

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 2
8 Tuesday, 4 July 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:29] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [9:33:04] Good morning, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:33:10] Good morning, Mr President, your Honours.
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 And for the record, we are in open session.
19 PRESIDING JUDGE FREMR: [9:33:28] Thank you, court officer.
20 Now appearances.
21 MS SAMSON: [9:33:33] Good morning, Mr President. Good morning, your
22 Honours. Appearing for the Prosecution today are Mr Rens van der Werf,
23 Ms Selam Yirgou, Ms Claudine Umurungi, Ms Kristy Sim and myself, Nicole Samson.
24 PRESIDING JUDGE FREMR: [9:33:48] Thank you, Ms Samson.
25 Defence, please.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [9:33:51] (Interpretation) Good morning, your Honour.

2 Representing Bosco Ntaganda, who is present in the courtroom this morning,

3 Marie Mescam, Sara Levac, David Wagen-Magnon, Justin Kabika, Isabelle Martineau

4 and myself, Stéphane Bourgon. Thank you, your Honour.

5 PRESIDING JUDGE FREMR: [9:34:18] Thank you, Mr Bourgon.

6 And Legal Representatives of Victims, please.

7 MS PELLET: [09:34:26] (Interpretation) Thank you, your Honour. The former child

8 soldiers are represented by Vony Rambolamanana and myself, Sarah Pellet, counsel

9 with the Office of Public Counsel for Victims.

10 MS GRABOWSKI: [9:34:38] Good morning, Mr President. Good morning, your

11 Honours. Anne Grabowski for the victims of the attacks.

12 PRESIDING JUDGE FREMR: [9:34:43] Thank you, Ms Pellet.

13 Thank you, Ms Grabowski.

14 So we will continue with direct examination of Mr Ntaganda as a witness, which will

15 be conducted by Defence, by Mr Bourgon.

16 Mr Bourgon, you have the floor.

17 MR BOURGON: [9:35:03] (Interpretation) Thank you, your Honour.

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

19 (The witness speaks Swahili)

20 QUESTIONED BY MR BOURGON: (Continuing)

21 Q. [9:35:08] (Interpretation) Good morning, Mr Ntaganda.

22 A. [9:35:14] Good morning.

23 Q. [9:35:15] We are going to continue exactly where we were at the end of the day

24 yesterday. There was a name that I would like you to spell for us, because it was not

25 taken down well in the transcript. That's the French version, 217, page 114, line 23.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Now, at this place you state that, "I spoke on the phone for a long time with the owner
2 of the plane that we took at that time. His name was" -- and then there are two
3 words, but the name was not correctly written.

4 A. [9:36:10] Mandrabi was his name.

5 Q. [9:36:15] Please could you spell that?

6 A. [9:36:21] M-A-N-D-R-A-B-I.

7 Q. [9:36:38] Thank you. Now, Mr Ntaganda, the last question that was put to you,
8 you told us that following your visit to the Catholic mission with Kisembo, you went
9 to speak with the civilian population in Mongbwalu centre. Now, to continue with
10 what you saw in Mongbwalu at that time, could you continue with that?

11 A. [9:37:05] Very well. Well, the population was not in large numbers. They
12 were returning when they told us how they had been living under the Lendu
13 combatants who controlled Mongbwalu at that time before we drove them out. And
14 that was the atmosphere there was when we went to visit the population and we
15 expressed our compassion. They asked us to take up -- we asked them to take up
16 their activities as they usually did. Our work consisted of protecting them and
17 making it possible for them to go about with their daily business.

18 Q. [9:38:03] When you carried out these visits with Kisembo, just to be precise here,
19 yesterday you mentioned the name of a person, and I would like to know if you could
20 confirm who was there when you carried out that visit.

21 A. [9:38:29] I remember there was a journalist of a foreign radio station who came
22 from Uganda, Mike Arerenge. There was also a cameraman, Kais Dior, who took
23 pictures or videos, and they both asked questions to the population. They asked
24 them how they had experienced living with the APC combatants. And the -- Rafiki
25 was there, my superior was there. There was another young man called Bebe Aziz

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 who was also there.

2 I think that he also had -- there was a soldier called PC who was part of Salumu's
3 brigade and he was responsible for liaison between the soldiers and the civilians. He
4 was an ambassador sent by the army in order to carry out liaison with the
5 Mongbwalu population. We were also with him in the centre of Mongbwalu.

6 Q. [9:39:53] Where it concerns the last person that you just mentioned, do you
7 know that person's name? Here you mention on page 4, line 3, a soldier PC. What
8 is a PC soldier?

9 A. [9:40:16] The PC, those are the soldiers who work in the G5 office, political
10 commissioner. That's an officer responsible for ideology within the army. He was
11 like an ambassador from the army to go to the civilian population in order to improve
12 relations with the civilian population or between -- improve relations between
13 military and the civilian population.

14 Q. [9:40:51] So when you finished your tour, what did you do afterwards? When
15 you finished speaking to the people, what did you do after?

16 A. [9:41:07] When we finished the round of visits, we returned to camp Goli, we
17 went to camp Goli. We went into the military camp and then we returned to where
18 we were staying at the time, namely the Appartements.

19 Q. [9:41:37] To the best of your memory, were there other activities at the
20 Appartements?

21 A. [9:41:59] No, we just went around the town and then we returned to the
22 Appartements. And the next day I took my flight and I left.

23 Q. [9:42:07] So let's go to the next day. Now, do you remember or could you
24 explain to us at what time you left Mongbwalu?

25 A. [9:42:18] I left around 12 o'clock. Yes, something like that. It was around

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 12 o'clock, 1 o'clock. 1200 hours, 1300 hours. It was in the afternoon.

2 THE INTERPRETER: [9:42:44] Says the witness in French.

3 MR BOURGON: [9:42:46] (Interpretation)

4 Q. [9:42:48] Who did you leave with and how did you leave?

5 A. [9:43:01] I left with that small plane which took the delegation. I went

6 accompanied by some soldiers. I remember I left with the Ugandan journalist

7 Mike Arereng, with Abelanga, because he was in detention in Bunia, and I was with

8 my bodyguard as well as Kinkita, who was my signaller. I was with Brown, my

9 bodyguard, another soldier, Lamama, and another bodyguard whose name I no

10 longer remember.

11 THE INTERPRETER: [09:43:52] The female, the female bodyguard was called

12 Amama, corrects the Swahili interpreter.

13 MR BOURGON: [9:44:02] (Interpretation)

14 Q. [09:44:02] Mr Ntaganda, I would like to ask for a correction and I am waiting for

15 it to come up on the French transcript. Now, the name of the last bodyguard that

16 you mentioned, who is female, could you write the name, because we've had it on

17 several different occasions and I would like to see how it is actually written. Please

18 confirm that.

19 A. [9:44:29] A-M-A-M-A, Amama.

20 Q. [9:44:45] Is that a pseudonym or was that the real name?

21 A. [9:44:59] I don't know another name. That was her name, her normal name.

22 Q. [9:45:13] When you left Mongbwalu, what was your mission? What were you

23 assigned to?

24 A. [9:45:26] I remember I told you when, when I gave the situation report and I did

25 the handover with my boss Kisembo, who was there on the night of the 26th, he told

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 me to stay as standby because the plane would come and get me, such that I would
2 supervise the operation for the brigade that had just been created, because there were
3 attacks that were coming from Beni and these attacks were recurrent. The APC were
4 attacking us and they established their camp at Kpandroma.

5 And he asked me to go and supervise that operation and he said if I had any
6 difficulties, then he was going to come and provide support. But he wanted to set
7 up in Mongbwalu. He also -- there was also intense fighting in Mahagi.

8 Q. [9:46:50] Yesterday you said that you had met three sisters and a priest at the
9 apartment. Did you see these people again prior to your departure?

10 A. [9:47:19] No, I didn't see them again.

11 Q. [9:47:25] So-called Manu, did he come to the Appartements in the last two days
12 that you were there?

13 A. [9:47:44] No. I never saw Manu at the Appartements. He resided at camp
14 Goli and I told him to stay there, because he was punished. He hadn't prepared for
15 the attacks, so he wasn't with his troops when Mongbwalu was attacked. I never
16 saw him at the Appartements.

17 Q. [9:48:14] Do you know or did you find out that Manu had joined his troops?
18 And which troops are we talking about here?

19 A. [9:48:39] *Kisembo sent him to join his troops when I had already left Mongbwalu.
20 When I left Mongbwalu, Tiger One was sector commander to the southeast sector.
21 That was in the month of *December. It was also in the month of December that Seyi
22 was switched. It was in the month of December 2002, and it was at that time that he
23 went back to his forces and two sectors were created, his sector was created, 401, 401
24 brigade. That was in the month of December 2002.

25 Q. [9:49:35] Who made it possible for Commander Manu to take up his post again?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [9:49:46] That was Kisembo.

2 Q. [9:49:51] Were you informed about that or is that something that you found out?

3 A. [9:49:58] When I left I said to my superior that he had been punished, and when I
4 left he saw that the -- his detention was coming to an end, so he created another southeast
5 sector. And Tiger One, he also created the 401 brigade and that brigade existed but it
6 hadn't been -- it didn't have a name at that time. And there was the 505th brigade,
7 which was led by Mugisa Paul. That was in the month of December 2002. And when
8 the brigade was created, a message was sent in order to do so.

9 Q. [9:51:00] Now, you mentioned Tiger One and the creation of a sector,
10 a southeast sector. How did that happen? How was that done?

11 A. [9:51:14] When Kisembo created the sector, a message was sent. And some
12 time afterwards he asked me to draft an official message in order to inform everybody
13 about the change in the army and the new names of different brigades. But that took
14 place later, in the month of January.

15 Q. [9:51:54] When you left Mongbwalu on that day, the cameraman whose name
16 you mentioned earlier, the cameraman who was with Mike Arereng, did he get into
17 the plane with you?

18 A. [9:52:22] No. No, he stayed in Mongbwalu. I remember that he -- that he
19 stayed in Mongbwalu. He no longer had video cassettes. Tiger One sent me
20 a message, because at that time Pas à pas, the trader, wanted to go to Mongbwalu. I
21 went to see Pas à pas to ask him to bring Kais -- or to take Kais some video cassettes.
22 So I left with Mike Arerenge. Kais Dior stayed in Mongbwalu.

23 Q. [9:53:15] Mr Ntaganda, I don't know if you have the small log and the large log
24 with you.

25 With your leave, your Honour, I would like these two documents to be provided to

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 the witness once again.

2 When you have the documents, Mr Ntaganda, I would like you to take the small log
3 and, namely, page 5774 thereof. I am going to give the full numbers,
4 DRC-D18-0001-5774. The translation is DRC-D18-0001-5804.

5 Do you have the page, Mr Ntaganda?

6 A. [9:54:56] Yes.

7 Q. [9:55:00] What's the date at the top of the page?

8 A. [9:55:12] 28 November 2002.

9 Q. [9:55:20] Could you tell us what type of information is on that page? Could
10 you give us a description without going into the content of the message?

11 A. [9:55:41] This is -- this is the signaller, my signaller. In the morning at
12 7.34 minutes, he received a message from Mahagi.

13 Q. [9:55:56] And the following information, what's that?

14 A. [9:56:03] This is another message that he received from Aru.

15 Q. [9:56:13] And the following information, what's that?

16 A. [9:56:21] This is a message from 28 November at 11.45.

17 Q. [9:56:30] Now, is this information sent or received?

18 A. [9:56:44] This is a received or in message.

19 Q. [9:56:46] Mr Ntaganda, this message -- and here I'm referring to the third
20 message. Now, we can see this information from commander 5th battalion to
21 commander 505 brigade, copy chef d'état-major, chief of general staff, commander of
22 northeast sector. Now, you don't appear in this message. Why is that? Do you
23 know why?

24 A. [9:57:31] No. I don't know why he wanted to send this message in that way.

25 Q. [9:57:39] Now, should this message have been sent to you?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [9:57:54] It's not necessary.

2 Q. [9:57:56] And even if the message was not sent to you, why is it in your log, in
3 your logbook?

4 A. [9:58:14] My signaller received all the messages from the FPLC forces without
5 exception, with no exception whatsoever, so that we would be informed and so that
6 the logbook contains all messages. That's what the signaller's role is.

7 Q. [9:58:39] Mr Ntaganda, what would happen if a message of any kind was sent
8 while your signaller was not connected? What would happen in that case? Would
9 that message appear in your log?

10 A. [9:58:58] No, it's not possible. You can't find that message in the logbook.

11 Q. [9:59:17] Is it possible, if your signaller isn't connected, that there are other
12 messages that did circulate within the FPLC which do not appear in your logbook?

13 A. [9:59:42] Yes, there are some.

14 Q. [9:59:52] Within the FPLC is there one place where one could find the logbook
15 containing all the messages? Did something of that nature exist at the time?

16 A. [10:00:10] I don't think so. I couldn't confirm that, that that were possible.

17 Q. [10:00:26] A few more questions now before we move on to the place where you
18 went afterwards. Still talking about Mongbwalu, while you are there, what
19 information did you get regarding cases of looting in Mongbwalu?

20 A. [10:01:02] I was given information and I took steps. It was related to Abelanga.
21 We were told by members of the population that before the combatants arrived in
22 Mongbwalu, before the Hema had been sent away, when the combatants left
23 Mongbwalu, they took with them everything that was in the town. That's what the
24 population told us and the journalists who were with us.

25 Q. [10:01:53] Did you get any information, any different information regarding the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 situation in Sayo?

2 A. [10:02:13] I went to Sayo and there was nothing there.

3 Q. [10:02:28] How many times did you go to Sayo?

4 A. [10:02:31] Once. And when I came back from there, I never returned.

5 Q. [10:02:44] Yesterday you said that during the meeting you had with the officers,
6 there was a question of covering the roads. What were the main roads in

7 Mongbwalu and who was present on each of these main roads?

8 A. [10:03:11] There were only two brigades, Salumu's brigade and Seyi's brigade.

9 There was no other force that could be deployed there.

10 Q. [10:03:32] I would like to know where these forces were deployed while you
11 were in Mongbwalu up to the time that you left.

12 A. [10:03:43] I remember that Salumu's forces were deployed at the airport and on
13 the Kilo road and also on the hills looking down on the market at Musaba, and they
14 were also near the factory. As for Kasangaki, he was at the Appartements. For Seyi,
15 I left them in Sayo and the factory.

16 In other places there were no forces deployed at the time when I had the meeting with
17 our troops. But I did, however, ask Tiger One to develop a strategy to deploy forces.
18 And the next day when my superior Kisémbé arrived, I did a hand over, and I don't
19 know whether the forces were deployed in my absence. I couldn't know that. But
20 with regard -- what I'm saying relates to what I saw when I was there, but I don't
21 know what happened once I had gone.

22 Q. [10:05:21] On page 12 of the transcript in French, lines 5 and 6, and then you
23 said: "They were also deployed near the factory. With regard to Kasangaki, he
24 lived in the Appartements." What was he doing at the Appartements? Who was he
25 with?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [10:05:58] I don't know whether he had a small number of troops with him at the
2 Appartements. Well, these Appartements covered a whole area, quite a large area.
3 They were in front of and behind the barrier, and they used these troops to try and
4 take charge and make safe this region. When you use forces to provide security,
5 the -- in an area that -- where you are located, you place them at different locations
6 and you spread them out as a group.

7 Q. [10:07:10] I am not entirely sure I followed your reply, Mr Ntaganda. Did
8 Kasangaki have a particular role at the Appartements at that point?

9 A. [10:07:29] He was with Commandant Salumu.

10 Q. [10:07:37] But did he have a particular role? I mean, had he been deployed
11 there by Salumu? Had he been deployed there by you? What was he actually
12 doing at the apartments, Kasangaki?

13 A. [10:07:57] He had been deployed like the other forces. At the airport, at least at
14 Komanda, and he also had -- well, he had been deployed like the rest of the soldiers.

15 Q. [10:08:17] But why was he at the Appartements? That's not why -- I don't
16 understand. You are talking about the main roads and there are no main roads at
17 the Appartements. So that's why I am confused.

18 A. [10:08:30] There is a main road that comes earlier. And a bit further there was
19 a point which was not occupied, not covered.

20 THE INTERPRETER: [10:08:54] Interpreter corrects: It's a road that comes from
21 Pluto.

22 MR BOURGON: [10:09:00] (Interpretation)

23 Q. [10:09:01] Coming from -- so talking about while you were at Mongbwalu,
24 before you left, what was the position with your escorts?

25 A. [10:09:20] They remained. As I came with a vehicle, we couldn't take

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 everybody in the aircraft. You could only get 10 people in there and I think we were
2 30 or 40 in total. So the others took the vehicle I left at Dala and they went through
3 Mabanga and Barrière, the route that I followed. They went to Centrale and
4 eventually on to Bunia.

