

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Monday, 11 July 2016
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: Good morning everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case
17 of The Prosecutor v. Bosco Ntaganda, case reference ICC-01/04-02/06.
18 For the record, we are in open session.
19 PRESIDING JUDGE FREMR: Thank you, court officer.
20 Now appearances please in the usual order, starting with Prosecution.
21 MS RABANIT: Good morning, Mr President. Good morning, your Honours.
22 Appearing today for the Prosecution are Selam Yirgou, case manager; Kristy Sim,
23 assistant trial lawyer; Dianne Luping, trial lawyer; and myself, Marion Rabanit,
24 associate trial lawyer.
25 PRESIDING JUDGE FREMR: Thank you very much, Madam Rabanit.

1 Now Defence, please.

2 MR GOSNELL: Good morning, your Honours. Christopher Gosnell representing
3 Mr Ntaganda, who is present in the courtroom, assisted by Isabelle Martineau;
4 Elisa Binon; and Jules Guillaumé. Thank you.

5 PRESIDING JUDGE FREMR: Thank you, Mr Gosnell.

6 And Legal Representative of Victims, please.

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

9 MR SUPRUN: (Interpretation) Good morning, Mr President. Good morning,
10 your Honours. Victims of attacks are represented by myself, Dmytro Suprun,
11 counsel at the OPCV.

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

13 First, before the witness can be called, I'll be addressing a few procedural matters.

14 The chambers recalls its decision rendered orally on 6 July 2016, in transcript 115,
15 granting in-court protective measures for Witness P-113 in the form of face and voice
16 distortion and the use of a pseudonym. The Chamber also indicated that it would
17 defer its decision on the Prosecution's request for special measures until after
18 receiving the vulnerability assessment for this witness from the VWU, which it now
19 has.

20 Thus, the Chamber will now go into private session to issue its ruling.

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

22 (Private session at 9.33 a.m.) *(Reclassified partially in public)

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

24 (Redacted)

25 (Redacted)

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(Private Session)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 That concludes our ruling and we can now move back into public session.

19 So, court officer, please.

20 (Open session at 9.36 a.m.)

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

22 PRESIDING JUDGE FREMR: Thank you.

23 So now I will continue with further procedural issues.

24 Second, according to its email of 6 July 2016, the Defence objects to certain of the

25 documents the Prosecution may seek to use with this witness.

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1 These objections will be addressed if and when they arise throughout the course of
2 the examination-in-chief.

3 Third, in terms of timing, the examination-in-chief for this witness is to be completed
4 within four hours and the Defence will have equal time for cross-examination.

5 Next, I note that the legal representative of the victims of the attacks has requested to
6 examine the witness. Following our usual practice, we will come back to this request
7 after the Prosecution has completed its examination-in-chief.

8 I guess I exhausted all procedural issues, so now we can turn to the scheduled
9 testimony.

10 Court officer, please have the witness brought into the courtroom.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE FREMR: Madam Witness, good morning. Can you hear me?

13 WITNESS: DRC-OTP-P-0113

14 (The witness speaks Swahili)

15 THE WITNESS: Yes, I can hear you.

16 PRESIDING JUDGE FREMR: Very well. On behalf of this Chamber, I would like
17 to welcome you to the courtroom. You are called to testify in the case against
18 Mr Bosco Ntaganda and you will be soon asked questions both by the Judges and
19 lawyers. In this connection I would like to guide you as follows:

20 Please listen carefully to those questions. If you don't understand, feel free to ask for
21 the question to be repeated. We want you to tell the truth and tell us what you saw,
22 heard or sensed yourself. If you did not see or hear it yourself but you found out
23 some other way, then you should explain how. You may not remember all details
24 and it doesn't matter. Please don't guess. Don't make things up. There is nothing
25 wrong in saying, "I don't know," or "I don't remember."

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1 Do you understand all this, Madam Witness?

2 THE WITNESS: (Interpretation) Yes, I have understood.

3 PRESIDING JUDGE FREMR: Fine. Madam Witness, protective measures are put
4 in place to ensure that your identity is not revealed to the public. It means that the
5 public cannot see your face and that your voice is being disguised so that the public
6 cannot recognize it.

7 We will refer you as "Madam Witness" and ensure that your name and any other
8 information that risks revealing who you are is not broadcast to the public.

9 Therefore, whenever you need to describe anything that might reveal your identity,
10 we will do so in private session so that no one outside the courtroom can hear your
11 answer. Do you understand, Madam Witness?

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

13 PRESIDING JUDGE FREMR: Very well. Madam Witness, you will find a piece of
14 paper in front of you. Now you have it in your hands. It's a piece of paper with
15 solemn undertaking. So please now make your solemn undertaking to tell the truth
16 by reading out the declaration you have in your hand.

17 THE WITNESS: (Interpretation) Swahili solemn declaration. I solemnly declare
18 that I will speak the truth, the whole truth and nothing but the truth.

19 PRESIDING JUDGE FREMR: Thank you, Madam Witness. So it means that now
20 you are under oath. So you need to be aware that it is an offence within the
21 jurisdiction of this Court to give false testimony. Do you understand that?

22 THE WITNESS: (Interpretation) Yes.

23 PRESIDING JUDGE FREMR: Fine. And, at the end, a few practical matters you
24 should have in mind when giving your testimony.

25 It's important to speak into the microphone, to speak clearly and to speak at a slow

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1 pace to allow the interpreters to translate everything. What is very important, when
2 a question is asked please do not respond immediately, but count in your head to
3 three and only then give your answer. This pause is essential to properly interpret
4 and record what you are saying. If you have any questions during your testimony
5 or if you feel that you need a break, do not hesitate to let us know by raising your
6 hand, we will then give you the opportunity to speak.

7 Have you understood all that, Madam Witness?

8 THE WITNESS: (Interpretation) Yes, I have understood.

9 PRESIDING JUDGE FREMR: All right, it means now we can move to the testimony
10 itself. So, Prosecution, you have the floor.

11 MS RABANIT: Thank you, Mr President.

12 Q. Bonjour, Madam.

13 A. Jambo sana.

14 *Q. My name is Marion Rabanit. We met last week. I will be putting some questions
15 to you today on behalf of the Prosecutor. Should any of my questions not be clear to
16 you ...you can ask me to repeat or to clarify the question. Have you understood me?

17 A. Yes, I have.

18 Q. I'll start by putting a few questions to you on your personal background.

19 MS RABANIT: And for this, your Honour, I would ask that we move into private
20 session please.

21 PRESIDING JUDGE FREMR: All right. Court officer please let's move into private
22 session now.

23 (Private session at 9.47 a.m.) *(Reclassified partially in public)

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

25 PRESIDING JUDGE FREMR: Thank you.

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1 Ms Rabanit, you may proceed.

2 MS RABANIT: Thank you, Mr President.

3 Q. Madam, what is your name?

4 A. My name is Madam Witness.

5 Q. Madam --

6 PRESIDING JUDGE FREMR: Madam Witness, just probably you are just worrying

7 that your name will be revealed but, as I already told you, now we are in so-called

8 private session which means that nobody - nobody - outside this courtroom could

9 hear you. So you should not be worrying to say anything what could reveal your

10 identity, because it will remain just in this courtroom. So nobody outside, nobody in

11 public gallery could hear what you are saying. So please, now you may and should

12 speak openly. Do you understand?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE FREMR: All right. So please say your name.

