

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo

5 - ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing

9 Friday, 13 September 2013

10 (The hearing starts in open session at 9.17 a.m.)

11 THE COURT USHER: All rise. The International Criminal Court is  
12 now in session. Please be seated.

13 (The witness enters the video-link room)

14 PRESIDING JUDGE STEINER: Good morning. Could please the  
15 court officer call the case.

16 THE COURT OFFICER: Good morning. The case the situation in  
17 Central African Republic, in the case of the Prosecutor versus  
18 Jean-Pierre Bemba Gombo, case number ICC-01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you very much.

20 Good morning and welcome, Prosecution team, legal representatives  
21 of victims, Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to  
22 our interpreters, our court reporters.

23 Good morning, Ms Bossette.

24 THE COURT OFFICER (Interpretation) (via video-link): Good  
25 morning, your Honour.

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Procedural Matters

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1                   PRESIDING JUDGE STEINER:   And good morning --

2                   THE COURT OFFICER (Interpretation) (via video-link):   Good  
3 morning, your Honour.

4                   PRESIDING JUDGE STEINER:   And good morning, Mr Witness.   How are  
5 you feeling today?

6                   THE WITNESS (Interpretation):   Good morning, your Honour.   I am  
7 smiling this morning.

8                   WITNESS:   CAR-D04-PPPP-0015 (Resumed)

9                   (The witness speaks French)

10                  (The witness gives evidence via video-link)

11                  PRESIDING JUDGE STEINER:   I can see it, Mr Witness.   That shows  
12 that you are feeling better and very anxious to continue with your  
13 testimony.

14                  THE WITNESS (Interpretation):   I'm perfectly prepared to do so.

15                  PRESIDING JUDGE STEINER:   Mr Witness, I need to remind you that  
16 you are still under oath.   Do you understand that, sir?

17                  THE WITNESS (Interpretation):   Yes, I perfectly understand that  
18 that is the case, your Honour.

19                  PRESIDING JUDGE STEINER:   I also wanted to remind you that you  
20 are under protective measures, so let's continue with the system that you  
21 already know so well, not revealing in public sessions any information  
22 that could lead to your identification.   And finally, Mr Witness, also to  
23 remind you that you are expected to speak slower, to give that five  
24 seconds after the question is put to you before you starting answering to  
25 it.   And for your information and of the parties and participants, we'll

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1 have this morning of two hours with a half-an-hour break in between, and  
2 a two-hour session in the afternoon after the lunch break from 3.00 to  
3 5.00. Maybe we are lucky enough, Mr Witness, and able to conclude with  
4 your testimony today. We cannot promise, but we'll do our best.

5 Fine with you, sir?

6 THE WITNESS (Interpretation): That would suit me very well.  
7 That would be much better for my schedule.

8 PRESIDING JUDGE STEINER: I suppose that VWU informed that in  
9 case we don't conclude today, you still have to come back on Tuesday  
10 morning. But let's see how it goes.

11 Mr Iverson, you have the floor.

12 MR IVERSON: Thank you, Madam President.

13 QUESTIONED BY MR IVERSON: (Continued)

14 Q. Good morning, sir. How are you doing this morning?

15 A. I can't see you on the screen to answer you. Maybe I'm feeling  
16 better than you, maybe you're feeling better than me. If I had been able  
17 to see you, I would be better placed to say how I feel.

18 Q. I don't think the cameraman took your hint, sir. But I am here  
19 in the courtroom. Here I am. How are you, sir?

20 A. Yes. I see that you're smiling, so you've obviously borrowed my  
21 smile that I have on my face this morning.

22 Q. All right. Good. Sir, I'd like to ask with reference to the ALC  
23 log-books containing the situation reports, when was the last time  
24 that -- that you read through those situation reports prior to your  
25 testimony here?

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1           A.    The last time I read these reports in the communications  
2   log-book, I think that would have been -- because I left Gbadolite at the  
3   beginning of April 2004. So if I recall correctly, I think I left  
4   Gbadolite the 13 of April, so the last message included in the Gbado  
5   log-book, I suppose I would have read it on the 12 of April, 2004.

6           Q.    Okay. So from that, should the Court understand that you haven't  
7   seen or read any of the situation reports in those log-books until you  
8   saw them two days ago here in the hearing?

9           A.    That's indeed so. Because since I left Gbado, I'm being  
10  surprised -- I've been surprised by the books that you showed me  
11  yesterday. If I had known that the log-books were at this level, maybe  
12  that wouldn't have been easy for you.

13          Q.    Well, I don't know if it would have been easy. I know the  
14  situation reports in the log-book contain a lot of information and a lot  
15  of details, something that I know I have to constantly be reminded of and  
16  go back to. But, of course, I wasn't there at the time. But I was just  
17  wondering, do you -- do you normally have a memory so powerful that you  
18  can remember what at the time may have been insignificant details  
19  ten years ago, that you can remember them still today?

20          A.    As you say, Counsel.

21          Q.    Okay. So you have a very good power to recall details. When you  
22  spoke with Defence counsel to be a witness in this case, was -- were the  
23  situation reports and the log-book brought up in that discussion?

24          A.    Unless the Defence could remind me of a time when they spoke  
25  about communications log-books, then I might remember.

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1 Q. So you never once spoke about your knowledge of the information  
2 in the situation reports in the log-books to the Defence in preparation  
3 for your testimony here?

4 A. Sorry, could you repeat that question, please?

5 Q. While speaking to the Defence about this case and about your  
6 future testimony in this case, you never once talked about the situation  
7 reports in the log-books?

8 A. I think I have testified on a range of matters and perhaps up to  
9 the Defence to remind me that they asked certain questions about certain  
10 passages, that would enable me to recall that because that was some time  
11 ago. And here, well, what I can say is I haven't seen the Defence since  
12 January of this year. The Defence was in contact with me firstly by  
13 phone; secondly by phone when they were in Kinshasa; and the last time  
14 was in January. They called me, asking whether I would be willing to do  
15 this, and then when they came, they called me to arrange a meeting. And  
16 then the -- we had a meeting and I think the last time that happened was  
17 last January. They asked me a number of questions and I think, perhaps,  
18 it would be for the Defence to give them -- the list -- give you list of  
19 questions so that they -- you would be able to know the questions that  
20 they asked me. Then that would be clear.

21 Q. Just so we're clear, sir. Is it your testimony that you can  
22 clearly remember details -- very detailed information from ten years  
23 ago -- more than ten years ago, but you have to be reminded of  
24 information that occurred this year, that you can't remember events that  
25 happened in this year but you can remember events that happened over ten

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1 years ago? Is that right?

2 A. That's not what I said. That's your interpretation. What I'm  
3 saying is that person to whom I gave my statement in relation to the  
4 questions I was asked would be in a better position to say to me and to  
5 you that he asked certain questions and that would perhaps cover the --  
6 the what is concerning you now. That's what I said.

7 Q. Okay. Well, Mr Kilolo is counsel in this case, he's not a  
8 witness. And you are the current witness, and that's why I'm asking you.  
9 What discussions, if any, did you have about the situation reports in the  
10 log-books with the Defence?

11 A. But if you're familiar with one matter, then you should say to me  
12 that I talked to the Defence about something. You can ask me if I talked  
13 to the Defence about something and I will say whether this is the case.

14 Q. Sir, why are you being evasive here? Why can't you just answer  
15 the question whether or not you discussed the situation reports with the  
16 Defence? Can you answer that question?

17 A. Reports of which situation? There are situations and situations.  
18 Which situation are you referring to? Could you please be clear, because  
19 if you are clear, I will be able to give you a clear answer.

20 Q. Okay. The ALC kept a log-book with situation reports or, as  
21 soldiers call them, sitreps; is that right?

22 A. The sitrep is something different. It's a report of something.  
23 If you talk about the communications log-book -- or are you talking about  
24 sitrep? Are you talking about messages? I'm -- I really don't know what  
25 you are talking about now.

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1 Q. Okay. I'll assume that you're not being coy, but we've been  
2 going through these communication log-books for the past two days, and I  
3 think you know full well what I'm talking about. I'm simply asking, in  
4 your discussions with the Defence prior to your testimony, did you talk  
5 about these communication log-books, the situation reports, the intsums,  
6 the intelligence summaries, anything contained in those communication  
7 log-books. Did that come up in your discussions with Defence?

8 A. The -- you've got the Defence right by your side. You just need  
9 to ask them whether they asked me any question relating to that.

10 Q. I mean, the fact that you're attempting to conceal this suggests  
11 to me that you did talk about this with the Defence and that you're  
12 trying to hide it for some reason and I don't know why. Am I wrong about  
13 that?

14 A. If you had really been here yesterday and the day before, then  
15 you wouldn't be asking me this question because Defence asked me a number  
16 of questions and you will -- you would have heard them as I did.

17 Q. Right. And you know that I'm not asking about what the Defence  
18 asked you in your testimony. Right now I'm asking about communications  
19 that you had with the Defence prior to your attendance here in the court  
20 hearing, prior to your testimony, when they were preparing to present  
21 their Defence evidence. I mean, they must have contacted you, otherwise  
22 you wouldn't be testifying here today. So that's why I'm asking: During  
23 your discussions with the Defence, did you discuss the communication  
24 log-books?

25 A. So this is clear: Most of the questions talk about communication

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1 log-books, well, these are things that I've discovered in this courtroom.  
2 In this courtroom.

3 Q. Okay. I'm going to move on but I have one more question. And I  
4 would just say, you know, sir, I would put it to you that when you said  
5 you hadn't viewed these communication log-books since April 2004, that  
6 was a lie. In order for you to be familiar with the log-books, the  
7 Defence must have asked you questions and you must have reviewed  
8 something in order for you to provide your input, your knowledge, your  
9 opinion about these messages.

10 A. These log-books, where are they now? Where are these log-books?  
11 Are they in my -- do I have them? Do I have them today? Or perhaps you  
12 are the one -- you or the Defence are the people who are showing me these  
13 passages. I've just said to you that I read them around ten years ago.  
14 And when you tell me, when you tell me, as you said yesterday about --  
15 that it's a lie, I would say that you're the one whose telling lies  
16 because quite simply you're presenting me with log-book sheets and I'm  
17 not the one who's presenting it. You're the one who's presenting them  
18 and you're telling me that I'm lying. But you're a liar, then.

19 PRESIDING JUDGE STEINER: Mr Iverson, I would like very much to  
20 avoid the same misunderstandings we had yesterday. And for that purpose,  
21 it will be important for you to refrain of using certain kind of  
22 expressions that could be seen as offensive and generate some  
23 misunderstanding with the witness. So please refrain from using some  
24 kind of comments or side comments that don't bring anything relevant to  
25 the Chamber.



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1 MR IVERSON:

2 Q. Sir, I'll leave it to the able hands of the Judges to decide  
3 about this issue and whether or not you actually answered any of the  
4 questions I asked about your communications with the Defence.

5 How many meetings did you have with the Defence in this case  
6 prior to your testimony?

7 A. The Defence called me for the first time last year from Belgium.  
8 And when the -- when they arrived in Kinshasa last year, the Defence  
9 called me on my number so that I meet them. And the last time that I met  
10 the Defence was in January this year. But a long time before that,  
11 before the Defence contacted me, you from the Prosecution, you called me  
12 in 2011 twice. I've got the number on which the Prosecution called me to  
13 meet me. I told you I was perfectly available. And the second time you  
14 called me again, I told you I was available. And you called me to say  
15 that if I had a trip to Europe, and I told you that I had an imminent  
16 trip to Europe, and you asked me if I could give you my European number.  
17 I also gave it to you.

18 So long before the Defence contacted me, you from the  
19 Prosecution, you contacted me, and it was you yourself who didn't --  
20 afterwards didn't want to meet me. And the very last time when I was on  
21 the front, I arrived in Kinshasa. That was a Sunday. It was a colleague  
22 who was -- colleague -- Counsel Kilolo, and he called my telephone in  
23 order to tell me when I could testify. And those were the times when I  
24 had contact with the Defence. And of course, these contacts were  
25 preceded by contact with the Prosecution.

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1 Q. From today, when was the last time that you spoke with Mr Kilolo?

2 A. I said that it was in January of this year.

3 Q. So no member of the Defence ever contacted you to discuss the  
4 timing of your testimony, your schedule, that kind of thing?

5 A. Nothing at all. And I would make a clarification here. My  
6 meeting with Mr Kilolo, he was with a woman who was Australian. There  
7 were two of them. Since then, last Sunday -- it was last Sunday, well,  
8 we're in September now, the 8, I think it was the 8 of September, Sunday  
9 the --

10 THE INTERPRETER: The witness is looking at the calendar.

11 THE WITNESS (Interpretation): It was the 8th, the 8 of September  
12 that a colleague -- well, the -- the communication wasn't good. And when  
13 I was in the east of the country, it was a colleague, a woman who said  
14 that she was a colleague of Counsel Kilolo, and she said when I could  
15 testify. And I said I'm in permanent contact with Patrick Châtelet from  
16 Kinshasa, and I have to communicate with him. I have to communicate my  
17 testimony date with him. And that's what I said to that woman. If she  
18 was in the courtroom with you, she would confirm what I've said and also  
19 in a correct manner.

20 And it's when I arrived in Kinshasa, the Monday, I contacted  
21 Mr Patrick Châtelet and gave my availability for Wednesday, for Wednesday  
22 the 11th. That's it, sir.

23 Q. Sir, during the meeting in January of this year, what was  
24 discussed?

25 A. Well, I was asked a question as to what functions I had in the

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1       ALC. From what time to what time. Basically, the same questions which  
2       we've had here, put by Kilolo yesterday and the day before yesterday.

3       Q. Did they show you any documents during that discussion?

4       A. I didn't see any document.

5       Q. Sir, are you aware of any memo that was written on the 19 of  
6       September 2008 that has anything to do with this case?

7       A. What type of memo?

8       Q. Well, I was hoping you could shed light on this, because in the  
9       Defence summary we received about your -- the topics about which you  
10      would testify, they mentioned that you would discuss a memo of  
11      19 September 2008. And if you didn't view any documents, I just wonder  
12      why the Defence would tell us - the Prosecution and the Court - that you  
13      would discuss this memo.

14      A. Memo signed by who, please?

15      Q. I'm just asking you if you know about this memo because the  
16      Defence said that you knew about this memo and would speak to it.

17      A. What does the memo say? What's the content? Just so that you  
18      can remind me. Because you say it's from 2008.

19      Q. Well, I mean, you did say you didn't review any documents;  
20      correct?

21      A. You cannot present a document but you can -- in this document,  
22      you're asking me about my opinion with regards to a document. That's why  
23      I said I didn't see any document. That doesn't mean a question can't be  
24      asked about it.

25      Q. Right you are, and that's why I was simply asking you about it.

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1 And I mean no offence, so please don't take offence. It's a piece of  
2 information that came to my attention. You said that you didn't review  
3 any documents and so I wanted to ask you about it.

4 Sir, have you been paid any amount of money in this case to  
5 testify by anyone?

6 A. How much would they give me in your opinion so that I would come  
7 and testify here?

8 Q. Sir, why do you answer my question with a question? Why can't  
9 just answer "yes" or "no" or provide an explanation? But answering with  
10 a question isn't really an answer, so I'll ask it again: Have you been  
11 paid any amount of money in this case to testify by anyone?

12 A. If you consider that you are able to accept something like that.  
13 Myself? I'm not a person like that.

14 Q. Okay. Also you answer there with a conditional sentence. Can  
15 you answer the question, yes, if you did receive money; no, if you did  
16 not receive money? Are you able to do that, sir?

17 A. I cannot be corrupted, sir. I have integrity.

18 Q. Okay. You say you cannot be corrupted, and that's also not what  
19 I asked. So I'm going to ask you again: Were you paid any money by  
20 anyone to testify?

21 PRESIDING JUDGE STEINER: Mr Iverson, I think we have the answer.  
22 I think we can take his answer as a no. You are insisting in -- at least  
23 for the Chamber, I think it's clear that he had answered to the question.

24 Yes, Mr Iverson.

25 MR IVERSON: Madam President, I believe he's giving an

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1       indication. But if any Trial Chamber later on were to look at this  
2       testimony in the context of any proceedings, it might be difficult for  
3       them to determine whether or not this is a clear statement of fact, and  
4       that's why I continued to ask the question and insist that he provide a  
5       clear answer.

6               PRESIDING JUDGE STEINER: Yes, Maître Kilolo.

7               MR KILOLO (Interpretation): I think, indeed, your Honour,  
8       Mr Iverson should avoid something that could be felt as harassment. I  
9       think that the answer of the witness is very clear, at least in French.  
10      I didn't read the translation in English. But when a witness comes to  
11      testify and you want to know if that person has been given money with  
12      regards to that testimony, well, that's called "corruption" in French.  
13      So when he says, "I am not corruptible, I cannot be corrupted, I have  
14      integrity," well, the answer is clear.

