

Trial Hearing

(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 Monday, 21 November 2016
 9 (The hearing starts in open session at 9.32 a.m.)
 10 THE COURT USHER: [9:32:28] All rise.
 11 The International Criminal Court is now in session.
 12 Please be seated.
 13 PRESIDING JUDGE FREMR: [9:33:01] Good morning, everybody.
 14 Court officer, please call the case.
 15 THE COURT OFFICER: [9:33:06] Thank you, Mr President.
 16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
 17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
 18 We are in open session.
 19 PRESIDING JUDGE FREMR: [9:33:21] Thank you, court officer.
 20 Now appearances, please, in habitual order.
 21 MS SAMSON: [9:33:27] Good morning, Mr President and your Honours, appearing
 22 for the Prosecution today are Ms Kristy Sim, Ms Selam Yirgou, Ms Diane Luping and
 23 myself, Ms Nicole Samson.
 24 PRESIDING JUDGE FREMR: [9:33:43] Thank you, Ms Samson.
 25 Defence please.

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- 1 MR GOSNELL: [9:33:44] Good morning, Mr President. Good morning, your
- 2 Honours. Christopher Gosnell for Mr Ntaganda, assisted by Chloé Grandon and
- 3 Jules Guillaumé.
- 4 Thank you, Mr President.
- 5 PRESIDING JUDGE FREMR: [9:33:57] Thank you.
- 6 And for the record, Mr Ntaganda is present as well.
- 7 Legal Representative of Victims now, please.
- 8 MS PELLET: [9:34:07] (Interpretation) Thank you very much, your Honour, the
- 9 former child soldiers are represented by Mohamed Abdou and by myself, Sarah Pellet
- 10 at the OPCV.
- 11 MS GRABOWSKI: [9:34:20] Good morning, Mr President. Good morning, your
- 12 Honours. Anne Grabowski and Marine Corhay for the victims of the attacks.
- 13 Thank you.
- 14 PRESIDING JUDGE FREMR: [9:34:35] Thank you, Ms Pellet. Thank you,
- 15 Ms Grabowski. Ms Grabowski, maybe I overheard that, but did you provide also
- 16 the name of your colleague? You did, okay. Fine. Sorry, sorry.
- 17 Now, Madam Witness, good morning.
- 18 WITNESS: DRC-OTP-P-0758 (On former oath)
- 19 (The witness speaks Swahili)
- 20 THE WITNESS: [9:34:57] (Interpretation) Good morning.
- 21 PRESIDING JUDGE FREMR: [9:34:58] Madam Witness, welcome back. Are you
- 22 feeling okay to continue with your testimony today?
- 23 THE WITNESS: [9:35:07] (Interpretation) Yes.
- 24 PRESIDING JUDGE FREMR: [9:35:13] I am glad to hear it. It is my duty,
- 25 Madam Witness, to remind you to, two things, first one, which I guess you are aware

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1 of, that you are still under oath, which means then you have to speak truth and
2 nothing but the truth, and the second thing that, but I think you did it very well, that
3 you always have to listen carefully to questions, to wait at least three seconds
4 between you provide your answer. And also important thing, if you would feel
5 unwell, feel free to let us know and we will break even earlier than we normally used
6 to plan our regular breaks.

7 Do you understand all that?

8 THE WITNESS: [9:36:10] (Interpretation) Yes.

9 PRESIDING JUDGE FREMR: [9:36:22] Good.

10 So now I will hand over floor to Ms Samson. And Ms Samson, also a regular
11 question, do you want to proceed in open or in private session?

12 MS SAMSON: [9:36:33] In private session please, Mr President.

13 PRESIDING JUDGE FREMR: [9:36:38] And in order to inform public, this witness is
14 protected witness, which means that her identity should not be revealed to public.

15 That is why as soon there is such a risk and as soon upcoming questions could lead to
16 revealing of her identity we have to move into private session, which is the case now.

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

18 (Private session at 9.37 a.m.) *(Reclassified partially in public)

19 THE COURT OFFICER: [9:37:19] We are in private session, Mr President.

20 PRESIDING JUDGE FREMR: [9:37:22] Thank you, court officer.

21 Ms Samson, please proceed.

22 MS SAMSON: [9:37:27] Thank you.

23 QUESTIONED BY MS SAMSON: (Continuing)

24 Q. [9:37:28] Good morning, Madam.

25 A. [9:37:31] Good morning.

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1 Q. [9:37:37] On Thursday afternoon when you were testifying, we left off at the
2 point where you were describing what the Lingo camp looked like. And I'd like to
3 ask you some questions now about the time that you arrived at the Lingo camp.
4 First of all, when you got there, you and your group, were there any other people
5 already at the camp?

6 A. [9:38:05] We found those people who had arrived before us.

7 Q. [9:38:25] And what were the people who arrived before you doing, what could
8 you see them doing?

9 A. [9:38:31] I didn't quite understand your question.

10 Q. [9:38:51] What were the people that you saw at the camp, other than your group,
11 doing?

12 A. [9:39:16] We met soldiers there.

13 Q. [9:39:19] And did you also meet people that you identified as recruits, people
14 who were training?

15 A. [9:39:43] Those that we met had already finished their training.

16 Q. [9:39:50] So what did you and your group do upon arrival in Lingo, what were
17 you told to do?

18 A. [9:40:14] I didn't quite understand your question.

19 Q. [9:40:18] So you've told us that you arrived at Lingo camp and you saw other
20 soldiers, or soldiers there, what were you asked to do with your group when you
21 arrived? What did the soldiers tell you to do?

22 A. [9:40:43] I only remember is that when we arrived in that place they, once again,
23 raped me.

24 Q. [9:41:04] Okay. Then let's -- let's start there. You've indicated that they raped
25 you. Tell the Chamber what happened.

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1 A. [9:41:30] What happened where?

2 Q. [9:41:33] Can you tell the Chamber the circumstances of your rape at Lingo, the
3 rape that you just mentioned?

4 A. [9:42:06] There was a soldier (Redacted) and he was the one who raped me.

5 Q. [9:42:16] And where were you at the time of the rape?

6 A. [9:42:37] I was at the Lingo camp.

7 Q. [9:42:40] And where specifically at the camp, what part of the camp were you at
8 at the time?

9 A. [9:43:02] Where we were.

10 Q. [9:43:06] I know, Ma'am, that this isn't easy, but it will help a lot if you can
11 provide some details to the Chamber. It's important that they understand what
12 happened to you. Would you be able to describe for them in some detail what
13 happened during this rape?

14 A. [9:43:42] The (Redacted) raped me (Redacted)
15 (Redacted)

16 Q. [9:44:05] And, again, when you say that he raped you, can you please tell the
17 Judges with what part of his body he used and on which part of your body?

18 A. [9:44:37] (Redacted)

19 (Redacted) And he took his

20 penis and he put it into my vagina. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [9:46:36] (Redacted) Did you tell

4 him that you didn't want to have sex with him?

5 A. [9:47:14] I refused, but he didn't accept my refusal. (Redacted)

6 (Redacted)

7 Q. [9:47:28] And why didn't you just leave (Redacted)

8 A. [9:47:47] It was difficult.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [9:48:56] And did you know or do you know now whether or not any other girls

14 in the camp were raped?

15 A. [9:49:20] We were all raped.

16 Q. [9:49:25] And it's important that you explain to the Judges how you know that.

17 How do you know that you were all raped?

18 A. [9:49:51] They would take each one and go off and rape them.

19 Q. [9:50:03] And did you ever speak to those other girls about the rapes?

20 A. [9:50:24] I could see things with my own eyes. I saw how my colleagues

21 were -- or my companions were taken and they would go off with them. Sometimes

22 they would take them into their -- the bush a little further down.

23 Q. [9:50:51] And do you know the names of the soldiers who were raping girls,

24 including yourself?

25 A. [9:51:11] I don't know their names.

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1 Q. [9:51:17] Do you --

2 PRESIDING JUDGE FREMR: [9:51:18] Excuse me, Ms Samson, I would like to put
3 additional question.

4 Madam Witness, it's a bit not clear to me because okay, you, for example, the soldier
5 who raped you, so you met him, I think you have enough time to see him, and then I
6 guess that you both remain within the UPC so you had no chance to find his name?

7 THE WITNESS: [9:51:53] (Interpretation) (Redacted)

8 (Redacted) And I didn't go into the area where he resided. Everybody got on with
9 their own business.

10 PRESIDING JUDGE FREMR: [9:52:17] Thank you, Madam Witness.

11 Please, Ms Samson.

12 MS SAMSON:

13 (Redacted)

14 (Redacted)

15 A. [9:52:56] (Redacted).

16 Q. [9:53:05] And at Lingo were you raped only one time or more than one time by
17 a different person or people?

18 A. [9:53:28] Several different people.

19 Q. [9:53:34] And can you remember the names of any of the other men who raped
20 you?

21 A. [9:53:53] When I was still a recruit there were others that raped me, but I don't
22 know their names. After the training, it was (Redacted) who raped us. And (Redacted).

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [9:55:52] And who were the PMs?

6 A. [9:56:03] Those who patrolled, those who arrested soldiers who ran away or
7 people wandering around without permission, soldiers who went to civilian areas or
8 into the markets or to the villages.

9 Q. [9:56:31] So the PMs are UPC soldiers; is that right?

10 A. [9:56:37] That's right.

11 Q. [9:56:40] Do you know what PM stands for?

12 A. [9:56:56] I don't know.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [9:57:29] And did you ever report these rapes to anybody senior?

17 A. [9:58:02] Even the high-ranking officers raped. Even if they were accused of
18 such, it didn't mean anything to them, because they themselves raped.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [9:58:52] Did anybody ask you what your ethnicity was?

23 A. [9:59:12] They would ask me my ethnicity.

24 Q. [9:59:18] And what did you tell them?

25 A. [9:59:25] I would tell them that I was Gegere. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) so why didn't you tell them that

4 your -- that you were also Lendu?

5 A. [10:00:04] They would have killed me if I'd told them that.

6 Q. [10:00:13] I would like to take you back to your arrival at Lingo and you
7 indicated that it was a training camp. Did you ever undertake training there?

8 A. [10:00:34] Yes.

9 Q. [10:00:38] And, first of all, who was your trainer or trainers?

10 A. [10:01:03] In Lingo my trainer was (Redacted) and another commander, he was
11 responsible for us, a recruit among us called (Redacted) and another person who
12 trained us in use of weapons.

13 THE INTERPRETER: [10:01:35] Your Honour, the Swahili booth asks if the last
14 name could be repeated. The interpreter did not catch it.

15 PRESIDING JUDGE FREMR: [10:01:43] Madam Witness, could you can kindly
16 repeat the last name you mentioned. It was the instructor for using weapons
17 because the interpreters haven't captured that name.

18 THE WITNESS: [10:02:05] (Interpretation) His call sign was (Redacted)

19 MS SAMSON: [10:02:25]

20 Q. Do you know the ethnicity of (Redacted)

21 A. [10:02:47] (Redacted) I no longer remember the ethnic group of (Redacted)
22 (Redacted)

23 Q. [10:03:12] And (Redacted) do you know his ethnicity?

24 A. [10:03:25] (Redacted)

25 Q. [10:03:36] What was the composition of the group being trained. Were you just

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1 girls, were you girls and boys? What was the approximate age range of the group?

2 A. [10:04:11] We were mixed; there were men, women and children.

3 Q. [10:04:19] And were the children your age or older than you or younger than
4 you as well?

5 A. [10:04:37] There were some who were older than me and others who were
6 younger than me.

7 Q. [10:04:44] You mentioned on Thursday, and again today, (Redacted) the girl that
8 you indicated was nine years old. Was she doing some of this training as well?

9 A. [10:05:10] (Redacted) died.

10 Q. [10:05:15] Yes, but had she done any training before she died, or no?

11 A. [10:05:37] She died before we were taught how to handle weapons.

12 Q. [10:05:50] Okay. What language was the training conducted in?

13 A. [10:06:05] In Swahili.

14 Q. [10:06:09] And can you, can you explain to the Judges what a training day was
15 like for you and your group. What time did you get up in the morning? What did
16 you do first? How did your day unfold?

17 A. [10:06:40] In the morning we had to do jogging. And afterwards we would
18 return to the camp in order to receive training. Afterwards we would go to the hill
19 to get wood for heating. From there, we would return around 1500 hours for the
20 meal of the day, and then after that we would remain there until sunset. We were
21 taught songs, we were all together. And later they would distribute cannabis. And
22 that is what our day was like.

23 Q. [10:07:49] In terms of training you've already referred to weapons, how to
24 handle weapons, did you use real guns during your training?

25 A. [10:08:13] When we were given training we used sticks and we were taught to

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1 fire. With regard to the war techniques we were taught, we were taught how to

2 crawl, they told us, "During war, you can't move around standing up."

