

1 International Criminal Court
2 Trial Chamber VI - Courtroom 2
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
8 Monday, 25 April 2016
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: Good morning, your Honours.
16 This is the situation in the Democratic Republic of the Congo, in the case of The
17 Prosecutor versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 We are in open session.
19 PRESIDING JUDGE FREMR: Thank you, court officer.
20 Now appearances, please, starting with Prosecution.
21 MR IVERSON: Good morning, your Honours. Today for the Office of the
22 Prosecutor we have Marion Rabanit, associate trial lawyer; Rens van der Werf,
23 assistant trial lawyer; Claudine Umurungi, legal assistant; Julieta Solano, trial lawyer;
24 Selam Yirgou, case manager; and myself, Eric Iverson, trial lawyer. Thank you.
25 PRESIDING JUDGE FREMR: Thank you, Mr Iverson.

1 Defence please.

2 MR BOURGON: (Interpretation) Good morning, your Honour, good morning,

3 your Honours and all people present in the courtroom this morning. Representing

4 Bosco Ntaganda, who is present this morning, Eric Cookson-Montin; Margaux Portier;

5 Dignité Bwiza; and myself, Stéphane Bourgon. Thank you very much, your Honour.

6 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.

7 Now Legal Representatives of Victims, please.

8 MS PELLET: (Interpretation) Thank you, your Honour. The former child soldiers

9 are represented by Mohamed Abdou and by myself, Sarah Pellet, counsel of the

10 public counsel for victims.

11 MR SUPRUN: (Interpretation) Good morning, your Honour, your Honours. The

12 victims of the attacks are represented by the Office of Public Counsel for Victims,

13 legal associate and myself, Dmytro Suprun.

14 PRESIDING JUDGE FREMR: Thank you, Ms Pellet. Thank you Mr Suprun.

15 And I also note the presence of legal adviser appointed pursuant to Rule 74 to assist

16 our upcoming witness who will testify today. Welcome, and please state your name

17 for the record.

18 MR RAIMONDO: Good morning, Mr President and your Honours. My name is

19 Fabián Raimondo. I am the legal adviser to the witness pursuant to Rule 74.

20 PRESIDING JUDGE FREMR: Thank you very much, Mr Raimondo.

21 Before the witness can be called, I was told that Mr Bourgon would like to approach

22 the Chamber. So Mr Bourgon, you have the floor.

23 MR BOURGON: Thank you very much, Mr President. Very briefly we received

24 last week the document called witness preparation session log and disclosure note.

25 I would just like to make one comment for the record regarding this document at this

1 time.

2 At the last page of the document there's a mention of a question that was put to the
3 witness regarding his interview with the Defence prior to becoming a Prosecution
4 witness. And in this document the witness explains that the Defence representatives
5 had a computer with a camera and that they were filming the meeting.

6 Mr President, just for the record and to remove any ambiguity, I'd like to confirm
7 I was personally present during this meeting with the witness and the interview was
8 not filmed.

9 At the end of this interview a picture was taken of the witness which will be shown to
10 him in cross-examination. I just wanted to make this clear for the record before we
11 begin. Thank you, Mr President.

12 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon. I appreciate this
13 clarification.

14 Any objection on that from Prosecution?

15 MR IVERSON: Well, we were already aware because Mr Bourgon had told me prior
16 to the court session. And I appreciate the heads up so that we're aware. I'm not
17 sure that we have this picture, so if we could just receive in due course the disclosure
18 of the picture that would be helpful, of course. Thank you.

19 PRESIDING JUDGE FREMR: All right. And again even Chamber I think
20 appreciates a much -- this atmosphere of openness and this mutual openness among,
21 between the parties.

22 Now, before we bring the witness I will be addressing a few procedural matters.

23 First, the Chamber recalls its decision number 1293 granting in-court protective
24 measures for Witness P-907 in the form of face and voice distortion and the use of
25 pseudonym.

1 Second, as indicated by way of email last week, the Chamber encourages the
2 Prosecution to complete its examination-in-chief of the witness within eight hours.
3 So it's goal for you, Mr Iverson.
4 As usual I will be keeping an eye on timing asking you for updates on your progress
5 as we proceed.
6 With regards to timing, I recall that we will be sitting for five hours per day with a
7 two-hour afternoon session ending at 4.30 p.m. And also don't forget that we will
8 not be sitting on Wednesday because there is holiday.
9 Next, I note that both legal representatives have requested to examine the witness.
10 And following our usual practice, we will come back to this request after the
11 Prosecution has completed its examination-in-chief.
12 Finally, Mr Raimondo is present to assist the witness in respect of any
13 self-incrimination issues which may arise. The Chamber notes that he was able to
14 meet with the witness and explain matters of self-incrimination to him.
15 On Wednesday, 20 April, Mr Raimondo seized the Chamber on behalf of Witness
16 P-907 of a request for assurances pursuant to Rule 74. As instructed, the Prosecution
17 provided ex parte observations on Thursday via email. It does not object to the
18 Chamber granting assurances to this witness, subject to the usual caveat of the
19 witness telling the truth throughout his testimony.
20 I first turn to the Defence. Do you have any observation on this issue, Mr Bourgon?
21 MR BOURGON: No observation at this time, Mr President. Thank you.
22 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon.
23 So we will now, just for a second, deliberate because situation otherwise as to this
24 assurance seems clear.
25 (Trial Chamber confers)

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1 PRESIDING JUDGE FREMR: So our ruling is that the Chamber grants the request
2 and will provide the witness with the requested assurances.

3 Now, unless the parties have any further issues which I guess is not the case, court
4 officer have the witness brought in the courtroom.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE FREMR: Mr Witness, good morning. On behalf of this
7 Chamber, I would like to welcome you to the courtroom. Can you hear me,
8 Mr Witness?

9 WITNESS: DRC-OTP-P-0907

10 (The witness speaks Swahili)

11 THE WITNESS: (Interpretation) I can hear you very well.

12 PRESIDING JUDGE FREMR: Mr Witness, you are called to testify in the case
13 Mr Bosco Ntaganda -- in the case against Mr Bosco Ntaganda to assist us in our
14 search for the truth. You will be soon asked questions both by the Judges and
15 lawyers in the courtroom and, in this connection, I would like to guide you as follows:
16 Please listen carefully to those questions. It's very important that you make sure that
17 you understand the question. If you do not understand, feel free to ask for the
18 question to be repeated. We want you to tell the truth and tell us what you saw,
19 heard or sense yourself. If you didn't see or hear it yourself but you found out some
20 other way, then you should explain how.

21 You may not remember all details and it doesn't matter. Please testify just on that
22 which you really remember. Don't guess, don't make things up. There is nothing
23 wrong in saying "I don't know" or "I don't remember".

24 Do you understand all this, Mr Witness?

25 THE WITNESS: (Interpretation) I understand you very well.

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1 PRESIDING JUDGE FREMR: Fine.

2 Mr Witness, protective measures are put in place to ensure that your identity is not
3 revealed to the public. And I'm aware that this has already been explained to you,
4 but let me briefly remind you that the public cannot see your face today and that your
5 voice is being disguised so that the public cannot recognize you. We will refer you
6 as "Mr Witness" and ensure that your name and any other information that risks
7 revealing who you are is not broadcasted to the public; therefore, whenever you need
8 to describe anything that might reveal your identity, we will do so in private session
9 so that no one outside the courtroom can hear your answer.

10 Do you understand, Mr Witness?

11 THE WITNESS: (Interpretation) I understand you very well.

12 PRESIDING JUDGE FREMR: Very good. Mr Witness, you also have been assigned
13 a lawyer to provide you with legal advice about possible self-incrimination.
14 Mr Raimondo sitting on your right hand. You have met before and he is present
15 here and will be present for all your testimony. If any concerns arise during the
16 course of your testimony, he will be able to advise you and to raise those concerns
17 with the Chamber.

18 Mr Raimondo has requested that you be given certain assurances by the Chamber.
19 There may be questions asked to you for which you fear that answering them
20 truthfully may incriminate you because these questions relate to your own conduct.
21 In such cases, we will require you to answer the question but we can assure that your
22 answer will be kept confidential and will not be disclosed to the public or to the
23 government of any country.

24 The Prosecution has further assured that they will not themselves use this
25 information to prosecute you before the ICC provided that you tell the truth. Do

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1 you understand all this?

2 THE WITNESS: (Interpretation) I understand very well.

3 PRESIDING JUDGE FREMR: Very well.

4 Now, Mr Witness, you will find a piece of paper which is now in front of you with the
5 solemn undertaking. Please now make your solemn undertaking to tell the truth by
6 reading out the declaration on the piece of paper in front of you, please.

7 THE WITNESS: (Interpretation) I have a question before taking the oath.

8 PRESIDING JUDGE FREMR: Please go ahead.

9 THE WITNESS: (Interpretation) I asked my lawyer to send you an application
10 representing -- about self-incrimination. Have you received that, your Honour?

11 PRESIDING JUDGE FREMR: Please, anyway, now let's move into private session
12 because there might be some risk we go to some details.

13 (Private session at 9.47 a.m.) *(Reclassified entirely in public)

14 THE COURT OFFICER: We are in private session, Mr President.

15 PRESIDING JUDGE FREMR: Yes, Mr Witness, so I can confirm we received written
16 request for this assurance prepared by your lawyer, Mr Raimondo. Is it fine with
17 you?

18 And again, in fact, we, maybe to make it clear to you, we accepted this request, so we
19 guarantee that you will not be prosecuted in -- as a consequence of any part of your
20 testimony, neither before the ICC and neither before the -- any court because anything
21 that could lead to such a Prosecution will be kept confidential within this Court.

22 Also Prosecutor just giving you guarantee that the Prosecution will not prosecute you
23 in connection with testimony you will give now in upcoming days. Do you
24 understand?

25 THE WITNESS: (Interpretation) I understand very well. And I'm ready to take

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1 the oath.

2 PRESIDING JUDGE FREMR: Very well. So now, again, Mr Witness, please read
3 out solemn -- Mr Bourgon.

4 MR BOURGON: Thank you, Mr President. I intervene at this time because I am
5 not sure if I understand correctly what the Chamber has just mentioned to the
6 witness.

7 Mr President, I refer you to page 7, lines 20 to 25, where the witness was instructed by
8 the Chamber as follows: "There may be" requests "asked to you for which you fear
9 that answering them truthfully may incriminate you because these questions relate to
10 your own conduct."

11 "In such cases, we will require you to answer the question but we can assure that your
12 answer will be kept confidential," and it goes on.

13 The only reason I'd like to clarify, Mr President, is are the assurances applicable to all
14 of his testimony or as mentioned in this paragraph do they apply only if he refuses to
15 answer a question?

16 We've done -- we went through this issue before. And with other witnesses the
17 Chamber took the view that it was throughout the testimony complete, but when I
18 read this paragraph it appears that the assurances would only kick in once the
19 witness refuses to answer a question. I'd just like to clarify --

20 PRESIDING JUDGE FREMR: My understanding is that we are giving assurances for
21 whole testimony, even in advance, but if it was just for the case that witness would
22 be -- wouldn't be sure, I would like us again to -- or, would resist to answer this
23 question, then we will reassure him that the guarantee was given.

24 MR BOURGON: Thank you, Mr President.

25 PRESIDING JUDGE FREMR: So now, Mr Witness, third attempt, please read out

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1 solemn declaration.

2 THE WITNESS: (Interpretation) Very well.

3 I solemnly declare that I will tell the truth, the whole truth and nothing but the truth.

4 PRESIDING JUDGE FREMR: Very well, Mr Witness.

5 And now I have to remind you that now you are really under oath. And it's also my

6 legal duty to remind you that you should be aware that it is an offence within the

7 jurisdiction of this Court to give false testimony. Do you understand that?

8 THE WITNESS: (Interpretation) I understand.

9 PRESIDING JUDGE FREMR: And now at the end a few practical matters you
10 should have in mind when giving your testimony.

11 It's important to speak into the microphone, which so far you are doing very well, to

12 speak clearly and to speak at a slow pace. You should only start speaking when the

13 person asking you the question has finished. When a question is asked, please count

14 in your head to three and only then give your answer. This pause is essential for us

15 to properly hear and record what you are saying. If you have any questions during

16 your testimony or if you feel that you need a break, do not hesitate to let us know by

17 raising your hand. We will then -- we will give you the opportunity to speak.

18 I understood we are still in private session, so please return back into open.

19 (Open session at 9.53 a.m.)

20 THE COURT OFFICER: We are back in open session, Mr President.

21 PRESIDING JUDGE FREMR: Thank you, court officer.

22 So Mr Witness, have you understood my instruction both concerning those practical

23 matters? The main thing which is not very natural is to keep pauses. So as soon as

24 anybody put question to you, please wait a moment, don't respond immediately

25 because we all have -- always have to wait for translation. So try always to count

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1 one, two, three, and only then give your response. Is it clear?

