

Trial Hearing
WITNESS: DRC-OTP-P-912

(Open Session)

ICC-01/04-02/06

1 International Criminal Court

2 Trial Chamber VI

3 Situation: Democratic Republic of the Congo

4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06

5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Chang-ho Chung

6 Trial Hearing - Courtroom 3

7 Friday, 7 October 2016

8 (The hearing starts in open session at 9.31 a.m.)

9 THE COURT USHER: [9:31:23] All rise. The International Criminal Court is now
10 in session.

11 Please be seated.

12 PRESIDING JUDGE FREMR: [9:31:48] Good morning, everybody. Court officer,
13 please call the case.

14 THE COURT OFFICER: [9:31:53] Thank you, Mr President.

15 The situation in the Democratic Republic of the Congo, in the case of the Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.

17 And for the record, we are in open session.

18 PRESIDING JUDGE FREMR: [9:32:11] Thank you, court officer. Appearances.

19 Maybe you could just limit yourself if there are any changes compared to yesterday,
20 which I think is not the case, but Ms Luping, any changes compared to yesterday?

21 MS LUPING: [9:32:21] Good morning, Mr President, your Honours. There is one
22 change. Ms Kristy Sim is no longer in the courtroom; otherwise, the Prosecution
23 team remains the same.

24 PRESIDING JUDGE FREMR: [9:32:29] Thank you, Ms Luping.

25 Defence.

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- 1 MS GRANDON: [9:32:32] (Interpretation) Good morning, your Honours. No
2 change in comparison to yesterday afternoon.
- 3 PRESIDING JUDGE FREMR: [9:32:40] Thank you, Ms Grandon.
4 And as concerns legal representatives, I see no changes, am I right?
5 Thank you for affirmative.
- 6 Now, Madam Witness, good morning.
- 7 WITNESS: DRC-OTP-P-0912 (On former oath)
8 (The witness speaks Swahili)
- 9 PRESIDING JUDGE FREMR: [9:32:55] Are you feeling okay to conclude your
10 testimony? Because my estimation is and I am also relying on Ms Grandon's
11 estimation, should be finished in one hour. So I believe that you are fine to
12 continue?
- 13 THE WITNESS: [9:33:15] (Interpretation) Yes, I feel well.
- 14 PRESIDING JUDGE FREMR: [9:33:21] Very well. So just two habitual reminders.
15 The first one, you are still under oath, which means that you have to speak the truth
16 and nothing but the truth; and second one, please don't forget to keep pauses of at
17 least three seconds between the question put to you and between your answer.
18 Do you understand, Madam Witness?
- 19 THE WITNESS: [9:33:51] (Interpretation) Yes.
- 20 PRESIDING JUDGE FREMR: [9:33:54] Thank you very much.
21 Now, Ms Grandon, you have the floor.
- 22 MS GRANDON: [9:34:02] Thank you, your Honour.
- 23 QUESTIONED BY MS GRANDON: (Continuing)
- 24 Q. [9:34:09] (Interpretation) Good morning, Madam Witness.
25 A. [9:34:15] Good morning.

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1 Q. [9:34:26] I still have a few questions for you today. If you could try to listen to
2 my questions very carefully, as you did yesterday, and answer as briefly, as succinctly
3 as possibly, that will allow us to make better progress. Do you understand?

4 A. [9:35:03] Yes, I understand.

5 Q. [9:35:08] How many children do you have, Madam Witness?

6 PRESIDING JUDGE FREMR: [9:35:18] Sorry, we have to move into private session,
7 and I also should ask you, but no problem. So let's move into private session now.

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

9 THE COURT OFFICER: [9:35:44] We're in private session, Mr President.

10 PRESIDING JUDGE FREMR: (Redacted)

11 (Redacted)

12 (Redacted)

13 MS LUPING: [9:35:49] (Redacted)

14 PRESIDING JUDGE FREMR: (Redacted).

15 MS LUPING: (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE FREMR: [9:36:16] (Redacted)

22 MS GRANDON: [9:36:22] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 A. [9:40:19] (Redacted)
- 5 Q. [9:40:22] (Redacted)
- 6 (Redacted)
- 7 A. [9:40:53] (Redacted)
- 8 Q. [9:41:11] (Redacted)
- 9 A. [9:41:25] (Redacted)
- 10 (Redacted)
- 11 Q. [9:42:41] (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 A. [9:43:18] (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. [9:43:41] (Interpretation) I would now like to move on to another topic. I'd like
- 19 to ask you some questions about the rape that you told us about yesterday. I know
- 20 that this is a very sensitive issue, and if you would like to have a break just let me
- 21 know, gesture to me. But I only have a few questions about this particular matter.
- 22 Are you still with me?
- 23 A. [9:44:31] Yes, I agree.
- 24 Q. [9:44:41] You explained yesterday that the first man who raped you was (Redacted); is
- 25 that correct?

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1 A. [9:45:00] Yes.

2 Q. [9:45:06] You also explained at page 102 of yesterday's transcript that you didn't
3 know the name of the other soldiers who were present; is that correct?

4 A. [9:45:29] Yes.

5 Q. [9:45:34] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [9:46:38] (Redacted)

12 Q. [9:46:46] (Redacted)

13 (Redacted)

14 A. [9:47:03] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [9:47:46] You had never seen (Redacted) before that time, had you?

19 A. [9:47:52] I did not know him. I did not know him.

20 Q. [9:48:15] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [9:48:58] (Redacted)

3 (Redacted)

4 Q. [9:49:11] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [9:49:48] (Redacted)

10 Q. [9:49:57] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [9:50:32] (Redacted)

16 (Redacted)

17 Q. [9:51:20] In the document that relates the (Redacted) meeting that you had

18 with the OTP investigators, we find the following, document *2079-0011, section 4.

19 And I quote: (Speaks English)

20 "The soldiers who raped her were from the UPC. She knows that as she heard

21 people in Mongbwalu say that the UPC had attacked Mongbwalu during the attack

22 that happened right before she was raped."

23 (Interpretation) Is it correct, Madam Witness, to say that you said that the people who

24 raped you from the UPC -- well, you had reported that the soldiers belonged to that

25 group; is this correct?

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1 A. [9:52:36] That's not right.

2 Q. [9:53:10] Isn't it correct, Madam Witness, that in actual fact you didn't know
3 whether or not (Redacted) was part of the UPC?

4 A. [9:53:31] (Redacted) was a soldier from the UPC. He came with other
5 UPC soldiers who had arrived. They were all UPC soldiers.

6 PRESIDING JUDGE FREMR: [9:53:50] Ms Luping.

7 MS LUPING: [9:53:51] Mr President, it's just a question of interpretation in the
8 English transcript. At page 8, line 25 the response is recorded, "That's not right."
9 And it's opposite to the response that was heard from the Prosecution in the original
10 Swahili. It may be just simply a problem of an error in the transcript, but it's clearly
11 a very different response, "that's not right" to "that is correct."

12 PRESIDING JUDGE FREMR: [9:54:19] So then, Ms Grandon, I'm afraid that the only
13 way how to verify is to put that question, or just maybe to put Madam Witness her
14 answer according the transcript and verify that this answer is right, or that the
15 opposite answer is right.

16 MS GRANDON: [9:54:41] (Interpretation) I may just merely put the question again.

17 Q. [9:54:44] Apparently one of your responses was not correctly recorded in the
18 transcript, so I'll ask you this question again.

19 Is it not true, Madam Witness, that if you reported that the people who raped you
20 belonged to the UPC, it's because you were told that the soldiers who led the attack
21 on Mongbwalu belonged to the UPC?

22 A. [9:55:23] Yes, that's right.

23 PRESIDING JUDGE FREMR: [9:55:44] Sorry to interrupt, Ms Grandon, but I would
24 like to clarify something myself.

25 Madam Witness, you said you didn't know (Redacted) before this said event.

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1 What made you to conclude that his name is (Redacted)?

2 THE WITNESS: [9:56:10] (Interpretation) When they came to get me (Redacted),

3 the soldiers (Redacted) had to take me to (Redacted)

4 (Redacted)

5 (Redacted), and so I concluded that the person (Redacted) was

6 (Redacted). So there you have it, that is when I learned his name.

7 PRESIDING JUDGE FREMR: [9:56:52] Thank you for this clarification,

8 Madam Witness.

9 Ms Grandon, please.

10 MS GRANDON: [9:57:00] (Interpretation)

11 Q. [9:57:14] Did someone else at a different time mention the name of (Redacted)?

12 A. [9:57:22] The soldiers who took me (Redacted) gave the name of (Redacted) and they

13 were the ones who mentioned his name.

14 Q. [9:58:11] Had you heard that name before that time or after?

15 A. [9:58:18] I hadn't heard any talk about that name. It was on that day that I

16 learned that name.

17 Q. [9:58:45] I would now like to move on to another topic, ma'am.

18 Yesterday you explained and you reported a final attack upon Mongbwalu. And in

19 your statement at paragraph 63, you mention this attack and you refer to it as the

20 48-hour attack.

21 Do you remember saying that?

22 A. [9:59:35] I remember. That was when there was the attack, after.

23 Q. [10:00:01] After your rape, is that it?

24 A. [10:00:10] Yes, after that.

25 Q. [10:00:29] And on the subject of this attack you explained to us that it was an

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1 attack carried out by the Lendu to dislodge the UPC; is that right?

2 A. [10:00:41] That's what we found out.

3 Q. [10:00:48] And in your statement you explained more precisely, and here I quote
4 paragraph 63: (Speaks English)

5 "The UPC soldiers were running (Redacted) from the camp saying that the
6 Lendu had come to attack Mongbwalu."

7 (Interpretation) Do you remember having explained that?

8 A. [10:01:18] Yes.

9 THE INTERPRETER: [10:01:31] Your Honour, could the counsel be requested again
10 to leave a pause, because otherwise what is happening is that the channel is being
11 used by two different people at the same time and it won't be transcribed for the
12 record. Thank you very much.

13 PRESIDING JUDGE FREMR: [10:01:50] Ms Grandon, I believe you have heard.
14 Fine.

15 MS GRANDON: [10:01:57] (Interpretation)

16 Q. [10:01:59] Did you hear anyone speak about Commander Jérôme?

17 A. [10:02:07] No, I don't know that.

18 Q. [10:02:27] Did you know that at the time of this attack, this 48-hour attack, it was
19 the Lendu and Commander Jérôme and his men who occupied Mongbwalu?

20 A. [10:02:43] No, I didn't know that.

21 Q. [10:03:00] Did you know that Commander Jérôme's men had the same uniform
22 as UPC soldiers?

23 A. [10:03:11] No, I don't know the soldiers of Jérôme. All I know is they were
24 UPC troops who had entered into Mongbwalu.

25 Q. [10:03:47] Did you know that at the time of this 48-hour war it had already been

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1 three months that Commander Jérôme and his men had deserted the UPC?

2 A. [10:04:10] No. Everything that you've just said is new for me. I don't know.

3 Q. [10:04:27] Do you know, Madam Witness, that the 48-hour attack on

4 Mongbwalu, in reality was an attack carried out by the UPC to dislodge

5 Commander Jérôme, his men and the Lendu?

6 A. [10:05:04] No, I don't know.

7 Q. [10:05:30] Yesterday you explained to us on the subject of the first attack that the

8 Lendu, the Lendu combatants came from Sayo with uniforms, carrying uniforms in

9 their arms. Did you see these Lendu combatants carrying tache tache uniforms?

10 A. [10:06:37] The Lendu combatants weren't in military uniform, they were dressed

11 in civilian uniform, and it was when they left Mongbwalu to return to the villages

12 that they had left Mongbwalu to go to Sayo. At that time they had military uniforms

13 which they were wearing.

14 THE INTERPRETER: [10:07:11] Correction of the interpreter: Which they were

15 carrying in their arms.

16 MS GRANDON: [10:07:17] (Interpretation)

17 Q. [10:07:43] Afterwards, having seen the Lendu combatants with these uniforms

18 in their arms, did you see them later wearing uniforms?

19 A. [10:08:00] No. They didn't wear military uniforms. If they had military

20 uniforms, personally that's something I never saw them wear, I never saw them

21 wearing military uniforms.

22 Q. [10:08:40] I'm going to change subject.

23 Now, yesterday we spoke about your schooling. Is it correct to say that at primary

24 school you learnt Swahili?

25 A. [10:09:11] Swahili and French. There were two languages that we learnt.

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1 Q. [10:09:22] Do you know that Lingala is the language which is spoken by the
2 majority of the soldiers in the FARDC?

3 A. [10:09:45] Yes, the FARDC soldiers spoke in Lingala, but I know that the UPC
4 troops also spoke in Lingala.

5 Q. [10:10:08] Did you know that the Hema language was hardly used in the UPC
6 because it's a language which is only spoken by the Hema south?

7 PRESIDING JUDGE FREMR: [10:10:37] Ms Luping.

8 MS LUPING: [10:10:39] Mr President, your Honours, I haven't interrupted these
9 various propositions that have been put to the witness so far, but I would just ask that
10 Defence counsel rephrase the manner in which she's putting these questions because
11 she is asserting a number of propositions as if they are facts that are not contested by
12 the Prosecution when in fact that may not necessarily be the case. So I would just
13 simply ask her to rephrase the proposition she is putting so it does not appear as if it
14 is an uncontested fact.

15 PRESIDING JUDGE FREMR: [10:11:10] Ms Grandon, the last question for example
16 really contained fact which may be disputable. So --

17 MS GRANDON: [10:11:20] (Interpretation) If you'd allow me to reply to the
18 objection, your Honour.

19 PRESIDING JUDGE FREMR: Please.

20 MS GRANDON: (Interpretation) It would seem to me that my question simply
21 consists of asking an open question to the witness. And the Prosecutor is free to
22 bring evidence to the contrary, to the proposal that I put forward. This is the thesis
23 or theory of the Prosecutor.

24 PRESIDING JUDGE FREMR: [10:11:45] Ms Luping.

25 MS LUPING: [10:11:46] Mr President, I would actually suggest it's the other way

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1 around. If Defence counsel is going to put a proposition it has to be based on -- it's
2 either if it's going to be stated as a fact, it has to be based on evidence already on the
3 record to support the assertion being made. It's not for the Prosecution to provide
4 evidence to contrary propositions being put forward by Defence counsel. That's not
5 how it works. Thank you.

6 PRESIDING JUDGE FREMR: [10:12:10] Yes, objection is sustained. Ms Grandon.

7 MS GRANDON: [10:12:23] (Interpretation)

8 Q. [10:12:30] Witness, did you know that the Hema language -- or, do you know
9 that the Hema language is used exclusively by the south Hema, Hema du Sud?

10 A. [10:12:58] No, I don't know that.

11 Q. [10:13:09] Do you know by way of consequence that the language is hardly used
12 by the UPC due to the fact that it's only spoken by a minority of the population?

13 PRESIDING JUDGE FREMR: [10:13:27] Ms Luping.

14 MS LUPING: Mr President, asked and answered.

15 PRESIDING JUDGE FREMR: [10:13:34] Ms Grandon.

16 MS GRANDON: [10:13:40] I will move on.

17 PRESIDING JUDGE FREMR: [10:13:41] Please.

18 MS GRANDON: [10:13:43] (Interpretation)

19 Q. [10:14:13] I would now like to briefly go back into certain things that you
20 explained to us yesterday. (Redacted)

21 (Redacted)

22 A. [10:14:32] (Redacted)

23 Q. [10:14:43] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [10:22:40] (Redacted)

3 (Redacted)

4 Q. [10:22:59] Yesterday you explained, this is on page 51 and 52 of the transcript on
5 the subject, and the question referred to Lendu fighters. You stated the following:

6 (Speaks English) "We saw them later on. We saw some Lendu combatants, not
7 Lendu soldiers."

