

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 Judge Chang-ho Chung
6 Trial Hearing - Courtroom 2
7 Friday, 30 June 2017
8 (The hearing starts in open session at 9.31 a.m.)
9 THE COURT USHER: [9:31:40] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:32:12] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:32:22] Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 And for the record, we are in open session.
18 PRESIDING JUDGE FREMR: [9:32:37] Thank you, court officer.
19 Appearances, please.
20 MS SAMSON: [9:32:40] Good morning, Mr President. Good morning,
21 your Honours. For the Prosecution today are Mr Rens van der Werf,
22 Ms Selam Yirgou, Ms Claudine Umurungi, Ms Kristy Sim and myself, Nicole Samson.
23 PRESIDING JUDGE FREMR: [9:32:53] Thank you, Ms Samson.
24 Defence, please.
25 MR BOURGON: [9:32:57] (Interpretation) Good morning, your Honour.

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1 Representing Bosco Ntaganda, who is present in the courtroom this morning,
2 Mr Justin Lwambo Kabika, Josué Iglesias, David Wagen-Magnon, Isabelle Martineau
3 and myself, Stéphane Bourgon. Thank you, your Honour.
4 PRESIDING JUDGE FREMR: [9:33:22] Thank you, Mr Bourgon.
5 And Legal Representatives of Victims, please.
6 MS PELLET: [9:33:26] (Interpretation) Thank you, your Honour. The former
7 child soldiers are represented by Vony Rambolamanana and by myself, Sarah Pellet,
8 counsel with the Office of Public Counsel for Victims.
9 MR SUPRUN: [9:33:41] (Interpretation) Good morning, your Honours. For the
10 victims of the attacks today, Anne Grabowski, associate legal officer, and myself,
11 Dmytro Suprun, counsel with the Office of Public Counsel for Victims.
12 PRESIDING JUDGE FREMR: [9:33:53] Thank you, Ms Pellet. Thank you,
13 Mr Suprun.
14 So today we will continue in our regular programme, which means that the Defence
15 will conduct next part of its examination-in-chief, examination of Mr Ntaganda.
16 Mr Bourgon, you have the floor.
17 MR BOURGON: [9:34:22] Thank you, Mr President. Before I begin, I would like
18 to have two exhibits admitted into evidence. These are the exhibits -- are two
19 exhibits that have previously been admitted, but I've went through the process of
20 verifications for the interpretations, transcriptions and translations. The final, the
21 final versions have been produced and the Prosecution has circulated the last two
22 versions, which I think can simply enter into evidence.
23 I'd like to provide the two numbers of these two exhibits. And the first one is -- so
24 I'm only talking, of course, about the translations. So the original item is
25 DRC-OTP-0017-0033. This is item 463 on our list. That's the logbook, a large

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1 logbook. The new translation which needs to be admitted on the record is
2 DRC-OTP-2102-3854. This translation was disclosed by the Prosecution, if I'm
3 correct, on 27 June.
4 The second item, the original disclosed by the Prosecution, has the number
5 DRC-OTP-0017-0003. This is item 466 on our list. And the new translation, which
6 has been disclosed by the Prosecution on 27 June, is DRC-OTP-2102-3854.
7 So these are the two translation, I believe, which can be admitted without any further
8 debate.

9 PRESIDING JUDGE FREMR: [9:36:54] Yes, without any further debate, but at least
10 I would like to get standpoint of Prosecution, there are no objections.
11 Ms Samson, no objections to the request made by Mr Bourgon?

12 MS SAMSON: [9:37:07] No, your Honour. No objection. As I understand it, and
13 we're checking, but the versions that Mr Bourgon has referred to are the ones indeed
14 that reflect agreed-upon changes to the translation that have been submitted to the
15 Chamber for its acceptance. So should the Chamber accept the party's new version,
16 then the Prosecution has no objection.

17 PRESIDING JUDGE FREMR: [9:37:33] All right. Yes, it's also my understanding.
18 Now, Judge Chung drew my attention to the fact that, at least in the English
19 transcript, the ERN numbers -- in fact, the new ERN numbers seems to be the same.
20 The first one DRC-OTP-1202-3854, and the second one, in fact, looks the same,
21 Mr Bourgon. I think it requires some correction.

22 MR BOURGON: [9:38:10] The Chamber is correct. The first one -- if I can have
23 just one quick minute because we will refer to these numbers repeatedly.

24 PRESIDING JUDGE FREMR: [9:38:38] No problem.

25 (Counsel confers)

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- 1 PRESIDING JUDGE FREMR: [9:39:32] Ms Samson.
- 2 MS SAMSON: [9:39:33] Yes, I think we might have it, if we can be of assistance.
- 3 DRC-OTP-2102-3828.
- 4 PRESIDING JUDGE FREMR: [9:39:43] So my understanding is that the first
- 5 number is correct and you now corrected the second one; am I right?
- 6 MS SAMSON: [9:39:49] Yes. Mr Bourgon can confirm if that's right.
- 7 MR BOURGON: [9:39:55] It's the other way round. The number just given is the
- 8 first logbook, 3828, the last four digits. And the large logbook is 577 -- translation.
- 9 MS SAMSON: [9:40:15] No, that's not my understanding.
- 10 PRESIDING JUDGE FREMR: [9:40:17] Ms Samson.
- 11 MS SAMSON: [9:40:18] The smaller version of 22 pages that I have in my hand is
- 12 ERN 3828, 2102-3828.
- 13 PRESIDING JUDGE FREMR: [9:40:33] Thank you for assistance. So in fact the
- 14 evidence tendered by the numbers have been confirmed by Prosecution. Am I right?
- 15 So could I just refer to Ms Samson submission, Mr Bourgon, when putting on the
- 16 record that those exhibits are admitted?
- 17 MR BOURGON: [9:40:57] That's indeed correct, Mr President.
- 18 PRESIDING JUDGE FREMR: [9:41:01] All right.
- 19 MR BOURGON: [9:41:02] The small one is 3828, the large one is 3854.
- 20 PRESIDING JUDGE FREMR: [9:41:11] All right. So those two -- those two
- 21 translations are admitted. And I have to highlight that in the -- we refer -- I refer to
- 22 last specification made by Mr Bourgon just now, are admitted into evidence as a
- 23 further Defence exhibit, and I also thank Ms Samson for her assistance.
- 24 Now, Mr Bourgon, please proceed.
- 25 MR BOURGON: [9:41:37] Thank you, Mr President. One more observation

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1 before I begin. We distributed binders to all -- to the Chamber, the parties and
2 participants, and in these binders there are two documents at the beginning. And
3 this is an original -- or at least an accurate replica of the original small logbook. And
4 there are two of them. The Chamber will understand later why there are two of
5 them.

6 There's one at tab 1 and there is another one at tab 3. It's the same one, but this time
7 pictures were taken of every page to avoid having to circulate the original in the
8 courtroom. So this one looks exactly as the item in the possession of the Registry.
9 And I verified with my colleague. So there are two versions. The first one at tab 1
10 is identical to what is in the hands or what is in the possession of the Registry. And
11 we will refer to these documents quite a bit today. That's why I prefer to say it at the
12 beginning.

13 PRESIDING JUDGE FREMR: [9:42:51] Understood.

14 So now please proceed.

15 MR BOURGON: [9:42:55] Thank you, Mr President.

16 WITNESS: DRC-D18-D-300 (On former oath)

17 (The witness speaks Swahili)

18 QUESTIONED BY MR BOURGON: (Continuing)

19 Q. [9:43:07] (Interpretation) Good morning, Mr Ntaganda.

20 A. [9:43:12] Good morning.

21 Q. [9:43:13] How are you this morning?

22 A. [9:43:16] I'm very well. Thank you.

23 Q. [9:43:20] When yesterday we finished the day you were speaking about an
24 assembly which took place in Mandro. You explained to us that -- you explained

25 what the aim of that assembly was. Now, the first question that I'd like to put to you:

1 Do you know a person by the name of Salumu?

2 A. [9:43:51] Yes, I know this person.

3 Q. [9:43:55] Who is he?

4 A. [9:43:58] In November when I went to Aru, we had an argument, we had a
5 dispute, and the forces we went to visit in Mandro were entrusted to --

6 THE INTERPRETER: [9:44:30] Could the witness be asked to repeat. The Swahili
7 interpreters ask that they were not able to get his answer.

8 PRESIDING JUDGE FREMR: [9:44:39] Mr Witness, at the moment we miss the
9 final part of your answer. We only have at this moment the first part, "In November
10 when I went to Aru, we had an argument, we had a dispute, and the forces we went
11 to visit in Mandro were entrusted to ..." and then we miss the rest. Could you kindly
12 repeat that because it hasn't been captured by the interpreters.

13 THE WITNESS: [9:45:16] (Interpretation) Yes. I was asked a question as to who
14 Salumu was, and I said he was the brigade commander of this force and that we went
15 to see this -- visit this force in Mandro. Now, afterwards having spoken to this force
16 in Mandro.

17 MR BOURGON: [9:45:34] (Interpretation)

18 Q. [9:45:36] Mr Ntaganda, the start of your answer when I asked you who
19 Salumu was -- I'm reading from the transcript in French on page 7 and it's written as
20 follows: "In November when I went to Aru, we had a dispute." Are those the
21 words that you used?

22 A. [9:46:03] No. I said we met each other on -- halfway. I was going to Mandro,
23 he was going to Bunia and we met halfway.

24 Q. [9:46:17] So my first question on that subject: When the assembly took place
25 in Mandro, was Salumu present?

1 A. [9:46:30] No, he hadn't arrived in Bunia.

2 Q. [9:46:38] Now, you've just said in answer to a question of the President that
3 you met or you crossed each other in Bunia.

4 A. [9:46:54] No.

5 Q. [9:46:58] Did you meet Salumu on that occasion?

6 A. [9:47:01] No. When I went to Aru, I found out that he as well, he had just
7 arrived at Kisembo's residence, and I went but we didn't see each other, not at all.

8 Q. [9:47:13] When did you meet Salumu for the first time?

9 A. [9:47:25] I saw him in Mongbwalu.

10 Q. [9:47:31] Mr Ntaganda, were you present in Mandro during that assembly
11 during which Chef Kahwa gave a speech?

12 A. [9:47:46] Yes. We all left together to Bunia with the delegation and we went
13 from Bunia, we went into the field in order to speak to the troops.

14 Q. [9:48:07] Who were the members of the FPLC present in Mandro in order to
15 listen to that speech of Chef Kahwa?

16 A. [9:48:25] The commanders were there. They came from my residence. Also
17 those who had come from Kisembo's residence, like Américain, Abelanga, Rwandais,
18 Nuare. All the commanders, even lower-ranking officers, as well as all the troops in
19 Mandro, all of them, they were all at this assembly.

20 Q. [9:48:57] Do you know, Mr Ntaganda, where the people who were -- who
21 went to this assembly, where did they go after this speech?

22 A. [9:49:16] Yes, I said that previously. What I said was that when I went to Aru,
23 all these forces were given to Salumu and this force was deployed in Mongbwalu.
24 That was at the start of the month of November.

25 Q. [9:49:42] Mr Ntaganda, at this stage I would like to show you an audiovisual

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1 excerpt, and we know that you're present. I don't think it's contested by the
2 Prosecution. Now, I would like to have you listen to certain parts thereof or have
3 you watch certain parts of this video.

4 MR BOURGON: [09:50:06] (Speaks English) Mr President, I believe that this is
5 not contested, that Mr Ntaganda was present, and I would like to show certain parts
6 of this video.

7 PRESIDING JUDGE FREMR: [9:50:14] Before doing that, Ms Samson, could you
8 confirm there is no objection against the use of that excerpt.

9 MS SAMSON: [9:50:21] No objection, your Honour.

10 PRESIDING JUDGE FREMR: [9:50:23] Thank you.

11 THE COURT OFFICER: [9:50:26] Before we start playing the video, could we
12 please have an ERN number and the level of confidentiality, please.

13 MR BOURGON: [9:50:40] (Interpretation) So the number -- well, all the materials
14 have been distributed to the interpreters this morning with the transcript and the
15 translation. Now, what we're talking about is item 279 on our list. Now, the
16 number of the video is DRC-OTP-0082-0016, and in the future I will just say "video".
17 Now, where it concerns the transcript, that's 280 on our list, and this is
18 DRC-OTP-0164-0567. And I will use the word "transcript" when I refer to that.
19 Now, where it concerns the translation, this is item 281 on our list, and the number
20 thereof is DRC-OTP-0164-0710. And afterwards I will refer to this as the
21 "translation".

22 Now, the first excerpt that I would like to have Mr Ntaganda view starts at 11.30 and
23 it goes until 18.15. Now, in the transcript that starts on page 05 --
24 (Counsel confers)

25 MR BOURGON: [9:52:49] (Interpretation) 0567, lines 191 to 247, and for the

1 translation, that starts at page 0710, from lines 193 to 262.

2 I know that the interpreters like to be given the first number of the transcript and the

3 translation. Just to be sure that everybody is on the same page, I'm going to state the

4 numbers of the translation again. So DRC-OTP-0164-0710. That's the first page of

5 the translation. Now, the first excerpt that I'm going to use starts on page 0718.

6 The transcript, the first page of the transcript is DRC-OTP-0164-0567 and the excerpt

7 starts at line 191.

8 The interpreters have the text but I don't have the exact page of the transcript.

9 May I continue, your Honour?

10 PRESIDING JUDGE FREMR: [9:55:02] Yes, please.

11 MR BOURGON: [9:55:03] (Interpretation).

12 Q. [9:55:04] So, Mr Ntaganda, here you will see an excerpt. I would like to ask

13 you to listen to it and watch it and then I'm going to ask you a few questions thereon.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [9:55:24] (Interpretation of the video excerpt)

16 "All soldiers, arms down, stand at ease. How are you? Well? And your health?

17 Good. Okay. I see that you are in good health, and that I can see that indeed you

18 are well and that the situation continues. It continues to be good.

19 First of all, I would like to give you the greetings from our president, our president

20 from our party, the UPC, his Excellency Thomas Lubanga. He presents his greetings

21 to you all. He wishes you good work, discipline and a good life.

22 You know that over previous days a lot of people have not yet understood our

23 philosophy. They think that this war was just an ethnic war or only an ethnic war.

24 As well, the enemies and the international community think that we were carrying

25 out an ethnic war between the Lendu and the Hema and even our enemies as well as

1 international opinion have used this weapon to deprive us of our rights.
2 As far as we are concerned, when we took the decision, took our decision, we saw
3 that all the leaders were bad. These people continued to kill each other like animals.
4 Soldiers continued to pillage the goods of inhabitants. And we saw that it was
5 necessary for us to set up an army to fight the enemy, because our fundamental
6 objective was to fight the enemy of humanity, of peace and of democracy. And what
7 we saw is that all these armies, they were -- whether they were FAC or APC, all these
8 armies were just there to harass the population, and that's the reason why we took the
9 decision to carry out a new revolution.
10 This army will be an army without discrimination. It will be an army for all
11 Congolese, an army which will give back respect to Congolese. You know that us
12 Congolese, we've lost the esteem that we had in Africa. Every person who sees a
13 Congolese person says, 'These are idiots.' That doesn't mean that all Congolese are
14 idiots. It doesn't mean that things haven't worked well, it's because the soldiers were
15 bad. Even soldiers from the APC are not bad. It's the leaders who are bad. And
16 all soldiers followed their orders, the orders from their superiors. In fact, the enemy
17 was Mbusa, with his RCD philosophy. And that's the reason why we fought until
18 we reached this objective of building a new army, the FPLC.
19 And we're confident that this army will be the army of the people such that when an
20 inhabitant sees this army, that person will be happy and know that he has found
21 peace, whether it is an army when an inhabitant sees a soldier -- that it's not going to
22 be an army when an inhabitant -- that an inhabitant will see and feel concerned.
23 Things therefore have to change. If we've taken up the decision to take arms, that's
24 to fight all the idiots, to get rid of them because we've seen that the population is
25 suffering. What we do we look first of all at the interests of the inhabitants, the

1 security of the inhabitants, as well as their property. We do not either want this
2 army to be an ethnic army, we don't need an ethnic army. It's tribalism that has
3 damaged everything and provoked huge mass killings. We want it to be one army
4 with all ethnic groups, an army which protects the inhabitants and their property.
5 We know that living conditions are hard, but we try to help you. And we will be
6 with you and I think that even our president Thomas Lubanga is still with you. And
7 that's the reason why we received uniforms.
8 You have received all the material. Don't think that we can fail. If we fight for the
9 rights of inhabitants and we follow our revolution, we will be able to help all the
10 Congolese and one day we can perhaps help Africa completely within the framework
11 of our philosophy. And you the soldiers, may that uniform that you wear be like a
12 flag of the country, it is the honour of the country.
13 We do not want the army to take girls and rape them, to steal people's property or to
14 harass the population and I think that we will be severe towards soldiers because if
15 we want to make progress, there has to be discipline and any army has to have
16 discipline, nothing can stop us and we're going to continue.
17 It's thanks to your discipline that we've been able to take Bunia. It's thanks to your
18 discipline that we are making progress and we're taking over other places. We force
19 ourselves to resolve some problems. This uniform that you've received is not the
20 beginning and soon you will be paid your salary, you will be happy and everyone
21 will be happy. You know that if everything goes well where it concerns the army,
22 the country will be well as well. In order to know what state the country is in you
23 have to refer firstly to education and discipline within the army. If the army is
24 disciplined, that means that the inhabitants can also have hope; isn't that truth.
25 Soldiers: Yes.

1 Have you followed me?

2 Soldiers: Yes."

3 MR BOURGON: [10:02:52] (Interpretation) Your Honour, for the record the
4 video and audio stopped at 18.15, 18 minutes and 15 seconds.

5 Q. [10:03:08] Mr Ntaganda, who is speaking on that video?

6 A. [10:03:15] That is the deputy national security for defence, Chief Kahwa.

7 Q. [10:03:35] Those statements made by Chief Kahwa, do they represent the
8 ideology that you wanted to transmit to the soldiers?

