

Trial Hearing
WITNESS: DRC-OTP-P-0911

(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 Tuesday, 15 November 2016
9 (The hearing starts in open session at 9.51 a.m.)
10 THE COURT USHER: [9:51:55] All rise. The International Criminal Court is now
11 in session. Please be seated.
12 PRESIDING JUDGE FREMR: [9:52:21] Good morning, everybody. Court officer,
13 please call the case.
14 THE COURT OFFICER: [9:52:27] Thank you, Mr President. The situation in the
15 Democratic Republic of the Congo, in the case of The Prosecutor versus Bosco
16 Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:52:43] Thank you, court officer.
19 Now appearances, starting with Prosecution.
20 MR IVERSON: [9:52:48] Good morning, your Honours. Appearing today for
21 the Prosecution are Kristy Sim, Selam Yirgou and myself, Mr Iverson.
22 PRESIDING JUDGE FREMR: [9:53:00] Thank you, Mr Iverson.
23 Defence, please.
24 MR BOURGON: [9:53:04] Good morning, your Honour. For Defence this morning,
25 Margaux Portier and myself, Stéphane Bourgon. Thank you very much, your

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1 Honour.

2 PRESIDING JUDGE FREMR: [9:53:11] Thank you, Mr Bourgon. And now Legal
3 Representatives of Victims.

4 MR ABDOU: [9:53:16] Good morning, Mr President, and good morning, your
5 Honours. Mohamed Abdou for the former child soldiers.

6 PRESIDING JUDGE FREMR: [9:53:22] Thank you.

7 MR SUPRUN: [9:53:25] (Interpretation) Good morning, members of the bench. For
8 the victims, Anne Grabowski and myself, Dmytro Suprun, a member of the Public
9 Counsel for Victims office. Thank you.

10 PRESIDING JUDGE FREMR: [9:53:41] Thank you, Mr Suprun.

11 And legal counsel for Article 70.

12 MR RAIMONDO: [9:53:48] Good morning, Mr President, and your Honours.
13 Fabián Raimondo, legal adviser to the witness.

14 Thank you.

15 PRESIDING JUDGE FREMR: [9:53:55] Thank you, Mr Raimondo.

16 I would like to apologise for our delay because this Chamber really would like to be
17 very strict and to support punctuality but we had some urgent procedural issues that
18 we had to deliberate on.

19 Now, Mr Iverson, you can continue with examination-in-chief of the witness. Do
20 you want to proceed in open or in private session?

21 MR IVERSON: [9:54:28] In private session, please, Mr President.

22 PRESIDING JUDGE FREMR: [9:54:33] Understandable.

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

24 (Private session at 9.54 a.m.) *(Reclassified partially in public)

25 THE COURT OFFICER: [9:54:44] We are in private session, Mr President.

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1 PRESIDING JUDGE FREMR: [9:54:47] Thank you, court officer.

2 Mr Iverson, please proceed.

3 WITNESS: DRC-OTP-P-0911 (On former oath)

4 (The witness speaks French)

5 QUESTIONED BY MR IVERSON: (Continuing) [9:54:52]

6 Q. [9:54:52] Good morning, sir. How are you doing this morning?

7 A. [9:55:00] I am fine, thank you.

8 Q. [9:55:03] I only have a few documents that I'd like to go over with you this

9 morning and a few questions and then, for my part, I'll be finished with the direct

10 examination.

11 MR IVERSON: And could I ask the court officer to show the first document I would

12 like the witness to comment on. It's (Redacted), and it's already been admitted into

13 evidence.

14 Q. [9:55:51] All right. (Redacted)

15 (Redacted)

16 A. [9:56:15] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [9:59:11] Who was the commander for (Redacted), the commander of the
11 centre (Redacted)?

12 A. [9:59:26] Well, I thought it was the command -- the commander of the centre but
13 they had their own separate organigram.

14 Q. [9:59:41] And is that to say that you don't know or you do know who the
15 commander was for (Redacted)?

16 A. [9:59:56] Well, I only knew him (Redacted) as the centre commander.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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4 (Redacted)

5 (Redacted)

6 Q. [10:02:26] Have you ever heard the name Innocent Zimulinda?

7 A. [10:02:43] Yes, I have heard that name.

8 (Redacted)

9 (Redacted)

10 Q. [10:03:13] And what was his role in the training set-up, (Redacted)?

11 A. [10:03:21] He was one of the soldiers who was there.

12 Q. [10:03:34] Do you know if he had any specific duties at the training set-up,

13 (Redacted)?

14 A. [10:03:49] No, I don't have any certain information on that.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:04:53] And are you aware whether this person Innocent Zimulinda had
22 a radio call sign?

23 A. [10:05:00] No, I don't know that.

24 Q. [10:05:16] All right. I would ask that the following exhibit be shown to the
25 witness. It's (Redacted), which is tab (Redacted) of the Prosecution list.

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1 Do you see this document on the screen before you, sir?

2 A. [10:06:01] Yes, I can see it on screen.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [10:07:03] This is the details of the parade.

10 Q. [10:07:15] When you say "parade," what do you mean by that?

11 A. [10:07:24] That's the -- the place where the recruits or the soldiers meet, the
12 parade ground.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Would that be a fair characterisation of this document?

17 A. [10:08:18] Yes. This was indeed to know the numbers of the soldiers and the
18 recruits and how many were absent, how many were sick and so on.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:14:42] And are you aware of what the consequences would be for desertion
11 in the UPC?

12 THE INTERPRETER: [10:15:02] I'm sorry, the interpreter did not catch the reply.

13 MR IVERSON: [10:15:09]

14 Q. [10:15:09] What were the consequences for desertion in the UPC, if you know?

15 A. [10:15:21] When I was there, there was not much in the way of consequences,
16 somebody who *left would not come back.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:15:56] All right. And so at Mandro if -- what were the consequences for
21 desertion, if you know?

22 A. [10:16:11] In Mandro we worked in the same way.

23 Q. [10:16:21] And what about discipline or punishments in general? Are you
24 aware of any incidents of punishments or discipline within the UPC?

25 A. [10:16:40] Could you perhaps explain what you mean or perhaps put your

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1 question in a different way.

2 Q. [10:16:49] Well, do you know whether there were any recruits or soldiers in the
3 UPC who were punished for any infraction, offence or crime?

4 A. [10:17:06] Yes, there were certain measures, indeed.

5 Q. [10:17:13] And why would people be punished, for what reasons?

6 A. [10:17:25] There were a lot of possible crimes or offences.

7 Q. [10:17:33] Could you tell the Chamber whether you were ever punished.

8 A. [10:17:44] Yes, I was punished on one occasion.

9 Q. [10:17:49] And what was the alleged infraction or crime or offence?

10 A. [10:18:03] Could you please repeat the question.

11 Q. [10:18:08] What were you alleged to have done in order to receive punishment?

12 A. [10:18:23] There was a soldier who had lost his weapon and I was told that he
13 had to be -- *I had to be arrested. And that's why I was punished.