2 THE WITNESS: (Interpretation) I understand.

3 PRESIDING JUDGE FREMR: Very well. So now we can move to the testimony
4 itself. You will be questioning first by Prosecution which is represented by
5 Mr Iverson.

6 Mr Iverson, you have the floor.

7 MR IVERSON: Thank you very much, Mr President.

8 QUESTIONED BY MR IVERSON:

9 Q. Good morning, sir. How are you?

10 A. Very well.

11 Q. Now, we have met before, but I just wanted to introduce myself again. My
12 name is Eric Iverson and I'm a trial lawyer for the Office of the Prosecutor and I'll be
13 asking you questions for the duration of your testimony for the Prosecution.
14 Just a few reminders. I'll do my best to ask questions in open session where I can,
15 where there's not much risk that your identity would be revealed, but if there's a
16 chance that your identity will be revealed, I'll ask for -- I'll ask the Court to grant a
17 private session. And I'd like to ask that we try to move through your testimony
18 quickly but accurately. Can we do that, sir?

19 A. I understand you very well.

20 Q. Thank you.

21 Mr President, for the first set of questions, I'd like to ask that we move into private
22 session, please.

23 PRESIDING JUDGE FREMR: And in this connection my question goes to
24 Mr Bourgon. Mr Bourgon, would it be any problem if those, the first bunch of
25 questions concerning personal details would be made through leading questions?

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- 1 MR BOURGON: Absolutely not, Mr President.
- 2 PRESIDING JUDGE FREMR: Mr Iverson, you have the floor.
- 3 But before that, we have to move into private session.
- 4 (Private session at 9.56 a.m.) *(Reclassified partially in public)
- 5 THE COURT OFFICER: Mr President, we are in private session.
- 6 PRESIDING JUDGE FREMR: Thank you.
- 7 Mr Iverson, please.
- 8 MR IVERSON: Thank you, Mr President. And I will ask leading questions for
- 9 background questions.
- 10 Q. Sir, your name is (Redacted); is that right?
- 11 A. That's correct.
- 12 Q. And obviously you're speaking Swahili now, but you also speak (Redacted)
- 13 (Redacted), and (Redacted); is that correct?
- 14 A. Indeed.
- 15 Q. And your date birth is (Redacted)?
- 16 A. That's correct.
- 17 Q. And you were born in (Redacted), in the Democratic Republic of
- 18 Congo; right?
- 19 A. That's correct.
- 20 Q. And you (Redacted); is that right?
- 21 A. Correct.
- 22 Q. And because I'll probably get the pronunciation wrong, could I ask you to state
- 23 (Redacted), please?
- 24 A. Yes. (Redacted)
- 25 Q. And just to briefly let the Chamber know of your educational background and

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1 history, you (Redacted); is that right?

2 A. (Redacted)

3 Q. And then you (Redacted)

4 (Redacted)

5 A. Yes, that's correct, (Redacted).

6 Q. (Redacted)

7 (Redacted); is that right?

8 A. Yes, (Redacted)

9 Q. And (Redacted); is that right?

10 A. (Redacted)

11 Q. And that was (Redacted); is that right?

12 A. I haven't understood. You're talking about (Redacted)

13 (Redacted) I haven't understood your question. (Redacted) What

14 did you say?

15 Q. It was just meant to be a continuation of the previous questions, so yes, you

16 (Redacted); is that right?

17 A. That's right.

18 Q. Okay. Could you tell the Chamber, please, what happened in July 2002?

19 What did you do in July 2002?

20 A. Yes, I will explain to the Court. In 2002 we were in Mongbwalu. (Redacted)

21 (Redacted) in that area and the inter-ethnic war broke out

22 between the Hema and the Lendu. This led us to leave Mongbwalu quickly, hastily.

23 We were forced to leave hastily. And we left everything behind. We left

24 Mongbwalu and we went to Bunia. That is where all the Hema went, fled to. At

25 that time Mongbwalu remained occupied by Lendu people only. That is why we left

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1 (Redacted). I think I've answered your question.

2 Q. Yes, sir. And are you familiar with a group called the UPC?

3 A. Yes, I'm very familiar with that group. That's our movement. That is
4 where -- the movement that we served in.

5 Q. And could you explain to the Chamber how you came to serve in the UPC?

6 A. Very well. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 So, you see, I went into the centre, once I got to the centre, once again I was given
3 other clothes, even dirtier than the ones that had been given to me before. I met up
4 with other recruits. And so that is how we began the military training. That was
5 my itinerary. That is how it came to be. I left the town and ended up at Mandro
6 and did the training. I think I've answered your question.

7 Q. Yes, thank you, you did, sir. And you just mentioned to the Chamber you met
8 up with other LOPs. Could you tell the Chamber what are LOPs?

9 A. It's a military term which means "scout", "advance party", so to speak. People
10 who sit in trees and -- in a way they are scouts, they take up advanced positions and
11 they look out for the enemy. I think I've answered your question.

12 Q. Sir, my next set of questions has to do with asking you to describe various
13 things within the Mandro camp. And I'd like to do that in open session if we can,
14 bearing in mind that you have to be careful about not revealing your identity. Are
15 you prepared to do that, sir? Okay.

16 A. Yes.

17 MR IVERSON: Mr President, I'd like to request to go into open session, please.

18 PRESIDING JUDGE FREMR: All right.

19 Court officer, let's move into open session now.

20 (Open session at 10.08 p.m.)

21 THE COURT OFFICER: We are now in open session, Mr President.

22 PRESIDING JUDGE FREMR: Thank you, court officer.

23 Mr Iverson, you may proceed.

24 MR IVERSON:

25 Q. First I'd like to ask you, if you could, to walk the Chamber through the chain of

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1 command in the various officers and if you could explain who the officers were at
2 Mandro and what their function was, if you recall.

3 A. Well, I will answer your question about the Mandro training centre. When we
4 got to Mandro, the leader was Mr Mugisa Muleke he was the one who supervised the
5 training centre in Mandro. That is where all the recruits were. But he reported to
6 Mr Ntaganda. There was also a number of instructors, former commanders such as
7 Abelanga, Mutegaji. There were many instructors who worked together, one taking
8 over from another. I didn't know all their names. There were many instructors.
9 I didn't know exactly how they divided up the work, but each one of them had a
10 particular component of training to give. Some taught how to handle weapons,
11 others taught guerilla warfare and strategy. I know that all the instructors were at
12 the same level, but their superior was Muleke and he reported to Bosco Ntaganda.
13 That is what I learned once I had got to the training centre.

14 Q. Okay. Just so it's clear for the record, sir, could I just ask you to spell out the
15 name Muleke and Abelanga. If you could just spell it so it's clear on the record.

16 PRESIDING JUDGE FREMR: Court usher, could we provide Mr Witness with piece
17 of paper, or it's already there? Okay, fine.

18 Mr Witness, could you just -- it will probably make it easier to write it on paper first
19 the name and then spell it letter by letter because we would like to have precise
20 transcript.

21 THE WITNESS: (Interpretation) I'm ready, Abelanga, *A-B-E-L-A-N-G-A. That's
22 Abelanga. And then the next name *M-U-T-E-G-A-J-I, that's Mutegaji.

23 MR IVERSON:

24 Q. All right. Could I have you focus on one person you mentioned, Abelanga.

25 Could I have you explain to the Chamber what was his role and how did this person

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1 behave in Mandro training camp?

2 A. I know Abelanga well. He was a commander who was very strict at the centre.
3 He was known for that. He behaved very strictly. He was the one who taught us
4 fighting techniques, guerilla warfare. All I know is that he made our life tough at the
5 centre. If you did something wrong, he would hit you. And he was very, very
6 tough. That is what I know about him. He was the one who taught us fighting
7 techniques, but he would hit us. He hit us with sticks. I think I've answered your
8 question.

9 Q. I know you mentioned a number of things and I don't want things to get missed.
10 I think I believe you mentioned the name Kahwa. Who was Kahwa and did he have
11 any relation to anything that was going on at Mandro?

12 A. Mr Kahwa was the collectivity chief, the traditional chief. All I know is that
13 our camp was in his area. He was the one who allowed us to take that training there.
14 I don't know whether he played any other role, for example, ensuring the safety of
15 soldiers. I don't know anything about that. All I know is that he allowed us take
16 training in his locality. The members of his -- the people in his area also helped us
17 because they gave us foodstuffs and supplies. At one point, airplanes would come
18 and drop off supplies. Before there were an airport. All I know is that he was a
19 traditional chief and he was a wise old man from the village.

20 THE INTERPRETER: Interpreter correction: The collectivity mentioned was
21 Bahema-Banywagi.

22 MR IVERSON:

23 Q. All right. And sir, do you know the accused in this case, Mr Ntaganda?

24 A. Yes, I know him very well.

25 Q. And could you explain what was his role, if any, at the Mandro training camp?

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1 A. At the training centre -- well, I would say that he was the top gun, number one.
2 Even though Muleke was the head of the centre, he was much higher up, he had a
3 higher rank. He would come to the centre sometimes to see how the training of the
4 recruits was going. He would stay a few minutes and then he would leave again.
5 Sometimes he would come and actually spend the night at the training centre and
6 then he would leave the next day. He didn't give the training because, you see, there
7 were instructors for that. He would come and he might speak to the recruits. They
8 would have these gatherings, you see. But I really couldn't tell you that he gave any
9 training. He was the boss and he was the one who received all the reports.

10 Q. Could you tell the Chamber if there are any moments or times in particular
11 where you remember seeing Mr Ntaganda at Mandro training camp?

12 A. You wanted to know whether he came instead of the training or to centre in
13 general? I remember he came once when training was going on, and he spent the
14 night there, and then he went off again. If, for example, let's say, there was a
15 graduation ceremony for recruits, he might come for that, or he might come to the
16 check on the recruits' progress. Once he came and he spoke to the recruits and he
17 gave us a pep talk, he cheered us up. He also gave us some orders, instructions.
18 He also took part in a drill once for the deployment of troops. I remember seeing
19 him in Mandro.

20 THE INTERPRETER: Mandro, corrects the Swahili interpreter.

21 MR IVERSON:

22 Q. And I don't want to ask you to speculate because you were talking -- you gave
23 your answer in a bit of a hypothetical, you said he might come to check on the
24 recruits' progress or a graduation ceremony. Do you remember in fact that
25 Mr Ntaganda came for any graduation ceremonies or parades or anything like that,

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1 sir?

2 A. I saw him personally. He came and he spoke to the recruits. He gave
3 instructions. He told us that no one should desert. He said that after the training
4 we would be soldiers. He came a second time and that was when the recruits were
5 graduating. And some troops had been deployed to Tchomia. Others were sent to
6 various camps. That was the second time that he came. And the drill or the parade,
7 rather, was by Kahwa's residence. At the end of the training we were supposed to
8 go to a football pitch and that is where the troops would be deployed from.

9 THE INTERPRETER: Message from the Swahili interpreter: Could the witness be
10 asked to slow down.

11 PRESIDING JUDGE FREMR: Mr Witness, I just got a message from the interpreters
12 you are a bit fast, so please slow down a bit, okay, because we would like just to get
13 precise interpretation. Do you understand?

14 THE WITNESS: (Interpretation) Yes, I understand.

15 MR IVERSON:

16 Q. So I'll just amend what -- my instructions from the beginning were quickly and
17 accurately, and I appreciate your attempting to do that, I failed to mention, you know,
18 that -- or, remind you that we have interpreters. So we'll try to just slow it down just
19 a little bit, but we'll continue hopefully a good pace, sir.

20 Now, could I just ask you to step back and describe what one would see when they
21 would enter Mandro training camp. What would you encounter when you enter
22 Mandro training camp?

23 A. Well, when you entered the training camp -- well, there were two different
24 camps. There was the Mandro camp where Chief Kahwa's residence was and that is
25 where the recruits were who had -- who were finishing their training. There was

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1 another camp that was the camp for recruits itself. So you have to be more specific
2 in your question because there were two camps really; one where Kahwa's residence
3 was, and then there was a pitch where the training was conducted. That was our
4 camp. You have to be specific in your question.

5 Q. Thank you. I'll try to be specific. Let's start with the pitch, your camp. And
6 you mention recruits. For instance, how many recruits are we talking about? If you
7 were to enter, how many recruits would you see during the time that you were there?

8 A. I understand. When you went into the recruits' camp, Kudja was the name of
9 that spot, there was a stream just before the camp and that is where some soldiers
10 were posted, and then after that you would come to this flat pitch, and after the pitch
11 there were some houses. They were built out of straw these houses for the officers.
12 Further along downwards, there were some barrels and --

13 PRESIDING JUDGE FREMR: Mr Witness.

14 THE WITNESS: (Interpretation) -- they were used for cooking. And then there
15 was the area --

16 PRESIDING JUDGE FREMR: Sorry to interrupt you, but I guess the question was
17 mainly about the number of recruits you had seen when you enter this camp. So we
18 appreciate description of the camp, but I think the question was focus on the number
19 of recruits.

