

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 - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Tuesday, 4 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
13 in 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, Prosecution
19 team. I see the Prosecution team is complete today. I don't know whether it's a
20 good sign, or a bad sign.
21 Good morning legal representatives of the victims, Defence team. Maître Liriss, I'm
22 glad I see you in the proper bench. Good morning, Mr Jean-Pierre Bemba Gombo.
23 Good morning to our interpreters and court reporters.
24 We will continue today with the questioning of Witness 65, and for that purpose I ask,
25 please, court officer to turn into closed session for the witness to be brought into the

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1 courtroom.

2 *(Closed session at 9.36 a.m.) Reclassified as Open session

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

4 (The witness enters the courtroom)

5 WITNESS: CAR-OTP-PPPP-0065 (On former oath)

6 (The witness speaks French)

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

8 (Open session at 9.37 a.m.)

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

10 PRESIDING JUDGE STEINER: Thank you.

11 Good morning, Mr Witness.

12 THE WITNESS: (Interpretation) Good morning, your0 Honour.

13 PRESIDING JUDGE STEINER: Did you manage to rest during the night?

14 THE WITNESS: (Interpretation) Yes, I did.

15 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
16 your testimony?

17 THE WITNESS: (Interpretation) Yes, we can continue.

18 PRESIDING JUDGE STEINER: Thank you. Before I give the floor back to the
19 Prosecution, Mr Witness, I need to remind you that you are still under oath. Do you
20 understand that?

21 THE WITNESS: (Interpretation) Yes, I do.

22 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
23 protective measures, that your image and your voice broadcast outside the courtroom
24 are being distorted so that the public cannot identify you, but in order to keep that
25 protection it is important that when we are in open session, or public session, you

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1 don't give any information that can lead to your identification such as your name,
2 your current or former occupation, names of persons that you talked to, meetings that
3 you participated in which only two/three persons were present. If this information
4 is needed, you just let us know and we go into private session. In private session
5 nobody outside this courtroom can listen to you, can hear what you say, so then you
6 can speak freely.

7 And my final remark, Mr Witness, is for you to remember to speak slowly, slower
8 than normal, and to give the five seconds after the question is put to you before you
9 start giving your answer. Is that fine with you, sir?

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

11 PRESIDING JUDGE STEINER: Thank you very much. I'll give the floor back to
12 Mr Scaliotti.

13 MR SCALIOTTI: Thank you, Madam President, your Honours, and good morning.
14 Good morning, Mr Witness. I hope you feel well and you rested sufficiently to
15 continue your testimony today.

16 Madam President, I would kindly ask you to turn into private session, please.

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

18 *(Private session at 9.41 a.m.) Reclassified as Open session

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

20 QUESTIONED BY MR SCALIOTTI: (Continuing)

21 Q. Mr Witness, you remember yesterday we went through a number of portions of
22 your statement, of the statement that you gave to the investigators of the Office of the
23 Prosecutor. Today, very briefly, I would like to repeat the same kind of exercise and
24 go with you through three portions of that statement that you gave to the OTP
25 investigators, and I would start with this page of your statement. Of course the

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1 document is confidential. I make reference first to the French version, and the initial
2 page is CAR-OTP-0022-0240 and the page that I would like to have displayed to the
3 witness is 0022-0255. The English version is CAR-OTP-0038-0255, initial page, and
4 the relevant page is 0038-0270.

5 Mr Witness, do you have the page of your statement in front of you?

6 A. It's not on the screen yet.

7 THE COURT OFFICER: I'll just ask you for a few moments until we find the
8 document and it will be displayed shortly. Thank you.

9 (Pause in proceedings)

10 THE COURT OFFICER: Counsel, if I may, I cannot find the document
11 CAR-OTP-0022-0240. That's the number that appears in the transcript. Could you
12 maybe please indicate the number of this document, the list of documents provided
13 by the Prosecution team, please?

14 MR SCALIOTTI: The document in question is number -- document number 2 in the
15 list of documents provided by the Prosecution and it's CAR-OTP-0022-0240, first
16 redacted version.

17 THE COURT OFFICER: Thank you, Counsel. We found the document, it was the
18 first redacted version, and page 0255, first redacted version, is now available on the
19 screens by pressing the button "PC1."

20 MR SCALIOTTI: Thank you very much.

21 Q. Mr Witness, do you have now in front of you the page that I was making
22 reference to?

23 A. Okay.

24 Q. As I did yesterday, I will read a portion of this page in English and you will
25 receive the interpretation into French. I start the quotation, question from the

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1 investigator: "During the operation in Bangui, how often did Mustapha send
2 messages to Amuli and Bemba?" Answer: "Several times." Question: "How
3 many times in a day did Mustapha send messages?" Answer: "That depended on
4 the information he had. It could be once, twice or three times. He could send
5 messages as often as he wanted."

6 Mr Witness, do you confirm that this is your statement and it is accurate to the best of
7 your knowledge?

8 A. Of course.

9 Q. The second passage that I would like to read to you is exactly the continuation
10 of the portion that I just read. Therefore, in the French version it's still page
11 0022-0255 and in the English version it starts from the very last line in page 0270 and
12 it continues in page 0271. I start the quotation, question from the investigator:

13 "Where did Mustapha send messages from?" Answer: "Mustapha was on
14 operations in Bangui. He sent messages from Bangui to Gbadolite." Question:

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)" Question: "What type of transmissions came back from Amuli and

19 Bemba when Mustapha sent messages to Amuli and copied Bemba?" Answer:

20 "Amuli might say, for example, that the bulk of our troops had to be kept together in
21 order to conduct operations successfully and that the Code of Military Conduct had
22 to be enforced. It depended on what information Mustapha reported to the base."

23 Question: "Do you remember anything that Amuli actually said in reply to a

24 transmission from Mustapha?" Answer: "He said a lot of things. That was just an
25 example of the sort of thing he might say, but he used to say other things. Amuli

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1 couldn't send a response without contacting Bemba. Amuli would answer
2 Mustapha in writing. He'd write the message down in the notebook. The message
3 then had to be read by Bemba to see what Amuli had said by prescribed by radio
4 procedure." Question: "Did Bemba really read the messages?" Answer: "Yes,
5 because he signed against them." Question: "Did Bemba sign against all of the
6 messages?" Answer: "Yes."
7 Mr Witness, do you confirm that this is your statement and it is accurate to the best of
8 your knowledge?
9 A. Yes.
10 Q. I will move now to the third and last portion of your statement that I would like
11 to read aloud. This time the initial page of the French version is again the same,
12 0022-0240, first redacted version, and the page that I would like to have displayed to
13 the witness is 0022-0257. In the English version, the first page is again 0038-0255 and
14 the relevant page is 0272.
15 Mr Witness, I think you have this page in front of you so I will proceed with my
16 reading. Question from the investigator: "Did you hear about any crimes or abuses
17 being committed by the MLC troops during the second operation in Bangui?"
18 Answer: "I didn't read anything about that in the messages. Whether they spoke
19 together on the telephone, I don't know, but what I did read in the log-book was that
20 pillaging occurred and that the perpetrators were arrested. Now I remember
21 Mustapha sent a message saying that the soldiers had pillaged. The reaction was to
22 arrest the soldiers and transfer them to Gbadolite. Firstly, recover all the property
23 that had been taken to Zongo, then bring to trial and sentence the soldiers."
24 I ask you again to -- if you confirm that this is your statement and if it is accurate to
25 the best of your knowledge?

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1 A. Of course.

2 MR SCALIOTTI: Thank you, court officer. I don't need any more the documents
3 displayed to the witness.

4 Q. Mr Witness, you just confirmed a portion of your statement where you
5 mentioned looted property and the fact that property had to be recovered in Zongo.
6 Do you know whether this looted property coming from CAR, from the Central
7 African Republic, was actually recovered in Zongo?

8 A. Yes. (Redacted) In
9 the reports that Mustapha sent, (Redacted) he mentioned pillaged
10 goods, pillaged items, and then he mentioned the perpetrators of these acts of
11 pillaging or, rather, they were subsequently identified and the pillaged goods -- they
12 got hold of the pillaged goods and these goods were returned. I would like to also
13 add that in the course of this very same operation the ceremony during which the
14 pillaged goods were returned took place later on or, rather, it was broadcast over the
15 radio, over Radio Liberté, Radio Freedom, at a subsequent date.

16 Q. What radio is the one that you just mentioned, this Radio Liberty? Where was
17 this radio based?

18 A. There was a radio in Gbadolite that would broadcast. It had been set up by
19 people who were there, by the technicians who were there.

20 Q. Do you know who managed this radio?

21 A. Unfortunately, he is now deceased. The journalist, whose name I mentioned,
22 Imana Ingulu.

23 Q. Was the entire radio managed by this person only?

24 A. The only person that I know is the one who was responsible for the radio.

25 Q. Who was the owner of this radio?

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1 A. President Bemba.

2 Q. You said that this looted property was recovered in Zongo. Do you know who
3 recovered this property?

4 A. The ceremony for returning the property was an official one. There was a
5 certain colonel, if I remember this correctly, whose name was Demafutu and he was
6 there and there was a delegation, because according to the radio I followed the
7 ceremony. According to the radio, there was a colonel whose name was Demafutu
8 and he was present. This is the only person whose name I can still remember.

9 Q. Can you please make the spelling of the name that you just mentioned?

10 A. Delta-Echo-Mike-Alpha-Tango -- negative, I apologise. After Alpha, it's
11 Foxtrot-Uniform-Tango-Uniform. If I could add something, I think that he was the
12 head of Demiap.

13 Q. Can you please explain what is Demiap?

14 A. Well, I heard this on the radio. According to the reporter -- well, I will leave it
15 at that.

16 Q. Do you know who hired the staff of this Radio Liberty that you mentioned?

17 A. The former staff members of the radio, the television -- well, the national
18 broadcasting time back in the days of Zaire.

19 Q. You said that Mr Bemba was the owner of this radio. Can you explain why
20 former staff members of radio television belonging to the national broadcasting time
21 was hiring staff members of this Radio Liberty that was the property of Mr Bemba?

22 THE INTERPRETER: Interpreter's correction: In the previous reply the witness
23 mentioned "the national broadcasting system," not "time."

24 THE WITNESS: (Interpretation) First of all, the facilities that they were using were
25 the former facilities, and in Gbadolite there weren't any other technicians or

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1 journalists other than those former staff members.

2 MR SCALIOTTI:

3 Q. Do you know who paid the staff of this radio?

4 A. Well, if you don't mind, I am bound by a professional secrecy, by confidentiality.
5 I don't know who, or whom, or how they were paid, but I do believe that their work
6 did merit a salary.

7 Q. You mentioned this ceremony for returning -- for returning of looted property.
8 Apart from this that you heard on the radio, do you have any other basis of
9 knowledge to state that property - looted property - was returned?

10 A. I just answered that question. Somewhere in my statement, the statement that
11 you just put up on the screen, on one of the pages I mentioned messages that I had
12 read. You see, they weren't in the log-book. They were the reports that Mustapha
13 had done. When he was talking about the looting, that's the specific item of
14 information.

15 Q. After this property was recovered, do you know what happened to the
16 property?

17 A. Reading the reports prepared by Mustapha, and according to the information
18 that we had heard on the radio, we thought that those goods were returned because
19 there also were -- there also had been some teams of investigators who had gone to
20 the field for that same operation.

21 Q. You just said that those goods were returned based on your information. Can
22 you -- do you know to whom the property, or the goods, were returned?

23 A. I think I've just given the names -- correction, the name of a person who was
24 part of the delegation, the delegation from the Central African Republic authorities, to
25 whom the goods were returned.

