

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 Judge Chang-ho Chung

6 Trial Hearing - Courtroom 2

7 Tuesday, 12 July 2016

8 (The hearing starts in open session at 9.32 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 For the record, we are in open session.

18 PRESIDING JUDGE FREMR: Thank you, court officer.

19 Now appearances in habitual order starting with the Prosecution, please.

20 MS RABANIT: Good morning, Mr President, your Honours. Appearing today for

21 the Prosecution are Selam Yirgou, case manager; Kristy Sim, assistant trial lawyer;

22 Dianne Luping, trial lawyer; and I'm Marion Rabanit, associate trial lawyer.

23 PRESIDING JUDGE FREMR: Thank you, Ms Rabanit.

24 Defence, please.

25 MR GOSNELL: Good morning, your Honours. Appearances are the same as

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1 yesterday. Thank you.

2 PRESIDING JUDGE FREMR: Thank you, Mr Gosnell.

3 And Legal Representatives of Victims, please.

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

7 MR SUPRUN: (Interpretation) Good morning, your Honour, your Honours. The
8 victims of the attacks are represented by myself, Dmytro Suprun, counsel with the
9 Office of Public Counsel for Victims.

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

11 Madam Witness, good morning. Can you hear me?

12 WITNESS: DRC-OTP-P-0113 (On former oath)

13 (The witness speaks Swahili)

14 THE WITNESS: (Interpretation) Yes, I can hear you.

15 PRESIDING JUDGE FREMR: Madam Witness, I was informed that you suffered
16 some hopefully slight health problem, some headache, but I was informed that now it
17 was a bit better, so do you feel okay to testify? Because if everything goes well, we,
18 I believe, will finish your testimony today, so you will be free at the end of the day
19 and you could go home. So do you feel okay to testify today?

20 THE WITNESS: (Interpretation) I'm going to try. If I'm unable to do so, I will tell
21 you.

22 PRESIDING JUDGE FREMR: All right.

23 THE WITNESS: (Interpretation) If I'm not able.

24 PRESIDING JUDGE FREMR: All right. It's fine with us, Madam Witness.

25 Madam Witness, it's my duty to remind you that you are still under oath, which

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1 means that you have to speak truth and nothing but the truth, as I told you yesterday.

2 And one additional guidance, I would like to emphasise that this Court is governed

3 by principle of fair trial, which means that both parties should be treated equally,

4 which in practice in your case means that you should answer questions put to you by

5 Defence in the same way, how you perfectly did it yesterday when answering

6 questions put to you by Prosecution.

7 Do you understand all that, Madam Witness?

8 THE WITNESS: (Interpretation) Yes.

9 PRESIDING JUDGE FREMR: Very well. Then we can proceed with

10 cross-examination conducted by Defence.

11 Mr Gosnell, just a reminder you have, according our decision, 4 hours to conduct it.

12 So you have the floor.

13 MR GOSNELL: Thank you very much, Mr President.

14 QUESTIONED BY MR GOSNELL:

15 Q. Good morning, Madam Witness.

16 A. Good morning.

17 Q. My name is Christopher Gosnell, I will be asking you some questions today. If

18 my questions are not clear to you, then please do feel free to let me know and I'll try

19 to clarify as best I can.

20 MR GOSNELL: Mr President, may we move into private session, please?

21 PRESIDING JUDGE FREMR: And for the information of public, this witness is

22 protected witness which means that she was given guarantee that her identity will not

23 be revealed to public, so in case that the question that are going to be put to her could

24 or may reveal her identity, in such a case they have to be put in private session, which

25 is the case now.

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

2 (Private session at 9.38 a.m.) *(Reclassified partially in public)

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

4 PRESIDING JUDGE FREMR: Thank you, court officer.

5 Mr Gosnell, please proceed.

6 MR GOSNELL:

7 Q. (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 "During the events you're describing?"

2 And you said: "Yes."

3 Could we please have DRC-OTP-0096-0036, please. It's tab 1. Maybe we can even
4 blow that up a little bit.

5 Madam Witness, you were shown this document yesterday by the Prosecution. It's
6 your first statement to them which you gave, according to this, in (Redacted). And
7 down in the bottom left-hand corner you see your name written there. Is that your
8 signature under your name?

9 A. Yes.

10 Q. Could we please turn to page 0047. And this is the last page of this document,
11 Madam Witness, and am I correct that that is again your signature next to your name?

12 A. Yes.

13 Q. And you remember that you signed this statement to indicate that it was true to
14 the best of your recollection, correct?

15 A. Yes.

16 Q. And even though we understand that you left some information out of this
17 statement which you then supplemented later, you didn't tell any lies in this
18 statement, did you?

19 A. Yes.

20 Q. Could we have page 0046, please. And here's, madam, what you say at
21 paragraph 45. And I'm going to read it very slowly so that it will be interpreted into
22 Swahili for you. And I'll read it in French:

23 (Interpretation) "When the Lipri route was finally reopened, I was able to send a

24 (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 A. (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 MR GOSNELL: Well, let's turn back please to page 38 of the document on the screen.

25 If we could zoom on paragraph 10.

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 A. Yes.

7 MR GOSNELL: Could we have DRC-OTP-2058-1074. It's tab 4.

8 Q. Madam Witness, this is your second statement to the -- not your second

9 statement, but a statement that you gave to the Office of the Prosecutor in

10 (Redacted), which I can say that you signed. And this is where for the first time

11 you describe certain rapes.

12 And if we can please go to page 1084, paragraph 55.

13 Here's what you reported as having said in (Redacted):

14 "I did not tell the investigators in (Redacted) what had happened because I was very afraid

15 to say these things, afraid that it would split my marriage with my husband. He

16 could be aggressive. I talked to my mother and knowing my husband's temper she

17 advised me not to tell him. I told everything to my mother, but not to anyone else.

18 I am not with him anymore so I do not fear him anymore."

19 Now it seems that what you said in (Redacted) is that you were afraid to report the rapes

20 that you suffered during your interview in (Redacted) because during your interview in

21 (Redacted) you were still married. Do you remember having said that to the investigators?

22 A. Yes, I said so.

23 Q. Was that true?

24 A. Since I left (Redacted), we went to (Redacted), then we went to the house. And on the

25 same day he asked me the question: "Did those people rape you?" And I said "No."

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1 I told him that they had not raped me. (Redacted)

2 (Redacted)

3 Q. Yes, I understand that, but what appears to be written on this page, which is
4 your statement, is that you were afraid of splitting up with your husband in (Redacted)
5 when you gave your statement.

6 A. Yes, that is what I said and it was because when the investigators asked me
7 those questions, I did not want to tell them about that particular incident. But I had
8 the courage to talk about these things later on. At the time of the interview with the
9 investigators, I did not want to talk about that.

10 Q. Yes, and the particular fear that you are describing in this statement that's on
11 the page in front of us is a fear of your husband, that he was aggressive and that he
12 might split up with you. Did you tell the investigators that that was the reason why
13 you did not reveal the rapes during the interview in (Redacted)?

14 A. Yes.

15 THE INTERPRETER: A message from the Swahili booth: Could the witness be
16 kindly requested to remove her hand from her cheek so that she can be heard more
17 clearly. Thank you, Mr President.

18 PRESIDING JUDGE FREMR: Madam Witness, please, when you are responding,
19 don't keep your hand over your mouth, otherwise then it's a problem to understand
20 for the interpreters. Thank you very much.

21 MR GOSNELL:

22 Q. So just to be clear on this, you did tell them that but that wasn't true, was it, that
23 you feared your husband, you feared splitting up with your husband, it wasn't true
24 because (Redacted) according to you; is that correct?

25 A. The investigators asked me the following question: "When that happened,

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1 who did you talk to about it?"

2 And I told them that I mentioned it to my mother and that I was afraid to talk about it
3 to my husband because he has an aggressive character and that if I had told him that
4 we would have been separated from each other. And so when (Redacted) I met
5 him, that in fact was the very first question he put to me.

6 Q. The statement here has to do not with your fear in 2003 when you saw your
7 husband, the statement here on the page in front of us has to do with your fear in
8 (Redacted). Do you understand that?

9 A. What did you say? I did not understand what you said.

10 Q. The fear of your husband that is described here, which is your statement, this is
11 what you told the investigators, the fear that you express here is a fear that you say
12 you felt during your first interview with the Prosecution in (Redacted). Do you
13 understand that that's the fear that's expressed in this statement of yours?

14 A. During the UPC war which was in 2002 and 2003, now if I had to tell a story in
15 (Redacted), well, this is what it would have been: When I left (Redacted), my husband came,
16 but I didn't tell him. I talked about this in (Redacted), as you said. I was afraid to tell him.
17 I did not even tell my husband. And even the investigators, I did not talk about this
18 to them on the first opportunity. I only had the courage to talk about these things
19 with them when my mother encouraged me to tell them everything that had
20 happened or to talk about everything that had happened and it is thereafter that I was
21 able to address this issue with the investigators.

