

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 Wednesday, 25 January 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:15] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:32:48] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:56] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, ICC case reference 01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: [9:33:10] Thank you.
20 Now update on appearances if change compared to yesterday morning.
21 Prosecution?
22 MS SAMSON: [9:33:17] Good morning, Mr President, and your Honours.
23 There has been no change to the Prosecution's composition since yesterday morning.
24 PRESIDING JUDGE FREMR: [9:33:23] Thank you Ms Samson.
25 Defence, please.

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [9:33:27] (Interpretation) Good morning, your Honour. No change
2 on the Defence side compared to the composition of the team yesterday morning.

3 PRESIDING JUDGE FREMR: [9:33:37] Thank you, Mr Bourgon.

4 And now Legal Representatives of Victims, please.

5 MS PELLET: [9:33:43] (Interpretation) Thank you, your Honour. No change for the
6 former child soldiers.

7 MR SUPRUN: [9:33:52] Good morning, your Honour, your Honours. The victims of
8 the attacks, there is no change since yesterday.

9 PRESIDING JUDGE FREMR: [9:34:00] Thank you, Ms Pellet.

10 Thank you, Mr Suprun.

11 Mr Witness, good morning.

12 WITNESS: DRC-OTP-P-0005 (On former oath)

13 (The witness speaks French)

14 (The witness gives evidence via video link)

15 THE WITNESS: [9:34:09] (Interpretation) Good morning.

16 PRESIDING JUDGE FREMR: [9:34:17] Mr Witness, for today we are planning to
17 conduct two sessions determined for cross-examination by Defence. We plan
18 to -- that each of the sessions should take one hour, but I was told that you are
19 feeling a bit tired. So please, if you would feel need for a break we can even break
20 before that one hour shortly. So in such a case please let us know. But if possible, I
21 would prefer to continue for whole one hour because, as you may know, Defence
22 still have six hours -- six hours for its cross-examination. So ideally we could finish
23 your cross-examination by the end of the week; if not, then we will continue even on
24 Monday. But I believe it is both in the interest of the Court and also in your interest
25 rather to finish by Friday. So we will see and -- but as I said, if you feel

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 uncomfortable we can even break before, before 10.30 otherwise we should break.

2 Mr Bourgon, you have the floor. Do you want to proceed in open or in private
3 session?

4 MR BOURGON: [9:35:46] Private session, Mr President, please.

5 PRESIDING JUDGE FREMR: [9:35:48] Understandable.

6 Court officer, please let's move into private session.

7 And in order to, in the meantime, to inform public, this witness is protected one,
8 because of that he was given guarantee that his identity will not be revealed to the
9 public; and since the upcoming questions could bring such a risk, we will have to
10 move into private session, which is the case now.

11 (Private session at 9.36 a.m.) *(Reclassified partially in public)

12 THE COURT OFFICER: [9:36:22] We are in private session, Mr President.

13 THE INTERPRETER: [9:36:25] Your Honour, there is still considerable hiss on the
14 line. If the microphone could perhaps be turned down slightly at the far end, this
15 may make the sound quality better, prior to starting.

16 PRESIDING JUDGE FREMR: [9:36:38] Yes.

17 Now I am speaking to court officer in the field. According our impression, we have
18 still some noise which complicates work of the interpreters. Could maybe the mike
19 of the witness be slightly put down, just to have less volume but with clear voice?

20 THE COURT OFFICER: (Via video link) (Interpretation) [9:37:10] Yes, madam, we
21 have put down the sound for the quality.

22 PRESIDING JUDGE FREMR: [9:37:19] It seems to be that it would be better.

23 So now, Mr Bourgon, please proceed.

24 MR BOURGON: [9:37:30] Thank you, your Honour.

25 QUESTIONED BY MR BOURGON: (Continuing)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Q. [9:37:37] Good morning, Witness.

2 A. [9:37:41] Good morning.

3 Q. [9:37:42] As indicated by the Presiding Judge, we are currently in private

4 session. Before returning to the subject that we were discussing yesterday, (Redacted)

5 (Redacted) I would like to go back to

6 the subject of Kivu holding.

7 Do you remember having answered questions about that subject?

8 A. [9:38:16] Yes.

9 Q. [9:38:19] For the record, I'm referring to transcript T-185, French version,

10 page 35 to 37. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [9:38:56] That's transcript 185, page 37, lines 4 to 7. I would like, Witness, to

15 show you a document, a document. I don't know if this is a document that you

16 signed on that subject, but this is document DRC-OTP-0127-0110.

17 MR BOURGON: (Interpretation) [9:39:23] Court officer in the field, how would you

18 like to proceed to show this document to the witness?

19 THE INTERPRETER: [9:39:36] The interpreter again signals that there is a lot of

20 background noise and cannot guarantee the quality of the interpretation in the

21 transcript while the quality is like this.

22 THE COURT OFFICER: (Via video link) [9:39:48] Counsel, as agreed, I didn't receive

23 the document for the witness and the registrar is going to put it on the screen.

24 Thank you.

25 MR BOURGON: [9:40:05] (Interpretation) Thank you for this precision. I would

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 therefore ask that the document to be shown on the screen of the witness, and I
2 repeat the number, DRC-OTP-0127-0110.

3 Q. [9:40:19] Witness, are you able to see the document that is on your screen?

4 A. [9:40:28] The document is there, but it is blurred.

5 Q. [9:40:36] Well, we have just enlarged it for you. I am read some passages of
6 this document for you and I would like to start by going to the following page -- or,
7 I'm sorry, page 0113, the last part of the document where there is the signature or the
8 signatures.

9 Now, on this document, Witness, you can see that the document was signed in Bunia
10 on 17 April 2002. On this page, there are a number of signatories, there are 13 of
11 them. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [9:42:09] Now, before going back to the first page, I would like to take this
17 opportunity to confirm with you the identity of certain people or certain names
18 appearing on this document. So if we start with number 1, I would like to see the
19 same page as we were looking at before with the signatures, if you would be so kind,
20 0113. That's it.

