

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 Wednesday, 6 July 2016
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: 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: Thank you, court officer.
19 Now appearances in habitual order, please.
20 MS SOLANO: Good morning, your Honours. For the Prosecution appear James
21 Pace, assistant trial lawyer; Ms Marion Rabanit, associate trial lawyer; Ms Laura
22 Morris, assistant trial lawyer; Ms Dianne Luping, trial lawyer; Ms Selam Yirgou, case
23 manager; and I am Julieta Solano, trial lawyer.
24 PRESIDING JUDGE FREMR: Thank you, Ms Solano.
25 Defence, please.

1 MR GOSNELL: Good morning, Mr President. Good morning, your Honours.
2 Christopher Gosnell for Mr Ntaganda this morning, who is present in court, assisted
3 by Isabelle Martineau, Erik Cookson-Montin and Han Catherine Morin. Thank you,
4 Mr President.

5 PRESIDING JUDGE FREMR: Thank you very much, Mr Gosnell.

6 And now Legal Representatives of Victims, please.

7 MR ABDOU: Good morning, Mr President. Good morning, your Honours. The
8 former child soldiers are today represented by myself, Mohamed Abdou, associate
9 legal officer with the OPCV.

10 MS GRABOWSKI: Good morning, Mr President. Good morning, your Honours.

11 Anne Grabowski for the victims of the attacks today. Thank you.

12 PRESIDING JUDGE FREMR: Thank you, Mr Abdou. Thank you, Ms Grabowski.

13 Before the upcoming witness can be called, the Chamber shall deliver its decision on
14 the Prosecution request seeking that special measures be adopted for the testimony of
15 Witness P-19, which is filing number 1383.

16 The Chamber granted last week, and I am referring to filing number 1433, the
17 requested in-court protective measures for the witness. It further decided that the
18 need for hearing certain evidence in private session would be assessed on a
19 case-by-case basis and deferred its decision on the Prosecution request for certain
20 specific special measures until receipt of the related vulnerability assessment. The
21 VWU provided this assessment via email on 3 July 2016.

22 And for the remainder of this decision we shall move to private session.

23 So, court officer, please move into private session now.

24 (Private session at 9.37 a.m.)

25 (Redacted)

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- 12 (Open session at 9.52 a.m.)
- 13 THE COURT OFFICER: We're in open session, Mr President.
- 14 PRESIDING JUDGE FREMR: Thank you, court officer.
- 15 (The witness enters the courtroom)
- 16 PRESIDING JUDGE FREMR: Madam Witness, good morning. Can you hear me?
- 17 WITNESS: DRC-OTP-P-0019
- 18 (The witness speaks Swahili)
- 19 THE WITNESS: (Interpretation) Yes, I can hear you.
- 20 PRESIDING JUDGE FREMR: Very well. Madam Witness, on behalf of this
- 21 Chamber, I would like to welcome you to this courtroom. You are called to testify in
- 22 the case against Mr Bosco Ntaganda.
- 23 Madam Witness, you will be soon asked questions both by the Judges and lawyers
- 24 and in this connection I would like to guide you as follows:
- 25 Please listen carefully to those questions. If you do not understand, feel free to ask

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1 for the question to be repeated. We want you to tell the truth and tell us what you
2 saw, heard and sensed yourself. If you didn't see or hear it yourself but you found
3 out some other way, then you should explain how.

4 You may not remember all details and it doesn't matter. Please testify just on that
5 which you remember. Don't guess. Don't make things up.

6 Do you understand all this, Madam Witness?

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

8 PRESIDING JUDGE FREMR: Good. Madam Witness, protective measures are put
9 in place to ensure that your identity is not revealed to the public. It means that the
10 public cannot see your face and that your voice is being disguised so that the public
11 cannot recognize it. We will refer you only as "Madam Witness" and ensure that
12 your name and any other information that risks revealing who you are is not
13 broadcast to the public.

14 Therefore, whenever you need to describe anything that might reveal your identity,
15 we will do so in private session so that no one outside the courtroom can hear your
16 answer.

17 Do you understand?

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

19 PRESIDING JUDGE FREMR: Now, Madam Witness, you will find piece of paper,
20 now you are provided with this piece of paper, with the solemn undertaking. So
21 please now make your solemn undertaking to tell the truth by reading out the
22 declaration you have in your hands.

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

25 PRESIDING JUDGE FREMR: Very well, Madam Witness. It means you are now

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1 under oath. And you also need to be aware that it's an offence within the
2 jurisdiction of this Court to give false testimony. Do you understand that?

