

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

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 - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Thursday, 8 November 2012
8 (The hearing starts in open session at 9.04 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning. I welcome the Prosecution team, legal representatives of victims, the
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, court
21 reporters.
22 We will continue, and I suppose conclude, this morning the testimony of
23 Defence Witness 48.
24 Before the witness is brought into the courtroom, the Chamber has a short oral
25 decision to be issued. It's the oral decision on the witness schedule for the time

1 period between 18 November and 13 December 2012 -- sorry, between 19 November
2 and 13 December 2012.

3 By emails of 19 October and 6 November 2012, the Chamber ordered Defence,
4 working in co-ordination with VWU, to propose an order of appearance of the
5 witnesses it intends to call during the time period between 19 November and
6 13 December 2012.

7 The Defence submitted its final proposal by email on 6 November 2012, suggesting
8 the following order of appearance of witnesses to be heard during the relevant time
9 frame: Witness D-49, Witness D-17, Witness D-13, Witness D-12 and Witness D-16.

10 The Chamber notes that the time the testimony of these witnesses is supposed to take
11 seems to correspond to the available court time between 19 November and
12 13 December 2012. The Chamber is therefore of the view that the witness schedule
13 proposed by the Defence is appropriate.

14 In order to ensure the efficient presentation of evidence and the expeditiousness of
15 the trial proceedings in accordance with Article 64(2) of the Statute and Regulation 43
16 of the Regulations of the Court, the Chamber approves the order of appearance of
17 witnesses as proposed by the Defence for the time period between 19 November and
18 13 December 2012.

19 Accordingly, the Chamber asks the Defence to circulate an updated witness schedule
20 for the relevant period to the Chamber, the parties and participants.

21 I ask, please, the court officer to turn briefly into closed session in order for the
22 witness to be taken -- to be brought into the courtroom.

23 (Closed session at 9.08 a.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Open session at 9.10 a.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Thank you.
- 7 Good morning, Mr Witness, and welcome back.
- 8 THE WITNESS: (Interpretation) Good morning, your Honour.
- 9 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 10 THE WITNESS: (Interpretation) Yes, your Honour.
- 11 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 12 under oath. Do you understand that, sir?
- 13 THE WITNESS: (Interpretation) I do understand that.
- 14 PRESIDING JUDGE STEINER: I also wanted to remind you of our ground rules,
- 15 that you are expected to speak slower than normal and to give the five seconds before
- 16 you start answering to any question in order to facilitate the hard work of our
- 17 interpreters and court reporters.
- 18 Is that fine with you, sir?
- 19 THE WITNESS: (Interpretation) Yes, your Honour.
- 20 PRESIDING JUDGE STEINER: Mr Witness, this morning the legal representatives
- 21 of victims will start questioning you and the first will be Maître Douzima Lawson.
- 22 Maître Douzima, you have the floor.
- 23 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.
- 24 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)
- 25 Q. Good morning, Witness.

1 A. Good morning.

2 Q. Mr Witness, I would like to remind you of the golden five-second rule. Both of
3 us are speaking the same language and, since what we say is going to be interpreted
4 into other languages, we have to comply with the five-second rule so as to allow the
5 interpreters to do their work properly.

6 My name is Maître Marie-Edith Douzima Lawson. I am from the Central African
7 Republic. I represent a certain number of victims admitted to participate in the
8 present case. It is therefore on behalf of those victims that I have requested to
9 question you on your knowledge about the case. I will also ask you questions about
10 your testimony that you have been giving here ever since Tuesday.

11 And, Madam President, I would like to request a private session for my first question.

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

13 (Private session at 9.13 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 5 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 6 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 7 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 8 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 9 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 10 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 11 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 12 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 13 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 14 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 9.48 a.m.)

9 THE COURT OFFICER: We are in open session, Madam President.

10 MS DOUZIMA LAWSON: (Interpretation)

11 Q. Witness, I asked you that question because you talked with the other senior
12 officials of the MLC and that is why I wanted to find out whether that opinion was
13 shared by your colleagues. So I'd like to read out one of the statements that was
14 made by one of your colleagues, one of the senior officials of the MLC, and he said
15 this, "When I was in Bangui, I had discussions with a number of people concerning
16 reprehensible acts committed by the Banyamulengue and people spoke of looting.
17 Above all, they were complaining about looting. There were also cases of rape and
18 some people had been killed, particularly if those people put up resistance. As soon
19 as I went back, I spoke to Jean-Pierre Bemba about this. I said to him that people
20 were becoming more and more hostile in relation to the MLC intervention and that
21 there had been complaints about these reprehensible acts."

22 Now, this is the reference: CAR-OTP-0034-0532. And this same senior official said,
23 and this time at page 541, "I spoke about cases of rape, murder and looting that I had
24 heard about, but at that time he was in the habit of denying everything and saying
25 that it was propaganda from France broadcast by RFI, because he thought that France

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1 wanted his head."

2 What do you have to say in response to this?

3 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

4 MR HAYNES: Can we go into closed session, please? Private session.

5 PRESIDING JUDGE STEINER: Court officer, please.

6 (Private session at 9.51 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 9.53 a.m.)