15 THE WITNESS: (Interpretation) My names are Madam (Redacted)

16 MS RABANIT: (Interpretation)

17 Q. Madam, where were you born?

18 A. I was born in (Redacted)

19 Q. Is (Redacted)

20 A. Yes.

21 Q. That is in (Redacted) isn't it?

22 A. Yes.

23 Q. And you are Congolese?

24 A. Yes, I am Congolese.

25 Q. What is your date of birth, Madam?

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- 1 A. (Redacted)
- 2 Q. What is your ethnic group?
- 3 A. I am (Redacted)
- 4 Q. What languages or language do you speak?
- 5 A. I speak (Redacted) not much.
- 6 Q. Did you (Redacted)
- 7 A. Yes, I was (Redacted)
- 8 Q. Madam, what is your mother tongue?
- 9 A. (Redacted)
- 10 Q. (Redacted) yourself?
- 11 A. Yes.
- 12 Q. (Redacted) And to make it easier, would you start by ...
- 13 MS RABANIT: I'm sorry, your Honour, if I could make just a note to the interpreter,
- 14 if that's okay.
- 15 If I can finish my question before you translate, it's easier for me to follow what is
- 16 going on.
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 MS RABANIT: (Interpretation)
- 25 Q. You told us that (Redacted)

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1 MS RABANIT: Mr President, I think we can move into open session for just a few
2 questions.

3 PRESIDING JUDGE FREMR: All right.

4 Court officer, let's move into open session.

5 (Open session at 10.03 a.m.)

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

7 PRESIDING JUDGE FREMR: Thank you, court officer.

8 Ms Rabanit, you may proceed.

9 MS RABANIT: (Interpretation)

10 Q. You referred to the war. Do you know between what parties this war was
11 taking place?

12 A. The war was between the Lendu and the Hema.

13 Q. Did the war also affect the area where you were living?

14 A. Yes.

15 Q. Where were you living when the war took place?

16 A. We were in Bambu.

17 Q. Did the war have a particular name?

18 A. A particular name, no. It was just a conflict between the Hema and the Lendu.

19 Q. Let me rephrase my question. Did the people who lived in your village refer to
20 that war using a particular name or a particular expression?

21 A. We said that it was an ethnic conflict.

22 Q. So you say that you don't recall what year this was. Does the name Lompondo
23 mean anything to you?

24 A. Excuse me? Could you repeat.

25 Q. Do you know the name of Governor Molondo Lompondo?

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1 A. No, I don't know him.

2 Q. Okay, that's no problem. Do you know who was in charge of the town of
3 Bunia at the time?

4 A. During the war I don't know.

5 Q. No problem.

6 MS RABANIT: Your Honour, at this stage, I would like to try to refresh the memory
7 of the witness.

8 PRESIDING JUDGE FREMR: All right.

9 MS RABANIT: (Interpretation)

10 Q. Madam, do you recall making a statement to the Office of the Prosecutor in
11 2005?

12 A. Sometimes I forget things. Could you refresh my memory.

13 Q. Do you recall making a statement to the Prosecutor as a witness the first time
14 that you met representatives of the Office of the Prosecutor?

15 A. Yes.

16 Q. And do you recall signing that statement?

17 A. Yes.

18 MS RABANIT: Your Honour, if I could call the ERN, it's tab 1 of the list of items that
19 may be used during the testimony.

20 PRESIDING JUDGE FREMR: All right. Court officer, please assist.

21 THE COURT OFFICER: Do we have an ERN number, please?

22 MS RABANIT: So I should say that it should not be displayed, it's a confidential
23 document. The ERN is DRC-OTP-0096-0036.

24 And the page is 0039. And the paragraph is 17.

25 With your leave, your Honour, I will read --

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1 PRESIDING JUDGE FREMR: Yes.

2 MS RABANIT: -- in French.

3 (Interpretation) "Bambu, a village which is located in the Walendu-Djatsi territory,
4 Ituri district, Orientale province where the headquarters of the mining company
5 Kilo-Moto are located."

6 Because we are in open session I will omit the next part of the sentence:

7 (Interpretation) "... where until the end of the year 2002, sometime before the
8 Christmas celebrations, the village was attacked."

9 Q. Does this refresh --

10 Sorry, I got mixed up with the language. I will address the witness in French.

11 (Interpretation) Madam, does this refresh your memory?

12 A. Yes.

13 Q. Is it correct that the date of the attack was towards the end of 2002?

14 A. Yes.

15 Q. Madam, can you describe what happened that day, that is to say what you did
16 from the point in time when you realised that the village is under attack?

17 A. I was in Bambu when the Hema attacked Bambu. After the attack, we fled in
18 the direction of Sangi. When we took flight, the Hema realised that Bambu had been
19 deserted and occupied Bambu. Later they occupied Lipri, Kobu, Kilo and Nyangarai.
20 Having occupied all of those villages, there was no longer peace or security and that
21 caused us to flee further to Ngabulo. The Hema were in Kobu and Bambu. As
22 there were no locals there, they tried to track them down and they went to Sangi and
23 Ngabulo looking for villagers. One Monday they led an attack on Kobu and the
24 Kobu went on to Sangi and Kobu. We were up on a hill and could see that they
25 were in large numbers. They made a call saying, "Come, come, we haven't come to

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1 kill you. We want to bring peace. But the people who listened to their call didn't
2 want to go to them. The second day they came back and said, "It's peace. There's
3 no war. Come. *We have not come to make war."
4 Some people decided to go to them in Sangi and those that went to the Hema did not
5 come back. And the attackers took those whom they captured to Kobu. On the
6 third day they came back, it is about 6.30, and we began to hear gunfire from Kobu,
7 Kilo, *Lipri, Bambu and Nyangarai. Gunfire from all sides. So we fled into the bush.
8 In the bush where we were, we heard gunfire and the attackers pursued the people in
9 the direction of Kobu. Others fled to Jitchu, large numbers of people fled to Jitchu,
10 but we were in or by Ngabulo -- or Buli, rather, excuse he. And we were captured
11 by the attackers. They made us leave Buli. They took food and they asked us to
12 make food for them.
13 They would say to us, "We're not here to kill you." Some of them started speaking in
14 Kilulu. I said, "I'm a Lulu woman too." They said to me, "Well, what are you doing
15 here?" I told them that my mother had been ill and that I had come to take care of
16 her.
17 They took food, and produce, which they had asked us to cook. There were -- there
18 was a lot of gunfire in Jitchu. We finished making the food at about *4 PM. But
19 while we were making the food a commander (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted) There were a number of commanders who
24 were present in Bambu and I said, "Oh, that's some time ago, I had forgotten." I
25 know that there was a Commander Salumu and a Commander Kiza, and a Bira

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1 commander whose name I've forgotten. And he said "I'm Salumu." I said, "Ah, it's
2 a long time ago, (Redacted)
3 (Redacted)

4 PRESIDING JUDGE FREMR: Mr Suprun.

5 MR SUPRUN: (Interpretation) I'm sorry to interrupt the witness, but I have the
6 impression that the information that is being provided by the witness is quite specific
7 and may identify the witness.

8 I think that it would be preferable that information be provided in private session.

9 PRESIDING JUDGE FREMR: I personally don't believe that at the moment this
10 information provided so far by Madam Witness so specific. But to be safer, because
11 it's pretty possible that she will be more specific. So for that reason we will move
12 now into private session.

