

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Tuesday, 27 June 2017
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:10] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:33:49] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:33:55] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: [9:34:09] Thank you, court officer.
20 Now appearances in usual order. Prosecution, please.
21 MS SAMSON: [9:34:14] Good morning, Mr President, good morning, your Honours.
22 Present for the Prosecution today are Ms Dianne Luping, Mr Rens van der Werf,
23 Ms Selam Yirgou, Ms Claudine Umurungi, Mr James Pace and myself,
24 Nicole Samson.
25 PRESIDING JUDGE FREMR: [9:34:32] Thank you, Ms Samson.

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1 Defence, please.

2 MR BOURGON: [9:34:36] (Interpretation) Good morning, your Honour.

3 Representing Bosco Ntaganda, who is present this morning in the courtroom,

4 Sara Levac, Victoria Cichalewska, Isabelle Martineau, Dignité Bwiza, and myself,

5 Stéphane Bourgon. Thank you, your Honour.

6 PRESIDING JUDGE FREMR: [9:35:00] Thank you, Mr Bourgon.

7 Legal Representatives of the Victims, please.

8 MS PELLET: [9:35:07] Thank you, your Honour. The former child soldiers are

9 represented by Vony Rambolamanana and by myself, Sarah Pellet, Counsel with the
10 Office of Public Counsel for Victims.

11 MS GRABOWSKI: [9:35:21] Good morning, your Honours. The victims of the
12 attacks are today represented by Negosava Smiljanic and myself, Anne Grabowski.

13 PRESIDING JUDGE FREMR: [9:35:31] Thank you, Ms Pellet. Thank you,
14 Ms Grabowski.

15 So today we are expected to continue with direct examination of Mr Ntaganda
16 conducted by Defence.

17 Mr Ntaganda, allow me, even if I already instructed you, repeat about it again, rather,
18 better to remind you that you are still under oath, which means that you have to
19 speak truth and nothing but the truth.

20 Is it clear to you, Mr Ntaganda?

21 WITNESS: DRC-D18-D-0300 (On former oath)

22 (The witness speaks Swahili)

23 THE WITNESS: [9:36:08] (No interpretation)

24 PRESIDING JUDGE FREMR: [9:36:14] So since we do have problem with
25 interpretation, I believe our court officer will fix it up in a second.

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1 So I will repeat it, Mr Ntaganda, in order to test it. So I just reminded you that
2 you are still under oath, which means that you have to speak truth and nothing but
3 the truth.

4 Did you understand?

5 THE WITNESS: [9:36:53] (Interpretation) I understand you, your Honour.

6 PRESIDING JUDGE FREMR: [9:36:56] Very well. So now I can hand over the floor
7 to Mr Bourgon. And Mr Bourgon, just for information, according my information so
8 far, you roughly have used 10 hours. So you should be, roughly again, in one-fourth
9 of your -- of your examination. So I hope that you will adjust your planning of
10 examination to that fact.

11 Mr Bourgon, you have the floor.

12 MR BOURGON: [9:37:48] (Interpretation) Thank you very much, your Honour.

13 QUESTIONED BY MR BOURGON: (Continuing) (Interpretation)

14 Q. [9:37:50] Good morning, Mr Ntaganda.

15 A. [9:37:52] Good morning.

16 Q. [9:37:53] Now, we're going to go back to the place that we were during your last
17 day of testimony. We were speaking about your arrival in Uganda to follow training.
18 And here I'm referring to transcript 212, in French. I would like to ask you
19 a question for clarification on this subject.

20 Now, the question that I put to you was on line 18 of page 88. The question was as
21 follows: "What is your career path?" Now, you said that you went to Entebbe and
22 then I said, "Well, please tell us about what you did in -- or where you went in
23 Uganda."

24 Now, you said in reaction to that, you said:

25 "Entebbe, from Entebbe we went to a camp where there were soldiers, where they were

1 put up, and then I went to the residence which had been assigned to us. And before
2 going to Jinja, we went to Kyankwanzi, and then we left again to go to Jinja. And
3 that is the itinerary that I took up to Jinja."

4 Mr Ntaganda, my first question for clarification is about the members of the Chui
5 mobile force, whether they -- or how many groups they travelled to that place in?

6 A. [9:39:37] The members of the Chui mobile force went in three different groups.

7 Q. [9:39:49] And in which group were you in?

8 A. [9:39:55] I went in the first group.

9 Q. [9:40:04] Did you have the opportunity to see the two other groups arrive in
10 Entebbe?

11 A. [9:40:19] Yes. Every time that the other group arrived, I went -- every time
12 a group arrived, I went there to receive them.

13 Q. [9:40:30] You also told us that there was a group which went to Kyankwanzi
14 when you went to Jinja. Now, my first question is, following your answer on line 22,
15 "We went to Kyankwanzi": When did you go to Kyankwanzi?

16 A. [9:40:53] When all the groups of the Chui mobile forces went to Seran (phon)
17 Mbuyi, I went to Kyankwanzi and we -- the officers, we were taken to a residence.
18 And before starting with training, I was asked to get the officers who had
19 accompanied the troops, and when we arrived in Kyankwanzi, I took these officers
20 and after a few days we went to Jinja to follow our training.

21 THE INTERPRETER: [9:41:33] Correction from the Swahili booth: Military camp
22 Mbuyi.

23 MR BOURGON: [9:41:48] (Interpretation)

24 Q. [9:41:49] When you went to Kyankwanzi, were you able to see the group of
25 soldiers who were there undergoing training?

1 A. [9:42:06] Well, we arrived between 9 o'clock and 2000 hours -- 7 o'clock and
2 8 o'clock November 2000, and you know that during the night it was difficult to see
3 people. But I saw groups who had gathered together in three different groups in
4 front of me on my left and on my right, and I spoke to these troops. But I wasn't able
5 to recognise one of them because it was dark at the time.

6 Q. [9:42:48] And did you speak to the soldiers who were undergoing training at
7 that time?

8 A. [9:42:59] Yes. Yes, I spoke to them.

9 Q. [9:43:05] To the best of your knowledge, what did you say and why? As best
10 you remember.

11 A. [9:43:24] I remember having told them to be brave. I told them that it was an
12 opportunity for us to go to training in Uganda, because in Uganda training is given in
13 a professional way. I asked them to remind themselves that after this training, they
14 would have knowledge, making it possible for them to protect the population against
15 the enemy.

16 Q. [9:43:56] Did you know at that time where Kyankwanzi's group would go after
17 training?

18 A. [9:44:06] At that time I was sent to get the officers, one group was going to
19 follow the training of officers and the other group would go to ordinary training for
20 troops, normal troops.

21 Q. [9:44:37] I am now going to put my question again and make it clearer.
22 Following the training, once the training had been completed, did you know where
23 Kyankwanzi's group would be used or where they would be sent?

24 A. [9:45:00] Yes. Because among the Ugandan authorities who had come to see us,
25 the authorities told us that after our training we would return to Ituri, and that is the

1 information that I had.

2 Q. [9:45:22] Do you know the subjects taught in Kyankwanzi?

3 A. [9:45:32] No. I wasn't there. But as an instructor myself, I followed training, I
4 trained people. I knew Ugandan training because it was similar to Rwandan
5 training. It was a normal training for sub-officers, and when I was given -- when
6 there was given that training, I wasn't there, but I knew that they were giving basic
7 training. That's the training you give to troops.

8 Q. [9:46:14] What's the difference between the training given in Kyankwanzi and
9 the training that you followed? You said that it was officers' training, so what
10 difference is there between the two?

11 A. [9:46:37] Yes, it's different. The troops followed basic training. We went for
12 training for officers. There's a big difference between the two. We followed
13 training at a superior level for officers. We were taught by colonels, Ugandan
14 colonels. But the troops in Kyankwanzi, they followed basic training. Others
15 followed an initial course, initial training. There's a difference between the training
16 for officers and basic training.

17 Q. [9:47:38] Mr Ntaganda, speaking about basic training that's given during that
18 training, were people taught how to carry out an attack?

19 A. [9:48:01] Yes. Yes. We learnt tactics, military tactics. In Swahili,
20 mbinu za kivita, military tactics. We also learnt how to deploy ourselves in the bush
21 and the ideology of the army. There are several different types of training that we
22 followed as officers.

23 Q. [9:48:42] Mr Ntaganda, I would like to go back to the precise question that I put
24 to you, namely a question of an attack. Are there several different ways of carrying
25 out an attack in the army according to your experience?

1 A. [9:49:02] Yes, there are several different types of attack, yes.

2 Q. [9:49:09] Could you give us some examples?

3 A. [9:49:21] There's an ordinary attack, you are going to attack going one way, and
4 then there's another attack or other attacks coming from several different fronts or
5 from several different directions.

6 Q. [9:49:46] Is it possible, Mr Ntaganda, to divide attack into different phases?

7 A. [9:50:04] Yes. As I explained, you can attack from different fronts in order to
8 have an advantage over the enemy. That depends on the commanders in the field.
9 Now, once you have evaluated the situation, decisions can be taken either to attack
10 from this place or from different fronts.

11 Q. [9:50:42] Could you explain, Mr Ntaganda, how you carried out an attack? I
12 mean, what did you do? What are the phases you go through when you carry out
13 an attack?

14 A. [9:51:02] Well, there are different phases during an attack. Now, the first phase
15 is where there's a briefing for the troops. Second phase, you leave, you deploy them,
16 and then you give the order. When you approach the enemy, there are different
17 phases -- in stages to attack the enemy. I'm just giving you an example there.

18 Q. [9:51:40] Now, you have just mentioned briefing. What would happen during
19 a briefing prior to an attack?

20 A. [9:51:59] During the briefing, when the soldiers are assembled, at that time you
21 speak to the troops in a place called the assembly area and you tell them what they
22 are going to do, and you give them the briefing. You say this, and you say that
23 the -- which enemy they are going to attack. You identify the enemy that they are
24 going to attack and you ask them not to steal from the civilian population, not to rape
25 civilians, not to steal property from civilians. You tell them that you're just going

1 there to attack the enemy. And it is during that phase that you give the indications
2 to the troop who are going to participate in the attack.

3 Q. [9:53:01] Once the briefing is over, what happened? How do you go -- I think
4 you used the word "in order to go where the parties would be attacked". How did
5 you do that?

6 A. [9:53:35] After the briefing, we say we're going to the place where the enemy is,
7 and I am the commander, I give the order to launch the attack. Now, when I haven't
8 given the order, nobody is allowed to do anything without my order, and so you
9 leave, you go. You give them the itinerary, you take that road. If there are no roads,
10 then you tell them that you march in single file.

11 Q. [9:54:16] So once you go to the place concerned, when you are close to the
12 enemy that you are going to attack, what happens at that time?

13 A. [9:54:26] Yes, the troop commander will deploy soldiers following the defensive
14 position of the enemy, and after that he will reassure himself that each soldier, each
15 troop in his group has seen the enemy. When the commander is sure that the enemy
16 is opposite, then he will give the order to attack. He has to make sure that every
17 single soldier has identified the enemy, has seen the defences of the enemy, and at
18 that time he gives the order to attack.

19 Q. [9:55:21] And the order that's given, Mr Ntaganda, what order is that?

20 A. [9:55:31] Well, directly he'll give the order saying, "Attack". He will ask the
21 troops, "Attack", call upon the troops to attack, and they will start to fire upon the
22 enemy.

23 Q. [9:55:50] Once the order to attack -- once his order has been given, what do the
24 soldiers do during the attack?

25 A. [9:56:03] During the attack, if you're stronger than the enemy, you are going to

1 occupy the defences. And sometimes the enemy can be stronger than you and then
2 you won't be able to break that defence and you'll have to withdraw. If you are able
3 to defeat the enemy, you are able to overcome the defences and occupy them,
4 otherwise you will have to withdraw.

5 Q. [9:56:48] Mr Ntaganda, do you know the expression "kupiga na kuchaji"?

6 A. [9:57:01] Yes. That's why I said to you that when the enemy flees, the second
7 act is that the commanders are going to ask the troops, "Charge", tell the troops to
8 charge; that is to say that the enemy has fled. And all the troops are going to shout,
9 "Charge, charge" as they run behind the enemy. That's something that's done when
10 you attack the enemy. Charge, what does that mean? That means that you take all
11 the equipment that the enemy had when fleeing. That's what we call charge or chaji.

12 Q. [9:57:48] What do you mean by taking the equipment that the enemy had?

13 A. [9:58:09] Well, it means getting all the weapons that the enemy had because you
14 had beaten the enemy. If you stay where you are, you're going to keep them and
15 you're going to reinforce your stocks. But if you have the intention to attack, you're
16 going to transport them, and if you're not able to do so, you're going to burn them on
17 site.

18 Q. [9:58:42] Did you take the goods that belonged to the civilians?

19 A. [9:58:54] It's forbidden because when you are in the assembly area, when
20 you are giving the briefing to the troops before going to attack, the troops cannot
21 attack without receiving the briefing. First of all, you're going to ask the -- you say
22 that they're going to attack. Now, our objective was to protect the population and
23 you can't rape a woman or young girls and you mustn't extort goods from civilians.
24 All those who are going to take goods from the population will be punished; that's
25 a briefing that is given to the troops before attacking the enemy. It is not possible,

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1 you cannot steal things from the civilian population.

2 Q. [9:59:49] Mr Ntaganda, how then do you distinguish between what belongs to
3 the civilian population and what belongs to the enemy?

4 A. [10:00:10] There's a big difference, the first being that we go to attack the enemy
5 and to break their defences. And their defences are set up as follows, either by way
6 of trenches or otherwise. So, you see, the population doesn't live in those trenches,
7 the enemy's trenches. That is why where you attack, you are able to distinguish
8 between property belonging to the population and that belonging to soldiers. You
9 see, civilian property cannot be found belonging to soldiers.

10 Now, if you attack a civilian location, it is still also possible to distinguish between
11 civilian property and property or equipment belonging to the enemy. So it is able
12 to -- it's possible to make that distinction quite clearly.

13 THE INTERPRETER: [10:01:09] Message from the Swahili booth: Mr President,
14 could the witness be kindly requested to slow down.

15 PRESIDING JUDGE FREMR: [10:01:17] Mr Ntaganda, there is a request from the
16 interpreters whether you could a bit slow down, otherwise there will be a problem for
17 the interpreters to catch everything precisely. So please have it in mind.

18 Now, Mr Bourgon, please proceed -- or maybe, if I may, maybe I will just put three
19 additional questions in the meantime, because I see that Mr Bourgon is studying
20 something from the transcript.

21 Mr Ntaganda, in fact three additional questions. You mentioned several phases of
22 the attack. You gave instructions to the troops, and then when the attack had started,
23 normally did you have any chance to monitor how the attack was going on?

24 THE WITNESS: [10:02:27] (Interpretation) Yes, your Honour, it is possible to have
25 soldiers with you, and when you are their commander, you are the one who issues

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1 the orders. But if you are not at the battlefield, there are other means of
2 communication, including the Motorola, for example, and it is through that channel
3 that one is able to follow the attack as it unfolds.

4 PRESIDING JUDGE FREMR: [10:02:53] It was exactly my point.

5 And so to go a step further. So during the battle, did you -- did you use to give some
6 additional orders accordingly with the progress of the attack, to say what the -- to
7 give some orders to subordinated commanders or troops how they should proceed
8 during the battle?

9 THE WITNESS: [10:03:34] (Interpretation) Yes. To be able to overcome the enemy,
10 one has to give proper orders to the soldiers and also to monitor the unfolding of the
11 fighting so that one is able to know where to deploy more forces. Now, when you
12 need reinforcements and weapons, you can send them to such areas where such need
13 arises. Now, as the fighting unfolds, you then decide which area has to be reinforced
14 and how the fighting or the combat has to be guided or directed.

15 PRESIDING JUDGE FREMR: [10:04:18] And those additional, additional orders
16 were based on information from which source? You get some information by
17 Motorola, so even you had the chance to, to watch it, how the attacks was going on?

