

Trial Hearing
WITNESS: DRC-D18-D-0243

(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 Judge Chang-ho Chung
- 6 Trial Hearing - Courtroom 2
- 7 Wednesday, 6 December 2017
- 8 (The hearing starts in open session at 9.30 a.m.)
- 9 THE COURT USHER: [9:30:40] All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE FREMR: [9:31:00] Good morning, everybody.
- 13 Court officer, please call the case.
- 14 THE COURT OFFICER: [9:31:18] Thank you, Mr President.
- 15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
- 16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
- 17 For the record, we are in open session.
- 18 PRESIDING JUDGE FREMR: [9:31:32] Thank you.
- 19 Appearances, please.
- 20 MR IVERSON: [9:31:36] Good morning, your Honours.
- 21 For the Prosecution this morning we have Laura Morris, Selam Yirgou, Charlotte
- 22 Grippi, Nicole Samson and myself Eric Iverson.
- 23 PRESIDING JUDGE FREMR: [9:31:48] Thank you, Mr Iverson.
- 24 Defence, please.
- 25 MR BOURGON: [9:31:54] (Interpretation) Good morning, your Honour.

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1 Representing Bosco Ntaganda, who is present in this courtroom, Marie Mescam,

2 Isabelle Martineau, Didace Nyirinkwaya and myself Stéphane Bourgon.

3 Thank you, your Honour.

4 PRESIDING JUDGE FREMR: [9:32:14] Thank you, Mr Bourgon.

5 And Legal Representatives of Victims, please.

6 MS PELLET: [9:32:19] (Interpretation) Thank you, your Honour. The former

7 child soldiers are represented by Vony Rambolamanana and myself Sarah Pellet,

8 counsel at the Office of the Public Counsel for Victims.

9 MR SUPRUN: [9:32:34] (Interpretation) Good morning, your Honour. The

10 victims of the attacks have not changed since yesterday. Thank you so much.

11 PRESIDING JUDGE FREMR: [9:32:45] Thank you, Ms Pellet.

12 Thank you, Mr Suprun.

13 Today we are going to continue with cross-examination of our witness. As I said

14 yesterday, Defence used two hours 27 minutes, so generally the Prosecution is

15 expected to use the same time for cross.

16 And Mr Witness, good morning. Are you okay to continue in your testimony?

17 I'm afraid that -- Mr Witness, did you hear my greetings? Mr Witness, can you hear

18 me? I believe there will be something with volume. Please check.

19 Now, Mr Witness, can you hear me now?

20 WITNESS: DRC-D18-D-0243 (On former oath)

21 (The witness speaks Swahili)

22 THE WITNESS: [9:34:15] (Interpretation) Yes, I can hear you now.

23 PRESIDING JUDGE FREMR: [9:34:17] Very well. So good morning, Mr Witness.

24 Welcome back. Today you will be cross-examined by Prosecution, so I would like to

25 highlight that you are still under oath, which means that you have to speak truth and

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1 nothing but the truth.

2 And I will also like to stress that this Court is governed by the principle of fair trial,
3 which also means that both parties should be treated equally, which as regards you,
4 means that you should reply all -- respond all questions put to you in the same style
5 as you did it yesterday when you have been examined by Defence.

6 Do you understand that?

7 THE WITNESS: [9:35:15] (Interpretation) Yes, I do understand.

8 PRESIDING JUDGE FREMR: [9:35:17] Very well. So now the floor goes to
9 Mr Iverson and we are in open session.

10 QUESTIONED BY MR IVERSON:

11 Q. [9:35:28] Good morning, sir. How are you this morning?

12 A. [9:35:37] Good morning. I'm well. No problem at all.

13 Q. [9:35:43] So just for your knowledge and for the knowledge of everyone in this
14 courtroom, much of the -- many of my questions will have to be asked in private
15 session because they pertain to your unique circumstances. Just the first few
16 questionings I believe I can ask in open session and then after that I'll ask the
17 Presiding Judge to move into private session.

18 So, sir, do you recall back in around April 2002 a group of APC mutineers who
19 regrouped behind Thomas Lubanga?

20 A. [9:36:43] Yes.

21 Q. [9:36:47] And is it fair to say that this group of mutineers, they were largely of
22 the Hema ethnicity?

23 A. [9:37:18] I don't know, because I wasn't part of that group. But what I was
24 told was this was a mixed group.

25 Q. [9:37:33] And this group of former APC soldiers who were mutineers under

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1 Thomas Lubanga, was this group training in Mandro, to your knowledge?

2 A. [9:37:51] All that I know is that there was one group that was trained in
3 Uganda and the other group that was trained in Mandro.

4 Q. [9:38:32] And do you recall when that would have been, the training in
5 Uganda?

6 A. [9:38:55] Right. I think that when the mutineers left the forest they headed
7 towards Uganda. I cannot be more specific with regards to the dates. If you recall
8 yesterday, I told you that I do not remember all the dates and the days.

9 Q. [9:39:30] And then with regard to the training in Mandro, do you recall when
10 that was approximately? Or if you can't recall a date, can you place it in-between
11 events?

12 A. [9:40:02] Honestly, I can't confirm the date, because when the mutineers left
13 Uganda I travelled to -- towards Kisangani and it's only then that I came back.

14 Q. [9:40:30] And now, you know, you've answered the question with regard to
15 Uganda. Now I'm interested in the period in which these mutineers were in Mandro,
16 do you recall approximately when that was?

17 A. [9:41:11] If I'm not mistaken, because I really can't be very specific with
18 regards to that, it could well be in 2002.

19 Q. [9:41:29] All right. And among the mutineers was Kisembo; is that right?

20 A. [9:41:48] I apologise, I think I told you that the mutineers left towards Uganda,
21 and during this period I wasn't there, I was in Kisangani looking into my business.

22 Q. [9:42:16] Okay. Thank you for that clarification. And I was wondering if
23 you could clarify the following issue for me, and that would be among the mutineers
24 was, one of the mutineers was Kisembo; is that right?

25 A. [9:42:48] I do not remember.

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1 Q. [9:43:02] All right. You do know though that that same group of mutineers
2 later came to officially be known as the UPC; is that right?

