

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, 29 April 2016

8 (The hearing starts in open session at 9.34 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: Thank you, Mr President.

15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor

16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.

17 And for the record, we are in open session.

18 PRESIDING JUDGE FREMR: Thank you, court officer.

19 Now appearances starting with Prosecution.

20 MR IVERSON: Good morning, Mr President and your Honours. Appearing for the

21 Office of the Prosecutor today we have Marion Rabanit, associate trial lawyer;

22 Rens van der Werf, assistant trial lawyer; Claudine Umurungi, legal assistant;

23 Selam Yirgou, case manager; and myself, Eric Iverson, trial lawyer.

24 PRESIDING JUDGE FREMR: Thank you, Mr Iverson.

25 Defence, please.

1 MR BOURGON: (Interpretation) Good morning, Mr President. Good morning,
2 your Honours. Good morning to all those in the courtroom. Representing
3 Bosco Ntaganda, who is present with us this morning, we are Erik Cookson-Montin,
4 Ms Margaux Portier, Maître Dignité Bwiza, and myself, Stéphane Bourgon. Thank
5 you, Mr President.

6 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

7 Legal Representatives of Victims, please.

8 MS PELLET: (Interpretation) Thank you, Mr President. Former child soldiers are
9 represented by Mohamed Abdou and myself, Sarah Pellet, counsel at the OPCV.

10 Thank you.

11 MR SUPRUN: (Interpretation) Good morning, Mr President, your Honours.

12 Victims of the attacks are represented by the OPCV, Anne Grabowski, associate jurist,
13 and myself, Dmytro Suprun, counsel.

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

15 And duty counsel, please.

16 MR RAIMONDO: Good morning, Mr President. Good morning, your Honours.

17 Fabián Raimondo, legal adviser to the witness under Rule 74. Thank you.

18 PRESIDING JUDGE FREMR: Thank you, Mr Raimondo.

19 We should continue with cross-examination of Witness 907, but since Defence asked
20 to have a chance to approach the Chamber without presence of the witness, now,
21 Mr Bourgon, you have the floor.

22 MR BOURGON: Thank you, Mr President. I thought it would be best to address
23 the Chamber on the issue of timing without the witness being present.

24 Mr President, regarding timing, the time allotted for cross-examination, I would like
25 to make the following observations. The Office of the Prosecutor was initially -- or

1 initially requested 10 hours to do its examination-in-chief of Witness 0907.
2 Preparations for cross-examinations were made of course on this basis, that we would
3 be entitled to the same time as the Prosecution, which would be 10 hours.
4 The Chamber invited the Office of the Prosecutor to complete its cross-examination in
5 less time and suggested a timing of 8 hours. We responded in electronic
6 correspondence to the Chamber that if the Prosecution was able to do so, to complete
7 its examination-in-chief within 8 hours, that we would endeavour to do the same.
8 Now, my colleague did a very good job time-wise and he completed his
9 examination-in-chief in 7 hours and 29 minutes. As a first submission I submit,
10 Mr President, that the time which was allotted to Legal Representatives of Victims
11 should also be counted and they were given and to the best of my knowledge used
12 20 minutes, which would bring us, Mr President, to 7 hours and 49 minutes total for
13 the time that was used for examination-in-chief.
14 Mr President, I respectfully submit as a second argument that I did contribute
15 personally to the success of the Prosecution in bringing down the time if only, to
16 provide one example, by agreeing with my colleague just when he was about to finish
17 to go ahead and to listen to the audio tape from KBL without any arguments on this
18 side. On this basis, Mr President, I submit that I should be -- I would like to be
19 authorised to do at least 8 hours, which is what the Chamber had initially suggested
20 the Prosecution should do.
21 Now, based on the conduct of cross-examination so far, it is my submission that I
22 need a little more time to complete the cross-examination. For sure I will not be able
23 to cover everything I set out to do and I have no intention to try to do that. So far
24 I've used according to madam registrar 4 hours and 38 minutes. So if we look at
25 the -- on the basis of 8 hours, this would leave me 3 hours and 22 minutes to complete

1 cross-examination.

2 Based on what the Chamber was able to see between the interaction between the
3 witness and myself, I respectfully ask a little more time to go to 4 hours instead of
4 3 hours and 22 minutes. I don't believe, Mr President, that this will cause prejudice
5 to anyone. I think it is in the interests of justice to do so and I think that this request
6 is quite limited.

7 Now, the last thing I'd like to say of course is last just to note that of course time was
8 required every time when I went to cross-examination, I stop every time asking for
9 the spelling of the names to ensure that the record was complete, which also did take
10 some time. For all these reasons, Mr President, I respectfully request to be allotted
11 4 hours today to complete my cross-examination, and I think that will allow us to
12 complete both re-exam, if any, and questions from the Judges.

13 Thank you, Mr President.

14 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

15 Prosecution, any position on this issue?

16 MR IVERSON: Mr President, I understand that Defence counsel is asking for an
17 additional 4 hours. I guess I'm not sure --

18 PRESIDING JUDGE FREMR: Not additional 4 hours. He's asking for additional
19 38 minutes, in fact.

20 MR IVERSON: Additional, okay. Now it's clear to me. Our position would be
21 that he should be able to complete the cross-examination in the same amount of time
22 that we used for the direct examination. And I noticed yesterday there were a lot of
23 questions that go into minute detail. Some of those questions don't appear to be
24 entirely necessary. And again, I've said this before, it's not for the Prosecution to
25 suggest how Mr Bourgon, how Defence counsel should be cross-examining witnesses,

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1 it's not for the Prosecution to micromanage how he's asking questions, but my
2 observation is a lot of these questions going into minute detail and to minor collateral
3 matters that really are very of marginal relevance I think wastes a lot of time, and if he
4 were able to tighten that up, he would be able to finish in the allotted time. So our
5 position is he should be able to finish in 7 and a half hours.

6 PRESIDING JUDGE FREMR: Thank you.

7 We will deliberate during our morning break and we will deliver our oral ruling just
8 at the beginning of the second session today.

9 Now we will continue with cross-examination of our witness.

10 So, court usher, please bring witness into the courtroom.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE FREMR: Good morning, Mr Witness.

13 WITNESS: DRC-OTP-P-0907 (On former oath)

14 (The witness speaks Swahili)

15 THE WITNESS: (Interpretation) Good morning.

16 PRESIDING JUDGE FREMR: How are you doing today?

17 THE WITNESS: (Interpretation) Somewhat fine.

18 PRESIDING JUDGE FREMR: Very well. So as I indicated yesterday, we will today
19 continue with cross-examination conducted by Defence. So again it's my duty to
20 remind you that you are still under oath, which means that you have to speak truth
21 and nothing but the truth. But I guess it's clear to you because it's not the first time
22 I am giving you this guidance.