15              PRESIDING JUDGE STEINER: Mr Witness, let's try to go ahead. So  
16      the next set of questions put by Mr Iverson, could you be so kind and  
17      just answer "yes" or "no" because otherwise we will stay here the whole  
18      morning. Please just say "yes" or "no" and the problem is solved. Is  
19      that fine with you, sir?

20              THE WITNESS (Interpretation): You're right, your Honour. But  
21      the way I formulate things, well, does it make it possible for me to say  
22      yes or no to everything straight away? An answer that I give, because of  
23      the way I form it or say it, that can mean "yes" or "no," and so I would  
24      say that at that level, with regards to the ICC, I -- one cannot not tell  
25      me that what I'm saying is "yes" and "no," but I will make an effort to

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1 say a "yes" or a "no."

2 PRESIDING JUDGE STEINER: Judge Aluoch.

3 JUDGE ALUOCH: Mr Witness, I just wanted to say that we have  
4 heard Prosecution ask such questions to other witnesses, so I don't think  
5 you should take them personally. They are not just asking you. They  
6 have asked other witnesses who have given answers, and we are just hoping  
7 that you can co-operate. Thank you.

8 PRESIDING JUDGE STEINER: Mr Iverson, let's try a last time.

9 MR IVERSON:

10 Q. Sir, same question. Have you received any money to testify in  
11 this case by any person?

12 A. No, sir.

13 Q. Sir, did any member of the Defence ever pay any reimbursable  
14 expense, any out-of-pocket expense that you had to pay and then gave you  
15 money to reimburse you?

16 A. What type of expenses and under what circumstances would such  
17 expenses have been undertaken?

18 Q. I don't know. If you had to book a hotel room, take a taxi, take  
19 a flight. Did you have any expenses that were reimbursed by any member  
20 of the Defence?

21 A. In the same way -- well, the Prosecution called me. If the  
22 Prosecution had said to come to see them, I would have done so  
23 voluntarily and I also do it willingly. For the Defence for which -- for  
24 whom I made myself available, having been contacted by them, I did it  
25 willingly.

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1                   PRESIDING JUDGE STEINER: Mr Witness, I will try to ask you  
2           again. The Prosecution just asked whether you had any expenses that were  
3           reimbursed by the Defence. Is it possible for you to answer "yes" or  
4           "no" and then we can go ahead?

5                   THE WITNESS (Interpretation): I didn't incur any expenses that  
6           could be reimbursed, your Honour.

7                   MR IVERSON: Madam President, I would like to request private  
8           session briefly.

9                   PRESIDING JUDGE STEINER: Court officer, please turn into private  
10          session.

11                   (Private session at 10.01 a.m.) \* Reclassified as Open session

12                   THE COURT OFFICER: Your Honour, we're in private session.

13                   MR IVERSON:

14           Q. Sir, could you please tell the Court once more what was your  
15           position for Vice-President Bemba back in the period in which he was  
16           vice-president?

17           A. (Redacted)

18           (Redacted)

19           Q. (Redacted)

20           (Redacted)

21           A. (Redacted)

22           (Redacted)

23           Q. (Redacted)

24           (Redacted)

25           (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 Q. And you haven't ever done anything to betray that trust or  
11 loyalty between you and Mr Bemba, have you?

12 A. Could you please repeat your question and could you please make  
13 it clearer?

14 Q. Have you ever done anything to betray that relationship of trust  
15 and loyalty between you and Mr Bemba?

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. And that relationship of trust and loyalty exists to this day,  
22 does it not?

23 A. (Redacted)

24 (Redacted)

25 (Redacted)



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1 I have only seen him by means of this screen. So I think you could tell  
2 through all the channels at your disposal, and I believe you have many,  
3 there have been no contact at all - at all - in any way shape or form  
4 between me and Mr Bemba.

5 MR IVERSON: Madam President, could we go back into public  
6 session, please.

7 PRESIDING JUDGE STEINER: Court officer, please turn into open  
8 session.

9 (Open session at 10.08 a.m.)

10 THE COURT OFFICER: Your Honour, we're in open session.

11 MR IVERSON: I'd like to ask the court officer to pull up a -- a  
12 video and play a video, and it is -- the ERN is CAR-OTP-0069-0369. And I  
13 have some other numbers to read off here. The -- there is a transcript  
14 for this video so that participants can follow along, and that is  
15 CAR-OTP-0069-0574. The English translation is CAR-OTP-0069-0531. And  
16 the French translation is CAR-OTP-0069-0551.

17 And I would ask if the court officer could play the video from  
18 minute mark 08 minutes, 50 seconds - so 8:50, to 13 minutes, 22 seconds,  
19 or as close those minutes marks as possible, please.

20 PRESIDING JUDGE STEINER: Just to check, Mr Iverson, it's  
21 document 47, English translation, and 48 the French translation. Is that  
22 correct?

23 MR IVERSON: That is correct, Madam President. Thank you.

24 And the -- I'm not sure if it matters or not, but the transcript  
25 is document 46, and the video, although not a document, is number 45.

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1 And it is -- all of those are public.

2 THE COURT OFFICER (Interpretation) (via video-link): (No  
3 interpretation)

4 THE COURT OFFICER: The all -- the video CAR-OTP-0069-0369 is  
5 public and there is no need for interpretation or transcription.  
6 (Viewing of the video excerpt CAR-OTP-0069-0369)

7 MR IVERSON: And could I ask the court officer also just to go  
8 back to minute mark 09:22 and just pause it so we just have the screen  
9 shot.

10 Q. Okay. Sir, I have several questions about this film clip that we  
11 just watched. First question is: Do you see the brand of the radio that  
12 Mr Bemba is using in this video?

13 A. This picture is quite far away from me. I can't see the brand  
14 clearly. And the part where the brand is is hidden, maybe. What -- what  
15 does it say there? Maybe you could see it. What does it say there?

16 THE COURT OFFICER (Interpretation) (via video-link): Your  
17 Honour, may the witness rise and go closer to the screen to see the  
18 image? Thank you.

19 THE WITNESS (Interpretation): I have seen the brand, sir.

20 MR IVERSON:

21 Q. And do you agree that that's a Kenwood radio, sir?

22 A. I think you can see that as clearly as I can.

23 Q. Sir, do you know anything about radio, military communications,  
24 anything like that? Sir, I'm not sure if you got the question so I'll  
25 ask it again. Do you know about -- anything about radios, how radios

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1 work, military communications, do you know anything about that topic  
2 area?

3 A. I do have some knowledge of that, sir.

4 Q. Do you know what a high frequency radio is as opposed to a very  
5 high frequency or an ultra high frequency radio?

6 A. Perhaps you could help me to know a little bit more about this.

7 Q. Well, it's -- it's really not for me to testify. You are the  
8 witness, so I just wanted to ask you if you knew anything about that.  
9 But I -- I'd like to ask some other questions about the video-clip that  
10 we saw.

11 Now, throughout the video we saw that Mr Bemba was dressed in his  
12 military uniform; correct?

13 A. That doesn't surprise me in the least. Anyone can put on a  
14 military uniform. An ordinary man in the street can do that.

15 Q. I mean -- so I guess I'm trying to clarify what you -- what you  
16 mean by, you know, your opinion that Mr Bemba is not really a soldier.  
17 Is he an actor? Is he an imposter? How do you -- how do you  
18 characterise him, then, if you don't regard him as a real soldier?

19 A. I said yesterday he -- that he isn't a soldier, and I will repeat  
20 that today. He is not a soldier.

21 Q. Okay. And then next I'd like to ask about the actual words that  
22 he's using on the radio, because we did see that he was talking on the  
23 radio, right? And we heard his voice, right?

24 A. He was speaking using the radio.

25 Q. And he was asking a -- someone named or code-named Pronto how

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1 things are going on your side, wasn't he?

2 A. I would like you to -- to clarify the context. Was Bemba on his  
3 own territory or was he talking to someone in Bangui? And then if you  
4 could clarify this, I would be able to give you a clear reply. I think  
5 that I am here to discuss the situation in Bangui, but I would say to you  
6 that as the president of the MLC and commander-in-chief, supreme  
7 commander of his army, Bemba was able to give orders and instructions to  
8 his units on his territory. And that -- I can defend that to the very  
9 last because on one's own territory, a command -- on his own territory, a  
10 supreme commander cannot be prevented from speaking to his troops to  
11 giving -- for giving orders. This is all very clear when we are talking  
12 about on his own territory. He is authorised to do so and that should be  
13 allowed.

14 So what I would like is for you to talk about the context of  
15 Bangui so that we can talk about things correctly, because what happens  
16 on Congolese territory, that's how it happens. I would say that that is  
17 the case in principle, and that might surprise you, but it wouldn't  
18 surprise me in any way.

19 Q. Well, one of the reasons I asked is because in transcript 343,  
20 page 27, line 6 to 13, you were asked by Mr Kilolo:

21 "In his capacity as supreme commander, did Mr Jean-Pierre Bemba  
22 participate in the military command activities of the ALC?"

23 Note that he didn't ask with regard to Bangui or any other  
24 situation. And your answer was:

25 "The military command of the ALC? I would say was something that

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1 he could deal with from time to time in extreme circumstances, but I only  
2 am aware of one time when he intervened under those circumstances. So  
3 quite honestly, I can say that in that area, and as I mentioned a while  
4 ago, the day-to-day management of the ALC was in the hands of the chief  
5 of staff."

6 I mean, it occurred to me that Mr Bemba was involving himself in  
7 the operations of the ALC in this video-clip, and that is not consistent  
8 with your previous testimony, is it?

9 A. That is entirely consistent with my statements. Entirely  
10 compliant with. Bemba was on his own territory. That -- he did what he  
11 had to do, and that was what we have all just seen on the video. That  
12 can't be something he is prevented from doing or hindered from doing.  
13 And in this video you can see that he only went to Lisala once a group of  
14 young people were being trained. That's a very special event. A new  
15 unit had been formed. New soldiers had been formed and that is a major  
16 event, and that's what I was talking about yesterday and the day before.  
17 But my statements of yesterday and today don't contradict anything in  
18 that context.

19 Q. And, of course, as always, that will be for the Judges to decide.  
20 I also want to ask you about some other things we saw in the video. Now,  
21 we also saw that it appears that Bemba had a -- a communication device, a  
22 walkie-talkie, perhaps a Motorola, in his hands when he was sitting in  
23 the room with the communications equipment. Did he use those  
24 walkie-talkies for short-range communications around the immediate  
25 vicinity of Gbadolite?

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Questioned by Mr Iverson (Continued)

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1           A.    Also, sir.  And myself, I also communicated with him with a  
2   walkie-talkie, and this walkie-talkie was a Motorola.  I said that  
3   yesterday.

4           Q.    Okay.  And the Kenwood was used for long-range communications;  
5   correct?

6           A.    I wouldn't contradict that.  Everybody, civilian, military, uses  
7   them.

8           Q.    And the satellite phone, the Thuraya, Mr Bemba used also for  
9   long-range communications and overseas communications; correct?

10          A.    I didn't clearly see the Thuraya in that picture.  Maybe if the  
11   picture is put back, perhaps I could see it.

12          Q.    Oh, I don't think -- and I'm not sure that we did see a Thuraya  
13   in that picture.  But I'm just asking as a general matter, did Mr Bemba  
14   have a Thuraya that he used to communicate with people internationally?

15          A.    He would tell you at the appropriate moment.

16          Q.    Well, again, sir, I'm not asking him.  You're the witness.  I'm  
17   asking you.  Do you know if Mr Bemba had a Thuraya that he used to  
18   communicate with other people?

19          A.    I never communicated with him with a Thuraya to know more.

20          Q.    Okay.  Well, did you ever see Mr Bemba with a Thuraya?

21          A.    I never saw him with one.  I never communicated with him with  
22   one.

23          Q.    And we also saw a shot of Mr Bemba in a vehicle talking on a  
24   phone in his vehicle as well.  Did you see that, sir?

25          A.    If that could be shown again, it would be possible for me to

Witness: CAR-D04-PPPP-0015 (Resumed) (Open Session)  
Questioned by Mr Iverson (Continued)

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1 better identify things.

2 Q. Okay. Are you saying you don't remember seeing that part of the  
3 video, sir?

4 A. I saw the video, but you asked me a question with regards to the  
5 equipment that was there. If you ask me about the type of equipment  
6 then, then I could have concentrated on that to tell you that it was a  
7 Kenwood. Now, if there was another piece of equipment you wanted me to  
8 identify, it would be good if the picture could be shown on the screen so  
9 that I can see it and then I could answer you correctly. I could answer  
10 the question correctly, sir.

11 Q. Okay. Well, I can propose that we watch the video again. But  
12 every -- every minute of courtroom time we have is -- is valuable, and I  
13 would like to finish with your testimony this morning, if possible.

14 MR IVERSON: Could I ask the court officer to display the video  
15 again.

16 THE WITNESS (Interpretation): (No interpretation)

17 MR IVERSON: Just hold on one second please, sir.

18 If the court officer could actually just start playing it from  
19 this scene, and the next clip, I believe, will be -- or the clip shortly  
20 after this one will be the clip with Mr Bemba speaking on a phone in his  
21 vehicle.

22 THE COURT OFFICER: Mr Iverson, could you please clarify the time  
23 stamps.

24 MR IVERSON: I believe that, according to the transcript, the  
25 time stamps would be around minute mark 9:52 to 10:16. So, I mean, if

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Questioned by Mr Iverson (Continued)

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1 the court officer would start playing it from here, I think that that  
2 would probably be the most efficient way of displaying it.

3 (Viewing of the video excerpt CAR-OTP-0069-0369)

4 MR IVERSON:

5 Q. Sir, did you see that with Mr Bemba speaking on a phone while  
6 driving the car?

7 A. I saw him speaking on the phone.

8 Q. Did you see how that phone had an attachment with a cable going  
9 to the outside of the vehicle?

10 A. I saw that it had a cable which -- it didn't link the outside but  
11 it went to the bottom of the car. It wasn't outside the car. Or maybe  
12 if you look at the screen, you'll see. But the cable goes towards the  
13 bottom. It goes -- goes to the bottom. It's not outside the base  
14 station. If you -- if you look at the picture, you'll see that.

15 Q. Okay. Well, you seem to know more about it than I do, so this --  
16 this appears to be an antenna attachment for a satellite phone, doesn't  
17 it, sir?

18 A. No, I told you. I told you that it was a cable which linked the  
19 base, the thing, so that's to -- I'm saying that so you don't treat me as  
20 a liar, because that's what you normally do. So it's just to tell you  
21 that you also, you, you're not so prudent and -- when you accuse people  
22 of being liars. It's just for that, that I wanted to avoid that for the  
23 next time.

24 But what I would like to say is the following: As far as I know,  
25 in Gbadolite, there were all types of telephones -- or two types of



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Questioned by Mr Iverson (Continued)

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1       telephones, which made it possible for the high-ranking figures to  
2       communicate in the immediate environs of Gbadolite. If I knew that this  
3       question was going to be put to me, then I would have brought to you here  
4       in this courtroom a specimen of such telephones that were used. I think  
5       I've got them in my house if my wife hasn't thrown them away. They were  
6       telephones that were used.

7               If somebody -- for example, at the airport, if you want to pass  
8       on messages to the people who were responsible, they were used. And  
9       Bemba had one. He had a base station at the transmission centre and he  
10      also had one at home. And I think for some people who were high-ranking  
11      figures, for example, chief of general staff, the secretary-general, the  
12      head of security, head of civilian security, head of military security,  
13      and myself, I had one as well. And so these telephones, they didn't  
14      communicate outside. These were things that we used in order to  
15      communicate outside the radio network, and you can see that's why the  
16      high-ranking figures communicated with each other. And I think that  
17      still today in my home I've got one. Unfortunately, I didn't know that  
18      you were going to ask me about it. I would tell my wife to check through  
19      the house and I'll bring a specimen of this type of telephone, an  
20      internal telephone.

21       Q.    Sir, so Mr Bemba had the ability to stay in virtually constant  
22      communication with all parts of his organisation, the MLC and the ALC;  
23      correct?

24       A.    You're speaking about telephones or are you talking about other  
25      means of communication? Because here, well, you've got a question with

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Questioned by Mr Iverson (Continued)

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1        regards to telephones. Please could you be a bit more precise.

2        Q.    I -- I mean, I think it's clear what I'm asking, whether he was  
3        able to communicate with parts of his organisation - all parts - whether  
4        it be Motorola, whether it be long-range radio, whether it be, as you put  
5        it, phones that only worked in Gbadolite, whether it be satellite phones,  
6        whether it be flying to a location and speaking to people in person, he  
7        was able to stay in virtually constant contact with all parts of his  
8        organisation; is that right?

