

1 International Criminal Court

2 Trial Chamber VI

3 Situation: Democratic Republic of the Congo

4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06

5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and

6 Judge Chang-ho Chung

7 Trial Hearing - Courtroom 2

8 Monday, 16 January 2017

9 (The hearing starts in open session at 9.48 a.m.)

10 THE COURT USHER: [9:48:48] All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE FREMR: [9:49:18] Good morning, everybody.

14 Court officer, please call the case.

15 THE COURT OFFICER: [9:49:24] Thank you, Mr President.

16 The situation in the Democratic Republic of the Congo, in the case of The

17 Prosecutor versus Bosco Ntaganda, case reference ICC-01/04-02/06.

18 We are in open session, Mr President.

19 PRESIDING JUDGE FREMR: [9:49:37] Thank you, court officer.

20 Now, appearances in the usual order.

21 MS SOLANO: [9:49:42] Good morning, your Honours.

22 The Prosecution is represented by Nicole Samson, Claudine Umurungi,

23 Selam Yirgou, and I am Julieta Solano.

24 PRESIDING JUDGE FREMR: [9:49:53] Thank you, Ms Solano.

25 Defence.

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1 MR GOSNELL: [9:49:55] Good morning, Mr President.

2 Christopher Gosnell for Mr Ntaganda this morning, assisted by

3 Isabelle Martineau. Thank you.

4 PRESIDING JUDGE FREMR: [9:50:08] Thank you, Mr Gosnell.

5 Legal Representative for Victims, please.

6 MS PELLET: [9:50:12] (Interpretation) Thank you, your Honour. The former child

7 soldiers are represented by Mohamed Abdou and by myself, Sarah Pellet, counsel

8 with the Office of Public Counsel for Victims.

9 MR SUPRUN: [9:50:23] Good morning, your Honour, your Honours. The victims

10 of the attacks are represented by myself, Dimitri Suprun, counsel with the

11 Office of Public Counsel for Victims.

12 PRESIDING JUDGE FREMR: [9:50:34] Thank you, Ms Pellet.

13 Thank you, Mr Suprun.

14 First of all, I would like to apologise for the delay, which was, as you were

15 reported, caused by technical issues. I would like to express the Chamber's

16 dissatisfaction and I will also devote some further time to discuss this issue with

17 the registry later on.

18 Now I would like to start either by welcoming everybody back to the courtroom

19 and extend the whole Chamber's best wishes for the new year. I hope that we will

20 have another productive evidentiary block during this final phase of

21 the Prosecution case.

22 And before the next witness is called, as usually, I have several procedural matters

23 to address, just briefly.

24 First, I recall that the official dates for this block are today, 16 January 2017 until

25 3 March 2017, although it's not anticipated that all of this period will be required

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1 for the remaining Prosecution witnesses.

2 You have also been notified by way of email of adjusted sitting hours between 19
3 and 27 January resulting from VWU recommendations in respect of specific
4 witnesses.

5 I also note that we will be sitting in Courtroom 2 for the duration of this
6 evidentiary block and I believe that we will not face any further technical issues
7 like today.

8 Next, for the purposes of timing for this witness, as per the Chamber's email of
9 3 November and 21 December 2016, the parties have both been permitted four
10 hours each for examination of the witness.

11 The Chamber also notes that there is a request by the Legal Representative of
12 Victims of the attacks, Mr Suprun, to question the witness bearing filing number
13 1708. This will be addressed after the examination-in-chief, as usually.

14 I also recall the Chamber's decision with filing number 1714 granting in-court
15 protective measures to this witness, being face and voice distortion and the use of
16 a pseudonym.

17 And now we can turn to the scheduled testimony.

18 So, court officer, please have the witness brought into the courtroom.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE FREMR: [9:54:56] Good morning, Mr Witness.

21 Can you hear me?

22 WITNESS: DRC-OTP-P-0863

23 (The witness speaks French)

24 THE WITNESS: [9:55:04] (Interpretation) Yes, I can hear you.

25 PRESIDING JUDGE FREMR: [9:55:06] Very well.

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1 On behalf of this Chamber, I would like to welcome you to the courtroom.
2 You are called to testify in the case against Mr Bosco Ntaganda and you will be
3 soon asked questions both by the judges and lawyers in the courtroom. In this
4 connection, I would like to guide you as follows: Please listen carefully to those
5 questions. If you do not understand, feel free to ask for the question to be
6 repeated. We want you to tell the truth and tell us what you saw, heard, or sensed
7 yourself. If you did not see or hear it yourself but you found out some other way,
8 then you should explain how.

9 Please testify just on that which you remember. Don't guess. Don't make things
10 up. There is nothing wrong in saying "I don't know" or "I don't remember."

11 Do you understand all this, Mr Witness?

12 THE WITNESS: [9:56:12] (Interpretation) Yes.

13 PRESIDING JUDGE FREMR: [9:56:28] Good.

14 Mr Witness, protective measures are put in place to ensure that your identity is not
15 revealed to the public. Let me briefly remind you that the public cannot see your
16 face during your testimony and that your voice is being disguised so that the
17 public cannot recognise it.

18 We will refer to you as "Mr Witness" only and ensure that your name and any
19 other information that risks revealing who you are is not broadcast to the public.
20 Therefore, whenever you need to describe anything that might reveal your
21 identity, we will do so in private session so that no one outside the courtroom can
22 hear your answer.

23 Do you understand, Mr Witness?

24 THE WITNESS: [9:57:24] (Interpretation) Yes.

25 PRESIDING JUDGE FREMR: [9:57:28] All right.

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1 Mr Witness, now you will find a piece of paper in front of you with the text of
2 solemn undertaking. Do you have it?

3 THE WITNESS: [9:57:38] (Interpretation) Yes.

4 PRESIDING JUDGE FREMR: [9:57:45] So please now make your solemn
5 undertaking to tell the truth by reading out the declaration you have in your
6 hands.

7 THE WITNESS: [9:57:56] (Interpretation) I solemnly declare that I will tell the
8 truth, the whole truth and nothing but the truth.

9 PRESIDING JUDGE FREMR: [9:58:06] Thank you, Mr Witness.

10 It means that now you are under oath, so you need to be aware that it is an offence
11 within the jurisdiction of this Court to give false testimony. Do you understand
12 that?

13 THE WITNESS: [9:58:22] (Interpretation) Yes.

14 PRESIDING JUDGE FREMR: [9:58:29] Fine.

15 And finally, there are few practical matters you should have in mind when giving
16 your testimony. It is important to speak into the microphone, to speak clearly and
17 to speak at a slow pace to allow the interpreters to translate everything precisely.

18 You should only start speaking when the person asking you the question has
19 finished. So when a question is asked - and this is very important - please do not
20 respond immediately, rather, count in your head to three and only then give your
21 answer.

22 This pause is essential for us to properly hear and record what you are saying. If
23 you have any questions during your testimony, or if you feel that you need
24 a break, do not hesitate to let us know by raising your hand. We will then give
25 you the opportunity to speak.

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1 Have you understood all that, Mr Witness?

2 THE WITNESS: [9:59:39] (Interpretation) Yes.

3 PRESIDING JUDGE FREMR: [9:59:42] All right. So now we can start your
4 testimony.

5 Prosecution, you have the floor.

6 MS SOLANO: [9:59:49] Thank you, your Honour.

7 And, your Honour, may I ask, since we started with some delay, will we be
8 stopping for the usual break at 11 or are we going to stop sometime after that?

9 PRESIDING JUDGE FREMR: [10:00:02] Yes, we are forced, in fact, to keep normal
10 schedule, so we will finish this session at 11.

11 MS SOLANO: [10:00:10] Thank you.

12 PRESIDING JUDGE FREMR: [10:00:11] If you have any proposal on that?

13 MS SOLANO: [10:00:14] No, I don't. Thank you.

14 PRESIDING JUDGE FREMR: [10:00:16] Fine.

15 QUESTIONED BY MS SOLANO:

16 Q. [10:00:16] Good morning, sir. Can you hear me?

17 A. [10:00:23] Yes.

18 Q. [10:00:24] I am Julieta Solano. I represent the Prosecution. We have met
19 before. And today I will be asking you questions on behalf of the Prosecution.

