**Trial Hearing** 

(Open Session)

ICC-01/04-02/06

- 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
- 6 Judge Chang-ho Chung
- 7 Trial Hearing
- 8 Thursday, 11 February 2016
- 9 (The hearing starts in open session at 9.47 a.m.)
- 10 THE COURT USHER: All rise.
- 11 International Criminal Court is now in session.
- 12 PRESIDING JUDGE FREMR: Good morning, everybody.
- 13 Court officer, please call the case.
- 14 THE COURT OFFICER: 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 We are in open session.
- 18 PRESIDING JUDGE FREMR: Thank you.
- 19 Now appearances starting with Prosecution
- 20 MR IVERSON: Good morning, your Honours. Appearing today on behalf of the
- 21 Office of the Prosecutor are Laura Morris, assistant trial lawyer; Nicole Samson, senior
- 22 trial lawyer; Rens Van der Werf, assistant trial lawyer; James Pace, assistant trial lawyer;
- 23 Selam Yirgou, case manager; and myself, Eric Iverson, trial lawyer.
- 24 PRESIDING JUDGE FREMR: Thank you, Mr Iverson.
- 25 Defence, please.

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1	MR BOURGON: (Interpretation) Good morning, your Honour, your Honours, and to
2	all persons present in the courtroom. Representing Bosco Ntaganda, who's present this
3	morning in the courtroom, Elisa Binon, intern; Isabelle Martineau, consultant and legal
4	assistant on a temporary basis; and myself, Stéphane Bourgon. Thank you very much,
5	your Honour.
6	PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.
7	Legal Representatives of Victims now.
8	MS PELLET: (Interpretation) Thank you, your Honour. The former child soldiers
9	are represented by Mohamed Abdou and myself, Sarah Pellet, within the Office of Public
10	Counsel for Victims. Thank you.
11	MR SUPRUN: (Interpretation) Good morning, your Honour, your Honours. The
12	victims of the attacks are represented by the Office of Public Counsel for Victims, Anne
13	Grabowski, legal assistant, and myself, Dmytro Suprun, counsel.
14	PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.
15	And now duty counsel, please.
16	MS DOUCERAIN: (Interpretation) Good morning, your Honour, your Honours.
17	Karin Doucerain, duty counsel for P-290.
18	PRESIDING JUDGE FREMR: Thank you very much, Ms Doucerain.
19	Before we start with testimony, I would like to address four procedural issues. First
20	one, the Chamber acknowledges receipt by way of email yesterday evening on an ex
21	parte basis of certain further information from the Defence regarding his preparations
22	for cross-examination.
23	In order that the Defence can prepare accordingly, the Chamber wishes to note that this
24	additional information has not changed its intention that the Defence should commence
25	its cross-examination once the Prosecution finishes, which we accept maybe tomorrow

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1 afternoon.

The second issue is in fact clarification just to ensure the accuracy of the record, the
Chamber wishes to clarify that in deciding to admit document DRC-OTP-2057-0281, it
took into consideration, amongst other relevant factors, the fact that the witness declared
having annotated the document himself, not whether he has or hasn't written the
entirety of the original document himself.

7 The third issue concerns objections made yesterday. And several times we face

8 situation when parties, it was mainly Defence yesterday, ask to make their objection in

9 the absence of the witness and because of that witness has been repeatedly escorted out

10 of the courtroom.

11 In the Chamber's view, it's, you know, something that could really disturb this testimony, 12 so we would like to minimize this situation. So if objections should be made, it's 13 message to both parties, please really consider very thoroughly whether it is really 14 impossible to make this objection in the presence of the witness. And if really it's such 15 case, then I would ask you, it is mainly -- mainly request to Defence because normally 16 Defence use French, but if Mr Bourgon you could, in such a case, use to submit your 17 objection English, it would allow us just to ask Mr Witness to take his headphones off 18 and not to escort him out of the courtroom which also should, I think, speed up our trial. 19 So I guess it will be no problem for Mr Iverson because he used English. 20 Mr Bourgon, would it be fine, just make objection, not all your submissions, just make objections in such a case in English. 21 22 MR BOURGON: Thank you, Mr President. I will gladly do so. If the Chamber

23 recalls, I made myself that suggestion at the beginning of the trial, which was turned

24 down by the Chamber. Thank you, Mr President.

25 PRESIDING JUDGE FREMR: Thank you very much, Mr Bourgon, it's really

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1 appreciated.

2 And then the last issue is our schedule. I think it's known to all of you that we get to 3 some time pressure because as we already indicated, compared to original reserved days, 4 we have just one day buffer, which is February 29, if I'm not wrong, so since we would 5 like still cover as much as possible, so it probably will force us to sit in extended hours. 6 So we will then inform you tomorrow what is our intention, but at least for today we 7 would like to copy yesterday time schedule, which means that we will sit today the first 8 session until 11 o'clock, then from half past 11 until 1 p.m., and the afternoon session 9 should start a little bit earlier, quarter past 2, and should take until quarter past 4. 10 I know that this is a bit inconvenient, but I think you all understand that circumstances 11 are really extraordinary and we simply have to compensate some loss we got in previous 12 days. 13 So if there are no requests for the floor, we can now continue with Mr witness testimony. 14 Mr Witness, good morning. Are you feeling well today? 15 WITNESS: DRC-OTP-P-0290 (On former oath) 16 (The witness speaks French) (Interpretation) Good morning, your Honour. I feel well. 17 THE WITNESS: 18 PRESIDING JUDGE FREMR: So once more I would like to thank you that yesterday 19 you perfectly observed the Chamber's guidance, how to listen to questions, how to 20 respond, so please keep this style also today. 21 And now, Mr Iverson, you have the floor. Do you want to start in open or in private 22 session? 23 MR IVERSON: This morning I'll be going over some confidential documents with the 24 witness, so I would ask that we go into private session, your Honour. 25 PRESIDING JUDGE FREMR: All right.

- 1 Then, court officer, let's move into private session.
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- 21 (Recess taken at 11.01 a.m.)
- 22 (Upon resuming in open session at 11.34 a.m.)
- 23 THE COURT USHER: All rise.
- 24 Please be seated.
- 25 PRESIDING JUDGE FREMR: So we will continue with the testimony.

- 1 Mr Iverson, we are in open session at the moment. I guess you prefer to move into
- 2 private?
- 3 MR IVERSON: Yes. Thank you, your Honour.
- 4 PRESIDING JUDGE FREMR: All right.
- 5 Court officer, please let's move into private session, and then I see Mr Bourgon on his
- 6 feet.
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- 25 (Recess taken at 1.04 p.m.)

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- 1 (Upon resuming in open session at 2.19 p.m.)
- 2 THE COURT USHER: All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE FREMR: Good afternoon, everybody.
- 5 Good afternoon, Mr Witness. We will continue with your testimony.
- 6 Mr Iverson, we are in the open session at the moment, so I guess, you would like to
- 7 continue in private, subject to character of your questions?
- 8 MR IVERSON: Yes, I would, your Honour.
- 9 PRESIDING JUDGE FREMR: All right.
- 10 Court officer, let's move into private session.
- 11 And, as I said, we will sit today till quarter past 4.
- 12 MR IVERSON:
- 13 Q. I'd like to continue with a few of the --
- 14 THE COURT OFFICER: Mr Iverson, please.
- 15 PRESIDING JUDGE FREMR: Hold on, hold on. We are not in private.
- 16 (Private session at 2.20 p.m.)
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- 24 (The hearing ends in private session at 4.26 p.m.)