?

19 A. [12:52:22] (Redacted)

20 (Redacted) I can't remember what happened to them after that.

21 This was some considerable time ago.

22 MR IVERSON: [12:52:45] All right. Could I ask that (Redacted) be
23 displayed.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [12:54:11] Yes. I'm sorry, I should have specified that, after they were recruited
4 into the UPC.

5 A. [12:54:25] I have not correctly understood your question, I think.

6 Q. [12:54:34] Well, let me ask it in a slightly different way, sir. What happened
7 with any of these individuals (Redacted), after they were recruited
8 into the UPC?

9 A. [12:54:57] After the recruiting, there was some who were sent away, who were
10 demobilised.

11 Q. [12:55:08] And that suggests --

12 A. [12:55:11] -- and resumed their studies.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [13:02:08] *Because there -- there are always problems with search and seizures, either
2 from loyalist forces or UN forces or the like, they would come into houses (Redacted)
3 (Redacted). And when they find something on you, even minute, you'll be
4 prosecuted, (Redacted).

5 Q. [13:03:00] Who knew that you had (Redacted)?

6 A. [13:03:03] Nobody knew.

7 Q. [13:03:15] I see. Could I ask --

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE FREMR: [13:04:27] But that is why I am asking you for some
18 further information. At least, for example, the number of soldiers who are at
19 disposal of the army, I would expect that, at least, it should be clear how many
20 soldiers you still have, how many soldiers were killed during the battles. There
21 were no records about that?

22 THE WITNESS: [13:04:56] (Interpretation) (Redacted). Maybe that was
23 at a higher level, (Redacted)

24 PRESIDING JUDGE FREMR: [13:05:07] Thank you, Mr Witness.

25 MR IVERSON: [13:05:13]

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1 Q. [13:05:14] And just a follow-up on something the Presiding Judge asked: How
2 would the higher level know the strength of the UPC casualty lists and killed in
3 action lists? How would they know that information, if you know?

4 PRESIDING JUDGE FREMR: [13:05:35] Hold on, Mr Witness.

5 Mr Bourgon.

6 MR BOURGON: [13:05:38] Mr President, the witness is not in a position to respond
7 to this question. (Redacted)

8 (Redacted) but whether there are a manner

9 for senior officers in the UPC to find out what is the strength of the UPC, I guess it's
10 not within the ambit of his knowledge. Thank you, Mr President.

11 PRESIDING JUDGE FREMR: [13:06:03] Yes, I find this question speculative.

12 (Redacted)

13 (Redacted)

14 MR IVERSON: [13:06:15] All right. (Redacted)

15 (Redacted). But I can move on.

16 Could I ask that the court officer please display (Redacted).

17 Q. [13:07:06] Sir, do you recognize the document on the screen before you?

18 A. [13:07:16] Yes, I recognize it.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [13:08:56] All right. And who was (Redacted)

7 A. [13:09:06] (Redacted) was to supervise the centre.

8 Q. [13:09:17] All right. And could you tell the Chamber what this document is or
9 what this document represents, please?

10 A. [13:09:28] It's the inventory of the centre.

11 Q. [13:09:40] And inventory pertaining to what? What type of inventory?

12 A. [13:09:58] There's a whole load of things listed. I can see notebooks, soap and
13 all sorts of things.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [13:11:33] All right. And I was going to ask you about that, but since you
24 brought it up, do you recall approximately when you left the UPC?

25 A. [13:11:42] It was after June, it must have been June or July (Redacted)

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1 (Redacted)

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3 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [13:13:31] Do you recall whether there was a UPC training camp at a place
11 called Rwampara?

12 A. [13:13:41] Yes, I do remember that.

13 Q. [13:13:46] Could you explain whether you ever visited or stayed at Rwampara.

14 A. [13:14:03] Yes, we passed through Rwampara.

15 MR IVERSON: [13:14:08] All right, I see that it's time. I would like to submit
16 this -- the current document being displayed, (Redacted)

17 PRESIDING JUDGE FREMR: [13:14:20] Mr Bourgon, any objection to that proposal?

18 MR BOURGON: [13:14:24] None, Mr President. Thank you.

19 PRESIDING JUDGE FREMR: [13:14:25] So this document is admitted into evidence as
20 a further Prosecution exhibit. Now let's move into open session for the rest of the session.
21 (Open session at 1.14 p.m.)

22 THE COURT OFFICER: [13:14:41] We're in open session, Mr President.

23 PRESIDING JUDGE FREMR: [13:15:00] Thank you, court officer.

24 Mr Witness, I would like to thank you. It concludes your testimony but just for

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1 today. And since we have to examine another witness in the afternoon, we will
2 continue with your examination tomorrow, 9.30. And have in mind that in the
3 meantime, till tomorrow, you must not discuss your testimony with anybody else,
4 understandably except with your legal adviser, you can discuss and consult him.
5 So now, please, court officer, lead Mr Witness outside of the courtroom.

