

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Tuesday, 11 July 2017
9 (The hearing starts in open session at 9.45 a.m.)
10 THE COURT USHER: [9:45:45] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:46:11] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:46:16] 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 For the record, we are in open session.
19 PRESIDING JUDGE FREMR: [9:46:33] Thank you, court officer.
20 Appearances, please.
21 MS SAMSON: [9:46:36] Good morning, Mr President. Good morning, your Honours.
22 Appearing for the Prosecution today are Mr Rens van der Werf, Ms Selam Yirgou,
23 Ms Claudine Umurungi, Ms Laura Morris and myself, Nicole Samson.
24 PRESIDING JUDGE FREMR: [9:46:51] Thank you, Ms Samson.
25 Defence, please.

- 1 MR BOURGON: [9:46:59] (Interpretation) Good morning, Mr President.
2 Representing Bosco Ntaganda, who is present here in the room this morning,
3 Victoria Cichalewska, Justin Kabika, Isabelle Martineau and myself, Stéphane Bourgon.
4 PRESIDING JUDGE FREMR: [9:47:15] Thank you, Mr Bourgon.
5 And Legal Representatives of Victims, please.
6 MS PELLET: [9:47:24] (Interpretation) Good morning, Mr President. The former
7 child soldiers are represented by Vony Rambolamanana and myself, Sarah Pellet, from the
8 OPCV.
9 MR SUPRUN: [9:47:37] (Interpretation) Good morning, Mr President. Good
10 morning, your Honours. For the victims of the attacks, Anne Grabowski and me,
11 Dmytro Suprun, from the OPCV.
12 PRESIDING JUDGE FREMR: [9:47:48] Thank you, Ms Pellet. Thank you, Mr Suprun.
13 So today's three sessions should be devoted to next part of direct examination of
14 Mr Ntaganda conducted by the Defence. So we can directly start.
15 Mr Bourgon, you have the floor.
16 MR BOURGON: [9:48:12] (Speaks English) Thank you, Mr President. Mr President,
17 with the leave of the Chamber, I'd like to make a joint submission, Defence and
18 Prosecution, regarding the timing. And it is important that I do this at this time because
19 it is a question of disclosure of documents for cross-examination.
20 PRESIDING JUDGE FREMR: [9:48:29] Sorry, I'm sorry, it is joint?
21 MR BOURGON: [9:48:34] Indeed, Mr President. A joint submission for the
22 cross-examination of Mr Ntaganda to begin on Thursday morning, which will not change
23 the fact that I will not go beyond the time that I have left over. The reason for this is
24 twofold: One is the Prosecution is due to, of course, give us their list of documents
25 24 hours in advance, and we've agreed to receive it sometime today. My colleague will

1 disclose -- will give us the list of the Prosecution documents today.

2 And the second issue is basically I've asked my colleague if she intended to go beyond

3 21 July. Of course, she cannot say that, but she's not sure, but it is likely that she will.

4 And in these circumstances, we both believe that it is appropriate to at least proceed in a

5 more reasonable pace between now and 21 July.

6 So for these reasons, we would finish the examination-in-chief tomorrow morning and

7 then resume with cross-examination on Thursday morning. Thank you, Mr President.

8 PRESIDING JUDGE FREMR: [9:49:48] Prosecution, could you just add anything if

9 necessary?

10 MS SAMSON: [9:49:52] Yes, Mr President. So the Defence indeed did approach

11 Prosecution yesterday with the proposal of starting Thursday morning and proposing this

12 to the Chamber, in part as well in order to provide Mr Ntaganda with a break. And the

13 Prosecution does not oppose proceeding in that way. It is unlikely that I will conclude

14 cross-examination before the Court recess.

15 PRESIDING JUDGE FREMR: [9:50:20] Thank you, Ms Samson.

16 I think that it is an issue that we can, I believe, solve now during our brief silent

17 deliberation. Give me a second, I will see whether it is feasible.

18 (Trial Chamber confers)

19 PRESIDING JUDGE FREMR: [9:51:39] So after brief silent deliberation in the

20 courtroom, our ruling is that the joint request of Defence and Prosecution is granted. I

21 can be brief. In fact we, the Chamber, in fact, have been persuaded by the arguments

22 presented jointly by both parties and we see no problem to start with cross-examination

23 on Thursday morning. So the request is granted.

24 Now, Mr Bourgon, please you may proceed with examination-in-chief.

25 MR BOURGON: [9:52:19] Thank you, Mr President.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

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

2 (The witness speaks Swahili)

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

4 Q. [9:52:27] Good morning, Mr Ntaganda.

5 A. [9:52:31] Good morning. I am well. I have no problems.

6 Q. [9:52:41] Mr Ntaganda, when we closed our session yesterday, I was showing you
7 a document relating to a massacre in Nizi by the Lendu, DRC-OTP-0005-0271. It
8 was -- so I have a question about this document. Does this document represent your
9 experiences of the month of July 2003?

10 A. [9:53:36] Yes.

11 Q. [9:53:39] Mr Ntaganda, when these events took place in Nizi in July, did the FPLC
12 intervene in this fighting?

13 A. [9:53:54] No. No, we did not intervene.

14 Q. [9:53:59] And why not?

15 A. [9:54:06] Thomas -- President Thomas banned us from doing so in advance. He
16 said that we should not intervene in the areas which we occupied.

17 Q. [9:54:23] Since you make mention there of these zones that you occupied, before
18 moving ahead in time in 2003, I would first like to come back to the month of June when
19 you came back to Bunia. You explained what you were doing at that point. What I
20 would like to know is: What was the set-up, the organisation of the FPLC at that time?

21 A. [9:55:03] The organisation had deteriorated from what we had before. We had
22 only three brigades at that time.

23 Q. [9:55:17] In June, did you manage to assemble your escort company?

24 A. [9:55:29] There was only a part of what I had previously had.

25 Q. [9:55:40] And did the chief of general staff, Kisembo, manage to assemble his

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 escorts as far as you could tell in June 2003?

2 A. [9:56:00] He was also having problems. His bodyguard was not fully complete
3 compared with the previous situation.

4 Q. [9:56:14] Would you be able to present us with or draw us an organigram
5 regarding the organisation of the FPLC in June 2003?

6 A. [9:56:28] Yes, I could do that.

7 Q. [9:56:34] Do you recall having carried out such an exercise during your Defence
8 preparation?

9 A. [9:56:50] Yes, I prepared such an organigram.

10 MR BOURGON: (Interpretation) So, Mr President, I would like to show the witness a
11 document. It is DRC-D18-0001-5530. This is item 29 on our list. I would like this
12 document to be shown on the screen.

13 PRESIDING JUDGE FREMR: Ms Samson?

14 MS SAMSON: [9:57:24] Yes. Prior to showing the document, could the witness be
15 asked what the structure was.

16 PRESIDING JUDGE FREMR: [9:57:38] Mr Bourgon.

17 MR BOURGON: [9:57:46] (Interpretation) Of course, Mr President.

18 Q. [9:57:50] So how was the FPLC organised at that point? Who was at the top of the
19 hierarchy?

20 A. [9:58:09] The organigram remains the same. Kisembo was the chief of general
21 staff. I was his deputy. And then there were three brigades. And in Kisembo's
22 general staff there was a G structure. In other words, there were three brigades: Joo,
23 Largu and Katoto.

24 MR BOURGON: [9:58:54] (Interpretation) Mr President, if my colleague is happy
25 with this reply, could I please show the document to the witness?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [9:59:03] Ms Samson, your position?

2 MS SAMSON: [9:59:04] No objection, your Honour.

3 PRESIDING JUDGE FREMR: [9:59:05] Let's proceed.

4 THE COURT OFFICER: [9:59:10] Mr Bourgon, could we please have the level of --

5 MR BOURGON: [9:59:15] Publique. (Interpretation) Yes, I'm going to put it here in
6 large capitals for myself.

7 Q. [9:59:35] Mr Ntaganda, you can see a document. Do you recognise this
8 document?

9 A. [9:59:42] Yes, I recognise it.

10 Q. [9:59:50] Do you recognise the initials or the sort of signature at the bottom of the
11 document? If we could perhaps have the document up so we can see the bottom of the
12 page.

13 Do you recognise the initials at the bottom of the page, the signature?

14 A. [10:00:22] The lower echelon there is the brigade.

15 Q. [10:00:31] I'll make my question clearer. Right at the bottom of the page there are
16 initials or some form of signature; do you recognise that?

17 A. [10:00:45] Yes, that's my signature.

18 Q. [10:00:50] Please explain to us, Mr Ntaganda, what this document represents.

19 A. [10:01:04] This shows the organisation when Artémis sent us out of the town. We
20 started with this as our organisation.

21 Q. [10:01:21] When we look at this organigram, there is a box with EMG Miala, what
22 does that signify?

23 A. [10:01:38] That is Kisembo's general staff once he had left Bunia.

24 Q. [10:01:48] When we look at an organigram like this one and we see the box where
25 it says EMG, to whom do the people working in the general staff Miala report?

1 A. [10:02:15] They report to the chief of general staff.

2 Q. [10:02:22] Do you recall the names of the brigade commanders at this stage, this is
3 towards the end of June 2003?

4 A. [10:02:41] Yes, I know them.

5 Q. [10:02:42] Could you give us their names and tell us where the brigade is in the
6 name of the commander?

7 A. [10:02:57] The first brigade is Katoto, that was a headquarters commanded by a
8 Commander Mabo. He commanded the men from Katoto, Centrale, Barrière, Lopa, Nizi,
9 Mabanga, Dala, Dhego. Those are the areas that were under his command and they
10 bordered the other brigade, which was at Largu.

11 Q. [10:03:39] Please continue.

12 A. [10:03:50] The brigade Largu was commanded by Commander Papy or Romeo
13 Charlie. This was responsible for Fataki, Djugu territory, Bule, and it bordered the
14 Joo brigade. In the Joo brigade was commanded by Kaina Innocent or India Queen.
15 And this brigade dealt with the zones called Kafe, up to near Nyamamba, and
16 Dregese (phon) which was on the banks of a lake. That's how we deployed these new
17 brigades. And the headquarters of this third brigade was in Joo.

18 Q. [10:05:15] You just mentioned that the Joo brigade was on the banks of the lake.
19 Which lake are we referring to here?

20 A. [10:05:26] Lake Albert.

21 Q. [10:05:35] Do you recall, Mr Ntaganda, we previously looked together at an
22 organigram which was dated February. What happened or, rather, what was the fate of
23 all the other locations under the control of FPLC at that stage?

24 A. [10:06:12] The plan that we had -- the plan that we put in place to destroy us, the
25 UPDF plan, had regressed, so at the end of 2003 we had only a certain number of brigades,

1 and this was the consequence thereof.

2 Q. [10:06:40] If I take as an example the road to Komanda and then to Beni, were there
3 any FPLC soldiers on this road?

4 A. [10:07:03] At that stage we could no longer -- were no longer in control of that area.
5 We could no longer go via Bunia towards the south-east. We had -- that was not possible
6 any longer. We had no troops in this area.

7 Q. [10:07:21] And if I take a second example, the Mongbwalu region and everything
8 to the north, did you also have FPLC troops in Mongbwalu and to the north of
9 Mongbwalu?

10 A. [10:07:46] No, we no longer had any troops there.

11 MR BOURGON: [10:07:52] (Interpretation) Mr President, I would like this
12 organigram to be admitted as evidence as a Defence document.

13 PRESIDING JUDGE FREMR: Prosecution?

14 MS SAMSON: [10:08:05] No objection, your Honour.

15 PRESIDING JUDGE FREMR: [10:08:07] So document specified by Mr Bourgon is
16 admitted into evidence as a further Defence exhibit.

17 Mr Bourgon, please proceed.

18 MR BOURGON: [10:08:23] (Interpretation) Thank you, Mr President.

19 Q. [10:08:27] Mr Ntaganda, yesterday we discussed together certain attacks launched
20 in Tchomia, Kasenyi, Nizi, Drodro and Largu, and we saw that these attacks took place in
21 July. What I would like to discuss with you now is the situation of Artémis during this
22 period. So I would like to start with the arrival of Artémis.

23 Yesterday, you told us that Artémis was deployed at the airport when you arrived or at
24 least during the first few days after you arrived in Bunia. What could you tell us about
25 what you saw of Artémis during these days?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

- 1 A. [10:09:47] When I returned from operation in Mongbwalu for the third time, I
2 didn't go to Bunia because I went to Centrale because Kisembo was already in Miala, so I
3 didn't go to Bunia. So that -- I can't tell you what was happening there at that time.
- 4 Q. [10:10:15] I'd like to clarify this. I would like to step back in time. When you
5 arrived in Bunia with Thomas Lubanga at the beginning of June, what were your first
6 observations regarding the deployment of Artémis?
- 7 A. [10:10:39] Artémis had deployed at the airport and was still there.
- 8 Q. [10:10:50] Mr Ntaganda, I'd like to show you a document, it is DRC-OTP-0195-1382
9 and it's item 435 on our list. It's a public document. I'd like to have it displayed on the
10 screen showing paragraphs 1 and 2 as well as the top of the document, please.
- 11 THE COURT OFFICER: [10:11:31] The document will be displayed on the evidence 1
12 channel.
- 13 PRESIDING JUDGE FREMR: [10:11:38] Ms Samson.
- 14 MS SAMSON: [10:11:48] No objection to showing the document, Mr President, but as
15 we've been dealing with these United Nations documents, they remain confidential while
16 we're in public session, please.
- 17 PRESIDING JUDGE FREMR: [10:12:01] Mr Bourgon, I believe we should follow the
18 practice we have already begun with.
- 19 MR BOURGON: [10:12:14] (Interpretation) Exactly, Mr President. This document
20 has no name so I thought we could just display it, but I'm quite happy not to display it but
21 simply to show it to the witness.
- 22 PRESIDING JUDGE FREMR: [10:12:31] So, court officer, this document will not be
23 shown to public, just to those who are in the courtroom.
- 24 THE COURT OFFICER: [10:12:39] Indeed, Mr President. And the document hasn't
25 been published yet.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:12:44] Thank you, court officer.

2 Mr Bourgon, you may proceed.

3 MR BOURGON: [10:12:56] (Interpretation) Thank you, Mr President.

4 Q. [10:12:59] Mr Ntaganda, could you please look at the second paragraph, which is
5 in English, and I will read it out to you. Paragraph duex:

6 (Speaks English) "Four flights of the IEMF have been received today. The first three
7 landed a total of around 100 French Sierra Foxtrot with 6 light vehicles. Their task is to
8 secure the airport for the first of the main force which is expected to arrive on 8/9 June 03.
9 Liaison officers have been exchanged and air operations are co-located. The operations
10 of the French Sierra Foxtrot, on the ground are being coordinated with the static guards of
11 URUBATT."

12 (Interpretation) Mr Ntaganda, the description that I've just read from paragraph 2, does
13 this reflect your knowledge of the deployment of Artémis at that date?

14 A. [10:14:46] Yes, they were bringing material into the airport before they deployed in
15 the town.

16 Q. [10:14:51] Mr Ntaganda, I will draw your attention to paragraph 3 of the document
17 where it says in English the following:

18 (Speaks English) "The MILOBs reported that UPC soldiers carried out lootings during the
19 night 4/5 June 03 in the areas of Nyakasanza and Simbilyabo."

20 (Interpretation) Mr Ntaganda, my question is as follows: Were you aware of these
21 events relating to looting being carried out by UPC soldiers in Nyakasanza and
22 Simbilyabo?

23 A. [10:15:58] I didn't get this information because when I returned I got no report
24 from the commander. I came back. I was trying to see how I could set myself up. I
25 got my bodyguards at -- I didn't see them happening, but when I went to Kisembo I saw

1 that there was a prison with some people in it and it may be that there there were people
2 who had committed such offences, but I didn't have any information as such.

