

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 Thursday, 14 September 2017
8 (The hearing starts in open session at 9.18 a.m.)
9 THE COURT USHER: [9:18:01] All rise.
10 The International Criminal Court now is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:18:28] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:18:32] 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 And for the record, we are in open session.
18 PRESIDING JUDGE FREMR: [9:18:48] Thank you very much, court officer.
19 Appearances, please.
20 MR IVERSON: [9:18:55] All members of the Prosecution are the same as in last session.
21 PRESIDING JUDGE FREMR: [9:19:00] Thank you, Mr Iverson.
22 Defence, please.
23 MS GRANDON: [9:19:06] (Interpretation) Good morning, your Honours. The
24 Defence team is the same as yesterday.
25 PRESIDING JUDGE FREMR: [9:19:13] Thank you, Ms Grandon.

1 Legal Representatives of Victims, please.

2 MS PELLET: [9:19:21] (Interpretation) Thank you. The former child soldiers are
3 represented by myself, Sarah Pellet.

4 MR SUPRUN: [9:19:36] (Interpretation) Good morning, your Honours. The victims
5 of the attacks are represented by myself, Dmytro Suprun.

6 PRESIDING JUDGE FREMR: [9:19:45] Thank you, Ms Pellet. Thank you, Mr Suprun.
7 Before we continue with the next part of examination of our witness, I will have to deliver
8 the Chamber's oral ruling concerning the next witness, but it should be done in private
9 session.

10 So, court officer, let's move now into private session.

11 (Private session at 9.20 a.m.) *(Reclassified partially in public)

12 THE COURT OFFICER: [9:20:18] We are in private session, Mr President.

13 PRESIDING JUDGE FREMR: [9:20:33] Thank you, court officer.

14 The Chamber will now deliver its oral ruling on the request for protective measures for
15 Witness D-0172, herein referred to as the "Witness".

16 In filing number 1928, the Defence requested, inter alia, the use of a pseudonym, as well
17 as facial and voice distortion for the Witness.

18 In support of its request, the Defence submits that the witness has expressed concerns
19 about the general security situation in the region where he lives and travels and fears that
20 testifying for the Defence could lead to reprisals from the official authorities.

21 The Defence further argues that testifying for the Defence may, in itself, provoke
22 antipathy from those who consider themselves to be victims of the crimes for which
23 Mr Ntaganda is accused.

24 In filing number 1929, the Prosecution opposes the request, arguing that the Defence has
25 failed to set out any objectively justifiable risk to the Witness, and that the witness fears

1 are weak and are unsubstantiated. While noting that it does not have information about
2 where the Witness resides or travels, the Prosecution refers to the Witness's (Redacted)
3 (Redacted)

4 (Redacted)

5 As such, the Prosecution argues that there is no reason to think that the Witness, (Redacted)
6 (Redacted) would be at risk if he were to testify publicly.

7 The VWU provided its protective measures assessment on 12 September 2017 in which it
8 does not support granting protective measures for the Witness. While noting, inter alia,
9 that the political tensions in the DRC have resulted in country-wide demonstrations and
10 that the authorities are not well positioned to protect the general population, the VWU
11 states that the witness's fears are not objectively justified and that it is unable to establish
12 any meaningful facts to support the Witness belief that his safety would be endangered as
13 a result of testifying publicly.

14 The Chamber incorporates by reference the applicable law set out in its first decision on
15 protective measures bearing the filing number 824.

16 The Chamber notes that protective measures will only be granted on a determination that
17 such measures are necessary in light of an objectively justifiable risk in relation to the
18 security of the witness.

19 In assessing whether there exists an objectively justifiable risk, the Chamber recalls that
20 the general security situation in a region may be a relevant consideration in respect of
21 specific witnesses. In the request, the Defence submits that the Witness has expressed
22 concerns about the security situation in general in the region in which he lives and
23 through which he travels without, however, providing information about the Witness's
24 current place of residence, nor the area through which he travels. The Chamber notes,
25 from the information included in the Prosecution's response and the VWU's assessment

1 report, that the witness is (Redacted)

2 The Chamber therefore does not consider that the risk to the Witness, based on his current
3 area of residence, has been sufficiently substantiated. According to the VWU's report, the
4 Witness travels for work to areas (Redacted); however, the Chamber
5 similarly does not find that a risk has been substantiated in this regard.

6 The Chamber considers that the Defence's submissions are based primarily on the
7 Witness's own assessment of risk. While the subjective fears and opinions of a witness
8 may be relevant to the Chamber's assessment of risk, they are not determinative. The
9 Chamber does not consider in the present situation, absent any additional supporting
10 material, that the submissions demonstrate an objectively justifiable risk.

11 In light of the material before the Chamber, including the fears expressed by the Witness,
12 the information about the Witness's current location and the nature of the anticipated
13 testimony, the Chamber does not consider that an objectively justifiable risk has been
14 established for the Witness.

15 In the present circumstances, the Chamber rejects the request.

16 This concludes the Chamber's ruling.

17 If there are no requests for the floor in connection with this decision.

18 Ms Grandon.

19 MS GRANDON: [9:27:22] (Interpretation) Not for this witness, but for the witness
20 who will be resuming today.

21 PRESIDING JUDGE FREMR: [9:27:29] All right. But is it necessary to remain in
22 private session for that submission?

23 MS GRANDON: [9:27:38] (Interpretation) Not necessarily.

24 PRESIDING JUDGE FREMR: [9:27:40] All right. So now, court officer, let's return
25 back into open session.

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1 (Open session at 9.27 a.m.)