6 (The witness stands down)

7 PRESIDING JUDGE FREMR: [13:16:06] And for the sake of planning, Mr Iverson, so
8 far, according to our measuring, you exhausted two hours sharp so you still have
9 three hours at your disposal. But it is my subjective view you covered a lot, in my
10 view. Do you think that you will need all the three remaining hours?

11 MR IVERSON: [13:16:28] No, Mr President. I estimate, and knowing that you
12 won't hold me to this, but probably around one hour in addition.

13 PRESIDING JUDGE FREMR: [13:16:35] Just even to give some idea to Prosecution,
14 all right.

15 Anyway, we will continue this afternoon with another witness, yes, it is Witness 918.
16 And for that we -- our session will take from four to six.

17 Mr Bourgon.

18 MR BOURGON: [13:16:56] Thank you, Mr President. Earlier on, the Trial Chamber
19 rendered a decision on our request for interim relief related to our request.
20 The Chamber ruled to continue with the witness but did mention that this was based
21 on that any prejudice to the Defence would arise from cross-examination. I would
22 just like to confirm, is it the intention of the Chamber to have us continue with
23 cross-examination of this witness tomorrow morning? Thank you.

24 PRESIDING JUDGE FREMR: [13:17:29] I think I can't give you any assurance at this
25 moment. Because, in fact, we -- we will have first to evaluate the response from

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1 Prosecution and participants to your submission and very likely also to -- but then
2 probably only orally to hear your reply to the response. So I guess that before,
3 before that, we can't start with cross-examination. But one of the options is that it
4 would mean that there is still some possibility we would start cross-examination not
5 tomorrow, but on Wednesday. Am I clear enough?

6 MR BOURGON: [13:18:23] Indeed, Mr President. Thank you very much.

7 PRESIDING JUDGE FREMR: [13:18:26] We adjourn and we will resume at 4 o'clock.

8 THE COURT USHER: [13:18:33] All rise.

9 (Recess taken at 1.18 p.m.)

10 (Upon resuming in open session at 4.02 p.m.)

11 THE COURT USHER: [16:02:56] All rise.

12 Please be seated.

13 PRESIDING JUDGE FREMR: [16:03:13] Good afternoon, everybody.

14 Since I see some changes in appearances, I would like to ask for update.

15 Prosecution first.

16 MS SOLANO: [16:03:40] Good afternoon, your Honours. The Prosecution is
17 represented by Ms Kristy Sim, assistant trial lawyer; Miss Selam Yirgou, case
18 manager; and I am Julieta Solano, trial lawyer.

19 PRESIDING JUDGE FREMR: [16:03:53] Thank you, Ms Solano.

20 Defence, please.

21 MR BOURGON: [16:03:57] (Interpretation) Good afternoon, your Honour.

22 Mademoiselle Han Catherine Morin joins us for the Defence. I also would like to say,
23 I should have made this change at the end of the last session because Mademoiselle
24 Morin is present here. Thank you.

25 PRESIDING JUDGE FREMR: [16:04:16] Thank you, Mr Bourgon. And I see the

1 only change which concerns one of the team of the Legal Representatives.

2 Mr Suprun, please.

3 MR SUPRUN: [16:04:22] (Interpretation) Indeed, your Honour, Anne Grabowski
4 is no longer with us this afternoon. Thank you.

5 PRESIDING JUDGE FREMR: [16:04:29] Thank you, Mr Suprun. And Mr Abdou
6 is present as during the morning session.

7 Before we start with the next part of the testimony of our witness, we were told,
8 Mr Bourgon, that you would like to approach the Chamber. So, please, you have the
9 floor.

10 MR BOURGON: [16:04:47] Thank you, Mr President. Before I begin the
11 cross-examination of the next witness, P-0918, I have an oral application I would like
12 to make. I can either make it after my colleague ends her cross-examination or I can
13 make it immediately, as the Chamber wishes, Mr President.

14 PRESIDING JUDGE FREMR: [16:05:08] Probably better to make it now, but we are
15 in open session so do you think it is possible to make it in open session?

16 MR BOURGON: [16:05:14] I believe it is possible, Mr President. And, please, if
17 my colleague can immediately make a sign to me if I say anything that should not be
18 revealed, but I guess it is not a problem.

19 Mr President, the application is pursuant to the decision on the conduct of
20 proceedings which says that before I can use or refer to the statement or the testimony
21 of another witness in cross-examination, I need to make an application before the
22 Chamber. So this is the aim of my application at this time.

23 Mr President, the Prosecution's case is that Witness P-0898 would have been a child
24 soldier and he would have been at some point in time within UPC, and then after that
25 he would have been, I believe, taken out of UPC. That's the Prosecution's case.