14 Q. [10:18:51] I'm not sure I understand. You were punished for somebody else
15 having lost their weapon; is that right?

16 A. [10:19:01] Yes, that's what I said.

17 Q. [10:19:06] And why were you punished for this incident?

18 A. [10:19:22] Because I was with him.

19 Q. [10:19:29] Was this person your subordinate or were you equals, were you
20 peers?

21 A. [10:19:45] He was my subordinate.

22 Q. [10:19:50] And who was this person, what was his name or her name -- or his
23 name, sorry?

24 A. [10:20:01] I can't remember his name now.

25 Q. [10:20:04] And what was the punishment that you received?

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1 A. [10:20:13] The first punishment was that I was arrested for a period of 48 hours.

2 Q. [10:20:25] All right. And what were the subsequent, what was the subsequent
3 punishment or punishments?

4 A. [10:20:35] I received at least 10 lashes.

5 Q. [10:20:54] And where were you kept during your -- the period of arrest?

6 A. [10:21:09] It was just in a house.

7 Q. [10:21:13] And where? What locality, town, village, city?

8 A. [10:21:23] That was (Redacted).

9 Q. [10:21:35] All right. So continuing with the exhibit, and I don't see the exhibit
10 on the screen anymore.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:25:40] And did those 20 soldiers have any particular role in the training
14 camp? If so, what was that role?

15 A. [10:25:57] These 20 soldiers did have a role. They would monitor and take care
16 of the training centre.

17 Q. [10:26:14] Now with regard to Innocent Zimulinda and his radio call sign, is it
18 a matter of something that you don't remember or you just don't know at all?

19 A. [10:26:41] When we talk about Innocent, then there were more. (Redacted)
20 (Redacted)

21 Q. [10:27:04] Well, my question actually was about not you, sir, but a person called
22 Innocent Zimulinda, and I was just asking pertaining to his radio call sign, is that
23 something you don't know at all or is that something you just don't remember?

24 A. [10:27:33] I don't remember.

25 Q. [10:27:36] And if you saw your statement, would that refresh your recollection?

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1 A. [10:27:46] Yes.

2 Q. [10:27:50] So I would ask --

3 PRESIDING JUDGE FREMR: [10:27:53] Hold on, Mr Witness and Mr Iverson.

4 Mr Bourgon.

5 MR BOURGON: [10:28:00] Mr President, the normal procedure for refreshing
6 a witness with his statement is first asking him whether he remembers providing
7 information on this topic in his statement. And if he does remember putting
8 information in his statement then we can ask him if it will refresh his memory.

9 But in this case we will let that go, Mr President. Thank you.

10 PRESIDING JUDGE FREMR: [10:28:24] All right, then.

11 MR IVERSON: [10:28:25] That's a requirement I have never heard of before. But
12 I am not going to argue with Defence counsel.

13 The exhibit number is (Redacted) and the specific page is (Redacted), if that could
14 be shown to the witness, please.

15 PRESIDING JUDGE FREMR: [10:28:47] Mr Bourgon, if you want to probe this
16 dispute I would like to comment it myself. Generally it is true that the refreshing of
17 the mind means that there is something that witness already said and can't remember,
18 so I think generally it is true.

19 I don't want to prolong the discussion on that.

20 MR BOURGON: I would just like to focus just on the specific part that my colleague
21 wants to refresh.

22 PRESIDING JUDGE FREMR: [10:29:16] Then, Mr Bourgon, please.

23 MR BOURGON: [10:29:17] No more, just to focus what -- not a full page, but
24 a specific part, please.

25 MR IVERSON: [10:29:23] I will direct the witness to the lines that are relevant.

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- 1 I am not asking him to read any lines that aren't pertaining to this question,
- 2 Mr President.
- 3 PRESIDING JUDGE FREMR: [10:29:32] All right.
- 4 MR IVERSON: [10:29:47]
- 5 Q. Could I have you read silently to yourself please, sir, (Redacted)
- 6 (Redacted). And when you have finished just look up at me, please.
- 7 A. [10:30:27] I can see it.
- 8 Q. [10:30:30] Do you recall stating this to Prosecution investigators, sir?
- 9 A. [10:30:39] Yes, I made mention of such a name.
- 10 Q. [10:30:44] And does that refresh your recollection?
- 11 A. [10:30:51] Yes, of course.
- 12 Q. [10:30:52] All right, I would ask that the exhibit be removed from the screen,
- 13 please.
- 14 Sir, what was Innocent Zimulinda's radio call sign?
- 15 A. [10:31:15] India Queen.
- 16 (Redacted)
- 17 (Redacted)
- 18 MR IVERSON: [10:32:06] So, Mr President, I would like to submit this document
- 19 listing the number of recruits present and staff present (Redacted)
- 20 (Redacted)
- 21 PRESIDING JUDGE FREMR: [10:32:27] Mr Bourgon, any objection?
- 22 MR BOURGON: [10:32:29] None, Mr President.
- 23 PRESIDING JUDGE FREMR: [10:32:31] So this document is admitted into evidence
- 24 as a further Prosecution exhibit.
- 25 Mr Iverson, please.

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1 MR IVERSON: [10:32:40] I have no further questions.

2 Thank you, your Honours.

3 PRESIDING JUDGE FREMR: [10:32:45] All right.

4 Mr Bourgon, as concerns cross-examination, as we said yesterday, it will depend on

5 the result of our deliberations on your request. But please, there are many

6 alternatives our decision could look, but please be ready for one of them, which

7 would mean that you -- and it is also valid for all involved, that one of the alternatives

8 also is, I cannot assume what will be the right one, but one of the alternative also is

9 that we will start tomorrow 9.30 with the cross-examination. So generally be ready

10 also for this alternative. Do you understand?

11 MR BOURGON: [10:33:39] Absolutely, Mr President, and we will be ready.

12 PRESIDING JUDGE FREMR: [10:33:41] All right.

13 So now, Mr Witness, we will have to break your testimony and we will inform you

14 tomorrow how we will proceed further with your testimony. It depends on our -- on

15 another decision of this Chamber.

16 So for the moment I would like to thank you and I would also ask -- and in the

17 meantime because there is still some possibility we will continue tomorrow with

18 cross-examination, so again I will have to remind you that you in the meantime, you

19 must not discuss your testimony with anybody else. Do you understand that?

