

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 3
8 Tuesday, 7 February 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:52] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:33:20] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:33:25] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 For the record, we are in open session.
19 PRESIDING JUDGE FREMR: [9:33:41] Thank you, court officer.
20 We resume hearing for the last part of the testimony of Witness P-317. And before
21 starting, is there any change in the composition of the teams. Prosecution?
22 MS LUPING: [9:33:57] Good morning, Mr President, your Honours. There is no
23 change in the composition for the Prosecution this morning.
24 PRESIDING JUDGE FREMR: [9:34:03] Thank you, Ms Luping.
25 Defence.

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1 MR GOSNELL: [9:34:07] Good morning. No changes, Mr President. Thank you.

2 PRESIDING JUDGE FREMR: [9:34:11] Legal Representatives? I see no changes. All
3 right.

4 And I also for the record note that Mr Lavigne, representative of the UN, is also present.

5 Good morning, Madam Witness.

6 WITNESS: DRC-OTP-P-0317 (On former oath)

7 (The witness speaks French)

8 THE WITNESS: Bonjour.

9 PRESIDING JUDGE FREMR: We will continue with the last part of your testimony. A
10 usual reminder, you are still under oath, you are aware of the consequences. I don't see
11 any reason to repeat particular guidance because you observed my guidance perfectly.
12 Now, Mr Gosnell, you have the floor. You still have 2 hours 18 minutes. At the moment
13 we are in the regime of open session. Can we remain in that regime?

14 MR GOSNELL: [9:35:06] No, Mr President.

15 PRESIDING JUDGE FREMR: [9:35:08] All right. Court officer, let's move into private
16 session.

17 And for information or to inform public, this witness also could in some parts of her
18 testimony reveal identity of persons that in fact are granted not -- that the identity will not
19 be revealed, that is why for some parts of testimony we will have to move into regime of
20 private session, which is the case now.

21 Court officer.

22 (Private session at 9.35 a.m.)

23 THE COURT OFFICER: [9:35:49] We are in private session, Mr President.

24 PRESIDING JUDGE FREMR: [9:35:58] (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 A. [10:47:19] (Redacted)
- 3 (Redacted)
- 4 (Redacted).
- 5 Q. [10:47:42] (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 A. [10:48:09] (Redacted)
- 9 (Redacted)
- 10 Q. [10:48:19] (Redacted)
- 11 (Redacted)
- 12 [10:48:28] (Redacted)
- 13 (Redacted)
- 14 Q. [10:48:44] (Redacted)
- 15 A. [10:48:55] (Redacted).
- 16 PRESIDING JUDGE FREMR: [10:48:57] (Redacted)
- 17 (Redacted)
- 18 MR GOSNELL: [10:49:02] (Redacted).
- 19 PRESIDING JUDGE FREMR: [10:49:05] (Redacted)
- 20 (Redacted).
- 21 (Open session at 10.49 a.m.)
- 22 THE COURT OFFICER: [10:49:10] We're in open session, Mr President.
- 23 PRESIDING JUDGE FREMR: [10:49:26] Thank you, court officer.
- 24 Mr Gosnell, please.
- 25 MR GOSNELL: [10:49:28]

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1 Q. [10:49:29] You testified yesterday at page 37 of the English transcript that there
2 was an individual from OCHA who was, to use your words, and I'll quote them, "also
3 trying to ensure that there was the distribution of humanitarian aid, he was also
4 threatened alongside everybody else."

5 My question is this, it's very focused: Did you ever hear whether this person from
6 OCHA was involved in any improper activities. or perhaps --

7 PRESIDING JUDGE FREMR: [10:50:10] Hold on, Mr Gosnell. Ms Luping.

8 MS LUPING: [10:50:14] Mr President, your Honours, we've now got a question that's
9 been moved out of private into public session, but this may be a question that is more
10 appropriate for in fact private session, depending on what answers may be received from
11 the witness.

12 I'm not sure if Mr Lavigne has any specific views on this.

13 MR LAVIGNE: [10:50:34] Yes, thank you, Mr President.

14 Ms Luping beat me to it, but I think if we could move to private session please.

15 PRESIDING JUDGE FREMR: [10:50:43] All right.

16 So court officer, let's return back into private session.

17 (Private session at 10.50 a.m.)

18 THE COURT OFFICER: [10:51:01] We are back in private session, Mr President.

19 PRESIDING JUDGE FREMR: [10:51:03] (Redacted).

20 (Redacted).

21 MR GOSNELL: [10:51:06]

22 Q. [10:51:07] (Redacted)

23 (Redacted)

24 A. [10:51:25] (Redacted)

25 (Redacted)

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- 1 (Redacted)
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- 3 MR GOSNELL: [10:58:26] (Redacted)
- 4 (Redacted)
- 5 PRESIDING JUDGE FREMR: [10:58:30] (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 MS LUPING: [10:58:39] (Redacted)
- 9 (Redacted)
- 10 PRESIDING JUDGE FREMR: [10:58:47] (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 THE COURT USHER: [10:59:01] (Redacted)
- 14 (Recess taken at 10.59 a.m.)
- 15 (Upon resuming in open session at 11.31 a.m.)
- 16 THE COURT USHER: [11:31:09] All rise.
- 17 Please be seated.
- 18 PRESIDING JUDGE FREMR: [11:31:17] So let's continue with the rest of
- 19 cross-examination of our witness.
- 20 Mr Gosnell, we are in open session. Can we remain in open session?
- 21 MR GOSNELL: [11:31:31] We can at least start in open session, Mr President.
- 22 PRESIDING JUDGE FREMR: [11:31:35] Ms Luping, did you want anything or?
- 23 MS LUPING: [11:31:37] No, Mr President, your Honours, I apologise for my delay.
- 24 PRESIDING JUDGE FREMR: [11:31:41] No problem.
- 25 So please proceed.

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1 MR GOSNELL: [11:31:46] Thank you, Mr President.

2 Q. [11:31:53] Madam Witness, on Friday you were asked about child soldiers whom
3 you saw in Bunia in May and June 2003 and at page 103 of the English provisional
4 transcript and page -- well, page 103 of the English transcript you were specifically asked,
5 quote: "Could you clarify more precisely the age range of these people that you saw who
6 appeared to be below 18?"

7 And then your answer was:

8 "I would say between 14 and 17 years."

9 And at the French transcript, page 96, line 16, we see that you used the expression

10 (Interpretation) "I would say between 14 and *17 years old."

11 Do I understand that this age range that you gave in your testimony on Friday is an
12 estimate?

13 A. [11:33:11] Yes, that's an estimate.

14 Q. [11:33:14] So these individuals whom you saw could have been a little bit younger
15 or a little bit older; is that correct?

16 A. [11:33:25] Yes.

17 Q. [11:33:28] Now, if we could look please at, again, your 2004 secretary-general's
18 report, DRC-OTP-0074-0422.

19 Madam Witness, it will come up on the screen in front of you and I would request, please,
20 that you look at the version on the screen.

