

Trial Hearing

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
 2 Trial Chamber VI
 3 Situation: Democratic Republic of the Congo
 4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
 5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
 6 Judge Chang-ho Chung
 7 Trial Hearing - Courtroom 2
 8 Thursday, 14 July 2016
 9 (The hearing starts in open session at 9.32 a.m.)
 10 THE COURT USHER: All rise.
 11 The International Criminal Court is now in session.
 12 Please be seated.
 13 PRESIDING JUDGE FREMR: Good morning everybody.
 14 Court officer, please call the case.
 15 THE COURT OFFICER: Thank you, Mr President.
 16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
 17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
 18 We are in open session.
 19 PRESIDING JUDGE FREMR: Thank you.
 20 Now appearances, and if there are no changes you can just refer to yesterday composition.
 21 Ms Solano.
 22 MS SOLANO: No changes, your Honour.
 23 PRESIDING JUDGE FREMR: Thank you, Ms Solano.
 24 Defence.
 25 MR BOURGON: (Interpretation) Good morning, your Honour, good morning,

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 your Honours, as well as everybody else present in the courtroom. No change on the
2 Defence side this morning. Mr Ntaganda is present. Thank you.

3 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

4 Legal Representative of Victims, please.

5 MS PELLET: (Interpretation) Thank you, your Honour. For the former child soldiers
6 no change.

7 MR SUPRUN: (Interpretation) Good morning, your Honour. No change for the
8 victims of the attacks either.

9 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you, Mr Suprun.
10 And the legal adviser of our witness, please.

11 MR VON BÓNÉ: Correct, your Honour, no changes on my side as well.

12 PRESIDING JUDGE FREMR: Thank you, Mr von Bóné.

13 Now, we can -- good morning, Mr Witness. So we will continue with your examination.

14 And one point, important point, it's my duty to remind you that you are still under oath,
15 which means that you have to speak the truth and nothing but the truth. I guess it's clear
16 to you.

17 WITNESS: DRC-OTP-P-0769 (On former oath)

18 (The witness speaks French)

19 THE WITNESS: (Interpretation) Yes, your Honour.

20 PRESIDING JUDGE FREMR: So Ms Solano, you have the floor. And as I said
21 yesterday you have at your disposal 51 minutes, sharp. And please bear in mind that
22 this time also include time needed for using some evidence with the witness, playing
23 video and so on. So you have the floor.

24 MS SOLANO: Thank you, your Honour.

25 QUESTIONED BY MS SOLANO: (Continuing)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. Good morning, sir. Can you hear me? Can you hear me? Can you please speak
2 into the microphone. Can you hear me?

3 A. Yes.

4 MS SOLANO: Your Honour, may we go into private session, please.

5 PRESIDING JUDGE FREMR: All right.

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

7 (Private session at 9.35 a.m.) *(Reclassified partially in public)

8 THE COURT OFFICER: We are in private session, Mr President.

9 PRESIDING JUDGE FREMR: Thank you, court officer.

10 Ms Solano, please proceed.

11 MS SOLANO: Thank you, your Honour. I call a document, it's a photograph,

12 DRC-OTP-2066-0307.

13 Q. Sir, the court officer will display a photograph and I want you to look at it and tell
14 me whether you recognize it.

15 A. Yes, I recognize it.

16 Q. What does it show?

17 A. It shows myself, and my other militia brothers in (Redacted).

18 Q. There are some structures visible on the right of the photograph. What are they?

19 A. It -- those are huts, little huts that we built to rest in in the camp in -- in our barracks.

20 Q. Are these the huts that you referred to as manyata?

21 A. Yes. In Congo we call that manyata. In Rwanda they were called chivara (phon)
22 and we built some there as well.

23 Q. What kind of weapons are visible in this photograph?

24 A. They're AK-47s.

25 Q. Can you tell us the names of the people who appear on this photograph?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 A. Yes, I'm sitting down, and I'm pointing my weapon toward the sky. And
2 (Redacted). And the one who's sitting after
3 (Redacted), I can't remember his name.

4 Q. Do you mean the person on the, who is sitting at the bottom of the photograph on
5 the left, is that the person whose name you don't remember?

6 A. Yes, yes, on the left. On the left with (Redacted). And right in front
7 of me -- or, correction, right behind me it is (Redacted).

8 Q. Sir, do you mean the person who is holding a gun pointing --

9 A. (Speaks English) Just behind me. (Interpretation) Just behind me, standing with
10 a weapon, and his weapon is pointing toward the sky. And to his right we called him
11 (Redacted). I don't know his actual name, *(Redacted).

12 Q. Do you mean the person (Redacted)?

13 A. The one (Redacted), to the right of (Redacted).

14 Q. Is that the person who's holding a gun pointing downwards?

15 A. Yes, he has a weapon and it's pointed toward the ground and he -- there's a -- there's
16 a *singe (phon), there's a knife at the end of his rifle. *He put it forward and opened his
17 knife. And right behind (Redacted), standing, is a person called (Redacted). He is
18 now (Redacted).

19 Now, the one who's sitting *next to (Redacted), *he was a young man, he was a militiaman
20 who was there on site in (Redacted). We were told that he had been (Redacted)
21 (Redacted).

22 Now, the one who's behind him, (Redacted), and he has a tache-tache shirt with short
23 sleeves (Redacted), his name is (Redacted), and those were (Redacted) that we
24 found in (Redacted).

25 To his left the man with the weapon toward the ground, he has a (Redacted), a kind of

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted), that's (Redacted).

2 And behind him, with a brown and white tache-tache T-shirt, I can't remember his name,
3 he was there when we arrived.

4 And the man who is pointing toward the hole, this canal, with his weapon on his thighs I
5 don't remember his name, but we were with him as well in Rwanda.

6 With a (Redacted), behind colonel (Redacted), I don't remember his name. He was with
7 us in Rwanda but I don't remember his name.

8 Q. Sir, are you familiar with the uniforms that your unit is wearing in this photograph?

9 A. Yes. Those were the UPC uniforms.

10 Q. How about the three individuals who are wearing (Redacted), are those UPC
11 uniforms as well?

12 A. No, (Redacted)

13 (Redacted)

14 (Redacted).

15 Q. You mentioned that (Redacted). Was it normal or was it rare for AK-47s
16 in the UPC to be -- to have a knife?

17 A. Well, some weapons had them and others didn't.

18 MS SOLANO: Thank you, your Honour. I seek to tender this photo into evidence.

19 PRESIDING JUDGE FREMR: Defence, any objection?

20 MR BOURGON: No, Mr President.

21 PRESIDING JUDGE FREMR: All right. Picture ERN specified by Ms Solano is
22 admitted into evidence as a further Prosecution exhibit.

23 MS SOLANO: Thank you, your Honour.

24 I am now going to refer to some evidence that the witness gave yesterday, I'm going to
25 refer to page 102 of the French transcript.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)?

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted).

14 Q. (Redacted)?

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted).

21 Q. Sir, were there any kadogo at your position in (Redacted)?

22 A. Yes, there were some.

23 Q. What were their names?

24 A. Well, even (Redacted), he was a child soldier,

25 he was very young.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. How old was (Redacted)?

2 A. Well, he was under 18 years of age. I can't be more precise, but he was a child.

3 Q. Were there other kadogos in your unit?

4 A. There were some who were even younger than (Redacted). I knew one young
5 fellow who was really very, very young.

6 Q. What were their ages?

7 A. (Speaks English) 14, 13. (Interpretation) 14, 13 years old.

8 Q. What makes you say that they were that age?

9 A. Well, once I was talking with one of them and I said, "When did you quit school?"
10 And he said he was in first year of secondary school and the other said he was in fifth year
11 of elementary school, primary school. It was one time when we were near a source, it
12 was hard to get enough water to wash, and so we were in a position called (Redacted).
13 We were on watch duty, we were watching out, we were look-outs. And some of them
14 were taking a bath and I was talking to them and I asked them about their schooling, and
15 it was based on that conversation that I was able to evaluate their age.

16 Q. Did they carry weapons?

17 A. Yes. Yes, each one had a weapon, had their own weapon.

18 Q. Do you know how they had come to join the UPC?

19 A. No, I don't know their story. They were in the UPC when I met them.

20 Q. Did (Redacted) have any kadogos in his -- under his command?

21 A. Well, we were under his command, yes.

22 Q. Did he have any others apart from these three that you have talked about?

23 A. Well, it was those three that I knew precisely and I knew that they were children,
24 those three in our unit.

25 Q. Were the two kadogos whose names you don't remember boys or girls?

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 A. They were boys. One of them's name was (Redacted). I just remembered the name.

2 Q. Do you remember the name of the other one?

3 A. They were from (Redacted), but I -- I can't remember their names of the other two.

4 Q. Do you know how long before joining the UPC they had been in the fifth year of
5 elementary school and the first year of secondary school?

6 A. I'm afraid I didn't understand your question.

7 Q. That's okay. I'm actually going to move on to another question.

8 Sir, was there a system of discipline in the UPC?

9 A. Yes.

10 Q. (Redacted)?

11 A. (Redacted).

12 Q. (Redacted)?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted).

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted).
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted).
16 (Redacted)
17 (Redacted).
18 (Redacted).
19 Q. Sir, excuse me, what did they whip him with?
20 A. Actually they were sticks, they were piece -- sticks of wood. They were flogged
21 and they were hit violently. (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted) And he pointed his weapon at him and he said "I'm going to shoot you." *And
3 he killed Kpaki point-blank, right there, on site. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted).

7 Q. Sir.

8 A. So the type of punishment; there was arrests, assassinations, summary
9 assassinations. That was frequent. Thank you.

10 Q. (Redacted)?

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)."

19 Q. (Redacted)

20 (Redacted)?

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)?

2 (Redacted)

3 (Redacted).

4 MS SOLANO: Your Honour, we can move into open session. I plan to play video

5 DRC-OTP-0082-0016.

6 PRESIDING JUDGE FREMR: All right then.

7 Court officer, let's move into open session.

8 (Open session at 10.06 a.m.)

9 THE COURT OFFICER: We are in open session.

10 And the video will be displayed on the evidence 2 channel.

11 PRESIDING JUDGE FREMR: First question, what excerpts do you want to play?

12 MS SOLANO: Your Honour, I'm going to play consecutively three excerpts without

13 sound before I ask the witness any questions, and they will be 08.00 to 09.17; 31.03 to 31.20;

14 and 33.06, 33.13.

15 Q. And, sir, while this video plays can I ask you to focus because I will ask you whether

16 you can identify the place, including some buildings that are visible, and the people, and

17 what they are doing.

18 PRESIDING JUDGE FREMR: Defence, any objection?

19 MR BOURGON: No objection.

20 PRESIDING JUDGE FREMR: Fine.

21 THE COURT OFFICER: I just would like to double-check with you that the video is

22 public?

23 MS SOLANO: Yes.

24 (Viewing of the video excerpt)

25 MS SOLANO: We're now playing the second excerpt.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 (Viewing of the video excerpt)

2 MS SOLANO: And the third excerpt.

3 (Viewing of the video excerpt)

4 MS SOLANO:

5 Q. Sir, do you recognize the location shown on these images?

6 A. Yes. Yes, apparently.

7 Q. What is it?

8 A. That's in Mandro.

9 Q. Where in Mandro?

10 A. Apparently in the school in Mandro. Primary school in Mandro.

11 Q. There were some people standing around in military uniform. Could you tell who
12 they were and what they were doing?

13 A. I recognize Commander Bosco himself. And the short one with a red beret I'm not
14 sure, but I think it's Commander Mugisa Muleke. The others I don't recognize, not even
15 the soldiers. And the civilians I didn't know.

16 Q. There were some buildings visible in the video. Do you recognize them?

17 A. Yes, they are the school buildings. I don't know if at our time it was the same size,
18 but that is the school.

19 MS SOLANO: For the record, the short person with a red beret appeared at timestamp
20 33.13.

21 I'm now going to play another excerpt also without sound, the timestamps are 18.19 to
22 19.29.

23 Q. And sir, can I ask you to focus on whether you can identify any of the weapons
24 visible.

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 MS SOLANO:

2 Q. Sir, were you able to recognize the weapons visible there?

3 A. Yes.

4 Q. What were they?

5 A. First of all, AK-47s, GPMG, machine guns, they are light machine guns, mortar.

6 But there is a weapon that I would like to see in a vertical position or a different position
7 so that I can recognize it better.

