

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
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
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Friday, 9 September 2011
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: All rise. 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. Could, please, the court officer call
15 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: Good morning and welcome, Prosecution team. I
19 see Maître Badibanga will replace Mr Scaliotti in today's hearing. Welcome the legal
20 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. Good
21 morning to our interpreters and court reporters. We will continue today with the
22 questioning of Witness 33, and for that purpose I ask, please, the court officer to turn
23 briefly into closed session for the witness to be brought into the courtroom.
24 * (Closed session at 9.38 a.m.) Reclassified as Open session
25 THE COURT OFFICER: We are in closed session, Madam President.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-OTP-PPPP-0033 (On former oath)
- 3 (The witness speaks French)
- 4 PRESIDING JUDGE STEINER: Can we turn into open session, please.
- 5 (Open session at 9.39 a.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 8 THE WITNESS: (Interpretation) Good morning.
- 9 PRESIDING JUDGE STEINER: Did you have a restful night?
- 10 THE WITNESS: (Interpretation) Yes, I had no problems.
- 11 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 12 your testimony?
- 13 THE WITNESS: (Interpretation) Of course.
- 14 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are under
- 15 oath. Do you understand that?
- 16 THE WITNESS: (Interpretation) I understand that clearly.
- 17 PRESIDING JUDGE STEINER: I also want to remind you that protective measures
- 18 were put in place in order that your identity won't be known by the public. Your
- 19 voice and image broadcast outside the courtroom are being distorted, the parties and
- 20 participants will address you just by saying "Witness 33," or "Mr Witness," and you
- 21 need to help us to ensure your protection by avoiding giving any information in
- 22 public session that could lead to your identification: Names of persons that you
- 23 worked with; meetings in which only you and a second or third person were present;
- 24 places where you work, or where you lived; and this kind of information. If need be,
- 25 we go into private session and then the public cannot hear what you say and then you

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 can speak freely. Do you understand that, sir?

2 THE WITNESS: (Interpretation) Yes, I do. Thank you.

3 PRESIDING JUDGE STEINER: I'll give then the floor to the Prosecution. Maître

4 Badibanga will introduce himself to you. Maître Badibanga.

5 MR BADIBANGA: (Interpretation) Good day, your Honours. Good day, Judges.

6 QUESTIONED BY MR BADIBANGA: (Interpretation)

7 Q. Good day, Witness. I don't know if you have been informed of the fact that my
8 colleague, Massimo Scaliotti, who was conducting your examination yesterday, has
9 been prevented from being present here this morning and as a result I will be
10 replacing him. I am a trial attorney, as he is too. I will continue with your
11 examination. Please be indulgent if I sometimes go a little too fast, if the questions
12 aren't too clear, but you'll understand that I'm intervening at the very last minute. I
13 have prepared myself sufficiently, but nevertheless there might be certain
14 imprecisions.

15 In the course of the examination conducted yesterday by my colleague you
16 mentioned a series of issues that concerned your identity, and this morning we don't
17 need to be in closed session. We can start in open session immediately.

18 Nevertheless, the protective measures applicable to you remain and the Presiding
19 Judge's instructions must be followed quite carefully. When I put a question to you,
20 if you have to mention your role, tell me that you would prefer that we move into
21 closed session, or answer in very general terms without mentioning your own role,
22 and I will go into closed session to put any additional questions to you.

23 With regard to the MLC, could you tell us when the Movement for the Liberation of
24 Congo was created; this movement that you mentioned?

25 A. As far as I know, the Movement for the Liberation of the Congo was created in

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 1998.

2 Q. In which part of the Congo, or in which town, was the MLC created?

3 A. The MLC was created in Kisangani, which is the capital of province Orientale in
4 the Democratic Republic of the Congo.

5 Q. Under what circumstances was the MLC established in Kisangani?

6 A. The MLC was established when its initiator arrived, His Excellency - my former
7 president - Mr Jean-Pierre Bemba, who came from Uganda, and he had the benefit of
8 the support of Uganda in order to create his party in Kisangani.

9 Q. Did you know, were you able to find out, why this movement was established?
10 Why did its founder, your ex-president, Mr Jean-Pierre Bemba, as you say, establish
11 this movement?

12 A. If my memory does not fail me, the MLC was established with the following
13 main purposes: To combat the government in power, which no longer respected the
14 rules of democracy and the government in power did many wrong things that
15 weren't in accordance with how a State governed by the rules of law should function.

16 Q. Which government are you referring to? You said that the MLC was
17 established with the following main objectives, to combat -- to combat the
18 government in power. Which government are you referring to?

19 A. I am referring to the AFDL government, whose head was President Kabila, the
20 late President Kabila.

21 Q. Very briefly, could you tell us what the acronym AFDL stands for, please?

22 A. If my memory is correct, the AFDL means Alliance of Democratic Forces for
23 Liberation, if I'm not mistaken.

24 Q. And the AFDL government, whose head was the late President Kabila, which
25 State is actually concerned? Could you tell us that?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 A. The AFDL government was established in the Democratic Republic of the
2 Congo.

3 Q. You said that the Movement for the Liberation of the Congo was established in
4 1998 by Mr Jean-Pierre Bemba. Was he the only one who founded this party at the
5 time or was it founded with others?

6 A. Officially, as I have just said, His Excellency, Mr Jean-Pierre Bemba, was the
7 only founder, but unofficially according to information that we were able to obtain
8 subsequently it appeared that from the very outset -- if I may, may I refer to the
9 names, or to the name?

10 Q. If you think that this information needs to be given in closed session we can go
11 into closed session. If you believe that this is information that can be public and
12 doesn't pose any problems, you can say it in open session.

13 A. I think I can say this in open session. As I was saying, unofficially, we were
14 told that Oliver Kamitatu, Dominique Kanku and other Congolese who had found
15 refuge in Europe were also involved in the creation of this body a long time before
16 His Excellency, Jean-Pierre Bemba, arrived in Kisangani.

17 Q. The MLC was created in Kisangani, you said. Did it remain based in
18 Kisangani throughout the period that you are familiar with, throughout the period
19 during which you followed its activities?

20 A. Not at all. When the President arrived in Kisangani, he had to start recruiting
21 the first group of soldiers with which he was going to engage in combat. He also
22 had to recruit young officers, young professionals and students in fact, who were to
23 be responsible for making people aware of the movement.

24 And, therefore, after having started recruiting, or rather having recruited 144 troops
25 which composed the very first MLC group, he had to leave Kisangani with this group

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 in order to wage war on the Dulia axis, in fact. And Mr Shabani at the time had
2 received a mandate from the President, had been assigned the task of recruiting
3 young professionals and students. He created an office at Kisangani and this office
4 that remained in -- this office remained in Kisangani for a fairly significant period of
5 time.

6 Q. Witness, perhaps you've already provided this information. I apologise if I
7 missed this, but which province is Kisangani located in?

8 A. Kisangani is in province Orientale.

9 MR BADIBANGA: (Interpretation) Your Honour, with your leave, I would like to
10 move into private session, very briefly.

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

12 *(Private session at 9.56 a.m.) Reclassified as Open session

13 THE COURT OFFICER: We are in private session, Madam President.

14 MR BADIBANGA: (Interpretation)

15 Q. Witness, this is an example of the manner in which your examination will be
16 conducted. From time to time we will move into private session. That means that
17 on such occasions what you say can't be heard outside the courtroom. At the
18 moment your face can't be seen but your voice can be heard when we are in open
19 session, even if you have voice distortion but now, as we are in private session, what
20 you say can't be heard outside this courtroom, so this is a good opportunity to deal
21 with information of a more sensitive nature.

22 I will now go back to the issue of the founders of the MLC, and you have briefly
23 addressed this issue. First of all, you said that you were told that some individuals
24 such as Olivier Kamitatu, Dominique Kanku and other Congolese who had taken
25 refuge in Europe, were involved in the establishment of this movement. This is page

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 7 in the French version, your Honour, lines 1 to 5.

2 Witness, you were told. Who told you? Could you please tell us?

3 A. Well, in fact, this is information that is not official. These are things that we
4 heard from others, quite simply.

5 Q. Are you in a position to give us a complete list, provide us with a complete list
6 of the names the founders of the MLC?

7 A. Could you please clarify something, because in fact there are two lists of
8 founding members. There are some founders who might be considered to be the
9 original founders and there are others who were added on in order to show respect
10 for the law.

11 Q. Well, perhaps we will do this in orderly fashion, but in order to be complete,
12 exhaustive, we'll deal with the two lists. Could you first tell us the names of the
13 original founders? Could you please provide us with that list?

14 A. The original founders were in fact recognised by the political and military
15 council. They were considered to be the original founders. First of all, there was
16 His Excellency Mr Jean-Pierre Bemba; then there was Olivier Kamitatu; François
17 Muamba was number 3; number 4, General Amuli; number 5, General Mongapa;
18 number 6, General Alongaboni; number 7, Mr Valentin Senga, number 6 - number 8,
19 Mr Jean-Pierre Singo; number 9, Mr Samuel Simene; and number 10, Mr Alain
20 Munanga, or at the time he was Major Alain Munanga. So there were ten of them.

21 Q. For the purposes of clarity on the transcript, when you say number 10, Major
22 Munanga, (Redacted)?

23 A. Yes, that is absolutely correct.

24 Q. You told us that these original founding fathers, so to speak, are those
25 recognised by the political military council. I will be putting questions to you on the

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 political and military council later on in open session, and at that time I would like to
2 warn you to be careful not to refer to anything such as (Redacted)
3 (Redacted) and so on and so forth, any material that can lead to your identification.

4 You can talk about (Redacted) in a neutral way. Are we in agreement on that?

5 A. I have no difficulty with that.

6 Q. Now we are still in private session and I would like you to talk about the second
7 list of founding members of the MLC. You said that there was a list, there were two
8 lists, one of the original founding fathers, and then the second list, as you put it, was
9 drawn up in order to uphold the requirements of the law. Could you tell the Court
10 who were the members on the second list?

11 A. When our rebel movement was transformed into a political party, the laws of
12 my country required that the founding members of such a party should represent or
13 reflect all the provinces of the country; therefore, the list of the founders had to be
14 representative somewhat of all the provinces of the country. That list, therefore,
15 ultimately was expanded to include 33 founding members and, believe me, it would
16 be difficult for me to provide all those names. I may forget some of the names.

17 Q. When outlining the names of the first list, you mentioned the duties of ranks of
18 some of the members. You referred for example to General Amuli, General
19 Mongapa, General Alongaboni, and Major Munanga, Alain Munanga. Are we to
20 understand that all these four persons were soldiers within the MLC and, if so, were
21 they the only soldiers within the MLC at the time it was founded, or were there any
22 other soldiers in that movement?