21 If we could turn please to page 0444. That would be page 0444. Thank you. And

22 paragraph 68 you are discussing Nyangarai and here's what you say in this report:

23 "On 13 January 2003, around two UPC battalions coming from Mongbwalu arrived in

24 Nyangarai at around 5.00 a.m. They forced the population out of their homes and forced

25 15 to go into the chapel. They reportedly chopped all of them to death with machetes

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1 and burned their bodies."

2 How many sources did you have for this very serious allegation?

3 A. [11:35:35] Yes.

4 Q. [11:35:39] How many sources did you have for this allegation?

5 A. [11:35:48] I can't tell you how many sources. I don't remember. More than one.

6 Q. [11:35:54] Why do you say more than one?

7 A. [11:36:00] To corroborate the incident.

8 Q. [11:36:05] Well, I won't take you to your table but I can tell you that I've been

9 through your table carefully and I found only a single source for this allegation. Is it

10 possible that you would include such an allegation in your report with only one source?

11 A. [11:36:30] I don't think so.

12 PRESIDING JUDGE FREMR: Hold on. Hold on.

13 A. We saw other people, as I said, in Beni and in Bunia. There are cases which are in

14 the database.

15 PRESIDING JUDGE FREMR: [11:36:41] Ms Luping.

16 MS LUPING: [11:36:43] The witness has answered. I just wanted clarification from

17 Defence counsel. He's referred to the table, but indeed the witness had previously

18 referred to both the spreadsheet and the database so it wasn't clear to which table he was

19 referring.

20 PRESIDING JUDGE FREMR: [11:36:58] Noted.

21 MR GOSNELL: [11:36:59] Actually that's a question I wanted to come on to.

22 Q. [11:37:05] Madam Witness, is it possible that you relied in your 2004 report, and I

23 believe that you've said this in your direct testimony, that for that report you could have

24 relied in some cases on information that was in your database but that was not on the

25 Excel spreadsheet because you collected certain information after you stopped using the

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1 Excel spreadsheet; is that correctly understood?

2 A. [11:37:33] I haven't understood.

3 Q. [11:37:35] Sorry, my question was probably complex. It's possible that certain
4 allegations in this report would be based on information that is not included in the Excel
5 table because you stopped using the Excel table in June or July 2003; is that correct?

6 A. [11:38:05] Yes. Not everything is in the Excel sheet.

7 Q. [11:38:13] But your report that is attached to the 20 June 2003 code cable does not
8 rely, does it, on any information that was gathered after you stopped using the Excel
9 spreadsheet; is that correct?

10 A. [11:38:39] I saw somewhere. Now I don't know in which report that the figure
11 that we had given, for example, Bambu, Kobu Bambu we said approximately 250 went up
12 once we saw displaced persons in Beni and in Eringeti.

13 Q. [11:38:57] I'm not asking about that, Madam Witness. All I'm asking is whether
14 your report that is attached to 20 June 2003 code cable, 20 June 2003, that report is not
15 based on information that is not included in the Excel spreadsheet; is that correct?

16 A. [11:39:32] Yes.

17 Q. Now, I'd like to show you a document, which is DRC-OTP-0171-0434, it's tab 121.
18 And you were asked some questions by the Prosecution about a certain judicial official
19 who had been in Bunia and who left Bunia. And before I get to those questions, can you
20 tell us whether you recognise this document, have you seen it before, do you know what
21 it is?

22 A. [11:40:48] I don't recognise it.

23 Q. [11:40:51] Did you ever hear about a strategy for rapid re-establishment of a
24 criminal justice capacity being produced by any organ of MONUC in 2003?

25 A. [11:41:16] Yes, we had a section which dealt with justice, a rule of law section.

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1 Q. [11:41:22] May we turn please to page 0436. According -- and this is about
2 halfway down the page, it says:

3 "According to those interviewed, no staff in Bunia have been paid salaries since" --

4 MR LAVIGNE: [11:41:48] Forgive me, Mr President. I'm not entirely clear on the
5 status of this document, but I think where this questioning may be going it might be
6 prudent to move into private session.

7 PRESIDING JUDGE FREMR: [11:42:00] Court officer.

8 THE COURT OFFICER: [11:42:02] The document is not being broadcasted outside of
9 the courtroom.

10 PRESIDING JUDGE FREMR: [11:42:08] All right then.

11 MR GOSNELL: [11:42:10] Mr President, just to be safe, may we go into private session.

12 PRESIDING JUDGE FREMR: [11:42:13] Yeah, yeah, certainly.

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

14 (Private session at 11.42 a.m.)

15 THE COURT OFFICER: [11:42:23] We are in private session, Mr President.

16 PRESIDING JUDGE FREMR: [11:42:29] (Redacted)

17 (Redacted).

18 MR GOSNELL: [11:42:35]

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 MS LUPING: [12:21:36] (Redacted)
- 2 (Redacted)
- 3 QUESTIONED BY MS LUPING:
- 4 Q. (Redacted)
- 5 PRESIDING JUDGE FREMR: [12:21:46] (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 MS LUPING: [12:21:58] (Redacted)
- 9 (Redacted)
- 10 PRESIDING JUDGE FREMR: [12:22:07] (Redacted)
- 11 (Redacted)
- 12 (Open session at 12.22 p.m.)
- 13 THE COURT OFFICER: [12:22:16] We are in open session, Mr President.
- 14 PRESIDING JUDGE FREMR: [12:22:37] Thank you, court officer.
- 15 Ms Luping, please proceed.
- 16 MS LUPING: [12:22:40] Thank you, Mr President.
- 17 QUESTIONED BY MS LUPING:
- 18 Q. So Ms Bakar, I have four topics that I want to cover with you and the first topic
- 19 relates to questions put to you about names appearing in the spreadsheet.
- 20 Now, yesterday you were asked in cross-examination what you would do if you had
- 21 different names for the same person. And your response was that you would review the
- 22 table and try to eliminate duplications but did not change the table. And I refer to
- 23 yesterday's transcript T-192, page 95, line 25, to page 96, line 11.
- 24 You were then asked what you would do with the list of victims in your spreadsheet if
- 25 you received information about the same person but with different spellings. I refer to

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1 transcript 192, lines -- yeah, page 95, line 25, to page 96, line 11 and, in particular, page 96,
2 lines 21 to page 97, line 1, when you responded and I quote, "That's indeed how we
3 corroborate information when you get it from various people."

4 Now, my question is this, Ms Bakar: Now, when talking about information or names of
5 people with - sorry, with the same person but with different spellings, when you said
6 that's how you corroborate information, when you get it from various people, first of all,
7 could you clarify what you meant by that?

8 A. [12:24:34] What I mean is that if several people gave us the same name of a victim
9 that would consolidate the fact that that victim existed. However, we would see
10 differences in spelling. Now, one can use the table, one can put it in alphabetical order,
11 for instance, and this would allow us to better identify duplications in names where there
12 was some repetition.