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1 MR SCALIOTTI: Madam President, with your leave, I would ask my colleague,
2 Mr Jean-Jacques Badibanga, to take over just for the final questions and so as to
3 complete the Prosecution's examination of Witness 65. Thank you.

4 PRESIDING JUDGE STEINER: Thank you, Mr Scaliotti.

5 Mr Witness, Maître Badibanga, who's also a member of the Prosecution team, will
6 now put some questions to you.

7 MR BADIBANGA: (Interpretation) Good morning, your Honours.

8 QUESTIONED BY MR BADIBANGA: (Interpretation)

9 Q. Good morning, Witness. As my colleague just said, I'm Jean-Jacques
10 Badibanga, I am a trial lawyer here and I will be conducting your
11 examination-in-chief over the next few minutes and I'll be asking you questions about
12 one particular topic. Beside me is my colleague, Mr Eric Iverson. He and I together
13 have prepared this particular part of the examination-in-chief. This shouldn't take a
14 great deal of time. If you try to reply briefly and specifically, as I'm trying to do, I'll
15 try to ask very specific questions as well, if we operate in this way I think you'll see
16 that we will be finished quickly.

17 PRESIDING JUDGE STEINER: Maître, just one question. Should we continue in
18 private session?

19 MR BADIBANGA: (Interpretation) Your Honour, my questions will make reference
20 to the log-book, the cahier de transmission in French, and on the Defence list it is
21 recorded as a public document.

22 Now, as far as we're concerned, for a series of questions we will need to go into
23 private session, but as much as possible we will endeavour to hold some of the
24 hearing in open session.

25 With your leave, your Honour, I would like to ask the court clerk to place on the

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1 screen document CAR-D04-0002-1514, and this is actually the first page of the
2 document, page 1514.

3 Q. Witness, do you recognise the first page that is on the screen here?

4 A. That is the colour of the log-book (Redacted).

5 Q. I don't actually have a hard copy of this document to show you, but what I can
6 show you is a printed version - a colour version - but now this is not the original
7 document, I won't be showing it to you, but I'll just be asking you whether you
8 recognise what you see on the screen?

9 A. All right.

10 PRESIDING JUDGE STEINER: Would it maybe facilitate the witness if the witness
11 is in the possession of a paper copy?

12 MR BADIBANGA: (Interpretation) I'm getting to that point, your Honour. I have
13 provided for a hard copy, but I wanted to see whether we would be able to operate in
14 an electronic manner, so to speak, whether that would be suitable.

15 Q. Just to ensure that the transcript of the hearing is quite clear, Witness, your last
16 reply was "All right." I'm not so sure whether I've understood what you meant by
17 "all right." Does that mean that what you see on the screen is similar to the log-book
18 (Redacted)?

19 A. Well, I can see a Post-it note. I don't know about that, really, except for the
20 colour. It is the colour of the log-book (Redacted), but I don't know about the
21 content.

22 Q. Very well. Just to make things easier, I'll show you the inside of the document.
23 I just want to say -- well, now, can you -- have you been able to read what is on the
24 Post-it note? Well, what I'm saying is, I'm not putting it to you that you recognise
25 the document on what you may read, but I'm asking you if this reminds you of

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1 something. But if you don't remember the document, if it's not reminiscent of
2 something, just tell us so.

3 A. I've already answered that question. The colour is similar to the colour of the
4 log-book that (Redacted).

5 MR BADIBANGA: (Interpretation) Could the court officer please place page 1515
6 on the screen? I'll just give you the last four numbers of the reference number, page
7 1515.

8 Q. Witness, does this page ring a bell?

9 A. Yes.

10 Q. Is this a page from the log-book, to the best of your recollection?

11 A. (Redacted) log-book.

12 Q. Well, since we're in private session, could you tell us why you recognise this
13 particular document?

14 A. I can't forget all the log-books that (Redacted) messages in or that (Redacted)
15 (Redacted) put messages in.

16 Q. You've already answered my following question, but I just want to make sure
17 that it appears clearly in the transcript. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Witness, I think we'll go back into open session, so I'd like to ask you to no
21 longer mention the fact that (Redacted) the log-book. I'll just be asking you
22 for specific items of information, but please don't say anything that would reveal
23 your identity. Is that all right by you?

24 A. Yes, I've understood.

25 MR BADIBANGA: (Interpretation) Your Honour, with your leave, if we could go

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1 back into open session.

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

3 (Open session at 10.23 a.m.)

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

5 may, can this document be broadcast outside this courtroom? It's a public document

6 but --

7 MR BADIBANGA: (Interpretation) As I said, this is a public document and I believe,

8 to my mind, this can be shown in public. Thank you.

9 Q. Witness, we have two log-books, and I've been noticing that you've been using

10 the word "registre" in French, and I have been speaking about the "cahier de

11 communication" but I will use your testimony; that is to say the "registre," the

12 log-book.

13 Now, we have a page here 0002-1640, and the following log-book starts at 1641, so we

14 would suppose that these are two documents that follow one after another. Are we

15 correct to suppose that we have two documents here, and the last page of the first

16 document is page 1640? Now, right now you don't see this on the screen; I'm just

17 giving you the information.

18 When you had two log-books, and if the last page is 1640, and then the first page of

19 the next one is 1641, are we correct to suppose that these two documents follow one

20 another chronologically?

21 A. Of course.

22 PRESIDING JUDGE STEINER: Maître Liriss.

23 MR LIRISS: (Interpretation) Thank you, your Honour. I think if one asks the

24 question in this way, I don't think this is fair, really. The witness has to have the two

25 log-books and then he can say whether or not they follow one another.

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1 PRESIDING JUDGE STEINER: I believe you are right, Maître Liriss, even because
2 this numbering mentioned by the Prosecution is the numbering given by eCourt, so
3 it's not the number of the original number of the books. So, Maître Badibanga, you
4 need to find another way to certify if these documents are one in the sequence of the
5 other one.

6 MR BADIBANGA: (Interpretation) Quite so, your Honour.

7 Q. What I would suggest, Witness, is that we show you page CAR-D004-1640, if
8 the court clerk could put that page up on the screen for us.

9 PRESIDING JUDGE STEINER: At least my copy, this is a page in blank.

10 MR BADIBANGA: (Interpretation) Your Honour, with leave, I will show a hard
11 copy to the witness, and I think this will considerably simplify matters.

12 PRESIDING JUDGE STEINER: First present the document to the Defence.

13 (Pause in proceedings)

14 MR BADIBANGA: (Interpretation)

15 Q. Witness, this is a black and white copy of one of the log-books that was
16 provided to us by the Defence. I have a copy of the second one, which I will be
17 showing you in a few moments, and I would like to ask you just to look at the first
18 page and also the last page. This is a photocopy and it's been photocopied on both
19 sides. So if you could look at both and could you tell us whether this is a log-book,
20 the last few pages of a log-book, and I point out to the court clerk that it is a
21 two-sided photocopy.

22 PRESIDING JUDGE STEINER: In the meantime, Maître Badibanga, could you
23 please for the record give the last numbers of these three last pages you are referring
24 to?

25 MR BADIBANGA: (Interpretation) Your Honour, the witness has document 1541

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1 and the last page 1640, 1639 and 1638.

2 Q. Mr Witness, can you find your way through these documents?

3 A. Yes.

4 Q. On page 1638, would you be kind enough to tell us what the date is of the last
5 message on that page?

6 A. At the bottom we can see 1 November 2002.

7 MR BADIBANGA: (Interpretation) Thank you. Court usher, can I now give you
8 the second log-book and, if we could put the other one just to one side to avoid
9 mixing them up, I would be grateful if the witness could look at the second book.
10 Your Honour, this is document CAR-D04-0002-1641.

11 Q. Mr Witness, could I ask you to look at the first three pages so you can tell us
12 what we have before us? For the transcript, your Honour, these are pages 1641, 1642
13 and 1643.

14 Mr Witness, have you been able to look at these documents?

15 A. Yes, I have.

16 Q. Could you please give us the date of the first message, which is on page 1642?

17 Page 1642, you have a first message. Would you be kind enough to tell us what the
18 date is, please?

19 A. We have a date which I can see, the night of 28 to 29 August, but the year is not
20 mentioned. Maybe I'm not seeing it properly.

21 Q. It seems to me, Mr Witness, that the title of the document, top right, does give a
22 date, and then when you look at the message underneath I think that opposite
23 "Urgent" there seems to be a date, but could you tell us what the date is right up on
24 the top right, please?

25 A. Thank you for that detail, because I hadn't understood properly. The message

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1 was transmitted on the 21st at 7 o'clock.

2 Q. The 21st of which month, please? And to assist you, if you look at the end of
3 the message, page 1643, just on the next page, sir, you have the end of this message
4 which, as you say, was sent on the 21st at 7 o'clock.

5 A. I can see this, 21 December 2002.

6 MR BADIBANGA: (Interpretation) Your Honour, could I now please go into private
7 session, if you would?

8 PRESIDING JUDGE STEINER: Court officer, please.

9 *(Private session at 10.37 a.m.) Reclassified as Open session

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

11 MR BADIBANGA: (Interpretation)

12 Q. (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 Q. Whilst we did not have the paper version I found it difficult to ask you a
18 question, but now you have in front of you two log-books. One stops on
19 1 November 2002 and the following one starts on 21 December 2002. (Redacted)
20 (Redacted) was it possible to leave a space of so many days - precisely
21 50 days, in fact - between two log-books; between transmission log-books?

22 A. I did not properly understand your question.

23 Q. Yes, I apologise. This question was rather lengthy. I was trying to give you
24 the context of my question. You have just seen the first log-book and I asked you to
25 look at the last three pages. This log-book finished at 1 November 2002. We agree

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1 on this?

2 A. Yes.

3 Q. I showed you a second log-book, which starts on 21 December 2002. Do we
4 still agree on this point, sir?

5 A. Yes.

6 Q. Now, this has nothing to do with you, but the two log-books do follow on one
7 from the other. They are sequential. They are numbered. Now, can two
8 numbered log-books follow on from each other, whereas in fact there are 50 days
9 missing? When (Redacted) the log-books, can there be 50 days missing?

10 PRESIDING JUDGE STEINER: Maître Liriss.

11 MR LIRISS: (Interpretation) Madam, the numbering which we have is a numbering
12 given by the Court, and the numbering is consecutive because they are consecutive.
13 This numbering cannot be presented to the witness, we are talking about the Court's
14 numbering here. The question which my learned colleague wishes to ask is why
15 there is a gap between the two given the dates, but that is a different issue, but he
16 cannot base himself on the internal numbering system of the Court.

17 PRESIDING JUDGE STEINER: Maître Badibanga, I think you can rephrase your
18 question, because it's the same doubt I have, what happened in between? I think
19 this is what you want to ask.

20 MR BADIBANGA: (Interpretation) Absolutely, your Honour. Quite simply, the
21 documents which I'm using are those which have been handed to the Defence and,
22 therefore, I need to use the elements I have at my disposal. It seems that both dates
23 and the numbering system are part of the information which help us to read and
24 interpret these documents, but I will rephrase my question.

25 Q. Mr Witness, when (Redacted) a log-book and when the log-book was full,

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1 (Redacted) immediately a new log-book after finishing the old one or
2 would it be possible to let 50 days go past without starting a new communications
3 log-book?