22 Q. (Redacted)
23 (Redacted)

24 A. Yes.

25 Q. Now, at page 70 -- and I'm done with this document for now. Actually, no, I'm

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1 not done with it. Perhaps we could just leave it on the screen without losing it.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. (Redacted)

6 Q. And this is not the same person to whom you referred during your testimony
7 several times as just (Redacted); is that correctly understood?

8 A. (Redacted)

9 Q. And can you just tell us the name, please, the full name of the (Redacted).

10 A. (Redacted) and then there is (Redacted).

11 Q. Now, if we could turn back on this document to page 0038. Would you
12 sometimes refer to (Redacted)?

13 A. Yes.

14 Q. Well, I see we haven't moved the page but that's fine because instead of going to
15 this paragraph we'll go to a different document please, tab 4, DRC-OTP-2058-1074,
16 please.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. Yes, I do.

21 Q. And what is the name of that person?

22 A. (Redacted)

23 Q. (Redacted)

24 A. That is correct.

25 Q. (Redacted)

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1 the war; is that correct?

2 A. Yes.

3 Q. Could we turn to page 1076, please. Now, this Madam Witness, again it's your
4 statement from (Redacted) which you've signed, and here's what it says at
5 paragraph 8:

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. Yes.

12 Q. So was it a mistake there that they said that you had told them and that you
13 signed this statement saying that this person (Redacted) instead of during the
14 events in 2002 and 2003?

15 A. I do not know.

16 Q. (Redacted) best you can recall?

17 A. Well, quite often I am confused when it comes to dates, and when I'm confused
18 I might just mention a date like that.

19 Q. Well, as you sit here today and to the best of your recollection, is it possible that
20 the person referred to as (Redacted) died before the events you've described
21 and that your testimony yesterday was confused about the timing when she was
22 killed or died?

23 A. She died during the war.

24 Q. So you're sure you're not confused about that?

25 A. Well, I have trouble remembering dates when it -- when it comes to that.

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1 Q. Yes, but this is a 13 year difference between the time that you said she died
2 according to your statement in (Redacted) and your testimony yesterday. Is it possible
3 you're confused to that extent?

4 A. Well, I don't know what else to tell you when it comes to these dates.

5 MR GOSNELL: May we have DRC-OTP-2091-0509, please. It's tab 21. Could we
6 turn please to page 0511, paragraph 14.

7 Q. The information written on this page, Madam Witness, says that there was a (Redacted)
8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted)

13 Q. (Redacted)

14 THE INTERPRETER: (Redacted)

15 (Redacted)

16 MR GOSNELL:

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 MR GOSNELL: (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

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1 Q. So am I correct that, if we summarise this, you have under your care or have
2 had under your care over the last (Redacted)
3 (Redacted); is that
4 all correct?

5 A. Yes.

6 Q. And in respect of none of these four double names is there any --

7 PRESIDING JUDGE FREMR: Ms Rabanit.

8 MS RABANIT: I'm sorry to intervene, Mr President, but I would just have the
9 reference of the second reference to (Redacted) from Defence counsel, please.

10 MR GOSNELL: Well, first of all, the witness already said "Yes" in answer to my
11 question. But secondly, there is -- maybe on this one we should remove the
12 headphones.

13 PRESIDING JUDGE FREMR: Madam assistant, could you assist us and take
14 headphones off. Yes, thank you.

15 Now, Mr Gosnell.

16 MR GOSNELL: Earlier in her testimony she referred to (Redacted)
17 (Redacted). And during her first statement in (Redacted)

18 (Redacted), the very last name at
19 paragraph 10. A distinction is drawn between (Redacted)
20 (Redacted)

21 PRESIDING JUDGE FREMR: Ms Rabanit.

22 MS RABANIT: Yes, Mr President, we believe it is actually the same person. And I
23 take note of Defence counsel remark that she was already -- she has already provided
24 an answer, but we think, out of fairness to the witness, only things that she has said
25 should be put to her.

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1 MR GOSNELL: Well, I'm sorry, but it has been said because in her first statement
2 she said -- and it's her statement, not my statement. There is the name there given at
3 the end (Redacted). Unfortunately your Honours don't have it in front of you,
4 but it appears immediately after the a reference to (Redacted), that means that those are
5 two different people. And then earlier here today she used the name (Redacted)
6 (Redacted).

7 PRESIDING JUDGE FREMR: Ms Rabanit, anything else?

8 MS RABANIT: Yes, just to say that it can be clarified very easily by just asking her if
9 there are indeed two different people.

10 PRESIDING JUDGE FREMR: Mr Gosnell, even if I have some own understanding
11 about the answers given by Madam Witness, please maybe, to be absolutely one
12 hundred per cent fair, please repeat this question.

13 MR GOSNELL: Certainly, Mr President.

14 Could the headphones be ...

15 Q. Sorry, for the interruption, Madam Witness. The -- I asked you a question
16 about whether there were two (Redacted), and is it correct, for starters, that there were
17 two people whom you would refer to as (Redacted), two different people?

18 A. There was one (Redacted), and then there was another
19 who was known as (Redacted).

20 Q. Madam Witness, I'm so sorry to have to ask this but could you repeat your
21 answer because I think it may not have come through quite correctly?

22 A. (Redacted) One of them was known as (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 Q. Yesterday during your testimony, page 84, you were asked: "Did you receive
2 any help or assistance following the 2002-2003 events, whether it being material,
3 psychological or otherwise from the Congolese government, from NGOs or from any
4 other source?"

5 And your answer was: "We have not received anything to this day."

6 Now, you didn't mean to say surely that you haven't received anything from the ICC,
7 did you?

8 A. No, I still haven't received anything.

9 Q. No assistance from the ICC, say, over the last 10 years?

10 A. What type of assistance do you mean, for example? Perhaps I've forgotten.

11 Q. Money?

12 A. Money? To pay me or what?

13 Q. Did you ever receive money from anyone in the ICC?

14 A. Nobody.

15 Q. Did anyone ever help secure accommodation for you?

16 A. Nobody.

17 Q. (Redacted)

18 A. (Redacted)

19 Q. From someone in the ICC; is that correct?

20 A. Officials from the Office of the Prosecutor.

21 Q. (Redacted), did you receive any other assistance at all from the
22 Office of the Prosecutor?

23 A. No.

24 Q. And as a victim in this case, are you aware that in order to receive compensation
25 as part of this case the harms that you suffered have to fit within a certain definition?

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1 In other words, it had to have occurred at a particular time in a particular place by
2 particular people. Do you know that?

3 A. I haven't understood your question.

4 Q. Do you know that in order to receive compensation as a victim in this case the
5 perpetrators of the crimes have to have been found to be UPC?

6 A. I know that it was UPC troops who committed the crimes.

7 Q. And in order to receive compensation of any sort, it must be found by the Court
8 that it was the UPC that committed those crimes. Do you know that?

9 A. Yes.

10 Q. Now, yesterday at page 41 of the transcript you described being brought down
11 from the bush by UPC soldiers to Buli and you said the following:

12 "The people from our group who had been captured, there were about (Redacted) of us."

13 And then you were asked: "And other groups afterwards, do you know how many
14 people there were in them?"

15 And your answer was: "What I saw coming from Jitchu that was the people I
16 managed to -- well, they were -- I was able to count them. There were 47 people."

17 Now, you said that you were able to count them. How did you count them?

18 A. We were cooking where people were passing by and as they were passing by I
19 counted them.

20 Q. So at the moment that the 47 arrive you are cooking; is that correct?

21 A. Yes.

22 Q. And you've described for us the circumstances of you being arrested by the
23 UPC and being fearful at that time. Why would you consider it necessary or
24 important under the circumstances to count the people arriving in Buli while you
25 were cooking?

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1 A. I counted them because they were civilians in the middle of soldiers. That's
2 what made me count them.

3 Q. No one has told you that you should say 47, have they?

4 A. No, nobody's told me.

5 Q. And no one has told you that you should say that the UPC made an invitation
6 to a pacification meeting; is that right?

7 A. Yes.

8 MR GOSNELL: Could we have DRC-OTP-0096-0049, please, tab 2. If we can just
9 blow up the top -- well, maybe a little bit less, please.