23 A. Let me make a correction. Maybe I should not have referred to the rank of
24 general for those persons. General Amuli, in fact at the time, was a colonel, so we
25 need to make that correction. At the time of the founding of the movement, he was a

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 colonel. Mongapa as well was a colonel. Alongaboni was a major, and so let us go
2 back to your question. The political and military council was comprised of three
3 career soldiers, including Colonel Amuli, Colonel Mongapa, and Major Alongaboni.
4 These were career soldiers. (Redacted)
5 (Redacted). That is my answer.

6 MR BADIBANGA: (Interpretation) Madam President, I think we can return to open
7 session now.

8 PRESIDING JUDGE STEINER: Court officer, please, could you turn into open
9 session.

10 (Open session at 10.08 a.m.)

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

12 MR BADIBANGA: (Interpretation)

13 Q. Mr Witness, can you explain to the Court what the political and military council
14 was; that is the political and military council of the MLC?

15 A. Within the MLC, the political and military council was the highest body
16 charged with taking the major decisions or making the major decisions of the
17 movement.

18 Q. Are we then to understand that by virtue of its name, which is "political and
19 military council," are we to understand that it had both a political and a military role?

20 A. Going by its name, that indeed is what should have happened or should have
21 been the case. However, in practice, that was not always the case.

22 Q. Can you then explain to the Court what the case was in practical terms?

23 A. There were a number of significant issues or matters relating to the life of the
24 movement including, for example, the timeliness or relevance of reorganising the
25 executive arm of government, and issues such as constitutional amendments and also

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 matters such as compiling lists of persons to represent the movement at various
2 summits that were being held outside of the country. Whenever issues such as the
3 selection of persons to fill certain positions in the executive, those things were
4 handled by Mr Jean-Pierre Bemba using his discretionary powers to consult whoever
5 he chose to. When it came, for example, to decisions relating to troop movement at
6 the battle-front, the political and military council was not always consulted.

7 Q. Mr Witness, are we then to understand that the name "political and military
8 council" was adopted because the council was made up of soldiers and politicians
9 alike?

10 A. Yes, that is correct.

11 Q. Who was the head of the political and military council?

12 A. All the meetings of the political and military council were chaired by His
13 Excellency, Jean-Pierre Bemba.

14 Q. That two-pronged name of the council, political and military council, on which
15 side of that fork did Mr Jean-Pierre Bemba sit? Was he on the political side or on the
16 military side?

17 A. I believe that His Excellency, Jean-Pierre Bemba, was above the fray, so to speak.
18 He was straddled between the military and the political arms of the council.

19 Q. Apart from the political and military council, did the MLC have any other
20 bodies or organs?

21 A. Yes, of course. It had the national executive, for example, which was another
22 governing body, including national -- the national secretaries who were in charge of
23 the daily activities of the movement in various areas. The national executive was
24 chaired by the general secretary; namely, Olivier Kamitatu.

25 Q. Apart from those two, that is the political and military council and the national

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 executive, was there any other body; governing body?

2 A. Are you speaking only of the political aspect, or am I to deal with the military
3 aspects as well?

4 Q. At this level, Witness, the Trial Chamber and those present in this courtroom
5 are not yet aware of the structural set-up of the MLC, and I'm trying to get you to
6 provide the Court with an exhaustive as possible picture of the structural set-up of
7 the MLC.

8 A. Now I follow. I can therefore say that we had the political and military council,
9 then there was the national executive on the political side and across the country we
10 had what was referred to as territorial secretaries. On the military side we had a
11 general staff, placed directly below the Commander-in-Chief, and below the general
12 staff we had chiefs of sector, or sector commanders, and below them we had brigade
13 commanders and battalion commanders and so on and so forth to the lowest ranks.

14 Q. Can we distinguish between political organs - and I note that you referred to the
15 national executive and the territorial secretaries - and the military organs? You
16 talked about the general staff and various commanders. Now, let us begin with the
17 political bodies. Did the national executive, or the territorial secretaries, did they
18 have any direct input in discussions relating to military matters?

19 A. The political wing did not at any time whatsoever officially intervene in any
20 military matters. However, it must be stated that His Excellency, Mr Jean-Pierre
21 Bemba, made sure that all political leaders received military training in order to be
22 able to understand military matters and have a sense of solidarity with the soldiers
23 fighting at the battle-front. That is the only aspect that I may want to highlight
24 which somehow speaks to a kind of overlap between the political and the military
25 aspects, whereby the politicians were given an opportunity to understand the

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 suffering that the troops were experiencing at the battle-front.

2 Q. When you say that Mr Jean-Pierre Bemba made sure that all political parties
3 received that training, am I to understand that it was his desire that the politicians
4 should be given such training for the purpose - the specific purpose - which you have
5 just mentioned?

6 A. Yes, that was his desire, in addition to the requirements of our allies in Uganda.

7 Q. Apart from that goal, which according to you was to have an understanding of
8 the suffering of the troops at the battle-front, were the political leaders at any time
9 whatsoever also involved in decisions or operations of a military nature?

10 A. Had I been aware of anything of that nature I would have said so, but I do not
11 believe that the political leaders had anything to say in relation to decisions of a
12 military character.

13 Q. You have talked to us about these political and military organs. Were they
14 enshrined in any kind of document? Was there any instrument that set up the
15 structure, or defined the structure, of the MLC?

16 A. Yes. Yes, indeed. The MLC was a well-structured organisation, with its rules
17 and regulations, and all of that was outlined in the constitution of the party.

18 Q. When was the constitution of the MLC drawn up? You talked of the creation
19 of the MLC in Kisangani in 1998. When was the constitution of the MLC drawn up,
20 to the best of your knowledge?

21 A. Officially the MLC constitution was drafted at the time of the political
22 beginnings, so to speak, in Gbadolite, at which time the senior leaders of the party
23 who had been active abroad came to Gbadolite (Redacted); namely, Kamitatu, Kanku,
24 Muamba and others. The list is rather long. It is when those external leaders came
25 to Gbadolite that the constitution was properly drafted and adopted.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 Q. Are you able to give a date to the time at which the constitution was drafted, or
2 put a date on that?

3 A. That's rather a tricky question and I don't want to provide an answer that is not
4 accurate. I am not able to give you a specific date.

5 Q. Now, the statutes drafted in Gbadolite according to you at that time, is that the
6 constitution that has governed the MLC throughout the period when you were
7 involved in the activities of the MLC? In other words, was there any other version of
8 the constitution?

9 A. Yes, there were other versions of the constitution. Particularly when the rebel
10 movement was transformed into a political party, it became necessary to significantly
11 amend the constitution.

12 Q. You have talked about this transformation into a political party for the second
13 time now. You just mentioned it when you said that, "We transformed from a rebel
14 movement into a political party." Can you tell the Court what you mean by that?

15 A. During the rebellion, our status was one of a rebel movement. Following the
16 inter-Congolese negotiations in Sun City, in South Africa, the position was that we
17 would no longer be a rebel movement, but that we would be transformed into a
18 political party. That is what I have been referring to.

19 Q. That transformation into a political party, did it substantively alter the
20 organisation of your movement?

21 A. Yes, absolutely. Let me give an example relating to this transformation into a
22 political party. When that happened, the political and military council disappeared
23 and was replaced by the college of founding fathers, so to speak. That is just one
24 example.

25 Q. You have some trouble recalling at what time the first official constitution, to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 use your words, was drafted, but are you able to tell the Court at what time this -- or
2 the first amendment of the constitution took place; that is, when you were
3 transformed from a rebel movement to a political party?

4 A. Mr Prosecutor, I told you yesterday that dates are not my thing, but I will try. I
5 will try and say that this transformation occurred on the heels of the political
6 negotiations that took place in South Africa. That must have been around 2003 or
7 2004.

8 Q. Having read yesterday's transcript, I did notice indeed that you had already
9 said that you were not very strong on dates and it does seem to me that the way
10 you're proceeding is the best one. If you cannot give us a date, at least you could try
11 and situate that moment in respect of some other events, like negotiations, for
12 instance.

13 So if we go back to the first constitution, you said that the movement was set up in
14 Kisangani, and later you said that the constitution was drafted in Gbadolite. So, for
15 instance, have you any idea as to when the MLC actually set itself up in Gbadolite,
16 having left Kisangani? Have you any idea when this happened, when it moved to
17 Gbadolite?

18 A. Gbadolite, well, I think that (Redacted) towards the year 2000, if my
19 memory serves me right. The year 2000.

20 Q. We, therefore, are in a position to consider that the first official constitution
21 dates back to the year 2000; is that correct?

22 A. Indeed, it is.

23 Q. Let me go back to the governing bodies that we were speaking about earlier.

24 In respect of these, you said that the national executive was chaired by the
25 Secretary-General, Mr Olivier Kamitatu. Was there anyone on top of Mr Kamitatu,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 or was he the big political boss and then there was nobody overseeing his work?

2 A. No. Really, if you're speaking about the political side of things within the
3 structure, within the hierarchy of the various positions, it was the president who was
4 number one - the number one person in the movement - followed by the
5 Secretary-General, who was the chief of the executive.

6 Q. Now, if you will, may we move to the military wing? Who was the leader of
7 that military wing?

8 A. The number one person in the military wing was the Commander-in-Chief, His
9 Excellency Mr Jean-Pierre Bemba, followed by the General Chief of Staff who was,
10 therefore, the commander of the general staff.

11 Q. How was that general staff -- how were the Chiefs of Staff organised? What
12 were the various positions in there?

13 A. Within the general staff, there was number one, the General Chief of Staff, and
14 that was Colonel Amuli, Dieudonné Amuli. Today he's a general. The
15 second-in-command, well in fact, there were four people who were
16 second-in-command in charge respectively of administration, operations, logistics
17 and intelligence.

18 Q. These various top leaders, both on the political side - and I'm referring now to
19 the Secretary-General that you just mentioned - you also said there were national
20 secretaries within the national executive and then also the top leaders on the military
21 side, the General Chief of Staff and his various deputies. Can you tell me who
22 appointed them, how they were appointed?

23 A. As I believe I said already, where things political are concerned, all
24 appointments were made by His Excellency, the national president or national
25 chairman, using his discretionary powers. He always had the possibility of

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 consulting anyone he wanted, obviously, in the process of appointment.

2 Where the armed or military branch is concerned, I'm afraid I do not actually know
3 how the appointments were done. However, I do believe that where the
4 appointments are concerned Mr Jean-Pierre Bemba obviously must have had advice
5 from the General Chief of Staff.

