

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 Wednesday, 12 July 2017
9 (The hearing starts in open session at 9.45 a.m.)
10 THE COURT USHER: [9:45:15] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:45:35] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:45:53] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: [9:46:08] Thank you, court officer.
20 Appearances, please.
21 MS SAMSON: [9:46:11] Good morning, Mr President. Good morning
22 your Honours. For the Prosecution today are Mr Rens van der Werf,
23 Ms Selam Yirgou, Ms Claudine Umurungi, Ms Laura Morris and myself,
24 Nicole Samson.
25 PRESIDING JUDGE FREMR: [9:46:27] Thank you, Ms Samson.

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1 Now Defence, please.

2 MR BOURGON: [9:46:31] (Interpretation) Good morning, Mr President.

3 Representing Bosco Ntaganda, here present today, Victoria Cichalewska, David

4 Wagen-Magnon, Justin Kabika, Isabelle Martineau and myself, Stéphane Bourgon.

5 PRESIDING JUDGE FREMR: [9:46:53] Thank you, Mr Bourgon.

6 And Legal Representatives of Victims, please.

7 MS PELLET: [9:46:59] (Interpretation) Thank you, Mr President. The former

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

9 from the OPCV.

10 MR SUPRUN: [9:47:20] (Interpretation) Good morning, Mr President. Good

11 morning, your Honours. For the victims of the attack, Anne Grabowski and myself,

12 Dmytro Suprun, from the OPCV.

13 PRESIDING JUDGE FREMR: [9:47:28] Thank you, Ms Pellet. Thank you,

14 Mr Suprun.

15 Today there is expectation that the direct examination of Mr Ntaganda should be

16 completed. I will ask then Mr Bourgon at the end of the normal session after

17 90 minutes, and if he would be able to complete the examination in two hours, it

18 means until quarter to 12, then we can extend this session. If not, we will break as

19 usually.

20 Now, Mr Bourgon, you have the floor.

21 MR BOURGON: [9:48:07] (Interpretation) Thank you, Mr President.

22 WITNESS: DRC-D18-D-300 (On former oath)

23 (The witness speaks Swahili)

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

25 Q. [9:48:20] Good morning, Mr Ntaganda.

1 A. [9:48:22] Good morning.

2 Q. [9:48:23] How are you this morning?

3 A. [9:48:27] I'm well, thank you.

4 Q. [9:48:32] We have another couple of hours to complete your
5 examination-in-chief and there are a number of subjects I would like to cover with
6 you. My first question is as following: Did you at any time whatsoever have any
7 information about a number of members of the clergy in Ituri during the conflict,
8 about what happened to them?

9 A. [9:49:24] Yes, I received information at the end of 2003 through an
10 intermediary.

11 Q. [9:49:33] What type of information did you receive at that point?

12 A. [9:49:51] Regarding the priests killed in Bunia and those killed during the
13 confrontations in Mongbwalu, it was general information about the victims who fell
14 during the war in Bunia and in Mongbwalu.

15 Q. [9:50:14] At the time you received this information towards the end of 2003,
16 did you link this to the information that -- the information that you had been through
17 and what you experienced in Mongbwalu in November 2002?

18 A. [9:50:42] I didn't seek to get information because we were -- a very difficult
19 period. Kisembo had just defected. I didn't have time to ask the question.

20 Q. [9:50:53] What I would like to know, Mr Ntaganda, is whether this
21 information caused you to make a link between this information and your personal
22 experience during the conflict?

23 A. [9:51:17] Yes. I didn't have any precise information, but I learnt that this
24 information was similar to the information I had, but I didn't have any exact
25 information.

1 Q. [9:51:40] You mentioned earlier having information relating to - and I'm
2 looking here for your exact reply - priests killed in Bunia. What information did you
3 get at that time relating to priests killed in Bunia?

4 A. [9:52:14] There were priests who were killed in Bunia during the killings there
5 when the UPDF drove us out, when we were leaving the town. That was it.

6 Q. [9:52:41] Was there any other information about the date when these priests
7 were killed in Bunia when the UPDF drove you out?

8 A. [9:53:01] Yes. When the UPDF left Bunia, that was the time.

9 Q. [9:53:09] Do you know how many priests, where they were, where they were
10 killed? What sort of information did you receive?

11 A. [9:53:22] I learnt that there were two priests killed at a place called
12 Nyakasanza.

13 PRESIDING JUDGE FREMR: [9:53:40] Ms Samson.

14 MS SAMSON: [9:53:41] Thank you, Mr President. At the moment there appears
15 to be confusion as to what date or time period these events took place. Initially in
16 the English transcript, page 4, lines 16 to 18, the witness has mentioned that the time
17 period for the killings was "when the UPDF drove us out, when we were leaving the
18 town". Subsequently, and I'm not sure if it's the interpretation, but subsequently at
19 the same page, page 4, line 22, the witness said, "Yes. When the UPDF left Bunia ..."
20 Could it be clarified if we're discussing the period of time when the UPDF drove the
21 witness out or when the UPDF left Bunia?

22 PRESIDING JUDGE FREMR: [9:54:36] Mr Bourgon.

23 MR BOURGON: [9:54:39] (Interpretation) My colleague -- indeed I hadn't seen the
24 difference.

25 Q. [9:54:49] Mr Ntaganda, the information you -- the information you had about

1 the two priests killed in Nyakasanza, do you -- can you say when you received this as
2 part of the information in 2003?

3 A. [9:55:20] The UPDF left on the 6th, 6 May, and the priests were killed on
4 10 May, after the departure of the UPDF, that they were killed.

5 Q. [9:55:39] You've just mentioned the date of 10 May. Is that part of the
6 information you received in 2003 or at some other time?

7 A. [9:56:02] I got this date later when I read information in the media.

8 Q. [9:56:11] So relating now to the information you got about the two priests in
9 Nyakasanza, what information did you get - and I come back to your answer on
10 page 3 - to those killed during the confrontations in Mongbwalu? Page 3, lines 20, 22,
11 French.

12 A. [9:56:46] In Mongbwalu there was talk of November 2002.

13 Q. [9:56:53] And what was being said in the media at that time?

14 A. [9:56:59] I gave -- got this information from the media, but they didn't get a lot
15 of detail. It was information I got from the radio.

16 Q. [9:57:13] So on the basis of the information that you obtained, did this enable
17 you to make a link between that and your own experiences in Mongbwalu in
18 November 2002?

19 A. [9:57:30] I thought about it, but I didn't have any exact information about that.

20 Q. [9:57:46] Some -- a little earlier in reply to my question, you said -- and I'm
21 looking again to find your exact words. On page 4, lines 3 and 4, in English, and in
22 French what you said was -- in French, it's page 3, 28 and thereafter. You said:
23 "I didn't look for information because we were in a difficult period. Kisembo had
24 just defected. I didn't have time to ask the question."