20 THE WITNESS: [10:34:38] (Interpretation) Yes.

21 PRESIDING JUDGE FREMR: [10:34:40] So now I would like to ask court usher to

22 guide Mr Witness out of the courtroom and we can move into private session for the

23 rest -- into open session, sorry, for the remaining part of our hearing.

24 (The witness stands down)

25 (Open session at 10.35 a.m.)

1 THE COURT OFFICER: [10:35:19] We are in open session, Mr President.

2 PRESIDING JUDGE FREMR: [10:35:20] Thank you, court officer.

3 And also I would like also to update you on the time used by Mr Iverson. He used
4 two hours and 37 minutes. At the moment we will adjourn and we will resume in
5 the afternoon at 4 o'clock with our video witness and we will hopefully finish her
6 cross-examination by Defence.

7 Now Court is adjourned.

8 THE COURT OFFICER: [10:35:58] All rise.

9 (Recess taken at 10.35 a.m.)

10 (Upon resuming in open session at 4.03 p.m.)

11 THE COURT USHER: [16:03:08] All rise.

12 Please be seated.

13 PRESIDING JUDGE FREMR: [16:03:30] Good afternoon, everybody. We will
14 continue with the rest of cross-examination of our witness via video link. But at the
15 beginning I see there are some changes in appearances compared to our morning
16 session so I would like to ask for update.

17 First, Prosecution.

18 MS SOLANO: [16:04:16] Your Honour, good afternoon. The Prosecution is
19 represented by Ms Kristy Sim, Ms Selam Yirgou, and I am Julieta Solano.

20 PRESIDING JUDGE FREMR: [16:04:26] Thank you, Ms Solano.

21 Defence, please.

22 MR BOURGON: [16:04:29] (Interpretation) Good morning, Mr President. On
23 Defence, Han Catherine Morin has joined our bench. Thank you very much.

24 PRESIDING JUDGE FREMR: [16:04:44] And Legal Representatives for Victims.

25 MR ABDOU: [16:04:48] For child soldiers, there are no changes, Mr President.

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- 1 PRESIDING JUDGE FREMR: [16:04:54] Thank you, Mr Abdou.
- 2 MR SUPRUN: [16:04:56] (Interpretation) For victims of the attacks, no change.
- 3 Thank you.
- 4 PRESIDING JUDGE FREMR: [16:05:00] Thank you, Mr Suprun.
- 5 Madam Witness, can you hear me?
- 6 WITNESS: DRC-OTP-P-0918 (On former oath)
- 7 (The witness speaks Swahili)
- 8 (The witness gives evidence via video link)
- 9 THE WITNESS: [16:05:07] (Interpretation) Yes, I can hear you.
- 10 PRESIDING JUDGE FREMR: [16:05:10] Madam Witness, welcome back. You are
- 11 in fact experienced witness because you are testifying today for the fourth time so
- 12 I think it's no need to remind you of my previous guidance, but it's my legal duty
- 13 again to remind you that you are still under oath which means that you have to speak
- 14 truth and nothing but the truth.
- 15 Now I will hand over the floor to Mr Bourgon, representative of main counsel of
- 16 Defence, who will conclude his cross-examination.
- 17 And Mr Bourgon, just a reminder, according to our measuring, you still have 1 hour
- 18 7 minutes at your disposal.
- 19 MR BOURGON: [16:05:57] Thank you, Mr President.
- 20 QUESTIONED BY MR BOURGON: (Continuing)
- 21 Q. [16:06:10] Good afternoon, madam.
- 22 PRESIDING JUDGE FREMR: [16:06:12] And Mr Bourgon, we are in open session
- 23 so usual question, do you want to remain in --
- 24 MR BOURGON: [16:06:18] It is preferable to go in private session.
- 25 PRESIDING JUDGE FREMR: [16:06:23] I expected that.

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

2 (Private session at 4.06 p.m.) *(Reclassified partially in public)

3 THE COURT OFFICER: [16:06:33] We are in private session, Mr President.

4 PRESIDING JUDGE FREMR: [16:06:36] Thank you, court officer.

5 Mr Bourgon, please.

6 MR BOURGON: [16:06:39]

7 Q. [16:06:40] Good afternoon, madam.

8 A. [16:06:45] Good afternoon.

9 Q. [16:06:49] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [16:07:45] (Redacted)

16 Q. [16:07:51] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted). I take it that you have no knowledge of this;

20 is that correct?

21 A. [16:08:50] I can tell you that he can tell you what happened. I can only tell

22 you what I saw, but if I wasn't somewhere, well, then I can't tell you what I don't

23 know.

24 Q. [16:09:04] I'm just asking, madam, for your confirmation if you know or not;

25 you can just say yes or no. (Redacted)

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1 (Redacted)

2 (Redacted).

3 Do you have any knowledge of this, madam?

4 A. [16:09:38] No, I don't know. He's done a number of things that I'm not aware
5 of.

6 Q. [16:09:52] (Redacted)

7 (Redacted)

8 Do you have any knowledge of (Redacted) involvement in that battle?

9 A. [16:10:38] I do apologise. I'd like you to ask questions about what I say.
10 If you want to ask questions about what (Redacted). But I can only tell you
11 what I know. (Redacted), well, I find that a bit striking because he only knows
12 his own secrets.

13 PRESIDING JUDGE FREMR: [16:11:02] Madam, Madam Witness, allow me to say
14 that, you know, it's not up to you to defend yourself that you don't know something
15 (Redacted). Mr Bourgon is doing his job. It's up to him to choose the tactics, so it's
16 even possible that some questions will not be pleasant to you, but as I said, it's part of
17 his job. So you can really as he said, you can easily say, "I don't know" and that's it.
18 Really, no need to dispute on something like that. Thank you.

19 MR BOURGON: [16:11:38]

20 Q. [16:11:38] So, madam, I will take my question again. Do you have any
21 knowledge of (Redacted) involvement in when the UPC (Redacted)
22 (Redacted)?

23 A. [16:12:16] I don't know.

24 Q. [16:12:18] (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted).

7 PRESIDING JUDGE FREMR: [16:13:20] Hold on, Madam Witness.

8 Ms Solano.

9 MS SOLANO: [16:13:23] Thank you, your Honour. I rise only to note that for
10 some of these topics the witness not only provided a statement to the Prosecution but
11 has in fact given testimony and I think it would be more appropriate if what the
12 witness said under oath before your Honours is what the Defence put to (Redacted)
13 rather than what's in statements.

14 PRESIDING JUDGE FREMR: [16:13:44] Mr Bourgon.

15 MR BOURGON: [16:13:45] Well, Mr President, as I -- the witness of course did
16 provide evidence under oath but he also provided a statement, and all I want to know
17 is if he knows anything about what the witness said to the Prosecution, and I think
18 this is the way to compare the witnesses.