18 THE WITNESS: [10:04:49] (Interpretation) There are two things. As a commander,
19 you have experience, and when the enemy attacks, as I have just said, you can assess
20 whether it's a large-scale attack or not. That leads you to use different tactics in
21 defeating the enemy. For example, by using heavy weapons, machine guns or what
22 have you. That assessment has to be made by the commander.

23 Secondly, you could also monitor enemy communication or transmissions. When
24 they use a Motorola, you can find out what their plans are and what they intend to do
25 on an hourly basis. And so in that way, one is able to follow what is happening on

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1 the side of the enemy, Mr President.

2 PRESIDING JUDGE FREMR: [10:05:50] Thank you. And my last question: After
3 the attack, after the battle, did you use also to discuss the circumstances of -- so how
4 your orders had been obeyed by subordinate commanders and troops, with them
5 after the battle?

6 THE WITNESS: [10:06:21] (Interpretation) Yes, your Honour. After a battle the
7 commander must summon his subordinates and discuss with them the difficulties
8 that they encountered and also tell them what was done correctly.

9 If the junior commanding officers did not do well, they are advised on how to correct
10 things. If they did everything properly, then they are encouraged to continue to do
11 the same. And on each occasion the responsibilities of the various commanders are
12 determined and established in order to know what difficulties were experienced. If
13 one of the commanders did not command properly and there was looting or some
14 kind of unfortunate event, then that has to be determined and the officer in charge of
15 intelligence, for example, in a section may be held accountable.

16 The IS, for example, would inform us that such-and-such a commander did
17 such-and-such a thing and then we will be in a position to know what was happening
18 in each battalion. For example, we would know that maybe some soldiers were
19 locked up because of failures in the -- in the mission.

20 So this same principle applies to the headquarters, and so these assessments are done
21 after a battle, following the attacks that, that took place, and this is exactly how we,
22 we functioned.

23 PRESIDING JUDGE FREMR: [10:08:18] Thank you, Mr Ntaganda, for clearly
24 responding my questions.

25 Now, Mr Bourgon, you have the floor.

1 MR BOURGON: [10:08:30] (Interpretation) Thank you, Mr President.

2 Q. [10:08:36] Mr Ntaganda, you have just answered a question from the President
3 relating to measures that can be taken after a battle. Can you give us an example of
4 such an instance where you yourself took some measures after a battle in which you
5 were involved?

6 A. [10:09:07] I took several measures, even in relation to fighting that took place in
7 areas where I was not present. If there were any shortcomings, you can see that in
8 the register which I used at the time.

9 However, let me address the things which I did myself. I do recall, for example, that
10 in Komanda at the end of August 2002, when we went there, I was the commander.
11 When we were able to bring Komanda under our control, I learned that some soldiers
12 had looted some civilian homes, homes belonging to civilians who had left. We did
13 not have information as to the location to which the population had moved, but since
14 I had learnt that some soldiers had looted, I asked for those soldiers to be brought in.
15 I do recall that my superior, who is still alive -- well, I brought in another troop and I
16 asked that the items that had been looted should be brought and that those who had
17 looted those items be flogged. They were asked to lie on the ground and to be
18 whipped.

19 That was before the FPR, but these disciplinary measures were known to all, to
20 all and sundry. The people of Bunia were all aware that I had taken such a measure
21 and they were happy with that decision. And that is how I became popular with the
22 people of Bunia, and to this very day they remember what I did. So I think that you
23 yourself, counsel, you found that out during your investigations.

24 Now, secondly, we were in Mongbwalu, and when we finally liberated Mongbwalu, I
25 learnt that there was a CO called Abelanga who had been involved in looting. When

1 the members of the population came, I put Abelanga in detention for that reason.

2 So those are two examples that I can give to you by way of answer to your question.

3 Q. [10:11:59] Mr Ntaganda, let us go back to the first example in Komanda, and I
4 read from the transcript the following at page 16, lines 10 and 11, where it is said:

5 "I recall that my superior Kisembo was still alive." What do you mean by that?

6 A. [10:12:26] No, that's not what I said. I said that when I took that disciplinary
7 measure to burn the items that had been looted by the soldiers and to whip the
8 soldiers who had looted, that Kisembo was present. I didn't say that he was still
9 alive. I said that he was present. That's what I said.

10 Q. [10:13:01] What was the impact, if you know, of the measures that you took in
11 Komanda on the other soldiers of your group?

12 A. [10:13:26] The soldiers realised that military discipline was something that really
13 mattered within an army, it was very important. So when we had briefings with
14 them, anyone who would disobey orders could become liable for such disobedience.
15 So the population was happy with what we had done and the news spread
16 throughout Bunia, and by the time I came back, I realised that everyone was aware of
17 what I had done.

18 Q. [10:14:06] Mr Ntaganda, now let me return to what you said at page 12 in
19 answer to a question. It's at page 12. In the English transcript, that will be from
20 lines 12 to 16. Let me read out your answer in French:

21 "Therefore where you attack, you are able to distinguish between the property
22 belonging to the population and that of the soldiers because the property of the
23 population does not grow in --"

24 Well, at least on line 14 in the French transcript, you said:

25 "If you are attacked in an area where there are civilian populations, it is also possible

1 to distinguish between, between civilian property and military property."

2 Now, my first question for clarification regarding what you have said is the following:

3 Did it ever happen that you attacked an area where there were civilian populations or
4 civilian locations? Did you ever attack civilian locations?

5 A. [10:15:49] When I was talking about the situation in Komanda, I said that the
6 fighting took place along a road and there were houses along that road belonging to
7 civilians. That's obvious. When you are fighting on a -- along a road, attacking
8 enemies, there would be houses along that road, and that is why I told you that the
9 property in the houses belonging to civilians would belong to civilians.

10 But if you attack an enemy who has property, you are also able to distinguish that
11 which belongs to the enemy. And of course there's a distinction between a military
12 camp and buildings belonging to civilians.

13 Q. [10:16:42] What do you make of the civilians who live in those houses at the
14 time you are attacking?

15 A. [10:17:00] I went to two locations in the Ituri. I was in Komanda, for example,
16 and at that time there was no member of the civilian population there. And the
17 same applied to the situation in Mongbwalu; there were no civilians there. If I told
18 you there were some civilians in the surrounding houses, I would be lying.

19 Q. [10:17:39] Regarding the property belonging to civilians, can you -- can you give
20 us an example of a difference? What is a civilian property and what would you
21 identify as property belonging to the enemy? Can you give us some examples?

22 A. [10:18:01] Civilian property would, for example, include wardrobes, tables,
23 photographs belonging to civilians which might be found in, in boxes or things of that
24 nature. When you enter a civilian's house, you would notice that the property in the
25 house is civilian property.

1 Now, when it comes to military property, I'm referring to weapons, uniforms,
2 communications devices such as the Motorola, ammunition and what have you. If
3 you find fuel, for example, belonging to soldiers, that would be identified as military
4 property, and that's the distinction I'm making.

5 Q. [10:18:57] You mentioned earlier that you burnt the property that you did not
6 take with you. What property would you burn after an attack? What type of
7 property would you burn after an attack?

8 A. [10:19:26] What I said is that when the soldiers looted in Komanda, they did not
9 loot much. I used that as an example to point out that they had been prohibited
10 from taking civilian property. So there might have been one or two cases and we
11 burnt the property because there were no civilians available to tell us who the
12 property belonged to, and so we had to continue and that's why I, I burnt the items.
13 Now, if we had, for example, a lot of ammunition which we could not transport,
14 you cannot leave that to the enemy, you have to destroy it. So you can destroy such
15 ammunition at -- on site, so to speak.

16 Q. [10:20:28] Now, you have just explained a number of things about an attack and
17 the procedure that applied. Did you always act in that manner throughout your
18 military career?

19 A. [10:20:48] Yes. I have provided you with some examples of what I experienced
20 during my military career.

21 Q. [10:21:03] If we were to look at the fact that you were also part of the APC, my
22 question is: Did the APC apply the same procedure?

23 A. [10:21:29] I joined the APC and participated in a war in Kisangani once and once
24 only. And in fact I did not even spend up to one month with them. The, the
25 fighting I'm referring to took place in Soteski. We did not even leave our trenches to

1 deploy in the town, so we were simply keeping our defences up. And I cannot tell
2 you that we left our trenches to go and strike the enemy or take their property. So
3 I cannot give you this kind of an example.

4 However, this procedure was not subsequently applied by the APC because they
5 went ahead to attack civilian populations. The Lendu combatants burnt down their
6 houses and even killed some people. Therefore, that procedure was not applied by
7 the APC and that is why there was a separation, because we were not willing to
8 follow that ideology.

9 THE INTERPRETER: [10:22:54] And the witness referred to Soteski earlier,
10 S-O-T-E-S-K-E, Soteski -- S-K-I, sorry.

11 MR BOURGON: [10:23:07]

12 Q. [10:23:07] Mr Ntaganda, who is responsible during an attack to stop others from
13 looting?

14 A. [10:23:23] That responsibility falls on each commander, whether it be a section
15 commander or any commander at any level. The commander has the responsibility
16 to ensure that his troops do not commit any faults or offences on the battleground or
17 at any location at which he is deployed.

18 Q. [10:23:51] Before moving to my next question, you used the term in the French
19 transcript -- in fact, you used the same term in English and French on page 15, and
20 this is what you said at lines 26 to 28:

21 "Yes, I took several measures concerning even locations to which I had not been
22 present regarding any shortcomings. And you can see that in the register which I
23 used at the time."

24 What register are you referring to? What is this register that you are talking about?

25 A. [10:24:40] I'm referring to a logbook. All of that can be found in the logbook

1 we used at the time. You can see those examples in the logbook.

2 Q. [10:24:56] What was the use of the logbook, Mr Ntaganda? What purpose did
3 it serve?

4 A. [10:25:16] What I can say is that secret military intelligence was entered into the
5 logbook. In fact, it was coded language that was used at times to ensure that the
6 enemy could not decode what was entered in the logbook. The signaller is the one
7 who entered the notes into the logbook using that method.

8 Q. [10:25:46] Mr Ntaganda, did you have a logbook?

9 A. [10:25:53] Yes, I had one.

10 Q. [10:25:56] Who made the entries into your logbook?

11 A. [10:26:04] It was the signaller.

12 Q. [10:26:14] Mr Ntaganda, let us hop back to training and that will be the focus of
13 my next question. Do you know the expression "shika na mukono"?

14 A. [10:26:32] Yes, I know that. I am familiar with that expression.

15 Q. [10:26:43] What do you know about that expression, "shika na mukono"? What
16 does it mean and what was its purpose?

17 A. [10:26:57] That was a Swahili expression used by all armies that use the Swahili
18 language, the idea being to attack the enemy. And the enemy can also attack you,
19 and the idea was to frighten the enemy. He said, "Shika ye na mukono", catch them
20 using your hands, catch them using your hands, do not use any bullets, and the idea
21 being to be able to get information and intelligence out of those who are captured by
22 hand.

23 So this tactic is one that is used by all soldiers. We learned about this in the French
24 language when we were undergoing military training in the area. So all those who
25 provide military training in Swahili use that expression and that is an expression that

1 the trainees are taught.

2 Q. [10:28:15] So you say don't use ammunition practically. What does that mean?

3 Does this happen during an attack? Or at what point in time is that expression used?

4 A. [10:28:35] It is used mostly after an attack.

5 When you attack and the enemy begins to run and you

6 follow the enemy, you do so by shouting, "Shika ye na mukono", meaning, "Don't

7 shoot at him". So this expression is used after the attack.

8 Q. [10:29:11] According to your experience in the FPLC, were there any operations

9 known as the "shika na mukono" operation?

10 A. [10:29:28] No, there was never such an operation referred to as

11 "shika na mukono".

12 Q. [10:29:40] What name did you use for your operations and attacks?

13 A. [10:30:04] We did not have any names for such attacks.

14 Q. [10:30:15] So let's go back to the time when you arrived in Jinja. What

15 happened at the end of your training in Jinja?

16 A. [10:30:42] Could you put your question again? You asked a question about the

17 period, post-training period in Jinja; is that right?

18 Q. [10:30:57] I will put my question again. Let's go to the beginning. Now, could

19 you give us the names of certain people who were with you in Jinja?

20 A. [10:31:13] Yes, the commander with whom

21 I was within Chui mobile force, that was the late Kisémbó.

22 Myself, Mugabo, Tchaligonza, Bagonza, Kasangaki, Zairois, a young man called

23 Asimwe.

24 Q. [10:31:59] Did you pass this training,

25 did you complete this training?

1 A. [10:32:09] Yes, we passed. Now, when it came to the services responsible for
2 intelligence, they arrested me when it came to the proclamation, but I received my
3 certificate but during the ceremony I was not there.

4 Q. [10:32:46] There's a word that happen doesn't appear in the transcript. Now
5 you state on 23, 24 and 25 in French, "Yes, we passed or we succeeded, but during the
6 ceremony or when we got the results there are three points. The service responsible
7 for intelligence arrested me." Is a word missing or is it complete?

8 A. [10:33:17] Yes, I said that they arrested me. They didn't arrest me in Jinja.
9 They took me to Kampala, a place called Mbuyi. Now there there was a prison.

10 Q. [10:33:37] Now still in the transcript you used the word "during the
11 proclamation" in French, what is the proclamation?

12 A. [10:33:54] Well, we call that when you pass out, that's the day when -- or that's
13 the day that's dedicated to closing or finishing the military training.
14 Like a graduation.

15 MR BOURGON: [10:34:15] Mr President, if I can move in private session please for
16 a few seconds.

17 PRESIDING JUDGE FREMR: [10:34:20] Certainly.

18 Court officer, let's move into private session now.

19 (Private session at 10.34 a.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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4 (Open session at 10.38 a.m.)

5 THE COURT OFFICER: [10:38:25] We are back in open session, Mr President.

6 PRESIDING JUDGE FREMR: [10:38:28] Thank you, court officer.

7 Mr Bourgon, please proceed.

8 MR BOURGON: [10:38:40] (Interpretation) Your Honour, I would like to go back

9 into private session.

10 PRESIDING JUDGE FREMR: [10:38:42] And you believe that the reasons that just
11 now I, you know, specified, will be met?

12 MR BOURGON: [10:38:53] (Interpretation) Yes, your Honour.

13 PRESIDING JUDGE FREMR: [10:38:54] All right. So let's return back into private
14 session.

15 (Private session at 10.39 a.m.)

16 (Redacted)

17 (Redacted)

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- 17 (Redacted)
- 18 (Open session at 10.47 a.m.)
- 19 THE COURT OFFICER: [10:47:15] We are in open session.
- 20 PRESIDING JUDGE FREMR: [10:47:16] Thank you, court officer.
- 21 Mr Bourgon, please proceed.
- 22 MR BOURGON: [10:47:22] (Interpretation) Thank you, your Honour.
- 23 Q. [10:47:25] Mr Ntaganda, my next question is for how much time were you in
- 24 detention in Uganda?
- 25 A. [10:47:42] I spent six months in detention.

1 Q. [10:47:50] Were there other people who were in detention with you for the same
2 reasons?

3 A. [10:48:00] Yes. There were other soldiers, Rwandan speaking soldiers such as
4 myself, but we were placed in different areas in detention.

5 Q. [10:48:17] Could you give us the names of the people who were detained such as
6 yourself?

7 A. [10:48:26] Yes. One was called Mukalayi, the other Mugabo, another, Musa.

8 Q. [10:48:43] Mr Ntaganda, before going on to the next subject I would like to know
9 if during your training in Jinja, were there exchanges of information between the
10 training in Kyankwanzi?

11 A. [10:49:12] No, not at all, there weren't.

12 Q. [10:49:19] While you were detained in Uganda, did you find out where the
13 people from Kyankwanzi were sent?

14 A. [10:49:37] After I was released I obtained this information. During my
15 detention I was not aware of that information.

