

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 Wednesday, 28 June 2017
8 (The hearing starts in open session at 9.30 a.m.)
9 THE COURT USHER: [9:30:36] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: [9:31:06] Good morning, everybody.
13 Court officer, please call the case.
14 THE COURT OFFICER: [9:31:19] Thank you, Mr President.
15 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
16 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
17 We are in open session.
18 PRESIDING JUDGE FREMR: [9:31:34] Thank you, court officer.
19 Now appearances please in habitual order.
20 MS SAMSON: [9:31:40] Good morning, Mr President. Good morning, your
21 Honours. Appearing for the Prosecution today are Mr Rens van der Werf, Ms
22 Dianne Luping, Ms Selam Yirgou, Ms Claudine Umurungi and myself, Nicole
23 Samson.
24 PRESIDING JUDGE FREMR: [9:31:51] Thank you, Ms Samson.
25 Defence, please.

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1 MR BOURGON: [9:31:55] (Interpretation) Good morning, your Honour. One
2 change for the Defence, Dignité Bwiza is not with us this morning. Thank you.

3 PRESIDING JUDGE FREMR: [9:32:14] Thank you, Mr Bourgon.
4 Legal Representatives of Victims, please.

5 MS PELLET: [9:32:18] (Interpretation) The former child soldiers are represented
6 by Vony Rambolamanana and by myself, Sarah Pellet, counsel with the Office of
7 Public Counsel for Victims.

8 MR SUPRUN: [9:32:29] (Interpretation) Good morning, your Honour. Your
9 Honour, for the victims of the attacks today Anne Grabowski, associate lawyer; and
10 myself, Dmytro Suprun, counsel with the Office of Public Counsel for Victims, as well
11 as Cherine Luzaisu.

12 PRESIDING JUDGE FREMR: [9:32:46] Thank you, Ms Pellet. Thank you,
13 Mr Bourgon.

14 So today we are going to continue with direct examination of Mr Ntaganda
15 conducted by the Defence.

16 Mr Bourgon, you have the floor.

17 MR BOURGON: [9:33:07] (Interpretation) Thank you, your Honour.

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

19 (The witness speaks Swahili)

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

21 Q. [9:33:15] Good morning, Mr Ntaganda.

22 A. [9:33:18] Good morning.

23 Q. [9:33:22] Yesterday I asked you questions concerning people that you said you
24 had put in detention in Mandro. What I would like to know is where these people
25 were put in detention in Mandro.

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1 A. [9:33:48] They were detained in a place behind Peter's house where there was
2 a trench.

3 Q. [9:34:15] When you say behind the house, is it part of the house or is it not part
4 of the house?

5 A. [9:34:37] In the house.

6 Q. [9:34:38] Do you remember the date when the first person was detained at that
7 place?

8 A. [9:34:51] Yes. The first person was detained in September 2002.

9 Q. [9:35:03] Were people detained before that date in other places?

10 A. [9:35:13] No.

11 Q. [9:35:27] In Mandro, you told us yesterday, but I'm looking for the exact
12 reference here, in which place precisely did you live, having lived at the collectivity?

13 A. [9:35:56] After the attack on the collectivity I stayed for a brief amount of time
14 in Kahwa's house. And afterwards I went to another house to stay there, that was
15 opposite Kahwa's house. The two houses were separated by a road.

16 Q. [9:36:36] Do you remember, Mr Ntaganda, other than the collectivity where
17 you lived the house of Chef Kahwa and the house that you've just described, did you
18 use other buildings in Mandro village at the time there was training there?

19 A. [9:37:09] Please could you put your question again. I haven't understood it, I
20 haven't understood the sense of your question. Living in the house where -- in what
21 sense?

22 Q. [9:37:28] Certainly, Witness. Now, you've already told us that you lived in
23 the collectivity, that you lived with Chef Kahwa or in his house. And on page 3
24 you've stated that you went to stay in another house close to Chef Kahwa's house.
25 Were there other buildings used for any purposes in Mandro village?

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1 A. [9:38:12] No, there were no other buildings that we used. I just remember
2 that there was a hospital.

3 Q. [9:38:31] Mr Ntaganda, I would like to quickly go back to the subject of
4 ideology that was taught in Mandro. Now, my first question is as follows: When it
5 comes to this training, who exactly was this training aimed at?

6 A. [9:39:01] Later -- well, you know, the political ideology is taught in the army,
7 but at a certain time, after the departure of Lompondo, we used a classroom in order
8 to teach ideology to those who went to our place. That was in order to install
9 military ideology within them. This classroom was situated behind a banana field
10 with eucalyptus. This training was provided in the month of -- in the month of
11 August. After Molondo fled.

12 Q. [9:40:11] Now, still on the subject of ideology, who within your group chose
13 the ideology to be taught?

14 A. [9:40:32] I remember that before setting up that class the late Kisembo and
15 myself, as well as Eric Mbabazi, who became a G5 later, it was the three of us who
16 decided to set up this training in ideology according to what was happening in our
17 camp because we knew that their acts at the time that they were within the APC did
18 not correspond with our ideology. Everything they did was against the civilian
19 population.

20 Q. [9:41:23] So, Mr Ntaganda, I'm looking at page 5 of the French transcript.
21 You speak about three people: Kisembo, yourself and Eric Mbabazi. Now, could
22 you tell us briefly what was this ideology that you decided to apply?

23 A. [9:41:58] Well, briefly it was about getting them to understand military
24 ideology according to which each soldier had to be disciplined, they needed military
25 discipline. They had to be taught that soldiers ensure the safety and security of

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1 civilian and their property. Thirdly, a soldier must fight against other soldiers.
2 Fourthly, they were taught that discipline and morale is the main weapon of all
3 soldiers. And the fifth point, they were taught that the army or soldiers must follow
4 the chain of command and they must show discrimination -- they must show
5 discipline without discrimination towards civilians.

6 Those are the five points that were the framework for this ideological teaching.

7 Q. [9:43:26] In the month of August when you were teaching this ideology what
8 was your objective training people in ideology who went into the other army?

9 A. [9:43:55] For us ideology was very important in the army and as I stated,
10 discipline was one of the five points. It was essential so that we could have the same
11 objective. We knew that those who surrendered, they were characterised by acts
12 against civilians and we know that the APC in their attacks were targeting civilians
13 and soldiers. We couldn't mix them up with our troops when they had this type of
14 behaviour. We therefore all had to have the same objective and the same ideology.

15 Q. [9:44:53] Who had the idea of training deserters in ideology?

16 A. [9:45:06] Myself, this was experience that I had got from the APR. When the
17 FAR forces came into our ranks, having fled the country, we grouped them in a
18 training centre in Gako where I was a teacher, an instructor. I could see the training
19 that they followed and I saw that if I applied the same training, that would produce
20 good results.

21 Q. [9:46:00] Mr Witness, I'm referring to page 4, you say that this training was
22 given in a classroom behind a banana field. Where was this classroom?

23 A. [9:46:26] This classroom was in the place where we grouped these people
24 together, Kisembo and myself, when we went to speak with them, behind the office of
25 the collectivity and Peter's residence, behind these two buildings.

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1 Q. [9:47:05] And who was in charge of ideological training? Well, who gave the
2 training?

3 A. [9:47:17] Our G5, Eric Mbabazi, was entrusted with this task to provide this
4 training, but when we chose him he wasn't a G5 at the time and when he joined us he
5 carried out the training for political commissioner in Uganda. So he was the one
6 who provided that training.

7 Q. [9:47:58] Mr Ntaganda, to the best of your memory, this classroom, had it
8 already been used for other purposes?

9 A. [9:48:12] No. We chose this location because we could ensure the protection
10 of that location. Whenever the enemy came to attack from Zumbe they targeted
11 Mandro centre, so before that this classroom was never used.

12 Q. [9:48:52] Mr Ntaganda, yesterday the Presiding Judge asked you a question
13 and I'd like to go back to that briefly. That's in transcript 213 and namely the French
14 version thereof. I'd like to read the question and the answer and I would put an
15 additional question to you.

16 Now the question was as follows: "Mr Ntaganda, have you heard it said that
17 volunteers changed their mind at a certain time and decided that they wanted to
18 return home?"

19 Now, you answered with the following answer: "When I was at the training centre I
20 never received such a report or such information from a person asking to return home.
21 I never received such a report, your Honour."

22 So the Presiding Judge continued saying: "Second question: So there were no
23 deserters, were there?"

24 And your answer was: "Among the recruits? No."

25 Now my question is as follows: If there were no deserters among the recruits, did

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1 some try to desert and who were prevented from doing so?

2 A. [9:50:26] No. I think I haven't understood the question -- or I didn't
3 understand the question well yesterday. I never heard about a case of desertion.
4 There are cases where recruits are asked to go home due to an illness and I could
5 accept such a request, but I never heard of a case of desertion at the time that I was
6 there.

7 Q. [9:51:04] I think you've answered my question, but my question at the start
8 was did you know of people who tried to desert and who were prevented from
9 deserting?

10 A. [9:51:22] No. No.

11 Q. [9:51:32] I'm now going to move on to another subject. This was also dealt
12 with by the Presiding Judge and this was in my series of questions coming up. This
13 concerned the staff or the women and you were asked questions about that. Do you
14 know the term "PMF"?

15 A. [9:52:06] Yes. This is an abbreviation, *personne militaire féminin*, female
16 military personnel.

17 Q. [9:52:24] This term "PMF" is it a denigrating term towards women?

18 A. [9:52:44] This term doesn't have its origins in the Congolese army. I heard it
19 within the UPDF. They are professionals. When you speak about a soldier who is a
20 woman, that's not a denigration, it's not an insult. It's not an insult.

21 Q. [9:53:25] Now, you already answered a question concerning the
22 difference -- or that there was no difference between training that the women had and
23 that the men had. Were there a lot of people, a lot of women undergoing training in
24 Mandro?

25 A. [9:53:53] No, there were not a lot of them. There was a small quantity of

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1 them, but I can't give you the exact number. They were few in quantity.

2 Q. [9:54:08] Among the women were some of them instructors?

3 A. [9:54:19] Yes, I remember one who was an instructor.

4 Q. [9:54:35] Now, yesterday you answered that apart from training the only
5 difference was that men and women did not sleep in the same place. My question is
6 now as follows: Could you explain to us how this place where the male and female
7 recruits slept was organised?

8 A. [9:55:08] Very well. There were huts, makeshift huts called manyatas for the
9 young people that were built in a line. They would be built in tens. Now these
10 manyata were lined up, there were ten of them and the women's one was much
11 further away from that occupied by young men. Maybe 100 metres away,
12 approximately. Those who were responsible for protecting the recruits, the female
13 recruits, were under the responsibility of the S5 and the IO as well as the nurse.
14 I would say that both genders were kept separate for sleeping arrangements, but as
15 regards military arrangements, everybody was the same.

16 Q. [9:56:35] What was your policy with regards to intimate relations between
17 men and women?

18 A. [9:56:51] Personally I gave instructions at the assemblies and this is something
19 I did every time there was an assembly of recruits, I told them that nobody could
20 sleep with a recruit who was female who came to us because we couldn't accept that a
21 female recruit becomes pregnant within our group. That was forbidden. There
22 was no question of a woman or girl becoming pregnant at the time of training.
23 Secondly, I told the women and the girls, "Why have you come here?" And they
24 answered me, "We came to ensure the protection of civilians." And I told them, "If
25 you have come for this end, nobody must get pregnant. If there is a couple among

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1 you, you have to make it official. We have to know that you are a couple." That
2 was clear in my instructions. And I repeated that on several occasions. And it was
3 respected.

4 Q. [9:58:32] Was your policy with regards to relations between men and women
5 was that known by people undergoing training there?

6 A. [9:58:59] Please could you put your question again so I may understand it
7 better.

8 Q. [9:59:06] Well, you've just told us that you gave instructions and I would like
9 to know if people knew your personal position in this regard.

10 A. [9:59:24] Yes. In all training centres where I was no woman became pregnant.
11 In our training centres no incident relating to pregnancy arose or was notified. So
12 the instructions were followed to the letter.

13 Q. [10:00:09] What was your policy regarding rape?

14 A. [10:00:28] What I told you is that this was also part of my instructions. No
15 man or woman was authorised to sleep with another person of the opposite sex
16 without their consent. This was not acceptable at all. It wasn't accepted.

17 Q. [10:00:57] As far as you know, were there any cases of rape in Mandro?

18 A. [10:01:18] At some point in time I learnt that a young man had attempted to
19 rape a woman. This young man's name was Brandon. That young man was
20 arrested. But it was an attempt, an attempted rape which was not successful.
21 I think that SSM Mugisa, Mugisa Paul, as well as Nembe settled that problem.

22 Q. [10:02:05] In your last answer, Mr Ntaganda, I read here the following:

23 "I think that SSM Mugisa, Mugisa Paul, as well as Nembe settled that problem or that
24 situation."

25 Was that your -- is that what you just said?

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1 A. [10:02:26] Yes, yes. Brandon was punished, they punished Brandon. But
2 Brandon had not raped. He attempted to rape, but he did not rape.

3 Q. [10:02:41] What was the post held by the person you refer to as SSM Mugisa
4 Paul, what was his position?

5 A. [10:02:54] I said SSM Nembe as well as Mugisa, they were commanders.

6 Q. [10:03:08] Mr Ntaganda, among your escorts were you ever informed that
7 there had been a case of rape?

8 A. [10:03:29] At some point in time, towards the end one of my bodyguards,
9 female bodyguards Mave came and said that Sopick had tried to rape her. I arrested
10 Sopick and flogged him in front of all my troops, in front of all my bodyguards. So it
11 was a case of attempted rape and we also solved the problem. We found a quick
12 solution to the problem.

13 Q. [10:04:14] You mentioned Abelanga on several occasions as being present in
14 Mandro. Do you remember Abelanga and can you tell us what type of a soldier he
15 was?

16 A. [10:04:36] Abelanga was a brave soldier, but he used to drink a lot of alcohol
17 and whenever he was drunk he would from time to time do things that were not
18 good. I told you that he sent his troops in Mongbwalu to go and fetch alcohol from
19 civilian homes. Now, when we found out about that he was kept or held in
20 detention. From time to time he had to be kept in detention, but on that occasion he
21 was detained for an extended period of time.

22 Q. [10:05:30] When Abelanga was detained, at what location was he held in
23 detention?

24 A. [10:05:47] What I remember is that he was detained towards the end of the
25 month of November. He was placed in detention at the FPLC headquarters. It was

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1 no longer the APC at the time. Shortly thereafter he was moved to the former
2 residence of Thomas. When Thomas' mother arrived, he was then taken to Mandro.
3 And that was in January 2001 or December 2002, something around that period.

4 Q. [10:06:42] Mr Ntaganda, let us now return to the training now that we know
5 how everything was set up and organised. Can you tell us how the training in
6 Saikpa unfolded right from the beginning? Just explain to the Court how things
7 happened.

8 A. [10:07:18] As I said before, training took place in a structure which I set up. It
9 involved instructors who provided training for platoons, and then the platoons will
10 train companies, and then the companies will train regiments, and regiments were
11 under the command of commanders. And so there were commanders at different
12 levels and for each level there was a different type of training.

13 In the morning, for example, you might learn how to handle weapons. Then there
14 was jogging in the afternoon and then you would have some porridge and then they
15 would go back to training on how to handle weapons. And then after such training
16 there would be lunch, and then the trainees would go for field craft. Then in the
17 afternoon around 1 or 2 p.m. they would go out for exercises in the courtyard, which
18 was laid out for that purpose, and then they would have supper in the evening. But
19 before they went for the supper, they would have to go and wash up, have a bath,
20 and then go for ideological training after supper, and then they would go to bed and
21 then wake up and do the same thing the next day.

22 Q. [10:09:17] You talked about weapons handling. Did you have weapons
23 during the training in Mandro?

24 A. [10:09:40] There were a few weapons that were used for the protection of the
25 training centre. Some four or five -- maximum five weapons, firearms.

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1 Q. [10:09:53] Mr Ntaganda, how then did you proceed to teach recruits weapons
2 handling if you didn't have any weapons?

3 A. [10:10:09] My bodyguards had weapons, firearms. And weapons handling at
4 the training centre was done on a rotation basis. So an instructor would show a
5 weapon to a group and then subsequently ask for five people to come together and be
6 shown how to handle a weapon. And so this was done in small groups, one after the
7 other.