8 Q. I will show you another excerpt in a moment.

9 MS SOLANO: Your Honours, now I would like to play a series of excerpts with sound.
10 And I will read them into the record first, if that's okay, and then I will play one by one
11 and stop and ask a couple of questions after each one.

12 They are 32.19 to 32.40; 33.00 to 33.12; 34.30 to 34.50; 34.35 to 35.38; and 36.35 to 36.57.

13 PRESIDING JUDGE FREMR: So if I understood well, Ms Solano, it is still the same video
14 but different excerpts?

15 MS SOLANO: Exactly, your Honour.

16 PRESIDING JUDGE FREMR: All right.

17 MS SOLANO: And we will begin with the first one.

18 Q. And, sir, it is going to be with sound. Can you please focus on the singing.

19 PRESIDING JUDGE FREMR: Sorry, stop it, please.

20 Mr Bourgon.

21 MR BOURGON: Thank you, Mr President. The -- on the list of items to be used by the
22 Prosecution we have of course this video. We also received an email by my colleague
23 last night giving me some time, figures that she intended to use.

24 Now, if we are going to go into the transcript or going into the sound, with sound, that
25 means that we will be referring to a transcript and of course we do not agree that this

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 transcript should be used.

2 So what is the purpose of the Prosecution in referring to the sound and not just the visual
3 aspect of the video? That's what I would like to know. Where are we going? And he
4 has recognized there's been no questions asked as to what is happening there, whether he
5 knows this scene. He says it's Mandro, but he has -- he has said nothing as to what is
6 going on there, who is there in terms of what unit, what -- who is -- what organisation is
7 present, and now we're going to ask him to listen to some sound.

8 Mr President, I think this is inappropriate. Thank you.

9 PRESIDING JUDGE FREMR: Ms Solano.

10 MS SOLANO: Your Honour, the conduct of proceedings decision requires that the
11 witness be in a position to speak to the content of a video. I do think that he has been
12 able to do that. I do not intend to use or tender the transcript or the translation of the
13 transcript into evidence. I did, however, indicate to the Defence the references to each of
14 those documents that corresponded to the longer excerpt that we had initially envisioned
15 using. So I think the Defence has at its disposal the means to follow what is going on
16 with the transcript. I do not intend to use the transcript or the translation.

17 PRESIDING JUDGE FREMR: Mr Bourgon.

18 MR BOURGON: Mr President, the idea is the con-- the decision on the conduct of
19 proceeding calls about the witness being able to speak to the making of the recording or
20 the contents.

21 In this case, all we know is that he has recognized a place as being Mandro and a place
22 being the primary school of Mandro. He has not even stated whether he was there or
23 whether he knows when this was made. So to have him listen to this audio at this time
24 isn't appropriate because he just cannot -- he would only offer comments about a scene
25 where he is not present. My colleague can ask him whether he was present there and we

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 know the response, the response will be he was not there. And because he was not there
2 and because he was not involved in the recording of this video and he doesn't know about
3 the video, other than the fact that it was shown to him when he gave his statement, then
4 we should not play the audio.

5 Had the Prosecution, as she did at the beginning, showed a video and asked him to
6 recognize some people, I did not even object because the witness should be able to give a
7 chance, yes, I recognize so and so. But as soon as we get into sound, now we are placing
8 the video in a specific place and area which have not been covered by the witness.

9 Of course I say all this in front of the witness, but we maintain our objection,

10 Mr President, that the sound should not be listened to. Thank you.

11 PRESIDING JUDGE FREMR: Ms Solano, and if any last comment?

12 MS SOLANO: Your Honour, the witness has testified at some length about his
13 experience with Mandro with this location. I can provide several transcript references
14 from yesterday's evidence, including page 63, line 14; page 64, line 9; page 64 line 14;
15 page 52, lines 12 and 15 where he provides a range of information about the place in
16 Mandro that -- that he has recognized on the video. And the conduct of proceedings
17 does not require him to be privy to the making of this video, it's privy to that or to the
18 contents and --

19 PRESIDING JUDGE FREMR: All right, let's finish this dispute. The objection is
20 overruled. And the Chamber is I guess experienced enough to, even to take into account
21 objection made by Mr Bourgon materially. But in our view there's no need to formally to
22 prohibit to use this video, Mr Bourgon.

23 So please proceed.

24 MS SOLANO: Thank you, your Honour. So we will begin with the first excerpt, which
25 is 32.19 to 32.32. We're going to stop a little earlier than I had said at first.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 (Viewing of the video excerpt)

2 MS SOLANO:

3 Q. Sir, what is going on in this scene?

4 PRESIDING JUDGE FREMR: Hold on, Mr Witness.

5 Mr Bourgon.

6 MR BOURGON: Mr President, the first question should be "Were you there?" And "Do
7 you know what the scene is"? And not the question as it is being asked in the present
8 form.

9 PRESIDING JUDGE FREMR: Ms Solano, just put this question to be completely fair.

10 MS SOLANO:

11 Q. Sir, were you there when the scene took place?

12 A. I wasn't there, but that doesn't prevent me from knowing the message which is
13 being given there because I understand the language.

14 Q. What is --

15 PRESIDING JUDGE FREMR: Mr Bourgon, I (Overlapping speakers) --

16 MR BOURGON: That is a leading question, Mr President. Thank you.

17 MS SOLANO: Your Honour, where is my leading question?

18 PRESIDING JUDGE FREMR: I also can't find it, Mr Bourgon.

19 MR BOURGON: Mr President, showing a video where a person is not is highly leading.
20 I said leading question. We are showing a video to someone who was not there, and
21 then we will be asking a question. How much more leading can this be? Thank you,
22 Mr President.

23 PRESIDING JUDGE FREMR: Mr Bourgon, as I said, we are very well aware of the
24 content of your objection and we will evaluate the testimony, this part of testimony of the
25 witness in the light of your objection.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 Ms Solano, please proceed.

2 MS SOLANO:

3 Q. What -- sir, what is happening in this scene?

4 A. Well, this is a military parade. In the military parade there are songs that are sung.

5 That's a phase you have before the commanders start speaking. There is entertainment

6 and there is songs being sung where they ask the commander, "Commander, speak,

7 speak." And the politics, it's important.

8 MS SOLANO: We will now play 33.00 to 33.05.

9 (Viewing of the video excerpt)

10 Q. Did you recognize a weapon that a soldier was carrying on his shoulder?

11 A. Yes, I recognized it.

12 Q. What is it?

13 A. That's a rocket launcher with a bomb, a launch 7.

14 MS SOLANO: We will continue and stop at 33.12.

15 Q. Can you please focus on the building now.

16 (Viewing of the video excerpt)

17 MS SOLANO:

18 Q. Do you recognize this particular building?

19 A. I recognize it, apparently, but it's a bit different there. It's like it's been rebuilt.

20 MS SOLANO: We will continue and play at 34.30 and stop at 34.50.

21 Q. Please focus on the weapons that are on the floor and on the singing.

22 (Viewing of the video excerpt)

23 MS SOLANO:

24 Q. If you recognize those weapons can you tell us what they are?

25 A. Yes. The first one, that's a machine gun.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 Q. Do you mean the one that is visible on the screen right now at 34.50?

2 A. The one who -- that's visible on the screen now. Now, the second, the -- the person
3 with a red beret is holding a mortar, a mortar 80.

4 Q. Were you able to see the other weapons --

5 A. Yes.

6 Q. -- and what were they?

7 A. The other weapons, there was another machine gun, and then a B-10 or a recoilless.

8 Q. (Microphone not activated)

9 THE INTERPRETER: Microphone please. Microphone.

10 PRESIDING JUDGE FREMR: Your microphone, Ms Solano.

11 MS SOLANO: Sorry, your Honour.

12 Q. Sir, in the excerpt that you just listened to a moment ago what was the singing
13 about?

14 A. These songs -- this is a song which asks the soldiers to be strong, to go and get
15 certain areas in order to set them ablaze, and particularly the bit I heard, "If I didn't burn
16 Nyankunde, that's it."

17 MS SOLANO: We will now play 34.55 to 35.38.

18 Q. Please focus on the singing.

19 (Viewing of the video excerpt)

20 MS SOLANO:

21 Q. Sir, what were these people singing? Please answer.

22 A. *Is it Mr President?

23 Q. I'm sorry, I meant you.

24 A. Well, this song has two versions. When we were recruits this was a promise this
25 song, we promised. When the Kale Kale -- the Kale Kale, the boys, Kale Kale, you will

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 have weapons, don't worry. But here this is the same song that we're hearing again and
2 now it's confirmed. It said Kale Kale, the boys, Kale Kale, be brave you will have
3 uniforms, you have obtained weapons, you've got them already. To confirm here, you
4 have weapons, you have uniforms, you've got everything that you need.

5 PRESIDING JUDGE FREMR: Mr Witness, and just to be clear, so is it the first time now
6 you heard those songs, or did you also sing those songs yourself in the past?

7 THE WITNESS: (Interpretation) Yes, it's not the very first time. That's the start. When
8 you start, these are the first songs that you learn when you get to the training centre.

9 Thank you.

10 PRESIDING JUDGE FREMR: Thank you.

11 And, Ms Solano, you have the last three minutes.

12 MS SOLANO: Thank you, your Honour. One final excerpt, we will begin at 36.35 and
13 stop at 36.57.

14 Q. Can I ask you please to focus on the people who can be seen walking in front of the
15 weapons, as well as on the weapons.

16 (Viewing of the video excerpt)

17 MS SOLANO:

18 Q. Sir, are you familiar with this last weapon, and if so, what is it called?

19 A. It's a GPMG. It is a machine gun, heavy machine gun.

20 Q. There were two people walking in front of the weapons, do you know -- did you
21 recognize them?

22 A. I recognize Bosco very well.

23 Q. Did you recognize the other person?

24 A. Yes, yes. The other I didn't recognize well.

25 MS SOLANO: Your Honour, I seek to tender these excerpts into evidence.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

- 1 PRESIDING JUDGE FREMR: But now to be clear, first of all, you said at least in case of
2 one excerpt that you will not tender it, if I remember well. I think it was reaction to -- to
3 Mr Bourgon's objection or not?
- 4 MS SOLANO: Your Honour, what I said is that I would not be using or tendering into
5 evidence the transcription or translations of this -- these excerpts.
- 6 PRESIDING JUDGE FREMR: All right. Now it's clear.
7 And the second issue, I am not sure, because some of those excerpts were familiar to me.
8 Are you sure that some of them were not already admitted?
- 9 MS SOLANO: Your Honour, some of them have been admitted, however, as far as I was
10 able to establish when I checked last night, the time codes are not exactly the same that
11 were played to witnesses before, so I do think that we need to tender them anew.
- 12 PRESIDING JUDGE FREMR: So just a question to the court officer before I ask
13 Mr Bourgon: Is it even possible just to say that those excerpts that haven't been already
14 admitted are admitted? Just to make such a little bit general decision and then you can
15 find those parts that were not already admitted?
- 16 (Pause in proceedings)
- 17 PRESIDING JUDGE FREMR: But before we rule on that, Mr Bourgon, what is the
18 Defence position to that request?
- 19 MR BOURGON: No objection, Mr President, as long as the transcript and
20 the -- transcription and translation do not go in. Thank you.
- 21 PRESIDING JUDGE FREMR: All right. So those excerpts used with this witness as
22 specified by Ms Solano, with exception of those parts that have already been admitted
23 now are admitted into evidence as a further Prosecution exhibit.
- 24 MS SOLANO: Your Honour, can I ask if I have at least one minute left, I would like to
25 ask one final question?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: One minute is not a problem. Please proceed.

2 MS SOLANO:

3 Q. Sir, why did you agree to be a witness in this case?

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE FREMR: Sorry, we have to move into private session. I also -- I'm
8 sorry, I was also late. And please redact this part of witness's testimony. I can just, for
9 the record, note that there's nobody at the moment in the public gallery.

10 (Private session at 10.34 a.m.) *(Reclassified partially in public)

11 THE COURT OFFICER: We are in private session, Mr President.

12 PRESIDING JUDGE FREMR: (Redacted)

13 (Redacted)

14 (Redacted).

