

Trial Hearing
WITNESS: DRC-OTP-P-0883

(Open Session)

ICC-01/04-02/06

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 3
7 Wednesday, 30 November 2016
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:20] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:33:09] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:33:17] 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: [9:33:32] Thank you, court officer.
19 Now appearances. Are there any changes compared to yesterday?
20 MS SOLANO: [9:33:38] None, your Honour.
21 PRESIDING JUDGE FREMR: [9:33:39] Thank you, Ms Solano.
22 Defence?
23 MS GRANDON: [9:33:44] (Interpretation) Good morning, your Honours. No,
24 no changes.
25 PRESIDING JUDGE FREMR: [9:33:48] Thank you, Ms Grandon.

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1 Legal Representatives of Victims, please.

2 MS PELLET: [9:33:54] (Interpretation) Thank you. No change for the former
3 child soldiers, your Honour.

4 MR SUPRUN: [9:34:00] (Interpretation) Good morning, your Honours. No
5 changes for the victims of the attacks.

6 PRESIDING JUDGE FREMR: [9:34:07] Thank you, Ms Pellet.

7 Thank you, Mr Suprun.

8 Madam Witness, good morning. Are you feeling okay today to continue with your
9 testimony?

10 WITNESS: DRC-OTP-P-0883 (On former oath)

11 (The witness speaks Lingala)

12 THE WITNESS: [9:34:26] (Interpretation) Good morning.

13 Yes, I feel fine.

14 PRESIDING JUDGE FREMR: [9:34:32] I'm glad to hear it.

15 Madam Witness, it's my duty to remind you two things: first one that you are still
16 under oath, which means that you have to speak truth and nothing but the truth and,
17 second one, that you should follow my yesterday guidance, especially about listening
18 carefully to questions, speak into the microphone, speaking clearly, speaking at slow
19 pace and also make pauses between the question and between your answer. But you
20 did it yesterday perfectly, so I would like to ask you, please, just continue in the same
21 way like yesterday and it will be perfect.

22 Do you understand?

23 THE WITNESS: [9:35:32] (Interpretation) Yes.

24 PRESIDING JUDGE FREMR: [9:35:36] And the last thing from my part, at the
25 moment normally we used to break after 90 minutes, but if you would feel unwell, we

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1 can even make break earlier. So in such a case let us know by raising your hand.

2 Now we can move to the testimony.

3 Ms Solano, do you want to proceed in open or in private session?

4 MS SOLANO: [9:36:05] Private session, please.

5 PRESIDING JUDGE FREMR: [9:36:08] Understandable.

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

7 (Private session at 9.36 a.m.)

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- 13 (Upon resuming in open session at 11.31 a.m.)
- 14 THE COURT USHER: [11:31:33] All rise.
- 15 Please be seated.
- 16 PRESIDING JUDGE FREMR: [11:32:10] At the moment we are in open session and
- 17 we haven't invited Madam Witness yet since we would like to deliver the Chamber's
- 18 oral ruling in the different issue on the Defence issue.
- 19 Before doing that, Ms Solano, you anyway, I guess, you would like to continue
- 20 examination in the regime of private session.
- 21 MS SOLANO: [11:32:40] Your Honour, actually, I think I can ask some of my next
- 22 questions in open session.
- 23 PRESIDING JUDGE FREMR: [11:32:45] All right. I will take it into account.
- 24 Thank you. But at the moment, for the delivery of this decision, we have to move
- 25 into private session.

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- 1 Court officer, please.
- 2 (Private session at 11.32 a.m.)
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- 19 (Open session at 11.37 a.m.)
- 20 THE COURT OFFICER: [11:37:35] We are in open session.
- 21 PRESIDING JUDGE FREMR: [11:37:38] Thank you, court officer.
- 22 (The witness enters the courtroom)
- 23 PRESIDING JUDGE FREMR: [11:38:20] And I also thank our guard for assistance.
- 24 Thank you.
- 25 Madam Witness, welcome back. Now Ms Solano, representing Prosecution, will

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1 continue with your examination.