3 Q. [10:08:51] Can you recall any other types of training you received?

4 A. [10:09:06] What type of training?

5 Q. [10:09:11] What other type of war techniques were you taught?

6 A. [10:09:33] They also, they also taught us how to do forward rolls. I've forgotten
7 other things they taught us.

8 Q. [10:09:55] Now you mention that you were taught songs. Can you recall what
9 those songs were about?

10 A. [10:10:11] There were a lot of songs. I've forgotten them.

11 Q. [10:10:25] Do you know approximately how many people were in your training
12 group?

13 A. [10:10:45] There were 120 of us, approximately.

14 Q. [10:11:16] Were you taught who you were going to fight?

15 A. [10:11:30] Yes.

16 Q. [10:11:34] Who were you told you were going to fight?

17 A. [10:11:44] We were going to fight against the Lendu, Ngudjolo soldiers.

18 Q. [10:11:57] And were you taught what to do if you came across civilians as
19 opposed to Lendu soldiers?

20 A. [10:12:21] How we should behave?

21 Q. [10:12:27] Yes.

22 A. [10:12:38] I don't remember.

23 Q. [10:12:47] Where did everybody sleep at the camp, you, the recruits and then the
24 soldiers and camp commanders?

25 A. [10:13:14] Each commander had his house. At the residence of each

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1 commander there was a compound made of straw, barrier fencing made of straw, and
2 the other soldiers had their rooms outside, their dwellings outside.

3 Q. [10:13:54] And where did you sleep?

4 A. [10:14:06] We slept there when we were recruits.

5 Q. [10:14:12] Did you sleep in a hut?

6 A. [10:14:23] We slept outside in that place.

7 Q. [10:14:34] Who was in charge of food and food supplies at Lingo camp?

8 A. [10:15:00] A soldier whose name was (Redacted) in terms of food supplies, he was
9 the person who was responsible for that.

10 Q. [10:15:26] And do you know what (Redacted) name was, real name?

11 A. [10:15:43] No, I never heard his other name.

12 Q. [10:15:53] You had mentioned earlier a commander named (Redacted) did he also
13 stay at the Lingo camp?

14 A. [10:16:13] No, I didn't see him.

15 Q. [10:16:17] Did you ever hear of a soldier named (Redacted)?

16 A. [10:16:31] Yes.

17 Q. [10:16:36] Who was he?

18 A. [10:16:50] I no longer remember.

19 Q. [10:16:55] Can you recall if he was a low-level soldier or a high-level soldier?

20 A. [10:17:13] He was a high-ranking soldier.

21 Q. [10:17:29] Have you ever heard of the word Foren?

22 A. [10:17:51] Yes.

23 Q. [10:17:51] Can you explain what that means?

24 A. [10:18:06] It is an assembly of troops, they would all assemble at the same place.

25 Q. [10:18:28] And did that happen at the Lingo camp?

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1 A. [10:18:32] Yes.

2 Q. [10:18:39] How often?

3 A. [10:18:53] There were two assemblies per day, in the morning and in the
4 evening.

5 Q. [10:19:19] What was the purpose of the assemblies?

6 A. [10:19:30] I no longer remember. Sometimes these assemblies would take place
7 in the morning to tell the troops the -- about the battle that was going to follow.

8 Q. [10:20:03] Was the training the same for boys and girls or was it different in any
9 way?

10 A. [10:20:26] It wasn't any different. We all received the same training, whether
11 boys or girls. We all received the same training.

12 Q. [10:20:48] Did you ever hear any speeches while you were at Lingo camp?

13 A. [10:21:09] Could you please repeat the question?

14 Q. [10:21:12] Sure. Did you ever -- do you ever recall hearing speeches or
15 receiving visits when you were at the camp?

16 A. [10:21:35] Yes.

17 Q. [10:21:36] Can you describe those speeches, who gave them, what they were
18 about.

19 A. [10:22:10] Your question, is that about the camp where we were recruits?

20 Q. [10:22:17] Yes, that's right, at the Lingo camp. Did people ever come to give
21 speeches to the recruits?

22 A. [10:22:36] Yes, they did.

23 Q. [10:22:41] Who came to give speeches to the recruits?

24 A. [10:22:59] I don't remember the names of the commander, of commanders
25 anymore, but there were lots of other people who would arrive and they would tell us

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1 not to be afraid. The UPC was going to take over Congo, we would occupy Bunia,
2 Kisangani, Kinshasa and take over the entire country of the Congo, that's what they
3 would tell us.

4 Q. [10:23:34] And did all of the recruits assemble for these speeches?

5 A. [10:23:47] Yes.

6 Q. [10:23:47] And how were you positioned? How were the recruits asked to
7 stand or where were they asked to stand when the speeches were being given?

8 A. [10:24:16] When you speak about position, standing up, who are you referring
9 to?

10 Q. [10:24:26] Well, I'd like to have a sense as to how close you were to the people
11 who were coming to give speeches and how you were lined up, if they could see you
12 clearly, if you could see them clearly.

13 A. [10:24:59] We were standing up and the person who addressed us, the
14 commander, was in front of us, he was also standing up. There were also other
15 commanders next to him and those people were also standing up.

16 Q. [10:25:37] And did you ever recall visits by any top-level UPC commander?

17 PRESIDING JUDGE FREMR: [10:25:52] Hold on, Madam Witness.

18 Mr Gosnell.

19 MR GOSNELL: [10:25:55] Mr President, it is starting to get leading in respect of
20 matters of significance, so I object on the basis of leading.

21 PRESIDING JUDGE FREMR: [10:26:04] Ms Samson.

22 MS SAMSON: [10:26:05] I would just like to direct this witness's attention to my
23 question. I have noted that general questions are sometimes difficult. I'm not
24 suggesting who may have visited or whether a person visited. I would just like to
25 know if there were ever top-level commanders who visited. If the answer is no, then

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1 that will be the end of it. If the answer is yes, then I will ask a series of follow-up
2 questions. But if I ask it too generally, in my experience so far, I am asked to specify
3 in any event.

4 PRESIDING JUDGE FREMR: [10:26:39] Yes, I have to elaborate on that. In my
5 view, and we had even such dialogues or discussions with Mr Bourgon, in my view
6 there is at least established some foundation, like here that there were some
7 commanders, then the next question trying to be more specific in my view is not
8 leading in a sense that it would put answer to the mouth of the witness. So this
9 concrete objection is overruled.

10 Ms Samson, please proceed and I would recommend to repeat the question.

11 MS SAMSON:

12 Q. [10:27:28] Madam, I would like to know whether you ever recall visits by any
13 top-level UPC commanders at the Lingo camp?

14 A. [10:27:57] Yes.

15 Q. [10:27:59] Can you tell us who visited, which commander?

16 A. [10:28:17] It was towards the end of our training, Bosco came to visit us. He
17 said that he was happy that we had finished our training and that's why he brought
18 a cow to congratulate us.

19 Q. [10:28:46] How did you know that it was Commander Bosco who visited you?

20 A. [10:29:04] He himself told us what his name was.

21 Q. [10:29:14] And at that time were the recruits standing up in front of him or
22 sitting down in front of him?

23 A. [10:29:29] We were standing up.

24 Q. [10:29:35] At that time how were you dressed?

25 A. [10:29:53] We were wearing our dirty clothing that we would use during the

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1 training.

2 Q. [10:30:03] And did you have real weapons at that time?

3 A. [10:30:09] No, not at that point.

4 Q. [10:30:24] Which Lingo camp commanders were present, if any, during
5 Commander Bosco's visit?

6 A. [10:30:52] There was (Redacted) and other commanders. And all of the soldiers
7 were there as well.

8 Q. [10:31:10] Did Commander Bosco speak to any of the camp commanders of
9 Lingo?

10 A. [10:31:33] Yes, he spoke with them.

11 Q. [10:31:39] In what language did Commander Bosco address the recruits and
12 camp commanders at Lingo?

13 A. [10:31:54] In Swahili.

14 Q. [10:31:56] And did Commander Bosco come to the camp alone or with others?

15 A. [10:32:12] He came with his bodyguards.

16 Q. [10:32:17] Can you recall if the bodyguards were men and women or only men
17 or only women?

18 A. [10:32:40] There were male bodyguards, but among them I did see a woman.

19 Q. [10:32:53] And during this particular visit were you able to see if the
20 bodyguards were close to your age or older than you or younger than you?

21 A. [10:33:23] They were older than me.

22 Q. [10:33:26] How was Commander Bosco dressed during this visit? What was he
23 wearing?

24 A. [10:33:51] He was wearing a Muslim robe and he was also wearing
25 a Muslim-type hat.

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1 Q. [10:34:15] You've indicated that Commander Bosco told you he was very happy
2 that you had finished your training and that was why he brought a cow to
3 congratulate you. Do you remember if he said anything else to you when he
4 addressed the recruits at Lingo?

5 A. [10:34:51] I don't remember. What I do remember, though, is that he said that
6 the Congo would come into the hands of the UPC and he told us that he was going to
7 attack Bunia and the entire Congo would come under the control of the UPC.

8 Q. [10:35:17] Do you know what position Commander Bosco held in the UPC?

9 A. [10:35:39] He was a commander. After -- or directly after Lubanga, it was him
10 in the hierarchy.

11 Q. [10:35:53] And how do you know that?

12 A. [10:36:06] Because he was highly respected, highly respected.

13 Q. [10:36:13] What made you conclude that he was highly respected?

14 A. [10:36:31] Because he was a great commander.

15 Q. [10:36:37] Did anybody tell you this or did you conclude it on your own?

16 A. [10:36:55] I saw the way he made his speech on that particular day, how he
17 explained things.

18 Q. [10:37:18] Within the camp of Lingo itself, you've indicated that (Redacted) was
19 the camp commander. Did you ever see Commander (Redacted) give orders to people
20 at the Lingo camp?

21 A. [10:37:47] What orders are you referring to?

22 Q. [10:37:55] Well I'd like to know from you whether you ever heard or saw
23 Commander (Redacted) give orders and, if you did, what type of orders he was giving
24 and to whom.

25 A. [10:38:21] When I was at his place I saw when he asked soldiers to go

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1 somewhere, when he asked for something, and when he gave orders to somebody
2 and then that person would hand on the order to somebody else, who would then call
3 for an assembly. And during the assembly of soldiers orders were given to go off
4 somewhere or to hand on an order to someone else.

5 Q. [10:39:22] I had asked you what Commander Bosco's position was in the UPC.
6 Do you know what his role was in the UPC?

7 A. [10:39:43] He was a commander. I don't know his official title, but he was an
8 important commander.

9 Q. [10:39:52] I'd like to talk to you now about how discipline was maintained at the
10 Lingo camp. I'm going to ask it very generally initially. What was your experience
11 in terms of discipline and punishment at the Lingo camp?

12 A. [10:40:26] Punishments that were meted out, were, for example, if somebody
13 didn't respect the conditions that were laid down, well then that person would
14 receive disciplinary action.

15 Q. [10:40:45] And what were the conditions that were laid down? If you can give
16 us some examples.

17 A. [10:41:08] Well, the person who wasn't obeying would be simply beaten up.

18 Q. [10:41:19] And what were they not obeying? What rule were they violating
19 when they were being beaten up?

20 A. [10:41:51] Well if an order was given and somebody didn't obey that order, well
21 that person was beaten up.

22 Q. [10:42:00] Let's focus on the type of punishment. How were people beaten up?
23 What did you see?

24 A. [10:42:23] That said punishment was called blocking somebody. The person
25 who received that punishment had to lie down and then people would sit on the

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1 person's back and somebody else would sit on -- at his feet and then the middle part
2 would be lashed, whipped.

3 Q. [10:42:52] Were you ever punished in this way?

4 A. [10:43:03] I too was struck.

5 Q. [10:43:10] What had you done that made -- that caused you to be punished?

6 A. [10:43:25] There was a commander who had sent me off to (Redacted)
7 outside the camp perimeter and I went off to do that, and then when I came back I
8 saw that my -- my companions had already gone off to (Redacted) and -- and it was
9 because of that that I was beaten.

10 Q. [10:43:53] And you say that you were beaten and that you were struck. Did
11 you receive the punishment that you call "bloquer" or did you receive a different type
12 of punishment?

13 A. [10:44:27] Well, when somebody is going to be struck you had to block them so
14 that they wouldn't move when they were receiving the flogging.

15 Q. [10:44:36] And is that what happened to you, you were whipped in this way?

16 A. [10:44:53] Yes. My commander said that I had wanted to desert and I said no,
17 no, I had been sent off to (Redacted) and he didn't believe me. And I asked him
18 to go off and ask the person who had -- who had sent me in the first place and he
19 refused to do so, and so I was beaten.

20 Q. [10:45:15] And which commander accused you of trying to escape?

21 THE INTERPRETER: [10:45:37] The English booth missed the utterance from the
22 Swahili booth.

23 MS SAMSON:

24 Q. [10:45:43] Sorry, can you repeat the name of the commander, please.

25 A. [10:45:53] He wasn't a commander. It was just a recruit, just like us, and his

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1 name was (Redacted), but he acted like our superior.

2 Q. [10:46:12] Is he the person that you referred to earlier as being one of the
3 instructors?

4 A. [10:46:26] Sorry, I didn't catch that.

5 Q. [10:46:28] Is he the person that you referred to earlier as an instructor?

6 A. [10:46:40] He wasn't an instructor, but he was like our superior.

7 Q. [10:46:49] Now you were falsely accused of trying to escape. Do you know of
8 other people who did try to escape or leave the camp?

9 A. [10:47:09] I don't remember.

10 Q. [10:47:12] Was it possible to escape? Could you just leave the training or leave
11 the UPC?

12 A. [10:47:31] It wasn't possible, no.

13 Q. [10:47:52] At the camp you've already described that you were raped and that
14 other girls were raped. Can you recall the names of any of the other girls who were
15 raped at the camp at Lingo?