2 THE COURT OFFICER: [9:27:48] We are back in open session.

3 PRESIDING JUDGE FREMR: [9:28:06] Thank you, court officer.

4 And, Ms Grandon, you have the floor.

5 MS GRANDON: [9:28:11] (Interpretation) Thank you, your Honour. Yesterday

6 when I re-read the French transcript I noticed that at the end of the hearing we were in

7 open session and the name of the village of the witness was mentioned, that is page 88.

8 And I would like to request the name of the village to be redacted from the public version.

9 THE INTERPRETER: [9:28:41] Correction: Page 98, lines 21 to 22.

10 PRESIDING JUDGE FREMR: [9:28:48] Certainly, request is granted.

11 Now we can continue with the testimony and I'm asking our court officer in Bunia to

12 invite Madam Witness into the video room in Bunia.

13 And for information to the parties and participants, at the moment my idea is to take

14 normal 90-minute session, which means to break at 10.45, but we all will have to remain

15 flexible and we will see how it's all going on.

16 (The witness enters the video-link room)

17 PRESIDING JUDGE FREMR: [9:30:56] Good morning, Madam Witness.

18 WITNESS: DRC-D18-D-0054 (On former oath)

19 (The witness speaks Lendu)

20 (The witness gives evidence via video link)

21 THE WITNESS: [9:31:11] (No interpretation)

22 PRESIDING JUDGE FREMR: [9:31:31] Interpreter's booth, I'm still waiting for

23 translation.

24 THE INTERPRETER: [9:31:37] Message from the interpreters: I believe we are having

25 a few problems with relay, but we will try to solve the problem as quickly as possible.

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- 1 THE WITNESS: [9:31:51] (Interpretation) Good morning.
- 2 PRESIDING JUDGE FREMR: [9:31:54] Are you feeling well today, Madam Witness?
- 3 THE WITNESS: [9:32:11] (Interpretation) Yes.
- 4 PRESIDING JUDGE FREMR: [9:32:14] Good. So we will continue with your
- 5 testimony in the same way like yesterday.
- 6 THE WITNESS: [9:32:40] (Interpretation) Yes, I can hear you.
- 7 PRESIDING JUDGE FREMR: [9:32:43] And before I give floor to Ms Grandon,
- 8 I have to remind you that you are still under oath and have to speak truth and nothing
- 9 but the truth.
- 10 THE WITNESS: [9:33:21] (Interpretation) Yes.
- 11 PRESIDING JUDGE FREMR: [9:33:24] Very well.
- 12 Ms Grandon, you have the floor.
- 13 MS GRANDON: [9:33:32] (Interpretation) Thank you, your Honour.
- 14 QUESTIONED BY MS GRANDON: (Continuing) (Interpretation)
- 15 Q. Good morning, Madam Witness.
- 16 A. [9:33:46] Yes, good morning to you as well.
- 17 Q. [9:33:48] Can you hear me?
- 18 A. [9:33:56] Yes, I can hear you.
- 19 Q. [9:34:00] I'd like to begin by harking back to the events that you told us about
- 20 yesterday. When were you informed about the death of your children, ma'am?
- 21 A. [9:34:38] I learned that they had died when they died.
- 22 Q. [9:34:48] Was that during the attack or after the attack?
- 23 A. [9:35:04] They died during the war.
- 24 Q. [9:35:10] Do you know where their bodies were buried?
- 25 A. [9:35:29] When I went back from the (Redacted) the people showed me the place

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1 where my children had been buried.

2 Q. [9:35:39] Could you tell us what place that was without giving the actual name of
3 the town or village?

4 A. [9:36:09] The children were buried (Redacted).

5 Q. [9:36:19] (Redacted)

6 A. [9:36:35] (Redacted)

7 Q. [9:36:41] Do you know whether you can still see that place where they were
8 buried?

9 A. [9:36:49] It was an awfully long time ago, so I don't know if I'm going to be able to
10 remember the exact place. I don't live there anymore either.

11 Q. [9:37:17] You explained at the very beginning of your testimony that you are
12 Lendu and the combatants who led the attack were Lendu as well; correct?

13 A. [9:37:45] Yes, that is correct.

14 Q. [9:37:53] Why was it that Lendu people were attacking people from their own
15 ethnic group?

16 A. [9:38:18] They didn't want us to be able to live together with the Hema, but we said that
17 we would live with them.

18 Q. [9:38:32] Yesterday, you explained to us that you had spent two months receiving
19 treatment before going back home; do you remember saying that? Line reference page
20 98, line 19.

21 A. [9:38:55] Yes, that is correct.

22 Q. [9:38:58] And what was the security situation in the village when you went back
23 home?

24 A. [9:39:23] People were living in fear. They were afraid that those people might
25 come back again and attack but, all the same, we continued our lives, and we lived there

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1 for another five months.

2 Q. [9:39:43] At that time, were there soldiers in your village or in surrounding areas?

3 A. [9:40:07] Absolutely. The soldiers were all around to protect the population, and
4 that is why we had a period of calm.