13 Q. [12:25:07] If you identified this repetition, so same person but different spelling,
14 what did you do then in terms of your list of victims that you said that you were keeping?
15 Would this person's -- the same person then appear a number of times in your list of
16 victims, or what would you do then (Overlapping speakers)?

17 A. [12:25:31] We would only count the person once.

18 Q. [12:25:37] Now, moving to my second topic, and that is in relation to the questions
19 put to you in cross-examination about the destroyed villages that you personally saw on
20 your way to and from Lipri, Kobu and Bambu, and back again on your way to Bunia.
21 You were referred in particular during cross-examination to paragraph 69 of the special
22 report on Ituri, and I'll refer to the ERN, that's DRC-OTP-0074-0422, and particularly at
23 page 0444. And as you may recall, from that report there are a number of villages
24 referred to in two footnotes, 31 and 32, first 15 villages and then eight villages.

25 And yesterday's transcript, that's T-192, page 113, line 23, to page 117, line 7, there was an

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1 exchange of questions regarding what you personally saw, and it was finally put to you
2 whether or not you could say the villages that you saw had been destroyed in early 2003,
3 between February and March 2003, as is confirmed in the report you wrote, or whether, in
4 fact, it could have been destroyed earlier between 2000 and 2002.

5 Now, my question is this, Ms Bakar: Because when previously asked about the sources
6 of information about the destruction of these villages at this paragraph of your report, and
7 I refer Defence counsel to page 82, line 18, to page 83, line 3 of yesterday's transcript, you
8 stated that the information came from the witnesses that you met.

9 Now, when you said the information came from the witnesses that you met, and when
10 you talk about the destroyed villages in this paragraph that you were questioned about,
11 can you clarify that the witnesses informed you or not that the destruction of these
12 villages took place in early 2003? Otherwise, what was your source of information for
13 the timing of that destruction that you included in your report?

14 A. [12:28:28] It was the victims who told us that the period was 2003, January to
15 March, in fact.

16 Q. [12:28:40] Now, after your personal mission to this area, to Lipri, Kobu and Bambu,
17 and when you saw destruction with your own eyes in this area, including in the
18 surrounding villages, did you learn whether there was any reconstruction or rebuilding
19 done in the area, including in Lipri or Bambu or Kobu?

20 A. [12:29:12] No, not at all. That wasn't reported to us. And what we saw did not
21 include any rebuilt buildings, at least not from the road. Rather they would complain
22 that nobody had come, no administrators, no policy makers in the province to assist.

23 Q. [12:29:54] Sorry, one moment. I'm just trying to have access to my transcript to
24 understand your response.

25 Now, you've stated it wasn't reported to you. Now, when you state "And what we saw

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1 did not include any rebuilt buildings, at least ... from the road", first of all, just to clarify
2 that response, are you talking about what you saw with your own eyes when you went on
3 mission with the special investigation team?

4 A. [12:30:37] Yes, what I saw with my own eyes, but we didn't see all of the villages.
5 We were later given a list of all the villages which had been attacked.

6 Q. [12:30:52] And when you state "Rather they would complain that nobody had
7 come, no administrators, no policy makers in the province to assist", who is "they" and are
8 you referring to people you met during this mission in the field with the special
9 investigation team or not?

10 PRESIDING JUDGE FREMR: [12:31:10] Hold on, Madam Witness.

11 Mr Gosnell.

12 MR GOSNELL: [12:31:14] It is a very -- it may not be that consequential, but it is quite
13 leading to, first of all, ask who is they and then give the answer.

14 PRESIDING JUDGE FREMR: [12:31:23] Ms Luping.

15 MS LUPING: [12:31:24] Just simply seeking to be directed, your Honours. I can
16 rephrase because the witness has already confirmed when she met people --

17 PRESIDING JUDGE FREMR: [12:31:29] Please do. Please do, rephrase.

18 MS LUPING: [12:31:32]

19 Q. [12:31:33] When you state that "Rather they would complain that nobody had
20 come, no administrators, no policy makers in the province to assist", can you clarify who
21 is "they" and what's the timing?

22 A. [12:31:50] The people that we'd seen in Bambu, the director of Kilo-Moto, and
23 somebody who we had seen at the hospital, who I don't remember, the people that we
24 saw in Kobu, and the witnesses and victims, or some of them, not all of them, that we had
25 seen in Lipri. People were very happy when they saw us because they were awaiting the

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1 visit of the United Nations.

2 Q. [12:32:21] Now, again, just to be very clear for the record, you said "The people
3 that we had seen in Bambu ... the people we saw in Kobu, and ..." then again, the people
4 "we had seen in Lipri." Are you talking about the special investigation team when you
5 refer to "we"?

6 A. [12:32:42] Members of the special investigation team present during the mission.

7 Q. [12:32:50] And again, just for the sake of clarity, it -- as you've referred to Lipri,
8 Kobu and Bambu, presumably you're referring to the mission at the end of March and
9 through to early April 2003?

10 A. [12:33:15] Yes, we were there in April, 3 April I think.

11 Q. [12:33:24] Now, Ms Bakar, I'm going to turn to my fourth topic and it's my last
12 topic, but I'll be asking you a series of questions and this is in relation to a number of
13 video excerpts that you have been shown during your cross-examination by defence
14 counsel.

15 PRESIDING JUDGE FREMR: [12:33:40] Madam Luping, and please have in mind that
16 you have five minutes, so series of questions is up to you, of the most relevant.

17 MS LUPING: [12:33:49] Understood, Mr President. And I refer to
18 DRC-OTP-1033-0221. We're including at 16 -- the excerpt at 16.00 to 16.56 where you
19 said that you recognised the -- an individual. I'm now going to actually ask that we
20 move into private session for these series of questions.

21 Mr President, with your leave, could we move into private session please?

22 PRESIDING JUDGE FREMR: [12:34:21] For sure.

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

24 (Private session at 12.34 p.m.)

25 THE COURT OFFICER: [12:34:30] We're in private session, Mr President.

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24 (Recess taken at 12.51 p.m.)

25 (Upon resuming in open session at 2.32 p.m.)

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1 THE COURT USHER: [14:32:49] All rise.

2 Please be seated.

3 PRESIDING JUDGE FREMR: [14:33:28] Good afternoon, everybody. Since I see many
4 changes compared to morning composition of the teams I will ask for update, starting
5 with Prosecution.

6 MS SIM: [14:33:57] Good afternoon, Mr President, good afternoon, your Honours. For
7 the Prosecution today are Eric Iverson, trial lawyer; Nicole Samson, senior trial lawyer;
8 Selam Yirgou, case manager; Janine Ensing, intern in the Prosecution division; and myself,
9 Kristy Sim, assistant trial lawyer.

10 PRESIDING JUDGE FREMR: [14:34:17] Thank you, Ms Sim.

11 Defence now.

12 MR GOSNELL: [14:34:19] Good afternoon, Mr President. I am now accompanied by
13 Erik Cookson-Montin and Josué Iglesias. Thank you.