3 Q. [10:16:42] Mr Ntaganda, is there a link based on the information available to you at
4 the time between the situation mentioned in this document and Kisembo's desire,
5 expressed desire to create a military police force in Bunia?

6 PRESIDING JUDGE FREMR: [10:17:09] Ms Samson.

7 MS SAMSON: [10:17:10] Objection, your Honour. Leading.

8 PRESIDING JUDGE FREMR: [10:17:22] Mr Bourgon.

9 MR BOURGON: [10:17:26] I can rephrase the question.

10 PRESIDING JUDGE FREMR: [10:17:28] Please do.

11 MR BOURGON: [10:17:38] (Interpretation)

12 Q. [10:17:38] Mr Ntaganda, yesterday we saw that Kisembo had expressed the desire
13 or ordered the creation of a military police force in Bunia, and this was done during a
14 meeting. Do you know why he expressed that desire?

15 A. [10:18:18] Ordinarily I understand the role of the military police as to being
16 arresting soldiers who are involved in all types of offences and blunders such as
17 drunkenness, that is why I said that when you got to his place you would see or I saw that
18 there was a jail and I noticed that some people had been detained. I didn't ask him why
19 they had been detained, but clearly these must have been troops who had committed
20 some blunders.

21 MR BOURGON: [10:18:53] (Interpretation) Mr President, I would request that this
22 document be admitted into evidence under the same conditions as those applied
23 yesterday, namely, the relevant paragraphs 1 and 3 which have been read out, given that
24 this is a sitrep on Bunia of 6 June 2003 at 1800 hours.

25 PRESIDING JUDGE FREMR: [10:19:21] Just a question because in English transcript it

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 is said that you're asking to admit paragraphs 1 and 3 because I, if I'm not wrong, I
2 thought you had quoted 2 and 3?

3 MR BOURGON: [10:19:43] This is absolutely correct, Mr President. I said 2 and 3, or
4 maybe if I said 1 and 3, it is a mistake, but in French we have 2 and 3.

5 PRESIDING JUDGE FREMR: [10:19:51] So it's a problem of translation. All right
6 then.

7 Ms Samson.

8 MS SAMSON: [10:19:56] Yes, Mr President, I would like to note that the witness had
9 not provided any information in this level of detail about paragraph 2 until the document
10 was put to him and then he was, in my submission, led into confirming the information
11 that was contained there. And for paragraph number 3, the witness claims he has no
12 information about those events. So I would like to note those caveats. I understand
13 from the Chamber's previous decisions that notwithstanding, the Chamber ordinarily
14 does admit these paragraphs, and I would simply ask that the Chamber read the question
15 and answer passages with my observations in mind. Thank you.

16 PRESIDING JUDGE FREMR: [10:20:49] Yes, it's pretty fine with us. It's no secret that
17 this Chamber is taking a bit broader approach as concerns admission of documents, but
18 then you, both parties and participants, feel free to express such observation if you think
19 that it should help assist Chamber in adjudication of those documents and their relevance
20 and probative value. So thank you, Ms Samson.

21 And this document specified by Mr Bourgon, namely, paragraphs 2 and 3 are admitted
22 into evidence as a further Defence exhibit.

23 Mr Bourgon, please proceed.

24 MR BOURGON: [10:21:44] (Interpretation) Thank you, Mr President.

25 Q. [10:21:46] Mr Ntaganda, we are now continuing to talk about Artémis. And

1 yesterday you told us that when it was time to leave Bunia for Mongbwalu Artémis was
2 not yet deployed in Bunia town. Do you know whether Artémis had deployed its forces
3 beyond the airport at that time?

4 A. [10:22:26] By the time I left they had not yet done so, but when I returned, after the
5 ultimatum had been issued to Kisembo he told me that he had been ordered to leave the
6 town, so when he left, Artémis then deployed in the city.

7 Q. [10:22:56] Let me clarify, Mr Ntaganda. I'm not talking about deploying in the
8 city, but in the last document we saw that Artémis was at the airport. Did you witness
9 Artémis being deployed beyond the airport but before entering the town? Did you
10 witness that?

11 A. [10:23:31] What period are you referring to? Maybe if you were to give me a
12 specific time frame, I will be able to answer. If you are refer -- are you referring to the
13 period when I had not yet left, or are you referring to the period when I had left?

14 Q. [10:23:50] Mr Ntaganda, I am referring to the period between the time you made
15 remarks about the deployment of Artémis in June and the time you left for Mongbwalu.
16 During that period. At that time you said that at the time Artémis had not entered the
17 town of Bunia. Do you know whether there was any other deployment? If you're not
18 aware, it's not a problem.

19 A. [10:24:26] No. When I left they had not been deployed to any other area.

20 Q. [10:24:39] Still on Artémis, do you remember an important event that took place in
21 June involving the Artémis and the FPLC?

22 A. [10:25:01] Yes. Yes, I do remember the attack on Kisembo that took place in
23 Miala.

24 Q. [10:25:22] Can you describe to us what you remember of that event, starting with
25 the time at which the event occurred?

1 A. [10:25:39] This is what I can say: It happened in July. Kisembo was attacked and
2 he came to my place in Centrale as he tried to look for another place to relocate in Katoto.
3 He said that the Artémis commander had been to visit them, that they had a good
4 discussion and that he had mentioned the areas to which he had deployed. Then the
5 Artémis commander left and shortly thereafter he came under attack. So he understood
6 that he had simply come to gather intelligence about his defence prior to the attack. All
7 the equipment that they had was burnt and so he fled, he left that area.

8 Q. [10:26:48] When Artémis -- anyway, before I go any further, just to be specific,
9 where did the Artémis attack take place, specifically?

10 A. [10:27:02] Artémis attacked Kisembo's headquarters in Miala.

11 Q. [10:27:10] Did Kisembo tell you why his headquarters in Miala had been attacked
12 by Artémis?

13 A. [10:27:25] No. He was surprised himself. It was a surprise attack, because he
14 said that he had good relations with the Artémis commanders, but I don't know which
15 commanders he was referring to. He told me, however, that the Artémis commander
16 had been to visit him and shortly after his departure, shortly after the commander's
17 departure he came under attack by Artémis. It was a surprise attack.

18 Q. [10:27:58] Where were you yourself when that attack took place?

19 A. [10:28:08] I was at Centrale.

20 Q. [10:28:16] What do you know about the fighting and the outcome of that fighting
21 between Artémis and Kisembo's headquarters?

22 A. [10:28:28] All of Kisembo's weapons at the headquarters were burnt and destroyed.
23 Kisembo left the area with his bodyguards. At the time of the attack, everybody sought
24 to flee for their life. You may want to know that the French army has a very strong
25 striking force. So nothing was recovered, everything was burnt entirely.

1 Q. [10:29:24] Yesterday we talked about your -- the distance at which you were from
2 Miala. I would like to know, were you -- did you intervene in that fighting?

3 A. [10:29:38] I remember that my HQ was at Centrale, but at that time, you see, I was
4 at Centrale and I had some cattle there, so I was busy at that time watering the cattle.
5 And that's when I heard the detonations, and then I realised that there was smoke rising
6 from Kisémbu's headquarters. And then I went back to my place and shortly thereafter
7 Kisémbu met me at my place. At the time he came under attack, I was some 6 or
8 5 kilometres away from his location, that is from Miala. Miala and Centrale are some
9 5 or 6 kilometres apart in terms of distance.

10 Q. [10:30:52] Mr Ntaganda, do you know whether there were any deaths or injured
11 persons on both sides during that attack?

12 A. [10:31:10] I have no idea about what happened on Artémis's side, but on Kisémbu's
13 side, some of his bodyguards were injured and I think maybe two troops died. I think he
14 lost two of his bodyguards, who died.

15 Q. [10:31:35] Did you subsequently obtain information as to the reasons why Artémis
16 had attacked Kisémbu's headquarters?

17 A. [10:31:52] None whatsoever.

18 Q. [10:32:04] Mr Ntaganda, let me return to the period prior to the attacks of July, the
19 attacks we talked about in Kasenyi, Tchomia, Nizi, and we also, I think, looked at an
20 attack at another location, Drodru and Largu. Now, do you know whether Artémis
21 conducted any attacks in that area or intervened in the fighting with a view to protecting
22 the civilian population?

23 A. [10:32:49] No, no. Artémis never went there.

24 Q. [10:33:13] Following the period we are dealing with, that is end of July/August,
25 where was Kisémbu at that time?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [10:33:31] When he was attacked in Miala, he moved to a location between
2 Centrale and Katoto. That's where he settled. Shortly thereafter, he told me that he was
3 unwell, so he went back to Bunia town.

4 Q. [10:34:00] Do you remember an incident involving Kisembo in the town of Bunia at
5 that time?

6 A. [10:34:11] Yes. When he arrived in Bunia, he was arrested by Artémis. Kisembo
7 and Rafiki were arrested, then there was a march by the civilian population. The entire
8 town of Bunia was mobilised, shops were closed and the town was paralysed. All the
9 activities were paralysed. The inhabitants of the town came out to march, calling for the
10 release of Kisembo and Rafiki. They spent one or two nights in detention and then they
11 were released. That's what I can remember.

12 Q. [10:35:19] Can you give us an idea of the date at which these events took place in
13 Bunia?

14 A. [10:35:34] I cannot give you a specific date, but it was in mid-September.

15 Q. [10:35:52] Mr Ntaganda, I would like to show you a document,
16 DRC-OTP-0004-0435. This is document 456, item number 456 on our list. It is a public
17 document, but in any event it is a United Nations document and we shall proceed
18 according to the same practice, namely not to display the document on the screen. And I
19 would like us to look at the top of that document, the first half of the document. Could it
20 please be displayed on the screen.

21 PRESIDING JUDGE FREMR: [10:36:36] Before doing that, Ms Samson first.

22 MS SAMSON: [10:36:39] Yes, no objection, your Honour, but I note that these are
23 internal United Nations documents. They were never published publicly to my
24 knowledge. So the characterisation that they're public documents, I think, may be
25 incorrect.

1 PRESIDING JUDGE FREMR: [10:36:57] All right. Noted.

2 MR BOURGON: [10:37:21] (Interpretation)

3 Q. [10:37:22] Mr Ntaganda, there is a document on your screen now. Can you see it?

4 I will read out for your attention the first paragraph, which reads as follows at the top of
5 the document:

6 (Speaks English) "Bunia Daily Consolidated Report" (Interpretation) 15 September
7 2003. I'm going to read paragraph 1 in English:

8 (Speaks English) "Political. The Ituri Brigade started to implement today, as publicly
9 announced yesterday, the complete disarmament of the town of Bunia, confiscating the
10 weapons belonging to the bodyguards of UPC, FNI, and PUSIC Presidents. During this
11 weapon-search operation UPC COS" - chief of staff - "Kisembo and Commander Rafiki
12 were arrested by the Brigade (See the military section of the report for further details. A
13 special report will also follow). The UPC political leadership immediately organised a
14 public rally, protesting against the operation and demanding Kisembo's release. The
15 rally was in clear violation of MONUC's imposed ban of movement and of IIA's
16 interdiction of any unauthorised public demonstration. The unruly crowd, made of
17 young militiamen evidently drunk and/or on drugs, was dispersed by the Brigade." End
18 of quotation.

19 (Interpretation) Mr Ntaganda, the description I have just read out from this document,
20 does it correspond to your recollection of the events as you became aware of them in
21 September 2003?

22 A. [10:40:04] Yes. This report deals with the arrest of Kisembo and Rafiki, but
23 Kisembo was not armed when he went there; he left his revolver and other weapons with
24 me. He went to Bunia as a civilian, but it is true that they were arrested, as I said earlier.

25 Q. [10:40:33] Mr Ntaganda, did you know whether the presidents of FNI and PUSIC

1 lived in Bunia at that time?

2 A. [10:40:51] When we were asked to leave -- we were asked to leave. Now, when
3 UPC left the town, I don't know who continued to stay there. I think that at that time all
4 the other parties came into the town. That is why, after a while -- President Thomas had
5 already gone to Kinshasa at that time, by the way, and there were other persons in the
6 town. FNI and PUSIC presidents, they were already settled in the town of Bunia at that
7 time.

8 PRESIDING JUDGE FREMR: [10:41:37] Sorry to interrupt you, Mr Bourgon.

9 Mr Ntaganda, Mr Bourgon quoted to you part of this report and you limited yourself on
10 comments concerning the first part. But I believe the core of the information was in the
11 second part, saying:

12 "The UPC political leadership immediately organized a public rally, protesting against the
13 operation ... The rally was in clear violation of MONUC's imposed ban of
14 movement ... made of young militiamen evidently drunk and/or on drugs ..."

15 So could you, if you have any knowledge, could you comment the second part now
16 quoted by me?

17 THE WITNESS: [10:42:42] (Interpretation) Mr President, what I know is that the
18 civilian inhabitants marched in the city. I was not there. Some people even came from
19 out of the town; once they had learnt that Kisembo and Rafiki had been arrested, they
20 went to demonstrate in the town, many of them. But I was not there and so I don't know
21 exactly what transpired in town because I didn't see it for myself.

22 PRESIDING JUDGE FREMR: [10:43:15] And what is the source of your knowledge?
23 You said that you heard that. So you heard from whom about this event?

24 THE WITNESS: [10:43:44] (Interpretation) At that time the members of the
25 population went to demonstrate and they went through Centrale. I was calling Bunia

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 because the phone lines were working at that time. I talked with a number of authorities
2 on the ground, and these were members of the UPC party. I could hear the population
3 chanting "UPC" and there were many of them. I was on a mobile phone; I was able to
4 call to find out about the situation.

5 PRESIDING JUDGE FREMR: [10:44:21] So you can deny that you would have any
6 information that this protest had been organised by the UPC leadership?

7 THE WITNESS: [10:44:58] (Interpretation) Mr President, this is the answer I can
8 provide: It is possible, but they did not tell me that they were the ones who organised
9 the demonstration. It is possible that they might have organised it, but there is the other
10 option which is also possible.

11 PRESIDING JUDGE FREMR: [10:45:22] Thank you, Mr Ntaganda.

12 Mr Bourgon, please proceed.

13 MR BOURGON: [10:45:29] (Interpretation) Thank you, Mr President.

14 Mr President, I would now apply for this document to be admitted into evidence,
15 particularly the part on which the witness has made comments, namely, from paragraphs
16 1 up to the sentence "was dispersed by the Brigade." This is a report from 15 September
17 2003.

18 PRESIDING JUDGE FREMR: [10:46:07] Prosecution.

19 MS SAMSON: [10:46:09] No objection, your Honour.

20 PRESIDING JUDGE FREMR: [10:46:13] All right. So document specified by
21 Mr Bourgon, namely, the part quoted by Mr Bourgon is admitted into evidence as a
22 further Defence exhibit.

23 Mr Bourgon, please proceed.

24 MR BOURGON: [10:46:42] (Interpretation) Thank you, Mr President.

25 Q. [10:46:43] Mr Ntaganda, you said earlier that Kisembo was liberated. What was

1 the impact of him being liberated on the civilian population, if you know?

2 A. [10:47:01] As I explained, there were civilians who had come from Katoto and the
3 Barrière. I don't know who mobilised them, but when they came back they were very
4 happy because Kisembo had been liberated. They were singing that Kisembo had been
5 liberated. They were very happy.

6 Q. [10:47:36] Before going further, you said earlier that President Lubanga was not in
7 Bunia in that time. Do you know when he left?

8 A. [10:47:55] It's possible that he left in September because after his departure this
9 event took place.

10 Q. [10:48:15] Do you know, Mr Ntaganda, who was leading the UPC/RP, the political
11 wing in the absence of President Lubanga in Bunia?

