

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 Chang-ho Chung

6 Trial Hearing - Courtroom 2

7 Thursday, 15 June 2017

8 (The hearing starts open session at 10.17 a.m.)

9 THE COURT USHER: [10:17:42] All rise.

10 The International Criminal Court is now in session.

11 Please be seated.

12 PRESIDING JUDGE FREMR: [10:17:52] Good morning everybody. Court officer,
13 please call the case.

14 THE COURT OFFICER: [10:18:21] 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: [10:18:38] Thank you.

19 Now appearances please.

20 MS SAMSON: [10:19:05] Good morning, Mr President. And good morning, your
21 Honours. The Prosecution team today is the same as it was yesterday, with one
22 exception; Ms Kristy Sim has left the courtroom and Mr James Pace has joined.

23 PRESIDING JUDGE FREMR: [10:19:18] Thank you, Ms Samson.

24 Defence, please.

25 MR BOURGON: [10:19:21] (Interpretation) Thank you, Mr President. Apart from

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Mr Bosco Ntaganda, who is not on the Defence bench today, the composition of the
2 Defence team remains the same. Thank you.

3 PRESIDING JUDGE FREMR: [10:19:37] But I have to say for the record that he's not
4 on the Defence bench, but he's present and he's now sitting in the witness bench.

5 And as concerns legal representatives, I see no changes; am I right? Okay,
6 confirmed.

7 So we can continue with examination of Mr Ntaganda.

8 Mr Ntaganda, it's my legal duty to remind you that you are still under oath, which
9 means that you have to speak the truth and nothing but the truth. Is it clear to you?

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

11 (The witness speaks Swahili)

12 MR NTAGANDA: [10:20:22] (Interpretation) Yes, Mr President.

13 PRESIDING JUDGE FREMR: [10:20:26] And I don't see any need to repeat my
14 guidance concerning practical matters, because you perfectly obeyed that yesterday.

15 And one reminder, because of the hearing which had been conducted before this
16 session, this session will be shorter, so we will have to finish this session at 11, 11
17 o'clock.

18 Now, Mr Bourgon, you have the floor.

19 MR BOURGON: [10:20:55] Thank you, Mr President.

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

21 Q. [10:21:08] Good morning, Mr Ntaganda. How are you doing this morning?

22 A. [10:21:12] Good morning. I'm fine. Thank you.

23 Q. [10:21:21] Mr Ntaganda, we are going to continue with your testimony from
24 where we stopped yesterday. You told us that you were an RSM in a training centre
25 in spite of your young age. And while speaking about the duties of the RSM, you

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 used two other words that I will cover with you. You mentioned CSM. What is a
2 CSM in the training centre?

3 A. [10:22:03] The CSM is an acronym used in the training centre. There is RSM
4 and then SSM. These are all abbreviations. SSM is school sergeant major.
5 When you have RSMs in training, all the authorities report to the SSM, the school
6 sergeant major.

7 Q. [10:22:58] It is likely that there was a problem of translation between the SSM
8 and CSM. My problem, my question, Mr Ntaganda, was to know what CSM means.

9 A. [10:23:21] I believe that your question was not correctly translated. SSM,
10 school sergeant major, I believe it was wrongly indicated.

11 Q. [10:23:42] Do you know any position known as CSM which you mentioned
12 yesterday?

13 A. [10:23:51] I cannot answer your question. I do not quite understand you,
14 counsel.

15 Q. [10:24:03] Yesterday we were talking about your position, which was RSM,
16 Romeo Sierra Mike. But you mentioned two other positions, SSM, and you have just
17 explained it this morning, school sergeant major. But you also mentioned CSM,
18 Charlie Sierra Mike. Do you know what that means?

19 A. [10:24:34] Yes. Company sergeant major. This is the person responsible for
20 instructors in the company. He is responsible for discipline within the company.

21 Q. [10:25:00] And when I talk about company sergeant major, is he higher or lower
22 in rank than the RSM?

23 A. [10:25:15] He is lower in rank. The regiment sergeant major is responsible for
24 three company sergeant majors. So the CSM is a subordinate to the RSM.

25 Q. [10:25:46] And when you talk about school sergeant major, is it lower or higher

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 in rank than the regiment sergeant major?

2 A. [10:25:59] SSM is responsible for the RSMs who report to the school sergeant
3 major, so school sergeant major is above the regiment sergeant major, who is the
4 deputy of the SSM.

5 Q. [10:26:41] And when you talk about the company sergeant major, regiment
6 sergeant major and school sergeant major, are these officers or non-commissioned
7 officers?

8 A. [10:26:58] These are non-commissioned officers. You have the SSM, who is a
9 non-commissioned officer. He can be responsible for the other non-commissioned
10 officers and he's responsible for senior warrant officers. So all these people are
11 non-commissioned officers.

12 Q. [10:27:31] One last question before moving onto something else. You have said
13 that you were responsible for a regiment as a regiment sergeant major. Now, the
14 notion of regiment, is that something that is applicable in all training centres, as far as
15 you know?

16 A. [10:28:00] As you know, I underwent training modelled on the British system.
17 I do not know whether in other training systems such as the Belgian and French
18 systems the structure is the same, but I went through the British style of training. In
19 the infantry, we do not talk about regiments. We mention that only within the
20 training centres.

21 Q. [10:28:44] The purpose of my question is this, can you explain the difference
22 between the regiment within the training centre and the meaning of the word when
23 you use it in the infantry?

24 A. [10:29:10] The British based system includes regiments which is different in the
25 training centres. In the infantry there is no mention of regiments.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [10:29:31] What is the unit of the infantry which is of a similar size as the
2 regiment in the training centre?

3 A. [10:29:44] It is the battalion, a battalion which is made up of three companies.
4 Regiments are also made up of three companies.

5 Q. [10:29:58] Let us move on to something else, Mr Ntaganda. After two years as
6 an instructor and RSM, what did you do? That is, as a follow-up to your military
7 career.

8 A. [10:30:29] After having served as RSM, I was deployed to the infantry and I was
9 sent on mission to stop the genocide that was taking place in Rwanda.

10 Q. [10:30:47] What position were you given at that time and in which location?

11 A. [10:31:02] First of all, I was a non-commissioned officer, and I was a platoon
12 commander. At that time I had also become an officer in the infantry in the battalion.
13 I was a warrant officer -- rather, sub-lieutenant, rather, and then subsequently I went
14 to Kigali to put an end to the genocide. And at that time we were fighting the
15 génocidaire.

16 Q. [10:31:45] You have just said that you became a sub-lieutenant and a platoon
17 commander. Would that be the normal progression for a soldier or was this
18 exceptional?

19 A. [10:32:02] It wasn't exceptional. It was normal.

20 Q. [10:32:24] Can you tell the Court a little bit about your involvement in fighting
21 the génocidaire. How did that happen?

22 A. [10:32:42] I have a lot to say on that topic, but I am going to be brief. The first
23 thing I want to say is that when we went there we noticed that there were dead
24 bodies along all the roads that we travelled on. There were dead bodies everywhere,
25 on all the roads. There were dead bodies piled on top of each other, many dead

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 bodies. Whether you were using a motorable road or a footpath, there were dead
2 bodies everywhere.

3 I do recall that we were expected to fight the enemy and rescue any survivors. It
4 was a very difficult mission. I do recall that when we came across heaps of dead
5 bodies, there were so many dead bodies that we even found some people who had
6 been left in those piles although they were simply injured. And so we tried as much
7 as we could to save those who were still trying to survive.

8 We did not have the necessary tools or equipment for that work. And there was a
9 very pungent smell. We were there for about three months. And in Kigali we
10 had -- there was a very, very pungent smell, so pungent that we were unable to even
11 be aware of that pungent smell. We had lost the sense of smell. The dogs were
12 having a field day. They were celebrating. There was so much for them to eat.

13 And I do recall that at some point we had to dig a mass grave -- mass graves. We
14 used a number of digging machines to be able to create these mass graves and dump
15 the dead bodies into those mass graves. And it even happened that some people
16 who were still alive were dumped into the mass graves and you could hear people
17 shouting around these mass graves. There were some people who were shouting
18 and screaming and people had spent a number of days without food. Some people
19 were in the mass graves who were still alive and we didn't even have ropes to rescue
20 them, to get them out of the graves. And it was really quite sad to see these people
21 and be unable to help them.

22 I do remember that we went to Rusumo once and there was a battalion commander,
23 his name is Wajiri (phon), he is now deceased. Now, we went along with him to that
24 place, which is at the borders between Rwanda and Tanzania. There was a
25 commander in Rusumo, and there is a river which is called Nyabarongo, which runs

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 through that area. We saw dead bodies, many dead bodies floating on that river.
2 I do remember this very brave warrior who was a commander who loved to exercise.
3 On that day I saw him crying. I saw tears running down his face. And for a very
4 long time it had been said that the Tutsis will be dumped into the Nyabarongo, which
5 empties into the Nile and then on to Ethiopia.
6 I do recall as well one incident when we chased off the génocidaire and took control
7 of Kigali. On that day I went to visit my sister and I saw a young man, a family
8 member, my nephew, who took me and showed me the place where my entire -- an
9 entire house had been torched. There were people in that house. Petrol was
10 doused on the house. And there were dead people in the house. I even saw the
11 dead body of my sister.
12 Then her son was lying behind her and he too was dead. That is something I will
13 never forget, never.
14 Now, counsel, that was a horrible thing and I really don't want to speak about this
15 anymore.
16 THE INTERPRETER: [10:38:57] Message from the Swahili booth: Mr President,
17 could the witness be asked to slow down.
18 PRESIDING JUDGE FREMR: [10:39:06] Yes.
19 Mr Bourgon, I have to intervene.
20 First of all, Mr Ntaganda, I know that it was very emotional part of the testimony, but
21 there we got a message from the interpreters' booth that they would like to ask you to
22 speak a little bit, slow down a bit, because otherwise they would have problem to
23 translate everything precisely. So please have it in mind.
24 And in this connection, I don't want to touch the very sensitive topic you mentioned
25 at the end of your last answer, but would like to give you a more general question

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 concerning your involvement in fighting.

2 You said that you, as a rebel army, you were fighting enemy or those who committed
3 genocide. How did you recognise your enemy? Because according my experience,
4 I also have some experience with Rwandan genocide, it was not only committed by
5 armed forces, but even mostly by civilians. So how did you, when you were going
6 through Rwanda, how did you recognise who was your enemy?

7 MR NTAGANDA: [10:40:28] (Interpretation) Mr President, I want to talk about the
8 area where I fought. And I'm referring to the ex-FAR, which no longer exists. The
9 Rwandan forces used to wear tache-tache military uniforms. The FDLR génocidaire
10 were dressed in civilian attire, sometimes red in colour. They had specific civilian
11 attires which were designed for them. These are the people who were mostly
12 involved in the killings, and they were trained. There were many of them.
13 Now, those people had as mission to kill and to kill quickly. Now, we were
14 involved in fighting against the army, the ex-FAR and the Interahamwe who were
15 involved in those killings. That's what happened, Mr President.

16 PRESIDING JUDGE FREMR: [10:41:45] Thank you, Mr Ntaganda.

17 Mr Bourgon, you may proceed.

18 MR BOURGON: [10:41:57] (Interpretation) Thank you, Mr President.

19 Q. [10:41:59] Mr Ntaganda, I have a correction which I would like to make because
20 I believe that in the transcript, and I'm referring here, for the benefit of my colleagues,
21 to the English transcript at page 7, line 19, lines 19 to 21.

22 Now, what we see here on the transcript, I'll read it out to you in English and then it
23 will be interpreted for you and you'll tell me whether that is exactly what you said.

24 The words are as follows: (Speaks English) "And I do recall at some point we had to
25 dig a mass grave."

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 (Interpretation) Mr Ntaganda, were you the ones who dug the mass graves?

2 A. [10:43:05] Well, what I said is that we found some areas where graves had been
3 dug using excavators, very deep holes, one would say, very, very deep holes into
4 which people were dumped. It is the enemies we were fighting against who dug
5 those holes or mass graves. We didn't have time and we didn't have the equipment
6 for digging such graves, because as you know, the victims of the genocide, even today,
7 there are still a number of holes that one can identify even in churches.

8 Q. [10:43:55] Thank you. Let's move on to another line of questioning. You just
9 stated that by the time you went to Kigali you were a platoon commander. Can you
10 explain to the Court the various military units that make up an army, and I want you
11 to go from the lowest unit to the highest unit of the army. What are the various units,
12 military units?

