

Trial Hearing
WITNESS: DRC-OTP-P-0014

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Chang-ho Chung
6 Trial Hearing - Courtroom 3
7 Thursday, 22 September 2016
8 (The hearing starts in open session at 9.31 a.m.)
9 THE COURT USHER: [9:31:57] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:32:04] Good morning to everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:32:17] Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:32:34] Thank you, court officer.
19 Appearances as usually, please.
20 MR PACE: [9:32:39] Good morning, Mr President, your Honours. For the Prosecution
21 today are Eric Iverson, trial lawyer; Selam Yirgou, case manager; Kristy Sim, assistant trial
22 lawyer; Nicole Samson, senior trial lawyer, and I am James Pace, assistant trial lawyer.
23 PRESIDING JUDGE FREMR: [9:32:57] Thank you, Mr Pace.
24 Defence, please.
25 MR BOURGON: [9:33:04] (Interpretation) Good morning, your Honour,

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1 your Honours, as well as everybody present in the courtroom. Representing
2 Bosco Ntaganda, who is absent this morning with the leave of the Chamber,
3 Mademoiselle Han Catherine Morin, Eric Cookson-Montin, Chloé Grandon, and myself,
4 Stéphane Bourgon. Thank you, your Honour.
5 PRESIDING JUDGE FREMR: [9:33:28] Thank you, Mr Bourgon, and now Legal
6 Representative of Victims, please.
7 MS PELLET: [9:33:34] (Interpretation) Thank you, your Honour. The former child
8 soldiers are represented by Mohamed Abdou and by myself, Sarah Pellet, counsel for the
9 Office of Public Counsel for Victims.
10 MR SUPRUN: [9:33:49] Good morning, your Honour, your Honours. The victims of
11 the attacks are represented by the Office of Public Counsel for Victims, Anne Grabowski,
12 associate lawyer, and myself, Dmytro Suprun, counsel.
13 PRESIDING JUDGE FREMR: [9:34:00] Thank you very much, Ms Pellet. Thank you
14 very much, Mr Suprun.
15 And before we continue with testimony of our witness, I would like to clarify one point
16 concerning our yesterday ruling on admission.
17 The Chamber may wish to clarify that in accordance with its preliminary ruling, and now
18 I refer to transcript number 127, pages 71 to 72, the portions of the witness's prior
19 recorded testimony related to video DRC-OTP-0159-0441 have not been considered for
20 admission under Rule 68(3) of the Rules.
21 Just to make it more precise, it is part of the prior recorded testimony containing
22 comments our witness on video that was at that time showed to him.
23 Now, Mr Witness, good morning. Are you feeling okay to testify?
24 WITNESS: DRC-OTP-P-0014 (On former oath)
25 (The witness speaks French)

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1 THE WITNESS: [9:35:30] (Interpretation) Good morning, your Honour. Not 100
2 percent good.

3 PRESIDING JUDGE FREMR: [9:35:36] Very well. Mr Witness, it is my duty to remind
4 you that you are still under oath, which means that you have to speak the truth and
5 nothing but the truth. I guess you understand.

6 THE WITNESS: [9:35:51] (Interpretation) I understand, your Honour.

7 PRESIDING JUDGE FREMR: [9:35:55] So as we decided yesterday, now will be turn
8 for LRV, which will be represented by Mr Abdou, and Mr Abdou was allotted 15 minutes
9 in order to deal with harm caused to child soldiers.

10 So Mr Abdou, you have the floor.

11 MR ABDOU: [9:36:22] Thank you, Mr President.

12 QUESTIONED BY MR ABDOU: (Interpretation)

13 Q. Witness, good morning. We had the opportunity to meet briefly last week. For
14 the purposes of the transcript, I would like to introduce myself, I'm Mohamed Abdou, and
15 I'll be putting questions to you about child soldiers who participated as victims. Now,
16 I'm limited with the amount of time I had, I've just got 15 minutes to ask all my questions,
17 so in order to progress as quickly as possible, I would like to ask for -- or, make certain
18 clarifications before starting.

19 First of all, I would like to say that all the questions that I am going to put refer to the
20 events which occurred between 2002 and 2003. I state that so that you have that in mind.
21 And secondly, when I use the term "child soldier" or when this term is generally used
22 within the framework of the proceedings, this term has a specific meaning; it concerns not
23 just any child soldier but the children aged under 15. I would like to make that clear so
24 that you clearly have in mind what I understand when I use that.

25 THE INTERPRETER: [9:38:14] Your Honour, could counsel come closer to the

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1 microphone, or the microphone be pointed towards him.

2 THE WITNESS: [9:38:26] (Interpretation) That's clear.

3 MR ABDOU: [9:38:28] (Interpretation) Perfect.

4 PRESIDING JUDGE FREMR: [9:38:29] Mr Abdou, there are some problems for the
5 interpreters to listen to you. Either please move closer or, yes, maybe just change
6 position of your mic.

7 MR ABDOU: [9:38:54] Well, as I can see on the transcript, nothing of what I've said has
8 been recorded, at least on the French transcript. So shall I repeat what I've already
9 stated?

10 PRESIDING JUDGE FREMR: [9:39:05] As concerns, you mean -- if you mean this
11 original statement about child soldiers, it had been transcribed, at least in the English
12 version, which is at my disposal.

13 MR ABDOU: [9:39:18] Okay.

14 PRESIDING JUDGE FREMR: [9:39:18] So I think you can proceed.

15 MR ABDOU: [9:39:20] Okay, I'll proceed on this basis, Mr President.

16 Q. (Interpretation) I'll go over to my questions, Witness. There are certain issues that
17 I'd like to address with you with regards to the recruitment campaign within the UPC,
18 and I'm not talking about a general recruitment campaign but here I'm talking specifically
19 about a recruitment campaign concerning the child soldiers. Do you know about an
20 awareness-raising campaign when it came to child soldiers?

21 A. [9:39:57] Positively.

22 Q. [9:39:58] Could you explain to us how this took place?

23 A. [9:40:09] Unfortunately, you're limiting me in time as well. You talk
24 about 2002-2003, but recruitment started with the child soldiers of course long before that
25 date. And, briefly, according to what I saw and what I heard and confirmed, the

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1 UPC -- well, we talk about the UPC at the moment, it continued to do what it had already
2 started doing; namely, to ask each family to contribute financially and materially, and in
3 other ways as well. Those who didn't have the means to do so, even if they could not
4 contribute in another way, they were asked to give one child per family.

5 Q. [9:41:15] So, Witness, you can confirm that also happened between 2002-2003?

6 A. [9:41:26] I confirm that happened in that period.

7 Q. [9:41:30] What I'd like to know, apart from what you stated concerning one child
8 per family, were there other messages that were addressed concerning the recruitment of
9 children?

10 A. [9:41:51] Another mode? Well, I think you're referring there to another type of
11 recruitment, this is forced recruitment. As I already mentioned, sometimes UPC troops
12 went through -- went to schools or sometimes they awaited the children on their return
13 from school.

14 Q. [9:42:19] Yes, I've understood that, but the objective of my question was to know
15 how children were persuaded to join the ranks of the UPC. What was the messages that
16 were given to raise awareness amongst the children such that they would join the UPC,
17 according to what you can testify to?

18 A. [9:42:47] To my knowledge, and according to what I know and what I've heard,
19 they asked the children to contribute to ensuring that they were fighting the enemy, their
20 enemy, so the enemies of the Gegere-Hema, and thereafter there was a political and
21 military enemy which was very well defined.

22 Q. *These awareness-raising campaigns, in which locality did that take place?

23 A. [9:43:24] Well, starting firstly in Bunia, because that was in the centre, and then in
24 all the other different villages, Djugu, Irumu, in particular, and after that that was
25 extended into other territories such as Aru, Mahagi. That's it.

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- 1 MR ABDOU: [9:43:49] Mr President, if I may move into private session.
- 2 PRESIDING JUDGE FREMR: [9:43:53] Certainly.
- 3 Court officer, please move -- let's move into private session.
- 4 MR ABDOU: [9:44:07] (No interpretation)
- 5 PRESIDING JUDGE FREMR: [9:44:11] Hold on, Mr Abdou.
- 6 (Private session at 9.44 a.m.) *(Reclassified partially in public)
- 7 THE COURT OFFICER: [9:44:24] We are in private session, Mr President.
- 8 PRESIDING JUDGE FREMR: [9:44:27] Thank you, court officer.
- 9 Mr Abdou, please proceed.
- 10 MR ABDOU: [9:44:32] (Interpretation)
- 11 Q. [9:44:34] Yes, Witness, I just wanted to know the basis of your knowledge
- 12 concerning what you said concerning the recruitment *campaigns. What was -- what is
- 13 the basis of your knowledge? (Redacted)
- 14 A. [9:44:54] (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted). They had given a clear message that each person must return to mobilise the
- 18 children in their community in order to join the UPC. (Redacted)
- 19 in Bunia in July/August, (Redacted), he did not stop repeating that ceaselessly. He
- 20 continually repeated (Redacted) to continue to do more in that
- 21 regard.
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 Q. [9:46:52] Thank you, Witness. That's sufficient.

3 MR ABDOU: [9:46:55] I believe this is the only part in my testimony that require
4 private session, and then the remaining question would be in public.

5 PRESIDING JUDGE FREMR: [9:47:03] All right.

6 Court officer, let's return back in the open session.

7 (Open session at 9.47 a.m.)

8 THE COURT OFFICER: [9:47:25] We're in open session, Mr President.

9 PRESIDING JUDGE FREMR: [9:47:28] Thank you.

10 Mr Abdou, please proceed.

11 MR ABDOU: [9:47:32] (Interpretation)

12 Q. [9:47:33] Witness, I'm going to go on to another subject. This concerns disciplinary
13 measures within the UPC. I'm not talking about them generally but I want to focus on
14 discipline with regard to child soldiers. What I'd like to know, do you know about
15 disciplinary measures applied to child soldiers within the UPC during the period
16 indicated?

17 A. [9:48:03] Certainly, yes. I have experience, what I've experienced myself, and also
18 from what I've heard.

19 Q. [9:48:15] Could, Witness, you describe for us what these measures were?

20 A. [9:48:23] I don't know which to start with. It wasn't consistent, but I can give you
21 a simple example. Chef Kahwa, for example, for him, discipline was about eliminating
22 the person who was *failing to abide by I don't know what order or by whatever he
23 decided. Or he -- he would kill them. If somebody -- and it was also the same for
24 Bosco Ntaganda, he would do the same, *witnesses have stated that several times.
25 The other punishments that were inflicted on these children was, for example, not to give

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1 them food during a long period, and something that I saw when I was in the UPC camp in
2 Bunia, they could also be flogged as well. They were flogged. Didn't matter where, it
3 could be on their buttocks, on their back, on their stomach. That's something that I saw
4 with my own eyes, in the UPC camp in Bunia in 2002.

5 Also, another type of punishment that was meted out and that I didn't see myself was that
6 children could be put in water. They could be submerged into water up to their necks,
7 and there they could end up spending a whole night or several hours.

8 Q. [9:50:08] Very good, Witness. I'll now go to another question. Were you a
9 witness of certain measures which gave rise to injuries among the children?

10 A. [9:50:27] Certainly, yes. I spoke to you a moment ago about what happened, more or less,
11 in the UPC camp in Bunia. Floggings, that wasn't just a tickling or touching, that was
12 inflicting pain on the body, *and even wounds. That's something that I saw in the UPC case.

13 Q. [9:50:58] Where it concerns the type of punishment that was meted out, do you
14 know what type of object was used?

15 A. [9:51:10] Well, most commonly they used branches of trees, or they used rope,
16 cords, and sometimes, if the child was found in the enemy camp, they even used iron bars.
17 That's something that I saw with my own eyes.

18 Q. [9:51:39] As you say that you saw it with your own eyes, could you describe what
19 you saw where it concerns the reaction of the child soldiers to such measures? What was
20 the reaction of these children who were subject to such measures?

21 A. [9:52:02] Well, you have to understand, a child remains a child, so when that child
22 is hit with force, not only one person, several people at the same time hit the child. It's an
23 atrocious pain, and even I would feel the same thing. Yes, I felt it because I was subject
24 to the same conditions later. So, it really hurts. The children cried, of course. Me too, I
25 also cried.

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1 Q. [9:52:38] Very well, Witness, I'll go on to another subject that concerns -- well, you
2 indicated yesterday that the children were trained to participate in combat. Do you
3 know about children who were injured during operations, military UPC operations?
4 Here I'm talking about child soldiers, still talking about the 2002-2003 period.