5 Q. [10:10:01] Do you recall who was in charge of the escorts during your absence
6 from Mongbwalu?

7 A. [10:10:15] Yes. You recall the -- my company commander was Claude. They
8 went with Claude, and it was Borufu. Borufu was the commander.

9 Q. [10:10:38] So when you arrived in Bunia, what happened? Could you tell us to
10 the best of your recollection what happened that day?

11 A. [10:11:08] As I had been asked to supervise the operations of Mahagi and
12 Komanda, that's what I did. I went to see operations and whenever the commanders
13 had problems, I tried to resolve them. So those were my activities in Mahagi, in
14 Komanda and also elsewhere. That's what I did when I was in Bunia.

15 Q. [10:11:50] What I wanted to know -- but perhaps my question wasn't detailed
16 enough. What did you do when you arrived in Bunia on that day, if you can recall
17 that?

18 A. [10:12:05] Yes. I remember that once I got home, I found Ali Mbuyi, who was
19 back. He came to give me news of my mother. As I hadn't been home for seven
20 years, he told me about my father, my little brothers. And I showed the video that I
21 had on my camera and we looked at the pictures. That's what we did that evening.

22 Q. [10:13:17] Mr Ntaganda, could I ask for a clarification in the French transcript.
23 I'd like to check that this is exactly what you said, page 14 in the French transcript.
24 The question was:

25 "Do you recall who was in charge of the escorts when you were absent in

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Mongbwalu?

2 Yes, you remember that my company commander was Claude, I didn't go with
3 Claude. I went with his 2IC who was called Morefu (phon). He was their
4 commander."

5 Is that what you said?

6 A. [10:14:03] I said Borufu, B-O-R-U-F-U.

7 Q. [10:14:25] So tell us about your meeting with Ali. How did that go and where?

8 A. [10:14:44] It was at my house, in the living room. At that time he came to my
9 house. We had discussions, it wasn't a meeting as such. His brother-in-law
10 Samson was also there. We watched the video images recorded on my camera. So
11 that was on the evening of the day that I arrived in Bunia. That's what we did that
12 evening.

13 Q. [10:15:24] Do you know whether Ali had been at your house for a while once
14 you arrived?

15 A. [10:15:32] No. He got there before me. I think he had arrived that day or the
16 day before. But he'd not been there any longer than two days, I would say.

17 Q. [10:16:02] Before seeing Ali at your house when you got back from Bunia, had
18 you had contact with him since he had gone, since he had taken the aircraft, taken the
19 plane?

20 A. [10:16:21] Yes. When he was at my mother's, I telephoned him. He gave me
21 my mother on the phone. I spoke to him. I remember that I was in Mongbwalu
22 when I called and I spoke to my mother and to my father.

23 Q. [10:16:47] Do you remember roughly when in Mongbwalu this conversation
24 took place?

25 A. [10:17:03] I remember that it was after the liberation of Sayo.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [10:17:13] Once you had spoken to your mother and your father, did you have
2 any other subjects of conversation with Ali at that stage?

3 A. [10:17:30] No.

4 Q. [10:17:36] So the day you arrived, when Ali was in your house, you mention
5 having watched a cassette. Which cassette was this?

6 A. [10:17:56] These were the images that Tiger One had recorded during my
7 journey. I told you that he was filming while I was away. The images in which I
8 appeared.

9 Q. [10:18:15] Do you recall any particular event taking place that evening at your
10 house?

11 A. [10:18:25] Yes. Ali's brother-in-law Samson had been there for some years.
12 He had been drinking alcohol and he said, "You have only just arrived and you want
13 to make us believe you are an important person." And he then started to insult us.
14 He said that he was going to lock up his brother-in-law and he said rather than do
15 that, go, go back to Thomas's old residence, and he spent the night in a cell there.
16 I remember these discussions taking place at my house.

17 Q. [10:19:39] Could you spell the name? I think it's right, but it's Samson,
18 S-A-M-S-O-N? Is that the correct spelling?

19 A. [10:20:02] Yes. It is correct.

20 Q. [10:20:17] I have got a correction for the transcript, because I've got three
21 different versions, in French, English and what I've got from my colleague. On
22 page 16, 27, I asked you which cassette -- in the French transcript, "These are the
23 images that Tiger One recorded during my journey. I spoke about these to you."
24 Are those the words that you used?

25 A. [10:20:59] Yes, that's what I said. Those were the images recorded by

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Tiger One using my camera.

2 Q. [10:21:22] Coming back to Samson, now that we know his name, who was he?

3 Was he a civilian? Was he military?

4 A. [10:21:37] He was a civilian. He worked in civilian security services.

5 Q. [10:21:54] So what happened to Samson? You talked of taking him to a cell.

6 Who ordered his detention?

7 A. [10:22:21] When he got into an argument with his brother-in-law, I decided --

8 THE INTERPRETER: [10:22:31] The Swahili interpreter is asking the witness please

9 to repeat his answer.

10 PRESIDING JUDGE FREMR: [10:22:37] Mr Ntaganda, could you kindly repeat your

11 last answer since it was -- hasn't been captured by the interpreters.

12 THE WITNESS: [10:22:46] (Interpretation) When his brother-in-law wanted to take

13 him to a cell and he refused, I asked him to do that. And he accepted, because

14 initially he didn't want to go when his brother-in-law was ordering him to go and be

15 locked up.

16 MR BOURGON: [10:23:20] (Interpretation)

17 Q. [10:23:22] I would now like to take the big logbook that you have in front of you

18 and could you please turn to page 210. I will give the full number,

19 DRC-OTP-0017-0210, and the translation is at DRC-OTP-2102-4032.

20 THE COURT OFFICER: [10:24:30] Sorry to have to interrupt. May we kindly

21 request for the PDF version of this item. Thank you.

22 MR BOURGON: [10:25:00] I am informed that this document is already forwarded

23 to you, but we don't need to put it on the screen. It is not in a language that is usable.

24 So Mr Ntaganda has the original and everyone has a binder with also both the

25 translation and the original -- in the original language. But I will say the number

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 over again, just to be sure. The page number I'm referring to, the translation, is
2 DRC-OTP-2102-4032.

3 Q. [10:25:45] (Interpretation) Do you have the correct page, Mr Ntaganda?

4 A. [10:25:52] Yes, I have found it.

5 Q. [10:25:59] So what about the information on this page, if we take the first
6 message right at the top?

7 I'm sorry, Mr Ntaganda, I am not actually on the right page myself.

8 I'm sorry. Oh, I am at the right page. If you could please look at the last message at
9 the bottom of the page. Which date are we talking about here?

10 A. [10:27:26] I see three dates. 7.15, on the same page, there was the 29th at 11.54.
11 That is the last message on that page.

12 Q. [10:27:53] And which month we talking about?

13 A. [10:27:58] November.

14 Q. [10:27:59] Can you describe this message? What is this message?

15 A. [10:28:12] I wrote this message. It's an out message, so from the deputy chief of
16 the general staff, responsible operations and organisation, to the commander of the
17 sector in operations in northeast. That was Jérôme. I sent him this message.

18 Q. [10:28:37] And now let us talk about the content of the message. What's in it?
19 Why did you send it?

20 A. [10:28:54] Referring to the message, to the message on the 29th at 10.10, saying
21 that any person suspected should be sent by plane to Bunia and then a message
22 should be sent. So I asked that any soldier suspected of anything should be sent to
23 Bunia.

24 Q. [10:29:32] I know that it's a very long time ago, but was there any particular
25 reason why you chose to send this type of information to Jérôme?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [10:29:46] Yes. It was because I had learnt that a soldier had been involved in
2 an event and I wanted him to be sent for punishment. That's what we did; we
3 detained them after the liberation in order to teach them our ideology. And that was
4 the intention of this message.

5 Q. [10:30:27] If you could turn to the next page, please, page 211, and the
6 translation is on page 4033.

7 A. [10:30:46] Yes. I can see that page.

8 Q. [10:30:50] Could you talk briefly to this message? What do we have here?

9 A. [10:31:01] The message came from me to the sector commander for
10 northeast - that was Jérôme - telling him to help Pierre, who had to take a plane to get
11 to Bunia. I think I must have been at Bunia. A woman came asking me to help her
12 husband who was a Nande, a businessman, and I wanted to ask Jérôme to help this
13 man, the Nande, to get the same flight.

14 Q. [10:31:54] We can see two other messages there, one message from the 29th at
15 11.54 and one the same day at 8.55. Do you know who you gave these messages to
16 for them to be put into the logbook?

17 A. [10:32:22] That was my signaller, Kinkita.

18 Q. [10:32:25] And where were you when you gave this message such that it be put
19 in the logbook?

20 A. [10:32:33] I was at home in Bunia.

21 Q. [10:32:52] Now, on that day, Mr Ntaganda, did you have any activities
22 involving Ali and yourself?

23 A. [10:33:08] Yes. The following day I took him to introduce him to the officers, to
24 present him with the officers that were in prison, and I spoke to him about the case of
25 each of the detained persons, because he was the person who was going to take the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 function of G2 and he had to know each of the detained persons, as well as the case
2 that was against each of them.

3 Q. [10:33:39] Do you remember some of the prisoners who were at that place?

4 A. [10:33:47] Yes, I remember some of them. I remember certain names.

5 Q. [10:33:58] Could you give us some of those names?

6 A. [10:34:04] Yes. Django Liripa was one of their names. Another was called
7 John, call sign Juliet November. Another was called Bebwa. There was also Sophie.
8 Abelanga had already arrived at the place.

9 Q. [10:34:58] Was it the same place as where Samson was detained?

10 A. [10:35:02] Yes, it was the former residence of President Thomas, in a garage
11 which was next to it, a large garage.

12 Q. [10:35:25] Was this detention centre operational for a long time?

13 A. [10:35:29] No. When the mother of President Thomas came to live in the house,
14 we moved the place of detention and put it in Mandro.

15 Q. [10:35:57] Mr Ntaganda, I would like to go back to the large logbook. Well,
16 before going on to the log, were there other detained persons in other locations, to the
17 best of your knowledge? So in other locations in Bunia, to the best of your
18 knowledge?

19 A. [10:36:26] In Bunia there were some who came at the staff HQ where my
20 bodyguard was, but I no longer remember what their names were.

21 Q. [10:36:40] And where were they detained at the HQ?

22 A. [10:36:46] There was an old tank from Mobutu's army and there were one -- if
23 there were one or two detained persons who came, then they were put in that for
24 a transit period prior to transferal to a detention centre.

25 Q. [10:37:17] Now, you mentioned during your testimony a person by the name of

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Idris. Do you remember that?

2 A. [10:37:27] Yes, but he wasn't detained there. He was detained at the HQ of
3 President Thomas. And some time later he escaped and he took refuge with the
4 UPDF troops. No, he didn't go to that place.

5 Q. [10:37:54] I would now like to return to the small log, Mr Ntaganda. And here
6 I would ask you to take the small log and, namely, page 5776 thereof.

7 A. [10:38:40] I'm following.

8 Q. [10:38:45] Could you explain to us what you see on that page?

9 A. [10:38:53] Well, this is the follow-up to the message 5776, the advance party
10 from Aru. And in the message below, that comes from Sierra Alpha. That's
11 Salumu.

12 Q. [10:39:34] I think I didn't give you the right page. I would like you to look at
13 the small log, namely page 5776.

14 Do you have that page?

15 A. [10:39:58] Yes, I do.

16 Q. [10:40:04] So could you tell us what you see on that page?

17 A. [10:40:20] This is a message -- well, it's two messages in fact. The first is
18 a message from the 29th and the second is dated 30 November 2002.

19 Q. [10:40:49] Are we talking about information that has been received or
20 information that has been sent?

21 A. [10:41:00] These are messages that have been received.

22 The first message was from the 28th.

23 THE INTERPRETER: [10:41:07] Correction from the interpreter.

24 MR BOURGON: [10:41:10] (Interpretation)

25 Q. [10:41:11] Who noted down this information in the small log, to the best of your

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 knowledge?

2 A. [10:41:22] That was my signaller, Kinkita.

3 Q. [10:41:29] Mr Ntaganda, we can see on that page you mentioned 30 November.

4 And here I would like to check whether this is what you said. So we can see

5 "Message received 30 November", and a bit earlier I showed you a couple of messages

6 which were sent on 29 November, but they are in the large log. Are you able to

7 explain why your signaller wrote in the small log on 30 November while he wrote

8 messages that were sent in the large log on the 29th? Are you able to explain that?

9 A. [10:42:30] No, I can't do that. That concerns the signaller. I can't know that.

10 Q. [10:42:42] Where were you on 30 November 2002?

11 A. [10:42:52] I was in Bunia.

12 Q. [10:42:56] So I think that we won't go back into the small log. So I have got

13 a question on that subject and I would like you to go to page 5783. And if you could

14 tell me when you are there.

15 I'm sorry, I gave you the translation page. So I'm actually looking for -- for you, it's

16 57 -- and the translation is at page 5783 and the page for you is 5753. So small log,

17 page 5753.

18 A. [10:44:10] Yes, I'm following.

19 Q. [10:44:15] What information can we find on that page?

20 A. [10:44:23] Well, this is my writing. I wanted to send a message. But it wasn't

21 sent. You can see that it's my handwriting.

22 Q. [10:44:46] Well, what information do we see there?

23 A. [10:45:01] I was asking for advice from my superior, Kisembo, because my

24 troops had to go to Kpandroma to fight the enemy, who could attack them any time.

25 So I was asking for his point of view, rather advice. And I state that the plane isn't

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 returning. And that's the information that it contains. This message isn't complete,
2 but it is my handwriting.

3 Q. [10:45:48] Mr Ntaganda, we are going on to the period that follows your return
4 to Bunia. At that time -- if I ask you a question about the FPLC chief of staff at that
5 time.

6 A. [10:46:11] Well, I worked at the staff HQ. That -- well, the staff HQ -- or the
7 chief of general -- well, the general HQ became the general staff HQ of the FPLC, the
8 one that was of the APC.

9 Q. [10:46:35] Well, where was Kisembo at that time?

10 A. [10:46:41] Would you be so kind as to repeat your question? I didn't follow it.

11 Q. [10:46:57] Well, I was looking at your response on page 26, the staff -- the
12 general staff HQ of the APC became the general staff HQ of the FPLC. So my
13 question: You were at the FPLC HQ at Bunia. Now, where is Kisembo then?
14 What is the place in military terms that he was at in Mongbwalu?

15 A. [10:47:31] The operational staff HQ or the mobile staff HQ, both.

16 Q. [10:47:43] During the period that you came back, you spoke about the front,
17 going to the front, or you spoke about the activities of the new brigade. Could you
18 explain to us what the situation was, the operational situation was on the
19 Bunia-Komanda road at that time?

20 A. [10:48:18] There were heavy clashes. I would send the G2 in order to go to that
21 place and would get information, and that's what his task consisted of most of the
22 time.

23 Q. [10:48:42] Who was the commander, senior commander, at the time on the
24 Bunia-Komanda road?

25 A. [10:49:05] Commander Mugisa. Commander Alex Munyalizi.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [10:49:19] Where had Alex Munyalizi established his command post?

2 A. [10:49:35] His HQ was also mobile. Now he was in Marabo and another time
3 at Irumu. At another time he was at Komanda. It was during the war.

4 Q. [10:49:58] Now, when you indicated different places on the table, you marked
5 a place called Kilo. Do you know what happened at Kilo in the days that followed
6 your return to Bunia?

7 A. [10:50:14] I read the message saying that Salumu had arrived in Kilo. That was
8 a message that I received and read. This message had come. Salumu arrived with
9 his forces.

10 Q. [10:50:45] What do you know about the subject of Salumu who arrives in Kilo?
11 What happened? Did you know about that at the time that it happened or is that
12 something that you found out about later?

13 A. [10:51:05] I found out afterwards following a message that I received and read.
14 It was my signaller who received the message and I read it. But I didn't know the
15 circumstances under which he arrived because I wasn't with him.

16 Q. [10:51:30] Do you know where the Kilo operations were carried out or from
17 what place those operations were carried out?

18 A. [10:51:44] That was from Mongbwalu. He had done it with my superior
19 Kisembo. It was his village. He knew it very, very well. He knew that locality
20 very well. It was probably Kisembo that he sent.

21 Q. [10:52:08] Mr Ntaganda, I would like to look at certain messages with you, and I
22 would ask you to look at the large log and to go to page 035. For the record, the
23 translation of that page is -- well, I'll give the full number for the first time,
24 DRC-OTP-2102-3857.

25 Mr Ntaganda, could you tell us when you are at the page in question.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [10:53:17] Yes. I'm there.

