

Trial Hearing
WITNESS: DRC-OTP-P-0010

(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 Judge Chang-ho Chung
- 6 Trial Hearing
- 7 Friday, 13 November 2015
- 8 (The hearing starts in open session at 9.38 a.m.)
- 9 THE COURT USHER: All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE FREMR: Good morning, everybody.
- 13 Court officer, please call the case.
- 14 THE COURT OFFICER: Good morning.
- 15 The Court is sitting in the situation of the Democratic Republic of Congo in the case of
- 16 The Prosecutor versus Bosco Ntaganda.
- 17 PRESIDING JUDGE FREMR: Appearances, please, as usually starting with
- 18 Prosecution.
- 19 MS SAMSON: Good morning, Mr President, and your Honours. Appearing for
- 20 the Prosecution today are Mr James Pace, assistant trial lawyer; Ms Claudine
- 21 Umurungi, legal assistant; Ms Selam Yirgou, case manager; and myself,
- 22 Nicole Samson, senior trial lawyer.
- 23 PRESIDING JUDGE FREMR: Thank you, Ms Samson.
- 24 Defence, please.
- 25 MR BOURGON: (Interpretation) Good morning, your Honour. Good morning,

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1 your Honours. To all the people -- and to all people present in the Court.

2 Representing Bosco Ntaganda who is present in an adjacent room to the courtroom

3 accompanied by Margaux Portier, Isabelle Martineau, and Maître William St-Michel,

4 and myself, Stéphane Bourgon. Thank you, your Honour.

5 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

6 Legal Representatives of Victims, please.

7 MS PELLET: (Interpretation) Thank you, your Honour. The former child soldiers

8 are represented by myself, Sarah Pellet, counsel with the OPCV. Thank you.

9 MR SUPRUN: (Interpretation) Good morning, your Honour, your Honours. The

10 victims of the attacks are represented by myself, Dmytro Suprun, counsel with the

11 OPCV.

12 PRESIDING JUDGE FREMR: Thank you, both of you.

13 Now, Ms Witness, I welcome you again today. I hope that you are feeling well; am I

14 right?

15 WITNESS: DRC-OTP-P-0010 (On former oath)

16 (The witness speaks Swahili)

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE FREMR: So we will continue with your testimony. You will

19 be cross-examined by the Defence. And my duty is to remind you that you are still

20 under oath, which means that you have to speak the truth and nothing but the truth.

21 Mr Bourgon, you have the floor.

22 MR BOURGON: (Interpretation) Thank you, your Honour.

23 QUESTIONED BY MR BOURGON: (Continuing)

24 Q. Good morning, Witness. We are going to continue with a number of questions

25 for clarification that I'd like to put to you this morning. Before beginning, I would,

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1 of course, like to invite you at any time if you are not to feel well in answering any of
2 my questions, either to point it out to me by saying you want me to repeat the
3 question or, if you really don't feel well, ask for a break, and I am convinced that the
4 Bench will grant that request.

5 MR BOURGON: If we can move into private session, Mr President.

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

8 (Private session at 9.42 a.m.) *(Reclassified partially in public)

9 THE COURT OFFICER: We're in private session, your Honour.

10 PRESIDING JUDGE FREMR: Thank you.

11 Mr Bourgon, you have the floor.

12 MR BOURGON: (Interpretation) Thank you, your Honour.

13 Q. Witness, we're now in private session. I have a document before me that tells
14 me that on (Redacted) you made a request to participate as a participating victim in
15 the proceedings of the trial of Bosco Ntaganda. Do you recall this?

16 A. Yes.

17 Q. Do you remember where you were when you filled in that document?

18 PRESIDING JUDGE FREMR: Ms Samson. Ms Samson.

19 MS SAMSON: Thank you, your Honour. The witness may be able to say whether
20 she recalls the location, but the location is redacted because it was related to her
21 ICCPP location.

22 PRESIDING JUDGE FREMR: Mr Bourgon.

23 MR BOURGON: (Interpretation) Your Honour, I don't need that answer. I will
24 move on to another question.

25 Q. Witness, when you filled in this document, were you on your own or

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1 accompanied by somebody?

2 A. I was not alone.

3 Q. And who was with you?

4 A. I can't remember the name, but the people I was with are -- or their names are to
5 be found in the document.

6 Q. I'd just like to clarify this because I don't have the names in the document in
7 question.

8 Your Honour, I'm referring to document with the reference DRC-OTP-2078-2252,
9 dated (Redacted)

10 Witness, I do not have the names on that document. Were these people from the
11 Office of the Prosecutor?

12 A. I've forgotten.

13 Q. Did you have a counsel, a lawyer, who was present to represent you on that
14 occasion?

15 A. Yes.

16 Q. Do you remember whether that lawyer is somebody present in the courtroom
17 today?

18 A. Yes.

19 Q. When you were filling out the document, did you say to the persons who got
20 you to fill it out that your status of participating victim had been withdrawn in the
21 Lubanga case?

22 A. I did not understand your question.

23 Q. When you filled the document out in a town that we are not aware of --

24 PRESIDING JUDGE FREMR: Sorry, Ms Samson, please.

25 MS SAMSON: Thank you, Mr President.

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1 Given that the witness has indicated she was represented during this meeting by
2 someone who's quite well aware of the situation of the Lubanga proceedings having
3 also represented the victim at that time, it certainly wouldn't have been necessary for
4 the witness to say anything about her victim status, so I'm not sure whether this
5 question is particularly relevant. Thank you.

6 PRESIDING JUDGE FREMR: Ms Samson, I think you shouldn't respond on behalf
7 of the witness.

8 But I think it is clear, Mr Bourgon, that those legal details of the process was not
9 familiar to the witness. So please try to adjust your questions to the -- even to our
10 guidance. Simple questions, not questions of legal correct. That was part of our
11 decision on special measures. Please proceed in this way.

12 MR BOURGON: (Interpretation) Thank you, your Honour.

13 Q. Witness, I'll move to a different event. According the document that I have
14 before me, in (Redacted) -- no, I'm sorry. I'll start my question again.

15 Witness, when did you arrive in The Hague?

16 A. Please clarify your question. Do you want to know when I arrived in The
17 Hague; how long I've been here for my testimony?

18 Q. Yes, indeed, Witness.

19 A. I've been here in The Hague for (Redacted) now.

20 Q. According to the document that I have before me, Witness, in the course of that
21 time, you met the representatives of the Office of the Prosecutor six times, on six
22 different days; is that, indeed, the case?

23 A. Yes.

24 Q. And I'd like to confirm that during those sessions with the representatives of the
25 OTP, you had the opportunity to take another look at all of your statements and

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1 interviews; is that the case?

2 A. Yes.

3 Q. And you also had the opportunity to make a number of corrections and
4 clarifications to those documents; did you not?

5 A. Yes.

6 Q. Thank you. We can now move to questions of substance, and I'd like to begin
7 with the video that you have seen a little earlier during your testimony and on which
8 we see Thomas Lubanga visiting the Rwampara training camp. You do know which
9 video I'm referring to, do you not?

10 A. Yes.

11 Q. According to your testimony on that occasion, you were present (Redacted)
12 (Redacted); is that correct?

13 A. Yes.

14 Q. And at a particular moment you identified yourself on the video; is that correct?

15 A. Yes.

16 Q. I have several questions to put to you on that. First of all, can you confirm that
17 the place, the location of the visit was, indeed, Rwampara?

18 A. Yes.

19 Q. And the place visited was the same one where you were trained, according to
20 your testimony, by the UPC; is that the case?

21 A. Yes.

22 Q. Do you remember having recognized certain places as being those where the
23 recruits would sleep?

24 A. Yes.

25 Q. You recognized the place where food was prepared; is that not correct?

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1 A. Yes.

2 Q. And you also identified a place where the officers resided; is that not correct?

3 A. Yes.

4 Q. The question I'm interested in, Witness, is to know how long before that visit
5 you had been being trained at Rwampara?

6 A. I can't remember.

7 Q. In order to fully understand your testimony, Witness, I'd like to have an idea, in
8 terms of numbers of months, weeks or years.

9 A. I didn't understand you.

10 Q. Let's take the day where, according to you, you were visiting the Rwampara
11 training camp (Redacted). You understand which event I'm
12 talking about?

13 A. Yes.

14 Q. Give us an idea of how long before that and for how long you underwent
15 training at the same place.

16 A. I've answered that I can't remember because a lot of years have gone by in the
17 meantime. I can't remember.

18 PRESIDING JUDGE FREMR: Mr Bourgon, allow me, please, at least to intervene for
19 one or two clarifying questions from the part of the Chamber.

20 Ms Witness, are you at least ready to tell us how long was your stay, or your training
21 in Rwampara? You came to Rwampara as a recruit, then you have been trained. So
22 could you at least estimate how long was your training?

23 THE WITNESS: (Interpretation) I would say approximately one month.

24 PRESIDING JUDGE FREMR: Very well.

25 Could you estimate the period between the end of this training and then your visit

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1 whether you came again to Rwampara after one year, two years, half of the year?

2 THE WITNESS: (Interpretation) I can't remember because so much time has gone
3 by.

4 PRESIDING JUDGE FREMR: Okay. It's fine. And I have just to reiterate to you
5 our guidance that if you don't remember, say just "I don't remember"; but at least if
6 you are able to make some estimations, still even such estimation, even rough one is
7 very -- could be very helpful for us to try to find the truth.

8 Mr Bourgon, you have the floor.

9 MR BOURGON: (Interpretation) Thank you, your Honour.

10 Q. Witness, we're going to take a look at the date together in order to refresh your
11 memory. You said to the Prosecutor that you had been enlisted by elements of the
12 UPC; is that not correct?

13 A. Yes.

14 Q. And you said to the Prosecutor that you were enlisted at a time when you were
15 fleeing the fighting in Bunia; correct?

16 A. Yes.

17 Q. In fact, you said to the Prosecutor that at that time you were fleeing the fighting
18 in Bunia together with your family going up to Beni; is that correct?

19 A. Yes.

20 Q. According to you, Witness, that happened at a moment when the UPC had
21 chased out Governor Lopondo; is that not correct?

22 A. It was a time when there was conflict between the UPC and Lopondo.

23 Q. I'm going to quote a part of your statement that you recently took a look at with
24 the Prosecutor. It is that of (Redacted)

25 Your Honour, it is DRC-OTP-0126-0122. And I'm referring to paragraph 21.

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1 Witness, these are the words that are taken from your statement: "Together with my
2 family, we remained in Bunia where we lived until the moment when the Hema
3 soldiers of the UPC routed the governor of the time, a certain Lopondo." Do you
4 remember having made that statement?

5 A. I said that we were in Bunia and that we fled. It was when there was a battle
6 between the Lopondo soldiers and those of the UPC.

7 Q. Witness, I'm just seeking confirmation of what you stated in your statement
8 because you said that at the time "When the Hema soldiers of the UPC routed the
9 governor at the time a certain Lopondo." I would like to know whether you stand by
10 that statement today?

11 A. I said it was at the time of the fighting.

12 Q. We're going to move now to questions concerning two events: Your visit to
13 Rwampara, first of all, and then we'll come back to the question of your own training
14 at Rwampara. Do you understand the two events to which I'm referring?

15 I don't know whether you've understood my question, witness. Do you understand
16 that we're going to start by talking about Thomas Lubanga's visit to Rwampara?

17 A. I said yes.

18 Q. Sorry. I hadn't heard the answer.

19 When you were shown the video, you were asked whether you recognize certain
20 people. Firstly, you recognized Dekta; is that correct?

21 A. Yes.

22 Q. And Dekta was a person you saw that you knew before going to Rwampara?

23 A. Yes.

24 Q. You also recognized a person that you identified as one of the chiefs of defence.
25 Do you remember that?

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1 A. Yes.

2 Q. Later during the video I think that you saw this person speaking; is that not
3 correct?

4 A. Yes.

5 Q. So we now know that the name of this person was Tinanzabo; is that correct?

6 A. Which person are you talking about?

7 Q. I'm talking to the person who was addressing the troops, the person that you
8 saw in the video, the person who was introduced as being the minister for
9 pacification, Tinanzabo.

10 A. I don't know his name.

11 Q. We're going to go back to the video a bit later. So if I understand well, you
12 didn't know the ethnic origin of Mr Tinanzabo?

13 A. It was the first time that I saw him during the visit in Rwampara. Other than
14 that, I don't know anything about him.

15 Q. I would like to know if you could confirm that most of the recruits that we see
16 on the video are Bira, from the Bira ethnic group. Did you know that?

17 A. I did not have the time to ask people -- I did not have the time to ask people
18 their ethnic origin, no. It wasn't the Bira. Looking at their faces, they weren't Bira.