5 A. [9:53:04] Well, I saw a certain number. If you remember, yesterday I told you that
6 I spoke about a certain number of children, a lot. Of course, a lot had injuries, either
7 from bullets or from bladed weapons, knives, machetes. I saw that a lot.

8 Q. [9:53:37] Apart from the injured children, did you know about children who died
9 during the operations carried out by the UPC? Do you know about that?

10 A. [9:53:57] Certainly. That's to say the answer is yes. I saw bodies of children who
11 were engaged in the operations who were killed.

12 THE COURT OFFICER: [9:54:11] Mr Abdou, could you please turn off your
13 microphone when you are not talking. Thank you.

14 MR ABDOU: [9:54:18] My apologies.

15 THE WITNESS: [9:54:25] (Interpretation) The example that I can give to you -- well, I
16 spoke about the fact that I arrived after the clashes of 9 August. I came to the subregion,
17 Molondo camp, and there were bodies. Among the bodies -- there were bodies of child
18 soldiers among the other bodies that I saw on that day.

19 MR ABDOU: [9:54:56]

20 Q. [9:54:57] Do you know how many there were? What period are we talking about?
21 Could you be precise in that regard?

22 A. [9:55:11] I can think of two bodies of child soldiers, that's what I can think of.

23 Q. [9:55:21] During what period?

24 A. [9:55:23] 9 August 2002.

25 Q. [9:55:28] Very well. I will now go on to another subject.

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1 Now, you said during your testimony yesterday --

2 PRESIDING JUDGE FREMR: [9:55:38] Mr Abdou, you have two last minutes.

3 MR ABDOU: [9:55:41] Duly noted, Mr President.

4 Q. [9:55:48] (Interpretation) Yesterday, you indicated that there were child soldiers
5 recruited by force within the UPC, others died in combat. Do you know what the
6 reaction of their parents was?

7 A. [9:56:16] One thing is clear, the UPC told the parents firstly that a soldier is
8 exposed to death. That's clear. A lot of parents understood that. However, some of
9 them, their children were taken by force. A parent's a parent, you feel pain when your
10 child dies. And there were parents who reacted negatively as well, but they couldn't do
11 anything about it.

12 Q. [9:56:48] You said that there were parents who reacted negatively. Do you have
13 any specific examples that you can give?

14 A. [9:56:56] The examples I have -- well, I have to be precise, (Redacted)
15 (Redacted) Now, there was a
16 mother who came to complain (Redacted). She was in tears. She was
17 complaining about the fact that she had lost a child --

18 PRESIDING JUDGE FREMR: [9:57:32] We have to move into private session and
19 redact the last part of the answer.

20 (Private session at 9.57 a.m.) *(Reclassified partially in public)

21 THE COURT OFFICER: [9:57:46] We are in private session, Mr President.

22 PRESIDING JUDGE FREMR: [9:57:56] Thank you. And please conclude, Mr Abdou.

23 MR ABDOU: [9:58:02] (Interpretation)

24 Q. [9:58:04] So you were telling us that a mother came to complain. Do you have
25 any other examples that you can think of?

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1 A. [9:58:15] Well, the other example was in 2003, (Redacted)

2 (Redacted) That was on the same subject.

3 They had their boys, both -- I'm talking about child soldiers who also died, and

4 another -- another member of their family was injured, but needed medical care. So they

5 needed, for the medical care, they wanted (Redacted) to intervene because the child from the

6 battlefield went straight to the family.

7 Q. [9:59:16] Very many thanks, Mr Witness. I'm finished my questions.

8 (Speaks English) Mr President, I'm done with my questions.

9 PRESIDING JUDGE FREMR: [9:59:27] Thank you, Mr Abdou.

10 Now we can move to Defence, that will start its cross-examination. Mr Bourgon, you

11 have the floor.

12 QUESTIONED BY MR BOURGON: (Interpretation)

13 Q. [10:00:33] Good morning, Witness.

14 A. [10:00:36] Good morning.

15 Q. [10:00:39] I'm afraid I didn't have the opportunity to meet with you at the same

16 time as my colleagues last week, but I saw you here, of course, in the courtroom as you

17 responded to the questions of the Prosecutor. But let me introduce myself, my name is

18 Stéphane Bourgon and I represent Bosco Ntaganda in this case. Do you understand?

19 PRESIDING JUDGE FREMR: [10:01:06] Excuse me, I guess we can move back into

20 open session, so court officer, let's --

21 MR BOURGON: [10:01:13] No, Mr President, I want to stay there. It is -- we are in

22 private session and we don't mind. We'll just stay there.

23 PRESIDING JUDGE FREMR: [10:01:22] But I think it is our common interest to keep as

24 much of proceedings in open session, so court officer, please move back into open session.

25 Unless you will start with some questions that will not allow us to do it.

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1 MR BOURGON: [10:01:38] I'm in the hands of the Court, Mr President.

2 (Open session at 10.01 a.m.)

3 THE COURT OFFICER: [10:01:51] We are back in open session, Mr President.

4 PRESIDING JUDGE FREMR: [10:01:54] Thank you.

5 Mr Bourgon, please proceed.

6 MR BOURGON: [10:02:04] (Interpretation)

7 Q. [10:02:09] Now, Witness, my last question to you was whether or not you knew
8 that I represented Bosco Ntaganda in this case.

9 A. [10:02:26] Yes, I know.

10 Q. [10:02:30] (Redacted)

11 (Redacted)

12 PRESIDING JUDGE FREMR: [10:02:40] Excuse me.

13 Mr Pace.

14 MR PACE: [10:02:43] Yes, your Honour, we should move into private session if we're
15 going to touch this issue which, as explained yesterday, should be in private session for
16 the reasons we provided.

17 PRESIDING JUDGE FREMR: [10:02:55] Yes, Mr Bourgon, I guess you got this concern
18 that we shouldn't reveal connection of this witness with now what Mr Pace mentioned.
19 So, if that is the case, we have to move into private session.

20 (Private session at 10.03 a.m.) *(Reclassified partially in public)

21 THE COURT OFFICER: [10:03:34] We are in private session, Mr President.

22 PRESIDING JUDGE FREMR: [10:03:40] Thank you, court officer.

23 Mr Bourgon, please proceed.

24 MR BOURGON: [10:03:48] (Interpretation)

25 Q. [10:04:16] Witness, I have of course a number of questions to put to you and I

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1 would ask you to follow the guidance that has been given to you; in other words, to just
2 wait for a couple of moments after I state my question because of course we're both
3 speaking the same language.

4 A. [10:04:41] Yes, I understand.

5 Q. [10:04:45] (Redacted)

6 (Redacted)

7 A. [10:04:56] (Redacted)

8 Q. [10:05:02] (Redacted)

9 (Redacted)

10 A. [10:05:10] (Redacted)

11 Q. [10:05:14] (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [10:05:35] (Redacted)

15 PRESIDING JUDGE FREMR: [10:05:39] (Redacted)

16 (Redacted)

17 MR PACE: [10:05:43] (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE FREMR: [10:05:57] (Redacted)

21 (Redacted)

22 MR BOURGON: (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE FREMR: [10:06:14] (Redacted)

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1 (Redacted)

2 MR PACE: [10:06:20] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE FREMR: [10:06:36] Mr Bourgon, I think it was not such a big deal.

7 I know that you have been a bit, you know, bothered by that but I think we can continue,
8 please.

9 MR BOURGON: [10:06:45] Thank you, Mr President. I really appreciate my
10 colleague's comments, they are very helpful. And I'll make the best --

11 PRESIDING JUDGE FREMR: [10:07:01] Mr Bourgon, please, I would like to keep an
12 atmosphere of dignity, collegiality and courtesy in this courtroom. Please contribute to
13 that.

14 MR BOURGON: [10:07:08] Am I not courteous?

15 PRESIDING JUDGE FREMR: [10:07:11] At least my understanding, that I heard some
16 irony in your last comment. But okay, if not, please -- just please proceed.

17 MR BOURGON: [10:07:21] Thank you, Mr President.

18 Q. Mr Witness --

19 MR BOURGON: If I can have a few seconds, Mr President, please.

20 (Counsel confer)

21 PRESIDING JUDGE FREMR: [10:08:25] Mr Bourgon, do you want to take some break?
22 If yes, it is no problem.

23 MR BOURGON: [10:08:38] I would indeed like to take a break, Mr President. If you
24 remove it from my time, then so be it.

25 PRESIDING JUDGE FREMR: [10:08:45] Oh, no, no problem. No problem.

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- 1 Everybody has a right to ask for that. So we will now break for 15 minutes.
- 2 THE COURT USHER: [10:08:55] All rise.
- 3 (Recess taken at 10.08 a.m.)
- 4 (Upon resuming in open session at 10.30 a.m.)
- 5 THE COURT USHER: [10:30:17] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE FREMR: [10:30:30] So after short break we still have 30 minutes to
- 8 the regular break.
- 9 Mr Bourgon, are you feeling okay to continue?
- 10 MR BOURGON: [10:30:38] Yes, Mr President.
- 11 PRESIDING JUDGE FREMR: [10:30:40] And a slight comment from my part,
- 12 Mr Bourgon, we are very well aware of the fact that you were extremely busy last week,
- 13 that you were under very strong pressure, but I believe that you as an experienced
- 14 professional will be able to overcome those hard moments you sometimes faced in the
- 15 courtroom. I know that probably you have been disappointed yesterday, but it is I think
- 16 part of your job. So please now proceed. And do you want to proceed in open session
- 17 or in private session?
- 18 MR BOURGON: [10:31:29] Private session, please, Mr President.
- 19 PRESIDING JUDGE FREMR: [10:31:31] All right.
- 20 Court officer, let's move into private session.
- 21 (Private session at 10.31 a.m.) *(Reclassified partially in public)
- 22 THE COURT OFFICER: [10:31:48] We're in private session, Mr President.
- 23 PRESIDING JUDGE FREMR: [10:31:50] Thank you.
- 24 Mr Bourgon, please proceed.
- 25 MR BOURGON: [10:31:58] (Interpretation)

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- 1 Q. [10:31:58] Good morning again, Witness.
- 2 A. [10:32:02] Good morning.
- 3 Q. [10:32:04] (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 A. [10:32:28] (Redacted)
- 7 Q. [10:32:31] So during the (Redacted) you had the opportunity to meet
- 8 representatives of the Office of the Prosecutor, did you not?
- 9 A. [10:32:42] Yes.
- 10 Q. [10:32:43] You read all the material that they had in your regard?
- 11 A. [10:32:51] I read it, yes.
- 12 Q. [10:32:54] You also asked to re-read it again, did you not?
- 13 A. [10:32:59] Correct.
- 14 Q. [10:33:01] And you made certain corrections thereto in the presence of
- 15 representatives of the Prosecutor, did you not?
- 16 A. [10:33:09] Yes.
- 17 Q. [10:33:12] If we leave aside certain corrections, it's your testimony that everything
- 18 that's there is true to the best of your knowledge, is it not?
- 19 A. [10:33:26] Correct.
- 20 Q. [10:33:30] (Redacted)
- 21 (Redacted)
- 22 A. [10:34:01] (Redacted)
- 23 Q. [10:34:08] (Redacted)
- 24 A. [10:34:18] (Redacted)
- 25 Q. [10:34:19] So you spent in total (Redacted) in Bunia; is that correct?

