

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 Monday, 8 April 2013
8 (The hearing starts in open session at 9.06 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
15 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case reference
16 ICC-01/05-01/08, and for the record we are in open session.
17 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team.
18 Maître Douzima we hope very soon will be joined by Maître Zarambaud. Good morning
19 legal representatives -- sorry, Defence counsel, Mr Jean-Pierre Bemba. Good morning to
20 our interpreters, our court reporters. Good morning, Ms Toumaj.
21 THE COURT OFFICER (DRC): (Interpretation) Good morning, your Honour.
22 PRESIDING JUDGE STEINER: Today Defence will continue with the presentation of its
23 evidence by calling Witness CAR-D04-PPPP-0021, or Witness D-21.
24 In accordance with the Chamber's decision of 3 April 2013, decision 2572-Red, the
25 testimony of Witness D04-21 will be heard by means of video technology.

1 Before we commence with the testimony the Chamber has a couple of oral decisions to
2 deliver, and the first one is the oral decision on the applications to question Witness
3 D04-21 by the legal representatives of victims.
4 On 11 March 2013, the Chamber received an application from Maître Douzima Lawson on
5 behalf of the victims that she represents to question Witness D04-21, filing 2531-Conf.
6 The application contains a list of 20 questions.
7 Similarly, on 11 March 2013 the Chamber received an application from Maître Zarambaud
8 on behalf of the victims that he represents, filing 2530-Conf. The application contains a
9 list of 25 sets of questions.
10 Having considered the reasons given by both Maître Douzima and Maître Zarambaud as
11 to why the personal interests of the victims they represent are affected, the Chamber
12 allows the respective applications to question Witness D04-21.
13 Turning to the questions as set out in their aforementioned filings, both legal
14 representatives are allowed to put all of their proposed questions to the witness.
15 The Chamber also has an oral decision on the Defence list of documents to be used during
16 questioning of Witness D04-21.
17 The Chamber regrets to have to recall its oral decisions of 22 November 2012, transcript
18 273, page 1, line 22, to page 2, line 23, and of 25 February 2013, transcript 284, page 2, line
19 16, to page 4, line 3, in which it ordered the parties and participants to ensure, in case an
20 item is registered on more than one ERN number and has already been admitted into
21 evidence under one of those ERN numbers, that they use the document registered under
22 the ERN number that has already been admitted into evidence for the questioning.
23 The Chamber notes that the Defence again did not comply with the Chamber's orders and
24 included in its updated list of documents to be used during the questioning of Witness
25 D04-21, sent by email on Wednesday, 3 April 2013, at least four items which have already

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Closed Session)

ICC-01/05-01/08

1 been admitted into evidence under a different ERN number: In particular (a) document
2 number 5 on the Defence's list, CAR-DEF-0001-0076, has been already admitted into
3 evidence under ERN CAR-OTP-0017-0363; (b) document number 6 on the Defence's list,
4 CAR-DEF-0001-0078, has already been admitted into evidence divided under ERN
5 numbers CAR-OTP-0017-0349 and CAR-OTP-0017-0351; (c) document number 14 on the
6 Defence's list, CAR-DEF-0001-0826, has already been admitted into evidence under ERN
7 CAR-OTP-0033-0209; and (d) document number 35 on the Defence's list,
8 CAR-OTP-0032-0196, has already been admitted into evidence under ERN number
9 CAR-OTP-0098-0003.

10 Therefore, in order to ensure the expeditiousness and best management of the
11 proceedings, pursuant to Article 64(2) and 64(8)(b) of the Rome Statute and Regulation
12 29(1) of the Regulations of the Court the Chamber orders the Defence to refrain from
13 using documents which are a duplicate of items already admitted into evidence and to file
14 an updated list of documents following the Chamber's instructions by 4 p.m. today at the
15 latest.

16 Now I'm asking, please, the court officer to go into closed session in order for the witness
17 to be brought into the location of the video link.

18 (Closed session at 9.17 a.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Closed 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 4 redacted – Closed session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Closed Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12 Page 5 redacted – Closed session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Closed Session)

ICC-01/05-01/08

1

2

3

4

5

6

7

8

9

10

11

12 Page 6 redacted – Closed session.

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Closed 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 (Open session at 9.32 a.m.)
- 16 THE COURT OFFICER: We are in open session, Madam President.
- 17 PRESIDING JUDGE STEINER: Mr Witness, we are in open session - in public
- 18 session - but as we just decided your image and your voice that are broadcast outside the
- 19 courtroom are being distorted so that the public cannot identify you. Only the persons
- 20 here inside the courtroom can see you and can hear to your voice.
- 21 Mr Witness, somewhere in front of you there is a card on which is printed a solemn
- 22 undertaking. Could you please read out the words on the card?
- 23 THE WITNESS: (Interpretation) "Solemn undertaking: I solemnly declare that I shall
- 24 speak the truth, the whole truth and nothing but the truth."
- 25 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can you

1 confirm that you understand what the oath means?

2 THE WITNESS: (Interpretation) Yes, indeed, your Honour.

3 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
4 answers to the questions asked of you that are true and accurate to the best of your
5 knowledge and belief?

6 THE WITNESS: (Interpretation) That is the reason why I am here, your Honour.

7 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by
8 Victims and Witnesses Unit, you will be questioned first by the Defence, then by the
9 Prosecution, then by legal representatives of victims authorised to participate in these
10 proceedings and after that the Defence has the right to question you once more.
11 As has been just decided by the Chamber, the Chamber has put in place measures to
12 protect your identity from the public and you will therefore be referred to during the
13 course of your testimony as "Mr Witness," or "Witness 21." Your voice and your image
14 that are broadcast outside the courtroom, as I already said, are distorted so the public
15 cannot identify you.
16 You should be aware, Mr Witness, that there are other witnesses, victims or persons
17 connected with this case whose identities should not be made public. I would therefore
18 ask you that you exercise caution in mentioning names of persons who may be considered
19 vulnerable in the context of these proceedings.

20 In order to help us in keeping your identity protected, it is important that when we are in
21 open session, as we are now, you don't mention any information that could lead to your
22 identification. For instance, you should avoid mentioning of course your name; the
23 position you occupy today; the position you occupied at the time of the events; the names
24 of close friends or family members; events at which you were present with a limited
25 number of other people that could identify you, for instance a meeting in which you were

1 present together with two or three people. If you release this information in public
2 session, it will be easy for you to be identified.
3 If you need to mention information of this sort, Mr Witness, please let us know and we
4 can go into private session for you to speak freely. In private session, nobody outside the
5 courtroom can listen to what you say and you can speak freely without being heard.
6 The parties, participants and the Chamber, Mr Witness, will help you in identifying which
7 kind of answers can lead to your identification, but it is very important for you to
8 co-operate with us in keeping your identity from being disclosed to the public.
9 Do you understand the protective measures as I just explained, Mr Witness?

10 THE WITNESS: (Interpretation) Yes, perfectly well, your Honour, and I would like to
11 make a small request.

12 PRESIDING JUDGE STEINER: Please go ahead, Mr Witness.

13 THE WITNESS: (Interpretation) I have understood all the precautions that I need to
14 take so as not to identify myself, but if by mistake I start mentioning information that can
15 identify me I would like to request the Court to interrupt me.

16 PRESIDING JUDGE STEINER: I will make it sure that we call your attention if we
17 realise that you are releasing information; identifying information.

18 There is one more point, Mr Witness, that I take the opportunity to explain to you. The
19 broadcast of your testimony is displayed to the public with a half-an-hour delay. That
20 means that, if by chance you say something that you shouldn't, the Presiding Judge
21 immediately orders the redaction of the information from the public broadcast. So be
22 sure that the Chamber will do all possible in order to keep the protective measures in
23 place and avoid your identity to be made public.

24 Do you understand that, sir?

25 THE WITNESS: (Interpretation) Yes, I fully understand, your Honour, but one last

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 question: Since there is a 30-minute lag before the public broadcast, what about the
2 members of the public who are in the public gallery? They can listen directly; is that
3 correct? There is no time lag?

4 PRESIDING JUDGE STEINER: That's correct, Mr Witness. In relation to the public that
5 is in the galleries here, there is no delay. That's why it's so important that you and the
6 parties that are questioning you are very cautious and prevent you from releasing
7 identifying information.

