

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 Thursday, 6 July 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:12] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:31:41] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:44] 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 And for the record, we are in open session.
19 PRESIDING JUDGE FREMR: [9:32:01] Thank you, court officer.
20 Now appearances, please.
21 MS SAMSON: [9:32:05] Good morning, Mr President. Good morning, your
22 Honours. For the Prosecution today are Mr Rens van der Werf, Ms Selam Yirgou,
23 Ms Claudine Umurungi, Mr James Pace and myself, Nicole Samson.
24 PRESIDING JUDGE FREMR: [9:32:21] Thank you, Ms Samson.
25 Now Defence, please.

1 MR BOURGON: [9:32:27] (Interpretation) Good morning, Mr President.

2 Representing Bosco Ntaganda, who is present this morning, Ms Sara Levac,

3 Mr Benjamin Nodet, Justin Kabika, Mr Josué Iglesias and Ms Martineau, as well as

4 myself, Stéphane Bourgon. Thank you, Mr President.

5 PRESIDING JUDGE FREMR: [9:32:55] Thank you, Mr Bourgon.

6 And Legal Representatives of Victims, please.

7 MS PELLET: [9:33:00] (Interpretation) Thank you, Mr President. The former child

8 soldiers are represented by Vony Rambolamanana and myself, Sarah Pellet, counsel

9 at the OPCV.

10 MR SUPRUN: [9:33:16] (Interpretation) Good morning, Mr President. Good

11 morning, your Honours. For the victims of the attacks today, Anne Grabowski,

12 associate jurist, and myself, Dmytro Suprun, counsel with the OPCV.

13 PRESIDING JUDGE FREMR: [9:33:28] Thank you, Ms Pellet. Thank you,

14 Mr Suprun.

15 Before we continue with next part of direct examination of Mr Ntaganda by

16 the Defence, I have two points to deal with. The first one is announcement of slight

17 change of our sitting schedule for today. Because Judge Chung is involved in

18 delivery of the decision in a different case at 2 o'clock, we have to adjust our sitting

19 schedule to that fact. So the first two sessions will be as usually, but the third one

20 will start at 3 o'clock and will finish at 4.30. So we will have a bit longer lunch break

21 today.

22 The other issue is postponement of decision on admission on document ERN number

23 DRC-OTP-0037-0295, since Prosecution, namely Ms Samson, ask to be given time to

24 double-check the document.

25 So now, Ms Samson, I am asking you whether the Prosecution are fine with

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 admission of that document as requested by Defence?

2 MS SAMSON: [9:34:57] Yes, Mr President. We have no objection.

3 PRESIDING JUDGE FREMR: [9:35:02] Thank you, Ms Samson.

4 So then I can pronounce that this document, the ERN number I just quoted, is

5 admitted into evidence as a further Defence exhibit.

6 And now we can devote to further part of examination-in-chief of Mr Ntaganda

7 conducted by Mr Bourgon.

8 Mr Bourgon, you have the floor.

9 MR BOURGON: [9:35:31] Thank you, Mr President.

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

11 (The witness speaks Swahili)

12 QUESTIONED BY MR BOURGON: (Continuing)

13 Q. [9:35:41] (Interpretation) Good morning, Mr Ntaganda.

14 A. [9:35:44] Good morning.

15 Q. [9:35:47] We shall continue from where we were, last Tuesday's session. At

16 that time we were talking about the meeting for the launching of the CVPR,

17 commission for the truth, peace and reconciliation. You asked me to confirm so that

18 we can proceed adequately. Now, were you present at that event?

19 A. [9:36:18] Yes, I was present.

20 Q. [9:36:26] I would now like to play an audio-visual excerpt for you, following

21 which I will put a few questions to you.

22 MR BOURGON: [09:36:35] (Interpretation) Mr President, we shall proceed in the

23 same manner, namely that we will be playing a short excerpt which relates to the

24 meeting for the launching of the CVPR. The video number is DRC-D18-0001-0433.

25 That is item number 245 on our list. The transcript of the video bears the number

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 DRC-D18-0001-5620. That will be item number 286 on our list.

2 I would like to start by showing a brief excerpt without the sound, following the
3 agreed procedure. That will be from minute 49.37 to minute 51.25, which is slightly
4 less than one minute long.

5 With your leave, Mr President, we shall now view that excerpt.

6 PRESIDING JUDGE FREMR: [9:38:04] Mr Bourgon, just a regular question: Is that
7 document public?

8 MR BOURGON: [9:38:10] (Interpretation) Yes, Mr President, it is public.

9 PRESIDING JUDGE FREMR: [9:38:16] All right then.

10 MR BOURGON: [9:38:20] (Interpretation)

11 Q. [9:38:20] Mr Ntaganda, we shall now view an excerpt of this event and I will
12 now -- I will then put a few questions to you thereafter, starting at 49.37.

13 (Viewing of the video excerpt)

14 MR BOURGON: [9:39:24] (Interpretation) For the record, the video was stopped at
15 50.14.

16 Q. [9:39:40] Mr Ntaganda, were you able to view the scene and can you tell us what
17 it is about?

18 A. [9:39:54] Yes, we were at Ciné Azanga within the context of the programme to
19 launch the CVPR. This took place the day before we went to the field to conduct
20 a pacification operation.

21 Q. [9:40:30] Mr Ntaganda, did you see yourself on the excerpt that we have just
22 viewed?

23 A. [9:40:43] On that excerpt we can see President Toms and the person in charge of
24 the CVPR. I was sitting with a group behind those people whom we could see on
25 the images in the hall.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [9:41:03] On that day did you hear the speeches that were delivered by the
2 various persons in attendance?

3 A. [9:41:17] Yes.

4 Q. [09:41:34] I believe that we can now view the video with sound, to be followed
5 by a few questions to the witness.

6 THE INTERPRETER: [9:41:40] Mr President, the counsel's first few words were not
7 received in the interpretation booth.

8 PRESIDING JUDGE FREMR: [9:41:48] Prosecution.

9 MS SAMSON: [9:41:49] Mr President, ordinarily we would have the witness give
10 detail about what took place in the context of the video that we're about to see. We
11 know the nature of the meeting, but very little about what was said. That said, I
12 have no reason to dispute that the witness was present so I will not raise an objection.
13 But I just note that without giving greater detail now, the evidence could be subject to
14 an argument that, having read it, he can remember what was said. Thank you.

15 PRESIDING JUDGE FREMR: [9:42:27] So to be absolutely precise, I would ask you,
16 Mr Bourgon, to put one additional question just about the main topic of the meeting.
17 And also if you could confirm that the name of the place mentioned by Mr Ntaganda
18 is correctly written, at least in French, the French transcript.

19 So those two issues: One additional question and a correction, if necessary, of the
20 name of the place.

21 MR BOURGON: [9:43:09] (Interpretation) Thank you, Mr President. Rather than
22 put a question, I would refer to last Tuesday's session where these questions were
23 already raised, and I'm referring to transcript T-218 in French at page 106. At line 7 I
24 asked Mr Ntaganda the following questions:

25 "Let us start with the last question for today. You have said that there was a meeting

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 on the 13th. Where did that meeting take place?"

2 Answer: It took place at Ciné Azanga."

3 Line 11: "What was the purpose of that meeting?" Answer, at line 12: "It was
4 a meeting for the launching of the CVPR. That is what the purpose of that meeting
5 was. The meeting also looked into how to popularise CVPR in order to make people
6 aware of what the UPC wanted to do. And then I went on to ask who was present at
7 the meeting and Mr Ntaganda said the secretaries, community representatives and
8 then I asked about MONUC and he said MONUC and all of that was done during the
9 last session.

10 PRESIDING JUDGE FREMR: [9:44:27] Mr Bourgon, I find it sufficient, so we can
11 proceed.

12 MR BOURGON: [9:44:39] (Interpretation) Thank you, Mr President.

13 Q. [9:44:40] Now, Mr Ntaganda, we are going to view part of this recording, this
14 audio-visual recording and I will ask you to view and listen to the same excerpt from
15 00.49.37 to 00.51.25. The corresponding transcript, the number of the corresponding
16 transcript I mentioned a short while ago, just to make it clear for the interpreters, the
17 first page is DRC-D18-0001-5620 and we are at page 5627 from lines 187 to line 198.
18 The transcript is in French.

19 Now with your leave, Mr President, I would like to proceed.

20 THE INTERPRETER: [9:45:52] Mr President, if counsel could provide the line
21 numbers for the transcript in French as well. Thank you.

22 PRESIDING JUDGE FREMR: [9:45:58] Mr Bourgon, you are asked to provide by the
23 interpreters the line numbers for the transcript in French as well.

24 MR BOURGON: [9:46:20] (Interpretation) The lines that I mentioned, Mr President,
25 are actually at page 5627, lines 187, 198. There is no translation because it's the

1 French language that was used. The original is in French. So we have only
2 a transcript in French.

3 Thank you, Mr President.

4 PRESIDING JUDGE FREMR: [9:46:42] All right. Now it's clear. Please proceed.
5 (Viewing of the video excerpt)

6 THE INTERPRETER: [9:46:49] (Interpretation of the video excerpt)

7 "I therefore call on all the communities to come together and work like one man in
8 this dynamics, because it has been done for all of us who are still mourning the deaths
9 and who are spending the nights outside in the open air, this machination that has
10 been carried out to self-destroy us. Dear brothers and sisters, truth is light and as all
11 light it sticks. Remember your saviour Jesus Christ, observe the emblem of the
12 UPC/RP and come to your own conclusion. UPC/RP is determined to shed light on
13 the events, the criminal events that the Ituri experienced so that such a tragedy may
14 never occur again in -- on its territory. It is still fresh on your minds and spirits what
15 the priority of our movement was in 2003. UPC/RP will deploy without retreating
16 and will not tolerate anything that could stand in the way of realising this objective,
17 our mission. Namely, the consolidation of peace and reconciliation among the
18 peoples and groups of the Ituri."

19 MR BOURGON: [9:48:59] (Interpretation) For the record, the recording stopped at
20 51.25.

21 (Speaks English) Mr President, I would like to note for the record that the transcript
22 and the translation that I heard in English do not -- are not accurate, in the sense of
23 there are some words that are different. This is to be understood because the
24 interpreters are working from the video, but the transcript that we have we believe is
25 very important especially where it says on one specific occasion, it talks about the

1 priority of the UPC/RP in 2003. So I just want to note for the record that the
2 transcript should be given priority over the in-court translation if there is any doubt
3 as to what it means or what weight it should be given.

4 PRESIDING JUDGE FREMR: [9:50:08] Noted.

5 MR BOURGON: [9:50:18] (Interpretation)

6 Q. [9:50:20] Mr Ntaganda, what was the reaction of the people in attendance when
7 the CVPR was being launched?

8 A. [9:50:40] People were happy with that programme, they were very happy.

9 Q. [9:50:55] Going by what you know and since you were present on that day, did
10 that programme exclude any ethnic group?

11 A. [9:51:12] Not at all because various representatives of all ethnic -- of various
12 ethnic groups were present -- or, rather, representatives of all ethnic groups were
13 present. All ethnic groups supported the discussions between representatives of the
14 political parties, so all groups were represented and in attendance.

15 Q. [9:51:56] Mr Lubanga's statement on that day, Mr Ntaganda, had you previously
16 heard Mr Lubanga make different statements in 2002 and 2003?

17 A. [9:52:26] I never heard him say anything different. President Toms's position
18 was consistent, he talked about peace, unity and reconciliation.

19 Q. [9:52:43] Mr President, I would like this video excerpt and the corresponding
20 transcript to be admitted into evidence.

21 PRESIDING JUDGE FREMR: [9:52:53] Prosecution?

22 MS SAMSON: [9:52:55] The Prosecution just has one question in relation to the
23 transcript, your Honour. The date of the video is mentioned on the first page of the
24 transcript as being 13 January 2003, but we have been unable to identify where that
25 date appears in the video. So the question is just does the date come -- because it's

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 a Defence transcription, does the date come from information the Defence has outside
2 of the video or does it come from the content of the video itself?

3 PRESIDING JUDGE FREMR: [9:53:33] Mr Bourgon, are you able to respond to this
4 question?

5 MR BOURGON: [9:53:40] Mr President, I am not at this time, but I can come back
6 certainly to see if the date is mentioned in the video. But I will ask Mr Ntaganda
7 whether he recalls if he is able to rely on any evidence or any fact to provide the date.

8 PRESIDING JUDGE FREMR: [9:53:56] So please do, do it just now.

9 MS SAMSON: [9:54:00] Yes, sorry for interrupting. It will be a general question
10 then in relation to transcripts that the Defence has produced. The date of the -- the
11 date that appears on the transcript will be important to know whether whomever is
12 creating the transcript is doing it based on external information they are being
13 provided with and, if so, from what source, or whether it's based on the content of the
14 video, because the Prosecution proceeds to provide transcriptions based solely on
15 information that's already contained in the video and I think that will be important
16 going forward.

17 PRESIDING JUDGE FREMR: [9:54:35] So it's perfectly valid question addressing the
18 general approach in preparation of transcripts, whether the source of mentioning date
19 is the video or --

20 MR BOURGON: [9:54:53] Well, it is based on information that we have obtained,
21 either in the video itself or through our research based on the video.

22 So to give you an example, if I have a video and we showed these audio-visual
23 material to Mr Ntaganda and we ask him if he knew the date, if he gave us a date, we
24 acted on the basis that this was the proper date.

25 Of course, if the Prosecution has evidence that the date is different, then they can

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 bring different evidence. Most of the time the date is mentioned in -- by some one of
2 the speakers, here we are today in this building. But for this video I don't have that
3 specific sentence. For most of the time that's how we proceeded. If there was no
4 date, and I don't even recall if that came through, we did obtain or try to establish the
5 date, so it's kind of a submission. If it's not in the video, then it is a submission that
6 of course the Prosecution can rebut.