1 In support of its case, the Prosecution is calling three witnesses, namely the witness
2 himself, Witness P0898, P-0918 and P-0911. Mr President, in order to fully
3 cross-examine and get to the bottom of this allegation put forward by the Prosecution,
4 it is necessary to compare the evidence provided by these three witnesses. It is
5 necessary to engage each of them on the testimony of the others. And in order to do
6 this of course first I need to apply to the Chamber.

7 Now, in the past this has been some -- there has been some difficulty with this, or at
8 least it has not been easy, because of the issue of protective measures.

9 At this point in time, Mr President, I think we can move into private session for the
10 end of my submissions.

11 PRESIDING JUDGE FREMR: [16:07:24] Certainly.

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

13 (Private session at 4.07 p.m.) *(Reclassified partially in public)

14 THE COURT OFFICER: [16:07:34] We are in private session, Mr President.

15 PRESIDING JUDGE FREMR: [16:07:44] Thank you, court officer.

16 Mr Bourgon, please proceed.

17 MR BOURGON: [16:07:47] Thank you, Mr President.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 It is our submission, Mr President, that none of this is true and, in order to properly
23 test the evidence (Redacted), they have to be put against each other.

24 Usually I could only do so by doing one of two things, I could either refer to
25 information in my possession without telling the witness who the information comes

1 from, or I could say that I have information from a given witness but without of
2 course going into the details.

3 The aim of these two measures, or these two possible procedure elaborated by the
4 Trial Chamber earlier before, is to ensure that (Redacted) witnesses do not know that
5 the others are witnesses, and of course the ultimate aim is to ensure that the
6 protective measures in force and implemented by the Chamber, that these
7 measures -- these measures will produce their effect.

8 (Redacted)

9 (Redacted)

10 (Redacted)

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8 Thank you very much, Mr President.

9 PRESIDING JUDGE FREMR: [16:12:05] Thank you.

10 Ms Solano, what is Prosecution's position to that request?

11 MS SOLANO: [16:12:10] Thank you, your Honour.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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7 PRESIDING JUDGE FREMR: [16:14:25] Mr Bourgon.

8 MR BOURGON: [16:14:26] Very quickly, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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3 But it is our submission that the foundation has been laid, but I can certainly try every
4 time I ask a question to first establish a foundation because I think this will increase
5 the probative value of any arguments we'd like to put forward. Thank you,
6 Mr President.

7 PRESIDING JUDGE FREMR: [16:17:01] Ms Solano, just maybe, but it will be
8 briefly, the updated position of Mr Bourgon would be fine with you in such a case?

9 MS SOLANO: [16:17:07] Your Honour, thank you your Honour. I continue to
10 disagree with Mr Bourgon. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE FREMR: [16:17:57] But I meant whether you would be fine
20 with the, not alternative, but improved position that Mr Bourgon then in fact
21 proposed, that he would at least put some additional questions (Redacted)

22 (Redacted)

23 MS SOLANO: [16:18:21] Yes, your Honour, if further questions are put to lay the
24 foundation, then it's likely that we will not oppose.

25 PRESIDING JUDGE FREMR: [16:18:29] Thank you. Give me a second. I will

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1 consult my colleagues.

2 (Trial Chamber confers)

3 PRESIDING JUDGE FREMR: [16:19:11] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Now, please, court officer in the remote place, please bring the witness in.

25 The meantime question to the court officer, if I am not wrong the remaining time

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1 which is at disposal of Ms Solano is 8 minutes? Yes.

2 So, Ms Solano, 8 minutes. And again I am apologising that we cut you so short time

3 before the end but really we had some urgent matters that forced us to break sharp.

4 So, sorry for that.

5 And Ms Solano, I suppose we will have to remain in private session?

6 MS SOLANO: [16:23:05] Yes, your Honour.

7 PRESIDING JUDGE FREMR: [16:23:07] All right.

8 (The witness enters the video-link room)

9 PRESIDING JUDGE FREMR: [16:23:44] Good afternoon, Madam Witness. Here
10 is Robert Fremr, Presiding Judge of the Chamber. We met through video on Friday.

11 Can you hear me?

12 WITNESS: DRC-OTP-P-0918 (On former oath)

13 (The witness speaks Swahili)

14 (The witness gives evidence via video-link)

15 THE WITNESS: [16:24:07] (Interpretation) Yes, I can hear you well. Good
16 afternoon.

17 PRESIDING JUDGE FREMR: [16:24:11] Good afternoon. Welcome back, Madam
18 Witness. We are going to continue with your examination first for a relatively short
19 time with the rest of examination-in-chief and then we will continue by
20 cross-examination which will be conducted by Defence counsel.

21 It's my duty again to remind you that you are still under oath, which I am sure you
22 are aware of, which means that you have to speak the truth and nothing but the truth.
23 Do you understand?