8 Q. [10:10:58] This morning you talked about an attack in Mandro. When did
9 that attack take place?

10 A. [10:11:08] The attack occurred in early June 2002. The APC and other
11 combatants came from Zumbe. They had been sent by Molondo, who was in Bunia,
12 so he sent the APCs from -- to attack us in Saikpa at some point. It was a
13 simultaneous attack.

14 Q. [10:11:55] Can you tell us a little bit about how this happened? Were you
15 there? Please tell us.

16 A. [10:12:15] In early June 2002 the attack was launched by two groups. It was a
17 large force divided into two. One attacked the Mandro centre where I was. I was
18 in Mandro at the centre. And Saikpa was a little further off from Mandro, and so it
19 must have been about 10 or 12 kilometres away, although I didn't measure the
20 distance.

21 So those attacks were launched simultaneously at 5 a.m. in the morning. They
22 started by attacking the location where I was sleeping, but I was lucky. I heard them
23 as they deployed, so I came out of the house and I fled. Then subsequently I heard
24 gunfire from Saikpa. I fled towards the mountain. They burnt down Mandro and
25 Saikpa. But fortunately the recruits who were on guard gave us warning after they

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1 saw the enemy and started firing and then we were able to flee.

2 So the entire training centre in Mandro was burnt down. My house, the one in
3 which I lived, was burnt down. Civilian houses that were built in thatch were burnt
4 down and a number of civilians died. That is what happened.

5 Q. [10:14:12] During that attack, what happened to the recruits?

6 A. [10:14:22] The recruits were taken to Katoto by the instructors. From Katoto
7 they went back to their homes because they were afraid. So the recruits went to
8 Katoto. That's what happened.

9 Q. [10:14:52] What happened when the recruits got to Katoto? Was that the end
10 of the training or did the training continue?

11 A. [10:15:06] The chief of that area gave them a location to continue their training,
12 just like Chief Kahwa had done before. So their training continued.

13 Q. [10:15:24] How many recruits, an estimate if you may, how many recruits
14 were there in Katoto at that time?

15 A. [10:15:38] Some of the recruits returned to their homes because they were
16 frightened, but then they came back. So it ended up being the same number of
17 recruits. In fact, others even wanted to join the training at that time but we stopped
18 them from doing so because we didn't want to increase the number of recruits. So
19 we continued the training with the same number of recruits. That is around 800
20 recruits or thereabouts.

21 Q. [10:16:23] At the time of that attack in early June, as you say, what was your
22 goal at that time whilst you were in Mandro training those recruits?

23 A. [10:16:51] Molondo wanted to continue to annihilate us. That was his goal.
24 I wanted to continue training. We were not ready to stop the training, our objective
25 being to stop the enemy from achieving his objective, namely to destroy us and put an

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1 end to our military training project.

2 Q. [10:17:28] Mr Ntaganda, that is exactly what I'm interested in. Your military
3 training project, what was the purpose of that military training project?

4 A. [10:17:53] The purpose was to continue to provide training so that the trainees
5 can then be returned to Mandro and to Saikpa while we continued to pursue our
6 objectives.

7 Q. [10:18:12] Mr Ntaganda, can you tell us what information you had regarding
8 Molondo's APC at that time?

9 A. [10:18:27] The information available to me was that they had killed someone in
10 Mandro. They had brought his arm and they were shouting that they had killed me
11 and they were displaying that arm all over the place. But since they were not
12 authorised to come to the north of Bunia, they were doing this in the southeast of the
13 town, so they were all over the place, brandishing my arm as a trophy, claiming that
14 they had killed the hero Bosco. And so everybody was convinced that I had been
15 killed at that time.

16 Q. [10:19:23] Let me clarify my question, Mr Ntaganda. What forces and what
17 was their composition -- what was the composition of the APC forces at that time, if
18 you are aware of this?

19 A. [10:19:50] There were at least two battalions and they were training other
20 troops or other combatants at camp Ndromo, but the available soldiers added up to
21 two battalions which were available to Molondo and which were in town.

22 Q. [10:20:15] Was the APC authorised to carry out training in the town?

23 A. [10:20:30] No. By the way, what led to the disagreement between them and
24 UPDF was the lack of respect for the instructions that had been given.

25 Q. [10:20:56] Now, with your 800 recruits in Mandro did you have sufficient

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1 forces to fight Molondo and the APC?

2 A. [10:21:09] Not at all. You see, they had two battalions in the town and in
3 surrounding villages they also had deployed a number of troops. So our men could
4 not challenge him.

5 Q. [10:21:38] When this attack took place, where was Kisembo and what was he
6 doing?

7 A. [10:21:55] I had said he was at the headquarters when they burnt down
8 Mandro. The Ugandans came in and intervened and they found upon arrival that
9 the APC troops had already left, they had looted everything, they had burnt down
10 houses. And then shortly thereafter I saw late Kisembo arrive, he came to see me in
11 Mandro. He settled at --

12 THE INTERPRETER: [10:22:37] Message from the Swahili booth: Could the
13 witness be requested to repeat his answer, please.

14 PRESIDING JUDGE FREMR: [10:22:46] Mr Ntaganda, there is a request from the
15 interpreters, please kindly could you repeat your last response again because it hasn't
16 been captured.

17 THE WITNESS: [10:23:05] (Interpretation) Yes. This is what I was saying: At
18 some point after Mandro had been burnt down, you see, I remained there and then
19 Kisembo came to visit me and after that he went back to town where he used to live at
20 the headquarters of the APC, the house which I pointed out to you on the map. That
21 was the last answer that I provided.

22 MR BOURGON: [10:23:45] (Interpretation)

23 Q. [10:23:48] Mr Ntaganda, I would now like to show you a document, document
24 number 363 on our list of materials. It is a document which is not yet in evidence
25 and the number of the document is DRC-OTP-0051-0210. This document will appear

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1 on your screen, the first page of that document, and I would like to ask you whether
2 you recognize this document.

3 THE COURT OFFICER: [10:24:41] Before producing the document, we would like
4 to know the level of confidentiality, please, and inform the persons present in the
5 courtroom that it will be displayed on the evidence 1 channel.

6 PRESIDING JUDGE FREMR: [10:24:47] Ms Samson, any objection against the use?

7 MS SAMSON: [10:24:50] Your Honour, no objection at present. It's another one
8 of the documents for which Mr Ntaganda is unlikely to have been involved in the
9 drafting. I mean it's from the United Nations. But it may be that the specific
10 passage he's going to be asked about is relevant to matters he has already addressed.
11 And I don't believe it's a confidential document.

12 PRESIDING JUDGE FREMR: [10:25:25] Thank you.

13 MR BOURGON: [10:25:59] (Interpretation) May I proceed, Mr President?

14 PRESIDING JUDGE FREMR: Yes, please proceed.

15 MR BOURGON: (Interpretation)

16 Q. [10:26:09] Mr Ntaganda, you can see the document before you. Have you
17 seen this document before?

18 A. [10:26:24] No, I have never seen this document.

19 Q. [10:26:30] Mr Ntaganda, on this document you can see that it is a document
20 from MONUC Kinshasa. Were you aware that at the time there was an organisation
21 known as MONUC which was present in Bunia?

22 A. [10:26:56] Yes. The MONUC observers were there.

23 Q. [10:27:06] Did you know that the MONUC observers drafted and submitted
24 reports?

25 A. [10:27:21] Yes, I know that they were sent to observe the situation that was

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1 obtaining and to produce reports for their hierarchical superiors, but I did not know
2 the details of their functioning.

3 Q. [10:27:45] I would like us to go to page 2 of this document, 0051-0211.

4 Mr Ntaganda, now I would like to draw your attention to paragraph 3 of this
5 document on page 2. It is in English. I will read it out in English and then I will
6 put a question to you thereafter. I will start at the middle of paragraph 3 where you
7 see the word "MILOB" in English:

8 (Speaks English) "The MILOB team at Bunia reported that some of the villages
9 between Bunia-Mandro road were attacked by some men in RCD(K/ML) uniforms at
10 0600 hours on 7 June. The UPDF intelligence officer also confirmed the report. The
11 villagers inform the team that some persons had been killed in the attack. It is
12 reported that there a Hema militia camp close to the site of the incident at Mandro (10
13 kilometres east of Bunia). The team has been tasked to obtain more details."

14 (Interpretation) Mr Ntaganda, the paragraph I have just read out, does it refer to the
15 same events that you have just testified about?

16 A. [10:30:31] Yes. That is exactly correct.

17 MR BOURGON: [10:30:38] (Interpretation) Mr President, I would like to produce
18 this document into evidence under the same conditions as the document of yesterday,
19 namely in relation to the specific paragraph that has been confirmed by the witness.

20 PRESIDING JUDGE FREMR: [10:30:56] Ms Samson.

21 MS SAMSON: [10:30:57] No objection, Mr President. But it doesn't appear that
22 the witness confirmed the full paragraph 3, only the portion that was read out.

23 PRESIDING JUDGE FREMR: [10:31:06] Yes, it's true, there is something about
24 cutting grass in the beginning so I think we will limit only to the part you have read
25 out to Mr Ntaganda.

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1 So the part of the para 3 read out by Mr Bourgon to Mr Ntaganda is admitted into
2 evidence as a further Defence exhibit.

3 MR BOURGON: [10:31:40] Thank you, Mr President. Just for the sake of clarity,
4 I'd like to confirm that my understanding is that the full document goes into evidence,
5 but the only part that will be considered by the Chamber is the part that was read.

6 PRESIDING JUDGE FREMR: [10:32:00] I wouldn't say so. I would say this, in
7 fact, document have some heading, so this document is -- but only the part you read
8 out is part of the evidence, only that part will be then adjudicated by the Chamber.

9 MR BOURGON: [10:32:17] That's also my understanding, Mr President. I'd just
10 like to know will the Chamber have the heading of the document when it will
11 consider this paragraph?

12 PRESIDING JUDGE FREMR: [10:32:29] Even yourself I think you also in fact
13 quoted -- I have to be precise, you also quoted the heading, so I think also this part is
14 also admitted into evidence, just to be clear what kind of report was it.

15 MR BOURGON: [10:32:41] Thank you, Mr President.

16 Q. [10:32:54] (Interpretation) Mr Ntaganda, what was the situation in Bunia on
17 the days that followed the attack?

18 A. [10:33:18] Could you be clearer with your question. I haven't understood it
19 well.

20 THE INTERPRETER: [10:33:43] Problem with the microphone.

21 MR BOURGON: (Interpretation)

22 Q. [10:33:46] Did you have information about Bunia in the days that followed the
23 attack?

24 A. [10:33:52] Yes. Afterwards we were attacked again. Molondo attacked us
25 again in Mandro, but I remember that he didn't get to where we were. They also

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1 attacked Kisembo in the area that they controlled. He had been assigned a zone and
2 they left us in order to attack Kisembo and that happened after the Saikpa and
3 Mandro attacks.

4 Q. [10:34:39] Did you get information about the attacks that were led against
5 Kisembo in the secteur that he controlled in Bunia?

6 A. [10:35:03] Yes, when Molondo came to Mandro he was afraid of getting there
7 and the recruits who were in Saikpa went to Katoto. At that time after Kisembo's
8 attack I went to see him in Bunia to ask of the situation.

9 Q. [10:35:31] Do you remember what he said to you at that time?

10 A. [10:35:38] Yes. He explained to me how he had been attacked and what
11 happened previously. He told me how Molondo's people had gone, they had
12 said -- held an arm saying that I had been killed and they thought that I was no longer
13 alive.

14 Q. [10:36:11] When you went to Bunia at that time did you meet Thomas
15 Lubanga?

16 A. [10:36:23] No. I heard that there was a moment when he went to Kampala
17 and that he had been arrested and taken to Kinshasa.

18 Q. [10:36:49] If we go back to Katoto, how long did the training continue for in
19 Katoto?

20 A. [10:37:04] After I went to see Kisembo the training didn't last for a long time.
21 It was the second time that we had gone there, the recruits went in second place, but I
22 sent them to Saikpa. When Molondo arrived with Ntumba Luaba to attack Mandro,
23 according to what I heard because I didn't see it, we took the recruits and we set up in
24 Katoto. That was towards the end of July. The recruits didn't stay there though for
25 a long time.

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1 Q. [10:37:58] So let's go through it stage by stage. Now, the first time you were
2 in Katoto with recruits where did they go when they left Katoto?

3 A. [10:38:12] After, they were taken to Kudja, a locality called Kudja.

4 Q. [10:38:33] Where is Kudja?

5 A. [10:38:37] Kudja is approximately 3 to 4 kilometres from Mandro.

6 Q. [10:39:01] Who chose Kudja as a place, who chose that location?

7 A. [10:39:10] I did. I was going according to a certain criteria which made it
8 possible to set up the training centre there.

9 Q. [10:39:34] Well, you've mentioned certain criteria, well, what were these
10 criteria?

11 A. [10:39:57] Firstly there must be water there and the centre cannot be close to
12 the population. There were just a few members of the population not far from there.
13 There was a football pitch for the recruits where they could carry out their exercises as
14 well, where they could carry out their training.

15 Q. [10:40:31] Who was the commander of the training camp at Kudja?

16 A. [10:40:45] We followed the same organisation, Mugisa Muleke was
17 commander in that location.

18 Q. [10:40:55] When you came back to Kudja or when you occupied the place
19 called Kudja did you have weapons at that time?

20 A. [10:41:11] We did not yet have them at that time.

21 Q. [10:41:16] You spoke about a second withdrawal to Katoto, you mentioned
22 Ntumba Luaba, can you tell us what happened.

23 A. [10:41:39] We received information that during this period Ntumba Luaba was
24 visiting Bunia we heard that Molondo was coming to Mandro. We knew that if he
25 was coming to Mandro that was to attack us and we heard from the population on the

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1 road that they were coming with military vehicles. We just had five weapons and
2 that's why we decided to take the recruits to Katoto such that they would not be
3 attacked.

4 Q. [10:42:35] Did you know Mr Ntaganda on that day Lompondo and Ntumba
5 Luaba whether they went to Mandro?

6 A. [10:42:46] I heard that later, but on that day we thought that they were going
7 to attack us, but we found out that they were accompanied by Ntumba Luaba. We
8 didn't know the purpose of his visit. I know they arrived together, but that's
9 something I found out later.

10 Q. [10:43:26] Once the newly moved recruits who had gone to Katoto, once they
11 had gone to Katoto, what happened then?

12 A. [10:43:54] Lompondo came and left again because I sent people to get
13 information, I sent, for example, the young Bin Laden, he had been given the
14 nickname Bin Laden because of his long beard. He was in civilian clothing. When
15 he crossed him on the road, he stopped him -- or they arrested him --

16 THE INTERPRETER: [10:44:22] Corrects the interpreter.

17 THE WITNESS: [10:44:24]) (Interpretation) -- and took himself. And then they
18 attacked Kisembo and I went to see Kisembo. That is the chronology of events at
19 that time.

20 MR BOURGON: [10:44:35] (Interpretation)

21 Q. [10:44:38] But what were the conditions with regards to Katoto at the time of
22 the second withdrawal?

23 A. [10:44:49] At that time there was no problem. With regards to the training
24 the recruits continued to be trained according to the organisation that had been
25 established previously. There were no problems. When it came to supply of

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1 foodstuffs we didn't have problems in that regard. Peter was in charge of stocks.

2 The recruits had no problems.

3 Q. [10:45:28] Now, you mentioned on page 26, lines 7 to 8, you state that

4 "afterwards they attacked Kisembo and I went to see Kisembo." How did that

5 happen? What happened?

6 A. [10:45:55] When he was attacked Katoto's chief came to say that Kisembo had

7 been attacked but that he had fought back and he had driven away those who had

8 attacked him and he had stayed there. In the evening I decided to go and see him

9 and we met.

10 Q. [10:46:27] Who -- with whom did you go and see Kisembo?

11 A. [10:46:35] I tried to take some recruits because at that time the recruits had

12 finished their training but did not have weapons. I remember when I was attacked

13 Kisembo had left me with approximately five escorts and I left with the recruits who

14 had finished their training. And in the evening I arrived at the sector controlled by

15 Kisembo. Now, in the morning they tried to attack us, but the Ugandan troops

16 drove them back.

17 Q. [10:47:34] Could you clarify your last answer where it concerns the fact that

18 the people who attacked Kisembo were attacked by Ugandan troops. Was there

19 fighting between the Ugandans and Kisembo and the APC at that time?