7 PRESIDING JUDGE FREMR: [9:55:59] So my understanding is that it's made on
8 case-by-case basis.

9 Ms Samson, any further comment on that?

10 MS SAMSON: [9:56:10] Yes, it's very important information of course for
11 the Chamber to have and for the Prosecution to have, because in one of the last videos
12 we have seen the date on the transcription contradicts the date that Mr Ntaganda
13 provided and so it's important for me to know prior to starting the cross-examination
14 where the information allegedly comes from. So with the caveat that the
15 information contained in the transcript may or may not in all cases be in the video,
16 whether it's a date or potentially other information, then we don't object to its
17 admission, but we reserve the right to make, you know, later arguments or certainly
18 cross-examination in relation to discrepancies. Thank you.

19 PRESIDING JUDGE FREMR: [9:56:55] Good. So this video, plus corresponding
20 transcript specified by Mr Bourgon are admitted into evidence as a further Defence
21 exhibit.

22 Mr Bourgon -- sorry, Ms Samson.

23 MS SAMSON: [9:57:13] And just to close the discussion, I do recall during
24 the Prosecution's presentation of evidence that where individuals were named in
25 a transcript, where the Prosecution showed only an excerpt, even if that person had

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 been identified in an earlier portion of the video but was not identified by name in the
2 portion that we sought to admit, the Defence objected. So I just note that. We are
3 not objecting, but I note that this was not the way the Defence proceeded.

4 Thank you.

5 PRESIDING JUDGE FREMR: [9:57:45] Also well noted.

6 So unless you have some further comment on that issue, Mr Bourgon, you may
7 proceed.

8 MR BOURGON: [9:58:13] Thank you, Mr President. I note my colleague's

9 observation and what is good for the goose is good for the gander. What applied to

10 us applies to them and vice versa. We try to do the same, and if we are not, then

11 please, Mr President, by all means the Chamber can take, can take note and draw the

12 proper conclusions, but we do try to act in exactly the same way. If we haven't, then

13 if there is a name in the transcript that should be removed, then by all means it should

14 be removed because we believe that the evidence on a video is that provided by

15 the witness. We said that during the presentation of our case and we stick to our

16 guns, the evidence is what Mr Ntaganda said. So here he said that the person

17 speaking, I can -- to be sure because he said that he saw -- he recognised the speaker,

18 I can ask an additional question to know who is speaking, but I think we are really

19 running around in circles. But I will do so, Mr President, and I take good note of my

20 colleague's observation.

21 PRESIDING JUDGE FREMR: [9:59:25] And I also can confirm that Chamber will

22 take submissions of both parties on that issue into account when adjudicating all

23 evidence. But you are right, if you could put this additional question, it would make

24 probably more precise this exercise.

25 MR BOURGON: [9:59:43] Thank you, Mr President.

1 Q. [9:59:55] (Interpretation) Mr Ntaganda, who was speaking on the video excerpt
2 that we have just listened to?

3 A. [10:00:03] The UPC president, Thomas Lubanga.

4 Q. [10:00:12] Mr Ntaganda, earlier this morning you told us, I believe, that the day
5 after this event a pacification operation was carried out. What were you referring
6 to?

7 A. [10:00:29] Yes. Immediately after, you see, here they were talking about
8 launching the CVPR pacification operations on the field and so after that the first
9 meeting took place in Ngongo.

10 Q. [10:01:01] Mr Ntaganda, were you present in or at Ngongo?

11 A. [10:01:11] No, I wasn't there.

12 Q. [10:01:14] Did you get any information about this pacification in Ngongo?

13 A. [10:01:26] Yes, because we sent a military delegation which was there to
14 represent us and they reported to me, the G2 reported to me on his return.

15 Q. [10:01:46] And what was the G2's report on the events in Ngongo when he
16 returned?

17 A. [10:02:00] He explained that they met the chief, the chief of Lipri, and other
18 members, the combatants, and the commanders and they didn't know that there were
19 Lendu in the UPC and that they were pleased to open the route to Bunia which had
20 been closed. That's a brief summary of what he reported to me.

21 Q. [10:02:39] You are talking about a road being re-opened and you said the road
22 from Lipri to Bunia. Which road is that precisely?

23 A. [10:02:57] It's the road that goes from Bunia, goes to Mudzipela, Mwanga and
24 eventually gets to Lipri.

25 Q. [10:03:15] To make sure that we are all in the same line, Nizi, Bambu, Kobu, Kilo,

1 is that the road you are talking about?

2 A. [10:03:27] No.

3 Q. [10:03:34] The reopening of this road, as far as you know, did it have any
4 repercussions, was there anything linked to the reopening of this road?

5 A. [10:03:54] Yes. Reopening this road helped us because we wanted the
6 inhabitants of those places be able to come to Bunia to buy things at the market.
7 These population movements were part of reconciliation, the people were together
8 and that is a way of promoting reconciliation, particularly in villages which are more
9 remote.

10 Q. [10:04:25] As far as you know, when this event took place, was there any
11 fighting in the region?

12 A. [10:04:41] No. There was no fighting in Lipri, but in other places like
13 Nyangarai there was some small confrontations.

14 Q. [10:05:03] What do you know about the situation in Nyangarai at that point?

15 A. [10:05:16] In Nyangarai the road was already open again, the road Nyangarai to
16 Bunia, Mongbwalu was open, so there was traffic possible, so the APC combatants
17 came to attack the FPLC forces who were protecting this road to provide security.

18 Q. [10:05:48] Did you take measures against this fighting in order to -- shall we say,
19 measures which would have been related to the pacification in Ngongo?

20 A. [10:06:16] Yes. There were problems in Ngongo later, the end of January.
21 And then we took certain steps to arrest the commander who was launching this type
22 of attack, and that was after the meeting in Ngongo.

23 Q. [10:06:48] Mr Ntaganda, I'm sure you have with you there the large, the big
24 logbook.

25 MR BOURGON: Mr President, I would like Mr Ntaganda to be given the big

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 logbook, the one we have already consulted on a number of occasions. It's the
2 original version which has the number DRC-OTP-0017-0033. I would like to show it
3 to my colleague before giving it to Mr Ntaganda, but it is the same version.

4 PRESIDING JUDGE FREMR: [10:07:36] Court usher, please assist.

5 And for the record, Ms Samson was given chance shortly to review the binder for
6 Mr Ntaganda.

7 MR BOURGON: [10:08:20] (Interpretation)

8 Q. [10:08:21] Mr Ntaganda, we looked together at a number of pages of this
9 document and now I would like to ask you to go to page 198.

10 For the record the translation is DRC-OTP-2102- -- a moment, 2102-4021.

11 Please, Mr Ntaganda, tell me when you have found the page in question.

12 A. [10:09:04] Yes, I have found it.

13 Q. [10:09:14] So I would like you to turn to page 198, please.

14 So, Mr Ntaganda, on page 198 would you please look at the message in the middle
15 and tell us what message this is, from whom to whom and when?

16 PRESIDING JUDGE FREMR: Hold on, Mr Witness.

17 Court officer, please go ahead.

18 THE COURT OFFICER: [10:09:59] I just wanted to inform the parties and
19 participants that the document is published on the evidence 2 channel -- sorry,
20 evidence 1.

21 PRESIDING JUDGE FREMR: [10:10:07] Thank you, court officer.

22 MR BOURGON: [10:10:19] (No interpretation)

23 Q. [10:10:30] (No interpretation)

24 A. (No interpretation)

25 Q. (No interpretation)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. (No interpretation)

2 PRESIDING JUDGE FREMR: [10:11:04] Sorry, I have to interrupt you, Mr Ntaganda,
3 because we don't have any English translation.

4 THE INTERPRETER: [10:11:12] Apologies from the English booth.

5 PRESIDING JUDGE FREMR: [10:11:19] So should Mr Ntaganda repeat his response
6 or it's possible to provide us with some translation without doing that?

7 THE INTERPRETER: [10:11:38] Yes, he should repeat it, please.

8 MR BOURGON: [10:11:42]

9 Q. (Interpretation) Mr Ntaganda, could you please repeat your answer?

10 A. [10:11:48] Yes.

11 PRESIDING JUDGE FREMR: Ms Samson.

12 MS SAMSON: [10:11:52] Apologies for interrupting. It will become clear shortly,
13 but for the record, the message that Mr Ntaganda has been asked to look at is 198 in
14 the original, the translation that we have been given is page 4021, which refers to
15 message 199, so to be clear that we are all following and the transcript is accurate,
16 may I please ask for clarification as to whether it is message 198 or message at
17 page 199 in the original logbook that we are supposed to look at right now?

18 PRESIDING JUDGE FREMR: [10:12:20] So first, Mr Bourgon, we would like to get
19 clarification from you on issue mentioned by Ms Samson.

20 MR BOURGON: [10:12:38] (Interpretation) Yes, Mr President, it is page 198, the
21 message in the middle. And 2102-4020, that's the translation.

22 PRESIDING JUDGE FREMR: [10:12:56] All right. And now please could you
23 kindly repeat the question because I think it would be easy for Mr Ntaganda to repeat
24 his previous response, which we are still missing because of problem with translation.

25 MR BOURGON: [10:13:21] (Interpretation) Yes, Mr President. The question to

1 Mr Ntaganda was:

2 Q. What can you tell us about the message in the middle of this page?

3 A. [10:13:32] Yes. This message was sent on the 15th at 1304 in January. It comes
4 from the G2. He took part in the meeting in Ngongo on the 14th. He sent the
5 meeting to all units. When he gave me his report, when he returned on the 14th, I
6 asked him to inform all units, asking whether -- whether there was -- where there was
7 combat, that they should cease fire, to give a chance for peace to take place and for the
8 activities of the committee to be launched. That's the tenor of this message.

9 Q. [10:14:37] Mr Ntaganda, on the basis of the report that you had from the G2, do
10 you know who was representing UPC/RP at this event?

11 A. [10:15:02] Yes, the G2 told me he was with politicians.

12 Q. [10:15:10] Did the G2 say which politicians had been there?

13 A. [10:15:20] Yes, he did say.

14 Q. [10:15:27] Do you remember the names mentioned by the G2?

15 A. [10:15:37] Yes. He said that John Tinanzabo Zeremani was there. There was
16 Amboko Bebetu and also Tchachcu Lilo.

17 Q. [10:16:05] Do you know the ethnic group of these three national secretaries?

18 A. [10:16:17] Yes, Tinanzabo was a Bira, Amboko Bebetu was from the Logo ethnic
19 group, and Tchachcu was a Lendu.

20 Q. [10:16:41] I'm moving on now to a different subject. After this event that you
21 have just -- that you just testified, so at that time we're in January 2003, and I'd like to
22 ask you a few questions about the operational situation at that stage.

23 What was the situation at that time on the commander front, if you know?

24 A. [10:17:29] The situation was bad, because there was a lot of uncertainty in
25 Mahagi and Kasenyi. According to the information we had, at any point we could

1 have been attacked by the enemy anywhere. That point, the situation was not good
2 at all.

3 Q. [10:18:02] I would like to have more information about certain places, in
4 particular starting with Komanda. What do you know about the situation in
5 Komanda at that stage?

6 A. [10:18:17] In Komanda we were being attacked every day, attacks coming from
7 their headquarters in Beni.

8 Q. [10:18:29] What was the situation in Kasenyi? Who was the enemy and what
9 was happening there?

10 A. [10:18:46] In Kasenyi and Boga, the Ugandan border, we heard that the
11 UPC -- UPDF could attack at any point, at any time.

12 Q. [10:19:11] In your testimony earlier you mentioned Chef Kahwa. Where was
13 Chef Kahwa at this point in January 2003?

14 A. [10:19:35] Chef Kahwa had already left the UPC. He had gone to Uganda and
15 had set up his own political party and he was trying to form an army in order to
16 attack us from Uganda. According to the information we had, this army could cross
17 together with the Ugandans to attack us where we were, the UPC, on the Congolese
18 side.

19 Q. [10:20:09] Is there -- was there a particular place where Chef Kahwa was trying
20 or did you have any information saying that there was a particular place where
21 Chef Kahwa was going to be conducting operations?

22 A. [10:20:36] Kasenyi, Tchomia, we were very much on alert, very much on
23 standby, to the maximum level.

24 Q. [10:20:58] We spoke earlier, Mr Ntaganda, of Thomas Lubanga's journey to
25 Goma, where he created an alliance with RCD/Goma, and you have even given your

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 opinion on a speech he gave when he returned. What did you know at the time
2 about the, the way or the reaction of the Ugandans to this agreement between the
3 UPC/RP and RCD/Goma?

4 A. [10:21:51] There was no longer a good rapport. There was firing from time to
5 time; the relations were no longer good.

6 Q. [10:22:07] Do you recall a particular event in January involving Uganda and the
7 UPC/RP?

8 A. [10:22:34] In January, and during this whole period in January, since the end of
9 December onwards, the situation was uncertain. But if you want me to speak of
10 something specific, I don't know where to start, but there was firing at various points
11 from December throughout January until we actually had a military confrontation.

12 Q. [10:23:10] Mr Ntaganda, in the month of January did you become aware of any
13 position statement about the presence of the UPDF in Bunia?

14 PRESIDING JUDGE FREMR: [10:23:26] Hold on, Mr Ntaganda.

15 Ms Samson.

16 MS SAMSON: [10:23:28] Objection to the leading nature of the question,
17 your Honour, in combination with the last question.

18 PRESIDING JUDGE FREMR: [10:23:35] Mr Bourgon.

19 MR BOURGON: [10:23:38] (Interpretation) Mr President, this is an event that took
20 place. I can ask Mr Ntaganda if he was aware of it. If he was not, then he cannot
21 give us any information. But I could ask the question differently.

22 Q. [10:24:13] Mr Ntaganda, did the Ugandans undertake any particular action in
23 January in relation to the agreement that you mentioned, that between UPC/RP and
24 RCD/Goma?