20 THE WITNESS: (Interpretation) I'm sorry. I answered in that manner because
21 the first question that I was asked was what you saw when you entered the camp and
22 then the second question was how many recruits.

23 So to answer that, there were many recruits. People would go to Mandro in large
24 numbers. Old people, young people, children. There were thousands of us. I
25 wouldn't say it was one or two people or a hundred, I would say that there were a

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1 great many of us, thousands of us. No one would say that it was one, two, three
2 hundred people. And what's more, no actual census was done by the instructors or
3 by anyone. There were a great many of us. I don't -- but there was no actual
4 official counting. I think I've answered your question. Some people would come in
5 the morning, some people came in the evening or midday. They were groups of
6 people who would come, so you really -- you couldn't tell exactly how many people
7 entered the camp, but many people went. It was -- there was a lot of coming and
8 going as though people were coming and going at a market.

9 PRESIDING JUDGE FREMR: But if I understood well, this question -- Mr Iverson
10 was mainly interested not in number of all people coming to Mandro but number of
11 recruits. Could you be more specific on that, at least to give us some rough
12 estimation on number of recruits?

13 THE WITNESS: (Interpretation) To my knowledge, not hundreds, thousands.
14 There were many of us. The pitch was very large and there were many huts. Only
15 the recruits would go there. And then there were the instructors as well. They
16 might go and walk about a bit. Whether you were male or female, if you went and
17 you crossed the last cross point, checkpoint, you were then a recruit. So no one can
18 say that there were just hundreds of us, no.

19 MR IVERSON:

20 Q. So if one were to visit the Kudja part of the camp during that time one would
21 see many, many people; is that a fair statement?

22 A. Yes, that's right. That is the truth because there were many of us.

23 Q. All right. I'd like to go back to ask a few more questions about Mr Ntaganda.
24 What did the recruits and others in the UPC call Mr Ntaganda, if you know?

25 A. All the recruits called him Afande, but some called him Afande -- or,

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1 Afande Bosco or Mzee Bosco, but the instructors called him Tango Romeo. That was
2 his call sign. So the officers would call him Tango Romeo.

3 Q. And you have explained to a certain extent his role with regard to Mandro. I'd
4 just like to ask are you familiar with Mr Ntaganda's role within the broader
5 UPC/FPLC?

6 A. Yes, I certainly do know. He was the general chief of staff responsible for
7 operations within the FPLC. He was in charge of all the war operations.

8 Q. And do you know whether this entailed Mr Ntaganda planning operations,
9 military operations, within the UPC/FPLC?

10 A. With regards to the war operations he was chief of general staff and he was
11 responsible for the operations. He planned the war, he determined the arms which
12 had to go to the war, all these soldiers who had to go to war as well. He was the
13 person who was responsible, nobody else.

14 Q. Sir, you mentioned just now that he determined the arms which had to go to the
15 war. Can you explain how Mr Ntaganda did this, decide and get arms, weapons to
16 people in the war, if you know that?

17 A. Well, we had stocks of arms. We had arms dumps. We had arms dumps in
18 Mandro and also there was an arms dump with the -- there were different depots that
19 we had pretty much everywhere. Mongbwalu as well, where I worked as well.
20 And we also had weapons when there was war. You had to call him. He was the
21 person who had to say what type of weapon had to go to war. You couldn't go to
22 war without his approval. We had a lot of arms dumps. They were full of weapons
23 as well as ammunition. We had all types of weapons. Even in Tchomia we had
24 weapons. They came by air and they went through Tchomia.

25 Q. And who provided --

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1 THE INTERPRETER: Went through Tchomia and Mongbwalu, corrects the
2 interpreter.

3 MR IVERSON:

4 Q. And who provided those arms for the arms depot? Who provided those
5 weapons?

6 A. The weapons came by plane. And they were brought by plane to Mandro.
7 And when they noted that the weapons were getting worse, then they -- it was
8 decided that -- to attack Tchomia in order to occupy the airport. And they attacked
9 Tchomia, they occupied the airport in Tchomia. And they occupied Tchomia airport
10 and that was where the arms were. They were transported on their heads. And
11 that's how we were able to build a dump where we could keep the weapons. And
12 while we were occupying the villages, we increased the number of dumps as well.
13 And when we occupied Mongbwalu, we built a dump as well. I don't know where
14 these weapons came from, but what I do know is that they came by plane. That's all
15 that I know. And they were air dropped.

16 Q. Sir, you mentioned that Mr Ntaganda was the person who had to say what type
17 of weapon had to go to war. Can you just explain to the Chamber what do you
18 mean by that? Did he have to make a personal decision on every weapon or
19 what -- that doesn't seem logical, so if you could just explain what you mean by he
20 was the person who had to say what type of weapon had to go to war.

21 A. In fact, we went to war with him, which was the case in Mongbwalu. There
22 was also a time where I went with him in Mwanga. We went through Mudzipela.
23 And there was another battle where they could deploy soldiers. And it was in that
24 case that, for example, they could send you to a battle without going there. And
25 they would say, "Don't be afraid, there is ammunition. There are weapons there.

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1 There are bombs." They would tell that to you. They would tell you that there was
2 no reason to be afraid of the enemy.

3 And before leaving for the battle, if they -- if you didn't want to go, there would be a
4 military parade and they would try and raise everybody's morale. They would say
5 how they were going to fight against the enemy, how they're going to defeat the
6 enemy. They would say that the enemy was weak. They would say how people
7 were armed. And it was in that way that it was possible to know that he was the
8 person who determined which weapons were going to be taken to war.

9 And when he went himself, he would tell you which weapons were going to be taken
10 to war in order to defeat the enemy. And they would tell you -- he would tell all the
11 commanders who were there. He would say you're going to take this weapon or
12 that weapon. "You take these weapons."

13 And the bureau would inform you with regards to the force or strength of the enemy.
14 They would tell you, for example, that the enemy had such a type of munitions, such
15 types of weapons and they would recommend what weapons should be taken into
16 battle.

17 And they estimated the enemy force that there was when they were sure of the enemy
18 forces. At that time, they would tell you what type of weapon you could take to the
19 battle. I hope that answers your question.

20 MR IVERSON: Mr President, could I ask that we briefly go into private session,
21 please. Thank you.

22 PRESIDING JUDGE FREMR: For sure.

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

24 (Private session at 10.39 a.m.) *(Reclassified partially in public)

25 THE COURT OFFICER: We are in private session, Mr President.

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1 PRESIDING JUDGE FREMR: Thank you.

2 Mr Iverson, please proceed.

3 MR IVERSON:

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 And that's all I had, your Honour. I could ask to move back into open session.

14 PRESIDING JUDGE FREMR: Good point.

15 Let's return back into open session.

16 (Open session at 10.41 a.m.)

17 THE COURT OFFICER: We are back in open session, Mr President.

18 PRESIDING JUDGE FREMR: Thank you, court officer.

19 Mr Iverson, you may proceed.

20 MR IVERSON:

21 Q. On page 23, line 22 of today's transcript I had asked you a question about the
22 number of recruits you would see when you would enter the Kudja camp. And in
23 your answer you mentioned children, and so I would like to focus on that issue and
24 I would like to ask you questions about that.

25 When you say there were children, what were these children doing at a military camp,

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1 military training camp?

2 A. They didn't have a choice at that time. There was no other refuge. Some
3 children were not able to find their parents. They didn't know where to go. And
4 that's how children, the elderly, all of us went to the training. We didn't have any
5 other choice. Whether it was us, whether it was the elderly, whether it was the
6 children. We were all in training.

7 Q. And when you say "children," I'd like you to tell the Judges exactly what you
8 mean by children. How old were these people?

9 A. There were lots of different children, different types. Some of them were 10, 12,
10 17, 16. They were all mixed up. I didn't ask each child what their age was, but if
11 you looked at these children, some were very young. There were children who were
12 maybe in fourth grade fifth, sixth grade in primary. You also had some who were 16
13 or 14 years old. I hope that you understand me well.

14 Q. Yes, I do. And for the very young children, as young as 10 and 12, how were
15 they able to pick up a weapon and train in a military way?

16 PRESIDING JUDGE FREMR: Mr Iverson, I think you jumped a bit, you know, too
17 far because I think you should start with, you know, that they were present at
18 military camp. But, you know, I would appreciate some question before putting that
19 one and also --

20 MR IVERSON: Sure, I understand, your Honour. If you just give me a moment.

21 PRESIDING JUDGE FREMR: It's a bit leading, not completely leading.

22 MR IVERSON: I'll rephrase, your Honour, if you just give me one moment, please.

23 PRESIDING JUDGE FREMR: Even a question whether they were trained with this
24 weapon would be fine.

25 MR IVERSON: Yes.

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1 Q. Sir, in your answer on page 30, line 6 you just said, "we were all in training."

2 And his Honour is absolutely correct, I read maybe too much into that. Can you
3 explain what you mean by "training"?

4 A. When I speak about training what I mean by that is that at the training centre
5 we were with children and we were with the elderly. We didn't take into
6 consideration people's age. They often said that once we had been in the centre you
7 were no longer a child any more. There was a term that said that the child -- you're a
8 child with regard to your mother only. Once you go to the training centre a child
9 has to be trained as an adult. The child has to be trained in tactics, war tactics.
10 They have to do all the exercises which adults do. There was no difference between
11 a child and adult. There were sometimes when the children were even stronger than
12 the adults and it was the children who joined a lot more than adults.

13 Q. And, sir, what my question is driving at is whether the military training
14 involved any weapons handling. Did it?

15 A. There were different stages in training. First of all, when you arrived at the
16 training centre, first of all, you had to take off the clothes that you were wearing.
17 You had dirty clothes which were messy and you had to undergo a sort of baptism,
18 and then you were asked to roll in the mud. And after this baptism you joined the
19 recruits and it was at that time that you became a recruit.
20 On the first day, the first lesson that one learned as a recruit was marching in military
21 fashion, how to march, how to turn left, right, and you had to show that you
22 understood and could do military marching towards 10 o'clock in the morning. And
23 also you had to get up very early in the morning in order to do that. And at 4 o'clock
24 there would be a rally or an assembly.
25 And when people noticed that people had escaped in the first thing to say were the

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1 marching -- well, military marching, there were people who were soldiers. They
2 sang, they sang military songs which was called "morale". There was instructors
3 who taught these songs to us and you had to march. We were divided into different
4 groups in order to carry out military exercises which were called drills.
5 And after marching, towards 10 o'clock then we put together and dismounted the
6 weapons and we -- AK-47s, for example, SMGs. You had to know how to take apart
7 a weapon quickly, and once -- when it was blocked, for example, in a war situation,
8 you had to know how to take it apart, and then you were given exercises in order to
9 reassemble it.
10 And when we were able to show mastery of the drills, when we were -- show that we
11 mastered how to use weapons as well, then you went on to the next stage.
12 Now, the next stage was fighting techniques where you had to crawl. There was a
13 wood which was -- there was wood which was used, which was cut into the shape of
14 a weapon, and we used those pieces of wood to practice fighting techniques with.
15 And you would be shown how to behave, what position you had to be in. People
16 told you to lie down, to get up, you were shown all sorts of different combat
17 techniques.
18 And after, there was a following stage and that was the baptism. After the fighting
19 techniques towards the end of the training, we finished with another baptism and
20 people trained you in communication. You also had to dig large trenches. We dug
21 trenches in a circular shape. You had to shoot. You needed endurance. You
22 couldn't lift your head up. You had to crawl while you were firing at the same time.
23 So you had -- well, that was the last baptism that we had. You had to show
24 endurance and after it I think at that time you were given a weapon and you were
25 given combat uniform. You had military boots, you had a weapon, and on that day

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1 Bosco came to send the -- send off the soldiers and he would tell them, "You go to this
2 centre, that centre." When he arrived on the last day of the training, he had to be
3 there. In Mandro or Mongbwalu -- if it was in Mongbwalu at that time the sector
4 commander was responsible for that, but if it was in Mandro, he had to be there and
5 the person who gave the weapons and the military uniform.

6 But also you could leave training and if there was an attack by the enemy, even going
7 through this baptism you could go directly to the fighting, to the combat. And by
8 way of example, I went to fight even before finishing training. People said the
9 enemy is coming to such and such a place, well, you had to stop the training and you
10 had to go directly into combat and it's in this combat that you will take part in the
11 field and that will make you hardened.

12 And with regards to the battlefield, well, there was a reduced number sometimes, but
13 then recruits could be called upon who had already had training in combat
14 techniques. And that's the reason why certain recruits didn't finish training.

15 Q. Well, thank you. I think that that is a very comprehensive answer that gives a
16 lot of background and is helpful. I would just like to ask a few follow-up questions
17 based on your answer.

18 Now, how were the smallest of the children, the 10 and 12-year-olds, able to keep up
19 with the adults in this gruelling training?

20 A. These kadogo, they would told, "If you leave this training centre, where are you
21 going to go?" So once you've been in the training centre, there were no means of
22 escaping. And if you were caught trying to escape, automatically you would be
23 killed.

