

1 International Criminal Court
2 Trial Chamber VI - Courtroom 2
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
7 Tuesday, 10 November 2015
8 (The hearing starts in open session at 9.34 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: Good morning everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: Good morning. We are -- the Court is sitting in the
15 situation of the Democratic Republic of Congo in the case of The Prosecutor versus
16 Bosco Ntaganda.
17 PRESIDING JUDGE FREMR: Thank you.
18 Now appearances, as they are usually, starting with Prosecution.
19 MS SAMSON: Good morning, Mr President, and your Honours. Appearing for
20 the Prosecution today are Ms Kristy Sim and Mr James Pace, both assistant trial
21 lawyers; Ms Claudine Umurungi, legal assistant; Ms Selam Yirgou, case manager; and
22 myself, Nicole Samson, senior trial lawyer.
23 PRESIDING JUDGE FREMR: Thank you, Ms Samson.
24 Defence now.
25 MR BOURGON: Good morning, your Honour. Good morning, your Honours, and

1 all the people present in the courtroom this morning. Representing Bosco Ntaganda
2 this morning who is present, Maître St-Michel as well as myself, Stéphane Bourgon.
3 Thank you very much, your Honour.

4 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

5 Now Legal Representatives of Victims please.

6 MS PELLET: (Interpretation) Thank you very much, your Honour. The former
7 child soldiers are represented by myself, Sarah Pellet, counsel of the Office of Public
8 Counsel for Victims.

9 MR SUPRUN: (Interpretation) Good morning, your Honour, your Honours. The
10 victims of the attacks are represented by myself, Dmytro Suprun, counsel with the
11 Office of Public Counsel for Victims.

12 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.

13 Before we commence the testimony of the next witness, I will be addressing a couple
14 of procedural matters.

15 First, the Chamber would like to put on the record the fact that by way of email on
16 Friday, 6 November, the Defence requested a one-day postponement of the testimony
17 of Witness P-10 from Monday, 9 November 2015 to today, 10 November. The
18 Defence based its request on recent changes to schedule which have impacted internal
19 Defence preparations and the volume of disclosure.

20 Defence also noted that the postponement would be unlikely to impact the schedule
21 for the remainder of this evidentiary block.

22 The Prosecution responded by way of email on Friday afternoon indicating that it did
23 not oppose the request. The Chamber saw the views of the VWU, which were
24 provided by way of email that same day.

25 The VWU noted, amongst other things, the potential destabilizing impact of the

1 changes in schedule relating this witness's testimony.

2 Having considered all relevant factors, the Chamber granted the request by way of
3 email on Friday evening. In particular, the Chamber considered that VWU's
4 submissions, including that relevant support would be provided to the witness in
5 connection with the proposed change, the uncertainty which the parties had faced in
6 the preceding two days and the likely impact on scheduling, which I will return to in
7 a moment.

8 The Chamber does, however, recall that the parties had been given clear notice by the
9 Chamber on the morning of Wednesday, 4 November to be prepared for the
10 possibility of starting Witness P-10's testimony the following Monday and, therefore,
11 the granting of this request should be considered exceptional.

12 I would like to go briefly into private session now to address certain scheduling
13 matters, so court officer please.

14 (Private session at 9.38 a.m.)

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5 (Open session at 9.42 a.m.)

6 THE COURT OFFICER: We are in open session, your Honour.

7 PRESIDING JUDGE FREMR: Thank you.

8 So I will proceed. In addition, the Prosecution sent to the Chamber its list of items to
9 be used during Witness P-10 only on Friday. As per the conduct of proceedings
10 decision, such list needs to be provided no later than five days prior to start of the
11 witness testimony.

12 While the Chamber is aware of the difficulties posed by scheduling during this block,
13 we request the parties to please be mindful of the provisions of paragraphs 32 and 33
14 of our decision on the conduct of proceedings for all future witnesses in order to
15 assist the Chamber and other parties and participants in preparations.

16 Next, the Chamber notes that according to the emails from the Defence received on 6
17 November, Defence objects to certain of documents the Prosecution may be using
18 with this witness. The Chamber considers that in this case these objections can be
19 best addressed if and when they arise throughout the course in the
20 examination-in-chief.

21 Are there any comments on that, Prosecution?

22 MS SAMSON: No, your Honour. That's acceptable to us. Thank you.

23 PRESIDING JUDGE FREMR: Defence?

24 MR BOURGON: Thank you, Mr President. It is acceptable to us, subject to one
25 preliminary objection I would like to make in respect of Witness P-10. I informed the

1 Chamber's legal officer earlier on this morning it is not something that is related to
2 this -- to the list of exhibits that the Prosecution intends to use, but it is an important
3 objection, which we believe should be made at the outset of the testimony of
4 Witness P-10.

5 Thank you, Mr President.

6 PRESIDING JUDGE FREMR: Okay. Then the next matter I will turn to is the
7 request by the legal representative of the former child soldiers to question this witness,
8 which was filed on 5 November 2015.