25 A. [10:24:35] Yes. At that point they were also on alert, and when the military saw

1 the situation, we could see that the position was no longer normal. They were
2 digging trenches to consolidate their position, they were deploying their elements,
3 and in various positions which were not their normal position, there was a lot of
4 troop movements which showed that at any time they could attack us.

5 Q. [10:25:19] Mr Ntaganda, we have just seen a video about the start of the CVPR,
6 and you said that this took place in Ciné Azanga. Were you also present at other
7 events of this type at the Ciné Azanga in January 2003?

8 A. [10:25:56] After that meeting in January there was a large delegation that came
9 from Uganda to Bunia.

10 Q. [10:26:16] What was the purpose of this delegation coming?

11 A. [10:26:24] I didn't have much in the way of detailed information, but according
12 to what I knew, it was to ask President Thomas to go to Uganda to meet the
13 authorities.

14 Q. [10:26:43] Were you present on that day, Mr Ntaganda?

15 A. [10:26:51] Yes, I was at that meeting.

16 Q. [10:27:01] Before we talk of any meeting, what events took place when the
17 Ugandan delegation visited Bunia? What did you actually see yourself?

18 A. [10:27:26] There were two -- the eve of the meeting -- there were two meetings
19 when the delegation was there, and I attended both meetings.

20 Q. [10:27:41] Where did the first meeting take place?

21 A. [10:27:51] The first was in President Thomas's office, at his office in the
22 sub-regional headquarters.

23 Q. [10:28:05] What happened during this meeting?

24 A. [10:28:15] The participants in this meeting, there were politicians, some notables
25 from the town of Bunia, representatives of the various parties, various groups from

1 the town. They asked that the UPDF leave.

2 Q. [10:28:55] Do you recall which of the main people present actually spoke at this
3 meeting?

4 A. [10:29:11] Yes. There was someone from the UPDF who spoke, he was called
5 Magulu, and Kanu Mayombo from the UPDF also spoke, he was the G2. And
6 people from the UPC such as Jarumu also spoke, he spoke, but at the beginning it was
7 President Thomas who introduced everybody.

8 They said that they were agreed the UPDF should leave, but most participates wanted
9 the UPDF to leave.

10 THE INTERPRETER: [10:30:05] Correction from the Swahili booth: It was Colonel
11 Mayombo for the UPDF.

12 Q. [10:30:31] So you are saying that on page 23, line 21, "Most of the participants
13 said that they were in agreement that the UPDF should leave." How do you know
14 that?

15 A. [10:30:53] There was a vote and everybody agreed that the UPDF should leave.
16 I was there.

17 Q. [10:31:05] Mr Ntaganda, I would now like to show you an audio-video
18 recording of this event.

19 MR BOURGON: I think there is no dispute that Mr Ntaganda was present at the
20 meeting. This audio-visual recording has already been seen as part of
21 the Prosecution evidence and it was agreed that Mr Ntaganda was present, so I think
22 we can now see the brief section with Mr Ntaganda if you are in agreement.

23 PRESIDING JUDGE FREMR: [10:31:50] Ms Samson.

24 MS SAMSON: [10:31:51] No objection, Mr President.

25 PRESIDING JUDGE FREMR: [10:31:54] Well, then let's proceed as proposed.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [10:32:01] (Interpretation) Thank you, Mr President. And I thank
2 my colleague as well.

3 Q. [10:32:07] Mr Ntaganda, I will show you a small excerpt of the video so that you
4 can view and listen to it.

5 The number of the video is DRC-OTP-0120-0294. That is item number 291 on our list.

6 The transcript is at DRC-OTP-0176-0098. It's document 292 on our list. And
7 translation is at DRC-OTP-0176-0187. That's document 293 on our list.

8 The short excerpt I would like to use starts at 01.52.40 to 01.53.08. It's 28 seconds
9 long.

10 And with your leave, Mr President, I would like to proceed. The exact reference for
11 the transcript, I mentioned a number a short while ago, but we will be doing the
12 transcript at page 0178, lines 715 to 728, and translation is at page 0247 from line 691
13 to 704. Public.

14 PRESIDING JUDGE FREMR: [10:34:17] Fine, then let's proceed.

15 MR BOURGON: [10:34:23] (Interpretation)

16 Q. [10:34:25] Mr Ntaganda, please pay attention, watch carefully and listen to the
17 short excerpt that will be played.

18 PRESIDING JUDGE FREMR: [10:34:37] Hold on, Ms Samson is on her feet.

19 Ms Samson.

20 MS SAMSON: [10:34:40] Yes, I just want to be sure I am at the right place. Yes,
21 I'm sorry, the initial page of the transcript suggests that it was a different video, but I
22 understand that there is an excerpt later that is this one. Thank you.

23 PRESIDING JUDGE FREMR: [10:34:59] All right. So now problem solved. Please
24 proceed.

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 THE INTERPRETER: [10:35:18] (Interpretation of the video excerpt)

2 "No, how many are you in the executive?

3 There are 35.

4 There are ... there are 35 of you?

5 Yes.

6 Yes.

7 So, there are 35 saying the UPDF should leave.

8 Mmm.

9 OK. Good. So that is what the majority is saying?

10 OK. That is an important point that I have noted. I think we should end this
11 meeting here."

12 MR BOURGON: [10:35:57] (Interpretation) The video stopped at 01.53.08.

13 Mr President, for the record, I would like to note that what appears in the transcript is
14 as follows. The French transcript corresponds to the transcript that you have in your
15 hand, whereas the English transcript may need to be corrected in relation to the
16 number of people who said that the UPDF should leave. Maybe the English
17 interpreter can confirm the figure.

18 THE INTERPRETER: Mr President, we are reading from the translation that was
19 provided.

20 PRESIDING JUDGE FREMR: [10:36:52] So probably number is mentioned in
21 translation.

22 But at this moment I would like to put one additional question to Mr Ntaganda.

23 Mr Ntaganda, those, regardless that it were 35 or less or more, if you could
24 summarise, what were the main reasons or arguments mentioned by them when
25 asking the UPDF to leave?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 THE WITNESS: [10:37:35] (Interpretation) Your Honour, at the time when some
2 people went to Arua we were involved in the pacification exercise in the Ituri while
3 they were creating other political parties in Uganda to come and fight us. All of this
4 was common knowledge, that is why it was said that the UPDF was behind the
5 sabotaging of the pacification programme and that is why they had to leave.

6 PRESIDING JUDGE FREMR: [10:38:22] Thank you, Mr Ntaganda.

7 Mr Bourgon, please proceed.

8 MR BOURGON: [10:38:31] (Interpretation) Thank you, Mr President. I simply
9 want to note that in the French transcript is what corresponds to the transcript in
10 relation to the number of persons.

11 Q. [10:38:46] Mr Ntaganda, how many people were in favour of the UPDF leaving?

12 A. [10:39:07] I did not hear the exact number. It was mentioned, but I
13 wasn't -- I didn't pay attention.

14 Q. [10:39:16] To avoid any confusion we shall play this audio-visual excerpt again,
15 this video again, and then you will tell us whether you hear anything so that we can
16 all be clear on the figure that was mentioned on that day.

17 Mr President, I want to play this video again, the same references starting at 01.52.40.

18 Mr Ntaganda, please pay attention both to the pictures and to what you hear.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [10:40:08] (Interpretation of the video excerpt)

21 "How many of you are there?

22 There are 35.

23 There are 35 of you?

24 Yes.

25 Yes.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 So 33 are saying the UPDF should leave.

2 Mmm.

3 OK. Good. So that is what the majority is saying.

4 Mmm.

5 OK. Good. That is an important point that I have noted. I think we should end
6 this meeting here."

7 MR BOURGON: [10:40:43] (Interpretation)

8 Q. [10:40:45] Mr Ntaganda, from what you heard how many people were in favour
9 of the UPDF leaving?

10 A. [10:40:55] I heard 33.

11 Q. [10:41:04] Do you know the person who is speaking in that video?

12 A. [10:41:08] Yes, I know that person.

13 Q. [10:41:13] Who is it?

14 A. [10:41:17] It's Salim Saleh.

15 Q. [10:41:26] Were you witness to that vote, Mr Ntaganda?

16 A. [10:41:32] Yes, I was present.

17 Q. [10:41:36] Did you yourself vote on that day?

18 A. [10:41:42] No, I did not vote.

19 Q. [10:41:47] Why?

20 A. [10:41:51] I am not a politician.

21 Q. [10:41:58] Mr Ntaganda, you made reference to a second meeting. What
22 meeting was that and where did it hold?

23 A. [10:42:21] After the first meeting there was a second meeting in Ciné Azanga.

24 Q. [10:42:30] What was the purpose of the second meeting, if you know?

25 A. [10:42:41] Yes, after the vote the UPDF was present, President Toms told them,

1 "Do not think that this is a matter for politicians. You have to leave following the
2 opinion of the civilian population, since they had agreed." So they agreed and went
3 to Ciné Azanga to listen to the views of the civilian population.

4 Q. [10:43:21] Were you present at the second meeting?

5 A. [10:43:26] Yes. I was also present at that meeting as well.

6 Q. [10:43:34] Who was in attendance at that meeting, who are those who attended
7 the assembly?

8 A. [10:43:46] There were many people in attendance, civilians, students, doctors,
9 and the hall was full. Representatives of civil society, of civilians, and the civilians
10 were sitting at the back of the hall.

11 Q. [10:44:11] Were all ethnic groups represented?

12 A. [10:44:20] Yes. I said that there were representatives of civil society in
13 attendance and that means that all the ethnic groups of the Ituri were represented.

14 Q. [10:44:37] Who spoke in Ciné Azanga?

15 A. [10:44:50] President Toms spoke, Salim Saleh spoke, and a MONUC
16 representative also spoke. But I do not remember the identity of the other persons
17 who spoke, except for these three whom I remember.

18 Q. [10:45:19] Those who attended the event, did they have an opportunity to
19 express their views?

20 A. [10:45:31] Yes. I remember that a woman's -- a women's representative took
21 the floor. She was there. She was a representative of all the women of the Ituri.
22 She too took the floor.

23 Q. [10:45:55] As far as you can recall, how many people had the opportunity to
24 express their views besides those who delivered the speeches of the day?

25 A. [10:46:21] All those who represented a force or who had something to say at the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 assembly were given the floor. Many took the floor and I cannot remember all those
2 who spoke.

3 Q. [10:46:41] Mr Ntaganda, I would now like you to view a recording, a video
4 recording of this event, an audio-video recording of this event. The video is the
5 same video as the previous, and I would again read out the number,
6 DRC-OTP-0120-0294, item 291 on our list. The transcript is DRC-OTP-0176-0098,
7 document 292 on our list, and the translation is DRC-OTP-0176-0187, document 293
8 on our list.

9 The excerpt I would like us to view starts at 02.11.12 and goes all the way to 02.19.19.
10 And for the transcript, the reference would be 0167, line 2016, at page 0169, line 2092.
11 Translation is on page 0256, from line 1990, on page 0258, line 2066.

12 MR BOURGON: [10:48:56] (Interpretation) Mr President, we have enough time to
13 view this document, which is public, and we can do so before the break, with your
14 leave, Mr President.

15 PRESIDING JUDGE FREMR: [10:49:10] Yes, fine with the Chamber.

16 MR BOURGON: [10:49:14] (Interpretation)

17 Q. [10:49:16] Mr Ntaganda, please pay close attention to the words that will be
18 spoken and to the pictures. We now start.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [10:49:37] Interpreter reads:

21 "Those are the guests that we are welcoming today with great joy. So in the name of
22 all the Congolese of the Ituri and in the name of our movement, the UPC, we welcome
23 them once more and we wish them a good stay within us, even if it's for a few hours.
24 We will not take a long time. I think it's good if we talk for a few minutes about an
25 important issue that concerns human life, that concerns the well-being of all of us,

1 either as Congolese people from Ituri or us, meaning our Ugandan neighbours.
2 I don't think you are surprised to see them today because often you know things even
3 better than I, the party's president. And we get information from you and your
4 situation is what guides us every day so that we know politically how we can - you,
5 our citizens and us together - how we will be able to sleep, even on this day that God
6 chose for us.
7 Truly, earlier there were a lot of talks, there were a lot of worries. Therefore I had to
8 have a meeting to explain to you the situation we are -- we were in and to help you so
9 you don't lose your faith and you don't lose the peace you have.
10 If there is a certain thing that is going on, we have to find a way to solve it, because
11 I can't possibly call myself the party leader or the leader of this area if the civilians
12 that I am leading are in trouble.
13 Only he practises politics with his thoughts and the things come out of his head
14 without looking at the civilian who has made him what he is.
15 Because you can think that you are very smart, you are very strong. You use that,
16 but when you look behind you, there is nobody there. It's like someone is beating
17 his chest. He is singing, but behind him nobody is dancing. Therefore, the
18 difficulties that we have been through recently together with you and that brought us
19 together with our Ugandan neighbours, forced President Museveni to send his
20 delegation so we could explain each other things justly. If we had our thoughts, if
21 they had their thoughts, it can't be of any help to us.
22 That is why I would like for us to talk because it's good for them to hear you. I have
23 talked to them many times and I have even travelled to Uganda many times, but
24 maybe I went and said things in the name of the Congolese people of Ituri and maybe
25 they didn't understand me and they will think it is the whims of someone by the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 name of Thomas Lubanga. And moreover, I don't have a personal interest in what
2 I am doing. My interest is peace so that the Congolese people can sleep. That is my
3 job and my interest.

4 You talk without ..."

5 MR BOURGON: [10:56:29] Mr President, the audio-video has been stopped at
6 02.18.06 because I just have a question to put to Mr Ntaganda on this specific frame.