8 Do you understand that, sir?

9 THE WITNESS: (Interpretation) I perfectly understand, your Honour.

10 PRESIDING JUDGE STEINER: Mr Witness, it's also important for you to have in mind
11 that, because we speak different languages, there is interpretation so that we can
12 understand each other. Because of this and the fact that you are testifying by video link
13 technology, it is very important that you speak slower than normal in order to allow the
14 interpreters to do their job.

15 There is also what we call a "five-seconds golden rule." That means that, whenever a
16 question is put to you, you should count to five before you start answering to the question
17 in order to allow the interpreters to finalise the translation of the question.

18 Since this may seem unnatural it may be that you start speeding up at a certain point, it's
19 normal, but if that occurs I will have to interrupt you and remind you to slow down again.
20 This is purely for practical purposes, and you should not take offence if I have to interrupt
21 you many times and it should not discourage you from speaking.

22 Do you understand our ground rules, Mr Witness?

23 THE WITNESS: (Interpretation) Yes, indeed, your Honour.

24 PRESIDING JUDGE STEINER: I will now ask the court officer to turn into private
25 session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Private Session)

ICC-01/05-01/08

- 1 (Private session at 9.45 a.m.)
- 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 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 12 redacted – Private session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 9.53 a.m.)

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

6 PRESIDING JUDGE STEINER: Mr Witness, we are again in open session. Open

7 session, just to remind you, means that your image and voice that are broadcast are

8 distorted so that the public can hear you but cannot identify you by your face or by your

9 voice.

10 For your information, we will have today two sessions of two hours each. If for any

11 reason, Mr Witness, you need a break, just let us know and a break will be given.

12 Do you have any questions, Mr Witness?

13 THE WITNESS: (Interpretation) I do not have any question for you at this point. I

14 simply would like to thank you.

15 PRESIDING JUDGE STEINER: I give the floor to Defence, Maître Kilolo. The Defence

16 will be the first to question you.

17 Maître Kilolo, you have the floor.

18 MR KILOLO: (Interpretation) Good morning, your Honours, and thank you for giving

19 me the floor.

20 QUESTIONED BY MR KILOLO: (Interpretation)

21 Q. Good morning, Mr Witness.

22 A. Good morning, Counsel.

23 MR KILOLO: (Interpretation) I would like to ask the Presiding Judge to grant us a

24 private session.

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

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Private Session)

ICC-01/05-01/08

- 1 (Private session at 9.56 a.m.)
- 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 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 15 redacted – Private session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 16 redacted – Private session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 17 redacted – Private session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 18 redacted – Private session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 19 redacted – Private session.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(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 (Open session at 10.21 a.m.)
- 16 THE COURT OFFICER: We are in open session, Madam President.
- 17 MR KILOLO: (Interpretation)
- 18 Q. Now, Mr Witness, we are in open session, and this means that the public will be able
- 19 to hear what we are saying to each other. However, this public will not be able to hear
- 20 your voice as such, which is distorted, nor will they be able to see your image, which is
- 21 also distorted on the screen.
- 22 My question is the following, Witness. Could you please tell us what the raison d'etre of
- 23 the MLC was as a rebellion movement at the time?
- 24 A. The MLC, or the Mouvement pour la Libération du Congo, was set up in order to
- 25 respond or address the Congolese paradoxical situation at the time. In fact, people do

1 not understand how it is that in an immensely rich country, by virtue of its natural
2 resources above and below ground and by virtue of its population, they do not
3 understand why it is that the population today is one of the poorest in the entire world.
4 This is what we call the Congolese paradox.

5 The only explanation that we have been able to furnish in regard to this paradox is that if
6 the Congolese nationals are suffering within a rich country, it is not because they lack any
7 form of intelligence. It is not because they are lazy. The only reason that we have
8 found to explain this paradox is bad governance. So, as such, the Congo had to be freed
9 from this bad governance, or situation of bad governance. That is why we refer to the
10 liberation of Congo. And bad governance involves tribalism, nepotism, incompetence,
11 impunity. I do not intend to talk of everything that -- all the ill that has befallen our
12 republic, but this is the main point of departure that was underlying the creation of the
13 MLC. And why was it a political and military movement in nature?

14 It really was the last resort. It was the last resort that we had because dialogue had
15 proved impossible with the powers that be, and constitutional provisions within our
16 country recommended that every citizen rise up by all means possible against an
17 individual who is attempting to impose themselves as a leader by resorting to violence.
18 So, in brief, this is the point of departure or the underlying thought process which
19 resulted in the creation of the MLC.

20 Q. Now, between the years 2002 and 2003, what was the status or legal status of the
21 MLC movement?

22 A. The MLC was set up in the year 1998, and in 1999, the Lusaka Agreement was
23 signed. This granted a virtually state status to the three belligerent parties, notably, the
24 government of Kinshasa, the RCD and the MLC. Those are the three entities that divided
25 the management of the republic into three distinct zones.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 Now, in view of the fact that we signed the Lusaka Agreement on an equal footing with
2 the government of Kinshasa, we had the same prerogatives, with the exception, of course,
3 of the fact that we did not have the right to send ambassadors abroad.

4 MR KILOLO: (Interpretation) I would like to request that the court officer place at the
5 disposal of the witness document number 3 of the documents in the Defence list, at the
6 page CAR-D04-0003-0538.

7 THE COURT OFFICER (DRC): (Interpretation) Maître Kilolo, the document
8 CAR-D04-0003-0527 at page 0538 is currently being presented to the witness.

9 MR KILOLO: (Interpretation)

10 Q. Now, Mr Witness, you have therefore the Lusaka Agreement that you talked about
11 and I would like to request that you read Chapter 6 of Annex A of the Lusaka Agreement
12 that you have before you, please.

13 I would like to request that you read the entirety of Chapter 6.

14 A. "Chapter 6: The re-establishment of the authority of the State within the entire
15 Congolese territory:

16 6.1 Within the terms of this agreement and subsequent to the negotiation of the
17 Congolese State, the administration of the State will be re-established within the entirety
18 of the DRC and, as soon as this agreement enters into force, there will be a mechanism - a
19 consultation mechanism - between the ..." --

20 THE INTERPRETER: The interpreter requests that they please slow down in reading out
21 the document. It is impossible to follow and provide interpretation at such speed when a
22 document is read out.

23 THE WITNESS: (Interpretation) "... as soon as this agreement enters into force, there
24 will be a mechanism for consultation between the Congolese parties which will enable to
25 establish within the entire national territory acts and to lead operations and actions that

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 will be of general interest; notably within the fields of public health, the national
2 vaccination campaign, education, the correction of State examinations, migration and the
3 circulation of people and goods."

4 MR KILOLO: (Interpretation)

5 Q. Witness, we would just ask you to re-read this Chapter 6 again. I am afraid I think
6 you are a bit too fast. Please could you slow down the speed at which you read it to
7 enable the translation in English to take place.

8 A. I'm sorry, Counsel. So, I shall take it again. "Chapter 6: The re-establishment of
9 the State administrative authority over the entire Congolese territory:

10 6.1 Under the terms of this agreement, and following the inter-Congolese political
11 negotiations, the State administrative authority shall be re-established throughout the
12 territory of the Democratic Republic of Congo.

13 6.2 From the entry into force of this agreement, there will be a consultation mechanism
14 between the Congolese parties which will make it possible to carry out throughout the
15 national territory to make docs -- to put forward documents and also to carry out
16 operations or carry out actions which come under the general interest; in particular in the
17 fields of public health, by way of example a national vaccination campaign, national
18 education --

19 THE INTERPRETER: "Education," the witness corrects himself.

20 THE WITNESS: (Interpretation) -- by way of example the correction of State exams,
21 migration and the movement of goods and persons."

22 MR KILOLO: (Interpretation)

23 Q. So, Witness, my question is what is the scope of this text in relation to the functions
24 of the MLC movement, at least during the period between 2002 and 2003?

25 A. The understanding that I have of this text is as follows: The text recognises that de

1 facto the country is divided up into three different administrative zones, or areas, and that
2 it is necessary, following the inter-Congolese dialogue, it is necessary to reunify the
3 national territory, and secondly, this text proposes that with regards to reunification, from
4 the entry into force of the agreement, that Gbadolite, Kinshasa and Goma, the three
5 capitals of the administrative areas of the belligerence, can consult and make the entire
6 territory function as one entity, while reunification still has not been effective, and it is
7 within that framework that paragraph 6(2) illustrates such initiatives with certain
8 examples. Because the country is divided up, while awaiting reunification, you can still
9 organise vaccination campaigns throughout the national territory. As the country is
10 divided up, while awaiting reunification, you can still organise state exams, the same
11 exams throughout the national territory, despite the de facto splitting of the country into
12 three different entities.