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- 1 A. [10:34:28] Correct.
- 2 Q. [10:34:31] Your testimony before this Chamber concerning what you've
- 3 seen -- what you saw in Bunia is only related to that period; is that correct?
- 4 A. [10:34:51] Absolutely not.
- 5 Q. [10:34:54] You participated in certain events which you've testified about?
- 6 A. [10:35:01] Correct.
- 7 Q. [10:35:03] (Redacted)
- 8 A. [10:35:09] (Redacted)
- 9 Q. [10:35:11] (Redacted)
- 10 A. [10:35:14] (Redacted)
- 11 Q. [10:35:16] (Redacted)
- 12 (Redacted)
- 13 A. [10:35:24] (Redacted)
- 14 Q. [10:35:28] (Redacted)
- 15 (Redacted)
- 16 A. [10:35:39] (Redacted)
- 17 PRESIDING JUDGE FREMR: [10:35:42] Mr Witness, please, don't forget to keep those
- 18 three second pauses, otherwise it will be very complicated for our interpreters. So as
- 19 soon the question is put please wait three seconds and only then give your answer.
- 20 Thank you.
- 21 MR BOURGON: (Interpretation)
- 22 Q. [10:36:03] (Redacted)
- 23 (Redacted)
- 24 A. [10:36:12] (Redacted)
- 25 Q. [10:36:16] (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 A. [10:36:43] (Redacted)
- 4 Q. [10:36:45] (Redacted)
- 5 (Redacted)
- 6 A. [10:37:02] (Redacted)
- 7 Q. [10:37:02] (Redacted)
- 8 (Redacted)
- 9 A. [10:37:10] (Redacted) .
- 10 Q. [10:37:14] When you make observations concerning what happened at the HQ it's
- 11 either what you saw during that period or things that you were told; is that correct?
- 12 A. [10:37:36] It depends on what you mean.
- 13 Q. [10:37:42] I'm going on to another subject quite simply to explore with you what
- 14 you were able to see during that period.
- 15 (Redacted)
- 16 (Redacted)
- 17 A. [10:38:11] (Redacted)
- 18 (Redacted)
- 19 Q. [10:38:34] (Redacted)
- 20 A. [10:38:40] (Redacted)
- 21 Q. [10:38:53] (Redacted)
- 22 A. [10:38:55] (Redacted)
- 23 Q. [10:38:58] (Redacted)
- 24 A. [10:39:06] (Redacted)
- 25 Q. [10:39:09] (Redacted)

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- 1 (Redacted)
- 2 A. [10:39:22] (Redacted)
- 3 Q. [10:39:23] (Redacted)
- 4 (Redacted)
- 5 A. [10:39:31] (Redacted)
- 6 Q. [10:39:35] (Redacted)
- 7 A. [10:39:39] (Redacted)
- 8 Q. [10:39:40] (Redacted)
- 9 (Redacted)
- 10 A. [10:39:51] (Redacted)
- 11 Q. [10:39:59] (Redacted)
- 12 (Redacted)
- 13 A. [10:40:09] (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 Q. [10:40:28] I accept your answer. You will have the opportunity to come back to
- 17 that.
- 18 Now, when we look at your testimony you have mentioned several facts that you've
- 19 heard from other people; is that correct?
- 20 A. [10:40:54] I couldn't be everywhere. It's -- some of them, yes.
- 21 Q. [10:41:02] (Redacted)
- 22 (Redacted)
- 23 A. [10:41:13] (Redacted)
- 24 Q. [10:41:19] (Redacted)
- 25 (Redacted)

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- 1 A. [10:41:38] (Redacted) .
- 2 Q. [10:41:42] (Redacted)
- 3 A. [10:41:57] (Redacted)
- 4 (Redacted)
- 5 Q. [10:42:17] (Redacted)
- 6 (Redacted)
- 7 A. [10:42:29] (Redacted)
- 8 Q. [10:42:32] (Redacted)
- 9 A. [10:42:38] (Redacted)
- 10 Q. [10:42:41] When was the moment when you found out what was happening with
- 11 the UPC? Would it be correct to say that it was in the month of (Redacted) 2002, (Redacted)
- 12 (Redacted); is that correct?
- 13 A. [10:43:15] Not exactly. I effectively found out what the UPC was before that I
- 14 heard people speaking about the UPC or the Gegere movement. I was aware of that,
- 15 that's all.
- 16 Q. [10:43:36] But the first time that you are given information by people who are
- 17 meant to be in the UPC, that's in (Redacted) 2002?
- 18 A. [10:43:47] Correct.
- 19 Q. [10:43:51] (Redacted)
- 20 (Redacted)
- 21 A. [10:43:59] (Redacted)
- 22 Q. [10:44:27] (Redacted)
- 23 (Redacted)
- 24 A. [10:44:32] (Redacted)
- 25 Q. [10:44:33] (Redacted)

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1 A. [10:44:39] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:45:10] What was your knowledge of the UPC before June 2002?

6 A. [10:45:16] It was a Gegere-Hema militia.

7 Q. [10:45:24] So for you UPC that was a militia?

8 A. [10:45:27] Indeed.

9 Q. [10:45:29] UPC wasn't a political movement?

10 A. [10:45:33] Absolutely not.

11 Q. [10:45:38] And how did you find out about that before June 2002?

12 A. [10:45:44] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted). And on

17 some rare occasions on Radio Candip, Bunia, they mentioned the names of UPC militia.

18 Q. [10:46:41] If we explore the last answer together a bit. (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [10:47:00] (Redacted)

22 Q. [10:47:18] (Redacted)

23 (Redacted)

24 A. [10:47:24] (Redacted)

25 Q. [10:47:46] (Redacted)

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- 1 A. [10:47:55] (Redacted)
- 2 Q. [10:48:07] (Redacted)
- 3 (Redacted)
- 4 A. [10:48:22] (Redacted)
- 5 (Redacted)
- 6 Q. [10:48:46] (Redacted)
- 7 A. [10:48:57] (Redacted)
- 8 Q. [10:48:59] (Redacted)
- 9 (Redacted)
- 10 A. [10:49:07] (Redacted)
- 11 Q. [10:49:07] (Redacted)
- 12 A. [10:49:17] (Redacted)
- 13 (Redacted)
- 14 Q. [10:49:38] (Redacted)
- 15 A. [10:49:42] (Redacted)
- 16 Q. [10:49:45] (Redacted)
- 17 A. [10:49:48] (Redacted)
- 18 Q. [10:49:59] And what did he say to you?
- 19 A. [10:50:04] He said exactly the same as the first as I mentioned, that the Hema and
- 20 Gegere had a movement which was a military movement to fight their enemies.
- 21 THE INTERPRETER: [10:50:15] (Redacted)
- 22 (Redacted)
- 23 MR BOURGON: [10:50:21] (Redacted)
- 24 Q. [10:50:22] (Redacted)
- 25 A. [10:50:28] (Redacted)

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1 (Redacted)

2 Q. [10:50:45] (Redacted)

3 A. [10:50:49] Well, that's exactly what I've just told you that the Hema and the Gegere
4 they formed a military movement to combat their enemies.

5 Q. (Microphone not activated) -- an organised movement?

6 THE INTERPRETER: [10:51:07] The interpreter didn't get the first word because the
7 microphone wasn't on.

8 THE WITNESS: [10:51:16] (Interpretation) It depends on what you understand by the
9 organisation -- by an organisation.

10 MR BOURGON: (Interpretation)

11 Q. [10:51:19] Who was the commander of the movement?

12 A. [10:51:23] At the time before June the name that was most often spoken of was the
13 name of Thomas Lubanga.

14 Q. [10:51:42] But you knew that Thomas Lubanga at that time he was minister with
15 the RCD-K/ML; was he not?

16 A. [10:51:48] Yes, at a certain time he was a minister within the RCD.

17 Q. [10:51:52] The period that you're speaking to me about at the moment -- well,
18 you're talking about the armed movement, that period, (Redacted)

19 (Redacted), that's the period during which Thomas Lubanga is a minister, is it
20 not?

21 A. [10:52:13] That is correct completely correct.

22 Q. [10:52:15] And have you other sources who told you that there was an armed
23 movement commanded by Lubanga in 2001?

24 A. [10:52:28] Exactly correct. (Redacted)

25 (Redacted)

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1 (Redacted) And as I

2 wanted to mention a moment ago, Radio Candip at times spoke about the militia, the
3 Gegere-Hema militia, that was later known as the UPC.

4 Q. [10:53:16] If we start with Radio Candip, Radio Candip, well, you mentioned it, it
5 spoke about the UPC militia and there you're saying -- well, you seem to be changing
6 what you're saying with regards -- you heard on radio Candip. Radio Candip, did you
7 hear with your own ears information saying that there was a militia called the UPC?
8 When did you hear that information?

9 A. [10:53:52] I confirm that, yes, I heard it with my own ears and that I repeat once
10 again, not just once but it was as many times as possible. And this was already the case
11 before June 2002.

12 Q. [10:54:20] Now, before June 2002, but how much time before June 2002? We
13 spoke about 2001 with the two names a moment ago.

14 A. [10:54:30] If I knew that you were going to ask a precise question, then I would do
15 the maths, but as it wasn't in my interest to count the number of times the same
16 information was spoken about, that's not something I counted. All I can tell you, all I can
17 give you is an estimate.

18 Q. [10:54:56] What's of interest to me, Witness, is not how many times, but the period.
19 In 2001, is it your testimony in 2001 you heard people speak about a Hema militia on
20 radio Candip?

21 A. [10:55:09] Yes. They started to speak about the Hema militia, as I indicated,
22 from 2001.

23 Q. [10:55:21] I'm going to make my question more precise. There was a word
24 missing. Did they speak about the UPC as being a Hema militia in 2001?

25 A. [10:55:33] Towards the end of the year 2001, yes.

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1 Q. [10:55:41] At what time according to the information that you have was the UPC
2 created?

3 A. [10:55:48] It was officially -- the official creation, if that's what you're speaking
4 about, the UPC was officially created in 2002.

5 Q. [10:56:04] I'm not talking about the official creation in 2002, I'm talking about the
6 movement of 2001. Do you know how it came about, how was it born?

7 A. [10:56:13] It was born from tribal groups, Hema-Gegere, they had already started
8 with recruitment in '99, and all that developed over time.

9 Q. [10:56:35] So if I understand you well, in '99 already there was the UPC; is that
10 correct?

11 A. [10:56:41] Is that -- that's not what I said.

12 Q. [10:56:45] Well, when?

13 THE INTERPRETER: [10:56:47] Overlapping speakers, your Honour.

14 PRESIDING JUDGE FREMR: [10:56:49] Sorry, gentlemen, both, please, you both forget
15 to observe pauses, then we have a mess in our transcript. So please don't forget about
16 that.

17 Mr Bourgon, please put your question again.

18 MR BOURGON: [10:57:10] (Interpretation)

19 Q. [10:57:11] Do you have information about the birth of the UPC as a movement, a
20 militia movement, in 2001? Do you know how the UPC, the term "UPC," where does
21 that come from?

22 A. [10:57:26] I'm sorry to disappoint you, but I'm speaking about the fact that there
23 was the creation of the UPC officially and the UPC which developed for a certain time.
24 And to make it clear for you, the UPC was born of a tribal Gegere-Hema movement and
25 the idea of the UPC was already born long before its official creation. You don't just -- a

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1 movement just doesn't happen like that. You don't just go into a café and say, "Now
2 we've got the UPC." That doesn't happen anywhere like that.

3 Q. [10:58:19] What I'm interested in, Witness, is the information that you have
4 concerning the birth of the UPC. At what time did people start to call it UPC?

5 A. [10:58:36] Before the official birth it was already called the UPC, towards the end of
6 November, after Bemba's departure, the FLC of Jean-Pierre Bemba. If my memory serves
7 me well, Jean-Pierre Bemba left Bunia around November 2001, the FLC.

8 Q. [10:59:12] Those information, how did you get that information?

9 A. [10:59:15] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [11:00:05] (Redacted)

15 (Redacted)

16 A. [11:00:19] (Redacted)

17 Q. [11:00:29] (Redacted)

18 A. [11:00:30] (Redacted)

19 (Redacted)

20 (Redacted)

21 THE INTERPRETER: [11:00:53] (Redacted)

22 THE WITNESS: (Interpretation) (Redacted)

23 (Redacted)

24 MR BOURGON: [11:01:05] (Redacted)

25 Q. [11:01:06] But you know that the armed branch of the *RCD was the APC; is that

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1 not correct?

2 A. [11:01:13] Yes, that was the name of the army.

3 MR BOURGON: [11:01:16] Mr President, I think we can break now and resume after
4 the break.

5 PRESIDING JUDGE FREMR: [11:01:18] Very well. Let's move into open session.

6 (Open session at 11.01 a.m.)

7 THE COURT OFFICER: [11:01:34] We're in open session, Mr President.

8 PRESIDING JUDGE FREMR: [11:01:37] Thank you, court officer. Before we break,
9 one minor correction from my part: Page 22, line 8, I didn't ask Mr Bourgon to observe
10 pauses as it is recorded now, but I asked Mr Witness. So please make this correction.
11 And now we break and we will resume half past 11.

12 THE COURT USHER: [11:02:03] All rise.

13 (Recess taken at 11.02 a.m.)

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

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

16 Please be seated.

17 PRESIDING JUDGE FREMR: [11:31:20] We will continue with cross-examination of
18 our witness by Defence.

19 Mr Bourgon, private or open session?

20 MR BOURGON: [11:31:28] Private session, Mr President, please.

21 PRESIDING JUDGE FREMR: [11:31:30] All right.

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

23 (Private session at 11.31 a.m.) *(Reclassified partially in public)

24 THE COURT OFFICER: [11:31:44] We are in private session, Mr President.

25 PRESIDING JUDGE FREMR: [11:31:46] Thank you, court officer.

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1 Mr Bourgon, please proceed.

