

Trial Hearing
Witness: CAR-OTP-PPPP-0065

(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 -

5 ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

7 Trial Hearing

8 Monday, 3 October 2011

9 (The hearing starts in open session at 9.33 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 in
13 open session.

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

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

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning and welcome
19 the Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre
20 Bemba Gombo. Good morning to our interpreters, court reporters. We will start today
21 with the evidence by Witness 65.

22 Before Witness 65 commences his evidence, is brought into the courtroom, the Chamber
23 wants to address a few words about scheduling for this week. As the parties and
24 participants are aware, this Friday, 7 October, is a Court holiday, and the Chamber will
25 not be sitting in the week beginning on 10 October. Because of this, it's

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1 important that we complete Witness 65's testimony this week, by Thursday, so that he is
2 not forced to wait in The Hague for an additional ten days.

3 To this end, the Chamber is going to hold the parties and participants to some very rigid
4 time-frames for the questioning of the witness.

5 The Chamber has received estimates from the parties of the amount of time they will need
6 to conduct their questioning. The Prosecution's estimate is seven hours. The Defence
7 estimate is eight hours. To ensure that we finish by the end of the day on Thursday, the
8 Chamber will not permit the Chambers to depart from those estimates unless they can
9 show a compelling need and unless the Chamber is satisfied that the questioning is
10 focused on the relevant issues.

11 The Chamber will grant Maître Zarambaud one hour to ask any questions that the
12 Chamber approves in his pending application to question the witness; it's filing
13 1757-Conf.

14 As the parties and participants have been informed, a provision has been made in the
15 schedule for an additional session of two hours on Thursday, should that be needed.

16 However, the additional session will be used only if it proves strictly necessary.

17 Thus, the Chamber directs the parties and participants to proceed on the basis of the
18 time-lines just discussed. To that end, the Chamber encourages the parties and
19 participants to focus their examination on the most salient issues and to not divert into
20 side issues.

21 There is one procedural matter that the Chamber needs to address. By email sent at
22 quarter-past-6 on Friday, 30 September, the Prosecution requested leave to add two
23 additional items to its list of documents for use with respect to Witness 65. Those
24 documents are CAR-D04-0002-1514 and CAR-D04-0002-1641.

25 The Prosecution requests an exception to the seven-day notice requirement set down in

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- 1 decision 1023 due to the abrupt scheduling change. Before ruling on that request, the
2 Chamber wishes to hear from the Defence on whether it objects to the additional evidence
3 sought by the Prosecution. Maître Liriss.
- 4 MR LIRISS: (Interpretation) Well, this is beyond the deadline. This is an objection in
5 principle but, out of courtesy, we do not oppose this.
- 6 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. So having considered the
7 submissions on the Prosecution and the Defence, and due to the exceptional
8 circumstances of the changing on the schedule of witnesses, the Chamber will allow the
9 Prosecution the use of the two documents referred above.
- 10 Now, without further delay, I will ask the court officer please to turn into closed session in
11 order for Witness 65 to be brought into the courtroom.
- 12 *(Closed session at 9.42 a.m.)Reclassified as Open session
- 13 THE COURT OFFICER: We are in closed session, Madam President.
- 14 (The witness enters the courtroom)
- 15 WITNESS: CAR-OTP-PPPP-0065
- 16 (The witness speaks French)
- 17 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 18 (Open session at 9.43 a.m.)
- 19 THE COURT OFFICER: We are in open session, Madam President.
- 20 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 21 THE WITNESS: (Interpretation) Good morning, your Honour.
- 22 PRESIDING JUDGE STEINER: You are most welcome to this courtroom. We will start
23 today with your testimony, and first of all I'll ask the court usher to facilitate you taking
24 the oath by showing you the printed card in front of you containing the words of the oath
25 for you, please, to repeat.

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1 THE WITNESS: (Interpretation) My name is (Redacted)

2 PRESIDING JUDGE STEINER: Sorry. Just read, please, the words of the oath. Don't
3 identify yourself for the time being.

4 THE WITNESS: (Interpretation) "Solemn undertaking: I solemnly declare that I shall
5 tell the truth, the whole truth and nothing but the truth."

6 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, now that you have
7 taken the oath, can you confirm that you understand what the oath means?

8 THE WITNESS: (Interpretation) Yes.

9 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
10 answers to questions asked of you that are true and accurate, to the best of your
11 knowledge and belief?

12 THE WITNESS: (Interpretation) Of course.

13 PRESIDING JUDGE STEINER: Mr Witness, as the staff of the Victims and Witnesses
14 Unit have explained to you during the familiarisation process, you will be questioned first
15 by the Prosecution, then by the legal representative of victims and last by the Defence.

16 As you know, the Chamber has put in place protective measures to protect your identity
17 from the public, and you will therefore be referred to during the course of your testimony
18 as "Witness 65," or "Mr Witness." Your voice and also your image broadcast outside the
19 courtroom are being distorted so that you cannot be identified by the public.

20 In order to keep your identity protected, it is important that when we are in open session,
21 or public session, you don't mention any information that could lead to your
22 identification, such as your name, your present or past occupation, names of close friends
23 or neighbours, co-workers, or meetings you had with only a few persons that could
24 identify you. This kind of information can easily lead to your identification.

25 If need be we go into private session, and you can ask for a private session as well the

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1 Prosecution and Defence will ask for private sessions if this kind of information needs to
2 be revealed. In private session, the public outside this courtroom would not be able to
3 hear what you say and then you can speak freely.

4 Do you understand the protective measures, sir?

5 THE WITNESS: (Interpretation) Yes, I've understood.

6 PRESIDING JUDGE STEINER: Don't worry, because sometimes if you say something
7 that you shouldn't the Presiding Judge orders the court officer to stop the tape that is
8 broadcast outside the courtroom and the reference in the transcripts will be redacted.
9 Finally, Mr Witredaness, because we speak different languages, there is interpretation so
10 that we can understand each other. Because of this it's important that you speak slower
11 than normal, as I'm doing now. Otherwise, the interpreters will have difficulties in doing
12 their job.

13 You also need to wait for a few seconds before you answer to any question in order to
14 allow the interpreters to finish translating the question. We call that "the five-seconds
15 golden rule" and many times I will have to remind you about the five-seconds golden
16 rule.

17 It is also possible that you start speeding up, at which point I will have to interrupt you to
18 remind you to slow down again. Please don't take offence. This is just for practical
19 reasons and should not discourage you from speaking.

20 Do you understand these rules, Mr Witness?

21 THE WITNESS: (Interpretation) I've understood.

22 PRESIDING JUDGE STEINER: Thank you very much. The Chamber has a few
23 questions to put to you before you start giving your testimony. Have you been given the
24 opportunity to read, or have read to you, the statement or statements that you made to the
25 Court?

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1 THE WITNESS: (Interpretation) Of course.

2 PRESIDING JUDGE STEINER: At the time you made the statement, or statements, did
3 you do so voluntarily?

4 THE WITNESS: (Interpretation) Of course.

5 PRESIDING JUDGE STEINER: Is the information that you have provided in your
6 statement, or statements, true and accurate to the best of your knowledge and
7 understanding?

8 THE WITNESS: (Interpretation) Of course.

9 PRESIDING JUDGE STEINER: In case the parties or the Chamber intend to introduce
10 your statement or statements as evidence in this case, do you have any objection?

11 THE WITNESS: (Interpretation) Yes.

12 PRESIDING JUDGE STEINER: Do you have objection for your statement to be
13 introduced as evidence?

14 THE WITNESS: (Interpretation) Yes.

15 PRESIDING JUDGE STEINER: Could you explain to the Chamber the reasons for your
16 objection?

17 THE WITNESS: (Interpretation) Well, it needed some details; some details about what I
18 was going to be giving testimony about.

19 PRESIDING JUDGE STEINER: Have you read your statements during the
20 familiarisation process?

21 THE WITNESS: (Interpretation) Yes.

22 PRESIDING JUDGE STEINER: You are saying that you have some corrections to make
23 to your statement, or statements?

24 THE WITNESS: (Interpretation) Okay.

25 PRESIDING JUDGE STEINER: Sorry, I didn't understand your answer.

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1 THE WITNESS: (Interpretation) I said some specific items of information are required.

2 PRESIDING JUDGE STEINER: So during your questioning by the Prosecution, the
3 Prosecution for sure will ask you for the corrections or the amendments that you wish to
4 introduce in your statement, or statements. Is that fine with you, sir?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE STEINER: Now I will give the floor to the Prosecution. The
7 Prosecution will start questioning you. Mr Witness, if at any time you feel tired or
8 distressed, you please let us know and we can anticipate the break in order for you to
9 recover to take some rest.

10 Mr Scaliotti, you have the floor.

11 MR SCALIOTTI: Thank you, Madam President, your Honours.

12 QUESTIONED BY MR SCALIOTTI:

13 Q. Good morning, Mr Witness. Before we start with your questioning, I will add just
14 a few recommendations to what Madam President has already explained to you.

15 I will repeat that it is extremely important for you and me to speak very slow. The fact
16 that we speak slow will be of great assistance to your examination and will allow the
17 interpreters to do their job.

18 I will ask you different kind of questions during my examination. One of the questions
19 will be how do you know the facts that you will state during the examination. The
20 reason why is that it is very important for the Chamber to know what is the basis of your
21 knowledge of facts.

22 By the way I apologise, Mr Witness, but I forgot to introduce myself. My name -- we
23 briefly met during the familiarisation process. Anyway, I will repeat that my name is
24 Massimo Scaliotti and I am a trial lawyer with the Prosecution's office.

25 I was saying some of the questions that I will ask you may sound repetitive to you.

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1 However, I would kindly ask you to be patient and give answers, if you have an answer,
2 even to those questions because, although they may sound repetitive, anyway there is a
3 reason for me to ask you those questions and it is that sometimes certain facts need to be
4 further clarified. That is the reason I will ask you probably many times, "How do you
5 know this?" "How do you know that?"