19 PRESIDING JUDGE FREMR: [16:14:03] A comment from my part, yes, I think you
20 are not prohibited to use even previous statement but I have to confirm what Ms
21 Solano indicated, that at least for the Chamber, the weight of the testimony before us
22 is higher than previous statement. It doesn't mean that we will not take into account
23 that.

24 But you may proceed.

25 MR BOURGON: [16:14:26] Thank you very much, Mr President.

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1 Q. [16:14:29] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [16:15:26] Over the period when he returned and the beginning of his return to

8 school, which was *not regular, it was in fits and starts, (Redacted)

9 (Redacted).

10 Q. [16:15:46] I'll come now to the topic that we were on yesterday. Yesterday I

11 showed to you exhibit (Redacted). I'd like that exhibit to be given to you again by

12 our very nice assistant in (Redacted).

13 REGISTRY REPRESENTATIVE: [16:16:25] (Via video link) (Interpretation) I'm

14 showing the document.

15 MR BOURGON: [16:16:28] I confirm it's the correct document.

16 REGISTRY REPRESENTATIVE: [16:16:36] (Via video link) (Interpretation) I

17 confirm the document DRC --

18 THE INTERPRETER: [16:16:46] And the interpreter missed the reference.

19 MR BOURGON: [16:16:51] Just for the record, the reference is

20 (Redacted).

21 Q. [16:17:00] Madam, we looked at this document yesterday, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [16:18:01] (Redacted)

4 (Redacted)

5 A. [16:18:10] (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [16:18:52] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [16:19:39] No. A number of days, number of years have gone under the
13 bridge since then. I can't remember of -- small more details like that. If he said that
14 (Redacted), well, then that must be the case. Because there are lots of details that I
15 can't remember anymore because it's been years now.

16 Q. [16:20:04] Thank you. My next question is more important. My
17 understanding from your statement is that you do not -- (Redacted)
18 (Redacted). Is that -- can you confirm this?

19 A. [16:20:41] I spoke to nobody about it. (Redacted)
20 (Redacted)
21 (Redacted)?

22 Q. [16:20:58] (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)?

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1 A. [16:21:47] (Redacted)

2 (Redacted)

3 (Redacted). And during all the troubles he didn't go back to school and he didn't
4 resume school on the normal date. The school had started up again, but it hadn't
5 opened its doors on a regular basis, so people went to school from time to time and
6 his studies were interrupted from time to time. I think *that the eighth, ninth and
7 tenth months over that particular period, well, it was that time frame where there
8 were troubles that blew up from time to time and that's why he went to school and
9 sometimes he didn't go to school, because of the upheavals. I can't remember the
10 details. That's all I can tell you.

11 Q. [16:22:52] Thank you. Just to be on the safe side, I'll just refer here to what
12 you said in your statement. (Redacted)

13 (Redacted). The number of the statement is (Redacted), and this can be found at tab
14 2, at paragraph 21 on (Redacted) you say the following. I will read that to you,
15 madam, and just simply to confirm yes or no that you want to change anything in this
16 paragraph.

17 (Redacted)

18 (Redacted). At the end of the year the teachers compiled the marks for the time the
19 students attended school which are included in the report. Though there were
20 breaks and interruptions, they managed to provide this.

21 I don't know how to explain this to you."

22 Is that correct, madam, this is what you told the investigators?

23 A. [16:24:30] Yes, that's what I said. If there are any problems with the marks,
24 well, because there were problems, well, then they totted up the average, that's what I
25 said.

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1 Q. [16:24:50] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [16:25:53] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [16:26:26] (Redacted)

13 (Redacted)?

14 A. [16:26:47] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted).

18 Q. [16:27:12] (Redacted)

19 (Redacted)

20 (Redacted).

21 PRESIDING JUDGE FREMR: [16:27:43] Ms Solano.

22 MS SOLANO: [16:27:44] Your Honour, I need to make a submission regarding this
23 document, the Prosecution objects to its use.

24 PRESIDING JUDGE FREMR: [16:27:53] Yes. It's a problem that Madam Witness
25 can hear us or it's no problem?

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1 MS SOLANO: [16:27:59] It's probably wisest, your Honour, that the sound be
2 interrupted at the video link location.

3 PRESIDING JUDGE FREMR: [16:28:08] So now I ask court officer to cut sound
4 between us and video destination.

5 THE COURT OFFICER: [16:29:12] The sound has been switched off.

6 PRESIDING JUDGE FREMR: [16:29:14] Thank you, court officer.

7 Ms Solano, please proceed.

8 MS SOLANO: [16:29:17] Thank you, your Honour.

9 I want to make a number of points in relation to this document to explain why the
10 Prosecution objects to its use.

11 First of all, the document is incomplete, as your Honours can see, it jumps from the
12 cover page to page 1, 2 and then to page 7. And, as far as I know, there's been no
13 explanation provided as to why an incomplete version of this document is being
14 used.

15 I also want to note that contrary to the requirements that your Honours have put in
16 place, this document has not been uploaded in eCourt and, as far as I'm aware, the
17 Prosecution has not been provided with any information about when it was collected
18 by the Defence, where or whom it was collected from and that because we have
19 particular issues --

20 THE COURT OFFICER: [16:30:05] Ms Solano, we will need to check again that the
21 sound is switched off. Thank you.

22 (Interpretation) Richard, could you please make sure that the sound is cut off, and I
23 will send you an email when I would like you to reestablish the connection.

24 (Speaks English) This is okay now. Thank you.

25 MS SOLANO: [16:30:45] Thank you, your Honours. Because we have issues

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1 potentially with this document, I want to insist for once, your Honours, that your
2 Honours require the Defence to explain why this document was not provided to the
3 Prosecution earlier. You see, your Honours, this document has been provided to the
4 Prosecution in its current version today and Defence's intention to use it was notified
5 to the Prosecution today at 14.15 in the afternoon, which is a breach of your Honours'
6 guidance in the conduct of proceedings which was clarified by your Honours in the
7 last week or so.

8 So it's likely that I have more submissions to make, but it's dependent on what
9 explanations the Defence can give as to when and where they obtained this document
10 and why they could not provide it to the Prosecution until this afternoon.

11 PRESIDING JUDGE FREMR: [16:31:44] Mr Bourgon.

12 MR BOURGON: [16:31:46] Thank you, Mr President. The document was
13 obtained today. (Redacted), but more importantly, Mr President, I note that an
14 earlier version of this document which contained only two pages was used and
15 admitted in evidence for the purpose of impeachment with Witness (Redacted).