3 A. [9:43:25] Yes.

4 Q. [9:43:32] All right.

5 Mr President, I would ask that we go into private session now.

6 PRESIDING JUDGE FREMR: [9:43:49] All right.

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

8 (Private session at 9.43 a.m.) *(Reclassified partially in public)

9 THE COURT OFFICER: [9:43:58] We are in private session, Mr President.

10 PRESIDING JUDGE FREMR: [9:44:09] Thank you, court officer.

11 Mr Iverson, please proceed.

12 MR IVERSON: [9:44:15]

13 Q. [9:44:17] So in 2002, sir, you worked as a merchant; is that right?

14 A. [9:44:33] Yes.

15 Q. [9:44:37] (Redacted)

16 (Redacted)

17 A. [9:44:56] (Redacted)

18 Q. [9:44:58] (Redacted)

19 (Redacted)

20 A. [9:45:24] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [9:46:11] (Redacted)

25 (Redacted)

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1 A. [9:51:49] To tell you the truth, it's really hard to specify when events occurred.
2 The conflict did not start in the city, it was in the outskirts of the city and very
3 gradually it reached the -- the conflict reached the city of Bunia when we were in the
4 city. In Ituri most of the people are basically farmers or they have farms, they have
5 got cattle. In the beginning they started pillaging our property and belongings, and
6 this was due to ethnic conflict and this continued until it actually spilled over into
7 political spheres. There was a lot of insecurity in the region. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) When Artémis came. I recovered it near Yambi, which is a
11 Lendu-dominated village. And this was the problem I had at the work front.

12 Q. [9:53:59] So I assume then that this impacted your income. How did you live?
13 How did you survive? What did you do for food and money?

14 A. [9:54:36] As I said, we were basically farmers and we were doing a lot of
15 farming near (Redacted)

16 And I actually sold some of my cattle and this helped me live normally.

17 Q. [9:55:28] And you made it clear that you were not a member of the, of the
18 UPC/FPLC; is that right?

19 A. [9:55:47] Yes.

20 Q. [9:55:49] And so then it stands to reason that you weren't getting any money
21 or food from the UPC/FPLC, were you?

22 A. [9:56:14] Yes. UPC had no means to provide food to the population. They
23 were only feeding the soldiers.

24 Q. [9:56:43] (Redacted)

25 (Redacted)

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- 1 A. [9:57:02] (Redacted)
- 2 Q. [9:57:05] (Redacted)
- 3 A. [9:57:16] (Redacted)
- 4 Q. [9:57:21] (Redacted)
- 5 (Redacted)
- 6 A. [9:57:35] (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. [9:58:30] So there was -- you didn't have any FPLC military training; is that
- 11 right?
- 12 A. [9:58:58] I have never had a military training and I have never been to any
- 13 training centre.
- 14 Q. [9:59:18] Other than the one in Watsa, right, that you testified to earlier?
- 15 A. [9:59:46] Never in my life have I had military training after the Watsa training.
- 16 Q. [10:00:03] All right. Thank you for that clarification. (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 A. [10:00:35] (Redacted)
- 20 Q. [10:00:41] (Redacted)
- 21 (Redacted)
- 22 A. [10:00:58] (Redacted)
- 23 (Redacted)
- 24 Q. [10:01:24] (Redacted)
- 25 A. [10:01:37] (Redacted)

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1 Q. [10:01:46] (Redacted)

2 A. [10:02:03] (Redacted)

3 Q. [10:02:11] (Redacted)

4 A. [10:02:29] (Redacted)

5 (Redacted)

6 Q. [10:02:56] (Redacted)

7 (Redacted)

8 A. [10:03:12] (Redacted)

9 Q. [10:03:14] So the FPLC, they wanted to control Ituri; is that right?

10 A. [10:03:31] I didn't know what their objective was. That was the decision that
11 was taken by the UPC, taking into account their activities and what they were doing.
12 That wasn't just limited to Ituri. That went right the way to the border with Sudan
13 and even went as far as the border with Orientale province. It was pretty enormous.
14 They controlled almost all of Ituri. It was a massive territory.

15 Q. [10:04:23] So do you agree that Kisembo and the FPLC wanted to control the
16 Ituri region?

17 A. [10:04:44] It's very difficult for me to say that. I don't know what you could
18 call that. The name FPLC, if you know, is Force du Libération -- Force Patriotique
19 pour la Libération du Congo. Congo isn't just limited to Ituri. That means the
20 entire country. But I didn't ask what their objective was, but when you look -- just
21 the name that they adopted means that it was a force that wanted to control the entire
22 Congolese territory.

23 Q. [10:05:44] So, I mean, you would stand by what you said yesterday on page 37,
24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:10:23] (Redacted)

7 (Redacted)

8 A. [10:10:42] (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:11:21] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:11:59] (Redacted)

17 Q. [10:12:05] All right. And you actually, you agreed with and believed in the
18 objectives of the UPC, didn't you?

19 A. [10:12:25] Yes.

20 Q. [10:12:28] And you also shared its ideology; is that right?

21 A. [10:12:47] Okay. When I heard that they were fighting the enemy and that
22 they were controlling civilians in the region, I was happy because we had a lot of
23 problems at the time.

24 THE INTERPRETER: [10:13:16] I heard that they were guarding the civilians in the
25 region, corrects the interpreter.

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1 MR IVERSON: [10:13:18]

2 Q. [10:13:19] Had you also heard that the FPLC had been committing crimes in
3 the region?

4 A. [10:13:36] I didn't know that. To tell you the truth, I didn't know if the FPLC
5 had been committing crimes. I didn't know that myself. But when President
6 Thomas Lubanga was arrested and prosecuted after the -- according to the
7 information we got afterwards, that revealed to us that the FPLC had been
8 committing crimes at the start.

9 We knew nothing about that. We didn't even know what types of crimes were
10 committed by the UPC. We weren't there. We weren't in the field. We weren't
11 there at the place where the FPLC was carrying out its operations.

12 Q. [10:14:26] (Redacted)

13 (Redacted)

14 A. [10:14:47] (Redacted)

15 Q. [10:14:47] But hadn't you heard any talk about the UPC -- or the FPLC having
16 committed crimes like pillage during that time?

17 A. [10:15:20] The problem of pillaging, if I remember correctly, *...the pillaging
18 took place after the UPC had fled and when the Lendu arrived.

19 There was pillaging after that. When we fled into the bush, we weren't -- we didn't
20 stay in the village. We were very afraid. We fled and we took refuge in the forest.

21 And when the UPC arrived, we also heard that they had pillaged too. But at the
22 beginning we were not a witness of pillaging, we didn't even know that there was any
23 pillaging.

24 Q. [10:16:09] Hadn't you heard any talk about massacres committed by the FPLC
25 at that time?

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1 A. [10:16:20] Well, firstly, I didn't go out. I wasn't going out to be aware of what
2 was going on during the war.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:17:19] (Redacted)

9 (Redacted)

10 A. [10:17:54] (Redacted)

11 (Redacted)

12 Q. [10:18:05] (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [10:18:32] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:19:42] (Redacted)

25 (Redacted)

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1 Q. [10:23:09] (Redacted)

2 (Redacted)

3 A. [10:23:34] (Redacted)

4 Q. [10:23:37] So there was the VHF radio, but there were also other ways in which
5 the FPLC could communicate over distance; is that right?

