

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 Judge Chang-ho Chung
 6 Trial Hearing - Courtroom 3
 7 Thursday, 16 February 2017
 8 (The hearing starts in open session at 9.34 a.m.)
 9 THE COURT USHER: [9:34:54] All rise.
 10 The International Criminal Court is now in session.
 11 Please be seated.
 12 PRESIDING JUDGE FREMR: [9:35:19] Good morning, everyone.
 13 Court officer, please call the case.
 14 THE COURT OFFICER: [9:35:26] The situation in the Democratic Republic of the
 15 Congo, in the case of The Prosecutor versus Bosco Ntaganda, case reference
 16 ICC-01/04-02/06.
 17 PRESIDING JUDGE FREMR: [9:35:37] Thank you, court officer.
 18 Now appearances in habitual order, please.
 19 MS LUPING: [9:35:43] Good morning, Mr President. Good morning, your
 20 Honours. Appearing this morning on behalf of the prosecution are
 21 Ms Nicole Samson, Ms Selam Yirgou, Ms Laura Morris, Ms Marion Rabanit, and
 22 myself Dianne Luping.
 23 PRESIDING JUDGE FREMR: [9:36:02] Thank you, Ms Luping.
 24 Defence, please.
 25 MS GRANDON: [9:36:05] (Interpretation) Good morning, Mr President,

1 your Honours. For the Defence today Mr Ntaganda is present in the courtroom with
2 us. Mr Stéphane Bourgon, Margaux Portier, Victoria Cichalewska, and myself
3 Chloé Grandon appearing on his behalf.

4 PRESIDING JUDGE FREMR: [9:36:23] Thank you, Ms Grandon.

5 And Legal Representatives of Victims, please.

6 MS PELLET: [9:36:28] (Interpretation) Thank you, Mr President. Former child
7 soldiers are represented by myself Sarah Pellet, counsel at the OPCV.

8 MR SUPRUN: [9:36:39] (Interpretation) Good morning, Mr President, your
9 Honours. Victims of the attacks are represented by Dmytro Suprun myself, counsel
10 at the OPCV.

11 PRESIDING JUDGE FREMR: [9:36:52] Thank you, Mr Suprun.

12 Today we are going to hear Witness P-551 and for the purposes of timing for this
13 witness as indicated in the Chamber's decision of 19 January 2017, which bears the
14 filing number 1733, the Prosecution shall have one hour to examine the witness,
15 which shall include the process of seeking admission of the witness material under
16 Rule 68(3) as well as its supplementary examination of the witness. The Defence has
17 been permitted three hours for cross-examination of the witness.

18 I also recall the Chamber's decision with filing number 1786 delivered on
19 15 February 2017 rejecting the Prosecution's request for protective measures in
20 relation to the witness. Accordingly, the forthcoming testimony is to take place
21 publicly.

22 Further, the Chamber has taken note of the Defence notice of objections to the use or
23 admission of certain documents and it will address any such objections if and when
24 they arise.

25 We can now turn to the scheduled testimony. I know that we have our video link

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 connection working. But I don't see Mr Witness. May I see Mr Witness?

2 So it seems that now Mr Witness is being brought into the witness room.

3 Ms Luping.

4 MS LUPING: [9:39:04] Mr President, just before the witness arrives, just to note
5 that we appear to be having problems with Transcend, at least there's nobody in the
6 Prosecution team that has access at present.

7 PRESIDING JUDGE FREMR: [9:39:20] Yes, frankly saying, I was informed about
8 that, that some computers are affected by this issue. Fortunately, actually the
9 Chamber's computers are okay.

10 Defence, how are you with transcript? Do you have transcript?

11 MS GRANDON: [9:39:40] (Interpretation) It seems that my two colleagues do not
12 have it either.

13 PRESIDING JUDGE FREMR: [9:39:55] I am very sorry of that. I was told that the
14 technicians are working on that. So I can hardly force you, but do you think that you
15 would be able to start even having no --

16 MS LUPING: [9:40:10] Mr President, if you could just give us one moment. We'll
17 just try to see if the middle computer is working so we can operate with one
18 (Overlapping speakers)

19 PRESIDING JUDGE FREMR: [9:40:23] Please, because according my
20 understanding this problem only affects some computers, some screens. So please
21 try.

22 In the meantime at least I can start guidance to the witness.

23 Mr Witness, good morning. Can you hear me okay?

24 WITNESS: DRC-OTP-P-0551

25 (The witness speaks French)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 (The witness gives evidence via video link)

2 THE WITNESS: [9:40:43] (Interpretation) Good morning, I can hear you clearly.

3 PRESIDING JUDGE FREMR: [9:40:47] Fine. Mr Witness, on behalf of the

4 Chamber I would like to welcome you. You are called to testify in the case against

5 Mr Bosco Ntaganda. You will be soon asked questions both by the Judges and

6 lawyers here in the courtroom. Please listen carefully to those questions. If you do

7 not understand, feel free to ask for the question to be repeated.

8 We want you to tell the truth and tell us what you saw, heard or sensed yourself.

9 Please testify just on that which you really remember. Don't guess. Don't make

10 things 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: [9:41:47] (Interpretation) Yes, sir. I have fully understood you.

13 PRESIDING JUDGE FREMR: [9:41:52] Fine. Mr Witness, as you will already

14 have been informed, you are testifying without in-court protective measures. While

15 the Chamber and the parties and the participants are still likely to refer to you as

16 "Mr Witness" your name and appearance before this Chamber will be a matter of

17 public record.

18 Now, Mr Witness, you will find a piece of paper in front of you with the text of the

19 solemn undertaking. Do you have it?

20 THE WITNESS: [9:42:35] (Interpretation) Yes. The papers are here before me,

21 the solemn declaration and some paper for jotting down any notes.

22 PRESIDING JUDGE FREMR: [9:42:46] Fine. So now, Mr Witness, please make

23 your solemn undertaking to tell the truth by reading out the declaration on the piece

24 of paper in front of you.

25 THE WITNESS: [9:43:09] (Interpretation) Solemn declaration: I solemnly

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 declare that I will speak the truth, the whole truth and nothing but the truth.

2 PRESIDING JUDGE FREMR: [9:43:24] Thank you, Mr Witness. So you are now
3 under oath. You need to be aware that it's an offence within the jurisdiction of this
4 Court to give false testimony. Do you understand that?

5 THE WITNESS: [9:43:45] (Interpretation) Yes, I do.

6 PRESIDING JUDGE FREMR: [9:43:51] Finally, Mr Witness, few practical matters
7 you should have in mind: It's important to speak into the microphone, to speak
8 clearly and to speak at a slow pace to allow the interpreters to translate everything.
9 You should only start speaking when the person asking you the question has finished.
10 When a question is asked, please do not respond immediately but, rather, count in
11 your head to three and only then give your answer. This pause of at least three
12 seconds is essential for us to properly hear, record and translate what you are saying.
13 If you have any question during your testimony, do not hesitate to let us know. If
14 you can't hear us well or need to take a break, please let the court officer who is with
15 you in the courtroom know.

16 Have you understood all that, Mr Witness?

17 THE WITNESS: [9:45:01] (Interpretation) Yes, I have understood.

18 PRESIDING JUDGE FREMR: [9:45:08] Thank you, Mr Witness.

19 So we finish instruction of the witness and now I would like to make inquiry how is
20 the situation concerning transcript on both sides. Ms Luping?

21 MS LUPING: [9:45:22] Mr President, we do not have access to Transcend. We
22 also don't have access to the realtime transcripts to be able to follow that either.
23 I would be prepared to continue nevertheless in the interests of time. But I will wait
24 to see what Defence counsel has to say.

25 PRESIDING JUDGE FREMR: [9:45:40] Defence, what is your position?

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 MS GRANDON: [9:45:44] (Interpretation) One of our computers is still not
2 working, but I think we can proceed. And if we run into any difficulties I will notify
3 the Chamber.

4 PRESIDING JUDGE FREMR: [9:45:59] Yes, please. So we really appreciate your
5 flexibility and we thank you for your indulgence.

6 But as soon -- it seems that at the last moment things should be okay. Ms Luping,
7 could you verify? I was told that now.

8 Court usher, could you just assist Ms Luping, because it seems that --

9 MS LUPING: [9:46:33] It's all right. I'm going to attempt to get in, Mr President.
10 If you could just give me one moment. Thank you.

11 PRESIDING JUDGE FREMR: [9:46:41] Yes, for sure, for sure.

12 (Pause in proceedings)

13 PRESIDING JUDGE FREMR: [9:47:24] Mr Witness, please remain patient because
14 we are solving some technical problems here.

15 THE COURT OFFICER: [9:47:43] If anyone has still troubles with the Transcend, if
16 you just restart it, it should work.

17 MS LUPING: [9:47:50] Mr President, I'm please to inform you that I appear to have
18 access now. I do have a problem with the layout now of my screen, but at least I
19 have access.

20 PRESIDING JUDGE FREMR: [9:47:57] Thank you. Thank you, Ms Luping.
21 So we can start now. And you know, we didn't start well, but still it's my duty to
22 remind you, Ms Luping, that you will have one hour only.

23 MS LUPING: [9:48:15] Mr President, with your indulgence also, at this point in
24 time the Prosecution would like to make a brief application. We understand that we
25 have one hour. The Prosecution would request, your Honours, 20 additional

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 minutes, if that is possible. The explanation is as follows: We have five transcripts
2 of this witness approximately 30 pages each that the Prosecution did not seek to
3 simply have admitted to avoid simply having in large part duplication of what is
4 contained in two brief and concise witness statements. However, there are certain
5 useful additional elements including relating to verification of records that I would
6 seek to elicit.

7 In addition, we have a number of documents on our list we'd like to show. We have
8 made a very focussed selection. We only propose to show the witness four
9 documents for his comments. However, in the time allotted it usually takes
10 approximately 30 to 40 minutes to go through the technical procedure, that would
11 leave approximately 20 minutes alone for true supplementary questioning as such.
12 On that basis, we request an additional 20 minutes because we believe in that time
13 period we should be able to cover the additional elements that were contained in
14 those five transcripts together with sufficient time to ask the foundational questions
15 necessary to show the four documents.

16 PRESIDING JUDGE FREMR: [9:49:48] Defence, your position?

17 MS GRANDON: [9:49:52] (Interpretation) Mr President, Defence opposes that
18 request for additional time. I want to remind the Chamber that this witness was
19 subjected to Rule 68(2)(b).

20 By the way, regarding transcripts, I have the witness preparation notes which indicate
21 that the Prosecutor does not intend to use those transcripts during the examination of
22 the witness. So, therefore, I believe, as you have recalled, in regard to another
23 witness, that these are the rules of the game and therefore in this case and with this
24 type of witness one cannot have it both ways. Thank you.

25 PRESIDING JUDGE FREMR: [9:50:34] Ms Luping, it's enough. Thank you. I

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 will discuss it with my colleagues.

2 (Trial Chamber confers)

3 PRESIDING JUDGE FREMR: [9:51:02] So our ruling is that, for the time, we are
4 not granting the request, we are just maintaining one hour time limit. But in the
5 light of the way of conducting this examination, we will then return back to this issue
6 at the end of the one hour. So it's still some possibility but please do not rely on that
7 Ms Luping that we will give you some additional time. But as you even mentioned,
8 be careful really because those transcripts there is many overlapping, so you are
9 stating there are some issues which are not contained in the testimony, then it would
10 be, if this is still relevant, that would be fine, but it depends.

11 Now please start. And maybe I will recommend maybe try to shorten the first part
12 of your examination.

13 MS LUPING: [9:51:57] Thank you, Mr President. Thank you, your Honours.

14 QUESTIONED BY MS LUPING: [9:52:02]

15 Q. [9:52:04] And good morning, good morning, sir. As you may recall I have
16 met you --

17 A. [9:52:08] Good morning, sir.

18 MS LUPING: [9:52:10] And with your leave, your Honours, I would seek to lead
19 the witness in relation to certain background aspects other than his name because I
20 fear I will pronounce it incorrectly?

21 PRESIDING JUDGE FREMR: [9:52:22] All right. But don't forget we are in open
22 session. Even this witness is not protected one, but my concern the other witnesses.

23 MS LUPING: [9:52:33] Understood. Absolutely, Mr President.

24 Q. [9:52:38] Mr Witness, could you state your name, please, for the record?

25 A. [9:52:48] Thank you. My name is Dudunyabo Tandana Ma Ngwegero Désiré.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Désiré being my first name.

2 Q. [9:53:08] And Tandana Ma Ngwegero is your post-nom; is that correct?

3 A. [9:53:25] That is correct.

4 Q. [9:53:26] And you were born on 13 December 1946 in the Democratic Republic
5 of Congo?

6 A. [9:53:40] In Lubumbashi to be specific, that is correct.

7 Q. [9:53:45] You studied French and African culture at the Institut supérieur
8 pédagogique for three years from 1972; is that correct?

9 A. [9:54:03] That is correct and I completed my studies in 1972.

10 Q. [9:54:10] And you completed your exams to be a school inspector in 1989?

11 A. [9:54:29] That is correct. In 1989 I did the examination before going to
12 Kisangani for an internship.

13 Q. [9:54:43] You have worked in school systems in the Democratic Republic of the
14 Congo since 1975 to date. From 1989 to 2004, you worked as an inspector of schools
15 in Bunia and in other parts of Irumu, more specifically from 1991 to 2004 you were the
16 inspector chef de pool de l'enseignement secondaire to Bunia?