12 A. [10:48:30] Yes. It was Djokaba who stood in for him. He had been appointed by
13 Lubanga to act as his deputy.

14 Q. [10:48:50] From your side, Mr Ntaganda, do you have any links or relationship
15 with UPC/RP in Bunia?

16 A. [10:49:07] Would you please repeat your question? I didn't understand it fully.

17 Q. [10:49:16] You said that there was somebody appointed to act on behalf of the
18 president. I was wondering whether at this period you had any links or any relationship
19 with the people in the acting leadership of UPC/RP in Bunia?

20 A. [10:49:47] Personally I didn't really know Djokaba very well. I had no relations
21 with him as such. I met him later after Kisembo had gone. But at that time we had no
22 relationship, neither professional nor personal.

23 Q. [10:50:15] Who at that time was giving you instructions, directives or orders?

24 A. [10:50:31] It was Kisembo, as usual. After his departure there was a restructuring,
25 but when he was still the chief of general staff of the FPLC, I was under his orders.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [10:51:06] Following his liberation, where did Kisembo go?

2 A. [10:51:19] He stayed in Bunia. That's where he stayed.

3 Q. [10:51:26] And what did he do in Bunia?

4 A. [10:51:34] When he left he said he was unwell and he was receiving medical
5 treatment.

6 Q. [10:51:49] During this period, following Kisembo's liberation, did you,
7 Mr Ntaganda, go to Bunia at any time?

8 A. [10:52:07] Yes. Once I went to Bunia unarmed, in civilian clothing, with no guns.
9 I went to Bunia.

10 Q. [10:52:25] Please tell us how that happened, what happened during your visit to
11 Bunia?

12 A. [10:52:39] I went at the end of October, beginning of November perhaps. I recall
13 that before I'd left, I planned with Kisembo that I had go and chase PUSIC from Tchomia.
14 Having set up the force, I went to visit Kisembo. That's what I remember.

15 Q. [10:53:25] At that time, did you have permission to go to Bunia, was it possible for
16 you to go to Bunia?

17 A. [10:53:39] Yes. We were told that we could go in if we were unarmed. And I
18 knew in any case that nobody knew me and that nobody would harm me. At least
19 among the foreign forces nobody knew me.

20 Q. [10:54:07] So tell us what happened during your visit to Bunia?

21 A. [10:54:19] When I arrived in Bunia our forces liberated Tchomia because there had
22 been PUSIC massacres, massacres not recognised. When I arrived in Bunia, the United
23 Nations had chased our forces out of Tchomia and Kisembo had gone with the UN forces
24 and I had remained in Bunia. And then that was the time which my chief escort was
25 killed in the fighting in Tchomia.

1 Q. [10:55:10] Who was your chief escort at that time?

2 A. [10:55:18] It was Six One Sierra.

3 Q. [10:55:28] How long did you remain in Bunia?

4 A. [10:55:40] I recall that I stayed until Six One Sierra had been buried and Kisembo
5 returned. When I was with him I -- somebody wanted to capture me in a bar, I don't
6 remember the name of it, but I escaped and I left the town immediately. It was a month
7 after these events.

8 Q. [10:56:32] How did you reach the conclusion that Kisembo was a turncoat?

9 A. [10:56:48] When we were in this bar I recall that Lobo, the G2, was there and he
10 was Kisembo's right-hand man. He went out. A few moments later I saw some
11 Pakistani Blue Berets coming in and they asked, "Who was Bosco?" I said, "I am." They
12 left again and I seized the opportunity to disappear and I went and hid behind a house. I
13 saw them throwing chairs around. They were very angry because they wanted to arrest
14 me. One of them, the next day, came with our forces, they came to encircle me in the
15 house where I had spent the night, but I escaped. I recall that Kisembo's chief escort who
16 later became my chief escort, Asimwe, he said to me that those who are betraying you are,
17 in fact, your superiors. And then I saw that Kisembo had -- had a change of heart.

18 Q. [10:58:38] Do you know why Kisembo acted in this way and why he had taken
19 steps to betray you in this way?

20 A. [10:59:03] Yes. I would say that Kisembo had become the favourite child of the
21 director Madam Macadam so he wanted to destroy the UPC and he thought that I might
22 be a stumbling block for them. And as President Lubanga was in Kinshasa, he thought
23 that I could not betray Thomas Lubanga.

24 Q. [10:59:48] You spoke of a person called Macadam. Who was this person?

25 A. [11:00:02] Following the departure of Artémis, Macadam was appointed the

1 director of MONUC in Ituri, but she was not a military person; she was a civilian. I have
2 no knowledge of the MONUC organisation. Perhaps she was a civilian branch of the
3 MONUC in Ituri.

4 Q. [11:00:43] Did Kisembo take official steps to make sure that his new position was
5 known?

6 A. [11:01:02] Yes. At the end of December, he published an official statement
7 according to which he was going to chase out President Thomas at the head of the UPC
8 party.

9 Q. [11:01:32] Do you recall what position Kisembo adopted then? He wanted to get
10 rid of President Thomas, but do you remember what he said at that time?

11 A. [11:01:45] The statement was read on all the radio stations, including Candip, so
12 this declaration, the statement was read, but nothing was done, and he didn't achieve his
13 aim of a coup.

14 Q. [11:02:18] Do you recall the content of this statement?

15 A. [11:02:34] It was a considerable time ago, but I recall that it said that it -- he had
16 just chased him out and that he was to become the president of UPC-K for Kisembo. It
17 was a new party, his new party and, therefore, he was relieving President Thomas
18 Lubanga of his functions.

19 Q. [11:03:06] Was there any reaction on the part of the FPLC to Kisembo's statement?

20 A. [11:03:18] Yes. Shortly afterwards, I recall that we wrote a letter. I was
21 appointed acting chief of general staff and Linganga was appointed my deputy. In this
22 letter, we wrote that we did not recognise him as our president and that we would remain
23 faithful to our President Thomas Lubanga, so we rejected his whole statement in its
24 entirety.

25 Q. [11:04:06] Mr Ntaganda, I'd like to show you a document. This was a document,

1 DRC-OTP-0165-0254, and this is item 505 on the list. This is a document which is public;
2 it's not a United Nations document. And I would like this please to be displayed on the
3 screen.

4 PRESIDING JUDGE FREMR: [11:04:48] Prosecution.

5 MS SAMSON: [11:04:49] No objection.

6 PRESIDING JUDGE FREMR: [11:04:52] All right. Let's proceed as proposed.

7 MR BOURGON: [11:05:05] (Interpretation)

8 Q. [11:05:07] So, Mr Ntaganda, do you recognise this document that you see here?

9 A. [11:05:14] Yes, I recognise it because it has my signature on this document. It is a
10 document written by the politicians of the UPC. They brought it. I was with Linganga,
11 and we signed it.

12 Q. [11:05:46] On this document, Mr Ntaganda, we see the following content.

13 If we could please have an enlargement of the top of the document.

14 Here we see the people to whom this document was addressed. Did you intend to send
15 this document to all the people listed here?

16 A. [11:06:33] Yes, that was our intention.

17 Q. [11:06:41] The statement which follows below is written on behalf of all the
18 military of the FPLC; is that the case, Mr Ntaganda?

19 A. [11:07:01] Yes.

20 Q. [11:07:10] In the statement it says as follows, and I will read it in French:

21 "All the statements made by Commander Kitembo and Mr Licha are null and have no
22 effect within the UPC/RP. The FPLC, which is a well-organised army, which is
23 well-structured, modernised, faithful and motivated by an idealistic and patriotic spirit,
24 are today determined to stand behind a single man, his excellency Mr Thomas Lubanga,
25 supreme commander of the FPLC and president of the UPC/RP."

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 You've just said that this document was written by politicians. Did this document reflect
2 your intention as well as those of the officers who were with you?

3 A. [11:08:43] Yes. This document was written by them because we had no computer.
4 So we gave them the content of the letter and they used the computer to draft it. Once
5 they had done so, they brought it to us and we signed it.

6 Q. [11:09:06] At this time were there some members of the FPLC who remained loyal
7 to Kisembo?

8 A. [11:09:29] At that time we knew that the Katoto brigade was a hundred percent
9 behind him and that is why we set up our headquarters in Lopa. And we moved -- I
10 moved from Centrale and went to Lopa.

11 MR BOURGON:

12 Mr President, I would like this document to be admitted into evidence as a Defence
13 exhibit.

14 PRESIDING JUDGE FREMR: [11:10:01] Prosecution.

15 MS SAMSON: [11:10:03] Subject to the check by the court officer, I believe the
16 document has already been admitted.

17 PRESIDING JUDGE FREMR: [11:10:10] Court officer, could you kindly verify.

18 THE COURT OFFICER: [11:10:19] Indeed, it has been admitted for OTP on 19
19 February 2016.

20 PRESIDING JUDGE FREMR: [11:10:26] Mr Bourgon.

21 MR BOURGON: [11:10:33] (Interpretation) That is correct, Mr President. I had not
22 noticed the note on the document.

23 PRESIDING JUDGE FREMR: [11:10:42] It wouldn't make any sense to duplicate it, so
24 we will not admit it again just for Defence, because the evidence in fact is universal
25 regardless whether it has been admitted for Prosecution or Defence.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 So please proceed.

2 MR BOURGON: [11:11:11] (Interpretation) Thank you, Mr President.

3 Q. [11:11:13] Mr Ntaganda, I would like to show you a further document,

4 DRC-OTP-0016-0060, which is item 595 on our list. This document has not been

5 previously admitted into evidence. It's a public document. And I would like it to be

6 displayed on the screen, please.

7 Mr Ntaganda, you can now see the document on the screen. Do you recognise this

8 document?

9 A. [11:12:18] The document is not very legible on my screen. I can't tell you whether

10 I recognise it until I have a chance to be able to read it.

11 Q. [11:12:33] Is it better now?

12 A. [11:12:40] Yes. Yes. I think this was a decree of appointment. I can see the

13 month and the date. These are our appointments.

14 Q. [11:13:06] Have you seen this document at the time, or were you aware of this

15 document at the time?

16 A. [11:13:19] Could you please bring it up a little higher so that I can see the date on

17 which it was written?

18 Q. [11:13:38] For that, Mr Ntaganda, we'd have to go to the second page of the

19 document. I would like to have that page on the screen, 0061, please. And if we could

20 go right down to the bottom of the page, please.

21 A. [11:14:06] Yes, this is the decree concerning our appointments and the expulsion of

22 Kisembo.

23 Q. [11:14:18] On this page, Mr Ntaganda, we see -- if we could perhaps go down a bit

24 so that we can read Article 2, please. Would it be possible to move the document. Yes,

25 thank you very much. That's what I wanted.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 So now we see Article 2 and it says, "During the period of their suspension, these people
2 will be respectively represented by the officers named here below."

3 What is the post that was given to you during this transitional interim period?

4 A. [11:15:20] I was appointed chief of the general staff -- interim chief of the general
5 staff to replace Kisembo.

6 Q. [11:15:36] We see in this document Article 2, paragraph 6, for G4,
7 Colonel Maki Papy, commander of the first brigade. What can you tell us about this
8 interim appointment?

9 A. [11:16:06] He was appointed by the president as G4.

10 Q. [11:16:18] Do you have any information about why Commander Maki Papy went
11 from brigade commander to G4?

12 A. [11:16:44] When he left there, he went to see me at Lopa, and I said that Kisembo
13 had betrayed us. He was his friend. So he said that he was unwell. I said that there
14 was no problem, go, and he went. So it was the president who appointed him G4 in this
15 decree. But personally I was suspicious of him; I thought that he would also betray us as
16 Kisembo had done.

17 MR BOURGON: [11:17:32] (Interpretation) Mr President, I would like this document
18 to be admitted into evidence as Defence exhibit, and this is my final question before the
19 break.

20 PRESIDING JUDGE FREMR: [11:17:45] Prosecution.

21 MS SAMSON: [11:17:47] Yes, Mr President. A duplicate document was admitted on
22 18 September 2015. Now, the Chamber may decide to also admit this one, but a
23 duplicate is in evidence. The duplicate is at DRC-OTP-0132-0237.

24 PRESIDING JUDGE FREMR: [11:18:08] And under duplicate, you mean what?

25 MS SAMSON: [11:18:11] This decree of 8 December 2003 is in evidence.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [11:18:22] So now I --

2 MS SAMSON: [11:18:22] It's the identical decree.

3 PRESIDING JUDGE FREMR: [11:18:27] Now I understand.

4 Mr Bourgon -- and again maybe I will ask our court officer to confirm this information.

5 MR BOURGON: [11:18:43] (Interpretation) If the documents are identical, then we
6 have no need to admit, but I would like first to make sure that we are talking here about
7 identical documents.

8 THE COURT OFFICER: [11:18:59] We'll double-check during the break. And for your
9 information, the document quoted by Ms Samson has been indeed admitted for the
10 Prosecution on 18 September 2015, and this can be found on the transcript T-28, page 78,
11 lines 14 to 16.

12 PRESIDING JUDGE FREMR: [11:19:20] So do you withdraw now your request,
13 Mr Bourgon, in the light of information provided by our court officer?

14 MR BOURGON: [11:19:36] (Interpretation) Mr President, I would like to check the
15 documents on the document which we have here. There are some manuscript additions
16 on the second page of the document that I have here today. If this is also on the original
17 document, then I will withdraw my request. If not, then I would like to maintain it.

18 PRESIDING JUDGE FREMR: [11:20:01] Ms Samson.

19 MS SAMSON: [11:20:02] I'm not aware if they are, but the quote -- the notations on the
20 document reflect what's in the document. They say "dismissed" under the decree section
21 of people who are suspended and it says "appointed" under those who are appointed, and
22 that -- the notations didn't form part of the exercise with the witness. So I don't really see
23 the relevance of them.

24 PRESIDING JUDGE FREMR: [11:20:23] I will give Mr Bourgon time during this break
25 to verify whether everything is as he would like to have it, and you can return back with

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 the request if such a need will arise after the break.

2 So now we will have our regular 30-minute break, which means that we will reconvene at
3 11.50.

4 THE COURT USHER: [11:20:51] All rise.

5 (Recess taken at 11.20 a.m.)

6 (Upon resuming in open session at 11.51 a.m.)

7 THE COURT USHER: [11:51:11] All rise.

8 Please be seated.

9 PRESIDING JUDGE FREMR: [11:51:40] Before we continue with next part of direct
10 examination of Mr Ntaganda I would like to conclude this issue concerning request for
11 admission of document president's decree. I just compared both versions at stake and
12 according my understanding there is minor, minor difference that while the version
13 quoted by Ms Samson and already admitted is in fact without any annotations, version
14 used by Mr Bourgon contains three little annotations on the left side.

15 Mr Bourgon, what is your position at the moment?

16 MR BOURGON: [11:52:37] Thank you, Mr President. I believe that the differences are
17 minor and not of major importance at this stage, so I simply withdraw my request. If I
18 want to admit the document, the other version with another witness later on, I will do so.

19 PRESIDING JUDGE FREMR: [11:52:54] Thank you. And appreciate it.

20 Now, Mr Bourgon, you may proceed.

21 MR BOURGON: [11:53:00] Thank you, Mr President.

22 Q. [11:53:12] (Interpretation) Mr Ntaganda, following that document and your
23 appointment to the position of interim chief of general staff, what action did you
24 undertake at that time in the face of the prevailing situation?

25 A. [11:53:45] Very well. As chief of general staff, having been called to replace the

1 chief of general staff, I looked at all my subordinates and I identified everyone, and then
2 in the month of March we drove out Commander Mabo who was the commander in
3 Katoto -- brigade commander in Katoto. That's what happened and then I began to
4 reorganise the army from the level of the brigades and I set up four brigades.