23 So now, Mr Bourgon, you have the floor.

24 MR BOURGON: Thank you, Mr President.

25 QUESTIONED BY MR BOURGON: (Continuing)

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1 Q. Good morning, Witness.

2 A. Good morning.

3 MR BOURGON: I would like to begin this morning, and we can stay in open session,
4 Mr President, for this part of the cross-examination.

5 Q. I would like to begin by showing you a video which is simply another extract of
6 the same video we looked at yesterday. The number of the exhibit is

7 DRC-OTP-0082-0016. And I would like to take control so that we can play the video

8 from the defence side, and I would like to display for the witness or to play for the

9 witness the extract which begins at 33.54 to 37.45. And I do not require any sound to

10 be played. It's only the image I'm interested in.

11 So, Mr Witness, if the Court authorizes me, we will proceed.

12 PRESIDING JUDGE FREMR: Give us a second.

13 Prosecution, your position? Any objection to the use of this video?

14 MR IVERSON: No objection.

15 PRESIDING JUDGE FREMR: Very well.

16 So, court usher, court officer, then we can proceed as requested.

17 THE COURT OFFICER: Thank you, Mr President.

18 We need to know the level of confidentiality of the video, Mr Bourgon. And it will
19 be displayed on the evidence 2 channel.

20 MR BOURGON: To the best of my knowledge it is not a confidential exhibit, but
21 maybe my colleague from the Prosecution can correct me if I'm wrong. It is a --

22 PRESIDING JUDGE FREMR: Mr Iverson, can you confirm?

23 MR IVERSON: Can I have just a moment to confirm?

24 PRESIDING JUDGE FREMR: For sure.

25 MR IVERSON: Thank you.

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1 MR BOURGON: The video was displayed -- was played in public with other
2 witnesses. So I don't have the exact answer, but I understand it is important to
3 verify.

4 PRESIDING JUDGE FREMR: Thank you. But I would rather still wait for
5 confirmation from the Prosecution part.

6 MR IVERSON: Just one moment, your Honour, we'll have an answer for you.

7 (Counsel confer)

8 MR IVERSON: As always, it is not as simple as it seems. It is a confidential exhibit.
9 It was disclosed confidentially. That said, Defence counsel is absolutely correct, it
10 has been played publicly. It was played publicly also in the Lubanga proceedings.
11 So we would not object to it being played publicly.

12 PRESIDING JUDGE FREMR: Thank you very much, Mr Iverson. So it seems we
13 may proceed as requested.

14 MR BOURGON: Thank you, Mr President.

15 Q. So, Mr Witness, you will take a look at the screen before you and this short
16 extract of the video will be played and I would like you to examine closely what you
17 see.

18 (Viewing of the video excerpt)

19 MR BOURGON:

20 Q. Mr Witness, did you have a chance to examine this video, to watch the video?

21 A. Yes.

22 Q. And, sir, do you recall that this video was played to you when you were
23 interviewed by the Prosecution and when you provided your statement?

24 A. Yes, I remember.

25 MR BOURGON: For the record, Mr President, I note that in the statement of the

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1 witness this video was played at the following place, DRC-OTP-2084-1435, and it
2 begins at line 372 on page 1447 until line 426 at page 1448, and it continues in a
3 second document, DRC-OTP-2084-1449, from line 1 at page 1450 to line 53 at
4 page 1451.

5 Q. Sir, do you recall that when you looked at this part of the video you offered no
6 comments regarding the location at which it was filmed?

7 A. I have not understood your question.

8 Q. I will say my question again. When this video was played to you during your
9 interview, you did not make any comment as to where it was filmed other than what
10 we looked at together yesterday.

11 A. I made some remarks and comments.

12 Q. Did you make some remarks on the location it was filmed for this particular
13 part of the video?

14 A. I said that the video was shot at the field near the school where we used to
15 assemble.

16 Q. Thank you, sir. I draw your attention and ask you to confirm that on the video
17 you saw the building in concrete?

18 A. Yes, I saw buildings in baked bricks.

19 Q. And, sir, I suggest to you that what you saw on this video, which is the same as
20 what you saw yesterday on the video, is the training camp at Mandro and that you
21 were not able to recognize the place as such; is that correct?

22 A. What you are saying is a lie. That place is not the training centre. This is
23 another centre where I can see the offices and the school up the slope from
24 Chief Kahwa's residence. I know that area very well. But you are probably the one
25 mixing up things.

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1 PRESIDING JUDGE FREMR: And, Mr Witness, I think you shouldn't say, even if
2 you disagree, that it's a lie. You'd rather say it's not true, because lie means that
3 somebody intentionally saying something which is not true, which we don't have any
4 at the moment, any proof of that. So if you don't agree, please say it's not true
5 according to your view, okay?

6 Mr Bourgon, please proceed.

7 MR BOURGON: Thank you, Mr President.

8 Q. Mr Witness, the video that was played for you, you were not present on that
9 occasion, were you?

10 A. Maybe I was there. But that is a place where we used to meet every day at the
11 centre. I might have been there. We used to have such assemblies at that place
12 regularly.

13 Q. I will come back with what the answer you provided to the Prosecution in your
14 statement. I don't have it right now. But I suggest to you, sir, that this event took
15 place in the latter part, later part of October. Are you aware of this? Does that
16 refresh your memory?

17 A. I no longer recall the dates, but those gatherings, it is possible that I took part in
18 them, or maybe not, but that is where we would have our parades and our gatherings.
19 I beg your pardon, I'm sorry about not remembering the dates. I've forgotten.

20 Q. Sir, on this video you did recognize Chief Kahwa; is that correct?

21 A. Yes, I saw Kisembo, Bosco, Baigani (phon), Américain, a journalist from Radio
22 Candip and other people. At first I saw -- well, when I first saw that video -- well,
23 here I saw some other people, more people this time, and what I recognize, the people
24 I recognize I have mentioned.

25 Q. Sir, I suggest to you that this area, which is the Mandro training camp, is the

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1 area where the weapons were dropped in Mandro at the end of July. Does that
2 refresh your memory?

3 A. If you drop off rifles at a place like this there will be accidents. The rifles were
4 dropped off more in the area of Kudja in the centre of the town.

5 Q. Sir, when you were asked about the Prosecution whether you were there on that
6 day, I quote from your statement, the number of the statement is DRC-OTP-2084-1435,
7 and the page is 1441 and you say:

8 "But on the day of the meeting, me, I was not there. I probably was in Tchomia."