10 Q. Madam Witness, do you recognize this document appearing on the screen in
11 front of you?

12 A. Yes.

13 Q. And what is it?

14 A. I see that my name is mentioned.

15 Q. Have you ever seen this before and can you tell us what it is if you have?

16 A. You can read and understand what this document says.

17 Q. In what circumstances was this document created, if you know, if you can tell
18 us and assist us?

19 A. I don't know how to explain with regards to this document. You can ask me
20 questions and I can answer them.

21 Q. Did you see it being written?

22 A. No, I didn't. I wasn't present when it was drafted.

23 PRESIDING JUDGE FREMR: Ms Rabanit.

24 MS RABANIT: Yes, Mr President. Maybe there's an issue of the witness being able
25 to read or to read in French.

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1 PRESIDING JUDGE FREMR: Mr Gosnell.

2 MR GOSNELL: Paragraph 13 of the witness's first statement, she says that she
3 knows how to write and read Swahili and French. And she answered. Unless
4 there's something more from my colleague.

5 PRESIDING JUDGE FREMR: Ms Rabanit, anything else?

6 MS RABANIT: I think that maybe it's fairer to the witness to just ask her now
7 whether she can read it or not.

8 PRESIDING JUDGE FREMR: But she already asked and answered.

9 So, Mr Gosnell, please continue.

10 MR GOSNELL:

11 Q. So you weren't present when it was drafted. Do you have any knowledge as to
12 when it was drafted?

13 A. I don't know. Could you give me more details so that I could understand?

14 Q. Are these notes that are based on an interview that someone conducted with
15 you, as far as you know?

16 A. Yes.

17 Q. And when was that interview?

18 A. That was when we were in (Redacted).

19 Q. And to whom did you give this interview or with whom was this interview
20 conducted?

21 A. I've forgotten. I've forgotten the person who was interviewing me.

22 Q. Can you remember the name of any organisation they might have been
23 associated with?

24 A. I've forgotten.

25 Q. Could we turn for a moment to tab 1, DRC-OTP-0096-0036. Page 0038,

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1 paragraph 14.

2 And Madam Witness, this is your first statement to the Office of the Prosecutor that

3 was taken on (Redacted). And here's what it says:

4 (Interpretation) "I confirm that a copy of the document of one page was presented to

5 me without a title nor date, the first sentence of which starts with the following words:

6 'Interview Madam (Redacted)'. She's been given the opportunity to read it with

7 the assistance of a translator of the French language and Swahili language. I

8 consider that these are notes of the interview that I had with the representative of" we

9 don't have the name "dated (Redacted)."

10 Now the information I have is that the organisation whose name is blanked out here

11 is called (Redacted). Does that ring a bell?

12 A. Was it in Bunia or another place? I don't understand well.

13 Q. Well, let's see if I can jog your memory by reference to timing rather than place.

14 Do you remember that it was during your three-day interview with the Office of the

15 Prosecutor that you were also interviewed by someone from this organisation called

16 (Redacted)?

17 A. I don't remember anymore. If you could give me other details with regards to

18 that, then perhaps that would help me remember.

19 Q. Yes, I'll try to do that, Madam Witness. I'll try to do that. Could we go back

20 to page 1 of this document, please. If you just zoom a little bit. It says here that the

21 interview is conducted over three days and that on the middle day on (Redacted) the

22 interview started at 9.45 in the morning, Madam Witness. And went until 1 o'clock

23 and then it continued in the afternoon.

24 Could we go back, please, to the previous document, DRC-OTP-0096-0049. It's tab 2.

25 If we could just zoom in on about the 6th line down, Madam Witness, it says and I'll

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1 read it to you:

2 (Interpretation) "Investigator of" and I believe it is (Redacted)

3 (Redacted) having heard about the Kobu incidents."

4 (Speaks English) Now, does that remind you in any way that there was a day, there
5 was one day during your first set of interviews with the Prosecution, with the
6 investigators, when you met with someone from this organisation beforehand, earlier
7 in the morning?

8 A. I've forgotten that. I no longer remember.

9 Q. Can you recall if the person who was conducting the interview was named
10 (Redacted)?

11 A. I remember (Redacted), but as regard the content of our conversation.

12 Q. Was this last person -- was the last name of this person (Redacted)
13 (Redacted)?

14 A. Yes, I remember.

15 Q. So you remember that he was the one who met with you that was the basis for
16 these notes?

17 Let me see if I can assist, Madam Witness. Back in 2005 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) You have no reason to

21 think that that wasn't the truth and that that wasn't accurate, do you?

22 A. Can you give me more explanations? For the moment I no longer remember.
23 Perhaps later I'll remember.

24 Q. Was this person (Redacted) present during the interview with the OTP, with the
25 investigator?

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1 A. That's what I'm astonished by, (Redacted)

2 (Redacted), but as regards an

3 interview with him, I don't remember.

4 MR GOSNELL: I just see we're at the 11 o'clock break, Mr President.

5 PRESIDING JUDGE FREMR: Let's move into open session.

6 (Open session at 11 a.m.)

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

8 PRESIDING JUDGE FREMR: So as to the timing, Mr Gosnell, you still have,

9 according our measuring, at your disposal 2 hours 43 minutes. And we will take our
10 regular break now and will reconvene half past 11.

11 THE COURT USHER: All rise.

12 (Recess taken at 11.01 a.m.)

13 (Upon resuming in open session at 11.31 a.m.)

14 THE COURT USHER: All rise.

15 Please be seated.

16 PRESIDING JUDGE FREMR: All right. Before we continue with cross-examination
17 of our witness by Defence, I see Ms Rabanit on her feet.

18 Ms Rabanit, you have the floor.

19 MS RABANIT: Mr President, I would like to address briefly the Chamber in closed
20 session, if possible, and without the witness being able to listen. *We need to be able
21 to listen to and discuss with Defence counsel.

22 PRESIDING JUDGE FREMR: All right.

23 So, first of all, let's move into private session.

24 And, madam assistant, could you kindly take off headphones of Madam Witness.

25 Thank you very much, madam assistant.

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1 (Private session at 11.32 a.m.) *(Reclassified partially in public)

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

3 PRESIDING JUDGE FREMR: Thank you, court officer.

4 Ms Rabanit, please.

5 MS RABANIT: Thank you, Mr President. It's just to correct and clarify the records,
6 because Defence counsel is pursuing this line of inquiry of what happened during the
7 first interview with the Prosecution. And we can understand completely the
8 confusion, but we believe there's an issue of French language in the sentence that has
9 been read to the witness. I'm still talking about the paragraph 14 of the first
10 statement on page 0038. The sense of the sentence is not that the interview with the
11 organisation happened on (Redacted), but that it has been read to the witness with
12 the assistance of the interpreter on that date during the interview. And this is where
13 the confusion comes from and this may be because the person drafting the statement
14 at the time was not a native French speaker and the sentence may miss a couple of
15 commas here and there. We have no issue with the Defence pursuing this line of
16 inquiry with the witness, but we can confirm that this interview did not take place in
17 the same location referred to in the interview given by, with the other NGO and it
18 was not received as at the same date.

19 PRESIDING JUDGE FREMR: And this conclusion or interpretation or clarification is
20 based on what?

21 MS RABANIT: It's based on discussion with the investigator at the time.

22 PRESIDING JUDGE FREMR: All right.

23 Mr Gosnell, do you want to make any comment on that clarification?

24 MR GOSNELL: I just need one clarification of the clarification, if I may. I would
25 like to inquire when was the consultation with the investigator that led to this

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1 awareness.

2 PRESIDING JUDGE FREMR: Ms Rabanit?

3 MS RABANIT: Just now during the break, your Honour.

4 PRESIDING JUDGE FREMR: Is it sufficient to you, Mr Gosnell, this clarification?

5 MR GOSNELL: I have no problem with it, Mr President. But I'm not the only
6 person who speaks French on the Defence side and there are many people who are
7 native French speakers, and I'm informed that my reading of this sentence is perfectly
8 correct and that in fact it's being read correctly. That doesn't mean to say that the
9 Prosecution is wrong. I'm not saying that the investigator didn't make a mistake or
10 didn't put it in correctly, but let's be clear where the fault lies.

11 PRESIDING JUDGE FREMR: Any way, the Chamber well noted that and we will
12 take it into consideration if this issue would be relevant for our further deliberation.
13 Now we can return back, even if probably for a very short while, to the open session.

14 MR GOSNELL: Sorry, Mr President, just before, may I just ask for the one further
15 clarification before the witness's headphones go back on?

16 PRESIDING JUDGE FREMR: For sure.

17 MR GOSNELL: And that is: Can the Prosecution inform us when the interview
18 supposedly did take place with (Redacted) and maybe -- I don't know whether the
19 Prosecution knows that or not.

20 MS RABANIT: We don't have this information at hand, but we will look through
21 our records if we have this information and we will inform the Defence as soon as
22 possible.

23 PRESIDING JUDGE FREMR: Very well. I believe it would be helpful.

24 Now, please provide Madam Witness with her head phones again. Let's return back
25 into open session.

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1 (Open session at 11.36 a.m.)