20 MS SOLANO: [10:00:30] Your Honour, may we move into private session, please.

21 PRESIDING JUDGE FREMR: [10:00:37] For sure.

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

23 (Private session at 10.00 a.m.) **(Reclassified partially in public)*

24 THE COURT OFFICER: [10:00:53] We are in private session, Mr President.

25 PRESIDING JUDGE FREMR: [10:00:55] Thank you, court officer.

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- 1 Ms Solano, please.
- 2 MS SOLANO: [10:00:59] Thank you, your Honour.
- 3 Q. [10:01:01] Sir, what is your full name?
- 4 A. [10:01:05] (Redacted), that's my name, (Redacted)
- 5 Q. [10:01:13] And do you have other names?
- 6 A. [10:01:23] (Redacted), that's my second name.
- 7 Q. [10:01:32] And what is your first name or your given name?
- 8 A. [10:01:33] My given name is (Redacted).
- 9 Q. [10:01:38] Were you born on (Redacted)?
- 10 A. [10:01:43] Yes.
- 11 Q. [10:01:46] What is your ethnicity?
- 12 A. [10:01:50] Could you please repeat your question.
- 13 Q. [10:01:55] What ethnic group do you belong to?
- 14 A. [10:02:00] I am a Lendu person.
- 15 Q. [10:02:02] Were you born in (Redacted), Ituri, Congo?
- 16 A. [10:02:08] Yes.
- 17 Q. [10:02:11] Do you speak Swahili, Lingala and French?
- 18 A. [10:02:17] Yes.
- 19 Q. [10:02:19] As a child, did you attend primary school in (Redacted) and in
- 20 (Redacted)?
- 21 A. [10:02:30] My primary school I did in (Redacted).
- 22 Q. [10:02:36] Where did you attend your secondary school?
- 23 A. [10:02:45] (Redacted).
- 24 Q. [10:02:48] Did you (Redacted), also in
- 25 (Redacted), between (Redacted) and (Redacted)?

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- 1 A. [10:03:03] Yes.
- 2 Q. [10:03:12] Did you also (Redacted)
- 3 (Redacted)
- 4 A. [10:03:22] Yes.
- 5 Q. [10:03:25] Was that in the year (Redacted)?
- 6 A. [10:03:29] Yes.
- 7 Q. [10:03:30] And did you (Redacted)
- 8 A. [10:03:40] Yes.
- 9 Q. [10:03:45] And between (Redacted) and (Redacted), did you (Redacted)
- 10 (Redacted)
- 11 A. [10:03:57] Yes.
- 12 Q. [10:03:58] -- (Redacted)
- 13 A. [10:04:00] Yes, yes. (Redacted)
- 14 Q. [10:04:10] And was (Redacted)?
- 15 A. [10:04:17] Yes.
- 16 Q. [10:04:20] Sir, (Redacted)
- 17 (Redacted)?
- 18 A. [10:04:40] (Redacted)
- 19 Q. [10:04:50] (Redacted)
- 20 A. [10:05:00] (Redacted)
- 21 Q. [10:05:09] (Redacted)
- 22 (Redacted)
- 23 A. [10:05:21] (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 Q. [10:05:44] (Redacted)
- 2 (Redacted)
- 3 A. [10:05:53] (Redacted)
- 4 Q. [10:06:07] Can you explain to the Court (Redacted)
- 5 (Redacted)
- 6 A. [10:06:21] (Redacted)
- 7 (Redacted)
- 8 Q. [10:06:39] (Redacted)
- 9 A. [10:06:45] (Redacted)
- 10 Q. [10:06:48] Sir, are you married?
- 11 A. [10:06:59] Yes.
- 12 Q. [10:07:01] When did you marry?
- 13 A. [10:07:07] In the year (Redacted).
- 14 Q. [10:07:13] And where did you and your wife live when you got married?
- 15 A. [10:07:19] In (Redacted).
- 16 Q. [10:07:31] And how is it, sir, that you (Redacted)
- 17 (Redacted)? Can you please explain.
- 18 A. [10:07:41] I had just gone from (Redacted) to -- to marry, for the marriage.
- 19 Q. [10:07:54] Did your wife also come with you to (Redacted)?
- 20 A. [10:08:01] Yes.
- 21 Q. [10:08:04] In the year (Redacted), sir, do you recall what was the situation in
- 22 (Redacted), to your knowledge?
- 23 A. [10:08:21] In (Redacted) I was in (Redacted), but there was a great stream of
- 24 people coming into that *place – Mongbwalu, who had ran away from the fierce
- 25 fights taking place in (Redacted).

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1 THE INTERPRETER: [10:08:44] Message from the interpreters: If the witness
2 could be encouraged to speak more clearly.

3 MS SOLANO: [10:08:50] Now I want to ask you, do you or did you have any
4 brothers or sisters?

5 A. [10:08:59] Yes, I did.

6 Q. [10:09:02] Are they alive or deceased?

7 A. [10:09:10] (Redacted)

8 (Redacted).

9 PRESIDING JUDGE FREMR: [10:09:22] Sorry, Ms Solano.

10 Mr Witness, I just got a message that the interpreters sometimes have problem to
11 understand you fully. So please, I would like to ask you, try to speak more loudly
12 and more clearly, a bit. Thank you.

13 THE INTERPRETER: [10:09:47] Many thanks from the interpreters and court
14 reporters.

15 MS SOLANO: [10:09:54]

16 Q. [10:09:55] (Redacted)

17 (Redacted)

18 A. [10:10:04] (Redacted)

19 Q. [10:10:26] (Redacted)

20 A. [10:10:35] (Redacted)

21 Q. [10:10:46] (Redacted)

22 (Redacted)

23 A. [10:11:01] (Redacted)

24 Q. [10:11:14] Thank you, sir. (Redacted)

25 PRESIDING JUDGE FREMR: [10:11:19] And sorry for the intervention, another

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1 issue, I have been informed that at the beginning of the testimony, the measure that
2 should disguise the voice was not working so we redacted this part of broadcast.

3 And I also, for the record, note that during that time insofar nobody was present at
4 the public gallery. Now the problem technically has been solved.

5 Sorry, Ms Solano. Now please proceed.

6 MS SOLANO: [10:11:58] Thank you, your Honour.

7 Your Honour, we can -- I can try to do some questions in public session if
8 your Honours so mind, but I will inevitably need to switch back to private session.

9 PRESIDING JUDGE FREMR: [10:12:26] Any way -- appreciate any attempt to
10 conduct this testimony in public session.

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

12 (Open session at 10.12 a.m.)

13 THE COURT OFFICER: [10:12:48] We are in open session, Mr President.

14 Thank you.

15 PRESIDING JUDGE FREMR: [10:12:55] And just to assure myself everything
16 because I was --

17 THE COURT OFFICER: [10:13:05] I'll just double-check everything is still working.

18 PRESIDING JUDGE FREMR: [10:13:09] Fine.

19 Please go ahead.

20 MS SOLANO: [10:13:11] Thank you, your Honour.

21 Q. [10:13:12] Sir, you said that in the year *2002 there was a stream of people
22 from Mongbwalu coming to Bambu. What was the reason for that, if you know?

23 A. [10:13:25] There were clashes in Mongbwalu. And those people, a great
24 many of them, did not have the means to take refuge elsewhere and so they headed
25 towards Bambu. People who had money went to Beni or elsewhere, even in

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1 Uganda. Some people went to Uganda at that time to take refuge.

2 Q. [10:14:01] Who was involved in these clashes in Mongbwalu?

3 A. [10:14:05] It was always the people from the UPC who were fighting the
4 Lendu who were based in Mongbwalu.

5 Q. [10:14:24] And what was the UPC?

6 A. [10:14:29] The UPC was a militia force, Hema people who were fighting the
7 Lendu militia.

8 Q. [10:14:55] How do you know about the clashes in Mongbwalu?

9 A. [10:15:02] We had family members in Mongbwalu and they met up with us in
10 Bambu at that time.

11 Q. [10:15:20] Did this fighting ever reach Bambu, sir?

12 A. [10:15:34] At that time it was in Mongbwalu, not in Bambu. Oh, yes, that
13 was -- well, it was sporadic. It wasn't everyone. There were some UPC members
14 who would go there and then go back.

15 Q. [10:15:55] Just to come back to Mongbwalu. Do you remember in what part
16 of the year 2002 these clashes occurred?

17 A. [10:16:04] I really couldn't tell you what month it was. I don't know what
18 month it was. I'll refrain.

19 Q. [10:16:20] Do you recall whether it was in the beginning of the year, the
20 middle of the year, late in the year?

21 A. [10:16:31] If I remember correctly, it was towards the half, the midpoint of the
22 year.

23 Q. [10:16:52] Are you able to describe these forays by UPC members into
24 Bambu?

25 PRESIDING JUDGE FREMR: [10:17:07] Sorry.

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1 Ms Gosnell, please.

2 MR GOSNELL: [10:17:12] Objection. The characterisation of the attacks in that
3 way, forays, that has not come from the witness.

4 PRESIDING JUDGE FREMR: [10:17:20] Ms Solano.

5 MS SOLANO: [10:17:20] Your Honour, if the Defence counsel prefers me to use the
6 word "attack," I will do so. I can just rephrase, your Honour.

7 MR GOSNELL: [10:17:28] It is page 13, line 22, and I think, until the witness goes
8 beyond that, that's the formulation that ought to be used.