19 Q. That's information that you don't know; is that correct?

20 A. I haven't understood.

21 Q. Are you able to tell us what the ethnic origin of most of the soldiers at the
22 training was?

23 PRESIDING JUDGE FREMR: Mr Bourgon, asked and responded.

24 MR BOURGON: (Interpretation) Thank you, your Honour.

25 PRESIDING JUDGE FREMR: Ms Samson.

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1 MS SAMSON: Yes. Sorry. I'm a bit late coming back to an earlier question, but it
2 was about Mr Tinanzabo's name. I may be mistaken, but I don't believe he gave his
3 name in the video. Perhaps if Mr Bourgon could provide a reference at some point
4 during a break. I just couldn't find it. Thank you.

5 PRESIDING JUDGE FREMR: Mr Bourgon.

6 MR BOURGON: (Interpretation) I could give the exact information, but it happens
7 at a time where it is not noted in the transcript because the video was turning at the
8 time. But I will communicate with my colleague. I will give her the exact time.

9 Q. When you looked at the video, Witness, you recognized Mapa, did you not?

10 A. Yes.

11 Q. And you said that Mapa was one of Bosco Ntaganda's bodyguards, did you
12 not?

13 A. Yes.

14 Q. Mapa was somebody that you knew before the visit, did you not?

15 A. Yes.

16 Q. On the video you also recognized somebody called Museveni. Do you
17 remember that?

18 A. Yes.

19 Q. You mentioned that it was one of the closest escorts or bodyguards of
20 Bosco Ntaganda. Do you confirm that?

21 A. Yes.

22 Q. And Museveni is somebody you'd already seen before the visit to Rwampara;
23 that is correct, is it not?

24 A. Yes.

25 Q. On the video you also recognized somebody called 61-Sierra. Do you

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1 remember that?

2 A. Yes.

3 Q. And you mentioned not remembering his name; is that correct?

4 A. Yes.

5 Q. And at the same time, you said that 61-Sierra did not have a particular role, to
6 the best of your knowledge?

7 A. Yes.

8 Q. I'll just go back a bit because yesterday when I asked you a question with
9 regards to 61-Sierra, you said that he had become the chief of Bosco Ntaganda's escort
10 at the time of the fighting between the UPC and the Ugandans. Do you remember
11 having answered that question?

12 A. What I said was that he arrived with Bosco; and afterwards, he took the position
13 as the person responsible or the head of or commander of the bodyguard.

14 Q. 61-Sierra was a person that you knew before the visit to Rwampara?

15 A. Yes.

16 Q. You also recognized on the video a person called Lamama; did you not?

17 A. Yes.

18 Q. You stated that Lamama was younger than you; is that not correct?

19 A. Yes.

20 Q. Lamama was a person that you knew before the visit to Rwampara, did you
21 not?

22 A. Yes.

23 Q. Do you know or did you know that Lamama had served within the APC before
24 joining the UPC?

25 A. No, I don't know.

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1 Q. On the video, you identified Thomas Lubanga at the time that he was
2 addressing the troops. Do you remember that?

3 A. Yes.

4 Q. Have you already seen the President Lubanga addressing other troops?

5 A. No. I don't remember.

6 Q. At the very end of the video, you recognized one of Bosco Ntaganda's escorts,
7 whom you identified as being a kadogo, younger than you, but you didn't know his
8 name. Do you remember that?

9 A. Yes.

10 Q. The very small one?

11 A. Yes.

12 Q. And you knew this person before the visit; is that correct?

13 A. Yes.

14 Q. And you, on the video, recognized a white vehicle, a Toyota which belonged to
15 Bosco Ntaganda; is that correct?

16 A. Yes.

17 Q. And finally, you mentioned that you (Redacted)
18 (Redacted); is that the case?

19 A. I didn't say that; I said that he had two vehicles.

20 Q. Just to prevent any confusion here, (Redacted)
21 (Redacted)

22 A. Yes.

23 Q. To the best of your knowledge, (Redacted)

24 A. Yes.

25 Q. During the video which you were shown, you saw two people who were

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1 speaking. They were addressing the troops. First of all, you saw Thomas Lubanga;
2 that's correct, is it not?

3 A. Yes.

4 Q. And you remember having seen the minister for pacification speaking to the
5 troops; that's correct, is it not?

6 A. Yes.

7 Q. During this visit to Rwampara, did you see other authorities or dignitaries
8 addressing the troops?

9 A. There were two people, two authorities, addressing the troops.

10 Q. I would just like to ask you if you remember if there were other authorities
11 addressing the troops?

12 A. I said that there were two authorities who had taken the floor or started
13 speaking.

14 Q. Do you remember, Witness, how much time you arrived before Thomas
15 Lubanga in Rwampara?

16 A. I no longer remember. I no longer remember. That's a lot of years ago.

17 Q. Could you describe the events? According to your memory, what happened
18 before Thomas Lubanga arrived?

19 A. I told you the following: I don't remember everything that happened in
20 Rwampara. I no longer remember.

21 Q. No worry, witness. The president told you, the Presiding Judge told you if
22 your memory does not enable you to remember, all you have to do is say that.

23 Above all, I do not want to bother you in any way.

24 Now, at a given time on the video you saw Thomas Lubanga leave from Rwampara.

25 Do you remember that?

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1 A. Yes.

2 Q. Do you know if Thomas Lubanga left in the company of Bosco Ntaganda?

3 A. I told you that I no longer remember. I no longer remember.

4 Q. Could you just assist us by telling us did you stay in Rwampara (Redacted)
5 (Redacted)

6 A. When all the authorities left, those who remained was the recruits and their
7 commanders. I don't remember everything that happened.

8 Q. I would just like to know if you, if you remember what you did at the end?

9 A. Well, I told you that I no longer remember.

10 Q. No worry, Witness. I would now like to show a video.

11 PRESIDING JUDGE FREMR: What excerpts or what part? I guess we are talking
12 about video presented yesterday by the Prosecution?

13 MR BOURGON: (Interpretation) Your Honour, it's a different video.

14 We have a technical problem in order to manipulate the video, the Defence's video.

15 The video in question, your Honour, has the number -- the following number -- on the
16 list of evidence to be used by the Defence there's the video DRC-OTP- -- I'm sorry,
17 your Honour, it's number 19 on the list of evidence of the Defence,

18 DRC-D18-0001-0463. It's a video which is a bit longer than the video presented by
19 the Prosecutor. It contains 10 minutes before and a few minutes -- I think it's four
20 minutes afterwards.

21 I would like to use this video with the witness.

22 PRESIDING JUDGE FREMR: And do you intend to use just the new excerpts, or the
23 whole -- I mean the piece presented yesterday plus the new two or just the two new
24 pieces?

25 MR BOURGON: (Interpretation) Both, your Honour.

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1 (Speaks English) I'd like to use the part that is identical to the Prosecution video,
2 plus the part before and the part after.

3 PRESIDING JUDGE FREMR: All right.

4 Prosecution?

5 MS SAMSON: No objection, Mr President.

6 PRESIDING JUDGE FREMR: Very well. Then we may proceed.

7 MR BOURGON: Mr President, I do require technical assistance.

8 PRESIDING JUDGE FREMR: Court usher, please assist Mr Bourgon.

9 (Pause in proceedings)

10 PRESIDING JUDGE FREMR: And next time I recommend you consult our ushers in
11 advance.

12 MR BOURGON: (Interpretation) I'm going to use the video from the Defence
13 bench.

14 PRESIDING JUDGE FREMR: All right.

15 MR BOURGON: (Interpretation)

16 Q. Witness, I'm going to take you to this video, 13.03 time stamp. This is the very
17 beginning of the video which you saw yesterday at 00 seconds.

18 (Viewing of the video excerpt)

19 MR BOURGON: (Interpretation)

20 Q. Witness, can you remember the scene that you see here? You already saw it on
21 the video of the Prosecutor.

22 A. Yes.

23 Q. And I'm going to the end of the video, *50.55, which corresponds with the end
24 of the video that you saw yesterday.

25 (Viewing of the video excerpt)

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1 MR BOURGON: (Interpretation) Now, we are at 51.05.

2 Q. Can you confirm, Witness, that that scene corresponds with what you saw
3 yesterday on the Prosecutor's video? Do you remember having seen this scene
4 yesterday?

5 A. Yes.

6 Q. Now, Witness, we're going to go to the very start of the video and we're going
7 to carry out the same exercise as we did yesterday with the Prosecutor.

8 We're now going to zero minutes, zero seconds of this video.

9 (Viewing of the video excerpt)

10 MR BOURGON: (Interpretation) We have stopped this video at 00.47.

11 Q. Witness, the scene that you've just seen, could you describe that scene for us?

12 A. What type of explanation do you want me to give you?

13 Q. What's happening on the video? What was happening on the video at that
14 time?

15 A. I saw that the troops were saluting the authorities.

16 Q. When you say "the authorities" you're speaking about Bosco Ntaganda, are you
17 not?

18 A. Yes.

19 Q. Do you remember this scene?

20 A. I told you that these events took place a long time ago. I no longer remember.
21 I see that. That does remind me of something, but I don't remember everything.

22 Q. We're going to go further in the video. I'd ask you to look at the scene, pay
23 attention to the scene which is going to be played.

24 (Viewing of the video excerpt)

25 MR BOURGON: (Interpretation) We are stopping the video at 01.13.

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1 Q. Do you remember during your visit to Rwampara that Bosco Ntaganda
2 addressed the troops?

3 A. That's what I've just seen on the video which he -- I've just seen that he spoke to
4 the troops.

5 Q. So it's the video which makes you remember, the video, but do you remember
6 the incident?

7 A. I don't understand.

8 Q. What I'm interested in, Witness, is quite simply the fact that you testified that
9 (Redacted) and so I was wondering if you remember or you
10 recognize these events while Bosco Ntaganda was taking the salute and he was
11 addressing the troops?

12 A. Yes.

13 Q. So my question is as follows: Before you saw the video this morning, would
14 you say that this was an event that you remembered?

15 A. No, I didn't remember.

16 Q. We're now going to go to minute 13.03, which corresponds to the video of the
17 Prosecutor. I've got a number of questions to put to you on the part that you've
18 already seen.

19 (Viewing of the video excerpt)

20 MR BOURGON: (Interpretation)

21 Q. Here at 13.03, you recognize this person here as being the person by the name of
22 Dekta that you identified; is that not correct?

23 A. Yes.

24 Q. We're going to continue now until 13.29, which corresponds to 0.26 of the
25 Prosecutor's video.

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1 (Viewing of the video excerpt)

2 MR BOURGON: (Interpretation)

3 Q. The individual that you can see on the screen yesterday was somebody you said
4 you didn't recognize. Do you recognize him today?

5 A. Which person?

6 Q. The one in the middle of the screen.

7 A. I don't know his name.

8 Q. Do you know what was the function or the position of this individual at the
9 Rwampara camp?

10 A. I don't know because I, myself, was not at Rwampara, so I don't know.

11 Q. I put it to you that this is Ngwape (phon) and that he was the deputy
12 commander of the Rwampara camp. Can you confirm that?

13 A. No, I cannot.

14 Q. And I put it to you, Witness, that Mr Ngwape was the deputy commander of
15 the UPC camp at Rwampara for as long as that camp existed. Does that assist you,
16 perhaps, in having a better recollection?

17 A. No, not at all (Redacted)

18 Q. We're going to continue the footage until 14.39, and we will stop to take a look
19 at another individual who you saw yesterday.

20 (Viewing of the video excerpt)

21 MR BOURGON: (Interpretation)

22 Q. We have stopped at 14.39. Yesterday you did not recognize this person.
23 Today does your memory allow you to recognize him?

24 A. Which person?

25 Q. I'm sorry, Witness, the person in civilian dress of a paler colour than the others.

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1 A. I don't recognize him.

2 Q. And if I say to you, Witness, that this is a person by the name of Rafiki, who was
3 the security chief of Thomas Lubanga, does that assist you in recollecting him?

4 A. No, it doesn't help me in anyway because (Redacted)
5 (Redacted)

6 Q. We're going to continue viewing the video until 14.53.
7 (Viewing of the video excerpt)

8 MR BOURGON: (Interpretation)

9 Q. Witness, I draw your attention to the person who's on the right-hand side of the
10 screen. Do you recognize that person as the person who was to make a speech and
11 address the troops on that day?

12 A. Yes.

13 Q. And if I tell you that the name of that person is Tinanzabo, does that help you to
14 recognize him?

15 A. I don't know. I was just a soldier. I wasn't supposed to know all of the
16 authorities.

17 Q. We're going to continue the video until 15.59.
18 (Viewing of the video excerpt)

19 MR BOURGON: (Interpretation) We have stopped at 15.58.

20 Q. The individual in the centre who's wearing civilian clothing, yesterday you did
21 not recognize that person. Do you recognize him today?

