

Trial Hearing
WITNESS: DRC-D18-D-0211

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Friday, 22 September 2017
9 (The hearing starts in open session at 10.01 a.m.)
10 THE COURT USHER: [10:01:23] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [10:01:45] Good morning, everybody.
14 Court officer, may I ask you for assistance.
15 There was some slight sabotage on my equipment. But, at the moment, am I on
16 English channel because I --
17 THE INTERPRETER: [10:03:49] English interpretation, English, English, English.
18 Can you hear me? English, English, English interpretation.
19 PRESIDING JUDGE FREMR: [10:03:59] It doesn't seem to be -- because I can now,
20 at the moment, I can hear Swahili translation. So I would like to change.
21 THE INTERPRETER: [10:04:08] English, English interpretation. Can you hear me,
22 your Honour?
23 PRESIDING JUDGE FREMR: [10:04:17] But I'm now hearing Swahili translation.
24 At the moment now, please English, could you --
25 THE INTERPRETER: [10:04:24] English interpretation.

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- 1 PRESIDING JUDGE FREMR: [10:04:26] Thank you very much. I can proceed.
- 2 So good morning, everybody.
- 3 Court officer, please call the case.
- 4 THE COURT OFFICER: [10:04:34] Thank you, Mr President.
- 5 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
- 6 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
- 7 We are in open session.
- 8 PRESIDING JUDGE FREMR: [10:04:49] Thank you.
- 9 Now appearances, please.
- 10 MS SIM: [10:04:52] Good morning, Mr President. Good morning, your Honours.
- 11 The composition of the Prosecution bench remains unchanged.
- 12 PRESIDING JUDGE FREMR: [10:05:02] Thank you, Ms Sim.
- 13 And Defence, please.
- 14 MR GOSNELL: [10:05:04] Good morning, Mr President. Good morning, your
- 15 Honours and to everyone in and around the courtroom. Appearances for
- 16 Mr Ntaganda today are unchanged from yesterday. Thank you.
- 17 PRESIDING JUDGE FREMR: [10:05:13] Thank you, Mr Gosnell.
- 18 And Legal Representatives of Victims, please.
- 19 MS PELLET: [10:05:18] (Interpretation) Thank you, Mr President. No change
- 20 for the former child soldiers.
- 21 MR SUPRUN: [10:05:28] (Interpretation) Good morning, Mr President. Good
- 22 morning, your Honours. For the victims of the attacks, no change as well.
- 23 PRESIDING JUDGE FREMR: [10:05:35] Thank you, Ms Pellet. Thank you,
- 24 Mr Suprun.
- 25 Madam Witness, good morning, can you hear me?

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1 WITNESS: DRC-D18-D-0211 (On former oath)

2 (The witness speaks Swahili)

3 (The witness gives evidence via video link)

4 THE WITNESS: [10:05:51] (Interpretation) Yes, I can hear you.

5 PRESIDING JUDGE FREMR: [10:05:54] Are you feeling okay to continue giving

6 your testimony? And I can just promise that if everything goes well, we will

7 complete your testimony around noon. So I believe my estimation is two last hours

8 and then you will be free.

9 THE WITNESS: [10:06:18] (Interpretation) Yes, I am ready.

10 PRESIDING JUDGE FREMR: [10:06:26] All right. Today, Madam Witness,

11 Ms Sim, representative of Prosecution, will continue in your cross-examination and

12 it's my duty to remind you that you are still under oath, which means that you have

13 to speak truth and nothing but the truth. Do you understand that, Madam Witness?

14 THE WITNESS: [10:06:54] (Interpretation) Yes, I have understood.

15 PRESIDING JUDGE FREMR: [10:06:58] Very well.

16 So now I'm giving floor to Ms Sim. And I'm highlighting that we are in open session

17 at the moment.

18 MS SIM: [10:07:08] Thank you, Mr President. While I don't believe my first

19 questions will be identifying, it's possibly safer to go into private session just in case

20 some information comes up.

21 PRESIDING JUDGE FREMR: [10:07:20] Yes, understandable. And in the light of

22 the experience from yesterday I think it's better to proceed this way.

23 So let's move into private session now, please.

24 (Private session at 10.07 a.m.) *(Reclassified partially in public)

25 THE COURT OFFICER: [10:07:43] We're in private session, Mr President.

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1 PRESIDING JUDGE FREMR: [10:07:45] Thank you, court officer.

2 Ms Sim, please proceed. And just kind reminder you have one hour 16 minutes
3 sharp.

4 QUESTIONED BY MS SIM: (Continuing)

5 Q. [10:08:04] Good morning, Madam Witness, can you hear me?

6 A. [10:08:07] Good morning. I can hear you.

7 Q. [10:08:09] I want to focus on the time when you (Redacted).

8 (Redacted)

9 (Redacted), there was (Redacted) and a CTO and the CTO was a transit centre for child
10 soldiers, but that (Redacted) and the CTO were one and the same organisation. And
11 my question for you is you knew that (Redacted) did not just look after child soldiers,
12 though, you knew that (Redacted) also helped girls that were associated with armed
13 groups; isn't that right?

14 A. [10:09:02] Yes.

15 Q. [10:09:20] Now when we were at the (Redacted), or the (Redacted), you were
16 asked if you were a member of an armed group. You told them that you were.
17 Right?

18 A. [10:09:47] Yes, what you say is true.

19 Q. [10:09:48] And you said yesterday that (Redacted) you were
20 asked many, many questions; is that correct?

21 A. [10:10:05] Yes.

22 Q. [10:10:06] And one of the questions that you were asked at (Redacted) was
23 whether you had been a member of an armed group; is that correct?

24 A. [10:10:18] Yes.

25 Q. [10:10:34] But it's -- it was not true at that time that you were a member of an

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1 armed group; isn't that the case?

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

3 Q. [10:10:57] So -- so it was untruthful what you told both (Redacted) and the
4 people at the (Redacted), correct?

5 A. [10:11:24] Yes.

6 Q. [10:11:26] And after you spoke to people at (Redacted) and gave them
7 information about yourself and answered these questions, you have no knowledge of
8 what (Redacted) did with that information, do you?

9 A. [10:11:55] Yes.

10 Q. [10:11:56] You don't know whether they did follow up on the information you
11 provided them, for instance?

12 A. [10:12:18] Yes.

13 Q. [10:12:18] And while you were at (Redacted) you also met somebody from
14 MONUC; isn't that right?

15 A. [10:12:39] I have forgotten that detail. These things happened a long time ago.
16 I no longer remember.

17 Q. [10:12:46] Okay. I'm going to just read you (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 So does that help refresh your memory of meeting somebody from MONUC (Redacted)

2 (Redacted)?

3 A. [10:14:02] Well, it's been a long time. Many years have gone by. I may have
4 forgotten this type of detail. I no longer recall.

5 Q. [10:14:20] Now, we looked at a document yesterday and I'm going to have us
6 look at that document again, and that is (Redacted).

7 (Redacted) and it refers to an interview that

8 happened on (Redacted)

9 (Redacted) Are you able to see that?

10 A. [10:16:14] Yes.

11 Q. [10:16:23] Now, this document also states that the person named

12 (Redacted) was born in 1986. And that is the year that you were born,

13 correct?

14 A. [10:16:50] Yes.

15 Q. [10:16:51] And the document lists the name of the father as (Redacted).

16 And that is your father's name, correct?

17 A. [10:17:12] Yes.

18 Q. [10:17:19] And it lists your mother's name as (Redacted). And that's your

19 mother's name, correct?

20 A. [10:17:29] Yes.

21 Q. [10:17:42] And it states that the father is (Redacted). And your father is from

22 an area called (Redacted), correct?