21 Witness, if you look at number 1 you can see Marcel Biri Adubango; is that correct?

22 A. [9:43:00] Yes.

23 Q. [9:43:03] Adubango was the Alur community, was he not?

24 A. [9:43:08] Yes.

25 Q. [9:43:11] We see at number 2 Jean de Dieu Tinanzabo, he was from the Bira

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 community?

2 A. [9:43:24] Yes.

3 Q. [9:43:27] We also see at number 5 Avochi - I won't say the rest of the name,
4 because I may not be able to read it correctly - but Mr Avochi was also from the Alur
5 community, was he not?

6 A. [9:43:47] Yes.

7 Q. [9:43:50] And we also see at the end, number 13, Jean-Paul Ndukute, he was
8 Lendu South, was he not?

9 A. [9:44:05] Yes.

10 Q. [9:44:08] Yesterday, two days ago, you also recognised that Thomas Lubanga
11 had signed this document and we see his name at number 7, do we not?

12 A. [9:44:28] Yes.

13 Q. [9:44:31] So I would like to go back to the first page of the document, 0110.
14 Witness, the document is written in English. I am going to read certain passages
15 therefrom, and I would ask you if you remember that or if you want to add any
16 comments concerning this document.

17 So let's start with the title of the document right at the top, which is underlined.

18 I am going to read it in English and it will be interpreted into French for you.

19 (Speaks English) "Political Declaration of the Managerial Staff of Ituri in the Face of
20 Instituted Injustice by the RCD/KIS-ML under his Excellency Mr Mbusa Nyamwisi's
21 Presidency."

22 (Interpretation) Do you recognise the title of the document, Witness?

23 A. [9:46:07] I'm following it.

24 Q. [9:46:16] Now we are going to look together at certain passages from this
25 document, but just a few. Starting with paragraph 1, where it is stated in

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 English -- here I am referring to the subparagraph where it is stated, in English:

2 (Speaks English) "Appropriation of Strategic Commissionership of the RCD/KIS-ML
3 by the North Kivu Natives (Ministry of the Interior, Finances, Security, IGF, post of
4 sect general, etc)"

5 (Interpretation) On the basis -- well, I am now going to go to another paragraph,
6 namely, paragraph 2 at the bottom of the document. It is stated (Speaks English)
7 "Administratively speaking."

8 (Interpretation) I am going to read from the middle of paragraph 2 and, once again,
9 I am going to do so in English such that it can be translated for you.

10 (Speaks English) "Taking advantage of the legendary hospitality of Ituri and of
11 Mr Mbusa Nyamwisi's destabilised reign, the Nande people have given concrete
12 expression to their old Machiavellian dream for domination and exploitation of Ituri.
13 For this, they have arranged for controlling the main thing of the key-posts. By way
14 of illustration, we can hold up as an example: A ..."

15 (Speaks French) There is a table which follows where we see the name of
16 Tshitshibanzi who at that time was public prosecutor. Have you understood the
17 paragraph?

18 A. [9:49:27] Yes.

19 Q. [9:49:29] I'm now going on to the next paragraph of the document.

20 Witness, on this page we see all the posts or a series of posts and we see that the
21 people who hold these posts in Ituri come from Kivu; is that correct?

22 A. [9:50:05] That's correct.

23 Q. [9:50:11] And if we go up in the table, we can see at the end of the document
24 there is an "NB."

25 If you could just move it up a bit, you can see "NB".

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Once again in English, Witness:

2 (Speaks English) "The present list is far from being exhaustive."

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [9:51:08] I put it to you that this letter, when key posts *in Ituri should be held
8 by Iturians, that is not linked to the ethnic conflict in Ituri; is that correct?

9 A. [9:51:40] If it has no relationship with?

10 Q. [9:51:45] With the ethnic conflict. Would you agree with that?

11 A. [9:51:56] I don't know if I can explain a bit here?

12 Q. [9:51:58] Please go ahead.

13 A. [9:52:04] Here the Iturians who signed this letter, *it is not everybody, these
14 are the notables of different communities in Ituri, and at that time you will
15 remember at that time on this point about Kivu holding, the Iturians were *unified,
16 Lendu and Hema. They spoke the same language, because Kivu holdings, that's
17 a denomination created by the Kivu community and Kivu holding included north
18 Kivu, south Kivu and part of Manyema as well.
19 So they carried out their meetings and they organised themselves to have *most of
20 the different posts *and to trample on, I could say, and the Iturians were hurt who, at
21 that time, they were certain intellectuals --

22 THE INTERPRETER: [9:53:28] The sound was cut, the image was cut, this is the
23 interpreter.

24 THE WITNESS: (Interpretation) -- a large part of them had posts -- *the Senate --

25 THE INTERPRETER: [9:53:37] Your Honour, there is something wrong with the

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 sound and image.

2 THE WITNESS: [9:53:40] (Interpretation) -- Coming from Kivu and they called it
3 Kivu holding. It was a complaint that was made by the Iturians in that sense. At
4 the beginning there wasn't really a relationship -- there wasn't an ethnic connotation
5 to it. At the beginning people were speaking pretty much the same language.

6 MR BOURGON: [9:54:17] (Interpretation)

7 Q. [9:54:17] Witness, I would like to thank you for your answer. On two or
8 three occasions I note that your response was inaudible. Without asking you to
9 repeat your answer, to be clear, you mentioned -- I am looking in French, you say
10 "They spoke almost the same language. Kivu holdings was a denomination created
11 by the Kivu community." Do you remember those are the words -- do you
12 remember what you were saying about this denomination?

13 A. [9:55:02] Yes.

14 Q. [9:55:03] And what was that?

15 A. [9:55:07] It's true.

16 MR BOURGON: [9:55:18] I think I have sufficient information. I would like this
17 letter to be admitted into the case record.

18 PRESIDING JUDGE FREMR: [9:55:30] Prosecution.

19 MS SAMSON: [9:55:30] Yes, my understanding is it has already been admitted.

20 PRESIDING JUDGE FREMR: [9:55:36] You can verify with our court officer.

21 MR BOURGON: [9:55:39] My colleague is right, Mr President. It is my mistake. It
22 is my next document is not; this one is.