9 PRESIDING JUDGE FREMR: [10:17:38] Yes, I think I found this objection
10 reasonable, so please rephrase.

11 MS SOLANO: [10:18:06]

12 Q. [10:18:07] Sir, you have said that the UPC elements would come to Bambu.
13 Can you explain what you mean by that?

14 A. [10:18:22] What I mean is that in Bambu there was --

15 THE INTERPRETER: [10:18:27] Inaudible.

16 A. [10:18:30] -- bridge over the river *Shari and then there was -- well, actually,
17 you can see in the annex to my statement. And you see the river is a natural
18 barrier for the people of Bambu. The UPC members would follow the road of that
19 bridge, and there were some Lendu militiamen who had formed a front and had
20 warned the people of Bambu in the event that some UPC members came.

21 MS SOLANO: [10:19:13]

22 Q. [10:19:14] Where did that road lead to?

23 A. [10:19:22] It is the main road that goes from Bunia to Mongbwalu. That is
24 the road that the UPC members would take to launch their attacks.

25 Q. [10:19:54] And you have said that these were attacks. Why do you describe

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1 them in that way?

2 A. [10:20:12] I can't be really specific about the words that I used like "attack."

3 But what I meant, what I thought was -- well, they were attacks, because they

4 would come and attack us so that we would flee into the bush.

5 Q. [10:20:37] What means did the UPC use in order to force you to flee into the

6 bush?

7 A. [10:20:56] Bombs, weapons, firearms. And then their fighters used machetes

8 as well. Hoes -- no, not hoes. Well, axes.

9 Q. [10:21:22] You said that the combatants used machetes and axes. Which

10 combatants are you referring to?

11 A. [10:21:33] The UPC combatants.

12 Q. [10:21:53] Did the UPC remain in Bambu after those attacks or did they

13 withdraw?

14 A. [10:22:06] At first, they would come and then they would retreat. If I recall

15 correctly, it was in February 2013 -- no, January 2013 when they set up operations

16 in Kobu. And at that time they did not retreat; they began attacking from that

17 location. And we're talking about 2013, at the beginning of the year.

18 Q. [10:22:51] Sir, so do you mean that the UPC's attacks on Bambu occurred

19 more than 10 years after the attacks on -- after the clashes in Mongbwalu?

20 A. [10:23:11] The clashes in Mongbwalu -- in Mongbwalu, yes, there were

21 repeated attacks. But the last attacks which I mentioned, the people had already

22 scattered here and there. That was in 2001.

23 Q. [10:23:48] Is it correct that the attacks on Bambu that you are talking

24 about occurred in the year 2013?

25 A. [10:23:59] No, not 2013. 2003.

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1 Q. [10:24:16] Sir, where did you go when the UPC conducted these attacks on
2 Bambu?

3 A. [10:24:34] When the UPC force set up operations in Bambu and Kobu I fled
4 into the bush, in Guti.

5 THE INTERPRETER: [10:24:52] Correction: Gutsi.

6 MS SOLANO: [10:24:59]

7 Q. [10:25:00] How about in the earlier attacks when you have described that the
8 UPC would come to Bambu and then they would withdraw? Where did you go?
9 Did you remain in Bambu or did you go elsewhere?

10 A. [10:25:21] At that time, (Redacted) -- well, after the attacks, we would go back
11 to Bambu (Redacted).

12 MS SOLANO: [10:25:38] Your Honour, may we move into private session, please.

13 PRESIDING JUDGE FREMR: [10:25:40] Certainly.

14 Let's move into private session now.

15 (Private session at 10.25 a.m.) **(Reclassified partially in public)*

16 THE COURT OFFICER: [10:25:59] We are in private session.

17 PRESIDING JUDGE FREMR: [10:26:01] Thank you, court officer.

18 Ms Solano, please proceed.

19 MS SOLANO: [10:26:05] Thank you, your Honour.

20 Q. [10:26:09] (Redacted)

21 (Redacted)

22 A. [10:26:35] (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 Q. [10:29:25] Were the Lendu militia armed?

19 A. [10:29:35] No. They were just militiamen. They weren't armed.

20 Q. [10:29:44] So what do you mean when you say "militiamen"?

21 A. [10:29:54] To my knowledge, a militia man is someone who has not had
22 military training but who is using firearms or bladed weapons.

23 PRESIDING JUDGE FREMR: [10:30:14] Sorry to interrupt. I would like to put one
24 additional question.

25 And, Mr Witness, (Redacted)

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1 (Redacted)

2 THE WITNESS: [10:30:31] (Interpretation) No. No. (Redacted)

3 (Redacted)

4 PRESIDING JUDGE FREMR: [10:30:49] Sorry. No, I don't understand. So what
5 do you mean by (Redacted)?

6 THE WITNESS: [10:31:02] (Interpretation) Well, what I mean is that the militia
7 were at the front. In any event, they were the ones who sustained the attacks
8 directly. The militia members either -- well, if someone was shot directly and was
9 facing the enemy directly, often those people just died, (Redacted)

10 (Redacted).

11 PRESIDING JUDGE FREMR: [10:31:41] So according to your knowledge
12 concerning this event, were there -- where was any fight between Lendu militia
13 members and the UPC?

14 A. [10:31:58] Clashes as such, no. Well, the Lendu militia, they were at the door
15 to alert the population, and when there were such cases, they would let them
16 know. When they returned, that's when they received these hits.

17 PRESIDING JUDGE FREMR: [10:32:21] And last question from my part: And
18 according your knowledge or what you witnessed, as concerns clothing, were
19 there any difference between the way of clothes between Lendu militia members
20 and civilians?

21 A. [10:32:48] Yes, there was a difference. The militia wore clothing
22 with -- which was military uniform. They had green boots.

23 PRESIDING JUDGE FREMR: [10:33:14] Thank you, Mr Witness.

24 Ms Solano, please.

25 THE INTERPRETER: [10:33:16] Could the microphones be put near the witnesses,

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1 please, because it is not very loud for the interpreters.

2 PRESIDING JUDGE FREMR: [10:33:23] Yes.

3 Court usher, locate the microphone closer to Mr Witness. If possible, maybe to
4 increase the volume on his panel, I don't know.

5 THE INTERPRETER: [10:33:41] Many thanks, your Honour.

6 PRESIDING JUDGE FREMR: [10:33:44] Thank you, court usher.

7 Now, sorry for so many interventions, Ms Solano. Please proceed.

8 MS SOLANO: [10:33:54] Thank you, your Honour. It's no trouble.

9 Q. [10:33:57] Sir, I need a clarification. I asked you whether the Lendu militia
10 were armed and you said no, they were just militiamen. And then when I asked
11 you what you meant by a militia man, you said someone who has not had military
12 training but who is using firearms or bladed weapons.

13 So I need to ask you again, were the Lendu militia armed or were they not armed?

14 A. [10:34:26] Yes, they were armed. And the weapons they had came from the
15 UPC who had been killed, and that's how they got them.

16 Q. [10:34:42] Thank you.

17 PRESIDING JUDGE FREMR: [10:34:53] Again, one additional question. So I
18 understood the Lendu combatants killed at least in fighting some UPC soldiers,
19 and it was the way, how they got firearms. So what kind of arms at the beginning
20 they used against UPC soldiers, if they didn't have any firearms?

21 THE WITNESS: [10:35:24] (Interpretation) At the beginning they used machetes.

22 PRESIDING JUDGE FREMR: [10:35:30] Thank you.

23 Ms Solano, please.

24 MS SOLANO: [10:35:34] Thank you, your Honour.

25 (Counsel confer)

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1 MS SOLANO: [10:36:04] Sir, you said that the militia wore a military uniform and
2 they had green boots. Which side were you referring to when you said that?

3 A. [10:36:28] Lendu militia. They had military uniform. If they had that, what
4 they had, it was taken from the UPC which had been killed and then they would
5 wear it. They had jackets, uniform jackets. And when they were -- they would
6 get those from the market, either from a civilian who was wearing it. They would
7 confiscate such a jacket.

8 Q. [10:37:15] Did the Lendu militia have uniforms of their own?

9 A. [10:37:23] Their own uniforms? No, they didn't.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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20 MS SOLANO: [10:55:09] My last few questions before the break, please.

21 PRESIDING JUDGE FREMR: [10:55:14] All right.

22 MS SOLANO: [10:55:20] Your Honour, I mean open session, please.

23 PRESIDING JUDGE FREMR: [10:55:29] Now --

24 (Open session at 10.55 a.m.)

25 THE COURT OFFICER: [10:55:33] We are in open session, Mr President.

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1 PRESIDING JUDGE FREMR: [10:55:36] So now we are in open session. You may
2 proceed, Ms Solano.

3 MS SOLANO: [10:55:40] Thank you, your Honour.

4 Q. [10:55:42] Sir, you have explained that in this period of UPC attacks on
5 Bambu you fled to the bush.

6 A. [10:55:55] Yes.

7 Q. [10:55:57] Can you explain to the judges what you mean by "the bush". How
8 far away was it from Bambu that you fled? In what direction did you flee?