3 THE WITNESS: (Interpretation) Yes.

4 PRESIDING JUDGE FREMR: All right. Now, a few practical matters you should
5 have in mind when giving your testimony.

6 It's important to speak into the microphone, to speak clearly and to speak at a slow
7 pace approximately like me now to allow the interpreters to translate everything.

8 What is very important when a question is asked, please do not respond immediately
9 but please count in your head to three and only then give your answer. This pause is
10 essential to properly interpret and record what you were saying.

11 If you have any questions during your testimony or if you feel that you need a break,
12 do not hesitate to let us know by raising your hand like this. We will then give you
13 the opportunity to speak.

14 Have you understood all this, Madam Witness?

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

16 PRESIDING JUDGE FREMR: Fine. So now Madam Witness we can start your
17 testimony.

18 Who will be examining the witness? It will be you, Ms Solano?

19 MS SOLANO: Yes, your Honour.

20 PRESIDING JUDGE FREMR: So then, Ms Solano, you have the floor. And I would
21 like to remind you that the Chamber considers that the examination-in-chief for this
22 witness should be completed within four hours.

23 Now you have the floor.

24 MS SOLANO: Thank you, your Honour.

25 QUESTIONED BY MS SOLANO:

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1 Q. Good morning, madam. Can you hear me well?

2 A. Yes.

3 Q. We have met before. My name is Julieta Solano and I will be asking you
4 questions on behalf of the Prosecution.

5 Can you please state your full name.

6 MS SOLANO: Your Honours, can we move to private session, please.

7 PRESIDING JUDGE FREMR: For sure.

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

9 (Private session at 10.00 a.m.)

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- 15 (Open session at 10.34 a.m.)
- 16 THE COURT OFFICER: We're in open session, Mr President.
- 17 PRESIDING JUDGE FREMR: Thank you.
- 18 Ms Solano, please proceed.
- 19 MS SOLANO: Thank you, your Honour.
- 20 Q. Madam, these people who fled from Mongbwalu to Kobu, which tribes did they
- 21 belong to?
- 22 A. Those who left Mongbwalu to flee to Kobu were from different tribes. Not just
- 23 the Lendu, there were Nande, Alur and a lot of other tribes.
- 24 Q. Do you remember whether members of the Hema tribe also fled from
- 25 Mongbwalu to Kobu?

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1 A. That's what I just said. There were almost all tribes there. There were Hema
2 too, Nande, Alur, all the tribes.

3 Q. Where did these people stay in Kobu?

4 A. There weren't houses for them because there were so many of them. They
5 were outside, they were everywhere.

6 Q. What was the state of their health, if you know?

7 A. They were very numerous. People didn't have food to eat. Every -- their
8 health wasn't good and there wasn't enough food for everyone.

9 Q. Madam, were any of them injured?

10 PRESIDING JUDGE FREMR: Mr Gosnell.

11 MR GOSNELL: Objection. Leading.

12 MS SOLANO: Your Honour, not leading. The question can be answered with a
13 positive or a negative answer, and of course any details would be supplied by the
14 witness, not by me.

15 PRESIDING JUDGE FREMR: Yes. Objection overruled. Please proceed.

16 MS SOLANO:

17 Q. Madam, were any of them injured?

18 A. Yes, there were.

19 Q. What kind of injuries did they have?

20 A. There were people who had injuries on different parts of their bodies. Some
21 had broken bones.

22 Q. Did you learn how they had received these injuries?

23 Do you know how they were injured?

24 A. They were injured following shots, or knife wounds, or from other bladed
25 weapons.

1 Q. Apart from Mongbwalu, was there fighting in any other places that you are
2 aware of, in any other towns or villages? Did the war ever come to where you were
3 in Kobu?

4 A. The war in Kobu came when we had already fled. We went to another locality,
5 Bula.

6 Q. Did you say Bula?

7 A. We fled to go to Gula (phon), Gula.

8 Q. And why did you flee from Kobu to Gola?

9 A. From Kobu we went to Gola because the UPC troops took that locality.

10 Q. How did you find out that the UPC took over that locality?

11 A. Often they came from different directions. Sometimes they came from Bambu
12 and then they withdrew. They did that approximately three times. And then
13 afterwards, they arrived, they attacked Bambu, Gola, Lipri, Kilo coming from
14 different roads and that's the reason why we didn't stay there. We went to the
15 locality of Gola.