25 When was -- where was Kisembo when you got this information?

1 A. [9:58:37] He had just left us and this information had been broadcast.

2 Everyone was talking about this, that he had defected and formed his own party.

3 Q. [9:58:55] During your testimony, Mr Ntaganda, you said that in

4 November 2002 you authorised the interrogation of a priest in Appartements and he

5 was held by Kasangaki. Did you try, when you received this information, to contact

6 Kasangaki?

7 A. [9:59:31] I didn't have time to go to Kasangaki because he had already died by

8 then.

9 Q. [9:59:45] Mr Ntaganda, when you got this information end of 2003 and

10 thereafter, did you have the opportunity to discuss the case of the priest for whom

11 you had authorised an interrogation in Mongbwalu with anyone at all within the

12 FPLC?

13 A. [10:00:19] No, not at all.

14 Q. [10:00:25] In the years that followed, did you receive any further information

15 about the priest for whom you had authorised an interrogation in November 2002?

16 A. [10:00:50] Yes. Later I got more details. I was told that he had died, and

17 when I arrived here I saw in the documentation that it was indeed that priest.

18 Q. [10:01:16] When you say "that priest", to whom do you refer?

19 A. [10:01:24] Abbé Bwanalonga.

20 Q. [10:01:37] Mr Ntaganda, do you recall at what point you learnt or became

21 aware of the name of the priest for whom you had authorised the interrogation in

22 November 2002?

23 A. [10:02:02] I knew his name precisely when I saw the documents. I didn't

24 know his name before that. He was with three nuns.

25 Q. [10:02:38] I'm waiting. I don't think I've got your reply here on the transcript.

1 Yes, I have in French on line 3, "I knew his name exactly when I have the documents.
2 He was with three nuns, but prior to that I didn't know his name." What documents
3 are you referring to here?

4 A. [10:03:07] The documents that were made known to me here at the court.
5 That's when I got that information here, at the court.

6 Q. [10:03:21] Do you recall having given an interview to someone from the
7 Human Rights Watch at some point in the years following the conflict?

8 A. [10:03:43] Yes, I do recall that.

9 Q. [10:03:50] And when was that?

10 A. [10:03:56] That must have been in 2010, 2011 when I was part of the
11 government army, the FARDC.

12 Q. [10:04:11] I'd like to show you a document. Do you recall the name of the
13 person you met on that occasion?

14 A. [10:04:24] Yes, he was called Anneke -- her name was Anneke.

15 Q. [10:04:33] And where did this interview take place?

16 A. [10:04:43] We met twice, but we talked of this on the first occasion on the road
17 going to Hotel Karibu.

18 Q. [10:04:57] Did you know this person named Anneke before the interview?

19 A. [10:05:10] Yes, I knew it was somebody from Human Rights Watch. I'd heard
20 talk of this person in the media.

21 Q. [10:05:21] Do you recall who originated the interview? Did you request an
22 interview or was it this person Anneke who requested the interview?

23 A. [10:05:40] It was Anneke. She requested the interview through the
24 intermediary of a member of my family, and this family member acted as an
25 intermediary between us.

1 Q. [10:05:55] So, Mr Ntaganda, I'd like to show you a document,
2 DRC-OTP-2062-0363, item 472 on our list. This is a document which has already
3 been admitted into evidence. I would like the first page of this to be displayed on
4 the screen.

5 PRESIDING JUDGE FREMR: [10:06:28] Ms Samson, any objection?

6 MS SAMSON: [10:06:31] No, none, your Honour.

7 MR BOURGON: [10:06:41] (Interpretation) I would like to enlarge the top of the
8 document.

9 Q. [10:06:55] Mr Ntaganda, at the top of this document, it says "Bosco Ntaganda",
10 (Speaks English) on the record November 17, 2010, at a private residence in Goma."
11 (Interpretation) After that, we see two names. The document is public. Two names
12 there and it also said, (Speaks English) "The interview was conducted in French."
13 (Interpretation) There is a note saying that, (Speaks English) "The meeting lasted
14 about three hours and only the three of us were present for the substantial
15 discussion."

16 Q. [10:07:41] Does this information reflect your recollection of the interview?

17 A. [10:07:54] Yes, that reminds me of the interview, but I didn't take any count of
18 the time, but it was in 2010; that is correct.

19 Q. [10:08:04] If we could please now move the document up so that we can go to
20 the middle of the page. Before we look at the document, Mr Ntaganda, do you recall
21 the main content or the main purpose of Ms Anneke during the interview? What
22 was your chief topic of conversation?

23 A. [10:08:42] I recall that she questioned me on two subjects, on the subject of the
24 situation in Ituri and on the subject of the situation in North Kivu, which is where
25 I was at that time. That was more or less it.

1 Q. [10:09:01] So, Mr Ntaganda, here you have part of the interview, and I draw
2 your attention to the paragraph starting in Mongbwalu, and I will read this paragraph
3 out in English:

4 (Speaks English) "In Mongbwalu, (November 2002), we attacked some APC and FRPI
5 elements, not Lendu civilians. At this time, the FNI wasn't created yet. They were
6 APC. The guns given to the Lendu came from the APC. We had to defend
7 ourselves. I was in Aru, and I was commanding these operations from there. I
8 wasn't in Mongbwalu itself during the attack; I got there three days after. I don't
9 know Abbé Bwanalonga." End of quotation.

10 (Interpretation) Mr Ntaganda, I refer here firstly to the paragraph in general. Did
11 Ms Anneke ask you a number of questions about Mongbwalu?

12 A. [10:10:50] Yes. I recall her asking these questions.

13 Q. [10:11:00] I'd like to make this slightly clearer. Did she ask you a number of
14 questions relating to Mongbwalu?

15 A. [10:11:16] Yes, yes, yes. She asked me a number of questions on Mongbwalu.

16 Q. [10:11:20] When it says here on the first line that "we attacked some APC and
17 FRPI elements", do you recall having shared this information with Ms Anneke?

18 A. [10:11:55] I didn't mention FRPI because that was created later, that was
19 formed in 2004. She said, "Did you attack the Lendu in Mongbwalu?" And I said,
20 "No, our army attacked the APC and the commanders -- and the combatants. We
21 did not attack civilians." There was no talk of FRPI.

22 Q. [10:12:29] Did you at that stage share information with Ms Anneke to the effect
23 that the weapons, guns, in English, given to the Lendu came from the APC?

24 A. [10:12:53] I don't recall, but I said that the APC and the Lendu combatants
25 were together and they were armed. I don't recall exactly what I said.

1 Q. [10:13:13] In 2002, Mr Ntaganda, did you know where the Lendu combatants
2 were getting their weapons from?

3 A. [10:13:26] Yes. It was the APC giving them weapons, and they were getting
4 the weapons from Kinshasa.

5 Q. [10:13:38] And now the next sentence, which says -- and I read it to you. I
6 will read it again. (Speaks English) "I was in Aru, and I was commanding these
7 operations from there. I wasn't in Mongbwalu itself during the attack. I got there
8 three days after."

9 (Interpretation) Do you recall having shared in information with Ms Anneke?