5 Q. [9:40:25] And you know who these soldiers were?

6 A. [9:40:43] They were APC soldiers.

7 Q. [9:40:49] And did these soldiers intervene to protect you?

8 A. [9:41:12] They had begun the war together, but since they were more powerful,
9 there were deaths.

10 Q. [9:41:36] I'll put my question again. Now, the soldiers who were around your
11 village, did they intervene to protect you against the attacks of Lendu combatants?

12 A. [9:42:13] Yes. The soldiers were protecting the population, but when their forces
13 were higher, all the same, they were able to kill people.

14 Q. [9:42:35] You told us that you spent several months and then you went back home.
15 And then did you have to leave your home again?

16 A. [9:43:05] That was in June; that is when the war resumed.

17 Q. [9:43:21] Was there another attack upon your village?

18 A. [9:43:41] After the month of June we left the village; no one was left there anymore.

19 Q. [9:43:57] Yesterday, you told us that the first attack upon your village was on
20 14 February 2002, and now you're mentioning June. Are we still talking about the
21 year 2002, are we talking about June 2002?

22 A. [9:44:29] Yes, absolutely.

23 Q. [9:44:36] Who carried out this attack?

24 A. [9:44:55] Once again, the same people, the same soldiers who drove us out of the
25 village. And since then we have no longer gone back, now we live somewhere else.

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1 Q. [9:45:13] You told me that you said it was soldiers. Were they soldiers or were
2 they the same combatants as in the first attack?

3 THE INTERPRETER: [9:45:26] Correction from the interpreter: They were the
4 combatants.

5 MS GRANDON: [9:45:38] (Interpretation)

6 Q. [9:45:38] Where did you flee during this second attack?

7 A. [9:45:49] We fled to (Redacted).

8 Q. [9:45:57] Where is (Redacted)?

9 A. [9:46:06] (Redacted)

10 (Redacted)

11 MS GRANDON: [9:46:35] Your Honour, the name of the village has just been
12 mentioned.

13 PRESIDING JUDGE FREMR: [9:46:38] Understood. It should be redacted.

14 MS GRANDON: [9:46:49] (Interpretation) Is it possible to go back into private session?
15 I'm worried that other names will be mentioned hereinafter.

16 PRESIDING JUDGE FREMR: [9:46:58] All right. Court officer, let's move into private
17 session.

18 (Private session at 9.47 a.m.) *(Reclassified partially in public)

19 THE COURT OFFICER: [9:47:10] We're in private session, Mr President.

20 PRESIDING JUDGE FREMR: [9:47:13] Thank you, court officer.

21 Ms Grandon, please proceed.

22 MS GRANDON: [9:47:23] (Interpretation)

23 Q. [9:47:25] So that we understand well, Witness, could you tell us approximately
24 how much time it takes to walk (Redacted)

25 A. [9:47:50] It takes two hours walking.

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- 1 Q. [9:47:56] With whom were you when you fled towards (Redacted)?
- 2 A. [9:48:12] There were a lot of us.
- 3 Q. [9:48:21] Was your husband with you?
- 4 A. [9:48:36] My husband fled on another path. We took the road, and we all met
- 5 later together because a lot of people were running in different directions.
- 6 Q. [9:48:58] What happened when you arrived (Redacted)?
- 7 A. [9:49:23] We spent three days (Redacted), and after that there was another attack.
- 8 Then we fled towards a village called (Redacted).
- 9 Q. [9:49:36] We're going to stay a bit longer on (Redacted). Who was in (Redacted) when you
- 10 arrived?
- 11 A. [9:50:06] When we arrived in (Redacted), we found that all the population had fled.
- 12 And we stayed there. Nobody was left in (Redacted).
- 13 Q. [9:50:21] And where did you stay in (Redacted) for three days?
- 14 A. [9:50:46] We lived in a church in (Redacted). Some people were outside. There were
- 15 also people who were in a school.
- 16 Q. [9:51:01] Before the village was emptied, as you found it, was (Redacted)
- 17 dominated by one ethnic group more than another, or was it mixed?
- 18 A. [9:52:06] In (Redacted) there were the Hema people. Just us were Lendus present
- 19 Among these Hema people We hid behind the Hema people in order to flee.
- 20 Q. [9:52:28] Were there still Hema when you arrived? Were there still Hema people
- 21 there when you arrived in (Redacted)
- 22 A. [9:52:58] When we arrived we found the chief of the village. We were living with
- 23 the chiefs of the village because most of the population had already fled.
- 24 THE INTERPRETER: When we arrived we found the chiefs of the village, corrects the
- 25 interpreter.

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- 1 MS GRANDON: [9:53:21] (Interpretation)
- 2 Q. [9:53:22] How many people were killed during this second attack on your village
- 3 which made you take refuge in (Redacted)?
- 4 A. [9:53:50] I can't remember the number of persons.
- 5 Q. [9:53:55] Was it a lot, or not?
- 6 A. [9:54:13] There were a lot of people who were killed, a lot of people who were
- 7 dead, but I wouldn't be able to count their number.
- 8 Q. [9:54:27] Now you explained earlier that you spent three days in (Redacted) and then
- 9 you left. What made you leave (Redacted)?
- 10 A. [9:54:53] It was the same attack that's made it possible to flee (Redacted).
- 11 Q. [9:55:09] Who carried out the attack?
- 12 A. [9:55:17] The same people who came to attack, the combatants.
- 13 Q. [9:55:28] The Lendu combatants?
- 14 A. [9:55:46] Yes.
- 15 Q. [9:55:47] Where were you when (Redacted) was attacked?
- 16 A. [9:56:03] We were in (Redacted). Some fled and, among those who fled, some died.
- 17 Q. [9:56:22] Do you know how many people died?
- 18 A. [9:56:34] No, I don't know.
- 19 Q. [9:56:39] Did you flee (Redacted) with your husband?
- 20 A. [9:57:03] Yes, we fled together, with my husband.
- 21 Q. [9:57:18] And where did you flee?
- 22 A. [9:57:34] From there, we fled to go to the groupement (Redacted).
- 23 Q. [9:57:45] How far is (Redacted) on foot?
- 24 A. [9:58:01] It doesn't take a long time, it's close.
- 25 Q. [9:58:18] And when you arrived in (Redacted), what did you find in (Redacted)?