17 PRESIDING JUDGE FREMR: [9:55:17] Ms Grandon.

18 MS GRANDON: [9:55:18] (Interpretation) We know that the period covered by
19 the questions coincides with the period of the charges and therefore leading in this
20 area should be limited, Mr President.

21 PRESIDING JUDGE FREMR: [9:55:36] Ms Luping.

22 MS LUPING: [9:55:37] Mr President, these are really non-contentious issues. At
23 the moment I am simply putting to the witness his academic background and his role.
24 I am at a slight loss as to why this particular aspect regarding background should be a
25 matter at issue.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [9:55:56] Objection overruled. Please proceed.

2 MS LUPING: [9:55:59] Thank you.

3 Q. [9:55:59] And from 2004 you worked as an inspector principal provincial.

4 Is that correct, that summary of your professional background, sir?

5 A. [9:56:14] Yes, that is correct.

6 Q. [9:56:18] Mr Witness, and I would remind you now for all your responses

7 could you please keep your responses very brief, very concise because of the limited

8 time.

9 My question is, in general terms, could you please explain what is the role of a school
10 inspector in the Democratic Republic of Congo? Briefly, please.

11 A. [9:56:51] The role of an inspector in the Republic of Congo is to control, to train
12 and to assess. That's it.

13 Q. [9:57:10] And to understand more precisely, when you say to control and to
14 assess, to control and to assess what specifically?

15 A. [9:57:31] Controlling entails controlling how schools function. Training
16 relates to the training of teachers and school principals or headmasters, and then
17 assessment relates to the results or assessment of the results of an academic year by
18 way of the performance of the students and the schools during an academic year.

19 Thank you.

20 Q. [9:58:10] And when you say the assessment relates to the results of an
21 academic year, can you clarify what role, if any, school inspectors have in assessing
22 the validity of the school records of students?

23 A. [9:58:44] The validity of school records, this means that when students sit for
24 examinations the inspector proceeds to verify how such examinations were organised.

25 Thereafter, the director of the school and his assistants, namely the teachers, are the

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 ones who then register the marks in the school records. Then the inspector would
2 control to determine that the records are entered into the agreed format issued by the
3 central administration from Kinshasa regarding the format of the school record. At
4 the end of that exercise, for example, if it comes to state examinations, before a
5 student is admitted to sit such an exam the inspector controls the marks entered into
6 the student's academic record. Thank you.

7 Q. [10:00:21] Mr Witness, you confirm that you were the chief inspector of the
8 secondary education pool for Bunia and Irumu. How did you learn about what was
9 happening in the primary schools?

10 A. [10:00:51] I was an inspector, the chief of the pool for secondary education in
11 Bunia, but we, the inspectors, our work was not separate. When we went to training,
12 we gave the same training to the nursery inspectors, to the primary school teachers, as
13 well as secondary school ones. And in Bunia when we worked, we were always in
14 contact with primary schools as well as secondary schools. We knew that in primary
15 schools, at the time, certain exams were given when they were given in a specific
16 period. We had the same calendar or timetable. And in primary school as well, as
17 well as secondary school, certain activities were held at certain times. And that's the
18 reason why I know -- or, I knew what was happening in primary school in Bunia.
19 And that was arranged with the chief of the primary pool as well. Thank you.

20 Q. [10:02:31] And, sir, you were the principal inspector in Bunia and in Irumu.
21 How, if at all, did you learn about what was happening in schools in the other
22 territories, including Mambasa, Djugu, Mahagi and Aru? If you could please keep
23 your answer as short as possible, sir.

24 A. [10:03:11] Thank you. Well, I start with a correction. I was inspector chief of
25 the pool, the secondary pool in Bunia. Then I can answer your question. Because

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 as the principal inspector there, I monitored the whole of Ituri, that was my duty.

2 Now your question is based on my role as an inspector, chief of the pool of Bunia

3 there who monitored the territory of Irumu and Mambasa.

4 What happened in other territories when I was chief of the secondary pool in Bunia,

5 I was like a coordinator of the activities, of inspection activities. Among the senior

6 inspectors in Kisangani, from Kisangani they would send instructions to Bunia to the

7 chef-lieu of the district where I was working, and it was in that regard that I received

8 the instructions. I provided them to my colleagues who were in the territory. And

9 my colleagues, when they answered and they returned the reports, I received them

10 and I sent them to Kisangani.

11 That's how I was always informed of what was happening in the other districts.

12 Thank you.

13 MS LUPING: [10:05:06] Mr President, I will now seek to ask the specific questions

14 to enable us to admit the statements of this witness under Rule 68(3). Mr President,

15 however, the first two questions I have I would ask your leave to go into private

16 session.

17 PRESIDING JUDGE FREMR: [10:05:27] For sure.

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

19 (Private session at 10.05 a.m.) *(Reclassified partially in public)

20 THE COURT OFFICER: [10:05:44] We're in private session.

21 PRESIDING JUDGE FREMR: [10:05:46] Thank you. Ms Luping, please.

22 MS LUPING: [10:05:48]

23 Q. [10:05:49] (Redacted)

24 (Redacted)

25 A. [10:06:09] (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 Q. [10:06:12] (Redacted)

2 (Redacted)

3 A. [10:06:25] (Redacted)

4 MS LUPING: [10:06:37] Mr President, we can return to open session for my next
5 questions.

6 PRESIDING JUDGE FREMR: [10:06:41] All right.

7 Court officer, let's return back into open.

8 (Open session at 10.06 a.m.)

9 THE COURT OFFICER: [10:06:49] We're in open session.

10 PRESIDING JUDGE FREMR: [10:06:55] Thank you.

11 Ms Luping, please.

12 MS LUPING: [10:06:58]

13 Q. [10:06:59] Mr Witness, could you please turn to tab 1 of a binder that you
14 should have, and that is witness statement DRC-OTP-1054-0031. Can you confirm
15 please when you have the document in front of you.

16 Now, Mr Witness, I'd like you to look at the front cover of this document, and again
17 at -- turn to page 14 of the document, if you turn to page 14 the last page of this
18 statement, if you could look at the signature and if you could confirm whether it's
19 your signature.

20 A. [10:08:00] Can I speak?

21 Q. [10:08:19] My question was: is this your signature, sir, at page 14 of this
22 document? Is that your signature?

23 A. [10:08:34] Yes, that's my signature.

24 Q. [10:08:41] Is this your witness statement?

25 A. [10:08:47] Yes, I reconfirm it, because there is initials on every page.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [10:09:08] I would now ask the court officer to please give you together tabs 2
2 to 8 of your binder, which are annexes 1 to 7 of that witness statement.

3 For the record, whilst the court officer is -- can she please immediately hand those
4 documents to you, because time is very tight, I'm referring to 1054-0045,
5 1054 -- they're all the series of 1054. They further end 0046, 0047, 0048, 0049, 0050
6 and 0051.

7 Now, if you turn to these documents, sir, do you recognize them as being annexes to
8 your witness statement?

9 A. [10:11:03] Yes. I confirm that these are the annexes that I saw.

10 Q. [10:11:10] Now, Mr Witness, do you recall that when we met during witness
11 preparation that you were given an opportunity to make any corrections or
12 clarifications that you wished to make and that you did have some corrections. Now
13 I will not be referring to the French language stylistic edits, some of which you made.
14 I will be taking you to relevant excerpt regarding more substantive clarifications.
15 Now, Mr President, in the interests of time, the corrections that the witness made
16 relate to his background and the technical aspects of his testimony. With your leave
17 I would seek to lead the witness in relation to the very specific limited corrections he
18 sought to make on the first statement.

19 PRESIDING JUDGE FREMR: [10:12:01] Please, go ahead and Defence will be
20 vigilant.

21 If there will be some problems you can object.

22 MS LUPING: [10:12:09] Thank you.

23 Q. [10:12:11] Now, Mr Witness, I refer you, this is at tab 1 to your witness
24 statement. If you turn to page 0033, that's at paragraph 9, and at line 4 where after
25 the words "inspecteur chef de pool" you added the words, and I quote,

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 (Interpretation) "of secondary education." (Speaks English) End of quote.

2 Witness, can you confirm that that was one correction that you made?

3 A. [10:12:54] Yes, I confirm. Inspecteur chef de pool du secondaire de Bunia.

4 Inspector chief of pool of secondary school in Bunia.

5 Q. [10:13:05] (Overlapping speakers) the same page at line 6, is it correct that you

6 added the word "provincial" after the title "inspecteur principal"? So it should read

7 "inspecteur principal provincial." Is that correct?

8 A. [10:13:24] Yes, I recognize that. I'm principal inspector, principal provincial

9 inspector currently.

10 Q. [10:13:34] Just noting for the record, apparently it was not captured, I was

11 referring to same page at paragraph 9 at line 6.

12 Now, sir, moving to the next correction at page 0033, so same page, paragraph 17, line

13 1. Is it correct that after the words "qui compile" you added, and I quote, "les

14 rapports des directeurs" end of quote. Is that correct?

15 A. [10:14:12] Yes, I recognize that and I confirm compiling the reports of the

16 directors.

17 Q. [10:14:28] And same paragraph, sir, paragraph 17, but now at line 9, is it

18 correct that you corrected the reference to "les rapports" to "les registres"?

19 A. [10:14:57] Yes, that's correct. Instead of registers they are the ones who have

20 the reports of the chef d'établissement. Thank you.

21 Q. [10:15:07] And sir, do you confirm that other than these few corrections that

22 the contents of this prior recorded testimony of this witness statement are true and

23 accurate to the best of your knowledge?

24 A. [10:15:38] I confirm that.

25 Q. [10:15:39] And --

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:15:41] Ms Luping, don't forget to observe pauses.

2 MS LUPING: [10:15:44] My apologies, Mr President, I'm listening to the French
3 and indeed I'm tempted to not give the 5-second pause.

4 Q. With the assistance of the court officer, could you now please turn to tab 9 of
5 your binder. And I'm referring for the record to your witness statement

6 DRC-OTP-2095-0376. Do you have that document in front of you, sir? That's the
7 document from tab 9. It's the document at tab 9, the witness statement 2095-0376.

8 Do you have the document in front of you, sir?

9 A. [10:16:50] Yes, I've got the document before me.

10 Q. [10:16:53] (Overlapping speakers) turn to page 12 of this document and can
11 you confirm whether the signature at the bottom of the page is yours?

12 A. [10:17:16] I confirm I signed it.

13 Q. [10:17:20] And is that then your witness statement, sir?

14 A. [10:17:49] Yes, that's my statement because I initialed all the pages.

15 Q. [10:17:59] Thank you, sir.

16 I would now ask the court officer with you to assist in pulling out at the same time
17 three annexes to that statement. I refer to tabs 10, 11 and 12 of your binder. And

18 the ERNs for the record -- and these are three documents that have already been

19 admitted as evidence, that's DRC-OTP-2082-0571. They're all in the 2082 series.

20 Annex 2 is 0572 and annex 3 is 0368.

21 Can you confirm, sir, that these are three documents that you were shown during this
22 interview and that they're annexes to your witness statement?

23 THE INTERPRETER: [10:19:05] "Yes, sir" was said off mic at the external location.

24 THE WITNESS: [10:19:12] (Interpretation) I confirm the school records were
25 presented to me with 0571, 0572 and the document 0368. I have seen them.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 MS LUPING: [10:19:38]

2 Q. [10:19:38] And Mr Witness, I'm going to refer to certain corrections that you
3 made in relation to this witness.

4 And again Mr President, I'd seek your leave to lead on this as they are again
5 corrections of a technical nature?

6 PRESIDING JUDGE FREMR: [10:19:53] All right.

7 MS LUPING: [10:19:54]

8 Q. [10:19:54] And, Mr Witness, if you could turn your witness statement and I
9 refer to paragraph 11 at page 0378. This is the document at tab 9, 2095-0376. If you
10 could please turn to page 0378, paragraph 11.

11 Mr Witness, do you recall that in November 2016 when you met with investigators of
12 the Prosecutor that you sought to make the following clarification and addition to
13 paragraph 11 as follows and I quote:

14 (Interpretation) "Also in secondary education there is a duration of four years which
15 leads to a given profession, vocational profession."

16 A. [10:21:11] Yes, I made an addition to that because in paragraph 11 this mention
17 does not figure therein. Here the options indicated in paragraph 11 only concern the
18 secondary cycle and that is why I added the professional courses cycle thereto.

19 Q. [10:21:45] (Overlapping speakers) I'm sorry. I move to the next correction, sir.
20 It's the next page, 0380, at paragraph 21 on the second line. Again, the same meeting
21 on November 2016, do you recall correcting the information that is currently stated
22 here and I quote:

23 (Interpretation) "The people having satisfied the national test for end of primary
24 studies TENAFEP."

25 (Speaks English) That instead you corrected that to read, and I quote:

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 (Interpretation) "A pupil that has obtained 50 per cent after the addition of school
2 points and those of TENAFEP."

3 (Speaks English) Is that correct, sir, that that is the correction you sought to make at
4 paragraph 21? Yes or no would suffice.

5 A. [10:22:57] Yes, I confirm the correction.

6 Q. [10:23:01] And, sir, other than these two clarifications and corrections, are the
7 contents of this prior recorded testimony contained in this witness statement true and
8 accurate to the best of your knowledge?

9 A. [10:23:32] That is correct.

10 Q. [10:23:34] Now, I'll be asking you a series of questions, Mr Witness, and
11 I would clarify you do not need to elaborate, a simply yes or no will suffice. My first
12 question is did you tell the truth in your prior recorded testimony?

13 A. [10:24:02] Yes.

14 Q. [10:24:02] Did you provide accurate information in your prior recorded
15 testimony to the best of your knowledge and recollection?