10 A. [10:14:22] No, no. I am a military man. I can't say that I commanded
11 combatants from a hundred kilometres. As a commander, I can't say that. I
12 couldn't make any statement of that nature.

13 Q. [10:14:46] Did you say to Anneke that you commanded these operations?

14 A. [10:15:01] I told her that I arrived in Mongbwalu three days later and I
15 commanded the attack on Sayo, but I never said that I was commanding operations
16 from Aru.

17 Q. [10:15:20] Mr Ntaganda, at the time you gave this interview to Anneke, did
18 you know that you were being accused of offences related to the attacks in -- to the
19 events in Mongbwalu?

20 A. [10:15:41] Yes, yes. The arrest warrant had already been issued.

21 Q. [10:15:48] Were you aware of the content of the arrest warrant at that time?

22 A. [10:16:01] Yes. There were accusations regarding child soldiers and
23 recruitment of child soldiers, but we didn't discuss those allegations at that time.

24 Q. [10:16:25] And in the last part of that paragraph you say, "I don't know
25 Abbé Bwanalunga." Do you recall saying that to Ms Anneke?

1 A. [10:16:48] I recall that she put one question to me. She asked me if I was
2 aware of the death of Bwanalunga and I answered by saying I didn't know anything
3 about it. She did not put any further questions on the matter.

4 Q. [10:17:06] And when you answered saying that you knew nothing about the
5 death of Bwanalunga, was that in fact the case?

6 A. [10:17:20] Yes, it was the case. I didn't know anything about it.

7 Q. [10:17:30] Mr Ntaganda, I'd like to establish what you knew about
8 Abbé Bwanalunga at that time.

9 A. [10:17:45] Via the media we learnt that it was perhaps he who had died, but I
10 didn't know his name. The question was put to me and in response I said I didn't
11 know that it was him who had died.

12 Q. [10:18:06] Now, the next sentence here, Mr Ntaganda, says, and I'll quote in
13 English: (Speaks English) "Could we kill the population?"
14 (Interpretation) Did you say that to Ms Anneke and what are your recollections as
15 regards this sentence?

16 A. [10:18:50] She said to me, "But you killed civilians in Mongbwalu." I told her,
17 no, that that was not true, that we had not killed civilians.

18 Q. [10:19:09] Mr Ntaganda, I'm going to move to a new topic now. I'd like to
19 know if you know a locality called Bogoro.

20 A. [10:19:20] Yes. Yes, I even showed you where Bogoro was located on the
21 map. It's on the road to Kasenyi, when you are travelling from Bunia.

22 Q. [10:19:35] Mr Ntaganda, do you recall the specific events which took place in
23 Bogoro early in 2003?

24 A. [10:19:50] Yes. I know that a lot of people were killed there.

25 Q. [10:20:02] Do you know how many people were killed and by whom?

1 A. [10:20:14] I don't know exactly how many people were killed in Bogoro;
2 however, Lendu combatants, APC soldiers and FARDC -- sorry, FAC soldiers were
3 involved.

4 Q. [10:20:41] Mr Ntaganda, at what point in time did you learn about what had
5 happened in Bogoro?

6 A. [10:20:55] I learnt about what had happened when I went to provide assistance
7 to the people in Mandro. It was the point in time when the enemy had withdrawn
8 and the local people had said that they had wanted to kill them all, and that's how I
9 learnt that people had been killed.

10 Q. [10:21:26] Was it then that the local people informed you of when the killings
11 took place in Bogoro?

12 A. [10:21:42] Yes. They told me when the people in Bogoro had been killed.
13 They said that the victims who were to follow were themselves.

14 Q. [10:22:02] Let me put my question again: Did they tell you when events took
15 place in Bogoro?

16 A. [10:22:17] They said that the killings had been perpetrated one week earlier.

17 Q. [10:22:27] Mr Ntaganda, in January and February 2003 what information did
18 you have regarding fighting involving the FPLC in the Kobu, Bambu or Lipri regions?

19 A. [10:22:55] I didn't have any information on that at that time, not during the
20 period that you've specified. Do you want to know what I knew when I was in
21 Bunia or perhaps at another period of time?

22 Q. [10:23:19] Mr Ntaganda, what I'd like to know is whether the information that
23 you had obtained regarding fighting between -- or involving the FPLC in the Kobu,
24 Lipri, Bambu region, I'd like to know what it is you knew or what you recall knowing
25 in January and February of 2003.

1 A. [10:23:52] I recall that I received information in January in Nyangarai. I
2 received a message there. That was also the period of Linganga and Lipri. And
3 Two Zero One -- Zero One died at that time. That was in January. And in February
4 there were clashes at Kilo Mission. So that was in the period January, February.

5 Q. [10:24:43] Mr Ntaganda, I'm looking at your answer on page 15, lines -- ending
6 in 25: (Speaks English) "That was also the period of Linganga and Lipri. And
7 Two Zero One..."

8 (Interpretation) What events do you recall having received information on at that
9 period?

10 A. [10:25:22] When we imprisoned Linganga, that was in January. It was just
11 prior to a patrol. It was also at the time when Zero One initiated an attack, the attack
12 in which he died and when his saba saba was taken. I think that those events are
13 linked to the question you're putting to me.

14 Q. [10:25:58] Now, in your answer you said -- I'm just looking for the word in
15 French because I don't want to cause a difficulty. Yes, you said that there were
16 clashes at Kilo Mission. Now, that is page 16, line 6. In English the word used was
17 "clashes", so I want to use the right word. Now, I'd like to know: What information
18 did you receive regarding these clashes at Kilo Mission during this period?

19 A. [10:27:02] I heard that APC soldiers had taken the road -- the Kobu road to go
20 to Salumu. Three soldiers were killed during the attack and there were also injured
21 persons. This was in February.

22 Q. [10:27:20] Do you recall what date that was in February?

23 A. [10:27:32] It was around mid-February, perhaps around the 10th, 11th,
24 12th, 13th.

25 Q. [10:27:46] Perhaps I could remind you about your testimony as regards your

1 departure for Rwanda. Now, did this happen before or after that?

2 A. [10:28:05] I think it was before my departure because I received the message
3 before leaving. Perhaps one day before. Perhaps one day before my departure.
4 I would say it was pretty much at that point in time.

5 Q. [10:28:30] Mr Ntaganda, in January, February or March 2003, did you receive
6 information regarding civilians killed by members of the FPLC in Kobu in February
7 or March?

8 A. [10:28:57] No, not at all.

9 Q. [10:29:04] Now, during the period April 2003 and November 2003 did you
10 receive information regarding civilians killed by members of the FPLC in Kobu in
11 February or March 2003?

12 A. [10:29:28] No.

13 Q. [10:29:33] Did you receive information regarding rumours or accounts of
14 civilians being killed by members of the FPLC in Kobu in February or March 2003?
15 And did you receive any such information at any time?

16 A. [10:30:05] Yes. I recall that when we were preparing to join the Kinshasa
17 army early in 2004 I learnt that and I learnt about it via the media.