16 A. [10:48:14] There are very many of them. Those whose names I do remember,
17 there was (Redacted) and two other women. There was (Redacted)
18 and (Redacted) but I can't remember the other persons' names.

19 Q. [10:48:49] And in relation to you, were these girls or women, were they your age,
20 older than you or younger than you?

21 A. [10:49:14] (Redacted) was my age.

22 Q. [10:49:22] And the others?

23 A. [10:49:35] The others were older.

24 Q. [10:49:39] And did you ever see women at the camp who were not being trained,
25 who were not recruits?

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1 A. [10:50:01] No. There was only one woman. She was very old and she would
2 make food and she would live in a -- with a particular person.

3 THE INTERPRETER: [10:50:27] And the interpreter missed the name of that
4 individual.

5 MS SAMSON: [10:50:32]

6 Q. [10:50:33] You mentioned a name of a person that this woman lived with, but
7 we didn't catch it. Can you repeat it.

8 A. [10:50:45] (Redacted) was the name.

9 Q. [10:50:56] So this woman lived with (Redacted); is that right?

10 A. [10:51:06] No. She lived at (Redacted) house.

11 Q. [10:51:32] And did you or other UPC soldiers ever go to the market?

12 A. [10:51:49] When we were still recruits, you mean?

13 Q. [10:51:53] At any time when you were recruits or after your training, did the
14 soldiers go to the market?

15 A. [10:52:10] No.

16 Q. [10:52:22] Do you know how the soldiers treated civilian women when they
17 went outside the camp?

18 A. [10:52:49] I didn't really understand your question.

19 Q. [10:52:52] Do you know how the UPC soldiers treated women, not recruits and
20 not other soldiers, but women in villages who were not part of the UPC?

21 A. [10:53:12] Yes.

22 Q. [10:53:16] Can you tell us how these women were treated by soldiers of the
23 UPC?

24 A. [10:53:32] I didn't really understand.

25 Q. [10:53:37] You've confirmed that you know how soldiers treated women that I

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1 refer to as civilian, meaning they weren't part of the UPC. How did the UPC treat
2 them? What did they speak to them about or do with them or -- can you explain that
3 to us?

4 A. [10:54:12] They would rape women when they met them. Sometimes they
5 would take women by force so that they would become their wives.

6 Q. [10:54:28] And how do you know this? Did you see it yourself? Did you hear
7 about it from others?

8 A. [10:54:42] I saw that with my own eyes. I was subject to it when we were
9 setting up roadblocks. Everybody who was well dressed was taken by the soldiers
10 there and those women were then raped, they were caught and then they were let go
11 again once it was over.

12 Q. [10:55:35] I thought I heard you mention a place where this was happening.
13 Where were you setting up these roadblocks?

14 A. [10:55:55] Sorry, I didn't understand your question.

15 Q. [10:55:58] You said that you saw rapes with your own eyes. "I was subject to it
16 when we were setting up roadblocks." Where were the roadblocks, what place?

17 A. [10:56:21] *At (Redacted) where I was working there was a place called (Redacted)

18 Q. [10:56:33] And what do you mean when you say that "they would take women
19 by force so that they would become their wives"? Can you explain how it was they
20 became wives?

21 A. [10:56:53] So there would be a person going by, and then a soldier who would
22 be standing at a roadblock would take that woman and force that woman to become
23 his wife and that woman would then be forced to live with that particular soldier.

24 Q. [10:57:24] And where would they live?

25 A. [10:57:41] Well where the soldier lived and that's where the woman had to live

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1 as well.

2 Q. [10:57:48] Did the soldier live in a camp?

3 A. [10:57:56] Yes.

4 Q. [10:58:00] How long did the women stay wives of these soldiers? If you know.

5 A. [10:58:22] I don't know. I don't know at what point they would separate.

6 I don't know.

7 Q. [10:58:31] And do you know if there were wives like these ones at the Lingo
8 camp?

9 A. [10:58:50] There were some.

10 Q. [10:58:55] Do you recall the names of any of the soldiers who took wives?

11 A. [10:59:10] I don't remember the names.

12 MS SAMSON: [10:59:22] Mr President, I'm going to move to a slightly different topic
13 and since we have only a minute before the break, perhaps it's a good moment.

14 PRESIDING JUDGE FREMR: [10:59:32] Good point, but I would like to put one
15 additional question to the last topic.

16 Madam Witness, when the soldiers took women as their wives, was the ethnicity also
17 important for them? I mean ethnicity of those women, whether they took just Hema
18 women or just Lendu women or simply women regardless of their ethnicity?

19 THE WITNESS: [11:00:10] (Interpretation) Well where we were there was no Lendu
20 at all. These were Gegere villages there. There were no Lendu in that location.

21 PRESIDING JUDGE FREMR: [11:00:33] So may I understand that they took mainly
22 Gegere women?

23 THE WITNESS: [11:00:48] (Interpretation) And others like Bira and people from
24 other ethnic groups.

25 PRESIDING JUDGE FREMR: [11:00:57] Thank you, Madam Witness.

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

2 (Open session at 11.01 a.m.)

3 THE COURT OFFICER: [11:01:16] We're in open session, Mr President.

4 PRESIDING JUDGE FREMR: [11:01:20] Thank you, court officer.

5 So, Madam Witness, we will now take our regular morning, 30-minute break.

6 So I would like first ask court usher to assist Madam Witness to leave the courtroom

7 and then I would like to make an enquiry or update on time. But after

8 Madam Witness leaves the courtroom.

9 (The witness stands down)

10 PRESIDING JUDGE FREMR: [11:02:05] Ms Samson, according to information I just
11 have received, you used so far 2 hours and 46 minutes from 5 hours allotted to you.

12 My question is simple: Do you think that you will need all that time or do you think
13 that in the light of the course of testimony so far you would be able to finish earlier?

14 MS SAMSON: [11:02:29] I suspect I can finish slightly earlier, but the witness does
15 need repeated questions and she is not a witness for whom narrative has proven
16 particularly effective. So I -- I can't promise that I will be less than 5 hours, but
17 ordinarily I should be able to finish this in less than 5 hours.

18 PRESIDING JUDGE FREMR: [11:02:59] All right. No pressure, just to have
19 a -- some idea of our perspective.

20 So now we break and we will resume half past 11.

21 THE COURT USHER: [11:03:10] All rise.

22 (Recess taken at 11.03 a.m.)

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

24 THE COURT USHER: [11:32:00] All rise.

25 Please be seated.

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1 PRESIDING JUDGE FREMR: [11:32:33] We are starting without our witness and in
2 open session because the Chamber would like to now deliver its ruling concerning
3 another witness. It's preliminary ruling on the Prosecution application in filing
4 number 1600 seeking the admission of Witness P-12's prior recorded testimony under
5 Rule 68(3).
6 The Defence responded in filing number 1634 opposing certain aspects of the
7 application.
8 Prior to addressing the merits of the application, the Chamber rule on
9 the Prosecution's request under Regulation 35 to vary the time limit for the filing of
10 the application. The Chamber notes that this request is opposed by the Defence,
11 which argues that the witness P-12 ought not to testify prior to *29 October 2016.
12 In relation to the Defence submission regarding the untimely disclosure of three of the
13 documents sought to be admitted under Rule 68(3) of the Rules at annexes J, K and L,
14 which were only disclosed to the Defence at the time of filing of the application,
15 the Chamber notes that almost identical versions of these documents were disclosed
16 to the Defence in May and July 2013.
17 The Chamber notes further that the Defence does not object to the admission of these
18 documents under Rule 68(3). The Chamber did not therefore consider this to be
19 a significant factor in its assessment of the Regulation 35 request in relation to the
20 application.
21 The Chamber notes further that according to paragraph 41 of its decision on the
22 conduct of proceedings, a request under Rule 68(3) must be filed, quote, "no later than
23 four weeks before the relevant witness is scheduled to testify." Unquote.
24 However, consistent with its decision with filing number 1640, considering that at this
25 stage Witness P-12 is scheduled to testify around 24 November 2016, and in light of

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1 the scheduling issues faced by the Prosecution during this evidentiary block, due to
2 reported circumstances outside its control, the Chamber is satisfied that good cause
3 exists to vary the time limit for the filing of the application.

4 In so finding, the Chamber also notes that the Prosecution was not in a position to
5 request the extension prior to the deadline for filing of the application. Given that
6 the application only falls short of the required four-week deadline by approximately
7 five days and that the late filings has not impacted the time period permitted for
8 the Defence to respond to the request, the Chamber is persuaded that no undue
9 prejudice will be occasioned to the accused in so ruling.

10 Turning to the substance of the Rule 68(3) request, the Chamber incorporates by
11 reference the applicable law as most recently set out in its decision bearing filing
12 number 1640.

13 Noting the Defence objections to certain parts of the material tendered, the Chamber
14 hereby renders a preliminary ruling on the application. As per its usual practice,
15 a formal decision on admission will be rendered when the witness appears before
16 the Chamber and if the relevant requirements are satisfied.

17 I shall go now into private session for the next part of the ruling.

18 Court officer, please.

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

20 THE COURT OFFICER: [11:38:04] We're in private session, Mr President.

21 PRESIDING JUDGE FREMR: [11:38:09] Thank you, court officer.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 For the third issue I can move again back into open session.

19 Court officer, please.

20 (Open session at 11.41 a.m.)

21 THE COURT OFFICER: [11:41:18] We are in open session, Mr President.

22 PRESIDING JUDGE FREMR: [11:41:22] Thank you, court officer.

23 So, third, the Chamber notes that the Prosecution seeks admission under Rule 68(3) of

24 45 paragraphs of witness's 2005 statement contained at annex F of the application, as

25 well as admission of one document as an associated exhibit which is contained at

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1 annex L.

2 The Chamber recalls that it has previously ruled on the question of whether portions

3 of the statement may, subject to the fulfilment of the requirements of Rule 68(3), be

4 admitted in such circumstances. In finding that it is appropriate in this instance,

5 the Chamber has had regard to the fact that: One, the statement is signed and

6 attested to by the witness as having been given voluntarily and in the knowledge that

7 it may be used in a legal proceedings before the Court; two, it was given in 2005 and

8 therefore has relative temporal proximity to the events described therein; three, it was

9 made in a language which the witness understands and therefore without the need

10 for translation; four, the specified paragraphs are not duplicative with the other prior

11 recorded testimony being tendered; five, the majority of the information goes to

12 contextual matters; and six, the witness identifies the sources of his information

13 where he did not have direct knowledge; and seven, such introduction would

14 significantly contribute to the efficient conduct of proceedings.

15 Noting further that annex L is used and explained in the relevant paragraphs of his

16 statement and refers to the witness's direct involvement in the creation of the

17 documents, the Chamber shall consider it as an associated document to the witness's

18 prior recorded testimony for admission under Rule 68(3), together with the 45

19 paragraphs of the witness's statement.

20 Finally, in terms of timing, the Chamber authorises the Prosecution to conduct

21 a supplementary examination of a maximum of one and a half hours with the witness

22 as requested. In terms of the appropriate scope of examination, the Chamber

23 observes that there is nothing in its conduct of proceedings decision that would limit

24 the scope of supplementary examination in the manner proposed by the Defence as

25 long as the witness preparation protocol and attendant disclosure obligations are

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1 adhered to.

2 As for the Defence, cross-examination, having considered the scope and nature of the
3 evidence presented by the Prosecution through this witness, the Chamber has
4 decided to authorise 6 hours for the Defence cross-examination.

5 As usual, the parties are further directed to file public redacted versions of filings
6 1600 and 1634 within two weeks of today.

7 This concludes the Chamber's ruling.

8 And now, court usher, please bring the witness into the courtroom.

9 (The witness enters the courtroom)

10 PRESIDING JUDGE FREMR: [11:46:48] Welcome back, Madam Witness. Are your
11 headphones okay? Can you hear me clearly?

12 THE WITNESS: [11:46:58] (Interpretation) Ndiyo.

13 PRESIDING JUDGE FREMR: [11:47:00] Very well. So, Madam Witness, we will
14 continue with your examination-in-chief conducted by Prosecution.

15 Ms Samson, in the light of your previous questions, I suppose you would like to
16 continue in the regime of private session.

17 MS SAMSON: [11:47:16] Yes, please, your Honour.

18 PRESIDING JUDGE FREMR: [11:47:19] All right.

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

20 (Private session at 11.47 a.m.) *(Reclassified partially in public)

21 THE COURT OFFICER: [11:47:34] We are in private session, Mr President.

22 PRESIDING JUDGE FREMR: [11:47:36] Thank you, court officer.

23 Ms Samson, please proceed.

24 MS SAMSON: [11:47:40]

25 Q. [11:47:45] I have one further question for you, Madam, about the topic we were

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1 discussing before the break and that was the fact that the soldiers took women as their
2 wives and brought them back to the camp. And I wondered if you could remember
3 the identity of any of the soldiers who took women as their wives at (Redacted) and
4 (Redacted) You said you couldn't remember their names at the Lingo camp, so I would
5 like to know if you can remember any of the names of those soldiers who took
6 women as wives at (Redacted)

7 A. [11:48:45] I no longer remember.

8 Q. [11:48:48] Now, for how long did your training at Lingo camp last?

9 A. [11:49:13] The training lasted for three months.

10 Q. [11:49:19] Did your trainers stay the same during that period or did they
11 change?

12 A. [11:49:46] It was the same commanders. One of them found us there, one of
13 the two of them.

14 Q. [11:50:05] Can you explain your last answer. You said one of the two of them
15 found us there. What does that mean?