24 And also I would like to remind you that please focus on questions and try just to
25 limit your responses on questions put to you. Because both counsel are limited in

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1 their time, so even if some information you are providing are interesting, they are
2 focussed on some issue which are relevant for their case, so please try just to respond
3 to questions put to you.

4 Now I am giving the floor to Ms Solano from Prosecution.

5 MS SOLANO: [16:25:23] Thank you, your Honour.

6 QUESTIONED BY MS SOLANO: (Continuing)

7 Q. [16:25:27] Good afternoon, Madam. Can you hear me?

8 A. [16:25:33] Yes, I can hear you.

9 Q. [16:25:37] (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [16:26:09] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [16:26:52] Was it during the war or after the war?

17 A. [16:27:15] It was right in the middle of the war. Some of our friends had been
18 killed elsewhere, because people were scattered everywhere, and that was the time
19 when I had lost (Redacted) as well. And that's the reason why, when I was asked
20 what year (Redacted) died in, I said that I was traumatised and I couldn't remember
21 the year. And I would ask you as well to be able to see that. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [16:29:03] (Redacted)

3 (Redacted)

4 A. [16:29:22] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [16:30:02] (Redacted)

10 A. [16:30:22] (Redacted)

11 (Redacted)

12 Q. [16:30:29] You told us that the purpose of this group was to help women who
13 had suffered the most. Did this group help women?

14 A. [16:30:51] I said that it was Thomas Lubanga who wanted to set up an NGO or
15 a committee which could help the women because during the war, the women
16 suffered the most and that's why he wanted to set up an NGO, to allow women to
17 take better care of their families by taking part in activities that would generate some
18 income. This would allow the women to fund their families, and that's why -- it was
19 he who said that he should help the women.

20 MS SOLANO: [16:32:08] Your Honour, I have no more questions.

21 PRESIDING JUDGE FREMR: [16:32:10] Thank you, Ms Solano.

22 And now, Madam Witness, we will hand over the floor to Mr Bourgon, who
23 represents -- who represents Defence.

24 THE WITNESS: [16:32:36] (Interpretation) Very good.

25 PRESIDING JUDGE FREMR: [16:32:50] And reminder, usual reminder,

1 Mr Bourgon. According to our measuring, Ms Solano used exactly precisely 2 hours
2 30 minutes so you are expected to finish your cross in the same amount of time.

3 MR BOURGON: [16:33:06] Thank you, Mr President.

4 QUESTIONED BY MR BOURGON:

5 Q. [16:33:15] Good afternoon, Madam.

6 A. [16:33:27] Good afternoon.

7 Q. [16:33:28] Can you see me and understand me and hear me clearly?

8 A. [16:33:49] I can see you and I can hear you through the interpreter.

9 Q. [16:33:56] Thank you very much. Madam, do you recall that we met last
10 week through the same interpreter and the same electronic TV?

11 A. [16:34:25] Yes.

12 Q. [16:34:27] So allow me to begin by introducing myself again. I am
13 accompanied by the same person this afternoon that was with me last week. So my
14 name is Stéphane Bourgon and I'm a lawyer from Canada and I represent the accused
15 in this case, Mr Ntaganda. And I'm here with my colleague and we have a few
16 questions for you. Do you understand this?

17 A. [16:35:08] Yes.

18 Q. [16:35:11] Now, the aim of our work, Madam, as the Defence is to basically
19 look at the evidence you provided and try to clarify or confirm some of the things that
20 you said, and this is what I will try to do during the next couple of hours.

21 I'd like to begin by asking you if you recall that before your testimony over the TV in
22 last week and this week, if you recall that you met with representatives from the
23 Prosecution to prepare for your testimony.

24 A. [16:36:12] Yes.

25 Q. [16:36:16] According to the information that I have, you were interviewed on

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1 two occasions by the Prosecution. I know dates are difficult, but these dates are
2 very -- quite recent so I wonder if you remember being interviewed on two separate
3 days in (Redacted). Do you recall this interview, madam?

4 A. [16:36:58] As I have said, I cannot remember dates to say which month or
5 which year, but whenever I saw them, they spoke to me and I answered all their
6 questions.

7 Q. [16:37:20] Very well. More recently do you recall meeting with
8 representatives from the Prosecution (Redacted) of this year?

9 A. [16:37:44] Yes.

10 Q. [16:37:48] Now, madam, on both occasions when you provided information to
11 the Prosecution, you recall that you signed a statement on both occasions?

12 A. [16:38:16] Indeed.

13 Q. [16:38:18] And when you signed these statements, without going over too
14 many technicalities, my understanding is that you confirmed that you were then
15 telling the truth; do you agree with me on this?

16 A. [16:38:42] Yes.

17 Q. [16:38:45] Now, what I propose to do this afternoon is to go over some of the
18 things you said in your statements which appeared to me to be different from what
19 you said during your live testimony. So I just want to give you an opportunity to
20 clarify these issues. Do you understand what I would like to do?