9 A. [10:03:48] Yes, it is the same ideology that we passed on to all the soldiers
10 whom we deployed and we did so before the deployment. We taught them that
11 ideology before deployment as well as during their training, this was part of the
12 curriculum.

13 Q. [10:04:16] Prior to that speech delivered by Chief Kahwa, did you have an
14 opportunity to talk with him about what he was going to say on that day?

15 A. [10:04:34] Yes. If you do recall, yesterday I testified that I went to see
16 Kisembo and I told him that wherever I had deployed soldiers I had told them these
17 things and I had provided them with this briefing.

18 You see, wherever there is a group of soldiers there has to be someone in charge, a
19 commander. I thought that the briefing was going to be delivered by the president
20 so that they would know that it was a briefing from the higher ranks and that it was
21 not just a matter for one individual but that it was indeed something that was agreed
22 to. That is why I went to see Chief Kisembo and he asked me what had to be said to
23 the soldiers and I told him. He took good note of what I told him and then we put
24 together all those things which had to be said and then he went on to talk with the
25 troops, upon being delegated by President Thomas Lubanga to do so.

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1 I left with him. And this person is actually Chef Kahwa, not Kisembo.

2 Q. [10:06:09] Mr Ntaganda, in the year 2002 and 2003, in those years, did you hear
3 anybody within the FPLC hold a position contrary to that expressed by Chief Kahwa?

4 A. [10:06:24] No, never.

5 Q. [10:06:33] During that same period, 2002-2003, did you ever hear any politician
6 whosoever within the UPC hold a position or deliver a speech contrary to that
7 speech?

8 A. [10:06:51] I never heard such a thing. It never occurred.

9 Q. [10:07:02] I would now like you to listen to a second excerpt. As you listen to
10 it, Mr Ntaganda --

11 PRESIDING JUDGE FREMR: [10:07:09] Excuse me. Before doing that, I would
12 like to put a few additional questions to Mr Ntaganda.

13 Mr Ntaganda, do you know who is the man keeping the audio recorder close to Chef
14 Kahwa? Is it somebody from the UPC or some journalist?

15 THE WITNESS: [10:07:48]) (Interpretation) I know that this person was a journalist
16 from a radio station in Bunia, but I don't know his name. He is someone who was
17 dispatched by a radio station from Bunia. We had Radio Candip in Bunia and
18 another radio station, but I don't know which radio station he came from.

19 PRESIDING JUDGE FREMR: [10:08:12] It's what I really wanted to know, not the
20 name but what was his profession.

21 And the same with person who had been making the video, it was also made by some
22 journalist from a TV or radio station?

23 THE WITNESS: [10:08:40]) (Interpretation) I don't know the identity of the person
24 who recorded that video. I simply asked people to gather. I saw journalists with
25 cameras, but I did not ask who had assigned them to record the video.

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1 PRESIDING JUDGE FREMR: [10:09:04] It's just point of my interest. So you or
2 somebody else, you invited journalists to come and to make a footage or make some
3 reportage about this gathering about speeches?

4 THE WITNESS: [10:09:30]) (Interpretation) No. We did not invite anyone. We
5 gathered there and then I just saw those people appear. I don't know how they came.
6 Kisembo, Chief Kahwa and myself had a discussion and then we went to that place.
7 I do not know on whose behalf that journalist was working. I used to see him move
8 around in Bunia doing his coverage and reports. And so when I saw him, I did not
9 ask how and why he was there. As far as we are concerned, we did not ask any
10 journalists to come along with us.

11 PRESIDING JUDGE FREMR: [10:10:13] Thank you very much, Mr Ntaganda.
12 Mr Bourgon, please proceed.

13 MR BOURGON: [10:10:25] (Interpretation) Thank you, Mr President.

14 Q. [10:10:26] Now, Mr Ntaganda, I would like to ask you to listen to a second
15 excerpt from the same video. I will not repeat all the details.

16 As for the transcript it will be from page 0576, lines 269 up to page 0577, line 287.

17 For the translation I will not repeat the numbers, but we will start at page 0721, line
18 188 -- rather, 288 to lines 311.

19 Now, Mr Ntaganda, if you are ready, let us watch this excerpt which starts at 19.46 up
20 to 21.27.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [10:11:37] (Interpretation of the video excerpt)

23 "We are fighting against this bad governance and our president has taken the decision
24 to change living conditions for all Congolese, not only those of the Ituri because his
25 vision seeks to help all Congolese, and even later on some day to be able to help all of

1 Africa. Given that we are pan-Africanists, we want Africa to arise. And you know
2 that in Congo if our country can progress in peace and we are able to govern it, some
3 day we will be able to help Africa. Unfortunately, all people are not aware of our
4 philosophy. They think that our concerns are local and that we are only interested in
5 Bunia. Therefore we must make progress and for that to happen you must be the
6 example, you must be the example of a new army. You have seen that some of your
7 brothers were in the APC. Of their own volition they decided to join us and we
8 welcomed them because they are all Congolese, we cannot discriminate amongst
9 people and say that this person was from the APC. No. We welcome in this army
10 all those who were lost, like those who were of the APC but who were not all bad
11 people. In fact, there is no bad soldier. Ordinarily in an army there is no bad
12 soldier. It is the leaders who are bad. We therefore call on everybody to come.
13 Are there any ones of you present here who are from the APC who joined us?
14 Where is their group? I myself, I myself I used to belong to the APC, but here there
15 is -- well, I am looking for those of the APC who joined us after we captured Bunia.
16 We have a journalist here."

17 MR BOURGON: [10:13:54] (Interpretation) For the record, the video stopped at
18 21.27.

19 Q. [10:14:11] Mr Ntaganda, here we can hear Chief Kahwa delivering his speech.
20 Do his words still represent the ideology and the position that was foremostly held in
21 the FPLC?

22 A. [10:14:39] Yes.

23 Q. [10:14:44] On this video we hear Chief Kahwa call on -- or, rather, talk about
24 former members of the APC who had joined the FPLC. Were there many of them?

25 A. [10:15:04] Yes. The person whom you see, that person whose arm is raised,

1 there were many of them in the group as well, some of them got up and said that
2 some of them had been given responsibility over companies while some were leading
3 platoons. So we put them together and after receiving training in the ideology, they
4 were given posts of responsibility.

5 Q. [10:15:49] Isn't it dangerous to welcome members of another army which you
6 said had committed all sorts of atrocities, isn't it dangerous to admit them into your
7 army, members who had committed the worst atrocities?

8 A. [10:16:13] No, it wasn't dangerous. In fact that is the reason for which we
9 trained them in the FPLC ideology. And once we felt that they had taken on that
10 ideology and that they started talking about the evil that the APC and the MLC had
11 committed, then at that point we were convinced that they had changed. So the
12 commanders and the soldiers were all welcome and we taught them the ideology and
13 they discharged their duties without any problems.

14 Q. [10:17:06] Mr Ntaganda, I would like now to ask you to watch and listen to an
15 additional excerpt which will be video at 22.42 to 23.34.

16 As for the transcript, I will not repeat the number but it starts at page 0577, line 301 to
17 page 0578, line 317. For the transcript it's on page 0722 from line 329 to 347.

18 Mr Ntaganda, if you are ready let us watch this video together.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [10:18:08] (Interpretation of the video excerpt)

21 "Many people believe that we did not manage to reach such and such an area of
22 people of APC who may be in Mongbwalu, in Nyankunde, Zumbe or Kwandruma.
23 We need them. We need them to come and we will receive them, is that not the
24 truth?

25 Yes.

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- 1 In an army, the army only has one father; is that not truth? Yes.
- 2 There is no tribalism in the army. I don't know what ethnic group, I don't know
- 3 what. When you join -- when you arrived here, whether you were Lendu or any
- 4 other ethnic group who are they? Are they not all Congolese ... is that not the truth?
- 5 Yes.
- 6 The enemy, however, is the one who will arise to fight the inhabitants. That is our
- 7 enemy, is that not the truth?
- 8 Yes.
- 9 We will fight them. We as combatants we invite all those to join us. Congo is a vast
- 10 country and in order to build this country it is necessary for us to be united and it is
- 11 the only condition under which we shall build this country, is that not the truth?
- 12 Yes."
- 13 MR BOURGON: [10:19:20] (Interpretation)
- 14 Q. [10:19:23] Mr Ntaganda, you heard Chief Kahwa's statement. Now, let me
- 15 refer to a sentence in particular which was pronounced by Chief Kahwa. At some
- 16 point in his speech he says the following: "The enemy, however, is the one who will
- 17 arise to fight and kill the inhabitants. That one is our enemy, is that not the truth?"
- 18 Now, Mr Ntaganda, this is my question: Do you agree with that definition of the
- 19 enemy provided by Chief Kahwa?
- 20 A. [10:20:22] Yes, that was the ideology which we upheld from the beginning to
- 21 the end.
- 22 Q. [10:20:32] Mr Ntaganda, did you hear within the FPLC in 2002 or 2003 any
- 23 commander say that all Lendus had to be killed?
- 24 A. [10:20:53] Never. If such a statement had been made by anyone within the
- 25 FPLC? No. That was impossible.

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1 Q. [10:21:13] I would now like you to watch and listen to a last excerpt from this
2 audiovisual document and it's the same video from 25.17 to 26.47.

3 For the transcript we start at page 0578, line 340 to page 0579, line 360. For the
4 translation I won't repeat the ERN, but we are starting at page 0723, line 375 to
5 lines 397.

6 Now, Mr Ntaganda, if you are ready we shall proceed.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [10:22:58] (Interpretation of the video excerpt)

9 "We don't want an army that will steal the goods of the inhabitants. We don't want
10 an army that will rape women, we don't want an army that will desert. You know
11 we have discussed openly, this is not a secret, today I had a meeting with the chief of
12 general staff, the substantive chief and the deputy chief in charge of operations and
13 other figures of authority. So we decided that from Wednesday ... what day are we
14 today? Today is Monday. Today is Monday. So from this Wednesday any soldier
15 who would steal while bearing their weapon will be shot without any trial. He will
16 die. Isn't it so?

17 Yes.

18 Any soldier who will rape a woman and take girls and rape them will be killed with a
19 bullet, is that not the case.

20 Yes.

21 And any soldier who will flee during the war, you have understood, right, any soldier
22 who will desert during the war will be immediately and unavoidably killed, isn't it?

23 Yes.

24 We are going to be strict because we want to have a disciplined army. President

25 Thomas Lubanga himself who was previously president is a disciplined man and we

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1 follow him, we who follow him are disciplined, your chiefs of general staff are
2 disciplined people. Therefore we don't want you to be lost. Because if we are not
3 strict and you continue to loot and to rape women, there will be no difference
4 between the APC army which -- between us and the UPC army which have all done
5 what to Which we have all driven out. Is that not the case?

6 Yes."

7 MR BOURGON: [10:24:38] (Interpretation) For the record the video stopped
8 at 26.47.

9 Q. [10:24:49] Mr Ntaganda, you heard Chief Kahwa say here that there will be
10 severe punishment meted out to the extent of execution for crimes committed by
11 members of the FPLC. Now, that assembly, did it take place before or after what
12 you referred to as a firing squad in Ndromo?

13 A. [10:25:32] The firing squad in camp Ndromo took place before, but the second
14 firing squad in Mongbwalu happened after. And the soldier who was executed was
15 part of the Aru forces. So the first case occurred before this event and the second
16 after the event.

17 Q. [10:25:59] As far as you can recall, the soldiers in Mandro, had they heard of
18 the firing squad in Ndromo?

19 A. [10:26:17] Yes. All our forces had heard about that event. It wasn't a secret.
20 It wasn't something that had to be hidden. This was despicable conduct and
21 ideology and discipline had to be upheld within the FPLC forces.

22 MR BOURGON: [10:26:54] Mr President, I would like to have the extracts that
23 have been played, along the transcripts and translations to be admitted in evidence.

24 PRESIDING JUDGE FREMR: [10:27:05] Prosecution?

25 MS SAMSON: [10:27:07] No objection, your Honour.

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1 PRESIDING JUDGE FREMR: [10:27:10] All right. So those three excerpts, plus
2 transcripts and translations specified by Mr Bourgon are admitted into evidence as a
3 further Defence exhibits.

4 Yes, please proceed, Mr Bourgon.

5 MR BOURGON: [10:27:39] (Interpretation) Thank you, Mr President.

6 Q. [10:27:43] Now, Mr Ntaganda, before we proceed to another line of question
7 I would like to revisit two points that you mentioned yesterday. And I seek
8 clarification from you, additional clarification from you in regard one: You said that
9 during an operation in Chai two lorries had been taken from the APC. Can you give
10 us additional information on those two lorries and what happened to them? What
11 happened to those two vehicles?

12 A. [10:28:25] Yes. When commanders David and Kaswara attacked APC troops
13 in Chai they pursued them and the two vehicles which had been transporting the
14 soldiers from Beni remained in Malabo because their batteries were dead and so
15 when they got there, they realised that the APC troops had left the two lorries behind
16 while they fled. Some of them had gone towards Geti while others had fled
17 without -- or leaving those lorries behind. So when I arrived in that area, we found
18 those two vehicles and we took them and started to use them. Two lorries indeed, as
19 you have just said.

20 Q. [10:29:31] Let me quickly go back to the exchange of persons between FPLC
21 Bunia and Jérôme's forces in Aru. Do you know how many trips, how many trips
22 were made by the planes in order to transport or ferry this material and the troops?

23 A. [10:30:17] It took quite some time. I think it must have been four -- three or
24 four trips, something like that.

25 Q. [10:30:29] Now you told us yesterday that you had asked for the agreement

1 from Peter, Peter's approval that he was the personal secretary for this transfer of
2 material. Now, yourself, did you observe the planes, the loading of the planes, the
3 departure of the planes?

4 A. [10:30:57] No, I didn't go to the airport. Only he could know how many trips
5 were carried out. I wasn't present when he took the troops. Even though I was the
6 one who entrusted him with these troops. In order to go to the airport, he went
7 there, he went there with his troops.

8 Q. [10:31:32] Mr Ntaganda, after the transfer of material what happened
9 concerning the agreement between the FPLC and the new members of the FPLC
10 Jérôme?

11 A. [10:31:58] Well, I remember that at a certain time Kisembo called me, having
12 received an order from the president such that he could go and visit Jérôme. Now,
13 as he had problems with his leg, he was getting better, but he still couldn't travel and
14 that's the reason why I was asked to go and visit Jérôme. So I prepared myself in
15 order to go and visit Jérôme.

16 Q. [10:32:45] What was the nature and objective of the trip or visit to Jérôme that
17 you had to carry out replacing Kisembo?

18 A. [10:33:06] First of all, it was to welcome him within our army, to speak to him
19 and ensure that he was completely available for the task and also to speak to him
20 about our ideology and the way in which we were working. He had been attacked,
21 he had come from a battle and that's the reason why we had to show our solidarity
22 with him and express it to him and to show to him that he wasn't all alone. In order
23 to do that, one of the people in charge had to go to Aru.

24 Q. [10:34:01] Yesterday you told us that during the first conversation, the first
25 communication between yourself and Jérôme you spoke to a certain Manu. At what

1 time did you meet Manu or when did you meet Manu for the first time?

2 A. [10:34:24] Before going to Aru, two days before, I received a telephone call
3 from Kampala. It was Rafiki. He told me that Manu had left Jérôme and he wanted
4 to go back to his family, he wanted to desert. And he spoke to Rafiki and following
5 their talks Manu changed idea and he wanted to go to Bunia. That's the reason why
6 Rafiki asked a Ugandan who had a plane to go to Bunia in order to get supplies for
7 UPDF elements and to take him on board. Before going to Aru or two days before
8 we had a meeting.

9 Q. [10:35:41] So the meeting that you had with Commander Manu at that time,
10 were you there to welcome him? Where did it happen?

11 A. [10:35:56] When he arrived at the airport I welcomed him and I took him to
12 Hotel Capa where we spoke for a bit. And afterwards I informed Kisembo that he
13 had come. It was known before when he was the APC in Watsa and he told me that
14 it was good that he could return and work with Jérôme.

15 Q. [10:36:38] In which plane did Manu arrive?

16 A. [10:36:49] There was a businessman, Sam Angora, he had a large plane. It
17 was used for transporting vehicles, UPDF vehicles. Manu came on board the vehicle
18 to Bunia -- on board that plane.

19 THE INTERPRETER: [10:37:20] Corrects the interpreter.

20 THE WITNESS: [10:37:24]) (Interpretation) -- to Bunia.

21 MR BOURGON: [10:37:28] (Interpretation)

22 Q. [10:37:29] Did Manu carry out the trip alone?

23 A. [10:37:38] I took him straight away, I took the vehicle that he had and I gave it
24 to the president Toms, his bodyguard. And when I went to Aru I took Manu with
25 me, Ali Mbuyi, Peter and my bodyguards.

1 Q. [10:38:09] According to the French transcript, what it says here and this is line
2 17 on page 27, "I took it straight away, I took the vehicle that he had." What vehicle
3 are you talking about?

4 A. [10:38:31] What I said was when he arrived, he had a vehicle. He wanted to
5 use the vehicle to go to Rwanda, but when he changed his idea and he decided to join
6 our ranks, I took the vehicle and I gave it to President Toms so that he could use it for
7 his bodyguard. That's how with him and Ali Mbuyi that we went by plane and we
8 went to Aru.

9 Q. [10:39:10] Do I understand that the vehicle arrived with Manu in the plane?

10 A. [10:39:21] From Kampala to Uganda he came on his vehicle. When he arrived
11 in Bunia, I took his vehicle and I gave it to the president in order for his bodyguard.
12 And afterwards I carried out a trip with him, Ali, Peter and my bodyguards aboard a
13 plane. The vehicles -- his vehicle stayed in Bunia.

14 Q. [10:39:57] What did these vehicles look like? What did this vehicle look like,
15 Mr Ntaganda?

16 A. [10:40:07] It was a vehicle with a double cabin, it was black, black/blue.

17 Q. [10:40:30] How was the conversation with Manu when you told him -- or
18 asked him to return to Aru?

19 A. [10:40:44] Well, I just told you that I told him that we had to return to Aru and
20 he was going to work with Commander Jérôme. That's what I suggested to him.