16 We obtained two further pages today. The only difference is that this one has
17 (Redacted)

18 (Redacted)

19 The document, of course, is longer and today we're only asking for the document to
20 be admitted for the purpose of impeachment but then, as part of the Defence case or
21 at some other point, we will of course get all of the document admitted as soon as we
22 do obtain it. That's the reason it's not in eCourt and -- but the Prosecution has
23 had (Redacted) until before Witness (Redacted), and as I've mentioned previously,
24 (Redacted) so there's really no surprise. We do our best to obtain these
25 documents as quickly as we can during the testimony of a witness and it's

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1 difficult because we do not have the same, if I can use this word, power as the
2 Prosecution when we show up someplace and say we'd like to have a copy of this
3 document. Sometimes it can be very difficult. We do our best to obtain it as
4 quickly as possible.

5 So I see two solutions here, Mr President, that I respectfully put to the Chamber.

6 I can use the previous version that was already admitted with (Redacted), which has
7 the first and the last page or we can use this one, which has the name of the person I
8 will put to the witness.

9 PRESIDING JUDGE FREMR: [16:33:43] Ms Solano, are you satisfied with this
10 explanation?

11 MS SOLANO: [16:33:46] No, your Honour. Because, in fact, I regret to inform
12 your Honours that the situation with this document appears to be entirely the
13 contrary situation to what Defence counsel has just said.

14 You see, your Honours, the Prosecution has requested this very document,
15 (Redacted) to the DRC authorities; the first time in 2014 and second time in
16 2000 -- in this year, and we failed to obtain it, your Honours. And the second
17 time that we attempted to obtain this document, we in fact were told expressly
18 by the DRC authorities that this document was not available and therefore, your
19 Honours, we have questions that cannot be resolved in this very moment about
20 the authenticity of this document and for that reason my request is twofold:
21 First of all, that this document not be admitted for any purpose today, subject to
22 the Prosecution being able to investigate further its authenticity and in any case,
23 your Honours, this is not the right witness to authenticate this document, given
24 the answers that the Prosecution has obtained from the Government of the DRC
25 twice already in relation to its availability.

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1 PRESIDING JUDGE FREMR: [16:35:10] Did I understood well that you are
2 objecting to the possible use and possible admission of the extended document or
3 even the shorter version?

4 MS SOLANO: [16:35:23] Your Honour, even the shorter version, I acknowledge
5 that a shorter version or let's say a more incomplete version of this document was
6 used with Witness (Redacted). I don't have before me the information as to when
7 that more incomplete copy was provided to the Prosecution, but I do know that the
8 metadata on it became available on eCourt only on 7 November, which is the date on
9 which -- well, it was available on 7 November. I don't in fact know whether the
10 Defence provided that even more incomplete version to the Prosecution in compliance
11 with the 24 hour limit. And what I'm trying to say there, your Honour, is that while we
12 may have -- the Prosecution may have overlooked the problems with this document when
13 it was first used with Witness (Redacted), that should not prevent us from informing your
14 Honours at present that there are question marks as to the authenticity of this document, as
15 to this witness's situation in relation to the document.

16 We submit that the witness is not in a position to verify whether the document is
17 authentic and that the Defence should not be allowed to put any questions to her
18 as if the document were authentic. And because there is a great risk that by just
19 showing her the document, (Redacted), she will just assume or take it that the
20 document is authentic, we object to the document's use as well as its
21 admission.

22 PRESIDING JUDGE FREMR: [16:36:59] Mr Bourgon.

23 MR BOURGON: [16:37:00] Well, I don't really see the purpose of my colleague's
24 objection. They have been using documents similar to that, they have been seeking
25 to get these documents. The fact that they did not get this one, which is something

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1 that was unknown to me until a few minutes ago, is not really a reason to doubt about
2 the authenticity of this document.

3 The Chamber will recall that the Prosecution submitted (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 With the experience of the Chamber, we respectfully submit that there is sufficient
10 indicia of reliability at a minimum to proceed with this purpose, for the purpose of
11 impeachment. And then, if the Prosecution want to challenge the authenticity of the
12 full document or even of this one which will then -- we'll do it to our own peril
13 because should the document later on be considered to be not authentic, then we will
14 lose the benefit of the questions we put to the witness on the basis of the document.

15 PRESIDING JUDGE FREMR: [16:38:41] Give me a second. I will consult my
16 colleagues, but it seems there's really completely different positions from the parties.
17 (Trial Chamber confers)

18 PRESIDING JUDGE FREMR: [16:39:55] So after a brief silent deliberation, our
19 ruling is that the Defence is allowed to use, but just use the shorter version of this
20 document. So not those two pages which come at the last minute.

21 MR BOURGON: [16:40:15] Thank you, Mr President.

22 If we can return with the sound to the witness.

23 Mr President, of course, I hope that this time will be deducted from my time.

24 PRESIDING JUDGE FREMR: [16:40:33] For sure.

25 THE COURT OFFICER: [16:40:35] (Interpretation) We can reestablish the

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1 connection, please, Richard.

2 REGISTRY REPRESENTATIVE: [16:40:59] (Via video link) (Interpretation) It's now
3 been restored.

4 THE COURT OFFICER: [16:41:07] The video link is up and running.

5 MR BOURGON: [16:41:10]

6 Q. [16:41:12] Welcome back, madam. I apologise, we had to do some discussion
7 over a legal document.

8 I'd like to show you now a different document and the number of this document is
9 (Redacted).

10 If the document can be given to the witness, please.

11 REGISTRY REPRESENTATIVE: [16:42:09] (Via video link) (Interpretation) This is
12 the document: (Redacted). The document is not very legible. Perhaps I could
13 show it to her on the screen.

14 MR BOURGON: [16:42:37] Whatever is better, to show it on the screen -- I'd like to
15 begin on page 1 -- or in her hands.

16 REGISTRY REPRESENTATIVE: [16:43:02] (Via video link) (Interpretation) This is
17 the document on the screen.

18 MR BOURGON: [16:43:11] I confirm.

19 REGISTRY REPRESENTATIVE: [16:43:19] (Via video link) (Interpretation) I'll now
20 turn it so that the witness can read it.

21 MR BOURGON: [16:43:31]

22 Q. [16:43:32] Madam, you now have a document before you on the screen. Do
23 you see it?

24 A. [16:43:45] I can't read it properly.

25 REGISTRY REPRESENTATIVE: [16:43:51] (Via video link) (Interpretation) If I may,

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1 I'll give the witness both documents, both versions.