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

3 PRESIDING JUDGE FREMR: So we have solved this procedural issue and now we
4 will continue in cross-examination of our witness conducted by Defence. And my
5 question is, Mr Gosnell, the character of your upcoming questions, does it allow us to
6 remain in open session or does it require to move into private session?

7 MR GOSNELL: I think it would be hazardous to be in public session, also because
8 the Prosecution has indicated that it does not wish a particular set of names to be used
9 in respect of organisations and individuals.

10 PRESIDING JUDGE FREMR: Understood.

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

12 (Private session at 11.37 a.m.) *(Reclassified partially in public)

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

14 PRESIDING JUDGE FREMR: Thank you, court officer.

15 And please, Mr Gosnell, you may proceed.

16 MR GOSNELL: Thank you, Mr President.

17 May we have DRC-OTP-0096-0036 back on the screen, please. If we could go to
18 page 0038, paragraph 14.

19 Q. Now, Madam Witness, this statement of yours from (Redacted) says that the notes, the
20 handwritten notes that I showed you before the break were shown to you during
21 your interview with the OTP. Is that what happened? Do you recall that that's
22 what happened, those notes were shown to you during your interview with the OTP?

23 A. Please kindly repeat your question. I did not understand it.

24 Q. Yes. Were the notes that I showed you before the break, the handwritten notes,
25 were they shown to you during your interview with the OTP in (Redacted)?

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1 A. When you talk about my discussions with (Redacted), I am not able to
2 explain anything to you about that because I've forgotten it.

3 Q. So you can't recall having any discussions of substance about the events around
4 Buli with (Redacted)?

5 A. I think I have forgotten because these things happened a long time ago.

6 MR GOSNELL: Could we please have DRC-OTP-0096-0049.

7 Q. Now, Madam Witness, I'd just like to go over some of these notes with you to
8 see whether it can jog your memory about any discussion you may have had with
9 (Redacted). And if we go down to the line beginning "Nous avons" these notes say
10 the following, quote:

11 (Interpretation) "We went to Bambu and then -- we had Bambu and some refuge in
12 Ngabulo in the shika na mukono operations, at the time when the operation shika na
13 mukono was at its highest point, and when we were hiding in Buli there were (Redacted),
14 (Redacted) of us were arrested, including myself."

15 (Speaks English) Now, can I just first of all ask does the name shika na mukono
16 mean anything to you?

17 A. I really don't know how to answer your question. I am -- I am unable to
18 answer that question.

19 Q. Was that the name of the UPC attack from which you fled Bambu?

20 A. Yes.

21 Q. And you've said that you fled at the end of 2002; is that correct?

22 A. I already told you that when it comes to dates, I cannot be very specific so I
23 wasn't providing any specific dates. It was 2002 or 2003. And this is a problem I
24 have, so please, if you put some direct questions to me I will be able to answer you.

25 Q. Well, Madam Witness, you remember yesterday that you testified that it was

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1 correct that it was towards the end of 2002 and that it was some time before the
2 Christmas celebrations, and that's at page 15. Is that correct or are you saying that
3 you don't remember now?

4 A. Yes, please proceed. I am listening to you.

5 Q. Well, I'm asking you simply whether that's correct what you said yesterday or
6 are you now saying that you don't remember?

7 A. Please, kindly repeat. And by the way, what did I say yesterday? I think I've
8 forgotten already.

9 Q. Let me read that for you, Madam Witness.

10 And actually, my learned colleague from the Prosecution was reading from your
11 statement and what she read was the following: "Bambu, a village which is located
12 in the Walendu-Djatsi, Ituri district, Orientale province ... where until the end of the
13 year 2002, sometime before the Christmas celebrations, the village was attacked."

14 Question: "Madam, does this refresh your memory?"

15 Answer: "Yes."

16 Question: "Is it correct that the date of the attack was towards of end of 2002?"

17 And your answer was: "Yes."

18 A. Yes, that is how it was.

19 Q. So that's when, according to you, the operation shika na mukono took place; is
20 that correct?

21 A. Yes.

22 Q. And now I'm going to just keep reading from the notes, Madam Witness. And
23 it says:

24 (Interpretation) "From the forest in Buli we were taken to the Buli village, that is
25 from the Gola forest, we were taken to Buli village, and we were fleeing till about

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1 5 p.m. while 47 persons were arrested in Commander Salumu's convoy. And as for
2 the other persons, (Redacted), knows their
3 situation and their identities perfectly."

4 (Speaks English) And my question is this: It says here that there were 47 persons.
5 Can you remember whether it was you who mentioned this figure of 47 persons
6 during this interview with (Redacted) who mentioned 47
7 persons?

8 A. I am the one who provided the figure 47 because when they took us out of the
9 bush to Buli there was a message that had been received asking for those people to be
10 taken to Kobu. And so when it happened, I started counting the number of persons
11 who were present and it came up to 47. And I also said that (Redacted) knows them
12 perfectly and they were taken from the bush to Ngabulo under the escort of two
13 soldiers.

14 Q. And why did you consider this particular information about the 47 to be worthy
15 of mention? Why not just say several dozen or there were a number, there was a
16 large group? Why specifically mention that it was 47?

17 A. It is because I counted. The UPC people were considered to be the enemy. So
18 I was curious and I wanted to find out how many people they had arrested because
19 the UPC people were our enemies.

20 Q. Can you tell me how many people were on the road who had been arrested
21 when you travelled from Kobu to (Redacted)?

22 A. Well, it's difficult for me to say because if you look at the situation the road was
23 narrow, there were so many of us, I don't know who was in front, I don't know who
24 was where we were and I don't know who was behind us. All I know is that there
25 was *myself, (Redacted).

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1 That's the only answer I can provide.

2 Q. You did stop for some period of time, did you not, along the way?

3 A. At what point on the way?

4 Q. I'm just checking the transcript from yesterday, but I believe you said that you
5 stopped in (Redacted). Do you remember that?

6 A. Yes.

7 Q. And can you recall having stopped there in (Redacted) how many others stopped
8 along with you?

9 A. There were many soldiers. And we were civilians, that is myself, (Redacted),
10 (Redacted)

11 (Redacted)

12 Q. And no other civilians stopped with you in (Redacted); is that right?

13 A. *There were some people in front of us. *For those who were before us, I don't know how
14 many or who they were, but where we were in our own segment there were only soldiers.

15 Q. So did the others who were part of this procession who were under arrest and
16 who were travelling from Kobu (Redacted)

17 (Redacted)?

18 A. Those who were arrested went all the way to Kobu. Most of them were killed
19 in Kobu. Myself and (Redacted)

20 (Redacted) But as for the others, they were killed in Kobu.

21 Q. I'm just asking whether anyone else stopped with you in (Redacted), anyone else who
22 was detained?

23 A. No, no one else.

24 MR GOSNELL: Could we have DRC-OTP-2090-0407, tab 36.

25 Q. Now, this document says, or this document is describing the circumstances

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1 surrounding your first interview with the OTP in (Redacted) and it says that:

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. Which house are you talking about? I don't think that I said those things.

8 Q. No, I'm just asking you. I'm not saying that you said it before, Madam Witness.

9 I'm just trying to find out where you were staying when you were being interviewed
10 in (Redacted), your first statement.

11 A. It was in (Redacted).

12 Q. So you didn't stay overnight in (Redacted)?

13 A. This happened a long time ago and I no longer remember whether I spent the
14 night there. I have forgotten.

15 MR GOSNELL: Could we have DRC-OTP-0198-0072.

16 Q. Madam Witness, did (Redacted) ever bring you together with other
17 people who were going to talk to the ICC?

18 A. I have forgotten. I have forgotten that.

19 Q. If we could perhaps try to zoom a little bit on the third line.

20 Madam Witness, we see your name written on this document and it's very hard to
21 read. But just looking at the form of the document, leaving aside what's written here,
22 do you remember having seen this document and do you remember having put your
23 signature on this document?

24 A. Yes, I can see my name and my signature as well.

25 Q. And now that you've seen this and you've identified your name and your

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1 signature, does that remind you or refresh your memory about the circumstances of
2 this -- of you having signed this document?

3 A. Please, kindly explain to me who asked me to sign. Here I can see only my
4 name, but I don't see the name of the person who asked me to sign. And this
5 happened a long time ago. Maybe you can jog my memory and then I'll be able to
6 remember.

7 Q. Was it (Redacted) who gave you this document to sign?

8 A. (Redacted), well, I think I've forgotten, because I know that (Redacted)
9 (Redacted). That was his job. But as to the other
10 questions, I don't remember.

11 Q. When was the last time you saw (Redacted)?

12 A. I am afraid I've forgotten. I've completely forgotten. It's been a very long
13 time.

14 Q. When you say "a very long time," do you mean -- and I know this is an
15 approximation, but do you mean more than two years?