24 So even if the training was hard, you had to deal with it right to the very end. If you
25 wanted to escape, you had to do it after training, not during the training. You were

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1 always told during training that the day in which you tried to escape you're going to
2 be shot at. You should never desert even if the training is very hard.

3 These kadogo were easily integrated apart from the fact they had difficulties carrying
4 weapons because the weapons were heavy and the uniforms, well, they were too big.
5 And sometimes it was difficult for them to carry the weapons because they were very
6 heavy. But they did manage to get through the training. The problem was wearing
7 boots, military uniform, as well as the weapon, it was very heavy and the uniforms
8 were very heavy for them, and that's the -- they were too big. And with regard to
9 the training, they adapted and sometimes they were better than the adults.

10 Q. Are there -- and I know you said that the -- some of these children passed the
11 training. Were there other children who didn't pass the training, and by children I'm
12 talking about the very young ones, the 10 and 12-year-olds?

13 A. I never saw the case of a child who hadn't succeeded in training. I just know
14 that there were some children who finished training and they were taken to
15 Kisembo's HQ and then they became bodyguards because they weren't able to go into
16 combat. I never saw a child who didn't finish the training and who went home. No.
17 I saw some who finished the training and they were sent to Kisembo's place where
18 they became bodyguards and that's where there were lots of young people.
19 I think there was a whole platoon of children who were with the chief of general staff,
20 and when the chief took pity on them because they weren't able to go into combat, he
21 took them home and that's why there were a lot at his house. And for others, other
22 children, they were sent as bodyguards to commanders of the military authorities.
23 But I never saw any who were not able to do the training.

24 Q. And you mentioned that -- my next question was where these children went,
25 and you already answered that in most part with the bodyguard answer. Were there

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1 any of these children, these 10 and 12-year-olds, who went directly into the fighting?
2 You mentioned on page 34, line 3 that some of the recruits would go directly to the
3 fighting. So what I'm interested in is whether these young children went directly to
4 the fighting, if you know.

5 A. Some of them would go into combat, others were bodyguards. There were
6 children who were selected to go into combat. And still now there are some who
7 fought and some I went into combat with, we fought together. There were others
8 who were bodyguards as well and they could also go into combat. Because even if
9 you are a bodyguard, you also have to go into combat. And there are others who
10 would also get lost in the battlefield. I know others who went to fight next to the
11 commanders and they fell into the water. There were problems.
12 When we were defeated the kadogo couldn't run with the weapons and uniforms, but
13 of course they could fight. And they were clairvoyant. There are problems. Well,
14 when we were defeated, the children found it difficult to flee because of the military
15 uniform they were wearing and also because of the very heavy weapons they were
16 carrying. We had -- we were with children in the battles in Komanda as well and in
17 Mongbwalu.

18 Q. All right. Thank you, sir. I'd like to ask the Chamber now that we go to the
19 30-minute break. Thank you, sir.

20 Thank you, your Honours.

21 PRESIDING JUDGE FREMR: All right. So we break now for 30 minutes which
22 means that we will reconvene at half past 11.

23 THE COURT USHER: All rise.

24 (Recess taken at 11.01 a.m.)

25 (Upon resuming in open session 11.31 a.m.)

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1 THE COURT USHER: All rise.

2 Please be seated.

3 PRESIDING JUDGE FREMR: Sorry, I didn't switch on.

4 So we will now proceed with testimony with examination-in-chief.

5 Mr Iverson, could we remain in open session? It's up to the character of your
6 questions.

7 MR IVERSON: Well, your Honour, I was going to ask for private session, and
8 I think I will because I think that my next set of questions will tend to reveal the
9 identity of the witness.

10 PRESIDING JUDGE FREMR: All right. And we appreciated, the Chamber
11 appreciated you were able to accumulate questions and it allowed us to remain in
12 public session for a relatively long time.

13 So now let's move into private session.

14 (Private session at 11.32 a.m.) *(Reclassified partially in public)

15 THE COURT OFFICER: We are in private session, Mr President.

16 PRESIDING JUDGE FREMR: Thank you, court officer.

17 Mr Iverson, please proceed.

18 MR IVERSON:

19 Q. So, sir, like I just told the Chamber, I'll be asking you questions that will likely
20 reveal your identity, but we're now in private session, so it's okay to do so.

21 Now, I'm for the most part finished with the questions about training and the camp at
22 Mandro. But I just wanted to establish did you actually graduate from that training?

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) And those who had finished got their

21 military uniforms and the weapons and they were deployed.

22 Some of them were deployed to various military camps, others were going directly to

23 battle. I didn't know which battle, because there were many battles that day. Many

24 recruits graduated and got their stuff. Some took up weapons and, you see, they

25 were going to be transported by plane, and the plane was going to bring weapons and

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- 1 military uniforms to Mandro.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE FREMR: Mr Witness, you are providing us with many very
9 interesting and relevant facts, but I have to remind you, please don't forget to answer
10 in a bit slower pace; otherwise, there is a risk we will lose some of your interesting
11 information in interpretation. So please have it in mind, a bit slower pace. Thank
12 you very much.

13 THE WITNESS: (Interpretation) Very well.

14 MR IVERSON: Thank you, Mr President, for that comment.

15 Q. Indeed the answer was quite long and there are a few questions that I have
16 about it. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 MR IVERSON: (Redacted)

16 PRESIDING JUDGE FREMR: (Redacted)

17 THE WITNESS: (Interpretation) (Redacted)

18 (Redacted)

19 MR IVERSON:

20 Q. Okay. Thank you, sir. I'll move on from here.

21 Just so it's clear for the Judges, sir, I'd like you to, just starting in July 2002, and now

22 we're talking about (Redacted)

23 (Redacted), could you provide just a military curriculum vitae within your career and

24 within your positions with the UPC, and if you could do so chronologically, please.

25 And please include any military operations in which you were involved and any

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1 positions you held.

2 A. Yes, I've understood. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Sorry, I didn't mean to interrupt you. But could you just list what is the name
19 of that operation, if it has a name, so it's clear to the Judges that you're talking about
20 right now at the end of October or November 2002?

21 A. The operation was at Komanda. The troops previously had failed. There was
22 a major front there at Komanda. There was a road that allowed you to get to
23 northern Kivu 75 kilometres from Bunia. So it was Komanda.
24 There were Ngiti commanders, APC soldiers, Mai Mai fighters mixed in with local
25 people and they were fighting the UPC soldiers. The fighting was heavy. We had

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1 to go and provide assistance. Safari was bringing reinforcements and it was very

2 heavy fighting. There were many of us. We got there. (Redacted)

3 (Redacted)

4 (Redacted)

5 MR IVERSON:

6 Q. Sir, I would like to ask you a few detailed questions about the operation at

7 Komanda. But first if we could complete our -- just the basic task of giving a

8 summary of your curriculum vitae within the UPC, so moving on from the Komanda

9 operation, and if you could do so chronologically. Thank you.

10 A. We went rather -- well, we went to fight in Komanda. The fighting was intense

11 ever since the UPC soldiers took control of that place in July. Rather, they had taken

12 Bunia in July, and our soldiers failed each time they went there. Each time they were

13 defeated, they would come back, and so we had to go and provide reinforcements.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 The officers began to give us instructions and told us how we were going to enter

6 Komanda, and they gave us the background to the war and how we had failed. And

7 it was necessary to be able to recognize the enemy, know their positions, be familiar

8 with the weapons, the ammunition, and they planned the battle. All the officers

9 were there at that time.

10 There was a base that had been established there to neutralise the enemy and take

11 control of Komanda and then move on towards North Kivu because some enemies,

12 *Mbusa Nyamwisi's group, were coming from there, APC people mixed in with Mai

13 Mai and other groups. We had to drive them out so that we could break in to that

14 area, the North Kivu, all the way to Kanyabayonga. And we were going to meet up

15 with others who had come from Goma. So, you see, the war had been very carefully

16 and well planned. We began the first attack a (Redacted), a few kilometres from

17 Komanda. That was very early in the morning, 5 in the morning. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) And once we got there we met up with the enemy

21 and they began to shoot at us. We responded and then the war began. It was a very

22 intense war. Very, very intense heavy fighting. We lost many soldiers. And they

23 lost -- they had casualties too. Some were injured. Well, there were injuries on each side.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 After gaining control of that place we took -- we took some war -- prisoners of war.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE FREMR: Mr Iverson, you know, even Chamber several times
13 expressed our support for taking narratives, but in some cases witness is going
14 beyond your question feel free to politely to let him know.

15 MR IVERSON: Yes, your Honour, I'll endeavour to do that.

16 Q. Sir, all of that was extremely interesting and some of it was also relevant to the
17 questions that I was going to ask about Komanda. Just -- I understand that you have
18 a lot of information, just try to carefully listen to my question and answer the question.
19 The easiest and best way to go through this will be in structured way so that we can
20 complete the task in an efficient way. And so I just ask you to cooperate with
21 that -- with me on that. Can you do that with me, sir?

22 A. Yes.

23 Q. Okay. Now, because you spent a long time talking about Komanda, I will
24 come back to the -- asking questions about a summary of your curriculum vitae, but
25 for now I would like to ask some follow-up questions about the operation in

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1 Komanda.

2 You mentioned a few of the officers' names and you mentioned that all of the officers
3 were there. Can you just explain to the Chamber the chain of command, the officers
4 present at that attack.

5 A. To my knowledge, there was the general chief of staff, that was the number one
6 guy in the UPC, Kisembo, Zulu Mike was his call sign. He was the general chief of
7 staff.

8 After him we had the chief of general staff responsible for operations, the person who
9 handled military operations, that was Mzee Bosco, Tango Romeo. He was the one in
10 charge of operations.

11 And then we had the chief of general staff Kisembo. Zulu Mike was his call sign.

12 He was the one who received all the reports.

13 Then there was the G1, he was in charge of administration. Dhezunga was his name.

14 After Dhezunga there was a G2 responsible for military intelligence. There were two
15 of them. There was, sort of, the main person responsible and then a deputy. One
16 was called Ali and the other Kasangaki, Double Sierra was his call sign. They were
17 the ones who were the G2s responsible for military intelligence. And they had a
18 team that worked with them for military intelligence.

19 There was an office, the office of the G3. There was no G3 in the UPC, just the chief
20 of general staff responsible for operations. There was no G3. And you see, the -- it
21 was the chief of general staff responsible for operations who played the role of the G3.
22 So there was no G3.

23 Then there was a G4 who was in charge of logistics. Papy was his name. Papy
24 Romeo Charlie. And he was -- there was Saludi Sisko. He was his deputy. There
25 was a G5 and his name was Eric *Mbabazi. And he had a deputy Cirile Akwaba.

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1 There was a G6 office as well, that was the person in charge of transportation, Logbo,
2 Logbo Abebo (phon).
3 And at office 6 there was a person responsible for medical care. Busha was that
4 person's name. The officer of the doctor and the others were together.
5 That was the military hierarchy within the FPLC. After that, there were
6 sectoral -- sector commanders. The first one -- you see, there were two chiefs of staff,
7 one responsible for operations and one responsible for administration.

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. And who were you fighting and how were you fighting them?

19 A. We had two enemies. In Komanda we were fighting other soldiers from APC,
20 under Mbusa Nyamwisi, as well as the Mai Mai, they were working together in
21 Komanda to North Kivu. Now, when it came to Djugu we were fighting against the
22 Lendu in an inter-tribal war. So there were two battlefronts: Komanda, soldiers
23 against soldiers; and on the other side in Djugu we were fighting the Lendu.

24 Q. And at the operation in Komanda were there any civilians present? You said it
25 was soldier against soldier. Were there any civilians there?

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1 A. We were fighting against other soldiers, but in Komanda there were also some
2 civilians and whenever we came against them we had to fight them because they
3 were the enemy and the enemy we had there were living in that area alongside
4 civilians. So we considered the civilians in that area to be our enemies. And the
5 one who was at that location was also considered to be our enemy.

6 Q. Did you personally witness any civilians being killed?

7 A. Clearly, during the fighting there must have been victims because, you see,
8 bullets do not discriminate between civilians and soldiers. Some of the dead bodies
9 were soldiers while others were civilians. When an area was shelled, civilians and
10 soldiers alike would be killed. The bombs wouldn't select their victims.

11 Q. And did you personally see with your own two eyes any -- either civilians being
12 killed or civilians who had been killed during the military attack?

13 A. In Komanda I saw dead bodies of civilians. And I told you that many people
14 were killed, including soldiers and civilians. Some were killed even as they fled and
15 others killed in their homes. So I saw dead bodies of civilians and soldiers alike.

16 Q. Could you tell the Chamber about a person by the name of (Redacted), if you know
17 him?

18 A. (Redacted) Did you say (Redacted) or (Redacted)?

19 Q. (Redacted)

20 A. (Redacted) was (Redacted)

21 (Redacted)

22 (Redacted) And on that day he is the one who was searching the houses.

23 I also remember that when we went to Komanda (Redacted) there was a day on
24 which he entered a house in which he found a woman and raped her. After raping
25 the woman, he told the woman to leave. And when she left, I heard her screaming.