16 A. [11:50:22] So all the other commanders we found there and it was just that one,
17 he was the only one, (Redacted) he came from (Redacted) he found us there.

18 Q. [11:50:46] Do you recall how long after you arrived (Redacted) arrived at the
19 camp?

20 A. [11:51:14] He found us in training. I no longer remember after how much time
21 it was that he met us there.

22 Q. [11:51:28] Do you recall whether (Redacted) raped any of the recruits?

23 A. [11:51:46] I no longer remember.

24 Q. [11:51:51] At the end of the three months of your training, what -- how did you
25 know that the training was over? What marked the end of your training?

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- 1 A. [11:52:21] You received a weapon and you wore a military uniform.
- 2 Q. [11:52:27] Who gave you the weapon and the uniform?
- 3 A. [11:52:46] I no longer remember.
- 4 Q. [11:52:50] What kind of weapon did you get?
- 5 A. [11:53:05] I received an SMG.
- 6 Q. [11:53:09] Can you describe your uniform?
- 7 A. [11:53:25] It was the uniform of the UPC, tache-tache. It was green.
- 8 Q. [11:53:41] Was any term used to describe the female soldiers?
- 9 A. [11:54:06] Yes.
- 10 Q. [11:54:07] What was the term?
- 11 A. [11:54:11] They called us the guduria.
- 12 Q. [11:54:30] Why did they call you guduria?
- 13 A. [11:54:39] Because all soldiers who wanted to could sleep with us, and that's
- 14 why they called us guduria.
- 15 Q. [11:54:57] What is a guduria?
- 16 A. [11:55:10] Guduria, this is a cooking pot in which you prepare soldiers' food.
- 17 Q. [11:55:25] How did you feel when you heard people refer to you and other
- 18 women, girls at the camp, as guduria?
- 19 A. [11:55:38] I didn't feel well. It wasn't a good name to call somebody. It's
- 20 a very bad name. It means that the food prepared in this cooking pot is eaten by any
- 21 soldier. And that's how they treated us; any person who wanted to sleep with us
- 22 could do so.
- 23 Q. [11:56:31] Did you ever get to know of any pregnancies in the camp?
- 24 A. [11:56:55] I no longer remember.
- 25 Q. [11:57:03] Have you heard of the term "PMF"?

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1 A. [11:57:16] Yes.

2 Q. [11:57:18] What does that term mean?

3 A. [11:57:31] I don't know what it means, but I know that PMF is a woman soldier.

4 Q. [11:57:47] And do you know who used that term? Where did you hear it being
5 used?

6 A. [11:58:07] It was used at the camp, and the civilians living outside also called the
7 female soldiers, they also called them PMFs.

8 Q. [11:58:21] And when you say it was used at the camp, do you mean that the
9 soldiers used it?

10 A. [11:58:38] Yes, after our training.

11 Q. [11:58:47] Once your training was over and you were issued a weapon and
12 a uniform, what were your duties, your tasks?

13 A. [11:59:10] After training, after training was completed, I became a bodyguard.

14 Q. [11:59:23] And who did you become a bodyguard to or for?

15 A. [11:59:41] Of (Redacted)

16 Q. [11:59:44] And did you become (Redacted) bodyguard immediately after
17 training or sometime after your training?

18 A. [12:00:16] I don't remember exactly things about this time.

19 Q. [12:00:31] Who told you that you were going to be (Redacted) bodyguard?

20 A. [12:00:47] He came and he chose some people, he chose us, and then we went
21 to -- to his place.

22 Q. [12:00:58] And who are you speaking of? Who came and chose you?

23 A. [12:01:11] (Redacted)

24 Q. [12:01:13] Who else did he choose?

25 A. [12:01:26] There was me, (Redacted)

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1 Q. [12:01:42] Did you learn why you were chosen by (Redacted) to be in his escort or
2 in his bodyguard?

3 A. [12:02:04] I don't know why.

4 Q. [12:02:06] And did (Redacted) or anybody else explain what your duties would be
5 as his bodyguard?

6 A. [12:02:26] I didn't understand that.

7 Q. [12:02:30] Were you told what your tasks would be? What were you going to
8 do as (Redacted) bodyguard? What was your job?

9 A. [12:02:52] We had to go everywhere (Redacted) went. When he was in the house
10 we had to remain outside and when he walked somewhere we always were behind
11 him, others were in front of him.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:03:37] Did (Redacted) already have other bodyguards when you were chosen?

16 A. [12:03:51] I found one other bodyguard there.

17 Q. [12:03:55] And what was that bodyguard's name?

18 A. [12:04:06] Her name was (Redacted)

19 Q. [12:04:16] At that time, as I understand it, you had already been given a uniform
20 and a weapon. Were you given anything else, any other equipment or anything else
21 to perform your job as (Redacted) bodyguard?

22 A. [12:04:46] I wasn't given anything else. I was given a military uniform as well.
23 I was given a uniform.

24 Q. [12:05:10] Were you given a second uniform or are you still describing the one
25 uniform you were given at the end of training?

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1 A. [12:05:27] I was given a uniform at the end of my training and in (Redacted)
2 house I was given another one.

3 Q. [12:05:37] You've already told us that (Redacted) raped you when you were
4 a recruit at the camp. Did that stop? Did you continue to be raped at that time or
5 did it stop?

6 A. [12:06:04] He continued when (Redacted)

7 Q. [12:06:13] And just to be clear, did he continue to rape you?

8 A. [12:06:29] He raped me when (Redacted) he continued to rape me.

9 Q. [12:06:37] And what about the other escorts, did he rape them or not?

10 A. [12:06:56] He raped them.

11 Q. [12:07:02] Did (Redacted) have any boys or men in his bodyguard?

12 A. [12:07:15] We were just girls. The men remained (Redacted) and prepared
13 things. We went along with him.

14 Q. [12:07:44] Did you ever participate in any fighting while you were a soldier in
15 the UPC?

16 A. [12:07:58] Yes.

17 Q. [12:08:00] Do you remember in which battles you fought, where you fought?

18 A. [12:08:22] We were at (Redacted)

19 Q. [12:08:33] Can you remember which of those battles you fought in first?

20 A. [12:08:48] That was in (Redacted)

21 Q. [12:08:53] Are you able to tell us how long after your training approximately it
22 was that you went to the battle in (Redacted), if you can?

23 A. [12:09:12] I don't remember.

24 Q. [12:09:17] Who told you that you were going to go to battle in (Redacted)

25 A. [12:09:34] I don't remember.

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1 Q. [12:09:40] Do you remember who you were fighting?

2 A. [12:09:54] In (Redacted) we were told that anyone we would meet would – was an
3 enemy, we were fighting against the Lendu soldiers and all the Lendu civilians.

4 Q. [12:10:23] Do you remember who told you that?

5 A. [12:10:31] I'm sorry, what did you say?

6 Q. [12:10:37] Who told you that in (Redacted) you were fighting Lendu soldiers and that
7 everyone you met was an enemy, the Lendu soldiers and the Lendu civilians?

8 A. [12:11:08] Those were orders that we were given by high-ranking officers.

9 Q. [12:11:17] And can you remember who issued the order? Do you remember
10 the name of any of those commanders?

11 A. [12:11:37] In Lingo it was (Redacted) who gave us orders, he gave orders to
12 everybody. And there were also military authorities who addressed the ordinary
13 soldiers.

14 Q. [12:12:00] And did you see that, did you see military authorities addressing
15 order soldiers?

16 A. [12:12:19] They said it during the parade.

17 Q. [12:12:28] And the parade you described just now as the Foren, is that what I
18 just heard you say?

19 A. [12:12:45] Yes.

20 Q. [12:12:50] Do you know who was in charge of the overall battle in (Redacted) who
21 amongst the top UPC authorities?

22 A. [12:13:09] I'm sorry?

23 Q. [12:13:12] Do you know who, if any, of the top UPC authorities were in charge
24 of the battle of (Redacted)?

25 A. [12:13:38] The person in charge of the soldiers during the war?

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1 Q. [12:13:47] Yes. More specifically this (Redacted) battle, who was in charge of the
2 (Redacted) battle?

3 A. [12:14:02] That was Kisembo.

4 Q. [12:14:06] And how did you know that?

5 A. [12:14:19] Because on the Sunday evening he was the one setting up the heavy
6 weaponry.

7 Q. [12:14:32] Did the heavy weapons that the UPC had have any particular names?
8 How did you identify them by name?

9 A. [12:14:54] We called them Saba Saba.

10 Q. [12:15:05] And did they have any other names that you know of?

11 A. [12:15:13] I've forgotten.

12 Q. [12:15:24] Do you know whether any reconnaissance was undertaken before
13 battles?

14 A. [12:15:47] What do you mean by reconnaissance?

15 Q. [12:15:52] Do you know whether the UPC tried to get information about the area
16 it was wanting to attack before the attack took place?

17 A. [12:16:13] I don't understand.

18 Q. [12:16:19] How did the UPC get information, how did the soldiers get
19 information about the position of the enemy or the weapons of the enemy before they
20 were going to attack a particular village?

21 A. [12:16:48] They sent girls and these girls were not wearing a military uniform,
22 they were wearing civilian dress. They went to look what was happening, and when
23 they came back, they reported on everything they had seen, on everything that was
24 happening where they had been.

25 Q. [12:17:19] And when you say that they sent girls, were these soldiers?

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1 A. [12:17:33] Yes.

2 Q. [12:17:35] And when these girls were sent to get this information, did they have
3 a particular title or were they known in any particular way amongst the UPC
4 soldiers?

5 Did they have a nickname, for instance?

6 A. [12:18:03] There was a name but I've forgotten it.

7 Q. [12:18:08] Did you ever go and gather information in this way?

8 A. [12:18:17] No.

9 Q. [12:18:24] Did you ever speak to the girls who went to collect this information
10 and specifically about their job of going to get the information, about that task?

11 A. [12:18:55] No.

12 Q. [12:19:14] In what way were you prepared to go to battle, what were you told?
13 Were you given anything to use during battle? If you can explain that process of
14 preparation to the Judges, please.

15 A. [12:19:46] We were given cartridges, and that's all.

16 Q. [12:20:07] And how did you feel about going to war, were you -- to battle -- were
17 you happy, were you scared, what were you feeling about it?

18 A. [12:20:25] At that time I wasn't afraid because I was smoking cannabis and I
19 wasn't afraid of anything.

20 Q. [12:20:38] (Redacted) how did you
21 feel about an order to attack Lendu soldiers and Lendu civilians?

22 A. [12:21:09] I had got used to my new way of life (Redacted)
23 (Redacted) I had got used to my new life.

24 Q. [12:21:30] How did you get to the (Redacted) battle, what means of transport did you
25 use?

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1 A. [12:21:54] (Redacted) wasn't very far; we went on foot.

2 Q. [12:22:04] And was it just the group that left Lingo that participated in the attack
3 on the side of the UPC or were there other soldiers that you met? Explain how many
4 troops were participating in this battle.

5 A. [12:22:37] UPC went everywhere. UPC was fighting everywhere. We met
6 others we didn't know, but they belonged to the UPC.

7 Q. [12:22:53] Who was the person in command of your group from Lingo?

8 A. [12:23:09] I don't remember.

9 Q. [12:23:12] Do you remember whether Commander (Redacted) went with you to
10 the battle, or did he stay behind in Lingo?

11 A. [12:23:30] I didn't see him in the battle, but I'm sure he was there because
12 everybody had gone there.

13 Q. [12:23:40] How did the commanders communicate with each other during the
14 battle?

15 A. [12:24:00] They had Motorola walkie-talkies, and using that device, they were
16 able to communicate.

17 Q. [12:24:18] And can you explain and describe, really, what happened during the
18 battle of (Redacted) What did you see, what did the UPC soldiers do, what did you do,
19 what was the enemy doing? That type of information I'd like for you to describe, if
20 you can, to the Judges.

21 A. [12:24:48] I recall that when we left, it was on a Saturday. The Lendu soldiers
22 were wearing our uniforms. We couldn't tell who was the enemy we were fighting
23 against and we returned.

24 Q. [12:25:41] And where did you go when you returned? Where did you return
25 to?

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1 A. [12:26:02] I don't remember.

2 Q. [12:26:05] On this first day, this Saturday, did you fight against the enemy at all
3 or did you retreat right away?

4 A. [12:26:24] We did fight, but combat was very hard on that day.

5 Q. [12:26:34] And did you use your weapon that day?

6 A. [12:26:43] Yes.

7 Q. [12:26:46] Do you know whether you shot anybody that day?

8 A. [12:27:01] Yes.

9 Q. [12:27:04] Do you know whether you and the other soldiers shot only enemy
10 soldiers or did you also shoot civilians, people who were not soldiers?

11 A. [12:27:33] We were told that when we would arrive in (Redacted) anyone we would
12 meet, even a child, a civilian, was an enemy. We were told that we had to kill them
13 all. That's what we were told.