6 THE COURT OFFICER: We are in open session, Madam President.

7 PRESIDING JUDGE STEINER: Mr Witness, in a condition to answer to the question,
8 or want the question to be repeated?

9 THE WITNESS: (Interpretation) Could the question be repeated? It was quite
10 long and I didn't remember everything. Could it be repeated to me?

11 MS DOUZIMA LAWSON: (Interpretation)

12 Q. Witness, the statement was as follows: "When I was in Bangui, I had
13 discussions with a number of people concerning reprehensible actions taken by the
14 Banyamulengue and some people spoke about looting. Above all, they were
15 complaining about looting. There were also cases of rape and some people were
16 killed, particularly if those people put up a fight or resisted.

17 As soon as I came back, I spoke to Jean-Pierre Bemba about this. I said to him that
18 there was more and more hostility in relation to the MLC intervention and that there
19 had been complaints about these reprehensible acts. I talked to him about cases of
20 theft, rape, looting and murders, cases I had heard talk about, but at that time he was
21 in the habit of denying everything and saying that this was French propaganda
22 broadcast by RFI in Bangui because he thought France wanted his head."

23 What would you say in response?

24 A. I have no comment. This is a statement made by someone in Bangui. I never
25 was in Bangui. What he said, well, he said it. Did he share that with someone else?

1 If he had shared that with him I would have an opinion, but I have no opinion. So
2 this really is a statement that is only -- it's his statement. I really can't say what was
3 said between he and Mr Bemba. I wasn't there. I can't confirm it, or deny it.

4 Q. Very well, Mr Witness, I understand. You never went in the field?

5 A. Yes.

6 Q. So I'm thinking about another statement you said -- made on the 6th, edited
7 version, transcript page 75. Transcript 267, line 7 to 10. The question was put to
8 you, and it was Mr Haynes who was questioning you, "The people who had been
9 found guilty during the trials in Gbadolite in relation to offences committed in the
10 CAR, did these people serve the sentences that they had received?" And your
11 answer was this, "I believe they served their sentences," and you even gave the
12 example of a prisoner who had been arrested on a particular date, 6 August,
13 condemned to two years and he came out in 2004; came out of prison in 2004.
14 Witness, I can imagine your reply, but I would like to ask you this: This same senior
15 official of the MLC, and I read out the statement a few moments ago, also said, same
16 reference, page 544, that Mr Jean-Pierre Bemba in order to prove that he was not
17 responsible organised a sham trial, and at that trial five, six or seven low-ranking
18 soldiers would be put on trial very quickly. He invited a few journalists from
19 international media to attend the trials, and those soldiers received very light
20 sentences, prison, and once the journalists from the international media had left, the
21 people who had been found guilty were later given an amnesty."

22 So you can see the difference between what you said on the 6th and this statement?
23 What do you have to say?

24 A. No, on the 6th I was talking about some documents that had been shown to me.
25 I was shown documents that related to a person who had been imprisoned, and on

1 those two documents there were some dates, and it was said that those people had
2 not served. Now, in light of those documents, had those people served their
3 sentences or not? I was not a prison guard, I was not there on the day they were
4 supposed to be released, but judging by the documents, signed documents that were
5 shown to me, I stated whether -- now, whether those -- if those documents are valid,
6 judging by the documents, but as for people who had received an amnesty, was there
7 evidence that amnesty had been granted? Was that a legislative decision? Just
8 because someone is released, does that -- that doesn't necessarily mean that there was
9 an amnesty. Was legislation passed for such amnesty? That is a legislative
10 decision. That is a decision that is taken by the legislative branch. Was there
11 documents showing an amnesty? What I know is that I saw some documents. But
12 a prison warden can't do that sort of thing if the person is not in prison, and it is when
13 the person leaves that such things are done.

14 Q. I understand you, Mr Witness, because you also stated that you did not take
15 part in the trial, page 76, lines 8 to 13. And since you are not a prison warden, you
16 gave an answer related only to what you read. Now, Mr Witness, do you remember
17 the texts that were applied to this jurisdiction, by this jurisdiction that carried out the
18 trial?

19 A. I saw in the document that the Code of Military Conduct -- Code of Military
20 Justice was applied. There was also mention of the decree setting up the court and
21 its statute, but for all those crimes it was the Code of Military Justice that was
22 applicable. That is based on the documents that I have read here.

23 Q. Mr Witness, I will ask you a question based on the position that you occupied.
24 Both of us know that the DRC is a party to the Rome Statute. As far as you know,
25 did the DRC integrate the Rome Statute in its national legislation?

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

1 A. Does that question relate to the current period, or to the time of the events?

2 Q. In any case, if that was done at that time it would be valid up until today, but
3 I'm talking about that period: Did the DRC integrate the Rome Statute into its
4 national legislation?

5 A. Let me say that, to my knowledge, in the DRC it is envisaged that international
6 instruments are an integral part of national laws, and even the Criminal Code
7 provides that the jurisdictions -- or that resort can be made to international
8 instruments.