9        A.    He could only do that, all he could do.

10       Q.    And, sir, do you see the still frame on the screen in front of  
11       you? Is that still up available for you to see?

12       A.    I can see it as well as you can, sir.

13       Q.    Okay. And I think it's clear enough for the question I want to  
14       ask. Do you see that -- the baton or what is sometimes called a swagger  
15       stick that Mr Bemba is holding in his left hand?

16       A.    I can see it, sir.

17       Q.    That stick is the mark of a commander, isn't it? I mean, that is  
18       what a military commander holds to show that he is in charge. He is the  
19       commander; isn't that right?

20       A.    A customary chief can also have a baton like that.

21       Q.    I mean, are you denying that Mr Bemba was the commander-in-chief  
22       of the ALC now or are you saying that he was a customary chief? It --  
23       he's holding the baton, the swagger stick because he's a commander;  
24       correct?

25       A.    I told you a moment ago that he was the supreme commander of his

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1        army, sir. You can't take that away from me.

2            Q.    Sir, did you also see the clip where it shows Mr Bemba flying his  
3        own airplane?

4            A.    Well, I learnt that he was flying the plane before I knew him.

5            Q.    And in all of your contacts with Mr Bemba in the past, did you  
6        come to know him as a man who liked to take charge, liked to do things on  
7        his own, someone who liked to be in control?

8            A.    "He did things in his way," what does that mean? "To do things  
9        his way," what does that --

10          Q.    Sir, I'd like to ask you about the military ceremony and the  
11        portion of the video where Mr Bemba is speaking to his troops. Now, he  
12        spoke to his troops in Lingala; correct?

13          A.    That's what I heard. I can't deny that.

14          Q.    And it was his habit to do so, to speak to his troops in Lingala;  
15        right?

16          A.    Every time he had the opportunity, he could only speak in that  
17        because most people spoke Lingala.

18          Q.    Right. Lingala was essentially the lingua franca of the MLC and  
19        the ALC, right?

20          A.    Everybody spoke their language. The other soldiers who came from  
21        the same tribe had their language.

22          Q.    Sir, did you see the part in the ceremony where Colonel Amuli,  
23        then Colonel Amuli, saluted Mr Bemba and Mr Bemba returned his salute?

24          A.    Yes, the salute. You can salute somebody. Five minutes and he  
25        can know how to salute them. You don't need training for that. You

Witness: CAR-D04-PPPP-0015 (Resumed) (Open Session)  
Questioned by Mr Iverson (Continued)

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1 don't have to go to a military training school for that.

2 Q. Sir, again, are you -- with that are you implying that Mr Bemba  
3 was not a real soldier?

4 A. What I said is that Mr Bemba, for me, was not a soldier. If for  
5 you he was, I said that just pair -- putting on a military uniform and  
6 speaking on the radio doesn't make one a soldier.

7 Q. But you still had to follow his orders. I mean, if he gave  
8 anyone within the ALC an order, that person was required to follow that  
9 order; right?

10 A. Head of a company, when he gives an order, somebody within the  
11 company does what he says. They execute that order.

12 Q. And, sir, the -- one of the last scenes that we saw in the video,  
13 did you see a group of -- of people waving what appeared to be palm  
14 branches and singing Bemba's name? Did you see that part?

15 A. Even a village chief who goes to his village always had that. In  
16 our region, that doesn't surprise me at all.

17 Q. And it -- what it says is that Mr Bemba had a very loyal and  
18 strong following in that area; is that right?

19 A. If the picture can you tell you something about that, all the  
20 better.

21 PRESIDING JUDGE STEINER: I'm sorry, Mr Iverson.

22 Mr Witness, we really need your co-operation if we want to  
23 conclude your testimony as soon as possible. For the last minutes, you  
24 appear to be totally unable to answer to a single question in a direct  
25 way. You give metaphors, you give other examples. Could you please try

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1 to help us and answer to the question that is put to you more objectively  
2 and concisely. It is for your well-being. We want you to conclude your  
3 testimony as soon as possible, but the way it is going, it's becoming  
4 difficult.

5 Mr Iverson.

6 THE WITNESS (Interpretation): I can answer the last question.  
7 If you can ask the question again, I can answer as the Presiding Judge  
8 has asked me to.

9 MR IVERSON:

10 Q. Yes, sir. I was just asking you if the -- the fact that so many  
11 people were cheering for Mr Bemba and singing his name, if that indicates  
12 to you that he had a very loyal and strong following in that area of the  
13 world?

14 A. The pictures show that sufficiently.

15 MR IVERSON: Could I ask the court officer to please display --

16 PRESIDING JUDGE STEINER: Mr Iverson, we have one minute. Don't  
17 you think it would be better if we suspend and you continue after the  
18 break?

19 MR IVERSON: Absolutely. Right you are, Madam President.

20 PRESIDING JUDGE STEINER: Mr Witness, it's almost 11.00. We will  
21 suspend for half an hour in the hope that you have a cup of tea, that you  
22 take some rest, and that we can continue after the break in a more  
23 expeditious way.

24 The hearing is suspended. We'll be back at 11.30.

25 THE COURT USHER: All rise.

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Procedural Matters

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1 (Recess taken at 10.57 a.m.)

2 (Upon resuming in open session at 11.40 a.m.)

3 THE COURT USHER: All rise. Please be seated.

4 PRESIDING JUDGE STEINER: Welcome back, Mr Witness.

5 THE WITNESS (Interpretation): Thank you, your Honour.

6 PRESIDING JUDGE STEINER: Mr Witness, the Chamber received  
7 information from VWU saying that you informed that you would be leaving  
8 the current location you are in tomorrow morning and you don't know when  
9 you'll be available to finish your testimony. I will ask VWU to explain  
10 again to you that once you started your testimony, Mr Witness, you are  
11 compellable to testify in accordance with the legal framework of the  
12 Court.

13 We are doing our best in order to conclude with your testimony  
14 today. I must say that you've not been really helpful in that respect  
15 because instead of just answering to the question, the Prosecution  
16 sometimes has to repeat three, four, five times the same question to  
17 obtain an answer from you.

18 I will insist with the Prosecution that the Prosecution do its  
19 best in order to conclude its questioning at the end of this morning's  
20 session because we have legal representatives still to question the  
21 witness and the Chamber has follow-up questions to put to the witness.

22 But first, Mr Witness, we need your co-operation in order for the  
23 Prosecution questioning to finish by the end of this morning's session.  
24 And second point, Mr Witness, in case we are not able to conclude today  
25 your testimony, you will have to be back on Tuesday morning to conclude

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1 with your testimony. If you don't conclude with your testimony, there  
2 will be consequences for the procedures.

3 So let's see, Mr Iverson, if you could concentrate on the really  
4 relevant questions, do the questioning in a very objective and concise  
5 way.

6 And let's see, Mr Witness, if we obtain from you very concise and  
7 objective answers in order to conclude with the Prosecution questioning.

8 Mr Iverson, you have the floor.

9 MR IVERSON: Thank you, Madam President. And I have every  
10 intention of trying to wrap this questioning up very quickly.

11 Q. Sir, I'd just like to ask you a few questions about the initial  
12 days at the end of October 2002 and your knowledge, if any, about weapons  
13 and ammunition being transported along with the arrival of the ALC  
14 troops. So to your knowledge, was there any -- were there any weapons  
15 and ammunition that crossed the river, the Ubangui river, along with the  
16 troops that arrived in Bangui?

17 A. Yesterday I said, if you had listened yesterday, I said yesterday  
18 that some individual weapons, some individual weapons. And, of course,  
19 there were -- there was ammunition along with those weapons. I said  
20 yesterday that a unit that is travelling about always has some  
21 protection, and that protection can in no way protect the unit without  
22 weapons. I told you that if a platoon is moving about, there is one  
23 soldier protecting the platoon. If a company is moving about, a soldier  
24 is protecting it, and the same thing holds true for a battalion.

25 So there wasn't enough ammunition or weapons for one day of

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1 fighting.

2 Q. Okay. And I know you're -- you really want to say what you said  
3 yesterday and I understand that, but I was just asking you again. So  
4 just so I understand, do you know if the ammunition would have been in  
5 ammunition boxes, the long wooden boxes that are common to -- the common  
6 boxes that carry ammunition?

7 A. No, Counsel. If that were the case, I would have been delivering  
8 from Gbadolite. If they had been in cases, it would have come from  
9 Gbadolite.

10 Q. Okay. And were those long wooden boxes, the ammunition boxes,  
11 those were always used to transport ammunition as far as I understand.  
12 Am I correct?

13 A. Each ammunition, each calibre had a specific crate or box. Which  
14 kind of ammunition are you talking about, Counsel?

15 Q. Well -- and I understand that the mortar shells, the size of the  
16 wooden box may differ than cartridges of bullets, for example. But  
17 generally speaking, the ALC's ammunition always came in a -- various  
18 sizes of wooden boxes, correct? Or crates, if you want to call them  
19 crates.

20 A. What was given to the soldiers in the field in another territory,  
21 that was sent in crates, and that was always mentioned in the documents.

22 Q. Okay. And just to try to establish what we are talking about to  
23 get a visual.

24 MR IVERSON: Could I ask the court officer to please display  
25 CAR-OTP-0035-0131, document 23 on the Prosecution's list. And this



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1 document is confidential.

2 THE COURT OFFICER (Interpretation) (via video-link): The  
3 document is being displayed to the witness, your Honour.

4 MR IVERSON: Could I ask the court officer just to zoom in a  
5 little bit so we can get a clearer view of the boxes in the photograph.  
6 Great. Thank you.

7 Q. Sir, what -- what type of ammunition or weapon is in this wooden  
8 box that you see, the one filled with what appear to be possibly mortar  
9 rounds?

10 A. Those are mortars that I see there.

11 Q. And is that the typical wooden crate or box that they are  
12 typically shipped in?

13 A. Well, what I see here is that there is a few too many because  
14 there's a few extra. You can't close the crate. Because, you see, if a  
15 crate contains 60-millimetre rounds or shells, rather, usually within one  
16 crate you can have six or 12 depending on the manufacturer.

17 MR IVERSON: And I'm sorry, just as an administrative note. I  
18 said document 23. It should be document 27.

19 Q. Okay. It -- I know you want to make your personal observations  
20 about this photograph, but what I'm just asking is simply, you see the  
21 crate, the wooden crate? Is that the typical crate that ammunition is --  
22 is shipped in and it comes in various sizes?

23 A. Not necessarily. I said a few moments ago that each kind of  
24 ammunition has a specific kind of box or crate. I don't know that you've  
25 quite grasped that.

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1 Q. Okay. And from this picture you can see --

2 A. Some made out of wood, some out of metal.

3 THE INTERPRETER: Inaudible.

4 THE WITNESS (Interpretation): Of course, it depends on the  
5 manufacturer.

6 MR IVERSON:

7 Q. Okay. If -- and your testimony previously was that if these  
8 wooden crates are present, they must have come from Gbadolite; is that  
9 right?

10 A. If you could repeat your question, please?

11 Q. Well, on page 32, line 7 of today's transcript, you -- you said:  
12 "If the ammunition had been in cases, it would have come from  
13 Gbadolite."

14 So I was just repeating what you had previously said a few  
15 minutes ago, sir.

16 A. Sir, sir, the question you're asking me, this box that you're  
17 showing me, where was this photograph taken? Exactly where was it taken?  
18 Because I am appearing before a Court, and now I'm being shown a  
19 photograph of a box, a photograph of a box that was taken who knows  
20 where, and now I'm being asked a question. Where was this photograph  
21 taken? Where? Under what circumstances? Be specific, Counsel.

22 Q. Sir, I'm not asking you about this particular box. I mean, I  
23 don't expect you to know exactly where this box came from, how it got  
24 there. All I'm asking is simply about these wooden crates that were used  
25 to ship ammunition. Just to give -- just to assist this Chamber in

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1 understanding the evidence that is in the collection of evidence, and you  
2 are in a particularly well-placed position to provide testimony about  
3 these wooden crates, and that's why I'm asking you the question.

4 I'm not trying to trick you. I'm not trying to get you into a  
5 trap where you say, "Oh, yeah, I recognise that this box is in -- it came  
6 from Gbadolite and it must have been in Bangui." No, I'm not trying to  
7 do that at all. I'm just asking you if this is a typical wooden crate  
8 used to ship ammunition.

9 A. These are boxes in general that are used. I'm saying that these  
10 are boxes in general that are used.

11 Q. Okay. And the second point is that if these boxes are used, they  
12 must have come from Gbadolite. That was your testimony, correct?

13 A. Which crate or box are you talking about? The one on the  
14 photograph?

15 Q. No.

16 MR IVERSON: As a matter of fact, in order to avoid confusion,  
17 could I ask that the photograph just be removed from the screen.

18 Q. I'm not asking about this particular photograph. I just wanted  
19 to use that photograph so that everybody in the courtroom and you could  
20 have a visual. I thought it would be helpful so that we all understand  
21 what we are talking about. That's all. Again, I'm not trying to trick  
22 you. This isn't a trap. I'm just asking you to confirm what you  
23 previously said, that if wooden boxes would have been shipped, they would  
24 have come from Gbadolite. And you said that those wooden boxes were not  
25 present when they crossed the river; is that right?

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1           A.    No, Counsel. At the beginning you should have told us and told  
2   me and told the Bench that the photograph that you were showing was to  
3   show us an example of the kind of box, because you didn't start with  
4   that. Perhaps I should have had you -- and now perhaps the confusion  
5   here is coming from you. I think you need to try to organise your  
6   thoughts a bit and that way I can answer your question, because there is  
7   a tremendous amount of confusion here and, really, I find it quite  
8   humorous.

9           Q.    Sir, do you find the fact that we're in a solemn trial dealing  
10  with serious matters of war crimes and crimes against humanity humorous?  
11  You think this is funny, sir?

12          A.    No. But you're the one who's making it funny. You're the one  
13  who's making it -- unfortunately, this is what I'm seeing.

14               MR IVERSON: Okay. Could I ask the court officer to display  
15  another document. It's a photograph CAR-OTP-0028-0399. And this is  
16  document 23.

17               THE COURT OFFICER (Interpretation) (via video-link): The  
18  document is being shown to the witness, your Honour.

19               MR IVERSON: Could I ask the court officer to just zoom in on the  
20  left side of the photograph.

21               THE COURT OFFICER (Interpretation) (via video-link): That's been  
22  done.

23               MR IVERSON: Okay. I think that's good.

24          Q.    Sir, on the left-hand side of this photograph, behind the first  
25  two individuals depicted, can you see ammunition crates there?

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1 A. Behind which people on the photo?

2 Q. On the left-hand side of the photograph, you see a man in a red  
3 beret. You see another man with a multicoloured scarf on his head  
4 carrying a weapon under his right arm. Right behind those two gentlemen,  
5 you can see ammunition crates. And then if you look to the right of  
6 them, you see a foot and a leg of a person sitting on a box with yellow  
7 lettering. Those are ammunition boxes, aren't they, sir?

8 A. I see.

9 MR IVERSON: Okay. The court officer can please remove the  
10 photograph from the screen now.

11 And I would ask the court officer to please display  
12 CAR-OTP-0055-0893 at page 0895. And that is document 42 on the  
13 Prosecution's list. And it is confidential.

14 THE COURT OFFICER (Interpretation) (via video-link): The  
15 document is being shown to the witness.

16 MR IVERSON: Could I ask that the court officer zoom in on entry  
17 134.

18 Q. Sir, could you ask you to write down some information for me,  
19 please. Please write down the information contained in entry 134,  
20 including two pieces of information: The date 8 February 2003, and the  
21 phone number 70957903272.

22 A. I'm discovering it at the same time as you, sir.

23 PRESIDING JUDGE STEINER: Could please court officer provide the  
24 witness with a piece of paper and a pen because the Prosecution is asking  
25 the witness to write down the information.

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1 THE WITNESS (Interpretation): 134? 08.02.2003, 34:21:34, 29,  
2 70, 70, 95, 89, 79, 72, 03, 00, 03, 29, 3.33. That's noted.

3 MR IVERSON:

4 Q. Okay. Thank you, sir. And just to save time, for the next  
5 entry, because I'm going to ask you a few of these, you don't have to  
6 write down any other information other than the date and the telephone  
7 number. Is that clear, sir?

8 A. I saw that there is a date here and you're the one who tells me  
9 it's a telephone number. And I consider that's a telephone number, but  
10 for me it's the date that I know, it's a date. But the other, you're the  
11 one who's telling me that it's written here that it's a telephone number.  
12 Okay. Thank you.