9 Again, as per the conduct of proceedings decision after the Prosecution's
10 examination-in-chief is completed, I shall ask Ms Pellet if she maintains her
11 application to question this witness and, if so, in relation to which topics. We can
12 then deal with any objections arising regarding this request. Are there any further
13 comments on this for now; noting we are in open session, especially legal
14 representatives?

15 MS PELLET: No, your Honour. I note that I will inform you afterwards.

16 PRESIDING JUDGE FREMR: All right. The Chamber further notes that on
17 10 August 2015, the Chamber ordered that the same protective measures with respect
18 to this witness as those ordered by Trial Chamber I in the Lubanga case would apply,
19 namely image and voice distortion, as well as the use of pseudonym during
20 testimony.

21 These measures were not objected to by the Defence, and the VWU maintains its
22 recommendation in this regard.

23 The Chamber confirms that these protective measures will be in use throughout the
24 witness's testimony.

25 The Chamber notes, in addition, that on 4 November 2015, the Prosecution made an

1 application pursuant to Rule 88 of the Rules for certain special measures for the
2 witness; namely, that the Chamber grant shielding from the accused as a special
3 measure to facilitate Witness P-10's testimony and the presence of a support person
4 from the VWU during her testimony. This request was supported by the legal
5 representative and was not opposed by the Defence.

6 As you are aware from the Chamber's email on Friday evening, the Chamber granted
7 this request. In doing so, the Chamber considered that in addition to the protective
8 measures it had previously ordered, the special measures requested by the
9 Prosecution were necessary in light of the particular vulnerability of this witness and
10 would, indeed, facilitate her testimony. The Chamber notes that such measures
11 were also ordered in the Lubanga case.

12 Therefore, today we'll manage things a little differently than usually; you will notice
13 that the accused is sitting in a different seat today so that he can't see the witness
14 when the curtain is drawn.

15 I shall also be requesting Mr Ntaganda to be escorted from the courtroom before I
16 request the witness to be brought in, and he will return after she has taken her seat.
17 The VWU support assistant will be present next to the witness at all times.

18 We will go into private session now for the next matter, so, court officer, please
19 change the mode.

20 (Private session at 9.48 a.m.)

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1 (Recess taken at 10.16 a.m.)

2 (Upon resuming in open session at 10.43 a.m.)

3 THE COURT USHER: All rise.

4 Please be seated.

5 PRESIDING JUDGE FREMR: So we will continue by rendering our oral decision.

6 And before we would like to continue with witness's testimony not immediately, so

7 we will probably break a little bit earlier, but we also then will commence also a bit

8 earlier as well.

9 So we have deliberated and our oral decision is following:

10 It's oral decision on admissibility of evidence on rape and sexual slavery with respect

11 to Witness P-10.

12 As the Chamber previously indicated it's clear that such incidents are not directly

13 charged. The Chamber has already ruled that such evidence is potentially relevant

14 and it's indicated the applicable test.

15 The evidence is not in principle inadmissible, but the Chamber recalls that it may

16 intervene on unnecessarily lengthy examination on such matters; the Chamber,

17 therefore, indicates that the Prosecution may lead such evidence, however, the focus

18 of such examinations must remain confined to the scope of the charges.

19 The Chamber also directs the parties to remain mindful of the vulnerability of the

20 witness and, in this instance, a balance must also be struck between obtaining

21 relevant evidence and avoiding unnecessarily intrusive testimony.

22 The Chamber would like to emphasise that it does not consider this objection to be

23 timely. Court time shouldn't be used for such general requests upon which the

24 Chamber has already ruled.

25 It concludes our ruling.

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1 And as I indicated, now it is quarter to 11, so we will break now and we will continue
2 quarter past 11.

3 THE COURT USHER: All rise.

4 (Recess taken at 10.45 a.m.)

5 (Upon resuming in open session at 11.22 a.m.)

6 THE COURT USHER: All rise.

7 Please be seated.

8 PRESIDING JUDGE FREMR: Good morning, Ms Witness. Can you hear me?

9 I'm sorry. I haven't received any translation. So I understand there is some
10 technical problem because I could hear the response given by the witness but not
11 translation of that.

12 THE INTERPRETER: Message from the English booth: Your Honour, could the
13 witness be requested to repeat her answer so we could try the various channels again.
14 We did not hear it here on the relay. Thank you.

15 PRESIDING JUDGE FREMR: All right. Mr Witness, I would like to ask you again,
16 even if you have already given this response, but to repeat it. So can you hear me?
17 I'm afraid we still do have a problem because it seems to me that the mic is, the
18 witness mic is switched on, but we again, we haven't been provided with any
19 translation of her response. So I guess court officer is dealing with that. So please
20 be patient everybody.

21 THE INTERPRETER: Message from the English booth: Your Honour, I've just
22 checked with the Swahili booth. They cannot hear the witness, so they're not able to
23 provide us with an interpretation. I think we need to call a technician. Thank you.

24 PRESIDING JUDGE FREMR: So please be patient. We will have to wait. There is
25 something wrong with our technology, but I was informed that technicians are

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1 coming, so we will have to wait still.