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

14 (Private session at 10.19 a.m.) *(Reclassified partially in public)

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

16 PRESIDING JUDGE FREMR: All right.

17 So Madam Witness, please proceed. Now we are in private session, so you can
18 freely say anything, what even could reveal your identity, because we are in private
19 session.

20 MS RABANIT: Thank you, Mr President.

21 Q. (Interpretation) Witness, you have given us a lot of information. And we're
22 going to go back over that information step by step so that we all understood or
23 understand what happened at each point in your account.
24 Now I'm going to ask you to try and just answer the specific question that I put to you.
25 Because that's the way that we can best understood your account.

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1 Do you understand?

2 A. Yes.

3 Q. You refer to the attack on Bambu at the end of 2002 and you have said that the
4 Hema attacked you. How do you know that?

5 A. I know it because we were in Bambu. The Hema attacked. They also shot
6 their weapons and that was what caused us to flee into the bush.

7 Q. Which ethnic groups live in Bambu, Madam? Or used to live in Bambu, rather,
8 at that time?

9 A. Before the war all the ethnic groups lived in Bambu.

10 Q. Was there one ethnic group that was, had more members in Bambu than others?

11 A. There were a large number of Hema, also or the same as regards Lendu. I
12 would say that almost all ethnic groups lived there.

13 Q. And you said that the Hema attacked. Was there a particular name of a group
14 that you recall?

15 A. The group was the UPC.

16 Q. Can you describe what you did on that day, the day of the attack, starting from
17 when you realised that there was an attack.

18 A. When they attacked, the first thing I did was gather (Redacted) together so that
19 we could flee.

20 Q. Did you yourself see the attackers?

21 A. Yes, we saw them.

22 Q. Can you name the members of the family who were with you?

23 A. (Redacted)

24 Q. Can you tell us from what direction the troops were coming, if you saw them?

25 A. They came from Nizi.

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1 Q. Madam, you refer to Nyangarai and Lipri and Kobu. Were they attacked on
2 the same day as Bambu?

3 A. During -- or, when it comes to the first attack they came from Nizi and they
4 moved into Kilo, Nyangarai, Bambu, *Kobu and Lipri.

5 Q. How do you know that they attacked those other villages, Nyangarai, Lipri and
6 Kilo?

7 A. Those are villages that we know. And we take those roads when we're going
8 to market. And when we heard gunfire we could ascertain that the -- whether the
9 gunfire was from Bambu, Kilo or Kobu.

10 Q. Could you see those villages?

11 A. Yes.

12 Q. Madam, you said that you gathered (Redacted) in order to leave.
13 Where did you go?

14 A. We went to Sangi. When Kobu was besieged we went to Sangi.

15 Q. So you went from Bambu to Sangi; is that right?

16 A. Yes.

17 Q. How long did it take you to get to Sangi?

18 A. Well, I really can't say exactly how long that took.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Did you stay in Sangi?

25 A. When they took control of Kobu we stayed in Sangi. Later they began to track

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1 down the people and so we fled on to Ngabulo.

2 Q. And where is Ngabulo in relation to Sangi?

3 A. Those two villages that are next to each other, first you reach Sangi and then
4 you can move from there on to Ngabulo.

5 Q. Why did you leave Sangi?

6 A. We left Sangi because UPC soldiers had taken over Bambu and Kobu. They
7 were looking for people who had gone to Sangi. And as Ngabulo was a village close
8 to Sangi, that's what pushed us to flee there.

9 Q. When you say that "they" were looking for you, who are you referring to?

10 A. The UPC soldiers.

11 Q. And when you say that they were looking for you, what do you mean? Did
12 you see them?

13 A. We could see them.

14 Q. Where did you see them?

15 A. When we were in Ngabulo and they arrived into Sangi, Sangi is on a hill and we
16 were on the side of a hill and we could see them very well.

17 Q. Can you tell us what they were wearing?

18 A. They were wearing military clothing, camouflage.

19 Q. Were they carrying anything?

20 A. Yes, they had rifles, machetes and some also were bearing sticks.

21 Q. To enable us understand you better, how far is Ngabulo from Sangi in terms of
22 time, walking time?

23 A. I think 30 minutes are enough to go from Sangi to Ngabulo.

24 Q. Were you and your family the only ones who fled because of that attack?

25 A. Many other persons were fleeing from Mongbwalu, from Lipri. A lot of people

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1 fled from those areas.

2 Q. Was there any particular ethnic group that was fleeing?

3 A. At that time it was the Lendus, the Nande and the Alur people, as well as the
4 Bira people who were fleeing, and I was one of them.

5 Q. How do you know the ethnicity of these people?

6 A. Some of them were married to Lendus such as the Nandes. Some Bira people
7 also married Lendu persons and all of us, we fled together.

8 Q. You just told us that some people were married to Lendus.

9 A. Yes.

10 Q. Why is this important as part of your narration? Question rephrased: Does
11 this explain the reason for their fleeing?

12 A. Yes.

13 Q. Can you tell us why?

14 A. When the war broke out those who were married to Lendus, those women who
15 were married to Lendus had to follow their husbands.

16 Q. Did you say they had to flee with their husbands? No, rather, you said they
17 were supposed to follow or go with their, yes, husbands.

18 Where were their husbands going?

19 A. Those women were together with their husbands as they fled.

20 Q. While you were Ngabulo, Madam, where did you stay?

21 A. I used to live very close to (Redacted) in Ngabulo.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. The others who fled the attack, where did they stay? Where did they live?

2 A. Those who could not build tents or small huts sought refuge (Redacted)

3 Q. Do you know how many persons were living or staying (Redacted) at that
4 time?

5 A. I don't remember the exact number of persons, but a lot of people were there
6 from Kilo, from Mongbwalu, from Lipri, all those people gathered at the same place
7 and spent the nights in the church.

8 Q. Did you stay in Ngabulo, Madam?

9 A. After the war I stayed in Ngabulo for a long time.

10 Q. My question is in relation to the time you left Sangi and went to Ngabulo. At
11 that time did you remain in Ngabulo?

12 A. When we left Sangi for Ngabulo, what I would say is that it was after the war
13 that we stayed on in Ngabulo and then I left Ngabulo to go somewhere else.

14 Q. Did any other attacks take place while you were in Ngabulo during that period,
15 that same period?

16 A. No.

17 Q. I'm referring to attacks that may have taken place not only on Ngabulo but on
18 surrounding areas.

19 A. After the war there were no further attacks.

20 Q. At the time of the war did you remain or did you stay in Ngabulo?

21 A. During the war we were arrested and taken to (Redacted) From (Redacted) we came
22 back and settled in (Redacted)

23 Q. Can you describe to the Court the circumstances in which you were arrested for
24 the first time?

25 A. Are you talking about being arrested while we are in the forest or from another

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1 location?

2 Q. I am referring to the time when you were arrested in the forest.

3 A. We were arrested in the forest and taken to a centre where we had to cook for
4 them.

5 Q. Madam, you told us a short while ago that you were in Ngabulo. How did
6 you end up in the forest?

7 A. This is how I ended up in the bush. When the soldiers came to Sangi, we fled
8 to Ngabulo. Then it was a Monday on which they came to Sangi. We went to
9 Ngabulo and we were there till Tuesday. Then on Wednesday we were dispersed
10 and it is on that day that we were arrested in Buli.