13 Counsel, I don't know if this has answered your question.

14 Q. Indeed it has, Witness. This text, is it directly linked to the legal nature or the
15 status of the MLC which you spoke to us about a moment ago?

16 A. I think indeed, yes, it is, because this document recognises that the MLC as an entity
17 has its point of view to put forward with regard to migration and the movement of goods
18 and persons throughout its territory. Here, I'm talking about its territory, "its" being the
19 term I would use.

20 MR KILOLO: (Interpretation) I would ask the court officer to show the witness page
21 CAR-D04-0003-0532. This is the third document of the Defence's list. Please, could you
22 highlight Article 2, if you would be so kind.

23 THE COURT OFFICER (DRC): (Interpretation) Counsel Kilolo, the document, or page
24 0532, is being shown to the witness.

25 MR KILOLO: (Interpretation)

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 Q. Witness, would you be so kind as to read Article 2 of the Lusaka Agreement?

2 A. "Article 2. Security concerns: From the entry into force of this agreement the
3 parties commit themselves to immediately finding solutions to the concerns of the
4 Democratic Republic of Congo and neighbouring countries with regard to security."

5 MR KILOLO: (Interpretation) I would ask the court officer to show the witness page
6 CAR-D04-0003-0533.

7 THE COURT OFFICER (DRC): (Interpretation) Counsel Kilolo, the page 0533 is being
8 shown to the witness.

9 MR KILOLO: (Interpretation) Please, could we go back to the previous page,
10 CAR-D04-0003-0532.

11 THE COURT OFFICER (DRC): (Interpretation) Counsel Kilolo, we are now on the
12 previous page.

13 MR KILOLO: (Interpretation)

14 Q. Witness, could you please read the title of Article 3, just the title?

15 A. "Article 3. Principles of the Agreement."

16 Q. Witness, under this agreement on the Lusaka, or this title on the Lusaka Agreement,
17 could you say that there are paragraphs which have been inserted into this which start
18 with paragraph 5?

19 A. I'm sorry, I haven't understood your question, Counsel.

20 Q. Witness, you've just read for the Chamber the title of Article 3 of the Lusaka Accord
21 entitled "Principles of the Agreement." You note that within Article 3 there are a series of
22 paragraphs which follow on from each other, which start with paragraph 5? Can you see
23 that?

24 A. Yes.

25 MR KILOLO: (Interpretation) I shall ask the court officer to go to the next page,

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 CAR-D04-0003-0533.

2 And I would ask the witness to be so kind as to read paragraph 17 of Chapter 3 of the
3 Lusaka Agreement.

4 THE COURT OFFICER (DRC): Counsel Kilolo, we are on page 0533.

5 THE WITNESS: (Interpretation) Paragraph 17. "The parties to this agreement shall
6 take all the measures necessary for the normalisation of the situation along the
7 international borders of the Democratic Republic of Congo, including controlling illegal
8 trafficking in weapons and the infiltration of armed groups.

9 MR KILOLO: (Interpretation)

10 Q. Could you also read paragraph 20, if you would be so kind?

11 A. Paragraph 20. "Under this agreement and following the national dialogue, there
12 will be a mechanism for the formation of a national army which is restructured and
13 integrated, including the forces of the Congolese parties which are signatories to this
14 agreement on the ... " -- shall I start again? " ... including the forces of the Congolese
15 parties which are signatories of this agreement on the basis of negotiations between the
16 government of the Democratic Republic of Congo, the Rassemblement congolais pour la
17 démocratie and the Mouvement de Libération du Congo."

18 Q. Witness, with regard to the MLC, what is the scope of these different passages that
19 you've just read in application to the MLC?

20 A. Well, my understanding is as follows: As the war of 1998 was a complex war,
21 linked to internal factors and external factors, with the presence on the national territory
22 of foreign forces, whether foreign armed groups or national foreign -- foreign national
23 troops, this agreement or so this -- in wanting to solve this problem proposes certain
24 avenues to do so, and where it concerns foreign interference, all the Congolese parties or
25 at least all the signing parties, signatories and the parties that I see in paragraph 20, all of

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 them commit themselves to finding solutions to the security -- to finding solutions to
2 meeting the security concerns of the neighbours because it is that that explains the
3 presence of these foreign troops on the national territory. So it is a responsibility which
4 is incumbent, up to the Congolese parties to find solutions along the length of the borders
5 on security matters with the neighbouring countries. That is my understanding thereof.

6 MR KILOLO: (Interpretation) I would like to ask the court officer, still with regard to
7 this third document on the Defence list, to go to page CAR-D04-0003-0534.

8 THE COURT OFFICER (DRC): (Interpretation) Counsel Kilolo, we are on page 0534.

9 MR KILOLO: (Interpretation)

10 Q. Witness, with regard to this document and the page which you have in front of you,
11 could you tell us when the Lusaka Agreement was signed and who signed it?

12 A. The agreement was signed in Lusaka on 10 July 1999 and the signatories were the
13 following: For the Republic of Angola, I think it was President Eduardo dos Santos; for
14 the Democratic Republic of Congo, late President Laurent Désiré Kabila; for the Republic
15 of Namibia, I don't remember the name; for the Republic of Rwanda, I don't know if it
16 was the former President Bizimungu who signed or the current president, Paul Kagame;
17 for the Republic of Uganda, the current president, Yoweri Museveni; for the Republic of
18 Zimbabwe, the current President Mugabe; for the Rassemblement congolais pour la
19 démocratie, well, you will see that there isn't a signature because the group signed later.
20 A lot of them signed. For the Mouvement pour la Libération du Congo, even if it can't be
21 seen, I think that it was Jean-Pierre Bemba.

22 Q. With regards to this document, there were also witnesses who signed the Lusaka
23 Agreement?

24 A. Yes, Counsel, there were witnesses. For the Republic of Zambia, the Zambian
25 president signed as a witness. The Organisation of African Unity, it was signed. The

1 UN signed, and then for the Community for the Development of West Africa, that was
2 also signed. So we have a country, the host country signed, and three international
3 organisations also signed, Organisation of African Unity, UN and the Community for the
4 Development of Western Africa.

5 Q. To your knowledge, Witness, what does the different signatures which were put on
6 this document mean? In particular, the Heads of State and international organisations,
7 what does that mean to you?

8 A. Well, I think it shows the international dimension of the Congolese conflict and the
9 involvement of the international community in finding solutions in order to deal with
10 these Congolese problems, and in particular the internal and external aspects thereof.

11 Q. With regards to the Lusaka Agreement, from the period when this was signed, 1999,
12 until the creation of a national Congolese army, which was integrated, which military or
13 paramilitary force had, to your knowledge, to ensure the missions which were the
14 responsibility of the army in the different regions of the Democratic Republic of Congo?

15 A. Well, I think from the signature of this agreement, the three belligerents had the
16 responsibility to assume the -- regain state functions. Each group had to do so in its own
17 sphere of influence. To put this in other terms, after the signature of this agreement, the
18 MLC was responsible with its -- via its army, for everything concerning the security of the
19 population in the area managed by the MLC, and it was the same for the RCD as well as
20 the Kinshasa government.

21 MR KILOLO: (Interpretation) Your Honour, there are just four minutes left. I've got
22 quite a few questions to put.

23 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

24 Mr Witness, it's almost 11 o'clock here. We'll have now half-an-hour break. That will
25 give you some time to have a cup of coffee, a cup of tea, and take some rest. We will

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

- 1 resume at 11.30.
- 2 Could, please, court officer --
- 3 THE WITNESS: (Interpretation) Thank you very much, your Honour.
- 4 PRESIDING JUDGE STEINER: I ask, please, court officer to turn into private
- 5 session -- sorry, to closed session, in order for the witness to leave the video link
- 6 transmission room.
- 7 In the meantime, we will suspend and resume at 11.30.
- 8 (Closed session at 10.58 a.m.)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Recess taken at 10.58 a.m.)
- 12 (Upon resuming in closed session at 11.36 a.m.)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Open session at 11.38 a.m.)
- 17 THE COURT OFFICER: We are in open session, Madam President.
- 18 PRESIDING JUDGE STEINER: Thank you very much.
- 19 Mr Witness, welcome back.
- 20 THE WITNESS: (Interpretation) Good morning once again.
- 21 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 22 THE WITNESS: (Interpretation) Yes, I am, your Honour.
- 23 PRESIDING JUDGE STEINER: Then I'll give back the floor to Maître Kilolo.
- 24 MR KILOLO: (Interpretation)
- 25 Q. Mr Witness, I would like to revisit the 2002/2003 period. How was the armed wing

1 of the MLC structured and organised during that period?