18 Q. [10:30:24] Mr Ntaganda, what in fact did you learn from the media at that
19 stage?

20 A. [10:30:36] It was announced that the UPC had killed a large number of local
21 people in Kobu and that there was a mass grave. That's what I learnt.

22 Q. [10:30:52] Now, when you heard this, where were you?

23 A. [10:31:00] I recall that I was in Lopa. We had a meeting of the general staff to
24 prepare for our departure to Kinshasa. And at the start of the meeting I put a
25 question to the commander who had led the fighting there.

1 THE INTERPRETER: [10:31:24] The interpreter did not hear the name of the
2 commander.

3 MR BOURGON: [10:31:28] (Interpretation)

4 Q. [10:31:29] What was your role at that time?

5 A. [10:31:32] I was chief of the general staff of the FPLC.

6 Q. [10:31:45] Now, the name that you just mentioned was not recorded in the
7 transcript, so I'll put the question to you. What is the name of the officer who you
8 mentioned a moment ago?

9 A. [10:32:05] His name was Deba.

10 Q. [10:32:13] And what was Deba's position at that time?

11 A. [10:32:19] I'm afraid I don't understand the question.

12 Q. [10:32:29] Who was Deba and what was he doing with you then in 2004?

13 A. [10:32:39] He was a deputy brigade commander. In 2004 he was the deputy
14 brigade commander, but at the time of the fighting he was OC.

15 Q. [10:33:07] Mr Ntaganda, what I'd like to know is what he was doing in 2004, so
16 2004 when you were speaking with him?

17 A. [10:33:19] He was deputy brigade commander.

18 Q. [10:33:26] And why did you speak to him then?

19 A. [10:33:41] Well, this was the first time that I had learnt that -- this news. It
20 was being disseminated via the radio stations and so I asked him about it because I
21 didn't know anything about it prior to this point in time.

22 Q. [10:34:03] And why did you question Commander Deba?

23 A. [10:34:13] Because he was a member of Salumu's brigade. That's why I asked
24 him.

25 Q. [10:34:29] And what did Commander Deba answer?

1 A. [10:34:37] He says no, that he hadn't killed local people. He said that when
2 he was in Kobu at their position with Salumu, that they had been attacked by the
3 enemy and that they had fiercely fought the enemy and that the enemy had fled. He
4 denied being involved in the massacring of the local people, and said that he only
5 learnt about it via the media himself.

6 Q. [10:35:22] Mr Ntaganda, I'd like to be very specific about this. Did he state
7 whether or not the FPLC had killed people in Kobu? Did he accept, did he
8 acknowledge those reports?

9 A. [10:35:50] Well, I told him what I had heard via the media. I don't know if he
10 had heard the same. I told him that it was being said that people had been killed in
11 Kobu, and I asked him if that was the case. He said no, they had fought the enemy,
12 and that there had been a large number of enemy combatants and that they had
13 defeated them and he said that no civilians had been killed. In fact, he denied it
14 categorically.

15 Q. [10:36:30] Did you continue looking for information on these events after
16 speaking to Commander Deba?

17 A. [10:36:42] No.

18 Q. [10:36:44] Mr Ntaganda, I'd like to go back to the 2003 period now. In the
19 course of your testimony, you mentioned that in February 2003 you had contact either
20 in person or via Thuraya on a number of occasions with Thomas Lubanga. Now, my
21 question is the following: Did you at any time receive information from Thomas
22 Lubanga regarding civilians allegedly killed in Kobu by members of the FPLC in
23 February or March 2003 or did you discuss such events with him?

24 A. [10:37:46] No.

25 Q. [10:37:48] Mr Ntaganda, from 5 March onwards you spent a lot of time in the

1 company of Mr Thomas Lubanga, notably, or at least during your period in Goma.

2 Now during that period, did you receive information from Thomas Lubanga

3 regarding civilians allegedly killed by the FPLC in Kobu in February or March 2003?

4 A. [10:38:23] No. No.

5 Q. [10:38:28] Mr Ntaganda, we've already talked about communications and

6 meetings between you and your superior, the chief of general staff, Kisembo.

7 Particularly as regards the period of your meeting in Mongbwalu through to the time

8 when you spoke to him by Thuraya telephone. Now, my question is the following:

9 Between 2 and 6 March 2003, so after your conversation by Thuraya, the one you told

10 us about and before the fighting on 6 March in Bunia, did you discuss fighting or

11 crimes in Kobu during the period of February or March 2003?

12 A. [10:39:52] Not at all.

13 Q. [10:40:04] Mr Ntaganda, during the course of your testimony you've already

14 told us that between 6 March and your return to Bunia in June you did not have

15 contact with Floribert Kisembo. Now my question is whether between June and

16 December 2003, according to your testimony, you saw him on a number of occasions.

17 So during that period June and December 2003, did you discuss or obtain information

18 from Kisembo regarding civilians killed in Kobu in February or March 2003?

19 A. [10:40:57] No, we did not address that topic.

20 Q. [10:41:09] Now, during the course of your testimony you said that

21 Commander Salumu was present at the meeting of 5 March, the meeting at which you

22 prepared the combat plans for the battle against UPDF on 6 March. When was your

23 last contact with Salumu prior to that meeting, if you can recall?

24 A. [10:41:38] After that meeting, I did not have any conversation with Salumu.

25 Q. [10:41:53] Where was Salumu after the meeting of 5 March?

1 A. [10:42:03] After that meeting, Salumu was involved in combat and later he
2 allied himself with Jérôme.

3 Q. [10:42:21] When did you see Salumu for the last time?

4 A. [10:42:28] You mean, when did I see him for the very last time in my life or are
5 you speaking about a particular period?

6 Q. [10:42:44] When was the first time you saw him again after the fighting of
7 6 March?

8 A. [10:42:59] I saw him on the 3rd, after I joined the FARDC. I think that was in
9 June 2010. He too was a member of the FARDC. But we didn't speak.

10 Q. [10:43:29] Now, I'm not sure if your answer has been noted correctly. What
11 I'm reading here in French on page 22 at line 12 is, "I saw him after the 3rd, when I
12 joined the FARDC; that was in 2002." Is that what you said?

13 A. [10:43:54] No. I said I saw him when he was a member of the FARDC in 2010.
14 I joined the national army in 2009 and then I saw him, or saw him anew, let's say,
15 in 2010.

16 Q. [10:44:26] Both in French and English, I'm reading you saw him after the 3rd.
17 Did you say that, and if so, what were you referring to?

18 A. [10:44:38] Oh, I didn't say the 3rd. I don't recall having said that.

19 Q. [10:44:53] Now, prior to the meeting of 5 March, the meeting to prepare the
20 battle against the UPDF, when did you see Salumu for the last time?

21 A. [10:45:13] I saw him at a bar, I asked Tchaligonza about the circumstances in
22 which Zero One had died. That was in January.

23 Q. [10:45:30] Mr Ntaganda, during your discussions or other contacts with
24 Salumu, did you obtain from him any information or did you discuss with him
25 regarding civilians who had been killed in Kobu in February or March 2003

1 by the FPLC?