9 A. [10:56:27] I fled to Gutsi, approximately 7 kilometres north of Bambu.

10 Q. [10:56:41] Do you know where other inhabitants of Bambu fled to?

11 A. [10:56:52] The other inhabitants went to Buli. Buli, Jitchu, around there.

12 Q. [10:57:02] In what direction are Buli and Jitchu relative to Bambu?

13 A. [10:57:15] Buli, that's *south-west of Bambu.

14 Q. [10:57:28] How about Jitchu?

15 A. [10:57:32] Jitchu and Buli are in the same direction.

16 Q. [10:57:42] And I believe, sir, that these are the names of villages, so --

17 A. [10:57:52] Yes. Yes.

18 Q. [10:57:54] -- did the people who fled the UPC attacks on Bambu, did they flee
19 to these villages, or what do you mean by "the bush"?

20 A. [10:58:12] Next to these villages there is a forest where people hid.

21 Q. [10:58:26] Sir, and you mentioned earlier an individual who had come to
22 Bambu from Lipri. Where was Lipri relative to Bambu?

23 A. [10:58:44] In regard to Bambu, Lipri is south of it. It is between Bambu and
24 Bunia.

25 Q. [10:59:08] Who were the leaders of the UPC in this period, if you know?

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1 MR GOSNELL: [10:59:18] Objection.

2 PRESIDING JUDGE FREMR: [10:59:20] On what ground?

3 MR GOSNELL: [10:59:22] I think there ought to be a bit more specificity to "this
4 period". I could infer what it might be, but the witness has talked about a fairly
5 broad range of time. So to avoid confusion, I think it should be clarified.

6 PRESIDING JUDGE FREMR: [10:59:38] But, moreover, Ms Solano, is this witness
7 the proper one to testify about the composition of the UPC? Isn't it the role of the
8 witness in a different area?

9 MS SOLANO: [10:59:52] Your Honour, I can leave that question. It is fine.

10 Thank you.

11 And I am happy to stop here, your Honour, if it suits the Chamber.

12 PRESIDING JUDGE FREMR: [11:00:02] All right. Now we will take our regular
13 break for 30 minutes, which means we will reconvene at 11.30.

14 THE COURT USHER: [11:00:16] All rise.

15 (Recess taken at 11.00 a.m.)

16 (Upon resuming in open session at 11.32 a.m.)

17 THE COURT USHER: [11:32:22] All rise.

18 Please be seated.

19 PRESIDING JUDGE FREMR: [11:32:52] So we will directly continue with
20 examination, direct examination, of our witness by the Prosecution. Before doing
21 that, Mr Witness, allow me to remind you that, please, do speak loudly because
22 sometimes the interpreters have problems to understand you fully. So please
23 have it in mind.

24 Now, Ms Solano, subject to your upcoming questions, could we remain in the
25 regime of open session or is there a need to move into private?

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1 MS SOLANO: [11:33:30] I can proceed in open session for now, your Honour.

2 PRESIDING JUDGE FREMR: [11:33:33] All right, then. So please proceed.

3 MS SOLANO: [11:33:36] Thank you.

4 Q. [11:33:38] Sir, you said that during the UPC's attacks in Bambu, the UPC used
5 bombs. How do you know this?

6 A. [11:33:56] Well, the marks that the bombs left were too big, so that is why.

7 And the militia members, the Lendu militiamen spoke of these bombs as well.

8 Q. [11:34:12] And did you yourself see the marks left by the bombs?

9 A. [11:34:22] Yes. The roof of the stadium in Bambu was destroyed by a bomb.

10 Q. [11:34:37] Did you see marks left by bombs in any other place, apart from the
11 stadium?

12 A. [11:34:48] The roof of the court was also destroyed by a bomb on the other
13 side of the --

14 THE INTERPRETER: [11:35:02] Inaudible.

15 PRESIDING JUDGE FREMR: [11:35:11] Mr Witness, could you repeat the last part
16 of your answer because it was inaudible to the interpreters. So your answer was
17 "The roof of the" -- go ahead. Go ahead.

18 THE WITNESS: [11:35:32] (Interpretation) I said the roof was destroyed by a bomb
19 that was fired from the other side of the Shari river.

20 THE INTERPRETER: [11:35:42] Interpreter correction: In the previous reply, the
21 witness made mention of the roof of the tribune, the stands of the stadium being
22 destroyed.

23 *MS SOLANO:

24 Q. And how do you know that that's where the bomb was launched from?

25 A. [11:35:59] (Interpretation) At first I told you that the Shari river constituted

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1 a natural barrier between us, between us and the UPC militia; that is to say, they
2 could only enter the area by taking the bridge that goes over the river. And they
3 fired the bomb from the other side, not from the bridge, from the other side, where
4 there is no bridge that would link us to the other side.

5 So, you see, there is a road along that river. There is a road that goes along there,
6 and the militiamen would travel along that road when they were going to
7 Mongbwalu. And I'm talking about the time when the militia members of the
8 UPC were going back and forth. They weren't standing by in Bambu. They
9 would head out to Mongbwalu and they would take that road that goes along the
10 Shari river that leads to Mongbwalu. They wouldn't go by way of Bambu, that is,
11 when they wanted to get fresh supplies from Mongbwalu. So, you see, this road
12 is closer to Bambu and they would launch bombs from there that would go to
13 Bambu, that would hit Bambu.

14 Q. [11:37:53] So this road that the UPC would go back and forth on in this
15 period, can you tell us what places it crossed in between Mongbwalu and Bambu?

16 A. [11:38:19] That road, if you look at the annex to my statement, you will find
17 a sketch and you will see how the road goes along the Shari river and the main
18 road goes by -- goes from the bridge to the road that heads north to go around Dala
19 and to get to Mongbwalu.

20 Q. [11:39:03] Do you know whether these bombs launched by the UPC in Bambu
21 affected any of the inhabitants of Bambu?

22 A. [11:39:20] Yes. I do remember there was a family in a -- well, five people in
23 one family were killed, at Yalala in Bambu, 2 kilometres southwest of Bambu.

24 Q. [11:39:49] Can you spell the name of that place, please, the place that is 2
25 kilometres southwest of Bambu.

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1 A. [11:39:57] The village is called Yalala, Camp Yalala, Camp Yalala.

2 Y-A-L-A-L-A, Yalala. Camp Yalala.

3 Q. [11:40:19] And what was the name of this family?

4 A. [11:40:26] The family that was hit by the bomb? Well, in that case the father
5 of the family, he was the registrar of the tribunal in -- or the court in Yalala, and
6 now he is in the Petsi groupement.

7 Q. [11:41:09] Do you know the name of the family?

8 A. [11:41:11] I can't remember the name.

9 Q. [11:41:16] And do you know which members of that family were hit by the
10 bomb?

11 A. [11:41:30] Could you repeat your question, please.

12 Q. [11:41:32] Which members of that family were killed by the bomb?

13 A. [11:41:42] There were his children and the other people were people who had
14 come from another place. They were living with him.

15 Q. [11:42:01] And how is it, sir, that you know that this bomb killed five
16 members of this family?

17 A. [11:42:09] We were in Bambu and the bomb went over us and then hit, and
18 then we went for the burial over there, on their side.

19 Q. [11:42:52] Do you know exactly when this incident occurred, in what month
20 of what year?

21 A. [11:43:03] It was in January. It was in January 2013.

22 Q. [11:43:14] Sir, earlier in your testimony you said that the UPC had been
23 attacking Bambu in the year 2003 but now you have said 2013.

24 A. [11:43:28] Oh, yes, yes. I beg your pardon, it was 2003, not 2013. There was
25 no fighting in 2013. I meant 2003.

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1 Q. [11:43:45] What were the ages of the children who were killed by this bomb, if
2 you know?

3 A. [11:43:58] I can't be too specific but they were the family members of
4 that -- that man, that father.

5 Q. [11:44:32] Sir, for my next few questions, I want to remind you that we are in
6 open session so you should not give away any details that identify you. And if
7 any such details are necessary, I can ask them of you when we come back to private
8 session.

9 The people who died in this period when the UPC was attacking Bambu, what
10 happened to their bodies?

11 A. [11:45:03] When the UPC hadn't yet attacked Bambu, when they were going
12 back and forth on that road that I was describing to you a few moments ago, they
13 would launch bombs from the other side of Bambu and it wasn't when they had
14 attacked Bambu.

15 Now, to describe those bodies, the bodies had been torn to pieces by pieces of
16 shrapnel. They looked -- bits of broken bottles, that sort of thing. I can't really
17 explain it or describe it perfectly.

18 Q. [11:45:57] And these bodies that you are referring to, where did you see
19 them?

20 A. [11:46:11] During the burial.

21 Q. [11:46:14] So you are still talking about the family that was hit by the bomb; is
22 that correct?

23 A. [11:46:23] Yes. Yes.

24 (Redacted)

25 (Redacted)

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6 Q. [11:47:53] Sir, I will come back to this case later on in my examination, but for
7 now I want to -- what I want to focus on is whether the people who died during the
8 UPC's repeated attacks on Bambu were buried or whether they were left where
9 they were.