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1 A. [9:58:43] The groupement (Redacted) gave us a place to sleep.

2 Q. [9:58:53] And where did you sleep in (Redacted)?

3 A. [9:59:12] Some spent the night.

4 PRESIDING JUDGE FREMR: [9:59:18] Sorry to intervene, Ms Grandon. And
5 this -- my words shouldn't be translated to Madam Witness because I would like to ask
6 you, Ms Grandon, about the relevance of some details you are getting from the witness,
7 for example, her route. Is this really relevant for your case that we in details explore
8 from what place to another Madam Witness went? Because at the moment I have
9 problem to see relevance of that.

10 MS GRANDON: [10:00:02] (Interpretation) In my view, it's relevant to see where
11 these different villages were because it's the route that the witness followed and which led
12 to Mandro, which is the relevant place for the case. So as such, it would seem relevant
13 that these villages which were the subject of attacks by Lendu combatants that they are
14 close to Mandro.

15 PRESIDING JUDGE FREMR: [10:00:31] Now I see. So the most relevant points of the
16 testimony should be first the attack Madam Witness suffered and then situation in
17 Mandro?

18 MS GRANDON: [10:00:47] (Interpretation) Indeed, your Honour.

19 PRESIDING JUDGE FREMR: [10:00:49] All right. Please proceed.

20 MS GRANDON: [10:01:00] (Interpretation) It would seem to me that the last answer
21 of the witness was not translated. But I can put it again.

22 Q. [10:01:18] Could you repeat your answer, madam, concerning the place where you
23 stayed in (Redacted), if you would be so kind?

24 A. [10:01:39] Yes. Some spent the night outside, others at the church.

25 Q. [10:01:56] The village of (Redacted), is that village predominated by one ethnic group

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1 over another, madam?

2 A. [10:02:25] (Redacted) is the locality dominated by the (Redacted). Only the (Redacted) were
3 among that population.

4 Q. [10:02:51] Who received you in (Redacted)?

5 A. [10:02:57] We were received by the chief of the groupement.

6 Q. [10:03:06] Do you remember his name?

7 A. [10:03:20] Yes, I can give his name.

8 Q. [10:03:24] You can do that without any concern because we are in private session.

9 THE INTERPRETER: [10:03:41] Could the witness be asked to repeat the name.

10 MS GRANDON: [10:03:46] (Interpretation)

11 Q. [10:03:47] Could you repeat the name, madam. We weren't able to hear it.

12 A. [10:03:55] (Redacted).

13 Q. [10:04:03] Were there wounded among you? Were there wounded persons
14 among you when you arrived in (Redacted)?

15 A. [10:04:19] Yes, there were wounded persons.

16 Q. [10:04:22] Do you remember the name of some of these wounded persons?

17 A. [10:04:33] Yes.

18 Q. [10:04:36] Could you give us these names, madam, if you'd be so kind.

19 A. [10:04:53] (Redacted)

20 Q. [10:05:00] Were there other -- could you give us the names of other persons?

21 A. [10:05:17] (Redacted)

22 Q. [10:05:32] Other names, madam?

23 A. [10:05:50] (Redacted)

24 MS GRANDON: [10:06:00] (Interpretation) I would like to read a document to the
25 witness, your Honour. This is a document that was used by the Prosecution in the

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1 cross-examination of the Witness D-300. DRC-OTP-0126-0330 (sic).

2 PRESIDING JUDGE FREMR: [10:06:28] Prosecution, any objection?

3 MR IVERSON: [10:06:44] I'll maintain my objection as to relevance.

4 PRESIDING JUDGE FREMR: [10:06:53] Ms Grandon, could you just elaborate what is
5 this document about briefly?

6 MS GRANDON: (Interpretation) Your Honour, this is a document that was drafted by
7 a representative of the Hema community and which reports on a certain number of
8 attacks which took place in the region concerned by the testimony of madam and which
9 points out the deaths resulting from those attacks. And the witness D-300 was widely
10 questioned by the Prosecution on the subject of that document.

11 PRESIDING JUDGE FREMR: [10:07:36] You know, Ms Grandon, I'm afraid that, you
12 know, reading this report to Madam Witness will have leading character because what
13 you are expecting that she will confirm what you will read out to her, so I have strong,
14 strong doubts about the probative value of such exercise.

15 MS GRANDON: [10:08:03] (Interpretation) I'm just going to read the document and
16 ask if that corresponds with her own experience of the event, with what she remembers.
17 If she can respond negatively or positively thereto.