6 A. [10:24:11] When they used the base they used that because the distance was
7 very long, but when the distance was short, they used their own radios.

8 Q. [10:24:40] Well, the FPLC, at least some members, also had satellite phones.
9 Were you aware of that?

10 A. [10:25:04] I had seen that once or twice (Redacted)
11 (Redacted)

12 (Redacted)

13 Q. [10:25:30] (Redacted)

14 THE INTERPRETER: [10:25:45] (Redacted)

15 THE WITNESS: [10:25:53] (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MR IVERSON: [10:26:15]

20 Q. [10:26:17] (Redacted)

21 (Redacted)

22 A. [10:26:38] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [10:27:08] (Redacted)

3 A. [10:27:22] (Redacted)

4 Q. [10:27:28] All right. Another way that the FPLC could communicate over
5 distance was to use what was called the phonie, correct?

6 A. [10:27:48] Correct.

7 Q. [10:27:50] And as you said, it's a shortwave radio that can communicate over
8 long distance, so communicating between Bunia and Mongbwalu, for example, is just
9 not a problem with the phonie, correct?

10 A. [10:28:07] The phonie, as I said, when we were carrying out business, that was
11 the means that we used to communicate myself. (Redacted) I had a
12 phonie in Bunia and another in Kisangani. That meant that the phonie made it
13 possible to communicate throughout the Congolese territory. It could even go -- it
14 could even go from Bunia to Lubumbashi, and the phonie meant that you could
15 communicate very long distances.

16 Q. [10:28:56] But of course during this period that we're talking about, you didn't
17 have the chance to monitor any phonie radio traffic, did you?

18 A. [10:29:12] No. How could you follow that? The phonie and Motorolas are
19 two completely different types of equipment.

20 Q. [10:29:41] Like you said, they operate differently, on a different -- with
21 different frequency, so they can't talk to each other, right, the phonie and the
22 Motorola?

23 A. [10:29:57] There's one system that's very long. I don't know if you can
24 understand me, but I can explain to you how it functions. If somebody is far
25 away -- or a short distance away, they can use a phonie. I don't know if you can

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1 allow me to explain to you how it works.

2 Q. [10:30:38] (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [10:31:06] (Redacted)

6 Q. [10:31:13] (Redacted)

7 (Redacted)

8 A. [10:31:37] (Redacted)

9 Q. [10:31:45] (Redacted)

10 (Redacted)

11 A. [10:32:07] (Redacted)

12 Q. [10:32:23] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:33:10] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:34:02] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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1 (Redacted)

2 A. [10:41:48] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:42:26] (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [10:42:55] (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:43:19] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [10:44:17] You see, if the person that you're looking for is on the boulevard and

19 you want to talk to this person and you're still communicating, the other person can

20 ask the other person to go to the private frequency and communicate there.(Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:45:28] (Redacted)

25 (Redacted)

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1 Q. [10:49:10] All right. Thank you. I appreciate you bearing with me here. I
2 know this is sometimes challenging, sir, so I appreciate your patience.

3 So to use your analogy, you're --

4 A. [10:49:27] I'm not tired. You can continue. I'm not tired as yet. You can
5 continue with your interrogation.

6 Q. [10:49:41] Good. Thank you, sir. There is a break coming up soon. (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [10:50:17] (Redacted)

10 Q. [10:50:24] (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [10:50:46] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:51:42] (Redacted)

19 (Redacted)

20 A. [10:52:01] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:52:47] And I imagine given your trade, your business, that you probably
2 knew many of the important people in the Bunia region; is that fair?

3 A. [10:53:14] (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:53:32] (Redacted)

7 (Redacted)

8 A. [10:54:00] (Redacted)

9 Q. [10:54:02] (Redacted)

10 A. [10:54:11] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:55:21] (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [10:55:58] (Redacted)

21 Q. [10:56:13] (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:56:34] (Redacted)

25 (Redacted)

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1 Q. [10:56:55] (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [10:57:14] (Redacted)

5 (Redacted)

6 Q. [10:58:02] (Redacted)

7 (Redacted)

8 A. [10:58:17] (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:58:47] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [10:59:19] (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [11:00:05] (Redacted)

19 MR IVERSON: [11:00:10] Mr President, I see that it's 11 o'clock and time for the
20 break. Thank you.

21 PRESIDING JUDGE FREMR: [11:00:15] Yes, you are right, Mr Iverson.

22 So we will break now for our regular break of 30 minutes.

23 But before doing that I would like to ask court officer how much time Mr Iverson has
24 used so far?

25 THE COURT OFFICER: [11:00:35] The Prosecution has used one hour and

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1 25 minutes for its questioning of the witness.

2 THE WITNESS: (No interpretation)

3 PRESIDING JUDGE FREMR: [11:00:51] I haven't heard translation of what

4 Mr Witness said.

5 THE WITNESS: [11:01:06] (Interpretation) I'm sorry, your Honour, I actually

6 replied what the court officer said, I told you the time the Prosecution has used.

7 PRESIDING JUDGE FREMR: [11:01:26] All right. It's fine, Mr Witness. But we

8 have very competent and an expert on that, because the formal measuring is made by

9 Registry. Thank you for that. So we will -- we will --

10 THE COURT OFFICER: [11:01:39] I need to put on the record that the Prosecution

11 has used one hour and 25 minutes, not 45, as stated in the transcript.

12 PRESIDING JUDGE FREMR: [11:01:50] Yes, yes, you are right, and probably I

13 overheard. Because even according my own measuring it was just one hour 25.

14 Which means, Mr Iverson, that you are expected to complete in one hour two minutes,

15 if you want, if you use the same time like Defence. Do you suppose that you will be

16 able to make it?

17 MR IVERSON: [11:02:12] Yes, Mr President. I predict that I'll be able to finish in

18 that time. I don't think I'll need the entire hour and 30 minutes.

19 PRESIDING JUDGE FREMR: [11:02:22] Very well.

20 So now let's break and we will reconvene at half past 11.

21 THE COURT USHER: [11:02:32] All rise.

22 (Recess taken at 11.02 a.m.)

23 (Upon resuming in open session at 11.30 a.m.)

