

Trial Hearing
WITNESS: DRC-OTP-P-0918

(Open Session)

ICC-01/04-02/06

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 3
8 Friday, 11 November 2016
9 (The hearing starts in open session at 4.01 p.m.)
10 PRESIDING JUDGE FREMR: [16:01:11] Good afternoon, everybody. Court officer,
11 please call the case.
12 THE COURT OFFICER: [16:01:20] Thank you, Mr President.
13 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
14 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
15 For the record, we are in open session.
16 PRESIDING JUDGE FREMR: [16:01:31] Thank you, court officer.
17 Now appearances. You can limit yourself to changes compared to yesterday.
18 Ms Solano.
19 MS SOLANO: No changes for the Prosecution, your Honour.
20 PRESIDING JUDGE FREMR: [16:01:45] Thank you.
21 Defence.
22 MR BOURGON: [16:01:47] (Interpretation) Good afternoon, your Honour. One
23 change for the Defence, Han Catherine Morin has joined us. Thank you, your
24 Honour.
25 PRESIDING JUDGE FREMR: [16:01:58] Thank you, Mr Bourgon.

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1 And Legal Representative of Victims.

2 MR ABDOU: Good afternoon, Mr President. Good afternoon, your Honours. For
3 the former child soldiers just Madam Pellet is not present today.

4 PRESIDING JUDGE FREMR: [16:02:14] I see.

5 And, Mr Suprun, I think your team is as yesterday.

6 MR SUPRUN: [16:02:19] (Interpretation) Good afternoon, your Honour. No
7 change for the victims of the attacks.

8 PRESIDING JUDGE FREMR: [16:02:24] Thank you, Mr Abdou. Thank you,
9 Mr Suprun.

10 Madam Witness, good afternoon. Can you hear me?

11 WITNESS: DRC-OTP-P-0918 (On former oath)

12 (The witness speaks Swahili)

13 (The witness gives evidence via video link)

14 THE WITNESS: [16:02:37] (Interpretation) Yes, I can hear you.

15 PRESIDING JUDGE FREMR: [16:02:39] We also can hear you, we can even see you,
16 including your wonderful robe.

17 So, Madam Witness, we will continue with your examination. Just two short
18 reminders: First one, you are still under oath, you know it, which means you have to
19 speak truth and nothing but the truth. The second one, please don't forget to keep
20 pauses between question put to you and your answer, but you did it very well
21 yesterday so please just follow in the same style. Do you understand?

22 THE WITNESS: [16:03:17] (Interpretation) Yes, I understand.

23 PRESIDING JUDGE FREMR: Very well.

24 THE WITNESS: (Interpretation) Do I need to take the oath again?

25 PRESIDING JUDGE FREMR: [16:03:27] No, no. You are still under oath. It's fine.

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1 Now, Ms Solano, I am giving the floor and you have still 56 minutes, but as I said,
2 you really have to because of further commitment conclude at 5 o'clock at the latest,
3 sharp.

4 MS SOLANO: Yes, your Honour. I will be done before 5 o'clock.

5 PRESIDING JUDGE FREMR: [16:03:50] Then excellent.

6 QUESTIONED BY MS SOLANO: (Continuing)

7 Q. [16:03:52] Good afternoon, Madam. Can you hear me?

8 A. [16:04:01] Yes, I can hear you.

9 Q. [16:04:04] Madam, I want to show you again a document that you were looking
10 at yesterday before we stopped.

11 MS SOLANO: Can the court officer please display 2082-0572.

12 And can the video link location please ensure that the witness has the printed copy
13 available?

14 PRESIDING JUDGE FREMR: [16:04:26] And could we still remain in open session?
15 I don't think so.

16 MS SOLANO: No, your Honour. Thank you for that reminder.

17 PRESIDING JUDGE FREMR: [16:04:35] So let's move into private session.

18 For the public, we are sorry, but this witness is protected one so as soon there is a risk
19 that his or her identity would be revealed we have to move into private session,
20 which is the case right now.

21 MS SOLANO: Your Honour, can I also note that we have no transcript.

22 (Private session at 4.05 p.m.) *(Reclassified partially in public)

23 THE COURT OFFICER: [16:05:10] We are in private session, Mr President. And
24 the technician is aware about the transcript and is currently working on fixing the
25 issue. Thank you.