6 It is also very important that you listen very carefully to my questions and when you
7 provide an answer, if you have one, you focus straight on the contents of those questions.
8 This will facilitate the better understanding of your testimony, and furthermore it is also
9 important that I will stay within the time allocated to the Prosecution for your
10 examination because, as you heard, the Defence, the legal representatives of victims and
11 maybe also the Judges will ask you questions. Therefore, we have to stay within the time
12 allocated to us.

13 I may be asking you to assist us with the spelling of names of individuals and of locations
14 that you may mention during your testimony, and of course if you don't understand a
15 question please let me know and I will repeat that question.

16 Is everything I said so far clear to you?

17 A. Of course.

18 MR SCALIOTTI: Now, Madam President, I will ask you to turn into private session and,
19 maybe before starting with the questions concerning the personal background, we can
20 reiterate just briefly about the private session? Thank you.

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

22 *(Private session at 09.59 a.m.) Reclassified as Open session

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

24 MR SCALIOTTI:

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1 Q. Mr Witness, we are going to start your examination. First of all, I would like to
2 repeat to you that we are now in private session. Being in private session means that
3 whatever you say will be only heard here within the courtroom. Nobody outside this
4 courtroom can hear what you say when we are in private session like now. This means
5 that you can talk freely and say whatever you have to say.
6 Later on, when we will be moving to public session, I will remind you that things will
7 change drastically, meaning that when we will be in public session, just to the contrary,
8 whatever you say will be heard by everyone outside, which means by the public in the
9 public gallery, by the public at large, wherever the public is. You have to be mindful of
10 this and remember this throughout the course of your testimony, because it is very
11 important for your security and safety, and this will allow the in-court protective
12 measures that you have been granted to be effective.

13 So, now, I repeat we are in private session, so you can talk freely. Can you please state
14 your full name, Mr Witness?

15 A. My name is (Redacted)

16 Q. Can you state your date of birth, please?

17 A. I was born on (Redacted).

18 Q. What is your place of birth?

19 A. I was born in (Redacted)

20 Q. Where is (Redacted) in what country?

21 A. It's in the (Redacted)

22 Q. And what is your nationality?

23 A. I am (Redacted)

24 Q. What is your marital status?

25 A. In fact, I am (Redacted)

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1 (Redacted)

2 Q. My question, Mr Witness, was simply whether you are married or not?

3 A. Sorry, I didn't quite understand. I am married and I have (Redacted)

4 Q. Thank you. Can you talk now about your education; what primary education did
5 you receive?

6 A. (Redacted)

7 (Redacted)

8 Q. Do you remember when you finished your (Redacted) what year?

9 A. (Redacted).

10 Q. When did you finish your (Redacted)

11 A. (Redacted)

12 Q. What did you do after you finished your (Redacted)

13 A. (Redacted) and I couldn't finish because I didn't have the means to
14 finish. After that, I went to (Redacted).

15 (Redacted)

16 Q. In what year did you go to (Redacted)

17 A. In fact, I usually lived in (Redacted)

18 Q. In what year you (Redacted)

19 A. (Redacted)

20 (Redacted)

21 THE INTERPRETER: Sorry, in (Redacted) apparently is the date, correction from the
22 interpreter.

23 MR SCALIOTTI:

24 Q. What was the last stage of your education schooling?

25 A. I was supposed to do (Redacted) As I said, I couldn't pay for this so

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1 I dropped out and I continued to look after my children.

2 Q. If I understand, that was (Redacted) but, afterwards,
3 did you at some point resume your studies?

4 A. (Redacted) I had not gone back into my studies. As I said, (Redacted)
5 (Redacted)

6 Q. I understand this is the kind of (Redacted) that you mentioned before. What was this
7 (Redacted) about?

8 A. (Redacted)

9 Q. Until when, until what year you dealt with this (Redacted)

10 A. That went through from (Redacted)

11 Q. What did you do from (Redacted) afterwards?

12 A. I continued with this activity. And when the rebellion started in the east, we could
13 not continue (Redacted) because the rivers were blocked - the boats couldn't sail up to
14 (Redacted)

15 Q. And so what did you do afterwards, in the following years after (Redacted)

16 A. From (Redacted) around the month of December, I was still in (Redacted) We were still
17 blocked there. And when the MLC people arrived in (Redacted) we were still there.

18 Q. You mentioned MLC. Can you please explain what does MLC stand for?

19 A. Yes. It means Mouvement de Libération du Congo, in French. Movement for the
20 Liberation of Congo.

21 Q. You just said that the people of the MLC arrived in (Redacted) What did you do after
22 the people of the MLC arrived in (Redacted)

23 A. I wasn't doing anything. Everybody was blocked in the town. There were no
24 activities. As I said, the river was blocked and therefore we were simply in that place,
25 stuck there.

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1 Q. I understand this, Mr Witness, but my question was: What did you do afterwards?

2 Once the MLC arrived in (Redacted) what did you do in the years afterwards, from that
3 point, from that point in time afterwards?

4 A. Well, they arrived in (Redacted) I'd just come back from church.

5 There were crowds of people who were shouting and singing, and I said "What's
6 happening?" Somebody beside me said "Well, the President of the MLC has just arrived
7 in (Redacted)

8 And I went home and I was in the house for about a week. I saw a friend that I knew
9 very well, and we heard that people who had diplomas were being sought to go and train
10 in Uganda. I wasn't very enthusiastic. I said "Well, look, I'm not trained for this," but
11 this person insisted.

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)

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1 Q. Mr Witness, just a few clarifications about what you just said. First of all, at some
2 point you mentioned the word "president." Who is the president that you referred to?

3 A. The President of the MLC, Jean-Pierre Bemba.

4 Q. You said that the MLC arrived (Redacted) Of what year,
5 please?

6 A. (Redacted)

7 Q. I understand from what you said that you went for this training. Can you explain
8 what was this training about?

9 A. This training was (Redacted)
10 (Redacted)

11 Q. When did you start this training?

12 A. We left (Redacted) This was in (Redacted) if I remember correctly, and this
13 lasted four months. This was (Redacted)

14 Q. Who trained you? Who conducted the training?

15 A. My training was given by (Redacted)(phon) was the name of my
16 (Redacted)

17 Q. Did you complete this training?

18 A. Yes.

19 Q. What did you do after you completed your training?

20 A. After the training we were due to go back to (Redacted)

21 Q. And what happened in (Redacted)

22 A. We were trained as (Redacted) We went to (Redacted) for work. Our friends
23 were sent to different units and (Redacted)

24 PRESIDING JUDGE STEINER: Mr Scaliotti, I'm sorry to interrupt you. Mr Witness, the
25 interpreters are asking you to remember the five-second golden rule. Thank you very

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1 much. Mr Scaliotti.

2 MR SCALIOTTI: Thank you, Madam President.

3 Q. So as you I am sure understood, Mr Witness, we still have to keep in mind very well
4 these rules, so when you finish with your answer I have to wait for about five seconds and
5 the same thing that, when I finish my question, you have to wait for about five seconds
6 before you provide an answer.

7 We were talking about what you did after you completed your training, so can you please
8 tell me whether you were given a position with the MLC after the training?

9 A. Yes, I was still a (Redacted) After Gbadolite was conquered we went
10 to Gbado and there was still (Redacted)
11 (Redacted)

12 and I was designated (Redacted)
13 (Redacted)

14 Q. Can you please clarify what period of time you are talking about since you were
15 given this position as (Redacted) and for the time that you worked as the (Redacted)
16 (Redacted)

17 A. It was from the month of June onwards, 1997 through to --

18 THE INTERPRETER: Sorry, 1999. 1999 was the year which was stated by the witness,
19 through to the end of the year.

20 MR SCALIOTTI:

21 Q. What position did you hold within the MLC after the end of 1999?

22 A. I've just said that I was (Redacted)
23 (Redacted)

24 Q. Until when you had this position as (Redacted)

25 A. (Redacted)

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1 Q. Can you make an effort and try to remember when in 2003, or until when in 2003,
2 you were (Redacted)

3 A. (Redacted)

4 Q. Yes, thank you, Mr Witness, I understand that, but I was trying to have a further
5 clarification from you if you remember until what month in 2003?

6 A. Yes, until the month of July, because we arrived in Kinshasa, if I remember correctly,
7 on 15 July 2003.

8 Q. Where were you based until July 2003?

9 A. The headquarters was in Gbadolite.

10 Q. Until when were you with the MLC?

11 A. When we arrived in Kinshasa, we -- well, (Redacted)

12 (Redacted) and he

13 approved this, so that was (Redacted)

14 Q. You said that you left Gbadolite for Kinshasa in July 2003 and (Redacted)

15 (Redacted) What was your occupation with the MLC within this time-frame, from

16 July 2003 to the end of 2004?

17 A. Well, let me repeat that we arrived in Kinshasa on 15 July. (Redacted)

18 (Redacted)

19 Q. When you say (Redacted) can you please clarify to whom you are referring?

20 A. I am talking about (Redacted)

21 (Redacted)

22 Q. What is your current occupation?

23 A. I have no occupation. (Redacted)

24 Q. Mr Witness, just for the sake of clarity and before we move to other type of

25 questions, can you please repeat what was your occupation in the period from

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1 (Redacted)

2 A. I didn't understand the question properly.

3 Q. My question was, if you can -- just to be very clear and before we move to other
4 types of questions, if you can repeat what was your occupations -- what was your
5 occupation within the period (Redacted)

6 A. I was still (Redacted)

7 Q. Very well. Mr Witness, can you explain now, in more details, what exactly your
8 functions were as (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. I don't know whether he discussed this with (Redacted)

2 (Redacted)

3 Q. You just said (Redacted)

4 (Redacted) Who do you mean by "he"?

5 A. I will point out or emphasise the fact that it was General Amuli (Redacted)

6 (Redacted)

7 Q. I understand this, Mr Witness. However, my question was if you know who

8 issued those orders that General Amuli (Redacted)

9 A. I think I have answered that question. I said I don't know whether he discussed
10 matters with the president, but (Redacted)

11 Q. Apart from Amuli, did anybody else ever give messages or orders, (Redacted)

12 (Redacted)

13 A. That was quite rare for someone else to (Redacted)

14 (Redacted) That occurred very seldom.