2 A. [10:46:04] No.

3 Q. [10:46:08] Mr Ntaganda, in your testimony you spoke of a phone call by
4 Thuraya involving both Ali Mbuyi and Floribert Kisembo and yourself. Before this
5 Thuraya call, when had you had contact or when had you received information of
6 any sort from Ali Mbuyi personally?

7 A. [10:46:52] I think that I was with him when we received the delegation from
8 Goma. Yes, it was at that point in time. And on another occasion, it was during the
9 Komanda operation.

10 Q. [10:47:35] You said and another time it was during the Komanda operation.
11 Which operation are you referring to?

12 A. [10:47:46] I said I was with him during the reception or when we welcomed
13 the delegation from Goma. After that, we didn't have contact because most of the
14 time he was taking part in the Komanda operations.

15 Q. [10:48:06] Between the call you received on your Thuraya from Ali Mbuyi and
16 the meeting on 5 March to prepare the battle against the UPDF, did you have any
17 contact with or any meeting with Ali Mbuyi?

18 A. [10:48:33] No.

19 Q. [10:48:35] Between the period of 6 March 2003, what was the first contact that
20 you had with Ali Mbuyi following this date?

21 A. [10:48:57] He called me on the phone in 2011 at night. He was in Uganda.
22 He called at 3 a.m. That's it.

23 Q. [10:49:15] Mr Ntaganda, on the subject of Ali Mbuyi, have you discussed with
24 him or obtained from him any information relating to civilians killed in Kobu by
25 members of the FPLC in February or March 2003?

1 A. [10:49:40] No.

2 Q. [10:49:52] I would now like to turn to Tchaligonza. You mentioned that
3 Tchaligonza was present at the meeting of 5 March. When was your last personal
4 contact with Tchaligonza prior to that meeting of 5 March?

5 A. [10:50:16] It was when I had reprimanded him on the subject of the death of
6 Zero One.

7 THE INTERPRETER: [10:50:31] The Swahili interpreter did not catch the location
8 where Zero One died. Please, could Mr Ntaganda be asked to repeat that.

9 MR BOURGON: [10:50:42] (Interpretation)

10 Q. [10:50:43] Mr Ntaganda, could you talk about where you talked about the
11 death of Zero One, and you added some other words. Could you please repeat that?

12 A. [10:50:58] I said that the last time I spoke to Tchaligonza was in a bar. I met
13 him there, and I reprimanded him on the matter of the death of Zero One.

14 Q. [10:51:17] The information that we were missing was the location where Zero
15 One died.

16 A. [10:51:34] Zero One died in Lipri.

17 Q. [10:51:36] Following the meeting of 5 March, what was the date of your next
18 contact with Tchaligonza in person, on the phone or in some other way?

19 A. [10:51:54] It was when I joined the FARDC, so after 2009, 2010, something like
20 that.

21 Q. [10:52:17] Mr Ntaganda, during this period up to 2009 did you at any time
22 speak to Tchaligonza or get information from him relating to civilians being killed by
23 members of the FPLC in Kobu in February or March 2003?

24 A. [10:52:41] No.

25 Q. [10:52:51] And now moving to Tiger One, what was the date of your last

1 contact with Tiger One, as best you can recall, prior to the meeting of 5 March?

2 A. [10:53:12] I recall that he had defected with Jérôme and he joined us in 2005.

3 Q. [10:53:34] It may be that my question wasn't clear, Mr Ntaganda. I was
4 talking about the period prior to 5 March 2003, the time when the conflict or the battle
5 against the UPDF was being planned. Prior to that, what was the date of your last
6 contact with Tchaligonza?

7 A. [10:54:05] Prior to 5 March, no, it was in January.

8 THE INTERPRETER: [10:54:13] Interpreter corrects: It was Tiger One not
9 Tchaligonza.

10 THE WITNESS: [10:54:20]) (Interpretation) He came to the reception for the
11 delegation from Goma. That's when I saw him.

12 MR BOURGON: [10:54:31] (Interpretation)

13 Q. [10:54:33] Prior to that period -- well, I would like to talk first about the
14 reception for the delegation from Goma. On what date did that take place?

15 A. [10:54:55] It was in February. They stayed there from the 6th to the 8th.

16 Q. [10:55:07] Mr Ntaganda, between the period of 6 to 8 February up to
17 22 February, which is the date you last mentioned in your logbook, do you recall
18 having had information or having exchanged information with Tiger One?

19 A. [10:55:41] No, we no longer were in contact. No. On the date of the 21st,
20 I had no discussion with him; however, during the preparation of the battle against
21 the Ugandans we were together.

22 Q. [10:56:09] Mr Ntaganda, I was referring there to your logbook. Do you know
23 whether between 8 February and 22 February there are any messages involving
24 Tiger One?

25 A. [10:56:28] 8 February? The 21st in the logbook, no, I don't remember. I don't

1 remember. I don't think, no.

2 Q. [10:56:52] You said earlier that Tiger One joined you in 2005. What happened
3 to Tiger One after 6 March, if you know about?

4 A. [10:57:14] After 6 March he joined Jérôme.

5 Q. [10:57:29] And when did you see him then for the first time following that?

6 A. [10:57:38] I saw him again around 2005. It must have been the end of 2004,
7 beginning of 2005.

8 Q. [10:57:48] What was he doing at that time?

9 A. [10:57:52] He joined us. It was at the time I was leaving Ituri. He didn't
10 receive any position.

11 Q. [10:58:09] During this period, going back to 8 February and from then on, did
12 you discuss with Tiger One or did you receive any information from Tiger One
13 relating to civilians being killed in Kobu by members of the FPLC in February or
14 March 2003?

15 A. [10:58:37] No.

16 Q. [10:58:45] Mr Ntaganda, during the course of these hearings you have heard of
17 a number of witnesses giving descriptions of these events that occurred in Kobu,
18 Bambu and Lipri in February and March 2003. So my question is as follows: What
19 do you know about -- what did you know about this before you arrived in The Hague
20 in March 2013?

21 A. [10:59:19] I had followed the information on this subject through the press, but
22 other than that, I knew nothing about Kobu, Bambu and Lipri.

23 Q. [10:59:41] And when you say "the press", you refer there to information you
24 received at what time or what stage, from the press or the media?

25 A. [10:59:54] I was talking about 2004 when I heard that there had been killings

1 committed by the UPC in Kobu and that there were also mass graves.

2 Q. [11:00:15] Mr Ntaganda, since you've been in The Hague and your trial has
3 started you have had access to a number of documents, you have heard witnesses and
4 allegations relating to what happened in the Kobu, Bambu, Lipri region in February
5 and March 2003.