7 Q. [10:56:58] (Interpretation) Mr Ntaganda, do you know the person who is about
8 to take the floor?

9 A. [10:57:07] Yes, that is General Salim Saleh.

10 MR BOURGON: [10:57:16] Mr President, we can continue with the extract, which is
11 almost over.

12 PRESIDING JUDGE FREMR: [10:57:20] All right. Let's do it.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [10:57:34] "Okay, how are you? Fine. How are you? Fine.
15 How is work? Okay, I see all of you. You are in, in a very bad state. Okay, I will
16 listen to your thoughts and I will give answers; I will give answers following your
17 questions.

18 So to greet you, I greet you and I thank you very much for having me since yesterday,
19 and I thank the UPC men who have guarded me since yesterday until today, and I
20 also thank the UPDF men who are here to do their job. So you'll wait. Let's talk so
21 I'll get -- get -- get your thoughts and then I'll answer you. Thank you very much."

22 MR BOURGON: [10:58:47] (Interpretation) The video stopped at 02.19.20.

23 Q. [10:59:05] Who was the person speaking at the very beginning of this video
24 excerpt, Mr Ntaganda?

25 A. [10:59:14] The person who spoke at the very beginning is President

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Thomas Lubanga.

2 Q. [10:59:26] Mr Ntaganda, we will stop here. I will have a few questions for you
3 on this video after the break.

4 THE INTERPRETER: [10:59:33] Overlapping speakers.

5 PRESIDING JUDGE FREMR: [10:59:36] All right. But minor point: Who was the
6 second speaker, Mr Ntaganda?

7 THE WITNESS: [10:59:47] (Interpretation) It was General Salim Saleh, the brother of
8 President Museveni.

9 PRESIDING JUDGE FREMR: [11:00:01] All right.

10 So now we take our regular break for 30 minutes, which means we will reconvene at
11 half past 11.

12 THE COURT USHER: [11:00:11] All rise.

13 (Recess taken at 11.00 a.m.)

14 (Upon resuming in open session at 11.30 a.m.)

15 THE COURT USHER: [11:30:47] All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: [11:31:09] We will directly continue with
18 examination-in-chief conducted by the Defence, by its lead counsel, Mr Bourgon.

19 Mr Bourgon, you have the floor.

20 MR BOURGON: [11:31:25] (Interpretation) Thank you, your Honour.

21 Q. [11:31:31] Mr Ntaganda, when you participated in this event that we've just seen
22 on the video, what was the position of the civilian population concerning the UPDF?

23 A. [11:31:55] The members of the population rejected the delegation. They
24 expressed their unhappiness with them. They didn't want them. That was the
25 reaction of the members of the population in Bunia. They expressed their

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 discontent.

2 MR BOURGON: [11:32:19] (Interpretation) Your Honour, on the basis of the answer
3 of the witness I would like the last excerpt to be admitted into evidence with its
4 translation and with the transcript according to the references which I gave
5 previously.

6 PRESIDING JUDGE FREMR: [11:32:34] Ms Samson.

7 MS SAMSON: [11:32:34] No objection, your Honour.

8 PRESIDING JUDGE FREMR: [11:32:38] So excerpt specified by Mr Bourgon with
9 corresponding translation and transcript are admitted into evidence as a further
10 Defence exhibit.

11 Mr Bourgon, you may proceed.

12 MR BOURGON: [11:33:04] (Interpretation) Thank you, your Honour.

13 Q. [11:33:10] Mr Ntaganda, do you remember the date, approximately, when this
14 meeting that we have just seen, or the two meetings, the date on which those two
15 meetings take place?

16 A. [11:33:32] Yes. The end of the month of January 2003. I think it was in the
17 month of January.

18 Q. [11:33:44] Following the meeting what happened with the Ugandan delegation?

19 A. [11:33:59] The delegation returned without an answer, they had come to take
20 President Toms, but the members of the population were completely in disagreement
21 with that, so they did not obtain their objective.

22 Q. [11:34:34] Well, what objective are you talking about?

23 A. [11:34:46] They had come to take President Toms and to take him to Uganda.
24 When they saw that members of the population were opposed to that, there was
25 a fait accompli, they could not leave with President Toms.

1 Q. [11:35:11] And President Thomas Lubanga, did he go to Uganda on that day?

2 A. [11:35:21] No, he didn't go there.

3 Q. [11:35:29] At the time that this delegation was present in Bunia, do you
4 remember other events linked to the pacification that occurred?

5 A. [11:35:50] Yes. There were clashes in Ngongo. That's a locality between -- or
6 at the border between the Bira and Lendu community. There were clashes at that
7 place at the time.

8 Q. [11:36:10] What information did you manage to obtain concerning these clashes?

9 A. [11:36:18] I received the information according to which the Linganga troops
10 were carrying out patrols, they came across the APC and they started fighting,
11 without preparing for that?

12 Q. [11:36:43] Well, my first question is who is Linganga?

13 A. [11:36:50] Linganga was the battalion commander at the time in Mwanga.

14 Q. [11:37:00] Of which group?

15 A. [11:37:06] FPLC.

16 Q. [11:37:12] How did you react when you learnt of these clashes that had taken
17 place in Ngongo?

18 A. [11:37:27] President Thomas asked me to stop or to arrest Linganga
19 immediately.

20 Q. [11:37:39] Why did the president make this demand?

21 A. [11:37:52] During this period of -- we were in the period of pacification.

22 Q. [11:38:00] Were the operations carried out by Linganga authorised, to the best of
23 your knowledge?

24 A. [11:38:07] No, that wasn't permitted and that's the reason why I was given the
25 order to immediately arrest him.

1 Q. [11:38:19] Was Linganga arrested?

2 A. [11:38:24] Yes. I immediately sent the G2 in order to arrest him and that's what
3 he did.

4 Q. [11:38:34] What happened to Linganga after his arrest?

5 A. [11:38:41] He was put in detention in Mandro.

6 Q. [11:38:57] What was the importance of Linganga's battalion in Mwanga?

7 A. [11:39:14] To ensure the security of members of the population of Mwanga
8 following the attacks of Mudzipela.

9 Q. [11:39:26] Was Linganga replaced in his post?

10 A. [11:39:35] Yes. I sent Bosco, his call sign was Zero One. I sent him as battalion
11 commander, interim battalion commander.

12 Q. [11:39:58] Who is Bosco whose call sign is Zero One?

13 A. [11:40:12] He came to join us in the month of January from RCD-Goma. At that
14 time he was at that place when Linganga was arrested. That's why he was asked to
15 be interim battalion commander in Mwanga.

16 Q. [11:40:34] Who approved the appointment of Bosco Zero One to that post?

17 A. [11:40:44] Very well. I called my superior Kisémbu and I explained the
18 problem. I also said that I sent Zero One as an interim and he said, "No problem.
19 We have found that -- we said, well, if he's a good commander, our hierarchical
20 superior will approve this appointment."

21 Q. [11:41:24] Now following the arrest and detention of Linganga, do you
22 remember what your activities were at that time?

23 A. [11:41:39] Yes, when the Ugandan delegation arrived, I provided their security.
24 And Salim Saleh, who was thanking me for ensuring security, I was responsible for
25 Komanda and Mahagi, following the orders given by my superior, Kisémbu. He

1 asked me to remain in Bunia in order to ensure the security of those two roads.

2 Q. [11:42:23] Just a question, perhaps this is something you already said, but I
3 would just like to confirm this. When the CVPR was launched was Kisembo present
4 in Bunia?

5 A. [11:42:47] No. He returned to Mongbwalu when President Thomas came back
6 from Goma. As soon as the president had come back he returned to Mongbwalu.

7 Q. [11:43:06] When the Ugandan delegation came to Bunia was Kisembo present in
8 Bunia?

9 A. [11:43:14] No. He was in Mongbwalu.

10 Q. [11:43:25] So a last question concerning the Ugandan delegation that left, did
11 you see the reaction of the Ugandan delegation when it left Bunia?

12 A. [11:44:00] I accompanied the delegation to the airport and I saw that afterwards
13 there would be difficulties. They didn't clearly express their reactions but I did feel
14 that they were very angry.

15 Q. [11:44:23] So let's go back to the arrest, Linganga's arrest after the Ugandan
16 delegation. What did you do, for your part? Well, what was your next activity?

17 A. [11:44:41] Some days after having accompanied the Ugandan delegation, I
18 prepared a trip to go and see my parents-in-law in Kasenyi. And that's where
19 Mugisa's battalion was. They were deployed in Kasenyi, in Tchomia, and that's
20 where I went.

21 Q. [11:45:14] Your visit to Kasenyi or your trip to Kasenyi, did it have an official
22 purpose?

23 A. [11:45:30] No. I hadn't met my parents-in-law before and I wanted to meet
24 them. And when I arrived in Kasenyi, where Mugisa's HQ was, I took advantage of
25 that opportunity to visit them and to see where they were deployed.

1 Q. [11:46:02] How did you get to Kasenyi?

2 A. [11:46:11] Yeah, I remember well. I had travelled in two vehicles. There
3 wasn't enough security on that road. There were troops in Zumbe who were
4 a danger on that road. I sent my advance party with my vehicle and I went by road
5 in order to get there.

6 Q. [11:46:48] Did you meet your parents-in-law when you arrived in Kasenyi?

7 A. [11:46:59] No. I arrived and they had already crossed to Uganda via
8 Lake Albert. They had taken refuge in Uganda and so I wasn't able to meet them.

9 Q. [11:47:16] You mentioned a visit to the HQ of Mugisa Muleke. Did you meet
10 other people during that trip?

11 A. [11:47:33] Yes, I met Mugisa Muleke.

12 Q. [11:47:38] How long did this trip last for from start to finish?

13 A. [11:47:47] I spent the night there. The next day I stayed in the same place, I
14 spent the night. And on the second day, during the day, I left and went back to
15 Bunia. I spent two nights there. There I am talking about Kasenyi.

16 Q. [11:48:17] Do you remember the time at which you got back to Bunia?

17 A. [11:48:24] Yes. I arrived in the early afternoon, in the afternoon, 13 or
18 1400 hours in the afternoon.

19 Q. [11:48:41] On the return to Bunia, do you remember any kind of incident that
20 took place on the journey back?

21 A. [11:48:52] Yes. When I arrived in Bogoro, I was arrested. I spoke to the
22 commander who was there. The members of the population who had come from
23 Bunia informed us that they saw combatants coming from Zumbe who were coming
24 down towards us, and they said, "What must we do?" with regard to those civilians.
25 I understood that it was an ambush, so I sent my avant-garde in order to go and see

1 what had happened, and it really was an ambush.

2 Q. [11:49:35] Before speaking about the ambush, who was present during the trip
3 to Kasenyi? Who were you accompanied by?

4 A. [11:49:54] As I went there in order to visit my parents-in-law, I had taken my
5 wife with me.

6 Q. [11:50:01] Who else was present?

7 PRESIDING JUDGE FREMR: [11:50:09] Hold on, hold on.

8 Ms Samson, please.

9 MS SAMSON: [11:50:11] Yes, it's in relation to an earlier question. There is
10 a difference in the French and the English and I rise in case counsel wants to clarify.
11 In French at page 40, line 21, 22, the witness says in French (Interpretation): "I arrived
12 in Bogoro, where I stopped." (Speaks English) And in English, it's translated at
13 page 41, line 9, as: "When I arrived in Bogoro, I was arrested."

14 PRESIDING JUDGE FREMR: [11:50:45] Yes, it is, I have to admit, a significant
15 difference. Could you, Mr Bourgon, clarify what is the right -- what is the correct
16 response, whether "stop" or "arrested"?

17 MR BOURGON: [11:51:13] (Interpretation)

18 Q. [11:51:15] Mr Ntaganda, I think that the best way to deal with this, I asked you
19 if -- was there any kind of incident on the road. Could you say your answer?

20 A. [11:51:30] There was an incident.

21 Q. [11:51:38] And what happened? Could you describe it once again.

22 A. [11:51:44] Yes. Very well. I arrived in Bogoro and I stopped there and I spoke
23 to the commander who was there. Here I am speaking about Bogoro. There were
24 members of the population who came from Bunia who said to us that they had seen
25 troops coming from Zumbé and that they were going on the road and they didn't

1 know what to do. And so I sent a forward party in order to ensure -- to check what
2 the population was telling us. And it turned out to be true, there was indeed an
3 ambush at that place.

4 Q. [11:52:22] My first question: Who were the commanders with whom you
5 spoke in Bogoro?

6 A. [11:52:36] The company commander, I don't remember his name. Commander
7 Mugisa Muleke, there was a camp of -- there was a camp of Commander
8 Mugisa Muleke.

9 Q. [11:53:05] So the person who you met isn't Mugisa Muleke?

10 A. [11:53:13] No. The company commander who was acting on the orders of
11 Mugisa Muleke.

12 Q. [11:53:23] Now, before we make this correction, I would ask you who
13 was -- well, I said -- asked who was with you. You said your wife was with you, and
14 I wanted to know who else was with you, who else was in your convoy or in your
15 group for that trip.

16 A. [11:53:46] Yes. There was my advance party, and in that party there was
17 Claude, the company commander responsible for my bodyguards at that time.

18 Q. [11:54:09] Where were you? Could you explain to us how the ambush was
19 discovered and could you tell us what happened.

20 A. [11:54:25] When the population gave us this information, the advance party left.
21 And the forces that ensure security, when they are -- other troops that are meant to
22 arrive and when the population -- or what the population told us, those had come
23 from Bogoro. The advance party said there was an ambush and they fought, and
24 those who heard the ambush fled and they went to the hill.

25 And later Claude called me to say, "Commander, you can come. There's no longer

1 any problem. The enemy has left the road and fled." And I left and I arrived at the
2 place where the ambush was and I saw that the enemy had withdrawn and fled and
3 had taken the road that goes towards the hill.

4 Q. [11:55:26] When the fighting took place between those who carried out the
5 ambush and Claude with his men, where were you at that time?

6 A. [11:55:41] I was behind, waiting to hear about the state of the road.

7 Q. [11:55:57] How far away were you from Claude?

8 A. [11:56:05] Not very far. You couldn't go too far from the advance party. 200
9 metres, I think. I would say I wasn't very far from the advance party.