15 Q. You said that it occurred very seldom, that someone else (Redacted)

16 (Redacted) When it happened, who was this someone else that you

17 referred to?

18 A. At the General Staff, there were various representatives, G3s, G4s, the G officers, the

19 G2s. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. You mentioned repeatedly "Amuli." Can you state what was his official function
23 within the MLC?

24 A. Amuli was the Chief of the General Staff for Operations.

25 Q. Do you know whether or not Mr Bemba had communication with the units in the

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1 field?

2 A. As far as I can remember, no, because the only means of having contact with the
3 units at the front was by phonie, but I do remember the very first time on one occasion
4 President Bemba contacted units in the field. (Redacted)

5 Q. My question was in general. You said that he -- on one occasion Mr Bemba
6 contacted units in the field by phonie, but my question was in general, whatever means of
7 communication he could use, whether or not Mr Bemba had contacts with the units in the
8 field regardless of the actual means of communication that he was using?

9 A. No.

10 Q. When was this contact by Mr Bemba with units in the field that you mentioned?

11 A. I apologise, but I haven't quite understood your question.

12 Q. You said that (Redacted) Mr Bemba contacted troops or units in the field on
13 one occasion. I asked you when did this happen?

14 A. Yes, it must have been in the year 2000, if my memory serves me well. It was just
15 after Basankusu had been taken. There were no military rations. Our troops were
16 advancing, and they were also being harassed by the enemy and the troops at the front
17 line were abandoning their positions to look for food in other places. And in Gbadolite
18 (Redacted)

19 (Redacted)

20 When the president realised what the situation was, (Redacted) the operations
21 commander, General Alongaboni, and asked him to come and use this phonie
22 communications device. When he arrived to use the phonie device, he was asked
23 whether he could go and borrow from tradesmen, local tradesmen, certain items and on
24 the following day there would be rations provided, supplies would be provided so that
25 the troops wouldn't have to abandon their positions in order to go and search for food.

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1 Q. Can you explain (Redacted)

2 from the MLC leaders (Redacted) to the units in the field?

3 A. There were a lot of messages. I don't know exactly, there were a lot of messages.

4 (Redacted) the General Staff, General Amuli would (Redacted)

5 (Redacted) They'd ask for fuel, for rice, for beans, for bags of these items. (Redacted)

6 (Redacted)

7 Q. (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. I'm sorry if I have to ask you this again, but just to be very clear who do you mean

16 by "president"?

17 A. When I say "the president," I'm referring to the President of the MLC, the

18 Mouvement de Libération du Congo - Movement for the Libération of Congo - President

19 Jean-Pierre Bemba.

20 Q. (Redacted) very often General Amuli,

21 would write the message. Where would the message be written down?

22 A. All the messages would be entered in a log-book, written down in a log-book, and

23 then (Redacted)

24 Q. Just for our better understanding, can you explain what you mean by "log-book"?

25 What log-book are you talking about?

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1 A. It's a big notebook in which all the messages would be written down and kept.

2 Q. You said that the president, Mr Bemba, was copied in these messages. Do you

3 know what was the extent of involvement that Mr Bemba had (Redacted)

4 (Redacted) to the troops?

5 A. I think I have answered that question. I said that I did not know whether General

6 Amuli discussed matters with President Bemba prior to (Redacted)

7 (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. With respect (Redacted) where were Mr Bemba and General

15 Amuli based?

16 A. We were all in Gbadolite; in the town, to be precise. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. You said that (Redacted) for a long period of time. I

20 would like to ask you that, if Mr Bemba wanted to send a message to the units in the field,

21 what would he do?

22 A. I think I have answered this question. I don't know, because President Bemba

23 would rarely send messages to units in the field. Very often, the gentleman who would

24 write down the messages would be General Amuli.

25 Q. Mr Witness, I'm reading here your answer and you said, "Mr Bemba would rarely

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1 send messages to the units in the field." So my question is in these cases, when he would
2 rarely send messages to units, what would Mr Bemba do in that case?

3 A. Let me add the following: In our log-book, where we noted down the messages,
4 well, if you have a look at it, you'll see that all the messages were written down by
5 General Amuli. There were seldom cases when -- there were very few cases when the
6 president would address himself to commanders of units in the field.

7 Q. Yes, I understand this, and in fact I'm interested in understanding that, in these rare
8 cases where the president would address the units in the field, what would he do? That
9 is my question.

10 A. I don't know how to answer that question. I don't know what means he would use
11 to get in touch with the commander at the front line, but all I know is that the channel that
12 was used to reach a commander, or the device, the communications device that could be
13 used to reach a given commander in the field, would be a phonie communications device.

14 Q. My previous question was about how Mr Bemba would communicate with units in
15 the field. Now, you mention the phonie as a device - as a tool - to communicate. Does
16 that mean that Mr Bemba used the phonie to get in touch with the units in the field?

17 A. (Redacted) In order to reach a commander at
18 the front line, (Redacted) you could reach a
19 given commander quite easily.

20 Q. Just a (Redacted) clarification, and I apologise but of course I don't have any (Redacted)
21 (Redacted) and that's why I need (Redacted) for this. Is there a difference between
22 what you call (Redacted)

23 A. It's the same (Redacted)
24 (Redacted)

25 Q. (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) to use his radio and

9 communicate with anybody, so how often did he use his radio to talk to commanders in
10 the field?

11 A. (Redacted) Bemba could not establish contact with
12 them on his own, because there were frequencies that he didn't have in his possession.
13 All these frequencies were kept at the transmissions centre, and that also includes the
14 dialling codes that had to be used.

15 Q. I understand that Mr Bemba had to establish a connection (Redacted)
16 (Redacted) how often
17 did this happen, that Mr Bemba wanted to make contact with someone in the field?

18 A. No.

19 Q. Maybe my question was not clear enough. I asked you how often Mr Bemba made
20 contact with someone in the field from using his radio in his home?

21 A. President Bemba had a phonie in his living room, in his residence, but he didn't
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

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

6 (Open session at 11.01 a.m.)

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

8 PRESIDING JUDGE STEINER: Thank you. Mr Witness, it's 11 o'clock. We have now

9 half-an-hour break. You can have a coffee, a tea, rest a little bit. We will resume at

10 11.30. Court officer, please turn into closed session for the witness to be taken outside

11 the courtroom. In the meantime, we will suspend and resume at 11.30.

12 *(Closed session at 11.02 a.m.) Reclassified as Open session

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

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 11.02 a.m.)

17 (Upon resuming in closed session at 11.33 a.m.) Reclassified as Open session

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

19 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring the

20 witness in.

21 (The witness enters the courtroom)

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

23 (Open session at 11.35 a.m.)

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

25 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.

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1 THE WITNESS: (Interpretation) Thank you.

2 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

3 THE WITNESS: (Interpretation) Of course.

4 PRESIDING JUDGE STEINER: Mr Scaliotti, just to remind you that we are in open
5 session.

6 MR SCALIOTTI: Thank you, Madam President, your Honours. And I think we should
7 turn back to private, please.

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

9 *(Private session at 11.36 a.m.)Reclassified as Open session

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

11 MR SCALIOTTI:

12 Q. Mr Witness, welcome back and we try now to resume our examination and proceed.

13 I would like to start with just a couple of clarifications with regard to the answers that you
14 have provided so far. With regard to the date when the MLC arrived in (Redacted), I'm
15 referring to real-time transcripts, page 15, line 4, you said that the date for that, for the
16 arrival of the MLC (Redacted) Afterwards, and I make reference to

17 transcripts, real-time transcripts, page 16, line 10, you said it was (Redacted)

18 Of course I understand that it's not clear for you to remember after so many years, but can
19 you just make an effort and try to clarify what was the day for that arrival of the MLC in
20 (Redacted)

21 A. Well, you see, it was so long ago I think I may have forgotten the date. I was
22 coming back from prayer.

23 Q. So you confirm (Redacted) but it's difficult for the day, if I understand you
24 correctly?

25 A. Yes.

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1 Q. One more point: You talked about the (Redacted)

2 (Redacted) and you mentioned the name of the (Redacted) Can you please

3 make the spelling just for the clarity of the record?

4 A. (Redacted) -- I can pronounce it, that name, but since it's an English name, well,
5 the spelling I may have forgotten.

6 Q. It's fine, Mr Witness, do not worry about that. I would like now you to focus on
7 this equipment (Redacted) at the transmission centre. Can you explain in practical
8 terms, and for our understanding, what technical equipment or structure (Redacted)
9 transmission centre that (Redacted)

10 A. (Redacted) -- well, in practical term, (Redacted) a phonie. It wasn't connected to an
11 antenna. There was also the power supply and there was also the actual dial-up, the
12 receiver.

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Another question I would like to ask you, and I would be grateful if you could
21 answer in very practical terms, just for our understanding, what type of communication is
22 this one through a radio, is it an oral/verbal communication or is it about sending and
23 receiving written messages?

24 A. Well, I'll give you a practical answer. When you use the phonie you can chat, so to
25 speak, and you can also send messages. In this case, it was a matter of sending

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. How many radios, or phonies, were outside Gbadolite in the field?

15 A. Well, there was quite a bit of equipment and I really couldn't tell you how many
16 pieces of information -- of equipment, but there were many.

17 Q. Compared to the centre (Redacted) in Gbadolite, how many approximately of
18 those centres you had in the field?

19 A. Well, if I've understood the question, you were asking me how many centres - how
20 many transmission centres - there were in Gbadolite?

21 Q. No, Mr Witness, I was trying to ask you the following: We have seen so far the
22 transmission centre (Redacted) in Gbadolite, but what I wanted to ask you is how many
23 similar centres or radio posts (Redacted) outside Gbadolite in the field for the units to
24 communicate with the headquarter?

25 A. Well, there was an entire structure with -- there were brigades, there were battalions

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1 and all that sort of thing, so I really couldn't tell you. It was many years ago.