9 Q. Mr Witness, you did not answer my question. I'm referring to the Rome
10 Statute. Given the position that you occupy, you know that States Parties, after
11 ratifying the Statute, have to integrate it into their national legislation. So my
12 question to you is whether at the time of the events the DRC had carried out this
13 exercise.

14 A. (No interpretation) I'm sorry, I did not comply with the five seconds.

15 PRESIDING JUDGE STEINER: Mr Haynes.

16 MR HAYNES: Well, I don't see where leave has been granted to ask this question
17 anyway. It's not clear whether Ms Douzima Lawson is asking the witness about his
18 ability to answer this question in the position he currently holds or the position he
19 held in the MLC. It's not clear what she means by the DRC, which particular
20 government she's referring to. And as far as I'm aware, the Statute of Rome is dated
21 2003 and so cannot be applicable to events in October 2002.

22 PRESIDING JUDGE STEINER: Mr Haynes, the Rome Statute entered into force in
23 July 2002, but the other part of your question, it's reasonable to ask Maître Douzima
24 maybe on the relevance of the question and, secondly, in 2002/2003, DRC, as far as we
25 heard in this courtroom, was a country divided in provinces that had some autonomy.

1 So I'm not sure, when you talk about implementation of the Rome Statute, if you're
2 talking about DRC as a whole or more specifically the province of -- any of the
3 provinces. So you could be more precise. Or in the present case, the Équateur
4 province.

5 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I believe
6 my learned colleague has realised where I was going to. This question was a
7 follow-up to the answer given to me by the witness about the texts applicable during
8 those trials. He talked about the Criminal Code and the Code of Military Justice.
9 I believe that the MLC does not have its own Criminal Code, so my question was, if
10 this had been implemented, it would mean that there would be war crimes, crimes
11 against humanity, that could come into effect here. That is why I asked that
12 question. I believe the witness does not know the answer. So I have no further
13 questions.

14 Thank you, Mr Witness. Thank you, Madam President.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

16 Mr Witness, now the legal representatives of victims, Maître Zarambaud, has also
17 been authorised to put some questions to you.

18 Therefore, I give the floor to Maître Zarambaud.

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

20 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

21 Q. Good morning, Mr Witness.

22 A. Good morning, Counsel.

23 Q. Please respect the five-second rule. I have already introduced myself to you,
24 but I will do so again. I am Maître Zarambaud Assingambi, lawyer in the Central
25 African Bar, and here I am also the legal representative of certain victims. I have

1 been granted authorisation by the Chamber to ask some specific questions to you,
2 and those questions -- or, rather, most of them were based on the summary provided
3 to us by the Defence which, in my opinion, was not detailed enough to enable me to
4 ask you specific questions.

5 I intended to ask you questions about the preparation for the deployment of troops to
6 the CAR, the equipment and uniforms of those troops, communication between
7 Mr Bemba and those troops, but I have noticed that when questions were put to you
8 here about those things, you say that you do not know anything at all about those
9 issues. That is why I will now limit -- I wanted to limit myself to other follow-up
10 questions, but I will not do so now because you did answer some of those questions
11 put to you by the Defence, by the Prosecution and by Maître Marie-Edith Douzima
12 Lawson. This means that I will have only a few questions for you.

13 And for my first question, your Honour, I would like us to go into private session.

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

15 (Private session at 10.10 a.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 23 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 24 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 25 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)

22 (Open session at 10.24 a.m.)

23 THE COURT OFFICER: We are in open session, Madam President.

24 MR ZARAMBAUD: (Interpretation)

25 Q. Very well, Mr Witness. It would be very surprising for a constitution to state

1 that the army is created to go and fight abroad. That question does not even arise.
2 The question that I was putting to you was rather to know whether it was stated that
3 the MLC army could go abroad. For example, in Article 26 of the DRC, there is a
4 regulation about the use of the army in international conflicts, so you cannot say it is
5 not all constitutions of the world that do not mention this. Many constitutions talk
6 about the conditions for the declaration of war, and so on and so forth.
7 Now, as far as you know, did you subsequently learn who had ordered the
8 deployment of MLC troops in the CAR?

9 A. Let me say that what is certain is that the president of the MLC must have been
10 informed or aware, but who actually issued the order, was there later a document,
11 I was really not interested in all that. As I have said from the very beginning, I am
12 not a soldier and I am not interested in military affairs. I worked in two rebel
13 movements and that is how I functioned.

14 PRESIDING JUDGE STEINER: Mr Zarambaud, we very soon we'll have to go into a
15 break, but I ask your permission just to clarify something in relation to this answer.
16 You just mentioned that president of the MLC must have been informed, so then I
17 come back to a question related to a constitution or statute or whatever. Who had
18 the power to send troops or to declare war, because in most of the countries it is the
19 president, it is not a military decision, it is the president because he's the
20 commander-in-chief as well. So within the MLC, the president of the movement,
21 Mr Bemba, was he as well the commander-in-chief of the ALC?

22 THE WITNESS: (Interpretation) Yes, he was the commander-in-chief of the ALC,
23 yes.

24 PRESIDING JUDGE STEINER: So what do you mean when you say that the
25 president must have been informed about the fact that the troops were to CAR?

