

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Friday, 16 June 2017
9 (The hearing starts in open session at 9.29 a.m.)
10 THE COURT USHER: [9:29:54] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:30:15] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:30:33] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo in the case of the Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 For the record, we are in open session.
19 PRESIDING JUDGE FREMR: [9:30:50] Thank you, court officer.
20 It seems that Mr Ntaganda faces some problems? All right.
21 So now appearances please in usual order.
22 MS SAMSON: [9:31:05] Good morning, Mr President. Good morning, your
23 Honours. For the Prosecution today, the team remains the same, except that
24 Ms Kristy Sim has replaced Mr James Pace.
25 PRESIDING JUDGE FREMR: [9:31:17] Thank you, Ms Samson.

1 Now, Mr Ntaganda.

2 MR NTAGANDA: [9:31:22] (Speaks English) No interpreter, your Honour.

3 PRESIDING JUDGE FREMR: [9:31:30] Check the channels on Mr Ntaganda's
4 equipment. I faced the same problem yesterday, yesterday morning. So
5 Judge Ozaki's equipment has been fixed up.

6 THE COURT OFFICER: [9:32:18] Message to the Swahili booth, could you please try
7 to speak in the microphone. One more time. No, it's not working.

8 PRESIDING JUDGE FREMR: [9:32:58] So now I would like to assure myself that
9 Mr Ntaganda can hear translation. Mr Ntaganda, are you provided with translation
10 now?

11 MR NTAGANDA: [9:33:08] (Interpretation) Yes, I can hear them now very well.

12 PRESIDING JUDGE FREMR: [9:33:15] All right then. So we can proceed with
13 appearances on the part of Defence.

14 MR BOURGON: [9:33:20] (Interpretation) There is no change in the Defence team,
15 Mr President. Thank you.

16 PRESIDING JUDGE FREMR: [9:33:30] And I also see no changes on the part of legal
17 representatives. Am I right?

18 MS PELLET: [9:33:35] (Interpretation) Yes, Mr President, no change.

19 MS GRABOWSKI: [9:33:44] No changes for the victims of the attacks.

20 PRESIDING JUDGE FREMR: [9:33:48] Thank you, Ms Pellet. Thank you
21 Ms Grabowski.

22 Today we are going to continue with the further part of direct examination of
23 Mr Ntaganda conducted by Defence by its main counsel, Mr Bourgon. So
24 Mr Bourgon, you have the floor.

25 MR BOURGON: [9:34:31] (Interpretation) Good morning, your Honour. I'm

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 sorry, I had a small technical problem.

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

3 (The witness speaks Swahili)

4 MR BOURGON: [9:34:37] (Interpretation)

5 Q. [9:34:38] Good morning, Mr Ntaganda. How are you doing this morning?

6 A. [9:34:45] Good morning. I'm fine. I have no problem.

7 PRESIDING JUDGE FREMR: [9:34:57] I have to say I do have a problem because at
8 the moment, I don't know whether it's just temporary, but I don't have any English
9 realtime transcript. You are working on that? Okay. I'm afraid the Defence also
10 faces the same problem we faced a few minutes ago.

11 MR BOURGON: [9:35:23] I have no sound at all, and the transcript is not moving.

12 PRESIDING JUDGE FREMR: [9:35:34] So now at least transcript is looking to be
13 okay.

14 MR BOURGON: [9:36:02] (Interpretation)

15 Q. [9:36:07] Mr Ntaganda, Mr Ntaganda --

16 PRESIDING JUDGE FREMR: [9:36:38] I'm aware, I guess, our court officer is
17 making -- now it's okay? So let's try to start.

18 MR BOURGON: [9:36:52] (Interpretation)

19 Q. [9:36:53] Mr Ntaganda, good morning. How are you doing today?

20 A. [9:37:04] I feel well. I have no problem.

21 Q. [9:37:08] Mr Ntaganda, we are going to continue from where we left off
22 yesterday, that is, following a meeting with the chief of staff of the APC. Before
23 asking you questions on this meeting, there is a name which was mentioned
24 yesterday. You identified two locations on the map relating to a certain Mr Tibasima;
25 do you remember that?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [9:37:47] Yes, I do remember.

2 Q. [9:37:48] Who is Mr Tibasima?

3 A. [9:37:54] When I arrived in Bunia in 2000, he was responsible for finances. He
4 was the minister of finance of Wamba Dia Wamba.

5 MR BOURGON: [9:38:21] Mr President, my transcript is not moving.

6 PRESIDING JUDGE FREMR: [9:38:23] Yes. I face the same problem, so I think we
7 can't continue without having transcript.

8 THE COURT OFFICER: [9:38:42] I have been informed that Transcend needs to be
9 reconnected, so to turn it off and start it again. We apologise for the inconvenience.

10 PRESIDING JUDGE FREMR: [9:38:51] How much time it will require?

11 So on my part it's okay. Mr Bourgon, are you fine?

12 MR BOURGON: [9:39:43] (Interpretation) Your last words do not appear on the
13 transcript. But the sentence before that is there.

14 PRESIDING JUDGE FREMR: [9:40:00] The same, the same with my computer. So
15 I'm asking for indulgence.

16 So, unfortunately, I have been informed that the courtroom 3 is also in the same
17 troubles and that it's necessary to break for 10 minutes and hopefully in that time
18 everything will be okay. So now we break for 10 minutes.

19 THE COURT USHER: [9:40:56] All rise.

20 (Recess taken at 9.40 a.m.)

21 (Upon resuming in open session at 9.48 a.m.)

22 THE COURT USHER: [9:48:20] All rise.

23 Please be seated.

24 PRESIDING JUDGE FREMR: [9:48:45] All right. Yes, it seems the problem is
25 solved. Mr Bourgon, can you confirm that also your computer is fine?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [9:49:00] (Interpretation) Yes, Mr President, everything is in
2 order.

3 PRESIDING JUDGE FREMR: [9:49:08] So let's make a second attempt to start, please.
4 Mr Bourgon, the floor is yours.

5 MR BOURGON: [9:49:16] (Interpretation) Thank you, Mr President.

6 Q. [9:49:19] Mr Ntaganda, let me come back to the last question that I asked you. I
7 asked you who was Mr Tibasima, and you said that when you arrived, he was the
8 minister of finance. Let me follow up by asking you, were you aware of the
9 relationship between Mr Tibasima, Mr Mbusa Nyamwisi and Professor Wamba Dia
10 Wamba at that time?

11 A. [9:49:58] Yes. When I arrived, they had problems, but when they had their
12 misunderstanding, I was not there.

13 Q. [9:50:11] Can you tell us more about the nature of those problems?

14 A. [9:50:26] Wamba Dia Wamba's men said that Tibasima was embezzling the
15 funds of the party and sharing them with the UPDF. So they said that they had no
16 control over the finances. This was hearsay. The relations between Tibasima,
17 Wamba Dia Wamba and Mbusa were no longer good.

18 Q. [9:51:16] Now, let me come back to your meeting with the chief of staff of the
19 APC. What were your options at that time, that is, at the end of the meeting?

20 A. [9:51:38] When the chief of general staff of the APC gave me an ultimatum, he
21 told me that I had three days, that is, between three and eight days to leave to my
22 place of deployment. I had no powers to leave, because he gave me an order which
23 was not appropriate. I understood that I had a problem, and he also understood that
24 I could not deploy to the place that he had proposed, so he had to send another
25 person. I understood immediately that I was at risk, but I did not understand why I

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 was in that danger.

2 Q. [9:52:51] How were you dressed for that meeting, Mr Ntaganda?

3 A. [9:53:04] I remember when I left South Africa, I bought some new clothes.

4 These were the type of clothes that you wear in the desert, that is, whitewashed
5 military fatigues. That is what I was wearing.

6 Q. [9:53:37] Were you armed at that time?

7 A. [9:53:50] I did not have my AK. When I was injured in Kisangani, I left my AK
8 there. But I still had my pistol, but under my fatigues, so no one could see it. I was
9 wearing a jacket, and I have my pistol on my hip, but it was hidden under my clothes.

10 Q. [9:54:24] Yesterday, Mr Ntaganda, you marked on the map the location where
11 that meeting took place. I will have that map displayed on the screen once again.
12 And you had located the premises of the general staff of the APC. The number of
13 the document is DRC-REG-0001-0055. So it will be displayed on the screen. You
14 don't have to stand up from your seat. Can you see that document in front of you,
15 Mr Ntaganda?

16 A. [9:55:22] Yes, I can see it.

17 Q. [9:55:30] Which figure indicates the location of the APC general staff
18 headquarters?

19 A. [9:55:42] It is where I marked number 2.

20 Q. [9:55:50] Can you give us a description of that location or that building which
21 hosted the general staff headquarters of the APC?

22 A. [9:56:07] There were two buildings. The first building was by the side of the
23 road, and I met him in the other building, and it was in that other building that he
24 had his office. On that building it was written "Armée populaire congolaise, APC."
25 There were other things written on the building which I no longer remember.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [9:56:49] Mr Ntaganda, at this point I would like to show you a photograph and
2 ask you whether you recognise it. Can you please display on the screen document
3 DRC-D18-0001-5457. That photograph will appear in front of you. Can you see it
4 now, Mr Ntaganda?

5 A. [9:57:25] Can you indicate the number that I can use to see that photograph?

6 PRESIDING JUDGE FREMR: [9:57:45] Mr Ntaganda, Ms Samson is on her feet.

7 Ms Samson you have the floor.

8 MS SAMSON: [9:57:51] Thank you, Mr President. It would be helpful to know

9 where this item appears on the Defence's list of evidence, so that I can get my
10 bearings and determine if I have an objection to its use.

11 PRESIDING JUDGE FREMR: [9:58:04] Mr Bourgon.

12 MR BOURGON: [9:58:09] (Interpretation) It is document number 30, Mr President.

13 Q. [9:58:31] Mr Ntaganda, do you recognise that photograph?

14 PRESIDING JUDGE FREMR: Ms Samson.

15 MS SAMSON: [9:58:33] Yes. Thank you. Our established procedure is once we've

16 identified the document, then the Prosecution has an opportunity to make

17 submissions on the use. And because there are so many documents, I really do need
18 to have the number in which it appears on the list. At present we have no objection,
19 your Honour.

20 PRESIDING JUDGE FREMR: [9:58:48] I understand that. I will have it in mind
21 next time.

22 Mr Bourgon, please proceed.

23 MR BOURGON: [9:58:58] (Interpretation) Thank you, Mr President.

24 Q. [9:59:02] Mr Ntaganda, do you recognise that photograph?

25 A. [9:59:09] Yes. That is what I told you. You can see it is written "Armée

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 populaire congolaise", that is APC. This is the office that hosted the general staff
2 headquarters.

3 Q. [9:59:31] Mr Ntaganda, was this building used in the following years as far as
4 you know?

5 A. [9:59:44] Yes. After him, this building was also the general staff headquarters
6 of the FPLC. This was after 2002. At one time Kisémbu used the building as his
7 residence.

8 MR BOURGON: [10:00:22] (Interpretation) Mr President, I would like to tender
9 this document into evidence.

10 PRESIDING JUDGE FREMR: [10:00:27] Prosecution, any objection?

11 MS SAMSON: [10:00:29] No objection, your Honour.

12 PRESIDING JUDGE FREMR: [10:00:33] So this picture is admitted into evidence as a
13 further Defence exhibit.

14 Mr Bourgon, please proceed.

15 MR BOURGON: [10:01:00] (Interpretation)

16 Q. [10:01:00] Mr Ntaganda, the writing on the wall here of this photograph, was
17 the writing still there in 2002 to the best of your knowledge?

18 A. [10:01:12] Yes. When the Ugandans drove out Malondo, the writing was still
19 there, that is to say 9 August 2002. And after that, the signs were taken down when
20 the UPC was created and went with the FPLC. That was after September 2002. But
21 at that time, those signs were still readable. You could see them on the building.

22 Q. [10:02:04] Mr Ntaganda, you've just told us that the chief of staff gave you an
23 ultimatum of three to eight days. What did you do at that time?

24 A. [10:02:20] I stayed at NBK, that's all. And I had to ensure my own protection
25 subsequent to this ultimatum that had been given to me, so I couldn't move about or

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 leave the NBK. One day, a soldier deserted and came to where I was. He became
2 my escort. Once I left that place and headed towards Hotel Ituri, that is when I was
3 arrested. And as of that point in time, that is when I started having problems. And
4 my bodyguard was shot dead. He died.

5 Q. [10:03:44] How many days after the ultimatum, to the best of your recollection?
6 Could you give us a general idea how long after did this occur?

7 A. [10:03:58] I can't remember. It was a long time ago. But that event occurred a
8 few days later, less than a month. I could say one or two weeks after.

9 Q. [10:04:26] And what was the name of the person who deserted and became your
10 escort or guard? I believe that was the word you used, your bodyguard.

11 A. [10:04:46] He was a soldier. He was with me in Kisangani. But I don't
12 remember his name. He was one of the bodyguards, one of the bodyguards holding
13 a lower rank. I can't remember his name.

14 Q. [10:05:08] You've just told us that you were arrested at the Hotel Ituri. Tell us
15 what happened, Mr Ntaganda.

16 A. [10:05:23] I wasn't arrested. They tried to arrest me. I found myself in the
17 home of a friend, Iddy was his name. Iddy said to me that he could see soldiers
18 surrounding the house. He was looking out of a window. I was in the living room
19 and I heard a gun, gun fire. It was actually a burst of fire from an AK-47. I tried to
20 look over to where my bodyguard was, and I saw him fall to the ground. Then I saw
21 a soldier. I didn't know who he was. He came into the house and he wanted to
22 shoot me. I took out my pistol and I was trying to use it. He took my pistol, and at
23 one point he took it, and the bodyguards continued to shoot and I fled.
24 I headed towards the Hotel Ituri, heading towards Tibasima's residence. So that is
25 how I got away from the gunshots. But there were further shots fired, and my jacket,

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 you can still see the mark of a bullet on that. So that is how I got away from my
2 attackers.

3 Q. [10:07:24] Then what happened, Mr Ntaganda?

4 A. [10:07:30] When I left that place after my bodyguard died, my training as a
5 soldier took over. I didn't have a weapon, but I remembered Tibasima and Wamba
6 Dia Wamba had gone to Kampala. So I went to Tibasima, who had bodyguards who
7 had been trained by the Ugandans, and once I got to Tibasima's place -- well, in actual
8 fact, the gunfire was heard by everyone living in Bunia. People thought war had
9 broken out. I said to Tibasima's bodyguard that I was fleeing. And I was sweating.
10 And I said, "You idiots. Can't you see that your leader has been attacked?"
11 So they put on their uniforms, and so did I. I said to them, "Go and look upstairs.
12 Tibasima has been shot."

13 So we left, and the Ugandans came to see what had happened. It was the Arocha,
14 the sectoral commander. Once they got there, we saw that they had assembled all
15 the soldiers who had attacked me in a courtyard, and there were seven of them in all,
16 and they said that their commander was in one of the yards. I didn't shoot them, but
17 I disarmed them.

18 I went into the compound, and I saw where my bodyguard had been shot. The
19 Ugandans were also present. I saw the soldier who tried to shoot me, and I asked
20 him to give me my pistol back.

21 The situation degenerated and, well, but -- well, we didn't want to fight. The
22 soldiers who had come from Tibasima were behind the road. We heard a car coming
23 from Wamba Dia Wamba's home to reinforce the soldiers, provide reinforcements.
24 And someone said, "A car is coming."

25 I saw the soldiers deploy. I moved back, because the Ugandans couldn't fight. The

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Ugandan also was afraid because there was a great deal of tension. I went over to
2 where the police offices were, and when the soldiers who had attacked me withdrew,
3 me, with the reinforcements, we fought them, and our enemies headed towards
4 Wamba Dia Wamba's place. We took up a position by the Hotel Ituri. During that
5 battle, I learned that César had been killed. He died during that fighting. I didn't
6 know him, I had never seen him.

7 Q. [10:11:25] Mr Ntaganda, the Ugandans who were there, when you got there and
8 you were with the bodyguards, what did the Ugandans do at that time?

9 A. [10:11:53] They asked us not to fight. They got in the middle. But the tension
10 was very high. We couldn't not fight. There were already corpses. There were
11 two bodyguards, and they realised that the situation had deteriorated. And he
12 asked for reinforcements. When I found myself over where the police offices were, I
13 saw the reinforcements arrive. I wanted to get the body of -- the corpse of my
14 bodyguard, who had died. The corpse was with the enemy.
15 We went after our enemies. They tried to block us alongside a road. Well, actually
16 at an intersection where there is one road that heads towards Wamba Dia Wamba's
17 house and another one toward Beni-Kasenyi. So the Ugandans blocked the road at
18 that spot. But we -- the enemies who were fighting us were on one side and we were
19 on the other side.

20 THE INTERPRETER: [10:13:21] Message from the Swahili interpreter: Could
21 Mr Ntaganda be asked to slow down for the benefit of the Swahili booth.

22 PRESIDING JUDGE FREMR: [10:13:32] Mr Ntaganda, please, we got message from
23 the Swahili booth. If you kindly could slow down a bit. Thank you.