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1 Then (Redacted) also found another woman in another house who wanted to flee and
2 shot her. He had asked her to come to him and she refused and then he killed her.

3 (Redacted) was a very severe man.

4 Q. And could you tell the --

5 A. Indeed, he was very harsh.

6 Q. And could you tell the Chamber how it is that you know these things? Did
7 you personally observe them or did you find out in a different way? If you could let
8 the Chamber know how you know about things that (Redacted) did?

9 A. I told you that we went to Komanda centre together after we had captured
10 Komanda, our enemy had fled and so we started searching the homes, all the houses
11 in the area, and we were doing what is referred to as cleaning house because, you
12 know, after you capture a town, you have to search each house, and we were doing
13 this together with (Redacted).

14 So if you want to enter a house, you shoot the door and if there is an enemy inside,
15 they would respond with gunfire. But if there is no enemy, then there will be no
16 response and you can go in.

17 And so (Redacted)

18 (Redacted) we went on to then search all the houses. We took some soldiers hostage
19 and they became prisoners. Some were killed. Some civilians as well were killed,
20 even in their homes, they were killed on the spot. Others were arrested. We
21 arrested several people because nobody expected us to win the battle on that day.

22 So the civilian population took hiding in their homes because they felt that the APC
23 would win, but we were victorious on that day and that is how we were able to take a
24 number of prisoners. Some people fled, others were killed. We picked up a
25 number of people whom we handed over to the soldiers who were there who then

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1 took them to Irumu. That is exactly what happened.

2 You see, after that, (Redacted)

3 (Redacted) The soldiers who had become our prisoners, we dropped some of them off

4 in Irumu and we also abandoned some of the war prisoners in the same location.

5 I don't know what happened to them, while others were killed, and this happened

6 when we were searching the homes.

7 Nobody told me this story. I was part of the operation myself. And so each soldier

8 who was there was involved in these activities.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. And just so it's not in any way ambiguous, I want to make sure that it's clear.

14 You say, "I was part of the operation myself," and I take that to imply that you

15 witnessed these things yourself? Am I correct about that, that you witnessed these

16 things yourself?

17 PRESIDING JUDGE FREMR: Hold on, Mr Witness.

18 THE WITNESS: (Interpretation) And so what I am telling you is that from the very

19 beginning of the operation --

20 PRESIDING JUDGE FREMR: Mr Bourgon.

21 MR BOURGON: Thank you, Mr President. The question was asked and answered,

22 but I'm willing to live with a second kick at the can; however, the question to "witness

23 these things," that's much too vague. What did he witness? If my colleague wants

24 to establish what the witness saw, the question must be much precise than "these

25 things." Thank you, Mr President.

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1 PRESIDING JUDGE FREMR: Mr Iverson.

2 MR IVERSON: Well, your Honour, I agree it could always be more precise.

3 Obviously to any reasonable reading of the transcript when I say "these things," I'm
4 referring back to his previous answer and all of those things that he testified to. But
5 I can go through each and every one, it's just a matter of time. And I think that's a
6 pretty reasonable way to summarise what he had said, I believe.

7 PRESIDING JUDGE FREMR: For example, he said "I heard screaming," so it
8 indicates that he was not person to do rape, for example. So maybe I think try to be
9 maybe -- I think two or three questions will not take too much time, you maybe could
10 make some specification.

11 MR IVERSON: All right. I'll do my best, your Honour.

12 Q. Okay. On page 52, line 19 you mentioned that, "We took some soldiers hostage
13 and they became prisoners. Some were killed. Some civilians as well were killed,
14 each in their homes, they were killed on the spot." Did you personally witness
15 civilians being killed on the spot?

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. And you mentioned -- sorry -- on page 47, line 7 looting and the burning of

19 houses in Komanda. Can you explain to the Chamber what was looted and which

20 houses were burned?

21 A. When we captured Komanda, each soldier went into a house and would pillage.

22 Some people took mattresses, bicycles, boxes sewing machines and whatever they

23 found. Some even took away food. So some soldiers who were married took away

24 plantains and corn flour, and some houses, thatched houses were burnt down, houses

25 in which soldiers were living.

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1 So we had found a small military camp there which we burnt down. There were
2 houses in thatch which we also burnt down. We found homes that had corrugated
3 roofing sheets and so we looted these homes, mattresses, machines and all manner of
4 items. This is the type of looting that took place as well as the type of burning that
5 took place on that day.

6 Q. And did you yourself loot any items that didn't belong to you or burn
7 any -- burn any structures down?

8 A. Looting? I may have taken some items, but I don't know what I took on that
9 day. Yes, we burnt down houses. All the soldiers who were there participated in
10 burning down the houses. All the soldiers who were there looted. Even I myself, I
11 looted, but I don't know whether it was only food or some other items.

12 Q. Do you know why the structures were burnt down? The reason I'm asking
13 that is if you know whether there were any instructions to burn down any structures.

14 A. (Redacted)

15 (Redacted)

16 (Redacted) You see, if you were to have a long service in the army,
17 you should avoid those types of actions. However, everybody acted in whichever
18 way they deemed fit. And because we had had so many problems and difficulties,
19 we went ahead to do the same type of things for which we were punished. You see,
20 speaking for myself, (Redacted)

21 (Redacted)

22 (Redacted) We went ahead to loot because we felt that all that was before us
23 was the enemy, even the houses were the houses of the enemy, and that is why we
24 went ahead to loot.

25 (Redacted)

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1 (Redacted)

2 Q. And are you aware of you or anyone else, any of the soldiers, receiving any
3 punishments for their conduct at the attack on Komanda?

4 A. Anyone who killed an enemy or burnt down an enemy's house was not arrested.
5 I never saw anyone being punished for that, no. That did not happen. If you strike
6 the enemy or you loot property belonging to the enemy, be he a soldier or a civilian,
7 no one would be punished for that. You might be arrested for killing one of your
8 civilian or military colleagues on your side, but if you strike the enemy, you loot the
9 enemy, you burn down the enemy's house, nobody would punish you for that.

10 Q. Just common sense would tell you that a burning structure might be visible
11 from a long ways away. Are you aware that any of the officers in charge of the
12 soldiers were aware that structures were being burned down?

13 PRESIDING JUDGE FREMR: Mr Bourgon?

14 MR BOURGON: This is speculation on the part of the witness. He's not in a
15 position to say whether he is aware of what the senior officers knew or were aware or
16 were not aware of. Thank you.

17 PRESIDING JUDGE FREMR: Mr Iverson.

18 MR IVERSON: I can rephrase, your Honour.

19 PRESIDING JUDGE FREMR: (Microphone not activated)

20 MR IVERSON:

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 And so that was how we proceeded to burn down the house and be ready to shoot if
5 an enemy runs out of a burning house. And then in the end, you go around and find
6 something to eat or any items that were of interest. Now, if we came across a
7 suspicious looking house, the house should be torched. So we proceeded to do that
8 and then returned to report to our commander that all had been done and that
9 everything was fine.

10 (Redacted)

11 (Redacted) We made the same report to our
12 commander when we came back and that's it.

13 Q. And were any UPC/FPLC officers present when you burned down structures in
14 the Komanda attack?

15 A. I told you that Charlie Lima's brigade was there during the Komanda
16 brigade -- Komanda battle rather and there were sector section commanders all
17 involved and they were at the battlefront. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) But the other officers remained in Irumu
21 and were not part of the attack.

22 Q. Well, sir, what I'm getting at is were there UPC/FPLC officers present on the
23 scene while houses were being burned?

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. And just a last series questions about Komanda. Could you tell the -- could
8 you estimate for the Chamber the size of Komanda and what type of place it was, a
9 village, a city, in order for the Chamber to have an idea of what -- just to understand
10 what it is you're talking about with Komanda when we use that term.

11 A. Komanda is a collectivity, a large collectivity. The Walese and the Vonkutu
12 live there. Komanda is sort of the main town within that place, that collectivity.

13 And Komanda is on the border between two different collectivities, the Balese
14 collectivity and the Babira collectivity. And there was a large trading centre that
15 provides supplies for Bunia. There's a great deal of business conducted there.

16 There are farmers, people who raise cattle, traders. There's a large market at that
17 place.

18 I would say that it is the second largest or third largest market in the Ituri subregion.
19 There is also a large wooded area, and that is where people make charcoal and also
20 cut wood and make planks and that sort of thing.

21 Q. All right. And was the entire commune the object of the attack of UPC or was
22 it just a part of the commune? Could you explain that to the Chamber, please?

23 A. The entire locality of Komanda was attacked. Before reaching Komanda they
24 launched their attack of Irumu Makayanga. Some of us took the Lolwa road that leads
25 towards Kisangani and others took the road that heads toward Northern Kivu,

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1 around Eringeti.

2 Another front was opened up at Ido (phon). That is to say the entire collectivity of
3 Balese was attacked and control was gained of that area. Charlie Lima, Tchaligonza
4 was in charge of that operation. In other words, the enemy was attacked and that
5 attack continued until the enemy was defeated.

6 Q. And would you be able to say how many houses or structures you burned
7 down in that attack?

8 A. No one could tell you that, really. No soldier could answer such a question,
9 because we had been deployed over a large area and each person went off in his own
10 direction. No one really was in a position to count the exact number of houses that
11 had been torched. People scattered, went off in all directions. You could ask any
12 soldier that question and no one will give you an answer. You can't tell you how
13 many people were killed either. Each person went his own individual way and no
14 one can answer that question.

15 Q. And just to wrap up the questions related to the attack on Komanda, were you
16 able to observe any children under the age of 15 participating in that attack?

17 A. Yes, there were some, there were children at the front in Komanda. I know one
18 child (Redacted), he was with us on the Komanda front, and now he is
19 an adult. At the time he was 15 or 16 years old. He was part of the people on that
20 particular front.

21 Q. I'm sorry, but I believe that you said a name. Could you repeat the name of
22 that person, or if you know the name could you tell the name to the Judges, please?

23 A. I just told you that there were children at the front during the Komanda
24 operation. I mentioned one child, (Redacted). He is now grown up. At the
25 time he would have been 15 or 16 years old. There were other kadosgos, but I don't

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1 know their names because the soldiers had come from various camps, and we didn't
2 have time to ask them where -- what their names were. But I can mention that one
3 particular person, namely (Redacted). That was the name of the -- the name of the person
4 that I knew was (Redacted).

5 Q. And in your entire experience within the UPC/FPLC, do you know the names of
6 any other children under the age of 15 who served in the UPC/FPLC?

7 PRESIDING JUDGE FREMR: Mr Bourgon.

8 MR BOURGON: Thank you, Mr President. The question should be rephrased
9 because the witness made it clear that the witness he's talking -- the person he's
10 talking about was 15 or 16, so there cannot be any other lower than 15 when the
11 person he spoke about is 15 or 16. Thank you.

12 PRESIDING JUDGE FREMR: Mr Iverson.

13 MR IVERSON: I will rephrase, your Honour.

14 Q. Do you know any names of any children who served in the UPC/FPLC who
15 were under the age of 15? And that includes any of your time in the UPC/FPLC.

16 A. Yes. I know their names. There were many of them. But -- well, I can give
17 the name of the -- I can give the names that I remember. If you ask me for five
18 names, I can give you those names. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) There was also Mave, escort to chief of staff Kisembo.

22 That was a PMF about 12 years old, that person.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 I think you asked me for five names and I have given them to you. But, you know,
3 there were a great many kadogos, a great many. I can't remember all of their names.

4 Q. And I won't ask you for any more names of children under the age of 15. I was
5 just wondering whether you knew those names.

6 And then just a few follow-up questions. With regard to (Redacted)

7 (Redacted) you know, how did you know that they were under 15? If you could
8 explain that to the Chamber.

9 A. Yes, I can explain that to you, no problem. You could tell by the shape of their
10 bodies that the person was a child, not an adult. What's more, you have to look at
11 their size in general and their voice and their behaviour. All of these things would
12 indicate whether the person was a child or not. The voice, the face and the
13 behaviour. And then you would come to the conclusion that the person was a child.
14 Why do I say that? Because you see, there were some very young children who just
15 played. You would give them a task, but then you would find them playing
16 somewhere. They were children and everyone knew that they were children. They
17 were taken as bodyguards because they could not resist -- well, they couldn't do the
18 work of a soldier on the front. They were chosen as bodyguards. Their clothing
19 was too big for them, be it trousers or shirts. First of all, you would have to give the
20 clothing to a tailor to make adjustments and also these people, these children had
21 difficulty carrying weapons. So all of these things indicated that they were children.

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. All right. Thank you. That's clear. You mentioned earlier when you were
3 talking about the names of the child soldiers a PMF. And we've heard that term in
4 this courtroom before, but could you explain to the Chamber what is a PMF?

5 A. Police Militaire Fille, that is to say female soldiers. We were in the habit of
6 referring to them as PMF, whether they be young girls, women, adult women. We
7 were in the habit of calling them PMFs. So they were female military police officers.