9 Do you confirm this response, sir?

10 A. Yes, I can -- I confirm that point. The day that the Prosecution showed me the
11 video there was blood, but we don't see any blood here. This is completely different.
12 When I saw the video the first time --

13 THE INTERPRETER: Correction from the interpreter: The word used was not sang,
14 blood, the word used was sound, son.

15 PRESIDING JUDGE FREMR: Mr Iverson.

16 MR IVERSON: I would request that we go into private session, Mr President.

17 PRESIDING JUDGE FREMR: All right.

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

19 (Private session at 10.05 a.m.) *(Reclassified partially in public)

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

21 PRESIDING JUDGE FREMR: Thank you, court officer.

22 Mr Bourgon, please proceed.

23 MR BOURGON: (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Sir, yesterday questions were put to you about an event where you provided
9 information about the presence of Bosco Ntaganda giving weapons and ammunition.

10 You know which event I'm talking about, right?

11 A. No, I don't remember. Oh, no, no, I do remember.

12 Q. Sir, when I asked you a question yesterday, or many questions, on this event,
13 you said, this is transcript 91, page 81, lines 1 to 7.

14 MR BOURGON: If I may have just a quick minute, Mr President, please.

15 PRESIDING JUDGE FREMR: All right.

16 (Counsel confer)

17 MR BOURGON:

18 Q. So I'm quoting, Mr Witness, and for the Prosecution, from page 81, of
19 transcript 91, from line 3. And the question that was put to you during yesterday
20 was:

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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5 (Redacted)

6 Q. Thank you, sir. And my last question on this topic, and I'll put my case to you,
7 and I will suggest that you never trained as a recruit in the Mandro training camp,
8 you never attended that camp for recruit training, and everything you said about
9 what was happening during the recruit training is pure fabrication based on rumours.

10 A. Give me a pen and a sheet of paper and I can sketch all the camps. The
11 officer's camp, the camps where the manyatas were, the targets, the place where the
12 recruits were taught how to handle weapons, the place where weapons were dropped
13 off. I can sketch everything out and put it on paper and you can go on site and check
14 for yourself. You -- can you -- you're saying that this is hearsay but, please, give me
15 a piece of paper and a pen and I will sketch something for you and then you can go
16 and check and see whether it's true in the field.

17 Q. Thank you, sir. I have no doubt that you could sketch this area, but this is not
18 the point and I move to a different topic.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 Q. (Redacted)

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1 (Redacted)

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3 A. (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Thank you, sir. I now turn to the planning of the first attack on Mongbwalu.

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1 Now, according to your testimony, and this is transcript 89, page 24, lines 12 to 14,
2 everyone knew that Mongbwalu was going to be attacked. You can confirm this?

3 A. Yes, I can confirm that a hundred per cent.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. Yes, I do.

8 Q. Now, I'd like to confirm at this point in time, based on your testimony, your
9 personal objective for participating in this attack. And I will quote from transcript 89,
10 page 31, lines 23 to 25.

11 PRESIDING JUDGE FREMR: Mr Iverson.

12 MR IVERSON: Mr President, I would just ask that Defence counsel actually identify
13 which attack because there were -- we've talked about three different attacks on
14 Mongbwalu, so just for the sake of clarity which one he is referring to would be
15 helpful for the evaluation of the witness's testimony.

16 PRESIDING JUDGE FREMR: Mr Bourgon.

17 MR BOURGON: Thank you, Mr President. I thought it was clear, but I'm dealing
18 with the planning of the first attack, but I don't mind clarifying.

19 Q. Sir, is there any doubt in your mind that we are talking here about the first
20 attack on Mongbwalu?

21 A. Yes, I do.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. There were many, many soldiers there. Many soldiers. And there were many,
2 many soldiers together and there was no time to address those types of questions, or
3 for those types of questions to be raised.

4 Q. Now, you provided, sir, a description of the attack as it was conducted. Who
5 was issuing orders to your group during that attack, or were you just joining along
6 and just firing away?

7 A. The brigade commander led the battle. There was the -- there were battalion,
8 company and platoon commanders as well. And so the orders came from above and
9 trickled down to the sections. Orders did not come from a single individual. The
10 orders came from the highest level and trickled down to the lowest level by word of
11 mouth.

12 Q. Sir, during your testimony you provided a very good description of orders
13 going down to up and up to down. What I'm interested in is (Redacted)
14 (Redacted) and who is issuing orders to
15 you? Or are you just following the pack?

16 A. We obeyed orders from the platoon commander. I did not know the name of
17 our platoon commander. There were very many new soldiers coming from different
18 directions and we did not know each other. There were other soldiers as well who
19 did not know the name of the platoon commander. And one could not go up to ask
20 the section or platoon commander what his name was. What mattered at the time
21 was to obey the orders. If it were said to lie down, we had to. If we were asked to
22 advance, we had to. And there was no time to go around asking for the identity of
23 the commander.

24 Q. Sir, my last question before the break is actually my second topic. I suggest to
25 you, sir, that on the basis of information we've gathered during investigation that

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1 there was no large-scale preparation which took place in Nizi before the first attack in
2 Mongbwalu. Does that refresh your memory?

3 A. I dismiss that assertion because I can describe to you the place where the
4 preparation took place. When you left Nizi for Mongbwalu you would pass by a
5 contingent of blue berets. There were a field where these things could be seen.
6 And the inhabitants of Nizi can all tell you what happened because people were there
7 singing, some were beating drums and many people were involved. For about a
8 week there were some blue berets, there were a contingent there. There were *two
9 brick houses which we know about. There are women in Nizi who can provide you
10 with the information who can tell you what happened. They will tell you that there
11 were soldiers there for about a week singing, and it was even possible to see how all
12 of this was happening at that time, *and they could easily see Bambu.

13 Q. Sir, in fact, I suggest to you that the soldiers who participated in the first attack
14 on Mongbwalu, they departed from Mandro from where they travelled directly to
15 Mabanga without stopping in Nizi; does that refresh your memory?

16 A. No, I dismiss what you are saying. There was a big preparation in Nizi.
17 People spent an entire week there singing throughout the nights. There was no
18 grass anywhere because people had stomped all the grass so to speak, they had
19 trampled upon it. * You can go to Barrière, if you ask questions to people, if you
20 check... ask everyone in Nizi. Call them and ask them and they will tell you that the
21 war was prepared and planned in Nizi. Go there and ask them and you will find out.

22 MR BOURGON: Mr President, I think we can stop for the break.

23 PRESIDING JUDGE FREMR: All right. So let's move into open session.

24 (Open session at 11.04 a.m.)

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

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1 PRESIDING JUDGE FREMR: Thank you, court officer.

