

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 Sentencing Hearing - Courtroom 1
7 Tuesday, 17 September 2019
8 (The hearing starts in open session at 1.33 p.m.)
9 THE COURT USHER: [13:33:47] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [13:34:43] Good afternoon, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [13:34:51] Thank you, Mr President, your Honours.
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 For the record, we are in open session.
18 PRESIDING JUDGE FREMR: [13:35:08] Thank you, court officer. Now, as usually,
19 let's start with appearances. Prosecution first.
20 MS SAMSON: [13:35:15] Good morning, Mr President. Good morning, your
21 Honours. The Prosecution today is represented by Ms Marion Rabanit, Mr Rens van
22 der Werf, Ms Julieta Solano, Ms Selam Yirgou, and myself Nicole Samson.
23 PRESIDING JUDGE FREMR: [13:35:30] Thank you. I just have to correct you that
24 it's afternoon, but not a big issue.
25 Defence, please.

1 MR BOURGON: [13:35:40] (Interpretation) Good afternoon, Mr President.

2 Representing Mr Bosco Ntaganda, who is with us here in the courtroom today,

3 Ms Amanda Martinez, Clémence Volle-Marvaldi, Daria Mascetti, and myself

4 Stéphane Bourgon. Thank you, Mr President.

5 PRESIDING JUDGE FREMR: [13:36:00] Thank you, Mr Bourgon.

6 And now Legal Representatives of Victims, please.

7 MS PELLET: [13:36:06] (Interpretation) Thank you, Mr President. The former child

8 soldiers are represented by Anna Bonini and myself Sarah Pellet, counsel Office of

9 Public Counsel for Victims.

10 MR SUPRUN: [13:36:23] (Interpretation) Good morning, your Honours. The

11 victims of the attacks are represented by the OPCV, Anne Grabowski, Cherine

12 Luzaisu, and myself Dmytro Suprun.

13 PRESIDING JUDGE FREMR: [13:36:37] Thank you, Ms Pellet. Thank you,

14 Mr Suprun.

15 On 8 July 2019, this Chamber convicted Mr Ntaganda of several crimes against

16 humanity and war crimes. Pursuant to the Court's legal framework, the

17 pronouncement on guilt and the sentence to be imposed in the event of a conviction

18 are two distinct proceedings. We are here today for the first of three days of hearing

19 related to the sentencing of Mr Ntaganda, during which the Chamber will hear the

20 testimony of three witnesses testifying for the Defence and submissions by the parties

21 and Legal Representatives of Victims on sentencing.

22 Today we will hear the testimony of Witness D-0305, the first of the three Defence

23 witnesses who will testify in person. In addition to these witnesses, the Defence has

24 also submitted the prior recorded testimony of three witnesses for admission

25 pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence. The Prosecution

1 did so for two witnesses. I will now first read out an oral ruling in relation to these
2 requests. And it is worded as follows:

3 The Chamber recalls its "Preliminary ruling on prior recorded testimony pursuant to
4 Rule 68(2)(b) in relation to sentencing" with filing number 2385, which I will refer to
5 as the preliminary ruling, in which the Chamber granted the Prosecution's request to
6 receive the prior recorded testimony of two witnesses, who the Prosecution now
7 designates as P-0824 and P-1000, and the Defence request to receive the prior
8 recorded testimony of Witness D-0020 and D-0302 and D-0303, subject to the
9 fulfilment of the necessary formal requirements, as set out in paragraph 10 of the
10 preliminary ruling.

11 On 9 September 2019, in line with the deadline set by the Chamber, the Prosecution
12 and the Defence provided the prior recorded testimony of the five aforementioned
13 witnesses, annexed to filing numbers 2394 and 2397, respectively.

14 Having reviewed the statements as provided by the parties, the Chamber notes the
15 following:

16 First, the statements are all given in French, a language that all but one witness
17 indicated they speak and write. In relation to the statement of D-0303, who
18 indicated that she can only speak a bit of French, the statement was given with the
19 additional assistance of a certified French-Swahili interpreter, who also signed the
20 statement.

21 Second, the witnesses signed and put their initials on their respective statements.

22 Third, each witness signed an acknowledgment annexed to the statement, which
23 states that the statement was given voluntarily, that it correctly reflects the witness's
24 deposition and that the statements may be used in legal proceedings before the Court.

25 The Chamber further notes that the scope of the statements falls within their initially

1 submitted scope as permitted by the preliminary ruling. Under these circumstances,
2 and in line with its preliminary ruling, the Chamber considers that the five statements
3 are suitable for admission pursuant to Rule 68(2)(b) of the Rules.

4 The Chamber further notes that the statement of D-0020 also contains a copy of the
5 witness's demobilisation card, referred to in paragraph 18 of the witness's statement
6 and corroborating the information contained therein. The Chamber therefore admits
7 the copy of the witness's demobilisation card into evidence as an associated exhibit.

8 The Chamber further notes that video DRC-OTP-0159-0477 is referred to in
9 paragraphs 33 to 36 of Witness D-0303's statement, which the witness indicated
10 depicts an event at which she was generally present, although she did not personally
11 witness the speeches held on this occasion. Specifically, the witness was shown an
12 extract of the video, from 02:47:40 to 02:51:00, depicting a speech which she did not
13 personally witness but in relation to which she indicated that she recognised one of
14 the persons depicted therein, whose deputy she was, as well as a speech held by
15 Mr Ntaganda, commencing at 02:51:00, in relation to which the witness indicated that
16 it accurately reflects Mr Ntaganda's attitude towards women.

17 In relation to this latter excerpt, the Chamber notes that it has admitted an excerpt of
18 the video from 02:51:00 to 02:55:10 and its related transcription and translation into
19 evidence in its decision with filing number 2402. Should the Defence have intended
20 to tender a different excerpt into evidence as an associated document to Witness
21 D-0303's statement, it should inform the Chamber thereof before the end of the
22 hearing.

23 In relation to the first excerpt, the Chamber notes that, in the absence of further
24 information from the witness concerning the speech depicted in the video - other than
25 the identification of the speaker - a sufficient connection has not been established for

1 its admission as an associated document.

2 The Chamber further considers that any relevance of the extracts viewed by the
3 witness are already contained in the witness's comments thereto, namely about her
4 recollection of Mr Ntaganda's approach towards women. The Chamber therefore
5 denies the admission into evidence of any further extract of the video.

6 In light of the foregoing, the Chamber admits into evidence, as confidential items, the
7 prior recorded testimony of Witness P-0824 and P-1000, as contained in annexes A
8 and B to filing number 2394. It further admits into evidence, as public items, the
9 prior recorded testimony of Witnesses D-0020, D-0302 and D-0303, as contained in
10 annexes A, B and C to filing number 2397, as well as Witness D-0020's demobilisation
11 card, also contained in annex A to filing number 2397.

12 That concludes the Chamber's ruling.

13 Now we proceed by putting on the record some orders that the Chamber made in the
14 past days by email.

15 First, on 16 September 2019, following requests from the Prosecution and the Legal
16 Representatives, also made by email, the Chamber authorised the reclassification of
17 several filings from confidential to public. These are the filing numbers ending
18 on -2370, -2371, -2383, and annexes A, B and C, to filing 2397.

19 Second, on 12 September 2019, the Chamber communicated the deadlines for the
20 written submissions of the parties and participants in relation to sentencing. It
21 hereby formally sets the deadline for the written submissions for 30 September 2019,
22 and the deadline for responses thereto for 8 October 2019.

23 Third, yesterday evening, the Prosecution requested the Chamber by email to order
24 the Defence to disclose a statement taken in May 2019 of the witness that will testify
25 today. This morning, the Defence responded to the request, also by email. Earlier

1 today, the Chamber by email communicated to the parties and participants its
2 decision to reject the Prosecution's request, as the Court's legal framework does not
3 place an obligation on the Defence to disclose statements it does not intend to rely on
4 as evidence. The Chamber's decision and the submissions by the parties will be filed
5 into the record in due course.

6 The Chamber will now rule upon a Defence request filed yesterday, with filing
7 number 2403, for authorisation and admission of additional sentencing evidence and
8 for additional time to examine Witness D-0047. The Prosecution responded today,
9 by email, in accordance with the Chamber's instruction, opposing the request in its
10 entirety. The request has four parts, which I will deal with in turn, together with the
11 Prosecution's response.

12 First, the Defence seeks permission to tender five documents, four of which it submits
13 were recently obtained from D-0047. According to the Defence, the documents are
14 necessary to rebut and contextualise nine Prosecution documents recently admitted
15 by the Chamber from the bar table in decision number 2402, which concern the
16 relationship between the UPC and MONUC during late 2003 and 2004. The Defence
17 seeks to tender four of the documents through Witness D-0047, and one from the bar
18 table, or, in the alternative, also through D-0047. Second, for tendering the
19 additional documents through Witness D-0047, and to address the MONUC
20 documents admitted for the Prosecution, the Defence requests an additional two
21 hours to examine Witness D-0047.

22 The Prosecution submits that the request to tender additional documents is
23 unjustified, out of time, and does not demonstrate good cause to vary the deadlines
24 set by the Chamber and should therefore be dismissed *in limine*. It further avers that
25 the request for additional time is manifestly unfounded, and requests consequential

1 extensions to the sentencing timetable should the request be granted.

2 Notwithstanding that the Defence has not sufficiently explained the reasons for its

3 late collection of the four documents from Witness D-0047, nor its late identification of

4 the fifth Prosecution document, the Chamber considers that the five items may be

5 added to the list of items to be used with Witness D-0047. It notes that three of the

6 documents are letters from the witness, and that the Defence has indicated that, in

7 relation to the other two documents, the witness can offer direct and

8 contemporaneous information about one of them, and give information about the

9 other's authorship and provenance.

10 In relation to the request for additional time to question D-0047, the Chamber notes

11 the nature of the five additional documents, and that, as noted by the Prosecution,

12 none of the topics identified by the Defence as having arisen from the nine MONUC

13 documents are new, and are in fact covered by the Defence's summary of anticipated

14 testimony for Witness D-0047. Accordingly, the Chamber considers that only

15 limited additional time is necessary to address these items. It therefore grants

16 15 minutes of additional time, I just repeat, 15, one-five, of additional time for the

17 Defence to question Witness D-0047.

18 In line with its previous rulings, the Chamber considers that the Prosecution shall be

19 entitled, in principle, to the same time in cross-examination as used by the Defence in

20 examination-in-chief. The Chamber notes that the granting of such additional time

21 to both parties may require an amendment of the sitting schedule for tomorrow.

22 Any changes will be communicated after consultation with the Registry.

23 Third, the Defence requests permission to tender and, if granted, tenders pursuant to

24 Rule 68(2)(b) of the Rules, two statements in rebuttal of the extracts of documentary

25 evidence from 2008, 2009 and 2010 admitted by the Chamber from the bar table in its

1 decision with filing number 2402, that concern Mr Ntaganda's involvement with the
2 CNDP. According to the Defence, the statements are necessary to rebut claims that
3 the CNDP was responsible for, quote, "human rights abuses and international crimes"
4 unquote, and that Mr Ntaganda's role in the CNDP demonstrates that he resisted
5 integration into the FARDC. The Prosecution opposes the admission of the
6 statements.

7 In line with the clarification provided by the Chamber to the parties by email
8 yesterday evening, the Chamber notes that the Defence appears to have
9 misunderstood this part of the Chamber's aforementioned decision. The Chamber
10 clarifies that it only considered the items concerned to be relevant and have probative
11 value "to the extent the Prosecution aims to rely on the items to show Mr Ntaganda's
12 involvement with the FARDC or the CNDP" and limited the admission into evidence
13 to the information referring to Mr Ntaganda's allegedly having been part of, or
14 having played a role in, the FARDC and/or the CNDP.

15 The Chamber's decision therefore cannot be taken as the Chamber having accepted, as
16 submitted by the Defence, that in principle, allegations of international crimes and
17 human rights abuses involving the CNDP are relevant to the sentencing of
18 Mr Ntaganda. Furthermore, no information about any alleged conduct or actions of
19 the CNDP has been admitted into evidence. As there is no information about the
20 CNDP before the Chamber, and thus no information about any alleged international
21 crimes committed by this entity, the Defence's submission that it must challenge the
22 allegations about the CNDP as a whole or that Mr Ntaganda was part of a group
23 engaging in international crimes is misplaced.

24 Fourth, the Defence requests reconsideration of a part of the bar table decision,
25 wherein the Chamber rejected admission of an *ex parte* document from the bar table.

1 The Chamber rejected admission of the document on the basis that the information
2 contained therein is relevant to a matter which has already been placed on the record
3 in an addendum to filing number 2367 and due to the *ex parte* nature of the document
4 and the associated effect on the document's probative value. The Defence argues
5 that the addendum does not fully capture Mr Ntaganda's role in the matter referred
6 to therein, and undertakes, if granted permission in principle to tender the document,
7 to seek to remove the *ex parte* status of as much of the document as possible, based on
8 a waiver by the person concerned.