13 A. [10:44:26] The smallest unit is a section. Then you go up to the platoon,
14 followed by the company, and then you go up to the battalion. And further up you
15 have a brigade, and I think that is the highest unit of the army.

16 Q. [10:45:06] How many soldiers would you have in a section?

17 A. [10:45:14] Generally there are 12 soldiers in a section.

18 Q. [10:45:24] How many sections are there in a platoon?

19 A. [10:45:30] There are three sections in a platoon.

20 Q. [10:45:46] Can those figures change when you go from one armed forces to
21 another, particularly referring to the British system which you are familiar with?

22 A. [10:45:57] Yes, the figures can change. In some divisions you may have three
23 brigades, three brigades which make up a division. And in other armies you can
24 have different structures. In some cases you might have four battalions in a brigade.

25 Q. [10:46:29] As far as you know, how many platoons are there in a company?

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 A. [10:46:36] Is your question relating to the number of platoons in a company? I
2 would think that there are three.

3 Q. [10:46:56] Are you familiar with the expression "organic company"?

4 A. [10:47:04] Yes, yes, yes, I am. I am familiar with that expression.

5 Q. [10:47:15] What is it? What does it mean?

6 A. [10:47:20] It refers to three platoons making up a company, and I happen to
7 have had one myself at some point.

8 Q. [10:47:34] So am I to understand that three platoons make up an organic
9 company? Is that what you are saying?

10 A. [10:47:42] Yes.

11 Q. [10:47:42] And how many soldiers are there in an organic company?

12 A. [10:47:56] Thirty-six times three, 108 soldiers, I believe.

13 Q. [10:48:10] That figure, 108, is it always respected or can it vary?

14 A. [10:48:18] It can change depending on the circumstances.

15 Q. [10:48:29] How many companies are there in a battalion?

16 A. [10:48:38] There are three companies in a battalion as well.

17 Q. [10:48:52] Now, the brigade which you referred to as being the highest unit, how
18 many battalions would there be in a brigade?

19 A. [10:49:04] There are three battalions in a brigade.

20 Q. [10:49:10] Mr Ntaganda, where did you learn about all those figures and all
21 those names?

22 A. [10:49:20] I received military training, and I was a military instructor myself.
23 That was my job.

24 Q. [10:49:41] Mr Ntaganda, if I were to ask you to provide us with an illustration,
25 or a diagram, or the flow chart, or the organisation of a brigade, would you be able to

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 do that on the board next to you?

2 A. [10:50:06] Yes. I am able to do that and to do that properly.

3 MR BOURGON: [10:50:12] (Interpretation) Mr President, I seek leave from you to
4 authorise the witness to go to the board and draw the structure of a brigade as he has
5 indicated.

6 PRESIDING JUDGE FREMR: [10:50:26] All right.

7 Court officer, please assist, if it's necessary.

8 THE COURT OFFICER: [10:50:36] The document will be showing on the evidence 2
9 channel.

10 MR BOURGON: [10:50:59] (Interpretation)

11 Q. [10:51:02] Mr Ntaganda, please, you can look at me and I'll put a question to you
12 before you start. And you can also look at the judges. I have a question for you:

13 Have you ever used this board before, Mr Ntaganda?

14 A. [10:51:23] Are you talking about this board before me?

15 Q. [10:51:29] Yes, that's it.

16 A. [10:51:32] Yes. One day we came here for purposes of familiarising me with
17 this board, and you showed me how to use it.

18 Q. [10:51:43] Do you remember the day? When was it?

19 A. [10:51:49] It was the day before yesterday, before I began testifying yesterday.

20 Q. [10:52:04] Now I would like to ask you to draw the organigram or the
21 organisation chart which I asked you to do, and then thereafter I will put a few
22 questions to you as you answer to the Judge and proceed as the Judge instructed you
23 yesterday. Do you remember?

24 A. [10:52:27] Yes, I do, I do. Yes, I do. But this is the first time I'm trying to do
25 this before you here.

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 This is the structure of a brigade.

2 Q. [10:54:46] Can you explain to us what you have written on the board?

3 A. [10:54:54] Yes.

4 Mr President, the structure of a brigade is as follows: Here we have brigade CO, and

5 you have three battalions under the brigade. So you have each of those CO

6 battalions reporting to the brigade CO. That is the hierarchical structure for

7 transmitting reports to hierarchy. This is the hierarchical structure from the

8 battalion commander to the brigade commander.

9 Q. [10:55:41] What does CO stand for?

10 A. [10:55:46] CO, or battalion CO stands for commanding officer. CO, battalion

11 CO is commanding officer of a battalion.

12 Q. [10:56:04] If you take the battalion in the middle, what would appear below, if

13 we are going further down in the structure, what would appear below the battalion?

14 A. [10:56:19] I can draw three companies under that battalion.

15 Q. [10:56:24] Please do so. Let's take the battalion in the middle and proceed in

16 that manner.

17 Mr Ntaganda, what does coy stand for?

18 A. [10:58:01] Coy stands for company in English. That's the abbreviation for

19 company in English. That is what we used as an abbreviation for company in

20 English.

21 Q. [10:58:17] Mr Ntaganda, can you take one of the companies and then indicate

22 below that company what structure appears below a company. Maybe you want to

23 use another colour. You can take any, any colour from the electronic board.

24 A. [10:59:43] This stands for platoon, three platoons under a company.

25 Q. [10:59:56] Mr Ntaganda, if I wanted to go one structure further down, would it

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 be the same principle that would apply going down from the platoon?

2 A. [11:00:10] Yes, yes, it's the same, the same thing, the same principle. If I went
3 further down, under each platoon there will be three sections. And that's the lowest
4 unit.

5 Q. [11:00:33] Mr Ntaganda, a short while ago you said that in an organic company
6 there are three times 33 (sic) soldiers, meaning 108. Now, can you put the figure of
7 108 next to one of those boxes representing the company.

8 Mr Ntaganda, I'd just like to ask you now, in the lower right-hand corner of this chart,
9 could you place today's date, 15 June 2017. If you could do that for us, please.

10 MR BOURGON: [11:02:07] Mr President, I just note for the record that the transcript
11 appears to have a mistake. In my last question I said three times 36, but the
12 transcript indicates three times 33. I will ask Mr Ntaganda again, but that was my
13 question.

14 Q. [11:02:24] Was that three times 33 or three times 36, Witness?

15 A. [11:02:38] Thirty-six times three.

16 Q. [11:02:52] Thank you, sir.

17 Now, unless the Chamber has any further questions in this regard, I'd now like to ask
18 you to go back to your seat.

19 MR BOURGON: [11:03:05] Mr President, I would like to have this exhibit admitted
20 pursuant to the system that has been established. My colleague will record the
21 exhibit, and it is immediately transferred to the Chamber Registry officer. It's my
22 understanding that the Prosecution has been informed of this, the working of this
23 chart. I'd like to have this admitted into evidence.

24 PRESIDING JUDGE FREMR: [11:03:32] Court officer, could you confirm that what
25 Mr Bourgon said is fine with you.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

- 1 THE COURT OFFICER: [11:03:39] Yes, indeed, it is fine. We have agreed with the
- 2 Defence team on how to save the documents and how to upload them in eCourt.
- 3 And upon your decision, we will attribute a DRC-REG number that we could place
- 4 on the record every day.
- 5 PRESIDING JUDGE FREMR: [11:03:58] So now Prosecution, any objection against
- 6 admission of this organigram?
- 7 MS SAMSON: [11:04:06] No, Mr President.
- 8 PRESIDING JUDGE FREMR: [11:04:07] All right then.
- 9 So this organigram is admitted into evidence as a further Defence exhibit.
- 10 And thank you, Mr Ntaganda, because it really facilitates our understanding of the
- 11 structure.
- 12 Now, Mr Bourgon, we should break, so is it okay with you?
- 13 No, no problem.
- 14 MR BOURGON: [11:04:27] No. I was under the impression it was 11.30. But yes,
- 15 absolutely, Mr President, my mistake.
- 16 PRESIDING JUDGE FREMR: [11:04:34] All right. So we will now take our regular
- 17 break. And since it is 11.05, we will resume at 11.35.
- 18 THE COURT USHER: [11:04:42] All rise.
- 19 (Recess taken at 11.04 a.m.)
- 20 (Upon resuming in open session at 11.35 a.m.)
- 21 THE COURT USHER: [11:35:48] All rise.
- 22 Please be seated.
- 23 PRESIDING JUDGE FREMR: [11:36:17] This session we are going to continue with
- 24 examination-in-chief of Mr Ntaganda conducted by Defence counsel Mr Bourgon.
- 25 Mr Bourgon, please proceed.

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 MR BOURGON: [11:36:33] (Interpretation) Thank you, your Honour.

2 Q. [11:36:39] Mr Ntaganda, now, you explained to us how a brigade is made up
3 and how it operates. Let's now move to another topic. You told us that you fought
4 against the génocidaire in Kigali. Do you remember when Kigali was freed by the
5 Rwandan Patriotic Army?

6 A. [11:37:11] Yes, I do remember. We liberated Kigali in July. Unless I'm
7 mistaken, it was the 4th, 1994.

8 Q. [11:37:34] Now, when you liberated Kigali, what happened to your group, the
9 APR, and the Rwandan Patriotic Forces?

10 A. [11:38:01] The APR became the regular army of the country, the government
11 army.

12 Q. [11:38:10] (No interpretation)

13 THE INTERPRETER: [11:38:26] Message from the interpreter: Could Defence
14 counsel please repeat his question.

15 MR NTAGANDA: [11:38:35] (Interpretation) I remember that I left the infantry
16 because a great many former FAR members were integrated, and I was taken to a
17 place, and I received training on how to transmit this new ideology to the former
18 soldiers, and then I was transferred to --

19 MR BOURGON: (Interpretation)

20 Q. [11:39:17] What was the purpose of that training at the Gako centre? Who are
21 the ex-FAR and why did you do this training?

22 A. [11:39:27] After the country was liberated, a great many former FAR soldiers
23 fled to Zaire, the former Zaire, that is to say the country now known as the DRC, and
24 other people went with them. But other ex-FAR members joined the APR and so
25 they needed to be taught the new ideology of the FPR because they had the

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 Interahamwe ideology. And since they were Rwandans like us, after joining the new
2 army, they had to be taught the new ideology, which was different to the ideology of
3 the people responsible for the genocide. I remember we received very strict
4 instructions. We were asked not to reprimand them, not to take vengeance upon
5 them, even -- not even verbally. We were to befriend them. I do remember that
6 there were some political and military leaders, enough of them to teach these former
7 FAR members the -- to teach them the new ideology.

8 Q. [11:41:12] What was the main difference between the new ideology and the
9 former ideology?

10 A. [11:41:25] The defeated government's ideology, I remember that the government
11 was a genocide government that killed a great many people. The FPR and the APR
12 who had just freed the country had a new ideology, namely, their aim was to unite
13 people and to repair the damage done.

14 I wasn't a politician, but I'm telling you about, about the army. Our mission was to
15 integrate the former FAR members and to make a single army. And the ideology
16 was to liberate the people of Rwanda without discrimination. That was the purpose
17 of the training in Gako. It was so that these people could join the new system, which
18 was different to the old situation that they were part of because. Because, you see,
19 they had received different training, namely, the training of the Belgians and the
20 French. But we had a different kind of training. We had been trained in the British
21 manner. So it was a matter of bringing them up to our level and they needed to
22 understand their role, namely, ensuring the safety of the country and the safety of the
23 general population.

24 They had failed in that mission. They had killed people. They had looted goods.
25 So, you see, the two ideologies were really and truly completely different.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [11:43:39] Now, how long did you stay at the Gako centre doing training?

2 A. [11:43:57] I remember that I went to Gako in July 1994 and I stayed until 1996.

3 And then at that time I left and I went and took part in the liberation of Zaire, driving
4 out the dictator Mobutu. So I stayed in Gako for two years.

5 Q. [11:44:51] Can you explain to us the context. You were in the RPR and then
6 you left to fight Mobutu. Was that a personal decision? Was it an assignment of
7 some kind? What happened exactly?