18 PRESIDING JUDGE FREMR: [10:08:19] All right. Please proceed, but, you know,
19 have into account my reservation which probably will also have impact on our evaluation
20 of the probative value of such exercise.
21 Please, go ahead.

22 THE COURT OFFICER: [10:08:35] Ms Grandon. Ms Grandon, it seems that the ERN
23 number you just gave us is not correct. Could you please confirm that the last four digits
24 are 0030.

25 MS GRANDON: [10:08:55] Yes.

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- 1 PRESIDING JUDGE FREMR: [10:08:58] And please, Ms Grandon, focus, if you will
2 be -- read out part, I guess, of this report on details which could be known by our witness,
3 because I see difference between Mr Ntaganda and this witness, knowledge of
4 Mr Ntaganda probably was broader. So please take it into account.
- 5 MS GRANDON: [10:09:33] (Interpretation)
- 6 Q. Witness, I'm going to read part of a document called (Speaks English) "Report about
7 massacre of 8th to 16th of June 2002" (Interpretation) and several villages are mentioned as
8 having been subject to these attacks: (Redacted)
9 (Redacted)
- 10 A. [10:10:46] All these places are the same place. We went together with those
11 people.
- 12 MS GRANDON: [10:11:01] (Interpretation) The witness replied without me asking my
13 question, so I don't have to ask a leading question. I don't need it in order to support the
14 testimony of Madam Witness.
- 15 PRESIDING JUDGE FREMR: All right.
- 16 THE INTERPRETER: I would like to have the document admitted in order to support
17 the testimony of Madam Witness, corrects the interpreter.
- 18 PRESIDING JUDGE FREMR: [10:11:33] Mr Iverson.
- 19 MR IVERSON: [10:11:36] Well, I'll maintain my objection of relevance with regard to
20 this witness, but reading something out and then having a witness say, "Well, yeah, yeah,
21 that's how it was" I think as you've identified has, in my submission, zero probative value,
22 so it shouldn't be admitted.
- 23 PRESIDING JUDGE FREMR: [10:11:57] The objection is sustained because I think we
24 take the same approach like yesterday. In fact, whole text you read out is in our
25 transcript. And moreover, frankly saying, Ms Grandon, it was classical compound

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1 question because many, many names have been mentioned and I would probably prefer
2 to ask one by one. But still, yes, the probative value of such exercise is very, very low.
3 Please proceed.

4 So the, as I said, the objection is sustained and this document is not admitted into
5 evidence as a further Defence exhibit.

6 MS GRANDON: [10:12:56] (Interpretation)

7 Q. [10:12:57] How much time did you stay in (Redacted) for, madam?

8 A. [10:13:13] We stayed in (Redacted) for two days.

9 Q. [10:13:20] And what happened after these two days?

10 A. [10:13:51] As it was a groupement, the chief said that he wasn't going to keep us
11 and he entrusted us to somebody else and it was from there that we went to Mandro.

12 Q. [10:14:20] Do you remember the name of the chief of (Redacted)?

13 A. [10:14:47] The name of the chief of the groupement of (Redacted) He
14 entrusted us to the collectivity and it was the chief of the collectivity who took us to
15 Mandro.

16 Q. [10:15:08] Do you remember the name of the chief of the collectivity of Mandro?

17 A. [10:15:25] Chief Kahwa was his name.

18 Q. [10:15:33] Was it Chief Kahwa who came to fetch you in (Redacted)?

19 A. [10:15:54] The chief sent us four people, the four people who made up a delegation,
20 they were the ones who came to fetch us.

21 Q. [10:16:05] What were these people wearing?

22 A. [10:16:24] They were wearing civilian clothing. No other kinds of clothing.

23 Q. [10:16:32] Do you know the names of these four people?

24 A. [10:16:57] Well, off the top of my head, I don't know their names, but once we were
25 in Mandro, then they gave us their names.

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- 1 Q. [10:17:07] Can you give us the names of these people?
- 2 A. [10:17:21] Yes, I can.
- 3 Q. [10:17:22] Please go ahead?
- 4 A. [10:17:40] (Redacted)
- 5 Q. [10:17:52] (Redacted)
- 6 A. [10:18:04] (Redacted)
- 7 Q. [10:18:08] And what was the name of the other people?
- 8 A. [10:18:34] We were also given another name, Bosco. .
- 9 Q. [10:18:43] And do you know who Bosco is?
- 10 A. [10:19:00] At that time I didn't know who Bosco was.
- 11 Q. [10:19:07] Do you remember the names of the other two people, and if so, can you
- 12 give us those names?
- 13 A. [10:19:40] I just knew the names of the -- these two people. The other two people,
- 14 I don't know what their names were.
- 15 Q. [10:19:52] And to go from (Redacted) to Mandro, how much time does that take,
- 16 ma'am?
- 17 THE INTERPRETER: [10:19:59] Correction: (Redacted).to Mandro.
- 18 THE WITNESS: [10:20:06] (Interpretation) (Redacted)
- 19 MS GRANDON: (Interpretation)
- 20 Q. [10:20:18] And is the village of Mandro dominantly predominated by one
- 21 particular ethnic group?
- 22 A. [10:20:40] Mandro is a collectivity made up of Bahema people and (Redacted)
- 23 (Redacted)
- 24 Q. [10:20:51] How many Lendu were taken from (Redacted) to Mandro?
- 25 A. [10:21:17] Well, they're the ones who counted the number. I can't tell you exactly

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1 how many people.