9 The Prosecution opposes this part of the request, submitting that the Defence is
10 merely disagreeing with the Chamber's decision, and notes that it still does not have
11 access to this document. Should the Chamber be inclined to admit the document,
12 the Prosecution requests access to it prior to the Chamber's ruling so that it can make
13 informed submissions on the matter.

14 Noting the Defence's undertaking, the Chamber will reconsider admission of the
15 document if it is made available in confidential form, potentially with redactions, to
16 the Prosecution and Legal Representatives. Prior to the disclosure, given the
17 document's privileged nature, the Defence must seek the permission of the person
18 who prepared the document, as well as of the person who the document concerns.

19 The Chamber orders the Defence to disclose the document to the Prosecution and the
20 Legal Representatives by Thursday at noon, and orders the Prosecution and the Legal
21 Representatives to provide observations on the document, if any, by 9 a.m. on Friday.

22 The Chamber will then deliver a further oral ruling on the matter on Friday.

23 At the start of the second session today, the Chamber will issue an oral decision on a
24 request filed yesterday by the Prosecution that relates to the same bar table decision.

25 And now we can proceed with the witness's testimony, so I ask court officer, please,

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(Open Session)

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1 have the witness brought in.

2 And one remark concerning organisation: We exhausted so far 30 minutes, so
3 ideally we would complete direct examination of the witness by 3.30, yes, and then
4 we would break for 30 minutes.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE FREMR: [14:02:08] Madam Witness, good afternoon. Can you
7 hear me well?

8 WITNESS: DRC-D18-P-0305

9 (The witness speaks Swahili)

10 THE WITNESS: [14:02:20] (Interpretation) Yes.

11 PRESIDING JUDGE FREMR: [14:02:25] Madam Witness, on behalf of the Chamber
12 I would like to welcome you. You are going to testify before the International
13 Criminal Court.

14 You will be asked questions both by the Judges and lawyers over here, in the
15 courtroom. First the Defence for Mr Ntaganda will start. It has 1 hour and
16 15 minutes for its examination. Then one of the lawyers of the Prosecution will
17 question you. The Legal Representatives of Victims have not requested any
18 questioning time. We, the Judges, may also ask you some questions.

19 In relation to your testimony, I would like in this regard to guide you as follows:
20 Madam Witness, please listen carefully to the questions. If you don't understand,
21 feel free to ask for the question to be repeated. We want you to tell the truth and tell
22 us what you saw, heard or sensed yourself. If you did not see or hear it yourself but
23 you found out some other way, then you should explain how. You may not
24 remember all details, and it does not matter. Please testify just on that which you
25 really remember. Don't guess, don't make things up. There is nothing wrong in

1 saying "I don't know" or "I don't remember."

2 Do you understand all this, Madam Witness?

3 THE WITNESS: [14:04:19] (Interpretation) Yes, I do.

4 PRESIDING JUDGE FREMR: [14:04:23] Very good.

5 Madam Witness, while no specific measures are put in place for your testimony, the

6 Chamber and the parties will address you as "Madam Witness" or "Madam".

7 Now I'm asking court officer, please can you please administer the solemn

8 undertaking to tell the truth with the witness.

9 Madam Witness, I was now informed that the text of the solemn undertaking is in

10 front of you on the desk. Could you kindly read it out.

11 THE WITNESS: [14:05:12] (Interpretation) I solemnly declare that I shall speak only

12 the truth and nothing but the truth.

13 PRESIDING JUDGE FREMR: [14:05:25] Thank you very much, Madam Witness. It

14 means that now you are under oath and you need also to be aware that it is an offence

15 within the jurisdiction of this Court to give false testimony. Do you understand

16 that?

17 THE WITNESS: [14:05:51] (Interpretation) Yes, I do.

18 PRESIDING JUDGE FREMR: [14:05:54] All right.

19 And now finally a few practical matters you should have in mind when giving your

20 testimony.

21 It's important to speak into the microphone, to speak clearly and to speak at a slow

22 pace to allow the interpreters to translate precisely everything.

23 You should only start speaking when the person asking you the question has finished.

24 When a question is asked, please do not respond immediately, but either count in

25 your head to 3 and only then give your answer, because this pause of approximately 3

1 seconds is important for us to properly hear and record what you are saying.

2 If you have any questions during your testimony, do not hesitate to let us know by
3 raising your hand. We will then give you the opportunity to speak.

4 Madam Witness, have you understood all that?

5 THE WITNESS: [14:07:13] (Interpretation) Yes, it is.

6 PRESIDING JUDGE FREMR: [14:07:17] Thank you, Madam Witness.

7 So now I will give floor to Mr Bourgon, who is the main counsel of the Defence, who
8 will examine you.

9 Mr Bourgon, you have the floor.

10 MR BOURGON: [14:07:29] Thank you, Mr President.

11 Just before I begin, I would just like to clarify that because there are no protective
12 measures I intend to ask the witness to provide her name in public session. Thank
13 you, Mr President.

14 PRESIDING JUDGE FREMR: [14:07:45] No problem.

15 QUESTIONED BY MR BOURGON: (Interpretation)

16 Q. [14:07:57] How are you? Are you fine?

17 A. [14:08:04] Hello, I'm fine.

18 Q. [14:08:12] We know each other, but just for our court reporters I'm going to
19 introduce myself. My name is Stéphane Bourgon and I am Bosco Ntaganda's
20 Defence counsel. Do you understand that?

21 A. [14:08:30] Yes, I do.

22 Q. [14:08:33] I have a few questions to ask you on the personality and character of
23 Bosco Ntaganda. But I will, so that the Judges can really know who you are, I'm
24 going to ask you a few questions on your identity. I would first of all start off by
25 asking you your full name.

- 1 A. [14:09:11] Yes, my name is Musingo Lotsove Sarah.
- 2 Q. [14:09:30] In compliance with African customs, can I call you Maman Sarah?
- 3 A. [14:09:42] Yes, you may call me --
- 4 PRESIDING JUDGE FREMR: Hold on --
- 5 MS RABANIT: I'm sorry to interrupt --
- 6 PRESIDING JUDGE FREMR: [14:09:42] Hold on, Madam Witness. I see
- 7 Ms Rabanit on her feet.
- 8 Ms Rabanit.
- 9 MS RABANIT: [14:09:51] I'm just mindful of the transcript and I see in the English
- 10 transcript the second name of the witness is not properly transcribed. Maybe she
- 11 can hear it -- she can spell it.
- 12 PRESIDING JUDGE FREMR: [14:10:27] (Overlapping speakers) Maybe I would
- 13 rather ask Mr Bourgon to spell it out, and then Madam Witness could just confirm
- 14 that it is correct.
- 15 Madam Witness, please, Madam Witness, now please listen to Mr Bourgon whether
- 16 he is rightly spelling your name. Okay?
- 17 Mr Bourgon, please.
- 18 MR BOURGON: [14:10:48] (Interpretation) Thank you, your Honour.
- 19 Q. [14:10:57] The name is Sarah, S-A-R-A-H, with Musingo, which is
- 20 M-U-S-I-N-G-O, and then it's Lotsove, L-O-T-S-O-V-E. Am I right, Maman Sarah?
- 21 A. [14:11:34] Yes.
- 22 Q. [14:11:40] Maman, what's your ethnic group, to which ethnic group do you
- 23 belong to?
- 24 A. [14:11:49] Hema.
- 25 Q. [14:11:52] And what is your date of birth?

1 A. [14:12:06] 30 September 1977.

2 Q. [14:12:15] Let's start off by finding out where are you living now, what is your
3 current place of residence?

4 A. [14:12:49] It's been six months that I live in Mwene-Ditu, at 150 kilometres.

5 Q. [14:13:00] And where is your current place of residence now?

6 A. [14:13:16] Currently I live in Ituri. I live in Ituri, in the city of Bunia.

7 Q. [14:13:31] Have you planned to return to Bunia in a foreseeable future?

8 A. [14:13:43] Yes. I have actually reached the end of what I am here for and I will
9 return to Bunia. That's where I live.

10 Q. [14:14:00] And whom do you work with today?

11 A. [14:14:14] I went to work with an NGO called COOPI. I have a contract with
12 them, and now the contract has come to an end and this is why I would like to return.
13 I work with -- I was working with COOPI.

14 Q. [14:14:36] And what is your profession, Maman?

15 A. [14:14:51] First of all, I am a businesswoman in Bunia. Moreover, I'm also the
16 chairperson of the ladies football club, so I work for the football commission for Ituri
17 and I also work for the women's football team. I am the president of this group and
18 I'm also the president of the motorbikes association in the city of Ituri -- in the
19 province of Ituri.

20 Q. [14:15:38] Does this association of bike riders bear a name?

21 A. [14:15:46] Yes, it's called ATAMOV.

22 Q. [14:16:02] So may I suggest a spelling: A-T-A-M-O-V. Is that the right
23 spelling?

24 A. [14:16:08] Yes.

25 Q. [14:16:16] Maman, do you know the Mama Sarah school complex?

1 A. [14:16:24] Yes, I do. This is a school that I built. I am the promoter of this
2 school which we call the Mama Sarah school complex.

3 Q. [14:16:39] Where is this school located?

4 A. [14:16:52] The school was built in the Bakoko district in the city of Bunia.

5 Q. [14:16:59] And up to what classes do we teach in this Mama Sarah school
6 complex?

7 A. [14:17:18] You've got kindergarten. Primary school from the first year to the
8 sixth year. And there's also a secondary school from the first year of secondary to
9 the second year of secondary. And you also have a pedagogical option during
10 the -- from the third to the sixth year. And you also have administrator and
11 commercial streams as well.

12 Q. [14:17:47] How many students go to the Mama Sarah school complex, and since
13 when have you been running the school?

14 A. [14:18:13] I started in 2011. This is when I started the school, in 2011. With
15 regards to the number of children, about 400 students.

16 Q. [14:18:29] Maman, I'm now coming to the crux of your deposition and we are
17 going back to year 2002. Do you remember the events after Lompondo's departure
18 from Bunia?

19 A. [14:18:57] Yes, I do. Lompondo left Bunia because of the murders he had
20 committed in Bunia and the adjoining areas. So one day he left Bunia, Lompondo
21 left Bunia. And he just did not leave by himself, he was made to leave.

22 Q. [14:19:24] Maman, in this period when Lompondo fled Bunia, what was your
23 profession at that point of time?

24 A. [14:19:38] When Lompondo fled from Bunia, I was, I was selling beans at the
25 Bunia main market.

1 PRESIDING JUDGE FREMR: [14:19:54] Sorry to interrupt. One additional question:

2 And how old you have been that time, Madam Witness?

3 THE WITNESS: [14:20:09] (Interpretation) If I am not mistaken, at that time I was in
4 my twenties, about 26 or 28. And if I calculate - I was actually born in 1977 - so if
5 you calculate around 2000 you will know what age I am.

6 PRESIDING JUDGE FREMR: Thank you.

7 Mr Bourgon.

8 MR BOURGON: [14:20:41] (Interpretation) Thank you, your Honour.

9 Q. [14:20:44] When you were a shopkeeper at the main market, where were you
10 living?

11 A. [14:21:04] At that point of time I was living in the city of Bunia in the
12 Nyakasanza district.

13 Q. [14:21:22] And when you were working as a shopkeeper at the Bunia main
14 market, did you have other occupations like the president of the football club that you
15 just mentioned?

16 A. [14:21:42] No. At that point of time I was only selling beans in the market.
17 We had a small association of women shopkeepers in the market.

18 Q. [14:22:02] Can you tell us more about this association of women shopkeepers.
19 What was it all about?

20 A. [14:22:22] Yes. This was a women's association and in this association we were
21 providing mutual assistance. And it was all about helping each other out financially
22 as well. So if anyone had problems, we would help the person. And this is
23 precisely why we set up this women's association in the market.

24 Q. [14:22:55] And what was the name of this association and what role did you
25 play within this association?

1 A. [14:23:10] So in this, this was an association of women shopkeepers selling beans,
2 and I was their leader in a way.

3 Q. [14:23:28] Do you know an association called as *Association des Mamans de l'Ituri*,
4 Ituri's Mothers Association?

5 A. [14:23:49] *Association des Mamans de* what? I did not understand what you say.

6 Q. [14:23:56] I'm sorry, I'm going to repeat. It's *Association des Mamans de l'Ituri*,
7 Ituri's Mothers Association.

8 A. [14:24:06] Right. In Bunia there are many associations. For instance, we had
9 the bean sellers association. There are other associations that are of various types in
10 Ituri. We were the bean sellers association in the main market in Bunia and that was
11 my association.

12 Q. [14:24:38] Now, is there a link between the bean sellers association and the
13 UPC?

14 A. [14:25:02] Right. When we were selling our beans in the market, we weren't
15 linked to the UPC. But at some point of time some women were allied with the UPC.
16 And that was later, not when we were selling beans. This was after Lompondo's
17 departure, there were some women who worked with the UPC.

18 Q. [14:25:30] And you yourself, were you called to work with the UPC in the
19 capacity of you're a leader of this bean seller association?

20 A. [14:25:51] When we had our association of our women's bean sellers, yes, we
21 were there. But after Lompondo's departure, personally I worked with the UPC.