2 (Pause in proceedings)

3 PRESIDING JUDGE FREMR: We are still waiting for final confirmation that
4 everything is okay so please be patient.

5 So it seems everything is okay.

6 So Ms Witness, please take my apology for this inconvenience. I will start once more.

7 So I would like to welcome you to the courtroom on behalf of this Chamber.

8 You were called to testify before the International Criminal Court. And I know that
9 you have been here before and some of the things maybe that now I will be telling
10 you may already be familiar to you, but I, anyway, urge you to still pay close
11 attention.

12 This Chamber has been established to try the case of the Prosecutor against
13 Mr Bosco Ntaganda and you are called to testify to assist us in our search for the
14 truth.

15 You will be asked questions both by the Judges and lawyers in the courtroom, so
16 please listen carefully to those questions. It's very important that you make sure that
17 you understand the question before you answer it. If you don't understand, please
18 feel free to ask for the question to be repeated or rephrased.

19 We want you to tell the truth and tell us only what you really saw or heard or sensed
20 yourself. If you didn't see or hear it yourself but you found out some other way,
21 then you should explain how.

22 You may be asked about events that happened many years ago, so it's natural that
23 you may not remember all details. It doesn't matter. Please testify just on that
24 which you remember. Don't guess. Don't make things up. There is nothing
25 wrong in saying "I don't know" or "I don't remember." Do you understand all this,

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1 Ms Witness?

2 I'm sorry, but may I get, again, indication from Swahili booth whether they were able
3 to hear Ms Witness because, again, we haven't received any translation.

4 THE INTERPRETER: Message from the Swahili booth via the English booth,
5 Mr President, the Swahili interpreters did not hear anything from the witness.

6 PRESIDING JUDGE FREMR: So it seems we still have a problem.

7 THE COURT USHER: Test 1, 2. Test 1, 2.

8 PRESIDING JUDGE FREMR: My decision is we will break now because I feel that
9 the witness is not very well now, so we will break now and we will come back as soon
10 as everything will be okay.

11 So please, court officer, check it and call us when everything is perfect.

12 So first now Mr Ntaganda has to be escorted out of the courtroom.

13 PRESIDING JUDGE FREMR: And now we can escort out Ms Witness. And we
14 have to go into closed session. Yes, sorry for that.

15 (Closed session at 11.38 a.m.)

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2 (Recess taken at 11.39 a.m.)

3 (Upon resuming in open session at 12.13 p.m.)

4 THE COURT USHER: All rise. Please be seated.

5 PRESIDING JUDGE FREMR: At the beginning I have to repeat myself and ask

6 Ms Witness whether, Ms Witness, can you now hear me well? And please, if you are

7 giving your responses, please try to be maybe a bit closer to the mic and maybe if

8 you -- I would like to ask you to speak a bit louder because I guess it will facilitate the

9 interpretation. So can you hear me now?

10 WITNESS: DRC-OTP-P-0010

11 (The witness speaks Swahili)

12 THE WITNESS: (Interpretation) Yes, I can hear you.

13 PRESIDING JUDGE FREMR: Wonderful. It seems that everything is okay now.

14 Before we -- because we lost a large amount of time, so in the meantime the Chamber

15 would like to take a decision to amend our normal schedule a bit and we would like

16 to sit now not by until 1, but by until 1.30, and then to shorten our lunch-break just for

17 one hour and continue from 2.30 to 4. I understood that it's generally fine with our

18 interpreters and technicians. So I would like just to verify there is no obstacle on the

19 part of the parties and participants. Prosecution?

20 MS SAMSON: No objection, your Honour.

21 PRESIDING JUDGE FREMR: Defence.

22 MR BOURGON: (Interpretation) No objection, your Honour. Thank you.

23 PRESIDING JUDGE FREMR: Thank you. And Legal Representatives for Victims?

24 MS PELLET: (Interpretation) No objection, your Honour.

25 PRESIDING JUDGE FREMR: So thank you very much for your understanding and

26 once more we apologize for those technical troubles.

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1 Mr Witness, we started or I started by giving you the first part of the guidance, so
2 have you understood all of that what I told you at the beginning?

3 THE WITNESS: (Interpretation) Yes, I've understood you.

4 PRESIDING JUDGE FREMR: Very well. Then I may continue with the other part
5 of my guidance. Ms Witness, the Chamber very well understands that testifying
6 might be a difficult experience for you. That is why we have ordered special
7 measures to be put into place here today to make sure you are as comfortable as
8 possible.

9 The Chamber has ordered that the person be seated next to you while you testify to
10 provide support for you.

11 Thirdly, you can see that there is a curtain around you so that you don't have to look
12 at the accused.

13 In addition, I will make sure that you don't have to enter or leave the courtroom while
14 Mr Ntaganda is present. So there will never be any chance that you may see him.
15 Do you understand?