16 Q. How do you know that the UPC attacked Bambu?

17 A. We heard -- we heard explosions from heavy weapons.

18 Q. How close or far are Bambu and Kobu?

19 A. I can't tell you that precisely.

20 Q. Which are the roads, the different roads from which the UPC attacked Bambu,
21 Kobu, Lipri and Kilo?

22 A. They took the main road.

23 Q. And which is the main road? What does the main road connect?

24 A. The main road goes to Mongbwalu and it continues, it goes further on.

25 Q. And did the UPC also come on other roads?

1 A. The road from Lipri, from Dala and from Kilo.

2 Q. Do you know whether the population of Bambu, Lipri and Kilo stayed in those
3 villages after the UPC attacks?

4 A. They didn't stay in their locality. We went to Kobu and from Kobu we
5 separated, we went to Gula.

6 Q. Did you see the people from Bambu and Lipri and Kilo yourself?

7 A. I saw them. We were speaking and asking, "Where do you come from?" And
8 they said, "I come from Kilo, I'm from Lipri, I'm from Bambu." Others say they came
9 from Dala. So we would speak to them like that.

10 Q. Did they tell you why they had come to Kobu? Did they tell you why they had
11 left their villages?

12 A. They said that because the UPC troops had come to their homes they had done
13 so. Had surrounded them already.

14 Q. The people from Lipri, Kilo, Bambu who came to Kobu, what ethnicities were
15 they?

16 A. They were from different tribes.

17 Q. Was there a tribe or tribes that were particularly well represented among the
18 people who had fled to Kobu?

19 A. I haven't understood your question well.

20 Q. Were they mostly of one tribe or of some tribes more than others?

21 A. The most of them were Lendus.

22 Q. Madam, where is Gola?

23 PRESIDING JUDGE FREMR: Mr Gosnell.

24 MR GOSNELL: I think a comment it merited here; namely, that the witness has
25 twice used the term Gula and once used the term Gola, or at least that's what the

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1 transcript showed. So I'm at least just noting that for the record, Mr President.

2 PRESIDING JUDGE FREMR: All right. Well noted.

3 MS SOLANO:

4 Q. Madam, the location that you fled to from Kobu, can you please repeat its name
5 very slowly for the record.

6 A. I went to Gola.

7 Q. And how far is Gola from Kobu?

8 A. I can't tell you that precisely.

9 Q. How did you get from Kobu to Gola?

10 A. We went on foot.

11 Q. And how long did that take you?

12 A. You -- if you go by foot and -- you go through other localities in order to get
13 there.

14 Q. And do you remember how long it took you to get there from Kobu to Gola?

15 A. I no longer remember.

16 Q. Who else was with you on your travel from Kobu to Gola?

17 A. When we fled to go to Gola I had my child. There were a lot of other people
18 from different tribes, it wasn't only members of my family.

19 Q. Which of your children did you have with you?

20 MS SOLANO: Your Honour, actually can we move into private session please and
21 can the witness's microphone please be shut down, shut off until we move into
22 private session.

23 Can you please press her button. Thank you.

24 PRESIDING JUDGE FREMR: Exactly.

25 Now, court officer, let's move into private session.

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18 (Open session at 11.02 a.m.)

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

20 PRESIDING JUDGE FREMR: Three minor points. First of all, is Prosecution ready
21 to provide the Chamber with response to my original question concerning the time
22 you have at your disposal information about separation of this witness and her
23 husband?

24 MS SOLANO: Your Honour, my information is still somewhat incomplete, so if
25 I can answer when we come back from the break I would be most obliged.

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1 PRESIDING JUDGE FREMR: Mr Gosnell, do you have this information?

2 MR GOSNELL: Yes, I do, Mr President, at least in part, and that is in the statement
3 itself that we were looking at at the very beginning. It indicates that at that time --

4 PRESIDING JUDGE FREMR: Mr Gosnell, we are in open session, so let's move into
5 private session for this part of your submission.

6 (Private session at 11.03 a.m.)

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23 (Open session at 11.04 a.m.)

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

25 PRESIDING JUDGE FREMR: Yes, just one comment from my side to the way of

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1 questioning of this witness. It's apparent that it's really tough task, it is -- witness is
2 rather slow, but I guess that Ms Solano found a proper way how to examine this
3 witness, means it requires short and simple questions.

4 And as to the leading aspects, I think purely leading questions just putting to her
5 mouth something what witness hasn't mentioned at all, it should be -- it should
6 be -- it will be prohibited. But if there there is still some basis already explored, some
7 context already explored and apparent from the previous answers, then some
8 questions with certain leading aspects will be permitted.

9 And the last issue: Correction of the transcript, page 26, line 12, I am not sure that I
10 said question is overruled. If yes, I meant the objection is overruled.

11 That's it and we will continue 11.35.

12 THE COURT USHER: All rise.

13 (Recess taken at 11.06 a.m.)