11 Q. You told us that you were dispersed or scattered. Can you explain to the
12 Court what you mean by that?

13 A. On the third day when they started firing people are -- went in different
14 directions as they fled.

15 Q. When you say "they" who are you referring to?

16 A. The UPC troops.

17 Q. Madam, who did you go into the forest with?

18 A. Many, many people, (Redacted). We were all together.

19 Q. (Redacted)

20 A. (Redacted).

21 Q. (Redacted)

22 A. (Redacted).

23 Q. How much time did you spend in the forest, Madam?

24 A. It was Monday. And then Tuesday we spent the night in the bush and on the
25 third day, which was Wednesday, that's when we were arrested.

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1 Q. What were the conditions in the forest, Madam? Did you have
2 accommodation?

3 A. No. We did not have a house. We spent the night in the bush on the ground.

4 Q. Did you have any food?

5 A. There was no food. Well, if they noticed any smoke rising in any area, they
6 would know that people were cooking there and they would come to attack. And
7 for that reason we could not cook.

8 Q. You told us that there were other persons with you (Redacted) in the forest.
9 Where did those people come from?

10 A. I'm sorry, which people are you referring to?

11 Q. You said you fled Ngabulo and went to the forest and that there were other
12 persons with you, (Redacted). Who were those other people
13 who (Redacted) who were with you?

14 A. There were a lot of people, some came from Mongbwalu, others from Lipri,
15 others from Kobu. They were all there. They had all fled to the forest when the
16 UPC troops started firing. It is then that we were dispersed and then we all fled
17 together.

18 Q. Do you know their ethnicity?

19 A. They were Lendus and Biras and Alur people and Nande people. Many tribes
20 all together. They were there.

21 Q. Did anything particular happen to you personally as you fled to the forest?

22 A. What happened to me in the forest is that I felt fear, a sense of fear.

23 Q. Were you physically in good health?

24 A. We had no food, so we had no peace. And my health was in a shaky state.

25 Q. Did you see any militia who were attacking in the forests?

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1 A. Yes, I saw them.

2 Q. In what circumstances?

3 A. We saw them first of all when we were on the Sangi hill. As they came into
4 Buli, we saw them.

5 Q. You say that you were on the Sangi hill. Was that before you went to Ngabulo
6 and to the forest, or was it after?

7 A. It was before we went to Buli, Ngabulo.

8 Q. While you were in the forest, did you see any militia?

9 A. While we were in the Buli forest, there was a hill known as Jitchu. And we
10 could see the plain or the valley below and that is how we saw them chasing after
11 people in the Jitchu plain.

12 Q. Can you describe them for us, please?

13 A. They were wearing military uniforms, camouflage military uniforms and they
14 were carrying weapons. Whenever they saw people they would shoot at them.

15 Q. Did you see that with your own eyes? Did you see them shoot at people with
16 your own eyes?

17 A. Well, it was possible to hear some of the firing in the forest. There were also
18 stray bullets. And what is clear is that you could hear the noise from the firing of the
19 bullets.

20 Q. Madam, at that time you were in the forest was it easy for you to move about
21 easily?

22 A. Please repeat your question, I didn't hear you. I didn't understand you.

23 Q. Was it easy to move about physically in the forest at that time?

24 A. No, we could not move about.

25 Q. For what reason?

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1 A. I've already told you that we could not move about because if they heard
2 someone coughing or if they saw any trees or grass moving, they would come to that
3 location and arrest people or eliminate them. That is why we had to be quiet, no
4 movement, no signs of life.

5 Q. What happened while you were in the forest?

6 A. While we were in the forest we were surprised when the soldiers suddenly
7 showed up and arrested us and took us to Buli.

8 Q. You told us a while ago that there was a call to peace. Can you explain to the
9 Court what you mean by that.

10 A. When we were in Ngabulo and it was on the Monday, they came to Sangi.
11 And by the way, by the time they captured Bambu and Kobu they found no one there
12 and that's why they started to patrol. And then they found out while in Sangi that
13 people had gone to Ngabulo. They could see Sangi and Ngabulo. Now when they
14 got to Sangi they found some inhabitants and told them that they have -- they had
15 come to make peace and that they had not come to kill anyone. And we could hear
16 them.

17 Q. When you say "they", "they", who are you referring to?

18 A. The UPC troops.

19 Q. When you say you could hear them, did you hear them yourself?

20 A. Yes, I heard it. I heard it. When they came to the Sangi hill, they said, "We
21 have come for peace. We have not come to kill anyone." It is at that time that
22 people then went to the location where they had been invited to. And yet some
23 people remained where they were.

24 Q. Can I ask you to please clarify the location of Sangi hill in relation to Ngabulo.

25 A. Sangi is on a hill and Ngabulo is below, down slope. Down the slope.

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1 Q. Was there any particular person talking to the people in Ngabulo or was it
2 several militiamen?

3 A. There were many UPC troops there.

4 Q. Did it take many people to make that call to peace?

5 A. Yes.

6 Q. What language did those people speak?

7 A. Swahili.

8 MS RABANIT: Mr President, I see that the time is up.

9 PRESIDING JUDGE FREMR: Yes, you are right.

10 So let's move into open session for the end of this session.

11 (Open session at 11.00 a.m.)

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

13 PRESIDING JUDGE FREMR: Thank you, court officer.

14 So we will now hold our regular break and we will reconvene half past 11.

15 THE COURT USHER: All rise.

16 (Recess taken at 11.01 a.m.)

17 (Upon resuming in open session at 11.30 a.m.)

18 THE COURT USHER: All rise.

19 Please be seated.

20 PRESIDING JUDGE FREMR: So now before we continue, Madam Witness, allow

21 me to say that the Chamber really appreciate that you are perfectly observing other

22 guidance, so please continue in the same way. All right?

23 THE WITNESS: Ndiyo.

24 PRESIDING JUDGE FREMR: I didn't want to confuse you. I just meant that

25 you are carefully listening to the questions, you are speaking clearly, you are keeping

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1 those pauses between the question and your response. So that is what I meant. So

2 thank you for that, please continue the same way.

3 And now, Ms Rabanit, you have the floor.

4 MS RABANIT: Thank you, Mr President.

5 Q. (Interpretation) Madam, what is the name of the forest where you took refuge
6 when you fled Ngabulo?

7 A. Buli. The bush is called Buli because it was by Buli.

8 Q. Does the forest have another name?

9 A. It was called Buli, as far as I know.

10 MS RABANIT: Mr President, I think we have to move into private session.

11 PRESIDING JUDGE FREMR: Certainly.

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

13 (Private session at 11.33 a.m.) *(Reclassified partially in public)

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

15 PRESIDING JUDGE FREMR: Thank you.

16 Ms Rabanit, please proceed.

17 MS RABANIT: Thank you, Mr President.

18 Q. You were saying that there had been a call for peace, a call made by the UPC, at
19 the top of the hill at Sangi. What happened then?

20 A. The first time that they came on Sangi hill we were in Ngabulo and they were
21 already making a call. They said, "We have come for peace. We haven't come for
22 war. We have come to establish peace. Come back. Don't flee." That's what they
23 said.

24 Q. You said "the first time." Was there another time?

25 A. No.

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1 Q. And did the people respond to that call for peace?