1 Maybe it's a translation problem.

2 THE WITNESS: (Interpretation) No, your Honour, I am simply insisting to

3 Maître Zarambaud that I'm not interested in military issues. I'm a witness now, and

4 I cannot confirm anything I do not know. I cannot say X or Y dispatched troops, and

5 whereas I'm not certain. As I said, the president of the MLC must have been aware.

6 I cannot state categorically that it was him who gave the order because I have no

7 evidence for that. I do not have any precise information about the person who

8 issued the order to the troops to go to the CAR.

9 (Private session at 10.29 a.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 29 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Open session at 10.34 a.m.)

4 THE COURT OFFICER: We are in open session, Madam President.

5 PRESIDING JUDGE STEINER: And I apologise to parties, participants and our
6 interpreters that we are delayed in relation to our break.

7 Mr Witness, we have half-an-hour break in order for you and our interpreters and
8 court reporters to take some rest. It's 10.35. We'll be back at 5-past-11. 5-past-11.

9 Court officer, please turn into closed session for the witness to be taken outside the
10 courtroom. In the meantime, we will suspend and resume at 5-past-11.

11 (Closed session at 10.35 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Recess taken at 10.36 a.m.)

16 (Upon resuming in closed session at 11.08 a.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 11.10 a.m.)

24 THE COURT OFFICER: We are in open session, Madam President.

25 PRESIDING JUDGE STEINER: Thank you very much.

1 Mr Witness, welcome back.

2 THE WITNESS: (Interpretation) Good morning, your Honour.

3 PRESIDING JUDGE STEINER: I'll give back the floor to Maître Zarambaud.

4 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour.

5 Q. Witness, earlier this morning, just before the break, some questions were put to
6 you about the person who had the responsibility to decide, to make the decision,
7 regarding the sending of troops to the CAR and you were asked who made that
8 decision, and the way you replied, saying that those were military matters and you
9 were not familiar with them, you knew very little about military matters.

10 Now, my question is this: Taking the decision to send nearly 2,000 men to another
11 country where a civil war is under way, namely, an internal problem, do you think
12 that decision was solely a military decision, or was it also a political decision?

13 A. Well, the decision is both military and political.

14 Q. So if the decision is both military and political, wouldn't it be normal for a
15 member of the government, who has taken such a decision, be informed -- correction,
16 whether the members of the government be informed during the discussion or after
17 the troops had been sent, even a long time after? Wouldn't it be normal -- since this
18 is a political decision, wouldn't it be normal for a member of the government of the
19 country sending the troops be made aware of that decision, or be involved in that
20 decision?

21 A. It is possible that a member of the government would be informed, but it's also
22 possible that if other government members were informed, if one member was not
23 informed; that is not the end of the world. If one member of the government is not
24 informed and others are informed, I don't see how that would be serious. I'm saying
25 that regarding that decision myself, I was not informed. That's all. I didn't say that

1 all the government members were never --

2 Q. Please be careful. I believe that we are in open session.

3 A. I see.

4 THE INTERPRETER: Inaudible.

5 THE WITNESS: (Interpretation) Let me repeat: It is possible that a member of
6 the government might be informed, but it is possible that a government member may
7 not have been informed. I never said that all members of the government were
8 never informed. (Redacted)

9 MR ZARAMBAUD: (Interpretation)

10 Q. Thank you, Witness. It is quite likely, but if that same government member is
11 not informed as to who took that decision to send troops out of the country, if that
12 person -- well, if there was no debate within the government, if that person has not
13 been informed that the troops are indeed outside of the country, if that person is not
14 informed that a commission of inquiry had been sent to a country in -- to the country
15 where the troops had been sent, do you think that that government member is truly a
16 member of the government, or isn't that person just a straw figure?

17 A. Let me repeat: It was a time of war and so it is possible that all members of
18 the -- not all members of the government were available at the same time, and so
19 some information may have not been passed on to a government member, but you
20 can't say that that person was a straw man, or that it was a sham. Perhaps that
21 person was busy with other duties.

22 Q. I put this question to you, Witness, because there seems to be so many things
23 that this government member was totally ignorant of. That being said, Witness,
24 within the MLC government, did the Minister of Justice have authority for civil,
25 criminal justice and military justice, even though the military people had been

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1 appointed, but wasn't the minister part of this circle of people within the MLC?

2 A. Well, I've said military justice did not exist in the area that was under MLC

3 control. (Redacted)

4 (Redacted). The reason was a simple one. All the people who could have been part

5 of a formal judicial system, auditors, members of courts martial, had fled the various

6 wars under way in that area before the MLC arrived. (Redacted) --

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

8 (Private session at 11.18 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

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

Page 34 redacted – Private session

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 35 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 36 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 37 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 38 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 39 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 40 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 41 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 42 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 43 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 44 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Open session at 11.58 a.m.)