21 A. [16:39:20] Yes, I do.

22 Q. [16:39:22] Let's then begin right away. My first question is I'd like to know
23 how you became a witness in this case. So do you know why or who asked the
24 Prosecution to go and meet with you?

25 A. [16:39:52] It's very difficult for me to answer this question because I had

1 received the invitation when they arrived. They asked questions and I related what
2 I had seen, what I could tell them, but as to saying whether somebody had asked
3 them to come and see me, I don't know. They came to me, they invited me to
4 participate, they asked me questions and I replied and I gave replies on the basis of
5 what I knew.

6 Q. [16:40:48] Thank you. Now, when they invited you for an interview, did they
7 say what they wanted to talk about?

8 A. [16:41:02] They said that during the war -- or, rather, they asked me the
9 question of how we lived during the war. And everything I told them is in the
10 document which you have in your possession.

11 Q. [16:41:36] I will try to be a bit more precise. Did they tell you why they
12 wanted to speak to you personally, how you could help them? Did they tell you
13 that?

14 A. [16:42:14] I told them what I knew and they took what was important for them.
15 I talked about the war that we had in Ituri, in Bunia in particular.

16 (Redacted)

17 (Redacted)

18 A. [16:43:05] They said nothing of that sort. They simply asked me questions
19 and I told them what I knew as far as I could. I could not tell them everything. I
20 could only tell them what I could remember. Because it's not a story that I was
21 telling, I was telling them what I knew.

22 Q. [16:43:43] Thank you. As you can see I just made a mistake of asking my next
23 question too early because you had not finished responding. So I will make -- I will
24 do everything I can to allow you to do a full response before I ask my next question.
25 Now, I'm -- do you recall, madam, that when the investigators met with you that they

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1 did ask you a lot of questions (Redacted) is that correct?

2 A. [16:44:29] They asked a lot of questions (Redacted) when he
3 joined the UPC, the date he joined and the date he came back. And I could only tell
4 them what I knew.

5 Q. [16:44:53] Now, were you surprised that so many questions were put to you
6 about the situation (Redacted)?

7 MS SOLANO: [16:45:05] Your Honour.

8 PRESIDING JUDGE FREMR: [16:45:06] Yes, Ms Solano.

9 MS SOLANO: [16:45:08] Your Honour, I object to this question on the basis of
10 relevance.

11 THE WITNESS: [16:45:18] (No interpretation)

12 MS SOLANO: How is whether the witness was surprised or not --

13 PRESIDING JUDGE FREMR: [16:45:18] Madam witness. Madam Witness, please
14 hold on. There is an objection so we will have to first decide about this objection and
15 then we will see whether we will give you floor to respond or not.

16 Ms Solano, please start again.

17 MS SOLANO: [16:45:31] Thank you, your Honour. I object to the question
18 because I -- in my submission, it's wholly irrelevant to the Chamber whether the
19 witness was surprised by the questions that the Prosecution put to her.

20 PRESIDING JUDGE FREMR: [16:45:44] Mr Bourgon.

21 (Redacted)

22 (Redacted)

23 And I believe it is important for the Chamber to know exactly why and whether she
24 was surprised. And my next question will even reveal why. So I think we should
25 let the witness answer, Mr President.

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1 PRESIDING JUDGE FREMR: [16:46:14] All right. Objection is overruled.

2 Madam Witness, please respond if you still remember the question put to you, if not

3 Mr Bourgon can repeat.

4 MR BOURGON: [16:46:30]

5 Q. [16:46:31] Would you like me to repeat the question, madam?

6 A. [16:46:43] Yes, please repeat your question.

7 Q. [16:46:45] My question was were you surprised by the number of questions
8 the investigators put to you about (Redacted)?

9 A. [16:47:07] Yes, I was surprised because the conversation did not only concern
10 (Redacted), but there were a lot of questions asked. When they were speaking to me,
11 they asked me (Redacted) and I did wonder about that, I didn't say anything about
12 that, but inside I was wondering about this.

13 (Redacted)

14 (Redacted)

15 (Redacted) Were

16 you aware of this?

17 A. [16:48:28] (Redacted) therefore I was unaware of this, but I know

18 that I was invited to participate and asked questions and I gave my account. And
19 that's what I was focussing on during the entire procedure.

20 Q. [16:48:57] And madam, did you ask the investigators as to why they came to
21 see you for this information?

22 A. [16:49:19] I spoke so much that I can't really recall the details. If I did ask
23 questions, is that a bad thing?

24 Q. [16:49:40] Absolutely not, madam. I just wanted to know if you did, yourself,
25 ask the Prosecution, or the people that went to see, you why they were -- they wanted

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1 to have all this information from you, if you did ask them.