2 A. When they made the first call the people did not return, but after the second
3 time some people accepted the invitation and went back.

4 Q. When did that second time take place, the second time you're referring to?

5 A. It was the second day. The first time was on a Monday and the second time
6 was on a Tuesday.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. You said that those two people did respond to the call. Where did they go?

6 A. They went to the place where the UPC called the people to go for the
7 peacemaking. It was in Sangi.

8 Q. And what day was that meeting on?

9 A. It was a Tuesday.

10 Q. And how do you know that they went, madam?

11 A. We were together in Ngabulo. We were all in front of the church when they
12 made the call, calling for people to go to make peace. We fled, we went to the bush
13 near Buli and they left, responding to the call.

14 Q. Did you see (Redacted) again, madam?

15 A. Sorry, I didn't understand your question.

16 Q. Did you see (Redacted) again after that day?

17 A. No. No, I never saw him again.

18 Q. Do you know what happened to him?

19 A. As he didn't return on that second day, we understood or we concluded that
20 *they had been killed, they had been murdered

21 Q. Was it later confirmed to you, madam, that he was killed?

22 A. Yes. Yes, we received confirmation.

23 Q. How?

24 A. I received the news myself. They were taken on the second day. I was taken
25 on the third day. There was a location where they massacred the people. It was

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1 (Redacted)

2 (Redacted)

3 Q. Where were they massacred, in which village?

4 A. In Kobu.

5 Q. Do you know if (Redacted) was buried anywhere?

6 A. No. I don't know where he was buried.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. No. He too never returned.

11 Q. Did you ever learn what had happened to him?

12 A. He was also killed.

13 Q. Where was he killed?

14 A. He was killed in Kobu.

15 Q. And you, Madam, did you attend the meeting?

16 A. No. I didn't go.

17 Q. Why?

18 A. I didn't go because I knew that it was the enemy that was making the call and I
19 thought, well, maybe they're going to kill people. And that's why I decided not to
20 go.

21 Q. (Redacted)

22 A. (Redacted)

23 Q. Given that you didn't go to the meeting, what did you do, Madam?

24 A. When the people went to the meeting, we fled. We fled to Buli, because we
25 knew that often when there is a call for peace, it ends in a massacre. That's why we

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1 didn't go.

2 Q. So this is the point in time when you were in the forest; is that right?

3 A. I went into the bush on the third day, when there was gunfire from all quarters.

4 That's when I took refuge in the bush.

5 Q. Who were you with in the forest, Madam?

6 A. (Redacted)

7 Q. What happened to you while you were in the forest?

8 A. When we were in the bush, the third day when we were being pursued, we fled
9 into the bush. Two soldiers in the bush took us and took us back to the village.

10 Q. When you refer to the "third day" which day of the week are you referring to?

11 A. We were taken from the bush on a Wednesday.

12 Q. Can you please describe how those men captured you?

13 A. About 6 o'clock in the morning on the Wednesday we heard gunfire on the road
14 between Kilo, Kobu, Bambu, Petsi, Lipri. There was gunfire in all of those places.
15 We fled into the bush.

16 Q. You said that two soldiers took you to the village. Can you tell us about how
17 you were captured?

18 A. We had fled to the bush. Other people had gone to Jitchu and the soldiers had
19 followed them to Jitchu. Now these two soldiers, they heard the sound of the
20 children crying and therefore they went into the bush and found us in the bush.

21 Q. What group do those soldiers belong to?

22 A. They were UPC soldiers.

23 Q. What were they wearing?

24 A. They were wearing camouflage gear and they were armed with rifles.

25 Q. Did they speak to you?

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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 Q. And how do you know that the soldiers were looking for Lendu?

12 A. It was the UPC. And the UPC was fighting the Lendu. When they arrived in,
13 it was the UPC who were driving or tracking down the Lendu and it was the Lendu
14 who fled.

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 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. What did the soldiers do at that time? That is to say, when they captured you.

7 A. They took me in the bush and they took us then to Buli village.

8 Q. Were you free to decide to go with them or not?

9 A. When they found us in the bush, I was really out of my mind. It was as if I was
10 already dead. I wasn't even thinking.

11 Q. And can you tell us why it is that you felt as if you were already dead and
12 couldn't think.

13 A. Because when you are caught by the enemy you don't know if they're going to
14 shoot you or if they're going to allow you to stay alive. You've no idea what's going
15 through their mind.

16 Q. (Redacted)

17 (Redacted)

18 A. When they heard the soldiers' voices we dispersed and we didn't find them
19 again.

20 MS RABANIT: Your Honour, I think we can go into open session for a few
21 questions.

22 PRESIDING JUDGE FREMR: Fine. Court officer, let's move into open session now.
23 (Open session at 11.59 a.m.)

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

25 PRESIDING JUDGE FREMR: Thank you, court officer.

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1 Ms Rabanit, please proceed.

2 MS RABANIT:

3 Q. Madam, you said that the soldiers took you to Buli. Can you describe what
4 you saw when you went into Buli.

5 A. They asked us to cook and we cooked until 4 o'clock. Most of the troops were
6 in Jitchu at that time. At around 5 o'clock in the afternoon we saw soldiers returning
7 with local people and it was then that we went to Kobu.

8 Q. Where were you taken to in Buli?

9 A. When we arrived in Buli, from there they went with us to Kobu.

10 Q. But at the time you were in Buli, were you taken anywhere in particular?

11 A. When we were cooking there, they told us to go and get water from houses and
12 we went to get water from houses. And one of the troops entered the house in order
13 to get water. There were three of us. In the first house they entered --

14 Q. I'm sorry, Madam, I have to stop you there.

15 THE INTERPRETER: Says counsel.

16 MS RABANIT: (Speaks English) This may be an issue of going into private session,
17 your Honour.

18 PRESIDING JUDGE FREMR: Exactly. You are right, Ms Rabanit.

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

20 (Private session at 12.02 p.m.) *(Reclassified partially in public)

21 MS RABANIT: (Interpretation) Madam, please excuse me.

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

23 PRESIDING JUDGE FREMR: Thank you. Now you may proceed, Ms Rabanit.

24 MS RABANIT:

25 Q. (Interpretation) Madam, please excuse me for having interrupted you.

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1 A. Yes.

2 Q. Now, at the time you arrived in Buli, were there other people in Buli?

3 A. (Redacted)

4 Q. (Redacted)

5 A. There were the people who were taken from the bush. We were (Redacted)
6 taken to the village coming from the bush.

7 Q. I'm sorry, did you say the people taken from the forest or in the forest?

8 A. The people who were taken to Buli were the people who had been captured in
9 the bush.

10 Q. Do you know the ethnic group they were from? The ethnic origin.

11 A. Yes, they were just Lendus.

12 Q. Do you know how many people were taken from the forest?

13 A. The people from our group who had been captured, there were about (Redacted) of
14 us.

15 Q. And other groups afterwards, do you know how many people there were in
16 them?

17 A. What I saw coming from Jitchu, that was the people I managed to -- well, they
18 were -- I was able to count them. There were 47 people.

19 Q. And what was the gender of these people?

20 A. There were men, there were women, there were children. They were all mixed
21 together.

22 Q. How were they dressed?

23 A. Are you speaking about the armed people or are you speaking about civilians?

24 Q. I'm speaking to you about the people who were taken from the forest to Buli.

25 A. They were wearing civilian clothing.

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1 Q. Do you know, did you know some of the people who were taken prisoner on
2 that day?