10 A. [11:48:20] The bodies were buried, but it wasn't a proper or a real burial. We
11 just filled in the hole because we were working very quickly. We were afraid that
12 there would be other attacks. So it wasn't a burial with a ceremony or prayers.

13 Q. [11:48:51] So where did you bury them? Where were these holes? Was it in
14 Bambu? Was it in the bush? Was it somewhere else?

15 A. [11:49:06] Everywhere. Beside the hospital, that is where we buried them.
16 And also *along the road that leads to Mongbwalu, next to the Bambu roundabout,
17 we buried people there, and also in a few spots in the bush because, you see, we
18 didn't have time to take the bodies back home. You see, we weren't home, really.
19 People were scattered here and there.

20 MS SOLANO: [11:49:39]

21 Q. [11:49:39] You said that you were afraid that there would be other attacks.
22 So my question is: How frequent were the UPC's attacks on Bambu in this period
23 that you have been talking about?

24 A. [11:50:06] Initially, they would attack -- well, there were two, three days that
25 would go -- days that would go by without an attack. But towards the time of the

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1 last attacks, to stay in Bambu, they stepped up their efforts and there were even
2 attacks twice in one day.

3 PRESIDING JUDGE FREMR: [11:50:34] Mr Witness, again, I got message from the
4 interpreters. Could you kindly speak a bit louder. It will assist them to do their
5 work. Thank you.

6 MS SOLANO: [11:51:00]

7 Q. [11:51:01] These people that you buried, were they known to you? Did you
8 know who they were?

9 A. [11:51:14] Some yes; some no.

10 Q. [11:51:25] And from among those that were known to you, what was their
11 ethnicity?

12 A. [11:51:38] I beg your pardon?

13 Q. [11:51:43] What ethnic group did the dead people that you buried belong to?

14 A. [11:51:57] To my knowledge, most of them were Lendu people. I do
15 remember only two people. Well, one person was a Nande and the other was
16 Bira.

17 Q. [11:52:23] And were these people civilians or were they fighters?

18 A. [11:52:30] They were civilians. They were civilians.

19 Q. [11:52:35] How do you know that?

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 THE INTERPRETER: [11:53:30] Interpreter correction: The last --

24 MS SOLANO: [11:53:36]

25 Q. [11:53:37] Sir, you said that in January 2003 the UPC launched a -- an attack

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1 on Bambu from which they did not retreat. How long did the UPC stay in Bambu
2 at that time.

3 A. [11:53:58] I can't be specific, but it was around one or two months like that.
4 I can't be specific.

5 PRESIDING JUDGE FREMR: [11:54:15] Sorry to interrupt you, Ms Solano. I
6 would like to give floor to the interpreter because he would like to make some
7 clarification.

8 So please, go ahead.

9 THE INTERPRETER: [11:54:26] Message from the interpreter: In the two replies
10 earlier, the witness said, "And then the militiamen would bury their bodies
11 themselves."

12 PRESIDING JUDGE FREMR: [11:54:41] It is an important clarification. Thank
13 you.

14 And, Ms Solano, you may proceed.

15 MS SOLANO: [11:54:48] Thank you, your Honour.

16 Q. [11:55:10] Sir, were you present in Bambu in January 2003 when the UPC
17 launched this attack after which they stayed in Bambu for one or two months?

18 A. [11:55:33] No. No one was in Bambu. I hid around Gutsi.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [11:57:15] You say that you were in Bambu when the attack began. Can you
3 describe what you saw and what you heard right before you fled.

4 A. [11:57:30] It was the Lendu militia members who told us each time there was
5 an attack they would come and see us and tell us, well, this time things aren't going
6 well. People who were at the front by the bridge, all those people, they would
7 say -- they would inform us of everything going on at the front.

8 Q. [11:58:26] And was it Gutsi the town or was it Gutsi the bush that you fled to?

9 A. [11:58:36] It was in the bush. There was no one in the village. Everyone had
10 gone into the bush.

11 Q. [11:58:51] A moment ago you indicated the direction in which other people
12 fled Bambu but the transcript didn't capture it. So let me ask you: Apart from
13 you fleeing to Gutsi, did the people of Bambu flee the UPC's January 2003 attack in
14 other directions?

15 A. [11:59:27] Yes. Some people headed towards Buli where there was a large
16 group of people living, people who had already fled.

17 Q. [11:59:45] And again, did these people flee towards Buli the town or the bush
18 near Buli?

19 A. [11:59:59] They fled to the bush.

20 Q. [12:00:04] Apart from you personally, did other people flee from Bambu to
21 the bush near Gutsi? Were you by yourself or were there others?

22 A. [12:00:24] I was not alone. We were with other people.

23 Q. Can you give us sense of how many people you were with?

24 (Redacted)

25 (Redacted)

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5 (Redacted)

6 Q. [12:01:45] What conditions were you living in while you were -- when you
7 fled to this area, to this bush? Did you have shelter? Did you have food?

8 A. [12:02:04] Well, we fled to an area where there were no farms even. We only
9 went to the bush. There was no food. We spent the night in the open air. No
10 shelter.

11 Q. [12:02:33] How long did you go without food?

12 A. [12:02:49] Throughout the time when we were in hiding, there was some kind
13 of solidarity among the people. We managed and fended for ourselves from
14 friends. We did not have food, as such. One can't say that we even had any
15 meals. We also buried people who had died of malnutrition.

16 Q. [12:03:37] And what were the weather conditions in this period? Was it
17 a dry season? Was it a rainy season?

18 A. [12:03:51] At that time God was with us and it was not raining. We spent the
19 night outside and we didn't have any major rains. Some light rain every now and
20 then but no major rainfall. Furthermore, if it -- when it rained, mothers and
21 children were given privilege to lodge in those small tarpaulin houses that had
22 been set up.

23 Q. [12:04:53] What was the age range of the children who fled with you to the
24 bush in Gutsi?

25 A. [12:05:11] My eldest son was -- was --

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1 PRESIDING JUDGE FREMR: [12:05:18] Hold on, Mr Witness.

2 Let's move into private session.

3 (Private session at 12.05 p.m.) **(Reclassified partially in public)*

4 THE COURT OFFICER: [12:05:35] We are in private session, Mr President.

5 PRESIDING JUDGE FREMR: [12:05:39] Now you may proceed, Mr Witness. We

6 are in private session so there is no need to be afraid of revealing any facts that

7 could identify you.

8 THE WITNESS: [12:05:56] (Interpretation) (Redacted)

9 (Redacted)

10 (Redacted)

11 MS SOLANO: [12:06:25]

12 Q. [12:06:25] (Redacted)

13 A. [12:06:38] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:07:07] (Redacted)

18 (Redacted)

19 A. [12:07:22] (Redacted)

20 Q. [12:07:29] (Redacted)

21 A. [12:07:44] (Redacted)

22 Q. [12:07:59] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [12:08:46] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MS SOLANO: [12:09:39] Your Honours, I can ask the next set of questions in open
6 session.

7 PRESIDING JUDGE FREMR: [12:09:44] All right.

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

9 (Open session at 12.09 p.m.)

10 THE COURT OFFICER: [12:09:54] We are in open session, Mr President.

11 PRESIDING JUDGE FREMR: [12:10:03] Thank you, court officer.

12 Ms Solano, you may proceed.

13 MS SOLANO: [12:10:08] Thank you, your Honour.

14 Q. [12:10:10] In this period when you and others were hiding or you had fled to
15 the bush near Gutsi, do you know where the UPC was located? You've said that
16 they had set up operations in Kobu and that they had set up in Bambu. Apart
17 from the towns of Kobu and Bambu, do you know where else the UPC was present
18 in this time?

19 A. [12:10:52] At that time the UPC was in Bambu, Kobu, Kilo and Mongbwalu.

20 Q. [12:11:12] And how do you know that the UPC had installed itself in those
21 places, apart from Bambu?

22 A. [12:11:29] They were in Bambu, and from Bambu they were able to launch
23 bombs into the bush where people were in hiding. Even in Kobu, it was the same
24 story, they would pillage items from Kobu and take them through the Kilo road all
25 the way to Mongbwalu. Furthermore, they would send the rest of looted

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1 materials directly to Bambu and then to Nizi and on to Bunia, I believe.

2 Q. [12:12:32] While you were in Gutsi, did you receive any information about
3 what was happening in the other locations at which the UPC was present?

4 A. [12:12:53] Yes. I remember the attack that they launched on Buli. While we
5 were in hiding, a Lendu militia took or seized a radio from a UPC soldier whom he
6 had killed in Bambu. So the UPC militia would go in and out of Bambu, but this
7 militia had seized or taken this radio but did not know how it worked. And so in
8 Gutsi a Lendu soldier, a former combatant, was also there. Although he did not
9 belong to the militia, he's the one who was able to install that radio. And that is
10 how it happened that during the Buli attacks there was some communication that
11 was transmitted directly to the place where it was installed.