1 THE COURT OFFICER: We are in open session, Madam President.

2 MR ZARAMBAUD: (Interpretation)

3 Q. What was the outcome of that instruction given by Mr Bemba to the troop
4 commanders?

5 A. Please, you can ask Mr Bemba. He's here. I am not aware of what happened.
6 Those were soldiers. I am not a soldier. I could not have gone to find out what
7 happened, did the soldiers provide any reports, and so on and so forth.

8 Q. Since this was not your responsibility, how did you get to know that he had
9 ordered the commanders to continue questioning the soldiers?

10 A. I do not quite understand your question.

11 Q. You stated that, "When the MLC soldiers returned, Mr Bemba asked the troop
12 commanders to continue questioning their troops," and when I asked you what was
13 the outcome of that questioning, you told me you are not a soldier and you do not
14 know. So my follow-up question to you is this: Regarding the order to continue
15 questioning those troops, since you are not a soldier how did you get to know this?

16 A. It was during a discussion with one of the magistrates. That is when I learned
17 of that.

18 Q. According to your statement here, the order was given to the commanders - the
19 troop commanders - and you learned from one of the magistrates?

20 A. That's right.

21 Q. Thank you. No doubt this will be my last question. Since you mentioned
22 troops that had come back, when did those troops come back? If you can't tell me
23 the day, at least could you tell us which month and what year?

24 A. I really don't know. I can't answer that question, just as I didn't know the day
25 on which they left. I didn't know, except that in a meeting of the executive we

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

1 decided that the troops would come back on 15 March. Now, did they get back on
2 15 March after the incident that occurred in the CAR? It was 15 March. That is
3 when the troops were supposed to return. It was even announced to the press but,
4 you see, after they were attacked what actual day they came back, I have no idea.

5 Q. Well, if I've understood correctly, it was when the executive made a decision?
6 That's when it was decided that MLC troops who had been sent to the CAR would be
7 repatriated on 15 March? Is that correct? Have I understood?

8 A. That's right.

9 Q. But you don't know whether the troops actually did come back on the 15th?

10 A. No.

11 MR ZARAMBAUD: (Interpretation) Thank you, Witness. Thank you for
12 answering my questions.

13 Your Honour, I have concluded and I thank you.

14 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

15 Judge Aluoch wants a clarification.

16 JUDGE ALUOCH: Mr Witness, you have just stated that -- well, let me put it this
17 way: The troops - the MLC troops - stayed in CAR up to about March and the
18 commission that was set up in Zongo sat in December for two or three days.

19 Now -- and came up with a finding or a conclusion that there was no pillaging as no
20 goods passed through Zongo. Now, during the months of January, February, March,
21 was there any way in which MLC could tell or, you know, anybody could tell
22 whether any goods passed via Zongo, any pillaged goods, January, February, March,
23 because the commission sat in December? Can you throw any light on this, please?

24 THE WITNESS: (Interpretation) Thank you, your Honour. The decision to
25 repatriate the MLC troops was taken so that they would come back to the Congo on

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

1 15 March, but the troops did not remain in the CAR until 15 March because, once
2 they began their preparations to return home, the troops that they had left to support
3 had changed camp and started to shoot at them. So they no longer remained until
4 the 15th. They came back a few months earlier than that. The exact date I don't
5 know, but I know that once the date of retreat had been announced, that is 15 March,
6 the MLC troops -- correction, the troops that the MLC were supposed to support
7 started to shoot at the MLC troops and consequently the MLC soldiers did not remain
8 in the CAR until 15 March. They came back far before that date.

9 JUDGE ALUOCH: What I was interested in specifically, during the months of
10 January, February, March, if there was any pillaging, if there were any goods passing
11 via Zongo, would -- is there any evidence of that? Because the commission had sat
12 in December and completed their work and submitted their report. That's what I'm
13 interested in, the months of January, February, March?

14 THE WITNESS: (Interpretation) Your Honour, I have no information about what
15 happened in February, January, March, because there were no longer any MLC
16 soldiers over in the CAR as far as I know. I don't know exactly when they came
17 back, but I don't have any information. No additional information about what
18 happened in Zongo in January, February or March.

19 JUDGE ALUOCH: Thank you.

20 PRESIDING JUDGE STEINER: I am informed that Defence wants to redirect, but if
21 Mr Haynes just allow me one minute?

22 MR HAYNES: Certainly.

23 PRESIDING JUDGE STEINER: Just for the record, this morning I mentioned to
24 Maître Douzima that I was confused with some of the references, pages and lines that
25 she mentioned as references to quotations, so in relation to my first comment that was

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

1 on today's -- today's transcript, lines 5 and 6, I apologise to Maître Douzima. The
2 reference is correct. It was related to the edited French version and it was correct.
3 However, on line -- on line 10 of today's transcript, when Maître Douzima refers to
4 some parts of the witness's statement that could be on the transcript of 6 November,
5 page 34, these ones I checked with the French edited version and page 34 does not
6 refer exactly to what Maître Douzima said. So in relation to my doubts, it's still
7 pending a clarification on this quotation that would be on page 34 of transcript 267.
8 Mr Haynes, you have the floor.