2 MR BOURGON: [16:44:02] With the Chamber's leave, yes.

3 PRESIDING JUDGE FREMR: [16:44:07] Yes, approved by the Chamber.

4 REGISTRY REPRESENTATIVE: [16:44:11] (Via video link) (Interpretation) The
5 witness now has both versions.

6 MR BOURGON: [16:44:18]

7 Q. [16:44:18] (Redacted)

8 (Redacted)?

9 A. [16:44:35] (Redacted).

10 Q. [16:44:43] (Redacted)

11 A. [16:44:47] (Redacted)

12 Q. [16:44:54] (Redacted)

13 (Redacted)

14 (Redacted)?

15 A. [16:45:28] (Redacted).

16 Q. [16:45:31] (Redacted)

17 (Redacted).

18 A. [16:45:33] (Redacted).

19 MS SOLANO: [16:45:41] Your Honour.

20 PRESIDING JUDGE FREMR: [16:45:42] Ms Solano.

21 MS SOLANO: [16:45:43] As I understand it, the second page of the new document
22 is part of what was not permitted by your Honours to be used with the witness. I
23 seek clarification.

24 MR BOURGON: [16:45:55] It's the earlier document, page two. The new pages
25 are not there.

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1 MS SOLANO: [16:45:59] Right, so we're showing the earlier version of the
2 document, the document that only has two pages.

3 MR BOURGON: [16:46:06] Yes.

4 MS SOLANO: Thank you.

5 PRESIDING JUDGE FREMR: [16:46:07] It's my understanding we are still working
6 with the older version we even have in our binder.

7 MR BOURGON: [16:46:14] The 2428.

8 PRESIDING JUDGE FREMR: Yes.

9 MS SOLANO: [16:46:15] Your Honour, it's just at the request of the video link
10 facility, the longer copy of the document was also placed before the witness because
11 it's more legible. So I just want to make sure that it's -- I don't object to the, in light of
12 your Honours ruling, I don't object to the pages of the newer version being shown
13 which correspond to the older version, so long as the new pages are not shown.

14 PRESIDING JUDGE FREMR: [16:46:38] Yes.

15 Please, court officer at the remote location, have you heard Ms Solano's submission,
16 because it's important that we will only deal with pages (Redacted) and the other
17 pages shouldn't be shown to Madam Witness. So please don't allow her to watch the
18 other pages. Have you understood that, court officer at remote location?

19 REGISTRY REPRESENTATIVE: [16:47:23] (Via video link) (Interpretation) Yes,
20 that's the first page, DRC-D18, and then ending (Redacted). And the second page is
21 this one --

22 PRESIDING JUDGE FREMR: [16:47:54] Yes, I can see it is the page we really -- we
23 wanted.

24 So now, Mr Bourgon, you would like to refer to, in fact, the second page (Redacted);
25 am I right?

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- 1 MR BOURGON: [16:48:09] Yes, that is the correct page, Mr President.
- 2 Q. [16:48:16] (Redacted)
- 3 (Redacted)
- 4 THE WITNESS: [16:48:44] (Interpretation) (Redacted)
- 5 (Redacted).
- 6 PRESIDING JUDGE FREMR: [16:48:56] (Redacted).
- 7 THE WITNESS: [16:49:11] (Interpretation) (Redacted)
- 8 (Redacted).
- 9 MR BOURGON: (Redacted)
- 10 THE WITNESS: (Interpretation) And apart from that I can follow the questions
- 11 being put to me.
- 12 PRESIDING JUDGE FREMR: [16:49:24] Please wait for questions put to you by
- 13 Mr Bourgon, Madam Witness.
- 14 MR BOURGON: [16:49:30]
- 15 Q. [16:49:30] Madam, I'd just like you to look quickly at (Redacted) the page you
- 16 have before you, and it says "Ont réussi et passant de classe (Redacted)."
- 17 Do you see this section B on the document?
- 18 A. [16:50:19] I'm following the mouse before I read it.
- 19 Q. [16:50:29] And (Redacted), Madam, I'd like you to look (Redacted)
- 20 (Redacted), that's what I'd like you to confirm. Can you confirm this?
- 21 A. [16:50:53] Yes, that's his name.
- 22 Q. [16:50:57] Madam, this document in the (Redacted), the section that follows,
- 23 we see here that there are three names of students and then the title of this section is
- 24 "Sont admis à redoubler leur classe." Do you see this?
- 25 A. [16:51:34] Yes, I can see *a name.

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1 Q. [16:51:38] And in the block a bit further down where you have (Redacted) -- I
2 would like to refer you to (Redacted).

3 A. [16:52:04] And there it says they have abandoned.

4 Q. [16:52:09] Yes, that's correct. And you see there are seven names in that
5 section. Do you see this?

6 Now, madam, my question is the following: I suggest to you that this confirms that
7 (Redacted) was in school all year in 2002-2003 and maybe you were mistaken about
8 the dates when you say that he was away during this period. Is that a possibility?

9 A. [16:53:05] I told you I can't recall all the dates, but I know that when (Redacted)
10 (Redacted). I can remember that now.

11 That's what I remember.

12 Q. [16:53:20] (Redacted)

13 (Redacted)

14 (Redacted)?

15 A. [16:53:58] (Redacted)

16 (Redacted)?

17 Q. [16:54:05] (Redacted)

18 (Redacted).

19 A. [16:54:18] (Redacted)?

20 (Redacted)

21 (Redacted).

22 Q. [16:54:46] Madam, do you remember the names of any teachers the year before
23 that, 2002-2003?

24 A. [16:55:12] No, I can't remember what his teachers were called apart from the
25 head or the préfet who signed, and that (Redacted) whose name was (Redacted). I do

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1 remember that one. I didn't give these names much importance and therefore that's
2 why I cannot remember them.

3 Q. [16:55:40] (Redacted)
4 (Redacted)?

5 A. [16:56:01] (Redacted)?

6 Q. [16:56:03] (Redacted)
7 (Redacted).

8 A. [16:56:18] (Redacted)?

9 Q. [16:56:22] (Redacted)
10 (Redacted)
11 (Redacted)?

12 A. [16:56:53] (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted).

16 Q. [16:57:29] Thank you, madam. Now the gentleman I referred to, (Redacted)
17 (Redacted). According to what we know he was -- the information we have, he was the
18 titulaire of the (Redacted) year of (Redacted) school attended by (Redacted) in 2002-2003,
19 and he says that (Redacted) was in his class all year in 2002-2003. Is that possible, madam?

20 A. [16:58:14] It's possible he may say that, but what I know with regard to
21 (Redacted) is that -- and you want me to tell you what I know, is that from (Redacted),
22 (Redacted) up to the next time there was a major interval, and I know what happened
23 then. But other situations which he may have kept secret from me I don't know. I
24 cannot tell you what I do not know. If he says to me "I'm off to see a friend," I don't
25 know whether he's going there to play football or to do something else.