4 A. Automatically, (Redacted) a new log-book.

5 MR BADIBANGA: (Interpretation) We will now move on, your Honour, simply to
6 clarify what I am trying to show here. May I point out that, in fact, we've also
7 had -- we've, in fact, had two communications, 24 November 2010, a first
8 communication of the log-book with ERN number CAR-D04-0002-0817, this was for
9 the first log-book; and the second one, 0965 for the second one. This was on
10 24 November 2010. After that, there was a second communication which took place
11 on 8 September, when we listened to Witness 33, and this is what we are using at the
12 moment, using ERN numbers, which are not the same.

13 At this point, if we were to compare the two communications and we see some
14 difference between the two, in terms of the pages, then of course we would ask the
15 Defence to have a minute examination of the documents and then at that point we
16 would be able to express the definitive position of the OTP on what we finally want
17 to do with these documents. However, for the purposes of questioning the witness,
18 we will simply use these documents as they are with full reserves, of course, about
19 the final conclusions we will draw.

20 Mr Court Officer, could we show page 1630, please. This is the first document still,
21 finishing with 1541 -- I beg your pardon, 1514. And I would like to show the page
22 1630.

23 Q. Mr Witness, now you have on screen a version, but if it's easier for you to look
24 at the paper versions, you can. I'm going to ask the Bench if we can go back into
25 (Redacted)

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1 (Redacted) Quite simply with the page

2 which I will be indicating to you I would like you to explain certain terms and

3 expressions so that we can all understand the same vocabulary; is that clear to you,

4 sir?

5 A. Yes, thank you.

6 PRESIDING JUDGE STEINER: Court officer, please.

7 THE COURT OFFICER: Your Honour, before we go into public session, I just want

8 to seek confirmation that this page can be broadcasted outside.

9 MR BADIBANGA: (Interpretation) Having examined the document, I believe so,

10 yes.

11 (Open session at 10.46 a.m.)

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

13 MR BADIBANGA: (Interpretation)

14 Q. Mr Witness, in fact this page will be used simply as a model to ensure that we

15 all properly understand the expressions which are used. Not everybody has the

16 necessary knowledge to properly interpret this document.

17 A text is on the left-hand page, you can see a text starting with the words "Morning

18 Sitrep." Would you be kind enough to explain to us what this actually means?

19 A. In the course of operations, every unit had to transmit every morning a

20 situation report, a report on its current situation. This is why you can see (Redacted)

21 (Redacted) "Morning Sitrep," situation report of all the units of the ALC.

22 Q. On the fifth line, starting from the bottom, I see "Ops Bangui" and then opposite

23 it's written "Calme." As an example, what does that mean?

24 A. Thank you for that question. Here we see a mention made of the Bangui

25 operation. Could I add that I do not know if you were present or not in the room

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1 yesterday, it was (Redacted) Bangui at that time of the day.

2 Very often it was the Zongo operator who acted as a relay for the message.

3 Q. Still on this left-hand side of the page there are a certain number of
4 abbreviations which are used. You could perhaps explain them to us, sir. The first
5 one is on the third line, below the word "Libenge" we can see BDE, Bravo-Delta-Echo,
6 (Redacted). Would you be kind enough to
7 tell us what this means, please?

8 A. Thank you for that question. Bravo-Delta-Echo only means "the brigade." It
9 only means "the brigade."

10 Q. On the next line, underneath the word "Alpha," we can see BN,
11 Bravo-November. Could you please tell us what these two letters mean, please?

12 A. Thank you for that question. "BN" means "battalion," "battalion" in English.

13 Q. And then, Mr Witness, we have a whole series of numbers. You have just read
14 BN, but on the left-hand side of BN, just under BDE, we can see the number 4.
15 Underneath that is 13 and then on the following line we have 2 and 16. Could you
16 tell us what these numbers mean, please?

17 A. Let me tell you: You can see at the top we have Bravo-Delta-Echo, and on the
18 right we added Alpha. Now, that means the transmissions operator of the brigade
19 had entered as information the situation in the morning concerning these sub-units.
20 So he quoted the 4th Battalion, saying "calme," "calm." "3rd Battalion calme, second
21 16th Battalions calme."

22 Q. I will not ask you to explain "secteur," "sector," I think I understand that, but
23 just underneath that we have the word "axe." A-X-E. Could you tell us very briefly
24 what that means, please? We have "Axe Watsa," "Axe Faradje" and "Axe
25 Mambasa."

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1 A. Let me tell you: "Watsa" is a place name, "Faradje" and "Mambasa" are as well.
2 All these places were under our control and had to communicate the situation in the
3 morning with the general HQ.

4 Q. Mr Witness, on the left-hand side of this page, I have one final question. If we
5 look at the title "Morning Sitrep all units all 26th, 26 October 2002," I can see a note
6 made beside 26. Could you tell us, please, what this means?

7 A. Could you please ask the Court to show what you're referring to more clearly,
8 please?

9 Q. Mr Witness, if you like, you can look at the paper version which you have
10 beside you and you will see that there is a mark which appears. I don't know if the
11 court officer can bring the page down on the screen so that we can actually read
12 "Morning Sitrep all units." There we are. Thank you. Can you see that better, sir?

13 A. Yes, I can see that better. Thank you.

14 Q. Can you tell us what this drawing or sign is, please?

15 A. Every time after having read the messages, and then sent a copy to the
16 president, he would make this mark.

17 Q. At what point in time would he make this mark?

18 A. Well, I think I have just answered that question. I stated that after having read
19 the messages, the president would then make this mark, and very often it was during
20 the night.

21 MR BADIBANGA: (Interpretation) Mr Witness, thank you. Your Honour, I think
22 we could perhaps break, if that is agreeable to you?

23 PRESIDING JUDGE STEINER: Mr Witness, we'll have now half-an-hour break.

24 You can have a coffee, a tea, rest a little bit. It's almost 11 o'clock. We'll be back at

25 11.30. Court officer, please turn into closed session for the witness to be taken

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- 1 outside the courtroom. In the meantime, we will suspend and resume at 11.30.
- 2 *(Closed session at 10.59 a.m.) Reclassified as Open session
- 3 THE COURT OFFICER: We are in closed session, Madam President.
- 4 (The witness stands down)
- 5 THE COURT OFFICER: All rise.
- 6 (Recess taken at 11.00 a.m.)
- 7 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session
- 8 THE COURT USHER: All rise. Please be seated.
- 9 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
- 10 the witness in.
- 11 (The witness enters the courtroom)
- 12 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 13 (Open session at 11.37 a.m.)
- 14 THE COURT OFFICER: We are in open session, Madam President.
- 15 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.
- 16 THE WITNESS: (Interpretation) Thank you very much.
- 17 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 18 THE WITNESS: (Interpretation) Yes, we can continue.
- 19 PRESIDING JUDGE STEINER: Thank you very much.
- 20 Maître Badibanga, we are in open session.
- 21 MR BADIBANGA: (Interpretation) Thank you, your Honour. Witness, we are in
- 22 open session now. We'll now continue and try to comment on certain texts. Please
- 23 don't give any information that might identify you in any way.
- 24 Could the court officer please show the following document on the screen? I would
- 25 like to see the last page that we were looking at on the screen. This page is

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1 CAR-D04-0002-1630. In fact, I had prepared hard copies of the document, your
2 Honour, and these are copies of the only pages that I will be using for the
3 examination of the witness.

4 It was necessary to show him the entire log-book, but if the court officer -- it may be
5 of assistance, could you please give this to the witness? I have ten copies; ten hard
6 copies. If the Judges and the other parties would like to have a hard copy, I have a
7 sufficient number of them and we can then have the same document.

8 There are nine copies of the same document, so you could just give the witness one
9 copy and if the other parties would like to have a copy you could give them a copy
10 too, a copy for the Defence and perhaps three copies for the Judges and finally copies
11 for the legal representatives of victims.

12 Q. Witness, we had a look at the left-hand side of this page and we will now have a
13 look at the right-hand side and try to understand some terms that are used there.
14 You know that we are now in open session, so you just have to tell us about the
15 meaning of the terms and it's not necessary to provide any other information that
16 concerns you. It says -- the first word to the left is "Ext Urgent." What does that
17 mean?

18 A. This is the vocabulary that was used by radio operators. This quite simply
19 means what degree the message should have, what sort of a level it should have.
20 Here the level of urgency is extreme. It is a matter of extreme urgency.

21 Q. To the right we can see that it says "261025B." Could you tell us what this
22 means?

23 A. Thank you for that question. The numbers 26 -- well, the number 26 means the
24 date, refers to the date on which the message was transmitted, but the number 10
25 means 10 o'clock and 25 means 1025 hours.

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1 Q. Yesterday I wasn't in the courtroom, but I was following you carefully and
2 yesterday you explained certain -- the meaning of certain terms that we can see here.
3 You said "from" and you said that was the sender of the message, and you said that
4 "to" was the person to which the message was addressed, so I won't put that question
5 to you again.

6 For the sake of the transcript, your Honour, I'm referring to the French edited version
7 of the transcript - yesterday's transcript - 168, page 19, lines 23 to 27 in the French
8 version, and in the English version it's page 19, lines 10 to 14.

9 Witness, what does "COMD" mean, "OPS Sector Isiro"?

10 A. Thank you very much. It's the number you see at the beginning of this
11 sentence. There is a number (Redacted), "27D," which means this is
12 the order number for the message that follows, and then there was a slash "ALC" and
13 that means the Army for the Liberation of Congo and then (Redacted)
14 "EM-OPS," which means quite simply the General Staff operations, and finally at the
15 end (Redacted) "Sector Isiro".

16 MR BADIBANGA: (Interpretation) Thank you.

17 Your Honour, could we briefly move into private session with your leave?

18 PRESIDING JUDGE STEINER: Court officer, please.

19 *(Private session at 11.47 a.m.) Reclassified as Open session

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

21 MR BADIBANGA: (Interpretation)

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 answering a question, and if you say (Redacted) whenever you say

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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 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Can we try again go into public session?
- 18 THE WITNESS: (Interpretation) Very well.
- 19 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 20 (Open session at 11.50 a.m.)
- 21 THE COURT OFFICER: We are in open session, Madam President.
- 22 MR BADIBANGA: (Interpretation)
- 23 Q. Witness, I in fact put a question to you about "COMD OPS Sector Isiro" and
- 24 what is next to the word "from," "the sender," but you have also answered a previous
- 25 question and you explained the reference in the message, so I would like to go back to

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1 the term "COMD OPS Sector." Could you just tell us what this means, what this is?

2 A. In relation to my explanation that I provided yesterday, I can say the following:

3 "From" -- well, you know what that means already. It means the person who

4 transmitted the message. "COMD" means the command and you've also made

5 allusions to other items, to numbers. The number of the message is not the number

6 of the person who receives the message, but rather it's the number of the person who

7 transmits the message.

8 Q. And what sequence do these numbers follow? How is a given number

9 assigned?

10 A. I have just said that it is the order and reference number. This means that if

11 one needs to count or enumerate all the messages that were transmitted by this

12 commander it's possible, or rather easy, to say that it's his 272nd message.

13 Q. So this commander, if he sends a message after this one, well, what number

14 would he give to this message?

15 A. The number would be 273 on this occasion.

16 Q. And one other matter for clarification. Next to "Info" it says "C/MAN." What

17 does this abbreviation mean?

18 A. It's the dialling code (Redacted) the President and it means

19 "Charlie Mike," or "Chairman."

20 Q. And finally at the bottom of the message it says "IN," "IN = 26 October 2002."

21 What does "in" mean?

22 A. You will note that even at the beginning of the log-book reference was made, or

23 rather (Redacted) And this means a message in the

24 process of being transmitted. It comes from units. It's an incoming message.