10 Q. [11:56:29] And how were you in communication with Claude?

11 A. [11:56:46] Claude had his radio. His call sign was Zulu, U-Z, and he had this
12 military communication device, his walkie-talkie, and I had mine.

13 Q. [11:57:04] When you joined Claude after he had said that the road was free,
14 what did you notice when you arrived?

15 A. [11:57:17] He showed me the place where the enemy had beaten a retreat, a road
16 going towards the hill. I had a 60 mortar and I was firing at the enemy who were
17 fleeing towards the hill, and afterwards we continued on the road.

18 Q. [11:57:45] Were there wounded people on your side following the ambush?

19 A. [11:57:57] No, nobody, because we had identified the ambush.

20 Q. [11:58:07] Were people -- were the ambushes wounded?

21 A. [11:58:15] No. We couldn't know that.

22 Q. [11:58:21] When you fired the 60-millimetre mortar, where was the enemy at
23 that time?

24 A. [11:58:34] The enemy was a bit further away. You couldn't know what the
25 consequences were, but the enemy were a good distance away.

1 Q. [11:58:50] How many mortars did you fire, if you remember? How many
2 mortar rounds?

3 A. [11:59:01] Just one shell.

4 Q. [11:59:05] Did you see the impact where the mortar shells landed?

5 A. [11:59:15] We saw the detonation and smoke, but we couldn't see anything else
6 apart from that.

7 Q. [11:59:29] Do you know if you hit the enemy with your mortar shots?

8 A. [11:59:44] Yes, I fired towards the enemy, but I was not able to see the impact of
9 the fire.

10 Q. [12:00:00] Who used the 60 mortar?

11 A. [12:00:07] I did. If I had a problem in the arm -- even if I had a problem in the
12 arm, I did it myself. And the situation with my arm was getting worse and worse
13 when I was using that weapon. There was a problem with the tripod, which had
14 hurt me.

15 Q. [12:00:45] What type of injury did you sustain?

16 A. [12:00:55] It wasn't an injury. It was a bruise. It was more of a shock that I
17 sustained rather than an injury, but this was due to the tripod.

18 Q. [12:01:25] How long after that did you return to Bunia?

19 A. [12:01:35] We went to Bunia immediately.

20 Q. [12:01:44] And when you returned to Bunia where did you go first of all?

21 A. [12:01:51] I went to my home.

22 Q. [12:02:03] Do you recall what happened when you arrived in your compound?

23 A. [12:02:13] Yes. I was informed that Zero One was dead.

24 Q. [12:02:27] Before asking you about Zero Ono --

25 PRESIDING JUDGE FREMR: [12:02:38] (Overlapping speakers) Mr Bourgon.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Ms Samson.

2 MS SAMSON: [12:02:39] Yes, Mr President, if it would be possible to have some
3 indication as to the date or approximate date of this event before we move on, please.

4 PRESIDING JUDGE FREMR: [12:02:50] Mr Bourgon?

5 MR BOURGON: [12:02:52] (Interpretation) I thought I had asked the witness
6 roughly when this was, but I can ask again just to make certain.

7 Q. [12:03:16] This incident, the trip to Kasenyi - I think that's what my colleague
8 was referring to - can you give us an indication of the dates of the Linganga incident
9 and your trip to Kasenyi?

10 A. [12:03:33] Yes, I can remember that clearly. I can recall the chronology of
11 events. When the Ugandans left I didn't stay there for many days longer. I left the
12 next day and I spent two days away. When I returned I heard of the death of Zero
13 One. So it was between 26 and 28 January. It was during that period, this
14 three-day period.

15 MR BOURGON: Can I proceed, Mr President.

16 PRESIDING JUDGE FREMR: [12:04:21] Certainly.

17 MR BOURGON: [12:04:32] (Interpretation)

18 Q. [12:04:33] Mr Ntaganda, the question I asked you just prior to that question, I
19 started on 46, line 2 in the French transcript. Before asking a question about Zero
20 One there was a question I wanted to ask: Do you know -- did you know at that
21 point who had set the ambush?

22 A. [12:05:02] Yes. They were Lendu combatants from APC who were at Zumbe
23 who had set this ambush.

24 Q. [12:05:18] Do you know how they knew that you would be on that road that
25 day?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [12:05:31] As a soldier who moved around a lot, when I moved I didn't tell
2 anybody. The enemy hadn't seen me, but I did pass some UPDF troops who had
3 seen me so I assumed that it was the UPDF troops who had passed on the information,
4 because they had deployed these elements there.

5 Q. [12:06:12] Mr Ntaganda, to avoid any confusion, you have just mentioned
6 a location on page 47, line 18, in French it says they had deployed their troops there at
7 Ndrele, N-D-R-E-L-E. Was that the word you used?

8 A. [12:06:45] No. It was Delta Echo Lima Echo, Dele.

9 Q. [12:07:01] Dele. In your statement you also mentioned Ndrele. Are you
10 talking about the same place or is there a different place, Ndrele and Dele?

11 A. [12:07:20] Ndrele is at Mahagi. That's where we had a lot of attacks from the
12 enemy, near Mahagi and Kpandroma, those are the localities that exist also. But that
13 was where we had been attacked from Kpandroma.

14 Q. [12:07:46] Mr Ntaganda, in order to make sure everybody understands the
15 difference between the two locations I would like to show you a map and you could
16 then tell us exactly where the incident we are discussing took place.

17 MR BOURGON: (Interpretation) Mr President, I would ask with your permission
18 the witness to approach the scene and give the answers using a map.

19 PRESIDING JUDGE FREMR: [12:08:16] All right.

20 THE COURT OFFICER: [12:08:22] Could we please have ERN number of the
21 original map?

22 MR BOURGON: [12:08:34] (Interpretation) Of course. This is an exhibit we have
23 already used, DRC-OTP-2080-0239.

24 Q. [12:08:46] Mr Ntaganda, do you recognise this map?

25 A. [12:08:52] Yes.

1 Q. [12:08:56] Could you see whether you can see the location of the place Ndrele,
2 N-D-R-E-L-E, and put a circle around it, please, if you can see it.

3 A. [12:09:16] Ndrele is here, just below Mahagi. You can see where Mahagi is and
4 Ndrele is here.

5 Q. [12:09:28] Could you please put a number "1" next to that. Could you then
6 please encircle Mahagi and give that a number "2".

7 I am being told, Mr Ntaganda, that you should avoid touching the map itself. Please
8 could you put a "2" next to Mahagi.

9 A. I think there is a problem with Ndrele, where I put Ndrele. You can't read the
10 name anymore.

11 Q. [12:10:32] Could you please rub everything out and we'll start again.

12 So without touching the scene could you draw a circle around Ndrele and a number
13 "1" next to it.

14 And then a circle around Mahagi and a number "2".

15 Please change colour and draw a circle around Dele, the place that you are talking
16 about a few moments ago. And then put a number "3" next to that.

17 Could you please draw a circle around Tchomia, if you can see that. A number "4"
18 next to that.

19 A circle around Kasenyi, if you can see it, with the number "5".

20 And then please change colour again and draw the route you followed from Bunia to
21 Kasenyi.

22 Please change colour again and put a cross where the ambush occurred.

23 A. [12:12:21] It was here opposite Zumbe, because the enemy was attacking from
24 Zumbe.

25 Q. [12:12:32] Now please circle around Zumbe with a number "6".

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Thank you.

2 MR BOURGON: (Interpretation) Your Honour, I would like this map to be admitted
3 as evidence.

4 PRESIDING JUDGE FREMR: [12:12:51] Prosecution?

5 MS SAMSON: [12:12:53] No objection, your Honour.

6 PRESIDING JUDGE FREMR: [12:12:56] Map specified by Mr Bourgon and
7 annotated by Mr Ntaganda is admitted into evidence as a further Defence exhibit.
8 Mr Bourgon, please proceed.

9 MR BOURGON: [12:13:15] (Interpretation) Thank you, your Honour.

10 Q. [12:13:19] Mr Ntaganda, you said that you returned to your compound where
11 you learned of the death of Zero One. What information did you receive at that
12 point?

13 A. [12:13:45] Yes. I learnt of the death of Zero One and I immediately sought out
14 his brigade commander so that I could get additional information.

15 Q. [12:14:07] Who gave you this information?

16 A. [12:14:13] It was my bodyguards who I found at my home, some of those in
17 charge of my bodyguards and the news had been spreading that we had lost Zero
18 One and a heavy weapon.

19 The Saba Saba weapon.

20 Q. [12:14:48] Who was the brigade commander, who was Zero One's brigade
21 commander?

22 A. [12:14:59] It was Tchaligonza.

23 Q. [12:15:05] Did you manage to contact Tchaligonza and what then happened?

24 A. [12:15:17] Yes. I met him at the place I showed you that was in Ituri. I found
25 him with Commandant Salumu who was about to pass -- depart on a deployment.

1 He came from Bunia with the G2 and I was also there and I asked him to let me know
2 what had happened. I was very angry. He had to let me know how the battalion
3 commander had lost his life and how we could regain possession of the weapon.

4 Q. [12:16:11] What was the reason for your anger, Mr Ntaganda?

5 A. [12:16:20] It's very dangerous to lose a battalion commander and a heavy
6 weapon. For me, and for all the forces of the FPLC it was a very great loss.

7 Q. [12:16:46] What information did you obtain from Tchaligonza?

8 A. [12:16:57] He told me that he had not given him the order to attack Lipri, he did
9 not know Lipri. He had been drinking alcohol and he had launched an attack
10 himself. And that is how he got caught up in an ambush and lost his life.

11 Q. [12:17:25] Did other people lose their lives in the same incident?

12 A. [12:17:33] Yes. The S4 also died. He was called Kareka, he also died, and
13 some of his bodyguards and I don't know their names. He was called Kareka.

14 Q. [12:18:01] And the weapon that was lost, you mentioned a heavy weapon on
15 page 51, 11 and 12, "We had lost Zero One, a heavy weapon, the Saba Saba weapon."
16 What weapon did you lose that day?

17 A. [12:18:28] The members of the population called this support weapon Saba Saba
18 and then everybody started referring to it as "Saba Saba", but it was a grenade
19 launcher, even though everybody referred to it as "Saba Saba".

20 Q. [12:19:04] What is the link between Saba Saba and grenade launcher?

21 A. [12:19:12] When Tanzania invaded Uganda they used a weapon called Saba
22 Saba and the members of the population started calling weapons by that name. But
23 to be completely accurate, a grenade launcher is not a Saba Saba, these are actually
24 two distinct weapons.

25 Q. [12:19:50] So what is a real Saba Saba?

1 A. [12:20:02] We call it a BM. This is a weapon on a large vehicle, on a truck. I
2 think that this is a large muzzle weapon which can be made up with 24 guns.

3 THE INTERPRETER: [12:20:41] The Swahili booth is not entirely sure what the
4 correct description of this weapon is.

5 MR BOURGON: [12:20:50] (Interpretation)

6 Q. [12:20:52] Mr Ntaganda, could you please describe again the real Saba Saba?

7 A. [12:21:03] A real Saba Saba consists of long guns or cannons underneath, there
8 can be six -- four lots of six. And so a total of 24, 24 canons mounted on a large
9 vehicle. This is what we call the BM or a real Saba Saba. That's how I would
10 describe this weapon.

11 Q. [12:21:58] Which measures did you take after this incident? You were with
12 Tchaligonza, what did you do then?

13 A. [12:22:13] I said that given the information he had just given me he should carry
14 out an investigation to ensure that what he had reported to me did in fact reflect
15 reality. So I gave him the mission to investigate this event of the death of Zero One
16 and Kareka.

17 Q. [12:22:50] Do you know whether there was an investigation into this and who
18 carried out this investigation?

19 A. [12:22:58] I asked Ali Mbuyi to deal with this. Later we heard that the person
20 in question had had a glass too many and had decided to undertake this mission and
21 in the course of that he lost his life.

22 Q. [12:23:29] Why did you ask Ali Mbuyi to undertake this investigation?

23 A. [12:23:40] Because this was his job, he carried out investigations within the army.
24 When something happened and we didn't have the information, it was his task to go
25 and find out what had actually happened.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:24:06] So having obtained this information, or following this incident, was
2 Zero One replaced and, if so, by whom?

3 A. [12:24:23] Yes. Tchaligonza nominated an interim commander called Bebwa
4 Chadrak.

5 Q. [12:24:42] And who is Bebwa?

6 A. [12:24:54] Bebwa Chadrak was not in our service, he was in Mahagi. He had
7 been deployed there as an interim measure so that the battalion would not be without
8 a commander for too long.

9 Q. [12:25:33] Mr Ntaganda, when these incidents were occurring, was the FPLC as
10 an armed group aware of what was happening in the Mahagi region with the Lendu
11 combatants?

12 A. [12:26:06] At that time there was fighting, but that was in January that we learnt
13 that there were Ugandan enemies thereabouts who had been joined by the Lendu
14 combatants carrying out a joint operation in Mahagi to attack us and we later
15 confirmed this following an investigation that we carried out.

16 Q. [12:26:54] Mr Ntaganda, could you please take the big logbook that you have. I
17 have some questions about certain information contained in the logbook, so if you
18 have the big logbook, would you please go to page 144.

19 For the record, this is DRC-OTP-2102-3966, that's the reference for the translation.
20 Could you please say when you have got to that page.

21 A. [12:27:41] Yes, I'm there.

22 Q. [12:27:48] What is the date at the top of the page, Mr Ntaganda?

23 A. [12:27:58] Are you talking about the final figures 144? There it says 4 February.

24 Q. [12:28:11] Of which year?

25 A. [12:28:17] 2003.

1 Q. [12:28:19] Which month? Sorry, you said which month.

2 Who sent this message to whom and why?

3 A. [12:28:33] It was sent by the sector commander northeast, Jérôme. And it was
4 sent to the commander of the 505th brigade, Mugisa, with a copy of information to
5 the minister of defence, the chief of general staff, Thomas Lubanga, myself and
6 Tiger One.