12 Q. [12:14:40] How do you know about this radio?

13 A. [12:14:55] When the device was installed I was curious and so we went there.
14 You see, the militia did not want anyone to go to that place, but because we knew
15 them they allowed us to come to see where the radio transmissions were being
16 received. Now, to be more specific, that radio was used exclusively for -- in
17 relation to the attacks on the Buli road.

18 Q. [12:15:50] And now you are referring to a road that connected Buli with what
19 other place or places?

20 A. [12:16:08] Buli. The attack was launched from Kobu.

21 Q. [12:16:19] Sir, what -- who was communicating over this radio?

22 A. [12:16:36] The UPC combatants.

23 Q. [12:16:42] How do you know that?

24 A. [12:16:51] We knew it because the Lendu militia did not have such a device, so
25 they had call names or names that were not Lendu. And in any event, the Lendus

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1 were not communicating amongst themselves because at that time there were no
2 telephone systems in place in our area.

3 Q. [12:17:32] What names do you remember the UPC combatants calling
4 themselves on the radio?

5 A. [12:17:47] I can remember some code-names such as Romeo, Tango, Romeo
6 and names of that sort. Let me add further that when fighting became intense, the
7 UPC militia who were at the front did not speak Swahili, they would speak in
8 Kinyarwanda.

9 Q. [12:18:43] And how do you know that they were speaking Kinyarwanda?

10 A. [12:18:49] Well, I spent some of my life in Goma; and even if I don't know how
11 to speak it, I know what Kinyarwanda is and I can recognise it over a number of
12 radio stations which use the Kinyarwanda language.

13 Q. [12:19:13] What did this radio look like?

14 A. [12:19:17] It looks like what is known as the "phonie."

15 Q. [12:19:33] Can you explain what that is?

16 A. [12:19:44] The device had an antenna which could be pulled out; It was
17 installed with some batteries. And when that UPC militia had been killed, he was
18 carrying the device on his back; but for us, we simply installed it on the ground.

19 Q. [12:20:55] Do you remember hearing any specific information transmitted
20 over this radio?

21 A. [12:21:11] Hmm, well, it was information about how to conduct the attack on
22 the population which was in Buli.

23 Q. [12:21:40] And how was the attack supposed to be conducted?

24 A. [12:21:56] Kindly repeat your question, please.

25 Q. [12:21:59] What did you hear about the attack on the population in Buli?

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1 A. [12:22:14] Well, the attack on the population in Buli -- I do not know exactly
2 how it unfolded. What I can say is simply in relation to what was said over the
3 radio in relation to the manner in which the attacks would unfold. If there was
4 a strong attack, at that time they will not be communicating; but when they had
5 free time, then they would be able to communicate among themselves as to how to
6 advance or to retreat in the face of a serious attack.

7 MS SOLANO: [12:23:27] Your Honour, can we move to private session, please.

8 PRESIDING JUDGE FREMR: [12:23:31] Certainly.

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

10 (Private session at 12.23 p.m.) **(Reclassified partially in public)*

11 THE COURT OFFICER: [12:23:46] We are in private session, Mr President.

12 PRESIDING JUDGE FREMR: [12:23:53] Thank you.

13 Ms Solano, you may proceed.

14 MS SOLANO: [12:23:58] Thank you, your Honour.

15 Q. [12:24:00] (Redacted)

16 (Redacted)

17 A. [12:24:26] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [12:25:57] (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE FREMR: [12:26:36] Mr Witness, if you want, we can make
4 a short break, if you prefer.

5 I think it would be better for the moment. So please, we will break for five
6 minutes.

7 THE COURT USHER: [12:27:06] All rise.

8 (Recess taken at 12.27 p.m.)

9 (Upon resuming in open session at 12.44 p.m.)

10 THE COURT USHER: [12:44:48] All rise.

11 Please be seated.

12 PRESIDING JUDGE FREMR: [12:45:09] Mr Witness, before we continue, I would
13 like to assure myself that you are okay to continue for last or further 15 minutes of
14 this session. Are you okay to continue?

15 THE WITNESS: [12:45:30] (Interpretation) Yes.

16 PRESIDING JUDGE FREMR: [12:45:36] Yes, the Chamber appreciates that and we
17 will have a break for 90 minutes. And for the next sessions, if you any time feel
18 the need for the break, please let us know. So now we will continue for the next
19 15 minutes.

20 Ms Solano, we are in open session, so do you want to continue in this regime?

21 MS SOLANO: [12:45:59] No, your Honour, I would like to move to private, please.

22 PRESIDING JUDGE FREMR: [12:46:04] All right.

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

24 (Private session at 12.46 p.m.) **(Reclassified partially in public)*

25 THE COURT OFFICER: [12:46:12] We are in private session, Mr President.

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1 PRESIDING JUDGE FREMR: [12:46:16] Thank you.

2 Ms Solano, please proceed.

3 MS SOLANO: [12:46:20] Thank you, your Honour.

4 Q. [12:46:21] Sir, can you hear me?

5 A. [12:46:25] Yes.

6 Q. [12:46:26] (Redacted)

7 (Redacted)

8 A. [12:46:48] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:47:28] (Redacted)

14 (Redacted)

15 A. [12:47:45] (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [12:48:07] (Redacted)

19 (Redacted)

20 A. [12:48:20] (Redacted)

21 Q. [12:48:24] (Redacted)

22 A. [12:48:32] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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18 MS SOLANO: [12:59:22] And I have one final question before the break, your

19 Honours.

20 Q. [12:59:26] (Redacted)

21 (Redacted)

22 A. [12:59:58] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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2 MS SOLANO: [13:00:46] Thank you. I have no more questions before the break,
3 your Honour.

4 PRESIDING JUDGE FREMR: [13:00:50] All right.

5 Now let's move into open session.

6 (Open session at 1.00 p.m.)

7 THE COURT OFFICER: [13:01:04] We are in open session, Mr President.

8 PRESIDING JUDGE FREMR: [13:01:06] Thank you, court officer.

9 So, Mr Witness, I thank you for the moment. Now we will break for 90 minutes
10 and then we will continue at half past 2, so you can take some rest and hopefully
11 we will have no problem to continue in the afternoon.

12 Now, court usher, please assist Mr Witness to leave the courtroom.

13 (The witness stands down)

14 PRESIDING JUDGE FREMR: [13:01:54] And before we break, update on timing.

15 According my information, Ms Solano, you so far used approximately two hours.

16 So according our decision on allotting of the time, you still should have two hours;
17 but in my view you were doing very well so far and you succeeded to cover a lot of
18 relevant topics. Do you envisage that you will need all that time, I mean two
19 hours, to finish your examination?

20 MS SOLANO: [13:02:29] I don't, your Honour. I have covered roughly two-thirds
21 of what I have planned to cover. So provided we continue at a similar pace, I
22 should be done in less than four hours.

23 PRESIDING JUDGE FREMR: [13:02:35] Good to know. Even good for Mr Suprun
24 to be ready for prospective examination.

25 All right. So now we break and we will reconvene at half past two.

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1 THE COURT OFFICER: [13:02:52] All rise.

2 (Recess taken at 1.02 p.m.)

3 (Upon resuming in open session at 2.31 p.m.)

4 THE COURT USHER: [14:31:03] All rise.

5 Please be seated.

6 PRESIDING JUDGE FREMR: [14:31:29] Good afternoon, everybody.

7 Before we continue with direct examination of our witness by the Prosecution, I

8 would like to assure myself that Mr Witness is feeling okay.

9 Mr Witness, are you fine to continue?

10 THE WITNESS: [14:31:49] (Interpretation) Yes, I feel somewhat good.

11 PRESIDING JUDGE FREMR: [14:32:00] Very well.

12 So now, Ms Solano you have the floor. At the moment we are in the regime of

13 open session. Could we remain?

14 MS SOLANO: [14:32:09] Yes, your Honour, for now it is all right. Thank you.

15 PRESIDING JUDGE FREMR: [14:32:13] Very well. So please, the floor is yours.

16 MS SOLANO: [14:32:15] Thank you.

17 Q. [14:32:16] Good afternoon, sir. Can you hear me?

18 A. [14:32:20] Yes.

19 Q. [14:32:23] Thank you, sir. And for my coming questions because we are in

20 open session, can I please remind you not to mention any details that could

21 identify you, and in particular not to make any reference to your occupation. Do

22 you understand?

23 A. [14:32:47] Yes.

24 (Redacted)

25 (Redacted)

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8 PRESIDING JUDGE FREMR: [14:33:43] I'm afraid so. For the information of

9 public, since this witness is protected one - he was given guarantee that his identity

10 will not be revealed and since the upcoming questions could bring such a risk - we

11 have to move into private session.