16 Q. [10:49:54] During the period in which you were detained did you obtain
17 information concerning those with whom you had been trained in Jinja, where they
18 had been sent, how they had been used?

19 A. [10:50:15] During my detention, I had no possibility to receive any outside news.

20 Q. [10:50:32] You mentioned that you were detained for six months. Do you
21 remember the date on which you were freed?

22 A. [10:50:45] Yes. I think that I was released in the month of January 2002. I
23 think it was around that month. But I do not have the precise date thereof.

24 Q. [10:51:09] What was your state of health when you were released?

25 A. [10:51:24] My health was deplorable. I was not at all in good health.

1 Q. [10:51:34] And why not?

2 A. [10:51:42] I was detained and put in a special cell where I was completely alone.
3 It was hard for me to get anything to eat and my health deteriorated.

4 Q. [10:52:12] So once you got your health back, where did you go, Mr Ntaganda?

5 A. [10:52:20] My superiors called me, they asked me where they could deploy me,
6 and I answered in Ituri, in Bunia. And so I went back to Ituri.

7 Q. [10:52:43] Which superiors are you talking about?

8 A. [10:52:54] The authorities there at the time, the ones responsible for intelligence
9 in the country in which I was at that time.

10 Q. [10:53:11] At that time were you a member of any armed group?

11 A. [10:53:18] Yes. When I was arrested I was within the APC. We were
12 considered mutineers, but we were in the APC.

13 Q. [10:53:47] And at the time you were freed, released?

14 A. [10:53:51] Even at that time I was APC.

15 Q. [10:54:00] Why did you decide to return to Ituri?

16 A. [10:54:11] After our release I received news from the person who had released
17 me to say that -- from those that had released me to say that Thomas Lubanga was
18 involved in securing our release. And as a Congolese person, and as a member of
19 the APC, or as a Congolese and a member of the APC responsible for defence, he was
20 able to know where he was going to deploy us within the APC. Speaking about
21 Thomas Lubanga.

22 Q. [10:55:07] What was Thomas Lubanga doing at that time? What were his
23 activities?

24 A. [10:55:18] At that time he was the minister responsible for defence MLC-K/ML
25 led by Mbusa Nyamwisi.

1 Q. [10:55:33] And at what time did you hear that he held that position?

2 A. [10:55:44] That was when I was released, that's when I found out.

3 Q. [10:55:54] Where did you go when you arrived in Bunia?

4 A. [10:56:05] We arrived at the airport where the UPDF troops were.

5 Q. [10:56:18] And what happened?

6 A. [10:56:28] We met the people responsible for UPDF troops. I also saw that
7 Commander Bagonza was there. He had been detained in that place because he had
8 fled because the APC officers wanted to kill him. I also met him there, at the airport.

9 Q. [10:57:06] Now in French, in line 21, Bagonza, he was detained in that place.

10 He had been detained in that place. Now who had he been detained by and why?

11 A. [10:57:27] No, he was protected, not detained. He was protected in that place
12 because he had fled. The APC officers wanted to kill him, that's why he was in that
13 place in order to seek protection. He was protected at Bunia airport. He was under
14 protection.

15 Q. [10:58:01] Was there an APC commander in place in Bunia?

16 A. [10:58:10] Yes. Molondo was governor and sector commander for the whole
17 region. There was also Commander Claude, he was the person who was responsible
18 for the forces controlling Bunia and the surrounding area.

19 Q. [10:58:40] Was Thomas Lubanga in Bunia at that time?

20 A. [10:58:46] Yes. When the UPDF troops were looking for hotel accommodation
21 for us, myself and Musa, we went to the residence of Thomas Lubanga. I didn't
22 want to stay in the hotel.

23 Q. [10:59:12] Why didn't you go to the hotel?

24 A. [10:59:17] When I left that place in 2000 my life was in danger, they wanted to
25 eliminate me and that's why when I returned I didn't have any information with

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1 regards to the town, and as such I preferred to stay in a place where I could be
2 protected. I couldn't go to the hotel without knowing if there were conditions there
3 to ensure my personal security.

4 Q. [11:00:05] Now you mentioned that you and Musa went to Thomas Lubanga's
5 residence, and the others, where did they go?

6 A. [11:00:22] Mukalayi and Mugabo accepted to go and stay at the hotel, Hotel Ituri
7 in Bunia.

8 Q. [11:00:33] What happened to them?

9 A. [11:00:46] The next day they were arrested -- rather, they were arrested during
10 the night and taken to, to Beni. In fact, they did not even spend the night at that
11 location. When they arrived a few minutes after, the others knew that they had gone
12 to that location so they came and picked them up and took them to Beni.

13 MR BOURGON: [11:01:18] Mr President, I think the time is right for a break.

14 PRESIDING JUDGE FREMR: [11:01:19] Exactly, Mr Bourgon.

15 So we take our regular break for 30 minutes, which means that we will resume at half
16 past 11.

17 THE COURT USHER: [11:01:31] All rise.

18 (Recess taken at 11.01 a.m.)

19 (Upon resuming in open session at 11.32 a.m.)

20 THE COURT USHER: [11:32:17] All rise.

21 Please be seated.

22 PRESIDING JUDGE FREMR: [11:32:45] So in this session we will directly proceed
23 with direct examination of Mr Ntaganda conducted by main counsel of Defence,
24 Mr Bourgon.

25 Mr Bourgon, you have the floor.

1 MR BOURGON: [11:33:13] (Interpretation) Thank you, Mr President.

2 Q. [11:33:16] Mr Ntaganda, just before the break you were telling us that some
3 people were arrested and taken to Beni. Now, when you arrived at the residence,
4 did you meet with Thomas Lubanga?

5 A. [11:33:34] Yes, I saw him briefly, because it was at night.

6 Q. [11:33:46] What did Thomas Lubanga, minister of defence, tell you about the
7 situation in Bunia or what was happening there?

8 A. [11:34:04] We did not discuss much. I only remember two items. He told me
9 that he had taken care of getting me released. And then he also told me that at some
10 point they were going to set up a structure and that I will be the 2IC of this sector
11 conducted by -- under Molondo. And after those statements from him I, I went to
12 bed.

13 Q. [11:35:01] What do you mean by "mise en place" or setting-up of a structure?

14 A. [11:35:17] It was a restructuring of the army, particularly involving the transfer
15 of a number of commanders to different areas. The idea also was to give higher
16 ranks to some commanders. That is what he told me briefly regarding what was
17 going to happen in the days ahead.

18 Q. [11:35:56] According to that structure, what was your specific function going to
19 be?

20 A. [11:36:13] He told me that I would be the deputy sector commander for
21 Molondo. Molondo had two positions, sector commander and governor at that time.

22 Q. [11:36:37] Did you meet Molondo or Lompondo thereafter, or what happened?

23 A. [11:36:52] The next day in the morning there was a prevailing uncertainty
24 because the people with whom we had come had been taken to some location. So I
25 was in the company of the UPDF commander who was in charge of repatriating us,

1 and since Thomas Lubanga had played a role in our release, then after those two
2 persons had been taken, I also saw Lompondo at that location where we were
3 supposed to meet with the UPDF troops. And this happened the day after our
4 arrival.

5 Q. [11:38:03] Did you tell Lompondo that you were going to become the sector
6 commander in Bunia, that that was to be your appointment?

7 A. [11:38:20] No, I did not tell him that.

8 Q. [11:38:25] How did that meeting go?

9 A. [11:38:38] The UPDF soldiers asked him why he had captured the commanders
10 with whom I had come, and his answer was that he knew that they were infiltrators.
11 Now, personally, if I had been there, I would have been captured. So the Ugandans
12 were surprised by his statement. I also told him that I did not understand why he
13 considered us to be infiltrators whereas I was a founding member of the APC and that
14 at the time we were members of the APC, he had deserted the RCD-Goma in 2001.
15 So this is what we discussed with him.

16 Q. [11:39:46] What did Lompondo want from you? What did he want to do with
17 you?

18 A. [11:40:07] I received information according to which if I had been found with
19 those who were taken to Beni, I would have been killed. He did not want me to
20 come to Bunia to be integrated, and that is how I got to understand that there was
21 a problem.

22 Q. [11:40:30] Was Lompondo armed or was he with an escort at that time?

23 A. [11:40:45] Yes, he had bodyguards. And we were within the Hotel Capa and
24 he had a large escort. They were outside.

25 Q. [11:41:09] Did you succeed to leave that meeting and, if yes, where did you go

1 thereafter?

2 A. [11:41:22] I -- yes, I had the courage to go there because of the presence of the
3 UPDF. Otherwise, I would not have gone there since my friends had been captured.
4 Now, later on I went back to the residence of the minister of defence. I went back to
5 the residence of the minister of defence.

6 Q. [11:41:56] This setting-up of a structure by the minister of defence, was it
7 effectively implemented? Was it carried out?

8 A. [11:42:09] Yes. A few days after the meeting there was -- they said
9 restructuring took place.

10 Q. [11:42:20] Did Lompondo agree with that restructuring?

11 A. [11:42:25] No. He was firmly opposed to it, he and Mbusa Nyamwisi, who was
12 at the time in Sun City for the Sun City talks which had brought together all the
13 leaders of various armed groups. Mbusa Nyamwisi and himself were ferociously
14 opposed to that restructuring or set-up.

15 Q. [11:43:03] What then did the minister of defence do at that time, if you are aware
16 of what he did?

17 A. [11:43:17] He was extremely furious because according to him, this amounted to
18 humiliation. When Mbusa Nyamwisi went to Sun City, he had been assigned to
19 carry out this restructuring. But when the mise en place or restructuring was
20 conducted by the minister of defence, the other person was extremely angry. During
21 their discussions, the minister of defence told him that he had restructured with
22 a view to reinstating order and security within the Ituri region.

23 Q. [11:44:10] What was the prevailing climate in Bunia at the time? Can you
24 describe to the Court the situation as you experienced it at that time?

25 A. [11:44:40] Following that, following the announcement of that restructuring

1 which was made over the radio, there was opposition and challenging the set-up, and
2 that, that led to conflicts. Members of the population were afraid because they could
3 feel that there was a problem and that something might happen. So there was
4 uncertainty and people did not know what was going to happen next. So it was an
5 unhealthy, uncertain environment or climate that was prevailing at the time.

6 Q. [11:45:22] At the beginning of your testimony you talked about the conduct of
7 the APC towards the officers within the army and towards the civilian population.
8 And at that time you were looking at the year 2000. Now we are in 2002. What
9 information did you obtain at that time regarding the conduct of the APC at the time
10 you returned to Bunia?

11 A. [11:46:00] When I returned to Bunia, the prevailing atmosphere was one of
12 uncertainty, given that some of the inhabitants of the Djugu region and other areas
13 that were inhabited by the Hema, their homes had been torched and the inhabitants
14 of those areas had fled. Several attacks had taken place all over the place in several
15 locations, including suburbs of Bunia where one could see houses that had been burnt
16 down. So the atmosphere was one of uncertainty. This is something that had been
17 planned and that had been implemented.

18 Q. [11:46:56] Now, turning to the other APC officers, how were they treated in 2002
19 at that time?

20 A. [11:47:19] This is what I have just told you, I gave you the example of
21 Commander Bagonza, a battalion commander who had to flee and seek refuge with
22 the Ugandans. I heard that other commanders also died, that they had been killed
23 by APC troops, while others still had been captured. So the situation was one of
24 uncertainty. I also remember that at some point I learnt that late Kisembo went to
25 Watsa before he became sector commander and that he fought against the APC troops

1 who had tried to ambush him. So the APC troops mistreated Hema commanders
2 and killed members of Hema families. That was something that an army should not
3 do. So what the APC soldiers did is something I have never seen anywhere else.
4 And in my entire life and having gone through a number of armed groups I have
5 never seen any such thing.

6 Q. [11:48:49] Now the restructuring by Thomas Lubanga, did you have an
7 opportunity to see what that looked like on paper?

8 A. [11:49:03] Yes, I have seen that restructuring with my own eyes, that setup.

9 Q. [11:49:15] Can you tell us which other positions were assigned to other officers
10 according to that structure?

11 A. [11:49:28] Yes. The mise en place or restructuring was an overall restructuring
12 from sector commander to brigade commander. I am not able to give you all the
13 names because I no longer remember, but it was an overall restructuring. In any
14 event, I do remember a few names of people whom I knew, but as for the others
15 whom I did not know I don't remember their names.

16 Q. [11:49:58] Can you tell us the names of the people you remember?

17 A. [11:50:09] Yes. Late Kitembo was transferred from Watsa to sector commander
18 in Mambasa. His deputy was Claude. I was appointed deputy sector commander
19 to Molondo. I also recall that Tchaligonza was battalion commander for Bunia town.
20 I recall, by the way, that Bagonza was appointed battalion commander in Djugu. I
21 also remember another IO, Kasangaki, who was appointed IO of a battalion. Didier
22 was battalion commander and he remained in that position in Mahagi.

23 Q. [11:51:43] Did you remain in Lubanga's compound by yourself or who else was
24 present at Thomas Lubanga's compound when you were there?

25 A. [11:52:02] When I was there and before the others joined us I was with Musa,

1 and Thomas Lubanga's bodyguards, as well as his wife.

2 Q. [11:52:16] How many bodyguards did Minister Lubanga have?

3 A. [11:52:31] I would say that he had a section of 12 men only.

4 Q. [11:52:40] Were his bodyguards armed?

5 A. [11:52:50] Yes, yes, they were armed.

6 Q. [11:53:02] The other officers who were in danger within the APC, what did they
7 do, if you know?

8 A. [11:53:24] They started joining us gradually, and then, when Kisembo took up
9 his new position in Mambasa and he went there to take up that position, the others
10 who were in danger began to join us and they came from various locations.

11 Q. [11:53:53] When you say they joined us, where were you and do you have the
12 names of some of the officers who joined you?

13 A. [11:54:16] Yes. Kisembo came with his bodyguards, along with other officers,
14 they came. Well, when it comes to the names of those who joined us, I did not know
15 some of them. But I can mention, for example, Commander Papy, Commander
16 Didier, Eric Mbabazi, Peter Mugisa Muleke, Kasangaki, Tchaligonza, Musa was there
17 since we came in at the same time. Then there was also Lobho. Freddy was there
18 too. Those are the names I can remember for now. Then there was also Abelanga.
19 I remember that he joined us a bit later.

20 Q. [11:55:40] Did you all stay at Thomas Lubanga's residence?

21 A. [11:56:02] No, those who joined us went to settle at locations slightly above
22 Thomas Lubanga's residence in a residence belonging to a member of parliament
23 whose name I don't remember. He had a big compound and they went to settle in
24 that compound.

25 Q. [11:56:30] What at that time was the intention of the APC officers who had

1 gathered together in different locations?

2 A. [11:56:48] We did not have any intention. We found ourselves there and each
3 person had to take up their new assignment. Everybody had to go to their new
4 position and our intention was for everybody to come to that location before going to
5 their new duty post.

6 Q. [11:57:23] While you were together did you talk about the situation and the
7 threats regarding the APC officers?

8 A. [11:57:40] No, we did not discuss that with Thomas Lubanga. But I talked
9 about it with Kisembo. Because those who had to go to their new duty stations had
10 to come -- to go through Mongbwalu and we had received information whereby an
11 ambush had been laid, and that is why they had to go through Ariwara and Mahagi
12 in order to circumvent that. It was the APC forces that had set up that ambush.
13 And so we talked about these things because the situation was dangerous.

14 Q. [11:58:28] Did those officers end up going to their positions?

15 A. [11:58:38] No. They all refused to go. Then an ultimatum was given whereby
16 we had to go to Molondo Lompondo's.

17 Q. [11:59:14] Before talking about the ultimatum, did you have the opportunity to
18 see Thomas Lubanga discharge his duties as minister of defence at his residence?

19 A. [11:59:37] Well, the circumstances were such that he could not discharge his
20 duties because he was blocked. I never saw him perform the duties of minister of
21 defence. However, people came to visit him since he was a figure of distinction.
22 Now when he was appointed minister of defence, he found himself in a situation
23 whereby it was impossible for him to do his work.