20 A. [10:48:07] Yes. The APC had rules given by the UPDF. First of all they tried

21 to attack Kisembo, well, that was forbidden and Kisembo drove them back. And the

22 Ugandans, the UPDF were not involved in that. But when I went to comfort

23 Kisembo, then the next morning, it was before midday, they tried once again to attack

24 Kisembo and the UPDF were informed thereof and they went to block the road to the

25 assailants towards Ituri. Those who wanted to attack Kisembo knew that he wasn't

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1 sufficiently armed and that's how the -- that's why the UPDF intervened in order to
2 drive them back.

3 Q. [10:49:20] How much time did you remain in Bunia at that time?

4 A. [10:49:45] I think that I spent one or two nights, not more.

5 Q. [10:49:49] Do you remember the place where you slept in Bunia?

6 A. [10:49:55] Yes. Given that we had to defend ourselves I spent the night
7 behind Azanga cinema -- behind the house, Thomas' house, and the people had fled
8 from there and that is how I was told to stay there to check the arrival of the APC
9 from the bridge and I spent the night in the house of a trader.

10 THE INTERPRETER: [10:50:47] The Swahili booth did not hear the name of the
11 owner of the building in question. Somebody called Tom, it would seem.

12 And the interpreter would add: It wasn't a cinema of Azanga but the cité or city or
13 town of Azanga in the response. Thank you.

14 MR BOURGON: [10:51:11] (Interpretation)

15 Q. [10:51:13] Mr Ntaganda, could you repeat the name of the trader or business
16 person at whose house you spent the night?

17 A. [10:51:22] The trader was called Tom, T-O-M. I'm not sure of the spelling of
18 his name, but I know how to pronounce it, Tom.

19 Q. [10:51:47] Mr Ntaganda, do you know a person by the name of Olivier
20 Dekhana Maki?

21 A. [10:52:07] Do you want me to say something on that subject in open session?

22 MR BOURGON: [10:52:12] Mr President, if we can move into private session.

23 PRESIDING JUDGE FREMR: [10:52:15] All right.

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

25 (Private session at 10.52 a.m.) *(Reclassified entirely in public)

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1 THE COURT OFFICER: [10:52:30] We're in private session, Mr President.

2 PRESIDING JUDGE FREMR: [10:52:32] Ms Samson.

3 MS SAMSON: [10:52:33] Yes, your Honour. I'm of course not sure what the
4 witness's concern is, but this individual is someone for whom information is available
5 publicly. We're in private session so --

6 PRESIDING JUDGE FREMR: [10:52:54] Yes, yes.

7 MS SAMSON: [10:52:55] -- I don't want to --

8 PRESIDING JUDGE FREMR: [10:52:59] I can even ask Mr Ntaganda.

9 Mr Ntaganda, could you briefly explain us what is the reason why would you prefer
10 to remain when answering this question in private session?

11 THE WITNESS: [10:53:16] (Interpretation) Your Honour, I had forgotten that he
12 testified in open session. If he testified in open session, we can stay in open session
13 and I can say what I wanted to say without any problems.

14 PRESIDING JUDGE FREMR: [10:53:36] Then let's return back into open session,
15 because generally we prefer to stay in open session if possible.

16 (Open session at 10.53 a.m.)

17 THE COURT OFFICER: [10:53:53] We are back in open session.

18 PRESIDING JUDGE FREMR: [10:53:59] Thank you, court officer.

19 Mr Bourgon, please proceed.

20 MR BOURGON: [10:54:05] (Interpretation) Thank you, your Honour.

21 Q. [10:54:08] Mr Ntaganda, I asked you a question as to whether you knew
22 Olivier Dekhana Maki.

23 A. [10:54:21] Yes. That's his father, but at that time I didn't know that he was his
24 father. Because when he came to training in Mandro, I had already driven him out.

25 And I knew that his mother came to thank me, because she said that I acted well

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1 when I chased away his son, and I said I didn't know her son. She said, "No, you did.
2 You drove him away recently." He was in our house, because when Kisembo was
3 attacked, they fled. They came to see their house and when they heard that the APC
4 was going to attack, they left. And I stayed in that house. That was therefore his
5 father.

6 Q. [10:55:27] When you returned to Mandro afterwards, where did you go?

7 A. [10:55:36] I stayed in Chef Kahwa's house because mine had been torched. I
8 stayed there for a short period. I still intended to get recruits to come, but it was
9 that -- at that time that Chef Kahwa came.

10 Q. [10:56:16] When Chef Kahwa came, did he come back with other people?

11 A. [10:56:28] Yes, yes, he did. He was accompanied by one person.

12 Q. [10:56:39] And who is that person, if you remember that person's name,
13 Mr Ntaganda?

14 A. [10:56:48] I don't think it would be a good idea to say his name in open
15 session.

16 PRESIDING JUDGE FREMR: [10:57:05] So now let's move into private session,
17 court officer, please.

18 (Private session at 10.57 a.m.) *(Reclassified partially in public)

19 THE COURT OFFICER: [10:57:14] We're in private session.

20 PRESIDING JUDGE FREMR: [10:57:24] Thank you, court officer.

21 So now you may answer, Mr Ntaganda.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) However, information about this individual has been
12 elicited in public session during the course of the trial and I am unclear as to what
13 precisely in relation to this person creates a risk for Mr Ntaganda or his family.

14 PRESIDING JUDGE FREMR: [10:59:40] Yes, just to -- maybe to clarify even the
15 position of the Chamber. The fact that somebody's name have been already publicly
16 mentioned in the previous part of proceeding doesn't necessarily mean that we can't
17 go into private session, because, as you also, Ms Samson, mentioned, if there would
18 be some risk that -- if Mr Ntaganda would speak about this person in a way that
19 could put him at risk, then we have to move into the private session.

20 I, I think, repeated that several times it was even my understanding that even
21 Mr Ntaganda is now aware of criteria that could lead to move to private session. He

22 (Redacted)

23 (Redacted)

24 would probably decrease a bit such a risk, and I believe that you are just -- you
25 approach this issue, I guess.

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1 So at the moment we are just -- we approach the time we should break. Do you
2 want to finish by putting this question, Mr Bourgon? What is your position?

3 MR BOURGON: [11:01:06] (Interpretation) Your Honour, I was just going to
4 recall -- remind Mr Ntaganda that we were going to use the name Jacques afterwards
5 so we didn't have to go back into private session. So I have no more questions
6 before the break.

7 THE INTERPRETER: [11:01:20] However, the interpreter would like to make one
8 correction as regards page 31, line 16 of the English transcript. According to the
9 French transcript, it is 777 Golf and not 77 Golf. Thank you.

10 PRESIDING JUDGE FREMR: [11:01:36] I also thank --

11 THE WITNESS: [11:01:38] (Interpretation) I have understood.

12 PRESIDING JUDGE FREMR: [11:01:42] -- the interpreter.

13 So now in order to announce our break, let's move into open session.

14 (Open session at 11.01 a.m.)

15 THE COURT OFFICER: [11:01:54] We're in open session.

16 PRESIDING JUDGE FREMR: [11:01:56] Thank you, court officer.

17 So we are taking our regular break for 30 minutes and we will reconvene at half past
18 11.

19 THE COURT USHER: [11:02:07] All rise.

20 (Recess taken at 11.02 a.m.)

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

22 THE COURT USHER: [11:30:46] All rise.

23 Please be seated.

24 PRESIDING JUDGE FREMR: [11:31:15] Let's continue with further part of direct
25 examination of Mr Ntaganda which is led by Defence.

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1 Mr Bourgon, you have the floor.

2 MR BOURGON: [11:31:32] (Interpretation) Thank you, Mr President. I would like
3 to point out a correction to the transcript. There is a correction in the English version
4 at page 32, lines 22 to 25. That correction by the interpreter does not appear in the
5 French version.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [11:32:34] Thank you. Mr Ntaganda, what was the reason for Jacques' presence
10 in Chef Kahwa's house?

11 A. [11:32:58] It's Chef Kahwa who came with him. He came to find out if it was
12 true that we were still there as Chef Kahwa had told him. It had been said that the
13 chief of general staff was already dead. Sylvain Mbuki is the one who did that, and
14 he came to enquire and to find out if he could be of any help.

15 Q. [11:33:42] You have just mentioned a name in French, and I think we have the
16 right name, Sylvain Mbuki, M-B-U-K-I. Who is this person?

17 A. [11:34:10] At that time he was the RCD/Goma chief of general staff.

18 Q. [11:34:21] Where were the recruits at that time?

19 A. [11:34:31] The recruits were at Katoto.

20 Q. [11:34:40] Did Jacques have the opportunity to visit the recruits in Katoto?

21 A. [11:34:52] Yes. He came to my place and I told him that my hierarchical
22 superior was in Bunia. So we went to see him, and then we also went to visit the
23 recruits in Katoto.

24 Q. [11:35:22] When you say "we", who are you referring to? What's the
25 composition of the group when you go to Katoto?

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1 A. [11:35:41] Our group was made up of myself, late Kisembo, Chef Kahwa and
2 Jacques.

3 Q. [11:35:57] Do you remember whether anyone in your group spoke to the recruits
4 in Katoto?

5 A. [11:36:13] Yes. When we arrived in Katoto, they assembled and I led the
6 military parade and welcomed our military superior, the late Kisembo. I saluted
7 him with all due respect and thereafter he addressed the recruits.

8 Q. [11:36:51] Do you remember what Mr Kisembo said in general, Mr Ntaganda?

9 A. [11:37:06] Yes. He told them that he was sorry about all the attacks that they
10 had suffered from the APC. He went on to say that even in Bunia, they had also
11 come under several attacks. Then he said that our struggle or combat was aimed at
12 working for peace, that our struggle was just and that we were going to have victory.

13 Q. [11:38:00] Mr Ntaganda, did you at any time -- in fact, did the recruits at any
14 time receive weapons?

15 A. [11:38:16] Yes. We asked Mugisa to bring them to Kudja, which he did. And
16 shortly thereafter the weapons followed.

17 Q. [11:38:41] When the weapons arrived, those who were in training in Mandro,
18 where were they?

19 A. [11:39:01] The recruits were in Kudja. That is where the training centre was
20 located.

21 Q. [11:39:18] You told us earlier that you used to live in Chef Kahwa's house.
22 Who else was with you at that location? Who else lived with you at that location?

23 A. [11:39:31] My wife, but when Chef Kahwa came back, I moved to a location
24 below his residence. Chef Kahwa's mother-in-law and one of his relatives, as well as
25 some other young ladies who used to live with that woman, and I don't know what

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1 relationship they had among themselves, those people used to live in that house. So
2 when Chef Kahwa came back, I moved out to a building which was slightly lower
3 down the slopes.

4 Q. [11:40:32] Did you have escorts or bodyguards at that time, Mr Ntaganda?

5 A. [11:40:37] At that time I had bodyguards, five of them, whom Kisembo had
6 assigned to me. It is only when we received weapons that I set up a new team of
7 bodyguards.

8 Q. [11:41:11] In the French transcript we read as follows on page 36, line 10:

9 "It was only when we received weapons that I set up a new team of bodyguards."

10 Is that what you said?

11 A. [11:41:32] Yes. I said that when Chef Kahwa arrived and Mandro had been
12 attacked, Kisembo gave me his bodyguard and then when the weapons arrived, I set
13 up a team of bodyguards for myself, a company.

14 Q. [11:42:10] That's the word I was looking for, company or team. Now, so how
15 many people were involved when you put together this new structure of
16 bodyguards?

17 A. [11:42:31] I set up a platoon of 66 -- rather, correction, 36 and so if you multiply
18 that by three, that would make 108 bodyguards.

19 Q. [11:42:59] Mr Ntaganda, can you explain to the Court -- now, before talking
20 about the weapons, can you talk to us about the new location where you lived after
21 moving out of Chef Kahwa's house? Who was living with you in that new location?

22 A. [11:43:27] I used to live with my wife and my bodyguards. The team of
23 bodyguards which I had set up included some PMF, but they did not use to live in the
24 same house as myself.

25 Q. [11:43:51] Do you remember the four bodyguards who -- one moment, please,

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1 let me -- I am referring to page 37, line 4:

2 "I used to live with my wife and bodyguards and among the guards there were
3 PMFs."

4 How many PMFs were there?

5 A. [11:44:39] I can even give you their names because I remember them. One of
6 them was known Amama. She came from the APC. She had just completed her
7 training in ideology. Then one was called Lotsove, and the third was known as
8 Caroline, and the fourth was Chantal. That's it.

9 Q. [11:45:18] What were the assigned duties? What work did those four PMFs use
10 to do?

11 A. [11:45:36] Along with my wife, they took care of household duties. They
12 worked together with my wife to take care of the house.

13 Q. [11:45:47] Were they armed?

14 A. [11:45:56] Yes.

15 Q. [11:46:02] Did they play any other roles apart from household chores?

16 A. [11:46:17] At that time their duties were limited to that. It's only later on that
17 they were given other duties. Later on.

18 Q. [11:46:33] Do you remember why you selected four PMFs to be at your
19 residence with your wife?

20 A. [11:46:52] At that time the selection was done by my chief escort, not by myself.
21 He selected them himself from among the soldiers and he assigned them different
22 tasks, because that was the duty of the chief escort.

23 Q. [11:47:19] Was there any reason for selecting women to do that work?

24 A. [11:47:34] It was a good thing for them to work alongside my wife and to be in
25 her company as women. When it came to their military tasks, they did the same

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1 thing as the other soldiers.

2 Q. [11:47:57] Do you remember the ages of those four women?

3 A. [11:48:11] They were 18 and above. You must remember that I talked about the
4 criteria and they had met the criteria.

5 Q. [11:48:29] On what basis do you determine that they were 18 and above?

6 A. [11:48:46] They were asked the question and they filled out -- or, rather, they
7 met other criteria as well, such as the ability to carry a gun and a box of ammunition.
8 And so if a soldier is wounded at the battlefield, they would have been able to
9 transport the said soldier. So they had fulfilled all the criteria.

10 Q. [11:49:25] Is there a link, according to you, between age and the ability to carry
11 a box of ammunition?

12 A. [11:49:40] Yes.

13 PRESIDING JUDGE FREMR: [11:49:43] Hold on, Mr Witness.

14 Ms Samson.

15 MS SAMSON: [11:49:46] Yes, objection, leading.

16 PRESIDING JUDGE FREMR: [11:49:58] Mr Bourgon.

17 MR BOURGON: [11:50:04] I don't see no leading character into this question. I am
18 asking him if he sees a relationship between two terms. If my colleague objected on
19 the basis of seeking an opinion, I could understand. But even there it's not
20 a question of opinion; it's a question of is what he considered to be the case at the
21 time.

22 PRESIDING JUDGE FREMR: [11:50:23] But I believe that in this regard, even the
23 opinion of the accused could be -- could be relevant. So the objection is overruled.
24 Please proceed.

25 MR BOURGON: [11:50:47] (Interpretation)

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1 Q. [11:50:50] Mr Ntaganda, do you want me to repeat the question?

2 A. [11:50:53] Yes, please do.

3 Q. [11:50:57] Based on the answers that you have provided today, and whereby
4 you stated that the four ladies were older than 18 and then you went on to say that
5 they were able to carry some equipment and that they had met the criteria. What I
6 want to know from you is whether at the time there was a link between being above
7 18 and the criteria of the ability to carry ammunitions or any other objects. Was
8 there a link?

9 A. [11:51:37] Yes, yes. You see, a person who would be able to carry a weapon
10 and a box of ammunition or one of their comrades who is injured at the battlefield
11 would be somebody who cannot be less than 18.

12 Q. [11:52:03] Mr Ntaganda, in the French transcript you said in answer to my
13 question at page 38, line 23 -- my question was the following: "On what basis do you
14 say that they were 18 and above?" and your answer is: "That was required of them."
15 Who required that of them, or they were asked about that?

16 A. [11:52:40] When the recruits arrived, they did not have any identification
17 documents. So I said that they could have lied to us or something like that, even
18 when they were asked a question. That is why we had to cross-check by
19 determining whether the person could carry a weapon, a box of ammunition and an
20 injured companion.

21 So since there was no identification document, it wasn't enough to simply ask for
22 their age, because, you see, someone could provide you with a figure claiming that it
23 was their age. That is why the other criteria which were more reliable had to be
24 used. So if a young man or woman was able to carry a weapon, a box of
25 ammunition or an injured comrade at the battlefield, this was enough to determine

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1 that such-and-such a person or that young person was above 18.

2 Q. [11:54:08] The four PMFs who had to work with your wife, did they take up
3 those duties voluntarily?

4 A. [11:54:25] Yes. They were happy to be at that place.

5 Q. [11:54:42] Based on your experience in Mandro, when you set up that company
6 of bodyguards and escorts, how -- or what was the reaction of those who were
7 selected for that purpose?