24 THE COURT USHER: [11:30:33] All rise.

25 Please be seated.

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- 1 PRESIDING JUDGE FREMR: [11:31:06] Mr Witness, can you hear me well?
- 2 THE WITNESS: [11:31:18] (Interpretation) Yes, your Honour. I can hear you.
- 3 PRESIDING JUDGE FREMR: [11:31:22] Good. In such a case we can proceed
- 4 with the rest of your cross-examination by Prosecution, namely by Mr Iverson.
- 5 Mr Iverson, you have the floor and we are in open session.
- 6 MR IVERSON: [11:31:35] Thank you, Mr President. And I would request that we
- 7 immediately go into private session. I just don't see a way around it, honestly.
- 8 PRESIDING JUDGE FREMR: [11:31:46] Entirely understandable.
- 9 Now, court officer, let's move into private session.
- 10 (Private session at 11.31 a.m.) *(Reclassified partially in public)
- 11 THE COURT OFFICER: [11:31:59] We're in private session.
- 12 PRESIDING JUDGE FREMR: [11:32:06] Thank you, court officer.
- 13 Mr Iverson, please proceed.
- 14 MR IVERSON: [11:32:10] Thank you, your Honour.
- 15 Q. [11:32:14] (Redacted)
- 16 (Redacted)
- 17 A. [11:32:36] (Redacted)
- 18 Q. [11:32:38] (Redacted)
- 19 (Redacted)
- 20 A. [11:32:51] (Redacted)
- 21 Q. [11:32:59] (Redacted)
- 22 (Redacted)
- 23 A. [11:33:15] (Redacted)
- 24 (Redacted)
- 25 Q. [11:33:28] (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [11:33:58] I thought I told you that it was a support weapon. So it's a heavy
4 weapon. That's what I explained to you.

5 Q. [11:34:09] And it was a heavy weapon that the FPLC really wanted to get back
6 from its enemy; is that right?

7 A. [11:34:30] That's normal. When the enemy seizes your property, you have to
8 try to get it back.

9 Q. [11:34:49] (Redacted)

10 (Redacted)

11 A. [11:35:17] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [11:35:53] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [11:36:44] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [11:37:17] The information available puts the missing saba saba not in Mandro,
3 though, but in Lipri. This happened in Lipri, did it not, sir?

4 A. [11:37:33] If I'm not wrong, the saba saba was in Mandro. Try to check the
5 information that's in your possession. But all I know is that the support weapon, the
6 saba saba, was in Mandro.

7 Q. [11:38:04] And just to be clear, you say, "If I'm not wrong". Are you stating
8 that with certainty or are you not sure about this now?

9 A. [11:38:18] I confirm to you. The support weapon was seized in Mandro. It
10 could be the case that our weapon was seized in Lipri, but I know nothing about that.
11 All I know was that -- about the weapon that was seized in Mandro. It could be that
12 another one was seized in Lipri.

13 Q. [11:38:53] And this would have happened a short time before the attack in
14 Bogoro that you mentioned yesterday; is that right? This event with the saba saba
15 came before the event at Bogoro?

16 A. [11:39:22] The Bogoro event came previously -- prior to the Mandro incident.
17 That took place after the Bogoro incident, if I'm not mistaken.

18 Q. [11:39:38] I'd like to move on now to a different topic, sir. And we
19 should -- we should be able to finish, I think, quite quickly, I hope.

20 So during his testimony Bosco Ntaganda mentioned that you were his friend. Is
21 that true?

22 PRESIDING JUDGE FREMR: [11:40:15] Hold on, Mr Witness.

23 Mr Bourgon, do you think that your - I guess it will be - objection is possible to be
24 made in the presence of the witness?

25 MR BOURGON: [11:40:25] I believe so, Mr President. Simply that the conduct of

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1 proceedings says that if my colleague would like to quote anything that comes from a
2 witness, he must quote and first ask permission. Thank you.

3 PRESIDING JUDGE FREMR: [11:40:41] Mr Iverson.

4 MR IVERSON: [11:40:45] I will do so, of course. And I apologise for -- if there
5 was any confusion on Defence counsel's part. The transcript is 222, page 36, line 12,
6 and I would then -- I don't know if it's necessary, but I will ask the Chamber's leave
7 that I can --

8 PRESIDING JUDGE FREMR: [11:41:09] Yes, yes.

9 MR IVERSON: [11:41:11] -- quote the accused in his testimony.

10 PRESIDING JUDGE FREMR: [11:41:14] We will see. But generally, in fact, I have
11 to say that it's something that is -- that you suppose it's clear even to the counter-party
12 and there's no need to quote. We will see. But now Mr Bourgon says that it's
13 probably not so clear, at least to the Defence, then, yes, you have to -- you have to
14 quote, then please do that.

15 MR IVERSON: [11:41:36] All right.

16 PRESIDING JUDGE FREMR: [11:41:37] Mr Bourgon.

17 MR BOURGON: [11:41:38] Mr President, it has nothing to do with the Defence. It
18 has to do with putting a proper question to the witness so he knows what he's
19 answering. So the proposition is quoting. That's why we want quote -- so if my
20 colleague quotes, then the witness can answer from a quote. That's what we are
21 interested in. Thank you.

22 PRESIDING JUDGE FREMR: [11:41:56] I don't think that it's like that. It depends
23 on a case-by-case situation. But in this moment, please, Mr Bourgon, I don't want to
24 litigate on that.

25 MR BOURGON: [11:42:08] Well, paragraph 34, Mr President, of the order of the

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1 conduct of proceedings says: "... shall quote directly the relevant passages and give
2 the precise references, including the relevant lines".

3 Unless the Chamber is moving away from the order of conduct of proceedings, that is
4 the way my colleague should do.

5 PRESIDING JUDGE FREMR: [11:42:27] We are not moving from our protocol, but
6 if something really obvious, then I -- if should be generally obvious, generally known,
7 something like notorieta, then I don't see need to. But if there is a case which is just
8 now, please go ahead and please quote, Mr Iverson.

9 MR IVERSON: [11:42:41] I don't want to be difficult, so I'll just quote so I can make
10 the Defence counsel happy, and then I'll move on.

11 Q. [11:42:49] So the quote is:

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [11:43:26] (Redacted)

17 (Redacted)

18 Q. [11:43:46] And I gather that you've known Mr Ntaganda going all the way
19 back until the year 2000; is that right?

20 A. [11:43:57] I'm going to give you more explanations. In 2000, I didn't -- in 2000,
21 that was the year in which Wamba Dia Wamba arrived in Bunia. And after the
22 fighting in Kisangani which caused the split between the RCD and gave rise to
23 RCD-Goma Kisangani, we found out that Wamba had an escort, a Rwandan escort.
24 That's what he said and we -- that's what was said, and we asked the question, but
25 you have the RCD-Goma. In Goma they're Rwandans and we asked the question to

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1 know if they were -- if it was Rwandans who had clashed. And we didn't have an
2 answer about that.

3 And later Bosco arrived in Bunia. I didn't know him. I'd heard people speak about
4 him, but I did not know him. We had never had contact up to the time that the UPC
5 set themselves up in Bunia. It was at that time that I got to know him. That's it.