13 Q. Okay. Well, we'll just try to continue here.

14 MR IVERSON: Could I ask the court officer to now go to page 0900  
15 of the same document. And could I have you zoom in on entry 340, please.

16 Q. And, sir, could I also ask you just to -- as a matter of fact,  
17 for this entry just write down the called number for 340.

18 A. 41707600, 00:43:34, 4.83. It's noted.

19 MR IVERSON: And could I ask the court officer to now go to entry  
20 349, please.

21 Q. Or if it's already visible, sir, on this one, if you could write  
22 down the date, which is the second column, the time, which is the third  
23 column, and the number for 349. So 13 February 2003 at 2100, 48 minutes,  
24 24 seconds, and then the number, please.

25 A. 348?

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1 THE COURT OFFICER (Interpretation) (via video-link): Mr Iverson,  
2 please could you confirm the number.

3 MR IVERSON: For item 349. 349.

4 THE COURT OFFICER (Interpretation) (via video-link): Thank you.

5 THE WITNESS (Interpretation): It is noted.

6 MR IVERSON: And now for entry 351.

7 Q. And for this one, you can just write the down the phone number  
8 beginning with 243, please.

9 A. 351. Is that -- is that it, 351?

10 Q. Yes, sir. Entry 351 and the phone number beginning with 243,  
11 please.

12 A. It's been noted.

13 Q. And one last number.

14 MR IVERSON: And could I ask the court officer to go to page 0933  
15 please. And zoom in on entry 1011, 1011.

16 Q. Sir, for this entry could I just have you write down the number  
17 called, so the fourth column over under entry 1011. The phone number  
18 starts with 228.

19 A. 1011?

20 Q. Yes, sir. 1011. Just the phone number starting with 228.

21 A. I've noted it.

22 Q. Okay. Sir, please keep that sheet of paper handy. I'm going to  
23 ask you to cross-reference a few things for the Court.

24 MR IVERSON: And I would request that this document be marked for  
25 identification in some way, an ERN number, Madam President --

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1 THE WITNESS (Interpretation): Thank you.

2 PRESIDING JUDGE STEINER: This one that the witness has just  
3 wrote down the numbers?

4 MR IVERSON: Yes, Madam President.

5 PRESIDING JUDGE STEINER: So, Mr Witness, please date and sign  
6 this piece of paper.

7 THE WITNESS (Interpretation): Is it the 13th today?

8 PRESIDING JUDGE STEINER: It's Friday 13th. And Court --

9 THE WITNESS (Interpretation): If you would allow me, I've noted  
10 the date and I have signed it.

11 MR KILOLO (Interpretation): Your Honour, just for the record, I  
12 just want it to appear clearly that these aren't numbers which have been  
13 spontaneously provided by the witness. These are numbers which he's been  
14 asked to copy from a document that's presented by the Office of the  
15 Prosecutor. I think that just has to be clear later when everybody is  
16 going to reread everything. Thank you very much.

17 PRESIDING JUDGE STEINER: (Overlapping speakers) ... the  
18 Prosecution is pointing out to the number of the -- of the entry.

19 Court officer, please, could assign ERN number to the document.

20 THE COURT OFFICER: Madam President, the document just signed by  
21 the witness will bear a number ICC-0001-0101. And the level of  
22 confidentiality, the document is confidential.

23 MR IVERSON: Thank you, Madam President.

24 Q. Sir, are you aware that when Mr Bemba was arrested in 2008 in  
25 Belgium, that Belgian and Portuguese authorities seized many items



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1 belonging to Mr Bemba?

2 A. I didn't know that.

3 Q. Then were you aware that there were a number of mobile phone sim  
4 cards that were seized during the arrest?

5 A. You're the one whose telling me of that.

6 Q. Sir, I would like to show you a document that is an analysis of  
7 the seized sim cards.

8 MR IVERSON: Could I ask the court officer to please display  
9 document 58 from the Prosecution list, CAR-OTP-0047-1660 at ERN -- or at  
10 page 1672. And this document is confidential.

11 THE COURT OFFICER (Interpretation) (via video-link): The  
12 document has been shown to the witness.

13 MR IVERSON:

14 Q. Sir, do you see the -- the information pulled from Mr Bemba's sim  
15 cards?

16 A. But I didn't see the title of the document to be able to say that  
17 it was taken from his mobile phone.

18 Q. Okay. Well, I'm not going to have you verify that, but that  
19 information is available in this document and anybody with access to it  
20 can access that information.

21 MR IVERSON: Could I ask the court officer just to scroll down  
22 the page a bit? Okay. Thank you.

23 Q. Sir, you see the entry that says B-U-T, BUT?

24 A. I see it, sir.

25 Q. Could you cross-reference that phone number with the first number

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1       that you wrote down from entry 134 and tell the Chamber if that's the  
2       same number that you wrote down?

3           A.    It's that one, but the number that you had me write before, I  
4       didn't know where it'd come from or whose it was.

5           Q.    Sir, were you aware that the country code on that phone number is  
6       the country of Russia?

7           A.    I don't normally telephone Russia to know that that's the case.  
8       I normally phone Belgium, 0032; France, 0033; recently 31 for where you  
9       are; Uganda, 251; Congo-Brazzaville, 242. That's information that you're  
10      giving to me.

11          Q.    Sir, are you aware that Mr Victor Bout is Russian?

12          A.    You told me that yesterday.

13          Q.    And were you also aware that various spellings of his last name,  
14      one of them being B-u-t?

15          A.    I completely did not know that, sir.

16          Q.    Sir, could you tell this Court who Mr Antoine Gonda is?

17          A.    Antoine? I know him well. He's a friend. We were with him in  
18      the MLC. He was a minister, minister of foreign affairs for a while.  
19      He's now an advisor of my president, president of the DRC. Ambassador.  
20      (\* indiscernible) ambassador. That's what I know about him.

21          Q.    Sir, and in front of you do you see the entry that says "BONGO"?

22          A.    I see BONGO.

23          Q.    And is that number the same number that you wrote down for entry  
24      340?

25          A.    That's it, sir.

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1 Q. And were you aware that 241 is the country code of Gabon and that  
2 the name Bongo is the name -- last name of the late president of Gabon?

3 A. Many people have the name Bongo, but 241 is Gabon --  
4 (\* indiscernible) the Gabon, that number.

5 MR IVERSON: Could I ask the court officer to go to the next  
6 page, 1673, please.

7 THE COURT OFFICER (Interpretation) (via video-link): It's being  
8 shown to the witness.

9 MR IVERSON:

10 Q. Sir, can you see the entry for GHONDA 1 at the top of the page?

11 A. I see GHONDA 1.

12 Q. And does that number there match with the number that you wrote  
13 down in entry 351, the only thing missing being the country code of 3 --  
14 243?

15 A. It doesn't correspond. There isn't a code.

16 Q. Are the last --

17 A. The one you gave me before did have a code. This one does not  
18 have a code, so everywhere you can find a similar number which is used  
19 locally. If it had a code, then I would say that it's same number.

20 Q. Okay. Are the last nine numbers of the digit that you copied  
21 down for entry 351 the same as these nine numbers?

22 A. Well, the first figures don't correspond but -- and so all the  
23 other figures cannot convince me.

24 Q. Okay. And is it for you to be convinced? Sorry, I withdraw that  
25 question. 243 is the country code for the DRC; correct?

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1 A. Perfectly, yes.

2 Q. Okay.

3 MR IVERSON: And if I could ask the court officer to go to the  
4 next page, 1674.

5 Q. And do you see the entry for PATASSÉ? Just PATASSÉ, not  
6 PATASSÉ 1, the first entry.

7 A. I see it, sir.

8 Q. And can you verify, is that the same number that you wrote down  
9 for entry 1011, the last number you wrote down?

10 A. That's right, sir.

11 Q. Sir, would it surprise you to know that there are over 23 matches  
12 between the Thuraya records and Mr Bemba's sim cards seized in 2008 just  
13 like the matches that you've just made?

14 A. The number of the Thuraya that you showed to me here? And what  
15 is the number? That is not the number of the Thuraya.

16 MR IVERSON: Could I ask the court officer to please display  
17 CAR-DEF-0001-0152, document 9 on the Prosecution list. And it is public.

18 THE COURT OFFICER (Interpretation) (via video-link): The  
19 document is being displayed to the witness.

20 MR IVERSON: I'm sorry. I think I mumbled the last four numbers.  
21 Sorry about that. The last four numbers are 0152. All the other numbers  
22 are correct but the last four numbers are 0152 and it's document 9.  
23 That's the document. Thank you.

24 Q. Sir, do you recognise this letter?

25 A. Well, you're the one showing it to me, Counsel.

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1 Q. Well, just to orient you this is a letter signed by Mr Bemba  
2 addressed to Monsieur Kaba, the president of the Fédération  
3 Internationale des Droits de l'Homme in Paris. Do you see the MLC  
4 letterhead on the top of the letter, sir?

5 A. Now you're being clear, Counsel.

6 Q. Great. I'm glad we're on the same sheet of music here. Can I  
7 just have you read the first sentence of the first paragraph of this  
8 letter, please.

9 A. "Following up on the recent telephone conversation that we had, I  
10 would like to inform you of various charges that have been made against  
11 me by your organisation subsequent to human rights violations in the  
12 CAR."

13 So there, I've read the first paragraph for you.

14 MR IVERSON: Could I have the court officer please display the  
15 next page of the same document, 0153.

16 THE COURT OFFICER (Interpretation) (via video-link): (No  
17 interpretation).

18 MR IVERSON:

19 Q. Sir, could I just have you read out loud the third-to-last  
20 paragraph, starting with the words "Ayant pris connaissance des graves  
21 accusations ..."?

22 A. "I have acquainted myself with the serious charges that have been  
23 made against me in your report about war crimes in the Central African  
24 Republic. And consequently, I think it is a pity that you did not deem  
25 it proper or correct to contact the MLC so that you would have further

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1 knowledge of other information that would have allowed you to work in a  
2 fully impartial manner. Thus, I need to edify you about some of the  
3 actions taken by the MLC and by myself as of the 30 of October, 2002, in  
4 response to the violence and abuse that were reported upon by the media."

5 Q. Sir, and do you see Mr Bemba's signature down at the bottom of  
6 the page?

7 A. Well, this is new to me. You're the one showing it to me, sir.

8 Q. And I'm asking if you see the name, signature, and stamp of  
9 Mr Bemba at the bottom of the page.

10 A. Yes, clearly. I can see it clearly, sir.

11 Q. Sir, do you know what report Mr Bemba is referring to here about  
12 war crimes in Central Africa, Central African Republic?

13 A. I think mention is made here of information that was allegedly  
14 reported on by the media.

15 Q. You see the words "votre rapport sur les crimes de guerre en  
16 Centrafrique" in the paragraph that you just read?

17 A. Yes, I see that, sir.

18 MR IVERSON: Could I ask court officer to please display document  
19 53 in the Prosecution's list, CAR-OTP-0001-0034.

20 THE COURT OFFICER (Interpretation) (via video-link): Your  
21 Honour, the witness has asked for a short --

22 PRESIDING JUDGE STEINER: Mr Witness, you are authorised to leave  
23 the transmission room.

24 (The witness stands down via video-link)

25 (The witness takes the stand via video-link)

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1 THE COURT OFFICER (Interpretation) (via video-link): We're  
2 ready, your Honour.

3 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue?

4 THE WITNESS (Interpretation): Your Honour, I am ready to  
5 continue.

6 PRESIDING JUDGE STEINER: Mr Iverson.

7 MR IVERSON: Thank you, Madam President.

8 And if I could ask the court officer to please display that  
9 document, document 53, CAR-OTP-0001-0034.

10 THE COURT OFFICER (Interpretation) (via video-link): The  
11 document is being shown to the witness.

12 MR IVERSON:

13 Q. Sir, could I have you just read the title of this report?

14 A. "International Investigation and Mission, War Crimes in the  
15 Central African Republic.

16 "'When elephants fight, it is the grass that suffers.'"

17 Q. Sir, I just want to ask you, were you aware that this report  
18 contains very serious information about crimes committed by the ALC unit  
19 in the Central African Republic?

20 A. I've never read it, Counsel.

21 Q. But from Mr Bemba's letter, we know that he read it; correct?

22 A. Well, I saw that when you showed it to me that he had responded  
23 to that organisation.

24 MR IVERSON: Could I ask the court officer to scroll to the top  
25 of the page and zoom in a little bit on the fax information on the top of

Witness: CAR-D04-PPPP-0015 (Resumed) (Open Session)  
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1 the page.

2 Q. Sir, can you clearly the information that this was received in a  
3 fax?

4 A. What I see here is "fax sent by," not "fax received." Reception  
5 is one thing; transmission is another. What I see hear is "fax  
6 transmitted," not "fax received."

7 Q. Well, sir, would it surprise you to know that FIDH completed this  
8 report, according to them, around 8.00 p.m. on the 13 of February, 2003,  
9 and then faxed it to the Office of the Prosecutor at the International  
10 Criminal Court, and what you're seeing in front of you is actually a copy  
11 of that fax that was received February 13, 2003, at 2116 hours. Do you  
12 see that information, sir?

13 A. What I read here was "fax issued by 0143551880, FIDH, 13/02/2003  
14 at 2116." I don't see anything that would show that the fax had been  
15 received at that time. Rather, what I see here is information about the  
16 fax being sent out.

17 Q. And would it surprise you that that fax number that you read is a  
18 fax number that belongs to FIDH?

19 A. Well, I didn't -- I don't know that, sir.

20 Q. Of course not. Sir, have you ever sent a fax?

21 THE INTERPRETER: Inaudible.

22 THE WITNESS (Interpretation): And so I do it, sir.

23 MR IVERSON:

24 Q. I mean, it's pretty common when you send a fax, if there are  
25 multiple recipients of that fax, you plug in all the numbers at once and



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1       then you hit send. That way you don't have to send it multiple times.

2       Have you ever done that, sir?

3           A.    I am not a person who works transmitting fax or sending out  
4       faxes, sir.

5           Q.    Okay. Fair enough. And, you know, I am sure that you have good  
6       people who can do that for you, but I would just like you to write down  
7       the date and time of this -- or, excuse me, not write it down but just  
8       keep a mental note of it, please: 13 February 2003, 2116.

9           A.    It would be better for me to write it down so that no one will be  
10      accusing me later that I'm a liar. I'm going to write it down so that no  
11      one will call me a liar.

12          Q.    Okay. Very well. If you feel the need to write it down. Please  
13      do use a fresh sheet of paper and not the one that was marked previously.  
14      Thank you.

15          A.    I've written it down, sir.

16          Q.    Could I ask you to do me a favour and just that -- the other  
17      document where you wrote down all the phone numbers, could you keep that  
18      one handy as we look at the next document, and I want you to pay  
19      particular attention to entry 349 from the 13 of February, 2003, and the  
20      number started with 221.

21               MR IVERSON: And could I ask the court officer to please display  
22      CAR-OTP-0073-0850. Document 62 on the Prosecution list.

23               THE COURT OFFICER (Interpretation) (via video-link): The  
24      document is being shown to the witness.

25               MR IVERSON: Could I ask the court officer to -- there are a

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1 bunch of phone numbers at the bottom of this document, could you zoom in  
2 at the bottom, please.

3 Q. Sir, do you see the entry for Senegal, Sidiki Kaba, and then the  
4 phone number?

5 A. Which document is this, sir? I think you'll agree with me that I  
6 can't just read out some telephone number from a document. I'm a smart  
7 man. I need to know which document this is and this document -- I need  
8 to know why this number is here, within what context, what framework?

9 Q. Sir, we're going to -- you need to make sure that the Judges are  
10 going to control the proceedings here. I'm just asking you if you see  
11 that number. That's all I'm asking you. Senegal, Sidiki Kaba, and then  
12 there is a 221 number right next to his name.

13 A. You're right, sir. Am I entitled to ask such a question and find  
14 out some more --

15 PRESIDING JUDGE STEINER: Mr Witness, let me interrupt you. You  
16 are here to answer to questions, not to put questions. The question of  
17 the Prosecution is just if you see the number, full stop. Can you please  
18 answer?

19 THE WITNESS (Interpretation): I saw the number, your Honour.

20 PRESIDING JUDGE STEINER: Thank you very much.

21 Mr Iverson.

22 MR IVERSON:

23 Q. Sir, and that number is a match for entry 349 from the 13 of  
24 February, 2003, at 2148 hours and 24 seconds, correct?

25 A. That's right. That's the number.

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1 Q. And, sir, you'll recall from Mr Bemba's letter to Sidiki Kaba of  
2 the 20 of February, 2003, and I had you read the first sentence, if  
3 you'll recall, he did mention a recent telephone conversation, did he  
4 not?