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1 PRESIDING JUDGE FREMR: [16:05:19] So parties, do you think we can -- hopefully
2 it will be just a short moment to start without transcript. We have to be very careful,
3 but it's up to you.

4 MS SOLANO: Your Honour, I can continue and if the transcript becomes
5 indispensable, I will let your Honours know.

6 THE WITNESS: (No interpretation)

7 PRESIDING JUDGE FREMR: [16:06:02] I was also advised that it's a bit safer that we
8 are in private session.

9 But anyway, Mr Bourgon, would it be fine with you to start, I hope that it will be just
10 a few minutes in maximum, to start without transcript?

11 MR BOURGON: [16:06:18] Thank you, Mr President. I would just like to
12 understand that the transcript is being made and it will appear later or there is no
13 transcript being made? If the transcript is made and it appears later, I have no
14 problem for a few minutes.

15 PRESIDING JUDGE FREMR: [16:06:32] It's my understanding that you are
16 absolutely right. Our court officer could just personally confirm that.

17 THE COURT OFFICER: [16:06:40] Yes, indeed the transcript is being made, I just
18 cannot confirm in how much time it will be visible.

19 PRESIDING JUDGE FREMR: [16:06:48] So thank you for your indulgence, parties.
20 And now, Ms Solano, please proceed.

21 MS SOLANO: [16:06:54] Thank you, your Honour. A moment ago there was also
22 no interpretation, but perhaps that was just a temporary thing.

23 PRESIDING JUDGE FREMR: [16:07:05] So it is true that I also haven't got any
24 translation over the past --

25 THE INTERPRETER: [16:07:13] Your Honour, we didn't have any interpretation

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1 from the Swahili booth of the utterances expressed in Swahili.

2 PRESIDING JUDGE FREMR: [16:07:22] So Swahili booth, are you ready now? It

3 seems that we are, so hopefully we will really start.

4 So please try again, Ms Solano.

5 MS SOLANO: Thank you, your Honour.

6 Q. [16:07:33] Madam?

7 A. [16:07:38] Ndiyo.

8 Q. [16:07:44] I believe you said some things a few moments ago, but they were not

9 interpreted. Would you be able to repeat them, please.

10 A. [16:07:57] Are you talking about today? Yesterday or today?

11 Q. [16:08:02] Today.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

was in

21 school for the duration of the school year 2002-2003?

22 A. [16:13:39] Yes, he went to the school and that's the reason why they issued this
23 school report. And when he received the document, that was at the end of the year.

24 Afterwards, he went on holiday.

25 (Redacted)

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1 (Redacted)

2 A. [16:14:27] Yes, he went to the school and afterwards he went on holiday. He
3 did other things while he was on holiday.

4 PRESIDING JUDGE FREMR: [16:15:06] Just for the record, now the transcript
5 returns back.

6 MS SOLANO: [16:15:13]

7 (Redacted)

8 (Redacted)

9 A. [16:15:39] That was afterwards that I said, first of all, Lompondo was driven out,
10 and then we weren't very interested in the events. A lot of things happened after
11 Lompondo left. It's difficult for me to remember the chronology of events at the time
12 Lompondo left, at what time things happened. But what I know is that everything
13 that happened happened after Lompondo had left.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE FREMR: [16:16:48] Hold, on, Madam Witness, Mr Bourgon?

18 MR BOURGON: [16:16:51] Thank you, Mr President. If we are going to get into
19 any specific words that was mentioned by the witness, in all fairness to her, we
20 should read to the witness what she said yesterday, because we are going into very
21 specific details. So she has to know exactly what she said yesterday so she can see
22 whether she agrees or not. Thank you.

23 PRESIDING JUDGE FREMR: [16:17:14] Ms Solano.

24 MS SOLANO: [16:17:15] I can do that, your Honour. Your Honour, what I propose
25 to do is give the Defence a reference to roughly the part of the transcript yesterday

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1 I am dealing with. I am not actually sure that the witness immediately needs to -- for
2 me to repeat to her her exact words, but I will provide the reference for
3 Defence counsel.

4 I am looking at yesterday's transcript, edited version, page 89, at line 16, where I
5 asked the witness (Redacted) and then the
6 answer that the witness provided after that. I will just ask the witness a question,
7 and if it seems that indeed she's confused, I'll repeat to her what she said yesterday.

8 PRESIDING JUDGE FREMR: [16:19:02] My understanding was that Mr Bourgon
9 was worrying about your summary, that he would prefer if you just could quote
10 Madam Witness.