8 A. [11:55:14] They were happy to serve as my bodyguards because they loved me,
9 they loved me a lot. They really did love me.

10 Q. [11:55:22] Now, Mr Ntaganda, I would like to show you a few photographs and
11 I would ask you to help us to identify those who appear on these photographs.
12 Photograph number 1 is item 226 on our list of materials. The photograph number is
13 DRC-D18-0001-5442. Please could we kindly display that photograph on the screen.

14 PRESIDING JUDGE FREMR: [11:56:04] Ms Samson, no objection?

15 MS SAMSON: [11:56:07] One moment, please, your Honour.

16 PRESIDING JUDGE FREMR: [11:56:10] So please even, court officer, wait with
17 presenting the photo until we will get position of the Prosecution.

18 MR BOURGON: [11:56:42] Mr President, I don't believe that there were objections or
19 initial objections to these documents, and they are just pictures. He can say "yes" or
20 "no".

21 PRESIDING JUDGE FREMR: [11:56:51] But I would -- anyway it is my duty to
22 verify that by asking Ms Samson.

23 MS SAMSON: [11:56:57] Thank you. In fact, the Prosecution did make general
24 observations about photographs to which it would object at page 3 of our response.
25 This particular photograph is not amongst the ones that we objected to in principle,

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1 your Honour. Of course, we said provided that the appropriate foundation was met.

2 Thank you.

3 PRESIDING JUDGE FREMR: [11:57:26] Very well. So then let's proceed.

4 THE COURT OFFICER: [11:57:28] The photograph will be displayed on the
5 evidence 2 channel.

6 MR BOURGON: [11:57:44] (Interpretation)

7 Q. [11:57:44] Mr Ntaganda, do you recognise the image or the photograph on your
8 screen?

9 A. [11:57:56] Yes, I recognise the photograph.

10 Q. [11:58:02] What is it?

11 A. [11:58:16] That is Chef Kahwa's residence.

12 Q. [11:58:19] Where was it located?

13 A. [11:58:20] In Mandro.

14 Q. [11:58:27] Mr Ntaganda, there appears to be a white concrete structure in the
15 middle of the picture. Do you know what that is?

16 A. [11:58:42] He told me that his father was buried there.

17 Q. [11:58:52] To the right of the photograph there is a structure that appears to have
18 a thatched roof. What is that?

19 A. [11:59:11] It's a hut, a straw house where troops would rest.

20 Q. [11:59:24] That straw house, was it always there near Chef Kahwa's residence,
21 that hut?

22 A. [11:59:38] Yes. It was built before or after my arrival, but I don't remember
23 exactly when.

24 MR BOURGON: [11:59:54] Mr President, I would like to tender this photograph into
25 evidence.

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1 PRESIDING JUDGE FREMR: [11:59:57] And before doing that, one additional

2 question from my part: What time this picture has been made?

3 I don't need exactly, but at least a year.

4 MR BOURGON: [12:00:33] (Interpretation) I think, your Honour, that this is a recent
5 photo, but I am going to look for the exact year.

6 According to the information that I have, July 2016, your Honour.

7 PRESIDING JUDGE FREMR: [12:00:51] Thank you very much.

8 Now, Ms Samson, I saw you on your feet.

9 MS SAMSON: [12:00:57] We have no objection to the admission, your Honour.

10 PRESIDING JUDGE FREMR: [12:01:00] All right. So this picture is admitted into
11 evidence as a further Defence exhibit.

12 Mr Bourgon, please proceed.

13 MR BOURGON: [12:01:20] (Interpretation) Thank you, your Honour.

14 Q. [12:01:23] I would like to show you a second photo, Mr Ntaganda. This photo
15 has the number DRC-D18-0001-1767.

16 Mr Ntaganda, do you see the photo and, if you do, what is this exactly?

17 A. [12:02:17] Yes, I can see this photo. This is the office of the collectivity, which
18 was used as Chef Kahwa's office. And later I occupied the house because Mandro
19 had been attacked.

20 Q. [12:02:42] The collectivity of Mandro --

21 MR BOURGON: [12:02:49] (Interpretation) I'm sorry.

22 THE WITNESS: [11:19:36] (Interpretation) Yes.

23 PRESIDING JUDGE FREMR: [12:02:50] Hold on, hold on, Mr Witness.

24 Ms Samson.

25 MS SAMSON: [12:02:52] Yes, it's -- if we could have the item number where it's

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1 found on the list of Defence items. I am trying to find it but there's so many items

2 I'm not certain that I have found the right tab.

3 PRESIDING JUDGE FREMR: [12:03:08] Mr Bourgon, could you assist?

4 MR BOURGON: [12:03:22] (Interpretation) Certainly, your Honour. 831 is the item
5 number.

6 PRESIDING JUDGE FREMR: [12:03:29] So also let's give some time to Prosecution to
7 find it.

8 MS SAMSON: [12:03:43] We have no objection, your Honour.

9 PRESIDING JUDGE FREMR: [12:03:45] All right.

10 MR BOURGON: [12:03:55] (Interpretation)

11 Q. [12:03:55] Mr Ntaganda, you mentioned collectivity. The collectivity of what
12 place?

13 A. [12:04:03] The Bahema-Banywagi collectivity based in Mandro. It's known
14 under the name Bahema-Banywagi.

15 Q. [12:04:25] You also mentioned that Mandro had been attacked, page 44, line 11.
16 You said: "I occupied this house because Mandro had been attacked." Now, when
17 did you live in that house exactly?

18 A. [12:04:50] When I arrived in Mandro, at the time that training was going on in
19 Saikpa, I was living in that house. Later there was an attack and the house was
20 burnt down, and from that time I no longer lived in that house.

21 Q. [12:05:15] The house that we see on the photograph, is it identical to the one that
22 you were living in at that time?

23 A. [12:05:28] That house was redone, taken into account that it had been burnt
24 down. However, the framework was the same. You will see that the roof has new
25 corrugated iron, so this house was rebuilt.

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1 Q. [12:06:06] When you say that the house was burnt down, what was left of the
2 house after the attack?

3 A. [12:06:31] Just the walls. With regards to the corrugated iron and the roof, the
4 doors, windows, everything had been burnt down. It was just the structure that
5 remained, the walls.

6 Q. [12:06:51] On the photo, Mr Ntaganda, we see a person who is standing up.
7 Now, this isn't -- it's not the person that's of interest to me, but it's more what's right
8 of that person. Now, we see a path. Do you know where this pathway leads to?

9 A. [12:07:22] The enemy attacked from this path. It goes to Zumbe. And from
10 there you can go in other directions. It's a large locality, but if you follow the
11 pathway, as you see, it will take you all the way to Zumbe.

12 MR BOURGON: [12:07:47] Your Honour, I would like this photograph to be entered
13 into evidence.

14 THE COURT OFFICER: [12:07:57] The photograph is already admitted for the
15 purpose of impeachment for the Defence and this has been done on
16 10 November 2016.

17 PRESIDING JUDGE FREMR: [12:08:13] But still I think it would be better now to, if
18 everything is fine, to admit it for the truth of the content.

19 Ms Samson, your position.

20 MS SAMSON: [12:08:26] No objection, your Honour.

21 PRESIDING JUDGE FREMR: [12:08:28] All right. So this photo is admitted into
22 evidence as a further Defence exhibit.

23 MR BOURGON: [12:08:47] (Interpretation)

24 Q. [12:08:47] Mr Ntaganda, I will show you another photo, item 227 on our list,
25 DRC-D18-0001-5443.

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1 A. [12:09:22] This is the building that was used as a store to supply the recruits'
2 foodstuffs. Peter, the administrator, lived there as well.

3 Q. [12:09:47] Now, this house, does it resemble -- or is it identical to the state it was
4 in in 2002?

5 A. [12:10:03] The building wasn't burnt down, but as you can see, it's been
6 repainted. The painting resembles the collectivity office building.

7 Q. [12:10:33] And the path that we can see on the right-hand side of the house,
8 where does that go?

9 A. [12:10:44] There's a road that goes towards Chef Kahwa and another one that
10 goes to the collectivity office.

11 MR BOURGON: [12:11:03] (Interpretation) Your Honour, I would like this
12 photograph to be tendered into evidence.

13 PRESIDING JUDGE FREMR: [12:11:09] And again, my understanding is that it was
14 made 2016, something of the data. Again, no need to -- but even you also, by your
15 question, indicated that, and now court officer confirms. So that's fine.

16 Ms Samson, your position.

17 MS SAMSON: [12:11:29] No objection, your Honour.

18 PRESIDING JUDGE FREMR: [12:11:30] All right then. So this photograph is
19 admitted into evidence as a further Defence exhibit.

20 MR BOURGON: [12:11:48] (Interpretation) Thank you, your Honour.

21 Q. [12:11:50] Mr Ntaganda, I would like to show you another photo, and now this
22 photo is item 225 on our list. This is an item which hasn't yet been admitted. It has
23 the number DRC-D18-0001-5441. And this photograph was also taken in July 2016.
24 Do you recognise this photograph, Mr Ntaganda?

25 A. [12:12:38] Yes. The house on the left is the house in which I lived with my wife.

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1 The one on the right is the house in which some of my bodyguard slept, those who
2 were not in service.

3 Q. [12:13:10] Mr Ntaganda, between the two houses we can see other structures
4 behind them. Do you recognise these buildings? They're between the two
5 buildings that you have just described.

6 A. [12:13:30] Yes. There were civilians living in those houses. A family, the
7 parents of Chef Kahwa, and there was also a kitchen next to it which is in straw, made
8 of straw.

9 Q. [12:14:04] With regards to the state of these buildings as they appear on the
10 photo, is it similar to the state in which they were in 2002?

11 A. [12:14:22] These houses were not burnt down, but as you can see, they are in
12 a dilapidated condition. They had -- they had been worked on at the time, with
13 paste on it, but at the time you can see that the state of it is dilapidated. The
14 plaster - rather than paste - is in a dilapidated state.

15 Q. [12:14:59] So looking at this photograph, Mr Ntaganda, where is the residence of
16 Chef Kahwa?

17 A. [12:15:16] The residence of Chef Kahwa was on the left of these houses. It's
18 opposite these houses.

19 MR BOURGON: [12:15:26] (Interpretation) Your Honour, I would like the
20 photograph to be tendered into evidence.

21 MS SAMSON: [12:15:32] No objection.

22 PRESIDING JUDGE FREMR: [12:15:36] Thank you, Ms Samson.

23 So this photograph is also admitted into evidence as a further Defence exhibit.

24 Mr Bourgon, you may proceed.

25 MR BOURGON: [12:15:49] (Interpretation) Thank you, your Honour.

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1 Q. [12:15:52] I have got another photograph to show you, Mr Ntaganda, and that's
2 item 830 on our list. The number is DRC-D18-0001-1765. Now, the photograph
3 was also taken in the month of July 2016.

4 Mr Ntaganda, do you see this photograph and, if so, do you recognise it?

5 A. [12:16:49] Yes, it's a school. But that place has changed, but it is a school.

6 Q. [12:17:05] If you know, where was this school?

7 A. [12:17:12] Next to Chef Kahwa's residence, just behind his residence, as I
8 explained to you previously.

9 Q. [12:17:35] What was this building used for?

10 A. [12:17:48] The school was used for ideology training for Molondo's troops.

11 Q. [12:18:15] To the best of your knowledge, Mr Ntaganda, this building, was it
12 already used for -- as a detention centre or as a cell of any kind?

13 A. [12:18:32] No. No. We never used it as a cell.

14 MR BOURGON: [12:18:44] (Interpretation) Your Honour, I would like this
15 photograph to be entered into evidence.

16 PRESIDING JUDGE FREMR: [12:18:48] Ms Samson.

17 MS SAMSON: [12:18:49] No objection.

18 PRESIDING JUDGE FREMR: [12:18:51] All right. So this photograph is admitted
19 into evidence as a further Defence exhibit.

20 Mr Bourgon, please.

21 MR BOURGON: (Interpretation)

22 Q. [12:19:09] Mr Ntaganda, we're coming on to the subject of weapons. When did
23 the weapons arrive and how did this take place?

24 A. [12:19:30] At the end of July 2002 we received the weapons. They were
25 dropped by air.

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1 Q. [12:19:45] When did you find out that the weapons would be dropped by air?

2 A. [12:20:04] When we visited it -- the recruits for the last time, when they had
3 joined us, Jacques spoke to the chief of general staff, Kisémbu, and he told us that the
4 merchandise had arrived. He was the person who had a telephone. We didn't have
5 a telephone. And some minutes later we heard the sound and we heard weapons
6 being dropped with parachutes in Kudja.

7 Q. [12:20:54] Well, what was your role in the reception of weapons?

8 A. [12:21:04] None. When the weapons arrived, my role was limited to
9 distributing weapons among the recruits, and that's what we did.

10 Q. [12:21:41] So who carried out the liaison work between the aeroplanes, the
11 aeroplanes that were dropping the weapons?

12 A. [12:21:54] Jacques. Just him.

13 Q. [12:22:07] How did he do that? What do you know about the subject of the
14 dropping of these weapons? How did it work? How did it go?

15 A. [12:22:24] When the plane arrived, it was foggy. He had a Motorola and he
16 spoke to somebody, saying that the visibility wasn't good. And he gave the GPS
17 coordinates and asked us to make fires, and the recruits set fires alongside the Kudja
18 river in four places. And when the plane arrived, we heard him speaking on the
19 Motorola. I didn't know that the GPS had a satellite telephone as well, and that was
20 when we saw the parachutes being dropped or that the parachutes were dropping
21 these weapons.

22 Q. [12:23:24] Mr Ntaganda, do you remember how many planes -- or how many
23 drops were there and during what period that took place?

24 A. [12:23:54] The weapons were dropped in two -- over two days on six occasions.
25 Well, maybe not even two days. It was one and a half days. The weapons were

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1 dropped five or six times.

2 Q. [12:24:16] At the time that the weapons were being dropped, how many recruits
3 did you have approximately or persons present in your group in Mandro?

4 A. [12:24:43] As regards the troops, that had increased. There was a first group
5 and another group had joined us. Those who stayed at their homes; there were
6 others who ensured the security of their villages. So the recruits in total were -- the
7 number in total was between 1,800 and 2,000.

8 Q. [12:25:14] So when you say 1,800/2,000 are we talking about the period before
9 the weapons were dropped or after?

10 A. [12:25:34] There were two groups who had finished training and another group
11 was being trained. Others joined us because we had received a sufficient quantity of
12 weapons.

13 Q. [12:26:01] The weapons-dropping operation, was this done in a visible way?
14 Was it a public operation or did anybody try to hide it?

15 A. [12:26:27] It wasn't made public, it wasn't brought to everybody's attention.
16 We heard the information later. We were asked to come and receive the
17 merchandise. But at the time of the drop it wasn't everybody who saw it, just those
18 who were close to Mandro. Those who were far away did not see the drops.

19 Q. [12:26:59] What quantity of weapons did you receive?

20 A. [12:27:07] I remember that everybody received a weapon. There were even
21 reserves.

22 Q. [12:27:26] Were all the weapons operational?

23 A. [12:27:33] Some weapons had been damaged in the drop. Some parachutes
24 were defective.

25 Q. [12:28:03] Where were the arms stocked, Mr Ntaganda?

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1 A. [12:28:11] Each recruit received a weapon. They became soldiers. When
2 a recruit gets a weapon, that person is no longer considered a recruit, but a soldier.
3 Now, some other weapons had been damaged. Others had been put into reserve.
4 We dug trenches behind Chef Kahwa's residence and that's where we stocked them.
5 We used the technique that soldiers use to stock rifles in trenches.

6 Q. [12:29:07] At what time did you distribute the weapons to the persons present in
7 Mandro?

8 A. [12:29:23] On the same day as the drop, the distribution was carried out. All
9 those who had undergone the pass out received a weapon, each of them.

10 Q. [12:29:54] You have just mentioned the word "pass out". When did the pass
11 out take place or were there several of them? Could you just explain to us how this
12 pass out ceremony went for people who had finished their training?

13 A. [12:30:15] I used the word "pass out" because it's a military term. Once
14 a recruit undergoes pass out, that person is no longer considered a recruit, but is
15 a soldier. That's the reason why I used the term "pass out". But there wasn't a pass
16 out ceremony as such, as is the case in an army. It's just that the weapons are
17 distributed to the recruits. But there wasn't a ceremony as such. It wasn't pass out
18 in the strict sense of the term.

19 Q. [12:31:15] So during the training in Mandro, how many pass outs were there in
20 Mandro in total, to the best of your knowledge?