14 Q. [12:27:53] And is that what happened? Is that what you and the other soldiers
15 did?

16 A. [12:28:12] We were told beforehand that anyone is Gegere -- anyone who was in
17 favour of the UPC have been told to leave (Redacted) Anybody who had not understood
18 that would be our enemy, so only our enemies would have remained and that's why
19 we were asked to kill anyone and everyone that we met there.

20 Q. [12:28:46] And you mention that the Gegere had been told beforehand, had been
21 told beforehand to leave (Redacted) Do you know whether the Lendu or other groups,
22 ethnicities, were also told that they should leave or be considered an enemy?

23 A. [12:29:20] The Lendu were not informed. No one told them anything, no one
24 told them to go.

25 Q. [12:29:34] Did you see any Lendu civilians killed that day?

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1 A. [12:29:52] There were a lot of bodies.

2 Q. [12:29:58] And do you know, did you see whether any of these bodies were
3 civilians, not soldiers?

4 A. [12:30:21] There were civilians. There were some government police who had
5 come in order to pacify the town of (Redacted) I saw their bodies too.

6 Q. [12:30:46] What happened to houses or property during that day of battle or
7 days of battle?

8 A. [12:31:08] Sorry, I didn't quite follow your question.

9 Q. [12:31:15] What did you see happen to houses or property belonging to anybody
10 in (Redacted) How did the UPC soldiers treat houses and things belonging to the
11 enemy?

12 A. [12:31:48] They took hold of other people's belongings and they pillaged and
13 looted and they also burnt houses down.

14 Q. [12:32:02] Did you see this yourself or did you hear about it from other people?

15 A. [12:32:17] No, I saw it. I saw them carrying away people's belongings.

16 Q. [12:32:26] What types of belongings were they carrying away?

17 A. [12:32:42] They were carrying off things from people's homes.

18 Q. [12:32:54] Can you give us some examples of what those things were?

19 A. [12:33:10] Well, there were beds, there were pans and pots and items of clothing
20 and many other items.

21 Q. [12:33:37] And so you indicated that the fighting was very difficult and that you
22 received instructions to retreat or to return. What happened on Sunday? What
23 happened the next day?

24 A. [12:34:07] On the Sunday evening they went to set up weapons.

25 Q. [12:34:22] Who set up weapons, where did they set them up and what kind of

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1 weapons?

2 A. [12:34:53] It was Kisembo, he went up to install the weapons. One weapon was
3 set up in the direction of (Redacted)

4 (Redacted)

5 Q. [12:35:43] And then what were your next instructions to do?

6 A. [12:36:07] Later on they asked us to put a loincloth on. Be they soldiers or
7 civilians, we had to put a cloth around our waist.

8 Q. [12:36:29] And was this on Sunday?

9 A. [12:36:38] No, it was -- it was the Monday. It was a Monday that we put these
10 pagnes on and then we moved off.

11 Q. [12:36:54] Do you remember what part of -- where exactly you were either in or
12 around (Redacted) on Monday?

13 A. [12:37:23] You had to put that item of clothing on and then hang them on the
14 shoulders. This is true for all young people and all the men.

15 Q. [12:37:39] Yes, but in what location were you specifically at the time? What
16 place were you at on Monday?

17 A. [12:38:01] I was at (Redacted)

18 Q. [12:38:03] And specifically where were you in (Redacted)?

19 A. [12:38:18] I can't remember.

20 Q. Was anybody else fighting with the UPC soldiers, any people who were not
21 soldiers themselves? (Microphone not activated)

22 MR GOSNELL: [12:38:48] I don't think the microphone was activated.

23 PRESIDING JUDGE FREMR: Sorry, Mr Gosnell?

24 MR GOSNELL: Just -- sorry to interject. I just wanted to say that I don't think the
25 microphone was activated. I couldn't hear an audio.

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1 MS SAMSON: [12:38:48] Thank you for that. Is it active now? I did have it on,

2 so --

3 THE INTERPRETER: [12:39:01] The interpreters can hear.

4 PRESIDING JUDGE FREMR: [12:39:03] Now it is fine.

5 MS SAMSON: [12:39:04] Did the interpreters hear my last question, or shall I repeat
6 it?

7 THE INTERPRETER: [12:39:14] The English booth hears they perfectly.

8 MS SAMSON: [12:39:24] And the French booth and the Swahili booth?

9 Okay, I am going to repeat my question, just for the sake of time.

10 Q. [12:39:37] Was there anybody fighting alongside the UPC that were not soldiers?

11 A. [12:39:59] There were civilians.

12 Q. [12:40:02] Who were these civilians? What was their ethnicity?

13 A. [12:40:16] It was Hemas and Gegeres, and there were even other ethnic groups
14 that were supporting the UPC.

15 Q. [12:40:28] What were the civilians doing?

16 A. [12:40:41] I can't remember.

17 Q. [12:40:45] Were they armed or unarmed?

18 A. [12:40:57] They weren't carrying weapons.

19 Q. [12:41:03] Do you know how the UPC soldiers were interacting with them?

20 A. [12:41:28] When I was in combat I didn't pay attention to such things. But what
21 I do know is that we did chemin together.

22 Q. [12:41:45] I'm sorry, I didn't understand what you did together. Can you
23 repeat it, please.

24 A. [12:42:01] When I was fighting I didn't pay attention to what the civilians were
25 doing. But when we went off to the fight, I realised that we were together with

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1 civilians.

2 Q. [12:42:19] Do you know why they were there, if they were instructed to get there
3 or if they just came because they -- on their own?

4 A. [12:42:46] They were asked to get involved.

5 Q. [12:42:52] And do you know who asked them to be involved or why they were
6 asked to be involved, do you know?

7 A. [12:43:20] They were called upon so that they would join us and fight in (Redacted)
8 because this was our land.

9 Q. [12:43:42] Can you give the Judges an example of when during the battle of
10 (Redacted) you were ordered to shoot at people, the circumstances in which that might
11 have happened.

12 A. [12:44:21] It wasn't the commander who gave the order to fire. Rather, it was
13 the person who was responsible for our group that asked us to line up in a row, and
14 once in a row we started moving forward, with a 5-metre distance between one group
15 and the next, and whenever we met somebody in front of us, well, we had to open
16 fire on that person.

17 Q. [12:45:03] And did you only open fire on people who were firing at you, or did
18 you also open fire on people who were running away from you?

19 A. [12:45:33] We were told at (Redacted) that anybody you met in (Redacted) was an enemy.

20 Q. [12:45:42] I just have to press you on this question. Did the UPC group that
21 you were with fire on people as they were running away from you? Do you
22 remember that happening or not?

23 A. [12:46:10] Yes, I remember. There were civilians who were running away, they
24 were running off to (Redacted)
25 They were coming under fire; we were shooting at them.

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1 Q. [12:46:40] And did you see if any of those people were killed?

2 A. [12:46:54] Yes.

3 Q. [12:47:05] How did the battle in (Redacted) end? Was the UPC successful or
4 unsuccessful during that battle?

5 A. [12:47:30] The UPC partially won the battle and (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:47:53] And where did you go after the battle of (Redacted)

9 A. [12:48:08] I don't remember. I don't remember where I went.

10 Q. [12:48:14] Did you ever go back to the Lingo camp after the battle?

11 A. [12:48:31] Yes. I went back to Lingo.

12 Q. [12:48:40] You also mentioned fighting in (Redacted) Which of
13 those two battles happened first? So the (Redacted) battle is finished and which battle did
14 you participate in next?

15 A. [12:49:12] The first battle took place at (Redacted)

16 Q. [12:49:20] Yes, and which battle happened after (Redacted), a battle that you
17 participated in? You have mentioned (Redacted) which was next?

18 A. [12:49:40] It was the -- it was at (Redacted)

19 Q. [12:49:45] Do you have any sense as to approximately how long after the battle
20 of (Redacted) you went to the battle in (Redacted)? And if you don't know, that's also fine.

21 I just want to know if you have any sense of how long it was in between those two
22 battles.

23 A. [12:50:15] No, I don't remember.

24 Q. [12:50:26] Can you help situate (Redacted) for us. Where is it in relation to Lingo,
25 in relation to any other larger villages?

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [12:51:58] And what means of transport did you take to get to (Redacted) for the
7 battle?

8 A. [12:52:22] We went by foot.

9 Q. [12:52:25] Who gave you the order to participate in this battle?

10 A. [12:52:44] It was (Redacted) but I don't know who gave the orders.

11 Q. [12:52:50] And what did (Redacted) tell you and the group that was going to go to
12 battle about what you were going to do in (Redacted)

13 A. [12:53:22] He said that we had to go into battle and he said that unambiguously
14 and he would say that we had to take hold of that particular place.

15 Q. [12:53:41] And who was -- who were you fighting at (Redacted)? Was that ever
16 explained to you?

17 A. [12:53:59] Yes, we had to fight against the Lendu soldiers.

18 Q. [12:54:06] And did (Redacted) or any other UPC soldier tell you what to do with
19 Lendu civilians, how to treat them if you came upon them in (Redacted)?

20 A. [12:54:33] I don't remember.

21 Q. [12:54:37] Which commanders went to (Redacted) with you?

22 A. [12:54:52] I don't remember.

23 Q. [12:54:59] Do you remember if you saw (Redacted) with you?

24 A. [12:55:11] No.

25 Q. [12:55:14] Can you describe for the Judges what you saw and did when you got

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1 to (Redacted)?

2 A. [12:55:45] I don't remember what I did. Everything that I remember is that I
3 ran away because the fighting was fierce. We received the order to withdraw and it
4 was every man for himself and it was in those circumstances that I ran away and I got
5 lost in the forest.

6 Q. [12:56:16] Before you ran away, did you see any fighting?

7 A. [12:56:31] The fighting was fierce and I experienced it.

8 Q. [12:56:37] And it's important that you explain to the Judges what you
9 experienced during that fighting. What did you see? What did you do? What did
10 the other soldiers do that were with you?

11 A. [12:57:10] In that place we fought, we killed people and among us there were
12 people who also died.

13 Q. [12:57:28] And when you say "we killed people," who did you kill?

14 A. [12:57:41] Lendus.

15 Q. [12:57:45] Do you know if any of the people that were killed were also civilian or
16 was it only Lendu soldiers who were killed in that battle?

17 A. [12:58:13] It was difficult to identify them, they weren't wearing military
18 uniforms.

19 Q. [12:58:24] You'll have to explain that a little bit more so that we can understand.
20 When you say "It was difficult to identify them, they weren't wearing military
21 uniforms," who were you speaking about?

22 A. [12:58:52] The Lendu soldiers weren't wearing military dress, they weren't
23 wearing military dress. And they were stronger than us.

24 Q. [12:59:19] And do you know whether there were Lendu civilians who were also
25 killed that day? Are you able to tell us whether it was possible for you to know that?

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1 A. [12:59:49] Sorry, I didn't follow.

2 Q. [12:59:52] Was it possible for you, do you know now whether some -- then or
3 now, whether some of the Lendu who were killed were civilian and were not
4 soldiers?

5 A. [13:00:27] As far as I know, what I know is that it was difficult to distinguish the
6 women and the children. I think the civilians were women and children but the men
7 and the young people, I think they were military because they were fighting us.

8 Q. [13:00:57] And I promise my last question before the break. Did your
9 commanders or the soldiers with you ask you not to harm anybody that you saw who
10 was a civilian or who was not fighting you? Did they ask you to leave those people
11 alone, or instruct you to leave those people alone?

12 A. [13:01:27] They told us that we should kill all the Lendu, anyone who was
13 Lendu should be killed.

14 Q. [13:01:52] Thank you.

15 MS SAMSON: Mr President, given the hour, I think we could break for lunch, with
16 your leave.

17 PRESIDING JUDGE FREMR: [13:02:01] Yes. Let's move into open session now.
18 (Open session at 1.02 p.m.)

19 THE COURT OFFICER: [13:02:16] We are in open session, Mr President.

20 PRESIDING JUDGE FREMR: [13:02:20] Thank you, court officer.

21 So we will now take our regular lunch break till 2.30.

22 And update on timing, Ms Samson, according our measuring you exhausted so far 4,
23 4 hours sharp, so you still have 1 hour at your disposal.

24 THE COURT USHER: [13:02:45] All rise.

25 (Recess taken at 1.02 p.m.)

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

2 THE COURT USHER: [14:30:55] All rise.

3 Please be seated.

4 PRESIDING JUDGE FREMR: [14:31:18] Good afternoon, everybody.

5 Good afternoon, Madam Witness. We can directly continue with

6 examination-in-chief of our witness. And I suppose that we will proceed as we

7 finished, in the regime of private session, or not?

8 MS SAMSON: [14:31:48] Yes, with your leave, Mr President.

9 PRESIDING JUDGE FREMR: [14:31:51] All right.

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

11 (Private session at 2.31 p.m.) *(Reclassified partially in public)

12 THE COURT OFFICER: [14:32:01] We're in private session. Mr President.

13 PRESIDING JUDGE FREMR: [14:32:10] Thank you, court officer.

14 Ms Samson, please proceed.

15 MS SAMSON: [14:32:14] Thank you.

16 Q. [14:32:17] In the last session prior to the break for lunch you were describing

17 for the Court the battle at (Redacted) And would you be able to tell us how people

18 were killed, by which means people were killed during the battle?