2 MR BOURGON: [11:31:50] Thank you, Mr President.

3 Q. [11:31:52] (Interpretation) Good morning again, Witness. Are you well?

4 A. [11:32:05] Yes, thank you.

5 Q. [11:32:09] I'd like to return to one of the answers which you gave, it is at page 30,
6 line 5 of the transcript. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [11:32:50] (Redacted)

11 Q. [11:32:55] (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [11:33:28] (Redacted)

15 (Redacted)

16 Q. [11:33:38] And during which period was he governor?

17 A. [11:33:44] Well, he replaced Lotsove as governor of the so-called Kibali-Ituri
18 province. Now, that would have been towards the end of -- of 1999, running into the
19 year 2000.

20 Q. [11:34:17] Now, in your answer you said that the Ugandans had deported him.
21 (Redacted)

22 A. [11:34:31] Yes, it wasn't just him, it was the whole team under a Professor Wamba,
23 and he, *Governor Uringi, was part of that team. They were deported officially because
24 they were not cooperating with the Ugandans.

25 Q. [11:34:56] And where were they deported to?

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- 1 A. [11:34:59] Kampala.
- 2 Q. [11:35:06] And who was he replaced by?
- 3 A. [11:35:26] Eneko acted as governor for a very short period of time, but the person
- 4 who spent the longest time in office was Molondo Lompondo.
- 5 Q. [11:35:47] Well, I'd like to ask you, when Molondo Lompondo was governor, he
- 6 was governor and where was he residing?
- 7 A. [11:36:00] He was the governor of Ituri and he lived in Bunia, in the Congo.
- 8 Q. [11:36:07] Very well. Let's return to Uringi-Pa-Dolo. Where was he in
- 9 summer 2002, or rather, where was he living then?
- 10 A. [11:36:28] (Redacted)
- 11 Excuse me, did you ask me about 2002? Because in July 2002, he was in Bunia. (Redacted)
- 12 (Redacted)
- 13 Q. [11:36:54] And at that period of time Lompondo was governor?
- 14 A. [11:37:00] Yes.
- 15 Q. [11:37:00] And what was Uringi-Pa-Dolo doing?
- 16 A. [11:37:05] Uringi was the second vice-president of the RCD-K/ML.
- 17 Q. [11:37:16] (Redacted)
- 18 (Redacted)
- 19 A. [11:37:29] (Redacted)
- 20 (Redacted)
- 21 Q. [11:37:47] (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 A. [11:38:08] (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [11:38:41] (Redacted)

4 (Redacted) Now, I would put it to you that the UPC was already in
5 existence in 2002 and that it was a political movement; do you agree with me?

6 A. [11:39:08] No, I will never agree with you.

7 Q. [11:39:11] On this point, or never?

8 A. [11:39:16] On this specific point I'll never agree with you because I think that
9 you're wrong.

10 Q. [11:39:30] What information did you have regarding Thomas Lubanga and the
11 UPC?

12 A. [11:39:36] Well, if you could be more specific, I could answer you.

13 Q. [11:39:46] You mentioned that the UPC was an armed militia before June 2002.
14 What information did you have regarding the UPC armed militia?

15 A. [11:40:08] Just a reminder, one of the reasons why Mbusa Nyamwisi, the President
16 of the *RCD, appointed him as minister was because -- or, defence minister, was because
17 he had an armed force which meant that he could stand off against his adversary, who
18 was Tibasima. So Lubanga, who was already heading an armed force, a Hema-Gegere
19 force which took the name of UPC, he was in effect the president or the leader of that
20 group.

21 Q. [11:40:57] So that's the information which you had at the time and which you
22 maintain today?

23 A. [11:41:05] Yes, that's absolutely correct.

24 Q. [11:41:10] Now, you know that before Thomas Lubanga was minister of defence he
25 was minister of sport, don't you?

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- 1 A. [11:41:22] I don't recall.
- 2 Q. [11:41:29] Well, I put it to you that he was minister of sport and I'd like to know
3 how he could be a militia commander whilst being minister of sport?
- 4 A. [11:41:39] Yes.
- 5 Q. [11:41:54] You have said that the militia or the tribal conflict began in Ituri as early
6 as 1998; is that correct?
- 7 A. [11:42:03] No. I'll correct you. It was 1999.
- 8 Q. [11:42:10] So to your mind there was no ethnic conflict in Ituri in 1998?
- 9 A. [11:42:17] That is correct.
- 10 Q. [11:42:21] And, Witness, you know, based on your information, that conflict in
11 1999, if we take the year that you refer to, that that was a conflict between villages where
12 they would fight with no restraint; is that correct?
- 13 A. [11:42:52] I'd like to inform you that prior to 1999 the conflict was always as it had
14 been, as it always had been. The people, and I'm referring here to the Hema, Lendu
15 people, they were not yet armed. However, from 1999 they began to arm and to fight
16 each other.
- 17 Q. [11:43:30] And would you agree with me that at that point in time the RCD-K/ML
18 was not yet -- or did not yet have Ituri in its control; is that correct?
- 19 A. [11:43:43] At that time RCD as a rebel movement did indeed have control of Ituri.
- 20 Q. [11:43:56] In terms of organisation, was there no organised armed forces involved
21 in the conflicts between the villages?
- 22 A. [11:44:09] Before 1999, yes, that was the case.
- 23 Q. [11:44:19] A few moments ago or a little earlier we spoke about the APC and the
24 APC is the armed wing of the RCD-K/ML; is that right?
- 25 A. [11:44:29] Yes, that's correct.

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1 Q. [11:44:31] Based on the information that you obtained, did you know that there
2 were a number of Hema officers in the APC? Did you know that?

3 A. [11:44:47] The Hema officers began to be trained in that very year in Uganda, and
4 as soon as their training was complete they returned to the APC.

5 Q. [11:45:05] Which year are you referring to exactly?

6 A. [11:45:11] It started in 1998 and continued into 1999. You will find that
7 information from public sources, newspapers for instance.

8 Q. [11:45:41] Within the APC, the Hema officers were discriminated against; did you
9 know that?

10 A. [11:45:53] Well, I would say the following: For a long time the people of Ituri had
11 felt discriminated against by the central government and by all other armed groups, so
12 that has nothing to do with the Hema people. This was the feeling of all people from
13 Ituri.

14 Q. [11:46:21] So I conclude from what you have said that you have no specific
15 information regarding the situation of Hema officers within the APC?

16 A. [11:46:32] No, you're wrong because my comment does not relate to one little
17 group, but rather to all other institutions, including the army. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [11:47:07] (Redacted)

21 (Redacted)

22 A. [11:47:12] (Redacted)

23 Q. [11:47:18] (Redacted)

24 A. [11:47:23] (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [11:47:49] Well, tell me about the information which you have regarding the
3 situation within the APC as regards the Hema officers?

4 A. [11:48:07] The Hema who had just returned from training, of course the person
5 who was head of the group was Tibasima and he wanted them to occupy commanding
6 roles. And that was the big problem that they had.

7 Q. [11:48:37] Did you know that officers within the APC rebelled against the APC and
8 mutinied? I presume you have that information?

9 A. [11:48:51] Yes, I do have that information.

10 Q. [11:48:55] What happened based on your information?

11 A. [11:48:57] Well, it's as I told you. It's because they didn't -- could not obtain what
12 they wanted and that was to occupy command positions within the army, and that's why
13 they rebelled. And that was in terms of -- that was the military reason, but the real
14 reason was that Tibasima wanted to take control of the RCD-K/ML using his soldiers.

15 Q. [11:49:30] Who were the soldiers who rebelled within the APC?

16 A. [11:49:38] If you're putting the question in relation to various commanders, yes,
17 there are the names of certain commanders that come to mind.

18 Q. [11:49:44] Go ahead.

19 A. [11:49:47] Names such as Commander Alex Munyalizi, Bagonza, who was the son
20 of Mama Akiki, Tchaligonza also comes to mind, Paul Mugisa. Furthermore, Paul
21 Mugisa was the first Hema to march with the head of a Lendu on a coat --

22 THE INTERPRETER: [11:50:33] The interpreters heard.

23 THE WITNESS: [11:50:35] (Interpretation) -- in the town of Bunia.

24 MR BOURGON: [11:50:39] (Interpretation)

25 Q. [11:50:39] But did you see that with your own eyes?

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1 A. [11:50:43] No, I wasn't present, that's true, but all those who saw it, saw it,
2 including leaders of the RCD-K/ML, including Professor Wamba.

3 Q. [11:50:58] I'd like to return to the matter of your sources and the head of the Lendu.
4 I'd like to return to the matter of your sources of information. You have given some
5 names. What do you know about that whole event that took place starting in
6 January 2002?

7 A. [11:51:26] Could you be specific? You refer to an event. What specific situation
8 and which specific group are you referring to?

9 Q. [11:51:38] You just gave us the names of a number of Hema officers who mutinied;
10 do we agree?

11 A. [11:51:45] Yes, we do.

12 Q. [11:51:46] Well, what happened and when did it happen?

13 A. [11:52:01] Well, all I know as regards the commanders whose names I've just listed
14 is that they rebelled internally against the APC and they withdrew to *Tchai. That's
15 essentially what happened. And the result of that was the Ugandan government, which
16 had troops in Ituri, was then able to intervene and convene negotiations between all those
17 groups. And that's how gradually the FLC emerged with Jean-Pierre Bemba at its head, *in 2001.

18 Q. [11:52:58] Now that is information which you have regarding what happened
19 inside the APC during the period of, let's say, 2000 to 2002, (Redacted)

20 A. [11:53:25] You're referring to 2001 and 2002, but here we're already at quite a -- an
21 advanced stage of what was happening in the field in Bunia. Now, all of those
22 commanders, and there were others, because the Ugandan government continued to help
23 the Hema-Gegere group by training their soldiers, so all of those soldiers, and here I'm
24 repeating myself, they were organised based on their tribe and they were headed up by
25 Thomas Lubanga.

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1 Q. [11:54:21] I'll return to the period of 2000, but I'd like to focus now on 2002. Now,
2 various events took place in Bunia itself in 2002, and I'm referring here to military events,
3 and I'm referring to early 2002. What information do you have about that?

4 A. [11:54:54] I don't recall what event or events you're referring to because after the
5 departure of Jean-Pierre Bemba there were constantly clashes between different armed
6 groups in Bunia and in the environs of Bunia, so if you're not more specific about a
7 specific event, I'm afraid I won't be able to answer you.

8 Q. [11:55:31] Well, then I will be more specific. Let's start with the involvement of
9 Uganda in the situation in Ituri. Do you have information about -- or, that would
10 indicate that Uganda was present in Ituri in 2002, and I'm talking about the Ugandan
11 forces, the UPDF?

12 A. [11:56:05] The UPDF moved into Ituri as of 1998 and pulled out in 2003, if I recall
13 correctly. So the period that you're referring to falls during the period that the UPDF
14 was present in Bunia and they were active in political and military and, indeed, tribal
15 matters.

16 Q. [11:56:37] And this political and military involvement started from the source,
17 from Museveni; is that right?

18 A. [11:56:45] I'm afraid I can't confirm that.

19 Q. [11:56:48] Do you have information on that?

20 A. [11:56:53] I've never heard said that Museveni ordered his commanders to become
21 involved in local matters. I've never heard that said.

22 Q. [11:57:11] Have you heard that Museveni himself negotiated with a group of
23 civilians from Bunia, a civilian committee?

24 A. [11:57:29] I recall, for example, that Museveni was accompanied to Tanzania,
25 *Ngurdoto, by Thomas Lubanga, Ndjabu and others. I'm aware of that.

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1 Q. [11:58:00] Do you have information along the lines that the UPDF intervened
2 between an armed conflict between the APC and APC mutineers early in 2002?

3 A. [11:58:19] You're referring to APC mutineers. The reality is that the UPDF always
4 intervened on the side of the Hema-Gegere groups. I know that and I can confirm that.
5 And that was not the only occasion, if that happened.

6 Q. [11:58:47] So if I understand, your sources of information said that the UPDF never
7 supported the RCD-K/ML and the APC; is that correct?

8 A. [11:59:01] Well, I don't want to be absolutely categorical on that point, but the fact
9 of the matter is that from 1999, when *Lotsove rose to the head of Ituri, UPDF was always
10 on the Hema side and had Gegere as their allies and provided support in various ways.

11 Q. [11:59:40] I'd like to refer now to a specific event which took place in early 2002.
12 There was an armed -- there was armed engagement between Lompondo's troops and
13 APC mutineers, and during that engagement the UPDF intervened. Do you have
14 information, (Redacted), on that event?