2 Q. You mentioned brigades and battalions. Do you remember whether radios were
3 with the brigades and battalions, or not?

4 A. Yes. Well, the brigades had battalions. There were posts also for the battalions.

5 Q. When you say "posts," do you mean a radio post?

6 A. Well, you mean a two-way radio? A piece of two-way radio equipment?

7 Q. What I'm trying to understand is how many -- well, first of all, what type -- my first
8 question was what type of technical equipment units in the field had, and you said that
9 units in the field had a similar structure like the ones (Redacted) in Gbadolite. Having
10 understood that, my next question was aiming to understand how many of these
11 structures (Redacted) in the field, at least approximately. So this is my question: How
12 many similar transmission centres (Redacted) in the field and at what level, with the
13 brigades or with the battalions?

14 A. Well, I couldn't be specific, because there were several battalions and several
15 brigades and I've forgotten.

16 Q. Do you mean that brigades and battalions usually have a radio?

17 A. Yes.

18 Q. Can you explain how frequencies were used and worked in the field? What I mean
19 is were radio in the field assigned a specific frequency, or how did it work with the
20 frequencies?

21 A. There was a range of frequencies in -- (Redacted) programme various
22 frequencies and the same frequencies were used by the army headquarters; the same
23 frequencies that (Redacted) with the units. Someone might dispatch
24 something on a particular frequency.

25 Q. So in practical terms, if a commander in the field wanted to contact the headquarters

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1 through radio, what should he do?

2 A. He would have to refer to the Seko that I mentioned. You see, there was a range of
3 frequencies (Redacted)

4 THE INTERPRETER: The witness has made reference to a code that was referred to as
5 the "tonie face." (phon)

6 MR SCALIOTTI:

7 Q. Do you know whether brigades and battalions could communicate among
8 themselves?

9 A. Yes, they could communicate amongst themselves using the same frequencies.

10 THE INTERPRETER: Message from the English booth: Could the witness please slow
11 down.

12 MR SCALIOTTI:

13 Q. Mr Witness, the interpreter is kindly asking you to speak slowly, please, as I tried to
14 instruct you at the beginning. It's very important that we keep a very slow pace in our
15 examination.

16 THE INTERPRETER: Many thanks from the interpreters.

17 MR SCALIOTTI:

18 Q. You just said that brigades and battalions could communicate among themselves.
19 Could they communicate among themselves about any possible subjects, or were there
20 any restriction or limitation in this?

21 A. Well, any unnecessary chatting or conversations were forbidden. Only operational
22 messages were to be transmitted.

23 Q. Can you please define for us what you mean by "operational message"?

24 A. Well, locate the enemy, describe the situation of the enemy, talk about tactics, talk
25 about the enemy's manoeuvres. Those were the operational messages.

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1 Q. Could brigades and battalions communicate among themselves directly, (Redacted)
2 (Redacted)

3 A. They could communicate with one another directly. They could speak amongst
4 themselves directly.

5 MR SCALIOTTI: Madam President, I think that at least for the next questions we might
6 move to public. Of course, now I will -- first, before we move to public, I will explain
7 further to the witness about the challenges that we will have. Thank you.

8 Q. Mr Witness, now we are moving to public session. As we explained to you at the
9 beginning, this means that from now on, at least for the next period of time, whatever you
10 will say will be heard outside by the public. Therefore, you have to be extremely careful
11 about what you say and you have to pay a lot of attention not to mention, of course, your
12 name and any circumstance related to yourself, including family members, friends,
13 previous occupations that you had, functions, meeting with people, conversations,
14 whatever can lead to your identification. This type of information is not to be given now
15 when we'll be in public session. In case if you think that provide an answer you need to
16 give this type of identifying information, please let us know and the Chamber will ask the
17 court officer to move back to -- again to private session. Is this that I explained to you
18 clear?

19 A. Yes, of course.

20 PRESIDING JUDGE STEINER: Court officer, please turn into public session.
21 (Open session at 11.57 a.m.)

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

23 MR SCALIOTTI:

24 Q. Mr Witness, you mentioned that the MLC had a number of brigades. How many
25 brigades were with the MLC?

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1 A. Well, there was the Alpha Brigade, the Bravo Brigade, the Charlie, Echo Brigade.

2 There were four brigades and then the Delta Brigade.

3 Q. Do you know what areas they respectively covered?

4 A. Yes. Well, it was so many years ago but I can remember some of them at least.

5 Alpha Brigade was occupying the river, and the Bravo Brigade was handling Basankusu,
6 that road, as well as Delta Brigade and Charlie Brigade. The Echo Brigade covered the
7 way along the Ubangi River.

8 Q. Do you remember the names of the commanders of these brigades?

9 A. Yes.

10 THE INTERPRETER: Interpreter correction: In an earlier reply, the witness concluded
11 by saying that there was a total of five brigades.

12 MR SCALIOTTI:

13 Q. Mr Witness, after this verification by the interpreter, can you please state if you
14 remember what were the names of the commanders of these five brigades?

15 A. The commander of Alpha Brigade was Colonel Romain Mondonga --

16 THE INTERPRETER: Approximation from the interpreter.

17 THE WITNESS: (Interpretation) Commander of Bravo, General Alongaboni. Charlie's
18 commander was General Mustapha. Brigade Delta's commander was General Widdy at
19 the time. And in charge of Echo Brigade was General Nzambe Alengbia.

20 Q. You said that the commander of Bravo Brigade was General Alongaboni. Can you
21 please make the spelling of this name?

22 A. Alpha, A; Lima, L; Oscar, O; November, N; G, Gulf; Alpha, A; Bravo, B; Oscar, O;
23 November, N; India, I.

24 Q. I'm not sure I understood the name of the commander of Alpha Brigade. Can you
25 please repeat that name, if you know it?

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1 A. This is an -- that, what I've just given you, was the name of the commander of Bravo
2 Brigade.

3 Q. Yes, Mr Witness, and thank you for that. I was going back to the transcripts, and I
4 can't see in the transcript the answer for the commander of the Alpha Brigade, and this is
5 why I asked you if you can repeat that name, of the commander of the Alpha Brigade.

6 A. The name of the commander of Alpha Brigade was Romain Mondonga.

7 Q. Can you please make the spelling of this name?

8 A. Romeo-Oscar-Mike-Alpha-India-November. That is the first name, and the family
9 name, Mike-Oscar-November-Delta-Oscar-November-Gulf-Alpha.

10 Q. You said that Widdy was the commander of the Delta Brigade. Can I ask you once
11 again to make the spelling, please?

12 A. The commander of Delta Brigade, Whisky-India-Delta-Delta-Yankee.

13 Q. Thank you, Mr Witness. Who was the commander of the Echo Brigade?

14 A. Before the ceasefire, under the Lusaka agreements, it was the commander General
15 Nzambe Alengbia.

16 Q. Can you please spell his name?

17 A. November-Zulu-Alpha-Mike-Bravo-Echo. That is the name. And now
18 Alpha-Lima-Echo-November-Gulf-Bravo-India-Alpha.

19 Q. You said that he was in charge of the Echo Brigade until the ceasefire under the
20 Lusaka agreement. When was this ceasefire signed and when did it -- was in place?

21 A. I don't have the date in mind. I've forgotten it.

22 Q. Can you at least try to provide an approximate date for this ceasefire?

23 A. Well, I have forgotten.

24 Q. You also mentioned Mustapha. What brigade did he command?

25 A. Mustapha was the commander of the Charlie Brigade and then he became

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1 commander of the Echo Brigade.

2 Q. Do you remember when Mustapha became the commander of Echo Brigade?

3 A. I don't know the month precisely, but the year was 2002.

4 MR SCALIOTTI: Madam President, I think we need to move back to private session now
5 for the next set of questions.

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

7 *(Private session at 12.11 p.m.)Reclassified as Open session

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

9 MR SCALIOTTI:

10 Q. Mr Witness, now we are again in private session. Therefore, again you can talk
11 freely and provide any information, any detail, that you may have. I would like to go
12 back again to the transmission centre (Redacted)
13 (Redacted) can you explain how that message would be
14 processed by the transmission centre?

15 A. Could you repeat the question, please? I didn't understand the question properly.

16 Q. Sure. My question was: When (Redacted) a message
17 from the field, how was that message processed (Redacted)
18 (Redacted)

19 A. All the messages from the units were in code, and after having received them they
20 had to go through the processing unit to decode them, copy them out and then they were
21 sent to the intended recipients.

22 Q. Can you explain how encoded language works?

23 A. (Redacted) special dialling codes, or transmission codes, and (Redacted) to change all
24 the letters of the alphabet, giving each letter a number, or a whole series of figures. For
25 example, letter A was identified by letter X5 Foxtrot. That's just one example.

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1 Q. After a message was decoded, what would you (Redacted) with the decoded message
2 before passing it to the intended recipient?

3 A. All the messages from the units, the commanders had to send them to General
4 Amuli and then the information would be copied to the president. (Redacted)
5 messages, therefore, from the units. We gave them to General Amuli.

6 Q. (Redacted) these messages in a written form to the intended recipient?

7 A. Yes, I said all the messages were recorded in the log-book and conserved there.

8 Q. Apart from the decoded text, what kind of information or details would the
9 intended recipient receive along with the message with the text?

10 A. There were several types of information. It depended on the situation; the situation
11 of the unit. For example, there could be a problem with rations and they would be
12 asking for supplies from headquarters. You might be locating the position of the enemy
13 and then they would say to the HQ, "The enemy is here." Very often it (Redacted)
14 (Redacted) - which located in fact where the enemy was.

15 Q. (Redacted) a template to deliver the message to the intended recipient?

16 A. There was no particular model. (Redacted)
17 You would write them out uncoded, therefore, and (Redacted) would take
18 the message off to the intended recipient.

19 Q. I understand from what you said that (Redacted) face the risk
20 of leaked information, so my question is within this communication (Redacted) between
21 the transmission centre and the field, how were individuals, units, identified?

22 A. Every commander or every unit had its own dialling code, and the aim of course
23 was to avoid a leak of information.