22 Q. [14:26:08] And when did you start working with the UPC?

23 A. [14:26:19] I was working with the UPC after Lompondo's departure. Yes, I
24 worked with the UPC at that point of time.

25 Q. [14:26:30] And what did you do with the UPC?

1 A. [14:26:42] I was in charge of fostering relations with the mamans, I was in
2 charge of relations with the other mothers.

3 Q. [14:26:58] I would like to show you a document, Maman.

4 Now this is a document with the number DRC-OTP-0089-0461. Now this document
5 is going to appear on the screen.

6 Could we have the document displayed on the screen, please.

7 THE COURT OFFICER: [14:27:23] Could you please indicate the level of
8 confidentiality.

9 PRESIDING JUDGE FREMR: [14:27:44] Ms Rabanit, no objection?

10 MS RABANIT: [14:27:45] No objection, your Honour.

11 PRESIDING JUDGE FREMR: Thank you.

12 MR BOURGON: [14:27:50] (Interpretation) I think the document can be made public.
13 If my counsel does agree, if the Prosecution has no objection, the document may be
14 shown publicly.

15 MS RABANIT: [14:28:01] *Pas d'objection, Monsieur le Président.*

16 PRESIDING JUDGE FREMR: [14:28:08] Thank you, noted.

17 MR BOURGON: [14:28:14] (Interpretation)

18 Q. [14:28:16] Maman, can you see the document on the screen?

19 A. [14:28:25] I can't see anything on the screen. Perhaps the document is still
20 going to appear.

21 PRESIDING JUDGE FREMR: [14:28:40] Court officer, or your assistant, could
22 somebody assist Madam Witness, or check that everything is okay.

23 Madam Witness, now can you see it?

24 THE WITNESS: [14:29:13] (Interpretation) Yes, I can.

25 PRESIDING JUDGE FREMR: [14:29:20] Thank you.

1 Mr Bourgon, please proceed.

2 MR BOURGON: [14:29:22] (Interpretation) Thank you, your Honour.

3 Q. [14:29:27] Maman, I'd like to draw your attention to the top portion of the
4 document, which is called, "A policy decision on the appointment of the members of
5 the mothers committee of UPC/RP". Can you see this?

6 A. [14:29:54] Yes, I can.

7 Q. [14:29:55] I draw your attention now to the bottom of the document where it
8 says Article 1 and mentions the people who have been nominated to the committee.
9 And you see the list of the names and their functions and you see there, "Responsible
10 for security: Maman Sara Musingo." Is that you?

11 A. [14:30:35] (No interpretation)

12 Q. [14:30:36] I would like to see the second page of the document on the screen,
13 please.

14 Now, you see the second page of the document with the four last figures 0462. Can
15 you see this?

16 A. [14:31:20] Yes, I can.

17 Q. [14:31:22] And I draw your attention to Article 3: The political decision will
18 enter into force on the date of its signature. And there you see 1 February 2003.
19 And then we see the signature of the secretary general of the UPC, Lola Lapi Faustin
20 Robert.

21 Have you seen this document before, Maman?

22 A. [14:31:53] Yes, I am familiar with this document.

23 Q. [14:32:00] And the date that we see there, 1 February 2003, does that tie in with
24 your recollection?

25 A. [14:32:10] Yes.

1 Q. [14:32:16] Had you at that time already started working with the UPC or was it
2 from then onwards? I'd like to have a sort of overview of your activities with the
3 UPC.

4 A. [14:32:36] I started working with the UPC from this date on.

5 Q. [14:32:48] And the person mentioned here, the secretary general, Lola Lapi, did
6 you know this person?

7 A. [14:33:02] Yes, I know this person.

8 Q. [14:33:07] Now, if I could return to the first page of the document, final figures
9 0461. Maman, we're going to turn back to the first page of this document. Please
10 let me know when you have it on your screen.

11 Can you see it?

12 A. [14:33:47] Yes, I can.

13 Q. [14:33:53] Maman, do you know the other people listed as members of the
14 committee here within the UPC?

15 A. [14:34:11] Yes, I know them.

16 Q. [14:34:15] What was the ethnic background --

17 PRESIDING JUDGE FREMR: [14:34:25] Hold on, Madam Witness.

18 Ms Rabanit.

19 MS RABANIT: [14:34:29] Thank you, Mr President. Yes, we oppose to this
20 question on the ground of relevance. It is irrelevant. This document is from
21 February 2003 and the ethnic belonging of the people is not -- is beyond the scope of
22 sentencing.

23 PRESIDING JUDGE FREMR: [14:34:52] Mr Bourgon, any reaction?

24 MR BOURGON: [14:34:54] (Interpretation) Mr President, I would like to oppose this
25 objection saying that it is not relevant. The witness is talking about her membership of

1 a group of several people and I think it would be useful to know this for the
2 testimony of this witness.

3 PRESIDING JUDGE FREMR: [14:35:23] Yes, I believe it might be relevant, so the
4 objection is overruled.

5 MR BOURGON: [14:35:30] (Interpretation)

6 Q. [14:35:40] Maman, could you perhaps take some of the people listed in this
7 document and give us their ethnicity, briefly just two or three names will do.

8 A. [14:36:02] Okay. These people listed here are people I know, such as, Maman
9 Jeanne Ligasi, she was president of a different association, she is Hema. Maman
10 Soni Cécile -- Wani Cécile, I worked with her too, she's a Luo. Josée Maruka, Luba.
11 If we go to Noela Matsisi, she's Lendu, we worked together. And Mama Sarah
12 Musingo, I am Hema. I know all these mamans. Maman Cécile was also Hema.

13 Q. [14:37:03] And Francine Losua?

14 A. [14:37:12] Maman Losua was also Djajambo.

15 Q. [14:37:21] What do you mean Djajambo?

16 A. [14:37:28] When you call them Djajambo, you say that -- you mean that
17 somebody not originally from Ituri. Congolese but not from Ituri.

18 Q. [14:37:44] Maman, during the period from 2002, did you meet Bosco Ntaganda?

19 A. [14:38:01] Yes, I did have occasion to meet him.

20 Q. [14:38:08] I would like now to cover a number of events and I would like to hear
21 from you whether you had contact with Bosco Ntaganda during these events. I'm
22 going to start by showing you a video.

23 We have a procedure which allows us to use the video or not, and I will give some
24 information to the Chamber and you will see that the video will appear.

25 MR BOURGON: [14:38:47] Mr President, I switch to English simply to ask for -- to

1 have the floor in order to show a video to the witness in accordance with the
2 procedure established in the Chamber's decision.

3 I will first begin by showing a short extract and this extract -- I will then ask a few
4 questions to the witness in order for her to acknowledge whether she meets the
5 requirements according to the decision on the conduct of proceedings.

6 With your leave, Mr President, can I proceed?

7 PRESIDING JUDGE FREMR: [14:39:29] Ms Rabanit, no objection? We use the
8 usual procedure?

9 MS RABANIT: [14:39:36] Mr President, I would just like to know which video the
10 Defence is intending to show.

11 MR BOURGON: [14:39:44] (Interpretation) It's DRC-OTP-0118-0002.

12 MS RABANIT: [14:40:05] No objection, Mr President.

13 MR BOURGON: [14:40:12] (Interpretation)

14 Q. [14:40:14] Maman Sarah, I would ask you to look at the screen in front of you.
15 I'm going to show you a brief extract, which goes from minute 00:46:35 to 00:47:03.
16 It's a very, very short extract. I would like this --

17 THE COURT OFFICER: [14:40:45] Will you please confirm that the document can be
18 shown in open session, meaning that the document is public.

19 MR BOURGON: [14:40:56] (Interpretation) With consent of my colleague, who
20 seems to be nodding, I think the answer to that is yes.

21 PRESIDING JUDGE FREMR: [14:41:07] All right. Let's proceed.

22 MR BOURGON: [14:41:11] (Interpretation) Thank you, your Honour.

23 Q. [14:41:19] If you would look now, we will play the extract from 46:35 to 47:03.
24 If you are ready, then we will play this.

25 (Viewing of the video excerpt)

1 MR BOURGON: [14:42:11] (Interpretation) For the record, I note that the video was
2 stopped at 47:04 precisely.

3 Q. [14:42:26] Maman, do you recognise the scene that you have just seen on the
4 screen?

5 A. [14:42:36] Yes, I recognise it.

6 Q. [14:42:42] Did you recognise any people in this extract?

7 A. [14:43:00] Yes, I did recognise some people in it that I know. The people who
8 got the party ready and I also saw myself in this video clip.

9 PRESIDING JUDGE FREMR: [14:43:17] Sorry to interrupt, Mr Bourgon.
10 Madam Witness, you said that you recognised the event. So could you just tell us
11 what is the event?

12 THE WITNESS: [14:43:40] (Interpretation) It was a party following the ceremony
13 awarding ranks.

14 PRESIDING JUDGE FREMR: [14:43:54] And timing, can you specify timing, what
15 year at least?

16 THE WITNESS: [14:44:10] (Interpretation) This took place some considerable time
17 ago, but if I recall correctly, it must have been 2004. There was a ceremony awarding
18 military ranks prior to this.

19 PRESIDING JUDGE FREMR: [14:44:35] Thank you, Madam Witness.
20 Mr Bourgon, please proceed.

21 MR BOURGON: [14:44:40] (Interpretation) Thank you, your Honour. On the basis
22 of the replies received from the witness, I would now like authorisation to continue in
23 this vain.

24 PRESIDING JUDGE FREMR: [14:44:58] Ms Rabanit, no objection? No objection?

25 MS RABANIT: [14:45:02] No objection, Mr President.

1 PRESIDING JUDGE FREMR: [14:45:04] Okay. Let's proceed.

2 MR BOURGON: [14:45:10] (Interpretation)

3 Q. [14:45:13] So Maman, in this -- in relation to the extract we've just seen, where
4 was this event taking place? That's my first question.

5 A. [14:45:36] This party was in Drodro.

6 Q. [14:45:43] And who was at this party?

7 A. [14:45:58] There were a lot of guests who had been invited to this party, a whole
8 range of people. Some came from Bunia, others from Mahagi, others from Djugu,
9 and there was a wide ethnic diversity among the guests.

10 Q. [14:46:25] Were there military personnel present or civilians or a mixture of the
11 two?

12 A. [14:46:42] There were soldiers and also civilians present. So it was a mixture of
13 military personnel and civilians.

14 Q. [14:46:53] During -- among the civilians, what sort of representation of ethnic
15 groups was there?

16 A. [14:47:12] Among the civilians, there were Hema, Lendu, Lulu and also some
17 people who were not from Bunia originally.

18 Q. [14:47:31] And among the military, what ethnic groups were represented?

19 A. [14:47:48] There was a mixture of ethnicities amongst the military personnel.

20 Q. [14:47:58] But what were the main ethnic groups amongst the soldiers?

21 A. [14:48:08] Amongst these soldiers, there would have been Lulu present because
22 there was an officer who was Lulu.

23 Q. [14:48:37] Were there UPC officers present?

24 A. [14:48:47] Yes, there were UPC officers attending the party. There were UPC
25 officers and civilians. It was a mixture.

1 Q. [14:48:59] Were there any Lendu soldiers present as far as you know?

2 A. [14:49:08] There were a lot of them at this party. There were Lendu officers
3 attending the party.

4 Q. [14:49:17] Do you know whether any speeches were given that evening?

5 A. [14:49:34] Yes, somebody gave a speech. There was administrator Ndjugu,
6 Tsachu Lylo.

7 Q. [14:49:50] Were you there when the speeches were given that evening?

8 A. [14:49:57] Yes, I was there in the room, but I was not there where the ceremony
9 for the ranks took place. I was only at the party.

10 Q. [14:50:20] And that's precisely what I wanted to know. When did this rank
11 ceremony take place in relation to this party and where did it take place?

12 A. [14:50:43] This ceremony was at Largu and the party was at the Drodro on the
13 same day.

14 Q. [14:50:54] During this party, was Bosco Ntaganda also present?

15 A. [14:51:05] Yes, Bosco Ntaganda was there.

16 MS RABANIT: [14:51:11] I'm sorry.

17 PRESIDING JUDGE FREMR: [14:51:13] Hold on, Madam Witness.

18 Ms Rabanit.

19 MS RABANIT: [14:51:16] I'm sorry to interrupt, but I just want to note that there's a
20 mistake in the English transcript and that the witness actually says, under the control
21 of Defence counsel, page 30, line 11, she said:

22 "Yes, I was there in the room, but I was not there where the ceremony for the ranks
23 took place."

24 The French is correct, but the English is incorrect.

25 PRESIDING JUDGE FREMR: [14:51:51] Mr Bourgon, could you confirm what

1 Ms Rabanit is saying. I don't have -- I just have the English translation in front of me,
2 which is as Ms Rabanit described. So there's something missing probably compared
3 to French version.

4 MR BOURGON: [14:52:12] (Interpretation) The French version is indeed correct.
5 The witness said that she was present at the party, but not at the ceremony which
6 took place at Largu. So if the English transcript is not correct, it needs to be changed.