15 A. [12:00:12] Yes, I certainly have.

16 Q. [12:00:20] What information?

17 A. [12:00:24] I don't know what type of details you're seeking.

18 Q. [12:00:32] Details on the events itself. Who was opposed to whom in that event, if
19 you have any information on that matter?

20 A. [12:00:49] Going by what I can recall right now, I am talking about the event which
21 I described from the very onset. The UPC always used it as one of its points for attacking
22 Mbusa Nyamwisi. First of all, there was a leadership conflict between Mbusa and
23 Tibasima. Now, when you talk about early 2002, I must say that things continued in the
24 same manner, and I'm talking here about internal information.

25 Now, you talked about mutineering, and I would like to say that it was a result of the

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1 conflict between Mbusa and Tibasima. Then, when the UPC comes in with the
2 Gegere-Hema militia, the objective then changes and is no longer the same as that of
3 Tibasima. The UPC's goal was to mix up issues with a view to dislodging all non-natives
4 of Ituri. That was the political agenda, whereas the reality was that they simply sought
5 to eliminate or subjugate their enemies, *and among others, the Lendus.

6 Q. [12:02:29] (Redacted)

7 (Redacted)

8 A. [12:02:35] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:03:12] (Redacted)

14 (Redacted)

15 A. [12:03:22] (Redacted)

16 Q. [12:03:28] (Redacted)

17 (Redacted)

18 A. [12:03:42] (Redacted)

19 Q. [12:03:49] (Redacted)

20 A. [12:03:51] (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:04:12] (Redacted)

24 (Redacted)

25 A. [12:04:33] (Redacted)

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1 (Redacted)

2 (Redacted)

3 Let me tell you that, to my mind, as a native of the Ituri, there was already some cheating
4 right from the beginning in that connection. So rather than talk of FRP, the UPC,
5 (Redacted), the UPC, Thomas Lubanga and his team, deemed it
6 appropriate to impose the UPC, and that alone is sufficient proof that the UPC simply
7 wanted to meet its own objectives.

8 Q. [12:05:40] (Redacted)

9 (Redacted)

10 A. [12:05:57] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:06:28] Mr Witness, (Redacted), I put it to you that the event

16 which took place is an event during which the UPDF intervened to separate Lompondo's
17 forces from a group of mutineers. The said mutineers were taken to the airport and then
18 there was some negotiations that took place in Uganda. (Redacted)

19 (Redacted)

20 A. [12:07:12] It depends on the colouring that you want to apply to all of this. My
21 position is that the UPDF intervened with the Gegere-Hema group.

22 Q. [12:07:29] How did they intervene?

23 A. [12:07:31] From the military point of view, from a diplomatic point of view and
24 also from a material point of view.

25 Q. [12:07:45] (Redacted)

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1 (Redacted) whenever there is an organisation within
2 the APC or a sort of activity or deployment, this is communicated over radio; is that
3 correct?

4 A. [12:08:19] This is a general practice.

5 Q. [12:08:21] I'm referring here to the deployment of staff within the APC. Do
6 you -- are you aware that it is announced throughout the Ituri?

7 A. [12:08:31] When you say "deployment," are you talking about military deployment
8 or political deployment?

9 Q. [12:08:42] Military.

10 A. [12:08:45] Thank you. This does not happen as regularly as that. Every now and
11 then the names of a few commanders were announced, not all of them. So you must
12 agree with me that military matters usually happen below the table, or in secret. So this
13 was not a usual practice.

14 Q. [12:09:17] What information do you have pertaining to the APC deployments in
15 early 2002?

16 A. [12:09:38] I do not have any recollections of the military activities at that time
17 dealing with that specific period.

18 Q. [12:09:46] I want to put it to you, and I don't want to surprise you, I want to simply
19 find out what you are aware of. I am talking specifically about the deployment that was
20 ordered by Thomas Lubanga affecting the Minister of Defence and which was published
21 and read over radio in early 2002. What are you aware of in connection with that
22 announcement or deployment?

23 A. [12:10:16] I have no recollection right now.

24 Q. [12:10:18] So I put it to you that you do not have any information either about the
25 fact that Mbusa rejected that appointment and led to Thomas quitting the *RCD/K-ML, you are

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1 not aware of that?

2 A. [12:10:40] That is your position.

3 Q. [12:10:42] I'm only trying to find out whether you have any information in that
4 connection.

5 A. [12:10:47] I certainly had some information on that.

6 Q. [12:10:51] What information?

7 A. [12:11:00] Well, when I tell you that I am not able to remember some details now, I
8 do not want to invent anything, but it doesn't mean that I am totally ignorant of what
9 happened at the time. Now, when it comes to finding out whether it was that
10 appointment or deployment which led to the conflict, which caused one group from
11 within the APC to revolt, well, I will tend not to agree with you.

12 Q. [12:11:53] According to the information available to you, what was the problem
13 with Thomas Lubanga's appointments or deployment?

14 A. [12:12:05] If I were to rely on what you have just said, and I'm trying to recollect to
15 the best of my ability, I believe that Thomas Lubanga's problem, as you know, the
16 purpose of the UPC was to get rid of all non-natives of the Ituri; therefore, his actions on
17 the field on several occasions pointed to the fact that this was the feeling of all the people
18 of Ituri. And I repeated to you, namely, that non-natives of the Ituri should not hold
19 positions of responsibility. That was a constant.

20 So Thomas Lubanga always used that approach in his policies and in his politics, in his
21 military, economic, social and other policies, the same position.

22 Q. [12:13:22] Mr Witness, the situation created by the appointments that was rejected
23 by Mbusa on a geopolitical level, what was the consequence of it and do you have any
24 information in that connection?

25 A. [12:13:40] I don't have the information that you -- you appear to have.

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1 Q. [12:13:54] Do you have any information about Museveni's personal intervention in
2 that situation through negotiations in Uganda?

3 A. [12:14:10] I have no idea that Museveni may have been personally involved. Now,
4 if he had been I would not be surprised because the UPDF was the army under his
5 command and therefore he had to know everything that his army was doing. It is only
6 logically logical.

7 Q. [12:14:34] I'm not interested in logics for now, I'm interested in your sources.

8 A. [12:14:41] I have told you earlier that I do not have sufficient recollections right
9 now of what happened in relation to that event, but now you appear to be forcing me to
10 fabricate or invent things and I'm resisting this. If I do remember anything, of course I
11 will willingly inform the Court of it.

12 Q. [12:15:11] Mr Witness, I therefore conclude that when Bunia was divided into two
13 with Lompondo's forces on one side and the other officers, the Lubanga boys on the other
14 hand, on the other side, this was done by the UPDF, these are not events about which you
15 have any information; is that the conclusion to come to, Mr Witness?

16 A. [12:15:41] Now you are raising another question. Of course I was very well
17 informed that the town of Bunia was controlled by two forces as you have just mentioned:
18 One, on the one hand, Mbusa's group and on the ground was Jean-Pierre Molondo's
19 military force and then on the other side you had the militia of Thomas Lubanga.

20 Q. [12:16:08] Mr Witness, what I'm asking you is the following: (Redacted)
21 (Redacted)

22 A. [12:16:22] Yes, of course. There was a conflict and, as I repeat again to you, and I
23 hope this is the last time I have to repeat this, I have no detailed recollection on those
24 events as at now at this time of my testimony.

25 Q. [12:16:55] (Redacted)

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- 1 Q. [12:26:52] (Redacted)
- 2 A. [12:26:56] (Redacted)
- 3 Q. [12:27:03] (Redacted)
- 4 (Redacted)
- 5 A. [12:27:21] (Redacted)
- 6 Q. [12:27:25] (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 A. [12:27:54] (Redacted)
- 11 Q. [12:28:03] I'll repeat my question. In early 2003 --
- 12 A. [12:28:12] (Redacted)
- 13 Q. [12:28:15] -- the UPC wanted to, or actually gave weapons to Lendu combatants
- 14 with a view to creating an alliance to take out the UPDF from the Ituri. Do you have any
- 15 information in that connection?
- 16 A. [12:28:35] Now I understand your question. But I wasn't really there when it
- 17 comes to those events of handing over weapons between the UPC and the Lendu. This is
- 18 the first time that I hear mention of any such thing. I would really be surprised about it
- 19 because during that very time the Lendus and Thomas Lubanga's group were fighting
- 20 each other almost on a daily basis at different fronts.
- 21 Q. [12:29:15] So you knew that in early 2003 there were several conflicts at several
- 22 locations between Lendu combatants and the UPC, you were aware of that; is that the
- 23 case?
- 24 A. [12:29:29] Yes, that is entirely correct.
- 25 Q. [12:29:33] There was also fighting between the UPC and the APC; you were also

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1 aware of that?

2 A. [12:29:42] On the south front, towards Komanda.

3 Q. [12:29:47] All right. Talk to us about Komanda and what you know about it from
4 your sources.

5 A. [12:29:55] All I know is that on that front the UPC made sure that it stopped
6 Mbusa's group's advance, that is the APC. That is all I can tell you in a nutshell.

7 Q. [12:30:13] Would you agree with me based on information that was available to
8 you that the Komanda conflict, the clashes in Komanda, started as early as August 2002?
9 Would you agree with me that in March 2003 those clashes and that conflict were still
10 ongoing? Can you -- can you confirm that? Can you confirm that based on your
11 sources?

12 A. [12:30:42] I'm sorry, but you're talking -- you appear to be talking about the
13 command conflict within the UPC. If that is what you're talking about, then you are
14 right.

15 Q. [12:30:53] I'm not sure that you have understood my question. We are talking
16 about Komanda, Komanda. That's what we're talking about.

17 A. [12:31:02] I don't know. It's for you to make your question clear.

18 Q. [12:31:09] Is it not Komanda you talked about in an early answer when you said
19 you knew there was a front at Komanda?

20 A. [12:31:18] Yes, Komanda. Komanda is the name of a town.

21 Q. Yes, that's what I'm talking about.

22 A. [12:31:25] Okay.

23 Q. [12:31:29] At what time did the clashes between the UPC and Mbusa take place in
24 Komanda? At what time did those clashes start?

25 A. [12:31:37] I have no recollection, no recollection of the exact time.

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1 Q. [12:31:51] From when did you know that there was a clash in Komanda?

2 A. [12:32:05] It was from the point in time when the UPDF began to try and increase
3 or extend its zone of influence. (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [12:32:38] (Redacted)

7 (Redacted)

8 A. [12:32:52] (Redacted)

9 (Redacted)

10 Q. [12:32:59] (Redacted)

11 (Redacted) Was Komanda Already a front or had it yet to become a front at
12 that time

13 A. [12:33:22] To my knowledge, that was to become a front.

14 Q. [12:33:31] (Redacted)

15 A. [12:33:36] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:34:23] (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [12:34:40] Well, to answer truthfully, this is not really a subject that I concerned
23 myself with, the matter of the Komanda front. The only information that I can give you
24 regarding the period that you're asking me about is in relation to -- is that I heard that
25 there was a front there early in 2003.

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1 Q. [12:35:12] And if I were to put it to you that the FPLC, the armed wing of the UPC,
2 the Patriotic Forces, was involved in fighting and that there was a front at Komanda from
3 August 2002 through to March 2003, would that change your answer or refresh your
4 memory?

5 A. [12:35:41] Absolutely not.

6 Q. [12:35:44] Very good. I conclude that you did not know that the UPC was there in
7 *August, September, October 2002.

8 A. [12:35:56] You can conclude that the UPC was going to open a front from the
9 month of September onwards. It was a plan.

10 Q. [12:36:11] What I want to know is whether you have information regarding the
11 presence of the FPLC in August, September, October, et cetera, their presence, and a
12 knowledge of the fighting.

13 A. [12:36:27] The UPC was not in Komanda in August. That's certain. Never,
14 never.

15 Q. [12:36:37] (Redacted)

16 (Redacted)

17 A. [12:36:46] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:37:50] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [12:43:59] (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:44:19] (Redacted)

6 (Redacted). Now, Governor Eneko was killed in

7 November 2002; is that right?

8 A. [12:44:37] Yes, 21 November 2002.

9 Q. [12:44:47] Regarding the information we have, he was killed in an ambush
10 organised by the APC. (Redacted)

11 A. [12:45:07] (Redacted)

12 There were two ambushes, an ambush organised by the -- a group organised by Moi, who
13 was previously a member of the APC, but at that point in time was a member of the
14 FARDC and he was linked to the Lendu; and secondly, there was an ambush organised by
15 the APC. Furthermore, Terminator travels from Bunia, on Air Mbau to Mahagi and
16 returned the next day. So, based on the information (Redacted) don't know which of
17 the two groups was in fact perpetrator of the murder of Governor Eneko.