6 Q. And as regards the appointment of members of the political and military
7 council, you told us that there were both politicians and military men within that
8 council. How were they appointed? What was the procedure of appointment?

9 A. I believe that I was only apprised of this when things became public, when they
10 were published. This being said, I would imagine, however, that in order to appoint
11 the people who appeared on this list of the members of the political and military
12 council I would imagine he sought the advice, even though I'm not certain of this,
13 sought the advice of the Secretary-General and the General Chief of Staff.

14 Q. Am I right in assuming you did say earlier that the political and military council
15 had been transformed into a college of founding fathers, or founding members? Did
16 I understand you correctly?

17 A. I would not use the word "transformation." What I said earlier was then when
18 the political -- (Redacted) the military and
19 political council had disappeared, and instead of that council (Redacted) was a
20 college of founding members.

21 Q. Throughout the period during which the political and military council was
22 functioning, did the members remain strictly the same, or not?

23 A. I'm sorry, are you referring to the political and military council?

24 Q. Yes, I was speaking about the political and military council, Witness. During
25 all the time this council existed, before it became the college of founding members, so

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 during the time of existence of the political and military council, were there any
2 changes in its membership?

3 A. If my memory serves me right, I do believe that towards the end of the
4 rebellion - that is to say the period during which (Redacted)
5 a political party - all the military men were withdrawn from the list of the political
6 and military council. That is the alteration which must have taken place then.

7 Q. The first set of official statutes or constitution of the MLC and which, according
8 to what you said, were drafted around the year 2000, do you know who adopted
9 them? I would imagine that there was a whole process or procedure of adoption of
10 this constitution. Do you know who adopted these statutes or constitution, which
11 particular body did that?

12 A. May I revert to this later? Because I'm afraid that ideas are a bit confusing in
13 my mind right now and I need some time to think it over.

14 Q. Your ideas, might your ideas be clearer as regards the second version of the
15 statutes? Would you know who adopted the second set of the statutes or
16 constitution?

17 A. Yes. For the second turnaround, the constitution was adopted by the political
18 bureau in the course of a meeting of the political bureau, which was a body that
19 emerged in the second constitution.

20 Q. You said this morning that, in practical terms, the political and military council
21 didn't actually exercise certain prerogatives. I should like to go back with you over
22 what the texts provided for. Do you remember, can you remember what were in
23 principle, on paper, the prerogatives of the political and military council?

24 A. It would be rather difficult for me to describe them in detail. All the powers or
25 prerogatives devolving upon the political and military council but, generally

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 speaking, all the major decisions concerning the movement were to be adopted by
2 that council.

3 Q. I should have been a little bit more explicit and more specific. When I
4 appealed to your memory, I didn't ask for a full detailed description. What I'm
5 interested in is really having a general idea. So when you say all the major decisions,
6 all the important decisions, could you now then give us a few examples of these major
7 decisions so that we can understand what you mean exactly by that?

8 A. I believe I said earlier - I think I already gave you an example where the political
9 wing is concerned - the political and military council, for instance, had to take into
10 account things such as how opportune it would be to restructure the executive; at
11 what time that should be done; whether it was wise to do so; whether it was wise also
12 to amend the statutes. That's another one the prerogatives of the political and
13 military council. Another one was also to choose among a certain number of
14 military operations when a choice had to be made because in fact we were an
15 insurgency movement and so we were involved in fighting, so some major military
16 decisions also had to be adopted by the council.

17 MR BADIBANGA: (Interpretation) Your Honour, with your permission, could we
18 move into a private session?

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

20 *(Private session at 10.47 a.m.) Reclassified as Open session

21 THE COURT OFFICER: We are in private session, Madam President.

22 MR BADIBANGA: (Interpretation)

23 Q. Mr Witness, you did say clearly that (Redacted)
24 (Redacted); is that right?

25 A. Indeed.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 Q. In that (Redacted)

2 (Redacted)

3 the decisions that you have just given us by? By way of an example, (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. Yes, indeed, because I must acknowledge that meetings were held within that

8 political and military council and (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted); is that

16 right?

17 A. Yes, indeed.

18 Q. And to go back to these major decisions you referred to, (Redacted)

19 (Redacted)

20 (Redacted)?

21 A. Never.

22 Q. On the whole, would you say that the time during which (Redacted)

23 (Redacted)

24 (Redacted)?

25 A. From the beginning to the end.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 Q. You know, sir, that in this courtroom you are taking part in an analysis of the
2 events that took place in the Central African Republic between 2002 and 2003. You
3 are aware of that?

4 A. Yes, I am.

5 Q. During that period, (Redacted)

6 A. Yes, (Redacted).

7 Q. In the course of the meetings of the political and military council which were
8 held during that particular period, before that period, perhaps even after that period,
9 (Redacted) of military operations led by MLC troops in
10 the Central African Republic?

11 A. There had never been, to my knowledge, any specific convening of the political
12 military council to deal with that type of question.

13 Q. You did say that there were meetings of the political and military council that
14 were being held, so here again, on the whole, without giving me any specific figures,
15 could you tell us, roughly speaking, (Redacted)

16 (Redacted) I'd like to simply have an idea. (Redacted)

17 (Redacted) Can

18 you give us an idea of the figure or perhaps the rate, the frequency, if that could help
19 you get your figures right?

20 A. Well, honestly, it would be very difficult for me to speak of the frequency of the
21 meetings of the political military council, how often it met. Let me say that,
22 generally speaking, the council was convened almost every single time there was a
23 need to take an important political decision.

24 Q. My final question before we move back into open session: You say that you're
25 not very strong on dates, at least you can remember that the -- during the period of

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 events in the Central African Republic (Redacted)

2 (Redacted)

3 (Redacted); is that so?

4 A. Yes, it is.

5 Q. I'd like to take one particular reference as a starting point. The movement was

6 set up in 1998. Was the political and military council set up at the time when (Redacted)

7 (Redacted) or was it a few months or a few years after that, because I'd like to

8 get an idea of the time, of the timing of all this?

9 A. Well, no, no, really, in fact, at the time of the setting up of the movement in

10 Kisangani, I must admit that when the movement was set up the administration

11 wasn't really reliable until (Redacted) Gbadolite. In Gbadolite, things were more

12 structured; they were beefed-up, better organised. So if you take the time going

13 between -- elapsing between the actual creation of the movement until (Redacted)

14 Gbadolite, I must say that during that time the political branch wasn't really in

15 existence. The way (Redacted), on the whole, was more like a military branch

16 during that period; (Redacted) as a military group.

17 Q. I have noticed, sir, that ever since this morning you've been making efforts to

18 speak slowly, and I am doing my best also to speak slowly, but I think that we have

19 both forgotten the five-second rule, and I have just been told that the court reporters

20 cannot accurately put down everything we're saying. So I shall try and wait five

21 seconds before I ask your -- a question to you, once you have finished answering and

22 I would ask you also to do the same, to wait five seconds before you answer my

23 questions. Fine.

24 So we're still in private session. Something else I'd like to add here. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 A. No, at no time (Redacted).

2 MR BADIBANGA: (Interpretation) Your Honour, we can now move to a public,
3 open session, if you will.

4 PRESIDING JUDGE STEINER: Let's turn into open session, reminding Maître
5 Badibanga that we still have three minutes.

6 (Open session at 10.58 a.m.)

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

8 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.

9 Q. Witness, earlier you mentioned the national executive and you said it was led
10 by a Secretary-General and that it was made up of national secretaries. Would you
11 be so kind as to tell us how many national secretaries there were within the national
12 executive?

13 A. I'm afraid it would be rather difficult for me to tell you the exact number of
14 national secretaries. The most I can tell you is that the national executive was made
15 up of secretariats, national secretariats, which addressed all the fields of the political
16 existence of the movement, dealt with all of the political issues of the movement.

17 Q. In insurgent movements, rebellion movements, some vocabulary at times is
18 adopted of a specific nature. When you speak of Secretary-General, could you give
19 us an idea by using common ordinary language of what a Secretary-General was, or a
20 national secretary, for us to have a better idea of what you are referring to?

21 A. Well, the -- let's start with the national executive. The national executive is,
22 let's say, the equivalent of a government. The national secretaries were, therefore,
23 the equivalent of ministers, and the Secretary-General would then be the prime
24 minister.

25 MR BADIBANGA: (Interpretation) Your Honour, it is 11 o'clock. Thank you,

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 Madam.

2 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. Mr Witness, we'll
3 have now half-an-hour break. You can take some coffee, some tea, just take some
4 rest. It's 11 o'clock. We will resume at 11.30.

5 I ask, please, court officer to turn into closed session for the witness to be taken
6 outside the courtroom. In the meantime, we will suspend and resume at 11.30.

7 *(Closed session at 11.01 a.m.) Reclassified as Open session

8 THE COURT OFFICER: We are in closed session, Madam President.

9 (The witness stands down)

10 THE COURT USHER: All rise.

11 (Recess taken at 11.02 a.m.)

12 (Upon resuming in closed session at 11.34 a.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Welcome back. I notice the absence of Maître
15 Douzima, but we will start -- we will resume anyway. I ask, please, the court usher
16 to bring the witness in.

17 (The witness enters the courtroom)

18 PRESIDING JUDGE STEINER: We can turn into open session, please.

19 (Open session at 11.36 a.m.)

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

21 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, welcome back.

22 THE WITNESS: (Interpretation) Good day.

23 PRESIDING JUDGE STEINER: Can we continue with your testimony?

24 THE WITNESS: (Interpretation) Without a problem.

25 PRESIDING JUDGE STEINER: I'll give back the floor to Maître Badibanga.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 MR BADIBANGA: (Interpretation) Thank you, your Honour.

2 Q. Witness, we will now continue. We are in open session, and we'll try and
3 respect the five-second rule.

4 You mentioned the various bodies, and we were dealing with the highest level one, I
5 would say, because we were speaking about the national secretariat, the national
6 secretaries. You said that was the equivalent of ministers and the Secretary-General
7 was like the prime minister.

8 Let me mention the main staff. With regard to the main staff and its structure, I'd
9 like to have a look at it in greater detail. You said, or you mentioned, the chief of the
10 main staff and his four deputies. Who held these positions of deputy to the MLC chief
11 of the main staff?

12 A. As far as I know, the chief of the main staff was the same person throughout the
13 period spent in the rebellion. As far as his deputies are concerned, several changes
14 occurred; certain appointments were made at various points in time to replace certain
15 individuals, to promote individuals, assign them to other positions.

16 So if I am to give you a list of all of them, from the beginning to the end, I'll have to
17 ask you for your indulgence since my memory might fail me on occasion. I might
18 forget certain things. So, therefore, I would ask you for your indulgence not to hold
19 this against me.