6 Q. [11:45:41] And I don't want to unfairly characterise your relationship, so
7 maybe my question was too general. But would it be fair to say that since the
8 year 2000 you've known of Bosco Ntaganda, since 2002 you've known him personally?
9 Is that right?

10 A. [11:46:07] That's it.

11 Q. [11:46:09] Okay. Good. Thank you for clarifying that, sir. That's helpful.
12 And I noticed that -- or let me just ask you this: You thought of Mr Ntaganda as
13 being brave; is that right?

14 A. [11:46:37] If you followed what happened at the time, the person who saved
15 Wamba Dia Wamba in a difficult situation was him, and that's the reason why it was
16 said that he was a brave soldier.

17 Q. [11:47:12] And you thought of him as a very effective commander; is that
18 right?

19 A. [11:47:32] Yes. That's what his troops said.

20 Q. [11:47:46] And it would be fair to say that he fought on your ethnicity's side of
21 a pretty bloody armed conflict, wouldn't it?

22 A. [11:48:18] I think that you haven't understood me well. If -- I said the people
23 who spoke in his favour were the soldiers, the soldiers who were under his
24 command.

25 Q. [11:48:34] And that's how the soldiers under his command spoke in his favour.

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1 What were your views of Mr Ntaganda?

2 A. [11:48:57] For me he was courteous, simple. He was a commander who
3 didn't have airs and graces. He was courteous with everybody, uncomplicated, and
4 that's how I saw him (Redacted)
5 (Redacted) This was an uncomplicated commander. And
6 furthermore, his troops respected him.

7 Q. [11:49:46] In your statement at paragraph 16 you say words to the effect that
8 Bosco Ntaganda never put his personal interests above the objectives of the UPC.
9 Do you stand by that?

10 A. [11:50:21] I don't know if you're going to allow me to explain more on this
11 subject. Okay? Very well. If I told you that Bosco wasn't following his personal
12 interests, in fact within the UPC nobody was following their own personal interests.
13 Secondly, he had not lived in Ituri previously. But he sacrificed himself to try to
14 bring calm to the situation. He had no interest because he had no salary, had no
15 wage. He didn't have private interests to preserve, and that's the reason why I said
16 that he did not follow personal interests, but the interests of the people. He was a
17 brave soldier. And he commanded troops who respected him. That's what I said.

18 Q. [11:51:49] All right. So it would be fair to say that you think very highly of
19 Mr Ntaganda, right?

20 A. [11:52:04] I respected all the commanders who were in place there. (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. [11:52:43] But not all the commanders could have the same glowing reputation

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1 that you believe Mr Ntaganda held, brave, courageous, doesn't that in your mind then
2 set Mr Ntaganda apart? Do you not think highly of him?

3 A. [11:53:23] No. I told you that he was brave. In fact, I'm telling you that
4 because you're asking me questions about Mr Ntaganda. (Redacted)
5 (Redacted)
6 (Redacted)

7 Now, if I say that Bosco Ntaganda was brave, that is because before he was in the
8 APC, and the APC troops knew the other troops well because they had worked
9 together previously, now, the soldiers said that, when they spoke of Ntaganda. The
10 enemy would tremble and the APC created his name. And that's the reason why it
11 was said that he was a brave soldier and he didn't want his troops to bother members
12 of the population. And that's what people said about him.

13 Q. [11:54:57] (Redacted)
14 (Redacted) Were you also
15 afraid of Mr Ntaganda?

16 A. [11:55:30] Well, you know, words in Swahili can be interpreted differently.
17 There's fear and there's respect. These are two things that are close. (Redacted)
18 (Redacted)
19 (Redacted) But it was not because of
20 that that I was afraid to the point of fleeing.

21 Q. [11:56:17] (Redacted)
22 (Redacted)
23 A. [11:56:38] (Redacted)
24 (Redacted)
25 (Redacted)

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1 Q. [11:57:00] (Redacted)

2 (Redacted)

3 A. [11:57:20] (Redacted)

4 (Redacted)

5 Q. [11:57:25] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [11:58:00] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [11:58:56] (Redacted)

15 (Redacted)

16 A. [11:59:14] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:00:14] I see. I see. You mentioned Mr Ntaganda's reputation among his

24 troops. Do you know what Mr Ntaganda's reputation was amongst the people

25 whom you regarded as the enemy?

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1 A. [12:00:49] It's difficult for me to talk about his reputation among his enemy,
2 because when someone is designated enemy he's obviously not on your side. That
3 person only sees the bad side of things. That's just quite normal.

4 Q. [12:01:19] All right. Well, if you're not aware, I'm not going to push you on it.
5 You know, during your testimony you spoke often --

6 A. [12:01:32] Perhaps you could repeat your question so that I could explain
7 myself better.

8 Q. [12:01:49] Well, it wasn't extremely important, but you did mention that
9 Mr Ntaganda had a certain reputation among his troops, among his soldiers, and
10 I was wondering whether you were aware of his reputation amongst those whom you
11 regarded to be the enemy.

12 A. [12:02:17] No, I can't know that, not at all. Nobody would speak to me of
13 that.

14 Q. [12:02:28] (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [12:03:09] (Redacted)

18 (Redacted)

19 PRESIDING JUDGE FREMR: [12:03:24] Hold on, Mr Witness.

20 Mr Bourgon.

21 MR BOURGON: [12:03:26] Thank you, Mr President. If we can have the exact
22 quote of what the words were used by the witness yesterday on this issue, this will
23 help the witness to understand and know what he said.

24 PRESIDING JUDGE FREMR: [12:03:42] Mr Iverson, request for quotation.

25 MR IVERSON: [12:03:46] Yes, Mr President. I've asked that we come up with

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1 that. I can do that in a moment. If you'll allow me I'll continue with my questions
2 and then provide that reference.

3 PRESIDING JUDGE FREMR: [12:03:59] All right.

4 MR IVERSON: [12:04:00] After I've continued with my questions.

5 Q. [12:04:05] So, and I'm not trying to remind you of anything, contrary to what
6 Defence counsel suggests, I'm asking you a question that the truth of the matter is that
7 Mr Ntaganda also used the VHF radio, as a general matter?

8 PRESIDING JUDGE FREMR: [12:04:30] Mr Bourgon, I think that Mr Iverson
9 already indicated and presumed what will be your objection. You are again asking
10 for quotation?

11 MR BOURGON: [12:04:44] Yes, Mr President. If my colleague wants to move on
12 to further questions and come back on the questions related to the quote, because the
13 Prosecution does not have the quote yet, that's okay. But not asking the question
14 and then using the quote later, this is useless. First the quote and then the questions.
15 Thank you.

16 MR IVERSON: [12:05:04] I think Defence counsel is confused. I'm not seeking to
17 quote anything. My question doesn't ask (Overlapping speakers)

18 PRESIDING JUDGE FREMR: [12:05:10] I also found this question general. So,
19 please, objection is overruled in this case.
20 Please proceed.