18 Q. [12:46:24] We note your answer as it stands, but to my mind your answer confirms
19 that the UPC had nothing to do with the assassination of Governor Eneko; is that correct?

20 A. [12:46:40] Well, perhaps you could read the line that allows you to arrive at that
21 conclusion.

22 Q. [12:46:48] You referred to two ambushes. There was one group who was
23 organised by Moi, who was a former member of the APC; is that correct?

24 A. [12:47:05] Yes.

25 Q. [12:47:05] And the second group, there you talk about an ambush by the APC; is

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1 that correct?

2 A. [12:47:21] The UPC.

3 Q. [12:47:22] So that was a mistake, you meant to say "UPC," not "APC"?

4 A. [12:47:29] UPC.

5 Q. [12:47:29] (Redacted)

6 A. [12:47:39] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:48:55] (Redacted)

15 A. [12:49:01] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:50:08] (Redacted)

23 (Redacted)

24 A. [12:50:16] (Redacted)

25 Q. [12:50:19] (Redacted)

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1 (Redacted)

2 A. [12:50:26] (Redacted)

3 Q. [12:50:33] (Redacted)

4 (Redacted) information alleging that Bosco Ntaganda was involved; is

5 that correct?

6 A. [12:50:58] I think I explained all of this in my document. You simply need to look

7 at that document. But, in summary, it was clear by the fact that Bosco travelled right

8 through to the place of the ambush, not just in Mahagi, but through to the place of

9 ambush, and that that did indeed raise suspicions. That's all.

10 Q. [12:51:31] Well, I would put it to you, Mr Witness, that on 21 November 2002,

11 Bosco Ntaganda was involved in combat at Mongbwalu and was not at all in the region

12 where the governor was killed. Would that help alleviate your suspicions?

13 A. [12:51:59] (Redacted) Bosco Ntaganda arrived into Mahagi on that

14 date and that he left the next day. Of course, he had a front, and he was never

15 disassociated, so to speak, from the fronts in Mongbwalu.

16 Q. [12:52:26] (Redacted)

17 (Redacted)

18 A. [12:52:34] (Redacted) When a plane lands in Mahagi,

19 number one, you have the civilian security authorities, you have soldiers who see what

20 happens. They saw Bosco Ntaganda, who was accompanied by that other

21 commander - I've forgotten his name - who was the commander who accompanied him to

22 that area. So he was accompanied by a commander who knew the area better. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [12:53:23] And how did Bosco Ntaganda arrive in, (Redacted)

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1 (Redacted)

2 A. [12:53:31] Of course, he arrived by plane.

3 Q. [12:53:35] And where did he arrive into?

4 A. [12:53:40] The closest airport to Mahagi is at Djegu. That's where he landed, in
5 Djegu.

6 Q. [12:53:52] (Redacted)

7 (Redacted)

8 A. [12:54:03] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 THE INTERPRETER: [12:54:35] (Redacted)

13 (Redacted)

14 MR BOURGON: (Redacted)

15 Q. [12:54:43] (Redacted)

16 A. [12:54:46] (Redacted)

17 Q. [12:54:47] (Redacted)

18 (Redacted)

19 A. [12:54:53] (Redacted)

20 PRESIDING JUDGE FREMR: [12:54:57] (Redacted)

21 MR BOURGON: [12:55:10] (Redacted)

22 Q. [12:55:10] (Redacted)

23 (Redacted)

24 A. [12:55:18] (Redacted)

25 Q. [12:55:24] (Redacted)

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1 (Redacted)

2 A. [12:55:30] (Redacted)

3 Q. [12:55:35] (Redacted)

4 (Redacted)

5 A. [12:55:50] The information was that he had landed, that he had boarded vehicles
6 that were waiting, he travelled to Mahagi, they went to the military camp at Mahagi, and
7 from the centre of Mahagi they went to the location of the assassination.

8 Q. [12:56:23] (Redacted)

9 (Redacted)

10 A. [12:56:32] (Redacted)

11 (Redacted)

12 Q. [12:56:49] (Redacted)

13 (Redacted)

14 A. [12:57:01] (Redacted)

15 MR BOURGON: (Redacted)

16 THE INTERPRETER: [12:57:17] (Redacted)

17 THE WITNESS: [12:57:23] (Interpretation) Are you informing me? You can be on 21
18 November in Mongbwalu and take an airplane, and on 21 November, be in Mahagi. It
19 just takes 20 minutes, or a maximum of 30 minutes.

20 MR BOURGON: [12:57:41] (Interpretation)

21 Q. [12:57:44] I will put it to you that the information that you have provided
22 regarding the assassination of Eneko amounts to rumours which you may have heard but
23 that you have no credible source that you can offer on that topic; would you agree with
24 that?

25 A. [12:58:06] Certainly not. Never.

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- 1 Q. [12:58:10] Thank you, Witness.
- 2 MR BOURGON: [12:58:15] It is time for the break.
- 3 PRESIDING JUDGE FREMR: [12:58:17] Court officer, let's move into open session.
- 4 (Open session at 12.58 p.m.)
- 5 THE COURT OFFICER: [12:58:34] We are in open session, Mr President.
- 6 PRESIDING JUDGE FREMR: [12:58:38] Thank you, court officer.
- 7 We take our regular lunch break now and we will resume half past 2.
- 8 THE COURT USHER: All rise.
- 9 (Recess taken at 12.58 p.m.)
- 10 (Upon resuming in open session at 2.32 p.m.)
- 11 THE COURT USHER: [14:32:14] All rise.
- 12 Please be seated.
- 13 PRESIDING JUDGE FREMR: [14:32:42] Good afternoon, everybody.
- 14 Good afternoon, Mr Witness. We can directly continue with your cross-examination.
- 15 Mr Bourgon, open or private session?
- 16 MR BOURGON: [14:32:57] Private session, Mr President, please.
- 17 PRESIDING JUDGE FREMR: [14:33:01] Very well.
- 18 Court officer, let's move into private session.
- 19 (Private session at 2.33 p.m.) *(Reclassified partially in public)
- 20 THE COURT OFFICER: [14:33:10] We are in private session, Mr President.
- 21 PRESIDING JUDGE FREMR: [14:33:20] Thank you, court officer.
- 22 Mr Bourgon, you may proceed.
- 23 MR BOURGON: [14:33:25] Thank you, Mr President. If I may have a time count,
- 24 please, before I begin so that I can adjust my questions accordingly.
- 25 PRESIDING JUDGE FREMR: [14:33:43] So for the moment, 2 hours and 5 minutes and

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1 you have been, in total, allotted 8 hours, so you still have almost 6 hours.

2 MR BOURGON: [14:33:55] Thank you, Mr President.

3 Q. [14:34:09] (Interpretation) Good afternoon, Witness.

4 A. [14:34:15] Good afternoon.

5 Q. [14:34:19] I would like us to start by briefly returning to the issue of the death of
6 Governor Eneko.

7 One small question for clarification maybe to start with: You mentioned that

8 Bosco Ntaganda travelled by plane to Mahagi and then you mentioned the name of the
9 airport. Can you specify the name of that airport?

10 A. [14:35:00] Djegu, D-J-E-G-U.

11 Q. [14:35:15] (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE FREMR: [14:35:55] Mr Pace.

15 MR PACE: [14:35:57] Yes, your Honour, just ask for the reference so that I can follow,
16 the reference to the statement.

17 MR BOURGON: [14:36:04] If I when --

18 PRESIDING JUDGE FREMR: (Overlapping speakers)

19 MR BOURGON: -- if and when I feel necessary to provide a reference, I will,
20 Mr President. Right now I'm just introducing my question.

21 PRESIDING JUDGE FREMR: [14:36:12] Mr Bourgon, I think it's in accordance with our
22 rules that always when we, the same for Prosecution and the same for Defence, if you
23 refer to some previous statements or some details from that, you should, if it's clear, like
24 now, that the other party is not -- doesn't know what you are referring to, then please
25 provide a reference.

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1 MR BOURGON: [14:36:56] For my colleague on the other side, the reference is the
2 statement provided by the witness. (Redacted)

3 (Redacted)

4 (Redacted) And I

5 don't intend to quote, I will just refer the witness to information because what I want to
6 know is the information he had on the topic.

7 PRESIDING JUDGE FREMR: [14:37:50] Thank you, Mr Bourgon.

8 MR BOURGON: [14:37:54] (Interpretation)

9 Q. [14:37:56] (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [14:38:13] (Redacted)

13 Q. [14:38:17] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [14:39:45] (Redacted)

23 Q. [14:39:47] (Redacted)

24 A. [14:39:52] (Redacted)

25 Q. [14:40:01] (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Interpretation) (Redacted)
- 6 A. [14:46:54] (Redacted)
- 7 Q. [14:46:59] (Redacted)
- 8 A. [14:47:07] (Redacted)
- 9 (Redacted)
- 10 Q. [14:47:21] On 22 November, you know that the Mongbwalu operation was ongoing.
- 11 Do you have any information on that, or don't you?
- 12 A. [14:47:32] I have information to the effect that the Mongbwalu operations had
- 13 started earlier in *October or thereabouts and Mongbwalu was in the hands of the Lendu
- 14 and the others every now and then, and the war was ongoing.
- 15 Q. [14:48:02] So for you the 22nd is not a specific date that relates to something
- 16 specific in Mongbwalu?
- 17 A. [14:48:10] Not at all. Not at all, because the war was ongoing permanently, so to
- 18 speak.
- 19 Q. [14:48:17] How many times did Mongbwalu change hands between September and
- 20 December 2002?
- 21 A. [14:48:31] During that time only twice; namely, the Lendu controlled Mongbwalu,
- 22 then it was taken over by the UPC from the Lendu and then the fighting went on for the
- 23 Lendus to try and take back Mongbwalu, which they finally did subsequently in 2003.
- 24 Q. [14:49:02] I'm referring to the period 2002 and in relation to the information you
- 25 have. Let us begin with the first thing. (Redacted)

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1 (Redacted)

2 A. [14:49:15] (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [14:49:34] Let me avail myself of that answer to ask you to confirm whether or not
6 during that period from the time you arrived in Bunia (Redacted) till December of the next
7 year, and that's a period of about (Redacted) months, during that time did you, with your
8 own eyes, see or were you ever at the battlefield yourself?

9 A. [14:50:13] Please repeat your question.

10 Q. [14:50:17] Let me define a time frame starting (Redacted), when you arrive in Bunia.

11 A. [14:50:27] Correct.

12 Q. [14:50:29] Let's push that till December 2002. Are you with me? Then we go to
13 (Redacted) Then we continue till December 2003, making some (Redacted)
14 (Redacted) months. Now, my question: During that period did you ever find yourself at the
15 battlefield during the fighting?

16 A. [14:50:58] Never. I was never at the battlefield, never. But from a distance, yes.

17 Q. [14:51:10] (Redacted)

18 (Redacted)

19 A. [14:51:20] (Redacted)

20 (Redacted)

21 Q. [14:51:38] (Redacted)

22 (Redacted)

23 A. [14:51:44] (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 A. [14:54:46] (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 Q. [14:55:10] How far away were you from the place of the clashes?
- 5 A. [14:55:14] About three kilometres away.
- 6 Q. [14:55:18] Were you present at any other fights or combat during that period?
- 7 A. [14:55:28] I do not immediately remember any.
- 8 Q. [14:55:57] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Interpretation) (Redacted)
- 14 A. [14:56:41] (Redacted)
- 15 Q. [14:56:45] (Redacted)
- 16 A. [14:56:54] (Redacted)
- 17 Q. [14:56:57] (Redacted)
- 18 A. [14:57:04] (Redacted)
- 19 Q. [14:57:21] (Redacted)
- 20 A. [14:57:24] (Redacted)
- 21 Q. [14:57:34] (Redacted)
- 22 (Redacted)
- 23 A. [14:57:49] (Redacted)
- 24 (Redacted)
- 25 Q. [14:58:02] (Redacted)

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1 A. (Redacted)

2 Q. [15:00:51] (Redacted)

3 A. [15:01:02] (Redacted)

4 Q. [15:01:05] The question isn't whether it surprises you, it's whether you knew at the
5 time that he was a member of the UPC.

6 A. [15:01:14] I don't know.

7 Q. [15:01:17] So you didn't know how he had gone from the APC to the UPC?

8 A. [15:01:25] Well, it's very easy. I can explain it to you. He wasn't the only person
9 to do that. A lot of troops went from one group to another and did it in the same way,
10 almost. (Redacted) He worked
11 with the RCD, so the APC. He worked in the FLC and he went to the UPC. So nothing
12 astonishing in that.