2 We are going to take 30-minute break, which means that we will reconvene 11.35.

3 THE COURT USHER: All rise.

4 (Recess taken at 11.05 a.m.)

5 (Upon resuming in open session at 11.35 a.m.)

6 THE COURT USHER: All rise.

7 Please be seated.

8 PRESIDING JUDGE FREMR: We will start with delivery of Chamber's oral ruling
9 on Defence request to be granted additional time.

10 We have considered all factors relevant for our decision. We considered submission
11 made by Defence and Prosecution and our decision is that the Defence is granted
12 8 hours for its cross-examination in total, which means 30 minutes more than
13 Prosecution.

14 So according our current measuring, Mr Bourgon, you still should have at your
15 disposal from this moment, 2 hours and 5 minutes.

16 Now we can continue with cross-examination of the witness.

17 MR BOURGON: Thank you, Mr President.

18 Q. Welcome back, Mr Witness.

19 A. Thank you.

20 Q. Before the break we were discussing events which, according to your testimony,
21 would have taken place in Nizi. Now, again in your testimony, if I understand you
22 correctly --

23 PRESIDING JUDGE FREMR: Mr Bourgon, I guess is there a need to move into
24 private? Nobody is --

25 MR BOURGON: Yes.

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1 PRESIDING JUDGE FREMR: -- from the public gallery but --

2 MR BOURGON: Yes, there is, Mr President, because we're talking -- yes.

3 PRESIDING JUDGE FREMR: All right.

4 Then let's move into private session, court officer, please.

5 (Private session at 11.38 a.m.) *(Reclassified partially in public)

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

7 PRESIDING JUDGE FREMR: Thank you, court officer.

8 Mr Bourgon, please proceed.

9 MR BOURGON: Thank you, Mr President.

10 Q. Mr Witness, according to your testimony, if I understand you correctly you say
11 that after two days of meetings in Nizi Bosco Ntaganda showed up personally. Do
12 you stand by this testimony?

13 A. I said that the preparations lasted several days in Nizi. When we got to Nizi
14 the last order was given during a parade and it was just before the departure to battle.
15 Other than that, the preparations lasted for several days.

16 Q. My question, sir, is it your testimony that Bosco Ntaganda showed up
17 personally at some point during this planning?

18 A. Yes, he did come.

19 Q. (Redacted), I take it that it is
20 your testimony that you saw him personally there?

21 A. I saw him. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Now, sir, I suggest to you that days before the first attack on Mongbwalu until
25 the end of the first attack on Mongbwalu Bosco Ntaganda was in Aru and was

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1 not -- was at no time present where you say he was. Does that refresh your
2 memory?

3 A. He did come and when he came a parade was organised. We were ready to
4 head out and we were asked to wait for Mzee Tango who was to give us instructions,
5 so we waited, we waited and then he came. But if you are talking about the second
6 preparations, you might be right. But in this case, I am talking about the first
7 preparations in Nizi. He did come.

8 Q. For the record, sir, I will confirm that I was referring to the preparation for the
9 first attack and I will move on.

10 The place you refer to in Nizi, I'd like you to confirm that from that place there are
11 basically two ways or two ways you can reach Mongbwalu. The first one is you
12 could drive from Nizi and then all the way to Kilo and then to Mongbwalu. That's
13 one way you can get to Mongbwalu, right?

14 A. Yes, that's right.

15 Q. And another way to make it to Mongbwalu would be to go from Nizi to
16 Mabanga, Dala, *airport and then Mongbwalu; is that correct?

17 A. (No interpretation)

18 MR BOURGON: I didn't get the witness's answer.

19 THE WITNESS: (Interpretation) That is correct.

20 THE INTERPRETER: Message from the Swahili booth: There were some
21 overlapping speakers, your Honour.

22 THE WITNESS: (Interpretation) But there's a third road that you didn't mention.
23 There's a third and actually a fourth road.

24 MR BOURGON:

25 Q. I'm not so much interested into those other roads, but I am interested in your

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1 knowledge of the fact that regarding that first road, the one that goes from Nizi to
2 Kilo to Mongbwalu, you're well aware that very close to Nizi is the area that was
3 under the control of the Lendu combatants; do you agree with that?

4 A. When you go to Mongbwalu or when you come from Mongbwalu? Could you
5 be more specific?

6 Q. Yes, I will be. You are in Nizi, first thing you have to go in order to get to Kilo
7 is you have to cross that bridge that is close to Nizi; is that correct?

8 A. Well, you leave Nizi and you go by way of a bridge, you cross the bridge, and
9 then you get to Bambu and then you go on to Kobu. At Kobu there is no bridge.

10 From Kobu you go to Kilo. There's no bridge between Bambu and Nizi. There is a
11 bridge --

12 THE INTERPRETER: Message from the Swahili booth: Your Honour, could the
13 witness be asked to repeat the last part of his reply?

14 PRESIDING JUDGE FREMR: Mr Witness, we got message that the last part of your
15 response was not captured. Could you kindly repeat it?

16 THE WITNESS: (Interpretation) I just said this: There is a bridge between Nizi
17 and Bambu, but between Bambu and Kobu there is no bridge. And between Kobu
18 and Kilo there is no bridge either.

19 MR BOURGON:

20 Q. Sir, I'll clarify --

21 A. Nor there is a bridge.

22 Q. Sir, I will clarify my question. You did answer it, but you went way beyond.
23 My question is very simple. You are in Nizi and you want to go to Kilo. First you
24 have to cross this one bridge right after Nizi; is that correct?

25 A. That is true. That is the Bambu bridge.

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1 Q. And very shortly after this bridge is the area that was being controlled by the
2 Lendu combatants; is that correct, sir?

3 A. That is correct.

4 Q. I'd like now to ask you a few questions about the manner in which the first
5 attack on Mongbwalu would have been conducted, but I will focus just on a few
6 issues. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 Q. Sir, I ask you whether you can confirm that Damblo is a place which was
10 entirely destroyed and burned during the ethnic conflict in 1998 and 1999. Can you
11 confirm this?

12 A. In 1998 and 1999 during the AFDL reign.

13 Q. I'm looking at the time period and I'm asking you whether you have knowledge
14 that in 1998 and 1999, during that period, Damblo was entirely destroyed and burned
15 during the ethnic conflict. Do you know this, yes or no?

16 A. I'm not aware of that. I don't have that information. At that time I did not go
17 to Damblo.

18 Q. And, sir, I further suggest to you that by the time the first attack on Mongbwalu
19 took place, there was almost nothing left of Damblo when the troops went by there.