21 MR IVERSON: [12:05:20] If he's asking for the number of times that the witness
22 referred to Kisembo or the chief of staff, we can provide that. But I'm not asking that.
23 That was just an observation. And it actually is, the reference is that Kisembo?
24 Was referred to yesterday 20 times and Ntaganda zero, zero.
25 So I think the point has been made.

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1 (Redacted)

2 (Redacted)

3 Q. [12:09:44] (Redacted)

4 (Redacted)

5 A. [12:10:14] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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

13 (Redacted)

14 (Redacted)

15 A. [12:11:35] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:12:16] (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [12:12:47] Could you please repeat your question, which I'm afraid I was
23 unable to follow.

24 Q. [12:13:24] Let me just try to simplify it and just cut to, kind of the essence of
25 the question. Do you feel like you owe anything to Mr Ntaganda?

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1 A. [12:13:44] Personally I don't feel I owe him anything at all. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [12:14:35] I'm going to ask you to just repeat the last part of your answer

5 because it doesn't really make sense to me. I don't know what it means. Could you

6 explain that, the last part of your last answer, please, sir.

7 A. [12:15:02] You asked me whether I owed anything to Mr Ntaganda and I said

8 that I owed him nothing at all. But what I can say at present is what I'm saying.

9 (Redacted)

10 (Redacted)

11 Q. [12:16:03] All right. Those are all my questions, sir. Thank you for

12 answering them.

13 MR IVERSON: [12:16:10] Thank you, your Honours.

14 PRESIDING JUDGE FREMR: [12:16:12] Thank you, Mr Iverson, for being efficient

15 and streamlined.

16 Mr Bourgon, any request for redirect? If yes, how much time you would like to get?

17 MR BOURGON: [12:16:27] Thank you, Mr President. I am not able to say how

18 much time. It will be short, but it's more a matter of issues, I have five issues

19 I would like to address, and I should not take much time, Mr President, but I cannot

20 say. I wouldn't want to put myself into a time limit, but it will be short.

21 PRESIDING JUDGE FREMR: [12:16:47] All right then.

22 MR BOURGON: [12:16:49] Thank you.

23 PRESIDING JUDGE FREMR: [12:16:50] Should we remain in private, Mr Bourgon?

24 I guess we should (Overlapping speakers)

25 MR BOURGON: [12:16:56] Yes, Mr President.

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1 PRESIDING JUDGE FREMR: [12:17:00] All right.

2 Mr Iverson.

3 MR IVERSON: [12:17:02] I hate to insist, but I would ask that the Defence counsel
4 be required to state a time. I don't think I ever got away with not stating some kind
5 of time. Just so we have an idea. The Prosecution would appreciate it.

6 PRESIDING JUDGE FREMR: [12:17:19] It's my -- in my competence to decide that
7 I was fine with this. Because I believe that Mr Bourgon is reliable. He said short
8 time, I believe that 10 minutes is something like that. So I don't need any exact
9 estimation at this time.

10 Mr Bourgon, please proceed.

11 MR BOURGON: [12:17:43] Thank you, Mr President.

12 QUESTIONED BY MR BOURGON: (Interpretation)

13 Q. [12:17:54] Good morning, Mr Witness.

14 A. [12:17:55] Good morning.

15 PRESIDING JUDGE FREMR: [12:17:58] But I can't -- sorry, Mr Bourgon, I can't
16 prevent myself from using usual caveat that your questions should have some
17 connection with cross, but I know that you know that.

18 MR BOURGON: [12:18:15] Absolutely, Mr President.

19 Q. [12:18:19] (Interpretation) Mr Witness, I have now the possibility to ask you
20 a few questions regarding the questions that you've just been asked by the
21 Prosecution.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [12:19:35] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE FREMR: [12:20:39] Sorry to interrupt, minor correction of the

12 transcript at page, the English transcript page 49, first line, the word "my" is missing.

13 It's "my competence" I said.

14 Please proceed, Mr Bourgon.

15 MR BOURGON: [12:21:09]

16 Q. [12:21:09] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [12:21:37] (Redacted)

21 (Redacted)

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

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE FREMR: [12:22:11] Hold on. Hold on, Mr Witness.

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- 1 Hold on.
- 2 Mr Iverson.
- 3 MR IVERSON: [12:22:16] (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 PRESIDING JUDGE FREMR: [12:22:31] (Redacted)
- 7 (Redacted)
- 8 MR BOURGON: [12:22:42] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 PRESIDING JUDGE FREMR: [12:23:02] (Redacted)
- 14 MR BOURGON: [12:23:03]
- 15 Q. [12:23:07] (Interpretation) (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 A. [12:24:27] (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [12:25:07] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [12:25:37] (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:26:44] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE FREMR: [12:27:15] Hold on. Hold on. Hold on,

18 Mr Witness.

19 Mr Iverson.

20 MR IVERSON: [12:27:20] This is, again, it's a very general question. It doesn't

21 respond to the cross-examination really at all.

22 PRESIDING JUDGE FREMR: [12:27:29] Mr Bourgon.

23 MR BOURGON: [12:27:29] Mr President, I respectfully disagree. I hope that this

24 time is not going to be counted. We are now just putting time constraints and

25 restraining my ability to ask very clear questions. And, Mr President, I expected that

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1 this would happen from the Prosecution.

2 PRESIDING JUDGE FREMR: [12:27:58] For the sake of timing, please proceed.

3 MR BOURGON: [12:28:02] The question was put, it was on page 25 at lines 21 to

4 25. That's what I'm addressing. And I can repeat the question, Mr President.

5 Thank you.

6 PRESIDING JUDGE FREMR: [12:28:11] Please.

7 MR BOURGON: [12:28:12]

8 Q. [12:28:13] (Interpretation) (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [12:28:58] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:30:15] (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [12:30:52] (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE FREMR: [12:31:38] Mr Bourgon, now if I subtract, in fact,
7 three minutes spent by litigation, you are conducting this redirect for 10 minutes,
8 which is my understanding of being short, as you promised. How many questions
9 you would like still put to the witness?

10 MR BOURGON: [12:31:57] I would ask for your indulgence five minutes because I
11 have two issues left.

12 PRESIDING JUDGE FREMR: [12:32:03] All right. But five minutes maximum.
13 Please be sharp.

14 MR BOURGON: [12:32:09] Thank you, Mr President.

15 Q. [12:32:14] (Redacted)

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

17 Q. [12:32:37] Witness, you stated something which is very important on page 40.
18 My colleague asked you a question, namely whether you had high esteem for
19 Ntaganda. Now, you replied at the end of this answer, and that's on page 40,
20 lines 17 to 20, you said Ntaganda did not want his soldiers "to bother members of the
21 population". To the best of your knowledge, what was Ntaganda's position
22 concerning the civilian population?