24 MR BOURGON: [10:13:50] (Interpretation)

25 Q. [10:13:52] Mr Ntaganda, when you speak of the Ugandans, did they take part in

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 the fighting? Did they fire at your group or at the other group?

2 A. [10:14:02] No. The Ugandans went in the middle. They interposed
3 themselves between the two forces.

4 Q. [10:14:26] How and when did you learn that César had died?

5 A. [10:14:37] Once the Ugandans had interposed themselves between us, we
6 realised that the fighting was not going to continue. So that was when I said to
7 Tibasima's bodyguards that it wasn't Tibasima who had been shot. And I
8 apologised.

9 I said to them that I had used a military strategy, and that was a normal thing. I
10 brought them back to Tibasima.

11 As for myself, I went back to the place where I was supposed to go. I took two
12 bodyguards to go along with me. So I went to the Hotel Ituri and once I got there, I
13 met with Arocha, the sectoral commander who had sent for Malekera, the chief of
14 staff, at the spot where I was supposed to be. They were there.

15 I greeted the sectoral commander and I also greeted Malekera. The sector
16 commander spoke to Malekera and said, "What you are doing here is not right
17 because this young man is a good person. If you continue to fight him, you may fail.
18 You might fail because he is a good commander and he has people behind him. And
19 I know that he has helped you. I remember."

20 The sector commander responded saying, "You've already lost César." So this was at
21 Hotel Ituri. That is where I learned that commanding officer César had died.

22 Q. [10:16:56] Now, why did you tell Tibasima -- why did you tell the bodyguards
23 of Tibasima that their boss had died?

24 A. [10:17:13] I didn't tell them that he had been killed. I told them that he had
25 fallen in an ambush. It was a military strategy, Counsel, because I didn't have any

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 resources to fight those people. And they knew that I did not have any weapons,
2 any firearms. So I used a military strategy or trick to defend myself. That is what I
3 had learned to do. So that is why I told a lie. And that helped me.
4 And what is more, this tactic surprised many people, even the sector commander of
5 the UPDF. People talk about this whole story even today.

6 Q. [10:18:19] Now, at that time, Mr Ntaganda, did you know why this attempt had
7 been made to arrest you and who had attempted to arrest you?

8 A. [10:18:28] Given the prevailing situation, I knew when the RCD-K/ML set up
9 operations in Bunia, they changed their policy very quickly. Once they got to Bunia,
10 I think that the RCD-Goma had heard the call of President Kabila, and they began to
11 make contact with Kinshasa. But we didn't know that. We didn't know that
12 Kinshasa had asked the Tutsi and everyone who looked like them be killed.
13 The RCD-K/ML was in an Ituri-Beni-Komanda and they had formed an alliance with
14 the FDLR. And so you see, myself, I was going to identify them if I joined them.
15 That is why they wanted me to go to Bafwasende. But they knew full well I was not
16 going to get to Bafwasende. They were planning to kill me along the way. They
17 knew that me, a member of their forces, I would not allow them to kill civilians, and I
18 was not going to allow them to target Hema commanders amongst them. They
19 knew that I was a brave soldier. That is the truth, and that was clear.

20 Q. [10:20:27] Mr Ntaganda, just so that we fully understand the events you have
21 told us about, I would like to ask you whether you could indicate the various
22 locations that you've mentioned on a map of Bunia. Could you do that for us?

23 A. [10:20:51] Yes, I can do that. I can show you.

24 MR BOURGON: [10:21:05] (Interpretation) I'd like to ask leave, your Honour, for
25 the witness to be allowed to go up to the screen, and we are going to display a map of

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Bunia, and we will ask the witness if he could do a sketch and show us these various
2 locations.

3 PRESIDING JUDGE FREMR: [10:21:22] Ms Samson, any objection to that?

4 MS SAMSON: [10:21:25] No objection, your Honour. Thank you.

5 PRESIDING JUDGE FREMR: [10:21:32] All right. Let's proceed as proposed.

6 MR BOURGON: [10:21:39] (Interpretation)

7 Q. [10:21:40] Mr Ntaganda, if you could kindly stand up and move over to the
8 screen. And there is a map up on the screen. And first of all, I'd like to ask you
9 whether you recognise this map? Do you know what this is? Can you make sense
10 of it?

11 THE COURT OFFICER: [10:22:02] Could you please provide us with an ERN
12 number and the level of confidentiality, please?

13 MR BOURGON: [10:22:13] (Interpretation) This is taken from the original map
14 that we used yesterday. And I thought I would be asking for a number to be
15 attributed later on. But I can give you the number right now. The map was
16 admitted. This is DRC-OTP-0026-0330. And this item was tendered into evidence
17 yesterday, and Mr Ntaganda -- and this is an extract or this is taken from the same
18 map, and he will now sketch.

19 Q. [10:22:57] Mr Ntaganda, do you recognise this map?

20 A. [10:23:01] Yes, I recognise it. This is a part of the map of Bunia.

21 Q. [10:23:20] Let us begin. Could you tell us where Hotel NBK was, where you
22 were staying, if you could circle that spot. Please sketch a small circle.

23 A. [10:23:45] Yes. It's right here.

24 Q. [10:23:51] Could you please write number 1, but small, above the circle.

25 A. [10:24:03] Done.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [10:24:14] Could you now show us the location that you went to. You
2 mentioned the house of l'ami, Iddy. Where is that place?

3 A. [10:24:27] The two hotels, Lusakivana and Hotel Ituri are here. They're one
4 beside another.

5 Q. [10:24:46] Could you please put number 2 beside that spot?

6 A. [10:24:48] Done.

7 Q. [10:25:08] Now, using this map, could you please indicate the spot where you
8 went to get to Tibasima's bodyguards?

9 A. [10:25:19] I went and I got them from his residence, not the hotel. His
10 residence was beside the theology building here.

11 Q. [10:25:44] Could you please write the number 3 to indicate that spot.

12 A. [10:25:49] Done.

13 Q. [10:25:57] If you could now kindly show us where the fighting occurred, the
14 fighting between you and the forces who had come to provide reinforcements from
15 Wamba Dia Wamba.

16 A. [10:26:27] The main road that goes from --

17 THE INTERPRETER: [10:26:32] Inaudible.

18 THE WITNESS: [10:26:35] (Interpretation) this is where we fought, all the way to
19 opposite the Okapi. I was over on this side amongst the houses that were there, and
20 they were at this spot where there is a police station. It wasn't there at the time. As
21 you can see, the roads are not close to the houses where people live. I don't know
22 whether the situation has changed now, but there was some empty space.

23 MR BOURGON: [10:27:18] (Interpretation)

24 Q. [10:27:18] If you could use the green pencil, please indicate where your enemy
25 was at that time.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [10:27:28] The enemy was here, from here to the spot where they were
2 positioned. So from this place that I'm showing you here and then downwards.

3 Q. [10:28:06] Could you show us where the reinforcements came. Where did they
4 come from, these reinforcements who had been sent in? Please show us on the map.

5 A. [10:28:23] The residence of Wamba Dia Wamba is not to be seen on this map.
6 It's lower down.

7 Q. [10:28:35] Main road?

8 A. [10:28:45] The main road goes to this place, subregion, sous région. And then
9 there is the road that goes towards -- and then onwards to Wamba Dia Wamba. We
10 did not fight along the main road. Yesterday I showed you the headquarters of
11 Wamba Dia Wamba where I went to see him and I was driven away. I showed you
12 that spot yesterday.

13 PRESIDING JUDGE FREMR: [10:29:24] Sorry to interrupt you. I understand that
14 it's necessary and relevant for your case to present that such a conflict had happened,
15 what was behind, that was the reason to attack Mr Ntaganda. But frankly, I do not
16 understand why we should know all details of this fight because it's not part of the
17 charges. Something that, you know, came before. I can understand that the attack
18 itself is important, who wanted to attack Mr Ntaganda and why. But why we
19 should know all those details of the fight itself, it's not clear to me.

20 MR BOURGON: [10:30:02] Mr President, Prosecution witnesses have described this
21 fight and have involved Mr Ntaganda as being responsible for using illegal use of
22 force. Even though it is not part of the charges per se, we believe that it is important
23 for the Trial Chamber to understand Mr Ntaganda's personal knowledge and
24 explanation as to what he did and why on a certain day, because that is for us a
25 foundation for the events that will follow.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [10:30:34] All right.

2 MR BOURGON: [10:30:45] (Interpretation)

3 Q. [10:30:45] Mr Ntaganda, could you draw an arrow using your green pen to
4 show the direction from which Wamba Dia Wamba's forces were coming, that is, the
5 forces which had been sent by Wamba Dia Wamba?

6 A. [10:31:03] They came from this direction.

7 Q. [10:31:22] Please write 6 next to that arrow.

8 Thank you, Mr Ntaganda.

9 (Speaks English) Mr President, I would like to have this annotated map it entered into
10 evidence.

11 PRESIDING JUDGE FREMR: [10:31:46] Ms Samson, any objection?

12 MS SAMSON: [10:31:48] No.

13 PRESIDING JUDGE FREMR: [10:31:49] So this map annotated by six points by
14 Mr Ntaganda is admitted into evidence as a further Defence exhibit.

15 MR BOURGON: [10:32:09] For the purpose of the transcript, I note that the
16 number 1 indicated by Mr Ntaganda refers to the area where he was living.

17 Number 2 indicates the area where there are two co-located hotels as he mentioned,
18 Ituri and Lusakivana. Number 3 indicates the residence of Tibasima where he took
19 some escorts. Number 4 refers to as the location of his enemy in this combat. And
20 number 5 and 6 illustrate where the forces sent by Wamba Dia Wamba came from.

21 THE INTERPRETER: [10:33:03] Overlapping speakers, Mr President. The
22 interpreters did not get the first part of Mr Bourgon's questions.

23 PRESIDING JUDGE FREMR: [10:33:10] Mr Bourgon, please start again with your
24 question. There was some overlapping.

25 MR BOURGON: [10:33:14] Thank you, Mr President.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [10:33:19] (Interpretation) Mr Ntaganda, in the event you have just described,
2 were any civilians involved?

3 A. [10:33:29] No. Civilians could not have been involved. I had taken Tibasima's
4 escorts and Wamba Dia Wamba's escorts -- guards, rather, who had come. Even
5 the UPDF did not participate. Only those two parties were involved in that
6 operation where they attempted to arrest me.

7 Q. [10:34:05] According to information available to you, who killed César?

8 A. [10:34:13] You see, you are also a soldier and two of my bodyguards were
9 injured during the war. I don't know who injured them. I know that they were
10 injured by Wamba Dia Wamba's troops, but I cannot be specific as to who specifically
11 injured them. And that applies also for the other side. I don't know who shot or
12 killed César. People were injured in Wamba Dia Wamba's camp and some of them
13 died. I on my side also lost some bodyguards while some were injured. So you see,
14 when fire is opened, people seek to protect themselves and one cannot know
15 specifically who shot whom and who killed whom.

16 Q. [10:35:23] After César's death, what was the reaction of the population?

17 A. [10:35:43] What surprised me is that members of the population went on to the
18 streets dancing, playing drums and singing. And so I don't know who mobilised
19 them to do that. I thought to myself that they were simply opposed to the regime
20 that was in power at the time. And this indicated that the population was entirely
21 against those who had control over the city.

22 Q. [10:36:20] Did that reaction by the population have any impact on you
23 personally, Mr Ntaganda?

24 A. [10:36:29] Yes. Myself, as a revolutionary, as I told you before, I knew that if it
25 was possible by any means to help that population, we should have helped them. So

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 I understood that there was an unknown problem which had just been resolved.

2 Q. [10:37:09] Mr Ntaganda, at that time did you know somebody going by the
3 name of Thomas Lubanga?

4 A. [10:37:16] No.

5 Q. [10:37:21] Did you know anyone whose name was Kisembo at that time?

6 A. [10:37:31] No, not yet.

7 Q. [10:37:35] Did you know Tchaligonza?

8 A. [10:37:44] I did not know him at that time. I did not know him yet.

9 Q. [10:37:48] Did you at that time know anyone called Bagonza?

10 A. [10:37:55] No. I had not yet known him. I was still new to the region, and I
11 did not even know where he used to live or where Wamba Dia Wamba's troops were
12 positioned.

13 Q. [10:38:16] In the days or weeks following, did you have the opportunity to meet
14 any of these people I had mentioned?

15 A. [10:38:29] Yes. Shortly thereafter, quite shortly thereafter, I saw Bagonza and
16 his mother. They came to greet me and Bagonza's mother introduced Bagonza to me
17 and told me that they had the same problem as I. They were very happy when they
18 arrived. They were laughing. And it is then that I understood that there had been
19 some problems and that they were fighting against a movement.

20 At the time he arrived, he was taken to the military Prosecutor's office and dismissed
21 from his duties. That is when I saw Bagonza, after César had died.

22 PRESIDING JUDGE FREMR: [10:39:36] Hold on, Mr Bourgon. Ms Samson.

23 MS SAMSON: [10:39:38] Yes. Just a question in relation to the transcripts. In
24 French on page 23, Mr Ntaganda was referring to the civilians singing and chanting
25 his name, but that's not captured in the English, so if it would be possible to have an

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 understanding as to what was said, please.

2 PRESIDING JUDGE FREMR: [10:40:02] It's important, the detail, so could you,

3 Mr Bourgon, could you, Mr Bourgon, please return to that detail for the people who
4 are singing any name.

5 MR BOURGON: [10:40:23] (Interpretation) Yes, indeed, Mr President, I will repeat
6 the question.

7 Q. [10:40:29] The question, which was put to you, Mr Ntaganda, to which you
8 provided an answer, but it would appear that part of that answer is not captured in
9 the transcript, can you tell us what the reaction of the population, the civilian
10 population was following the death of César?

11 A. [10:40:49] Members of the population who were chanting my name were people
12 who didn't live far away from the NBK and Ituri hotels, because they had seen what
13 had happened. When they learned that César had died, those who were having a
14 drink in the neighbourhood started to chant "Bosco, Bosco" because they already
15 knew my name from the time I was in Kisangani, and they knew that I had helped
16 Wamba Dia Wamba when he came there. I think he had organised a rally. But
17 upon my arrival, I realised that people knew my name, because Wamba Dia Wamba
18 had told them that a young man called Bosco had helped him. So members of the
19 population were aware of that.

20 During that event, people who were nearby in the drinking places, because there
21 were a number of drinking spots at Okapi. You see, a bar is a public place, and
22 people then started to chant and sing.

23 I don't know if I have answered your question properly.

24 Q. [10:42:06] Tout à fait.

25 PRESIDING JUDGE FREMR: [10:42:12] It was fine. Thank you for that.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [10:42:16] (Interpretation)

2 Q. [10:42:17] Mr Ntaganda, let's go back to your meeting with Bagonza's mother.

3 And my question was who is Bagonza? To which you said, he was about to be
4 dismissed from his duties. Which duties were you referring to in that answer?

5 A. [10:42:33] When he arrived, he told me that he was OC in Nyankunde.

6 Q. [10:42:52] Does OC have a particular meaning?

7 A. [10:43:01] Yes. That would be a company commander.

8 Q. [10:43:15] Did Bagonza tell you why they wanted to dismiss him from his
9 duties?

10 A. [10:43:27] He told me that he was not the only one who had been summoned,
11 that young Hema from various companies had been summoned for the simple reason
12 that they were Hema; and that the idea was to appoint other commanders to head up
13 various companies. That is what he told me.

14 Q. [10:43:53] What then is the link between the Hema and the Tutsi, if any at all,
15 Mr Ntaganda?

16 A. [10:44:02] In the Congo, if I am not mistaken, there are more than 300 ethnic
17 groups. I might need to read up my history again. I wasn't expecting this kind of
18 question. Prior to the events, I did not know who the Hema were. Now, when I
19 went to the Ituri in 2000, that is when I learned of the existence of the Hema people.
20 All I know is that the Hema are cattle breeders, just like the Tutsis. Beyond that, I
21 am not able to establish any other link between the Hema and the Tutsis.

22 Q. [10:44:57] As far as you know, are there any physical traits of resemblance
23 between them?

24 A. [10:45:08] Yes. Physically, the two resemble each other very closely.

25 Q. [10:45:21] Following your meeting with Bagonza's mother and Bagonza himself,

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 did you meet any other persons among those whom I mentioned earlier or from the
2 list of people I mentioned earlier?

3 A. [10:45:36] Subsequently, Tchaligonza arrived in much the same manner as
4 Bagonza. He rejoined his forces. He had been deployed to Kasenyi, and they were
5 about to dismiss him from his duties as well. And then a few days later, I saw late
6 Kisembo arrive -- when I say late, it is because he is no longer alive.

7 So when he arrived, he was wearing his uniform. And then he never went back.
8 He told me that he had been based in Bogoro, but he did not return to Bogoro. He
9 remained with us in NBK.

10 Q. [10:46:50] So now we know that Tchaligonza was in Kasenyi. What duties did
11 he occupy there?

12 A. [10:47:00] He was also a company commander, the same position as Bagonza.

13 Q. [10:47:19] Can you tell us about your meeting with Kisembo? Why did
14 Kisembo come to see you yourself?

15 A. [10:47:27] He said that his company had been mobilised, but that he was not
16 aware of it. So he felt that his life was in danger, and so he deserted. He went on to
17 describe to me the situation that was prevailing in the Ituri, and he said that the idea
18 was to dismiss all of them from their duties. So he had come to the conclusion that
19 this army was dominated by the Nandi people and that the situation was getting
20 worse.