6 A. [11:00:43] Yes. I have heard this.

7 Q. [11:00:54] What is your feeling as to what you have heard by way of evidence?

8 A. [11:01:07] In general or on a case-by-case basis?

9 Q. [11:01:15] As you wish, Mr Ntaganda.

10 A. [11:01:23] I came here to give my testimony and I believe it is a faithful account
11 of what I saw and what I experienced and what I went through. Others have
12 witnessed, given their testimony engages only themselves. I came here to tell the
13 truth about the FPLC, the movement in which I was working to talk about what we
14 accomplished and to reply and to defend myself against the charges brought before
15 me in this Court. That is the purpose of my testimony. However, what others have
16 said about what I may have been, I am not in agreement with that. There are places
17 where I was not. I can't say whether it was true or not because I haven't been able to
18 investigate this. This is my position.

19 Q. [11:02:42] Mr Ntaganda, I think perhaps my question was not clear. I was
20 referring to the events on which you have had a lot of information since you arrived
21 in The Hague relating to civilians having been killed in Kobu by the FPLC in
22 February and March 2003. What is your position there?

23 A. [11:03:15] Your question is now clearer. If that truly occurred, then it is
24 quite -- something quite shameful for me. It is also awful. When I saw the pictures
25 saying that the FPLC had killed members of the civilian population, I personally did

1 not think that would have been possible. The way in which the members of the
2 population were killed shows me that this was the modus operandi of the Lendu
3 combatants. In prison there were members of the Lendu population, I talked to
4 (Redacted) myself and he said that what is on this photo is absolutely not true. He
5 presented this photo. It was somebody called (Redacted)

6 (Redacted)

7 I'm sorry. I would like us to be able to move into private session.

8 PRESIDING JUDGE FREMR: [11:04:54] All right. Court officer, let's move into
9 private session now.

10 (Private session at 11.04 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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18 (Open session at 11.15 a.m.)

19 THE COURT OFFICER: [11:15:37] We are in open session, Mr President.

20 PRESIDING JUDGE FREMR: [11:15:40] Thank you.

21 And now, Mr Bourgon, as I indicated, normally we should break now. It's up to. If
22 you would be able to complete direct in next 30 minutes, we can continue. If not, we
23 will break.

24 MR BOURGON: [11:15:56] I would prefer, Mr President, to break because I look at
25 the questions I have, the answers are longer than what I expected and I would like to

1 reorganise so that I fill exactly in the time that was given to me.

2 PRESIDING JUDGE FREMR: [11:16:10] All right.

3 And as concerns this time I got information that, and again it's not about one minute,
4 but at the moment you should still have 54 minutes at your disposal.

5 So now we break and we will reconvene at quarter to 12.

6 THE COURT USHER: [11:16:37] All rise.

7 (Recess taken at 11.16 a.m.)

8 (Upon resuming in open session at 11.46 a.m.)

9 THE COURT USHER: [11:46:23] All rise.

10 Please be seated.

11 PRESIDING JUDGE FREMR: [11:46:40] So we are going to continue with the
12 probably last part of examination-in-chief of Mr Ntaganda conducted by the Defence.
13 Mr Bourgon, you have the floor.

14 MR BOURGON: [11:47:02] (Interpretation) Thank you, your Honour.

15 Q. [11:47:06] Mr Ntaganda, I have some questions to put to you regarding an
16 individual who you have referred to on a number of occasions during your testimony,
17 and that is Commander Manu. During your testimony yesterday, having read a
18 message in your logbook, you told us that you had asked Jérôme to imprison
19 Emmanuel and all those other persons. This was transcript 222, page 93, lines 1 to 12.
20 I'm quoting there from the realtime transcript.

21 PRESIDING JUDGE FREMR: [11:48:03] Hold on, Mr Bourgon.

22 Ms Samson.

23 MS SAMSON: [11:48:04] Thank you, Mr President. I'm going from memory, but
24 could counsel confirm if the logbook message referred to Emmanuel or used a
25 different name, please?

1 PRESIDING JUDGE FREMR: [11:48:26] Mr Bourgon.

2 MR BOURGON: [11:48:30] (Interpretation) This was information which

3 Mr Ntaganda gave, having read a message in which the name of Commander Manu

4 appeared. I put a question to him and then he answered. I've given you the

5 references of that answer by Mr Ntaganda to my question.

6 Now, my question was on page 92, lines 27 to 29. And the answer from

7 Mr Ntaganda is on page 93 of the transcript at lines 1 to 12.

8 Q. [11:49:10] Now, Mr Ntaganda, yesterday you referred to Commander Manu.

9 Now, my question is: Following the events of 2002 and 2003, did you have contact
10 with Commander Manu regarding topics similar to those that were the cause of his
11 being imprisoned by Jérôme in 2003?

12 A. [11:49:53] First of all, I'd like to say something about Manu. There were no
13 other civilians called Manu in the FPLC or UPC. There was only one Manu. There
14 was nobody known by the name of Emmanuel, so the person that we were talking
15 about in the logbook, that was Manu.

16 Now, regarding your question concerning 2002 and 2003, I had no contact at all with
17 him subsequent to his departure. Having left him in Mongbwalu, I had no further
18 contact with him.

19 Q. [11:50:43] Mr Ntaganda, my question is whether after 2002 and 2003 you had
20 contact anew with Manu and, if so, on what matter?

21 A. [11:51:08] In 2007 he became a member of the organisation of which I was
22 general secretary, but I -- I had him leave that organisation, and that was the contact I
23 had with him in 2002-2003. The organisation was the CNDP.

24 Q. [11:51:39] So Manu became a member of the CNDP? And what happened, in
25 your own words, Mr Ntaganda?

1 A. [11:51:55] One of his relatives brought him along to become a member of the
2 CNDP, to become a member. I said he was a thief and that he could not become a
3 member of our forces. So he left and he rejoined the FARDC that he had previously
4 been a member of.

5 Q. [11:52:22] Who did you -- sorry, what was your position at that point in time
6 and who did you say those things about Manu in front of?

7 A. [11:52:39] I was the chief of general staff of the CNDP, and other commanders
8 were present, like Colonel Kabundi, who is currently a general in the Congolese army
9 and there were other battalion commanders present. However, the person who had
10 brought him to the meeting was Colonel Kabundi who is now a general, but I had
11 them both leave the meeting because I could not work with a chief. So he is related
12 by way of family to Kabundi.

13 Q. [11:53:36] Are you aware of problems that Commander Manu had with the
14 justice system during that period?

15 A. [11:53:49] Yes, before he attempted to become a member of the CNDP, he had
16 deserted the FARDC and gone to Uganda via Rwanda, but he did not have adequate
17 travel documentation for the journey, and so I called one of my friends who worked
18 for the intelligence services. His name was Charles, I think, and I said, "There's a
19 deserter of the -- or from the FARDC travelling to Uganda." And they arrested him
20 and imprisoned him for one year. So when he came to join us, I also said to him,
21 "Why did you desert?" And he was arrested in Rwanda because of me.

22 Q. [11:54:56] To your knowledge, did Commander Manu know that you were
23 responsible for his arrest and subsequent imprisonment for one year?

24 A. [11:55:16] Yes. After his release from Rwanda, a Colonel Kabundi brought
25 him to my place and he wanted to join our forces, and I said, "I'm the one who had

1 you arrested. I'm the one who reported you and had you arrested. And
2 furthermore, I can't accept you as a member of our forces because you're a thief. But
3 I'm not going to keep you here, I'll let you go so that you can join the FARDC again."
4 And he left.