2 A. The Congo Liberation Army, ALC, was structured as follows: At the top there was
3 a General Staff, including various services, G1, G2, G3, G4, G5, and a Chief of General
4 Staff. That was the top of the pyramid. Then you had the sector commanders and the
5 unit commanders, including the brigades, battalions, the companies and so on and so
6 forth and that is the standard structure, a classic structure, of an army.

7 Q. And what was the role of the Chief of General Staff of the ALC?

8 A. The Chief of General Staff was the most senior and most experienced officer,
9 because that was the person who would be appointed to that position, and he was
10 responsible for the day-to-day management of the army at the logistics and operational
11 levels, amongst others.

12 Q. Was there a chain of command?

13 A. Yes, of course there was a chain of command within the ALC.

14 Q. And how were the orders transmitted; that is right down to the level of the battalion
15 commanders?

16 A. Generally speaking, the order would come from the General Staff and then to the
17 sector commander if applicable, then the brigade commander and then to the battalion
18 commander and so on and so forth. That is the usual chain of command.

19 Q. During this period, from 2002 to 2003, who was the Chief of General Staff of the
20 ALC?

21 A. I do not know whether we are in open session here?

22 Q. Yes, indeed we are in open session, but as I told you before your voice and your
23 image are distorted so the general public does not know who is speaking. With regard to
24 this question it has already been put to protected witnesses like yourself, so this type of
25 question is acceptable in open session.

1 A. The Chief of General Staff at the time was General Amuli, but at that time he was a
2 colonel.

3 Q. When you say that the orders came from the General Staff, what does that mean?

4 A. What I mean is this: If an instruction had to be given to a unit in Basankusu, for
5 example, which had to travel to the east, it was the General Staff that had to issue the
6 order to that unit to move.

7 Q. When you say "the General Staff," who was responsible for issuing the operational
8 orders to the various units in the territory under ALC or MLC command at the time?

9 A. Usually, the order would come from the Chief of General Staff.

10 Q. What was the role of Mr Jean-Pierre Bemba within the MLC, or within the armed
11 wing?

12 A. Mr Bemba was the President of the MLC, that is the political and military movement,
13 and he was the supreme commander of the ALC.

14 Q. Would you be able to distinguish between the attributions of Mr Bemba as the
15 Supreme Commander of the ALC and those of General Amuli as Chief of General Staff?

16 A. Perhaps I should explain in some detail and give you a brief background of military
17 affairs in our country. That will enable you to better understand that distribution of roles.
18 When we acquired independence, our national army was known as the ANC, the
19 Congolese National Army, and at the top of that army we had an overall commander who
20 was a professional soldier, and under his authority we had a Chief of General Staff, and if
21 you compared this to what happens in ministries, in the 60s and even during the colonial
22 period, the Chief of General Staff was the equivalent of the directeur de cabinet. He was
23 responsible for co-ordination of the various services of the General Staff, G1
24 administration, G2 logistics, G4, the G5 and the others, so it was the Chief of General Staff
25 who was responsible for co-ordination as the equivalent of the directeur de cabinet in a

1 civilian ministry. That structure was maintained up to 1965. Thereafter, during the
2 second republic, the President of the Republic was the supreme commander of the
3 national army. He was a civilian, or he is a civilian, but in our country he's given that
4 title of supreme commander and he has the right to wear a military uniform and that
5 comes from the Belgian colonial service. That is why the President of the Republic can
6 wear a military uniform as a supreme commander, but he is a civilian. That was the
7 previous organisation, but during the second republic there was a new phenomenon to
8 the effect that the President of the Republic was a soldier, so he abolished the position of
9 commander general, or chief commander, and that left only the positions of supreme
10 commander and a Chief of General Staff. And so it was no longer possible to know
11 whether the Chief of General Staff had the prerogatives of chief commander or
12 commander-in-chief, or would he just act as directeur de cabinet. For those of us in the
13 MLC, we have a position where you have the Chief of General Staff is not the equivalent
14 of a directeur de cabinet. He is like the commander-in-chief of the army, but above him
15 you have a politician who bears the title of supreme commander, but who is a civilian.
16 So this was the spirit according to which the ALC was structured, including the
17 relationship between the Chief of Staff, who is the commander in-chief and who is a
18 professional soldier, and the number one officer of the entire army, and then the supreme
19 commander who is the president of the party. But in practice there was confusion,
20 because the supreme commander was sometimes referred to as "the commander-in-chief."
21 I believe that this confusion led to a lot of misunderstanding. That is what I can say at
22 this point.

23 Q. More concretely, on the ground, that is within the ALC organisation at the time,
24 who was the person responsible for the day-to-day management regarding the conception
25 and the planning of ALC military operations?

1 A. The planning of operations was not done by an individual, it was done by the
2 General Staff, which is an organ, but which has a leader known as "the Chief of General
3 Staff." It is teamwork, because you have sections. You cannot carry out operations if
4 you do not know the strength of the army. That is the responsibility of the G1. And
5 when you have the soldiers in place you cannot carry out operations if you do not have
6 intelligence from the ground and that is the responsibility of the G2. Operations cannot
7 be carried out if they are not planned and that is the responsibility of G3, in charge of
8 operations. Operations for their part cannot be carried out if logistics are absent and that
9 is the responsibility of the G4. So it is teamwork which is supervised by the Chief of
10 General Staff.

11 Q. During that period, as part of the ALC military operations within the territory under
12 MLC authority in Congo, did Mr Jean-Pierre Bemba have the ability to supervise or
13 conduct or even command military operations in Congo?

14 A. Counsel, I believe that military science is a science, it is an art, and you need the
15 knowledge and the little I know about the military background of Mr Jean-Pierre Bemba I
16 would say that background is elementary, not to say rudimentary, and this knowledge
17 would not make it possible for him to carry out major military operations. That was my
18 understanding of the situation.

19 Q. Can you tell us about the level of training of military officers within the ALC at the
20 time?

21 A. We were fortunate enough to have within the organisation very high level officers,
22 most of them from renowned military academies. These are people that we inherited
23 from the second republic. Let me briefly explain the ALC. We have on the one hand
24 the corps of commanders made up of very experienced officers and then you have the
25 troops, mainly made up of young people recruited on the ground and trained during the

1 war. So, as I was saying, we were fortunate enough to have very good officers of a very
2 high level because this included people from the Sandhurst Military Academy in the UK.
3 Others had attended West Point in the US, while others attended military academies in
4 Israel and even in China. So these were very well-trained officers.

5 Q. Do you remember the names of any of those military officers of the ALC who were
6 graduates of major academies?

7 A. Yes, I can remember the Minister of Defence, General Kibonge, he graduated from
8 West Point in the US, he attended Sandhurst Academy and then he studied in China and
9 currently he is the director -- he is called -- he is what is known as a fokananga (phon)
10 who -- which refers to an officer who is very well-trained. You have General Amuli, you
11 have Mbiato, General Mongapa. Those are names that I can remember from the top of
12 my head.

13 Q. Have you seen these officers recently? If need be, we can revert to private session.

14 A. With regard to those whose names I have mentioned, I have not seen them for
15 several years.

16 Q. Can you tell us what was the relationship between the ALC troops and the civilian
17 population in the territory under their control in the Democratic Republic of the Congo?

18 A. When a rebellion is launched, the main concern during such an asymmetrical war,
19 and this means that we are not as strong as the government because we were facing the
20 government that had a lot of powers and we were a small group of people challenging the
21 government authority. So when that is the case, it is crucial to have the support of the
22 population during this type of asymmetrical war. This is one of the lessons that we
23 learned from Mao. So it is vital, it is crucial, to have a good revolution -- relationship
24 with the population. The Chinese said that rebels had to be like fish in water, so we
25 made sure that we had a very good relationship with the civilian population. Whether

1 we failed or we succeeded, well, only history will tell, but I can give the Court some
2 information to demonstrate our good relationship with the population; that is the
3 relationship between the MLC and even the ALC and the civilian population.
4 Now, when general elections were organised in 2006 throughout the entire territory,
5 because the country had been reunified, it emerged that amongst the three belligerents,
6 namely the Kinshasa government, the RCD and the MLC, the only group, the only
7 belligerent, that won free and democratic elections which were also transparent in its
8 former territory of influence, that was the MLC. The RCD to the east of the country,
9 which was occupying the east of the country, the east of the DRC, the RCD was the
10 Berezina in the elections of 2006 and the government which was occupying the west and
11 southern part of the country, that is the former government that subsequently became the
12 PPRD, a political party, this was -- well, it was total debacle. This was in Kinshasa and in
13 the lower Congo. The former space managed by this group, well, the MLC was to then
14 reach its best scores in the former territory that it used to manage in the north of the
15 country.
16 So this is to my mind proof to the fact that the population of these areas really had a very
17 good memories of the former political and military structure that then subsequently
18 became part of the MLC, because we did not change the name.