23 A. [12:33:42] I think I answered this question to the Prosecutor. I said that
24 personally, as I knew Ntaganda, he is a man who is good with people. Sometimes
25 he called me, he would greet me, he was uncomplicated. And furthermore, as

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1 regards relations with the -- his population, his soldiers, they said that he was a man
2 who had put order into the army. That's what I answered to the Prosecutor. If I
3 have missed something, please excuse me, unless there's the interpretation which has
4 created some kind of confusion.

5 Q. [12:34:47] Witness, what's of interest to me is the position of Mr Ntaganda.
6 What was his position concerning the civilian population, the relationship between
7 the army and the civilian population?

8 PRESIDING JUDGE FREMR: [12:35:03] Hold on, Mr Witness.
9 Mr Iverson.

10 MR IVERSON: [12:35:05] It's the same question that he just asked and was just
11 answered.

12 PRESIDING JUDGE FREMR: [12:35:09] Mr Bourgon.

13 MR BOURGON: [12:35:11] (Interpretation) I don't think I received an answer,
14 your Honour. But the witness might not have answered the question. He can
15 answer, and then I've got a last question and answer.

16 My colleague asked a lot of questions. Was he brave? Yes. Is he that, this, that,
17 the other? I'm just asking what his position was with regard to the civilian
18 population. If the witness can say that, he can tell us. If not, not.

19 PRESIDING JUDGE FREMR: [12:35:42] It's a little bit remote to the cross, but
20 because it's in the interest of the truth-finding faction of the Chamber, please put it.
21 But it would be the -- after that, the last question, we will have to close.

22 So, Mr Witness, please answer the question.

23 THE WITNESS: [12:36:07] (Interpretation) I can't prevent you from asking me
24 questions. That's the reason why I'm here. If I understand very well, I've already
25 been asked this question and I've already answered it. I told you personally. I

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1 spoke about his army and I told you.

2 If I said that he was simple or uncomplicated, what does that mean? That means
3 that the people could meet him easily. That means that regarding his position, he
4 was good. He was a senior commander but he was simple. He collaborated easily
5 with the population. I spoke to you about the army. I told you he did not like his
6 army bothering the population. I told you that.

7 Q. [12:37:12] And a last question. On page 11, lines 14 to 17, my colleague asked
8 you about the objectives of the UPC and whether you were in agreement with the
9 UPC's objectives.

10 What I would like to know is, to the best of your knowledge, what was the objective
11 of the UPC concerning the protection of the civilian population and concerning
12 discrimination towards different ethnic groups? What did you know with regard to
13 that subject?

14 A. [12:38:00] I think I answered this question when the Prosecutor asked me. I
15 said that in truth we had -- *there was total insecurity during the APC. Calm had
16 returned. There was a policy at this time. When Lompondo left, there was a bad
17 policy where people would say, "Well, now the government is a Hema government.
18 They're going to kill people." And some fled. They left with Lompondo's group.
19 And those who remained, remained without any problem. Unless there were any
20 problems that I didn't know, but I never saw any. It could be the case that people
21 had problems that I don't know about.

22 But with the UPC, we were at peace, we had security. There was no more pillaging.
23 Because before there was pillaging. Their cows were pillaged, people had their
24 property pillaged. Then there was a reorganisation and order was restored with
25 the APC.

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1 Q. [12:39:48] Did the UPC have a policy concerning other ethnic groups other
2 than the Hema?

3 PRESIDING JUDGE FREMR: [12:39:54] (Redacted)
4 (Redacted)

5 THE WITNESS: [12:40:08] (Interpretation) (Redacted)
6 (Redacted)

7 PRESIDING JUDGE FREMR: [12:40:12] (Redacted)
8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR BOURGON: [12:40:43] (Redacted)

15 (Redacted)

16 PRESIDING JUDGE FREMR: [12:40:51] (Redacted)

17 MR IVERSON: [12:40:54] (Redacted)

18 (Redacted)

19 PRESIDING JUDGE FREMR: [12:40:59] (Redacted)

20 Now let's move into open session.

21 (Open session at 12.41 p.m.)

22 THE COURT OFFICER: [12:41:06] We're in open session.

23 PRESIDING JUDGE FREMR: [12:41:13] Mr Witness, now I have -- Chamber also

24 have a chance to put questions to you. I would like just to make inquiry on one topic

25 which haven't been touched by neither counsel. We are in open session, but if you

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1 feel that your answer, potential answer, could contain something that could reveal
2 identity, please just raise your hand and we will move into private session. Do you
3 understand?

4 THE WITNESS: [12:41:48] Ndiyo.

5 PRESIDING JUDGE FREMR: [12:41:51] Fine. Mr Witness, my question is: Have
6 you ever seen Mr Ntaganda being accompanied by bodyguards?

7 THE WITNESS: [12:42:11] (Interpretation) Yes.

8 PRESIDING JUDGE FREMR: [12:42:13] And just to have full picture, have you
9 seen him with bodyguards often or rarely or just once? I would like to know in how
10 many cases you could see him with his bodyguards.

11 THE WITNESS: [12:42:50] (Interpretation) I would like to tell you that I didn't
12 walk around in town in order to be able to tell you what happened in town. (Redacted)
13 (Redacted)

14 PRESIDING JUDGE FREMR: [12:43:03] Hold on, hold on, Mr Witness.

15 THE WITNESS: [12:43:04] -- he would come with some of his bodyguards.

16 PRESIDING JUDGE FREMR: [12:43:08] Hold on, Mr Witness. Hold on,
17 Mr Witness. Let's move into private session. And please redact the last part of the
18 answer.

19 (Private session at 12.43 p.m.) *(Reclassified partially in public)

20 THE COURT OFFICER: [12:43:26] We're in private session.

21 PRESIDING JUDGE FREMR: [12:43:31] Mr Witness, sorry to interrupt you, but
22 you started -- now we are in private session, but you started in open session describe
23 in fact your job, which could potentially reveal identity. So for that reason, it's better
24 to move into private. So could you just now proceed and complete your response
25 you wanted to give me? We are in private session now.

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1 THE WITNESS: [12:44:07] (Interpretation) (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE FREMR: [12:44:29] (Redacted)

5 (Redacted)

6 (Redacted)

7 THE WITNESS: [12:44:53] (Interpretation) (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE FREMR: [12:45:10] (Redacted)

11 (Redacted)

12 Have you seen among them just male bodyguards or you have seen ever also some
13 female, female bodyguards?

14 THE WITNESS: [12:45:33] (Interpretation) The escorts that accompanied him were
15 men.

16 PRESIDING JUDGE FREMR: [12:45:49] And my last question on that topic,

17 Mr Witness: Do you know, and if you don't know, can you estimate, the age of
18 bodyguards or if -- also the age could be probably very different, but if you at least
19 possible to estimate the range from what to what age that the age was?