8 Q. All right. And you mentioned that in the context of Mave or Mave, who you
9 said was 12. Could you please tell the Chamber about that person?

10 A. Yes. Mave was a bodyguard for Zulu Mike, Kisembo. At Kisembo's place
11 there were many kadogos and Mave was very young, no more than 12 years of age.
12 When the Ugandans attacked in Bunia on 6 March she fled along with Kisembo to go
13 to Mongbwalu, (Redacted). She was very
14 young.

15 We fought the Ugandans on 6 March and at that time Kisembo fled with a platoon of
16 bodyguards, including Mave. They were very young bodyguards, kadogos, and
17 Mave was amongst them. They left Bunia along with the chief of general staff and
18 they went to Mamedi. And once they were there, they were well received and they
19 were at the residence of chief of staff Kisembo.

20 But it was common knowledge that Mave had been raped several times by soldiers
21 and she began to suffer from fistula. After that, Kisembo warned the soldiers and
22 said to them, "If anyone rapes Mave, that person will be killed because her bladder no
23 longer works. She's suffering from fistula. She has to be taken to the hospital for
24 care." Kisembo gathered the soldiers together and warned them and said to them,
25 "From now on, no one should touch Mave."

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. And do you know were any of the UPC/FPLC members who raped Mave
5 punished before or after Kisembo's speech to them?

6 A. No, no, they were not punished. They were just prohibited from doing it again.
7 They were not punished.

8 Q. (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 THE INTERPRETER: This is what the witness has said.

20 MR IVERSON:

21 Q. All right. I'd just like to clarify a possible discrepancy in the transcript. In
22 your answer it said March --

23 A. I beg your pardon, it wasn't in 2013. It was in 2003, March 2003 after the battle
24 with the Ugandans. That was a mistake on my part. I beg your pardon.

25 Q. You were much quicker than I was on that. So thank you, sir.

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1 I have just one -- probably one last question before the break, sir, and that's just how
2 was it that you knew that Mave was 12 years old?

3 A. Mave was very young. She just played with the other children. She always
4 liked to play with the other children.

5 During this gathering the chief of general staff showed Mave and said, "You see, this
6 child is still young, no more than 12 years old. From now on, no one should touch
7 her because she is not even a teenage girl."

8 So that is when Kisembo gave us that speech. Mave was very young and you could
9 really see that by her face. She looked to be very young.

10 Q. Thank you, sir.

11 MR IVERSON: Mr President, your Honours, I would ask that we take the break for
12 lunch now. Thank you.

13 PRESIDING JUDGE FREMR: Thank you for your punctuality, Mr Iverson.

14 So we will break now and we will reconvene half past 2.

15 THE COURT USHER: All rise.

16 (Recess taken at 1 p.m.)

17 (Upon resuming in open session at 2.31 p.m.)

18 THE COURT USHER: All rise.

19 Please be seated.

20 PRESIDING JUDGE FREMR: Good afternoon, everybody. I guess nothing
21 prevents us from continuation in examination-in-chief of Witness 907.

22 So, Mr Iverson, you have the floor.

23 MR IVERSON: Thank you, Mr President. And for the time being I'd like to request
24 that we stay in open session. I believe that --

25 PRESIDING JUDGE FREMR: Okay. But I can see Mr Bourgon on his feet.

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1 Mr Bourgon.

2 MR BOURGON: I apologise, Mr President. I just wanted to note for the record that
3 Ms Margaux Portier is no longer in the courtroom. So she stayed -- she will not be
4 joining us this afternoon. I'm sorry to interrupt. Thank you.

5 PRESIDING JUDGE FREMR: Very well. Thank you very much, Mr Bourgon, for
6 keeping transcript precise, especially as concerns appearances.

7 Mr Iverson, please.

8 MR IVERSON: Thank you, your Honour.

9 Q. Sir, we're in open session, so I would just ask that you be mindful of that fact.
10 And if there is any answer that you intend to give that would tend to reveal your
11 identity, just let the Presiding Judge know and we can move into private session. Do
12 you understand, sir?

13 A. Yes, I understand.

14 Q. Sir, do you know if there were any other PMFs within the UPC/FPLC who, like
15 Mave, were raped within -- from people within the forces, UPC/FPLC?

16 A. Yes, other PMFs were raped, but they were older, not as young as Mave. Some
17 of them -- well, there were several PMFs within the FPLC.

18 Q. Sir, do you know any of the names of other PMFs who like you say were raped
19 in the UPC/FPLC?

20 PRESIDING JUDGE FREMR: Sorry to interrupt you, Mr Iverson. I just checked the
21 situation by my colleague, we have no transcript at the moment.

22 Court officer.

23 So let's wait for a while. I was told that there was some effort to fix it.

24 (Pause in proceedings)

25 PRESIDING JUDGE FREMR: So not yet?

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1 So we will break because we can't just sit here and look. We will be in our
2 deliberation room and please call us back as soon as it will be ready for continuation.

3 THE COURT USHER: All rise.

4 (Recess taken at 2.37 p.m.)

5 (Upon resuming in open session 3.06 p.m.)

6 THE COURT USHER: All rise.

7 Please be seated.

8 PRESIDING JUDGE FREMR: Good afternoon again. It seems at the moment we do
9 have real transcript. We are sorry about that because the Chamber is pushing
10 counsels to be efficient as much as possible, not to waste any minute and now we lost
11 40 minutes by these technical shortcomings. So hopefully it will not repeat.
12 So we will continue with examination-in-chief.

13 Mr Iverson, you have the floor.

14 MR IVERSON: Thank you, your Honour. And I see that nothing that I said in the
15 beginning from 2.30 onward was recorded in the transcript, so I think best would be
16 is I'll just start from the top.

17 PRESIDING JUDGE FREMR: I fully agree.

18 MR IVERSON: And I'd like to ask that we stay in open session for the time being.

19 Q. Sir, so I'll repeat my question to you. Do you know whether there were any
20 other PMFs in the UPC/FPLC like Mave who were raped by UPC/FPLC members?

21 A. Yes, I know some PMFs who used to work with some commanders. Some of
22 them, most of them were bodyguards and if you want, I can give them -- I can give
23 you their names.

24 We were at Chief Kisémbó's headquarters. There was one PMF known as mère
25 Malu, but I've forgotten the names of the others.

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1 Then there was Caroline and Jeannine at Bosco's headquarters. I've forgotten the
2 names of the others.

3 Now, at Safari's there was one known as Macho, but I've forgotten the names of the
4 others.

5 At the battalion commander's place there were also some PMFs.

6 THE INTERPRETER: From the Swahili booth, Mr President: The interpreter did
7 not hear the last name mentioned by the witness.

8 THE WITNESS: (Interpretation) Most of the bodyguards were PMFs, those who
9 were working with the commanders, most of them were PMFs.

10 PRESIDING JUDGE FREMR: Mr Witness, we got message from the interpreters
11 because you were a bit fast again, they haven't captured the last name of the PMF you
12 have mentioned. Could you kindly repeat the last name if you remember.

13 THE WITNESS: (Interpretation) Yes. I said that at Kisembo's headquarters there
14 was a PMF known as mère Malu. And I have forgotten the names of the others.

15 At Bosco's headquarters there was Caroline and Jeannine. And I have forgotten the
16 names of the others.

17 Then at Safari's headquarters there was Macho. And I have forgotten the other
18 names. We also had another PMF whose name was Jeannine.

19 In Mabanga there were also other PMFs and they were bodyguards to the
20 commander.

21 PRESIDING JUDGE FREMR: Thank you very much, Mr Witness.

22 MR IVERSON:

23 Q. And could you explain to the Chamber, to the extent that PMFs were treated
24 differently than male UPC/FPLC soldiers, could you explain if they were treated
25 differently, and if so, in what ways?

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1 A. The PMFs were treated in the same way as the male soldiers. There was no
2 distinction between them, between the male soldiers and the PMFs. All of them
3 received or had to abide by the same military code. When it came to battle, all had
4 to go to battle. Even working for the commanders, it was the same. Punishment
5 was the same. There was no distinction between PMFs and male soldiers. They
6 were all treated in the same way, in the same manner.

7 Q. Can you describe to the Chamber whether any of the PMF soldiers were
8 characterised as wives?

9 A. Yes, some of them were transformed into commanders' wives. Commander at
10 Dhego, Makundi (phon) took one of the PMFs for his second wife and he took her
11 into his house.

12 In Nizi two commanders fought over mère Malu and after that mère Malu was
13 transferred to Mabanga. Then one commander also slapped a soldier because he
14 was going after mère Malu and then he was transferred to another location.

15 Now, soldiers also wanted to go out with the PMFs because they may have gone out
16 to find women outside, and if that didn't happen, then they would fall back on the
17 PMFs.

18 Then there were other commanders who got married to the PMFs. Some of them fell
19 in love with the PMFs.

20 Q. And are you aware --

21 PRESIDING JUDGE FREMR: Sorry, sorry, Mr Iverson. Mr Bourgon is on his feet.
22 Mr Bourgon.

23 MR BOURGON: Thank you, Mr President. I'm not sure if I can make this objection
24 in the presence of the witness or if he can just take off his earphones. I'm not sure.
25 I believe he doesn't speak English, but I just want to make sure.

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1 PRESIDING JUDGE FREMR: So now you may proceed.

2 MR BOURGON: Thank you very much, Mr President. The questions presently
3 being put to the witness are questions which are -- concern the UPC kind of at large
4 and the witness is providing all kinds of information coming from different units,
5 different commanders, different places. Mr President, it will be -- in order for this
6 evidence to have any probative value, it is necessary to have at least the source, the
7 basis on which he can provide this information to the Chamber.

8 In particular, when the witness has established since the beginning that he was
9 basically an escort, he is very low level, if I may use this expression, in the food chain,
10 and suddenly he comes here and he's giving a lot of information about the various
11 commanders and we don't know where this information comes from. Is it hearsay?
12 Was he told this information? Did he see it? At least to have some kind of basis so
13 that we don't waste the time of the Court. Thank you, Mr President.

14 PRESIDING JUDGE FREMR: Just before I give floor back to you, I have to join a bit
15 Mr Bourgon's comment that, you know, the fact as he mentioned really could have
16 big impact on the probative value of this part of testimony. So please have it in
17 mind.

18 MR IVERSON: I will, your Honour. And of course how he learned certain
19 information is also important for my questions, obviously for the Chamber's
20 determination of the truth, and so whenever I see an opportunity, I'll endeavour to do
21 that.

22 I just want to provide one little caveat is someone's position in life doesn't always
23 determine what they are able to observe and so I don't think there are any hard and
24 fast rules with where someone in the hierarchy could have obtained certain
25 information or not, but I think it's a case-by-case analysis.

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1 PRESIDING JUDGE FREMR: All right.

2 So please provide Mr Witness with his headphones again and we may proceed.

3 MR IVERSON:

4 Q. Sir, in order for the Judges to evaluate your evidence best, it's best if you can
5 explain how you learned of certain information. So I'd like to ask you how did you
6 know these facts that, for instance, Mave was raped and that she was a PMF, and
7 other facts that you've testified to regarding the PMFs? If you could explain to the
8 Chamber how you know about that, it would help them to evaluate your evidence.

9 MR IVERSON: And I think it's probably best that I ask that we move into private
10 session for this.

11 PRESIDING JUDGE FREMR: Yes, you are right.

12 Let's move into private session.

13 (Private session at 3.20 p.m.) *(Reclassified partially in public)

14 THE COURT OFFICER: We are in private session, Mr President.

15 PRESIDING JUDGE FREMR: Thank you. Thank you, court officer.

16 Mr Iverson, please proceed.

17 MR IVERSON:

18 Q. So if I could just ask you if you could briefly just explain to the Judges how it is
19 that you know this information about the PMFs, in particular the ones that you
20 mentioned?

21 A. Let me take the PMFs together. Mave. (Redacted) The
22 chief of general staff (Redacted) all the soldiers were brought
23 together (Redacted) Mave had a problem of fistula and so some of them had
24 raped her and so he said that hence forth, whoever slept with Mave was going to be
25 punished and that he will shoot that person. (Redacted)

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- 1 (Redacted)
- 2 Mave had this problem of fistula.
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 Q. (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 A. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 MR IVERSON: Mr President, I'd like to ask that we go back into open session.
- 12 I think I have a series of questions that can be asked and answered in open session.
- 13 PRESIDING JUDGE FREMR: Very well.
- 14 Court officer, let's move into open session.
- 15 (Open session at 3.26 p.m.)
- 16 THE COURT OFFICER: We are now in open session.
- 17 PRESIDING JUDGE FREMR: Thank you, court officer.
- 18 Mr Iverson, please proceed.
- 19 MR IVERSON:
- 20 Q. Sir, are you aware whether the accused, Mr Ntaganda, had escorts as a
- 21 commander?
- 22 A. Yes, he did.
- 23 Q. And are you aware what was the size of his escort entourage or unit?
- 24 A. There was a company commander, so there was an entire company there. All
- 25 chiefs of staff had bodyguards which added up to a company.