2 Q. [10:53:23] So I would ask you to look at the message on this page. Now, we've
3 already looked together at it previously. I would like to draw your attention to the
4 last line where the following is stated: "We are at Kilo. Tomorrow morning it's
5 Victor Charlie and Tango Romeo." And that comes from Sierra Alpha. What does
6 that mean as far as you are concerned, Mr Ntaganda?

7 A. [10:54:08] The message said that it is Sierra Alpha who sent the message saying
8 that they were in Kilo. They were going to arrive on the 2nd and that on the 3rd -- or
9 it was on the 2nd and they said that on the 3rd, they were going to arrive at that
10 locality.

11 Q. [10:54:31] Do you remember who noted down this message in the large
12 logbook?

13 A. [10:54:39] That was my signaller, Kinkita. He was the person who received
14 that message.

15 Q. [10:54:46] Do you remember where you were at that time?

16 A. [10:54:53] In December I was in Bunia.

17 Q. [10:54:57] I would like to direct you to the following page, 036.

18 A. [10:55:16] Very well.

19 Q. [10:55:17] And the translation can be found at 3858.

20 Can you tell us, Mr Ntaganda, the message that you see there?

21 A. [10:55:45] Well, yes. There's a message from Aru, from Mongbwalu, from
22 Fataki, from Mahagi, as well -- yes, that's how it goes on.

23 Q. [10:55:58] All these different messages, Mr Ntaganda, these are noted down by
24 whom and where?

25 A. [10:56:07] My signaller, Kinkita, received these messages. He wrote them

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 down in the logbook "in". That was at my home in Bunia, in my compound where
2 his Manpack was.

3 Q. [10:56:28] In the first message at the top of the page -- or, rather, in the second
4 message next to the word "Mongbwalu", he had written next to "Mongbwalu", "Calm,
5 say to the Bambu group to advance to Sierra Alpha's residence." What does that
6 mean for you, Mr Ntaganda?

7 A. [10:57:06] Well, this message is something that I have read, like you. The
8 Bambu group is asked to advance to Sierra Alpha. Our troops weren't at
9 Sierra Alpha. But here it is written that the Bambu group should advance to
10 Sierra Alpha. I don't know who sent him this message, as is written there.

11 Q. [10:57:39] And do you know at that time what the situation was? Who is this
12 Bambu group?

13 A. [10:57:51] I think there was a mistake. Perhaps it was a Nizi group. We don't
14 have troops in Bambu. The signaller didn't know all the localities where we were.
15 Perhaps he made a mistake. But I remember that we had forces in Nizi.

16 Q. [10:58:14] I will ask you, Mr Ntaganda, to look at the following page, 037, and
17 the translation is page 3859.

18 A. [10:58:45] I'm following.

19 Q. [10:58:46] So I would like to draw your attention to the word "Kilo" that we see
20 at the top of the page. I will read the message in question and I would ask you to
21 explain what you know about the situation. Now, it is stated here:

22 "SS, Sierra Sierra, says from Kobu, 7 kilometres from Bambu, that there -- so in Kobu,
23 7 kilometres from Bambu, there are clashes, and they ask for the frequency of the
24 Motorola of people from Bambu to have news from them. They are planning to
25 enter Liseyi."

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 Do you understand the information?

2 A. [10:59:37] Yes, I understand it.

3 Q. [10:59:40] Firstly, who is SS, Sierra Sierra?

4 A. [10:59:50] Sierra Sierra, in my opinion that's Kasangaki. Sierra Sierra or double
5 Sierra, it's the same.

6 Q. [11:00:02] Well, according to the information we see there, could you help us
7 understand what that is about? Kasangaki, what does Kasangaki want to
8 communicate?

9 A. [11:00:15] Very well. Well, I think there were clashes. They involve the troops
10 in Bambu and Nizi. Yes, there were clashes, because he says that they were in Kilo
11 and that in Kobu, 7 kilometres from Bambu, there were clashes. And he asked for
12 the Motorola frequency of the people in Bambu in order to get their news.

13 MR BOURGON: [11:00:57] Mr President, I think we can stop for a break.

14 PRESIDING JUDGE FREMR: [11:01:00] Yes. So we break now for 30 minutes and
15 we will reconvene at half past 11.

16 THE COURT USHER: [11:01:08] All rise.

17 (Recess taken at 11.01 a.m.)

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

19 THE COURT USHER: [11:31:26] All rise.

20 Please be seated.

21 PRESIDING JUDGE FREMR: [11:31:55] In this session we are going to proceed with
22 further part of direct examination conducted by Defence lead counsel Mr Bourgon.
23 Mr Bourgon, you have the floor.

24 MR BOURGON: [11:32:17] (Interpretation) Thank you, Mr President.

25 Q. [11:32:22] Mr Ntaganda, we are going to come back to this same message that

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 we were looking at in the big logbook on page 37 for you, 037, and for the translation
2 3859.

3 We were reading this earlier and it was the information coming from Kilo. So on the
4 same page, but, first of all, I would like to know from you which date we are talking
5 about here, please. On which date was this information received, according to what
6 you can see here?

7 A. [11:33:15] It was the 3rd at 11.33.

8 THE INTERPRETER: 11.43, excuse me.

9 A. [11:33:29] And this is on the page talking about Kobu.

10 Q. [11:33:36] So moving on now to the last message, which is where we see the
11 figures of 040911 December 2002. What does that mean?

12 A. [11:34:02] That was the 4th at 9.11 in the morning and Tiger One sent me
13 a message.

14 Q. [11:34:12] In this message, Mr Ntaganda, if you would look, after "A general
15 situation" it says: "The chief of Liseyi has come out of the forest. He is with us."

16 Does this information say anything to you about what was happening at that point?

17 A. [11:34:38] Yes. I have got the message sent by Tiger One saying that the chief
18 of Liseyi had come out of the forest. He said that he had gone to the forest and
19 because of that the chief of Liseyi came out of the forest.

20 Q. [11:35:11] Does that remind you of the events taking place in Liseyi?

21 A. [11:35:22] This is a village near Kilo, Tiger One sent this message to give me
22 a picture of what was happening in the field.

23 Q. [11:35:44] On the next line it says: --

24 PRESIDING JUDGE FREMR: [11:35:55] Hold on. Hold on, Mr Witness.

25 Ms Samson.

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 MS SAMSON: [11:35:58] Thank you, Mr President. I rise to ensure that the
2 procedures are being done according to the Chamber's decisions on the ways in
3 which questions should be put. It seems that from the last question and several
4 others the logbook is being used to guide the witness's answers. There had been no
5 information elicited about Liseyi or the context of that situation before the document
6 is put to the witness, and then he is asked to read the message and see if that helps his
7 recollection on the event. In my submission, the appropriate procedure is to elicit
8 from the witness from his own memory what information he knows in relation to
9 events in Liseyi and then subsequently confirm it, if that is required, via the logbook,
10 in order to avoid leading the witness.

11 Thank you.

12 PRESIDING JUDGE FREMR: [11:36:49] Mr Bourgon. Mr Bourgon, your reaction to
13 Ms Samson? It is in fact objection, I at least understand this in that way.

14 MR BOURGON: [11:37:06] Thank you, Mr President. Well, I disagree with my
15 colleague. This is not the proper procedure. We have a document, this document
16 was recognised by the witness. It was his logbook at the time. It has the same -- it
17 is exactly like any document we would show to the witness. Once he has the
18 document he can read a part of the document and I can ask if reading this part of the
19 document helps him in refreshing his memory with what was happening at the time.
20 The procedure is both fair, open, it's his document, his logbook, it's recognised, it's
21 admitted in evidence and it's quite proper for him to read something and say, "Well,
22 this doesn't ring a bell to me", or this, "Oh, yes, I do remember." And he can provide
23 an answer that will be of assistance in finding the truth in this case.

24 PRESIDING JUDGE FREMR: [11:38:04] Give me a second. It's an issue of principle
25 so I will also consult my colleagues on that, just to be unified.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 (Trial Chamber confers)

2 PRESIDING JUDGE FREMR: [11:38:38] So after brief silent deliberation in the
3 courtroom the objection is overruled. According the Chamber's unanimous opinion
4 there is nothing wrong with procedure used by Mr Bourgon because, in fact,
5 Mr Ntaganda is making comments on single parts of that document.
6 Mr Bourgon, please proceed.

7 MR BOURGON: [11:39:06] Thank you, Mr President.

8 Q. [11:39:13] (Interpretation) Mr Ntaganda, I come back to my last question: You
9 have in front of you the sentence that we looked at last together, which
10 was -- (Speaks English) The French transcript, Mr President, is very difficult to follow
11 in terms of going back to a question, so I will just ask the question anew.

12 PRESIDING JUDGE FREMR: [11:40:04] No problem.

13 MR BOURGON: [11:40:08] (Interpretation)

14 Q. [11:40:09] So, Mr Ntaganda, you have the message from 4 December containing
15 the following sentence: "The chief of Liseyi came out of the forest. He is with us."
16 And then my question was: Does that jog your memory in terms of the events of
17 Liseyi? If you can't remember what happened then just please say so, we will move
18 on.

19 A. [11:40:55] When our troops were -- arrived there they were looking for the chief,
20 for him to come out of the forest with his people, and that's why he sent me this
21 message saying that the chief of Liseyi had come out of the forest. But elsewhere the
22 chief had not, the chief had not come out of the forest.

23 THE INTERPRETER: [11:41:29] Mr Ntaganda mentioned the name of another place
24 which the Swahili interpreter did not seize.

25 THE WITNESS: [11:41:39] (Interpretation) When the -- arrived somewhere with his

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 people, then the people came out of the forest.

2 THE INTERPRETER: But could please Mr Ntaganda be asked to repeat the name of
3 the location where people had not come out of the forest.

4 PRESIDING JUDGE FREMR: [11:41:57] Mr Ntaganda, one detail of your answer
5 hasn't been captured, and it's the place from which the people hadn't come out.
6 Could you repeat the name of that place.

7 THE WITNESS: [11:42:15] (Interpretation) The commander of southeast, Tiger One,
8 sent me the message saying the chief of Liseyi had come out of the forest and that
9 policemen had been taken. He then said the chief of Kilo had not yet come out of the
10 forest. He said that once our troops arrive there when the APC and our troops were
11 fighting, people would flee. So when our people arrived somewhere they would
12 look for the chief, the chief was then in a position where he should then ask his people
13 to come out of the forest. That was the order that they asked him to give.

14 PRESIDING JUDGE FREMR: [11:43:27] Point clarified. Thank you, Mr Ntaganda.
15 Mr Bourgon, please proceed.

16 MR BOURGON: [11:43:29] (Interpretation)

17 Q. [11:43:30] In your last reply in the French transcript I will say what is here to
18 make sure that these are your words: "When they arrived in the field, our young
19 people when they arrived in the field arrested the chief and then the chief was forced
20 to call the population who had fled."

21 Are those the words that you used?

22 A. [11:44:03] No. I said that when they arrived in the village, because the
23 members of the population would flee from fighting, they -- when we were fighting
24 the enemy, our military would send a message reminding the chief that he should call
25 the members of the population back, those who had fled, that they should come back

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 and start going about their daily business.

2 Q. [11:44:39] Mr Ntaganda, still in the big log, but now in a different part, can we
3 please now look at section -- in the "out" section, 210, this is 4032.

4 Have you found the page, Mr Ntaganda? Page 210.

5 A. [11:45:42] Yes, I have got the page.

6 Q. [11:45:47] At the top we see the figures 031315 Bravo, what does that mean?

7 A. [11:46:05] This is the date of the 3rd at 1315 in December 2002. A message sent
8 by me, or from me, to the commander, sector Commander Jérôme, and I also sent
9 a copy for information to his commander Mugisa. And also to the 5th battalion, the
10 commander of the 5th battalion.

11 Q. [11:46:37] Just here we see the following information; Kilo -- the frequency that
12 you have requested is 14608. What does this specific part of the message mean? Is
13 it belonging to the message above, the message below, or is it a separate message?

14 A. [11:47:08] This is a different message. This is a request. The force that was
15 there was the force of Tchaligonza brigade in Bunia. I recall that a certain point I
16 sent this message, I was at Bunia, it was Tchaligonza, I sent this message which you
17 see here inscribed in the logbook.

18 Q. [11:47:54] Do you recall why you sent this message to Kilo?

19 A. [11:48:03] I had seen that at a certain point double Sierra was not in contact with
20 force fighting that at -- those in Bambu and he requested a frequency. It was -- he
21 was not in the same brigade so he didn't have the same frequency. And when I saw
22 the message immediately I asked Tchaligonza what frequency the troops were using.
23 He gave me this answer and I sent it to Kilo and that's why I noted it here in the
24 logbook. It was a message for the forces in Nizi, which were part of Tchaligonza's
25 forces.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [11:49:02] Mr Ntaganda, we are going to move on to a different message, we'll
2 come back to the in section, and I would ask you to go, please, to page 0037. Tell me
3 when you get to that page. For the translation it's page 3859.

4 A. [11:49:43] I am already there.

5 Q. [11:49:57] I didn't give you the right page; it's page 38, not page 37. Are you
6 there?

7 A. [11:50:26] I'm on page 038.

8 Q. [11:50:30] Before we look at this page, when you gave the frequency, where
9 were you working from?

10 A. [11:50:45] I was in Bunia. The people in Kilo asked what frequency was being
11 used by Tchaligonza brigade and the HQ was in Bunia and Tchaligonza was using
12 my Manpack, he didn't have his own. And at that point I gave them the frequency
13 then, from Bunia.

14 Q. [11:51:25] Mr Ntaganda, on this page, 038, 3860 in the translation, there are three
15 messages. What are the dates and times of these messages?

16 A. [11:51:53] Here we have three messages, the first was written on the 4th at 9.38,
17 4 December 2002. The second was the 4th at 10.25, again December 2002. And the
18 third, the 4th at 11.10, again 4 December 2002.

19 Q. [11:52:29] Mr Ntaganda, look please at these three messages, as deputy chief of
20 staff operation and organisation do not appear on any three, any of the three. It's the
21 chief of the general staff who appears on these. Do you know why that would be so?

22 A. [11:53:01] It was the sector commander who sent the messages to the chief of
23 general staff. It was a question of information on each of these. I don't know why
24 he made that decision and why he has put them in this chronological order.

25 Q. [11:53:33] Looking at the third message -- I will read this message to you -- from

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 whom was it sent and to whom?

2 A. [11:53:50] It was a sector commander operations northeast, which is Jérôme,
3 sending a message to the commander of the brigades. They had the 401st brigade,
4 that was Manu -- and the other two had different commands -- Mugisa Paul had 405,
5 Sierra Alpha, Papa Mike. These were brigades under his supervision. But the 401st
6 and the 409th, on the administrative plan they were his, but on the operational
7 plan -- the operational point of view it was Tiger One's responsibility. Tiger One
8 was doing this from the operational point of view, but from an administrative point
9 of view it was Jérôme who was in charge, and that's the way things normally happen
10 in the army.

11 Q. [11:55:17] So that was what I was going to tackle. My next question: you are
12 saying that it's the normal way. So is it normal and, if so, why, to have a brigade
13 which, from the operational point of view op plan -- opcom and administration, that
14 there will be different commanders for these different aspects? Why does that
15 happen in the army?

16 A. [11:56:00] When there are clashes we need to send a support force quite some
17 distance, and when you send those troops they fall under the command of the -- that
18 sector, which is far away, because they are then run under his orders. But from the
19 administrative point of view they are under our responsibility. So you count the
20 battalion for administrative purposes from the place it originates. That's why the
21 force sent by Jérôme was supervised by Seyi, and then later by Echo Mike. And at
22 that point he also had Salumu forces and the closest commander to manage these
23 forces was Tiger One. So he was their operational commander but, administratively
24 speaking, they belonged to Jérôme.

25 Q. [11:57:21] Mr Ntaganda, this message that we see here, which we will read and

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 ask you to explain, what is the aim of this message? "You asked. Full stop. Send
2 every day. Stop. Sitrep of your representative units to the staff of the operational
3 sector northeast. Stop. To Aru. Stop. The latter. Stop. Send to the general
4 staff in Bunia. Stop. Obligatory execution of the order."

5 What does that mean, Mr Ntaganda?

6 A. [11:58:07] That's what I was explaining earlier. We needed to get to the report
7 so that they could be sent to the general staff, and that had to go through him, from
8 an administrative point of view. The message had to go through him so that it could
9 then be retransmitted to the general staff.

10 Q. [11:58:39] Mr Ntaganda, in the period that you spent with the FPLC how did
11 you try to function in the manner of an organised army?

12 A. [11:59:13] Every time my role was to direct the commanders so that they could
13 carry out their work following discipline. That was my day-to-day task.