14 (Upon resuming in open session at 11.38 a.m.)

15 THE COURT USHER: All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: So we will continue, but before that there are -- first of
18 all court officer would like to make some announcement.

19 THE COURT OFFICER: Thank you, Mr President. I would like to ask all
20 interpreters to restart Transcend as the server needed to be restarted. Thank you.

21 PRESIDING JUDGE FREMR: And the reason why we haven't yet invited madam
22 witness is that the Chamber would like to deliver a short oral ruling concerning her
23 testimony. And this ruling is following:

24 Earlier this morning the Defence requested lifting of the redaction relating to the
25 name of Witness P-19 former husband as mentioned in DRC-OTP-0171-1511.

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1 The Prosecution opposed the request, the relevant submissions are reflected on the
2 transcript.

3 The Chamber recalls that in accordance with the terms of the redaction protocol, it is
4 for the Prosecution to justify the retention of challenged redactions.

5 In this instance the Chamber notes that the Prosecution is not in contact with the
6 individual in question and, therefore, not in a position to assess potential security
7 risks.

8 The Chamber has also taken into account the fact that the individual in question is not
9 referred to in the witness's account of events.

10 Nonetheless, having considered the nature of the witness's anticipated evidence, the
11 individual's alleged ethnicity and the potential close relationship of the individual to
12 other family members who are central to the witness's account, the Chamber grants
13 the request and directs that the redaction be lifted forthwith.

14 It concludes our ruling. And now witness may be brought into the courtroom.

15 And in the meantime, just for the information of public, we will continue with
16 testimony of our witness, but since that it's a protected witness, and such a witness
17 was given guarantee that his or her identification will not be -- identity will not be
18 revealed, so that is why for some parts of this testimony it should be conducted or
19 could be conducted in private session.

20 So now I am asking Ms Solano, who is conducting further examination, subject to her
21 upcoming questions, whether there is a need to move into private session or whether
22 we may remain in open session.

23 MS SOLANO: We may remain in open session, your Honour, for the moment.

24 PRESIDING JUDGE FREMR: Very well.

25 (The witness enters the courtroom)

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1 PRESIDING JUDGE FREMR: Madam Witness, welcome back.

2 THE WITNESS: (Interpretation) Thank you.

3 PRESIDING JUDGE FREMR: I can understand that it's not easy task for you to
4 testify before the Court, but I would like to emphasise that so far you are doing very
5 well, so don't be scared. Just continue in the way you did it so far. So, so far
6 everything is fine.

7 And now the Prosecution will continue with your examination.

8 Ms Solano, please.

9 MS SOLANO: Thank you, your Honour.

10 Q. Madam, can you hear me?

11 A. Yes, I can hear you.

12 Q. Before the break you were telling us that from Kobu you fled to Gola. Can you
13 tell the Judges what happened once you were in Gola?

14 A. I have not quite understood your question.

15 Q. What happened in Gola? Who did you meet there?

16 A. When we arrived in Gola, one day some UPC troops came with a letter calling
17 for peace or pacification.

18 Q. How do you know this? Did you see these troops yourself?

19 A. When we arrived there for the pacification exercise, it is then that I saw them.

20 Q. Can you explain what you mean? Where did you go for this pacification
21 exercise?

22 A. We had been convened to the peace meeting. So we left Gola and went to
23 Sangi, near the Catholic church in Sangi.

24 Q. Who invited you to go to Sangi?

25 A. It is the UPC that called people out to this peace meeting. They said that the

1 war was over and that they wanted peace. And we felt and believed that they really
2 wanted to peace, whereas they were planning something else.

3 Now, when we got there we found out that others who had gone before us had
4 already been arrested. They arrested them and we were unable to retreat ourselves
5 and we were, therefore, also arrested at that location.

6 Q. Who were the people who had gone before you?

7 A. It was other Lendu inhabitants.

8 Q. Do you know how many people had gone there before you?

9 A. Many. Many of them. There were many of them.

10 Q. Were they -- can you tell us if they were men or they were women or they were
11 a mix and what ages these people were who had gone to Sangi before you?

12 A. It was a mixed group of men, women, young girls, young boys. All those
13 people were there.

14 Q. And how about your group, who was in your group?

15 A. The group in Sangi was also a mixed group of various persons.

16 Q. Madam, you say that the group that had gone there before you had been
17 arrested. Can you explain what you mean by "arrested"?

18 A. This is -- this is what I meant: UPC troops arrested them, caught them.

19 Q. And were these people free to leave if they chose to?

20 A. No. They did not have any authorisation to leave. They were actually tied up,
21 their wrists and their feet were tied up and so they could not, they could not move.