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1 Q. And did you know the names of any of the personnel who served as escorts
2 within this company for Mr Ntaganda?

3 A. Yes. I know the commander and his staff. I can give you some names.
4 Bataga, for example, was one of the leaders of the bodyguards. Then there was also
5 Sembo, who was also one of the leaders of the bodyguards. Then there was Burufu,
6 who was also one of them. Then there was Kiza, who was a commander. Busha
7 was also IDC. He used to work for Safari before moving to Bosco. There were
8 other commanders, other soldiers whose names I no longer remember, but then we
9 had Jeannine and Caroline as well.

10 MR IVERSON: It looks like the transcript may have frozen again. Well, I'm seeing
11 it move right now, so I think it was just a temporary glitch.

12 Q. What -- if you know, what was the ethnic composition of the recruits in Mandro?
13 Which ethnicities did the recruits hail from?

14 A. Most of the recruits in Mandro, I would say 80 percent or even 90 percent of
15 them, were people from Hema north and the Hema south communities. About
16 90 percent, Hema north or Hema south. They were the ones who made up the
17 group. And there were other ethnic groups such as the Lulu, the Bira; they were in
18 the minority. Most of the people were from the Hema north or the Hema south
19 communities.

20 MR IVERSON: Just a clarification for the transcript. On page 9, line 1 -- or line 2,
21 actually, it says IDC. I believe the witness said ADC, but I will ask him.

22 Q. You say that Busha was an IDC or an ADC? If you could clarify.

23 A. He was an ADC.

24 Q. Thank you. That clarifies the matter.

25 Just a few questions about Bahema north and Bahema south. Do the Bahema north

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1 speak the same mother tongue as the Bahema south?

2 A. The people from Hema north and Hema south don't speak the same language.
3 The people in Hema south community speak a dialect of Hema. The Hema north
4 people speak the Lendu language, which is also called Gegere, but it is related to the
5 Lendu. But it's called Gegere, so often the people are called Gegere too. That's the
6 language they speak.

7 Q. And Gegere or Kilendu, was that the same language that the Lendu spoke, the
8 enemy?

9 A. Gegere did not exist. All those people spoke Lendu, the Lendu language.
10 That is the language spoken from the people from the Hema north community.
11 They're referred to as the Gegere. Their tribe is referred to as the Gegere. It's the
12 same language. There are few differences in terms of the accent, but it's the same
13 language.

14 Q. And what I'm curious to know, sir, is did that ever cause any confusion on any
15 battlefield where the Bahema south speaking Kihema and the Bahema north speaking
16 Lendu, the language of the adversary, did that create any confusion? Were there any
17 friendly fire incidents because of that?

18 A. Well, you're talking about confusion when we were fighting the enemy or when
19 they were amongst ourselves? Are you talking about confusion within a group of
20 soldiers, the soldiers, or in relation to the Lendu people?

21 Q. So my question is in relation to military operation on the battlefield, was there
22 ever any confusion because of the fact that Bahema north spoke the same language as
23 the Lendu?

24 A. There was some confusion amongst the groups, us soldiers, because most of our
25 commanders were from the Hema south community, they were the ones who led the

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1 war, but using the Swahili language. Most of the people from Hema north did not
2 understand Swahili, they only spoke the Lendu language and that led to a lot of
3 confusion. When we would go to the front people from the Hema north did not
4 understand the commands very well because they had had the training in Bule and
5 their area and the training there was given in the Lendu language.

6 Once they got there and were mixed with us, they didn't understand the commands
7 that were issued in Swahili. And sometimes we would have problems amongst
8 ourselves. For example, they might say "get down, get up" and people would not
9 understand.

10 But amongst the Lendu and the Hema north, well, there was no problem telling them
11 apart because of their appearance. You could tell that one was a Lendu person, one
12 was a Gegere person.

13 Q. And so how were you able to distinguish then, you say appearance, could you
14 explain what in someone's appearance would let you know that they were either
15 Gegere or Lendu?

16 A. Well, they are recognized by two characteristics. First of all, their way of
17 speaking. Gegere people have an accent and they speak very slowly, very softly
18 with a low accent. But the Hema people speak quickly.

19 So you -- the first difference was the way of speaking. That's how you could
20 distinguish between a Gegere person and a Lendu person. You see, the accents are
21 different. The Gegere people speak very slowly, whereas the Lendu people speak in
22 a brutal fashion and quickly.

23 The second difference is their appearance. Gegere people are large people, whereas
24 the Lendu are short, small with a very short nose. So I can easily tell the difference
25 between a Gegere person and a Lendu person, although those two groups do speak

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1 the same language. All the same, I can distinguish between them; first of all because
2 of the accent and then secondly by their appearance.

3 Q. All right. I would like to move on to a slightly different topic. If you could
4 tell the Chamber what types of weapons that you and others within the UPC/FPLC
5 were trained in.

6 A. We had several different kinds of weapons. First of all we began with SMGs,
7 AK-47s. Each soldier had his individual weapon, his individual AK-47.
8 After that, there were other kinds of weapons. If you were sturdy, you might be
9 given a G2 kind of weapon. It's a weapon with a chain band. Those were
10 individual weapons.

11 Then there were commanders who had pistols. Some officers had pistols, but
12 usually they were reserved for the higher ranking officers.

13 What is more, there were support weaponry, weapons. Amongst these weapons we
14 had RPGs or rocket launchers that could be used with shells. Other than the RPGs,
15 we had the 60 mortars. We also called them 60s for short. They were medium from
16 size. Then there were 80 mortars and 120 mortars. There were several kinds of
17 mortars.

18 There was also a weapon called the recoilless. Sans recul in French, recoilless. That
19 weapon could also shoot shells.

20 Then we had B10s. It was a support weapon that could shoot shells.

21 We had rocket launchers. That was the kind of weapon that could be used with a
22 series of shells in a chain. We could also use the chain with large bullets.

23 We had anti -- we had landmines, both for tanks and for personnel. Those were the
24 various weapons we could use to set traps in the field.

25 And finally, during the final attacks, we were given grenades and they were shaped

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1 kind of like pineapples and you could throw them. We used them during the last
2 attack.

3 So there you have it. Those are the various weapons that we had at our disposal.

4 MR IVERSON: Mr President, I'd like for my next series of questions to move into
5 private session, please.

6 PRESIDING JUDGE FREMR: Certainly.

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

8 (Private session at 3.43 p.m.) *(Reclassified partially in public)

9 THE COURT OFFICER: We are in private session, Mr President.

10 PRESIDING JUDGE FREMR: Thank you, court officer.

11 Mr Iverson, please proceed.

12 MR IVERSON:

13 Q. So again, I asked to move into private session because my next set of questions,
14 the answers would probably tend to reveal your identity and so I'll ask them and
15 you'll answer them in private session.

16 Sir, can you tell the Chamber if you're familiar with a place or locality by the name of
17 Zumbe?

18 A. Yes, I know Zumbe very well. It's not far from Mandro, a few kilometres away
19 from Mandro. That is the second hill from Mandro.

20 Q. And are you familiar with events that happened in that area around Zumbe on
21 or about October 2002?

22 A. Yes, I do know about that.

23 Q. And could you just tell the Chamber in very general terms, and we'll go into
24 specific questions in a bit, but in very general terms what happened in Zumbe in
25 October 2002?

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1 A. In October 2002 we went and we attacked Zumbe because one day we were in
2 our camp in Mandro, it was during the evening. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 We went along the road and we went to attack Zumbe. We were told that it was the
21 Bogoro road. (Redacted)
22 We were going to attack Zumbe on two different fronts (Redacted)
23 (Redacted)
24 We started at 9 o'clock. (Redacted)
25 (Redacted)

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1 So that is what we did.

2 At 11 in the morning we entered Zumbe. Once we got to Zumbe, some of the people

3 *were at the church at 11. We attached -- we attacked Zumbe. There was

4 confusion (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) We spent the night in

8 Zumbe.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 So simply put, that is what happened in Zumbe.

19 Q. All right. I think we have a pretty good overview of how the events unfolded.

20 I just want to ask a number of follow-up questions.

21 When you say Tango and Zulu, I assume that that's shorthand for Mr Ntaganda and

22 Mr Kisembo; is that correct?

23 A. That's right.

24 Q. (Redacted)

25 A. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Prior to the attack, did any commander give any order that told the soldiers
10 what was allowed and what was prohibited, what type of conduct would be allowed
11 and what type of conduct would be prohibited? For example, any types of rules of
12 engagement prior to the attack or was there any similar order by any commander
13 before the attack?

14 A. No. No commander gave us any such order. However, we were told that we
15 were going to Zumbe and we were told that we would find the enemy there. And
16 all the people there were our enemies. We were supposed to destroy everything and
17 loot because the enemies in Zumbe caused us great suffering for quite a long time.
18 So we received an order to go there and do the mopping up.

19 Q. Were there any instructions, specific instructions or any other instructions about
20 what to do with civilians that you encounter while in Zumbe?

21 A. No, we were not told anything. We were told everyone that you find in
22 Zumbe is an enemy. If you come across a civilian, well, no one said that they should
23 be spared. The order was clear. In Zumbe that was where the enemy was. Strike
24 Zumbe, strike hard, show no mercy.

25 Q. I just wanted to ask you about a term that you use and I want to make sure that

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1 if it's a term of art that it's understood. You used the term "ratissez" and I'd like to
2 ask you to tell the Chamber what does that mean to you in terms of military
3 operations?

4 A. "Ratissage" means clean up everything you find across your path, clean
5 everything, insects, birds, animals, men, hit everything, spare nothing, nothing at all.
6 That is what it means. Because only the enemy were to be found there.

7 Q. And did the UPC/FPLC attackers in Zumbe, did they take any prisoners on that
8 day, on that attack in Zumbe?

9 A. In Zumbe we did not take any hostages. Once we reached that place, people
10 fled. The only people we saw in the houses were the elderly or women (Redacted)
11 (Redacted). We entered Zumbe and we were angry because (Redacted)
12 (Redacted) We did not stop anyone or detain anyone or
13 take anyone hostage. (Redacted)
14 (Redacted)

15 Q. And you mentioned the emplacement of mines. Do you know what type of
16 mines that -- the type of mines that were emplaced?

17 A. (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 Q. (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Very well. I'd like to ask you now about other military operations that

16 I believe you know about. Are you familiar with UPC/FPLC military operations in
17 and around Mongbwalu?

18 A. Yes. Yes, I do.

19 Q. Do you recall when, approximately when, month and year would suffice, the
20 UPC/FPLC attacked Mongbwalu?

21 A. We attacked Mongbwalu three times. We entered Mongbwalu three times.

22 The first attack was end November, early December 2002. End of November, early
23 December 2002, that was the first operation on Mongbwalu.

24 We attempted to take control of Mongbwalu, but two weeks after we had to
25 withdraw in the middle of December 2002.

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1 Then later on we launched a second attack.

2 And the third attack was in June 2003. That was the war or the 48-hour operation.

3 So Mongbwalu was attacked three times.

4 Q. Now, I'd like to focus in on what you're referring to as the second attack on

5 Mongbwalu, but first I'd like to ask a few questions so we understand and we can

6 kind of anchor in time some of the events, I'd like to ask some questions about what

7 you call the first attack on Mongbwalu.

8 So can you explain to the Chamber how the first attack unfolded, how was the first

9 attack planned and then how was it executed?

10 A. Very well.

11 PRESIDING JUDGE FREMR: Excuse me, Mr Iverson, do you think that there is still

12 need to remain in private session?

13 MR IVERSON: I think that these questions could be asked also in open session.

14 PRESIDING JUDGE FREMR: If it would be in general way just describing attack as

15 it is, then I think we can remain in open. As soon, Mr Witness, you would need to

16 involve your or to speak about your own involvement, then we will move to private,

17 but if you would just speak about UPC general, we can remain in open. Is that okay

18 with you?

19 THE WITNESS: (Interpretation) That's fine by me.

20 PRESIDING JUDGE FREMR: Okay. So now let's move into open session, at least

21 we will try and we will see.

22 THE WITNESS: (Interpretation) However, if we are in open session, will I not be

23 identified?

24 (Open session at 4.05 p.m.)

25 THE COURT OFFICER: Now it's open session, Mr President.

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1 PRESIDING JUDGE FREMR: Mr Witness, it depends. If you will just describe
2 operation of the UPC during the attack and if you would remain in I would say
3 general level, not saying anything about your own involvement, then we can remain
4 in open session, but whether you and I am ready to do it. If you rather put also your
5 own involvement in this description, then it would be safer to move into private
6 session. So it depends.

7 THE WITNESS: (Interpretation) I would prefer that we remain in private session,
8 maybe go to open session later on, because I might be identified.