8 (Interpretation) What's the difference between a Lendu combatant and a Lendu
9 soldier?

10 A. [10:23:48] No, I didn't say that. I said that we had seen the Lendu combatants
11 who had come from Sayo. There weren't soldiers. They had arrows and they had
12 spears. I didn't see Lendu soldiers.

13 THE INTERPRETER: [10:24:30] Correction from the interpreter: She said, "We saw
14 soldiers who came from Sayo. There weren't -- we saw soldiers that came from Sayo.
15 There weren't soldiers.

16 MS GRANDON: [10:25:02] (Interpretation)

17 Q. [10:25:02] Have you seen a Lendu combatant with firearms?

18 A. [10:25:10] No, I haven't seen that.

19 Q. [10:25:23] Now, yesterday you spoke to us, Witness, about a woman with the
20 (Redacted)

21 A. [10:26:23] (Redacted)

22 (Redacted)

23 Q. [10:26:44] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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5 (Redacted)

6 (Redacted)

7 A. [10:27:41] (Redacted)

8 (Redacted)

9 Q. [10:28:27] Madam Witness, have you filled in a participation form for victims?

10 Perhaps I could clarify my question.

11 Do you know that when one is a victim of alleged crime, crimes before the

12 International Criminal Court, that it is possible to fill in a document with a view to

13 obtaining reparations for harm possibly suffered during the war?

14 A. [10:29:33] (No interpretation)

15 THE INTERPRETER: [10:29:49] Your Honour, could the witness be asked to repeat

16 the answer because the Swahili booth did not manage to get the answer.

17 PRESIDING JUDGE FREMR: [10:30:00] Madam Witness, could you repeat your last

18 response because it hasn't been captured by the interpreters, please.

19 THE WITNESS: [10:30:09] (Interpretation) What I know is that I'm a victim.

20 MS GRANDON: [10:30:31] (Interpretation)

21 Q. [10:30:32] (Redacted)

22 A. [10:30:38] (Redacted)

23 Q. [10:31:07] Did someone suggest to you that you should fill out a form like this

24 one?

25 A. [10:31:31] I don't know. I can't read, you see. Maybe someone brought the

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1 form for me to fill out. But I can't read.

2 MS GRANDON: [10:31:53] (Interpretation) I have no further questions,
3 your Honour.

4 PRESIDING JUDGE FREMR: [10:31:58] And I thank you, Ms Grandon, that you met
5 your yesterday's promise. We all appreciate.
6 Now, Ms Luping, any request for re-direct?

7 MS LUPING: [10:32:11] Extremely brief, Mr President. I have about one question.

8 PRESIDING JUDGE FREMR: [10:32:14] All right. In private or in open session?

9 MS LUPING: [10:32:17] Remaining in private session, please.

10 PRESIDING JUDGE FREMR: [10:32:19] All right. So please, go ahead.

11 MS LUPING: [10:32:24] And court officer, if I could please ask that a document be
12 called up. It's a confidential document, DRC-OTP-2092-0053. It is at tab 7 of the list
13 of items. It was shown by Defence counsel to this witness yesterday.

14 QUESTIONED BY MS LUPING:

15 Q. [10:33:08] Madam Witness, do you see the document before you?

16 A. [10:33:20] Yes, I can see it.

17 Q. [10:33:24] And you were asked a number of questions by Defence counsel in
18 relation to this document. You confirmed it was an electoral card and that it was
19 your electoral card. I just have one question for you about this electoral card. I
20 would like you to look at the date at the bottom. There is a date and I will read it out
21 to you, it says (Redacted). Madam Witness, is this the date that the electoral card
22 was issued to you, is this date correct, (Redacted)?

23 A. [10:34:06] Well, that's what's written here.

24 Q. [10:34:25] And is this correct? I should add, to the best of your knowledge.

25 PRESIDING JUDGE FREMR: [10:34:36] Madam Witness, it is not about the exact

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1 date, but it should be approximately (Redacted), so you think it should be, should
2 be correct?

3 THE WITNESS: [10:34:47] (Interpretation) That is how it was given to me and that
4 is -- this is what I received.

5 MS LUPING: [10:35:15]

6 Q. [10:35:15] I just want to ask one question to clarify the date. The electoral card,
7 Madam Witness, did you receive your electoral card before you were interviewed by
8 the office of the Prosecution?

9 A. [10:35:34] Yes, I received it before, (Redacted)

10 (Redacted)

11 (Redacted)

12 MS LUPING: [10:36:10] Thank you, Madam Witness.

13 Thank you, Mr President, your Honours, I have no further questions.

14 PRESIDING JUDGE FREMR: [10:36:15] Thank you. Ms Grandon, any need for
15 re-cross?

16 MS GRANDON: [10:36:21] (Interpretation) No, your Honour.

17 PRESIDING JUDGE FREMR: [10:36:23] I have no further questions for, no questions
18 for the witness. My colleagues, I guess, yes, they don't have at all.

19 So now let's move into open session.

20 (Open session at 10.36 a.m.)

21 THE COURT OFFICER: [10:36:43] We're in open session, Mr President.

22 PRESIDING JUDGE FREMR: [10:36:48] Thank you, court officer.

23 So, Madam Witness, it concludes your testimony. I would like to thank you very
24 much on behalf of this Chamber that you came and testified on matters that obviously
25 were traumatising to you, but we appreciate because it takes some courage and you

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1 made it. So thank you very much. And I believe that your testimony will assist us
2 in our deliberation and in our effort to find the truth in this case.

3 Thank you, and we wish you safe journey home.

4 Now, court usher, please assist Madam Witness to leave the courtroom.

5 (The witness is excused)

6 PRESIDING JUDGE FREMR: [10:38:00] And before we move -- Ms Grandon.

7 MS GRANDON: [10:38:03] (Interpretation) I beg your pardon, your Honour. In
8 relation to the question that was just put by my learned friend and in light of the
9 questions I put yesterday, it seems to me that it would be useful to have the voter's
10 card placed on the case records in order to support what the witness has told us.

11 PRESIDING JUDGE FREMR: [10:38:28] Ms Luping, any objection?

12 MS LUPING: [10:38:30] No objection. In fact, I forgot to ask that it be admitted as
13 evidence, so certainly no objection.

14 PRESIDING JUDGE FREMR: [10:38:37] So this common proposal is granted and this
15 document we saw a few seconds ago is admitted, the electoral card is admitted into
16 evidence as a further Prosecution exhibit. I think it is no problem for the court
17 officer to find the ERN number. Fine.

18 And before we move at least for the introductory part of the testimony of the next
19 witness, I would like to also make one reflection. I would like to thank both
20 Ms Luping and Ms Grandon for the tactful and considerate approach in the
21 questioning of this witness and I would also like to thank lead counsel for assignment
22 of female members of their teams to that questioning because, in my view, both those
23 factors, approach of the examiners and the fact that they are female, contributed
24 significantly to the efficient way of questioning and also to, I hope, to the fact that the
25 witness made or gave her testimony at ease. So thank you for that, and I would

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1 really strongly encourage you to follow the same approach in case we will face

2 a similar kind of testimony in future.

3 Now we will break. I hope that five minutes should be enough in order to allow you

4 to prepare for the next witness.

5 (Recess taken at 10.40 a.m.)

6 (Upon resuming in open session at 10.51 a.m.)

7 THE COURT USHER: [10:51:38] All rise.

8 Please be seated.

9 PRESIDING JUDGE FREMR: [10:51:59] Good morning again. Apart of the fact that

10 we have a new witness in the courtroom, I also see some changes in appearances, so I

11 now ask parties for update on that.

12 Mr Iverson.

13 MR IVERSON: [10:52:16] For the Prosecution, Dianne Luping and Marion Rabanit

14 are now absent and I am present, Eric Iverson. And for the rest, the composition

15 remains unchanged.

16 PRESIDING JUDGE FREMR: [10:52:31] Thank you, Mr Iverson.

17 Mr Gosnell.

18 MR GOSNELL: [10:52:34] Thank you, Mr President. I am still here and I am

19 accompanied by Margaux Portier, Dignité Bwiza and Han Catherine Morin. Thank

20 you very much, Mr President.

21 PRESIDING JUDGE FREMR: [10:52:47] Thank you, Legal Representative for

22 Victims.

23 MS GRABOWSKI: Mr President, Mr Suprun has left the courtroom, and the victims

24 of the attacks are represented by myself, Ms Anne Grabowski.

25 PRESIDING JUDGE FREMR: [10:53:06] All right. And Mr Abdou is with us as

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1 well.

2 Now, before we start with testimony, I would like to recall that yesterday
3 the Chamber granted in-court protective measures for our witness in the form of face
4 and voice distortion and the use of a pseudonym.

5 In terms of timing, the Chamber has already indicated that the examination-in-chief
6 for this witness is to be completed within 3 hours. Even if we look at the expected
7 content, we can't imagine -- can image that it should be even made in shorter time.

8 Further, the Chamber has taken note of the Defence notice of objections to the use or
9 admission of certain documents, and it will address any such objections if and when
10 they arise.

11 So now, Mr Witness, good morning. Can you hear me?

12 WITNESS: DRC-OTP-P-0301

13 (The witness speaks Swahili)

14 THE WITNESS: [10:54:13] (Interpretation) Yes, I can hear you.

15 PRESIDING JUDGE FREMR: [10:54:14] Mr Witness, on behalf of this Chamber, I
16 would like to welcome you to the courtroom. You are called to testify in the case
17 against Mr Bosco Ntaganda, and you will be soon asked questions both by the judges
18 and lawyers in the courtroom. In this connection I would like to guide you as
19 follows:

20 Please listen carefully to those questions. If you do not understand, feel free to ask
21 for the question to be repeated.

22 We want you to tell the truth and tell us what you saw, heard or sensed yourself. If
23 you didn't see or hear it yourself, but you found out some other way, then you should
24 explain how.

25 Please testify just on that which you remember, don't guess, don't make things up.

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1 There is nothing wrong in saying "I don't know," or "I don't remember." Do you
2 understand all this, Mr Witness?

3 THE WITNESS: [10:55:29] (Interpretation) Yes.

4 PRESIDING JUDGE FREMR: [10:55:36] Fine. Mr Witness, as I said a few moments
5 ago, protective measures are put in place to ensure that your identity is not revealed
6 to the public, which in practice means that the public cannot see your face and that
7 your voice is being disguised so that the public cannot recognise it. We will refer to
8 you as "Mr Witness" only and ensure that your name and any other information that
9 risks revealing who you are is not broadcast to the public.

10 Therefore, whenever you need to describe anything that might reveal your identity,
11 we will do so in private session so that no one outside the courtroom can hear your
12 answer. Do you understand that, Mr Witness?

13 THE WITNESS: [10:56:37] (Interpretation) Yes.

14 PRESIDING JUDGE FREMR: [10:56:44] Good. Now, Mr Witness, you will be
15 provided with a piece of paper with the solemn undertaking, so please now make
16 your solemn undertaking to tell the truth by reading out the declaration you have in
17 your hands.

18 THE WITNESS: [10:57:04] (Interpretation) Am I supposed to read?
19 I solemnly declare that I shall tell the truth, the whole truth and nothing but the truth.

20 PRESIDING JUDGE FREMR: [10:57:37] So it means, Mr Witness, that you are now
21 under oath.

22 THE WITNESS: [10:57:43] Ndiyo.

23 PRESIDING JUDGE FREMR: [10:57:46] So you need to be aware that it is an offence
24 within the jurisdiction of this Court to give false testimony. Do you understand
25 that?

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1 THE WITNESS: [10:58:04] (Interpretation) Yes.

2 PRESIDING JUDGE FREMR: [10:58:05] And finally, a few practical matters you
3 should have in mind when giving your testimony. It is important to speak into the
4 microphone, to speak clearly and to speak at a slow pace to allow the interpreters to
5 translate everything. Please do not respond to questions put to you immediately,
6 but wait for at least 3 seconds and only then please give your answer, because this
7 pause is essential for us to have a precise transcript and precise interpretation.

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

10 Have you understood all that, Mr Witness?

11 THE WITNESS: [10:59:08] (Interpretation) Yes, I understand.

12 PRESIDING JUDGE FREMR: [10:59:14] Very well, Mr Witness.

13 So we can start your testimony.

14 Mr Iverson, you have the floor.

15 And I will just like to continue with this initial part of testimony just taking those
16 personal details from the witness and then in fact the examination itself should be
17 conducted after, after break.

18 MR IVERSON: [10:59:46] Thank you, Mr President.

19 QUESTIONED BY MR IVERSON:

20 Q. Well, first of all, sir, we have met before. But my name is Eric Iverson, and I'm
21 a trial lawyer with the Office of the Prosecutor, and I'll be asking you questions today
22 in court.

23 In a moment I'll ask for a private session and that's in order to protect your identity
24 from the public. Just if during the course of my questions, if we're in open session, I
25 would ask that you, if you feel the need to say something that may reveal your

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1 identity, please let the Presiding Judge know and he can then be in a position to
2 determine whether or not to go into private session.

3 I would ask that we briefly go into private session for the initial part of the testimony.

4 PRESIDING JUDGE FREMR: [11:00:42] Certainly, certainly. Court officer, let's
5 move into private session now.

6 (Private session at 11.00 a.m.) *(Reclassified partially in public)

7 THE COURT OFFICER: [11:00:50] We are in private session, Mr President.

8 PRESIDING JUDGE FREMR: [11:01:03] Thank you, court officer. Mr Iverson,
9 please proceed.

10 MR IVERSON: [11:01:11]

11 Q. [11:01:11] Sir, could I ask you to state your full name for the record, please?

12 A. [11:01:18] My name is (Redacted).

13 Q. [11:01:39] And also could you please tell the Court your date of birth and your
14 place of birth?

15 A. [11:02:00] I was born in the locality of (Redacted).

16 Q. [11:02:23] And your nationality is Congolese, that is to say DRC, the Democratic
17 Republic of the Congo, and you are of Lendu ethnicity; is that right?

18 A. [11:02:39] Yes.

19 Q. [11:02:42] I just have a few more questions about your educational background
20 and then I will ask the Chamber for a break so that we can all have a break in the
21 courtroom.

22 Is it correct that you (Redacted)?

23 A. [11:03:15] Yes.

24 Q. [11:03:16] And is it correct that you (Redacted)

25 (Redacted)?

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- 1 A. [11:03:34] Yes.
- 2 Q. [11:03:37] (Redacted)
- 3 (Redacted)
- 4 A. [11:03:55] Yes.
- 5 Q. [11:03:59] (Redacted)
- 6 A. [11:04:07] (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 MR IVERSON: [11:05:21] All right, I'd like to break right there, Mr President.
- 11 And when we come back I'll have additional questions for you, sir.
- 12 PRESIDING JUDGE FREMR: [11:05:30] All right. Now court officer, let's move
- 13 into open session, just to announce our break.
- 14 (Open session at 11.05 a.m.)
- 15 THE COURT OFFICER: [11:05:44] We're in open session, Mr President.
- 16 PRESIDING JUDGE FREMR: [11:05:46] Thank you, court officer.
- 17 Now our we take our regular 30 minutes morning break, which means that we will
- 18 continue 11.35.
- 19 THE COURT USHER: [11:06:00] All rise.
- 20 (Recess taken at 11.06 a.m.)
- 21 (Upon resuming in open session at 11.36 a.m.)
- 22 THE COURT USHER: [11:36:56] All rise.
- 23 Please be seated.
- 24 PRESIDING JUDGE FREMR: [11:37:24] We will continue with examination-in-chief
- 25 of our witness by Prosecution.