5 A. I remember that, sir.

6 Q. And as the president of FIDH, Sidiki Kaba, this is not somebody  
7 that Mr Bemba routinely called, did he?

8 A. I don't know, sir.

9 Q. Okay. But this tells us exactly down to actually the second what  
10 Bemba knew and when he knew it, the only inference being that Mr Bemba  
11 had received the report and then he attempted to call Mr Kaba after  
12 reviewing the report; correct?

13 A. Could you please repeat the question?

14 PRESIDING JUDGE STEINER: (Overlapping speakers) ... the question.  
15 Do you intend the witness to try to guess?

16 MR IVERSON: No, Madam President.

17 Q. Sir, do you know what Mr Bemba did after receiving all this  
18 information about crimes committed in the Central African Republic by the  
19 ALC troops?

20 A. As far as I know, and I said this yesterday, as far as I know -  
21 and I said this yesterday - when that information was revealed by RFI,  
22 Mr Bemba was careful. He took pains to write to the representative of  
23 the Secretary-General of the United Nations. That is what I said  
24 yesterday, and I am saying it once again today.

25 Q. I know this is a long time ago so details may be difficult to

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1       remember, but were you aware that he wrote to General Cisse in January  
2       prior to receiving this information from FIDH?

3           A.     The information from RFI arrived when?

4           Q.     Are you aware of any (Overlapping speakers) ...

5           A.     I don't know when that information arrived.

6           Q.     Are you aware of any steps that Mr Bemba may have taken after  
7       receiving this information about criminal activity of his troops? Are  
8       you aware of any steps he took to investigate or prosecute anyone after  
9       receiving this information?

10          A.     When the information was broadcast by Radio France, I said that  
11       Mr Bemba wrote to the representative of the Secretary-General of the  
12       United Nations. He asked questions of the CAR authorities who decided to  
13       establish an investigation, a commission of inquiry, and an officer from  
14       the ALC was part of that commission.

15               MR IVERSON: Could I ask the court officer to display  
16       CAR-OTP-0013-0106 at page 0109, and it's document 63 on the Prosecution  
17       list.

18               THE COURT OFFICER (Interpretation) (via video-link): The  
19       document is being shown to the witness, your Honour.

20               MR IVERSON:

21          Q.     Sir, I'd like you to -- to read out this article out loud,  
22       please. The article with the headline in French: "Crimes de guerre:  
23       Jean-Pierre Bemba rejette les accusations de la FIDH."

24          A.     "War crimes: Jean-Pierre Bemba rejects the accusations of the  
25       FIDH."

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1 Do you want me to read the whole text?

2 Q. Yes, please, sir.

3 A. "The leader of the MLC, Jean-Pierre Bemba, rejected on Friday the  
4 complaint for war crimes in the Central African Republic brought against  
5 him by the International Criminal Court by the International Federation  
6 of Human Rights, FIDH. 'This is a show trial of political nature,' said  
7 Mr Bemba, highlighting that the headquarters of the FIDH is in France.  
8 'France never accepted our intervention in Central African Republic,' he  
9 declared to AFP. 'I defy anyone to say that Jean-Pierre Bemba raped a  
10 single girl in Central African Republic and I defy anybody to say that I  
11 gave the order for anybody to be raped,' he added. The FIDH announced on  
12 Thursday that it had referred for the first time to the ICC the  
13 atrocities being committed in Bangui against the Central African  
14 civilians and Chadians by the loyalist forces of President Ange-Félix  
15 Patassé during the repression of the attempted coup d'état of 25 of  
16 October, 2002. The men of the MLC" --

17 PRESIDING JUDGE STEINER: Read a little bit slower, otherwise the  
18 interpreters cannot follow you.

19 THE WITNESS (Interpretation): But the text is long, your Honour.  
20 You said to help you and to go very quickly.

21 PRESIDING JUDGE STEINER: But not to the point that we cannot  
22 understand you, Mr Witness.

23 MR IVERSON:

24 Q. Sir, could I just ask you to pick up with the words: "Les hommes  
25 du Mouvement de libération du Congo," in the fifth paragraph down.

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1           A.    "The men of the movement of liberation of Congo, RD Congo  
2    rebellion led by Mr Bemba, were sent to the Central African Republic to  
3    help Mr Patassé deal with the attempt of Central African François Bozizé,  
4    confirmed Mr Bemba."

5                   Can I continue?

6           Q.    Yes, please.  You're almost finished.

7           A.    "'Where we are concerned, we intervened at the request of  
8    President Patassé in order to defend his democratically elected regime,'  
9    he explained.  He confirmed having arrested eight of his own men for  
10   cases of pillaging committed in the Central African Republic, and they  
11   are currently serving their sentence in Gbadolite, north of the DRC."

12          Q.    So, sir, as a general matter, it's true that Mr Bemba rejected  
13   the information, the accusations in the FIDH report, right?

14          A.    That's what the press says.  That's what this press is saying,  
15   which I'm currently reading.  I don't know what press it is.  I'm just  
16   reading this with you.

17          Q.    But to your knowledge, what, if anything, as far as investigation  
18   for prosecution occurred after the date of this article, the 17 of  
19   February, 2003?

20          A.    I'm sorry.  I didn't understand the question.

21          Q.    Well, according to this article, it appears that Mr Bemba did not  
22   intend to go forward with any investigation and prosecution.  Do you know  
23   if he ever did after the date of this article?

24          A.    Well, I said that he asked the representative, the  
25   Secretary-General of the United Nations to carry out an investigation.

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1 Q. And then, I'm asking about just the period after the 17 of  
2 February. The article mentions the 17 of January. That's obviously  
3 before the 17 of February. So I'm just asking about after the 17 of  
4 February, were there any attempts made by Mr Bemba to investigate and  
5 prosecute the crimes reported?

6 A. An officer of the ALC joined the committee which was -- the  
7 commission which was set up by the Central African officers in order to  
8 carry out the investigations.

9 Q. On the 20 of February, 2003, when Mr Bemba sent his letter, would  
10 he have mentioned anything that he was currently planning on doing as far  
11 as investigations and prosecutions in that letter?

12 A. I don't know the content of the -- I don't have all the content  
13 of it to mind. I just know that it was -- asked the representative of  
14 the Secretary-General of the United Nations to be able to carry out  
15 investigations on what he had called serious accusations.

16 Q. Okay. So in other words, you don't know; is that right?

17 A. You said it.

18 MR IVERSON: Madam President, I have no further questions. Thank  
19 you.

20 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution has just  
21 finished with the questioning. The legal representatives of victims in  
22 this case were authorised as well to put some questions to you. So we  
23 will start right now before the lunch break, and the good news is that  
24 it's quite likely that you are going to conclude with your testimony  
25 today. Likely. I cannot ensure anything.

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1                   So then I will give then the floor to -- start by Maître

2           Zarambaud? Is that correct?

3                   Maître Douzima Lawson, you have the floor.

4                   MS DOUZIMA LAWSON (Interpretation): Thank you very much, your  
5   Honour.

6                   QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

7           Q.    Witness, good morning.

8           A.    Good morning.

9           Q.    Witness, as you know I'm a legal representative of victims in  
10   these proceedings. I'm also a lawyer in the Central African Bar. I was  
11   authorised to put questions to you, both on the subject envisaged about  
12   which you would testify as well as the -- on the testimony that you've  
13   been giving here since Wednesday.

14                   So my first question relates to one of the statements that you  
15   made on the first day, that's the 11 of September, 2013, transcript in  
16   the English version 31. The Defence counsel presented a document to you,  
17   CAR-D04-0002-1580. You read it. This was a message from the 7 of  
18   October, 2001, which you stated came from Jean-Pierre Bemba to  
19   Colonel Ngalimo, and you were asked to shed light on the role of  
20   Jean-Pierre Bemba for the Court with regards to the military command  
21   within the ALC, and you answered as follows:

22                   "Jean-Pierre Bemba, supreme commander of his army, when he sees a  
23   commander on a road, who is in a hurry because of an extreme situation,  
24   he addresses a message to him and he cannot stay silent. He has to  
25   answer him. And generally, when he answers, he's given -- he gives an



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1 order and that is in consultation with his chief of general staff who  
2 gets the instructions followed -- the instructions which are given by the  
3 chairman."

4 Now, my question, Witness, is to know what exactly are -- what  
5 exactly is the role -- what are the functions of the supreme commander?

6 A. So the supreme commander is the supreme commander of his army;  
7 that is to say, he has supremacy with regards to his army, and that gives  
8 him certain functions such as the appointment and approval of the high  
9 command appointing high-ranking officers. It also gives him the approval  
10 of statements, (\* indiscernible) statement -- declaration of war. And  
11 basically taking major decisions like that. That's what it is,  
12 basically, in a few words.

13 Q. Thank you. And according to the explanations that you've given,  
14 well, he gives an order in consultation with his chief of staff who  
15 follows the instructions given by the chairman, that is to say,  
16 Jean-Pierre Bemba. So the orders that Bemba gives, these are executed by  
17 the chief of general staff; is that right? The chief of general staff  
18 gets them executed.

19 A. Bemba's orders to a commander in the field are controlled by the  
20 chief of general staff. That's what I said if you read the text and my  
21 testimony.

22 Q. Well, it's your testimony that I'm reading here. So, Witness,  
23 when you clarify Jean-Pierre Bemba commander of his army, can we link  
24 that to the witness statement - and here I'm going to speak about Witness  
25 CAR-OTP-0006-0411, page 0506 - according to which, Witness, he stated the

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1 following: In reality he, and that's to say the -- the MLC was created  
2 on the initiative of Bemba, by Bemba, and for Bemba.

3 A. What's your question, madam?

4 Q. I will repeat my question. Witness, you stated the following in  
5 the same transcript, page 31 thereof, Jean-Pierre Bemba was the commander  
6 of his army. You also stated today, page 24, line 5, Mr Bemba, the  
7 national president of the MLC and commander-in-chief, supreme  
8 commander-in-chief of his army, you repeated it on page 31 today, line 8.  
9 Bemba was -- is supreme commander of his army. So my question is,  
10 basically, there is a witness who said here -- he testified here and he  
11 stated that:

12 "In reality, the MLC was created on the initiative of Bemba, by  
13 Bemba, and for Bemba."

14 Can we make a link between this statement and the fact that you  
15 said, and you've repeated on several occasions, that Bemba was  
16 commander-in-chief of his army?

17 A. Thank you, madam. What I said was is that Bemba, who was the  
18 supreme commander of his army, only intervened with regards to aspects of  
19 situations of extreme urgency and major events which here means that in  
20 several other cases it wasn't necessary for him to do so because if you  
21 go through all the messages that you have -- that you showed me today,  
22 you will see that on a thousand messages, a thousand from the commander  
23 of the units, 900 or -- 990 or 995 out of them were addressed to the  
24 chief of general staff.

25 So the allegations from your witness are without basis and only

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1 concern that witness.

2 Q. Thanks for your answer, Witness. You confirmed that the ALC is  
3 the armed wing of the MLC?

4 A. That's correct.

5 Q. Also and it is the ALC of which Bemba is the supreme commander;  
6 is it not?

7 A. That can only be the case.

8 Q. Right at the start, he was until the very end. Right from the  
9 start until the very end?

10 A. You said it, madam.

11 Q. Very well. Page 38, line 9, in the transcript of the 11 of  
12 September you said that he was the chief of general staff who was leader  
13 of the ALC right from the start to the end. Do you remember this  
14 statement?

15 A. And I gave clarifications in that regard that the person who  
16 managed it on daily basis -- there is a difference. There is a clear  
17 difference between the chief of general staff who manages it on a daily  
18 basis and the supreme commander who only intervenes if there are extreme  
19 cases. And that is the clarification which I think I'm -- I made  
20 already, madam.

21 Q. I'm not saying the opposite, Witness. So Bemba was the supreme  
22 leader of his army, he gave instructions to the chief of general staff,  
23 and that person came under him.

24 A. Well, in whatever army that you have in the whole world, a chief  
25 of general staff comes under the supreme commander of that country, and,

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1 of course, of the president of that country. That's universally the  
2 case, madam.

3 Q. Thank you, Witness. Now on page 23 of the same transcript, lines  
4 19 to 21, you state the following:

5 "When a supreme commander gives instructions like that, the chief  
6 of general staff automatically follows them and controls their execution  
7 and reports on that."

8 I suppose he reports to Bemba, if that's the case?

9 A. Of course he does, madam.

10 Q. (Overlapping speakers) ...

11 A. Because nothing - nothing - on a territory can be done by a  
12 military commander without the president of that territory being aware of  
13 it, and that's how it happens.

14 Q. Do you know if the chief of general staff can refuse an order  
15 given by Bemba?

16 A. Well, an order which is given badly, and this is the principle of  
17 the army's, a badly given order is not executed. The chief of general  
18 staff, that the ambassador knows, could have spent lots of years with  
19 him, whether in the 1980s or the 1990s and right until today. He wasn't  
20 the sort of guy to say yes to everything. He wasn't a "yes man."

21 Q. Very well. On page 22 and 21 you stated:

22 "Everything that we did in the field we did professionally, and  
23 Bemba, he was kept informed of that."

24 Did you inform Bemba? Did you ever omit to inform Bemba of  
25 anything?

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1 A. Please could you ask the question again.

2 Q. When you state that everything that was done in the field was  
3 done professionally and Bemba was informed of what happened -- let's  
4 suppose that the general staff does not inform Mr Bemba, could that  
5 happen?

6 A. Well, look at the messages. Look at most of the ones that are  
7 there. You will see -- you will see that in all the messages that are  
8 addressed to the chief of general staff or addressed to the troops --  
9 which were addressed to the troops, is always kept informed. Mr Bemba is  
10 always kept informed.

11 Q. Very well. One last question before the break, and this is still  
12 on page 32, line 9. A question was put to you:

13 "Could you inform us -- or could you provide us information on  
14 the capacity that Jean-Pierre Bemba had to command an operation which is  
15 carried out by a brigade or a battalion of the ALC at the time between  
16 October 2002 and March 2003?"

17 And your answer to that, which is on line 12, is:

18 "The conduct of operations was also an -- always an extreme  
19 situation and this requires a certain degree of professionalism. And so  
20 Bemba, who I spent time with at the time, did not have that capacity."

21 Do you remember making that statement? That was -- that was  
22 something that you said on the 11 of September.

23 A. Absolutely, madam.

24 Q. Very well. Witness, now where it concerns the message that we  
25 spoke about a moment ago, the 7 of October, 2001, from Jean-Pierre Bemba

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1 to Colonel Ngalimo, you said, page 32:

2 "If the commander didn't write a message, then he didn't answer.

3 And you will see here that it was in a purely extreme case that messages  
4 like that would come directly for a road commander towards the supreme  
5 commander of the army."

6 And you said - and I'll remind you of that on line 9, which I  
7 read a moment ago on the same page, that the situation in October 2002 to  
8 March 2003 was an extreme situation. Can we say that Bemba also  
9 intervened in this extreme situation?

10 A. What situation are you talking about? From 2002 to 2000 and  
11 what?

12 Q. October 2002 to 2003.

13 THE INTERPRETER: Could the speakers respect the five second  
14 rule, please.

15 THE WITNESS (Interpretation): Madam, we are in two different  
16 contexts. Two different contexts. Two different theatres of operation.  
17 Two different territories. The authority of Jean-Pierre Bemba, it didn't  
18 have extraterritorial jurisdiction -- authority. He didn't have  
19 extraterritorial authority. In my statement, madam -- in my testimony,  
20 what I said was the following: I said that the unit which had been sent  
21 to the Central African Republic at the request of the Central African  
22 authorities was put under the orders of the Central African authorities.  
23 Now what does that mean? A unit which comes under the orders? Well, the  
24 commander loses the control, loses the operational control, the  
25 logistical control, control of the mission, and the deployment aspects.

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1 And he can only have some kind of administrative overview; that is to  
2 say, he can ask questions through his chief of general staff or by  
3 himself or from the commanders. How, for example, young people are  
4 sleeping, how many people have you lost, how many cases of indiscipline  
5 have you recorded, are you being fed well, do you have what you need to  
6 accomplish the mission. These are the type of administrative overview  
7 questions or follow-up questions that can be put.

8 And in the case in point that cannot -- not be lost on the  
9 commander who has put the units under the orders of another. And that's  
10 the case. I don't know if you were able to follow me.

11 MS DOUZIMA LAWSON (Interpretation):

12 Q. I followed you well, Witness. We'll come back to that after the  
13 break.

14 PRESIDING JUDGE STEINER: Mr Witness, it is 1.30. It's time for  
15 our lunch break. We hope that today we get a better lunch, that we can  
16 have -- you can have some rest. We'll be back at 3.00.