5 Q. [11:54:46] Where were those reorganised brigades located?

6 A. [11:54:58] The four brigades that I set up were commanded by Commander Djangu
7 in Katoto, Lopa and Barrière, then Papy's brigade in Mabanga, and then there was a
8 brigade in Largu where Papy was before, it was under Zimulinda and then at Joo there
9 was a Kaina Innocent whose call sign was India Queen.

10 Q. [11:55:47] When you say "Papy", did Papy subsequently become a brigade
11 commander again?

12 A. [11:55:53] Yes. Initially he was a G4 and then he became a brigade commander.

13 Q. [11:56:03] When did he become a brigade commander again and do you remember
14 why you appointed him to that position, why was he appointed?

15 A. [11:56:29] I was suspicious of him. He probably could no longer follow Kisembo,
16 but Kisembo no longer existed, he had no more power, so from G4 Papy was appointed a
17 brigade commander because we realised that he was no longer with Kisembo.

18 Q. [11:57:03] Now, about your general staff, you say that you moved to Lopa. Who
19 was in Lopa with you?

20 A. [11:57:20] I was with Linganga, my 2IC. The G1 was Peter. Linganga held two
21 positions, he was my deputy and he was the G3. G5 was Eric Mbabazi. And that was
22 our general staff. And our headquarters was in Lokpa.

23 Q. [11:57:55] Referring to Linganga, is it the same Linganga who had been arrested in
24 Lipri and held in detention in Mandro at that time?

25 A. [11:58:09] Yes.

1 Q. [11:58:12] When was Linganga released, or when did his detention come to an
2 end?

3 A. [11:58:28] He was arrested in January 2003 and released in March when the
4 Ugandans drove us out. All those who were in detention left. He met up with us in
5 Langu and took part in the battle of Fataki. Some three months later he was then -- he
6 was thus released.

7 Q. [11:59:00] According to your experience and going by what you experienced at the
8 time, is it normal for a commander who has been held in detention to be given the
9 position of deputy chief of general staff in charge of operations; is that normal?

10 A. [11:59:24] You see, there are different types of offences, different categories of
11 offences. When we arrested him he was with a patrol and they ran into an enemy and
12 started to fight. You yourself have been a soldier and you know that when you are
13 working towards pacification and you do not prepare for it adequately, then some
14 consequences may follow. That's why he was locked up. When you're in the army,
15 you're supposed to plan and to act accordingly. So when somebody's arrested, you have
16 to assess their level of responsibility as well.

17 Q. [12:00:34] You have just said that the persons who were detained were released
18 during the time of the March attacks involving fighting with the Ugandans. Can you
19 describe to us the context in which these persons were released; who released them, how
20 and when?

21 A. [12:01:03] I cannot tell you because when we were driven out, everybody went
22 their way, including those who were in detention. Nobody told them which way to go
23 because everybody fled whichever way possible.

24 Q. [12:01:29] Mr Ntaganda, as far as you can recall, when was that release -- or, rather,
25 when was your headquarters set up in Lopa?

1 A. [12:01:50] It is from the time Kisembo declared himself to be the president of the
2 new-found UPC.

3 Q. [12:02:11] Mr Ntaganda, I am interested in the period from June when you
4 returned to Mongbwalu, to December when you set up your headquarters in Lopa.
5 During that period, did the FPLC participate in offensive combat?

6 A. [12:02:49] When I left Mongbwalu in June, up until the end, the FPLC only carried
7 out one attack, in October 2003, the attack on Tchomia, the attack on PUSIC. That's the
8 only attack in which the FPLC was involved.

9 Q. [12:03:20] Can you explain to us why such an operation was carried out in
10 Tchomia, if you know, of course?

11 A. [12:03:35] The inhabitants of Tchomia sent us a message saying they had come
12 under repeated attacks by Lendu combatants from Zumbe. Many people had been killed.
13 That's why they began to hate PUSIC and they asked us to come and drive them out.
14 They believed that our presence would frighten the others and that once the combatants
15 would find out that the UPC was present they would be frightened away. So that was
16 our motivation; namely, to drive out PUSIC and take up that position. So where we
17 were, the combatants didn't attack us; they attacked the members of the population
18 instead. So that is why we were motivated to go to Tchomia.

19 Q. [12:04:38] Mr Ntaganda, let me move on to a different topic. I would like to
20 address the issue of communication within the FPLC with you.

21 During the period 2002 to 2003, what were the means of communication used within the
22 UPC/RP before the creation of the -- of the FPLC and subsequently within the FPLC itself?

23 A. [12:05:23] Before the creation of the FPLC we used Motorolas. Now, when that
24 movement was created, we used the Manpack, and some people, a few of them, used the
25 Thuraya. I think that those are the devices that we used after the Ugandans left. After

1 they left, we then started using mobile telephones.

2 Q. [12:06:09] Did President Lubanga have any additional means of communication?

3 A. [12:06:21] It depends on the period. At the beginning, like us, he was on the
4 Thuraya. Then subsequently, I don't remember whether he changed his communication
5 tools, but it was only after the Ugandans left that he had a mobile phone, but prior to that
6 time he used only the Thuraya.

7 Q. [12:07:00] Do you know the method of communication referred to as Iridium?

8 A. [12:07:18] Before the FPLC was created Iridium was used. Iridium and Thuraya
9 are similar devices. President Toms used it until the arrival of the Thuraya. When he
10 was in the APC, RCD-K/ML, when I met him at that time he was using an Iridium.

11 Q. [12:07:52] Let's start with the Thuraya. Who had the Thuraya within the FPLC
12 and the UPC?

13 A. [12:08:11] President Thomas, Kisembo and myself, Rafiki, Tiger One, Jérôme.
14 Those are the people whom I can remember to have been using that device.

15 Q. [12:08:42] Did Ali Mbuyi, the G2, have a Thuraya telephone?

16 A. [12:08:50] No.

17 Q. [12:08:56] Did Salumu, commander of the 409th brigade, have a Thuraya
18 telephone?

19 A. [12:09:02] No, he never had a Thuraya.

20 Q. [12:09:10] Did Commander Manu, who became the commander of the 401st
21 brigade and then subsequently the 2IC of Jérôme, did he have a Thuraya telephone?

22 A. [12:09:23] While he was with the UPC/FPLC, he did not have a Thuraya.

23 Q. [12:09:36] How does a Thuraya work and what does it take to run a Thuraya
24 system?

25 A. [12:09:48] Thurayas are operated like mobile phones. The only difference being

1 that the network for the Thuraya is directly connected to a satellite system, but it works in
2 the same manner as an ordinary mobile phone.

3 Q. [12:10:19] During your testimony you referred a number of times to the word
4 "unités", in French, which would be "units". What does that refer to in the use of a
5 Thuraya?

6 A. [12:10:38] This is what could be referred to as air time.

7 Q. [12:10:43] When you obtained a Thuraya, how did you manage to get your air time
8 or your units?

9 A. [12:11:03] We would request air time from the presidency and the presidency
10 would provide the air time. Someone who was close to President Thomas Lubanga, his
11 secretary, is the one who provided the air time or telephone units for the various
12 telephone sets. There were times when we did not have air time and so he would send
13 us air time. He would top up our air time.

14 Q. [12:11:40] What was the name of the person working with Thomas Lubanga who
15 did this?

16 A. [12:11:52] The name is Angayika. There are areas known as Shawa (phon), some
17 shops, known Showa (phon) in Bunia from which the airtime could be bought, and this
18 was located on the road to the airport in Bunia. That company used to sell the air time or
19 units, but it was extremely expensive.

20 Q. [12:12:32] Why is it that not more people had access to the use of the Thuraya in
21 the FPLC?

22 A. [12:12:43] It is the president who distributed the Thurayas to all those who got
23 them. I don't know what criteria he used for that distribution. Well, I did not use to call
24 politicians on the telephone, so I don't know who among the politicians had access. I
25 didn't call them, but I have mentioned to you the names of those whom I knew had the

1 telephones. But some politicians had the phones.

2 Q. [12:13:32] When you were in Goma with President Lubanga between March and
3 June 2003, did you have a Thuraya with you?

4 A. [12:13:46] Yes, I had my Thuraya. It was in my bag because I didn't have air time
5 to top it up.

6 Q. [12:14:05] Was it possible at that time to obtain air time in Goma by some means?

7 A. [12:14:17] I did not ask for it and I did not have money at that time.

8 Q. [12:14:23] Did you ask Thomas Lubanga to give you money or to provide you with
9 air time for your Thuraya?

10 A. [12:14:39] He knew that I was in possession of the Thuraya set, but he did not
11 provide me with the resources to buy air time. And furthermore, I did not ask for it.

12 Q. [12:14:53] Now, from the month of June when you returned to Bunia, were you
13 able to use your Thuraya?

14 A. [12:15:19] At that time mobile phones had just been introduced, so we no longer
15 used the Thuraya in the same way as before. I do remember that I still had my Thuraya,
16 but the device that was most used was the mobile phone.

17 Q. [12:15:42] Now, let us go to -- let's now talk about the Motorola. Who used
18 Motorola -- the Motorola within the FPLC?

19 A. [12:16:01] Many commanders had that device, right down to the company level.
20 Some commanders were able to acquire them through their own means and made them
21 available to platoon commanders. I'm not able to tell you who had the Motorola, but I
22 can tell you that there were many, even down to the company level.

23 Q. [12:16:34] Mr Ntaganda, is the Motorola a safe means of communication?

24 A. [12:16:47] Yes, for other armies, but that did not apply in our case. We used the
25 same Motorola that many traders in Bunia were using, so the traders and business

1 persons in Bunia were able to follow our communication.

2 Q. [12:17:07] Are there different types of Motorolas? Aside from secure Motorolas
3 and unsecure Motorolas, are there different models?

4 A. [12:17:31] Yes, based on my experience in the army, there are Motorolas which can
5 be programmed using code. We wanted to use that type of Motorola, but unfortunately
6 it didn't happen and we only used Motorolas of the type that were in use by business
7 people. It was around the month of June that we tried to reorganise in this regard, but it
8 wasn't successful. But to answer your question, yes, there are various types of Motorola.

9 Q. [12:18:23] What about the term "base Motorola" or "Motorola base"?

10 A. [12:18:31] Yes, I know the term "Motorola base".

11 Q. [12:18:37] Now, what's that?

12 A. [12:18:46] I had a friend who had such a base. He was called Papa Three and he
13 had a Motorola base at his place. And that's a device which has a further or a longer
14 range than the Motorolas which were available to us.

15 Q. [12:19:16] Who within the FPLC had a Motorola base range?

16 A. [12:19:25] No one. The chief of general staff or myself could have had one, but we
17 didn't have one.

18 Q. [12:19:40] Did you have the possibility to use your friend Papa Three's Motorola
19 base?

20 A. [12:19:53] No, I didn't have the opportunity to use it.

21 Q. [12:20:02] Do you know whether other members of the FPLC were in a position to
22 use Papa Three's Motorola base?

23 A. [12:20:12] I've no idea at all. I can't provide you with any information in that
24 regard.

25 Q. [12:20:23] You already touched upon the matter of the range of Motorolas. I'd

1 now like to put some questions to you which are a little bit more precise.

2 Now, when one uses a Motorola or when one used a Motorola radio, at the time was it
3 possible to communicate between Bunia and the Kobu, Bambu, Lipri area?

4 A. [12:20:52] No, that was impossible with the Motorolas available to us. Even when
5 I was located at my place, I couldn't contact those who were in Mudzipela. I'm referring
6 now to portable Motorolas. There were certain locations in Mudzipela where it was
7 possible to communicate but others where it was not.

8 Q. [12:21:23] In your experience, what was the place furthest removed from Bunia
9 that could be reached using a Motorola?

10 A. [12:21:41] The range was 4 to 5 kilometres.

11 Q. [12:21:51] And if one was located in Mongbwalu, what was the furthest removed
12 location that could be contacted using a Motorola from Mongbwalu?

13 A. [12:22:06] Only Mongbwalu. In the town of Mongbwalu one could only
14 communicate with those who were in town because communication was not possible
15 beyond the hills.

16 Q. [12:22:34] I'd like to turn now to the other type of communication that you referred
17 to, the Manpack. Now, I've already asked you whether there is a difference between
18 Manpack and phonie and you have already given an answer, but do you know how
19 Manpack or phonie worked?

20 A. [12:23:03] I said that Manpack was a device used by soldiers used for long-range
21 communication, either to send or receive messages. Those were coded messages which
22 needed to be decoded upon reception, so they were confidential messages. Civilians also
23 call phonie radio, and with such a radio one can also communicate, but not in coded
24 fashion; one can just send and receive messages, just as we are communicating here in the
25 courtroom.

1 Q. [12:23:56] Was there one network that one used when using a phonie or were there
2 various channels one could use?

3 A. [12:24:07] One could change frequency using a Manpack. You could switch
4 frequency. And there were a number of frequencies. There were several channels
5 available when using a Manpack.

6 Q. [12:24:32] Was it difficult to establish who was communicating on which channel?

7 A. [12:24:44] No, it was very easy. It's like having a radio receiver. You can just
8 turn the dial to tune in or to look for what you're looking for. What we used -- or what
9 was helpful was the experience of the signallers, and what we used were the codes, but it
10 was very easy to pinpoint the channels they were using.

11 Q. [12:25:35] And the codes used on the phonie, where did they come from?

12 A. [12:25:50] They were issued by the signaller who was responsible for
13 transmissions -- or, rather, the person who would give the codes to the signaller. These
14 people were familiar with radio transmission and they had command channels and those
15 people could change the codes based on their training.

16 Q. [12:26:27] Mr Ntaganda, do you know the codes used?

17 A. [12:26:34] No, not at all. I read decoded messages, and those are the messages
18 which you will find in the logbook. Those are decoded messages.

19 Q. [12:26:48] Was the code used specific and unique to the FPLC?

20 A. [12:26:59] No. The APC used it also. It's just that the soldiers were not
21 knowledgeable about code systems and the Manpack. The soldiers did not have
22 signallers.

23 Q. [12:27:34] Now, during your testimony you have told us that signallers were
24 trained in your compound. Now, do you know whether other signallers were trained
25 other than the ones who were trained on your compound?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [12:27:55] Yes. At one point in time I asked those who had been trained to train
2 others so that others could continue on the work and could take over, allowing the
3 original signallers to rest; for example, if there were two or four of them, they could work
4 in shifts. You see, we needed to bolster our army so that there would be signallers at -- in
5 each battalion. That was important, to have a strong army, looking forward.

6 Q. [12:29:06] Mr Ntaganda, do you know who trained those additional signallers?

7 A. [12:29:23] We asked the people concerned to carry out the training within their
8 own unit. And the task fell to the existing signallers to train others within their unit.

9 MR BOURGON: [12:29:42] (Interpretation) Your Honour, I'd like to provide the
10 logbook which we have used on a number of occasions and put it to the witness, with
11 your leave. It's the same copy that has been admitted in evidence. And I'd like to put a
12 number of messages to Mr Ntaganda.

13 PRESIDING JUDGE FREMR: [12:30:03] Court usher, please assist.

14 Yes, please show it first to Ms Samson to verify that everything is okay.

15 MR BOURGON: [12:30:56] (Interpretation)

16 Q. [12:31:00] Mr Ntaganda, I would ask you to look at page 207. Let me know when
17 you have found it.

18 A. [12:31:31] (No interpretation)

19 Q. [12:31:36] I would put -- or take your attention to the first message or message at
20 the top. It says from "DTR EMG FPLC". Now, who is that?

21 A. [12:32:09] (No interpretation)

22 Q. [12:32:17] (No interpretation)

23 A. [12:32:21] (No interpretation)

24 PRESIDING JUDGE FREMR: [12:32:28] Sorry, I see it's not only my problem, we don't
25 have any, at least on English channel -- (Overlapping speakers).