21 At the time I did not know Bogoro. I only came to learn of it later on.

22 Q. [10:48:34] Did you have the opportunity to discuss the functioning of the APC
23 during the operations with Kisembo?

24 A. [10:48:43] I discussed that point even with other people. They said that in
25 certain areas there were no companies and there were no Hema, and that they had

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 been deployed in those areas to help the Lendu combatants to attack the Hema and to
2 kill combatants and steal cattle. That's what he told me during our discussion.

3 Q. [10:49:27] You, who were an APC officer at the time, did you believe what
4 Kisembo was telling you?

5 A. [10:49:40] Yes, I did. Yes, I believed him, because when I left Uganda, I
6 travelled through Mahagi and Fataki, and I was shown the location at which a very
7 beautiful boarding school had been destroyed. And all along the road from Bunia to
8 Djugu, the houses and buildings had been destroyed.

9 And the Ugandan who was with us had explained to us how the Lendu combatants
10 had come in and attacked those areas. And they told me that the APC troops were
11 part of the attackers and that Mbusa Nyamwisi's troops were a part of a tribal group.
12 This information I got not only from Ugandans but also from other people whom I
13 met along the way.

14 Q. [10:50:45] Were you able to observe that what happened was compliant with the
15 APC ideology prior to your injury in Kisangani?

16 A. [10:51:06] In Kisangani, the fighting was between armed groups. In Kisangani
17 the Ugandans were very close to me. And the APC did not have many troops. The
18 APC in Kisangani was the APC group that I led myself. And you would understand
19 that their ideology was specific to what I believed in, namely, that a civilian could not
20 impart any other ideology upon me different from the military ideology which I had
21 embraced.

22 Q. [10:51:52] I would like to clarify your last answer, Mr Ntaganda. You said at
23 page 29 of the transcript in English at line 6 and 7, you said, and I'll quote in English:

24 (Speaks English) "The APC in Kisangani was the APC group that I led myself."

25 (Interpretation) How were you the leader of the APC?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [10:52:28] The first group of soldiers who were trained in Kisangani were given
2 to me, and I was the PPU, that is the battalion commander, because that group had
3 not existed in Kisangani, and that is why I said that I was the leader of that group, the
4 Wamba Dia Wamba's group in Kisangani, and I was the PPU. It was just a battalion,
5 and that was the only group of the APC in Kisangani.

6 Q. [10:53:11] For how long did you share residence with Kisembo?

7 A. [10:53:22] We lived together for some one or two weeks, and this happened a
8 very long time ago. I cannot be more specific than that. But it was less than one
9 month. And that was before we went to the bush to set up the Chui mobile force.

10 Q. [10:54:01] Following César's death, who had been dispatched to arrest you and
11 as part of the reinforcements, what was the reaction of Wamba Dia Wamba's
12 team -- Wamba Dia Wamba's regime?

13 A. [10:54:33] They had planned an attack against me. They wanted to organise a
14 coup and to kill me. There was one Patrick in the army, and they had plotted in a
15 bar and agreed that if I were to be in a bar, they would come in civilian attire and
16 shoot me. They made plans to assassinate me. And I was not there when they
17 were making those plans. They were going to deploy a killer to ambush me.

18 Q. [10:55:26] Before talking about the planning of that event, was there a public
19 reaction from Wamba Dia Wamba's movement?

20 A. [10:55:44] Yes. Over the radio and in the media it was said that I was a
21 murderer, that a Rwandan was a murderer. Such ideas were broadcast over, they
22 were broadcast over the media widely. And so I think that even the people of the
23 Ituri who didn't know me got to know my name. And I would even say that all
24 Congolese got to know my name, and the media had it that I was a murderer, a
25 murderer, a murderer.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 You see, at that time I didn't even know that word in French "assassin." And it is
2 from that time that I became aware that I was being referred to in French as the
3 "assassin," assassinator or murderer.

4 Q. [10:56:51] During the time you lived with Kisémbó, were you armed?

5 A. [10:56:59] I had my pistol with me. I used to move about with it. I also had a
6 Kalashnikov, but I left it in my room. I had handed over the other Kalashnikovs that
7 I had to my men, and I left my own Kalashnikov at home whenever I went about or
8 when I went to Okapi.

9 Q. [10:57:33] Was Kisémbó himself armed?

10 A. [10:57:45] Yes. He had a small gun which we refer to as the gun, and it was
11 said that it was manufactured in Chechnya. It's a small gun which is smaller than an
12 SMG. He always had that weapon on him whenever he went about. It was a light
13 weapon which was easy to carry.

14 Q. [10:58:30] In your previous answer you just mentioned that you gave the
15 Kalashnikovs to your men. Which men are you referring to in that answer?

16 A. [10:58:43] I have already mentioned to you the names of the people who had
17 come with me. Those people did not have weapons. And I'm referring there to
18 Mahinga, Mukalayí, Mugabo, Modeste, and a politician who was with us whose
19 name is Michel Rudatenguha. I also gave him a weapon as well as his bodyguard.
20 And I too as I said also have had a weapon.

21 Q. [10:59:36] Was it Kisémbó's role to protect you at that time?

22 A. [10:59:44] No. Kisémbó was a commander, a company commander who came
23 to live with me, and we started to talk about matters pertaining to the revolution.
24 We said that if we had the support of the civilians, we were going to proceed
25 promptly to the bush for training. He talked to me about the problems that were

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 there, and I was on standby, I was ready, and I was ready to go to the bush at any
2 time.

3 Q. [11:00:47] Was there a relationship of superior and subject between you and
4 Kisembo, whichever way?

5 A. [11:00:58] Yes. I was a senior, a more senior ranked officer than him. He was
6 a company commander. But by the time I went, I got there, I had been battalion
7 commander. I had even already been a brigade commander. So I was to some
8 extent his superior.

9 MR BOURGON: Mr President, I think we can break here.

10 PRESIDING JUDGE FREMR: [11:01:24] All right. So we take our regular 30 minute
11 break now and we will reconvene half past 11.

12 THE COURT USHER: [11:01:30] All rise.

13 (Recess taken at 11.01 a.m.)

14 (Upon resuming in open session at 11.31 a.m.)

15 THE COURT USHER: [11:31:25] All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: [11:31:50] So we can directly continue with
18 examination-in-chief of Mr Ntaganda by Defence.

19 Mr Bourgon, you have the floor.

20 MR BOURGON: [11:32:07] (Interpretation) Thank you, Mr President.

21 Q. [11:32:14] Mr Ntaganda, before we continue I would like to come back to your
22 last answer on page 32, line 5. It is written on the transcript, and I will quote in
23 English:

24 (Speaks English) "A battalion commander, I even had already been a brigade
25 commander."

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 (No interpretation)

2 A. [11:33:09] This is what I said, I was giving the difference between myself and
3 Kisembo. He was not my bodyguard because he was a commander. As far as
4 hierarchy is concerned I was his superior. I was battalion commander, and I had
5 been promised the position of brigade commander. That is a promise that had been
6 made to me.

7 Q. [11:33:47] Second point of clarification. Since you say that you were the
8 superior of Kisembo, did you give him any orders during the period that you were
9 staying together?

10 A. [11:34:05] No, I did not give him any orders. There was no army. I
11 considered him as a revolutionary, like myself. And we shared ideas about how to
12 come out of the situation in which we found ourselves. So I did not give him orders.

13 Q. [11:34:36] Earlier on you mentioned an attempt, an attempted coup organised
14 against you. Can you describe the events that followed that attempt?

15 A. [11:34:59] Very well. When we were in NBK, when we wanted to go and find
16 non-alcoholic drinks, we went to Okapi, Kisembo and myself. One day when we
17 were there, I saw a young lady. I had not known her before; I knew her later. She
18 was crying and wiping away her tears. She wanted to talk to me, and I asked her, do
19 you have a problem. She said, yes, I have a problem and I would like to talk with
20 you. So we stepped aside and she told me, "I was in a bar and a young person
21 named Patrick, who was 25 years old, chatted me up. We were together, we drank,
22 and when he became drunk, he started saying some very serious things about you."
23 And she was talking about me.

24 She said that Patrick had said that I was very severe and he had been assigned the
25 mission of doing something. He had been given \$100 and he had shown the \$100

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 that he had been given to kill me. She was speaking in Kinyarwanda. I did not
2 know that there were people who understood Kinyarwanda in that area. I asked her
3 where that person was, and she told me, "We were together drinking in a bar called
4 Nilotic (phon)." She told me, "My brother, you have to take great care of yourself."
5 And she told me that, "He was given money and if he saw you in a bar, he will harm
6 you. He would be wearing civilian clothes." So she said, "He would be looking for
7 you in bars or discos, and that is why I came to tell you this."

8 THE INTERPRETER: [11:38:06] Correction from the Swahili interpreter: Patrick
9 said that you killed César and that after that the lady left.

10 MR BOURGON: (Interpretation)

11 Q. [11:38:23] Mr Ntaganda, what did you do in light of that information?

12 A. [11:38:37] She told me her name. Later on, I talked with Kisembo. I asked
13 him whether he knew that person, he said no, but he had heard about him as the IO
14 of Wamba Dia Wamba, and that he was going to find out from other people who
15 know him, and then he would give me information to enable me to protect myself.
16 Kisembo told me that if he learnt more details about him, he would tell me so that I
17 could protect myself. And I wanted to anticipate his actions when I knew that he
18 was going to -- he wanted to eliminate him.

19 Q. [11:39:40] And what happened?

20 A. [11:39:44] Later on, we returned to where we were at the NBK. On another
21 day, shortly afterwards, we went out. I think the information that I'm going to give
22 requires us to go into private session because I am going to name some people.
23 If that is possible, Mr President, I would like us to go into private session.

24 PRESIDING JUDGE FREMR: [11:40:22] All right.

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

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Private session at 11.40 a.m.) *(Reclassified partially in public)

2 THE COURT OFFICER: [11:40:31] We are in private session, Mr President.

3 PRESIDING JUDGE FREMR: [11:40:43] Mr Bourgon, please proceed.

4 MR NTAGANDA: [11:40:56] (Interpretation) When we were asking what his name

5 was, I remember that there were people who knew him. These were money

6 changers who were there every day near the NBK. I don't know whether that still

7 happens today; that is, money changing activities, changing dollars against Congolese

8 money. But the people were doing that near the NBK, and one day I was going out

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted), "That is Patrick; that is Patrick." I think

15 Patrick was following my movements because I could see that he was close. He had

16 a pistol, I had one and Kisembo also. We fought, we beat him, we seized the weapon,

17 and we fled to the NBK. We left him at that location.

18 MR BOURGON: [11:43:04] (Interpretation)

19 Q. [11:43:05] Did Patrick die? And as far as you know who killed him?

20 A. [11:43:13] I fired a shot at him with my pistol and Kisembo also shot at him

21 with his SMG. We did not find out where he had been struck. I took his weapon

22 and we left. We understood that the APC soldiers could come immediately to arrest

23 us. We went to the NBK and then the Ugandans arrived and interposed themselves

24 so as to prevent the APC from attacking. They came to where the shots had been

25 fired and the Ugandans came to block the road.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 Q. [11:44:02] Mr Ntaganda, on page 35, line 3 in the English transcript, you used
2 the word "IO of Wamba Dia Wamba." What does that term "IO" mean, India Oscar?

3 A. [11:44:25] Intelligence officer.

4 Q. [11:44:35] You have just told us that the Ugandans interposed themselves.

5 Please explain to us, what was the role of the UPDF at that time? There was the
6 RCD-K/ML in position, but you have talked about the UPDF. What was the UPDF
7 doing there at that time in Bunia?

8 A. [11:45:05] This was what I can say. During that period in Ituri, I did not take
9 part in the operations carried out by the UPDF, but I know that they were the ones
10 preventing the attacks of the combatants against Hema civilians. I think that they
11 were deployed at that time, but I did not know where. They were not only at the
12 airport; they were deployed in various localities and in various villages. That is
13 during that period that they were fighting against the combatants. And the UPDF
14 officer with whom I was, told me that the APC soldiers assisted by the combatants
15 were attacking members of the civilian population. And in the APC, there were
16 many elements of Mbusa Nyamwisi's community. It was a tribunal-based army.
17 And all those who tried to prevent those killings were the UPDF. They arrived in
18 1999 and right up to 2001. If they had not been there, I believe the Hema would have
19 ceased to exist. So the UPDF was responsible for protecting the Hema.

20 THE INTERPRETER: From the interpreters, Mr Bourgon had overlapped. That is
21 why --

22 MR BOURGON: [11:47:08] Mr President, we can go back into public session,
23 please.

24 PRESIDING JUDGE FREMR: [11:47:09] Now it is fine, yes.

25 Court officer, let's return back into public session.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 (Open session at 11.47 a.m.)

2 THE COURT OFFICER: [11:47:22] We are back in open session, Mr President.

3 PRESIDING JUDGE FREMR: [11:47:27] Thank you, court officer.

4 Mr Bourgon, please proceed.

5 MR BOURGON: [11:47:41] (Interpretation)

6 Q. [11:47:42] Mr Ntaganda, earlier on, you explained that the RCD-K/ML was
7 supported by Uganda. Was this still the case when you were in Bunia during the
8 year 2000?

9 A. [11:48:09] When I was in Bunia in 2000, I did not work in the APC. The
10 UPDF was there. There was also the RCD-K/ML. So naturally they were together.
11 There was the movement of Wamba in the sub -- at the sous région, and the UPDF
12 had its headquarters at the airport.

13 Q. [11:48:46] One last question about Patrick, who was shot. Do you know what
14 happened to Patrick following his death?

15 A. [11:49:10] Everyone knows that the Interahamwe were ex-FAR officers. And
16 in Africa, and it is not even only in Africa, when you go to a burial, the biography of
17 someone is read out, if you are a soldier, who were your parents, where you were
18 born, where you joined the army.

19 But when it came to him, nothing was said. It was simply known that he was an
20 Interahamwe, an ex-FAR from Rwanda. He was simply buried and everyone -- and
21 they went back to the sous région. Everybody talked about it.

22 Today you can go to Bunia and ask about Patrick who was killed when Ntaganda was
23 there, the one who was shot by Ntaganda and Kisembo, and they would say that he
24 was an element of FDLR. But I was not aware of that, I learnt about that later.

25 Q. [11:50:32] Do you know anyone called Lonema, Mr Ntaganda?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [11:50:39] Yes, I know him.

2 Q. [11:50:43] Did you meet Mr Lonema during that period when you were in
3 Bunia, that is the period we are discussing right now?

4 A. [11:51:04] Yes. After that incident, the media continued saying that I was a
5 murderer, that I was a Rwandan, I had committed torture and I had to return to
6 Rwanda. They were asking that the UPDF had to remove me from where I was.
7 The UPDF wanted me to leave the location because Wamba Dia Wamba and the
8 leaders who were working with him had so requested. And when they understood
9 that the UPDF were asking that I return to Rwanda, I saw Lonema arrive with Jekoni.

10 THE INTERPRETER: [11:52:11] From the Swahili booth: Mr President, can the
11 witness be asked to repeat the last part of his answer because the Swahili booth did
12 not quite understand him.

13 PRESIDING JUDGE FREMR: [11:52:23] Mr Ntaganda, there is a request for you to
14 repeat the last part of your answer because it was not fully captured by the Swahili
15 interpreters, so please repeat it.

16 MR NTAGANDA: [11:52:54] (Interpretation) Very well. This is what I was
17 saying. Lonema came to see me, he was not alone, there were two of them. He was
18 accompanied by Jalumu Jekoni.

19 MR BOURGON: [11:53:12] (Interpretation)

20 Q. [11:53:14] Mr Ntaganda, who is Lonema? How did he introduce himself to
21 you?

22 A. [11:53:34] Lonema did not introduce himself. The person who spoke more
23 was Jalumu. He said that he was the representative of the Alurs. Lonema also said
24 that both of them supported me, that they were totally behind me and that their
25 community supported me, and that if I left, they would mobilise members of the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 population and vehicles for that purpose, and that they were even going to block the
2 roads so that the UPDF soldiers should not compel me to leave.

3 But it was Jalumu who spoke more. The other one added that the entire population
4 of the community was behind me, but he did not provide any further details.

5 Q. [11:54:52] And which was Lonema's community?

6 A. [11:55:05] He hails from Hema north. And I know that he came on behalf of
7 the Hema north community because Jalumu said that they were there as the
8 representatives of their respective communities.

9 Q. [11:55:31] Can you spell the second name, Jalumu, please?

10 A. [11:55:46] It is a Lulu name. I don't know whether I can spell it correctly.
11 Juliette Alpha Lima Uniform Mike Uniform, Jalumu. As to Jekoni, Juliette Echo Kilo
12 Oscar November India.

13 Q. [11:56:26] Why did these two people want you to stay in Bunia?

14 A. [11:56:35] As far as I'm concerned they were really determined. Based on our
15 discussion, I was reassured in what I was looking for. They were tired of
16 Wamba Dia Wamba's regime. They told me that Wamba Dia Wamba's army was
17 attacking and killing civilians. They told me that if I had an army, then I should
18 drive out Wamba Dia Wamba.