22 Q. And the UPC troops who had arrested them, do you remember what were they
23 wearing?

24 A. The UPC troops wore camouflage military uniforms.

25 Q. Were they armed? Were the UPC troops armed?

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1 A. Yes, they were armed.

2 PRESIDING JUDGE FREMR: And sorry to interrupt. Sorry, please follow, Madam
3 Witness. Please proceed.

4 THE WITNESS: (Interpretation) They had -- they were armed with knives.

5 PRESIDING JUDGE FREMR: But sorry, Ms Solano, but I would like to put some
6 additional question at this moment.

7 Madam Witness, those tied people, could you see them on your own eyes?

8 THE WITNESS: (Interpretation) Yes. Yes. I saw them myself.

9 PRESIDING JUDGE FREMR: And do you remember where did you see them?

10 THE WITNESS: (Interpretation) In Sangi.

11 PRESIDING JUDGE FREMR: All right. But I meant if you could specify the place,
12 whether it was in a building or outside or the specific place.

13 THE WITNESS: (Interpretation) They were outside, outdoors in Sangi, not far
14 away from the Catholic church in Sangi. And it is from there that they took us all
15 the way to Wadza. They had us carry their luggage and their various items.

16 PRESIDING JUDGE FREMR: Thank you very much, Madam Witness, for this
17 clarification.

18 Ms Solano, sorry for interrupting you. Please proceed.

19 MS SOLANO: Thank you, your Honour.

20 Q. Madam, you've just mentioned the place where they took you. Can you repeat
21 the name of that place? It sounded like Wadza.

22 A. Wadza.

23 Q. And where is Wadza?

24 A. Wadza is in Kobu.

25 Q. Okay. But first I want to ask you more questions about Sangi. You say that

1 when you and your group arrived you were not able to retreat. Why not? Couldn't
2 you run away?

3 A. We were surrounded. There were troops all around us, UPC troops. That is
4 why we could not flee.

5 Q. And where in Sangi were you? Were you outside? Were you inside a
6 building? Where were you?

7 A. We were outside in Sangi, outside. However, there were some people in a
8 house. And then while there they took some women to the bush and mistreated
9 them.

10 Q. Who took these women to the bush?

11 A. The UPC troops.

12 Q. Did you see this happen? Did you see the UPC troops take the women away?

13 A. I saw it with my own eyes.

14 Q. And what do you mean that they mistreated them?

15 A. They were raped.

16 Q. How do you know that they were raped?

17 A. They were shouting, screaming. Some of them did not return to where we
18 were. I don't know whether they were killed but, in any case, they did not return.

19 Q. Did some of the others return?

20 A. I am not sure, but I know that some of them did die.

21 Q. Did you speak to any of these women after they were raped?

22 A. They were screaming and they were saying some words.

23 Q. What words were they saying?

24 A. They were shouting, saying "I don't want you to rape me." They were
25 protesting against what their aggressors were doing using these words.

1 Q. How many women did you see being taken away to the bush?

2 A. I don't really know.

3 Q. Do you remember what ages they were?

4 A. There were some young girls among them. I don't know how old each one of
5 them was.

6 Q. How do you know that some of these women died?

7 A. After they were taken into the bush, we never saw them again.

8 Q. Did you see how many UPC soldiers took them into the bush?

9 A. There were a lot of them.

10 Q. Did the UPC soldiers talk about what was happening in front of you?

11 A. I didn't understand your question.

12 Q. Did you hear the UPC soldiers talking about the rapes?

13 A. Yes, they talked about it.

14 Q. What did they say?

15 A. They said that "The Lendu are useless wild animals and we can do with them
16 anything we want. They are not humans."

17 Q. How long did the rapes go on for?

18 A. I don't know.

19 Q. You mentioned that some people were inside a house. Can you explain what
20 house they were in?

21 A. These were houses belonging to local population, to people who had fled.
22 They were around the church.

23 Q. Do you know what happened to the people inside those houses?

24 A. I don't know what was the fate of those who were inside these houses.

25 Q. And what happened to the rest of the people who were with you outside near

1 the church?

2 A. Are you talking about those who were near the church in Sangi or those who
3 were by the church in Wadza?

4 Q. In Sangi. So the people in your group, how were you treated?

5 A. We were made to carry bundles to Wadza, but when we were next to the church
6 in Sangi, they didn't do anything to us.

7 MS SOLANO: Your Honour, can I ask a question in private session, please?

8 PRESIDING JUDGE FREMR: Certainly.

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

10 (Private session at 12.12 p.m.)