23 A. [10:18:02] (Redacted)

24 Q. [10:18:17] (Redacted)

25 isn't it?

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1 A. [10:18:42] Yes.

2 Q. [10:18:43] And it the address of the interview, or where the interview took
3 place, is (Redacted), which is the same address that you gave yesterday as a
4 place where you were living at that time, correct?

5 A. [10:19:18] Yes.

6 Q. [10:19:20] And if we could move on to the next page of this document. On
7 this first line, I'm going to read it to you in French:

8 (Interpretation) "She has a baby who is about eight months old."

9 (Speaks English) (Redacted)

10 (Redacted), isn't that correct?

11 A. [10:20:11] Yes.

12 Q. [10:20:16] So many of your personal details are in this document, correct?

13 A. [10:20:32] Yes.

14 Q. [10:20:35] And I'm going to suggest to you that that's because these notes
15 contain information that you provided to the person from MONUC that you spoke to.

16 Do you agree with that?

17 A. [10:21:10] I have never met anyone from MONUC, but if it is about a woman
18 at the centre, yes; I met a woman from MONUC at the centre. But I didn't meet
19 anyone from MONUC at (Redacted). There was a lady called (Redacted) with whom
20 we had some discussions, but I did not meet anyone from MONUC at (Redacted).
21 Maybe I have forgotten.

22 Q. [10:21:49] So just to be clear, you have said you don't remember meeting
23 anybody from MONUC at (Redacted), but is it possible that you met with this person
24 from MONUC at (Redacted); is that what you're saying?

25 A. [10:22:14] We went to (Redacted) and we met a lady there called (Redacted).

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- 1 Then we left (Redacted) and went to the (Redacted) the CTO
2 (Redacted). So I don't know whether it is at (Redacted) that I met somebody, but I
3 remember meeting a young lady who was asking us a number of questions. But I
4 have never talked to a man; I don't remember having had any discussion with a man.
5 Q. [10:22:59] But you spoke to a woman at -- from MONUC at (Redacted) and
6 gave this information; is that correct?
7 A. [10:23:19] This is what I have said: I talked to a woman, but you are asking
8 me about talking to a man from MONUSCO. Well, by the way, I'm a human being
9 and these things happened many years ago. I may have forgotten. I say that I
10 talked to a woman, but you are asking me about talking with a man. And that is
11 what is confusing me, so I am a little confused.
12 I did not have any discussion with a man at (Redacted). Rather, I had a discussion
13 with a lady (Redacted).
14 Now, while I was in (Redacted), I talked to (Redacted) who was in charge of
15 orientating people, and she's the one who sent us to (Redacted) to the CTO. So you
16 are asking a number of questions and I might forget some of these things because
17 they happened several years ago. You see, I'm a human being, and these things
18 happened more than 10 years ago. I could forget some of these details.
19 THE INTERPRETER: [10:24:24] Message from the Swahili booth: Could the
20 witness be reminded to please slow down.
21 PRESIDING JUDGE FREMR: [10:24:31] Madam Witness, we got a message from
22 the interpreter that sometimes you are too, too fast. So please slow down in order to
23 get everything you are providing us with.
24 And again I'm reminding you what I said, it's not a problem if you don't remember
25 anything. We are aware of the fact that it's a long time ago, those events, so don't be

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1 nervous about that.

2 Ms Sim, please proceed.

3 MS SIM: [10:25:03]

4 Q. [10:25:04] Madam Witness, as you know, everything is being translated
5 between you and I, interpreted between you and I. And I was speaking of a woman.
6 And it sounds to me like you were also speaking of a woman, a woman that you
7 spoke to both times. So I think we -- I think we're speaking about the same thing.

8 MS SIM: [10:25:43] Your Honour, I seek to admit the document that we have up on
9 the screen for the truth of its contents.

10 PRESIDING JUDGE FREMR: [10:26:02] Now I got information from our court
11 officer that this document has already been admitted for Defence.

12 Mr Gosnell, could you confirm?

13 MR GOSNELL: [10:26:14] Yes, that's my understanding, Mr President.

14 PRESIDING JUDGE FREMR: [10:26:16] So we do have it within the evidence.

15 MS SIM: [10:26:19] My apologies.

16 Q. [10:26:31] Yesterday, Defence counsel went through the names of some of the
17 other girls (Redacted) who were not soldiers. Do you remember
18 that?

19 A. [10:27:02] Yes.

20 Q. [10:27:03] And there were other girls (Redacted) who had been
21 members of an armed group; isn't that true?

22 A. [10:27:22] Yes.

23 Q. [10:27:24] And, in particular, a woman or a girl named (Redacted), she was a
24 member of an armed group?

25 A. [10:27:39] Yes.

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1 Q. [10:27:40] And (Redacted) who also was named (Redacted), she was a member of an
2 armed group?

3 A. [10:27:56] Yes.

4 Q. [10:27:58] And (Redacted), she was a member of an armed group?

5 A. [10:28:16] Yes.

6 Q. [10:28:17] And as I understand, there were two individuals names (Redacted):
7 One, the (Redacted) that we have been speaking about, but also there was another
8 woman named (Redacted); isn't that correct?

9 A. [10:28:37] Yes.

10 Q. [10:28:38] And both of these individuals named (Redacted) were members of an
11 armed group; isn't that correct?

12 A. [10:28:54] Yes.

13 Q. [10:28:55] And there was also a (Redacted) who was with you (Redacted) who
14 was in an armed group, correct?

15 A. [10:29:10] Yes.

16 Q. [10:29:10] As well as (Redacted) and (Redacted), two individuals who were both
17 members of an armed group, correct?

18 A. [10:29:24] Yes.

19 Q. [10:29:29] And you also mentioned a woman by the name of (Redacted)
20 who had been a soldier; is that correct?

21 A. [10:29:45] Please repeat. Who are you talking about, what name? Please
22 repeat the name.

23 Q. [10:29:52] (Redacted)

24 A. [10:30:02] Yes.

25 Q. [10:30:03] And all of these individuals were members of the UPC armed group;

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1 isn't that correct?

2 A. [10:30:20] Yes.

3 Q. [10:30:34] In particular, there is a woman named (Redacted) who was (Redacted)
4 (Redacted). Do you remember her?

5 A. [10:30:47] Yes, I remember. I remember her.

6 Q. [10:30:51] And she was 14 or 15 years of age, correct?

7 A. [10:31:06] She was about 15 when she was at (Redacted).

8 Q. [10:31:11] And she had been a member of the UPC?

9 A. [10:31:21] Yes.

10 Q. [10:31:24] When you met with Defence counsel at the beginning of the week
11 you were shown a series of photographs; do you remember that?

12 A. [10:31:42] Yes.

13 Q. [10:31:44] I'm going to ask if we could call up DRC-D18-0001-5876 and it's item
14 number 5.

15 THE COURT OFFICER: [10:33:19] It seems the document has not been uploaded
16 in eCourt. Would it be possible to send a PDF version to the Registry staff members
17 so we could publish it.

18 MS SIM: [10:33:36] It's a Defence document, but I believe our case manager can
19 also do it.

20 THE COURT OFFICER: [10:33:44] I am informed that the court officer in the field
21 office has the document and can show it to the witness anyway.

22 PRESIDING JUDGE FREMR: [10:33:59] But we will need to see it as well. So am I
23 right that at the moment we are relying on Prosecution? Yes.

24 MS SIM: [10:35:00] If it's easier, we can also take the floor and show the document
25 from the Prosecution bench.

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1 THE COURT OFFICER: [10:35:15] You now have the floor and the document will
2 be displayed on the evidence 2 channel then.