9 MR HAYNES: Thank you very much, your Honour.

10 QUESTIONED BY MR HAYNES:

11 Q. Sir, we have about 20 minutes and I think that should be comfortably enough.
12 I just want to tidy up a few of the things that you have been asked about in the last
13 couple of days. Sir, do you recall looking at the document that related to the trials of
14 the seven people arrested in Bangui?

15 A. Yes, Counsel.

16 Q. And do you recall that Her Honour Judge Steiner in particular directed your
17 attention to the fact that one of the accused was arrested on 30 October?

18 A. That's correct.

19 Q. And we all agree that the trial of those accused took place on 5 December and
20 lasted for about three days; do you remember that?

21 A. Yes.

22 Q. I want to ask you this: 30 October to 5 December is exactly five weeks. Is that
23 a long time, a short time, or about a normal time for an accused in a military trial to
24 wait for his trial?

25 A. I think it is a sufficient amount of time.

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Open Session)

ICC-01/05-01/08

1 Q. And do you know whether those accused were represented by counsel at their
2 trial?

3 A. The statements, rather the records of the hearings, show that they were assisted
4 *by a counsel. What's more, Mr. Kendishiba was his name. I saw his name.

5 Q. Thank you very much.

6 PRESIDING JUDGE STEINER: Mr Haynes, may I? When you say here that, "I said
7 that one suspect was arrested, one of the accused was arrested on 30 November" --

8 MR HAYNES: 30 October.

9 PRESIDING JUDGE STEINER: "30 October," I'm sorry, maybe I did not express
10 myself correctly. I just asked what the words or the initials "DA" meant and he said
11 date of arrestation, but the document gives the impression that the four of them, the
12 four prévenus were arrested on the same day, not one of them.

13 MR HAYNES: I phrased that question very carefully because in fact the passage you
14 put to him I think only relates to one of them, but I am perfectly happy with the
15 correction that you make. That's not relevant to my point. It is the time they had to
16 prepare for their trial and had to wait for it.

17 Q. Can we move on now. How far is Imese from Zongo?

18 A. It's quite a distance. I couldn't tell you exactly how many kilometres. I don't
19 know.

20 Q. And is Imese inland from Zongo, or is it on the River Ubangi?

21 A. Somewhat away from Zongo. A bit of a distance away from Zongo.

22 Q. If you were travelling from Bangui to Imese, which route would you have to
23 take?

24 A. Well, I think you would take the river. Well not -- the Ubangi River, perhaps,
25 and then a road. I really am not very sure, because there are some roads that are not

1 operative, so to speak; roads that in theory exist but can't really be used at this time.

2 Q. When you say "take the river," would you have to pass through Zongo to go
3 from Bangui to Imese?

4 A. In principle, it is the way out.

5 Q. So what you saw and heard in Zongo, how did that affect the credibility of the
6 rumours that the notable had heard about goods in Imese?

7 A. I don't really understand your question. Could you repeat it, please?

8 Q. Yes. What was the relevance of the fact that you found no goods in Zongo to
9 the rumour that there had been goods - pillaged goods - in Imese?

10 A. Generally speaking, goods were not found. One gentleman, one notable, said
11 that he allegedly heard -- said to the magistrates who had been -- who interviewed
12 him that he had heard rumours that goods had gone to Imese, or Dongo I believe.

13 Q. Okay. Well, perhaps something else. Mr Iverson asked you at the very end
14 of his examination whether you knew how many victims there were in this case. I
15 want you to reflect now (Redacted). Since then 5,000
16 people have complained that they were the victims of pillage. They claim to have
17 lost motor cars, motorcycles, generators, televisions, mattresses, computers, radios.
18 Did you see anything (Redacted) that would support that sort of activity in the central
19 activity -- in the Central African Republic having taken place?

20 PRESIDING JUDGE STEINER: Court officer, please turn to private session.

21 (Private session at 12.15 p.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12

13 Page 52 redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Open session at 12.23 p.m.)

23 THE COURT OFFICER: We are in open session, Madam President. The document
24 is public and will be broadcasted outside.

25 MR HAYNES: Thank you. This is the letter of Mr Bemba to the Special

1 Representative of the United Nations of 4 January 2003. Can we go to the second
2 page of this document, please?

3 Q. And I wonder if you would be so kind to read the last big paragraph, beginning
4 "Je vous adresse"?

5 A. "I am writing to you to request your assistance with investigations to be carried
6 out both with the populations concerned and with religious communities and other
7 credible NGOs with a view to shedding light on what truly happened in the field.
8 The results of this inquiry, and I wish these investigations to be entirely transparent,
9 will allow me to bring those who have done wrong before the court martial that will
10 operate. To this end, and thereby put an end for once and for all to unacceptable
11 behaviour by men who should actually be the very framework of the republican army,
12 disciplined, and who ensure the respect of human rights wherever they intervene."

13 MR HAYNES: Thank you. Can we move now to document 21, please, which is
14 CAR-DEF-0001-0826?

15 Q. Now, this is the response of the Special Representative of the United Nations to
16 Mr Bemba written a little over three weeks later on 27 January 2003. I wonder if you
17 would just read the body of that letter for us?