20 Q. Very well. First of all, you should only provide us with information that you
21 know and, secondly, we'll try and limit this information to the case we are interested
22 in. Naturally, we'll try and have a general overview of things, but we will try to
23 focus on things and not go into the details of the movement of the MLC because it's
24 not the MLC that is at stake in this case.

25 When you said there were deputies, you said that there were some responsible for

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 intelligence, for operations, for administration and for logistics. I know that in
2 general in the army these various positions have names, codes of a kind. Could you
3 tell us what the respective codes are?

4 A. The chief of the main staff, the deputy chief of the main staff responsible for
5 administration had the following code, if it's to be called a code: His code was G1.
6 G1. The Deputy Chief of Staff responsible for intelligence had the code G2. The
7 Chief of Staff responsible for operations had the code G3, and the very last Deputy
8 Chief of Staff was responsible for logistics had the code G4. That would be it.

9 Q. You also said a while ago that number 1 in the military wing was Mr Jean-Pierre
10 Bemba. Could you tell us what his exact title was within the military wing as a
11 member of the military?

12 A. Well, if we confine ourselves to the flow chart of the army, His Excellency
13 Jean-Pierre Bemba was the Commander-in-Chief in the army.

14 Q. You said that below the main staff there were chiefs of certain sectors and you
15 said it went right down the chain. Do you have an idea of the size of this army - of
16 the MLC army - in terms of troop strength and perhaps in terms of units as well?

17 A. I can no longer remember.

18 Q. When you said that there were sector commanders, well, is this notion of sector
19 a notion that is used for a military subdivision?

20 A. Well, the notion of sector is really an operational subdivision; means an
21 operational subdivision.

22 Q. What do you mean when you say "operational subdivision"?

23 A. When I say "operational subdivision," what I want to say is that each sector had
24 the mission to conquer certain axes, if I am not mistaken, well-defined axes.

25 Q. Which were the largest military units within a given sector? If my question

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 isn't clear, please tell me so.

2 A. No, I have understood that. In a sector, there could be brigades.

3 Q. In fact, you have understood my question well. Do you know how many
4 brigades the MLC had?

5 A. I'm not able to say.

6 Q. Was there a particular term for the MLC army?

7 A. Of course, the army did have a name. It was the Army for the Liberation of the
8 Congo.

9 Q. If you like, in the future whenever we refer to "the army" you can say "the Army
10 for the Liberation of the Congo" and when we are speaking about the movement in
11 general, or the political aspect of this body, we'll refer to "the MLC." So try and use
12 the term "the Army for the Liberation of the Congo." Was there an acronym for the
13 Army for the Liberation of the Congo that was in use?

14 A. Yes, absolutely. The army for the Congo had the following acronym: ALC.

15 Q. Since we are speaking about the ALC, you said there was a Chief of Staff and
16 then you mentioned the G1, G2, G3 and the G4. You also said that you had certain
17 difficulties with dates. If I ask you the following: During the 2002 to 2003 period,
18 do you know who held the position of G1, G2, G3 and G4, would you be in a position
19 to answer that question? If not, just say so.

20 A. I can try. Well, within the main staff during that period of time, the chief of the
21 main staff, the chief of the general staff, was Colonel Dieudonné Amuli. As far as his
22 deputies are concerned, the deputy responsible for administrative matters was
23 Colonel Mongapa; Leonard Mongapa. The deputy responsible for
24 administration -- no, the deputy responsible for operations was Major Bule. If I'm
25 not mistaken, it was Major Bule, and if it wasn't Major Bule I think that it must have

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 been Commander Kitenge (phon), either the one or the other, and the deputy
2 responsible for intelligence was Commander Bokolombe, Jean-Louis Bokolombe, and
3 the deputy responsible for logistics was Colonel Mbiato. That's it.

4 Q. Do you know who led the MLC operation in the CAR? Who led the troops?
5 Who was the officer who led the troops there?

6 A. As far as I know, it was General Mustapha.

7 Q. A while ago you corrected the names of certain individuals. You corrected
8 their ranks. You said they were generals and then you said that they were colonels
9 in fact, or majors, and just for the clarity of the transcript was Mr Mustapha a general
10 at that point in time?

11 A. No, no, I'll correct what I said. You should understand that the current rank
12 that these officers have is something that keeps coming to mind, but in fact he was
13 just a commander. At the time, he didn't have a rank of any kind.

14 Q. The purpose of my question is to find out whether he was in the main staff, or
15 not. We mentioned the main staff and referred to a G1, G2, G3 and a G4. Could
16 you just give us an idea of the position Commander Mustapha had in relation to the
17 MLC main staff?

18 A. Commander Mustapha wasn't part of the main staff which was in Gbadolite.
19 Commander Mustapha was a brigade commander. A brigade commander. I no
20 longer remember very well what the name of his brigade was but, briefly, he was a
21 brigade commander.

22 Q. At this point in time, without giving any details that would make it possible to
23 establish a link to you, tell us in general terms whether you know how the chain of
24 command functioned within the ALC; what is known as "the chain of command"?

25 A. As I followed -- as I had military training of a certain kind myself, I have a

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 precise idea of the chain of command.

2 Q. Could you therefore tell us how the chain of command functioned within the
3 ALC?

4 A. In theory, all the existing structures within the main staff, in theory, it was
5 understood that the orders that were to be issued by the commander, the chief
6 commander himself, often the Chief of Staff, within his main staff, it was understood
7 that these orders should go down the chain of command, so they should go from the
8 top to the bottom of the chain of command. That was the theory, but in practice that
9 was not always the case.

10 Q. For the sake of clarity, when you say "the Commander-in-Chief," who are you
11 referring to?

12 A. When I speak about "the Commander-in-Chief," I'm referring to His Excellency
13 Mr Jean-Pierre Bemba.

14 Q. You started answering the preceding question and you said "In theory" and you
15 finished your answer by saying that "in practice that was not always the case."

16 Could you explain for the benefit of the Chamber how things worked in practice?

17 A. What I mean, what I am insinuating when I say what I said, is that sometimes
18 what happened is that the Commander-in-Chief, His Excellency Jean-Pierre Bemba,
19 could skip all the stages of the chain of command and establish direct contact with the
20 troops in the field and issue orders directly to them. I'm now referring to the
21 operations that were carried out in our very own territory, first of all.

22 Q. Could you be a little more explicit with regard to the expression you used?
23 You said that Jean-Pierre Bemba could skip all the stages. I'd like you to be a little
24 more explicit so that we can fully understand what you mean when you say that.

25 A. What I mean, to be more explicit, is that he could just ignore certain things for

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 reasons that he was aware of himself. He could ignore the chief of the main staff,
2 who in principle should have been the first person to receive the orders issued by the
3 Commander-in-Chief. However, on occasion he would be ignored and orders
4 would be given directly to the troops, or rather to the commanders who were in the
5 field.

6 Q. Whenever such a thing happened, as far as you know did the general staff, that
7 is including the chief of general staff and the other G1, G2, G4, could they intervene to
8 stop or redirect a decision or channel a decision otherwise since you say that they too
9 could issue orders?

10 A. Not at all. Not at all. Any order from the Commander-in-Chief, for example
11 relating to troop movement, clearly the chief of general staff ultimately would be
12 informed of such an order and would have to follow it up; that is follow up the order
13 from the Commander-in-Chief.

14 Q. In general terms who made the military decisions, for example as to committing
15 troops to any operation, any military operation?

16 A. One must acknowledge that the general staff also had as its duties to advise the
17 Commander-in-Chief, and it did. So decisions relating to the deployment of troops
18 would normally have been made with the involvement of the general staff.
19 However, maybe for reasons relating to expeditious action, whereby information is
20 expected to reach the troops on the ground promptly - and this is only my view - he
21 could have directly called, given that he had a broad range, an array of
22 communication instruments at his home which gave him the possibility to contact the
23 commanders in real-time and give orders.

24 Q. According to you, it was possible for the general staff to be regularly consulted
25 in terms of commitment of troops. Now, I don't know whether my question will use

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 the appropriate military terminology, but please correct me as need be. From a
2 strategic point of view, who took the decisions to commit MLC or ALC troops in
3 military operations?

4 A. Throughout the period, from the creation of the movement up until the time
5 when His Excellency, the President, broke ranks with our former ally, namely Uganda,
6 one must say that the ally was fully involved in strategic and tactical decisions
7 relating to operations on the ground.

8 When the Ugandan ally left, and we must acknowledge that the ally had some
9 measure of influence on our operations given that it had a significant involvement, for
10 example by provision of matériel and equipment, clearly they therefore had great
11 influence on the activities of the ALC.

12 So after the Ugandan ally had left, most of the decisions to commit the army to a
13 number of activities and field operations were taken by His Excellency himself, that is
14 His Excellency Jean-Pierre Bemba, who had become very experienced in the area and
15 was doing very well for the pleasure - one must say - and joy, although the chain of
16 command may have been broken, but his personal commitment to the troops was a
17 source of great motivation for the troops on the ground, so much so that there really
18 were not many problems for us flowing from that, given that our purpose - our
19 goal - was to win the war.

20 If winning the war meant that the Commander-in-Chief himself would break or
21 bypass the chain of command as need be, why not, so long as victory was the goal?

22 Q. It follows from your answer that there was a period during which discussions,
23 or rather decisions, were taken in consultation with the Ugandans, according to what
24 you say; that is decisions taken by Jean-Pierre Bemba after consulting the Ugandans.
25 Now, I would like you to give us a specific answer for the record as well relating to

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 the MLC. As an insider, can you tell us who was -- or who made the decisions, and
2 we are still referring to strategic decisions?

3 A. I will give you more or less the same answer as I have just previously stated.

4 You see, His Excellency President Jean-Pierre Bemba, the Commander-in-Chief, had
5 become very experienced in matters of command authority and was therefore able to
6 take decisions committing troops which would only subsequently be followed up by
7 the general staff. That is one point.

8 Secondly, even while the Ugandan ally was still present and working with His
9 Excellency, Jean-Pierre Bemba, it did happen every now and then that they would
10 disagree on the timeliness of issuing any orders relating to troop movements. What
11 I mean is that it may have happened that the Ugandan ally would attempt to
12 discourage the Commander-in-Chief from moving troops and that the
13 Commander-in-Chief would disagree with such advice and go ahead to issue orders
14 directly to the commander or to the operations commanders on the ground. This
15 would in turn annoy the Ugandan ally.

16 However, as for the internal organisation of the ALC itself, excluding the ally if we
17 must do so, the general staff ultimately - and this is true - would be brought into a
18 decision that initially was unilaterally taken by the Commander-in-Chief.