13 Q. [15:02:09] (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [15:02:34] (Redacted)

17 Q. [15:02:39] (Redacted)

18 (Redacted)

19 A. [15:03:03] (Redacted)

20 Q. [15:03:11] (Redacted)

21 (Redacted)

22 A. [15:03:22] (Redacted)

23 Q. [15:03:22] (Redacted)

24 (Redacted)

25 A. [15:03:29] (Redacted)

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1 (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [15:12:55] (Redacted)

9 (Redacted)

10 A. [15:13:03] (Redacted)

11 Q. [15:13:05] (Redacted)

12 A. [15:13:07] (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. So you know all the links between Rwanda and the UPC; is that correct?

16 A. You're making an error when you say all the links. I know some links.

17 Q. [15:13:44] Well, let's speak about the links that you know. That's of interest to me.

18 A. Well, according to the information from different high-ranking officers within the

19 UPC, as I just mentioned, in the military field Rwanda was committed to providing

20 weapons to the UPC. Rwanda was committed to training some officers for the UPC.

21 Rwanda was committed also to covering the UPC diplomatically, and as a counterpart, of

22 course, the UPC had to pay for all these services. That's it, more or less. That's what

23 I can say. That's what I know.

24 Q. [15:14:43] (Redacted)

25 (Redacted)

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1 A. [15:14:57] (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [15:15:20] (Redacted)

5 (Redacted)

6 A. [15:15:32] (Redacted)

7 Q. [15:15:36] (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [15:15:49] (Redacted)

11 Q. [15:15:51] (Redacted)

12 A. [15:15:56] (Redacted)

13 Q. [15:15:59] (Redacted)

14 (Redacted)

15 A. [15:16:16] (Redacted)

16 Q. [15:16:17] (Redacted)

17 A. [15:16:24] (Redacted)

18 Q. [15:16:28] (Redacted)

19 A. [15:16:34] (Redacted)

20 (Redacted)

21 Q. [15:16:47] Witness, I put it to you that the information that you're giving now,
22 these are rumours which you've heard left and right. You have no official information
23 on this subject because the information is not exact; does that refresh your memory?

24 A. [15:17:05] Absolutely not.

25 Q. [15:17:10] (Redacted)

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1 Q. [15:29:07] (Redacted)

2 A. [15:29:10] (Redacted)

3 Q. [15:29:12] (Redacted)

4 (Redacted)

5 A. [15:29:25] (Redacted)

6 Q. [15:29:30] Do you have information that it was the UPDF that was behind this
7 separation of the town in two, the splitting of the town in two?

8 A. [15:29:43] I don't know. You're informing me of that, but I'm convinced that the
9 origin wasn't the UPDF.

10 Q. [15:29:55] None of your sources mentioned that it was the UPDF which separated
11 Molondo's forces from the mutineers that were on the other side of Bunia?

12 A. [15:30:16] (Redacted)

13 (Redacted) I knew very well what happened in the field, so to say that the UPDF is the cause of
14 the division of the town of Bunia is really erroneous.

15 Q. [15:30:40] So in order to avoid any misunderstanding, I didn't say the cause, I said
16 the source. The UPDF took the decision to separate Lompondo's forces from the forces
17 which were at the other end. And that was a decision which was taken by the Ugandans.
18 (Redacted)

19 A. [15:31:12] (Redacted) It wasn't
20 the UPDF who decided that the town should be divided into two at a security level or a
21 strategic level.

22 Q. [15:31:33] (Redacted)

23 (Redacted)

24 A. [15:31:38] (Redacted). To the best of my knowledge the UPDF never was the
25 source of the division of Bunia between two armed groups.

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1 Q. [15:31:56] Did (Redacted) tell you that Claude had fallen at the battlefield in
2 April?

3 A. [15:32:07] April 2002? Well, that was even announced over Radio Candip, that is
4 the death of Commander Claude.

5 Q. [15:32:20] This is a matter that you do not touch on at all in your testimony or in
6 your statement and I was wondering whether you have any information on that matter
7 that was brought to your attention (Redacted) ?

8 A. [15:32:40] I was aware of this event, but unfortunately for you it is something that
9 was of no interest to me.

10 Q. [15:32:56] Did (Redacted) tell you that the fighting which took place after
11 Claude's death was interrupted by the UPDF?

12 A. [15:33:12] Once again, and I repeat myself, I became aware of these -- this event,
13 but it was of no interest to me at all.

14 Q. [15:33:26] (Redacted)
15 (Redacted)

16 A. [15:33:38] (Redacted)
17 (Redacted)

18 Q. [15:33:49] Did (Redacted) there were negotiations in Uganda
19 following that incident?

20 A. [15:34:02] Following that incident, as I have already said, and I repeat myself, this
21 incident was of no interest to me whatsoever, so please understand that I did not ask
22 anybody whosoever any questions on this topic and I never received any report on it. I
23 simply only heard the official communications on the event through Radio Candip for
24 example. Now when you talk about meetings in Uganda, there were several meetings in
25 Uganda, several, several meetings and that particular meeting must have been one of

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1 them.

2 Q. [15:34:50] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [15:35:27] (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [15:35:49] Did you have any information that (Redacted)

10 (Redacted) relating to training of Lendu combatants by Lompondo? Did you have any
11 information in that regard?

12 A. [15:36:05] (Redacted), I was very well informed that there were
13 recruits at the Ndromo camp under the command of Jean-Pierre *Mulondo.

14 Q. [15:36:26] APC recruits or Lendu combatants? Which one are you talking about?

15 A. [15:36:33] I am not able to distinguish between them for you. (Redacted)

16 (Redacted) There were both Lendus and Biras as

17 Ngiti -- as well as Ngitis in the Ndromo camp.

18 Q. [15:36:55] Witness, you would agree with me that there is a difference between the
19 APC troop and a Lendu combatant, isn't it?

20 A. [15:37:06] Yes, a significant difference indeed.

21 Q. [15:37:09] So if we take out Ndromo, do you have any other information (Redacted)
22 (Redacted) about Lendu combatant receiving -- combatants receiving training from
23 Lompondo?

24 A. [15:37:28] Rumour had it, and I think that is what you are interested in, rumours
25 from the Gegere and Hema people had it that those things were happening, namely that

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1 Mbusa was training Lendu combatants. But those were rumours, rumours from the
2 Hema and Gegere people.

3 Q. [15:37:52] So if I understand very well, any information from Lompondo is
4 information that -- information from the Hemas is rumours; is that correct?

5 A. [15:38:05] What you should understand is that I am talking to you or narrating to
6 you about what I have seen. (Redacted)

7 (Redacted)

8 (Redacted) I saw recruits from a number of tribes, not only

9 Lendus.

10 Now, when you talk to me about the other locations, it is not what I saw. If I refer to it as
11 rumour it is because I did not cross-check.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Now, if you want to talk about Lendu militia trained by Mbusa Nyamwisi, I know
17 nothing about that.

18 Q. [15:39:29] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [15:39:56] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [15:40:25] Mr Witness, I put it to you that Lendu combatants were trained in

2 Nyaleke. Did you have any information in that regard?

3 A. [15:40:40] I have information to the effect that Nyaleke was a training centre for the

4 APC. That is the information available to me.

5 Q. [15:40:54] (Redacted)

6 A. [15:41:04] (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [15:41:33] (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [15:41:53] (Redacted)

13 Q. [15:41:55] (Redacted)

14 A. [15:42:04] (Redacted)

15 (Redacted)

16 Q. [15:42:16] (Redacted)

17 (Redacted)

18 A. [15:42:30] (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 Q. [15:44:28] Mr Witness, according to your information, how many rounds of
6 dropping of weapons happened in Mandro?

7 A. [15:44:46] I am not able to answer that question because I simply do not know.

8 Q. [15:44:51] (Redacted)

9 (Redacted)

10 A. [15:45:03] (Redacted)

11 (Redacted)

12 Q. [15:45:15] (Redacted)

13 A. [15:45:23] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [15:46:07] While you were in Bunia, did you see or did you obtain any information
19 on the dropping of weapons?

20 A. [15:46:24] While I was in Bunia, not about the dropping of weapons specifically,
21 but simply about weapons arriving at Kpandroma, but not necessarily being dropped.

22 Q. [15:46:40] When you talk about Camp Ndromo, you are talking about weapons for
23 the Lendus; is that correct?

24 A. [15:46:47] Well, I'm sorry, I'm talking of Mandro. Mandro. There must be a
25 confusion somewhere.

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1 Q. [15:46:56] I thought I heard something else. Well, Mr Witness, you can correct
2 this. Well, I heard Kpandroma here, or Camp Dromo, and I'm here looking at page 105.
3 You said only weapons which arrived at, and we see "Camp Ndromo" here. Is that what
4 you said, Camp Ndromo, or Mandro?

5 A. [15:47:36] I said Mandro.

6 MR BOURGON: [15:47:40] Mr President, if we can make a correction to the transcript,
7 to ensure that we have the correct answer. This is page 105, where it says, line 12, it says
8 now "Camp Ndromo" and it should read "Mandro."

9 PRESIDING JUDGE FREMR: [15:47:56] All right. Approved. So please make this
10 correction. But I think Witness anyway then clarified that he was talking about Mandro,
11 which is visible from line 15. But anyway, yes, this correction should be made.

12 MR BOURGON: [15:48:18] Now we have --

13 PRESIDING JUDGE FREMR: [15:48:22] You are right.

14 MR BOURGON: [15:48:24] (Interpretation) And we have Kpandromo, which is a
15 third place, so I just want to make sure that we have it straight.

16 PRESIDING JUDGE FREMR: Yes, yes, you are right.

17 MR BOURGON:

18 Q. [15:48:28] Mr Witness, that's why I brought up the question of Camp Ndromo
19 because Mandro I'm familiar with, but not that one. So I'm with you.

20 A. [15:48:39] Thank you.

21 Q. [15:48:41] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [15:51:48] (Redacted)

2 (Redacted)

3 A. [15:51:54] (Redacted)

4 Q. [15:51:55] Yes, I'll revisit that event subsequently, but I just wanted to make sure
5 that we were talking about the same thing.

6 You never saw with your own eyes any weapons being dropped in Mandro, correct?

7 A. [15:52:15] Sir, the answer is no. And you know that soldiers do not record or film
8 with cameras any such operations to drop weapons. I have never seen any such thing
9 being done by soldiers.

10 Q. [15:52:33] (Redacted)

11 (Redacted)

12 A. [15:52:40] (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [15:53:04] Now that we are talking about Mandro, this is something that you do
16 not touch on in your testimony, but do you know what was happening in Mandro? Why
17 were weapons being delivered to Mandro?

18 A. [15:53:23] That's a beautiful question. Mandro was the official residence of the
19 UPC operations commander, and I'm referring here to Terminator. Mandro was also a
20 training camp for the UPC, the biggest training camp, to be specific. (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [15:54:21] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [15:54:57] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [15:55:24] (Redacted)

7 A. [15:55:28] (Redacted)

8 Q. [15:55:34] Mr Witness, what I'm interested in is the following. You say that

9 Mandro is the biggest training camp. Well, what information is available to you that

10 enables you to know what was happening in Mandro?

11 A. [15:56:02] Now, if you were to be specific as to the time frame you're interested in,

12 then that will be quite useful.

13 Q [15:56:17] Indeed, we are looking at the period when you were in Bunia. (Redacted)

14 (Redacted) What

15 information was available to you at that time regarding the situation in Mandro?

16 A. [15:56:43] (Redacted)

17 (Redacted)

18 (Redacted) What I knew, and which I have already testified to, is that all the

19 recruits whom I saw at the headquarters of the UPC were taken to Mandro for training,

20 for proper training, so training proper took place in Mandro. In fact, it is for that reason,

21 that very reason that some food supplies that were sent to the UPC headquarters,

22 (Redacted) those

23 food supplies were then taken from the headquarters to Mandro.

24 Q. [15:58:05] I am somewhat surprised by your answer. So you're confirming that,

25 according to information available to you, the training, UPC training, took place in

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1 Mandro; is that correct?

2 A. [15:58:30] At the very beginning of our discussing this topic I said one of the camps,
3 one of the training camps. Mandro happens to be the biggest training camp.

4 Q. [15:58:47] Let me return to the period I'm interested in, that is when you were in
5 Bunia from (Redacted). You were able to gather information pertaining to training. Now,
6 while you were in Bunia, what information did you have pertaining to training in Mandro
7 at that time?

8 A. [15:59:09] I did not have anything new to learn or to find out, apart from
9 confirming what I had already heard before. So there was nothing new to find out.

10 Q. [15:59:24] So before you got to Bunia (Redacted), you already knew that training
11 was taking place in Mandro; is that correct?