19 THE INTERPRETER: [14:32:57] The interpreter didn't catch the message from the

20 Swahili booth. I apologise.

21 MS SAMSON: [14:33:03]

22 Q. [14:33:04] Could you repeat what you just said. Would you like me to clarify
23 my question?

24 A. [14:33:15] Yes.

25 Q. [14:33:17] During the battle at (Redacted), how were people killed, by which

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1 means, which weapons or other way were they killed?

2 A. [14:33:40] There were -- people were killed -- do you mean the people killed by
3 the UPC or the people of the UPC who were killed?

4 Q. [14:33:51] I'm referring to the people who were killed by the UPC.

5 A. [14:34:07] There were rifles, arrows and lances.

6 Q. [14:34:25] Was the UPC using arrows and lances and rifles during the
7 (Redacted) battle?

8 A. [14:34:49] The UPC used rifles and the others didn't have rifles.

9 Q. [14:35:04] And did the UPC kill people during that battle only using rifles, or
10 did they use other weapons?

11 A. [14:35:18] What I saw was the UPC using firearms.

12 Q. [14:35:35] And during this particular battle were you ordered to shoot?
13 Yourself, did you shoot your weapon during that battle?

14 A. [14:35:50] Yes.

15 Q. [14:35:57] You indicated that you fled due to the intense fighting, the intensity
16 of the fighting during (Redacted) Did you at any point return to the Lingo camp?

17 A. [14:36:22] Yes, we went back there.

18 Q. [14:36:25] And what position did you hold when you returned or what were
19 your duties when you returned to Lingo?

20 A. [14:36:44] I had no title.

21 Q. [14:36:50] What function or job did you have?
22 did you have?

23 A. [14:37:02] I went to battle and then, after that, I went back to (Redacted)
24 residence.

25 Q. [14:37:19] Did you resume your position as his bodyguard, or some other

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1 position?

2 A. [14:37:37] I was still carrying out the same work, I had the same tasks.

3 Q. [14:37:48] And while you were a bodyguard, either before you went to battle
4 or after you came back from battle, did you carry your weapon around with you as
5 Commander (Redacted) bodyguard?

6 A. [14:38:15] Yes, I carried my rifle and I also carried his. Whenever I went
7 anywhere and I wasn't guarding (Redacted) I would have my rifle with me, and I
8 carried his rifle and put it down where we were.

9 Q. [14:38:50] And when you say you put it down "where we were," what do you
10 mean? Do you mean wherever you went with him or do you mean something else?

11 A. [14:39:08] Whenever I was with him, whenever I was accompanying him I
12 carried two rifles. When I was alone, I did not take his, I left his and I only carried
13 my own.

14 Q. [14:39:29] Now, you mentioned a third battle that you participated in and you
15 said it was at (Redacted) Can you describe for us what the preparation was to go to
16 (Redacted) Who ordered you to fight at (Redacted)?

17 A. [14:39:56] We went to fight against the Lendu.

18 Q. [14:40:02] Can you recall who ordered you to go?

19 A. [14:40:11] The order came from (Redacted) in Lingo.

20 Q. [14:40:28] And how did you get to (Redacted) By which means of transport?

21 A. [14:40:45] We went on a vehicle.

22 Q. [14:40:53] How far is (Redacted) from Lingo approximately?

23 A. [14:41:05] It's a long way. If you leave Lingo, you go back towards (Redacted)
24 and from there you take the road to (Redacted) and from – in (Redacted) we left the vehicle
25 and we went to the battle on foot.

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1 Q. [14:41:45] Can you remember the name of the commander who was leading
2 your group in the (Redacted) battle?

3 A. [14:41:59] I don't remember.

4 Q. [14:42:04] Are you able to describe the events during the battle? What
5 happened? For instance, were the soldiers you were fighting strong? What type of
6 resistance did you encounter when you were there? These details.

7 A. [14:42:35] We fought there, we fought our battle, some of us died. When
8 some of our soldiers died, we took their firearms and we went away, we returned.

9 Q. [14:43:14] Did you shoot your weapon during the battle of (Redacted)

10 A. [14:43:26] I used my weapon. I shot my weapon in all of the battles.

11 Q. [14:43:40] Do you know whether there were any civilians in (Redacted) that day?

12 A. [14:43:56] I don't remember.

13 Q. [14:44:01] Following the battle of (Redacted) where did you and the troops go?

14 A. [14:44:14] After that we went back.

15 Q. [14:44:30] Did you go back to Lingo or somewhere else?

16 A. [14:44:37] We returned to Lingo.

17 Q. [14:44:40] And was the UPC successful during the (Redacted) battle?

18 A. [14:44:52] The UPC took that place.

19 Q. [14:45:05] When you returned, how did (Redacted) react to the successful
20 outcome of the battle of (Redacted)?

21 A. [14:45:32] He was not happy because one of us had been killed there.

22 Q. [14:45:47] What was the name of the person who had been killed?

23 A. [14:46:01] It was (Redacted)

24 Q. [14:46:06] Is this (Redacted) who you told us earlier was one of (Redacted) other
25 bodyguards?

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1 A. [14:46:23] Yes.

2 Q. [14:46:26] Where did you go?

3 A. [14:46:38] From where?

4 Q. [14:46:41] When you came back to Lingo camp and (Redacted) wasn't happy,
5 what did you do?

6 A. [14:47:02] (Redacted) was cross with me. He asked me why I hadn't protected
7 (Redacted) At the -- then I was imprisoned (Redacted)

8 Q. [14:47:35] Is this (Redacted)
9 camp that you were at when you were first abducted and detained?

10 A. [14:47:56] It was not in (Redacted) camp. It was before you got to (Redacted) in the
11 (Redacted)

12 Q. [14:48:15] How long did you remain in that prison?

13 A. [14:48:30] I spent three days there.

14 Q. [14:48:32] And where did you go when you came out of the prison?

15 A. [14:48:48] I went to work in a different place. There was a camp which was
16 near (Redacted) and that's where I went to work.

17 Q. [14:49:07] Why didn't you go back to Lingo?

18 A. [14:49:20] I was afraid, I was afraid of (Redacted)

19 Q. [14:49:28] Do you remember the name of the commander at the camp that you
20 went to near (Redacted)

21 A. [14:49:47] I can't remember his name.

22 Q. [14:49:49] And when you arrived at this new camp, did any of the soldiers ask
23 you questions about who you were and why you were coming there?

24 A. [14:50:11] They asked me that question. I said to them that I had worked in
25 Lingo where I had been (Redacted) bodyguard. And they checked my shoulder

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1 because when you carry a rifle every day that leaves black marks and they could see
2 that on my shoulder, so they said "Yes, what you are saying is true."

3 Q. [14:50:46] And what role or jobs or tasks did you undertake at the camp near
4 (Redacted)

5 A. [14:51:08] There I was just a simple soldier. I took part in the nighttime patrol.
6 We went to arrest people at night and bring them back to the camp and then the next
7 morning the members of their family would come back and offer money for their
8 release. That was the work I was doing.

9 Q. [14:51:42] And what was the ethnicity of the people you were arresting?

10 A. [14:51:55] They were Gegere.

11 Q. [14:52:03] Where did you sleep at this camp?

12 A. [14:52:19] In a small house.

13 Q. [14:52:21] Did you sleep alone or were other people in the house?

14 A. [14:52:37] Every soldier had their own little place.

15 Q. [14:52:43] And at this new camp were you free from rape? In other words,
16 were you left alone?

17 A. [14:53:03] I can remember that there I was raped from time to time when I
18 wasn't carrying my rifle, when I didn't have my rifle with me.

19 Q. [14:53:20] And why did you not have your rifle with you at that camp, or at
20 times at that camp?

21 A. [14:53:44] I had had my rifle taken away from me.

22 Q. [14:53:49] Why was that?

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [14:54:50] What was the name of the boss who (Redacted)

5 (Redacted)

6 A. [14:55:06] I didn't know his name.

7 Q. [14:55:13] Who was raping you at the time?

8 A. [14:55:28] The commander who was there.

9 Q. [14:55:35] Was it just one person raping you?

10 A. [14:55:42] All the commanders who were there.

11 Q. [14:55:51] And are you able to say how often this would take place? Was it
12 once a month, once a week, once a day?

13 A. [14:56:16] Every night. And every commander who wanted it would say that
14 I should come and spend the night with him.

15 Q. [14:56:31] Did you ever report these rapes to anyone or complain about it?

16 A. [14:56:46] They were all commanders and they were the ones raping me.

17 There was nobody I could complain to because all the commanders who were there
18 were the ones who were raping me.

19 Q. [14:57:16] Do you know whether other girls at the camp were being raped?

20 A. [14:57:38] There weren't any girls there.

21 Q. [14:57:43] And how did you find the change in your circumstances from
22 soldier to cleaner? What did you think about that?

23 A. [14:58:07] My situation was becoming more and more difficult. These were
24 tasks that I was not used to doing and it was very difficult. I was not happy at
25 having to do this at all.

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1 Q. [14:58:36] And did you ever address that with any of the soldiers or
2 commanders, that you were tired and unhappy?

3 A. [14:58:48] No. I didn't say anything to anybody there.

4 Q. [14:59:10] And did the commanders ever notice on their own that you were
5 tired?

6 A. [14:59:23] They weren't bothered about that.

7 Q. [14:59:40] While you were at the (Redacted) camp, did you experience any
8 rapes by people other than the commanders?

9 A. [15:00:00] I don't remember, though I do remember one day a military
10 commander (Redacted) he asked me to come into his house so that he could
11 sleep with me and I said no, I was tired, because I had worked very hard, "I'm tired."
12 So he said to me, "So you don't want to?" And I said, "I'm tired." (Redacted)
13 (Redacted)
14 (Redacted) he called some filthy
15 people, people who were not normal, about (Redacted) of them. I don't know what
16 happened exactly because (Redacted) I lost consciousness, so I don't know
17 whether all these (Redacted) people slept with me. When I woke up again I was naked. (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [15:04:32] How much longer did you stay at this camp in (Redacted) after this
7 experience?

8 A. [15:05:06] I don't remember. I was no longer happy and I left that place.

9 Q. [15:05:17] Where did you go?

10 A. [15:05:31] After that I went off to work, I went off to work in a camp just a little
11 beyond the (Redacted)

12 Q. [15:05:52] Did this camp have a name?

13 A. [15:06:05] It didn't have a name. People said (Redacted) down there, and (Redacted)
14 (Redacted) There was just a road that was
15 going off towards Lingo.

16 Q. [15:06:38] Do you know how to spell (Redacted)?

17 A. [15:06:45] I don't know.

18 Q. [15:06:49] What work did you do there?

19 A. [15:07:06] I worked at a roadblock.

20 Q. [15:07:11] Now by this time did you have a weapon and a uniform again or
21 did you work there as a civilian?

22 A. [15:07:36] They gave me a weapon and a military uniform for work at the
23 roadblock.

24 Q. [15:07:43] And did the roadblock have a particular name or was it located in a
25 particular place?

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1 A. [15:08:09] It was at (Redacted) the roadblock. You go out of the camp, you go
2 back on yourself as if you were going to take the main road. In other words, you
3 come back a little bit on yourself and -- if you take the big road. It was called
4 (Redacted)

5 Q. [15:08:27] Is this the same (Redacted) that you told us about earlier today where
6 some soldiers at roadblocks would take women as their wives?

7 A. [15:08:50] Yes, that's the one.

8 Q. [15:08:54] How much longer did you remain in the UPC?

9 A. [15:09:20] I can't remember. I can't remember how long I spent there.

10 Q. [15:09:32] Can you tell the Judges in what circumstances you left the UPC?

11 A. [15:09:45] You're referring to the time when I left to go back home?

12 Q. [15:10:03] Yes. When you left the UPC, why did you leave? What was
13 happening at the time?

14 A. [15:10:26] When I left that place, well, there were French soldiers which
15 arrived at Bunia and they were going to be at any moment in the place where we
16 were. They had arrested Kisembo. Our camp commander said that each soldier
17 should go back home, so I didn't know how to get home because I didn't think that
18 I was ever going to see my parents again. So we carried on working and one day,
19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 And then they threw me into the bush. My two companions and their weapons,
24 well, they went off with them. (Redacted)

25 (Redacted)

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1 And upon my arrival in (Redacted)

2 there's a place called (Redacted) and there was (Redacted)

3 said that members of my family were still alive, that my father was still alive. (Redacted)

4 (Redacted) And that's how I got home, back to my home.

5 Q. [15:13:14] And whose home did you go to?

6 A. [15:13:41] (No interpretation)

7 MS SAMSON: [15:13:58] I'm sorry, I didn't hear the interpretation for that answer.

8 Q. [15:14:04] Whose home did you go to?

9 A. [15:14:15] What particular time are you referring to?

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [15:15:46] Yes, but what I'd like to know specifically is how did you adjust to

20 life with (Redacted) after having been a soldier? What was that like? Was it easy?

21 Was it difficult?

22 Is everything okay?

23 PRESIDING JUDGE FREMR: [15:16:56] Madam Witness, if you want, we can

24 break for a while if it would make you better.