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted).

25 There are families who are still weeping, they're still mourning what the UPC/FPLC did,

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 the assassinations they committed. And the -- for example, Chief Kahwa, amongst
2 Bosco's men in Rwanda, after the Nyankunde operation we learned that people were
3 kidnapped, a general, General Kitembo was shot, and Commander Germain also was
4 shot. And they were reinforced with Bosco, they removed the Babira chief from
5 Nyankunde, *his name was Marabola. That chief was called Bulamuzi (phon).

6 THE INTERPRETER: The name was inaudible.

7 THE WITNESS: (Interpretation) Thus, this far up until today we have never been able
8 to find his tomb.

9 And what happened with an abbé with -- in Mongbwalu, the abbé was abducted, *Priest
10 Bwanalongwa and he was killed, he was buried alongside a road. Fortunately for him
11 the burial was discovered, they did DNA tests and he was reburied appropriately.
12 So there are many events, many things that Bosco committed. And Bosco knows that he
13 trained his men to be merciless. Even the ones who were integrated into the army, they
14 continued behaving as if they were part of the rebellion, in particular
15 Commander Linganga, he was completely crazy.

16 Lieutenant Colonel Christian De Gaulle, near the border between Lubumbashi and
17 Angola, he has made, committed many crimes and he's been arrested.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted).

4 PRESIDING JUDGE FREMR: Sorry, I haven't heard your last --

5 MS SOLANO: No more questions. That's the examination-in-chief, your Honour.

6 PRESIDING JUDGE FREMR: Fine.

7 Now, let's move to the open session.

8 (Open session at 10.40 a.m.)

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

10 PRESIDING JUDGE FREMR: Thank you.

11 Mr Suprun, you filed a request to examine this witness. My usual question, do you want

12 to -- sorry, Ms Pellet, sorry for that. Mea culpa.

13 Ms Pellet, so in the light of direct examination, do you want to amend your request or to

14 change it or to insist on that?

15 MS PELLET: (Interpretation) Thank you, your Honour. Given the questions put by

16 my colleague and given the answers that were given by the witness, I have no additional

17 questions. Thank you, your Honour.

18 PRESIDING JUDGE FREMR: All right. It was also, I have to say, my understanding

19 that in fact five areas you have indicated was almost comprehensively addressed in

20 examination-in-chief.

21 Mr Witness.

22 THE WITNESS: (Interpretation) Thank you. I wanted to add one little pint to what I

23 stated a moment ago, if you allow me, your Honour.

24 PRESIDING JUDGE FREMR: Go ahead.

25 MR VON BÓNÉ: Maybe private session then?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Yes.

2 Mr Witness, do you think you know -- only you know what will be the content of this
3 additional issue. Do you think we can remain in open session or should we move into
4 private?

5 THE WITNESS: (Interpretation) Private session I believe, your Honour.

6 PRESIDING JUDGE FREMR: All right.

7 Let's move to private session.

8 And thank you, Mr von Bóné, for this.

9 (Private session at 10.42 a.m.) *(Reclassified partially in public)

10 THE COURT OFFICER: We are back in private session, Mr President.

11 PRESIDING JUDGE FREMR: So, Mr Witness, you may proceed.

12 THE WITNESS: (Interpretation) Thank you. Before I hear the questions of the
13 Defence, since the representative of victims is here, I would like to say something.
14 (Redacted), I was talking about myself and I've talked about other facts, but I forgot
15 that there was another event that was of particular importance for me. When we
16 were in our positions, we learned that there was an operation that Bosco, Salumu, Eric
17 Dhedonga and the other commanders had carried out in Kobu and they called the
18 Balendu together for a meeting and that meeting turned into a massacre.

19 *They massacred many Lendu dignitaries, in particular a man we had been living with for
20 a long time. And we didn't -- in fact, when we went home, we learned about the
21 operation in Kobu. And it was during that operation that Bosco, Salumu and others that
22 they had massacred civilians, Lendu dignitaries and other Balendu militiamen in the
23 centre of Kobu. (Redacted).

24 PRESIDING JUDGE FREMR: Mr Witness.

25 THE WITNESS: (Interpretation) (Redacted).

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Mr Witness. Mr Witness, I will have to interrupt you
2 because, you know, the extent of gathering evidence it's up to the parties, also up to the
3 Chamber, but moreover I guess you were not a direct witness of this event, so I expect
4 that both parties will pay attention to that and it's up to them to what extent they
5 will -- other evidence or other witnesses, but otherwise I think we are not at the moment
6 of the need to hear your testimony on that.

7 THE WITNESS: (Interpretation) Thank you, your Honour.

8 PRESIDING JUDGE FREMR: Now, let's move into open session.

9 (Open session at 10.45 a.m.)

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

11 PRESIDING JUDGE FREMR: Now we are going to -- and now we should continue with
12 cross-examination, but I guess that it will be more comfortable, Mr Bourgon, just to break
13 now and to continue after break? Or are you ready to start immediately?

14 MR BOURGON: Whatever the Chamber prefers, Mr President.

15 PRESIDING JUDGE FREMR: Ms Solano.

16 MS SOLANO: Your Honour, I have some submissions that I want to make to the
17 Chamber in private session and without the witness being present. They concern items
18 77 to 91 on the list of items that the Defence may use during cross-examination, and I
19 want to make sure the Chamber hears the submissions before the documents are called up,
20 if they are.

21 PRESIDING JUDGE FREMR: All right. So then we will now release Mr Witness.

22 So, Mr Witness, thank you very much. We will continue after the break.

23 You can just escort Mr Witness out of the courtroom.

24 (The witness stands down)

25 PRESIDING JUDGE FREMR: We will move into private session to listen to this

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 submission indicated by Ms Solano.

2 Please still wait, we are not in private session yet.

3 (Private session at 10.47 a.m.) *(Reclassified partially in public)

4 THE COURT OFFICER: We are in private session, Mr President.

5 PRESIDING JUDGE FREMR: Now you may proceed, Ms Solano.

6 MS SOLANO: Thank you, your Honours.

7 Item 77 to 91 on the Defence list of documents are transcripts of the trial testimony in this
8 case of Witnesses (Redacted). All of these witnesses, your Honours, testified with a
9 pseudonym and that was pursuant to recent decisions by your Honours that the fact that
10 they are -- that they have appeared as witnesses in this case should not become known.

11 And in particular in relation to Witnesses (Redacted)

12 (Redacted)

13 (Redacted).

14 So, your Honours, what I want to say quite simply is that I -- I don't really see any reason
15 why the Defence would need to reveal to this witness that these (Redacted) individuals
16 have appeared as witnesses in this case. The Prosecution has no objection to certain
17 questions being put, certainly whether any of these individuals (Redacted)

18 (Redacted). We think that that's a fair line of inquiry, but we do not think that the

19 Defence should be allowed to reveal to this particular witness that they have appeared as
20 witnesses in this case because if the Defence are allowed to do that, what will happen is
21 that this witness will go home and the Chamber will no longer have control over whether,
22 you know, members of the public become aware of the fact that these (Redacted)
23 individuals have testified.

24 PRESIDING JUDGE FREMR: Mr Bourgon, your position.

25 MR BOURGON: I just have some difficulties with the transcript because in French it's

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 not following and even the English seems to be frozen.

2 PRESIDING JUDGE FREMR: Yes, yes, you are right. I think the main --

3 MR BOURGON: Well, there is an important issue, Mr President, just as a preliminary
4 consideration.

5 I do not understand the last submission. I do not have the exact text here where it says
6 that should we refer to them as witnesses the Chamber will lose control when he
7 returns -- when this witness returns to (Redacted).

8 I can't accept this, Mr President. He is, as any other witnesses, under strict orders
9 issued by the Chamber not to reveal who is a witness, who is not a witness and not
10 to discuss with anyone his testimony after he finishes here. So that last argument I
11 think should be disregarded.

12 Now, that being said, Mr President, we included on our list of items to be used, indeed,
13 transcript references to testimony in this case. The reason is quite simple: These (Redacted)
14 witnesses (Redacted), so we're talking about Witness (Redacted). The Chamber will
15 recall (Redacted).

16 It is not our intention to reveal to the witness that they were witnesses and what we
17 intended to do is to -- in accordance with the decision on the conduct of proceedings, first
18 ask permission, which I'm going to do at this time for the (Redacted) of them, there will be
19 more that I will ask the Chamber to refer to based on what we have heard this morning.

20 So it's not our intention to reveal that they are witnesses.

21 There is one exception to this with respect to (Redacted)
22 (Redacted), and the reason for this the Chamber will hear (Redacted)
23 (Redacted)
24 (Redacted). And because these witnesses (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted).

5 So it is an area that I intend to explore with this witness. Of course once again, I take it

6 for -- for granted that this will not be discussed with witness until I put those

7 cross-examination questions to him. But as a default position, we do not intend to reveal

8 that they were witnesses. If I need to do so, I will ask the Trial Chamber's permission

9 and I can be granted -- which can be denied or granted. Thank you, Mr President.

10 PRESIDING JUDGE FREMR: And just clarification, so if you start with this at the level

11 that you will not reveal that they are -- or, they were witnesses, in what style you would

12 like to refer to them, just not to reveal that they were witnesses?

13 MR BOURGON: Well, what I would like to do is to (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted). Thank you, Mr President.

25 PRESIDING JUDGE FREMR: Ms Solano, your position.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 MS SOLANO: Your Honour, the approach that the Defence has outlined is fine. I
2 would make one additional request and it is that the Defence abstain from (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted).

6 PRESIDING JUDGE FREMR: Mr Bourgon, is this acceptable to you?

7 MR BOURGON: As mentioned, Mr President, (Redacted)
8 (Redacted)
9 (Redacted).

10 And as I mentioned, Mr President, there is no -- nothing that this cannot undermine the
11 protective measures because all of them have the same measures. So when he returns
12 home, he is under order not to discuss, (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted) it's beyond the Chamber's control and beyond the control of the parties
16 what -- the best we can do is to ensure that the orders are clear to the witnesses that they
17 are not to discuss their testimony. Thank you.

18 MS SOLANO: Your Honour.

19 PRESIDING JUDGE FREMR: Ms Solano.

20 MS SOLANO: Thank you. One final submission: I don't think that that's the only
21 thing that the Court can do or should do. There is among people who work in witness
22 protection, there is a well-known best practice, which is to limit to the absolute minimum
23 necessary the number of people who are, so to say, in the know. So it doesn't stop with
24 warning the witness not to reveal what he learns or not to share the information he has,
25 but there is also good practice that the Court should -- should follow unless it is absolutely

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 necessary to reveal or confirm that somebody has been a witness. And I really don't see
2 why that would be necessary for the Defence to be able to cross-examine this witness
3 thoroughly.

4 PRESIDING JUDGE FREMR: All right. I guess at the moment there is no crucial
5 dispute. If some dispute will arise, please stop -- either object or stop the
6 cross-examination and address Chamber and we will decide.

7 Now, let's move into open session.

8 (Open session at 10.58 a.m.)

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

10 PRESIDING JUDGE FREMR: Thank you, court officer.

11 So we break now for 30 minutes, which means that we will reconvene at half past 11.

12 THE COURT USHER: All rise.

13 (Recess taken at 10.58 a.m.)

14 (Upon resuming in open session at 11.36 a.m.)

15 THE COURT USHER: All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: We commence this part without witness because I would
18 like to specify our position on the issue presented or that arose before the break.

19 So in our view there should be two alternative possible approaches how to approach this
20 witness: Either if any party, but now mainly Defence, want to refer to information
21 gathered from another protected witness, so either to refer to the fact that this information
22 came from person A, B, but not revealing the fact that it was gained through the testimony
23 before this Court; or the other alternative, to reveal the fact that this information came
24 from testimony of the witness before this Court, but not to reveal his/her identity, so
25 another witness before that court said that and so on.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 And I guess this meets requirements presented by both parties. And in any case, please
2 be vigilant, if you would like to object or to go further with -- beyond those limits, we will
3 have to discuss those issues in the absence of the witness. So please have it in mind.