16 A. [10:24:17] Yes.

17 Q. [10:24:22] Do you consent to your witness statements given to the Prosecution
18 and their related annexes being admitted into evidence?

19 A. [10:24:37] Yes.

20 Q. [10:24:49] Do you consent to being questioned about this information by the
21 Defence, the Chamber and the Legal Representatives for the victims, if necessary?

22 A. [10:25:08] Where it concerns the educational or -- the educational part, yes.

23 MS LUPING: [10:25:17] Mr President, your Honours, at this point in time I request
24 admission into evidence of this witness' prior recorded testimony. I have referred to
25 the ERNs of all of them and also referred to the tab numbers, in particular I refer to

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 the witness statement 1054-0031 at tab 1. I referred to the seven annexes that I have
2 already referred to from 1054-0054 through to annex 7, 1054-0051, and the entirety of
3 the witness statement at tab 9, DRC-OTP-2095-0376. I note that the three annexes to
4 this second statement have already been admitted into evidence.

5 PRESIDING JUDGE FREMR: [10:26:10] Defence, your position?

6 MS GRANDON: [10:26:14] (Interpretation) No objection, your Honour. Just a
7 suggestion perhaps where it concerns the annexes to the first statement, to have more
8 clarity to note that these annexes were submitted and are closely linked to the dossier
9 of the Prosecutor against Germain Katanga and Ngudjolo which doesn't necessarily
10 appear clearly when you read the statement.

11 PRESIDING JUDGE FREMR: [10:26:41] Ms Luping, any comment on that?

12 MS LUPING: [10:26:43] Mr President, your Honours, I do not see the need to
13 clarify particularly what dossier they relate to. They are simply the prior statements
14 of this witness.

15 PRESIDING JUDGE FREMR: [10:26:54] Neither do I.

16 So documents specified by Ms Luping are admitted according to Rule 68(3) into
17 evidence as a further Prosecution exhibit.

18 Ms Luping, you may proceed. You roughly exhausted so far 35 minutes if my
19 counting is correct.

20 MS LUPING: [10:27:14]

21 Q. [10:27:15] Now, Mr Witness, I am now going to be asking you some
22 supplementary questions that relate to your prior testimony. I currently have
23 25 minutes only remaining unless, with the indulgence with the Chamber, I'm
24 allowed a few for minutes in addition, but I would implore you really to keep your
25 answers a lot more brief and more concise otherwise I will not be able to ask you all

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 the questions I intend to do so.

2 Now, my first question, sir, relates to the school records that you described at
3 paragraph 27 of your statement, 2095-0376 and at paragraphs 34 and 40 of your
4 statement 1054-0031, you list a number of school records, sir, including the certificat
5 d'études primaires. My question relates to the attestation de fin d'études incomplète.
6 Could you confirm, sir, what is that document?

7 A. [10:28:38] I'm sorry? We didn't find the paragraphs. If you could mention
8 them again.

9 Q. [10:28:53] (Overlapping speakers) to look at the paragraph. My question is
10 specific. If you could listen to my question. And time is very brief, sir. I will
11 repeat the question. If I need you to look at the paragraph I will say so. The
12 attestation de fin d'études incomplète, could you please explain what is that
13 document?

14 A. [10:29:19] The attestation of incomplete studies is issued to a pupil who has
15 not finished the normal cycle of studies in primary school, but particularly in
16 secondary school. That pupil stopped in the fifth year and, instead of being issued
17 with -- and is issued with an attestation at that time, so that person does not have a
18 school qualification from the school.

19 Q. [10:30:07] Sir, I'm now going to refer to specific types of school records that
20 you have mentioned in your prior testimony. And after I refer to each specific
21 document, can you please clarify whether they were usually produced in a standard
22 form, a standard printed form, or if they were handwritten.

23 Starting with the bulletin scolaire.

24 A. [10:30:49] The bulletin scolaire follows the official model, so all schools have
25 the same national model for the bulletin scolaire for each academic year.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [10:31:09] And when you say all schools, is that throughout Ituri?

2 A. [10:31:27] The schools throughout the Congo. The schools in Ituri have to use
3 the same school records which is what we call today the SENAPI, it used to be the
4 RENAPI, and they produce the models for these documents and they would be
5 issued by the inspectorate general.

6 Q. [10:31:59] (Overlapping speakers) a registres matricules, is that a standard
7 form or handwritten?

8 A. [10:32:07] The register of identification numbers, there are schools that use a
9 standard register only, there are schools that draw lines in a notebook, but they use
10 the same official headings where they transcribe and register the pupils enrolling for
11 the first time at the school.

12 Q. [10:33:00] And just to clarify, for the registres matricules can you clarify what
13 are those official headings that would be usually used for this document?

14 A. [10:33:20] We have the order number, the name and post name and the given
15 name of the pupil, the date and place of birth of the pupil, the pupil's origin and the
16 names of the parents, at the end, the date on which the pupil left the school. Thank
17 you.

18 Q. [10:33:59] And moving on now to the palmarès, would that be a standard form
19 or handwritten?

20 A. [10:34:12] The palmarès did not have any standard format, but there is
21 information which the school is obliged to include as information to the school
22 authorities or to other heads of establishments. The name of the pupils in a
23 given -- the number of pupils in a given class, the marks and the percentages. There
24 are also students who drop out during the course of the year and we also have pupils
25 who are following a second session, in other words, they failed the first session,

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 therefore they need to retake a particular exam.

2 Q. [10:35:26] Now, in terms of the registres matricules can you clarify from whom
3 the schools would receive information specifically about the date of birth and place of
4 birth of a student? Who would give the school that information?

5 A. [10:35:49] Thank you. It would either be the parents, the father or the mother
6 who accompanies the child to a school to enrol it, giving the date and place of birth
7 either with the help of a birth certificate issued by the hospital or maternity clinic, or
8 documents from the état-civil when the child was registered there. And then also
9 there was the citizen's card held by Congolese citizens which included the parents'
10 date of birth. And in addition there were Catholic parents who used their children's
11 baptismal cards to provide information.

12 Q. [10:37:06] (Overlapping speakers) 2000 and 2003 during the times of conflict,
13 or even before that actually, from the end of 1998 through to 2003, did you have
14 situations where parents were not able to provide documents in support of the date of
15 birth of their children?

16 A. [10:37:39] The citizen's card no longer existed at that time so we had to make
17 do with statements made by the parents and a list from the état-civil or from the
18 hospitals or maternity clinics for the first year of primary school.

19 Q. [10:38:04] Now, I refer you to your statement 1054-0031 at paragraph 43. I'm
20 going to quote from the statement, sir. And this is your information regarding the
21 bulletin scolaire where you stated: (Interpretation) "It is the signature which renders
22 the bulletin official."

23 (Speaks English) In addition you also stated, and I quote: (Interpretation) "But I can
24 say that there was a counterfeit laboratory. I'm talking about the scanning method.
25 Since the records could be bought in book shops, they could be filled in and then they

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 could be fabricated and the school seal imitated."

2 PRESIDING JUDGE FREMR: [10:39:07] Hold on, Mr Witness, hold on.

3 Ms Grandon.

4 MS GRANDON: [10:39:10] (Interpretation) I think my colleague referred to
5 paragraph 43 and I don't think she read from that particular paragraph, unless I am
6 mistaken. Or I may not be in the correct document.

7 PRESIDING JUDGE FREMR: [10:39:33] Ms Luping.

8 MS LUPING: [10:39:34] (Overlapping speakers) It is the correct one, sir. I refer
9 Defence counsel to page 9, and at the very top of paragraph -- on next page of
10 paragraph 43, on the top line is the start of (Speaks French) and it continues. And
11 that is the passage I read.

12 PRESIDING JUDGE FREMR: [10:39:49] I can see it fine.

13 MS LUPING: [10:39:50] All right.

14 Q. [10:39:51] Now, sir, my question is as follows: When you refer to the
15 signature that makes the bulletin official and you also refer to the seal of the school,
16 can you clarify whose signature or signatures would ordinarily be expected on the
17 school record, on the bulletin scolaire, first focusing on whose signatures would be
18 expected on this document?

19 A. [10:40:29] Thank you. The person appropriate to sign the record would be
20 the head of the establishment. Either the, what we call the préfet in secondary
21 school or the head of the primary school. The parent of the child signs the record
22 when the child brings it home, but when the records leave the school, it should have
23 the signature of the head of the establishment and the seal of that school.

24 Q. [10:41:13] To clarify, is that one seal used or more than one seal for the bulletin
25 scolaire?

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 A. [10:41:31] Thank you. There is one sole seal used and that is the one
2 belonging to the school.

3 Q. [10:41:38] Now turning to the palmarès, are there any signatures that are
4 required for this document?

5 A. [10:42:01] Under -- at the bottom of the document, the palmarès, talking of
6 those belonging to secondary schools, the head of the establishment, what we call the
7 préfet signs. The teachers or form teachers of the class may sign if he agrees to that,
8 as they can also confirm the authenticity of the notes recorded in the palmarès, the
9 grades recorded in the Palmarès.

10 Q. [10:42:45] (Overlapping speakers) you would expect to be used with this
11 document for the palmarès?

12 A. [10:42:54] With regard to the seals, it would always be the seal of the school
13 concerned. Perhaps I could give you some information about seals in primary
14 schools. The record of the sixth class may have two seals; that of the school plus that
15 of the inspector who is head of the pool issuing the certificate. That is the only
16 possibility.

17 Q. [10:43:32] In terms of the seal that was used on the primary school record by
18 that inspector, has this always been the case that the inspector would also use his or
19 her seal? If this is changed in any way, since when has that been the practice?

20 A. [10:44:05] Thank you. I can't give an exact period, but there was a time
21 during which the national school administration withdrew the need for the inspector,
22 the head of the pool to sign the bulletin for a child in the sixth primary school year.
23 Therefore, the signature of the head of the school was indispensable for all records
24 relating to these children.

25 Q. [10:44:53] (Overlapping speakers) the registres matricules, can you explain

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 what signatures would be needed for validating this document?

2 A. [10:45:07] The matriculation register does not bear a signature. It is simply
3 the transcription in order of the figures. There is no signature from the head.

4 Q. (Overlapping speakers) any seal --

5 PRESIDING JUDGE FREMR: [10:45:30] Ms Luping.

6 Again, please observe pauses, otherwise overlapping is not -- the transcript doesn't
7 contain your question.

8 MS LUPING: [10:45:39] My apologies.

9 Q. [10:45:41] And for the registres matricules would there be any seal used for
10 this type of document, yes or no?

11 A. [10:45:55] No.

12 Q. [10:45:56] Now you've referred to different seals, you've referred to the seals
13 that were used by the school and the seals used by the inspectors. Just focusing on
14 the seals that were used by the schools, did each school have its own seal or was there
15 one seal used for the whole of the -- for the whole of the country?

16 A. [10:46:31] Thank you. Each school was able to produce its own seal
17 according to the stamp model agreed by the central administration. So each school
18 had its seal.

19 Q. [10:46:53] And just referring to your comment that it had to be a stamp model
20 as agreed by the central administration, could you explain for the Chamber the
21 different models that were used, what appeared in the logo, the national logo, and
22 could you indicate what time periods this symbol changed?

23 A. [10:47:36] Yes. The official symbol on each seal is the national coat of arms,
24 national coat of arms of the Congo, but when AFDL entered the Congo schools were
25 given the order to make the seals with the symbol of the star. Sometime later it was

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 the symbol with the head of a lion. After which there was a return to the national
2 coat of arms, which has the defence, the spear and so on.

3 Q. [10:48:40] Now, just first starting with the star that you indicated was used,
4 can you indicate roughly the time period in which the school stamps would use a
5 star?

6 A. [10:48:56] 1987 after AFDL. It wasn't a long period because the same
7 administration of AFDL changed the symbol and replaced it with a head of a lion.
8 So with the arrival of AFDL there were two symbols used, the star and the head of a
9 lion.

10 Q. [10:49:45] And you said that there was a return to use of the national logo and
11 you referred to a national coat of arms. First of all, can you indicate what do you see
12 in that coat of arms?

13 A. [10:50:17] National coat of arms consists of two tusks. I can see that on the
14 UN model there are two tusks and in the middle there is a head of a leopard which is
15 surrounded by a spear and I think it's a machete on the other side.

16 Q. [10:50:54] (Overlapping speakers) recall from when there was the change to
17 this symbol for school stamps? When did they change from the use of a lion's head
18 to the national logo as you've just described?

19 A. [10:51:22] We turned to the national coat of arms after the first elections after
20 AFDL, the first elections when the president came, and then we returned to the
21 national coat of arms of the Congo.

22 Q. [10:51:53] And when you say the president Kabila came, could you clarify
23 which Kabila; is that Kabila senior or Kabila junior?

24 A. [10:52:08] I don't know.

25 PRESIDING JUDGE FREMR: [10:52:15] Ms Luping, at this moment your one hour

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 allotted to you expired, so what --

2 MS LUPING: [10:52:21] Mr President, this is when I would renew my request.

3 I can clarify the topics with your indulgence that I will seek to use.

4 PRESIDING JUDGE FREMR: [10:52:28] All right, you are given 10 additional
5 minutes.

6 MS LUPING: [10:52:31] Thank you, Mr President. And thank you, your
7 Honours.

8 Q. [10:52:34] Sir, Mr Witness, I have with the indulgence of the Chamber been
9 granted an additional 10 minutes. I do have a number of points I wanted to still
10 cover with you, so if -- I would ask that your responses be extremely brief.
11 Now, when a person wants to go to a school to obtain a copy of their school records,
12 to obtain a duplicate of their records, could you explain what needs to be appear on
13 the duplicate for it to be valid? Are there any signatures or seals that are required
14 for it to be considered a valid duplicate?