24 Q. Who assigned these codes to units or individuals for the communication?

25 A. The codes were decided on at HQ (Redacted) They were then

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1 put in an envelope and sent off to the different units.

2 Q. Can you give us an example of a code?

3 A. (Redacted)

4 was a code called "Chevalier" and General Mustapha was called "Prince." (Redacted)

5 transmission centre was called "55 Queenie." This was the special dialling code.

6 Q. What staff members did (Redacted)

7 A. There were seven people at the transmission centre and there was another team.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Who was encoding and decoding messages?

12 A. I said that there was an office which dealt with processing the messages. There

13 was (Redacted). There was (Redacted). There was also Captain (Redacted)

14 (Redacted)

15 Q. Thank you, Mr Witness. I don't need specifically the name of the person, but just

16 the function. Who exactly was supposed to receive the messages from the units, or

17 whoever wanted to communicate with the transmission centre?

18 A. There was a radio operator. (Redacted)

19 (Redacted)

20 Q. (Redacted) with the messages at the end of each day?

21 A. All the messages which came in from the units had to be decoded and, at the end of

22 the day, they were handed in to the intended recipients.

23 Q. (Redacted)

24 (Redacted)

25 A. Well, (Redacted) the messages to the recipient. He took time to read it. If there

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1 were any comments, he would write them on the bottom of the page. (Redacted)
2 take the log-book, put in a number, code the message and then transmit the message once
3 again to the intended recipient of that message.

4 Q. (Redacted) archives for the messages after they were
5 delivered to the intended recipient?

6 A. Well, of course, yes. (Redacted)

7 Q. Where were the archives kept?

8 A. There was a room (Redacted) archives in Gbadolite in the transmission
9 centre.

10 Q. So far you talked about radio, or phonie, as a communications means that was
11 available to the MLC. Was there any other means of communication that the MLC used,
12 apart from radio?

13 A. We also had the phonie.

14 THE INTERPRETER: Correction: "We only had the phonie," was the answer of the
15 witness.

16 MR SCALIOTTI:

17 Q. Outside the transmission centre in the field, do you remember whether commanders,
18 apart from radios, also had other communication systems?

19 A. Yes, in Isiro I recall that the General Ndimba in Isiro had a -- General Ndimba had a
20 Tooraya (phon).

21 THE INTERPRETER: "Thuraya," correction from the interpreter.

22 MR SCALIOTTI:

23 Q. Can you explain what is a Thuraya?

24 A. It's a telephone. Every time he (Redacted) the phonie, he would ask (Redacted)
25 (Redacted) the president to switch on the Thuraya system.

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1 Q. So, as I understand, if someone from the field wanted to talk to the president,
2 Mr Bemba, (Redacted) transmission centre to establish the communication; is
3 that right?

4 A. Yes, indeed.

5 Q. Can you please repeat the name of the general who had the Thuraya that you
6 mentioned before, because I cannot see it in the transcript? Can you repeat the name and
7 please make the spelling?

8 A. Constance was his first name and his family name
9 November-Delta-India-Mike-Alpha.

10 Q. Mr Witness, you just said if someone from the field wanted to talk to the president,
11 Mr Bemba, he had to ask at the transmission centre to establish the communication. This
12 was actually my question, and you confirmed that that's right, that if someone wanted to
13 contact President Bemba from the field (Redacted) transmission centre. My
14 question is: How often did it happen that someone from the field wanted to contact
15 Mr President?

16 A. I'd like to point out the following: It wasn't permitted to have verbal conversations
17 over the phonies. I don't know if I fully understood the question. The president didn't
18 usually use the phonie to speak to commanders of various units.

19 Q. Apart from the general that you mentioned, do you remember who else had these
20 Thuraya phones in the field?

21 A. I mentioned (Redacted) he had a Thuraya telephone.
22 Apart from this person, there was no one else.

23 Q. Do you know how a Thuraya phone works?

24 A. I have never used such a device.

25 Q. Apart from the Thuraya that you said was available to this general that you

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1 mentioned, are you aware of any other means of communication available to units in the
2 field?

3 A. I have already answered that question. Apart from the phonic communication
4 devices, there were no other means of contacting the commanders who were in the field.
5 PRESIDING JUDGE STEINER: Mr Scaliotti, I'm sorry to interrupt, I would like to seek a
6 clarification from the witness. On page 45, lines 7 to 9, you mentioned that "Every time
7 he (Redacted) the phonic, he would (Redacted) the president to switch
8 on the Thuraya system." That means that President Bemba also had with him a Thuraya
9 system?

10 THE WITNESS: (Interpretation) Yes, President Bemba did have a telephone.

11 PRESIDING JUDGE STEINER: This Thuraya?

12 THE WITNESS: (Interpretation) I don't know, but according to what (Redacted)
13 (Redacted) for the president to switch on his telephone, well, on that basis
14 I believe that he may have had one.

15 PRESIDING JUDGE STEINER: Thank you very much. Thank you, Mr Scaliotti, you
16 can continue.

17 MR SCALIOTTI: Thank you, Madam President.

18 Q. Mr Witness, I was trying to understand whether units in the field had at their
19 disposal other means of communication. For instance, did they have -- did the units in
20 the field have walkie-talkies?

21 A. Yes, the units in the fields did have walkie-talkies, and that made it possible for
22 there to be communication between section commanders and company commanders
23 because this was a short-range form of communication. It had a range of between three
24 and four kilometres.

25 Q. Do you know who in the field had assigned walkie-talkies? What I mean is, at

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- 1 what level? Was it only commanders of brigades, or battalions or companies? That is
2 my question. Who exactly was provided with a walkie-talkie in the field?
- 3 A. This depended on the way in which the brigade was organised.
- 4 Q. And depending on how the brigades were organised, do you know or do you
5 remember how walkie-talkies were assigned?
- 6 A. (Redacted) to whom brigade commanders would give
7 walkie-talkies.
- 8 Q. So far we have mentioned, therefore, radio satellite phones and walkie-talkies.
9 Were there any other communications systems available to the MLC?
- 10 A. No.
- 11 MR SCALIOTTI: Madam President, can I ask you just for a few seconds to consult with
12 my colleagues?
- 13 PRESIDING JUDGE STEINER: (Nods head in the affirmative).
- 14 MR SCALIOTTI: Thank you.
- 15 (Prosecution counsel confer)
- 16 MR SCALIOTTI: Thank you, Madam President. I would like to seek just briefly in
17 case -- instruction from the Chamber, with regard to whether we should stay in private or
18 public and the reason is that for the next few questions, but very few questions, we may
19 move to public session because the topic itself is not requiring private, but I leave it to the
20 Chamber to see whether they prefer us to move back and forth and then very quickly back
21 again to public or we stay in private session just because it simply takes a few questions
22 and then we should move back again to private session? I leave it to the Chamber for
23 possibly give me some instructions.
- 24 PRESIDING JUDGE STEINER: Mr Scaliotti, I think that the rule is that we should go
25 into public session whenever possible. So if we have to go back and forth, it's better than

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1 staying in private session for questions that don't need to be put in private session.

2 MR SCALIOTTI: Sure, Madam President. Thank you. So for the next few questions
3 we can move to public session. And, Mr Witness, again before we move to public
4 session I would like to remind you once again that what you are going to say from now on
5 will be heard by the public outside. Therefore, you have to be very careful and I remind
6 you, once again, not to mention any fact or circumstance that can lead to your
7 identification.

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

9 (Open session at 12.41 p.m.)

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

11 MR SCALIOTTI:

12 Q. Mr Witness, do you know whether the MLC troops were involved in any military
13 operation in Central African Republic?

14 A. Yes.

15 Q. Do you remember how many times?

16 A. I think it was on two occasions.

17 Q. Do you remember when the first occasion was?

18 A. I don't know the exact month, but the first time was in 2001, if my memory does not
19 fail me.

20 Q. And what about the second military operation, do you remember approximately the
21 date?

22 A. As far as the second and last time is concerned, it was in 2002.

23 Q. Do you remember if it was at the beginning of 2002, in the middle of the year, or
24 towards the end?

25 A. It must have been between the month of September or October.

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1 MR SCALIOTTI: Madam President, we need to move back to private session for the next
2 question, please.

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

4 *(Private session at 12.45 p.m.)Reclassified as Open session

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

6 MR SCALIOTTI:

7 Q. Mr Witness, now we are back to private session once again. Therefore, you can talk
8 freely and provide any piece of information that you may have without any restriction.
9 So you just said about -- that you know about this second military operation in Central
10 African Republic. How did you learn about this second military operation in Central
11 African Republic?

12 A. As far as I can remember, this attack took place (Redacted)
13 Bangui. It was in the month of October.

14 Q. You just said "... (Redacted) Bangui." Can you explain what you mean
15 by that?

16 A. Well, on the same day that the attack took place, (Redacted) in Bangui. It was in the
17 evening, and some time after (Redacted), according to the information that was
18 provided, this attack took place.

19 Q. (Redacted)

20 A. (Redacted) returning from Entebbe, in Uganda. Entebbe. The president and the
21 leaders of his guard - (Redacted) stopped over for technical reasons to
22 obtain supplies in Bangui, (Redacted) Bangui to go to Gbadolite.

23 Q. I have to ask you once again for a clarification. Who do you mean by the president
24 (Redacted) in Bangui?

25 A. I was referring to the President of the MLC.

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1 Q. You said that (Redacted) Bangui to get supplies. Can you explain what type of
2 supplies?

3 A. It was just items of vital necessity, if you like. Basic commodities.

4 Q. (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. What means of transportation (Redacted) use to go to Bangui?

14 A. A plane.

15 Q. Can you explain what plane was it?

16 A. I don't know the make. It was the president's plane, a propeller plane.

17 Q. Do you remember the colour of that plane?

18 THE INTERPRETER: The interpreter did not hear the witness's answer.

19 MR SCALIOTTI:

20 Q. Mr Witness, can you please repeat your answer because the interpreter couldn't hear
21 you. My question was if you remember what colour was that plane?