25 MR LIRISS: (Interpretation) I apologise, your Honour. It's just to have clear

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1 information. The witness mentioned what "from" meant and then "info" and the
2 number, but he forgot to mention what "to" means. What it says next to "to."
3 There's an abbreviation and we would like to know what the meaning of this
4 abbreviation next to "to" is?

5 PRESIDING JUDGE STEINER: Maître Badibanga, you can complete the clarification
6 to be given by the witness in this respect, please.

7 MR BADIBANGA: (Interpretation) Yes, your Honour, I will comply with my
8 colleague's -- my learned colleague's request.

9 Q. Witness, next to "to" it says "Chef EMG ALC." Could you tell us what that
10 means?

11 A. "To" means for action. It means, in fact, the person to whom the message is
12 addressed. Here, in this precise case, it is the Chief of the General Staff who is
13 concerned.

14 Q. Witness, in relation to each of the remaining pages, I'll put some questions that
15 concern the procedure we have to follow. The first question is when was the
16 message registered? I'll have three questions for each page that remain.

17 A. I haven't understood you quite clearly.

18 Q. Could you tell us what the date on which this message was registered is?

19 A. The message was sent on 26 October 2002.

20 Q. Is this the right date?

21 A. Yes, because it's the same date that one can see in the heading of the message
22 and then at the bottom of the message.

23 Q. And this -- does this entry seem to be in accordance with the original?

24 A. Yes.

25 MR BADIBANGA: (Interpretation) Your Honour, could we move into private

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1 session, with your leave?

2 PRESIDING JUDGE STEINER: Court officer, please.

3 *(Private session at 11.59 a.m.) Reclassified as Open session

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

5 MR BADIBANGA: (Interpretation)

6 Q. Witness, you said on Monday, 3 October, yesterday in fact, that when the copy

7 of the message is sent to Jean-Pierre Bemba this information should be provided to

8 him. (Redacted) copies of this information to Jean-Pierre Bemba?

9 A. Of course.

10 Q. (Redacted) the message, was that the time when he would

11 initial the message?

12 A. Yes, that's right.

13 MR BADIBANGA: (Interpretation) Your Honour, we can go back into open

14 session.

15 PRESIDING JUDGE STEINER: Court officer, please.

16 (Open session at 12.01 p.m.)

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

18 MR BADIBANGA: (Interpretation) Court clerk, could you please display

19 CAR-D04-0022 -- 0002-1628? I also have hard copies for those present in the

20 courtroom.

21 THE COURT OFFICER: The page as requested by counsel is available on the

22 screens. It's a public document.

23 MR BADIBANGA: (Interpretation)

24 Q. Witness, now you can see this page, and once again we are going to focus on

25 the message at the top on the right-hand side, that particular message. Now, thanks

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1 to you, we will be able to under -- we can understand some of the abbreviations.

2 "From," so this is "From Commander of Brigade E." Could you tell us what the "E"
3 stands for?

4 A. That's the commander of Echo Brigade.

5 Q. Yesterday you mentioned two commanders who were heading up Echo Brigade,
6 and that's actually page 32, lines 4 to 21 of yesterday's transcript, English version page
7 31, lines 13, as well as page 32, line 3 -- pardon me, 31 up until page 32, line 13.

8 Witness, my question is as follows: Which one of the two commanders that came
9 one after another heading up that brigade, which particular commander actually sent
10 this message?

11 A. Initially, the commander of Echo Brigade was General Alengbia (phon) and
12 then after that he was replaced by General Mustapha. However, I couldn't tell you
13 which one sent this message.

14 Q. I will give you one item of information that might help you. Yesterday at page
15 32 of the transcript you were asked: "Do you remember when Mustapha became the
16 commander of Echo Brigade?" And you answered: "I don't know exactly which
17 month it was, but it was in the year 2002." Now, if you take that information and
18 relate it to the information the date here, does this help you determine who was the
19 commander of Echo Brigade at that particular time?

20 A. Well, I'll have to think about it. I can't really answer like that, but -- well,
21 Mustapha had become the leader of that brigade in 2002 and the month here is
22 October.

23 Q. We have understood from your explanations that at the second line of this
24 message, after the word "From," we understand that this message was sent to
25 Jean-Pierre Bemba; is that correct?

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1 A. Exactly.

2 Q. Do you know what the next line has to do with? It says "I'm of the opinion
3 that if the boat could come and take my TP at Imese the operation will be pointless
4 and on this point I would say that we should send TP on foot to in -- and ask for 100
5 litres of gasoline." Witness, do you know what this sentence is all about; this
6 sentence in this message?

7 A. Well, this has to do with the movement of troops.

8 Q. What does "TP" mean?

9 A. "TP" means quite simply "troops."

10 Q. And when you say that this message is about the movement of troops, do you
11 know which operation this was for? Why troops were being moved about for this
12 particular operation? Do you know which operation we're talking about?

13 A. Well, if you look at the content of the message, you'll see that no specific
14 mention is made of the operation in question.

15 Q. Do you know what procedure was to be followed for a brigade commander
16 who wanted to request additional matériel?

17 A. Yes.

18 Q. Could you briefly explain to us what procedure was to be followed if a
19 commander was asking for additional matériel?

20 A. Each time he would send a message to the head of the operational centre with a
21 carbon copy for information purposes to the president.

22 Q. And that was the procedure that was followed throughout the entire initiative
23 within the Central African Republic?

24 A. No.

25 Q. Could you be more explicit?

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1 A. I have no more specific information to give you. Now, to understand
2 this -- well, you see, either it was the beginning of the operation or the operation
3 hadn't begun, because I don't really have the date in my mind.

4 Q. Which date are you talking about? Which date is it that you can't quite
5 remember?

6 A. The date of the beginning of the operation in Bangui.

7 Q. So what you're telling us is that you don't know whether the message was sent
8 at the beginning of the operation in Bangui or in the middle of the operation? Have
9 I understood you properly?

10 A. Of course, going by the question that you have put to me.

11 Q. Are we to gather from your reply that this message is related in one way or
12 another to the operations in Bangui, be it at the beginning or in the middle? Is this
13 what you're telling us?

14 A. Well, to be precise, the Bangui operation here in the message is not mentioned.
15 However, it makes mention only of the movements of troops.

16 PRESIDING JUDGE STEINER: Maître Liriss, I'm sorry I haven't seen you before.
17 You have the floor.

18 MR LIRISS: (Interpretation) That's not a problem, your Honour. My learned
19 friend asked a question a few moments ago. He put a question to the witness, and
20 he asked which operation these troop movements were linked to, and the witness
21 said that he was not in a position to say that, it wasn't explicit, and now he is
22 returning to the fray, saying "Am I to gather that these movements of troops were
23 related to the operations in Bangui?" I don't think the witness said that.

24 PRESIDING JUDGE STEINER: Maître Badibanga, I think Maître Liriss is correct.

25 "Are we to gather from your reply that this message is related in one way or another

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1 to the operations?" This is not what the witness said, so maybe you can rephrase the
2 question if you want to obtain more precise information.

3 MR BADIBANGA: (Interpretation) Your Honour, I asked the witness first which
4 operation it was and he said he didn't know. However, I do have the English
5 version of the transcript here, and if you look at page 37, lines 9 to 11, I asked him
6 what dates he was talking, or rather he remembered, and the witness said "The date
7 of the beginning of the operations in Bangui," so he was the one who mentioned
8 Bangui which I hadn't mentioned up until that particular point in time. So I was
9 trying to understand why the witness was talking about the date on which the
10 operations began in Bangui. That's why I asked him whether it was related in one
11 way or another to the operations in Bangui.
12 So if we have another look at the following question, page 37, I asked him whether
13 the procedure was followed for the entire operation and he replied saying "Could you
14 be more explicit?" So I have -- he said "I have no further -- no more," so I wanted to
15 clarify with the witness whether or not he was able to make that link between the two,
16 but indeed we can go on with our examination.

17 Q. Witness, I have no further --

18 JUDGE ALUOCH: Mr Badibanga, if you read on the English transcript, if you went
19 down up to line 21, the witness I think gave a very definite answer when he said
20 "Well, to be precise, the Bangui operation in the message is not mentioned.
21 However, it makes mention only of the movements of troops." I think that's a very
22 definite answer, yes.

23 MR BADIBANGA: (Interpretation)

24 Q. Witness, I'd like to ask you three questions. Now, when was this message
25 recorded? That's my first question.

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1 A. On 25 October 2002.

2 Q. Is this date correct, according to you?

3 A. It is correct.

4 Q. And does this seem to be a true copy of the original?

5 A. Yes.

6 MR BADIBANGA: (Interpretation) Court clerk, could we see page 1629 on the
7 screen now? I also have a hard copy of this particular page.

8 Q. Witness, we are now going to look at the message at the top on the right-hand
9 side, and this doesn't seem to be a normal message. It's not the same format. It's
10 not the same layout as the usual messages. Could you explain to us why that is the
11 case?

12 A. I beg your pardon? I didn't understand. I was reading the page. Could you
13 repeat your question?

14 Q. Very well. I was saying that the various annotations at the top, to the
15 right-hand side, don't seem to be those of a normal message. We've just seen some
16 messages that had a certain format "from," "to," "info." Now, this is not the case
17 apparently here. Could you tell us why the format is different here, if you know?

18 A. Mention was made of "Matériel Brigade Echo," Echo Brigade, and then "for OPS
19 Bangui."

20 Q. It's my impression that this isn't really a message, but it does seem to be in the
21 log-book. Could you explain why that is the case?

22 A. Well, the person who received the message it's as if it's a citation that had been
23 sent. Here the person didn't even record the person that it was from, or the person it
24 was intended for. However, it does mention the matériel, the equipment for Echo
25 Brigade, "Ready for OPS Bangui".

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1 Q. Could you tell us what "MORT" stands for?

2 A. Those are abbreviations. It means "mortier" in French. Mortar.

3 Q. In the second part of this note that is entitled "The rest for Echo Brigade," the
4 last line seems to read "14" and then "01." Could you explain to us what is meant by
5 14?

6 A. Mention was made "Mortier 120 millimetres."

7 Q. Perhaps I expressed myself poorly; I apologise. At the top we see "Matériel
8 ready for OPS Bangui" and then there is another heading "The rest for Echo Brigade"
9 and then there are three lines "Mortier 120 millimetres" and then you have a gun 100
10 and something millimetres and then we see "14." What does "14" mean?

11 A. Support weaponry.

12 Q. Now, this particular note doesn't have a date. It doesn't follow the format of
13 the other messages, so how can we determine when this message was placed in the
14 log-book? Is there any way of determining how this, or rather at what time this, was
15 put in the log-book?

16 A. I don't know, because the person who received the message didn't even record
17 the transmission code, or the date, or the name of the person who sent the message.

18 Q. The fact that the previous message is dated on 25 October, and the next one is
19 also 25 October, does this allow us to attribute a date to the message in the middle?

20 A. The date? If you could mark the date, but since the person who recorded this
21 didn't record the date, we can't make things up.

22 Q. Well, this time I won't ask you the usual questions about the date that this was
23 recorded on, but I would like to ask you: Judging by what you see here, is this
24 message a true copy of the actual message itself? Judging by what you see here, is
25 this a true copy of the original message?

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1 A. Yes.

2 MR BADIBANGA: (Interpretation) Court officer, could we please see the
3 document that ends in 1631? I also have hard copies here for parties and
4 participants. The document with a reference number ending in 1631.

5 Q. Witness, we are going to focus on the first message at the left and it is marked
6 "Urgent" and the word "Urgent" has been circled in red. Is that all right? May we
7 continue? This message comes from a sector commander, Gemena in Zongo. In a
8 nutshell, could you tell the Chamber what level within the military structure was
9 such a person at, a sector commander, in relation to a brigade commander?