19 Those are the points of clarification that I am able to bring in response to your question.

20 Q. Mr Witness, in the context of the ALC military activities, was there ever a policy in
21 existence that actively attacked the civilian population?

22 A. No, such a policy never existed because it would have been suicidal for us. I gave
23 you an idea of the rapport de force, and maybe to provide you with a few figures, the
24 government of Kinshasa had an army of approximately 100,000 men strong and the -- we,
25 the MLC, had 20,000 men. So in addition to this military disequilibrium, if you like, if we

1 were to put the population against us, this would have been both a political and a military
2 suicide, and guaranteed form of suicide for us.

3 Q. Did you ever observe any misdeeds or misconduct on the part of the MLC soldiers
4 against the civilian population in the DRC?

5 A. No, Counsel. Of course, such a situation, well, of course there are some people
6 who tend to stray. There were some elements of the ALC who did indeed misbehave
7 and those elements were -- those soldiers were punished and the population understood
8 that this was not a policy - a party policy - or the policy indeed of the organisation.

9 Q. What was the attitude of the figures of authority of -- within the MLC, or the ALC,
10 with regard to moments of indiscipline amongst the soldiers against peaceful civilians?

11 A. Well, the general idea was that if one wanted to maintain good relations with the
12 population, the civilian population, the first thing was to make sure that one did not
13 tolerate or accept or condone such conduct on the part of anybody. Now, this was really
14 the attitude of the political leaders and any act, any vagrant act, or any violent act on the
15 part of a given individual or group of individuals that might have alienated us from the
16 population and its support was to be punished or sanctioned absolutely.

17 Q. Did you have any legal instruments serving as a point of reference for you within
18 the MLC at the time which might have served as a basis upon which you could punish
19 such crimes and uphold the observance of human rights within the MLC?

20 A. Of course, Counsel. As you know, an army is an organisation that is quite
21 particular and it is reliant upon discipline and if discipline is absent, well, you have a
22 militia or something similar and it fails to be an army any more. We had to make sure
23 that discipline was above board, that it was something that people were aware of, and in
24 response to your question we did have a document entitled "Code de conduite", the Code
25 of Conduct, which provided the general outlines or a general outline of our discipline to

1 be observed within the MLC. Of course there was the Military Code of Justice as well,
2 but the document that was the most wide-spread and well-known was the Code of
3 Conduct of the ALC.

4 MR KILOLO: (Interpretation) Madam court officer, I would request that we once again
5 present the witness with document 11 within the list of documents, CAR-DEF-0001-0164,
6 Article 5.5, please.

7 THE COURT OFFICER (DRC): (Interpretation) Maître Kilolo, the document
8 CAR-DEF-0001-0161 at page 0164 is currently being presented to the witness.

9 MR KILOLO: (Interpretation)

10 Q. Now, Mr Witness, you have here before you an excerpt of the ALC Code of Conduct
11 and I would request that you read for the attention of the Chamber Article 5.5, and slowly
12 of course in order to speak more slowly, please.

13 A. "Code of Conduct 5.5: The offences. The following offences may be punishable
14 by the death sentence: Murder of a civilian or other individual; treason; working for the
15 enemy; being a -- holding the status of double agent or infiltrating; escaping or subversion;
16 subversion implicating repeat offences; the practice or conduct involving the destruction
17 and diversion of the nation; obeying orders that are manifestly illegal; abduction or rape;
18 and the death sentence shall be pronounced if only it is approved by the President of the
19 High Command. Punishment for the following offences shall be meted out in -- as
20 follows in the following paragraph, according to the following circumstances: (a)
21 insubordination; disobeying legal administrative orders; (c) intimidation with or without
22 a weapon; (d) excessive consumption of strong alcohol AGENE LOTOKO; (e) smoking
23 hemp and other drugs; (f) non-authorized excursions or outings; (g) corruption; (h)
24 embezzlement or fraud; (i) non-communication of offences committed by officers or
25 soldiers; (j) ..." --

1 THE INTERPRETER: I believe that there are translation problems here.

2 THE WITNESS: (Interpretation) -- "... seeking out a highly populated town, number (j);
3 (k) abuse, insults, aggression, mistreatment of a civilian; (l) providing secret information
4 or other equipment belonging to the army to a non-authorised individual; (m) supplying
5 information that might give rise to confusion, hatred or misunderstanding between the
6 leaders and soldiers; (n) tribalist or regionalistic propaganda, or the formation of factions
7 within the army; (o) embezzlement of donations received from organisations and
8 well-meaning individuals; (p) destruction, malevolent destruction of public or military
9 goods or possessions; (q) misuse of military skills, female military officers and escorts."

10 MR KILOLO: (Interpretation)

11 Q. Now, Witness, with regard to this Code of Conduct, what was the sentence that
12 could be handed down to a soldier of the MLC who committed say the murder of a
13 civilian or other individual?

14 A. The normal sentence in such a circumstance would have been the death sentence.

15 Q. And what was the sentence reserved for a soldier of the ALC who might have
16 committed rape upon a woman, say?

17 A. This was punishable by the death sentence.

18 Q. And if you hark back and revisit your memories with regard to such sentences that
19 might have been passed down within the ALC at the time, can you remember anything?

20 A. Yes, I do remember something, Counsel. There is a specific case in point that I
21 remember.

22 Q. Yes, please go ahead.

23 A. Yes, I do apologise if I do not remember the date specifically, but I believe that it is
24 more the substance of what happened that is important. When we were in Gbadolite,
25 one day there was a bit of a scuffle within the town and the population - the civilian

1 population - was rather up in arms and we asked why? And it was told -- we were told
2 that one of the ALC soldiers had had an argument with his wife, his wife had left the
3 family home. They were living in the Nzekele Hotel at the time, for those of you who are
4 aware of this hotel, and the woman had gone to seek refuge within the Cité. This is what
5 we refer to as the popular neighbourhood of the town. So she went to the Cité. She
6 went to the house of a lady she knew and her husband, who was an ALC soldier, then
7 followed her to that place and they started to have an argument within the compound of
8 this lady's residence.

9 The lady intervened with a view to saying something to the husband, saying to him that,
10 you know, "You have behaved badly to your wife at your family home. She has come
11 here. You should not pursue her and come here and mistreat her."

12 The gentleman then left the compound in order to go back to the hotel where he was
13 living, and he took his weapon - I believe that it was a Kalashnikov - and he returned to
14 the compound, where he then shot dead the proprietor of the compound with the rifle.
15 He also shot dead the daughter of the lady proprietor, and this daughter was pregnant.
16 He then calmly went back to his hotel.

17 We received this information and the order was subsequently given to arrest him. He
18 was arrested, he was tried and he was sentenced to death, and his execution took place
19 publicly at the Gbadolite stadium. This is an example that I recall, Counsel.

20 Q. Now, if we come back to point (c) of Article 5.5 of the Code of Conduct, you read
21 just now that one of the offences forbidden by the Code of Conduct was, and I quote,
22 "Intimidation with or without the use of a weapon," end of quote. Now, what does this
23 mean precisely and what was the sentence to be handed down in such a case of
24 intimidation with or without a weapon, perpetrated by an ALC soldier upon the person of
25 a civilian?

1 A. Well, I believe that the offence is self-explanatory. The example in concrete terms
2 would be a soldier who would go and -- to a fish market and start shouting at everybody
3 present there. Now, I do not believe that for such an act of intimidation, in the presence
4 or not of a weapon, that such a sentence of death would -- might have been passed down,
5 because of course the circumstances of such behaviour are always taken into account.

6 Q. Now, I note that against point (k) or under point (k), apologies, of 5.5 of the Code of
7 Conduct, you said at an earlier stage and you read out "Insults, abuse, aggression or
8 mistreatment of a civilian." Now, what precisely does this mean?