14 Q. [11:59:31] I now move on to the next message, page 0440, and the translation
15 will be at page 3862.

16 And as soon as you get to that page, Mr Ntaganda, please let me know.

17 A. [12:00:04] Please kindly repeat the last three figures.

18 Q. [12:00:13] 440. For you it's 040.

19 A. [12:01:07] I am there.

20 Q. [12:01:12] At the top of the page we see "Thursday, 05/12/2002". And according
21 to the information we can see there, next to "Mongbwalu", where is Tiger One at that
22 time?

23 A. [12:01:44] Tiger One was in Kilo.

24 Q. [12:01:53] Where were you?

25 A. [12:01:55] I was in Bunia.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:02:03] Next to the word "Kilo" we see the following information, "Calm, the
2 enemy is reorg. There in Kobu, I have already sent a group of my troops there."

3 Does that information enable you to know or to remember what was happening in
4 Kilo at that time.

5 A. [12:02:48] Yes, when he was in Kilo he received information that the enemy was
6 organising himself or itself in Kobu. I received that message.

7 Q. [12:03:02] According to information available to you at the time did the FPLC, or
8 was the FPLC occupying Kilo at that time?

9 A. [12:03:19] Yes. On the 5th the FPLC troops had already arrived in Kilo.

10 Q. [12:03:30] What information did you have in relation to a group that was
11 dispatched to Kobu at that time?

12 A. [12:03:53] It is said here that the enemy is reorganising in Kobu, but they did not
13 get as far as Kobu. They did not get there, the information was simply provided that
14 the enemy was reorganising itself or himself in Kobu.

15 Q. [12:04:12] What did you understand that to mean when it is entered "I have
16 already sent a group of my troops there"?

17 A. [12:04:29] Please kindly provide me with the reference and I should be able to
18 explain to you what I understand from that message. Maybe we are not looking at
19 the same document.

20 Q. [12:04:40] Still next to the information where it is entered "0840B Kilo", and then
21 there is a string of information next to it. That's where I am.

22 A. [12:05:01] Okay, very well. I think he sent a patrol to that area, but as you can
23 see the message is not very clear. However, as far as I know he was not yet in Kobu.
24 He said that the enemy was getting reorganised in Kobu, and the reference here is
25 being made to a patrol that was sent on that road.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:05:32] What does it mean, Mr Ntaganda, to send a patrol? What does that
2 mean, Mr Ntaganda?

3 A. [12:05:40] When you get to a region where there are a number of roads leading
4 to your position, you send out troops to patrol those various roads to ensure that
5 you are not likely to come under attack from an enemy, so the patrol goes out to seek
6 to protect the troops that are located and it is that patrol that enables you to identify
7 the location, the specific location of the enemy.

8 Q. [12:06:17] Still in that segment of the message, a little further down reference is
9 made to a sentence as follows:

10 "Tell Zulu Mike that his mother and his junior brothers are here. She wants to go to
11 Bunia. She is here in Kilo. I expect an answer from him." Do you remember what
12 that refers to?

13 A. [12:06:53] Yes. This was in reference to my chief Kitembo whose call sign was
14 Zulu Mike, his mother was in Kilo along with members of his family, because
15 Kitembo was born in Kilo. That was his village. And Kilo is a village of the Nyali
16 ethnic group. At that time his mother was in Kilo.

17 Q. [12:07:25] Mr Ntaganda, I would now like you to move on to the next page,
18 page 041, and please tell me when you are there. For translation the number is 3863.

19 A. [12:07:58] I am there.

20 Q. [12:08:04] Who sent this message to whom and when?

21 A. [12:08:20] This is a message of 5 December 2002, the message is from Tiger One,
22 who was in Kilo, and he sent the message to me, chief of general staff deputy, and he
23 copied the chief of general staff. He referred to the situation of the enemy in Kilo, in
24 Liseyi, and was giving us information about the situation in that area. The message
25 was from Tiger One as it appears clearly on this document.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:09:02] According to this message where is Tiger One at that time?

2 A. [12:09:16] You can see he refers to "The situation of the enemy in Kilo, Liseyi and
3 Itendeyi, it's calm. We are going to the Kobu road." So they were in Kilo, and the
4 Kobu road comes from Kilo, so he was in Kilo on the Kobu road.

5 Q. [12:09:46] The last part of that message reads as follows: "We have caught an
6 APC soldier who is wounded. He was a soldier of the troops and his name is Papy."
7 Why does Tiger One provide you with that information?

8 A. [12:10:14] Yes, he informs me because I am supposed to be informed about the
9 situation. It is quite normal, nothing wrong with that.

10 Q. [12:10:31] Mr Ntaganda, now I want to ask you to look at the logbook and
11 please go to the "out" section. And this will be at page 210 for you and 4032 for the
12 translation.

13 A. [12:11:06] I am there.

14 Q. [12:11:11] Mr Ntaganda, I want to draw your attention to the message in the
15 middle with the figure 051050 Bravo. Who sent this message to whom?

16 A. [12:11:33] This message is from me at 11.10 on the 5th at 10, in December 2002.
17 I am the one who sent this message to Jérôme and I informed his brigade commander
18 Mugisa accordingly.

19 THE INTERPRETER: [12:12:01] Correction from the Swahili booth: the time was
20 10.50.

21 MR BOURGON: [12:12:08] (Interpretation)

22 Q. [12:12:08] Now, Mr Ntaganda, I am interested in the last sentence of that
23 message which reads as follows:

24 "Whenever I call you the line is busy or I don't get through."

25 What was the state or status of communication between yourself and Commander

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Jérôme?

2 A. [12:12:40] I tried to call him on the Thuraya, I couldn't get through, that's why I
3 sent him this message to indicate that he was offline.

4 Q. [12:12:57] When you say "Whenever I call you I cannot get through", is it
5 because he was offline or was it for other reasons?

6 A. [12:13:12] It's because I tried to call him, but I couldn't get through. I tried
7 three or four times and I couldn't get him on the line. And that is why I sent him this
8 message so that upon receiving this message he should switch on his telephone.

9 Q. [12:13:34] In the same message, Mr Ntaganda, we see the letter A for Alpha
10 against which is written the following: "Consoling children in Mahagi ..." Now we
11 find the word "children" several times in this logbook, what does these children refer
12 to, or who are these children?

13 A. [12:14:07] We are referring to our troops. Even the brigade commanders, we
14 call them our children. We felt that we were their parents. And in Africa,
15 particularly in the Swahili language, that is the word we use throughout Africa, but
16 specifically for those of us who speak Swahili we call our soldiers our children, that's
17 the word we use. And then they would also think of us as their parents, those of us
18 who were their commanders.

19 THE INTERPRETER: [12:14:46] Microphone, please.

20 MR BOURGON: [12:14:53] (Microphone not activated)

21 THE INTERPRETER: [12:14:52] Microphone, please.

22 PRESIDING JUDGE FREMR: [12:14:54] Mr Bourgon, you forgot to switch on your
23 mike, so please repeat it.

24 MR BOURGON: [12:15:12] I apologise, Mr President, I switched it off.

25 Q. [12:15:17] (Interpretation) Mr Ntaganda, I would now like to take you to

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 page 190, and for translation it will be page 4012.

2 A. [12:15:51] Before we tackle that message, the message of 2 October, here I had
3 asked for some materiel or equipment from Aru. I had requested that some materiel
4 be sent to me in Bunia from Aru.

5 Q. [12:16:21] What message are you referring to, Mr Ntaganda, for the record?

6 A. [12:16:30] Reference 210 of 5 at 10.50 on 5 December 2002. Please look at that
7 message, you would see A,B, C. Under B I was asking for some sugar which had
8 been left at the airport. Some eight bags of sugar, "Please send them to me here in
9 Bunia."

10 Q. [12:17:14] Very well. So now let us move on to the page I was taking you to,
11 which is 190, and for translation 4012. The message in the middle of that page, and
12 this is dealing with an entirely different period but I'm interested in the content of the
13 message mindful of your last answer.

14 A. [12:17:51] Please provide me with the reference.

15 Q. [12:17:57] 190.

16 A. [12:18:03] Okay. I am there.

17 Q. [12:18:12] Do you recognise the message in the middle?

18 A. [12:18:15] Yes.

19 Q. [12:18:20] Who sent this message to whom and why?

20 A. [12:18:31] If you're referring to the message in the middle, I am the one who sent
21 it to all FPLC forces. I also informed the minister of defence, who was President
22 Toms at the time, and then I also informed the chief of general staff.

23 Q. [12:19:05] Let me read out the content of the message and I will ask you to
24 explain what it is all about:

25 "That Commander Kalungu. Stop. Leave him to me, I will discipline him. Stop.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 And he will be a good leader, a good leader. Stop. We will not be afraid of parents
2 or relatives and stop disciplining our soldiers. Stop. We are the parents of our
3 troops." What did you intend to do or to achieve through had message,
4 Mr Ntaganda?

5 A. [12:19:50] This is what I have talked about over and over from time to time. I
6 do remember that at some point Commander Kalungu -- Kazungu had done some
7 foolish things in Mongbwalu whereby Liripa, a Lendu trader, was killed. The troop
8 was executed in Mongbwalu and then Kazungu subsequently did something else
9 while drunk and we was therefore arrested. Commander Jérôme informed the G2, Ali
10 Mbuyi at the time, to send Commander Kazungu to Aru because he was under
11 pressure from the relatives. So now I said we cannot be frightened by parents of
12 a soldier. We are the ones in charge of providing them with discipline, providing
13 our soldiers with discipline, because we have become the parents of our troops. So
14 I am going to use disciplinary measures to convert this person into a good leader. So
15 he was telling -- I was telling the troops that we have the duty to provide discipline to
16 our soldiers and so Kazungu subsequently became a very good soldier and later
17 became a battalion commander. This is what this message is addressing.

18 Q. [12:21:37] Mr Ntaganda, let's hop back to page 209 still in the big logbook. Are
19 you there?

20 A. [12:22:10] Yes.

21 Q. [12:22:14] Do you recognise the message at the top of the page and please tell us
22 what it is about?

23 A. [12:22:25] Yes. This is a message that was sent on the 5th, 5th at 1536 in
24 December 2002. I am the author of this message. I sent it to Tiger One. And I also
25 informed Commander Jérôme accordingly.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:22:59] On this message there are four sections, A, B, C, and D. Do you
2 remember why that information was broken down into four sections like this?

3 A. [12:23:22] Yes, it is because Tiger One had sent me a message in which he had
4 asked for four things, so in my reply, while he was on the road to Kobu he asked for
5 some mines and I asked him "What type of mines are you requesting? Anti-tank
6 mines or anti-personnel mines?" So I asked him for what type of mines he was
7 requesting so that I should be able to answer. Then he went on to provide me with
8 information about an APC troop who had been taken prisoner. Then he asked for
9 rations as well. Those are the four things that he asked for.

10 Q. [12:24:15] Now, in relation to the first answer to Tiger One you asked him
11 whether he was asking for anti-personnel mines or anti-tank mines. Did you have
12 any such mines within your inventory?

13 A. [12:24:41] Yes, we had anti-tank mines. But for anti-personnel mines we had
14 received a box from Goma but we were told that it was forbidden to use such mines.
15 However, there was one box of anti-personnel mines at Kisembo's place, so I asked
16 him the question to tell me what type of mines he was looking for.

17 Q. [12:25:07] Now, in your answer you said that you had anti-tank mines. What
18 and how did you use those anti-tank mines?

19 A. [12:25:33] Even the enemy used anti-tank mines. Commander Bagonza died
20 following an anti-tank mine explosion on the Beni road. You see, at some point if
21 enemy, if the enemy was going around in vehicles we could use that type of mine.
22 But at the time we were fighting the enemy, the enemy did not have the means to use
23 vehicles in our area, so they were a bit further afield and so we didn't use those types
24 of mines in our area. If the enemy were using vehicles we would have been in
25 a position to use anti-tank mines in our area.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:26:19] What about in Mongbwalu, did you use any anti-tank mines?

2 A. [12:26:24] No, not at all, because we had attacked the enemy and the enemy fled.

3 So why would we be using those types of mines, because that would be laying traps
4 for ourselves? We didn't do.

5 Q. [12:26:42] Now, in relation to your answer to Tiger One in paragraph C, what
6 are you telling him about the APC soldier who was captured?

7 A. [12:27:04] It's in reference to two soldiers. They were about to send them to the
8 headquarters, but there was no road from Bunia to Kilo to go fetch him, or to go fetch
9 them, and therefore it was not possible for them to be brought and we couldn't send
10 a plane to, simply to go fetch those two soldiers. So this is what I told him, "Make
11 sure where you are that those two prisoners of war are taught our new ideology so
12 that you can convert them into becoming part of your troops." So I told him that if
13 an enemy is captured and taught our ideology, and if such a captured enemy does not
14 change their conduct they will not be given any responsibility.

15 Q. [12:28:17] Did it ever happen that any captured soldiers changed allegiance and
16 started to fight on your side rather than against you?

17 A. [12:28:44] This is what I can answer. Most of our commanders came from the
18 APC. These were people who defected from the APC and who ended up with
19 positions of responsibility in -- on our side, such as company commanders and
20 commanders. There were many of them.

21 Q. [12:29:07] Now under point D you speak about food, saying "When it comes to
22 food I have explained the system to you." What system did you use for feeding your
23 troops?

24 A. [12:29:27] We did not have a road from Bunia which could be used to provide
25 rations and supplies to our troops. The only road was from Aru to Mongbwalu, and

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 from Aru to Mongbwalu the distance was about 200 to 250 kilometres. So whenever
2 the troops in Kilo were in difficulty they would talk to the chiefs of villages in Kilo or
3 Mabanga and ask members of the civilian population to provide them with food for
4 which they would be paid. That is how they were able to get their rations locally
5 from the civilian population in order to provide supplies for our troops, rather than
6 wait for supplies from Bunia, given that the road was in a very poor state.

7 Q. [12:30:35] What was the reaction of the civilian population when it came to their
8 having to provide you with rations for your troops?

9 A. [12:31:00] They were happy because they were, they were traders. We did the
10 same thing, even in Bunia, whereby we would buy food supplies from traders in
11 Bunia at preferential prices. So the population was happy to sell their foodstuff to
12 the soldiers because we were able to buy those produce at preferential prices.

13 Q. [12:31:36] And where did the money to buy this food come from?

14 A. [12:31:53] That came from the presidency, and the presidency sent the food to
15 bureau 4 where they distributed the rations.

16 Q. [12:32:09] Mr Ntaganda, could you now please take the log and go to page 044,
17 page 3866 for the translation.

18 A. [12:32:40] The last page was 044; is that correct? Yes, I've got it.

19 Q. [12:33:14] The message at the top of the page, could you please give us the date
20 of this message and who is sending it to whom?

21 A. [12:33:29] It was the 7th at 11.47, December 2002. It was sent by Commander
22 Jérôme, the sector commander for northeast sector, sent to Kisembo, the chief of the
23 general staff, so it was Jérôme sending a message to Kisembo.

24 Q. [12:33:57] Mr Ntaganda, let me read the message so that you can tell us what
25 this message refers to: "Point out. Stop. Command Urumu. Stop. Commander

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 company 401 brigade infantry Aru. Stop. To be arrested. Stop. Transfer to
2 Bunia the 07/12/2002 by plane for your competence. Stop. Nothing further. Stop."
3 What is the nature of the information sent from Jérôme to Kisembo? That's my first
4 question.

5 A. [12:34:54] Yes. This is the message I sent to Jérôme asking him whenever he
6 had a suspect to send him to Bunia. So he is now implementing the order he was
7 given.

8 Q. [12:35:19] Do you recall having received the commander of -- the company
9 commander of the 401st brigade transferred on 7 December, do you recall that event?

10 A. [12:35:35] Yes. He boarded the aircraft.

11 Q. [12:35:44] And what did you do with him?

12 A. [12:35:51] He was detained at the prison of second bureau, like all the others
13 who had been detained. They were all together.

14 Q. [12:36:03] Mr Ntaganda, could you please now turn to page -- no, sorry, before
15 we move on to the next page I have a further question. This message is dated
16 7 December 2002. Mr Ntaganda, between the time that you left Mongbwalu and this
17 day that we see before us, 7 December, is it -- was it possible for you to travel to Kilo
18 by road?

19 A. [12:36:56] The road was impassable. One couldn't use this road. It was -- that
20 was not possible to do that, the road was impassable.