7 Q. [12:29:12] And we see two other recipients, who are they?

8 A. [12:29:19] Tiger One and the G2.

9 Q. [12:29:22] Mr Ntaganda, I am going to read the first part of this message and ask
10 you to explain it to me:

11 "The APC forces, FAC, UPDF. Stop. About 300 are currently attacking Mahagi.
12 Stop. From Uganda. Stop. Coming in through Nyarambe Parombo. Stop.
13 Under the command of Lieutenant Colonel Mawa Muhindo. Stop."

14 What does that mean, Mr Ntaganda, this message? What would one learn from
15 these first four lines?

16 A. [12:30:30] This is the follow-up from the first meeting in Arua, and as I said in
17 response to the president, we had set up a number of parties to combat the UPC and
18 then there was the meeting in Bunia after which they were cross, angry. And we
19 had set up a structure to see how we would work in Ituri. We were talking about
20 allied forces who should be -- who were to fight as because Mawa Mahindo, as
21 mentioned here, is a UPDF officer. I know him very well. He is a colonel.

22 Q. [12:31:30] Mr Ntaganda, when we see about these forces, the APC, FAC, UPDF,
23 does it mean the three are together?

24 A. [12:31:43] Yes. They were ready. They had formed a coalition to attack us.
25 You can see it's written here in this message.

1 Q. [12:32:01] And when they say the FAC, F-A-C, who are they?

2 A. [12:32:11] Forces Armées Congolaises. The governmental army from Kinshasa
3 at that time.

4 Q. [12:32:21] Now a bit further in the message we find the following sentence:
5 "The green lorry which is transporting the soldiers from Kin and APC to Kasese."
6 Who are these soldiers from Kin?

7 A. [12:32:51] Kin is Kinshasa. Here they are talking about FAC, the F-A-C,
8 Congolese armed forces.

9 Q. [12:33:04] And when in the same message it says that "Masikio will deal with it
10 and deal with the situation with precision. Don't accept that the UPDF enters into
11 our defence."
12 What did he say?

13 A. [12:33:35] Masikio, in Swahili, that's your ears that you use for listening, but it's
14 also a term that's used if you want to refer to intelligence officers. You say people
15 who have got big ears. This is military language.

16 Q. [12:34:02] Well, what are you asking the -- what are you asking them to do,
17 these intelligence officers with large ears?

18 A. [12:34:24] Could you indicate me this line in the message where it's written so
19 that I can explain it to you with much greater detail.

20 Q. [12:34:33] Well, here we are talking about the last three lines of this message.
21 And it's 144 for you, what's written:

22 "So be on standby class zero. Masikio shall deal with it and relate the situation with
23 precision."

24 What's that?

25 A. [12:35:05] Yes, that means the following: All the IO who are responsible for

1 intelligence within the FPLC must follow the situation and give us the exact
2 information about the situation that we have heard. So we have heard that they are
3 preparing to attack us and they have to -- it's the FAC, APC and UPDF, FAC, APC
4 and UPDF.

5 Q. [12:35:36] Mr Ntaganda, I am going to show a new message. This time I would
6 ask to go to page 146. Now the translation can be found at 3968.

7 If you're there please inform me thereof.

8 A. [12:36:06] Yes, I'm there.

9 Q. [12:36:12] So in this message we see the figure 041020, what does that mean?
10 What does it mean? February 2003.

11 A. [12:36:35] The 4th at 1020 in the month of February 2003.

12 Q. [12:36:42] Now, in the text of this message you see who it's from, who it's to, and
13 in this message the information of the previous message which I showed you, it's
14 repeated, but there are additional details. I would like to ask you to go to the middle
15 of the message where it's written the following:

16 "Their movements are carried out at night. Their objectives are Mahagi, Aru. Stop.
17 And to go to Bunia. Stop. Find the means to bring aid to Mahagi before they go
18 before us so that we go before them. Their aim is to cut Mahagi and demolish the
19 UPC because the UPC/RP has caused shame to their superiors in Bunia."

20 Have you read this part of the message, Mr Ntaganda?

21 A. [12:38:05] Yes. I see that very well.

22 Q. [12:38:09] Now, at the end when they talk about the shame to those superiors in
23 Bunia, what is that about?

24 A. [12:38:23] Yes, the delegation that came to Ciné Azanga, if you followed, the
25 delegation was ridiculed before members of the population. That's what they're

1 talking about here.

2 Q. [12:38:43] When it says in this message that their objective are Mahagi and Aru
3 and going up to Bunia, at that time did you think that this regrouping of the APC,
4 UPDF and the FAC could get to Bunia?

5 A. [12:39:17] When we were in the meeting they didn't refer to that, but when they
6 left they were angry. We didn't know if FAC was going to be part of the group, but
7 we were waiting for something to appear at any moment. We were waiting for an
8 attack. As is spoken about in this message, they came, they arrived in Mahagi, they
9 took over Mahagi. They went to Bunia. Everything that's spoken about here was
10 done from 6 March. As the message says, everything that was said took place.

11 Q. [12:40:04] Does this -- did this situation represent a risk or a threat and, if so,
12 what type? What type of risk or threat was it to you?

13 A. [12:40:22] Well, we were in danger because our whole programme was
14 destabilised.

15 Q. [12:40:35] I would like to show you a message, the next message, and I would
16 like you to go to page 145. Now the translation can be found on page 2102-3967.
17 Could you tell me when you are in the right page, page 145.

18 A. [12:41:11] I'm there.

19 MR BOURGON: [12:41:18] Mr President, if I can move into private session, please.

20 PRESIDING JUDGE FREMR: [12:41:23] Court officer, let's move into private session
21 now.

22 (Private session at 12.41 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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13 Page Redacted Private Session

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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13 Page Redacted Private Session

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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13 Page Redacted Private Session

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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13 Page Redacted Private Session

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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13 Page Redacted Private Session

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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20 Open session at 1.00 p.m.)

21 THE COURT OFFICER: [13:00:10] We are back in open session, Mr President.

22 PRESIDING JUDGE FREMR: [13:00:14] Thank you, court officer.

23 Ms Samson.

24 MS SAMSON: [13:00:18] Yes, just a transcription observation. There is a name that
25 was mentioned in the French transcript that doesn't appear in the English transcript.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 I won't say it in case it is relevant for the private session, but if that could be just
2 checked for the edited version, please.

3 PRESIDING JUDGE FREMR: [13:00:37] Thank you very much, Ms Samson, well
4 noted.

5 So now we break and, as I announced in the morning, for the reasons mentioned, we
6 will have to take a bit longer break. So we will reconvene at 3 o'clock.

7 THE COURT USHER: [13:01:01] All rise.

8 (Recess taken at 1.00 p.m.)

9 (Upon resuming in open session at a 3.21 p.m.)

10 THE COURT USHER: [15:21:41] All rise.

11 Please be seated.

12 PRESIDING JUDGE FREMR: [15:22:05] Good afternoon, everybody.

13 I hope I don't see any, I believe I don't see any changes in appearances.

14 Sorry for some delay, but as you even yourself may realise Judge Chung's

15 involvement in delivery of decision in South Africa case took a bit longer than we

16 expected, so that is why we are starting a bit later than we planned. Nevertheless,

17 we will have to finish 4.30 anyway.

18 We will again continue with examination-in-chief of Mr Ntaganda by Defence.

19 Mr Bourgon, you have the floor.

20 MR BOURGON: [15:22:59] (Interpretation) Thank you, Mr President.

21 Q. [15:23:08] Good afternoon, Mr Ntaganda.

22 A. [15:23:12] Good afternoon.

23 MR BOURGON: [15:23:23] Mr President, if we can go briefly into private session,
24 please.

25 PRESIDING JUDGE FREMR: [15:23:26] For what time? Just to give indication to

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 public how much time we will probably stay in private session (Overlapping
2 speakers)

3 MR BOURGON: [15:23:38] My understanding is I have two messages, so
4 maximum of 10 minutes, and then we go back into public.

5 PRESIDING JUDGE FREMR: [15:23:42] Thank you, Mr Bourgon, for giving this
6 indication.

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

8 (Private session at 3.23 p.m.)

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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13 Page Redacted – Private Session

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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22 (Open session at 3.32 p.m.)

23 THE COURT OFFICER: [15:32:31] We are back in open session, Mr President.

24 PRESIDING JUDGE FREMR: [15:32:33] Thank you, court officer.

25 Mr Bourgon, please proceed.

1 MR BOURGON: [15:32:40] (Interpretation) Thank you, Mr President.

2 Q. [15:32:44] Mr Ntaganda, you said this morning that the weapons had not
3 reached their destination, but that you had delivered them later. I'm not interested
4 in what you did, but how did the attempt to give these weapons take place? Firstly,
5 would you please explain, on the basis of this message, what was the role of the
6 commander of the 401st brigade.

7 A. [15:33:40] Yes. He took these weapons in Mongbwalu and he wanted to
8 move to his new position as Jérôme's deputy. He was escorting Paul to their
9 destination with the weapons, so he was tasked with accompanying him in order to
10 transfer these weapons to their destination.

11 Q. [15:34:19] Here you mention the commander of 401st brigade. Could I please
12 quickly show you another message in which there is a reference to the person holding
13 this post at the time. Would you please turn to --

14 A. The person who should go with the weapons to take them back to Mongbwalu
15 in escort with Paul was a new commander who had just replaced Commander Manu.
16 I just want to avoid any confusion here.

17 Q. [15:35:18] I have noted that, Mr Ntaganda. Could you please turn to 140.
18 3962 is the page for the translation. If you are on this page, I would like to look at
19 the message at the top. Are you there?

20 A. [15:35:50] Yes. Page 140?

21 Q. [15:35:53] Yes, page 140, the message at the top. Are you there?

22 A. [15:36:09] Yes, I'm there.

23 Q. [15:36:10] What is the date of this message?

24 A. [15:36:25] 2 February at 8.50.

25 Q. [15:36:29] I will read the first part of the message:

1 "You are informed that Emmanuel Ndukute has been promoted 2IC of the sector."

2 What does that mean, Mr Ntaganda?

3 A. [15:36:47] That was what I was trying to explain to you. He had been
4 promoted to the post of 2IC of Commander Jérôme.

5 Q. [15:37:05] We hear -- see the name Emmanuel Ndukute. Who was he?

6 A. [15:37:14] That is Commander Manu. His name is spelt incorrectly here,
7 Ndukute.

8 Q. [15:37:31] Should there be an S before the E; is that right?

9 A. [15:37:37] And take out the K and it should be a G, so N-G, Ndugutse.

10 Q. [15:37:55] What was the role of Commander Manu in this matter with -- of the
11 weapons? What was his role with the weapons?

12 A. [15:38:15] He went from Mongbwalu to Mahagi.

13 Q. [15:38:21] You said this morning that he was with Paul. Did they manage to
14 reach their destination?

15 A. [15:38:37] No. They did not reach their destination. It was not possible.

16 Q. [15:38:44] Do you know why that was impossible?

17 A. [15:39:00] There were a lot of ambushes along this road. Firstly, in -- there
18 were a lot of obstacles along the road to Mahagi. The UPDF was deployed and
19 given of -- the nature of the secret, the combatants who were in the ambushes were
20 unaware. So if they had gone that far, then there would have been problems.

21 Q. [15:39:37] Do you know what they did when they were unable to reach their
22 destination?

23 A. [15:39:50] Yes. The chief of the general staff gave part to Jérôme and asked
24 him to send Seyi, the new commander, to accompany Paul to the place where the
25 general staff was located in Mongbwalu.

1 Q. [15:40:28] Did Commander Manu and Paul go via Jérôme's staff?

2 A. [15:40:38] Yes. One part of the weapons stayed with Jérôme because they
3 went via his place.

4 Q. [15:40:54] So let us go back to the message we were looking at before together
5 on page 142, still the message with 030650 Bravo. The quantities and types of
6 weapons that we see here, what does this refer to and where were these weapons
7 being taken?

8 A. [15:42:01] I think that part of the weapons remained and another -- some
9 others were sent. That is what we see here in the message; some should remain with
10 Jérôme and others should be sent on.

11 Q. [15:42:23] Do you know who brought the weapons back to Mongbwalu, as you
12 said earlier?

13 A. [15:42:37] It was Seyi and Paul.

14 Q. [15:42:46] So what was Seyi doing at Aru at that point in time?

15 A. [15:42:59] When Kisembo sent Manu to the brigade in December, Seyi
16 returned to Aru. He had no posting at that time, and Manu was posted to 2IC to
17 Jérôme and Seyi returned to his brigade.

18 Q. [15:43:34] So, Mr Ntaganda, could you please turn to page 189. The
19 translation is on 4011.

20 Please tell me when you reach the page.

21 A. [15:44:16] Yes, I found it.

22 Q. [15:44:20] So this message was sent at what time?

23 A. [15:44:35] This message was sent on 4 February 2003 at 13.05.

24 Q. [15:44:45] Who sent this message and to whom?

25 A. [15:44:51] I sent the message and it was sent to Jérôme Kakwavu, the

1 commander of the operational sector northeast.

2 Q. [15:45:10] I will read the message:

3 "You are informed that Emmanuel will arrive with you at any moment. He will
4 explain everything."

5 So what was the information you were giving to Jérôme there?

6 A. [15:45:34] Okay. As Manu had all the details, I wanted him to explain
7 everything to Commander Jérôme when they would be together, the details about
8 everything that had been planned for this activity.

9 Q. [15:46:19] So he had details on which subject, Mr Ntaganda?

10 A. [15:46:31] When the mission failed, it had to be explained under what
11 circumstances he had failed to carry out the mission.