8 A. [11:45:08] It wasn't a personal decision. However, it was something that I
9 wanted to do. Kabila, the father, Kabila senior, the father of the current president,
10 was a maquisard, and that was the case ever since the 1960s. He began a rebellion
11 called Mulele. And that particular rebel movement did not reach its objectives.
12 Che Guevara came and joined up with them, but that alliance did not go anywhere.
13 When the plan of attack was initiated, I didn't know about all of that. All I knew was
14 he, he had received assistance from Tanzania and Rwanda. I was part of the
15 Rwandan army. So I truly wanted to join this rebel movement and drive out the
16 dictator Mobutu. When we drove out the Interahamwe and the former FAR
17 members they went to the eastern part of the Congo. The members of our families,
18 well, my family, Tutsi people from northern Kivu, were driven out. Some even died
19 there.

20 So they wanted to drive the Tutsi out of the Kivu, and people wanted to take over
21 control of that part of the country. A great many Tutsi refugees ended up in camps
22 in Rwanda.

23 You see, Masisi was like Switzerland, the Switzerland of Africa. Our family
24 members came to Rwanda and they were put in refugee camps. That is why I
25 wanted to take part in the rebel movement to drive out Mobutu.

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 Did you want to know whether I took part in that rebel movement of my own volition?

2 Now, I wanted to take part because my family members -- because I was

3 chosen -- because, you see, I was from the Congo.

4 Q. [11:48:18] And this rebel movement that supported Kabila senior, does that
5 particular group or movement have a name?

6 A. [11:48:32] The FDL -- l'AFDL.

7 Q. [11:48:42] Could you be more specific of the movement you just mentioned?

8 A. [11:48:53] AFDL.

9 Q. [11:49:03] And do you know what those letters stand for, what the acronym
10 means?

11 A. [11:49:12] I've forgotten the meaning of the acronym. But I do know that A
12 stands for alliance, alliance of the forces, of the liberation forces. That's what it
13 stands for.

14 Q. [11:49:38] And what country was represented within the AFDL?

15 A. [11:49:49] There was Tanzania, Uganda, Rwanda, all those countries took part.

16 Q. [11:50:09] Now, a bit earlier you mentioned that you had been chosen because
17 you had lived in -- I'm looking for the exact name of the location. The reason for
18 your being chosen and others from Rwanda, what were those reasons exactly?

19 A. [11:50:38] I think that the interpreter has misunderstood. Now, you said that
20 natives of Rwanda were chosen. But that's not what I said. That's not what I said.

21 Q. [11:51:10] Why were you chosen? What was the reason?

22 A. [11:51:20] All I know is that some people are very familiar with the Congo, and I
23 was one of them; but other people had left without really knowing the topography of
24 the Congo. They had just gone to help Kabila.

25 As for myself, I had been chosen because I knew the Congo well, particularly the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 eastern part. I didn't know the west, but I did know the east.

2 Q. [11:52:05] And when you joined the AFDL, were you still also a member of the
3 national army of Rwanda?

4 A. [11:52:23] When we went to the Congo I knew that I was going back home and I
5 was no longer going to go back to Rwanda. And, well, in light of what had
6 happened, I was not going to be going back to Rwanda, never again.

7 Q. [11:52:52] And did the AFDL exist in its own right, or was it a group of units or
8 armies brought together; do you know?

9 A. [11:53:07] We got to the Congo and we took control of certain areas and we
10 formed -- we trained the members of the AFDL. They didn't have experience, you
11 see. Their allies helped them, particularly the Ugandans and the Rwandans. I
12 remember that the current president Kabila, President Kabila was part of our group.
13 He was still a young man at the time. I saw him.

14 Q. [11:54:04] And what uniform were you wearing at the time?

15 A. [11:54:07] Well, myself, I didn't know where the uniforms came from. I just
16 saw that we had been brought brand new uniforms. They were not Rwandan
17 uniforms. They were uniforms worn by the new rebels, the people who were
18 opposed to Mobutu's army.

19 Q. [11:54:43] Do you know why you didn't continue to wear the uniform of the
20 Rwandan army at that time?

21 A. [11:54:58] We were no longer part of the Patriotic Army of Rwanda. When I
22 was part of the Patriotic Army of Rwanda I had my salary, but it stopped as soon as I
23 joined the APR.

24 Q. [11:55:27] And who was paying your salary when you were in the FDL?

25 THE INTERPRETER: [11:55:36] Correction: AFDL.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR NTAGANDA: [11:55:43] (Interpretation) Well, going by my experience in
2 various rebel movements, I never saw any rebels getting paid a salary. The
3 rebels -- well, rebels aren't paid. They do what they do, particularly in Africa. They
4 get by one way or another. You are a rebel and if you get paid, well, that's a surprise,
5 because normally there's no salary within rebel groups.

6 MR BOURGON: (Interpretation)

7 Q. [11:56:38] Mr Ntaganda, please explain to us why you agreed to leave the
8 national army of Rwanda with a uniform and a salary to join a rebel movement with a
9 different uniform and no salary. Can you explain that to us?

10 A. [11:56:54] First of all, I was happy, happy about going back to the Congo. I
11 thought it was an opportunity to bring back family members who had fled the
12 country and who were living in another country. I myself thought our region to be
13 like Switzerland, Masisi region, that is a beautiful area. Our families had many cattle,
14 and they were people who had been able to live there without any problems. All
15 those people fled leaving behind their cattle, who were killed by the former FAR
16 members.

17 Myself, well, I was not at peace. I couldn't sleep. Even when I was in Rwanda I
18 was not at peace. I wanted Congo to be liberated. That is why I couldn't even
19 consider things like -- when I was part of the FAR I wasn't thinking about salaries.

20 My objective was to liberate the country. That was my only aim.

21 I had heard about the histories of great revolutionaries in Rwanda, Mozambique, and
22 others much older who had -- who were an example. They had fought during the
23 Second World War. I remember that they would come at night and they would tell
24 us what had happened to them. When I did the training to become an instructor,
25 they would say "Why not Africa?" That was the English expression that I heard for

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 the first time. And they would say "Why not Africa? Why would Africa not be
2 liberated? Why not?"

3 So these revolutionaries fought to drive out dictators. That is why I wanted to do
4 what I did and I didn't even think about things like salaries.

5 Q. [12:00:04] Talking about dictators, you mentioned the name of Mobutu a short
6 while ago. What happened to Mobutu and to the AFDL?

7 A. [12:00:35] We chased out Mobutu without any difficulty at all. The Congolese
8 or Zairean population had really had enough. They were fed up with Mobutu.

9 What really tired us out was to travel from the east to Kinshasa on foot. We spent
10 seven months in order to reach Kinshasa.

11 I took part in the training of the AFDL, so I would say that Mobutu was chased out
12 very easily.

13 Q. [12:01:29] You have just said that you took part in the training. Now, did you
14 take part in the fighting between the AFDL and Mobutu's regime?

15 A. [12:01:48] I did not take part in the fighting to overthrow Mobutu. Our duty
16 was to train the soldiers to send to the front within the infantry, so I did not take part
17 in the fight being carried out by the AFDL.

18 Q. [12:02:23] This training that you were conducting, where did it take place and
19 what was your role?

20 A. [12:02:40] When we were trained in Gako we were training the ex-FAR and I
21 increased my level as an instructor. And when it came to the AFDL I had the
22 position of CI. I went to the South Kivu region. We started training soldiers. And
23 when we completed that training I had reached the rank of chief instructor.

24 Q. [12:03:49] And where precisely did this training take place? You mentioned
25 South Kivu. Do you remember the name of the camp in which you carried out the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 training?

2 A. [12:04:10] The training started in Kamanyora, but it was at a place specifically
3 known as Lemera. The training started in Kamanyora and then later on in Lemera.

4 Q. [12:04:41] You say that you became a CI or chief instructor. Now, what is the
5 role of a CI in a training centre?

6 A. [12:04:56] In a training centre, the chief instructor based on the organisation of
7 the army to which I belonged and which was modelled on the British army, there was
8 the commander, followed by the chief instructor, who was the number two.

9 Q. [12:05:27] What is the role of the number two? I believe that is the expression
10 that you used. Is there a specific name for that position?

11 A. [12:05:54] Yes. He is a member of the general staff. He is answerable to the
12 commander. And in the absence of the commander, he is the interim commander.
13 So in any organisation the leader has a deputy. That is how things are organised for
14 things to work properly.

15 Q. [12:06:21] Are you familiar with the word "2IC", the terminology 2IC?

16 A. [12:06:34] Yes. This is a term that we used in the army. 2IC means deputy.

17 Q. [12:06:56] Is there a difference between the CI, that is the chief instructor, and
18 the 2IC?

19 A. [12:07:09] It is one and the same thing.

20 Q. [12:07:11] What happened to the AFDL once Mobutu was overthrown?

21 A. [12:07:32] The AFDL set up a government army because they were the ones now
22 in control of the country.

23 Q. [12:07:57] And who was the commander of the AFDL before Mobutu was
24 chased out?

25 A. [12:08:08] Laurent Désiré Kabila.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:08:27] Before talking about what you did subsequently, what year are we
2 talking about, that is when the AFDL became the national army of Congo, which year
3 specifically?

4 A. [12:08:49] This was 1997.

5 Q. [12:08:55] In light of your answers, if I understood you correctly, in '91 you
6 joined the army at 17 years old, and in 1997 you had risen from recruit to sergeant, to
7 regimental sergeant major to platoon commander, and then to chief instructor; is that
8 a correct summary of what you told us in your testimony?

9 A. [12:09:33] Yes, indeed.

10 Q. [12:09:43] Now, what happened with your military career at that time, that is
11 during the period when you were chief instructor, where did you go from there?

12 A. [12:10:03] I went to Kamina for a short period. And after Kamina we went to
13 Kasapa Lubumbashi.

14 Q. [12:10:25] And what did you do in Kamina?

15 A. [12:10:33] There was a training camp in Kamina, a large camp, but we did not
16 stay there for long. We went to Kasapa, in Lubumbashi, for training and I was also
17 the chief instructor there.

18 Q. [12:11:03] As the chief instructor in Lubumbashi, how many recruits were there?

19 A. [12:11:21] We did not only train recruits. It is like what happened in Gako.
20 We trained the former Congolese army, the FAZ, including our own kadogos,
21 including Kabila also. We called them the kadogo force. So we marched the
22 ex-FAZ and the kadogos to form a single force. So even today they say that the
23 AFDL was made up of kadogos.

24 Q. [12:12:08] When you talk about kadogo, during this training, what were you
25 referring to specifically?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [12:12:15] Even today if you have done any research or investigations in Congo,
2 everyone knows that the Kabila army that launched an attack in Congo was referred
3 to as the kadogo army. Even when they took over power, it was said that the
4 kadogo army had taken over power in Congo. I don't know the reason for that.
5 Even Kabila did not oppose that name. I did not seek to find out why. The ex-FAZ
6 soldiers were marched with the kadogo so as to make them follow the same system,
7 the same way that we had done in Gako.
8 Congo is a large country. There were several training centres. So we brought
9 together the kadogo and the ex-FAZ and merged them together. That is what
10 happened when Mobutu fled the country. All the elements were put together,
11 including the kadogo force, both the foot soldiers and the ex-FAZ.

12 Q. [12:14:01] When you talk about kadogo, are you talking about a size, height,
13 origin, what are you referring to, or rather, age, what are you referring to?

14 A. [12:14:16] This is what I can say. When people are in a rebellion, these are thin
15 people, because a rebellion is not easy to carry out. They're not so thin as to run the
16 risk of dying, but they go through difficult periods, they carry heavy loads, they do
17 not sleep well and they engage in battle. You can even lose 60 kilograms. If you
18 weigh 80 kilograms, you can lose 60 kilograms and weigh 20 kilograms but they still
19 remain solid and cover huge distances.

20 Yesterday I talked to you about kibonges. We could not be kibonges because of that
21 situation. That is why we were referred to as kadogos, because we were thin
22 because of the situation at that time.

23 Q. [12:15:38] And were you part of those kadogos?

24 A. [12:15:41] I have already told you that Kabila was a kadogo despite being quite
25 pudgy or big. The kibonges were small. The kadogos were more numerous. The

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 army was made up of many people. The president could travel in a plane, so he did
2 not lose any weight. But he was still a kadogo. I was also a kadogo because I
3 carried out a training every day. And you know that the task of an instructor is not
4 easy, you cannot gain weight while carrying out this task.

5 Q. [12:16:34] And where did you go to after Lubumbashi?

6 A. [12:16:43] The Lubumbashi centre was closed down after we trained the ex-FAZ
7 and the kadogo. After that I went to Kinshasa.