2 A. [16:50:20] If I did ask questions it was because they had some doubts about (Redacted)

3 (Redacted). That surprised me because I was simply

4 presenting (Redacted). And I did ask questions as to why there

5 were doubts about (Redacted).

6 Q. [16:50:46] Thank you, madam. Now I'd like to refer to your first statement

7 that you provided to the Prosecution in (Redacted). I have to say a number for

8 the record and it is (Redacted).

9 And I will refer to paragraph 50 of this statement and that is found in the material

10 that was distributed in tab 1.

11 At paragraph 50, madam, I will just read a short line to you and ask you to confirm

12 whether this is -- you still agree with this. In this paragraph you said:

13 (Redacted)

14 (Redacted)

15 That information is correct, right?

16 A. [16:52:10] That is what I said. (Redacted) didn't want people to know that he had

17 joined the UPC because there are some people with different ideas. (Redacted)

18 (Redacted) because they could perhaps want to do him harm. He could

19 fall into a trap. I was afraid of people knowing about this.

20 Q. [16:52:56] (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [16:53:23] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [16:54:29] (Redacted) r

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [16:55:22] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [16:56:16] (Redacted)

19 (Redacted)

20 A. [16:56:46] (Redacted)

21 Q. [16:56:53] And is it your testimony, Madam, that you never discussed your

22 interviews with the Prosecution with (Redacted)?

23 A. [16:57:09] I did not talk to him about this sort of thing because I was told not to

24 talk about it to anybody, that these are things that should be kept to oneself.

25 Q. [16:57:44] Just moving on to a different topic before my next series of question,

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1 I'd like to go back to the questions that was put to you a little earlier, just this morning
2 or this afternoon. (Redacted) you
3 responded that this was before Thomas Lubanga was arrested. Do you recall saying
4 this a few minutes ago?

5 A. [16:58:28] I said after his final arrest. (Redacted)
6 (Redacted) and then he was arrested a second
7 time and that lasts until today. So it was during that period.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) he said he would set up an

13 NGO in order to help the women because during the war it was the women who
14 suffered the most of all.

15 Q. [17:00:05] Let me interrupt you, Madam. I don't want to refrain you from
16 answering, but I was just interested in the timing.

17 Now, my next question before moving to a different topic is: (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [17:08:59] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [17:09:51] (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [17:10:00] I fully understand, Madam. It's been a long time and you've

9 already expressed difficulty with dates, and this is a long time ago. We'll try to look

10 at the situation without looking at dates but looking at events that you might

11 remember. And the first thing I'd like to confirm is that my understanding of your

12 testimony and statements is that you lived in Mudzipela and that you had to flee

13 Mudzipela because of the war on a number of occasions. Would that be correct with

14 your testimony?

15 A. [17:11:03] Yes. Because whenever there was an attack on Mudzipela, we ran

16 away.

17 Q. [17:11:19] Now, Madam, I look at your statement, this is your -- the first

18 statement found in tab 1 of the material at paragraph 22. You speak about the year

19 2002 and you say that, in 2002, people in Mudzipela were living in fear as the Lendu

20 were fighting against the Hema. The part that is of interest is the next sentence,

21 where you say the following: "On two occasions we, meaning all civilians, had to

22 flee from Mudzipela due to attacks on Mudzipela."

23 That corresponds to your testimony?

24 A. [17:12:22] Yes.

25 Q. [17:12:25] Now, I move to -- oh, sorry.

1 A. [17:12:28] Can I give you the details?

2 Q. [17:12:31] Right now I'm just looking to establish some points and then we'll
3 get into the details.

4 At paragraph 24 of your statement you say the following about 2003. You say: "In
5 early 2003 I was in Mudzipela when it was attacked by the Lendu. I fled with
6 civilians from Mudzipela and other civilians who had sought refuge in Mudzipela."
7 So those are your words, you confirm these words?

8 A. [17:13:20] Yes. When there was an attack, we fled.

9 Q. [17:13:31] So I understand from -- that in 2002 and 2003 you had to leave your
10 house in Mudzipela at least three times or maybe more; is that correct?

11 A. [17:14:00] Yes. From time to time we fled when there was an attack and then,
12 when things calmed down, we went back. And then when things flared up, we fled
13 again. And we went back and forth like that.

14 Q. [17:14:19] And when you say back and forth, it is between Mudzipela and
15 Bunia; is that correct?

16 A. [17:14:28] Yes, that's right. When things were calm, we went back, and when
17 the enemies were pushed back, then we would go back to our homes.

18 Q. [17:14:49] And of course the distance between Mudzipela and Bunia, how
19 many kilometres would that be, approximately?

20 A. [17:15:12] I suppose I could put it at 5 kilometres. I don't really -- it depends
21 where you're going to in the town because you must know that it's a big city. If you
22 left Mudzipela, then you went to Yambi Yaya, that's 7 kilometres, give or take a
23 kilometre. If you go to Ndele, then it's about 10. So I suppose we could put it at 5.

