

Annexe A

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Annexe A: Sources retenues dans la Décision ICC-01/04-02/06-147

Extrait de la Décision	N.b.p	Source citée dans la Décision	Faisant référence à	Appréciation
Par.43: The evidence or material available before the Single Judge suggests that Mr. Ntaganda's voluntary surrender was prompted by the likelihood of him being killed or by pressure imposed on him by the Rwandan Government.	85	ICC-01/04-02/06-103-RED, p.6-7.	<i>Midterm report</i> , par. 26.	Ouï-dire anonyme à l'exception du Colonel Innocent Kaina, adjoint de Makenga.
			F. Chothia, BBC, "Will Bosco Ntaganda's surrender bring peace to DR Congo?", 19 mars 2013.	Ouï-dire anonyme à l'exception du Colonel Innocent Kaina, adjoint de Makenga.
			J. Stearns, Blog Congo Siasa, "Amid good news, doubts" 18 mars 2013.	Source spéculative.
			A. Halligan, BBC, "DR-Congo, Bosco Ntaganda appears before ICC", 26 mars 2013.	Ouï-dire anonyme. Source spéculative.
			Rapport UNJHRO.	Ouï-dire anonyme.
			HRW, "DR Congo: Arrest Bosco Ntaganda", 2 février 2009.	Sources anonymes.
Par.44: According to the Midterm Report, after the split of the M23 and the outbreak of fighting between Mr. Ntaganda's faction and his deputy's faction, headed by Mr. Makenga, Mr. Ntaganda's troops ran low of ammunition.	87	<i>Midterm report</i> , par.10-11, 13, 21, 26.		Ouï-dire anonyme.
Par.44: This prompted the suspect to flee towards the Rwandan border on 15 March 2013 and thereafter to Kigali with the assistance of his family.	88	<i>Midterm report</i> , par.27.		Ouï-dire anonyme.
Par: 44: Yet, according to three of his loyalists, former M23 officers and soldiers, Mr. Ntaganda "feared that the Rwandan army soldiers deployed along the border would kill him".	89	<i>Midterm report</i> , par.26.		Ouï-dire anonyme.
Par.44: Moreover, Mr. Makenga's deputy and other soldiers loyal to this faction informed the group of experts that they were ordered to kill Mr. Ntaganda.	90	<i>Midterm report</i> , par.26.		Ouï-dire anonyme à l'exception du Colonel Innocent Kaina, adjoint de Makenga.
Par.44 de la Décision.	91	J. Stearns, Blog Congo Siasa, "The Bosco surrender: more questions than answers", 22 mars 2013.		Ouï-dire anonyme. Source spéculative.
		A. Halligan, BBC, "DR-Congo, Bosco Ntaganda appears before ICC", 26 mars 2013.		Ouï-dire anonyme. Source spéculative.
Par.45: Mr. Ntaganda's decision was likely to have also been influenced by declarations of the Congolese Government calling for his arrest.	92	ICC-01/04-02/06-103-RED, p.7 fn 17.	<i>Midterm report</i> , par.26.	Aucune mention d'une influence due à des déclarations du gouvernement congolais.
			F. Chothia, BBC, "Will Bosco Ntaganda's surrender bring peace to DR Congo?", 19 mars 2013.	Aucune mention d'une influence due à des déclarations du gouvernement congolais.
			J. Stearns, Blog Congo Siasa, "Amid good news, doubts" 18 mars 2013.	Source spéculative.
			A. Halligan, BBC, "DR-Congo, Bosco Ntaganda appears before ICC", 26 mars 2013.	Aucune mention d'une influence due à des déclarations du gouvernement congolais.
Par.45: Mr. Ntaganda's decision was likely to have also been influenced [...] by pressure imposed on him by the Rwandan Government to surrender.	93	J. Stearns, Blog Congo Siasa, "Amid good news, doubts", 18 mars 2013.		Source spéculative.
Par.45: The latter possibility [les pressions exercées sur lui par le gouvernement rwandais afin qu'il se rende] finds support in a number of non-anonymous sources provided in the Second Registry's Report.	94 et 95	ICC-01/04-02/06-120-Conf, pp. 8-10 et son annexe.	HRW, "DR Congo Warlord Should Face Justice", 18 mars 2013.	Source spéculative.
			S.Rosenberg, CNN, "Why Bosco Ntaganda trial is just first step towards justice for DRC", 28 mars 2013.	Source spéculative.
			N.Moshiri, Al Jazeera Blogs "The surrender of Bosco Ntaganda", 20 mars 2013.	Source spéculative.
			A.Auxent, Le Monde "Pourquoi le général congolais Bosco Ntaganda se livre à la justice", 20 mars 2013.	Source spéculative.
			Annexe.	Toutes les sources sont spéculatives.