14 PRESIDING JUDGE FREMR: [14:34:27] Thank you, Mr Gosnell.

15 Legal Representatives of Victims, please.

16 MR ABDOU: [14:34:32] Good afternoon, Mr President, good afternoon, your Honours.
17 Mohamed Abdou for the former child soldiers.

18 MR SUPRUN: [14:34:41] (Interpretation) There is no change to this morning as regards
19 the victims of the attack, your Honour.

20 PRESIDING JUDGE FREMR: [14:34:52] Thank you, Mr Abdou. Thank you, Mr Suprun.

21 Mr Witness, on behalf of this Chamber, I would like to welcome you to the courtroom, but
22 before we start with your testimony, I recall for the parties that both shall have two hours
23 each for their respective examinations.

24 Further, the Chamber has taken note of the Defence notice of objections to the use or
25 admission of certain documents and, as usual, it will address any such objections if and

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1 when they arise.

2 And now we can turn to the scheduled testimony.

3 Mr Witness, can you hear me?

4 WITNESS: DRC-OTP-P-0857

5 (The witness speaks Swahili)

6 THE WITNESS: [14:35:42] (Interpretation) Yes.

7 PRESIDING JUDGE FREMR: [14:35:43] Right. So, Mr Witness, you are called to testify

8 in the case against Mr Bosco Ntaganda. You will be soon asked questions both by the

9 Judges and lawyers here in the courtroom. In this connection, I would like to guide you

10 as follows:

11 Please listen carefully to those questions. If you do not understand, feel free to ask for

12 the question to be repeated. We want you to tell the truth and tell us what you saw,

13 heard or sensed yourself. If you didn't see or hear it yourself, but you found out some

14 other way, then you should explain how.

15 Please testify just on that which you remember, don't guess, don't make things up. There

16 is nothing wrong in saying "I don't know" or "I don't remember". Do you understand all

17 this, Mr Witness?

18 THE WITNESS: [14:36:49] (Interpretation) Yes.

19 PRESIDING JUDGE FREMR: [14:36:50] Fine. Mr Witness, protective measures are put

20 in place to ensure that your identity is not revealed to the public. It means that the

21 public cannot see your face today and that your voice is being disguised so that the public

22 cannot recognise it. We will refer to you as "Mr Witness" only and ensure that your

23 name and any other information that risks revealing who you are is not broadcast to the

24 public. Therefore, whenever you need to describe anything that might reveal your

25 identity, we will do so in private session so that no one outside the courtroom can hear

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1 your answer. Do you understand, Mr Witness?

2 THE WITNESS: [14:37:47] (Interpretation) Yes, I have understood.

3 PRESIDING JUDGE FREMR: [14:37:52] Good. Now, Mr Witness, you will be provided
4 with a piece of paper with the text of solemn undertaking. Please now make your
5 solemn undertaking to tell the truth by reading out the declaration you have in your
6 hands.

7 THE WITNESS: [14:38:14] (Interpretation) I solemnly declare that I shall tell the truth,
8 the whole truth and nothing but the truth.

9 PRESIDING JUDGE FREMR: [14:38:33] Thank you, Mr Witness.

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

12 THE WITNESS: [14:38:51] (Interpretation) Yes.

13 PRESIDING JUDGE FREMR: [14:38:53] All right. And finally, few practical matters
14 you should have in mind when giving your testimony.

15 It's important to speak into the microphone, to speak clearly and to speak at a slow pace to
16 allow the interpreters to translate everything. You should only start speaking when the
17 person asking you the question has finished. When a question is asked, please do not
18 respond immediately but, rather, please count in your head to three and only then give
19 your answer. This pause is essential for us to properly hear, translate and record what
20 you are saying.

21 If you have any questions during your testimony, do not hesitate to let us know by raising
22 your hand. Have you understood all that, Mr Witness?

23 THE WITNESS: [14:39:59] (Interpretation) Yes, I have understood.

24 PRESIDING JUDGE FREMR: [14:40:04] Very well.

25 So now I am giving floor to Prosecution, namely to Ms Sim.

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1 Ms Sim, you may proceed. And just to remind you that we are in open session.

2 QUESTIONED BY MS SIM:

3 Q. [14:40:34] Good afternoon, Mr Witness. We have met before, but I will remind you
4 that my name is Kristy Sim and I am going to be the one asking you questions today for
5 the Prosecution.

6 Mr President, as my first questions are identifying, could we please move into closed
7 session.

8 PRESIDING JUDGE FREMR: [14:40:53] For sure.

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

10 (Private session at 2.41 p.m.) * Reclassified partially in public

11 THE COURT OFFICER: [14:41:13] We are in private session, Mr President.

12 PRESIDING JUDGE FREMR: [14:41:17] Thank you.

13 Ms Sim, please proceed.

14 MS SIM: [14:41:21]

15 Q. [14:41:22] Mr Witness, just as a reminder, we are now in closed session so it means
16 that the public cannot hear your responses.

17 Can you please state your full name?

18 A. [14:41:35] Yes. My name is (Redacted).

19 Q. [14:41:55] And where were you born?

20 A. [14:42:06] I was born (Redacted).

21 Q. [14:42:20] And what is your ethnic origin, your ethnicity?

22 A. [14:42:32] I am Lendu.

23 Q. [14:42:39] (Redacted)

24 A. [14:42:45] (Redacted).

25 Q. [14:42:59] What is your current occupation?

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- 1 A. [14:43:11] (Redacted).
- 2 Q. [14:43:18] (Redacted)
- 3 A. [14:43:24] (Redacted)
- 4 (Redacted).
- 5 Q. [14:43:43] (Redacted)
- 6 A. [14:44:02] (Redacted).
- 7 Q. [14:44:10] I would like you to now focus on the period of time between 2002 and
- 8 2003. And my question is: Where were you living at that time?
- 9 A. [14:44:37] Between 2002 and 2003 I was living in Kobu.
- 10 Q. [14:44:40] And who were you living with in Kobu?
- 11 A. [14:44:46] (Redacted)
- 12 (Redacted)
- 13 Q. [14:45:05] (Redacted)
- 14 A. [14:45:15] (Redacted)
- 15 (Redacted)
- 16 (Redacted).
- 17 (Redacted).
- 18 Q. [14:46:31] (Redacted)
- 19 (Redacted)
- 20 A. [14:46:40] (Redacted)
- 21 Q. [14:46:55] (Redacted)
- 22 (Redacted).
- 23 A. [14:47:12] (Redacted)
- 24 (Redacted)
- 25 Q. [14:47:35] (Redacted)

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1 A. [14:47:45] (Redacted).

2 Q. [14:47:54] (Redacted)

3 A. [14:48:11] (Redacted)

4 (Redacted)

5 Q. [14:48:23] And can you tell the Chamber the date of the fighting in Kobu that you
6 just referred to?

7 A. [14:48:46] The -- I'm afraid I don't have the exact date in mind, but it was on
8 a Tuesday. I recall that well. It was a Tuesday in February 2003.