24 Q. [12:00:17] Do you remember civilians who went to the residence when you were
25 there?

1 A. [12:00:40] Yes. I remember this danger, that happened a long time ago. Some
2 civilians were kept, like Litcha, Lonema, Rafiki. Yes, those were the names that I can
3 still remember.

4 Q. [12:01:02] So what were these people doing, did you know them?

5 A. [12:01:13] Before I knew Lonema, when we started with Chui mobile force
6 I didn't know his functions and what he was doing at the time within the RCD-K/ML
7 which controlled this place. Now, Rafiki is somebody that I saw, he was the driver
8 when we were in Mandro in 2000. It was the first time that I saw him.

9 Q. [12:01:47] And these people, do you know what they were doing when they
10 came to the residence?

11 A. [12:01:57] No, I don't know, because when they spoke to him I did not
12 participate. I wasn't one of the members of the group who had discussions with
13 him.

14 Q. [12:02:16] Did you know somebody called Dieudonné Mbuna?

15 A. [12:02:30] Mbuna? When Thomas Lubanga was minister of defence he was his
16 secretary or his director of cabinet. Even when I arrived before seeing Litcha he
17 would come from time to time in order to see Thomas Lubanga, that's it.

18 Q. [12:02:52] Now, in total you, Mr Ntaganda, the officers who were with Thomas
19 and those who are with Kisembo a bit further up, how many were you in total?

20 A. [12:03:15] I would estimate that between 35 and 40 of us in number, including
21 the guard of Thomas Lubanga.

22 Q. [12:03:37] So a bit earlier you mentioned an ultimatum. How did that happen?
23 Can you tell us about this ultimatum and what happened in that regard?

24 A. [12:03:52] Yes. When Molondo found out that the late Kisembo had arrived,
25 when he found out that he had come back, he launched the ultimatum stating that we

1 are all his group who were next to Thomas Lubanga, we must come and present
2 ourselves to him rapidly before he comes to do it by force.

3 Q. [12:04:38] Did you accept that and what happened?

4 A. [12:04:48] We didn't go. And as we didn't obey the demand we were attacked.

5 Q. [12:04:59] And what happened when you were attacked?

6 A. [12:05:10] They attacked us. That was a battle. And it was at that time that
7 Claude died on the battlefield.

8 Q. [12:05:23] Do you know how Claude died?

9 A. [12:05:33] Well, I wasn't there when Claude died. Afterwards I heard how it
10 happened from Thomas. I was told that when he deployed his troops, because what
11 I had heard was that when there was shoots he didn't know where the bodyguard of
12 Kisembo was and he was caught in an ambush. He was shot. He died.

13 Q. [12:06:05] Did the fighting continue and what did you do during that fighting?

14 A. [12:06:17] The battle continued. There was a small number of us and when I
15 saw that the fighting was intensifying I was in Tom's residence and I said that the
16 situation was becoming dangerous and you had to leave. And then I got them out
17 and we took the airport road where the UPDF troops were at the airport. But the
18 battle still continued. In order to protect him at the airport.

19 THE INTERPRETER: [12:06:49] Adds the Swahili booth.

20 MR BOURGON: [12:06:52]

21 Q. [12:06:52] You mentioned in the transcript, page 48, lines 3 and 4, you
22 mentioned that you were -- and if I look at the French version exactly that you were,
23 in French it states "I was in the residence of Thomas." Who is Thomas?

24 A. [12:07:27] He was minister of defence at that time. I was in his residence when
25 the battle occurred.

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1 Q. [12:07:39] Your group with Kisembo and the others, were you armed?

2 A. [12:07:46] Apart from me who didn't have a rifle, and Mbusa. But I didn't have
3 a military uniform. I also didn't have a weapon with me.

4 Q. [12:08:13] Did you have enough men, in your estimation, to deal with the APC
5 who were attacking you?

6 A. [12:08:23] No. No. We didn't have a place to flee. That's why I asked for
7 Thomas to leave the place. I asked the minister of defence to leave the place. We
8 had to leave and go to the airport. There were shells which were falling next to his
9 residence. I asked to leave that place and to go where the UPDF forces were located.

10 Q. [12:09:05] Did you manage to get to the airport with the minister of defence?

11 A. [12:09:16] Yes. We left his residence and we went to the place where the staff
12 HQ of the UPC was previously. And we took the main road and we advanced a bit
13 and then we found the UPDF forces who were leaving the airport in order to go and
14 see what was happening, and they put us on their vehicles and took us to the airport.

15 Q. [12:09:52] What type of vehicle did the UPDF have?

16 A. [12:10:03] I remember they had an armed vehicle, an armoured car. And the
17 others had a normal car. And we were on that vehicle with a double boot and one
18 armoured car or a tank took the direction where we were and afterwards they
19 escorted us to the airport.

20 Q. [12:10:41] Do you know if the fighting continued once you reached the airport
21 with Thomas Lubanga?

22 A. [12:10:52] Yes, the battle continued. It was only when the UPDF arrived that
23 we heard that calm had been restored, but afterwards the battles started once again
24 and afterwards it finished.

25 Q. [12:11:15] Did you participate in the battle the next day?

1 A. [12:11:27] When I arrived with the minister at the airport my intention was to
2 return to support my comrades. But the UPDF refused that, they told me to stay
3 there.

4 Q. [12:11:48] What was the reaction of Lompondo faced with Claude's death?

5 A. [12:11:57] Claude's death is something he holds me responsible for, he said I was
6 the one who had killed him and he said "You will be punished." He would do
7 everything to bring me before justice. He could not put up with this act that had
8 been committed.

9 Q. [12:12:35] And who did he say that to? How?

10 A. [12:12:49] He made it public. It was said on the radio. We heard it on the
11 radio. He said it on the radio.

12 Q. [12:12:58] Now, among the population, what was the reaction, what was their
13 reaction to Claude's death?

14 A. [12:13:15] Well, I remember the members of the population knew that these
15 people had come to the airport, they were dancing, they were celebrating, and
16 vehicles were beeping, the population was driving around and they were saying that
17 they had been freed because this person was dangerous, he had harmed the
18 population. The population was very, very happy, as if they had just been freed. I
19 remember at the airport the traders brought us beer and the UPDF troops were given
20 alcohol on that day and there were a lot of vehicles driving past, they were beeping
21 their horns. There was really a great atmosphere among the civilian population.

22 Q. [12:14:15] Now, within the civilian population was there a reaction to you?

23 A. [12:14:28] Yes. They started singing a song that was sung in the Chui mobile
24 force: Before Bosco, he was the commander and when the enemy sees him they
25 tremble, they tremble. And this was a song that the population was singing when

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1 they were celebrating, walking on the main road.

2 Q. [12:15:12] Mr Ntaganda, I would like to show you a document so that you can
3 tell me if the information in that document corresponds with the information that
4 you are a witness to. Now, this is document 344 on our list of evidence. This is
5 a document which has not yet been tendered into evidence. I would like to have the
6 document on the screen, it has the number DRC-OTP-0064-0476. And I would like
7 to have on the screen page 0478 thereof.

8 THE COURT OFFICER: [12:15:58] The document will be displayed on the evidence
9 1 channel, and we would like to know the level of confidentiality, please.

10 PRESIDING JUDGE FREMR: [12:16:09] And before doing that, Ms Samson, any
11 objection against the use?

12 MS SAMSON: [12:16:12] The general objection that we made about documents in
13 this category is that it should be used only if there's a sufficient connection between
14 the testimony of the witness and the document. This is a document emanating from
15 the United Nations. I haven't had a chance yet to look at it to see if it reflects
16 information that has just been elicited. If I may have a moment I can do that?

17 PRESIDING JUDGE FREMR: [12:16:40] So we will give some time to Ms Samson to
18 look at the document.

19 (Pause in proceedings)

20 MS SAMSON: [12:17:45] Thank you, Mr President.

21 It's hard to be certain, the document may contain information along the lines as to
22 what the witness was describing. So at the moment I will not object to its use, but I
23 reserve the right to do so should it go beyond, depending on the questions.

24 PRESIDING JUDGE FREMR: [12:18:11] All right.

25 So, Mr Bourgon, you may proceed.

1 MR BOURGON: [12:18:17] (Interpretation) Thank you, your Honour.

2 Q. [12:18:21] Mr Ntaganda, the document will appear before you, 0478 is the page.

3 I am going to draw your attention to the paragraph 6 thereof. Now this paragraph is
4 in English so I am going to read it to you and it will be interpreted into your language.
5 And I will now speak in English.

6 (Speaks English) Paragraph 6: "At Bunia the situation was reported to be tense due
7 to the clashes within the RCD (K/ML) cadres. On 18 April, at about 1600 hours the
8 fighting within the APC cadres erupted in the town. The fighting is still continuing
9 and the MONUC team has report mortar fire in the town since 0615 hours today.

10 The UPDF Sector Commander informed the MONUC team that one officer and three
11 soldiers belonging to the APC had been killed. The UPDF was also reported to have
12 deployed two tanks in the airport area and one near the local police station.

13 Extensive movement of UPDF soldiers was also reported in the Bunia town. The
14 MONUC team at Bunia is safe and UPDF soldiers are presently guarding the team
15 site."

16 (Interpretation) Mr Ntaganda, have you understood the content of this document?

17 A. [12:20:41] Yes, I have understood. And that's it. That's what happened on the
18 day of the attack on 18 April. What it's just said accords with the situation that
19 occurred on that day.

20 MR BOURGON: [12:21:05] Mr President, I would like to have this document
21 admitted in evidence.

22 PRESIDING JUDGE FREMR: [12:21:14] Just the passage has been read or you would
23 like to tender whole document?

24 MR BOURGON: [12:21:20] Well, Mr President, there are two ways to proceed in
25 order to save time. I can only rely on this passage which was read in the transcript

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1 and then later on do a bar table motion. That's one way to do things. The other
2 way is for Mr Ntaganda who has seen the document and to have it admitted in
3 evidence, but this paragraph. However my colleague from the Prosecution or
4 the Chamber wants to proceed, it's fine with me, Mr President.

5 PRESIDING JUDGE FREMR: [12:21:48] Ms Samson, what do you prefer?

6 MS SAMSON: [12:21:50] Well, Mr President, certainly the witness cannot
7 authenticate the totality of a document that he has no information about, I presume,
8 and didn't draft, I again presume that. And it is -- his evidence is that this particular
9 event accords with the event he is describing now, which may or may not reflect other
10 information in evidence. So our submission is that certainly the totality of the
11 document ought not to be admitted via this witness. Perhaps the few sentences that
12 counsel has read can be admitted, but in any event they're already in the record at the
13 moment and so admission may not even be required.

14 Thank you.

15 PRESIDING JUDGE FREMR: [12:22:38] So I think it's no problem to admit this part.

16 So any further comment, Mr Bourgon? Because to remain in conformity with our
17 previous I think approaches we will admit just this paragraph.

18 MR BOURGON: [12:22:57] Well, Mr President, I would just like to make a brief
19 comment, because this is bound to come again so we might as well sort it out at this
20 time. The authenticity of UN documents which were disclosed by the Prosecution
21 and obtained by the Prosecution from the United Nations, I think, Mr President, is not
22 in play. When the Prosecution requested to have some documents in this category
23 admitted in evidence through the bar table, we opposed that procedure because no
24 one had given any information as to the content of the document. Therefore here we
25 have a witness who is able to say what is written there is something that really

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1 happened and I saw it with my own eyes. Once this criteria is established there is no
2 reason for the whole document not to be admitted in evidence because it does
3 provide to the Chamber all of the information that happened on 18 and 19 April,
4 which of course corroborates the witness's testimony. And that that's our aim here.
5 There's no, no hidden agenda, we just want to corroborate the testimony of the
6 witness so the whole document should be in.

7 However, if the Chamber prefers to do it later through a bar table then we will make
8 the same argument but, for the sake of expediency, it would be better to admit the
9 document at this stage.

10 PRESIDING JUDGE FREMR: [12:24:28] Yes, I think our preference is to at the
11 moment admit just the article commented by Mr Ntaganda. So our ruling is that the
12 document specified by Mr Bourgon, but only the paragraph or article 6 is admitted
13 into evidence as a further Defence exhibit.

14 Mr Bourgon, please proceed.

15 MR BOURGON: [12:25:01] Thank you, Mr President.

16 Q. [12:25:04] (Interpretation) Mr Ntaganda, would you be able to indicate on a map
17 the places that you have just mentioned in your testimony concerning this event, this
18 fighting between the officers with whom you were and the APC on that day?

19 A. [12:25:33] Yes.

20 MR BOURGON: [12:25:41] Your Honour, with your permission, I would like him to
21 look at the screen to be able to note on a map of Bunia to say where the events took
22 place.

23 PRESIDING JUDGE FREMR: [12:25:51] All right.

24 MR BOURGON: [12:25:56] (Interpretation) So we will have to ask for the control of
25 the screen.

1 Q. [12:26:05] Mr Ntaganda, I would ask you to stand up and to go and look at the
2 screen. Now, the number of the document is DRC-OTP-0207-0330. Now this is
3 a map of Bunia which has already been admitted into evidence. It is an excerpt
4 which we would like to be annotated by Mr Ntaganda.

5 Mr Ntaganda, do you recognise this map? That's my first question.

6 A. [12:26:52] Yes, yes, I know this map. It's Bunia, the town of Bunia. But it's not
7 the whole town. But I do recognise the map.

8 Q. [12:27:05] Indeed. Do you recognise this part of the town?

9 A. [12:27:11] Yes. Yes, yes, this is the town of Bunia. I know this map.

10 Q. [12:27:23] Could you indicate to us where Thomas Lubanga's residence is or was
11 during the events that you've just described? Could you draw a circle around his
12 residence and write the number "1" adjacent thereto.

13 A. [12:27:55] That's Thomas Lubanga's residence.

14 Q. [12:28:01] Could you indicate the place where Kisembo was with the person
15 who accompanied him? Now, you mentioned higher up, or you mentioned
16 a deputy. Could you state that place on the map. Mentioned an MP. Draw
17 a circle around it and insert the number "2".

18 A. [12:28:54] It's here.

19 Q. [12:29:00] Can you use figure number "3", Mr Ntaganda, to indicate the Bunia
20 airport on this map, if you can see it.
21 Write number "4".

22 Now, Mr Ntaganda, I will ask you to change colours and then indicate where the
23 tanks or the armoured vehicles of the UPDF picked you up from on that day.

24 A. [12:30:10] It's here.

25 Q. [12:30:14] Please write the number "3".

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1 Now I ask you again to change colours and please indicate the location of the former
2 HQ of the APC.

3 A. [12:30:54] The headquarters was located here.

4 Q. [12:31:00] Write the figure "5" next to that.

5 Mr Ntaganda, that building, the headquarters of the APC, was it occupied at that
6 time?

7 A. [12:31:22] No. It was not occupied.

8 Q. [12:31:30] Please, Mr Ntaganda, kindly point out the location where, according
9 to your information, Claude was killed.

10 A. [12:31:51] According to information which I received subsequently, I think he
11 died at this location here.

12 Q. [12:32:01] Please write the number "6" next to it.

13 (Speaks English) For the record, Mr President, I note that the witness has indicated at
14 number 1 the residence of Thomas Lubanga; at number 2 the area occupied by
15 Kisembo and the people he was with on that day; number 3 is the area where the
16 witness and Thomas Lubanga were picked up by the UPDF; number 4 is the airport
17 of Bunia; number 5 is the état-major general of the APC; and number 6 is the area
18 where Claude, according to the information in the possession of the witness, was
19 killed.

20 PRESIDING JUDGE FREMR: [12:33:18] Mr Bourgon, could you also put on the
21 record the colours, and maybe, even if I guess, but what was the reason why you -- in
22 case of numbers, you change the colour?