19 Q. [11:57:22] Earlier on you mentioned that the press continued referring to you
20 as a murderer. So they were giving you poor press and saying that you had to
21 return to Rwanda. Now, how did the population react to that?

22 A. [11:57:57] It is those people who came to see me who represented their
23 communities who gave me the point of view of their communities. They had no
24 problems with people. They did not say this person is a Rwandan or not. All I
25 understood is that they wanted someone who would be able to drive out the people

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 attacking the civilians.

2 We did not talk about ethnic groups, but I understood that this was politics. I had
3 protected Wamba Dia Wamba and Mbusa Nyamwisi in Kisangani when they wanted
4 to eliminate them. They fled. I, myself, fought for an entire day to protect them.
5 During that time they did not consider me as a Rwandan. But when they wanted to
6 eliminate me and I beat them, I was considered as a Rwandan at that time, so I
7 understood that it was an excuse. There was a campaign against me. So they were
8 talking about me everywhere at that time.

9 Q. [11:59:30] Talking about the meeting with Lonema and Jalumu, where did it
10 take place?

11 A. [11:59:42] That meeting took place at the NBK. That is where we were living
12 in that storey building. It was in the refectory, that is the lobby of the NBK. That is
13 where the meeting took place, upstairs where we had our rooms.

14 Q. [12:00:14] Mr Ntaganda, what did you do after that meeting? Talk about, tell
15 us about all the things that you have just revealed to us. What did you decide to do?

16 A. [12:00:35] When we were at that location, my colleague became afraid and fled.
17 He thought that we were not strong enough. He thought we were going to be killed,
18 and that is why he fled.

19 I took the decision to speak with Kisembo. And I said it was time to go and see
20 Bagonza, because they also wanted to chase him out -- Tchaligonza. And I thought
21 we could negotiate with Wamba Dia Wamba's forces, tell us -- tell them our
22 difficulties and ask them why we were being harassed. And this harassment was
23 based on ethnic origin, because people were talking about Rwandans and Hemas.
24 That is when we decided that we would go into the bush.

25 Q. [12:01:58] Well, so then you decided to go into the bush, then what happened?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Exactly what did you do and how did you go about it?

2 A. [12:02:25] Well, I said to Kisembo to look for some people within his
3 community, because I really didn't know anyone in Ituri that I could ask for a vehicle,
4 because we were going to leave at night. So I asked Kisembo to ask someone in his
5 community to give us a vehicle and we would go to Nyankunde without people
6 knowing. He got a vehicle. At night we got up, we went as far as Nyankunde, and
7 that's where Tchaligonza was living.

8 Q. [12:03:09] Mr Ntaganda, I'd like to go back to a response you gave earlier and
9 I'll repeat your response. I think there might be a few words missing. Now, end of
10 page 42, beginning of page 43, and I'll read out the English version to you:

11 (Speaks English) "I took the decision to speak with Kisembo and I said it was time to
12 go and see Bagonza because they also wanted to chase him out --"

13 (Interpretation) Then there's a space and then we have the name Tchaligonza.

14 A. [12:04:04] Well, I noticed that in the transcript because, you see, I'm talking
15 and I'm also keeping an eye on the transcript. I mentioned Bagonza, not the other
16 name. And I was talking about Bagonza.

17 Q. [12:04:26] So you did not mention Tchaligonza?

18 A. [12:04:33] I didn't mention Tchaligonza.

19 MR BOURGON: [12:04:38] Mr President, if the transcript can be corrected, if my
20 colleague agrees, or we can just leave it and have the audio rechecked at a later time.

21 PRESIDING JUDGE FREMR: [12:04:49] Ms Samson.

22 MS SAMSON: [12:04:50] Well, in this scenario both the English and the French
23 contain the name Tchaligonza. I have no immediate reason to disbelieve the witness,
24 but I think it might be best to check because they're the same on this point.

25 PRESIDING JUDGE FREMR: [12:05:02] All right then.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [12:05:16] (Interpretation)

2 Q. [12:05:17] Mr Ntaganda, we will now continue.

3 You were saying that you wanted to get to Nyankunde. Why Nyankunde? What
4 was going on there?

5 A. [12:05:36] Yes, I said that when Bagonza arrived, he was the first target, that
6 they wanted to get him out of his position. When we got to my place he was crying.
7 He said that at any time they might try to relieve him of his duties. And I said to
8 him: If we go before he is relieved of his duties, we could fight, we could go see
9 Wamba and ask why we're being harassed.

10 So we went to Bagonza and he was being threatened, you see, to be stripped of his
11 duties. So that is why I made the decision. I knew that he could help us get the
12 men, and with those men we could respond, and even ask the question: Why are we
13 being harassed? Why are people out to get us?

14 Q. [12:06:55] And when you travelled to Nyankunde with Kisémbó, did you have
15 any escorts with you at that time?

16 A. [12:07:13] When we went, I was with just him. My bodyguard had already
17 been killed. I did not have another one. I had my SMG and he had his MCG. But
18 we didn't have bodyguards.

19 Q. [12:07:37] Just so that everyone in the courtroom understands, here I read that
20 you had an SMG, Sierra Mike Golf, and Kisémbó had a Mike Charlie Golf. What is
21 that exactly?

22 A. [12:08:12] Could you repeat your question? I haven't understood.

23 Q. [12:08:17] I just wanted to clear up one thing that you said. You said that you
24 had an SMG, Sierra Mike Golf. What's that?

25 A. [12:08:36] It's an AK-47.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:08:40] And you used another word too in relation to Kisembo. You said
2 he had an MCG, Mike Charlie Golf. What's that?

3 A. [12:09:01] That was his weapon. She gun (phon) is what we called it. I think
4 I've forgotten the name of it. I think I got mixed up. He too had an SMG. He had
5 a she gun that he had got from the company where he was before.

6 Q. [12:09:27] And what happened once you got to Nyankunde?

7 A. [12:09:38] Yes, I forgot to mention another young man who had gone off with
8 us. I forgot to mention Zäïrois was his name. He was with Dia Wamba, and he had
9 deserted from him when César was killed.

10 There was also a fellow called Patrick, he spoke Kinyarwanda, they wanted to kill
11 him. He got away and he met up with us. He was also with us when we made that
12 trip.

13 We got there at night, Bagonza's home, and we woke him up, he was asleep. And
14 we said to him -- well, they explained why we were there. And he called his AIS,
15 Kasangaki was that person's name. I think those were the people that we talked to in
16 the house, in Bagonza's house in Nyankunde. We talked in the house of Bagonza.
17 That was at his base. They had their base there, his company's base was there.

18 Q. [12:11:06] You mentioned Kasangaki, and according to the English transcripts
19 it's AIS, Alpha India Sierra. What does that mean, AIS?

20 A. [12:11:28] Staff intelligence or intelligence staff, in other words, an intelligence
21 officer.

22 Q. [12:11:35] And the A, what does that stand for?

23 A. [12:11:46] I just said -- I mentioned or I said a IS, intelligence, intelligence staff.

24 Q. [12:11:59] Is there a difference between IS, India Sierra, and IO, India Oscar?

25 A. [12:12:17] Yes, there is a difference. IS, that person works at the lower levels,

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 platoon level, squad level. India Oscar, IO, that person works at the battalion level,
2 at the higher, at the brigade level or within a unit.

3 Q. [12:12:49] Please explain what happened, just in a few words, when there was
4 this meeting with Bagonza, you decided -- what did you decide to do and how?

5 A. [12:13:04] Yes, I was the one who spoke. I explained the dangers that we
6 were in. I said to them: You see, I'm still alive but only thanks to God. I had a
7 close call. I got away from the troops. My bodyguard was killed. I was the one
8 that the bullet was intended for, so to speak. But instead my bodyguard killed.
9 They came to kill me, not my bodyguard. And they didn't know that I had a
10 bodyguard. They even thought that I didn't have any weapon. And what you are
11 telling me is dangerous. Remember one thing, and I told you this, today the
12 President Museveni is in power because they, they went into the bush, just 27 people.
13 And I said in the history of the region they are known as the 27 fighters, 27 fighters.
14 And I said that if you -- I know this company will go far.
15 Now, before this company is at my disposal and we will attack the troops of
16 Wamba Dia Wamba, and the UPDF and Wamba Dia Wamba are going to summon us,
17 and we will sit down and we will explain our problems. He was pleased. He
18 wanted to do so, actually, but I didn't have the strength of mind. You have
19 reinforced my determination.
20 He agreed, and he said: Okay, now you will tell us what you will be our leader, you
21 will tell us what to do.

22 So I was chosen to be their leader at that time.

23 Q. [12:15:07] And did you give your group a name?

24 A. [12:15:15] Straight away, once he agreed, I said that henceforth our force
25 would be called Chui mobile force. And I was the one who gave the group that

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 name that night. At that time I didn't even think about it for very long. I said that
2 we are going to turn this company into a force, Chui mobile force. I will be the
3 commander. You, Bagonza, will be my deputy, Kisembo as well, you will be our S4,
4 so that was admin -- no, I didn't say S4, I said admin.

5 And I said to another person: You will be the IO. And right away we went into the
6 bush by Sota, and we travelled at night. We deserted the defence of Nyankunde that
7 night.

8 Q. [12:16:27] And Tchaligonza, was he there at that time?

9 A. [12:16:39] He had not yet joined us, he came the next day. We left at night,
10 and the next day he followed us with his company. That was during the evening.
11 He came with his company from Kasenyi.

12 Q. [12:16:59] In total, how many men did Chui have?

13 A. [12:17:15] We and Bagonza's company and Tchaligonza in total -- you want me
14 to give you -- because when Tchaligonza came, I changed the structure. He became
15 the S3. So we called them the OPTIO, and I gave them the rank of OPTIO. We
16 were about 50, maybe 200.

17 Q. [12:17:52] Now, in the transcript there's one word that was added in English,
18 Mr Ntaganda, line 23, OPTIO. Is that a rank or a position? What is it?

19 A. [12:18:14] Well, it's a word that we used. In the army when I was in the FPR
20 in Rwanda, it was operations title, the person in charge of operations, that's why I
21 said the person was almost the equivalent of an S3.

22 Q. [12:18:51] And what was the objective of Chui at that point?

23 A. [12:19:07] Chui had one particular aim, he wanted to put pressure on Wamba
24 so that we would get some explanation why we were being harassed. If he refused,
25 we would attack, and he knew that bit by bit, with the experience I had as a military

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 man --

2 Your Honour, I'm having some trouble. When I'm speaking I can hear the
3 interpretation in French as well. When I'm speaking I can hear the French
4 interpretation in my headset.

5 PRESIDING JUDGE FREMR: [12:20:06] Court officer, could we check Mr
6 Ntaganda's audio equipment. Maybe it could be a problem with channels again.
7 Mr Ntaganda, please say a few words as a test.

8 MR NTAGANDA: [12:20:46] (Interpretation) Yes, yes, it's fine now. I can hear
9 now just fine.

10 PRESIDING JUDGE FREMR: [12:20:53] All right. Thank you, court usher.
11 We can proceed.

12 MR BOURGON: [12:20:59] (Interpretation) Thank you, your Honour.

13 Q. [12:21:02] Mr Ntaganda, at page 49 of the English transcript, line 9, you said
14 the following and I quote, I'll quote the English:

15 (Speaks English) "Chui had one particular aim, he wanted to put pressure on
16 Wamba."

17 (No interpretation)

18 A. [12:21:44] It was me and my companions whom I was with. We wanted to
19 put pressure on Wamba so that Wamba would tell us why he was attacking us,
20 because the only thing that brought us together was the danger that we shared.
21 I from time to time was the target. And the commanders that I was with wanted,
22 they wanted to relieve them of their duties. And at my level and my companions,
23 we wanted to make our grievances known. There was Mahinga, Mugabo who met
24 up with us. Mahinga, we designated him to be our spokesman, he was the
25 spokesman of Chui mobile force.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:22:39] And where did this occur, this setting up or organisation of Chui
2 mobile force?

3 A. [12:22:50] In the bush close to Sota.

4 Q. [12:22:56] Where is Sota?

5 A. [12:23:04] Well, if you get to Nyankunde, and then you head towards
6 Komanda, heading towards Bunia, and Sota is over on the right-hand side. It is not
7 far from, from -- it's about 10 or 12 kilometres, it's not far away.

8 Q. [12:23:44] Now, did the entire company of Bagonza follow you, did they all
9 follow you?

10 A. [12:23:56] Yes. We were with those three platoons. Tchaligonza also came
11 with his three platoons. We were all together.

12 Q. [12:24:10] And within your group, were there any civilians, or were all the
13 people members of Tchaligonza and Bagonza's company?

14 A. [12:24:33] They were all APC soldiers. There was no civilians with us, not a
15 single one. Except when we went into the bush, the civilians learned about that,
16 they started to provide support and bring us food as well as communications
17 equipment. We went without nothing when we were in the bush. We received
18 support from the civilians.

19 Q. [12:25:13] After Bagonza's company left, how did the company of
20 Wamba Dia Wamba react?

21 A. [12:25:30] The next day once they heard about what had happened, it was
22 possible that the civilians from Nyankunde gave them the information, and they
23 immediately brought -- sent another company led by a commander by the name of
24 Moyi, and they went and occupied the part that was occupied by Bagonza's defence.

25 Q. [12:25:57] Can you help us with the name of the person. In the transcript I

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 can see M-O-Y-Y. How do you spell that person's name, the commander from the
2 company that replaced Bagonza?

3 A. [12:26:19] Moyi was his name. At that time we didn't have ranks, we were all
4 referred to as commanders. He was commander Moyi. He is now a colonel within
5 the government army, in the army of the government in Kinshasa.

6 Q. [12:26:46] Mr Ntaganda, what do you base yourself on when you say that 200
7 men was enough for you to attack or do harm to the entire APC of
8 Wamba Dia Wamba? Why did you say that?

9 A. [12:27:14] Yes, I knew that since I had the support of the population, despite
10 the small number of men, because I -- well, in -- I had been an informer in the bush.
11 I had received the training on how to be an operator in the bush. And I knew how to
12 defeat an enemy with many -- in large number. I learned hit and run. It's a military
13 tactic, hit and run. And I knew that with 200 men I could do harm to a large army.

14 Q. [12:28:10] Did you conduct any attacks with Chui?

15 A. [12:28:22] Yes, yes, I do recall that Commander Pepe was used. He was a
16 commander in Rwampara. And he thought that he would be able to convince some
17 commanders to come out of the bush, and they sent him.

18 And then the members of the population told us, they informed us that they were
19 coming, so we sent Kasangaki IO to meet him, and then we took him to Sota. I had a
20 discussion with him there. He came, we had discussions with him. And in order to
21 avoid being unmasked and disclosing our location, we displaced our company and
22 attacked them at 4, 4 p.m. And we won, we beat them and captured all their troops,
23 about a hundred of them, or maybe about a hundred, and we arrested them.

24 THE INTERPRETER: [12:30:00] The correction from the interpreter is that this
25 happened at 5 a.m., 5 in the morning.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [12:30:09] (Interpretation)

2 Q. [12:30:10] I just need clarification from you, Mr Ntaganda. You say that at
3 line 15 the following --

4 THE INTERPRETER: [12:30:24] Mr President, could counsel be advised to observe
5 a pause when switching languages for the benefit of the interpreters.

6 MR NTAGANDA: [12:30:36] (Interpretation) No, I was talking to you about Pepe,
7 who had been a commander in Rwampara. It's Papa Echo Papa Echo, Pepe.

8 Q. [12:30:52] Much later on at line 20 you said the following --

9 THE INTERPRETER: [12:30:57] Overlapping, Mr President.

10 PRESIDING JUDGE FREMR: [12:31:00] Mr Bourgon, there are several problems
11 with the interpretation because, first of all, if you are switching the languages, please
12 make a larger pause, and also again there were some overlaps, so please have it in
13 mind. So rather repeat the last question again.

14 MR BOURGON: [12:31:33] (Interpretation) Thank you, Mr President.

15 Q. [12:31:34] Mr Ntaganda, based on the transcript which I'm looking at, you say
16 that you sent Kasangaki, but I don't know where you sent him. Where did you send
17 Kasangaki to and for what? Can you clarify that? Can you clarify that part of your
18 answer?

19 A. [12:32:00] Yes. Kasangaki was in charge of the intelligence service, and he
20 would gather information from civilians. And the civilians had told him that the
21 UPDF had sent him to sensitise us to leave the bushes or to leave the resistance. And
22 so I sent Kasangaki to go and arrest him so that he should produce the information.
23 And he told him that he had been sent by the UPDF, and that Moyi had deployed a
24 company to occupy Kasangaki's position.

25 Q. [12:33:17] In your last answer it says Moyi had sent a company to occupy

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Kasangaki's position. Is that what you said?

2 A. [12:33:33] I was referring rather to Bagonza's position.

3 Q. [12:33:39] What happened when you attacked Moyi's company?

4 A. [12:33:55] I went with Pepe. And he was not part of Chui mobile force. We
5 launched the attack in the morning. We went into trenches and we ordered them to
6 surrender.