19 Q. In such circumstances then, where the Commander-in-Chief took such strategic
20 decisions for troop movements, what could the general staff -- what role then would
21 the general staff have had to play when such decisions were issued by the
22 Commander-in-Chief?

23 A. Once the Commander-in-Chief made such a decision -- and I must point out
24 that this was not always the case, but if it did happen then the general staff had to
25 follow up; namely by contacting the unit to which the order had been issued and

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 monitor the activities and then report accordingly to the Commander-in-Chief.

2 Q. Witness, do you know who took the decision to commit the MLC troops, the
3 ALC, to operations in the Central African Republic between 2002 and 2003?

4 A. Well, I crave your indulgence once more so that I may open a parenthesis with
5 your leave and say the following: You see, I am a practising believer. When I got
6 to know His Excellency Jean-Pierre Bemba, I discovered that he was a man who had
7 all the qualities of a leader, unequalled charisma, that he was under the protection of
8 an invisible hand which guided him through situations in which many may have
9 been lost. So I came to the conclusion, based on my belief that he was endowed with
10 a divine mission, and I believed in this sincerely, a divine mission to save the
11 Congolese people, but - and now I want to address your question - you see, the initial
12 goal was to save the Congolese people. I saw him to be on a divine mission to save
13 the Congolese people, and so I think he should not have diverted or moved away
14 from that mission to attempt to save another people who was not the Congolese
15 people and who were outside of our mission. From the moment he took that
16 decision, honestly, the invisible hand that was upon him, protecting him, was
17 withdrawn. From that moment, we experienced many problems within the
18 movement. Many people left the movement, many people defected, (Redacted)
19 (Redacted) the frustrations that were brewing
20 within the movement. And so this, I believe for me, was the greatest mistake that
21 my President, His Excellency, ever made; namely, the decision to intervene in a
22 foreign country.

23 The consequences followed, because there is no clean war. You see, from the very
24 beginning we should have known that such an intervention would not go without
25 collateral damage and so that decision, from my point of view, was taken by His

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 Excellency, President Jean-Pierre Bemba himself, most unfortunately.

2 Q. Are you sure that this decision was taken by Jean-Pierre Bemba and, if it was by
3 him, did he consult any other persons?

4 A. If he did consult anyone else, I must say upfront that I was not involved and I
5 was not concerned and then, secondly, the General Chief of Staff who should have
6 been the first to be consulted (Redacted) was not involved in the assessment of
7 the need for such an intervention. He was not involved in that assessment.

8 Therefore, it was an order that he received requiring that he monitor or follow up on
9 the operations that were taking place in the Central -- were to take place in Bangui, in
10 the Central African Republic.

11 MR BADIBANGA: (Interpretation) Madam President, with your leave I would
12 like to move into private session.

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

14 *(Private session at 12.19 p.m.) Reclassified as Open session

15 THE COURT OFFICER: We are in private session, Madam President.

16 MR BADIBANGA: (Interpretation)

17 Q. Witness, we are now in private session and now you have the opportunity to
18 tell us how you became aware of these things. A short while ago in open session
19 you said that the (Redacted), so I want you to be cautious.

20 I don't know the circumstances in which (Redacted), but when you make such a
21 pronouncement during your testimony those listening on the outside may be able to
22 identify you. So my question is the following: How do you know that
23 Mr Jean-Pierre Bemba took this decision single-handedly without involving the
24 general staff of the ALC?

25 A. I have already said, and I did so just a while ago, that the chief of general staff of

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 the ALC ordinarily should have been the first person to be involved in an assessment
2 of the timeliness of an intervention in Bangui. He was not. My conclusion,
3 therefore, is that since he was not involved, or consulted, was it Olivier Kamitatu, the
4 national secretary? I would not think so. I have my doubts, because the national
5 secretary Olivier Kamitatu said relentlessly at the time, to whoever listened to him,
6 that His Excellency, President Jean-Pierre Bemba, had made the army and security
7 matters of his private preserve; that is his turf on which no one could step in a manner
8 that would not be acceptable to him.

9 Q. Earlier on you explained to this Court the manner in which the chain of
10 command worked, and then you went on to say that Jean-Pierre Bemba would bypass
11 the general staff in relation to a number of operations. Now, you may have heard
12 some noise in the background, but that is simply the sound of a printer, so please
13 don't be worried. I noticed a little twitch in your reaction but, in any event, how did
14 you become aware - and I remind you that we are in private session - how did you
15 become aware of this breach of the chain of command of the ALC? Please provide
16 your sources.

17 A. Let me backtrack somewhat and remind you that early in my testimony I told
18 you that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 (Redacted)

2 (Redacted) So that already was an indication that

3 the chain of command was being breached, (Redacted) should

4 have been sent through the chief of general staff who then would forward the (Redacted)

5 to the Commander-in-Chief.

6 Throughout our adventure, so to speak, those who occupied the G2 position, that is

7 the deputy chiefs of general staff in charge of intelligence, all of them faced the same

8 problem, because the chief of general staff did not appreciate that manner of

9 functioning. According to the chief of general staff, the G2 was then seen to be an

10 instrument or a tool at the service of the Commander-in-Chief, whereas in a properly

11 organised and well-functioning general staff, of all the other deputies it is the G2 who

12 should be the closest to the chief of general staff. My humble opinion, and as far as I

13 know, is that all those who occupied that position of G2 did not have that type of

14 relationship with the chief of general staff. This then points, among other things, to

15 the breach in the chain of command.

16 Q. You have just given the Court an example that (Redacted), in terms of the

17 organisation and operations of the organisation, but do you have any example of a

18 case where the general staff was bypassed when dealing with military operations?

19 A. Yes, I do recall one occasion on which the Commander-in-Chief, His Excellency

20 Jean-Pierre Bemba, disagreed with a brigade commander known as Alongaboni, who

21 was then a major and who is a general today. He had a direct conflict with him

22 relating to an order that he himself had issued directly to the commander, but which

23 the commander did not want to comply with. There was a heated discussion, with a

24 few words misplaced or mis-spoken here and there, and it became aware -- it became

25 common knowledge, we became aware of it and then got to understand, that Major

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 Alongaboni was not going to be pushed around whenever he was commanding
2 operations on the ground.

3 Q. Now, specifically in this example you've just mentioned, since Commander
4 Alongaboni apparently did not agree, was not in agreement and did not comply with
5 the order he was given, what did Mr Jean-Pierre Bemba do?

6 A. What I've just said, in fact, although I didn't want to get into detail, but since
7 you seem to be insisting I shall have to do so. The Commander-in-Chief threatened
8 him with arrest, and Commander Alongaboni is supposed to have said that he was
9 the commander of his own troops and that let the Commander-in-Chief try and arrest
10 him and see what would happen.

11 Q. I just want to make sure I have really understood you, because my question was
12 linked to the fact that, according to you, Mr Jean-Pierre Bemba would bypass his
13 officers, and yet the example you give me seems to be an example of a fall out or a
14 disagreement between the two of them and I want to have from you an example of a
15 case where he would bypass an officer and issue orders directly to the soldiers on the
16 ground, as you seem to have said earlier?

17 A. Well, going back to the selfsame example of a disagreement with Commander
18 Alongaboni, it is my personal opinion that had the chain of command been fully
19 abided by, that is to say if the order that the Commander-in-Chief had issued to
20 Commander Alongaboni had transited through the General Chief of Staff as laid
21 down normally in these matters as part of the general military structure, that clash
22 between the Commander-in-Chief and one of the commanders would have been
23 avoided. A clash between the Commander-in-Chief and a field commander would
24 have been avoided.

25 So where does the bypassing play a role? The bypassing steps into the picture when

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 the Commander-in-Chief decides to disregard the normal chain of command and gets
2 in touch directly with a field commander.

3 MR BADIBANGA: (Interpretation) Thank you. That's very clear. Your Honour,
4 we can go back to an open session, with your indulgence.

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

6 (Open session at 12.33 p.m.)

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

8 MR BADIBANGA: (Interpretation)

9 Q. Witness, we have spoken of decisions of a strategic nature, military decisions.

10 I would now like us to refer to operational decisions, like how many soldiers were
11 deployed, at which particular time these soldiers were to be deployed, et cetera.

12 This type of operational decision was taken by whom within the ALC?

13 A. You should know that, although the Commander-in-Chief had already acquired
14 experience in commanding troops, it was nonetheless true that he was surrounded by
15 technicians within the general staff and that naturally these people - these
16 technicians - were to be involved in all issues pertaining to operations, strategy,
17 specifically for instance the number of soldiers that would have to be committed,
18 logistics, et cetera. The Commander-in-Chief could not do this by himself. These
19 were all highly complex matters and, therefore, the Commander-in-Chief could not
20 tackle them single-handedly.

21 Q. So with whom would he do that?

22 A. On several occasions I saw the General Chief of Staff with his deputies
23 collectively discussing for instance how many troops would have to be deployed in
24 any one particular operation, also discussing the logistics to be provided for in order
25 to assist one particular unit, so it seems to me that for all of these issues the general

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 staff did what it was supposed to do.

2 Q. When Mr Jean-Pierre Bemba took a strategic decision and then it behoved the
3 general staff to take all apposite operational measures, would then Jean-Pierre Bemba
4 allow the general staff by itself to manage the operational issues, or would he remain
5 involved in both the discussions and the ultimate decisions to be adopted
6 operationally?

7 A. Listen here, as Commander-in-Chief, unlike for instance any other insurgent
8 chiefs, if I were to refer to other rebellion movements such as the RCD,
9 Rassemblement congolais pour la démocratie. So unlike these other chiefs, our
10 Commander-in-Chief was a stickler for rules. He would go into even the tiniest
11 detail concerning strategic operational tactical matters. He behaved like a true
12 military chief, so to conclude he would also be involved in all of these operations
13 pertaining to logistic issues, et cetera. He became personally involved in all of these.

14 Q. You gave us an example of the incident with Commander Alongaboni, who
15 opposed a decision that had been made by Jean-Pierre Bemba. Would this happen
16 that a member of the military Chiefs of Staff, or of the general staff, would oppose a
17 decision taken by Mr Bemba and, if that was the case, what would the consequences
18 be?

19 A. I believe that the only member of the general staff that would have had
20 the -- enough courage, would have been bold enough, to oppose a decision adopted
21 by the Commander-in-Chief himself, the only man endowed with such boldness
22 I think could only have been at that time Colonel Kibonge, who at one point was a G2,
23 that is to say was the deputy chief in charge of intelligence, and it is true that this type
24 of behaviour very often unleashed the wrath of the Commander-in-Chief.