24 (Redacted)

25 (Redacted)

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1 A. [17:15:54] (Redacted)

2 Q. [17:16:18] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [17:17:27] (Redacted)

9 (Redacted)

10 Q. [17:17:48] That's very useful because that was my next question. (Redacted)

11 (Redacted) Now, according to

12 your testimony, you can't put an exact date on it, but we'll try to -- together, we'll try

13 to establish when that took place. In terms of his return, what I wanted to establish

14 with you is that you don't recall the exact date he returned; is that correct?

15 A. [17:18:43] That's right, I can't remember. I can't remember the exact date, but

16 it was in (Redacted) because he went off in (Redacted). He'd gone off sometime in

17 (Redacted) and he returned (Redacted)

18 (Redacted) and that's when many events occurred.

19 Q. [17:19:18] Thank you, Madam. Now, you just mentioned that he returned in

20 (Redacted), but in your statement you said something different. I'd like to read what

21 you said in your statement. This is again the first statement, at paragraph 41, and

22 that is of course in tab 1, and the page number is (Redacted), and here you say at

23 paragraph 41: "I think (Redacted) returned from the UPC military sometime in (Redacted)

24 before the Ugandan troops withdrew from Bunia."

25 So is it just that maybe it's your memory between (Redacted)? Why did

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1 you say (Redacted) here?

2 A. [17:20:37] I told you this happened a long time ago. It's difficult to answer
3 your questions because you're throwing questions at me, but generally speaking I am
4 trying to give some scraps of memory that occur to me now.

5 Q. [17:21:04] I understand. That's why I'm trying to pick events that you would
6 remember, and one event you mention in paragraph 41 is Ugandan troops who
7 withdrew from Bunia. Now, my first question is you remember saying that the
8 Ugandan troops, they were like a girl going from boy to boy. Do you remember
9 saying something like that?

10 A. [17:21:46] Yes, I said that.

11 Q. [17:21:49] Now --

12 A. [17:21:57] So they were --

13 Q. [17:22:08] I'm not sure I got your answer, but I take it you recall that at some
14 point the Ugandan troops withdrew from Bunia; do you recall this?

15 A. [17:22:32] Yes, in the end they left and they left Bunia.

16 Q. [17:22:39] So I look again at this sentence of paragraph 41 in your statement
17 where you say:

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [17:24:03] (Redacted)

2 A. [17:24:05] (Redacted)

3 Q. [17:24:08] I do, I do understand the difficulty of -- because these events took a
4 long time ago, but in paragraph 22 of your statement, this is on page (Redacted), you
5 mention that you're not sure if it was (Redacted) that (Redacted) was away. Do
6 you recall saying this?

7 A. [17:24:54] Yes.

8 Q. Let move to a --

9 A. Because I didn't really think about the passage of time. I didn't really keep
10 track of time.

11 Q. [17:25:19] On the same -- on the same topic I just want you to confirm, and I
12 have a couple of very easy questions. In between the time (Redacted) disappeared and the
13 time he returned, I understand that you did not see him; is that correct?

14 A. [17:25:58] No, I hadn't seen him. It was difficult.

15 Q. [17:26:05] (Redacted)

16 (Redacted)

17 A. [17:26:35] (Redacted)

18 (Redacted)

19 Q. [17:26:50] (Redacted)

20 (Redacted)

21 A. [17:27:10] (Redacted)

22 Q. [17:27:20] (Redacted)

23 (Redacted) is that correct?

24 A. [17:27:49] I didn't go to Mandro because it was dangerous, the road to Mandro,
25 so I didn't go there.

1 Q. [17:27:58] And my understanding also from your evidence is that you never
2 saw (Redacted) wearing any type of military uniform; is that correct?

3 A. [17:28:22] Yes, what you say is right. And I never saw him wearing military
4 clothing.

5 Q. [17:28:36] And would I be right also in saying that you never saw (Redacted) with a
6 weapon in his hands?

7 A. [17:28:58] Yes. I never saw him with a weapon.

8 Q. [17:29:04] As I said, these are quite easy questions just to establish the record.
9 And I would like to confirm that (Redacted) never informed you of what he did in Mandro;
10 is that correct?

11 A. [17:29:39] He never gave me any explanation in details, but sometimes he
12 would mention something and I would look into it and try to follow what was going
13 on. (Redacted)
14 (Redacted) And their
15 chiefs said that -- asked the children to say that they had come of their volition and
16 that they hadn't been forced to do so.

17 Q. [17:30:31] Just to confirm with your statement, you mention at paragraph 41 of
18 your statement on page (Redacted):
19 (Redacted)
20 (Redacted); you can confirm that?