21 Q. [10:41:04] Well, you mentioned your trip by plane to Aru. You mentioned
22 Ali Mbuyi. How does he get into this story, at what moment does he become part of
23 this story?

24 A. [10:41:22] Well, he had come from Goma, he was accompanied by somebody
25 called Nicolas. I knew him. He was from Congo. He was with me in the army,

1 within the RPF. He stayed, but Ali Mbuyi and myself we left. Ali Mbuyi arrived
2 from Goma on a plane and I continued to Aru with him.

3 Q. [10:42:10] How was Ali Mbuyi dressed when he arrived?

4 A. [10:42:20] He was dressed in civilian clothing.

5 Q. [10:42:30] Why did you decide to be accompanied by or to take Ali Mbuyi on
6 this trip?

7 A. [10:42:43] He knew the region well, and that's the reason why I decided to
8 bring him with me. Apart from that, there was no other interest in taking him with
9 me.

10 Q. [10:43:07] At that time did you, either you or Ali Mbuyi know what post he
11 was going to occupy within the FPLC thereafter?

12 A. [10:43:23] I knew but I said nothing to him. I couldn't do that. I didn't know
13 if the chief of general staff was going to be in agreement with that, or the president.
14 That's the reason why I had to wait a bit. I had to wait for him to accord with it
15 before I could communicate that news, but I knew why he had come. That was after
16 his appointment. I was the one who gave him the news after.

17 Q. [10:44:15] Now, when you arrived in Aru let's start with the date, to the best of
18 your knowledge do you remember the date of the trip?

19 A. [10:44:33] The beginning of the month of November. End of October,
20 beginning of November.

21 Q. [10:44:45] What happened when the plane in which you were with the people
22 who you had appointed landed or where did you land and what happened?

23 A. [10:44:59] We travelled on a light aircraft to Aru. We got to the airport of
24 Aru.

25 Q. [10:45:27] When you got off in Aru, when you left the plane in Aru, what

1 happened then?

2 A. [10:45:41] I was shown where the sector commander lived. I didn't know that
3 person. We went to that place in order to greet that person. And Jérôme wasn't
4 there. He went to Aru in order to follow the operation. His troops were fighting
5 against the APC; however, he had left personnel to receive me. He also took me to
6 the hotel that had been prepared for me by Manu.

7 Q. [10:46:18] Now, you've just mentioned the sector commander. Who are we
8 talking about? Who was the sector commander? Sector commander of what
9 group?

10 A. [10:46:31] UPDF sector commander. He had been deployed at Aru airport.

11 Q. [10:46:46] What was the UPDF doing at Aru airport?

12 A. [10:46:53] The UPDF was in Ituri. I don't know what its mission was. That
13 wasn't among my business, but I know that it was around the airport of Bunia. They
14 controlled the region of Bunia and Aru.

15 Q. [10:47:30] Why did you decide to go and visit the sector commander of the
16 UPDF?

17 A. [10:47:48] When we landed, I remember he lived very close to the airport,
18 about 80 metres away. I was with other officers. I couldn't go away without
19 greeting him. We had -- there was no conflict between us. As a commander I
20 couldn't arrive and leave without greeting the person who was holding that post.
21 For me that was an obligation. I had to go and greet him.

22 Q. [10:48:38] Who were you with when you went to greet the sector commander?

23 A. [10:48:47] With Manu, I was with Ali.

24 Q. [10:49:02] Was Peter there, he had been in the plane with you, or did he go
25 somewhere else?

1 A. [10:49:12] I don't remember if Peter went with me to go and greet the
2 commander at the hotel, I don't think he spent the night there either. I didn't follow
3 his movements. I wasn't concerned with that. I was rather concerned with a
4 meeting that I was going to have with the Commander Jérôme. But I knew that
5 Peter was around. That's it.

6 Q. [10:49:49] Before going into what happened on your trip to Aru, I'd just like to
7 clarify a couple of points with you. Now, the first one is about the arrival of Ali
8 Mbuyi in Bunia. If you look the day you departed, when did Ali Mbuyi arrive in
9 Bunia?

10 A. [10:50:20] That was at the start of November 2002, but from Aru to go into
11 town we went together.

12 Q. Well, I'm going to clarify my question. Did he come the day before, some days
13 before, a day after, a few days after before you departed for Aru?

14 A. [10:51:02] We met at the airport. I knew that he was en route. He was going
15 to that place and that's the reason why I went to the airport. I heard him. He was
16 on board a plane coming from Goma, or he had been coming from Rwanda, from
17 Rwanda to Goma he crossed the border on foot and from Goma he took a plane to
18 Bunia and aboard one of the planes that did the route Bunia-Goma, I met him at the
19 airport and we went to Aru. He hadn't arrived in the town of Bunia when we went
20 to Aru.

21 Q. [10:51:49] And Nicolas, who was with him, what did he do for his part?

22 A. [10:52:01] We arrived at the airport on one of the vehicles, one of the vehicles
23 took them. I was the person who asked for him to be put in my house. And he
24 entered into the town and we left immediately for Aru.

25 Q. [10:52:25] And the plane that you used to go to Aru, was this the same plane,

1 the same one on which Ali went to Bunia?

2 A. [10:52:39] No. He came on a large aircraft which did trade
3 between -- commerce between -- with Bunia. It had goods like beer, food, business
4 cargo. It was a large cargo plane. And we travelled on a light aircraft that could
5 take 10 to 12 passenger only. These were two completely different planes in terms of
6 passenger capacity.

7 Q. [10:53:20] Now, the second point that I'd like to go into with you before
8 looking at the Aru mission was the arrival of Kinkita. When did you meet Kinkita
9 and where?

10 A. [10:53:47] Kinkita was at home. He had recently arrived and when I left he
11 stayed at home. He was living in my house.

12 Q. [10:54:12] Did you have the opportunity to discuss matters with Kinkita?
13 What was he doing at your house?

14 A. [10:54:22] Yes. When he arrived he had received a mission, he had to train
15 the signallers who were going to use the Manpacks, the FLC. I remember that at that
16 time he was ready to do it. There were troops that had been sent to be trained by
17 him to use those Manpacks. That was his mission, train personnel to use this
18 equipment to train the signallers. And that's why he was at my house.

19 Q. [10:55:18] Now, you've just mentioned that people had been selected to follow
20 training with Manpacks. To your knowledge, how many people, to the best of your
21 knowledge, how many people had been selected?

22 A. [10:55:44] I no longer remember how many trips were carried out to bring
23 these people, but I remember each trip brought six people and when that was finished,
24 other people would come. They could only receive six people maximum at a time.

25 Q. [10:56:09] Among the people undergoing training that you were able to see,

1 did you see children who didn't meet the criteria that you gave earlier in your
2 testimony regarding age?

3 A. [10:56:28] It wasn't possible to send children to be trained and use Manpacks.
4 That's a very important thing in the army. You have to have a certain intellectual
5 level and you have to be selected from a certain level. You can't give this
6 responsibility to a child. A child can't be the guarantor of confidential information in
7 the army. The person who is chosen is somebody who has to have had sixth year
8 secondary to university. That's the educational level that applied to everybody.

9 Q. [10:57:26] So we've just got a few minutes before the break, Mr Ntaganda.
10 I'm going back to Aru. Now, when did you meet Jérôme?

11 A. [10:57:41] That was in the evening, the evening of my arrival.

12 Q. [10:57:50] Could you tell us the circumstances in which Jérôme, who you
13 mentioned, you said he had left to supervise something, but could you tell us a bit
14 about the background to that, if you would be so kind.

15 A. [10:58:08] Well, the time was towards 1600 hours, 1700 hours.

16 Q. [10:58:21] What I'm interested in knowing, Mr Ntaganda, is in relation to your
17 arrival in Aru, you explained that you arrived in Aru, you met the sector commander.
18 How much time thereafter, was it the same day that you met Jérôme?

19 A. [10:58:42] We arrived in the afternoon. And sometime earlier I went to the
20 hotel. And Jérôme had arrived there. Jérôme arrived in the evening.

21 Q. [10:59:05] At that time had you had any type of meeting -- what did you
22 discuss with Jérôme during your first meeting?

23 A. [10:59:19] Well, it was the two of us, just the two of us, nobody else. It was
24 the first time that we met up. We were curious to know each other and I told him
25 that I was sorry because he had come from the war and I had come to visit him.

1 Now, he told me how the enemy had attacked him. And if we hadn't sent
2 reinforcements, they would have taken possession of Ariwara and Aru and that's
3 where his HQ was. So he very much appreciated the forces that we had sent by way
4 of reinforcement, and I told him that the next day I was going to meet the officers
5 working at his HQ, I was going to speak to them so that I could -- so that they could
6 get to know these officers, they could get to know me and I could give them the
7 message from the chief of general staff and I would also try to speak to them about
8 the FPLC ideology that we all had to carry out together. That was the objective of
9 our meeting.

10 Q. [11:00:40] Thank you.

11 MR BOURGON: [11:00:41] Mr President, I think the time is right for a break.

12 PRESIDING JUDGE FREMR: [11:00:45] Exactly, Mr Bourgon. I appreciate your
13 punctuality.

14 So we break now and we will resume after 30 minutes at half past 11.

15 THE COURT USHER: [11:00:57] All rise.

16 (Recess taken at 11.01 a.m.)

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

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

19 Please be seated.

20 PRESIDING JUDGE FREMR: [11:30:30] So I believe everybody is ready. Let's
21 directly continue with further part of examination-in-chief conducted by the Defence.
22 Mr Bourgon, you have the floor.

23 MR BOURGON: [11:30:56] (Interpretation) Thank you, Mr President.

24 Q. [11:31:01] Mr Ntaganda, we shall now talk about your mission to Aru.

25 I would like you to tell us first of all about -- now, did you in fact meet, as you said to

1 Jérôme, did you meet with his officers, and, if yes, when?

2 A. [11:31:31] I met all of them the next day at a meeting. I had discussions with
3 them. I remember that some UPDF officers were also present.

4 Q. [11:31:51] Where did that meeting take place?

5 A. [11:31:57] The meeting took place in Commander Jérôme's military camp, not
6 far away from the hotel where I was staying. It was a bit below the hotel.

7 Q. [11:32:24] Was Peter present?

8 A. [11:32:30] I don't remember.

9 Q. [11:32:34] Was Manu present?

10 A. [11:32:39] He was present.

11 Q. [11:32:45] How was Manu dressed?

12 A. [11:32:50] He was wearing a uniform. I had forgotten one small detail. I
13 told Jérôme that I had come along with Manu and that he needed to absorb him or
14 integrate him into his forces. And Jérôme told me that Manu had stolen a vehicle
15 from him. So I told him that he had to forget that incident because we were
16 henceforth all members of the same party, of a new party. So I discussed these
17 matters with Jérôme when I took Manu to Aru. During that meeting Manu was
18 already wearing the new FPLC uniform.

19 Q. [11:33:51] Did Jérôme explain to you how Manu got to steal his vehicle?

20 A. [11:34:10] Yes, he explained the circumstances to me. He said that when they
21 arrived in Aru, the headquarters from Beni had sent a vehicle to the sector
22 commander when they arrived in Aru. So Manu asked him to go somewhere and he
23 crossed the Ugandan border along with the vehicle, a brand new vehicle. I saw him
24 when I was dealing with the issue of President Toms's escorts. So Manu deserted,
25 taking the vehicle along with him. So I urged Jérôme to forget about that incident

1 and so he agreed to work with Manu.

2 Q. [11:35:01] Was Ali present at that meeting with the officers?

3 A. [11:35:11] No, he was not present.

4 Q. [11:35:18] How was Ali dressed during your stay in Aru?

5 A. [11:35:29] He was still wearing civilian clothing.

6 Q. [11:35:36] Why was Manu wearing the new FPLC uniform while Ali was in
7 civilian attire?

8 A. [11:35:57] Manu was a soldier belonging to a group, although at some point he
9 deserted. He was considered as a soldier who would answer orders from Jérôme.
10 But when it came to Ali Mbuyi, he had just arrived, he was not familiar with what
11 was going on there and he had not yet been absorbed or integrated.

12 Q. [11:36:26] How did the meeting with Jérôme's officers unfold?

13 A. [11:36:44] I think we were in a former military camp of Mobutu's army where
14 there were some buildings that had been built by the Belgians. It was a camp that
15 had been built for the Zairean armed forces. So we were in one of the buildings
16 which had a room and a -- and some chairs. I introduced myself, I was present there.
17 The sector was well organised because Jérôme had previously served as sector
18 commander in Watsa, so I introduced myself to them. Each person introduced
19 themselves and said what their duties were and then I spoke to them.
20 I told them that the commander-in-chief was Thomas Lubanga, the head of the UPC.
21 I said there was a chief of general staff who had worked with them, late Kisembo. I
22 talked about that. And then I went on to talk to them about our new ideology.
23 And there were some APC soldiers in attendance.

24 Q. [11:38:10] According to the French transcript page 39, line 19, this is what you
25 said: "There were some APC soldiers in attendance." Is that what you said?

1 A. [11:38:26] No. I said that I talked to them about our new ideology, a new
2 ideology that was different from the APC ideology, the previous APC ideology.

3 Q. [11:38:47] Let me hop back to that point again for clarification. Did you say
4 that there were APC soldiers at that meeting?

5 A. [11:38:55] No.

6 Q. [11:39:03] How many UPDF soldiers were present? Because you referred to
7 that fact a short while ago.

8 A. [11:39:24] I did not count them but there must have been five or six officers.

9 Q. [11:39:35] The sector commanders whom you met the day before, were they
10 present?

11 A. [11:39:51] No. He's the one who sent officers to attend the meeting. I had
12 requested that he should come and represent the others because, you see, it is not
13 good to hold a meeting in the absence of persons who may not be of the same views
14 as yourself. I wanted them to come so that they can be familiar with our ideology.

15 Q. [11:40:31] During your stay in Aru, did you have the opportunity to meet with
16 the sector commander again of the UPDF?

17 A. [11:40:44] Yes, I met him again, once. When the Cetraca plane was
18 transporting material for the APC combatants to kill members of the population, I
19 mentioned that in a report to the -- to President Thomas and so he said that we
20 needed to immobilise that plane. So I went to tell him that President Thomas had
21 decided that the plane be immobilised. That was the occasion on which I met him
22 for the second time.

23 Q. [11:41:43] You have talked about an aeroplane or a craft which was
24 transporting APC combatants to kill members of the population. Which craft are
25 you talking about here, Mr Ntaganda?

- 1 A. [11:42:04] It was an RCD-K/ML aeroplane which had landed in Aru.
- 2 Q. [11:42:18] Where did you see that aeroplane?
- 3 A. [11:42:30] At the Aru airport.
- 4 Q. [11:42:32] At what time or when?
- 5 A. [11:42:45] When we arrived, I saw the plane. It was parked right there in
- 6 front of us. I discreetly found out about it and then I submitted my report to
- 7 President Thomas. Then he said that this was the plane that was being used to
- 8 supply military materials to the APC combatants which they used to kill members of
- 9 the population. So the president decided that the plane must be grounded.
- 10 Q. [11:43:31] How did you make that report to the president?
- 11 A. [11:43:43] At that time Jérôme had a mobile phone. Aru is located at the
- 12 Ugandan border and Uganda had the MTN network, so I was able to use Jérôme's
- 13 telephone to speak with President Thomas.
- 14 Q. [11:44:07] What was your nature of your discussions with the sector
- 15 commander regarding that aircraft?
- 16 A. [11:44:32] I told him that I have received orders for the plane to be grounded at
- 17 the place. He did not say anything and he said that the matter was one that did not
- 18 concern him.
- 19 Q. [11:44:54] When you had those discussions with Jérôme and following your
- 20 meeting with the officers, did you obtain any information about the operational
- 21 situation in Aru?
- 22 A. [11:45:18] Yes. He told me that the enemy was strong and that some sick
- 23 people had been -- or some people had been attacked and that they were in the
- 24 hospital. So I asked him to go and visit the wounded persons, some of whom were
- 25 soldiers, and I went to visit them myself too.

1 Q. [11:45:52] What was the situation at that time? Were Jérôme's troops -- where
2 were they and what were they doing?

3 A. [11:46:10] The soldiers were chasing after the enemy and so I told him that in
4 the days to follow I was planning to visit the soldiers and that as leaders we had to be
5 close to the soldiers to show them our support during the fighting. That is a habit
6 that we need to have within the army. So thereafter I went to Kandoyi to visit with
7 the soldiers.

8 Q. [11:47:00] Going by the transcript, and I'm waiting for the French translation,
9 at page 42 at line 16, this is what is said: "Later I then went to camp D-O-J." Is that
10 something you said? Are those the words that you spoke?

11 A. [11:47:32] No. I did not say camp D-O-J.

12 Q. [11:47:38] What did you say?

13 A. [11:47:42] I said I believe that I subsequently went to visit the soldiers at the
14 battle front at Kandoyi.

15 Q. [11:48:02] Can you spell the word "Kandoyi"?

16 A. [11:48:09] Kilo, Alpha, November, Delta, Oscar, Yankee, India.

17 Q. [11:48:29] What was happening at Kandoyi at that time?

18 A. [11:48:47] There was fighting between the APC and the FPLC at that time.

19 Q. [11:48:56] Did Jérôme have forces involved elsewhere?

20 A. [11:49:14] It is at that time that late Kisembo had asked him to control Mahagi
21 territory, but there was also a force at Ariwara in addition to the force at Kandoyi.
22 So Jérôme had responsibility over three different camps.

23 Q. [11:49:44] On page 43, line 13 you said: "Jérôme had responsibility over three
24 different camps." Is that what you said?