17 The hearing is suspended.

18 THE COURT USHER: All rise.

19 THE WITNESS (Interpretation): Thank you, your Honour.

20 (Recess taken at 1.30 p.m.)

21 (Upon resuming in open session at 3.06 p.m.)

22 THE COURT USHER: All rise. Please be seated.

23 PRESIDING JUDGE STEINER: Mr Witness, good afternoon. Welcome  
24 back.

25 THE WITNESS (Interpretation): Good afternoon ones again, your

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1 Honour.

2 PRESIDING JUDGE STEINER: So let's see if we can conclude with  
3 your testimony by the end of this afternoon's session.

4 Maître Douzima, you have the floor.

5 MS DOUZIMA LAWSON (Interpretation): Thank you, your Honour.

6 Q. Witness, earlier today in response to my last question just  
7 before the break, you said, and I quote from today's transcript:

8 "We are dealing with two different contexts here. Two different  
9 theatres of operation. Two different countries. Bemba's authority was  
10 not extraterritorial in nature."

11 This is my summary of what you said. In the case of a serious  
12 extreme emergency, other than the -- or rather, outside of the territory  
13 held by the MLC Bemba had no authority, and I hope that is indeed what  
14 you said.

15 A. Yes. That is correct. That's what you've just said, ma'am.

16 Q. Thank you. I'd now like to turn to one particular point that you  
17 touched upon earlier. Page 39, lines 15 to 24 of the transcript of the  
18 11 of September, you said that when it came to the MLC's intervention on  
19 the other side, that was at the request of the CAR authorities,  
20 President Felix Patassé, and you thought that it was also at the request  
21 of Libya, which at the time was the provisional chair of the CEN-SAD  
22 organisation. Could you tell the Chamber exactly what CEN-SAD is?

23 A. CEN-SAD, that is the community of -- CEN-SAD. The community of  
24 states of sub-Saharan Africa. Something like that. Something along  
25 those lines. That's what it stands for. I no longer recall the exact



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1 name. Libya was a member and Libya was chairing that group or was the  
2 chair of that group, the president. It chaired the presidency.

3 Q. Was the DRC part of that association?

4 A. Of course so, unless I am mistaken.

5 Q. And if I were to put it to you that you are incorrect?

6 A. Well, if you have the information, you will tell me that I'm  
7 wrong.

8 Q. Well, I asked you the question knowing that the DRC was not a  
9 member of CEN-SAD. It's because I wanted to ask why Qadhafi was calling  
10 upon -- well, Libya, why was Libya calling upon a state that was not a  
11 member of CEN-SAD?

12 A. Well, I gave that explanation yesterday and I was entirely clear,  
13 referring to one of the resolutions from the Lusaka accord, ma'am, which  
14 called upon the Democratic Republic of the Congo to respond affirmatively  
15 to any request regarding peacekeeping in the subregion. There was  
16 reference made to that, ma'am.

17 Q. Witness, I am only repeating one of your own statements. You  
18 mentioned CEN-SAD which allegedly asked the MLC to intervene in the CAR.  
19 So page 41, line 8, you were asked a question; namely, who within the MLC  
20 had taken the decision to send troops to the Central African Republic.  
21 And your answer was this, lines 18 and 19: that the request was made by  
22 the CAR authorities. They asked the ALC troops to intervene.

23 Now this request was made to whom, exactly?

24 A. Ma'am, if a request is made of a state, the very essence of such  
25 a request is oriented and ordinary people know that, that it is the

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1 person who represents that state, and it is up to that person to subject  
2 that request to earlier mechanisms that would allow him to take a  
3 decision. Have I answered your question, ma'am?

4 PRESIDING JUDGE STEINER: (Overlapping speakers) ... Mr Witness,  
5 can you please just answer to the question to whom the request was  
6 directed?

7 THE WITNESS (Interpretation): The request was made of the  
8 national president of the Movement for the Liberation of the Congo.

9 PRESIDING JUDGE STEINER: Thank you very much.

10 MS DOUZIMA LAWSON (Interpretation): Thank you, your Honour.

11 Q. What was the objective of that particular request? Why was the  
12 request made, this request to have the ALC troops intervene in the  
13 Central African Republic?

14 A. Well, that is what we have been discussing in this courtroom.  
15 The objective was to come to the assistance of a country that was the  
16 prey of rebels. That was the objective.

17 Q. But you said that that country had an army.

18 A. Before an army -- well --

19 THE INTERPRETER: Correction.

20 THE WITNESS (Interpretation): Having an army doesn't rule out  
21 calling upon another contingent or organisation from the DRC --

22 THE INTERPRETER: Inaudible.

23 THE WITNESS (Interpretation): -- supported by a MONUC brigade.  
24 The DRC has an army, yet it calls upon MONUC. So one does not exclude  
25 the other, ma'am.

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1 MS DOUZIMA LAWSON (Interpretation):

2 Q. And what was the problem that led to this request to have the ALC  
3 intervene?

4 A. Well, I answered earlier, ma'am. The country was subject to a  
5 rebellion. They were facing a rebellion.

6 Q. You also said, page 43, lines 20 to 25, the decision to send  
7 troops to a foreign country was never a military decision. It was much  
8 more a political one. And, you see, if soldiers were associated with  
9 that, it was just to provide technical advice. Does that mean that the  
10 decision didn't come from the chief of general staff who was the leader  
11 of the ALC, but rather, the decision came from the political leader,  
12 Mr Bemba?

13 A. A decision, ma'am, a decision to send a contingent out of the  
14 country, such a decision is always political in nature, and ordinary lay  
15 people know that, ma'am.

16 Q. Very well. Page 52 of the same transcript, you said that there  
17 had been an agreement regarding the ways in which troops would report to  
18 authorities, that there was an agreement between the two countries. And  
19 then page 53, lines 1 to 3, you said that there was the ambassador who  
20 had chosen to have the troops report to the general staff of the CAR.  
21 Could you explain this agreement to us? What is it all about?

22 A. I said that the troops were placed under the orders of. The  
23 agreement is a summary and it represents a summary of this choice, to  
24 have the troops report to the authorities, to be subordinate to others,  
25 and the kind of subordination was -- let me put it this way: They were

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1 placed under the orders of the authorities. That is what I am telling  
2 you, ma'am.

3 Q. Witness, yesterday you were saying, page 13, actually, that the  
4 ALC unit became one of the sub-units of that army during the operations.  
5 Exactly how did that happen? How did that ALC unit become a sub-unit of  
6 the CAR army during those operations?

7 A. Absolutely. That's what I said. Because the deployment in the  
8 field and the mission that was given did not come from those Congolese  
9 authorities but, of course, from the CAR authorities who did what they  
10 want with that unit in relation to the mission in the field. And so, all  
11 in all, it became -- it became a sub-unit or a sub-component, a unit of  
12 the CAR army at that particular point in time.

13 Q. Was that agreement actually written down somewhere? Was it a  
14 written agreement?

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE STEINER: (Overlapping speakers) ... very briefly  
20 into private session.

21 (Private session at 3.20 p.m.)\* Reclassified as Open session

22 THE COURT OFFICER: Madam President, we're in private session.

23 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

24 THE WITNESS (Interpretation): Yes, ma'am.

25 PRESIDING JUDGE STEINER: Please don't mention, when we are in

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1 open session, that you (Redacted)

2 (Redacted)

3 THE INTERPRETER: Inaudible.

4 THE WITNESS (Interpretation): Yes. Duly noted. Duly noted,

5 ma'am. Yes, thank you for that, ma'am.

6 PRESIDING JUDGE STEINER: (Overlapping speakers) ... ordered the

7 redaction of the information that will not be broadcast. But pay

8 attention, Mr Witness.

9 Court officer, please turn back into open session.

10 THE WITNESS (Interpretation): (Redacted)

11 (Redacted)

12 (Open session at 3.22 p.m.)

13 THE COURT OFFICER: Madam President, we are in open session.

14 MS DOUZIMA LAWSON (Interpretation):

15 Q. Witness, at yesterday's hearing you said, page 4, lines 5, 5 to  
16 17, you gave the names of the CAR military authorities who were under  
17 the -- under whose orders were the MLC, and you mention the chief of  
18 general staff, saying that it was the brigadier-general, Antoine Gambi;  
19 the commander of the Presidential Guard, General Bombayake; the commander  
20 of operations, General Mazi; and the head of the CCOP, Colonel Lengbe,  
21 who was later replaced by General Bemondombi.

22 Was General Gambi the chief of general staff for the entire time  
23 during which the MLC was in the CAR; namely, October 2002 to March 2003?

24 A. The person that I knew -- the person that the ambassador knew  
25 personally, the name and whom -- to whom was Mr Gambi, Mr Antoine Gambi,

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1 and if in the meantime that was changed, I no longer recall in  
2 particular. But as far as Mr Ambassador knows, it was Mr Antoine Gambi  
3 for a good part of the period in question, that period of conflict.

4 Q. Now when you say for a good part of that period of time, which  
5 period of time do you mean exactly?

6 A. I really couldn't tell you because I've told you. I told you,  
7 ma'am, that it's been quite a while. It was quite a long time ago.

8 Q. If I were to put it to you that it was from October 2002 to  
9 November 2002, what would you say in response to that?

10 A. You are a lawyer and a member of the CAR Bar.

11 Q. Witness, could you answer my question? I would like to help you  
12 by reminding you of that period of time during which the ambassador may  
13 have been in contact with General Gambi. Would it be correct to say that  
14 in October and November of that year, the ambassador did have contact  
15 with General Gambi?

16 A. The ambassador told you that he was for one day sent there and  
17 that was at the beginning in October, when Mr Moustapha had sent a  
18 message to the effect that we hadn't provided the logistics and all and  
19 the ambassador was sent, indeed, to look into that situation and to  
20 report back. That is when the ambassador saw the chief of general staff.  
21 And just up until now, the ambassador is keeping his point of contact,  
22 his business card.

23 Q. So it was in the course of October that the ambassador met the  
24 chief of general staff, General Gambi; is that correct?

25 A. That is correct, ma'am.

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1 Q. And if I were to tell you, Witness, that Mr Antoine Gambi was not  
2 at all the chief of general staff of the inter-army forces during that  
3 period of time, what would your response or reaction be to that?

4 A. I don't know what you're telling me about. I have no knowledge  
5 of that.

6 PRESIDING JUDGE STEINER: Mr Kilolo.

7 MR KILOLO (Interpretation): Very briefly, your Honour. It seems  
8 to me all the same that this is not a fair question; in other words, a  
9 question that says -- is really reminding someone of a period of time at  
10 which you met General Gambi, was it not in October or November, and then  
11 going back to that same item of information provided or suggested by  
12 counsel asking the question, and then saying, "Well, you're wrong,  
13 because in actual fact in October, November he was not the chief of  
14 general staff of the CAR armed forces." I think this -- this is really  
15 placing a trap before the witness or leading the witness down the wrong  
16 path, and I think this is really utterly unfair. The witness has already  
17 replied, but this is really quite unfair.

18 PRESIDING JUDGE STEINER: I don't see many difference between  
19 this kind of questioning and the many hypotheses that you put to the  
20 witness when you were questioning the witness.

21 But in any case, Maître Douzima, try to avoid to put hypothesis  
22 to the witness and put more direct questions, please.

23 MS DOUZIMA LAWSON (Interpretation): Your Honour, I made  
24 reference to the actual statement made by the witness here in this  
25 courtroom. And when I put the question to him the last time, he was very

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1       sure of himself, he was quite sure that that was the time when the  
2       ambassador had met the general in question and that is part of the  
3       questions that allow us to assess the credibility of the witness. I  
4       could have -- because, you see, the order appointing General Gambi is  
5       amongst the various documents that I have listed for questioning of this  
6       witness. But just to save some time, I provided the information to him.  
7       But if it is -- it is necessary, I can actually call for that document to  
8       be displayed. I have not placed any trap before this witness.

9               PRESIDING JUDGE STEINER: (Overlapping speakers)...

10       Maître Douzima.

11               MS DOUZIMA LAWSON (Interpretation):

12       Q.     Witness, you just said that the ambassador received or has the  
13       business card of General Gambi when he was chief of general staff. Can  
14       you confirm that?

15       A.     Yes. (Redacted)

16       (Redacted)

17       (Redacted)

18       Q.     Let us talk about the chief of the CCOP, Colonel Lengbe. Do you  
19       know why he was replaced by Bemondombi?

20       A.     He had defected, madam.

21       Q.     Do you know around what time, approximately?

22       A.     I can no longer tell you the exact time, but I know that he was  
23       replaced because he had defected. He was replaced by Mr Bemondombi who  
24       is, for all practical purposes, a family member of the ambassador's  
25       family.



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1 Q. In the meantime, what was the nature of the relationship between  
2 Colonel Lengbe and the ALC?

3 A. What are you referring to exactly, madam?

4 Q. Colonel Lengbe, in his capacity as chief of the CCOP, what was  
5 the nature of his relations with the ALC?

6 A. The ALC recognised him as the commander of the CCOP in his  
7 country, the one who was in charge of operations in his country. That is  
8 the nature of the relationship between him and the ALC. At least one of  
9 the components of the relationship.

10 Q. As far as the ambassador would know, were the relations between  
11 the CCOP co-ordinating the operations and the ALC which had come to help  
12 the Central African Republic, were those relations in a good state?

13 A. The relations were perfect, madam.

14 Q. Witness, these questions have been put to you because there is  
15 information available to this Court; namely, the statement from the  
16 commander of the CCOP, Mr Lengbe, transcript 182 in French, 4 November  
17 2011. And this is what he said, referring to the ALC:

18 "When they arrived, as far as I am concerned, I am the one who  
19 contacted them and we had cordial relations when they were there."

20 So you are right. But at page 36, this is what he says:

21 "The relations deteriorated on the 25th or the 26th, if I am not  
22 mistaken, when the decision was taken to launch the offensive to ward off  
23 Bozizé's troops. It was at the support regiment where the MLC troops  
24 were located. One of the sections of our troops of about 30 persons was  
25 there with two officers who were tasked with guarding the base at which

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1 we had some equipment. That section was supposed to be guarding the  
2 barracks. The MLC troops were getting ready to launch the attack when a  
3 fire -- when some gun-fire went off at the back and an MLC soldier was  
4 wounded. I was called up, I arrived, and I found that those who were  
5 there had been entirely undressed, were without their weapons, and were  
6 simply in their undergarments. And when I asked what had happened, the  
7 MLC troops told me that it was those soldiers who had fired at them. It  
8 is for that reason that they disarmed them, all 30 of them, disarmed and  
9 undressed. So I talked to the person in charge who was there and said  
10 that such conduct was not normal. People had been humiliated. And that  
11 was the first reason that made it impossible to maintain contact and  
12 confidence because of these acts of humiliation."

13 Then he went on to talk about three incidents, that is, a second  
14 and third in addition to the one I have just mentioned.

15 Now, Witness, are you aware whether or not the ambassador was  
16 aware of these incidents?

17 A. When an incident of such a nature occurs, this does not mean that  
18 the relations were poor or bad. These types of things do occur in any  
19 expedition. You take Togo, you take Rwanda, yesterday I mentioned the  
20 expedition to Rwanda in which the ambassador participated. These types  
21 of things do happen between troops, but they do not in any way hamper the  
22 existing relations.

23 PRESIDING JUDGE STEINER: Mr Witness, if you pay attention to the  
24 question, the question was quite simple: Whether the ambassador was  
25 aware of this incident. Could you please answer to the question.

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1 THE WITNESS (Interpretation): The ambassador was not informed of  
2 that incident, madam.

3 MS DOUZIMA LAWSON (Interpretation):

4 Q. Thank you, Witness. Was the ambassador informed of the incident  
5 relating to arms and ammunitions and musical instruments mentioned at  
6 page 38 of the transcript, line 82, those items that were looted by ALC  
7 troops in Bangui?

8 A. No, madam.

9 Q. Finally, was the ambassador aware of the disappearance of a  
10 Central African officer? And I'm referring to page 39. Was he aware  
11 that when Colonel Lengbe was searching for the body of the said colonel,  
12 whose name is public, that is Colonel Zakatao who was based at Camp Béal.  
13 Now, when there was a search for his body, there were clashes with the  
14 MLC commander on the ground who even chased him off. (Redacted)  
15 (Redacted)

16 A. A colonel, madam, a colonel killed? (Redacted) And  
17 I challenge you that no one of the MLC would be aware of that. A colonel  
18 killed? Madam, you are the one giving me that information today.