18 A. "Mr President, I am honoured to acknowledge receipt of your letter mentioned
19 above in relation to the recent intervention of MLC troops in the Central African
20 Republic at the request of His Excellency Ange-Félix Patassé, President of the
21 Republic and leader of the CAR government. In accordance with your wishes, I
22 have upon receipt of your correspondence brought the contents of this letter to the
23 attention of the Secretary-General of the United Nations. I am entirely at your
24 disposal for any initiative relating to an inquiry. I remind you that the CAR and
25 Chad have agreed upon the establishment of an international commission of inquiry.

1 Sincerely yours, General Lamine Cissé, Representative of the Secretary-General."

2 Q. Sir, being careful not to say anything that would reveal your identity, was it
3 your understanding that the United Nations were going to set up a commission of
4 inquiry about events in the Central African Republic?

5 A. That's right. I had said that Mr Bemba had written to the Secretary-General of
6 the United Nations asking for an investigation and, in light of the seriousness of the
7 accusations, I had no doubt that very quickly a commission of inquiry had to be set
8 up. And I said that and I reiterate that point today.

9 MR HAYNES: Thank you. Can we now go to document 38, please?

10 PRESIDING JUDGE STEINER: Mr Haynes, sorry, may I ask you how long you
11 would take, because I can suspend for a lunch-break, or I can maybe ask our
12 interpreters and court reporters if we could go a little bit further since we -- in that
13 case we won't have a hearing in the afternoon?

14 MR HAYNES: I don't anticipate I will overrun by more than ten minutes.

15 PRESIDING JUDGE STEINER: Therefore, I ask would it be agreeable to the
16 interpreters and court reporters that we extend maybe 15 minutes and then we don't
17 have hearing in the afternoon? Is that agreeable to the parties and participants?
18 Thank you very much.

19 You can proceed, Mr Haynes.

20 MR HAYNES: My thanks as well to everybody and your Honour. I was just
21 asking the court officer if we could just have a quick look at document number 38,
22 which is CAR-DEF-0001-0152.

23 Now, this is the letter of Mr Bemba to the President of the FIDH, and I wonder if we
24 can go down the page a little bit? We pause to note that this was written on the
25 4th -- on 20 February.

1 Q. And I wonder if you would be so good just to read the last three paragraphs of
2 that letter, please, on that page?

3 A. "On 30 October 2002, led by Lieutenant-Colonel Mondonga and Captain
4 Augustin Gbendo, a team made up of five ALC officers went to Bangui. On
5 28 November 2002, the investigation report noting the involvement of several ALC
6 soldiers in acts of looting was filed with the General Staff of the ALC. The results of
7 the investigation led to eight soldiers accused of looting being charged by the military
8 court in accordance with the provisions of the Code of Conduct of the ALC. These
9 soldiers are currently serving sentences ranging from three to 24 months.
10 Alongside this internal investigation, on 4 January 2003, I asked the United Nations
11 for support, asking that an international investigation commission be established so
12 that all light could be shed on the events that occurred in Bangui. Of course, I
13 confirmed that the MLC was entirely determined to co-operate, with a view to
14 demonstrating the truth regarding violations of human rights in the Central African
15 Republic."

16 MR HAYNES: And could we just go over the page, please?

17 Q. And I'd like you just to read to us, please, the last but one paragraph, beginning
18 "Je suis pret"?

19 A. "I am ready, if you deem it necessary, to make an effort with you in a spirit of
20 transparency and responsibility to establish the truth, the entire truth, on the events
21 that took place in Bangui in the Central African Republic over the past months."

22 MR HAYNES: Thank you.

23 Now, can we just pass to document 39 briefly? I'll give the ERN number as well.
24 That's CAR-DEF-0001-0154. And I wonder if you could just go down the page a
25 little?

1 Q. And, if you would, just read to us please the last two paragraphs of that letter.

2 A. "The FIDH intends to assist in the establishment of the facts not only for the
3 purpose of the ascertainment of the truth, but also to contribute to the effective
4 respect of the rights of the victims to justice and reparation and, furthermore, to
5 contribute in preventing a repeat of such acts. That was the purpose of the FIDH
6 seizing the International Criminal Court on Thursday, 13 February 2003. While
7 waiting the examination of the dossier, I am certain that the Court will appreciate
8 receiving all the information contributing to the ascertainment of the facts and the
9 responsibilities. I can only encourage you to transmit to them all the information
10 and materials in your possession."

11 Q. Thank you. As I understand the position, you yourself did not see the FIDH
12 report?

13 PRESIDING JUDGE STEINER: Sorry, Mr Haynes. When you are with your
14 microphone on, the typing of Maître Kilolo sounds really, really hardly in our ears.

15 MR HAYNES: It sounds like a rock band. Yes, I think he's suitably embarrassed,
16 your Honour.

17 Q. Again, being careful not to say anything that reveals your identity, does it
18 surprise you that you didn't see the FIDH report?

19 A. Yes, indeed, I am surprised that I did not see that report.

20 Q. Well, we may have to hear some other evidence about the date of its publication,
21 but calling upon (Redacted), what basis for an investigation
22 would it be that you knew that a victim whose initials you had was 17 and lived in a
23 certain district of Bangui, but no more than that?