25 A. [11:49:55] One force was deployed in three different areas.

1 Q. [11:50:05] Mr Ntaganda, do you remember an incident that took place early in
2 your travel?

3 A. [11:50:19] Yes. Before I went to Kandoyi there was an incident during which
4 a UPDF soldier went into a night club at night nearby the hotel where I was staying
5 and beat up his soldiers, his comrades, three UPDF soldiers, and then he fled. So
6 before going to Kandoyi there was an inquiry, so it took me a little time before I
7 continued on. That's the incident that happened.

8 Q. [11:51:07] How did you find out about that incident?

9 A. [11:51:16] The night club was not far from the place where I was staying, just
10 about 10 metres away from the hotel. From the hotel there was a compound. So it
11 was about 15 metres away from the hotel where I was staying. So I heard gunshots
12 and Ali Mbuyi was in that night club and he came to tell me about what had
13 happened. So my bodyguards helped those who were injured and then
14 subsequently the UPDF came to collect the wounded persons and to take them to the
15 area where their own commanders were located near the airport.

16 Q. [11:52:12] At page 43, line 26 you used the following word: "Near the hotel
17 where I used to stay, he struck or beat up three soldiers of the UPDF, three comrades,
18 and then fled." Is that the word you used?

19 A. [11:52:46] He opened fire on them. I think one of them -- somebody actually
20 died and three people were wounded.

21 Q. [11:53:02] What was your involvement in the follow-up to this event?

22 A. [11:53:15] We conducted a joint investigation to determine who had opened
23 fire and the finding was that it was one of the UPDF comrades who had shot at them.
24 I was not personally involved in the conduct of the investigation. I asked Jérôme to
25 follow up that matter closely to determine who had attacked those soldiers. The

1 UPDF itself announced that it was one of its own soldiers who had done so and that
2 the soldier had been arrested.

3 Q. [11:53:59] Did you go to the battlefield in Kandoyi, and, if yes, can you tell us
4 what happened?

5 A. [11:54:16] After that incident Jérôme found some vehicles. He made one
6 vehicle available to me and had one to himself. So we travelled in three vehicles
7 along with a number of bodyguards that made up part of the delegation. I then
8 went to Ariwara first of all to visit some soldiers who were in a camp there. Then we
9 used those vehicles again, but the roads were in a very poor state, so we only arrived
10 in Kandoyi at night and we spent the night in the camp there.

11 Q. [11:55:18] As far as you know, what is the distance between Aru and Ariwara,
12 to begin with?

13 A. [11:55:34] I did not measure the distance but it must have been around 20
14 kilometres.

15 Q. [11:55:48] As far as you know, what would be the distance between Ariwara
16 and Kandoyi?

17 A. [11:56:00] I can't provide you with a specific answer today, but it was a long
18 journey. We spent the night at the camp. The state of the road was rather poor and
19 it's -- it's difficult to measure the distance of a road which is in such a poor state. It's
20 easier when you're dealing with a good road. In any event, the distance was quite
21 long.

22 Q. [11:56:34] Do you remember who was driving what vehicle?

23 A. [11:56:50] I remember that my driver was Manu. I don't remember who
24 Jérôme's driver was, but it must have been his driver, and our bodyguards were
25 distributed in the various vehicles and then some bodyguards were in the third

1 vehicle. What I also remember is that Jérôme had two weapons with him which we
2 had sent when we sent troops to him, the recoilers and the grenade launcher. He
3 took them with him on that day to the battlefield at Kandoyi.

4 Q. [11:57:36] Was Peter present during that trip?

5 A. [11:57:45] No, I did not travel with Peter on that trip to Kandoyi.

6 Q. [11:57:51] Was Ali present?

7 A. [11:58:01] Yes, we went with Ali.

8 Q. [11:58:04] Tell us what happened when you arrived at Kandoyi. You have
9 already told us that you spent the night there, but what were your activities in
10 Kandoyi?

11 A. [11:58:19] We arrived at night, we spent the night, we slept, and
12 Commander Seyi was the one with the troops. But there were other soldiers at the
13 battlefield given that the enemy was not far from that location. So we spent the
14 night in a trench and the soldiers surrounded the trench. Seyi had gotten a manyata
15 for us where we spent the night with other soldiers.

16 Then the next day I had some discussions with the soldiers in relation to Seyi's
17 position. Then I tested the two weapons and then we left because, you see, the
18 enemy was not far away from that location. While I was testing the weapons, the
19 enemy started to fire in our direction.

20 Q. [11:59:38] How were Jérôme's soldiers dressed in Kandoyi?

21 A. [11:59:53] When Peter went there with the soldiers, he had provided them
22 with uniforms. All of them were wearing the FPLC uniforms. You see, it was not
23 possible to distinguish between the forces that were there previously and those who
24 were sent later. It was the uniform that you saw, the same uniform that we wore as
25 you saw on the video. I myself was not able to distinguish between the uniforms.

1 Q. [12:00:30] To the best of your memory, what was the morale of the troops in
2 Kandoyi?

3 A. [12:00:41] When we arrived they told us that since it had existed, they had
4 never seen a morale commander come and spend the night with the troops at the
5 front line. That was the first time that they had seen something like that. They had
6 high morale. They were shouting. And I said that we will always be with you
7 because the army is a family, and they said that every time that you're fighting and
8 the commander will be there -- because I'm going to show them the example, and the
9 troops are very happy, very happy with my arrival. They were really happy with
10 my arrival.

11 Q. [12:01:33] Did you have the opportunity to speak about your ideology with
12 these soldiers?

13 A. [12:01:48] Yes, that was the objective of my trip. That's why I went. I spoke
14 to them. I spoke to them about our ideology. And our objective was to make the
15 troops understand our ideology, and I asked the question if they had heard what had
16 happened in camp Ndromo and they said yes. And I discussed this with them as
17 I'm explaining it here. They were aware of everything.

18 Q. [12:02:31] How much time did you stay at Kandoyi?

19 A. [12:02:44] At that time we didn't spend a long time there because having
20 spoken to them -- because it was on the front line. When we left, some time
21 afterwards the clashes started.

22 I think that the clashes started at 11 because I spoke with the troops in the morning,
23 and we went there and we spoke and then we returned.

24 Q. [12:03:13] Mr Ntaganda, on page 47, and lines 9 and 10 in French, there's a
25 word that's missing, and here I'm going to read the sentence to you: "When we

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1 arrived they said that since that they, they had never seen a commander" -- there's a
2 word missing -- "come and spend the night with the troops".

3 Do you remember the word that you used in this sentence, "... never saw a
4 commander" -- blank -- "come and spend the night with the troops"?

5 A. [12:04:00] Yes. They said that since they were part of the army since the APC,
6 since they were fighting in Watsa, even there, they had never seen a high-ranking
7 commander such as myself come and spend the night with them on the front line,
8 because on that day I spent the night with these troops.

9 THE INTERPRETER: [12:04:35] Could the witness be asked to repeat the last part
10 of the answer, requests the Swahili booth.

11 PRESIDING JUDGE FREMR: [12:04:44] Mr Ntaganda, could you kindly repeat the
12 last part of your response because it hasn't been captured by the interpreters.

13 THE WITNESS: [12:05:03] (Interpretation) When I arrived there, the troops, their
14 morale was raised because they said that everywhere where they had been in the
15 army, they had never seen a high-ranking commander such as myself come and sleep
16 with the troops on the front line during the battle.

17 PRESIDING JUDGE FREMR: [12:05:38] Thank you.

18 MR BOURGON: [12:05:40] (Interpretation)

19 Q. [12:05:41] Mr Ntaganda, the weapons that you tried out, were they left there or
20 were they brought by Jérôme -- taken away by Jérôme?

21 A. [12:06:04] No. He entrusted this to -- entrusted them to Commander Seyi
22 who was there.

23 Q. [12:06:20] Do you know Commander Seyi?

24 A. [12:06:24] No. I got to know him later at Kandoyi, later when he was there
25 with his troops, and it was at that time that I got to know him. And I very much

1 appreciated him because he also spent the night with his troops on the front line. I
2 congratulated him and I said, "Really, you are brave."

3 Q. [12:06:48] Do you know the call sign of Seyi?

4 A. [12:07:02] Yes, he had the call sign Mike Kilo. Afterwards, when they arrived
5 in Mongbwalu, they changed it, or I gave him the call sign of Sierra Yankee, and
6 before he was called Mike Kilo.

7 Q. [12:07:24] Why did you change his call sign?

8 A. [12:07:35] When I arrived in Mongbwalu, from time to time I was forgetting to
9 call his call sign, so I said, "From now on, I'll give you a call sign that represents your
10 name, Sierra Yankee." For me, it's easy to remember it. From time to time, I forgot
11 his call sign Mike Kilo.

12 Q. [12:08:11] During this meeting with the troops, what was Ali's role?

13 A. [12:08:28] He had no role. He couldn't be left alone. This was somebody
14 who I knew. He was just there. He followed us.

15 Q. [12:08:43] Now, when you came back from Aru, what happened -- when you
16 came back to Aru, what happened?

17 A. [12:09:03] Yes, I asked Jérôme, I told him that I was leaving the place, that he
18 should appoint Manu in his brigade, and I think that President Thomas called me.
19 He called me on Jérôme's phone and he said Salumu was going to attack Mongbwalu
20 and he wasn't able to, and so I had to return quickly because they needed me quickly.
21 And I remember that Jérôme went to buy a camera, and that is what I did as by way
22 of activity when I arrived in Aru, and then I waited for my plane to go back to Bunia.

23 Q. [12:10:23] So let's start with the -- permit Manu to appoint Manu with his
24 brigade. Is that an order or a request?

25 A. [12:10:48] No. That was an order. In the army there aren't simple requests.

1 At that time Jérôme was part of the FPLC.

2 Q. [12:11:02] Then there was the question of the camera, the issue with the
3 camera. Now, you stated that Jérôme "went to buy me a camera". Now, under
4 what circumstances did that happen?

5 A. [12:11:37] He told me that there are cameras that are sold there, like a present,
6 and he said, "You're an authority. Every time you go around, you should always
7 have a camera to take pictures of the events", and he bought me this camera as a
8 present.

9 Q. [12:11:59] At what time did that happen?

10 A. [12:12:04] When we left Kandoyi. I was on standby waiting to return to
11 Bunia.

12 Q. [12:12:23] But let's talk about Thomas Lubanga's call. Can you tell us where,
13 how that happened, what happened?

14 A. [12:12:35] Yes. That took place when I arrived in Aru. I had spent a night
15 there. Jérôme's telephone rang, saying that the president wanted to speak to me. I
16 spoke to him. And the president told me that I had to prepare because the plane
17 could come at any time, and I had to quickly return because Salumu had tried to free
18 Mongbwalu but hadn't been able to.

19 Q. [12:13:21] What information did you have at the time that you left in order to
20 go to Aru concerning a possible attack by the FPLC on Mongbwalu?

21 A. [12:13:38] I'm following the interpretation. You talk about the attack on Aru.
22 Did you speak about Aru?

23 Q. [12:14:11] I'm going to put my question again. So you were speaking about
24 information that you got from Thomas Lubanga concerning Salumu and Mongbwalu.
25 Did you have -- what information did you have before this call concerning the

1 situation in Mongbwalu?

2 A. [12:14:43] Nothing at all. You know, I left Bunia when this force still didn't
3 have a commander, so I had no news where it concerned Mongbwalu.

4 Q. [12:14:56] Before leaving did you know who was going to have command of
5 that force?

6 A. [12:15:09] Not at all. I didn't know.

7 Q. [12:15:20] How many days in total did you stay in Aru for? An estimate.

8 A. [12:15:31] Two weeks. I think I spent two weeks there. If we're talking
9 about the time that I arrived to the time I left, I think it was two weeks.

10 Q. [12:15:51] Did Thomas Lubanga give you any clarifications as to the reasons
11 why he wished that you would return to Bunia, what mission he was going to entrust
12 you with?

13 A. [12:16:15] Yes. He told me that I had to quickly return because I was the
14 person who was going to free that place because Salumu hadn't been able to do it.
15 And so on returning, I knew that he was on mission, and at that time I didn't even
16 know where Mongbwalu was on the map. I hadn't even been there before.

17 Q. [12:16:51] How many days after the call did you return to Bunia?

18 A. [12:17:15] I waited for the plane for three or four days, the plane arrived and
19 then I left.

20 Q. [12:17:24] Did you speak to or have other meetings with Jérôme or other
21 officers before your departure for Aru?

22 A. [12:17:44] Not at all. I was on standby. I thought that the plane could arrive
23 at any moment, so I was waiting for the plane, but it didn't come. I was on standby
24 every day. I was ready to travel.

25 Q. [12:18:03] Who did you return to Bunia with?

1 A. [12:18:08] I returned with my bodyguard as well as Ali, as I remember.

2 That's it.

3 Q. [12:18:24] How many bodyguards were there, if you remember?

4 A. [12:18:33] I no longer remember how many there were.

5 Q. [12:18:40] When you were going to land in Bunia, could you describe your
6 activities when you arrived?

7 A. [12:18:56] We went to my home. I got ready. I prepared myself for a time
8 and afterwards I went to see Kisémbó. That was the first thing that I did.

9 Q. [12:19:27] What was the nature of your meeting with Kisémbó?

10 A. [12:19:41] I reported to him on Aru. I spoke about my trip. He also spoke
11 about different changes that there had been in my absence.

12 Q. [12:20:03] Did the matter of this meeting come up in terms of the call that you
13 received from Thomas Lubanga?

14 A. [12:20:16] Yes. At that time we didn't have telephones and I told him that
15 I had received this call and he confirmed it, he said yes. He told me to set up a
16 Mandro brigade, *and I put that Brigade under the command of Salumu. And I
17 released Kasangaki and Pigwa, because I had arrested them in September and he said
18 that the time that they had spent in detention was sufficient. Pigwa was S2, Kasangaki
19 S3, *he left a part in Mandro to protect this part, and he sent this force to Mongbwalu.
20 He also put together another force in Bunia, Kasenyi and in the surrounding areas
21 and he entrusted these troops to the command of Tcahligonza as brigade commander.
22 And he said that he wasn't fit to participate, given his wound to his leg, and he said,
23 "You will go to Mongbwalu and you're going to walk on foot because there is no
24 means of taking a vehicle there, and I'm injured and as such you will go to
25 Mongbwalu in order to free that town." And that is the content of the meeting that I

1 had with him.

2 Q. [12:21:59] Let's start with the last part of your answer, Mongbwalu. So what
3 information did Kisémbó give you concerning the attempt of Salumu?

4 A. [12:22:27] Yes, he said that Salumu had entered, he attacked, but he wasn't
5 able to score a victory because he didn't have enough ammunition and he returned in
6 order to request ammunition. And the troops who were going to use the heavy
7 weapons, the troops who had followed training in heavy weapons, he had these
8 troops and he said that he had attempted to carry out an attack but he hadn't been
9 able to due to a lack of ammunition.

10 Q. [12:23:20] Did Kisémbó tell you who should command the next attack?

11 A. [12:23:35] Well, he gave me the order to do so. He told me that, "You will
12 have to prepare in order to attack and free Mongbwalu. You have to drive out the
13 APC." And I told him that it would be better -- well, I wanted to put the question to
14 Jérôme as to where his forces were because he too -- well, I could also use his brigade,
15 Jérôme's brigade. And he said, "No, that's a very good idea", because he thought
16 that the people who were fighting on that road there could go to Mongbwalu, and he
17 gave me an order, the command power, command authority. And he said, "Go and
18 see that with -- go and see President Toms, see if there's anything he wants to add."
19 And I told him that I came with Ali, and he said yes, he was aware of that. And
20 even his colleague with whom he had come was deceased, and that's what he
21 said -- what was said to Kisémbó.

22 Q. [12:24:58] Mr Ntaganda, now, you told us at the start of your testimony that
23 you were the 2IC of Kisémbó or the chief of general staff -- deputy chief of general
24 staff. Kisémbó's words on that day, did they change your authority concerning the
25 attack on Mongbwalu?

1 A. [12:25:24] Yes. It changed everything automatically. You know, a
2 commander, a deputy commander, and the commander is part of the general staff.
3 Now, at that moment he gave me an order. He gave me the command baton in
4 order to command all these forces. He entrusted me with these forces, he put these
5 forces under my command. Everything changed necessarily.

6 Q. [12:26:07] So the idea there you mentioned, and I think the idea of using the
7 brigade of Jérôme, Jérôme's brigade, can you give us more details about that? Who
8 had that idea? How did the discussions go between you and Kisembo?

9 A. [12:26:37] I gave him that idea. Because I had just visited Jérôme and I
10 noticed that the attack that Jérôme was suffering came from Mongbwalu road, the
11 enemy was in Mongbwalu, and so I thought that it would be better if Jérôme found
12 peace, and in order for that to happen, the enemy in Mongbwalu had to be defeated.
13 And that's the reason why I wanted to use Jérôme's troops, so that Jérôme would be
14 able to live in peace. And Kisembo was in agreement with this idea. He said, "I'm
15 in agreement with you using Jérôme's forces because I know that if you drive out the
16 enemy from Mongbwalu, then Jérôme will be able to live in peace from now on."

17 Q. [12:27:33] Did you have an idea at the time of this conversation where Jérôme's
18 brigade was? Was it at Kandoyi?

19 A. [12:27:45] I had no information because I didn't know that region, but
20 afterwards when I discussed that with President Toms, he gave me the Thuraya
21 phone. I called Jérôme to put the question to him and asked for the position of his
22 force.

23 Q. [12:28:12] So now we're going back here to this conversation with Jérôme.
24 Now, for the moment I would like to go back to the last detail that you mentioned in
25 your conversation with Kisembo. Now, you spoke about Ali. Who said what on

1 the subject of Ali during that conversation, if you remember?

2 A. [12:28:40] *I was the one who said to Kisembo that Ali had arrived because I had
3 already proposed him, when Idriss was arrested I had made a proposal saying that
4 he would be a good candidate as G2, and he said to me bring him and I want to see
5 him and get to know him and when he went to visit President Toms, I gave him the
6 information and he told me, "No, no, you have to bring him here. I want to present
7 my condolences because his friend has been killed." And I said, "Yes, he's going to
8 come because he's at my home."