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1 Mr Iverson, do you want to proceed in open or in private session?

2 MR IVERSON: [11:37:40] I would like to start in open session, please, Mr President.

3 PRESIDING JUDGE FREMR: [11:37:45] All right.

4 MR IVERSON: [11:37:46] And I have just one slight change in composition.

5 James Pace is now present in the courtroom for the Prosecution.

6 PRESIDING JUDGE FREMR: [11:37:56] Thank you.

7 MR IVERSON: [11:38:02]

8 Q. [11:38:02] Welcome back, sir. Could you explain to the Chamber where you
9 were living at the beginning of August 2002? And you don't have to give a specific
10 address, I'm asking for the city and province.

11 A. [11:38:36] In August I was in Bunia. From Bunia, when the war began, well, I
12 left Bunia and I went to Kobu, the village called Kobu. Kobu is a trading centre. It
13 is to be found in Djatsi collectivity in the Djugu territory.

14 Q. [11:39:23] And could you explain to the Chamber what caused you to leave
15 Bunia in August 2002 and go to Kobu?

16 A. [11:39:45] I left Kobu because of the war that broke out in Bunia. The UPC
17 soldiers fought the people who were leading Bunia at the time, Commander
18 Lompondo, the UPC soldiers drove him out and then, you see, we left Bunia and we
19 went to Kobu.

20 Q. [11:40:29] And when you say "we left Bunia," did you leave Bunia alone or with
21 others?

22 A. [11:40:38] Well, I would put it this way: Many Lendu people had left Bunia,
23 because the Lendu could no longer get to Bunia or have access, and it was myself and
24 a group of other Lendu people who left that place. Amongst the group there was
25 one of my sisters, who was living with me. So we left with her in the same group.

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1 Q. [11:41:33] And how long did you remain in Kobu once you arrived there?

2 A. [11:41:43] I got to Kobu in August 2002 and I stayed there until 2003. I would
3 say late 2003, October or perhaps December. I no longer recall exactly when, but I
4 know that I left Kobu at the end of 2003.

5 Q. [11:42:27] And you mention that there was war which drove you from Bunia.
6 Was there war or fighting when you arrived in Kobu in August 2002?

7 A. [11:42:40] Once we got to Kobu there was a lull, so that was during the time of
8 our flight. The battle that was underway in Kobu was in October. That is when
9 Kobu was attacked.

10 Q. [11:43:28] When Kobu was attacked in October were you present in Kobu?

11 A. [11:43:35] Yes, I was in Kobu during that entire period of time.

12 Q. [11:43:42] And could I ask you to explain to the Chamber what happened in
13 October 2002 when Kobu was attacked while you were there.

14 A. [11:44:08] The attack came from the UPC position, that is to say Kilo. There
15 were other soldiers in Mabanga, and others in Nizi, at times they came from Nizi to
16 attack from the Bambu approach or from Mabanga, also attacking along the Bambu
17 road. And sometimes the attacks would come from Kilo. But within Kobu itself,
18 there were no attacks, but rather in the surrounding areas. And each time the UPC
19 soldiers would attack the locality, young people would organise themselves into
20 self-defence groups to repel the enemy.

21 Q. [11:45:17] And who were these young people who organised themselves into
22 self-defence groups? Can you describe them to the Chamber?

23 A. [11:45:31] At that time there were a number of leaders. That is to say, when we
24 would hear gunfire, the various leaders in the localities would use the horns from
25 oxen to send a signal. They would blow into the horn to warn people, to warn the

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1 young people to take up some sticks or other things and go to the place where the
2 gunfire was, but there was no -- there was not really a structure per se.

3 Q. [11:46:31] And you mention this is in October 2002. Can you tell the Chamber
4 whether this fighting between the UPC and these young people continued into
5 November 2002?

6 A. [11:47:05] Yes, it did continue, I remember quite well. It continued until
7 February. I think that it must have been a Tuesday in February, that is when we left
8 Kobu, because the war had intensified and so we had to leave Kobu.

9 MR IVERSON: [11:47:55] Mr President, I would ask that we move into private
10 session.

11 PRESIDING JUDGE FREMR: [11:48:00] All right. In order to inform public, this
12 witness is a protected one, so he was given a guarantee that his identity will not be
13 revealed to the public. That is why for some part of his testimony we have to move
14 into private session.

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

16 (Private session at 11.48 a.m.) *(Reclassified partially in public)

17 THE COURT OFFICER: [11:48:30] We're in private session, Mr President.

18 PRESIDING JUDGE FREMR: [11:48:34] Thank you, court officer. Mr Iverson,
19 please proceed.

20 MR IVERSON: [11:48:41]

21 Q. [11:48:41] So, Sir, I would like to ask you many questions in relation to the
22 events in Kobu and surrounding areas in February *2003. The reason I asked for
23 private session is because some of those questions are likely to elicit clues about your
24 identity. First I would like to ask, when you first arrived in Kobu up until
25 February 2003, what were you doing in Kobu? What was your occupation?

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1 A. [11:49:20] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [11:50:11] And you mentioned that in February 2003 you left Kobu because the
6 fighting had intensified. Can you explain to the Chamber in some detail what you
7 mean by the fighting intensified in February 2003?

8 A. [11:50:38] I had said that in February 2003, on a Tuesday, we heard gunfire.

9 The gunfire came from the Kilo road. We heard heavy weaponry being detonated,
10 and the young people started to flee. And they met up with us and we fled.

11 I didn't even have time to gather together my belongings, because the war was
12 intensifying. Each person tried to get away, just like I did. I fled and headed
13 towards Gutsi.

14 The people of the population divided. Some people went on the Bambu road, others,
15 the Gutsi road, others, the Sangi road, and others, the Buli road. It was a very
16 difficult time.

17 I found myself with the group of people who had opted for the Gutsi road.

18 Q. [11:52:07] And can you tell the Chamber who was firing guns and heavy
19 weaponry, if you know?

20 A. [11:52:20] At that time it was difficult to identify the perpetrators. Later we
21 realised that they were UPC soldiers. Since then and up until now we have known
22 that it was them.

23 Q. [11:52:52] And what were the ethnicities of the other people that you were with,
24 that you fled with?

25 A. [11:53:03] Kobu was inhabited by the Lendus, for the most part. There were

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1 also some members of the population from other places. Some people had come
2 from Mongbwalu, they had fled their locality to go to Kobu. Generally speaking, I
3 would say that it is the Lendu community that formed the majority in Kobu.

4 Q. [11:53:46] And approximately how long did it take you to go from Kobu to
5 Gutsi?

6 A. [11:54:05] That day we were travelling, we moved ahead, and then we stopped.
7 Well, it's not a great distance, but I would say, as we were travelling, we would stop
8 to determine whether it was possible to move ahead, whether there was any hope to
9 go back to the place we had come from. So that is why it took us some time, and I
10 think we got to Gutsi at about three in the afternoon.

11 Q. [11:55:00] Are you aware if there were any persons injured from the gunfire that
12 you had heard?

13 A. [11:55:16] That day -- just give me a moment.
14 I think that one person was injured. If I remember correctly, that was (Redacted), that
15 was his name. In any event, I did see one person was injured. I think that (Redacted)
16 was his name. I no longer recall exactly. I'll think about it.

17 Q. [11:56:13] And to your knowledge, did the UPC attack on Kobu end once you
18 fled to Gutsi? Are you aware?

19 A. [11:56:34] Yes.

20 Q. [11:56:40] So once you were in Gutsi, did you hear any more gunfire or heavy
21 weapons?

22 A. [11:57:04] That day when we fled we heard gunfire at around 12. That was the
23 time we left Kobu. All that began early in the afternoon; the whole afternoon into
24 the evening we heard the gunshots, the gunfire.

25 Q. [11:57:39] And while you were in Gutsi, were you able to find out or learn what

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1 was happening in Kobu?

2 A. [11:57:55] We were in Gutsi. Amongst us, there were some young people who
3 were going to drive the UPC soldiers back. And it was said that the centre was
4 entirely occupied by the UPC soldiers and that they had been defeated. That is what
5 they told us.

6 Q. [11:58:44] And how long were you -- how long did you remain in Gutsi after
7 you had fled there?

8 A. [11:59:02] I think that we got to Gutsi on the Tuesday. We left that locality the
9 following week, but I no longer recall exactly which day it was. I no longer recall
10 exactly what time either, but what I do know is that we left the following week to go
11 back to this trading or commercial centre. I think it was at the end of the following
12 week.

13 Q. [11:59:58] And while in Gutsi, were there any attacks by the UPC there in Gutsi,
14 or around Gutsi?

15 A. [12:00:15] I think that not far away from Gutsi, that is on the road to Gutsi, there
16 was an attack there. I think it was at Sekware, Tchudja, Atute, also. At one point
17 there was an attack at Atute and the attackers positioned themselves there for a short
18 while.

19 Q. [12:01:10] And in addition or other than Kobu and Gutsi and the localities you
20 just named, are you aware of any other UPC attacks on any towns or villages in that
21 area during that time period you were in Gutsi?

22 A. [12:01:30] Apart from the surroundings of Gutsi, there was Wadza, Sangi,
23 Bambu, Yalala camp, and also in the vicinity. I believe that on the following day all
24 those areas were also attacked.

25 Q. [12:02:16] And when you left Gutsi, can you explain to the Chamber why you

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1 left Gutsi after that, the time period you spent there?

2 A. [12:02:27] The first time when I left Gutsi, it was on a Wednesday, and that was
3 after we had received information to the fact that some people had been murdered at
4 the training centre. That is what prompted me to leave Gutsi the first time. Then I
5 subsequently returned and then later on left again.

6 Q. [12:03:37] And when you left Gutsi on that Wednesday, where did you go?

7 A. [12:03:48] On that Wednesday we arrived at the Kobu trading centre. We were
8 going there to see what had happened. However, the first time we stopped at the
9 Wadza crossroads. When you leave Gutsi, to your left there is a Catholic church,
10 and to your right there are some bushes, a small forest, and behind that there is a
11 banana plantation. That is where we stopped in (Redacted), we stopped there
12 because we saw some people who had been killed there. That is where we stopped.

13 Q. [12:04:59] All right. And I do have questions about this incident, but first I
14 have a few additional questions about your time in Gutsi. At any time in Gutsi were
15 you aware whether the UPC were communicating or attempting to communicate
16 with the population in Gutsi?

17 A. [12:05:20] Yes, this is what I can say. The UPC did not communicate directly
18 with the population. I remember one incident, one event. On the eve of that day,
19 I think it was a Thursday, there was a young person that I myself did not personally
20 see, but we were told that a young man had been arrested by UPC soldiers. Then
21 afterwards they released him and sent him to carry a message asking for negotiations.
22 I would say that this was the first contact, the first message that the UPC had sent to
23 the population of Gutsi.

24 Q. [12:06:43] And do you know who received the message at Gutsi, do you
25 remember that?

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1 A. [12:06:52] When we were in Gutsi there were some leaders there. I believe that
2 that message was given to us through a (Redacted).

3 He was also one of the elders of the community. He had come from Mongbwalu
4 and he lived not far away from where we were, in the next compound. So you had
5 leaders of the community who gave us information, including (Redacted).

6 And so it was through these people that we received information and if I remember
7 correctly we received that information from (Redacted).

8 Q. [12:08:08] And do you know what the -- the people who received the message,
9 was there any response on their part to this call to negotiate from the UPC, this
10 message they had received?

11 A. [12:08:31] Personally I had a feeling of joy. Since I had suffered a great deal in
12 the bush, and (Redacted)

13 (Redacted). And I really wished for there to be peace, because living in
14 the bush caused us great suffering. We did not have enough food to eat. And so
15 when we learned that there were going to be negotiations, we welcomed the news
16 with joy because we were in a difficult situation. We did not have any clothes. So
17 that is a message that was received with great joy by the population.

18 Q. [12:09:35] Are you aware whether there were actually peace negotiations that
19 took place?

20 A. [12:09:54] In the end there were no negotiations to reach a peace agreement, as
21 had been announced.

22 Q. [12:10:23] And why was that, if you know?

23 A. [12:10:29] In the evening of the same day, I believe it was a Thursday, it had
24 been planned that the negotiations would take place in Sangi at 10 o'clock on a certain
25 Friday. But the same day in the evening, when the message was received, (Redacted)

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1 told us that they had received some bad news in relation to the planned negotiations.
2 They had heard from the message that an order had been given. There was a gadget
3 known as Motorola base or base Motorola, I do not know where that set had been
4 taken from, but it made it possible to intercept messages or information being
5 exchanged between various UPC groups. And through that Motorola set people
6 learned that someone had to dress just like I am dressed here, and that person was
7 supposed to be introduced as an authority coming to begin negotiations, and then
8 they would seize the opportunity to arrest and kill all the people who had come to the
9 meetings. So in fact it was a trap enabled for -- for them to be able to capture the
10 people who would come to that meeting.

11 Q. [12:12:52] And did you have an opportunity to observe this base Motorola, this
12 Motorola base yourself?

13 A. [12:13:28] What I know is that it was a set which was rectangular in shape, and
14 part of it contained a radio cassette. It was possible to directly record the message
15 which had been intercepted. There was a cable attached to that piece of equipment,
16 and then there was a bicycle spoke that was used as an antenna, and it was that set
17 that was used to intercept UPC communication.

18 Q. [12:14:33] And did you see this device with your own eyes?

19 A. [12:14:48] Yes, I saw it. I saw that equipment that was set up in the Gutsi
20 primary school. That is where it was located.

21 Q. [12:15:13] And did you yourself have any opportunity to actually listen to UPC
22 communications on that device?

23 A. [12:15:23] It was possible to use that piece of equipment to hear gunshots.
24 Sometimes they communicated in coded language. For example, sometimes when
25 a person would call another one, they would use coded language.

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1 And I myself was not -- I were not able -- I was not able to understand. Sometimes
2 they would mention oroja or toroja (phon) or something like that, that is how they
3 spoke amongst themselves, but sometimes they would speak normally. For example,
4 they would say, "do this" or "do that." And in that case we could understand.

5 I remember that on a certain Friday, I was able to sit in that room where that piece of
6 equipment was located, and it was a Friday, and fighting was very intense.

7 Q. [12:17:05] All right, I'll come back to that. After people in Gutsi had learned of
8 this trap, as you called it, how was that information -- how did you learn of that
9 information, if you recall? Do you remember how you learned that the UPC had
10 planned a trap?

11 A. [12:17:36] I have just said that we had received a message, someone had been
12 sent to Gutsi to convey the message inviting the members of the population to peace
13 negotiations. The same evening (Redacted) told us that no one should go to those
14 negotiations, because he had just been informed that the negotiations were simply
15 a trap to arrest those who would come to participate.

16 Q. [12:18:27] And are you aware whether the community in Gutsi was the only
17 community invited to this meeting that was planned at Sangi?