7 Moyi said he was going to fight. We had Motorolas. He also had Motorolas. And
8 I saw Chief Kahwa for the first time. I hadn't known him. He brought us some
9 Motorola in Sota. And so I said we have to fight him.

10 And when he became aware that he was surrounded, he surrendered and he raised
11 his hands in the air.

12 And then there was a young man who was struck in his arm, and this happened
13 around 5 a.m.

14 I went to the position. I saw Moyi sitting down. I had a discussion with him. I
15 said to him, "You know me very well." He knew me very well from the time of
16 Kisangani when I helped Wamba Dia Wamba. And so I told him that we were not
17 happy with the discrimination they were practising, and that we had committed
18 ourselves to fight rather than to die, because we did not know why they were
19 targeting us. So go and tell him that we, we want to find out why they have targeted
20 us.

21 So I took his deputy Bisimwa, who was injured in the arm, I took him to the
22 Nyankunde hospital and asked that he be treated.

23 Then I told the members of the population of that area. And this was in the morning,
24 they had already heard the gunfire. So one of Bagonza's friends requested that a
25 bicycle be brought so that Moyi could be taken. And Moyi was supposed to convey

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 the information to President Wamba Dia Wamba.

2 Our tactic, our strategy was a hit-and-run tactic, that is to fight and to retreat. And
3 that is how we then retreated to the bush while Moyi went to Bunia.

4 Following, following that operation, my name was broadcast all over the place.

5 People were saying: Why is this man so successful in all his operations? Is he
6 receiving help from God, or is he using some kind of fetish? And so I became
7 increasingly popular. I had gone into resistance with 200 people, and I began to
8 teach them our ideology, and they remained with us or with me in the bush.

9 Q. [12:37:39] Apart from the person who was injured in the arm, were there any
10 other persons injured during that attack?

11 A. [12:37:55] Apart from him there was another APC soldier who died. We
12 found his dead body at the Nyankunde airport. It is a small airport landing strip, an
13 air strip, that is where we found his -- his dead body. He had been shot as he tried to
14 escape. On my side no one was injured, because we were in the trenches.

15 Q. [12:38:37] Mr Ntaganda, why did you decide to send Moyi to carry a message
16 to Wamba Dia Wamba rather than hold him as a prisoner?

17 A. [12:39:09] When you adopt the combat tactics which we learned, it is
18 important to make choices as to what is useful. So I chose to send him because he was
19 disarmed. I had his pistol. He had a good pistol, but I gave mine, my pistol to late
20 Bagonza. So we wanted him to take the message that he had been defeated and that
21 his entire company had been defeated. So it was a humiliation for him.

22 I felt that his troops were going to be afraid, because we did not intend to stop there.

23 We wanted to strike, to hit and run, and so that was our tactic, namely, that he should
24 take this message to his chief so that his enemy -- or our enemy could be frightened,
25 frightened to -- frightened because they would be arrested as well, that the same fate

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 would befall them. So that was our tactic, to scare the enemy.

2 Q. [12:40:34] Did Chui have the support of the civilian population while it was in
3 the bush?

4 A. [12:40:48] When we were in the bush, we used to eat meat. People would
5 slaughter cows for us. We had rice. Our troops had alcohol. They had cigarettes.
6 I didn't drink. And they had whiskey. I didn't drink whiskey, but those who had
7 whiskey were able to drink whiskey. So there was everything, enough to eat,
8 enough to drink. And so we received the support from high levels.

9 Q. [12:41:33] A short while ago you mentioned that you had met Chief Kahwa for
10 the first time and that Motorola radios had been provided to you. Who was
11 Chef Kahwa and what was he doing at that time?

12 A. [12:41:57] I had not known him. I did not know him at the time. It is
13 Bagonza and Tchaligonza as well as Kisembo who introduced him to me. He was a
14 mixed-blood person. I did not think that he was Hema. He came with a Motorola,
15 because at that time we did not have any Motorolas, even Bagonza did not have a
16 Motorola. So he gave me Motorolas, which I distributed to the commanders. He
17 introduced himself as the chief of the Mandro. And it is then that I knew that he was
18 the chief of the Bahema Banywagi in Mandro.

19 Q. [12:42:52] He was a chief of what in Mandro? And at what level were you
20 informed of that?

21 A. [12:43:08] He was the chief of the Bahema Banywagi collectivity. That is what
22 I learnt when I was in Sota.

23 Q. [12:43:27] In which region was Chui based when it was in the bush?

24 A. [12:43:48] After the attack on the Wamba elements in Nyankunde, we went
25 back to Sota in the bush, and we learnt that the Rwandans were on the way. That

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 information came to us through the civilians.

2 At that time Bagonza and Tchaligonza deserted after they learnt that the Ugandans

3 were on their way. So I remained with Kisembo, and he became my 2IC, my deputy.

4 I was not familiar with the Ituri region, so Kisembo suggested that we go to Mandro.

5 So I told him that we would go to Mandro, and I named our company Chui mobile

6 force. And Chui is a leopard, and so we were going to move around and about like

7 leopards, and that's how we went towards Mandro.

8 Q. [12:45:19] Did Chui conduct any other attacks subsequently?

9 A. [12:45:31] No. There were no other attacks while we were in the bush. The

10 civilians organised themselves, went to Uganda to contact the Ugandan authorities,

11 and then we learnt over radio that they said that they had some young people in the

12 bush, because the armed forces were attacking and looting civilians targeting the

13 Hemas. This is what we heard on the radio.

14 So when we went to Mandro, a delegation came from Uganda to see us and to

15 negotiate with us and to hear our grievances.

16 Q. [12:46:36] Earlier on you said that the UPDF had attempted to attack you.

17 Was there any UPDF attack against you?

18 A. [12:47:00] No, they were not able to find out where we were located, because

19 the members of the population told us where they were, and so we were able to avoid

20 them. So while we were in the bush they were not able to locate us. We were,

21 therefore, able to find a place to sleep and to eat. But they were not able to locate us.

22 Q. [12:47:35] Were you attacked by the APC or by the troops of

23 Wamba Dia Wamba?

24 A. [12:47:54] They were afraid of us. When we attacked Moyi's company -- well,

25 they knew that Moyi was a brave combatant. Now, after his company was defeated,

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 our enemies were afraid of us. Whenever they heard that we were in such and such
2 a location, they would flee. So they did not attack us while we were in Nyankunde.

3 MR BOURGON: [12:48:27] Mr President, if we can go into private session, please.

4 PRESIDING JUDGE FREMR: [12:48:29] All right. Court officer, let's move into
5 private session now.

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

7 THE COURT OFFICER: [12:48:42] We're in private session, Mr President.

8 PRESIDING JUDGE FREMR: [12:48:44] Thank you, court officer.

9 Mr Bourgon, please proceed.

10 MR BOURGON: [12:48:52] (Interpretation) Thank you, Mr President.

11 Q. [12:48:55] Mr Ntaganda, I want to go to page 59, line 7. According to what

12 I'm told, there might be a number of words that are missing from the transcript.

13 And I'll read out to you the sentence in English, and I'll break, and then thereafter I

14 will ask you to answer.

15 Now, page 59, and you say the following, in English:

16 (Speaks English) "They were not able to locate us. We were, therefore, able to find a
17 place to sleep and to eat, but they were not able to locate us."

18 (Interpretation) I now return to French. According to what I'm told, you went on to

19 add a sentence which is not there. Does this ring a bell?

20 A. [12:50:19] It is possible that I spoke very fast, but what I said was that they

21 were not able to locate us. They could not find our camps, the places where we used

22 to eat. They were not able to find us or locate us, because civilians gave them

23 information that was misleading. If we were in the east, for example, they would tell

24 them we were in the north. If we were in the north, they would tell them that we

25 were in the east. So it is the civilians that misled them and, therefore, they were not

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 able to locate us.

2 Q. [12:51:14] Was it possible at any time for the UPDF forces to find out where
3 you were located?

4 A. [12:51:29] That is what I'm telling you. I have just told you that they looked
5 for us for over a month, but they were misled by the civilians. You see, the UPDF
6 troops had received high level training and were able to move easily, but they were
7 unable to locate us, because whenever they sought information from the civilian
8 population, the civilians will tell them we are in the north, whereas we were in the
9 south or in the east or elsewhere. So they were confused by the information they
10 received from the civilians, and that is why they were unable to locate us.

11 Q. [12:52:21] Mr Ntaganda, we are in private session. Do you know why the
12 UPDF wanted to attack Chui?

13 A. [12:52:37] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MR BOURGON: [12:54:00] (Redacted)

25 THE INTERPRETER: [12:54:04] (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

- 1 MR BOURGON: [12:54:06] (Redacted)
- 2 PRESIDING JUDGE FREMR: [12:54:09] (Redacted)
- 3 MS SAMSON: [12:54:11] (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 PRESIDING JUDGE FREMR: [12:54:43] Mr Bourgon.
- 10 MR BOURGON: [12:54:54] Thank you, Mr President. I did explain earlier the
- 11 reasons why, and I will endeavour to inform my colleague by electronic
- 12 correspondence in order to guide her with her cross-examination. But if the
- 13 Chamber wants me to put this in writing, I can also put this in writing, Mr President.
- 14 PRESIDING JUDGE FREMR: [12:55:12] Ms Samson.
- 15 MS SAMSON: [12:55:13] (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 PRESIDING JUDGE FREMR: [12:55:30] (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 MR BOURGON: [12:55:45] (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE FREMR: [12:56:19] Yes, but to address this issue, it's true that
5 we saw several witnesses who, in my view, in public session also touched this issue
6 several times during the Prosecution case, so am I wrong?

7 MR BOURGON: [12:56:39] Indeed, Mr President. The situation of the accused is
8 different, because he is the person who was involved. And as you can see from his
9 testimony so far, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE FREMR: [12:57:17] (Redacted)

15 (Redacted)

16 MS SAMSON: [12:57:21] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE FREMR: [12:57:49] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 So even if, you know, it doesn't mean it will be in private session that it will not have
4 impact on our potential, potential judgment, but it's still one issue or aspect which is
5 relevant. So really we should use those private session in a very selective way. So
6 please have it in mind.

7 MR BOURGON: [12:59:06] Thank you, Mr President. It is certainly our aim to
8 have most, if not all, of Mr Ntaganda's testimony in public session. So I will
9 certainly abide by your instruction, Mr President, and ask for your permission and
10 then the Chamber can decide.

11 PRESIDING JUDGE FREMR: [12:59:23] All right.

12 So we still have one minute. Do you want to use it or do you prefer to break,
13 Mr Bourgon?

14 MR BOURGON: [12:59:35] Well, now we are in private session, so if we could go
15 back into public session.

16 PRESIDING JUDGE FREMR: [12:59:40] All right. So now let's move or return
17 back into open session, court officer, please.

18 (Open session at 12.59 p.m.)

19 THE COURT OFFICER: [12:59:51] We're back in open session, Mr President.

20 PRESIDING JUDGE FREMR: [12:59:59] Thank you, court officer.

21 Mr Bourgon, please proceed.

22 MR BOURGON: [13:00:03] Thank you, Mr President. I have one last question
23 before we break.

24 Q. [13:00:15] (Interpretation) Mr Ntaganda, talking about Chui and the support
25 of the population, what do you attribute Chui's popularity and the support of the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 civilian population to at that time? Why you and why not the APC?

2 A. [13:00:54] It's clear. When Chui was in the bush for a month, we never looted
3 any property belonging to civilians. We never touched the civilians. We supported
4 the civilians. But our enemies held an entirely different ideology.

5 Q. [13:01:19] Thank you, Mr Ntaganda. We will continue on this topic after the
6 break. Thank you.

7 (Speaks English) Thank you, Mr President.

8 PRESIDING JUDGE FREMR: [13:01:26] Thank you, Mr Bourgon.

9 Now, before we break, one correction to transcript, page 64, line 20, I said that we will
10 have to use private session in selective, selective way.

11 So now we take our regular lunch break and we will resume at half past 2.

12 THE COURT USHER: All rise.

13 (Recess taken at 1.01 p.m.)

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

15 THE COURT USHER: [14:31:35] All rise.

16 Please be seated.

17 PRESIDING JUDGE FREMR: [14:31:57] Good afternoon.

18 I see Ms Grabowski on her feet. Ms Grabowski, you have the floor.

19 MS GRABOWSKI: [14:32:05] Mr President, I just wanted to say that for the record,
20 Ms Smiljanic has left the courtroom.

21 PRESIDING JUDGE FREMR: [14:32:12] Thank you, and appreciated.

22 Before we continue with the next part of examination-in-chief of Mr Ntaganda, I
23 would like to provide very brief guidance to the parties on issues brought to our
24 attention by Ms Samson. And we deliberated about that, yes, so let's move into
25 private session even for that guidance.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Private session at 2.32 p.m.)

2 THE COURT OFFICER: [14:32:42] We are in private session, Mr President.

3 PRESIDING JUDGE FREMR: [14:32:50] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Open session at 2.34 p.m.)

15 THE COURT OFFICER: [14:34:10] We are back in open session.

16 PRESIDING JUDGE FREMR: [14:34:22] Thank you, court officer.

17 And, Mr Bourgon, you have the floor.

18 MR BOURGON: (Interpretation) Thank you, Mr President.

19 Q. [14:34:35] Good afternoon, Mr Ntaganda. Are you okay?

20 A. [14:34:42] Yes, I am fine.

21 Q. [14:34:47] We will continue from where we left off before the lunch break.

22 In answer to my question, and it is in the French transcript page 58, lines 10 to 21, I

23 asked you whether in Chui you carried out other attacks subsequently. What is of

24 interest to me is the beginning of your answer. You said, "No, there were no other

25 attacks while we were in the bush. The civilians organised themselves. They went

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 to Uganda and met with the Ugandan authorities. We heard about that over the
2 radio."

3 Let me stop there. I would like to have further information regarding what you
4 heard over the radio in relation to the organisation of the civilians.

5 A. [14:36:02] Yes, it was the BBC radio station in a Swahili programme. After
6 the attack that we carried out against Moyi and where we recovered a good number
7 of weapons, we heard over the radio -- we heard Bagonza say over the BBC radio
8 station that their children were being chased in the bush and they were asking that an
9 end was -- should be put to that. That is how we understood that there were people
10 who had gone to Uganda to express our grievances.

11 THE INTERPRETER: [14:37:25] From the Swahili booth: "When they heard that
12 over the BBC, the UPDF soldiers were chasing them."

13 PRESIDING JUDGE FREMR: [14:37:38] We were waiting for the rest of
14 interpretation in English. Now you may proceed, Mr Bourgon.

15 MR BOURGON: [14:37:50] I apologise. I just saw the transcript. I thought it
16 was done.

17 Q. [14:37:59] (Interpretation) Mr Ntaganda, in your last answer, you said that
18 you heard Bagonza over the radio. Did you say Bagonza or something else?

19 A. [14:38:20] I talked about Bagonza's mother.

20 Q. [14:38:29] Is it the mother of Bagonza, your 2IC?

21 A. [14:38:38] Yes, it was her indeed.

22 Q. [14:38:48] Was there a link between the civilians and the Chui mobile force?

23 A. [14:39:01] There was no link. When I talk about that lady, it is because her
24 son was in the bush. I do not know about any links that existed. I only knew that
25 woman when she came with her son, when I was at the NBK. I heard her over the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 radio, but I do not know who accompanied her during her trip.

2 Q. [14:39:44] And what trip are you talking about here, Mr Ntaganda?

3 A. [14:39:57] When she spoke over the radio, she was in Uganda. Subsequently,
4 I learnt that she had not gone there alone; she was a member of a delegation of
5 civilians.

6 Q. [14:40:21] Do you know the other members of that delegation of civilians?
7 Did you come to learn about their identities?

8 A. [14:40:33] When I heard it over the BBC, I had no idea about it.

9 Q. [14:40:42] Did you learn later what was the existence and objective of that
10 delegation of civilians?

11 A. [14:41:04] During that period they were afraid. When they realised that the
12 UPDF soldiers were chasing after us, were hunting us down, they thought that they
13 were going to defeat us. And they knew that we had come to assist them because of
14 the problems that they had, but I learnt about it only later after they had gone to
15 accomplish that mission.

16 Q. [14:41:39] And when Mama Bagonza said that their children were being
17 hunted down, who was she referring to?

18 A. [14:41:57] They were referring to the elements who were with us, the young
19 people of Ituri who were members of Chui. That delegation represented the other
20 people whose relatives had become members of Chui.

21 Q. [14:42:22] As far as you can remember, what was the age, what were the ages
22 of the members of the Chui mobile force?

23 A. [14:42:34] I cannot give you their ages. It was not possible for me to know the
24 ages of the members of the APC. I did not ask them the question. These were APC
25 soldiers.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [14:43:11] I will ask you a point of clarification relating to the transcript,
2 page 70 in English, lines 13 and 14, just to be certain that I have fully understood.

3 Your answer was as follows, and I quote in English:

4 (Speaks English) "They were referring to the elements who were with us, the young
5 people of Ituri who were members of Chui. That delegation represented the other
6 people whose relatives had become members of Chui."