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 THE INTERPRETER: [12:32:35] The interpreter excuses. Apologies. The
2 microphone was not on.

3 PRESIDING JUDGE FREMR: [12:32:42] So would it possible to provide us with a
4 translation of this response, or should Mr Ntaganda repeat?

5 THE INTERPRETER: [12:32:52] Your Honour, could you ask Mr Bourgon to please
6 give the reference number of the translation one more time? Thank you very much.

7 PRESIDING JUDGE FREMR: [12:33:01] Mr Bourgon.

8 MR BOURGON: [12:33:03] Yes, Mr President. The translation of the document is
9 DRC-OTP-2102-3854. For the time being, I mentioned the translation as being on page
10 2102-4029.

11 PRESIDING JUDGE FREMR: [12:33:33] And could you then please repeat your
12 question because it is also missing.

13 MR BOURGON: [12:33:54] (Interpretation)

14 Q. [12:33:55] Mr Ntaganda, I'm going to put my question again. I'm on page 50 of
15 the transcript, line 11. And my question was the following: We see that the message is
16 from "DTR EGM FPLC" and I'd like to know who that is.

17 A. [12:34:25] I see now that is Kinkita.

18 Q. [12:34:36] And the message is to "OTR Mongbwalu - Mahagi". Now, who is that?

19 A. [12:34:49] Signallers had been sent to Mongbwalu -- or, rather, this was sent to
20 signallers in Mongbwalu and in Mahagi whose names I don't know, but they were located
21 indeed in Mongbwalu and Mahagi.

22 Q. [12:35:08] So you're in copy on the info line of that message. The message is:
23 "You info. Stop. Following urgent service need. Stop. You are authorised to train
24 young operators. Stop. Order received from -- or, order received at chief or deputy
25 chief of the general staff OPN and ORG. Stop. You must send me their names. Stop.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Without forgetting progress at the end of each week. Stop. Immediate execution.

2 Stop."

3 Now, Mr Ntaganda, do you recognise that message and what was this about as far as you
4 recall?

5 A. [12:36:09] Yes, this is what I was saying. My intention was that there would be a
6 sufficient number of signallers within the units and that they would have enough
7 experience so that in the future when the FPLC army would be stronger, we wouldn't
8 have a shortfall in signallers. So it was a plan, the plan was to train members of the army
9 so that the army would be better organised.

10 Q. [12:36:47] I'm going to go to a different page, Mr Ntaganda, and that is page 184,
11 and for translation that is 2102-4006. Let me know when you have found the reference.

12 A. [12:37:19] Yes, I found it.

13 Q. [12:37:33] I think I might have given you the wrong page number. In fact I would
14 like you to look at the page before that, it's page 185, and that is page 4007. So in fact, it's
15 the page after.

16 Have you found that?

17 A. [12:38:03] Yes, I have.

18 Q. [12:38:07] I'd like to take you to the last message at the bottom of the page. Now,
19 that message is from "DTR FPLC/UPC" and it is to "All FPLC stations". You are in copy
20 of that message together with the commander of the north-east eastern section and Tiger
21 One. I'm going to read the first part of that message. And it says:

22 "You are informed. Stop. That the following commanders have been promoted as
23 follows. Stop. And if there are changes you will be informed by erratum. Stop."

24 Now, Mr Ntaganda, I'd like you to look at the people who are referred to in that message.

25 Now, we have "Chief C. TR EMG" and we have "OTR north-east operations section" and

1 "OTR south-east operations section". Do you see that, Mr Ntaganda?

2 A. [12:39:45] Yes.

3 Q. [12:39:50] Now, if you look at the next page, that is page 184. And for translation
4 purposes that is 2102-4006. And there are a number of people listed in that message.
5 Now, what is this list in relation to, Mr Ntaganda, as far as you recall?

6 A. [12:40:30] This document is related to the deployment. During the deployment
7 we made some changes as regards the signallers, the brigades and the battalions.

8 Q. [12:40:53] Now, I'm looking at this list, Mr Ntaganda, and I don't see Mr Kinkita's
9 name. Perhaps his name is written in another way. Do you see him on this message?

10 A. [12:41:20] I recall that in February 2003, that he left in February 2003, or in fact I
11 believe it was towards the end of January 2003. Now I can't be absolutely certain, but it
12 seems to me that he may already have left for Aru.

13 Q. [12:42:04] Mr Ntaganda, I'm going to move to a different message. I'd like to take
14 you to page 194, and that is page 1088 for -- in terms of translation.

15 Excuse me, Mr Ntaganda, I think I made a mistake in terms of which message.

16 Apologies, page 167. I had 1067 in my notes, but of course that didn't make any sense.
17 So page 167 please.

18 A. [12:43:50] I found it.

19 Q. [12:44:12] My apologies, it's actually page 173, Mr Ntaganda. And in terms of
20 translation that would be page 3995. Now, let me know when you have found it.

21 A. [12:44:35] Yes, I've located it.

22 Q. [12:44:44] And, Mr Ntaganda, this information is dated 22 February 2003. Now,
23 correct me if I'm wrong, but were other messages received after that date?

24 A. [12:45:10] Not by me, no.

25 Q. [12:45:21] Could you now go to page 174, which is just adjacent. And on that

1 page there are two messages, both of which were dispatched on 21 February.

2 A. [12:45:53] Yes, I'm looking at them.

3 Q. [12:45:59] Now, are there other messages in the log that you have sent on dates
4 after 22 February, after the two we see on this page?

5 A. [12:46:19] No, I didn't send any other messages.

6 Q. [12:46:28] Mr Ntaganda, can you explain to us what is happening in your logbook
7 between the in and out messages as you see? What is there between the two sections,
8 between page 173 and page 174?

9 A. [12:47:00] There is a blank, an empty space.

10 THE INTERPRETER: [12:47:06] Message from the Swahili booth. Mr President, could
11 the witness be asked to repeat his last answer.

12 PRESIDING JUDGE FREMR: [12:47:13] Mr Ntaganda, could you kindly repeat your
13 last answer since it hasn't been captured by the interpreters.

14 THE WITNESS: [12:47:28] (Interpretation) The question was asked what there is
15 between the two messages, that is between 22 February 2003, that is between that message
16 and the message sent on 1 February 2003. I was asked what was between those two
17 messages, and I said that there is a void between those two within that period because no
18 message was sent and no message was received. So nothing in, nothing out.

19 MR BOURGON: [12:48:10] (Interpretation)

20 Q. [12:48:11] Mr Ntaganda, do you know whether the phonie was used after
21 22 February 2003?

22 A. [12:48:21] This is my logbook, so you can see that I didn't use it; I didn't use the
23 phonie.

24 Q. [12:48:38] Do you know whether the phonie was used by other units and at other
25 locations within the FPLC after 22 February 2003?

1 A. [12:48:56] I'm not in a position to know because I already told you that I was busy.
2 I was busy discharging the mission that the president had assigned me to.

3 Q. [12:49:12] When you returned to your compound just before the fighting in
4 Mandro, did you consult your logbook?

5 A. [12:49:37] No.

6 Q. [12:49:38] Was there a reason why you didn't consult your logbook when you
7 returned?

8 A. [12:49:49] We were in danger.

9 Q. [12:49:55] Do you know whether there is another logbook that was used beside this
10 one in your compound?

11 A. [12:50:14] Maybe the signaller had another one, but I don't know. What I know is
12 that I did not send any other messages. Now, whether he received other messages I do
13 not know.

14 Q. [12:50:30] Between the time you returned to your compound from the combat in
15 Mandro and the fight against the UPDF, did you have any discussions with your signaller
16 as to whether other messages had come in?

17 A. [12:50:56] I did not do so. I did not have such a discussion with him in that
18 connection.

19 Q. [12:51:08] I would now like to draw your attention to some messages in the
20 logbook just to seek clarification from what you remember in relation to those messages.
21 Now, let's start by going to page 204. For translation, that would be page 4026.
22 Let me know when you are there.

23 A. [12:51:53] I'm there.

24 Q. [12:51:58] I want to draw your attention to the message bearing the number 191335.
25 It is a message according to what is written of 19 December, 13h35, from the chief of

1 general staff, deputy chief in charge of operations and organisation, and that the message
2 is sent to the sector commander north-east.

3 And I read out the message, a very brief message for you, as follows:

4 "You are informed to send Commander John urgently. You are informed that you must
5 send Commander John very urgently."

6 There is something else that is written. I just want to make sure that it appears in the
7 original.

8 In the original version of this message in your language, Mr Ntaganda, do you see
9 anything written after the word "urgently"?

10 A. [12:53:48] Yes, yes. It's written "nota bene. This is Commander John G3".

11 Q. [12:54:02] Do you remember sending this message and what was the context of this
12 message?

13 A. [12:54:15] You may remember that when we dealt with this issue during my
14 testimony, I said that John had been ill and had requested permission to go to Aru. That
15 was in November before I went to Mongbwalu. He was away -- or, he left three or four
16 days before me. Upon my return from Mongbwalu in the month of December, I wanted
17 him to come back, to continue to work, to resume his duties. So I sent this message to
18 Jérôme to ask him to come to me to resume his work. And Jérôme replied saying that he
19 had some problems with his leg. And he said that the -- he was gangrene in his leg.
20 And then later on Jérôme defected and that commander never came.

21 Q. [12:55:29] Now, Mr Ntaganda, let's move to page 135, page 135, and please let me
22 know when you are there.

23 A. [12:56:00] Yes, I'm there.

24 Q. [12:56:01] According to what we see, the last message at the bottom of the page,
25 30 January at 9.10, the message is from the G3 to the chief of general staff deputy in charge

1 of operations and organisation. Let me read out the message for you:

2 "I am here in Aru. Stop. Now people are beginning to rot. Stop. It is no longer
3 possible to walk. Stop. In case there is help. Stop. I will wait for it here in Aru."

4 Mr Ntaganda, is that the message that you received from Aru following your request for
5 John to return to Bunia?

6 A. [12:57:19] Yes.

7 PRESIDING JUDGE FREMR: [12:57:23] Ms Samson.

8 MS SAMSON: [12:57:23] Thank you, Mr President. It will be possible to have the
9 page number checked. I can't find that passage on page 135.

10 PRESIDING JUDGE FREMR: [12:57:36] Mr Bourgon, please.

11 MR BOURGON: [12:57:45] Maybe I provided the wrong number. The initial message
12 on which Mr Ntaganda provided some comments was 204, and at this point in time I
13 asked him to go to page 131, to the last message at the bottom of the page 131, translation
14 being 2102-3953.

15 PRESIDING JUDGE FREMR: [12:58:16] Is it okay, Ms Samson, with you?

16 MS SAMSON: [12:58:19] Yes, I see it now. Thank you.

17 PRESIDING JUDGE FREMR: [12:58:21] Thank you, Mr Bourgon.

18 Please proceed.

19 MR BOURGON: [12:58:24] Thank you, Mr President.

20 Q. [12:58:36] (Interpretation) So what can you tell us about the situation of the G3?

21 A. [12:58:48] When I sent the message, his response was immediate. The G3 replied
22 to the deputy chief of general staff ops and organisation, and he said the following, "I am
23 here in Aru, my leg is beginning to rot." He told me, "If it is possible to get some help,
24 please send me the help here in Aru." So he remained in Aru and he never returned to
25 Bunia until Jérôme switched camps.

1 Q. [12:59:43] Mr Ntaganda, now let me now take you to page 50, 050. And
2 translation, that will be page 3872. Let me know when you are there.

3 A. [13:00:22] I'm there.

4 Q. [13:00:30] Let me draw your attention to the message bearing the number
5 13 December at 14 hours 50. It's the last message on that page. According to what is
6 written, the message is from the sector commander north-east and it is to the chief of
7 general staff, and copied for information, commander in chief.

8 Let me read out the message for you:

9 "Ask you. Stop. Please send to staff headquarters north-east sector in Aru. Stop.
10 Deputy chief of general staff administration. Stop. G3. Stop. For service needs.
11 Stop. Coordinate. Stop. Plan. Stop. Operational activities. Stop. Admin log.
12 Stop. Nothing else at your orders. Full stop."

13 Now, Mr Ntaganda, you are not mentioned as one of the recipients or one of the persons
14 who ought to be informed of this message. However, it is found here in your log. Do
15 you remember what this message is all about?

16 A. [13:02:23] This was a message from the sector commander to the chief of general
17 staff, asking the chief of general staff to send a deputy chief of general staff for logistics.
18 And then he talked about the G3. And I think I already mentioned something about this
19 message, because he wanted these people to come to his area in order to set up the
20 administration and logistics. I remember that John was already at that location, he was
21 already in Aru, the G3, although he was unwell. But later on Dilangu left at the request
22 of the north-east sector commander.

23 Q. [13:03:22] You just mentioned a name, Dilangu. What position did he hold?

24 A. [13:03:34] He was the deputy chief of general staff in charge of logistics and
25 administration.

1 Q. [13:03:49] Do you remember at what time he left the FPLC, as far as you recall?

2 A. [13:04:05] Until the time Jérôme defected. He defected at that time when they
3 were there. Jérôme left and shortly thereafter he, too, and they -- they got together and
4 they were together.

5 Q. [13:04:23] Mr Ntaganda, I want to show you a document, DRC-OTP-0091-0778.
6 It's item number 811 on our list of items. This is a public document of 21 November 2002.
7 And I would like the document to be displayed on the screen, please.

8 Would it be possible to zoom in and show the first part of the document to Mr Ntaganda
9 so that he can take a good look at it?

10 Mr Ntaganda, please take a look at the document now being displayed for your attention.

11 I would like us to scroll down to the second part of the document. And I'll be asking for

12 Mr Ntaganda's observations on that second part of the document. Can we scroll down,
13 please, to the second part of the document:

14 "Your Excellency, we have the honour to transmit for your purposes the state of needs
15 appended hereto in reference to the services of the G3. For the proper working of that
16 service, we believe that the material requested for these services is important.
17 Respectfully."

18 Now, if you would scroll up a little bit, then we should -- or scroll down, we should be
19 able to see the signature of -- to the letter.

20 Now, Mr Ntaganda, look at that stamp and the signature. Can you tell us from that
21 stamp and signature who sent this document?

22 A. [13:07:16] The person who has assessed the needs is the G3. That's John. And
23 Kisembo was absent, so he submitted his requests to the interim chief of administration,
24 Dilangu, and he's the one who signed on behalf of the chief of general staff,
25 Kisembo Bahemuka. And it appears very clearly on the document that this is the case.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [13:07:51] Based on what you see there, what were Dilangu's duties as of
2 21 November?

3 THE COURT OFFICER: [13:08:04] I'm sorry to interrupt, but I have a message for the
4 English interpreter. If you could please turn your microphone towards your face, please.
5 Thank you.

6 THE WITNESS: [13:08:28] (Interpretation) Well, this might have been when Kisembo
7 went to Aru and Dilangu served as his interim deputy chief of general staff. He was the
8 one acting as chief of general staff at that time.

9 MR BOURGON: [13:08:50] (Interpretation)

10 Q. [13:08:54] Can we scroll up to the top of the document, please, Mr Ntaganda.
11 And as far as you remember, where were you on 21 November 2002?

12 A. [13:09:14] That is when I went there and I spent the night at Barrière on my way to
13 Mongbwalu.

14 Q. [13:09:23] Do you know where Kisembo was on that day?

15 A. [13:09:35] I don't know because by the time I left, he too had left. He had gone to
16 the funeral of the governor, and I think that at that time he was on the way to attend the
17 funeral of the governor. And that's when he handed over his responsibilities to Dilangu.
18 When I left Bunia on the 21st, he was still in Bunia, but I think he was already getting
19 ready to travel to the governor's funeral, because at that time a governor had died, and so
20 in his absence Dilangu served as the interim.