10 A. Well, a brigade operates in a sector.

11 Q. Does this mean that a sector commander is higher up in relation to the brigade
12 commander, or does it have nothing to do with that?

13 A. Certainly.

14 Q. I'm not so sure I have understood what you meant when you said "certainly."
15 Is a sector commander above a brigade commander in the military structure?

16 A. Well, to give you more information, well, this goes back a long time, but I do
17 know that the sector commander was based in Gemena and his captain with his
18 company they were in Zongo.

19 Q. Since you have already started talking about the content, could you please read
20 out the message from the point where it begins "honour" and could you go on further?
21 Could you read out that part of the message?

22 A. "Your Honour ..." -- no, correction, "It is my honour to forward to you the
23 situation report for 26 October 2002. Calm, except for things that are out of the
24 ordinary. Situation -- military situation one company of 151 soldiers is crossing over
25 to Bangui under the command of Captain René Abongo. The soldiers have met the

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1 necessary requirements for a combatant."

2 Q. Could you tell us what the date of this message is, please?

3 A. 26 October 2002.

4 Q. Is this date correct?

5 A. Yes, it is.

6 Q. Do you believe that this recorded document is a true copy of the original one?

7 A. Yes.

8 MR BADIBANGA: (Interpretation) Court officer, could we move on to page 1632,
9 please? I do have paper copies, of course.

10 Q. Mr Witness, while we are handing out the different copies, can I tell you that
11 we're going to deal with the first message which is on the left-hand side. The text is
12 difficult to read, particularly because on this copy we're actually seeing what is
13 printed on the other side of the paper, but we would like to try and read it. I will
14 read out, of course, and my learned friend on the Defence counsel will correct me if I
15 am wrong. Let me read out the content. "Transmitting to you the weapons
16 situation. Reception 2710," so 27/10, and then there follows a list of munitions, and
17 then the last three lines say, "All must be stocked in Zongo depot waiting for
18 intervention of Chairman."

19 Now, I haven't read out all the different munitions which are quoted. If my learned
20 friend would like me to do so, I shall do but I don't think this really changes the
21 thrust of this text.

22 Mr Witness, do you know if there was a front line at Zongo?

23 A. No.

24 Q. This message would seem to indicate that weapons were being received at
25 Zongo because it states "All must be stocked in Zongo whilst waiting for the

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1 intervention of Chairman." Do you know which troops were due to receive these
2 munitions? Which units of the ALC?

3 A. I don't know, because it doesn't say so. It doesn't give this information in this
4 message.

5 Q. Can you tell us what the date of this message is, please?

6 A. The date is 27 October 2002.

7 Q. I understand that this message does not explain which troops are due to receive
8 these munitions and, without revealing any personal information, perhaps from your
9 personal general knowledge of the MLC you could give us some information about
10 this? My question is not to ask you whether you can answer on the basis of purely
11 this message here, but can you answer on the basis of your general knowledge of the
12 MLC? So could you tell us from your general knowledge which troops were due to
13 receive this weaponry in Zongo?

14 PRESIDING JUDGE STEINER: Maître Liriss. Sorry, Mr Witness. Maître Liriss.

15 MR LIRISS: (Interpretation) Just to help my learned friend, because it is extremely
16 difficult to read, perhaps by reading the intended recipient the witness may be able to
17 understand things more clearly, understanding who wrote the message and who the
18 message was intended for?

19 PRESIDING JUDGE STEINER: That may help, Maître Badibanga.

20 MR BADIBANGA: (Interpretation) Thank you very much to my learned colleague
21 for that, and we will try to do this.

22 Q. Still trying to read this text, it would seem that the message comes from the
23 commander of Gemena, and we have "C-M" which we interpret as being
24 Charlie-Mike, therefore Chairman, and then opposite "Info" as a copy therefore we
25 have the head of the general HQ, "Chief EMG." Now, does this help you to identify

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1 anything or to answer my question?

2 A. Yes, the sector commander is addressing himself to the president here.

3 Q. Does this help you to better understand which troops - which units - were due
4 to receive these weapons?

5 A. Well, I do have reservations about trying to guess anything, given that the
6 troops have not been detailed here. The troops for whom the weapons were sent
7 have not been specified.

8 Q. I asked you for the date of the recording of this message. You stated it. Do
9 you believe this date to be precise and correct?

10 A. Yes.

11 Q. Do you believe that this recording is a true copy of the original document?

12 A. Yes, I do.

13 MR BADIBANGA: (Interpretation) Mr Court Officer, could we see the page 1635,
14 please, and as I've said before we do have paper copies of this?

15 Q. Mr Witness, we're going to look at what is on the left-hand side. I have very
16 few questions to ask you. Simply could I ask the title is "Situation munitions and
17 bombs Zongo depot." Could you explain what the French "munitions and bombs"
18 actually refers to?

19 A. I'd like to clarify this, please. It doesn't say "bomb munitions." In fact, what it
20 says is "munitions and bombs." The word between "munitions" and "bombs" is the
21 word "and."

22 Q. Could you tell me what the date of this message is, please?

23 A. It's 29 October 2002.

24 Q. Is this date correct?

25 A. Yes, it is.

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1 Q. Do you believe that this document is a true copy of the original document?

2 A. Yes, I do.

3 MR BADIBANGA: (Interpretation) Mr Court Officer, could we have the page 1637
4 shown on the screen, please?

5 Q. We're going to look at the message on the left-hand side, the second message
6 bottom left therefore. Could I ask you to try and read, please, this message, and let
7 me just tell you that we have 15 minutes left. It would be wonderful if we could
8 finish this line of questioning by 1 o'clock and if you could perhaps speak slightly
9 more quickly then I am sure that we will finish on time. Could you possibly read
10 this message through, please?

11 A. Of course: "Extremely urgent. 301345," so on the 30th apparently at 13.45.
12 "From commander OPS Bangui for action. The chef d'état majeur, head of General
13 HQ, general copy for information to Charlie Mike, number 001, command
14 headquarters, operation Bangui 2002. Please to say hello. My arrival in the field at
15 9 o'clock precisely. After co-ordination meeting with the officers, the operation due
16 to start at 1300 hours. Enemy situation: 25 dead and three Chadians captured.
17 Arms recovered 15 SMGs," that means Kalashnikovs, submachine guns, "Four large
18 vehicles including one full of tyres. Vehicles one with electrical power generator
19 with two tractors, five pairs in bad condition. 15 Kalashnikov rechargers. On our
20 side two dead and one injured. Difficulties in the field" and I cannot read the last
21 line, so do you want me to go on to the right-hand side of the page? "Co-ordination
22 with the Libyans. Lack of communication for inter-operational liaison. Lacking
23 pharmaceutical products from first emergency onwards. Also lacking food. Other
24 situation reports will follow".

25 Q. We've also tried to read through this text and understand it and of course the

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1 Defence counsel can check this. We believe that the last line actually says "We have
2 been abandoned by the nationals". Mr Witness, could you tell me what the date of
3 this message is, please?

4 A. 30 October 2002.

5 Q. Could you just tell us what you mean by "inter-operational liaison
6 communication systems," what this means?

7 A. Well, (Redacted) this message. We cannot, either you or I, actually
8 understand everything in this.

9 MR BADIBANGA: (Interpretation) Could we call up the document 1648, please,
10 and this is a second transmission log-book and it is the first page? The first page
11 reference is CAR-D02-0002-1641 and we're going to look at the page 1648. I have
12 paper copies for everybody.

13 Q. Mr Witness, what you can see on the right-hand side is the second message. In
14 fact, if you could look at the second message down on the right-hand side where
15 there is a small cross. I think that what is interesting about this document is the
16 number of the document. To go quickly it is "023/EM OPS/RCA/2002" in a message
17 which you have just read that the reference was 001. Here we have a message
18 coming from Colonel Mustapha 023. Now, basing myself on the explanations you
19 provided just now, should we understand that between message 001 of just now and
20 this one there are other messages the numbers of which will go from 2 -- from 22; is
21 that correct?

22 A. Yes.

23 Q. The message says "The balloons and other goods already in Dongo. Lacking
24 fuel to transport them. Commander sector AE wishing resupply so can get to
25 destination." Do you know what this word "ballon" in French means, "balloon"? Is

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1 it really a balloon? What does this refer to?

2 A. We are talking about balloons.

3 Q. Mr Witness, could you give us the date of this message, please?

4 A. 22 December 2002.

5 Q. Is this date precise and correct?

6 A. Yes, it is.

7 Q. Do you believe that this document is a true copy of the original one?

8 A. It is.

9 MR BADIBANGA: (Interpretation) Mr Court Officer, can we move on to the next
10 message, please? This is page 1654 of the second log-book.

11 Q. While we are handing out the document, Mr Witness, you can look at this. We
12 are going to deal with the first message upper left-hand side and you can see this on
13 the screen. We've just been talking about numbering, and I would like to focus on
14 the number of this message, which comes from "Coord OPS Bangui." On the fourth
15 line we have "SEC" just under "info:" "Secret number 019/OPS/MAJDK/2002." At
16 the beginning of this numbering we see the word "secret." Could you tell us what
17 this means, please, why we have this word "secret"?

18 A. This was the best way of writing and numbering the messages. You write
19 "secret number".

20 Q. Were there different types of numbering depending on whether a message was
21 confidential or secret and for others which were not?

22 A. This was just a form of terminology. In fact, whether you wrote the number or
23 whether you wrote "secret" it didn't matter. It was the same thing.

24 Q. I'm asking you this question because this message dates from 24 December. It
25 has a number - a secret number - 019 and the message which you read just now is of

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1 22 December, so it is previous to this one. However, the reference was 023. If you
2 recall I said to you are there 22 messages between the first one and the 23rd, so on
3 22 December we have a message which carries the reference number 023, and then
4 two days later we have a message which carries -- which says "Code secret 019." So,
5 as far as you know, are there any different classifications or different numberings for
6 these messages?

7 A. If I'm looking, or if I can see this properly, (Redacted)
8 (Redacted) -- in fact, I can't remember who it was.

9 Q. Are you trying to tell me that the different comes from the person who actually
10 sent the message?

11 A. Yes, certainly.

12 Q. Mr Witness, just before we finish, because we are coming to the end of our time,
13 could I go back to something which you said a little earlier on this morning. Your
14 Honour, this is page 21 of the transcript, lines 12 to 17. Mr Witness, I asked you on
15 the point of these log-books whether when you had finished filling out a log-book
16 you immediately started a new one. The problem is that there was maybe a problem
17 of transcription or translation, but in English all it says "Automatically (Redacted)
18 a new log-book." Now, could I ask you to give a slightly more detailed answer,
19 because it is important. Could you tell me when a log-book was finished on the date
20 of 1 November, as we had here, would you immediately start a new one following on
21 with the new message of the day, or the new message of the following day?

22 PRESIDING JUDGE STEINER: Maître Liriss.

23 MR LIRISS: (Interpretation) I'm very sorry, but this word "Automatically (Redacted)
24 (Redacted) another book" did not come from us. I think this came from the Registrar.
25 This is not what is actually recorded.

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1 MR BADIBANGA: (Interpretation) In fact, this comes from the transcription.
2 When we noted down the answer of the witness, it says "Automatically (Redacted)
3 a new log-book," and this is why I'm asking for clarification of this answer. This has
4 nothing to do with the Defence itself.