18 A. [12:18:46] The people in Gutsi received the message. It was said that the
19 meeting would take place in Sangi and in order to go to Sangi, you had to use the
20 road Sekware to Wadza and then you would continue until you arrived. The UPC
21 had already occupied that road, the locations or localities along that road. But since
22 it was said that the meeting had to take place in Sangi, some members of the
23 population had fled to Buli and Sangi is a village which is quite close to Buli.

24 I think if that meeting was organised in Sangi, it was in order to target the members of
25 the population, both in Buli and in Gutsi.

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1 Q. [12:20:26] You mentioned that the UPC had already occupied that road, the
2 locations or localities along that road. Could you actually name the locations on the
3 road that the UPC had occupied, if you know?

4 A. [12:20:49] The UPC had occupied Wadza. I also talked about Sekware (phon)
5 and right up to Kobu, the entire area was already occupied.

6 Q. [12:21:26] All right, so I would like to go back to the Motorola and radio
7 communications. Could you tell the Chamber or approximate for the Chamber how
8 often you were able to listen to UPC communications on this Motorola?

9 A. [12:21:45] I think that on that day I remember that around 3 o'clock in the
10 afternoon I went to the place where the messages were monitored. I think I returned
11 there in the evening. I left the place at 10 p.m. and returned to the village, because
12 the situation was difficult and I went back to where I was living. On that day I
13 visited that location two or three times, but I have forgotten the details, because this
14 happened a very long time ago.

15 Q. [12:22:57] Do you recall any of the details from the communications that you
16 listened to on this Motorola?

17 A. [12:23:08] I remember the key message. At about 3 o'clock in the afternoon we
18 heard a message about weapons, weapons that had to be redirected in the direction of
19 the valley with members of the population had sought refuge. I remember that we
20 heard another message, the same message a bit later on. They were carrying out an
21 inventory of the heavy weaponry. Questions would be asked to those who were in
22 Sangi how many weapons they had, and questions were put to other people as to
23 how many heavy weapons they had.

24 There was a another message that I heard, that they should go and do salongo in the
25 nearby bushes where the people had sought refuge. That bush was called

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1 Maliangbo and they said that they should go and do salongo there, and a salongo is
2 a Lingala word which means collective or community labour.

3 There was another message according to which people were asked to sharpen the
4 machetes in order to carry out the operation. Those are the important messages that
5 I can remember right up to this day.

6 Q. [12:25:42] And do you recall any mentioning of the Lendu or reference to the
7 Lendu in any of these UPC communications on the Motorola?

8 MR GOSNELL: [12:25:52] Objection.

9 PRESIDING JUDGE FREMR: [12:25:53] On what ground?

10 MR GOSNELL: [12:25:55] Leading.

11 PRESIDING JUDGE FREMR: [12:26:02] Hold on, Mr Witness.

12 Mr Iverson?

13 MR IVERSON: [12:26:10] I don't believe that the question suggests the answer in any
14 way, so I don't see how it's leading. I can rephrase the question, but it will be
15 a similar question.

16 PRESIDING JUDGE FREMR: [12:26:26] Mr Gosnell.

17 MR GOSNELL: [12:26:29] Well, of course it suggests the answer, Mr President.

18 There is an element that my colleague from the Prosecution wishes to adduce so that
19 then he can seek to use a certain audio, and I suggest that that's what he's attempting
20 to do and he has attempted to seek to establish that element by way of a leading
21 question and I suggest that the witness's willingness to answer even when this
22 objection has not been adjudicated on indicates that the damage has already been
23 done and cannot be remedied. Unless your Honours prohibit the Prosecution from
24 following this line.

25 PRESIDING JUDGE FREMR: [12:27:03] Yes, I'm afraid that, you know, that really

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1 witness have already heard this question, so we will let him to answer, but we will
2 seriously consider this fact in evaluation of his answer.

3 So please proceed. Still I believe, Mr Iverson, the question could be phrased, now it's
4 a bit late, but could be phrased in a bit more general way and then maybe by further
5 step to go further. But for the next similar situation.

6 But this time we will anyway listen to Mr Witness, we will not prohibit him to
7 respond, but as I said, we will, we will evaluate his response in the light of this
8 objection.

9 MR IVERSON: [12:27:56] And just to clarify, what Defence counsel is accusing me of
10 is not true. I believe I have already established the predicate foundation to play the
11 audio for him, because he has already stated that he has listened to the
12 communications. I am just asking for additional detail, if he knows.

13 PRESIDING JUDGE FREMR: [12:28:16] But I think the issue is this detail. But
14 anyway, please proceed and I think I am standing or insisting on my previous
15 evaluation or comment.

16 MR IVERSON: [12:28:29] All right.

17 Q. [12:28:30] Well, let me ask you this: What, if anything, did you hear on those
18 communications having to do with the community in Gutsi and the surrounding
19 villages?

20 A. [12:28:45] Regarding the villages, I said a short while ago that questions were
21 being asked. The people in Sangi, how many weapons do you have and what about
22 those in Kobu? So these messages clearly showed that the message was related to
23 a clearly defined area, so it was a clearly defined area that was being targeted.
24 I don't know whether I have answered your question.

25 Q. [12:29:56] Well, you mention that there were -- there was gunfire and heavy

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1 weapons. What, if anything, was mentioned on these communications about an
2 enemy, if you recall?

3 A. [12:30:25] About the enemy. Are you talking about the Lendu? I think that
4 there was a message saying to sharpen the machetes, carry out the operation. It had
5 to do -- I think the message was about the enemy, because it was said that you had to
6 conduct the operation, the operation must target the people you were going to arrest.
7 That was the message for -- that was the message about the enemy.

8 THE INTERPRETER: [12:31:24] Message from the Swahili booth: Please note that
9 the witness is speaking in a mixture of French and Swahili and this is making the task
10 of the Swahili interpreters particularly difficult.

11 MR IVERSON: [12:31:44]

12 Q. [12:31:45] Sir, just to pass a message from the interpreters. You are speaking in
13 a mixture of Swahili and French. If you could just speak Swahili rather than the
14 mixture, it would be easier for the interpretation. Would you be able to do that, sir?

15 A. [12:32:04] Yes, I will try to do that. You see, the Swahili spoken in the Congo is
16 a mixture. There is also a -- it's a mixture of French and Swahili. I would like to ask
17 whether there's an interpreter, if there's an interpreter who knows a bit of French who
18 also speaks Swahili. I don't think I'm the only Congolese person who speaks Swahili
19 with a mixture of French in it.

20 PRESIDING JUDGE FREMR: [12:32:43] But, Mr Witness, try, because it would be
21 really very, very complicated. Please try to focus, don't haste, try to focus and to
22 speak as much Swahili as possible, just to avoid French terms, if possible, and try
23 some Swahili equivalent.

24 THE WITNESS: [12:33:17] (Interpretation) Very well.

25 MR IVERSON: [12:33:21]

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1 Q. [12:33:21] All right, well, sir, what I would like to do now is play for you an
2 audio exhibit, an excerpt, and then I have a number of questions for you after that
3 exhibit has been played.

4 PRESIDING JUDGE FREMR: [12:33:36] Mr Gosnell.

5 MR GOSNELL: [12:33:37] Objection, Mr President. This is one of the items for
6 which we gave notice of an objection, that an objection would be made and now I
7 was -- and actually, I think it would be necessary, Mr President, for the witness to
8 remove his headphones.

9 PRESIDING JUDGE FREMR: [12:33:55] Mr Witness, could you kindly take out your
10 headphones for a while, because we will have to solve some issue. I don't want to
11 take you out from the courtroom.

12 Please proceed, Mr Gosnell.

13 MR GOSNELL: [12:34:15] And I see that the witness does not speak English,
14 according to his statement, so it should be all right.

15 Mr President, we heard four elements from the witness as to what he heard over the
16 Motorola base that he has described. First, there was the element of guns being
17 directed into the valley where the population had sought refuge, at 45, line 23; an
18 inventory of heavy weapons being discussed at 46, line 1; a reference to a word,
19 "solongo" at 46, line 4; and a reference to a sharpening of machetes at 46, line 10.

20 I have looked at the transcript of the audio that the Prosecution now wishes to play to
21 the witness on the basis of this testimony and I have not been able to identify any of
22 those four elements in that transcript, let alone, and most importantly, Mr President,
23 let alone the passage that the Prosecution wishes to play to the witness.

24 Now, I imagine what the Prosecution will say in response to this is, well, you do have
25 the evidence from the witness that he was aware of this Motorola base and he testified

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1 that there was an audio cassette device, apparently attached to that. And
2 the Prosecution does have a good faith basis to believe that the audio recording comes
3 from a cassette. That's all true, Mr President, but the difficulty is that there is no
4 evidence from this witness that he has personal knowledge of either the recording of
5 this recording or of the subject matter of this recording, and those are the two
6 elements that are required by paragraph 56 of your Honour's decision on the conduct
7 of proceedings, which is filing 619.

8 So, Mr President, on that basis I think it's already clear. Without the need to even
9 put any more of the audio to the witness, it is already clear that he does not have
10 personal knowledge either of the content or of the recording of this particular audio
11 record.

12 PRESIDING JUDGE FREMR: [12:36:35] Mr Iverson?

13 MR IVERSON: [12:36:42] Well, I am not entirely sure if the Defence actually
14 stipulates to the fact that this audio recording is a UPC communication. If so, I think
15 it is unnecessary to play. That is not clear to me, though. And I don't expect that
16 this witness will be able to tell the Chamber, yes, I listened to this passage, I
17 specifically recall listening to this passage, but that's also not the reason why I am
18 proposing that the witness listen to the audio and answer my questions about the
19 audio. My understanding is that the witness will be able to recognise the audio,
20 recognise it is consistent with what he heard, recognise that there are particular words
21 or phrases that were similar to the words or phrases that he had heard. He has
22 already testified that he listened to these communications and so we're -- we're
23 verifying right now, but there are portions of this audio that are already admitted.
24 And it is not my intent to admit if these are already admitted, this evidence. It's my
25 intent to ask the questions intended to elicit the fact that he will be able to say that,

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1 yes, I can -- I listened to the UPC communications and this communication I just
2 heard is definitely similar to the communications that I heard.

3 PRESIDING JUDGE FREMR: [12:37:54] So if I understood well, you are submitting
4 that Mr Witness did not hear this communication recorded on this audio.

5 MR IVERSON: [12:38:08] I can't say that for certain, because this, as far as I
6 understand it, this passage has never been played to him by us. But a different
7 passage has been played, he recognised that, was able to essentially say that the audio
8 he heard was consistent with the audio that he had heard when he listened to the
9 UPC communications in the past.

10 I don't expect that he will specifically recognise this passage. He may, I don't know.
11 Maybe there is something in this passage that stands out that he will be able to recall.
12 But that is also not why I am intending to play the audio. It is simply for this
13 witness to further provide weight to this particular exhibit, to show your Honours
14 that this is a UPC communication and it has to do with the charges in this case.

15 PRESIDING JUDGE FREMR: [12:39:06] And even if my question is rather premature,
16 so the Prosecution's intent is to -- intention is to use and also to admit this audio?

17 MR IVERSON: [12:39:21] Part of the audio that we will play has already been
18 admitted. My colleague is actually writing down the time --

19 PRESIDING JUDGE FREMR: [12:39:29] I know. That is, I think, 9 minutes from 12,
20 something like that.

21 MR IVERSON: [12:39:36] Minutes 3 to 9.

22 PRESIDING JUDGE FREMR: [12:39:38] But my question is whether you also intend
23 to admit the remaining part from 33 seconds to 3 minutes something, with the initial
24 one.

25 MR IVERSON: [12:39:52] It depends entirely on the witness's answers to my

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1 questions, your Honour.

2 PRESIDING JUDGE FREMR: [12:39:57] All right, give me a second. It is a serious
3 issue. I will consult my colleagues briefly. Mr Gosnell.

4 MR GOSNELL: [12:40:05] I'm sorry, Mr President to detain you, but just, if I could,
5 a very, very brief reply.

6 PRESIDING JUDGE FREMR: [12:40:12] Please.

7 MR GOSNELL: [12:40:12] We did receive from the Prosecution a witness
8 preparation session log, in fact, an addendum to the first witness preparation session
9 log, in which the witness says, and I quote, at least as reported by
10 the Prosecution -- that when asked whether he specifically remembers the part of the
11 audio that was just played, the witness stated that he does not really recognise it
12 because, first of all, it has been a long time and the messages were going on day and
13 night and he was not there listening to them permanently.

14 Mr President, the objection here is not to say that this audio is categorically
15 inadmissible. A portion of the audio has previously been admitted with an
16 appropriate witness. That might be an additional basis for having the document
17 admitted But here the issue is not only admissibility, it also is the appropriateness of
18 using this particular audio with this witness and the leading impact that I suggest to
19 your Honours would be irremediably caused if this were to occur. And without
20 a foundation to say that the witness is already privy or has some knowledge of these
21 elements in this excerpt, I would suggest to you that there is substantial prejudice
22 because of a severe leading impact from allowing that to occur.

23 So that is the submission in respect of use of the audio.

24 PRESIDING JUDGE FREMR: [12:41:39] Thank you, Mr Gosnell. Mr Iverson, any
25 further reaction? Please, briefly.

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1 MR IVERSON: [12:41:44] I think that Defence counsel misstates that there's no
2 foundation. There is foundation: He's already stated that he heard these
3 communications and that is the foundation.

4 PRESIDING JUDGE FREMR: [12:41:54] Point taken. So we will deliberate.
5 (Trial chamber confers)

6 PRESIDING JUDGE FREMR: [12:43:23] Our decision is that the objection is
7 overruled, even if some reservation. I will try to give you briefly our reasons. We
8 still believe that the conditions for using this video are met, because the witness and
9 the Prosecution should be given the chance to allow the witness to express whether
10 he first of all even knows this part of audio, if not, even whether there is some
11 similarity. But at the same time we are very well aware of the risk highlighted by
12 Mr Gosnell that the content of the video could have leading impact on his further
13 testimony. So we will be very vigilant about this risk and as soon we will really see,
14 even taking into account his previous statement, that it would be obviously good area
15 for possible cross-examination, as soon we would see that this leading impact really
16 occurred, we will obviously take it in our evaluation of the credibility of the -- at least
17 this part of the testimony.

18 So now, Mr Iverson, please proceed.

19 MR IVERSON: [12:45:01] And based on your decision, I do just want to point out
20 that I asked the witness what he recalled from those communications prior to having
21 played the audio. I don't intend to ask that after having heard the audio. I asked it
22 before and that was deliberate.

23 PRESIDING JUDGE FREMR: [12:45:18] All right.

24 MR IVERSON: [12:45:21]

25 Q. [12:45:23] So, sir, I would like to play a short audio excerpt for you and we'll do

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1 that right now.

2 And just for the record, the ERN is DRC-OTP-0162-0115, track 2, from minute 00.23,
3 so 23 seconds, until minute 6.08.

4 PRESIDING JUDGE FREMR: [12:46:00] Mr Iverson, is it still necessary to remain in
5 private for playing this audio?

6 MR IVERSON: [12:46:08] The playing of the audio could be done in open session,
7 your Honour.

8 PRESIDING JUDGE FREMR: [12:46:13] So let's move into open session.
9 (Open session at 12.46 p.m.)

10 THE COURT OFFICER: [12:46:30] We are in open session, Mr President.

11 PRESIDING JUDGE FREMR: [12:46:32] Thank you, court officer.

12 Mr Iverson, please proceed.

13 MR IVERSON: [12:46:52]

14 Q. [12:46:52] And just to facilitate understanding for your Honours and the parties
15 and participants, there is a French translation, the ERN is DRC-OTP-0204-0036, and
16 that's at page 38, line 5 to page 40, line 99.