22 A. I said I didn't know.

23 Q. Who was in that plane?

24 A. The president was in the plane, (Redacted)

25 THE INTERPRETER: The interpreter would like to add that the witness previously said

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- 1 in his answer that the plane was a Boeing.
- 2 MR SCALIOTTI:
- 3 Q. (Redacted)
- 4 A. (Redacted)
- 5 (Redacted)
- 6 Q. (Redacted) in Bangui, do you know what Mr Bemba did?
- 7 A. (Redacted)
- 8 THE INTERPRETER: (Redacted)
- 9 MR SCALIOTTI:
- 10 Q. Do you know whether or not Mr Bemba met anybody in Bangui?
- 11 A. (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 PRESIDING JUDGE STEINER: Mr Scaliotti, if you allow me?
- 15 MR SCALIOTTI: Of course. Sure, Madam President, of course.
- 16 PRESIDING JUDGE STEINER: Mr Witness, just to make sure that the transcript is
- 17 correct, on page 52, last lines, the question: (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 PRESIDING JUDGE STEINER: Thank you.
- 22 MR SCALIOTTI:
- 23 Q. (Redacted) leave Bangui on that day?
- 24 A. (Redacted) Bangui, but it was already in the evening.
- 25 Q. And after the aeroplane took off, (Redacted)

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1 A. (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 MR SCALIOTTI: Madam President, I think maybe we can quit here for the morning
5 session?

6 PRESIDING JUDGE STEINER: Thank you, Mr Scaliotti, but I still -- I'm still trying to
7 understand, because sometimes, Mr Witness, the transcripts are a little bit different to
8 what you said and so I want to confirm whether these were your answers.

9 (Redacted)

10 (Redacted)

11 THE WITNESS: (Interpretation) Yes, because he didn't linger in the town.

12 PRESIDING JUDGE STEINER: Thank you very much.

13 Court officer, please turn into open session.

14 (Open session at 12.59 p.m.)

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

16 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we'll have now our lunch
17 break. You have lunch, you have time to take some rest. It's 1 o'clock. We'll be back at
18 2.30.

19 Court officer, please turn into closed session for the witness to be taken outside the
20 courtroom. In the meantime, we will suspend and resume at 2.30.

21 *(Closed session at 1.00 p.m.)Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 1.01 p.m.)

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- 1 (Upon resuming in closed session at 2.33 p.m.) Reclassified as Open session
- 2 THE COURT USHER: All rise. Please be seated.
- 3 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
- 4 court officer -- court usher bring the witness in.
- 5 (The witness enters the courtroom)
- 6 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 7 (Open session at 2.35 p.m.)
- 8 THE COURT OFFICER: We are in open session, Madam President.
- 9 PRESIDING JUDGE STEINER: Thank you.
- 10 Good afternoon, Mr Witness.
- 11 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 12 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the lunch
- 13 break?
- 14 THE WITNESS: (Interpretation) Of course.
- 15 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 16 your testimony?
- 17 THE WITNESS: (Interpretation) We can go on.
- 18 PRESIDING JUDGE STEINER: Thank you, Mr Witness.
- 19 Mr Scaliotti, you have the floor.
- 20 MR SCALIOTTI: Good afternoon, Madam President, your Honours, and thank you.
- 21 Q. Good afternoon, Mr Witness. We can now continue with your testimony and I
- 22 would like to start with this question: This morning, when Madam President asked
- 23 you a number of questions concerning the statement that you gave during your
- 24 interview -- Madam President, I apologise. I forgot to ask you to turn back to private
- 25 session. I apologise.

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

2 *(Private session at 2.37 p.m.)Reclassified as Open session

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

4 MR SCALIOTTI:

5 Q. Mr Witness, we are in private session, so again we can talk freely. You can
6 give answers without any limitation or restriction. Whenever you have an answer,
7 you can give it freely. I was telling you this morning Madam President asked you a
8 number of questions concerning the statements that you gave to the investigators of
9 the Office of the Prosecutor, and you confirmed that the statements that you gave
10 were accurate and to the best of your knowledge. You also said that you wanted to
11 add some clarification -- some details and clarification. Can you please tell us what
12 are these clarifications - these details - that you wanted to add before the Judges?

13 A. It had to do with the telephone - the Thuraya telephone - that I mentioned,
14 General Ndimba. If you look at my statement, the name of General Ndimba was not
15 mentioned.

16 Q. If I remember correctly, General Ndimba is the one that you said was assigned
17 with a Thuraya phone; is that correct?

18 A. Of course.

19 Q. Is there anything else that you would like to add in this regard?

20 A. I don't have any further comments to make.

21 PRESIDING JUDGE STEINER: Mr Scaliotti, if you allow me?

22 Mr Witness, in relation to the statement or statements that you made to the
23 Prosecution, it was in 2008, you said this morning that you wouldn't like to have them
24 as evidence because you had some corrections or some changes. Do you want to do
25 it now? Do you have in mind what changes or corrections or additions you wanted

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1 to make to your statements? Please feel free to make whatever observations you
2 want in relation to your statements; previous statements.

3 THE WITNESS: (Interpretation) Thank you very much. I've answered that
4 question. Other than the statement made to the investigators, I have no further
5 statements to make, except that the question that was put to me by the counsel, and if
6 I could give the name of General Ndimba who received the telephone, and I would
7 also -- you see, (Redacted)

8 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

9 Mr Scaliotti, you can continue, please.

10 MR SCALIOTTI: Thank you, Madam President.

11 THE INTERPRETER: Correction from the interpreter: To turn on his telephone.

12 MR SCALIOTTI:

13 Q. Mr Witness, the Prosecution would like now to go through some portions of
14 your statement so that we can maybe just briefly refresh your mind also considering
15 the long time that passed since the time that you gave your statement to the OTP
16 investigator, and I would like to start with document, the French version is 0022-0223
17 and the English version is CAR-OTP-0038-0239. This is a confidential document. It
18 is part of the statement of the witness.

19 PRESIDING JUDGE STEINER: Yes. Mr Scaliotti, just to remind you that you first
20 should give the number of the first page of the document and then the number of the
21 page you are going to use.

22 MR SCALIOTTI: Yes, Madam President, I apologise. I will do it immediately.
23 The first ERN for the French version is CAR-OTP-0022-0210 and for the English
24 version is CAR-OTP-0038-0225.

25 Q. I would read aloud a portion of this page that I have indicated from the English

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1 version. So, Mr Witness, the interpreters can interpret it to you into French.

2 PRESIDING JUDGE STEINER: Maître Liriss?

3 MR LIRISS: (Interpretation) Your Honour, one minor difficulty that we are having;
4 28th paragraph, 28th line rather, page 59, mention is made of 0022-0233 and this time
5 I believe we're now talking about, for the French version, 0022-0210. Could someone
6 explain this discrepancy to me?

7 PRESIDING JUDGE STEINER: Maître Liriss, if I may, whenever a document is
8 called, in order for the document to be found in Ringtail, it's important to give the
9 number of the first page of the document. That's what I asked Mr Scaliotti to give us.
10 The first, the number of the first page which is 0022-0210, but he's going to refer to
11 0223, it's a following page of the same document. It's just to facilitate, to locate the
12 document in Ringtail. Usually, the parties refer to a document as, for instance,
13 0022-0210 at 0223. Is that fine with you? Mr Scaliotti.

14 MR SCALIOTTI: Thank you, Madam President. I hope that the first pages of both
15 versions the French and the English are now clear. I have the impression that my
16 learned colleague from the Defence quoted a wrong page, meaning that the actual
17 page that I would like to read something from is - and I repeat - CAR-OTP-0022-0223.
18 I understood 0233, it's actually 0223. And, as I said, I would like to read out the
19 English version and the interpreters can interpret for the benefit of Mr Witness into
20 French.

21 Q. Mr Witness, as you understood, I'm going to read aloud a part of your
22 portion -- a part of your statement given to the OTP investigators. The question was:
23 (Redacted)

24 Answer: (Redacted) orders from the officials in authority and (Redacted)
25 to the various units." Question: "What officials in authority are you talking about?"

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1 Answer: "There were two officials in authority. President Bemba would give
2 orders to Colonel Amuli and Amuli would give them (Redacted) them on to the
3 various units committed to action and the units would send news of developments in
4 the field back to General Staff headquarters (Redacted)

5 Can you confirm that you made this statement and this statement is accurate and to
6 the best of your knowledge?

7 A. Of course.

8 PRESIDING JUDGE STEINER: Mr Scaliotti, sorry again to interrupt you. Just let
9 us know whether you prefer to have the document displayed for the witness to read it.
10 Sometimes it's easier for the witness to read than just to get the excerpt translated.

11 MR SCALIOTTI: Thank you, Madam President, for your meaningful
12 recommendation. In fact, I think that would be helpful, so if -- I'm going to quote
13 now the next page that I would like to display to the witness. So for the French
14 version, which is of course the one that the witness should have in front of him,
15 it's -- again it's always the same first page, so I repeat it's CAR-OTP-0022-0210, and the
16 relevant page would be 0022-0230, and I will be reading from the English version.
17 The first page is again CAR-OTP-0038-0225, relevant page CAR-OTP-0038-0245.

18 THE COURT OFFICER: The document which ends at page 0230, first redacted
19 version in the French language, is available on the screens by pressing the button
20 "PC1."

21 MR SCALIOTTI:

22 Q. Mr Witness, do you have the page of your statement in front of you? Again,
23 I'm going to read to you the English version of this portion and then the interpreters
24 will translate for you into French. Question: "I want to go back to transmissions to
25 the base. You have explained to us about transmissions to the base from the field,

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1 but how did Bemba and Amuli send instructions to the base?" Answer: "Bemba
2 would speak with Amuli, who was the Chief of Staff. Then Amuli would (Redacted)
3 (Redacted) what they had discussed to the units. Amuli would write the instructions
4 down in the log-book, (Redacted)
5 (Redacted) to the units. Amuli would write the instructions
6 down at his place (Redacted) the log-book at his place and
7 (Redacted)

8 Mr Witness, do you confirm this statement?

9 A. Yes, I confirm this statement.

10 MR SCALIOTTI: The following portion that I would like to have displayed to the
11 witness has always the same initial page, and the relevant page in the French version
12 is CAR-OTP-0022-0224. The English version is CAR-OTP-0038-0289.