25 THE WITNESS: [15:17:14] (Interpretation) I suggest that we do indeed stop.

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- 1 PRESIDING JUDGE FREMR: [15:17:22] All right. We will break now for
2 10 minutes and then we will hopefully continue.
3 THE COURT USHER: [15:17:32] All rise.
4 (Recess taken at 3.17 p.m.)
5 (Upon resuming in private session at 3.29 p.m.) *(Reclassified partially in public)
6 THE COURT USHER: [15:29:22] All rise.
7 Please be seated.
8 PRESIDING JUDGE FREMR: [15:29:32] Let's move into open session just for a
9 second.
10 (Open session at 3.29 p.m.)
11 THE COURT OFFICER: [15:30:00] We're in open session, Mr President.
12 PRESIDING JUDGE FREMR: [15:30:01] Just for the record, we made a 10-minute
13 break because our witness felt a bit unwell.
14 Now, Madam Witness, are you feeling again okay to continue in your testimony?
15 THE WITNESS: [15:30:18] (Interpretation) That's okay. I'm feeling fine.
16 PRESIDING JUDGE FREMR: [15:30:35] Very well. We appreciate that.
17 And update on measuring. I understood that there was 15 minutes remaining
18 for -- 15 minutes. So just caveat for you, Ms Samson, last 15 minutes. Please go
19 ahead.
20 And we will move into private session.
21 (Private session at 3.30 p.m.) *(Reclassified partially in public)
22 THE COURT OFFICER: [15:31:09] We're in private session, Mr President.
23 PRESIDING JUDGE FREMR: [15:31:11] Thank you, court officer.
24 Ms Samson, please proceed.
25 MS SAMSON: [15:31:16] Thank you.

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1 Q. [15:31:17] Before the break, Madam Witness, I was asking you a question
2 about being back home (Redacted) Could you tell us, please, whether it was
3 easy or difficult for you to be back with your family?

4 A. [15:31:42] It was difficult. It was difficult because of everything I had done.
5 I thought it was okay, but my parents didn't agree with that. I was smoking
6 cannabis, I was smoking cigarettes. I was living alone. I didn't talk to people. It
7 was very difficult. Because I had got used to a different sort of life in the camp, so it
8 was very difficult to live with my parents.

9 Q. [15:32:58] Madam Witness, I'd like to show you two documents. The first one
10 you'll see it on your screen in front of you in a moment.
11 It's a confidential document at DRC-OTP-0225-0064, it's number 8 on the
12 Prosecution's list.

13 PRESIDING JUDGE FREMR: [15:33:40] In the meantime, please small correction of
14 our transcript, page 72, line 24, I hope that I said Ms Samson, if not it should be
15 corrected to Ms Samson, not Ms Solano.

16 MS SAMSON: [15:34:01] Yes, your Honour, I heard Ms Samson.

17 Q. [15:34:09] Madam, can you see the document on your screen? Can you see it
18 now?

19 A. [15:34:38] Yes.

20 Q. [15:34:41] Do you recognise what this document is?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 MS SAMSON: [15:36:33] I understood the witness to say yes.

3 Could we please turn to (Redacted) Could we please zoom in briefly to the top half
4 of this document.

5 Q. Madam, can you see at the very top of the registre matricule that there are
6 several headings in red pen. I'll read them on the left, (Redacted)

7 (Redacted)

8 (Redacted)

9 Can you see those headings at the top in red pen?

10 A. [15:37:59] Yes.

11 Q. [15:38:03] Are you able to see the entry at number (Redacted)

12 A. [15:38:26] I can see it.

13 Q. [15:38:27] And I will read it out. It says under name, (Redacted) Place
14 and date of birth it says (Redacted) Name of guardians, it

15 says (Redacted) which is -- address, (Redacted) and

16 class, (Redacted) Do you know to whom this entry relates?

17 A. [15:39:24] It concerns me.

18 Q. [15:39:32] And the birth date is listed as (Redacted) Is that your correct date of
19 birth?

20 A. [15:39:56] No.

21 Q. [15:39:57] Do you know who registered you for school?

22 A. [15:40:15] My (Redacted) enrolled me.

23 MS SAMSON: [15:40:25] Mr President, I seek to tender this document into
24 evidence.

25 PRESIDING JUDGE FREMR: [15:40:30] Defence, any objection?

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1 MR GOSNELL: [15:40:33] There's no objection to this particular line of information
2 being admitted. But I'm not sure that, given what she said, that the rest should be
3 admitted, Mr President.

4 MS SAMSON: [15:40:46] Mr President, I seek to tender the document. I seek to
5 tender the document as a whole.

6 PRESIDING JUDGE FREMR: [15:41:01] You mean, because at the moment I don't
7 know how many pages this register at the moment has.

8 MS SAMSON: [15:41:11] It's approximately (Redacted) pages, perhaps a bit less. It's just a
9 list of students in various years starting from (Redacted) I believe. It's one
10 total document. One complete document.

11 PRESIDING JUDGE FREMR: [15:41:35] We will admit it, just those two pages who
12 have been in fact confronted with the witness, so which means the cover page and
13 this page. I don't know does this page have any number, Ms Samson?

14 MS SAMSON: [15:41:50] Yes, indeed. So the pages that I put to the witness were
15 the first page of the document. I also -- and it's important, I also included the page
16 (Redacted) where the year (Redacted) begins listing students. And then I also showed her
17 page (Redacted) where her entry appears, but the entry of other students in the same year
18 could also be relevant as compared to another document that I'd like to show the
19 witness next, which is why I wanted the fuller admission.

20 PRESIDING JUDGE FREMR: [15:42:32] Mr Gosnell.

21 MR GOSNELL: [15:42:33] Well, Mr President, if we submit or admit these two
22 pages without any restrictions whatsoever, then what we have is on each page
23 approximately (Redacted) names with birth dates, places of residence, names of parents
24 and so on and so forth. I assume that your Honours would not be happy to find out
25 that the Prosecution in its closing brief cites to some of these names on, for example,

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1 the page which is just the title page saying that this is the (Redacted)
2 to (Redacted) and then find out that entry (Redacted) is being relied on for the truth of its content.
3 So I would respectfully request that we restrict the admission to the matters that have
4 been mentioned by my learned colleague.

5 PRESIDING JUDGE FREMR: [15:43:23] Ms Samson.

6 MS SAMSON: [15:43:24] Well, if the Defence concedes that the witness is the
7 person in this document, along with other people in the class in the next document
8 I'm about to show, then we have no trouble with the admission, the limited scope of
9 admission that my friend the Defence counsel seeks.

10 PRESIDING JUDGE FREMR: [15:43:40] Mr Gosnell.

11 MR GOSNELL: [15:43:41] No, I'm only going to concede that the witness is
12 provided enough information to substantiate the admission of (Redacted) from this
13 document.

14 PRESIDING JUDGE FREMR: [15:43:53] Ms Samson, please, last submission on
15 that.

16 MS SAMSON: [15:43:56] Yes, your Honour. Perhaps at the conclusion of
17 showing the next document to the witness that will help because both documents, in
18 my submission, need to be seen together in order for the Chamber to be able to make
19 meaningful assessments on the two documents.

20 PRESIDING JUDGE FREMR: [15:44:15] All right. So we will postpone our
21 decision on this request until you finish your second part of your submission. So
22 please proceed.

23 MS SAMSON: [15:44:23] Yes. The second document I'd say like to show the
24 witness is at (Redacted) It's number 9 on the Prosecution's list and it's also
25 confidential.

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1 Q. [15:45:06] Madam Witness, do you see this document on your screen?

2 A. [15:45:16] Yes.

3 Q. [15:45:21] Can you tell us what it is?

4 A. [15:45:30] I don't know.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 And then the first list below that are the students who passed (Redacted)

17 (Redacted)

18 And if I could ask the court officer to please turn to the next page (Redacted)

19 Can you see the entry number 15 that says (Redacted) and it says "Female

20 (Redacted)? Can you see that?

21 A. [15:48:36] Yes.

22 Q. [15:48:42] Can you tell us if this person is you?

23 A. [15:48:59] If it's the fifth class, then indeed it is me.

24 Q. [15:49:07] Thank you.

25 MS SAMSON: [15:49:09] Mr President, I seek to admit this document as well.

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1 And the reason that I wanted to admit both of them in full is so that -- the first
2 document, of course, has a more complete indication of civil status and details that we
3 can largely confirm relate to the witness independently. Whereas this document has
4 her name, although the information is the same in terms of her school, place of school
5 and year in which she was in the school and the grade which she was there consistent
6 with what she's told us. Should the Chamber have any doubt that it is the same
7 person for the same year, then the names of the other students in the (Redacted) year, some
8 of those names also appear in the larger register of students at the school during the
9 same year. And it may assist the Chamber to be able to cross-reference. Thank
10 you.

11 PRESIDING JUDGE FREMR: [15:50:11] Defence, the same, do you maintain your
12 position?

13 MR GOSNELL: [15:50:14] I would modify it in light of that submission,
14 Mr President. There would be no difficulty with admitting the pages of the first
15 document surrounding the (Redacted) establish that the witness's classmate are
16 also mentioned on the second document. There would be no objection to that,
17 Mr President. But the reason, your Honour, that I raise this is because there are
18 something like, in the first document, something like (Redacted) on the first
19 document, and that includes birth dates and the witness's birth date herself was not
20 recorded correctly. So obviously, in our view, that would not be suitable for
21 admission for that purposes.

22 Thank you, Mr President.

23 PRESIDING JUDGE FREMR: [15:51:00] Ms Samson, again just last submission on
24 that.

25 MS SAMSON: [15:51:04] Yes, thank you. That is a suitable alternative if your

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1 Honours do not wish to admit the totality of the first document. The pages that
2 I had mentioned, the three pages are likely sufficient for the purposes that I was
3 describing, and the document -- the full document that ends in (Redacted) which is the
4 second document that I showed which is significantly shorter, the Prosecution doesn't
5 intend to use these two documents other than for the purpose of confirming and
6 establishing this witness's year of school and year of birth. It's not to use it in
7 relation to other persons.

8 PRESIDING JUDGE FREMR: [15:51:56] How many pages the second document
9 does have?

10 MS SAMSON: [15:52:02] (Redacted)

11 PRESIDING JUDGE FREMR: [15:52:07] Give me a second. I will consult briefly
12 my colleagues.

13 (Trial Chamber confers)

14 PRESIDING JUDGE FREMR: [15:52:32] So after brief silent deliberation, our
15 decision is that in fact objection is sustained, which means that those two documents
16 are admitted but only in the limited extent, the first one only as concerns three pages
17 that were presented to Madam Witness. And as to the second one, just again pages
18 presented to Madam Witness.

19 Now --

20 MS SAMSON: [15:53:07] Thank you very much, Mr President. Do I have any
21 time remaining or is my time --

22 PRESIDING JUDGE FREMR: [15:53:12] I'm afraid that -- one minute.

23 MS SAMSON: [15:53:15] I have one minute. Well, then I'm basically done. I'll
24 ask one question.

25 PRESIDING JUDGE FREMR: [15:53:20] But really just one and then I will cut.

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1 MS SAMSON: [15:53:23] Yes.

2 Q. [15:53:24] Madam Witness, can you please tell the Chamber how your time in
3 the UPC has impacted your life?

4 A. [15:53:51] I didn't understand the question fully.

5 Q. [15:53:58] In what ways is your life changed because of the time you spent in
6 the UPC?

7 A. [15:54:17] When I came back I lost time, I couldn't study, I left -- I lost all my
8 intelligence, in fact. And I was thinking a lot about the people I had killed. I was
9 reliving the time that I had spent there, and at my age I think of all the wrongs that
10 have been caused. I wonder what sort of animal I'm like. I felt that I was no longer
11 a human being. I thought about everything I had done, and I was still so young.
12 At my age one couldn't envisage all these acts that I had committed so I felt that I was
13 worthless. I had so many thoughts, so many negative thoughts. It's extremely
14 difficult to talk about this.

15 MS SAMSON: [15:56:16] Thank you for answering that question and for
16 answering all of my other questions that I've had over the course of two days.
17 And I have no further questions for this witness.

18 PRESIDING JUDGE FREMR: [15:56:28] All right. Now, Ms Pellet, you submitted
19 a request also for questioning this witness. Do you believe that you still are able to
20 put some questions that wouldn't be repetitive in light of questioning made by
21 Ms Samson?

22 MS PELLET: [15:56:47] (Interpretation) Thank you, Mr President. I have only
23 one question and that relates to point E of the request, relates to the rapes suffered by
24 the witness.

25 PRESIDING JUDGE FREMR: [15:57:06] There is no objection to one question put

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1 by Ms Pellet?

2 MR GOSNELL: [15:57:12] No, Mr President.

3 PRESIDING JUDGE FREMR: [15:57:13] Very well.

4 Please go ahead, Ms Pellet.

5 MS PELLET: [15:57:17] (Interpretation) Thank you, Mr President.

6 QUESTIONED BY MS PELLET: (Interpretation)

7 Q. [15:57:22] Good afternoon, Madam Witness.

8 A. [15:57:24] Good afternoon.

9 Q. [15:57:27] We know each other because we met briefly last week. I represent
10 the former child soldiers in this trial, and I have one question that I would like to put
11 to you.

12 You explained that you had been raped throughout your military service as part of
13 your training and also in the various camps where you spent some time when you
14 were fighting for the FPLC. You said that you have been raped on multiple
15 occasions. Did the rapes stop at any time or were you constantly and continuously
16 raped?

17 A. [15:58:31] When I arrived with (Redacted), he raped me from time to time, but it
18 was not everybody. I was at that stage not the guduria available to everybody.