17 And I'm not sure if this is possible, but it might be best if that could be pulled up but
18 then also not displayed to the witness.

19 THE COURT OFFICER: [12:47:28] It will be displayed on the evidence 1 channel.

20 MR IVERSON: Thank you.

21 PRESIDING JUDGE FREMR: [12:47:33] And, Mr Iverson, what excerpt do you
22 intend to play?

23 MR IVERSON: [12:47:38] It is track 2. Would you like the minutes again,
24 Mr President?

25 PRESIDING JUDGE FREMR: [12:47:42] Timestamp, yes.

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1 MR IVERSON: [12:47:43] Track 2, minute 00.23 until 6.8. And I would just ask if
2 we could have --

3 PRESIDING JUDGE FREMR: [12:48:06] Before you start.

4 Mr Gosnell.

5 MR GOSNELL: [12:48:06] Mr President, I am mindful of your decision and I am not
6 in any way asking you to go back on that, but I would note that paragraph 56 does
7 seem to envisage an additional stage before we go to the entire recording.

8 PRESIDING JUDGE FREMR: [12:48:22] Normally it's true, Mr Iverson, you should
9 play just shorter excerpt and then after reaction of Mr Witness we can continue with
10 the whole one.

11 So I guess one minute should be for the beginning enough.

12 MR IVERSON: [12:48:41] Yes, I think that one minute would probably be sufficient.
13 There's some blank space in between communications, so I want to make sure that the
14 segment that we play for initial verification contains some --

15 PRESIDING JUDGE FREMR: [12:48:58] It's up to you. You can even start from the
16 middle, if it would be better for the witness to allow him whether he recognise or not.

17 MR IVERSON: [12:49:08] Since I don't have all the audio signature memorised in my
18 head, I would ask for a little bit of indulgence to stand up then when -- when enough
19 has been played and I'll make sure to keep it short, consistent with the Chamber's
20 wishes.

21 PRESIDING JUDGE FREMR: [12:49:28] Because really playing six minutes would
22 really deny the purpose of this exercise.

23 MR IVERSON: [12:49:35] Yes, absolutely, I will in good faith stay in keeping with
24 your previous ruling. And I would just ask if the Prosecution could have the floor so
25 we could play that audio excerpt. Thank you.

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1 THE COURT OFFICER: [12:49:57] The Prosecution does have the floor.

2 (Playing of the audio excerpt)

3 MR IVERSON: [12:51:15] All right, we've stopped the audio at 1.28.

4 Q. [12:51:23] Sir, were you able to hear the audio through your headset?

5 A. [12:51:29] Yes. As I already told you, there was the recording of some
6 messages from certain, well, certain sequences of conversation between the UPC
7 soldiers -- well, the message reminds me, well, I remember the voice that was coming
8 out of base set of the Motorola in Gutsi. But this is just an extract of -- of part, part of
9 the excerpt, but the message was in the morning, at night, the evening because the set
10 was there and communications were conducted day and night. It does remind me, it
11 was at the Gutsi primary school and the message that we heard was a sad one when
12 we were still there in Gutsi.

13 PRESIDING JUDGE FREMR: [12:53:02] Excuse me, Mr Iverson, one additional
14 question.

15 Mr Witness, the audio or the broadcast you heard originally, not this one, was of the
16 same quality or same audio quality like audio you had a chance to hear now, or was it
17 better or poorer quality?

18 THE WITNESS: [12:53:36] (Interpretation) Yes, it was the first time I heard this
19 message on a cassette. When we were there, well, it wasn't -- we weren't listening to
20 recordings, they were actual messages over the Motorola base set. But what we hear
21 here is a recording, a recording on a cassette and the quality is far worse, it's not good.
22 And you heard noise. This noise was, it was the sound of a weapon going off. That
23 is why you can't hear very well. But I, when I was there, the explosions of the
24 weapons and the -- what the people were saying, it was not easy to hear, so that is
25 what I can tell you now.

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1 PRESIDING JUDGE FREMR: [12:54:41] Thank you.

2 Mr Iverson, please proceed.

3 MR IVERSON: [12:54:46] And I would ask for a private session, but I think -- I don't
4 think it's necessary based on the answers already given. I would propose to play the
5 full excerpt that we had previously named, 23 seconds until 6.8.

6 PRESIDING JUDGE FREMR: [12:55:08] All right.

7 MR IVERSON: [12:55:13]

8 Q. [12:55:13] So, sir, we're going to play the full audio excerpt for you.

9 (Playing of the audio excerpt)

10 MR IVERSON: [13:01:48]

11 Q. [13:01:48] Sir, were you able to hear this audio excerpt?

12 A. [13:01:56] Yes, I tried to follow the excerpt.

13 Q. [13:02:25] If you recall, had you listened to this particular audio back in 2003?

14 A. [13:02:36] The recording in 2003, what I can tell you is that the sound quality is
15 not good. The message in that audio recording cannot be heard clearly. That is
16 what I told you. This is a recording that was made from that Motorola base set.

17 The voice sounds like the one that we heard from that mission, we heard
18 communications like the ones that we -- the one that we have just listened to here.

19 Q. [13:03:55] All right, so what indicates to you that the audio you just heard was
20 made from the Motorola base set, as you just stated?

21 A. [13:04:15] There is that explosion or detonation of a -- of a weapon. I heard
22 a little bit of what was being said. Someone mentioned the name Kilo. I know that
23 in their messages they frequently mentioned the name Kilo. And I have heard that
24 name and they said, "Tie them up and take them to Kilo." That is what I heard in
25 that audio recording.

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1 But the voices of those people speaking sound like the voices that we were listening to.
2 And even the sound of weapons resemble the explosions or the sounds from weapons
3 that we could hear during the war.

4 However, there were many recordings made on audio cassettes. I know that there
5 were many recordings which are different, but so I cannot tell you precisely when this
6 particular recording was monitored because many messages were transmitted during
7 the day and during the night, so many messages, many such messages were
8 exchanged, but I cannot tell you when this particular message was recorded.

9 I cannot give you any precise information about that.

10 MR IVERSON: [13:06:35] Mr President, so based on his answers, I would like to
11 submit the exhibit from seconds 23 until 3 minutes, the portion that is, as of yet, not
12 been admitted.

13 PRESIDING JUDGE FREMR: [13:06:51] Defence.

14 MR GOSNELL: [13:06:53] No objection, Mr President.

15 PRESIDING JUDGE FREMR: [13:06:55] All right. So the part of audio now
16 specified by Mr Iverson is admitted into evidence as a further Prosecution exhibit.

17 MR IVERSON: [13:07:09] And also the corresponding portion of the transcript and
18 translation, with the understanding that there's a standing defence objection to this
19 matter.

20 PRESIDING JUDGE FREMR: [13:07:22] Mr Gosnell, any change or just the standard
21 position of the Defence to MFI those and then you will revise?

22 MR GOSNELL: [13:07:34] Subject to the previous objection --

23 PRESIDING JUDGE FREMR: All right.

24 MR GOSNELL: -- there's no objection.

25 PRESIDING JUDGE FREMR: [13:07:38] So -- sorry, there is no objection?

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1 MR GOSNELL: [13:07:40] Just to clarify, subject to the previous qualification there is
2 no objection. I know I contradicted myself a little bit there.

3 PRESIDING JUDGE FREMR: [13:07:54] All right. So even those portion of
4 transcript and translation are admitted into evidence as a further Prosecution exhibit,
5 corresponding to this excerpt.

6 MR IVERSON: [13:08:06] And just for the record, the ERN number of the transcript
7 is DRC-OTP-0203-0236 and the corresponding portions of the entire audio that we
8 just listened to are found on pages 0237, line 5, to page 0239, line 91. And the
9 translation, DRC-OTP-0204-0036 from page 0038, line 5, to page 0040, line 99.

10 PRESIDING JUDGE FREMR: [13:08:51] Mr Gosnell.

11 MR GOSNELL: [13:08:52] Sorry, Mr President. I just want the record to be clear.
12 We reserve the right to raise issues about transcription or translation which I do not
13 think is inconsistent with admitting this portion, so I just wanted to make that clear,
14 Mr President, that we may indeed come back on that issue (Overlapping speakers) --

15 PRESIDING JUDGE FREMR: For sure.

16 MR GOSNELL: -- it's not inconsistent with admission.

17 PRESIDING JUDGE FREMR: Clear.

18 MR IVERSON: [13:09:14] And that was what I referred to when I referred to the
19 Defence standing objection, that's what I had in mind. And I would ask that we
20 move into private session, Mr President.

21 PRESIDING JUDGE FREMR: [13:09:27] Court officer, let's move into private session
22 now.

23 (Private session at 1.09 p.m.) *(Reclassified partially in public)

24 THE COURT OFFICER: [13:09:39] We're in private session, Mr President.

25 PRESIDING JUDGE FREMR: [13:09:44] Thank you, court officer.

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1 Mr Iverson, please.

2 MR IVERSON: [13:09:47]

3 Q. [13:09:48] Sir, previously you mentioned that these conversations with UPC
4 communications were recorded on cassette. Do you recall who recorded the
5 conversations on cassette?

6 A. [13:10:01] Right now I cannot recall precisely the person who made the
7 recordings, but I remember a community leader whose name was (Redacted) and who
8 would bring us the messages, but I do not know precisely who actually did the
9 recordings.

10 Q. [13:10:57] And are you aware of how many cassettes were used to make these
11 recordings of UPC communications?

12 A. [13:11:09] I do not know the exact number of cassettes that were recorded.
13 There were many cassettes, but I cannot tell you the precise number. All I remember
14 is that during the pacification process in Ituri they came to Kobu. At that time they
15 were looking for information. I answered some questions put to me by a journalist.
16 In fact, given that I could speak French and the others were not able to speak French,
17 a cassette was brought to me and it was black in colour.
18 And to this date I have not seen that cassette again. I think I gave it to the members
19 of the commission.

20 Q. [13:13:06] All right, for my next line of questioning I believe that it can be done
21 in open session. Sir, just be mindful in your answers not to reveal your identity,
22 please.

23 PRESIDING JUDGE FREMR: [13:13:24] All right.

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

25 (Open session at 1.13 p.m.)

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1 THE COURT OFFICER: [13:13:32] We are back in open session, Mr President.

2 PRESIDING JUDGE FREMR: [13:13:42] Thank you, court officer.

3 Mr Iverson, please proceed.

4 MR IVERSON: [13:13:45]

5 Q. [13:13:45] So my next line of questions has to do with the planned pacification
6 meeting in Sangi and your knowledge about that. Are you aware did this -- did this
7 pacification meeting in Sangi actually take place?

8 A. [13:14:04] Those of us who were in Gutsi, well, none of us went to that
9 pacification meeting. I do remember that (Redacted) had sent people to Buli to tell them
10 not to go to the pacification meeting, so I do not know whether those people went and
11 delivered that message in Buli or not, but what I know is that after the fighting my
12 family were -- was amongst the people who had fled to Buli. And at that time we
13 were told that that meeting had not taken place as planned. At the time of the
14 meeting they brutalised people and they captured others. All these people were
15 taken away by those people. I remember that there was a young boy. During that
16 period my family hosted many people. There was a boy - I'm sorry, I no longer
17 remember his name - he had also gone to the Buli pacification meeting. But when he
18 realised that the soldiers were carrying many weapons, and they had also been
19 carrying heavy weapons, they had taken up a position at the location of the
20 pacification meeting, they surrounded the location and this boy tried to flee.
21 He asked a soldier to allow him to go and buy some sugar cane, so he was allowed to
22 leave, and then he never returned.
23 Now, when they started firing at people and capturing the others, he fled, and these
24 are accounts that were given to me by other people, but I do not remember the names
25 of those other two people.

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1 Q. [13:17:57] Where you were on that day, were you able to hear anything or see
2 anything yourself?

3 A. [13:18:21] Are you talking about that particular Friday or which day?

4 Q. [13:18:39] I'll specify. So from where you were physically located on the day of
5 the -- the Sangi pacification meeting that you just described, were you able to see
6 anything or hear anything?

7 A. [13:19:00] No. Apart from the messages we heard over the Motorola set, we
8 could also hear gunshots. That is all what we heard throughout the entire day. It
9 was difficult hearing those gunshots, the gunfire, coming from heavy weapons.

10 Q. [13:20:05] And could you explain to the Chamber what messages you heard on
11 the Motorola set that day?

12 PRESIDING JUDGE FREMR: [13:20:13] Mr Gosnell.

13 MR GOSNELL: [13:20:14] Asked and answered, Mr President. I actually went
14 through it chapter and verse at lines 45 to 46 -- or page 45 to 46 of today's transcript,
15 and I think the transcript was quite clear that the witness described only one day of
16 listening, so I do believe it's asked and answered.

17 PRESIDING JUDGE FREMR: [13:20:33] Mr Iverson.

18 MR IVERSON: [13:20:36] I don't think it is asked and answered. The witness said
19 he heard messages on that day of the pacification meeting. So I am asking him if he
20 can explain to your Honours what messages he heard and the content of these
21 messages.

22 PRESIDING JUDGE FREMR: [13:20:50] Objection overruled.

23 Please proceed.

24 MR IVERSON: [13:20:53]

25 Q. [13:20:53] So you mention that you heard messages on the Motorola set on the

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1 day of the Sangi pacification meeting. What I'm asking you is if you are able to
2 explain to the Chamber the messages that you heard.

3 A. [13:21:11] I heard those messages a bit late, at about 3 p.m. The messages were
4 asking the soldiers to fire in the direction of the location where people had
5 sought -- sought refuge in the valleys. I heard that message during the day.
6 I also heard another message mentioning the number of weapons that they had in
7 Sangi, in Camp Yalala. So I heard that message on that day.

8 There was also another message asking people to do salongo in the forest, and that
9 word salongo means community labour or corrective work.

10 There was another message relating to sharpening machetes to carry out the
11 operations. So these are the key messages that I can still remember.

12 Q. [13:23:15] All right, and can you tell the Chamber what happened the very next
13 day, the day after the Sangi pacification meeting, if you remember?

14 A. [13:23:43] The following day, there was an attack at the location at which we
15 were in Gutsi. So -- so this was on Friday and the attack started on Saturday
16 morning. There was heavy gunfire. And the Atute locality also, there was a lot of
17 heavy gunfire. We also heard many gunshots coming from the direction of Bambu,
18 while they were advancing towards Gutsi. So Gutsi was attacked from the direction
19 of Bambu, as well as from Butsi (phon).

20 THE INTERPRETER: [13:25:08] From the Swahili interpreter: This attack was
21 actually from the direction of Tchudja.

22 MR IVERSON: [13:25:26]

23 Q. [13:25:26] And how long did the UPC remain in that area, in the area in and
24 around Kobu and surrounding villages?

25 A. [13:25:42] They came in on a Tuesday and then they left on Wednesday of the

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1 following week, so that would be about eight or nine days. From Tuesday to the
2 next Wednesday, if I have counted well, it is about nine days.

3 Q. [13:26:28] And if you recall, who informed you that the UPC had left the area?

4 A. [13:26:39] I have said that there was someone who sent us a message. It had
5 been raining on that day. That person came while it was raining. He arrived in the
6 village to tell us that the UPC soldiers had retreated from the centre of Kobu and they
7 had left dead bodies in Kobu village. This is the person who gave us that
8 information.