16 THE WITNESS: (Interpretation) Yes, I understand.

17 PRESIDING JUDGE FREMR: Very good. The Chamber is aware that you may
18 have to talk about some very difficult and personal issues during the course of your
19 testimony. Please know that if you need to break for whatever reason, you just need
20 to raise your hand and ask me. I will then tell everyone that we need to stop for a
21 little while. I have also told the persons who are questioning you to be careful in
22 asking you certain types of questions. So please know that we understand that this
23 will be a difficult process for you and we want to make you as comfortable as possible
24 in testifying.

25 Let me now explain to you how the protective measures work that the Chamber has

1 put in place for your testimony. It was decided to order face distortion, which
2 means that no one outside the courtroom can see your face on the screen during the
3 testimony.

4 We also decided to order voice distortion, which means that no one outside the
5 courtroom will be able to identify you by your voice as it has been distorted.

6 The Chamber also decided on use of pseudonym. In accordance with that we will all
7 refer to you only as "Ms Witness" to make sure that the public does not know your
8 name.

9 When you answer questions that will not give away who you are, we will do so in
10 so-called open session, which means that the public can hear what is being said in the
11 courtroom. You can see that we are in open session now, and in such a case the light
12 in front of you is red.

13 When you are asked to describe anything that relates specifically to you or you are
14 asked to mention facts that might reveal your identity, for example, any locations
15 where you live or persons close to you, we will do this in a private session. Then the
16 light in front of you will be green. Then there is no broadcast and no one outside the
17 courtroom can hear your answer.

18 If ever anything gets said in open session which should have been said in private
19 session, we will do our best, we will do our best to protect this information. Your
20 testimony will be broadcast on a delay, and we can remove any such remarks from
21 broadcast which will be heard by the public and from the public transcript of the
22 proceedings.

23 The Chamber recognizes that your security and well-being is important during the
24 course of this trial. As I said earlier, if at any point you feel that you would like a
25 brief break from giving your testimony or you feel unwell, do not hesitate to let us

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1 know by raising your hand.

2 Have you understood all of that?

3 THE WITNESS: (Interpretation) Yes, I have.

4 PRESIDING JUDGE FREMR: Very well. And finally a few practical matters you

5 should have in mind when giving your testimony. Everything we say here in the

6 courtroom is written down and interpreted in your case from Swahili into French and

7 English.

8 It's, therefore, important to speak clearly and to speak at a moderate or rather slow

9 pace like me now. We want to make sure that your words can be well understood

10 by the interpreters and then by the rest of us. Please speak into the microphone and

11 only start speaking when the person asking you the question has finished.

12 To allow for the interpretation, everyone has to wait a few seconds before starting to

13 speak, so I recommend to you when the lawyer has asked his or her question, please

14 count in your head to three and only then give your answer.

15 If you have any questions yourself, raise your hand so we know that you wish to say

16 something. We will then give you the opportunity to speak.

17 Have you understood all of that?

18 THE WITNESS: (Interpretation) Yes, I have.

19 PRESIDING JUDGE FREMR: Fine. Now, court officer, can you please administer

20 the solemn undertaking to tell the truth to the witness?

21 Excuse me. Is the witness able to read it or not? So maybe we should ask Swahili

22 booth, it's in Swahili, so Swahili booth to read it and then Ms Witness could repeat

23 after them.

24 So, Ms Witness, now our Swahili interpreters will read the text of the solemn

25 undertaking for you, and you will repeat this after them. But it doesn't mean that

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1 you are just repeating what have you heard. It means that you are confirming what
2 you will be saying. Do you understand?

3 THE WITNESS: (Interpretation) Yes.

4 PRESIDING JUDGE FREMR: Very well, very well.

5 So Swahili booth, if you are provided with the text in Swahili, please read it slowly
6 and maybe with some short breaks to the witness.

7 THE WITNESS: (Interpretation) I solemnly declare that I will tell the truth, the
8 whole truth, and nothing but the truth.

9 PRESIDING JUDGE FREMR: Thank you very much, Ms Witness.

10 So, Ms Witness, now you are under oath. You have already been informed by
11 representatives of the Victim and Witness Unit and afterwards also by representatives
12 of the Prosecution about the importance to speak the truth. Nevertheless, I want to
13 reiterate to you that as you have just promised, you have to speak the truth and
14 nothing but the truth and that it is an offence within the jurisdiction of this Court to
15 give false testimony. Do you understand that?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE FREMR: Very good. So we can now start with your testimony.
18 You will be first questioned by a representative of Prosecution.

19 Prosecution, you have the floor.

20 MS SAMSON: Thank you, Mr President.

21 QUESTIONED BY MS SAMSON:

22 Q. Good afternoon. We have already met.

23 A. Good afternoon.

24 Q. We've already met, but I will repeat for you that my name is Nicole Samson,
25 and I will be asking you questions today and tomorrow on behalf of the Prosecution.

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1 We will go through your evidence slowly, and all you need to do is focus on each of
2 my questions as I ask them and in that way when we're done you will have finished
3 giving all of your evidence to the Chamber one question at a time.

4 For my first series of questions I will ask the Chamber to move into private session
5 because I would like to ask you questions about your identity.