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- 19 (Open session at 12.20 p.m.)
- 20 THE COURT OFFICER: We are back in open session, Mr President.
- 21 PRESIDING JUDGE FREMR: Thank you.
- 22 Ms Solano, please proceed.
- 23 MS SOLANO:
- 24 Q. Madam, on the way from Sangi to Wadza who was hitting you?
- 25 A. The UPC troops.

- 1 Q. What did they hit you with?
- 2 A. With their rifle butts.
- 3 Q. What part of your body did they hit you on?
- 4 A. It was more the others who were hit.
- 5 Q. And what part of the body were the others hit on?
- 6 A. They were hit everywhere, all over their bodies.
- 7 Q. Did you see this yourself?
- 8 A. Yes, I witnessed this.
- 9 Q. You said that three people who were part of this group died. How did they
- 10 die?
- 11 A. We found their corpses by the road.
- 12 Q. Do you know who these people were?
- 13 A. They were Lendus.
- 14 Q. And how do you know that?
- 15 A. They were Lendu.
- 16 Q. Can you explain how you know they were Lendu?
- 17 A. Their hands were tied behind them.
- 18 Q. Had you seen these people before, before they were killed?
- 19 A. They were part of the group that I was with. In fact, the people were being
- 20 taken in small groups and there were some that went ahead of us.
- 21 Q. Do you know whether, apart from these three people who you saw -- whose
- 22 corpses you saw, did anyone else die on the way between Sangi and Wadza?
- 23 A. I didn't see any.
- 24 Q. These bundles, these items that you were carrying, what were they?
- 25 A. These were bags containing items pillaged from the Lendu villages, but I don't

1 know exactly what these items were.

2 Q. How do you know that they were pillaged from Lendu villages?

3 A. They were pillaging all the houses before setting fire to them and they were
4 taking everything from these houses.

5 Q. Did you see this happen?

6 A. Yes.

7 Q. And who was doing the pillaging and who was setting fire to the houses?

8 A. It was the UPC soldiers.

9 Q. Were you, the Lendu prisoners, were you talking among yourselves?

10 A. No, we were not talking to each other.

11 Q. Were you talking with the UPC soldiers?

12 A. No, we were not talking to the UPC soldiers. We were being given orders by
13 them.

14 Q. And what orders were they giving you?

15 A. For example, they said "Carry this bundle." Some of these were very heavy,
16 but we carried them nevertheless.

17 Q. Did they give you any other orders?

18 A. I did not quite understand your question.

19 Q. Did the UPC soldiers tell you what else to do?

20 A. Please repeat your question.

21 Q. Apart from telling you to carry the bundles, did the UPC soldiers give you any
22 other orders?

23 A. If one didn't walk quickly, they would beat one up.

24 Q. Did you see this happen?

25 A. Yes.

1 Q. Who did it happen to?

2 A. There were many of us on the road. Some people came from various other
3 areas.

4 Q. Madam, were the UPC soldiers talking among themselves?

5 A. Yes, they talked among themselves.

6 Q. Did you understand what they were saying to each other?

7 A. Are you talking about when they were along the road or when they were
8 already at Wadza?

9 Q. Along the road.

10 A. Well, this is what they used to say to themselves: "Oh, today we have captured
11 many prisoners of war."

12 Q. Madam, let's move on to what happened when you arrived at Wadza. Can
13 you describe for the Judges in your own words what happened?

14 A. When we arrived in Wadza there were many people in houses. They took us
15 to a place where there were other women who were cooking in another house.

16 Q. Who were those women?

17 A. I do not know them.

18 Q. Do you know whether those women were cooking in that house by their own
19 choice?

20 A. No, they were not doing it willingly.

21 Q. Why were they doing it?

22 A. They were given orders to do so by the UPC soldiers.

23 Q. And how do you know that?

24 A. I was with them.

25 Q. How many women were cooking in that house?

- 1 A. I am not able to give you an exact number or figure.
- 2 Q. And who were they cooking for?
- 3 A. They were cooking for the UPC troops.
- 4 Q. Can you tell us where, in what part of Wadza this house was?
- 5 A. That house was near Hotel Paradiso.
- 6 Q. Madam, you said that -- you referred to other houses, and you said that the
- 7 houses were full of people, so full that it was difficult to breathe. Who were the
- 8 people in these houses?
- 9 A. They were Lendu who had been taken hostage.
- 10 Q. Who had taken them hostage?
- 11 A. The UPC troops.
- 12 Q. Did you see these people yourself?
- 13 A. Yes, I saw them.
- 14 Q. Did you go into those other houses?
- 15 A. They wanted to make us enter into that house, but when we got to the door we
- 16 found out that there were too many, way too many people in that house, and that's
- 17 why they took us to another house.
- 18 Q. Were there any UPC soldiers in that house?
- 19 A. No. Only Lendus who had been captured were in those houses.
- 20 Q. And were the Lendus in those houses free to leave if they wanted to?
- 21 A. They were held in there. And the UPC troops had surrounded the entire
- 22 neighbourhood.
- 23 Q. Were the UPC soldiers armed?
- 24 A. Yes, they were armed. Some of them were armed and others were not.
- 25 Q. What were they armed with?