20 THE WITNESS: [12:46:26] (Interpretation) Your Honour, I can't say this because
21 his bodyguards went before me, were in front of me. But to the best of my
22 recollection, if I'm not mistaken, most were boys who were adults.

23 PRESIDING JUDGE FREMR: [12:46:51] All right. So if I just change my question,
24 and I'm still taking that it's just your estimation, so if I would put to you question in a
25 way that do you think that it was possible that some of them were younger than 15?

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1 What is your estimation? Would it be according to your estimation possible?

2 THE WITNESS: [12:47:24] (Interpretation) No, there weren't any, to tell you the
3 truth. I did not see any children among the bodyguards.

4 PRESIDING JUDGE FREMR: [12:47:35] Thank you, Mr Witness. Do my
5 colleagues have any question for the witness? I don't think it's the case.
6 Now let's move for the remainder of the session into the public session.

7 (Open session at 12.47 p.m.)

8 THE COURT OFFICER: [12:47:53] We are back in open session, Mr President.

9 PRESIDING JUDGE FREMR: [12:48:06] Thank you, court officer.

10 Mr Witness, I thank you very much. You spent with us, if I'm not wrong, three days.

11 It was, I can imagine, very demanding for you. But I appreciate that I believe you
12 did your best to answer all questions put to you and I hope that your testimony will
13 assist the Chamber in our effort to find the truth in this case. So I thank you very
14 much and we wish you safe journey home.

15 THE WITNESS: [12:48:47] (Interpretation) Thank you, your Honour. I'm very
16 grateful. I'd like to thank everybody. Everybody here at the ICC. However, there
17 is something that I want to say: People like myself mustn't have to suffer. I know
18 that you can discipline people.

19 But where it concerns communication, you know the importance of communication.
20 I think in such a case if you are told that one called Kisangani with a VHF, that can
21 help you, and you can call another witness in order to help.

22 PRESIDING JUDGE FREMR: [12:49:51] Mr Witness, as I think really said, we are
23 again in open session, so I don't want to, you know, prevent you from saying what
24 you want to say, but still it's even in our interest, and you know that we made some
25 steps in this regard, that you yourself even shouldn't reveal your identity by giving

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1 some details that could lead to that, so please have it in mind. And please proceed
2 if you want to say anything else.

3 THE WITNESS: [12:50:22] (Interpretation) I have nothing else to say. I just
4 wanted to conclude and add something. That's it.

5 PRESIDING JUDGE FREMR: [12:50:32] So just once more, thank you very much,
6 Mr Witness.

7 And now I ask court usher -- Mr Bourgon, you want to say anything in the presence
8 of Mr -- could we free him, or?

9 MR BOURGON: [12:50:48] No, Mr President, I believe that the issue that the
10 witness wanted to bring up is an issue of telephone communications for any
11 witness --

12 PRESIDING JUDGE FREMR: [12:50:56] But we are -- we are in open.

13 MR BOURGON: [12:50:57] There's nothing --

14 PRESIDING JUDGE FREMR: [12:50:59] Okay, okay. Then please proceed.

15 MR BOURGON: [12:51:01] It's just the issue of witnesses appearing before the
16 International Criminal Court. In this particular case we were informed that he was
17 prevented from making any phone calls from the time he arrived here before his
18 testimony. So we approach VWS to say he has not been -- he's not under oath yet,
19 his testimony hasn't begun, he should be able to make phone calls. That's the issue I
20 believe that the witness wanted to explain to the Chamber.

21 Thank you, Mr President.

22 PRESIDING JUDGE FREMR: [12:51:34] Thank you. Because I misunderstood
23 first.

24 So, yes, Mr Witness, it's a pity. In such a case, if you had any problem, then you
25 would be better to contact either, yeah probably the Chamber. So it's a pity that you

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1 are coming a bit late, but we will at least to have it in mind for next potential same
2 case. So thank you very much.

3 And now, court usher, please assist Mr Witness to leave the courtroom.

4 (The witness is excused)

5 PRESIDING JUDGE FREMR: [12:52:30] And since -- and I believe Mr Bourgon will
6 confirm that since the next and last witness for this block, which is D-251, is ready to
7 testify at the earliest tomorrow morning, am I correct, Mr Bourgon?

8 MR BOURGON: [12:52:49] Yes, Mr President.

9 PRESIDING JUDGE FREMR: [12:52:50] And otherwise I believe there are no
10 obstacles to that, no problems with preparation session and so on, you don't have any
11 such (Overlapping speakers)

12 MR BOURGON: [12:52:59] No, Mr President. The Chamber has waived the
13 24-hour requirement. We will have a very short preparation session this afternoon
14 and the witness will be ready in the morning.

15 PRESIDING JUDGE FREMR: [12:53:08] Very well.

16 Mr Iverson, do you want to say anything?

17 MR IVERSON: [12:53:13] No, I'm good. Thank you, Mr President.

18 PRESIDING JUDGE FREMR: [12:53:16] Because I saw you, that I thought that you
19 are intending to stand up.

20 MR IVERSON: [12:53:19] No, I'm sorry. It's maybe my -- I'm getting hungry.
21 That's all.

22 PRESIDING JUDGE FREMR: [12:53:23] I think we all.

23 Mr Bourgon --

24 MR BOURGON: [12:53:27] I have three request for transcript audio verifications,
25 which --

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1 PRESIDING JUDGE FREMR: [12:53:30] No problem. Go ahead, Mr Bourgon.

2 MR BOURGON: [12:53:32] Page 57, line 22 in English and page 57, line 11 in

3 French there was a problem with the word "security" versus "insecurity", we'd like the
4 audio to be listened again.

5 Page 45, lines 8 to 9 in English and page 45, lines 7 to 10 in French there was a

6 problem with the word "commander" that was used. We'd like to have the audio
7 listened to again.

8 And the third one is page 15, lines 1 to 3 in English and page 15, lines 23 to 25 in

9 French. The idea was whether the pillaging took place before or after the UPC left
10 Bunia.

11 So in those three cases we would like the Chamber to request that the audio be
12 listened again.

13 Thank you, Mr President.

14 PRESIDING JUDGE FREMR: [12:54:35] Yes, supported by the Chamber.

15 So now we can adjourn and we will reconvene tomorrow 9.30.

16 THE COURT USHER: [12:54:46] All rise.

17 (The hearing ends in open session at 12.54 p.m.)

18 RECLASSIFICATION REPORT

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

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

21