5 Q. [11:55:57] Your Honour, could we move into private session, please?

6 PRESIDING JUDGE FREMR: [11:56:02] All right. Court officer, let's move into
7 private session.

8 (Private session at 11.56 a.m.)

9 (Redacted)

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11 (Redacted)

12 (Redacted)

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16 (Redacted)

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- 17 (Redacted)
- 18 (Open session at 12.19 p.m.)
- 19 THE COURT OFFICER: [12:19:31] We are back in open session, Mr President.
- 20 PRESIDING JUDGE FREMR: [12:19:43] Thank you, court officer.
- 21 Mr Bourgon, please proceed.
- 22 MR BOURGON: [12:19:50] (Interpretation) Thank you, Mr President.
- 23 Q. [12:19:53] My first question, Mr Ntaganda: When you went to Sayo,
- 24 according to what you said in your testimony, did you give orders to anyone at all to
- 25 fire on men and women who were fleeing when you were either en route or in Sayo?

1 A. [12:20:27] I never gave any such order.

2 Q. [12:20:35] To the best of your knowledge, Mr Ntaganda, the forces that went to
3 Sayo before you, were they carrying support weapons or heavy weapons?

4 A. [12:20:57] No. The weapons stayed behind us in Appartements. The other
5 weapons remained at the factory.

6 Q. [12:21:16] Is that the usual procedure, to the best of your experience?

7 A. [12:21:25] Yes, this is normal procedure during fighting. The support
8 weapons are not taken to the frontline. At that point, the war had finished. Why
9 would we take support weapons to the frontline?

10 Q. [12:21:46] Mr Ntaganda, in November 2002 to -- when you were in the place
11 known as Appartements, were there people there at Appartements together with
12 heavy weapons?

13 A. [12:22:11] Yes. For the short period I remained there, there were Nduru and
14 Gege, who arrived with me, who had such weapons.

15 Q. [12:22:23] To the best of your knowledge, the heavy weapons from the Seyi
16 brigade were stored where following the events in Sayo?

17 A. [12:22:49] During Sayo these weapons remained at the factory.

18 Q. [12:22:57] And after the factory, do you know where the Seyi brigade weapons
19 were stored?

20 A. [12:23:11] Following my departure from Sayo, I don't know where these
21 weapons were sent, to which force they were sent. That was no longer my role
22 because I had already left the location, so I don't know.

23 MR BOURGON: [12:23:30] (Interpretation) Mr President, if we could please
24 return to private session.

25 PRESIDING JUDGE FREMR: [12:23:35] Court officer, let's move into private

1 session now.
2 (Private session at 12.23 p.m.)
3 (Redacted)
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3 (Open session at 12.29 p.m.)

4 THE COURT OFFICER: [12:29:37] We are back in open session.

5 PRESIDING JUDGE FREMR: [12:29:47] Thank you, court officer.

6 Mr Bourgon, please proceed.

7 MR BOURGON: [12:29:56] (Interpretation) Thank you, Mr President.

8 Q. [12:29:58] Mr Ntaganda, I named a person while we were in private session.

9 You know that this was a witness known as (Redacted) and this witness said the
10 following in transcript 78, from 77, lines 1 to 12, and I will read this to you in English.

11 (Speaks English) "Question: I now go to page 15 of the same transcript, 79, French
12 version, and this timelines 17 to 21 -- please excuse me, 14. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Question: And --"

17 PRESIDING JUDGE FREMR: [12:31:13] Hold on, Mr Bourgon. I see Ms Samson
18 on her feet.

19 Ms Samson, please.

20 MS SAMSON: [12:31:19] Yes, Mr President, as much as the Prosecution wishes to
21 remain in public session, the testimony being quoted was elicited in private session,
22 and the code being used is incorrect. We -- I believe that the passage from testimony
23 elicited in private session will have to be repeated in private session and then perhaps
24 any questions based on that about the witness's response to that testimony may have
25 to be done in -- could then be done in public session because of the identifying

1 aspects, reasons requiring the protection and private sessions of the witness's
2 testimony in the original in the first place.

3 PRESIDING JUDGE FREMR: [12:32:02] I get the point, Ms Samson, but do you
4 believe that in this case this testimony could identify this witness?

5 MS SAMSON: [12:32:13] Yes, your Honour, and I can provide greater detail in
6 private session, if necessary.

7 PRESIDING JUDGE FREMR: [12:32:18] All right. Then I will -- it is, in fact, both
8 parties wish, so no problem to follow that.

9 So let's return back into private session.

10 (Private session at 12.32 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

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4 (Redacted)

5 (Redacted)

6 (Open session at 12.34 p.m.)

7 THE COURT OFFICER: [12:34:15] We are in open session, Mr President.

8 PRESIDING JUDGE FREMR: [12:34:25] Thank you, court officer.

9 Mr Bourgon, please proceed.

10 MR BOURGON: [12:34:32] (Interpretation) Thank you, Mr President.

11 Q. [12:34:35] Mr Ntaganda, do you have anything that you would like to share
12 with us regarding the part of the testimony that I have just read to you?

13 A. [12:34:58] Yes. Firstly, as commander I was familiar with all the support
14 weapons. I knew where they were. These were weapons that were at l'usine and
15 there was the grenade launcher, and they were using a grenade launcher or rocket
16 launcher in Sayo. The weapons used in Sayo were fired from the position where I
17 was. There was a 12.7, the 12, which was fired, and also the B10. The person firing
18 the 12.7 were Murefu and Tiger One. That was not another 12. We only had one
19 weapon of this type.

20 And the images of these events are in the camera that we brought which show us
21 firing in Sayo with the 12.7. There was not another gunner. It was Murefu using
22 and it and also Tiger One that was next to me. We had no vehicle, not at all, when
23 we attacked Sayo. There were no vehicles in Mongbwalu. The vehicles arrived in
24 the evening of that day. That was the vehicle of Manu, when the battle had already
25 finished and I requisitioned this vehicle from Manu and I hung on to it.

1 That's what I can say. And that has got nothing to do with the way we liberated

2 Sayo. That is untrue.

3 Q. [12:37:04] Mr Ntaganda, we're in open session. The Witness P-769 said that,

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE FREMR: [12:37:35] Mr Bourgon, sorry. I believe that there is,

7 having into account the objection made by Ms Samson, again the reason to move into

8 private. So let's move into private session.

9 (Private session at 12.38 p.m.)

10 (Redacted)

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13 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

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16 (Redacted)
17 (Open session at 12.45 p.m.)
18 THE COURT OFFICER: [12:45:18] We are back in open session, Mr President.
19 PRESIDING JUDGE FREMR: [12:45:22] Thank you, court officer.
20 Mr Bourgon, please proceed.
21 MR BOURGON: [12:45:29] (Interpretation) Thank you, your Honour.
22 Q. [12:45:30] Mr Ntaganda, I'd like to show a document to you, and your name
23 figures at the signature point. DRC-D01-0003-5896. I'd like that document to be
24 displayed, please. This is item 634 on our list and to my knowledge it is a public
25 document.