4 Now please escort Mr Witness into the courtroom.

5 And additional information concerning timing. Mr Bourgon, according my information,
6 Prosecution has exhausted 5 hours 5 minutes, so you should generally be entitled to the
7 same time for cross-examination.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE FREMR: Welcome back, Mr Witness. Now the second part of your
10 examination will be conducted and will be conducted by Defence.

11 Allow me to emphasise that this Court is governed by principle of fair trial which, apart of
12 other things, means that both parties should be treated equally, and in your case it means
13 that you are expected to respond all questions put to you by Defence in the same way as
14 you did it to questions put to you by Prosecution.

15 Do you understand, Mr Witness?

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

17 PRESIDING JUDGE FREMR: Very well.

18 So now the floor moves to Defence. Mr Bourgon, you may proceed.

19 MR BOURGON: Thank you, Mr President. We can remain in public session for the
20 time being.

21 PRESIDING JUDGE FREMR: All right.

22 QUESTIONED BY MR BOURGON: (Interpretation)

23 Q. Good morning, Witness.

24 A. Good morning.

25 Q. First of all, allow me introduce myself. My name is Stéphane Bourgon, I am a

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 Canadian lawyer and I represent Bosco Ntaganda, the accused in this case. Do you
2 understand that?

3 A. Yes, I understand.

4 Q. A bit earlier this week you had the opportunity to meet my two colleagues sat on
5 my left and right; do you remember this meeting?

6 A. Yes, I remember.

7 Q. Unfortunately I wasn't able to make myself free to meet you at that time, but we are
8 now going to proceed with the cross-examination.

9 Firstly, I would like to confirm that the Prosecution explained to you what
10 cross-examination is, did they not?

11 A. Yes.

12 Q. Before going any further, I would like to take this opportunity just to make an
13 additional point. Because we speak the same language, it's essential before answering
14 my question that you wait a few seconds; and also on my side, when you answer, I am
15 also going to wait a few seconds so that the transcript can be in realtime. Do you
16 understand that?

17 A. Very well.

18 Q. I listened, Witness, to your words concerning your motivation to testify and I think
19 furthermore that it explains, to a large extent, several aspects of your testimony that we're
20 going to explore together during the next hours.

21 The first -- or, the first subject that I would like to explore with you is firstly your
22 knowledge of the town of Bunia.

23 Now, my first question is, therefore: Can you confirm that you lived in Bunia for several
24 years, did you not?

25 A. Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 Q. And this town, this is a town that you know well, do you not?

2 A. Yes. Yes.

3 Q. So, when you speak about a place in the town such as the sous région, you say that
4 knowing what you're talking about?

5 A. Yes.

6 Q. So in order to start and so we can start on a common basis, I would like to show you
7 a map of the town of Bunia and I'd like to ask you to indicate certain places thereon. You
8 understand what I would like to do?

9 A. Yes, I understand.

10 MR BOURGON: With the assistance of the court usher, if we can have the map
11 displayed on the side of the witness. And I would like to have on the screen before the
12 witness, I would like to have exhibit number (Interpretation) DRC-OTP-0207-0330.

13 THE COURT OFFICER: Could you please confirm the level of confidentiality of the
14 document, please.

15 MR BOURGON: The document is public.

16 MS SOLANO: Your Honour.

17 PRESIDING JUDGE FREMR: Ms Solano.

18 MS SOLANO: I just want to ask the Defence if -- the Defence counsel if with the
19 assistance of his team he could kindly provide me with a number on which your different
20 exhibits are listed on your list. It will facilitate my task. Thank you.

21 MR BOURGON: Number 12.

22 Q. (Interpretation) Mr Witness, I'm going to explain the way in which I intend to
23 proceed. First of all, next to you, on your right-hand side there is a map.

24 (Speaks English) If I can have the court usher to bring the map even closer to the witness,
25 please.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 (Interpretation) Can you see the map which is on your right-hand side?

2 A. Yes.

3 Q. Do you recognize this map? Do you recognize the map?

4 A. Yes, I do recognize the map.

5 Q. So now I'd like to draw your attention to the screen in front of you where you will
6 find the same map. Can you see the map in front of you?

7 A. Yes.

8 Q. The only reason that there's a larger map on your right-hand side is to help you in
9 finding where you are with regards to the map on the screen. And I'll be asking you
10 with a pen to indicate certain places. Do you understand the exercise we're trying to
11 attempt?

12 A. Yes.

13 MR BOURGON: If I can have the court -- or, madam registrar to increase the zoom on
14 the exhibit that is on the witness. We have a better version actually of the same map
15 which was sent to you, which is a high resolution version, which was sent to you, which is
16 better for the purpose of this exercise. And I would like to use -- let's try with 100, please.
17 Voilà.

18 Q. (Interpretation) Witness --

19 MR BOURGON: If we can have, yes, to the -- to the left like this, and then if we can go
20 up again. Again. Again. Okay, if we can just stop here for now.

21 Q. (Interpretation) Witness, I would like you to confirm firstly that this is a map of
22 Bunia, is it not?

23 A. Yes.

24 Q. I would like to start by asking you to indicate where camp Ndromo is on the map.

25 If you can use the map on your right in order to show us where camp Ndromo is and you

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 can say if you see it on the electric -- or, electronic map that is in front of you.

2 When you've located it on the large map, you can thereafter turn your attention towards
3 the electronic or digital map.

4 If you could simply tell me you find it when you have found camp Ndromo.

5 A. I found it, but it's not written camp Ndromo here. It could be in the area close to
6 the prison.

7 Q. Are you able to see on the large map, are you able to locate it?

8 A. With exact -- precisely I couldn't do so, but I can show you the zone.

9 Q. The zone that you can see on the large map, do you see that on the digital map?

10 A. Yes.

11 MR BOURGON: If I can have the court usher to help assist the witness with a pencil, an
12 electronic pencil so that we can make a marking.

13 Q. (Interpretation) On the digital map, can you see the area which you refer to as
14 camp Ndromo? I would ask you to put a circle around that area. Please could you
15 write the number 1.

16 And for the record this is the place indicated by the witness as being camp Ndromo.

17 Now, on the map, Witness, I would like you to look at the large map on your right side to
18 show the garage you spoke about during your testimony. Do you remember having
19 spoken about a garage?

20 A. Yes.

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

22 PRESIDING JUDGE FREMR: All right, I also believe that will be safer because the
23 witness could add some personal details.

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

25 MR BOURGON: Mr President, this is solely an exercise in marking areas with no

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 substantive questions, but if the Chamber prefers, we can go into private session.

2 PRESIDING JUDGE FREMR: Let's go into private then.

3 (Private session at 11.52 a.m.) *(Reclassified partially in public)

4 THE COURT OFFICER: We are in private session, Mr President.

5 PRESIDING JUDGE FREMR: Mr Bourgon, you may proceed.

6 MR BOURGON: Thank you, Mr President.

7 Q. (Interpretation) Witness, do you see the place where (Redacted) is, (Redacted) that
8 you mentioned in your testimony?

9 A. I haven't found it yet. I'm looking for it at the moment.

10 Q. So that we minimise the time because the time is being counted, are you able on the
11 map to identify the residence of Thomas Lubanga where you went according to your
12 testimony?

13 A. I couldn't do that here.

14 Q. Very well. Are you able to identify (Redacted)? You didn't mention it in your
15 testimony up to now, but you did mention it in your statement, did you not?

16 *A. Yes.

17 Q. So where is (Redacted), if you are able to find it? If you don't find it, we're going
18 to go --

19 A. No, no. I can find it. With regard to the outlay it's where (Redacted) is.

20 MR BOURGON: (Interpretation) For the record, while the witness is looking for it, I'm
21 just going to spell the name (Redacted).

22 Q. Do you see it, Witness?

23 A. Yes, but not precisely. I see the (Redacted) here.

24 Q. I'd like to ask you to put a cross on the map and to write the figure 2.

25 For the record, the witness is indicating the place where (Redacted) was.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Now, Witness, we are going to find (Redacted). And

2 in your -- you refer (Redacted). Do you see that on

3 the large map?

4 A. Yes, I see it.

5 Q. I'm sorry, can you see this same place on the digital map in front of you?

6 A. (Overlapping speakers)

7 Q. Could we -- well, we can't move the map for the moment. If it's not on the map,
8 we'll move it, but before that we're going to admit this into evidence.

9 MR BOURGON: Mr President, I would like to admit the present map marked by the
10 witness and we will move it so that he can indicate further locations.

11 PRESIDING JUDGE FREMR: I saw him indicating that it's in fact above current picture.

12 MR BOURGON: But I don't want to move because once we've move it, we cannot -- we
13 need to save this one and then save a second one. So I'd like at this time to admit this
14 map into evidence.

15 PRESIDING JUDGE FREMR: Prosecution.

16 MR BOURGON: Unless we can have a second copy now? No.

17 PRESIDING JUDGE FREMR: Okay. So let's proceed this way.

18 Ms Solano, any objection?

19 MS SOLANO: No objection.

20 PRESIDING JUDGE FREMR: All right. Map annotated by Mr Witness is admitted into
21 evidence as a further Defence exhibit.

22 THE COURT OFFICER: And for information to the parties and participants, the
23 document will bear the number DRC-REG-0001-0031.

24 PRESIDING JUDGE FREMR: Thank you, court officer.

25 MR BOURGON: (Interpretation)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. Witness, before we move the map I'd like to put another question to you. On the
2 map can you see the place where you went? According to your testimony, on returning
3 from training in Rwanda, you testified that you went to the airport, from there you took a
4 lorry which transported you to a place. Do you see this place on the map? Do you see
5 the airport?

6 A. Yes, I see the airport.

7 Q. Can you locate the place you went to when you returned from Rwanda? Do you
8 see that location on the digital map?

9 A. Not exactly. I know that it was near the sous région.

10 Q. Can you localise it sufficiently on the map to encircle the place?

11 A. Well, I'll put it in this area here.

12 MR BOURGON: If we can the assistance so that he can write with a pencil, or he can do
13 it already, or what --

14 Q. (Interpretation) Very good. It's done.

15 Could you write the number 3, please.

16 A. A cross?

17 Q. The number 3, please.

18 MR BOURGON: (Interpretation) For the record, the witness has indicated the place to
19 which he went upon his return from Rwanda.

20 Q. Now, before moving the map again, do you see Thomas Lubanga's residence?

21 A. I'm afraid I can't locate it.

22 Q. That's fine. And if I asked you to mark (Redacted), it's another place
23 which you mentioned in your statement but which you have not yet mentioned in your
24 testimony up until now. Is that place also on the digital map in front of you?

25 A. It's (Redacted), over there.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. Is it on the digital map?

2 A. No, it's not visible on the digital map.

3 MR BOURGON: Mr President, although we admitted it before the third marking, I think
4 we can just take this one as being the exhibit that was admitted.

5 Q. Witness, I'm like to ask you -- or, rather, I am going to ask the person who is in
6 control of the map to move the map so that we can find (Redacted)
7 the last person that I mentioned. So we're now going to move the map so that we can
8 locate those two places.

9 A. I'd like to see the upper part here.

10 THE COURT OFFICER: If you could please allow us one second, just the time to save
11 that second annotated version of the map. Thank you.

12 We are ready. Thank you.

13 MR BOURGON: (Interpretation)

14 Q. Witness, please ask the staff of the Court to move the map so that you can locate the
15 two places that you want to indicate.

16 A. Yes, I'd like to see this upper part from this area upwards. A little higher. A little
17 higher. Higher. That's it.

18 Q. So let's start with (Redacted)?

19 MR BOURGON: On my screen I see already one, two, three. Can we remove that?

20 PRESIDING JUDGE FREMR: Sorry, I guess it would be possible to erase previous
21 indications.

22 Sorry, but we haven't admitted number 3, so you requested that.

23 MR BOURGON: Well, I thought we could just admit one with the three markings, but
24 we can do it in two -- in two times.

25 PRESIDING JUDGE FREMR: All right. So don't --

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 MR BOURGON: Whatever is preferred by the Chamber.

2 PRESIDING JUDGE FREMR: Okay, both is possible I was told.

3 MR BOURGON: (Interpretation)

4 Q. Witness, do you now see (Redacted)? If you do, could you
5 please place a circle around it.

6 Do you see that place?

7 A. Yes.

8 Q. Please indicate it with the number 4.

9 Witness, can you confirm that (Redacted)

10 (Redacted)?