5 THE WITNESS: (Interpretation) Every time a log-book was finished, when (Redacted)
6 (Redacted) end of the pages in a log-book then (Redacted) a new log-book. There were
7 cases (Redacted) no new log-books left, (Redacted) write the
8 messages out and keep the papers and (Redacted) received new log-books (Redacted)
9 (Redacted) transcribe all the messages into this new log-book.

10 MR BADIBANGA: (Interpretation) Your Honour, so that we don't step over into
11 this afternoon's time, I have finished my questioning. I would have liked the
12 witness to see one document just to identify the writing of one person. This will
13 take one minute. Would you approve this request, please, your Honour?

14 PRESIDING JUDGE STEINER: If it is one minute, I'm sure our interpreters and
15 court reporters will indulge us.

16 MR BADIBANGA: (Interpretation) Thank you very much indeed. Mr Court
17 Officer, could we have page 1595? 1-5-9-5 therefore. Could we have this page up
18 on the screen, please? I have paper copies as well. I'm sorry, I should have
19 stipulated that this was the first log-book. The reference page is 1540, if I am not
20 mistaken.

21 Q. Mr Witness, I don't know if you can see this clearly on the screen. What I
22 would like you to comment on and perhaps in fact we don't even need the paper
23 version to be used, but could you look at the message which is on the right-hand side
24 which is handwritten, and I am reading this "From Chairman to Chef GHQ number
25 ALC/106/CC/CMT Commandant/2002 okay for the 2,000 FC Gbenge." Who has

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1 written this?

2 THE INTERPRETER: Correction from the interpreter: "20,000 FC."

3 THE WITNESS: (Interpretation) The president.

4 MR BADIBANGA: (Interpretation)

5 Q. In the initials when we see "CC," what does that mean, please?

6 A. I'm sorry, I did not see "CC."

7 Q. The reference is number "ALC/106/CC/CDT." Can you tell me what "CC"
8 means?

9 A. Are these the numbers of the message? I can see "ALC." Well, I'm sorry, I
10 don't understand this abbreviation, but the three following letters mean
11 "commandement," command.

12 MR BADIBANGA: (Interpretation) Thank you very much, Mr Witness. I have no
13 further questions. Your Honour, thank you very much indeed for being so patient
14 and we've finished our questioning.

15 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

16 Mr Witness, the Prosecution has no more questions to put to you. We are going now
17 to our lunch break. You have time to take some rest. After lunch the legal
18 representative of victims, Maître Zarambaud, will take some time. He has some
19 questions that the Chamber allowed Maître Zarambaud to put to you. And after
20 Maître Zarambaud, if we still have time, Defence will start with your questioning.
21 I ask, please, the court officer to turn into closed session for the witness to be taken
22 outside the courtroom. It's 5-past-1. We will resume at 2.35. Court officer, please.

23 *(Closed session at 1.07 p.m.) Reclassified as Open session

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

25 (The witness stands down)

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- 1 THE COURT OFFICER: All rise.
- 2 (Recess taken at 1.07 p.m.)
- 3 *(Upon resuming in closed session at 2.38 p.m.) Reclassified as Open session
- 4 THE COURT USHER: All rise. Please be seated.
- 5 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I ask, please,
- 6 court usher to bring the witness in.
- 7 (The witness enters the courtroom)
- 8 PRESIDING JUDGE STEINER: Court officer, could please turn into open session.
- 9 (Open session at 2.41 p.m.)
- 10 THE COURT OFFICER: We are in open session, Madam President.
- 11 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
- 12 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 13 PRESIDING JUDGE STEINER: Did you have the opportunity to take some rest
- 14 during the lunch break?
- 15 THE WITNESS: (Interpretation) Yes, I did.
- 16 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 17 THE WITNESS: (Interpretation) Of course.
- 18 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I'll give the floor to Maître
- 19 Zarambaud, legal representative of victims, authorised to participate in the
- 20 proceedings. Maître Zarambaud was also authorised by the Chamber to put to you
- 21 some questions. Maître Zarambaud, you have the floor.
- 22 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. Thank you,
- 23 Judges.
- 24 QUESTIONED BY MR ZARAMBAUD: (Interpretation)
- 25 Q. Good evening, Witness.

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1 A. Good evening.

2 Q. As the Presiding Judge has told you, my name is Maître Zarambaud
3 Assingambi. I am a lawyer at the Central African Bar and I represent the victims
4 here. I have been authorised by the Chamber to put a few questions to you and
5 I believe this will not take up much time. My first question is as follows: Were you
6 present when MLC troops crossed over from the DRC to the CAR, the Central
7 African Republic?

8 A. No.

9 Q. Thank you, witness. I also wanted to ask you with regard to this matter if you
10 had been present I wanted to ask you what the troops were like, but as you said that
11 you weren't present I won't put this question to you. As far as you know, did MLC
12 planes land in the CAR with or without the accused Bemba?

13 A. Could you please be more precise with regard to the period? Was it during
14 the operations, is that the period you have in mind, or prior to the operations?

15 Q. You are quite right, Witness. I'm referring to the period that we are concerned
16 with before this Chamber, from October 2002 to March 2003 is the period concerned.

17 A. As far as I can remember, no.

18 Q. Thank you. You gave statements to the investigators from the OTP a while
19 ago and you pointed out in the course of your examination by the OTP that this was a
20 long time ago and this is why the following series of questions will involve me
21 reading out a few passages so that I can refresh your memory and then I will put a
22 few questions to you.

23 PRESIDING JUDGE STEINER: Are you talking about question number 3 now?

24 MR ZARAMBAUD: (Interpretation) Yes.

25 PRESIDING JUDGE STEINER: Can I ask, please, the court officer to go into private

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1 session.

2 *(Private session at 2.45 p.m.) Reclassified as Open session

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

4 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. The reference for
5 the Chamber and the parties is CAR-OTP-0022-0210, that's the reference for the first
6 page of the document. The page we are interested in is 0025, paragraph 13, and
7 page 0026, paragraph 6, 8 and 12.

8 Q. And on this page it is you said "(Redacted) this system of sending and receiving.
9 (Redacted) from a distance to reach someone up to 900 kilometres away. (Redacted)
10 this phonic system, HF, high frequency. The brigades could communicate between
11 themselves, but the messages, operational messages, had to pass (Redacted)." You
12 also said, "One should add that on occasion battalion commanders used satellite
13 telephones, apart from the phonic devices. In order to communicate between
14 brigades and battalions one used walkie-talkies."
15 My first question is as follows: Could you confirm or deny your declaration,
16 (Redacted) system of transmitting and receiving had a range of 900
17 kilometres?

18 A. Yes, of course, and I could add that yesterday, I did in fact point out that it did
19 depended on the elevation of the antenna. If the antenna was on high ground, then
20 you could reach someone who was 600 kilometres away or more. But if the antenna
21 wasn't on high ground, wasn't elevated, it wouldn't be possible to reach someone at
22 such a distance.

23 Q. Thank you for having clarified this issue. It depended on whether -- with
24 regard to the antenna and whether it was on high ground or not, elevated or not, did
25 that depend on (Redacted) broadcasting to, transmitting to?

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1 A. It depended (Redacted).

2 Q. Thank you. Under such conditions, my following question is one that
3 concerns the period from October 2002 to March 2003. (Redacted) reach
4 commanders who were in bases in the CAR and outside of Bangui? And I'm
5 referring to MLC bases, of course.

6 A. No. And I would also add, with your leave, that there was a station, a relay
7 station, that is to say the Zongo station served as a relay and transmitted the
8 messages from operators who were in Bangui and they transmitted these messages to
9 Gbado.

10 Q. Thank you. My following question is one I'll put to you to refresh your
11 memory. I'm referring to document CAR-OTP-0022-0210, page 239, paragraphs 2
12 and 6, and you stated the following there: "Amuli did not have a phonie device.
13 Bemba had a phonie device in his residence about 14 metres from the base. Before
14 Bemba contacted anyone by using his phonie device it was necessary for him to pass
15 via the base (Redacted) because Bemba did not have a frequency he could use." And
16 the following quote: "Not just anyone could go on line and speak over the network
17 (Redacted)."

18 And my question is as follows: Do you know why Amuli did not have a phonie
19 device, but he was the Chief of the General Staff nevertheless?

20 A. Thank you very much. (Redacted) It
21 was easy for him. And this often concerned the president or, rather, the president
22 would often remain in his residence. He would remain confined there or enclosed
23 within his residence.

24 Q. Thank you, Witness. My following question concerns the following document,
25 CAR-OTP-0022-0210, page 230, paragraph 11, and this is what you stated there. I

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1 quote: "When Bemba wanted to contact a commander in the field he (Redacted)
2 (Redacted) walkie-talkie and he (Redacted) find the unit commander for him that he
3 needed, and he would (Redacted) establish a connection." On page 223 of the
4 same document you stated the following: "(Redacted)
5 (Redacted) There were two figures of authority; there was President
6 Bemba, who issued orders to Colonel Amuli, and Amuli issued orders (Redacted)
7 (Redacted) to the various units that were engaged.
8 These units would then send back reports on the evolution on the ground, to the
9 General Staff, (Redacted), because it was a war, and when there are battles the chief
10 issues orders for everything. The commanders that are in the field with his troops
11 also have information on the enemy that he is facing and the commander has to
12 inform the hierarchy of the situation and ask what sort of position he should adopt
13 with regard to the problems."
14 My questions are as follows: Could you confirm or deny your declaration according
15 to which the accused Bemba would (Redacted) walkie-talkie and (Redacted)
16 (Redacted) put him in contact with commanders who were in the field?
17 A. Let me say the following with regard to this matter: This custom only
18 concerned the MLC organisation in the Congolese territory, in the territory of the
19 Congo.
20 Q. I therefore believe that my following question, which was whether you could
21 confirm your statement according to which the units would send information to the
22 General Staff (Redacted), news or information about the situation in the field, well,
23 that was my question, and my question was whether you could give examples of the
24 evolution or development in the fields? That also concerns, in fact, what was going
25 on in the territory of the Congo; isn't that the case?

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1 A. Yes, exactly.

2 Q. Thank you, Witness. I'm now referring to page CAR-OTP-0022-0240,
3 paragraph 253 and page 254, paragraph 6. You answered the question as
4 to -- concerning units in Bangui, if they wanted to move, did they have to contact the
5 General Staff in order to ask for authorisation to move? And you answered, if I
6 remember this correctly, "No, this wasn't necessary. One of the messages (Redacted)
7 (Redacted), a message that Mustapha had sent, was that he had Chadians confronting
8 him. But from the point of view of the command, Mustapha had to contact
9 Bombayake. Mustapha would receive orders from Bombayake and would only
10 send reports to the General Staff. Mustapha worked together with Bombayake, but
11 at the end of the operations Mustapha would inform the base of the developments in
12 the field. For example, of an attack at such-and-such date, the enemy situation, the
13 situation of his own troops, the number of wounded, the equipment that had been
14 seized and equipment that had been lost." With regard to the reports you stated the
15 following, and I quote: "Mustapha would report to Colonel Amuli and he would
16 send a copy to President Bemba."

17 Witness, in my opinion, these statements seem to be in contradiction with the
18 statement according to which Bemba directly, or through Amuli, issued orders to
19 advance or to halt the advance. Could you clarify this issue for the benefit of the
20 Chamber, please?

21 A. You have just read out two or three pages and several paragraphs, but I will try
22 to clarify the issue. Yesterday I said that Mustapha received orders from the Central
23 African authorities and several days could go by, two or three days could go by,
24 without the radio operator, without Mustapha's radio operator, appearing on the
25 network. In the evening, he would then appear on the network and would (Redacted)

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1 (Redacted) of a general kind. That's what I said. I believe
2 that there was a commander involved in the operation who was a Central African
3 commander, so if the report, if Mustapha's report was presented, (Redacted)
4 (Redacted), well, if I had been presented with that report it would have
5 been better.