21 A. [12:31:31] I would say there was one sole ceremony, one official ceremony. It
22 was filmed, it's on video. The others who finished their training, they were given
23 weapons and that was the end, because we were in a difficult period at that time and
24 it was dangerous.

25 PRESIDING JUDGE FREMR: [12:32:06] Mr Bourgon, I'm sorry to interrupt you, and

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1 maybe you can just sit for approximately five minutes, because you already left this
2 topic of weapons-dropping operation, and I would like, because I find it very relevant,
3 I would like to put several additional questions.

4 Mr Ntaganda, I would like to return back to your description of this
5 weapons-dropping operation. First of all, could you be more specific or at least
6 make some estimation how many weapons had been delivered and what kind of
7 weapons, if you could be more specific? Just SMG or some further weapons, some
8 heavy weapons?

9 THE WITNESS: [12:33:03] (Interpretation) Yes, your Honour. Initially some SMGs
10 were dropped but at different times of delivery. Now, the arms that were dropped
11 by parachutes were MMGs, RPGs, recoilless, B-10s. Then there were 12s, some
12 rocket launchers. Those are some of the types of weapons which I remember which
13 were dropped during those six droppings that took place.

14 PRESIDING JUDGE FREMR: [12:34:16] What was the origin of the weapons? Who
15 was this company or state or people who in fact provided you with those weapons?

16 THE WITNESS: [12:34:42] (Interpretation) Your Honour, I found out when Jacques
17 and Kahwa arrived. At the time of the dropping late Kitembo was present, but prior
18 to the dropping Safari had been talking with Sylvain Mbuki, and these came from
19 RCD/Goma. Safari was talking with RCD/Goma and we could hear them. Then
20 they subsequently visited us, he subsequently visited us and I saw him. So these
21 weapons came from RCD/Goma and he is the one who coordinated the whole thing.

22 PRESIDING JUDGE FREMR: [12:35:32] The aircraft also belonged to RCD/Goma?

23 THE WITNESS: [12:35:42] (Interpretation) I do not know. I am not in a position to
24 know, because the plane never landed.

25 PRESIDING JUDGE FREMR: [12:35:49] No problem, Mr Ntaganda, if you don't

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1 know, you feel free to say, "I don't know".

2 You also, at least in English translation, you describe this operation as a delivery of
3 merchandise, and normally it's necessary to pay for merchandise. Do you know
4 anything about who and how much paid for this merchandise?

5 THE WITNESS: [12:36:32] (Interpretation) Your Honour, I'm not aware of that, not
6 at all. Because, you see, even when we were in Mongbwalu, we continued to receive
7 some supplies. But when it comes to payments I wasn't -- I wasn't at all involved in
8 that.

9 PRESIDING JUDGE FREMR: [12:36:52] Thank you, Mr Ntaganda.

10 Mr Bourgon, you may proceed.

11 THE INTERPRETER: [12:37:04] From the witness: I did not hear mention of any
12 payments when I was in the UPC, says the witness.

13 MR BOURGON: [12:37:13] (Interpretation) Mr President, I had a few additional
14 questions for the witness relating to the dropping of weapons but different from
15 yours.

16 Q. [12:37:23] Now, Mr Ntaganda, you talked about merchandise or goods. Apart
17 from the weapons, were any other items dropped as well?

18 A. [12:37:39] No, no, none. Well, the expression he used, merchandise or goods,
19 the goods are on the way, that expression merchandise or goods simply referred to
20 the weapons that were being delivered.

21 Q. [12:38:02] As far as you know, were any ammunitions delivered at the same
22 time?

23 A. [12:38:10] Yes. All the weapons were sent along with their ammunitions. If
24 there were any rocket launchers, they came with shells. So for each type of weapon,
25 the corresponding ammunition was delivered. It was a full package.

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1 Q. [12:38:39] Mr Ntaganda, earlier on you mentioned among the types of weapons
2 that were dropped the MMG. What is an MMG?

3 A. [12:39:02] The MMG is an abbreviation for medium machine gun. Medium
4 machine gun, and this is in relation to the size of the weapon.

5 Q. [12:39:23] What does a medium machine gun look like?

6 A. [12:39:34] It's a weapon which has a chain and it's fired from a standing position.
7 It's not a heavy weapon. It is not counted as a heavy weapon. It falls within the
8 category of weapons that are used in platoons and companies. Those weapons are
9 used by strong young people and it takes someone who is strong to fire that weapon.

10 Q. [12:40:19] Mr Ntaganda, what is the RPG?

11 A. [12:40:29] RPG is also an abbreviation for launcher-prepared grenade. It is also
12 a weapon that is used for launching shells. It's also called a launcher 7.

13 Q. [12:40:53] Do you remember the calibre of the RPGs that were delivered or
14 dropped?

15 A. [12:41:07] No, I don't remember the calibre. However, it was not a bazooka.
16 You see, if you were to show me pictures, then I will be able to point out the types of
17 weapons we used. In the past, I was aware of the calibre because I used to train in
18 that area, but I have forgotten those details now.

19 Q. [12:41:41] You also talked about the B-10. B-10, what is that?

20 A. [12:42:03] In French it's called "san recul". It's a weapon that uses a shell. It's
21 a weapon that releases fire to the back when it is fired.

22 Q. [12:42:31] What is the power or strength of that weapon, if you are aware of it?

23 A. [12:42:45] It is a weapon that reverberates rather loudly.

24 Q. [12:42:56] Do you know the range of the B-10?

25 A. [12:43:10] Yes. The B-10 has a range of 4 kilometres -- 3 or 4 kilometres. It can

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1 cause damage up to that range.

2 Q. [12:43:43] Is it a direct or indirect weapon, direct or indirect fire weapon?

3 A. [12:44:00] It's a direct fire weapon. Then we had mortars as well, 91 -- 81 or 82,
4 rather, and 60.

5 Q. [12:44:21] Mortars, are they direct or indirect weapons?

6 A. [12:44:34] Can you please repeat your question?

7 Q. [12:44:42] You talked about mortar 81, 82 and 60. Now, those figures, 81, 82
8 and 60, what do they refer to?

9 A. [12:45:05] Those are mortars, yes, which are used for direct fire.

10 Q. [12:45:32] And the 12.7, what is that, Mr Ntaganda?

11 A. [12:45:47] 12.7 millimetres, that's the calibre. It's a support weapon that uses
12 a strap of chain or, or a magazine and the calibre is 12.7. That's its calibre.

13 Q. [12:46:15] Is the 12.7 a heavy weapon?

14 A. [12:46:31] We used them as heavy weapons at that time, so it can be classified as
15 a heavy weapon.

16 Q. [12:46:50] Mr Ntaganda, as far as you recall, how many B-10s did you receive in
17 Mandro?

18 A. [12:47:05] A few of them, just a few. But I, I remember that I was with the late
19 Kisembo and President Toms. Only three of us had them.

20 Q. [12:47:34] Are you saying that you received three of them?

21 A. [12:47:39] Yes, three.

22 Q. [12:47:43] Now, what about the 12.7, how many did you receive?

23 A. [12:47:57] At the beginning we had only eight, not more than eight at the
24 beginning.

25 Q. [12:48:10] So a short while ago you said that the full package you received was

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1 made up of weapons and ammunitions. Now, when you distributed these to
2 recruits in Mandro, did you also distribute uniforms?

3 A. [12:48:35] No, not yet. The military uniforms arrived one month later.

4 Q. [12:48:48] This morning you said that you created a company of bodyguards
5 and escorts. I would like to put a few questions to you about that. You said that
6 there were 108 bodyguards; is that correct?

7 A. [12:49:14] Yes. When I created my company, it was made up of three platoons,
8 which add up to a company.

9 Q. [12:49:28] Was there a commander for all the escorts?

10 A. [12:49:36] Yes, there was a company commander who was my chief escort,
11 Claude Uzauakiliho.

12 Q. [12:49:54] Was there a deputy commander or a 2IC?

13 A. [12:49:59] Yes. He had a 2IC whose name was Burufu.

14 Q. [12:50:09] Can you spell that name, please?

15 A. [12:50:20] Bravo, Uniform, Romeo, Uniform, Fox-trot, Uniform.

16 Q. [12:50:38] Do you remember whether the platoons had commanders, and, if yes,
17 what were the names of the commanders?

18 A. [12:50:55] The commander of platoon 1 was Bataka (phon), platoon 2
19 commander was Souci (phon), and platoon 3 commander was Ndjabu.

20 Q. [12:51:19] Were there any other persons holding specific positions within your
21 team of escorts?

22 A. [12:51:35] Yes. In the platoons we had platoon sergeants and section
23 commanders, but there was also a team of close bodyguards, my close bodyguards,
24 close protection bodyguards.

25 Q. [12:52:10] How many close protection bodyguards did you have and do you

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1 remember their names?

2 A. [12:52:28] Yes, there were two of them, Brown and Kiza.

3 Q. [12:52:38] At the beginning of your testimony you mentioned someone or
4 a position, IS, IS. Did you have an IS among your escorts?

5 A. [12:52:59] Yes, the company had an IS, as well as an S4. Well, not exactly S4,
6 because S4s would apply to a battalion. But we have somebody who takes care of
7 general matters pertaining to a company and who reports to the S4.

8 Q. [12:53:34] What was the role of the IS?

9 A. [12:53:42] The IS has two functions. One, collect information from outside and,
10 two, gather information from bodyguards, which he then reports to the OC.

11 Q. [12:54:10] When you say "OC", are you referring to Commander Claude?

12 A. [12:54:22] Yes.

13 Q. [12:54:23] Do you remember the name of your IS?

14 A. [12:54:30] Yes. His name was Asimwe, Asimwe.

15 Q. [12:54:43] You say that there were three platoons that made up your escort.

16 How does it work? How did things work out between those three platoons?

17 A. [12:55:04] I don't know what period you want to refer to, but when we were in
18 Mandro there was not much movement. However, later on, when we had control
19 over a vast area of the territory and I had to travel, I could travel with a platoon. But
20 if I went into a dangerous area, I would go with two platoons, an advance platoon
21 and another platoon for my security. And then when we got to town, we could also
22 organise patrols in the territories where we used to live. And that's how it worked.

23 Q. [12:55:50] When you say that when you were in town you could conduct patrols,
24 can you tell the Court more about what those patrols entailed? What would they be
25 doing at that time?

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1 A. [12:56:13] I remember that when we got to Bunia, the patrols would involve
2 people wearing military armbands and they would be wearing military police
3 armbands, and if any soldier was seen to be involved in some misconduct, the
4 military police would arrest them. The military police was also protecting the
5 civilian society against bandits. Those are the types of duties they performed.

6 Q. [12:57:03] Did you have the same chief escort throughout from 2002 to 2003,
7 Mr Ntaganda?

8 A. [12:57:13] No. In January 2003 I took on another chief escort who also became
9 OC company. He had two duties. From January 2003 he was relieved of some of
10 his work, which was handed to someone else.

11 Q. [12:57:46] I am not sure that I have fully understood your answer, but please
12 kindly explain to us the organisational structure of your escorts in January when that
13 new person came on board.

14 A. [12:58:07] Yes. You see, I changed my chief escort and took on a new chief
15 escort in January. Claude, who had been the chief escort before then, took on the
16 role of OC company solely.

17 Q. [12:58:32] So who was your new chief escort? Do you remember his name?

18 A. [12:58:42] Yes, his name was Gasana Martin.

19 Q. [12:58:55] Did Gasana have a call sign?

20 A. [12:58:58] Yes. His call sign was 61 Sierra.

21 Q. [12:59:09] Who selected the escorts who were part of your company?

22 A. [12:59:25] It is Claude Uzauakiliho who selected them.

23 MR BOURGON: [12:59:38] Mr President, I think the time is right to stop here.

24 PRESIDING JUDGE FREMR: [12:59:41] Yes, you are right. So we will take our
25 lunch break now for 90 minutes, which means we will reconvene at half past 2.

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1 THE COURT USHER: [12:59:54] All rise.

2 (Recess taken at 12.59 p.m.)

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

4 THE COURT USHER: [14:31:20] All rise.

5 Please be seated.

6 PRESIDING JUDGE FREMR: [14:31:53] Good afternoon, everybody. The afternoon
7 session will be again devoted to the next part of examination-in-chief of Mr Ntaganda.

8 Mr Bourgon, Defence, you have the floor.

9 MR BOURGON: [14:32:11] Thank you, Mr President. Allow me to begin by --

10 PRESIDING JUDGE FREMR: [14:32:14] Sorry, Mr Bourgon, I see -- please go ahead.

11 MS RAMBOLAMANANA: [14:32:20] Thank you, Mr President. It's just to let
12 you know that this afternoon there has been a change in our team, Mrs Pellet is not
13 here for the former child soldier.

14 PRESIDING JUDGE FREMR: [14:32:32] Thank you very much for this precision.

15 Now, Mr Bourgon, you may proceed.

16 MR SUPRUN: [14:32:35] (Interpretation) I'm sorry, your Honour.

17 PRESIDING JUDGE FREMR: [14:32:36] Please go ahead.

18 MR SUPRUN: [14:32:37] (Interpretation) I'm sorry for the same reason. I would
19 just like to point out Cherine Luzaisu is no longer with us this afternoon. Thank
20 you.

21 PRESIDING JUDGE FREMR: [14:32:48] I thank you, too.

22 Now, Mr Bourgon, you can really start.

23 MR BOURGON: [14:32:52] Thank you, Mr President. I wanted to begin by
24 introducing a new member who has joined the Defence bench this afternoon, the
25 name is Justin Lwombo Kabika,

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1 He is a language assistant who has been working on the Article 70 material disclosed
2 by the Prosecution. Maître Dignité Bwiza being absent for a medical reason, we
3 have asked Mr Kabika to join us, so he is with us this afternoon.

4 PRESIDING JUDGE FREMR: [14:33:27] Well noted.

5 MR BOURGON: [14:33:32] (Interpretation) Thank you, your Honour.

6 Q. [14:33:35] Good afternoon, Mr Ntaganda.

7 A. [14:33:41] Good afternoon.

8 Q. [14:33:46] I would like to start asking you a question of clarification. Maybe it's
9 an issue of interpretation. Here I am coming back to the French transcript on
10 page 58 thereof. Now, I asked you a question in lines 10 and 11, the mortar, you
11 spoke about mortars 81, 82 and 60 mortar. Firstly, the figures, when they say 81, 82
12 and 60, what is that?

13 A. [14:34:25] These figures correspond with the calibre in millimetres, so 81
14 millimetres, 82 and 60 millimetres.

15 MR BOURGON: [14:34:51] Mr President, there appears to be a problem with the
16 transcript. The question I just heard appears to be misplaced with another question,
17 because the one that I wanted to ask comes after the answer, it's at page 58, line 13 of
18 the transcript and the question was (Interpretation) "Are mortars direct fire or indirect
19 fire weapons?" (Speaks English) The answer which appears on the transcript is at
20 line 13, so after the next question, and it says here (Interpretation) "They are direct fire
21 mortars."

22 Q. [14:35:46] Mr Ntaganda, is that your answer?

23 A. [14:35:55] No. A mortar cannot fire directly. It fires indirectly.

24 Q. [14:36:08] Is that the answer you gave this morning?

25 A. [14:36:13] No. I know how to handle a mortar. That's not the answer I gave.

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1 Q. [14:36:32] I would just like to clarify what your answer was this morning.

2 A. [14:36:49] I stated that a mortar fires in an indirect way.

3 Q. [14:36:55] Thank you. As we are on the subject of weapons, I have additional
4 questions that I would like to put to you. Now, we spoke this morning about a 12.7.
5 I would now like to ask you a question: 12.7, if you carry out a patrol with a section
6 or a platoon, is this a weapon that you would carry with you, according to your
7 experience?

8 A. [14:37:24] No. Because you would put this weapon in danger, this is a weapon
9 that you have to protect. You can't use it in a platoon. It has to be left behind.

10 Q. [14:37:51] I'll continue, Mr Ntaganda, going back to the question of your escorts
11 or bodyguards. Now, this morning you gave us the different positions and the
12 names of persons. Do you remember during the preparation of your testimony
13 having prepared an organigram or drafting an organigram which showed the
14 organisation of your escorts?

15 A. [14:38:25] Yes.

16 MR BOURGON: [14:38:29] (Interpretation) Your Honour, with the leave of the
17 Chamber I would like to show the document in question. I think that
18 the Prosecution will not be opposed to the use of this organigram. This is the item
19 number -- and here I'm looking for the number here.