9 Q. [12:29:40] Now, concerning this friend that died, how did you learn that?

10 A. [12:29:58] When we arrived in Bunia, this news was known by all the FPLC
11 officers. If there is a commander who dies on the battlefield on the front line, that is
12 known. And he arrived in Bunia and he didn't stay there. He went directly to go
13 and fight on the front, and that's where he died; he died on the front.

14 Q. [12:30:26] After your meeting with Kisembo, what did you do?

15 A. [12:30:41] I met President Toms and we spoke. He told me, "Perhaps you've
16 received instructions from your superiors but I am asking you to see the situation of
17 the inhabitants of Mongbwalu. There's a situation which is disastrous. Now, if
18 they are not -- if they're -- what we have to do is to -- we have to see how Mongbwalu
19 can be liberated. That would be good for the name of the UPC." And he said that
20 that was a region which was inhabited by a large number of the population but who
21 were living in conditions that were deplorable. And he told me, "If you manage to
22 free the people from the oppression, then that will really be -- bring credit to the name
23 of the UPC." And I said, "I will execute that order, Mr President."

24 Q. [12:32:03] Did President Lubanga give you any operational instructions and, if
25 yes, which ones?

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1 A. [12:32:12] All he asked me to do was to liberate the oppressed population who
2 were living in a deplorable situation. He told me that the people of that region were
3 living through an inhumane situation. Then he told me that if we were able to take
4 control of the airport in that area, people will no longer be in danger. That's what he
5 told me.

6 Q. [12:32:54] From your point of view, did the Mongbwalu airport have any
7 specific military importance?

8 A. [12:33:12] Yes. If you intend to fight in an area where there is an airstrip, that
9 would be the first place you want to take control of if you want your operations to
10 unfold properly.

11 Q. [12:33:40] After leaving President Lubanga, do you remember what happened
12 thereafter?

13 A. [12:33:57] I took Ali to Kisembo. He greeted him. I introduced him to the
14 president and then we went back home, where he spent the night. And then he
15 asked for permission to go and give a message to his family. That message needed
16 to be given to someone who was travelling to Rwanda and the idea was to
17 inform -- to be informed of the death of his friend Nicolas. And I think that the
18 president made available a crate of beer for the funeral --

19 THE INTERPRETER: [12:34:54] Rather, he gave money to be used for the funeral,
20 the interpreter corrects.

21 THE WITNESS: [12:35:03] (Interpretation) -- as well as for transportation.

22 MR BOURGON: [12:35:08] (Interpretation)

23 Q. [12:35:09] Mr Ntaganda, I just want to be sure that I have understood
24 everything properly since the interpreter has made a correction.

25 Now, at page 59, lines 1 and 2, you said, "I think that the president made available a

1 crate of beer for the funeral." Is that what you said?

2 A. [12:35:35] I have just read that in the transcript myself but I did not say so. I
3 said that he gave him money for the funeral of his friend who had died. I didn't talk
4 about beer.

5 THE INTERPRETER: [12:35:51] Message from the interpreter: There was a
6 subsequent correction by the interpreter.

7 MR BOURGON: [12:35:56] (Interpretation)

8 Q. [12:35:57] Mr Ntaganda, I would like to delve into further details as far as you
9 can recall. Now, first of all, you said that you met Kisembo and the president. My
10 first question is: Was Ali present during those two meetings?

11 A. [12:36:19] He had remained at home.

12 Q. [12:36:21] Second question: You said that there was a call to Jérôme. When
13 was that call made and how?

14 A. [12:36:42] When the command of the Mongbwalu operation was committed to
15 him and after Kisembo gave me the two forces to be involved in the operation, I
16 called Commander Jérôme to tell him that I had been given instructions to go and
17 liberate Mongbwalu. I asked him to give me the positions of his forces because they
18 needed to be involved in the liberation of Mongbwalu as well. He told me that upon
19 discussions with his forces, they had been located at Ndama, and then he said he was
20 going to contact them again to find out exactly where they were positioned and then
21 that he would revert to me with the information as to the exact location.

22 Q. [12:37:35] At that time, Mr Ntaganda, following your conversation with
23 Jérôme, was that a request for his brigade to participate or was it an order?

24 A. [12:37:58] It was an order. I did not say that I was asking him to have his
25 forces participate in the operation. It was in fact an order.

1 Q. [12:38:18] How did you call Jérôme? Because I don't know whether you
2 answered the question as to what time or as to when you called Jérôme.

3 I'm sorry. I think there is already an answer on the transcript to that question. But
4 now let's move on. How did Ali, who had remained with you, meet with Kisembo?
5 At what time did that meeting which we talked about with Kisembo and Ali take
6 place?

7 A. [12:39:14] After I had received the command order and I was asked to take
8 him to the meeting, I took him to Kisembo. Later on he also went to see
9 President Thomas while I returned to the house when they were having their
10 discussions. I was no longer with them.

11 Q. [12:39:47] Can you talk to us about the meeting with Kisembo. How did it
12 happen? How did that meeting between Kisembo, Ali and yourself unfold?

13 A. [12:40:06] Kisembo said that he wanted to meet him. I had talked to him
14 about Ali and so Kisembo said to him, "I have learnt that you were in the office
15 number 2", and so he said, "If I were to appoint you to that office, I would expect that
16 you would make sure that discipline is enforced within our forces." And then they
17 went on to talk about a number of other things, and thereafter we went to see the
18 president.

19 Q. [12:40:48] Since you were not present at the meeting between Ali and the
20 president, do you remember whether they spent a lot of time together?

21 A. [12:41:05] No, he did not spend much time there. He left rather quickly.

22 Q. [12:41:15] At the end of the meeting between Ali and the president, when did
23 you see Ali thereafter?

24 A. [12:41:31] When I got to the house, I sent my driver to bring him back after the
25 meeting. So after I left the president's residence, I went back to my house and then

1 he came a few minutes thereafter. He told me that the president had extended
2 condolences to him relating to the death of his friend and that the president had given
3 him money to organise a funeral for his -- the funeral of his friend.

4 Q. [12:42:06] At what time was Ali expected to leave Bunia to attend his friend's
5 funeral?

6 A. [12:42:24] He had to leave the next day.

7 Q. [12:42:34] Do you remember the events that happened the next day?

8 A. [12:42:46] The next day visibility was poor and that is why the plane did not
9 come. And then the enemy attacked Mudzipela from Lipri. I went with Ali to
10 intervene in the evening; we went in the evening around 5 p.m.

11 Q. [12:43:16] On what flight was Ali supposed to leave?

12 A. [12:43:29] There were commercial flights between Goma and Bunia and he was
13 expected to travel by one of such flights all the way to Goma and then travel by road
14 to Rwanda, where Nicolas's family was based.

15 Q. [12:43:54] Was Ali supposed to travel in the company of any FPLC member?

16 A. [12:44:05] Yes. Jacques was supposed to travel with him. Jacques had been
17 slightly injured and so he too needed to receive treatment in Goma. So when we
18 arrived at the airport, there was no plane. So we went back home, and that evening
19 Mudzipela was again attacked.

20 Q. [12:44:41] How did you find out that Mudzipela had come under attack?

21 A. [12:45:01] When we arrived at the city centre in Bunia, and before getting to
22 my home, the chief escort who was at the bridge on the way to Mudzipela asked for
23 reinforcement by radio because that bridge was on the road to Mudzipela.

24 Q. [12:45:38] Mr Ntaganda, can you tell us what you did then and with whom?

25 A. [12:45:47] Yes. We intervened, we blocked off the enemy who wanted to

1 cross over the bridge, and so we held that position throughout the night. Soldiers
2 spent the night on the bridge while we spent the night at Mama Lotsove's place, and
3 then the next day we attacked the enemy. And so we spent the whole day at that
4 location and then went back in the evening. That was the second day. So we spent
5 the night at that location. The next day we remained at Mwanga until evening,
6 when we came back.

7 Q. [12:46:48] Question number one: Mr Ntaganda, when you say "we", who are
8 you referring to in relation to those events?

9 A. [12:46:56] It is myself, Ali, my company, the company that was with me in
10 Bunia and the company that was positioned in Mudzipela. So we are the ones who
11 chased off the enemy.

12 Q. [12:47:19] Was Ali armed?

13 A. [12:47:29] He was in civilian attire. However, at some point one soldier was
14 shot and Ali was -- and Ali recovered his weapon. At that time he had not yet been
15 given a military uniform. He simply was accompanying me at that time.

16 Q. [12:48:06] Was there any fighting between the time you left Bunia all the way
17 to the bridge and then in the other areas where you went? Was there any combat
18 and, if yes, where?

19 A. [12:48:23] There was fighting on the bridge on the road to Mudzipela. There
20 is a stream that separates Mudzipela from Mwanga and there was a bridge at that
21 level.

22 Q. [12:48:41] At what time did that fighting take place?

23 A. [12:48:45] It was around 17 -- it was around 17 hours, 5 p.m. We took up
24 position on the side of Mama Adèle, but we did not spend time there as such because
25 we wanted to be able to see the enemy when they attacked in the morning, and that's

1 why we did not go back to Bunia.

2 Q. [12:49:21] Where is Mama Adèle's house located specifically?

3 A. [12:49:34] It is in Mudzipela neighbourhood, in the centre of Mudzipela.

4 When you leave the bridge, it is one of the first houses that you see in Mudzipela
5 neighbourhood. That's where the house was located at the time. I don't know
6 whether it is still there.

7 Q. [12:49:59] Who spent the night in the house with Mama Lotsove apart from
8 yourself? Were there any other persons who spent the night there?

9 A. [12:50:19] Her brother was also there, but I forget his name. He was as old as
10 Ali. Mama Adèle herself was there. So those are the people who were there. We
11 were asked to spend the night there and I told her that the soldier does not sleep.
12 We were at the battlefield and therefore we just sat on benches and then very early in
13 the morning we returned to the battlefield.

14 Q. [12:50:57] In the morning when you returned to the battlefield, what
15 happened?

16 A. [12:51:09] We chased off the enemy, who fled because the enemy realised that
17 our tactics were much more advanced than theirs. So we chased them all the way to
18 Mwanga. Ali and myself, we chased the enemy to a location called Ngongo, which
19 is a neighbourhood occupied by the Bira. As for the other company that was in
20 Mudzipela, it went and burnt down a military camp which was located in --

21 THE INTERPRETER: [12:51:53] The interpreters request that the witness repeat the
22 name of the military camp which was burned because the Swahili booth did not get
23 the name of the camp which was burned.

24 MR BOURGON: [12:52:07]

25 Q. (No interpretation)

1 A. [12:52:21] It was a military camp belonging to the APC in Mwanga, located
2 behind the Mwanga centre.

3 Q. [12:52:36] Which of the two companies were you with?

4 A. [12:52:50] I was with my company, the company that was at the FPLC
5 headquarters with me. That is the company with which I was. It is the company
6 that was deployed in Mudzipela which attacked that military camp and burnt it
7 down.

8 Q. [12:53:09] Mr Ntaganda, the houses in the area where the APC military camp
9 was located, did they belong -- which ethnic population occupied those houses, if you
10 are aware of it?

11 A. [12:53:26] The houses belonged to people of the Bira ethnic group. That
12 centre was entirely inhabited by the Biras.

13 Q. [12:53:35] Were there any civilians in the area when the camp was burnt down
14 and when that operation was carried out?

15 A. [12:53:50] Whenever fighting occurred, civilians would flee to the bush to seek
16 refuge. So at that time there were no people living there.

17 Q. [12:54:07] Did you suffer any losses during that operation?

18 A. [12:54:13] Only one soldier was injured, but on the APC side we saw a number
19 of bodies, but I don't know how many people died as the APC troops fled away from
20 us.

21 Q. [12:54:44] Did you see any people of the APC do anything with any of the
22 bodies?

23 A. [12:54:55] No, no.

24 Q. [12:55:05] After that operation, when you returned, did the two companies
25 return to Bunia?

1 A. [12:55:21] The Mudzipela company remained at its position near the bridge
2 where I had left them during the first attack on Mudzipela. As for my company, it
3 went back to the FPLC headquarters in Bunia.

4 Q. [12:55:45] Around what time did you return on that day, if you remember,
5 approximately?

6 A. [12:55:53] When we returned, there were civilians near the Mudzipela parish.
7 It was in the evening, in the evening, around 4 p.m. or 5 p.m.

8 Q. [12:56:27] Upon your return to Bunia, do you remember the events that
9 happened in the days following the Mudzipela events? Where were you and what
10 did you do?

11 A. [12:56:46] Ali and Jacques left by plane. They travelled by plane. I
12 accompanied them to the Bunia airport.

13 Q. [12:57:06] Did you engage in any other activities at that time?

14 A. [12:57:13] Yes. I went to Kisembo's and he made available to me his vehicle
15 so that I could take it to the garage since the roads were in a very poor state. I
16 remember going to his house and then once there, I sent a message which was entered
17 into the logbook.

18 Q. [12:57:54] Did Kisembo give you any information at that time about what was
19 happening in the Mongbwalu operation?

20 A. [12:58:06] Yes. Yes. He told me that Salumu had provided sufficient
21 ammunition to Seyi, who, by the way, had run out of ammunition. So when I
22 arrived at my place, I saw that the message had been entered into the logbook.

23 Q. [12:58:40] The message -- not the one you have just referred to, but the one you
24 said you had sent which was entered into the logbook, which message were you
25 referring to in that segment?

1 A. [12:58:54] It was a command message whereby I had received an order to
2 liberate Mongbwalu. So I wrote to Commander Salumu and Seyi asking them to
3 advance towards the target. I do remember that message very clearly. That's the
4 message that I sent.

5 Q. [12:59:27] Thank you, Mr Ntaganda.

6 MR BOURGON: [12:59:28] Mr President, I think the time is right for the lunch
7 break.

8 PRESIDING JUDGE FREMR: [12:59:34] Yes. We take now our regular lunch
9 break for 90 minutes, which means that we will reconvene at half past 2.

10 THE COURT USHER: [12:59:45] All rise.

11 (Recess taken at 12.59 p.m.)

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

13 THE COURT USHER: [14:31:13] All rise.

14 Please be seated.

15 PRESIDING JUDGE FREMR: [14:31:45] Good morning, everybody. Before we
16 continue, I guess I see some slight change in appearances as concerns legal
17 representative, otherwise the appearances seems to me the same.

18 So Ms Grabowski, please, for the record.

19 MS GRABOWSKI: [14:32:03] Good afternoon, your Honours. I have been joined by
20 Negosava Smiljanic, our case manager, and Mr Suprun has left the courtroom.

21 PRESIDING JUDGE FREMR: [14:32:13] Thank you, Ms Grabowski. Otherwise we
22 can continue with examination-in-chief of Mr Ntaganda conducted by Defence lead
23 counsel Mr Bourgon.

24 Mr Bourgon, floor is yours.

25 MR BOURGON: [14:32:29] Thank you, Mr President.

1 Mr President, I did -- (Interpretation) Thank you very much your Honour
2 (Overlapping speakers) -- meet with Mr Ntaganda just over the lunch break just to
3 ask him how he was feeling and whether he was, he felt in good physical shape to
4 continue. He assures me that he is, so I guess we will continue. However, I will
5 start with some questioning on these logs and at some point in time I think we will
6 get very close to the four-hour deadline for each day and I may ask the Chamber to
7 stop at that time, depending on where we are, so that I don't divide a line of
8 questioning in two parts.

9 PRESIDING JUDGE FREMR: [14:33:19] All right. But, Mr Bourgon, I thought that
10 this four-hour limit which we, in fact, the Chamber is ready to respect, was for your
11 client, but now it seems to me that it is for you, no? Because as you said, and
12 the Chamber appreciate that Mr Ntaganda was able, even several times, to overcome
13 that four hours limit; I think yesterday it was 4.30, the same with day before yesterday.
14 So we appreciate it. And so we also, according our lay observation, Mr Ntaganda
15 looks strong and stoic enough to continue. So I don't want to -- we are ready to
16 respect this limit, but if Mr Ntaganda would be able to continue at least 15, 20 minutes
17 further, then I don't see reason why to limit him and to say "go home".

18 MR BOURGON: [14:34:12] I'm totally in your hand, Mr President, and we will
19 continue. I was just -- and at some point in time we will get into an argument that
20 will be split between -- over a weekend, and it would be much better to do it into one
21 block. But I will just continue and abide by the Chamber's instructions.

22 PRESIDING JUDGE FREMR: [14:34:28] All right. No, no, we see the point, so I
23 think if you, after four-hour limit, will see that it is the right point to break we will
24 break. So please proceed.

25 MR BOURGON: [14:34:47] (Interpretation)

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1 Q. [14:34:50] Good afternoon, Mr Ntaganda.

2 A. [14:34:54] Good afternoon.

3 Q. [14:34:55] How do you feel?

4 A. [14:35:00] I'm well. There's no problem.

5 Q. [14:35:04] So we're now going on to a subject which follows the preceding
6 questions that I put to you. Now, you stated that you had logbooks. I would like to
7 show you a document and ask you questions about a document. The document that
8 I am going to present to you, and here I will ask the assistance of the court officer in
9 order to give you a paper copy thereof, this is the document with the number
10 DRC-OTP-0017-0003. The translation -- (Speaks English) It is not Mr Ntaganda who
11 is tired, it's me.

12 The number I just provided is not the right number. The right number is
13 DRC-D18-0001-5683 and this document can be found in tab 1 of the binder that was
14 distributed to everyone in the courtroom. The translation of this document bears the
15 number DRC-D18-0001-5718. The reason, Mr President, that I would like
16 Mr Ntaganda to receive a full copy is that it is a multi-page document and the way it
17 appears under this exhibit number, which is a Defence exhibit number, is the exact
18 same way in which it can be found in the vault where the exhibits are kept. And
19 that's the questioning I would like to put to Mr Ntaganda in this respect.