9 MR IVERSON: [13:27:53] Mr President, could I ask that we move to private session.

10 PRESIDING JUDGE FREMR: [13:27:57] Court officer, let's move into private session.
11 (Private session at 1.28 p.m.) *(Reclassified entirely in public)

12 THE COURT OFFICER: [13:28:15] We are in private session, Mr President.

13 PRESIDING JUDGE FREMR: [13:28:17] Mr Iverson, we should break in a few
14 minutes, so please have it in mind.

15 MR IVERSON: [13:28:22] Yes, I just have one or two more questions, Mr President.

16 Q. [13:28:26] Sir, do you recall the name of the person who informed you that the
17 UPC had left Kobu?

18 A. [13:28:34] When I gave my first statement in 2005, you will realise that I did not
19 give the name of that person, but in my statement of 2015 you will find that I
20 mentioned the name. And the reason for that is because in 2005 I did not give his
21 name. I said that I could remember that person and how he was dressed, but that I
22 did not know his name. But after that statement or in 2005 I returned home. But
23 I was curious, this person kept on saying that he had come from Mongbwalu. He
24 was a displaced person who had fled from Mongbwalu to Kobu. So I asked the
25 question to someone who hailed from Mongbwalu.

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1 This is someone who was with us, she was the friend of a friend. So after the first
2 interview that I had with Alice, I asked this person whether she knew the name of the
3 person who had brought the message. So I asked this sister for the name of the
4 person who had brought the message and she told me that his name was Tilo. So I
5 remembered that name up till the present time. So I had not known the name of the
6 person before. I simply know that he was a displaced person from Mongbwalu.
7 And it is for that reason that I put the question to the people I fled together with, and
8 so they told me that his name was Tilo.

9 Q. [13:31:11] Thank you, sir.

10 MR IVERSON: Mr President, I would ask that we now break for lunch.

11 PRESIDING JUDGE FREMR: [13:31:16] All right. Court officer, let's move into
12 open session.

13 (Open session at 1.31 p.m.)

14 THE COURT OFFICER: [13:31:31] We are in open session, Mr President.

15 PRESIDING JUDGE FREMR: [13:31:36] Thank you, court officer.

16 So we will break now for lunch break for 90 minutes. And before doing that, update
17 on timing. So far, according our measuring, Mr Iverson used 1 hour 43 minutes
18 which means from time allotted to him, he still has 1 hour 17 minutes.

19 For the sake of planning, Mr Iverson, do you think that you will need all that time,
20 just to make Mr Gosnell ready for cross-ex.

21 MR IVERSON: [13:32:13] I think I could use all that time, but I think it's going quite
22 well and I think I can finish before that, probably in one hour or maybe even a little
23 bit less.

24 I don't want to make too many promises.

25 PRESIDING JUDGE FREMR: [13:32:26] No, no pressure. No pressure. It is fine.

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1 So we break now and we will reconvene at 3 o'clock.

2 THE COURT USHER: [13:32:36] All rise.

3 (Recess taken at 1.32 p.m.)

4 (Upon resuming in open session at 3.04 p.m.)

5 THE COURT USHER: [15:04:56] All rise.

6 Please be seated.

7 PRESIDING JUDGE FREMR: [15:05:19] Good afternoon, everybody. We will
8 directly continue with examination-in-chief of this witness by Prosecution.

9 Mr Iverson, do you want to proceed in open or in private session?

10 MR IVERSON: [15:05:45] I would ask that we stay in open session, Mr President.

11 PRESIDING JUDGE FREMR: [15:05:48] Very well. Then you may proceed.

12 MR IVERSON: [15:05:50]

13 Q. [15:05:52] Welcome back, sir. Could I ask you to provide to the Chamber a
14 physical description of this person who you called Tilo.

15 A. [15:06:13] Tilo was a gentleman. He was wearing white attire. He's a tall
16 person. He was thin or slender. And his complexion was dark.

17 Q. [15:06:51] You say he was a tall person. Can you approximate how tall he
18 was?

19 A. [15:07:02] When I say he was tall, I mean that he must have been 1 metre 60
20 centimetres or thereabout. But I don't have any details as to his height. What I am
21 providing is a mere estimate. But I cannot tell you anything more than that when it
22 comes to how tall he was. And I don't know if I can compare him to anyone in this
23 courtroom.

24 Q. [15:07:43] And that's fine. All I was asking for was an estimate. And do you
25 know approximately how old this Tilo was?

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1 A. [15:08:08] He was a more or less slightly elderly person. Going by his size, he
2 must have been around 50 years old.

3 Q. [15:08:25] All right. And at the end of last session you told the Chamber that,
4 on page 68, lines 22 to page 69, line 2, that the UPC soldiers had retreated from the
5 centre of Kobu and they left dead bodies in Kobu village. Can you explain to the
6 Chamber what you did after hearing this information?

7 A. [15:09:18] Did you say what I learnt? Are you talking about what I learnt?
8 And what information are you relating to, please?

9 Q. [15:09:33] I'll repeat my question, sir. At the end, before we broke for lunch,
10 you told the Chamber that you were told back in February 2003 that UPC soldiers had
11 retreated from the centre of Kobu and they had left dead bodies in Kobu village. So
12 what I'm asking you is what did you do once you heard this information?

13 A. [15:10:07] Okay. Now I understand your question. When I received that
14 information we became curious and wanted to find out what had just happened. It
15 had been a week since we had been to the centre of Kobu and I wanted to go to Kobu
16 myself to see what had happened there. So I wanted to find out what had happened
17 to my shop. And so I went there also to find out who had killed those people. I
18 had been separated from my family members and I wanted to find out whether any
19 of my family members were among those who had been killed.

20 Q. [15:11:20] And when you went to Kobu can you describe to the Chamber what
21 you saw?

22 A. [15:11:48] When I arrived in Kobu, at the entrance to the city, as I already
23 mentioned, even before getting to the trading centre in Wadza, there is a Catholic
24 shop -- a Catholic church, rather, down the slopes. And uphill there was a house
25 belonging to Gobe and then there is a small forest nearby. It is in that little wooded

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1 area next to that house that we found the dead bodies.

2 Q. [15:12:39] And can you approximate how many dead bodies you found at that
3 location?

4 A. [15:12:59] Well, I personally did not count the number of dead bodies, but I
5 know that there were many bodies there. And I would say that there were between
6 30 to 50 corpses of women, children and men, a lot of corpses.

7 Q. [15:13:30] Did you recognize anyone you knew among the dead bodies?

8 A. [15:13:54] If memory does not fail me, I think I was able to recognize one girl
9 who went by the name Julie and whom I knew. I also recognized Burombi, who was
10 a teacher in a girls' high school in *Lukovi. Then there was Kabuli as well and
11 Dyikpanu. I also remember that yes, Dyikpanu's dead body was there. And by the
12 way, (Redacted)
13 (Redacted). Then there was also another gentleman called Mande.
14 Those are the dead bodies that I was able to identify.

15 Q. [15:15:09] And who was -- I'll just ask a few questions about these people that
16 you were able to recognize. Who was Julie? And do you know where she came
17 from and what her occupation was?

18 A. [15:15:53] (Redacted)
19 (Redacted)

20 PRESIDING JUDGE FREMR: [15:16:25] Sorry, we have to move into private
21 session.

22 Court officer, first, let's move into private session.

23 (Private session at 3.16 p.m.) *(Reclassified partially in public)

24 THE COURT OFFICER: [15:16:40] We are in private session, Mr President.

25 PRESIDING JUDGE FREMR: [15:16:42] And please redact the last response from

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1 the witness.

2 Mr Iverson, please proceed.

3 MR IVERSON: [15:16:48]

4 Q. [15:16:51] All right. So we're now in private session so you can say things

5 like that. But, sir, do you understand why the Presiding Judge moved quickly into

6 private session right there? Because you had identified (Redacted)

7 (Redacted). Next time we're in open session, just be careful with that kind of

8 information, please.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Do you know anything else about Julie?

13 A. [15:17:49] I think what I told you is basically all that I know about Julie.

14 Q. [15:18:01] And I briefly just wanted to ask you about Kabuli, Dyikpanu and

15 Mande. You'd already explained a little bit about Burombi. Would you be able to

16 ask you about those in open session, sir, without reference to yourself, if I asked you

17 questions about Kabuli, Dyikpanu and Mande?

18 A. [15:18:51] Mande was a young man who used to live in the centre of the area,

19 and I don't have much more detail to provide about him. Now, when it comes to

20 Dyikpanu, I don't have any further details to provide concerning him, apart from the

21 fact that I said that (Redacted). I do not know his immediate

22 family. We got to know each other when we had met at some point. And then

23 there is one of them who was a teacher. So I don't know whether it was Kabuli who

24 was the teacher or someone else. You see, these things happened quite a long time

25 ago.

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1 Q. [15:20:04] And I believe that further questions actually can be done in open
2 session, sir, as long as you're able to make sure that you don't provide answers that
3 reveal your identity.

4 PRESIDING JUDGE FREMR: [15:20:20] Court officer, let's move into open session
5 now.

6 (Open session at 3.20 p.m.)

7 THE COURT OFFICER: [15:20:29] We are back in open session, Mr President.

8 PRESIDING JUDGE FREMR: [15:20:42] Thank you.

9 Mr Iverson, please proceed.

10 MR IVERSON: [15:20:46]

11 Q. [15:20:47] Sir, were you able to see any sign of injury or injuries on these 30 to
12 50 corpses of women, children and men?

13 A. [15:21:16] Well, I can mention the example of cases where I saw some signs on
14 the dead bodies. Some of the skulls were shattered. We had women who had been
15 disemboweled and their stomachs were completely torn open. Then there were a
16 number of bodies that were there and some of them appeared to have had some
17 necrosis and burns. Some of the dead bodies were in a state where the head was cut
18 off from the rest of the body, and in the case of some men, their genitals were cut off,
19 and then there was also another woman who had been disemboweled and a child had
20 been put into her stomach. Those are some of the things that I saw.

21 Q. [15:23:07] Could you explain what you mean by the term "necrosis"?

22 A. [15:23:27] This is what I said: Well, necrosis is a state in which the skin
23 appears to have been burnt, and I'm referring here to what I mentioned before when
24 the machetes had to be sharpened in preparation for the attack. So necrosis will be
25 in relation to the use of those machetes following or pursuant to the messages that

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1 were broadcast over the radio in Gutsi. I therefore understand that these wounds
2 were the result of burns and that was the state in which the skin was at the time.
3 That's what I just said.

4 Q. [15:24:39] Sir, to your knowledge, did anyone document the scene in any way,
5 take any photographs or anything of that nature?

6 A. [15:25:08] Thank you for that question. When we arrived at that location,
7 there were many of us there. There were also a number of photographers at the site,
8 photographers who came from that area itself, and I do remember that one of them
9 was called Pecos. He was a Lendu from Mongbwalu. He was a businessman. He
10 had also been fleeing and (Redacted). He is the
11 one who told the young people -- he himself was not a photographer, but he told the
12 young people to take photographs of the dead bodies, and they did.

13 I do remember also that at that time there were other photographers at the site such as
14 Tubi, Joro, and that must have been the short form for Georges, Joro, as we used to
15 call him. And then there were other young people as well. However, I did not pay
16 attention to be fully aware of who took which photograph. What I know is that an
17 order was given for the young people around to take some photographs.

18 MR IVERSON: [15:27:12] Could I ask that Prosecution exhibit DRC-OTP-2058-1106
19 be displayed and it can be displayed in public.

20 THE COURT OFFICER: [15:27:39] Mr Iverson, just to be a hundred percent sure,
21 would you like to have the version we received earlier today without annotations?

22 MR IVERSON: [15:27:48] Yes, please, I would like the version without annotations,
23 just the photograph itself. Thank you.

24 Q. [15:29:10] Sir, are you able to see the -- are you able to see a photograph before
25 you on the screen?

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1 A. [15:29:31] Yes, I can see it.

2 Q. [15:29:36] And could you tell the Chamber whether you're familiar with the
3 scene that this photograph depicts?

4 A. [15:29:53] Yes. This photo shows part of the banana plantation.

5 Q. [15:30:16] And does this scene correlate to what you personally observed?

6 A. [15:30:32] I think that this photograph also shows something that I saw, that is
7 to say, a person who was tied up with the arms towards his back.

8 Q. [15:31:04] Are there any other features in this photograph that you recognize
9 that you're able to explain to the Chamber?

10 A. [15:31:24] Yes, I would say the following: What makes me recognize this
11 photograph, if you see in front of this woman, you can see the cut banana trees, that
12 shows the place, but the quality of the photograph isn't good, it's blurred. It's a bit
13 difficult. But otherwise, I would say that this photograph represents this place. But
14 there were other photographs which were clearer because there were lifeless bodies
15 all around.

16 MR IVERSON: [15:32:27] All right. Could I ask the court officer to please display
17 another Prosecution exhibit, which is DRC-OTP-2058-1110, item 7 on the Prosecution
18 list. And again if the version without annotations could be shown, just the photo
19 please, and it can be shown publicly.

20 THE COURT OFFICER: [15:33:44] And could you please confirm that this
21 document can also be shown publicly?

22 MR IVERSON: [15:33:50] Yes, it can be shown publicly. Thank you.

23 Q. [15:33:55] Sir, do you see an image before you on your screen?

24 A. [15:34:06] Yes, I can see a photograph of a man.

25 Q. [15:34:16] Could you tell the Chamber whether this photograph -- whether

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1 you're familiar with the scene that this photograph depicts?

2 A. [15:34:37] Yes, I know this scene. This place is where people were killed. It
3 makes me think -- it reminds me of what we saw at that time.

4 Q. [15:35:03] Do you recall specifically seeing the corpses depicted in this
5 photograph?

6 A. [15:35:28] Here I see a body and there is something -- well, it does remind me
7 of what I saw. There were lots of bodies as I said here, as I said previously. There
8 were bodies where the arms were attached, things like that.

9 MR IVERSON: [15:35:54] All right. And for the next two exhibits I would ask
10 briefly to go into private session, Mr President.

11 PRESIDING JUDGE FREMR: [15:36:08] All right. Court officer, let's move into
12 private session.

13 (Private session at 3.36 p.m.) *(Reclassified partially in public)

14 THE COURT OFFICER: [15:36:34] We are in private session.

15 PRESIDING JUDGE FREMR: [15:36:36] Thank you, court officer.

16 Mr Iverson, please proceed.

17 MR IVERSON: [15:36:41] So the next exhibit is DRC-OTP-0152-0239. And with
18 this exhibit, it was not on our list of documents, we had a different exhibit, same,
19 identical exhibit, the one I just named is a higher quality. I've already spoken to
20 Defence counsel to let him know that we would be using the exhibit I just named in
21 place of another exhibit.

22 And with this one, if I could ask not -- to just zoom in on the photograph and not to
23 show the annotations, please.

24 Q. [15:37:34] Sir, do you see the image in front of you on the screen?

25 A. [15:37:44] Yes, I can see the photograph. But I would ask that it be enlarged.

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1 MR IVERSON: [15:37:57] Could we enlarge that photograph.

2 Q. [15:38:16] And, sir, are you, after looking at the photograph, are you familiar
3 with the scene that this photo depicts?

4 A. [15:38:36] Yes, I see, that photograph reminds me of a lot of things. If I see
5 the person who is wearing red underwear, that's Dyikpanu, who I spoke about earlier,
6 previously. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [15:39:48] (Redacted)

10 (Redacted)

11 PRESIDING JUDGE FREMR: [15:39:56] Wouldn't it be better, Mr Iverson, to use
12 annotation by pen. At least from the Chamber's point of view it would be better.