3 PRESIDING JUDGE FREMR: [10:35:22] Defence, do you have any problem with
4 that?

5 MR GOSNELL: [10:35:25] No, Mr President.

6 PRESIDING JUDGE FREMR: [10:35:27] All right then.

7 THE COURT OFFICER: [10:37:17] I'm sorry for the confusion. We will be
8 showing the document on the evidence 1 channel. Thank you for your help.

9 PRESIDING JUDGE FREMR: [10:37:27] So now we can see photographs.
10 Madam Witness, can you see those four photographs as well?

11 THE WITNESS: [10:38:12] (Interpretation) Yes. Yes. Yes, I can see.

12 PRESIDING JUDGE FREMR: [10:38:17] So, Ms Sim, please proceed.

13 MS SIM: [10:38:19]

14 Q. [10:38:19] And this is the same series of photographs that you were shown by
15 the Defence earlier in the week, correct?

16 A. [10:38:36] Yes. Yes. They showed me the photograph at the beginning of
17 the week, but the photo's not clear at all.

18 Q. [10:38:54] And you -- you were asked if you were able to recognise anyone in
19 these photos and you said that you did not; that's correct, isn't it?

20 A. [10:39:14] I said no because the photograph wasn't clear. Now the version
21 you're showing me here is clearer. I don't -- I said I didn't recognise anyone because
22 it wasn't clear. I wasn't able to identify anyone. It was very dark.

23 PRESIDING JUDGE FREMR: [10:39:32] Now my question. Would it be possible
24 to show those pictures one by one, just to put one on the screen, then the number 2
25 and so on, just to facilitate Madam Witness's role?

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- 1 Exactly like this. Yes, I believe that this size is the best.
- 2 Ms Sim, please.
- 3 MS SIM: [10:40:09]
- 4 Q. [10:40:10] Madam Witness, are you able to see this image now on the screen in
- 5 a bigger size?
- 6 A. [10:40:23] Yes, I can see it.
- 7 Q. [10:40:28] And do you recognise that person?
- 8 A. [10:40:31] No.
- 9 Q. [10:40:38] If we could move on to image number 2, that would be ...
- 10 And it is -- is it correct that you also don't recognise this person?
- 11 A. [10:41:00] I know this person. On your version the photo is dark, but it's very
- 12 clear on the computer that belongs to the lawyer here with me.
- 13 Q. [10:41:21] What is the name of this person?
- 14 A. [10:41:27] (Redacted)
- 15 Q. [10:41:32] And is that the same (Redacted) that was (Redacted)
- 16 (Redacted)?
- 17 A. [10:41:42] Yes.
- 18 Q. [10:41:48] Could we move to image number 3.
- 19 Are you able to see the person in this image?
- 20 A. [10:42:12] No, I don't remember this person. I don't recognise this person's
- 21 face.
- 22 MS SIM: [10:42:24] And if we could have the fourth image.
- 23 THE WITNESS: [10:42:44] (Interpretation) No, I've forgotten this face. I don't
- 24 remember.
- 25 MS SIM: [10:43:06]

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1 Q. [10:43:09] Thank you, Madam Witness. We can remove the images now.

2 And the Prosecution seeks to have that document admitted into evidence.

3 PRESIDING JUDGE FREMR: [10:43:28] Defence, any objection?

4 MR GOSNELL: [10:43:30] None.

5 PRESIDING JUDGE FREMR: [10:43:32] So document specified by Ms Sim is
6 admitted into evidence as a further Prosecution exhibit.

7 Ms Sim, please proceed.

8 MS SIM: [10:43:44]

9 Q. [10:43:44] Madam Witness, when you were shown these images and when you
10 met with the Defence lawyers earlier this week you were asked questions about an
11 individual named (Redacted). Do you remember that?

12 A. [10:44:09] Yes, I remember.

13 Q. [10:44:14] And at that time when referring to (Redacted) you said that she was
14 (Redacted) 14 or 15 years of age at that time; is that
15 correct?

16 A. [10:44:41] I was asked whether I could give an estimate. I answered saying
17 that my estimate was that (Redacted) might have been 14 or 15 years old.

18 Q. [10:45:30] Now, Madam Witness, in your testimony yesterday you were asked
19 about an individual called (Redacted). Do you remember that?

20 A. [10:45:48] I remember.

21 Q. [10:45:51] And you said that this individual was (Redacted), correct?

22 A. [10:46:01] Yes.

23 Q. [10:46:06] Now, it is correct that (Redacted)
24 (Redacted) is not one of her other names; is that
25 correct?

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1 A. [10:46:37] No. (Redacted) had her name and (Redacted) too. But that person, I
2 knew her as (Redacted). I don't know about (Redacted). We called her (Redacted). That
3 was her family name. Someone might have a family name and then a first name.

4 At the centre we used names, surnames, first names. We called her (Redacted). I don't
5 know her other name. I just know her as (Redacted). I don't know her post surname.

6 Q. [10:47:25] When you were answering questions yesterday, you said that (Redacted)
7 had told you that she was (Redacted). That is correct, isn't it?

8 A. [10:47:54] Yes.

9 Q. [10:47:59] Now, in the notes that we have from your meeting with Defence
10 counsel earlier in the week, it states the following, and I will read it in French:

11 (Interpretation) "That (Redacted) may have lied to the Prosecution at the time."

12 I'm going to read that portion again. It possibly was my French pronunciation.

13 (Speaks English) I'm going to read that portion again. It possibly was my French
14 pronunciation. And I'm going to take it again to ensure that it's being interpreted
15 properly.

16 (Interpretation) "She admits that (Redacted) may have lied at the time".

17 (Speaks English) And my question to you is, Madam Witness, isn't it right that you
18 cannot be sure of (Redacted) age?

19 A. [10:49:30] I said this: (Redacted) We would talk about our ages. I
20 said that I was born in '86 and she said (Redacted), but I don't know whether
21 she gave me her exact birth date, date of birth or whether she had got it wrong. I
22 really don't know whether the birth date was the right date of birth. But she said to
23 me that (Redacted) and I told her that I was born in 1986. Sometimes you
24 would talk and we would say oh, I -- one person might say I was born in '84 and
25 another person might say I was born in '85 or '86. And I don't -- I don't know if she

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1 said the truth or a lie. That is what I was trying to explain to the lawyer.

2 Q. [10:50:51] (Redacted)

3 (Redacted)

4 A. [10:51:09] (Redacted)

5 Q. [10:51:24] And I'm going to return briefly to the document that we looked at

6 earlier about the interview that you had at the (Redacted) with the person from

7 MONUC. (Redacted)

8 PRESIDING JUDGE FREMR: [10:52:09] Mr Gosnell.

9 MR GOSNELL: [10:52:11] I think for this submission the line will have to be cut.

10 PRESIDING JUDGE FREMR: [10:52:16] Court officer, please cut the audio between

11 us and Bunia.

12 Mr Gosnell, please proceed.

13 MR GOSNELL: [10:52:35] Mr President, the proposition that was just announced

14 to the witness that this document reflects the content of the interview between the

15 person from MONUC and the witness has not been established. That is a fact that is

16 not in evidence.

17 And if you recall the testimony of P-0046, and I don't have the page reference, but

18 there was much discussion with P-0046 about information conveyed from local

19 NGOs.

20 So that particular proposition being put to the witness that this document reflects the

21 notes of her interview with anyone from MONUC is not established.

22 PRESIDING JUDGE FREMR: [10:53:17] Ms Sim.

23 MS SIM: [10:53:18] We can -- we can take it step by step. I was simply trying to

24 get the witness to recall the document that we were talking about and where we were,

25 but I can --

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1 PRESIDING JUDGE FREMR: [10:53:33] Yes, I have to say that I really agree with
2 Mr Gosnell to say that it reflects is not accurate.