23 MR BOURGON: [12:33:31] Just to make it different.

24 PRESIDING JUDGE FREMR: [12:33:32] All right. So you tender this document.

25 MR BOURGON: [12:33:39] I would like to tender this document in evidence.

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- 1 PRESIDING JUDGE FREMR: [12:33:41] Ms Samson.
- 2 MS SAMSON: [12:33:42] No objection, your Honour.
- 3 PRESIDING JUDGE FREMR: [12:33:44] So map annotated by Mr Ntaganda with six
- 4 items, I guess, is admitted into evidence as a further Defence exhibit.
- 5 Mr Bourgon, you may proceed.
- 6 MR BOURGON: [12:34:04] (Interpretation) Thank you, Mr President.
- 7 Q. [12:34:20] Mr Ntaganda, you told us a short while ago that while you were at
- 8 the airport with the UPDF, you were not allowed to join the fighting. What
- 9 happened at the end of the fighting? What happened to you and the Minister of
- 10 Defence Thomas Lubanga?
- 11 A. [12:34:59] After it is the UPDF which had control over that area, and the APC
- 12 attempted to attack but was warded off and chased out. Then subsequently the
- 13 entire group of late Kisembo was disarmed and they were taken to camp -- to the
- 14 police camp and kept there.
- 15 Q. [12:35:26] Where is the police camp, as you refer to it? Where is it located?
- 16 A. [12:35:41] It is located on the road to the airport when one is coming to the
- 17 airport from Bunia town. So if you leave Bunia town for the airport, you go by the
- 18 police camp on your way to the airport.
- 19 Q. [12:36:02] What happened thereafter? Did the fighting end, or what happened
- 20 subsequently?
- 21 A. [12:36:14] The fighting stopped. And then we got ready to attend the Kasese
- 22 meeting in Uganda.
- 23 Q. [12:36:32] Who organised that meeting?
- 24 A. [12:36:40] The UPDF organised that meeting.
- 25 Q. [12:36:47] How did you travel to that meeting?

1 A. [12:36:59] I was not the only one to travel to the meeting. I travelled along with
2 other people by air, flying out of Bunia airport all the way to Kasese.

3 Q. [12:37:13] Who was with you in the group, in your group?

4 A. [12:37:26] I remember some of the people who travelled with me, namely the
5 Minister of Defence Thomas Lubanga, late Kisembo, Mr Bagonza, Mr Tchaligonza,
6 Kasangaki, myself. Lonema was part of the group as well. Mbuna also. So those
7 are the names I can remember.

8 But when we arrived in Uganda, I found Bagonza's mother there.

9 Q. [12:38:26] Did your group have a name at that time?

10 A. [12:38:37] We were members of the APC. But we were referred to as
11 mutineers.

12 Q. [12:38:46] What, according to you, was the purpose of that trip or that meeting
13 at the time?

14 A. [12:39:04] The idea was to find a solution to enable us to reintegrate the APC
15 and to continue working in a peaceful environment. That was our objective or our
16 goal when we went to that meeting.

17 Q. [12:39:33] Who was your counterpart on the other side? Who were you
18 negotiating with? Who was the other party?

19 A. [12:39:49] I remember that there was a delegation from Beni, from the general
20 staff and from the headquarters of the RCD-K/ML. It was represented by the person
21 who was the governor at the time. In Kambasu, there was a chief of general staff of
22 APC whose name was Kasereka. And then there was also the commander of
23 operations whose name is Kakolele. I don't remember the names of the other
24 persons who were with them. I have given you the names of the main personalities
25 who represented them.

1 Q. [12:40:43] At that time within your group did you think that it was possible to
2 bring together the APC again and rebuild unity?

3 A. [12:41:01] When we took the flight for Uganda by air, we knew that the sector
4 commander in -- did not have sufficient authority. So as we travelled, we thought
5 that we were going to meet with persons with the highest level of authority with
6 whom we could work together and find solutions without a problem.

7 Q. [12:41:39] What was the outcome of those negotiations?

8 A. [12:41:47] When we returned, we thought that upon arrival at the airport, since
9 we have come back with the Ugandan authorities, we felt that the agreements will be
10 upheld. However, we ended up finding ourselves in a situation where there was no
11 way out. We didn't know where to flee to.

12 Q. [12:42:30] Can you provide a little more detail? Was there an agreement signed
13 between you and the APC?

14 A. [12:42:50] We were dispatched on the road from the airport to the town. We
15 were sent to the northeast of the city while the southeast was assigned to Molondo's
16 group of the APC.

17 That is the solution that was reached and the two groups were asked not to attack
18 each other. There would be no deployment and there would be peace. That was
19 the outcome of the meeting which we held.

20 Q. [12:43:46] Was your group, Mr Ntaganda, satisfied with that outcome?

21 A. [12:43:58] We were going through a difficult period in our group because our
22 numbers were few and we knew that Molondo was not going to accept our presence.
23 He had two battalions with him and so when he attacked us, we found ourselves in
24 a very difficult situation, save for the intervention of the Ugandans, otherwise we
25 would have been dead if we hadn't resisted. Some of us desisted because they had

1 come to the conclusion that the situation was too precarious.

2 Q. [12:44:50] Can you give the Court some names of those who deserted, if
3 possible?

4 A. [12:45:11] Yes, Bagonza, for example, fled to Uganda. Tchaligonza also fled to
5 Uganda. Those were two major commanders and so when they fled, that was
6 clearly an indication that they had come to the conclusion that the security situation
7 had gotten worse.

8 Q. [12:45:41] Now, about Bagonza and Tchaligonza, did they at any time
9 whatsoever join your group again after those events?

10 A. [12:45:53] Yes, they subsequently returned towards the end of September 2002,
11 or maybe mid-September or end of September, thereabouts.

12 Q. [12:46:16] Let us step back to the situation in Bunia when the town was divided
13 into two. What was the security situation of the civilian population in the city at that
14 time, if you are aware of it?

15 A. [12:46:45] There was insecurity within the population given that it had been
16 divided into two. People were armed. There were several abductions carried out
17 by Molondo's people, who would abduct civilians who would never return. So the
18 security situation was quite dangerous. People could not move about and those who
19 were in the north could not go to the part that was under Molondo's control, which
20 had become rather infamous.

21 Q. [12:47:26] Mr Ntaganda, who was the leader of your group at that time?

22 A. [12:47:36] At that time it was the Minister of Defence Thomas Lubanga.

23 Q. [12:47:49] So what happened? Did you take any measures in the face of that
24 situation?

25 A. [12:48:05] Yes. Everyone was scared. People wondered where to go and so

1 we ended up going to Thomas's residence in order to decide what to do. I remember
2 late Kisémbó said that he had come along with many youth from Beni, from Beni, but
3 that they had gone back to their area to work within the peace committees in order to
4 defend their villages that had come under attack by APC combatants. He said that
5 those youth had to be brought in and trained in order to provide protection for
6 themselves. Now, if Molondo were to chase us out of here, that would be the end of
7 it for us. This is what they said and that is what late Kisémbó proposed. And those,
8 those youth --

9 THE INTERPRETER: [12:49:18] The Swahili interpreter corrects, came from
10 Équateur, not from Beni.

11 MR BOURGON: [12:49:28] (Interpretation)

12 Q. [12:49:28] Who was present at that meeting?

13 A. [12:49:38] I remember the manner in which we left Kasese. Apart from the two
14 who had deserted, all of us were there. Chef Kahwa came by plane. Mbuna was
15 there, Lonema was there, Dieudonné was there. So Thomas, Minister of Defence,
16 was there, Chef Kahwa was there, Kisémbó and myself were there.

17 Q. [12:50:11] Were there any decisions taken at that time in relation to what
18 measures to take in order to address the situation?

19 A. [12:50:26] Yes. After Kisémbó proposed that the young people who were
20 working with the peace committees be brought back for training so that they could
21 return and provide protection for members of the population, we felt that Molondo
22 was going to forcefully attack us. So Chef Kahwa agreed with that proposal and
23 said that he was going to provide a location for us where those young men could be
24 trained.

25 That was the decision taken at that time. Then later on late Kisémbó told me that I

1 had experience when it came to, to training. And so he said he was going to make
2 available a number of officers who could help me and that we would then proceed to
3 set up the system that could help us to defend ourselves.

4 Q. [12:51:34] What was Chef Kahwa's role at that question -- apart from providing
5 you with a location for the training?

6 A. [12:51:52] He was the chief of the Bahema-Banywagi collectivité. He was
7 a very influential man in the Hema community in general.

8 Q. [12:52:05] What was Thomas Lubanga's role?

9 A. [12:52:18] He was our leader. He is the one who said that once the deployment
10 was conducted, he would make sure that all supplies and foodstuff and any other
11 items would be readily available for us.

12 Q. [12:52:38] You mentioned a short while ago at least two names of civilians
13 belonging to your group, namely Lonema and Mbuna. What were they doing?
14 Had they become soldiers?

15 A. [12:52:59] Mbuna was the director of cabinet to the minister of defence within
16 the RCD-K/ML. Now, as for Lonema, I don't remember what his -- I don't know
17 what his position was. Maybe he was a friend to the minister of defence at that time.
18 But at that -- at that time I did not know what his duties were.

19 Q. [12:53:29] From the political front, do you have any information about what
20 Thomas Lubanga was doing at that time, politically speaking?

21 A. [12:53:43] The political party I knew was the RCD-K/ML. But if at that time he
22 had any political activities, then that wasn't something that I was concerned about.
23 I was rather preoccupied by defence, by our defence to be provided by the soldiers.

24 Q. [12:54:12] When you say "our defence", who are you referring to? People of
25 your group or to someone else?

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1 A. [12:54:27] Our group had been given territory, so I'm referring to our group and
2 to all members of the population who had come under attack, wherever they were.
3 We were aware that members of the population had come under attack and so we
4 were on alert.

5 Q. [12:54:53] Mr Ntaganda, I would like to show you a document. The number of
6 the document is 678 on our list of materials. This document has already been
7 entered into evidence. Its number is DRC-OTP-0194-0328. This document will
8 appear on your screen shortly, Mr Ntaganda, and I would like to ask you whether
9 you recognise this document.

10 I think you have before you the first page of the document, I believe?

11 A. [12:56:21] No, there is no document on my screen yet.

12 PRESIDING JUDGE FREMR: [12:56:37] Please be patient, I guess. I see that the
13 document is on its way.

14 THE COURT OFFICER: [12:57:28] We apologise for the time it is taking to display
15 the document, but it seems that something is going wrong with our computers.

16 MR BOURGON: [12:57:47] (Interpretation)

17 Q. [12:57:50] Mr Ntaganda, the document is on your screen. I don't know
18 whether you can read it, but maybe we --

19 THE COURT OFFICER: [12:58:07] Which paragraph do you need exactly? Which
20 paragraph?

21 MR BOURGON: [12:58:12] (Interpretation) From the beginning of the document to
22 paragraph 1.

23 Q. [12:58:37] While the document is being displayed, Mr Ntaganda, I am going to
24 read out to you the part that is at the very top of the document in caps and it reads:
25 "Memorandum of senior political members of the Ituri for the attention of the

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1 President of the Republic of Congo in Kinshasa Gombe."

2 Now --

3 PRESIDING JUDGE FREMR: [12:59:13] I see Ms Samson on her feet. Ms Samson.

4 MS SAMSON: [12:59:16] Yes, it may just be a technicality, but at present I -- it is
5 unclear to me what connection the witness has to this document. So prior to reading
6 portions of it, it may be necessary to have him tell the Chamber if he has ever seen it
7 before, if he is familiar with it, if he signed it, et cetera.

8 PRESIDING JUDGE FREMR: [12:59:37] Mr Bourgon, are you ready for that? You
9 know, briefly, but I think --

10 MR BOURGON: [12:59:45] Mr President, I want to read exactly. I am trying to
11 figure out whether he knows this document. That's why I want to read the first
12 paragraph, to see if he has knowledge of the information in this document. It is an
13 admitted document and I would like to verify with him what is his knowledge of this
14 document.

15 PRESIDING JUDGE FREMR: [13:00:02] Ms Samson.

16 MS SAMSON: [13:00:03] Yes. Whether it's admitted is not the issue. It's whether
17 or not this witness has a connection to it, of course. And I'm certain that that can be
18 established, or at least I expect it can, although on the face of it, Mr Ntaganda does not
19 appear on it. However, if Mr Ntaganda wants to just read through it or quickly skim
20 some of the pages, he could be provided with that opportunity and then asked
21 whether or not it's a document he recognises or is familiar with.

22 PRESIDING JUDGE FREMR: [13:00:31] Yes. But, Ms Samson, for the next case -- I
23 agree with you that -- the fact whether it is standard or not is not relevant for that
24 objection, but I believe that the way how -- which have been used by Mr Bourgon is
25 correct. Either he could, for example, present to him the name of the document, but

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1 here he is trying or proposing him to read part of it and then asking him whether he
2 has some knowledge. It's also pretty fair.

3 But I'm sorry, now it is 1:01. So we will break now and we will continue with this
4 exercise after the lunch break. So now we break and we will reconvene half past 2.

5 THE COURT USHER: [13:01:21] All rise.

6 (Recess taken at 1.01 p.m.)

7 (Upon resuming in open session at 2.30 p.m.)

8 THE COURT USHER: [14:31:02] All rise.

9 Please be seated.

10 PRESIDING JUDGE FREMR: [14:31:19] If there are no changes in the composition
11 of the parties, no? No. Then we can continue. And the afternoon session will be
12 devoted to the next part of examination in-chief of Mr Ntaganda conducted by
13 Mr Bourgon, by the Defence.

14 Mr Bourgon, you have the floor.

15 MR BOURGON: [14:32:10] (Interpretation)

16 Q. [14:32:17] Good afternoon, Mr Ntaganda.

17 A. [14:32:21] Good afternoon.

18 Q. [14:32:22] We're now going to continue from where we were this morning.

19 I would ask for the following document to be shown on your screen. This is
20 document DRC-OTP-0194-0328. If you would be so kind.

21 Mr Ntaganda, this is the document that was on your screen this morning when we
22 finished. I'm just going to wait a few moments for the document to appear. And
23 I would like to read the first sentence of the document after the introduction.

24 Now, what the document says is as follows:

25 "We political cadres of the province of Ituri, together in the Front for Reconciliation

1 and Peace (FRP), caring for political, social and economic development of our
2 entity ..." And here I will stop there after reading this first sentence.

3 What I'd like to know, Mr Ntaganda, if the document which appears on your screen is
4 something that you've already seen?

5 A. [14:34:03] I haven't seen it previously. The first time I saw it is today here in
6 this court.

7 MR BOURGON: [14:34:19] I would like to have the third page of the document to
8 be displayed on the screen, 0194-0330.

9 Q. While waiting for the third page, Mr Ntaganda, did you know about the
10 existence of a movement called the FRP in April 2002?

11 A. [14:34:57] No.

12 Q. [14:35:01] Mr Ntaganda, the third page of this document is being displayed on
13 your screen. And here we can see that this is a document which was done in Bunia
14 on 16 May. Now I'd just like to know which people you know in this list, month of
15 April/May 2002. Could you give me the figure and the number and the name of the
16 person, if that's the case.

17 A. [14:35:42] There are people who I knew after the creation of the UPC. But as
18 to the date, May 2002, I don't know. I don't know those people.

19 Q. [14:36:15] Well, I would ask you to go down the list, down from 1 to 13, and
20 tell us which of these people you knew in April or May 2002?

21 A. [14:36:35] In April and in May I knew person number 4, Thomas Lubanga. I
22 knew also the person at number 7, Lonema. Person at number 7. And also before
23 in 2000, I've spoken about him on several occasions, but I knew him long before that.
24 Dieudonné was the director of cabinet of the minister of the defence at the time we
25 had a conflict with Lompondo. I don't know the other people. Or I didn't know

1 those other people at that time.

2 Q. [14:37:35] Well, you've just mentioned Dieudonné. What number is
3 Dieudonné?

4 A. [14:37:45] The last number, number 13.

5 Q. [14:37:51] I'd like to draw your attention to the person at number 9. I would
6 like to know if you knew this person and, if so, when did you get to know this
7 person?