21 Q. [12:37:16] Why was it impossible?

22 A. [12:37:24] The road from Nyangarai, Kilo, Bunia was blocked. Even the road
23 from Kobu, Lipri, Bambu. Well, at the end of December, early January 2003, that
24 was the date when these -- some roads were, and particularly Nyangarai, but we are
25 talking here about 7 December and at that stage it was just not possible.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:38:17] I would like a clarification please, Mr Ntaganda, to make sure that
2 your reply has been fully noted, page 52, lines 20, 21 in the French, and the question
3 was where did the money come from to buy this food and it's, the reply that's here is
4 this, "It came from the providence of presidency and the presidency sent the food to
5 the 4th bureau that distributed the rations." Did you use these words?

6 A. [12:39:07] I said that money came from the presidency, the 4th bureau bought
7 military rations. That's what I said.

8 Q. [12:39:28] Thank you very much. Let us continue now and move on to
9 page 208, 4030 in the translation.

10 Please tell me when you're there.

11 A. [12:40:02] Yes, I'm there.

12 Q. [12:40:04] Mr Ntaganda, I would now like to look at the second message on this
13 page, 080920 Bravo. What is that message?

14 A. [12:40:31] If you are talking about the first message, that's the 7th at 1345 in
15 December 2002. I am the author of this message and I sent it to the commander of
16 the battalion, 5th battalion in Mahagi, so that he could inform his superior,
17 Commander Jérôme.

18 Q. [12:40:55] Are you on page 208, Mr Ntaganda?

19 A. [12:41:02] Yes. Yes. 208. I read the first message.

20 Q. [12:41:16] But I am interested in the second message. From whom to whom
21 and what's the content?

22 A. [12:41:29] Okay. The second message was on the 8th at 9.20, December 2002,
23 and I sent this message to Tiger One.

24 Q. [12:41:46] And what about the content of this message, what does that relate to?
25 What information did you send to Tiger One?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [12:41:57] Yes. I asked him to send my troops, the members of my escort, they
2 should get into the vehicle that I left there when I went from Mabanga,
3 Barrière -- they should go via Mabanga and Barrière to Bunia.

4 Q. [12:42:24] And the message immediately following? Sorry, sorry, I mean the
5 one right at the bottom of the page, 101045. What does this message refer to?

6 A. [12:42:55] When he sent the -- he was with the -- part of -- the deputy
7 commander and my escort. And when the vehicle came I saw that Borufu had not
8 come with the others. He liked Borufu a lot, he was a good soldier, so I told him to
9 fly him down as far as possible so that he could come to Bunia.

10 Q. [12:43:34] Let's move on to a different subject, Mr Ntaganda, the road which
11 goes from Mongbwalu to Bunia via Nyangarai, you mentioned this earlier. I would
12 first like to point you towards a page in a log, 048, which is 3870 in the translated
13 version. Please tell me when you are on the page.

14 A. [12:44:23] I am there.

15 Q. [12:44:30] So the message 120752 Bravo, who sent this message and to whom
16 was it addressed?

17 A. [12:44:46] Tiger One, who was in Kilo. It was the 12th at 7.52 in the morning in
18 December 2002. So he sent me this message and as -- copied to the chief of the
19 general staff telling him about the situation. He was in Nyangarai and there had
20 been an ambush. They did not manage to get into Nyangarai.

21 Q. [12:45:42] Could you tell us, Mr Ntaganda, who was in control of Nyangarai on
22 12 December?

23 A. [12:45:54] It was the enemy. As I see it, the force of Tiger One was unable to go
24 into Nyangarai, that's mentioned here. We couldn't go into Nyangarai because we
25 didn't have enough troops. And for -- when we have reinforcements we will move

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 to Nyangarai, but he says here that they were unable to go into Nyangarai.

2 Q. [12:46:28] So, Mr Ntaganda, can we now move on to 048, page 3870.

3 This is the same page, in fact, Mr Ntaganda. Who sent this message and to whom?

4 A. [12:47:14] That was on the 12th at 8 o'clock in December 2002, a message from
5 Tiger One to me informing me -- he sent me this message, the message that you can
6 see here.

7 Q. [12:47:38] In this message we see in the first line the troops of the 409th brigade
8 were in Nyangarai on the big bridge. Who were the troops of 409 brigade?

9 A. [12:48:04] Those were the troops commanded by Salumu.

10 Q. [12:48:12] It then said they were on patrol. What were they doing there? Why
11 were they patrolling, and if you know?

12 A. [12:48:26] They had been patrolling since Kilo, going towards Nyangarai. And
13 they had taken that position just before getting to the big bridge.

14 Q. [12:48:44] The message continues, "They met the enemy in an ambush and he hit
15 my children." What do you mean by that or what does this mean?

16 A. [12:48:59] That's true. The enemy had ambushed Commander Salumu's forces
17 and the children were the troops in his command. As I said earlier, we considered
18 our soldiers to be our children and they saw us as their parents, so that -- that that
19 agrees with the description used here.

20 Q. [12:49:37] The message then goes on to say, "One received a wound to the right
21 arm. We are waiting for him here to send him to Bunia." Where was he expected
22 and how did they intend to transport him to Bunia?

23 A. [12:50:11] Yes, he was Mongbwalu -- in the hope that there would be an aircraft
24 from Mongbwalu. From Mongbwalu he would be sent to Bunia. This must have
25 been a soldier with a serious injury.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [12:50:39] If we could now move to 086, 3908. Please tell me when you are
2 there.

3 A. [12:51:08] Yes, I have got the page.

4 Q. [12:51:12] The message at the top of the page, the first message, what is the date
5 of this message or this page?

6 A. [12:51:30] It was 1 January 2003.

7 Q. [12:51:37] Where was Tiger One at that point?

8 A. [12:51:50] On that date we had spent New Year's Eve together. I think the road
9 must have been opened but there was still fighting Nyangarai.

10 Q. [12:52:06] And where was Tiger One?

11 A. [12:52:13] He was still in Kilo. But we celebrated new year together in Bunia.
12 He came the same day, 1 January 2003.

13 Q. [12:52:28] If I could now move on to 088, which is 3910 in the translated version.
14 Please, sir, tell me when you've got to the page.

15 A. [12:53:01] Yes, I am there.

16 Q. [12:53:04] And what's the date of this information? What's the date at the top
17 of the page?

18 A. [12:53:18] The 3rd January 2003.

19 Q. [12:53:27] Which year was that?

20 A. [12:53:34] The 3rd January 2003, yes.

21 Q. [12:53:41] According to what's written by "Kilo", we see the following: "Our
22 force which was in Nyangarai has been fighting the enemy since 1 January 2003 in
23 the afternoon until yesterday 2 January 2003 and they have retreated. According to
24 our information, the enemy is not strong but there are a lot of them, they have a good
25 morale, their weapon is NATO and they were shouting."

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Could you please describe this situation. What does that mean, Mr Ntaganda?

2 A. [12:54:41] Yes, as I said earlier, after Tiger One left the enemy attacked the forces
3 in Nyangarai on 1 January. That was the first day of the new year, but the enemy
4 was not strong. However, later they were chased away and the road was made
5 secure. I can remember this event.

6 Q. [12:55:14] To the best of your recollection, at which point was the road through
7 Nyangarai re-opened to allow your troops to pass through?

8 A. [12:55:32] I would say that it was that date, the date of 2 January, the 2nd, the
9 3rd or the 4th, when Tiger One left. That's when the road was reopened and I
10 remember that Kisembo took that road together with Tiger One.

11 Q. [12:55:59] Where was Kisembo on 1 January 2003?

12 A. [12:56:11] We celebrated new year together in Bunia. That was the first time
13 that I saw him in Bunia since I had seen him in Mongbwalu, so that was
14 1 January 2003.

15 Q. [12:56:34] Before we finish this morning I would like to speak briefly of the
16 organisation of the FPLC in the weeks following the events of Mongbwalu.
17 Which -- what are the post-Mongbwalu appointments or nominations that you can
18 recall?

19 A. [12:57:17] Yes. There were postings which followed. First of all, we needed to
20 reorganise the sectors, the brigades, the battalions, and things like that.

21 Q. [12:57:51] What was the appointment of Tiger One after Mongbwalu?

22 A. [12:58:07] He was posted to sector southeast which was based in Komanda.

23 THE INTERPRETER: [12:58:20] Correction from the Swahili booth: he was
24 commander of the southeast sector.

25 MR BOURGON: [12:58:25] (Interpretation)

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 Q. [12:58:26] And Commander Manu, was he posted anywhere after Mongbwalu?

2 A. [12:58:40] Yes. At some point he was nominated or appointed 2IC of -- well,
3 the sector commander of Jérôme, he wanted to send him to Bunia and Manu was
4 unhappy because he was not part of Mongbwalu. But it was a disciplinary measure,
5 Manu was not happy. He was told to come as soon as possible, so Manu became the
6 deputy to the sector commander. The 401st brigade was given to Seyi.

7 Q. [12:59:53] So what was Manu's post before he was named deputy section
8 commander?

9 A. [13:00:06] He was brigade commander, the 401st brigade.

10 Q. [13:00:09] Thank you, Mr Ntaganda.

11 (Speaks English) Mr President, I think we can stop here.

12 PRESIDING JUDGE FREMR: [13:00:15] All right. It's 1 o'clock, so we take our
13 regular lunch break and we will reconvene at half past 2.

14 THE COURT USHER: [13:00:25] All rise.

15 (Recess taken at 1.00 p.m.)

16 (Upon resuming in open session at 2.30 a.m.)

17 THE COURT USHER: [14:30:28] All rise.

18 Please be seated.

19 PRESIDING JUDGE FREMR: [14:30:51] Good afternoon, everybody.

20 If I am not wrong, there are no changes in appearances, so we can directly continue
21 with further part of examination-in-chief of the accused, Mr Ntaganda, which is
22 conducted by lead counsel of the Defence, Mr Bourgon.

23 Mr Bourgon, you have the floor.

24 MR BOURGON: [14:31:21] (Interpretation) Thank you, Mr President.

25 Q. [14:31:26] Good afternoon, Mr Ntaganda.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [14:31:30] Good afternoon.

2 Q. [14:31:36] At the lunch break this morning, the last -- this afternoon, the last
3 question I asked you was in relation to the last post occupied by Commander Manu
4 before he was appointed deputy commander of the northeast sector. Your answer
5 was that he was the commander of brigade 401. Continuing with my examination
6 I would like us to look at the organisation of the FPLC after the Mongbwalu events in
7 December.

8 Commander Salumu, what happened to him or with him in the month of
9 December 2002?

10 A. [14:32:35] Commander Salumu was the commander of the 409th brigade. I
11 received information and then I requested that Tiger One should put him --

12 THE INTERPRETER: [14:33:12] Message from the Swahili booth: The Swahili
13 booth didn't get the first part of the witness's answer.

14 MR BOURGON: [14:33:20] (No interpretation)

15 Q. [14:33:29] (Interpretation) Mr Ntaganda, my question to you pertains to
16 organisation. Now, Commander Salumu, was there any change in his appointment
17 or in his position in December 2002 after Mongbwalu?

18 A. [14:33:52] No, there was no organisational change at that level. He was
19 deployed to Kilo as commander of the 409th brigade. He wasn't promoted to a
20 superior position, no.

21 Q. [14:34:17] The deployment of the 409th brigade, Salumu's brigade to Kilo, who
22 took that decision regarding that deployment?

23 A. [14:34:37] I was in Bunia at that time. It was the chief of general staff who did,
24 of course.

25 Q. [14:34:55] At the time the 409th brigade was deployed to Kilo, that is Salumu's

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 brigade, were you informed about that by Kisembo?

2 A. [14:35:13] Yes, because that was contained in the messages, namely that he
3 was in Kilo. He -- it was very clear from the messages. But he didn't call me for
4 that.

5 Q. [14:35:39] My question is in relation to the time when Kisembo took the
6 decision to order the deployment, were you consulted prior to that decision?

7 A. [14:35:49] No. My superior did not report to me, no.

8 Q. [14:36:01] Was it normal for Kisembo not to consult you before deploying the
9 409th brigade?

10 A. [14:36:14] That's normal in the army.

11 Q. [14:36:24] Since brigade 409 was deployed to Kilo, what forces were left in
12 place for the protection of Mongbwalu?

13 A. [14:36:44] The 401st brigade remained there.

14 Q. [14:36:52] Do you know whether Commander Salumu left a rear guard in
15 Mongbwalu or whether he moved entirely or completely to Kilo?

16 A. [14:37:08] I don't know.

17 Q. [14:37:16] Commander Alex Munyalizi, you told us that you had been in
18 informed of his appointment by Kisembo as brigade commander. At what time or
19 when did he take command of his brigade at that time? And in that location?

20 A. [14:37:44] He took command before Kisembo came to Mongbwalu, towards
21 the end of November. That's when he took command. And his brigade was
22 christened in December as the 201st battalion.

23 Q. [14:38:07] Do you know who was the 2IC or deputy commander to Munyalizi?

24 A. [14:38:14] Yes. It was Commander Kiana Innocent. That was his name.

25 Q. [14:38:32] Do you know the call sign of Kiana Innocent?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [14:38:43] His call signed was India Queen.

2 Q. [14:38:52] When did the FPLC start to operate with two sectors?

3 A. [14:39:11] It was between December and January 2003 that the FPLC started
4 operating from two sectors until we were driven out of Bunia by the Ugandans.

5 Q. [14:39:28] Mr Ntaganda, do you remember that during the preparation of your
6 defence you put together an organisational chart representing the FPLC forces in
7 December 2002; do you remember that?

8 A. [14:39:48] Yes. I did put together a diagram of the organisational chart as at
9 December. Yes, I do remember.

10 Q. [14:40:07] Last question on the reorganisation of the FPLC forces. Do you
11 remember an important event involving the commander of the 409th brigade, namely
12 Salumu in the month of December 2002?

13 A. [14:40:24] Yes, I do remember.

14 Q. [14:40:34] What happened at that time?

15 A. [14:40:41] That is what I told you before. At some point he tried to disobey
16 orders and he didn't want to obey Tiger One and be under his orders, so I told Tiger
17 One promptly to put him in detention and that a number of things would be
18 explained to him subsequently.

19 Q. [14:41:14] Mr Ntaganda, do you remember the approximate date around
20 which this event may have occurred?

21 A. [14:41:21] It was in December, early or mid-December, but I don't remember
22 the exact date.

23 Q. [14:41:42] Please turn to the logbook, the big logbook with you and I would
24 like to draw your attention to page 205, 205. And for translation, that will be page
25 4027, 4027.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Let me know when you are there.

2 A. [14:42:29] Yes. It was on 15 December 2002 and the message was from me to
3 Tiger One "following disobedience to Commander Salumu, I ask you to put him in
4 detention as quickly as possible." This is the message I sent to Tiger One for him to
5 be locked up as soon as possible. It was at 12.35.

6 Q. [14:43:19] How is it that Commander Salumu -- that the punishment against
7 Commander Salumu came from you, how did that happen?

8 A. [14:43:37] He was in Kilo at that time. At the time of that message, at the time
9 of the message, he was with the sector commander. And like I said, when it came to
10 matters of implementing discipline, I did not hesitate. Whether it be with the sector
11 commander or company commander, all my juniors, whenever I learnt that any of
12 them had breached discipline, I acted promptly to punish them.

13 Q. [14:44:21] Now, one last question about the reorganisation for you. The chief
14 of general staff, the deputy chief of general staff for logistics and administration, do
15 you remember where he was at that time in December 2002?

16 A. [14:44:56] I had been working with him and the commander for the northeast
17 sector at some point, that is Jérôme, sent a message to the chief of general staff asking
18 for a G4 who would help him in matters pertaining to logistics in his area. I,
19 however, do not recall whether that was the time when he left or whether it was
20 before, slightly before then. What I can say, however, is that I worked with him and
21 then thereafter he went to Aru to work in the area of logistics.

22 Q. [14:45:43] When Jérôme sent this message to the chief of general staff asking
23 for a G4, was anyone sent?

24 A. [14:45:56] Yes. Someone was sent to Aru.

25 Q. [14:46:07] Who was it?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [14:46:12] The deputy chief of general staff in charge of administration and
2 logistics, Commander Dilangu.

3 Q. [14:46:24] Mr Ntaganda, please can you turn to the logbook and go to page 050
4 and for the translation page 3872?

5 A. [14:46:57] I am there.

6 Q. [14:47:01] Please look at the last message on this page and tell us who sent this
7 message to whom and what the purpose of the message is.

8 A. [14:47:18] The message was sent on the 13th at 1450 in December from the
9 commander operational sector northeast, that is Jérôme, to the chief of general staff,
10 Kisembo, and for information purposes, commander-in-chief President Thomas.
11 That's what appears in that message.