19 Q. Mr Witness, another witness appearing before this Court stated in  
20 CAR-OTP-0006 --

21 THE INTERPRETER: Number inaudible. Counsel going too fast for  
22 the interpreters.

23 MS DOUZIMA LAWSON (Interpretation):

24 Q. The witness said that no one within the MLC was paid and that MLC  
25 troops received only the barest minimum for food, health, and travel.

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1 Can you confirm that?

2 A. No, I do not confirm that. I never heard -- or I never saw  
3 anyone spend two years somewhere without receiving a penny and who would  
4 on a daily basis continue to serve. I have never seen that.

5 Q. Would you know whether the ambassador was paid?

6 A. (Redacted) madam;  
7 namely, that no one can accept to work without receiving pay, some pay,  
8 and the ambassador could not have accepted to work without receiving  
9 payment.

10 Q. Where did the money come from which was used to pay members of  
11 the MLC?

12 A. The MLC held territory that was larger than the  
13 Central African Republic. The MLC had territory which was larger than  
14 the Central African Republic, territory that was endowed with all types  
15 of raw materials. It also had economic operators within its territory,  
16 and the state was able to raise income and the state was operational. So  
17 the state was able to raise money to make different and several payments,  
18 including the payments to the ambassador.

19 Q. Mention has often been made of Article 15 in the CAR -- in the  
20 DRC, rather. Now, what does Article 15 refer to?

21 A. Well, these are -- this is street talk, so to speak. These are  
22 things that people talk about. And I giggle because that's -- that's how  
23 it is. Here in Kinshasa, people talk about these things on the street.  
24 Everyone talks about that and in spite of what anyone may do ordinarily  
25 in their professional life, they may engage in "kobete lebanga" (\* phon)

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1       which is the way we talk about this, which means to strike the stone in a  
2       way -- in another word. That's what Article 15 refers to; that is, to  
3       fend for one's self. It is one of the hallmarks, so to speak, of Matadi,  
4       of Goma, in Kasumbalesa, in Libenge -- of Libenge, and in all those  
5       areas. It's a little bit of Congolese fashion, so to speak.

6       Q.    Was it applied within the MLC?

7       A.    I said that this was one of our characteristics, so to speak,  
8       madam.

9       Q.    I have understood you. Mr Witness, was the ambassador aware of  
10       the events of Mongoumba in the Central African Republic?

11       A.    (Redacted)

12               MS DOUZIMA LAWSON (Interpretation): Madam President, with your  
13       leave, I would like to display CAR-D20-0001-153 --

14               THE INTERPRETER: Madam President, counsel read out the reference  
15       too fast for the interpreters.

16               THE COURT OFFICER (Interpretation) (via video-link): The  
17       document is being displayed to the witness.

18               PRESIDING JUDGE STEINER: Maître, could you please repeat the  
19       reference number? The interpreters were not able to follow you.

20               MS DOUZIMA LAWSON (Interpretation): CAR-V20-0001-0153. I would  
21       rather refer to page 155 of the same document, please.

22               THE COURT OFFICER (Interpretation) (via video-link):  
23       Madam President, the document is before the witness.

24               MS DOUZIMA LAWSON (Interpretation):

25       Q.    Witness, can you see the document?

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1 A. Yes, I can, madam.

2 Q. It is those events I was referring to a short while ago.

3 A. Yes, madam. I am waiting for your question.

4 Q. What you see on screen is captioned: "The Town of Mongoumba Under  
5 Jean-Pierre Bemba's Men's Fire." It says that the Banyamulengue were  
6 acclaimed by the Central African people who had been liberated by them.  
7 Now, I spare you the other details. I simply want to find out whether  
8 the ambassador was aware of those events?

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 A. (Redacted)

19 Q. (Redacted)

20 A. (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. Witness, you are not answering my questions but I'll stop here.

3 MS DOUZIMA LAWSON (Interpretation): And, Madam President, that  
4 will be all. Thank you.

5 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

6 Mr Witness, now Maître Zarambaud, legal representative of  
7 victims, is going to put some questions to you.

8 Maître.

9 MR ZARAMBAUD (Interpretation): I thank you, Madam President.  
10 Thank you, your Honours.

11 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

12 Q. Good evening, Witness.

13 A. Good evening, Counsel.

14 THE INTERPRETER: Witness speaks another language.

15 MR ZARAMBAUD (Interpretation):

16 Q. I am Maître Zarambaud Assingambi of the Central African Bar, and  
17 I appear before this Court as legal representative of victims. In that  
18 capacity, I have been authorised to put some questions to you which have  
19 been previously submitted to the Court and for which I have been granted  
20 permission to question you. Some of my questions have already been  
21 raised with you. I will not repeat all of them. But I may follow-up on  
22 a thing or two relating to some of the answers that you provided during  
23 your testimony.

24 As you can see, we don't have much time remaining, and if you  
25 were to be brief in your answers, if you were to be concise and succinct

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1 in your answers to my specific questions, I think we could be done in  
2 good time and leave enough time for Defence to redirect as need be and  
3 for yourself to ultimately make your statement.

4 My first question was the following: Before the ALC troops were  
5 sent to the Central African Republic, were there any Central African  
6 military operations or missions, rather, to Zongo or to Gbadolite sent  
7 there to explain to the MLC authorities the real situation of the FACA  
8 forces?

9 A. Counsel, the (Redacted) of that information.

10 Q. (Redacted), and if he were aware of it, what  
11 was the military situation of the FACA?

12 A. The military situation of the FACA was such that they required  
13 assistance. That is what (Redacted) is aware of.

14 Q. According to the ambassador, why did they need to be assisted?  
15 Is it that they did not have enough weapons, or that they did not have  
16 enough troops, or that their leader was unable to command them properly  
17 in the face of the enemy?

18 A. I do not know. I do not know because the request was made and  
19 that is why the ambassador said that they needed assistance; that is, it  
20 is for reasons of assistance that they made the request in the first  
21 place.

22 Q. Thank you, Mr Witness. Several times you testified that the  
23 troops were placed under the orders of the Central African authorities.  
24 On what grounds did you come to that determination that they were placed  
25 under the orders of the Central African authorities? Why and on what



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1 grounds did the Congolese authority determine that the troops were placed  
2 under the orders of the Central African authorities?

3 A. Thank you for the question, Counsel. Simply, if they were not  
4 placed under the orders, then the option would have been for another type  
5 of subordination relation whereby it may have been possible for the MLC  
6 to have power to monitor logistics and operations. It was necessary at  
7 the time to choose an option which would spare the MLC of responsibility  
8 in all operational, logistics, and deployment aspects of the mission.  
9 Furthermore, out of the ongoing and long-standing respect between  
10 military colleagues who respect each other, for those reasons, if another  
11 type of relation had been opted for, it would have deprived the person to  
12 whom the unit had been deployed of the authority to use that unit without  
13 undue interference. That is the reasoning, Counsel.

14 Q. But that is the -- that is in principle, isn't it? But what I  
15 want to find out from you is on what specific grounds do you come to the  
16 determination that these troops were placed under the orders?

17 A. That is exactly what I have just told you. In actual fact and in  
18 reality, when you do not give orders to those troops, when you do not  
19 assign them tasks, when you do not provide them with logistics, that is  
20 what happens, Counsel. When you do not deploy them, that is how it  
21 works, Counsel.

22 Q. You also had an opportunity to speak of Libyan troops. To your  
23 knowledge, to your personal knowledge, or in the knowledge of the  
24 ambassador, were those Libyan troops also placed under the orders of the  
25 authorities?

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. I don't know whether you've finished the reply or whether the  
10 sound has cut out. In any event, regarding the provision of foreign  
11 troops, their being made available to a foreign country, you said that  
12 there were four ways of doing such a thing, transcript 334, 11 of  
13 September, 2013, page 53, line 13 and on -- actually, from line 9 onward.  
14 But just to summarise a bit, I'll start as of line 13. You said:

15 "A unit that is placed under the orders of soldiers, that unit  
16 will control all the plans except the purely administrative ones, and it  
17 was suggested to the authorities that the unit be placed under the  
18 orders."

19 And regarding these various ways of placing them under orders,  
20 you mention several possibilities. For example, you said a unit could be  
21 attributed, a unit could be placed under orders, or it could be placed  
22 under operational command, or finally under the control of. You have  
23 told us that a unit could be placed under orders. These three other ways  
24 of providing troops, how would you define them, briefly, for those of us  
25 who are not military men?

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1           A.    Thank you, Counsel. Now, when a unit is attributed, when you say  
2           that a unit is attributed, that is as if the unit went to go and become  
3           an integral part of the unit under which it is placed and automatically -  
4           automatically - the reporting relationship is there. So the commander  
5           who benefits from that unit uses the unit in any way he wishes,  
6           operations, logistics, administration, can give the unit a mission, can  
7           assign it whatever tasks he wishes over a very long period of time, five  
8           or ten years, depending if the unit continues to exist.

9                   Now, a unit that is placed under operational command. A unit  
10          that is placed under operational command and all the other aspects, that  
11          is to say, operations, that unit can no longer handle that. Logistics?  
12          No, that unit cannot handle logistics. Administration? That unit can no  
13          longer handle that, except in the case of a mission whereby before being  
14          used for any mission, the unit must refer to the authority that placed  
15          the unit under operational command.

16                 A unit that is under control, under control, that is a unit that  
17          is -- when it is placed under control, it means that the unit that  
18          benefits from it will use it only for operations. The other things,  
19          logistics, administration, mission, deployment, depend on the unit that  
20          sent them.

21                 So basically that is the explanation that I can provide you with,  
22          Counsel, in relation to what I said yesterday.

23          Q.    Thank you. You stated that your MLC unit had been placed under  
24          the orders of the CAR authorities. Now, during that time, the CAR  
25          authorities, which already had been unable to restrain their own troops,

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1 were they able to lead a large group of foreign troops such as the ALC?

2 A. Well, this is news to me. You are the one who is telling me that  
3 this CAR military authorities were unable, because the ambassador knows  
4 that the organisation, the management of operations, owing to the  
5 structure, was very well done by the colleagues because they had an  
6 operational co-ordination centre and -- something that any commander  
7 would set up for the proper management of operations. I don't think  
8 that -- I don't think that it could be a bad way of going about things.

9 Q. Thank you, Witness. But during this entire trial we have heard  
10 that Bozizé's troops came from Chad and that they were quite close to the  
11 residence of the president of the republic. So myself, I don't think --  
12 well, if that would had been the right way of going about things, the  
13 rebels wouldn't have gotten to that particular point. And, you know,  
14 Chad is thousands of kilometres away. We saw on the transcript, and I  
15 quote, that:

16 "Normally the operational centre was a tool made available to the  
17 leader, and it was General Mazi who was running that centre at the time  
18 because" --

19 THE INTERPRETER: Inaudible.

20 MR ZARAMBAUD (Interpretation):

21 Q. -- "General Bétibangui." I am quoting from line 22.

22 "Normally it was General -- but since he was in Libreville for a  
23 meeting, it was his assistant, actually, his deputy who was there. And  
24 he was the person I reported to every day."

25 So the chief of general staff was not there. Now regarding the

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1 deputy chief of staff, this was said:

2 "Right from the beginning, General Bombayake from the guard gave  
3 me to understand that the chief of general staff had gone the take refuge  
4 in the Chinese embassy."

5 That is how he put it. So you send your troops overseas, put  
6 them -- putting them in a situation where the chief of general staff is  
7 not present. The deputy chief of staff is -- has fled. Is that a  
8 logical decision, to make the ALC available to an army without any  
9 leaders?

10 A. Well, I'm just getting this information from you just now,  
11 Counsel. This is news to me.

12 Q. Is this to say that on their side as well, the ALC authorities  
13 had not analysed the actual situation in the Central African Republic  
14 before sending their troops to that country? Particularly, since --  
15 well, irregardless of the absent leadership, we are told here, and on  
16 transcript 183, 7th, page 49. Regarding the troops, this is what was  
17 said:

18 "There were many events, a series of events in the  
19 Central African Republic, up until the year 2002. There were three  
20 mutinies which shook the army. There was an attempted coup d'état on the  
21 28th of May. And then when General Bozizé left, the army was no longer  
22 functioning. It was a failed army."

23 So can we believe without any document to support this that a  
24 failed army without any leaders and that the -- that the ALC would send  
25 its men to serve in such an army and would provide men to such an entity?

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1 A. I don't know about that, Counsel.

2 Q. Thank you, Witness. Furthermore, transcript 343, September 2013,  
3 page 41, you gave quite a lengthy explanation regarding the decision to  
4 send troops to the CAR, and you said that the meeting --

5 MR ZARAMBAUD (Interpretation): Well, I'm -- I'm reading from  
6 lines 11 to 27, your Honour.

7 Q. You said that -- well, you also mentioned an earlier mission that  
8 had been sent as of the 26th. So this earlier mission, this advanced  
9 mission before the meeting in Colombie for the sending of troops, did  
10 this advance group not realise or see that the CAR army was a failed  
11 army, that the leader was in Libreville and that the deputy chief of  
12 staff had taken refuge in the Chinese embassy as Bozizé's men drew closer  
13 and closer?

14 A. The mission that was entrusted to that unit was specific, and  
15 that unit did not have the mission, Counsel, to look at these aspects you  
16 are raising right now. I clearly said that that unit had a mission to  
17 ensure that the area where the soldiers were to be deployed was safe.  
18 That is the answer that I can give you to your question, Counsel.

19 Q. Consequently, the ALC troops, despite the earlier mission, they  
20 ended up arriving in the CAR completely oblivious to the fact or unaware  
21 that they were now part of a failed army that had absolutely no leaders.

22 A. If counsel would agree with me, he would see that I gave the name  
23 of certain authorities a few moments ago, and in the absence of one or  
24 the other and, as it is said, in an army, everyone is important but no  
25 one is indispensable. And thus, those who were there, both being

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1 well-trained officers -- I think that you have asked the question -- you  
2 should ask the question of those who were in the field and they could  
3 answer. Certainly they would be in a position to tell you who supplied  
4 them and who sent them to one particular storage facility or another. I  
5 think that questions such as this one really should have been put. And  
6 I'm also quite sure that they would have said and perhaps when they  
7 testify they will tell you and they will tell you what particular point  
8 was the point for resupply. That means that there was not an absence of  
9 authority, Counsel.

10 Q. When a chief of general staff sees the enemy advancing and then  
11 flees and takes shelter in a foreign embassy, doesn't that --

12 A. The army is an organised structure and if the chief of general  
13 staff is not there, one can always call upon one of the commander's of  
14 the major units. And I think that was the case in Bangui, Counsel.

15 Q. Thank you, Witness. Now, a commander who is placed under the  
16 orders of the CAR army with his troops, as was the case with  
17 Mr Moustapha, is this commander obliged to obey the orders of higher  
18 military authorities from the CAR?

19 A. The kind of -- the kind of relationship or subordination that was  
20 established so that by that he would be under the CAR authority. That  
21 says it clearly, Counsel. And what's more, and what's more, and what's  
22 more, unfortunately, the ambassador looked through the documents and  
23 found an order, an operational order that was prepared by the CAR  
24 authorities entrusting a mission to Commander Moustapha. (Redacted)  
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 So without beating about the bush, the commander would have been  
4 under those authorities, Counsel.

5 Q. Well, according to the references that were given a few moments  
6 ago by my learned colleague, Ms Douzima Lawson, there were a number of  
7 incidents that occurred when 30 FACA soldiers had been tied up and there  
8 were also some events at PK 12 where soldiers were tied up once again.  
9 And in actual fact, it was the chief of operations who had to go there  
10 and find the body of the colonel who had disappeared. And when the  
11 search was on for this colonel's body, the chief of the ALC came and  
12 drove away the head of the CCOP, saying that this was their area of  
13 jurisdiction.

14 Now, regarding the two soldiers who were tied up at PK 12 and  
15 regarding these 30 soldiers who were stripped, once again the chief of  
16 the CCOP said he had to go and bargain and palaver, and General Mazi did  
17 not want to free these people and he had to go and palaver and negotiate.  
18 Do you think it's normal for an officer who is under the authority to  
19 refuse the orders from the chief of operations?

20 A. (Redacted)

21 Q. (Redacted)

22 (Redacted) beside me, the orders  
23 were apparently strict but in actual fact he really didn't know very much  
24 about what was going on in the field since he was not aware that the  
25 chief of --



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1 THE INTERPRETER: Correction.

2 MR ZARAMBAUD (Interpretation):

3 Q. -- the deputy chief of staff had to go and bargain and horse  
4 trade to obtain the release of his troops. Now, as a witness, as far as  
5 you're concerned, is this logical? Does this make any sense? But you're  
6 saying that you don't know anything about what happened. Is that what  
7 you're telling us?

