

Trial Hearing

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI - Courtroom 2
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
8 Monday, 8 February 2016
9 (The hearing starts in open session at 2.10 p.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor versus
17 Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: Thank you.
20 We will start with appearances as usually, so Prosecution first.
21 MR IVERSON: Good afternoon, your Honours. Appearing today on behalf of the Office of the
22 Prosecutor are Nicole Samson, senior trial lawyer; Rens van der Werf, assistant trial lawyer;
23 Laura Morris, assistant trial lawyer; James Pace, assistant trial lawyer; Selam Yirgou, case manager;
24 and myself Eric Iverson, trial lawyer.
25 PRESIDING JUDGE FREMR: Thank you very much, Mr Iverson.

1 Defence.

2 MS GRANDON: (Interpretation) Good afternoon, your Honour, your Honours. For the
3 Defence of Mr Ntaganda, who is present with us, Isabelle Martineau, William St-Michel,
4 Elisa Binon and myself Chloé Grandon.

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

7 MS GRABOWSKI: Good afternoon, Mr President, your Honours. For the victims of the attacks,
8 Ms *Anne Grabowski from the Office of Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE FREMR: Thank you.

10 And, duty counsel, could you also please introduce yourself for the record.

11 MS DOUCERAIN: (Interpretation) Yes. Good afternoon, your Honour, your Honours. I'm
12 Karine Doucerain, the duty counsel for the witness. So I will -- presented an application on
13 Friday asking for certain measures to be taken, in particular private session with distortion of face
14 and voice. So I would ask you to grant my request to the extent that the witness had functions
15 which will lead to certain situations being mentioned which could lead to that witness's
16 identification.

17 PRESIDING JUDGE FREMR: Thank you very much.

18 Now I would like to ask the court officer because my headphones, and I tried even two sets,
19 doesn't work. Could you kindly check it because it handicaps me a bit.

20 Now it's okay. Thank you very much.

21 So first of all, I see there is, and we even received some information that Mr Bourgon is not
22 available today, so I will ask Ms Grandon.

23 Ms Grandon, are you authorised to substitute Mr Bourgon for today, or what are your
24 instructions?

25 MS GRANDON: (Interpretation) I had Mr Bourgon on the telephone 10 minutes ago who said

1 that he was at the court medical centre and that he would not be able to represent Mr Ntaganda
2 today at this hearing. The nurses envisage transferring him to the hospital in the afternoon, but I
3 don't have a mandate to represent Mr Ntaganda.

4 PRESIDING JUDGE FREMR: Okay. You can sit down. We will then deliberate how to
5 proceed.

6 Before doing that, just one issue for further information serving our potential decision concerning
7 glossary, I mean glossaries at the moment on dispute between parties whether it could be or
8 should be used during this testimony. We would like to get some more information about the
9 origin of this glossary, how this glossary has been created.

10 Could anybody, or Mr Iverson, ideally you, provide us with some further clarification on that?

11 MR IVERSON: (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE FREMR: Thank you. In fact I will probably repeat myself, but just to be
21 assured: So the origin for making this list was the previous statements of this witness?

22 MR IVERSON: (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE FREMR: Thank you, Mr Iverson.

5 So now we have before us the issue how to proceed.

6 So I will first ask Ms Grandon. Ms Grandon, any proposal from your part how we should

7 proceed at the moment I think taking into account Mr Bourgon's absence?

8 MS GRANDON: (Interpretation) (Redacted)

9 (Redacted)

10 PRESIDING JUDGE FREMR: And I guess you don't have any information which will give us

11 some perspective of this problem?

12 MS GRANDON: (Interpretation) I imagine that I'll know more in the afternoon, but at the

13 moment I don't have any more information.

14 PRESIDING JUDGE FREMR: Okay, thank you.

15 I will also ask Prosecution for their position on this issue.

16 MR IVERSON: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE FREMR: Okay, thank you.

21 Give us a moment, we will silently deliberate.

22 (Trial Chamber confers)

23 PRESIDING JUDGE FREMR: So after a brief silent deliberation, the Chamber decided to adjourn

24 the hearing for today and we will reconvene tomorrow 9.30.

25 And as concerns the further proceedings, it will depend on further information concerning

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- 1 Mr Bourgon's condition.
- 2 So for the moment we are adjourning.
- 3 THE COURT USHER: All rise.
- 4 (The hearing ends in open session at 2.20 p.m.)
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017, the public
- 7 reclassified and redacted version of this transcript is filed in the case.