11 A. Yes.

12 Q. Could you now indicate where (Redacted) is, please?

13 A. *Yes, (Redacted).

14 Q. Could you mark it with a 5. So this is indeed the (Redacted)
15 (Redacted); is that correct?

16 A. Yes.

17 MR BOURGON: Mr President, I would like to have this map admitted in evidence,
18 please.

19 PRESIDING JUDGE FREMR: And court officer, am I right that if you want also to have
20 number 3 in we have to admit it two maps?

21 Ms Solano, any objection?

22 MS SOLANO: None, your Honour.

23 PRESIDING JUDGE FREMR: So just specification concerning the first ruling on

24 admission, this ruling also includes number 3. And the second ruling is that also this
25 map annotated by points 4 and 5 is admitted into evidence as a further Defence exhibit.

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 Now, Mr Bourgon, you may proceed.

2 MR BOURGON: Thank you, Mr President.

3 THE COURT OFFICER: I'm sorry to interrupt, but it seems that one of the digits has
4 disappeared. If you could have the witness annotate -- it's back. I'm sorry.

5 MR BOURGON: (Interpretation)

6 Q. Witness, Thomas Lubanga's house, you were not able to indicate it specifically on
7 the map. Do you know that Thomas Lubanga had two houses in Bunia during the
8 period of the events to which you are testifying? Did you know that?

9 A. Two houses? Do you mean when he was a leader or when he was an ordinary
10 citizen?

11 Q. During the period prior to UPC taking control of the town, do you know
12 when -- where he lived then?

13 A. Well, it was said that he lived in the Desan (phon) neighbourhood when he was a
14 businessman, he used to sell beans.

15 Q. Witness, you testified about an individual named Claude who you said was killed.
16 Do you know whether that place is near the Desan neighbourhood that you have just
17 referred to?

18 A. No, Claude was killed in the centre of town towards the boulevards, the large
19 thoroughfares in the town.

20 Q. Do you know whether Thomas Lubanga had a residence close to that location before
21 the UPC took control of Bunia?

22 A. Excuse me, would you mind reforming -- restating your question.

23 Q. Certainly. I am stating that Thomas Lubanga had a residence in Bunia before the
24 UPC took control of the town. Do you know where that was?

25 A. No, I don't know.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. Do you know whether the UPC had headquarters in Bunia, either before or after
2 control was taken of Bunia? I'm talking about a general staff.

3 A. Yes.

4 Q. And where was that located?

5 A. Well, that was, in fact, the house where Thomas Lubanga lived behind the Cueb,
6 they had two sites; the garage and the house behind the Cueb.

7 Q. Can you confirm where Bosco Ntaganda lived in Bunia?

8 A. No, I don't know where he lived.

9 Q. Do you know where Kisembo lived after the fall of Bunia?

10 A. After the fall of Bunia he lived in -- near Centrale Soleniama.

11 Q. Is that in the sous région or is it in another neighbourhood of Bunia?

12 A. No, this is outside of Bunia. I don't know if Centrale Soleniama administratively
13 falls under Bunia or not, but it's in the same territory.

14 Q. In your testimony you said that you went to Thomas Lubanga's residence to report
15 for training; do you recall saying that?

16 A. Yes. What do you mean by report?

17 Q. I will reformulate my question, but do remember it's important that you allow a
18 break before answering.

19 Now, the first place you went to to undergo training, the training that took you to
20 Rwanda, you said the first place you went was Thomas Lubanga's residence; is that
21 correct?

22 A. Yes, yes.

23 Q. Can you confirm that Kisembo had a place where he lived which was very close to
24 that?

25 A. No, I'm not able to confirm that.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. I'm going to move to a different topic. I just wanted to establish your knowledge of
2 Bunia before going any further. But perhaps I could just put one last question to ensure
3 that all is clear as regards (Redacted).

4 Now, when you refer to (Redacted)
5 (Redacted); is that correct?

6 A. Yes.

7 Q. And where was (Redacted)?

8 A. It was (Redacted)
9 (Redacted).

10 Q. Earlier you didn't find (Redacted), but if I gave you further indications could you
11 indicate (Redacted)?

12 A. Yes, but that map doesn't have the names of all of the places, so I'm having to look
13 around blindly.

14 Q. On the map to your right, could you look again and see if you can identify the
15 location (Redacted).

16 Witness, you've just referred (Redacted); is that right?

17 A. Yes.

18 Q. Well, if you (Redacted).

19 A. I'd like for somebody to show me (Redacted), because I don't
20 know.

21 Q. Well, I'll end by -- with a point of detail: You said the UPC was operating from two
22 places; the garage and Thomas Lubanga's residence; is that correct?

23 A. Yes.

24 Q. Thomas Lubanga's residence was in the sous région-région, wasn't it?

25 A. No, no, it was in the centre of town, it was right beside a big carpentry workshop.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. (Redacted)?

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted).

6 PRESIDING JUDGE FREMR: Sorry. Mr Witness, I have to remind you my initial
7 guidance, please don't respond immediately, wait for three seconds after question
8 finished and only then please respond. Thank you very much.

9 MR BOURGON: (Interpretation) So I'm going to move to a new topic now. The map
10 can be removed from your screen.

11 PRESIDING JUDGE FREMR: Mr Witness.

12 THE WITNESS: (No interpretation)

13 PRESIDING JUDGE FREMR: You will be escorted by court officer and we will break for,
14 I guess, for a short time, but we will stay on our seats.

15 (The witness stands down)

16 MR BOURGON: While we wait, Mr President.

17 PRESIDING JUDGE FREMR: Yes.

18 MR BOURGON: The next thing I would like to do with the witness is to show the video,
19 so maybe we can get the video ready.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE FREMR: Could you be more specific.

22 MR BOURGON: The video that was shown to the witness this morning. So I'd like to
23 just have the control so that my colleague can display certain parts of the video. On our
24 list of exhibits it is number -- number 2, and the number exact is DRC-OTP-0082-0016.

25 Q. (Interpretation) Witness, please look at the screen in front of you. You're going to

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 see the same video that you saw this morning and I'm going to ask you to identify certain
2 things.

3 I'm going to start at minute 04.57 and play it through to 05.14, and we do not need the
4 sound.

5 So, Witness, please look at your screen now.

6 (Viewing of the video excerpt)

7 MR BOURGON: (Interpretation)

8 Q. Witness, I'd like to know whether you recognize the building that we see in this
9 video clip?

10 A. I don't recognize it exactly, but I would presume that that is either at Mandro or at
11 the Centrale Soleniamama.

12 Q. So you can't identify where this building is exactly or who owns it?

13 A. No, I -- I'm afraid I can't.

14 Q. Is this a building which you have seen before? If I were to put to you that this
15 building was in Mandro, is it one that you remember?

16 A. No, it's been quite some time, quite some time since I was in that environment.

17 Q. Witness, I would suggest to you that the building that you see there is where
18 Chef Kahwa lived?

19 A. Well, I've never been in his house. I -- I don't recognize that place.

20 Q. I'm going to show you another video clip at minute 6.00, and it will be played to
21 6.24 -- or, sorry, 6.44.

22 Look at the video in front of you carefully.

23 (Viewing of the video excerpt)

24 MR BOURGON: (Interpretation)

25 Q. Did you see that video clip, witness?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 A. Yes, very well.

2 Q. Now, in your statement, and I refer now to document DRC-OTP-2067-2602, and I'm
3 at page 2604, and you stated the following, at line 44:

4 "It's not clear, but it's like that, but here, this is Mr Troma"

5 And when you met with the Prosecution last week you confirmed that it was not
6 Mr Troma, but it was Mr Thomas; is that correct?

7 A. Yes. I just asked for a correction to the spelling. But now that I see the image I
8 recall that the brown-skinned gentleman here is Chief Kahwa.

9 Q. I am going to read to you what you said to the Prosecution on this topic, and I'm
10 referring to the following exhibit, it's the so-called preparation note and it is labelled
11 DRC-OTP-2094-0401.

12 And when you were asked if there was anything you wanted to correct in your statement
13 you said, and I'm now citing from page 0405, at paragraph 13, you said the following, and
14 I'm going to read in English.

15 (Speaks English) At 2604, line 45, witness states that: "Where it says 'Troma' it should be
16 'Thomas'."

17 (Interpretation) Do you recall making that correction?

18 A. Yes, that was also a correction to the spelling.

19 Q. When you refer to Mr Troma or Mr Thomas, and I'm looking at your statement and I
20 see on page 2604 that you have said the following, this is the same page I referred to a few
21 moments ago. It's not clear, not clear, but it looks similar, but here it's Mr Thomas. Did
22 you see Mr Thomas in that video clip?

23 A. In any case, it was a mistake. I'm just a person. It was when I was looking now
24 that I saw that it was in fact Chef Kahwa when he was very young.

25 Q. When you met the Prosecution in 2014 over the course of a few days to make a

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 statement, those video clips were shown to you, were they not?

2 A. Yes.

3 Q. And when you met with the Prosecution last week you were once again shown the
4 video; is that correct?

5 A. Yes, yes.

6 Q. Witness, it's very important to allow just a few instants after my question before
7 answering so that it can be recorded in our transcript.

8 So having looked at that video with the representatives of the Prosecution, were questions
9 put to you on it?

10 A. I haven't understood your question. Who asked me questions?

11 Q. Last week you met the Prosecution, you were shown this video. I would like to
12 know if you discussed the video with the OTP.

13 A. Yes. We also discussed that. And I was asked to be -- to be provided with the
14 sound, but they didn't want to do that, they didn't want to play the sound for me.

15 Q. Were you asked questions about different places to see if you recognize certain
16 places or certain people on the video?

17 A. Yes, I was asked questions about that.

18 Q. And the excerpt that I showed, you didn't correct the fact that Mr Kahwa was there
19 in that extract?

20 A. Yes, until the last minute I didn't have that idea, it was only when I see it now that I
21 think of it.

22 Q. I'm now going on to the next excerpt, that is video excerpt 10.07 -- I'm sorry,
23 I'm -- beforehand I would like to show you once again this video, the one that we've just
24 seen, same one, 6.00, 6.44. Because in your statement you identified Mr Thomas, I would
25 like to see if you can still see him on the video. Are you ready?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 A. I'm ready.

2 Q. Please go ahead and have a look.

3 (Viewing of the video excerpt)

4 MR BOURGON: (Interpretation)

5 Q. Have you recognized Mr Thomas in this video?

6 A. Thomas isn't there.

7 Q. I will now go on to the next excerpt. But beforehand I would like to ask you: Do
8 you know what place we can see on this excerpt?

9 A. Mandro.

10 Q. Did you recognize the place where people were inside? What -- what place was it?

11 A. I don't know that building. I don't know the inside, but I do recognize the
12 environment, it's in Mandro because in Mandro there was a lot of vegetation like that.

13 Q. So in your statement, and here I'm referring to statement DRC-OTP-2067-2602, the
14 same as a moment ago, and now I'm referring to 2606, and you state more precisely in line
15 113, 114, "The place where people entered, they ate and then they left. I did not
16 recognize this building well."

17 Do you confirm the content of your statement?

18 A. Of course I confirm it.

19 Q. We're now going on to the next excerpt, 10.07 to -- 10.07 to 10.20. If you look
20 carefully at the excerpt shown to you.

21 (Viewing of the video excerpt)

22 MR BOURGON: (Interpretation)

23 Q. In your statement, Witness, you didn't recognize the person in this excerpt.

24 A. I didn't recognize him well, but I said with hesitation that it could be the
25 Commander Mugisa Muleke because it was a long time ago.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

- 1 Q. So I'm now going to say what you said in your statement. And now we're in the
2 same statement 2604. And this is what you say in line 59 thereof:
3 (Interpretation) "Which commander? I don't recognize him. It resembles Mugisa
4 Muleke. He was short like that. Whatever the case, I don't know that commander."
5 You're asked a question: "Are you speaking about the commander with the red beret?"
6 And you answer: "Mm-mm. The red beret. The person who's speaking in *the military
7 parade. I do not recognize him." Do you confirm that statement?
8 A. Yes, I confirm it.
9 Q. Witness, if I put it to you that the commander that you see on the screen is Floribert
10 Kisémbu and no other, does that refresh your memory?
11 A. No.
12 Q. According to your testimony you still confirm that Kisémbu visited you twice in
13 camp Ndromo?
14 A. Rwanda and camp Ndromo.
15 Q. I'm now going on to another excerpt. Beforehand I would like to put a question to
16 you: When Commander Kisémbu visited you in Rwanda he was accompanied by
17 another person called Jean-Baptiste, was he not?
18 A. Dhetchuvi.
19 Q. What does Jean-Baptist Dhetchuvi do?
20 A. He's a university professor.
21 Q. (Redacted)?
22 A. (Redacted).
23 Q. (Redacted)?
24 A. (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted).