20 PRESIDING JUDGE FREMR: [14:37:27] Understandable. Fine with us.

21 MR BOURGON: [14:37:49] (Interpretation)

22 Q. [14:37:50] Mr Ntaganda, do you have the document in your hands?

23 A. [14:37:58] Yes, I do.

24 Q. [14:38:00] Do you recognise this document?

25 A. [14:38:06] Yes, I recognise it.

1 Q. [14:38:11] So my colleague from the Prosecution received the same document as
2 you. This is a document, if you look, Mr Ntaganda, on the first page, on the first
3 page of the document, at the bottom of the page, you should be able to see the
4 number DRC-D18-0001-5683. Is that the case?

5 A. [14:38:45] Yes. That's correct.

6 Q. [14:38:49] Now, if you turn the document and you go right to the end of the
7 document, indeed the last page, the back page of the last page. Now, you should see
8 number DRC-D18-0001-5712. Is that the case?

9 A. [14:39:19] Yes, that is the case.

10 Q. [14:39:26] Do you recognise this document, Mr Ntaganda?

11 A. [14:39:34] Yes, I recognise it.

12 Q. [14:39:36] What is it?

13 A. [14:39:40] It is a logbook. At the moment I have this document but I don't
14 understand how it's here. This was a logbook in which we wrote messages,
15 messages that were received, the messages received by my signaller.

16 Q. [14:40:12] Mr Ntaganda, on the first page of the document, every time I give you
17 a page number I will refer to the number at the bottom of the page, which is the
18 D18-0001 and I am quite simply going to give you the four last figures. And I'm
19 looking at page 5683. There I would like to draw your attention at the top of the
20 page to figures that are indicated there. What are those figures?

21 A. [14:40:55] Yes, these figures indicate the date on which it was written, or taken
22 down, the hour, and the minutes.

23 Q. [14:41:16] Which people could write in this document, Mr Ntaganda?

24 A. [14:41:27] The signallers could write the messages. I too, I could also write my
25 messages.

1 Q. [14:41:44] I would ask you once again to turn the document without changing
2 the order and look at page 5712.

3 Are you there?

4 A. [14:42:22] Yes.

5 Q. [14:42:25] Do you recognise the handwriting on this page?

6 A. [14:42:37] It's my handwriting. And there are also other letters written by the
7 signaller.

8 Q. [14:42:54] If I go to the top of the document you will see figures which according
9 to you would be a date and an hour. Could you tell us about that.

10 A. [14:43:13] That's what's written by the signaller indicating the date and the time.
11 The exact date and time.

12 Q. [14:43:26] What's the time that we find there, and date?

13 A. [14:43:39] The 27th at 11.15.

14 Q. [14:43:44] And which month?

15 A. [14:43:47] November 2002.

16 Q. [14:43:59] Do you remember where you were on 27 November 2002 at 11.15?

17 A. [14:44:14] I was in Mongbwalu on that date.

18 Q. [14:44:18] And what place in Mongbwalu?

19 A. [14:44:29] I was at the apartment. I was with Kisembo and a delegation of
20 journalists who were already there for a visit to Mongbwalu.

21 Q. [14:44:46] Was your signaller there with you in Mongbwalu?

22 A. [14:44:51] Yes, he was with me. You can look at the message and see that he
23 was with me.

24 Q. [14:45:08] Mr Ntaganda, I am going to go back to the first page of the document,
25 if you could turn back. Do you remember having worked with this document in

1 preparing your testimony?

2 A. [14:45:37] Yes, I worked with this logbook.

3 Q. [14:45:41] And when you looked at the logbook, did you see anything in
4 particular that drew your attention?

5 A. [14:45:59] Yes, when I looked at each page in the document I saw that the pages
6 didn't follow in a chronological way, if you look at the dates and the time. I myself
7 arranged it in a chronological way.

8 Q. [14:46:22] On what basis did you reorganise the documents in a chronological
9 manner?

10 A. [14:46:31] I started with the date at the bottom. And then I referred to the time
11 that was written there and you can see that there's an arrow, an arrow that indicates
12 what follows. So I started with the oldest date to the newest date. That's what
13 helped me when it came to the dates and also to the time.

14 Q. [14:47:14] Mr Ntaganda, I'm now going to show a new document, if you would
15 be so kind, if you would put this aside. And with the permission of the Chamber I am
16 going to show a new document. (Speaks English)

17 Mr President, I did speak to my colleague beforehand and the document I wish to
18 show Mr Ntaganda is the exact same document but with the pages rearranged in the
19 order in which he believes they should appear. And my colleague agreed that we
20 could proceed this way and move on from there. This document can be found in tab
21 3 of everyone's binder and the corresponding number of the original document is
22 DRC-D18-0001-5748, and the translation of this document is DRC-D18-0001-5778.

23 PRESIDING JUDGE FREMR: [14:48:34] Ms Samson, can you confirm?

24 MS SAMSON: [14:48:35] Yes, Mr President, I confirm that I understand that the
25 witness has reorganised the pages in the manner that he believes is accurate.

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1 The Prosecution does not concede that the order that the witness is presenting is the
2 order in which the messages appear, because some of the messages are not dated. So
3 with that caveat, I understand what the procedure is and we have no objection to
4 proceeding in this way.

5 PRESIDING JUDGE FREMR: [14:49:06] Understood. And on behalf of the
6 Chamber I think we appreciate this working style which obviously facilitate even role
7 of the Chamber.

8 Please proceed, Mr Bourgon.

9 MR BOURGON: [14:49:20] Thank you, Mr President.

10 Q. [14:49:22] (Interpretation) Mr Ntaganda, you have the new document before
11 you?

12 A. [14:49:34] Yes.

13 Q. [14:49:36] I would now like you to take some time to go page by page through
14 and tell me if these pages appear in the order in which you rearranged them.

15 A. [14:50:26] Yes, yes, that's how I arranged it. These are indeed the documents.

16 Q. [14:50:37] For the record I note that the document presently in possession of
17 Mr Ntaganda on the first page has the number DRC-D18-0001-5748. And the last
18 page of the document has the number DRC-D18-0001-5777.

19 Mr Ntaganda, I have a few questions to put to you about the first page of this
20 document. If you would be so kind I would like to have the translation shown on
21 the screen and I will give you the number of the translation. It's
22 DRC-D18-0001-5778.

23 This document on our item list has the number 837.

24 Mr Ntaganda, do you see the first page of this document?

25 THE COURT OFFICER: [14:52:28] The document is not yet under eCourt but we

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1 received a courtesy copy that is currently being published on the evidence 1 channel.

2 MR BOURGON: [14:53:03] (Interpretation) Thank you.

3 Q. [14:53:08] Mr Ntaganda, at the top of the page I would like to know if you could
4 tell us the time and date?

5 A. [14:53:24] You can take the reference, your Honour. That's the
6 document -- I'm sorry, could you ask the reference again. Is this the document that I
7 have got in front of me or is it a different document?

8 Q. [14:53:39] It's a document that you've got with you in paper, but the second one,
9 not the first one. The first one, that's something you can put aside.

10 A. [14:53:50] Yes. The date is the 19th, 7.30.

11 Q. [14:54:18] What can you tell us concerning the information that appears in the
12 first entry on this page?

13 A. [14:54:35] Yes, this is a message from Commander Salumu, Sierra Alpha,
14 indicating that he has sent 79 soldiers to Damas, they're going to continue to work
15 until they reach that place. I don't have to read the whole message, or?

16 Q. [14:55:13] Well, rather than reading it I would like you to just read it to yourself
17 and then you can explain to us if you understand the information contained therein.

18 A. [14:55:27] Yes, that's what I'm telling you. The Commander Salumu sent
19 ammunition in order to help Commander Seyi. This message therefore speaks that,
20 indicating the time and date.

21 Q. [14:55:55] So at the start of this entry when it states that they will continue to
22 work until they reach the objective, do you remember what the objective in question
23 was?

24 A. [14:56:18] Yes. There were preparations to go to Mongbwalu. That was the
25 objective of this message or the subject of this message.

1 Q. [14:56:34] Now, in the second part of the message it's written "And I'm
2 organising for them to leave and arrive at Pili-Pili, and it's from there that we will take
3 up a position at more or less than 10 kilometres from the objective." What exactly
4 does this information mean?

5 A. [14:56:56] From Pili-Pili to Mongbwalu it's 10 kilometres.

6 Q. [14:57:07] Commander Salumu, could you tell us what his role was in the
7 operations in Mongbwalu?

8 A. [14:57:19] He was a brigade commander. It was his brigade that had been
9 defeated the first time when they tried to liberate Mongbwalu.

10 Q. [14:57:36] Do you know where his brigade was at the time?

11 A. [14:57:41] When Kisembo told me that he had been defeated and that he wanted
12 reinforcements from Dala, Mabanga, these places had to be organised newly, or once
13 again. Or, rather, these places had to be reorganised once again.

14 Q. [14:58:20] What are these places where the reorganisation was taking place?

15 A. [14:58:28] At Mabanga, Lalu and Dala.

16 Q. [14:58:39] You personally, where were you on that 19 November at 7.30?

17 A. [14:58:51] I was in Bunia.

18 Q. [14:58:56] The second entry on this page, could you explain to us what
19 information is contained therein.

20 A. [14:59:12] It's Mike Kilo, that's the call sign of Seyi. I mentioned that, that was
21 his call sign when I arrived at Kandoyi. Now he said that his lorry had arrived
22 accompanied by small vehicles but the lorry had broken down and that small vehicles
23 had arrived with some of the materials. They were waiting for the large vehicle to
24 arrive. So it was Mike Kilo, Seyi, who had sent the message in order to state what
25 the situation was at that time.

1 Q. [15:00:20] What was Commander Seyi's role in the Mongbwalu operation?

2 A. [15:00:33] He is the one who had advanced with Jérôme's brigade, the brigade
3 which I met up with in Kandoyi. That is the same Commander Seyi whom I had
4 talked to you about. If you read his messages you would understand that he was
5 advancing towards Pili-Pili some 10 kilometres away.

6 Q. [15:01:07] Mr Ntaganda, on the same page there are two entries where you see
7 "Mahagi" and "Fataki". Those two entries, are they in any way related to the
8 Mongbwalu operation?

9 A. [15:01:31] No, that was a different message from the signaller in Mahagi. He
10 also entered it here because he received messages from different locations. So, for
11 example, if you read a message which you do not understand he would explain it to
12 you and tell you whether the message came from Mahagi or from elsewhere. For
13 example, here, what is entered in relation to Mahagi here is not in any way connected
14 to what is entered relating to Mongbwalu.

15 Q. [15:02:13] Mr Ntaganda, please turn to the next page of this document,
16 page 5750.

17 And I would like page 5780 to be displayed on the screen, which is the translation.
18 Mr Ntaganda, please look at the top of the page and tell us whether you are able to
19 explain to us somewhat what is happening, what's happening here.

20 A. [15:03:20] Here we are looking at a follow-up in relation to events of the same
21 day of the 19th. But it's information coming from another location.

22 Q. [15:03:43] If you look at the first entry you see "Aru" and directly below it you
23 see "10 Bravo". What does that mean?

24 A. [15:04:01] That is Jérôme's sign call, 10 Bravo. So the information was coming
25 from him.

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1 Q. [15:04:18] Mr Ntaganda, if you go further down we see a time and a date.

2 What are those?

3 A. [15:04:34] We are looking at the same date, 19th at 1430. And the information
4 is from Damas for Commander Seyi.

5 Q. [15:04:57] Can you explain to the Court what this information is about?

6 A. [15:05:08] The force that had left from Salumu's location where the weapons had
7 been deposited had returned to the location where Salumu was.

8 Q. [15:05:30] What is the time and date of the entry on that page?

9 A. [15:05:43] The entry here is the 19th at 1430.

10 MR BOURGON: [15:05:56] Mr President, I note for the record that the translation
11 does not show 1430, it shows 14 hours 9-0. But the original, I believe, it's quite clear
12 that it is 1430 hours.

13 PRESIDING JUDGE FREMR: [15:06:19] All right, well noted. Ms Samson.

14 MS SAMSON: [15:06:21] Yes, just to say I believe that's accurate.

15 PRESIDING JUDGE FREMR: [15:06:25] Even better. Thank you, Ms Samson, that
16 you confirm.

17 MR BOURGON: [15:06:30] (Interpretation)

18 Q. [15:06:33] Mr Ntaganda, at the page in front of you we see the 19th at 1430.

19 And then further down we see "191606". What date is that?

20 A. [15:06:57] The same date at 1606.

21 Q. [15:07:03] What date is that?

22 A. [15:07:07] The 19th.

23 Q. [15:07:09] Of which month?

24 A. [15:07:16] November 2002.

25 Q. [15:07:21] Mr Ntaganda, let me draw your attention to the very top right of the

1 page. What do you see at the top right of the page?

2 A. [15:07:39] I can see my handwriting at that location. The signaller used a piece
3 of paper on which --which I have signed and he entered a message on that page;
4 20 November 2002, that is my handwriting.

5 Q. [15:08:02] Can you explain why you have 20 November there whereas the
6 messages following are dated 19th?

7 A. [15:08:18] I am not the one who entered the message. I wrote on the piece of
8 paper on 20 November, that is only the date. But it was a blank piece of paper and
9 the signaller is the one who entered the message on that page and he is the one who
10 entered the date of 19 November. So these are two different things.

11 Q. [15:08:47] A little earlier on, Mr Ntaganda, you told us that your signaller was
12 with you. Do you know which signaller wrote down or entered this information?

13 A. [15:09:09] It was Kinkita, the signaller who was with me, but there were other
14 times when other signallers would enter messages. You may want to know that we
15 had different signallers, not only in relation to this logbook. I had another logbook
16 which was bigger than this one.

17 Q. [15:09:47] Mr Ntaganda, let us go back to the previous page, page 5748. You
18 mentioned earlier -- and for the record translation will be 5778.

19 Mr Ntaganda, you mentioned that some soldiers had been sent to Damas. At what
20 time was that information entered or what is the time associated with the dispatch of
21 79 soldiers to Damas?

22 A. [15:10:42] Please can you point me to the relevant page and the references so
23 that I can answer you.

24 Q. [15:10:50] I'm referring to the very first page which we were looking at a short
25 while ago and the first entry at the top of that page, page 5748, transcript, and 5778,

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1 translation. The first entry reads as follows: "I sent 79 soldiers to Damas."

2 My question is: That information you see on the document, at what time was that
3 message sent?

4 A. [15:11:26] The message was sent on 19 November at 7.30, November 2002.

5 Q. [15:11:39] Mr Ntaganda, let us now then go back to the second page of the
6 document, page 5750, and for translation it's 5780. The second entry on that page,
7 Mr Ntaganda, refers to Damas and it states: "The group of 79 is ready." At what
8 time was that message -- or, what time does that message refer to?

9 A. [15:12:17] It was on 19 November 2002 at 1430.

10 Q. [15:12:27] According to you, and as far as you can remember, is there a link
11 between the two messages that we have just read, one sent by Salumu at 7.30 on the
12 19th and another captioned "Damas" which was sent on the 19th at 2.30. Is there
13 a link between those two messages?

14 A. [15:12:54] Yes. It is referring to the same group, the same group of 79 soldiers.
15 As you can see, the time is different but reference is being made to the same group, to
16 the same force.

17 Q. [15:13:13] Mr Ntaganda, we will now set aside this document, for now, and I am
18 now going to provide you with a new document. I would like to put a few questions
19 to you about that document. The reference for the document is DRC-OTP-0017-0033.
20 Mr President, with your leave, I would like a copy of the document to be handed to
21 the witness. The translation of that document, the new translation bears the number
22 DRC-OTP-2102-3855 -- 3854.

23 Mr President, the reason for which I have asked that the full document be provided to
24 the witness is that we went to the vault once again to take an authentic picture of the
25 original so that we can see exactly the display of the documents on the left and on the

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1 right as they were handed over to the vault. For all those in the courtroom, the
2 original documents that were photographed can be found in tab 5 and translation is
3 in tab 6.

4 Now, Mr Ntaganda --

5 PRESIDING JUDGE FREMR: [15:15:20] Hold on.

6 Prosecution, do you agree?

7 MS SAMSON: [15:15:22] Yes. No problem, Mr President. Alternatively, the
8 original can also be taken from the vault, if there is a need.

9 PRESIDING JUDGE FREMR: [15:15:27] All right. Let's proceed.

10 MR BOURGON: [15:15:37] (Interpretation) Thank you, Mr President.

11 Q. [15:15:41] Mr Ntaganda, do you have the document before you?

12 A. [15:15:47] Yes, I do.

13 Q. [15:15:50] Can you confirm that on the first page you have something that looks
14 like a sticker on which we read "DRC.00017.033". Can you see that?

15 A. [15:16:18] Dot 034.

16 Q. [15:16:37] Mr Ntaganda, what do you see on the page you are looking at? Is
17 there anything written on that page?

18 A. [15:16:54] There are two numbers. And I told you that a short while ago what
19 I was reading ends with figure "4".

20 Q. [15:17:10] Mr Ntaganda, is there a box in the middle of the page with a number
21 of figures, on the first page of the document?

22 A. [15:17:23] Okay, I'm with you now. Yes, I can see what you are talking about.

23 Q. [15:17:28] Can you see the box with the entry "Fox-trot India Sierra Manuscript
24 Book"?

25 A. [15:17:45] I'm with you.

1 Q. [15:17:46] If you look to the top right you would see the three last figures in that
2 small box to be 033; is that correct?

3 A. [15:18:07] Yes, I can see 033.

4 Q. [15:18:12] Mr Ntaganda, please take a few minutes and look through this book
5 which you have in your hands and tell me whether you do recognise it.

6 A. [15:18:43] This book was not to be found in a folder like this one. It is a book
7 which I bought and which I gave to the signaller who entered the original messages
8 into the book.

9 Q. [15:19:05] I would like to ask you to turn to the first page, and for you that
10 would be page 034 at the top. There should be two large letters, India November,
11 appearing on that page, can you see it?

12 A. [15:19:30] Yes.

13 Q. [15:19:36] For the accompanying translation the number is DRC-OTP-2102-3856.
14 What do you find on that page, Mr Ntaganda?

15 A. [15:20:03] We have entries on that page. And this is a page on which the
16 signaller indicates messages which have been received from outside and so he has
17 written on the left and the right of the book, of the logbook.