7 (No interpretation)

8 A. [14:44:28] I said that afterwards I heard Mama Bagonza speak over the
9 BBC and she was saying that her group -- she was asking that the UPDF should stop
10 going after their children in the bush. And I said that Bagonza's mother and her
11 group had gone to intervene in relation to their children who were in the bush and
12 who were members of the Chui mobile force.

13 Q. [14:45:20] That clarifies the point, Mr Ntaganda.

14 Now, later on, during the existence of Chui, did you learn any additional information
15 about the activities of that delegation of civilians?

16 A. [14:45:47] After hearing the information over the radio, we did not receive any
17 additional information. And when we relocated to Mandro we got to know who it
18 was all about. That is when we arrived in Mandro.

19 Q. [14:46:20] And what did you hear at that time?

20 A. [14:46:31] I remember that Chef Kahwa came from Bunia town and stated that
21 a delegation had travelled to Kampala, a delegation made up of civilians of the
22 community, in order to go and present our problems, and that the delegation had
23 returned to Bunia and wanted to meet with us. That is what we learnt in Mandro
24 from Chef Kahwa.

25 Q. [14:47:19] Did you accept the invitation to meet with that delegation?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 A. [14:47:29] Yes. Initially, they sent President Thomas, but he was not yet the
2 president of our party. This was the first time he was coming there. It was the first
3 time that I saw him. So we accepted to meet him.

4 Q. [14:48:08] Where did this meeting take place and who was in attendance?

5 A. [14:48:21] I recall that the meeting took place in Chef Kahwa's office in Mandro,
6 and the following people were present: Myself, Mahinga, late Kisembo, Mugabo
7 and Chef Kahwa.

8 Q. [14:49:02] Was Mr Lubanga present?

9 A. [14:49:07] Yes, he was present.

10 Q. [14:49:19] What was the purpose of that meeting, Mr Ntaganda?

11 A. [14:49:28] Upon his arrival, Lubanga told us that they had travelled to Uganda
12 to present the problems of Ituri, in general, and they said that the reason we had
13 taken up arms was justified. And I think it would be appropriate to go into private
14 session if that is possible, Mr President.

15 PRESIDING JUDGE FREMR: [14:50:15] I believe, Mr Ntaganda, that you
16 understood my guidance which I made at the beginning of this session? So it is -- I
17 believe that it is in accordance with that?

18 MR NTAGANDA: [14:50:31] Ndiyo, ndiyo.

19 PRESIDING JUDGE FREMR: [14:50:33] All right. Let's move into private session.
20 (Private session at 2.50 p.m.) *(Reclassified entirely in public)

21 THE COURT OFFICER: [14:50:40] We are in private session, Mr President.

22 PRESIDING JUDGE FREMR: [14:50:49] So you may complete your answer,
23 Mr Ntaganda.

24 MR NTAGANDA: [14:51:01] (Interpretation) Thomas Lubanga also told us that he
25 had met with President Museveni and had discussed the problems of Ituri with him,

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 as well as the problems of the Chui mobile force. That delegation had gone to
2 intervene on behalf of their children and the delegation told him that the children had
3 gone into the bush because people wanted to kill them, and they wanted to kill them
4 because they were members of armed groups created to protect the civilian
5 population.

6 So President Museveni sent a delegation to meet with us. That is what he told us in
7 Mandro. That was our first meeting. And he asked us whether we were prepared
8 to go and meet with the delegation which, at that time, was in Bunia.

9 MR BOURGON: [14:52:17] (Interpretation)

10 Q. [14:52:18] Mr Ntaganda, can we go back to open session? The next question
11 will deal with that meeting. Do you think that it can cause problems for your
12 security or that of your family?

13 A. [14:52:41] I think there is no problem; we can revert to open session.

14 PRESIDING JUDGE FREMR: [14:52:48] Very well. Let's return back into open
15 session now, court officer, please.

16 (Open session at 2.52 p.m.)

17 THE COURT OFFICER: [14:52:56] We are back in open session.

18 PRESIDING JUDGE FREMR: [14:53:05] Thank you, court officer.

19 Mr Bourgon, please proceed.

20 MR BOURGON: [14:53:15] (Interpretation) Thank you, Mr President.

21 Q. [14:53:17] Mr Ntaganda, during that meeting, did Thomas Lubanga explain to
22 you the problems that he presented during his trip to Uganda?

23 A. [14:53:40] Yes. He said that he had been designated, that the people who had
24 gone with him had designated him. He did not mention any names, but he said that
25 he was the leader of that group, that he was the spokesperson of that group, and that

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 he was the one who had requested that solutions be found for our problems. So he
2 was the spokesperson of that delegation.

3 Q. [14:54:24] Mr Ntaganda, am I to understand, because I'm trying to find out
4 whether Mr Lubanga went to Uganda with that delegation just for reasons related to
5 Chui or for other purposes.

6 A. [14:54:52] He told us that he went to Uganda as the spokesperson of the
7 civilians who were members of that delegation to intervene on our behalf. He did
8 not tell us that he had had any other mission to accomplish in Uganda apart from that
9 one.

10 Q. [14:55:23] Now, did the meeting with the representatives of Uganda take
11 place?

12 A. [14:55:33] Yes.

13 Q. [14:55:35] Where?

14 A. [14:55:42] At the Okapi Hotel.

15 Q. [14:55:47] Who were the representatives of Uganda in the course of that
16 meeting?

17 A. [14:56:05] There was the Ugandan minister of security and a minister attached
18 to the presidency, so there were two high-ranking officials as well as Major
19 Chanda (phon). Those are the people that we met with.

20 Q. [14:56:32] Do you remember the names of the two high-ranking officers or
21 officials of Uganda?

22 A. [14:56:40] Yes. The security minister was called Muruli Mukasa. And the
23 minister attached to the presidency was called Ruhakana Rugunda.

24 Q. [14:57:23] We are going to need the spelling of at least that second name,
25 Mr Ntaganda.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [14:57:39] The second name is spelt as follows: R-U-H-A-K-A-N-A. The
2 other name is R-U-G-U-N-D-A.

3 Q. [14:58:10] And who was present from the Chui group?

4 A. [14:58:23] Myself as the leader of Chui, I was present, the spokesperson of
5 Chui was Mahinga, Dieudonné. Then there was my 2IC, late Kisembo. There was
6 also Mugabo, as well as the liaison officer. Thomas Lubanga was also there as well
7 as Chef Kahwa. I believe those were the people who were present.

8 Q. [14:59:13] What was the outcome of that meeting?

9 A. [14:59:24] We were quite happy with what they told us because they told us
10 that if we had decided to go to the bush, it was because we were being targeted.
11 They were aware because they had received the information from the UPDF, and it
12 was also because of the attacks against the population, and that the UPDF was going
13 to intervene to protect the population, but that the fact that we had spent one month
14 in the bush and that we had the support of the population, they said that they
15 themselves, when they were in the bush, they had the -- had the support of the
16 Ugandan population, which made it possible for the MRN to overthrow the
17 government of the time. So they told us that they agreed with the option that we
18 had taken and that they were going to train us so that when they left we would be
19 able to protect the population and defend the territory. It was also necessary to
20 ensure that their enemies should not be in the Congo, so they decided to provide
21 training for us, and we were quite happy with that because they understood our
22 cause, and this was very important to us.

23 Q. [15:01:17] In practical terms, Mr Ntaganda, what was their proposal?

24 A. [15:01:34] To go and get some training, to undergo training in their country.

25 Q. [15:01:40] And who was supposed to take this training?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [15:01:51] The entire group from Chui mobile, from myself all the way to the
2 last soldier that I was with in the bush.

3 Q. [15:02:11] And how many soldiers were in the group at that time, in
4 approximate terms?

5 A. [15:02:34] There were between 150 and 200 of us.

6 Q. [15:02:47] And did that include some people who had joined your group from
7 the time -- after the time that the two companies had deserted? Were there any new
8 members?

9 A. [15:03:07] Yes.

10 Q. [15:03:15] And who were these new members?

11 A. [15:03:24] There were no new people.

12 Q. [15:03:26] So it was just the two companies who had deserted previously?

13 A. [15:03:41] There were two companies on our side. I had said that we had
14 beaten Moyi and we had grabbed his weapons, and we had even taken some
15 prisoners of war. Those prisoners of war were given ideology lessons and integrated
16 in our group, so we were all together. That is why I said that there was between 150
17 and 200 of us. I remember that there was Tchaligonza and other commanders who
18 had deserted. And they had also brought some people with them, some of their
19 bodyguards. We were able to recover a few other men from Moyi's group, but these
20 figures remained approximately the same.

21 Q. [15:04:40] And what was the plan after the training in Uganda, what was your
22 group going to do?

23 A. [15:05:01] The goal was for us to get training so that we could go back and
24 protect the civilian population, because when we were in the bush, we had expressed
25 our ideology, our belief that we needed to protect the civilians who were being

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 attacked by APC men with the support of combatants.

2 Q. [15:05:35] Now, going by your answer, you were supposed to go back and
3 protect the civilian population. How was that going to unfold? How were you
4 going to do that, as Chui mobile force, as a new group? What was the plan?

5 A. [15:06:00] Well, we didn't talk about any plan at all. In my opinion when we
6 were told that we should go back home and protect the population, I didn't ask
7 whether we were going to go back as Chui mobile force or not. When I learned that
8 we were supposed to get training to become officers, I said to myself, this is an
9 opportunity we must seize in Uganda to increase our skills, what we already had.

10 And that was enough for me.

11 Q. [15:06:36] Did you agree to this proposal?

12 A. [15:06:45] Yes, we agreed.

13 Q. [15:06:53] At that time, Mr Ntaganda, were you aware of the political activities
14 of Thomas Lubanga?

15 A. [15:07:10] At that time I had received some information to the effect that a
16 spokesperson had gone there, had spoken to the Ugandans who had agreed to give us
17 training, basing themselves on the request from the population. I asked the question
18 because at that time he was trading, he was selling beans.

19 Q. [15:07:46] Now, in this trial much mention has been made of the UPC, a
20 political party called the UPC. Were you aware of such a party at that time?

21 A. [15:08:00] No. The UPC had not yet been established. Perhaps the
22 movement already existed, but I didn't know about it at the time.

23 Q. [15:08:14] I'd like to show you a document, Mr Ntaganda, so that we can
24 determine what knowledge you have thereof.

25 This is 671 on our list and the reference code is DRC-OTP-0113-0052. Now, this is a

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

- 1 document that has already been tendered into evidence.
- 2 Mr Ntaganda, this document is going to be put up on the screen right in front of you.
- 3 PRESIDING JUDGE FREMR: [15:08:57] Mr Bourgon, hold on.
- 4 Ms Samson, I guess no objection?
- 5 MS SAMSON: [15:09:02] No objection, your Honour.
- 6 PRESIDING JUDGE FREMR: [15:09:03] All right. Let's proceed.
- 7 MR BOURGON: [15:09:12] (Interpretation)
- 8 Q. [15:09:13] Mr Ntaganda, this document is up on the screen now. Take a few
- 9 moments to look it over and then I'd like to ask if we can go to the second page.
- 10 Let's move to the second page, DRC-OTP-0113-0053.
- 11 Are you familiar with this document, Mr Ntaganda?
- 12 A. [15:10:08] No, I'm not familiar with it.
- 13 Q. [15:10:14] Now, on the piece of paper or the page in front of you there's a
- 14 document, and it says 15 September of the year 2000, done in Bunia. Now, is that
- 15 before or after the Chui events?
- 16 A. [15:10:47] 15th September of the year 2000, at that time we were in the bush.
- 17 We were in the bush.
- 18 Q. [15:10:59] If you could please have a look at the names on this document,
- 19 Mr Ntaganda, the people who signed the document. Tell me whether some of these
- 20 people on the list were known to you. Did you know them at the time you met with
- 21 the Ugandans in Bunia before going off for the training?
- 22 A. [15:11:36] I knew Thomas Lubanga. I met him in Mandro. He had come to
- 23 pass on a message from the Ugandan delegation.
- 24 I knew Rafiki. He is the one who was brought in by vehicle at that time.
- 25 I knew Lonema, I can see that name here. I had met that person in NBK. He was

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 with Jekoni. That was before the time of Chui mobile force.

2 Other than those names, I don't see any other names of people I know. Up until now
3 there are some other names, but I do not know those names.

4 Q. [15:12:37] Thank you, Mr Ntaganda. I'd like us to have a look at another
5 document now.

6 PRESIDING JUDGE FREMR: [15:12:44] Before you move to another document, I
7 would like to make our transcript precise, because according to information I received
8 from the court officer, this document has been tendered, but to be precise, not in this
9 case, but in the case of Mr Lubanga.

10 Am I correct, Mr Bourgon? It's not, I think, a big deal, but to be precise.

11 MR BOURGON: [15:13:21] (Interpretation) According to the information that I
12 have, it was in this trial. But perhaps my learned colleague can confirm that or
13 validate it.

14 MS SAMSON: [15:13:31] From our information, your Honour --

15 PRESIDING JUDGE FREMR: [15:13:32] Ms Samson.

16 MS SAMSON: [15:13:33] My information is that it has been admitted in this case as
17 well.

18 PRESIDING JUDGE FREMR: [15:13:38] All right. So I just follow information
19 received by our court officer. But as I said, because it would play some role if you
20 would like to tender that, and it was not tendered, so, you know, it could have some
21 consequences.

22 So at the moment it is a little bit uncertain whether -- but you both are saying that it
23 was, it has been tendered.

24 So maybe, court officer, could you double-check.

25 So it seems that now you were right. Okay, so we can then proceed and we can

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 move to another document.

2 MR BOURGON: (Interpretation) Thank you, your Honour.

3 I would now like us to turn to a different document, this is number 661 on our list of
4 items, and this is DRC-OTP-0091-0182, and if we could look at the first page. This
5 particular docket has not yet been tendered into evidence according to our
6 information.

7 Q. [15:14:56] Now, Mr Ntaganda, if you could look at the screen and have a look
8 at this particular document.

9 If we could now move on to a different page, one of the last pages,
10 DRC-OTP-0091-0192.

11 Now, Mr Ntaganda, I think you can see this particular page. And once again we see
12 done at Bunia, 15 September, year 2000, for the Constituent Assembly of the UPC.

13 And we see the names of the founding members. Which one of these people do you
14 know? At that time which founding members did you know in the year 2000?

15 A. [15:16:36] None of them, other than someone that I met in the year 2001, before
16 we went into the bush. He was with Jekoni.

17 Q. [15:16:57] I'm not quite sure if I've -- did you see the year 2001?

18 A. [15:17:08] In the year 2000. You asked me if I knew these people in the
19 year 2000. So I'm saying to you that amongst these people there was Colonel
20 Lonema.

21 Q. [15:17:24] And number one on the list, do you know that person?

22 A. [15:17:34] The first time I met that person was in Mandro after I met Lonema.
23 So I'm talking about Thomas Lubanga as well.

24 Q. If we could look at the next page 0993. Now, you can see, Mr Ntaganda, that
25 there are some numbers, 6 to 13. These are the founding members. Did you know

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 any of these founding members in the fall of the year 2000?

2 A. [15:18:34] I haven't understood your question. Are you talking about the
3 year 2000? What date?

4 Q. [15:18:40] When you had the meeting with the Ugandans to talk about the
5 possibility of sending some Chui people on training, I believe, judging by your
6 testimony, that was in the fall of 2000. Did you know at that time any of these
7 people whose names are to be seen on this document?

8 A. [15:19:07] Just one, Rafiki. I met him when he was Thomas Lubanga's driver.

9 MR BOURGON: (Speaks English) Mr President, this document has not been
10 admitted in this case, and I do not seek to have the document admitted. I wanted to
11 establish the knowledge of the witness of certain names.

12 PRESIDING JUDGE FREMR: [15:19:35] All right. Well noted.

13 MR BOURGON: [15:19:45] (Interpretation)

14 Q. [15:19:45] Now, Mr Ntaganda, did you know about the existence of the UPC
15 when you left to take this training in Uganda?

16 A. [15:20:06] No, no. I had never heard of those groups, not at all.

17 Q. [15:20:17] What happened subsequent to that meeting with a number of
18 members of the -- well, these people from Uganda?

19 A. [15:20:35] When we agreed to go there, we were asked to remain on standby.
20 We did so. We didn't have any particular place to stay. We had come out of the
21 bush and our men stayed in Mandro, and so Thomas Lubanga said that in his
22 residence there were many places, many spots, and we could go there and stay there
23 before taking the plane to Uganda. So we went to the residence of Thomas Lubanga,
24 his particular plot of land, and since he was the contact person between us and the
25 UPDF members at the time. I'm -- wouldn't -- really, I'm not talking about the UPDF.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Rather, I'm talking about the Ugandan delegation. He was the person who was the
2 mediator or the go-between.

3 THE INTERPRETER: [15:21:45] The Swahili booth corrects: Intermediary.

4 MR BOURGON: [15:21:50] (Interpretation)

5 Q. [15:21:52] And how did you go from the place where the Chui mobile force
6 was to get to Mandro -- I beg your pardon, to Bunia? How did you get back -- how
7 did you go back to Bunia?

8 A. [15:22:12] The first group which went to negotiate, we had gone ahead of the
9 group, and the rest came and met up with us at the plot of land where Thomas
10 Lubanga was.