11 Mr Bourgon, is fine with you what now Ms Solano proposes?

12 MR BOURGON: [16:19:20] Well, when there are specific details about what the
13 witness mentioned, she must know exactly what information she gave yesterday so
14 that she can either confirm or correct. So if it is in general, then it is okay, but if we
15 get specific details or dates or events, then it is important for the witness to know
16 what she said yesterday.

17 PRESIDING JUDGE FREMR: [16:19:44] In my view, it depends on the question
18 which Ms Solano is intending to put. So if you just -- would like to follow some
19 detail mentioned yesterday, the detail should be mentioned. If you are just, you
20 know, leading Madam Witness to one part of her testimony, so it is not such any -- so
21 it depends.

22 Ms Solano, please.

23 MS SOLANO: [16:20:21] Yes.

24 Q. Well, at page 87, line 8 of yesterday's transcript, Madam, I am going to read to
25 you what you said yesterday. You said --

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1 A. [16:20:31] Very well.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [16:29:47] Do you remember testifying yesterday that there was fighting in
20 Bunia in 2002?

21 A. [16:30:15] There was what? I'm sorry, I didn't understand.

22 Q. [16:30:21] That there was fighting in Bunia in 2002.

23 A. [16:30:43] Well, on occasion the combatants would attack the Lendus, well, the
24 ones we called the combatants. And when calm returned we would return and
25 school would continue their activities. Sometimes the pupils would flee and

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1 whenever calm returned they would return. I explained that already. But a more
2 intense war took place in 2003.

3 (Redacted)

4 (Redacted)

5 A. [16:31:48] At that moment he was not able to go to school because people had
6 fled and the school was not -- well, was virtually not operational. It was only when
7 calm was restored that he went back to school, but there were interruptions. (Red.)

8 (Redacted)

9 (Redacted) Because he had interrupted his studies in order to join the armed
10 group.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [16:33:22] Okay. Can the court officer please show to the witness document

17 (Redacted)

18 THE COURT OFFICER: (Via video link)(Interpretation) They are bringing up
19 document DRC-OTP-something (Redacted)

20 THE INTERPRETER: It's very difficult to hear what the gentleman says at the
21 remote location.

22 MS SOLANO: [16:34:10]

23 Q. Thank you, Madam. Can you please look at this document.

24 A. [16:34:26] Very well.

25 Q. [16:34:27] Take your time to look at it and when you're done please tell me

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1 whether you recognize it?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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1 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Did any of your relatives, were any of your relatives affected by -- well, were any of
10 your relatives killed during the inter-ethnic conflict between the Hema and the
11 Lendu?

12 A. [16:45:44] Yes. My (Redacted)

13 Q. [16:45:51] And when was she killed?

14 A. [16:46:01] It was on (Red.) 2003, I believe. You know, when one lives through
15 a traumatic event, it's difficult to remember the year, but that's what I can tell you. (Red.)

16 (Redacted) It occurred in a village (Redacted) and my
17 (Red.) had been killed by Chief Kahwa's group at the time when Chief Kahwa had
18 already left the UPC to join another Lendu group, and it was at that moment in time
19 that my (Redacted) was killed by Lendu.

20 Q. [16:47:03] And when this happened, did this happen before (Red.) was in the
21 UPC, or after he was in the UPC?

22 A. [16:47:34] During those (Red.) months, well, I can't really put a finger on the date,
23 I'm a little bit confused. (Redacted) joined the UPC in the (Red.) month and left it in
24 the (Redacted) month. Now, if you are asking me at which date or dates the various
25 events occurred, I wouldn't be able to tell you because I have not retained those dates.

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1 That's how things occurred.

2 Q. [16:48:11] I understand, Madam, it was a very long time ago.

3 Do you remember if (Redacted) was with you when (Redacted) died?

4 A. [16:48:51] I don't know whether I got the year wrong, but the date that (Red.)
5 (Redacted) died was (Redacted) I might have got the year wrong, and I can't really
6 remember. It was something that traumatised me a great deal when it occurred and
7 I never thought that I would be speaking about it one day. That's why I cannot
8 speak to you with specific details about this.

9 Q. [16:49:27] I understand, Madam. Thank you. Apart from (Redacted) were
10 any other of your relatives killed in the ethnic conflict between the Hema and the
11 Lendu?