2 Ms Solano, you have the floor.

3 MS SOLANO: [11:38:51] Thank you, your Honour.

4 Q. [11:38:55] Madam, when you arrived at Bule camp, did anyone write down your
5 name?

6 PRESIDING JUDGE FREMR: [11:39:17] And, Madam Witness, please be careful
7 because at the moment we are in open session, so Madam Witness, you shouldn't say
8 anything that could reveal your identity. And if you think that you should say
9 something like that, please just raise your hand and we will move into private session.
10 Do you understand?

11 THE WITNESS: [11:39:38] Oui.

12 PRESIDING JUDGE FREMR: [11:39:46] So please proceed.

13 THE WITNESS: [11:40:02] (Interpretation) Yes.

14 MS SOLANO: [11:40:07] I'm going to repeat my question because I am not sure if
15 you are responding to your --

16 PRESIDING JUDGE FREMR: [11:40:13] I got translation that Madam Witness said
17 "Yes."

18 MS SOLANO: Okay.

19 PRESIDING JUDGE FREMR: But it is up to you, Ms Solano.

20 MS SOLANO: [11:40:18] No, that's fine. Thank you, your Honour.

21 Q. [11:40:23] Madam, and who wrote down your name at camp Bule?

22 A. [11:40:39] At camp Bule, it was Kasereka and Bahati.

23 Q. [11:40:47] And do you know for what purpose they wrote down your name?

24 A. [11:41:01] They said that they had noted our names to know if we were still
25 there or if we weren't and we had escaped.

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1 Q. [11:41:19] Was it possible to escape camp Bule?

2 A. [11:41:35] Yes, everywhere.

3 PRESIDING JUDGE FREMR: [11:41:37] I'm sorry to interrupt. I would like to put
4 additional question, Ms Solano.

5 Madam Witness, apart of your name, did they also write down any other details
6 concerning you?

7 THE WITNESS: [11:42:05] (Interpretation) They wrote our names so that we could
8 start with our military service.

9 PRESIDING JUDGE FREMR: [11:42:16] So should I understand that they wrote
10 down your names only, no other details?

11 THE WITNESS: [11:42:34] (Interpretation) No.

12 PRESIDING JUDGE FREMR: [11:42:35] Thank you. Ms Solano, please proceed.

13 MS SOLANO: [11:42:38] Thank you, your Honour.

14 Q. [11:42:41] Madam, and how was it possible to escape camp Bule? Was it an
15 open place? Was it possible to just run away?

16 A. [11:43:02] We were inside the camp and they, they followed behind at all times.
17 They would try to see if we were trying to flee. Everywhere where we were, they
18 were behind us with weapons.

19 Q. [11:43:23] And what would happen if you tried to flee?

20 A. [11:43:43] There were just threats that we suffered. Even to give us food, there
21 were things which were very hot. We were hungry, we had a lot of problems.
22 A lot of threats. And we experienced all these difficulties.

23 Q. [11:44:11] What were you threatened with should you try to flee?

24 A. [11:44:18] They threatened us and that would discourage you from fleeing.

25 Q. [11:44:44] Did they tell you what exactly would happen if you tried to flee?

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1 A. [11:44:59] Yes. They said if somebody tried to flee, they were going to kill that
2 person.

3 Q. [11:45:15] And to your knowledge did this ever occur?

4 (Redacted)

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15 (Redacted)

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19 Q. [11:48:13] Madam, how long did you stay at camp Bule?

20 A. [11:48:34] In camp Bule, it was a long time, it was a long time ago, I no longer
21 remember. I don't know how much or how many months we were there for.

22 Q. [11:49:02] You have mentioned that there were other kadogos at camp Bule, can
23 you tell us their ages?

24 A. [11:49:26] They said that they were between 12, 13, up to 17 years old.

25 Q. [11:49:52] And relative to your size, to your height, were they taller than you,

1 shorter than you?

2 A. [11:50:12] Some were smaller. Others were the same size.

3 PRESIDING JUDGE FREMR: [11:50:27] Allow me additional question because this
4 issue of the height, you know, it's very popular among both parties.

5 Madam Witness, there were any kadogos older than you, for example, 17, that were
6 of the same height like you or even smaller than you?