9 Q. [14:49:07] I'm going to ask you some more questions about this time that you have
10 mentioned in February 2003. I would like you to tell the Chamber what happened
11 that -- around that time, starting with where you were and who you were with.

12 A. [14:49:37] In February we were in Kobu. And that day, it was a Tuesday, in the
13 evening, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted), we

17 heard gunfire in the centre of Kobu. Having heard the gunfire, and hearing it continue,
18 (Redacted). A little later we saw

19 people running. They were running in all directions and we asked, "What's going on?"
20 and they said, "Listen, UPC soldiers have entered Kobu." So we stayed there until the
21 situation became safer. (Redacted)

22 (Redacted)

23 (Redacted).

24 On that Monday, we met a man with a child following him. Now that man and child
25 were coming from Kobu (Redacted).

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1 Q. [14:51:56] I am just going to stop you for a moment and go back a little bit to what

2 you were saying and get a bit more detail. (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [14:52:28] (Redacted).

6 Q. [14:52:51] (Redacted)

7 (Redacted)

8 [14:53:05] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted).

12 Q. [14:53:33] (Redacted)

13 (Redacted)

14 [14:53:43] When we were in Kobu, before UPC soldiers came to Kobu, there were

15 small clashes all around the area, (Redacted)

16 (Redacted)

17 (Redacted) and it would also be a place to which we could flee in such circumstances. So

18 when war broke out and UPC soldiers entered Kobu, we fled (Redacted)

19 (Redacted).

20 Q. [14:54:40] (Redacted)

21 (Redacted)

22 A. [14:54:59] (Redacted)

23 (Redacted)

24 Q. [14:55:14] How long did you (Redacted) remain (Redacted)

25 (Redacted) this other house?

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1 A. [14:55:35] Well, we ourselves stayed there, starting from the arrival of the UPC
2 soldiers into Kobu in February. We stayed for almost a week, one week or one and a half
3 weeks.

4 Q. [14:56:04] (Redacted), were you aware of any fighting around you
5 in the villages nearby, (Redacted)?
6 Go ahead.

7 A. [14:56:28] I'm sorry, I haven't understood well. I didn't understand the question.

8 Q. [14:56:32] I was asking about the time (Redacted), was there fighting,
9 did you see any fighting or hear any fighting (Redacted)?
10 [14:56:53] (Redacted), it was the period of time where UPC soldiers
11 were occupying Kobu. That was the situation.

12 Q. [14:57:14] And were you aware of fighting in other villages other than Kobu at that
13 time?

14 A. [14:57:25] Now, while UPC soldiers were occupying Kobu, they were also heading
15 to other villages like Buli, Sangi, Jitchu. *They were heading there and also setting alight
16 buildings around the area and even around Kobu, like, Thekpar Gwaza, Kobu-Village.
17 They burnt all the houses in the area.

18 Q. [14:58:08] And when you say that they were setting alight buildings in the area and
19 burnt houses, were these things that you saw yourself?

20 A. [14:58:25] (Redacted)

21 (Redacted). And we could see the fire. Also,
22 when there was gunfire, when soldiers arrived in a village, they would discharge their
23 weapons and we could see where the gunshots were being fired, which village, in which
24 village they were being fired.

25 Q. [14:59:00] And in your previous answer where you said that from (Redacted) you could

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1 see that village and that village, could you name those villages that you were able to see
2 for the Judges?

3 A. [14:59:19] From (Redacted) you could see a village called Atute, you can see that village,
4 but you can also see Thekpar, Budapol (phon), another village called Gora (phon), there's
5 Bambu Mine, Gutsi, a village called Gokba. And you can see these villages from (Redacted).

6 Q. [15:00:01] I'm just checking the transcript to see if we need to get you to spell some
7 of those names. The first village that you mentioned, I believe you said Atute, could you
8 spell that name for us?

9 A. [15:00:31] A-T-U-T-E.

10 Q. [15:00:54] Thank you. And now could you do the same for Thekpar?

11 A. [15:01:06] T-H-E-K-P-A-R.

12 Q. [15:01:41] And the last village I'll have you spell, it's come up in the French
13 transcript as Ngopa (phon), could you spell that village?

14 A. [15:02:09] Gokba. It's spelt like this, G-O-K-B-A.

15 Q. [15:02:33] What was it that led you to leave (Redacted)-- sorry, to leave (Redacted)?
16 Why did you leave (Redacted)?

17 A. [15:03:00] Firstly, I would say that we lived in (Redacted) until the UPC occupied the
18 area, and then we fled and set up home in (Redacted). When the UPC left (Redacted), we
19 then returned to (Redacted).

20 Q. [15:03:23] Sorry, I believe my question wasn't clear. I'm referring to the time when
21 you were in (Redacted) with (Redacted) and I'm asking what -- what
22 happened to cause you to leave (Redacted) at that time?

23 A. [15:03:53] When the UPC troops left (Redacted), my parents were already dead.
24 We left (Redacted) and we went back to (Redacted). I went and my parents, even those
25 who had already died, we went back to (Redacted). There were a lot of civilians who

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1 had fled and who returned to (Redacted).

2 Q. [15:04:37] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [15:05:16] (Redacted). When the UPC troops left Kobu, we didn't know when they
7 went, whether it was in the morning or at some other time, but the first *day, in the
8 morning, we saw an old man and a young child coming from Kobu (Redacted).

9 (Redacted)

10 Before they entered into the village of (Redacted). They asked him where he had come
11 from and where he was and why he was going there. He answered that he was one of
12 those who had fled to (Redacted) and there UPC had caught up with them (Redacted) and
13 they brought them to Kobu where they had remained for *two days. And now that the
14 UPC troops had left Kobu, he had left. And that's why he also left. And he added that
15 the UPC troops had just left Kobu.

16 Q. [15:07:15] (Redacted)

17 A. [15:07:26] (Redacted)

18 Q. [15:07:31] Did you know what ethnicity he was?

19 A. [15:07:48] He said that he had been caught (Redacted). And he spoke Kilendu. And
20 we understood immediately that he was Lendu, but I didn't ask him what his ethnic
21 group was, nor where he came from.

22 Q. [15:08:08] Could you estimate approximately how old he was?

23 A. [15:08:30] I couldn't do that because there are some people whose face looks as
24 though they are old whereas they are not actually old and other people have young faces
25 while they are old, which is why I couldn't estimate his age. However, you could see

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1 that he was an old man.

2 Q. [15:09:02] Did the old man tell you who he was caught by or any of the
3 circumstances of that?

4 A. [15:09:11] The old man didn't give us a lot of details. He simply said that he had
5 been with the others in the bush and that there they had been taken. He said that they
6 had remained in Kobu (Redacted) and then the UPC troops had left and (Redacted)
7 (Redacted) and to flee.