16 A. It's really difficult for me to remember dates. I don't remember.

17 Q. Yes, I'm not asking you about a specific date now. I'm just asking you about
18 how long. And I know it may be difficult to remember and I know you probably
19 can't be exact, but can you at least tell us whether you remember that it's been more
20 than two years since you last saw (Redacted)?

21 A. It's been more than two years, but I can't be any more precise as to the number
22 of years exactly.

23 Q. And leaving aside how long ago it was, can you remember any occasion,
24 whether related to this document or totally unrelated to this document, can you
25 remember any occasion when you came together with other people who you knew

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1 would be giving statements to the ICC?

2 A. Well, they were staff from the OTP who told me that I was to come and give my
3 testimony.

4 Q. And did you talk to anyone else about their testimony?

5 A. No.

6 MR GOSNELL: Mr President, my understanding is that this document on the screen
7 in front of us has been admitted in part, but I'm not sure whether the whole page has
8 been admitted.

9 PRESIDING JUDGE FREMR: Court officer, could you kindly specify.

10 THE COURT OFFICER: The document has indeed been partly admitted into
11 evidence.

12 MR GOSNELL: Then I would I suppose, as an initial relief, I would request for the
13 entire page to be admitted. And as a secondary relief I would ask just for the line
14 concerning the witness to be admitted.

15 PRESIDING JUDGE FREMR: Prosecution, your position?

16 MS RABANIT: Yes, Mr President. We would like that the admission to be limited
17 to the line that was put to the witness.

18 PRESIDING JUDGE FREMR: We will remain consistent, so as in previous case this
19 document is admitted into evidence but only partially, which means line concerning
20 our witness as a further Defence exhibit.

21 MR GOSNELL:

22 Q. Madam Witness, do you recognize any of the names written there in the second
23 column? Aside from your own, of course.

24 A. No, I don't remember any other name.

25 MR GOSNELL: Could we have DRC-OTP-2092-0319, tab 39.

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1 Q. Now, this document says that there is another document that refers to you.

2 You don't need to concern yourself with that detail, but here's the detail that I am

3 going to ask you about: It says that (Redacted), following rumours, threatened

4 you because you hid money that someone else had given you. And the date of this

5 document would have been in or around (Redacted).

6 Now, first of all, there's a reference to you having (Redacted)

7 (Redacted). Can you think of any reason - and you've told us already you didn't get

8 (Redacted)

9 (Redacted)

10 A. Who said that?

11 Q. If I could tell you, I would, Madam Witness, but I don't know for sure. But to

12 be perfectly honest with you my best guess is that it was (Redacted) who said that.

13 A. I haven't the slightest idea.

14 Q. Did (Redacted) ever give you money?

15 A. Money? To do what?

16 Q. I don't know, Madam Witness. I'm just asking whether it ever occurred.

17 A. The money that (Redacted) gave me was for transportation. And each time

18 he came to see me I was in (Redacted). And (Redacted)

19 (Redacted), we were in a family home.

20 Q. Are you saying he gave you money for transportation?

21 A. Yes, it was for transportation.

22 Q. Transportation from where to where?

23 A. From (Redacted).

24 Q. To see him?

25 A. When they called me in that's when they gave me money, but I don't remember

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1 very well.

2 Q. You see, Madam Witness, you were not interviewed any time around
3 (Redacted), so I'm wondering whether you can provide us with any insight as to
4 why (Redacted) would have told you or would have paid you money for
5 transportation around that time.

6 A. I just told you that I don't remember the days and months, the dates, but each
7 time that (Redacted) gave me money, it was for transportation to go to (Redacted). But
8 I don't remember the exact dates.

9 MR GOSNELL: May I tender this document, Mr President?

10 PRESIDING JUDGE FREMR: For what purpose?

11 MR GOSNELL: Impeachment.

12 PRESIDING JUDGE FREMR: Now I was told that this document has been already
13 admitted through Witness P-18.

14 MR GOSNELL: I stand corrected. Thank you, madam registrar, for that
15 information.

16 May we have DRC-OTP-2092-0207. If we could please turn to 0209.

17 Q. And this document for your information, Madam Witness, is called (Redacted)
18 (Redacted) it includes the information I
19 just read to you about supposedly (Redacted) being -- having threatened you
20 because you hid money from him, but then there's some additional information and
21 he says:

22 (Interpretation) (Redacted)

23 (Speaks English) Can you provide us any information about -- can you provide us
24 with any information about what is said here which should be around -- a statement
25 that was made around (Redacted)?

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1 THE INTERPRETER: Correction: The text said "... (Redacted) but very cooperative."

2 THE WITNESS: (Interpretation) I don't really know what you're saying here. I

3 don't understand who's saying what. You say something about (Redacted)

4 threatening me about money. Was this the money that I was supposed to have

5 received from the ICC? And who was saying all of this? I know that when (Redacted)

6 (Redacted)

7 MR GOSNELL:

8 Q. Did you ever go to see (Redacted) when it was not for an interview with

9 someone from the ICC?

10 A. No, I didn't see him.

11 MR GOSNELL: May we have DRC-OTP-2092-0230, please. Tab 41. Maybe I

12 should say the name again because that's not what I was looking for.

13 DRC-OTP-2092-0230.

14 Q. This document, Madam Witness, records the following information which is

15 said to have been obtained from (Redacted). And it says the

16 following:

17 (Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. Well, the things you've been referring to took place a long time ago. And

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1 I don't remember the people who were with (Redacted). I know (Redacted), but

2 I don't remember a meeting with those people at (Redacted) house to talk about

3 whatever.

4 Q. And who is (Redacted)? What is her full name?

5 A. No, I don't know his other name. Her name was (Redacted). We would meet

6 (Redacted), we would say hello and then we would continue along.

7 Q. (Redacted)

8 A. (Redacted)

9 Q. (Redacted)

10 A. (Redacted)

11 Q. (Redacted)

12 A. (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 A. (Redacted)

16 Q. Have you ever discussed your -- any common experiences that may have

17 occurred during the events of 2002-2003?

18 A. I've never discussed with (Redacted) about that topic.

19 Q. And you never met her as far as you can remember - as far as you can

20 remember - you never met her along with (Redacted); is that correct?

21 A. You mean a meeting with the three of us? No, I don't remember.

22 Q. No, not just the three of you. What I have in mind is a group of six or seven of

23 you meeting together with (Redacted). And just so you understand what I'm asking you,

24 the information that I have is that there were at the very least four such meetings.

25 Maybe there were more. So I believe it's something that you probably would

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1 remember.

2 A. I have no idea. I've forgotten.

3 Q. Now coming back to the events of 2002-2003, am I right that when you fled

4 Bambu you (Redacted)?

5 A. Yes.

6 Q. And at the time that you fled you could hear gunfire?

7 A. Yes.

8 Q. And you fled your house in haste?

9 A. Yes.

10 Q. Aside from (Redacted), what else did you manage to take with you from your
11 house in Bambu?

12 A. A suitcase with my clothing.

13 Q. And how large was that suitcase, if you can help us with that?

14 A. It wasn't a big suitcase.

15 Q. And at what point were you forced to leave your suitcase behind somewhere?

16 A. I abandoned my suitcase in the bush in Buli alongside the road.

17 Q. Was that before or after you had been arrested by the UPC soldiers?

18 A. It was when the UPC soldiers came.

19 Q. And they told you to leave it behind, leave it by the side of the road?

20 A. When the soldiers came, we hid in the bush. And they came and found us and
21 they took us to the village of Buli and we left our suitcase in the bush.

22 Q. When you say "in the bush," does that mean hidden somewhere in the bush or
23 does it mean right next to the road?

24 A. We hid in the bush and when we heard the gunfire, we went to hide in the bush.

25 And it was at that point when we heard the gunshots and when the soldiers came and

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1 they found us, we left our suitcases there.

2 Q. So the soldiers didn't ask you --

3 A. And the soldiers took the suitcases and took it with them.

4 Q. Why didn't the soldiers ask you to carry your suitcase?

5 A. They didn't say anything. They just retrieved it because they just wanted to
6 loot. That was what they were thinking. They wanted to loot everything along
7 their way.

8 Q. Did other people who were hiding in the bush also have suitcases and other
9 luggage with them that they had to leave behind?

10 A. Most of the fugitives had their property with them when they went to hide in
11 the bush and the soldiers retrieved everything and they had me carry their mattress.

12 Q. And like the others -- or, like yourself, were the others required to leave their
13 luggage behind?

14 A. I cannot talk to you about other people. I can only talk about my case.

15 Q. Am I right that you asked Salumu for an additional wrap when you were
16 present in Buli, an additional wrap to put around yourself and to wear?