8 A. [14:38:07] Yes. I met this person before the creation of the Chui mobile force.
9 I knew this person when he presented himself as the person responsible for or leading
10 their community. The person -- the community mentioned here. That was in 2002
11 when I was in the process of creating the Chui mobile force.

12 Q. [14:38:51] And what community are we talking about here?

13 A. [14:38:56] The Alur community.

14 Q. [14:39:07] Mr Ntaganda, while you were at Thomas Lubanga's residence and
15 you were looking at what to do following the negotiations of Kasese, did you know
16 what these people were doing at that time in Bunia, what they were doing with
17 Thomas Lubanga?

18 A. [14:39:31] No, not at all.

19 Q. [14:39:36] Now, this morning, Mr Ntaganda, you talked about Kisembo, he
20 told you because you had experience in training that you had to form young -- you
21 had to train young people. So was this an order, was this a suggestion?

22 A. [14:40:13] He gave me an order. He was my hierarchical superior when we
23 were at Thomas Lubanga's residence, and he was minister of the defence. That was
24 a military order. It wasn't normal advice.

25 Q. [14:40:32] Mr Ntaganda, previously in your testimony you told us that you

1 were the leader of the Chui mobile force, and this morning you've told us that your
2 leader was the minister of defence, Thomas Lubanga. Why did Kisembo become
3 your chief at that time?

4 A. [14:41:05] For people who know how the army works it's clear. When I was
5 detained in Uganda for a certain period of time, a long period of time that is, this
6 person continued to work and he was promoted in the army. I couldn't be promoted.
7 I went backwards, went down in the ranks. When I arrived he was a sector
8 commander in Watsa. During the restructuring I was his deputy, sector commander
9 and so, de facto, I was his deputy. Now, when he was appointed chief of sector
10 Mambasa, I was appointed chief of Mambasa sector. That's to say that he was my
11 superior. That's how the army works everywhere in the world.

12 Q. [14:42:26] I would just like to clarify your last answer because I'm looking in
13 English and in French at the same time and I'll read you exactly what you have just
14 said. And what you stated was the following, and this is on page 70: "He was
15 sector commander in Watsa. During the restructuring I was his deputy sector
16 commander." Did you say that?

17 A. [14:43:01] What I said was that I had just been sector commander with
18 Molondo 2IC and at that time he was my superior, my hierarchical superior. As is
19 custom in the army.

20 Q. [14:43:28] So just to be clear, Kisembo, what position did he have in that
21 restructuring?

22 A. [14:43:45] He was sector commander. That was his title.

23 Q. [14:43:50] Now, under this setup, what was your title?

24 A. [14:43:58] Deputy sector commander.

25 Q. [14:44:06] Now, at that time did you have troops?

1 A. [14:44:14] No. I had no weapons, no men, no uniforms, no military uniforms.

2 The time that I had spent in prison didn't help me to progress.

3 Q. [14:44:35] Did Kisembo for his part have men and weapons?

4 A. [14:44:44] He had weapons, bodyguards, he even had a vehicle in which he
5 had come.

6 Q. [14:45:04] So what exactly concerning the order given to you, concerning
7 Mandro, what was this order?

8 A. [14:45:32] As I said, he gave me an order according to which, at that time,
9 Chef Kahwa had given us a territory and he asked me to go and train, to train these
10 soldiers who were in the peace committee, such that they could have military training.
11 And that's the reason why he gave me officers. I don't know who these officers were,
12 but that constituted the mission that he entrusted to me, soldiers who were in the
13 peace community and put them into the movement to protect us and to protect
14 members of the civilian population who were being attacked by Lendu combatants
15 and by the APC at that time.

16 Q. [14:46:28] Which officers did Kisembo give you to accomplish this mission?

17 A. [14:46:43] Among them he chose Mugisa Muleke, who I didn't know. He
18 worked with Mugisa and he told me that he was working in training in
19 Équateur -- Équateur, and he added that he would be the centre commander. He
20 also appointed an admin called Peter, he said he knew him well when it came to
21 administration. And he also gave me a Rwandais who I knew at the time from the
22 Chui mobile force and he told me that these two would -- and with Mugisa I would
23 work -- he would be the 2IC with Mugisa, he would be the chief instructor. And
24 that's how things happened.

25 Q. [14:47:40] Did you know Peter, the admin?

1 A. [14:47:48] No, I didn't know him. I didn't know him. That's somebody who
2 was in Kyankwanzi's group. It was my commander who introduced me Peter,
3 Mugisa and the others. That was for the first time, the first time that I saw him.

4 Q. [14:48:11] How many people should have been trained in Mandro at that time?

5 A. [14:48:26] I had no idea. We hadn't yet arrived in the field. I didn't know if
6 they were going to put the groups together, so at the time of departure I had no idea
7 with regards to the number of persons there would be.

8 Q. [14:48:48] Now, you mentioned that Kisembo wanted to train the young
9 people in the peace committee. Did you know where this peace committee was?

10 A. [14:49:05] There were peace committees everywhere. At that time I didn't
11 know all the villages of the region, but these committees were everywhere; in the
12 Djugu territory, north, south Ituri, in different villages.

13 Q. [14:49:35] What did you know about this committee? What was its point?
14 What was its use? What did it do? What was its role, this peace committee?

15 A. [14:49:51] When I arrived I spoke to the late Kisembo and the others. We
16 noticed that the local organisation, the self-defence organisation at village level
17 constituted the peace committee within the village, what was known as the peace
18 committee within the village.

19 Q. [14:50:31] What did this peace committee do? What was the *raison d'être* of
20 this peace committee, if you know?

21 A. [14:50:42] Well, I found out that the committee was a self-defence group. It
22 had a lot to do. But it didn't have what it needed because the people attacking them,
23 they were soldiers, they were armed. But they did try to organise themselves to
24 defend themselves and to protect the members of the population in different villages.

25 Q. [14:51:15] Did you visit these peace committees at the time when you went to

1 Mandro in order to carry out your mission?

2 A. [14:51:24] Not at all. I never went to visit the peace committees within the
3 villages, no.

4 Q. [14:51:37] Now, who chose the people who were to be trained?

5 A. [14:51:50] Chef Kahwa said that it was his responsibility to do so because there
6 was an imminent danger. He called upon these young people and asked them to
7 accept. Yes, he was the person who was responsible. He was in charge of that.

8 Q. [14:52:19] Did Chef Kahwa give you information concerning the number of
9 people who on arrival had to be trained or did he say where they came from?

10 A. [14:52:38] No, he didn't give me the number of persons. I don't know
11 whether he didn't know, but we didn't speak about that.

12 Q. [14:52:54] So what did you do when you arrived in Mandro? Explain what
13 you did.

14 A. [14:53:08] Chef Kahwa had promised to give us a place for training according
15 to my experience, and as a trainer I said that there had to be a river or stream, that we
16 had to have access to water. This place had to be far from the population, the
17 civilian population. And it had to be quite open for military exercises. That's what
18 I had asked for. And he took me to Saikpa to show me the site or the sites.

19 Q. [14:53:58] And did that site meet your expectations?

20 A. [14:54:08] Yes. It's a site which is adapted to military training. It met my
21 requirements.

22 Q. [14:54:24] Could you explain to us the measures you took to organise the
23 training?

24 A. [14:54:42] He went to the village and what happened was astonishing. A lot
25 of people accepted, lots of them, a high number. And afterwards, and according to

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1 my experience as a trainer, I appointed Mugisa as commander -- no, I didn't appoint
2 him; it was somebody who entrusted him to me. And below him I was looking for
3 OCs, SSM, according to the training structure that I was following previously, and for
4 discipline I created an organisation for the training centres. I started with platoons,
5 companies, led by company sergeant major, three companies which formed a
6 regiment. The regiment was led by RSM, and this RSM -- well, I would say three
7 regiments are led by an OC and this SM reports to the school sergeant major and the
8 school sergeant major makes a report to the school commander and the RSM reports
9 to the OCs.

10 I haven't written it out, but I would like -- I wanted this structure to be well made
11 such that it is fruitful in the future.

12 Q. [14:56:56] Now, this organisation that you set up, was it similar to what you
13 had experienced in other training centres?

14 A. [14:57:14] Yes, it was the same, the same format. However, the number of
15 people who we received was different, but the structure was the same.

16 Q. [14:57:39] While you were in Mandro organising training, what was Kisembo
17 doing in Bunia?

18 A. [14:57:56] When I had difficulties, I went to his residence to explain that to him.
19 He was my hierarchical superior. He was also responsible for organising the staff
20 which was the APC and afterwards he took over that place. When I had difficulties,
21 I went to his residence in order to find solutions. I would also provide him with all
22 the reports.

23 Q. [14:58:27] What was his work, Kisembo's, in Bunia?

24 A. [14:58:35] He stayed in that place in order to guard the place that we were
25 given, and when he left Kasese with the UPDF, he was planning the future of the staff.

1 That was one of his functions as the chief of that place. He also had other staff
2 alongside to help him carry out that task.

3 Q. [14:59:13] Did Kisembo have armed men or escorts with him in Bunia?

4 A. [14:59:31] He had all his bodyguards with him, those with whom he had come,
5 and he also had other officers whom he confided to me and with whom I left.

6 Q. [14:59:47] Where were Kisembo's escorts lodged or accommodated?

7 A. [15:00:01] It would depend on the period. There were times when I noticed
8 that he moved with all his bodyguards to the APC headquarters. So when I went to
9 see them for the first time, he had moved to -- he had, rather, set up in the territories.

10 Q. [15:00:36] I don't know whether I understood you, but in French it says that he
11 had set up the territory. Is that what you said? Last line, page 76, I want to read
12 the last part where there is actually a correction -- actually, where did he provide
13 accommodation for his escorts at that time? Where did they stay, Mr Ntaganda?

14 A. [15:01:18] At the APC headquarters, the location which I have already identified
15 a number of times, that is the APC headquarters.

16 Q. [15:01:26] At that time, Mr Ntaganda, you yourself, did you have any escorts?

17 A. [15:01:37] I had two bodyguards. They followed me to Mandro when I went
18 to Mandro. I went with one and then the second followed thereafter. I had only
19 two bodyguards.

20 Q. [15:01:55] How did you select your bodyguards?

21 A. [15:02:11] One of the bodyguards had deserted from Molondo's troops and
22 had joined me. Then the other joined me later on when I was in Mandro. He too
23 was a deserter from the APC. So the two of them came to join me and remained
24 with me.

25 Q. [15:02:38] Do you remember their names?

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1 A. [15:02:42] Yes. The first one, his name was also Claude Uzauakiliho, while
2 the other's name was Malobi.

3 Q. [15:03:07] Can you spell out the name of the second one, the Claude, Claude's
4 name?

5 A. [15:03:18] U-Z-A-U-A-K-I-L-I-H-O.

6 Q. [15:03:45] Among the officers who remained with Kisembo in Bunia, are you
7 able to tell us the names of some of the officers who remained with him?

8 A. [15:04:01] Yes. One of them was called Papy, the other was Eric Mbabazi,
9 and then there was also Didier. Then there was Freddy, Musa and Lobho, and I met
10 Lobho Kamuhanda on site.

11 Q. [15:04:56] Who decided which topics were to be taught in Mandro and what
12 were the topics or subjects?

13 A. [15:05:20] I am the one who decided which topics would be taught, based on
14 my experience and in view of the situation we were going through.

15 Q. [15:05:33] What were those topics or subjects?

16 A. [15:05:52] First, how to dismantle a weapon and to assemble it, as well as how
17 to use a weapon; second, military drills; third, combat tactics; four, field craft.

18 THE INTERPRETER: [15:06:29] In the witness's words.

19 THE WITNESS: [15:06:32] (Interpretation) And then ideology, military ideology.
20 Those were the subject areas that we covered to begin with.

21 MR BOURGON: [15:06:56] (Interpretation).

22 Q. [15:06:58] Mr Ntaganda, are you familiar with the expression "kitamaduni"?

23 A. [15:07:10] Yes, I know kitamaduni.

24 Q. [15:07:16] What is it?

25 A. [15:07:28] In the army kitamaduni has a different meaning from that

1 expression in civilian life. You see, in the army before bedtime, recruits and
2 already-trained soldiers would gather and have a time of open, free discussions about
3 their training, about their good and not so good experiences, with a view to try and
4 make corrections to the things that were not very successful.

5 Secondly, it is also the time when they are provided with training on military
6 ideology and how soldiers should behave at the battlefield, what their attitude
7 should be towards civilians. And it is usually the G5 who is in charge of kitamaduni.
8 Kitamaduni is the opportunity for everyone to speak freely and to sing revolutionary
9 songs, and it's also a time when people feel free to express their views. That is what
10 I can tell you about kitamaduni.

11 Q. [15:09:31] Did you personally take part in the kitamaduni?

12 A. [15:09:38] Yes, from time to time I would go there and be part of the
13 kitamaduni so that I could also speak to the recruits. Yes, I did so.

14 Q. [15:09:59] Can you tell us why a senior military leader would take part in the
15 kitamaduni?

16 A. [15:10:15] When young people come for training, we consider them to be our
17 children and they look up to us as their parents. That is why in some of their songs
18 they would refer to us as Papa Kisembo and Papa Bosco, because they consider
19 themselves to be our children while we took them as -- they considered us to be their
20 parents while we took them as our children.

21 Now, personally, with my experience, I actually became a general thanks to them. In
22 the same vein, without me, they too could not have grown into other ranks, positions
23 such as SSM or RSM. And that is why we had to talk to them about the outcome of
24 the training they were receiving and that they would grow in ranks.

25 We looked at them as our children and they looked up to us as their parents. So we

1 were a family, quite different from the nuclear family that we would know. We told
2 them that the army was a family, but a family that was different from the normal
3 family as one would know it. So whenever somebody decided to join the army, they
4 must realise that they are joining a different family, a new family, but different from
5 their other family.

6 Within the army you can get married, you can have children, you can get promotions
7 in ranks, and so that's why we felt it necessary to be with them from time to time.

8 Q. [15:12:26] Mr Ntaganda, a short while ago you mentioned that the kitamaduni
9 was an opportunity for singing some songs. Now, were there any songs about you?

10 A. [15:12:49] Yes, yes, my name often came up in their songs, and this was not
11 only songs by the recruits but by soldiers as well. They would often sing about me.

12 Q. [15:13:00] What would they say in those songs about you?

13 A. [15:13:12] Most of the songs were to the effect that I was a courageous or a
14 brave warrior and this boosted their morale. And whenever I led in the singing,
15 they too were very happy because they knew my military background and they
16 want -- they liked to sing along with me whenever I joined them.

17 Q. [15:13:47] Were there any songs about other leaders?

18 A. [15:14:02] Yes. Late Kisembo's name came up in songs. President Tom's
19 name came up as well, as well as the names of other commanders.

20 Q. [15:14:19] Were there any derogatory songs pertaining to any ethnic groups?

21 A. [15:14:38] No, no. We could not have such songs within the FPLC. And by
22 the way, the FPLC was not yet created. The ideology we passed on to the trainees
23 was one of revolution, and I never heard any such songs at that time.

24 Q. [15:15:07] Were there any songs, as you said, that would be used to boost the
25 morale of the troops?

1 A. [15:15:27] Revolutionary songs. For example, if I say I am going to move
2 forward on the battleground with my rifle in order to liberate Congolese, those would
3 be the types of songs that would be sung, and such songs among several other songs.

4 Q. [15:15:55] As far as you recall, were there any songs that could be said to be
5 derogatory towards women or towards any gender?

6 A. [15:16:20] Wherever I was in charge of military training, such a thing never
7 happened. Such baseless songs were never sung and our ideology was an ideology
8 of revolution. Now, the types of songs that you refer to would probably be
9 entertained by people who don't have a revolutionary ideology or it could be sung in
10 bars. Personally, I never heard any songs relating to sleeping with women, for
11 example, those types of songs that incite people to sexual acts.