2 Q. [10:21:24] Just to have a general idea, 10, 20, 50, 100, 200? Just to have a general
3 idea of the number.

4 A. [10:21:54] Are you just talking about Lendu people?

5 Q. [10:21:57] Yes, the lendu people who were in (Redacted) and then taken to Mandro.

6 A. [10:22:15] Well, since there were two localities, I really couldn't tell you how many,
7 but a lot.

8 Q. [10:22:26] And where were you settled in Mandro once you had got there?

9 A. [10:22:45] Some people were at the church, and the others were in a school.

10 Q. [10:23:01] And where were the school and the church in Mandro?

11 A. [10:23:27] Well, the school was right there, in the village.

12 Q. [10:23:36] And how was your group welcomed, you, these Lendu people who had
13 Come to a Hema village?

14 A. [10:24:00] We were very well received by these people. They even gave us a spot
15 where we could take shelter.

16 Q. [10:24:17] And how did you manage to support yourselves or eat during that time?

17 A. [10:24:41] We had a collection of food. And even people from outside gave food
18 so that we could eat.

19 Q. [10:24:57] And did the Mandro authorities go and see you at any point or speak to
20 you once you had got there?

21 A. [10:25:20] Yes, the Mandro authorities spoke to us and we even had a gathering
22 that day.

23 Q. [10:25:28] And what was said at this meeting, this gathering?

24 A. [10:26:08] During this meeting, the chief reassured us. He said not to be afraid; he
25 said we could settle freely, and even if we were Lendu no one would kill us.

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1 Q. [10:26:28] You explained to us that once you got to Mandro some of you were put
2 at the school and others at the church. Now, during this time, was the school still
3 operating?

4 A. [10:27:04] Well, since it was war there was no school at that time.

5 Q. [10:27:15] Did you receive any care, treatment, during that time?

6 A. [10:27:36] Yes, when we felt ill we were entitled to care. The care was provided
7 by the chief of that collectivity.

8 Q. [10:28:02] And do you know where Chief Kahwa's house is located in Mandro?

9 A. [10:28:15] Yes, I know where Chief Kahwa's house is located.

10 Q. [10:28:21] Could you explain to us where it's located?

11 A. [10:28:39] His house is right there, right in the collectivity.

12 Q. [10:28:46] Is it close to the school and the church or far away?

13 A. [10:29:06] His house is close, it's really not far away.

14 Q. [10:29:21] Now, at the time when you yourself -- were you at the school or at the
15 church at that time?

16 A. [10:29:39] I was living at the school.

17 Q. [10:29:47] Now, at that time, did you see any soldiers in Mandro?

18 A. [10:30:06] There weren't any soldiers in Mandro during that period in time.

19 Q. [10:30:19] Perhaps -- well, were there perhaps soldiers in the surrounding areas?

20 PRESIDING JUDGE FREMR: [10:30:26] Hold on, Madam Witness.

21 Mr Iverson.

22 MR IVERSON: [10:30:32] Maybe it was just the wording of the question, but I thought
23 that question suggests speculation, calling for speculation.

24 MS GRANDON: [10:30:50] (Interpretation) I can rephrase, your Honour.

25 PRESIDING JUDGE FREMR: [10:30:54] Please do.

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- 1 MS GRANDON: [10:30:57] (Interpretation)
- 2 Q. [10:30:58] Ma'am, do you know whether there were soldiers outside of Mandro?
- 3 A. [10:31:19] In Mandro there were soldiers, there were a few soldiers.
- 4 Q. [10:31:36] I don't know whether it's an interpretation problem, but I shall try to
- 5 clarify.
- 6 My question was whether there were soldiers in Mandro and the answer was no.
- 7 Now, my second question was whether there were soldiers outside of Mandro, and the
- 8 answer was that there were a few soldiers in Mandro. Could you try to be more specific,
- 9 ma'am?
- 10 Have you understood? Would you like me to put the question to you again?
- 11 A. [10:32:40] Yes, I've understood your question. There were soldiers but very few.
- 12 Q. [10:32:48] Did you see these soldiers?
- 13 A. [10:33:05] Yes. There were soldiers, very few, but I didn't know what their names
- 14 were.
- 15 Q. [10:33:11] Did these soldiers have a camp?
- 16 A. [10:33:34] They didn't have a military camp, but they were amongst the population.
- 17 They had a house that had been appropriated for them.
- 18 Q. [10:33:58] And was there a particular name for this place?
- 19 A. [10:34:15] There was no other name; they were all in Mandro.
- 20 Q. [10:34:30] When you were at the school in Mandro, did you learn about attacks
- 21 upon Mandro or in the surrounding areas?
- 22 A. [10:35:01] Yes. And Mandro was attacked.
- 23 Q. [10:35:11] When was Mandro attacked?
- 24 A. [10:35:28] On 4 March 2003.
- 25 Q. [10:35:37] Now, at that time, were you still living at the school in Mandro or were

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1 you living somewhere else?

2 A. [10:36:05] Well, you see, the places had already been requisitioned for the
3 displaced people and they built some houses at those places.

4 Q. [10:36:25] You mention a place that was allocated to you, or requisitioned for you.
5 Who did that?

6 A. [10:36:39] It was Chief Kahwa.

7 Q. [10:36:47] Now, all the people, all the Lendu people who had taken shelter at the
8 school, at the school, were they settled there?