12 Now, court officer, let's move into private session.

13 (Private session at 2.34 p.m.) **(Reclassified partially in public)*

14 THE COURT OFFICER: [14:34:13] We are in private session, Mr President.

15 PRESIDING JUDGE FREMR: [14:34:16] Thank you.

16 Ms Solano, please proceed.

17 MS SOLANO: [14:34:20] Thank you, your Honour.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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1 Q. [14:40:10] What did you observe in other parts of Bambu upon your return,
2 (Redacted)?

3 A. [14:40:24] (Redacted), all houses, including schools and
4 churches, which I mentioned - I said there were two churches in Bambu - those
5 churches were ransacked as well. You see, the people of Bambu believed that no
6 one could loot a church, but unfortunately at the end of the war all doors were
7 open and broken.

8 Q. [14:41:11] And to your knowledge, what had been taken from the churches?

9 A. [14:41:26] The chalice of the priest was taken. All the other objects were
10 simply sabotaged, but no one was able to find the chalice. At the residences,
11 when those attacks came to an end, we did everything to gather up items
12 belonging to the priests. Now, when the UPC troops came into Bambu, all that we
13 had gathered was looted, clothing, various items, books and materials belonging to
14 the priests and to the sisters, all that was taken away. Items from the schools in
15 Bambu were also taken away. There was a nutrition centre where malnourished
16 children used to receive treatment; their supplies and stocks and foodstuff for the
17 malnourished children, all of that was taken away as well.

18 Q. [14:43:12] Which schools are you referring to specifically?

19 A. [14:43:16] All the schools in Bambu, including the school which was known as
20 the "Institut Technique Industriel," Industrial Technical School, that was the first;
21 second, "Institut Technique Médical," the Medical Technical Institute in Bambu;
22 third, the nursery school in Bambu; and fourth, primary school at Kilo-Moto in
23 Bambu; and there was also the boys primary school as well as the girls primary
24 school in Bambu;
25 then there was also the lycée de Bambu, still in Bambu.

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1 Now, at Saint Thérèse, they went to the Saint Thérèse primary school and the lycée

2 Likovi.

3 Q. [14:44:30] Which of these places did you visit yourself upon your return to

4 Bambu?

5 A. [14:44:47] I went back to my house, but they had looted my house as well.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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17 MS SOLANO: [15:25:36] Your Honour, can the court officer please display

18 DRC-OTP-2068-0264, and it's item 2 on the Prosecution's list of evidence

19 towards -- the Defence expressed that they do not have an objection.

20 PRESIDING JUDGE FREMR: [15:25:58] Yes.

21 Court officer, please assist.

22 MS SOLANO: [15:26:11] And for the court officer, will it be possible to display this

23 document in a way that the witness can annotate it, please.

24 Q. [15:26:51] Sir, please take a look at this document and let me know if you

25 recognise it?

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1 A. [15:26:58] Yes.

2 Q. [15:27:00] What is this document?

3 A. [15:27:11] This is a map that I drew.

4 Q. [15:27:20] And when did you sketch this?

5 A. [15:27:31] (Redacted).

6 Q. [15:27:34] There is a signature on the bottom right corner of this document.

7 Do you recognise that signature?

8 A. [15:27:47] Yes.

9 Q. [15:27:50] Sir, and more or less towards the centre of the document, slightly

10 towards the right, we can see Bambu --

11 A. [15:28:05] Yes.

12 Q. [15:28:07] -- and there is an arrow pointing towards Nizi --

13 A. [15:28:11] Yes.

14 Q. [15:28:12] -- going up the river Shari?

15 A. [15:28:15] Yes.

16 Q. [15:28:17] Now earlier in your testimony you spoke about a bridge over the

17 river. Can you please mark on this sketch where that bridge was located?

18 A. [15:28:34] The bridge, that's where the arrow crosses. That's the bridge.

19 Q. [15:28:42] Can you please mark that with a - if the usher can help you - maybe

20 you can write the number "1" where the bridge was located.

21 A. [15:29:22] That's the bridge that I spoke about.

22 Q. [15:29:27] I note for the record that you have written the word "pont," in

23 French, sir. And you also spoke this morning about the Lendu militia's front.

24 Can you indicate on the sketch where that front was, please.

25 A. [15:29:49] The front that I spoke about, that was next to Shari river, near to the

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1 bridge, here. Can you put a number 1 next to the dot that you have just drawn,
2 please. Sir, but I notice that you put the dot on one side of the line, the arrow, and
3 the number 1 below it. So was the front where you placed the dot or where you
4 placed the number 1 or both?

5 A. [15:30:38] It is where you have the dot; that's where the front was.

6 Q. [15:30:49] Can you indicate on this sketch where Saint Thérèse is, please.

7 (Redacted)

8 (Redacted)

9 A. [15:31:11] Saint Thérèse is in Likovi. Likovi is a lycée, or high school, where
10 students go to school. Then the parish is quite close to that school.

11 Q. [15:31:34] so should I understand that this is in fact inside Bambu, inside
12 where you have written "Bambu" and circled it?

13 A. [15:31:44] No, Saint Thérèse is next to Likovi. Likovi is in Saint Thérèse.

14 Q. [15:31:59] Okay. Can you put a number 2 next to that dot that you've just
15 drawn, please. You also referred in your testimony to a cachette in or near Ngosa.

16 Do you remember that, sir?

17 A. [15:32:21] Yes.

18 Q. [15:32:22] Are you able to mark that on the sketch as well, please.

19 A. [15:32:32] Ngosa is near Saint Thérèse, a hiding place around here.

20 Q. [15:32:48] And I note for the record that you have drawn a circle written
21 "Ngossa," with a double S.

22 A. [15:32:59] Yes.

23 Q. [15:33:01] During your testimony you spoke about a road that goes from
24 Mongbwalu to Bambu, and I believe you said it goes through Dala.

25 A. [15:33:19] The road through Dala is one that follows to the east, *Golonga, Pati,
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1 Mabanga, and that's how it goes all the way on to Mongbwalu.

2 Q. [15:33:39] Can you draw that road on this map, on this sketch, please.

3 A. [15:33:51] That road starts from the major road here, or the main road here and
4 then goes this way and then turns all the way on to Mongbwalu.

5 Q. [15:34:02] Sir, and I note for the record that you have just drawn a red line that
6 starts just above where it says "*vers Nizi." It goes to the top of the sketch and
7 then it turns left. Can you please write the number 3 close to that line, please.

8 A. [15:34:25] Yes.

9 Q. [15:34:30] And are you able to place Dala on this sketch in?

10 A. [15:34:45] Well, it is a matter of scale. We can't put Dala on this scale. Dala is
11 very far away, far away, up -- up towards the extreme there. But I don't have the
12 scale on this map to place Dala.

13 THE INTERPRETER: [15:35:03] Overlapping speakers.

14 MS SOLANO:

15 Q. [15:35:05] Very well. But I note for the record that you've made a mark just
16 above the top margin of this sketch in the middle of the page.

17 Sir, and you also said that -- actually can you show on this sketch what direction
18 Bunia is in?

19 A. [15:35:31] Bunia is -- is to the south, but you can point at it from Lipri. Bunia
20 is to the south here.

21 Q. [15:35:45] Thank you. And I note for the record that you have written "Bunia"
22 just below where the word "sud" appears.

23 A. [15:35:55] Yes. Yes.

24 Q. [15:35:57] Can you show us on this map where -- where is the bush near Gutsi
25 that you were hiding in?

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1 A. [15:36:14] The bush was around here. (Redacted)

2 (Redacted)

3 Q. [15:36:34] (Redacted)

4 (Redacted)

5 A. [15:36:51] (Redacted)

6 Q. [15:36:53] All the way on the left of the sketch where Jitchu and Buli and
7 Ngabulo appear, I note that -- actually, just next to Buli and Ngabulo, there are two
8 figures, they appear to be triangles. Can you explain what those are?

9 A. [15:37:17] Buli and Ngabulo are villages. As you have seen, there is Kobu,
10 Kilo, triangles, those are also villages.

11 Q. [15:37:37] Sir, and the long lines that appear in this document, for example, one
12 that goes from Bambu to camp Yalala and on to *groupement Petsi and Thali, what
13 do those lines represent?

14 A. [15:38:02] You see a line from Bambu to Retso, and it provides an estimated
15 distance in kilometres from Bambu to Retso. Then you have another line from
16 Bambu to Kobu, which provides an estimated distance by kilometres. Then there
17 is Bambu to Gutsi for the same purpose, estimating the distance, and then from
18 Bambu to Lipri.

19 Q. [15:38:31] Are there any roads that connect these different villages?

20 A. [15:38:41] Yes. Kobu and Tchudja are linked by road, Tchudja and Gutsi are
21 also linked by a road.

22 THE INTERPRETER: [15:38:54] Overlapping speakers.

23 MS SOLANO: [15:38:55]

24 Q. How about Bambu, is Bambu connected to any of them?

25 PRESIDING JUDGE FREMR: [15:38:56] Ms Solano, please, it's not the first time.

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1 Please avoid overlapping.