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1 I trust him. So if there is another reason why he's going to his friend, well, this is
2 something I don't know about. I am telling you only that which I know. With
3 regard (Redacted) it was the whole year.

4 Q. [16:59:37] (Redacted)

5 (Redacted)

6 (Redacted)?

7 A. [17:00:06] (Redacted)?

8 Q. [17:00:10] I'm just talking, madam, the answers you already provided that at
9 some point (Redacted) disappeared while you were living in (Redacted), you
10 remember this, correct?

11 A. [17:00:34] Yes. He disappeared and he went to the place that I've just talked
12 to you about.

13 Q. [17:00:44] This is what I'd like to ask you a few questions on. I understand
14 that dates are difficult and I want to place this in time. And my first question refers
15 to what you said in your statement. This is (Redacted). That's the statement you
16 provided to the Prosecution and it's at tab 1 in the binder, and it's at paragraph 34 on
17 page 0034. This is what you said here in the middle of the paragraph: "(Redacted)
18 (Redacted)

19 (Redacted)

20 Do you recall giving this information to the investigators?

21 A. [17:02:06] Yes, I remember.

22 Q. [17:02:07] (Redacted)

23 (Redacted).

24 A. [17:02:31] (Redacted)

25 (Redacted).

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1 Q. [17:02:40] (Redacted)

2 (Redacted)?

3 A. [17:03:04] (Redacted)

4 (Redacted).

5 Q. [17:03:18] (Redacted)?

6 A. [17:03:21] (Redacted).

7 THE INTERPRETER: [17:03:24] (Redacted)

8 (Redacted)

9 THE WITNESS: [17:03:31] (Interpretation) (Redacted)

10 (Redacted).

11 MR BOURGON:

12 Q. [17:03:42] (Redacted)

13 (Redacted)

14 (Redacted)?

15 A. [17:04:07] (Redacted)

16 (Redacted).

17 Q. [17:04:21] (Redacted)

18 (Redacted)?

19 A. [17:04:49] I'm talking about the period of time where we had been exiled to

20 Mudzipela. When we left Mudzipela, I clarify. In fact, we had been exiled and we

21 were waiting for the situation to calm down again.

22 Q. [17:05:13] Now, madam, you've already told us that this was after Lompondo

23 left Bunia.

24 For the record, this was on page 104, lines 8 to 10 -- or, sorry, 106, lines 9 to 10, I

25 apologise.

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1 (Redacted)

2 (Redacted)?

3 A. [17:05:55] (Redacted)

4 (Redacted).

5 Q. [17:06:08] (Redacted)

6 (Redacted)

7 (Redacted)?

8 A. [17:06:35] (Redacted)

9 (Redacted).

10 Q. [17:06:46] (Redacted)?

11 A. [17:07:08] (Redacted)

12 (Redacted).

13 Q. [17:07:20] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted).

18 (Redacted)

19 (Redacted)?

20 A. [17:08:17] (Redacted)

21 (Redacted)

22 (Redacted).

23 Q. [17:08:45] Now, madam, the -- what I'm interested in is because in your

24 statement you provided some information and I'd like you to confirm what you said

25 then as you were (Redacted). And I refer to your statement where you say the

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1 following at paragraph 37 on page (Redacted):

2 "(Redacted), I saw other children of (Redacted) age and other children older
3 than him. (Redacted). I do not know what the children were doing. I did not
4 have time to check on the other children. I did not recognize any other child
5 I saw there."

6 You confirm this information, madam?

7 A. [17:10:10] I'm following you.

8 Q. [17:10:12] Now, when you were (Redacted), you also testified that you heard
9 some singing. I'd just like to refer you to your statement where you say that you
10 heard singing (Redacted). Do you recall this?

11 A. [17:10:39] Yes.

12 Q. [17:10:40] (Redacted)
13 (Redacted)?

14 A. [17:11:02] (Redacted)
15 (Redacted).

16 Q. [17:11:10] (Redacted)
17 (Redacted)?

18 A. [17:11:38] (Redacted)
19 (Redacted).

20 Q. [17:11:47] (Redacted)
21 (Redacted)?

22 A. [17:12:12] It's as you said, there were children that I couldn't recognize and
23 (Redacted). And the children were singing. I don't know whether there was
24 sort of a performance happening, but it was a place really that you would come to
25 with a sense of fear, and when you arrived, (Redacted)

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1 (Redacted).

2 Q. [17:12:48] I'll move to a different topic, madam, because I'm limited on time.

3 MR BOURGON: [17:12:58] Mr President, how many minutes do I have left,
4 please?

5 PRESIDING JUDGE FREMR: [17:13:02] Court officer, could you update us?

6 So I was informed, Mr Bourgon, you still have 12 minutes.

7 MR BOURGON: [17:13:19]

8 Q. [17:13:19] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)?

12 A. [17:13:50] (Redacted)

13 (Redacted).

14 Q. [17:14:10] (Redacted)

15 (Redacted).

16 A. [17:14:42] (Redacted)

17 (Redacted).

18 Q. [17:15:01] (Redacted)

19 (Redacted).

20 A. [17:15:04] (Redacted)

21 (Redacted).

22 Q. [17:15:16] (Redacted)

23 (Redacted)?

24 A. [17:15:33] (Redacted)

25 (Redacted)

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- 1 (Redacted).
- 2 Q. [17:16:12] (Redacted)
- 3 (Redacted)?
- 4 A. [17:16:25] (Redacted)
- 5 (Redacted).
- 6 Q. [17:16:44] (Redacted)
- 7 (Redacted)
- 8 (Redacted)?
- 9 A. [17:17:06] (Redacted)
- 10 (Redacted)
- 11 (Redacted).
- 12 Q. [17:17:27] (Redacted)
- 13 (Redacted)
- 14 (Redacted)?
- 15 A. [17:17:56] (Redacted)
- 16 (Redacted).
- 17 Q. [17:18:13] (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 A. [17:18:46] (Redacted).
- 21 Q. [17:18:52] (Redacted).
- 22 (Redacted)?
- 23 A. [17:19:07] (Redacted).
- 24 Q. [17:19:09] (Redacted)
- 25 (Redacted)?