22 A. I don't recognize him.

23 Q. And if I tell you that his name is Kasangaki, do you have a better recollection of
24 him?

25 A. I don't recognize that person. Kasangaki who I know is much lighter-skinned.

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1 Q. Witness, you'll recall that in your testimony, in answering questions put by my
2 learned friend -- and I refer to transcript 47, page 11, lines 10 to 13 -- do you recall
3 having said that Kasangaki was with you when you were present at Mongbwalu?
4 Do you remember that?

5 A. Yes.

6 Q. We're going to continue the viewing of the video and go to 16.57. And here we
7 have an individual that you recognized yesterday.

8 (Viewing of the video excerpt)

9 MR BOURGON: (Interpretation)

10 Q. Do you recall having identified the three individuals that you see on the screen;
11 you identified them yesterday?

12 A. Yes.

13 Q. Do you agree that you identified Museveni on the left-hand side; is that not
14 correct?

15 A. Museveni is in the middle.

16 Q. And the one you referred to as 61-Sierra, which one is that?

17 A. It's the one on the left who's crossing his arms.

18 Q. And if I tell you that the name of 61-Sierra is Gasana, can you confirm that?

19 A. I just know that 61-Sierra was not his name, it was his call sign.

20 Q. And the person you identified as being Mapa, one of Bosco Ntaganda's
21 bodyguards, which one is that? On my right, you see the cursor on the right? If I
22 put it to you, Witness, that that individual is not Mapa but someone by the name of
23 Jobalu (phon), does that mean anything to you?

24 A. I know that his name is Mapa. He was a bodyguard. (Redacted)

25 Q. And if I put it to you that this is one of Lubanga's -- Thomas Lubanga's

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1 bodyguards, does that bring anything back to you?

2 A. No, I don't remember anything because (Redacted)

3 Q. We're now going to move further on in the video to 20.05.

4 (Viewing of the video excerpt)

5 MR BOURGON: (Interpretation)

6 Q. I'm going to show you somebody with a cursor on the screen. A number of
7 questions were put to you about this person yesterday. Do you recognize that
8 person?

9 A. I can't see clearly.

10 Q. We'll try to move a bit further on in the video so that you can see better.

11 (Viewing of the video excerpt)

12 MR BOURGON: (Interpretation)

13 Q. Can you manage to recognize him?

14 PRESIDING JUDGE FREMR: Ms Samson.

15 MS SAMSON: Thank you.

16 PRESIDING JUDGE FREMR: I guess -- I can hear you.

17 MS SAMSON: Thank you, Mr President. It was just an issue about the person.

18 The image quality is of course very poor, but isn't that the same person that we've
19 been talking about all morning? It strikes me as the same individual that we've had
20 a discussion about already. I won't say who I think it is unless the Chamber wants
21 me to do so because I don't want to interrupt the flow of the cross-examination, but
22 from my understanding this is definitely a person we've discussed this morning and
23 yesterday.

24 PRESIDING JUDGE FREMR: Mr Bourgon.

25 MR BOURGON: I believe my colleague is right, Mr President. We will find the

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1 right person on the screen now, and at 29.36.

2 I'll move to a different person because this one we cannot locate any more, we lost

3 track of the exact figure.

4 PRESIDING JUDGE FREMR: All right.

5 MR BOURGON: (Interpretation)

6 Q. Witness, we are still viewing the video and I'd now like us to go to 36.12.

7 (Viewing of the video excerpt)

8 MR BOURGON: (Interpretation) (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 A. I didn't understand.

23 Q. (Redacted)

24 (Redacted)

25 A. What are you saying? I really don't understand.

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1 Q. Let's go slowly. (Redacted)

2 (Redacted). Can you confirm that?

3 A. Yes.

4 Q. (Redacted) Do you agree with
5 what she said?

6 A. I do not agree with you.

7 PRESIDING JUDGE FREMR: Mr Bourgon. Mr Bourgon. I have to intervene. It
8 is a very important moment. So it is our right to intervene at such an important
9 moment.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE FREMR: Thank you, Ms Witness.

4 Mr Bourgon, you may proceed.

5 MR BOURGON: (Interpretation) Thank you, your Honour. I just have a few
6 more questions before the break. I see that we're getting close to 11.

7 Q. (Redacted)

8 (Redacted)

9 (Redacted)

10 A. I did not make a mistake.

11 Q. Witness, do you know someone by the name of (Redacted)

12 A. Yes.

13 Q. Who is (Redacted)

14 A. I know (Redacted)

15 Q. And who is (Redacted) What can you tell us about that person?

16 A. He was a soldier in the UPC.

17 Q. (Redacted)

18 (Redacted)

19 PRESIDING JUDGE FREMR: Ms Witness, I think you shouldn't respond like this.

20 The question was (Redacted)

21 (Redacted)

22 (Redacted)

23 THE WITNESS: (Interpretation) (Redacted)

24 MR BOURGON: I have one last question, Mr President, before the break and ...

25 Q. (No interpretation)

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1 THE INTERPRETER: The start of Maître Bourgon's question was cut off by the
2 French booth's microphone. Could he be asked to repeat it, please?

3 PRESIDING JUDGE FREMR: Mr Bourgon, we have been informed by the
4 interpreters that the response concerning (Redacted) was not put to the transcript
5 completely, so ...

6 Ms Witness, we have just at our transcript that your answer concerning (Redacted)
7 was, (Redacted) but according to the interpreters you said a bit more.

8 Could you add the end of your previous response. (Redacted) and
9 then you continued by saying what?

10 THE WITNESS: (Interpretation) I said that (Redacted)

11 PRESIDING JUDGE FREMR: Okay then.

12 Mr Bourgon.

13 MR BOURGON: Thank you, Mr President. (Interpretation)

14 Q. My question is the last one before the break, Witness. You recall having
15 testified in the Lubanga case in 2009. And during your testimony the question was
16 asked of you whether (Redacted). For the transcript I refer to (Redacted),
17 (Redacted). I can also give you the reference which is

18 DRC-OTP-2055-0709, (Redacted)

19 Witness, do you recall having answered that (Redacted)

20 A. I said that I know (Redacted)

21 Q. Today I understand that you're saying to us that you
22 know (Redacted) and I'm asking whether when you testified in another case you said
23 that you did not know (Redacted); do you recall that?

24 A. I said I know (Redacted).

25 Q. We'll go through this calmly, Witness. If you prefer we can have a break and

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1 we'll resume after the break so that you can rest.

2 MR BOURGON: Mr President, it's better to take a break and start over after.

3 Merci.

4 PRESIDING JUDGE FREMR: Thank you.

5 You know, Ms Witness, maybe some -- some questions shouldn't like convenient to
6 you, but please try to calm down and try to respond to all of them.

7 Now we will break so you will have 30 minutes to refresh yourself.

8 So we have to move into closed session now and we will escort witness out of the
9 courtroom first.

10 (Closed session at 11.03 a.m.) * Reclassified entirely into public.

11 THE COURT OFFICER: We are in closed session, your Honour.

12 (The witness stands down)

13 PRESIDING JUDGE FREMR: The witness has left the courtroom, so we can move
14 into open session now.

15 (Open session at 11.04 a.m.)

16 PRESIDING JUDGE FREMR: And for the sake of planning, Mr Bourgon, how far
17 did you get in your scheduling for this witness?

18 MR BOURGON: I have to say, Mr President, that I had planned to get much further
19 in this session. It is going very slow, so I'm not progressing very, very quickly.

20 PRESIDING JUDGE FREMR: So I have just to remind you that our general principle
21 is that you should take the same time like Prosecution. I think at the beginning of
22 this session I think if we would follow this principle you had at your disposal five
23 hours, which means it is minus one and a quarter, it means you still have more than
24 three and a half. Please take it into account, try to organise your examination in a
25 way corresponding to the -- this concrete witness.

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1 And again I reiterate our guidance we give to all parties in our decision.

2 And I also have to stress that it's -- there is no guarantee you will -- you can make a

3 request for additional time to be granted to you, but I can't guarantee that the

4 Chamber will decide positively. So there is always a risk that we can say no. And

5 if you would like to get some additional time, then you should come with some

6 arguments proving that there were some special or extraordinary circumstances that

7 would justify to grant you some additional time.

8 Now we will break and we will continue -- we will continue at 11.35.

9 THE COURT USHER: All rise.

10 (Recess taken at 11.06 a.m.)

11 (Upon resuming in open session at 11.39 a.m.)

12 THE COURT USHER: All rise.

13 Please be seated.

14 PRESIDING JUDGE: Mr Bourgon, you may proceed and does it still need to remain

15 in private?

16 MR BOURGON: Indeed, Mr President, it is necessary.

17 PRESIDING JUDGE FREMR: Okay. Then let's move into private session, court

18 officer, please.

19 (Private session at 11.40 a.m.) * (Reclassified partially in public)

20 THE COURT OFFICER: We're in private session.

21 PRESIDING JUDGE FREMR: Mr Bourgon, you may proceed.

22 MR BOURGON: (Interpretation) Thank you, Mr President.

23 Q. Good morning again, madam.

24 A. Good morning.

25 Q. When we parted company before the break, I informed you of a question that

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1 was put to you during your testimony in the Lubanga case and I shall read from the
2 transcript. I shall read the question that was put to you and the answer that you
3 provided.

4 Question: "Do you know an individual by the name of (Redacted)

5 Answer: "No."

6 Question: (Redacted)

7 (Redacted)

8 (Redacted)

9 Answer: "I do not know the name." End of quote.

10 Do you recall this testimony that you provided on that occasion?

11 A. Yes.

12 Q. And today you are telling the Court that you know (Redacted). Why did you want
13 to hide this information in the Lubanga trial?

14 PRESIDING JUDGE FREMR: Ms Samson.

15 MS SAMSON: Yes, I rise to object to the suggestion that the witness was trying to
16 hide anything. Thank you.

17 PRESIDING JUDGE FREMR: Correct. I think I fully share Ms Samson's objection.

18 MR BOURGON: (Interpretation)

19 Q. Why, madam, did you respond in the negative to that question put to you in the
20 Lubanga case?

21 A. I know (Redacted) has no
22 bearing upon this case.

23 Q. Could you specify, tell us what you mean when you say that (Redacted)

24 THE INTERPRETER: In French, (Redacted)

25 THE WITNESS: (Interpretation) (Redacted)

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1 (Redacted)

2 MR BOURGON: (Interpretation)

3 Q. Madam Witness, in all of your statements, and in all the interviews that you
4 have taken part in to date, I would submit to you that this is the first occasion upon
5 which you have stated that (Redacted). Would you agree with me?

6 A. It's not the first time that I've said this.

7 Q. At what point in time did you provide this piece of information?

8 A. (Redacted)

9 (Redacted).

10 Q. So I am now, Madam Witness, going to refer to the statement -- or, rather, to the
11 interview that you had with the Office of the Prosecutor subsequent to your
12 testimony in the Lubanga case. And this interview, which we have already
13 mentioned, occurred on (Redacted) and on that occasion several questions
14 were put to you on the subject of (Redacted). Do you recall that?

15 A. I no longer recall. I said many things. I do not know what was taken down in
16 writing.

17 Q. Madam, allow me to refresh your memory. With the material that you
18 perused last week, the question was put to you and I quote.

19 MR BOURGON: Mr President, I'm referring to document DRC-OTP-0221-0398, and
20 98 is the page, and the document is 0389. This is the audio recording of the
21 interview of the witness by the Office of the Prosecutor.

22 Q. Now, the first question that was put to you can be found at page 7 of this
23 statement.

24 THE INTERPRETER: The English booth will provide an interpretation. We do not
25 have the document.

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1 MR BOURGON: (Interpretation)

2 Q. And the question -- the following question is put to you: "Would the name
3 (Redacted) ring a bell maybe?"

4 Answer, and this is at line 224, answer: "Yes, I do remember the name (Redacted)

5 Question: "In which context did you know this individual?"

6 Answer: "I met (Redacted) when we left with (Redacted)."

7 Question: "And so (Redacted), is that his name?"

8 Answer: (Redacted)

9 And a little further on the answer can be found at line 236. And a little later, a little
10 further on, you are asked a number of questions about (Redacted) concerning his age
11 notably. And I shall move on.

12 And the following question at line 293 is as follows: (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) End of quote.

16 Do you recall having answered this?

17 A. Yes.

18 Q. So you would agree with me that in this interview you did not make mention of
19 the fact that (Redacted)

20 A. Yes. I stated that (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. And when you met with the Office of the Prosecution in (Redacted), I believe
24 that, to the best of my knowledge, in that statement you did not inform the Office of
25 the Prosecutor either at that juncture (Redacted); is that correct?