8 Q. [12:17:06] Were you still a member of the army in Kinshasa, and what was your
9 position?

10 A. [12:17:13] Yes. I went there with the other instructors because the training
11 centre had been closed down. I took all the instructors to Kinshasa where we
12 integrated the army. And I was a member of an infantry company. I was the
13 commander of a company.

14 Q. [12:17:42] I was going to ask you that question. You mean you were a
15 commander of an infantry company?

16 A. [12:17:58] We left the training centre, and I took all the instructors. We went to
17 Kinshasa by train. We left the training centre and joined the infantry, it was in a
18 battalion, and that is where I was appointed company commander.

19 MR BOURGON: [12:18:31] Mr President, if I can, with your leave, move into private
20 session, please.

21 PRESIDING JUDGE FREMR: [12:18:34] All right.

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

23 (Private session at 12.18 p.m.) *(Reclassified partially in public)

24 THE COURT OFFICER: [12:18:47] We're in private session, Mr President.

25 PRESIDING JUDGE FREMR: [12:18:55] (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 MR BOURGON: [12:18:59] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE FREMR: [12:19:19] (Redacted)

7 MR BOURGON: [12:19:24] (Redacted)

8 Q. [12:19:26] Mr Ntaganda, let us continue. From Kinshasa, where were you
9 assigned to at that time?

10 A. [12:19:37] There was a force that had been prepared to go and fight against the
11 FDR in the east of Congo. I accompanied that force to the south of Kivu. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:20:43] (Redacted)

17 A. [12:20:48] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:21:39] (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [12:21:57] (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR BOURGON: [12:36:55] (Redacted)

5 PRESIDING JUDGE FREMR: [12:36:59] (Redacted)

6 (Redacted)

7 (Open session at 12.37 p.m.)

8 THE COURT OFFICER: [12:37:10] We are back in open session.

9 PRESIDING JUDGE FREMR: [12:37:17] Thank you, court officer.

10 Mr Bourgon, please proceed.

11 MR BOURGON: [12:37:29] (Interpretation) Thank you, Mr President.

12 Q. [12:37:31] Mr Ntaganda, we are now at the time when you were in hiding on the
13 mountain. Now, what happened at that time? Can you tell us which year it was
14 and what happened in the course of your military experience?

15 A. [12:37:50] At that time a communiqué had been released by the Kabila
16 government calling for all Tutsis to be killed wherever they were. All Congolese had
17 been called upon to take up their spears and arrows and machetes and axes and to kill
18 all Tutsis. This was in August 1998.

19 I believe that this press or this release was made on 4 August 1998. It is at that time
20 that the RCD was born.

21 Q. [12:38:59] Mr Ntaganda, what is the RCD?

22 A. [12:39:04] Rassemblement démocratique Congolais, de libération Congolaise
23 démocratique, something like that, the movement for the democracy and liberation of
24 Congo, something like that. I wasn't really very interested in those acronyms. It
25 was something like Rassemblement démocratique de libération Congo, something

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 like that.

2 Q. [12:39:42] Where was this movement based?

3 A. [12:39:45] The movement was created in Goma.

4 Q. [12:40:04] Who were the members of that movement as far as you know, and
5 what were the goals of the movement?

6 A. [12:40:11] Its members were Congolese. They are the ones who created it with
7 the support of Rwanda and Uganda. The founding president of the movement was
8 Wamba Dia Wamba at the very beginning of the movement. That was before
9 Rwanda and Uganda went their separate ways. It was Wamba Dia Wamba who was
10 the leader of the RCD.

11 Q. [12:40:58] What was the purpose of the movement?

12 PRESIDING JUDGE FREMR: [12:41:01] Hold on, Mr Ntaganda.

13 Ms Samson.

14 MS SAMSON: [12:41:06] Yes, Mr President. I object on the basis that the witness is
15 being asked to describe the goals of a movement that to date we don't have
16 information that he belonged to. So the proper foundation in my view has not been
17 established for him to be able to answer that question as yet.

18 PRESIDING JUDGE FREMR: [12:41:26] Mr Bourgon.

19 MR BOURGON: [12:41:29] I can certainly oblige, Mr President.

20 PRESIDING JUDGE FREMR: [12:41:31] All right.

21 MR BOURGON: [12:41:32] (Interpretation)

22 Q. [12:41:33] Mr Ntaganda, did you have the opportunity to belong to or to get to
23 know the RCD?

24 A. [12:41:55] Well, I had been in Goma for a while, but I was not a member of the
25 RCD Goma. However, I was available to offer any services which they might have

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 requested of me since the purpose was to chase out Kabila, the father.

2 Q. [12:42:30] You used the word "disposé" in French and in English I think the
3 word used was "available". Can you explain to us that when you say that you were
4 in Goma and you were available, what do you mean by that?

5 A. [12:42:50] I was an inactive soldier, rather, not a member of the movement.

6 Q. [12:43:13] I would like to clarify because in the English transcript I see that you
7 say here, according to the transcript, but you seem to be saying that you were a
8 member of the RCD. Can you please clarify your answer?

9 A. [12:43:54] I was a member, but I was not an active member. I did not have any
10 duty within the movement. I was part of the movement. They provided me with
11 food and a uniform. I was a member, but I was not active.

12 Q. [12:44:19] Earlier on you said that the purpose or goal was to drive out Kabila.
13 Are we talking about the same Kabila whom you helped to take power in Kinshasa?

14 A. [12:44:37] Yes, it's the same person, yes, the same. The RCD-Goma was
15 fighting him or fighting against him with a view to chasing him out of power.

16 Q. [12:45:02] What happened to the officers who helped Kabila to take power and
17 who were Tutsis, what happened to those officers?

18 A. [12:45:18] After that communiqué or announcement, all the officers who did not
19 belong to the RCD-Goma which had just been created were eliminated, all of them,
20 not only officers, but any Tutsi citizen in Kisangani, Kinshasa, Lubumbashi, all Tutsi
21 civilians, all of them who were not able to escape to the east to Rwanda and to
22 Uganda, all of them were exterminated. A few of them were supported and helped
23 by a number of NGOs to go to some foreign countries. Those were the survivors.
24 But all the others, particularly civilians, were killed. Some of them, however, were
25 saved by NGOs. But when it came to the soldiers, all of them were exterminated.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 Q. [12:46:52] Mr Ntaganda, do you know an officer whose name was Kabarebe?

2 A. [12:47:02] Yes, I know him.

3 Q. [12:47:06] Who is he?

4 A. [12:47:11] He is an APR soldier.

5 Q. [12:47:32] Was Officer Kabarebe involved in the operations that you talked
6 about to the Court this morning?

7 A. [12:47:45] Yes. He was Joseph Kabila's trainer, the one who is in power today.
8 I used to see him next to Kabila. If there is anyone who is responsible for having
9 trained Kabila, he is the one. It is he who made Kabila into a soldier. I know that
10 he was his very good friend, and he's the one who was his instructor. He trained
11 him. He prepared him to become the chief of general staff upon their return to their
12 country.

13 MR BOURGON: [12:48:31] Mr President, if we can move into private session for a
14 few seconds.

15 PRESIDING JUDGE FREMR: [12:48:34] All right. Court officer, let's move into
16 private session now.

17 (Private session at 12.48 p.m.) *(Reclassified partially in public)

18 THE COURT OFFICER: [12:48:45] We are in private session, Mr President.

19 PRESIDING JUDGE FREMR: [12:48:54] (Redacted)

20 (Redacted)

21 MR BOURGON: [12:48:59] (Interpretation) (Redacted)

22 Q. [12:49:06] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 A. [12:49:39] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:50:52] (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [12:51:11] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:52:23] You have just said that there was a creation of two RCDs. Now, can
18 you spell out the name of the person whom you said was the secretary general of
19 RCD-Kisangani. You said Mbusa Nyamwisi or something like that. Can you write
20 down that name or spell it out, please.

21 A. [12:52:45] Mbusa is spelled M-B-U-S-A, and Nyamwisi is spelled

22 N-Y-A-M-W-I-S-I.

23 Q. [12:53:28] What was Nyamwisi's position?

24 A. [12:53:34] When we went to Kisangani, Nyamwisi was the secretary general
25 working under orders from Wamba Dia Wamba. And I'm referring here to the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 RCD-K/ML and RCD-Kisangani.

2 Q. [12:54:06] So when you went to Kisangani, do you remember the approximate
3 date at which that happened?

4 A. [12:54:15] I believe that it was in the month of August 1999, I was wounded in
5 Kisangani in August 1999.

6 MR BOURGON: [12:55:01] I apologise, Mr President, we should have moved back
7 into public session.

8 PRESIDING JUDGE FREMR: [12:55:06] No problem.

9 So court officer, let's return back into open session.

10 (Open session at 12.55 p.m.)

11 THE COURT OFFICER: [12:55:21] We are in open session.

12 PRESIDING JUDGE FREMR: [12:55:26] Thank you, court officer.

13 Mr Bourgon, please proceed.

14 MR BOURGON: [12:55:31] (Interpretation) Thank you, Mr President.

15 Q. [12:55:35] Mr Ntaganda, following your testimony, we are now with the RCD in
16 Kisangani, and you have told us that Mbusa Nyamwisi was the secretary general and
17 Wamba Dia Wamba was the president. Did you join that movement?

18 A. [12:56:00] I did not ask to join the movement. I was not a politician. I was a
19 soldier. However, I am one of the founding members of the RCD-Goma army. We
20 had all been together right from the beginning of the movement.

21 And in Kisangani someone was in charge of the political branch while I was in charge
22 of the military branch. It was a new army. And I was one of the founding
23 members of RCD-Kisangani, which subsequently became the APC.

24 Q. [12:56:59] You have just referred to the APC, which is the armed wing of the
25 RCD in Kisangani; is that what you said?

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 A. [12:57:11] Yes. When the RCD-Kisangani was created, an armed wing was also
2 set up and it was called the APC.

3 Q. [12:57:30] Now, Mr Ntaganda, in the next part of your testimony, we will be
4 looking at the manner in which you joined the APC and RCD-Kisangani.

5 But I think, Mr President, that this might be a good time for the break as we continue
6 in the next session.

7 PRESIDING JUDGE FREMR: [12:57:59] So we will break now and we will take our
8 regular lunch break, which means that we will resume at half past 2.

9 THE COURT USHER: [12:58:08] All rise.

10 (Recess taken at 12.58 p.m.)

11 (Upon resuming in open session at 2.30 p.m.)

12 THE COURT USHER: [14:30:52] All rise.

13 Please be seated.

14 PRESIDING JUDGE FREMR: [14:31:20] Ms Samson.

15 MS SAMSON: [14:31:21] Mr President, I would just like to note that

16 Mr Eric Iverson is no longer in the courtroom for the Prosecution.

17 PRESIDING JUDGE FREMR: [14:31:28] Thank you, Ms Samson. Otherwise I
18 didn't notice any further change in appearances, so we can smoothly continue with
19 examination-in-chief of Mr Ntaganda, which is conducted by Mr Bourgon, lead
20 counsel of the Defence.

21 Mr Bourgon, you have the floor.

22 MR BOURGON: [14:31:52] (Interpretation) Thank you, your Honour.

23 Q. [14:31:56] Good afternoon, Mr Ntaganda.

24 A. [14:32:04] Good afternoon.

25 Q. [14:32:05] I'd like us to hark back to one of your earlier replies so that we can

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 correct something on today's transcript. Now, when you were speaking earlier
2 today about your role with the RCD in Kisangani, and this was page 45, line 20, and
3 according to the English transcript, you said the following:

4 (Speaks English) "And in Kisangani someone was in charge of the political branch
5 while I was in charge of the military branch."

6 (Interpretation) My colleague, who has been listening to your testimony, said that
7 you did not say that you were in charge of the military wing or branch. What is your
8 reply, sir?

9 PRESIDING JUDGE FREMR: [14:33:19] Hold on, Mr Witness.

10 Ms Samson.

11 MS SAMSON: [14:33:21] Thank you, Mr President. I would just ask that when
12 there is a clarification to the transcript, if it would be possible to ask the witness
13 whether or not the transcript is correct, rather than providing what my colleague
14 believes to be the correct answer. Thank you.

15 PRESIDING JUDGE FREMR: [14:33:36] Yes, because otherwise it was a bit leading,
16 Mr Bourgon. So please rephrase your question, or just put this part of the transcript
17 to Mr Witness and whether it is correct or not and that's it, so not to encourage him to
18 correct, but ask him whether is it correct.