23 PRESIDING JUDGE FREMR: [9:55:44] No problem then.

24 MR BOURGON: [9:55:54] (Interpretation)

25 Q. [9:55:55] Witness, I am going on to a different subject. A few minutes ago we

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 were speaking about Bosco Ntaganda. You mentioned in answer to a question from
2 my colleague, and this is in the transcript 184, page 39, lines 12 to 15, that in 2002 the
3 question was as follows: "Who was leading the FPLC in 2002 to 2003?"

4 And you answered:

5 "The staff was led by Kisembo, Bahemuka. Bosco Ntaganda was a deputy
6 responsible for operations."

7 My question is as follows: Where it concerns Bosco Ntaganda in particular, would
8 you agree with me that you knew Bosco Ntaganda from the moment he arrived in
9 Bunia in the year 2000; is that correct?

10 A. [9:57:31] Correct, (Redacted)

11 Q. [9:57:53] Witness, do you know a movement called the Chui Mobile Force?

12 A. [9:58:05] I'm sorry.

13 Q. [9:58:10] I would like to confirm with you that you know a movement with
14 the name the Chui Mobile Force created in 2000?

15 A. [9:58:26] Chui? I haven't understood.

16 Q. [9:58:37] Chui Mobile Force.

17 A. [9:58:41] Chui banc fort (phon)?

18 Q. [9:58:45] I am going to say it once again, Witness.

19 Chui, like a leopard, Mobile Force.

20 A. [9:58:57] Ah, Chui, like leopard, Mobile Force. I don't remember this
21 movement.

22 Q. [9:59:15] I am going to try to refresh your memory. You know that during
23 2000 there was a group of soldiers who were members of the APC, who deserted the
24 APC in order to create a movement which took over the bush in order to deal with
25 the APC in the year 2000. Do you remember that?

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 A. [9:59:49] I vaguely remember. I know the APC existed because it existed to
2 support the national government and that it was led by Mbusa Nyamwisi.

3 PRESIDING JUDGE FREMR: [10:00:11] Ms Samson.

4 MS SAMSON: [10:00:12] Yes, it is simply to note that while I understood that
5 Defence counsel was asking a question about the year 2000, the English transcript
6 seems to reflect 2002.

7 PRESIDING JUDGE FREMR: [10:00:28] Just to verify, I believe that Ms Samson is
8 right.

9 Mr Bourgon, could you confirm too.

10 MR BOURGON: [10:00:39] In French, Mr President, we see the year 2000 and not
11 2002.

12 PRESIDING JUDGE FREMR: [10:00:46] All right, then the English version should be
13 corrected accordingly. We have 2002 in English version.

14 MR BOURGON: [10:01:00]

15 Q. [10:01:01] Mr Witness, let me hop back to the year 2000. At that time you
16 were a resident in Bunia; is that correct?

17 A. [10:01:14] Yes, I was a resident in Bunia.

18 Q. [10:01:16] I put it to you that you do remember that at that time there was
19 a group of APC soldiers which deserted the APC and stood in opposition to the APC
20 manoeuvres against the civilian population. Do you remember that?

21 A. [10:01:42] Quite vaguely. I do recall, rather vaguely -- no.

22 Q. [10:01:56] Mr Witness, I put it to you that you must remember that in the year
23 2000 an APC officer, very well known in Bunia, who went by the name César was
24 ambushed in Bunia, do you remember that event?

25 A. [10:02:21] Who?

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Q. [10:02:27] César. Let me repeat the name, César.

2 A. [10:02:34] César? César?

3 Q. [10:02:38] Does that ring a bell?

4 A. [10:02:43] I did not know that person myself. I didn't know him in person.
5 Maybe that is what is somewhat confusing for me.

6 Q. [10:02:59] Mr Witness, my question is as follows: The said César was
7 a battalion commander of the APC in Bunia and he fell into an ambush and died in
8 the heart of the city. That is an event that shook the town and the town was
9 concerned by it. Now do you remember that event?

10 A. [10:03:30] The event of the month of April?

11 Q. [10:03:40] Mr Witness, we are in the year 2000.

12 A. [10:03:44] The year 2000? The year 2000? I have a vague recollection, but
13 I don't have any specifics in my head.

14 Q. [10:03:57] So I won't belabour the point, but do you remember any clashes
15 that may have taken place between the APC and a group of APC deserters in the
16 year 2000?

17 A. [10:04:24] I really do not have any recollection.

18 Q. [10:04:32] Yesterday I put a few questions to you about one Lonema.

19 A. [10:04:41] Yes.

20 Q. [10:04:42] Do you know Mr Lonema and should I say have you known him
21 since the year 2000?

22 A. [10:04:51] Yes, I think so. He was one of the Hema-Gegere notables.

23 Q. [10:05:02] The reason for which I am putting these questions to you about the
24 events in 2000 is that I wish to find out from you (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 A. [10:05:33] Would you please kindly repeat your question.

2 Q. [10:05:39] Of course. Information available to us indicates that in the year
3 2000, following the death of César, (Redacted)

4 (Redacted)

5 A. [10:06:10](Redacted) No, sincerely, quite sincerely, I don't
6 remember. Maybe you could provide some additional information and
7 explanations that might jog my memory.

8 Q. [10:06:38] Let us start with Bosco Ntaganda. (Redacted)

9 (Redacted)

10 A. [10:06:53] In the year 2000, no, I don't remember.

11 Q. [10:07:00] Mr Witness, I will put the last question to you on this point. In the
12 (Redacted)

13 (Redacted)

14 (Redacted) Do you remember
15 that?

16 A. [10:07:33] That who had the population's support?

17 Q. [10:07:35] That the population supported Bosco.

18 A. [10:07:39] Supported Bosco? I really do not have any clear recollection of
19 that.

20 Q. [10:07:49] What was the status of the security situation (Redacted) in Bunia in
21 2000?

22 A. [10:08:04] In the year 2000 there were not any problems as such in Bunia. As
23 far as I know, (Redacted)

24 (Redacted)

25 people had learnt of the conflict in the Djugu territory between the Hema and the

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Lendu people and were therefore concerned in their consciences, particularly those
2 (Redacted)

3 Q. [10:09:03] Mr Witness, I would like to focus on Bunia and ask you what the
4 security situation generally speaking was in Bunia in the year *2000?