3 A. No. I didn't recognize anyone.

4 Q. You have told us that you had to cook. Did people tell you to cook?

5 A. They took four of us and told us to do the cooking.

6 Q. When you say "they" who are you referring to?

7 A. UPC troops.

8 Q. Did you have a choice as to whether you cooked or not?

9 A. When they took us, they made us sit down. And the soldiers came, they told
10 us, "Stand up. Stand up, you. Stand up, you." And it wasn't, it wasn't our will.
11 They said, "Get up, go and prepare some food." It wasn't voluntary. It wasn't that
12 we decided to go and cook on a voluntary basis.

13 Q. These four people, can you describe them to us? Here I'm speaking about the
14 people who were ordered to cook.

15 A. They were women.

16 Q. Did you know them?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Did you prepare food as you were asked?

23 A. I prepared food.

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 A. The soldier, when he threw me on to the ground, he took his penis and put it
10 into my vagina.

11 Q. In which language did you speak?

12 A. He spoke to me in Swahili.

13 Q. Did he tell you anything else, apart from the fact that you were his wife?

14 A. He just said that if I cried out he was going to kill me.

15 Q. What did you do once it was finished, Madam?

16 (Redacted)

17 Q. Do you know which ethnic group this soldier belonged to?

18 A. No, I don't know.

19 Q. How was he dressed?

20 A. He was wearing military uniform.

21 Q. Was he carrying anything?

22 A. He had a weapon.

23 Q. (Redacted) what did you do?

24 A. I took the jerrycan and I went back to do my work. But I had tears in my eyes,
25 I was crying and I said -- (Redacted) told me to stop crying. She said, "If you cry, it's

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1 going to hurt all of us."

2 Q. (Redacted)

3 A. Yes.

4 Q. Madam, do you know, or did you know any members of the UPC who were
5 detaining you in Buli?

6 A. No, I didn't recognize anyone among them.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Commander of what group when you were in Buli?

8 A. Of the UPC.

9 Q. And how did you know that he was a commander?

10 A. I knew it because other soldiers called him "commander", that's how I found
11 out.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Could you describe the way in which he was dressed when you met him in
24 Buli?

25 A. He had his military uniform, his camouflage, tache-tache uniform.

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- 1 Q. Was he carrying anything?
- 2 A. He was holding a Motorola device.
- 3 Q. (Redacted)
- 4 A. (Redacted)
- 5 (Redacted)
- 6 Q. In which language did you speak?
- 7 A. We spoke in Swahili.
- 8 Q. Did he tell you anything else, Madam?
- 9 A. (Redacted)
- 10 (Redacted)
- 11 Q. Did Salumu know your ethnic group?
- 12 A. He didn't know my tribe or my ethnic group?
- 13 Q. Did he tell you anything else when you spoke (Redacted) I'm sorry, in Buli?
- 14 A. In Buli, he didn't say anything else. Just what I told you.
- 15 Q. Madam, did you have clothing with you when you fled into the forest in
- 16 addition to the clothing that you had on your back?
- 17 A. I didn't have other clothing because all my clothing had been pillaged.
- 18 Q. And at what point in time were these clothing pillaged?
- 19 A. When we were in Buli, when the soldiers arrived in there they stopped us there.
- 20 We came out and we had nothing. So they went into our houses as we had left
- 21 everything behind and they took everything.
- 22 Q. Are you talking about when you were in Buli or when you were in the forest?
- 23 A. When I was in Buli.
- 24 Q. What were you wearing when you were in the forest, madam?
- 25 A. I was just wearing a wrap. (Redacted)

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1 (Redacted)

2 Q. Did you normally use the same, the same cloth (Redacted)

3 (Redacted)

4 A. Yes.

5 Q. You said that your belongings had been pillaged, did you ever see your
6 belongings again at a later stage in these events?

7 A. When the belongings that were taken to the bush were brought back, I found
8 my suitcase again. It had been transported by bicycle, but I wasn't able to get it back.

9 Q. And who took those clothing back?

10 A. UPC soldiers.

11 Q. In which village were you when you saw your suitcase?

12 A. Buli.

13 Q. You said that you weren't able to recover your clothing.

14 A. Yes.

15 Q. Can you explain what happened.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. And what did Salumu answer?

23 A. When I made my request, somebody called by telephone. I was right beside
24 him, and so I could follow the conversation. The person who was on the other end
25 of the line said, "It's me, Thomas. I'm at Kilo-Mission. Don't kill the people in the

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1 bush. Take them and bring them to Kobu."

2 Then after that conversation he said to me, (Redacted)

3 (Redacted)

4 Q. And what language was this conversation in, madam?

5 A. He spoke Swahili.

6 Q. You said that the conversation was by telephone. Can you describe the
7 telephone.

8 A. It was a telephone with an antenna.

9 Q. And who was holding this telephone?

10 A. Salumu.

11 MS RABANIT: Your Honour, I think we can try to go into public session for a few
12 questions.

13 PRESIDING JUDGE FREMR: All right.

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

15 (Open session at 12.37 p.m.)

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

17 PRESIDING JUDGE FREMR: Thank you, court officer.

18 Ms Rabanit, please proceed.

19 MS RABANIT: Thank you, Mr President.

20 Q. (Interpretation) Madam, you said that when you were in Buli there were
21 various groups of prisoners. Did you see how those prisoners were treated?

22 A. The prisoners who were in Buli were those who were taken out of the bush,
23 those are the ones who I saw there.

24 Q. And how were they treated by the UPC soldiers?

25 A. When they took them it was about 5 o'clock in the afternoon. I didn't observe

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1 them being beaten by the soldiers. It was then that the telephone call was made.

2 Q. And you said that you then left Buli. Was that on the same day or was that on
3 a different day?

4 A. It was the same day.

5 Q. And who were you with when you left Buli, madam? Excuse me, I'm going to
6 put that question to you a little bit later in private session.

7 Where did you go when you left Buli?

8 A. When we left Buli we went to Kobu.

9 Q. And did the soldiers ask you to do anything at all when you left Buli?

10 A. We carried baggage that belonged to the soldiers.

11 Q. Do you know what was in that baggage?

12 A. I can only tell you what I carried. I carried (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Madam, without giving any names, who amongst the prisoners went to Kobu?

16 A. I haven't understood your question.

17 Q. Are there prisoners who, to your knowledge, stayed in Buli?

18 A. We all went to Kobu.

19 Q. Were there soldiers with you when you went to Kobu?

20 A. Yes, we were with soldiers?

21 Q. And did the soldiers carry anything?

22 A. They had their rifles.

23 Q. And you said that you were carrying goods. Do you know who those goods
24 belonged to?

25 A. They are goods that were pillaged in Buli. And those are the loads that they

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1 had us carry.