11 Q. [15:22:36] Now, did the Chui mobile forces people go back to Bunia with their
12 weapons?

13 A. [15:22:52] Yes, I remember. They had brought their weapons, and they had
14 white bandanas on their head, tied around their heads as a sign of peace, but, yes,
15 they did have their weapons.

16 Q. [15:23:12] And do you remember how the members of the APC or the
17 government of Wamba Dia Wamba, how did they respond when they saw these Chui
18 men coming back to Bunia?

19 A. [15:23:36] I remember that when the first Chui group arrived, they had come
20 on a large lorry, and when we saw the place where they were going to be going to, the
21 Ugandan delegation arrived singing, and people came out of their houses, and they
22 stood along the side the road, cheering. And the people belonging to Wamba were
23 not happy about this. Chui mobile were cheered heartily by the people of Bunia.
24 People welcomed Chui mobile and threw their garments to the ground and they
25 really let loose and the others were not happy about that.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [15:24:50] And you personally, when you entered Bunia, how were you
2 received by the local people?

3 A. [15:25:03] Well, we came in at night. We negotiated all night. The members
4 of the population were not aware. And when they found out, the next morning, the
5 negotiations had already ended. We were negotiating with the Ugandan delegation.
6 And it was just in the morning that the men arrived. They stopped at Okapi. And
7 later, we brought them to Thomas Lubanga's compound. It was a large compound.
8 All of us were received in the morning because the force arrived, and they met with
9 us where we were, and I would say that all the groups were gathered together at that
10 place.

11 Q. [15:26:00] And do you know where this plot of land was that belonged to
12 Thomas Lubanga, his residence at that time?

13 A. [15:26:20] Yes, that morning, that's when I knew, as part of the negotiations
14 that we were conducting, that is when I saw his residence.

15 Q. [15:26:35] And at that time where was Thomas Lubanga's residence?

16 A. [15:26:47] It was down from the APC headquarters, before you get to Ciné
17 Azanga, between Ciné Azanga and the APC headquarters at a place called
18 menuiserie.

19 Q. [15:27:09] Now, at this particular stage, I'd like to show you a photograph and
20 ask you whether you recognise the people on this photograph.

21 Now, this is number 245 on our list of items. And the photograph bears the
22 following number, DRC-OTP-00 -- I beg -- 0128-0003. Now, this photograph is not
23 currently -- has not yet been tendered into evidence.

24 And the photograph will be coming up on the screen in front of you, Mr Ntaganda.

25 Do you recognise this photograph?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

- 1 A. [15:28:20] Yes, I remember that quite well.
- 2 Q. [15:28:24] What is the event or what is this all about?
- 3 A. [15:28:33] These are the commanders of Chui mobile force. There's also
- 4 Thomas Lubanga who came from Mandro and Rafiki who drove him. We had
- 5 learned that he was trading to provide food to the UPDF. And, you see, this was at
- 6 Thomas Lubanga's residence. The photograph was taken during the negotiations.
- 7 Q. [15:29:06] Mr Ntaganda, I'd like to ask you to identify the people on this
- 8 photograph, the ones you recognise. Could we begin from the left. The person at
- 9 the very left-hand side of the photograph, can you give us the name of this person?
- 10 A. [15:29:36] The first person is the late Rwemira. He died after that point in
- 11 time. The very first one, the dark-skinned one.
- 12 Q. [15:29:57] Could you spell out that name for us?
- 13 A. [15:30:05] R-W-E-M-I-R-A, Rwemira.
- 14 Q. [15:30:25] And the second person, right to him, with a white item around his
- 15 head. Do you recognise?
- 16 A. [15:30:39] Yes, that was Kasangaki.
- 17 Q. [15:30:49] Just above Kasangaki there is someone standing and bearing a
- 18 weapon with a white band, do you know that person?
- 19 A. [15:31:06] It's Abelanga.
- 20 Q. [15:31:13] Is it the same Abelanga who was an instructor at Rwampara?
- 21 A. [15:31:19] Yes. Even Rwemira, he too was an instructor at Rwampara. He
- 22 joined us when we were with the Chui mobile force.
- 23 Q. [15:31:40] The person sitting in the middle holding somewhat of a stick in his
- 24 hand, who is that?
- 25 A. [15:31:51] That's me. I had the habit of walking around with my spear in my

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 hand.

2 Q. [15:32:03] Was there any reason why you walked around with your spear?

3 A. [15:32:14] Yes. A long time ago, back in history, when there were no

4 weapons, our ancestors told us that even in our culture those of us who were stock

5 breeders, we had the habit of using our spears, and we would defend ourselves and

6 our cattle against wild animals with our spears. And so these were courageous

7 civilians who used their arrows for that purpose. But now we're dealing with

8 soldiers, and all the commanders also used to have spears, even during -- within the

9 RPF or even in Rwanda; the commanders had the habit of going around with a spear

10 in their hand, particularly when we were embarking on a long journey.

11 Q. [15:33:35] The person sitting to your right wearing a pair of jeans and a blue

12 shirt, do you know that person?

13 A. [15:33:53] Yes, that is Rafiki.

14 Q. [15:33:58] The person in the white shirt just above, behind Rafiki or above

15 Rafiki, who is that?

16 A. [15:34:12] That is Thomas Lubanga.

17 Q. [15:34:21] To Rafiki's right in the blue jeans, who is that?

18 A. [15:34:35] That is late Kisémbó Bahemuka.

19 Q. [15:34:40] And to Kisémbó's right, who is that?

20 A. [15:34:54] People used to call him Mwambutsa Zairwa.

21 Q. [15:35:00] Can you spell out that name?

22 A. [15:35:12] M-W-A-M-B-U-T-S-A. And Zairwa is spelt Z-A-I-R-W-A,

23 Z-A-I-R-W-A.

24 Q. [15:35:56] The person called Rafiki, what was his role, and why does he appear

25 on this photograph? Was he present during the negotiations with Uganda?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [15:36:22] Yes. He was Thomas Lubanga's driver. When we arrived,
2 Thomas Lubanga had his vehicle, and in order to go to -- in fact, he was Thomas
3 Lubanga's driver at that time, and I saw him.

4 MR BOURGON: [15:36:50] Mr President, I would like to have this exhibit admitted
5 in evidence.

6 PRESIDING JUDGE FREMR: [15:36:56] Prosecution --

7 MR BOURGON: But only the first page, Mr President. I apologise. Only the first
8 page. The second page is the back page of this picture. We don't need the second
9 page, only the first page.

10 PRESIDING JUDGE FREMR: [15:37:07] Understood.

11 Ms Samson.

12 MS SAMSON: [15:37:09] No objection, your Honour. I note that a near duplicate
13 is also admitted at DRC-OTP-0137-0711. And similarly the UPC statute showed
14 earlier, a duplicate has been admitted.

15 PRESIDING JUDGE FREMR: [15:37:22] Yes, it was familiar to me as well. But
16 still do you really insist on tendering this?

17 MR BOURGON: [15:37:30] Well, for the record, yes, because this is the one that the
18 witness identified the exact persons.

19 PRESIDING JUDGE FREMR: [15:37:35] All right.

20 MR BOURGON: [15:37:36] It might be the same, but ...

21 PRESIDING JUDGE FREMR: [15:37:39] All right. So this photograph is admitted
22 into evidence as a further Defence exhibit.

23 Mr Bourgon, please proceed.

24 THE INTERPRETER: [15:37:49] From the interpreters: Mr President, in the
25 previous answer the witness mentioned the driver having been Mr Thomas

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Lubanga's driver when they were going to Mandro.

2 PRESIDING JUDGE FREMR: [15:38:02] Thank you, interpreters.

3 MR BOURGON: [15:38:08] (Interpretation)

4 Q. [15:38:11] Mr Ntaganda, I will show you another photograph now and I want
5 to ask you whether you recognise this photograph. It is document number 250 of our
6 list, and the ERN number is DRC-OTP-0128-0011.

7 Do you recognise this photograph, Mr Ntaganda?

8 A. [15:38:57] Yes, I do.

9 Q. [15:38:58] Can you tell us the people you are able to identify on this
10 photograph? And I would like to start by the person to the extreme left wearing a
11 white band. And this is if you remember, if you do remember.

12 A. [15:39:30] Now I don't, I don't remember that person. He was a platoon
13 commander or section commander.

14 PRESIDING JUDGE FREMR: [15:39:38] Mr Bourgon, just a proposal from my part,
15 would it be possible to ask Mr Ntaganda to approach the picture on the screen and to
16 annotate persons who he's able to recognise and, for example, put a number to their
17 heads and say number 1, I recognise this guy. So it is no need to go person by
18 person, but just let it up to Mr Ntaganda to choose those persons who he knows.

19 MR BOURGON: [15:40:11] (Interpretation) Yes, Mr President.

20 Q. [15:40:14] Now, Mr Ntaganda, please can you rise and walk to the board and
21 please take the --

22 THE COURT OFFICER: [15:40:23] Before doing that, I need to know the level of
23 confidentiality of the document, because if the document is confidential, we could not
24 broadcast Mr Ntaganda being in front of the screen. We'll then need to go into
25 private session.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [15:40:38] All right then, let's move into private
2 session.

3 MR BOURGON: [15:40:44] (Interpretation) Mr President, to our mind, it's a
4 public document.

5 PRESIDING JUDGE FREMR: [15:40:52] All right. Yes, so according to parties it
6 should be a public document.

7 MR BOURGON: [15:41:03] (Interpretation)

8 Q. [15:41:04] Mr Ntaganda, please start with the person to the extreme left. And
9 then write number 1 next to his face and then proceed accordingly identifying the
10 people you are able to recognise.

11 A. [15:41:34] I know this person, this is Zairwa.

12 Q. [15:41:47] Please write his name.

13 A. [15:41:51] This is Kisembo Bahemuka. This one is Thomas Lubanga. And
14 here is Rafiki.

15 PRESIDING JUDGE FREMR: [15:42:05] Sorry. So hold on, Mr Ntaganda. So
16 number 3, well, the person indicated by number 3 was Mr Lubanga, am I right?
17 Number 4 was Kisembo, am I right?

18 MR NTAGANDA: [15:42:21] (Interpretation) Kisembo is number 2, this one.

19 PRESIDING JUDGE FREMR: [15:42:30] So Kisembo is number 2. Number 3 is?

20 MR NTAGANDA: Lubanga.

21 PRESIDING JUDGE FREMR: Lubanga. And number 4?

22 MR NTAGANDA: Rafiki.

23 PRESIDING JUDGE FREMR: Rafiki. Okay, please proceed, Mr Ntaganda.

24 MR NTAGANDA: [15:42:38] (Interpretation) Number 5, myself. Number 6,
25 number 6, I don't know. Number 7, Rwemira. I don't know number 8.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Number 9 -- or number 8 we used to call him OC Morale, and his real name is
2 Mbabazi. Number 7 is Mbabazi. I do not recognise the others. These were
3 lower-ranking soldiers.

4 MR BOURGON: [15:43:48] (Interpretation)

5 Q. [15:43:49] Mr Ntaganda, number 6, the one identified as number 6, who is
6 that?

7 A. [15:43:58] That is Rwemira.

8 Q. [15:44:04] Thank you, Mr Ntaganda.

9 MR BOURGON: [15:44:09] For the record, number 1, so that we have all the
10 numbers together, number 1 is Zairwa. Number 2 is Kisembo. Number 3 is
11 Thomas Lubanga. Number 4 is Rafiki. Number 5 is Bosco Ntaganda. Number 6 is
12 Rwemira. And number 7 is Mbabazi.

13 PRESIDING JUDGE FREMR: [15:44:39] Yes, I confirm it corresponds what
14 Mr Ntaganda testified about.

15 Do you want to tender this?

16 MR BOURGON: Yes, Mr President.

17 PRESIDING JUDGE FREMR: [15:44:50] Ms Samson.

18 MS SAMSON: [15:44:52] No objection, your Honour. And similarly there's a
19 duplicate also.

20 PRESIDING JUDGE FREMR: [15:44:57] But now it's annotated, so it is really a new
21 document now.

22 MR BOURGON: [15:45:03] And, again, Mr President, only the first page, please.

23 PRESIDING JUDGE FREMR: [15:45:06] Yes. So the first page, the picture
24 annotated by Mr Ntaganda, is admitted into evidence as a further Defence exhibit.

25 MR BOURGON: [15:45:27] (Interpretation)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [15:45:27] Mr Ntaganda, if you do remember, what was the purpose for which
2 this photograph was taken?

3 A. [15:45:45] Please can you repeat the question? I did not understand it.

4 Q. [15:45:51] The photograph before you on the screen, do you remember why
5 that photograph was made? Was there a reason for it?

6 A. [15:46:11] There's no reason. A photographer came by and made a picture.
7 It was a normal thing. There was really no reason for that. You see, you can be in
8 the company of somebody and want to keep a memory of that moment, you make a
9 picture. So there was really no special, specific reason for that.

10 Q. [15:46:37] As far as you can remember, Mr Ntaganda, did you take any other
11 or make any other similar pictures with other people?

12 PRESIDING JUDGE FREMR: [15:46:51] Hold on, Mr Witness.

13 Ms Samson.

14 MS SAMSON: [15:46:54] Just for clarification purpose, on the same day or ever?

15 PRESIDING JUDGE FREMR: [15:47:01] I understood ever.

16 But, Mr Bourgon, if you want to specify.

17 MR BOURGON: [15:47:19] (Interpretation) Yes, Mr President, my colleague is
18 absolutely correct.

19 Q. [15:47:24] Mr Ntaganda, I was asking in relation to the time when you were at
20 Mr Thomas Lubanga's place with the arrival of Chui, within that time frame, do you
21 remember making any pictures similar to this one at that time?

22 A. [15:47:48] No, I'm not able to recollect. Maybe those people who appear on
23 these photographs might have made other photographs elsewhere. I don't
24 remember. No, these -- this happened a very long time ago, so I don't know whether
25 any other photographs were taken or made of them and I -- I don't remember.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [15:48:15] Mr Ntaganda, can you tell us whether this photograph was also shot
2 in Mr Thomas Lubanga's premises or compound?

3 A. [15:48:34] Yes, it was in the compound.

4 Q. [15:48:42] Thank you. Now, Mr Ntaganda, when you were at Thomas
5 Lubanga's with Chui, how much time thereafter did you leave for Uganda?

6 A. [15:49:12] I don't remember, but we did not spend up to a month there. It
7 was after just a few days. Because after here, there was an incident relating to the
8 arrest of Kahwa and this prompted us to leave immediately, but I don't recall the
9 exact date.

10 Q. [15:49:37] Do you remember an incident that occurred shortly after you
11 arrived in Thomas Lubanga's compound prior to your departure for Uganda?

12 A. [15:49:51] Yes. That's what I was talking about, Kahwa was arrested after our
13 meeting with the UPDF delegation. He was arrested.

14 Q. [15:50:09] How did you find out about Kahwa's arrest?

15 A. [15:50:25] I was sitting in that compound. I was on standby. We were
16 waiting for the plane to come. Then a civilian came running and told me that the
17 RPC soldiers had captured Kahwa and had taken him away to the military
18 prosecutor's office. No, no, he didn't talk about the military prosecutor's office. He
19 didn't talk about it, but we found him there. What he said was that he had been
20 taken to a place near NBK and that he was being beaten up.

21 Q. [15:51:06] Who was with you when you heard that information?

22 A. [15:51:16] I was with his troops, the people with whom we had been living
23 together in that compound, so I don't know where Thomas and Rafiki were at that
24 time. You see, since we occupied that compound, Rafiki had moved to another
25 location. And I do not know where Thomas used to spend the night at that time.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [15:51:54] Did you find out the reason for Kahwa's arrest?

2 A. [15:52:11] Yes. We were later provided with the reason. He was not happy
3 with the meeting that we had held with the Ugandan authorities. He had not been
4 consulted prior to that meeting, so he felt somewhat jealous, and so he said if we
5 came into town, he would arrest all of us, because we had had a meeting and that he
6 was not aware of what we had done and the decisions we had come to. So he
7 wanted to arrest us, and that is the reason for which Chief Kahwa was arrested.

8 Q. [15:52:53] Mr Ntaganda, please, I want to ask you to correct. And I'm at
9 page 96 of the transcript in English, and from what I read, you say that you were with
10 his troops, that is, the troops, the troops belonging to Kahwa or Kahwa's troops.
11 Which troops were you with, with the troops on the photograph?

12 A. [15:53:30] I didn't say that. I said that I was with the troops that I was leading
13 up, and then a civilian showed up to tell us that Chief Kahwa had just been arrested.

14 PRESIDING JUDGE FREMR: [15:53:43] Ms Samson.

15 MS SAMSON: [15:53:44] (Microphone not activated) Pardon me. I believe
16 perhaps it was inadvertent, but again, I would ask that when counsel is seeking to
17 raise an issue that may require clarification, that it's not addressed as, and I quote, "I
18 want to ask you to correct the transcript". I think it is just a poor language choice,
19 but if we could avoid that, please.

20 PRESIDING JUDGE FREMR: [15:54:15] Yes, I think I already commented that you
21 faced the situation, I think, yesterday with the same objection. And, in fact, I
22 supported to make it really fair and to not -- either to repeat in asking "is that correct"
23 or "do you want to add anything", but not to, in fact, put as a fact that it should be
24 corrected. I think it's, again, not a big deal, but I think it should be followed.
25 Please proceed, Mr Bourgon.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [15:54:49] (Interpretation) Obligated, Mr President.