3 So you may use the document but probably you should a little bit correct your
4 proposal at the beginning.

5 So now let's renew the audio connection.

6 And you may proceed, Ms Sim.

7 MS SIM: [10:54:24]

8 Q. [10:54:24] Madam Witness, can you hear me again?

9 A. [10:54:32] Yes.

10 Q. [10:54:34] And you will recall a few minutes ago we were -- we looked at this
11 document and I was asking you about certain information in this document. Do you
12 remember that?

13 A. [10:54:54] When was that?

14 Q. [10:54:59] A little while earlier this morning when we saw this same document
15 and I read out some of the information in the document to you, such as your name,
16 your date of birth, your parents' names. Do you remember that?

17 A. [10:55:23] Yes, I remember.

18 Q. [10:55:27] Now, one of the other pieces of information in this document
19 that -- I will read to you and ask you some questions about, so I'm going to read to
20 you from this document.

21 (Counsel confers)

22 MS SIM: [10:56:34]

23 Q. [10:56:35] I beg your pardon, Madam Witness, before I read to you I'm just
24 going to refresh the testimony that you gave earlier this morning. And for the
25 benefit of the others in the courtroom, it's at page -- it's at page 8, starts at line 20

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1 where you said that you met a woman from MONUC at the centre. And then on the
2 following page it says, at line 7 to 8:

3 "I remember meeting a young lady who asked a number of questions."

4 So now I'm going to read you from this document, it's in French, and it says:

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Speaks English) Now, do you recall giving information to the woman from MONUC
9 that you were in the APC?

10 A. [10:58:58] No, I don't remember.

11 Q. [10:58:59] That information is not correct, is it?

12 A. [10:59:15] Well, the question that was put to me is not identical to the question
13 that you put to me now. These are not the same topics. We're talking about -- well,
14 the topic we are talking about today.

15 Q. [10:59:44] You remember, though, telling the woman from MONUC that you
16 were in an armed group when that wasn't true, though, correct?

17 A. [11:00:07] Could you kindly repeat your question?

18 PRESIDING JUDGE FREMR: [11:00:10] Sorry to interrupt.

19 Madam Witness, at least from my point of view, if you have been asked by this lady
20 from MONUC about your potential membership in the APC, I can see three,
21 theoretically three possible answers: Either you said "I was not member"; option in
22 my view number two, you said, "I was the member of the APC" but you lied for
23 reasons which are up to you, you just pretended you were a member of the APC; or
24 number three, you said "I was the member" and it was truthful response.

25 So could you just tell us what -- which one of those three options was the case when

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1 you have been asked by those lady? Or if there is some fourth option, please let us
2 know, but I would say that one of those three should be the right one.

3 THE WITNESS: [11:01:22] (Interpretation) I lied when I said that I was a member
4 of the APC.

5 PRESIDING JUDGE FREMR: [11:01:37] Now it's clear to me.

6 Ms Sim, please proceed.

7 MS SIM: [11:01:46]

8 Q. [11:01:47] I'm now going to change topics. And you -- yesterday you talked
9 about taking a trip to see your (Redacted) in Mongbwalu. Do you
10 remember that?

11 A. [11:02:06] Yes, I remember.

12 Q. [11:02:16] And what is the name of this (Redacted) that you visited?

13 A. [11:02:36] I have trouble with my sound.

14 Q. [11:02:47] I can ask the question again and you can see if you're able to hear.
15 I asked what is the (Redacted) to visit in Mongbwalu?

16 A. [11:03:09] (Redacted)

17 Q. [11:03:17] And at the time of this trip you were 14 or 15 years of age; is that
18 correct?

19 A. [11:03:33] I don't remember how old I was at that time. It's a long time ago so
20 I have probably forgotten.

21 Q. [11:03:51] I can read you from your testimony yesterday and that's at page 64,
22 Defence counsel asked:

23 "Approximately how old were you at the time of this event?"

24 Your answer was:

25 "I would say 15, 15 years old. I had not ... had my baby" yet. "My baby was born

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1 two years later," when "... I was 17."

2 And then a little while later you repeat and said:

3 "Yes, that was in 2001, late 2001, early 2002. At that time, Lompondo's APC troops
4 were there. I must have been 14 or 15 years, 14 to 15."

5 So it's right that you were 14 or 15 years of age when you went to see your sister in
6 Mongbwalu?

7 A. [11:05:01] Yes. At that time I must have been 14 or 15 years old. I was just
8 about to turn 15.

9 Q. [11:05:10] And you also said that you travelled in a convoy and that security
10 was provided by the Ugandans. Do you remember that?

11 A. [11:05:30] Yes.

12 Q. [11:05:31] Now, this journey from Bunia to Mongbwalu took several hours,
13 did it not?

14 Madam Witness, did you hear my last question? It was about the duration of the
15 journey.

16 A. [11:06:25] Bunia to Mongbwalu is a long journey that may take about six hours.
17 We stopped in Kobu and I remember that. Five, five hours, maybe, depending on
18 how fast the vehicle you're travelling in goes. Some vehicles go slowly, while others
19 go faster.

20 Q. [11:06:59] Who else was travelling in this convoy with you?

21 A. [11:07:19] Other travellers. Travellers, passengers and soldiers.

22 Q. [11:07:34] Can you estimate how many vehicles were in the convoy?

23 A. [11:07:48] Kindly repeat your question, please.

24 Q. [11:07:52] Yes. You've said that you were travelling by car and that you were
25 in a convoy. And I wanted to know how many cars or trucks or other vehicles were

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1 in the convoy, in the same convoy?

2 A. [11:08:17] There were five vehicles in the convoy -- five vehicles in front, rather,
3 and about six behind us, six other vehicles behind us. But I am not able to tell you,
4 I am not able to tell you exactly the number of vehicles that were in the convoy.
5 However, I remember that our vehicle was in the middle of the convoy. There were
6 some vehicles in front of us and other vehicles behind us.

7 Q. [11:09:06] And do you remember how many of the people were soldiers in that
8 convoy? Was it mostly soldiers or few soldiers, half soldiers?

9 A. [11:09:35] There were more civilians than soldiers. In each vehicle there were
10 two or three soldiers. But I didn't count. At that time I could not dare to count the
11 number of soldiers who were in the convoy.

12 Q. [11:10:02] But you had soldiers in your vehicle with you as well; is that
13 correct?

14 A. [11:10:22] Some vehicles had two or three soldiers, but there were soldiers in
15 each vehicle. And it all depended on the capacity of the vehicle. Where you had a
16 bigger vehicle you would have more soldiers.

17 Q. [11:10:43] And my question, just to confirm, is that you also had soldiers in
18 your vehicle; is that correct?

19 A. [11:11:00] Sorry?

20 Q. [11:11:02] And there were also --

21 A. [11:11:14] Yes, there were vehicles and the vehicles had to have soldiers in
22 them for reasons relating to security. So there were soldiers in each vehicle.

23 Q. [11:11:35] Thank you, Madam Witness. And I'm simply just wanting to
24 confirm that when you say that there were soldiers in each vehicle that this included
25 the vehicle that you were travelling in; is that correct?