1 Mr Ntaganda, the document is about to appear on your screen.

2 THE COURT OFFICER: [12:46:36] The document is displayed on the evidence 1
3 channel.

4 MR BOURGON: [12:46:41] (Interpretation)

5 Q. [12:46:44] Mr Ntaganda, do you recognise this document?

6 A. [12:46:52] Yes.

7 Q. [12:46:54] What is it?

8 A. [12:46:59] It's a document signed by my secretary under my instruction, PO.

9 Q. [12:47:20] And what is the date of the document?

10 A. [12:47:27] It's dated 16 February 2003.

11 Q. [12:47:32] Is there a reason why this document is signed PO by your secretary?

12 A. [12:47:47] He signed this document in my absence. I wasn't present.

13 Q. [12:47:53] Do you recall the content of this document, Mr Ntaganda?

14 A. [12:47:59] Yes. This is a reply to a letter sent to us on 21 October 2002 and one
15 on 27 January 2003. It is -- the topic is seeking out children within the forces, notably
16 those aged under 18 years so that they be released from the army.

17 Q. [12:48:45] Reference is made to a meeting in the first paragraph, a meeting that
18 took place on 8 February with the general staff. Do you recall that meeting?

19 A. [12:48:56] Yes. This is when the RCD-Goma delegation left. You know that
20 subsequently the president organised a press conference at which this topic was
21 discussed. And there he underlined, once again, that the soldiers needed to follow
22 up on this matter, and he reminded us that we needed to carry out the remit that he
23 had entrusted in us. And reference is made to a meeting which took place at the
24 headquarters when the RCD-Goma delegation left. He thanked us for what we had
25 done, notably the reception we had given to the RCD-Goma delegation. We were

1 present. And he specifically addressed us, the soldiers.

2 MR BOURGON: [12:50:16] (Interpretation) Your Honour, on the basis of the
3 answer given by the witness, I would ask that this document be admitted as an item
4 of Defence evidence.

5 PRESIDING JUDGE FREMR: [12:50:24] Prosecution.

6 MS SAMSON: [12:50:26] Mr President, for the same reasons as your Honours
7 ordered the previous document to be marked for identification pending
8 authentication later and because the Prosecution does -- has also raised concerns
9 about the authenticity of this document, the Prosecution seeks to have this document
10 marked for identification. I could supplement, your Honour, but in my submission
11 it would be best to do that in private session.

12 PRESIDING JUDGE FREMR: [12:50:56] All right. Let's move into private session,
13 court officer, please.

14 (Private session at 12.51 p.m.)

15 (Redacted)

16 (Redacted)

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13 (Open session at 12.55 p.m.)
14 THE COURT OFFICER: [12:55:40] We're in open session, Mr President.
15 PRESIDING JUDGE FREMR: [12:55:52] Thank you, court officer.
16 Mr Bourgon, please.
17 MR BOURGON: [12:55:56] Thank you, Mr President. This concludes my
18 examination-in-chief of Mr Ntaganda. I only have one issue left, which was I
19 intended to ask for the organisational charts which were produced by Mr Ntaganda
20 to be admitted into evidence because I think they can be of assistance to the Chamber
21 in adjudicating and evaluating his testimony.
22 If the Chamber does not feel that this is necessary, then I will not make the request. I
23 just thought it was good to -- it would be appropriate to admit items 19 to 26 and
24 item 28 on the -- in evidence. These are organisational charts which were prepared
25 by Mr Ntaganda and on which he has been -- he had the opportunity to explain how

1 they were produced, how they were made and what they represent.

2 So I'm in your hands, Mr President, regarding whether we should admit these
3 documents. I think that they can be helpful. And I leave it at that, Mr President.
4 Thank you.

5 PRESIDING JUDGE FREMR: [12:57:05] Prosecution.

6 MS SAMSON: [12:57:08] I'm taking a look, your Honour, to see whether these
7 organigrams relate to organisations of various groups at various times, including the
8 APC and ...

9 PRESIDING JUDGE FREMR: [12:57:28] Ms Samson, we can postpone decision on
10 that till tomorrow. So you will have time also to check those documents and to
11 provide us with your position tomorrow, tomorrow morning.

12 MS SAMSON: [12:57:42] Thank you.

13 MR BOURGON: [12:57:43] If I may add, Mr President, all of these relate to events
14 that were described in detail by Mr Ntaganda during his testimony. Thank you.

15 PRESIDING JUDGE FREMR: [12:57:52] I think we all will check and then
16 tomorrow we will listen to Ms Samson and we will decide.

17 So for today we can break, and in fact finish for today, because the Chamber ruled in
18 accordance with the joint request of Prosecution and Defence to start cross-examine of
19 this witness tomorrow morning.

20 Mr Bourgon.

21 MR BOURGON: [12:58:21] I apologise, Mr President. I have one procedural
22 matter to raise at this time. We've received the list of items the Prosecution intends
23 to use during the cross-examination of Mr Ntaganda. Of course, we are looking at
24 this list. There's no way for us to be able to produce or to make any meaningful
25 observations at this time, if only because the list contains 1,400 exhibits that they

1 intend to use with the witness.

2 So we'll do our observations as the documents are used during the cross-examination,
3 but there's one issue I'd like to raise at this time, and this has to do with the items on
4 the Prosecution list which begin at 1406 until 1471.

5 These items, Mr President, relate to the telephone conversations of Mr Ntaganda
6 which were the subject of a different decision by the Chamber. I simply note that in
7 the list provided by the Prosecution, no extracts are provided. But my
8 understanding is that the extracts that can be used are those which were in the
9 Prosecution motion which was granted in part by the Chamber.

10 That's the only thing I'd like to mention at this time. This was in filing 1930,
11 Annex A, where the Prosecution requested specific passages in each of these
12 conversations. Thank you.

13 PRESIDING JUDGE FREMR: [13:00:02] Ms Samson, on that point.

14 MS SAMSON: [13:00:05] Yes, I just want to note that the Prosecution in its list has
15 used as a base the list that the Defence -- of the Defence documents. So 839 or 840
16 documents from our list are the documents that the Defence had on its own list.
17 That said, we perfectly understand that it will be difficult for Defence to overnight
18 make observations on the remaining number of documents that we've added to our
19 list.

20 In relation to the items that the Defence has referred to today, items 1406 to
21 items 1471, I confirm that the excerpts that the Prosecution at this time intends to use
22 are those that we have reflected in our filing and that the Chamber has reviewed and
23 approved.

24 PRESIDING JUDGE FREMR: [13:00:54] I'm glad to hear because it should be -- our
25 decision should be followed.

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- 1 So I see there are no further requests for the floor. So, as I said, we adjourn and we
- 2 will continue tomorrow, 9.45.
- 3 THE COURT USHER: [13:01:10] All rise.
- 4 (The hearing ends in open session at 1.01 p.m.)