8 A. Counsel, I told you that all this information, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. That is why I asked the question; namely, these major events, the  
14 disobedience of the authorities, the ambassador was not aware about all  
15 these things and really this is just theory and this has nothing to do  
16 with the reality which the ambassador is not at all aware of?

17 Did you hear my question, Witness?

18 A. Counsel, I didn't hear anything. Nothing came to this place.

19 Q. I was saying, now since the ambassador was unaware that the  
20 commander of the ALC in the field was not obeying the chief -- the deputy  
21 chief of general staff and was not obeying the commander of operations,  
22 in actual fact what he's saying about subordination is just theory and  
23 really doesn't correspond to the reality because he was not aware of this  
24 case of -- these cases of insubordination that I read out.

25 A. That's what you say, Counsel. Let me repeat: The ambassador,

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1 and I bet that -- I would wager that no one here within the ALC was aware  
2 that such an incident had occurred, otherwise that would not have gone  
3 unpunished. (No interpretation). It would not have gone unpunished.

4 PRESIDING JUDGE STEINER: Maître Zarambaud, just wait a little  
5 bit. We don't have a translation. There is a long part of the answer  
6 that is not in the transcript.

7 THE INTERPRETER: Apologies from the interpreters. Could the  
8 witness repeat his last reply.

9 PRESIDING JUDGE STEINER: Court officer, please turn into private  
10 session very briefly.

11 (Private session at 4.27 p.m.) \* Reclassified as Open session

12 THE COURT OFFICER: Madam President, we're in private session.

13 PRESIDING JUDGE STEINER: There is a long part of the answer that  
14 is not in the English transcript, which is exactly the part that should  
15 be redacted because the (Redacted)  
16 (Redacted)

17 Mr Witness, I will ask you to repeat your last answer now in  
18 private session, please.

19 THE WITNESS (Interpretation): (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)  
25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE STEINER: Maître Zarambaud, can we turn back into  
3 open session?

4 MR ZARAMBAUD (Interpretation): Yes. Just to conclude.

5 PRESIDING JUDGE STEINER: Mr Witness, please try to avoid  
6 repeating (Redacted)

7 (Redacted)

8 (Redacted)

9 THE COURT OFFICER (Interpretation) (via video-link): We can't  
10 hear you, ma'am.

11 PRESIDING JUDGE STEINER: Can you hear me now?

12 THE WITNESS (Interpretation): I can hear you just fine. But  
13 it's when it goes through Mr Zarambaud, that's when we have a problem.

14 PRESIDING JUDGE STEINER: We'll turn back into open session.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 THE WITNESS (Interpretation): I will endeavour to do so, ma'am.

19 PRESIDING JUDGE STEINER: Thank you.

20 Court officer, please turn into open session.

21 (Open session at 4.30 p.m.)

22 THE COURT OFFICER: Madam President, we're in open session.

23 MR ZARAMBAUD (Interpretation): Thank you, Madam President.

24 Q. Mr Witness, do you know or did you learn that the ALC troops at  
25 PK 12 and PK 13 had occupied houses belonging to private individuals

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1 without their authorisation?

2 I'll repeat my question. Witness, a very brief question for you.

3 Did you learn that ALC troops at PK 12 and PK 13 had occupied houses --

4 PRESIDING JUDGE STEINER: (Overlapping speakers) ... connection.

5 It is everything we needed.

6 Mr Witness, can you hear me?

7 THE WITNESS (Interpretation): I can hear you, madam.

8 MR ZARAMBAUD (Interpretation):

9 Q. Witness, I was asking you whether you had learned that the ALC  
10 troops at PK 12 and PK 13, including their commander, Mr Moustapha, that  
11 those troops had occupied houses belonging to private individuals without  
12 their authorisation? Did you learn of that?

13 A. I did not hear the end of your question.

14 Q. My question was to find out whether heard that those troops  
15 occupied houses belonging to private individuals without their  
16 authorisation?

17 A. No, Counsel. No, Counsel.

18 Q. Thank you very much. And because of time constraints, I will  
19 stop here. Thank you, Mr Witness.

20 MR ZARAMBAUD (Interpretation): Thank you, Madam President.

21 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. I was  
22 informed that Defence would like to redirect. I ask just, Maître Kilolo,  
23 if it's possible to do it in no more than 20 minutes because otherwise  
24 we'll have to continue on Tuesday morning, and I need at least ten  
25 minutes at the end for oral decision and for the thanks to the witness.

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1 MR KILOLO (Interpretation): Thank you, Madam President.

2 FURTHER QUESTIONED BY MR KILOLO: (Interpretation)

3 Q. Witness, I have five questions, five follow-up questions for you.

4 Question one: It relates to a series of questions that were put to you  
5 by the Prosecution on the decision to deploy troops, to deploy the ALC  
6 troops to the Central African Republic. And I refer to transcript 344,  
7 French version, realtime page 34, line 25, to page 35, line 2.

8 Witness, in answering the Prosecutor, what did you mean when you  
9 said "deploy ALC troops to the Central African Republic"? What does the  
10 decision to deploy ALC troops to the Central African Republic imply? Or  
11 what is it all about?

12 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

13 Miss Bossette, can you hear me?

14 THE WITNESS (Interpretation): Counsel, please kindly repeat your  
15 question.

16 PRESIDING JUDGE STEINER: Can you hear me, Mr Witness?

17 THE WITNESS (Interpretation): I can hear you now, madam.

18 MR KILOLO (Interpretation):

19 Q. Witness, to be brief, I wanted you to shed light on an answer you  
20 provided to the OTP regarding the decision to deploy ALC troops to the  
21 Central African Republic. This was the question:

22 "Can it be said that your position then is the following, that  
23 the political and military council of the ALC took the decision to deploy  
24 the ALC contingent to the Central African Republic?"

25 Your answer:

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1 "I already told you that, Counsel."

2 "Q. I am sorry, does that mean yes?"

3 Your answer: "Yes."

4 (Trial Chamber and court officer confer)

5 PRESIDING JUDGE STEINER: On behalf of the Court I have to  
6 apologise to the parties and participants and to Mr Witness. We don't  
7 know what the problem is, probably satellite. Let's just wait.

8 Yes, Mr Iverson.

9 MR IVERSON: Well, since we have to wait anyway, I would just  
10 like to bring to the Court's attention the passage that Kilolo is  
11 referring to. I think there may have been an interpretation omission,  
12 because in English, which is obviously the language I used to ask the  
13 question, it's on the same transcript number, 344, page 31, line 25, I  
14 say:

15 "Sir, is it fair to say that your position is that the ALC  
16 political military council made the decision to deploy and withdraw the  
17 ALC contingent in CAR?"

18 And then -- okay. And warning, I'm going to be speaking French  
19 here. The question in French that Kilolo -- Mr Kilolo just cited was:

20 (Interpretation) "Can it be said that your position is the  
21 following, that the political and military council of the ALC took the  
22 decision to deploy the ALC contingent to the CAR?"

23 PRESIDING JUDGE STEINER: We have established a procedure of  
24 correction of transcripts, so let's be attentive and follow the  
25 procedures.

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1 (Trial Chamber and court officer confer)

2 PRESIDING JUDGE STEINER: Maître Kilolo, we are going to try for  
3 the last time. Otherwise, I will propose another solution.

4 Mr Witness, can you hear me?

5 THE COURT OFFICER (via video-link): Madam President, can you  
6 hear us?

7 PRESIDING JUDGE STEINER: Yes, I can hear you. Can you hear me?  
8 No. I am informed by court officer that the only solution is to change  
9 the -- I don't know the technical wording for that, for reestablishing  
10 the connection by other channel. For that, we need to suspend for ten  
11 minutes. On the other hand, our interpreters, court reporters, security,  
12 kindly agreed in giving us 15 minutes after -- till quarter past 5.00.  
13 (Trial Chamber and court officer confer)

14 PRESIDING JUDGE STEINER: So -- yes, Mr Haynes.

15 MR HAYNES: I just wondered whether the other channel will give  
16 us any greater bandwidth? I noticed we are now down to 256 kilobytes per  
17 second, which is about half the transmission or half the bandwidth of  
18 Skype, and it's not surprising that we're cutting out so regularly. It's  
19 the lowest we've been at any stage in the proceedings.

20 PRESIDING JUDGE STEINER: It was working properly for the whole  
21 of the testimony. It's just the last hour, I think, we start having  
22 problems. And as far as I know, the alternative connection is even  
23 worse. But is -- it's the attempt we can do, otherwise it's going to  
24 adjourn and to order the witness to come back on Tuesday morning to  
25 conclude with his testimony. I am not sure the witness will be very

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1 happy, but he needs to conclude his testimony.

2 Maître Kilolo, if we suspend now, the interpreters agree that we  
3 resume in ten minutes and they give us half an hour maximum, which means  
4 that for you, 20 minutes. I feel like negotiating here.

5 MR KILOLO (Interpretation): That will be fine by us.

6 PRESIDING JUDGE STEINER: Then we will suspend for ten minutes.

7 In the meantime, we're going to change the -- the connection and the tape  
8 in order to be able to work for last half an hour, and I thank very much  
9 to our interpreters and court reporters for that. The hearing is  
10 suspended.

11 (Recess taken at 4.48 p.m.)

12 (Upon resuming in open session at 4.58 p.m.)

13 THE COURT USHER: All rise. Please be seated.

14 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

15 THE WITNESS (Interpretation): Yes, your Honour.

16 PRESIDING JUDGE STEINER: We are doing whatever is possible in  
17 order to allow you to go home. So help us and be very objective in your  
18 answers.

19 Maître Kilolo.

20 MR KILOLO (Interpretation):

21 Q. Witness, I'm going to cut to the chase. Now what was the  
22 decision that was taken by the high command of the ALC; namely, to deploy  
23 troops to the Central African Republic? Did the decision mean that these  
24 troops would be deployed in the terrain of operations in the  
25 Central African Republic?



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1           A.    Thank you for the question, Counsel. I've said this several  
2           times. I've answered these questions that have been put in various ways  
3           and formats, but all the same, I will answer. Deployment? No. Because  
4           it was said here that the unit was put under the orders, and if it was  
5           just the authorities of the MLC, they would not agree that the unit which  
6           went to the other side, they would not allow it to be deployed in the way  
7           that the CAR authorities deployed it. Do you see what I mean? For the  
8           authorities of the MLC, this unit remained homogenous and, thus, it would  
9           be -- could do what it could do along a road. But since the decision  
10          regarding deployment no longer was their decision to make, the CAR  
11          authorities thought it was best to deploy the troops in their own way.  
12          And what's more, they did so in accordance with the kind of relationship  
13          of subordination that was such that the MLC authorities were able to  
14          provide those -- that unit under -- to place their unit under their  
15          orders. Have I made myself understood, Counsel?

16          Q.    Thank you. In 2002, 2003, the chief of general staff of the ALC  
17          or Mr Jean-Pierre Bemba, did he have the capacity to unilaterally  
18          withdraw troops, ALC troops that were on the battle-field in the  
19          Central African Republic?

20          A.    No, Counsel, because as you read yesterday -- well, I don't know  
21          whether it was Mr Iverson who was reading it out. But in an interview  
22          with Associated Press or with Reuters, only the advisor, the special  
23          advisor of Mr Patassé revealed that in public what the authorities --  
24          (Video-link transmission interrupted)  
25          (Trial Chamber and court officer confer)

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1                   PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

2                   THE WITNESS (Interpretation): Just fine, ma'am.

3                   PRESIDING JUDGE STEINER: Mr Witness, you were saying that only  
4 the advisor, the special advisor of Mr Patassé revealed that in public.  
5 Could you now repeat the continuation of your answer because the sound  
6 was cut. We could not hear the conclusion of your answer.

7                   THE WITNESS (Interpretation): Thank you, your Honour. I was  
8 saying that the information -- the withdrawal could not be done  
9 unilaterally because the ALC authorities had provided that information to  
10 the CAR authorities knowing that they had an agreement with them. And  
11 what's more, to prove it, the advisor, the special advisor of Mr Patassé,  
12 and he was the one, actually, who provided that information in -- made  
13 that information public, and that leads me to tell the counsel that the  
14 MLC authorities could not do that unilaterally.

15                  MR KILOLO (Interpretation):

16           Q. Thank you, Mr Witness. I have no further questions.

17                  PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

18                  Mr Witness, this now concludes with your testimony. We have to  
19 thank you for being available. We know that you are facing some health  
20 problems, so thank you for being available to sit extended hours.

21                  Most and foremost, thank you today, again, for our interpreters,  
22 court reporters, the detention centre, security, our court officers, all  
23 those who agreed in extending even more the sitting hours in order to  
24 allow Mr Witness to go back home.

25                  Mr Witness, before you leave the court, as with all other

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1 witnesses in the case, I want to express the thanks of the Judges and of  
2 the Court for the time that you have taken to give evidence in this  
3 trial. Mr Witness, in order for the Judges to find the truth, it's  
4 crucial that witnesses such as yourself are willing, prepared, and  
5 available to give evidence and to assist us on the relevant issues. We  
6 are aware that this must have been inconvenient for you. I repeat, we  
7 are aware that you're facing some health problems. You therefore leave  
8 us now with our thanks.

9 Before you leave, Mr Witness, and as with all other witnesses in  
10 this case, I would like to ask whether there is anything that you would  
11 like to address to the Court. If you so wish, now it's your opportunity.  
12 And please, you have the floor.

13 THE WITNESS (Interpretation): Thank you, your Honour, for  
14 allowing me to address the Court. In actual fact, I am the one who  
15 should be thanking you. Thank you for giving me this opportunity. And I  
16 certainly understand that, really, mothers have the same heart throughout  
17 the world. Even though you are a Judge, the three of you, you have the  
18 hearts of mothers, and you have expressed that maternal feeling. And  
19 thank you for expressing that concern that the hearing conclude today,  
20 and I thank you very much for that.

21 Secondly, I wish to thank the Court, and in particular  
22 Mr Iverson, and I thank him for engaging me in this exercise which I  
23 thought was a very fine one. I also thank the Defence. I thank the  
24 lawyers representing the victims. I pay tribute -- or, rather, I extend  
25 greetings to Mr Zarambaud. We won't be meeting in the hall in Holland.

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1                   But to conclude, I would like to henceforth and officially  
2           request the Court, the Defence, and all other members present here in  
3           this courtroom not to reveal in any way, shape, or form, whatsoever, even  
4           a blurred image, please do not broadcast or release my information, my  
5           image, or anything like that. The Duty Counsel who was assigned to me  
6           and -- well, you see, whether the image is scrambled or not, I do not  
7           want my testimony to be broadcast without my express approval. It shall  
8           not be broadcast on radio or television or any media outlet whatsoever,  
9           and I would like to ask the Presiding Judge to help me help ensure that  
10          this prohibition is put in place. My -- the life of my youngest  
11          children, my own life, are at stake.

12                  And, you see, I wanted to provide some clarification about a  
13          number of events that occurred. And since I was involved in some events,  
14          I have provided this information in good faith, and I do hope that  
15          tomorrow or the day after I will be able to take my flight and return to  
16          the front to continue the combat.

17                  PRESIDING JUDGE STEINER: Mr Witness, now that you finish your  
18          testimony, the representative of Victims and Witnesses Unit will be in  
19          touch with you immediately after you leave the room and will explain to  
20          you, once again, the meaning of the protective measures that were granted  
21          to you. Your image, your voice were distorted all the time so that the  
22          public could not identify you. However, whenever we were in public  
23          session, everything that happened during the three days of your testimony  
24          was broadcast. This is the principle of publicity of the proceedings.  
25          Exactly because it is broadcast that you were granted protective

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1 measures. But VWU will explain exactly to you with all details and will  
2 be open for answering to any questions you may have.

3 Just for information of the parties, the Chamber will file a  
4 written decision on Tuesday, but just for anticipating the information  
5 the Chamber is granting the Defence request to hear Witness D04-0054 by  
6 means of video technology and is ordering the registry to make the  
7 necessary arrangements for the conduct of the videolink to start on  
8 Monday, 30 September 2013. So the complete reasoning of the decision  
9 will be filed on Tuesday morning.

10 I would like, again, to thank very much the Prosecution team, the  
11 legal representative of victims, the Defence team, Mr Jean-Pierre Bemba  
12 Gombo. From the deepest of my heart thank you very much to our  
13 interpreters and court reporters. The fact that we could extend hours  
14 today means that we will resume only on the 30th of September at 9.00  
15 with the beginning of testimony of Witness 0054.

16 Mr Witness, thank you very much. This hearing is adjourned.

17 (The hearing ends in open session at 5.17 p.m.)

18 RECLASSIFICATION REPORT

19 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and  
20 ICC-01/05-01/08-3038, the version of the transcript with its redactions  
21 becomes Public.

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