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- 1 A. [11:11:55] Yes. There were some.
- 2 Q. [11:11:57] And were these Ugandan soldiers or APC soldiers?
- 3 A. [11:12:12] They were Ugandans.
- 4 Q. [11:12:17] And other than the Ugandan soldiers and yourself, who else was in
- 5 your vehicle with you?
- 6 A. [11:12:37] There was the driver and his assistants. You see, the car wouldn't
- 7 move without a driver and his assistants. And then there was the passengers.
- 8 Q. [11:12:57] And were the other passengers in your vehicle with you members of
- 9 your family?
- 10 A. [11:13:16] No. They were not members of my family. These were people
- 11 who were travelling.
- 12 Q. [11:13:26] So other than you, did other members of your family go on this
- 13 journey to see your (Redacted) or was it just you from your family?
- 14 A. [11:13:46] Yes.
- 15 Q. [11:13:49] And did you pay to have this convoy take you up there and for this
- 16 security?
- 17 A. [11:14:11] Yes. One had to pay. One couldn't travel for free. One had to
- 18 pay. One had to pay.
- 19 Q. [11:14:22] And who did you pay?
- 20 A. [11:14:32] The driver. I paid the fare to the driver.
- 21 Q. [11:14:45] Earlier I asked about whether other members of your family went
- 22 with you on the journey and you said yes, but it wasn't clear if you meant yes other
- 23 people went with you from your family. So can you answer that question: Did
- 24 other people from your family go with you on this journey?
- 25 A. [11:15:19] There were passengers in the vehicle. I was travelling as well as

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1 the other travellers. And each passenger had their plan.

2 Q. [11:15:36] And were any of the other passengers members of your family?

3 A. [11:15:58] You're asking me the same question to which I've already provided
4 an answer. I have already answered that question. I said that each passenger was
5 travelling according to their own individual plan. All the passengers in the vehicle
6 were travelling.

7 Q. [11:16:26] That's a little bit different than my question. My question is:
8 Were any of the other passengers members of your family?

9 A. [11:16:43] No.

10 Q. [11:16:56] Now, you say that you paid the driver for the journey. And was
11 the driver a soldier?

12 Madam Witness, did you hear my question? I'm asking you about the driver and
13 I'm asking you if that driver was a soldier.

14 A. [11:18:04] He was a civilian. I would like to point out that from time to time I
15 do not hear the Prosecutor's questions clearly because there is some interference, and
16 that is why it takes me a while to answer the questions.

17 Q. [11:18:40] Now, it is true that during the time that you took this journey, there
18 was inter-ethnic conflict in the area that you were travelling; is that correct?

19 A. [11:19:10] Yes. There was inter-ethnic conflict. In that area all that was
20 present were soldiers. The civilians had already left.

21 Q. [11:19:31] So given the insecurity in the area, why were you travelling alone
22 when you were a young girl at that time?

23 A. [11:19:56] Maybe such things are impossible where you come from, but here in
24 my country people who are 14 or 15 years old can travel by themselves. And by the
25 way, there was the presence of soldiers. Even if this happened during the time of

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1 those inter-ethnic conflicts, people continued to travel.

2 Q. [11:20:36] Madam Witness, were you a soldier at this time?

3 A. [11:20:55] I have already testified that I have never been a soldier. I have
4 always been an ordinary civilian. What else do you want me to tell you?

5 Q. [11:21:17] Were your family members soldiers?

6 A. [11:21:40] In my family (Redacted) where I was travelling
7 to, none of my family members on that side were soldiers. But there were some on
8 my father's side.

9 PRESIDING JUDGE FREMR: [11:22:00] Ms Sim, gentle reminder; you still have
10 10 minutes to complete.

11 MS SIM: [11:22:10]

12 Q. [11:22:11] Now, yesterday you were speaking about your knowledge of child
13 soldiers or the term "child soldier". And you said that you came to know what it
14 meant. And how is it that you came to know what the definition of a child soldier is?
15 That it's somebody under 15, how did you come to know that?

16 PRESIDING JUDGE FREMR: [11:22:48] Hold on, Madam Witness.
17 Mr Gosnell.

18 MR GOSNELL: [11:22:51] Mr President, I distinctly remember the answer given by
19 the witness, and it does not correspond to what is being put to the witness. So
20 I would ask for a page and line reference.

21 PRESIDING JUDGE FREMR: [11:23:05] Ms Sim.

22 MS SIM: [11:23:08] It's page 35 and 36 from yesterday's testimony, and it was a
23 question from the Judge: "What do you understand child soldier to mean?" And
24 the response was: "Yes, today I know what it means, because nine years have gone
25 by ever since I've left the centre"; and then a little further down the answer is,

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1 "Someone who is 12, 13, 14, 15 is a child soldier".

2 PRESIDING JUDGE FREMR: [11:23:41] Could you continue. I think she also
3 adds something which a little bit changes the meaning.

4 MS SIM: [11:23:49] "But by 18, someone aged 18, that is the age of majority in our
5 country, so once you're 18 you can't be a child soldier."

6 PRESIDING JUDGE FREMR: [11:23:57] I think it makes difference. Mr Gosnell.

7 MR GOSNELL: [11:24:03] Mr President, may we cut the feed with the witness.

8 PRESIDING JUDGE FREMR: [11:24:08] Certainly.

9 Court officer, please cut the feed.

10 Mr Gosnell, please.

11 MR GOSNELL: [11:24:19] I assume that where the Prosecution is going with this
12 line of questions in light of the earlier questions is that somehow the witness has been
13 instructed as to the legal definition of a child soldier, and therefore it is important, the
14 particular words that were used by the witness to describe her understanding, which
15 are not actually consistent with the legal definition, most significantly, the fact that
16 she indicated that at 15 a person is a child soldier and also the grey area between
17 15 and 18.

18 So that's why I object, Mr President. It's not to be obstructive or technical. It's that I
19 see where the Prosecution may be going and I think we should start off on the right
20 foot on that line.

21 PRESIDING JUDGE FREMR: [11:25:00] Understood. But I believe that the
22 question generally put to the witness when she -- what is the basis for her
23 understanding is legitimate.

24 So now we can restore our connection with Bunia.

25 And, Ms Sim, please put the question without quoting because now I believe it could

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1 be even misleading. Please use my proposal how you should ask her. What is her
2 basis for her understanding of the term "child soldier".

3 MS SIM: [11:25:56]

4 Q. [11:25:56] Madam Witness, are you able to hear?

5 A. [11:26:03] Yes.

6 Q. [11:26:06] My question for you is: What is your basis of understanding the
7 term "child soldier"? How did you learn about that term?

8 A. [11:26:31] I couldn't hear.

9 THE INTERPRETER: [11:26:46] And message from the Swahili booth:

10 Mr President, the interpreter didn't hear most of the witness's answer.

11 PRESIDING JUDGE FREMR: [11:26:57] I would recommend to repeat the question,

12 Ms Sim, please.

13 MS SIM: [11:27:03]

14 Q. [11:27:03] Madam Witness, I'm going to repeat the question because we were
15 not able to understand or hear your answer.

16 So my question is: What is your basis for knowing about the term "child soldier"?

17 Who told you that?

18 A. [11:27:34] Definition of a child soldier? Well, in relation to what? When -- is
19 that in relation to the time when the person was at the centre or before they went to
20 the centre? Please, can you clarify that.

21 PRESIDING JUDGE FREMR: [11:27:58] Madam Witness, I will try to clarify that.

22 Yesterday you were asked "what do you understand under the term child soldier."

23 You gave some answer and now we would like to know when did you get the
24 knowledge? Because in fact, it's a term, it's even a legal term. So did somebody
25 explain it to you, what does it mean "child soldier"? Or how did you get the

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1 knowledge of this term, the understanding? Because you say "according to me child
2 soldier means something." So we would like to know how did you get this
3 knowledge about interpretation of this term "child soldier".

4 THE WITNESS: [11:28:55] (Interpretation) I remember previously I had thought
5 that a child soldier meant someone who was 18, 19, 20 or 25, and so all of those people
6 would be considered to be child soldiers. But later on, when I thought through the
7 issue, I came to the view that a child soldier must be someone who was 10, 12, 13,
8 15 years old.

9 You see, (Redacted), we were being referred to as child soldiers,
10 whereas we were 18 years old. And so that is why when the question was asked as
11 to who was a child soldier, I would say yes. But the question relating to the ages of
12 these people was not put to me.