17 A. Yes.

18 Q. And you were close to Salumu at the time that a telephone call came to him
19 because you were asking for this additional wrap; is that correct?

20 A. Yes.

21 Q. And you said that the occasion or the circumstance that led you to asking,
22 making this request to Commander Salumu was that you saw your suitcase again; is
23 that correct?

24 A. Yes.

25 Q. And you said it had been transported by bicycle.

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1 A. Yes.

2 Q. Was the soldier who had transported this suitcase riding the bicycle?

3 A. When we were going to Kobu, when we went on that road, I do not know what
4 the soldiers did because we went in two different directions.

5 Q. Did the soldier tell you why he would keep all of your clothes? Let me -- let
6 me restart my question. Did you know what was inside the suitcase when you saw
7 it again for the first time in Buli?

8 A. Only my, my clothes. That's all that was in my -- in my box -- in my suitcase.

9 Q. How did you know that your clothes were still in the suitcase?

10 A. I was able to recognize my suitcase. And it wasn't well locked or closed so it
11 was possible to see my clothes.

12 Q. Did Commander Salumu have bodyguards with him at the time that you made
13 a request to him to obtain your second wrap?

14 A. There were two people with him there.

15 Q. And they didn't prevent you from coming up to Commander Salumu and
16 asking permission to have your second wrap?

17 A. No, they did not stop me.

18 Q. Were you free to move around at this time?

19 A. When we were cooking, we were free.

20 Q. And wasn't Commander Salumu busy with other things? Why would he have
21 been so generous with his time in taking the time to respond to your request about a
22 second wrap?

23 MS RABANIT: I'm sorry.

24 PRESIDING JUDGE FREMR: Ms Rabanit.

25 MS RABANIT: I think this calls for speculation, your Honour.

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1 PRESIDING JUDGE FREMR: Mr Gosnell.

2 MR GOSNELL: I think it's a legitimate type of question for cross-examination.

3 PRESIDING JUDGE FREMR: I don't think so. Objection is sustained.

4 MR GOSNELL:

5 Q. Was Commander Salumu busy with other things from what you could see?

6 A. He was sitting on a chair.

7 Q. Now, if I understood correctly, (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 Q. (Redacted)

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1 A. (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 MR GOSNELL: May we have OTP -- or, DRC-OTP-00 -- excuse me,

6 DRC-OTP-2052-0440.

7 Q. Madam Witness, do you remember when you were first interviewed in (Redacted)
8 that the investigator who was interviewing you was a woman and the interpreter was
9 a woman as well?

10 A. Yes.

11 Q. And that was an interview that was conducted in private?

12 A. Yes.

13 Q. And did they tell you that all the information you provided to them would be
14 kept private?

15 A. Yes.

16 Q. Now, on this page, and perhaps we can scroll down, this is another statement
17 that you gave to the Prosecution and this one is in (Redacted). And if we could turn
18 to page 2, which is 0441, it says here at the bottom that your first statement from (Redacted)
19 was read to you. And then if we go to the next page, which is 0442, you make one
20 correction to your statement from (Redacted), who you say is in
21 fact alive. And then you say:

22 "I have nothing to add to the above statement nor do I have anything to clarify."

23 Now, may I ask again, do you remember that during this particular interview were
24 the only people present female or do you remember if there were any males present?

25 A. There were some men and some women.

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1 MR GOSNELL: Now, if we could turn please to DRC-OTP-2058-1074.

2 Q. Now, madam, this is the statement in which you describe allegations of rape for

3 the first time. And the first day is (Redacted)

4 (Redacted)

5 (Redacted) what it was that made you feel you could come forward

6 with those allegations?

7 A. When it comes to rape, I really did not want to discuss this matter with anyone,

8 not with anyone, but it is my mother who advised me. And she told me that "Since

9 you are going to testify, you should not hide any information. You should tell them

10 everything." And that's what gave me the courage to then talk about the rape.

11 Q. So sometime during that time period between (Redacted) she encouraged

12 you to do that?

13 A. I have forgotten the months and the dates.

14 Q. That's perfectly understandable, Madam Witness.

15 I'll just show you a couple of other documents and one document in particular that

16 comes from that time period.

17 Could we have DRC-OTP-2093-0201.

18 Now, this refers to what is described as (Redacted).

19 And, Madam Witness, the terminology doesn't matter but the point of this is that

20 there was a -- apparently an interview that happened just before your very last

21 statement to the OTP with someone (Redacted) and this person

22 describes --

23 MS RABANIT: I'm sorry.

24 PRESIDING JUDGE FREMR: Ms Rabanit.

25 MS RABANIT: I'm sorry to intervene, but first it wasn't just before the very last

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1 statement with the witness, unless I'm making a mistake. And secondly -- secondly
2 the person is not a (Redacted).

3 MR GOSNELL: Yes, well, I was using that term because I thought it was the one
4 that would most easily be understood by the witness, but I do fully understand the
5 qualifications of the person.

6 As to the timing, the first day of the very last interview with the OTP was (Redacted)
7 (Redacted).

8 PRESIDING JUDGE FREMR: All right.

9 MR GOSNELL:

10 Q. So, Madam Witness, do you remember meeting with (Redacted)
11 (Redacted) just before your --

12 PRESIDING JUDGE FREMR: Ms Rabanit.

13 MS RABANIT: Yes, I'm very sorry. It's just for the clarity of the record. She was
14 met and there was an interview after that in (Redacted).

15 MR GOSNELL: Then I stand corrected on my use of the word "last". Sorry about
16 that. There was one more.

17 Q. In any event, prior to the interview in 2003, do you remember you met with a
18 (Redacted)?

19 A. Yes. Yes, I met, I met, I met them.

20 Q. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. Yes, he put those questions to me.

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1 Q. Was that a he or a she who did the assessment with you?

2 A. It was a lady.

3 Q. And then if we turn -- I'm sorry, I didn't mean to cut you off. Did you want to
4 say something more?

5 A. I said that I had forgotten. In any event, I didn't quite understand that part. I
6 didn't understand that part.

7 MR GOSNELL: Mr President, it might be not a bad time to break.

8 PRESIDING JUDGE FREMR: All right.

9 Let's move into open session, court officer, please.

10 (Open session at 1.00 p.m.)

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

12 PRESIDING JUDGE FREMR: Thank you, court officer.

13 So now we will take our lunch break for 90 minutes.

14 And for your information, Mr Gosnell, you still have at your disposal 1 hour

15 22 minutes. So we will continue with cross-examination of our witness in the
16 afternoon.

17 And Madam Witness, if everything goes well, it will be the last session for you with
18 us, so hopefully we will finish as we planned.

19 Now we break and we will reconvene half past 2.

20 THE COURT USHER: All rise.

21 (Recess taken at 1.01 p.m.)

22 (Upon resuming in open session at 2.30 p.m.)

23 THE COURT USHER: All rise.

24 Please be seated.

25 PRESIDING JUDGE FREMR: Good afternoon everybody.

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1 We are going to finish cross-examination -- or, rather, Mr Gosnell is going to finish his
2 cross-examination of our witness. So let's continue.

3 Mr Gosnell, I guess you would like to -- or, you have to probably continue in private?

4 MR GOSNELL: Since I will be asking the witness about her own movements I think
5 it would be best to stay in private session.

6 PRESIDING JUDGE FREMR: Yes, I can confirm. So let's move into private session,
7 court officer, please.

8 (Private session at 2.32 p.m.) *(Reclassified partially in public)

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

10 PRESIDING JUDGE FREMR: Thank you, court officer.

11 Mr Gosnell, the floor is yours.

12 MR GOSNELL: Thank you, Mr President.

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 MR GOSNELL: May we have DRC-OTP-0096-0049, tab 2. If we could turn to

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1 page 2 of this document.

2 Q. About halfway down the page, Madam Witness, there's an indication here

3 about why, or the circumstances of his return and it says:

4 (Interpretation) "Escorted by troops or the troops and the UPDF was about to take

5 over Bunia and we have to leave Kobu." (Speaks English) And then there's an

6 arrow, (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 Q. (Redacted)

11 (Redacted)

12 A. (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 A. (Redacted)

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 A. I don't remember how many days.

23 Q. Would it be fair to say it was about a week after your arrival?

24 A. I really don't remember anymore. I've -- I've forgotten. I don't know how

25 many days afterwards it happened.

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- 1 Q. You testified about your arrival in Kobu. And what you said at page 57,
2 line 20, was that they took you (Redacted). Today there is another
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 A. (Redacted)
8 (Redacted)
9 Q. (Redacted)
10 A. (Redacted)
11 (Redacted)
12 Q. (Redacted)
13 (Redacted)
14 A. (Redacted)
15 Q. (Redacted)
16 (Redacted)
17 A. (Redacted)
18 Q. (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 onset of the UPC attack, was there any resistance by Lendu fighters?