5 A. [10:09:28] In the year 2000 there was really no security problem in Bunia, if
6 one compares that to the situation in 2002 and 2003.

7 Q. [10:09:40] Mr Witness, I put it to you that in the year 2000, specifically around
8 September 2000, you know that it is at that time that Mr Lubanga created the UPC,
9 his political party. You are aware of that, isn't it?

10 A. [10:10:02] Yes, towards the end of the year, (Redacted)
11 (Redacted)

He

12 was coming in from Kampala where the party had been created. The party was born in
13 Kampala. Then he returned with the party to our area and therefore had to introduce it to
14 *all the communities, and this was during the end of that year, *if I remember well.

15 Q. [10:10:45] Mr Witness, are you able to confirm that towards the end of the
16 year 2000, when Thomas Lubanga created his political party, the UPC, can you
17 confirm that there was general dissatisfaction in Bunia against the government in
18 power at the time, which was made up of Wamba Dia Wamba and Mbusa at the
19 same time; is that correct?

20 A. [10:11:21] Yes, it is true, because Mbusa was the leader of the RCD-K/ML, and
21 since he was part of the Kivu holding, you would understand quite logically that
22 people of the Ituri in particular would be dissatisfied with that. Initially, Thomas
23 Lubanga was also one of the ministers or national secretaries of Mbusa. At some
24 point he was appointed to the Defence and then he went to Beni. Thereafter, he lost
25 his position and then returned to Ituri, to the Ituri. So clearly this would have

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 caused dissatisfaction to the extent that only people from the Kivu were holding
2 positions in the Ituri.

3 Q. [10:12:23] Towards the end of the year 2000 you know that Wamba Dia
4 Wamba was also -- or, rather, was in fact the president of the RCD-K/ML and that he
5 was expelled by no one else than Mbusa; is that correct?

6 A. [10:12:47] Mm-hmm, I am following you.

7 Q. [10:12:51] Can you confirm what I have just put to you by way of suggestion,
8 namely, that Wamba Dia Wamba was the president of the RCD-K/ML and that
9 towards the end of the year 2000 he was expelled by Mbusa, who then took over
10 power; is that correct?

11 A. [10:13:09] Yes. They had a conflict between themselves, because all of them
12 belonged to the same family, one would say.

13 Q. [10:13:25] Now let me hop back to an area we dealt with towards the end of
14 yesterday's session.

15 And I would ask for page -- (Redacted) to be displayed again on the screen,
16 (Redacted)

17 Could that page be displayed on the screen, please.

18 I see the document is now on the screen, (Redacted) Can we zoom in
19 to the middle paragraph.

20 Mr Witness, we looked at this paragraph yesterday and let me read it for your
21 attention:

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [10:15:54] Mm-hmm.

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Q. [10:15:55] Mr Witness, I put it to you that at that time you knew that Lonema
2 was somewhat of the coordinator of the UPC which did not have a government as
3 yet, but he was the coordinator in the absence of Lubanga who was in Kinshasa.
4 Were you aware of that?

5 A. [10:16:23] I think so. I think so. That does ring a bell now.

6 Q. [10:16:32] According to information available to us, I put it to you that (Red.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) I think that is what all that was about.

15 Q. [10:17:49] Still going by information available to us, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) Do you remember

19 that discussion (Redacted), Mr Witness?

20 A. [10:18:29] Are you talking about the year 2002?

21 Q. [10:18:34] We are dealing with (Redacted)

22 A. [10:18:46] Yes.

23 Q. [10:18:46] Do you remember that?

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) is that correct?

8 A. [10:20:01] Yes, that is correct.

9 Q. [10:20:05] Going by information available to us --

10 PRESIDING JUDGE FREMR: [10:20:09] Hold on, Mr Bourgon.

11 Ms Samson.

12 MS SAMSON: [10:20:12] Yes, in relation to the last question, there were two
13 questions and the answer said "yes" -- the witness answered "yes," but I am unsure if
14 he was answering yes to both questions or only one of them. Could that be
15 clarified, please.

16 PRESIDING JUDGE FREMR: [10:20:27] Mr Bourgon, please, just to be fair and
17 precise.

18 MR BOURGON: [10:20:35] (Interpretation)

19 Q. [10:20:38] Mr Witness, my colleague has expressed the view that there were
20 two parts to my last question, so let us take them one by one. I just want to make
21 sure that I am looking at the right question.

22 The first question would be the following: (Redacted)

23 (Redacted)

24 (Redacted) Do you agree with
25 that?

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 A. [10:21:39] Mm-hmm.

2 Q. [10:21:42] Second part of the question: (Redacted)

3 (Redacted) Do you agree with that?

4 A. [10:21:53] Yes, in terms of numbers, yes. It was numerically strong, yes.

5 Q. [10:22:06] Okay. (Redacted)

6 (Redacted)

7 (Redacted) is that correct?

8 A. [10:22:29] Correct.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Let me start by reading out the text to you, Mr Witness, and then you would confirm

13 (Redacted) correctly.

14 At the very top of the page:

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 A. [10:25:29] Yes.

4 Q. [10:25:30] My first question is as follows: (Redacted)

5 (Redacted)

6 A. [10:25:38] Yes.

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 (Redacted)

22 A. [10:27:48] Yes, briefly, yes.

23 Q. [10:27:58] I have maybe one last question for you in this regard: (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:29:20] One last question before the break, Mr Witness: I do not see in

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:30:14] Thank you, Mr Witness.

19 MR BOURGON: [10:30:21] Mr President, I think it's time for the --

20 PRESIDING JUDGE FREMR: [10:30:21] You are right, Mr Bourgon.

21 Ms Samson.

22 MS SAMSON: [10:30:23] Yes, just one clarification for the transcript. I think it was

23 page 22, I jotted down line 3, where Defence referred to page (Redacted), which is indeed

24 the page we have been looking at, but the transcript reflects (Redacted), so if that could be

25 corrected, please.