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1 A. They had some small light weapons, as well as some heavy weapons which had
2 chains of ammunition.

3 Q. And when you say "small light weapons", do you mean bladed weapons or do
4 you mean fire weapons?

5 A. They were guns.

6 MS SOLANO: Your Honour, can we move into private session, please?

7 PRESIDING JUDGE FREMR: For sure.

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

9 (Private session at 12.47 p.m.)

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1 (Open session at 1.02 p.m.)

2 THE COURT OFFICER: We're in open session, Mr President.

3 PRESIDING JUDGE FREMR: Thank you, Court officer.

4 So now, Madam Witness, you will have a chance to take some rest and you also will
5 be provided with lunch and we will continue after 90 minutes. So thank you very
6 much for patiently responding all the questions.

7 Now, court officer, please guide madam witness out of the courtroom.

8 (The witness stands down)

9 PRESIDING JUDGE FREMR: And now usual inquiry for the sake of planning.

10 According to my information, Ms Solano, you so far exhausted 2 hours and
11 40 minutes, so you still have at your disposal 1 hour 46. Do you think you will need
12 all the time to complete your examination-in-chief?

13 MS SOLANO: I do, your Honour.

14 PRESIDING JUDGE FREMR: All right. So it will be ideal to finish -- because we
15 have two hours at our disposal, it will be ideal to finish at least by the end of this
16 afternoon's session.

17 Now we break and we will continue half past 2.

18 THE COURT USHER: All rise.

19 (Recess taken at 1.04 p.m.)

20 (Upon resuming in open session at 2.33 p.m.)

21 THE COURT USHER: All rise.

22 Please be seated.

23 PRESIDING JUDGE FREMR: Good afternoon, everybody.

24 Before we continue with the testimony I will deliver orally one Chamber's ruling.

25 And it's oral ruling on the Defence request seeking disclosure of the identity of

1 Prosecution intermediary P-154, which is filing number 1435.

2 It's noted that the Defence first raised this issue in Court last week during its
3 cross-examination of Witness P-18, at transcript 111 and, as directed by the Chamber,
4 subsequently requested disclosure of the information by way of a written filing on
5 4 July 2016.

6 As instructed, the response from the Prosecution was provided by way of an ex parte
7 email earlier today. Certain further submissions were made orally on 6 July 2016.

8 As a preliminary matter, the Prosecution is instructed to put on the record the
9 submissions it provided via email by reproducing the content in a written filing no
10 later than 22 July 2016. A public redacted version thereof, as well as of the Defence
11 request, should also be filed by that same deadline. The Chamber notes that the
12 Prosecution also undertook in its email to provide a redacted version of its emailed
13 submissions to the Defence and, to the extent that this has not already occurred,
14 instructs the Prosecution to do so by the end of today's session.

15 Turning to the merits of the request, the Chamber recalls that, pursuant to redaction
16 protocol adopted in this case, which is annex A to filing number 411, identifying
17 information of intermediaries may be redacted, as standard category D4, to ensure
18 that these individuals can continue assisting in the disclosing party's investigation in
19 a safe and effective manner.

20 Consistent with prior jurisprudence, including that of Trial Chamber I in decision
21 number 2434, and Trial Chamber V(a) in decision number 904, the Chamber considers
22 that a case-by-case assessment is appropriate in relation to disclosure of the identity
23 of intermediaries.

24 First, the Chamber notes that the individual concerned has been in contact with
25 several Prosecution witnesses, some of which have already testified in the present

1 case, and that he was no longer a Prosecution intermediary as of July 2009. The
2 Chamber further notes that, as submitted by the Defence, information provided by
3 the Prosecution seems to suggest that P-154 may have sought to exploit his position to
4 obtain improper personal benefit. While neither of these factors alone would
5 necessarily render the identity material, the Chamber also notes that the Defence has
6 identified in its request a number of issues potentially related to P-154's role as an
7 intermediary that are of prima facie relevance to the case at hand.