21 MR BOURGON: [13:10:22] (Interpretation) Mr President, I would like this document
22 to be entered into evidence. It would appear that the document is already in evidence,
23 Mr President.

24 PRESIDING JUDGE FREMR: [13:10:33] All right then. So we can proceed.

25 MR BOURGON: [13:10:41] (Interpretation)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [13:10:42] Mr Ntaganda, I would like now to take you to another message in the
2 logbook. That would be the message on page 87, and for the translation, that will be
3 page 3909.

4 Let me know when you're there.

5 A. [13:11:30] I'm there.

6 MR BOURGON: [13:11:41] (Interpretation) Mr President, can I have a moment?

7 PRESIDING JUDGE FREMR: [13:11:44] For sure.

8 (Counsel confers)

9 MR BOURGON: [13:11:59] (Interpretation)

10 Q. [13:12:01] Mr Ntaganda, are you there? Are you on that page?

11 A. [13:12:06] Yes, I'm there.

12 Q. [13:12:10] Let me draw your attention to the section beginning with the date 2
13 January 2003. Do you see that date on the page?

14 A. [13:12:23] Yes, I can see it.

15 Q. [13:12:33] Mention is made here of Nyoka on this page.

16 A. [13:12:43] Nyoka is a locality around Mahagi.

17 Q. [13:12:49] I will read out this message for you, as follows:

18 "Mr Mario, father, was an accomplice of the enemy who got our army into an ambush.

19 We took the Manpack (Kenwood) radio and the" -- Yamaha vehicle, except the -- "Yamaha
20 motorcycle", rather, "except the vehicle, which we took back to his place (Land Rover
21 110)."

22 Now, Mr Ntaganda, were you aware of this information that we find on page 87 of your
23 log and can you explain the context of this information?

24 A. [13:13:59] Yes, I remember receiving this information.

25 Q. [13:14:08] Do you remember the facts, these circumstances?

1 A. [13:14:23] Yes. As indicated in the message, he was in contact with the APC and
2 the combatants in Kpandroma to whom he provided our plans. So our troops fell into an
3 ambush. And since he was suspected, he was arrested, he was interrogated, he gave a
4 statement and then he was released. The Manpack -- his Manpack was taken away from
5 him. He asked for forgiveness and then he was released.

6 Q. [13:15:01] Mr Ntaganda, on the same page -- on the next page, rather, page
7 89 -- rather, page 88, translation that will be page 3910.

8 Are you there?

9 A. [13:15:30] Yes, I'm there.

10 Q. [13:15:37] Let me draw your attention to the second message on that page, number
11 2 January 2003, 1315. And according to what is written, the message is from the sector
12 commander north east-east, it is to the chief of general staff of the FPLC and copied for
13 information, minister of defence.

14 Let me read out the message for your attention and then I'll put a question to you:

15 "Sitrep of 01 to 02/01/2003. Stop. General situation calm. Stop. Situation in Mahagi
16 clear, nothing to signal. Stop. Situation Nyoka. Stop. A white Catholic priest is
17 communicating with Lendu subjects. Stop. Deputy chief of general staff operations.
18 Stop. Is informed. Stop. Has authorised arrest of this priest and for same to be taken
19 to Mahagi. Stop. Recover his phonie device. Stop. Any other situation to be brought
20 to your attention. Stop. Except for unforeseen. Full stop."

21 Now, Mr Ntaganda, at the top of this message there is no mention of you either as the "to"
22 or the person copied for information, yet in the middle of the message reference is made
23 to chief of -- deputy chief of general staff for operations having been informed. Do you
24 remember this message and are you in a position to explain to the Court what happened
25 at that time?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [13:18:02] This is the same message we dealt with before. It is a message about
2 the priest who was in contact with the enemy and who got our troops into an ambush
3 where people died. He gave a statement, asked for forgiveness and then he was released.
4 So this message is in reference to the same priest, Mario.

5 Q. [13:18:33] Now, Mr Ntaganda, the last question before the lunch break: At the
6 time you received the information that the north east-east sector commander had
7 authorised the arrest of that priest, was this a matter of concern for you?

8 A. [13:18:57] No. I wasn't bothered. You see, it was good for him to be
9 interrogated because he had committed that offence. So I found it normal for him to be
10 questioned.

11 Q. [13:19:29] Thank you, Mr Ntaganda.

12 MR BOURGON: (Interpretation) Mr President, I think it's time for the lunch break now.

13 PRESIDING JUDGE FREMR: [13:19:33] Yes. So we take our regular lunch break and
14 we will reconvene at 2.45.

15 THE COURT USHER: [13:19:46] All rise.

16 (Recess taken at 1.19 p.m.)

17 (Upon resuming in open session at 2.46 p.m.)

18 THE COURT USHER: [14:46:03] All rise.

19 Please be seated.

20 PRESIDING JUDGE FREMR: [14:46:32] Good afternoon, everybody.

21 Before I'll give floor to Ms Samson, which is on her feet, any changes of appearances? I
22 don't think so.

23 So, Ms Samson, please go ahead.

24 MS SAMSON: [14:46:50] Thank you, Mr President. It was in relation to the last
25 question before the lunch break. Having had a chance to review it, I see that counsel

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 introduced an aspect of evidence into the question that was not reflected in the witness's
2 earlier answer as to who may have authorised certain activities. And I want to make
3 note of that, and if it's an important point, then it needs to come from the witness rather
4 than from counsel. Thank you.

5 PRESIDING JUDGE FREMR: [14:47:22] Point taken, and, yes, well noted.

6 So now, Mr Bourgon, you may proceed with the further part of examination-in-chief of
7 Mr Ntaganda. Do you want to comment Ms Samson's comment?

8 MR BOURGON: [14:47:47] I just want to make sure that I understand what my
9 colleague just mentioned. It has to do with the last question put to the witness before the
10 break; is that the reference?

11 MS SAMSON: [14:48:05] Yes, that's correct. Mr President, I'm referring to page 66 in
12 the English transcript, lines 7 to 10.

13 PRESIDING JUDGE FREMR: [14:48:16] May I just confirm it was also my
14 understanding of Ms Samson's recent submission.

15 MR BOURGON: [14:48:53] Excuse me, I apologise, Mr President. I just want to be
16 sure that I'm referring to the right question, because I have here -- I heard my colleague
17 say page 50 something, but before the break we were on page 66. I just want to make
18 sure I have the right reference so I can assess the observation.

19 PRESIDING JUDGE FREMR: [14:49:17] Ms Samson.

20 MS SAMSON: [14:49:18] Yes, your Honour. I mentioned page 66. And if counsel
21 wishes, I can make more specific -- I would like --

22 PRESIDING JUDGE FREMR: [14:49:30] I think in the interests of clarification, please go
23 ahead.

24 MS SAMSON: [14:49:36] May I do so without the witness hearing my submission?

25 PRESIDING JUDGE FREMR: [14:49:40] Yes. So then it's necessary to escort

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Mr Ntaganda for a while outside of the courtroom because he understands both French
2 and English so ... I believe it will be just for a few minutes.

3 (The witness stands down)

4 PRESIDING JUDGE FREMR: [14:50:20] So Mr Ntaganda left the courtroom.

5 Ms Samson, you may proceed.

6 MS SAMSON: [14:50:25] Thank you, Mr President. At the moment, prior to the break,
7 counsel was asking questions in relation to a logbook message at page 088 in the original
8 logbook. And the message was read out in French and it was interpreted and it stated:
9 "Deputy chief of general staff of operations. Stop. Is informed. Stop. Has authorised
10 arrest of this priest", et cetera.

11 And my colleague asked questions about what the message means and Mr Ntaganda gave
12 an answer at page 66, lines 1 to 6, but did not address whether he or anybody else had
13 authorised the activity. At this point we were referring to the information that he had
14 received.

15 Counsel then at page 66, lines 7 to 9, introduced an element that doesn't appear in the
16 English translation but also wasn't in the witness's answer, which was from line 8:
17 "At the time you received the information that the north-east sector commander had
18 authorised the arrest of that priest ..."

19 And so if that's an important point, which I think it is, the English translation has
20 Mr Ntaganda authorising this arrest and counsel has introduced somebody else
21 authorising it. I believe that that evidence has to come from the witness and not from
22 counsel.

23 PRESIDING JUDGE FREMR: [14:51:59] Mr Bourgon, take your time if you need to
24 read everything.

25 MR BOURGON: [14:52:02] Well, I'm not sure I understand anything improper that was

1 done in the questioning, but I can certainly ask a few more questions of Mr Ntaganda just
2 to clarify the matter in terms of what is his knowledge.

3 But now that Mr Ntaganda is not here, I note for the message itself, what I did say when I
4 read the message, I said:

5 "It says here" - that's the word I used in French, "Selon ce qui est écrit ici", that's always the
6 words that I use - the message comes from the commander of sector operation north-east."

7 So I said this. And then when I read the content of the message, because I read out the
8 message, and it says here, "... chef état major adjoint opération être informé".

9 And then after reading this, I asked Mr Ntaganda what he knew about this event. So I'm
10 not sure how I could have done it otherwise after showing him the message, and I noted
11 to Mr Ntaganda -- I remember my question, I'm not even looking at the transcript, but I
12 remember my question as being, "You're not in the top addressees of the message as a
13 from, to or info, but you're mentioned in the middle. Please explain." That's how
14 I recall asking the question.

15 But I can certainly rephrase, but I don't think that the -- that this issue was improperly
16 done, but I can certainly clarify with the witness, Mr President. Thank you.

17 PRESIDING JUDGE FREMR: [14:53:46] Ms Samson.

18 MS SAMSON: [14:53:46] Yes. It will be an issue of contention as between the parties
19 as to who authorised the arrest of a priest. The Prosecution will argue that Mr Ntaganda
20 did so on the face of this message, and so it, in my view, in my submission, is
21 inappropriate for counsel to lead and give evidence that -- in a question that the
22 authorisation came elsewhere. And that is what I believe transpired during the
23 questioning, whether it was -- it appears not to have been intentionally done, but who
24 authorised the arrest of the priest is an issue of contention and who did so must come
25 from the witness based on a open-ended question, not, "I see here that so-and-so ordered

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 the arrest of the priest. What do you say about that?"

2 PRESIDING JUDGE FREMR: [14:54:41] So to conclude this issue, I would recommend
3 it's in the interest of the Chamber to return back at least by two or three questions and to
4 try to clarify it and we will then have full picture of the situation.

5 Now, court usher, please -- or, I don't know whether you have some other chance to call
6 Mr Ntaganda back or guide him -- yes, guards, please.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE FREMR: [14:55:54] Mr Ntaganda, can you hear me? Are you
9 ready to continue?

10 THE WITNESS: [14:56:03] (Interpretation) Yes, your Honour, I can hear you well and
11 I'm ready to recommence.

12 PRESIDING JUDGE FREMR: [14:56:10] Good.

13 So the floor goes to Mr Bourgon. Mr Bourgon, please proceed.

14 MR BOURGON: [14:56:19] (Interpretation)

15 Q. [14:56:22] Good afternoon, Mr Ntaganda.

16 A. [14:56:26] Good afternoon.

17 Q. [14:56:32] At the end of this morning's session I showed two pages of you from
18 your log. The first page was 087 and the second was 086 -- oh, excuse me, page 088.

19 Now, I'd like to take you once again to those pages, and we'll start with page 087. The
20 translation can be found on page 2102-3909.

21 Let me know when you have found that passage.

22 A. [14:57:27] Yes, I'm looking at page 087.

23 Q. [14:57:32] Now, Mr Ntaganda, at the bottom of the page there is the word "Nyoka"
24 and a paragraph following that. I'd like you to read that paragraph to yourself.

25 A. [14:58:00] Would you like me to read it out loud or just to myself?

1 Q. [14:58:09] Just read it silently to yourself.

2 A. [14:58:23] I finished.

3 Q. [14:58:26] Let's move now to the next page. That's page 088.

4 A. [14:58:39] Yes, I'm on that page.

5 Q. [14:58:43] Look at the last message at the bottom of that page and please do the
6 same thing. Read that message silently to yourself.

7 A. [14:59:24] I have finished reading it.

8 Q. [14:59:30] Now, Mr Ntaganda, having read those two messages, based on your
9 own recollections, what happened as regards the situation that we're looking at here and
10 how did it unfold?

11 A. [14:59:50] The priest in question was in contact with the enemy; in other words, the
12 Lendu combatants and the APC at Kpandroma. Because of this, our soldiers were
13 ambushed and killed. When we discovered -- or, rather, when I was informed of this I
14 agreed that he should be taken to Mahagi to be interrogated or questioned because he was
15 in contact with the enemy although he was located in a region under our control. So
16 that's what this is about.

17 Q. [15:00:43] So based on your recollections of events, who suggested that the priest
18 be questioned?

19 A. [15:01:02] It was the commander of the north-east sector who controlled that region.
20 It was he who proposed that that happen and I agreed with that proposal.

21 MR BOURGON: [15:01:17] (Interpretation) I'm not going to repeat the questions that I
22 put later regarding the exchange of messages, unless of course my learned friend objects.

23 PRESIDING JUDGE FREMR: [15:01:40] Ms Samson.

24 MS SAMSON: [15:01:42] No objection, your Honour.

25 PRESIDING JUDGE FREMR: [15:01:47] All right.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

- 1 MR BOURGON: [15:01:50] (Interpretation) Just one moment.
2 (Speaks English) Mr President, before I proceed, before the -- during the last session, there
3 was one document that I showed to Mr Ntaganda, and it was my understanding that this
4 document had already been admitted. After further verification, this document was
5 admitted in a different case, in a different trial. So I would like to have it admitted at this
6 point in time. This is a document which bears the number DRC-OTP-0091-0778 and this
7 was number 811 on our list of items to be used with this witness.
- 8 PRESIDING JUDGE FREMR: [15:02:47] Ms Samson.
- 9 MS SAMSON: [15:02:48] My understanding is that this document was admitted in this
10 case, your Honour.
- 11 PRESIDING JUDGE FREMR: [15:02:53] I have to say that in the meantime I have been
12 informed by the court officer that in fact information now provided by Mr Bourgon is
13 correct. Court officer, could you again publicly inform the parties what is the status of
14 this document?
- 15 THE COURT OFFICER: [15:03:14] According to the metadata that has been forwarded
16 from one case to the other, the document had been admitted in the Lubanga proceedings
17 according to the decision 01/04-01/06-1981, and I have no further metadata.
- 18 MS SAMSON: [15:03:32] Mr President, this document was admitted by the bar table in
19 this case. I don't have the exact number of the decision, but my information is that it's a
20 bar table admission of this year, decision 1838.
- 21 PRESIDING JUDGE FREMR: [15:04:00] So we will have to give some, I believe, short
22 time to our court officer who will verify this information coming now from Prosecution,
23 and we will then decide ultimately.
- 24 So for the moment we -- so now Judge Chung confirmed that he also found the fact
25 mentioned by Ms Samson in our metadata. But I'm still waiting for confirmation made

1 by our court officer, and in the meantime -- and then we will immediately decide.

2 In the meantime now, Mr Bourgon, please proceed.

3 MR BOURGON: [15:04:56] (Interpretation)

4 Q. [15:05:06] Mr Ntaganda, I'd now like to turn to the matter of discipline with you.

5 That is to say, discipline within the FPLC when you were the deputy chief of staff

6 responsible for operations and organisation. Now, my question relates to a message

7 which is in the logbook.

8 So, Mr Ntaganda, I'd like to take you now to a certain page in the logbook, page 101, and

9 the translation is on page 3923.