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1 A. (Redacted)

2 (Redacted)

3 Q. So, indeed, I do have a reference to that effect and I'm going to quote the
4 contents of your statement.

5 That can be found, Mr President, the document is DRC-OTP-2079-2011, and this is a
6 statement from the witness dating back to (Redacted). And I'm going to quote
7 from paragraph 47. I'm going to quote in English. I have the English version before
8 me.

9 (Speaks English) (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Interpretation) According from what I can see -- according to what I can see in this
15 statement, this is the only reference made to (Redacted) and you did not tell the Office
16 of the Prosecutor that (Redacted), did you?

17 A. I didn't understand you.

18 Q. The paragraph that I've just read to you reflects the contents of your statement.
19 This is paragraph 47. I do not see any mention made in this statement of the fact that
20 (Redacted). Did you provide any other information that is not
21 contained in this statement?

22 A. (Redacted)

23 Q. And when you met with the Office of the Prosecutor last week, and you went
24 through all of your statements and all of your interviews with the Prosecution, you
25 did not, on that occasion, inform the Prosecution of the fact that (Redacted)

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1 (Redacted)

2 A. I did not think it was at all important that I say that (Redacted)

3 (Redacted)

4 Q. I shall move on to another topic and I shall cover this a bit further. We did
5 meet (Redacted) claims that (Redacted)

6 Does this enable you to remember these events any further?

7 A. That is not true. That is not true. (Redacted)

8 (Redacted)

9 Q. So I'm coming back to the issue of (Redacted)

10 (Redacted). When we showed the (Redacted)

11 (Redacted)

12 (Redacted) Would that possibly enable you to ascertain that you did not identify
13 that image correctly?

14 A. I'm telling you that it's (Redacted)

15 Q. And when we asked (Redacted)

16 (Redacted) Now, might this bring

17 you to change your testimony in any way?

18 PRESIDING JUDGE FREMR: Ms Samson.

19 MS SAMSON: Thank you, Mr President. I believe this has now been asked

20 multiple times. I think if you were to ask the witness if ten other people viewed the
21 video she would likely have come to the same answer. Thank you.

22 PRESIDING JUDGE FREMR: Yeah, I also find this question argumentative. I think
23 she has been asked several times on that and she's insisting on the fact that it's her on
24 the video. Please move, Mr Bourgon.

25 MR BOURGON: (Interpretation) I thank you, Mr President. I would like to note

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1 the fact that I can put suggestions to the witness on the basis of information that I
2 have obtained and she can confirm or deny the fact and I do not believe that it is
3 repetitive in any way, Mr President.

4 PRESIDING JUDGE FREMR: Please respect my decision.

5 MR BOURGON: (Interpretation) Certainly, Mr President.

6 Q. Madam Witness, we shall continue on the subject of the video that we are
7 watching. And I would like to have you identify two other individuals on this video.
8 However, before doing so I do have a clarification, a point of clarification for the
9 Chamber.

10 MR BOURGON: Mr President, this morning my colleague raised an objection or at
11 least a request for clarification that the name Tinanzabo had not been mentioned in
12 the video and my colleague is right. During the video, the -- Thomas Lubanga
13 identified the second speaker as le ministre de la pacification, but did not say the
14 name Tinanzabo. I'm the one who suggested to the witness this morning that his
15 name was Tinanzabo, so that the record is clear.

16 Q. Madam witness --

17 THE INTERPRETER: Message from the English booth: Could counsel please be
18 requested to observe a pause when he switches from one language to the other
19 without any warning whatsoever. It causes problems for the interpreters. Thank
20 you.

21 PRESIDING JUDGE FREMR: Mr Bourgon, have you heard the message from -- so
22 please, observe that. Thank you.

23 MR BOURGON: (Interpretation) Indeed, Mr President. I shall continue speaking
24 in French. I wanted to assist the Chamber, but I shall stay in French.

25 I do not know whether I need to request the same exhibit that we had this morning,

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1 it's the same video, DRC-D18-0001-0463. And I would like to seek the leave of the
2 Bench to visualize this video or play the video?

3 PRESIDING JUDGE FREMR: Granted.

4 MR BOURGON: (Interpretation) I thank you, Mr President.

5 Q. Now, we shall be broadcasting minute (Redacted), and we shall

6 be showing you an individual and requesting that you identify said individual. This
7 individual is now on the screen. You can see the cursor moving around and this
8 individual is holding documents in their hands and is wearing clothes that are a little
9 bit paler in colour than those clothes of the individuals surrounding them.

10 Do you recognize this individual?

11 A. I cannot see this image. It's not clear. I'm not in a position to recognize this
12 individual or identify the individual.

13 Q. And were I to put to you, madam, that this is (Redacted)
14 (Redacted), would this assist you in identifying said individual?

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. Yes.

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1 Q. We're now going to move on to 44.31.

2 (Viewing of the video excerpt)

3 MR BOURGON:

4 Q. Can you see the person who's pretty much on his own on the screen and who is
5 holding a stick in his hand? Can you, today, identify that person?

6 A. According to what I see on this imagine, I get the impression that it's one of the
7 instructors, but I don't recognize him.

8 Q. And if I tell you that it is someone by the name of *Zimulenda who
9 was in fact the commander of the Rwampara camp, does that assist you in recalling
10 him?

11 A. I said that I don't know. (Redacted)
12 (Redacted) and there were several training sessions at Rwampara.

13 Q. I take it from your answer that (Redacted)
14 (Redacted) is that correct?

15 A. I've just told you that I do not know that person. (Redacted)
16 (Redacted)

17 Q. Thank you. We're now going to go to 50.55. Witness, this is the part of the
18 video that has not yet been shown to you so we'll watch it together. It's fairly short.
19 It begins at 50.52 exactly.

20 (Viewing of the video excerpt)

21 MR BOURGON: (Interpretation)

22 Q. So that takes us to the end of the video. I would put it to you that what we see
23 on the video is Thomas Lubanga who is saluted by Bosco Ntaganda. Would you
24 agree with that?

25 A. Yes.

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1 Q. And then Thomas Lubanga addresses a group of soldiers. Would you agree
2 with that?

3 A. Yes.

4 Q. To the best of your recollection, were you present on that occasion?

5 A. Yes. It was an event that occurred a long time ago, so I can't really remember it
6 all.

7 Q. So how can you say whether or not you were present?

8 A. I can confirm to you that I was present.

9 Q. And what is the locality, Witness?

10 A. Camp Ndoromo.

11 Q. And who are the troops that Thomas Lubanga is addressing?

12 A. They are soldiers who are based at camp Ndoromo.

13 THE INTERPRETER: Interpreter's correction: In the previous answer it was camp
14 Ndoromo.

15 MR BOURGON: (Interpretation)

16 Q. Witness, I'd put it to you that the soldiers in question are, in fact, (Redacted)
17 (Redacted) completed the training at Rwampara with the UPC. Does that help you
18 to recall the events?

19 A. No.

20 Q. A little earlier today you said that Thomas Lubanga -- that you did not see
21 Thomas Lubanga address any other troops. Do you remember that?

22 A. Thomas Lubanga was the president of the party. How can you imagine that he
23 would not have to speak to other soldiers?

24 Q. I'm now going to take you to 36.12 on the video.

25 MR BOURGON: (Interpretation) Your Honour, that's not the correct reference.

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1 We'll have to move to the other one.

2 (Viewing of the video excerpt)

3 MR BOURGON: (Interpretation)

4 Q. Witness, I'd ask you to pay close attention to the following images.

5 (Viewing of the video excerpt)

6 MR BOURGON: (Interpretation)

7 Q. On the right at the bottom of the screen, you can see a white vehicle. Do you
8 recognize that vehicle? It's 51.26. We're going to wind back so that you can have a
9 better view.

10 (Viewing of the video excerpt)

11 MR BOURGON: (Interpretation)

12 Q. Do you recognize the white vehicle?

13 A. Yes.

14 Q. We're going to move on a little bit and I'll ask you to identify somebody. This
15 is the (Redacted)

16 I would like the cursor to be placed on the person on the right-hand side.

17 Do you see the cursor? Do you recognize that person?

18 A. It's me.

19 Q. And I put it to you, Witness, and this is my last question on this topic, that, in
20 fact, it is (Redacted). Do you see (Redacted) on this image?

21 A. I've just told you it's me.

22 Q. Thank you, Witness. I have a last question on the video. On the video, you
23 saw a group of people being addressed by Thomas Lubanga and you said that you
24 were present.

25 PRESIDING JUDGE FREMR: Ms Samson.

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1 MS SAMSON: Yes. Apologies for interrupting. It was just for the record to have
2 the time stamp of that last image, please.

3 PRESIDING JUDGE FREMR: Exactly.

4 MR BOURGON: (Interpretation) Your Honour, it's (Redacted)

5 PRESIDING JUDGE FREMR: I confirm. I confirm, yeah.

6 MR BOURGON: (Interpretation)

7 Q. Witness, I'd ask you to take a look at the group of soldiers. You've had the
8 opportunity to see them a little bit earlier. And I will stop at 53.34.

9 Out of all of the soldiers who were in that locality, have you seen, from among the
10 people in that group, any soldiers under the age of 15?

11 A. Some of them are 15 and some are 13.

12 Q. Fine. I'll show you one last image of the group that you saw parading in
13 Rwampara.

14 (Viewing of the video excerpt)

15 MR BOURGON: (Interpretation)

16 Q. I'll ask you to take a look at the group that you can see on the video and they
17 seem to be carrying out military exercises. And we will watch them for one or two
18 minutes.

19 (Viewing of the video excerpt)

20 MR BOURGON: (Interpretation) I am stopping at 44.21.

21 Q. Yesterday you said that these were people who were about to finish their
22 training. Do you agree with that?

23 A. Yes.

24 Q. I would like you to take a look at this group as the video plays and then to tell
25 me if you see anyone there under the age of 15. Is that all right?

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1 We will play the video.

2 (Viewing of the video excerpt)

3 MR BOURGON: (Interpretation)

4 Q. My question is as follows: In that group did you see anybody from among
5 those people who are about to finish their training?

6 And for the transcript I note that we're at minute 44.32.

7 Did you see anyone in that group under the age of 15, according to you?

8 A. Do you think that I asked everyone there how old they were? Do you really
9 imagine that I did that?

10 MR BOURGON: (Interpretation) I'll carry on with a new subject. Your Honour,
11 we've finished with the video.

12 Q. Witness, I'd now like to move to the time when you underwent your training.
13 I'd like to begin by reminding you of what you said, in other words, that you
14 underwent training at the Rwampara centre and at the time that (Redacted)
15 (Redacted); is that correct?

16 A. Yes.

17 Q. And you said that (Redacted) had raped you; is that correct?

18 A. Yes.

19 Q. Do you know where (Redacted) is today?

20 A. Do you think I remained within the UPC to find out where all the commanders
21 ended up?

22 Q. According to the information in our possession, (Redacted)
23 (Redacted). Does that comply with your recollection?

24 A. I don't remember.

25 Q. And I'd like to add that according to the information in our possession,

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1 (Redacted). Would you

2 agree with me when I say that in (Redacted)

3 PRESIDING JUDGE FREMR: Mr Bourgon, it's not for the witness to answer this
4 question. She's not an expert on the history of the UPC.

5 MR BOURGON: (Interpretation) I shall follow your advice, your Honour.

6 Q. Witness, I put it to you that when you underwent your training in Rwampara, it
7 was a camp operated by the APC. Would you agree with me?

8 A. I do not agree with you. I was trained within the UPC.

9 Q. In your written statement, and I'm quoting from 0126-0122, paragraph 34, in this
10 statement you say that during your training in Rwampara, Thomas Lubanga came to
11 visit you. Can you confirm that?

12 A. Yes.

13 Q. Yesterday in the video that was shown to you by the Office of the Prosecutor,
14 and you can tell me whether or not you heard this, Thomas Lubanga said that he
15 went twice to Rwampara. Did you hear him say that in the video yesterday?

16 A. I've already said that there were several training sessions in Rwampara. (Redacted)
17 (Redacted)

18 Q. Witness, my question is as follows: I just want to know whether yesterday you
19 heard Thomas Lubanga in his speech say that he had twice been to Rwampara. If
20 you didn't hear it, then you just need to say so.

21 PRESIDING JUDGE FREMR: Ms Samson.

22 MS SAMSON: Thank you, Mr President. If the point of the question is to suggest
23 that the witness was lying or somehow mis -- wrong when she indicated that
24 Mr Lubanga had visited her, I think that's a better way of phrasing it than asking
25 whether she heard something in a video, which is open to anyone to hear. Thank

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1 you.