12 Q. [14:47:55] Let me read out the content of the this message to you, Mr Ntaganda.
13 "Request. Stop. Please send to the headquarters of the northeast operational sector
14 in Aru. Stop. Deputy chief of general staff administration. Stop. G3. Stop.
15 For service reason. Stop. Co-ordinate. Stop. Plan. Stop. Operational
16 activities. Stop. Administration-logistics. Stop. Nothing further at your orders."
17 Is this the request you have just talked about a few minutes ago?

18 A. [14:48:48] Yes. Yes, it is. Yes.

19 Q. [14:48:58] Mr Ntaganda, I note that in this message at least as far as the
20 translation goes reference is made here to a G3. Is that what you said?

21 A. [14:49:14] No. I talked about the chief of general staff in charge of
22 administration. The G3 was already in Aru at that time. He had arrived in Aru
23 before I went to Mongbwalu in 2002. He had asked for Dilangu who would then be
24 working with the G3 with regard to logistics. So this request had been forwarded to
25 the chief of general staff, but what I'm saying is that by the end of November the G3

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 was already there. And he had left because he was unwell.

2 Q. [14:50:18] Do you know why the commander of the northeast sector made that
3 request to the chief of general staff and not to you when he was requesting the
4 services of deputy chief of staff for administration?

5 A. [14:50:42] I did not have the powers to appoint anyone to the same rank as
6 myself, so I didn't have the power to do that. And that is why the request was made
7 to the chief of general staff so that the chief himself would appoint a deputy in charge
8 of administration and logistics. It was not for me and I didn't have the power to
9 appoint anyone to such a position.

10 Q. [14:51:14] Let me now move on to another line of questioning, Mr Ntaganda.
11 Were you aware of a meeting that took place in Arua organised by Uganda in
12 December 2002?

13 A. [14:51:33] Yes. I was aware of it.

14 Q. [14:51:39] What do you know about that meeting?

15 A. [14:51:52] I became aware of it in my capacity as commander in charge of the
16 Mahagi region. President Thomas Lubanga sent somebody, maybe the secretary
17 general, to inform me that we should allow the delegation from Kpandroma to attend
18 that meeting, the meeting of Arua. That is the channel through which I became
19 aware of that meeting.

20 Q. [14:52:25] What was your involvement, your personal involvement in the
21 organisation of that meeting?

22 A. [14:52:42] It was not at the level of organisation that I was involved, it was a
23 matter of operation, operational requirement to let them through. If a plane were to
24 fly over a red zone during the war, the plane would have been shot down. So that's
25 why I informed the commanders and the troops who were there to let the plane

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 through because it was a delegation from Kpandroma which was going to attend a
2 pacification meeting in Arua.

3 Q. [14:53:22] Mr Ntaganda, did you know who would be on that plane?

4 A. [14:53:28] Yes. Even in the messages that I wrote we mentioned the chiefs of
5 the Lendu who would be coming from Kpandroma as well as combatants. That's
6 what I learned, that's what I found out.

7 Q. [14:53:51] Mr Ntaganda, please can you go to page 070 of the log.

8 And for the translation it will be page 3892.

9 And please let me know when you are there, Mr Ntaganda.

10 A. [14:54:15] I'm there.

11 Q. [14:54:24] I would like to draw your attention to the first message at the top of
12 this page where you see the numbers 221135 Bravo December 2002. Who was the
13 author of this message and who was it sent to?

14 A. [14:54:45] The message was from the commander of the 5th battalion in
15 Mahagi and it was sent to the brigade commander of the 505th brigade infantry.
16 And for information purposes, it was sent to the sector commander for operations
17 northeast. This is the thrust of the message.

18 Q. [14:55:18] Mr Ntaganda, let me read out to you the content of that message
19 quickly.

20 "Point out to you immediately by major here at Mahagi. Stop. A plane from
21 Uganda will come to Kpandroma. Stop. To collect Ugandan IS. Stop. Today.
22 Stop. Therefore, ask all levels if aware of this the situation. Stop. Other situations
23 to be signalled. Stop. Except unforeseen. Full stop."

24 What is the content of this message? Is there any request which is being made
25 through this message, and if yes, to whom?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [14:56:17] Yes. As you can see, he had seen a plane and did not have enough
2 information and that's why he talked about the plane which was going to Kpandroma
3 and then I stepped in to confirm that the plane which they had seen was travelling for
4 a certain purpose, and so this is the same plane that I was talking earlier.

5 Q. [14:56:47] When we see in this message, Mr Ntaganda, reference to IS, India
6 Sierra, what does that stand for?

7 A. [14:57:05] IS stands for intelligence staff.

8 Q. [14:57:13] Now, let me take you in the logbook to page 202. And for
9 translation it will be page 4024.

10 Are you there?

11 A. [14:57:58] Yes, I am there already.

12 Q. [14:58:02] The second message, who sends this second message and who was
13 it sent to and when?

14 A. [14:58:12] Very well. I am the one who sent this message from where I was
15 and I gave it promptly to the commander who was not properly informed. I
16 informed the sector commander as well about information relating to that plane and
17 why it was going to Kpandroma and what the purpose of the trip was. And then I
18 went on to ask them to let the plane fly through.

19 Q. [14:58:49] Mr Ntaganda, let me read out the information in the message for
20 your attention.

21 "Reference your message number 024/FPLC/EM, 5th battalion infantry, commander
22 2002. You are informed that this plane from Kampala. Stop. Is going to collect
23 combatants coming from Kpandroma. They have called for negotiations and they
24 have met their brothers who surrendered to the UPC in order to tell them what our
25 requests are. Stop. They asked our number one in Uganda that from Uganda they

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 have been surrounded all over. Stop. They have no way out and for that the
2 president has accepted because we do not want them to raise their hands into the air
3 before we strike them. Full stop."

4 A. [15:00:10] Yes, what is contained in that message, yes, that is what it is.

5 Q. [15:00:16] Who is number one?

6 PRESIDING JUDGE FREMR: [15:00:19] Hold on, hold on, Mr Bourgon. I see
7 Ms Samson on her feet.

8 Ms Samson, you have the floor.

9 MS SAMSON: [15:00:24] Yes, your Honour. It's just an error in the reading of the
10 message. Counsel introduced a negative into the last sentence. It doesn't exist in
11 the logbook. So I think it should be corrected. In the last sentence.

12 PRESIDING JUDGE FREMR: [15:00:41] Mr Bourgon.

13 MR BOURGON: [15:00:51] I can just read the sentence over again exactly as it
14 appears.

15 PRESIDING JUDGE FREMR: [15:00:57] All right then.

16 MR BOURGON: [15:01:05] My colleague can correct me if it's the correct sentence.

17 (Interpretation) "There is no way out for them and for that the president has
18 accepted because we want them to raise their hands before we can strike them."

19 PRESIDING JUDGE FREMR: [15:01:32] Confirmed, okay. Please proceed.

20 MR BOURGON: [15:01:41] (Interpretation)

21 Q. [15:01:42] Mr Ntaganda, I don't know whether you answered the first question
22 I put to you. Number one, who is number one?

23 A. [15:01:52] Number one is President Thomas Lubanga.

24 Q. [15:02:01] Who did you address in order to obtain the information in the
25 message before giving it to the commander in the 5th battalion?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [15:02:24] Somebody came from the presidency to announce the arrival of a
2 plane which had come from Uganda in order to take the chief delegation and the
3 combatants and they had to go -- they had to go to the negotiations so as to say why
4 we were fighting, what we wanted. And when he informed me, I transmitted this
5 message immediately to the commander because he had seen the plane. This was a
6 way of telling them why this aircraft was going to Kpandroma.

7 Q. [15:03:07] Whether it's President Lubanga or the representative of the
8 presidency who came to see you, did you get information from anyone as to why,
9 despite the possibility of going in a plane full of combatants, whether you decided to
10 let the aircraft pass, instead of shooting it down?

11 A. [15:03:42] We told them to leave the plane, we told them not to fire at it
12 because there were negotiations going on and there were negotiations about peace,
13 and this plane had to transport the delegation such that they could meet the people in
14 the UPC. Somebody from the Presidency told me that and I transmitted the message
15 as you can see here.

16 Q. [15:04:19] Were you informed at that time or during this period about what
17 was meant to happen at that meeting in Kpandroma?

18 A. [15:04:37] The meeting wasn't meant to be in Kpandroma, it was meant to be
19 in Arua in Uganda. I didn't know who was going to happen there. What I knew
20 was that the idea was to send Lendu in order to meet the delegation and to tell them
21 or to communicate to them the ideology of the UPC in order to -- in order to be on
22 good terms with them, in order to achieve peace, in order to work together in Ituri.

23 Q. [15:05:31] Mr Ntaganda, were you informed about the result or what had
24 happened at this meeting, were you informed thereof afterwards?

25 A. [15:05:42] Yes, afterwards they didn't find common ground, they weren't able

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 to reach an agreement, and the Ugandan delegation arrived and it was said at the
2 meeting in Bunia the delegation was present. And following the discussions, I
3 concluded that the negotiations had not been successful.

4 Q. [15:06:17] Mr Ntaganda, do you know when the FNI was created?

5 A. [15:06:29] Yes. That was at the end of December. The FNI was created at
6 the end of December, PUSIC as well as a party called the FPDC. These parties
7 were grown -- grew up in Uganda.

8 Q. [15:06:51] Do you know who took the initiative to create these three parties in
9 Uganda?

10 A. [15:07:07] In order to answer you, I would ask to go into private session,
11 please.

12 MR BOURGON: [15:07:14] (No interpretation)

13 PRESIDING JUDGE FREMR: [15:07:21] All right. Let's move into private session,
14 court officer, please.

15 (Private session at 3.07 p.m.) *(Reclassified partially in public)

16 THE COURT OFFICER: [15:07:34] We are now in private session, Mr President.

17 PRESIDING JUDGE FREMR: [15:07:37] Thank you, court officer.

18 Mr Bourgon, please proceed.

19 MR BOURGON: [15:07:42] (Interpretation)

20 Q. [15:07:44] Mr Ntaganda, before giving your answer could you just explain to
21 us why this answer has to be given in private session so as to avoid any confusion
22 that there might be on this subject.

23 A. [15:08:03] (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page Redacted Private Session

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE FREMR: [15:11:18] To me, to me it's okay. So please let's
8 proceed in the regime of private session.

9 MR BOURGON: [15:11:26] (Interpretation).

10 Q. [15:11:29] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [15:12:25] (Redacted)

15 Q. [15:12:35] Can you clarify that or do you have no further details to give us in
16 that regard?

17 A. [15:12:46] I have no other information about that.

18 MR BOURGON: [15:12:51] Mr President, we can return into public session.

19 PRESIDING JUDGE FREMR: [15:12:55] All right. Court officer, let's return back
20 into open session.

21 (Open session at 3.13 p.m.)

22 THE COURT OFFICER: [15:13:08] We're back in open session, Mr President.

23 PRESIDING JUDGE FREMR: [15:13:11] Thank you, court officer.

24 Mr Bourgon, please.

25 MR BOURGON: [15:13:17] (Interpretation)

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [15:13:19] Mr Ntaganda, I'd like some clarification from you as regards English
2 and French. Now on page 74 in French at line 2 you said the following: "The
3 meeting was not meant to be held in Kpandroma, it was meant to be held in Arua in
4 Uganda."

5 Is that what you said?

6 A. [15:13:43] Yes.

7 Q. [15:13:51] I would just like to check, Mr Ntaganda, because in page 74, line 19
8 in English you stated Ariwara. Which is it?

9 A. [15:14:09] No. Ariwara is in Congo while Arua is situated in Uganda.

10 Q. [15:14:19] So I'll continue, Mr Ntaganda. President Lubanga, did he inform
11 you of the importance of what happened at the meeting in Arua?

12 A. [15:14:43] Not at all.

13 Q. [15:14:51] So, I'll continue, Mr Ntaganda. I'd like to change subject now in
14 order to take you to the new year. Now you stated that you celebrated New Year in
15 Bunia with Kisembo and Tiger One. Where did you do that and what do you
16 remember from that?

17 A. [15:15:31] That took place at New Year where Toms was, the place I showed
18 you, his office, that was the 1st, and it was on that day that other national secretaries
19 took the oath there. President Toms gave a message to the entire population of Ituri
20 to wish them a happy New Year. He also issued a peace message. It was on that
21 date.

22 Q. [15:16:11] How many people were present at that event to the best of your
23 knowledge?

24 A. [15:16:26] Well, there were different people who were invited. Among the
25 soldiers there were UPDF, there were military observers from the UN. In the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 compound there were different figures, there were chiefs, other people, people I
2 didn't know. I do remember the soldiers that I spoke about, but there were also
3 members of the population, mainly religious authorities and other dignitaries from
4 different areas.

5 Q. [15:17:20] If I put it to you, Mr Ntaganda, if I ask you about all the persons
6 present, could you give me an idea of the number? Are we talking about dozens,
7 hundreds?

8 A. [15:17:40] Between 100 and 200. There were lots of them. They could have
9 filled up the courtroom where we are today. It was full.

10 Q. [15:18:00] Was there a MONUC representative there?

11 A. [15:18:08] Yes. I said that there was a MONUC representative who were
12 observers. There were representatives of the UPDF.

13 Q. [15:18:20] Mr Ntaganda, I would like to show you a audiovisual item and
14 I think that you have already mentioned the fact that you were present. But first of
15 all I would like to ask you if you recognise the images on the video without going any
16 further now. This is exhibit DRC-D18-0001-0433, 285 on our list, exhibit 285. Now,
17 the transcript is on page DRC-D18-0001-5620 and here this is 286 on our list.
18 I'd like to start by looking at a short extract from 1 minute -- 1.23.43 to 1.23.58. We
19 don't need interpretation. This is quite simply in order to identify a person,
20 Mr Ntaganda.

21 With your leave I'm ready to start.

22 THE COURT OFFICER: [15:19:59] I'm sorry, may I kindly ask counsel to confirm if
23 the item is publicly played? Thank you.

24 MR BOURGON: [15:20:12] (Interpretation) Yes, it can be.

25 PRESIDING JUDGE FREMR: [15:20:14] Ms Samson, any objection?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MS SAMSON: [15:20:18] No objection, your Honour, but if the witness wasn't
2 present, then I gather we will be listening to it without sound to identify individuals;
3 is that the proposition?

4 PRESIDING JUDGE FREMR: [15:20:34] What is your intention, Mr Bourgon, to
5 play it with or without sound? You said just images?

6 MR BOURGON: [15:20:37] Images is enough. It's for identification purposes, so
7 we can just have images and he can look at it. If sound is required, then we can use
8 sound, but the words are not important at this stage for me.

9 PRESIDING JUDGE FREMR: [15:20:48] No, no, I understood that the comment by
10 Ms Samson was of the opposite sense, that it should be probably first showed without
11 audio.

12 Am I right, Ms Samson?

13 MS SAMSON: [15:21:00] Yes, that's right, your Honour, consistent with our
14 practice.

15 PRESIDING JUDGE FREMR: [15:21:05] So please without, without audio.

16 MR BOURGON: [15:21:08] That's perfectly fine with us.

17 Q. [15:21:12] (Interpretation) Mr Ntaganda, you can look on your screen, look at
18 your screen and you will see the pictures and I'm going to ask you some questions
19 afterwards. It's just going to last 15 seconds.

20 (Viewing of the video excerpt)

21 MR BOURGON: [15:21:48] (Interpretation) The video was stopped at 1.23.58.

22 Q. Mr Ntaganda, do you recognise these pictures?

23 A. [15:22:04] I know all the people who are in the front line.

24 Q. [15:22:14] What do we see? What does it show us?

25 A. [15:22:23] A bodyguard, he has a weapon from his -- from the Lulu ethnic

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 group, he's at the front, and he has a T-shirt, he's in front of the President Thomas.

2 President Thomas is wearing a khaki suit. And the person behind President Toms,

3 that's myself. I have a beret, a khaki beret and military uniform. And the person

4 on the right of President Toms and who has a red beret, that is his bodyguard called

5 Claude, Kilo Bravo. And slightly behind him there is Tiger One.

6 THE INTERPRETER: [15:23:13] The interpreter adds that the first bodyguard name

7 was Unega.

8 MR BOURGON: [15:23:19] (Interpretation)

9 Q. [15:23:20] Mr Ntaganda, next to Mr Lubanga on his right-hand side, if we look
10 towards the president, there is a person in civilian clothing, do you recognise that
11 person?

12 A. [15:23:33] Yes, that's a politician. I know him well, he knows me, but I don't
13 remember his name well at the moment.