7 Q. [14:52:51] (Interpretation) Maman Sarah --

8 PRESIDING JUDGE FREMR: [14:52:42] It will be. I thank both of you.
9 Please proceed, Mr Bourgon.

10 MR BOURGON: [14:52:48] (Interpretation) Thank you, your Honour.

11 Q. [14:52:51] Maman Sarah, the party you were at that evening, what was the
12 significance of this party? How important was it?

13 A. [14:53:22] It was that the people were happy because they'd given -- been given
14 their ranks. There were people who had been promoted. It was a big party.

15 Q. [14:53:35] And the fact that there were Lendu and Hema present at the same
16 time, was that something you thought important?

17 A. [14:53:59] At this party we invited the different ethnic groups because they
18 wanted to show that they were happy to celebrate with all the different groups. It
19 was a sign that we could live safely together.

20 Q. [14:54:24] I'd like now to show you some more of this video and ask for more
21 comments from you. I would like to start with a still from the video, and I would
22 like this to be from 00:55:42.

23 Can you see this picture?

24 A. [14:54:58] Yes, I can.

25 Q. [14:55:03] Who do you recognise in this picture?

1 A. [14:55:12] I recognise almost everybody in this picture. We see President
2 Floribert Kisembo (sic), Bosco Ntaganda and then we have Djokaba Lambi, the
3 president of the UPC, interim president at the time, and next to Bosco Ntaganda there
4 is Maman Akiki.

5 Q. [14:55:52] At the end, I simply want to ask for the extracts that I've shown to the
6 witness.

7 MS RABANIT: [14:56:08] I'm sorry.

8 PRESIDING JUDGE FREMR: [14:56:09] Ms Rabanit.

9 MS RABANIT: [14:56:11] Before that I would like if it's possible that the witness tell
10 us again who is in this photo because there is a discrepancy between the French and
11 the English again.

12 PRESIDING JUDGE FREMR: [14:56:28] Madam Witness, could you repeat it
13 because, yes, we have in English, we see Floribert Kisembo, Bosco Ntaganda and then
14 Djokaba Lambi, the president of the UPC, and next to Bosco Ntaganda there is a
15 Maman Akiki.

16 So could you just repeat.

17 Maybe if you see the picture, could you start from the left and then continue to the
18 right, repeating names of the person you can see on the picture.

19 THE WITNESS: [14:57:10] (Interpretation) So first we have the interim president of
20 the UPC, Djokaba Lambi, he's there; and then there is Floribert Ndjabu, the president
21 of FNI; and then Bosco Ntaganda; and then Madam Akiki, the wife of Mr Ntaganda.

22 PRESIDING JUDGE FREMR: [14:57:47] Thank you, Madam Witness.

23 Mr Bourgon, please proceed.

24 MR BOURGON: [14:57:55] (Interpretation) Thank you, your Honour.

25 Q. [14:58:00] Maman Sarah, the person on the right, the person you are referring to

1 as Madam Akiki, what sort of uniform was she wearing that evening?

2 A. [14:58:27] This was a very long time ago. Maman Akiki was sitting next to her
3 husband and she was wearing blue, if I recall correctly. But this was such a long
4 time ago, I -- I really don't remember.

5 Q. [14:58:58] Can you see well the person on the right of this picture?

6 A. [14:59:19] On this picture there are four people. Because the picture is a bit
7 dark. I can see Djokaba and in the middle I can see Floribert Ndjabu. Djokaba
8 Lambi is there.

9 Q. [14:59:47] But I'm talking about the person on the far right, can you identify that
10 person for us?

11 A. [15:00:11] I see Djokaba Lambi, but these pictures are a bit dark. That's all I can
12 really see.

13 Q. [15:00:22] I'm talking about the person on the far right of the picture, next to
14 Bosco Ntaganda.

15 A. [15:00:41] The screen is, it's very dark. It's a bit vague.

16 PRESIDING JUDGE FREMR: [15:00:47] Sorry to interrupt. I would like to add to
17 the record that I have to confirm that really the right down the corner of the picture is
18 quite dark and even partially blurred.

19 Mr Bourgon, please proceed.

20 MR BOURGON: [15:01:10] (Interpretation) Thank you, your Honour.

21 Q. [15:01:12] We'll now move to something else. Another shot.

22 (Speaks English) Mr President, for this one I would like to use the transcript and to
23 use the translation, so I'd like the video to be played with sound. But what I propose
24 to do is to read the transcript. Now the interpreters have all been given the
25 transcript and the translation and it's a very short extract, but just as a matter of time I

1 propose to read it myself if my colleague agrees.

2 PRESIDING JUDGE FREMR: [15:01:47] You mean in order to lay foundation for
3 using that?

4 MR BOURGON: [15:01:52] No, Mr President. I just want to show because now we
5 are into the same video, and I just want to use a one-minute extract that I will read
6 myself in order to save time and allow the interpreters a break in the --

7 PRESIDING JUDGE FREMR: [15:02:05] Now I understand.

8 Ms Rabanit, any objection to that?

9 MS RABANIT: [15:02:09] Yes. We would like the video to be played. If the
10 interpreters have the transcript, they can read from it.

11 THE INTERPRETER: [15:02:20] Message from the interpreters: Could we have the
12 line numbers, please.

13 PRESIDING JUDGE FREMR: [15:02:25] Yes. Now I got request from the
14 interpreters they would like to get the line.

15 MR BOURGON: [15:02:32] Indeed, Mr President. I will provide -- the interpreters
16 have been provided with a specific document exactly with the right lines. So I'm
17 referring now to the extract which is -- so, first of all, the minutes of the video that will
18 be played go from 00.55.27 until 00.56.51. This is the timestamp on the video.

19 The corresponding transcript bears the number DRC-OTP-2084-0092 and it is at page
20 0101, line 307 until page 0102, line 323.

21 We can play the video and it will be both in French and in Swahili.

22 PRESIDING JUDGE FREMR: [15:03:51] All right then.

23 MR BOURGON: [15:04:00] (Interpretation)

24 Q. [15:04:02] We are now going to play part of this particular video extract, and I'd
25 like to ask you to listen carefully while you view the video. We're ready to go and

1 this is from 00:5 to 00:51.

2 (Viewing of the video excerpt)

3 PRESIDING JUDGE FREMR: [15:05:22] But I'm sorry, I had no translation. I don't
4 know.

5 THE INTERPRETER: [15:05:25] Apologies from the interpreters. We cannot find
6 the transcript. Could counsel kindly repeat the reference number.

7 PRESIDING JUDGE FREMR: [15:05:33] Mr Bourgon, I'm sorry. Please try again.

8 MR BOURGON: [15:05:36] Mr President, can I just read the transcript? We made a
9 point of specifically providing one extract, one short extract, and it's in French and it's
10 in Swahili and it's a page and it's identified.

11 PRESIDING JUDGE FREMR: [15:05:51] Would it be maybe fine to find some
12 solution facilitating the problem? Ms Rabanit, I'm asking you for indulgence.

13 MS RABANIT: [15:06:01] Yes.

14 PRESIDING JUDGE FREMR: [15:06:03] It's not the fault of Mr Bourgon, it's not fault
15 of the Defence.

16 MS RABANIT: [15:06:06] There's no problem, Mr President.

17 PRESIDING JUDGE FREMR: [15:06:08] Okay.

18 Mr Bourgon, please proceed.

19 MR BOURGON: [15:06:11] Thank you, Mr President.

20 I will read the transcript in English and it goes from page --

21 (Counsel confer)

22 PRESIDING JUDGE FREMR: [15:07:09] And the message to court officer, this time
23 we lost now should be subtracted from the time granted to Defence.

24 Mr Bourgon, please proceed.

25 MR BOURGON: [15:07:21] Thank you, Mr President. I will say again the

1 references all together. I start with the video, which is the same video we are using
2 DRC-OTP-0118-0002. The minute is from 00.55.27 to 00.56.51. The transcript
3 reference is DRC-OTP-2084-0092, from page 0101, line 307 to page 0102, line 323.
4 The French translation is DRC-OTP-2084-0041 and the reference is page 0051, line 321
5 to page 0052, line 337.
6 I will proceed to read the French translation, starting at, as mentioned, line 321.
7 THE INTERPRETER: Sight translation.
8 MR BOURGON: (Interpretation)
9 "Change of view: Shot of an unidentified person.
10 Line 323: We all get up. We all agree? We call upon the president to rise, and we
11 too, we shall rise at the same time as he. [And in the room we see Bosco Ntaganda,
12 Floribert and other persons who get up and stand].
13 Bosco Ntaganda says: I would also like to rise with him. Here he is.
14 Line 327: Unidentified person: And ... and now we can now be seated ... I've said.
15 Line 328: Unidentified person: I would like the president to please come here.
16 Line 329: Okay. Slow and steady. Yeah. Now the person who is going to get up,
17 just a brief greeting and then he will be talking about some things that he knows.
18 [Then we see a shot of Floribert Ndjabu speaking to the people].
19 Line 332: FNN: UPC, hurrah!
20 All of the people: Hurrah!
21 Line 334: UPC, hurrah!
22 All the people: Hurrah!
23 Line 336: FNI hurray!"
24 THE INTERPRETER: End of sight translation.
25 MR BOURGON: [15:10:45] (Interpretation)

1 Q. [15:10:45] Now, ma'am, does that correspond to what you heard on the video
2 footage?

3 A. [15:10:55] Yes, it does.

4 Q. [15:11:00] I'd now like to move on to a different item of video footage and I'd
5 like to show you 00:59:57 and I'd like to ask you if you can identify the person who
6 can be seen at that timestamp. Do you recognise this person?

7 A. [15:11:42] The photograph is dark. Could you maybe play the sound?

8 Q. [15:12:01] I will be playing a short extract, a few seconds before and a few
9 seconds after. 59:55 to 59:59.

10 (Viewing of video extract)

11 THE WITNESS: [15:12:23] (Interpretation) Yes. I recognise this person, this Tsachu
12 Lylo, the administrator of Djugu.

13 MR BOURGON: (Interpretation)

14 Q. [15:12:34] And what was his ethnicity?

15 A. [15:12:40] He is a Lendu person.

16 Q. [15:12:45] I'd like to show you something else now, another short item of footage,
17 01:18:60 to 01:19:25. Please look at the video footage carefully, ma'am.

18 (Viewing of the video excerpt)

19 MR BOURGON: [15:13:42] (Interpretation)

20 Q. [15:13:44] Now, who are these people who are dancing?

21 A. [15:13:54] The people who are dancing are people who took part in the party. I
22 recognise the president of the FNI, Floribert Ndjabu, who is dancing with Maman
23 Christine, and I can also see Bishingi dancing with another person.

24 Q. [15:14:15] Now, who is Maman Christine? Do you know that person?

25 A. [15:14:24] Yes, I do know her. Maman Christine is a lady who works with me.

1 She came to the party to help us. She works with me. She even is still working
2 with me.

3 Q. [15:14:44] And what is the importance of seeing Floribert and Christine dancing
4 together? What's the significance of that?

5 A. [15:14:58] Yes. Well, it's a symbol that shows that we in the UPC are in favour
6 of reconciliation and peace and we are showing that the Lendu can dance. Well, it
7 was really just a symbol showing that there was peace. It was to -- for everyone to
8 see that we had achieved peace.

9 Q. [15:15:30] I'm thinking of a different item of footage now. Now I'll go to
10 01:20:38. Now, do you recognise this person in the middle who is wearing a
11 flowered dress?

12 A. [15:16:08] Could you play the video a bit further because it's dark and hazy.

13 Q. [15:16:18] I'll play from 01:20:36 to 40. Let's go ahead.

14 (Viewing of the video excerpt)

15 THE WITNESS: [15:16:43] (Interpretation) Okay. I recognise this lady. She's
16 wearing a pagne that is with a flowered print. Maman Nduka is her name. She's a
17 lady who is a trader at the Largu centre.

18 MR BOURGON: [15:17:10] (Interpretation)

19 Q. [15:17:10] And to your knowledge, was she part of the UPC?

20 A. [15:17:18] Yes. Maman Nduka was the lady who greeted people, be them
21 officers or others from the UPC. She was responsible for greeting people.

22 Q. [15:17:37] I'll move on to something else now and I'll show you 01:23:57, and
23 once again I'll be showing you four seconds of footage 01:23:55 to 01:23:59.

24 PRESIDING JUDGE FREMR: [15:17:58] Mr Bourgon, before doing that, I would like
25 to -- in order to assist organisation of the rest of your direct examination, according to

1 my information, you still have 15 minutes to complete your examination.