2 A. The Lendus who were there, those were the ones who had been captured.

3 Q. I'm asking something a little bit different, which is whether any of the Lendus
4 were fighting back using guns or machetes or any other type of weapons, as far as
5 you're aware? I'm not talking about Kobu now, Madam Witness, I'm talking about
6 in general from the time that you fled from your house until the time that you were
7 arrested?

8 A. All the Lendus ran away into the forest when the UPC soldiers arrived and
9 began shooting. And they called people to come back, but the ones who did come
10 back were killed.

11 Q. So you did not witness any armed resistance by anyone on the Lendu side?

12 A. No, I didn't see anything like that.

13 Q. Did you ever see any such thing as a village guard, a Lendu village guard?

14 A. Are you referring to soldiers, or to other individuals who would be guarding?

15 Q. Let's start with other individuals for starters. Were there any local groups of
16 Lendus that armed themselves and sought to defend villages?

17 A. There were some. You see, there's a difference between someone who's
18 carrying a rifle and someone who only has a bow and arrow. The person who only
19 has a bow and arrow has to run away because there's no equality of arms. And
20 that's why they ran off to the forest.

21 Q. Did the people who -- with bows and arrows, who ran into the forest, did they
22 keep their bows and arrows with them?

23 A. I don't know. At that point, I was no longer on site so I really don't know what
24 took place after I left.

25 Q. And the people who defended their villages with bows and arrows and other

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1 weapons, they didn't have uniforms, did they?

2 A. They were wearing civilian clothes.

3 Q. And you never had occasion to see any Lendu groups armed with guns at this
4 time?

5 A. At that time, I don't know.

6 Q. During your testimony, at page 61, line 23, you were referring to a kadogo that
7 you came across at (Redacted) in Kobu. And you said in your opinion "as a
8 parent I think he was between 14 and 15 years old."

9 And then you were describing coming across two kadogos at (Redacted)
10 (Redacted)

11 and you said, "He must have been 14 years old or so."

12 When you say "or so", what do you mean? Could he have been 15 years old?

13 A. Yes.

14 Q. Page 9 of yesterday's transcript you were asked, "What is your date of birth?"

15 And you said, (Redacted)

16 MR GOSNELL: Could we have DRC-OTP-0096-0036.

17 Q. Now, this again is your first statement to the OTP and the date of birth
18 indicated here is (Redacted). Can you explain to us how it came to be that in your
19 first statement in (Redacted) you gave this birth-date which is almost six months before
20 your actual birth-date as you've told us during your testimony?

21 A. I believe that anything related to calculations is difficult for me. That's why I
22 mention those dates, but thinking that it was my date of birth.

23 Q. Well, that's quite right and perfectly understandable. And let's see what you
24 said about this in another document, DRC-OTP-2059-0092.

25 And this is a note of what appears to be a conversation with you and you're saying

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1 that there must have been a misunderstanding between you and the investigators
2 regarding the date of birth provided in (Redacted). And it also says that you, at some
3 point prior to your -- to a statement you gave in (Redacted), you at that time had a
4 Carte Nationale d'Electeur. Can you recall when it was that you got that Carte
5 Nationale d'Electeur?

6 A. I don't know how to answer that question. I have trouble giving dates in a
7 precise manner.

8 Q. And that trouble giving dates in a precise manner, does that even extend to
9 your own birth-date?

10 A. It's hard for me to give birth dates precisely, that's why I mentioned different
11 dates.

12 Q. Is it true, from your experience, that many people in Congo are just like you,
13 they're not always clear on their own birth-date?

14 PRESIDING JUDGE FREMR: I don't permit this question.

15 Please, continue, Mr Gosnell.

16 MR GOSNELL: Thank you, Mr President.

17 Could we have DRC-OTP-2091-0509.

18 Q. Now, Madam Witness, I asked you earlier today whether you had ever received
19 money from anyone in the ICC and you said "No, nobody."

20 Could we please turn to page 0510.

21 And this is a record of a conversation that you had, apparently, with someone in the
22 OTP sometime this year. And you're recorded as saying this, at paragraph 8:

23 "P-113 further explained that (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 During any of these meetings, did you discuss the events that are the subject of what
23 you've talked about here today and yesterday?

24 A. What group are you talking about? What are their names?

25 Q. Well, it says here on this document that you told the investigator or the person

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1 in the OTP that meetings take place in groups, meeting (Redacted); is that not true?

2 A. On that, when (Redacted), there are people who come to
3 participate in the meeting. That's what I said.

4 Q. And you don't discuss the substance of what you lived through in 2002 or 2003
5 during those meetings?

6 A. No. During these meetings we didn't discuss that.

7 Q. Thank you very much, Madam Witness.

8 MR GOSNELL: Mr President, that concludes my cross-examination.

9 PRESIDING JUDGE FREMR: Very well. I appreciate, Mr Gosnell, that you made
10 your cross-examination in a very efficient manner.

11 Now, Ms Rabanit, do you feel any need for re-direct?

12 MS RABANIT: Yes, I will have a few question. Can I ask your Honour for your
13 indulgence in giving me two minutes to confer with my colleague?

14 PRESIDING JUDGE FREMR: All right.

15 MS RABANIT: Thank you.

16 (Counsel confers)

17 MR GOSNELL: Mr President, while the two minutes is ongoing, I believe that we
18 need a technician for the computer to my right.

19 PRESIDING JUDGE FREMR: Court officer, please try to assist.

20 (Pause in proceedings)

21 PRESIDING JUDGE FREMR: Ms Rabanit, I see that you believe that your request
22 will be granted. Okay, how much time -- no, no, no. It's okay.

23 How much time do you think you will need it?

24 MS RABANIT: I'm very sorry, Mr President, indeed that was very presumptuous of
25 me. I believe I will need no more than 10 minutes.

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1 PRESIDING JUDGE FREMR: Okay, then 10 minutes is fine.

2 QUESTIONED BY MS RABANIT: (Interpretation)

3 Q. Good afternoon again, madam.

4 A. Good afternoon.

5 Q. Madam, Defence counsel was asking you what you spoke to (Redacted) about and
6 you stated that you didn't remember; is that correct?

7 A. Yes.

8 MS RABANIT: Your Honour, I would like to seek to refresh the witness's memory.

9 PRESIDING JUDGE FREMR: All right.

10 MS RABANIT: The first document that I will call is document

11 DRC-OTP-0198-00 -- sorry, my apologies, it's the wrong document.

12 DRC-OTP-2092-0207, and the page is 0209.

13 Q. (Interpretation) Madam, Defence counsel read this passage to you a moment
14 ago. I'm just going to read an extract therefrom.

15 (Redacted)

16 (Redacted)

17 Does this refresh your memory as regards what you discussed with (Redacted)?

18 A. Yes, but I haven't understood what you said.

19 Q. You haven't understood what I read to you; is that it?

20 A. Yes.

21 Q. (Redacted)

22 (Redacted)

23 Does that remind you of the subject you spoke with (Redacted) about?

24 A. I still haven't understood anything. This happened a long time ago. I've
25 forgotten certain things.

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1 MS RABANIT: Your Honour, with your leave, I will read the three entries that I
2 intend to show her because maybe it will be clearer then.

3 PRESIDING JUDGE FREMR: All right.

4 MS RABANIT: Thank you, Mr President.

5 Q. (Interpretation) It's not a problem, madam, I'm going to read some other
6 entries to you.

7 MS RABANIT: The next document is DRC-OTP-2092-0213, and the page is 0214.

8 THE COURT OFFICER: I'm sorry, but we do not have the document under eCourt.
9 If maybe one of your team member could send us a PDF document, please.

10 MS RABANIT: I believe everybody should have the document in hard copy, but I
11 may be mistaken.

12 MR GOSNELL: Just to assist, the Registry should already have a version provided
13 by us by email.

14 MS RABANIT: It's tab 43 of the Defence list, unless I'm mistaken.

15 PRESIDING JUDGE FREMR: Yes, I can confirm looking at the table, it's Defence
16 items.

17 MS RABANIT: I think I believe it's still not the right one. If everybody has it in
18 hard copy, I can -- I can read it, unless some --

19 PRESIDING JUDGE FREMR: Any objection to that, Mr Gosnell?

20 MR GOSNELL: No, Mr President.

21 PRESIDING JUDGE FREMR: Please proceed, Ms Rabanit.

22 MS RABANIT: Thank you, Mr President. I will read from page 0214.

23 Q. (Interpretation) Madam, I'm going to read the extract corresponding to your
24 name. And here I quote:

25 "(Redacted) in good health."

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1 And your name is recorded and here I read it, (Redacted) I'm sorry if my
2 pronunciation isn't correct.