18 Q. [15:20:31] Mr Ntaganda, at the top of the page we see the following figures, 401
19 and -- the following figures 401 and the letters Echo Mike. What does that stand for?

20 A. [15:20:54] That came in somewhat late when names were assigned to the
21 brigades in the month of December. So what you have here is 401st brigade. And
22 "EM" stands for Echo Mike which was the call sign of Manu. So brigade 401 was
23 Manu's brigade.

24 Q. [15:21:34] When did Manu become the commander of brigade 401?

25 A. [15:21:48] When I left Mongbwalu, Kisembo promptly sent him to that brigade,

1 which previously was under the command of Seyi when he arrived in Aru. So the
2 name of the brigade was brigade 401.

3 Q. [15:22:21] What does 409 Sierra Alpha stand for?

4 A. [15:22:33] That stands for the 409th brigade, and its commander was Salumu,
5 whose call sign was Sierra Alpha.

6 Q. [15:22:51] And then we have 505 Papa Mike, what does that refer to?

7 A. [15:22:58] The 505th brigade was under Commander Mugisa's command in
8 Mahagi. And the letters you see there, "PM", or Papa Mike, were Paul's call sign.
9 Mugisa Paul.

10 Q. [15:23:24] Mr Ntaganda, I will now ask you to turn over the pages until you get
11 to the first page where there is some writing.

12 Can you tell us the number of the page, the last three digits of the page number at the
13 top of the page?

14 A. [15:23:57] 035.

15 Q. [15:24:04] For the translation the page will be 3857, and please could that be
16 displayed on the screen.

17 Mr Ntaganda, while the translation is being displayed, can you explain this message
18 to us, the message on page 035. What is it about? Please give us as many and as
19 much detail as possible.

20 A. [15:24:41] Yes, this is about 2 December 2002. This letter was written on the
21 2nd at 1452 in the month of December 2002. It was written by T3 sector operation
22 northeast, that's the third unit of Commander Jérôme, and the message is to the chief
23 of general staff, late Kisembo. Information: sector commander northeast operation,
24 that is Jérôme. And the information is also provided to the commander of the
25 Mahagi brigade, who was Paul Mugisa. I do not see the number of the message here,

1 but this is the content of the message:

2 "Mindful of the situation in Mahagi please send one company with support weapon
3 through Aru for Mahagi."

4 The message was sent to the chief of general staff and the sector commander was
5 copied. Sierra Alpha says he is in Kilo and that he will be there the next day in the
6 morning. That's the message you have asked me to explain to the Court.

7 Q. [15:26:44] Mr Ntaganda, on that page we see "T3 sector operational northeast".
8 What is that, T3? What is a T3?

9 A. [15:27:07] There is a number of services in a sector, T1, T2, T3, for example.
10 When you come to, when you come to the chief of the general staff you have the G1,
11 the G2 and G3, and at the level of the brigade you have the S1, S2 and S3. So the T3
12 here will be the person in charge of operations at the level of the sector.

13 Q. [15:27:37] Mr Ntaganda, can you tell us whether this message was in any way
14 addressed to you?

15 A. [15:27:56] No, this message is addressed to the chief of general staff and of
16 information sent to Commander Jérôme, section commander ops northeast.

17 Let me remind you that at the time the T3 sent this message Jérôme was not well, and
18 that is why I have a recollection of this particular situation as it obtained at that time.

19 Q. [15:28:30] Mr Ntaganda, given that this message was not addressed to you, how
20 does it end up in your logbook?

21 A. [15:28:50] Our signallers or any other person's signaller could receive all
22 messages from all forces from all locations. So they would receive such messages
23 and the messages would be coded, then they would enter the messages in the same
24 code before proceeding to decode them on paper, and then thereafter entering the
25 same messages in the logbook. Because these logbooks were somewhat of the

1 archives of the army so this message is a message among other messages that may
2 have been received from other outside sources, and that's why you have the entry "in"
3 representing messages that have been received from various locations.

4 Q. [15:29:53] Mr Ntaganda, you said a short while ago that Salumu provided
5 information to the effect that he would be in Kilo tomorrow morning, and then we see
6 it is Victor Charlie and Tango Romeo. Do you know what those letters stand for in
7 this message?

8 A. [15:30:18] I have no idea, because the signallers were the ones who knew all of
9 these codes. I am not able to identify all the codes. Now, if the question were put
10 to a signaller he might be able to answer, so this is a code and it is not decoded
11 information which I could, could have explained to you here in the Court.

12 Q. [15:30:47] Who had the call sign Tango Romeo?

13 A. [15:31:00] That was me. But that wasn't a call sign.

14 T.R, that was the call sign. If it was the call sign it wouldn't have the dots between
15 the two letters. It would just be TR. As there are dots between them, that must
16 mean something else. That can't be the call sign Tango Romeo, because if you see
17 here, Echo Mike, at the start, you will see right at this beginning "In Echo Mike, Sierra,
18 Papa Mike," there aren't full stops between the letters.

19 Now, if we speak about call signs, but what you have shown to me here this is a code.
20 What does it mean? Well, the ".R", that's not a call sign, it is something there.

21 Q. [15:32:02] Mr Ntaganda, you see the letters Victor/Charlie. Did somebody have
22 the call sign Victor Charlie, to the best of your knowledge?

23 A. [15:32:21] No, there wasn't. If it's a call sign it wouldn't be V/C. This is, this
24 isn't a call sign. It's a code, a signaller code. The signallers know how to decode
25 what they have written or written here.

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1 Q. [15:32:48] Mr Ntaganda, the 2 December 2002, where were you, if you
2 remember?

3 A. [15:33:01] I was already in Bunia.

4 Q. [15:33:04] Mr Ntaganda, I would ask you to look at the next page in the book --

5 PRESIDING JUDGE FREMR: [15:33:12] Mr Bourgon, one offer from my part,
6 because you mentioned that you felt tired, which I can fully understand because it is
7 the fourth day you are on your feet for five hours. But rather than shortening this
8 session I would propose you to have a short break now if you want, just to give you a
9 chance to have a rest and then continue until 4.30. Is that okay with you or do you
10 want to continue without break? But it is fine for us, so it's up to you.

11 MR BOURGON: [15:33:45] (Interpretation) Your Honour, no need for a break, we
12 are just going to go through.

13 PRESIDING JUDGE FREMR: [15:33:57] All right. I appreciate that. Please
14 proceed.

15 MR BOURGON: [15:34:05] (Interpretation)

16 Q. [15:34:07] Mr Ntaganda, I would like to draw your attention to the next page in
17 the book and at the top of the page you should be able to see the three figures "036".
18 And the translation for the screen, 3858 is the reference number. Do you see this
19 page, Mr Ntaganda?

20 A. [15:34:44] I see here where at the end it's "036". I don't know if you're -- or
21 which figure you are asking me to look at.

22 Q. [15:34:58] I would like you to confirm to me that you are on the right page, the
23 page which has the number at the top -- I'm sorry. That's it. That's it. Last three
24 figures are 036. Do you have that page?

25 A. [15:35:21] Yes, yes, I'm following you.

1 Q. [15:35:24] So I would just quite simply like to ask you, we have different entries
2 on this page and I would like you to tell me the days and -- days, dates, hours, if you
3 start with the top and go down.

4 A. [15:35:48] Yes, it was a Tuesday, 3 December 2002. "Aru Calme". He had
5 received information according to which Aru was calm, the situation was calm there.
6 Mongbwalu also received information from Fataki, from Mahagi.
7 And then on the same day, the 3rd at 11.43, there is another message that has been
8 written, a longer message.

9 Q. [15:36:44] Mr Ntaganda, the only thing that I would like to establish with you
10 here is how the messages were organised in the logbook, the messages which are in or
11 received, how did that function in the logbook, according to your experience?

12 A. [15:37:10] Well, you see, this was a follow-up. Well, it followed it, if you look
13 at the dates. So here, this is my book. You go from left to right. Message received,
14 you give the date, the hour and the date. That's how the message was taken down.

15 Q. [15:37:38] In your experience, what order were the messages written in, from the
16 top to bottom or bottom to top?

17 A. [15:37:59] Messages received in from top to bottom and from left to right.

18 Q. [15:38:11] Mr Ntaganda, now I would like to ask you to go to the very last
19 page of this document. Now this is a page where there was no writing but there is
20 a number at the top and you should see the figure "215". I need to show the
21 translation because there is nothing on that page. Thank you very much.

22 Nevertheless, you will see number "215", do you see that, Mr Ntaganda?

23 A. [15:39:01] Yes, I can see it.

24 Q. [15:39:02] So if you turn the page, you go back into the document and you will
25 see there's a page with "214" on the right-hand side. Do you see that?

1 A. [15:39:19] Yes.

2 Q. [15:39:21] And the page on the left has no number; is that what you have?

3 A. [15:39:27] Yes.

4 Q. [15:39:52] What number do you see at the top of the page?

5 A. [15:40:01] The number that I see ends in "213".

6 Q. [15:40:11] So if you look at the first message that you find at the top of this page,
7 give me all the information that you could give me on that subject.

8 I'm sorry, 4035 I'm talking about here. 4035.

9 A. [15:40:42] Well, here I see the message here with the number which finishes with
10 213. Now, that was taken down at 191305, November 2002, and this message came
11 from the president of the UPC and -- well, Thomas Lubanga -- and he sent that
12 message to the sector commander, northeast operations Jérôme, to say that to "Take
13 the plane from Cetraca urgently and then he would be informed later. The Thuraya
14 had been found and the follow-up is necessary. I spoke to you about a plane in
15 Aru." And you can see it is the president himself who sent the message and he is
16 asking for the plane to be able to leave.

17 Q. [15:42:03] This message, Mr Ntaganda, the 19th at 1305, what month are we
18 talking about here?

19 A. [15:42:15] November 2002.

20 Q. [15:42:21] And we see that the message comes from the president of the UPC
21 and you see that it's addressed to the sector commander northeast operations and
22 there's a number. Do you know this number or could you tell us what it means?

23 A. [15:42:49] To the best of my knowledge, I don't know all these details, but I think
24 that it was the first message that the signaller sent which was written into the logbook
25 out.

1 Q. [15:43:18] Well, if we look at the page that you have, how could the president
2 send an out message which would appear in your book, in your log?

3 A. [15:43:38] Yes, this is what I said. I was in Bunia at that time still. He could
4 send his secretary or somebody who worked for him and he would bring this
5 message to the signaleur, to mon signaleur, and mon signaleur would send the
6 message to the destination. And that is how the signaleur or signaller could send the
7 message. The president did not have a signaller or a Manpack in his possession.

8 Q. [15:44:31] I'm looking at the second message on this page. What can you tell us
9 about this subject?

10 A. [15:44:45] The second message was taken down five minutes afterwards. So
11 that's at 1.10 or 1310, that's when I sent the message from operation commander
12 Bosco Ntaganda, I put that in brackets and I sent it to Commander Salumu and
13 Commander Seyi. Commander number one, that was the first message and that is
14 why it's written number 1, état-major opérationnel, and I said that "Do everything
15 that you can in order to advance to the objective. At any time my vehicles are being
16 repaired. I will bring ammunition for Salumu to be given to Seyi. And that has to
17 be done urgently." That's the order I gave to Salumu and Seyi, I told them to
18 advance to the objective, and that was on the 19th at 1310 in the month of
19 November 2002 when I was in Bunia. I remember that was it.

20 Q. [15:46:16] Mr Ntaganda, in military jargon when you give an order and you
21 state "advance towards the objective" what does that mean?

22 A. [15:46:30] They all knew what the objective was. The objective at the time.
23 Well, I received the order to go to Mongbwalu and they all knew that the objective of
24 the forces that he led were to liberate Mongbwalu from the APC. So when we speak
25 about the objective, that's an order to attack.

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1 Q. [15:47:05] And when we see a bit later that it is written "For myself, at any
2 moment they are repairing my vehicles." Do you know anything about the context
3 here, do you know what it is trying to say?

4 A. [15:47:28] Yes, I remember. I remember *Kisembo gave me his vehicle and we
5 asked the FEC President in charge of transports to get another vehicle in good state.
6 The vehicle that Kisembo gave me I sent to the mechanic on the same day and it was
7 repaired the next day, and the following day I left. I remember -- I remember this event.

8 Q. [15:48:17] And when ammunition or cartridges were to be taken to Salumu, do
9 you know which ammunition we're talking about?

10 A. [15:48:30] Yes. Yes. When he gave -- when he was short of ammunition he
11 gave Seyi the ammunition and I said I was going to bring him the same quantity as he
12 had given to Seyi so he would have the same amount. So I wanted to reimburse the
13 ammunition given to Seyi such that he would not have a lack of ammunition.

14 Q. [15:49:16] This message, Mr Ntaganda, does it have any type of link with the
15 message that we saw a bit earlier on 19 November at 7.30 in the other log?

16 A. [15:49:36] Yes, yes, there's a link between the two because the two messages
17 were written on the same day, on 19 September (sic) 2002. And the messages
18 concerned the exchange of ammunition and I said that as the other had been given
19 ammunition I was repairing my vehicles and when my vehicles were repaired I was
20 going to arrive and I was going to bring this ammunition. So it's the same story,
21 we're talking about the same thing here, and we also spoke about advancing towards
22 the objective. So you can see that we are speaking about the same thing here.

23 THE INTERPRETER: [15:50:26] The interpreter points out that it was 19 November.

24 MR BOURGON: [15:50:31] (Interpretation)

25 Q. [15:50:32] Witness, I would like you to look at the page just next to it, you

1 should be able to see at the top of the page the last three figures "212".

2 And for the translation it's 4034 in order to show it on the screen.

3 A. [15:51:06] Yes, I'm following.

4 Q. [15:51:10] So, Mr Ntaganda, the first message at the top of the page, could you
5 explain to us if you recognise this message and what is it about?

6 A. [15:51:22] Here this is a -- well, it's a second message that I sent. You see
7 out -- this is a message that was written from right to left. You can see that the
8 message was sent to Jérôme from commander of operations. You see, there was an
9 error, "TR", he spoke about commander to avoid confusion to the sector commander,
10 northeast Jérôme. Info: Commander 5th battalion, Ndayisaba, and the message was
11 sent.

12 Q. [15:52:27] So this message, Mr Ntaganda, is it linked in any way with the
13 operation in Mongbwalu?

14 A. [15:52:38] No, there is no relationship with the operations, it's something else.
15 This concerned Jérôme's secretary. But they spoke about Mugisa's battalion because
16 this battalion was Mugisa's, 505th. They are two different things its talking about
17 here, they are quite different.

18 Q. [15:53:11] Mr Ntaganda, I am looking at the last part of the message, there are
19 the letters November Bravo there and the following is written, "The customs
20 exaggerate. They must put a stop to that from today." Do you know the context,
21 what exactly is that talking about?

22 A. [15:53:34] Yes, I'm the one who wrote it. I received information that customs
23 officials were in contact with certain commanders and they were getting goods across
24 without paying, without paying the tax to the state coffers. And I asked
25 commander -- well, I said I no longer want to hear about this theft because I don't like

1 theft in our ideology, particularly concerning soldiers. I really didn't want people to
2 speak about theft and that's the reason why I asked Jérôme to put an end to this
3 practice on that day.

4 Q. [15:54:30] Mr Ntaganda, the next message on that page, could you explain what
5 that message is about?

6 A. [15:54:46] This message also -- well, I want to stress the message that he sent to
7 Commander Jérôme, that comes from me, chief d'état-major adjoint responsible for
8 operations to the sector commander Jérôme, number 3, in order to ask him, or to
9 inform him, rather, that the plane had to be immobilised until we got the order from
10 the president and then we would know what to do. And that's just to remind them
11 of the message that the president had sent and to ensure that he received the message
12 that had been sent by the president.

13 Q. [15:55:34] What's the date of this message?

14 A. [15:55:38] It's the 24th at 10.07 in the month of November 2002.

15 Q. [15:55:51] Do you remember, Mr Ntaganda, where you were on 24 November at
16 10.07?

17 A. [15:56:03] Yes, I entered Mongbwalu *the night of 23 November 2002 between 19
18 and 20 hours. I spent the night at Salumu's HQ at Camp Goli and I drafted the
19 message -- I sent the message at 10.07. I remember that very well.

20 Q. [15:56:41] Do you remember what happened on 24 November after this message
21 had been sent?

22 A. [15:57:01] Yes, on that day, that was the day when we had liberated Sayo, so it
23 was after that message here. I remember. I still remember that.

24 Q. [15:57:18] Do you remember who the signaller was who was with you when this
25 message was sent?

1 A. [15:57:28] It was with mon signaleur Kinkita.

2 Q. [15:57:36] Mr Ntaganda, you see the two last pages that we saw, page 213, that's
3 on the right, and 212, that is on the left. You mentioned a moment ago that the out
4 messages were written from right to left. Is that the conclusion looking at the book
5 or do you know that on the basis of your experience?

6 A. [15:58:22] No, the issue of signaller, I have no experience of that. The signallers
7 set up this procedure to make a difference between the in messages and the out
8 messages.

9 Q. [15:58:35] Mr Ntaganda, could you explain to us when you send an out message
10 how do you do that, what is the procedure for doing that?

11 A. [15:59:03] Very well. There were different things. I could call a signaller, give
12 a verbal message, say write such-and-such a message and send that message to
13 such-and-such a person. And he would write down what I said or I would write the
14 message on a piece of paper and then I would give it to one of my bodyguards and he
15 would give the message to the signaller and the signaller would take it down.
16 Myself, I drafted the message on a piece of paper and that is how things went.
17 What's the signaller going to do? Well, the message that I gave is something that the
18 signaller will encode such that the enemy does not intercept the message, and before
19 sending the message he's going to notify the destination and the person at the
20 destination is going to draft the message in code. Having received the message, the
21 encoded message, then the other signaller at the other end is going to decode it and
22 take it down in the logbook and the logbook will be provided to the destinataire of
23 the message.