8 Q. [15:10:03] (Redacted)
9 (Redacted)

10 A. [15:10:14] (Redacted).

11 Q. [15:10:38] What did you do after meeting this old man and talking to him?

12 A. [15:10:54] After the old man told us that the UPC troops had left Kobu, we said
13 that -- to ourselves, that if that is true then we will go and have a look. (Redacted)
14 (Redacted).

15 When we were there we saw a very old woman. That was just before we got to the
16 centre of the town. (Redacted). We asked her, "What are you doing
17 there, madam?" She replied that she had been taken (Redacted), together with her
18 daughter and granddaughter. All three had been taken. She was ill at that time. And
19 the others who took them left her behind because she couldn't continue. They left her in
20 the bush. They then carried on and abandoned her because she was old and because she
21 was ill. We also asked the woman where her daughter and granddaughter were and she
22 replied that her daughter and granddaughter (Redacted). She showed us by
23 pointing her fingers over there. And we asked her to indicate precisely where, and she
24 told us the place, and we went to that place and we found the bodies there.

25 Q. [15:13:13] In your answer you say that this old woman had said that she was taken

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1 (Redacted), together with her daughter and granddaughter. Do you know who took her
2 or what circumstances -- in what circumstances she was taken?

3 A. [15:13:45] The woman and the two others had been taken (Redacted). This
4 happened when they wanted to change the war plans. The others said that they wanted
5 peace for everybody, but that was not the case, they just wanted to catch people. And in
6 those circumstances, this woman and her daughter and granddaughter were taken.
7 Other people had also been taken at that time.

8 Q. [15:14:45] Could you explain what you mean in your answer when you said that
9 they wanted to change the war plans and that they wanted peace for everybody but that
10 this was not the case. What do you mean by that answer?

11 A. [15:15:12] What I said was when the UPC arrived in Kobu, there were over
12 a hundred people. *And among those 100 people, two per cent were killed during the
13 attack on Kobu. And then it -- then they said it shouldn't be like that, that people who had
14 fled, they had only killed two per cent of the population, so therefore they took the
15 decision that there had to be a change of strategy, their war strategy and find another
16 strategy to get the people through organising a meeting. And when they put this into
17 practice, this new strategy, they caught the people. They had already invaded the
18 villages and they caught the people one after the other.

19 Q. [15:16:51] And if you know, who was it that organised a meeting?

20 A. [15:17:17] The people were invited to come out of the bush to attend a peace meeting.
21 The commander in Kobu had refused the order to change the strategy so that he could
22 bring people together from different areas and get them all to Kobu. And when these
23 people began to arrive at the meeting, then they were to be taken.

24 Q. [15:17:57] How did you learn about this meeting?

25 A. [15:18:13] (Redacted). Before the UPC troops

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1 went to Kobu in November, they were attacking and withdrawing. They attacked
2 Bambu and they withdrew. They fought for a day and then they withdrew. And under
3 these circumstances, a Lendu combatant killed a UPC soldier who had remained behind.
4 This UPC soldier had a Motorola base station and the Lendu combatant took this back to
5 the village. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [15:20:01] *Did you see this Motorola base station?

10 A. [15:20:14] (Redacted)

11 (Redacted), there were

12 a lot of people, passers-by as well, who could all follow what was being said. It was
13 open to the public, everybody could follow what was going on.

14 Q. [15:20:57] (Redacted)

15 A. [15:21:16] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [15:22:13] What languages did you hear being spoken on the radio?

22 A. [15:22:26] They were speaking Swahili. A variant of Swahili as spoken in Uganda.
23 It was the sort of Swahili spoken by the Ugandan and Rwandan troops.

24 Q. [15:23:01] Now earlier I'd asked you how you had heard about the meeting that you
25 were talking about. And I'm not sure that I got an answer from you on that particular

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1 question. So do you recall how you learned about this meeting?

2 A. [15:23:28] Yes.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [15:28:29] Mr Witness, I want to take you back to the conversation that you had with
7 this old woman who was with her daughter and her granddaughter, who said she had
8 been (Redacted), and can you tell me what else she said to you at that time?

9 A. [15:28:55] Yes. We found this old woman in that place and she said that her
10 daughter and granddaughter had been executed. They had been taken or arrested
11 (Redacted). She had been abandoned because she was old, she couldn't walk. That's
12 why they left her behind in the bush. She continued to follow them as far as Kobu and
13 there she was too weak to continue. (Redacted)
14 (Redacted). There was not only
15 her daughter and her granddaughter that -- to which -- to whom this had happened, there
16 were other people killed there the same evening.

17 Q. [15:30:21] Previously when you were speaking about this old woman, you said "she
18 showed us by pointing her finger over there", that's on page 91 of the transcript. Where
19 did she point? What did you mean by that? Could you expand on that?

20 A. [15:30:46] Well, if you arrive into Wadza you will find yourself at the Catholic
21 church, and just opposite the Catholic church there are large trees. Now just behind that
22 there is a banana plantation, and that is where we found the lady, she was near the large
23 trees, and she indicated, "Here, just behind, other people have been executed."

24 Q. [15:31:25] And what did you do when this old woman told you that other people
25 had been executed? Where did you go?

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1 A. [15:31:40] Well, we went to see because we didn't know who was involved, so we
2 went to go and see and to see who had been executed there. We didn't know if it was
3 just her daughter and granddaughter, however, what we found was that there were
4 a number of corpses heaped up there, banana trees had been cut and that's where we
5 found the corpses. The people had had their throats slit and they had been lied down,
6 banana leaves had been laid out and the people had been placed there to have their
7 throats slit.

8 Q. [15:32:43] You said there were a number of corpses. Could you estimate how
9 many?

10 A. [15:33:01] When we arrived we found corpses. And we started to count them,
11 although we didn't know them. When people are killed and when they lose their blood
12 their faces look different. But, in any case, we counted the corpses and arrived at a tally
13 of 53 corpses that were heaped up there on the banana leaves. (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted). And I was very upset to see all of these dead bodies
17 all lying heaped up on the banana leaves.

18 Q. [15:34:22] I am going to ask you for some more detailed information about what you
19 saw. And feel free to take your time. And if you need to take a break that is okay as
20 well, you just let the Presiding Judge know.

21 PRESIDING JUDGE FREMR: [15:34:42] Mr Witness, do you think a short break would
22 help you, or are you strong enough to continue immediately?

23 THE WITNESS: [15:34:54] (Interpretation) We can continue.

24 PRESIDING JUDGE FREMR: [15:34:57] The Chamber appreciates that.

25 MS SIM: [15:35:25]

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1 Q. [15:35:25] You mentioned that the banana trees had been cut and the leaves laid
2 down. Could you describe how the banana trees had been cut?

3 A. [15:36:12] They cut the banana trees. You know, if somebody wants to build
4 a house, they cut banana trees and they took the leaves from the banana trees and they
5 laid them on the ground.

6 Q. [15:36:55] Were you able to estimate the age of the people that you saw laying in the
7 field? What was the range in their age?

8 A. [15:37:26] I wasn't able to estimate their age, but I did see children of two to three
9 months amongst the bodies. (Redacted)

10 (Redacted)

11 (Redacted).