19 MR BOURGON: [14:34:10] (Interpretation) Thank you, your Honour. I shall
20 comply with the procedure.

21 Q. [14:34:14] Mr Ntaganda, I was quoting from page 45, line 20 of the transcript,
22 and the answer was as follows:

23 (Speaks English) "And in Kisangani someone was in charge of the political branch
24 while I was in charge of the military branch."

25 (Interpretation) Is that the reply you gave?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [14:34:54] No, that's not correct, that's not right.

2 Q. [14:34:59] And what is the correct response?

3 A. [14:35:06] Well, I shall say this, when we got to Kisangani the RCD there had a
4 political branch that had been set up at that time, and there was also an armed branch
5 that had been set up that I belonged to, but I was not the leader of either branch.

6 In the past I said that Wamba Dia Wamba was the number one person in the
7 RCD-Kis, and he had his Mbusa, Mbusa Nyamwisi as his general secretary. That is
8 what I said.

9 MR BOURGON: [14:35:56] Mr President, just to be sure that the procedure I just
10 followed, we have no problems with it, but if there is any doubt as to whether the
11 witness has changed his answer, we can always go back to the audio. All I wanted
12 to do was a correction and nothing else.

13 PRESIDING JUDGE FREMR: [14:36:20] I think it was fine. The only slight
14 problem was that, in fact, you asked, it was my in understanding and probably
15 similar to Ms Samson's understanding, that you encouraged or you indicated that this
16 should be incorrect. So I think the first version is just to ask "Is it correct?" and I
17 think now it was perfect, but Mr Ntaganda corrected it himself.

18 MR BOURGON: [14:36:46] (Interpretation) Thank you, your Honour.

19 Q. [14:36:55] Mr Ntaganda, we are going to continue with your testimony and, as
20 I said, just before the lunch break, the way you joined the RCD in Kisangani, tell us
21 how that happened, how it came to be that you joined the RCD in Kisangani?

22 A. [14:37:41] When the RCD-Goma split into two groups, there was the
23 RCD-Goma and the RCD-Kisangani. I left with Wamba Dia Wamba and Mbusa, and
24 once I got to Kisangani directly the RCD-Kisangani was created at that time. And
25 there was also an armed branch of the organisation called the APC. And, you see,

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 some soldiers were trained there. And there was an organisation that was set up to
2 train this army, and I was a part of that, part of the people that set up the armed
3 branch. The political branch also was operating in the town of Kisangani, but there
4 was also RCD-Goma. So, you see, there was the two RCD groups, but they had
5 already separated, split apart.

6 Q. [14:39:04] Mr Ntaganda, did you take part in any fighting in Kisangani and, if
7 so, which fighting?

8 A. [14:39:24] Well, we -- are we in open session or private session?

9 Q. [14:39:32] Do you want us to go into private session?

10 MR BOURGON: [14:39:35] (Interpretation) your Honour, with your leave, if we
11 could please.

12 PRESIDING JUDGE FREMR: [14:39:39] All right. Court officer, let's move into
13 private session now.

14 (Private session at 2.39 p.m.)

15 THE COURT OFFICER: [14:39:46] We are in private session, Mr President.

16 PRESIDING JUDGE FREMR: [14:39:57] (Redacted)

17 (Redacted)

18 MR BOURGON: [14:40:10] (Redacted)

19 Q. [14:40:10] (Redacted)

20 A. [14:40:15] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Open session at 2.43 p.m.)

2 THE COURT OFFICER: [14:43:47] We are back in open session, Mr President.

3 PRESIDING JUDGE FREMR: [14:44:00] Thank you, court officer.

4 Mr Bourgon, please.

5 MR BOURGON: [14:44:04] I was a bit premature, Mr President, I need to stay in
6 private session. I apologise.

7 PRESIDING JUDGE FREMR: [14:44:10] No, no, no problem at all. So let's return
8 back into private.

9 (Private session at 2.44 p.m.)

10 THE COURT OFFICER: [14:44:19] We are back in private session.

11 (Redacted)

12 (Redacted)

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Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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Page redacted – Private session

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

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8 (Open session at 2.50 p.m.)

9 THE COURT OFFICER: [14:50:41] We're in open session, Mr President.

10 PRESIDING JUDGE FREMR: [14:50:43] Thank you, court officer.

11 Mr Bourgon, please proceed.

12 MR BOURGON: [14:50:50] (Interpretation) Thank you.

13 Q. [14:50:53] Now, in your last reply, Mr Ntaganda, you gave some letters, PPU.

14 What was the PPU and how did it come to be that you were involved in this group?

15 A. [14:51:14] When I was entrusted with the first responsibility and I was

16 successful, the Ugandans bore witness to that. Even Mbusa, Wamba understood

17 that I had been successful. They wanted to set up an effective group and so they

18 chose me to be the commander of the battalion and they gave me the battalion, the

19 PPU battalion. PPU is a force that ensures the safety of the leaders of the

20 RCD-K/ML.

21 Q. [14:52:05] And do you know what PPU means or what it stands for?

22 A. [14:52:19] Yes, it's an abbreviation for Presidential Protection Unit.

23 Q. [14:52:35] Am I to understand from your reply that you were the commander

24 of this unit that was responsible for ensuring the protection of Wamba Dia Wamba; is

25 that correct?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [14:52:59] Yes.

2 Q. [14:53:00] Now, within the PPU, did you take part in any other fighting, and
3 what happened after that?

4 A. [14:53:12] Yes, I do remember. In 1999, I think it was towards the end of the
5 year, late in 1999, there was a major battle, and once there was a ceasefire -- that was
6 in the evening because, you see, there were clashes for two days, and once the
7 ceasefire was put in place, one shell came in from very far away, and I was protecting
8 Wamba Dia Wamba and the others within the complex. And the shell fell and I was
9 hurt. I was hit by shrapnel and I was wounded.

10 Q. [14:54:17] And what was the nature of your injury?

11 A. [14:54:29] Well, it's called a piece of -- it was a shrapnel wound, between here
12 and my neck. It hit a nerve and the nerve -- the nerve that -- that triggers my tongue
13 and even now my -- another hit my leg, one piece of shrapnel hit my back. So, you
14 see, I didn't eat for several days. I was weak. I was out of commission for a week.
15 I was under medical -- correction, I was receiving an IV drip and then I was sent to
16 receive care overseas and I received medical care out of the country, abroad.

17 Q. [14:55:36] Can you explain to us where you were treated abroad and who gave
18 you the treatment?

19 A. [14:55:56] I was sent -- well, I wasn't the only one. Several of us had been
20 wounded. We received medical care in Uganda and then, after that, I and a
21 politician from the RCD-K/ML were transferred to South Africa.

22 Q. [14:56:23] And how long was your convalescence?

23 A. [14:56:44] I left that place once I felt better and that -- by then it was July, July
24 of the year 2000. So during that entire time I was receiving medical treatment up
25 until July of the year 2000.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [14:57:04] Who organised the transfer and the care that was provided to you in
2 South Africa?

3 A. [14:57:24] When I was receiving medical treatment I saw a doctor, Dr Kabeya.
4 He was from the Congo. You see, there was also -- I was also with someone called
5 Koloso. They took some pictures. I was brought some passports. We were told to
6 stay on standby; we were going to be travelling to South Africa. I remember we
7 went, we were given some money and we went to South Africa, but --

8 THE INTERPRETER: [14:58:03] Inaudible.

9 MR NTAGANDA: [14:58:06] (Interpretation) -- passports.

10 THE INTERPRETER: [14:58:08] Could the witness be asked to reply the last
11 sentence of his (Overlapping speakers)

12 PRESIDING JUDGE FREMR: [14:58:14] Sorry, Mr Bourgon, it was not captured
13 completely what Mr Ntaganda said.

14 Mr Ntaganda, could you kindly repeat the last part of your answer. At the moment
15 we have, "I remember we went, we were given some money and we went to South
16 Africa", and then the rest is missing.

17 MR NTAGANDA: [14:58:44] (Interpretation) I said that the person who gave us
18 the money was Wamba Dia Wamba, him and Koloso, but the passports -- we also
19 received passports.

20 PRESIDING JUDGE FREMR: [14:59:00] And passports were given by -- by whom?

21 MR NTAGANDA: [14:59:12] (Interpretation) Dr Kabeya, who brought us two
22 passports, mine and Koloso's passport, and they gave us the passports when we were
23 still in the hospital.

24 PRESIDING JUDGE FREMR: [14:59:24] Thank you, Mr Ntaganda.

25 Mr Bourgon, please proceed.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [14:59:39] (Interpretation)

2 Q. [14:59:39] Mr Ntaganda, during that period were you still a member of the
3 RCD-K when you were demobilised?

4 A. [14:59:58] No, I was a senior officer, a senior commander in the RCD-K/ML.
5 If you are the commander of the PPU, you can no longer be a battalion commander.
6 If you are the CO of the PPU, you can only be the commander of a brigade after that.
7 So I was an officer receiving medical treatment and I was to return and accomplish
8 my duties in the army. So I was a high-ranking officer in the RCD-K/ML.

9 Q. [15:00:57] The treatment that was given to you, was it exceptional because of
10 your rank or was it just a normal treatment procedure?

11 A. [15:01:21] I was struck by shrapnel at very delicate points in my body. And
12 when I went to South Africa, the doctor told me that I had been very lucky because
13 the shrapnel could have struck a very sensitive vein that would have cost me my life.
14 The first time I was treated in Uganda, the equipment was not as sophisticated as the
15 one in South Africa. It is for that reason that I was transferred to South Africa, and
16 this was very, very important.

17 Q. [15:02:22] Mr Ntaganda, once you recovered, what happened to your military
18 career?

19 A. [15:02:36] After my recovery, I remember that at one point when we were in
20 Uganda, the RCD-K/ML was chased out of Kisangani; they were chased out after my
21 departure. The movement decided to go and set up its headquarters in Ituri.
22 Wamba and Mbusa decided that, but I was under treatment. But before I left, the
23 Ugandans told Wamba, "You remember what this young man did. If he wants
24 security, you have to give him a high rank. He should be responsible for a brigade
25 in Ituri and he should also be the commander of the PPU in his brigade."

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 Wamba Dia Wamba was there, as well as Mbusa. That is how come I went to Ituri,
2 but the position that was given to me had been planned for in Uganda.

3 Q. [15:04:20] Regarding the planning of that post that was assigned to you,
4 when -- or, rather, where did this meeting take place and who was in attendance,
5 Mr Ntaganda?

6 A. [15:04:41] I do not know whether I can refer to that as a meeting. It was a
7 proposal that was made by that colonel to Wamba Dia Wamba and Mbusa. It took
8 place in the residence of Wamba Dia Wamba in Uganda. He had a residence in
9 Uganda. That is where that proposal was made to him, and Wamba Dia Wamba
10 accepted that proposal.

11 Q. [15:05:21] And what was the precise post or position that was to be given to
12 you at that time?

13 A. [15:05:35] If you looked at the organisation chart that I sketched here, I
14 occupied the highest ranking position on that organisation chart.

15 Q. [15:06:03] But what was that position and where were you supposed to be
16 based in order to exercise your duties?

17 A. [15:06:21] I had to be the brigade commander, and for that purpose I had to be
18 based in Bunia, in Ituri.

19 Q. [15:06:37] Had you ever gone to Bunia in Ituri before that day?

20 A. [15:06:52] You know, Congo is a very large country. If you allow I can make
21 a comparison. One province can be larger than Burundi. For example, Ituri is
22 larger than Burundi. North Kivu is very far from Ituri. I had heard of Ituri, but I
23 had never set foot there.

24 Q. [15:07:40] Mr Ntaganda, since the beginning of your testimony we had an
25 overview of your family and your military career from the very beginning, and now

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 we have reached the point where you were going to Bunia, which is the location of
2 the accusations made against you.

3 But before we talk about that, let me ask you the following questions: When you
4 took the floor at the beginning of the trial you said, and I will quote you, and it was
5 French transcript number 24, page 79, lines 4 to 7, and you said the following:

6 "Your Honours, at this time when my trial is beginning, I would like you to
7 distinguish between a revolutionary rebel and a criminal, which I am not. You
8 should not confuse these two terms."

9 Mr Ntaganda, I would like to give you the opportunity to explain what you meant by
10 that statement in light of your training and your experience?

11 A. [15:09:24] I did not quite understand your question, particularly the last part of
12 the question. Can you kindly repeat, please?