12 Q. [15:17:16] Throughout your military experience, career, did you ever hear any
13 such songs, derogatory songs or songs that incite people to perform or do sexual acts?

14 A. [15:17:38] My experience has been with revolutionary armed groups which
15 had a set ideology. I never belonged to any military group which allowed for such
16 types of songs. Maybe in other armed groups this happened, but I did not belong to
17 those groups, such as the APC. The armed groups to which I belonged had an
18 ideology and a purpose.

19 Q. [15:18:19] Mr Ntaganda, can we now talk about how recruits were treated?
20 During the training did they receive food?

21 A. [15:18:39] Before a training centre is set up, the first thing I asked for, even
22 before leaving Bunia, was that there be a full supply of foodstuff. I remember that
23 one Mateso was given the task to work with Peter the admin in that regard. So I
24 drew up a list of produce or items that needed to be bought. It is Peter who worked
25 on the details and I requested that such-and-such items be bought and that the items

1 be provided in sufficient quantity. I also told them that prior to recruitment, it was
2 necessary to ensure that food would be available, that bedding and boarding would
3 be available. These items were crucial for the setting-up of a training centre. So the
4 recruits never went to bed hungry, never.

5 Q. [15:20:20] Regarding your experience from Mandro, what food did the recruits
6 eat?

7 A. [15:20:36] They had beans and maize as a meal and then they would have
8 porridge in the morning.

9 Q. [15:20:52] Why was it important for you to provide food for the recruits?

10 A. [15:21:09] No one can follow military training without eating properly. One
11 has to eat to one's satisfaction to be able to follow military training and to have the
12 strength and the power to undergo the training. And anyone who was going to fight
13 the APC could not have gone through training without food.

14 Q. [15:21:40] You referred to "Peter admin". I would like to know where Peter
15 was in Mandro.

16 A. [15:21:59] When we arrived, I asked Chief Kahwa to make available to us a
17 room in which to store the food. The room was found in a building between
18 Chief Kahwa's house and the locality office and that house belonged to Peter the
19 admin.

20 Q. [15:22:36] Where was that house?

21 A. [15:22:43] It was by the roadside. When you leave Chief Kahwa's house and
22 you are going to his office, that house would be located between the two buildings.

23 Q. [15:23:15] Did Peter work by himself or did he work with other people?

24 A. [15:23:32] At the beginning he worked by himself, but as the numbers
25 increased, he took on other people to help him, but I don't remember their names.

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- 1 MR BOURGON: [15:23:52] Mr President, if I can move in private session, please.
- 2 PRESIDING JUDGE FREMR: [15:23:56] Court officer, let's move into private
- 3 session.
- 4 (Private session at 3.24 p.m.)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Open session at 3.26 p.m.)
- 23 THE COURT OFFICER: [15:26:11] We are back in open session, Mr President.
- 24 PRESIDING JUDGE FREMR: [15:26:14] Thank you.
- 25 Mr Bourgon, please proceed.

1 MR BOURGON: [15:26:17] (Interpretation)

2 Q. [15:26:20] Mr Ntaganda, during the training where did you live yourself?

3 A. [15:26:41] When I arrived at the location, Chief Kahwa provided me with a
4 residence in his collectivity office.

5 Q. [15:26:59] When you say "his collectivity office", what are you referring to?
6 Are you referring to Chief Kahwa's residence?

7 A. [15:27:18] When you leave Bunia to go to Chief Kahwa's place, there is a road
8 which goes by his residence, in front of his residence. Then you would go past
9 Peter's place and then later on you get to the collectivity office, which is right next to
10 Peter's office.

11 Q. [15:27:43] Mr Ntaganda, the food that we were talking about a short while ago,
12 now, did it ever happen that you provided that food to civilians?

13 A. [15:28:06] Yes. You know that this food is one dish that the people of the Ituri
14 love. It is called mbilibo and it is very popular, even in boarding schools. I do
15 remember that there was a time when people fled to our area, we protected -- we
16 provided them with the requisite protection, and even before an NGO was able to
17 provide them with assistance, we gave them some food which we took out of Peter's
18 stash or hold of food.

19 Q. [15:29:04] Can we speak about these Lendu? When did that happen?

20 A. [15:29:15] Well, I can't give you the precise date, but when we arrived in
21 Mandro some days later we saw a group of Lendu come in the morning. They were
22 fleeing. They received the order to attack the Hema villages some days after our
23 arrival there, end of April, beginning of May.

24 Q. [15:29:56] I'm not sure that I followed. You said they fled, but they had
25 received an order to attack the villages. Could you give some clarity in that regard?

1 A. [15:30:13] Yes. We asked them why they were fleeing. They told us. The
2 Lendu combatants had given the order to each civilian child, young and old, to go to
3 attack, but they didn't want to; they didn't want to join them to carry out this order so
4 they fled. Now, some of them were wounded by arrows, spears and our people
5 treated them.

6 Q. [15:31:02] Did you personally speak to these people?

7 A. [15:31:10] Yes. They were with us. Every time I went to see where they
8 were.

9 Q. [15:31:28] Was Chef Kahwa involved in the contact or communications with
10 these people?

11 A. [15:31:44] Yes. He gave a place for them to live. I was protecting them as
12 their troop leader. But where they could grow crops, it was Chef Kahwa at the
13 collectivity level who administered that.

14 Q. [15:32:18] I would like to go back to Peter as an admin. So what was his role
15 when people arrived who had to follow the training in Mandro?

16 A. [15:32:42] When the training was at Saikpa, you have to understand that
17 Mandro was just a transit area, so when people went, they went through Peter.
18 Peter was the person who wrote their names down and registered them in a
19 document, and afterwards it was the instructors who accompanied them, but they
20 would always -- the recruits would always go through Peter. He was the person
21 who was responsible for administration. He was the person responsible for
22 receiving them and he -- they would carry out certain exercises and after that
23 he -- they would go to the training. That was the role that Peter had as an admin.

24 Q. [15:33:33] Well, what were the instructions given to Peter concerning the
25 recruits?

1 A. [15:33:51] Well, he was called admin. When the recruits arrived, he was the
2 person who was in charge of registering them. That was his role.

3 Q. [15:34:05] Could you explain to us how Peter carried out that role? What did
4 he do?

5 A. [15:34:19] He would come and he would register them, he would give them
6 something to eat. And they transited through there, they slept, they had food to eat.
7 He was the person who registered them. That was his work. And another role that
8 I gave him was to be in charge of carrying out an evaluation, a screening exercise.
9 And he would screen the recruits to see which ones met the criteria to be trained.

10 Q. [15:35:04] I would like to know a bit more about the screening. What was it
11 and how did it work?

12 A. [15:35:21] Screening is something that's done in all training centres. I told
13 you I used my previous experience. You had to separate those who didn't meet the
14 conditions to be in the training centre. Old people, sick people, the youngest people,
15 handicapped people. Because, you know, in a training centre, it must only receive
16 people who are able to be trained, because the objective was to train people who were
17 going to clash with the enemy later. We always bore in mind the fact that they were
18 going to be fighting the enemy at a later stage.

19 Q. [15:36:31] Mr Ntaganda, what were your criteria to see whether a person was
20 able to follow training?

21 A. [15:36:51] Each instructor had this responsibility. We gave this order to the
22 instructors. As I said, one of the criteria was if a person was old, well, that person
23 can't help you to participate in the fighting. An elderly person cannot undergo
24 military training. If somebody is sick or weak, too young, such people cannot
25 undergo military training. Given the situation in which we found ourselves, we

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1 needed people who were able. Those were the criteria that we set out to follow this
2 training where we were.

3 PRESIDING JUDGE FREMR: [15:37:53] Sorry, Mr Bourgon, to interrupt. I would
4 like now to put additional question.

5 Mr Ntaganda, what did it mean "too young", people who were too young, so didn't
6 meet conditions to be recruited?

7 THE WITNESS: [15:38:17] (Interpretation) Your Honour, at that time we didn't
8 have the means to know the age of people, but the criteria that we had were as
9 follows: If we saw that a young man -- to bear a rifle, to go in to participate in battle,
10 if the person was not able to transport something on their shoulder, then that person
11 was too young. That person could not be accepted. If somebody could not carry an
12 ammunition box on their shoulders, that person was too young to follow the military
13 training.

14 PRESIDING JUDGE FREMR: [15:39:16] So did I understood you well, that it was
15 not just about the specific age, but rather about the capability to conduct the service?

16 THE WITNESS: [15:39:37] (Interpretation) Yes, because at that time there was no
17 document which made it possible for us to assess their age. The criteria that we had
18 was to look at the person. I want to train a soldier, I look at that person; is this
19 person -- if we go into the battlefield, you know, we could go up into the mountain.
20 Could this person go up into a mountain with a rifle and ammunition? If the
21 colleague falls, can that person transport his comrade into -- so then, yes, he could do
22 training, but if he cannot, he has to go home. That was the criteria, your Honour.

23 PRESIDING JUDGE FREMR: [15:40:21] I understand.

24 And my last additional question: Any special treatment or approach to girls?

25 THE WITNESS: [15:40:35] (Interpretation) They were all treated in the same way.

1 If somebody comes to a military training camp, they're all treated in the same way.

2 It's not because one person is feminine that they can have different treatment. The

3 only thing that we did, we separated them when they had to sleep. But as regards

4 training, all the troops, men or women, followed the same training.

5 There were recruits who were women who achieved more during training than the

6 men. They were more assiduous. But the difference that we made was when it was

7 time to sleep, the men and women slept separately. That was the separation. But

8 we applied the criteria. If a woman couldn't bear a weapon and ammunition, if they

9 couldn't transport a comrade when a comrade had been injured in fighting, then that

10 person could not undergo training. Those were the criteria that we applied. It was

11 the same for men and women, your Honour.

12 PRESIDING JUDGE FREMR: [15:41:54] Thank you, Mr Ntaganda.

13 Mr Bourgon, please proceed.

14 MR BOURGON: [15:42:02] (Interpretation) Thank you, your Honour.

15 Q. [15:42:05] Mr Ntaganda, was a question put to people on arrival as to how old

16 they were?

17 A. [15:42:24] No, we didn't put major importance on that. There were no

18 identity documents and that's the reason why we set up our criteria that I spoke to

19 you about. Because these people could lie to us about their age. Our objective was

20 to have people who were apt and able to follow the training and deal with a battle

21 situation that we would be faced with. If you asked the question with regards to age,

22 these recruits, they could lie, they could tell an age that wasn't correct.

23 Q. [15:43:05] Who sent the recruits, to the best of your knowledge, to Mandro?

24 A. [15:43:16] According to the information I have, in the villages there were these

25 peace committees, comité de paix. These people sent people to follow training

1 because they knew that at the end of training, people would come back to ensure their
2 protection. It was their parents who sent them.

3 Q. [15:43:53] The people who arrived, were they coming as volunteers?

4 A. [15:44:08] At that time we put in place measures to keep down the numbers of
5 trainees. There were so many people coming, because these people noticed that our
6 training centre was their last chance to survive, so they came of their own accord and
7 in very high numbers, without people forcing them to come. We sent some of them
8 back. We asked certain people to return, saying, "Return and come back when this
9 group has finished their training and we'll call you after a certain time." The recruits
10 were very numerous. A lot of people wanted to join the army ranks.

11 Q. [15:45:24] Was the question put to the recruits as to whether their parents were
12 in agreement with their presence in Mandro or not?

13 A. [15:45:43] We saw it. I saw these village committees who brought the recruits
14 in vehicles. These were local organisations in villages who would bring these people
15 to the training centre. We even saw young people who were soldiers in their
16 villages who came. They were singing. They were jogging. They were running,
17 singing to join our training camps. They were very happy, with the support of their
18 parents.

19 Q. [15:46:30] To the best of your knowledge, had recruits followed the training
20 against their will?

21 A. [15:46:51] I never received such a report. When we started with the training
22 centres, I said, "If you see somebody who has an attitude which is weak, that they are
23 not happy, an attitude such that they're against the training, well, this person has to
24 go."

25 PRESIDING JUDGE FREMR: [15:47:30] Mr Bourgon, sorry to interrupt again, but

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1 two supplementary questions.

2 Mr Ntaganda, any report that some people who came voluntarily then changed their
3 mind and wanted to return home?

4 THE WITNESS: [15:47:55] (Interpretation) When I was at the training centre, I
5 never received such a report or such information about a person asking to return
6 home. I never received such a report, your Honour.

7 PRESIDING JUDGE FREMR: [15:48:18] And my second question: So there were
8 no deserters?

9 THE WITNESS: [15:48:30] (Interpretation) Among the recruits? No. It was like
10 a place of refuge for them. The recruits couldn't return home.

11 PRESIDING JUDGE FREMR: [15:48:48] Thank you.

12 Thank you, Mr Bourgon, please proceed.

13 MR BOURGON: [15:48:55] (Interpretation) Thank you, your Honour.

14 Q. [15:48:59] Now, a moment ago you mentioned, Mr Ntaganda, the importance
15 or the lack of importance that you attach to age. To the best of your knowledge, did
16 Peter write down the age of the recruits?

17 A. [15:49:30] (No interpretation)

18 PRESIDING JUDGE FREMR: [15:39:00] Hold on, Mr Witness. Ms Samson is on her
19 feet.

20 Ms Samson.

21 MS SAMSON: [15:49:30] Yes, thank you. I believe the question was already
22 asked and answered. The Presiding Judge asked the question actually, and the
23 answer was no.

24 Page 93 starting at -- the question was at lines 7 and 8, "Mr Ntaganda, was the
25 question put to people on arrival as to how old they were?" Answer, line 9, "No."

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1 PRESIDING JUDGE FREMR: [15:49:57] Yes, I noticed my own question, but
2 I think I still take it as a -- clarifying because -- go ahead, Mr Bourgon. Go ahead. I
3 will -- I will -- I think we can listen to the answer because it's about the -- Peter.
4 Ms Samson is right. The general question had been put and answered. This
5 question goes a bit further. I really wonder what will be the answer. Please go
6 ahead.

7 MR BOURGON: [15:50:35] (Interpretation) Thank you, your Honour.

8 Q. [15:50:39] Referring, Mr Ntaganda, to your answer a bit earlier, the
9 Presiding Judge asked you a question whether you knew if Peter had noted down the
10 age of the recruits when they arrived.

11 A. [15:50:57] I couldn't know that. I never checked his register. I can't know
12 that. Everything depended on each person. I never checked his register. I was
13 never there when he asked questions to the recruits.

14 Q. [15:51:26] To the best of your knowledge, what information did Peter note
15 down or should he note down or should have noted down?

16 A. [15:51:48] To the best of my knowledge, the names had to be written down,
17 where the people came from, the number of persons, but I never checked the register.
18 I never did that.

19 Q. [15:52:05] Mr Ntaganda, I would like to show you a document which is going
20 to appear on your screen. This is a document which has already been admitted into
21 evidence in this trial. The document number has DRC-OTP-2081-0003. This is item
22 616 on our list of evidentiary items.

23 THE COURT OFFICER: [15:53:01] In the meantime, could you please indicate the
24 level of confidentiality, please, the level of confidentiality.

25 MR BOURGON: [15:53:09] (Interpretation) This is a Prosecution document.

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1 I think that it's public, but my colleague can correct me if that's not the case.

2 PRESIDING JUDGE FREMR: [15:53:19] Frankly saying, there are names of recruits,
3 even maybe child recruits, so I have some, you know --

4 MS SAMSON: [15:53:27] Yes, I don't have the answer off hand, but I also have
5 reservations as to whether this was shown in public session. I think it was not.

6 PRESIDING JUDGE FREMR: [15:53:41] Yes, I will not -- we can use it, but I will
7 not allow to show it to the public because of, you know, protection of persons
8 mentioned on the list.

9 THE COURT OFFICER: [15:53:55] The document will be published only inside the
10 courtroom.

11 PRESIDING JUDGE FREMR: [15:54:12] And, Mr Bourgon, please try to avoid
12 mentioning concrete names from the list when asking the questions.