9 A. Now, of course this is always or still in keeping with the primary concern of the
10 organisation, notably, that we uphold this good level of understanding with the
11 population. Some people think that because they have become a soldier and because
12 they carry a weapon they can act in all impunity with regard to members of the
13 population. Now, this is why this offence was coined, in order to avoid any such
14 misconduct. For example, soldiers who going by in a military convoy, they might -- and
15 instead of asking somebody to move their chariot to one side politely, this soldier might
16 kick the owner of the chariot or, you know, attack them in some case. We want to avoid
17 this kind of incident, and people who might bear witness to such an event would then go
18 and say that the members of the ALC were misbehaving and we would then alienate the
19 civilian population from our cause.

20 Q. Now, still with regard to this Article 5.5 of the Code of Conduct of the ALC and with
21 regard to point (p), you at an earlier stage read out, and I quote, "Malevolent destruction
22 of public or military property." Now, what does this mean precisely?

23 A. Well, malevolent destruction of public or military possessions, let me give you an
24 example. If a soldier who was not able to drive took an army vehicle in order to learn
25 how to drive and then wrapped the vehicle round a tree, this would then be punishable in

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 some way.

2 Q. Could you please read Article 6 to us of this Code of Conduct of the ALC.

3 This is still document 11 at page CAR-DEF-0001-0164 and that is document 11 on the list
4 of Defence documents.

5 A. Chapter 6, or point 6, "Punishment: Any punishment shall be communicated to the
6 general public for reasons -- so that the sentence handed down will justify the -- to avoid
7 any discontent, any person convicted will be punishable by the following:

8 Forced labour -- (a) forced labour; (b) flogging; (c) they shall be suspended from their
9 duties; (d) they shall resign; (e) they shall be fired for misconduct; (f) they shall be
10 imprisoned; and (g) it will result in death.

11 Now, before hearing the case, (a) the President of the High Command may suspend one of
12 the members of the High Command; (b) The command, the army command, may suspend
13 any officer commanding a unit.

14 With the exception of the death sentences, hereafter are listed other possible punishments:
15 (a) life imprisonment; (b) forced labour; (c) being fired from the army; (d) demobilisation;
16 and (e) flogging.

17 One or two of these possible sentences or punishments may be combined together with
18 reference to the committed offences. Anybody who uses a firearm will be obligated to
19 conduct ... " --

20 THE INTERPRETER: The interpreter does not have the text before her. Could the
21 witness please repeat the last sentence?

22 MR KILOLO: (Interpretation)

23 Q. Mr Witness, I believe that the last sentence was not interpreted into English. Could
24 you please read it again?

25 THE INTERPRETER: The interpreter asks that this sentence be shown on the screen as

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 well for ease of interpretation. We thank you.

2 THE WITNESS: (Interpretation) "Nota bene, whoever loses a firearm under
3 non-justifiable circumstances shall be obliged to a military operation without bearing a
4 weapon until the individual can recuperate a weapon from the enemy".

5 MR KILOLO: (Interpretation)

6 Q. So I can see under Article 6 of the Code of Conduct of the ALC that amongst the
7 various sentences to be passed down, apart from death sentence, we talk here about
8 forced labour. What precisely does this involve?

9 A. Well, forced labour would involve going to work the fields, for example.

10 Q. I also see that here we are talking about flogging and here we have in brackets
11 "whips." Now, could you please tell us precisely what type of punishment this is?

12 A. Well, some offences were punishable by a given flogging, that is a certain number of
13 lashes, whether it be five or ten, in order to set the individual straight.

14 Q. And I also see that here we are talking about a dismissal, dishonourable dismissal if
15 you like. Now, what precisely is this?

16 A. Well, I'd like to talk about this business of flogging again and give you some
17 clarification. Now, throughout my time within the organisation, I did not see many
18 times that such floggings were applied or that such punishment was applied and I close
19 the bracket here once again.

20 Now, dismissal. A dishonourable dismissal means that you are scratched or removed
21 from the list of soldiers. This means that your reputation is directly affected because
22 everybody knows publicly why you were fired or dismissed from the army, so you
23 committed such-and-such an offence, and this makes you -- this sullies your reputation
24 and as such you are dismissed from the army. This is done publicly.

25 Q. So I can see with regard to another aspect, among the sanctions that are envisaged

1 by the Code of Conduct of the ALC, they also talk about imprisonment. Were there cases
2 where this sanction was applied, where people had conducted misconduct with regards
3 against the civil -- civilian population?

4 A. Yes, cases of imprisonment did exist. I know a few cases where people who had
5 indulged in misconduct were indeed arrested.

6 Q. With regards to the different offences under 5.5 of the Code of Conduct of the ALC,
7 were they made public? Was there a type of awareness-raising with regards to the
8 troops of the ALC? Were they made aware of it?

9 A. Yes, there were mechanisms to communicate these measures which were taken,
10 because even if we say that nobody can be allowed not to know the law, you do have to
11 inform people of the rules of conduct within an organisation in which they work and
12 there were, within the training centres where they had awareness-raising, they were
13 informed about the conduct -- the content of the Code of Conduct and they would have a
14 moral speech or lecture given to them where the commanders of the units would keep
15 them regularly informed. They would repeat provisions of the Code of Conduct when
16 they did that and there were also the political commissioners there, and these were
17 politico-military officers who were trained in that regard for that purpose to go and teach
18 the code of good conduct and to ensure that there was a good relationship between our
19 military apparatus and the civil society which was subject to our jurisdiction.

20 Q. So this awareness-raising, did this -- was this functional, or were there just a certain
21 number of principles in this regard?

22 A. No, awareness-raising was functional and it was ensured that it took place, because
23 if the soldiers were not aware of the sanctions that they would undergo if they were not
24 aware of what the offences were which they might commit, then that was a risk for the
25 organisation. There was a risk that these people would commit offences either through

1 ignorance that they would commit such type of offences and of course it was the
2 organisation as a whole which would be affected thereby, so we really ensured that in a
3 practical and not just a theoretical level that this was done and I think that this really did
4 bear fruit in that after the five years spent in Équateur and in Province Orientale, after five
5 years there I did not hear of cases of massive atrocities against the civilian population by
6 ALC troops, and here I'm not making propaganda for my organisation, because there are
7 reports, and this is quite different with regards to what happened in the RCD jurisdiction
8 and also on the government side, and I think that reports were drafted and we did ensure
9 that the soldiers were informed of the offences and of the sanctions that applied to them
10 should they commit such offences.

11 Q. Witness, if you need to go into private session, we can. When you said "We
12 ensured the awareness-raising of the Code of Conduct and the prohibition of crimes," who
13 was actually responsible within the MLC for ensuring that this information was passed on
14 and that awareness was raised in this regard?

15 A. I think that it was one of the missions of the Minister of Defence.

16 Q. So where it concerns the sentences, these sanctions that were envisaged in case of an
17 infraction by an ALC soldier against a civilian, were these sentences really applied in daily
18 reality within the ALC?

19 A. Yes, effectively, Counsel, because I gave you an extreme case a moment ago where a
20 soldier from the ALC was publicly executed because he committed a serious offence.

21 Q. A moment ago you also spoke to us about the Code of Military Justice. Could you
22 tell us about that, please?

23 A. Well, the Code of Military Justice, this is the equivalent of the civilian criminal code,
24 but it applies to soldiers.

25 MR KILOLO: (Interpretation) I would ask the court officer to show the witness

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 document 26 of the Defence list, page CAR-DEF-0002-0451. Please could I ask you to
2 show the witness the very first page, the cover page, CAR-DEF- 0002-0389.

3 THE COURT OFFICER (DRC): (Interpretation) The first page is being shown to the
4 witness.

5 MR KILOLO: (Interpretation)

6 Q. Witness, the copy of the first page isn't good, as you can see, but are you
7 nevertheless able to read it in such a way as to make it possible to identify the document?

8 A. Yes, Counsel. What's written on this document is "Republic of Zaire, National
9 Defence Department, Code of Military Justice, law number 72060, 24 September 1972."

10 Q. A moment ago you stated that in addition to the Code of Conduct, which was a
11 document or a legal text in order to ensure compliance with human rights, with human
12 rights for the civilian population, there was also a Military Code of Justice. Is this the
13 document you were speaking about, or were you speaking about a different document?