20 (Speaks English) It's my mistake, Mr President. This specific organisational chart
21 was not part, because I wanted Mr Ntaganda to, to draw it himself during his
22 testimony. So I'll just move on to a different question.

23 PRESIDING JUDGE FREMR: [14:40:19] All right. No problem.

24 MR BOURGON: [14:40:32] (Interpretation)

25 Q. [14:40:33] Mr Ntaganda, the question about escorts, among your 108 escorts,

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1 approximately, you stated that they had been chosen by Claude, the chief escort and
2 the commander at the same time. How old were your escorts, Mr Ntaganda?

3 A. [14:41:06] My escorts were over the age of 18.

4 Q. [14:41:13] And on what basis can you say that your escorts were over the age of
5 18?

6 A. [14:41:28] I knew them. I knew the troops within my escort very well, and
7 when they were trained within the platoon and within the section I was involved in
8 that. The members of my escort met the conditions I described.

9 Q. [14:41:59] Do you know a person named Zakayo?

10 A. [14:42:10] Yes, I know him.

11 Q. [14:42:12] Who is he?

12 A. [14:42:23] Zakayo, this was a short person, his name says that, but he was over
13 the age of 18. If you look at his hands, he looks like a commando. He had hair on
14 his legs. And when you saw him he was short in stature, but I knew him very well.

15 Q. [14:43:01] Now still on the subject of the bodyguard or escorts, at the time you
16 created your company had other people been assigned as bodyguards to Kisembo, for
17 example?

18 A. [14:43:22] Yes. Kisembo himself had set up an escort that protected him and
19 carried out patrols in the area that he controlled in town, namely the southeast.
20 President Thomas also had escorts.

21 Q. [14:43:56] At what time did the company of escorts -- he didn't say company,
22 please excuse me -- at what time -- I'm sorry, at what time did Kisembo obtain his
23 escorts or bodyguards?

24 A. [14:44:13] When the Ugandans drove Molondo out Kisembo had his company
25 come -- or, rather, he set up his company.

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1 Q. [14:44:38] How many escorts did Kisembo have?

2 A. [14:44:56] Kisembo had 120 bodyguards.

3 Q. [14:45:03] Why didn't he have these bodyguards before Lompondo departed, if
4 you know?

5 A. [14:45:15] The UPDF troops had forbidden us from bringing other soldiers into
6 the town. As such, they didn't have permission to bring in other troops to stay with
7 him.

8 Q. [14:45:39] So I am now coming back to the period, Mr Ntaganda, which
9 immediately follows the arrival of the weapons. What happened within the training
10 centre? Can you describe the situation to us immediately after the arrival of the
11 weapons.

12 A. [14:46:07] After the firearms received I remember what immediately happened
13 afterwards was there was the Katoto attack, enemy came from Loga towards the end
14 of July before driving out Molondo.

15 Q. [14:46:40] Could you tell us what happened, who attacked who and the
16 measures that were taken?

17 A. [14:47:00] In Katoto there was no army, it was the APC, the fighters who came to
18 attack the members of the civilian population of Katoto. They set houses alight and
19 they killed members of the population. We therefore intervened because we had
20 already received weapons, and that's what happened.

21 Q. [14:47:31] Who decided to intervene in Katoto?

22 A. [14:47:44] I remember that the chief came, but before coming he went to Bunia.
23 He met the late Kisembo and set out the problem. The chief came, Kisembo came
24 and asked me to prepare forces to drive the enemy back from Loga. I prepared two
25 companies and we left to fight the assailants who we had driven back before entering.

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1 Q. [14:48:28] In which place did the fighting take place?

2 A. [14:48:35] The fighting took place at the camp Loga.

3 Q. [14:48:44] What was the result of the fighting?

4 A. [14:48:50] We drove away the attackers, but we didn't stay there. We returned
5 when the attackers had fled. We didn't stay in Katoto. We went back to our
6 positions in Mandro.

7 Q. [14:49:21] At that time, Mr Ntaganda, what was Kisembo doing in Bunia at the
8 time that this attack was taking place?

9 A. [14:49:50] The person dealing with the problem every morning would go to
10 Mandro, every time we got weapons he would come to Mandro and he would spend
11 the day there and go back in the evening to go to sleep in Bunia.

12 Q. [14:50:11] Before going on to the events that followed this counter-attack in Loga,
13 I would like to know a bit more about the organisation of all those who were in
14 Mandro. Now my first question is: Who was the leader of your group at that time?

15 A. [14:50:38] At that time it was Chef Kahwa, he was our leader. Kisembo was his
16 deputy. And I was Kisembo's deputy.

17 Q. [14:51:01] Now Thomas Lubanga, where was he at that time?

18 A. [14:51:10] Thomas Lubanga was in Kinshasa because he had been arrested.

19 Q. [14:51:29] Was there a link between Thomas Lubanga and Chef Kahwa at that
20 time?

21 A. [14:51:39] I would say not, because Chef Kahwa had no telephone and mobile
22 phones didn't exist at the time. Not there. Personally, I didn't see contacts between
23 those two people.

24 Q. [14:52:05] So beyond physical communication links did Chef Kahwa have
25 a superior?

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1 A. [14:52:29] Yes. When Thomas Lubanga the minister of defence left and when
2 we were in Mandro, the chief considered Thomas Lubanga as his superior as well.

3 Q. [14:52:55] Above all these soldiers in training in Mandro was there a political
4 structure?

5 A. [14:53:04] No, not at all.

6 Q. [14:53:20] Do you remember, Mr Ntaganda, the events at the start of August in
7 2002?

8 A. [14:53:36] Yes.

9 Q. [14:53:38] Could you tell us to the best of your knowledge what happened at the
10 start of 2002?

11 A. [14:54:04] What I remember for the essential part and what I can't forget,
12 because there were massacres in Mudzipela on the 7th and the 8th, in Mudzipela,
13 2002, 7 and 8 August there was an attack and there were massacres, large-scale
14 killings.

15 Q. [14:54:34] How did you get that information?

16 A. [14:54:44] I remember that on that date of the 9th in the morning, late Kisembo
17 arrived and his company was not yet set up. He called us and he said that people
18 had perished, died in Mudzipela, and he asked us to provide soldiers to help him
19 because in coming he had found out that people were going to come to kill the leaders
20 of the church in Mudzipela. And I prepared two companies and mine to go quickly.
21 We left on foot and somebody guided us because our soldiers came from that locality.
22 We left, went to Mudzipela and we saw that there had even been large-scale killings
23 there, and when we arrived at the bridge the enemy advanced to take over Mudzipela.
24 That was on the 9th. I remember that event.

25 Q. [14:56:03] Now you have mentioned the date of the 9th, however, you

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1 mentioned that there were killings in Mudzipela on the 7th and 8th. Could you
2 clarify the date on which you were informed of the first events in Mudzipela first?

3 A. [14:56:28] There were rumours. There's a distance between Mandro and
4 Mudzipela of approximately 12 to 13 kilometres between the two localities, and when
5 Kisembo came to confirm this to us, given that a bodyguard and he went to help
6 people in Mudzipela, but they were not able to do so. This is what -- how we got the
7 details. The 7th and the 8th, people who were coming from there told us that a lot,
8 a lot of people from Mudzipela had been killed.

9 Q. [14:57:15] I would like to put a question to you by way of clarification. Now,
10 you mentioned -- and here I am looking at the transcript, this was in page 70, on lines
11 16, 17, what it says here is "I prepared two companies and mine quickly."
12 Is that what you said?

13 A. [14:58:06] I prepared a company. There was also mine. So there were just two
14 companies.

15 Q. There was also a point that I wanted to clarify with you, but I wanted to know if
16 you used the words which are in the transcript here, "à la va-vite", quickly or hastily.
17 Did you use the word "hastily"?

18 A. [14:58:48] Yes, because when late Kisembo arrived he was concerned, he
19 therefore had to intervene quickly because he said that if it took a lot of time to react,
20 the religious leaders in Mudzipela who were still alive, whereas others members of
21 the population had been killed, they were also going to die, these religious leaders.
22 And that's the reason why I prepared the companies in question hastily or in haste.

23 Q. [14:59:40] Before Kisembo's arrival on 9 August did you hear fighting or gunfire
24 in the region in the previous days?

25 A. [15:00:06] There is quite a distance to cover, because, you see, it is not easy to

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1 hear something that is happening 12 kilometres away, except you are dealing with
2 SMGs or something like that. The distance between us was about 12 to 13 kilometres,
3 including valleys. So it is difficult to hear any gunfire from such a distance.

4 Q. [15:00:37] When Kisémbó arrived did he tell you that there had been some
5 events in Mudzipela before the 9th?

6 A. [15:00:53] I talked about the 7th and the 8th. When I arrived at the location I
7 had discussions with members of the population. Everybody knows that on the 7th
8 and the 8th there was massacres in Mudzipela.

9 Q. [15:01:14] Do you remember the road you took to go from Mandro to
10 Mudzipela?

11 A. [15:01:28] Yes, we went on foot.

12 Q. [15:01:32] If I were to show you a map would you be able to show us the road
13 you used?

14 A. [15:01:49] Yes.

15 Q. [15:01:50] Can you describe to us what you saw when you arrived in
16 Mudzipela?

17 A. [15:02:00] When we arrived at that location, there were no civilians there.
18 Mudzipela was inhabited by many people but many went to Bunia where UPDF was
19 providing security and safety. We realised that the houses had been burnt down
20 and there was still smoke rising from the houses. And there's a road from
21 Mudzipela centre to bridge and all along the way we found dead bodies. That was
22 the first thing that we observed when we arrived there.

23 The bridge to Mwanga, the bridge to Mwanga is the bridge I was referring to.

24 THE INTERPRETER: [15:03:03] Correction from the interpreter.

25 MR BOURGON: [15:03:07] (Interpretation)

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1 Q. [15:03:08] When you got to Mudzipela and observed that situation, what did
2 you do with your two companies?

3 A. [15:03:19] We continued to advance. Late Kisembo had told me that he had
4 received information whereby the enemy was going to be on that road, so I lined up
5 or deployed my troops in relation to that and so we advanced gradually, following
6 military tactics. There was one company in front while another was behind to deal
7 with the enemy, so we took up various combat positions.

8 Q. [15:04:17] Mr Ntaganda, how far did you go on that road?

9 A. [15:04:26] We met the enemy at the bridge and that's where the fighting started.
10 We crossed the bridge and continued to fight the enemy and we continued to advance
11 until we got to Mwanga, where the APC defence was located. After striking it, we
12 then went on to the boundary with Bira at a place known as Ngongo where the Biras
13 lived. Then in the evening we went back to where we had been.

14 Q. [15:05:17] Did you suffer any losses during those battles?

15 A. [15:05:27] Yes. Some people were injured, yes, others were taken to the
16 hospital. But I don't remember whether the person who went, who was taken to
17 hospital was seriously wounded. In fact, that person was not part of my company
18 and I don't know whether he ended up leaving the hospital or not. But the short
19 answer is that, yes, there were wounded people.

20 Q. [15:06:07] Who was the enemy on that day?

21 A. [15:06:14] The APC troops who were wearing APC military uniforms, as well as
22 the combatants who were involved in regular attacks.

23 Q. [15:06:29] You have talked about combatants, which combatants are you
24 referring to?

25 A. [15:06:37] Lendu combatants.

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1 Q. [15:06:44] Once you had warded off the enemy all the way back to Mwanga, did
2 you see Kisembo again on that day?

3 A. [15:07:03] When I got to Mwanga after pushing back the enemy, I saw Kisembo.
4 He came in the company of his guard and he met with me in Mwanga. He came in
5 his vehicle.

6 Q. [15:07:28] Do you remember what happened at that time?

7 A. [15:07:36] Yes. On that day, that was the same day on which the Ugandans
8 attacked Molondo and drove him out. We were in Mwanga on that day.

9 Q. [15:08:00] How did you become aware of that?

10 A. [15:08:10] We learnt that some tanks, combat tanks had been used and we were
11 able to hear the detonations or explosions. Then we also went back and we saw
12 members of the civilian population who were jubilating. This was a historic event.

13 Q. [15:08:48] Were you able to identify the nature of the explosions that you heard?

14 A. [15:09:01] Yes. I know how to, to identify the sound of an explosion from an
15 armoured vehicle. I have been part of a war where armoured vehicles were used so
16 I'm able to identify those explosions.

17 Q. [15:09:26] How did you know about those explosions and who was firing at
18 whom?

19 A. [15:09:41] At that time no one had armoured tanks apart from the UPDF. And
20 at that time I said to myself that the UPDF could not be fighting against itself, so I
21 understood that this was coming from sous-region and that it was targeted at
22 Molondo, because the UPDF and the APC had a disagreement at that time, they were
23 not on good terms. So to my mind it was clear that the UPDF was attacking the
24 headquarters of the APC.

25 Q. [15:10:28] A little earlier on you said you had returned to Bunia. How was that

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1 decision to return to Bunia taken and how did it happen?

2 A. [15:10:48] Late Kisembo used to live in Bunia. I could not leave without
3 making sure that I understood what was happening in sous-region, that is why
4 Kisembo and myself went there. So when we got to Mudzipela we found that
5 members of the population were jubilating, because Molondo had been killing the
6 people of Mudzipela and now, on that day, those people were celebrating, they were
7 saying some very harsh words against him, they were insulting him. So we got to a
8 place where the headquarters of the APC was located but they were no longer there.
9 Members of the population were actually very happy, they were celebrating, they
10 were jubilating, because the enemy who had inflicted suffering upon them had just
11 been driven out.

12 Q. [15:11:52] With who did you go to Bunia?

13 A. [15:11:59] I went to Bunia with late Kisembo and Rafiki -- who was accompanied
14 by Rafiki in the same vehicle. I also left a company at the level of the bridge to block
15 the road to Mudzipela so that the members of the population could be protected.
16 There was that road to go to Mudzipela and it was the only way into Mudzipela, that
17 is that bridge, so I left the company at the bridge and then I went all the way to
18 Kisembo's residence, which had become the APC headquarters at the time.

19 Q. [15:12:57] So your company, that second company, did it come along with you
20 all the way to Bunia, or what did it do?

21 A. [15:13:11] Yes, that company came along with me all the way, but not all of them.
22 I believe that some members of a platoon stayed back in Mandro. In fact, I would
23 say that one section remained in Mandro. I had a vehicle and they got me other
24 vehicles which made it possible for me and my company to go to Mandro.

25 Q. [15:13:57] Mr Ntaganda, I would like to understand, when you left Mwanga,

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1 where is the first place you went to? Because I see here reference to Mandro and
2 Bunia. Now I want to understand, from Mwanga what happened, where did you go
3 to next?

4 A. [15:14:19] We left Mwanga and realised that the members of the population had
5 had the possibility to bury their relatives. After the battle with the APC the
6 members of the population took the dead bodies of their dear ones and buried them
7 near the parish and there was a banner on which Molondo's name was written out.
8 So then we went by road towards a bridge called Lokomoto (phon). That was on the
9 main road which leads to Kisembo's residence, which at the time was the
10 headquarters of the APC.

11 Q. [15:15:16] Did you have any information or were you aware on that day that the
12 UPDF was going to attack Lompondo and the APC?

13 A. [15:15:31] No, not at all, we were not informed of any such thing. He did not
14 tell us. They did not tell us anything about the plan.

15 Q. [15:15:42] Did you subsequently find out why the UPDF had chased out the
16 APC and Lompondo?

17 A. [15:16:00] One commander arrived and told us the reasons for which those
18 things happened. Before we left Kasese, Lompondo was asked to respect a number
19 of things, but he failed to do so. He had been forbidden from attacking members of
20 the civilian population, but he did not do so. He continued to train and arm Lendu
21 combatants and he took APC troops and used them to attack members of the
22 population. And this was not acceptable to the UPDF. He had been asked not to
23 train people in camp Ndromo where they were providing training to Lendu
24 combatants. Furthermore, he used to insult them over radio and so for those reasons
25 they said they could not stand him anymore, particularly because he was killing

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1 members of the civilian population. Those are the reasons that were narrated to us
2 by one of my friends whose name was David, or David.

3 Q. [15:17:25] I was going to ask you that person's name, that is the person who
4 provided you with that information. Now, who is David? And at what time did
5 you obtain that information?

6 A. [15:17:43] When we left Mwanga we went to that location and he met us at
7 Kisembo's residence. He was a UPDF officer. His name was David. I think he
8 was a platoon commander. All I know is that he, he was a lieutenant, and that's it.