12 Q. [15:46:59] So from your side, Mr Ntaganda, did you learn that the weapons
13 had been returned to Mongbwalu?

14 A. [15:47:13] Yes, I knew that.

15 Q. [15:47:21] Now, let us go back to our operational situation. That situation, as
16 it obtained at the time and which we dealt with this morning in regards to the Mahagi
17 region as well as the involvement of the UPDF, the involvement of the Congolese
18 armed forces, the involvement of the APC, as well as what you were doing on your
19 side, based on your secret. Now that situation, for you and for the FPLC, was it a
20 matter of concern?

21 A. [15:48:16] Of course. There were disagreements on different sides and the
22 expectation was that the situation would degenerate into combat.

23 Q. [15:48:40] We saw on a number of messages this morning that the minister of
24 defence was informed. Now, were you aware of all that was going on with those
25 discussions and negotiations?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [15:49:00] He was aware of everything.

2 Q. [15:49:06] We also looked at a number of messages together this morning
3 where mention is made of the G2. Was the G2 aware of all those discussions?

4 A. [15:49:26] Yes, he was.

5 Q. [15:49:32] Tiger One is also mentioned in these messages. What about him?

6 A. [15:49:40] Tiger One was also aware.

7 Q. [15:49:48] Now let me move to another question, Mr Ntaganda, and I want to
8 take you back to early February. Do you remember any event that may have
9 happened in early February which gave rise to the alliance that was entered into by
10 the UPC/RP and the RCD-Goma?

11 A. [15:50:18] Yes, I'm aware of that.

12 Q. [15:50:20] What is the event?

13 A. [15:50:34] The RCD-Goma came to visit the UPC in Bunia.

14 Q. [15:50:42] Were you present at that occasion?

15 A. [15:50:51] Yes, I was in Bunia.

16 Q. [15:50:53] Was Kisembo present in Bunia on that occasion?

17 A. [15:51:03] Yes. He left Mongbwalu with the purpose of receiving that
18 delegation, indeed.

19 Q. [15:51:14] What was the importance of that visit, going by the information that
20 was available to you at that time?

21 A. [15:51:34] Those were our close allies because they participated in the
22 launching of our movement. Secondly, in order to join the government, we had to
23 go through them. You see, in politics, and even in the army, they were the ones who
24 were to be the channel by which we would join government because they were the
25 ones who had taken part in the Sun City discussions in South Africa.

1 Q. [15:52:18] When you say that they were the ones, the channel through whom
2 you would join the government, which government are you referring to?

3 A. [15:52:28] The Kinshasa government.

4 Q. [15:52:35] What information did you have at that time relating to the
5 possibility or any intention that your movement UPC/RP may have had when it came
6 to joining the government in Kinshasa?

7 A. [15:53:05] I did not have much information on that topic. However, I knew
8 that this was the purpose of the meetings between the UPC/RP and the RCD-Goma.

9 Q. [15:53:25] How did that visit of the RCD-Goma unfold? Can you describe to
10 the Court briefly what you saw yourself, the events that you saw or witnessed?

11 A. [15:53:45] The delegation was received with pomp and pageantry by all the
12 inhabitants of the Ituri and they were very happy when they returned. They
13 understood that the UPC was very popular and that it was loved by the population.
14 This was something that was quite perceptible in the town of Bunia.

15 Q. [15:54:17] How long did that visit last?

16 A. [15:54:30] I think it lasted only two days.

17 Q. [15:54:34] Do you remember the day on which the delegation arrived in
18 Bunia?

19 A. [15:54:44] Yes, I was there with them.

20 Q. [15:54:46] What role did you play at the time of that event?

21 A. [15:55:02] Whenever there was such an event to take place in the city of Bunia
22 my role was to provide security and to ensure that the enemy would not destabilise
23 the town of Bunia. In order to do so, I had to co-ordinate the COs in Bunia as well as
24 the brigade commanders in the area.

25 Q. [15:55:36] Did the visitors have any opportunity to address the population?

1 A. [15:55:45] Yes. They went about in the city. They drove around and then
2 subsequently had the opportunity to have a discussion with the members of the
3 population on a platform that had been set up for that purpose.

4 Q. [15:56:08] As far as you recall, was any media outlet present during those
5 events?

6 A. [15:56:17] Yes, the media was present. Some had come along with the RCD
7 delegation. They had a lot of journalists with them.

8 Q. [15:56:38] What was the size of the RCD-Goma delegation?

9 A. [15:56:44] They came by plane, many of them, soldiers and their bodyguards.
10 And in fact I did not conduct a headcount, but there were many of them.

11 Q. [15:57:11] Who was the leader of the RCD-Goma delegation?

12 A. [15:57:27] It was brigadier general Adolphe Onusumba.

13 Q. [15:57:36] You say he was a brigadier general. What was his status as
14 president of the RCD-Goma?

15 A. [15:57:49] He was the president of RCD-Goma and he was a soldier.

16 Q. [15:58:06] Did the RCD-Goma have a military wing like the UPC/RP?

17 A. [15:58:24] Yes, the armed wing was known as the ANC, the Congolese
18 national army.

19 Q. [15:58:32] Who was the chief of general staff of the ANC?

20 A. [15:58:44] It was General Sylvain Mbuki and he was also in attendance.

21 Q. [15:58:57] The visiting delegation, did they have an opportunity to address the
22 media that was present?

23 A. [15:59:17] Yes. Yes. They met with the journalists at some point and I do
24 remember that.

25 Q. [15:59:23] Were you present when they met with the media?

1 A. [15:59:35] Yes, I was there throughout.

2 Q. [15:59:40] Do you remember any places that were visited by that delegation?

3 A. [15:59:48] Yes, we were together, we moved about together, we went to see
4 how Nyankunde had been destroyed.

5 Q. [16:00:03] Now would the delegation and the UPC/RP, were any official
6 activities undertaken, as far as you recall?

7 A. [16:00:22] Yes. Before they left they attended a meeting bringing together all
8 the communities of the Ituri. They signed a peace agreement, yes.

9 Q. [16:00:44] Where did that meeting -- you used the word, the French word -- let
10 me look it up in the transcript, you used the word "a meeting of all the communities
11 of the Ituri where a peace agreement was signed". Where did that meeting take
12 place?

13 A. [16:01:15] The meeting took place at a place in Bunia town, the same place
14 where they had met with the journalists. But I don't remember, I no longer
15 remember the name of the building.

16 Q. [16:01:33] Were you present at that meeting?

17 A. [16:01:38] Yes.

18 Q. [16:01:44] Who was invited to attend that meeting?

19 A. [16:01:49] All the communities of the Ituri signed this peace agreement.

20 Q. [16:02:10] Was something actually signed on that day?

21 A. [16:02:14] Yes. Yes. They signed it. However, one group from Zumbe did
22 not sign, but all the other ethnic groups that were represented signed. I think it was
23 a small group from Zumbe community which did not sign the agreement.

24 Q. [16:02:47] That small group from Zumbe which didn't sign, which ethnic
25 group did it belong to?

1 A. [16:03:03] I think it was just one chief from one small village in that collectivity.
2 However, the representatives of that community signed the agreement.

3 Q. [16:03:21] My question, Mr Ntaganda, was the following: Those people from
4 Zumbe, I don't know if it's plural or singular, those people who didn't sign the
5 agreement, those people from Zumbe, what ethnic group did they belong to?

6 A. [16:03:42] They were Lendu. But, you see, they had Lendus in Kpandroma
7 and in other areas. All the other Lendus, however, signed, except that small group
8 from that village which was made up of Lendu people. That small group did not
9 sign.

10 Q. [16:04:02] Who was the initiator of this meeting which led to all ethnic groups
11 signing a peace agreement?

12 A. [16:04:19] It was the president of the UPC, Thomas Lubanga.

13 Q. [16:04:29] Mr Ntaganda, I would like now to watch with you an audio-visual
14 recording which deals with the material that you have just testified about. I am
15 referring here to an audio-visual document and the video reference is
16 DRC-D18-0001-0427, and that is item number 294 on our list.

17 A transcript of the item can be found at DRC-D18-0001-5550, item number 295 on our
18 list. The translation is DRC-D18-0001-5562.

19 MR BOURGON: [16:05:44] (Interpretation) Mr President, pursuant to the agreed
20 procedure, I would like to play a first excerpt to Mr Ntaganda to establish his
21 knowledge of this video. And I would like therefore to play from 1.30 to 2.00 -- I'm
22 sorry, I'm at the wrong excerpt. One moment, please.

23 (Counsel confers)

24 MR BOURGON: [16:06:53] (Interpretation) I'm mistaken. My mistake, 2.30 to
25 3.00.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [16:07:05] So, Mr Ntaganda, I will be playing a 30-second excerpt and
2 thereafter I will put a question to you in relation to that excerpt in order to determine
3 your knowledge of this video.

4 PRESIDING JUDGE FREMR: [16:07:17] And I suppose, Mr Bourgon, the document
5 is public?

6 MR BOURGON: [16:07:21] (Interpretation) Yes, Mr President.

7 Q. [16:07:33] Mr Ntaganda, please watch the screen. It is a short excerpt of 30
8 seconds and I will ask you to please watch the images.

9 (Viewing of the video excerpt)

10 MR BOURGON: [16:08:23] (Interpretation) The video was stopped at 3.00.

11 Q. [16:08:29] Now, Mr Ntaganda, do you recognise the scene that has just been
12 played for you?

13 A. [16:08:44] Yes. They were returning from the airport. Then they entered
14 Bunia town and they were greeting the people on both sides of the road. I'm
15 referring here to the RCD-Goma delegation as it arrived in Bunia town. You can see
16 President Tom and President Onusumba. You could not distinguish between our
17 troops and the Goma troops because they had the same uniform.

18 MR BOURGON: [16:09:22] (Interpretation) Mr President, based on the answers
19 provided by the witness --

20 Q. [16:09:30] Maybe one last question, Mr Ntaganda, to wrap that up. Now, the
21 arrival that you have just described, was that the arrival that occurred at the
22 beginning of the events to which you have just testified?

23 A. [16:09:50] Yes, that was their arrival. They had just arrived.

24 Q. [16:09:53] Where were you at that time?

25 A. [16:10:02] I was with them, I was with them. They were coming into the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 town from the airport. I had been with them and I was providing security for them.
2 I was not with them upfront; I was with them behind, not where the cameras were
3 shooting, somewhat in the back.

4 MR BOURGON: [16:10:21] (Interpretation) Mr President, based on the answers
5 provided by the witness, I would like to proceed to view a few excerpts of this video
6 with sound and transcript.

7 PRESIDING JUDGE FREMR: [16:10:32] Ms Samson.

8 MS SAMSON: [16:10:33] No objection, your Honour.

9 PRESIDING JUDGE FREMR: [16:10:36] So let's proceed as proposed.

10 MR BOURGON: [16:10:46] (Interpretation) Thank you, Mr President. I would
11 like to play a short excerpt from 03.10 to 05.25 with sound and interpretation, making
12 a total of 2 minutes 15 seconds. Translation is at page 5564, line 20, to 5565, line 36.
13 And transcript is at -- ends at line 36 for the transcript.

14 Q. [16:11:36] Mr Ntaganda, please pay attention to the images and to what is said.
15 Are the interpreters ready? Let us proceed.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [16:12:10] (Interpretation of the video excerpt) "UPC! UPC!
18 Where are they? At what position? That -- here is the population of Bunia chanting
19 and acclaiming the work of President Thomas Lubanga, a man of peace and
20 reconciliation. That's it."

21 MR BOURGON: [16:12:53] (Interpretation) The video was stopped at 4.08.

22 Q. [16:13:02] Did you recognise on that excerpt, Mr Ntaganda, did you recognise
23 the G2 of the FPLC?

24 A. [16:13:15] Yes. He was there walking next to the two presidents.

25 Q. [16:13:27] Let us proceed.

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [16:13:33] (Interpretation of the video excerpt) "... are very
3 happy. You can see there the G2 Ali who is with us and his great security. And
4 here is the commander in charge of presidential security, Commander Claude. UPC!
5 UPC! UPC! Here people are acclaiming and shouting at the work done by
6 Thomas Lubanga, and on the other side we have the President, Onusumba, who is
7 raising his hands with a stick. Next to him is President Thomas Lubanga Dyilo, the
8 president of UPC/RP, the man who wants peace."

9 MR BOURGON: [16:14:55] (Interpretation) The video was stopped at 05.25. It
10 started at 03.10.

11 Q. [16:15:15] Now, Mr Ntaganda, do you remember this event?

12 A. [16:15:24] Yes, I do remember, I remember it.

13 Q. [16:15:29] What was the reaction of the population when Thomas Lubanga
14 arrived in the company of Onusumba?

15 A. [16:15:53] Well, the volume was not strong enough, as I noticed, but people
16 were singing and chanting "UPC, UPC" and they were chanting, they were jubilating,
17 welcoming the UPC. Even in the various villages and small neighbourhoods people
18 were jostling and shouting as they welcomed that delegation.

19 Q. [16:16:26] I will now show you an additional excerpt from 29.40 to 31.16.

20 Translation is on page 5569, lines 160 to 172. And the transcript is on page 5555, line
21 153 to page 5556, line 165.

22 With your leave, Mr President, we shall now proceed.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [16:17:19] (Interpretation of the video excerpt)

25 "Thank you. We Congolese must make efforts by ourselves in order to strengthen

1 our ideas and our thoughts and by ourselves move towards -- it hurts me today
2 before this RCD delegation arrived here, I asked before saying anything that we clap
3 for them, that we applaud them as loudly as we can because your coming here
4 displays the courage, the courage and great love that you have for the Congolese of
5 the Ituri. I believe that if they did not love, if they did not have courage and in view
6 of the situation that you have continually talked about, no one would come here.
7 What I'm saying is that these people have accepted to die with you if they must die,
8 and to live with you if they must live. Isn't it so?"

9 MR BOURGON: [16:18:54] (Interpretation) The video stopped at 31.17.

10 Q. [16:19:08] Mr Ntaganda, were you there when Mr Ntaganda pronounced those
11 words?

12 A. [16:19:18] Yes.

13 Q. [16:19:21] I would like now to move to another excerpt of Thomas Lubanga's
14 speech at 35.37 to 36.40. Translation would be on page 5570 from line 214 to 220.