21 A. [17:31:11] He didn't tell me anything. Whenever I asked a question, he never
22 answered. (Redacted) he was unable to reply.
23 Every time I asked him the question he tried to keep the secret, and I don't know
24 whether he did it -- for what reason he did that, whether it was out of respect, I don't
25 know.

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1 Q. [17:31:43] Now, Madam, (Redacted) never mentioned anything to you about the
2 fighting with the UPC, did he?

3 A. [17:32:05] He didn't talk about that. (Redacted)
4 (Redacted)

5 THE INTERPRETER: (Redacted)
6 (Redacted)

7 MR BOURGON:

8 Q. [17:32:43] (Redacted)

9 A. [17:33:14] (Redacted)
10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [17:34:04] (Redacted)
15 (Redacted)

16 THE INTERPRETER: [17:34:26] (Redacted)
17 (Redacted)

18 THE WITNESS: [17:34:33] (Interpretation) (Redacted)
19 (Redacted)

20 MR BOURGON:

21 Q. [17:34:42] (Redacted)
22 (Redacted)

23 (Redacted)

24 A. [17:35:12] (Redacted)
25 (Redacted)

Trial Hearing
DRC-OTP-P-0918

(Private Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [17:35:51] Thank you. Now, what I wanted to confirm with you is paragraph 46 of
5 your statement on page (Redacted) where you say: "(Redacted) never told me anything
6 about his time in the UPC."

7 Is that correct?

8 A. [17:36:22] I didn't understand your question.

9 Q. [17:36:35] Yes, I'm just reading from your statement, and that is your statement,
10 the first statement, and the page number is (Redacted), but that's what you said at
11 paragraph 46:

12 "(Redacted) never told me anything about his time in the UPC."

13 I just want to confirm that with you.

14 A. [17:37:12] I can confirm that he never spoke of what happened where he was.

15 Q. [17:37:20] Now, I have maybe a bit of an unpleasant question, Madam, simply
16 because it might remind you of some unfortunate things, but we had difficulty
17 establishing the date of the passing away of (Redacted). But in your statement - I
18 just want to confirm the date that is there - at paragraph 48, you say: "(Redacted)
19 was killed on (Redacted) 2003 in (Redacted)."

20 Does that refresh your memory as to the date of the passing away of (Redacted)?

21 A. [17:38:09] Yes.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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Trial Hearing
DRC-OTP-P-0918

(Private Session)

ICC-01/04-02/06

1 A. [17:53:39] (Redacted)

2 (Redacted)

3 Q. [17:53:56] (Redacted)

4 (Redacted)

5 A. [17:54:16] (Redacted)

6 Q. [17:54:23] (Redacted)

7 (Redacted)

8 A. [17:54:51] (Redacted)

9 Q. [17:55:02] (Redacted)

10 (Redacted)

11 A. [17:55:31] (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [17:55:57] (Redacted)

15 (Redacted)

16 A. [17:56:23] (Redacted)

17 (Redacted)

18 PRESIDING JUDGE FREMR: [17:56:51] Mr Bourgon, I'm awfully sorry, but I have

19 to interrupt you now because we have, for other reasons, we have to leave the

20 courtroom at 6 o'clock sharp. So sorry for that. I know that I'm interrupting you in

21 the middle of the issue, but we will continue tomorrow and we will have tomorrow.

22 MR BOURGON: [17:57:08] No problem. I actually wasn't looking at the time, so I

23 apologise, I would have stopped earlier, maybe before getting into this document. I

24 apologise.

25 So, Madam, we will see you tomorrow.

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1 PRESIDING JUDGE FREMR: [17:57:18] Yes, thank you for understanding. For
2 your information, Mr Bourgon, so far you exhausted 1 hour 23 minutes, so you still
3 have 1 hour 7 minutes for tomorrow.

4 Madam Witness, thank you very much. We will see you tomorrow for the last part
5 of your testimony, again at 4 o'clock, and as usually it's my duty to remind you that in
6 the meantime you must not discuss your testimony with anybody else. Do you
7 understand that?

8 THE WITNESS: [17:58:06] * Yes, I do.

9 PRESIDING JUDGE FREMR: [17:58:07] I didn't receive any translation but
10 I believe it was not anything that should be against what we agreed with Madam
11 Witness on.

12 Now, just for tomorrow, so just to recapitulate that we will tomorrow continue at 9 --

13 THE WITNESS: [17:58:35] (Interpretation) Thank you. Yes, thank you.

14 PRESIDING JUDGE FREMR: [17:58:39] Yes, we can cut anyway the video-link.

15 And as concerns tomorrow, we will continue at 9.30 with Witness 911, with the rest of
16 examination-in-chief, and then as I indicated, at 4 o'clock p.m. we will finish
17 cross-examination of P-918. That's it, and now Court is adjourned.

18 THE COURT USHER: [17:59:06] All rise.

19 (The hearing ends at 5.59 p.m.)

20 RECLASSIFICATION REPORT

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