15 A. [10:53:21] Thank you. This is obtaining a duplicate, and a duplicate is issued
16 to the pupil by the head of the establishment and he transcribes the grades that the
17 pupil obtained at that school and puts it on the bulletin and he writes "duplicate" at
18 the top, and then the head signs with the date of issuance of the document.

19 Q. [10:54:06] And is there any seal that is put on this duplicate document?

20 A. [10:54:18] As I said, yes, it's always the seal of the school and the signature of
21 the head of the establishment, the head of the school.

22 Q. [10:54:27] (Overlapping speakers) grades of the pupil. What is this
23 document -- sorry, I just see it now. So is this the bulletin scolaire that you're
24 referring to now?

25 A. [10:54:43] Yes, this would be the school record.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [10:54:45] And can you clarify what dates are put on the duplicate? Is it the
2 date as would be reflected in the original or the date the duplicate is issued or both
3 dates?

4 A. [10:55:02] The date of the duplicate is the date of the day on which the
5 duplicate is issued, even if the pupil finished at the school in 2015 and he were to
6 issue one today, it would be 16 February 2017, that would figure on the duplicate.
7 Thank you.

8 Q. [10:55:38] And when a child leaves the school, what note, if any, is made in the
9 school records that the child has left the school?

10 A. [10:55:58] There are two ways of leaving a school, either the child leaves
11 without notifying that -- in which case the child is considered a deserter at the end of
12 the school, and that's what we put on the -- at the end of the school year that's what
13 we put on the record. But the matricules register would be used and in the last
14 column it will be marked the debt on -- on which the pupil or parents advised
15 the -- or, notified the school of the date on which the child left the school if the child's
16 departure was official. If the child just leaves, then once the departure has been
17 realised, then the word "deserter" will appear.

18 Q. [10:57:04] (Overlapping speakers) of children and their school records. I just
19 want to refer you to your paragraph 18 of your statement 2095-0376 where you
20 explain what a post-nom is, and you refer -- you explain that it is, and I quote:
21 "... filiation communautaire et généalogique." End of quote.

22 I just want to clarify when a person is given their post-nom who does this usually
23 come from? Where does a post-nom come from?

24 A. [10:57:42] Thank you. The post name -- for myself I can give you the example
25 Tandana Ma Ngwegero. When we had the Zaïrianisation of post-colonial we were

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 to take our post names, and most people use either the father's names or their
2 grandparents' names. This is my example, these are the names of my grandparents.
3 Currently things have changed. And parents give a child a post name so that they
4 have a name and a post name and then they take a Christian name if they are baptised
5 into some church.

6 Q. [10:58:56] (Overlapping speakers) that might appear, for example, on their
7 school record, will it be the case that the same order of the name is always used, or
8 can that be used interchangeably, you know, the nom, the post-nom, the pre-nom?

9 A. [10:59:16] Thank you. Dudunyabo Tandana is the name that I put in the
10 matriculation register. I can't arrive in fifth saying that I'm called Tandana
11 Dudunyabo. Dudunyabo Tandana is the name I would have until university
12 because my certificate would have Dudunyabo Tandana which would be the name in
13 the school's registers and all my certificates would have that name. One does not
14 change the order of the names and given names.

15 Q. [11:00:07] Now, Mr Witness, you referred to in your statement the national
16 authority that deals with payment of teachers. And I refer to paragraph 39 of your
17 statement 1054-0031 where you said it was responsible for the payment of teachers
18 and you referred to personnel dossiers. Are you familiar with the letterhead and the
19 stamps used by this organisation, the SECOPE?

20 A. [11:00:54] I'm sorry, could you repeat the second half of your question?

21 Q. [11:00:58] (Overlapping speakers) the S-E-C-O-P-E, the institution that you
22 referred to in your prior statement being responsible for payrolls, would you
23 recognize its letterhead and any stamps used by this organisation if a document was
24 shown to you?

25 A. [11:01:22] Yes. We can recognize it because the seal would identify it as being

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 the SECOPE and the SECOPE would still exist --

2 Q. [11:01:44] (Overlapping speakers) I was just asking if you will recognise the
3 letterhead. I do not have time I'm afraid.

4 With the court officer's help --

5 A. Okay.

6 Q. -- if you could please be shown the document at tab 38, and that is document
7 2095-0395.

8 PRESIDING JUDGE FREMR: [11:01:59] And it will be the last issue.

9 MS LUPING: [11:02:14]

10 Q. [11:02:14] Can you please look at the letterhead top left and also the stamp at
11 page 0397. First, do you recognize the letterhead and the stamp, sir, as being that of
12 the SECOPE national?

13 A. [11:02:52] Yes, the letterhead is that of SECOPE. And the content is report of
14 the hierarchy, yes.

15 MS LUPING: [11:03:08] Mr President, your Honours, I do not seek to introduce
16 this document through this witness. It is on the Bar table motion. It was simply to
17 have confirmation of the official stamp and letterhead. And at this point I have no
18 further questions.

19 Q. Thank you very much, Mr Witness, for answering my questions.

20 PRESIDING JUDGE FREMR: [11:03:27] All right. So we break now, we break
21 now and we will reconvene half past 11.

22 THE COURT USHER: [11:03:40] All rise.

23 (Recess taken at 11.03 a.m.)

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

25 THE COURT USHER: [11:32:56] All rise.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Please be seated.

2 PRESIDING JUDGE FREMR: [11:33:22] Before we continue with

3 cross-examination of our witness, one point of organisation. In order to complete

4 this testimony today, we would like to be sure, so for that reason we are going to sit a

5 bit, a little bit longer in this session. We will be sitting till quarter past 1 and then we

6 will shorten the lunch break by those 15 minutes, so we will then continue with the

7 afternoon session as usually at 2.30.

8 Now will it be Ms Grandon or Mr Bourgon? Ms Grandon, you will be examining the

9 witness. Sorry for even making such inquiry. My fault.

10 Please go ahead.

11 QUESTIONED BY MS GRANDON: (Interpretation)

12 Q. [11:34:20] Good morning, Witness.

13 A. [11:34:22] Good morning.

14 Q. [11:34:24] We briefly met yesterday. For the purpose of the transcript I will

15 introduce myself once again to you, my name is Chloé Grandon and I'm going to ask

16 you questions for the Defence of Mr Ntaganda today.

17 We both speak French, therefore we will have to be careful, *starting with me, to

18 observe breaks between my questions *and your answers such that the interpreters

19 can carry out their work as well as possible.

20 Are you able to follow me?

21 A. [11:34:58] Understood. Thank you. Yes.

22 Q. [11:35:03] You met the investigators of the Office of the Prosecutor on several

23 occasions: March 2010, May 2010, August 2016 and November 2016 and on each of

24 these meetings documents were produced which were then communicated to the

25 Defence, and on basis of these documents I'm going to ask you questions today. Do

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 you understand?

2 A. [11:35:35] Yes, I follow you.

3 Q. [11:35:39] Essentially, my questions are going to go into two points. The first
4 point is on the issue of school documents and the second point is on your professional
5 and personal career and background.

6 A. [11:35:56] Okay.

7 Q. [11:35:57] I'm going to start by putting questions to you concerning the school
8 documents and on the school system in general in the Democratic Republic of the
9 Congo. Isn't it true, Witness, that in order to join the first year of primary school you
10 have to be at least 6 years old at the time when the school starts, namely in the month
11 of September?

12 A. [11:36:28] Yes.

13 Q. [11:36:34] And if the child has not reached the age of 6 in the month of
14 September, the child then has to wait for the next school year in order to join the first
15 year of primary school; is that correct?

16 A. [11:36:52] In principle, that's the case.

17 Q. [11:36:59] Now whether it's about primary schools or secondary schools, you
18 confirm that the school year starts in the month of September, does it not?

19 A. [11:37:17] Yes, I confirm that.

20 Q. [11:37:20] And it finishes in the month of July, does it not?

21 A. [11:37:27] Okay, very well.

22 Q. [11:37:35] In primary it's divided into three trimesters, is it not?

23 A. [11:37:40] I am indeed in agreement.

24 Q. [11:37:43] And in secondary it's two semesters, is it not?

25 A. [11:37:48] Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [11:37:50] In your statement of 2016 you explain in paragraph 11 that the
2 school course lasts for six years, that the secondary school lasts for six years.

3 A. [11:38:18] Indeed the curriculum lasts for six years. Including doubling.

4 Q. [11:38:38] What do you understand by "avec doublement"?

5 A. [11:38:46] Redoublement, that's when a child fails one particular year and then
6 has to take that class again. So the child repeats the class but the age continues,
7 obviously the child gets older and instead of finishing at the age of 12 it could be
8 finishing at the age of 13, 14, 15 if the child has to repeat a particular class.

9 Q. [11:39:12] And if a child without repeating any class, normally primary school
10 would last for six years?

11 A. [11:39:22] Yes.

12 Q. [11:39:25] Still within the framework of normal school pathway, the normal
13 curriculum would last six years also in secondary school, would it not?

14 A. [11:39:44] Yes.

15 Q. [11:39:46] If a child starts primary school at the age of six, you would confirm
16 to me that that subsequently means when he joins secondary school he's 12 years old,
17 is he not, if there is no repetition of a year?

18 A. [11:40:09] Yes.

19 Q. [11:40:10] And he will therefore finish his secondary schooling at the age of
20 18?

21 A. [11:40:15] Yes.

22 Q. [11:40:18] The primary school curriculum is sanctioned by a test, is it not?

23 A. [11:40:31] Yes.

24 Q. [11:40:34] And in order to be authorised to join secondary school you have to
25 obtain at least 50 percent in all different subjects within the test added to the results

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 obtained in the school year within the school, is it not?

2 A. [11:40:55] Yes, I'm completely in agreement.

3 Q. [11:41:02] And if it happens that a pupil does not obtain the average in one of
4 these, then he has to take the exams in a second session?

5 A. [11:41:18] Not in a second session. That person repeats the class of the sixth
6 year.

7 Q. [11:41:29] So at secondary school, if a pupil in the first session does not have
8 the average in one of the subjects, then he has to repeat the whole thing, is that the
9 case?

10 A. [11:41:52] Yes, if that person doesn't *score an average of 50 percent in a
11 branch or subject, then he has to re-sit in the second session.

12 Q. [11:42:00] So he has the possibility of catching up in the second session?

13 A. [11:42:05] Yes.

14 Q. [11:42:07] And if in the second session he obtains over 50 percent, then he can
15 go up to the next school year; is that correct?

16 A. [11:42:18] Yes, to the higher class. Thank you.

17 Q. [11:42:23] Now, you explained in your statement that talking about primary
18 schools the letter EP was commonly used for primary schools?

19 A. [11:42:50] Yes. EP means école primaire, primary school.

20 Q. [11:42:59] And when a school establishment has the title "institut," that means
21 that it is a secondary school, does it not?

22 A. [11:43:08] Yes.

23 Q. [11:43:11] I would like the document at tab 48 to be shown to you. And for
24 the transcript it's (Redacted). Do you have the document in front of you, sir?

25 A. [11:43:56] Yes, I've got the document.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

- 1 Q. [11:44:00] And this is the annual palmarès, is it not?
- 2 A. [11:44:05] Yes.
- 3 Q. [11:44:05] And you can see on this document that the school year concerned is
- 4 2001-2002, is it not?
- 5 A. [11:44:13] Correct.
- 6 Q. [11:44:15] And this is a document which concerns the institut Ujio Wa Heri, is
- 7 it not?
- 8 A. [11:44:26] Ujio Wa Heri in Bunia, okay.
- 9 Q. [11:44:30] And I would like you to go to page (Redacted) and (Redacted) of this document.
- 10 PRESIDING JUDGE FREMR: [11:44:40] Hold on, Mr Witness.
- 11 Ms Luping.
- 12 MS LUPING: [11:44:42] Mr President, your Honours, I know this witness is
- 13 testifying publicly, but I would just ask that these various pages not be broadcast
- 14 publicly, that they should remain confidential.
- 15 PRESIDING JUDGE FREMR: [11:44:54] All right. Noted.
- 16 Court officer, are you sure they are not published. Okay.
- 17 Please proceed, Ms Grandon.
- 18 MS GRANDON: [11:45:09]
- 19 Q. [11:45:10] Do you have page (Redacted) before you?
- 20 A. [11:45:14] Yes.
- 21 Q. [11:45:23] I would like us in particular to go to the information concerning
- 22 class 3. Can you see that towards the bottom of the class?
- 23 A. [11:45:34] Third pedagogic, yes.
- 24 Q. [11:45:37] So this is the palmarès or result for the children of that year?
- 25 A. [11:45:40] Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [11:45:42] I would like together to look at the categories indicated under this
2 class.

3 Can you see category A, indicating the children who passed the first session?

4 A. [11:46:01] Yes.

5 Q. [11:46:02] And category B, the list of pupils who took the second session?

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

7 Q. [11:46:16] Could you confirm to us for this second category the reason why
8 these pupils are written into that category? What does it mean -- (Overlapping
9 speakers)

10 THE INTERPRETER: [11:46:35] Overlapping.

11 THE WITNESS: [11:46:39] (Interpretation) These pupils were -- had insufficient
12 grades in some areas and, as such, their names are written down and they followed
13 exams in those areas. And when they obtained 50 percent or more they were
14 admitted to go up to the next class. Thank you.