14 A. This is the document I was talking about.

15 MR KILOLO: (Interpretation) Very well. I would therefore ask the court officer to
16 show the witness CAR-DEF-0001 -- I'm sorry, page CAR-DEF-0002-0451.

17 THE COURT OFFICER (DRC): (Interpretation) Counsel Kilolo, the page 0451 is now
18 being shown to the witness.

19 MR KILOLO: (Interpretation)

20 Q. Witness, please could you read Article 539 of the Code of Justice. That's right at the
21 bottom of the page.

22 A. "Article 539: This code applies throughout the territory of the Republic and in the
23 cases and situations provided for therein."

24 Q. Could you tell us what the scope of this provision is with regard to the ALC?

25 A. This document is a legal basis for the management of our army.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation) I would like to ask the Registrar to show the witness
2 document CAR-DEF-0002-045 -- or 0462.

3 THE INTERPRETER: 0412, corrects the interpreter.

4 THE COURT OFFICER (DRC): (Interpretation) Counsel Kilolo, the document 0412 is
5 being shown to the witness.

6 MR KILOLO: (Interpretation)

7 Q. Witness, could you read Article 106 of the Military Code of Justice. This is right at
8 the bottom. You can see it's the part at the bottom of the page. There's 107. Could you
9 read Article 106. This is the second last paragraph on the page that you have.

10 A. "Article 106: The military courts on the territory of the Republic deal with offences
11 of a military nature which are punishable in application of book 4 of this code. They are
12 also responsible for offences of any type which are committed by soldiers. They are
13 punished in accordance with the provisions of the ordinary criminal code."

14 Q. Very well, Witness. Please, could you clarify the scope of this provision to the
15 Court, if you'd be so kind?

16 A. In fact, this provision delimits the material jurisdiction of the military court and also
17 the offences of a military nature and the offences which are committed by soldiers. That
18 is the scope of this article.

19 Q. I can see that we're talking about the ordinary criminal code. What -- what's being
20 referred to here with regards to the military courts?

21 A. Here in this article it's explained that, when a soldier does not commit an offence of
22 a military nature, but commits an offence which is covered by common law or ordinary
23 law, this will be -- that person will be tried by a military court but in accordance with the
24 dispositions in the code. So the soldier in this article is subject to civil law by this article
25 for such offences falling within that.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 Q. This provision, is this applicable to ALC soldiers in territory under the control of the
2 MLC at the time?

3 A. Indeed, Counsel.

4 Q. Who, to the best of your knowledge, legislated on the provisions with regards to the
5 Military Code of Justice, the document that we had or that we have in front of us?

6 A. Please, could you repeat the question? I didn't understand it. Maybe there was a
7 sound problem.

8 Q. The document that we've got in front of us, this is the Code of Military Justice. Was
9 this the MLC's own document?

10 A. Not at all. Not at all, Counsel, because you only have to see the year in which this
11 Code of Military Justice was promulgated to see that in -- it was 1972. The MLC had not
12 yet been created, so it is not the MLC's own document.

13 Q. You stated a moment ago that at the time of the Lusaka Agreement that the Congo
14 was divided up into three administrative areas which were different and separate. Each
15 one of them had a territory under its control. Now, my question is with regards to this
16 Military Code of Conduct that we have before us, did this apply, or which of the
17 territories did it apply to under the administration of the different belligerents in the
18 Democratic Republic of the Congo?

19 A. Well, this code applied to the territory under the MLC, and I'm sure it was the same
20 for the Kinshasa government. Perhaps it was also the case for the RCD, but I can't really
21 state that with surety with regards to the last two entities.

22 MR KILOLO: (Interpretation) I would like to ask the court officer to show the witness
23 page CAR-DEF-0002-0446.

24 THE COURT OFFICER (DRC): (Interpretation) Counsel Kilolo, the page 0446 is being
25 shown to the witness.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation)

2 Q. Witness, please could you read Article -- if I'm not wrong, Article 390 of the Code of
3 Military Justice. So this is the one just before the last paragraph.

4 A. "Article 390: The military sentences are: Death by weapons; second, military
5 imprisonment; the removal of rank or lowering of rank, lowering of rank; (3)
6 removal -- prohibition on the exercise of political and civil rights."

7 Q. Witness, these sentences, did they apply within the ALC and, if this was the case,
8 who had competence to apply these different sentences?

9 A. As I said a moment ago, we based ourselves on the Military Code of Justice, so this
10 code is applicable and the organ responsible for the application thereof was the military
11 courts.

12 MR KILOLO: (Interpretation) I would like to ask the court officer to show the witness
13 page CAR-DEF-0002-0449.

14 THE COURT OFFICER (DRC): (Interpretation) Page 449 is being shown to the witness.

15 MR KILOLO: (Interpretation)

16 Q. Witness, could you read Article 523 of the Code of Military Justice and tell us about
17 it with regards to the MLC at the time?

18 A. "Article 523: Killing by way of reprisal is assimilated to murder." In other terms,
19 it was prohibited for our troops to carry out reprisals during an operation or to settle
20 scores during the operations, and this attitude with regards to reprisals was severely
21 punished in accordance with this Military Code of Justice.

22 Q. Witness, could you read Article 524 of the Military Code of Justice and tell us about
23 the scope of the system that had been set up to punish crimes within the ALC?

24 A. Counsel, if I've understood, do you mean 529?

25 Q. I was speaking about Article 524. That is the next article, the one that immediately

1 follows the article that you've just read.

2 A. "Article 524: The use of prisoners of war or civilians to protect the enemy is
3 punishable with 15 to 20 years of penal servitude. In times of war, or in a region in
4 which a state of siege or a state of emergency has been declared or during a police
5 operation aimed at maintaining or re-establishing public order, the guilty person shall be
6 punished with the death penalty."

7 So what does this mean substantially? Article 529, this formally prohibits the use of
8 prisoners of war or civilians as a human shield and in certain circumstances, certain
9 particular circumstances which are explicitly set out in the second paragraph of this article,
10 the use of prisoners of war or civilians as a human shield is punishable with the death
11 penalty. That is my understanding of this article.

12 Q. Witness, was this article a reality in the functioning of the ALC at the time?

13 A. To tell you the truth, Counsel, I do not remember having heard of this provision
14 being applied because the ALC soldiers would have used prisoners of war or civilians as
15 human shields, so I don't remember having heard this article being applied. I haven't
16 heard of a case of this article being applied.

17 Q. I would therefore ask you to read Article 525, the next article, of the Code of Military
18 Justice. Please could you also tell us about that.

19 A. "Article 525: The following will be punished with ten to 20 years of penal servitude:
20 Anyone who during war or in a region in which a state of siege or a state of emergency
21 has been declared, or on the occasion of a police operation aimed at maintaining or
22 re-establishment -- re-establishing public order will be guilty with the imposition of
23 collective fines.

24 Abusive requisitions or illegal requisitions, confiscations or despoilment or the taking or
25 exportation out of the territory of the Republic of all means of goods of any nature,

1 including values and money. These crimes will be accompanied by punishment and
2 followed by -- in these cases the guilty person will be punished with the death penalty."
3 Counsel, this article generally punishes offences perpetrated during police or war
4 operations; that is offences that could be perpetrated by certain soldiers who wish to use
5 those operations as an opportunity to extort from the population or to make money for
6 themselves. So this is the spirit in which this Article 525 was drafted.

7 Q. Was this article applicable in the case of offences perpetrated by ALC soldiers at the
8 time?

9 A. Yes, indeed, Counsel.

10 MR KILOLO: (Interpretation) Court officer, please could you show the witness page
11 CAR-DEF-0002-0450.

12 THE COURT OFFICER (DRC): (Interpretation) Mr Kilolo, page 0450 is now being
13 shown to the witness.

14 MR KILOLO: (Interpretation)

15 Q. Mr Witness, this will be the last article, that is Article 529 of the Military Code of
16 Justice, that I will be asking you to read.

17 A. "Article 529: In each of the following two cases: If the arrest was carried out with
18 false uniform, using a false name or under false orders from public authorities; (2) if the
19 individual who is arrested or detained was threatened with death, those responsible will
20 be punishable by life imprisonment. The sentence will be a death sentence if the
21 individuals arrested or detained were subjected to corporal punishment, or torture."
22 This article deals with arbitrary arrests that might have been carried out by people using
23 uniforms to which they are not entitled to, or using false orders or documents. If in
24 addition the individuals arrested or detained are threatened with death, the perpetrators
25 would be punishable by life imprisonment and this sentence would be even more serious

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 if the individuals arrested or detained were tortured and in that case the death sentence
2 would be applicable.