2 Q. And, madam, how do you know that they had been pillaged?

3 A. When they came there they had nothing, but when they left they had goods
4 which they asked us to carry.

5 Q. And to whom did these goods belong in Buli?

6 A. I don't know. I was asked by Salumu to carry (Redacted)

7 (Redacted)

8 Q. Through which villages or localities did you pass on your journey from Buli to
9 Kobu?

10 A. From Buli we went through Ngabulo, Sangi, Sangi-Sayo and on to Kobu.

11 Q. And did you go by road or did you go through the forest?

12 A. We took paths.

13 Q. Can you describe the state of Buli and the houses there when you left Buli.

14 A. We left Buli and when we arrived in Ngabulo we saw that houses were
15 beginning to be put on fire.

16 Q. And who was setting fire to these houses?

17 A. They were UPC soldiers. It was UPC soldiers who were setting fire to those
18 houses. Those who were with us set fire to those houses. There was even one
19 soldier beside me and that soldier set light to a house that was owned by one of my
20 neighbours. We then continued on our way into Sangi-Sayo. A house was set on
21 fire and, and that house then set light to other houses.

22 THE INTERPRETER: A note from the interpreters: The Swahili booth would like
23 this question to be re-put to the witness.

24 MS RABANIT:

25 Q. What did you see when you were going past Sangi and Sangi-Sayo, what state

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1 were the houses in?

2 A. All of the houses had been set on fire.

3 Q. And do you know who set fire to those houses?

4 A. UPC soldiers.

5 MS RABANIT: Mr President, I have to go back into private session.

6 PRESIDING JUDGE FREMR: For sure.

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

8 (Private session at 12.49 p.m.) *(Reclassified entirely in public)

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

10 PRESIDING JUDGE FREMR: Thank you.

11 Ms Rabanit, you may proceed.

12 MS RABANIT: Mr President, because of the subject that I'm about to go into, I think
13 it may be better to stop now.

14 PRESIDING JUDGE FREMR: Madam Rabanit, it's not ideal because you know we
15 have in the afternoon two-hour session and if we would spend two hours and
16 10 minutes I think it would be too extensive for our witness. But I just got
17 information that you still have at your disposal, 1 hour -- 1 hour, yes, 23 minutes. So
18 it I think wouldn't be a big problem. By the way, do you think you will need all that
19 time to complete your examination?

20 MS RABANIT: I think so, Mr President.

21 PRESIDING JUDGE FREMR: All right. I think we can afford that. So we will
22 break now.

23 Let's move into open session.

24 (Open session at 12.50 p.m.)

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

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- 1 PRESIDING JUDGE FREMR: So, Madam Witness, we will break now for lunch
2 break so you will also have a chance to take some rest. And we will continue after
3 90 minutes, which means that we will continue at 2.20.
4 So now court is adjourned.
- 5 THE COURT USHER: All rise.
6 (Recess taken at 12.52 p.m.)
7 (Upon resuming in open session at 2.21 p.m.)
- 8 THE COURT USHER: All rise.
9 Please be seated.
- 10 PRESIDING JUDGE FREMR: Good afternoon, everybody.
11 So let's continue with the last part of examination-in-chief. I'm just reminding
12 Ms Rabanit she has at her disposal 1 hour 27 minutes if I'm not wrong.
13 And another important caveat, we have to today because of some other Judges
14 commitments we have to finish at the latest 4.20 sharp.
15 So now, Ms Rabanit, you have the floor.
- 16 MS RABANIT: Thank you, Mr President. I'm afraid we will have to go directly
17 into private session.
- 18 PRESIDING JUDGE FREMR: Why afraid? It's in the interest of protection of the
19 interest of the witness, so don't be afraid.
20 Let's move into private session now.
- 21 (Private session at 2.23 p.m.) *(Reclassified partially in public)
- 22 THE COURT OFFICER: We are in private session, Mr President.
- 23 PRESIDING JUDGE FREMR: Thank you, court officer.
24 Ms Rabanit, please proceed.
- 25 MS RABANIT: Thank you, your Honour.

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1 Q. (Interpretation) Good afternoon, madam.

2 A. Good afternoon.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Once again, madam, I'm sorry to have to ask you that, but I have to ask you
10 what part of the soldier's body and what part of your body when you say "he slept
11 with me"?

12 A. He took his penis and he put it into my vagina.

13 Q. Now, did he talk to you, madam?

14 A. He told me the following: "If you shout out, I'm going to kill you."

15 Q. Was he carrying anything?

16 A. Yes, he was carrying a rifle.

17 Q. And what group did he belong to, madam?

18 A. He was a UPC soldier.

19 Q. Madam, did you see people on the road between Sangi and Kobu?

20 A. When we were on the road we saw the body of a woman who had been
21 decapitated.

22 Q. If we understood you well, decapitated? Is that what you said?

23 A. It was her neck, she'd been struck with a machete. Her throat had been cut.

24 (Redacted)

25 (Redacted)

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9 (Redacted)

10 Q. Do you know her ethnic group, madam?

11 A. She was a Lendu.

12 Q. What happened after you saw this woman on the side of the road? Before
13 arriving in Kobu did anything else happen?

14 A. We left the body of this woman on the ground and we followed the path on
15 which they were leading us.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Did anything happen to (Redacted) at that time?

21 A. Having gone past the body about 20 metres on, two soldiers noted that (Redacted)

22 (Redacted) had problems. They said, "If we continue with her, we're going to kill her."

23 And that's why they threw her into the forest. She fell on stones and branches and
24 that's where she remained.

25 (Redacted)

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8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted). He took his penis and he put it into my

12 vagina.

13 Q. Madam, you spoke about a kadogo. Could you explain what you mean by
14 that?

15 A. When people speak about kadogo, those are small children, child soldiers.

16 They are commonly called "kadogo" these child soldiers.

17 Q. Very well. So this one you spoke about, do you know how old this kadogo
18 was?

19 A. In my opinion, as a parent, I think that he was between 14 and 15 years old.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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25 Q. What was the state of the buildings in Kobu at the time you left? Can you

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1 describe that for us, please?

2 A. Are you talking about civilian homes, houses?

3 Q. Yes, I am talking about houses in Kobu.

4 A. In the city centre the houses were not burnt, but from Ngabulo to Sangi-Sayo
5 the houses were burnt. But in Kobu centre the houses were not torched.

6 Q. You told us that (Redacted) you saw people looting along the way.

7 Who were those people who were looting?

8 A. It was Hema people. Many of them; women, children, men. So many of them.

9 (Redacted)

10 Q. What was their attire? What were they wearing?

11 A. Those who were looting were wearing their ordinary civilian clothes or
12 clothing.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Did you see the items or goods that were looted and can you describe them, if
21 so?

22 A. Well, I cannot give you too many details.

23 Q. The Hema people who were looting, were they carrying any weapons?

24 A. No, they weren't.

25 Q. (Redacted) were you carrying anything

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1 whatsoever?

2 A. Yes, I carried a package.

3 Q. What was the content of that package?

4 A. I transported a (Redacted)

5 (Redacted)

6 A. Yes, it was Salumu who ordered me to do so.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. Yes, there were some soldiers with us.

13 Q. Was there any interaction between you and the soldiers, and did they say
14 anything to you whatsoever along the way?

15 A. No, they didn't say anything to us. We had no discussions with them.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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11 (Redacted)

12 A. We saw the body of a gentleman who was killed there. And as we continued,
13 we also saw traces of blood, a lot of blood.

14 Q. Did you see the wounds of that man?

15 A. No, we didn't see his wounds because we were simply passing by. All what
16 we saw was a dead body lying nearby.

17 Q. What attire was he wearing?

18 A. Civilian clothes.

19 Q. Did you see any weapon near the dead body?

20 A. No, there was no weapon.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 A. Those troops who were referred to as kadogo were two, two of them in number,
6 and the other soldiers were adults.