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- 1 A. [17:19:42] (Redacted)
- 2 (Redacted).
- 3 Q. [17:19:54] (Redacted)
- 4 (Redacted)?
- 5 A. [17:20:19] (Redacted).
- 6 Q. [17:20:29] (Redacted)
- 7 (Redacted):
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted).
- 11 (Redacted)?
- 12 A. [17:21:16] (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted).
- 16 PRESIDING JUDGE FREMR: [17:21:46] (Redacted)
- 17 (Redacted).
- 18 MR BOURGON: [17:21:51] (Redacted).
- 19 Q. [17:21:52] (Redacted)
- 20 (Redacted)
- 21 (Redacted)?
- 22 A. [17:22:23] (Redacted)
- 23 (Redacted).
- 24 Q. [17:22:39] (Redacted)
- 25 (Redacted)

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- 1 (Redacted)?
- 2 A. [17:23:00] (Redacted)
- 3 (Redacted).
- 4 Q. [17:23:17] (Redacted)
- 5 (Redacted)
- 6 (Redacted)?
- 7 A. [17:23:44] (Redacted).
- 8 Q. [17:23:47] (Redacted)
- 9 (Redacted).
- 10 (Redacted)?
- 11 A. [17:24:26] (Redacted).
- 12 Q. [17:24:32] (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted).
- 16 A. [17:25:02] (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted).
- 20 Q. [17:25:48] (Redacted)
- 21 (Redacted)?
- 22 A. [17:26:20] (Redacted)?
- 23 PRESIDING JUDGE FREMR: [17:26:24] (Redacted)
- 24 (Redacted).
- 25 MR BOURGON: [17:26:33(Redacted).

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1 Q. [17:26:36] Madam, (Redacted) and according to him (Redacted) was also never
2 in the UPC. Do you wish to comment on this?

3 A. [17:27:12] Please ask me questions about what I've already told you and
4 referring to the way I've told you these things.

5 Q. [17:27:19] Madam, last question: I suggest to you that (Redacted) was in
6 school in 2002-2003 and that he was never in the UPC, and the only reason you give
7 that testimony is either because you don't know or because you want to confirm
8 (Redacted) version of the events. Would you like to comment, madam?

9 A. [17:28:00] I've told you what I know.

10 Q. [17:28:06] Thank you, madam, I have no further questions. Sorry, I don't
11 want to cut you off. Sorry.

12 PRESIDING JUDGE FREMR: [17:28:14] Madam Witness, did you want to finish
13 your response? Because you were cut just before the end, probably before the end of
14 your response.

15 THE WITNESS: [17:28:35] (Interpretation) I don't want to carry on because I am
16 just telling you what I know. I can't tell you what I don't know.

17 MR BOURGON: [17:28:50] Thank you very much, madam. I have no further
18 questions. Thank you.

19 PRESIDING JUDGE FREMR: [17:28:56] Fine.

20 Now, Ms Solano, Prosecution, any request for redirect?

21 MS SOLANO: [17:29:01] Not as such, your Honour. I just want to clarify a name
22 that was given by the witness and wasn't captured by either transcript.

23 PRESIDING JUDGE FREMR: [17:29:10] All right. Please proceed.

24 MS SOLANO: [17:29:12] Thank you, your Honour.

25 QUESTIONED BY MS SOLANO:

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1 Q. [17:29:13] Madam, can you hear me?

2 A. [17:29:19] (No interpretation)

3 Q. [17:29:20] (Redacted)

4 (Redacted)

5 (Redacted)?

6 A. [17:29:50] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted).

10 Q. [17:30:17] Thank you, madam.

11 MS SOLANO: [17:30:19] Your Honour, those are my questions.

12 PRESIDING JUDGE FREMR: [17:30:22] I personally don't have any questions for
13 this witness.

14 Do my colleagues? No.

15 So Madam Witness, that concludes your testimony. On behalf of the whole
16 Chamber I would like to thank you for testifying before us, because I can imagine that
17 testifying sometimes can be very difficult and strenuous experience, but we
18 appreciate your contribution and we believe that your testimony will contribute to
19 our deliberations and to our effort to find the truth in this case. So thank you very
20 much.

21 THE WITNESS: [17:31:10] (Interpretation) I would also like to thank you because
22 you've helped me understand, because this is the first time I've ever appeared before
23 such a court. Thank you very much for the respect that you've shown me. That's
24 been of great assistance to me. Thank you very much. Thank you to one and all.

25 PRESIDING JUDGE FREMR: [17:31:35] We appreciate that, Madam Witness.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Open session at 5.32 p.m.)

11 THE COURT OFFICER: [17:32:17] We're in open session, Mr President.

12 PRESIDING JUDGE FREMR: [17:32:27] Thank you, court officer.

13 Ms Solano, please.

14 MS SOLANO: [17:32:29] Thank you, your Honour. I just want to make a brief

15 note about the fact that it seems to us in the Prosecution that the Defence has been

16 providing updated versions of their list of evidence for use with witnesses during the

17 witness's cross-examination after the 24-hour period, your Honours, and we wouldn't

18 raise it if it were the first time or the second time. We all understand that these

19 things happen. They have happened to the Prosecution as well. But for witnesses

20 976, 898 and 918, the Defence has provided updates after the relevant time period, in

21 relation to 976, five times, one of them after cross-examination had started. For 898,

22 twice, one of them half an hour before cross started and another one after cross

23 started, and for this last witness, 918, they provided three updates after the expiration

24 of the timeline.

25 So, your Honours, it just, it makes it inevitable that ultimately your Honours will be

26 confronted with our request for an adjournment so the Prosecution can properly

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1 investigate any issues that may arise from the materials the Defence seek to rely on.

2 So I seek your Honours' reminder that the 24-hour period really must be abided by.

3 Thank you.

4 PRESIDING JUDGE FREMR: [17:33:53] Mr Bourgon.

5 MR BOURGON: [17:33:55] Mr President, the Trial Chamber ruled on the matter,

6 gave us a very specific and clear ruling to provide our documents 24 hours in advance,

7 and we will abide with this ruling. When we do obtain documents within that

8 24 hours, we give it as soon as we obtain the document. That is the only thing I can

9 add, Mr President. Thank you.

10 PRESIDING JUDGE FREMR: [17:34:16] So it seems that the problem was mainly

11 caused by our unclear interpretation. Now it's clear, so I hope that those cases at

12 least will not repeat at the same amount.

13 My I rely on that, Mr Bourgon?

14 MR BOURGON: [17:34:31] Absolutely, we'll do everything to meet that 24-hour

15 deadline.

16 PRESIDING JUDGE FREMR: [17:34:36] Thank you.

17 And as I said, for tomorrow now we can -- we can't indicate anything because

18 everything will depend on what will be our decision. And, yes, I think that's it. But

19 as I said, anyway, one of the alternative is, and you should be ready for that, that we

20 will start tomorrow 9.30. It's all what I can say at this moment.

21 Now Court is adjourned.

22 THE COURT USHER: [17:35:11] All rise.

23 (The hearing ends in open session at 5.35 p.m.)

24 RECLASSIFICATION REPORT

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

Trial Hearing

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