2 PRESIDING JUDGE FREMR: I agree.

3 Mr Bourgon, please rephrase.

4 MR BOURGON: (Interpretation) Thank you, Mr President. I shall do my very
5 best. I am doing my very best to go stage by stage with the witness.

6 PRESIDING JUDGE FREMR: No doubt, Mr Bourgon.

7 MR BOURGON: (Interpretation)

8 Q. I put it to you, Madam Witness, that Thomas Lubanga went to Rwampara to
9 visit troops on one occasion only and that this is the occasion on which you say that
10 you were present. Would you agree with me?

11 PRESIDING JUDGE FREMR: Ms Samson.

12 MS SAMSON: Thank you, Mr President. My friend from the Defence just raised
13 the issue of the video where Mr Lubanga allegedly made reference to him visiting
14 more than once, so I would request that my friend clarify why he is now suggesting
15 that Mr Lubanga visited only one time.

16 PRESIDING JUDGE FREMR: Mr Bourgon, can you clarify that?

17 MR BOURGON: (Interpretation) Mr President, there's nothing complicated in
18 what I'm attempting to do here. I am saying to the witness that Thomas Lubanga
19 went to visit the troops in Rwampara on one occasion only and that he would not
20 have been in a position to visit the witness while she was completing her training.

21 PRESIDING JUDGE FREMR: Ms Samson.

22 MS SAMSON: Thank you. Then I request more information on the good-faith
23 basis for that suggestion, given that in the video Mr Lubanga says, "This is the second
24 time that I've been here," which is the question that Mr Bourgon put to the witness on
25 page 48, lines 17 to 19: You heard Thomas Lubanga say that he went twice to

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1 Rwampara.

2 PRESIDING JUDGE FREMR: Mr Bourgon.

3 MR BOURGON: (Interpretation) I Thank you, Mr President. Thomas Lubanga
4 said that on the first occasion, he was in prison when he went to Rwampara. He said,
5 "I came on two occasions. On the first occasion I was imprisoned by the UPDF and
6 on the second occasion that was the time that I was visiting you." That's what he
7 said yesterday, that's what we heard and that's what I'm suggesting to the witness.
8 That is why I started off by asking the witness whether she had heard what Thomas
9 Lubanga said because there is no transcript. I just wanted to know whether she had
10 heard these words, and the witness says that she did not hear. I'm going step by
11 step and I'm putting it to her that the information that I have is that Thomas Lubanga
12 visited Rwampara on one occasion alone and that she was not present on that
13 occasion. That is the suggestion that I am putting to the witness, Mr President.

14 PRESIDING JUDGE FREMR: Mr Bourgon, it's just a general comment, not only
15 addressing you, not addressing Defence but maybe for future even Prosecution could
16 be in the same position. Even if non-calling party is privileged to put leading
17 questions, I don't think that it's necessary to use only these kind of questions.
18 Sometimes it seems to me better and more efficient to put normal question because if
19 you want to put a question containing some proposal, some suggestion, you should
20 be absolutely precise. And then it solves the objections we face now. So please take
21 it into account.

22 MR BOURGON: (Interpretation) Thank you, Mr President. I shall do my very
23 best.

24 Q. Madam Witness, in your testimony you mentioned the fact that you spent (Redacted)
25 (Redacted) in Rwampara and (Redacted) in Mandro; is that correct?

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1 A. Yes.

2 Q. And then you mentioned the fact that you returned to Rwampara; is that
3 correct?

4 A. Yes.

5 Q. I put it to you, Madam Witness, that the Mandro and Rwampara camps were
6 not up and running at the same time within the UPC. Are you aware of that?

7 A. I do not know.

8 Q. And I also put it to you on the basis of information obtained from (Redacted) that
9 you did, indeed, receive training in Mandro but that it was ideological in nature.

10 A. I didn't quite grasp what you said.

11 Q. According to what (Redacted) has told us, (Redacted) whom you know, he says
12 that you followed an ideological training in Mandro. Does this able you to -- does
13 this refresh your memory in any way?

14 A. No. I do not know.

15 Q. So you do not know either that all of the UPC -- APC members who were
16 joining the UPC first went via Mandro for ideological training?

17 A. No. I did not follow that training, this ideological training. I was trained in
18 Mandro in the handling of weapons.

19 Q. I would like to briefly come back to information you provided on the subject of
20 the instructors present during your training, the training that you underwent in
21 Rwampara. And in your statement, you mentioned the presence of an instructor by
22 the name of Abelanga. Do you recall that?

23 A. Yes.

24 Q. According to the information in my possession, Madam Witness, Abelanga was
25 never an instructor at the UPC training camp in Rwampara. And on this basis, I

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1 would put it to you that your training was not conducted under the auspices of the
2 UPC.

3 A. I didn't quite follow what you said.

4 Q. I shall clarify my question. Abelanga was an instructor when you completed
5 your training in Rwampara; was he not?

6 A. Yes.

7 Q. And I put it to you on the basis of your response that your training was
8 completed with the APC?

9 A. I said that what you stated is false. I completed my training within the ranks
10 of the UPC.

11 Q. And when we spoke to (Redacted), he told us that he knows that you completed
12 your training with the APC. Does that help you in recalling anything?

13 PRESIDING JUDGE FREMR: Ms Samson.

14 MS SAMSON: Thank you, Mr President. It's certainly the second time we've asked
15 the witness the question, albeit with a different basis in the sense that it's not just, you
16 know, "I put to you that you were not trained in the APC," now it's "I put to you
17 someone else has said it," but I do believe that the witness has answered the question.
18 Thank you.

19 PRESIDING JUDGE FREMR: Yes. Asked and answered. And this question is
20 argumentative. It was -- I think it was in decision. She gave you clear answer.

21 MR BOURGON: (Interpretation) Mr President, of course I will follow your
22 instructions, but I want to give the witness every possible opportunity in the light of
23 the information I have in my possession to amend her testimony if she so wishes, and
24 I have to go through the additional information that I have step by step. But I will,
25 of course, follow your instructions, Mr President.

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1 Q. Madam Witness, we are going to touch on a subject that might be somewhat
2 sensitive, namely, (Redacted) and your testimony to the effect that he allegedly
3 raped you. I would like to put it to you -- or, rather, I would like to read a passage of
4 your statement from (Redacted), DRC-OTP-0126-0122, paragraph 38 thereof.
5 And in this statement, you say as follows, quote: "In the military camp, there was a
6 very strict military code with regard to sexual behaviour towards young girls like
7 myself. Commander Pepe and Commander Bosco had given specific orders to not
8 bother us because otherwise we would all flee and the army would not have any
9 soldiers left." End of quote.

10 Do you remember this part of your statement?

11 A. I no longer recall. Which statement are you talking about?

12 Q. This is the statement provided to the Office of the Prosecutor on (Redacted),
13 paragraph 38. That is the paragraph that I have just read out to you. Do you
14 remember this?

15 A. Yes.

16 Q. And in your statement, the very same statement dating back to (Redacted)
17 (Redacted)
18 (Redacted) Would you agree with me?

19 A. In (Redacted), that was the first time that I met with the Office of the Prosecutor. I
20 didn't want to say everything.

21 PRESIDING JUDGE FREMR: Ms Samson, I am asking rather delayed, but please go
22 ahead.

23 MS SAMSON: Well, your Honour, it was just that in paragraph 38, in reference to
24 the earlier question that my colleague put to the witness, he stopped before -- I think
25 if he were to read the next sentence out, it could also help the witness in terms of

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1 what she said. I wasn't certain if he was going to get there, but it seems as if he's not.
2 I won't read it out. I don't want to in any way prejudice the Chamber's decision on
3 the point, but paragraph 38 my friend read the first two sentences. The third one
4 complements that one and I think it ought to be read to her as well for her comment.
5 Thank you.

6 PRESIDING JUDGE FREMR: Mr Bourgon.

7 MR BOURGON: (Interpretation) Of course I do have the intention of coming to
8 that. I don't know why I have been interrupted during my cross-examination. I
9 have read the first two sentences in their entirety, but I certainly do have the intention
10 of moving on to what follows.

11 PRESIDING JUDGE FREMR: Then okay.

12 MR BOURGON: (Interpretation) I thank you, Mr President.

13 Q. In your statement dated (Redacted) you mention a particular incident concerning
14 (Redacted). Do you remember that?

15 A. Yes.

16 Q. You provided some details about an attempted rape on your person by
17 (Redacted). Do you recall that?

18 A. Yes.

19 Q. Would you rather I read the contents of your statement, or can you explain to us
20 what happened with (Redacted)

21 A. You can read it.

22 Q. Madam witness, if you do not feel all right, please do not hesitate to request that
23 we take a break.

24 I'm going to continue reading a sentence mentioned by my colleague still in
25 paragraph 38: "Nevertheless, there were cases of rape regularly in the camp,

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1 especially by (Redacted), who tried to attack me once
2 (Redacted). After I had finished the work,
3 which he did allow me to complete, he then (Redacted)
4 (Redacted). Upon my return, he (Redacted) and told me that I was not
5 going to get out. I immediately understood his intentions and I started to shout very
6 loudly, running towards the door in order to throw myself through the door. I
7 continued to run, shouting, until I chanced upon (Redacted), who asked me
8 what was going on. Because of the agitation of the moment and fearful of any
9 sanctions, I did not say anything until (Redacted)
10 (Redacted) end of quote.

11 Do you recall this incident, Madam Witness?

12 A. Yes.

13 Q. As to the information provided to us by (Redacted) you told him about this event.

14 You confided in him when you were in (Redacted). Do you remember
15 having confided in (Redacted) in this regard?

16 A. No. I did not broach that subject with (Redacted)

17 Q. I shall try and refresh your memory, and you can tell me whether you
18 remember these events or not. One day when you were (Redacted)
19 (Redacted)

20 (Redacted) and this is the event that you confided in (Redacted) stating that (Redacted)
21 had raped you in Rwampara. Do you remember this conversation with (Redacted)

22 A. No. I never broached that subject with (Redacted), not with (Redacted) not
23 with anybody else.

24 Q. Do you recall an incident (Redacted)

25 A. No. He never did that.

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1 Q. Do you recall an event when (Redacted)

2 (Redacted)

3 A. That is false. (Redacted), nor did he ever put

4 (Redacted) in prison.

5 Q. I should just clarify, Madam Witness, and I shall move on to another topic.

6 (Redacted). Do you recall that?

7 A. No. I no longer recall.

8 PRESIDING JUDGE FREMR: Mr Bourgon, if you are intending to move to the other

9 topic, is it at this time you would like to move?

10 MR BOURGON: (Interpretation) Yes, indeed, Mr President, and I think I might

11 want to address the Chamber before we take the lunch-break.

12 PRESIDING JUDGE FREMR: Yes, I would like to break the testimony now because I

13 would also like to discuss with you, with parties one procedural issue.

14 So, Ms Witness, we will excuse you. We will now have a lunch break so you will

15 have a chance to take a lunch and also to refresh yourself.

16 So first of all we have to move into the regime of closed session and escort witness out

17 of the courtroom.

18 (Closed session at 12.55 p.m.) * Reclassified entirely into public.

19 THE COURT OFFICER: We are in closed session, your Honour.

20 (The witness stands down)

21 PRESIDING JUDGE FREMR: Thank you. Now we can return back into regime of

22 open session.

23 (Open session at 12.55 p.m.)

24 THE COURT OFFICER: We are in open session, your Honour.

25 PRESIDING JUDGE FREMR: So I understood, Mr Bourgon, you would like to

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1 address Chamber first, so please go ahead.

2 MR BOURGON: I will now switch to English.

3 Mr President, at this time I would like to inform the Chamber and make an

4 application for additional time to conduct the cross-examination of Witness P-0010.

5 And in support of this application, I have the following exceptional circumstances to
6 underscore.

7 Firstly, the examination-in-chief of the witness proceeded much quicker than

8 expected, as it was initially scheduled to go on for ten hours. One of the reasons,

9 and probably one of the main reasons why the examination-in-chief of the witness did

10 proceed quicker than expected is due to the constructive approach taken by the

11 Defence and the accused in order to facilitate the proceedings.

12 I believe, Mr President, that we all saw and experienced how slow the Prosecution

13 was progressing before Mr Ntaganda accepted to leave the courtroom and how quick

14 it was after Mr Ntaganda accepted to follow the proceedings outside of the courtroom.