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Sir, please focus on my question. My question was: There was almost no
25 buildings or housing left in Damblo by the time the first attack on Mongbwalu took

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1 place. Can you confirm this, just yes or no?

2 A. Do you mean UPC soldiers destroyed those houses? I haven't understood
3 your question.

4 Q. I will clarify my question, sir, once again. You describe the first attack on
5 Mongbwalu, and according to your testimony a massacre was committed in Damblo
6 during that first attack. Now, I'm suggesting to you that during that first attack
7 Damblo was almost nonexistent and there were very few houses there even before
8 you arrived. Can you please just say yes or no.

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted), you can confirm that the people who
13 were living there, the few civilians you said who were living there -- I'm not sure if
14 you said "few," I don't want to go beyond what you said, but the civilians who were
15 living there, they were of Nyali origin; you can confirm this, right?

16 A. Yes, they were Nyali people.

17 Q. And the Nyali people are very close to the Hema people, right?

18 A. That is correct. No -- well, I would say no. They are not very close to one
19 another.

20 Q. And you can confirm, sir, that Kisembo, the chief of staff or chef d'état-major
21 général, his uncle is Nyali, you can confirm this and you know this, right?

22 A. That is true. His uncle is from Kilo and he is a Nyali person, yes.

23 Q. And, sir, I suggest that this attack which you describe, which is nowhere to be
24 found in the Prosecution's theory of the case or any documents we have been
25 provided with, simply never took place. Does that refresh your memory?

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1 A. The Damblo attack did indeed occur. It occurred between 6.30 and 7.30 in the
2 evening when we attacked Mongbwalu and on that day we spent the night very close
3 to the airport. Everyone knows full well that an attack was launched upon Damblo
4 at that time.

5 Q. Sir, you can confirm that (Redacted) is that correct?

6 A. Well, in actual fact it is (Redacted)

7 Q. And you can confirm, sir, that (Redacted)
8 (Redacted); you are aware of this, right?

9 A. Yes, I can confirm that.

10 Q. I would like to read from your statement which you provided to the Prosecution
11 and I refer here to DRC-OTP-3082-2996 and I will read from page 3019 starting at
12 line 779.

13 This is your answer: (Redacted)
14 (Redacted)

15 Do you recall saying this to the Prosecution, sir?

16 A. That is true. That is what I said.

17 Q. And, sir, I suggest to you that you know that the troops have never attacked a
18 Nyali village (Redacted)
19 (Redacted). Does that refresh your memory?

20 A. No, no, that doesn't refresh my memory. I told you how the operation
21 unfolded from Nyali to Mongbwalu. The *Nyali village was attacked and that is an
22 event that everyone is familiar with. The civilians know about that event, be it
23 civilians from Damblo, Dala, everyone knows that Damblo was sacked. It is a fact
24 well known by all civilians. And what is more, that place was uninhabited for
25 several days.

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Sir, in your testimony you also describe how it was decided that Salumu's
17 brigade would withdraw from Mongbwalu. Do you remember testifying about this?

18 A. Left Mongbwalu for where?

19 Q. Sir, I'm talking about the attack that failed in Mongbwalu and I'm simply asking
20 you if you remember talking about after the failure how it was decided that Salumu's
21 brigade would withdraw?

22 A. When we were defeated, Salumu gave orders for a retreat because the war had
23 become intense. So we all left the area. There was only one brigade there at the
24 time. There was no other brigade.

25 Q. Thank you, sir. I refer to what you responded to the question put to you by the

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1 Prosecution and this is at transcript T-89, this is on page 27 and I start reading from
2 line 18.

3 You say here, "However, the numbers of our enemies continued to increase and that
4 is how we soon found out that we were in a difficult situation. That is how we had
5 to tactically fall back and it was a situation where everyone -- every man for himself.
6 Some went to the airport, some went to Mabanga, some went to other areas."

7 Do you stand by this testimony, sir?

8 A. Yes, I can confirm that. I said that when the number of fighters from Sayo
9 increased, we had to withdraw. We fell back. Some went to Mabanga, some to
10 Nizi, and we went as far back as Bunia. And so we gave up and left. Others
11 remained in Mabanga and others still in Nizi. (Redacted)
12 (Redacted)

13 Q. Picking up from your earlier answer that orders were issued by Salumu that the
14 troops were to retreat, I suggest to you, sir, that there was no situation of everyone,
15 every man for himself, as you described it, and that if you had been there, you would
16 know this.

17 A. I'm sorry, I haven't understood your question. You see, orders came only from
18 one person, the brigade commander. He would issue the orders and the orders
19 would trickle down (Redacted)
20 (Redacted)
21 (Redacted) That is what happened.

22 Q. Sir, I suggest to you that contrary to your testimony, the tactical withdrawal you
23 referred to was completed in an organised manner; does that refresh your memory?

24 A. Well, this is -- this is how we started to withdraw. Those who were near me,
25 the soldiers who were near me said that orders had come for us to withdraw and

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1 that's how we started to fall back. You cannot begin a withdrawal or a retreat all by
2 yourself, otherwise you would be said to have deserted the battlefield and you can be
3 executed for that. So the order to withdraw was given to everybody and we
4 complied.

5 Q. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 A. (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. And the others, which unit were they from?

11 A. The others were added in Nizi, Mabanga. There were some camps all along
12 the road. There were young people who wanted to go to Mongbwalu and they had
13 no opportunity to do. So there were soldiers who were from that area who were
14 along the road.

15 Q. So if I understand you correctly, these soldiers are not part of any unit at the
16 time because -- and they are not taking part in the attack, they just happened to be on
17 the road to Mongbwalu; is that your testimony?

18 A. No. No. They were there with their commanders. Yes, they were in various
19 units. For example, the Nizi unit. I don't know the names of their commanders.
20 When they saw on the road towards Mongbwalu, that is when they joined the group.
21 There was not a great deal of checking or monitoring, there was comings and goings
22 of soldiers, but within the group there were the people who belonged to the Nizi unit.

23 Q. Sir, these people, if I understand you then, they had a unit but they deserted in
24 order to be on that paper with you; is that correct?

25 A. That is correct.

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1 Q. Now, if the aim of the operation was to go and loot in Mongbwalu, what would
2 be the advantage of going to loot with you rather than to loot with their unit?

3 A. Not all the soldiers went to Mongbwalu at the same time. (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

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- 12 A. (Redacted)
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- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. (Redacted)
- 20 (Redacted)
- 21 A. (Redacted)
- 22 Q. (Redacted)
- 23 A. Before starting -- your Honour, I have a very pressing, a very pressing need.
- 24 PRESIDING JUDGE FREMR: We will anyway, anyway break.
- 25 So if it's okay with you Mr Bourgon --

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1 MR BOURGON: Yes, Mr President.