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:30:42] Thank you.

2 Now, Mr Witness, but I don't want to push you, do you think you will be able to
3 continue for next 10 minutes? Because if we slightly, slightly prolong those
4 sessions, there is an increased chance we will finish your testimony by Friday, not by
5 Monday. So if you are also interested to finish your testimony by Friday, not by
6 Monday, we have to slightly increase the time. Would it be fine for you to continue
7 now for 10 minutes?

8 THE WITNESS: [10:31:21] (Interpretation) That's fine. Possible, I can do that.

9 PRESIDING JUDGE FREMR: [10:31:27] Thank you very much, Mr Witness.

10 The Chamber appreciates that.

11 Mr Bourgon, please, the next 10 minutes is also for you.

12 MR BOURGON: [10:31:38]

13 Q. [10:31:39] We are going to take on another subject, but one which was one
14 about which several questions had already been put to you in your testimony about
15 the FRP. Do you remember having answered questions concerning the FRP?

16 A. [10:32:05] FRP?

17 Q. [10:32:12] Indeed. Well, I could refresh your memory, Witness, if necessary.

18 A. [10:32:32] Thank you.

19 Q. [10:32:33] This was transcript 183, lines 9 to 12, page 23. At that time you
20 were shown a document and you answered as follows -- perhaps at the wrong line.
21 Lines 21 to 25, page 23. And this is the answer you gave. Of course, this was
22 a political statement issued by the FRP and signed by the people whose names we
23 have just seen.

24 I would like to know, this is the question:

25 "What was the relation" -- I'm sorry, I don't have the correct -- the correct reference.

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Lines 4 to 6 of page 24. Now, you answered the following questions: "And the
2 FRP, the FRP, was it different from the UPC or was it the same group?"

3 Your answer was:

4 "The FRP, as the name indicates, was a political statement. And the political
5 statement after the UPC had more control over the territory."

6 Do you remember having stated that answer, Witness?

7 A. [10:34:59] Indeed.

8 Q. [10:35:07] You also recognised that this statement that was shown to you was
9 signed by Lubanga and people present with him at that time in Kinshasa. Do you
10 remember that?

11 A. [10:35:29] Yes.

12 Q. [10:35:32] I would like to continue on this subject, asking you if you knew that
13 the FRP was created in April 2002?

14 A. [10:35:55] (No interpretation)

15 Q. [10:35:58] Such that the record is clear, Witness, could you say "Yes." Such
16 that the -- such that your answer -- I take your last answer as having been a "Yes."
17 I am going to ask my question again so there isn't any ambiguity here. I put it to
18 you that you knew that the FRP was created in April 2002; is that correct?

19 A. [10:36:39] It's correct.

20 Q. [10:36:44] And the exact title of the FRP was "Front pour la
21 Réconciliation et la Paix"; is that correct?

22 A. [10:36:51] (No interpretation)

23 THE INTERPRETER: [10:36:54] Witness repeated the same name at the same time as
24 counsel.

25 MR BOURGON: [10:37:00] (Interpretation)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Q. [10:37:00] And this movement, Witness, the FRP, (Redacted)

2 (Redacted)

3 A. [10:37:07] I'm sorry, please could you repeat the question.

4 Q. [10:37:11] I put it to you, Witness, that (Redacted)

5 (Redacted)

6 A. [10:37:21] Well, maybe I could explain somewhat.

7 Q. [10:37:26] Please go ahead.

8 A. [10:37:29] The Front for Reconciliation and Peace, the FRP, it was added to

9 UPC, to say that the UPC was looking for reconciliation and peace with everybody.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MR BOURGON: [10:39:07] (Interpretation) I would like to have on the screen

19 DRC-OTP-0194-0328. I would like to have the third page, (Redacted) if we could

20 highlight it such that we can see the date of the document.

21 (Redacted)

22 (Redacted)

23 MR BOURGON: [10:40:08] (Interpretation) I would like to move the document up

24 (Redacted)

25 THE WITNESS: [10:40:26] (Interpretation) I see it, yes, (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR BOURGON: [10:40:59] (Interpretation)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:41:36] If we look at the names --

9 THE INTERPRETER: (Redacted) corrects the interpreter.

10 MR BOURGON: [10:41:47] (Interpretation)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [10:42:05] That is correct.

16 Q. [10:42:08] Yes.

17 A. [10:42:16] I am following very well.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MR BOURGON: [10:42:33] (Interpretation) I would like to have page 1 of the

22 document which has the reference (Redacted)

23 PRESIDING JUDGE FREMR: [10:42:50] The last issue before the break.

24 MR BOURGON: [10:43:02] It is better to stop here, Mr President, because I have

25 a few questions on the same document.

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:43:07] All right. I agree.

2 So now we -- and let's move into open session just to inform public about our further
3 schedule.

4 (Open session at 10.43 a.m.)

5 THE COURT OFFICER: [10:43:24] We are in open session, Mr President.

6 PRESIDING JUDGE FREMR: [10:43:28] Thank you, court officer.

7 So now we break for 30 minutes, which means that we will reconvene at quarter past
8 11.

9 THE COURT USHER: [10:43:39] All rise.

10 (Recess taken at 10.43 a.m.)

11 (Upon resuming in open session at 11.16 a.m.)

12 THE COURT USHER: [11:16:25] All rise.

13 Please be seated.

14 PRESIDING JUDGE FREMR: [11:16:54] Mr Witness, welcome back. We will
15 continue with your cross-examination by Mr Bourgon, who represents Defence.

16 Ms Samson.

17 MS SAMSON: [11:17:03] Yes, quickly, your Honour, I just wonder whether
18 the Defence is seeking to admit or not the last document that it used with the
19 witness, 0194-0328.

20 PRESIDING JUDGE FREMR: [11:17:16] Mr Bourgon, collegial reminder.

21 MR BOURGON: [11:17:19] Yes, I do intend to admit the document, Mr President, but
22 after I ask a few questions on it.