2 MS SOLANO: [15:39:01] I will do so, your Honour. I do apologise.

3 Q. [15:39:12] Sir, would you be able to show in this sketch the roads that actually
4 connect these places, Bambu and Kobu, Bambu and Gutsi, Bambu and Lipri?

5 A. [15:39:30] Yes. The road can be seen from Bambu, 8 to 9 kilometres you can
6 see that there is a road right there, Bambu to Gutsi. Now, for Kobu, it goes from
7 Bambu, but the line that I have drawn does not follow the road; the road is on
8 another side. Now, you see, the camp Yalala roundabout, that's how the road
9 goes from there to Kobu and then from Kobu on to Kilo.

10 Q. [15:40:14] Okay. Since there are several lines on this sketch, I want to be able
11 to differentiate the ones that are actually roads from the ones that you have used
12 only to indicate a distance. So with your red pen, can you please write or show us
13 the road from Bambu to camp Yalala.

14 A. [15:40:45] The road from Bambu to camp Yalala goes like this.

15 Q. [15:40:56] And now Bambu to Kobu, please.

16 A. [15:41:08] From the roundabout, you go to Kobu and then from Kobu to Kilo,
17 as you can see.

18 Q. [15:41:20] Is there a road going from camp Yalala to Sangi, and if so, can you
19 please mark it with the red pen?

20 A. [15:41:41] That's the road from camp Yalala to Sangi is this one.

21 Q. [15:41:50] And should I then understand that the line already visible on the
22 sketch in black connecting Sangi, Ngabulo, Buli, and Jitchu is also a road?

23 A. [15:42:12] Yes, that is correct. It is a road. From Kobu it goes down to here
24 and on to Ngabulo, then to Buli and then to Jitchu.

25 Q. [15:42:36] And can you show us, also can you mark with your red pen the road

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1 between Bambu and Gutsi and between Bambu and Lipri and Bambu and Nizi,
2 please.

3 A. [15:42:53] The road from Bambu to Gutsi is this one.

4 Bambu to Nizi goes by the bridge and Nizi is further on. It's not that close; it's
5 further on. And then you have the road to Lipri. That is where the Lendu
6 combatants had a front. So the road goes like this and then turns around and
7 comes back to Lipri, here.

8 Q. [15:43:31] I note for the record that you've made a semi-circular line between
9 Bambu and Lipri to indicate where the Lendu combatants had a front.

10 A. [15:43:59] The Lendu combatants had a front here, here.

11 Q. [15:44:06] Right. And you've now written "front" right above a red dot?

12 A. [15:44:18] Yes.

13 Q. [15:44:21] (Redacted)

14 (Redacted)

15 A. [15:44:43] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [15:46:04] (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [15:46:28] (Redacted)

4 Q. [15:46:31] And next you drew a circle right below where it says "Bambu,"
5 towards the left. Can you please --

6 A. [15:46:41] (No interpretation)

7 Q. [15:46:42] Can you please write a number "5" next to that circle, please.

8 A. [15:46:48] Yes, they left of Bambu.

9 Q. [15:46:51] And is that what you refer to as the Bambu roundabout?

10 A. [15:46:59] Yes.

11 Q. [15:47:02] Then you drew a rectangle above Bambu. Can you please write
12 a number "6" next to it. And that you referred to as the stadium; is that right?

13 A. [15:47:29] Yes.

14 Q. [15:47:31] And finally you drew a cross above Bambu on the left where it says
15 "3 kilometres." Can you please write a number "7" next to that cross. And can
16 you confirm that that's the location of the hospital?

17 A. [15:47:59] Yes, yes.

18 Q. [15:48:04] Thank you.

19 MS SOLANO: [15:48:07] Your Honour, I seek to tender this sketch into evidence,
20 please.

21 PRESIDING JUDGE FREMR: [15:48:10] Defence, any objection?

22 MR GOSNELL: [15:48:12] No, Mr President.

23 PRESIDING JUDGE FREMR: [15:48:14] So the sketch originally drawn by the
24 witness and today annotated by the witness is admitted into evidence as a further
25 Prosecution exhibit.

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1 MS SOLANO: [15:48:32] Your Honour, I have no further questions.

2 PRESIDING JUDGE FREMR: [15:48:33] All right.

3 Now, Mr Suprun, I'm turning to you. You indicated in your request three areas
4 that in your view could lead to your examination of the witness. Now in the light
5 of the -- in the light of the questioning made by Ms Solano, do you maintain your
6 request or do you want to amend it?

7 MR SUPRUN: [15:49:03] (Interpretation) Thank you, your Honour. Indeed, I've
8 got very few questions to put to the witness. These are the questions for
9 clarification in order to add to the information and evidence which has already
10 been presented by the witness, so I won't be very lengthy. It's just two or three
11 questions on points A and B and on the last point. I would need just 10 minutes in
12 order to do this, please.

13 PRESIDING JUDGE FREMR: [15:49:28] Defence, your position?

14 MR GOSNELL: [15:49:30] No objection, as long as it remains within the scope of
15 the written request, Mr President.

16 PRESIDING JUDGE FREMR: [15:49:36] All right. So as usual, if there will be no
17 repetition there is no problem.

18 So, Mr Suprun, you have 10 minutes.

19 MR SUPRUN: [15:49:49] Thank you, your Honour.

20 QUESTIONED BY MR SUPRUN:

21 Q. [15:49:52] Good afternoon, Witness.

22 A. [15:49:54] Good afternoon.

23 Q. [15:49:57] We already know each other. I am going to give my name. For the
24 record, my name is Dmytro Suprun and I represent the victims of the attacks who
25 participate in this trial against Bosco Ntaganda. Now, we have certain questions

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1 to put to you in order to clarify certain aspects of your testimony this morning.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

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10 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

17 MR SUPRUN: [15:54:47] (Interpretation) Your Honour, for my last question could

18 we go into open session?

19 PRESIDING JUDGE FREMR: [15:54:52] Certainly.

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

21 (Open session at 3.55 p.m.)

22 THE COURT OFFICER: [15:55:12] We are in open session, Mr President.

23 PRESIDING JUDGE FREMR: [15:55:24] Thank you.

24 Ms Suprun, please proceed.

25 MR SUPRUN: [15:55:28] (Interpretation)

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1 Q. [15:55:30] Witness, as a victim of the war in Ituri 2002/2003, what do you
2 expect from the International Criminal Court following this trial against
3 Bosco Ntaganda?

4 A. [15:55:43] I wouldn't be able to answer this question. People have already
5 died, and it's up to the Court to do its work. Me personally, I don't have anything
6 to answer there.

7 Q. [15:56:03] If Bosco Ntaganda is convicted and found guilty, would you wish to
8 obtain reparations for the suffering that you had during the war?

9 A. [15:56:14] It all depends on the Court. I have nothing to say in that regard.

10 Q. [15:56:21] But in your view, what type of reparation should there be for the
11 harm that you have suffered?

12 A. [15:56:30] I don't want to answer. It's up to the Court to decide.

13 Q. [15:56:43] Thank you, Witness.

14 MR SUPRUN: [15:56:48] (Interpretation) I have no further questions to put to the
15 witness.

16 PRESIDING JUDGE FREMR: [15:56:54] Thank you.

17 Now let's move into open session -- sorry, we are in open session. All right.

18 So may I have information on duration of Prosecution examination?

19 THE COURT OFFICER: [15:57:11] Yes, Mr President. The Prosecution so far used
20 in total three hours and 11 minutes.

21 PRESIDING JUDGE FREMR: [15:57:18] All right.

22 So generally the Defence is expected to use the same time. Now the questions are
23 to continue now, but it seems to me that we can easily continue tomorrow. I think
24 it would be even better. If you prefer, it's up to you, Mr Gosnell.

25 MR GOSNELL: [15:57:32] Well, Mr President, I'm ready to start. I could start if

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1 that's your Honour's wish, but I'm also happy to start tomorrow.

2 PRESIDING JUDGE FREMR: [15:57:39] Because if I understood well, the second

3 witness -- anyway, his testimony is fixed for Wednesday. Am I right? So we

4 have just tomorrow for cross-ex. All right. So then I - in the interest of the

5 witness - prefer to make cross-examination one piece and which means that we

6 will break now.

7 So, Mr Witness, before we break we will continue tomorrow 9.30 with

8 cross-examination by Defence. It's my duty to remind you that in the meantime,

9 till tomorrow, you must not discuss your testimony with anybody else. Do you

10 understand that?

11 THE WITNESS: [15:58:26] (Interpretation) Yes.

12 PRESIDING JUDGE FREMR: [15:58:28] Very well.

13 So now please take some rest and we will continue tomorrow, 9.30.

14 Now the Court is adjourned.

15 THE COURT USHER: [15:58:39] All rise.

16 (The hearing ends in open session at 3.58 p.m.)

17 RECLASSIFICATION REPORT

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

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