

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Friday, 8 July 2016
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: Thank you, court officer.
20 Now appearances please in habitual order.
21 MS SOLANO: Good morning, your Honours. The Prosecution is represented by
22 Mr James Pace, assistant trial lawyer; Ms Laura Morris, assistant trial lawyer;
23 Ms Selam Yirgou, case manager; and I am Julieta Solano, trial lawyer.
24 PRESIDING JUDGE FREMR: Thank you, Ms Solano.
25 Defence now please.

Trial Hearing
WITNESS: DRC-OTP-P-0019

(Open Session)

ICC-01/04-02/06

- 1 MR GOSNELL: Good morning, Mr President. Christopher Gosnell for Mr Ntaganda,
2 who is present in court this morning, assisted by Erik Cookson-Montin and
3 Han Catherine Morin.
- 4 PRESIDING JUDGE FREMR: Thank you, Mr Gosnell.
5 And Legal Representatives of Victims please.
- 6 MR ABDOU: Good morning, Mr President. Good morning, your Honours.
7 Mohamed Abdou for the former child soldiers.
- 8 MS GRABOWSKI: Good morning, Mr President, good morning, your Honours.
9 Anne Grabowski for the victims of the attacks. Thank you.
- 10 PRESIDING JUDGE FREMR: Thank you, Mr Abdou. Thank you, Ms Grabowski.
11 And before we continue with testimony of Witness P-19, I would like to make one
12 additional comment in relation to the request for guidance in relation to the possible
13 admission of four investigator's notes discussed yesterday.
- 14 I wish to make clear that the indication that a Bar table motion could potentially be used
15 does not replace in anyway the Chamber's instructions contained at paragraph 28 of the
16 decision on the conduct of the proceedings; namely, that, "The cross-examining party is
17 required to put to the witness any facts or evidence it intends to rely to impeach his/her
18 credibility."
- 19 This requirement is applicable regardless of the means used to seek admission of a
20 document. The Defence should therefore ensure it has put to the witness any and all
21 information from these four investigator's notes that it wishes the Chamber to consider for
22 impeachment purposes.
- 23 So it concludes our clarification and now we can devote ourselves to testimony.
- 24 Madam Witness, good morning. Are you feeling okay today?
- 25 WITNESS: DRC-OTP-P-0019 (On former oath)

Trial Hearing
WITNESS: DRC-OTP-P-0019

(Private Session)

ICC-01/04-02/06

1 (The witness speaks Swahili)

2 THE WITNESS: (Interpretation) Yes.

3 PRESIDING JUDGE FREMR: I am glad to hear it. I can assure you, Madam Witness,
4 that today your testimony should take much less time than yesterday and the day before
5 yesterday. My estimation it will take 90 minutes at maximum and that, I believe, you
6 will be released.

7 So, and it is my duty again to remind you that you are, Madam Witness, still under oath,
8 which means that you have to speak the truth and nothing but the truth. Do you
9 understand that?

10 THE WITNESS: (Interpretation) I understand.

11 PRESIDING JUDGE FREMR: Very well, Madam Witness.

12 And now I am -- hand over the floor to Defence, to Mr Gosnell. Mr Gosnell, for the rest
13 of your cross-examination you have at your disposal 1 hour and 3 minutes. Do you want
14 to proceed in open or in private session?

15 MR GOSNELL: I think it will have to be in private session, Mr President.

16 PRESIDING JUDGE FREMR: Just for the information of public in our public gallery, this
17 witness is a protected one which means that she was guaranteed that her identity will not
18 be revealed to the public, it's part of our legal framework, so it means that those questions
19 that might reveal her identity should be made in private session, which is the case just
20 now.

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

22 (Private session at 9.39 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 25 (Open session at 11.09 a.m.)

1 THE COURT OFFICER: We are in open session, Mr President.

2 PRESIDING JUDGE FREMR: So I'll repeat it in order to make it public: Thank you
3 very much, Madam Witness, for your testimony, we believe it will be very helpful in our
4 deliberations and now we wish you a safe journey home. Thank you very much.

5 And now court officer, please assist Madam Witness to leave our courtroom.

6 (The witness is excused)

7 PRESIDING JUDGE FREMR: And before we adjourn, before I summarise our upcoming
8 programme, are there any requests for the floor from the parties? Prosecution? Defence?
9 No, very well.

10 So as I already informed you and it was confirmed, the upcoming witness, Witness P-113,
11 will be ready on Monday morning, so that is why we will have to adjourn now.

12 Just a gentle reminder to both parties, according Chamber's decision, each party is allotted
13 four hours for examination and cross-examination respectively, which means that roughly
14 we should conduct examination-in-chief on Monday and cross on Tuesday.

15 And one additional comment: I think this witness was a classical example of a very
16 complicated witness for you to examine her. And I expect that the upcoming witness
17 will be of the very similar nature, so please take it into account during your preparation.

18 I really believe that this example showed that only very simple and streamlined questions
19 really can bring some beneficial responses.

20 And it's rather premature, but I'm afraid that even part of the responses made by this
21 witness would be affected by the fact that sometimes I have a doubt that she really
22 understood what she had been asked for, so please have it in mind in preparation for the
23 upcoming witness. It's true that it would be also affected by some scruples to testify on
24 some topics but, in my view, the main problem was the previous one.

25 That's it, so we finish today and we will continue Monday, 9.30.

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- 1 THE COURT USHER: All rise.
- 2 (The hearing ends in open session at 11.12 a.m.)