3 Q. (Redacted)

4 A. (Redacted)

5 Q. I'm now going on to the next excerpt, 10.44 to 11.00 and still in the same video.

6 I'd like you to look carefully at the excerpt shown to you.

7 (Viewing of the video excerpt)

8 MR BOURGON: (Interpretation)

9 Q. Witness, do you remember that when you gave your statement when you met the
10 Prosecution in 2014 you didn't recognize this person; do you remember that?

11 A. Yes, I remember.

12 Q. So I'm now referring to your statement still DRC-OTP-2067-2602, page 2604, and I'm
13 talking about line 65 here. And there the person asking questions says:

14 "Mm-mm. We are at 10 minutes 42 seconds."

15 And you state, "No, that's also, I don't know that person either."

16 "We're at 10 minutes, 43 seconds."

17 "No, I don't know that person either."

18 That person says, "That was at 10 minutes, 58 seconds."

19 Do you confirm your testimony?

20 A. Yes, I confirm it.

21 Q. Do you know who it is now?

22 A. The brown person is Chef Kahwa Mandro. Now, looking at his size, with regards
23 to those who obey him, there is one who has a beret, a red beret, and that's the reason why
24 I had the image of the person who was shorter, he was a commander who I knew, that
25 was Commander Mugisa Muleke. So now, now I see with regard to the military order,

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Chef Kahwa, with regards to his position, well, he shouldn't salute Commander Mugisa
2 Muleke.

3 Q. Witness, is that a deduction from your part that it's Kahwa or do you recognize him?

4 A. Well, I recognize Chef Kahwa. It's not a deduction. And the person who he is
5 saluting, that must be General Kisembo. If I speak about the size, it is -- because when
6 you see the picture here on the video, General Kisembo appears too small in size
7 compared with Chef Kahwa. But also in the military order, as the UPC was organised, it
8 was Chef Kisembo who was number one, General Kisembo who was number
9 one -- Commander Kisembo who was number one.

10 THE INTERPRETER: Corrects the interpreter.

11 THE WITNESS: (Interpretation) So if I mention the name of Mugisa Muleke, then
12 perhaps there was confusion. Having asked several questions, I didn't have the time in
13 order to see the image properly, but now I recognize Chef Kahwa.

14 MR BOURGON: (Interpretation)

15 Q. Witness, Chef Kahwa is somebody you saw in Mandro, did you not?

16 A. Yes, I saw him.

17 Q. I'm now referring here to your statement 26 March right at the start,
18 DRC-OTP-2067-2456, and here I'm referring to 2462.

19 Now, the question was put to you on line 210:

20 "And what is the distance between Mandro and Saikpa?"

21 And your answer is: "I do not know because I have never in Saikpa. I know Saikpa by
22 name. And here as well I met and saw -- not met, but I saw for the first time as well
23 Chef Kahwa, who was the chief of Mandro."

24 Do you confirm your statement?

25 A. Yes, I confirm it.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. So if I understand you well, you met Chef Kahwa at the time of the events. In 2014
2 you're shown the video, you don't recognize it. Last week you were shown the video,
3 you don't recognize that. And there suddenly light returns and you recognize it; is that
4 your testimony?

5 A. That's my testimony.

6 Q. You've just confirmed following the excerpt that I showed you that *you were never
7 in Saikpa; is that not the case?

8 A. Yes.

9 Q. Yesterday the question was put to you: Have you already been to Saikpa or have
10 you ever been to Saikpa? Do you remember what your answer was?

11 A. Yes. I said, no, I don't know.

12 Q. Your answer indeed was, "I don't remember," was it not?

13 A. Yes. Yes.

14 Q. And why, having reviewed your statement last week, which says "I was never in
15 Saikpa" didn't you correct that yesterday, suddenly "I do not remember." Could you
16 explain the difference between the two?

17 A. I couldn't explain it because there are too many events in my mind, too much
18 movement as well.

19 Q. Witness, did you want to please the Prosecution by saying "I don't remember"?

20 A. I'm not there to please anyone.

21 Q. I'm going on to the next excerpt, and here it's 21.29-22.00. I would ask you to pay
22 attention to the video which is going to be shown before you.

23 (Viewing of the video excerpt)

24 MR BOURGON: (Interpretation)

25 Q. So you've been shown this sequence, you were shown this sequence a bit earlier

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 today, were you not?

2 A. Yes.

3 Q. And the question was put to you, line 23, page 15, "Mister, do you recognize the
4 place presented --

5 MS SOLANO: Your Honour.

6 MR BOURGON: (Interpretation)

7 Q. -- on this image?"

8 PRESIDING JUDGE FREMR: Ms Solano.

9 MS SOLANO: Your Honour, I do not think the Prosecution showed this excerpt to the
10 witness today.

11 PRESIDING JUDGE FREMR: I have to admit it is also not very familiar to me. We can
12 check.

13 Court officer, is it possible to check?

14 So it was confirmed that it was not shown to the witness today.

15 MR BOURGON: Mr President, the -- this was shown in the -- when the statement was
16 taken, but this morning the building shown on this extract was shown to him.

17 PRESIDING JUDGE FREMR: So let's be precise.

18 MR BOURGON: (Interpretation)

19 Q. Witness, so as to be precise we're going to look once again at the excerpt which goes
20 from 21.29 to 22.00. And as the OTP did this morning, I would like to ask you to focus
21 on the building that you can see.

22 (Viewing of the video excerpt)

23 MR BOURGON:

24 Q. Witness, I come back to the question that you were asked this morning, line 23,
25 page 15:

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 "Sir, do you recognize the place presented on these pictures?"

2 And your answer: "Yes, apparently."

3 Question: "What place is it?"

4 Answer: "That's in Mandro."

5 Question: "Where in Mandro?"

6 And you answer, line 1, page 16: "Apparently in the primary school of Mandro."

7 Having seen the excerpt that I've just shown you, it's not exactly the same. Do you keep
8 to your testimony of this morning?

9 A. Yes.

10 Q. I'm now going to refer to your statement when you were shown the same excerpt.

11 Now, this is DRC-OTP-2067-2602, and this is what you say in lines 111 and following:

12 Person interviewed, that's you: "It looks like the Mandro school itself. But the other
13 building that I saw at the start of the film, the blue one there, I didn't recognize that. I
14 don't know where it is. If that's the place where people entered, they ate and then they
15 left. I haven't recognized that building well."

16 Questioner: "Mm-mm."

17 Your answer in line 116: "But here, it really does resemble the school in Mandro."

18 Do you confirm your statement, Witness?

19 A. I confirm it. I confirm it.

20 THE INTERPRETER: Repeats the witness.

21 MR BOURGON: (Interpretation)

22 Q. Witness, I would like to know the pictures that we see before us, is that where you
23 were in Mandro?

24 A. Sincerely it was a long time ago that these events took place. We're in 2016 now.

25 Everything happened between 2001 and 2016. It's vague in my mind currently. It's

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 difficult to be precise with regards to the environment, the configuration of the
2 environment, but if you ask me to tell you precisely currently that's perhaps asking too
3 much of me. I wouldn't be able to confirm that exactly, state exactly how this
4 environment is. I see people are in military uniform, but when we were there, people
5 weren't in military uniform.

6 The first time that I saw people in uniform was the day that we left Mandro.

7 Q. (Redacted)?

8 A. (Redacted).

9 Q. Do you recognize the place as being the place where these events occurred?

10 A. Yes, apparently the building below there, there's a part of it which has a
11 roof -- corrugated iron sheeting on the roof and the other part of it does not.

12 Q. Do you want us to show you the video again? Do you want us to hold it, freeze it
13 on that area?

14 A. I wouldn't be able to say it exactly. It's not worth it.

15 Q. Here I'm referring to your statement, page which finishes with 2602, here I'm on
16 line -- 2607. You state on line 148:

17 "I can't find my place here. I don't know this place, don't even know it. If I was there, I
18 would have recognized the person speaking there. Bosco."

19 Do you confirm your statement, Witness?

20 A. I just recognized Commander Bosco when I was interviewed.

21 Q. This morning you mentioned -- when you were asked questions on this subject, you
22 mentioned that perhaps the building, and here I'm looking for the exact word that you
23 used, perhaps the building had been rebuilt or renovated. Do you remember having
24 stated that when describing the building?

25 A. Yes.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. So perhaps it's the same building, but it's been renovated.

2 A. That's correct, yes.

3 Q. Witness, the question was put to you by the Prosecution this morning at my request
4 to see if you were at this rally or assembly.

5 A. I wasn't there.

6 Q. So for the record I would like to confirm that in your statement, page 2607, the
7 number ends in 2602, the question was put to you:

8 "Were you there at that assembly?"

9 And you answer, 146: "No."

10 Do you confirm your statement?

11 A. Yes, I confirm it.

12 Q. Witness, when people speak about Mandro --

13 MR BOURGON: Mr President, I think it's better if we can stop here. I think there is
14 only one minute and the next topic will take more than two minutes.

15 PRESIDING JUDGE FREMR: Yes, I agree with you. I find it more reasonable.

16 So let's move into open session now.

17 (Open session at 12.59 p.m.)

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

19 PRESIDING JUDGE FREMR: Thank you, court officer.

20 So we take our regular lunch break now and we will reconvene half past 2.

21 THE COURT USHER: All rise.

22 (Recess taken at 12.59 p.m.)

23 (Upon resuming in open session at 2.32 p.m.)

24 THE COURT USHER: All rise.

25 Please be seated.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Good afternoon everybody. Good afternoon, Mr Witness.

2 We will continue with your cross-examination conducted by Defence, namely by

3 Mr Bourgon.

4 Mr Bourgon, do you want to proceed in open or in private session?

5 MR BOURGON: Private session, Mr President, please.

6 PRESIDING JUDGE FREMR: And for the benefit of public present at the public gallery,

7 this witness is a protected one, which means that he was given guarantee that his identity

8 will not be revealed, so if the questions could reveal his identity then we have to move

9 into private session, which is the case right now.

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

11 (Private session at 2.34 p.m.) *(Reclassified partially in public)

12 THE COURT OFFICER: We are in private session, Mr President.

13 PRESIDING JUDGE FREMR: Thank you.

14 Mr Bourgon, you may proceed.

15 MR BOURGON: Thank you, Mr President.

16 Q. (Interpretation) Good afternoon, Witness.

17 A. Good afternoon.

18 Q. (Redacted)

19 (Redacted)?

20 A. (Redacted).

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted).

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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12 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 MR BOURGON:

3 Q. Now, is that a building? What is that?

4 A. It's a building.

5 Q. And then if I look at the bottom of the sketch we see "Administration, Office of
6 Bosco," and a line which is divided or intersected by two vertical lines. Now, what is
7 that?

8 A. Well, there I was indicating the separation between the rooms, so partitions between
9 the rooms.

10 Q. So if I understand correctly, there were three rooms in that building?

11 A. Well, actually I don't know how many rooms there were, but I did know there was
12 the place where people were registered and a place where Bosco would -- from which
13 Bosco would exit regularly.

14 Q. And was there another room next door to what you have marked as "Office of
15 Bosco" or was that just an empty space?

16 A. I don't recall.

17 Q. So we have one building on the left, one building at the bottom. Now, do these
18 two buildings meet? Does one back onto the other, or is there a space between them?

19 A. They are not attached one to the other.

20 Q. Now, if I look to the left on your sketch I see a line. Does that represent something?
21 I'm talking about the vertical line on the left of the sketch.

22 A. Yes, I think that that does represent something. I think it might be a building.

23 Q. Witness, I'm afraid I need to ask you to specify because you drew this sketch and it's
24 a matter of your memories. What does that line depict? What did it depict when you
25 sketched it out?