2 MR BOURGON: [15:18:14] (Interpretation) Thank you, Mr President.

3 (Viewing of the video excerpt)

4 MR BOURGON: [15:18:32] (Interpretation)

5 Q. [15:18:33] Now, did you see Bosco Ntaganda in this photograph?

6 A. [15:18:39] Yes, I did.

7 Q. [15:18:42] Were you able to recognise the person sitting beside him?

8 A. [15:18:57] Beside him, there's Floribert Ndjabu and beside Floribert you have the
9 acting president.

10 Q. [15:19:06] And the person on the other side of Mr Ntaganda, do you --

11 A. [15:19:18] Maman Akiki, the wife of Bosco Ntaganda.

12 Q. [15:19:26] I've finished with this particular video and now we'll move on to
13 something else.

14 Now, did people celebrate late into the night on that occasion?

15 A. [15:19:40] Yes. People drank, they ate and they celebrated late into the night.

16 Q. [15:19:49] Do you remember how late Bosco Ntaganda stayed?

17 A. [15:20:00] Okay. I remember quite well. Bosco Ntaganda celebrated with
18 everyone and at one point he and his wife left and we continued the party in the hall.
19 He was celebrating with us, but he didn't stay very late into the night. After a while,
20 he and his wife went back home and we stayed there and we continued to celebrate.

21 Q. [15:20:28] Now on the basis of your observations of Bosco Ntaganda during that
22 period of time, can you tell us about his attitude towards women?

23 A. [15:20:49] Bosco Ntaganda is a person who respects and he doesn't like things to
24 be sloppy or disorderly when it comes to women. He respects women a great deal.
25 He'd never -- he did not misbehave when women were around because he respected

1 himself.

2 Q. [15:21:13] Do you have any examples that you can share with us? Did you ever
3 see Bosco Ntaganda in the presence of women?

4 A. [15:21:30] When Bosco Ntaganda got to a particular place where there are
5 women, he would greet them in a very respectful manner and he would speak to
6 them with great respect. He's a person who didn't like things to be disorderly or
7 sloppy and his wife, Mrs Akiki, is also a very respectful person.

8 Q. [15:21:55] Do you know Bosco Ntaganda's family, did you know them at that
9 time?

10 A. [15:22:02] No, I didn't know the family. I just knew Bosco Ntaganda and his
11 wife, Akiki, and their child, Jemima, and the second child. So all I know about
12 Bosco Ntaganda's life is that there was him, his wife and the two children. The two
13 children were -- who had been born, they were there as well.

14 Q. [15:22:30] Did you have any other opportunities to see Bosco Ntaganda
15 speaking to people in general or to soldiers?

16 A. [15:22:46] Yes. There was one occasion in Mabanga. When he got to Mabanga,
17 he was there and he spoke to the population and he talked about peace, and he
18 showed the people that the work being done by soldiers was to fight to protect the
19 population and their environment, to protect them. So he talked about peace and he
20 talked to the people there.

21 That is what I remember about what he said when he gave that speech.

22 Q. [15:23:24] And that event in Mabanga, was that before or after the video footage
23 that we've just seen?

24 A. [15:23:35] It was after, after that video footage.

25 Q. [15:23:40] And what was the event exactly, do you remember the purpose of the

1 event?

2 A. [15:23:59] Yes. Yes, it was when there were some officers who were -- well,
3 some officers went, others didn't, and he asked the officers to go to Mabanga to take
4 care of some matters dealing with the other soldiers. And I think that is why he had
5 gone there. But since he was there, it was important for him to speak to the people.
6 That is why he gave that message to the people. It was a message of peace.

7 THE INTERPRETER: [15:24:37] "Peace and security" adds the interpreter from the
8 Swahili booth.

9 MR BOURGON: [15:24:48] (Interpretation)

10 Q. [15:24:50] Do you know the ethnicity of Bosco Ntaganda?

11 A. [15:24:55] All I know is that he's Congolese.

12 Q. [15:25:01] Do you know where he comes from in the Congo?

13 A. [15:25:14] I heard that he was from Masisi.

14 Q. [15:25:22] Now since -- well, Masisi, that's not in the Ituri region, is it?

15 A. [15:25:35] That's right.

16 Q. [15:25:38] What was the attitude of people to Bosco Ntaganda at that time?

17 A. [15:26:00] Everywhere, all the people in Ituri, be it the Lendu people, the Hema
18 people or Ngiti people, people respected him a lot and liked him a lot because of the
19 peace and the security that he brought to the region. That is why people liked him
20 and admired him.

21 Q. [15:26:25] Ma'am, now, when Bosco Ntaganda left Ituri, who helped him leave?

22 A. [15:26:40] When Bosco Ntaganda left Ituri, that was when people were looking
23 for him and the people helped him. It was the Ngiti people who helped him and
24 protected him and crossed -- had him cross over. Some Ngiti people. The Ngiti
25 people are in an area south of --

1 THE INTERPRETER: [15:27:04] (Inaudible).

2 THE WITNESS: [15:27:05] (Interpretation) They were the ones who helped him cross
3 over so he wouldn't be arrested. The Ngiti people helped him.

4 MR BOURGON: (Interpretation)

5 Q. [15:27:21] When Bosco Ntaganda left Ituri, what was people's reaction?

6 A. [15:27:42] Up until now, people still regret. Well, subsequent to the situation,
7 we people are quite regretful. When he was there, he helped people. They could
8 live their normal lives. Very few people died. Of course there was the war, but up
9 until that day, people still miss him because all that we have in the Ituri region is one
10 killing after another. It's much more serious now.

11 Q. [15:28:20] We only have a few moments, ma'am. Do you have any particular
12 recollection of a time when Bosco Ntaganda was in contact with you and any
13 particular event that might, that might remain in your memory?

14 A. [15:28:36] Yes. Given the assistance that Bosco Ntaganda provided us, my son
15 is still alive today. There were a number of massacres, massacres by Lompondo and
16 his group. After I -- after those massacres, I met with Ntaganda 45 kilometres away
17 from Bunia around Marabo, and Bosco saw me there. I was crying, and he said,
18 "Why are you crying?" And I said, I said to him, "The enemy have killed my entire
19 family, but I heard that my son is in the hands of the enemy." And at that time Bosco
20 helped me. He spoke to a military authority and he asked that person to help me so
21 that I should find my son.

22 Q. [15:29:41] And were you able to find your child? And you say a son in French,
23 but how many children do you have, ma'am?

24 A. [15:29:55] I have two children. A girl, and that child, I had that child after the
25 process whereby Bosco asked the soldiers to help me and that was -- they put in place

1 a strategy to find my child who is still alive.

2 Q. [15:30:20] What are the names and ages of your two daughters?

3 A. [15:30:31] Yes, Salama Dodunga (phon), that is my first daughter. She's
4 26 years old today. And the other daughter is Rebecca. She is 11 years old.

5 Q. [15:30:49] And which one was abducted at that time?

6 A. [15:30:54] The first daughter was abducted.

7 Q. [15:31:04] And what was the last time you spoke to Bosco Ntaganda?

8 A. [15:31:23] What do you mean by that?

9 Q. [15:31:24] Do you remember the last time that you spoke personally to
10 Bosco Ntaganda? When was that?

11 A. [15:31:38] Yes. A month and a half ago or two months ago, unless I'm mistaken.
12 I spoke to him then.

13 Q. [15:31:50] You chatted with him. What was that all about? What happened
14 exactly?

15 A. [15:32:01] We spoke and, well, the way acquaintances chat, you ask the person,
16 how are you doing? There was nothing bad about our conversation.

17 PRESIDING JUDGE FREMR: [15:32:19] Mr Bourgon, your time has expired. Please
18 finish this briefly, okay? I still give you three, five minutes, but please complete your
19 examination.

20 MR BOURGON: [15:32:28] (Interpretation) I've almost finished, your Honour.

21 Q. [15:32:37] Maman, are you Bosco Ntaganda's family member?

22 A. [15:32:50] (No interpretation)

23 Q. [15:32:54] Why did you accept to come here and speak about Bosco Ntaganda?
24 That's my last question.

25 A. [15:33:14] This is because it's important to speak the truth and share the

1 experience we actually had so that we can speak and people are aware.

2 Q. [15:33:28] And what is the truth, what is this truth?

3 MR BOURGON: I'm finished, Mr President.

4 THE WITNESS: [15:33:39] (Interpretation) The truth is that there are so many things
5 that have been said that are untrue. Bosco Ntaganda is someone who helped people.
6 There were a lot of murders, yes, but Bosco Ntaganda made a lot of efforts to stop
7 these murders. But we were very surprised when we spoke about this violence.
8 When we saw -- what we saw Bosco Ntaganda is someone who really cannot commit
9 such violent crimes and this has really disturbed us, and this is precisely why we
10 thought that it's important to basically tell the world that he is not the person as one
11 would describe him to be.

12 MR BOURGON: [15:34:31] (Interpretation) Thank you, Maman. I do not have any
13 further questions.

14 PRESIDING JUDGE FREMR: [15:34:38] Mr Bourgon, before we break, do you want
15 to tender video excerpts and translation into evidence?

16 MR BOURGON: [15:34:45] Yes, Mr President. And I would like to tender the exact
17 ones that I used today and nothing more. I can start with the first extract that I used
18 which as --

19 PRESIDING JUDGE FREMR: [15:34:54] I think we can just refer to all extracts you
20 used.

21 MR BOURGON: [15:34:58] And the stills. That's why I announced at the
22 beginning.

23 PRESIDING JUDGE FREMR: [15:34:59] Yes, exactly.

24 MR BOURGON: [15:35:00] Only what I used and nothing more.

25 PRESIDING JUDGE FREMR: [15:35:03] Court officer, is it sufficient for you if you

1 just can refer to all what has been played and showed, including also translation read
2 out by Mr Bourgon? No need to specify it again?

3 THE COURT OFFICER: [15:35:16] It is sufficient, Mr President. Just for the record,
4 the Defence has used nine extracts? I have them all, including the transcript and the
5 translation.

6 PRESIDING JUDGE FREMR: [15:35:28] Before I decide, Ms Rabanit, are you okay
7 with admission of those documents?

8 MS RABANIT: [15:35:34] We are, your Honour.

9 PRESIDING JUDGE FREMR: [15:35:35] So those video excerpts and translation used
10 by, all of them used by Mr Bourgon during the direct examination are admitted into
11 evidence as a further Defence exhibit.

12 Now we will break for 30 minutes, which means that we will continue five minutes
13 after four with cross-examination conducted by Prosecution.

14 THE COURT USHER: [15:36:02] All rise.

15 (Recess taken at 3.36 p.m.)

16 (Upon resuming in open session at 4.08 p.m.)

17 THE COURT USHER: [16:08:41] All rise.

18 Please be seated.

19 PRESIDING JUDGE FREMR: [16:09:24] Well, before we move to cross-examination
20 of Madam Witness, I will render the Chamber's oral decision on Prosecution's request
21 for reconsideration for a discrete portion of the Chamber's decision on request for
22 admission of evidence related to sentencing from the bar table.

23 Yesterday the Prosecution filed a request for reconsideration of a discrete portion of
24 the Chamber's bar table decision with filing number 2402. The Prosecution's request
25 has filing number 2404.

1 The Chamber instructed the Defence and legal representatives to submit any
2 responses by email by noon today. No responses were submitted.

3 In its request, the Prosecution seeks reconsideration of the Chamber's rejection of one
4 document in the bar table decision. The Chamber rejected admission of document
5 DRC-OTP-0151-0305, which was put forward as a June 2004 letter from the then
6 director of MONUC in Ituri to Thomas Lubanga. It did so on the basis that its
7 relevance to the sentencing proceedings had not been sufficiently established, noting
8 that the letter did not mention Mr Ntaganda or the UPC/FPLC.

9 The Prosecution seeks reconsideration on the basis of two facts which it submits that
10 the Chamber appears to have overlooked: First, that the author refers to "*vos miliciens*"
11 or "*les vôtres*" in the letter which the Prosecution identifies as a reference to UPC/FPLC
12 troops under Mr Ntaganda's command.

13 And second, that the letter is closely related to an earlier similar letter from the same
14 person addressing the same conduct by UPC/FPLC soldiers that the Chamber found
15 *prima facie* relevant and admitted as sentencing evidence. The Prosecution submits
16 that the documents relevant to the sentencing proceedings has been sufficiently
17 established in light of these two facts.

18 With reference to its decisions with filing numbers ending with 483 and 2308
19 the Chamber recalls that reconsideration is an exceptional measure and that it will
20 only reconsider a decision if a clear error of reasoning has been demonstrated or if it
21 is necessary to do so to prevent an injustice.

22 The Chamber considers that no error was made and there is no injustice to be
23 prevented.

24 In its request, the Prosecution point to the fact that the letter was sent to Mr Lubanga
25 and refers to conduct of his troops. It avers that therefore this letter does specifically

1 refer to the conduct of the soldiers of Thomas Lubanga's UPC/FPLC militia, that's it,
2 the UPC/FPLC troops under then chief of staff Bosco Ntaganda. However,
3 the Chamber recalls that the Prosecution requested admission of the item on the basis
4 that the document is relevant to the evidence of Witness D-0020 and D-0047 regarding
5 Mr Ntaganda's alleged good cooperation with MONUC in 2004.

6 The letter does not refer to Mr Ntaganda or his personal conduct and even less so to
7 any cooperation of Mr Ntaganda with MONUC, be it good or bad. Instead, the letter
8 refers to locations and persons that have not been previously discussed during the
9 trial.