15 MS GRANDON: (Interpretation)

16 Q. [11:47:08] And if we turn the page, you see category C, which is indicated "are
17 authorised to repeat"?

18 A. [11:47:20] Yes.

19 Q. [11:47:23] And under D there are pupils who are excluded; is that correct?

20 A. [11:47:34] Not excluded. Admitted to repeat the class by the conseil de
21 délibération board.

22 Q. [11:47:47] I'm speaking about category D?

23 A. [11:47:52] Category B?

24 Q. [11:47:53] Category D.

25 A. [11:47:57] D. Yes. Excluded. Excluded from school.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [11:48:03] And below that you have the category E, that is pupils that have
2 left?

3 A. [11:48:10] Yes. Correct.

4 Q. [11:48:14] I understand from what you explained this morning that for pupils
5 who are in category which is "left", that's deserters, is it not?

6 A. [11:48:33] Yes. We put their name there, yes. Reason is put there.

7 Q. [11:48:48] The palmarès makes a distinction, a clear distinction between pupils
8 who are excluded and others who have left, does it not?

9 A. [11:48:59] Yes, it does.

10 Q. [11:49:04] The exclusion comes from a decision of the establishment, whereas
11 in the case of pupils that have left, that is pupils that have left out of their own will?

12 A. [11:49:16] Yes.

13 Q. [11:49:19] Sir, what reasons could give rise to a pupil being excluded?

14 A. [11:49:41] The marks they obtained, those who obtained lower marks than a
15 certain set level set by the conseil de délibération, the school board.

16 Q. [11:49:59] So it's on the basis of their school results, is it?

17 A. [11:50:02] On the basis of their school results. And here I can see number 2,
18 age, too old to be in that class, over the age of 16 without doubt.

19 Q. [11:50:21] Does bad behaviour on the part of a pupil, could that also be
20 grounds for exclusion?

21 A. [11:50:28] Yes, the discipline committee could decide that.

22 Q. [11:50:44] You explained to us earlier this morning the procedure to register or
23 enrol a child with the school and you explained that the parents of pupils came to
24 enrol their children with the school, did you not?

25 A. [11:50:59] Yes. And older children could come by themselves. That's just a

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 detail to be added.

2 Q. [11:51:09] And your statement, namely paragraph 20 thereof, you explain that
3 while it is possible to attest to the date of birth of a child via different documents, in
4 practice most often the date of birth is indicated *based on the parents' declaration; is
5 that the case?

6 A. [11:51:28] Yes.

7 Q. [11:51:32] You also explain in paragraph 21 that if it turns out at the time of
8 registration that the date of birth is not correct, then the same date of birth is going to
9 be found on all following school documents concerning that pupil; is that correct?

10 A. [11:51:54] Yes.

11 Q. [11:51:58] During your meeting in May 2010 with the investigators of the
12 Office of the Prosecutor, and here I'm referring to 0230-0031, now you explained that
13 errors on the date of birth were quite frequent; is that the case?

14 A. [11:52:30] No. That's an erroneous statement. It happened. It happens.

15 Q. [11:53:02] You explain, sir, in your statement of 2016, namely paragraph 44
16 thereof, that when a child is absent for more than 30 days that child is considered a
17 deserter. Do you confirm that?

18 A. [11:53:16] Yes.

19 Q. [11:53:16] And this information is indicated in the palmarès, is it not?

20 A. [11:53:23] At the end of the year, yes.

21 Q. [11:53:30] And when a pupil is a deserter, that pupil can only retake the school
22 the next year if he wishes to do so?

23 A. [11:53:42] Yes.

24 Q. [11:53:44] And you also explained that was the reason why a pupil could not
25 follow a course in a school and be a member of a militia; is that correct?

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 A. [11:53:57] Okay.

2 Q. [11:54:12] I would like to read part of your statement, paragraph 39 and 40,
3 where you explain the following:

4 "The investigators asked me if children could be both in school and members of
5 militia. No, they couldn't have activities within the militia and at the same time be at
6 school. The only possibility was to pay somebody to have a false school record.
7 Some militia who had left school in order to join the combatants joined the school
8 after the end of the conflict. Some returned to their previous school where they were
9 able to follow their schooling where they had left it off. They started the school year
10 from the beginning of the year."

11 Do you confirm that, sir?

12 A. [11:55:19] It's correct.

13 Q. [11:55:29] Now, you explained in your statement of 2010 that the
14 *pupil's attendance books and the school reports were filled in by the form
15 teachers.

16 A. [11:55:44] The presence or the attendance list, yes, by the form teacher, and the
17 school records, yes.

18 Q. And it was only at the end of the school year that the head would sign the
19 record?

20 A. [11:56:03] Yes. Yes, after deliberations.

21 Q. [11:56:10] So the form teacher is the person who ensures the follow-up of a
22 class, who monitors the class?

23 A. [11:56:18] Yes.

24 Q. [11:56:19] And that person is therefore the best informed person about the
25 presence or absence of the pupil?

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 A. [11:56:26] Yes.

2 Q. [11:56:39] I would now like to show you the document in tab 49, (Redacted).

3 Do you have the document in front of you, Witness?

4 A. [11:57:10] Yes.

5 Q. [11:57:14] Now this is a document about the result of national tests for the end
6 of primary school, is it not?

7 A. [11:57:21] Yes, that is correct.

8 Q. [11:57:26] And at the top on the right of this document it's indicated that these
9 are the results of the year 1989; is that correct?

10 THE INTERPRETER: [11:57:39] 1999 corrects the interpreter.

11 MS GRANDON: [11:57:43] (Interpretation)

12 Q. [11:57:45] Is that correct?

13 A. [11:57:46] Yes.

14 Q. [11:57:48] Now these are the results of primary school Sukisa?

15 A. [11:57:54] Okay.

16 Q. [11:57:59] Could you turn to page (Redacted), please.

17 A. [11:58:10] Yes.

18 PRESIDING JUDGE FREMR: [11:58:16] Ms Grandon, just to remind you that if
19 you would like to deal with names of any witness, we would have to move into
20 private.

21 MS GRANDON: [11:58:25] (Interpretation) In that case, then I think we should
22 go into private session.

23 PRESIDING JUDGE FREMR: [11:58:31] All right.

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

25 (Private session at 11.58 a.m.) *(Reclassified partially in public)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

- 1 THE COURT OFFICER: [11:58:44] We're in private session, your Honour.
- 2 PRESIDING JUDGE FREMR: [11:58:46] Thank you.
- 3 Ms Grandon, please proceed.
- 4 MS GRANDON: [11:58:50] (Interpretation) Thank you, your Honour.
- 5 Q. [11:58:53] Could you please look at (Redacted) of this document.
- 6 A. [11:59:02] Yes.
- 7 Q. [11:59:04] Do you see the name of the pupil?
- 8 A. [11:59:09] Yes.
- 9 Q. [11:59:11] (Redacted)
- 10 A. [11:59:15] (Redacted)
- 11 Q. [11:59:19] (Redacted)
- 12 (Redacted)
- 13 A. [11:59:28] (Redacted)
- 14 Q. [11:59:31] (Redacted)
- 15 (Redacted)
- 16 A. [11:59:44] (Redacted)
- 17 Q. [11:59:50] (Redacted)
- 18 A. [12:00:17] (Redacted)
- 19 Q. [12:00:24] Is it correct?
- 20 A. [12:00:26] It's correct.
- 21 MS GRANDON: [12:00:34] I would like to ask for this document to be admitted,
- 22 your Honour.
- 23 PRESIDING JUDGE FREMR: [12:00:39] Ms Luping, any objection?
- 24 MS LUPING: [12:00:42] Mr President, your Honours, there have been insufficient
- 25 questions put to this witness to establish entirely the authenticity of this document.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 At this stage the Prosecution would not agree to the admission of this document.

2 PRESIDING JUDGE FREMR: [12:01:02] Maybe, Ms Grandon, one or two questions
3 that could just complete this.

4 MS GRANDON: [12:01:13] (Interpretation)

5 Q. [12:01:16] Witness, if we look at this document, does it seem to be authentic to
6 you?

7 A. [12:01:24] Yes. (Redacted)

8 (Redacted)

9 Q. [12:01:40] (Redacted)

10 (Redacted)

11 A. [12:01:50] His initials are next to it and I recognize those initials.

12 PRESIDING JUDGE FREMR: [12:01:57] And, Mr Witness, do you personally have
13 any doubts about the authenticity of this document?

14 THE WITNESS: [12:02:15] (Interpretation) No, I have no doubts.

15 PRESIDING JUDGE FREMR: [12:02:19] Ms Luping.

16 MS LUPING: [12:02:20] Mr President, we would just seek at this point in time
17 some clarity from the Defence as to the use of this document. We note for the record
18 that this document was never shown or put to the individual whose name is of
19 relevance in this document. Never was this document shown. She was not asked a
20 single question about this. What we -- we're not clear then what is the relevance of
21 this document for the purposes of this case when this document, it's not been
22 established it is indeed the same person.

23 PRESIDING JUDGE FREMR: [12:02:55] Ms Grandon, do you want to comment or
24 do you want to answer?

25 MS GRANDON: [12:02:59] (Interpretation) It might be best to do that if the

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 witness were to be disconnected. I would not like him to be influenced by our
2 discussions.

3 PRESIDING JUDGE FREMR: [12:03:16] Understandable. So technically, could we
4 ask remote room in the field to assure that Mr Witness will not be -- will not be able to
5 hear what we are discussing here in the courtroom?

6 THE COURT OFFICER: [12:03:42] If the remote location could please mute the
7 sound. Thank you.

8 The sound is cut off.

9 PRESIDING JUDGE FREMR: [12:04:01] Thank you.

10 Ms Grandon.

11 MS GRANDON: [12:04:03] (Interpretation) (Redacted)

12 (Redacted) And we can show the witness this

13 document, because of his capacity he can certify its authenticity. That is why

14 Defence wants to submit this document to evidence. (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE FREMR: [12:04:37] Ms Luping.

18 MS LUPING: [12:04:38] Mr President, your Honours, it's not sufficient only to

19 show a document may or may not be authentic, it -- there's also the issue of the

20 relevance of the document. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Redacted). It's on that basis we
- 3 do not see how it can be viewed as relevant or admissible.
- 4 PRESIDING JUDGE FREMR: [12:05:27] (Redacted)
- 5 (Redacted)
- 6 MS GRANDON: [12:05:39] (Interpretation) (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 PRESIDING JUDGE FREMR: [12:06:00] All right. The objection is overruled.
- 12 This document is admitted into evidence as a further Defence exhibit. As to the
- 13 objection made by Ms Luping, we will take it into consideration when evaluating the
- 14 relevance and probative value of this document.
- 15 Now we can, yes, connect us again with the field.
- 16 All right. Ms Grandon, you may proceed.
- 17 MS GRANDON: [12:06:49] (Interpretation)
- 18 Q. [12:06:52] Can you hear me, Mr Witness? Witness, can you hear me?
- 19 A. [12:07:12] Yes, I can hear you.
- 20 Q. [12:07:15] The student who passed the end of primary school tests as you
- 21 confirmed was authorised to go to secondary school (Redacted)
- 22 (Redacted); is that correct?
- 23 A. [12:07:45] Yes.
- 24 Q. [12:07:47] Let me show you document in (Redacted).
- 25 Do you have the document before you, Mr Witness?

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

- 1 A. [12:08:29] Yes, I do.
- 2 Q. [12:08:32] (Redacted)
- 3 (Redacted)
- 4 A. [12:08:39] (Redacted)
- 5 Q. [12:08:41] (Redacted)
- 6 (Redacted)
- 7 A. [12:08:55] (Redacted)
- 8 Q. [12:08:57] (Redacted)
- 9 A. [12:09:03] (Redacted)
- 10 Q. [12:09:12] On the basis of this document you are able to say that the student
- 11 passed the second year of secondary education and was authorised to go to the third
- 12 year?
- 13 A. [12:09:25] Yes, it's written on the document "passed".
- 14 Q. [12:09:31] When you say on the document, which part are you referring to?
- 15 A. [12:09:39] To the right of the document after the second session, you see after
- 16 the second session you see two segments and right below you can see the mention
- 17 "Passe".
- 18 Q. Above the entry to repeat or failed which have been struck out; is that correct?
- 19 A. [12:09:59] Yes.
- 20 Q. [12:10:00] I would like us to look more closely at this document. And I
- 21 understand from the document that the student in question -- (Redacted)
- 22 (Redacted)
- 23 PRESIDING JUDGE FREMR: [12:10:19] (Redacted)
- 24 MS GRANDON: (Interpretation)
- 25 Q. [12:10:29] (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 A. [12:10:37] (Redacted)

3 Q. [12:10:47] By the way, the marks below average are entered in red; is that
4 correct?

5 A. [12:10:57] Yes, but we have a photocopy here.

6 Q. [12:11:03] (Redacted)

7 (Redacted)

8 A. [12:11:09] (Redacted)

9 Q. [12:11:11] (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [12:11:33] (Redacted)

13 Q. [12:11:34] (Redacted)

14 (Redacted)

15 A. [12:11:41] (Redacted)

16 Q. [12:11:42] (Redacted)

17 A. [12:11:48] (Redacted)

18 Q. [12:11:59] When the investigators asked you why -- or, how it was possible to
19 verify the authenticity of the information contained in this document, (Redacted)
20 of your 2016 statement you stated that the verification could be done through the
21 school records; is that correct?

22 A. [12:12:35] The school records indicate that the student passes to the second
23 session, but the marks in the report can also be cross-checked with the archives of the
24 school.