10 So could you let me know when you have found that page.

11 A. [15:06:31] Yes, I have page 101 open.

12 Q. [15:06:37] Mr Ntaganda, I'd like you to look at the middle message. Now, based

13 on what is written here, the message is from the north-east operations section commander

14 and addressed to the commander of the 401 brigade in deployment with a copy for

15 information to the chief of general staff and to you, and J2 -- sorry, G2 and Tiger One.

16 Now, what I'd like to draw your attention to, Mr Ntaganda, is what is written at the end

17 of the message. So I'm going to ask you to read it. At the centre of the message there is:

18 "Stop. This in order to avoid shooting between command-level men, SV T2. Stop.

19 Unity, discipline, committee. Stop. 401 brigade to meet for this case and it will inform

20 me of any situation. Stop. 401 brigade in deployment must send all reports to the

21 north-east operations sector general staff to be executed without exception."

22 Have you been able to read that, Mr Ntaganda?

23 A. [15:08:29] Yes.

24 Q. [15:08:35] Now, I'd like you to clarify for me what is this unity discipline council.

25 A. [15:08:47] Each battalion, each brigade, each sector had a disciplinary council, so at

1 S1, S2, S3, S4 level. Now, that council could be chaired, for instance, by the S2, that is to
2 say, the officer responsible for intelligence. When they had the time, for instance, the
3 council could meet and issue advice within the force, and to do so at each level, at the
4 level of the corporals, of the platoon, at each level of the armed forces.

5 And if, for instance, there was an issue which did not have to be referred to the brigade, it
6 would be resolved at another level, for instance, at the level of the battalion. It was
7 possible for various issues to be resolved at the level of the brigade. And this advice
8 would be issued to resolve issues, but where the issue was too complex, it was referred up
9 to the sector, and if it was even more complex than that, it would be referred up to the
10 general staff.

11 So there were councils operating -- or disciplinary councils operating at each level.

12 Q. [15:10:52] Mr Ntaganda, who set up this system at the level of the brigades, the
13 battalions and the sectors?

14 A. [15:11:03] At the level of the general staff, we requested that commanders set up
15 these various councils to relieve our workload. For instance, if a soldier had committed
16 an offence, for instance, if he had got into a fight with another soldier or had got drunk,
17 that type of misconduct, was to be dealt with at the disciplinary council, there being
18 disciplinary councils at each of the levels.

19 Q. [15:11:51] Mr Ntaganda, based on your personal experience, was it usual for there
20 to be a structure such as this in armed groups, or at least in the armed groups of which
21 you were a member?

22 A. [15:12:13] Yes. On the APR and the UPDF there were disciplinary councils in
23 place.

24 Q. [15:12:37] And to your knowledge, were systems such as this in place within the
25 APC?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [15:12:47] No.

2 Q. [15:12:56] As regards discipline, in the course of your testimony you referred to
3 two instances of execution by firing squad. I'd like to now draw your attention to three
4 messages in the logbook. I'd like to go to page 97, first of all, and the translation is
5 at 2102-3919.

6 Let me know when you have found the page.

7 A. [15:13:58] Yes, I have it here.

8 Q. [15:14:03] I'd like to take you to the second message on that page. 0611 hours and
9 47, January 2003, here the message seems to be from the commander of the 401 infantry
10 brigade and to the sector commander for north-east operations as well as Tiger One.
11 With the chief of general staff of the FPLC in copy for information.

12 I'm going to read that message. It's in French.

13 "You are informed. Stop. Gunshot heard; shots fired on the 5th of the 1st, 2003, at
14 1900 hours 30, approximately. Stop. By Commander Liripa Michel. Stop.

15 Respectively, head of platoon 2IC, chief company of fusiliers, 13th battalion infantry.

16 Stop. Accompanied by his associate. Stop. Commander same unit. Stop. Motive
17 unknown -- sorry, motive without base. Stop. Nonetheless. Stop. Person concerned
18 was in a state of drunkenness. Stop. Damage known. Stop. A peaceful civilian
19 killed, a Mr Izele".

20 Were you aware of this information and, if so, how?

21 A. [15:16:23] My signaller received that message and I read it in my logbook.

22 Q. [15:16:44] I'll move on to the next page, 098, 2102-3920, and please let me know
23 when you are there.

24 A. [15:16:59] Yes, I'm already there.

25 Q. [15:17:09] The message is 081150 January 2003 and, according to what's here, it

1 comes from the commander of 401 infantry brigade and is sent to the sector commander
2 operations north-east and Tiger One, and a copy information to the chief of general staff
3 of the FPLC.

4 I will read this document through rapidly that you have in your own language.

5 "Following the incidents perpetrated by Commander Kazungu Basile following -- together
6 with those of Commander Liripa Michael, all of the 13th battalion infantry, following
7 analysis observed Commander Liripa was interrogated on report and said that he had
8 been interested in -- carried out the premeditated said act well before the response. This
9 implies his culpability in the following offences inculcated to him. Exit non-authorised.

10 Premeditation. Failure to observe instructions. Abusive use of a weapon. Waste of
11 war munitions. Public drunkenness. Killings. All these offences have caused the
12 military authorities to decide to impose the strongest penalty in order to act as an example.
13 Execution to be held on 6 January 2003, at 10 o'clock, in front of the civilian population in
14 the square. The report of the execution to follow. Stop".

15 Mr Ntaganda, do you recall whether -- well, do you recall having been aware of these
16 events and at what time or what point did you learn of them?

17 A. [15:19:45] Okay. Yes, I recall these events. This is in my logbook. It's my
18 signaller who received the message.

19 Q. [15:20:04] What -- how do you recall this incident?

20 A. [15:20:21] I remember that all the members of the population were called to attend,
21 and he was put on a tree, and it was explained why somebody was to be killed in this way.
22 At that point in Mongbwalu, there were problems linked to ethnic tribes. We had to
23 chase away the Hema because they were different tribe, and if somebody were to have
24 killed somebody, this could be interpreted as something very serious, which is why we
25 wanted to show the population civilian -- the civilian population this as an example, and

1 that we do not approve what he has done, and that way all the inhabitants of Mongbwalu
2 would be aware of what had happened.

3 Q. [15:21:31] I now draw your attention to the message which follows.

4 PRESIDING JUDGE FREMR: [15:21:36] Ms Samson.

5 MS SAMSON: [15:21:37] Sorry, Mr President. I just wanted to draw counsel's
6 attention to some differences between the English and the French in the last answer which
7 may be important. In the English, it sounds as though, at page 79, line 18, "We had to
8 chase away the Hema because they were a different tribe". And in French it says, page
9 82, line 21:

10 (Interpretation) "We had just driven out the Hema because of their tribe."

11 PRESIDING JUDGE FREMR: [15:22:27] Mr Bourgon.

12 MR BOURGON: [15:22:29] (Interpretation) I would like to thank my colleague, and I
13 will ask Mr Ntaganda to make this clear.

14 Q. [15:22:40] Could you please repeat your answer about the situation in Mongbwalu.
15 You said at that time in Mongbwalu the -- there were problems linked to the tribe. Can
16 you remember what you said after that?

17 A. [15:23:02] I said that you will recall that something happened at Mongbwalu when
18 the Hema were driven out. This was something linked to the tribe, what had happened
19 in Mongbwalu. And when the FPLC troops arrived there, one of the soldiers killed
20 members of the population. We as the armed forces were not happy with the way these
21 soldiers had acted, and therefore we had to make an example of them in front of all the
22 population brought together to show that the FPLC did not approve of the acts that had
23 taken place.

24 This was, therefore, to be an example for the soldiers and for the members of the
25 population. It was to show that such acts are contrary to the ideology of the FPLC.

1 That was the -- what I have just said.

2 Q. [15:24:10] Mr Ntaganda, do you know the person punished -- do you know the
3 ethnic origin of the person punished by firing squad?

4 A. [15:24:34] The members of the population who were killed was a Lendu, but it was
5 Liripa who killed him, a Hema Gegere.

6 Q. [15:24:52] I continue with the next message, 081154 January 2003. According to
7 what I see here, this comes from the commander of the 401 infantry brigade. It's
8 addressed to the commander of the operational sector north-east and Tiger One with a
9 copy to the chief of the general staff of the FPLC for information. I will read this again
10 quickly:

11 "Following on from my previous messages, following detailed studied of the dossier of
12 these two accused, the following decisions have been taken in consultation with higher
13 echelons. Commander Liripa Michel should go before the firing squad as a result of the
14 offences of which he is accused, whereas Commander Kizungu and Commander Mateso
15 should be imprisonment before being transferred to the general staff of the FPLC for final
16 decision. The instructions for the execution of Commander Liripa to follow." End of
17 message.

18 Mr Ntaganda, according to your recollection of these events at the time, who took the
19 decision regarding the fact that Liripa Michel should go before a firing squad?

20 A. [15:26:58] It was, Kisembo, the chief of the general staff. At that point he was in
21 Mongbwalu.

22 Q. [15:27:13] Were there any other commanders within the FPLC who had the
23 authority to authorise such punishments?

24 A. [15:27:22] No. That would not have been possible. Even I didn't have that level
25 of power. We had to ask the president and the chief of the general staff before soldiers

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 could be sent before a firing squad. I was not able to take a decision like this on my own
2 account.

3 Q. [15:27:47] According to this third message, there are two individuals who were to
4 receive a different punishment, Kazungu and Mateso. Do you recall what happened to
5 them?

6 A. [15:28:06] We should mention here Kazungu I mentioned him the last time I spoke.
7 We had sent him to the general staff in Bunia and Commander Jérôme had asked for a GD
8 because he was being put under pressure to send him to his family because he wanted to
9 be with Jérôme. We saw that there was a link to Jérôme, which is why I sent a message
10 saying that we will not hesitate to punish one of our soldiers because we have a matter
11 with his family. He is going to be punished and this refers in fact to the same incident
12 that I talked about a few days ago.

13 Q. [15:29:14] Mr Ntaganda, during your testimony you have mentioned a number of
14 people who have been punished for different crimes. In the logbook we have already
15 looked at a number of examples together. Rather than going through them all again, in
16 the logbook which is already evidence, I would like you to tell me whether you recall any
17 punishments imposed on any of the following people: Koko Yuda; do you remember
18 this person?

19 PRESIDING JUDGE FREMR: [15:30:08] Ms Samson.

20 MS SAMSON: [15:30:09] Yes, Mr President, would it be possible to switch the order of
21 the question and to ask the witness whether he can recall the names of any other persons
22 who he was involved in disciplining, rather than doing it in this fashion?

23 PRESIDING JUDGE FREMR: [15:30:26] Mr Bourgon.

24 MR BOURGON: [15:30:28] (Interpretation) I don't understand my colleague's
25 question. I can have a number of names to put to Mr Ntaganda. I could go through the

1 message, but I could also ask him without showing him the messages what he recalls.
2 And then we would be asking him whether he recalls information which could then be
3 looked at by the Chamber.

4 PRESIDING JUDGE FREMR: [15:31:08] (Overlapping speakers) Yes, but it was my
5 understanding of Ms Samson's submission that it's a bit leading, your question, because
6 you just took one concrete example. So is this case special that you are trying to put it to
7 Mr Ntaganda? Maybe you could start with one general question and then put the name,
8 but not starting with the name directly.

9 MR BOURGON: [15:31:42] (Interpretation) Very well, Mr President.

10 Q. [15:31:48] Mr Ntaganda, you have already named people who have been punished.
11 Do you recall any other persons who were also punished?

12 A. [15:32:06] There are a lot of people who were punished. I can give you some
13 names, yes. There are -- there are some whose names I don't recall and some whose
14 names I do, of course, remember.

15 MR BOURGON: [15:32:36] (Interpretation) Mr President, I would note that this is not
16 a question of memory but I would like to ask Mr Ntaganda to give us the names that he
17 can recall.

18 PRESIDING JUDGE FREMR: [15:32:56] (Overlapping speakers)

19 There were some overlappings, but I said "All right."

20 MR BOURGON: [15:33:19] (Interpretation)

21 Q. [15:33:21] Mr Ntaganda, could you please give us the names that you recall, the
22 names of people who were punished?

23 A. [15:33:31] I will start with those people I'd never mentioned during my testimony.
24 Nembe who was the director of DGM. You will realise that Jérôme and I decided to
25 arrest him. And then Commander Manu, I arrested him. A person by the name of

1 Gatanazi I also arrested. Koko Yuda was also arrested, Abelanga, Linganga,
2 Djangu Sophie, Bebwa. I've just given you now some names and I don't remember all
3 the names of companies and commanders, but as we go through this, I am sure I will
4 recall more.

5 Q. [15:35:09] Mr Ntaganda, has anyone ever brought to your attention a crime or an
6 act of indiscipline that you did not punish?

7 A. [15:35:28] No, that would not have been possible, not possible. The first time I
8 witnessed something that occurred in Komanda, and there I gave an example to all the
9 forces. Kasangaki and Pigwa were arrested by me in September and were freed two
10 months later in November. Papy had stolen very near where I lived, and there I met a
11 woman and her husband, he had tied them up and he stole their property. He was very
12 near where I lived. And in that way I made of an example of him before the troops. No
13 act of this type went unpunished. Even if it went -- if it was carried out by somebody
14 from the army, somebody close to me, no, that is just not possible.

15 Q. [15:36:42] Mr Ntaganda, were all the punishments you imposed noted in your
16 logbook?

17 A. [15:36:51] No. Most were not recorded in the logbook.

18 Q. [15:37:06] Is there a reason why some are recorded in the logbook and others are
19 not?

20 A. [15:37:20] The acts that I punished I didn't send to the logbook. Only if I realised
21 that there were offences being committed in the units, then I asked them to do certain
22 things, but the acts that I punished myself did not figure in the logbook to inform anyone.
23 I took the decision to have them punished, but I didn't put it in the logbook, but I did
24 respond to what happened in the various troops and forces. And where I did react, there
25 were consequences that worked because the troops realised that I was aware of what was

1 happening, that I was monitoring them and that showed the commanders that I was up to
2 speed with all the offences being committed in our forces, that I was really aware of
3 everything that was going on *at all times.

4 Q. [15:38:37] Mr Ntaganda, there is one example that I would like to have more
5 information from you about. You've already mentioned this person. It's in transcript
6 213 on page 83 of your testimony. I am talking here of Pigwa. You've already
7 mentioned him and saying where he was detained. What I would like to know is what
8 do you -- what do you recall of the punishments imposed on Pigwa and for what reason?

9 A. [15:39:24] In September they were together with Kisémbó when he attacked. I
10 learnt that Pigwa and Kasangaki had stolen something, I think four cows. These were
11 cows that belonged to members of the population. And they gave them to the troops. I
12 heard something to this effect. He had not yet given these cows to the troops. They had
13 stolen them and taken them with them. I inquired into this. And after that, I took them
14 and put them in detention in Mandro because they had stolen these cows. This was
15 during the battle. They were fighting and they met cows which they took with them
16 without the consent of the owners --

17 THE INTERPRETER: [15:40:31] Without knowing, corrects the Swahili booth:
18 Without knowing who they belonged to.

19 MR BOURGON: [15:40:38] (Interpretation)

20 Q. [15:40:39] To your knowledge was Pigwa subject to any other measures or
21 punishment?

22 A. [15:40:49] Yes. Kisémbó also arrested him in Kilo, near Kilo. He then
23 transferred him to Bunia where he was also detained. And during the war, I think it was
24 during the war, we found him in prison and he was killed. That's what I heard.
25 Perhaps he was taken somewhere and killed. Then we heard that he died on 6 March.

1 But 6 March he was still in detention in Mandro. I don't know where he went, but I
2 heard that he had been killed on that date.