12 A. [15:59:32] Yes, that is exactly correct.

13 Q. [15:59:35] Did you know about the existence of any other camps prior to your
14 arrival in Bunia?

15 A. [15:59:42] Yes.

16 Q. [15:59:45] Which camps?

17 A. [15:59:49] There was talk of training for the Hema groups in Sota and Shari.

18 Q. [16:00:03] That was information available to you before (Redacted) 2002; is that
19 correct?

20 A. [16:00:10] Absolutely correct. Yes, in Djugu there were training camps that were
21 mentioned in Fataki. There were two other places that I can't remember. There were
22 camps that were temporarily opened and then they were closed afterwards. That was
23 all.

24 Q. [16:00:40] I'm perhaps going to make it easier for you, Witness. (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 "I have heard about numerous training centres in Ituri (Redacted), including in
4 Mandro, Bunia, Fataki, Largu and near Lopa. Later, the UPC opened the biggest training
5 centre in Lubanga's village of Bule, near Dhego airfield. The Dhego airfield was built in
6 order to receive airdropped weapons from Rwanda again."

7 (Interpretation) So that's already admitted into evidence. I'm sorry it's not in evidence.

8 So it's the part of your statement which isn't in evidence. You confirm this information?

9 A. [16:02:39] It's completely correct.

10 Q. [16:02:41] What I'm interested in is to know at what time you heard about these
11 numerous training centres (Redacted)? These are the camps that you heard
12 about in (Redacted) 2002?

13 A. [16:02:59] Absolutely not.

14 Q. [16:03:05] You found out this information from (Redacted) when?

15 A. [16:03:12] (Redacted)

16 (Redacted) Not only Lonema, but

17 everybody who knew that there were different training camps. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [16:03:56] So if I understand what you're telling me properly, this information the
21 paragraph that I've just read, at least the last sentence thereof, concerning the camp in
22 Mandro, Bunia, Fataki, Largu and near Lopa, you got this information (Redacted)
23 (Redacted)

24 A. [16:04:27] And afterwards as well.

25 Q. [16:04:30] What I'm interested in at the moment is whether you had that

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1 information on (Redacted)?

2 A. [16:04:37] I already had it.

3 Q. [16:04:40] Witness, I put it to you that the camps that are mentioned (Redacted)

4 (Redacted), I put it to you that the only camp that existed at that time was

5 Mandro, (Redacted) could not have given you that information because the camps did not
6 exist at that time. Does that refresh your memory?

7 A. [16:05:17] If you would allow me to tell you that you are yourself falling into
8 confusion. And why? Because I clearly indicated before my arrival in Bunia, during
9 my arrival in Bunia and after my arrival in Bunia I had all this information, so my
10 statement concerns all this period. What you're reading in my statement concerns this
11 entire period. If you try just to isolate it for one precise period, that is an error on your part
12 because this is information which should be confirmed over time, and as the time passed
13 events developed. So I would like it if you could not focus just on *that information on a
14 precise period. That would be an error.

15 Q. [16:06:33] The question is very simple, Witness. What information do you have
16 concerning the training camp in the date of (Redacted)
17 (Redacted)

18 A. [16:06:56] I correct you. (Redacted)

19 (Redacted)

20 (Redacted) But the information that I had in my possession which -- according to
21 which there were different training camps, including Mandro, and that was the main
22 training camp, and (Redacted) about these training camps in Mandro and others
23 as well.

24 Q. [16:07:33] (Redacted) did
25 you hear that there was a training camp of the UPC in Fataki?

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1 A. [16:07:52] The Fataki camp started towards the end of 1999. And as I mentioned,
2 the events were such that camps would open and then close again. And I confirm once
3 again Fataki camp was closed. It had been taken over by events. That's all. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)

7 Q. [16:08:39] Witness, you know it's the Judges who will assess your testimony. I'm
8 just reading the sentences and I ask you to confirm them or to deny them.

9 Now, here it is said, if I mention paragraph 173:

10 "I have heard about numerous training centres in Ituri (Redacted), including in
11 Mandro, Bunia, Fataki, Largu and near Lopa."

12 (Interpretation) At what time, Witness, did you obtain this information (Redacted)
13 (Redacted)?

14 A. [16:09:38] I repeat, we started to speak in (Redacted) and, I stress, it wasn't just (Redacted),
15 (Redacted)

16 (Redacted) And when I arrived in Bunia, I repeat, there was
17 nothing new for me to learn with regards to this subject. It just confirmed what I knew.
18 And information continued to be given over time. I was the one who made the
19 statement. I know what I'm speaking about. If you don't understand, well, I'm trying
20 to explain to you what I mean by that sentence.

21 Q. [16:10:35] And, on my part, I would like to have some clarification. The camps
22 that you mention in this sentence, are they training camps of the UPC which are in
23 operation -- which were in operation at that time?

24 A. [16:10:54] Not all the camps. Once again, to refresh your memory, I gave you the
25 example of Fataki. It existed a long time before and it closed. So all these camps could

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1 not be in operation at the same time. I was very clear in explaining that. I was talking
2 about an event over time. And if you try to look at the places where there were training
3 camps, that's all I can say in the sentence. I didn't say that (Redacted), well, these were
4 camps in such and such and such a place. No, that is not what the sentence means.

5 Q. [16:11:42] So we're going to focus on Mandro. According to the information that
6 you obtained (Redacted), was Mandro a training camp, a UPC training camp which
7 was in operation?

8 A. [16:11:59] Very positive.

9 Q. [16:12:04] What was the information that you had concerning Mandro camp?
10 What was said about it to you?

11 A. [16:12:16] I think I've already said it, and I repeat, Mandro had -- it took on new
12 recruits and it trained the recruits.

13 Q. [16:12:29] Well, what was your information concerning the opening of the camp?
14 At what time was the camp opened?

15 A. [16:12:39] I don't have the information regarding the opening of the camp. I don't
16 know that information.

17 Q. [16:12:50] Well, what information were you given concerning the instructor staff in
18 Mandro?

19 A. [16:13:00] Well, according to -- about the instructors, the two first instructors, they
20 were Hema who had come from training in Uganda, not all soldiers, but some
21 commanders. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [16:13:42] (Redacted)

25 (Redacted)

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- 1 A. [16:13:52] (Redacted)
- 2 (Redacted)
- 3 Q. [16:14:04] (Redacted)
- 4 (Redacted)
- 5 A. [16:14:13] (Redacted)
- 6 Q. [16:14:20] (Redacted)
- 7 A. [16:14:25] (Redacted)
- 8 Q. [16:14:34] (Redacted)
- 9 (Redacted)
- 10 A. [16:14:42] (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 Q. [16:15:09] (Redacted)
- 14 A. [16:15:16] (Redacted)
- 15 Q. [16:15:21] (Redacted)
- 16 (Redacted)
- 17 A. [16:15:38] (Redacted)
- 18 (Redacted)
- 19 Q. [16:15:49] Were you given information between (Redacted) to the effect that
- 20 the training camp in Mandro was in a place called Saikpa, did anybody ever tell you that?
- 21 A. [16:16:15] This name you've just given me --
- 22 Q. [16:16:19] (Redacted) mentioned the name Saikpa?
- 23 A. [16:16:26] Soukpa (phon).
- 24 THE INTERPRETER: [16:16:29] Says the witness.
- 25 THE WITNESS: [16:16:32] (Interpretation) Not Saikpa.

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1 MR BOURGON: [16:16:34] (Interpretation)

2 Q. [16:16:35] So to avoid any confusion, we'll spell out the name. S-A-I-K-P-A.

3 Did you have information (Redacted) that Lompondo had attacked Saikpa camp
4 from the start of the training?

5 A. [16:16:59] Well, I have to correct one thing that you said before answering your
6 question. Here you're talking about precision of a geographical, the exact geographical
7 location where the camp was. It could be on a hill and the hill has that name. That's
8 normal. But we, the way in which we gave directions to people, we fixed on the most
9 known place. For your information, for example, Lubanga he's from Bule officially.
10 That's the major centre. When he comes to (Redacted), he's not going to say he's from
11 Bule, nobody knows Bule. It's a little village. It's almost invisible on the map. But he'll
12 say that he comes from Bule. It's not known. So when you speak about -- so he'll say he
13 comes from Bunia because Bule is not known. So when you mention Saikpa, that really
14 doesn't affect the fact that it's in the area that we call the area of Mandro.
15 And with regards to the operation that Molondo allegedly carried out in Mandro or in
16 Saikpa, according to you, I have no idea.

17 Q. [16:18:32] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [16:19:02] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [16:19:42] So no information was given to you about the fact that following this

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1 attack training was moved to Katoto; you weren't given that information?

2 A. [16:20:04] I don't have that information, but all I know is that for one reason or
3 another the camp could be opened in a place and it could be closed depending on how
4 events developed. And I think you followed me really well on that point.

5 Q. [16:20:28] And you weren't given information, (Redacted)

6 (Redacted) you weren't told that

7 training had started up again but on a different hill?

8 A. [16:20:45] That's a detail that was never of interest to me. I knew nothing about it.

9 Q. [16:20:53] A bit -- somewhat earlier we spoke about instructors in Mandro. (Redacted)

10 (Redacted) you also mentioned that there were people who arrived from

11 training in Uganda. Do you have any names that you were given with regards to the

12 instructors who were in Mandro?

13 A. [16:21:22] Well, among the instructors that we had at that time, among the Hema

14 who were trained in Uganda, (Redacted) Another

15 commander -- well, there are four names that I don't really remember. (Redacted) is

16 one I can think of.

17 Q. [16:22:04] (Redacted), the

18 same statement as a moment ago you mention that (Speaks English) "Ntaganda did not

19 usually reside in Bunia town (Redacted) but rather on the road to Mandro."

20 (Interpretation) Is that what you said?

21 A. [16:22:35] Correct.

22 Q. [16:22:44] Where did you get this -- or according to your information, where in

23 Mandro did Mr Ntaganda live?

24 A. [16:22:52] (Redacted)

25 (Redacted), I couldn't tell you exactly where

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1 it was.

2 Q. [16:23:14] (Redacted)

3 (Redacted)

4 A. [16:23:30] (Redacted)

5 Q. [16:23:31] (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [16:24:01] (Redacted)

9 Q. [16:24:03] Did you have information when you were in Bunia or before to say that
10 Lompondo and his group had attacked Mandro training camp and that they had attacked
11 the collectivity of Mandro and they thought they had killed Ntaganda at that time?

12 A. [16:24:31] No information on that.

13 Q. [16:24:32] Did you hear people speak about (Redacted)

14 (Redacted), did you hear that the person who was in the APC who thought that

15 Mr Ntaganda had been killed, he was walking around Bunia saying "I've got the hand of

16 Bosco Ntaganda who is dead"? Did you hear that rumour?

17 A. [16:24:58] Never.

18 Q. [16:25:01] (Redacted)?

19 A. [16:25:05] (Redacted)

20 Q. [16:25:07] (Redacted)

21 (Redacted)

22 MR BOURGON: [16:25:25] Mr President, I think although there's five minutes left, I
23 move to a different topic, I think it would be appropriate to stop at this point.

24 PRESIDING JUDGE FREMR: [16:25:31] All right.

25 So now let's move into open session.

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1 (Open session at 4.25 p.m.)

2 THE COURT OFFICER: [16:25:51] We're in open session, Mr President.

3 PRESIDING JUDGE FREMR: [16:25:54] Mr Witness, it concludes your testimony for
4 today, so I thank you very much because I can imagine it was very hard day for you, but I
5 appreciate that you remained concentrated and that you clearly answered all questions
6 put to you. So thank you very much and as yesterday it's my duty to remind you that in
7 the meantime until tomorrow you must not discuss your testimony with anybody else. I
8 guess it's clear to you. So now I'm asking court officer to guide you out of the courtroom.

9 (The witness stands down)

10 PRESIDING JUDGE FREMR: [16:26:49] And last habitual issue, update on timing. So
11 according to my information Mr Bourgon utilised so far 3 hours and 57 minutes, which
12 means that you still have 4 hours and 3 minutes at your disposal. Nevertheless I would
13 like, Mr Bourgon, to ask you for update because you yesterday indicated that it's some
14 chance that you could finish earlier. So in such a case to be ready and prepared to
15 commence testimony of the next witness, what is your estimation at the moment?

16 MR BOURGON: [16:27:29] Mr President, I believe that I will use all the time at my
17 disposal. Thank you.

18 PRESIDING JUDGE FREMR: [16:27:35] All right. So we adjourn now and we will
19 continue tomorrow 9.30.

20 THE COURT OFFICER: [16:27:45] All rise.

21 (The hearing ends in open session at 4.27 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.