13 Q. [15:09:42] Very well. I gave you a quotation of what you said to the Judges at
14 the beginning of the trial. You said that they had to distinguish between a
15 revolutionary rebel and a criminal, that you are not. So I would like you to explain,
16 in light of your experience, what you meant by that?

17 A. [15:10:17] Very well. Let me repeat it.

18 Given my career profile, I joined the army at the age of 17 years, that is when I was
19 recruited. I received solid training and I was taught that a soldier should ensure the
20 security of civilians and their property. I was taught that a good soldier should not
21 rape women and girls. I remember that when we were being taught the ideology we
22 were told that to be successful in a revolution you need to have the support of
23 civilians, the civilians actually needed to assist you in your actions. I learnt all that
24 by heart.

25 I was trained in the training centre and I also became an instructor. I know that

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 those who trained us were former soldiers who had fought in Mozambique and in
2 Uganda and I, myself, I felt that wherever the population was suffering I would go
3 there to try and contribute to their liberation. I told my instructors, "Now I have the
4 opportunity to become a revolutionary", that is when my mission started.
5 After that I took part in stopping the genocide in Rwanda. We fought and put an
6 end to the genocide.
7 After that we learnt that after having chased the FDLR, their members went to Zaire
8 and chased out the population from where they settled. And as I have said, 90
9 percent of the inhabitants of that region were from my community. I was able to
10 sleep and eat, but I was not in peace because the members of my family were living in
11 refugee camps. I told the soldiers who had trained us the following, "You lived in
12 Uganda in refugee camps and my own people are also refugees, and in your ideology
13 you told us that it is necessary to liberate Africa for Africa to develop itself." So I felt
14 that I had the opportunity to go and overthrow Mobutu because the Congolese
15 families who were living in Congo at that time needed to live in peace and freedom.
16 Children needed to go to school and there had to be hospitals. So we went to chase
17 out Mobutu Sese Seko with Kabila senior. After chasing out Mobutu Sese Seko
18 Kabila senior and his son turned around against us. A communiqué was issued by
19 his secretary Yerodia Ndombasi, declaring that all the Tutsis and those who
20 resembled them had to be killed. They were referred to as vermin. And these are
21 people that we had assisted, that we had helped, but they turned around and were
22 against us. It is for that reason that when we realised that things had turned around
23 I, who had felt that we had to always fight to free civilians, I decided that we had to
24 chase those people also. So this is how we undertook that battle with the
25 RCD-K/ML. So once I reached Ituri with the RCD-K/ML I realised that it was difficult

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 to integrate myself because of who I was. Wherever I had gone to in all the
2 movements that I had been part of, all the missions that I had been assigned to, each
3 time that I realised that a soldier under my authority had abused his position, I did
4 not hesitate to punish him, I did not hesitate to tell people that if soldiers were guilty
5 of misconduct they needed to be punished. *For example, soldiers who oppressed the
6 population were punished either with imprisonment or by the firing squad, because
7 this type of behaviour really did not correspond with our ideology. It is for this
8 reason that when I was accused of being a criminal, the very fact that I came to the
9 International Criminal Court is one of the principles of a revolutionary. I did that
10 because I, Ntaganda, I am not guilty of anything, I do not have anything to be guilty
11 about. It is because of my revolutionary activities that I am here and that I find
12 myself before the Judges to explain to them what prompted me to act. But I am not a
13 criminal, I am a revolutionary.

14 Q. [15:18:14] Mr Ntaganda, one last question before we move on to Bunia.
15 When you went to Bunia, particularly in 2002, 2003, which was that military ideology
16 which motivated you?

17 A. [15:18:49] Generally speaking, the armed wing follows the ideology of the
18 political wing. A good soldier is a soldier who has respect for the citizens and their
19 property. A disciplined soldier must respect the chain of command, the structure
20 and organisation, as well as the training received. As you are aware, the army is a
21 large family but that can be divided in two. We have our biological families and our
22 military family. So we have our own family as soldiers. It is for that reason that the
23 soldiers under our authority are like our children and those of us -- those who
24 supervise us, we considered them as our parents, this is why you would hear Papa
25 Kisembo, Papa Bosco when soldiers are singing their songs. We are considered as

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 their parents. We even write in our reports the children did this, the children did
2 that. It really does not mean that these people are children, it is within the military
3 spirit that we talk about the soldiers as children.
4 In my military career, whether it was in the FPLC, if you are a sector commander you
5 would see that the messages that I sent I did not hesitate to say "I do not like this" to
6 the sector -- section commanders and so on and so forth. I could even detain them
7 without hesitation. It was not possible, of course, for me to detain Kisembo or
8 Thomas, but all my subordinates I could punish them because our objective was to
9 liberate the population.
10 I believe that the RCD-K/ML -- if the RCD-K/ML had not taken those elements who
11 had pillaged and killed members of the population, if they had acted in that way, the
12 UPC would not have been created and we wouldn't find ourselves in this courtroom
13 if that had not been the case.

14 Q. [15:22:28] Mr Ntaganda, I would like to cross-check what you have said to
15 begin with page 64, line 12. You said as follows, and I will quote in English:

16 (Speaks English) "We even write in our reports 'the children did this and the
17 children did that.'"

18 (Interpretation) Did you use the word "report"?

19 A. [15:23:16] I am not the author of the reports, but commanders wrote reports
20 and said that the children came here, they were beaten and they retreated.

21 And talking about children, they did not mean that these were children of less than 15
22 years. They were soldiers like Kabila, for example. I am saying that the soldiers
23 under our orders, we thought of them as children.

24 THE INTERPRETER: [15:23:48] Mr President, if counsel could just observe the
25 five-second pause, please, it would help interpreters and court reporters.

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 PRESIDING JUDGE FREMR: [15:23:59] Mr Bourgon, three seconds or five seconds,
2 but I think three seconds would be fine, pause is necessary, please.

3 MR NTAGANDA: [15:24:25] (Interpretation) These reports are in the logbook. If
4 you consult the logbook you will see where all those things are written.

5 MR BOURGON: [15:24:40] (Interpretation)

6 Q. [15:24:42] Thank you, Mr Ntaganda. That was the word we heard, "logbook"
7 rather than "report".

8 The second correction is on page 63, line 12. And there is a word that is not there.

9 But I will read to you the exact line, maybe you will remember what you said:

10 (Speaks English) "I did not hesitate to punish him. I did not hesitate to tell people
11 that if soldiers were guilty of misconduct they needed to be punished. So I saw
12 soldiers, for example, who were harassing the population, and this was not part of my
13 ideology."

14 (Interpretation) Did you use an example at that time?

15 A. [15:26:10] I think that the interpreter may not understand my Tanzanian
16 Swahili.

17 Q. [15:26:19] It was simply a word. "Firing squad", did you use that word in
18 your answer?

19 A. [15:26:37] Yes. I said that at one point we taught the soldiers that they had to
20 be disciplined and we issued severe punishments. I said that and I repeated it and
21 that happened on two occasions.

22 PRESIDING JUDGE FREMR: [15:27:00] Hold on.

23 Now Ms Samson, please.

24 MS SAMSON: [15:27:04] Yes, thank you, Mr President. I rise on a similar type of
25 objection as I made before. It's very difficult or can be very difficult for us to proceed

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 if counsel is suggesting to the witness that there was a correction or an error and then
2 suggesting what that correction should be when we're not necessarily equipped to
3 understand. And it can be understood as a lead or a tip to the witness to vary an
4 earlier answer, and I don't think it's an appropriate way to proceed.

5 If there's an issue in relation to the transcript that emanates between the English or
6 the French, it will be best to have reference to both transcripts. If it's an issue that
7 there appears to be a problem in the interpretation in Swahili, I believe it is better to
8 re-read what is in English and ask if that's what the witness said, rather than suggest
9 that it is not what the witness said. It's just there is something leading in the way in
10 which it is being conducted. Thank you.

11 PRESIDING JUDGE FREMR: [15:28:10] Yes, I have to confirm that the last part
12 was in fact, or the correction made by Mr Ntaganda was in fact led by Mr Bourgon.
13 So we will have to -- it was not probably not the major point, but anyway we will
14 have to evaluate this part of testimony in the light of this objection.
15 Mr Bourgon.

16 MR BOURGON: [15:28:35] Mr President, I -- I disagree with what my colleague is
17 saying. It's a word that we heard. It's a word that was mentioned. I can ask the
18 witness, "I heard this word, which is not in the transcript."

19 I can of course close the question by saying, "Did you, yes or no, say the word?" But
20 there is absolutely nothing wrong, and we've done this many, many times before
21 regarding a word that we have heard, nothing more.

22 PRESIDING JUDGE FREMR: [15:29:08] Mr Bourgon, I have to disagree. I would
23 rather prefer, as I said, if you would go this way, in my view it's leading, and then I
24 believe that you heard that word, but still I would prefer to read the sentence again
25 and say "Isn't any word missing in this sentence?" I really doubt if there will be -- I

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 know it is probably a little bit complicated if you realise this alleged mistake a few
2 pages later, but I think if you could ask for correction immediately after or very soon
3 after this sentence have been made, it is possible that Mr Ntaganda could recall and
4 could add this word without any proposal.

5 So I would really prefer -- and if you want to make or keep this testimony or this
6 detail strong, otherwise it will be some doubts which can be hardly rebutted. So take
7 it in this way.

8 MR BOURGON: [15:30:09] Thank you very much, Mr President. I will abide by
9 these instructions.

10 But I do invite my colleague that she can listen to the audio recording. There is
11 absolutely no bad faith and no intention of leading in any way, but I will abide by
12 these instructions. It is an issue that I will raise again --

13 PRESIDING JUDGE FREMR: Nobody --

14 MR BOURGON: [15:30:26] -- in the meantime, Mr President.

15 PRESIDING JUDGE FREMR: [15:30:27] Mr Bourgon, nobody said that this, I can
16 speak on behalf of the Chamber, there is some signs of bad faith at the moment.

17 MR BOURGON: [15:30:38] Thank you, Mr President.

18 Q. [15:30:47] Mr Ntaganda, let us hop back to your last answer following those
19 two corrections. You talked about a military ideology. I want to find out from you
20 whether morale or maintaining morale plays any role in your military ideology?

21 A. [15:31:34] What I said is that ideology is a very important thing, because one
22 cannot have a strong army without a good ideology. That's impossible. A good
23 army must have an ideology, a guiding ideology, and the troops must know what
24 they are supposed to do and what is prohibited. That is very important.

25 PRESIDING JUDGE FREMR: [15:32:08] And sorry, Mr Bourgon, I also have to

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 correct the transcript. Page 68, line 18, 19, there are some overlapping, so it's
2 probably even my fault, but I said "Nobody said that there are -- there were signs of
3 bad faith and I can speak on behalf of the Chamber." So no sign of bad faith, just to
4 make it clear, because at the moment the wording looks just the opposite.

5 Please proceed.

6 MR BOURGON: [15:33:00] (Interpretation)

7 Q. [15:33:02] Mr Ntaganda, looking at your last answer, I don't know whether
8 you quite understood my question. My question was dealing, rather, with the role
9 of morale in matters of ideology. Is there a link between morale or the maintenance
10 of morale and your ideology? Is there a link between those two?

11 A. [15:33:34] I said that morale and discipline are additional weapons within an
12 army, and morale and ideology go hand in glove. When you have ideology without
13 morale you cannot achieve your objectives. If you have morale without discipline
14 you cannot make much progress.

15 Q. [15:34:14] Mr Ntaganda, we are now in Bunia. And you told us a short while
16 ago that you were in Bunia for the first time. Now, during the years following, did
17 you have the opportunity to become very familiar with the town of Bunia?

18 A. [15:34:46] Yes. When I settled in Bunia, specifically I became familiar with
19 the major roads or access of that town.

20 Q. [15:35:12] Were you able to recognise various locations within the city of
21 Bunia?

22 A. [15:35:18] Yes.

23 MR BOURGON: Mr President, I would like to seek permission from the Chamber to
24 use an exhibit which will be displayed on the screen, and then I will ask Mr Ntaganda
25 to make some markings on this exhibit. This is exhibit number 0207, that's

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 DRC-OTP, and it's 0330. It is a Prosecution exhibit, it is number 4 on our list of
2 exhibits to be used, and this exhibit has not yet been admitted. I will first ask
3 Mr Ntaganda whether he recognised the exhibit or not.