13 Q. And again, Mr Witness, I am reading aloud to you in English. Question:
14 "How do you know that the instructions (Redacted) from Amuli were passed down
15 to Amuli by Bemba?" Answer: "Because Bemba was the commander-in-chief."

16 Do you confirm this statement?

17 A. Of course.

18 MR SCALIOTTI: And the next passage I would like to read to the witness is in the
19 same -- actually in the same page, both in the English and the French version, so the
20 French is again 0022-0224. In the English version, it's actually the following page
21 CAR-OTP-0038-0240.

22 Q. And the passage I wanted to read out is the following: Question: "But how
23 do you know that the orders came from Bemba?" Answer: "Because Amuli
24 couldn't do anything without Bemba, (Redacted)

25 Mr Witness, do you confirm this statement?

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1 A. Yes, I confirm that.

2 MR SCALIOTTI: The next portion I would like to have displayed to the witness is
3 on 0022-0224 again, and the English version is CAR-OTP-0038-0240.

4 Q. Question from the investigator: (Redacted) orders for the units, did
5 they come only from Amuli, or from Bemba too?" Answer: "Sometimes Bemba
6 (Redacted) instructions. The instructions weren't verbal. He'd (Redacted)
7 instruction and (Redacted) write it down in the log-book before transmitting it.
8 Bemba had to read the instructions in the log-book. Sometimes he'd give
9 instructions directly, do this, this and this, and Amuli had to be informed of the
10 instructions. After that, they were transmitted to the various units." Question:
11 "Why did Bemba have to read the instructions in the log-book?"

12 PRESIDING JUDGE STEINER: Mr Scaliotti, we are already in the following page.

13 MR SCALIOTTI: In the English version, Madam President?

14 PRESIDING JUDGE STEINER: No, in the French, the one that is being displayed.

15 MR SCALIOTTI: I apologise. I'm reading, so I had the initial point but, yes, I
16 understand. I apologise.

17 THE COURT OFFICER: Page CAR-OTP-0022-0225, first redacted version, is now
18 available on the screens.

19 MR SCALIOTTI:

20 Q. Maybe, Mr Witness, I better start from the beginning again, because it may be a
21 bit confusing for you. I had to interrupt because of the page that had to be turned in
22 front of you in the display. So I apologise for delaying this time, but maybe it's
23 better if I repeat again my reading.

24 What I said before was, question from the investigator: (Redacted)

25 (Redacted) the units, did they come only from Amuli, or from Bemba too?" Answer:

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- 1 "Sometimes Bemba (Redacted) instructions. The instructions weren't verbal.
2 He'd (Redacted) to write it down in the log-book before
3 transmitting it. Bemba had to read the instructions in the log-book. Sometimes
4 he'd give (Redacted) this and this, and Amuli had to be informed of
5 the instructions. After that, they were transmitted to the various units." Question.
6 "Why did Bemba have to read the instructions in the log-book? Answer:
7 "Operations-wise, (Redacted) write down or transmit the messages that he gave.
8 It was Bemba who read and signed the notebook with the messages for transmission."
9 Mr Witness, do you confirm this statement?
10 A. Of course.
11 PRESIDING JUDGE STEINER: Maître Liriss.
12 MR LIRISS: (Interpretation) Your Honour, unless there's a transcript problem here,
13 what I see here is -- I'm just waiting for the question to come up on the screen. That's
14 all right. I'm sorry.
15 MR SCALIOTTI: Thank you, Madam President. The next portion - and this is the
16 last before the last one, so it won't be that long - the next portion I would like to read
17 aloud to the witness is in the French version is CAR-OTP-0022-0225 and in the
18 English version is CAR-OTP-0038-0240.
19 Q. Mr Witness, again I am going to read aloud the passage of your statement.
20 Question from the investigator: "For the sakes of clarity, did Bemba also (Redacted)
21 written information or did (Redacted) Answer:
22 "Operations-wise, information leaks had to be avoided. That's why after reading
23 messages from units committed to action, he'd sign off and if he had to reply he'd
24 reply underneath and (Redacted)
25 (Redacted) and then the information and then the message would be

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1 transmitted."

2 Mr Witness, do you confirm that this is your statement and it's -- it reflects the best of
3 your knowledge?

4 A. Yes, indeed I do.

5 Q. I'm going to proceed now to the last portion that I wanted to read aloud to you.
6 The French version is this time CAR-OTP-0022-0230 and the English version is
7 CAR-OTP-0038-0245, bottom of the page. Question from the investigator: "Did
8 Bemba ever (Redacted) instructions (Redacted) Answer: "Whenever Bemba wanted to
9 contact a commander in the field, (Redacted)

10 (Redacted) Do you

11 confirm, Mr Witness, that this is your statement and it is -- it reflects the best of your
12 knowledge and it's accurate?

13 A. Yes, I do.

14 Q. Thank you, Mr Witness. Now I have finished with these quotation from
15 statements, so we don't need any more the statement in the screen to be displayed for
16 the witness.

17 Mr Witness, this morning before we interrupted our examination for the break we
18 were talking about this trip (Redacted) Mr Bemba to Bangui and you said
19 that the reason for the trip to Bangui was to get some supplies for Mr Bemba and his
20 guard. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 A. (Redacted)

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- 1 Q. You stated that the aircraft took off from Bangui on that day and (Redacted) in
2 Gbadolite on the same day; is this correct?
- 3 A. Yes, that is true.
- 4 Q. Can you state what happened the next day?
- 5 A. (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
- 12 Q. (Redacted)
- 13 A. (Redacted)
14 (Redacted)
15 (Redacted)
- 16 Q. (Redacted)
- 17 A. Yes, because the frequencies (Redacted) they were available and,
18 therefore, he could establish the link with any other unit.
- 19 Q. Did General Amuli (Redacted) a connection with
20 Zongo?
- 21 A. Yes.
- 22 Q. And what was the reason for General Amuli to speak urgently with Zongo?
- 23 A. (Redacted)
24 (Redacted)
25 (Redacted) flight left from Bangui there was an attack which

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1 took place?"

2 Q. What was your answer?

3 A. I was astonished and I just got on with my work.

4 Q. Based on what General Amuli explained to you, what had happened in Bangui
5 (Redacted)

6 A. I'm sorry, could you repeat the question please?

7 Q. Sure. You said that General Amuli told you that there had been in Bangui an
8 attack (Redacted) Did General Amuli explain to you what attack had
9 occurred in Bangui and by whom?

10 A. He did not give any details. He simply said that there had been an attack on
11 Bangui and he wanted to talk to our person in Zongo.

12 Q. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Based on what you understood, was this attack that General Amuli was
18 referring to the beginning of the second operation - of the second military
19 operation - of the MLC in Central African Republic?

20 A. The same day the attack took place, the MLC --

21 THE INTERPRETER: The interpreter could not hear the answer properly from the
22 speaker. Apologies.

23 MR SCALIOTTI:

24 Q. Mr Witness, can you please repeat your answer because the interpreter couldn't
25 hear you.

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1 A. If I understand you correctly, you asked a question to find out whether this was
2 the beginning of the second operation in the DRC and I answered the same day as the
3 attack took place the troops of the MLC were still in the DRC. They had not moved
4 yet.

5 Q. When did the MLC troops move to Central African Republic?

6 A. It was not the same day. When the phonie communications took place I was
7 not there, but when (Redacted) and
8 he said that General Amuli had asked Captain René, who was the company
9 commander of Zongo, to be on the watch because there was an attack going on
10 opposite.

11 THE INTERPRETER: Correction from the interpreter, page 70, line 16, it should be:
12 "The Central African Republic, CAR."

13 MR SCALIOTTI:

14 Q. Mr Witness, you stated earlier that on (Redacted) you moved from Gbadolite
15 to Kinshasa. At that time, do you remember whether the second military operation
16 of the MLC in CAR was already over?

17 A. I'm sorry, could you just state the date once again, please?

18 Q. Sure. I was making reference to a date that you gave this morning, and you
19 said that on (Redacted) you moved from Gbadolite to Kinshasa. So my question
20 if you remember on that day whether the second military operation of the MLC
21 troops in Central African Republic was over on that day, (Redacted)

22 A. Yes, the operation had finished before (Redacted) Kinshasa.

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Do you remember whether during the second military operation in Central
5 African Republic there were transmissions between the transmissions centre (Redacted)
6 (Redacted) and the units in Bangui?

7 A. Could I just state that the unit which was in Bangui was the Echo Brigade,
8 which was commanded by General Mustapha. Before he moved, and before his base
9 moved, the radio operator had left everything with --

10 THE INTERPRETER: "E or IMC" is what the interpreter heard.

11 THE WITNESS: (Interpretation) -- and then he said that the others had left. All this
12 to say that there was a connection, but these links were not very frequent because
13 these men rarely came into (Redacted) They used it from time to time. There
14 was a Central African network which they used, or they would receive orders and
15 following on from these orders they would come to where (Redacted) news.

16 MR SCALIOTTI:

17 Q. I'm trying to understand what you said. You said "Before he moved and
18 before his base moved." What do you mean by that? Who was the person who
19 moved and what is the base that you are referring to?

20 A. I'm talking about the operator who was working for General Mustapha.

21 Q. You said "He moved." Where did the operator move?

22 A. I'm sorry, I didn't understand that question.

23 Q. I was quoting what you said. You said -- referring to the operator, you said
24 "Before he moved," so my question was where did he move?

25 A. They had gone to Bangui.

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1 Q. So was the radio operator also in Bangui with the troops?

2 A. Yes, he was.

3 Q. You said that there were transmissions and they were using a Central African
4 network. Can you please explain a bit more what do you mean by saying that they
5 used - the troops used - a Central African network to communicate I guess with the
6 headquarters, as I understand?