14 Q. [15:23:50] As you were present, when was this filmed?

15 A. [15:24:11] It was filmed on 1 January 2003, New Year's day.

16 Q. [15:24:23] Did you see the events that followed which were filmed in this
17 video? Did you participate in them?

18 A. [15:24:34] Yes, I was present.

19 MR BOURGON: [15:24:38] Mr President, I believe that Mr Ntaganda has met the
20 test to be able to proceed and to show an extract from this audio/video. I'd like to

21 show a short extract from 01.29.38 until 01.30.38. It's a one-minute extract. The
22 transcript reference, it's the number I provided previously, but the page number is

23 5630, line 281 to page 5631, line 290. I note for the record, Mr President, that we

24 provided somewhat a longer extract to the Prosecution, but I'm trying to cut down on

25 what I'm showing, so I'm going to show a shorter version. I think I provided the two

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 or three minutes instead of one.

2 PRESIDING JUDGE FREMR: [15:25:42] First question, do you agree, Ms Samson,
3 that conditions to play video have been met?

4 MS SAMSON: [15:25:49] Yes, so far, your Honour. No objection there. Would it
5 be possible to have the number in the list of Defence documents where the transcript
6 appears so that I can find it? Thank you.

7 PRESIDING JUDGE FREMR: [15:26:03] I believe that you will be provided with
8 that number.

9 MR BOURGON: [15:26:06] Yes, it's 286. And the full number is
10 DRC-D18-0001-5620.

11 PRESIDING JUDGE FREMR: [15:26:20] So we can proceed.

12 MR BOURGON: [15:26:32] (Interpretation) Thank you, your Honour.

13 Q. [15:26:33] Mr Ntaganda, we're going to look at a short extract of one minute.

14 We're going to start with sound. The interpreters have received all the necessary
15 materials for the interpretation so we will go from 1.29.38. Please be attentive,

16 Mr Ntaganda.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [15:26:59] (Interpretation of the video excerpt)

19 "Thank you for giving me floor and above all a thousand difficulties and today peace
20 is coming back, but there's peace. We are coming to believe that it's not so sure
21 because we still have enemies at our door. We ask you, ask you all, when there is a
22 question of being able to achieve reconciliation to be able to find peace that everyone
23 who lives here in Bunia and throughout the territory that we control, reconciliation
24 and peace, that we are therefore united such that our action is supported by each one
25 of us."

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [15:28:01] (Interpretation) For the purposes of the transcript, the
2 extract stopped at 1 hour --

3 Q. [15:28:17] (Interpretation) Mr Ntaganda, do you know the person who was
4 speaking in this video?

5 A. [15:28:23] Yes, I know this person, but I have forgotten his name. That was a
6 long time ago. I know him very well.

7 THE INTERPRETER: [15:28:38] For the record, the video was stopped at 1.30.38.

8 MR BOURGON: [15:28:39] (Interpretation)

9 Q. [15:28:41] Mr Ntaganda, on the pictures that we saw were you able to have the
10 opportunity to see Kisembo?

11 A. [15:28:48] Yes. He was seated on the right of President Toms. He was
12 wearing a black suit, a white shirt as well as a tie.

13 Q. [15:29:02] Is there a reason, Mr Ntaganda, as to why Mr Kisembo is dressed in
14 this beautiful clothing?

15 A. [15:29:14] A chief of general staff is a high authority.

16 Q. [15:29:29] Among the people participating in the ceremony, is -- are there
17 several ethnic groups represented?

18 A. [15:29:48] All ethnic groups in Ituri and even elsewhere in Congo were
19 represented.

20 Q. [15:29:57] Now, you told us a bit earlier that the national secretaries swore an
21 oath during the ceremony and are they the same persons as the ones that appear on
22 the video?

23 A. [15:30:16] Yes, yes. In the pictures you see some of them who took the oath.

24 Q. [15:30:30] The national secretaries and the deputy national secretaries, did you
25 have much relations with them in 2002 and 2003?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [15:30:49] That's the reason why you have noted that I wasn't able to note their
2 names. I knew them by their faces, but their names I only knew a few of them. We
3 didn't know each other well, but we shared the same ideology and carried out very
4 different occupations.

5 Q. [15:31:20] Do you know someone by the name of Amboko Bebetu?

6 A. [15:31:32] Yes, I know him. He was in charge of communications and press.

7 Q. [15:31:42] Did you know his ethnicity?

8 A. [15:31:49] Yes. He was a native of Isiro and belonged to the Logo ethnic
9 group which is located in Isiro.

10 Q. [15:32:08] Do you know Marcel Adubango?

11 A. [15:32:18] Yes, I know him. He was an old man.

12 Q. [15:32:27] What was his occupation at that time?

13 A. [15:32:38] I don't remember clearly, but I think he was in charge of education.

14 Q. [15:32:51] What is his ethnicity, if you do know?

15 A. [15:33:01] He belonged to the Alur ethnic group.

16 Q. [15:33:11] Do you know Denis Aboki?

17 A. [15:33:17] Denis Aboki, yes, I know him.

18 Q. [15:33:24] Do you know what his occupation at that time was?

19 A. [15:33:31] He was a national secretary, but I don't know what in charge of.
20 He was Lendu.

21 Q. [15:33:48] Did Thomas Lubanga at that time address the people who were
22 attending the event?

23 A. [15:34:07] Yes. He delivered a long speech.

24 Q. [15:34:12] Mr Ntaganda, I would like to show you a document, that would be
25 document number 714 on our list and it has number DRC-OTP-0037-0295. I would

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 like that document to be displayed. First page of that document, please, on the
2 screen. Thank you.

3 Mr Ntaganda, there is a document on the screen.

4 And I would like the first part of the document, the top part of the document to be
5 expanded, please.

6 Mr Ntaganda, when Thomas Lubanga addressed his people in attendance, did you
7 have the opportunity to hear that speech?

8 A. [15:36:21] Yes. When he was reading out his speech in French, I was next to
9 Kisembo and Tiger -- he was with Kisembo and Tiger One, and he read out the speech
10 while I was there.

11 Q. [15:36:42] On this document, Mr Ntaganda, you can see at the top of the
12 document the following: "Message by his Excellency the president of the Union des
13 patriotes congolais pour la réconciliation et la paix to the Congolese population of the
14 Ituri on the occasion of the 2003 New Year as well as that of the swearing-in of
15 national secretaries."

16 This speech, do you remember the main thrusts of the speech delivered by
17 Mr Lubanga?

18 PRESIDING JUDGE FREMR: [15:37:31] Hold on, Mr Witness.

19 Ms Samson.

20 MS SAMSON: [15:37:31] Yes. I understand that the witness is reading the
21 document. Is there a procedure in place, your Honour, that could allow the witness
22 to give his free recall of the major lines of the speech prior to it being displayed and
23 allowing him an opportunity to read it?

24 PRESIDING JUDGE FREMR: [15:37:52] Mr Bourgon.

25 MR BOURGON: [15:37:53] Thank you, Mr President. I don't intend to go any

Trial Hearing

(Open Session)

ICC-01/04-02/06

WITNESS: DRC-D18-D-0300

1 further. I just want to have this document admitted in evidence. It is the speech of
2 Mr Ntaganda (sic) when the witness was present. He said in what context the
3 speech was given and this is the text of the speech that was given on the occasion. I
4 don't intend to go any further, I just would like to have this document admitted in
5 evidence and I will move on to different topic.

6 PRESIDING JUDGE FREMR: [15:38:24] Ms Samson, your position?

7 MS SAMSON: [15:38:27] Mr President, I think it would be preferable, and my
8 submission is that counsel ought to establish that this is the same event that's being
9 described by asking questions about what it was that Mr Lubanga purportedly said
10 during the video. I haven't had an opportunity to check this as against the video to
11 see if it's the same. I can't at this moment in time tell -- confirm in any way for the
12 Chamber that this is in fact a speech that was given on this particular date, and so I'm
13 not in a position to be able to confirm that sufficiently and in my submission it's a
14 shortcut that we ought not to take. Thank you.

15 PRESIDING JUDGE FREMR: [15:39:11] Mr Bourgon, normally I promote
16 everybody to be brief, but in this case I would really agree with Ms Samson, so please
17 put three additional questions that would cover concerns expressed by Ms Samson.
18 Just to lay some basic foundation and then we can admit that.

19 MR BOURGON: [15:39:36] I will do, Mr President; however, in order to do so, I
20 will have to in some way lead topics and get Mr Ntaganda's views whether these
21 topics were addressed. It's the only way I can get him to validate that this is the
22 speech. But the document is not being questioned in terms of its authenticity and we
23 have the video where the speech was made. We could watch the video, but it's a
24 one-hour speech.

25 PRESIDING JUDGE FREMR: [15:40:09] But now the content of the speech is at

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 stake, so please put three questions, not absolutely quoting from the speech. But
2 I think we are on the same page.

3 MR BOURGON: [15:40:20] Thank you, Mr President.

4 Q. [15:40:23] (Interpretation) Do you remember when Thomas Lubanga took
5 the floor, what was his message to the population?

6 A. [15:40:45] I think that I've already stated that on 1 January 2003 there was a
7 major event bringing together representatives of the United Nations, people from the
8 UPDF, during which President Lubanga delivered his speech. I also said that,
9 secondly, the national secretaries were sworn into office and the message was
10 delivered in order to extend New Year wishes to the people and to talk about peace
11 and reconciliation. I think I already said that before.

12 Q. [15:41:33] Mr Ntaganda, did Thomas Lubanga talk about the matter of
13 ethnicity and what needed to be done or not to be done relating to the various ethnic
14 groups in the Ituri?

15 PRESIDING JUDGE FREMR: [15:41:51] Hold on, Mr Witness.

16 Ms Samson.

17 MS SAMSON: [15:41:54] Yes, I object to the leading nature of the question.

18 Thank you.

19 PRESIDING JUDGE FREMR: [15:41:59] The problem is that now the question have
20 been made.

21 Any further question to the content, Mr Bourgon, if you could invent at least one, one
22 would be fine with me, another question. You now ask about reconciliation. Was
23 there any other topic?

24 MR BOURGON: [15:42:25] (Interpretation) Yes, your Honour.

25 Q. [15:42:31] Mr Ntaganda, as far as you can recall, did Thomas Lubanga say

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 anything about the prevailing security situation in Bunia on 1 January 2003.

2 A. [15:42:59] Yes, he talked about that. He called for this new year to be a year
3 of peace and he talked about all what had happened before and then prayed the
4 Almighty for this new year to be a year of peace. It was a very long speech and
5 I was present.

6 Q. [15:43:32] Did President Lubanga talk about any political intentions that he
7 may have had for the new year?

8 A. [15:44:00] Yes. He said -- he said that the peace -- the truth and pacification
9 committee will be set up. He also talked about his -- about the political vision, the
10 future of the UPC.

11 MR BOURGON: Mr President --

12 PRESIDING JUDGE FREMR: [15:44:32] It's enough for me, Mr Bourgon. The
13 question is I think sufficient.

14 Ms Samson, do you still insist on objection or are you fine with admission of this
15 document?

16 MS SAMSON: [15:44:41] The issue, your Honour, is that the video is a Defence
17 video and I am not in a position still to be able to confirm that the document that is
18 before the Chamber for admission is what was put into a video. If I could have
19 overnight, I can check the video more thoroughly to make sure that's the case. I'm
20 just not in a position to say that this is word for word what's put in the video because
21 I haven't seen that section of the video. That's not formulated as an objection as such,
22 but I request time to be able to confirm that it's so. Should the Chamber deem that's
23 not necessary, then of course that's the Chamber's decision.

24 PRESIDING JUDGE FREMR: [15:45:26] I can see it feasible to postpone decision
25 which I believe very likely will be positive, but still, yes, to have even also positive

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 standpoint from Prosecution.

2 So please, Mr Bourgon, return back with this request tomorrow morning and we will
3 then decide.

4 And now you, Ms Samson, please take this chance and double-check, double-check
5 the video. All right.

6 MS SAMSON: [15:45:51] Yes.

7 PRESIDING JUDGE FREMR: [15:45:53] Let's move further.

8 Mr Bourgon, please proceed.

9 MR BOURGON: [15:45:56] Thank you, Mr President. Just for the record, I note
10 that in the same document, the same document covers a second event and I'm not
11 asking -- I will not be asking for that second event to be admitted. So I'm just talking
12 about the speech which goes from page 0295 until 0299.

13 And I will proceed to a different topic.

14 Q. [15:46:26] (Interpretation) Mr Ntaganda, after the events of 1 January 2003 do
15 you remember whether Thomas Lubanga was absent or whether he travelled at that
16 time in relation to the discharge of his duties?

17 A. [15:47:10] Yes, I do remember that when Kisembo arrived, that was when
18 Thomas was invited to Goma to sign an alliance with the RCD-Goma. I recall asking
19 to travel with him so that I could have an opportunity to visit my family. So I
20 travelled with him and I had an opportunity to visit with my family that I had not
21 seen for some seven years. Now, Kisembo remained in Bunia and he was the one in
22 charge of security in Bunia while we were absent.

23 Q. [15:48:05] Let us take the answer you have just provided and clarify it. Did
24 Thomas Lubanga travel, as indicated by you, to Goma in order to sign an alliance
25 with the RCD-Goma? Did that trip take place?

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 A. [15:48:34] Yes, the trip took place. We travelled on the same flight and I took
2 advantage of the trip to greet some members of my family.

3 Q. [15:48:47] During that travel, did you play any official role?

4 A. [15:48:58] No. The plane was going to Goma and I availed myself of that
5 opportunity by asking for permission from Kisembo and I told the president that once
6 we arrived in Goma I will promptly go to greet my family members. I had not seen
7 them since 1996. I had not seen my father, my mother and my siblings. So I took
8 advantage of that plane and traveled with them, but I did not play any official role
9 during that trip.

10 Q. [15:49:37] When you arrived in Goma, did you meet anyone or did you get
11 any assistance whatsoever in relation to your travelling to visit your family?

12 A. [15:50:02] Yes, I remember that they went on to the meeting and I went to see
13 the location at which the meeting was being held, which was somewhere on the road
14 to hotel Karibu. And at that place I met with one of my friends, Abbey Claude,
15 Father Claude, who is still a father in Goma today. He's the one who took me in his
16 vehicle to my parents and I greeted them in Rwanda. That's how it happened.

17 Q. [15:50:38] Were you present when the partnership agreement or the alliance
18 between the RCD-Goma and the UPC was signed?

19 A. [15:50:54] No. When the alliance was signed, I was visiting with my family
20 members.

21 Q. [15:51:09] What information did you have at that time regarding the purpose
22 of that alliance with RCD-Goma?

23 A. [15:51:31] During the flight they were talking and I was sitting there with them.
24 It was meant to achieve political collaboration so that they could work together in
25 matters pertaining to the army and social assistance and that's what they wanted to

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 achieve with the RCD-Goma. In fact, they had always been collaborating, but they
2 had never signed an official document to put a seal on their alliance.

3 Q. [15:52:14] As far as you can recall, who was on that plane?

4 A. [15:52:24] President Toms was there, the national secretary for external
5 relations, Dhetchuvi, was there, Rafiki for civil security was also there, national
6 secretary, then the president's private secretary, Angaika, Toms' private secretary was
7 also there, he was on the plane as well, and there were other people whose names I
8 don't remember.

9 Q. [15:53:06] Upon your return from Goma, did you have the opportunity to have
10 any discussion with Thomas Lubanga about the protocol or that alliance that had just
11 been signed?

12 A. [15:53:30] No, I did not discuss politics with President Toms. I never put any
13 political questions to him. I had a lot of respect for him and I didn't ask him what he
14 had signed. He was someone for whom I had a lot of respect.

15 Q. [15:53:52] When you returned to Bunia what did President Lubanga do in
16 relation to the signing of that alliance or agreement, as far as you recall?

17 A. [15:54:14] What I remember is that when we returned the next day he went on
18 to hold a popular rally with the people to tell them about the alliance into which he
19 had entered with the RCD-Goma and to tell them that the process was on to bring
20 together a hitherto divided country. He said also that each political and military
21 movement had its own management structures, but that university lecturers to go
22 teach in Bunia and elsewhere, business persons were free to do business elsewhere,
23 lawyers were free to practice across the country, so these are the things he was telling
24 the people. People were happy, business persons were happy, professors were
25 happy, and so he told me that henceforth they will be free to travel all over. And

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 that was the information he provided in relation to the alliance that has been signed
2 with the RCD-Goma.

3 Q. [15:55:43] Do you remember whether President Lubanga talked about the
4 impact of this alliance on relations between the UPC and Uganda?