6 Mr President, may we move into private session, please.

7 PRESIDING JUDGE FREMR: I was waiting for the end of interpretation.

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

9 (Private session at 12.29 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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15 (Redacted)

16 (Redacted)

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7 (Open session at 12.33 p.m.)

8 THE COURT OFFICER: We're in open session, your Honour.

9 PRESIDING JUDGE FREMR: Thank you.

10 You may proceed, Ms Samson.

11 MS SAMSON:

12 Q. Ms Witness, how did you join the UPC?

13 A. There was a conflict in Bunia and we were enlisted in the army.

14 Q. Where were you exactly at the time that you were enlisted?

15 A. I was fleeing. I was going to Beni.

16 Q. Who were you with when you were fleeing?

17 A. I was with my mother and my brothers and other people as well.

18 Q. Do you remember what year it was that you were enlisted?

19 A. It was between 2002 and 2003.

20 Q. How did it happen that you were enlisted?

21 A. I didn't really understand your question.

22 Q. Let me ask it a bit differently. Who enlisted you into the UPC?

23 A. It was UPC elements.

24 Q. How did you know that it was UPC elements?

25 A. I knew that because they were fighting against elements of the APC.

1 Q. Did they tell you that they were UPC, or did you understand that in a different
2 way?

3 A. I don't remember. All I know is that I knew that they were UPC elements.

4 Q. How many people from the UPC enlisted you?

5 A. I don't know how many because I didn't count them. I just know that they
6 were elements of the UPC.

7 Q. And what did they say to you when they enlisted you?

8 A. I didn't understand your question.

9 Q. Did they say anything to you when they enlisted you?

10 A. I don't remember.

11 Q. Where did they take you after they enlisted you?

12 A. I was running away, fleeing to Beni. We were running away from the fighting.

13 Q. Let me ask you one question about the fighting that you were running away
14 from. Do you remember who was involved in that fighting?

15 A. It was the UPC against the APC.

16 Q. And do you know a person by the name of Lopondo?

17 A. He was the leader of the APC.

18 Q. At the time when you were enlisted by the UPC, was Mr Lopondo still the chief
19 of the APC?

20 A. I didn't really understand your question. Could you ask again?

21 Q. Certainly. When the UPC enlisted you, was Mr Lopondo still in power at the
22 head of the APC, do you remember?

23 A. At that time I didn't yet know Lopondo, but people said that he was the chief of
24 the APC, the leader.

25 Q. Okay. And after you were enlisted by the UPC, where did you go? Where

1 did they take you?

2 A. I was taken to Rwampara.

3 Q. Because not everybody in the courtroom knows about Rwampara, can you
4 explain what Rwampara is?

5 A. Rwampara was a training camp.

6 Q. And the UPC elements who enlisted you, did they carry anything or not?

7 A. Please could you explain your question? I didn't understand it.

8 Q. Yes, of course. When you were enlisted by the UPC elements, did they have
9 weapons or did they not have weapons?

10 A. They were carrying arms.

11 Q. Were you the only person who was enlisted at that time?

12 A. No, there were a number of us.

13 Q. Do you remember how old you were at the time you were enlisted?

14 A. I was aged 13.

15 Q. And the other people who were enlisted at the same time as you, were they
16 your age, or older than you, or younger than you?

17 A. Some were younger, and some were older than me and there were others of my
18 age. So there was a mix of different ages.

19 Q. And did the UPC elements give you a choice as to whether you and the others
20 accepted to go with them?

21 A. No, we had no choice. We had just to obey them and follow their orders.

22 Q. When you arrived at the Rwampara training camp, what happened next?

23 A. We underwent training.

24 Q. Can you explain a bit of the training that you received?

25 A. We were taught how to go on military parade, how to roll on the ground like

1 soldiers. We had military exercises to carry out. I can't really describe them here.

2 Q. Where did you sleep at the camp?

3 A. The girls slept together to one side, a little bit higher.

4 Q. Do you remember the name of any of the chiefs of the camp?

5 A. It was Commander Pepe.

6 Q. Did Commander Pepe instruct the recruits on the military training you
7 received?

8 A. He was the chief of the camp, but there were instructors.

9 Q. Do you remember the names of any of the instructors?

10 A. For instance, there was the name of a commander Abelanga.

11 Q. Could you repeat the name of that instructor one more time, please.

12 A. Commander Abelanga.

13 Q. Did you have any special clothes to wear while you were training?

14 A. We were wearing the clothes that we had before we started the training.

15 Q. Were you given any equipment during your training?

16 A. I didn't understand your question.

17 Q. Did the instructors ever give you any equipment to help you train in military
18 exercises?

19 A. I have to admit that I still haven't understood your question when you're talking
20 about "equipment." All that I know is that we were given certain equipment, but
21 that was after the training.