10 As regards the letter from the same director of MONUC dated 21 June 2004, which
11 the Chamber considered to be *prima facie* relevant, the Chamber notes that this letter
12 was submitted by the Prosecution specifically in relation to Witness D-0047's
13 testimony and because it refers to D-0047's alleged lack of cooperation with MONUC.
14 The letter was admitted on that basis. The fact that this letter referred to D-0047's
15 alleged lack of cooperation does not make another letter that does not refer to
16 Mr Ntaganda relevant for Mr Ntaganda's alleged lack of cooperation. The Chamber
17 therefore rejects the Prosecution's request for reconsideration.

18 That concludes the Chamber's ruling.

19 And now we can move to cross-examination of our witness.

20 Madam Witness, just allow me to remind you that you are still under oath, so as I
21 instructed you, you have still to speak truth and nothing but the truth. And because
22 all parties here, Defence and Prosecution, are equal, so regardless of the fact that
23 you are called by Defence, you have to respond questions put to you by Prosecution
24 in the same way.

25 Do you understand, Madam Witness?

- 1 THE WITNESS: [16:16:19] *Ndiyo*.
- 2 PRESIDING JUDGE FREMR: [16:16:28] Sorry, I heard "ndiyo", which with my
3 knowledge of Swahili is "Yes". But I would like to have it confirmed from --
- 4 THE INTERPRETER: [16:16:35] Yes.
- 5 PRESIDING JUDGE FREMR: [16:16:38] Yes, fine. Okay.
- 6 So, Ms Rabanit, you have the floor.
- 7 MS RABANIT: [16:16:42] Thank you, Mr President.
- 8 THE WITNESS: [16:16:45] (Interpretation) Yes, I am ready.
- 9 QUESTIONED BY MS RABANIT: (Interpretation)
- 10 Q. [16:17:00] Hello, Madam.
- 11 A. [16:17:03] Hello.
- 12 Q. [16:17:06] So we met last Friday. My name is Marion Rabanit and I am going
13 to ask you a few questions on behalf of the Prosecution, the OTP.
- 14 A. [16:17:30] Right.
- 15 Q. [16:17:36] You also go by the name Sangote. Am I not right in saying so?
- 16 A. [16:17:45] Yes, that's true.
- 17 MS RABANIT: [16:17:56] Excuse me, I ask for your indulgence, I have issues
18 identifying the right channel for the language.
- 19 PRESIDING JUDGE FREMR: [16:18:13] Court officer I think is going to assist you.
- 20 THE COURT OFFICER: [16:18:43] (Interpretation) Can the Swahili booth speak in
21 French in the French channel, please.
- 22 Once again.
- 23 THE INTERPRETER: Swahili booth, Swahili booth, this is the Swahili booth
24 speaking.
- 25 (Pause in proceedings)

- 1 PRESIDING JUDGE FREMR: [16:20:41] Is everything okay, Ms Rabanit?
- 2 MS RABANIT: [16:20:45] (Interpretation) Yes, I can hear you loud and clear.
- 3 PRESIDING JUDGE FREMR: [16:20:50] I am sorry, Madam -- Ms Rabanit, for
4 inconvenience. Obviously in this regard we have, we have bad luck today, but at
5 least both parties have been treated equally, both faced the problem. Hopefully it's
6 the last one.
- 7 Ms Rabanit, please proceed.
- 8 MR BOURGON: [16:21:10] (Microphone not activated)
- 9 PRESIDING JUDGE FREMR: [16:21:11] Mr Bourgon.
- 10 MR BOURGON: [16:21:12] (Microphone not activated)
- 11 PRESIDING JUDGE FREMR: [16:21:18] You also have problem.
- 12 All right, Mr Bourgon? Fine.
- 13 So now really, finally, Ms Rabanit, please proceed.
- 14 MS RABANIT: [16:21:48] Thank you, Mr President.
- 15 Q. [16:21:49] (Interpretation) Sorry for this interruption, Madam Witness.
16 I request you to spell out the name that you go by.
- 17 A. [16:22:07] S-A-N-G-O-T-E.
- 18 Q. [16:22:28] Thank you, Witness. Witness, you made a written statement to
19 the Defence this year in the month of May. Am I not right?
- 20 A. [16:22:39] Yes, I did.
- 21 Q. [16:22:50] And this statement was signed, you signed this statement?
- 22 A. [16:22:53] Yes, absolutely.
- 23 Q. [16:22:54] And you said that in this declaration you stated the truth to the best of
24 your knowledge?
- 25 A. [16:23:04] Yes, I did.

1 Q. [16:23:15] During the first interview with the Defence, you said that you were
2 not part of the UPC; am I right?

3 A. [16:23:29] I just explained that at one point of time UPC had started and I wasn't
4 a member at that time. And before Lompondo left I wasn't a member of the UPC,
5 but when Lompondo fled I became a member of the UPC, so you see there is a nuance
6 to this.

7 Q. [16:23:54] I understand, Madam. You explained this. When you spoke to
8 the Defence you clearly said that you were not a member of the UPC; am I right?

9 A. [16:24:08] I wasn't a member of the UPC. I would say that when UPC was set
10 up, when Lompondo reigned over Bunia, I wasn't a member. It's after he left that I
11 became a member of the UPC.

12 Q. [16:24:31] Witness, when you said for the first time to the Defence that you were
13 a member of the UPC, it was when the Defence showed you a document where you
14 appeared as one of the members; am I right? And it was five days before.

15 A. [16:24:57] I haven't understood your question.

16 Q. [16:24:59] The first time you told the Defence team that you were a member of
17 the UPC, it was during the preparatory session. Am I right in saying so?

18 A. [16:25:13] The truth is what I'm continuing to say. UPC operated for a long
19 time. I can actually divide this into two parts, a part when I wasn't a member and
20 a part where I was effectively a member.

21 Q. [16:25:39] The first time when you said that you were a member of the UPC to
22 the Defence team, it was when the Defence team showed you a document, a UPC
23 document where your name appeared, and this was five days before. Am I right in
24 saying so?

25 A. [16:25:59] I had to give details to the Defence team. I couldn't say that I was

1 a member of the UPC as of its inception, but I was a member of the UPC for a period
2 of time in -- when UPC was set up I was not a member, but towards the end, I
3 became a member.

4 Q. [16:26:34] Witness, I am changing the subject now.

5 When the Defence counsel showed you a video that we just viewed, you talked about
6 someone called Christine. Do you remember?

7 A. [16:26:57] Yes, I do.

8 Q. [16:26:58] Could you please give us her full surname?

9 A. [16:27:15] I do not know her full name. I know Christine, and the only name I
10 know is that she is Christine, she goes by Christine.

11 MS RABANIT: Sorry, I ask for your indulgence for a minute, your Honours.

12 Q. [16:28:23] (Interpretation) When I saw this video, Witness, you spoke about
13 another lady called Maman Nduka; am I right?

14 A. [16:28:36] Yes, it's Maman Nduka.

15 Q. [16:28:42] Is that her name or does she just go by that name?

16 A. [16:28:54] It's her name. It's the name that people used to call her. Perhaps
17 she has a surname, but the name that is known by one and all when you actually go
18 there and if you call her by that name people will recognise the name Maman Nduka.

19 Q. [16:29:22] And you don't know her full name, Witness?

20 A. [16:29:30] It's hard for me to know her full name, because I never heard anyone
21 call her by another name. Perhaps she has another name and I don't know, but the
22 name that is commonly used to refer to her is Maman Nduka. That's the only name I
23 know.

24 Q. [16:29:53] It's not a problem, Witness. If you do not know, you can say that
25 you do not know.

1 When the Defence counsel asked you questions, we saw that you were a member of
2 the UPC Mothers Association as the security officer; am I right?

3 A. [16:30:21] Yes, I was. That was me.

4 Q. [16:30:29] And this document, and according to you this dates -- this document
5 dates back to 1 February 2003. Do you recall?

6 A. [16:30:47] Yes, this document dates back to 2003.

7 Q. [16:30:58] The *Mamans de l'UPC* were officially a part of the UPC; is that correct?

8 A. [16:31:16] I'm sorry, I didn't understand your question.

9 Q. [16:31:19] The *Mamans de l'UPC*, that was a group of the UPC, was it not? It
10 was an official part of the UPC, it was in the statutes of the UPC; is that correct?

11 A. [16:31:35] Yes, they were officially nominated.

12 Q. [16:31:42] And in the statutes of the UPC there was one of the three branches
13 which was responsible for the organisation of the masses, of the population; is that
14 correct?

15 A. [16:32:08] Could you explain that a bit to me, please? What organisation are
16 you referring to? Could you give me an example?

17 Q. [16:32:16] Sorry, I will try to be clearer. When I talk of the organisation I talk of
18 the UPC. What I am saying is the Maman of the UPC is one of the branches within
19 the UPC responsible for organising the masses or the population. Is that correct,
20 Madam Witness?

21 A. [16:32:45] Yes. When something bad happens which prevents mothers from
22 working, this group officially was the organisation, the group that said what the
23 women could do, what they could -- how they could work.

24 Q. [16:33:14] But the *Maman de l'UPC* did more than that, did they not? The
25 *Maman de l'UPC* helped the UPC armed forces during the war, for example, by

1 feeding the soldiers. Is that not correct?

2 A. [16:33:36] No. The work of the Maman was not to feed the UPC troops. If
3 they needed food, they went to the market and bought it for themselves. They
4 bought their own food with their own money. So they went to the market where
5 they bought what they needed to eat at the market.

6 MS RABANIT: [16:34:11] Mr President, I would like to make a request, for which I
7 would like the sound to be cut for the witness.

8 PRESIDING JUDGE FREMR: [16:34:17] Madam Witness, could you kindly get off
9 your headphones.

10 So I guess, Ms Rabanit, you will make this request in English, because I understood
11 that Madam Witness understands partially French, so to be safe.

12 MS RABANIT: [16:34:52] Yes, your Honour, absolutely. What I intend to do now is
13 to put to the witness the testimony of another witness who has testified publicly in
14 another case on this particular question that I -- suggestion that I put to the witness.

15 PRESIDING JUDGE FREMR: [16:35:13] (Microphone not activated)

16 THE INTERPRETER: [16:35:24] Microphone, please.

17 PRESIDING JUDGE FREMR: [16:35:26] -- this person, just to have chance to Defence
18 to react, what testimony you would like to refer to, at least to specify pseudonym of
19 this witness, or.

20 MS RABANIT: [16:35:39] Absolutely, my apologies. This is witness who is in this
21 case Witness D-47, and who was in the Lubanga case Witness D-19.

22 PRESIDING JUDGE FREMR: [16:35:53] Defence, any objection to that request?

23 MR BOURGON: [16:35:58] Well, Mr President, my colleague is requesting
24 permission, as she must do, but I would like to know what is the relevance of going
25 through Witness D-47 with this witness? This is part of -- this is part of the -- of

1 a request. What part, so that we can look at it and then we can say yes or no? But
2 just to say I intend to go to the testimony of a witness is insufficient, Mr President.

3 PRESIDING JUDGE FREMR: [16:36:25] Or maybe to specify a topic you would like
4 to explore.

5 MS RABANIT: [16:36:38] Yes, Mr President.

6 This is item 12 on the list of documents to use for today's cross-examination. And
7 the relevance is to put to the witness, who has just denied my suggestion, the
8 explanation that a senior UPC politician has on the exact subject that she is denying.
9 He says something that is directly contradictory.
10 And the Defence has the exact pages that I propose to put to the witness.

11 PRESIDING JUDGE FREMR: [16:37:14] Mr Bourgon.

12 MR BOURGON: [16:37:15] No objection, Mr President.

13 PRESIDING JUDGE FREMR: [16:37:17] All right. Then we can proceed.

14 Madam Witness, please take your headphones on. Thank you very much. Thank
15 you.

16 MS RABANIT: [16:37:34] (Interpretation)

17 Q. [16:37:37] Thank you, Madam. Do you remember what we were talking about?
18 We were talking about the fact that I was proposing the fact that the UP -- the *Mamans*
19 *de l'UPC* sometimes fed the UPC troops. Do you recall that that is what we were
20 discussing?

21 A. [16:38:01] Yes, I recall what you were saying, but I will give the answer. But I
22 would say that the UPC soldiers spent their own money buying their food, they went
23 to the market where they spent their own money on buying food. It was not the
24 women who gave food to the troops.

25 Q. [16:38:27] Thank you, Madam, I have understood what you say.

1 You talked earlier to Mr Djokaba Lambi Bébé, you know him through the -- as the
2 interim president of the UPC; is that correct?

3 A. [16:38:52] I said Djokaba Lambi, he was the interim president.

4 Q. [16:38:58] Exactly, and I will read what he stated during the trial of Mr Lubanga
5 about the *Mamans de l'UPC*, so please listen while I read this out and then I will ask
6 you a question. Is that okay?

7 PRESIDING JUDGE FREMR: [16:39:17] And for the record, Ms Rabanit, please
8 specify the document and the pages, the part of the document you will be reading to.