24 Q. [16:00:30] Mr Ntaganda, after you have handed over that piece of paper and the
25 message do you yourself confirm whether or not that message has been entered in the

1 logbook, message to?

2 A. [16:00:52] Since I was the author of the message I did not need to reread it. But
3 out of curiosity I could do so. In any event, most of the messages I am the one who
4 drafted them or who gave them so I did not need to reread them. Once I handed
5 over the message to the signaller I only had to make sure that it had been sent.

6 Q. [16:01:30] Mr Ntaganda, from this afternoon I have shown you two logbooks,
7 there is a smaller logbook, we looked at it together and we saw some dates in it,
8 messages of 19 November. Now we are looking at another logbook, a much bigger,
9 a much more voluminous logbook which also has messages, out messages of
10 19 November. Do you know why the signaller used two logbooks for entering those
11 messages?

12 A. [16:02:23] No. I do not know why he preferred to proceed in that manner.

13 Q. [16:02:42] Just to return to the message before you, the one of the 24th at 10.07,
14 you told us that at that time you were at Salumu's headquarters, I think that's what
15 you said. Am I to understand then that the logbook, the bigger logbook, was with
16 you and your signaller in Mongbwalu on the 24th at 10.07? Can you confirm that, or
17 do you know anything about that?

18 A. [16:03:23] It's very clear and it's correct. My signaller was with me, we were
19 together at Salumu's camp. That's correct.

20 Q. [16:03:40] Now, Mr Ntaganda, let us continue by looking at your activities on
21 the next day, being 20 November. Now please go back to the small logbook which
22 you have with you. ERN number being at the bottom, 5548. Do you have it?

23 A. [16:04:14] Yes.

24 Q. [16:04:21] I would like to go to page 5752 with you.

25 And for translation please could page 5782 be displayed.

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1 Are you there?

2 A. [16:04:59] Yes, I am there.

3 Q. [16:05:06] Now I want you to look at the very top of the page, what figures do
4 you see there?

5 A. [16:05:19] It was on the 20th at 7.30, November 2002.

6 Q. [16:05:35] Now I want to draw your attention to the middle of the page where
7 there is a message. We see "Sierra Alpha", followed by a number of digits. Can you
8 tell us what that is about?

9 A. [16:05:58] Yes. The date is 20 at 8.35. Sierra Alpha is Commander Salumu. It
10 is a message that was received by my signaller whereby his group had arrived at the
11 location where he was. And this is referring to the group of 79 soldiers who had
12 arrived at the location where SA was.

13 Q. [16:06:39] Then further down we see something, what is that, relating to a state
14 of needs?

15 A. [16:07:12] This relates to the needs expressed, particularly in terms of
16 medication. That's it.

17 Q. [16:07:24] What did all that information mean to you?

18 A. [16:07:41] I think that this message came from Mahagi where Salumu had
19 prepared a list of his needs. And I was supposed to provide him with cartridges,
20 because he had assigned Seyi to take care of this mission. This message on the state
21 of needs was received by my signaller and the needs mainly were in relation to
22 a number of supplies and medication.

23 In fact, it's Mugisa, rather, who told me about these needs, not Salumu, Mugisa.

24 Q. [16:08:35] Mr Ntaganda, do you know where Salumu was on 20 November at
25 about 8.35 in the morning?

1 A. [16:08:57] He had, he was already on the move, because Seyi was engaged in
2 battle in Pluto and he could not have been doing that before Salumu launched an
3 attack on the airport so he had to retreat, given that the scouts had already began to
4 move towards Mongbwalu. If you look carefully, it is mentioned that he was in Dala
5 and between Dala and the airport there is quite some distance. Well, there is not
6 much distance, these locations are quite close to each other.

7 Q. [16:09:43] Mr Ntaganda, I don't see the word "Dala" on this page?

8 A. [16:09:53] It is not written there, but I went through that area and I know that
9 there was Dala, Mongbwalu and Laru (phon), and Mabanga and Laru (phon).

10 Q. [16:10:11] You, Mr Ntaganda, if I were not to repeat myself, where were you on
11 20 November?

12 A. [16:10:21] I was in Bunia. By the way, my vehicle was still at the garage while
13 I was in Bunia.

14 Q. [16:10:32] Now, Mr Ntaganda, I would like you to turn over to the next page,
15 where you should see the number 5754 at the bottom of the page. And for
16 translation it would be 5784.

17 A. [16:11:03] I am there.

18 Q. [16:11:07] Let's just hold on for a second as the translation is being displayed.
19 Now, at the top of that page what can you see?

20 A. [16:11:20] As you can see, if you look at the previous page, there is an arrow
21 which means to follow, and so we had the date of the 20th at 8.35. So it's still the
22 date, same date, Mike Kilo, and Commander Seyi said that he was already online and
23 on his way to Pili-Pili and that when he gets there we would hear from him. What
24 this meant is that the forces were already on the move and the date is
25 20 November 2002 while they were on the Mongbwalu road.

1 Q. [16:12:24] What did that message mean to you, the message about Seyi? Where
2 was he at that time?

3 A. [16:12:50] It says that they are on the way to Pili-Pili, they had just left Mbijo and
4 were on the way to Pili-Pili. Now if you read the subsequent messages it is indicated
5 that from Pili-Pili they will be going to Pluto and that was the itinerary that he was
6 following.

7 Q. [16:13:14] What was the role of Pili-Pili in the Mongbwalu operation?

8 A. [16:13:23] This is the same road that leads to Mongbwalu. From Pili-Pili you go
9 to Pluto, which is the main centre before Mongbwalu.

10 Q. [16:13:38] Why did Commander Seyi -- why was he not in a position to provide
11 information?

12 A. [16:13:51] As you can see written, they were on the move, they were moving.

13 Q. [16:13:59] So when a commander is moving how does that affect the possibility
14 of sending and receiving messages?

15 A. [16:14:19] In those conditions his phonie is not operational because they are on
16 the move. This means then that he will only be connected once he finds some rest.

17 Q. [16:14:45] Going by the information on these two pages are you able to tell us
18 whether the Mongbwalu operation had already started?

19 A. [16:15:03] With the movement of the soldiers, yes.

20 Q. [16:15:09] Let me be more specific in my question: Was gunfire already being
21 used in Mongbwalu at that time?

22 A. [16:15:22] No, not yet. Because, you see, we proceed in stages, beginning with
23 the assembly, all the way to the target. I think I explained this to you before. So
24 here the troops are moving from their position towards the target. When the
25 soldiers are on foot they travel in a single line and you can see that they are moving.

1 Q. [16:16:11] Mr Ntaganda, do you remember when you left Bunia for the
2 operation, the Mongbwalu operation? Do you remember that?

3 A. [16:16:24] I left on the 21st at 5 p.m. There will be information in that regard.
4 So I left on the 21st at 5 p.m. and then at some point I took a little bit of rest at
5 Barrière.

6 Q. [16:16:59] Who did you leave Bunia with?

7 A. [16:17:12] I was with Commander Tiger One, Nduru, Gege, and those who were
8 handling the B-10. In my company were also the escorts, my escorts, in order to
9 avoid any problems along the way. So my bodyguards included two PMFs, Lotsove
10 and Amama. Those are the troops whom I can remember now regarding the
11 movement, that particular movement.

12 Q. [16:18:10] How many vehicles did you leave Bunia with and what did you take
13 with you from Bunia?

14 A. [16:18:26] We left with two vehicles and the B-10, my escorts and the soldiers
15 who would handle the B-10, as well as my camera. I remember that at some point I
16 talked to Salumu and asked him about the whereabouts of Commander Seyi. Then
17 he subsequently answered me by a written message indicating that Manu was still
18 there. I received that message in the evening before I went to spend the night at
19 Barrière. It came in around 7 p.m. So that information is available in that message.

20 Q. [16:19:31] Mr Ntaganda, was it possible for you by any means whatsoever to
21 communicate voice to voice with your two commanders, Seyi and Salumu, who were
22 on the move?

23 A. [16:19:46] Impossible. Impossible.

24 Q. [16:19:53] Mr Ntaganda, did you have a Thuraya telephone?

25 A. [16:19:58] Yes, I had one.

1 Q. [16:20:01] Was it possible for you to call Salumu and Seyi on your Thuraya
2 phone?

3 A. [16:20:11] The two did not have any Thuraya.

4 Q. [16:20:16] Was it possible for you to use the Motorola?

5 A. [16:20:31] When you are dealing with distances beyond 5 kilometres you cannot
6 communicate by Motorola.

7 Q. [16:20:39] You just told us that you received a message while you were at
8 Barrière. Who was in charge of communication at that time?

9 A. [16:20:57] My signaller Kinkita with whom I travelled to Mongbwalu.

10 Q. [16:21:16] You mentioned the name Tiger One, who is Tiger One?

11 A. [16:21:27] Tiger One was the commander who came along with me. He was
12 my comrade with whom we had fought for the liberation of Rwanda. He is a native
13 of my village Masisi. I met up with him in Aru and we moved to Mongbwalu
14 together.

15 Q. [16:22:04] What was his position within the FPLC at that time?

16 A. [16:22:19] He didn't have any position yet, but he subsequently was appointed
17 sector commander southeast.

18 Q. [16:22:30] Did you have any role whatsoever in the arrival of Tiger One in
19 Bunia?

20 A. [16:22:48] Yes, yes. It's Ali Mbuyi who gave me his contact details. He was
21 also my comrade with whom I had a discussion and then he joined us.

22 Q. [16:23:12] Mr Ntaganda, did Tiger One do anything in particular when he
23 accompanied you as you left Bunia?

24 A. [16:23:28] Yes. He was able to use a camera. I was not able to use a camera so
25 he taught me how to use a camera. And when we left and we got to Dala, well, we,

1 we left on foot heading to Mongbwalu. And so I was able to make videos of the
2 movement as well as he did in order to immortalise that movement. He made some
3 videos in Dala, and wherever it was possible he recorded our movements.

4 Q. [16:24:31] Mr Ntaganda, we shall revisit that point, but let me now take you to
5 the small logbook at page 5754. And for the translation that will be page 5784.
6 Could that page please be displayed on the screen.

7 A. [16:24:58] I am with you.

8 Q. [16:24:59] Mr Ntaganda, I would like to draw your attention to the top of the
9 page where you find the figures "211938". What does that refer to?

10 A. [16:25:16] This is reference to the 21st on 1938, 21 November 2002 at 1938 hours.
11 That's what that stands for.

12 Q. [16:25:31] Mr Ntaganda, at the end of that page there is also an entry with the
13 letters Mike Kilo, what does that mean and what can you tell us in connection to that
14 entry?

15 A. [16:25:50] Mike Kilo is the call sign for Commander Seyi.

16 Q. [16:25:56] Can you tell us about the content of what's written in there?

17 A. [16:26:08] When we arrived at Barrière it was nighttime, 9 p.m., so my signaller
18 readied his Manpack and then received this message whereby Seyi was 7 kilometres
19 away from the target and that the enemy had fired at his vehicle and that 15 soldiers
20 had been injured and that three had died. And they were asking for assistance
21 because they were not able to do anything and it was difficult to move the vehicles
22 and they had been surrounded.

23 Q. [16:27:08] Mr Ntaganda, at the bottom of that message you see somewhat of an
24 arrow. What does that represent to you?

25 A. [16:27:21] When a signaller received that message there was a follow-up to the

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1 message or a next part to the message, and that's what that arrow reflects to in
2 relation to the message from Aru.

3 Q. [16:27:42] So, Mr Ntaganda, please can you turn over to the next page and tell us
4 what followed --

5 PRESIDING JUDGE FREMR: [16:27:51] Mr Bourgon, I think it is high time to finish,
6 so I wouldn't -- or, how much time will you need to deal with the next page? All
7 right then, let's continue.

8 THE WITNESS: [16:28:10] Ndiyo.

9 MR BOURGON: [16:28:14] (Interpretation)

10 Q. [16:28:15] Mr Ntaganda, the next page should be 5756.

11 And the translation is 5786, please.

12 A. [16:28:29] Yes, I am with you. Now, my signaller, after we had rested at
13 Barrière, he received a message at 9 p.m. as he set up his Manpack. He received that
14 message whereby the PPU had arrived in Aru; PPU meaning presidential protection
15 unit. This is the message that was received by the signaller. It's a message that was
16 sent to me by Salumu when I asked where Commander Manu was. He told me
17 Manu is still here. And as you can see here the time entered is 1930 and Manu was
18 still in Aru.

19 Q. [16:29:25] Who sent you that message? I see on the record mention of Salumu,
20 is that what you said?

21 A. [16:29:40] Jérôme told me that the PPU advance party had arrived there. I
22 knew that President Thomas Lubanga wanted to go to Aru for the burial of the
23 governor who had died on the 21st in the morning and Jérôme added the following
24 information: Commander Manu is still here.

25 That is the message he transmitted to me at the time when I was already wondering

1 where Manu was. He therefore pointed out to me that Manu was still in Aru. This
2 message was received by my signaller at 1938 while we were at Barrière.

3 Q. [16:30:36] Thank you, Mr Ntaganda, we will see you on Monday for the rest of
4 the examination.

5 PRESIDING JUDGE FREMR: [16:30:43] So at this moment I would like to thank
6 Mr Ntaganda that, Mr Ntaganda, you were able to remain focused, remain, remain
7 strong to answer so many questions. As usually, it's my duty to remind you that in
8 the meantime, till Monday, you must not discuss your testimony with anybody else.
9 Do you understand, Mr Ntaganda?

10 THE WITNESS: [16:31:15] (Interpretation) Yes, Mr President. I will comply.

11 PRESIDING JUDGE FREMR: [16:31:29] Very well. And before we adjourn, brief
12 information about timing.

13 Mr Bourgon, according my information I have at my disposal you so far have used
14 27 hours and 50 minutes, maybe 1 or 2 minutes difference, but roughly 27 hours 50,
15 5-0 minutes for direct examination of Mr Ntaganda. And in accordance with
16 the Chamber's ruling you are expected to complete examination in 40 hours at the
17 latest, which means that you still have, if I am counting correctly, 12 hours and
18 10 minutes at your disposal.

19 And I encourage you to adjust the rest of examination to that fact and to focus the
20 most relevant topics from the Defence point of view during the rest of examination.
21 So it means that the Prosecution is expected to be ready to commence
22 cross-examination either in the afternoon of Thursday or, rather, seems to me more
23 likely on Friday morning. And I also in this connection have to reiterate that next
24 week we are not going to sit on Wednesday, 5 July.

25 Are there any requests for the floor in connection with this issue, or with another

1 issue, Mr Bourgon?

2 MR BOURGON: [16:33:08] Thank you, Mr President. I take the Chamber's
3 guidance. I understand the instruction. That being said, where I am right now in
4 the questioning I prepared for Mr Ntaganda I doubt very much that I will be able to
5 comply with the 12 hours and a bit that are remaining. Mr President, I will do
6 everything I can over the weekend to shorten the time and to meet the 40 hours.
7 But it will be very difficult because I have a lot of other issues to cover. I expected to
8 be well past Mongbwalu by today. But I will do my best and let you know on
9 Monday morning if I will seek some additional time.

10 Thank you, Mr President.

11 PRESIDING JUDGE FREMR: [16:34:00] Mr Bourgon, you got this indication from
12 the Chamber, we didn't say that it is exactly 40 hours, but I don't believe that
13 the Chamber will be open to extended time by some high sum of hours. And frankly
14 saying, you spent a lot of time by exploring issues or events that occurred before the
15 time which is relevant for the charges. I even understand that even this time
16 preceding time relevant for charges could be of the interest, and of some relevance,
17 but still, in my view, it was maybe too much attention devoted to that stage. So as I
18 said, really be careful because don't rely that we will be very generous. And still I
19 would recommend to you, if you have some plan for the rest, try to find the most
20 relevant, relevant events, most relevant issues, otherwise there are some reason that
21 you could be deprived of the whole time you would like to get and which probably
22 wouldn't be not ideal for you.

23 Prosecution, any request for the floor? No.

24 MS SAMSON: [16:35:24] Not at this time, your Honour.

25 PRESIDING JUDGE FREMR: [16:35:25] All right.

1 So otherwise we now will adjourn. Enjoy your weekend, take some rest, and we are
2 looking forward to see you on Monday, 9.30 in this courtroom.

3 THE COURT USHER: [16:35:43] All rise.

4 (The hearing ends in open session at 4.35 p.m.)

5 CORRECTIONS REPORT

6 The Language Services Section has made the following corrections in the transcript:

7 *page 46 lines 2 - 5

8 " I said to Kisembo that Ali had arrived, because I had already
9 proposed -- when he stopped, I made a proposal saying that he would be a good
10 candidate, G2, and he told me to bring him. And I went to see him and I got to
11 know him..."

12 Is corrected by

13 " I was the one who said to Kisembo that Ali had arrived because I had already
14 proposed him, when Idriss was arrested I had made a proposal saying that he would
15 be a good candidate as G2, and he said to me bring him and I want to see him and get
16 to know him..."

17 SECOND CORRECTIONS REPORT

18 The Language Services Section has made the following correction in the transcript:

19 *Page 79, lines 17-18:

20 "at night of 23 November 2002 between 19 and 20 hours. I spent the night at
21 Salumu's HQ at Kandoyi and" is corrected to "the night of 23 November 2002
22 between 19 and 20 hours. I spent the night at Salumu's HQ at Camp Goli and"

23 THIRD CORRECTIONS REPORT

24 The Language Services Section has made the following correction in the transcript:

25 *Page 43, line 16:

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1 “and I did that under the command of Salumu.” is corrected to “and I put that
2 Brigade under the command of Salumu.”
3 *Page 43, line 19:
4 “he left a part in Mandro to protect this part,” is translated and added
5 *Page 77, lines 4-6:
6 “Kisembo gave me his vehicle. The president of -- I was asked to get another vehicle
7 and could state now the vehicle that Kisembo gave me I sent to the mechanic” is
8 corrected to “Kisembo gave me his vehicle and we asked the FEC President in charge
9 of transports to get another vehicle in good state. The vehicle that Kisembo gave me I
10 sent to the mechanic”