13 Now, if that had been the case, I would have been much clearer regarding this point.
14 But the question as to how old such-and-such a person was at the time, whether it be
15 12, 13, 14 or 15 years old, that question was not put to me.

16 Now, when the question was put to all of us who were at the centre, whether we were
17 a child soldier, the answer was simply yes. But then when it came to the -- to the age
18 consideration, we were all 18 years and above. So this is the answer that I can
19 provide to your question.

20 PRESIDING JUDGE FREMR: [11:30:38] Thank you, Madam Witness.
21 Ms Sim, please proceed.

22 MS SIM: [11:30:46]

23 Q. [11:30:48] Madam Witness, I'm going to return to something that you said
24 about family members of yours, and yesterday you said that your mother's family
25 member was working for the APC, and that person's name was (Redacted). And now

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1 you've just said that no members of your mother's side of the family were conducted
2 to -- were soldiers. So I would like to know which of those is it? Were there
3 members of your mother's side of the family who were soldiers?

4 A. [11:31:40] Listen carefully to what I'm going to tell you: You asked me
5 whether the members of my family who had been soldiers were part -- were in the
6 vehicle, in the convoy. That is what the question was. You wanted to know
7 whether the family members of mine who were in the convoy had been child soldiers.
8 That is the question that you asked me. But your question was not whether I had
9 family members who had been soldiers. The question had to do with the convoy
10 and my family members. That is why your question led to confusion in my mind.
11 Now I understand fully well what your question is all about. If you had asked the
12 question in those terms, other than the people who were in the convoy are soldiers,
13 I would have given you an answer, a clear answer.

14 Q. [11:33:12] Madam Witness, I'm going to re-read my question and your answer
15 on page 28 at line 14. My question was: "Were any of your family members
16 soldiers?"

17 And your answer was: "In my family on my mother's side in (Redacted) where
18 I was travelling to, none of my family members on that side were soldiers. But there
19 were some on my father's side."

20 So it seems that you're saying here there were no soldiers on your mother's side of the
21 family whereas yesterday you mentioned (Redacted).

22 A. [11:34:07] It seems to me that you haven't understood my answer. I'll repeat
23 my answer calmly because you asked me to speak slowly so that you could better
24 understand what I'm saying. It seems to me you aren't understanding what I'm
25 telling you.

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1 Now, what you're saying -- what you're saying to me includes a lot of mistakes. I
2 remember what I said yesterday. I said that on my mother's side of the family in
3 (Redacted) there were soldiers, but the question you asked me was whether in the
4 convoy there were family members of mine. So I'm wondering if the interpretation
5 of my answer is correct.

6 But the answer I gave yesterday is the one I'm giving today. You're asking me
7 whether I had family members in the convoy or whether I was travelling alone or
8 whether someone from my family was travelling with me and I said no.

9 On my father's side there were no members in (Redacted). My family members in
10 (Redacted) were on my mother's side. If you ask the question clearly, I'll answer.

11 Q. [11:35:46] You have now said that there were soldiers on your father's side, so
12 what group -- what military group were those soldiers with?

13 A. [11:36:08] You still haven't understood what I'm telling you. You're not
14 listening to my answers. I'll say this. The place I was going to, that was -- well, my
15 (Redacted) on my father's side and the people on that side of the family, no one had
16 been a soldier. And over by (Redacted), no member of my family of my father's side
17 had been a soldier.

18 You asked me to tell you the truth and the entire truth, and I repeat for the third time
19 and very slowly so that you can understand what I'm saying.

20 Q. [11:37:02] Madam Witness, did you have soldiers in your family on your
21 father's side?

22 PRESIDING JUDGE FREMR: [11:37:10] Hold on, Madam Witness.

23 Mr Gosnell.

24 MR GOSNELL: [11:37:13] Objection. Asked and answered multiple times,

25 Mr President.

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1 PRESIDING JUDGE FREMR: [11:37:19] Ms Sim.

2 MS SIM: [11:37:20] Respectfully, Mr President, it hasn't been answered. There's
3 been a circular response and these are fairly basic questions which I would suggest an
4 answer could be provided to.

5 PRESIDING JUDGE FREMR: [11:37:40] Go ahead. But I believe it will be the last
6 question because, court officer, how much time is still remaining?

7 THE COURT OFFICER: [11:37:55] One minute, Mr President.

8 PRESIDING JUDGE FREMR: [11:37:57] So I was right. So the last question and
9 then we will change the floor.

10 MS SIM: [11:38:03]

11 Q. [11:38:03] Madam Witness, I'm going to ask this question again and I would
12 like you to listen to my question, which is: Did you have soldiers on your father's
13 side of the family?

14 A. [11:38:27] No.

15 MS SIM: [11:38:32] Thank you, Mr President. Those are my questions.

16 PRESIDING JUDGE FREMR: [11:38:36] Thank you, Ms Sim.

17 And by the way (Interpretation) your French is perfect.

18 Now, I will change an order, sorry. Madam Pellet, because I had -- sorry. Ms Pellet,
19 sorry. I would like to take for now because, frankly saying, some of my, some of my
20 questions probably will be overlapping with your questions because I found them
21 very relevant. But because they are very relevant, I think it is better if they would be
22 put by the Chamber. So I'm sorry for that.

23 Madam Witness, few questions from my part. I would like to return back to person
24 called (Redacted) who spent (Redacted). Did you call
25 her (Redacted) or did you call her by another name?

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1 THE WITNESS: [11:39:59] (Interpretation) I used to call her (Redacted).

2 PRESIDING JUDGE FREMR: [11:40:12] All right. According to you, were you
3 close friends or intimate friends?

4 THE WITNESS: [11:40:38] (Interpretation) We were very good friends.

5 PRESIDING JUDGE FREMR: [11:40:41] (Redacted),
6 did she tell you anything about her past, about her previous life, what she did before
7 she met you?

8 THE WITNESS: [11:41:13] (Interpretation) No. (Redacted)
9 (Redacted) and we would often socialise. We
10 knew each other very well. And then later we (Redacted). But you
11 know, sometimes people don't like sharing their secrets, their deepest secrets.
12 Sometimes you might talk about normal things without going into details that might
13 be personal secrets or personal details.

14 PRESIDING JUDGE FREMR: [11:41:52] So if I understood you well, she didn't
15 share her secrets with you?

16 THE WITNESS: [11:42:11] (Interpretation) I haven't understood your question.
17 Are you talking about (Redacted)? I haven't understood.

18 PRESIDING JUDGE FREMR: [11:42:20] About (Redacted), whether (Redacted) did share
19 with you her private secrets.

20 THE WITNESS: [11:42:38] (Interpretation) No. It wasn't necessary for her to
21 share her secrets with me, even though we knew one another very well.

22 PRESIDING JUDGE FREMR: [11:42:50] All right. Then I will put to you some
23 further questions which could be understood as private secrets or not, but it's up to
24 you, if you know something about that, please let us know. If not, no problem.

25 Did she tell you anything about her possible involvement in any armed group in the

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1 past?

2 THE WITNESS: [11:43:32] (Interpretation) Yes. She told me that she used to see
3 some people in an armed group. First the APC, then the UPC, and it was later when
4 she went to the UPC, that is when we became good friends. It was when we were
5 (Redacted), that is when we became good friends. But before that,
6 when my (Redacted) was -- but before when she was a friend of (Redacted) and
7 both of them -- both of them were in the APC, I didn't see her very often and I didn't
8 know her very well.

9 PRESIDING JUDGE FREMR: [11:44:29] And at least according to the English
10 translation, you said, "She used to see some people in an armed group", but what
11 I had in mind is whether she was herself involved as a member of any armed group,
12 (Redacted).