9 MS RABANIT: [16:39:31] Yes, Mr President.

10 So it is item 12 on the list of documents to be used during cross-examination. The
11 number of the document is transcript 341 for the Lubanga case, so this is
12 ICC-01/04-01/06-T-341, and I am going to read in French. I will start from page 9 at
13 line 20.

14 PRESIDING JUDGE FREMR: [16:40:10] All right.

15 MS RABANIT: [16:40:16] (Interpretation)

16 Q. [16:40:17] So I will read this testimony. Please listen carefully. Thank you.
17 "Do you know a group" -- sorry, question from the person asking a question at the
18 time:

19 "Do you know a group called the UPC Mothers?"

20 Reply: "Yes."

21 Question: "Very briefly, who are they?"

22 Answer: "The UPC Mothers are all the mothers who were involved, committed to
23 the cause of the organisation, to supporting their organisation.

24 Among all these mothers there were mothers who were saleswomen who could
25 provide food when the UPC required food for the army. They could provide food

1 on credit and then claim payment. So these were mothers who would help the
2 organisation for a good cause, for the cause that the UPC was pursuing."

3 I then move on to page 2 of the French version of page -- sorry, I complete my reading
4 of line 2 of the French version, page 10.

5 Madam Witness, do you maintain your answer that the UPC Mothers did not help
6 feed the troops of the UPC?

7 A. [16:42:03] I -- I have understood, reading the page with the women's names for
8 working with the UPC, if you look at that list these are not all the women who
9 worked at the market. There were other names on this list nominated by the UPC
10 who worked in the administration, for example. There were two or three who
11 worked at the market. So this was not a problem.

12 If the UPC needed food, they went and bought food from the Maman at the market.

13 If they needed to get it on credit there was not a problem. But not all the women
14 worked at the market are on this list, only two or three, probably.

15 Q. [16:43:13] And did the UPC Mothers remain loyal to Thomas Lubanga when
16 Kisembo left? Is that correct?

17 A. [16:43:43] I haven't understood correctly, could you repeat the question.

18 Q. [16:43:50] When Floribert Kisembo left the UPC at the end of the 2003, did the
19 UPC mothers remain loyal to the UPC under Thomas Lubanga; is that correct?

20 A. [16:44:09] You know that there were a lot of women and others came later to join
21 them, to help them, so the women whose names are on the list were loyal right until
22 the end. If there were others who were not loyal, then they were people who had
23 not been officially nominated. They had joined the movement but were not officially
24 nominated as such. The ones who were officially nominated remained loyal.

25 Q. [16:44:50] Did you remain loyal to Thomas Lubanga, UPC; is that correct?

- 1 A. [16:44:56] Yes, after my nomination I remained faithful to the party UPC.
- 2 Q. [16:45:09] And when Thomas Lubanga was arrested in 2005 and held in
3 Kinshasa, the association of UPC Mothers supported him; is that correct?
- 4 A. [16:45:39] I was -- because they were nominated and accepted to work with the
5 UPC, they had it in their hearts, they held it in their hearts until today even.
- 6 Q. [16:46:01] Madam Witness, are you still a member of the UPC today?
- 7 A. [16:46:14] Yes.
- 8 Q. [16:46:22] You even were a candidate for the elections in Ituri under the UPC in
9 2015; is that correct?
- 10 A. [16:46:42] Yes, in 2015 I was a candidate, but the elections didn't take place in
11 the Congo.
- 12 Q. [16:46:55] You were a candidate for the UPC; is that correct?
- 13 A. [16:47:04] Yes.
- 14 Q. [16:47:26] Madam Witness, I would like to move back in time now to 2002.
15 Were you in your community responsible for identifying young people to be
16 recruited into the UPC?
- 17 A. [16:47:59] Could you please repeat your question, I didn't understand it
18 properly.
- 19 Q. [16:48:04] I would like you now to think back to 2002. Were you, in your
20 community, tasked with recruiting soldiers for the UPC?
- 21 A. [16:48:27] I'm not familiar with this matter.
- 22 Q. [16:48:33] So you were not responsible for identifying people who could be
23 recruited by the UPC. Have I understood your reply correctly?
- 24 A. [16:48:47] I am not familiar with this, recruitment to the UPC was nothing to do
25 with me. In 2002, that time there was a lot of killing and people were enrolling

1 voluntarily, they didn't have to be pushed to do so. They were joining up

2 voluntarily.

3 MS RABANIT: [16:49:18] Mr President, I would like to make submissions and I

4 would like for the witness to not be able to hear them.

5 PRESIDING JUDGE FREMR: [16:49:26] All right.

6 Madam Witness, I am asking you kindly again, please could you again remove

7 headphones from your head. Thank you very much.

8 Madam Rabanit, we are ready.

9 MS RABANIT: [16:49:43] I'm very sorry, Mr President.

10 So what I propose to do is the same exercise I did before, but this time with a witness

11 who testified in this case. I want to put for impeachment purposes the testimony of

12 Witness P-55. Actually, I am going to ask you to go into private session, maybe I

13 will speak more freely then.

14 PRESIDING JUDGE FREMR: [16:50:17] All right.

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

16 Just for the public, we have to move to private session in case that there a risk that

17 one -- some of the protected witnesses, his or her identity could be revealed.

18 Ms Rabanit, how much time you think we will spend in private session, just to inform

19 public? Just estimation.

20 MS RABANIT: [16:50:41] Five minutes.

21 PRESIDING JUDGE FREMR: [16:50:43] All right.

22 So now, court officer, please let's move into private session.

23 Mr Bourgon.

24 MR BOURGON: [16:51:06] Thank you, Mr President, my colleague --

25 PRESIDING JUDGE FREMR: [16:51:08] Maybe hold on, we are still in open.

1 (Private session at 4.51 p.m.)

2 THE COURT OFFICER: [16:51:11] We now are in private session, Mr President.

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Sentencing Hearing
WITNESS: DRC-D18-P-0305

(Private Session)

ICC-01/04-02/06

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21 (Open session at 5.00 p.m.)

22 THE COURT OFFICER: [17:00:22] We are back in open session, Mr President.

23 PRESIDING JUDGE FREMR: [17:00:40] Thank you, court officer.

24 Ms Rabanit, please proceed.

25 MS RABANIT: [17:00:48] Thank you.

1 Q. [17:00:52] (Interpretation) A few moments ago you told us that you were the
2 president of the taxi moto driver's association in Ituri; is that correct?

3 A. [17:01:04] Yes.

4 Q. [17:01:08] And many demobilised fighters are now part of that association; isn't
5 that so, Ma'am?

6 A. [17:01:23] There are many associations for people who are driving taxis and
7 motos. I think there's six associations of drivers. And the one that I lead, I can't say
8 that the people are former combatants who are members of my association.
9 I'd like to inform you that in my association we have people from North Kivu who are
10 members of the association of the taxi drivers, drivers of taxis and motos. They are
11 different.

12 Q. [17:02:05] My question is a simple one. You are the president of this
13 association and you know that a great number of people who are driving taxi motos
14 are demobilised combatants; is that true or false?

15 A. [17:02:28] In my association, most of the members are from the North Kivu area.
16 There aren't many people from Ituri. Most of the members of my association are
17 originally from North Kivu.

18 MS RABANIT: [17:03:11] I ask for a minute of your indulgence, your Honours.

19 PRESIDING JUDGE FREMR: [17:03:16] No problem.

20 (Counsel confer)

21 MS RABANIT: [17:03:33] (Interpretation)

22 Q. [17:03:35] Sorry about the interruption, Ma'am.

23 Now, Ma'am, you yourself are a demobilised combatant, aren't you?

24 A. [17:03:57] When the DDR people went through Ituri, demobilisation did occur.
25 Even if you just had a Motorola, that was a tool that you had to hand over necessarily.

1 Q. [17:04:16] Let me put the question to you differently. You yourself are
2 a demobilised combatant of the FPLC, aren't you?

3 A. [17:04:31] When the DDR came through, I was at home, and at home my brother
4 was a soldier. And when DDR people went by I gave them the Motorola, the
5 Motorola that my brother had at home, so I could get some money.

6 Q. [17:05:05] Your brother was demobilised and he was a FPLC combatant; is that
7 correct?

8 A. [17:05:17] Yes, he was a soldier.

9 Q. [17:05:28] I would like to show you a document now and I just need a few
10 moments to organise matters.

11 MS RABANIT: [17:05:59] Mr President, I would like to show the witness the
12 document which is item 19 on the list of documents to use during cross-examination
13 at page -- so the reference ERN is DRC-OTP-0141-0009 at page 0102.

14 PRESIDING JUDGE FREMR: [17:06:33] Defence, any objection?

15 MR BOURGON: [17:06:38] Mr President, the Defence has no objection, but we'd like
16 to note for the record that we received a notice of the use of this list at 3 hours and
17 12 minutes this afternoon. And I stand to be corrected, but there was not even
18 a page number. So this is a multi-page document I think. But we have no objection,
19 because it is a document that is admitted in evidence.

20 Thank you, Mr President.

21 PRESIDING JUDGE FREMR: [17:07:06] I get the point.

22 Ms Rabanit, maybe also you can comment Mr Bourgon's, not complaint, but his last
23 statement why you were so late.

24 MS RABANIT: [17:07:25] Yes, we apologise, your Honour.

25 We just found this document late, that's why we are putting it on the list late. But in

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(Open Session)

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1 view of its importance, and --

2 PRESIDING JUDGE FREMR: [17:07:42] All right, we will believe you. Okay then,
3 please proceed.

4 MS RABANIT: [17:07:55] I will ask the court officer to please put the document on
5 the screen for the witness to see. (Interpretation) If we could please go to the first
6 page of the document. My mistake.

7 Q. [17:09:00] Ma'am, can you see the document on your screen?

8 A. [17:09:09] Yes.

9 Q. [17:09:12] So here we have a list with names of members of the FPLC. If we
10 could go to the last page, I think you'll see at the bottom of this page there is a stamp
11 and there is a date, 11 December 2004, done in Bunia, and then there's a signature and
12 it says "Major General Bosco Ntaganda". Do you see this list, Ma'am?

13 A. [17:10:14] Yes, I see it. But I have to ask a question. I would like to know
14 what this is all about.

15 Q. [17:10:26] This is a list, Ma'am, a list of militia members who belonged to the
16 UPC, 2002, and it's signed by Bosco Ntaganda.

17 MS RABANIT: [17:10:50] The English transcripts --

18 PRESIDING JUDGE FREMR: [17:10:52] Hold on, Ms Rabanit, hold on.
19 Mr Bourgon.

20 MR BOURGON: [17:10:55] Thank you, Mr President.

21 We would just like to obtain clarification that when the list was shown to the witness
22 it was indicated that it was from 2004, but now the question is put with respect 2002.
23 So if my witness can clarify it, please. Thank you.

24 PRESIDING JUDGE FREMR: [17:11:11] Ms Rabanit, please.

25 MS RABANIT: [17:11:14] Absolutely, there was a mistake in the English transcript.

1 PRESIDING JUDGE FREMR: [17:11:19] Noted. Thank you.

2 MS RABANIT: [17:11:29] (Interpretation)

3 Q. [17:11:29] This a list, a list of the names of militia members signed by

4 Bosco Ntaganda, and I'd like to draw your attention to page 0102.

5 I'd like to draw your attention to 2560, entry 2560.

6 Entry 2560 --

7 PRESIDING JUDGE FREMR: [17:12:22] Court officer, could we highlight that line,

8 2560? It's not possible?

9 Okay, please, proceed. It's not possible, I was told.

10 THE COURT OFFICER: [17:12:37] The court usher will help the witness,

11 Mr President.

12 MS RABANIT: [17:13:06] (Interpretation)

13 Q. [17:13:09] Ma'am, entry 2560 on this list -- list, name, I see the following:

14 Lotsove Sara. Rank, private. Duty, rifleman.

15 Are you reading the same thing as me, Ma'am?

16 A. [17:13:39] I see that. This is in writing, but the writing doesn't tell the truth. I

17 think that you have to tell the truth. I was never a soldier with Ntaganda. I think

18 that this must be another Lotsove Sarah. That's not me at all. Even if you were to

19 ask the question to anyone, anyone will tell you that I never was a soldier with

20 Ntaganda. I see this document, but this is not true. Maybe someone added my

21 name and erased another name and is passing this off as if it were me.

22 Q. [17:14:34] So you took part in the demobilisation programme, didn't you tell us

23 that, Ma'am; is that right?

24 A. [17:14:49] I said clearly here that I handed over the Motorola that belonged to

25 my brother who was a soldier, that Motorola that I handed over so I could get some

1 money. But me, I was never a soldier. When I see "Lotsove Sara" here, I think that
2 this is another Lotsove Sarah. It's not me, not at all.

3 Q. [17:15:25] And what year was it that you took part in the demobilisation
4 programme.

5 A. [17:15:37] Well, I'm sure you realise that it was a long time ago, a person can't
6 remember all that time back. But in Bunia many people, even if you got some kind
7 of cartridge and handed it over, you could get some money. Because at that time
8 a lot of people who weren't soldiers but had some military weaponry or tools could
9 surrender the item and get money.