15 This is one exceptional circumstances.

16 The second one is that the examination-in-chief touched upon issues which are not

17 covered in the extensive material of the witness. For example, I refer to the details

18 provided by the witness concerning her alleged participation in the operations in

19 Mongbwalu, which go further than the material, albeit extensive, that we have for

20 Witness P-0010.

21 Another criteria, Mr President, or another exceptional circumstances is that the

22 examination-in-chief did not touch upon significant issues which are in the material

23 which we have for Witness P-0010 and which are directly related to the credibility of

24 the witness. For example, in her statements, her statement of 2005 as well as in her

25 interview of 2008, the witness described attacks, alleged attacks during which she

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1 would have taken part along with the accused in Libi, in Mbau, and in Kpandroma.
2 It is our intention, of course, to show that these attacks did not take place during the
3 time that UPC existed, and that all of the incriminating evidence that she unloaded on
4 the accused in respect of these three attacks is a topic that we need to cover during
5 our cross-examination.
6 Another exceptional circumstance, Mr President, refers to the nature of the issues
7 touched upon in this testimony. Evidence of sexual abuse is always a very difficult
8 matter. That being said, it is much easier for the Prosecution to get evidence in chief
9 of an alleged rape than to cover the same in cross-examination.
10 Another exceptional circumstance, Mr President, is the importance attached to this
11 witness by the Prosecution who labelled the witness as an insider.
12 Another exceptional circumstance in our respectful submission is the number of
13 issues established in a general manner which requires to go into much more detail
14 during cross-examination. Allow me to provide, Mr President, one (Redacted)
15 (Redacted)
16 (Redacted) show that this date is wrong and that the witness
17 provided many dates and that she was not the age as she said she was will require
18 significant time.
19 And lastly, Mr President, as an exceptional circumstance is the Chamber did have to
20 intervene because the witness, of course, quite normally is on the defensive and is
21 cooperating much less with the Defence than she was with the Prosecution. And
22 that's normal, but it is an exceptional circumstances in this case and I believe that the
23 Chamber could experience that for itself.
24 For all these reasons, Mr President, we do require additional time to conduct the
25 cross-examination of this witness. We now have -- I guess we have a little more of

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1 two hours left or thereabouts.

2 PRESIDING JUDGE FREMR: Two hours 40 minutes you still have at your disposal
3 roughly.

4 MR BOURGON: Two hours and 40 or 1-4?

5 PRESIDING JUDGE FREMR: 40, 4-0, yes.

6 MR BOURGON: Two hours and 40. And it is our submission, Mr President, that
7 we will need the first two sessions of Monday, which will not be very much more
8 than the two hours and 40 that we have left, but I think for planning purposes and for
9 me to curtail my cross-examination accordingly, I would like to have the first two
10 sessions of Monday morning and I would complete my cross-examination by then.
11 Those are my submissions, Mr President. Thank you.

12 PRESIDING JUDGE FREMR: First of all, I would like to thank you that you really
13 present your submission in an exemplary way. It's just for the future of this case I
14 would like if there will be any case for any party to ask for additional time, it should
15 look like like just Mr Bourgon made it. He came with the estimation of time he
16 needed more, he also came with reasons and he also specified what further area he
17 would like to touch in his further examination.

18 But I am not saying that we will grant this request. It will be an issue for our
19 consideration; but to be -- to be open, the reason why I, in fact, interrupted you was
20 there also was some concern expressed, according to our information, by witness to
21 VWU because she would prefer to finish today.

22 It was even under consideration of the Chamber to think about maybe to sacrifice part
23 of the lunch-break and maybe to add one session in the late afternoon but because
24 even myself, I will need maybe 15 or 20 minutes to put some additional questions to
25 the witness, it also makes some additional time.

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1 And I will also ask Ms Samson her position and also I note it's rather premature

2 whether she expects some time needed for the Prosecution for examination.

3 MS SAMSON: Thank you, Mr President. In this particular case, of course, the

4 witness is quite vulnerable, but the Prosecution does not oppose, in principle, the

5 Defence's request for extra time.

6 It's unlikely that, in any event, that we were going to conclude today. Even with the

7 amount of time that the Defence had at its disposal, it was unlikely to finish today,

8 and there won't be much of an impact to our schedule to allow the morning sessions.

9 I simply note that the ten hours that we have set out is an estimate. Sometimes we

10 reach it, of course sometimes witnesses don't take that much time. And we've made

11 the same estimate for all of the witnesses that we have put forward as being part of

12 the UPC, so it's the same for all. And really that's it. The Prosecution doesn't

13 oppose the request so long as the questions are kept not duplicative or, you know, in

14 any way harassing; but otherwise, we don't have an objection.

15 And in relation to re-examination, I will ask for re-examination, but I will -- it will be

16 very limited at this point, perhaps 15 minutes. Thank you.

17 PRESIDING JUDGE FREMR: Thank you. And I would like, just so there is no

18 criticism from the part of the Chamber as concerns your estimation, it was pretty fair.

19 Ms Pellet, do you want to make any comment on this issue concerning your client?

20 MS PELLET: (Interpretation) Thank you, your Honour.

21 No, I don't have any observation to make concerning this matter, other than recalling

22 what you have already recalled yourself; in other words, that I think the witness is

23 extremely worried at the prospect of having to stay on longer than the end of the

24 session today, but that is something you've already reminded us of, your Honour.

25 PRESIDING JUDGE FREMR: So, for the moment, I can say that we certainly give up

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1 the idea to think about some -- to sitting -- to be sitting in extended hours because
2 even as Ms Samson said, we have no chance even if keeping the classical approach,
3 the same time for Prosecution, same time for Defence, we would have no chance to
4 finish this testimony today. So we will just now break, and we will continue from
5 2.30 at the classical style until 4 o'clock, and then we will continue on Monday.

6 As concerns a request made by Mr Bourgon, we will decide at the end of the
7 afternoon session that we will just specify because, anyway, we will still have to
8 continue on Monday. So we will, at the end of this session -- the afternoon session
9 decide whether there will be any additional time granted to Defence.

10 So now we break, and we will reconvene in half past 2.

11 THE COURT USHER: All rise.

12 (Recess taken at 1.08 p.m.)

13 (Upon resuming in open session at 2.37 p.m.)

14 THE COURT USHER: All rise.

15 Please be seated.

16 PRESIDING JUDGE FREMR: Good afternoon. We will continue with
17 cross-examination of Witness P-10. We will, as we already announced, we will sit in
18 the normal hours, which means we will finish at 4 o'clock.

19 And before leaving for weekend we will also pronounce our ruling on Defence
20 request on granting some additional time for cross-examination.

21 Now, Mr Bourgon, you may proceed.

22 MR BOURGON: (Interpretation) Thank you, your Honour. I think that we're in
23 open session. That's what I want.

24 Q. Good afternoon, Witness.

25 A. Good afternoon.

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1 Q. So I've got a last question to put to you on the subject we were talking about
2 before the break.

3 A. I haven't understood.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. Yes.

9 Q. Could you confirm that during when -- when you met the representative of the
10 Office of the Prosecutor in 2005 and you gave your statement, you had the
11 opportunity to speak with the investigators about sexual violence which was inflicted
12 upon you; is that correct?

13 A. Please could you ask your question again. I haven't understood it well.

14 Q. I will ask it again.

15 Your Honour, it's preferable to go into private session, if you'd be so kind.

16 PRESIDING JUDGE FREMR: Certainly.

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

18 (Private session at 2.42 p.m.) * (Reclassified partially in public)

19 THE COURT OFFICER: We are in private session, your Honour.

20 PRESIDING JUDGE FREMR: Thank you.

21 Mr Bourgon, you may proceed.

22 MR BOURGON: (Interpretation) Thank you, your Honour.

23 Q. Just before the break we discussed together what happened to you in
24 Rwampara (Redacted), that is to say the attempted rape, didn't we?

25 A. Yes.

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1 Q. And we also spoke about your statement and also the instructions that were
2 issued by Commander Pepe in Rwampara. Do you remember that?

3 A. I don't understand very well.

4 Q. Before the break I read part of your statement in which you say that
5 Commander Pepe had issued precise instructions concerning a ban on any sexual
6 violence concerning the recruits who were female. Do you remember that?

7 A. Yes.

8 Q. The only point that I'd like to clarify this afternoon is as follows: When you
9 met the representative of the Office of the Prosecutor at the time of giving the
10 statement, I understand that you had the opportunity to explain it to them, to explain
11 the sexual violence that had been inflicted upon you during the events of 2002-2003.
12 Do you remember that?

13 A. Yes.

14 Q. I will now go on to a completely different subject. We're going to leave that
15 subject aside.

16 Your Honour, can we go back into open session?

17 PRESIDING JUDGE FREMR: Well, let's move into open session, court officer,
18 please.

19 (Open session at 2.45 p.m.)

20 THE COURT OFFICER: We are in open session, your Honour.

21 PRESIDING JUDGE FREMR: Thank you.

22 You may proceed, Mr Bourgon.

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

24 Q. Witness, during your testimony the Prosecutor asked you where you went to
25 fight after your training in Rwampara. Do you remember that question?

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1 A. Yes.

2 Q. Your answer on that occasion was as follows, this is my translation, I've got the
3 transcript in English, "I can no longer remember the name of the village." Is that -- is
4 that still the case?

5 A. Yes.

6 Q. I would like to point out your statement of 12 October 2005 with a view to
7 refreshing your memory -- 3 October 2005, and this is the statement, the number of
8 which has already been given, it is statement of 3 October 2005, 0126-0122 is the
9 reference number.

10 Witness, I'm going to read part of this statement; namely, paragraph 41 thereof. I'm
11 going to read the first lines of the paragraph only. The title above it is as follows
12 about active participation in the fighting in Libi, Mbau and Kpandroma, and
13 paragraph 41 is as follows: "As I previously mentioned, at the end of the military
14 training, the chief of general staff, Bosco, provided us with uniforms which were
15 green, which we called taches-taches, as well as a beret of the same colour." Do you
16 remember that and do you confirm this statement?

17 A. Yes.

18 Q. I would now like to read a part of your interview with the Office of the
19 Prosecutor, the 17 January 2008, and this is document 0188-0204, and lines 456 to 464.
20 I will read the text for you.

21 The interpreters, the text is in English. So line 456 -- (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Well, my question is rather addressed to whether immediately after your

16 training in Rwampara you went to fight with Bosco Ntaganda?

17 A. Yes, he was the commander of operations.

18 Q. So I would like to ask you if you remember having participated in fighting in

19 Libi. Do you remember that?

20 A. Yes.

21 Q. Do you remember having participated in fighting in Mbau?

22 A. Yes.

23 Q. Do you remember also having participated in fighting in Kpandroma?

24 A. Yes.

25 Q. And this fighting took place immediately after your training in Rwampara, did

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1 it not?

2 A. Yes.

3 Q. So I would now like to read part of your statement of 3 October 2005. I've
4 already given the number. And I'm going to read part of paragraph 41. In
5 paragraph 41, the following is stated:

6 "Without giving a lot of details, Bosco ordered us to get into three lorries which had
7 arrived with him, and he informed us that we were going to go in the direction of the
8 village of Libi, in the territory of Djugu, which traditionally belonged to the Lendu
9 ethnic group."

10 Do you confirm that?

11 A. Yes.

12 Q. I will continue to read part of the paragraph 43: "Before arriving in Libi, the
13 convoy made a first stop near the village of Kparangaza." And I'm going spell the
14 word so there's no confusion, K-P-A-R-A-N-G-A-Z-A. Do you confirm this first
15 raid on Kparangaza?

16 A. We didn't go on the Kparangaza road unless there's an error.

17 Q. To the best of my knowledge, that's not in the paragraph where you made
18 corrections to. I'm going to read the paragraph to you again. This is paragraph 43.
19 "Before arriving in Libi, the convoy made a first stop at the village of Kparangaza
20 where only the commanders descended from their vehicles without informing us of
21 the reason why."

22 Do you confirm that fact?

23 A. I do not remember at all.

24 Q. I'm, therefore, going to continue with another paragraph in the hope of
25 refreshing your memory.

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1 Still in paragraph 43 it is stated --

2 PRESIDING JUDGE FREMR: You still stay safely in open session because you know
3 the question you will put?

4 MR BOURGON: (Interpretation) I think yes, your Honour. I don't think yet
5 there's identifying material. But I will remain vigilant, and my colleagues will let me
6 know if something needs to be done.

7 PRESIDING JUDGE FREMR: Then proceed. Okay.

8 MR BOURGON: (Interpretation)

9 Q. I will now read this paragraph. "So a short time afterwards, we continued to
10 the village Largu, situated about 20 kilometres from Libi, where around 2000 hours
11 we made our second stop and ate."