2 PRESIDING JUDGE FREMR: So let's break now. So now, court officer, you may
3 take Mr Witness out of the courtroom and I will just at the end of the session make
4 some update about the timing.

5 So now let's move into open session.

6 (The witness stands down)

7 (Open session at 1.00 p.m.)

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

9 PRESIDING JUDGE FREMR: Thank you, court officer.

10 So according our measuring, Defence so far used 7 hours and 18 minutes, which
11 means that from the newly allotted time, which is 8 hours, you still have, Mr Bourgon,
12 at your disposal 42 minutes.

13 Now, one preliminary question to Prosecution. Mr Iverson, do you envisage any
14 demand for re-examination at this moment?

15 MR IVERSON: Right now I'm undecided. I think that there will be at least a few
16 questions, it's likely, but I'll have to see how it goes in the next session and in any case
17 it will be brief.

18 PRESIDING JUDGE FREMR: Brief is the main message. Okay.

19 MR IVERSON: Yes.

20 PRESIDING JUDGE FREMR: That's fine for the moment. So we break now and we
21 will reconvene half past 2.

22 THE COURT USHER: All rise.

23 (Recess taken at 1.01 p.m.)

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

25 THE COURT USHER: All rise.

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1 Please be seated.

2 PRESIDING JUDGE FREMR: Good afternoon, everybody. We understood that the
3 Prosecution would like to address the Chamber.

4 So if it's the case, Mr Iverson, you have the floor.

5 MR IVERSON: Yes, thank you for the floor, Mr President. I just wanted to make a
6 small but I think important clarification to something that was asked in the last
7 session. And I believe that this can be done in open session.

8 PRESIDING JUDGE FREMR: In open session. Okay then.

9 MR IVERSON: And the clarification is this: On page 40 of today's transcript,
10 lines 20 to 23, Defence counsel asked the witness: "I suggest that this attack which
11 you describe is nowhere to be found in the Prosecution's theory of the case or any
12 documents we have been provided with, simply never took place." At the time I
13 debated whether or not to object. I did not because I did not have -- I was not fully
14 armed with the information. And at this time I'm not objecting, I'm just simply -- I'd
15 like to make the clarification that assertion was actually incorrect. There have been
16 documents that have been disclosed referencing that attack, the name of the village
17 was Damblo, and I can provide references. One of the references is
18 DRC-OTP-2079-1693 at page 1714 lines 758 to 765, and that is the statement of
19 Witness 901, who also mentioned it in testimony at transcript 31, French version,
20 page 64, lines 11 through 13.

21 And then just one more reference, your Honours, in a -- not a trial witness, but a
22 witness -- Prosecution Witness 89 disclosed under Rule 77 mentioned those
23 same -- mentions those same attacks in Damblo, or attack, and that's at
24 DRC-OTP-0185-0497 at page 0511.

25 And I just wanted to make this clarification. And also a small request that if counsel

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1 could refrain from including extraneous information in questions and especially
2 where that extraneous information is incorrect, I think that it would lead to a better
3 evaluation of a witness's testimony because in some instances that extraneous
4 information could serve to create an impression on the witness's mind.

5 And that's all I have. Thank you, your Honours.

6 PRESIDING JUDGE FREMR: Thank you, Mr Iverson. I will for sure -- maybe first,
7 Mr Bourgon, please take the floor.

8 MR BOURGON: Thank you, Mr President. My colleague did approach me during
9 the lunch break to say that he would make this submission, to which of course I was
10 not opposed. The question was put to the witness that it was not in the Prosecution's
11 theory of the case or in the updated Document Containing the Charges, although I
12 did not mention this. So that was the gist of the question, to which was added the
13 fact that we -- no documents were disclosed.

14 Now, to the best of our knowledge, until my colleague made these corrections, we
15 had two documents mentioning events in Damblo, one coming from the witness and
16 one coming from his wife. We will of course verify these documents.

17 And I always make a point of building a question on something what was of course
18 bona fide information in our possession before I put a question to the witness. So if
19 in this case I went further, I invited my colleague by all means to address the topic
20 with the Chamber because that should not be done. Thank you, Mr President.

21 PRESIDING JUDGE FREMR: Thank you.

22 Mr Iverson, any need for further reaction? I don't think so.

23 MR IVERSON: No. Thank you, Mr President.

24 PRESIDING JUDGE FREMR: And I can just confirm that I think we all are at the
25 same page and the fact if any party is referring to any extraneous fact, it should be

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1 really correct. I believe that sometimes it can occur that by error a party is referring
2 to a fact which is not fully correct, but what I think is self-evident and clear that you
3 for sure have to avoid any attempt to refer to facts that are not correct intentionally.

4 Now, court usher, please bring our witness into the courtroom.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE FREMR: Good afternoon, Mr Witness. We will continue with
7 your testimony. Are you feeling okay?

8 THE WITNESS: (Interpretation) I feel fine.

9 PRESIDING JUDGE FREMR: Very well then. So now I'm giving floor to Defence.
10 Mr Bourgon, you have for the conclusion of cross-examination last 42 minutes. So
11 the floor is yours.

12 MR BOURGON: Thank you, Mr President.

13 Q. Welcome back, Mr Witness. Just before the --

14 A. Thank you.

15 PRESIDING JUDGE FREMR: Mr Bourgon, my usual question, could we remain in
16 open session or in the interests of protection of this protected witness, should we
17 move into private session?

18 MR BOURGON: It's safer to go into private session, Mr President.

19 PRESIDING JUDGE FREMR: All right.

20 Then, court officer, let's move into private session.

21 (Private session at 2.39 p.m.) *(Reclassified partially in public)

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

23 PRESIDING JUDGE FREMR: Thank you, court officer.

24 Mr Bourgon, please.

25 MR BOURGON: Thank you, Mr President.

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1 Q. Sir, just before the break we were talking about the events to which you testify
2 which happened in Sayo as well as in Mongbwalu. I'd like to begin by asking you to
3 confirm you did say just before the break that Bosco Ntaganda arrived two days after
4 you were in Mongbwalu; is that correct?

5 A. Yes, that is correct.

6 Q. And you testified this morning that when you arrived in Mongbwalu the
7 operation on Sayo was ongoing; is that correct?

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Thank you, sir. The only thing I'd like to confirm at this time is that by the
13 time Bosco Ntaganda arrived in Mongbwalu two days later Sayo had already been
14 captured; is that your testimony, sir?