9 PRESIDING JUDGE FREMR: All right. We fully can accept --

10 THE WITNESS: (Interpretation) I don't know if you --

11 PRESIDING JUDGE FREMR: -- your preference.

12 THE WITNESS: (Interpretation) -- understand me. I would rather we remain in
13 private session.

14 PRESIDING JUDGE FREMR: All right. Then we will respect your preference. So
15 let's return back into private session.

16 (Private session at 4.06 p.m.) *(Reclassified partially in public)

17 THE WITNESS: (Interpretation) Very well.

18 PRESIDING JUDGE FREMR: Please hold on, hold on, Mr Witness.

19 THE COURT OFFICER: We are now in private session, Mr President.

20 PRESIDING JUDGE FREMR: Thank you, court officer.

21 Mr Iverson will put questions to you, okay?

22 Mr Iverson, please.

23 MR IVERSON: Thank you, Mr President. Just a very quick comment. I do believe
24 that it would be possible to be in open session, but it's one of those things where
25 because he experienced these events, that there's -- some of the questions risk asking

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1 him to provide information about his identity, and so it's probably better for the
2 information also that we're in private session. Just an observation.

3 PRESIDING JUDGE FREMR: I have to agree with you and taking into account
4 Mr Bourgon's comment that sometimes he would like, all of us would like to know
5 the source of information, which probably would mean that he would also describe
6 his own participation. You are right it's better to remain in private.

7 MR IVERSON:

8 Q. So, sir, just I'll ask the question again. If you could explain to the Chamber
9 how this first attack on Mongbwalu was planned and executed. And to the extent
10 you can, also provide the information to the Chamber of how you know these things
11 so that they're able to fully evaluate your testimony. Thank you.

12 A. Very well. I think I already told you this from the beginning. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) Many traders who had prosperous businesses had to abandon
18 their businesses and their mines when we left Mongbwalu. That is why we joined
19 the military. We joined the military because we believed that we were going to
20 return and recover our property.

21 So there was talk at some point about traders bringing pressure to bear on the
22 commanders regarding the time at which Mongbwalu will be attacked. We learnt
23 that Mr Tango was planning an attack on Mongbwalu, but the date of the attack was
24 not yet specified.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Then in October we launched an attack on Zumbe. And then in November we

6 attacked Komanda. (Redacted)

7 And then at that time we saw people going and coming, traders going and coming

8 and we were wondering what was happening, what was going on. It is then that we

9 were told that an attack was being prepared, an attack on Mongbwalu was being

10 planned. So we said, "That is good."

11 Soldiers were coming in and out from Nizi and from elsewhere in relation to the

12 preparation of that attack. So there were rumours all over the place within the local

13 population as well as within the soldiers. It was, in fact, an open secret. Everybody

14 knew that Mongbwalu was soon to be attacked.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) Then there were other soldiers who had come from Mandro and elsewhere.

20 They were all in Nizi and they were all well prepared on a large scale, there was a

21 large number of commanders. (Redacted)

22 (Redacted)

23 It was after two days that General Tango arrived and then there was an assembly and

24 he said, "Are you dying with desire to attack Mongbwalu?" (Redacted)

25 (Redacted)

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1 (Redacted)

2 So he said, "You are going to launch the attack on Mongbwalu. The enemy is weak.

3 You are competent soldiers. You have everything you need, weapons and

4 ammunition." And so he boosted our morale.

5 The chief of mission on our side was Commander Salumu. So there was

6 Commander Salumu, Roy Ndima Christ. Many other commanders such as

7 Américain, Ngandja and then several other commanders, Stino, and I forget some of

8 the names, the names of the commanders who were there.

9 That is how the attack on Mongbwalu was then launched. We went through

10 Mabanga and after Mabanga -- or while in Mabanga we then moved forward or

11 moved on to Dala. There were some civilians who helped us to transport the

12 weapons. Some of them were armed with traditional weapons such as machetes and

13 arrows and that's how we continued to advance.

14 Q. I notice that in the transcript it's not captured, some of the names of the

15 commanders. I do see Salumu, Américain and some other place names, but could

16 you just repeat the name after Salumu of the commanders that were at that -- the

17 staging for the attack on Mongbwalu?

18 A. Commander Salumu led the operation. There were other commanders as well,

19 Roy Ndima Christ, Américain, Stino, Ngandja and other commanders of Hema

20 extraction whose names I forget. There were many of them, but I've forgotten the

21 names.

22 You know, these things happened a very long time ago.

23 So we went as far as Dala and then we got to Dala in the afternoon. We left Dala, at

24 which point there were some civilians behind us while Salumu continued to lead the

25 operations. But before us there had been another group made up of scouts.

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1 They -- our objective was to plunder, so we went to a Nyali village, which is some 14
2 kilometres from Mongbwalu. We arrived there at around 6, 7 p.m., just as night was
3 falling. And so we were asked to rest. The soldiers were expected to rest because
4 another group had already started the operation in Mandro. We had spent two
5 hours. We spent two hours resting. And we were told that the group which was
6 with Salumu and which was ahead of us had already -- had already started the
7 operation. And so we asked what type of operation. We said -- they said it was a
8 Turquoise operation. They had already occupied *Damblo, *Damblo village.
9 And so we heard a lot of gunfire. Later on we were told that the operation was over
10 and that we could then continue to advance. We saw a few dead bodies and the
11 soldiers would enter the houses and shoot people.
12 So that is how we continued our advance and spent the night close to the Mongbwalu
13 airstrip. It is from there that we set up an ambush at that location and the soldiers in
14 charge of intelligence then went to Mongbwalu to gather intelligence. They spent
15 the entire night gathering military information and then came back at around 3 or
16 4 a.m. They told us, "Fear nothing, fear not, you can attack Mongbwalu."
17 Some of the soldiers surrounded the airport while others went towards the camp and
18 it was around 6.30 a.m., 6.30 or 7 a.m. The inhabitants were already beginning to
19 come out of their houses. So the airport camp was attacked, the camp at *Kangala
20 was also attacked, and this area is inhabited by the Lendu. So they said that the UPC
21 had just launched an attack and that is how all the Lendus suddenly started to shout
22 and to blow on whistles and to beat their drums. And what happened was that
23 some civilians were killed. And that is how we took control of Mongbwalu.
24 The operation started at 7 a.m. and lasted till noon. It was at noon that
25 reinforcement came from Sayo and linked up with us. And that reinforcement, those

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1 people, there were many of them, they were armed with rifles and machetes and
2 spears and so we fought.

3 However, the numbers of our enemies continued to increase and that is how we soon
4 found out that we were in a difficult situation. That is how we had to tactically fall
5 back and it was a situation where everyone -- every man for himself. Some went to
6 the airport, some went to Mabanga, some went to other areas, (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) And that is how the attack unfolded.

11 Q. And just -- just to help us distinguish between these three attacks, the first attack,
12 did it involve -- was it only a one-axis attack? Were there any other units involved
13 that weren't coming from Nizi, Banga, Dala and then attacking Mongbwalu, or were
14 there more units involved coming from different directions, if you know?

15 A. We found a large number of soldiers in Nizi and we were told some came from
16 Mandro, others from Bunia, while others came from Lopa. So they had come from
17 different areas. These are soldiers who had been selected in various areas and they
18 came together in Nizi. Communication with these various units was to the effect
19 that a certain number of soldiers would be needed from each unit. So these soldiers
20 came from far away and from all over. Now, regarding the first attack on
21 Mongbwalu, we went through Dala.

22 Q. Let me just try the question in another way. During that first attack, were there
23 any UPC/FPLC soldiers coming from Aru, Pili-Pili and Pluto?

24 PRESIDING JUDGE FREMR: Mr Bourgon.

25 MR BOURGON: Mr President, I've been refraining from interrupting, but I mean,

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1 now we are exactly into leading questions, telling the witness what to remember and
2 what to say and where troops came from. I think my colleague can rephrase and ask
3 open-ended question. He asked the question before: Are there other troops? He's
4 not getting the answer he wants, so now he's building up again and asking more
5 questions, telling, well, were there troops from this area? No. Are there troops
6 from this area? This is absolutely leading, Mr President. And my colleague knows
7 and he can rephrase. Thank you.

8 PRESIDING JUDGE FREMR: Mr Iverson.

9 MR IVERSON: If Mr Bourgon expects the answer to be yes, then I think he's
10 thinking about some different information or he's not following closely because that's
11 not what we're talking about right now, your Honour. I'm just trying to -- because
12 the events aren't always anchored clearly in time, I'm trying to anchor the events in
13 other events so that it's clear to this Chamber what event he's actually talking about.
14 That said, I can ask it in several different ways. I thought that this might be a more
15 efficient way of asking it so it's clear what I'm asking.

16 PRESIDING JUDGE FREMR: All right. The objection is overruled. Please
17 proceed.

18 MR IVERSON:

19 Q. So, sir, what I'm driving at is when you're describing this event for what you're
20 calling the first attack, is it a one-pronged attack or are there several axes?

21 PRESIDING JUDGE FREMR: Mr Bourgon.

22 MR BOURGON: Leading question, Mr President. Is it a one-pronged or
23 two-pronged attack. We're clearly suggesting an answer to the witness.

24 PRESIDING JUDGE FREMR: We have two alternatives I would say for a response.

25 MR BOURGON: Mr President, the witness is testifying about the first attack. He's

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1 providing all kinds of information concerning the first attack. The questions can be
2 asked in an open-ended fashion so that we get the testimony from the witness. The
3 witness has learned all of this by heart. He knows everything, Mr President.
4 Everything is ready. So open question will get the narrative so at least I can get
5 proper material to cross-examine the witness. Thank you.

6 PRESIDING JUDGE FREMR: Mr Iverson.

7 MR IVERSON: I at least have to say that I think that's an absurd accusation that he's
8 learned all of this by heart. We're listening to the witness and all due respect to the
9 witness and to Mr Bourgon, I don't think that that comment is called for in any way.
10 I'll continue with the examination and I'll move on.

11 PRESIDING JUDGE FREMR: Objection is overruled. Please proceed.

12 MR IVERSON:

13 Q. Sir, we're almost finished for the day so I don't want to get into additional
14 weighty information about operations in Mongbwalu. Can you tell us what -- you
15 initially said that there was a time gap between the first attack and the second attack.
16 How much time elapsed between the first and second attack?

17 A. Two weeks between the first and the second attack. The first attack took place
18 and we were unable to take control, so we withdrew and when -- after we realised
19 that there were many of them and that's how two weeks later we launched a second
20 attack on two axes, the Dala axis and another axis.

21 So when we were defeated after the first attack we were asked to retreat and then we
22 were to attack again. (Redacted)

23 (Redacted)

24 (Redacted) We were told that

25 people would come from Aru, Makofi, Mbidjo and that they would attack the Lendu

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1 from Mbidjo, Tshibi-Tshibi and Pili-Pili and that we would be attacking
2 from Mabanga, Dala and *Damblo. So the attacks will be on two axes or two roads.
3 That is why the soldiers from Dala had to advance first because between Aru and
4 Mongbwalu there is a distance of 200 kilometres, whereas our distance was simply 35
5 kilometres. That is why Mongbwalu had to be attacked from the two angles in order
6 to dislodge the enemy. That is why there was a two-week period between the first
7 and the second attacks. But in total there were three attacks on Mongbwalu.

8 Q. And could you tell the Chamber what was the objective of the first attack?
9 What was the UPC/FPLC military objective, if you know?

10 A. The purpose of the first attack or the objective of the first attack was for people
11 to recover their property. Everybody wanted to recover their goods. We attacked
12 along with civilians, civilians who were behind us, those civilians who had
13 abandoned their property.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. All right. Thank you, sir.

22 MR IVERSON: Your Honour, your Honours, Mr President, I see that we're at 1630.
23 I propose that we close for the day.

24 Just to give you an update, I think we've made some good progress. You know, I
25 learned never to promise how much time something is going to take, but I'll do my

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1 best to come within the time limits that your Honours have set out. And I think that
2 it's possible that we will -- it's actually likely that I will be able to do that.

3 PRESIDING JUDGE FREMR: Thank you even for that promise. I just got
4 information that so far you have used 3 hours 55 minutes, so you should be roughly
5 at half of your examination.

6 Now we can move into open session.

7 (Open session at 4.31 p.m.)

8 THE COURT OFFICER: We are now in open session, Mr President.

9 PRESIDING JUDGE FREMR: Thank you, court officer.

10 So, Mr Witness, we finish your testimony for today. We will continue tomorrow 9.30.

11 So I would like to thank you that you responded all those questions put to you today.

12 And it's my duty again to remind you that in the meantime till tomorrow you must
13 not discuss your testimony with anybody else, with one exception and that is your
14 lawyer, Mr Raimondo. Okay?

15 THE WITNESS: Okay.

16 PRESIDING JUDGE FREMR: Have you understood?

17 So thank you very much. Otherwise we will break and we will continue
18 tomorrow 9.30.

19 Now court is adjourned.

20 THE COURT USHER: All rise.

21 (The hearing ends in open session at 4.32 p.m.)

22 RECLASSIFICATION REPORT

23 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
24 the public reclassified and lesser redacted version of this transcript is filed in the case.