7 A. Could I just state that you asked whether (Redacted) the operator who
8 accompanied Mustapha and I answered that contacts were not permanent. Why not?
9 Because the operator used or operated on the Central African networks, but he also
10 came on to (Redacted) as well to inform (Redacted) general news.

11 Q. Mr Witness, I know that this is a very long time ago, but can you say just
12 approximately how often there was communication between (Redacted) and the
13 units in Bangui during that military operation?

14 A. In (Redacted) had a reference frequency; that is to say, (Redacted)
15 (Redacted) people had to go on to that special frequency and then you could (Redacted)
16 (Redacted) easily. The radio operator who was with Mustapha also
17 (Redacted) frequency, as well as that of the Central African networks which were
18 operating.

19 Q. Was transmissions between (Redacted) the units easy, or
20 difficult, during this time?

21 A. I did not understand the question properly, sir.

22 Q. My question was from a technical point of view, (Redacted)
23 (Redacted) was reception and transmission difficult or easy between
24 (Redacted) and the units in the field?

25 A. Communications were not easy. Just to be clear, if (Redacted)

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1 with the operator in Bangui, then the operator of Zongo had to be used as a relay
2 post.

3 Q. Can you please explain in simple terms what -- what does that mean? The fact
4 that Zongo had to be used as a relay post, what does that mean?

5 A. This means that it was quite difficult to get in touch with them directly.

6 Q. How did Zongo intervene in this communication?

7 A. As I have said, (Redacted) the same frequency and Zongo could (Redacted) easily,
8 but those in Bangui (Redacted) with a lot of difficulty and that is why they had to
9 pass via a relay.

10 Q. I would like to ask you now, despite the long time that has passed, do you
11 remember approximately how often this communication between (Redacted)
12 Gbadolite and the troops in Bangui occurred during this second military operation?

13 A. Well, that was so many years ago and I couldn't tell you how often this occurred
14 now. However, if we had the log-books here, things would be a lot easier.

15 Q. Mr Witness, of course I understand that that was very long ago, but just if I try
16 to help you, could it be that communication was every day, or every week, or once in
17 a month, just approximately?

18 A. The operator in Bangui wasn't working on (Redacted) on a permanent basis.
19 He could -- several days could pass without him being on the network, but in the
20 evening (Redacted) and to understand him (Redacted) the Zongo
21 operator to serve as a relay.

22 Q. Do you know whether commanders in the field during the second operation in
23 Central African Republic also had satellite phones?

24 A. They left from Zongo for Bangui. We were in Gbado and it is difficult to know
25 whether they had a satellite telephone.

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1 Q. Mr Witness, just a clarification. If we go up to page 70, lines 21 to 24, you said
2 "There was a Central African network which they used, or they would receive orders
3 and following on from these orders they would come (Redacted)

4 news." Can you please say who gave them orders?

5 A. According to the messages (Redacted) Mustapha and his troops received
6 orders from General Bombayake.

7 Q. Do you remember what type of orders Mustapha received from General
8 Bombayake?

9 A. Well, it's difficult to say what kind of orders, but I know that he received
10 operational orders.

11 Q. How do you know that he received operational orders? What is your basis of
12 knowledge to say this?

13 A. I remember a message that Mustapha sent to the General Staff. When they
14 informed (Redacted) well, he mentioned the name of this general,
15 General Bombayake, when informing (Redacted)

16 Q. Mr Witness, again I ask you to make an effort to possibly recollect to the best of
17 your recollection how often did Mustapha send reports to the transmission centre
18 during that operation?

19 A. I've answered that question when I said that there was no permanent contact.
20 Days could pass and in the evening the operator would inform (Redacted)
21 if you asked him why you aren't often on the network, he would say that they had
22 received an order to advance and for this reason he couldn't be on the network.

23 Q. Can you expand a bit more on the type of reports that Mustapha sent to the
24 headquarters?

25 A. I have to say that I remember some of Mustapha's messages in which he

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1 informed about general things. For example, he received an order to move. He
2 attacked a certain place. He often spoke about certain details. He'd provide a
3 report about the enemy attack, about the attack launched by one's own forces, about
4 the number of wounded. There'd be information on equipment that had been seized
5 and so on and so forth. There were also pieces of information about localisation.

6 Q. Do you know who provided the logistics to the MLC troops during the second
7 military operation in Central African Republic?

8 A. Yes, I even mentioned the case of phonic devices, but logistics were provided by
9 the CAR authorities and even by the command.

10 Q. Do you remember any message or report from Mustapha to the headquarters
11 concerning supplies, logistics during the second military operation in Central African
12 Republic?

13 A. (Redacted) from Zongo
14 according to which troops that had come from Imese had nothing to wear. The
15 items were provided on-site and in Bangui and I believe that Mustapha sent a
16 message; I believe so.

17 Q. Do you remember the contents of that message?

18 A. If I may, I have taken the solemn declaration. I don't want to invent anything,
19 so I have to say I have forgotten.

20 Q. Do you remember whether or not Mustapha sent any request concerning
21 supplies and logistics from Bangui to the headquarters in Gbadolite?

22 A. No. I can say that the logistics were provided by the Central African
23 authorities, that is to say even military rations and uniforms were provided by the
24 Central African authorities. I am quite sure about this.

25 Q. Do you know what kind of interaction did Mustapha and General Bombayake

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1 have during this operation that we are talking about?

2 A. (Redacted) not know what was happening in the field,

3 because they received orders down there. Nevertheless, the information -- (Redacted)

4 (Redacted) find out that an

5 attack had taken place at such-and-such a place and (Redacted) about the situation.

6 (Redacted) information that they provided (Redacted)

7 (Redacted) two days after the events concerned.

8 Q. When Mustapha reported on these events on the field, to whom were the

9 messages sent? So, in other words, who was the authority to whom Mustapha was

10 reporting at the headquarters?

11 A. From the very outset, from the beginning of my testimony, I have continued to

12 explain to you that Mustapha only contacted General Amuli and sent a copy for the

13 purpose of information to the president.

14 Q. Who do you mean by "the president"?

15 A. I mean President Bemba.

16 Q. You said that Mr Bemba, the president, was copied in these messages. Do you

17 know whether or not Mr Bemba received these copies of these messages sent by

18 Mustapha to the headquarters?

19 A. My answer is that all the messages were noted down in the log-book and they

20 were then conveyed to the recipient.

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 THE INTERPRETER: Interpreter's correction: "Or to his assistant in the hotel,
2 maître d'hôtel."

3 MR SCALIOTTI:

4 Q. When Mustapha sent these messages from Bangui to the MLC headquarters, do
5 you remember what type of messages were sent back by the MLC leaders back to the
6 field in Bangui?

7 A. I apologise, but could you repeat that question because I haven't understood it?

8 Q. Sure, Mr Witness. My question was -- you talked about these reports that
9 Mustapha sent from Bangui to the MLC leaders in the headquarters in Gbadolite, and
10 my question was do you remember what type of messages the MLC leaders in
11 Gbadolite sent back to Mustapha as a reply to the reports that Mustapha had sent to
12 them?

13 A. I can't remember that anymore but, whenever there was an operation in the
14 territory of the Congo, the messages from the Chief of Staff had to do with the
15 necessity of strictly respecting the code of conduct. This was a code that the troops
16 had to respect.

17 Q. My question was, however, focused on the operation in Central African
18 Republic, so if you try to make an effort. Do you have any example of messages that
19 were sent back by the headquarters of the MLC to Mustapha in Bangui during that
20 operation?

21 A. Very often messages wouldn't be sent to Mustapha, because it was only a matter
22 of information that (Redacted)-- or rather General Amuli
23 didn't have any orders to give and this is why he often -- he didn't often have the
24 habit of sending him messages.

25 Q. You said that he didn't have often the habit of sending messages to Mustapha,

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1 but does that mean that sometimes General Amuli sent some messages to Mustapha?

2 A. Yes, I said that. After Mustapha sent messages to General Amuli, in which he
3 spoke about the enemy situation, the situation of his own troops, matériel equipment
4 seized, and so on and so forth, well, if I remember things correctly, General Amuli on
5 one occasion was insistent and requested that the code of conduct be respected.

6 Q. Do you remember of any other occasion which General Amuli sent a message
7 back to Mustapha?

8 A. It wasn't necessary to send messages to Mustapha, because Mustapha wouldn't
9 receive orders from General Amuli, but rather from the Central African authorities,
10 and (Redacted) to information that Mustapha provided (Redacted).

11 Q. Do you remember whether Mustapha sent any message concerning discipline of
12 the MLC troops during this military operation?

13 A. I don't know whether I have forgotten. I don't know whether I have forgotten
14 about this.

15 Q. Are you aware of any crimes committed by the MLC troops in Central African
16 Republic during this military operation?

17 A. As far as the problem of crime is concerned, well, I learned about this when we
18 went to Kinshasa. I learned about it over the radio, to be precise. To be precise, it
19 was by listening to radio RFI.

20 Q. Can you please say what radio RFI stands for?

21 A. I understand your question. It stands for Radio France Internationale,
22 International French Radio.

23 MR SCALIOTTI: Madam President, it's almost 4 o'clock, so if you think it's time to
24 break I will stop here. Thank you.

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

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1 (Open session at 4.00 p.m.)

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

3 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. It's enough for
4 the first day. We will suspend now and we'll resume tomorrow morning at 9.30 in
5 the morning. We hope you have a restful night and that we can continue tomorrow
6 with your testimony.

7 I thank very much the Prosecution team, legal representatives of victims, the Defence
8 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters and court
9 reporters.

10 I ask, please, the court officer to turn into closed session for the witness to be taken
11 outside the courtroom, and in the meantime we will adjourn and resume tomorrow at
12 9.30.

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

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

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (The hearing ends in closed session at 4.02 p.m.) Reclassified as Open session

18 RECLASSIFICATION REPORT

19 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and

20 ICC-01/05-01/08-3038 and the instructions in the email dated 30 July 2014, the version
21 of the transcript with its redactions becomes Public