7 Q. Do you know the age of the youngest kadogo you saw on that day?

8 A. He must have been 14 years old or so.

9 PRESIDING JUDGE FREMR: And sorry to interrupt.

10 And Madam Witness, how did you come to that conclusion about age of this
11 youngest kadogo?

12 THE WITNESS: (Interpretation) (Redacted). I can see a child
13 and estimate his age. That's -- that's it.

14 PRESIDING JUDGE FREMR: All right.

15 Ms Rabanit, please proceed.

16 MS RABANIT: (Interpretation)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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10 (Redacted)

11 Q. Did they tell you which troops were involved or which troops they were talking
12 about?

13 A. The UPC troops.

14 PRESIDING JUDGE FREMR: Mr Gosnell.

15 MR GOSNELL: May I ask the Registry's assistance with a computer that has shut
16 down just to my right, please.

17 PRESIDING JUDGE FREMR: For sure.

18 Court officer, please assist.

19 (Pause in proceedings)

20 PRESIDING JUDGE FREMR: Mr Gosnell, do you think we can proceed? I guess
21 we will do our best to --

22 MR GOSNELL: Yes.

23 PRESIDING JUDGE FREMR: -- to --

24 MR GOSNELL: Yes, Mr President, we can proceed.

25 PRESIDING JUDGE FREMR: Thank you.

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1 So Ms Rabanit, are you with us? Please proceed.

2 MS RABANIT: I am. Sorry, Mr President.

3 (Redacted)

4 (Redacted)

5 (Redacted)

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10 (Redacted)

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10 (Redacted)

11 (Redacted)

12 daughter?

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MS RABANIT: I'm going to ask you for one minute, Mr President, please.

23 PRESIDING JUDGE FREMR: All right.

24 (Counsel confer)

25 MS RABANIT: Thank you, Mr President.

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18 (Redacted)

19 (Redacted)

20 THE WITNESS: (Interpretation) Yes.

21 MS RABANIT: (Interpretation)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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21 (Redacted)

22 Q. Madam, could you explain to us what the consequences of the events have been
23 for you, consequences of the events that you have described for us?

24 A. I have bad memories of everything that happened, very bad memories. Lots of
25 pain in my heart when I think about it.

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12 (Redacted)

13 PRESIDING JUDGE FREMR: Ms Rabanit, a gentle reminder, you have the last five
14 minutes.

15 MS RABANIT: Your Honour, in fact that was my last question.

16 PRESIDING JUDGE FREMR: Even better.

17 All right, so thank you.

18 And now my question goes to Mr Suprun. Mr Suprun, according my notes your
19 original request targeted following four areas that you would like to examine the
20 witness on: (a) the economic situation of the witness and family; (b) harm suffered
21 by witness and relatives; (c) psychological harm suffered by the witness as a result of
22 the events; and (d) her expectations in terms of possible reparations.

23 So now my question is: Do you want to amend your request in light of the
24 examination conducted by Ms Rabanit?

25 MR SUPRUN: (Interpretation) Thank you very much, your Honour. Indeed, I'd

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1 like to retain my application with regards to the different requests I've made.

2 Principally my questions will concern the harm suffered by the victim and members
3 of her family, but I'd also like to ask questions for clarification concerning the
4 situation of the witness before and after the war to demonstrate what has changed in
5 the life of the witness and her family, but of course I will avoid repetition when I ask
6 my questions and I would -- with the leave of the Chamber I would need 15 minutes
7 for my questions. Thank you.

8 PRESIDING JUDGE FREMR: Defence, any objection?

9 MR GOSNELL: No, Mr President.

10 PRESIDING JUDGE FREMR: On such a case, you are granted 15 minutes and you
11 may continue.

12 I guess you will have to remain in private session?

13 MR SUPRUN: (Interpretation) Mr President, I need a moment to set up. Thank
14 you.

15 PRESIDING JUDGE FREMR: No problem. Take your time.

16 (Pause in proceedings)

17 MR SUPRUN: (Interpretation) Mr President, I would like to put my first question
18 in private session.

19 PRESIDING JUDGE FREMR: All right. You may proceed.

20 QUESTIONED BY MR SUPRUN: (Interpretation)

21 Q. Good afternoon, Madam Witness.

22 A. Good afternoon.

23 Q. We have already met, but let me introduce myself for the record. My name is
24 Dmytro Suprun, representing victims of the attacks against the civilian population
25 who have been admitted to participate in the trial against Bosco Ntaganda.

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1 I have a few questions for you in a bid to clarify some aspects of your testimony and

2 also to obtain details on your experience (Redacted)

3 Madam Witness, during your testimony this morning you said that before the

4 beginning of the war you were married and you had children. My question is as

5 follows: (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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16 (Redacted)

17 MR SUPRUN: (Interpretation) Mr President, can we go now into open session?

18 PRESIDING JUDGE FREMR: Certainly.

19 Court officer, let's return back into open session.

20 (Open session at 4.02 p.m.)

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

22 PRESIDING JUDGE FREMR: Thank you, court officer.

23 Mr Suprun, you may proceed.

24 MR SUPRUN: (Interpretation)

25 Q. Madam Witness, after the events of 2002-2003, which you experienced, did you

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1 yourself and members of your family were you able to reconstruct your life to a
2 normal life that you had before the events?

3 A. No. No, we have not been able to return to our normal lives.

4 Q. Did you receive any help or assistance following the 2002-2003 events, whether
5 it be material, psychological or otherwise from the Congolese government, from
6 NGOs or from any other source?

7 A. We have not received anything to this day.

8 Q. Madam Witness, as a victim of war, what do you expect from the ICC following
9 this trial against Bosco Ntaganda?

10 A. I expect reparations because we lost much property; our houses were torched,
11 our property was looted. So we expect that our houses would be rebuilt and that we
12 will receive compensation for the property that were lost.

13 Q. So when you talk about reparations, are you talking about only rebuilding your
14 houses or are you expecting anything else in terms of reparations?

15 A. We need help. I need help. I need assistance so that I can return to a normal
16 lifestyle so that all those consequences of what I experienced may be wiped out from
17 my mind.

18 Q. Thank you, Madam Witness, for your answers.

19 MR SUPRUN: (Interpretation) Mr President, I have no further questions for this
20 witness.

21 PRESIDING JUDGE FREMR: And I thank you, Mr Suprun, for being punctual.

22 Now, I don't see reasonable -- I believe that Mr Gosnell will agree with me to start
23 your cross-examination just for 10 minutes, I think it will be better to start tomorrow
24 because we still, I think, are doing well as to our time schedule.

25 So Madam Witness, we will break now your testimony, we will continue tomorrow,

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1 so I would like to thank you because you perfectly observed our guidance and you
2 patiently and clearly answered all questions put to you. So thank you for that.
3 And I have to give you another guidance: Between today and tomorrow you must
4 not discuss your testimony with anybody else. Do you understand?

5 THE WITNESS: (Interpretation) Yes, Mr President.

6 PRESIDING JUDGE FREMR: All right. Which means that we will adjourn now
7 and we will continue tomorrow 9.30.

8 THE COURT USHER: All rise.

9 (The hearing ends in open session at 4.06 p.m.)

10 RECLASSIFICATION REPORT

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

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