24 A. Yesterday, I said that, for an investigation to be serious, all the parties have to
25 be interviewed and, if necessary, confronted, so one has to question the victims, the

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1 alleged perpetrators, witnesses, and then all that information cross-checked. So that
2 would make the investigation valid.

3 Q. You also told us that Mr Bemba had written to the Prime Minister of the Central
4 African Republic. Do you know what the terms of that letter were?

5 A. No, I did not see the letter, but the substance would have been the same as the
6 other two letters; that is asking the Central African authorities to possibly carry out
7 an investigation and state that he was prepared to contribute to that investigation. I
8 did not see that letter, so that is what it was said. He was supposed to send that
9 letter and indicate that he was prepared to assist in ensuring the ascertainment of the
10 truth.

11 MR HAYNES: Thank you.

12 And can we go into private session briefly, your Honour, please?

13 PRESIDING JUDGE STEINER: Court officer, please.

14 (Private session at 12.40 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26 08.11.2012

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 12.42 p.m.)

7 THE COURT OFFICER: We are in open session, Madam President.

8 MR HAYNES: Thank you.

9 Q. So far as you were aware, after the events in Bangui, did the Government of the
10 Democratic Republic of Congo ever receive a request for the extradition of Mr Bemba
11 to the Central African Republic?

12 A. I'm not aware of that.

13 Q. What about any soldier who was alleged to have committed any offence in the
14 Central African Republic?

15 A. No, all the MLC soldiers, as part of the reunification, were integrated into our
16 army. Those who had gone to the CAR are working peacefully.

17 Q. And so far as you're aware, did the Central African authorities ever provide
18 information to the Government of the Democratic Republic of Congo sufficient to
19 arrest or interview any soldier?

20 A. In any case, I have no knowledge of the Central African authorities making a
21 request about any soldier at all.

22 MR HAYNES: Thank you very much. I have no further questions.

23 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

24 Mr Witness, as promised, you conclude -- you have just concluded your testimony
25 before this Chamber. On behalf of the Chamber, I would like to thank you very

1 much for finding time to come to The Hague and give testimony in this case.
2 In order for the Judges to find the truth, it's crucial that witnesses such as yourself are
3 prepared to give evidence and to assist us on the relevant issues of the case. We are
4 aware that this may have been inconvenient for you. It's a long trip, you stayed long,
5 for so long far from your family, from your daily duties and obligations, and you
6 therefore leave us with our sincere thanks.

7 Before you leave, Mr Witness, I would like to ask whether there is anything that you
8 would like to address to the Chamber? If you so wish, that is the opportunity and I
9 give you the floor.

10 THE WITNESS: (Interpretation) Thank you very much, your Honour. For my
11 part, I would like to thank you sincerely for having me here. I appreciate the way
12 that you conduct the proceedings here.

13 Yesterday, when the Prosecutor asked me whether I had received money, I
14 considered it was -- he was looking down on me. I am not so miserable that I came
15 here to testify for money. Witnesses appear here because they're interested in the
16 administration of justice, and I had to thought -- I had to think a great deal before
17 coming here this morning to continue my testimony. I was shocked. It is not
18 because I come from Africa that such a question would have been asked to me. If it
19 was a university professor from Canada or Chile, who came here, I wonder whether
20 such a question would have been put to him? That really hurt me. I did not travel
21 here for money. The Prosecutor calls witnesses here, so I would be very concerned if
22 they are referring to witnesses in terms of money. I really appreciate the job you are
23 doing and the work that you are doing is very helpful for humanity as a whole.
24 Thank you.

25 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I will -- before I ask the

Trial Hearing
Witness: CAR-D04-PPPP-0048

(Closed Session)

ICC-01/05-01/08

1 court officer to turn into closed session, I would take the opportunity to thank very
2 much Prosecution team, the legal representatives of victims, the Defence team,
3 Mr Jean-Pierre Bemba Gombo. To thank very, very much again our interpreters and
4 court reporters that made possible for us to finalise the testimony in three days, or
5 less than three days, even less than expected. Without their kindness, maybe it
6 would not have been possible.

7 We will adjourn for today and resume on Monday, 19 November, and in accordance
8 with the oral decision issued by the Chamber this morning, following the proposed
9 order -- the order proposed by the Defence team, we will start on Monday, 19th, with
10 the testimony of Witness 49.

11 Mr Witness, again I thank you very much. VWU will give you all assistance you
12 need after you finalise your testimony.

13 I ask, then, the court officer to turn into closed session for the witness to be taken
14 outside the courtroom. In the meantime, we will adjourn and resume on Monday,
15 19 November, for the testimony of Defence Witness 49.

16 (Closed session at 12.49 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (The hearing ends in closed session at 12.50 p.m.)

21 CORRECTIONS REPORT

22 The Court Interpretation and Translation Section has made the following corrections
23 in the transcript:

24 *Page 50 line 4

25 "by a counsel and the name of the counsel was given." Is corrected by "by a counsel.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0048

- 1 What's more, Mr. Kendishiba was his name. I saw his name."