5 THE INTERPRETER: [15:56:00] UPC/RP and Uganda, corrects the interpreter.

6 THE WITNESS: [15:56:08] (Interpretation) Yes.

7 MR BOURGON: [15:56:10] (Interpretation)

8 Q. [15:56:12] Do you remember what he said in that connection, generally
9 speaking?

10 A. [15:56:25] Mr President, can we go into private session, if possible, please?

11 PRESIDING JUDGE FREMR: [15:56:28] All right. Let's move into private session,
12 court officer, please.

13 (Private session at 3.56 p.m.) *(Reclassified entirely in public)

14 THE COURT OFFICER: [15:56:36] We're in private session, Mr President.

15 PRESIDING JUDGE FREMR: [15:56:47] Thank you, court officer.

16 Mr Bourgon, please.

17 MR BOURGON: [15:56:50] (Interpretation)

18 Q. [15:56:52] Mr Ntaganda, can you please explain to the Court what you
19 remember as having been said by President Lubanga on that occasion?

20 A. [15:57:10] He didn't say anything unbecoming about the UPDF, but by the
21 time we went, the pressure was enormous. The Ugandans did not want us to enter
22 into an alliance with the RCD-Goma, so tension increased by one notch. Members of
23 the population came in their numbers to welcome Lubanga because they thought that
24 the Ugandans were going to shoot down the plane which was bringing home
25 Lubanga. So he said that on 24 December at the time of the meeting in Arua, the

Trial Hearing
WITNESS: DRC-D18-D-0300

(Private Session)

ICC-01/04-02/06

1 Ugandans had brought shells to Kpandroma, whereas we thought we were in a peace
2 meeting in Arua when Ndrele was shelled. Ndrele was shelled and the Ugandans
3 were claiming that the UPC did not want peace to return to the Ituri. So he said that
4 he was not happy with the conduct of the Ugandans when it came to the situation in
5 the Ituri. Thomas Lubanga's position was that peace should return to the Ituri.

6 MR BOURGON: [15:58:52] (Interpretation) Mr President, can we return to open
7 session.

8 PRESIDING JUDGE FREMR: [15:58:55] For sure.

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

10 And I have just one additional question then for Mr Ntaganda which may be put in
11 open session. So let's move into open.

12 (Open session at 3.59 p.m.)

13 THE COURT OFFICER: [15:59:15] We're back in open session, Mr President.

14 PRESIDING JUDGE FREMR: [15:59:19] Thank you.

15 Mr Ntaganda, you several times mentioned meeting in Arua, at least in English
16 transcript, and meeting in Ariwara. Was it really two meeting? Sorry, it's just
17 maybe the two alternatives of pronunciation of the same place. Arua and Ariwara,
18 were there two meetings or just one?

19 THE WITNESS: [15:59:52]) (Interpretation) Your Honour, I never spoke about
20 Ariwara. Every time I spoke, I spoke about Arua because Ariwara is in Congo.

21 PRESIDING JUDGE FREMR: [16:00:07] All right. So thank you very much for
22 this clarification.

23 So in previous parts of the transcript it should be corrected accordingly with
24 Mr Ntaganda's clarification.

25 Now, Mr Bourgon, please proceed.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [16:00:22] Thank you, Mr President.

2 Q. [16:00:32] (Interpretation) Mr Ntaganda, did you participate in this or did
3 you see this speech given by Mr -- by Thomas Lubanga?

4 A. [16:00:43] Yes, I was present.

5 Q. [16:00:47] And where was this speech given?

6 A. [16:00:52] Close to the town hall of Bunia, the stadium, close to the town hall
7 in Bunia.

8 Q. [16:01:03] Now, you mentioned a moment ago that there were various people
9 who took part in that. Could you give us an approximate figure as to the numbers?

10 A. [16:01:17] I couldn't give an estimation because we only saw the heads of
11 participants. Some of them were bigger than me, you couldn't see everybody.
12 There were loads of them. All the neighbourhood was represented. I couldn't give
13 you an estimate. There were a lot of them.

14 Q. [16:01:42] What was the reaction of the population to Thomas Lubanga's
15 speech?

16 A. [16:01:51] President Thomas, he was appreciated every time that he organised
17 a meeting. People would come in large numbers. They were very happy. They
18 wanted to hear what he had to say.

19 Q. [16:02:16] What was your role, your function when Thomas Lubanga gave
20 these speeches?

21 A. [16:02:25] When there was a large meeting, when the APC and the combatants
22 found out that there was a meeting in the press, they wanted to come in order to
23 destabilise it. What I had to do is that I had to ensure security, asking the brigade
24 commanders to deploy troops such that the town wouldn't be attacked. My role was
25 to ensure security.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [16:03:15] Were you present when Thomas Lubanga gave this speech itself?

2 A. [16:03:27] Yes, I'm telling you what he said, so I was present. I heard his
3 words. I wasn't in front of him, I was a bit behind and I spoke to our troops who
4 had Motorolas to ensure the security of the town of Bunia to ensure that the enemy
5 could not attack us.

6 Q. [16:03:56] Mr Ntaganda, I would like to show you an audiovisual excerpt.

7 Now we're going to proceed in the same as we did a moment ago. I'm going to ask

8 you to identify the pictures and now we're talking about a video with the number

9 DRC-OTP-0127-0063. This is item 287 on our list. The transcript is

10 DRC-OTP-0176-0646, this is exhibit 289 on our list. The translation is at

11 DRC-OTP-0176-0418, exhibit 290 on our list. And I would like to start by showing an

12 excerpt without the sound, which goes from 0.22.41 to 0.23.09 with a view to

13 identifying the event.

14 With your leave, your Honour, we are ready to start.

15 PRESIDING JUDGE FREMR: [16:05:24] All right. Please proceed. And level of

16 confidentiality?

17 MR BOURGON: [16:05:32] (Interpretation) Public, your Honour.

18 Q. [16:05:43] Mr Ntaganda, just to look at, if you would be so kind as to watch

19 this.

20 (Viewing of the video excerpt)

21 MR BOURGON: [16:06:27] (Interpretation) The video stopped at 0.23.10.

22 Q. [16:06:35] Now, Mr Ntaganda, do you recognise these pictures?

23 A. [16:06:45] These pictures were taken the day after the event, the day after

24 President Thomas organised a meeting, that was on the 11th,

25 11 January -- 1 January 2003. That was after we returned from Goma.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [16:07:10] Was this the event that you gave us information about earlier?

2 A. [16:07:23] Yes, I was there, but here you won't see me. I was behind. I was
3 speaking to the troops who had Motorolas in order to ensure security of the town.
4 We didn't want the enemy to be able to attack us and drive away the people who
5 were at the meeting. It was important for us.

6 Q. [16:07:58] Just by way of clarification, Mr Ntaganda, those lines 27, 28 what
7 I can see on the transcript, page 98, is that it's a meeting and it was on 11
8 January -- 1 January 2003. Is that what you said?

9 A. [16:08:21] No. It was 11 January 2003.

10 MR BOURGON: [16:08:26] (Interpretation) Your Honour, I think that the
11 conditions are such that we are able to look at the excerpt.

12 PRESIDING JUDGE FREMR: [16:08:32] Yeah, it's approved, but I have to add for
13 the record that the date 11 January was also visible from the video.
14 Please proceed.

15 MR BOURGON: [16:08:54] (Interpretation) Thank you, your Honour.

16 Q. [16:08:55] Mr Ntaganda, we're going to show you a short excerpt which goes
17 from 00.59.08 to 01.03.38. Now the transcript can be found on page 0653, lines 276,
18 page 0654, line 300. Now where it concerns the translation, that's on page 0426, lines
19 271 to 293.

20 All the materials have been distributed to the interpreters and as such with your
21 permission we would like to view the item.

22 PRESIDING JUDGE FREMR: [16:09:55] All right.

23 MR BOURGON: [16:09:56] (Interpretation)

24 Q. [16:09:58] Mr Ntaganda, if you would be so kind as to look at this, I will have
25 questions hereafter.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [16:10:22] (Interpretation of the video excerpt)

3 "I would like to draw your attention to certain aspects. I already said on several
4 occasions that what we call peace, now that we are speaking to each other,
5 this -- people want us to be able to hide. We ask you all in order to achieve
6 reconciliation" --

7 THE INTERPRETER: [16:11:19] Your Honour, the interpreter from the Swahili
8 booth is unable to find it.

9 PRESIDING JUDGE FREMR: [16:11:27] Please could you kindly stop it. There is
10 a problem with Swahili interpretation because I'm told they couldn't find that part of
11 transcript.

12 What's exactly the problem, Swahili booth?

13 THE INTERPRETER: [16:11:51] Your Honour, the Swahili booth is unable to find
14 the document, the reference in French. I think that it would be good if counsel could
15 read the original because the Swahili booth understood that Thomas Lubanga was
16 going to speak in French.

17 MR BOURGON: [16:12:27] Mr President, this is a Prosecution video and there is a
18 transcript, but the translation is in English, so which is for once good, but at the same
19 time creates some difficulties. So I can certainly read from the English, but maybe
20 I can read from the transcript as the video is playing.

21 PRESIDING JUDGE FREMR: [16:12:59] Well, it is also possible that the English
22 booth could read it.

23 English booth, would it be okay with you to read it for the other interpreters' booths?

24 THE INTERPRETER: [16:13:10] Indeed, your Honour. I can read the document
25 page 46, lines 271 to 293.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: [16:13:19] Very well. Thank you very much. So
2 please let's try to proceed from that point.

3 MR BOURGON: [16:13:28] So we should maybe start from line 271 from the
4 beginning.

5 Q. [16:13:34] (Interpretation) Mr Ntaganda, we're going to start the excerpt once
6 again.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [16:13:52] The interpreter reads:

9 "Finally I want to draw your attention to certain things. I have said it time and again
10 already that the thing they call peace has many enemies. And the way we are
11 talking now, without worries, that doesn't please some people. They would like us
12 to be in the bush hiding. They would like to be there to start controlling something,
13 our voice. Don't let them be the ones to divide up certain things. And that often
14 they find a solution in manipulation. They find a solution in manipulation. So
15 therefore I would like to ask you to be very careful about things that can divide us.
16 We don't need to hate each other. We don't need to kill each other. We don't need
17 to be divided. And if we are watchful, take good care of the situation, and are
18 united in our objective, we will not have any problems. You know that fighting
19 broke out recently in some areas. People are fighting in certain areas. Even
20 recently there was a meeting where our brothers from Kpandroma agreed to end the
21 chaos so that the Congolese people of Ituri could live together peacefully. But
22 underneath all that there are those who became involved and stir it up. When our
23 delegation was in Arua talking about peace we were shocked and they attack our
24 position in Ndrele. And for the first time our army was bombed. 58 bombs fell on
25 Ndrele. 58 bombs, no less. Where did those bombs come from? Why did they do

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 all this? For the disorder to continue to exist and justify certainly things. You
2 should know that we are in situation where we, Congolese people, have to solve our
3 Congolese problems here in the Congo. It is no good for us to be manipulated.
4 Dear brothers and sisters, if you can heed this, advice we will be happy and this year
5 2003 will be a year of real reconciliation and of real peace."

6 The interpreter finishes at line 293.

7 MR BOURGON: [16:18:21] (Interpretation) The video stopped at 01.03.38.

8 Q. [16:18:38] Mr Ntaganda, when Thomas Lubanga speaks about the attack in
9 Ndrele, what's he speaking about exactly?

10 A. [16:18:52] When we were at the meeting -- well, I wasn't there, but when the
11 delegation of the UPC went to Arua and when this delegation finished that was
12 December 2002, 24 December 2002, at that time we had been attacked by the APC and
13 the combatants in Ndrele, they had sufficient materials and that's the reason why he
14 spoke about this incident and wanted to know what had happened to the materials.

15 MR BOURGON: [16:19:54] Mr President, on the basis of the answers provided by
16 the witness, I would like to have this exhibit, transcript and translation admitted in
17 evidence.

18 PRESIDING JUDGE FREMR: [16:20:07] Ms Samson?

19 MS SAMSON: [16:20:09] No objection, your Honour.

20 PRESIDING JUDGE FREMR: [16:20:11] So video specified by Mr Bourgon with
21 corresponding transcript and translation are admitted into evidence as a further
22 Defence exhibit.

23 Mr Bourgon, you may proceed.

24 MR BOURGON: [16:20:32] Thank you, Mr President. I'm reminded that I forgot
25 to ask for the previous video to be admitted, the extract that was played along with

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 the transcript and translation, all references are already in the transcript.

2 PRESIDING JUDGE FREMR: [16:20:48] Ms Samson?

3 MS SAMSON: [16:20:50] No objection, your Honour.

4 PRESIDING JUDGE FREMR: [16:20:52] (Microphone not activated)

5 And you may proceed, Mr Bourgon.

6 MR BOURGON: [16:21:32] Thank you, Mr President. Mr President, I note that on
7 the French transcript what you just mentioned concerning the admission in evidence
8 is not captured on the transcript, whether in English or in French.

9 PRESIDING JUDGE FREMR: [16:21:55] So I will repeat it. So the excerpt which
10 preceded the last video together with corresponding transcript and translation is also
11 admitted into evidence, all those three pieces, as a further Defence exhibit.

12 Now I can see that it is in English transcript. So now you may proceed, Mr Bourgon.

13 MR BOURGON: [16:22:21] Thank you, Mr President.

14 Q. [16:22:28] (Interpretation) Mr Ntaganda, following this event do you
15 remember the efforts made by the UPC/RP as regards specification?

16 A. [16:22:49] Yes. The 23rd there was another meeting held in Ciné Azanga.
17 I was present at that meeting. That was to prepare the pacification efforts. And on
18 the 24th another meeting took place in Ngongo and I sent a representative of the
19 soldiers. The combatants, you had the Lendu chiefs were there, politicians were
20 there, I sent the G2 in order to represent the army who went on the 24th.

21 Q. [16:23:45] You were talking about several different events. Now perhaps we
22 will address all these issues tomorrow, but do you know the term CVPR?

23 A. [16:24:10] Yes. It's the committee for truth, peace and reconciliation and
24 Tinanzabo, Ramazani (phon) Jean de Dieu were responsible for that, the general
25 secretary. And as such I know the term.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 Q. [16:24:35] Well, what did this committee or commission do? What is it
2 exactly?

3 A. [16:24:43] The truth, peace and reconciliation committee.

4 Q. [16:24:54] Well, what do you know about this body? You mentioned
5 Tinanzabo. But who created it? Why? What was its purpose?

6 A. [16:25:07] The CVPR was created even before the creation of the UPC. The
7 objective of the UPC was to stop the killings and discrimination, so Tinanzabo was
8 Bira and he received the responsibility for the CVPR. And a bit later there were a lot
9 of meetings in which I participated, in particular the meeting that I just spoke about,
10 the meeting of the 13th. There was a press conference. And on the 14th people
11 went into the -- there was a field visit. I participated in the 11th, the president spoke
12 about that, and there was a field visit in Ngongo on the 14th.

13 Q. [16:26:41] Let's talk about what you said today. Now, you said there was a
14 meeting on the 13th. Where did that meeting take place?

15 A. [16:27:06] It took place in Ciné Azanga.

16 Q. [16:27:08] What was the purpose of that meeting?

17 A. [16:27:19] It was a meeting held to launch the CVPR. That was the purpose of
18 the meeting. It was also a matter of making the CVPR widely known such that
19 people would know what the UPC intended to do.

20 Q. [16:27:53] Who was present at the meeting?

21 A. [16:28:03] Almost all general secretaries were present; the representatives of
22 communities as well as the institutions present in Bunia, they were represented;
23 president Thomas, Tinanzabo, all of them were present. They had a press
24 conference and I was there too. The national secretaries.

25 THE INTERPRETER: [16:28:39] Corrects the interpreter.

Trial Hearing
WITNESS: DRC-D18-D-0300

(Open Session)

ICC-01/04-02/06

1 MR BOURGON: [16:28:41] (Interpretation)

2 Q. [16:28:43] Was there a representative of MONUC?

3 A. [16:28:46] Yes, MONUC was represented. Whenever there was a press
4 conference, the observers of MONUC present in Bunia were present. They were
5 often present.

6 Q. [16:29:08] Among -- were there representatives of different ethnic groups?

7 A. [16:29:24] Yes, yes. All ethnic groups had to be represented because the
8 objective was to include all ethnic groups from Ituri as well as ethnic groups from
9 other regions.

10 Q. [16:29:39] Thank you, Mr Ntaganda.

11 MR BOURGON: [16:29:41] (Overlapping speakers) we should stop here for the
12 day.

13 PRESIDING JUDGE FREMR: [16:29:44] Yes, I think you are pretty right.

14 So we will adjourn. It's important to remind you that tomorrow exceptionally the
15 Chamber is not going to sit, but then from Thursday we will sit continuously till the
16 summer recess, which mean till 21 July.

17 So now we will reconvene on Thursday, July 6, if I'm right, at 9.30 at this courtroom.

18 Now Court is adjourned.

19 THE COURT USHER: [16:30:22] All rise.

20 (The hearing ends in open session at 4.30 p.m.)

21 RECLASSIFICATION REPORT

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