15 A. Yes, Sayo was already being occupied.

16 Q. I'd like at this point to ask a quick question concerning the participation of Tiger
17 One. There was a few questions asked about this this morning and at page 62,
18 line 21 you mentioned that Tiger One came along with the troops from Aru. I would
19 simply like to suggest in this regard that Tiger One did not come from Aru. Does
20 that refresh your memory in any way?

21 A. That is not of assistance. Tiger One came from Aru (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Well, let me go back then, sir, to the time period in between the two attacks, just
25 to make a few clarifications as I am completing my cross-examination.

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5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

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10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 Q. Thank you, sir.

21 On the basis of the answers you provided to my question, let me, sir, put my case to

22 you, see if it would help you in refreshing your memory.

23 Now, sir, what I suggest to you is that (Redacted)

24 (Redacted)

25 (Redacted) You did not participate in the first attack on Mongbwalu, you did not

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1 participate in the second attack on Mongbwalu, and you were never trained as a
2 recruit in Mandro earlier on as you say. Sir, that is my case and I'd like to know if
3 that refreshes your memory.

4 PRESIDING JUDGE FREMR: Hold on, Mr Witness.

5 Mr Iverson.

6 MR IVERSON: A lot of this has been covered, but I would object on the basis that
7 it's a compound question. There's just way too much information in that question,
8 your Honour.

9 PRESIDING JUDGE FREMR: It's true, but I think that compound questions
10 shouldn't be necessarily prohibited if the witness is capable to cover all those issues,
11 and in this case of this very intelligent witness I think he can answer.

12 MR BOURGON:

13 Q. Sir, did you understand the question or would you like me to repeat?

14 A. I understood the question. You said that I did not fight during the first or
15 second attacks and you said that I was not in Mandro. I would like us for -- to go
16 into private session so I can tell you how I did take part in the training and I will talk
17 to you about what I did.

18 PRESIDING JUDGE FREMR: Mr Witness, actually we are in private session, so no
19 need to be afraid of any revealing information. Nobody can listen to us apart from
20 those who are in this courtroom.

21 THE WITNESS: (Interpretation) I would like to ask you to go to Mongbwalu.

22 I would like to tell you that I took part in the second attack on Mongbwalu. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. (Redacted)

3 Q. (Redacted)

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6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Thank you, sir. A quick point on your testimony regarding the events which

23 took place in Komanda. Based on information that we have gathered from

24 commanders who were involved, I suggest to you, sir, that contrary to your testimony

25 no looting, rape or destruction happened there; in fact, the enemy committed those

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1 crimes but not the troops with whom you were. Does that refresh your memory?

2 A. Can you kindly repeat your question. The sound was not very good. The
3 volume is low.

4 Q. Yes, sir, I will. We have information that what you said in Komanda about
5 looting, about rape and about destruction did not take place as you say it did. Are
6 you willing to reconsider your position, yes or no?

7 A. I told you that there was pillaging, rapes and killing in Komanda. We even set
8 some houses on fire.

9 Q. Sir, with respect to Zumbe I'd like you to confirm that you know that Zumbe
10 was previously destroyed well before 2002 and that nothing was left there by the time
11 you were there in October 2002.

12 A. I do not agree with you. Zumbe was a fortified base for the Ngitis and the
13 APC at that time. And so I do not agree with you. There were Ngiti and Lendu
14 there.

15 Q. When I began my cross-examination I mentioned that (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 PRESIDING JUDGE FREMR: (Redacted)
- 3 MR IVERSON: (Redacted)
- 4 (Redacted)
- 5 PRESIDING JUDGE FREMR: (Redacted)
- 6 (Redacted)
- 7 MR BOURGON: (Redacted)
- 8 Q. (Redacted)
- 9 (Redacted)
- 10 A. (Redacted)
- 11 Q. (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 A. (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 A. Yes, I remember that. I told you that.
- 22 Q. Thank you, sir. Thank you for answering my question. This concludes my
- 23 cross-examination.
- 24 PRESIDING JUDGE FREMR: Now, let's move into open session.
- 25 (Open session at 3.22 p.m.)

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

2 PRESIDING JUDGE FREMR: Thank you, court officer.

3 Now, Mr Iverson, any need for re-examination?

4 MR IVERSON: Briefly, yes, Mr President.

5 PRESIDING JUDGE FREMR: How much time you are requesting to be granted to
6 you?

7 MR IVERSON: Approximately 10 minutes.

8 PRESIDING JUDGE FREMR: 10 minutes is fine. Okay. Please proceed.

9 MR IVERSON: I'd ask to go into private session, please.

10 PRESIDING JUDGE FREMR: All right. Sorry, just announcement to the public
11 gallery: Because this witness is protected witness, he was given guarantee that his
12 identity will not be revealed and since the counsel is intending to put questions that
13 might reveal his identity, that we -- that means that we have to move into private
14 session to meet this guarantee.

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

16 (Private session at 3.24 p.m.) *(Reclassified partially in public)

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

18 PRESIDING JUDGE FREMR: Thank you, court officer.

19 Mr Iverson, please proceed.

20 QUESTIONED BY MR IVERSON:

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. I remember.

7 Q. Thank you very much, sir.

8 MR BOURGON: No further questions, Mr President.

9 PRESIDING JUDGE FREMR: All right. Now let's move into open session, please.

10 (Open session at 3.42 p.m.)

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

12 PRESIDING JUDGE FREMR: Thank you.

13 Now, Mr Witness, I would also like to put to you a few additional questions. I will

14 try to put those questions in a way that would allow us to remain in open session

15 because, in fact, I am mostly interested in some general issues, not issues concerning

16 just you, but rather issues concerning UPC or FPLC as a whole. So please try to

17 answer them in this way, but if you would feel a need to respond in a way that would

18 cover or include some of your personal details that might reveal your identity, just

19 raise your hand and we will move into private session. Is it clear to you?

20 THE WITNESS: (Interpretation) Yes, I have understood you, your Honour.

21 PRESIDING JUDGE FREMR: Very good. The first question, in fact, is rather

22 clarification. During your testimony you referred to Damblo or Damblo village.

23 Just to be clear is that the same location as Dala Damblo?

24 THE WITNESS: (Interpretation) I'm talking about Damblo.

25 PRESIDING JUDGE FREMR: And we don't have map here, but maybe just to try

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1 specify location of this village, could you just estimate how far is Damblo from
2 Mongbwalu?

3 THE WITNESS: (Interpretation) Damblo Mongbwalu, that's 14 kilometres if you
4 take the airport road.

5 PRESIDING JUDGE FREMR: And to be more specific, if you want to get from
6 Damblo to Mongbwalu, is there any village between them on the road?

7 THE WITNESS: (Interpretation) From Damblo to Mongbwalu there is one
8 plantation called Okondima (phon). I don't know whether there are people who live
9 there. It is a large farm where palm trees are grown. And the place is still referred
10 to as Muchanga.