22 Q. What type of equipment were you given after the training?

23 A. We were given guns and military uniform.

24 Q. What kind of gun were you given, do you remember?

25 A. SMG.

1 Q. For the training that you received in Rwampara, how long did a typical training
2 day last?

3 A. I don't remember, but I know that we started in the morning and the training
4 lasted until the evening.

5 Q. Before going to bed, what did you, the recruits, do?

6 A. Before going to bed, we would sing.

7 Q. What kind of songs would you sing?

8 A. They were songs that helped us to boost our morale.

9 Q. Were you ever told during your training what you were training was for, what
10 the ultimate purpose was?

11 A. The purpose of the training was to turn you into soldiers capable of going to the
12 front at the end of the training session.

13 Q. Were you ever told who you would be fighting at the front?

14 A. After the training, we were often facing the Lendu.

15 Q. During your training at Rwampara were you ever informed who the UPC
16 leaders were?

17 A. No, we were told nothing about that, but we knew that the UPC was a military
18 group.

19 Q. Do you recall whether any UPC leaders visited you while you were at the
20 Rwampara training camp?

21 A. The chief of the UPC at the time was Thomas Lubanga and he came to visit us.

22 Q. Did he come alone to visit you?

23 A. I don't remember. I've already forgotten.

24 Q. When he came to visit you at the training camp, did he say anything to you or
25 the other recruits?

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1 A. He did say things to us, but I don't remember. I have no recollection of that.

2 Q. Do you remember if any other leaders of the UPC came to visit you and the
3 recruits at Rwampara?

4 A. Yes, even Mr Bosco came.

5 Q. Did Mr Bosco come one time while you were training or more than one time?

6 A. I don't remember.

7 Q. And the time that you do remember when Mr Ntaganda came, what did he do
8 at the training camp?

9 A. I didn't understand your question.

10 Q. That's no problem. I can ask it again. You said that Mr Bosco came to the
11 Rwampara training camp when you were training. What did he do there? What
12 did you see him do?

13 A. I don't remember. That was a long time ago and I can't remember it all.

14 Q. The trainers that you had at the Rwampara training camp, do you remember
15 what ethnicity they were?

16 A. As far as I know, the instructors were Hema.

17 Q. You mentioned that the girls slept separately at the Rwampara camp. Was the
18 training that you undertook the same for the boys and the girls or was it different?

19 A. We underwent the same training, both boys and girls.

20 MS SAMSON: Mr President, for a brief series of questions may I please move into
21 private session?

22 PRESIDING JUDGE FREMR: Certainly.

23 Court officer, please move into private session now.

24 (Private session at 12.59 p.m.)

25 (Redacted)

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10 (Closed session at 1.06 p.m.)
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15 (Open session at 1.07 p.m.)
16 THE COURT OFFICER: We're in open session, your Honour.
17 PRESIDING JUDGE FREMR: And before we adjourn, I see Mr Bourgon on his feet.
18 Mr Bourgon.
19 MR BOURGON: Thank you, Mr President. Just one quick comment. We,
20 towards the end of the testimony of the witness before the break, we went into closed
21 session and to hear some evidence related to an incident that took place at a training
22 camp. I fail to see, Mr President, how this incident would reveal the identity of the
23 witness, unless there are many people who are aware of what she's testifying about.
24 I would prefer if that evidence could be heard in public session so that this is part of
25 the evidence that she is leading, and it is important to hear that into public session.

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1 Thank you, Mr President.

2 PRESIDING JUDGE FREMR: Ms Samson, any comment on that?

3 MS SAMSON: Yes, your Honour. I went into private session out of an abundance
4 of caution until I elicit from the witness whether she knows of other girls who were
5 subjected to the same treatment or if she was the only one and because the subject
6 matter is particularly sensitive for her, so I thought it best to move into private session
7 for that, that evidence. Of course I'm guided by your Chamber and the Chamber's
8 decision on the issue, but that was the reasoning for moving into private session.

9 PRESIDING JUDGE FREMR: I guess I personally believe that it -- that this move
10 into private session even helped the witness to tell the truth because I think it was
11 easier for her to describe this very delicate event.

12 Okay. So now for the information of public, we break and we will reconvene at a
13 quarter past 2.

14 THE COURT USHER: All rise.

15 (Recess taken at 1.10 p.m.)

16 (Upon resuming in open session at 2.21 p.m.)

17 THE COURT USHER: All rise.

18 Please be seated.

19 PRESIDING JUDGE FREMR: Good afternoon.

20 And good afternoon, Ms Witness. Are you -- Ms Witness, are you feeling better
21 now?

22 THE WITNESS: (Interpretation) I am doing well.

23 PRESIDING JUDGE FREMR: Very well. So then we can continue with your
24 examination-in-chief, which would be conducted by Ms Samson.

25 Ms Samson, do you want to proceed in private or open session?

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1 MS SAMSON: In private session, your Honours, just for a few questions, please.

2 PRESIDING JUDGE FREMR: All right.

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

4 (Private session at 2.22 p.m.)

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7 (Open session at 2.26 p.m.)