3 PRESIDING JUDGE FREMR: [15:41:55] I will utilise this short break to inform you that
4 in the meantime court officer, Ms Bossette, made an inquiry about the document tendered
5 by Mr Bourgon, number 811 on the list of items of the Defence and she verified and
6 confirmed that this document has been already admitted into evidence, as Ms Samson
7 correctly stated, by decision from 28 March 2017, number 1838. Unfortunately, the
8 metadata did not reflect it, this fact, but they will be updated immediately.

9 So in the light of this information, Mr Bourgon, do you insist on your request to admit this
10 document? I believe not, but still this request is on the table so ...

11 MR BOURGON: [15:43:20] (Interpretation) That's fine, Mr President, as long as it's in
12 the dossier. Whether it comes from the Defence or the Prosecution, I have no trouble
13 with that. That's fine by me.

14 Q. [15:43:32] Mr Ntaganda, I would now like to look at a final message looking at
15 disciplinary measures. You mentioned earlier the case of Nembe. I'd like to draw your
16 attention to page 178 of your log. Tell me when you've found the page.
17 For the translation, it is 2102-4000.

18 A. [15:44:20] Yes, I'm there.

19 Q. [15:44:24] Let us look together at the first message at the top of the page,
20 170831 February 2003. According to what we see here the message was sent by you.
21 The deputy chief of the general staff operations and organisation to the commander of the
22 operational sector north-east with a copy to the minister of defence. I will read this. It's
23 in French. I will read it quickly:

24 "There are people who are causing us to retreat. As you say, those who are like Nembe
25 are the following: Kilongozi, Receiver. Auton, declaring. Boss Sabayeye these people

1 are saying that he is stealing with Manu. These two people Kilongozi and Auton take
2 measures against the people urgently. I don't like stealing. This has caused problems in
3 all the movements that we've been part of. When you see anything of that nature, put an
4 end to it as quickly as possible. I don't want to hear anymore talk of this in your zone
5 because there are some leaders who work and others who are thieves. NB: any leader
6 that I find in such a situation will be responsible for his own actions without informing
7 higher levels."

8 My question is as follows: Firstly do you recall this message?

9 A. [15:46:41] Yes. These are all people that I had detained.

10 Q. [15:46:47] Does this message reflect the policy that you employed with regard to
11 discipline within the FPLC?

12 A. [15:47:04] Yes. We were very insistent on this, that discipline should be
13 maintained, which was different from other parties for whom we'd worked.

14 Q. In this message it says under 3, Boss Sabayeye, people are saying that he's stealing
15 with Manu. Who is this Manu?

16 A. [15:47:33] This was Emmanuel Ndungutse, who was the 2IC to Jérôme at the time.

17 Q. [15:47:47] What information did you have as regards Commander Manu and theft?

18 A. [15:48:05] He had been plotting to allow goods through without payment of
19 customs duties. He also wanted to smuggle people through. At the border, at Aru,
20 vehicles can be imported into Congo, vehicles from Dubai, as well as timber, both being
21 imported and exported. So he was in cahoots with the people there to allow goods
22 through without customs duties being paid.

23 So when I learnt about this, I asked Commander Jérôme to imprison Manu and the other
24 people involved in this illegal activity. And I said that if I ever discovered that that kind
25 of misconduct was still ongoing in his sector, he too would be punished.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [15:49:10] Mr Ntaganda, during 2002 and 2003 were you personally aware of, or
2 did another person inform you of, such matters? What was your reputation when it
3 came to discipline?

4 A. [15:49:54] I know that anybody who broke the law was in fear of me. I don't want
5 to blow my own trumpet, but basically anybody who broke the law was fearful when they
6 were doing that, and the civilians, the local people, respected that, the fact that I was strict
7 and that I enforced discipline amongst the soldiers. So I think that that contribute to my
8 good reputation.

9 PRESIDING JUDGE FREMR: [15:50:31] Sorry to interrupt you, Mr Bourgon. Just one
10 question.

11 You know, Mr Ntaganda, that, I think you have been present, some witnesses mentioned
12 your nickname Terminator. Do you have any idea what is the source of this nickname?

13 THE WITNESS: [15:50:53] (Interpretation) Your Honour, this was at a time when
14 there were -- the attacks of César and Patrick, of Ongwen. Whoever attacked me at the
15 time found it turning against them. I was also present when Thomas Lubanga's
16 residency was attacked, and when Claude died that day, for instance, it was said, "Ah, it's
17 the Terminator who killed Claude", and that's how that name became widely used.

18 There were also video -- videos where you see Rambo, for instance, Rambo, the
19 Terminator. However, when it comes to the local people, it is not they who -- they did
20 not give me that name because I killed civilians, certainly not. I'm a military man. And
21 I have a career behind me whereby I was promoted to the level of general. I was a brave
22 soldier, a hard-working military man, and that nickname arose when there was that César,
23 Claude, Ongwen situation, when Ongwen attacked me. And it's only in that connection
24 that that nickname came up, otherwise it was not applied.

25 PRESIDING JUDGE FREMR: [15:53:04] Thank you, Mr Ntaganda.

1 Mr Bourgon, please proceed.

2 MR BOURGON: [15:53:08] (Interpretation) Thank you, your Honour.

3 Q. [15:53:16] Now, Mr Ntaganda, we've looked at your logbook together on a number
4 of occasions over the course of your testimony. Now, based on your own experience,
5 what is the purpose, the use of such a logbook in a military environment?

6 A. [15:53:47] Well, as regards the point of such a logbook, it allows one to identify
7 information and to have an overview of all daily activities. If you keep a logbook, then
8 you record all programmes, all times, dates, and then it serves to support memory as to
9 what happened during a certain period or in a certain year. That is the point, the
10 purpose of a logbook.

11 Q. [15:54:35] Mr Ntaganda, based on your own experience, did other armies or
12 groups that you belonged to also keep logbooks?

13 A. [15:54:52] Yes. Every battalion commander had a logbook. Sector commanders
14 too.

15 Q. [15:55:04] Which armed group are you referring to when you refer to battalion and
16 sector commanders?

17 A. [15:55:15] I'm referring to the FPLC.

18 Q. [15:55:24] Well, seeing as you're talking about the FPLC, do you know whether
19 Kisembo had a logbook?

20 A. [15:55:33] Yes.

21 Q. [15:55:36] Do you know whether the information in Kisembo's logbook would
22 have been the same as the information in your logbook?

23 A. [15:55:52] Yes. It would have been similar information, but there would have
24 been information in his logbook that was not in my logbook. So you might find
25 information in Kisembo's logbook but not in mine. For example, my signaller's battery

1 might have been depleted and he might not have received certain messages; if he had to
2 take time out to power up the battery, for instance, then there would have been messages
3 which were not logged in my logbook. But generally the messages recorded in my
4 logbook and his would have been similar.

5 Q. [15:56:50] Now, regarding the other armies or armed groups that you were a
6 member of, did they have logbooks?

7 A. [15:57:01] Well, in the APR and the FDR, logbooks were used. I didn't spend
8 much time in the APC. I left the APC and I fought the APC, but I would say that the
9 APC was rather disorganised. They had large troop numbers, but they were
10 disorganised. The UPDF also maintained logbooks.

11 Q. [15:57:36] When you trained -- or, sorry, in Jinja when you trained as an officer
12 with the UPDF, were you taught how to make -- or to keep a logbook?

13 A. [15:57:58] No. We weren't trained in that. But we certainly were told about the
14 importance of the role of signaller and the importance of logbooks being kept, but in
15 rather general terms.

16 Q. [15:58:24] Now, Mr Ntaganda, the two logbooks that we have used in the course of
17 your testimony, now, were they useful to you in preparing your defence?

18 A. [15:58:49] Yes. They were of assistance to me in preparing and they also helped
19 refresh my memory. I of course made an effort to recall the events of the time and the
20 logbooks were very helpful in that connection.

21 Q. [15:59:11] Mr Ntaganda, when your logbook was being compiled in your
22 compound in 2002-2003, did you ever imagine that it would be used in a court of law?

23 A. [15:59:39] No. If I had known, I would have fled with the logbook when the
24 UPDF drove us out.

25 Q. [15:59:57] Mr Ntaganda, I'd like to move now to a different topic and it is your

1 video camera. Now, during your testimony you mentioned the fact that at one point in
2 time you had a video camera and that you took footage of certain goings-on. Now, those
3 video cassettes were seized at one point in time by Artémis, and you mentioned that in
4 your testimony at page -- 217 to page 32, 33, and 217, page 87.

5 Now, my question is: What do you recall about that point in time when the cassettes
6 were seized?

7 A. [16:01:21] The tapes were seized when the UN arrived into Ituri in 2003. It was
8 indeed the period of Artémis and the Blue Helmets. It was a time when they were
9 working together and they visited my room and they seized the camera.

10 Q. [16:01:59] Mr Ntaganda, do you recall, in terms of chronology, whether Kisembo
11 had already announced that he was leaving, that he had turned coats before the tapes
12 were seized?

13 A. [16:02:33] It was around about the time indeed where Kisembo changed sides.

14 Q. [16:02:46] Where were you living when you lost the tapes?

15 A. [16:02:54] I was living in Petit Lima's home. His father had left it to him. His
16 father was a businessman and the house had a number of bedrooms. Petit Lima gave me
17 a room and they found the tapes in that bedroom and took them.

18 Q. [16:03:35] Mr Ntaganda, I'm reading the transcript, notably, page 98, line 3 and you
19 said, "Petit Lima gave me a room and it was in that bedroom that they found my tapes."
20 Is that exactly what you said in your language?

21 A. [16:04:07] Yes, indeed I made a mistake. It was both the tapes and the camera.
22 So they took my camera and a number of cassettes.

23 Q. [16:04:28] Mr Ntaganda, in fact what I'm driving at is did you specify bedroom?

24 A. [16:04:39] Yes, they went to my bedroom, my chambre, and they took the camera
25 as well as the tapes. Those were tapes that I had used to film.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

- 1 Q. [16:05:04] Mr Ntaganda, I'd like to show you a document, it's document
2 DRC-OTP-0009-0021. It's a public document. It's a United Nations document.
3 So, Mr President, we should deal with it in the same way as we dealt with the other ones,
4 in other words, display it on the screen but not display it to the public.
5 I'd like the first page of that document to be displayed on the screen. It's item 840 on our
6 list.
- 7 PRESIDING JUDGE FREMR: [16:06:01] (Overlapping speakers) of your list of items?
8 MR BOURGON: [16:06:04] (Interpretation) Yes, that's right, your Honour. Item 840
9 on the list of evidence that we wish to use with this witness.
- 10 PRESIDING JUDGE FREMR: [16:06:30] Prosecution.
11 MS SAMSON: [16:06:32] No objection, your Honour. Apologies.
- 12 PRESIDING JUDGE FREMR: [16:06:36] All right.
13 MR BOURGON: [16:06:42] (Interpretation)
- 14 Q. [16:06:45] Mr Ntaganda, I think you see a document on your screen. I quite like
15 to have the -- to zoom in on the upper part of the document.
- 16 A. [16:07:08] Yes. I can read the passage.
- 17 Q. [16:07:14] As you can see, Mr Ntaganda, this is a United Nations document and it
18 is a report labelled "G-2 MIL Info" what does that mean, G-2 MIL Info?
- 19 A. [16:07:39] I think that is G-2, that is to say a certain rank or a section of MONUC in
20 Ituri, G-2.
- 21 MR BOURGON: [16:07:59] I'd like the second page to be displayed, that's 0009-0022,
22 notably paragraph 3(a)(2).
- 23 Q. [16:08:30] Mr Ntaganda, I'm going to read this paragraph from this document.
24 Paragraph 3 is entitled "Military/Militia Activities."
25 Subparagraph (a) is labelled "Confirmed" and subparagraph (2) is labelled

1 "PAKBAT AOR".

2 So I'm going to read the subparagraph (b) in English:

3 (Speaks English) "On 15 December 03, PAKBAT undertook a special search operation to
4 apprehend a UPC miscreant from Central area (about 20 kilometres north of Bunia).

5 Two individuals closely affiliated with the wanted miscreant were apprehended. Names
6 of apprehended individuals are Musifano Eric and Richard Baraka Mugenyi. A

7 comprehensive search was carried out. On suspected houses belonged to an individual
8 named Lima, who is a close aide of wanted miscreant and provides him information on

9 Bunia, Iga Barrière and Lopa. During the search PAKBAT recovered 1 x AK-47,

10 1 x Magazine, 11 x Rounds of AK-47, 1 x Grenade, 2 x Radio Sets, 1 x Radio Battery

11 Charger, 2 x Video Cassettes." End of quotation.

12 (Interpretation) Mr Ntaganda, does the paragraph I've just read out correspond to the
13 event that you have just testified on regarding the loss of your video camera and

14 cassettes?

15 A. [16:11:22] Yes, they are indeed the ones who took the cassettes.

16 Q. [16:11:28] Now, earlier you referred to a camera, but I don't see a camera in the list.
17 Was your camera taken on that day?

18 A. [16:11:52] Yes, they took the camera and the cassettes on that date from Petit
19 Lima's house. He didn't have a camera. I was the one who had a camera in his house.
20 And it's indicated here that the house concerned is Petit Lima's.

21 MR BOURGON: [16:12:16] (Interpretation) Your Honour, I'd like this extract from
22 this document to be admitted as Defence evidence under the same conditions as before,
23 that is to say, that paragraphs 3(a)(2)(b) which was read to the witness be admitted in
24 evidence together with the context of this evidence, and that is that it is a report regarding
25 the week of 13 to 17 December 2003.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [16:12:56] Court officer, I have some information
2 indicating that this document has been already admitted. Could you kindly verify?
3 Otherwise, what is position of Prosecution to the request?

4 MS SAMSON: [16:13:16] Yes, our understanding is also that the document was
5 admitted via the same Bar table decision, 1838.

6 PRESIDING JUDGE FREMR: [16:13:25] So now it's officially confirmed by our court
7 officer.

8 So, Mr Bourgon, again I'm asking, do you insist on your request under those conditions?

9 MR BOURGON: [16:13:45] (Interpretation) No, your Honour. In fact, the
10 information available to me was incorrect. We always write on the document whether it
11 was admitted or not and I had noted not admitted. But I believe that that is a mistake
12 that we have made. It's not the first and it won't be the last I suspect.

13 PRESIDING JUDGE FREMR: [16:14:13] Pretty possible it's not your fault, so no need to
14 apologise.

15 MR BOURGON: [16:14:19] (Interpretation) I think that we can actually end here.
16 I believe that we've arrived at the end of the day's time allotment.

17 PRESIDING JUDGE FREMR: [16:14:29] Yes, good point.

18 So we will adjourn now. We will continue tomorrow with the, should be the last part of
19 direct examination conducted by the Defence.

20 At this moment, Mr Bourgon, could you provide us with some estimation how much time
21 you think you will need to complete direct examination tomorrow?

22 MR BOURGON: [16:14:57] (Interpretation) I don't know exactly how much time I
23 have left, but I will need at least a session. If I have a little more time than that, perhaps
24 we could have one extended session, but I'm not quite sure where we stand in terms of
25 time keeping, but I suspect I will need more or less two hours -- a little more than

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 two hours.

2 PRESIDING JUDGE FREMR: [16:15:27] According measuring provided by our court
3 officer, so far you have used 52 hours 39 minutes, so in fact you have 2 hours 21 minutes.
4 It's up to you, but it was exactly my point that if you would be able to finish in 2 hours,
5 there would be no problem and the Chamber would be flexible to conduct one two-hour
6 session in the morning.

7 Now we adjourn and we will resume tomorrow 9.45.

8 THE COURT USHER: [16:16:01] All rise.

9 (The hearing ends in open session at 4.16 p.m.)

10 CORRECTIONS REPORT

11 The Language Services Section has made the following corrections in the transcript:

12 *page 68, line 3:

13 "at all times" is translated and added