10 MS RABANIT: (Overlapping speakers)

11 THE INTERPRETER: [17:16:17] Message from the interpreter: Overlapping
12 speakers.

13 THE WITNESS: [17:16:24] (Interpretation) The demobilisation occurred twice in
14 Ituri. The first -- it was the first demobilisation, that was when it was.

15 MS RABANIT: [17:16:46] (Interpretation)

16 Q. [17:16:47] I'll move on to something else now, Ma'am, another topic. Do you
17 know a person Jean Logo Dhengachu? You know that person, don't you?

18 A. [17:17:15] Maybe if I saw a photograph of him I could tell you whether I knew
19 him or not. Because there's a lot of people with Logo as a name and, if you don't
20 know the person's post-name, you can't be sure which Logo you're talking about.

21 Q. [17:17:31] I'll repeat, because I think I gave the post-name already, but I don't
22 think it was properly understood: Jean Logo Dhengachu, D-H-E-N-G-A-C-H-U.

23 A. [17:18:01] Well maybe if I saw his photograph I could tell you whether I know
24 him or not. But if you just throw out the name, I really can't be sure that I can give
25 you the right answer.

1 Q. [17:18:16] This is one of your relatives, actually, Ma'am. Do you remember that?
2 You're the sister of his mother.

3 A. [17:18:45] Could you give me the person's complete identity, because we have
4 a big family?

5 Q. [17:19:16] I'll give you the source of my information, Ma'am. In actual fact, it is
6 something that came out of a conversation, a telephone conversation between this
7 gentleman and Thomas Lubanga. And this gentleman mentioned you, Sarah, and he
8 said that you were a candidate for an election, election to the provincial assembly in
9 Ituri, and he said that you were the sister of his mother. He also said that you work
10 in the same school as Christine. Does that refresh your memory as to how you're
11 linked to this person Jean Logo?

12 A. [17:20:19] I have many family members. If you were to show me his identity.
13 This Christine you mention, she works with me at -- in my home. But I don't really
14 understand why you're talking about Jean Logo and whether you would like me to
15 answer. This is what I don't understand, really.

16 PRESIDING JUDGE FREMR: [17:20:46] Ms Rabanit, I believe that we heard enough
17 on this topic from witness, please move.

18 MS RABANIT: [17:20:57] I am guided, Mr President. Thank you.

19 Q. [17:21:11] (Interpretation) When the Defence counsel asked you the question
20 you confirmed that you had spoken to Bosco Ntaganda this year over the telephone;
21 isn't that so?

22 A. [17:21:25] Yes.

23 Q. [17:21:26] And you told us right away that you didn't say anything bad; isn't
24 that so?

25 A. [17:21:35] Yes.

1 Q. [17:21:36] The last time you spoke to him it was a month and a half ago; isn't
2 that so?

3 A. [17:21:49] Yes, unless I'm mistaken.

4 Q. [17:21:56] How many times did you speak to him this year, in general terms?

5 A. [17:22:08] Well, we have spoken. I can't tell you exactly how many times, once.
6 But we try to talk to one another. Sometimes he would call me and we would chat,
7 and I myself would call him sometimes and we would talk.

8 Q. [17:22:24] So when he called you would he call you directly, directly from his
9 telephone to yours?

10 A. [17:22:38] No. Some people would call me and they would say to me that he
11 wanted to talk to me. And I answered and we would talk to one another.

12 Q. [17:22:50] Can you give us the name or names of these people, Ma'am?

13 A. [17:23:10] When he needed to speak to me I would be called on the phone from
14 here. How could -- how can I know the names of people here in The Hague?

15 Q. [17:23:27] So someone was calling you directly from The Hague to you on your
16 telephone?

17 A. [17:23:35] Yes, someone would call me and would say to me "Bosco wants to
18 talk to you. Are you willing?" and I would say "Yes." And then we would talk and
19 after the conversation that would be the end of the call. That's how it happened.

20 Q. [17:23:54] And you would talk about times in Ituri, right?

21 A. [17:24:05] Yes, we would talk about Ituri. He would ask me questions about
22 my various acquaintances.

23 Q. [17:24:21] Your various acquaintances. Could you elaborate, please?

24 A. [17:24:33] Yes, he would call and he would ask me for news about my family,
25 because, well, given the good things he had done to help my family, it was thanks to

1 him that my child is still alive. So he would ask a few questions about my family,
2 how the children were doing, and that's all.

3 Q. [17:24:59] How many times did he call you to ask you for news about your
4 family? More than five, 10 times? Ten times? Give us a range, if you could.

5 A. [17:25:21] Well, I told you I can't be specific how many times it was. He called
6 several times. I don't know exactly how many times. He called me and we would
7 talk.

8 Q. [17:25:45] And how many times did you call him?

9 A. [17:25:54] Sometimes I would call him as well, but I don't know exactly how
10 many times. But I did call him for a while, a number of times.

11 Q. [17:26:09] Could you tell us whether it was twice or 50 times?

12 A. [17:26:19] No, not 50 times. Not two times either. A number of times.

13 Q. [17:26:32] Would you -- did you talk about the fact that you were going to be
14 coming here to testify on behalf of Mr Bosco Ntaganda?

15 A. [17:26:49] Never, we never talked about that.

16 Q. [17:26:52] So you spoke to him several times this year and you were coming
17 here, you have come here today, but you never talked about the fact that you were
18 going to be coming here to give testimony on his behalf today?

19 A. [17:27:17] I was surprised when I was consulted to come and give testimony
20 here, because before I would talk about, well, nothing else. We never talked about
21 me coming here to give testimony.

22 Q. [17:27:36] Thank you for answering my questions, Ma'am.

23 PRESIDING JUDGE FREMR: [17:27:39] Thank you, Ms Rabanit, for quite efficient
24 way of examination.

25 Mr Bourgon, any request for redirect?

1 MR BOURGON: [17:27:54] Indeed, Mr President, for a few questions. And I can
2 indicate to the Trial Chamber exactly what I intend to address, and it's simply --

3 PRESIDING JUDGE FREMR: [17:28:02] But before doing that, how much time you
4 think you will need?

5 MR BOURGON: I would say 10 minutes at the most.

6 PRESIDING JUDGE FREMR: [17:28:06] Yes, I think it would be fine, 10 minutes
7 would be fine. So please go ahead.

8 MR BOURGON: [17:28:10] Thank you, Mr President.

9 QUESTIONED BY MR BOURGON: (Interpretation)

10 Q. [17:28:17] I do have a few questions for you, Ma'am, just to follow up on the
11 questions that were put by the Prosecutor. My first question is as follows: My
12 learned friend put some questions about a video that we saw today and you
13 identified Maman Nduka in that video footage and you also identified Christine.
14 Were these two different people?

15 A. [17:28:53] Yes, Mrs Nduka and Christine are two separate people.

16 Q. [17:29:00] Page 62, lines 9 to 12, you were put some questions about the role of
17 the ladies who were working with the UPC, the Maman. In your own experience,
18 these ladies who were part of the *Comité des Mamans de l'Ituri*, did you ever see them
19 giving food to the troops of Bosco Ntaganda?

20 A. [17:29:33] No. These ladies who were appointed to the UPC, the ones who
21 were with me during the nomination, I told you that not all of them were ladies
22 working in the market. Some -- well, there were only two or three ladies who had
23 been working at the market, and the UPC would buy supplies, food, at the
24 marketplace using their own money. Sometimes they would bargain. They would
25 bargain at the market and it was -- well, it was dealings between the client and the

1 trader.

2 Q. [17:30:17] You were asked some questions about the fact that you had been
3 a candidate for the UPC. Do you know when the UPC became a political party?

4 A. [17:30:42] Well, I do know that at one point the UPC became a political party.
5 As for the number of years that had gone by, well there was one time when the UPC
6 became a political party. I don't remember exactly when that was.

7 Q. [17:31:04] And when you were approached to become a candidate for the UPC
8 political party, who approached you at that time to run in the election?

9 A. [17:31:27] No one. I myself wanted to be a candidate for the UPC party. No
10 one consulted me. I myself was the one who went to the party office to register as
11 a candidate of the UPC.

12 Q. [17:31:53] Page 71, line 21 till page 72, line 7, we spoke about demobilisation. I
13 would like to know what did you do after you gave the Motorola to get some money
14 after the DDR came to your place?

15 MS RABANIT: [17:32:24] (Overlapping speakers)

16 PRESIDING JUDGE FREMR: Hold on, Madam Witness.

17 (Overlapping speakers)

18 MS RABANIT: I object on the ground of relevance, Mr President. I'm not sure what
19 the Defence elicit, but it may be outside of the scope of what's relevant for sentencing
20 at this stage.

21 PRESIDING JUDGE FREMR: [17:32:50] I think we -- please proceed, it's fine with
22 me. Please proceed.

23 MR BOURGON: [17:32:54] (Interpretation) Thank you. Thank you, your Honour.

24 Q. [17:33:03] So was this a common practice that you witnessed?

25 A. [17:33:14] Yes. In Ituri, even if you were never -- if you have never been

1 a soldier and if you had military equipment, even a uniform or a Motorola, or
2 a weapon or a cartridge, when you would actually give it to the DDR, they would
3 give you money. And this is precisely why many people, even though they were
4 never soldiers, when they would bring military equipment in and hand it over, they
5 would get money. And even former soldiers could, you know, distribute such
6 equipment to the family so that they could actually turn it in and get money.

7 PRESIDING JUDGE FREMR: [17:34:06] (Overlapping speakers) And one additional
8 question from my part: Was it so easy, Madam Witness, to get military equipment if
9 somebody was not with the army, as you are saying now?

10 THE WITNESS: [17:34:23] (Interpretation) Yes, if one of your family members was
11 a soldier, then he could actually give you his weapon or a Motorola, and with this
12 Motorola you could give it to -- you could hand it in to earn money.

13 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon. Please proceed.

14 MR BOURGON: [17:34:48] (Interpretation) Thank you, your Honour.

15 Q. [17:34:52] We have seen the documents where you have been appointed at the
16 UPC Mothers Association. In 2004 were you still -- did you have the same position
17 as a security officer within the Mothers of the UPC Association?

18 A. [17:35:20] Could you please repeat the question.

19 Q. [17:35:22] In 2004 were you still part of the UPC committee, the UPC Mothers
20 Committee?

21 A. [17:35:36] Yes.

22 Q. [17:35:42] Now, with regards to the telephone conversation with
23 Bosco Ntaganda, when did you have the first conversation with him, if you can
24 recall?

25 A. [17:36:01] To the best of my memory, it was -- perhaps I could be mistaken, but

1 it was last year.

2 Q. [17:36:21] We asked you a question on a certain Mr Jean Logo. Do you know
3 if --

4 A. [17:36:39] Now, that's exactly where I asked to be given the full identity of Jean
5 Logo. Logo is a very common name in my family. There are so many Logo in my
6 family and Jean is his Christian name, so this is precisely why I wanted the complete
7 identity. And if you -- if the photo was available I would like to see it.

8 Q. [17:37:15] Does your sister have a son called Jean Logo?

9 A. [17:37:29] Amongst my sisters, no, none of them have a son called Jean Logo.

10 Q. [17:37:39] One last question, Witness. I'd like to come back to the
11 demobilisation. You said the DDR came to your place, and, to the best of your
12 knowledge, was the UPC involved in the demobilisation process?

13 A. [17:38:01] Yes. In fact many people gave weapons. UPC soldiers gave
14 weapons and people surrendered their weapons in fact. And people who wished to
15 do military service continued doing so.

16 Q. [17:38:22] Thank you so much for having replied to my questions.

17 PRESIDING JUDGE FREMR: [17:38:39] Thank you, Mr Bourgon.

18 Ms Rabanit, any request for re-cross? No, I expect.

19 MS RABANIT: No, Mr President.

20 PRESIDING JUDGE FREMR: Thank you.

21 Madam Witness, it means that your testimony is completed, so on behalf of the whole
22 Chamber I would like to thank you for coming and for testifying before the Court. I
23 hope and I believe that your testimony will assist us in our upcoming decision.
24 I wish you a safe trip back home. But before you leave the courtroom, I was told by
25 court officer that you are interested to meet Mr Ntaganda. Is it, is it correct?

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1 THE WITNESS: [17:39:23] (Interpretation) Yes, I would like to, very much so. If
2 you allow me.

3 PRESIDING JUDGE FREMR: [17:39:32] Yes, since your testimony is completed, I
4 don't see also any objection to that.

5 Parties, no objection, I guess? All right.

6 So thank you.

7 (The witness is excused)

8 PRESIDING JUDGE FREMR: [17:39:39] And as regards organisation of tomorrow's
9 session, so we have going to start at 9.30. Again our schedule will be, I would say,
10 quite tight, so I hope that you will keep this perfectly efficient style of examination
11 both counsel made today. Again, I thank both of them for that.

12 I also thank interpreters because our -- at least our afternoon sessions, both of them
13 were quite long.

14 So thank you and see you tomorrow, 9.30.

15 THE COURT USHER: [17:40:16] All rise.

16 (The hearing ends in open session at 5.40 p.m.)