23 PRESIDING JUDGE FREMR: [11:17:26] All right, then.

24 And we are in open session, so I guess we will have to move into private.

25 Am I correct?

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 MR BOURGON: [11:17:34] Correct.

2 PRESIDING JUDGE FREMR: [11:17:34] So, court officer, let's move into private
3 session now.

4 MS SAMSON: [11:17:40] To be clear, I was referring to the document, the
5 16 May 2002 document, I think it is not the one we are turning to now but the one we
6 just finished with.

7 MR BOURGON: [11:17:52] That's the one, Mr President.

8 PRESIDING JUDGE FREMR: [11:17:54] All right.

9 So you have the floor, Mr Bourgon.

10 MR BOURGON: [11:18:02] (Interpretation)

11 Q. [11:18:02] Good morning, once again, sir.

12 A. [11:18:07] Good morning.

13 (Private session at 11.18 a.m.) *(Reclassified partially in public)

14 THE COURT OFFICER: [11:18:10] We are now in private session. Thank you.

15 PRESIDING JUDGE FREMR: [11:18:12] So now you may proceed.

16 MR BOURGON: [11:18:16] (Interpretation)

17 Q. [11:18:19] Good morning once again, Witness, we are going to continue with
18 the questions. We were looking at a document of 16 May 2002, and you had the
19 first part of the document on the screen. I would like to return to that

20 DRC-OTP-0194-0328, with the first page of the document, if you would be so kind.

21 Witness, I am going to read certain passages of this document and ask you questions
22 about them. Let's start with the title of the document:

23 "Memorandum of Political Leaders in Ituri for His Excellency, the President of the
24 Democratic Republic of the Congo in Kinshasa Gombe."

25 Here, Witness, I would like to confirm that this document is addressed to the

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 president of the republic?

2 This is the part at the top of the document, Witness. Can you confirm that this
3 document was addressed for the president of the republic?

4 A. [11:20:05] Yes.

5 Q. [11:20:09] I am now going to refer to the document and the part just under the
6 world "introduction" which I intend to read to you:

7 "We political leaders of the province of Ituri, meeting within the Front for

8 Reconciliation and Peace (FRP) concerned about *political,

9 social and economic development, political development, social development, and

10 economic development of our entity after an in-depth analysis of the political,

11 administrative, economic, socio-cultural and security situation that has lasted since

12 the arrival of the *rebellion in 1998 to this day, but with a special note since the

13 taking of power by Mr Mbusa Nyamwisi in 2001, have noted the following points

14 listed hereafter."

15 Witness, this concerns a document which was drafted by political leaders in the

16 province of Ituri who met in that movement, "Le Front pour la Réconciliation et la

17 Paix"; did they not?

18 A. [11:21:45] Yes.

19 Q. [11:21:54] During -- well, when we look at certain paragraphs or certain
20 conclusions of this report, and here I am referring to the bottom of page 1, if we

21 could move the document up so as to see that part. The first subject of the

22 document is at a political level. I am going to read -- I am going to read the second
23 sub point:

24 "The management of the territory of the province of the Ituri by Mr Mbusa

25 Nyamwisi was marked by political chaos, disorganisation of the administrative

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 machine, which made it possible for him to pillage the economic resources to the
2 detriment of the population."

3 This sentence, Witness, does it correspond with your evaluation of the situation of
4 16 May 2002? It does, doesn't it?

5 A. [11:23:05] Yes.

6 Q. [11:23:06] Now I would like to have the following page in the document
7 which has the number 0329.

8 At the top of the page there is the following paragraph:

9 "By way of political mismanagement, Mr Mbusa Nyamwisi deleted the *deliberating
10 organs, territorial *assembly, provincial and congress *assembly, which were set up
11 at the time of the *FLC, Liberation Front of Congo, while these served as a safeguard
12 for the executive."

13 Once again, Witness, this sentence, does that correspond with your evaluation

14 (Redacted) of the situation that existed on 16 May 2002? And
15 I'm taking your answer as yes?

16 A. [11:24:23] Yes.

17 Q. [11:24:26] Now I am referring to paragraph 2, first paragraph thereof. This is
18 about security. There it is stated:

19 "The RCD/KIS-ML of Mr Mbusa Nyamwisi has proved itself incapable of ensuring
20 security in Ituri because of the fact that the movement is judge and party in the
21 disorder and conflict in Ituri."

22 Do you agree, Witness, that that was the situation (Redacted)

23 (Redacted)

24 A. [11:25:12] Yes, yes.

25 *Q. [11:25:14] On the date of 16 May 2002?

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 THE INTERPRETER: [11:25:18] Overlapping speakers.

2 MR BOURGON: [11:25:21] (Interpretation) Q. [11:25:21] The next point, here we are
3 talking about the appointment *on behalf of a specific policy of RCD/KIS-ML of
4 a military governor who would *at the same time fulfil the role as a commander of
5 operations which has been a catastrophe for Ituri because there has been an increase
6 in violence, in armed robbery and in murders throughout Ituri. Now my question,
7 Witness, concerning this document here, this is referring to Lompondo; is it not?

8 A. [11:26:04] Lompondo, yes, governor at that time. He was appointed by the
9 RCD-K/ML.

10 Q. [11:26:21] And you still agree with what's written, that this appointment of
11 Lompondo, who was playing the role of governor and commander of operations
12 was a catastrophe for Ituri, was it not?

13 A. [11:26:39] Yes, because the security situation was bad.

14 Q. [11:26:47] Now, I come to the conclusion of the document, if you could move
15 it up on the screen. And here I take the third point, starting with "son mouvement,"
16 his movement. So here we are looking at "Conclusions".

17 "Given the proceeding, we bring to your attention the following:"

18 And here we go to the third point:

19 "His movement, the RCD/KIS-ML is replaced by the FRP,
20 'Front pour la Réconciliation et la Paix in Ituri' created to achieve the reconciliation
21 between Iturians and to make concrete the dialogue with Kinshasa, with a view to
22 the reunification of the country and national reconciliation."

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 A. [11:28:21] Yes. The RCD/KIS had shown that it was incapable of managing
2 the territory, of governing the territory.