9 A. [10:37:26] We were settled at a number of different places. There was one place in
10 the centre, and then another place that was a little bit further down from the centre. All
11 these places were allocated depending on the place where the person had come from.

12 Q. [10:37:52] And do these places have names, these places that were allocated to
13 you?

14 A. [10:38:08] Yes, there is a name for the place.

15 Q. [10:38:12] Can you give us that name?

16 A. [10:38:22] Yes.

17 Q. [10:38:24] Please go ahead.

18 A. [10:38:40] The place we were given was called (Redacted).

19 Q. [10:38:53] And do you know the name of the other place where people were
20 settled?

21 A. [10:39:18] There was a place called (Redacted) located in (Redacted)

22 Q. [10:39:35] You explained to us that people were settled at these two places
23 depending on the locality that they had come from. Does that mean that you were with
24 people from your own village of origin?

25 A. [10:40:15] Exactly. I was with the group from my own locality, and the others

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1 were with people from their own locality. And I'm still with people from my own
2 locality.

3 Q. [10:40:35] Now, I've gathered from your explanations that (Redacted)
4 (Redacted)

5 A. [10:40:56] Yes, that's right.

6 Q. [10:41:00] Now, earlier we were talking about the attacks upon Mandro and you
7 mentioned an attack on 4 March 2003; do you remember mentioning that attack?

8 A. [10:41:35] Yes, I remember.

9 Q. [10:41:37] Now, why is it that you remember that date so well, the precise date of
10 that attack?

11 A. [10:42:01] (Redacted) that is why I remember that date.

12 THE INTERPRETER: [10:42:10] Interpreter correction: (Redacted)
13 (Redacted)

14 MS GRANDON: [10:42:17] (Interpretation)

15 Q. [10:42:17] (Redacted)

16 A. [10:42:37] Yes, (Redacted) and the attack had been the day
17 before that date. I remember.

18 Q. [10:42:50] What happened during that attack, ma'am?

19 A. [10:43:15] During that attack we fled and we went to (Redacted). There were several
20 people who fled that day, and others actually even died.

21 Q. [10:43:35] Who were you with when you fled, ma'am?

22 A. [10:43:51] There were many of us when we fled. We even left Mandro behind us,
23 so we travelled quite a long distance.

24 Q. [10:44:02] Was your husband with you?

25 A. [10:44:17] Yes, we were together, just he -- well, further on, he fled with the others

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1 and we went a different way.

2 Q. [10:44:32] And for how many days were you fleeing from Mandro?

3 A. [10:44:52] We went back three days later to Mandro.

4 Q. [10:44:58] And where were you exactly during these three days?

5 A. [10:45:14] Those three days we spent in (Redacted), that is where we fled to.

6 Q. [10:45:29] And then did you go back to the plot of land that had been assigned to
7 you?

8 A. [10:45:44] Yes, that's right. We went back to Mandro.

9 Q. [10:45:48] Were there other attacks on Mandro?

10 A. [10:46:05] There wasn't another attack immediately in Mandro.

11 Q. [10:46:17] (Redacted)

12 (Redacted)

13 A. [10:46:45] (Redacted)

14 (Redacted)

15 Q. [10:46:53] (Redacted)

16 A. [10:47:02] (Redacted)

17 PRESIDING JUDGE FREMR: [10:47:07] Ms Grandon, normally this --

18 THE WITNESS: [10:47:10] (Redacted)

19 PRESIDING JUDGE FREMR: [10:47:13] Ms Grandon, normally this session should
20 finish now, but if you're ready to complete your examination shortly, we can prolong that.
21 So how much time do you think you will need to complete?

22 MS GRANDON: [10:47:30] (Interpretation) A last question before the break, and then
23 I would like to evaluate the following part after the break, if you would allow me to do so,
24 your Honour.

25 PRESIDING JUDGE FREMR: [10:47:42] All right, then.

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- 1 MS GRANDON: [10:47:47] (Interpretation)
- 2 Q. [10:47:48] I have a last question for you, madam, before the break: (Redacted)
- 3 (Redacted)
- 4 A. [10:48:07] (Redacted)
- 5 MS GRANDON: [10:48:15] We can have the break, your Honour.
- 6 PRESIDING JUDGE FREMR: [10:48:16] All right. Before taking a break, I would like
- 7 to ask court officer to inform us how much time still remains to the three hours allotted to
- 8 the Defence for this examination.
- 9 THE COURT OFFICER: [10:48:35] The Defence still has 32 minutes, Mr President.
- 10 PRESIDING JUDGE FREMR: [10:48:42] So for the sake of planning, because as I said
- 11 today especially it will not be easy, could you make any estimation whether you will need
- 12 all that time or?
- 13 MS GRANDON: [10:48:58] (Interpretation) If I have other questions, they will be
- 14 very short.
- 15 PRESIDING JUDGE FREMR: [10:49:02] All right. And also for the sake of planning,
- 16 Mr Iverson, and I don't want to downplay your role in cross-examination, but do you
- 17 think that you will need for cross-examination of this witness the same time like the
- 18 Defence used for direct?
- 19 MR IVERSON: [10:49:29] The short answer is no, Mr President.
- 20 PRESIDING JUDGE FREMR: [10:49:34] It's in accordance with my expectation.
- 21 Thank you.
- 22 So we will break now and we will break for 30 minutes, which means that we will
- 23 reconvene 11.20.
- 24 THE COURT USHER: [10:49:48] All rise.
- 25 (Recess taken at 10.49 a.m.)