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 A. I'm afraid I can't specify.

2 Q. In the upper left corner we see "entrée principale" --

3 THE INTERPRETER: So "main entrance."

4 MR BOURGON: (Interpretation)

5 Q. -- and "Head Quarter H.Q." Did you write that?

6 A. Yes.

7 Q. Well, what is that?

8 A. Headquarters.

9 Q. Could you describe physically what one sees there when one arrives at the main
10 entrance? Is it a gateway? Is it a passageway? Is it a building?

11 A. It is the location where vehicles could enter into the area of the school, where
12 everybody would enter onto the school grounds.

13 Q. So when one would arrive at the school one would pass through or between the two
14 lines where you have written "main entrance"?

15 A. There wasn't a wall around the school, but what you had here was a large road,
16 roadway which jeeps could use to enter the area and there was also a barrier in there, if
17 you like, where the UPC soldiers attended. So this was the main entrance point. But
18 there was no physical wall around the area. There was cactuses, bushes, grass around
19 the outside.

20 Q. Very good. I'd like you to look now at the projector beside you, look at the picture
21 on it, and I'd like you to be given a pen so that you can point things out so that you can
22 point to -- well, first of all, where we have "E.P./Mandro" I believe that that's an open field
23 basically, is it?

24 A. Yes.

25 Q. I'm going to ask you to repeat your answer and speak into the microphone, because

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 I'm not sure that your answer was recorded.

2 A. Well, where I wrote the title, that is an open space.

3 Q. And the vertical line on the left, is that also an open space, or is there a building
4 there?

5 A. I'm afraid I can't specify.

6 Q. Can you tell us -- you showed us the access road, can you tell me if there's a road at
7 the top of this sketch or to the left or the right?

8 A. The main road is up there.

9 Q. So am I right to understand, from your sketch, that the road leads to the school and
10 the school is at the end of the road, in fact?

11 A. No, I didn't say that. What I'm saying is vis-à-vis the location of the school, what I
12 was describing was that as regards the location of the school, people would enter here, the
13 jeeps or commanders would come in here and -- and they would come out in the
14 courtyard area. But I didn't say that the road ends there.

15 Q. Okay. Well, as regards the middle area --

16 MS SOLANO: I apologise, your Honour.

17 PRESIDING JUDGE FREMR: Yes, Ms Solano.

18 MS SOLANO: Just a brief -- I just want to note for the record that a moment ago in his
19 last answer, when the witness said that the jeeps or commanders would come in here and
20 they would come out in a courtyard area, he pointed his red pen in front of where it says
21 "Administration".

22 PRESIDING JUDGE FREMR: All right.

23 MR BOURGON: (Interpretation)

24 Q. Have I understood correctly that the courtyard is where vehicles would be parked?

25 A. Yes, the officers' vehicles would drive through to there.

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 Q. And could the vehicles drive between the building that is to the right and the one
2 that is at the bottom? Could a vehicle pass between those buildings?

3 A. I have no idea.

4 Q. Witness, give us some idea of how big those two buildings were?

5 A. They were not very big buildings like the schools built by the Catholic church.

6 Q. Well, if I suggest that you look at the room that we're in today you can see the wall
7 that is there on your left and there's a wall on your right. Would you say that the
8 distance between them is that that length is as long, or longer, or shorter than the two
9 buildings that we see on your sketch?

10 A. Practically the same in length.

11 Q. So when the vehicles would arrive in there were two buildings which formed a kind
12 of an L or a right angle; have I understood your sketch correctly?

13 A. Well, I don't know how -- I don't know how to explain this.

14 Q. There is a horizontal building and a vertical building at the right that makes a right
15 angle; do you agree with me?

16 A. To the right.

17 Q. Well, would you take the pen -- in fact, you can sit down and we'll take a look at the
18 electronic version?

19 (Speaks English) If I can have back on the electronic version, please.

20 (Interpretation) Witness, I'd like to ask you to mark an X in the courtyard where the
21 vehicles parked.

22 Thank you.

23 Now, at the bottom where we see the word "Administration," there is a building where
24 you've written "Administration," and can you see at the bottom there's the word
25 "buissons" in French, bushes. Can you see that?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 A. Yes, I can see that.

2 Q. What do you see if you look behind those buildings, to the other side of those
3 buildings? What can you see, if you remember?

4 A. What side are you talking about, behind?

5 Q. Behind the building that you have identified as "Administration" and "Office of
6 Bosco"?

7 A. I think there were trees and cacti with grass.

8 Q. A forest?

9 A. No, not a forest, the cactus -- the cacti had been planted.

10 Q. A field with bushes?

11 A. In Bunia cacti are planted in lieu of a fence and other plants grow underneath the
12 cacti. There's flowers. I -- I don't know how to describe these flowers.

13 Q. (Redacted)

14 (Redacted)?

15 A. (Redacted).

16 Q. (Redacted)?

17 A. (Redacted).

18 Q. (Redacted)?

19 A. (Redacted).

20 Q. Inasmuch as you are able to recollect, were there any stairways to get to those
21 buildings, or were they at ground level?

22 A. There were no stairs.

23 Q. Neither of those buildings on your sketch had a stairway?

24 A. Well, I'm not quite sure as to the other, but on this side there were no stairs.

25 Q. I'd like to ask you to inscribe the number 1 with a circle around it so that we're

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 perfectly clear which building you're referring to. Could you please indicate that with
2 the number 1 inside that circle.

3 The building at the bottom of your sketch where you have written "Administration," was
4 there a stairway or stairs entering that building?

5 A. I have just said that I can't give you any precise information. I have no idea.

6 Q. Were there any other buildings near the school, what you're calling the school?

7 A. Yes, there were other buildings, the villagers' homes. Especially along the road
8 where the main entrance is there were houses.

9 Q. Could you put a circle and put the number 2 inside indicating where there were
10 other villagers' houses?

11 A. The school was right in the centre of Mandro, so there were houses all around, all
12 around there were houses.

13 Q. In all four directions of your sketch?

14 A. Yes, yes, I -- indeed, there were other huts and houses all around.

15 Q. You referred to an area where there was a training centre. I don't -- I think you said
16 "Saikpa". Do you remember using that word in your statement?

17 A. Yes.

18 Q. Where is the Saikpa compared to your sketch?

19 A. It's far from here. It wasn't that close to the school.

20 Q. We know you have never been to Saikpa, but how far is it from here?

21 A. How can I estimate the distance of a place that I've never been to?

22 Q. I would accept that answer.

23 Were there other buildings used by the UPC forces close by to the area you have
24 sketched?

25 A. Well, having seen the videos just a few moments ago today, Chief Kahwa's office

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 was also one of the places where the UPC men got together.

2 Q. You've mentioned the office of Chief Kahwa, Chief Kahwa's house, can you indicate
3 where it is situated on this sketch?

4 A. No, I'm afraid I can't.

5 Q. Can you tell us in which direction it would be found?

6 A. I think it's along the road, along the main road that the jeeps would drive along.

7 Q. Can you draw an arrow that indicates the direction of that road?

8 A. It would be around here, in that direction.

9 Q. Could you please put the number 2 along those two lines, please.

10 You mentioned, Witness, both in your statement and in your oral testimony that the
11 building was at least partially damaged or destroyed. Can you describe it for us? Can
12 you describe the two buildings, starting with the building where you have written
13 "Administration", which part was damaged?

14 A. (Redacted)

15 (Redacted).

16 THE INTERPRETER: Microphone please, counsel. Microphone.

17 MR BOURGON: (Interpretation)

18 Q. Please write the number 3.

19 A. Fine.

20 Q. Well, what do you mean it's dilapidated or damaged?

21 A. Well, it was destroyed, damaged. Well, not in good shape, the way it should be.

22 (Redacted)

23 (Redacted).

24 Q. (Redacted)?

25 A. (Redacted).

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Q. And the building horizontally where you've written "Administration" were there
2 doors?

3 A. I don't -- I don't remember. I don't know anymore. I can't say
4 anymore -- anything more precise.

5 Q. According to your testimony you said that you had registered upon arrival in
6 Mandro there?

7 A. Yes.

8 Q. Did you go into that building for your registration?

9 A. Well, no, we didn't go in. The person in charge of registration was sitting outside
10 with a table and a chair.

11 Q. And you arrived in Mandro at night; is that correct?

12 A. Yes, at night. Yes, we arrived late at night because we also left at night in the
13 evening *from Camp Ndromo.

14 Q. But you had -- you were there long enough to recognize the area?

15 A. Well, we didn't go around very much, we stayed in the same place. Our training
16 continued there, we had drills and parades.

17 Q. So you had training and drills in Mandro?

18 A. Yes, we did, we had training in Mandro.

19 Q. And if I were to follow what you said yesterday you even had instructors there.

20 THE INTERPRETER: Line 22, the interpreter mentions we need to add camp Ndromo.

21 MR BOURGON: (Interpretation)

22 Q. When I look at your statement you say that you didn't have any activities in Mandro,
23 do you remember saying that?

24 A. Well, when I refer to activities, we didn't have activities at as fast a pace, we had
25 more free time. But we did have parades, they came to check who was there, who was

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 sick, who was absent. But there were small parades, there were discussions, but it wasn't

2 as intense as it was in -- at the training centres, (Redacted).

3 MR BOURGON: (Interpretation) (Redacted)

4 (Redacted).

5 (Redacted).

6 PRESIDING JUDGE FREMR: (Redacted).

7 (Redacted)

8 (Redacted)

9 THE INTERPRETER: (Redacted)

10 (Redacted).

11 PRESIDING JUDGE FREMR: (Redacted).

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE FREMR: (Redacted)

15 (Redacted).

16 (Redacted).

17 MR BOURGON: (Redacted).

18 Q. (Interpretation) (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)?

4 A. (Redacted).

5 Q. From this paragraph you seem to say, I understand, that you didn't have many
6 activities in Mandro, contrary to what you said under oath in this very courtroom; is that
7 correct?

8 A. No, no, that's not the case. I used some adverbs to express intensity or quantity. I
9 said, for example -- I said there weren't really many things to do; in other words, we had
10 minor exercises to carry out, we would carry out military marches, what I've referred to as
11 drills, but it didn't take as much time as in the other camps. Here it would be 30 minutes
12 and then we had downtime. What I was trying to say here is that we had more time off
13 here compared to when we were new recruits, when we had arrived from home.

14 Q. A little bit further along on the same page you were asked a question:

15 "And were there parades or meetings?"

16 And your answer was: "No, at least not here there weren't many."

17 Do you agree with me that that doesn't correspond to your testimony?

18 A. No, I said, no, here there weren't many. I've expressed a nuance. I didn't give you
19 an absolute no here.

20 Q. And further along, 2463, page 2463, the person -- the interviewer says:

21 "Mm-mm." And you answered:

22 "They called us occasionally to register us. (Redacted)."

23 I understand when you say from time to time you were called up, but you didn't really
24 have any meetings; isn't that the truth?

25 A. We were never called individually one by one. It was called fall in, there was a

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 parade, it was called fall in, fall in. It wasn't disorderly. We were given orders,
2 instructions, and it was always during a parade.

3 Q. Who participated in the parade? Who was there?

4 A. It was us and our instructors.

5 Q. How many people?

6 A. (Redacted)

7 (Redacted).

8 Q. Should I understand then that you were trained along with the new recruits who
9 were arriving?

10 A. We didn't mix.

11 Q. (Redacted)?

12 (Redacted)

13 (Redacted)

14 (Redacted).

15 Q. (Redacted)?

16 A. Well, yes, sometimes we would get together even with the recruits, but there were
17 no permanent recruits because it was basically a transit centre; people who were coming
18 there would then be sent to the training centre.

19 Q. I'd like to go on to talk about the training centre in a moment, but I'd like to come
20 back to your sketch.

21 MR BOURGON: (Interpretation) If I can have the sketch on the screen once again,
22 please. This is annex 2, DRC-OTP-2066-0296.

23 THE COURT OFFICER: Mr Bourgon, would you like to have the original one or the one
24 with the markings?

25 MR BOURGON: The one with the markings is not admitted yet, so it is better to have

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 this one, then we can admit it after that. (Interpretation) Sorry, I thought the sketch
2 hadn't arrived yet. But I do have it on my screen.