4 THE COURT OFFICER: [15:36:13] I am sorry, but could we please have a proper
5 ERN number.

6 PRESIDING JUDGE FREMR: [15:36:17] In the meantime, Ms Samson, any
7 objection?

8 MS SAMSON: [15:36:23] No, Mr President.

9 PRESIDING JUDGE FREMR: [15:36:24] All right.

10 MR BOURGON: [15:36:26] The ERN number I have is DRC-OTP-0207-0330. And
11 I believe, I'm not sure if I have to ask for control or if my colleague already has control
12 over this exhibit.

13 THE COURT OFFICER: [15:36:47] You do have the floor, indeed. The document
14 will then be displayed on the evidence 2 channel.

15 MR BOURGON: [15:37:10] (Interpretation) Mr Ntaganda, you can see on the
16 screen before you a map that has been reproduced, and I invite you to please stand up
17 and move to the enlarged format of the map on the screen. And I'm going to put a
18 question to you. Mr Ntaganda, do you recognise this map?

19 A. [15:37:47] Yes, I do.

20 Q. [15:37:51] Which map is it?

21 A. [15:38:00] It is a map of the town of Bunia.

22 Q. [15:38:06] Based on the map before you, are you able to recognise the main
23 roads which you referred to a short while ago?

24 A. [15:38:19] Yes.

25 MR BOURGON: [15:38:29] Mr President, I would like to have this exhibit admitted

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 before we make any markings, as the one that will be blank before making any
2 markings.

3 PRESIDING JUDGE FREMR: [15:38:37] Ms Samson, there is a request to admit just
4 at the moment a blank map, and then probably as a second -- it is my presumption as
5 a second exhibit, annotated map. But at the moment the request goes for a blank
6 map.

7 MS SAMSON: [15:38:56] I have no objection, your Honour.

8 PRESIDING JUDGE FREMR: [15:38:58] And I have to add for the record that
9 Mr Ntaganda as he recognised that it's a map of Bunia, but it's also assigned at the
10 heading of the map. But it is not a big issue. So this map is admitted into evidence
11 as a further Defence exhibit.

12 Mr Bourgon, please proceed.

13 MR BOURGON: [15:39:25] (Interpretation) Thank you, Mr President. Now,
14 Mr Ntaganda, you can see the map before you. Now, I'll start by asking you to write
15 something on the map using the pencil in your hand. Please can you draw a circle
16 around Bunia airport?

17 A. [15:40:04] Yes. That is the Bunia airport at this location.

18 Q. [15:40:17] Mr Ntaganda, can you write the figure "1" under the circle that you
19 have just drawn?

20 Mr Ntaganda, can you on this map draw a circle around the location known as "la
21 Cité de Bunia"?

22 A. [15 41:20] There is a river known as the Nyamukau in this area. And I start
23 here and I don't know whether I'll be able to show it or reflect it on this map.

24 Q. [15:41:44] Mr Ntaganda, what I am actually interested in is that you provide or
25 you draw a circle around that area which is known as "la Cité" in Bunia. It is very

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 important not to touch the screen with your fingers, Mr Ntaganda.

2 A. [15:42:22] Do you want me to draw a circle around that area?

3 Q. [15:42:26] Yes, a circle around the area known as "la Cité".

4 A. [15:42:44] I think the Cité, la Cité, is located in this area which I have circled.

5 Q. [15:42:52] Can you please write the figure "2" under the circle?

6 Mr Ntaganda, can you now change colours and then draw a circle around the area
7 generally known as "la sous-région"?

8 A. [15:43:47] I have trouble reading the names of -- but in any event, I see some
9 roads.

10 Q. [15:44:05] Mr Ntaganda, what I'm looking for is a general identification of the
11 area known as "sous-région", and please use a different colour.

12 A. [15:44:19] Okay. I'll start here. All this area represents what is known as "la
13 sous-région".

14 Q. [15:44:52] Draw a full circle around that area, please.

15 Please write the figure "3" near or next to the circle.

16 A. [15:46:04] Above or below?

17 Q. [15:46:05] Next to it, please, as you wish.

18 A. [15:46:09] This is sous-région.

19 Q. [15:46:13] Finally, Mr Ntaganda, I would like you to do the same thing again
20 by generally putting a circle around the area known as Mudzipela on this map, and
21 please use another colour.

22 And please write the figure "4" next to your blue circle.

23 MR BOURGON: [15:47:18] Mr President, I note for the record that the witness has
24 indicated on this map with the number 1 the area of the Bunia airport; with number 2
25 the area known as "la Cité de Bunia"; with a number 3 the area known as "la

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 sous-région"; and with number 4 an area around Mudzipela. On this basis,

2 Mr President, I would like to have this exhibit admitted in evidence.

3 PRESIDING JUDGE FREMR: [15:47:52] Ms Samson.

4 MS SAMSON: [15:47:54] No objection, your Honour.

5 PRESIDING JUDGE FREMR: [15:47:56] All right. So this map annotated by

6 Mr Ntaganda is admitted into evidence as a further Defence exhibit.

7 MR BOURGON: [15:48:22] (Interpretation)

8 Q. [15:48:23] Mr Ntaganda, we are now going to use the same map, but I'm going

9 to provide an expanded version which focuses on part of the map, and I'm going to

10 ask you first of all whether you recognise that area. Please take a look at the image

11 before you. Do you recognise that part as being an excerpt from the previous map?

12 A. [15:49:09] Yes, it is indeed part of the map on which I entered some

13 inscriptions.

14 Q. [15:49:27] Now, Mr Ntaganda, I'm going to ask you to indicate a number of

15 areas on this map around which I would like you to draw a small circle and write a

16 figure. Let us start by the airport. Can you please draw a small circle around the

17 airport and write the figure "1" next to it?

18 A. [15:50:17] The airport is here.

19 Q. [15:50:25] Mr Ntaganda, can you show me the headquarters of the APC when

20 you arrived in Bunia? Are you able to identify that place on this map?

21 A. [15:50:42] Yes.

22 Q. [15:50:44] Can you draw a circle around that place and write the figure "2"

23 next to it?

24 Mr Ntaganda, are you able to locate on this map the NBK Hotel?

25 PRESIDING JUDGE FREMR: [15:51:26] Hold on, Mr Witness.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Ms Samson.

2 MS SAMSON: [15:51:29] The witness can certainly put the indication on the map,
3 but the objection that the Prosecution had formulated with the use of the maps in
4 general was not to use the maps prior to Mr Ntaganda having given evidence in
5 relation to the points that he's going to be describing with use of the maps. And
6 when Defence counsel began the exercise, we had just started to discuss the roads that
7 Mr Ntaganda was familiar with in Bunia, and it became the various areas of Bunia,
8 but so far in evidence all we've established is that Mr Ntaganda arrived in Bunia in
9 July 2000 having never been there before and now the map is being used in some way
10 to elicit the evidence as opposed to having some of the evidence elicited first.

11 PRESIDING JUDGE FREMR: [15:52:25] Mr Bourgon.

12 I will make it short. I know no problem with that. The objection is overruled.

13 Please proceed. Because I think even from the evidence provided by Prosecution it is
14 clear that Mr Ntaganda at the moment is familiar with the situation in the city, so I
15 don't have problem you mentioned, Ms Samson.

16 Mr Bourgon, please proceed.

17 MR BOURGON: [15:52:54] Thank you, Mr President.

18 Q. [15:52:59] (Interpretation) Mr Ntaganda, I believe you have inserted the
19 figure number "2". Now, my next question was in relation to Hotel NBK. Are you
20 able to locate Hotel NBK on this map, and if that were the case please draw a circle
21 around it and place the figure "3" next to your circle?

22 A. [15:53:28] Yes, NBK hotel is located here where you see "Air Boyoma". It's
23 here.

24 Q. [15:53:53] The next place I would like you to identify on the map is the hotel
25 Ituri. Are you able to locate Hotel Ituri on this map, and if that were the case please

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 draw a circle around it and write a corresponding number to the circle?

2 A. [15:54:21] Yes. Even though Hotel Ituri does not appear on the map, there is
3 another hotel, Lusakivana, which is located in the same area.

4 Q. [15:54:36] Mr Ntaganda, are you able to locate the position of the residence of
5 Mr Tibasima?

6 A. [15:54:52] I can see the hotel that belongs to him but I don't see his house.
7 However, I am able to point out the location of his house. I don't know whether he
8 still lives there.

9 Q. [15:55:07] Let us start with the hotel which belongs to Mr Tibasima. Where is it
10 located? Please draw a circle around it and write the figure "5" next to it.

11 A. [15:55:26] Tibasima's hotel is known as Hotel Okapi and is located at this
12 place.

13 Q. [15:55:42] Now when it comes to Mr Tibasima's residence, which you are not
14 able to see on the map, can you please indicate where that residence was located?

15 A. [15:56:03] From his residence it was possible for one to see what was referred
16 to as "Théologie" which was opposite his residence. His residence was located here.

17 Q. [15:56:16] Please put a figure "6" next to that circle.

18 A. [15:56:35] Yes.

19 Q. [15:56:37] Are you able to point out on this map, Mr Ntaganda, the location of
20 Camp Ndromo?

21 A. [15:56:52] Camp Ndromo is found somewhere below the airport, in this area
22 here.

23 Q. [15:57:01] Could you please put the number "7" next to it. Mr Ntaganda, on
24 this map are we able to see Camp Rwampara?

25 A. [15:57:31] No.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [15:57:33] Can you tell the Court where Camp Rwampara is located using this
2 map as your bearing. Would it be to the north, to the south, to the east or to the
3 west?

4 A. [15:58:00] I will put it between Camp Ndromo and the airport, but further left,
5 further to the left, much further.

6 Q. [15:58:12] If I were to ask you to draw an arrow pointing in the direction of
7 Camp Rwampara?

8 A. [15:58:51] I will draw the arrow here.

9 Q. [15:58:57] Mr Ntaganda, are you able to point out the area which was occupied
10 by Wamba Dia Wamba and his government?

11 A. [15:59:17] Yes, it was in this area.

12 Q. [15:59:23] Please insert number "9" next to it.

13 A. [15:59:40] Done.

14 Q. [15:59:41] Do you know a place, Mr Ntaganda, called Camp Epo.

15 A. [15:59:54] Yes.

16 Q. [15:59:55] Could you tell us where Camp Epo is?

17 A. [16:00:08] It's here.

18 Q. [16:00:12] Could you write the number "10" beside that location.

19 Mr Ntaganda, we will be doing the same exercise with a few additional locations
20 in 2002, but for the time being I'll stop at this point.

21 (Speaks English) I note that the witness has made 10 different markings on the map:

22 The airport of Bunia; number two, état-major major général de l'APC; number three
23 was hotel NBK; number four was Hotel Ituri, number five was hotel belonging to
24 Mr Tibasima; number six was the house where -- the location where the house of
25 Mr Tibasima was; number seven is Camp Ndromo; number eight is an arrow

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 pointing towards Camp Rwampara; number nine was an area where the government
2 of Wamba Dia Wamba was; and number 10 is an area called Camp Epo.

3 I would like to have this exhibit admitted into evidence, Mr President.

4 PRESIDING JUDGE FREMR: [16:02:10] Ms Samson.

5 MS SAMSON: [16:02:11] No objection, your Honour.

6 I note for the record that the words "Bunia Airport" and "Mudzipela" are on the map
7 already.

8 PRESIDING JUDGE FREMR: [16:02:19] All right.

9 And before, because there's no objection or no problem to admit such a map, just a
10 question for -- to court officer: In fact it is the same map like the previous one, but I
11 guess we will assign a new number to that? Fine. All right.

12 So this part of the map annotated by 10 annotations by Mr Ntaganda is admitted into
13 evidence as a further Defence exhibit.

14 Mr Bourgon, you may proceed.

15 You are double-checking Ms Samson (Overlapping speakers)

16 MR BOURGON: [16:02:59] Yes, because I fail to see "Bunia Airport". It could
17 have been on the previous map, but I think that the witness did recognise number one
18 as being the Bunia airport, but maybe I don't see it.

19 And as for the second one where it says "Mudzipela", well, in the previous map
20 Mudzipela was there but I don't see Mudzipela on this map.

21 MS SAMSON: [16:03:20] Yes, my comments were in relation to the map that we
22 just saw, not this screenshot of it, but I didn't at that time have a close-up version of
23 the map. I wanted to note for the record, as your Honour did as well for Bunia, that
24 there are certain indications that exist on the map that were relevant to this exercise in
25 relation to the Bunia airport, but in particular the last one.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [16:03:49] All right.