12 A. [16:49:59] Many people died but I can't remember the dates of their deaths.
13 There were other people who died elsewhere and the corpses were taken away. But
14 as for the dates, I can't say. You know, people were running helter-skelter and it
15 took everybody by surprise. So when you put questions to me like that, it's very
16 difficult for me to remember dates.

17 Q. [16:50:36] Okay. I don't need to know the date, I just want you to tell me
18 whether any other of your relatives died in this period when there was a war.

19 A. [16:51:03] Yes. After the death of (Redacted) there were many other relatives
20 who died, but in various locations because during the war people were scattered
21 about and people lost their lives in various places. Many people died.

22 Q. [16:51:49] Did any of your relatives die (Redacted) during the war? And I mean
23 in your close family, among your close family members.

24 A. [16:52:27] Yes, these were cousins or children of cousins who died. Many
25 people died. There was another child (Redacted) who died a long way away.

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1 The body was brought back and we saw that body.

2 People were frightened to grieve because they might be taken by surprise by the
3 enemy. But I saw the body of the child (Redacted) when it was brought back, I
4 went to see it in the coffin, but there were others that I did not see because they had
5 already been buried.

6 Q. [16:53:20] Thank you, Madam. For my last few questions I am going to
7 mention some names and I just want to know whether you know anybody by those
8 names. Okay?

9 Do you know a person called (Redacted)

10 A. [16:54:02] (Redacted) Well, with all that time that has gone by I have
11 already forgotten. I do not remember that name.

12 Q. [16:54:19] And do you know (Redacted) and (Redacted)

13 A. [16:54:54] Well, I don't remember those names. There are some members of the
14 family that I know, but I don't remember their names. And sometimes the names
15 that are used are names that I don't recognise. But I don't remember the names that
16 you've just given me, because this occurred a long time ago and I don't remember
17 those names.

18 Q. [16:55:26] That's all right, Madam.

19 Your Honours, I have one final question for the witness.

20 Madam, on a different topic, my last question is: (Redacted)

21 (Redacted)

22 A. [16:55:43] (Redacted)

23 Because at that moment in time there were, there were many problems and there was
24 a lot of poverty around. And Thomas Lubanga had said that he would be setting up
25 a type of NGO with a view to helping women, because during the war it was women

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1 who suffered the most. And if women have nothing, if they are poor, then children
2 will suffer even more. And that is why he considered setting up an NGO or
3 a committee to help women, in order to enable women to work together.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [16:57:29] Thank you, Madam. (Redacted)

9 PRESIDING JUDGE FREMR: [16:57:33] Sorry, Madam.

10 Ms Solano, I have to interrupt you. You still have 8 minutes, but you will have to
11 continue on Monday, because really we are under some time pressure, so sorry for
12 that.

13 Now, let's move into open session, court officer, please.

14 (Open session at 4.57 p.m.)

15 THE COURT OFFICER: [16:57:56] We're in open session, Mr President.

16 PRESIDING JUDGE FREMR: [16:58:09] Madam Witness, can you hear me?

17 THE WITNESS: [16:58:17] (Interpretation) Yes.

18 PRESIDING JUDGE FREMR: [16:58:21] Madam Witness, we have to break now
19 because of some other commitments, but we will continue with your testimony on
20 Monday, at the same time like today, which means at 4 o'clock. And please just have
21 in mind that you must not discuss in the meantime your testimony with anybody else.
22 Have you understood that?

23 THE WITNESS: [16:58:50] (Interpretation) Yes, I have understood.

24 PRESIDING JUDGE FREMR: [16:58:57] So thank you very much for today. And
25 have a rest and we will see you again on Monday afternoon.

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1 And as concerns our schedule for Monday, we will hear tomorrow from 9.30

2 another witness.

3 THE WITNESS: [16:59:15] (Interpretation) I would also like to thank you,

4 Mr President.

5 PRESIDING JUDGE FREMR: [16:59:22] Appreciated, Madam Witness. So as

6 concerns organisation of our plan for Monday, we will start at 9.30 with another

7 witness, Witness 911, for two sessions, if I am not wrong and then we will, as today,

8 start with 4 o'clock with the rest of examination-in-chief of our current witness.

9 That's it, and now court is adjourned.

10 THE COURT USHER: [16:59:53] All rise.

11 (The hearing ends in open session at 4.59 p.m.)

12 RECLASSIFICATION REPORT

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

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