12 Q. [15:38:30] You mentioned that you saw people who had had their throats slit. Were
13 you able to see any other injuries on any of the bodies that you saw?

14 A. [15:39:07] Before those people had their throats slit, it's possible that the
15 bodies -- well, the bodies of the young people had scars on them, and we saw pounders
16 nearby.

17 There were pounders there, so it looked like they had suffered blows. And also their
18 hands were tied behind their backs. We also saw people whose stomach -- who had been
19 disembowelled, where the entrails had fallen on to the ground and others whose throats
20 were slit.

21 Q. [15:40:05] And when you say there were pounders, could you explain what you
22 mean by that, just so that we are all clear, what do you mean by a pounder?

23 A. [15:40:22] Yes, they're a type of pounder, the type of -- it looked as if the pounders
24 had been used to hit people on their heads because the bodies of the younger people had
25 scars or marks made by the pounders. There were also sticks nearby above the bodies.

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1 Q. [15:41:01] Did you see any weapons there other than the sticks and the pounders?

2 Did you see any other types of weapons?

3 A. [15:41:24] No, I didn't. No, I did not see other weapons.

4 Q. [15:41:30] Just so that everybody -- just so that everybody's clear, what would
5 you -- what would you do with a pounder or what would a pounder be used for?

6 A. [15:42:08] Where we lived there are two types of pounder, there are large pounders
7 that we use to mill flour, and then there are little pestles to -- to crush vegetables, tomatoes
8 and other vegetables. So it was the larger -- or, sorry, it was the smaller size pounder
9 that was used.

10 Q. [15:43:02] (Redacted)

11 (Redacted). Did you go back to the site?

12 A. [15:43:20] I left the place, the location where the people had had their throats cut. I
13 went and sat down just about five metres away and I spent some time there. (Redacted)
14 (Redacted)

15 Q. [15:43:53] (Redacted)

16 A. [15:44:00] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [15:45:05] (Redacted)

24 (Redacted)

25 A. [15:45:14] (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 Q. [15:46:11] (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 A. [15:46:45] (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 Q. [15:47:51] (Redacted)
- 13 (Redacted)
- 14 A. [15:48:07] (Redacted).
- 15 Q. [15:48:22] (Redacted)
- 16 A. [15:48:37] (Redacted)
- 17 (Redacted)
- 18 Q. [15:48:58] (Redacted)
- 19 (Redacted)
- 20 A. [15:49:23] (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. [15:49:41] (Redacted)
- 24 (Redacted)
- 25 A. [15:50:02] (Redacted).

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1 Q. [15:50:19] (Redacted)

2 (Redacted)

3 A. [15:50:41] (Redacted)

4 (Redacted)

5 (Redacted).

6 Q. [15:51:17] (Redacted)

7 (Redacted)

8 A. [15:51:40] (Redacted)

9 *Q. [15:51:50] (Redacted).

10 A. [15:51:52] (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [15:52:19] (Redacted)

14 (Redacted)

15 A. [15:52:32] (Redacted)

16 (Redacted) we went to see who, who had been killed by having their throats slit.

17 Irrespective of which village you came from, we were all Lendu. So we went to see

18 whether there were people there who we knew and to be able to relay the information to

19 our families. We went to see who had been killed by having their throats cut.

20 Q. [15:53:30] (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [15:53:54] Well, first, (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 It was the community that asked young people to -- to dig a pit. There was no option to
5 put the bodies in coffins, rather we built, or we dug -- or, a mass grave was dug.

6 *(Redacted)

7 Q. [15:55:08] (Redacted)

8 (Redacted)

9 A. [15:55:34] (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [15:56:05] (Redacted)

13 A. [15:56:23] (Redacted)

14 (Redacted)

15 (Redacted).

16 Q. [15:57:06] (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [15:57:41] (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [15:58:07] (Redacted)

23 (Redacted)

24 A. [15:58:27] (Redacted)

25 (Redacted)

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1 (Redacted).

2 Q. [15:59:02] (Redacted)

3 (Redacted)

4 A. [15:59:16] (Redacted)

5 (Redacted)

6 Q. [15:59:51] So if one of the bodies was not buried there, where would that body have
7 been buried; in other words, why was it that some of the bodies weren't buried there?

8 A. [16:00:08] Well, the next day everybody arrived on the Tuesday, the people from
9 Buli, from Sangi, from the other villages, to identify the people who had been killed there
10 because the message had gone out. When we arrived we sent out the message to
11 everybody. (Redacted). And when they
12 arrived, when somebody identified a member of their family, then they could take the
13 remains of their relative and bury them where they wanted to do so. There was no
14 obligation to bury them altogether.

15 Q. [16:01:30] (Redacted)

16 (Redacted)

17 A. [16:01:54] No. When we were there the circumstances in which they had been
18 killed were not known because they were killed and it was evening already and there was
19 only talk of the circumstances in which they had been captured. They had been near to
20 the forest in Jitchu. That's all I learnt about the way they were captured.

21 Q. [16:02:33] (Redacted)

22 (Redacted)

23 A. [16:03:01] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [16:03:37] (Redacted)

3 A. [16:03:50] (Redacted).

4 Q. [16:04:00] (Redacted)

5 (Redacted)

6 A. [16:04:21] (Redacted)

7 Q. [16:04:30] (Redacted).

8 A. [16:04:33] Yes. I didn't know who, well, who it was who arrested them. It was

9 a group of armed UPC troops. (Redacted). And that

10 happened in Jitchu. I don't know the circumstances of that event. (Redacted)

11 (Redacted), I just know that they were caught and taken

12 to Kobu to be killed.

13 Q. [16:05:48] Mr Witness, do you remember being shown some photographs when you

14 were interviewed by the investigators of the Court and then being shown some

15 photographs by me when we met last week?

16 A. [16:06:26] Yes, I can remember being shown photos when the investigators came.

17 I can remember that.

18 Q. [16:06:40] I'm going to show you a couple of photographs now and ask some

19 questions about them. (Redacted)

20 (Redacted).

21 If I could have the court officer please bring up number (Redacted) on the Prosecution's

22 list, which is (Redacted).

23 Can we show the photograph without any annotations visible? Apologies.

24 Mr Witness, are you able to see the photograph on your screen?

25 A. [16:08:40] Yes, I can see it.

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1 Q. [16:08:44] And do you recognise this location?

2 A. [16:09:01] Yes, I can see the photo and I know this place.

3 Q. [16:09:08] Where is this place?

4 A. [16:09:22] It's -- we can see the banana trees on which people were told to lie down
5 before they had their throats slit.

6 Q. [16:09:57] (Redacted)

7 (Redacted)

8 A. [16:10:31] (Redacted)

9 (Redacted)

10 Q. [16:10:42] (Redacted)

11 (Redacted)

12 A. [16:10:55] (Redacted).

13 Q. [16:11:21] Does this photograph resemble your recollection of what it looked like in
14 Kobu when you arrived there?