8 This includes particularly issues concerning any interactions between intermediary
9 P-154 and Witness P-18.

10 In light of the above, the Chamber considers that the Defence should be provided
11 with the opportunity to explore the role of the intermediary in question in a more
12 concrete manner. Accordingly, and while noting the security concerns raised by the
13 Prosecution and the fact that it could not conduct an updated assessment of the level
14 of risks faced, the Chamber is of the view that the nondisclosure of the information
15 sought to be disclosed would be unduly prejudicial to the accused and inconsistent
16 with the principles of a fair trial.

17 Consequently, the Chamber hereby orders the Prosecution, with immediate effect, to
18 provide the Defence with the name of Intermediary P-154. The Chamber also
19 instructs the VWU to monitor the situation of the individual concerned in light of the
20 present decision and, should it find it necessary, to take any measures it considers
21 warranted.

22 This concludes the Chamber's oral ruling.

23 Now, court officer, you may bring the witness into courtroom.

24 And one update as to the timing. As we already said, Ms Solano has one hour 46.

25 Am I right, Ms Solano, 46 minutes? But what is also important, because of other

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1 commitments of Judges, we have to finish today at 4.25. So it will depend if you will
2 be finished, that's fine. If not, we will simply continue tomorrow.

3 MS SOLANO: Thank you, your Honour.

4 (The witness enters the courtroom)

5 PRESIDING JUDGE FREMR: Good afternoon, Madam Witness. Can you hear me?

6 THE WITNESS: (Interpretation) Yes. Thank you. I can hear you very well.

7 PRESIDING JUDGE FREMR: Fine, Madam Witness. So we will continue with your
8 testimony. And I have, just repeat what I already said. So far you are doing very
9 well. You are, completely followed my guidance. So please continue in the same
10 way.

11 Now the floor goes to Prosecution.

12 MS SOLANO: Thank you, your Honour. May I request private session, please?

13 PRESIDING JUDGE FREMR: All right.

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

15 (Private session at 2.42 p.m.)

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- 13 (Open session at 2.59 p.m.)
- 14 THE COURT OFFICER: We're in open session, Mr President.
- 15 PRESIDING JUDGE FREMR: Thank you.
- 16 Please proceed.
- 17 MS SOLANO: Thank you, your Honour.
- 18 Q. Madam, why do you say that Salumu was commanding the soldiers in Sangi?
- 19 What makes you say that?
- 20 A. This is the reason why I say that: I think that this is how things happened.
- 21 The commanders, well, there were many of them. Now, when they spoke on the
- 22 Motorola I managed to get two names, Salumu and Linganga.
- 23 Q. Where were you when you managed to get these two names?
- 24 A. Outside. I was outside.
- 25 Q. In what town?

1 A. In Sangi.

2 Q. And who was holding the Motorola from which you got these two names?

3 A. It was the commanders who had Motorolas.

4 Q. Madam, I want to now ask you again about the house in Kobu. How did you
5 leave that house? The house that you were detained in by the UPC.

6 A. The -- they went out of the house to prepare food, but I didn't prepare food.

7 Q. So how did you personally leave the house?

8 A. Well, we prepared food and people kept watch on us, but sometimes we were
9 able to get out because the kitchen was outside.

10 Q. Please continue. What happened after -- what happened once you were
11 outside?

12 A. Outside the men raped the women. That was done in a wild way or a savage
13 way.

14 Q. What men raped what women?

15 A. It was UPC troops.

16 Q. Who did they rape? Who were these women?

17 A. They raped men too.

18 Q. And what do you mean "in a savage way"?

19 A. That's to say that the men raped men.

20 Q. Are these the same rapes of men that you told us about before or are they
21 different ones?

22 A. That's what I told you about before.

23 MS SOLANO: Your Honour, can we return to private session, please.

24 PRESIDING JUDGE FREMR: For sure.

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

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Trial Hearing
WITNESS: DRC-OTP-P-0019

(Private Session)

ICC-01/04-02/06

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 4.04 p.m.)
- 14 THE COURT OFFICER: We are back in open session, Mr President.
- 15 PRESIDING JUDGE FREMR: So just for the record, because our witness was
- 16 obviously not fit enough to continue in giving her testimony today we had to break a
- 17 bit earlier, but we will adjourn now and we will resume tomorrow 9.30 with the rest
- 18 of examination-in-chief conducted by Prosecution.
- 19 Are there any further requests for the floor? No.
- 20 Okay, so now Court is adjourned.
- 21 (Trial Chamber confers)
- 22 PRESIDING JUDGE FREMR: So we consulted something, but by the way no
- 23 changes. We adjourn. Tomorrow 9.30.
- 24 THE COURT USHER: All rise.
- 25 (The hearing ends in open session at 4.05 p.m.)