19 Q. [15:59:06] Were you raped by (Redacted) before you went into battle?

20 A. [15:59:16] Which battle, which war are you talking about?

21 Q. [15:59:22] The battles in which you fought alongside (Redacted) It doesn't
22 actually matter which one.

23 A. [15:59:35] Not before we actually went into battle. Even a married soldier
24 doesn't sleep with his wife before going into war.

25 Q. [15:59:58] And why not, Madam Witness?

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1 A. [16:00:05] We were told that if you sleep with a man or a woman before going
2 into battle, you will be immediately killed on the battlefield.

3 Q. [16:00:24] Thank you very much, Madam Witness.

4 MS PELLET: [16:00:26] (Interpretation) Mr President, I have no further questions.

5 PRESIDING JUDGE FREMR: [16:00:30] Thank you, Ms Pellet.

6 And one additional question from my part, Madam Witness. Madam Witness, what
7 is currently your personal status? Are you married, or are you single, divorced,
8 widow?

9 THE WITNESS: [16:00:58] (Interpretation) I don't have a husband and I have never
10 been married.

11 PRESIDING JUDGE FREMR: [16:01:10] Thank you, Madam Witness.

12 Now I will hand over the floor to Mr Gosnell.

13 Mr Gosnell, I suppose you will also start in the regime of private session.

14 All right, so we can remain in private session, and Mr Gosnell, you have the floor.

15 MS SAMSON: [16:01:32] I'm sorry to interrupt.

16 PRESIDING JUDGE FREMR: [16:01:35] Ms Samson.

17 MS SAMSON: [16:01:36] Yes, could we please inquire if the totality of the witness's
18 last answer was translated into English? Because I understood -- she seemed to be
19 speaking and some of it was not translated.

20 PRESIDING JUDGE FREMR: [16:01:52] English booth, do you think that you
21 translated everything you got from Swahili booth?

22 THE INTERPRETER: [16:02:00] It is my impression, but I am fallible.

23 PRESIDING JUDGE FREMR: [16:02:09] We can verify.

24 Madam Witness, sorry to bother you, but could you kindly repeat your previous
25 answer because we are not sure that everything was really translated.

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1 THE WITNESS: [16:02:25] (Interpretation) Yes.

2 PRESIDING JUDGE FREMR: [16:02:29] So what did you say? Could you repeat
3 it?

4 THE WITNESS: [16:02:49] (Interpretation) In relation to what Madam Prosecutor
5 asked me?

6 PRESIDING JUDGE FREMR: [16:02:52] No, no, what I asked you. Because at the
7 moment we have in transcript this answer: "I don't have a husband and I have never
8 been married." It's all you said, or did you say anything else to my question?

9 THE WITNESS: [16:03:21] (Interpretation) I said that I don't have a husband and
10 it's my feeling that for the time being I'm not marriable.

11 PRESIDING JUDGE FREMR: [16:03:40] Yes, so it's some additional facts. Thank
12 you.

13 And now, Mr Gosnell, you may proceed.

14 MR GOSNELL: [16:03:51] Thank you, Mr President.

15 QUESTIONED BY MR GOSNELL:

16 Q. [16:03:55] Good afternoon, Madam Witness. My name is Christopher Gosnell.
17 I will be asking you some questions today and tomorrow. If any of my questions are
18 not clear, then do feel free to ask me to try to explain it and I will do that.

19 Last week, am I correct, you met with some people from the Office of the Prosecutor
20 who showed you some video clips? Do you remember that?

21 A. [16:04:38] Yes.

22 Q. [16:04:39] And they showed you some of these video clips more than one time,
23 correct? They replayed them more than once? Madam Witness, let me repeat that
24 question. The videos that they showed you, did they show you the videos only once
25 or did they show you each video more than once, as best you can recall?

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1 A. [16:05:48] I don't remember. I don't remember what went on.

2 Q. [16:05:59] Can you remember that when the clips were played to you, there
3 were individuals who were pointed out to be the focus of your attention? Can you
4 remember that?

5 A. [16:06:26] Yes.

6 Q. [16:06:27] And they were asking you, were they not, whether you recognised
7 the people who were being pointed out to you?

8 A. [16:06:49] They asked me to point out the person that I recognised.

9 Q. [16:06:56] And then they asked you, if you did recognise the person, whether
10 you could recall their name or the context in which you knew them?

11 A. [16:07:22] They asked me the name of the individual and the place where I saw
12 him.

13 Q. [16:07:33] What I'd like to do is start by showing you the first clip that you
14 were shown last week, at least according to the information that has been provided to
15 us by the Prosecution. And it is the video mentioned at tab 11, which is
16 DRC-OTP-0159-0477.

17 And, Madam Witness, what we're going to do is we're going to play the video and
18 then I'll ask you to just wait for my question to you. Do you understand?

19 A. [16:08:30] All right.

20 PRESIDING JUDGE FREMR: [16:08:32] Mr Gosnell, could you indicate excerpts
21 you are going to play.

22 MR GOSNELL: [16:08:35] Yes, I'm sorry for that, Mr President. It's 1.42.20 to
23 1.43.09 for starters.

24 THE COURT OFFICER: [16:09:10] The video will be displayed on the evidence 2
25 channel.

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1 MR GOSNELL: [16:09:19] Allow me to correct myself in terms of the time range.

2 It's actually 1.42.55 to 1.43.09.

3 PRESIDING JUDGE FREMR: [16:09:30] Well noted.

4 MR GOSNELL: [16:09:34]

5 Q. [16:09:34] Now, Madam Witness, have you seen the video that was just shown
6 on your screen?

7 A. [16:09:46] Yes.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Viewing of the video excerpt)

19 MR GOSNELL:

20 Q. Madam Witness, have you seen the video that was just played?

21 A. [16:12:23] Yes.

22 Q. [16:12:25] And do you recognise that as one of the videos that you were shown
23 last week by the Prosecution?

24 A. [16:12:45] Yes.

25 Q. [16:12:46] Madam Witness, this is what the Prosecution tells us in terms of

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1 your reaction to the video that was shown. After you were shown it the first time,
2 you said, quote: "The witness stated that she did not see the video very well.
3 (Redacted) were replayed and the witness was asked to focus on (Redacted)
4 (Redacted) Asked whether she recognised anyone, the witness stated that she
5 did, but she does not remember the name. Asked how she knows the person that
6 she recognised, the witness stated that she cannot remember who he is or where she
7 knows him. The witness was informed that the excerpt would be replayed and that
8 she could indicate which person she recognised. The excerpt was played from
9 (Redacted) and the witness indicated she recognised someone at (Redacted)
10 And perhaps for your comprehension, Madam Witness, we could go to (Redacted) right
11 now.
12 And then here's what you said, Madam Witness: "The witness stated that she
13 recognised (Redacted) but was not sure. Asked whether she was referring to
14 (Redacted) the witness stated that she
15 was but that she does not remember their names or from where she knows them."
16 MR GOSNELL: [16:14:55] And Mr President, for the record, this is from
17 (Redacted)
18 Q. [16:15:09] Now, Madam Witness, is the passage that I've just read to you about
19 your reaction when you were shown this video, is that accurate? Is that what you
20 said when you were shown this video three times?
21 A. [16:15:39] Yes.
22 MR GOSNELL: [16:15:42] I'm done with this video for the moment.
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 A. [16:16:19] Yes.

2 MR GOSNELL: [16:16:22] I seek to admit these two videos, Mr President.

3 PRESIDING JUDGE FREMR: [16:16:29] Prosecution.

4 MS SAMSON: [16:16:31] No objection, your Honour, but I'm just curious, is it for
5 what purpose? We're not impeaching the witness. Are we just bolstering her
6 account? I'm not sure. She said yes, she's accepted the submission.

7 PRESIDING JUDGE FREMR: [16:16:49] And suggest she haven't identified
8 (Redacted) Mr Gosnell, for what purpose?

9 MR GOSNELL: [16:16:56] Could we turn on the witness's headphones?

10 PRESIDING JUDGE FREMR: [16:17:00] Understandable.

11 Court usher, please assist.

12 Madam Witness, now we will ask you to take your headphones off for a while
13 because we are dealing with some procedural matter that you shouldn't be aware of.

14 THE COURT OFFICER: [16:17:21] In the meantime, I have a question for the
15 Defence counsel. When you said two videos, you mean the two extracts of that
16 video, right? Thank you.

17 MR GOSNELL: [16:17:28] That's quite right. Thank you.

18 PRESIDING JUDGE FREMR: [16:17:29] Now you may freely proceed, Mr Gosnell.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE FREMR: [16:17:51] But just classical question, it is for the truth
25 of the content or for the purpose of impeachment of this witness?

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)

21 PRESIDING JUDGE FREMR: [16:19:23] This was my understanding. All right.
22 So anyway, these two excerpts shown to the witness are admitted for the purpose of
23 the witness's impeachment as a further Defence exhibit.
24 Now, Mr Gosnell, please proceed. And yes, you can just return headphones back.
25 MR GOSNELL: [16:19:57]

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1 Q. [16:20:01] Madam Witness, how many months were you a bodyguard or
2 personal escort to (Redacted)

3 A. [16:20:31] I don't remember how much time I fulfilled those duties, but I do
4 know it was a number of days.

5 Q. [16:20:42] Only a number of days now, Madam Witness?

6 A. [16:21:05] It was more than a month because I remember having spent a long
7 time at his residence.

8 Q. [16:21:17] Is it correct that you started to work as his bodyguard or escort
9 about two weeks after the battle you describe as having participated in at (Redacted)

10 A. [16:21:51] Yes.

11 Q. [16:21:52] And you continued as his bodyguard or escort right up until the
12 time that you were confined in the (Redacted) and then you went to (Redacted)
13 camp; is that correct?

14 A. [16:22:13] Yes.

15 Q. [16:22:16] And during that interval of time between two weeks after the attack
16 on (Redacted) and the time that you went to (Redacted) there were the battles at
17 (Redacted) correct?

18 A. [16:22:45] No.

19 Q. [16:22:46] So the battles that took place that you described earlier today -- well,
20 let's just start with (Redacted) Did the (Redacted) attack happen between the time of
21 the (Redacted) attack and the time that you went to (Redacted)?

22 A. [16:23:17] I didn't really follow your question.

23 Q. [16:23:22] In time, did (Redacted) happen between the time of the (Redacted) attack
24 and the time that you left (Redacted)

25 A. [16:23:50] (Redacted) battle took place when I was still in (Redacted) service.

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1 Q. [16:24:03] And the same is true for (Redacted) that you
2 described, correct?

3 A. [16:24:13] Yes.

4 Q. [16:24:16] Now, with that in mind, can you give us an idea as to how much
5 time there was between the (Redacted) attack, roughly?

6 A. [16:24:47] I don't remember.

7 Q. [16:24:49] And for as long as you were (Redacted) bodyguard you slept at his
8 house, correct?

9 A. [16:25:03] Yes.

10 Q. [16:25:06] And as his bodyguard you went everywhere he went, correct?

11 A. [16:25:18] Yes.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [16:26:17] Since then a lot of time has gone by, so I forgot, it can happen to
17 anybody to forget.

18 Q. [16:26:33] And in (Redacted) when you were interviewed by the investigators from
19 the ICC, did they show you any pictures or videos?

20 A. [16:26:57] Yes. They showed me a photograph.

21 Q. [16:27:04] Can you remember what this photograph pictured?

22 A. [16:27:15] It was a photograph of somebody.

23 Q. [16:27:25] Were you able to recognise this somebody?

24 A. [16:27:34] No.

25 Q. [16:27:38] Was it a single photograph or was it a photograph on a page with

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1 some other photographs of faces, for example?

2 A. [16:27:54] I've already forgotten. I remember having seen a photograph, but I
3 can't give you any details about it.

4 MR GOSNELL: [16:28:16] Mr President, I have a new topic to move to and I do see
5 that we're getting close to the time.

6 PRESIDING JUDGE FREMR: [16:28:23] Yes, it's reasonable.

7 Court officer, let's move into open session now for remainder of this session.

8 (Open session at 4.28 p.m.)

9 THE COURT OFFICER: [16:28:38] We're in open session, Mr President.

10 PRESIDING JUDGE FREMR: [16:28:47] Thank you, court officer.

11 Madam Witness, I would like to thank you. It was a long day. You patiently
12 answered all questions put to you and some of them concerned very sensitive topics.

13 And even as I told you at the beginning of your testimony, or in advance, if you don't
14 remember do not apologise. It's fully understandable. It's better than to fabricate
15 things or make things up, so no problem if you don't remember.

16 It's also again my duty to remind you that in the meantime till tomorrow, since we
17 will continue tomorrow morning 9.30, you must not discuss your testimony with
18 anybody else. Have you understood all that?

19 THE WITNESS: [16:29:44] Ndiyo.

20 PRESIDING JUDGE FREMR: [16:29:46] So have some rest and we will see you
21 tomorrow morning.

22 And just update on timing, so far, Mr Gosnell, you used only 22 minutes so you have
23 plenty of time at your disposal.

24 THE WITNESS: [16:30:02] (Interpretation) Yes.

25 PRESIDING JUDGE FREMR: [16:30:02] So now Court is adjourned.

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- 1 THE COURT USHER: [16:30:05] All rise.
- 2 (The hearing ends in open session at 4.30 p.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
- 5 the public reclassified and lesser redacted version of this transcript is filed in the case.