2 MR BOURGON: [16:04:02] (Interpretation)

3 Q. [16:04:06] Mr Ntaganda, we're going to keep on going and now we'll talk
4 about the time you arrived in Bunia, July of the year 2000, I believe it was, according
5 to your testimony. Now, who was with you when you got to Bunia?

6 A. [16:04:36] When I left Kampala on my way to Bunia there were other soldiers
7 who had come from the -- from North Kivu with me. I can give you their names.

8 Q. [16:05:00] Well, if you know some of these people. There were several
9 people?

10 A. [16:05:18] There weren't a lot of us. I remember I was with Modeste,
11 Mahinga, Dieudonné, Mukalayi and Mugabo.

12 Q. [16:05:56] Mr Ntaganda, what was the status of these people, why were they
13 with you?

14 A. [16:06:14] Modeste was a person who I had been with in Goma and we left at
15 the same time when I was within the RCD-K/ML. Mahinga joined me when I was in
16 Uganda, he also was from Goma. As for Mukalayi, he was working in Équateur
17 Province and he too also went with us to Goma. Mugabo came from Goma and he
18 had met up with me in Kampala.

19 Q. [16:07:07] Now, were these people members of the APC?

20 A. [16:07:17] The ones we were with within the APC were Modeste. As for the
21 others, they were not members of the APC. They joined the APC -- well, they were
22 integrated like the other soldiers. Some of them might have gone to RCD, others to
23 LMC, so you see, they too had been able to join the APC.

24 Q. [16:08:04] Now, once you've got to Bunia in July 2000, what was the first place
25 you remember, the first place you went to, to the best of your recollection?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [16:08:25] Once we got there we went directly to NBK and then after that we
2 visited Rwampara. The sector commander of RPDF knew me -- of the UPDF, and he
3 showed us around the Rwampara training camp. I was with Mahinga and other
4 officers with the UPDF and we all went to go and visit the Rwampara training camp.

5 Q. [16:09:12] Let's begin with MBK. And what did you do when you got there?

6 A. [16:09:33] The people from the RCD-K/ML housed us and they gave us a place,
7 a house to stay in. And they stay -- I think it was Tibasima who issued the order to
8 someone to take care of us, give us something to eat.

9 The UPDF had asked them to take care of us in MBK. But just let me make one thing
10 clear. Once I got to MBK I wanted to go and meet Wamba Dia Wamba. And at that
11 time, César wouldn't let me go in, he refused to let me go in. It's very close to
12 Rwampara, the two locations are side by side, that is why I mentioned Rwampara.

13 Q. [16:10:56] Now, you just mentioned two names and another place, so my
14 question had to do with the first place, MBK, or was it Wamba Dia Wamba?

15 A. [16:11:17] I was put up at MBK, housed there, and when I found a place to stay
16 I decided to go and meet President Wamba Dia Wamba. That was the promise that
17 had been given, that I would work at that place.

18 Q. [16:11:35] And what was the purpose of your visit to see Wamba Dia Wamba?

19 A. [16:11:55] I didn't even know that he knew about it. There weren't any
20 telephones. Now, you see, when I was in Uganda, I knew that I was going to be
21 going there. I was going to be a brigade commander. And I had to inform the
22 person, and then once informed, he would issue the order and then I would be able to
23 begin my work, because he was the one who was aware, who was supposed to let me
24 work as a brigade commander. And since the Ugandans were aware of this promise,
25 I had to be able to go and see him and inform him that I just arrived.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [16:12:44] Now, I don't know whether you've already mentioned this,

2 Mr Ntaganda, but who was the officer who made this initial offer or proposal to

3 appoint you brigade commander in Bunia? Do you remember the person's name?

4 A. [16:13:05] It was Colonel Ikondele. He is no longer alive, he has passed away.

5 Colonel Ikondele, he was the one.

6 Q. [16:13:21] A bit earlier you mentioned César, who is César?

7 A. [16:13:34] Well, I would say -- I would put it this way. When I was injured, I

8 was a battalion commander responsible for the protection of the president. And

9 when I wasn't there it was the commander of the protection unit of the PPU, he was
10 the one responsible for that unit when I was away.

11 Q. [16:14:11] And what was César's role in Bunia when you arrived there?

12 A. [16:14:26] He was the PPU battalion commander. The units, you see, the
13 units work together, because they were supposed to protect the authorities, the
14 presidents. I did that work before I was injured. That is why I was given that
15 responsibility.

16 Q. [16:14:53] Tell us, Mr Ntaganda, how the visit went to the government of
17 Wamba Dia Wamba?

18 A. [16:15:14] When I got to that place, I spoke to one soldier who was there. He
19 had some communications equipment. And I said to this soldier that I wanted to
20 meet with the person in charge, President Wamba. And the soldier recognised me.
21 When he saw me, he saluted me. But he had to speak to the person in charge of the
22 PPU. After doing that he said that I would not be able to go in. "This Rwandan
23 guy won't be able to go in." I heard it on the communications equipment, this
24 soldier who was at the entrance of the property.

25 And this young man said to me, "You heard what he said? I don't want you -- I

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 didn't want you to hear that. I know you're a commander, but he doesn't want me
2 to -- he doesn't want me to give you access," so I turned around and went away.

3 Q. [16:16:35] That's when you went to Rwampara, was it?

4 A. [16:16:40] Yes. After that I went to Rwampara.

5 Q. [16:16:47] Now, you mentioned a few moments ago you went to Rwampara
6 with the sectoral commander of the UPDF. Do you remember that person's name?

7 A. [16:17:01] His name was Arocha, A-R-O-C-H-A, Arocha.

8 Q. [16:17:22] Tell us about your visit to Rwampara, Mr Ntaganda.

9 A. [16:17:36] Once we got to that place, there were many recruits there. And the
10 commander of the PPU, he was responsible for that place. He spoke to the UPDF
11 soldiers. And then the UPDF soldiers and the sectoral commanders said that we had
12 to go to the shooting range. There were some Ugandan instructors there and some
13 Congolese instructors as well there. Abelanga was amongst the Congolese
14 instructors. We all went to the shooting range.

15 Q. [16:18:30] Now, you mentioned someone -- or, rather, a person by the name of
16 Paypay. Do you know this person? What was his position? Tell us more.

17 A. [16:18:46] Yes, we knew one another. During Chui mobile force, he had been
18 deployed to mobilise the people from Chui mobile force. And we detained him, but
19 we didn't do anything. We didn't cause him any harm. After that we freed him,
20 and he went back to Bunia. And we gave him a message all the same.

21 During Chui mobile force, when we had gone, he came to visit. And I had begun to
22 communicate with him, but I wouldn't say that he had become my friend, because we
23 didn't stay for a long time. But he would often come and meet with me and talk to
24 me. And we would meet one another before I would go to the forest, before the Chui
25 mobile force operation. I knew him well and he knew me well.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [16:19:56] Mr Ntaganda, the events of Chui mobile force, was that before going
2 to Rwampara or after going to Rwampara?

3 A. [16:20:14] At that time Chui mobile force had not yet been created, that is why
4 I said before its creation. That was when Paypay and I would see one another often,
5 before Chui mobile force was set up. I met with him in Rwampara as commander.
6 I had just got there. It was after I saw him for the first time that we met then several
7 times.

8 Q. [16:20:51] You mentioned Abelanga. Did you know him when you met him
9 in Rwampara?

10 A. [16:21:02] No, I didn't know him. I met him when he came to join us in Chui
11 mobile force. But we organised the shooting range operations. I recognised him.
12 I chose him and Paypay and a number of other instructors. That is when I met him
13 in Rwampara.

14 Q. [16:21:33] And what was he doing there, Mr Abelanga in Rwampara?

15 A. [16:21:44] He was an instructor.

16 Q. [16:21:53] Do you remember which weapon he used or shot, fired when in
17 Rwampara?

18 A. [16:22:06] AK-47.

19 Q. [16:22:09] Mr Ntaganda, after that visit to Rwampara what was the next major
20 event that occurred in Bunia for you, as best as you can recall?

21 A. [16:22:31] The chief of general staff Malekera called me at the APC
22 headquarters and indicated that spot on the map, spot number 2. He called me to
23 confirm -- correction, to give me the command of operations in Bunia. He already
24 had the road map so that I could get to Bafwasende. I think that there were 15
25 soldiers there and I said to him "What am I supposed to do there?" And he said

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 "You will be the brigade commander." I would say that that was the third event
2 after Wamba Dia Wamba, then Rwampara and then this account that I have just
3 provided you with.

4 Q. [16:23:33] Explain to us, Mr Ntaganda, what was this road map, what was that
5 all about?

6 A. [16:23:51] It was to get me out of Bunia since I wanted to go to Kisangani. If
7 you have a road map the APC soldiers would give you access. The assignment was
8 not in Kisangani, it was -- the road map was a document that allowed me to travel.
9 At that time, you see, they wanted to get rid of me.

10 Q. [16:24:34] You mentioned one particular location, Bafwasende. Can you tell
11 us how you spell the name of that place?

12 A. [16:24:55] B-A-F-W-A-S-E-N-D-E, Bafwasende.

13 Q. [16:25:19] And where is this place located?

14 A. [16:25:27] Bafwasende is located between Mambasa and Kisangani, but it is
15 closer to Kisangani, closer to Kisangani than to Bafwasende, than Mambasa. I never
16 had been there, but the people who had been there told me that.

17 Q. [16:25:47] And who was the chief of general staff of the APC that you met
18 with?

19 A. [16:26:04] Malekera was his name. He had been a member of the Zaire armed
20 forces during the time of Mobutu. When I got there, he was chief of general staff. I
21 don't know when he was appointed to that particular position. I think it must have
22 been when I was receiving medical treatment.

23 Q. [16:26:35] Did you talk to Malekera about the fact that you were supposed to
24 be the brigade commander for Bunia?

25 A. [16:26:55] Yes, we talked about that. I said to him that I was there and I had

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 been told that I was going to be the brigade commander at that place and he said to
2 me that the decision had been changed and that is why I was going to be sent to
3 Bafwasende. And I said to him "I am a soldier, a regular soldier, if you give me a
4 brigade with 12 or 15 men in Bafwasende, I'll go there and prepare the men and
5 vehicles and I'm ready to leave, to go there."

6 And he said to me that there were no men, that I was not going to be given any and I
7 had to leave. He continued and he said that I had to get ready for the next day and
8 leave. He didn't say to me what he was going to give me, what resources or what I
9 was to do, he didn't tell me anything. It was a trap. He was laying a trap for me.
10 There were APCs everywhere, in Irumu, Komanda. I think that -- well, I wouldn't
11 have even got to Komanda, they would have attacked me along the way. When they
12 were looking for young Hema commanders I wasn't there. Once I got there I
13 understood. They didn't want me either. And, you see, they didn't want me, so
14 they were laying a trap for me.

15 Q. [16:28:51] And what was your reaction, Mr Ntaganda?

16 A. [16:29:01] I was straightforward with him. I said "I don't want to go there
17 without any soldiers. If you appoint me commander, give me three battalions and
18 I'll go there, otherwise, what is more, I realise" -- I said "I realise that you want to trick
19 me and get rid of me." Because when I went to see the president I said to him, I
20 heard what the commander said, saying that when they said that Rwandan guy is not
21 going to get in here, and then after that, I realised what he had been telling me were
22 lies. They truly did not want to appoint me to that location. They had another plot.
23 They were plotting against me.

24 MR BOURGON: [16:29:59] Mr President, I think we can stop here.

25 PRESIDING JUDGE FREMR: [16:30:01] Thank you, Mr Bourgon, for being

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 punctual. So we will adjourn till tomorrow. Tomorrow we are going to take our
2 classical schedule, which means starting at 9.30, having two sessions 90 minutes each
3 in the morning and then one session in the afternoon of two hours.

4 Mr Ntaganda, usual instruction, in the meantime you must not discuss your
5 testimony with anybody else except of your Defence counsel. Is it clear to you?

6 MR NTAGANDA: [16:30:44] (Interpretation) Yes, I've understood, your Honour.

7 PRESIDING JUDGE FREMR: [16:30:49] So thank you and we will see you
8 tomorrow at 9.30.

9 THE COURT USHER: [16:30:52] All rise.

10 (The hearing ends in open session at 4.31 p.m.)

11 RECLASSIFICATION REPORT

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