13 MR IVERSON: [15:40:05] Absolutely. I've had bad luck with that. But I think
14 the situation has improved, so if I could ask for the court usher's assistance.

15 Q. [15:40:17] Sir, what we're going to ask you to do is draw a circle around the
16 person you've identified (Redacted).

17 A. [15:40:56] (Redacted)

18 Q. [15:40:57] All right. Perfect. And I see that it was inadvertent, but there's
19 already an Arabic numeral 1 right there, so we'll leave that.

20 Could I ask you to then draw another circle around the other person you identified
21 and then just right the Arabic numeral 2 beside that person. And around the corpse
22 you just circled and earlier identified as Dyikpanu, could I have you annotate it with
23 Arabic numeral number 2, please.

24 Sir, I think I'm losing you here. Could I first have you draw an Arabic numeral
25 number 2 over the corpse that you previously identified as Dyikpanu.

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1 All right. And the last corpse that you just circled, could you identify that person?

2 A. [15:42:49] Here? I think it's Professor Burombi.

3 Q. [15:42:57] All right. Could I have you just draw an Arabic numeral number 3

4 next to the corpse you've identified as Burombi, Professor Burombi, excuse me.

5 All right. So just so the record is clear, the witness has drawn a numeral 1 over the

6 person he identified as himself, a numeral 2 over the corpse identified as Dyikpanu,

7 and an Arabic numeral 3 over the corpse identified as Professor Burombi.

8 I'd like to have this exhibit marked and I'd like to submit it into evidence.

9 PRESIDING JUDGE FREMR: [15:43:42] Mr Gosnell, any objection?

10 MR GOSNELL: [15:43:44] No objection, Mr President.

11 PRESIDING JUDGE FREMR: [15:43:47] So asking court officer to mark this

12 annotated picture and then admit it in time, admitting this picture into evidence as a

13 further Prosecution exhibit.

14 THE COURT OFFICER: [15:44:02] The document will bear the number

15 DRC-REG-0001-0046. It will be uploaded and released to you soon.

16 PRESIDING JUDGE FREMR: [15:44:14] Thank you, court officer.

17 Mr Iverson, please.

18 MR IVERSON: [15:44:18] And that exhibit can be removed and I'd like to ask to go

19 back into open session, Mr President.

20 PRESIDING JUDGE FREMR: [15:44:27] So after removing this picture, we can

21 return back into open session.

22 (Open session at 3.44 p.m.)

23 THE COURT OFFICER: [15:44:37] We're in open session, Mr President.

24 PRESIDING JUDGE FREMR: [15:44:55] Thank you, court officer.

25 Mr Iverson, please proceed.

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1 MR IVERSON: [15:44:59]

2 Q. [15:44:59] Sir, other than the corpses you saw on that day in the banana field,
3 who, if anyone, did you see killed in or around Kobu during the time that UPC was
4 there in Kobu?

5 A. [15:45:30] Another person that I knew, apart from the names that I just gave, I
6 spoke about Julie. But I didn't find her on this picture. But there were lots of
7 people who were killed. And these are people who came from elsewhere, people
8 who didn't know the geography of the area, and it was these people who went to
9 these -- to these negotiations hurriedly, precipitously, because these people thought
10 that things were going to normalize and they would be able to return to their homes,
11 and that's the reason why their bodies were not identified by members of the
12 population.

13 Q. [15:46:29] And when you returned to Kobu on that day, did you have an
14 opportunity to see what the village looked like?

15 A. [15:46:50] Yes.

16 Q. [15:46:51] Could you describe to the Chamber what changes you saw to Kobu
17 after the UPC had left Kobu?

18 A. [15:47:08] When we arrived in Kobu, the first thing that we saw was, when we
19 saw the bodies, we went to the commercial centre, and when we arrived there, we
20 found that the commercial centre, there were trenches that had been dug all around
21 the commercial centre, that's to say almost all the roads going to the commercial
22 centre, there had been trenches dug there of *half a meter. They'd been dug
23 everywhere. That's the first thing that we saw.

24 And the second thing that we noted was that all the shops, even my shop, they had
25 been smashed, the doors had been broken down, things had been set on fire. The

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1 village had been completely pillaged.

2 On addition to that, next to the market, we found other lifeless bodies. There were
3 houses that had been completely destroyed, such as houses with corrugated iron
4 rooves. Another thing that we also noted, you saw that heavy weapons had been
5 fired because when you shoot with such weapons the shell comes out and the
6 cartridge is fired out, and so you could find these empty casings everywhere, these
7 empty shells everywhere. These ammunition cases or shells were everywhere.
8 That's something that we saw.

9 Q. [15:49:56] And when you left Kobu initially, were there shell casings on
10 the -- everywhere, like you say?

11 A. [15:50:14] These are things that we found next to these lifeless bodies along the
12 road. We saw that there were cartridges or casings everywhere. When you shoot,
13 there's a casing that falls everywhere. And they were from large and smaller calibre
14 weapons. Everywhere we went, from Gutsi, along the road, we saw that there were
15 ammunition casings everywhere.

16 MR IVERSON: [15:51:17] Mr President, could I ask briefly to go into private
17 session and then I will be close to finishing.

18 PRESIDING JUDGE FREMR: [15:51:24] Certainly.

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

20 (Private session at 3.51 p.m.) *(Reclassified partially in public)

21 THE COURT OFFICER: [15:51:37] We are in private session, Mr President.

22 PRESIDING JUDGE FREMR: [15:51:43] Thank you.

23 Mr Iverson, please.

24 MR IVERSON: [15:51:46]

25 Q. [15:51:49] After you returned to Kobu, did you have an opportunity to speak

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1 to anyone who had additional information about what had happened in Kobu?

2 A. [15:52:06] When I returned to Kobu, well, you get to Kobu, when you get to
3 Kobu we had spent several days without being able to find the family. When I left
4 Gutsi I went to Kobu and, on that occasion, I took the opportunity to go and visit (Redacted)
5 (Redacted) and his family had fled into the bush and that was behind
6 Buli. But it was in the bush. I went to visit him. I wanted to find out about their
7 situation. That's what I did.

8 Q. [15:53:03] And did you learn any information about what happened in Kobu
9 or the surrounding areas during that visit?

10 A. [15:53:21] When I went there they told me what I said before, somebody spoke
11 to me about the events that had taken place in Buli and they said they went to the
12 negotiations, the peace negotiations, but he escaped. And he was going to get sugar
13 cane. And another person said that his son had fled when the troubles had broken
14 out.

15 My mother and the other members of my family -- I told my biological mother and
16 members of my family what had happened during this attack.

17 Q. [15:54:35] Thank you very much, sir. I have no further questions for you.

18 MR IVERSON: [15:54:38] Thank you, your Honours.

19 PRESIDING JUDGE FREMR: [15:54:43] All right. So we can immediately
20 continue with cross-examination.

21 Mr Gosnell, are you intending to continue in private session or could we move into
22 open session?

23 MR GOSNELL: [15:54:59] Mr President, for sure I need to start in private session
24 for a couple of questions. However, I notice that a large section of today's
25 examination was conducted in private session merely on the basis that the names of

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1 towns were being mentioned. I listened attentively to that testimony and my feeling
2 is that if it's just a question of moving from Kobu to Gutsi or Sangi or back, I don't
3 think that's identifying so, Mr President, I would -- I would, if possible, try and stay in
4 open session a bit more unless the Prosecution objects or the Chamber thinks
5 otherwise.

6 PRESIDING JUDGE FREMR: [15:55:48] Mr Iverson, I personally believe that even
7 just the pure fact that somebody is moving from Kobu to Gutsi is not something that
8 could reveal his or her identity other -- if there are no further details.

9 MR IVERSON: [15:56:01] I agree with that. I don't think the Prosecution objects
10 to Defence counsel's proposal. And there were times this morning where it seemed
11 like few of the questions could have been in open session, but because of the
12 subsequent following questions, I chose to remain in private. But for the general
13 proposition of moving from place to place, I agree with Defence counsel, I don't think
14 it needs to be in private.

15 PRESIDING JUDGE FREMR: [15:56:28] I believe we are all in the same page.
16 Now Mr Gosnell, please proceed.

17 MR GOSNELL: [15:56:35] Thank you, Mr President. Just to be clear --

18 PRESIDING JUDGE FREMR: [15:56:37] One information concerning timing:
19 Mr Iverson used 2 hours 32 minutes, so you are expected, Mr Gosnell, use the same
20 time in maximum.

21 MR GOSNELL: [15:56:48] Thank you, Mr President. And just to say I didn't
22 mean that as any criticism of my colleague, it was more viewing in retrospect how it
23 had worked out.

24 QUESTIONED BY MR GOSNELL:

25 Q. [15:56:59] Good afternoon, Mr Witness. My name is Christopher Gosnell, I

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1 represent Mr Ntaganda. And I will have a few questions for you today and on
2 Monday. If my questions are not coming through clearly, then please do feel free to
3 ask me to repeat or clarify.

4 Now, I'd like to start by asking you whether the name (Redacted), means
5 anything to you?

6 A. [15:57:44] (Redacted), you're speaking about (Redacted) There's a
7 young man from the commercial centre in Kobu who is called that. I've heard this
8 name before.

9 Q. [15:58:02] You never went by that name yourself, did you?

10 A. [15:58:28] No, never.

11 Q. [15:58:29] And when you fled from Bunia because of the war in 2002 and (Redacted)
12 (Redacted)

13 A. [15:58:54] I think that I described what happened when I arrived at Kobu. If
14 you leave Kobu, you go past the commercial centre. Now, if you take the Wadza
15 road and you want to go to Kilo, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [16:00:17] Thank you, Mr Witness. And just to clarify, I apologise for
22 interrupting, but I, unlike the Prosecution, will be asking much more focused
23 questions and if you can listen to precisely the question I am asking and try and
24 answer it as succinctly as possible that would assist us.

25 And you've just, at the very end of your answer, said that (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 Q. [16:05:45] (Redacted)
- 4 (Redacted)
- 5 A. [16:06:01] (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 Q. [16:06:44] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 A. [16:07:28] (Redacted)
- 13 (Redacted)
- 14 Q. [16:07:38] (Redacted)
- 15 A. [16:07:56] (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Q. [16:08:44] (Redacted)
- 21 A. [16:08:57] Yes.
- 22 MR GOSNELL: [16:09:00] Mr President, we can move into open session.
- 23 PRESIDING JUDGE FREMR: [16:09:03] Very well.
- 24 Court officer, let's move into open session now.
- 25 (Open session at 4.09 p.m.)

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1 THE COURT OFFICER: [16:09:15] We are in open session, Mr President.

2 PRESIDING JUDGE FREMR: [16:09:21] Thank you, court officer.

3 Mr Gosnell, please proceed.

4 MR GOSNELL: [16:09:27]

5 Q. [16:09:28] How long after, in days, the meeting, the pacification meeting in

6 Sangi, how long after that in days did you receive word that the UPC had left Kobu?

7 A. [16:10:09] Please repeat your question.

8 Q. [16:10:13] Certainly. You remember that there was a day on which there was

9 a pacification meeting which you have described as having in fact been a trap.

10 Remember that?

11 A. [16:10:34] Yes.

12 Q. [16:10:36] How many days after that were you informed that the UPC had fled

13 Kobu?

14 A. [16:10:59] The pacification meeting was supposed to take place on a Friday,

15 and then there was Friday and then there was Saturday and then there was Sunday

16 and then there was Monday, Tuesday and Wednesday. And it is at that time that we

17 received the message. So it must have been about five days, if I'm not mistaken, four

18 to five days.

19 Q. [16:11:35] You've just done something, Mr Witness, that you did throughout

20 your testimony, which is to be able to recall days of the week. How are you able to

21 recall with such precision after all these years the days of the week on which these

22 events purportedly occurred?

23 A. [16:12:23] The answer I can give you is that this memory is engraved in my

24 memory and this is something that I experienced. The life I experienced at that time

25 was not easy and so that date -- that day is engraved in my mind. It is like indelible

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1 ink which doesn't go away and which continues to hurt very deeply.

2 Q. [16:12:57] And that means, doesn't it, that you're quite sure about your
3 memory of the interval of time between the supposed date of the pacification meeting
4 and the date on which you heard that the UPC had left Kobu?

5 A. [16:13:35] This is what I can say: I may be able to forget a date, but I cannot
6 forget the day. The date, maybe I can forget it.

7 Q. [16:13:54] So on this Wednesday when you received word that the UPC had
8 left Kobu, am I correct that it was on that same day that you went to Kobu?

9 A. [16:14:22] Yes. When we received the message on Wednesday that there
10 were dead bodies at the centre. I do remember that day very clearly. It had rained.
11 Because when we got to Kobu, there was rainwater everywhere and rainwater could
12 be even found in the stomachs of some of the dead bodies. It was the first time I was
13 returning to Kobu after I had left Kobu and fled.

14 Q. [16:15:01] And you said that when you returned to Kobu and encountered the
15 scene of 30 to 50 people who had been killed, you said that a certain number had had
16 their heads removed. Can you give us an indication as to what number had been
17 decapitated?

18 A. [16:15:41] Well, I did not go there to conduct a headcount of the dead bodies
19 and to establish which one was beheaded and which one still had its head on. All I
20 do remember is that I saw, for example, the dead body of a child without its head,
21 and then there were other bodies where the throat was simply slit but the head was
22 still attached to the body. So those are the type of things I saw.

23 Q. [16:16:26] Yes, I fully understand, Mr Witness, that you may not be able to
24 recall the exact number, but can you give us any further indication as to how many
25 bodies you saw having been beheaded?

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1 A. [16:16:56] Well, I did not pay special attention to that. I did not count and I
2 did not estimate anything because I really wasn't paying any specific attention to that
3 when I saw those things.

4 Q. [16:17:25] One thing you did pay attention to, according to what you said at
5 page 77 earlier today, and I quote: "Necrosis will be in relation to the use of those
6 machetes following or pursuant to the messages that were broadcast over the radio."
7 End quote.

8 Now, I just want to clarify what you meant when you said that. Are you saying or
9 did you mean to say that the necrosis was a result of machete wounds?

10 A. [16:18:26] No. You see, they had used -- they had put the machetes into fire
11 and then struck the bodies with the heated machetes, and it is those parts of the body
12 that were struck with the hot machetes that had this symptom. That is what I meant
13 to say.

14 MR GOSNELL: [16:19:08] Mr President, with your leave, I would like to distribute
15 hard copies of the witness's statement as I intend to refer quite frequently to the
16 statements.

17 PRESIDING JUDGE FREMR: [16:19:18] All right.

18 MR GOSNELL: [16:19:24] And I believe we have enough copies for any participant
19 or party who may not have a copy.

20 THE COURT OFFICER: [16:19:34] Could we please have an ERN number for the
21 record.

22 MR GOSNELL: [16:19:39] Yes, certainly. Thank you very much for that reminder.
23 The two documents are first the 2005 statement, DRC-OTP-0073-0397, tab 1, and the
24 2015 statement, DRC-OTP-2080-0078, it's tab 2.