3 Q. Mr Witness, was that provision applicable in the case of offences committed by ALC
4 soldiers in the territory under the control of the MLC?

5 A. Yes, Counsel. Practically all the provisions of the Military Code of Justice were
6 applicable to the ALC soldiers. Right now, as we speak, I cannot remember any specific
7 case of the application of Article 529 to ALC soldiers.

8 MR KILOLO: (Interpretation) I would like to ask the court officer to show the witness
9 document number 30 of the Defence list. Let me make one clarification: Given the
10 voluminous nature of document number 30, this document was not made available to the
11 court officer so I will proceed to read the various provisions to the witness even if -- that is
12 unless technically it is possible to display this document on the screen for the witness to
13 be able to read it. I would like to ask if it's possible - and I think it is possible - to show
14 the witness document number 30, page CAR-D04-0003-0064.

15 Q. Mr Witness, can you see the first page, that is the cover page, of that document?

16 A. Yes, Counsel.

17 Q. Can you read what you are looking at and possibly identify the document?

18 A. I can read there, "Official Gazette of the Democratic Republic of the Congo, Cabinet
19 of the President of the Republic.
20 Congolese Penal Code."

21 I am not able to read the writing under the title "Congolese Penal Code."

22 Q. I have the hard copy of that document and with the leave of the Presiding Judge
23 I can read it out. "Congolese Penal Code, decree of 30 January 1940 as amended and
24 completed to date. Updated on 30 November 2004."

25 Mr Witness, do you remember having stated that ALC soldiers were liable to both

1 military offences and common law offences?

2 A. Yes, indeed, Counsel, I do remember.

3 Q. When you mentioned that the Congolese Penal Code was applicable to the soldiers,
4 the Congolese soldiers at that time, were you referring to this document?

5 A. Yes, I was, Counsel.

6 MR KILOLO: (Interpretation) I would like to ask the court officer to show the witness,
7 that is in this document number 30, page CAR-D04-0003-0083.

8 Q. Mr Witness, can you read out Article 84 of the Congolese Penal Code?

9 A. Counsel, I would have liked to read this article, but it is not possible for me to read
10 it.

11 Q. With the leave of the Presiding Judge, I will read it out. "A term of imprisonment of
12 five to 20 years and a fine of up to 2,000 zaires will be applicable to anyone who has
13 extorted using violence and threats either money, objects, furniture, promises, bills,
14 receipts or the signature or handing over of any document containing an obligation or
15 provision or acknowledgement of a receipt."

16 Can you, Mr Witness, tell us whether this provision was applicable to ALC soldiers?

17 A. This article of the Congolese Penal Code, that is Article 84, punishes all sorts of
18 extortion of funds that could be committed by a Congolese soldier and this was applicable
19 to ALC soldiers.

20 Q. Mr Witness, help us to understand. The provision punishes extortion using
21 violence or threats and the extortion refers to funds, articles of furniture and so on. Now,
22 can you distinguish between these offences and pillaging, for example?

23 A. My understanding of this article is as follows: A soldier who goes to a civilian's
24 house and intimidates that civilian, threatens him and forcibly takes away some of his
25 property will be liable to punishment under this article. In my opinion, such extortion of

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 an individual's property can be comparable to looting, even though looting generally
2 refers to offences that are more wide-spread and involve many people.

3 Q. To your knowledge, who was responsible for implementing this provision in case of
4 violation by an ALC soldier at that time?

5 A. To my knowledge, it was the military jurisdiction's.

6 Q. If you have difficulty reading Article 85 of the Congolese Penal Code, I will read it
7 for you, unless you confirm to me that you are able to read it.

8 A. Counsel, I would like to confirm to you that I have difficulty reading Article 85.

9 Q. With the leave of the Presiding Judge, I will read out Article 85: "Murder
10 committed either to facilitate theft or extortion, or to ensure impunity, shall be punishable
11 by death," end of quote.

12 Mr Witness, can you explain to us the substance of that provision?

13 A. A soldier who murders someone during the commission of a crime shall be liable to
14 the death penalty. That is what I understand from that provision.

15 Q. To your knowledge, within the MLC movement who was responsible for
16 implementing that provision in case of an offence by a soldier?

17 A. It was the military jurisdiction's.

18 MR KILOLO: (Interpretation) I would like to ask the court officer to show page
19 CAR-D04-0003-0108.

20 Q. I will read out to you two provisions, Articles 170 and 171, of the Congolese Penal
21 Code: "A prison term of five to 20 years will be applicable to anyone who commits rape
22 using violence or threats, or using tricks, or abusing someone who because of illness, the
23 degradation of his or her faculties or who through any other cause has lost the use of his
24 or her senses, or through any other cause. Rape shall be carnal knowledge perpetrated
25 on the individuals described in Article 167," and I will read this out, "All sexual crimes

1 perpetrated without violence, threats or tricks on someone or a child of less than 14 years
2 shall be punishable by a prison term of five to 15 years, and the age of the child will be
3 determined by, amongst other things, a medical examination; that is in the absence of a
4 birth certificate."

5 Now let me read out Article 171, "If the rape or sexual crime leads to the death of the
6 victim, the perpetrator will be liable to the death penalty or life imprisonment," end of
7 quote.

8 Mr Witness, first questions: Were these provisions in force during that period, that is
9 within the MLC at the time, and who was responsible for implementing those provisions
10 in case of violation? But maybe you should begin by describing the substance.

11 A. Thank you, Counsel. This provision, which was applicable within the MLC
12 territory punished rapes and sexual crimes on both adults and children, and if the
13 offender was a soldier, the competent jurisdictions were the military jurisdictions that
14 were empowered to apply the law to soldiers under that jurisdiction.

15 Q. Mr Witness, we have mentioned a good number of offences and the punishment
16 applicable within the MLC. We have talked about murders, extortion, using violence,
17 looting and the prohibition of pillaging and rapes. My question here is as follows:
18 Were the ALC troops or foot soldiers aware that such crimes were strictly prohibited and
19 severely punished?

20 A. Yes, Counsel. The soldiers were informed. I am not going to -- as far as to tell you
21 that the ALC soldiers knew the penal code by heart - that would be an exaggeration - but
22 they were aware of all the crimes that were forbidden because, as you would have
23 realised, many of those offences are repeated in the Code of Conduct of the ALC, and
24 since that code was circulated and popularised, the soldiers were aware of what could be
25 done and what could not be done.

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Open Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation) I have four more minutes and I will ask the court officer to
2 display to the witness the decree setting up the court martial, and that is document
3 number 28 on the Defence list, CAR-DEF-0002-0580.

4 THE COURT OFFICER (DRC): Mr Kilolo, document CAR-DEF-0002-0580 is now being
5 shown to the witness.

6 MR KILOLO: (Interpretation)

7 Q. Mr Witness, I would like to ask you to read the title of the document that you can
8 see there. I can see at the very top "Congolese Liberation Movement."

9 PRESIDING JUDGE STEINER: Maître.

10 MR KILOLO: (Interpretation)

11 Q. Mr Witness, I was going to ask you to read out a paragraph, but I don't think that
12 would be possible in two minutes except we have a five-minute extension?

13 PRESIDING JUDGE STEINER: It would be possible if it depended only on me and the
14 interpreters, but we have the tape and the tape has only two hours, not a minute more
15 than that. So I think it's better if we adjourn for today and you can continue tomorrow.
16 Mr Witness, we will now adjourn for today. We hope you have opportunity to take
17 some rest during the afternoon, a very restful evening. We will resume tomorrow
18 morning at 9 o'clock.

19 I thank very much the Prosecution team, legal representatives of victims, Defence team,
20 Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters, court reporters.
21 Ms Toumaj, have a nice afternoon, a nice evening.

22 We have no sound here.

23 Mr Witness, can you hear me? I cannot hear you, Mr Witness.

24 Now we can hear you. Would you like to say something, Mr Witness?

25 THE WITNESS: (Interpretation) Yes, your Honour, I have some information for the

Trial Hearing
Witness: CAR-D04-PPPP-0021

(Private Session)

ICC-01/05-01/08

- 1 Court if we can go into private session?
- 2 PRESIDING JUDGE STEINER: Court officer, please turn into closed session.
- 3 (Private session at 1.28 p.m.)
- 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 (The hearing ends in private session at 1.30 p.m.)