25 Q. Well, specifically this unleashing of the wrath of the Commander-in-Chief led to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 what? What were the tangible consequences for this commander you mentioned?

2 A. Concerning Commander Kibonge, there are many things to be taken into
3 account when describing the relationship between Commander Kibonge and the
4 Commander-in-Chief; that is to say there are many aspects which really have very
5 little to do with military matters that also came into the picture within their rapports,
6 in their relationships, to such an extent that you would have to take a more detached
7 view and not just a military view where the Commander-in-Chief would have a
8 certain mistrust of Commander Kibonge to such an extent that at one point he
9 ordered his arrest and imprisonment.

10 Q. Again on this term you have used "bypassing the chain of command and the
11 general staff," you just said a while ago that Mr Jean-Pierre Bemba had means of
12 communication at home, he had his own means of communication, personal means.
13 Would you care to explain what you meant by that, please?

14 A. What I meant by that was that in his own residence, in his living room, he had a
15 radio, a radio set with which -- which would enable him to enter into contact with all
16 units; units that were also equipped with that kind of radio receiver. He had a
17 transmitter that would enable him to get into touch with all the units that had the
18 receiver. He also had a satellite telephone which enabled him to talk directly with
19 the brigade commanders who were also fitted out with such satellite telephones. He
20 also had a suitcase, a satellite suitcase. That's it.

21 Q. Where was the residence of Mr Jean-Pierre Bemba to be found?

22 A. His Excellency Mr Jean-Pierre Bemba's residence was in Gbadolite, but he had
23 another one in Lisala where we spent quite some time before we starting -- before we
24 started moving forward and finally reached Gbadolite.

25 Q. Going back to your previous answer, and beginning with the end of that answer,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 you said "He had a satellite suitcase." Would you be so kind to explain what is a
2 satellite suitcase? What is it used for?

3 A. I may not be using the precise and adequate terminology for that kind of
4 apparatus. It is a communication apparatus, which is neatly packed into a suitcase,
5 and when you want to make a call, you have to open that suitcase, then you have to
6 deploy an aerial, an antenna, in order to be able to emit or transmit a call, and that is
7 what I call a satellite suitcase.

8 Q. I believe that my colleague did say yesterday that at times we ask questions that
9 may look repetitive or very simple, but it is essential in judicial proceedings to get as
10 accurate an answer as possible. So, sir, you also said earlier that he had a satellite
11 telephone which enabled him to directly talk to the brigade commanders who also
12 were fitted out with such satellite phones. Would you be more explicit, sir? Did all
13 brigade commanders have satellite telephones?

14 A. To my knowledge, when His Excellency, the President, Jean-Pierre Bemba, put
15 in a request, or rather an order - an order - for such telephones and when they
16 reached Gbadolite, (Redacted)
17 (Redacted)
18 (Redacted), so it is my opinion
19 that each brigade commander did receive one.

20 Q. Could you tell us more or less how many of these satellite telephones were
21 ordered, or how many brigade commanders were there within the ALC?

22 A. I'm afraid I can't give you a specific answer on that, I'm sorry.

23 Q. I have taken due note of your answer. I shall simply like to insist a little bit in
24 order to make sure that you're not in a position to answer and, if that is the case, just
25 say so. (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 (Redacted) Is that because you knew that two telephones had reached the city, or 20,
2 or 50, or 100 such telephones had already arrived? Did you have any idea how
3 many of these phones were in stock (Redacted)?

4 A. Believe me, it would be extremely difficult for me to give you a figure. It
5 would seem to me that there had to be a sufficient number for the brigade
6 commanders.

7 Q. I'm very sorry, also, if you believe that my question is far too simple, but you
8 said that they had a radio -- he had a radio set or a radio receiver with which he could
9 enter into contact with others. Would you be explicit, please, what you mean by
10 radio, because there are some radios simply that you use to listen to programmes that
11 are broadcast on radio?

12 A. Yes. The radio that I referred to here, it's a phonic radio, a sound radio,
13 long-range sound radio. That is all I can say.

14 Q. (Redacted)

15 A. (Redacted)

16 (Redacted).

17 Q. Was it a receiver? Was it a transmitter? I don't know whether you know
18 something about radio technology, but would you be in a position to give us this
19 information?

20 A. I'm far from being an expert in these matters, but obviously it was a radio that
21 could both transmit and receive.

22 Q. And when you gave us your first bit of information concerning that radio, he
23 said that he would be able to enter into contact with all the units that were also fitted
24 out with such radios. To make sure that I understood you correctly, may I ask you
25 whether all units in the field on the ground had these radios, or only some of them?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 A. The communication networks were highly effectively organised within the
2 general staff. At the time, within the general staff, there was a communication
3 station, central station or switchboard, which managed these networks on a daily
4 basis, so every unit had the necessary apparatus.

5 Q. Bemba had a satellite suitcase, according to you. Was he the only person
6 within the MLC who would have such a satellite suitcase?

7 A. Oh, no, far from it. Before we got to Gbadolite, before we arrived in Gbadolite,
8 the president had such a satellite suitcase. Jean-Pierre Singo, his personal secretary,
9 also had one, and when we arrived in Gbadolite His Excellency, the president, still
10 had one, his personal secretary also had one, the Secretary-General Olivier Kamitatu
11 also had a satellite suitcase, one of the advisers, one of the former advisers to His
12 Excellency, Mr Jean-Pierre Bemba, also had one. His name was Jean Miru, and when
13 the top members of the RCD movement defected, Alexis Thambwe, Joseph
14 Mbumbunge (phon), Ilunga Bululu, these people all had satellite suitcases.

15 Q. Mr Witness, I believe that I shall now ask you the very final question before the
16 break. Do you know who the supplier was of these satellite telephones, or satellite
17 suitcases?

18 A. His Excellency Jean-Pierre Bemba's satellite suitcase belonged to him. When
19 he arrived in Kisangani, from Luganda (phon) he already was in possession of that
20 suitcase. Jean-Pierre Singo's suitcase also belonged to him, and all the other leaders
21 who had suitcases happened to be their own personal suitcases as well. As to the
22 satellite telephones, the brand was Thuraya. These were given to the commanders of
23 the brigades and it was the Commander-in-Chief himself who had put in an order to
24 buy these telephones and he purchased them himself.

25 MR BADIBANGA: (Interpretation) Your Honour, I have got three minutes left, but

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 I am through. We may perhaps keep them for this afternoon, thank you.

2 PRESIDING JUDGE STEINER: Mr Witness, we have now our lunch break. You
3 can have your lunch, take some rest. It is 1 o'clock. We will resume at 2.30.

4 I ask, please, the court officer to turn into closed session for the witness to be taken
5 outside the courtroom, and in the meantime we are going to suspend and resume at
6 2.30.

7 *(Closed session at 12.58 p.m.) Reclassified as Open session

8 THE COURT OFFICER: We are in closed session, Madam President.

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (Recess taken at 12.59 p.m.)

12 (Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Good afternoon and welcome back. A special
15 welcome to Maître Liriss. We are glad to see you. Please, court usher, bring the
16 witness in.

17 (The witness enters the courtroom)

18 PRESIDING JUDGE STEINER: We can turn into open session, please.

19 (Open session at 2.37 p.m.)

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

21 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.

22 THE WITNESS: (Interpretation) Good afternoon.

23 PRESIDING JUDGE STEINER: Welcome back. Are you ready to continue giving
24 your testimony?

25 THE WITNESS: (Interpretation) Thank you. Yes, I am.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Thank you very much, and I give the floor back to
2 Maître Badibanga.

3 MR BADIBANGA: (Interpretation) Thank you, your Honour.

4 Q. Good day again, Witness. Mr Witness, do you know whether Jean-Pierre
5 Bemba had military advisers around him whose role it was to provide military
6 advice?

7 A. I apologise, but are we in open session now?

8 Q. Yes, absolutely; we are now in open session. Would you like to answer this
9 question in closed session?

10 A. No, not at all. As far as I know, the very first adviser of the
11 Commander-in-Chief should normally have been -- well, his entire main staff, his
12 entire general staff, should have performed the role of the military adviser and then
13 the national secretary, whose responsibility was defence. That would be it.

14 Q. This last position was one that you didn't refer to this morning. Could you say
15 who the national secretary for defence was?

16 A. Several changes occurred. For example, there was Colonel Kibonge who
17 occupied that post. There was also Thomas Luaka who occupied that position. As
18 far as I know -- well, I can remember those two individuals at the moment.

19 Q. Do you know whether Jean-Pierre Bemba consulted with his military advisers
20 or discussed the operations in the CAR with them?

21 A. If that was the case I know nothing about it, but if I am to refer to what (Redacted)
22 (Redacted) in this particular case, there were no
23 preliminary discussions, the purpose of which would be to evaluate how opportune it
24 was to intervene in Bangui.

25 MR BADIBANGA: (Interpretation) Your Honour, I would like to move into

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 private session, please.

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

3 *(Private session at 2.42 p.m.) Reclassified as Open session

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

5 MR BADIBANGA: (Interpretation)

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 Q. (Redacted) whether the

19 main staff was involved at the operational level? Was it involved in the operations
20 in the Central African Republic?

21 A. I have to admit that General Amuli wasn't completely on the side of the
22 operations, such as they unfolded in the CAR. He hadn't been completely
23 marginalised, in fact, because as the chief of the main staff his role was to monitor the
24 situation of the intervening troops; of the troops that were intervening in the Central
25 African Republic.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 Q. I take it that when you say that he was responsible for monitoring the situation
2 that links up with what you were saying earlier on this morning, but do you know
3 whether he was involved in the decisions that were taken and that concerned the
4 operations conducted in the Central African Republic?

5 A. I'm sorry, but could you be a little more explicit because, when you ask me
6 whether he was involved in those operations, which time period are you referring to?

7 Q. You provided a lot of information this morning. You spoke about the chain of
8 command, how it worked in theory and how it worked in practice. You also spoke
9 about the fact that the main staff was bypassed on certain occasions. So I'm trying to
10 understand whether, in the case of the Bangui operation, the ALC performed its usual
11 functions and the main staff was involved, or are we dealing with this particular way
12 in which things functioned and this is what you spoke about this morning?

13 A. Well, in the main staff, when it came to the operations in Bangui, the officer
14 who was most involved within the main staff was the person in charge of the BRM.
15 He was the GD. So the deputy - General Amuli's deputy - he was very much
16 involved, but as to whether General Amuli at some point in time had some authority,
17 or some power, or some responsibility for the command in Bangui in terms of the
18 operations conducted there, well, I know nothing about that.