8 THE COURT OFFICER: We are in open session, your Honour.

9 PRESIDING JUDGE FREMR: Thank you.

10 Ms Samson, you may proceed.

11 MS SAMSON:

12 Q. Ms Witness, were you free to leave the Rwampara training camp if you wanted
13 to?

14 A. I didn't really follow your question.

15 Q. Could you leave the Rwampara training camp if you didn't want to stay there
16 anymore?

17 A. No.

18 Q. What would happen to somebody who wanted to leave, or who tried to leave?

19 A. The person might be punished. And the others could not see what type of
20 punishment had been inflicted upon them.

21 Q. Could the recruits refuse to do military exercises?

22 A. No, they were not allowed to refuse.

23 Q. Did you ever see what happened if a person refused to do the military
24 exercises?

25 A. I had heard speak about three individuals who had fled, but they were caught

1 up with later. At the end of our training we no longer saw them.

2 Q. And if a recruit refused to do military training, did you ever see that happen?

3 A. No, I never saw such an occurrence. I never saw anybody refusing.

4 Q. Were you ever punished while you were at the Rwampara training camp?

5 A. Yes.

6 Q. What were you punished for?

7 A. That was at the time when people were singing and I chose not to sing with
8 them. And I was severely punished when I was caught.

9 Q. How were you punished?

10 A. They beat me with some truncheons, and they asked me to lie on the ground
11 and they asked me to do some press-ups, and then they also poured water on my
12 head.

13 Q. And who did this to you?

14 A. It was the leaders of those training camps.

15 Q. While you were at the Rwampara training camp, was there any particular name
16 for girl recruits and boy recruits?

17 A. There were many people that I knew, but I have already forgotten their names.

18 Q. Yes. I'm not asking you for the names of the recruits, I'm just asking whether
19 the leaders referred to girls in a particular way, all the girls.

20 A. We were referred to as recruits. And it was when we became soldiers that we
21 were called "PMF," which is militaire -- personnel militaire féminin, women soldiers.

22 Q. Was there a name for -- used for any recruits or soldiers who were young or
23 little?

24 A. The boys were referred to as "kados." These were the smaller boys who
25 were referred to as kados, the shorter ones.

1 Q. You told the Judges this morning that after the training you were often facing
2 the Lendu, but before your training was over, while you were still in Rwampara, did
3 the instructors ever teach you who the enemy was?

4 A. Whilst we were completing our training, we knew that the enemy was the
5 Balendu because we were fighting against the Lendu.

6 Q. Earlier you also said that Thomas Lubanga was the chief of the UPC. Did you
7 learn what Mr Bosco's title was?

8 A. He was deputy chief of staff.

9 Q. Did you learn who the chief of staff was?

10 A. Yes, that was Kisembo.

11 Q. Other than the Rwampara training camp, did you go to any other UPC training
12 camps?

13 A. Yes.

14 Q. Which other training camp did you go to?

15 A. Mandro.

16 Q. What type of training did you receive in Mandro?

17 A. At the Mandro camp I was taught to fire a weapon and to handle a weapon, a
18 gun.

19 Q. Who brought you to the Mandro training camp?

20 A. I no longer recall.

21 Q. Do you remember who was the chief of the Mandro training camp?

22 A. It was Chief Kahwa.

23 Q. When you went for training at Mandro camp, did you go alone or with others?

24 A. We left as a group.

25 Q. And were the recruits in your group your age, or were they older than you, or

1 were they younger than you? Do you remember?

2 A. They were of all ages; some were younger than me, others were the same age as
3 me and some were older than me.

4 Q. Did any UPC leaders visit the Mandro camp while you were there?

5 A. I really don't remember.

6 Q. And when you completed your training in Mandro, where did you go next?

7 A. We then went to Rwampara and subsequently we were allowed to carry
8 weapons.

9 Q. Did you go back to Rwampara with any UPC leaders?

10 A. Yes.

11 Q. Which leaders did you go back to Rwampara with?

12 A. Could you please repeat your question?

13 Q. Certainly. You said that you went back to Rwampara camp with some UPC
14 leaders. Who were they?

15 A. I have forgotten.

16 Q. Do you remember who gave you a weapon and a uniform when your training
17 was completed?

18 A. I really don't remember.

19 Q. And when you got back to the Rwampara training camp, what did you do
20 there?

21 A. At the Rwampara camp we were supplied with weapons and military uniform.

22 Q. Did you stay at Rwampara long after you received a uniform and weapon -- a
23 weapon?

24 A. We did not remain in Rwampara. On the contrary, we went out into the
25 battlefield.

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1 Q. Did you go to the battlefield with any UPC leaders or commanders?

2 MS SAMSON: The witness's last answer wasn't interpreted. I'm not sure if there's
3 an issue. I could hear her, but I don't know if there's an issue with the interpretation.

4 PRESIDING JUDGE FREMR: Ms Witness, could you kindly repeat your last
5 response because probably the interpreters have not captured that.