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Par.53: In fact, Mr. Ntaganda managed to move around undisturbed since 2006 until the date of his surrender in March 2013, despite the existence of a travel ban. For example, it is reported that Mr. Ntaganda has crossed from "Goma to the town of Gisenyi, Rwanda, twice in 2011".	111	Rapport final, p.149.		Ouï-dire anonyme.
Par.53: It is true that Mr. Ntaganda's apparent free movement between DRC and Rwanda could be easily explained in light of the fact that soldiers loyal to him controlled certain border crossings.	112	Rapport final, par.485.		Ouï-dire anonyme.
Par.54: In particular, the material presented reveals that the M23 headed by, inter alia, Mr.Ntaganda, before its split, was involved in extensive lootings in Goma in late November 2012. The estimated value of the goods looted amounted to \$3 million.	115	<i>Midterm report</i> , p.6.		Ouï-dire anonyme. Un document présenté au soutien: Annexe 7: extrait du rapport de mission du gouvernement.
Par.54: Further, Mr. Ntaganda and Mr. Makenga secured the finance of the M23 by imposing taxes on commercial trucks crossing checkpoints at Kibumba and Kiwanja and the border at Bunagana which amounted to an average of \$180000 per month.	116	<i>Midterm report</i> , p.13.		Ouï-dire anonyme.
Par.54: In addition, according to different sources, Mr. Ntaganda owns a fuel station, a flour factory in the centre of Goma, which is run by his wife, a hotel in the same location, and several bank accounts in Rwanda under the name of his wife.	117	Rapport final, p.150-151.		Ouï-dire anonyme. Les pages citées montrent que l'hotel aurait seulement existé de janvier à mai 2011.
Par.54: Based on the same report, Mr. Ntaganda was involved with East African regional networks of dealers "selling both real and counterfeit gold to international buyers".	118	Rapport final, par.150-151.		Ouï-dire anonyme.
Par.58: Based on the available information, it is apparent that Mr. Ntaganda continues to have some influence in the DRC, given that he managed to retain some contacts with a substantial number of his former soldiers who used to be part of the M23.	122	<i>Midterm report</i> , p.15-16 et p.15, n.b.p 2.		Sans lien avec les conclusions de la Chambre.
Par.58: According to the information presented, former FPLC and the Congrès National pour la Défense du Peuple (the "CNDP") who are loyal to Mr. Ntaganda have been integrated into FARDC special battalions.	123	Rapport final, p.70.		Ouï-dire anonyme.
		ICC-01/04-02/06-103-Red, par.27-28 et n.b.p.	<i>Midterm report</i> , par.14-16-17.	Ouï-dire anonyme.
			Rapport final, par.239-240.	Ouï-dire anonyme.
			Rapport final, par.13, 297-311.	Ouï-dire anonyme (M. Ntaganda nie avoir parlé au groupe d'experts).
			Rapport final, par.307-308.	Ouï-dire anonyme.
			<i>Midterm report</i> , par.20.	Ouï-dire anonyme.
Par.58: According to the 2011 Group of Experts Report, Mr. Ntaganda "appointed ex-CNDP commanders to key positions during the reorganization".	124	Rapport final, p.82.		Ouï-dire anonyme.
Par.58: [...] and every FARDC operation in North and South Kivu was "endorsed" by the suspect.	125	Rapport final, p.82.		Ouï-dire anonyme.
Par.58: Mr. Ntaganda is also reported to have said that "he and his colleagues had planned every operation carried out" in these parts of Kivu.	126	Rapport final, p.82 et en particulier par.298.		Ouï-dire anonyme (M. Ntaganda nie avoir parlé au groupe d'experts).
Par.58: Thus, the Single Judge concurs with the Prosecutor that based on this information, it is difficult to conclude that Mr. Ntaganda lost total influence over his supporters in the DRC.	127	ICC-01/04-02/06-103-RED par.27, 29 (Notes 65 à 68 et 70-71)	<i>Midterm report</i> , par.27.	Ouï-dire anonyme.
			<i>Midterm report</i> , par.14, 16 et 17.	Ouï-dire anonyme à l'exception du président du M23 Bertrand Basimwa.
			Rapport final, par.239-240; par.297-311; par.307-308.	Ouï-dire anonyme (M. Ntaganda nie avoir parlé au groupe d'experts).
			<i>Midterm report</i> , par.27.	Ouï-dire anonyme.
			Article <i>UN News centre</i> , p.1 (DRC-OTP-0236-0005).	Il s'agit d'un résumé du Rapport final de 2011 du Groupe d'expert.
			Décision du Conseil européen du 29 décembre 2005, p.6 (DRC-OTP-0155-0158).	Décision datant de 2005 et indiquant que Bosco Ntaganda aurait fait partie l'UPC/L.
Par.59: [...] documented history of violence, [...]	129	Déclaration de P-0046 (DRC-OTP-2054-6846).	Déclaration de P-0046, p.22 (DRC-OTP-2054-6846).	Ouï-dire anonyme.
Par.59: [...] which is also revealed in a number of reports.	130	Rapport UNJHRO, en particulier par.24 et 26.		Ne parle pas de violence. Parle de la position de Bosco Ntaganda au sein du CNDP.
		Rapport final, p.82-83, 85, 123-124, 149-150.		Ouï-dire anonyme.
		<i>Midterm Report</i> , par.129-130.		Ouï-dire anonyme.