15 And for the transcript, page 5557, line 205 to 211.

16 Mr Ntaganda, please pay attention to the images and to the words spoken.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [16:20:10] (Interpretation of the video excerpt)

19 "Your Excellency the president of the RCD, general Dr Onusumba, let him have a
20 discussion with you. I now give him the duty to introduce his delegation. I think
21 that we are going to continue to, because we have undertaken to organise to sign, to
22 cease hostilities between all the notabilities of the Ituri. With God's help what we
23 expected today is such that President Jean-Pierre Bemba and even Mbusa Nyamwisi."

24 MR BOURGON: [16:21:22] (Interpretation) The video was stopped at 56.40.

25 Q. [16:21:28] Mr Ntaganda, do you remember the introduction of Dr Onusumba

1 by Mr Lubanga, do you remember that part?

2 A. [16:21:41] Yes, I do remember.

3 Q. [16:21:49] In this speech we hear him say that "we took up the organisation to
4 sign a secession of hostilities between all the notabilities of the Ituri."

5 Do you remember what Thomas Lubanga is talking about here?

6 A. [16:22:12] Yes. What he is saying is in reference to the agreement or the
7 signing of the agreement which I talked to you about, that is signing by all the
8 dignitaries or notables of the Ituri. That is what he is talking about.

9 Q. [16:22:29] At the very end of that excerpt of the recording, you heard
10 Mr Lubanga introduce Jean-Pierre Bemba and said "even Mbusa Nyamwisi". What
11 was the reaction of the people when that name was mentioned?

12 A. [16:22:49] You yourself, you followed. No, he didn't get that far. Members
13 of the population were going to arrest him. Why? Even with their hands because it
14 was their army, the APC, that was killing the people, and we were fighting against
15 the APC which was killing the people. So you heard the reaction of the people when
16 they said "no, we don't want him."

17 Q. [16:23:26] As far as you know and in spite of the reaction of the population,
18 what was Thomas Lubanga's reaction in relation to Mbusa Nyamwisi?

19 A. [16:23:48] For him? President Toms? He wanted him to participate in the
20 signing of the peace agreement. That was his, that was his idea.

21 Q. [16:24:10] Let me show an additional excerpt and we will now move to 38.40
22 to 40.20. And the transcript is on page 5558, line 235 to 245. And the translation is
23 on page 1, lines 243. I don't have the page but the lines is 243 to 255 and it's page
24 5571.

25 Mr Ntaganda, if you are ready and if the interpreters are ready, we shall now play

1 that excerpt. Please listen and watch carefully.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [16:25:20] (Interpretation of the video excerpt)

4 "... many. Here we have been received in Bunia in the Ituri and we note that there

5 are people who are alive although life here is not what life would be in a country

6 where there is peace and development. Let me start by introducing to you the great

7 delegation which has come with me. As the president has just said, and you can see

8 with your own eyes, those are the people who would explain to the others what we

9 have seen in Bunia. We have also come with a big delegation of journalists,

10 journalists, journalists of the BCC, Reuters, Associated Press, RTNC Goma and Okapi.

11 There are also journalists of the written press which publish private newspapers.

12 This proves that while seeking peace it is important for us to talk about it and

13 that -- and for people to show that the UPC indeed is working for the pacification of

14 the Ituri and the pacification of Bunia. We have to recognise this work and proclaim,

15 a truth must be said, particularly given that foreign troops of other countries have left,

16 the population of Bunia and Congolese are able to help us and to -- and for us to help

17 ourselves."

18 MR BOURGON: [16:27:04] (Interpretation) The video stopped at 40.20.

19 Q. [16:27:10] Mr Ntaganda, did you hear this speech by Onusumba?

20 A. [16:27:18] Yes, I was there.

21 Q. [16:27:25] What was the reaction of the population following that statement by

22 Onusumba at that time?

23 A. [16:27:42] The population appreciated it a lot. When he was speaking they

24 were clapping. They clapped for him because he brought a message of peace.

25 MR BOURGON: [16:28:01] Mr President, I have one more extract of 4 minutes.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 With your leave I would like to watch the next extract and we can move on to another
2 topic tomorrow morning.

3 PRESIDING JUDGE FREMR: [16:28:11] Yes, we started a bit later so I think it's fine
4 with us even to finish a bit later. So please proceed.

5 MR BOURGON: [16:28:21] (Interpretation) Thank you, Mr President.

6 Q. I will now show you an additional excerpt which is found at 46.00 to 50.02.

7 The translation at on page 5973, lines 291 to 326 and transcription is at page 5559, lines
8 274 to page 5560, line 304.

9 Mr Ntaganda, please pay attention to the images and to what is said and then I'll have
10 a question for you to end the day.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [16:29:29] (Interpretation of the video excerpt)

13 "That is our first goal. The second goal we shall fight for the unity of Congo, all of
14 Congo. Even if the UPC/RP has not signed the Pretoria accord, it is important for
15 people to consider that this is a reality on the ground and if we want peace we must
16 consider that the UPC must come together so that all Congolese can agree. It is by
17 fighting to maintain the unity of Congo that we have come here. It is also because
18 politics has among other objectives alliances."

19 MR BOURGON: [16:30:25] (Interpretation) The video was stopped at 46.49.

20 Q. [16:30:32] Mr Ntaganda, just before the video was stopped, did you recognise
21 a number of persons on that video?

22 A. [16:30:42] Yes, I did.

23 Q. [16:30:47] Let us wind back for a few seconds to enable you recognise some of
24 the people who appear just before.

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [16:31:36] (Interpretation) The video was stopped at 46.44, four
2 seconds before.

3 Q. [16:31:42] Now, do you recognise the people on this video, Mr Ntaganda?

4 A. [16:31:48] Yes. I can see Kisembo there.

5 Q. [16:31:59] Apart from Kisembo who else do you see?

6 A. [16:32:10] That was the secretary general of the UPC/RP in Aru. His name is
7 Lola Lapi.

8 Q. [16:32:22] Please pay attention, we will continue to the end of the excerpt.

9 PRESIDING JUDGE FREMR: [16:32:26] Hold on for a second.
10 Ms Samson, please.

11 MS SAMSON: [16:32:29] Just for the record, your Honour, could the witness be
12 asked to point out which of the gentleman we see on the screen is Kisembo.

13 PRESIDING JUDGE FREMR: [16:32:39] Exactly, it was just my point.

14 So, Mr Ntaganda, could you specify which of the persons we can see is Mr Kisembo?
15 Is it the man in red beret or another one? I guess he would be in -- it's up to you --

16 THE WITNESS: [16:33:08] (Interpretation) Yes, he is the one in a red beret. The
17 image is not very clear. If we could make it clearer or if the video could be played
18 again. Even the beret, I don't see it very clearly, but when he got up I was able to
19 recognise that he was wearing a beret.

20 THE INTERPRETER: [16:33:29] Mr President, in the previous answer -- because of
21 overlapping speakers -- the counsel had asked whether he was the person to
22 Kisembo's left.

23 THE WITNESS: [16:33:39] (Interpretation) And he is the one of the right of
24 General Kisembo also wearing a military uniform.

25 THE INTERPRETER: [16:33:53] There was again an overlap, Mr President, we

1 didn't get the question. And even now.

2 PRESIDING JUDGE FREMR: [16:33:59] Please observe 3 seconds rule, because
3 otherwise the interpreters are not able to translate what you are saying.

4 THE INTERPRETER: [16:34:10] Previous question -- in the previous question was
5 "And Lola Lapi".

6 A. [16:34:18] Lola Lapi is wearing a green T-shirt inside his uniform.

7 MR BOURGON: [16:34:35]

8 Q. [16:34:36] We will now continue with the excerpt. We are almost done.

9 Please be careful, watch carefully, Mr Ntaganda.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [16:34:49] (Interpretation of the video excerpt)

12 "It is because we want that democracy should prevail. We want peace. I have
13 listened to the song that was played here, whereby it was said that because of the
14 difficulties they had experienced Congolese had taken up arms to fight for peace.

15 Yes. Isn't it so? If we are united today, having signed the Pretoria agreement, there
16 is a good thing within that agreement: it is reconciliation for all Congolese, it is
17 forgiveness for all for the sins inadvertently committed against others or following
18 drunkenness by others who had objectives other than ours. This is a lesson that we
19 as Congolese have learnt.

20 Let us therefore have the possibility to -- may the blood of Congolese stop flowing,
21 and the way to stop this is through reconciliation among Congolese, through the
22 creation of an army for all Congolese which knows the reasons for which we took up
23 arms and for which we must preserve the peace.

24 I believe that you who live here, you know that this peace that we are seeking,
25 we -- or that we are obtaining, we have obtained it with difficulty. We no longer

1 want war. We want the country to be united so that it can -- Congolese, had it not
2 been for the war, we would have been astonishing. When somebody dies the son
3 takes over but may not understand the purpose of peace. No one has won the war.
4 We arrested it and we have come to the table as Congolese to find a solution and to
5 build.

6 Kabila has not yet understood, and I want to show you why. You have heard it said
7 that we are still fighting in Baraka, Fizi, Kalemie, Moliro, and anybody seeking unity
8 for the country. Now, although yesterday we challenged him as not being the
9 president of all Congolese, today we have accepted through dialogue that he should
10 be the president of all Congolese, whereas he continues to prosecute a war.

11 And we wonder why he continues to make war. We hear it said that people die here
12 in Bunia, people die in Mongbwalu, people die in Nyankunde.

13 Kabila continues to deploy troops and equipment to Beni looking for a way to start
14 hostilities all over again."

15 MR BOURGON: [16:38:12] (Interpretation) The video stopped at 50.03.

16 Q. [16:38:19] Mr Ntaganda, during his speech Onusumba refers to the intention
17 to create an army that represents all Congolese. Which army is he referring to?

18 A. [16:38:42] Very well. He is talking about the army which would have become
19 the official army following the signing of the Sun City agreement which called for the
20 creation of such an army by the central government.

21 Q. [16:39:09] What parts of the country would that army represent?

22 A. [16:39:20] All parts of the country. RCD-Goma, ourselves, in the area
23 controlled by the UPC, but through the RCD-Goma. As I mentioned, the MLC also
24 would be involved. It was for all these parties to come together and form one
25 regular army under the Government of Kinshasa.

1 Q. [16:39:51] To the best of your knowledge, what were the intentions of Thomas
2 Lubanga and the FPLC in this regard?

3 A. [16:39:59] They wanted to be able to hear us, we didn't want to remain isolated.
4 President Onusumba had said that there should be a united Congo, there should be
5 peace, and the UPC and the part under its control should be recognised.

6 Q. [16:40:32] Thank you, Mr Ntaganda.

7 MR BOURGON: [16:40:34] (Interpretation) Mr President, to conclude the day
8 I would like the videos that we have seen and the transcripts be admitted into
9 evidence.

10 PRESIDING JUDGE FREMR: [16:40:44] Just to be brief, the last excerpt or even
11 including two previous excerpts?

12 MR BOURGON: [16:40:52] (Interpretation) All the excerpts, Mr President.
13 I believe there are five in total.

14 PRESIDING JUDGE FREMR: [16:41:02] Ms Samson.

15 MS SAMSON: [16:41:03] Yes, Mr President, I have the first question similar to the
16 question for the last transcript, there is information such as the date which I haven't
17 found in the content of the transcript itself. So I note that I am expecting the answer
18 is the same, that it's based on information that the Defence has but not contained in
19 the video, so I make that observation for the Chamber.

20 And in relation to the transcriptions, in fact, the Chamber has decided previously that
21 where a party prepared a transcription and translation, the opposing party should
22 have an opportunity to review it for accuracy.

23 And I neglected to make that submission earlier, I apologise for that, but the
24 Prosecution will proceed to review the accuracy of the transcription and translation,
25 as it will with the ones that have already been admitted. There may not be any

1 issues, of course, but I'd like to follow the procedures that have been set in place.

2 PRESIDING JUDGE FREMR: [16:42:11] So you would like just to identify those
3 three transcripts and translations, or what?

4 MS SAMSON: [16:42:18] Yes. For the ones, the ones that I've already given the
5 position on that we don't object, they can go in, subject to the review that we'll do,
6 and we will advise the Chamber if there are any issues, as we will with the Defence.
7 For this one, though, perhaps we could MFI the transcription and translation and
8 follow the procedure set out by the Chamber.

9 PRESIDING JUDGE FREMR: [16:42:39] Mr Bourgon, the proposal in fact ask the
10 Chamber to insist on previous approach. Do you have any problem with that?

11 MR BOURGON: [16:42:51] Absolutely not. My colleague contacted me some
12 time ago asking who had made the translations of this material and we -- I informed
13 my colleague that these were made by language assistance which have been working
14 with the Defence with an additional budget that we've obtained for this purpose.
15 And of course we, as I said this morning, what applied for us applies to them and if
16 they want to admit this material just for sake of identification at that stage until we
17 agree on the accuracy of the translation, I absolutely agree, Mr President. No
18 problem with that.

19 PRESIDING JUDGE FREMR: [16:43:28] All right. So those three excerpts
20 identified by Mr Bourgon are admitted at the moment into evidence as further
21 Defence exhibits, while the corresponding transcripts -- there are even five, sorry.
22 Thank you for correction. So five excerpts are admitted into evidence as further
23 Defence exhibits.

24 And as concerns corresponding transcripts and translations, they are MFied for the
25 moment with possibility to admit them in accordance with procedure set up by the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

- 1 Chamber.
- 2 Any further requests for the floor?
- 3 If not, we will adjourn.
- 4 So we will adjourn and we will reconvene tomorrow 9.30.
- 5 THE COURT USHER: [16:44:40] All rise.
- 6 (The hearing ends in open session at 4.44 p.m.)