3 MS RABANIT: (Speaks English) The next document is at tab 45 at the Defence list
4 of document to be used, it is DRC-OTP-2092-0215, and I will read from page 0216.

5 Q. (Interpretation) I'm going to read the extract corresponding to your name,
6 madam. Your name is recorded as follows: (Redacted) and the entry,
7 and here I quote it, "À (Redacted) in good health."

8 The entries that I've just read, do they refresh your memory with regards to the
9 content of your discussions with (Redacted)?

10 A. I don't remember. Yes, but my name is mentioned and there's a document, so
11 it's true that we spoke about something, but I couldn't tell you what it was a matter of.

12 Q. No problem, madam. I'm going to ask you questions about another subject.

13 A moment ago the Defence counsel was putting questions to you. And here I'm
14 going to refer to the transcript for those of you who are in the courtroom.

15 (Speaks English) Is at page 49, line 21 and 22: (Interpretation) You were speaking
16 about the time you were in Kobu and you were asked to do the cooking -- or, you
17 were told to do the cooking. You stated: "When we were cooking we were free."

18 Madam, my question is as follows: Do you mean that you were free to leave from
19 Kobu at that time?

20 PRESIDING JUDGE FREMR: Please hold on, Madam Rabanit. Mr Gosnell.

21 MR GOSNELL: Unless I'm mistaken, this description does not concern Kobu.

22 PRESIDING JUDGE FREMR: Madam Rabanit, please verify whether you are
23 correct.

24 MS RABANIT: Sorry, Mr President, I believe it may be correct. I'm just
25 double-checking to be sure of the reference.

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1 My apologies, Mr President, and to Defence counsel. And indeed it is not Kobu, I
2 will rephrase my question.

3 PRESIDING JUDGE FREMR: All right.

4 MS RABANIT: (Interpretation)

5 Q. Madam, I'm going to put the question to you again. I made a mistake, it wasn't
6 Kobu, it was when you were in Buli. When you were asked to cook you answered
7 the Defence that at that time you were free. Did you mean that you were free to
8 leave Buli?

9 A. I said that we were free, what I meant was that when we were outside we could
10 see what was happening. When we were locked in, we weren't free. And that's
11 why I said we were free, that meant that we were outside.

12 Q. Could you leave from where you were freely?

13 A. No, that wasn't possible.

14 Q. Madam, I'm going on to another subject.

15 How old was (Redacted)?

16 A. It's difficult to answer that question.

17 Q. Perhaps you could tell us (Redacted)?

18 A. (Redacted)

19 Q. Thank you, Witness. I have no more questions for you.

20 MS RABANIT: I will ask for the portions that I've read to the witness of the list to be
21 admitted into evidence because the witness recognized her name there.

22 PRESIDING JUDGE FREMR: Mr Gosnell, any objection?

23 MR GOSNELL: No, Mr President, subject to one proviso, which is that there are
24 considerable redactions appearing before some of those documents, and we've been
25 in discussions with the OTP about that because we'd like a little bit more information.

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1 And so we would simply note for the record that we might at a later time ask for
2 what is admitted to encompass any further information that is disclosed so that we
3 understand what the context is for the table. But no objection, no objection, but I just
4 wanted to note that.

5 PRESIDING JUDGE FREMR: All right. So those entries read out to
6 Madam Witness by Prosecution, by Ms Rabanit, are admitted into evidence as a
7 further Prosecution exhibit.

8 And now we can move into open session.

9 (Open session at 3.28 p.m.)

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

11 PRESIDING JUDGE FREMR: Thank you, court officer.

12 So now both parties completed their examination of the witness, now it is the turn for
13 the Chamber. I will have two questions, so two areas to explore. The first one may
14 be conducted in open session.

15 Madam Witness, try to imagine that there are two persons in front of you, one is
16 typical Hema, one is typical Lendu, they are silent, so they are not speaking, would
17 you be able to recognize who is who, who is Lendu, who is Hema? If yes, on what
18 grounds?

19 THE WITNESS: (Interpretation) It's difficult to answer your question.

20 PRESIDING JUDGE FREMR: You can simply say not, I wouldn't be able. But my
21 question led to inquiry whether there are some differences, just for the first sight,
22 between Hema and Lendu. If not, for you at least, just say "I don't see any."

23 THE WITNESS: (Interpretation) I'm not able to answer your question.

24 PRESIDING JUDGE FREMR: It's all right, Madam Witness.

25 Now for my second area I would like to clarify we have to move into private session.

Trial Hearing

(Private Session)

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1 (Private session at 3.31 p.m.) *(Reclassified partially in public)

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

3 PRESIDING JUDGE FREMR: Thank you, court officer.

4 Madam Witness, I would like to get some clarification concerning your relationship to

5 (Redacted). Could you describe your relationship with him before - before he had

6 sexual intercourse with you?

7 THE WITNESS: (Interpretation) There was no relationship between (Redacted) and

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE FREMR: All right.

12 And after you had sexual relationship with him had your relationship to him changed

13 in any way?

14 THE WITNESS: (Interpretation) No, it stopped, the -- that business stopped in

15 Kobu. I never saw him again afterwards, up until today.

16 PRESIDING JUDGE FREMR: All right. But maybe I will be more specific.

17 So may I take it that you were not worrying of him, you didn't hate him after you had

18 this -- because if I understood well, after having had sexual relationship with him

19 you, in fact, (Redacted); am I right?

20 THE WITNESS: (Interpretation) No, never. Not one day.

21 PRESIDING JUDGE FREMR: And maybe I am wrong in this story that you (Redacted)

22 (Redacted)

23 (Redacted)

24 THE WITNESS: (Interpretation) (Redacted)

25 (Redacted)

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(Private Session)

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- 1 PRESIDING JUDGE FREMR: Yes, so it's not fully clear to me that after somebody
- 2 raped you, as you said, after that you are (Redacted).
- 3 THE WITNESS: (Interpretation) (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 PRESIDING JUDGE FREMR: (Redacted)
- 9 THE WITNESS: (Interpretation) (Redacted)
- 10 PRESIDING JUDGE FREMR: All right. Thank you, Madam Witness.
- 11 Now do my colleagues have any questions? Judge Chung?
- 12 Please.
- 13 JUDGE CHUNG: Madam Witness, so you testified that since your (Redacted)
- 14 (Redacted)
- 15 THE WITNESS: (Interpretation) (Redacted)
- 16 JUDGE CHUNG: (Redacted)
- 17 (Redacted)
- 18 THE WITNESS: (Interpretation) (Redacted)
- 19 (Redacted)
- 20 JUDGE CHUNG: (Redacted)
- 21 THE WITNESS: (Interpretation) (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 JUDGE CHUNG: (Redacted);

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- 1 is that correct?
- 2 THE WITNESS: (Interpretation) Yes.
- 3 JUDGE CHUNG: (Redacted)
- 4 THE WITNESS: (Interpretation) (Redacted)
- 5 JUDGE CHUNG: (Redacted)
- 6 THE WITNESS: (Interpretation) (Redacted)
- 7 JUDGE CHUNG: (Redacted)
- 8 (Redacted)
- 9 THE WITNESS: (Interpretation) Yes.
- 10 JUDGE CHUNG: Thank you, Madam Witness.
- 11 PRESIDING JUDGE FREMR: Judge Ozaki, any question? No. All right.
- 12 Now, let's move into open session.
- 13 (Open session at 3.39 p.m.)
- 14 THE COURT OFFICER: We are in open session, Mr President.
- 15 PRESIDING JUDGE FREMR: Thank you, court officer.
- 16 Madam Witness, it concludes your testimony, so on behalf of this Chamber I would
- 17 like to thank you that you patiently responded all questions put to you. I can
- 18 imagine that it was not an easy experience, but I really believe that your testimony
- 19 will assist us in our effort to find the truth in this case. So thank you very much and
- 20 we wish you safe journey home.
- 21 Now, court officer, please assist Madam Witness to leave the courtroom.
- 22 THE WITNESS: (Interpretation) Thank you.
- 23 (The witness is excused)
- 24 PRESIDING JUDGE FREMR: And as our further schedule, even if we still have
- 25 some time till the planned end of our session, I was informed that the upcoming

Trial Hearing

(Open Session)

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- 1 witness was not ready to start testimony today, so we will now adjourn unless there
- 2 are any requests for the floor? I don't see any.
- 3 So we will adjourn and we will continue tomorrow in this courtroom 9.30 with the
- 4 testimony of Witness P-769.
- 5 Now court is adjourned.
- 6 THE COURT OFFICER: All rise.
- 7 (The hearing ends in open session at 3.42 p.m.)
- 8 RECLASSIFICATION REPORT
- 9 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
- 10 the public reclassified and lesser redacted version of this transcript is filed in the case.