15 A. [16:11:45] Yes. This reminds me, but it is not this photo that brings everything back.
16 What I'm saying is I know how things happened there. It's not simply through seeing
17 the photo that I remember how things were. When -- while we are talking, I am
18 remembering everything that happened at that time.

19 Q. [16:12:24] Can we now have the photograph that appears at number (Redacted) of
20 the Prosecution's list, which is (Redacted), and if you could show that without any
21 annotations as well.

22 Is it possible to make the photograph a bit bigger on the screen as well?

23 And are you able to see this photo on this screen, Mr Witness?

24 A. [16:14:14] Yes, I see it.

25 Q. [16:14:17] Do you recognise this location?

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- 1 A. [16:14:32] Yes, I can recognise this location.
- 2 Q. [16:14:39] And once again, where is this?
- 3 A. [16:14:44] Here, again, we in Wadza where these people were killed.
- 4 Q. [16:15:06] (Redacted)
- 5 (Redacted)
- 6 A. [16:15:27] (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 Q. [16:16:03] (Redacted)
- 10 A. [16:16:19] (Redacted).
- 11 Q. [16:16:29] (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 A. [16:16:54] (Redacted)
- 15 (Redacted)
- 16 Q. [16:17:19] (Redacted)
- 17 (Redacted).
- 18 PRESIDING JUDGE FREMR: [16:17:32] (Redacted)
- 19 (Redacted)
- 20 THE WITNESS: [16:18:35] (Interpretation) (Redacted).
- 21 PRESIDING JUDGE FREMR: [16:18:45] (Redacted)
- 22 (Redacted)
- 23 MS SIM: [16:18:53]
- 24 Q. [16:18:53] (Redacted)
- 25 (Redacted)

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1 A. [16:19:04] (Redacted).

2 MS SIM: [16:19:18] (Redacted)

3 (Redacted)

4 PRESIDING JUDGE FREMR: [16:19:25] (Redacted)

5 MR GOSNELL: [16:19:27] (Redacted).

6 PRESIDING JUDGE FREMR: [16:19:31] (Redacted)

7 (Redacted)

8 MS SIM: [16:20:00]

9 Q. [16:20:00] Mr Witness, I'm moving on to another area of topics and another area of
10 questions, and that is: Were you ever yourself involved in combat as a fighter?

11 A. [16:20:23] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted), so I joined a group of combatants and I fought in a number of

15 locations, not because I wanted to work, (Redacted)

16 (Redacted).

17 Q. [16:21:41] (Redacted)

18 (Redacted).

19 PRESIDING JUDGE FREMR: [16:21:50] (Redacted).

20 MS SIM: [16:21:57]

21 Q. [16:21:57] (Redacted)

22 (Redacted)

23 A. [16:22:06] (Redacted).

24 Q. [16:22:21] And for how long were you a member?

25 A. [16:22:37] I wasn't there very long. In the beginning and at the end of the war,

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1 gradually, I realised that I should step back from this group. It's true that I did go and
2 fight, but my aim was not achieved. I would say I was there for about a year.

3 Q. [16:23:25] And you said that this was a group of combatants. Did it have any other
4 name?

5 A. [16:23:49] Well, in the Lendu community we called them combatants groups because
6 there was no structure which would resemble an army. A lot -- everybody went, the
7 civilians went there. But there was no way to distinguish between combatants and
8 civilians who went to war. You couldn't distinguish the combatants. All those who
9 were fighting were called combatants.

10 Q. [16:24:47] And against whom were you fighting?

11 A. [16:25:03] We were fighting against the enemies of the UPC whenever they came and
12 attacked our village.

13 Q. [16:25:20] And just to be clear, your answer was "We were fighting against the
14 enemies of the UPC", were you meaning -- did you answer that you were fighting the
15 UPC?

16 A. [16:25:41] Yes.

17 Q. [16:25:47] When you were a combatant or a fighter, did you wear any particular
18 items or particular clothing?

19 A. [16:26:10] We, as combatants, didn't have a military uniform. In order to make
20 ourselves recognisable, we wore a sort of special branch which the old people suggested
21 we wore to identify ourselves. We put them round our heads or on to our chests. That
22 was our way of identifying ourselves. We didn't have any military uniform as such.

23 Q. [16:27:03] Just to make sure that the translation is clear, you said a special branch,
24 can you explain what you mean by that? What was it that you put around your head or
25 your chest?

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1 A. [16:27:30] *It was sort of leaves, forest lianas. We wrapped the head and the chest
2 with those lianas so that it was easier for us to identify them. We took these plants that
3 had leaves and they were -- they were in the jungle and we took those and made
4 something from them, from the lianas.

5 MS SIM: [16:28:04] Mr President, I notice the time and I'm very close to being finished
6 with my questions, so perhaps we could --

7 PRESIDING JUDGE FREMR: [16:28:13] Yes, in fact you have something about
8 12 minutes, something like that, but if you are able to finish earlier it is fine for us to
9 continue for maybe not more than five minutes, but ...

10 MS SIM: [16:28:25] In that case perhaps --

11 PRESIDING JUDGE FREMR: [16:28:28] Sorry. So five minutes maximum.

12 MS SIM: [16:28:40]

13 Q. [16:28:41] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [16:29:52] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [16:30:44] (Redacted)

23 (Redacted)

24 A. [16:31:05] (Redacted)

25 (Redacted)

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1 (Redacted).

2 Q. [16:31:35] (Redacted)

3 A. [16:31:56] (Redacted)

4 (Redacted)

5 (Redacted).

6 Q. [16:32:21] (Redacted)

7 (Redacted)

8 A. [16:32:39] (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [16:33:22] (Redacted)

12 (Redacted)

13 A. [16:33:47] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted).

18 PRESIDING JUDGE FREMR: [16:34:31] Ms Sim, I am sorry that I have to interrupt you

19 so close to the end of your examination, but we have some other assignment, so you can

20 just easily continue tomorrow morning even for -- I don't know for how many minutes, I

21 think five, six minutes. Court officer, how much time still remain for Prosecution?

22 THE COURT OFFICER: [16:34:52] Six minutes, indeed.

23 PRESIDING JUDGE FREMR: [16:34:55] All right. So let's move into open session.

24 (Open session at 4.35 p.m.)

25 THE COURT OFFICER: [16:35:11] We are in open session, Mr President.

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1 PRESIDING JUDGE FREMR: [16:35:16] Thank you, court officer.

2 Mr Witness, thank you very much for patiently responding all questions put to you today.

3 We will continue tomorrow morning at 9.30. And please have in mind that in the

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

5 you understand that?

6 THE WITNESS: [16:35:41] (Interpretation) Yes.

7 PRESIDING JUDGE FREMR: [16:35:45] We break and we will reconvene tomorrow,

8 9.30.

9 THE COURT USHER: [16:35:49] All rise.

10 (The hearing ends in open session at 4.35 p.m.)

11 RECLASSIFICATION REPORT

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

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