9 Q. [15:18:15] At what time did you return to Mandro with your company?

10 A. [15:18:29] I returned at night. I went back to Mandro at night. We left
11 Mwanga around, around 4 p.m. and got to Mandro around 7 p.m.

12 Q. [15:19:02] Just to be clear, when you say 7 p.m., are you referring to nighttime?

13 A. [15:19:10] Yes, it was nighttime. 7 p.m., 19 hours. Between 18 hours 30 and
14 19 hours.

15 Q. [15:19:26] Do you remember the road you used to go back to Mandro?

16 A. [15:19:36] Yes, I used a road which goes by the residence of the minister of
17 defence, Thomas, all the way to the bridge and then through Simbilyabo and on to
18 Mandro, passing through City.

19 Q. [15:20:05] Did you and your company go to the Bunia subregion on that day?

20 A. [15:20:15] No, no, I did not go. I did not go there. I was not involved in UPDF
21 matters, because that was not our business, it didn't concern us, and that is why I did
22 not feel like going there.

23 Q. [15:20:45] When you arrived in Bunia on that day was there a UPDF presence in
24 Bunia?

25 A. [15:21:03] I did not leave the location at which I was, namely the headquarters of

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1 the APC. I did not go to the city centre. The only person I saw was David, who
2 came with a number -- with a few of his bodyguards. We had a discussion and then
3 he left. But what I know is that he was at the airport and that UPDF troops had
4 already launched an attack on Molondo. Now, as to the organisation and the details
5 I really cannot provide anything further.

6 MR BOURGON: [15:21:44] Mr President, I would like at this point in time to show
7 a few maps to Mr Kisembo (sic) and ask him to make some annotations on these maps
8 regarding the events he just testified about.

9 PRESIDING JUDGE FREMR: [15:21:56] Ms Samson.

10 And I probably would correct you that at least you said Mr Kisembo, you meant
11 Mr Ntaganda. No, it's a minor issue. Ms Samson.

12 MS SAMSON: [15:22:06] Yes, no objection, your Honour.

13 PRESIDING JUDGE FREMR: [15:22:10] All right, let's proceed.

14 MR BOURGON: [15:22:13] I just wanted to see if the Prosecution was following.

15 (Interpretation) I would like to invite Mr Ntaganda to move to the screen and I will
16 show him a map and ask him to make a number of annotations, if possible.

17 (Speaks English) Mr President, the first map I would like to use is a map which was
18 disclosed to the Prosecution in the week prior to the testimony of Mr Ntaganda.

19 This map has the following number, and it's item number 1 on our list, the number is
20 DRC-D18-0001-5290. I have had the opportunity of explaining that this is simply
21 nine prosecution maps put together on one electronic format document in order to be
22 able to move the map around. And I believe that my colleague does not object to us
23 using this map and that we are both on the same page as to what this map really is.

24 PRESIDING JUDGE FREMR: [15:23:41] The Chamber appreciate that.

25 MR BOURGON: [15:23:51] (Interpretation)

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1 Q. [15:23:54] Now, Mr Ntaganda, there is a map before you now. I had the
2 opportunity to show you this digital document, a collection of nine maps. Now, do
3 you recognise generally speaking what this area appearing on the map is?

4 A. [15:24:36] It is difficult to determine which area this is, because I cannot see the
5 map clearly. However, it is a map, but I am not able to identify the region or the
6 area.

7 Q. [15:24:52] Are you able to look to the bottom right of the map and see a body of
8 water. Can you tell the Court what body of water that is?

9 A. [15:25:11] This might be a lake. It might be a lake and if this is a map of the
10 Ituri then this must be Lake Albert.

11 Q. [15:25:25] Are you able to identify any towns on that map?

12 A. [15:25:46] If this were to be a lake -- no, it is not easy. I might just be imagining
13 things here, but this map doesn't help me to answer your question.

14 PRESIDING JUDGE FREMR: [15:26:05] Mr Bourgon, frankly saying, I don't
15 understand why we should torture Mr Ntaganda in testing him whether he recognise
16 the blind map because I think it's no problem to tell him it's Ituri, even to identify
17 cities and I believe that the main task would be to show or annotate something in this
18 map. Or maybe you could clarify what is the purpose behind this exercise.

19 MR BOURGON: [15:26:33] (Interpretation) I am simply attempting to get
20 Mr Ntaganda to recognise the map, then I will focus in on something else. But I just
21 want to proceed logically and progressively.

22 Q. But in any event, Mr Ntaganda, I will show you another map which shows the
23 region to which I would like to draw your attention. That is on the same map.
24 Now, this will enable all of us in the courtroom to understand which area I am
25 drawing Mr Ntaganda's attention is. And, Mr President, if there is no objection I will

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- 1 now focus on the region that is highlighted in red on this map.
- 2 PRESIDING JUDGE FREMR: [15:27:27] Ms Samson, no objection?
- 3 MS SAMSON: [15:27:29] None, Mr President.
- 4 PRESIDING JUDGE FREMR: [15:27:30] All right then.
- 5 MR BOURGON: [15:27:36] (Interpretation)
- 6 Q. [15:27:37] Now, Mr Ntaganda, this is a reflection of the red box which we saw
- 7 on the other map. Now, do you recognise this map?
- 8 A. [15:27:48] Yes. Yes. I had thought that this was a map of Bunia, but I couldn't
- 9 guess. Now I can see that it is indeed what I was thinking.
- 10 Q. [15:28:07] Mr Ntaganda, can you point out on this map the location of Mandro?
- 11 A. [15:28:19] Mandro is here.
- 12 Q. [15:28:26] Please write the figure "1" under the circle that you have drawn in
- 13 green.
- 14 Are you able to identify the general area known as Mudzipela? And please draw
- 15 a circle around that area if you can.
- 16 A. [15:28:58] I believe that Mudzipela is in this area.
- 17 Q. [15:29:11] Please put the figure "2" under the area you have identified as
- 18 Mudzipela.
- 19 Based on your memory, please I would like you to start by changing colours, please
- 20 use the colour red. And if you are able to, please draw the road that you used with
- 21 your two companies to travel from Mandro to Mudzipela.
- 22 A. [15:30:03] Are you asking me to use this marker?
- 23 Q. [15:30:07] Yes, please use the marker and draw the road on which you travelled
- 24 from Mandro to Mudzipela.
- 25 Please write the number "3" below the road which you have drawn.

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- 1 MR BOURGON: (Interpretation) Mr President, I would like to produce this map
2 into evidence before moving to the next map.
- 3 PRESIDING JUDGE FREMR: [15:30:46] Ms Samson?
- 4 MS SAMSON: [15:30:47] No objection.
- 5 PRESIDING JUDGE FREMR: [15:30:49] So this map annotated by Mr Ntaganda is
6 admitted into evidence as a further Defence exhibit.
- 7 Mr Bourgon, please proceed.
- 8 MR BOURGON: [15:31:04] I believe, Mr President, it is necessary to, to admit the
9 large map into evidence and this as being a section of the large map.
- 10 PRESIDING JUDGE FREMR: [15:31:14] Yes, I can agree with you.
- 11 MR BOURGON: [15:31:19] (Interpretation)
- 12 Q. [15:31:20] Mr Ntaganda, I am now going to go on to a second map, and this time
13 this is a map that you have already seen of Bunia. I would like to ask you if you
14 recognise Mudzipela on that.
- 15 A. [15:32:02] Mudzipela is in this place. All that covers Mudzipela from here to
16 there.
- 17 Q. [15:32:16] Mr Ntaganda, I am going to ask you to take a blue pen because there
18 are lots of red lines. Please can you rub out the line you have created and make the
19 line in blue and put a circle around what Mudzipela constitutes on this map.
- 20 For the record I note that the map has the number DRC-OTP-0207-0330.
- 21 In a general way, Mr Ntaganda, on the section that represents Mudzipela. Could
22 you indicate the figure "1" or write the figure "1" on the circle.
- 23 Are you able, Mr Ntaganda, on the basis of this map, to indicate where did you go
24 through to Mudzipela?
- 25 A. [15:33:52] This is the road that I took.

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1 Q. [15:34:02] Could you put an arrow on the road pointing towards Mudzipela.

2 A. [15:34:14] An arrow?

3 Q. [15:34:30] For the record, the arrow on the map indicates that the direction by
4 which Mr Ntaganda came on the road, it's marked in blue.

5 Mr Ntaganda, when you arrived in Mudzipela on the basis of what you can see on the
6 screen, could you tell us where you had seen all the bodies that you spoke to us
7 about?

8 A. [15:35:04] It was on this road.

9 Q. [15:35:09] Please, you could mark an "X" in another colour to show where you
10 saw the bodies.

11 A. [15:35:26] I'm sorry, can you put your question again, please.

12 Q. [15:35:30] Well, I'm asking you to change colour and to put a cross on the map
13 where you saw the bodies.

14 Please write number "2" next to the crosses.

15 A. Figure 2?

16 Q. Mr Ntaganda, I would ask you to change colour once again and to indicate to us,
17 if you are able to do so, you spoke about a missionary in danger, who was this
18 missionary who was in danger? Where was this missionary in danger?

19 I would ask for the figure "3" to be put next to the circle.

20 Your Honour, I would like this annotated map -- no, I have got another annotation
21 that needs to be put in.

22 Are you able to show on this map, Mr Ntaganda, where the road is that goes towards
23 Mwanga?

24 Please could you draw an arrow on the road and please write the number "4" next to
25 it.

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1 MR BOURGON: (Interpretation) Your Honour, I would like this map to be tendered
2 into evidence. I note for the record that the number 2 represents the bodies that
3 Mr Ntaganda found, the figure 1 represents the general region of Mudzipela, figure
4 3 -- I'm sorry, the arrow in blue represents the road on which he arrived and the
5 direction in which he came from, and finally figure 4 with the arrow indicates the
6 road that goes towards Mwanga.

7 PRESIDING JUDGE FREMR: [15:38:21] Prosecution, Ms Samson, any objection?

8 MS SAMSON: [15:38:24] No.

9 PRESIDING JUDGE FREMR: [15:38:27] All right then. So this map annotated by
10 Mr Ntaganda is admitted into evidence as a further Defence exhibit.

11 Mr Bourgon, please proceed.

12 MR BOURGON: [15:38:41] (Interpretation)

13 Q. [15:38:44] Mr Ntaganda, I am going to show you another map of Bunia and I'm
14 going to ask you to make certain annotations thereto -- or, rather, I am going to show
15 you a different map before that. We are going to go back to the preceding map on
16 which you made certain annotations where Mandro was.

17 You will see this map, Mr Ntaganda.

18 Please could you put the map back. This is it.

19 On this map, Mr Ntaganda, do you see Mwanga on this map?

20 A. [15:40:15] Yes, I do.

21 Q. [15:40:20] Please could you circle Mwanga.

22 You can take a different colour and draw the route that you took between Mwanga
23 and Mudzipela.

24 Please write figure "1" next to the green road.

25 Mr Ntaganda, the fighting between your group and the APC accompanied by Lendu

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1 combatants, where did that take place on this road?

2 A. [15:41:29] The fighting started here next to the bridge that's situated here.

3 Q. [15:41:39] Does this bridge have a name?

4 A. [15:41:44] The bridge is situated on the river Shari. I would therefore say that it
5 is the Shari bridge.

6 Q. [15:42:09] Please could you put figure "2" next to the place that you indicated as
7 being the bridge.

8 Your Honour, I would like this annotated map to be admitted into evidence. For the
9 record, I note that the figure 2 indicates the bridge that crosses Shari river, and the
10 route in green is the route between Mudzipela and Mwanga. And the blue circle
11 indicates the place where Mwanga is.

12 PRESIDING JUDGE FREMR: [15:43:03] Prosecution?

13 MS SAMSON: [15:43:04] No objection.

14 PRESIDING JUDGE FREMR: [15:43:06] All right. So this map annotated by
15 Mr Ntaganda is also admitted into evidence as a further Defence exhibit.

16 Mr Bourgon, you may proceed.

17 MR BOURGON: [15:43:28] (Interpretation) Your Honour, it's indicated to me that
18 the main map on which this extract is taken from is DRC-REG-0001-0061.

19 THE COURT OFFICER: [15:43:55] (Overlapping speakers) -- this annotated version
20 will bear that number, right? Okay.

21 MR BOURGON: [15:44:18] (Interpretation) I'm sorry, it's the annotated map.

22 PRESIDING JUDGE FREMR: [15:44:21] All right. Well noted.

23 MR BOURGON: [15:44:25] (Interpretation)

24 Q. [15:44:26] Mr Ntaganda, I would now like to show you the last map and ask you
25 questions pertaining thereto. This map will appear on the screen. It is another

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1 excerpt from the map of Bunia. DRC-OTP-0207-0330. Mr Ntaganda, do you
2 recognise this map?

3 A. [15:45:06] Yes.

4 Q. [15:45:07] Could you put a circle around the region of Mudzipela?

5 A. [15:45:25] This is the area of Mudzipela, all this area.

6 Q. [15:45:28] Please could you write the figure "1" next to it. Can you also indicate
7 on this map where the building is occupied by Kisémbó, the former staff HQ of the
8 APC.

9 Please write figure "2" next to the circle. Please indicate, Mr Ntaganda, the route that
10 you took when you went back to Bunia with a company from Mudzipela.

11 A. [15:46:40] This is the road in question.

12 Q. [15:46:46] I would ask you to write the number "3" next to that road.

13 Please could you indicate, Mr Ntaganda, the path that you followed in order to go
14 from Bunia, where Kisémbó was, and to go back to Mandro.

15 A. [15:47:25] It's this road. I left from here, I continued to this bridge, I then
16 continued on. And this is where Mandro is.

17 Q. [15:47:50] Could you write a number "4" next to the river -- the road --

18 THE INTERPRETER: [15:47:55] Corrects the interpreter.

19 MR BOURGON: (Interpretation)

20 Q. -- going to Mandro.

21 For the record, I note that figure 1 indicates the general region of Mudzipela, figure 2
22 shows the building occupied by Kisémbó, which formally was the general staff HQ of
23 the APC, the figure 3 is the route followed by Mr Ntaganda between Mudzipela and
24 the general staff HQ of Kisémbó and figure 4 the road followed by Mr Ntaganda in
25 order to return to Mandro from the building occupied by Kisémbó.

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1 The number of the item, your Honour, if you accept, is DRC-REG-0001-0062.

2 PRESIDING JUDGE FREMR: [15:49:13] Ms Samson.

3 MS SAMSON: [15:49:14] No objection.

4 PRESIDING JUDGE FREMR: [15:49:15] Also this map annotated by Mr Ntaganda is
5 admitted into evidence as a further Defence exhibit.

6 MR BOURGON: [15:49:28] (Interpretation)

7 Q. [15:49:30] Mr Ntaganda, before sitting down I have got another question for you.

8 On this map which is before you, do you see the place called sous-région?

9 A. [15:49:45] No. Sous-région is further done. It's not visible on this map. It's
10 a lot further down.

11 Q. [15:49:57] To the best of your knowledge, the place that was attacked by the
12 UPDF to drive out Lompondo, where is that location in Bunia?

13 A. [15:50:09] That's in sous-région.

14 Q. [15:50:21] Mr Ntaganda, we will go over to the period that followed
15 Lompondo's departure. What was the reaction within your group?

16 A. [15:50:38] After Lompondo's departure the APC abandoned several of its
17 positions. You know, late Kisembo knew the region well of Ituri. I didn't know it.
18 He indicated to me how I had to deploy our troops and he also indicated to me the
19 commander who I could work with, because I didn't know him. So the reaction
20 concerned after -- well, it was basically this action.

21 Q. [15:51:36] Mr Ntaganda, do you know where Lompondo went, having been
22 driven out of Bunia?

23 A. [15:51:50] He took the direction of Songolo.

24 Q. [15:51:59] Was he accompanied by any forces in particular?

25 A. [15:52:05] Yes. He left with his two battalions.

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1 Q. [15:52:16] Was there any place in Songolo which he went to with his troops?

2 A. [15:52:27] According to the information I obtained he set up his defences at
3 Songolo.

4 Q. [15:52:47] Well, you said a bit earlier that the next phase "that happened after
5 the departure of Lompondo was to deploy our forces" and you said that on page 90,
6 that's line 23. "The reaction that happened afterwards of the departure of Lompondo
7 was to deploy our forces." Now could you tell us why you decided to deploy your
8 forces?

9 A. [15:53:21] Late Kisembo told me that we had to deploy our forces in the
10 positions that had been abandoned with a view to protecting the members of the
11 population and also to block any attack that would be launched against us with
12 a view to freeing the town of Bunia, as well as all positions that had been abandoned
13 by Lompondo, and that's the reason why that we deployed our forces.