3 Q. Can you see it, witness?

4 A. No, I don't.

5 PRESIDING JUDGE FREMR: Please wait a moment, probably Mr Witness does not have
6 the picture on his screen.

7 Is it okay now? Fine.

8 So please proceed.

9 MR BOURGON: Thank you, Mr President.

10 Q. (Interpretation) Can you see the sketch, witness?

11 A. Yes.

12 Q. (Redacted)?

13 A. (Redacted).

14 Q. (Redacted)

15 (Redacted).

16 PRESIDING JUDGE FREMR: (Redacted).

17 MR BOURGON: (Redacted).

18 PRESIDING JUDGE FREMR: (Redacted).

19 MR BOURGON: (Redacted).

20 PRESIDING JUDGE FREMR: (Redacted)

21 (Redacted).

22 MR BOURGON: (Interpretation)

23 Q. (Redacted)?

24 A. (Redacted).

25 Q. I have a number of questions about this place, but before I would like --

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 MR BOURGON: Mr President, I would like to have this annotated version of annex 2 to
2 the witness statement admitted in evidence.

3 PRESIDING JUDGE FREMR: Ms Solano, any objection?

4 MS SOLANO: No objection, your Honour.

5 PRESIDING JUDGE FREMR: All right then. So sketch annotated by the witness is
6 admitted into evidence as a further Defence exhibit.

7 Now --

8 THE COURT OFFICER: For the information of the parties and participants the
9 document will bear the number DRC-REG-0001-0033.

10 PRESIDING JUDGE FREMR: Thank you, court officer.

11 Mr Bourgon, please proceed.

12 MR BOURGON: Thank you, Mr President.

13 (Interpretation) We can remove the sketch from the screen now. Thank you.

14 Q. (Redacted)

15 (Redacted).

16 MR BOURGON: There seems to be a problem, Mr President. I'm not sure that the
17 witness received the question?

18 PRESIDING JUDGE FREMR: Have you heard the question, Mr Witness?

19 THE WITNESS: (Interpretation) I heard -- I heard a combination of things from the
20 different channels. Perhaps you could repeat the question.

21 MR BOURGON: (Interpretation)

22 Q. I will repeat it.

23 (Speaks English) To make -- to be sure, maybe it's better if we put back the last exhibit on
24 the screen, which will assist the witness in better understanding my question. I apologise
25 for this additional step.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

- 1 (Interpretation) Witness, do you see the sketch again on your screen?
- 2 A. Yes, I see it.
- 3 Q. (Redacted)
- 4 (Redacted)
- 5 (Redacted)?
- 6 A. (Redacted).
- 7 Q. (Redacted)?
- 8 A. (Redacted).
- 9 Q. (Redacted)?
- 10 A. (Redacted)
- 11 (Redacted).
- 12 Q. (Redacted)?
- 13 A. (Redacted).
- 14 Q. (Redacted)?
- 15 A. (Redacted).
- 16 THE INTERPRETER: The interpreter corrects: (Redacted).
- 17 MR BOURGON: (Interpretation)
- 18 Q. (Redacted)
- 19 (Redacted)?
- 20 A. (Redacted).
- 21 Q. (Redacted)?
- 22 A. (Redacted).
- 23 Q. (Redacted)?
- 24 A. (Redacted).
- 25 Q. (Redacted)?

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted).

2 (Redacted)

3 PRESIDING JUDGE FREMR: (Redacted).

4 (Redacted).

5 MS SOLANO: (Redacted)

6 (Redacted).

7 PRESIDING JUDGE FREMR: (Redacted)

8 (Redacted)?

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted).

11 PRESIDING JUDGE FREMR: (Redacted).

12 MR BOURGON: (Interpretation)

13 Q. Witness, yesterday when you were asked how much time you had spent in Mandro
14 you answered, at page 57 of the transcript, starting at line 15:

15 "Sir, how much time did you spend in that camp, Mandro camp?"

16 Answer: "In Mandro, I believe that we spent a week and a half or two weeks there. We
17 did not spend several days there."

18 Now, Witness, your testimony yesterday is very different to your statement, in your
19 statement you spent less than five days in Mandro. Yesterday you said under oath one
20 and a half to two weeks. Which is the truth, Mr Witness?

21 A. We didn't spend several days in Mandro. I believe that we spent a little under one
22 week in Mandro. I was mistaken in my testimony yesterday and I apologise.

23 Q. Witness, yesterday, regarding Mandro, the following question was put to you
24 regarding the presence of children, and I'm referring here to page 58 of the transcript, at
25 line 6:

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 "Were there children in Mandro where you were?"

2 And your answer: "There were many more children than everywhere else that I had
3 been."

4 Do you recall testifying to that effect yesterday?

5 A. Yes. Yes.

6 Q. In your statement, the statement you made to the Prosecutor, on which you spent
7 more than five days, you never referred to the presence of children in Mandro; is that
8 correct?

9 A. Was I put a question on that? I don't know.

10 Q. Witness, when you reviewed your statement with the Prosecutor last week, did you
11 mention to the Prosecutor that you saw more children than anywhere else you had been?
12 Did you specify that to the Prosecutor?

13 A. I don't think so. I don't know anymore.

14 Q. Why did you testify to that effect yesterday?

15 A. Because the question was put to me and I can see clearly in my mind's eye the
16 children there.

17 Q. (Redacted)

18 (Redacted)?

19 A. (Redacted).

20 Q. Witness, having done what we have done this afternoon, I put the question to you
21 that you said that the school was similar to the primary school in Mandro. Now, is the
22 school you saw this morning the school that you were talking about (Redacted)
23 (Redacted)?

24 A. Yes, I think that it is that school.

25 Q. Witness, over the course of your testimony and your statement you referred to

Trial Hearing

(Private Session)

ICC-01/04-02/06

WITNESS: DRC-OTP-P-0769

1 Saikpa, you confirmed that you have never gone to Saikpa. I'd like to know who told
2 you that there was a training centre in Saikpa?

3 A. Well, already the instructors back in camp Ndromo referred to that centre and called
4 it Saikpa. They said, "We have come from Saikpa. We were trained in Saikpa."

5 THE INTERPRETER: (Redacted).

6 MR BOURGON: (Interpretation)

7 Q. And where did you get the information regarding Saikpa when you were in
8 Mandro?

9 A. In Mandro there was a lot of movement of people and we would hear people say
10 that these people have to be taken to Saikpa.

11 Q. So you heard about it during your stay in Mandro; is that correct?

12 THE INTERPRETER: Answer inaudible.

13 MR BOURGON: (Interpretation)

14 Q. Now, when the people who left for Rwanda went through Mandro, *there was no
15 activity at all in Saikpa. Does that jog your memory?

16 A. No.

17 (Redacted)?

18 PRESIDING JUDGE FREMR: (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted).

23 MS SOLANO: Your Honour, for when the witness comes back, I just want to note that in
24 the French transcript at page 112, line 28, as well as in the corresponding English
25 transcript page 81, line 23 the interpreter seemed not to have captured properly what the

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 witness said about (Redacted), and since neither transcript seems to have captured
2 properly I think the Defence should clarify with the witness.

3 (The witness stands down)

4 PRESIDING JUDGE FREMR: Mr Bourgon, note it.

5 MR BOURGON: I'm not sure I understand. Maybe I can take a look at the -- what my
6 colleague is referring to.

7 In fact, can I have a minute, Mr President, while the witness is away just to read because
8 my transcript is not following.

9 PRESIDING JUDGE FREMR: For sure. For sure, yes.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE FREMR: Mr Bourgon, you may proceed.

12 MR BOURGON: Thank you, Mr President.

13 Q. (Interpretation) Witness, I'd just like to return to an answer you gave recently to
14 obtain a clarification from you, I asked you --

15 MR BOURGON: I'm not able to do it at this time, Mr President. I'm trying to play with
16 it and --

17 PRESIDING JUDGE FREMR: All right, let's move.

18 MR BOURGON: I'll do it tomorrow and I can speak to my colleague.

19 PRESIDING JUDGE FREMR: Very well.

20 MR BOURGON: (Interpretation)

21 Q. Witness, just before the short break I put a question to you along the following lines:
22 When you were in Mandro there was no activity in Saikpa. And I asked you if that
23 refreshed your memory and you said no; is that right?

24 A. No.

25 Q. Witness, if I were to put it to you that in June 2002, so long before you were in

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 Mandro, that there was indeed a training centre in Saikpa which only operated for a few
2 days because it was attacked by the APC that burnt to the ground, does that mean
3 anything to you, Witness?

4 A. Yes. Yes, indeed. I recall that.

5 Q. And I would also put it to you that because of the APC attack on the Saikpa training
6 centre, that training centre moved to another location and that location was called Kudja;
7 do you recall that, Witness?

8 A. No. That, I didn't know. Could you repeat the name again, please?

9 Q. Yes. Kudja, K-U-D-J-A, that is where the UPC training centre operated from late
10 June 2002. Did you know that?

11 A. No, I didn't know. I think that -- there was a lot of talk of Saikpa. I think that
12 those who were trained there and who were with us would refer to Saikpa, and I think
13 that people were referring to Saikpa even though in fact there was a new training centre
14 that had been set up. It wasn't Kudja. It is the word *Kudjia, Kudjia, Kudjia.

15 Q. Witness, earlier you said you were aware that the APC had attacked the Saikpa
16 training centre; is that right?

17 A. Yes, indeed.

18 Q. Then I presume that you also know that during the same attack the centre which
19 was called the Mandro collectivité was also destroyed and set alight, is that so?

20 A. No, I have no information on that.

21 Q. When you were in Mandro, did no one show you the centre where the Mandro
22 collectivity had been set on fire?

23 A. No.

24 Q. (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)?

3 A. No, I'm afraid I don't.

4 MR BOURGON: We can stop here for today, Mr President.

5 PRESIDING JUDGE FREMR: So now let's move into open session.

6 Mr Bourgon.

7 MR BOURGON: I just have the last exhibit on which the witness made a drawing that
8 needs to be admitted. I'm just reminded of this.

9 PRESIDING JUDGE FREMR: Ms Solano --

10 MR BOURGON: I think it's still on the screen.

11 PRESIDING JUDGE FREMR: -- I guess no objection?

12 MS SOLANO: No objection, your Honour.

13 PRESIDING JUDGE FREMR: Very well. Then the last sketch created by Mr Witness is
14 admitted into evidence as a further Defence exhibit.

15 (Open session at 4.31 p.m.)

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

17 And for the information of the parties, the document -- the last document will bear the
18 number DRC-REG-0001-0034.

19 PRESIDING JUDGE FREMR: Thank you, court officer.

20 Mr Witness, it concludes your testimony for today, so we will break now, we will
21 continue tomorrow.

22 And it seems to me that since the Defence has slightly less than 2 hours to finish it's
23 cross-examination, so it seems we will be finished before the noon. Yes, now I got a
24 direct, precise information. Defence exhausted so far 3 hours 7 minutes, so still it has at
25 its disposal 1 hour 53 minutes.

Trial Hearing
WITNESS: DRC-OTP-P-0769

(Open Session)

ICC-01/04-02/06

1 And before you leave, Mr Witness, it's my duty, I can -- first of all I would like to thank
2 you because it was a very long time, I can imagine that it was very tiring for you, but I
3 think you still remained very much concentrated and you patiently responded all
4 questions put to you.

5 What is important, I have to remind you that in the meantime, till tomorrow, you must
6 not discuss your testimony with anybody else, neither with your family, nor with your
7 friends. Do you understand?

8 All right. So now please, court officer --

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

10 PRESIDING JUDGE FREMR: Now please escort Mr Witness out of the courtroom.

11 (The witness stands down)

12 PRESIDING JUDGE FREMR: And last point from my part, just for the sake of planning,
13 so as you heard, Mr Bourgon, you still have almost 2 hours. Do you think you will need
14 all that time to finish your cross-examination?

15 MR BOURGON: Indeed, Mr President, I will.

16 PRESIDING JUDGE FREMR: All right. Well-noted.

17 So now court is adjourned and we will continue tomorrow 9.30.

18 THE COURT OFFICER: All rise.

19 (The hearing ends in open session at 4.33 p.m.)

20 RECLASSIFICATION REPORT

21 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
22 the public reclassified and lesser redacted version of this transcript is filed in the case.