25 Q. [16:20:15] Now, Mr Witness, my Swahili is not wonderful, but I understand

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1 that there is an expression in Swahili for the word sharpen which refers to placing a
2 blade into fire. And what you stated in your statement from 2005, paragraph 31, is
3 the following, and I'll read it in French:

4 (Interpretation) "I listened to the radio station on that day, but I could not determine
5 its source and orders were given to put the machetes into fire before starting the
6 operations on the persons who had been arrested."

7 (Speaks English) so I just want to clarify, when you used that expression in your 2005
8 statement, (Interpretation) "Put the machetes in the fire," (Speaks English) you did
9 not mean to say that that meant to sharpen, you meant literally to pass the blades
10 over a fire. Do I understand that correctly?

11 A. [16:21:56] I did not want to say "to sharpen." When you talk about sharpen,
12 you use a stone to sharpen the machete. What I meant was the machete should be
13 put into some fire. That was the message we received.

14 Q. [16:22:29] And it was the infliction of wounds with these heated blades that
15 caused this necrosis, according to you; is that correct?

16 A. [16:22:57] Yes, that's correct.

17 Q. [16:22:59] So am I correct that the bodies had received numerous machete
18 strikes with the blades of the machetes as you were able to observe the bodies?

19 A. [16:23:30] Well, what we noticed on Dyikpanu's body, for example, (Redacted)
20 (Redacted), we found those signs on his body.

21 Q. [16:23:48] And either from the person who informed you about the
22 withdrawal of the UPC from Kobu or from anyone else, were you told when this
23 massacre had taken place, how long prior to your arrival in Kobu it had taken place?

24 A. [16:24:15] I did not quite understand your question. Would you please
25 kindly repeat it?

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1 Q. [16:24:35] Certainly. Did anyone at all tell you how long prior to your arrival
2 on the scene in Kobu the massacre had taken place?

3 A. [16:25:08] I did not receive those details and I didn't ask any questions either in
4 that regard.

5 Q. [16:25:21] Quite a bit more than a detail, Mr Witness. You're arriving and
6 seeing --

7 PRESIDING JUDGE FREMR: [16:25:29] Mr Iverson.

8 MR IVERSON: [16:25:30] The comment "Quite a bit more than a detail," I think is
9 unnecessary. It's argumentative.

10 PRESIDING JUDGE FREMR: [16:25:39] Yes, Mr Gosnell, I really find even if it's
11 just beginning, but I think that really, in my view, goes to argumentative question.
12 So maybe you should rephrase.

13 MR GOSNELL: [16:25:52] I understand, Mr President. I'll rephrase the question.

14 Q. [16:25:57] Was -- were none of the people who were accompanying you asking
15 questions, for example, about the circumstances in which this event had occurred?

16 A. [16:26:31] When you talk about circumstances, can you please explain what
17 you mean. Who? Who would have asked me those questions?

18 Q. [16:26:40] Perhaps my question wasn't quite translated accurately. I wasn't
19 suggesting that people would have asked you questions. I was suggesting that
20 others accompanying you who were either burying their loved ones or taking them
21 away from this horrible event would have asked questions to others about the
22 circumstances of the event, in particular, when it had happened.

23 A. [16:27:22] Well, asked questions of who and to who?

24 Q. [16:27:45] Well, that's a fair point, Mr Witness. And let me focus it, and I
25 won't mention the person's name, but do you remember -- and please don't mention

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1 his name either, but you remember you've told us that somebody came and informed
2 you in Gutsi both that the UPC had left Kobu and that there had been a massacre by
3 the UPC. Did he tell you how long before this massacre had occurred?

4 A. [16:28:21] All right. Well, if I have understood your question, you are asking
5 about time, duration, the time between the time of death of these people and the time
6 when we received the information. Now, I have no information to provide by way
7 of answer to that question. I do not know when those people were killed. Well, if
8 that's the question, I think that's what I can say. However, you see, it must be that
9 those dead bodies were not warm. They were -- they were cold already and one
10 couldn't say that they had died on the same day. By the time we got there, the dead
11 bodies were in a state that was different from people who had -- bodies that had just
12 been killed a short while ago. So they must have died sometime before we left Kobu.

13 Q. [16:30:03] Mr Witness, I think the very last bit of your answer may not have
14 been recorded correctly or perhaps there was a confusion. When you say that "They
15 must have died sometime before we left Kobu," what are you referring to?

16 A. [16:30:42] Well, I think it must be a problem with the transcript. That's not
17 what I said.

18 Q. [16:30:58] I think I understood what you mean and so I won't go back to
19 asking that, but I will ask you this question from page 78 of earlier today. When you
20 were listing the names of photographers who were on site taking pictures, and
21 unfortunately the names were not accurately recorded on the transcript, may I ask
22 you please to tell us again the names of all of the photographers who were taking
23 pictures on that day?

24 A. [16:31:36] Among the photographers, Tubi (phon) came with a camera.
25 Another photographer called Georges, he was also there but I don't know if he took

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1 photos. There were a lot. But among the ones who took photos, there was Tubi.

2 There were a lot who were there. There were others whose names I didn't know.

3 Because in the centre of Kobu at that time, it was a centre where a lot of people had

4 taken refuge, and as I said before, you couldn't know who took -- who had taken

5 which photograph, and I'm still astonished to see myself on a photograph. I couldn't

6 even know who took that photo in which I am depicted.

7 Q. [16:32:52] Let's have a look at that photo, please. DRC-OTP-0152-0239.

8 I think it may be tab 83 at the moment.

9 PRESIDING JUDGE FREMR: [16:33:09] Mr Iverson.

10 MR IVERSON: [16:33:09] I would ask that the photograph be shown in private.

11 MR GOSNELL: [16:33:18] Well, I won't ask -- well, perhaps for safety we should,

12 yes, Mr President.

13 PRESIDING JUDGE FREMR: [16:33:26] All right then.

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

15 (Private session at 4.33 p.m.) *(Reclassified partially in public)

16 THE COURT OFFICER: [16:33:39] We're in private session. And I also take this

17 opportunity to ask Mr Gosnell if you would like to have the version with annotation

18 or without.

19 MR GOSNELL: [16:33:50] Without, please.

20 PRESIDING JUDGE FREMR: [16:33:56] So thank you, court officer.

21 And as soon as the picture appears, you may proceed, Mr Gosnell. And in this

22 moment allow me a gentle caveat. I will have to ask you to break at 10 to 5 because I

23 have to use the remaining time to deliver one oral ruling. Thank you.

24 MR GOSNELL: [16:34:33] Thank you, Mr President.

25 Q. [16:34:36] Now, Mr Witness, I believe that at some point a photograph is going

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1 to come up on the screen.

2 Mr Witness, we looked at this photograph earlier today. May I ask you if you can
3 recall when you first saw this photograph?

4 A. [16:35:57] The first time I saw this photograph was in (Redacted). The person who
5 showed me the photograph, well, it was two young girls, one of them called Alice, the
6 other was called (Redacted). These girls showed me the photograph for the first time.

7 Q. [16:36:40] (Redacted)

8 (Redacted)

9 A. [16:37:02] (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [16:37:33] Well, let me go back and ask this: How long did you spend
13 looking at this photograph that was shown to you by the two individuals who
14 showed it to you?

15 A. [16:38:05] I don't know how much time, how long ago it was or how much
16 time it took, but I think it was more than a minute, because at the time this was a real
17 photograph and it was easier to identify it. It wasn't a scan.

18 Q. [16:38:34] And did you provide details during your statement to the
19 investigators based upon looking at this photograph?

20 A. [16:39:07] As I just said here, you can see the banana trees which have been cut
21 down and there are bodies which are there. It's the same thing.

22 Q. [16:39:28] Did they show you this photograph before or after you had
23 described the scene that you encountered in Kobu without the assistance of the
24 photograph?

25 A. [16:39:43] Well, I don't remember if it was before or after. What I know is

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1 that I was shown this photograph. When exactly that was, I don't remember.

2 Q. [16:40:19] The reason that we know that you were shown this photograph
3 during this meeting in (Redacted) is not only because you remembered here today, but also
4 because you mention it in your (Redacted) statement at paragraph 19. However, there is
5 no mention in your (Redacted) statement of having been shown this photograph. Was
6 there any discussion that you can recall as to whether that information should be
7 provided in your statement from (Redacted)?

8 A. [16:41:10] Well, I'm not the one who wrote my statement. I think the Office of
9 the Prosecutor wrote all my statements. They would ask me a question and I would
10 answer, depending on the question that was put to me. If they didn't write anything
11 in relation to the photograph, that's their business. That's not my business.

12 Q. [16:42:04] When you returned to Kobu after the events that you have been
13 describing, did you see a mass grave anywhere in the vicinity of either the banana
14 field or the Hotel Paradiso or anywhere else in Wadza?

15 A. [16:42:46] Where it concerns the mass grave, I saw bodies that family members
16 had recovered. And when we went there to see (Redacted), I went to Gutsi,
17 and I don't know how they organised things so as to bury the other bodies. That's
18 something I don't know. But where it concerns (Redacted), the family
19 organised themselves, they recovered the body and they left with the body.

20 Q. [16:43:43] But in Wadza itself, did you see a mass grave or a common grave
21 where the victims of the massacre that you witnessed anywhere?

22 A. [16:44:17] I didn't see one. After having visited the centre, what was
23 interested in me, I wasn't bothered with the rest. We took the bodies. That's what
24 I was interested in. I was afraid personally. I was afraid of the UPC, even if the
25 UPC had just left the centre. I left that place. I had left that place. We had left the

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1 centre to go once again to Gutsi.

2 Q. [16:45:06] Yes. I understand that. And I'm asking about the period of time

3 after you return from Gutsi and (Redacted)

4 (Redacted) did you see any indication of a mass or a

5 common grave in Wadza?

6 A. [16:45:52] Whatever the case, I wasn't interested in that.

7 Q. [16:46:00] Were you present in Kobu when a man named (Redacted)

8 arrived there with some white people?

9 A. [16:46:20] Yes, (Redacted), he came with a delegation from the Ituri

10 Pacification Commission. There was a frère who was an elder from this delegation

11 and the Lendu community had a spokesperson called (Redacted) and -- well,

12 I don't know if he was there on that day, but (Redacted)

13 (Redacted).

14 Q. [16:47:21] Let me just interrupt you, and perhaps I should refocus my question.

15 Were you present in Kobu when a team of white people, which I imagine was a rather

16 unusual event in Kobu at the time, arrived to investigate the massacre in Kobu?

17 A. [16:47:59] Yes, when I arrived I met the delegation in Wadza. That was at the

18 time that we were going to show them where the banana trees had been cut. I didn't

19 participate in all their activities, but at a certain time, as journalists asked questions, I

20 answered a question on the way.

21 Q. [16:48:45] And did anyone show them --

22 A. [16:48:48] Passing question.

23 Q. [16:48:51] Did anyone show them a mass grave or what was represented to be

24 a mass grave?

25 A. [16:49:04] (No interpretation)

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1 Q. [16:49:20] (Overlapping speakers) While you were present watching this team
2 of people being shown around, were they shown a mass grave with crosses?

3 A. [16:49:47] I wasn't with the delegation everywhere where they went. I didn't
4 accompany them everywhere where they went. I wasn't interested in doing that. I
5 just answered a question at the centre when we met.

6 MR GOSNELL: [16:50:15] Mr President, I think we're at the time now.

7 PRESIDING JUDGE FREMR: [16:50:17] Yes, very well.

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

9 (Open session at 4.50 p.m.)

10 THE COURT OFFICER: [16:50:32] We're in open session, Mr President.

11 PRESIDING JUDGE FREMR: [16:50:41] Thank you, court officer.

12 So Mr Witness, it concludes your testimony for today. So I would like to thank you
13 that you clearly and patiently responded all questions put to you. We will continue
14 with your testimony tomorrow morning -- on Monday morning, sorry. Tomorrow
15 morning fortunately not. And I have to remind you that in the meantime, during the
16 weekend, you must not discuss your testimony with anybody else. Do you
17 understand, Mr Witness? Fine.

18 So now I would like to ask --

19 THE WITNESS: [16:51:28] (Interpretation) Yes.

20 PRESIDING JUDGE FREMR: [16:51:29] -- the court usher to escort Mr Witness out
21 of the courtroom.

22 (The witness stands down)

23 PRESIDING JUDGE FREMR: [16:51:54] And now the Chamber will deliver its oral
24 ruling on the Prosecution request number 1555 which seeks that the Chamber adopts
25 in-court protective measures in the form of face and voice distortion during testimony

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1 and the use of a pseudonym for the purposes of the trial for Witness P-792.

2 The Defence opposed the request on 6 October 2016, that is filing number 1568.

3 As a preliminary matter, the Chamber notes that this witness was a reserve witness

4 for this evidentiary block and that his testimony during this block was only confirmed

5 last week. Noting these circumstances and the fact that the Defence does not oppose

6 this part of the request, the Chamber grants a variation of time for the filing of this

7 request pursuant to Regulation 35 of the Regulations of the Court.

8 Turning to the merits, the Chamber incorporates by reference the applicable law set

9 out in its first decision on in-court protective measures bearing filing number 824.

10 In assessing whether there exists an objectively justifiable risk with regard to the

11 witness's security, the Chamber recalls the reported instances when other witnesses,

12 including crime-base witnesses, were allegedly threatened as a result of their

13 involvement with the Court.

14 Additionally, as a Chamber has previously held, the general security situation in the

15 region is a relevant consideration in respect of specific witnesses.

16 In rendering its decision with regard to Witness P-792, the Chamber also takes into

17 account the witness profile, which may increase the risks faced by the witness, in

18 terms of his ability to be recognized or located; or to give rise to a perception that he

19 represents particular interests; further, the nature of his anticipated testimony; and,

20 finally, the fact that he lives with his family in the general area of influence of the

21 accused.

22 The Chamber also notes the witness is not in the ICC protection programme.

23 Finally, the Chamber has had regard to the VWU's assessment received earlier today,

24 particularly that public testimony by this witness might trigger retaliation against him

25 and his family and that the protective measures sought will minimise such a risk.

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1 Noting the Defence submission in this regard, the Chamber clarifies that it finds it
2 appropriate to take into consideration this independent assessment from the VWU, a
3 neutral organ of the Court, notwithstanding its ex parte nature.
4 In light of the foregoing, the Chamber is satisfied that there exists an objectively
5 justifiable risk with respect to the security of Witness P-792 warranting the protection
6 of his identity from the public.
7 The Chamber further finds that the measures sought do not unduly infringe upon the
8 rights of the accused, having regard to the fact that the Defence and the accused will
9 be able to see him give evidence at trial and to hear his voice without distortion.
10 The Chamber therefore grants the in-court protective measures requested for Witness
11 P-792 pursuant to Rule 87 of the Rules.
12 Finally, the Chamber orders the parties to file by 21 October 2016 public redacted
13 versions of the request and response respectively.
14 This concludes the Chamber's ruling.
15 And at the very end of this session I would like to inform you about our plans for
16 Monday. We decided to sit from -- in fact, in our classical schedule from 9.30 till 11,
17 then from 11.30 till 1 and final session will take two hours, 2.30 till 4.30. We believe
18 that this schedule should allow us to conclude cross-examination of this witness and
19 the second part of the day to cover whole examination-in-chief of the last witness of
20 this block.
21 I see there are no further requests for the floor, so I would like to thank you. I would
22 like to wish you a relaxed weekend because I guess all of us who were involved in
23 this busy week deserve that and see you on Monday, 9.30.
24 THE COURT USHER: [16:57:45] All rise.
25 (The hearing ends in open session at 4.57 p.m.)

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