6 Q. Thank you. Now, to allow us and the Chamber to better understand, you said
7 that (Redacted) about general matters. What do you mean by that, when
8 you speak about "general matters"?

9 A. After receiving the order from the authorities of the Central African Republic,
10 the orders to move, at the end of the attack Mustapha would inform the general army
11 headquarters and tell the people there how the attack had unfolded; that is to say, the
12 number of casualties; on the enemy side the number of casualties, deaths that is; on
13 the friendly side the number of injured people; the number of people who were
14 captured alive; as well as the military equipment that was recovered.

15 Q. Thank you, Witness. Now, this is my second last series of questions. My
16 reference is document CAR-OTP-0022-0240, page 257, paragraphs 3 and 4. In
17 response to the question, the question "Have you heard about crimes, or acts of
18 violence, committed by MLC troops during the second operation in Bangui?", you
19 replied as follows. You said, "Well, (Redacted) anything about that in the
20 messages. If it was spoken about on the telephone, well, I wouldn't know about that.
21 (Redacted) log-book is that there was looting and the perpetrators were arrested.
22 Now I remember Mustapha had sent a message to the effect that the soldiers had
23 looted and the reaction was to arrest these soldiers and transfer them to Gbadolite to
24 recover all the goods that had been taken to Zongo and then put them on trial; that is
25 to say, these soldiers."

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1 My first question is as follows: Do you know when Mustapha sent the message that
2 spoke about looting?

3 A. I replied to that question yesterday and this morning with the representative
4 from the OTP. I gave further information. I said that (Redacted) the messages in
5 the reports -- correction, reporting that Mustapha had done this, but it wasn't in the
6 log-book.

7 Q. Thank you. My second question. Once again this has to do with the extract I
8 just read out and I think you've already replied to the OTP, but I'd like to ask for a
9 few more pieces of information. You made mention of all the goods being recovered,
10 the goods that had been taken to Zongo. What goods are you talking about, these
11 goods that had been recovered, and were they actually -- well, what were these goods?
12 Were they actually recovered by their owners?

13 A. Well, I want to be specific about this point. I don't know whether I've
14 forgotten, but to say that the goods had crossed to Zongo and that -- and that the
15 goods had been recovered in Zongo, that --

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: (Interpretation) -- I've forgotten.

18 MR ZARAMBAUD: (Interpretation)

19 Q. Well, that's entirely natural. One can't remember everything. Now, what
20 about this part that talks about putting the soldiers on trial? Do you know whether
21 these soldiers were actually put on trial and, if so, when were they put on trial?

22 A. According to the procedure, the military and political authorities after receiving
23 this information organised what I mentioned in my statement; that is, a court-martial.
24 The goal of this court-martial was to put the soldiers on trial, the ones who had looted.
25 First of all, it was a matter of identifying them, putting them on trial and then finding

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1 them guilty. This was an official ceremony.

2 Q. Well, part of my question was about the time when the soldiers were put on
3 trial. I'd just like to say generally was it while the MLC troops were still in Bangui,
4 or was it after they returned to the Congo? Perhaps you could help us with this?

5 A. Thank you very much. I've forgotten. I can mention the name of an officer
6 who was found guilty. His name was Lieutenant Willy Bomengo. He had stolen a
7 telephone. I don't -- if I recall correctly, he was found guilty of stealing a telephone.
8 He was found guilty for that reason.

9 Q. Thank you, Witness. I would now like to put my last question.

10 PRESIDING JUDGE STEINER: Maître Zarambaud, sorry to interrupt you, but
11 I think for your last question we can go back into public session.

12 Court officer, please.

13 (Open session at 3.07 p.m.)

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

15 MR ZARAMBAUD: (Interpretation) The reference is CAR-OTP-0022-0240, page
16 0258.

17 Q. In reply to the question, "What was happening with these people who were
18 stealing items?", you replied, and I quote where you said, "No one was caught
19 because it was really observed; that is to say, the code of conduct was observed."
20 This seems to be contradictory, in contradiction with what you said about the
21 perpetrators of looting being arrested and put on trial. Could you explain this
22 contradiction to us and to the Chamber?

23 A. If you don't mind, I haven't quite understood.

24 PRESIDING JUDGE STEINER: Maître Liriss.

25 MR LIRISS: (Interpretation) Ma'am, I think it would be fair to show the entire

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1 statement, because I have the impression that this really doesn't entirely correspond
2 to --

3 PRESIDING JUDGE STEINER: Court officer, please display page 258 of document
4 0022-0240 as a confidential document.

5 THE COURT OFFICER: Madam President, the document requested is available on
6 the screens by pressing the button "PC1," page 0258, first redacted version. It's a
7 confidential document.

8 PRESIDING JUDGE STEINER: Maître Zarambaud, could you call the attention of
9 the witness to the part of this page that you want the witness to confirm, or to clarify?

10 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. It was the last
11 four paragraphs. The first paragraphs were speaking about general matters, about
12 rapes, about crimes. My question had to do with the last four paragraphs.

13 PRESIDING JUDGE STEINER: Maître Liriss.

14 MR LIRISS: (Interpretation) Your Honour, I would suggest that we start with the
15 word "Mambasa," because I think this is what we're dealing with here. So that
16 would be the last eight paragraphs, as of the word "Mambasa."

17 PRESIDING JUDGE STEINER: You want the witness to read from the question
18 "Savez-vous pourquoi ils sont allés à Mambasa?", is that?

19 MR ZARAMBAUD: (Interpretation) Your Honour, I believe the last four
20 paragraphs are of interest here. They also include mention of the operation in
21 Mambasa, so the witness can reply as he wishes. What's more, I think this time the
22 Defence usually asks for us not to quote extensively, but now they seem to want us to
23 quote quite a bit of material.

24 PRESIDING JUDGE STEINER: Maître Zarambaud, since there are some doubts on
25 exactly what operation you are talking about, maybe if you could read for the record

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1 from this question, "Savez-vous pourquoi ils sont allés à Mambasa?", and from that
2 point when you finish you can ask the questions you want from the witness.

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

4 Q. Witness, the investigator asked you the following question: "Do you know
5 why they went to Mambasa?" And you answered, saying: "It was our territory.
6 Mambasa was under our control." The investigator asked: "Do you remember
7 when this operation took place?" Your answer was: "No."

8 PRESIDING JUDGE STEINER: Maître, you don't need to read the next question,
9 only the answer.

10 MR ZARAMBAUD: (Interpretation)

11 Q. And the other answer was: "What happened with the people who broke these
12 rules?" And you said: "No one was caught, because it was really observed or
13 followed strictly." And this is the part where I thought there was a contradiction,
14 that's my opinion. Now, could you please explain this and try to shed some light on
15 this apparent contradiction for our benefit and for the benefit of the Chamber?

16 A. Thank you very much. I was making reference to all the operations.

17 PRESIDING JUDGE STEINER: Mr Witness, I'm sorry to interrupt. Maître Liriss,
18 what is the problem?

19 MR LIRISS: (Interpretation) Yes, your Honour. I'm truly sorry, but I have a big
20 problem here. (Redacted) --

21 PRESIDING JUDGE STEINER: Maître, I'm sorry. Let's go into private session.

22 MR LIRISS: (Interpretation) I beg your pardon.

23 *(Private session at 3.15 p.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: This was exactly the question that I asked Maître

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1 Zarambaud not to read because of the information contained and we were in public
2 session. What is the clarification you want, Maître Liriss?

3 MR LIRISS: (Interpretation) My question is as follows: If, (Redacted), did
4 he hear talk about something related to the operation in Mambasa? The witness
5 answered, saying that, "(Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: Maître Zarambaud, do you want to add anything, or
13 the witness can clarify this point raised by Maître Liriss?

14 MR ZARAMBAUD: (Interpretation) Indeed, your Honour, I think Mr Liriss is
15 saying that he hasn't understood and I think it would be useful for all of us to turn to
16 the witness now so that he can clear this up for us.

17 THE WITNESS: (Interpretation) Thank you. Here I was referring to the rule
18 about (Redacted).

19 MR ZARAMBAUD: (Interpretation) Thank you, Witness.

20 Your Honours, I have no further questions. I have concluded. I thank you and I
21 wish to thank the witness.

22 PRESIDING JUDGE STEINER: Court officer, please turn back into open session.
23 (Open session at 3.18 p.m.)

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

25 PRESIDING JUDGE STEINER: Thank you very much. Thank you, Maître

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1 Zarambaud.

2 Mr Witness, can we continue now giving the floor to the Defence to start questioning
3 you?

4 THE WITNESS: (Interpretation) That depends on the Presiding Judge's
5 assessment.

6 PRESIDING JUDGE STEINER: If you're feeling well, we can continue. We still
7 have 40 minutes before we adjourn, so we could advance your questioning by the
8 Defence because the Chamber is planning to conclude your testimony as soon as
9 possible in order for you to be able to go back home.

10 THE WITNESS: (Interpretation) Thank you very much. We can continue.

11 PRESIDING JUDGE STEINER: Thank you very much.

12 Maître Liriss, you have the floor.

13 QUESTIONED BY MR LIRISS: (Interpretation)

14 Q. Witness, good afternoon.

15 A. Good afternoon.

16 Q. We had an opportunity to meet one another last Friday during the
17 familiarisation process. Now, to my right is Mr Kilolo. He is the associate counsel
18 on Mr Bemba's Defence team. He is Belgian. We also have to my left our two legal
19 counsel, Ms Simpson - Kate Simpson - who is Australian, and Mr Jean-Jacques
20 Kibongo, who is from the Congo just like you and me. So if you wish to go back
21 home quickly, where it's warm, we will make the same efforts as the instructions that
22 the Presiding Judge gave earlier. I remember that we did make a promise to the
23 Chamber and we will try to keep to it, and if the Chamber would be so kind if we
24 could go into private session?

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

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1 *(Private session at 3.22 p.m.) Reclassified as Open session

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

3 MR LIRISS: (Interpretation) Your Honour, with your leave, could the court officer
4 be so kind as to display item number 15 on the Defence list? This is annex 3 to his
5 statements. It's entitled (Redacted)

6 THE COURT OFFICER: Item 15 of the list of documents is document
7 CAR-OTP-0022-0273. This document is confidential.

8 MR LIRISS: (Interpretation) Court clerk -- correction, court officer, it doesn't seem
9 very clear. I'm not so sure whether the witness can even see this unless we were to
10 give him a hard copy, but I don't have enough copies for the Chamber.

11 PRESIDING JUDGE STEINER: We have copies with us, Maître. Don't worry about
12 the Chamber.

13 MR LIRISS: (Interpretation) Might it be better to give the witness a hard copy as
14 well, unless he thinks that this is clear enough for him?

15 THE WITNESS: (Interpretation) I can see it fine.

16 MR LIRISS: (Interpretation)

17 Q. Witness, are you the person who drew this sketch which is entitled
18 (Redacted)?

19 A. Yes.

20 Q. Do you remember drawing this to explain to the Prosecutor's investigators the
21 (Redacted) it had been established within the MLC?

22 A. Yes.

23 Q. Could you please give us a clear, detailed explanation of (Redacted)
24 (Redacted) as you did to the Chamber?

25 A. It was (Redacted)

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1 (Redacted) from the hierarchy to the units and from the units
2 to the hierarchy, and let me be specific that this organisation only concerned the
3 communications.