25 Q. [12:12:54] So we can use two documents, therefore, to confirm the information

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 contained in this report, that is the school records as well as the archives; is that
2 correct?

3 A. [12:13:06] Yes, the archives for all records and for the entire year, whereas the
4 school record in terms of percentages and sequencing of the year can be used for these
5 purposes.

6 Q. [12:13:21] Can we display document at tab 52, please.

7 THE COURT OFFICER: [12:13:33] Could you please give full ERN on record.

8 MS GRANDON: [12:13:40] (Redacted)

9 Q. [12:13:55] Do you have the document with you, Witness?

10 A. [12:13:57] Yes.

11 Q. [12:14:02] This is the record for school year (Redacted) for (Redacted)
12 (Redacted); is that correct?

13 A. [12:14:15] Yes.

14 Q. [12:14:17] Could that document be displayed, please, on the screen.

15 So this is the document you talked to us about which can enable us to confirm or
16 indicate the information contained in the documents that we have just scrutinised; is
17 that correct?

18 A. [12:14:52] Yes.

19 Q. [12:14:53] (Redacted)

20 A. [12:15:30] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 THE INTERPRETER: [12:16:20] Mr President, can counsel be asked to observe the

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 pause.

2 THE WITNESS: [12:16:26] (Interpretation) Yes, it confirms it.

3 THE INTERPRETER: [12:16:29] The interpreters missed the question.

4 PRESIDING JUDGE FREMR: [12:16:32] Ms Grandon, could you kindly repeat the
5 question because -- and sometimes you are omitting to observe pauses, so please have
6 it in mind otherwise the transcript will be incomplete.

7 MS GRANDON: [12:16:44] (Interpretation) I will repeat the question because it
8 wasn't recorded.

9 Q. [12:16:49] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [12:17:20] (Redacted)

14 Q. [12:17:24] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [12:17:42] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 (Redacted) So the entry is correct.

2 Q. [12:19:07] According to you, Mr Witness, is this palmarès an authentic
3 document?

4 A. [12:19:20] Yes, it is authentic.

5 MS GRANDON: [12:19:23] Mr President, I would like to produce this document
6 into evidence.

7 PRESIDING JUDGE FREMR: [12:19:26] Ms Luping.

8 MS LUPING: [12:19:27] Mr President, I just note that the witness has been asked
9 questions about the first and the last page, he's not been asked about the intervening
10 pages. For the purposes of asking about authentication before this document is
11 admitted, we'd ask at minimum that he is asked to look at the entirety of the
12 document before expressing his views as to the authenticity of the document as a
13 whole.

14 PRESIDING JUDGE FREMR: [12:19:47] Ms Grandon, do you want to -- just those
15 two pages to be admitted or whole document?

16 MS GRANDON: [12:20:05] Mr President, the document has four pages. Maybe
17 I can refer to the cover page which bears a signature and a stamp with a view to
18 verifying the authenticity of the document. But I feel that just for the purpose of
19 understanding the entire document it is better to have all the four pages of the
20 document together.

21 PRESIDING JUDGE FREMR: [12:20:24] All right, just -- Mr Witness, you have seen
22 just two pages, you have -- you have seen just two pages of the document. Is there a
23 hard copy available in the field?

24 MS GRANDON: [12:20:48] (Interpretation) I think the witness has the entire
25 document, Mr President.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 THE WITNESS: [12:20:53] (Interpretation) Yes.

2 PRESIDING JUDGE FREMR: [12:20:55] So, again, I am repeating myself,

3 Mr Witness. From your part, do you see any doubts about the authenticity of the
4 whole document?

5 THE WITNESS: [12:21:21] (Interpretation) I have no doubts, but what I want to
6 say is that I wasn't shown this document before. I didn't initial this document, but
7 right now what I can say is that this document is authentic. (Redacted)
8 (Redacted)

9 PRESIDING JUDGE FREMR: [12:21:49] So all right we are aware of this
10 reservation. If there will be some problem with other pages, we will take it into
11 account, otherwise the document is admitted into evidence as a further Defence
12 exhibit.

13 MS GRANDON: [12:22:15] (Interpretation)

14 Q. [12:22:18] Mr Witness, isn't it correct that the palmarès is one of the most
15 important school documents when it comes to checking the educational background
16 of a student?

17 A. [12:22:31] For a specific academic year, yes. But if you are going to look at the
18 background of the student, then you must take the various palmarès for each
19 academic year into consideration.

20 PRESIDING JUDGE FREMR: [12:22:48] Ms Grandon, so if you are now going to
21 explore some general issues couldn't we return back into open session?

22 MS GRANDON: [12:22:55] (Interpretation) Yes, indeed, Mr President.

23 PRESIDING JUDGE FREMR: [12:22:58] All right.

24 Court officer, let's return back into open session.

25 (Open session at 12.23 p.m.)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

- 1 THE COURT OFFICER: [12:23:08] We're in open session, your Honour.
- 2 PRESIDING JUDGE FREMR: [12:23:14] Thank you, court officer.
- 3 Ms Grandon, please.
- 4 MS GRANDON: [12:23:17] (Interpretation)
- 5 Q. [12:23:22] From your last answer I understand that the palmarès covers a
- 6 specific academic year and that if one were to cross-check the academic years of each
- 7 student, then the palmarès scolaire would be the basic document; is that correct?
- 8 A. [12:23:41] Yes, it's an indispensable document, that's correct.
- 9 Q. [12:23:47] Do you know Mr Bunu Gbazani?
- 10 A. [12:23:55] Bunu?
- 11 Q. [12:24:02] B-U-N-U, G-B-A-Z-A-N-I.
- 12 A. [12:24:15] I don't remember Bunu Njabu (phon).
- 13 Q. [12:24:21] I put it to you that he was a teacher at IDAP. Does that jog your
- 14 memory?
- 15 A. [12:24:31] No. Personally, no.
- 16 Q. [12:24:38] I would now like us to look at a document which you were shown
- 17 earlier on this morning, that is the document in tab 26, DRC-2095-0395.
- 18 Do you have the document before you?
- 19 A. [12:25:24] Yes, the document is here.
- 20 Q. [12:25:28] My learned colleague put a few questions to you about what we can
- 21 see at the top left of this document. Do you remember that?
- 22 A. [12:25:36] Yes, I do. I do remember that.
- 23 Q. [12:25:44] Do you agree with me that what you have at that spot is neither a
- 24 stamp nor a seal but simply a logo?
- 25 A. With all the necessary information.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [12:26:03] But is this a logo, a letterhead, or is it a stamp or a seal?

2 A. [12:26:10] The seals are not placed there. Usually a seal would appear at the
3 end.

4 Q. [12:26:16] But we see that at page 0397, is that what the seal is?

5 A. [12:26:22] Yes.

6 Q. [12:26:35] Could that page be displayed on the screen.

7 The stamp is different from the letterhead or the logo that we see on page 1; is that
8 correct?

9 The symbol is not the same?

10 A. [12:27:20] Of course it is. We have control services for payment for teachers
11 known as SECOPE, service for control and payment of teachers.

12 The coat of arms is there.

13 Q. [12:27:41] The drawing?

14 A. [12:27:42] Yes, the drawing is what is referred to as the coat of arms.

15 THE INTERPRETER: [12:27:50] Overlapping speakers, Mr President.

16 PRESIDING JUDGE FREMR: [12:27:54] Ms Grandon, again there was overlapping,
17 so please repeat your question, then we will again ask Mr Witness to repeat his
18 answer.

19 MS GRANDON: [12:28:11] (Interpretation) I'm sorry, Mr President.

20 Q. [12:28:13] Let me put the question to you again, Mr Witness, because I spoke
21 too quickly and the interpreters were not able to do their work.

22 You would agree with me, Mr Witness, that the drawing on the stamp on the last
23 page is different from the head of the leopard which you see on the letterhead and the
24 logo which appears on the first page; is that correct?

25 A. [12:28:46] That is the head or the design which we use now which is the coat of

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 arms, that design reflects the coat of arms which is right there in the middle.

2 Q. [12:29:12] Mr Witness, let us move on to something else. Please set that
3 document aside.

4 You explained in your statement of 2016 that this -- about something that happened in
5 Ituri at the end of 2003 and that was the state exam; is that correct?

6 A. [12:29:45] Yes.

7 Q. [12:29:48] And paragraph 32 of this statement you explained that the children
8 continued to go to school in Bunia despite the conflict; is that correct?

9 A. [12:30:00] Yes.

10 Q. [12:30:05] And that if the lessons were interrupted, that would only have been
11 for two or three days; is that correct?

12 A. [12:30:17] Yes.

13 Q. [12:30:21] Were you never -- were you ever informed, Mr Witness, that the
14 militia came to the schools to recruit students?

15 A. [12:30:33] No, I have no information on that.

16 Q. [12:30:38] I would now like you to look at the document at tab 53, 0037-0294?

17 A. [12:31:15] Yes.

18 Q. [12:31:17] I am just awaiting for the document to appear on our screens before
19 I ask my question.

20 Can you see the document?

21 A. [12:31:57] Yes, I do.

22 Q. [12:32:00] You can see that it is a list of the national secretaries of the UPC/RP
23 as stated at the top of the page?

24 A. [12:32:13] Yes.

25 Q. [12:32:19] I would like to look at the first half of this document, national

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 secretary for budget and expenditure, which you can see here.

2 A. [12:32:42] I see that.

3 Q. [12:32:46] And do you see that madam Eliane Lyagabo Tumise is indicated as
4 the person in charge of the secretariat?

5 A. [12:33:00] Yes, I do.

6 Q. [12:33:01] Do you know, Mr Witness, that this person of a Bira ethnicity is part
7 of the UPC?

8 A. [12:33:09] Personally, no.

9 PRESIDING JUDGE FREMR: [12:33:13] Ms Luping.

10 MS LUPING: [12:33:14] Mr President, your Honours, I would just ask that when
11 we start delving into questions that don't relate to the pure technical expertise of the
12 witness that we move into private session. The witness, even at the beginning of his
13 testimony, expressed some concerns as to some of the questions that may be asked of
14 him. The witness has answered now, but just I would ask Defence counsel to
15 exercise some caution relating to -- when we delve into matters beyond his expertise
16 as a school inspector. If they could be asked in private session.

17 PRESIDING JUDGE FREMR: [12:33:47] Yes, but I think this question even doesn't
18 concern him, so I don't see any problem. But we will take also your caveat into
19 consideration, and I guess Ms Grandon as well.

20 Ms Grandon, please proceed.

21 MS GRANDON: [12:34:14]

22 Q. [12:34:15] The budget is an important post within a political movement; is that
23 correct?

24 PRESIDING JUDGE FREMR: [12:34:21] Ms Grandon, what is this question about?
25 I think it's not about -- it's not about his testimony, what he saw, what he heard. Not

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 his opinion whether it's important post or not. It's an irrelevant question. Go
2 ahead.

3 MS GRANDON: [12:34:41] (Interpretation)

4 Q. [12:34:44] I would ask to look at the line relating to national secretary for
5 pacification and reconciliation?

6 A. [12:34:54] Yes, I see that.

7 Q. [12:35:04] Do you see that this secretariat was led by Mr Tinanzabo Selemani?

8 A. [12:35:12] Yes. And with all respect, we have entered here into politics which
9 does not concern me. But I will answer your question to say that Mr Tinanzabo
10 Selemani, up to this date, is vice-president in place of the president. He is member
11 of parliament today. I know that.

12 Q. [12:35:41] And he is of Bira ethnicity?

13 A. [12:35:44] Yes. But I don't see that.

14 Q. [12:35:54] Do you know that Mr Tinanzabo led a number of pacification
15 missions in January 2003?

16 A. [12:36:09] That action didn't interest me, if you please.

17 Q. [12:36:16] Can we now move down to the line national secretary to the
18 presidency. Do you see that line? It's in the second half of the page.

19 A. [12:36:44] Yes, I see that.

20 Q. [12:36:51] And you see that it was led by Mr Gilbert Sougabo Gulabo?

21 A. [12:36:59] I see his name here.

22 Q. [12:37:01] And that he is also Bira ethnicity?

23 A. [12:37:03] Yes.

24 Q. [12:37:07] So the UPC had Bira leaders as part of its structure, correct?

25 PRESIDING JUDGE FREMR: [12:37:21] Ms Luping.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 MS LUPING: [12:37:22] Mr President, your Honours, the witness has already
2 indicated that he didn't pay attention to the specifics of politics. He's not been
3 brought on as an expert, he was not within the UPC, he was not a UPC official. And
4 so I'm just wondering what the purpose is of asking this witness to comment upon the
5 specific officials that are being brought to his attention.

6 PRESIDING JUDGE FREMR: [12:37:45] Yes, Ms Luping, he can easily say he
7 doesn't know or he didn't pay attention. Please have in mind that, according our
8 conduct of proceeding decision, the cross-examination shouldn't be necessarily
9 limited only to areas mentioned during the direct examination. So they even can go
10 beyond, beyond that.

11 Those questions probably, it's my understanding, is put to the witness as an ordinary
12 citizen inhabitant of Ituri. So if there would be some question that would really go
13 to some political aspects or asking for opinion that I will prohibit those, but so far it's
14 fair.