12 Do you confirm these words?

13 A. Please, would you be so kind as to ask the question again? I haven't
14 understood well.

15 Q. Of course. The exercise I'm carrying out, what I am doing is I'm just reading
16 extracts from your statement, and I'm asking you if you still agree with the content,
17 but you can change anything. I just want to know if you still keep to what was
18 stated in the statement.

19 So I'm now going to read the sentence again. Now that is in paragraph 43. "A short
20 time afterwards we continued to the village of Largu, which is situated almost 20
21 kilometres from Libi where towards 8 o'clock in the evening we made our second
22 stop and we ate."

23 Do you confirm this fact?

24 A. I do not recall at all.

25 Q. Maybe the next sentence will help you because it confirms the attack in which

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1 you claim you took part. I shall gloss over a sentence that I shall return to at a later
2 stage, and I shall continue with the words "Very early on the next morning we left,
3 and near Libi we fell into an ambush, a Lendu ambush," end of quote.

4 Do you recall having left very early in the morning and close to Libi having fallen into
5 a Lendu ambush? Do you remember that?

6 A. Yes.

7 Q. And at paragraph 44, the following paragraph of the statement, you explain that
8 there were -- there was fighting against the Lendu and that you managed to win the
9 battle against the enemy. Does that correspond to your recollection?

10 A. Where was that? I don't understand.

11 Q. I was talking about the attack in Libi, and you confirmed that you fell into a
12 Lendu ambush in Libi. And then in the next paragraph, you talk about the fighting
13 that occurred in Libi, and you explain that this fighting involved Lendu combatants;
14 is that the case?

15 A. Yes.

16 Q. And you say that you were victorious against the Lendu enemy; did you not?

17 A. Yes.

18 Q. And this operation occurred under the leadership of Bosco, who was in charge
19 of operations; is that not the case?

20 A. Yes.

21 Q. I'm going to move to paragraph 46 of your statement or, rather, paragraph 45
22 where you say, and I quote, "Having been victorious against the enemy, we set up in
23 Libi, and we remained there for nearly a week," end of quote.

24 Do you confirm that after the attack in Libi, you remained for approximately one
25 week there?

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1 A. I no longer recall this event.

2 Q. So I'm going to move on to the next order, the next step. And in the following
3 paragraph it is said as follows: "At the end of a week, Commander Bosco ordered us
4 to leave, but without telling us in which direction, so we got into the three lorries,
5 which had brought us there, and we left leaving a company behind us," end of quote.
6 Now, according to your recollection and having perused your statement again last
7 week, you confirm that in Libi gave -- Bosco gave orders for us to get into the -- for
8 you to get into the three lorries and leave, leaving a company behind you. Do you
9 remember that?

10 A. I no longer recall.

11 Q. But you do remember the attack upon Libi, do you not?

12 A. Yes.

13 Q. And do you recall that the next attack after Libi occurred in Mbau? And I do
14 apologise for my pronunciation.

15 A. Yes.

16 Q. So in your statement at paragraph 47, you provided a description of what
17 occurred in Mbau. And I shall read part of this statement to you in order to
18 ascertain whether this corresponds to your recollection. "Night fell before we were
19 able to reach Mbau, and Commander Bosco and Salumu Mulenda decided to stop
20 and wait until the next day before moving forward," end of quote.
21 Do you remember having arrived in Mbau the night before and having waited a day
22 before continuing?

23 A. I do not quite understand. Could you please repeat?

24 Q. Yes, indeed. I shall go step by step and sentence by sentence for you to know
25 what I'm talking about.

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1 You will recall that there was an attack in Mbau, M-B-A-U, after the attack on Libi; do
2 you not?

3 A. Yes.

4 Q. And during this attack, in this paragraph you provide us with a description of
5 what you did upon your arrival in the village, notably when entering the village, that
6 is, that you positioned some heavy weaponry before the beginning of the attack. Do
7 you remember that?

8 A. Yes.

9 Q. At the end of the paragraph you say, "As soon as we took up our combat
10 positions, Bosco, in person, opened fire with a saba saba," end of quote.
11 Do you remember this?

12 A. Yes.

13 THE INTERPRETER: Message from the English booth. Can counsel please indicate
14 which paragraph he is quoting from rather than just saying "in that paragraph"?

15 MR BOURGON: (Interpretation)

16 Q. And during this statement you say during the attack that you were wounded.
17 Do you recall that?

18 A. Yes.

19 Q. I was referring to paragraph 48 of the statement dated 3 October 2005.
20 Then in paragraph 49 you say -- and I shall see whether this truly corresponds to the
21 situation or to your recollection. You say that, quote, "As a soldier, I was transported
22 to the infirmary that had been set up in a large house, and I was given treatment by a
23 military doctor by the name of Mwindo."

24 And I shall spell this for the record: Mike, whiskey, India, November, delta, Oscar;
25 Mwindo. He, first of all, extracted the projectile from my leg, and then he sutured

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1 the wound. The doctor was also wearing military garb. I received antibiotic
2 treatment for nearly 2 months before going back, before returning to the battlefield,"
3 end of quote. Does this correspond to your recollection of your statement?

4 A. Yes.

5 Q. And I do believe that you are in a position to confirm that during your
6 convalescence of two months there -- I do apologise. I do withdraw this question,
7 Mr President.

8 But you are in a position to confirm that during the attack where you were wounded,
9 you were not victorious in the sense that you were forced to withdraw. Do you
10 remember that?

11 A. Yes.

12 Q. And my next question is that during your convalescence, that is to say, during
13 the two months during which you were wounded, you know that there was a second
14 attempt, a second attack on Mbau; is that not correct?

15 A. Yes.

16 Q. And that contrary to the first attack, the second attempt was victorious, that
17 means to say that you won?

18 A. Could you repeat that, please? I didn't really understand.

19 Q. I'm sorry, Witness, I shall go a little bit more slowly. Now, during your
20 convalescence, Bosco Ntaganda according to your statement allegedly launched a
21 second attack upon Mbau. Do you know that?

22 A. Yes.

23 Q. And according to your statement, this second attack, well, Bosco Ntaganda and
24 his troops were victorious on that occasion. That is reflected in your testimony, is it
25 not?

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1 A. I do not quite understand. Could you please repeat? When you're talking
2 about the victory, I don't understand.

3 Q. Very well. This second attack on Mbau, did you take part in this attack?

4 A. I was not present. I was in a hospital.

5 Q. And were you informed of the outcome of the attack?

6 A. They told me that they lost.

7 Q. I'm just going to read an excerpt to you to avoid any confusion regarding the
8 result. At paragraph 59 -- I apologise, 49, it is said, quote, "I do not have any more
9 details on this large subject," and we'll see what this is at a later stage, but you said,
10 "however, I did learn that Commander Bosco did succeed in taking Mbau on his
11 second attempt."

12 Does this remind you of who won that second attempted attack on Mbau?

13 A. They didn't win the battle at Mbau.

14 Q. Very well. So I shall merely take note of the fact that at paragraph 50 of your
15 statement you are changing your testimony to the effect that the second battle in
16 Mbau was also lost; is that correct, to the best of your recollection?

17 A. Yes.

18 Q. Madam Witness, please allow me to read an excerpt from your interview with
19 the Office of the Prosecutor in 2008. The number is as follows, 0188-0227, and I will
20 read from line 704, which deals directly with the attack or the second attack on Mbau.
21 For the interpreters, I'm going to be reading this in English. This is just a little short
22 sentence.

23 (Speaks English) "I heard he was beaten."

24 (Interpretation) So this confirms what you just told me; namely, that according to
25 you, the second attack on Mbau was a defeat for Bosco Ntaganda, it was a defeat for

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1 Bosco Ntaganda.

2 So I shall be moving on to my next question, Madam Witness. Earlier on we talked
3 about an attack in Libi, we talked about two attacks in Mbau, and there's the third
4 attack in Kpandroma. Did you take part in this attack in Kpandroma, that is to say
5 the attack that took place after that in Mbau?

6 A. There was no conflict or clashes in Kpandroma.

7 Q. But you do recall the event? And I shall be reading part of your statement to
8 you, notably that dated 3 October 2005, paragraph 51. It is said as follows, quote,
9 "At the first shells that were -- upon the first shells launched upon the village, there
10 was no response on the part of the Lendus and, quite to the contrary, to our great
11 surprise, they had managed to tune into the UPC radio frequencies and infiltrate
12 them in order to contact Commander Bosco and beg him not to attack." End of
13 quote.

14 Now this comes from your statement. Can you confirm this?

15 A. Please repeat so that I can understand you.

16 Q. Certainly. You said a few moments ago that there were no clashes or no
17 fighting in Kpandroma, did you not?

18 A. Yes.

19 Q. And I have just read to you a small excerpt from your statement which seems to
20 confirm that there was no fighting. And my question is whether what you stated in
21 this statement corresponds to your recollection of events. So maybe we should start
22 with something simple: Do you remember that the Lendus did not respond to the
23 shelling? Could you explain to us precisely what a shell is? What is a shell?

24 A. Yes.

25 Q. What is a shell?

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1 A. Well, there are many types of bombs. There are the RPGs.

2 Q. And have you already fired any mortars?

3 A. No.

4 Q. And concerning your recollection of events, do you recall that the Lendus had
5 managed to tap into the UPC radio frequencies and that they wanted to enter into
6 contact with Bosco? Do you recall these events?

7 A. Yes.

8 Q. So I shall be moving on to a slightly different topic, but I shall be returning to
9 these three attacks in question. And I would like at this juncture to refer to a
10 document that was disclosed to us by the Prosecution.

11 And in order to do this I would like to go into private session, please, Mr President.

12 PRESIDING JUDGE FREMR: All right. Let's move into private session, court
13 officer, please.

14 (Private session at 3.21 p.m.) *(Reclassified partially in public)

15 THE COURT OFFICER: We're in private session, your Honour.

16 PRESIDING JUDGE FREMR: Thank you.

17 Mr Bourgon, you may proceed.

18 MR BOURGON: (Interpretation) I thank you, Mr President.

19 I am referring to the document on our list bearing reference number 33 as follows,

20 DRC-OTP-0208-0284. And I'm told that I made a mistake, rather I quoted number 33
21 when I wanted to quote number 32 on our list, which is as follows,

22 DRC-OTP-0206-0120. And this, Mr President, is a document entitled (Redacted)
23 (Redacted)

24 And I would like to refer to the paragraph or part of this report bearing number 145,
25 so I would note that this is a document that says or bears the (Redacted)

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1 and it also mentions the name of (Redacted), and there are three letters there
2 after a dash, (Redacted) And document 145 that I am about to read to you, well, it might
3 be good for us to broadcast it, to bring it up on the screen because I'm going to read
4 an excerpt from it. So I'm going to repeat the number to you, DRC-OTP-0206-0120.
5 PRESIDING JUDGE FREMR: Court officer, please assist.
6 MR BOURGON: (Interpretation) Now, Mr President, the witness can't read this
7 document, but it is in order to assist those present in the courtroom. The document
8 reads as follows, this is number 145. (Redacted) Capital "F," that must mean a
9 girl. 16 years. Identified by the local NGO called (Redacted) on (Redacted)
10 (Redacted), and interview at (Redacted)
11 (Redacted), spelled for the English transcript (Redacted)
12 (Redacted), and then there's some capitalised letters (Redacted)
13 (Redacted), "on the date (Redacted)," end of sentence.
14 Now, Madam Witness, I would like to read a few excerpts to you from this document
15 and on this basis put some questions to you.
16 The document reads as follows: "(Redacted) is said to have been born in
17 Kisangani in 1987," father's name is redacted. "She hails from the province of
18 Équateur," and the mother's name is also redacted. "Her parents had lived
19 separately for a number of years. She resides on the (Redacted) in the
20 (Redacted) with her four former colleagues from the UPC army."
21 Next sentence: "Towards the end of 1999, the individual lived with her mother,"
22 whose name is redacted, "when she was recruited, forcibly, by 12 soldiers from the
23 APC whilst she was on her way to the market to buy oil," end of quote.
24 Next point, that is page 48 of the document, but the reference number is 0206-0121,
25 which is not yet on the screen.