7 THE WITNESS: [11:51:05] (Interpretation) I'm sorry, I didn't understand your
8 question.

9 PRESIDING JUDGE FREMR: [11:51:09] It's my fault. I will try to put it simpler.
10 You said, and the question was put to you about height of the other kadogos, you said
11 some of them were -- give me a second: "Some were smaller. Others were the same
12 size." And, for example, among those who were smaller than you, was anybody
13 from this group of small kadogos older than you, for example, 16, 17, but smaller than
14 you by height?

15 THE WITNESS: [11:52:13] (Interpretation) Some were taller than me. Others were
16 the same height. Others were smaller, a bit smaller than me.

17 PRESIDING JUDGE FREMR: [11:52:33] But still I am not sure that I was clear
18 enough. Maybe to put it this way: Those who were older than 15, some of them
19 was of the same height or even smaller than you?

20 THE WITNESS: [11:53:18] (Interpretation) Those who were taller were older. Some
21 had the same height, the ones who were the same age. There were also some who
22 were younger than that.

23 PRESIDING JUDGE FREMR: [11:53:37] Thank you, Madam Witness.

24 Ms Solano, please proceed.

25 MS SOLANO: [11:53:41] Thank you, your Honour.

1 Q. [11:53:44] Madam, you mentioned that you had -- you received hot food. How
2 many times a day did you eat at camp Bule?

3 A. [11:54:06] We ate once.

4 Q. [11:54:12] What did you eat?

5 A. [11:54:22] Beans, a mix. A mix of beans and maize, which is called mbilibo.

6 Q. [11:54:45] And how was the mbilibo served?

7 A. [11:54:58] Because it was very hot, they took it in a spoon and put it in your
8 hands. It was very hot. If you dropped it, then it was finished for you, you were
9 going to be hungry all day.

10 Q. [11:55:15] Who prepared the food, who cooked?

11 A. [11:55:31] We did. We worked as a team. We took turns.

12 THE INTERPRETER: [11:55:44] Continues the Lingala interpreter.

13 MS SOLANO: [11:55:48]

14 Q. [11:55:49] How did the commanders communicate with each other?

15 A. [11:56:06] Between them they spoke Lingala.

16 Q. [11:56:13] And if they were not face to face, if they were far away from each
17 other, how did they communicate?

18 A. [11:56:36] They didn't have a lot of telephones at that time. We didn't see their
19 communication, because we were inside.

20 Q. [11:57:03] You have talked to us about one particular assembly on the day that
21 Bosco Ntaganda and Thomas Lubanga came to visit camp Bule, but I want to ask you
22 about the -- whether these assemblies took place also on other days?

23 A. [11:57:35] Yes. At that time it was just with the commander who came to give
24 us the orders which were to be executed.

25 Q. [11:57:55] Apart from giving you orders, what else happened at these

1 assemblies?

2 A. [11:58:15] At that time they would divide us up into groups. They said,
3 "You are going to go with two or three kadogos and you will go somewhere." And
4 they would take somebody else who would be given two or three kadogos and you
5 would be sent to another place.

6 And before joining the ranks, we had to undergo training, the reason why we went
7 there. And afterwards they would say to us, "You are going to such and such
8 a place," even at night for patrols. So at 1700 hours they would call us and they
9 would do the same thing.

10 Q. [11:59:16] Did you go on patrols?

11 A. [11:59:30] Yes.

12 Q. [11:59:35] Describe what a patrol was like.

13 A. [11:59:53] A patrol happened this way: We left at around 5 p.m., and the group
14 would be together till about 6 p.m. It also began with a -- with walking, and if
15 someone were arrested at around 9 p.m., they would be asked whether they are not
16 a thief or whether they have a home. Now, if we found that this person had a house,
17 then we would escort that person to their house. But if we came to the conclusion
18 that the person was a thief or that the person had stolen something, we would then
19 keep him in our company as we walked around till 5 a.m. in the morning and then
20 take him back to the camp and file a report accordingly.

21 Q. [12:00:58] Who would you file a report with?

22 A. [12:01:17] In the morning at the time of the morning assembly, and after that
23 assembly we submitted the report. We even did so when we, we came back. That
24 report would be submitted to the chief in his office.

25 Q. [12:01:49] Was there any singing while you were in the UPC?

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1 A. [12:02:12] They taught us some songs, which we sang when we were running.