15 Please proceed, Ms Grandon.

16 MS GRANDON: [12:38:37] (Interpretation) Thank you, Mr President.

17 Q. [12:38:47] You knew that the armed branch of the UPC was called FPLC?

18 A. [12:38:55] I have no information on that.

19 Q. [12:39:03] Did you know that in the Rwampara training centre a large number
20 of recruits groups were Bira?

21 A. [12:39:15] I did not know that there was a training centre in Rwampara of the
22 UPC, and so I did not know that.

23 Q. [12:39:28] Could we please now look at the document at (Redacted).

24 Do you have the document before you?

25 A. [12:40:07] Yes, I have it.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

- 1 Q. [12:40:10] This is the same document we looked at earlier.
- 2 A. [12:40:14] Yes.
- 3 Q. [12:40:16] I would like to turn to page 2435, please.
- 4 A. [12:40:28] Yes.
- 5 Q. [12:40:35] And if we look in the category administrative personnel and we take
- 6 the first name, number 01, you see Bazungu Avemvo?
- 7 A. [12:40:52] Yes.
- 8 Q. [12:40:54] According to our information this person is of Lendu origin, is that
- 9 possible?
- 10 A. [12:41:01] Ngiti.
- 11 Q. [12:41:09] If we take another example of B, the full-time personnel, you see the
- 12 name Dakanabo Mambek?
- 13 A. [12:41:30] Yes.
- 14 Q. [12:41:32] According to our information this person is of Bira ethnic origin?
- 15 A. [12:41:43] Bira.
- 16 Q. [12:41:46] And Duandro Duzorot would be Ngiti?
- 17 THE INTERPRETER: [12:41:58] Reply was inaudible.
- 18 PRESIDING JUDGE FREMR: [12:42:03] Mr Witness, we didn't hear your response.
- 19 Could you repeat it?
- 20 THE WITNESS: [12:42:15] (Interpretation) Duandro Duzorot is Ngiti.
- 21 PRESIDING JUDGE FREMR: [12:42:20] And, Mr Witness, your answers are based
- 22 on what grounds? You know those people or you are just concluding looking at
- 23 their names?
- 24 THE WITNESS: [12:42:48] (Interpretation) I know them personally.
- 25 PRESIDING JUDGE FREMR: [12:42:51] All right. Ms Luping.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 MS LUPING: [12:42:52] Mr President, your Honours, I have just noted that we are
2 in public session when we're talking about specific individuals by name. And just a
3 concern as to the question also asked --

4 PRESIDING JUDGE FREMR: [12:43:02] Yes, but I think there is a need to go into
5 private session if we are touching name of protected witnesses, which I believe is not
6 the case at the moment.

7 Ms Grandon, please proceed.

8 MS GRANDON: [12:43:21] (Interpretation)

9 Q. [12:43:22] If we continue to look at the names and we get to Katirogo Kasikily,
10 is that also a person of Bira ethnicity?

11 A. [12:43:31] Yes.

12 Q. [12:43:38] And Lobo Likpa is Lendu?

13 A. [12:43:44] Hema.

14 Q. [12:43:52] And if we look at part-time personnel on the next page, 2436,
15 Dheda Tikpa?

16 A. [12:44:13] Yes.

17 Q. [12:44:16] We believe that this is a Lendu person?

18 A. [12:44:20] Yes.

19 Q. [12:44:45] Do you know Madam Philogène --

20 THE INTERPRETER: [12:44:50] Rest of the name inaudible.

21 THE WITNESS: [12:44:55] (Interpretation) No.

22 MS GRANDON: [12:44:56] (Interpretation)

23 Q. [12:44:57] I submit to you that she was a teacher at EP Bunia 2003 and she was
24 a Bira, of Bira ethnicity. Does that refresh your memory?

25 A. [12:45:10] No, I don't know her personally.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Q. [12:45:16] Do you know Mr Justin Kazadi Mokili?

2 A. [12:45:28] No.

3 Q. [12:45:31] I submit to you that he was a teacher --

4 PRESIDING JUDGE FREMR: [12:45:36] Sorry, sorry, I have to interrupt you.

5 Ms Luping is on her feet.

6 Ms Luping.

7 MS LUPING: [12:45:39] Yes, it's just a question of the names that have been put

8 now that don't appear in the record. Neither transcript are capturing the names. If

9 they could please be spelt out.

10 PRESIDING JUDGE FREMR: [12:45:51] Ms Grandon, either spell out or just put it

11 on the record in a pronunciation which will be clear.

12 MS GRANDON: [12:46:02] (Interpretation) The first was Philogène Simbalina,

13 S-I-M-B-A-L-I-N-A. And then Yelikana, Y-E-L-I-K-A-N-A.

14 PRESIDING JUDGE FREMR: [12:46:41] In English we do have the first one only.

15 MS GRANDON: [12:46:45] (Interpretation) The second name was Yelikana, the

16 second name.

17 PRESIDING JUDGE FREMR: [12:46:54] Now it's fine. Now it's fine.

18 MS GRANDON: [12:46:56] (Interpretation) And the second name, Justin

19 K-A-Z-A-D-I, Mokili, M-O-K-I-L-I.

20 PRESIDING JUDGE FREMR: [12:47:28] Please proceed.

21 Ms Grandon, please proceed.

22 Mr Witness, please go ahead, Mr Witness.

23 THE WITNESS: [12:48:06] (Interpretation) Yes, I would like to draw the attention

24 to madam on the same page on the administrative and teaching personnel, if we use

25 the information given there, we will see that on the list of administrative personnel

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 there are two asterisks. This means at -- at the beginning of the year they were there
2 but they left at some point because, as it says, some members of personnel were only
3 at the school for a number of months or a number of weeks. Their names are
4 indicated by an asterisk. They were replaced provisionally at the beginning of the
5 year. So these were people who were there at the beginning of the year but who
6 then later left. Thank you.

7 PRESIDING JUDGE FREMR: [12:49:16] Thank you, Mr Witness. Well noted.
8 Ms Grandon, please.

9 MS GRANDON: [12:49:20] (Interpretation)

10 Q. [12:49:24] So my last question was that Mr Justin Kazadi Mokili was a teacher
11 at the school in Bunia. Does that refresh your memory?

12 A. [12:49:46] Yes, he was there up until the time I left Bunia.

13 Q. The IDAP is in Mudzipela?

14 A. [12:50:08] Yes, Bunia.

15 Q. [12:50:09] And this is an Hema dominated area, would you say?

16 A. [12:50:13] Yes.

17 Q. [12:50:16] So it is possible -- it was possible for non-Hema teaching staff to
18 work in the school that was in Hema area?

19 A. [12:50:27] Yes, during the hostilities.

20 Q. [12:50:44] I would now like to change subject. You said this morning that
21 you were born in Lubumbashi; is that correct?

22 A. [12:50:53] Yes.

23 Q. [12:50:54] Where did you go to primary school?

24 A. [12:51:04] I started at EP Lubumbashi. My father was in the military. From
25 Lubumbashi we went to Faradje and there I did my second year. From Faradje we

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 went back to Irumu where I did the third year. And from Irumu I went to Badiya
2 where I completed my school career.

3 Q. [12:51:45] Does that include your secondary school curriculum?

4 A. [12:51:48] No. No, *for secondary school I was in Kilo, at the école normale in
5 Kilo, from first grade to sixth grade.

6 Q. [12:52:04] And then you went to ISP Bunia?

7 A. [12:52:09] Yes.

8 Q. [12:52:11] And then you were a teacher in Kilo to '72; is that correct?

9 A. [12:52:28] No. I completed my school *ISP in '72.

10 Q. [12:52:36] And then you taught for three years in Kilo; is that correct?

11 A. [12:52:42] Yes, yes, I went back to Kilo afterwards.

12 Q. [12:52:52] And then you became préfet des études; is that correct?

13 A. [12:52:57] Yes.

14 Q. [12:52:58] And as part of this job you travelled around the schools in the
15 region; is that correct?

16 A. [12:53:03] Yes.

17 Q. [12:53:06] In your statement, Mr Witness, you said that you lived in several
18 areas of Bunia; do you recall having said that?

19 A. [12:53:34] Yes, I do.

20 Q. [12:53:42] What was the first area you lived in?

21 A. [12:53:51] It wasn't an area. We called it -- Mudzipela now, but it was
22 Bigo III.

23 Q. [12:54:04] When did you live there?

24 A. [12:54:09] I don't recall the beginning.

25 Q. [12:54:20] Do you recall how many years you lived in this area, in this

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

- 1 neighbourhood?
- 2 A. [12:54:29] More than three years.
- 3 Q. [12:54:49] And then you moved from Bigo to Chem Chem; is that correct?
- 4 A. [12:54:54] Yes.
- 5 Q. [12:54:54] And when did you move there?
- 6 A. [12:54:59] I am sorry, I don't know the exact date.
- 7 Q. [12:55:07] Do you know the year, approximately?
- 8 A. [12:55:13] No. No.
- 9 Q. [12:55:22] And you -- how long did you remain in Chem Chem?
- 10 A. [12:55:26] Not very long. Two months perhaps, maximum.
- 11 Q. [12:55:36] Who were your neighbours in Chem Chem?
- 12 A. [12:55:43] It was an inspector who is now deceased.
- 13 Q. [12:55:55] Could you give me his name?
- 14 THE INTERPRETER: [12:56:06] The interpreter did not capture the response.
- 15 MS GRANDON: [12:56:11] (Interpretation)
- 16 Q. [12:56:13] *And when you were in Bigo, who were your neighbours?
- 17 A. [12:56:25] *There was a dentist, a pastor, and a former soldier.
- 18 Q. [12:56:31] Could you give us their names?
- 19 A. [12:56:38] I don't recall their names anymore. He was a former soldier.
- 20 THE INTERPRETER: [12:56:43] Adds the interpreter.
- 21 MS GRANDON: [12:56:48] (Interpretation)
- 22 Q. [12:56:50] After Chem Chem you said you went to Lumumba; is that correct?
- 23 A. [12:56:55] Yes.
- 24 Q. [12:56:57] And you explained that this was because your wife was Hema and
- 25 she was not secure in Chem Chem which was under the Ngiti and Lendu; is that

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 correct?

2 A. [12:57:16] Yes.

3 Q. [12:57:18] When did you leave Chem Chem to go to Lumumba?

4 A. [12:57:28] I don't know the date. I'm sorry, I can't give you an answer.

5 Q. [12:57:32] The year?

6 A. [12:57:35] It was simply during the hostilities.

7 PRESIDING JUDGE FREMR: [12:57:56] Ms Grandon, I hope there is some
8 relevance behind those series of questions because, frankly saying, from my part, I
9 don't see any at the moment because Mr Witness testified mainly on, as parties call it,
10 technical issues, so I don't know whether you are -- what you are targeting by this
11 series of questions, but I believe that you have some strategy otherwise, for me, at the
12 moment, it's absolutely unclear. But take this caveat, please.

13 MS GRANDON: [12:58:25] (Interpretation) I could explain it to you if you like,
14 but maybe without the witness hearing my explanation, if it's not clear to you.

15 PRESIDING JUDGE FREMR: [12:58:39] I'm fine with assurance that you have
16 some strategy, there is something in behind. Okay.

17 MS GRANDON: [12:58:58] (Interpretation)

18 *Q. [12:59:01] How long did you stay in Lumumba?

19 A. Some time.

20 Q. Was that in months or in years?

21 A. In months.

22 Q. And was that when there was a female governor --

23 THE INTERPRETER: [12:59:44] Whose name the interpreter didn't catch at that
24 time. (Redacted).

25 THE WITNESS: [12:59:50] (Interpretation) Yes, she was governor at that time.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 (Redacted).

2 MS GRANDON: [13:00:08] (Interpretation)

3 Q. [13:00:11] I believe the name of the governor was not included in the English
4 transcript.

5 PRESIDING JUDGE FREMR: [13:00:18] Yes, I hope that we will correct the English
6 version according with the French one. In French appears everything? Okay.
7 Then it's fine.

8 MS GRANDON: [13:00:54] (Interpretation)

9 Q. [13:00:56] During your preparatory session with my colleagues
10 from the Prosecutor, you explained that you didn't know the date on
11 which the Governor Lompondo had been driven out of Bunia; is that
12 correct?

13 A. [13:01:12] Yes.

14 Q. [13:01:15] You explained, Witness, in your statement that you came back in
15 June 2003 in order to have the end of school exams; is that correct?

16 A. [13:01:43] Yes.

17 Q. [13:01:46] And you made two trips, once to report the subjects of the exams
18 and the second to get the copies, if I am correct?

19 A. [13:01:57] Yes.

20 Q. [13:01:59] Who was responsible for the airport at that time?

21 A. [13:02:06] I wouldn't be able to answer exactly.

22 Q. [13:02:23] You know that at the beginning of June 2003 the Artémis force
23 arrived in Bunia, do you not?

24 A. [13:02:38] Yes.

25 Q. [13:02:41] And so it was Artémis who was responsible for security of the town,

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 is that it?

2 A. [13:02:51] Yes.

3 Q. [13:02:54] And from 23 June the armed groups had been driven out of Bunia
4 and driven out of the town, hadn't they?

5 A. [13:03:10] Yes, this is a question that I wouldn't be able to give you an answer
6 to.

7 Q. [13:03:18] When you explained that you didn't enter into Bunia because you
8 were told that it wasn't safe, who gave that information to you?

9 A. [13:03:34] Friends in Bunia.

10 Q. [13:03:39] But Artémis was there to ensure security in town.

11 A. [13:03:48] I don't have an answer to give you in that regard. It was friends
12 who told me "Be careful, be careful".