11 PRESIDING JUDGE FREMR: Very well, Mr Witness. My second area concerns
12 Rwandan instructors because, according my notes, you said that you started your
13 training in one place, then you move to another one, started from T, you know what
14 location I have on my mind, and on the second location you underwent some training.
15 According you, there were also, as you said, I'm quoting "instructors from Rwanda."
16 Do you know anything more about these instructors? For example, whether they
17 were or were not part of the UPC?

18 THE WITNESS: (Interpretation) They came just to train soldiers in fighting
19 techniques or how to fight -- well, how to perform guerilla or urban warfare. They
20 came from the border between Rwanda and --

21 THE INTERPRETER: Inaudible.

22 THE WITNESS: (Interpretation) They taught us how to throw grenades and that
23 sort of thing when engaging in guerilla warfare.

24 THE INTERPRETER: Interpreter correction: In the previous reply the witness
25 mentioned that the farm was owned by Mr Okondima.

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1 PRESIDING JUDGE FREMR: So in my understanding they were not subordinated
2 to UPC commanders, those Rwandan -- or, instructors from Rwanda?

3 THE WITNESS: (Interpretation) No, they did not come under UPC orders, they
4 were just sent to teach us various techniques so as to attack Bunia. Once we had
5 regained Bunia they all left.

6 PRESIDING JUDGE FREMR: All right. My third issue concerning recruitment.
7 And as I said, I'm just interested in the general description of this process. Was
8 anybody from those who conducted this recruitment interested in personal details of
9 recruits? Was any list of recruits made? Do you have any knowledge of that?

10 THE WITNESS: (Interpretation) Yes. There was no list. You didn't even call
11 people's names out. There were so many of us. There was no document to check
12 people coming and going. It was not really known who had started or ended
13 training. No registers or logs were kept. There really was not a lot of structure or
14 organisation when it came to attendance.

15 PRESIDING JUDGE FREMR: So nobody during this process asked you to give your
16 name, or date of birth, or your address?

17 THE WITNESS: (Interpretation) Not at all. No one asked us where we were from
18 or how old we were, nothing along those lines.

19 PRESIDING JUDGE FREMR: All right. And my last area. I think on Tuesday,
20 Tuesday you said, (Redacted) And
21 shortly after that you also said Commander Roy was in charge of public relations,
22 means coordinating activities between traders, gold miners and so on to obtain
23 supplies of food.

24 Could you be a bit more specific about those public relations? Those traders and
25 gold miners, they provided something to the UPC?

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1 THE WITNESS: (Interpretation) Yes, they would collect and what they called the
2 money for the war effort. A certain amount was set and each shop had -- each house
3 had to provide some money. The butcher shops would give us 2 kilos of meat.
4 Each butchery would give us two kilos of meat. The gold miners had to pay a
5 certain amount, that they had to pay each week. They could either provide money
6 or goods in kind. So we would collect the money from all the people, all the local
7 people.

8 PRESIDING JUDGE FREMR: So please correct me if I'm wrong, does it mean then
9 the UPC did not pay for food supplies for any supply she got from the local people?

10 THE WITNESS: (Interpretation) No. It was the people who were helping the
11 members of the UPC and the officers. They were collecting for the UPC.

12 PRESIDING JUDGE FREMR: Fine. And my very last question as concerns
13 weapons, if you know, I don't know whether you have any knowledge of that, did the
14 UPC paid for weapons?

15 THE WITNESS: (Interpretation) The weapons came in large numbers. We never
16 saw any bills. I don't know whether they were paid for or not. Weapons would
17 come in by plane. I don't know who paid for the weapons.

18 PRESIDING JUDGE FREMR: All right.

19 Do my colleagues have any questions.

20 Judge Chung, please.

21 JUDGE CHUNG: Thank you.

22 Mr Witness, during your testimony you mentioned a couple of times the term
23 "Bureau", "Bureau", or "Bureau 2". So can you explain more the function or
24 responsibility of Bureau 2 without mentioning your personal experience?

25 THE WITNESS: (Interpretation) Bureau 2 was the intelligence service. That's

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1 what we referred to as the Bureau 2. It was led by a G2. And their work was to
2 find out information about the enemy, where the enemy was positioned, whether
3 enemies had infiltrated our forces, what kind of weapons they had, what their plans
4 were, just to keep an eye the enemy movements. That is what the Bureau would do.
5 Bureau 2 would provide the report to the headquarters. All the new information
6 received by the Bureau would be forwarded to the general headquarters.

7 PRESIDING JUDGE FREMR: Okay. So there are no further questions to you,
8 Mr Witness. So it allows me to say that it concludes your testimony. I can imagine
9 that because you spent quite a long time with us that it was demanding and even
10 tiring experience, but I would like to thank you very much because we firmly believe
11 that your testimony will assist us in our effort to find the truth.
12 So thank you very much. And now we wish you safe journey home, Mr Witness.
13 And now court officer, court usher, Mr Witness may be escorted out of the courtroom.

14 THE WITNESS: (Interpretation) Thank you.
15 (The witness is excused)

16 PRESIDING JUDGE FREMR: Before we conclude and before I will remind you the
17 program for next week, any further requests for the floor?

18 Mr Iverson, please.

19 MR IVERSON: No, Mr President.

20 PRESIDING JUDGE FREMR: Defence?

21 MR BOURGON: No, Mr President.

22 PRESIDING JUDGE FREMR: I also don't see any reaction from Legal
23 Representatives. All right.

24 Sorry, I also forgot to thank very much Mr Raimondo. Mr Raimondo, thank you
25 very much that you assist us in our effort for all those four days. Thank you very

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1 much.

2 And I, as usually, would like to remind you that we will continue on Monday since

3 the witness, 887, is still, I understood, under process of familiarisation, but she should

4 be ready on Monday, so we will continue in the same mode like this week for -- sorry,

5 five-hour regime starting with 9.30 to 11, 11.30 to 1 and then 2.30 to 4.30.

6 So now Court is adjourned -- sorry, one important additional remark. And as to this

7 witness, probably it has already been communicated by email but, anyway I would

8 like to highlight that, according to Chamber, we, according our opinion, and we

9 strongly encourage Prosecution to follow our guidance, the upcoming witness, 887,

10 her testimony should be, in our view, completed in four hours.

11 And now Court is adjourned.

12 THE COURT USHER: All rise.

13 (The hearing ends in open session at 3.59 p.m.)

14 RECLASSIFICATION REPORT

15 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,

16 the public reclassified and lesser redacted version of this transcript is filed in the case.