13 MR BOURGON: [15:54:22] (Interpretation) I'll do my best, your Honour.
14 Thank you.

15 Q. [15:54:30] Mr Ntaganda, do you see the document on the screen before you?

16 A. [15:54:37] Yes.

17 Q. [15:54:41] Do you recognise this document?

18 A. [15:54:50] I've seen it here. I didn't see it before.

19 Q. [15:55:01] Have you seen documents of this type when you were in Mandro?
20 Did you see documents of this type when you were in Mandro?

21 A. [15:55:14] Never. I never saw them.

22 Q. [15:55:21] Are there details on this document which you would think of as
23 unusual?

24 PRESIDING JUDGE FREMR: [15:55:34] Mr Bourgon, it's about opinion, I think.
25 He said he never seen that. So this question seems to me inappropriate.

1 MR BOURGON: [15:55:49] (Interpretation) Thank you, your Honour. I'm going
2 to reformulate the question.

3 Q. [15:55:58] Mr Ntaganda, do you see at the bottom on the right of the document
4 there's a date? What is it?

5 A. [15:56:16] 27 August 2002 is written.

6 Q. [15:56:23] Now, if you look at the top of the document on the left-hand side it's
7 written, "Force Patriotique pour la Libération du Congo, Centre de Formation
8 Mandro". What is the Patriotic Force for the Liberation of Congo or the Force
9 Patriotique pour la Libération du Congo?

10 A. [15:56:50] It's the name that was given. The FPLC had not been created.
11 This document, your Honour, is not authentic. On that date it was Peter who was
12 responsible for that role. Now, with regards to the FPLC, at that time, on 27 August,
13 it hadn't been set up at that time. I hadn't heard that name then as the chief who was
14 there at the training wing. I was the chief and I didn't even know this name at that
15 time. It wasn't possible for the admin to know that name. It's a lie, pure and
16 simple.

17 Q. [15:57:54] Mr Ntaganda, you mentioned earlier that there were recruits who
18 returned -- who were returned or who were refused. What was the procedure
19 followed when a recruit was rejected or considered to be unable to follow the
20 training?

21 A. [15:58:31] You are using a good term. There's the term that we call inept,
22 unfit, a person who is unfit. This is a person who has no strength to carry out
23 military strength. That person cannot be admitted according to the criteria.
24 The term was used. I heard of that term when I started with the army. A person
25 was evaluated as to who could be recruits to follow military training; that is to say,

1 that people who were younger -- without counting the people who were unfit. So
2 sick people, elderly people, such people were unfit because they didn't fulfil the
3 necessary conditions in order to follow such training in a centre.

4 Q. [15:59:45] Mr Ntaganda, I'm going to clarify my question. What did one do
5 with these unfit people? What happened to them?

6 A. [16:00:09] Among them, some of them had parents living not far away, so I
7 asked them to go home. For those who lived far away, we took measures to
8 accompany them to their home because we thought perhaps they could encounter
9 difficulties on the way, and that's why we would ensure their transport home.

10 Q. [16:00:42] When you would accompany such candidates back to their homes,
11 how did you do that? How did you organise that?

12 A. [16:01:09] The organisation would be done at the training centre so that they
13 can be taken back home, taking back those people who did not meet the selection
14 criteria back home.

15 Q. [16:01:23] Did it often happen such a thing?

16 A. [16:01:31] Yes, I do remember that in Rwampara we planned to send back
17 some recruits, to send them back to their villages, but we could not release them if
18 there were security problems that could have been encountered along the way.

19 Q. [16:01:59] What then would happen when someone was deemed to be unfit?
20 What would happen between that time and the time when they are taken back to
21 their home?

22 A. [16:02:20] Some people would be asked to accompany them back to their
23 homes.

24 Q. [16:02:29] Was that something you did on a daily basis?

25 A. [16:02:36] No. It happened once in a while. Because unfit people did not

1 show up every day. You see, it happened that some people who came would meet
2 the selection criteria, and people who belonged to the peace committees tended to
3 send people who were physically fit or training.

4 Q. [16:03:13] Mr Ntaganda, was training a difficult undertaking?

5 A. [16:03:28] The world over, whenever a civilian is invited to join an army, it is
6 usually a difficult thing. However, at that time people came by their own choice, of
7 their own volition, and this made things easier for the trainers because those who
8 came were motivated. But, you see, even when one is motivated, it is not always
9 easy to give up civilian life to join the army. That is generally true. Now, as for me,
10 myself, my military training was a time of suffering for me too because it was not
11 easy.

12 Q. [16:04:32] What is the importance of discipline during training, going by your
13 experience?

14 A. [16:04:51] Discipline is very important in a soldier's life. An army without
15 discipline, you're better off without such an army. And it's better not to be its
16 commander. But when you have a small army which is disciplined, it is likely to
17 outperform an army which has large -- is made up of large numbers of people. For
18 this reason I must say that discipline within an army is extremely important,
19 particularly when there is a reason for which you are engaged in fighting. And so
20 when you have experience, then you are able to command an army which can score
21 some points and win.

22 Q. [16:05:50] How was discipline maintained during the training?

23 A. [16:06:03] Discipline was maintained during training not only for the recruits
24 but for the soldiers already who were in active service. Discipline was a
25 fundamental aspect of training. You see, if the instructors themselves are not

1 disciplined, they will not be able to provide proper training for the recruits.

2 Q. [16:06:32] How did instructors make sure that discipline was upheld?

3 A. [16:06:51] Discipline entails prohibitions. For example, recruits are forbidden
4 from taking drugs. Recruits must be clean, they must clean themselves up.

5 Recruits must be time-conscious. They must wake up very early, because they are
6 expected to wake up early and be ready so they don't have to be found in bed.

7 Instructors therefore would give instructions to recruits based on set conditions
8 governing the training exercise.

9 Q. [16:07:53] Was failure to observe discipline followed by any punishment?

10 A. [16:08:07] Yes, there was punishment.

11 Q. [16:08:11] What type of punishment?

12 A. [16:08:22] In an army when a recruit commits an offence, they might be asked
13 to do push-ups, to roll over or to maintain a standing position for a long time, to go
14 fetch water or to cook while the other recruits are receiving training, and from time to
15 time might even be asked to lie down on the ground, and sometimes they might be
16 flogged, but not to the point of injuring them.

17 So these types of punishment are designed to bring them back to order. So the
18 climbing and forward -- back-rolls are all military drills as well. The trainings or this
19 kind of punishment also helps them to be more fit and sometimes to avoid shots,
20 gunshots from the enemy.

21 But when a recruit commits an offence, even outside of the training hours, they can
22 still be punished. So those are the types of punishments that were administered to
23 the soldiers, and it was the normal practice as would obtain in any army.

24 PRESIDING JUDGE FREMR: [16:10:09] One follow-up question: Mr Ntaganda,
25 do you have any knowledge or information that some of the instructors would beat

1 the recruits in order to keep discipline?

2 THE WITNESS: [16:10:33] (Interpretation) Your Honour, such information did not
3 get to me. There was a commander. There was the OC and the RSM. And so
4 when an instructor violently beat up a recruit, that might have been brought to my
5 attention, and if I noticed, for example, that a recruit was wounded or injured, the
6 commander or the CI could punish the instructor concerned. But when there were
7 more serious offences, then such would be reported to us.

8 But when it came to small-scale punishments, these were administered at the level of
9 the training centre without such information having to be forwarded to us. So I was
10 never informed that a recruit had been beaten so severely that they could no longer
11 walk. That had never been brought to my attention. So I never received such a
12 report, but there were minor punishments that were meted out here and there to
13 those who were at fault.

14 PRESIDING JUDGE FREMR: [16:12:18] Thank you, Mr Ntaganda.

15 Mr Bourgon, you may proceed.

16 MR BOURGON: [16:12:19] (Interpretation) Thank you, Mr President.

17 Q. [16:12:24] Now, let me hop back to your answer at page 100, line 14. You said
18 the following:

19 "When, for example, the instructor would violently strike or beat up a recruit, I could
20 be made aware of it."

21 Is that exactly what you said to begin with and did such a thing happen?

22 A. [16:12:53] What I said was that I never received any such report at my level.
23 And I never learned of such a thing.

24 Q. [16:13:10] Do you know the expression "mukongoto"?

25 A. [16:13:21] Yes, I know it, mukongoto. I know that expression.

1 Q. [16:13:26] What does it mean?

2 A. [16:13:34] It is a stick that is carried by the instructors during parades. One
3 can learn to march with that type of stick in some sectors. One also learns how to
4 handle or use that stick or baton. You cannot just hold it in any manner because it is
5 a baton or a stick that can be used to frighten recruits. I myself experienced that. It
6 is a technique which is used to call the candidate to order.

7 Q. [16:14:34] Can that stick or baton be used to strike or beat recruits?

8 A. [16:14:45] Yes, a recruit who is at fault can be struck with that stick or cane. It
9 is a practice that is common to all armies. I was trained under the British system and
10 I learnt that the mukongoto was an acceptable practice. That cane can be used to
11 punish a soldier or a recruit; you can strike them on their buttocks with it, the idea
12 simply being to shape them up. And this is something that parents can even do to
13 their children. I myself, I was beaten up with a mukongoto during my training
14 period.

15 Q. [16:15:39] Detention and imprisonment, were those forms of punishment that
16 could have been ordered?

17 A. [16:16:00] Not regarding recruits. I never put any recruits into detention.
18 However, wherever there is a commander, the commander has the latitude to set
19 aside a room for detaining people who violate the law.

20 Q. [16:16:31] In your last answer - I look at the French - you said the commander
21 can make room for a -- for a room for detention. Are there any instructions in that
22 connection, making room for a detention room? Is that something that is governed
23 by some rules?

24 A. [16:17:03] I didn't talk about a room. Generally speaking, in Saikpa there was
25 no detention room as such. In Saikpa, when the commander had such an issue on

1 the field, they would dig a trench, cover it with some sticks and place some roofing
2 sheets on it so that whoever was in there would be protected from rain and stray
3 bullets and enemy bullets. That's what avails in various battalions. So before
4 buildings and houses were built, it was necessary for a commander to have access to a
5 trench where a guilty soldier would be detained.

6 So, as I said, the recruits, the punishment they would have would be to roll over, to
7 climb, and the kind of mistakes or errors they make are not such that would be liable
8 to send them to detention, as would be the case when dealing with a regular soldier.

9 Q. [16:18:43] As far as you know, were any instructors detained during the
10 training in Mandro?

11 A. [16:19:08] I did not receive any report in that regard.

12 Q. [16:19:16] You told us earlier on that the training centre commander was
13 Mugisa Muleke. Did he ever tell you that he had a location where instructors could
14 be detained for having committed a number of faults?

15 A. [16:19:46] Mugisa Muleke never told me such a thing because he could not
16 even talk about it to me. You see, any commander who gets to his duty station
17 would normally build such a trench. As I mentioned earlier, if you get to a location
18 and there is a house available, the chief of that area might make that house available
19 to you and therefore you might be able to have a detention room. But where there is
20 no house near the training centre - for example, Chef Kahwa's residence - in such a
21 case where there is no house nearby, trenches have to be built. So I know that all
22 commanders had dug trenches which could ultimately be used for detaining soldiers
23 who were at fault.

24 Q. [16:21:00] Mr Ntaganda, in 2002 and 2003 were any persons held in detention
25 in Mandro?

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1 A. [16:21:19] Yes, some people were detained, a number of commanders. Many
2 of them were detained or held in detention in Mandro. I say "many of them", but it
3 might have been about five, five officers.

4 Q. [16:21:40] Who put them in detention and when?

5 A. [16:21:54] What I remember is that in September 2002 I put Kasangaki and
6 Pigwa in detention in Mandro. Then I also believe that, that Linganga was also
7 detained in Mandro in 2003, January 2003. Abelanga also was put in detention in
8 Mandro when I brought him from Mongbwalu. Then he was subsequently
9 transferred to Mandro. Those are the names of the commanders who were detained
10 whom I can remember.

11 Q. [16:23:19] Mr Ntaganda, are you familiar with the expression "target"?

12 A. [16:23:26] Yes, I know the word "target", or firing squad.

13 Q. [16:23:37] What is it?

14 A. [16:23:50] It is something that you would find in any army. For example, the
15 army and all members of the population are --

16 THE INTERPRETER: [16:24:14] Message from the Swahili booth: Mr President,
17 could the witness be requested to repeat his answer for the benefit of the interpreters.

18 PRESIDING JUDGE FREMR: [16:24:26] Mr Witness or Mr Ntaganda, I just got a
19 message from the interpreters. They haven't captured your last response. So could
20 you kindly repeat it, the last response, from the beginning. Thank you.

21 THE WITNESS: [16:24:46] (Interpretation) Yes, Mr President.

22 My answer was in relation to the firing squad, which is something that is set up when
23 a soldier commits a crime, a serious crime, and the intent is to send a message to the
24 entire army and to members of the population by demonstrating that crimes are not
25 tolerated within the particular army. So all soldiers must know that whoever

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1 violates the law will be punished severely.

2 So the target or the firing squad is something that sends a strong message to the army
3 and to the population. It is carried out in public and during the day in order to point
4 out to the population that the duty of the army is to protect the members of the
5 population. So anyone who is subjected to the target is so submitted because that
6 person has committed a crime against the population.

7 Q. [16:26:23] Mr Ntaganda, was there any target or firing squad in Mandro?

8 A. [16:26:29] No, not in Mandro. No, it never happened in Mandro.

9 Q. [16:26:35] Did it ever happen within the FPLC?

10 A. [16:26:44] Yes, I am aware of two.

11 Q. [16:26:51] Who can authorise such chastisement?

12 A. [16:27:04] The supreme leading authorities, the president, the chief of general
13 staff, and thereabouts. Such an order usually comes either from the president of the
14 party or the chief of general staff.

15 MR BOURGON: [16:27:24] Mr President, I think the time is right to stop for the
16 day.

17 PRESIDING JUDGE FREMR: [16:27:28] You are right. So we will adjourn till
18 tomorrow.

19 Mr Ntaganda, I thank you for again clearly and patiently responding all questions put
20 to you. Again it's my duty to remind you, but I know that -- I believe that you still
21 remember that in the meantime, till tomorrow, you must not discuss your testimony
22 with anybody else. And I will not repeat it every day so I believe that you -- because
23 it's valid till the end of your testimony.

24 Have you understood that?

25 THE WITNESS: [16:28:06] (Interpretation) Yes, I have understood you, your

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1 Honour.

2 PRESIDING JUDGE FREMR: [16:28:16] Very well. So now we adjourn and we
3 will reconvene tomorrow 9.30.

4 Sorry, Ms Samson, you have the floor.

5 MS SAMSON: [16:28:24] Yes, Mr President, just a quick submission in relation to
6 an entirely different issue, a procedure.

7 We note that on 15 June, the Defence had notified the Chamber, the parties and
8 participants about its intended use of experts, and we note as well that today the
9 Legal Representatives of Victims filed a joint observation on those experts.

10 The Prosecution has not filed any observations within the 10 day deadline because we
11 didn't understand that it would -- that this was a deadline in relation to the response.

12 What we anticipate is that the Chamber's decision in relation to timing that was
13 applicable during the Prosecution's case for submissions in relation to experts would
14 apply equally in the Defence case so that the Defence was not -- did not have a 10-day
15 response deadline but rather they were able to decide at a time set by the Chamber
16 once we had provided CVs and reports.

17 And so the Prosecution simply wishes to note for the Chamber that we will file
18 observations on the intended use of the experts at such time as we are given further
19 information, in particular the reports of the experts.

20 PRESIDING JUDGE FREMR: [16:29:37] All right. Well noted.

21 So now we adjourn and we will, as I said, reconvene tomorrow 9.30.

22 THE COURT USHER: [16:29:50] All rise.

23 (The hearing ends in open session at 4.29 p.m.)