13 Q. [13:04:06] Did you see the Artémis force at the airport?

14 A. [13:04:09] No. No. No, because I was far away. I wasn't there.

15 Q. [13:04:22] But you arrived by plane in Bunia, did you not?

16 A. [13:04:26] Yes, I did. At the airport. I went to the airport with a
17 link to Beni.

18 Q. [13:04:36] And you landed at Bunia airport, did you not?

19 A. [13:04:39] Yes, we landed and we were in transit.

20 Q. [13:05:03] During your preparatory session, there was a document, power of
21 attorney was that shown to you?

22 A. [13:05:23] Yes.

23 Q. [13:05:25] And in order for everybody to be able to see the document, it's at
24 tab 28, DRC-0091-0604.

25 Do you have the document?

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

- 1 A. [13:06:02] I have it.
- 2 Q. [13:06:05] You said in this document that you give power of attorney to
- 3 Mr Amanga Mateso Nyadri to take a brevet de participation to the secretariat general
- 4 of the UPC in Bunia; is that correct? Do you see that?
- 5 A. [13:06:23] Yes.
- 6 Q. [13:06:24] Who is this person Amanga Mateso Nyadri?
- 7 A. [13:06:34] He was my inspector, itinerant or peripatetic inspector.
- 8 Q. [13:06:38] And what is a brevet de participation au secretariat général de
- 9 Bunia?
- 10 A. [13:06:45] This participation certificate, I don't remember exactly what it was,
- 11 but it's either information or with regards to a meeting.
- 12 Q. [13:07:00] So you participated in one of these events, did you not?
- 13 A. [13:07:05] Training without doubt.
- 14 Q. [13:07:25] Do you remember? This training was given by the UPC from what
- 15 I understand from the document; is that right?
- 16 A. [13:07:53] Yes, according to the document that's it.
- 17 Q. [13:07:58] That's your signature and your writing on this document?
- 18 A. [13:08:04] My writing and my signature.
- 19 MS GRANDON: [13:08:08] (Interpretation) I would like to have this document
- 20 admitted, your Honour.
- 21 PRESIDING JUDGE FREMR: [13:08:13] Ms Luping.
- 22 MS LUPING: [13:08:14] We don't oppose the request for admission of this
- 23 document.
- 24 PRESIDING JUDGE FREMR: [13:08:19] All right. So this document is admitted
- 25 into evidence as a further Defence exhibit.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 Ms Grandon, please proceed.

2 MS GRANDON: [13:08:30] (Interpretation)

3 Q. [13:08:32] You remember that during your first statement in 2010 you were
4 asked questions with regard to Kagaba institute, were you not? Do you remember
5 that?

6 A. [13:08:47] Yes.

7 Q. [13:08:48] Where is Kagaba?

8 *A. [13:08:55] In the collectivity of Ngiti.

9 Q. Which collectivity?

10 A. Bindi collectivity.

11 Q. [13:09:08] And this is the fiefdom of Germain Katanga, was it not?

12 A. [13:09:17] Yes.

13 Q. [13:09:18] Militia operating in that zone were Lendu militia, were they not?

14 A. [13:09:23] *Ngiti.

15 MS GRANDON: [13:09:36] I've finished, your Honour.

16 PRESIDING JUDGE FREMR: [13:09:40] Maybe I misunderstood. You finished
17 this part or completely?

18 MS GRANDON: [13:09:47] (Interpretation) Completely.

19 PRESIDING JUDGE FREMR: [13:09:51] So I appreciate, Ms Grandon, the efficiency
20 of your cross-examination.

21 Now, Ms Luping, do you want to conduct any redirect?

22 MS LUPING: [13:10:07] Could you give me just one minute, Mr President, just to
23 consult with my colleagues?

24 PRESIDING JUDGE FREMR: [13:10:13] Yes, please.

25 (Counsel confers)

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [13:10:47] Ms Luping.

2 MS LUPING: [13:10:48] Yes, Mr President, I just have one topic, it's likely to last
3 about two, three minutes.

4 PRESIDING JUDGE FREMR: [13:10:55] It's not about the topics, it's about the
5 minutes. So three minutes is fine.

6 Please go ahead.

7 MS LUPING: [13:11:02] Thank you.

8 QUESTIONED BY MS LUPING: [13:11:07]

9 Q. [13:11:12] Mr Witness, I want to refer to a document that you were shown
10 today and this is a Defence document at tab 52 and it is (Redacted). If you
11 could please look at this document.

12 A. [13:12:01] Yes.

13 Q. [13:12:06] And you were asked to assess whether you considered that this
14 document was authentic and you were also asked questions about the seal that was
15 used and the signature by the individual that signed here. And this is, I'm referring
16 here to this is a palmarès dated 2002 to 2003.

17 *Actually, sorry, Mr President, could I move into private session for my two
18 questions?

19 PRESIDING JUDGE FREMR: [13:12:58] Certainly.

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

21 (Private session at 1.13 p.m.) *(Reclassified partially in public)

22 THE COURT OFFICER: [13:13:06] We're in private session.

23 PRESIDING JUDGE FREMR: [13:13:11] Thank you.

24 Ms Luping, please.

25 MS LUPING: [13:13:13]

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 Q. [13:13:15] I just have two questions in relation to this document. The first is
2 in terms of the individual who signed and the seal that is used. You did indicate this
3 morning when I asked about the -- in examination-in-chief the Prosecution asked you
4 about the seals and signatures that would ordinarily be expected for the palmarès,
5 and you referred to the inspector as also using a seal for the palmarès. Is that
6 correct?

7 A. [13:14:02] The authenticity of the document, well, this is a document that was
8 taken from the school binder. So it's authentic. Now, the signature of the
9 headmaster on the photocopy it's not clear, but on the bulletin it is clear. (Redacted)
10 (Redacted) -- may I continue?

11 Q. [13:14:47] I want to really focus on this document. I'm not referring to the
12 bulletin scolaire, I'm focussing on the palmarès, and you've just indicated that the seal
13 on the --

14 A. [13:15:00] Yes.

15 Q. [13:15:01] -- I'm really focussing on the -- my questions are relating to the
16 palmarès and you have just indicated that the seal is not clear. As an school
17 inspector would you expect that the palmarès should also have an inspector's seal? I
18 just want to clarify that first of all.

19 A. [13:15:28] No.

20 Q. [13:15:31] So for what type of palmarès would you expect an inspector's seal?

21 A. [13:15:44] The palmarès of certification of the primary school.

22 Q. [13:15:54] And just to clarify, pages 2 and 3 of this document, would this be
23 information you would ordinarily expect in the palmarès?

24 A. [13:16:20] Yes, from the first page, second page, yes, the third page. Those
25 are the details regarding the pupils, the next page, that's page 7.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 Q. [13:16:36] I'm referring, sir, to page 1 and 2, not to page 7 which you've
2 indicated relates to the pupils. I'm talking about page 1 and 2, so that's (Redacted)
3 (Redacted).

4 A. [13:16:47] Yes. Yes. That's presentation of the school and the staff of the
5 school, administrative staff, well, all the staff, even the workers in the school, if there
6 were some, interns (Redacted)
7 (Redacted).

8 Q. [13:17:29] So just to understand more clearly, in addition to information about
9 the students, are you saying a palmarès should contain additional sections of
10 information?

11 A. [13:17:44] Palmarès contains the presentation of the school and the staff who
12 work at the school. It includes administrative staff, teaching staff and other manual
13 workers.

14 MS LUPING: [13:18:06] Mr President, your Honours, I think I've sought the
15 clarifications I needed. I have no further questions.

16 PRESIDING JUDGE FREMR: [13:18:15] Good.

17 Ms Grandon, any need for recross?

18 MS GRANDON: [13:18:21] (Interpretation) No, your Honour.

19 PRESIDING JUDGE FREMR: [13:18:22] So before we conclude I have two
20 questions for Mr Witness.

21 Mr Witness, I also noted in Palmarès remark malady. Was, according your
22 knowledge, any need to prove such a reason of absence by some medical certificate,
23 but was it enough if for example parents came and said "our son was ill"?
24 son was ill"?

25 THE WITNESS: [13:19:06] (Interpretation) Yes. When we mentioned malady or

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 illness, it meant there was a justification prior thereto for the school for the council of
2 deliberations to note or document the fact that X pupil did not abandon or leave the
3 school himself but it was due to illness, which was justified either by the parents or
4 that medical certificates were provided therefor. Thank you.

5 PRESIDING JUDGE FREMR: [13:19:43] And my second question as concerns a
6 case of desertion, have you noted any case and the reason behind that was the fact
7 that the child had been recruited by any armed group?

8 THE WITNESS: [13:20:23] (Interpretation) Thank you. As regards desertion,
9 that always happens, even today without directly involving armed groups at that
10 time.

11 Every year there are people who abandon the school and they don't -- and they don't
12 inform the school management. Now, at the time people who left the school, that
13 was to go and enrol in a group of militia somewhere. That happened and the school
14 noted their absence and the school takes formal note thereof. Thank you.

15 PRESIDING JUDGE FREMR: [13:21:19] And last question from my part: Were
16 those deserters treated differently? For example, if they then later on wanted to
17 return back into school, were they given some privilege because of the reason of
18 desertion is really very special?

19 THE WITNESS: [13:21:52] (Interpretation) I'm sorry, because I can't confirm that.
20 When it came to rejoining the schools, it depended, it depended on the head of the
21 establishment. And at that time if the head was a (Redacted) and the deserter was a
22 (Redacted), you understand that it was easily accepted. Now, if he was from another
23 tribe, then that could cause problems, there might be some reticence or reluctance or
24 they would be sent away. But to talk about the pupils, it was the head of school who
25 would decide on whether to accept pupils that would be deserters, ill people, et cetera.

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Private Session)

ICC-01/04-02/06

1 Thank you.

2 PRESIDING JUDGE FREMR: [13:22:59] And the last conclusion, you had made it
3 on some specific knowledge of some concrete cases?

4 THE WITNESS: [13:23:23] (Interpretation) Yes, that's what normally happens
5 because when it comes to registering the children, it depends on the school head or
6 the person who is responsible for registering the children. That's it.

7 PRESIDING JUDGE FREMR: [13:23:46] Thank you, Mr Witness.

8 Do my colleagues have any question? No.

9 Ms Grandon, any need to recross my questions?

10 MS GRANDON: [13:23:56] Just one.

11 PRESIDING JUDGE FREMR: [13:23:59] Please go ahead.

12 QUESTIONED BY MS GRANDON: [13:24:01]

13 Q. [13:24:02] Witness, with regard to what you've just explained following the
14 questions of the Presiding Judge, would you confirm to me that for these children
15 who deserted that the school year could only be done from the following school year?
16 Could you say your response aloud?

17 A. [13:24:32] The witness -- when it came to readmission of children, that was
18 during the next year. When a child had deserted during a particular school year X,
19 then that child could not come back to the school to ask to be registered in the same
20 year, no. He had to wait for the following school year in order to take up school
21 again.

22 Q. [13:25:04] Thank you, Witness.

23 PRESIDING JUDGE FREMR: [13:25:07] Mr Witness, it concludes your testimony.

24 I would like to thank you very much and I really especially appreciate that you
25 answered clearly, your answers were focused. We really appreciate also contribute

Trial Hearing
WITNESS: DRC-OTP-P-0551

(Open Session)

ICC-01/04-02/06

1 to the fact that your examination was very efficient. Thank you very much for that.

2 We believe that your testimony will help us in our effort to find the truth. Thank

3 you and we wish you safe journey home.

4 THE WITNESS: [13:25:45] (Interpretation) Thank you.

5 (The witness is excused)

6 PRESIDING JUDGE FREMR: [13:25:50] And now we can disconnect the line for

7 the remainder of the session.

8 And for the last five minutes, let's move into open session.

9 (Open session at 1.26 p.m.)

10 THE COURT OFFICER: [13:26:21] We're in open session, your Honour.

11 PRESIDING JUDGE FREMR: [13:26:30] Thank you, court officer.

12 Before we adjourn two procedural matters:

13 First one just briefly as concerns Defence request to recall Witness P-290. I can just

14 inform you publicly that this request has been rejected and the reasons will be given

15 in our writing decision which will I think come shortly.

16 And the second issue relates to other two outstanding Prosecution requests for notice

17 by the Chamber of possible legal re-characterisation of the facts pursuant to

18 Rule -- Regulation, pursuant to Regulation 55 of the regulations of the Court. Those

19 requests are in filing number 501 and 646.

20 As the Chamber previously indicated in transcript number 52, those requests have

21 been under review by the Chamber. It's, however, recalled that Regulation 55 is a

22 Chamber driven process. This means first, that notice will only be given if it appears

23 to the Chamber that the legal characterisation of the facts may be subject to change;

24 and second, that the Chamber is not bound by requests made by the parties.

25 It may provide notice of any potential legal re-characterisation of the facts provided

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0551

1 that the requirements of Regulation 55 are complied with, including in particular that
2 such re-characterisation would fall within the confirmed facts and circumstances.

3 At this stage of proceedings the Chamber finds it appropriate to inform the parties
4 that the majority of the Chamber, Judge Fremr disagreeing, does not consider that the
5 appearance of any possible re-characterisation of the facts arises at this time, either
6 with respect to the two aforementioned requests or on any other issue.

7 This position is obviously without prejudice to the Chamber's continuing review of
8 the evidence heard so far to any further evidence which may be presented in the case
9 and to its view on the appropriateness of any such course of action in the future.

10 So it concludes today's hearing. If there are no other requests for the floor, I can just
11 conclude by saying that we will adjourn until 2 March 2017 when the Chamber will
12 start hearing the views and concerns of victims.

13 And now Court is adjourned.

14 THE COURT USHER: [13:30:10] All rise.

15 (The hearing ends in open session at 1.30 p.m.)

16 RECLASSIFICATION REPORT

17 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
18 the public reclassified and lesser redacted version of this transcript is filed in the case.