19 Q. What was the name of this GD, or G2?

20 A. The person who was responsible for the BRM during this period of time was
21 Commander Bokolombe.

22 Q. Witness, as we are in private session, I want to put a certain number of
23 questions to you that concern (Redacted). Yesterday you said that (Redacted)
24 (Redacted), and this morning you said
25 that (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 (Redacted).

2 (Redacted)

3 (Redacted)

4 A. Well, as -- when (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted). So the information sought for in the field (Redacted)

8 (Redacted) should be conveyed to the main staff via radio phonies, and

9 (Redacted)

10 (Redacted)

11 As far as the Internal Security Bureau is concerned, the bureau had responsibility for

12 looking for and gathering political information, economic information, sociocultural

13 information, and this information (Redacted)

14 intelligence and information that was then yet again to be provided to His Excellency,

15 Mr Jean-Pierre Bemba.

16 Q. Although you have already spoken about that, you spoke about it this morning,

17 since we're dealing with this issue I want to go over it again. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. (Redacted), in theory, should have been the chief of the main staff, but

22 in practice (Redacted) the Commander-in-Chief. As far as Mr Baltain

23 (phon) is concerned, concerning the junior officers (Redacted)

24 (Redacted) - and these were officers (Redacted) within the

25 battalions. That is how it worked.

26

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 Q. Among the troops that were in the CAR in 2002 and 2003, was there an S2 there
2 as well?

3 A. At different levels within the units there were the brigades, there were the
4 battalions, companies, platoons, sections. In each unit of this kind there was an
5 officer who was responsible for intelligence, so naturally the names were different.
6 There was an officer in charge of intelligence in the main staff of the brigade, of the
7 battalion and so on and so forth.

8 Q. Should we conclude, on the basis of your answer, that there were officers in
9 charge of intelligence amongst the troops who were in the Central African Republic
10 between 2002 and 2003?

11 A. Yes, naturally, because these were well-structured units that had their own
12 main staff.

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted) to the

19 Commander-in-Chief.

20 Q. Were there any particular aspects that (Redacted), any particular
21 issues?

22 A. You should be aware of the fact that the Bureau for Military Intelligence could
23 also deal with issues that had to do with the conduct of certain officers in the field,
24 and that these (Redacted) could obviously be of a confidential nature so that one couldn't
25 be threatened by personal attacks by commanders who were targeted in these (Redacted),

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 for example. So there was this confidential character of some of these (Redacted) on
2 occasion.

3 Q. (Redacted)

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 If there was a situation that required a particular kind of intervention, a rapid kind of
8 intervention by the Commander-in-Chief, then it was possible (Redacted)
9 (Redacted) which would be forwarded in the evening.

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 A. As I have just stated, (Redacted)

14 (Redacted)

15 MR BADIBANGA: (Interpretation) Madam President, I would like the court
16 officer to display a confidential document on the screen. It is on the Prosecutor's list,
17 CAR-OTP-0009-0134. 0134.

18 THE COURT OFFICER: The document which reference was indicated by counsel is
19 available on your screens. It's a confidential document.

20 MR BADIBANGA: (Interpretation)

21 Q. Witness, do you recognise this document?

22 A. Yes, I do.

23 Q. For purposes of the record, I would like you to read out some of the information
24 on this document and on other documents subsequent. My first question is for you
25 to read the title of this document.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 A. The title of the document is "Mouvement de Libération du Congo," Movement
2 for the Liberation of Congo.

3 Q. Please read aloud what appears just below the date and, after you read that
4 segment, please explain to the Court what it is all about.

5 A. It is a reference number, number (Redacted).

6 Q. Can you explain to the Court what that reference number stands for?

7 A. It is a number indicating that this document is from the Presidency of the MLC.

8 Q. Please read out for the Court the content of the document, beginning with the
9 word "Monsieur" or "Sir."

10 A. "Sir, (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Would you like to tell the Court who is the addressee of this note?

14 A. This note is addressed to (Redacted).

15 Q. I would like you to now tell us where this note was drafted and on what date?

16 A. In Gbadolite, the note was written in Gbadolite on (Redacted).

17 Q. Do you remember the signature that appears at the bottom of that page?

18 A. Yes, of course. It is the signature of His Excellency, the President, Jean-Pierre
19 Bemba.

20 Q. Do you recognise the seal or the stamp on that note?

21 A. Yes, I do. It is the seal of the president.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. I would now like you to read what appears just below the reference number
3 that you gave to the Court a short while ago, namely, number (Redacted) and so on
4 and so forth. Something appears just below that reference. Can you read that
5 excerpt from the beginning right down to the word "Gbadolite"?

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Can you tell the Court your understanding of that segment of the note, to the
10 extent that you have read that it is forwarded as a copy for information purposes?
11 Can you explain to the Court what this means and how it relates to the two titles
12 which appear there, namely, the chief of general staff and the general secretary, or the
13 Secretary-General, in terms of transmission or being forwarded for information
14 purposes?

15 A. The chief of general staff or the Secretary-General -- or, to begin with, the chief
16 of general staff would receive the copy (Redacted). Secondly, the
17 Secretary-General of the movement will have to be copied on this notice in his
18 capacity as the number 2 in command of the MLC.

19 Q. Can you assist us to better understand the way things worked? Is there any
20 reason for which this (Redacted)
21 (Redacted)?

22 A. Personally, I am not in a position to offer a plausible explanation as to why this
23 was the case. You see, logically, and because of the structure of the general staff, (Redacted)
24 (Redacted) but, as far as I
25 know, given that the Secretary-General of the MLC appears as one of the persons to

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 whom the letter has been copied then it must be, first of all, because the
2 Secretary-General of the Movement for the Liberation of the Congo also played the
3 role of keeping, filing the records of all documents from the president. It is,
4 therefore, only logical for things to have been done that way, given that the references
5 indicate that the document emanates from the Presidency and, therefore, had to be
6 filed necessarily by the Secretary-General.

7 Q. Witness, based on your knowledge of the functioning of the MLC I would like
8 you to tell us, as far as you know, who had the prerogative to appoint the head of the
9 office of military intelligence?

10 A. I think a short while ago I -- and I'm sorry, a short while ago I must have
11 mis-spoken. When I talked about the Secretary-General, I think his duty is to file the
12 documents from the Presidency.

13 Q. I simply wanted to find out from you who had the prerogative to appoint
14 military officials in the MLC?

15 A. Obviously, it was His Excellency, President Jean-Pierre Bemba.

16 Q. Right above the letterhead, or below the letterhead, there is a telephone number.
17 I would like you to read it out, if you can see it?

18 A. The telephone number is 00871-762-062-799.

19 Q. Do you know what type of instrument would use that type of number?

20 A. I think this corresponds to a satellite telephone system.

21 Q. Would you know perchance who may have been using or to whom this number
22 belonged?

23 A. Given that this document emanates from the Presidency I can only come to the
24 conclusion that this, in fact, must have been the number belonging to His Excellency,
25 President Jean-Pierre Bemba.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 MR BADIBANGA: (Interpretation) Your Honour, I am finished with this
2 document and I would like the court officer to take it off the screen and project
3 another document, CAR-OTP-0009-0135. It is also a confidential document, and I
4 want to remind the witness that we are still in closed session -- in private session.

5 THE COURT OFFICER: Document CAR-OTP-0009-0135 is available on your screens
6 and it's a confidential document.

7 MR BADIBANGA: (Interpretation)

8 Q. Witness, do you recognise this document?

9 A. Yes, clearly.

10 Q. Would you like to read the title; read out the title? Well, we know the
11 letterhead already. Can we read the title?

12 A. Well, (Redacted).

13 (Redacted)

14 (Redacted)

15 Q. Would you kindly read (Redacted) of that decision, or act?

16 A. Please move the document up the screen, please. Thank you, that's correct
17 now:

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Can you tell the Court where and on what date this document was drafted?

25 A. The document was drafted in Gbadolite on (Redacted).

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 Q. Do you recognise the signature that appears at the bottom of the document?

2 A. Yes, of course I do. It is His Excellency President Jean-Pierre Bemba's
3 signature.

4 Q. Do you recognise the seal on the document?

5 A. Yes, I do. It is the president's seal.

6 Q. Witness, do you remember providing copies of this document and the previous
7 document to the investigators of the ICC?

8 A. Yes, absolutely. I do.

9 Q. Can you tell the Court how you came into possession of these two documents?

10 A. I came into possession of the two documents because the two documents (Redacted)
11 (Redacted).

12 Q. Did you keep these documents in your possession up until the moment you
13 handed them over to the Office of the Prosecutor?

14 A. Of course. You see, (Redacted)

15 (Redacted) up

16 until the time I handed it over to the investigators.

17 Q. Is it therefore correct to say that what has been displayed on the screen here is
18 either an identical or an exact copy of the document that you handed over to the
19 investigators?

20 A. Yes, that is correct.

21 Q. I called up those documents when you were testifying about (Redacted), so are
22 we to understand then that (Redacted)
23 (Redacted) which appears on the document?

24 A. Yes.

25 MR BADIBANGA: (Interpretation) Madam President, I no longer need those

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 documents to appear on the screen, and I would like to apply to produce these
2 documents as -- into evidence and that an EVD number be assigned to the said
3 documents. Thank you.

4 Q. Mr Witness, in the meantime, since we are dealing with (Redacted)
5 (Redacted), I would like to find out from you whether (Redacted) is as defined under
6 Article 2 to (Redacted) in the DRC. I say this, because a short while ago you
7 mentioned that there were also intelligence officers in the Central African Republic.
8 Having read this document, do you maintain your position?

9 A. Yes, absolutely. The duties of the (Redacted) included (Redacted) in the
10 Democratic Republic of the Congo, as clearly indicated on the document. You see, it
11 has never been the official position of the (Redacted) - and I say "officially" - to be
12 involved in (Redacted) in any place outside of the Democratic Republic of the
13 Congo.

14 Q. Why do you insist on using the word "officially"?

15 A. I do so, because unofficially any (Redacted) under special
16 circumstances may extend its scope of activities beyond its national territory. This is
17 possible, particularly when dealing with information that may ultimately be useful to
18 the Commander-in-Chief, or the Chief of Staff, to the extent that it may contribute to
19 an understanding of issues that arise or begin from areas outside of the country.
20 That is why unofficially the duties of (Redacted) could be extended to cover areas and
21 territories such as the Central African Republic and Congo-Brazzaville.

22 Q. We do understand, Witness, that this is possible. Now, I want you to tell the
23 Court whether such was the case, or whether such a thing happened, during the
24 operations in the Central African Republic? Were there any operatives of (Redacted)
25 in the Central African Republic during the events?