3 Q. [11:28:32] The objective of the FRP was indeed to achieve reconciliation
4 between Iturians, as written here, was it not?

5 A. [11:28:42] Yes.

6 Q. [11:28:45] And the objective was also to make concrete the dialogue with
7 Kinshasa for the reunification of the country, was it not?

8 A. [11:28:56] Yes, indeed.

9 Q. [11:28:59] The FRP did not have the objective of separating Ituri from the
10 Congo, did it?

11 A. [11:29:07] No.

12 Q. [11:29:12] I would now like to read the third page, (Redacted) is the number, the
13 following page. At the top of the page the following is written:

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [11:29:50] I haven't heard the reading of the sentence well.

18 Q. [11:29:59] I'm sorry. Perhaps I was going a bit fast. I will read it to you
19 again:

20 (Redacted)

21 (Redacted)

22 A. [11:30:20] Yes, I understood that.

23 (Redacted)

24 A. [11:30:25] Well, here it's simple. The RCD, you have Mbusa Nyamwisi and
25 he was appointed by Kinshasa to govern the space of Ituri. And with the APC and

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 their arrival in Ituri and the appointment of Molondo, Jean-Pierre Lompondo, when
2 it came to the governance of Ituri (Redacted)

3 (Redacted) if the Iturians could take things into their hands, then
4 peace would come back and at that time all the communities would be involved in
5 achieving this. Now, Mbusa, he came. He -- he was judge and party. He also
6 came to pillage Ituri at an economic level. And the APC *made a pact with an
7 ethnic group and it led to *increasing insecurity in Ituri.

8 (Redacted) having
9 carried out an analysis of the situation, they asked Kinshasa's government - which
10 had put Mbusa in Ituri - to withdraw him and to leave the management of Ituri in
11 the hands of the RP. (Redacted)

12 (Redacted). Unfortunately, the complaints were not understood or perhaps it
13 arrived too late, so it did not have the desired effect. Thank you.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:34:32] Mr Witness, this document which is a political document, if I
23 understand correctly, there is -- contains nothing which could be construed as a call
24 to violence; is that correct?

25 A. [11:34:51] If I have understood your question correctly, you will surely

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 understand that there is no appeal for violence; but there was already violence in
2 existence within the territory because, as I said earlier, since '99 there was a feeling of
3 discontent between *the ethnic groups. Within Bunia there were combatants who
4 were fighting, and the reason we spoke of reconciliation was for that very
5 circumstance. And this is why we wanted to have a responsible interlocutor for the
6 area, in order to restore peace to the area.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [11:36:46] I'm sorry, I didn't quite seize your concern here.

13 Q. [11:36:58] My question was perhaps rather complicated. These people who

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [11:37:18] The signatories were not presenting their basic -- the basic idea was
18 reconciliation between all the ethnic groups of Ituri and that peace should be
19 achieved in that period. And in order do that, one needed to find somebody who
20 had an overview of the situation in the field and who would be accepted, and Mbusa
21 was not accepted. From the outset, in fact, *with the Kivu holding, he was rejected,
22 but he was - if you like - imposed by central government. (Redacted)

23 (Redacted)

Unfortunately, the wish of Ituri was not

24 heard.

25 Q. [11:38:29] Perhaps I could clarify my clarification, Mr Witness. In May 2002,

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 (Redacted) *there was not a unit or an entity called (Redacted) the
2 UPC?

3 A. [11:38:53] Correct. There was no governmental structure at that time. It was
4 the committee of -- a political grouping that exists at that time. The governmental
5 structure came into existence at a later date.

6 Q. [11:39:14] So can you confirm that when the governmental structure was put
7 into place, there were people who do not figure in this document who were part of
8 that structure?

9 A. [11:39:29] Yes.

10 MR BOURGON: [11:39:46] (Interpretation) Your Honour, I would like to seek
11 admission of this document.

12 PRESIDING JUDGE FREMR: [11:39:49] Prosecution, any objection?

13 MS SAMSON: [11:39:51] No, your Honour.

14 PRESIDING JUDGE FREMR: [11:39:52] So this document is admitted into evidence
15 as a further Defence exhibit.

16 Mr Bourgon, please proceed.

17 MR BOURGON: [11:40:03] (Interpretation) Thank you, your Honour.

18 Q. [11:40:06] Mr Witness, we are now going to move on to a different subject,

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [11:45:37] For example, Chief Kahwa, the deputy national secretary for

17 defence, (Redacted)

18 (Redacted) perhaps I could explain

19 here for the Court. I don't know what happened between Thomas Lubanga and

20 Chef Kahwa, because immediately following he didn't hang around, he left, and he

21 went and set up his own movement, the PUSIC.

22 Q. [11:46:31] According to the information we have, the fact of not having been

23 appointed national secretary for defence was a source of great frustration for

24 Chief Kahwa. Can you confirm that?

25 A. [11:46:54] I can't confirm that because I didn't really follow that matter. This

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 Q. [11:47:26] However, in any case, Mr Witness, with regard to your knowledge
3 of the matter, Chief Kahwa left the UPC for political reasons; is that correct?

4 A. [11:47:40] Yes, that's correct.

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 MR BOURGON: [11:49:19] Mr President, before I go on, it is my understanding that
18 we will end at 12.15 or earlier?

19 PRESIDING JUDGE FREMR: [11:49:25] No, no, we will end at 12.15. Maybe I will
20 again ask, Mr Witness, would he be able to sit for the next 10 minutes? But at the
21 moment we are going to finish at quarter past 12.

22 MR BOURGON: [11:49:38] Thank you, Mr President.

23 Q. [11:49:43] (Interpretation) Mr Witness, I will continue with my questions.

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 THE INTERPRETER: [11:50:56] And, sorry, a name I did not catch in the booth.
- 9 THE WITNESS: [11:51:00] (Interpretation) -- the director of the cabinet was
- 10 Dieudonné Mbuna, but the secretary was Angaika, he was the secretary of Thomas
- 11 Lubanga.
- 12 MR BOURGON: [11:51:17] (Interpretation)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
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- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

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- 2
- 3
- 4
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- 12
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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

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14 (Redacted)

15 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Is this information correct, Mr Witness?