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1 "In a lorry were two minors of whom two are girls -- twelve minors of whom two
2 were girls. The child was taken to Rwampara via Bunia. She followed military
3 training in Rwampara with approximately 700 people; for the majority children, for
4 the duration of 9 months under the orders of the Ugandan commanders, notably
5 (Redacted)
6 After the training, she was deployed to (Redacted) and I note that (Redacted) here
7 comprises (Redacted), at approximately (Redacted) in
8 order to combat the Lendu militia, who had just killed Gegere under the orders of
9 Commander (Redacted) at the beginning of the year 2001.
10 In approximately 2001 -- this is the next point -- the individual was deployed again to
11 Largu, Lure, Fataki, Libi in order to combat the Lendu militias under the orders of
12 (Redacted)
13 Next point: "After 2 months of rest in Libi, she was posted to (Redacted) under the
14 orders of (Redacted). There she sent markets men's vehicles who had to go
15 to sell products from (Redacted) during eight months under the instruction of
16 the hierarchy. The vehicles were still being convoyed by the soldiers in order to
17 make them secure against the attacks from militia, Lendu militia."
18 Next point: "Towards the end of 2001, she was transferred to (Redacted) under the
19 orders of (Redacted)
20 And the last point that I'm going to read before putting my question is as follows:
21 "When the attack was launched on the (Redacted) locality by the UPC at the
22 beginning of 2002, the individual integrated the UPC under the orders of (Redacted)
23 who had already integrated the UPC and had nearly killed her during clashes. After
24 recognising her, he obliged her to return or to join his camp."
25 I'm now going to put some questions to the witness on the basis of this document.

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1 Now, my first question, Witness, you -- do you know (Redacted)

2 A. Everything that you have just read from this document I know absolutely
3 nothing about. I have absolutely no answer to give to you in this regard. I never
4 went to Kisangani.

5 Q. So, Witness, the information was communicated to us by the Office of the
6 Prosecutor. That is a document from the (Redacted). But on the basis of this
7 information, I preferred to read all the information to you so that you could answer
8 my questions. And my first question is: Do you know the (Redacted)

9 A. I don't know.

10 Q. Now, my second question, do you know (Redacted)

11 A. I don't know him.

12 Q. Do you confirm that the fighting that we have just discussed together was
13 directed towards the Lendu?

14 A. What fighting are you talking about?

15 Q. The three attacks that we've just discussed: Libi, Mbau and Kpandroma, and
16 the same attack in which you were wounded. These three attacks were directed
17 against the Lendu combatants; were they not?

18 A. Yes.

19 Q. On the basis of the information that's there, which I read a bit earlier, I put it to
20 you, Witness, that the three attacks in question that we've just discussed are attacks
21 which were committed by the APC against Lendu combatants in 2001. Do you agree
22 with that?

23 A. No. I know that the fighting in which I participated was at the time when
24 I was within the APC. I don't know -- it was when I was in the UPC. I don't know
25 what you're saying with regard to the APC.

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1 Q. I put it to you on the basis of -- I withdraw my question.

2 Starting with the attack on Libi, you know geographically where Libi is situated?

3 A. Yes, I know.

4 Q. I put it to you that Libi, in 2002, Libi was a deserted territory where there was
5 nothing to attack on the Lendu side or on the UPC side. Could you confirm that?

6 A. No.

7 Q. I put it to you as well, Witness, that during 2002 and 2003 the UPC never
8 attacked the localities of Libi or Mbau and, on this basis, I put it to you that these
9 attacks were not committed by the UPC.

10 A. I haven't understood. I haven't heard it properly. I can't get the sound.
11 I don't hear anything.

12 PRESIDING JUDGE FREMR: Mr Bourgon, please repeat the last question, but to me
13 it seems that you are, in fact, repeating the previous questions; slightly modified, but
14 anyway make last attempt, please. Repeat the last question.

15 MR BOURGON: (Interpretation) Thank you, your Honour. I will repeat or
16 clarify the question.

17 Q. I put it to you that the attacks that we spoke about, Libi, Mbau, were not
18 committed by the UPC. Do you agree with that?

19 A. I don't agree with you. All I know is that I participated in the fighting carried
20 out by the UPC.

21 Q. I -- the proceedings require that I put my position to you such that you have the
22 opportunity to respond to it, and I put it to you that before joining the UPC you were,
23 in fact, a member of the APC. Do you agree with this statement?

24 A. I have just said it and I repeat it. The only armed group that I know that I
25 participated in was the UPC. What you are saying is lies.

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1 Q. Thank you. I'm just going to ask a couple of additional questions to finish on
2 this subject.

3 Now, we have established this morning that your training in Rwampara took place at
4 the time that you fled from Bunia with your family; is that right?

5 A. Yes.

6 Q. And we have also established during your testimony -- well, we haven't
7 established, but you said during your testimony that you participated in the UPC
8 attack on Mongbwalu. Do you remember that?

9 A. That is not what I said. I said that I fought in Mongbwalu (Redacted)
10 (Redacted)

11 Q. And when you fought in Mongbwalu it was after your training in Rwampara;
12 was it not?

13 A. I never said that.

14 Q. I'm just simply asking you when you fought in Mongbwalu, (Redacted)
15 (Redacted), was it before or after your training in Rwampara?

16 A. The sound is really too low. I am not able to hear you properly. Please, could
17 you repeat your question?

18 Q. Certainly, Madam Witness. I would simply ask you to confirm your training
19 in Rwampara which we talked about on several occasions. Did you complete that
20 training before or after having fought with Bosco Ntaganda in Mongbwalu?

21 A. Your way of asking this question does not make it possible for me to
22 understand you.

23 Q. I'm sorry. I will ask my question again such that it is clearer.

24 You remember having carried out your training in Rwampara, according to your
25 testimony? Do you remember your training?

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1 A. Yes.

2 Q. You remember the questions that were put to you, you remember in what
3 approximate period this training took place?

4 A. It was at the time that we were fleeing the fighting.

5 Q. What I'm interested in, Witness, is the period and you answered several
6 questions, I'm not going to go back to those subjects. You told us that you
7 participated in the fighting in Mongbwalu in the company of Bosco Ntaganda; is that
8 not correct?

9 A. Yes.

10 Q. So my question is as follows: Your training in Rwampara, was it before
11 Mongbwalu or was it after Mongbwalu?

12 A. It is after military training that I was recognized as a soldier. After that we
13 could go and fight.

14 Q. I understand your explanation and I will finish the subject by asking you a
15 question: If I understand the tenor of your testimony, you participated in the attacks
16 which we've discussed, that is to say Libi, Mbau and Kpandroma, after the training
17 and before Mongbwalu; is that not correct?

18 A. Frankly, I'm not able to understand your question. You're going very quickly.

19 Q. I'm sorry, Witness, I just wanted to know the order in which things happened, a
20 chronological order. There was an attack on Mongbwalu, there was training in
21 Rwampara, there were three attacks, one of them in which you were wounded. Can
22 you just explain to us without dates at least the order in which these events occurred?

23 A. First of all, there's the end of the training. Thereafter, the three battles that you
24 mentioned. And finally, the battle of Mongbwalu with Bosco. That was the last
25 battle.

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1 Q. Thank you. Perhaps it was my questions that weren't clear, but your answer is
2 clear.

3 And we can go on to another subject.

4 During your testimony you spoke about songs, songs which were used within the
5 UPC.

6 I think that we can go back into open session, your Honour.

7 PRESIDING JUDGE FREMR: All right. Let's move into open session, court officer,
8 please.

9 And one announcement for you, Mr Bourgon, you should break your
10 cross-examination five to 4 because then in the remaining 5 minutes we would like to
11 touch on some procedural issues.

12 MR BOURGON: (Interpretation) Thank you very much, your Honour.

13 I just have a short subject to go over and then I'll have finished for today.

14 (Open session at 3.47 p.m.)

15 THE COURT OFFICER: We're in open session, your Honour.

16 PRESIDING JUDGE FREMR: Thank you. You may proceed, Mr Bourgon.

17 MR BOURGON: (Interpretation) Thank you very much, your Honour.

18 Q. Witness, you remember having testified on the subject of songs, songs that you
19 sang when you said that you were a member of the UPC?

20 A. Yes.

21 Q. You explained to us that the aim of these songs was linked to the morale when
22 going into the fight, was it not?

23 A. Yes.

24 Q. So I would like to go back to the words of one of these songs, and I'm on the
25 transcript, transcript T-47, page 48, lines 20 to 25. I've got the English transcript.

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(Open Session)

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1 I'm sorry, interpreters, I shall now switch into English.

2 Line 20: "Misfortune. In French" -- (Interpretation) There is a word that I don't
3 understand.

4 (Speaks English) "Misfortune. Vaginas and penises have committed an error.

5 They have a child. The child then had difficulties, and we continued to shoot night

6 and day. They went up into the bush. In Bunia we sought work and didn't find

7 any. Mimi, why do I have to marry a military -- a female soldier ...? If I marry her,

8 where will I take her? Mimi, why must I marry a PMF? If I marry her, what will I

9 do with her?"

10 (Interpretation) So I've got a couple of questions to put to you concerning this text.

11 According to the information we have, this song was never sung within the UPC.

12 Are you in agreement with that?

13 A. That's not true. What song are you speaking about which was not sung in the

14 UPC?

15 Q. That's the song I was just reading the words of. This song, well, I don't have to

16 repeat my question, you answered it, but it was never sung in the UPC. Do you

17 agree with that or not?

18 A. I don't agree with you.

19 Q. And my last question for today is as follows: In fact this song, Witness, it was

20 sung within the APC when you were a member of the APC. Do you agree with that?

21 A. I have just told you I was never an APC soldier.

22 Q. Thank you, Witness, for having answered my questions. I will have a few

23 more questions to put to you on Monday morning. I am very grateful for you to

24 having answered my questions.

25 MR BOURGON: No further questions, your Honour, for the moment, that is.

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(Private Session)

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1 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

2 Before we break I would like to provide the witness with some guidance, but for that
3 purpose I -- we have to go into private session.

4 Court officer, please.

5 (Private session at 3.52 p.m.) *(Reclassified partially in public)

6 THE COURT OFFICER: We're in private session, your Honour.

7 PRESIDING JUDGE FREMR: Thank you.

8 Ms Witness, first of all I would like to thank you because you spent with us

9 four -- almost four days this week. I know that it was very demanding for you, very

10 exhausting. And I also know the, Chamber know that you expressed your wish, if

11 possible, to leave before this weekend, but unfortunately it's not possible. You may

12 remember we also had to break earlier on Tuesday (Redacted)

13 but I guess for 99 per cent I can promise you that Monday will be the last day for you

14 in the court.

15 As I also -- we also noted that you expressed some concern (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) So please at least use this weekend for taking some rest and

19 it is most likely that you will finish your testimony on Monday, Monday afternoon.

20 And as usually, I have to remind you that you must not discuss your testimony with

21 anybody else.

22 Have you understood all of that?

23 THE WITNESS: (Interpretation) Yes.

24 PRESIDING JUDGE FREMR: So thank you very much for the moment. And we

25 will see you again on Monday.

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(Closed Session)

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1 Now let's move into closed session and the witness may be escorted out of the
2 courtroom.

3 (Closed session at 3.55 p.m.) * Reclassified entirely into public.

4 THE COURT OFFICER: We are in closed session, your Honour.

5 PRESIDING JUDGE FREMR: The witness has left, so we can return back into open
6 session, please.

7 (Open session at 3.56 p.m.)

8 THE COURT OFFICER: We are in open session, your Honour.

9 PRESIDING JUDGE FREMR: So before we break, we have to solve issue of the
10 Monday's schedule. According my information, Defence so far used 5 hours and 1
11 minute, which means that you still are in accordance with our principles entitled for
12 first morning session, but we are aware that you made a submission to get one session
13 more. So is there any reason to change this submission, or are you insisting on that,
14 Mr Bourgon?

15 MR BOURGON: Yes, Mr President, we are insisting on that second session in order
16 to finish. Thank you.

17 PRESIDING JUDGE FREMR: Prosecution did not object. Any change of position,
18 no?

19 MS SAMSON: No.

20 PRESIDING JUDGE FREMR: So give me a second.

21 (Trial Chamber confers)

22 PRESIDING JUDGE FREMR: After silent deliberation within the courtroom, the
23 Chamber decides that the submission or the request is granted, which means that the
24 Defence has to finish its cross-examination by the end of the second morning session;
25 in other words, by 1 o'clock. Very short reasoning, we in effect accepted most of the

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(Open Session)

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1 reasons presented by Mr Bourgon. It is true that there were probably -- it will be still
2 some delicate areas attached during the testimony that requires really special
3 treatment of the witness. We all witnessed that it is not easy to question this witness,
4 that really it requires putting special, very simple questions, sometimes the witness,
5 even all parties were informed about this, but she was not able to understand.
6 Simply there were some issues that in our eyes really are giving justification for
7 granting this request.

8 So we granted this. And it means that we will continue on Monday. And the
9 afternoon session is going to be devoted to the questions from the Chamber for
10 re-examination-in-chief as has been indicated by Ms Samson and hypothetically also
11 for re-cross, if any.

12 So we break now and we will reconvene on Monday, 9.30.

13 THE COURT USHER: All rise.

14 (The hearing ends in open session at 4.00 p.m.)

15 RECLASSIFICATION REPORT

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