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1 (Upon resuming in open session at 11.24 a.m.)

2 THE COURT USHER: [11:24:01] All rise.

3 Please be seated.

4 PRESIDING JUDGE FREMR: [11:24:28] Before we continue with testimony of our

5 witness - and there is no need to translate those organisational matters to

6 Madam Witness - the Chamber has been informed that there are some problems, slight

7 problems with the next witness and that the Defence would like to address us on that

8 issue. So if yes, please, you have the floor.

9 MR GOSNELL: [11:25:00] Thank you, Mr President. The information that we have

10 from VWU is that the next witness D-0172 has had a death in the family. My

11 understanding is that he wishes, and his wishes will apparently be respected by VWU, to

12 return to his village. I'm not sure what ceremonies are being carried out or precisely

13 what the responsibilities are. In fact, Mr President, I may have less information that you

14 do. But that is the information that we have at this time.

15 I'll just note for the record that we received the Prosecution's list of documents for 172

16 yesterday sometime around 1900 hours, so it was not our expectation in any event that the

17 witness would start before Friday. I am not reliably informed, Mr President, as to when

18 D-0172 is expected to be able to return. Thank you, Mr President.

19 PRESIDING JUDGE FREMR: [11:26:10] You are right, we also have been informed

20 maybe with even more details than you. So according my understanding, Witness

21 D-0172 for sure will not be available today because otherwise the Chamber planned

22 originally to start his testimony in the afternoon, but, yes, we fully respect that he has to

23 attend funeral. But we also have been informed that it is almost sure that he should be

24 able to start his testimony tomorrow morning which would be the best scenario.

25 And the alternative, possible alternative is that if he wouldn't, then the Chamber would

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1 like to switch this witness by next witness, which would also testify via video link, and
2 this is Witness D-0057. And I was assured by our court officer that this message will be
3 conveyed to VWU and they will do their best to be ready for such alternative.
4 It's true that at the moment we don't have 100 percent certainty that everything will go as
5 we wish, but I think we can hardly go further, so we will hope that Witness D-0172 will be
6 ready tomorrow and if not, then D-0057.

7 Mr Iverson, Prosecution position on that plan?

8 MR IVERSON: [11:28:07] Well, if D-0172 starts tomorrow morning, we will be ready
9 and be in court, obviously. The same goes for D-0057. If D-0057 is ready tomorrow
10 morning, we'll be ready in court for either witness.

11 PRESIDING JUDGE FREMR: [11:28:26] I'm glad to hear it.

12 Defence.

13 MR GOSNELL: [11:28:29] On our side we're certainly ready for either witness. Thank
14 you, Mr President.

15 PRESIDING JUDGE FREMR: [11:28:34] Very well then.

16 So now we can proceed with testimony of our witness.

17 Madam Witness, welcome back. We will continue with your testimony by Ms Grandon,
18 representative of Defence.

19 Ms Grandon, you have the floor.

20 MS GRANDON: [11:29:03] (No interpretation)

21 PRESIDING JUDGE FREMR: [11:29:16] I understood, but I didn't receive the official,
22 official interpretation. English booth, any problems with the interpretation?

23 THE INTERPRETER: [11:29:24] Your Honour, I just switched to the French to listen to
24 the French channel, which is why the French interpreter was still speaking at the time
25 Ms Grandon spoke, so I didn't get it.

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1 However, if she'd like to repeat it, I'm more than happy to translate.

2 PRESIDING JUDGE FREMR: [11:29:42] Ms Grandon, for the record, please repeat it.

3 MS GRANDON: No more question, Mr President.

4 PRESIDING JUDGE FREMR: [11:29:48] Perfect.

5 Mr Iverson, I hope that you are not surprised by expediency of Ms Grandon. So you
6 have the floor.

7 MR IVERSON: [11:29:59] I'm not surprised, Mr President. And I do not have any
8 questions at all for this witness.

9 PRESIDING JUDGE FREMR: [11:30:07] Mr Iverson, it is a historical moment because I
10 even intended to say that before guiding you, at previous session, that cross-examination
11 is not compulsory part in some cases and I see that we are on the same page. All right.
12 Thank you very much for that flexible approach. Which means we are ready, we finish
13 agenda for today.

14 Are there any further requests for the floor? It doesn't seem to be the case, so I thank all
15 of you. And as I said, we will continue tomorrow 9.15, hopefully according -- sorry, I
16 forgot something.

17 But before adjourning, I would like to say goodbye to Madam Witness.

18 Madam Witness, first of all, thank you very much for your testimony. The Chamber
19 appreciates that you testified and we believe that your testimony will help us in our effort
20 to find the truth in this case. So on behalf of the whole Chamber, I thank you and we
21 wish you safe journey home.

22 THE WITNESS: [11:32:17] (Interpretation) Thank you.

23 (The witness is excused)

24 PRESIDING JUDGE FREMR: [11:32:18] And now we adjourn and we will resume
25 tomorrow 9.15.

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- 1 THE COURT USHER: [11:32:23] All rise.
- 2 (The hearing ends in open session at 11.32 a.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
- 5 the public reclassified and lesser redacted version of this transcript is filed in the case.