13 THE WITNESS: [11:44:55] (Interpretation) Yes.

14 PRESIDING JUDGE FREMR: [11:45:04] And did she tell you what she really did as
15 a member of armed group, whether did she fight or whether just assist soldiers?

16 THE WITNESS: [11:45:37] (Interpretation) She wasn't all alone. (Redacted)
17 (Redacted) and all those girls and they were soldiers. (Redacted)

18 (Redacted) All those girls told their stories and how they had become part of
19 the army. That is what happened. They explained how they took part in battles.

20 PRESIDING JUDGE FREMR: [11:46:06] Fine. And now I would like to move to
21 (Redacted) private life. She had a child when she was with you; am I correct?

22 THE WITNESS: [11:46:30] No, no, no. She didn't have a child. (Redacted)
23 (Redacted). When we were staying in the same house she did not give birth to a child,
24 but a few years later, (Redacted), she did have a child, (Redacted) was her
25 name. I don't know where she went afterwards. It was an awfully long time ago,

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- 1 and I've lost track of her, but before, (Redacted), living in Centrale,
2 and she had a boyfriend called (Redacted). That's
3 what she told us. Now later, once (Redacted), she got pregnant and she
4 gave birth to a girl baby by the name of (Redacted). She had that child with (Redacted),
5 and since then, well, she's disappeared and I haven't seen her since.
- 6 PRESIDING JUDGE FREMR: [11:47:40] I am rather more interested in this -- in
7 that abortion. Did you tell -- it did she tell you why (Redacted)?
- 8 THE WITNESS: [11:48:12] (Interpretation) No. She didn't give reasons. She said
9 (Redacted). She didn't have a (Redacted). It was -- she
10 just said that (Redacted). I didn't ask her
11 whether she (Redacted)
12 (Redacted), but I didn't ask probing questions.
- 13 PRESIDING JUDGE FREMR: [11:48:41] And last two questions: (Redacted), did she
14 remember the time she was a soldier with some pleasure or with some, you know,
15 frustration? You know, my question is whether the memories of (Redacted) to her
16 service within the armed group was rather sad or happy?
- 17 I think it's clear that we lost connection with Bunia.
- 18 (Pause in proceedings)
- 19 PRESIDING JUDGE FREMR: [11:51:35] Court officer, do you believe that our
20 problem could be fixed up briefly?
- 21 So I was informed that it will be necessary to set up line, but it will require at least
22 five, five minutes. So we will make a short break, but we will be ready in
23 deliberation room, so I believe that we will be back shortly.
- 24 So now we break.
- 25 THE COURT USHER: [11:52:47] All rise.

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1 (Recess taken at 11.52 a.m.)

2 (Upon resuming in private session at 11.57 a.m.)

3 THE COURT USHER: [11:57:14] All rise.

4 Please be seated.

5 PRESIDING JUDGE FREMR: [11:57:32] We can hear you. Please go ahead.

6 THE COURT OFFICER: [11:57:46] (Via video link) (Interpretation) Mr President,

7 I'm sorry, the witness has gone to answer nature's call. She will be back in a

8 moment.

9 PRESIDING JUDGE FREMR: [11:58:08] No problem. We will wait for her.

10 (Pause in proceedings)

11 PRESIDING JUDGE FREMR: [11:58:51] Madam Witness, can you hear me again?

12 THE WITNESS: [11:59:00] (Interpretation) Yes, I can hear you.

13 PRESIDING JUDGE FREMR: [11:59:03] Good. So welcome back. And I can

14 promise that we will finish shortly.

15 Just two last questions from my part: Did (Redacted) share with you some memories

16 about her, about her service within the armed group or not?

17 THE WITNESS: [11:59:40] (Interpretation) No, she did not share that only with me.

18 We all talked about these things when we were together, all of us. All the girls

19 would talk about what they did during their time in the armed group. But she did

20 not provide much detail as to what they actually did within the armed group.

21 PRESIDING JUDGE FREMR: [12:00:23] If you can, I'm not even interested on some

22 details, but generally whether she liked the service with the armed group or whether

23 she, I would say, suffered when being a member of such an armed group?

24 THE WITNESS: [12:01:01] (Interpretation) Well, she said that she enrolled

25 voluntarily and -- from the time of the APC and she was very satisfied with the

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1 military service.

2 PRESIDING JUDGE FREMR: [12:01:18] Thank you. And my last question, if you
3 know, what is your knowledge, if any, of the role of the UPC or more precisely its
4 armed wing, FPLC, in the armed conflict in Ituri? You mentioned that you have a
5 knowledge about this armed conflict, but do you know what was the role of the UPC
6 in this conflict? What did they fight for or what did they fight against?

7 THE WITNESS: [12:02:22] (Interpretation) It's difficult for me to explain that to
8 you. However, what I understood is as follows: They were fighting the UPDF so
9 that the UPDF would get out of their space and so that they could become the sole
10 masters of the area. I learnt that they wanted to drive out the UPDF so that they
11 could occupy the area. I also learnt that they fought against the APC. And this is
12 what I was made to understand and it's my version of the facts that I am now
13 narrating to you.

14 Apart from that, I have no further details to provide in relation to their role. But you
15 see, from time to time you heard gunfire, they were fighting against the APC, against
16 the UPDF. APC those would be Lompondo's soldiers. That is what I saw. They
17 would fight against the Ugandans, they would fight against APC and then they also
18 fought against the FNI, but I did not know why they were fighting.

19 At that time I was not of age enough to understand things. I didn't know why they
20 were fighting, I didn't know the purpose of those clashes.

21 PRESIDING JUDGE FREMR: [12:04:14] Thank you very much, Madam Witness.
22 Now, Ms Pellet, is there anything remaining you would like to cover by your
23 examination?

24 MS PELLET: [12:04:25] (Interpretation) Thank you, Mr President. Thank you.
25 You didn't leave me much room. I have no further questions for the witness.

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1 PRESIDING JUDGE FREMR: [12:04:38] I'm sorry for that, but I also tried to
2 explain why I did it. So thank you.

3 And now, Mr Gosnell, any requests for the re-direct? If yes, for what time?

4 MR GOSNELL: [12:04:50] Yes, Mr President. I would say it could be covered in
5 about six or seven minutes.

6 PRESIDING JUDGE FREMR: [12:04:56] Please go ahead.

7 MR GOSNELL: [12:04:57] Thank you, Mr President.

8 QUESTIONED BY MR GOSNELL:

9 Q. [12:05:00] Madam Witness, I have first of all a question about an expression
10 that you used today and I want to clarify the meaning of the expression to make sure
11 that we all understood to whom you were referring.

12 And I'm going to read very slowly what the transcript in English says. And I remind
13 you, Madam Witness, that I cannot understand Swahili so I do not know what word
14 you used, so I'm just going to read this very slowly in English and seek your comment
15 or clarification.

16 Today when they were being asked questions about (Redacted), a question from
17 Mr President, you said the following at page 38, line 4, quote:

18 "Yes. She told me that she used to see some people in an armed group. First the
19 APC, then the UPC, and it was later when she went to the UPC, that is when we
20 became good friends. (Redacted), that is when
21 we became good friends. But before that" and this, Madam Witness, is the important
22 part "But before that, when my (Redacted) was -- but before when she was a friend of
23 (Redacted) and both of them -- both of them were in the APC."

24 Now, when you said there (Redacted), were you referring to a family relation or
25 were you referring to someone else?