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 A. Yes, the person in charge of the (Redacted) himself was very active in that
2 connection, as well as the officers in charge of (Redacted) at the level of various units.

3 Q. I would now like us to turn to the office for internal services -- oh, no, no,
4 security. Yes, internal security. Do you know on what date (Redacted)
5 (Redacted)?

6 A. For reasons entirely unknown to me, His Excellency President Jean-Pierre
7 Bemba, as he then was, decided one month and a few days after (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted). So I would like to say then that, after the (Redacted)

13 (Redacted)
14 (Redacted)

15 Q. The appointment to the (Redacted), that is (Redacted), or
16 (Redacted); is that the case?

17 A. Yes, that is correct.

18 Q. According to you, Witness, was this also a decision from Mr Jean-Pierre Bemba?

19 A. Yes, that is correct.

20 Q. You said that (Redacted)
21 (Redacted) Have you an idea how long (Redacted)

22 (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. And the effective entry into that political transition took place at what time, sir?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 A. I'm afraid I don't have the exact date but I know that it was, as I said yesterday,
2 after the Inter-Congolese dialogues held in South Africa.

3 Q. In the period going from 2002 to 2003, whilst the military operations were being
4 carried out in the Central African Republic, (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Witness, later if you will, we will revert to the (Redacted)

8 (Redacted). Let us now move back into open

9 session and speak about the circulation of information within the MLC. If at any
10 point in time, sir, you need to speak about (Redacted)

11 (Redacted), don't mention that, and say you need a private session.

12 Are we in agreement on this?

13 A. Yes.

14 MR BADIBANGA: (Interpretation) Your Honour, may we revert now to an open
15 session.

16 (Open session at 3.31 p.m.)

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

18 MR BADIBANGA: (Interpretation)

19 Q. Witness, the question of the transmission of information within the MLC,
20 I would like to address that issue with you now. I would like to know, for instance,
21 whether the Chief of Staff reported to Jean-Pierre Bemba?

22 A. Affirmative. Indeed, the general staff through the chief, the General Chief of
23 Staff, reported to the Commander-in-Chief on a regular basis.

24 Q. Would you know the frequency of such reports from the general staff to the
25 Commander-in-Chief?

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 A. Of course; every day.

2 Q. You said there was a G2 within the Chiefs of Staff, the General Chiefs of Staff,
3 G2 whose duty was intelligence. Did he report to the General Chief of Staff or did
4 he report directly to Mr Jean-Pierre Bemba?

5 A. The G2, as this particular position was one within the Chiefs of Staff, the general
6 staff, theoretically should have been reporting to the General Chief of Staff.
7 However, as I said, in practice, often the G2 would report directly to the
8 Commander-in-Chief.

9 Q. Would you know how frequently the G2 was to submit his reports?

10 A. Those reports were to be delivered on a daily basis as well.

11 Q. The other members of the general staff reported to whom? I'm referring here
12 by -- specifically to G1, to G3 and to G4. To whom did they report?

13 A. As regards the other deputies, they reported regularly to the General Chief of
14 Staff. I must, however, add here a qualification, and this is in reference to the
15 deputy in charge of logistics who could also himself on occasion report directly to the
16 Commander-in-Chief because the Commander-in-Chief wanted to be kept abreast on
17 things such as how fuel was being managed, for instance, because there had some
18 views concerning the use of fuel on the part of the G4. There were some officers in
19 fact that were selling, actually selling products that were supposed to be used in the
20 front lines, so it was only normal that the Commander-in-Chief himself would want
21 to be kept totally informed so as to be able to keep track of the way in which logistics
22 was being handled.

23 Q. Where was the general staff based of the army, the ALC, the Army for the
24 Liberation of the Congo?

25 A. The ALC general staff was based in Gbadolite.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 Q. And where was Jean-Pierre Bemba based throughout this period?

2 A. His Excellency Jean-Pierre Bemba was also based in Gbadolite.

3 Q. Did Mr Bemba remain in Gbadolite throughout this period or did he travel
4 around, to the best of your knowledge?

5 A. Well, as I believe I already stated earlier, His Excellency Jean-Pierre Bemba, in
6 his capacity as Commander-in-Chief, obviously behaved differently from the other
7 rebel chiefs; for instance, of the RCD-Goma or KML or any other groups which may
8 have been in existence at the time.

9 What do I mean by this? What I mean is that Mr Jean-Pierre Bemba supervised very
10 closely what was happening at the front lines and very often he himself would go to
11 the front, to the very, very front line. That would, indeed, happen to him every once
12 in a while. This was nothing short of an act of heroism, which was a tremendous act,
13 which was a tremendous source of motivation for the fighters, for the military men,
14 because when these men saw their Commander-in-Chief with them right there on the
15 front line, the motivation they felt was enormous, even though they were not being
16 paid, even though theirs was a miserable kind of existence at times. The very
17 presence of the Commander-in-Chief on the front line was a tremendous source of
18 inspiration for the troops, and this was indeed highly beneficial for the men. So,
19 indeed, he would often go on such journeys, if I dare put it that way, to the very front
20 line.

21 Q. When you said that he would go on these journeys to the front line, am I to
22 understand by that that he remained within the territorial limits under the control of
23 the MLC?

24 A. I believe I've understood your question well. I had thought that so far really,
25 your question was in reference to the territory within the Congo, but it may happen

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 indeed that Mr Jean-Pierre Bemba may have gone outside the Congolese territory, for
2 instance, often to our allies in Uganda, to Kampala, and at times also he would go to
3 attend summits to which the MLC was invited to attend, for instance in Ethiopia, in
4 Harare and in Bangui. There you have it.

5 Q. When Mr Bemba was not in Gbadolite, because he was either on the front or he
6 was on a visit abroad, would he still continue receiving these daily reports both from
7 the General Chief of Staff and from the G2?

8 A. Every time His Excellency Jean-Pierre Bemba travelled, left the Congolese
9 territory in order to go abroad, he remained in constant contact with the General
10 Chief of Staff and possibly, also, with the brigade commanders on the ground.

11 Q. Could you tell us how he remained in permanent constant contact with these
12 people?

13 A. The contacts were constant, thanks to the satellite communication equipment
14 that the General Chief of Staff had available, as well as the commanders of the
15 various brigades on the ground.

16 Q. In reference to travels abroad you mentioned inter alia Bangui. Do you know
17 how often he went to Bangui during the period of 2002/2003?

18 A. To tell the truth, I would not be able to give you the frequency of his travels to
19 Bangui within that period, particularly if you're asking me to confine myself to that
20 particular period of time, i.e. 2002 to 2003. I may be saying things that I would not
21 be totally in control of, so I would prefer to say that I know nothing about that.

22 MR BADIBANGA: (Interpretation) Your Honour, I should like to request a
23 private session again.

24 PRESIDING JUDGE STEINER: Court officer, please.

25 *(Private session at 3.46 p.m.) Reclassified as Open session

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

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

2 MR BADIBANGA: (Interpretation)

3 Q. Witness, you said this morning that you didn't actually know how the decisions
4 were made to proceed to appointments within the military wing and that you felt that
5 the chief of general staff probably would be consulted. Is that accurate?

6 A. Yes, it is.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 MR BADIBANGA: (Redacted)

23 (Redacted)

24 (Redacted)

25 THE COURT OFFICER: (Redacted)

26

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 MR BADIBANGA: (Interpretation)
- 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-OTP-PPPP-0033

(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 MR BADIBANGA: (Redacted)

15 (Redacted)

16 (Redacted)

17 THE INTERPRETER: (Redacted)

18 (Redacted)

19 MR BADIBANGA: (Interpretation) I should like us to go back, if at all possible, to
20 an open session, and I have two or three final questions on the document that we
21 have just seen.

22 Q. Witness, is this a document that you yourself handed in to the investigators?

23 A. Yes, indeed.

24 Q. Was this document in your possession up until the time you handed it over to
25 the investigators of the ICC?

26

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 A. I confirm that.

2 Q. And how did you come into possession of this document?

3 A. (Redacted)

4 (Redacted)

5 MR BADIBANGA: (Interpretation) Your Honour, we could revert now to an open
6 session, if you will?

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

8 Maître Badibanga, we have four minutes.

9 (Open session at 3.56 p.m.)

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

11 MR BADIBANGA: (Interpretation) This time I would like to use my four minutes,
12 your Honour, so I was wondering whether I would -- I was going quickly through
13 my mind, through the questions I still had to put, to see whether I had enough time to
14 put them.

15 Q. So, Mr Witness, I do have certain questions I'd like to put to you in the time I've
16 got left. Do you know whether the MLC had a police force?

17 A. Indeed. The answer is, indeed, the Movement for the Liberation of Congo did
18 have a police branch.

19 Q. Would Mr Jean-Pierre Bemba have any authority at all over the appointment of
20 some of the officers of the police of the MLC?

21 A. Of course, yes. But I think that the police was, in fact, under the authority of
22 the national secretariat in charge of the administration of the territory. So, for the
23 appointment of the police officers, the appointment of the police officers would be
24 done on the basis of proposals submitted by the national secretariat entrusted with
25 administration of the territory.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

1 Q. Two final questions, short: Did the MLC possess a judicial system?

2 A. Yes, indeed. The MLC had courts and tribunals and in appointing those who
3 were to exert important duties on these courts and tribunals, well, such appointments
4 were also on the basis of proposals submitted by the secretary, the national secretary
5 in charge of justice making sure, however, that all the persons appointed would be
6 favourable to us. That is to say, the people appointed had to be people who would
7 support the movement and people who at one point or another would have to take
8 our side.

9 MR BADIBANGA: (Interpretation) Well, Mr Witness, on these words I would
10 suggest that we stop now until we meet again. Your Honour, with your acceptance,
11 I will conclude the interrogation now to proceed tomorrow morning. Thank you.

12 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.

13 Mr Witness, this concludes for today your testimony. We hope you can take some
14 rest during the weekend. We will continue Monday morning, 9.30 in the morning.
15 I thank very much the Prosecution team, the legal representatives of victims, the
16 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters
17 and court reporters. We are going to adjourn and resume Monday morning at 9.30.
18 And we wish to you all a nice weekend.

19 I ask, please, court officer to turn into closed session in order for the witness to be
20 taken outside the courtroom.

21 *(Closed session at 4.02 p.m.) Reclassified as Open session

22 (The witness stands down)

23 THE COURT OFFICER: All rise.

24 (The hearing ends in closed session at 4.02 p.m.)

25 RECLASSIFICATION REPORT

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0033

- 1 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
- 2 2012, and the instructions in the email dated 24 September 2013, the version of the
- 3 transcript with its redactions becomes Public
- 4