2 Q. [15:55:08] (Interpretation) When you found out about the arrest of

3 Chief Kahwa, what did you do at that time?

4 A. [15:55:29] The APC soldiers arrested him, and so this is what I said, "Prepare a

5 section. Let us go find out why he was being beaten up." Because I had been told

6 where he was being beaten up. So we decided to go and rescue him because we

7 knew that he was going to be killed. And that's how we headed off.

8 Q. [15:55:58] Who took the decision to go and rescue or liberate Kahwa?

9 A. [15:56:07] I took that decision myself.

10 Q. [15:56:17] Explain to us what you did in order to go and release Kahwa.

11 A. [15:56:35] Please repeat your question, I did not understand it.

12 Q. [15:56:40] After you decided to go and release or liberate Kahwa, what did you

13 do and how did you do it?

14 A. [15:56:59] I took some soldiers with me and we went to the area which the

15 civilians had pointed out to us, the civilian who, in fact, became our guide.

16 Q. [15:57:14] Mr Ntaganda, please tell us what happened.

17 A. [15:57:29] I went to that location, which is somewhat further down from NBK.

18 When we got close to NBK, he pointed out and said, "Over there." And I was able to

19 see some APC and UPDF troops, some five or -- four or five UPDF troops along with

20 the APC troops. So I went there and I saw one of the UPDF commanders. I had

21 come with a column of my troops, and then I shouted out, "Release Kahwa and let

22 him come to us." The UPDF commander answered me saying Chief Kahwa is not

23 here. He lied to me. He said Chief Kahwa is not here, and I said, "He is there with

24 you." But then he said, "He's not here." He said, "Come, come, let's have a

25 discussion. I am of the UPDF, we can have a discussion and find a solution."

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 So since I saw that there were UPDF troops, I understood that there would be no
2 confrontation, but if it were only the APC troops which had been there, clashes would
3 have broken out immediately. We had just come out of the bush and these are
4 people with whom we were constantly clashing. So I went across to talk with these
5 troops of UPDF, and then I saw a kibonge, somebody who was rather stout who was
6 dressed in civilian -- civilian attire. My troops were on the other side of the road, but
7 they were deployed, so that civilian came up behind me and surprised me and
8 immobilised me, and he said, "You, Bosco, you have killed so many people. Today
9 we shall kill you." He was very strong. His name was Ngwene. He was an
10 ex-FAZ Commander, and so when I was immobilised, all the APC troops came and
11 surrounded me, and one of them took me by the hip, and I was lifted up. And they
12 took me away, and as they were taking me away, I shouted out to my troops, "Shoot
13 at us, shoot at all of us." And I do remember on that day, late Kisembo said "Release
14 them, release them. Are you refusing them to release them?" And so I shouted,
15 "Shoot, shoot at us, shoot at us. I don't want them -- I don't want to be killed with a
16 knife." So Kisembo opened fire at us. And Ngwene held me immobilised in the
17 same position. So the APC troops started to flee and my troops hit Ngwene in the
18 leg as they fired, and I was released, and that's how I was able to run to the side of
19 my -- my troops.

20 The screen has been switched off, but a short while ago, I pointed out someone whose
21 name was Rwemira, and I saw him; he had died. He was one of my troops. But one
22 of the UPDF troops had died, two of the APC died. Ngwene had dropped to the
23 ground. So I took a weapon and we started firing at the APF troops and then they
24 fled. Shortly thereafter, short thereafter, the UPDF troops came with a tank, and that
25 was a very noisy, a very noisy tank. And it came to that location where we

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 were -- where we were fighting. So we picked up Rwemira's body and went by
2 another road to the Nyamukau river, which we crossed, and then went out of the city.
3 And that's how we ended up to -- ended up at the location at which we were.
4 That is the incident that took place. And at that time I was told that Ngwene was the
5 military prosecutor. That he's the one who had immobilised me and who said that
6 he was going to die with me. Now, when the tank came a few minutes thereafter,
7 someone called Chanda, who was not part of the Ugandan delegation, came, and he
8 had been there with Chief Kahwa. Chief Kahwa had been injured to the head. And
9 then he said, "This is Chief Kahwa."
10 And, you know, I was traumatised because I was scared. It is only God who saved
11 me. When I was immobilised, I prayed. I said, "God, if you exist, save me from this
12 danger." And God did save me from that danger, and it's only God who did it.
13 And that's how things happened.
14 Chief Kahwa was released by other Ugandans from the place where he had been
15 arrested. This is what transpired on that day. Ngwene died, Rwemira died, a
16 Ugandan died as well, and their bodies remained at that location, but we were able to
17 take Rwemira's body with us.

18 Q. [16:03:44] Following that event, Mr Ntaganda, were there any reactions
19 amongst the civilian population?

20 A. [16:04:02] There was no reaction at all following that incident. I stayed in that
21 compound. I no longer went out. I had escaped unhurt. So I decided to stay in
22 that compound and I no longer moved about. However, following the death of
23 Ngwene this led to people to say a lot of things about that death and linked it to other
24 events that had taken place.

25 Q. [16:05:21] Very briefly, Mr Ntaganda, you said that people said a lot of things.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 What were they saying?

2 A. [16:05:37] They were saying that it is this person who helped the Hema. And
3 the commanders said that it was a punishment from God because there was a plot
4 against the Hema. It is this person who had sent false summons to the Hemas with
5 fabricated accusations, and that is what was being said at that time.

6 Q. [16:06:31] Mr Ntaganda, was your name mentioned amongst the things being
7 talked about by the population?

8 A. [16:06:48] Following those skirmishes, the population were not aware how the
9 battle took place. They quickly understood that it was Chui fighting against the
10 APC soldiers and they said that Bosco had once again had the upperhand. He
11 achieved victory after that fighting.

12 Q. [16:07:25] Did you finally travel to Uganda and how long after that?

13 A. [16:07:39] Following that incident, a plane was sent from Uganda, this was two
14 or three days after the incident. So my group and myself we left.

15 Q. [16:08:02] From which airport did you leave to begin with?

16 A. [16:08:16] Bunia airport.

17 Q. [16:08:21] And with whom did you go to the airport, that is you, personally?

18 A. [16:08:35] I remember that the first flight did not carry everyone. As I said it
19 was a group of more than 150. The first group was about 50 people, including
20 Kisembo. Kasangaki and Mahinga remained with the other elements. Apart from
21 those two commanders, the other commanders left with the first group. I think
22 Mama Bagonza was a member of that first group. I saw her at the Bunia airport.
23 And I'm referring to the lady who spoke over the BBC.

24 Q. [16:09:53] And you, Mr Ntaganda, in which group did you travel?

25 A. [16:10:10] I was a member of the first group of the Chui mobile force. Those

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 of us who were in Thomas Lubanga's compound, there were many of us, between 150
2 and 200 people, so we took the plane and we left.

3 MR BOURGON: Mr President, I would like to correct, to seek that the audio be
4 listened again for lines 7 and 8 on page 102 so that the correction can be made, but I
5 will move on for now.

6 PRESIDING JUDGE FREMR: [16:10:59] All right. Point taken.

7 MR BOURGON: [16:11:15] (Interpretation)

8 Q. Mr Ntaganda, Mahinga left with whom and when?

9 A. [16:11:29] I have told you that all the commanders left with me apart from
10 Kasangaki.

11 Q. [16:11:45] And this plane transported Chui to which location?

12 A. [16:11:59] We landed at Entebbe.

13 Q. [16:12:07] Did all members of Chui assemble once again in Entebbe?

14 A. [16:12:19] Yes, all of them arrived, and once together we were taken to a camp
15 whose name I am forgetting, but I think it was Mbuyi camp, so it was necessary to
16 wait for the trucks that were to take us to Tchankwanzi.

17 Q. [16:12:50] What is the distance between Tchankwanzi and Entebbe, specifically
18 Mbuyi camp?

19 A. [16:13:09] It is far. I'm not able to give you an estimate of the distance. We
20 travelled on board vehicles, and we arrived at night, so I cannot give you an estimate,
21 but it is very far away from Kampala. It is far away from Entebbe and Kampala.

22 Q. [16:13:50] Mr Ntaganda, when you were in Entebbe with the other members of
23 Chui, were you aware of arrival by plane of other people who were going to receive
24 training in Tchankwanzi?

25 A. [16:14:18] No. When we went to the training camp we were the only ones

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 there, that is the Chui mobile force, but I heard that others arrived later. When we
2 spent the night in Mbuyi camp we were the only ones there. And we had our
3 firearms as well as our uniforms.

4 Q. [16:14:46] And when did you hear about other people who had arrived for
5 training?

6 A. [16:15:05] Once Chui arrived Jinja, I believe it was one week later, well, I was
7 not in Tchankwanzi, I was in Kampala, I remained in Kampala with other
8 commanders and we received information to the effect that other recruits joined our
9 own elements to undergo that training.

10 Q. [16:15:46] And who were those other elements who came to undergo the
11 training?

12 A. [16:16:00] These were recruits who had nothing to do with Chui, they were
13 recruits.

14 Q. [16:16:16] And where did these people come from?

15 A. [16:16:28] They came from Bunia, but I'm not aware of how they travelled. I
16 do not know how the negotiations were carried out to have them travel there.

17 Q. [16:16:44] And as far as you can recall, how many of them arrived after the
18 members of Chui?

19 A. [16:17:02] I did not do a head count, but I heard later that they were mixed
20 with the Chui elements and altogether they could easily make up 700 people, that is
21 except the commanders with whom I had stayed in Jinja.

22 Q. [16:17:40] Let us set aside Jinja for the time being. Now, regarding the
23 elements who arrived later, during the negotiations with the Ugandan authorities,
24 were you aware that other people would be sent for training, that is apart from the
25 members of Chui?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [16:18:09] No. I was the leader of that group and I was dealing with them. I
2 talked to them about the soldiers under my authority. And no one mentioned
3 another group that had to go to Jinja. This was not discussed during our meeting.

4 Q. [16:18:50] And when Thomas Lubanga went to Mandro, that is prior to that
5 meeting with the Ugandan representatives, did Thomas Lubanga tell you that other
6 elements than Chui members would be sent to Uganda for training?

7 A. [16:19:19] Never.

8 Q. [16:19:23] Did you personally have the opportunity to observe those young
9 people in training, that is those who were not members of Chui, did you see them
10 personally?

11 A. [16:19:51] I never saw them with my own eyes while they were in Uganda.

12 Q. [16:20:00] A short while ago you said that you stayed back in Kampala and
13 you also mentioned Jinja, we will come back to that, did you pass through
14 Tchankwanzi?

15 A. [16:20:21] No, we did not pass through Tchankwanzi. When we arrived,
16 those of us who were commanders we were giving a residence and that is where we
17 stayed. Only two commanders accompanied the troops, the rest of us remained in
18 Kampala. We were assigned a residence while the others went to Tchankwanzi from
19 Mbuyi where they had spent two or three nights.

20 Q. [16:21:02] Mr Ntaganda, we know that from Entebbe you went to Kampala.
21 Once you arrived Kampala, what did you do?

22 A. [16:21:25] Those of us commanders were given a residence. Our group went
23 to Tchankwanzi, that is the elements, the troops. They were accompanied by some
24 commanders, but the rest of us went to the residence assigned to us in Kampala. I
25 no longer remember the name of the neighbourhood where that residence was

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 located.

2 Q. [16:21:58] And where did you go after that?

3 A. [16:22:11] Afterwards we were asked to go to Jinja for training, that is those of
4 us commanders.

5 Q. [16:22:26] What was the difference between the training for the commanders in
6 Jinja and the other training in Tchankwanzi?

7 A. [16:22:45] There was a difference. We received officers' basic calls, OBC.
8 And for Tchankwanzi, it was an NCO training that combined recruits and foot
9 soldiers. So this was joint training for those two groups.

10 Q. [16:23:29] Now, who was supposed to conduct the training in Tchankwanzi?
11 Were you informed of that?

12 A. [16:23:48] It was a UPDF training centre, so as a result it was UPDF instructors
13 who conducted the training.

14 Q. [16:24:03] Did you know or did you hear whether the training in Tchankwanzi
15 was similar to the type of training modelled on the British system, that is the one that
16 you were aware of?

17 PRESIDING JUDGE FREMR: [16:24:21] Hold on, hold on, Mr Ntaganda.

18 Ms Samson is on her feet. Ms Samson.

19 MS SAMSON: Yes, at present as I understand the witness's evidence he didn't go to
20 Tchankwanzi, so I'm uncertain on what basis he's able to provide information about
21 the training there.

22 PRESIDING JUDGE FREMR: [16:24:40] Mr Bourgon.

23 At least, I guess, you should rephrase your question.

24 MR BOURGON: [16:24:54] Well, Mr President, my question was did you know or
25 did you learn, so -- what type of training, so I don't see anything wrong with my

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 question. The witness is able to say whether he learned or not.

2 PRESIDING JUDGE FREMR: [16:25:09] Ms Samson.

3 MS SAMSON: [16:25:09] Then I think the first question ought to be did you ever
4 get to know what type of training was provided in Tchankwanzi because at present
5 the witness is making clear -- is distinguishing about what he could not have known
6 in terms of which recruits were in Tchankwanzi because he was never there, but he's
7 able to tell the Court about the training that was there. And I think I'd like to
8 understand the basis of his knowledge for that.

9 PRESIDING JUDGE FREMR: [16:25:35] Mr Bourgon.

10 MR BOURGON: [16:25:36] Mr President, my colleague wants to give me English
11 lessons. I'm willing to take English lessons, but I read my question here and my
12 question at line 22 of page 106 is "Did you know or did you hear whether the training
13 in Tchankwanzi was similar to the type of training model on the British system?" I
14 see nothing wrong with this question. And I think Mr Ntaganda can answer the
15 question and she can take that in cross-examination if she's not happy.

16 PRESIDING JUDGE FREMR: [16:26:06] And Ms Samson, and it should be brief
17 and last submission.

18 MS SAMSON: [16:26:10] Yes, thank you. I also oppose the leading nature of the
19 question. The counsel can ask what type of training if the witness is able to give a
20 sufficient basis of knowledge for that.

21 And your Honour, I just rise to also say that it is my professional obligation to raise
22 objections when I feel that that's necessary and it is certainly unwarranted in this case
23 to suggest that I'm providing English language lessons. And I ask the Court to
24 remind counsel that that is not appropriate.

25 PRESIDING JUDGE FREMR: [16:26:39] Yeah, it was a long day, so Mr Bourgon,

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 we have still three minutes to finish, so please rephrase the question as proposed by
2 Prosecution.

3 MR BOURGON: [16:26:51] I'll move on to another question, Mr President.

4 PRESIDING JUDGE FREMR: [16:26:54] That's also possible.

5 MR BOURGON: [16:27:03] (Interpretation)

6 Q. [16:27:04] Mr Ntaganda, the training that was provided in Jinja, for whom was
7 it intended?

8 A. [16:27:20] Before I answer that question, I think you did not read the transcript
9 correctly. I said that we arrived Tchankwanzi at night and I was with the instructors.
10 I took some commanders with me to go to Jinja. Regarding the other question,
11 maybe you should repeat the question in relation to the training in Jinja.

12 Q. [16:28:09] Mr Ntaganda, one last question for today. That is why I was
13 asking you to what happened to you. You told us that you landed in Entebbe.
14 After Entebbe, where did you go to in Uganda, what did you do?

15 A. [16:28:36] From Entebbe we went to the camp where the soldiers were lodged
16 and then I went to the residence that had been assigned to us. Before we went to
17 Jinja we went to Tchankwanzi, and then we left to go to Jinja. So that is the itinerary
18 that we followed to Jinja.

19 MR BOURGON: [16:29:07] Mr President, I think we can stop here for today.

20 PRESIDING JUDGE FREMR: [16:29:11] All right. Thank you.

21 So Mr Ntaganda, I also would like to thank you, that you remained concentrated, that
22 you fluently and clearly answered all questions put to you. We will have now
23 adjourn and we will -- and break because there are some logistic reasons, so then we
24 will continue on Tuesday, 27 June 2017.

25 And again, I will repeat myself, it is my duty to remind you that in the meantime you

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 must not discuss your testimony with anybody else except of your Defence counsel,
2 but again as the Chamber decided such a communication between you and counsel
3 should be appropriate, which means that, and I will rather quote, "that your counsel
4 is not permitted to advise you as how to -- you ought to respond to a question or line
5 of questioning." So do you understand that, Mr Ntaganda?

6 MR NTAGANDA: [16:30:30] (Interpretation) Yes, Mr President.

7 PRESIDING JUDGE FREMR: [16:30:31] Fine. Then have a good rest and we will
8 see you again on 27 June 2017.

9 Question to parties, any request for the floor? Prosecution? Legal Representatives?
10 Mr Bourgon? Not. So I also wish you have a good rest and we will see each other
11 on 27 June 2017.

12 Now the Court is adjourned.

13 THE COURT USHER: [16:30:55] All rise.

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

15 RECLASSIFICATION REPORT

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