4 Q. Witness, where it says "C/station, headquarters/base," is that where (Redacted)
5 (Redacted)? Was that where it was based? If so,
6 could you please put the (Redacted) there so that the Chamber knows that that is the
7 (Redacted)?

8 A. Of course. (Redacted)

9 PRESIDING JUDGE STEINER: For making any marks on the document, the witness
10 needs the support of the court usher, please.

11 THE INTERPRETER: Interpreter's correction: In the last reply, the witness
12 mentioned that this organisation only had to do with operations in the DRC, line 21
13 of the provisional French transcript.

14 MR LIRISS: (Interpretation)

15 Q. So (Redacted) Now, after (Redacted)
16 (Redacted), we have a number of points that are marked (Redacted) and it's marked "B."
17 Are these the brigades?

18 A. Of course.

19 Q. Could you please write the letter "B" at each spot? Since there's five brigades,
20 it would be a good idea for you to put the letter "B" five times. Thank you, Witness.
21 Now, after the brigades we have the (Redacted). Were you talking about battalions?

22 A. Exactly.

23 Q. Could you do the same thing now? You could write "BN" for battalion.

24 Thank you, Mr Witness. Perhaps you have already answered this, but let me ask
25 this question once again. The network as it functioned with its own rules, did this

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1 network also function in the same way during the two operations of the MLC in the
2 Central African Republic?

3 A. Sir, I've already been asked this question by the victim's representative. You
4 are asking me it once again. Let me state that this structure was only used in the
5 DRC, and I believe that I also stated that the operator of Mustapha could spend two
6 or three days without sending any messages over this network.

7 Q. Thank you, Mr Witness. I would like to keep this drawing on the screen for a
8 few minutes because I'm going to be asking a few more questions about it in a minute
9 or so.

10 PRESIDING JUDGE STEINER: Maître Liriss, I may be mistaken, but at least in the
11 list of documents that I have this document, document 15 of the Defence list, it's
12 not -- it's not pointed out as a document to be tendered and now you asked for some
13 modifications in the document. So it's the Defence intention to tender the document,
14 or only the modified document? It's a technical problem here.

15 MR LIRISS: (Interpretation) We would like to tender this document modified and
16 once we have received the explanations, since the Prosecution has not used this
17 document, nevertheless it does seem to us to be an essential one if we want to
18 properly understand the way in which instructions were communicated.

19 PRESIDING JUDGE STEINER: Therefore, since now I ask please the court officer to
20 assign an ERN number to the modified document.

21 THE COURT OFFICER: Madam President, if I may, the document will be assigned
22 an ERN number that will start with CAR-ICC-0001, but the last four digits will have
23 to be attributed at a later stage since I don't have the list with me. I apologise for this,
24 but it will be made available and I will communicate the ERN number after the
25 hearing today.

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1 PRESIDING JUDGE STEINER: Thank you very much.

2 Maître Liriss.

3 MR LIRISS: (Interpretation)

4 Q. Mr Witness, you stated -- this is page CAR-OTP-0022-0226, in English 0241-0242.

5 You stated: "Every communication had to go through (Redacted). Even if the

6 battalions of a brigade were communicating amongst each other, the messages

7 concerning operations (Redacted). The instructions of Amuli, or

8 Bemba, had to (Redacted)."

9 Do you remember saying that?

10 A. Yes, of course.

11 Q. Given the document which you have in front of you, can you explain to the

12 Chamber how that was possible? How was it possible that the battalions, which are

13 indicated in red, had to (Redacted) in order to talk to the brigades

14 which are indicated in blue?

15 A. I think that we have a problem of understanding of the statement. It depended

16 on circumstances, in fact. The battalions which had phonies could communicate

17 amongst themselves directly (Redacted) several frequencies, but when it came to

18 messages concerning operations - that is to say, messages which were transmitted by

19 the battalion commanders - then they had to turn to or communicate with the brigade

20 commanders. They also could deal directly with the HQ commanders directly and

21 send a copy to the president. That was how the communications worked, but to say

22 that the battalions amongst themselves could not communicate (Redacted)

23 (Redacted), that is not quite correct.

24 Q. Thank you. A final question before we go into closed session. You talked

25 about the existence of two other phonies: There was that of President Bemba and

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1 that of BSI. Could you please try to situate these somewhere on this (Redacted)
2 (Redacted), please?

3 A. Sir, if I may, the phonie of the president was not in this (Redacted) because it was
4 not constantly operational. It was only in rare cases that it was. Yesterday I
5 provided an explanation saying (Redacted)
6 (Redacted) and, for the very first time that the president spoke using the phonie
7 system, it was in (Redacted)
8 was suitable for the president's speech. I also stated that only the president -- I beg
9 your pardon, the president alone could not get in touch with the units because he did
10 not have the right frequencies and he did not know the methods to use either.

11 Q. Mr Witness, I had understood that. All I'm asking you to do is simply to
12 indicate on this chart what I've asked you so that the Judges can remember this later
13 on. Perhaps you might want to put one of them beside (Redacted) For president you can
14 put a "P" or "CM" for Charlie Mike and then "BC" on the other side. I do understand
15 that everything (Redacted).

16 A. If I may, other phonies did not concern the operations and the president did not
17 have access to (Redacted) operational frequencies. The phonie of the BCs, which you
18 are asking me to indicate now on this (Redacted), in fact do not really have
19 any link with the operations and in fact there was not even any information about the
20 operations. They dealt with the civilians. It's really quite impossible for me to
21 indicate what you're asking on (Redacted).

22 Q. Mr Witness, on page 0220 to 0232, in English 0247-0248, you said that the
23 phonie of the BSI was under (Redacted); is that
24 correct?

25 A. Yes, indeed. Let me state on this point that all the communications made by

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1 the BSI operator were checked by the other monitoring centre.

2 Q. What is the monitoring centre, please?

3 A. Thank you for that question. (Redacted) intercept all the messages from the
4 enemy (Redacted) trained to do that and all the messages over the phonie in the
5 regions (Redacted).

6 Q. We haven't understood each other. When you talk about the phonies which
7 were (Redacted), could you indicate them? That's all I'm asking, but
8 you're saying it's impossible and so that's not a problem. Can you tell me what "BSI"
9 stands for, please?

10 A. Thank you for that question, sir. "BSI" represents, stands for Bureau de
11 Sécurité Intérieure, the Bureau of Interior Security.

12 Q. Who was in charge of this? We are in closed session, so you can quote a name
13 if you remember it.

14 A. Mr Alain Munanga.

15 Q. Could it ever happen that the BSI was nevertheless in contact with units in the
16 field without (Redacted) of this?

17 A. Sir, I have just said that if BSI did not have access (Redacted) frequencies - in fact, it
18 was strictly forbidden for them to do so - and they only communicated with the
19 administrators of the territories. Very often in the zone where our troops were
20 operational, they did not have access at all.

21 Q. Page 0222 to 224, in English page 240, you said that the instructions which were
22 given to the troops also concerned compliance with the code of conduct; is that
23 correct?

24 A. Yes, of course.

25 Q. Can you confirm that you said that the code of conduct involved the security

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1 and safety of the population and the protection of the goods?

2 A. Yes.

3 Q. On page 0222 to 224, in English page 240, you stated that the instructions (Redacted)
4 (Redacted) from General Amuli came from Mr Bemba and that Amuli could not do
5 anything without Bemba. Before going back to what you stated clearly
6 yesterday - I'm waiting for the transcript to appear - could you please enlighten us
7 and clarify what you've said here, sir?

8 A. Thank you for that question. Amuli was the general commander. He had all
9 powers linked to that rank and function. In particular, he had the power to manage
10 the army and its operations. However, he could not act without the instructions of
11 the president, or without the advice of the political and military advisers.

12 Q. A more specific question I would like to put to you: Could Amuli give
13 operational instructions, for example "advance," "fall back," "skirt to the left," "to the
14 right"? Could he give that kind of instruction?

15 A. Thank you for that question, sir. Amuli could do that because he was general
16 commander-in-chief. He had full authority linked to that function, managing the
17 army and managing the operations. I think that is clear.

18 Q. My question, based on your answer, is therefore as follows: In what case did
19 he have to, first of all, receive instructions from Mr Bemba? You say that he had full
20 authority as a general commander-in-chief.

21 A. I did not say that Amuli could not act without the authorisation or the initial
22 authorisation of President Bemba. No, I did not say that. I repeat that he had full
23 authority to say "move forward," "move back" because he was the
24 commander-in-chief.

25 Q. Let's move on. The question was: "The instructions which were issued from

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1 Amuli, on that point how do you know that they were transmitted to or sent to Amuli
2 by Bemba?" Now, we are on page 0224. Your answer to that question was:

3 "Because Bemba was the commander-in-chief." Do you remember that?

4 A. Yes.

5 Q. Now do, please, listen very carefully to this next question. Is it because Bemba
6 was the commander-in-chief that you answered that these instructions -- that the
7 instructions of Amuli had to come from Bemba, (Redacted)?

8 Was this generally the case? Let me try and rephrase this. Amuli's instructions
9 came from Bemba because he was the commander-in-chief. Now, this is what you
10 said, Mr Witness.

11 A. Yes.

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted) Let me say the instructions which came from
15 Amuli and from Bemba were written down in the books, were recorded, and every
16 commander had a copy. They all had the same copy, and this means that the
17 instructions of one or other of these people in authority were written and were
18 known and were read by everybody.

19 Q. Let me ask you a slightly easier question, Mr Witness. Did you ever see
20 Jean-Pierre Bemba giving instructions to Amuli so that he could pass these
21 instructions on across the phonic system?

22 A. No.

23 Q. Would it be correct to conclude that the statement that the instructions of Amuli
24 came from Bemba is (Redacted)?

25 A. (Redacted) I've already answered this question.

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1 In fact, Amuli had full authority to manage the army operations, and sometimes even
2 the president was absent if he had gone off in the middle of operations somewhere
3 else and Amuli would give the orders and he would take decisions without the
4 opinion of the president.

5 Q. Let's move on, Mr Witness. Yesterday we talked at length about this point,
6 and this is transcription of yesterday, page 22 in French, 22, 23, 25 and 26. You
7 answered to the OTP, who was asking the following question --

8 PRESIDING JUDGE STEINER: Mr Scaliotti.

9 MR SCALIOTTI: Thank you, Madam President. I was only asking about
10 the -- possibly the reference in the English transcripts, please. Thank you.

11 PRESIDING JUDGE STEINER: Is it possible, Maître Liriss? Otherwise, we cannot
12 follow.

13 MR LIRISS: (Interpretation) First of all, madam, your Honour, I no longer need to
14 have this document on the screen. Secondly, your Honour, it is actually 4 o'clock
15 and so perhaps I could answer my learned colleague's question tomorrow morning.

16 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Court officer, please turn
17 into open session.

18 (Open session at 3.59 p.m.)

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

20 PRESIDING JUDGE STEINER: Thank you very much. First I would ask our court
21 officer to inform the ERN number given to the modified document.

22 THE COURT OFFICER: Yes, Madam President. The document, as modified by the
23 witness today in Court, will be referenced as document CAR-ICC-0001-0074 and will
24 be marked as confidential. This is the modified version of document
25 CAR-OTP-0022-0273.

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1 PRESIDING JUDGE STEINER: Thank you very much.

2 Mr Witness, I think it's enough for today. We thank you very much. You are
3 entitled now to take some rest. We will adjourn for today and resume tomorrow
4 morning at 9.30 in the morning.

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

8 We will turn into closed session, for the witness to be taken outside the courtroom,
9 and immediately after we will adjourn and resume tomorrow morning at 9.30.

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

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

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

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

15 RECLASSIFICATION REPORT

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

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