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1 A. [12:07:07] (Redacted)

2 (Redacted)

3 Q. [12:07:19] Thank you. Moving on to a different subject. You were asked
4 some questions by the Prosecution at page 16 today about what you had told me
5 during our meeting earlier this week about someone named (Redacted). And I'm going to
6 read to you the exchange -- and I'm going to read to you the questions and the
7 answers that you gave and then I'm going to ask you a couple of follow-up questions.
8 And I start with the question from the Prosecution, quote:

9 "Madam Witness, when you were shown these images and when you met with the
10 Defence lawyers earlier this week you were asked questions about an individual
11 named (Redacted). Do you remember that?"

12 Answer: "Yes, I remember."

13 Question: "And at that time when referring to (Redacted) you said that she was
14 somebody at (Redacted) who was 14 or 15 years of age at that time; is that
15 correct?"

16 And your answer, Madam Witness, was, quote: "I was asked whether I could give
17 an estimate. I answered saying that my estimate was that (Redacted) might have been 14
18 or 15 years old." End of quotation.

19 Now, Madam Witness, the questions that you were asked were about the estimate
20 that you gave me earlier this week and so now I would like to ask you, what was the
21 basis of the estimate that you gave me earlier this week?

22 A. [12:09:35] My estimate was really my estimate of the age that she -- of how old
23 she must have been at that time.

24 Q. [12:09:43] And that was based on what in particular, Madam Witness? Was it
25 based on information that she conveyed to you? Was it based on your assessment of

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1 her physical appearance? Was it based on her comportment? Can you elaborate?

2 A. [12:10:18] My estimate was based on her physiognomy and her behaviour.

3 She behaved like a child. She didn't behave like an adult. And that is why I

4 provided that estimate.

5 Q. [12:10:38] Do you remember whether during our meeting earlier this week,

6 which is what the question being posed by the Prosecution was about, do you

7 remember whether that meeting you gave me any different estimates of the

8 individuals' ages who you've mentioned during your testimony? Do you remember

9 whether that was the case?

10 A. [12:11:05] Yes, I remember.

11 Q. [12:11:16] And can you remember for whom you gave a different estimate

12 during our meeting?

13 A. [12:11:40] Whose age? Whose age?

14 Q. [12:11:45] Yes, yes, Madam Witness, that is actually what I'm asking you,

15 whether there is a person whom you remember having given a different estimate of

16 age than you have given during your testimony?

17 A. [12:12:09] Yes. (Redacted) Maybe I've forgotten the

18 others. I provided an estimate for (Redacted). And I think those are

19 the estimates that I provided.

20 Q. [12:12:35] Do you remember what estimate you gave me for (Redacted) also known

21 as (Redacted)?

22 A. [12:12:52] Yes. (Redacted)? Yes.

23 Q. [12:12:56] Do you remember what estimate you gave to me during our

24 meeting?

25 A. [12:13:04] 16, 17. 17, 18. 17 to 18 years old.

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1 PRESIDING JUDGE FREMR: [12:13:19] Hold on, Madam Witness.

2 Ms Sim.

3 MS SIM: [12:13:22] Mr President, I don't believe that this arises from the
4 cross-examination. I haven't found where it's arising from the cross-examination.

5 PRESIDING JUDGE FREMR: [12:13:34] Mr Gosnell.

6 MR GOSNELL: [12:13:35] I think it does to the extent that I'm exploring the use of
7 the word "estimate" in the answer to the question to my colleague's question about
8 my interview with the witness.

9 PRESIDING JUDGE FREMR: [12:13:52] In the interests of truth finding, go ahead.

10 MR GOSNELL: [12:13:58]

11 Q. [12:13:59] Now, Madam Witness, that estimate that you've just indicated as
12 having been the one that you gave to me during our meeting is a bit different than the
13 estimate that you gave here during your testimony. Can you explain why that was
14 the case?

15 A. [12:14:32] Please kindly repeat your question. You say that I provided an
16 estimate which is different from the one that I gave to the Judges; is that your
17 question?

18 Q. [12:14:48] Yes, Madam Witness. You gave a slightly different estimate during
19 your testimony in indicating at page 50 of yesterday's transcript that (Redacted) or (Redacted)
20 was in your estimation 15 or 16 and now you have just indicated that you believe you
21 indicated to me during our meeting that the estimate you gave was between 16, 17
22 and 18. And the only question that I'm asking you is whether you can explain that
23 difference?

24 A. [12:15:35] Well, there is no difference. I can say 14, 15, 16, 17. Now,
25 somebody can be estimated to be 17, 18 or 19 years old. It's an estimate. Somebody

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1 might be 12 years old but estimated to be 12 or 14 years old. Somebody can be 15
2 and estimated to be 16 or even 18 years old. Somebody can be 17 years old and be
3 estimated to have 18 or 19 -- or to be 18 or 19 or even up to 20 years old. So to my
4 mind there is not too much of a discrepancy.

5 Q. [12:16:24] Thank you very much, Madam Witness.

6 MR GOSNELL: [12:16:27] Mr President, that concludes my questions.

7 PRESIDING JUDGE FREMR: [12:16:31] Thank you, Mr Gosnell.

8 Ms Sim, any request for re-cross?

9 MS SIM: [12:16:35] No, Mr President.

10 PRESIDING JUDGE FREMR: [12:16:37] All right. So now let's move into open
11 session, court officer.

12 (Open session at 12.16 p.m.)

13 THE COURT OFFICER: [12:16:44] We're in open session, Mr President.

14 PRESIDING JUDGE FREMR: [12:16:53] Madam Witness, I have good news for you,
15 we completed your testimony. So on behalf of the Chamber I would like to thank
16 you very much that you came and testified. I can imagine that it was not easy
17 experience, but we appreciate that you patiently responded all questions put to you
18 and I really believe that your testimony will help us in our effort to find the truth.
19 So on behalf of the whole Chamber I thank you and we wish you safe journey home.

20 THE WITNESS: [12:17:44] (Interpretation) Thank you, your Honour.

21 PRESIDING JUDGE FREMR: [12:17:46] Now, court officer, we can cut the
22 connection with Bunia for the very brief rest of this session.

23 (The witness is excused)

24 PRESIDING JUDGE FREMR: [12:18:02] So are there any further requests for the
25 floor? No. No. No.

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1 So I'll be brief as well. That concludes our third evidentiary Defence block. We are
2 going to resume on Tuesday, 17 October 2017 with the next block, during which we
3 will hear further Defence witnesses. In this regard the Chamber has taken note of
4 the list of witnesses transmitted by the Defence on 18 September 2017. The Chamber
5 also notes that only the last witness on the list, Witness D-12, is indicated to be a
6 backup witness. Is it correct, Mr Gosnell?

7 MR GOSNELL: [12:18:57] That does appear to be the case, Mr President.

8 PRESIDING JUDGE FREMR: [12:19:02] All right.

9 MR GOSNELL: [12:19:03] I assume that your Honour is querying why there are
10 not two. Mr President, at this stage I don't know fully the answer, but I can at least
11 provide this information, and that is that that is a rather large witness, so it could be
12 that the reasoning was that since that was a large witness, that would fill a large hole
13 if one appeared.

14 PRESIDING JUDGE FREMR: [12:19:26] It was also my understanding, but you
15 know our practice, and it was in fact my informal message that normally we prefer if
16 there are two or three witnesses because it's always possible that some changes will
17 happen and to be ready for that, not to waste time planned, granted for this block.
18 And before we leave the courtroom, I would like from the whole Chamber to thank
19 all those who supported us, very often in extended hours. I have in my mind our
20 court officers, the interpreters, court reporters and guards. So the Chamber thanks
21 you and we appreciate your support.

22 And now we will adjourn and we will resume on 17 October.

23 THE COURT USHER: [12:20:18] All rise.

24 (The hearing ends in open session at 12.20 p.m.)

25 RECLASSIFICATION REPORT

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- 1 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
- 2 the public reclassified and lesser redacted version of this transcript is filed in the case.