14 Q. [15:54:08] The RCD-K/ML government, was it still present in Bunia at that time?

15 A. [15:54:20] The government was represented by Lompondo Molondo. Taking
16 into account the fact that he had just been driven out, the government was no longer
17 represented, but some APC troops were still present in Ituri. Some of their positions
18 had been abandoned, nevertheless.

19 Q. [15:54:54] So in the following days, the days immediately following the
20 departure of Lompondo, what was the political structure in place in Bunia?

21 A. [15:55:10] I would say there wasn't one. There wasn't one. It was a political
22 vacuum.

23 Q. [15:55:28] Were you aware of or did you obtain information to the effect that at
24 that time there were measures taken in order to create a new political structure?

25 A. [15:55:45] No. I did not have such information.

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1 Q. [15:56:05] Do you know who lived at Thomas Lubanga's residence at that time?

2 A. [15:56:23] When I went to see late Kisembo, he had already been attacked by the
3 APC. I stayed in Thomas Lubanga's residence for two days and Lonema was
4 occupying his residence.

5 THE INTERPRETER: [15:56:48] The Swahili interpreter corrects: "I was residing
6 with Tom".

7 THE WITNESS: [15:56:58] (Interpretation) He fled his residence which was in the
8 subregion, sous-région, because he was afraid of Lompondo's troops who were
9 positioned there, so he fled so as to seek refuge.

10 MR BOURGON: [15:57:29] (Interpretation)

11 Q. [15:57:30] How many days did you stay with Tom or at Tom's residence?

12 A. [15:57:39] All I can say is that I spent one or two nights, not more. That's all I
13 know. It was Lonema who occupied the residence of Thomas Lubanga.

14 THE INTERPRETER: [15:57:59] Corrects the Swahili interpreter.

15 MR BOURGON: [15:58:04] (Interpretation)

16 Q. [15:58:07] Lonema in Thomas Lubanga's residence. Now, do you know what
17 he was doing in that place?

18 A. [15:58:17] All I knew was that he had fled his residence as he feared Molondo.
19 He therefore took refuge in that residence. That's what I had heard. He was living
20 in that residence because he was afraid. He stayed in Lubanga's residence because
21 he was afraid. His residence was in the subregion.

22 Q. [15:58:52] Did you know or did you obtain information to the effect that as
23 regards the professional activities of Lonema at that time did you have any
24 information about those activities?

25 A. [15:59:06] No.

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1 Q. [15:59:17] So where it concerns Thomas Lubanga's residence where Lonema was,
2 did you know that place well?

3 A. [15:59:28] Yes. When I left Uganda I resided in that house for three months.

4 Q. [15:59:46] How many buildings are there in Thomas Lubanga's compound, or
5 were there at that time?

6 A. [15:59:56] Probably three.

7 Q. [16:00:09] Are you able to describe those buildings?

8 A. [16:00:24] One of the houses was occupied by the minister of defence and his
9 family, his wife and his children. The other was a carpenter's workshop and I don't
10 know what the other house was used for. But, in any event, I know that there were
11 three houses within the compound.

12 Q. [16:00:55] Was Lonema alone or were there any other persons living in Thomas
13 Lubanga's residence in his absence?

14 A. [16:01:12] When I arrived, Thomas Lubanga, minister of defence, his wife was
15 there along with his children. I didn't see anyone else.

16 Q. [16:01:28] Were Thomas Lubanga's escorts there?

17 A. [16:01:33] Yes, they were there.

18 Q. [16:01:41] How many of them were there at that time if you do recall?

19 A. [16:01:52] There was a section there of 12 persons. I do remember that during
20 the battle Kisembo deployed Musa to that location and he was the one fighting at that
21 location and protecting Thomas's residence as well as Kisembo's residence and
22 Azanga area. Musa was there along with Thomas's bodyguards. And when I
23 arrived everyone was saying that Musa was a very brave man.

24 THE INTERPRETER: [16:02:36] Interpreter corrects: The name is Ciné Azanga.

25 MR BOURGON: [16:02:42] (Interpretation)

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1 Q. [16:02:42] Mr Ntaganda, you have said that there were three buildings in
2 Mr Thomas Lubanga's compound. Would there be a firing room in one of those
3 buildings in its basement?

4 PRESIDING JUDGE FREMR: [16:03:02] Hold on, hold on, Mr --

5 THE WITNESS: [16:03:08] (Interpretation) I am not aware of that information.

6 PRESIDING JUDGE FREMR: Ms Samson.

7 MS SAMSON: [16:03:10] Sorry. I was just objecting to the leading nature of the
8 question.

9 PRESIDING JUDGE FREMR: [16:03:14] But Mr Witness said that he has no
10 knowledge, so I think we can proceed.

11 MR BOURGON: [16:03:37] (Interpretation)

12 Q. [16:03:38] In the weeks following Lompondo's departure did you have the
13 opportunity to hold any meeting whatsoever in Thomas Lubanga's former residence?

14 A. [16:03:54] Please repeat your question.

15 Q. [16:04:01] In the weeks following Lompondo's departure, in the days or weeks
16 following his departure, did you have the opportunity to attend any meeting
17 whatsoever at Thomas Lubanga's residence?

18 A. [16:04:27] No, never.

19 Q. [16:04:32] Do you remember what the public reaction or the reaction in the
20 media was following Lompondo's departure?

21 A. [16:04:55] Yes, the information was carried over radio and in the media. Canal
22 Africa carried that information. I did not have a TV to watch whether it was also
23 mentioned on TV. But I heard over radio that the UPDF had driven out Lompondo,
24 others said it was the UPC which had done so, but we hadn't participated in it. So
25 that's the kind of information that was carried over radio.

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1 Q. [16:05:40] Did you have an opportunity to observe or notice what the, the
2 feelings or the opinions of the population were once the APC left?

3 A. [16:06:06] I have already stated this, but I'll repeat myself. Although there were
4 killings in Mudzipela, the civilians who survived were celebrating, they were
5 jubilating, we went through the city and people were clapping for us. When we
6 came from Mwanga to Mudzipela, all the way to Lipri, when we crossed the bridge to
7 Mudzipela, the people were acclaiming us, they were clapping for us. When we got
8 to Kisembo's residence, the members of the population had surrounded the house
9 and they were celebrating and singing, they were all very happy, drinking alcohol
10 and they, they were listening to music at very loud volumes and celebrating.
11 Everybody was happy.

12 Q. [16:07:22] Mr Ntaganda, did you obtain any information from the population
13 about anyone who --

14 THE INTERPRETER: Mr President, the interpreters did not get counsel's question.
15 If he would kindly repeat.

16 PRESIDING JUDGE FREMR: [16:07:44] Mr Bourgon, could you kindly repeat again
17 your question because it hasn't been captured by the interpreters completely.

18 MR BOURGON: [16:08:03] (Interpretation) Yes, of course, Mr President.

19 Q. [16:08:08] Mr Ntaganda, within the population did you obtain any information
20 to the effect that some persons were frightened following the departure of Lompondo
21 and the APC?

22 A. [16:08:30] No, I did not receive such information. What I was told was that
23 members of the population were very happy, they were extremely happy.

24 Q. [16:08:45] A little earlier on in your testimony you told us that Kisembo,
25 Mbabazi and yourself at some point had adopted the ideology of your group. When

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1 did that happen specifically following the departure of Lompondo?

2 A. [16:09:23] It happened very quickly. As soon as Lompondo was driven out his
3 soldiers surrendered. Some of them joined the UPDF and the UPDF informed
4 Mr Kisembo who then passed on that information to me. And so I told him that
5 I was going to promptly set up a place where we would teach them our ideology. So
6 the phase that immediately followed was one wherein we taught them our ideology.

7 Q. [16:10:11] Mr Ntaganda, let me clarify my question. I don't want -- I'm not
8 referring to the people of the APC, I am talking about the ideology of your group.
9 You said that the ideology was put together by three people. When did that happen
10 and in which place?

11 A. [16:10:37] That was before we went to Mandro. At the same time before we
12 went to, to Mandro, before we started the training we set up the new ideology for the
13 new army that we were creating.

14 Q. [16:11:03] So, Mr Ntaganda, let us now move to the deployment of your troops
15 and talk about the places to which they were deployed and in what order. What
16 were the first deployments that were carried out for troops in which you were
17 involved?

18 A. [16:11:39] Before deploying that company to Mudzipela and to other locations
19 which had been vacated by the APC, late Kisembo told me that the most important
20 location was Komanda so I promptly prepared what we refer to as a company, and
21 that would be 50 or 60 soldiers, and I dispatched them to Komanda promptly.

22 Q. [16:12:12] Do you remember who was deployed to Komanda?

23 A. [16:12:22] Yes. I did not know Komanda. I had never been to Komanda
24 previously. I was new to the Ituri area. I did not know the people of Komanda. I
25 had not worked with the people in Komanda because at that time I was in detention,

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1 so it was late Kisembo who worked with those people. So he asked that I deploy
2 Commander Nuare to that area.

3 Q. [16:12:59] Can you spell out the name Nuare, please?

4 A. [16:13:12] November Uniform Alpha Romeo Echo.

5 Q. [16:13:26] Do you remember any other deployment that took place around the
6 same time?

7 A. [16:13:42] After Komanda there was another deployment a few days after to
8 Kasenyi, Tchomia and Bogoro.

9 Q. [16:13:58] Do you remember how many troops were deployed to those locations
10 and with whom or under whose command?

11 A. [16:14:23] There were about 50 troops in Komanda. I don't have the exact
12 figure, but going by my experience my approximation would be that in Kasenyi,
13 Tchomia and Bogoro we deployed a battalion which was placed under the
14 commanding authority because late Kisembo told me that Mugisa Muleke had
15 already worked there and was familiar with that region so he was selected to be the
16 battalion commander.

17 Q. [16:15:08] Mugisa Muleke, what, what position did he occupy up until that
18 time?

19 A. [16:15:21] He was the commander of the training wing for the Kudja training
20 centre.

21 MR BOURGON: [16:15:33] Mr President, at this point in time I would like to again
22 use a map for Mr Ntaganda to show where he deployed various elements of the
23 forces.

24 PRESIDING JUDGE FREMR: [16:15:41] I see no objection from Prosecution so let's
25 proceed.

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1 MR BOURGON: [16:15:52] (Interpretation)

2 Q. [16:15:53] Mr Ntaganda, I would like you to get up on your feet and to make
3 a few annotations on the map. The map to be used is an excerpt --

4 PRESIDING JUDGE FREMR: (Overlapping speakers) -- Mr Bourgon.

5 THE COURT OFFICER: [16:16:06] I think you are going to say the ERN number
6 indeed. Thank you.

7 MR BOURGON: [16:16:19] (Interpretation) Yes, I was going to do that. It's an
8 excerpt from DRC-OTP-2080-0239.

9 Q. [16:16:45] Mr Ntaganda, do you recognise this carte or this map that we have
10 already used?

11 A. [16:16:52] Yes, I do. I recognise it.

12 Q. [16:16:57] What I would like to do now, Mr Ntaganda, is to ask you to annotate
13 this map with two types of annotations, the first annotation is one whereby I would
14 like you to point out to the Court the areas which were abandoned by Lompondo and
15 the APC after they were driven out of Bunia. So let us start and I would like you to
16 draw a circle around the city of Bunia in green, please.

17 Now I will ask you to change colours and use the colour blue, and please tell us all
18 the areas which you can remember which were abandoned by Lompondo and his
19 forces. Please tell the Court which locations fall under that category.

20 A. [16:18:21] Very well. I started by saying that he abandoned Komanda.

21 Q. [16:18:28] Please write "1" next to Komanda.
22 Then what is next?

23 A. [16:18:48] Tchomia, Kasenyi and Bogoro.

24 Q. [16:19:04] Please put a figure below each circle and tell us the name of the place.
25 Two, what does "2" stand for?

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- 1 A. [16:19:16] Tchomia is 2, Kasenyi 3, Bogoro 4. Then he also abandoned Mahagi.
- 2 Q. [16:19:36] Figure "5" please, could you insert that.
- 3 Were there any other abandoned areas?
- 4 A. [16:19:53] Yes. Here, towards Nyankunde, that area was also abandoned.
- 5 Slightly beyond PK and Malabuka. So Nyankunde would be around here, around
- 6 here, so that part, this area was also abandoned.
- 7 Q. [16:20:31] Could you write the figure "6" next to Nyankunde?
- 8 A. [16:20:47] Yes. Another area which was abandoned is Fataki and Ndjugu.
- 9 Q. [16:21:05] Can you please insert numbers "7" and "8" and tell us as you do so
- 10 which towns you are referring to?
- 11 A. [16:21:16] Seven for Fataki and 8 for Ndjugu.
- 12 Q. [16:21:27] Now, Mr Ntaganda, I would like you to pick up the colour red and
- 13 indicate to the Court all the areas where the APC was still present.
- 14 A. [16:21:59] At that time the APC was present, or remained in Zumbe. Zumbe.
- 15 I don't see Zumbe on the map, but it's somewhat above Bogoro, Ezekere, I can see
- 16 Ezekere, so Zumbe must be around here.
- 17 Q. [16:22:55] Can you insert number "1" next to Zumbe in red.
- 18 Next?
- 19 A. [16:23:07] Next is Kisha and then Lipri, they were in Lipri.
- 20 Q. [16:23:19] Could you put the figure "2" next to Lipri, please.
- 21 A. [16:23:31] Then there was Bambu.
- 22 Q. [16:23:35] Please insert number "3".
- 23 A. [16:23:46] Then there is Kobu.
- 24 Q. [16:23:56] Figure "4".
- 25 A. [16:23:58] Kilo.

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- 1 Q. [16:24:04] Figure "5".
- 2 A. [16:24:14] Mongbwalu.
- 3 Q. [16:24:16] Number "6".
- 4 A. [16:24:41] Nyangarai.
- 5 Q. [16:24:44] Figure "7".
- 6 A. [16:25:58] Then there is Kpandroma. I can see the road that goes to
- 7 Kpandroma, but I have never been there. So it was in this area.
- 8 Q. [16:26:10] Can you then put the next figure in sequence, which would be "7",
- 9 I believe.
- 10 A. [16:26:22] No, it's "8".
- 11 Q. [16:26:28] I'm sorry.
- 12 A. [16:26:30] I'm looking for Loga. Is Mandro here, Solenyama.
- 13 I cannot find Loga. It's not very visible.
- 14 Q. [16:27:49] Do you know another town which is close to Loga which you are
- 15 familiar with?
- 16 A. [16:28:06] Lita is here and just above Lita should be Loga.
- 17 Q. [16:28:15] Can you write the number "9" there. Now, Mr Ntaganda, were there
- 18 any troops in Arua still at that time?
- 19 A. [16:28:28] Yes. But I don't see Arua here. I don't see Arua on this map.
- 20 Q. [16:28:42] Mr Ntaganda, were there any APC troops in Aru?
- 21 A. [16:28:57] Aru, Ariwara and Mont Awa, they were there, but I don't see those
- 22 locations on this map, because Mahagi is here, then they must be a little further up.
- 23 If Mongbwalu is here, then you go towards Aru. No, I don't see Aru on the map, not
- 24 in this area.
- 25 Q. [16:29:26] I have a last question for you today, Mr Ntaganda: When we look at

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1 this map are you in a position to explain to us why it is important for the positions
2 that had been abandoned by the APC to be occupied, why was it important?

3 A. [16:29:56] This deployment here is very important for the army because then
4 Bunia would not be in danger if these areas in blue were not attacked, because you
5 have to attack these areas before you get to Bunia. So we did this in order to protect
6 Bunia and to protect, to protect the inhabitants of that city and those who lived in the
7 area.

8 Q. [16:30:26] Thank you, Mr Ntaganda.

9 MR BOURGON: (Overlapping speakers) have this map admitted in evidence as
10 annotated by the witness.

11 PRESIDING JUDGE FREMR: [16:30:31] Prosecution?

12 MS SAMSON: [16:30:32] No objection.

13 PRESIDING JUDGE FREMR: [16:30:34] Very well. So this map specified by

14 Mr Bourgon is admitted into evidence as a further Defence exhibit.

15 It is half past 4 so we reach time to adjourn. I would like to thank Mr Ntaganda for
16 being concentrated all day and clearly responded -- or clearly responding all the
17 question put to him.

18 So we will adjourn and we will continue tomorrow 9.30.

19 THE COURT USHER: [16:31:11] All rise.

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

21 RECLASSIFICATION REPORT

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