2 Q. [12:02:28] Do you remember the words of any of those songs?

3 A. [12:03:07] These were songs that were -- we were taught and they were
4 warm-up or warming-up songs.

5 Q. [12:03:30] Do you remember the words in the songs?

6 A. [12:04:04] Well, I do not remember many of the words. But when we went up
7 a mountain, for example, we could sing songs such as "Going up the mountain, going
8 up the mountain" and we would use such words in order to keep the morale high and
9 to be able to climb the mountain much more quickly.

10 Q. [12:04:51] Thank you.

11 MS SOLANO: Your Honour, may we move into private session, please?

12 PRESIDING JUDGE FREMR: [12:05:00] Certainly.

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

14 (Private session at 12.05 p.m.)

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- 17 (Upon resuming in open session at 2.31 p.m.)
- 18 THE COURT USHER: [14:31:11] All rise.
- 19 Please be seated.
- 20 PRESIDING JUDGE FREMR: [14:31:53] Good afternoon, everybody. Good
- 21 afternoon, Madam Witness. We will directly continue with the rest of your
- 22 examination by Prosecution.
- 23 And Ms Solano, do you want to proceed in open or in private session?
- 24 MS SOLANO: [14:32:11] Private session, please.
- 25 PRESIDING JUDGE FREMR: [14:32:13] All right.

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- 1 Court officer, let's move into private session.
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3 (Open session at 4.03p.m.)

4 THE COURT OFFICER: [16:03:16] We are in open session, Mr President.

5 PRESIDING JUDGE FREMR: [16:03:19] Thank you, court officer.

6 So examination-in-chief has been concluded by Ms Solano. Now, I have in my hands
7 a request made by Legal Representative of former child soldiers, Ms Pellet, in which
8 she specified five areas she would like to question Madam Witness on.

9 But, Ms Pellet, it's not your fault, but if I look at those areas, in my view, in fact, with
10 all of them Ms Solano thoroughly dealt with. But do you think you can find some
11 questions that would not be repetitive?

12 MS PELLET: [16:04:11] (Interpretation) Thank you, your Honour. Given the
13 questions put forward by the OTP and the answers that were given, I have relatively
14 few questions, but I do have a few regarding reparations. In keeping with your
15 directives on the conduct of proceedings, I would like to ask a number of questions
16 on that matter. That is, in fact, an additional theme to add to my request.

17 PRESIDING JUDGE FREMR: [16:04:45] Ms Grandon, your position?

18 MS GRANDON: [16:04:48] (Interpretation) No objection, your Honour.

19 PRESIDING JUDGE FREMR: [16:04:51] You are granted ten minutes, Ms Pellet.
20 Please go ahead.

21 QUESTIONED BY MS PELLET: [16:04:58] (Interpretation)

22 Q. [16:05:02] Good afternoon, Madam Witness.

23 A. [16:05:05] Good afternoon.

24 MS PELLET: [16:05:07] I would like to go into private session, your Honour.

25 PRESIDING JUDGE FREMR: [16:05:12] Certainly.

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- 1 Court officer, let's move into private session.
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22 (Open session at 4.32 p.m.)

23 THE COURT OFFICER: [16:33:05] We are in open session, Mr President.

24 PRESIDING JUDGE FREMR: [16:33:08] Thank you.

25 Madam Witness, I would like to thank you very much that you were so brave and in

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1 spite of your health troubles you remained patient and you answered all questions
2 put to you. If your health problems will be maintained, please ask people from
3 VWU, so people that are taking care of you, and they will assist you and will try to
4 solve this problem.

5 Otherwise, we will continue tomorrow, 9.30, and it's my duty, legal duty, to remind
6 you that in the meantime, you must not discuss your testimony with anybody else.

7 Have you understand that, Madam Witness?

8 THE WITNESS: [16:34:20] (Interpretation) Yes, I've understood.

9 PRESIDING JUDGE FREMR: [16:34:22] So take some rest and we will now adjourn
10 and continue tomorrow, 9.30.

11 THE COURT USHER: [16:34:29] All rise.

12 (The hearing ends in open session at 4.34 p.m.)