22 A. [12:02:47] Yes, it is.

23 PRESIDING JUDGE FREMR: [12:02:54] Ms Samson.

24 MS SAMSON: [12:02:55] Yes, I could do it in re-examine, but I would ask if

25 Defence counsel could also read the last sentence for -- of the same paragraph.

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [12:03:05] Yes, I understood.

2 Mr Bourgon.

3 MR BOURGON: [12:03:11] (Interpretation)

4 Q. [12:03:13] The next sentence, Mr Witness, reads as follows:

5 (Redacted)

6 (Redacted)

7 Is that also correct?

8 A. [12:03:29] Yes, correct.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:04:28] * Was there any punishment? I have no knowledge, absolutely.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
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- 15
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- 18
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- 21
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- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) is that correct?

5 A. [12:13:22] Yes, correct.

6 Q. [12:13:25] Tomorrow I will be taking another example to address with you,

7 but let me talk about it right away: Do you remember a report from one of the

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) Do you remember that incident?

12 A. [12:14:08] For now I don't remember, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) Does that jog your memory?

19 A. [12:14:50] No, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) During that period there was a lot of

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 information going around.

2 Q. [12:15:33] Thank you, Mr Witness. We will continue tomorrow.

3 PRESIDING JUDGE FREMR: [12:15:37] Mr Witness, I will put to you the same
4 question like during the last session --

5 THE WITNESS: [12:15:46] (No interpretation)

6 PRESIDING JUDGE FREMR: [12:15:46] We are normally planning to stop now, but if
7 you were strong enough to continue for next 10 minutes, 10 minutes, we would
8 appreciate that. Do you think it is -- is it possible?

9 THE WITNESS: [12:16:06] (Interpretation) For about how many minutes?

10 PRESIDING JUDGE FREMR: [12:16:09] For 10 minutes.

11 THE WITNESS: [12:16:13] (Interpretation) That's fine, let's proceed.

12 PRESIDING JUDGE FREMR: [12:16:20] Thank you very much, Mr Witness.

13 Mr Bourgon, please.

14 MR BOURGON: [12:16:25] (Interpretation) Thank you, Mr President.

15 (Redacted)

16 (Redacted) you don't know

17 to what extent the actions were taken; is that correct?

18 A. [12:16:47] Yes, that's correct.

19 Q. [12:16:51] Let me move on to another area of questioning. On the first day of
20 your testimony, you were questioned about (Redacted) Do
21 you remember that?

22 A. [12:17:07] Yes, I do.

23 MR BOURGON: [12:17:17] (Interpretation) Maybe the document in question can be
24 displayed, that is (Redacted)

25 Q. [12:17:53] Mr Witness, you can see on this page (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

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- 4
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- 11
- 12
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- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 Can you confirm that as part of your statement?

2 A. [12:23:43] Yes, yes, yes, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [12:24:11] Would you agree with me that as far as you know,

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:24:38] Let me now refer to your statement ending in (Redacted) Can we

11 turn together to paragraph 212 to be specific, and I want to read out an excerpt of

12 that paragraph for you. It is - for the purpose of the record - at page (Redacted) where

13 you say the following regarding Mr Lubanga --

14 PRESIDING JUDGE FREMR: [12:25:12] Last issue before the break.

15 MR BOURGON: [12:25:16] (Interpretation)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Can you confirm that as part of your statement?

23 A. [12:26:07] Yes, I can confirm.

24 Q. [12:26:09] Mr Witness, would you agree with me that the persons mentioned

25 in that paragraph are not exclusive, there were many more people? He had contact

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Private Session)

ICC-01/04-02/06

1 with MONUC, for example; is that correct?

2 A. [12:26:24] With whom?

3 Q. [12:26:26] With the MONUC.

4 A. [12:26:28] Yes, of course, the MONUC as well.

5 Q. [12:26:32] He had contact with several NGOs, nongovernmental
6 organisations; is that correct?

7 A. [12:26:41] Yes, that is correct.

8 Q. [12:26:47] And even when citizens wanted to meet him, he was ready to meet
9 them; is that correct?

10 A. [12:26:54] Yes, if someone wanted to see him, they would contact the director
11 of cabinet for that purpose; and I believe that his door was open, that is, the
12 president's door was open for them as well.

13 Q. [12:27:11] Mr Witness, we will stop here and continue questioning on this
14 topic tomorrow.

15 MR. BOURGON: [12:27:16] Thank you, Mr President. This -- it's better to conclude
16 here.

17 PRESIDING JUDGE FREMR: [12:27:19] All right. So now we will break till
18 tomorrow.

19 Mr Witness, I would like to thank you very much that you agreed with some
20 prolongation of the sessions, it really assisted us a lot.

21 It is my duty, as usual, to remind you that until tomorrow you must not discuss your
22 testimony with anybody else. Now, please have some rest and we are looking
23 forward to see you tomorrow in the morning.

24 THE WITNESS: [12:27:55] (Interpretation) Thank you.

25 PRESIDING JUDGE FREMR: [12:27:56] And we can now disconnect line to the field.

Trial Hearing
WITNESS: DRC-OTP-P-0005

(Open Session)

ICC-01/04-02/06

1 (Video link disconnected)

2 PRESIDING JUDGE FREMR: [12:28:12] And, court officer, please let's move into
3 open session for remainder.

4 (Open session at 12.28 p.m.)

5 THE COURT OFFICER: [12:28:22] We are in open session, Mr President.

6 PRESIDING JUDGE FREMR: [12:28:26] Thank you, court officer.

7 Since we don't have any witness for the afternoon, we will continue tomorrow 9.30.

8 And again we will have two sessions, each for one hour, but if possible we will -- we

9 will maybe, as like today, slightly prolong each session in order to get back to our

10 original schedule.

11 Now the Court is adjourned.

12 THE COURT USHER: [12:28:56] All rise.

13 (The hearing ends in open session at 12.29 p.m.)

14 RECLASSIFICATION REPORT

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

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