6 THE WITNESS: (Interpretation) I no longer recall the answer.

7 MS SAMSON: I'll ask the question again.

8 Q. Did you go to the battlefield with any UPC leaders or commanders?

9 A. Yes.

10 MS SAMSON: It sounded like more than "Yes" from the witness.

11 Q. But, Witness, could you -- could you say that again please what you said?

12 A. I said, yes, we left in the company of the UPC commander.

13 Q. And which commander was that? What was the commander's name?

14 A. I have not understood correctly.

15 Q. Who did you leave with? What was the name of the UPC commander or
16 commanders that you went to fight with?

17 A. I don't remember the other commanders, but I remember that we were also with
18 Commander Bosco. And as for the others I don't remember their names.

19 Q. Did Commander Bosco issue any orders to you and the other soldiers about the
20 fighting?

21 A. Well, I don't remember anything about that.

22 Q. Do you remember where you went to fight?

23 A. I can no longer remember the names of the villages.

24 Q. Can you remember about the ethnic communities that lived in the villages
25 where you fought? What ethnicity was the population in those villages?

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1 A. I can't remember.

2 MS SAMSON: Mr President, may we move into private session for a few questions,
3 please?

4 PRESIDING JUDGE FREMR: All right.

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

6 (Private session at 2.48 p.m.)

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- 17 (Private session at 3.00 p.m.)
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- 18 (Open session at 3.06 p.m.)
- 19 THE COURT OFFICER: Your Honour, we are in open session now.
- 20 PRESIDING JUDGE FREMR: Thank you.
- 21 So the Chamber decided to break now for 15 minutes in order to allow the witness,
- 22 who is not feeling well, to recover, and we will then continue after the break for last
- 23 30 minutes.
- 24 THE COURT USHER: All rise.
- 25 (Recess taken at 3.07 p.m.)

1 (Upon resuming in open session at 3.33 p.m.)

2 THE COURT USHER: All rise.

3 Please be seated.

4 PRESIDING JUDGE FREMR: During the break, the Chamber was informed that
5 Ms Pellet would like to make a submission.

6 So Ms Pellet, you have the floor.

7 MS PELLET: (Interpretation) Thank you, your Honour. In the light of the way in
8 which my client's cross-examination is proceeding, I actually went to see her and she
9 told me that she's in a complicated situation, she finds herself in one and the same
10 room as the accused and that is a problem for her.

11 Yesterday she was of the opinion that she wouldn't want to go into the room in order
12 to testify via video link, but today she feels that it might assist her, allowing her to
13 concentrate on the questions that are put to her.

14 This being said, I ask of the Bench that this be noted, but I myself am not entirely
15 convinced of the result this will have because I feel, and I'm convinced that there are
16 other reasons, that would argue in favour of her testifying in the courtroom, but in the
17 light of this afternoon, and what's happened this afternoon, perhaps we could make
18 an attempt via video link. Thank you, your Honour.

19 PRESIDING JUDGE FREMR: Thank you, Ms Pellet.

20 We know that this proposal has already been on the table and both parties opposed
21 that, but it is my duty to ask you again what is your position at the moment.

22 Ms Samson?

23 MS SAMSON: Your Honour, we support the suggestion of moving into the video
24 link. I've been able to note that the witness is experiencing some difficulty over
25 certain areas of testimony, particularly as regards Mr Ntaganda, and she's not at all

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1 times concentrating fully perhaps on the -- on the questions. And if it could help her,

2 I fully support the suggestion. Thank you.

3 PRESIDING JUDGE FREMR: Mr Bourgon?

4 MR BOURGON: Thank you, Mr President. We maintain our position to the fact

5 that the witness should testify by way of video link.

6 We made our submissions in the email addressed to the Chamber last week. We

7 made the arguments therein. I haven't seen any signs that the presence of the

8 accused in the same courtroom because she cannot even see him, I can't see how this

9 is -- what is preventing her from giving responses.

10 I do note, however, and it is not a surprise that my colleague is not getting the

11 answers that she is looking for, I understand that, I think there are ways to get these

12 answers. And I don't think it is appropriate for the witness to move to a different

13 location and based on what we have seen in the courtroom so far. Thank you,

14 Mr President.

15 PRESIDING JUDGE FREMR: Thank you.

16 Now I would like anyway to hear something maybe from the assistant and also

17 maybe from the witness. But for that reason, first, Mr Accused has to be escorted out

18 of the courtroom. So please escort Mr Witness -- the accused, sorry. Please escort

19 the accused for a while out of the courtroom.

20 And now let's move into closed session and escort the witness and her assistant into

21 the courtroom.

22 (Closed session at 3.38 p.m.)

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19 (Open session at 3.53 p.m.)

20 THE COURT OFFICER: We are in open session, your Honour.

21 PRESIDING JUDGE FREMR: So for the information of the public, we had to solve

22 some arrangements which will influence tomorrow's witness testimony, but because

23 we still need to get some more information about some technical feasibility of such a

24 solution, we will decide either today or tomorrow morning but, anyway, now we will

25 adjourn and the proceedings will continue tomorrow 9.30.

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- 1 THE COURT USHER: All rise.
- 2 (The hearing ends in open session at 3.54 p.m.)